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THE SOUTHWESTERN HISTORICAL QUARTERLY

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THE SPANISH OCCUPATION OF TEXAS, 1519-1690

HERBERT E. BOLTON

I. INTRODUCTORY

For a century and a half before they made definite attempts to occupy the region now called Texas the Spaniards gradually explored it, proceeding step by step from the borders toward the interior, and slowly formed ideas concerning its geography and its suitability for settlement. Viewed in this light, the final occupation of Texas at the end of the seventeenth century was by no means the sudden event, brought about by the chance settlement of the French on the Gulf coast, which it was once thought to be.

Though it is not commonly known, Texas had its share in the romance, and myth, and fable which everywhere attended the Spanish conquest in America. In Florida the Spaniards sought the Fountain of Youth; in South America the Gilded Man (El Dorado); on the west coast of Mexico the Isle of the Amazons; in Arizona and New Mexico the Seven Cities of Cibola; on the California coast the Strait of Anian.¹ Likewise, in Texas they searched for the Kingdom of Gran Quivira, where "everyone had their ordinary dishes made of wrought plate, and the jugs and bowls

*Volumes I-XV published as THE QUARTERLY of the Texas State Historical Association.

¹Bandelier, *The Gilded Man*, *passim*.

were of gold";¹ for the Seven Hills of the Aijados, or Aixaos, where gold was so plentiful that "the natives not knowing any of the other metals, make of it everything they need, such as vessels and the tips of arrows and lances";² for the Sierra (or Cerro) de la Plata (Silver Mountain), somewhere north of the Rio Grande;³ for the pearls of the Jumano country;⁴ and for the "Great Kingdom of the Texas," a people who, like the Jumanos, had been miraculously converted by the woman in blue,⁵ who lived next door to the Kingdom of Gran Quivira, were ruled by a powerful lord, had well built towns, each several miles in length, and raised grain in such abundance that they even fed it to their horses.⁶ All these various quests and beliefs had made the Texas country an object of interest to the Spaniards long before it became a field for political contest with France.

II. FOUR LINES OF APPROACH TO TEXAS, 1519-1678

There were four lines of approach to Spanish Texas, through the development of which a knowledge of the region was gradually unfolded: (1) From the east and south, by way of the Gulf of Mexico; (2) from the east, by way of the vast region known in early days as La Florida; (3) from the west and southwest, by way of New Mexico and Nueva Vizcaya; and (4) from the south, through the expansion of Nuevo León and Coahuila.

¹Castañeda, Narrative, translated by Winship, in *Fourteenth Annual Report of the Bureau of American Ethnology*, I, 493.

²Niel, *Apuntamientos*, in *Documentos para la Historia de Mexico*, Tercera Serie, tomo iv, 92. See also Benavides, *Memorial*, in *Land of Sunshine*, xiv, 139-140.

³"Un cerro dicen que hay, que llaman el de La Plata, incognito a los que hoy viven, tambien lo seria a los pasados; es hacia el Norte." (León, *Historia de Nuevo León* [Mexico, 1909], 84. Diego Ramón explored the Cerro de la Platta, at the order of the viceroy, sometime before 1703. Hidalgo, Fray Francisco, "Relacion de la Quivira" [MS], 65.)

⁴See page 10.

⁵See note 4 page 8 for a statement concerning the miraculous conversion of various tribes in Texas.

⁶Declaration of Juan Sabeata before Governor Cruzate, of New Mexico, at El Paso del Rio del Norte, October 20, 1683. MS.

1. *By way of the Gulf*

In the course of the exploration of the Gulf coast and the search for a strait through the newly found land mass to the East Indies, Pineda, in the employ of Garay, governor of Jamaica, in 1519 ran the coast from Florida to Pánuco (Tampico) and back, and made a map which shows with substantial accuracy the entire shore line of Texas. Two years later, on the basis of this exploration, Garay was granted a province, called Amichel, comprising the whole Gulf coast from modern Alabama to Tampico, which he attempted to colonize at its southern extremity.¹ In this he was forestalled by the master *conquistador* himself, Cortes, who in 1522 founded a villa at Pánuco.² By 1528 two expeditions from this place explored the coasts northward beyond the Rio Bravo, or Rio Grande. On a later expedition, made in 1544, it is said, Father Olmos took back and settled at Pánuco the tribe of the Olives, thought by some to have been secured on Texas soil.³ In 1553 more than three hundred survivors of a wrecked treasure fleet were cast on the Texas shore five days' march north of the Rio Grande, and escaped toward Pánuco. In 1558 an expedition destined to colonize Florida was led from Vera Cruz by Bazares. In latitude 27° 30' he landed on the Texas shore; coasting eastward, in latitude 28° 30', he discovered and took possession of a bay which he called San Francisco, and which may have been the modern Matagorda Bay.⁴ Thereafter occasional voyages were made along the northern shores of the Gulf; but the Texas coast, instead of being one of the first portions of the Gulf shore to be colonized, as it would have been had Garay succeeded, was destined to be nearly the last, its settlement being deferred still two centuries after Garay's day.

¹Lowery, *The Spanish Settlements within the Present Limits of the United States*, 149-153; Navarrete, *Colección de Viajes*, iii, 147-153, where the Pineda map is reproduced.

²Called San Estévan del Puerto. Bancroft, *Mexico*, II, 94-101.

³Prieto, Alejandro, *Historia, Geografía y Estadística del Estado de Tamaulipas* (Mexico, 1873), 16, 60; Bancroft, *Mexico*, II, 267; Orozco y Berra, Manuel, *Geografía de las Lenguas*, 293, 296; Shea, J. G., *History of the Catholic Missions* (1855), 45-46; Vetancur, *Crónica* (1697), 92. There is a confusion of the names of Olmedo and Olmos in this connection.

⁴Lowery, *Spanish Settlements*, 352-357. Barcía, *Ensayo Cronologico*, fol. 28 *et seq.*; Shea, *op. cit.*, 49.50.

2. *By way of Florida*

Incident to the early attempts to explore and conquer La Florida from the east, the survivors of two shattered expeditions, seeking refuge in the settlements of Mexico, entered what is now Texas, crossed large stretches of its territory, and gained the first knowledge sent to Europe of the southern and northeastern interiors. As has been intimated, so far as the crossing of Texas is concerned, both of these explorations were accidental.

Reference is made, of course, to the well known journeys of Cabeza de Vaca and Moscoso. In 1528 Cabeza de Vaca and some two hundred companions, survivors of the Florida expedition led by Narváez, were cast on the southeastern shore of Texas. After spending six years on Texas soil, and enduring the hardships of enslavement by the Indians, Vaca and three others made their way westward across the whole southwestern border of the present state of Texas, entered northern Chihuahua, and finally reached Culiacán, in Sinaloa.¹ In 1542 Moscoso led the survivors of the De Soto expedition into Texas near the northeastern corner, westward or south-westward to a point thought by Mr. Lewis to have been in the upper Brazos, and back across the Red River by essentially the same route.² This journey gave the Spaniards some knowledge of the geography of northeastern Texas and of the Caddoan group of Indians then, as later, inhabiting the region. It is remarkable, in this connection, that a map based on Moscoso's exploration shows the Nondacau, Nisone, Ays, and Guasco tribes in the same general location as that in which they were found a century and a half later.³

3. *By way of New Mexico*

The third line of approach, that from the west and southwest through New Mexico, was till the later seventeenth century the

¹Bandelier, *The Journey of Alvar Nuñez Cabeza de Vaca* (Trail Makers series); Hodge, *The Narrative of Alvar Nuñez Cabeza de Vaca, in Spanish Explorers in the Southern United States, 1528-1543*. For various critical articles relative to the route of Cabeza de Vaca, see the early files of THE QUARTERLY.

²With regard to the district traversed the present writer hopes to have something to say at a later time.

³Lewis, *The Narrative of the Expedition of Hernando de Soto, by the Gentleman of Elvas, in Spanish Explorers in the Southern United States, 1528-1543*.

principal one, and for this reason until 1685 western Texas was much better known than the southern portion, lying nearer Mexico, or than the eastern portion, commonly regarded as "old" Texas.

The Coronado expedition.—Just before the Moscoso party entered northeastern Texas, another band, led by Coronado, entered its northwestern border. Coronado had come, by way of the Pacific Slope, to New Mexico in search of the Seven Cities of Cibola. Disappointed at what he found, and hearing while in the Rio Grande valley of a great kingdom called Quivira to the northeast, he set out in search of it across the Llanos del Cibolo (Buffalo Plains), going, it is believed, from the upper Pecos River southward to the upper Colorado, thence north across the Brazos, Red, Canadian and Arkansas rivers, eastward into central Kansas, and directly back to the Pecos. In the course of the expedition, northwestern Texas was traversed in four distinct paths, and the Spaniards learned of the Llanos del Cibolo and of the wandering tribes of Plains Indians who followed the buffalo for subsistence.¹

Incidental crossing of southwestern Texas.—After the Coronado expedition interest in our Southwest lagged for nearly four decades, when the Spaniards again gave it their attention, this time approaching it by way of the central Mexican plateau, across what is now northern Chihuahua and up the Rio Grande or the Pecos. In the course of the renewed exploration and the colonization of New Mexico, in the last two decades of the sixteenth century, several expeditions incidentally crossed the western extremity of Texas, between the Pecos and the Rio Grande. Of these expeditions the ones best known are those made by Father Rodríguez in 1581, Espéjo in 1582, Castaño de Sosa in 1590, Bonilla and Humaña about 1595, and Juan de Oñate, the colonizer of New Mexico, in 1598.² All this region was then a part of New Mexico, and the exploration of it was made chiefly incident to the development and exploitation of the more interesting Pueblo region in the upper Rio Grande valley.

¹Winship, George Parker, *The Coronado Expedition*; Castañeda, *Narrative of the Expedition of Coronado*, edited by Hodge, in *Spanish Explorers in the Southern United States, 1528-1543*. The route, as outlined above, is that marked out by Hodge, *op. cit.*, map.

²Bancroft, *Arizona and New Mexico*, 74-128; De León, *Historia de Nuevo León*, 92-95; Niel, *Apuntamientos*, 91-92.

The search for Gran Quivira.—But the subjugation of the Pueblos did not exhaust the energies of the *conquistadores*, and they turned again from time to time with all their old fire to exploit and exploration. To the east there were several points of interest. Gran Quivira was still to be sought somewhere across the Llanos del Cibolo; adjacent to it were the Aijados, in whose country were the Seven Hills supposedly rich in gold; southeast of Santa Fé, on the upper Colorado River, were the Jumano Indians, who welcomed missionaries and afforded trade in hides, and in whose streams were found pearls. Finally, in the pursuit of these objects, still another, more remote, rose above the horizon in the east, the "Great Kingdom of the Texas."¹

Concerning the expeditions made in search of Quivira after Coronado's day, our information is exaggerated and unsatisfactory, but the general outline of events is fairly clear. As the record has it, about 1595 Juan de Humana and a party of soldiers were destroyed by the Indians while returning from a search for Quivira, at a place some two hundred leagues northeast of Santa Fé, afterward known in tradition as La Matanza (the death place.)² It was said that they were returning laden with gold. In June, 1601, Juan de Oñate, governor of New Mexico, made the opening expedition of the seventeenth century. Accompanied by two friars and eighty men, and with a survivor of the Humana expedition as guide, he went east-northeast and north two hundred leagues from Santa Fé, reached La Matanza, received ambassadors from Quivira, engaged in a terrible battle with the Escanjaques Indians, and returned home.² In 1629, when Father Juan de Salas, of New Mexico, was on the eastern plains among the Jumanos, messengers from the Aijados and Quiviras were sent to see him and accompanied him to Santa Fé to ask for missionaries.³ In 1634 Alonso de Vaca went three hundred leagues east from New Mexico, possibly in response to the call of 1629, to a great river across which was Quivira. Finally, Don Diego de Peñalosa, an evicted and discredited governor of New Mexico, later claimed

¹Niel, *Apuntamientos*, 91-93. Posadas, *Informe á S. M. sobre las tierras de Nuevo Mexico, Quivira, y Teguayo* (1686), in Duro, *Don Diego de Peñalosa*, 53-67.

²Niel, *Apuntamientos*, 91-92; Bancroft, *Arizona and New Mexico*, 149-150.

³Posadas, *Informe*, 1686.

that in 1662 he had made an expedition several hundred leagues east and north, and succeeded in finding the city of Quivira. That Peñalosa made such a journey at all is doubted by most scholars,¹ but the news that he was telling the tale at the court of France, for the purpose of getting up an expedition against Spain's possessions on the Gulf, aroused Spain in 1678 to take a livelier interest in Texas than she had before manifested, and to renewed talk of searching for Gran Quivira.²

Father Benavides's proposal.—In 1630, when Quivira was attracting so much attention, Father Benavides, custos of the missions of New Mexico, made a most interesting suggestion regarding the eastern country, and one which later bore fruit. Writing of the "kingdoms" of Quivira and Aixaos, he described them as rich in gold; and, as a means of subduing them, restraining the English and the Dutch, and providing a shorter route from Cuba to New Mexico, he suggested the occupation of a place on the Gulf coast known as the Bay of Espíritu Santo, shown on the maps as somewhere between Apalache and Tampico, and, as Benavides thought, less than a hundred leagues from Quivira.³ In 1632 Benavides published another memorial urging the same plan.⁴ It will be seen that nearly half a century later the Spanish government took the proposal under consideration, and had set about putting it into effect before the La Salle expedition occurred.

Expeditions to the Jumanos: News of the Texas.—Much more satisfactory is our information concerning a similar series of expeditions made in the seventeenth century to the Jumano Indians of the upper Colorado River, in the interest of missionary work, pearl hunting, trade in skins, and exploration.

The Jumanos left a most interesting and, on account of the numerous localities in which people of that name were encountered at different times, a somewhat puzzling record. They were found, for example, on the Rio Grande below El Paso, in eastern

¹For the Peñalosa expedition, see Cesaro Fernández Duro, *Don Diego de Peñalosa y su Descubrimiento de Quivira* (Madrid, 1882); John Gilmary Shea, *The Expedition of Don Diego Dionisio de Peñalosa* (New York, 1882); Miller, E. T., "The Connection of Peñalosa with the La Salle Expedition," in *THE QUARTERLY*, V, 97-112.

²See pp. 17-18.

³Benavides, *Memorial*, translation in the *Land of Sunshine*, xiv, 139-140.

⁴Duro, *Don Diego de Peñalosa*, 132.

New Mexico, in central Texas on the Colorado, in southeastern Texas, on the Arkansas, and on the Red.¹ This ubiquity of the Jumanos is to be explained in part, no doubt, by the migration of the tribe to and from the buffalo plains at different seasons of the year; but it seems equally clear that there were at least two distinct divisions of people known to the Spaniards by the same name. The division of particular interest here is the one which, in the seventeenth century, frequented or lived upon the buffalo plains of west-central Texas and was often visited there by the Spaniards of New Mexico for the purposes indicated.

The first recorded journey to these eastern Jumanos was made in 1629.² Previous to that time Father Juan de Salas, of Isleta (old Isleta, near the present Albuquerque) had worked among the Tompiros and Salineros in eastern New Mexico and had come in contact with Jumano living east of these tribes and hostile to them.³ In the year mentioned, the Jumano sent a delegation to Isleta to repeat a request previously made that he go with them to their homes to minister to their people. On being asked why they desired missionaries, they told the story, now a classic in the lore of the Southwest, of the miraculous conversion of their tribes by a beautiful woman wearing the garb of a nun, and later identified as Mother María de Ágreda, abbess of a famous convent in Spain, who declared that she had converted these tribes during a visit to America "in ecstasy."⁴

¹For a summary of the history of the Jumanos, see Hodge, "The Jumano Indians," in *Proceedings of the American Antiquarian Society* at the Semi-Annual Meeting, April, 1910; a treatment of special phases of the subject, suggested by Hodge's paper, is contained in Bolton, "The Jumano Indians in Texas, 1650-1771," in *THE QUARTERLY*, XV, 66-84.

²In 1582 Espéjo had encountered Jumano living on the Rio Grande, and during the last years of the sixteenth century Jumano were under instruction by the missionaries in eastern New Mexico. Hodge, *op. cit.*

³Benavides, *Memorial*, 1630; Vetancur, *Crónica de la Provincia del Santo Evangelio* (1697), 96.

⁴For the foundation of the story of the miraculous conversion of the Jumano, see Benavides, *Memorial*, in *Land of Sunshine*, xiv, 139, and Vetancur, *Crónica de la Provincia del Santo Evangelio* (1697), 96. Secondary accounts are in Shea, *The Catholic Church in America*, I, 195-198, and Schmidt, "Ven. María Jesus de Agreda: a Correction," in *THE QUARTERLY*, I, 121-124. For references to the conversion of the Texas by this mysterious person, see the letter of De León, quoted on page 25; and Manzanet, *Carta*, translated by Lilia M. Casis, in *THE QUARTERLY*, II, 311. Manzanet (Massanet) there states that while at the village of the Nabe-

Setting out with the petitioners, accompanied by Father Diego López and three soldiers, Salas went to a point more than one hundred twelve leagues eastward from Santa Fé, where he found a multitude of Indians, wrought miraculous cures, received messengers from the Quiviras and Aixados, and returned to Santa Fé for aid in founding missions among the people he had visited.¹ There is evidence that a part of the Jumanos followed the missionaries to New Mexico and were for a time ministered to in a separate mission.² But the period was short, and in 1632 Father Salas went again to the Jumanos on the plains, accompanied by Father Diego de Ortega and some soldiers. When Salas returned, Father Ortega remained with the Indians six months.

From now on the location of the Jumanos comes into clearer light. The place where they were found this time was described as two hundred leagues southeast of Santa Fé, on a stream called the Nueces, because of the abundance of nuts (*nueces*) on its banks. This description corresponds essentially with those of all subsequent journeys made in the seventeenth century. The stream, as we shall see, was clearly one of the branches of the Colorado River, and not improbably the Concho.³

What occurred in the interim does not appear, but eighteen years later an expedition led by Captains Hernando Martín and

dache chief in 1690 the chief "asked me one evening for a piece of blue baize to make a shroud in which to bury his mother when she died; I told him that cloth would be more suitable, and he answered that he did not want any color other than blue. I then asked him what mysterious reason he had for preferring the blue color, and in reply he said that they were very fond of that color, particularly for burial clothes, because in times past they had been visited frequently by a very beautiful woman, who used to come down from the hills, dressed in blue garments, and that they wished to do as that woman had done. On my asking whether that had been long since, the governor said it had been before his time, but his mother, who was aged, had seen that woman, as had also the other old people. From this it is easily to be seen that they referred to the Madre María de Jesus de Agreda, who was very frequently in these regions, as she herself acknowledged to the Father Custodian of New Mexico, her last visit having been made in 1631." Father Casañas, writing in 1691 at the Nabadache village, made the comment, evidently intended to controvert the foregoing opinion, that the Indians "greatly esteem any piece of woolen cloth, especially if it is blue. This is due solely to the circumstance that the sky is of this color." *Relación*, August 15, 1691. MS.

¹See the works of Benavides, Vetancur, and Hodge, already cited.

²Hodge, *The Jumano Indians*, 10-11, and works cited therein.

³See Bolton, "The Jumano Indians in Texas, 1650-1771," in *THE QUARTERLY*, XV, 68-74; Posadas, *Informe*, 1686.

Diego del Castillo visited the Jumanos on the Nueces and remained with them six months. While there two things of greatest interest occurred. The first was the gathering of a large quantity of shells (*conchos*) from the river, which, on being burned, disclosed pearls. The other was the approach of a portion of the party, after passing fifty leagues beyond the Jumano through the country of the Cuitaos, Escanjaques, and Aijados, to the borders of a people called "Tejas." "They did not enter their territory," our chronicler tells us, "as they learned that it was very large and contained many people," but a "lieutenant" of the Tejas "king" went to see Castillo. This, so far as I know, is the first information acquired by the Spaniards unquestionably concerning the people from whom Texas got its name.¹

The arrival of Martín and Castillo at Santa Fé with pearls, at a time when the pearls of California were proving to be a disappointment, now created a new interest in central Texas. The samples were sent to the viceroy in Mexico, who at once ordered another expedition to the Nueces. It was made in 1654 by Diego de Guadalajara, with thirty soldiers, among whom was Juan Domínguez de Mendoza, thirty years later the leader of a more important expedition to the same place. Guadalajara found the Jumano in the same region where they had been encountered in 1632 and 1650. Thirty leagues farther on they had a hard fight with the Cuitaos, of whom they killed many, besides taking two hundred prisoners and rich spoils in the way of buckskins, elkskins, and buffalo hides. Still another interest in the country had arisen—that of commerce in peltry.²

No other specific expedition to the Jumano is recorded till that of Juan Domínguez de Mendoza, in 1684, the records of which settle all doubt as to the location of the tribe to whom these visits were directed. But in the interim many journeys seem to have been made to them for the purpose of trade, evidence of which has

¹Posadas, *Informe*; Declaration of Juan Sabeata, October 20, 1683. There is no good reason for thinking that Yejo, the Indian referred to in Castañeda's narrative of Guzmán's exploring activities on the west coast of Mexico, or the Teyas met by Coronado on the buffalo plains, were of the Texas group found in the later seventeenth century east of the Trinity River. See Winship, *The Coronado Expedition*, 472-473; Wooten (editor), *Comprehensive History of Texas*, I, 8.

²Posadas, *Informe*, 1686.

just come to light in the Mexican archives. In 1683, when a delegation of Jumanos from the eastern plains visited the Spanish refugees then at El Paso, the authorities declared in writing, as evidence of the friendship of the tribe, that before 1680, when the Pueblo revolt had occurred, trade and friendship had been maintained with the Jumanos "with such security that the Spaniards, six, eight, and ten, went to their lands and villages every year to trade with these Indians" in buckskins, *teocas*, and buffalo hides.¹ We shall see that the Mendoza party in 1684 brought back nearly five thousand buffalo skins. It was later asserted that some time before this event, two Franciscan missionaries, inspired by the Venerable Mother María de Ágreda, had gone to the Texas and baptized many of their number, "their very prince" being the first to receive the faith.² This allusion may have been to the visits of Father Salas and his companions to the borders of the Texas early in the century, for no other record of a missionary visit to these people before 1689 is known.

4. From the South, by way of Nuevo León and Coahuila

While there had thus been definite progress eastward from New Mexico during the first three-fourths of the seventeenth century, and considerable contact between that province and what is now the western half of Texas, from the south, the natural line of advance from Mexico to Texas, progress was slow.

The outposts of northeastern New Spain.—In the sixteenth century, nevertheless, northeastward expansion from the valley of Mexico had been rapid. It has already been stated that as early as 1522 Pánuco had been founded by Cortes himself, and that by 1528 two expeditions from that point had explored the coasts north of the Rio Grande. For half a century Pánuco remained the northeasternmost outpost, but meanwhile progress was more rapid along the central Mexican plateau, where, following the line

¹"Declaración de los Yndios que vinieron á esta Plassa de armas de San Lorenzo de la toma del rio del Norte," August 11, 1683. MS. Provincias Internas, vol. 35, *Expediente*, 2, p. 60.

²"Memorial de Fray Nicolás López acerca de la repoblación de Nuevo Méjico," April 24, 1686, in Duro, *Peñalosa*, 67.

of the most promising mineral deposits, by 1565 conquests were extended as far as Parras, Saltillo, and perhaps Monterrey.

Advance was now made again along the Gulf plain. In 1576 Luis de Carabajal pursued Indians into the country north of Pánuco, and in 1579 was commissioned to conquer and settle it. The province assigned to him was called Nuevo León, and was to extend two hundred leagues north from Pánuco, a jurisdiction reaching nearly or quite to the mouth of the Colorado River. For a few years Carabajal's headquarters were at Pánuco, but in (or by) 1583 he went inland with a colony, opened the mines of San Gregorio, and founded there the city of León, now Cerralvo. This place, situated about one hundred fifty miles from the coast and only some forty from the Rio Grande (near modern Mier), was for a long time the principal settlement and the capital of the province, and was for a century, with some intervals, the northernmost outpost on the Rio Grande frontier. Shortly after founding León, Carabajal established the villa of San Luis, farther south, which in 1596 became or was succeeded by the villa of Monterrey. Subsequently various intermediate points were occupied.¹

Temporarily a more northerly outpost than León was established. Hearing of rich mineral deposits toward the northwest, in the district called Coahuila, about 1590 Carabajal took from Saltillo supplies and a colony, opened mines, and founded the villa of Almadén where Monclova now stands. While there he was arrested by the Inquisition on the charge of Judaism and thrown into prison in Mexico, where he died. A few months after Carabajal's arrest, Castaño de Sosa, left in charge of the colony, abandoned the place and led the settlers off to attempt the conquest of New Mexico, crossing the Rio Grande at the Pecos and following that stream to the Pueblo region.² In 1603 and again in 1644 Almadén was temporarily reoccupied, but without success,

¹This summary of the early history of Nuevo León is based mainly on León, Alonso, *Historia de Nuevo León* (Mexico, 1909); Portillo, Estéban L., *Apuntes para la Historia Antigua de Coahuila y Texas* (Saltillo, 1888); González, E. J., *Lecciones Orales de Historia de Nuevo León* (Monterrey, 1887); González, E. J., *Colección de Noticias y Documentos para la Historia del Estado de Nuevo León* (Monterrey, 1885); Prieto, Alejandro, *Historia, Geografía y Estadística del Estado de Tamaulipas* (Mexico, 1873).

²Leon, 91-95; Bancroft, *North Mexican States*, I, 100-107. Bancroft could not determine the location of Almadén, but this point is now perfectly clear.

and after this León (Cerralvo), where a mission was founded in 1630 and a presidio in 1653, remained the northern outpost till 1673.¹

Frontier explorations, 1590-1665.—By the middle of the seventeenth century explorations beyond the frontier had been made on a small scale in all directions. That they were not more extensive was due to Indian troubles and the feebleness of the frontier settlements. From Cerralvo an expedition was sent eastward in 1638 to verify the report that Europeans, thought to be Dutch, were trading with the Indians near the Gulf. The party was impeded by the swollen "Camalucanos" River, had a battle with the Indians, and failed to reach the coast. A direct route to the Gulf would have taken them across the Rio Bravo, but that stream was apparently not reached, unless it was the Camalucanos. By 1653 a regular line of trade had been established between Cerralvo and Pánuco, the Rio de las Palmas (Santander) had been re-explored, and the country twenty leagues beyond that stream traversed.²

To the north the Spaniards were led short distances by a desire to establish connection with La Florida, by rumors of the silver deposit called El Cerro (or La Sierra) de la Plata, and in pursuit of Indians. Soon after Sosa's expedition up the Pecos, a party of eight men from Saltillo is said to have crossed the Rio Bravo into what is now Texas, but no details of the event are known.³ Interest in Florida is shown by the fact that in 1613 two citizens of Nuevo León, Captains José Treviño and Bernabé Casas, offered the viceroy "their persons and their property to undertake the conquest of the interior provinces of the Kingdom of León, helping thereby to expel the English from La Florida."⁴ Perhaps they had heard of the settlement of Jamestown six years before. To discover the Cerro de la Plata two attempts were made in 1644 and 1648 by General Juan de Zavala, but both of them were frustrated by Indian revolts. Writing of this mineral deposit in 1648 De León said: "It is unknown to those now living

¹León, *Historia de Nuevo León*, 84, 87-88, 95-98, 102, 125-127; Arlegui, *Crónica*, 85, 126-128, 228; González, *Lecciones Orales*, 26.

²León, *Historia de Nuevo Leon*, 153.

³Portillo, *Apuntes*, 114, note. It is referred to the time of Francisco de Urdiñola the younger, who became governor of Nueva Vizcaya in 1591.

⁴González, *Lecciones Orales*, 52, citing Cavo, *Tres Siglos*; León, *Historia de Nuevo León*, 29-30, 81, 133-134, 153, 160-163, 204, 214, 219.

. . . and must have been to those in the past.”¹ Summarizing in 1650 what he had accomplished by way of exploration since 1626, when he became governor, Martín de Zavala said of himself: “he has made a beginning of northern discovery, whereby he has explored more than fifty leagues with the purpose of continuing till communication is established with La Florida, and has almost certain knowledge of the Sierra de la Plata, which he intends to reach, a feat which has so often been attempted by the governors of Nueva Vizcaya and Nuevo León, but which has been abandoned because of Indian troubles.”² It is not clear whether the fifty leagues explored toward La Florida were those covered in search of the mine or not; but in either case, the Rio Bravo was in all probability passed.

Pursuit of the Indians was a constant occupation on this frontier. From the outset slave catching for the markets and for the *encomiendas*, which in Nuevo León were generally established, had been a favorite occupation at Cerralvo, more attractive than mining.³ In retaliation, the savage tribes made frequent raids upon the settlements, and were as often pursued beyond the frontiers by such doughty warriors as Alonso de León, Juan de Zavala, Juan de la Garza, and Fernández de Azcué. In 1653, for example, a campaign led by Garza was made jointly by soldiers of Saltillo and Nuevo León against the Cacaxtles, who were found more than seventy leagues northward from Monterrey.⁴ Two years later another joint campaign was made by the soldiers of Saltillo and Monterrey against the same tribe. The troop of one hundred three soldiers, equipped with eight hundred horses, and led by Fernández de Azcué, were supported by more than three hundred Indian allies of the Coahuila region. Going north from Monterrey, at a place twenty-four leagues beyond the Rio Bravo they encountered the enemy within a wood, surrounded them, fought all day, slew a hundred men and took seventy prisoners, themselves suffering the loss of twenty wounded. This campaign of Azcué,

¹León, *Historia de Nuevo León*, 84.

²Memorial presented to the king through Alonso de León. *Ibid.*, 214.

³*Ibid.*, 95.

⁴*Ibid.*, 221-222.

made against the Cacaxtles, is the first expedition to cross the lower Rio Grande of which we have definite record.¹

Thus, by 1670 the Spaniards had barely broken over the Rio Grande frontier below the Pecos. Now, however, another forward step was taken on this border, the frontier of settlement pushed northeastward, and missionary activity extended across the Rio Grande, a movement that brought other important developments in its train. As was often the case, the pioneers in this advance movement were the missionaries; their leader was Juan Larios, a native of Nueva Galicia and a friar of the Franciscan province of Santiago de Jalisco.

The founding of Coahuila: the Larios-Bosque Expedition.—In 1670 Father Larios began missionary work on the troubled Coahuila frontier, where he seems to have remained alone for some three years. Returning to Guadalajara, in 1673 he went again to Coahuila, accompanied by Father Dionysio de Peñasco and Fray Manuel de la Cruz, a lay brother. Aided by soldiers sent by the governor of Nueva Vizcaya, they founded of the roving tribes two Indian settlements, one on the Sabinas River and one to the north of that stream. On one of his missionary trips made at this time Fray Manuel de la Cruz crossed the Rio Grande to visit the interior tribes, and barely escaped capture by the Yerbipiamas, a people who from that time till the day of their extinction gave untold trouble on this border. In the next year, 1674, Antonio de Valcárcel, appointed *alcalde mayor* of the Coahuila district, founded on the site of the thrice abandoned Almadén a "city" called Nuestra Señora de Guadalupe, and assisted Father Larios in transferring thither his temporary missions, which included numerous Indians from across the Rio Grande. Meanwhile the friars had been joined by Father Dionysio de San Buenaventura. In 1675 Valcárcel sent Alférez Fernando del Bosque, accompanied by Fathers Larios and San Buenaventura across the Rio Grande to explore the country and reconnoiter the tribes, and as a result of the report brought back four missions

¹*Ibid.*, 228-230. There is a persistent tradition, found in many eighteenth century and nineteenth century official Spanish documents, that an expedition made in 1630 explored clear to the San Andrés (Red) and Mississippi rivers, and marked out the boundaries of the province of Texas, but the story is not well substantiated, and contains so many conflicting and impossible elements that it is self-refuting.

were soon established in the Coahuila district, one for each of the four groups or confederacies, which embraced tribes to the north as well as to the south of the Rio Grande.¹

News of the Texas.—Now the Texas arose above the Coahuila horizon, just as they had appeared above that of New Mexico a quarter of a century before. In 1676 the Bishop of Guadalajara visited Coahuila, and one of the reasons which he gave in his report for favoring the four missions recommended by Bosque was the opportunity which they would afford to reach and convert a more important people beyond, the Texas, of whom he gives a most interesting account. "Coahuila," he says,

has as a neighbor on the north, inclining somewhat to the east, a populous nation of people, and so extensive that those who give detailed reports of them do not know where it ends. These [who give the reports] are many, through having communicated with the people of that nation, which they call Texas, and who, they maintain, live under an organized government (*en policía*), congregated in their pueblos, and governed by a casique who is named by the Great Lord, as they call the one who rules them all, and who, they say, resides in the interior. They have houses made of wood, cultivate the soil, plant maize and other crops, wear clothes, and punish misdemeanors, especially theft. The Coahuiles do not give more detailed reports of the Texas because, they say, they are allowed to go only to the first pueblos of the border, since the Great Lord of the Texas does not permit foreign nations to enter the interior of his country. There are many of these Coahuiles who give these reports, and who say that they got them through having aided the Texas in their wars against the Pauit, another very warlike nation. The Coahuiles once pacified, the Spaniards can reach the land of the Texas without touching the country of enemies.

This account of the Texas is of special interest as being the earliest extant, so far as is known, although, as we have seen, reports of

¹The principal source for the history of the developments described above is a collection of documents entitled "Autos de la conquista de la Prova. hecha en este ano por D. Antonio Balcarcel," etc. Some of them are printed in Portillo, *Apuntes*. They were used by me in the original in the archives of Mexico.

jective points of the Spaniards both of New Mexico and Coahuila was thenceforth the Kingdom of the Texas.¹

Summary.—By 1676 some advance had been made into Texas from all directions. Sixteenth century explorers coming by way of the Gulf, Florida, and New Mexico had run its coasts and traversed its southern, northern, and western borders. In the seventeenth century the continued search for Gran Quivira had led to further explorations in the west and north; frequent visits to the Jumano country had made better known the country between Santa Fé and the middle Colorado, while some beginnings had been made of missionary work and settlement in the Rio Grande valley between El Paso and the mouth of the Conchos River.² In addition to interest in Quivira, the Aixados, the Jumanos, the pearls of the Nueces (Colorado), and trade in peltry and captives on the plains, there had arisen a desire to reach another land reputed to be rich but as yet untrod, the Great Kingdom of the Texas. From the south, meanwhile, the frontier had slowly expanded across the lower Rio Grande through the search for the Cerro de la Plata, pursuit of hostile Indians, efforts to establish communication with Florida, and missionary work among the tribes of the Coahuila frontier. In the pursuit of this last object, interest was aroused, here as in New Mexico, in the Texas Indians.

It is clear that all these forces were leading slowly but surely to the occupation of central and eastern Texas, even in the absence of the stimulus of foreign aggression. But the old interests were now all quickened by rumors of foreign encroachment, and thenceforth the various lines of advance rapidly converged and led to the settlement of the country beyond the Trinity. At the same time the El Paso district, at the other extreme of Texas, became definitely settled as a result of a counter movement from New Mexico.

III. THE CONVERGENCE OF THE LINES

1. *Peñalosa and Plans to Occupy the Bay of Espíritu Santo*

In 1678 news was received at the Spanish court that Peñalosa, the discredited governor of New Mexico already mentioned, had

¹"Informe que hizo el Yllmo Senor Don Manuel Fernz. de Sta Cruz Abpo de Guadalaxa. a el Yllmo, y exmo Senor Maestro Don Fr. Payo de Rivera, Arzobispo de Mexico. . . . dando Relasion de las Tierras de Coahuila," etc., 1676. MS. in the archive of the Bishopríc of Linares.

²On the past point see p. 19.

proposed at the court of France an expedition against New Spain. Incident to the investigation of the report, the royal secretaries brought forth Benavides's memorial of 1630, and noted his recommendation that the Bay of Espíritu Santo be occupied as a base of operations in New Mexico and Quivira and as a defence against the encroachment of foreigners. Thereupon the king asked the viceroy for a report on the geography of the country east of New Mexico and the feasibility of Benavides's plan—"what advantages would come from Christianizing the kingdoms of Quivira and Tagago [Teguayo]; what means would be needed to effect it; whether it could be done better by the way of Florida than through the Bay of Espíritu Santo; and whether any danger was to be feared from the proposals of Peñalosa."¹

Some time before August 2, 1685, Martín de Echegaray, pilot major and captain at Pensacola, reported to the king the danger that the French might occupy the Bay of Espíritu Santo and enter thence to New Mexico. He accordingly repeated the suggestion of Father Benavides, and offered to explore the bay with a view to its occupation and to prepare a map of the coast. A *junta de guerra* approved the proposal, and on August 2 the king ordered the governor of Florida to cooperate with Echegaray. At the same time, he repeated the request for the report from the viceroy, which had not yet been made, "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 thereby to make the said provinces of Florida secure from the menaces in which they stand from the corsairs and pirates who commonly infest them."²

¹Bolton, "Notes on Clark's The Beginnings of Texas," in THE QUARTERLY, XII, 152; Duro, *Don Diego de Peñalosa*, 50-53.

²Cédula of August 2, 1685, printed in Duro, *Peñalosa*, 50-53. Without knowing the date of Echegaray's proposal, it can not be stated whether it was made before or after news of the La Salle expedition reached Florida. It may have been suggested by the La Salle expedition of 1682 down the Mississippi.

2. The Settlement of the El Paso District

Meanwhile, the center of the province of New Mexico had been transferred to the El Paso district, where it remained till near the end of the seventeenth century. This change of base not only resulted in the planting of considerable establishments on what is now Texas soil, but also served to increase interest in the country toward the east.

In 1659, a mission, Nuestra Señora de Guadalupe, was begun at El Paso, on the south side of the river, and a small civil settlement grew up there. Before 1680 another mission, San Francisco de los Sumas, was founded some twelve leagues down the river. In 1680 the colony received a large accretion through the revolt of the Pueblo Indians of New Mexico. As a result of this event all the Spanish inhabitants and the Indians of three pueblos retreated down the river and settled at the Pass and at different points below that place on both sides of the river for a distance of twelve or more leagues. There were now in or near the valley six missions, Guadalupe, San Francisco de los Sumas, Senecú, Socorro, Isleta, and Santa Gertrudis; four Spanish villages or pueblos, San Lorenzo, San Pedro de Alcántara, San José, and Isleta; and the presidio of El Paso.

In 1683 and 1684 missionary work was temporarily extended from El Paso to the junction of the Conchos with the Rio Grande, a point then known as La Junta, among the Julimes and their allies. Already two Franciscans, Fray García de San Francisco, founder of the mission of Guadalupe at El Paso in 1659 and guardian there till 1671, and Fray Juan de Sumesta, had separately visited the Indians at La Junta, but had not remained. Requests for missionaries at Parral proving without avail, the Indians turned in 1683 to the settlement of El Paso. In response to their appeal, Fray Nicolás López and Fathers Juan Zavaleta and Antonio Acevedo went in December, 1683, to La Junta, and before the end of 1684 seven churches had been built for nine tribes, living, apparently, on both sides of the Rio Grande, and five hundred persons had been baptized. Father López tried to secure a settlement of Spaniards for the place, but failed, and within a

short time the missions were abandoned on account of an uprising.¹

3. *The Mendoza-López Expedition to the Jumanos, 1684*

The same appeal that led Father López to undertake missionary work at La Junta resulted in the expedition made in 1684 by Juan Domínguez de Mendoza and Father López to the Jumano Indians of the Nueces; this event, in turn, greatly increased interest in the eastern tribes, especially the Texas and Quiviras.

The principal bearer of the request for missionaries in 1683 was a Jumano Indian known to history as Juan Sabeata, who appeared before Governor Cruzate in October.² According to his story he and some of his people lived with the Julimes at La Junta. Part of his tribe lived six days to the eastward, on the Nueces River, which was three days beyond the place where the buffalo herds began. Among more than thirty tribes which he named as living toward the east were the "extended nation of the Humanas," the "great kingdom of the Texas," and the "great kingdom of Quivira." He told particularly of the "great kingdom of the Texas." This populous realm, which was fifteen days eastward from La Junta, was ruled by a powerful king. As for the man who had visited Castillo in 1650, he was not king, "but only the king's lieutenant." The Texas were a settled people, raised crops in abundance, and were neighbors of La Gran Quivira, so close, indeed, that they visited back and forth almost daily. From what he had heard, they would gladly welcome settlers and missionaries, for ever since Castillo's day they had been wishing for and expecting them. Even now two messengers from the Texas were wait-

¹The above summary is based mainly on two collections of original Spanish manuscripts entitled "Auttos tocantes; al Alsamiento de los Yndios de la Provincia de la Nueva Mexico," and "Autos Perteneientes a el alcamiento de los Yndios de la Proua del Nuevo Mexico y la entrada, Y subcesos de ella que se hizo para su recuperacion." In addition some use has been made of the church archives of Juarez. I am indebted to Miss Anne Hughes for much aid in digesting the two *expedientes*, and to Mr. J. W. Curd, for notes from the Juarez documents.

²This account of the Mendoza expedition is based on the original documents in the archives of Mexico. They consist for the most part of the two collections named in the note next above, and another entitled "Viage Que A solicitud de los Naturales de la Prova. de Texas . . . Hizo el Maestre de campo Juan Dominguez de Mendoza."

ing at La Junta for a reply to their request sent through Sabeata. A touch of interest was added to the story by the statement, on the authority of the two Texas messengers "that in that part of the east Spaniards enter by water in Houses made of trees, and maintain trade with the said Nation of the Texas."¹ It was easy for the authorities, after the menace offered by Peñalosa, to transform these "Spaniards" into encroaching Frenchmen.

Governor Cruzate was enthusiastic at the prospect of a new field for exploration, and forwarded Sabeata's declaration to the viceroy with a letter in which he stated that he would consider it a great triumph if "another New World" and "two Realms with two more Crowns" should be added to the kingdom.² In answer to Sabeata's request, Father López went to La Junta, as we have already seen. Shortly afterward he was followed by Maestre de Campo Juan Domínguez de Mendoza and a small band of soldiers, destined to "the Discovery of the Orient and the Kingdom of the Texas."³ On January 1, 1684, the party, accompanied by Father López, and leaving Father Acevedo to minister to the Indians at La Junta, set out for the country of the Nueces, which they found after going seventy leagues northward to the Pecos and thence forty leagues toward the east. Mendoza kept a diary of the expedition which identifies the Nueces with one of the branches of the upper Colorado, probably the Concho, and with the stream visited by the expedition of 1654, for Mendoza had himself been on that journey and recognized the place. Moreover, he had with him Hernando Martín, who had been one of the leaders of the expedition of 1650. Forty leagues from the head of the Nueces, at a stream called the San Clemente, apparently the Colorado, a temporary fort and chapel were built. During the stay of several weeks a number of Indians were baptized and nearly five thousand buffalo hides secured. The Indians asked for missionaries and set-

¹Declaration of Juan Sabeata, October 20, 1683. Sabeata added that "he who came to see said Sargento Mayor Diego del castillo when he was there was not their King, but his Lieutenant, for the King never leaves home, and lives with great authority." *Ibid.*

²Cruzate to the viceroy, October 30, 1683. MS.

³Opening paragraph of Mendoza's "Derrotero." Mendoza's "Ynstruccion" required him to undertake "the new discovery of the Jumanas and of all the other nations who are their friends." MS. in the Bancroft Collection.

tlers, and before returning Father López and Mendoza promised to return within a year prepared to grant the request.¹

Writing to the king of this expedition Father López said:

Penetrating and mapping out their lands, both to the north and the east, I was in sixty-six other nations [besides those at La Junta], all docile and friendly toward the Spaniard, and asking also for the water of baptism, and that we should settle where it should seem convenient. . . . We were in their lands six months, sustained by the said heathen solely on the fruits of the soil. . . . Their mineral hills offer much; there are many rivers, all with different kinds of fish and abounding in nacre, from which years ago many pearl were secured. . . . And besides these nations we had ambassadors from the Texas, a powerful kingdom, where Mother María de Ágreda catechized many Indians, as she relates in her writings. . . . And we came to tread the borders of the first settlements of this nation. . . . We succeeded also in treading the lands of the Aijados nation, next to the great kingdom of Quivira, of whom Fray Alonso de Benavides makes mention, but because the said Aijados were at war with the tribes which we had in our friendship, I did not communicate with them, although they were already planning to make friends with us. It [the Aijados tribe] is less than seventy leagues distant from La Gran Quivira.²

4. *Proposals for the Occupation of the Jumano Country, 1685-1686*

This expedition of 1684, coupled with news of Peñalosa's doings, now became the basis of an attempt to occupy the Jumano country with missionaries and soldiers, and of renewed talk by the New Mexico officials of Gran Quivira, Gran Teguayo, and the great Kingdom of the Texas.

On their return to El Paso, Father López and Mendoza both went to the city of Mexico. In a memorial of June 7, 1685, López urged, besides support for the settlements about El Paso

¹Mendoza, "Derrotero," and accompanying documents, in "Viage Que A Solicitud," etc. For further details see Bolton, "The Jumano Indians in Texas, 1650-1771," in *THE QUARTERLY*, XV, 68-74.

²Memorial, April 24, 1684, in Duro, *Peñalosa*, 67-74. In another account López stated that they were within twenty-five leagues of the Texas.

and the missions at La Junta, the occupation of the recently explored country of the Jumanos. Sixty-six tribes, he said, north-eastward from La Junta, had given obedience, and twenty additional missionaries were needed to serve them.¹ He was backed in this request by his order, for the commissary general advertized the new field in the various monasteries, and forty-six friars volunteered to go.² López's petition being negatived by the authorities at Mexico on account of the bad situation at El Paso, in March, 1686, he urged anew "the manifest peril threatened by delay." At present two hundred men would suffice to avert the danger, at little cost, because of the richness of the country; but later it would "be impossible to repair it with millions." He now asked, not for twenty but for fifty-two missionaries.³ In another memorial he requested one hundred soldiers, even from the jails, and offered, on the promise of his two wealthy brothers of El Rosario, to furnish for the undertaking five hundred *fanegas* of maize, three hundred beeves, and two hundred horses.⁴ His proposals were pronounced by the fiscal as "fantastic, and ideas meriting no consideration";⁵ but he had already turned to the king, repeating his request, and urging especially the nearness of the country to be occupied to the Aijados, Texas, and the great kingdom of Quivira.⁶

About the same time Mendoza also addressed a memorial to the viceroy, saying that Peñalosa, under whom he had served in New Mexico, really possessed detailed information regarding Teguayo, the Sierra Azul, and the kingdom of the Texas. "And if this Peñalosa should carry out his intention, great ruin of this New Spain is to be feared, since these lands are the most fertile and fruitful of this New World." But in Mendoza lay the remedy. To avert the danger he offered, if the king would only supply him with two hundred men from the jails, to enter the eastern country again, explore as far as the North Sea, reconnoiter Gran

¹López, "Representación," June 7, 1685, in *Viage Que A Solicitud*, 53-73.

²Memorial to the king, April 24, 1686, in Duro, *Peñalosa*, 67-74.

³"Segunda Representación," in *Viage Que A Solicitud*, 73.

⁴Memorial of April 24, 1686, in Duro, *Peñalosa*, 67-74.

⁵*Dictamen fiscal*, May 22, 1686.

⁶Memorial of April 24, 1686. Duro, *Peñalosa*, 67-74.

Quivira and the Kingdom of the Texas, make maps and reports, plant two presidios in the country of the Nueces, and reduce the Indians to settled life. The only expense to the crown would be that incident to arming the men and maintaining them till they should reach the Nueces, since, once there, the country would support, not two hundred, but two million; "for, besides these advantages, we have immediate recourse to the settlement of the Texas, which nation plants maize, calabashes, and beans." This memorial was perhaps written by Father López, for, besides bearing internal marks of that friar's authorship, it was sent by him to the king with "hearty commendation."¹

5. *The La Salle Expedition and the Occupation of Eastern Texas, 1685-1690*

By this time news had been received in Mexico of the La Salle expedition to some point on the Gulf coast, and in 1686 began the series of explorations, four by sea from Vera Cruz and five by land from Monterrey and Monclova, in search, not of the French alone, but (1) of the French, (2) the Bay of Espíritu Santo, and (3) the country of the Texas, which had not yet been reached.²

The events of this period have been so well told by Clark and Garrison that they need no more than the merest summary here. But from what has gone before, some of them will now take on a new meaning. In 1689, on the fourth of these land expeditions, De León and Father Massanet found the remains of the French settlement on Matagorda Bay, to which the name of Espíritu Santo thenceforth became attached for a reason which is now obvious. During the same expedition De León and Massanet went as far east as the Colorado River, where they were met by the chief of the Nabedache, the westernmost of the Hasinai, or Texas, tribes. After a short conference they arranged to return in the following year to found a mission for his people.³

¹"Memorial del Maestre de Campo Juan Domínguez de Mendoza," in Duro, 74-77.

²Note the emphasis put by Father Massanet on the discovery of the Bay of Espíritu Santo as well as the search for the French. Letter to Sigüenza, in *THE QUARTERLY*, II, 281-312.

³"Derrotero de la Jornada que hizo el General Alonzo de León para el descubrimiento de la Bahía del Espíritu Santo, y Población de Franceses:

Again the country of the Texas had been approached but not reached, and again was recorded a description of that promised but unseen land. On the basis of this conference, preconceived notions, and the reports made by some rescued Frenchmen who had been farther east, De León wrote in May, 1689, as follows:

The Texas . . . are a very well governed (*politica*) people, and plant large quantities of maize, beans, calabashes, cantaloupes, and watermelons. They say that they have nine settlements, I mean towns (*pueblos*), the largest one being fifteen leagues long and eight or ten wide. It must contain eight hundred heads of families (*vecinos*), each one having a large wooden house plastered with clay and roofed with lime, a door attached to the house, and its crops. In this way they follow one after another. . . . They are very familiar with the fact that there is only one true God, that he is in Heaven, and that he was born of the Holy Virgin. They perform many Christian rites, and the Indian governor asked me for ministers to instruct them, [saying] that many years ago a woman went inland to instruct them, but that she has not been there for a long time; and certainly it is a pity that people so rational, who plant crops and know that there is a God should have no one to teach them the Gospel, especially when the province of Texas is so large and so fertile and has so fine a climate.¹

To this argument for occupying the Texas country, De León added the report of a rumor that there was another French settlement farther inland, in the region which he had not explored.

True to their promise, and with the co-operation of the government in Mexico, in the following year, 1690, De León and Masanet returned east with a party, reached the westernmost village of the Texas (Hasinai)² confederacy, near the Neches River, and founded there the first establishments in Spanish Texas.³ This

Ano de 1689." *Memorias de Nueva España*, XXVII, fol. 1, *et seq.*; Bolton, "The Native Tribes About the East Texas Missions," in *THE QUARTERLY*, XI, 263-266.

"Carta en que se da noticia de un viaje hecho a la bahía de Espíritu Santo, y de la población que tenían ahí los franceses." In Buckingham Smith, *Documentos para la historia de la Florida*.

²For a discussion of the meaning and usages of the words Texas and Hasinai, see Bolton, "The Native Tribes about the East Texas Missions," in *THE QUARTERLY*, XI, 249-276.

³El Paso being in what was then New Mexico.

event, it is now plain, was not merely the result of the La Salle expedition, but was the logical culmination of the long series of expeditions made to the eastward from New Mexico and of the expansion of the Nuevo León-Coahuila frontier, and more especially of the quest, begun as far back as the time of Castillo and Martín, for the "great kingdom of the Texas." This is the principal explanation to be offered for the fact that the first Spanish outpost in eastern Texas was placed, not on the Bay of Espíritu Santo, where the French menace had occurred, but several hundred miles to the eastward. It was put among the Indians whom the Spaniards so long had hoped to reach.

KENTUCKY AND THE INDEPENDENCE OF TEXAS¹

JAMES E. WINSTON

In all the wars in which their country has been engaged, Kentuckians have ever been found in the vanguard of those who have gone forth when the call to arms has sounded. They have been prodigal of their blood on many a hard-fought field since the time when Kentucky was first numbered among the states of the Union. In the wars waged with the Indians, both within and beyond the borders of their state; in the war of 1812; in the Mexican war; and, above all, in the four years' strife when Kentuckian was arrayed against Kentuckian, the men of Kentucky have never failed to respond to the call of duty and of honor. In one struggle, however, in which thousands of their fellow-countrymen were engaged, the achievements of Kentuckians and their share in the movement which led to the wresting of a fair domain from the control of the Spaniard, have not been sufficiently emphasized,—namely, the war of Texas independence which resulted in the establishment of the republic of Texas in 1836.

In this paper an attempt will be made to record some of the names and, so far as possible, the deeds of those Kentuckians who shared in the glorious exploits associated with the names of San Antonio de B  xar, Goliad, and San Jacinto. Necessarily the record is an incomplete one; and for that reason the names of many men have in all probability been omitted whose deeds and sacrifices a more detailed knowledge of the period might richly entitle to

¹The main sources which have been relied upon in the preparation of this article are contemporary newspapers, and the Muster Rolls in the Land Office at Austin, which are not the original rolls, however. Owing to the fact that natives of other States enlisted in companies commanded by Kentuckians, while Kentucky volunteers joined companies raised in different States, it will be seen that it is impossible to make a roster of the volunteers of any one State that will be entirely accurate and complete. Inaccuracies and omissions can, in a measure, be eliminated as the history of the movement in the successive States is examined. This investigation it is the intention of the writer to make; but owing to the widely scattered nature of the material, the process will necessarily be a slow and tedious one. Corrections and additions will be thankfully received.

honorable mention. At any rate, what we know of Kentucky's share in the liberation of Texas from the tyranny of Mexico is worth narrating.

One of the most interesting things in connection with the Texan struggle for independence is the large number, comparatively speaking, of states and foreign countries from which volunteers flocked to Texas.¹ On the one hand the province of Texas was invaded by bands of Mexicans bent upon establishing a centralized despotism; upon the other, it was invaded from one motive or another by those of a dozen different nationalities equally determined to expel the enemies of the country. As an illustration of this fact it is interesting to note the composition of Company E, First Regiment of Texas Infantry, Permanent Volunteers. This company comprised some sixty-odd members from the following regions: fourteen from Pennsylvania; four from Kentucky; two from Maine; eight from Virginia; three from Indiana; one from Mississippi; one from Delaware; three from Tennessee; one from North Carolina; one from Missouri; two from Germany; four from England; one from Scotland; one from South Carolina; and three from Maryland. In the company of Captain Pettus, the

¹For the different states and climes represented by the early colonists of Texas, see Fulmore, "Annexation of Texas and Mexican War," in *THE QUARTERLY*, V, 32-33.

The Anglo-Americans who settled Texas were of the same stock as those who a generation before had crossed the Alleghanies and planted new settlements in what are now the states of Kentucky and Tennessee. Further south and west flowed the tide of emigrants, winning from the wilderness new areas destined to become powerful states of the American Union. Says one who should have known: "The people of Texas were generally unpretending farmers and planters from the middle walks of life." (Wharton to Austin, December 11, 1836; Garrison, *Dip. Cor. Tex.*, I, 152.) Says another: "The society to be found there is composed of men of intelligence and republican habits, and if men of different description are to be found there, they bear as small a proportion to the whole number as bad men do in any other part of the globe." (*The Evening Post* [New York], November 6, 1835.) Cf. also Benton, *Thirty Years' View*, I, 674; Smith, *The Annexation of Texas*, 24, and Kennedy, *Texas*, I, 333, as to the character of the early colonists of Texas. To dispose of them, as some writers do, by branding the settlers as "lawless adventurers" or "criminal outcasts" is entirely without warrant. Schouler, *History of the United States*, IV, 253, refers, not entirely with justification, to the "covert process of colonization." See Garrison, *Texas*, 148. Austin considered the stipulation imposed upon the colonists of becoming Roman Catholics merely a "formal and unessential requisition." (Austin to Wharton, November 18, 1836, Garrison, *Dip. Cor. Tex.*, I, 134.) Kennedy (*Texas*, I, 339) says this requirement of the colonization law was unscrupulously evaded.

"New Orleans Greys," were representatives of six foreign countries, besides volunteers who came from states as widely separated as Connecticut and Louisiana. As showing the character of the men who helped to achieve the independence of Texas, it may be observed that the above companies were composed of carpenters, tailors, painters, masons, clerks, farmers, school-teachers, physicians, cotton-spinners, stone-cutters, and the like.¹ That is, the independence of Texas was wrought in part by men who came from the plough, the counting-room, the shop, by those from the humbler walks of life. The foundations of the new state were thus laid on a democratic basis which has endured to this day. The struggles of the Texans appealed to those of a wide range of sympathies, professional soldiers being conspicuous by their absence.

The chief recruiting stations for these and other volunteers were Louisville, Cincinnati, and New Orleans. Most of the company referred to above enlisted in the summer and fall of 1835, arriving in Texas in November of the same year. The mere recital of the different sections of the United States and of the different foreign countries from which Texas emigrants came, shows conclusively that the slavery question in regard to Texas had not arisen at this time. It was to be expected that the struggle going on in Texas should have appealed most strongly to that section of our country most closely allied by ties of blood and interest to those who had settled Texas; but, as we have seen, interest in the region between the Sabine and the Rio Grande was by no means confined to any single group of states or section.²

From 1803 to the treaty of De Onis, in 1819, both Spain and

¹See *Muster Rolls*, pp. 238-239. Of course it is not intended to convey the impression that in every instance companies were as heterogeneous in character as this one. At the same time it is a well-known fact that those who were instrumental in shaping the destinies of the new republic came from widely separated sections of the United States.

²Says the *New Orleans Bee*, January 4, 1835: "Volunteers are rushing into Texas from every section of this Union." In June, 1836, Judge Catron wrote to Webster from Tennessee that the spirit was abroad through the whole Mississippi Valley to march to Texas. Another observer predicted that "numerous Kentuckians—young men, ambitious of fame and seeking fortune—will even go from Illinois, where they had previously emigrated" (Lundy, *War in Texas*, 51). Wherever the Texas commissioners to the United States stopped, they found evidence of the deepest interest among all classes in regard to the affairs of Texas.

the United States claimed the territory known as Texas. The above treaty settled the controversy by making the Sabine the boundary. But many of the citizens of the United States were dissatisfied with this arrangement. For instance, an editorial in the *New Orleans Bee* of July 3, 1835, pronounced the treaty of 1819 unconstitutional in that it alienated the acquired purchase or possession of Texas.¹ In the issue of July 20th of the same year this paper asserted that the claims of Spain as against those of France were based on perfidy.

It was perfectly natural that the rumor of war in Texas should have aroused the keenest interest in Kentucky. The enterprise was such a one as would naturally appeal to a high-spirited people, accustomed to the use of arms. In a letter of General Houston to General Dunlap, Houston concludes with these words: "The path of fame and wealth in Texas is open to the patriot and chivalrous."² Just as adventurers flocked to the standard of William of Normandy, impelled by motives of adventure and the desire of gain, so the news of the struggle going on in Texas drew thither thousands actuated by various motives.³ The eagerness to take up arms is shown by the readiness with which the call for volunteers to re-enforce General Gaines on the Sabine was responded to, and great was the chagrin of young Kentuckians when the call was countermanded by the President. As the Texan war progressed and it was learned what atrocities the Anglo-Americans were suffering at the hands of the relentless Mexicans, the war assumed something of the aspect of a crusade, and men felt it to be their Christian duty to drive the Mexican from the land desecrated by his presence. In addition to this, rich rewards in the way of land were offered to those who risked life and limb in such a worthy enterprise. At the advice of Dr. Archer, the Consultation, at the very outset, provided for rewarding volunteers with grants of land.⁴ Indeed it was recognized by the leaders of

¹Professor Ficklen has shown that the State of Texas can not be regarded as a part of the territory purchased from France in 1803. See his article, "The Louisiana Purchase vs. Texas," in *Publications of the Southern History Association* for September, 1901. Cf. Smith, *The Annexation of Texas*, 5-7.

²*Kentucky Gazette*, July 18, 1836.

³See Smith, *The Annexation of Texas*, 29, as to the reason for the interest felt by the South in Texas.

⁴THE QUARTERLY, IX, 242-43.

the revolutionary movement that without help from the United States their cause was doomed.¹ The General Council therefore upon the outbreak of hostilities made an impassioned appeal to the people of the United States which contained the following statement: "We invite you to our country—we have land in abundance, and it shall be liberally bestowed on you. We have the finest country on the face of the globe. . . . Every volunteer in our cause shall not only justly but generously be rewarded."² And the government of Texas was as good as its word, and richly rewarded those who risked life and limb in the cause of Texas independence. The amount of land offered for the different periods of service was printed in the newspapers of the time and undoubtedly this was a powerful motive in inducing citizens of the United States to cast in their lot with the revolting Texans.³

To those who looked upon the revolt against Mexico as a "Texas Conspiracy," who regarded the leaders in the movement as "fomenters of an insurrection," it was a most gratuitous piece of presumption to refer to those going from the United States as "volunteer emigrants,"—rather they were "land-pirates," "free-booters," greedy for a "fertile paradisiacal piece of Texian lands, *a mile square*." But the widespread enthusiasm on the part of the citizens of the United States in the fortunes of the revolted Texans, can not be explained on any such hypothesis; for the desire for land was only one of several motives which influenced the volun-

¹The General Council was prevailed upon to postpone the appointment of officers to the regular army, since every inducement was to be held out to volunteers, and if all the offices were filled, many ambitious young men of the United States would be prevented from coming to the aid of Texas (Smith, "Quarrel Between Governor Smith and the Provisional Government of the Republic," in *THE QUARTERLY*, V, 310; cf. *ibid.*, IX, 231). Later Houston wrote to General Dunlap of Tennessee: "*for a portion of this force we must look to the United States. It can not reach us too soon.*" Houston himself was advised by Carson to fall back to the Sabine in order to await the arrival of volunteers from the United States. On March 13, 1836, however, Houston wrote the chairman of the military committee: "our own people, if they would act, are enough to expel every Mexican from Texas." William H. Jack, the Texan Secretary of State, referred to the United States as the "rock of our salvation."

²Barker, "Journal of the Permanent Council," in *THE QUARTERLY*, VII, 271-273.

³See *Lexington Intelligencer*, April 26, 1836.

teer emigrants, and in many instances the pecuniary interest was a minor consideration.¹

Austin felt that the certainty that real danger threatened Texas would send thousands to its aid who would not go if they thought they were not needed.²

Moreover interest in Texas affairs was stimulated by descriptive articles upon Texas which appeared in the public press, some of which were written by Wharton and others for the purpose of arousing enthusiasm for their country in the time of its need. On the other hand it should be remarked that the cause of the Texas revolutionists was prejudiced by articles hostile to Texas, which appeared in the press of different states.

In the late summer of 1835 disconcerting news from Texas reached Kentucky. An interesting account of Magee's raid contributed by Judge H. M. Brackenridge to the *Philadelphian Evening Star* of October 30, 1835, concludes with this statement: "I should not be surprised if the war of *Texas* should end in the City of *Mexico*,"³—a statement which was destined to be fulfilled under different circumstances a decade later. In November of this year the people of Kentucky read in their papers that the dogs of war had been let loose in Texas.⁴ Under the caption "Foreign Intelligence" occur head-lines such as this: "Important from Texas—War!!" Circulars and letters were published signed by those in authority in the revolted province. Among these is the letter of Houston to Isaac Parker, dated San Augustine, October 5, 1835, which appeared in the *Lexington Observer and Kentucky Reporter* of November 4, 1835. A portion of it reads as follows: "*War in defence of our Rights, our Oaths, and our Constitution is inevitable in Texas. If Volunteers from the United*

¹The reader should consult, in this connection, Barker, "Land Speculation as a Cause of the Texas Revolution," in THE QUARTERLY, X, 79-95. Says the *Virginia Herald* of June 29, 1836, quoting the *New Orleans Bee*, June 10, 1836: "speculation produced war, and will follow peace." Cf. *Morning Courier and New York Enquirer*, October 28, 31, 1835; *New York Evening Post*, January 17, 1836.

²Austin, Archer, and Wharton to Smith, February 16, 1836. Garrison, *Dip. Cor. Tex.*, I, 69.

³Cf. the *Commonwealth*, November 28, 1835. This paper was published in Frankfort, Ky. In the *Richmond Enquirer*, May 3, 1836, the writer explains what he meant by these words.

⁴See the *Frankfort Argus*, November 5, 11, 25, 1835.

States will join their brethren in this section, they will receive liberal bounties of land. We have millions of acres of our best *lands* unchosen and unappropriated. Let each man come with a good rifle and one hundred rounds of ammunition and come soon. Our war-cry is 'Liberty or Death.' Our principles are to support the constitution, and *down with the usurper!*'¹ As will be seen, the appeal of Houston did not fall upon deaf ears. Now and then a paper is found which expresses the opinion that tranquillity will soon be restored, or betrays an indifferent attitude upon the Texas question.² On the other hand the *Evening Star* of Philadelphia asserted that "Texas sooner or later from its position must become the property of the United States,"³ a sentiment which no doubt found a ready response in the minds of many.

Kentuckians were not slow to respond to the appeal of Houston and of Austin. At once meetings were held by the citizens of Lexington and of Fayette county, at which measures were devised for the purpose of assisting those who desired to volunteer their services in behalf of Texas.⁴ In December the first emigrants from Kentucky reached Texas: among these were thirty-six riflemen from Louisville, under the command of Captain James Tarleton, of Scott county,⁵ who has left a vivid account of the battle of San Jacinto. It was probably about this time that Captain Sidney Sherman conducted a body of fifty-two volunteers, of whom some

¹Cf. also the *Commonwealth*, November 7, 1835.

²The *New Orleans Bee* of June 30, 1835, says resignedly: "Texas belongs to the Mexican government, not to the American—and perhaps it is better so."

³Quoted by the *Commonwealth*, November 14, 1835. Several newspapers easily disposed of the Texas question by printing statements to the effect that Texas had been ceded to the United States by Mexico by treaty. The boundary line was unsettled, but for a certain money payment by the United States it was agreed the Rio del Norte was to be the dividing line. Cf. *Courier and Enquirer*, March 2, 1836.

⁴*Kentucky Gazette*, November 7, 1835; *ibid.*, November 13, 1835.

⁵*Ibid.*, January 16, 1836. The *Frankfort Argus*, December 9, 1835. A correspondent of a Philadelphia paper writing at this time remarks that "as regards volunteers, there are too many from the United States in the country already. We have men enough of our own that can whip all the Spaniards that can march into the country." *Philadelphia Saturday Courier*, January 9, 1836. Cf., however, the *Richmond Enquirer*, December 31, 1835, which prints a letter signed by C. A. Parker written from Nacogdoches; in this he says the volunteers are received with open arms by the people.

were from Newport and some from Covington, to join the Texan army.¹

Among those who took part in the storming of San Antonio was one native at least of Kentucky, who rendered gallant services on this occasion,—namely, Milam. His career is too well known to need dwelling on here. Milam was a native of Franklin county, where he was reared from infancy to manhood; he was pronounced one of the finest-looking men Kentucky ever produced.² Another participant in the reduction of San Antonio was Captain John Ingram,³ who performed a gallant feat of heroism on this occasion; he also took part in the campaign of '36. According to one account Major Green B. Jamison of Kentucky was killed in the storming of San Antonio.⁴ On March 6th the Alamo fell, and with its fall perished the following Kentuckians: J. P. Bailey, Wm. H. Furtleroy and D. W. Cloud,—a native of Lexington, and a warm partisan of Texas, who is said to have been “a most intrepid soldier” and to have died “fighting like a wounded tiger”⁵—W. W. Frazier, Charles Frazier,⁶ J. M. Thruston,—a native of Louisville,⁷ — Harriss,⁸ Robert B. Moore and William Ross,—both of whom were privates in the company of Captain Thomas H. Breece,⁹ — Sewell, — Worlen, and — Robbins.¹⁰

¹*Virginia Herald*, January 9, 1836.

²For something of his adventurous career see Bancroft, *North Mexican States and Texas*, II, 184, note. An account of his death is given in *THE QUARTERLY*, V, 90, note 2. A correspondent of the *New Orleans Bulletin* put these words into the mouth of Colonel Milam at the time of the capture of Bexar: “I assisted Mexico to gain her independence; I have spent more than twenty years of my life, I have endured heat and cold, hunger and thirst, I have borne losses and suffered persecutions, I have been a tenant of every prison between this and Mexico—but the events of this night have compensated me for all my losses and all my sufferings.”

³See *THE QUARTERLY*, V, 320, 329, 330.

⁴*Arkansas Gazette*, April 12, 1836. He really died in the Alamo the following March.

⁵*Kentucky Gazette*, April 23, 1836. “It is probable that these arrived at San Antonio about the same time as Crockett, having travelled from Nacogdoches in twenty-five days, marching over the ‘old San Antonio road.’” *THE QUARTERLY*, XIV, 321-322.

⁶*Muster Rolls*, p. 10.

⁷Appointed second lieutenant in the cavalry by the general council.

⁸*Muster Rolls*, p. 5.

⁹*Ibid.*, pp. 4, 37.

¹⁰*Cf. The Commonwealth*, May 4, 1836. There were no doubt other Kentuckians besides these who lost their lives at this time.

In November, 1835, Captain B. H. Duval's company known as the "Mustangs," and destined to acquire renown as a part of Fannin's command, set out from Bardstown, Kentucky, fifty-four in number, and proceeded by way of Louisville to New Orleans.¹ From this point the men sailed to Velasco, landing at Quintana, and from thence made their way by Copano and Refugio to Goliad, where they joined the force under the command of Colonel J. W. Fannin. The whole of the auxiliary volunteers in Texas at this time is said not to have greatly exceeded 400 men, chiefly under Fannin.² Be that as it may, there is no question of the gallant account given of themselves by these volunteers in the disaster which wiped out their band, many of whom, it is said, were naked and barefoot.³ The Mustangs occupied the rear, forming one side of a square when Fannin was surrounded. They repulsed Urrea, leading a cavalry charge. Never did soldiers find themselves in a more helpless predicament, whatever may have been the cause, than did the members of this devoted band. Yet they sold their lives dearly and only laid down their arms when further resistance was useless. In the fighting which took place prior to the surrender, the American loss was not heavy, most of the casualties, according to one account, being inflicted by Indian sharp-shooters. Practically the whole of Captain Duval's company was later massacred. In addition to these, twenty-six members of the Louisville

¹*Kentucky Gazette*, February 20, 1836. For an account of this company, see Duval, *Early Times in Texas*. The volunteers from Lexington, it seems, were placed in the Huntsville (Ala.) company under the command of Captain Wyatt and Lieutenant Benjamin T. Bradford, a native of Louisville.

²Kennedy, *Texas*, II, 199. "Fannin's force of about 300 men was composed almost exclusively of volunteers from the United States." Smith, "The Quarrel Between Governor Smith and the Council," in *THE QUARTERLY*, V, 343. Cf., however, as to number with Fannin, Bancroft, *North Mexican States and Texas*, II, 219, 222. On the indifference of the Texans, see Barker, "The Texan Revolutionary Army," in *THE QUARTERLY*, IX, 238-239, and Bancroft, II, 198. Captain B. H. Duval, writing to his father, says: "Not a Texian was in the field, nor has even one yet made his appearance at this post." *THE QUARTERLY*, I, 49. A recent writer thinks that without the help of the volunteers Texas could not have defeated Mexico. The statement, however, that most of them returned to their homes after the war is probably erroneous. Bassett, *Life of Andrew Jackson*, II, 679.

³A letter from an officer to the editors of the *Journal of Commerce* (New York) alludes to the malignant form party spirit had taken. "We have had no bread for several days. I am nearly naked, without shoes and without money; we suffer much." *Evening Post*, April 19, 1836.

Volunteers, Captain Wyatt, perished at the same time.¹ Thus the "brunt of the first onsets was borne by hundreds of brave men who had left their homes in the United States to fight for Texas, and whose blood was poured upon her soil." Among these were some three-score or more Kentuckians whose lives were sacrificed in consequence of the quarrel between the governor and the council and the lack of co-operation among the military authorities, the result being the paralyzing of all effective and concentrated efforts against the enemy. Between twenty-five and thirty escaped out of the more than three hundred who were led out to execution.² Among these were the following Kentuckians: John C. Duval, who saved his life by swimming a river and taking refuge in a dense thicket upon the other side;³ — Sharpe, John and S. Van Bibber; Captain Benjamin T. Bradford;⁴ Daniel Murphy, who was slightly wounded in the knee; Charles B. Shain,⁵ of Louisville, who suffered greatly in his feet by reason of having lost his shoes and being compelled to make his way through "prickly pears, briars, and grass stubble," before he was found by spies and carried to camp. Another Kentuckian, whose life was spared, was Benjamin F. Hughes, only sixteen years old. In addition to the above, these are also said to have escaped: J. D. Rains, fourth sergeant in Captain Wyatt's company; Bennett Butler, Perry Davis, H. G. Hudson—the last two escaping, it seems, on the retreat of Ward—and John Lumpkin, whose life was spared.⁶ The

¹Captain Wyatt was absent upon leave at the time of Fannin's disaster. His company, which, with Duval's, formed part of the second or Lafayette battalion, is said to have been under the command of his first lieutenant, Benjamin T. Bradford, who, apparently effected his escape during Ward's retreat, and hence was not present at Goliad at the time of the massacre.

²Cf. Foote, *Texas and Texans*, II, 207.

³See Corner, "John Crittenden Duval," in *THE QUARTERLY*, I, 46-67; pp. 59-60 give his itinerary between November, 1835, and May, 1836.

⁴*Kentucky Gazette*, May 23, 1836. Captain Bradford was one of those who were engaged in the action at Refugio Mission. A company styled the "Paducah Volunteers," some twenty or thereabouts in number, under Captain King, was also engaged on this occasion. Yoakum, *History of Texas*, II, 455. Cf. *Kentucky Gazette*, June 2, 1836, and *Lexington Intelligencer*, May 20, 1836.

⁵See *THE QUARTERLY*, IX, 203-204. The account here cited states erroneously that only some half-dozen of Fannin's command escaped.

⁶Baker's *Texas Scrap Book*, 572.

following letter, written by one of the survivors, gives an account of the massacre of his comrades:¹

Dear Father:—I take this opportunity of writing a few lines to let you know that I am still in existence. I suppose you will have heard before this reaches you that I was either taken prisoner or killed. I was taken prisoner on the 20th of last month, and kept a week, when all of us were ordered out to be shot, but I, with six others, out of 521, escaped. Before we were taken, Col. Fannin's party had a battle with the Mexicans in a large prairie, and killed and wounded, as the Mexicans themselves said, 300 of them; but one of the Mexicans, who was a prisoner at the time, says that it took them all the night of the 19th to bury their dead, and that we must have killed and wounded something like 800 or a thousand. Their force was 1900 strong,—ours 250.

The circumstances under which we were taken were these. We were completely surrounded, without any provisions or water, and in such a situation that we could not use our cannon; in consequence of which we thought it best to surrender on the terms offered to us—which were, to treat us [as] prisoners of war, and according to the rules of Christian warfare. But how sadly we were deceived, the sequel will show: after starving us for a week, they ordered us out, saying we were going after beef, but when we had marched about half a mile from the fort we were ordered to halt. The Mexicans marched all on one side of us, and took deliberate aim at us, but I, as you have seen, was fortunate enough to escape. I have however had *monstrous hard times*, having nothing to eat for five successive days and nights, but at length arrived safely here this morning, after a travel of two weeks through prairies and dangers during which time I had some narrow escapes, especially the night before last on the line of the picket guards of the Mexican force, I was nearly killed or taken.

San Felip is taken. The Mexicans are in Texas, but I think I shall live to see her free notwithstanding. We have near 1500 men in camp, and expect to attack the enemy in a few days.

I am well with the exception of very sore feet occasioned by walking through the prairies barefooted. Tomorrow I shall go over the river to a farm to stay until I get entirely well, when I will try to avenge the death of some of my brave friends. All of my company were killed.

Your affectionate son,

Chas. B. Shain

Apr 11th, Groce's Crossing on Brazos.

¹Printed in the *Lexington Intelligencer*, May 17, 1836.

Detailed accounts of the murder of Fannin and his men appeared in the newspapers of the United States and naturally excited the deepest indignation.¹ They served the further purpose of arousing renewed interest in the affairs of Texas and of the raising of men and funds on a widespread scale for the purpose of avenging those who had been so cruelly done to death at Goliad.² Governor William P. Duval, thinking both his sons had perished, wrote a vigorous letter to General George Chambers, asking his co-operation in raising sixteen hundred mounted volunteers with which to drive the Mexicans beyond the Rio Grande.³ The citizens of Bardstown resolved to erect a monument to the memory of those Kentuckians who had perished at the command of Santa Anna. It was now felt that the great law of humanity justified aid to the struggling Texans. Among other influences which were instrumental in securing help for their cause in Kentucky and elsewhere, must be included the services of Austin, Wharton, and Archer, the three commissioners sent to the United States in the beginning of 1836. One of the duties of the commissioners was to "agitate" the United States, but as we have seen, the people of the south and west were already agitated. In February the commissioners wrote of the "universal and enthusiastic interest which

¹One of the most complete accounts of the massacre is that by Benjamin H. Holland, captain of artillery, which appeared in the *Lexington Intelligencer*, June 3, 1836; cf. also *ibid.*, May 3, 1836, for a circumstantial account sent from Natchitoches, La. The *Kentucky Gazette* for April 5, 1836, contains a communication from John M. Ross giving an account of the butchery of Colonel Fannin's regiment. "There can hardly be a doubt that all or nearly all of the volunteers who joined the first expedition from Kentucky fell in that fiendish massacre." The *New Orleans Bulletin* of April 28, 1836, contains an anonymous account dated Harrisburg, Texas, April 7th. As might be expected, highly sensational accounts of the death of Fannin were sent back to the states by those purporting to be eye-witnesses. Of such a character is the one last mentioned.

²"The moral effect in preventing other volunteers from coming from the United States is incalculable." Smith, in *THE QUARTERLY*, V, 344. A more accurate statement would be that some volunteers were deterred from going by news of the massacre. There were many who felt as did General Dunlap, who avers that the bloody massacre of the Alamo determined him to go. Dunlap to Carson, May 31, 1836. Garrison, *Dip. Cor. Tex.*, I, 95. Cf. Smith, *The Annexation of Texas*, 31-33, 53, for an account of the indignation excited by Santa Anna's cruelties. Says the *Evening Post*, April 26, 1836: "His [Santa Anna's] barbarities have made the ultimate independence of Texas more certain, and will hasten the termination of the contest."

³See *The Commonwealth*, July 13, 1836.

pervades all ranks and classes of society in every part of this country in favor of the emancipation of Texas."¹ One most important service rendered by the commissioners was in the matter of securing a loan for their government.² They were also authorized by the provisional government to receive donations for the cause of Texas.

On March 7th, General Austin delivered a masterly address upon Texas in the Second Presbyterian Church in Louisville.³ A few days later he was in Lexington seeking to create interest in his adopted country. General T. J. Chambers entered into an arrangement with the Texan government for sending volunteers from the United States.⁴ Other commissioners who were active in Kentucky were Colonel Lewis and Colonel Hayden Edwards, the latter of whom was requested by the committee of vigilance and safety to solicit donations for the purpose of raising a battalion to be known as the "Ladies Battalion" or "Regiment."⁵

During the spring and summer meetings of Texan sympathizers were held at the principal towns of Kentucky. Upon these occasions volunteers enrolled themselves as emigrants, money was freely subscribed, resolutions were adopted expressing sympathy with the Texans, correspondence committees were appointed to further the cause of Texas, and invariably the government of the United States was memorialized to recognize the Texan republic as free, sovereign, and independent. The most prominent city in

¹Austin, Archer, and Wharton to Smith, February 16, 1836. Garrison, *Dip. Cor. Tex.*, I, 66. Cf. Austin to Owings, February 12, 1836. *Ibid.*, I, 70. "All was *enthusiasm* in our cause," wrote Wharton to Austin, April 6, 1836. *Ibid.*, I, 81. In April Childress wrote: "So far as I can see the South and West are kindling into a blaze upon the subject." Childress to Burnett, April 18, 1836. *Ibid.*, I, 55.

²Of the first loan, three Kentuckians subscribed \$25,000; of the second, two Kentuckians subscribed \$7000. See Barker, "Texas Revolutionary Finances," in *Polit. Sci. Quart.*, XIX, 630. Cf. also Gouge, *Fiscal History of Texas*, 50-53. Garrison, *Dip. Cor. Tex.*, I, 58.

³The address was printed in the *Kentucky Gazette*, April 9, 1836. It was afterwards published in pamphlet form.

⁴For the services of General Chambers in sending men and munitions of war to Texas see Barker, "The Texan Revolutionary Army," in *THE QUARTERLY*, IX, 235, 240. For an eulogy of Chambers's services by Wharton, see Wharton to Austin, December 11, 1836. Garrison, *Dip. Cor. Tex.*, I, 154. For the authority of Chambers to raise an "Army of Reserve for Protection of Liberties of Texas," see *Ordinances and decrees of the consultation, provisional government of Texas, and the convention*, 123-125.

⁵*Lexington Intelligencer*, April 8, 1836.

this respect was Lexington, which gave generously of its citizens and means for the cause of Texas. Between the end of March and the middle of June, 1836, more than a dozen meetings of this nature were held in Lexington.¹ On these occasions the sum of \$3500 was subscribed and something like one hundred and eighty citizens of Lexington and Fayette county volunteered to emigrate to Texas. A committee of the Lexington Fayette Volunteers issued a stirring appeal to the patriotic young men of Kentucky calling upon them to enlist in the sacred cause of Texas independence and to be ready to start by May 20th.²

It was likewise resolved at the same meeting to appoint a committee of ladies to arrange to equip a corps to be raised in the city and county to be called the "Ladies Legion of the City of Lexington."³

The Lexington Typographical Society appropriated the sum of twenty dollars to enable persons to emigrate to Texas.⁴

Among those who were foremost in their devotion to the cause of Texas was Mrs. M. A. Holley, the accomplished widow of Dr. Holley of Lexington, whose history of Texas was published in the summer of 1836. The following appeal signed by Mrs. Holley appeared in the *Lexington Intelligencer* of April 26, 1836: "Those ladies who are disposed to devote a portion of their time, and their needles, to the holy cause of Texas, will please to call at the house of the subscriber, where may be found materials for this sacred charity." Accordingly a sewing party of ladies met at the house of Mrs. Holley twice-a-week for some time until a quantity of clothes were made. Her two nieces, the Misses Austin, were prominent in the work, the material being contributed by

¹The *Kentucky Gazette* and the *Lexington Intelligencer* contain full accounts of these meetings.

²The appeal was signed by Robert A. Ferguson, Benjamin F. Gause, Sam. D. Woolley, P. H. Harris, and O. L. Shivers.

³*Kentucky Gazette*, May 9, 1836. Among those who volunteered on this occasion to go to Texas were the following: William Burke, D. H. Weigert, William C. Murphy, H. W. Davis, Archibald Dunlop, W. Bell, Albert Page, John Davis, George D. Courcey, Franklin George, Benjamin F. Downing, John Downing; at an adjourned meeting the following volunteered to emigrate: Colonel Edw. J. Wilson, William Ragan, John Beard, John W. Smith, John Burch, Charles Brown, James White, Major Horatio Grooms, James Vanderpool, Francis Fry, Henry Harris, John S. Vaughn, Stephen P. Terry, and Newton Fisher.

⁴*Lexington Intelligencer*, May 3, 1836.

Lexington gentlemen. The result of their labors were: "18 shirts, 24 pocket handkerchiefs, 6 collars, 8 black shirts, 12 shirt bosoms, 3 roundabouts, 9 hunting shirts, 1 mosquito bar."¹

But Lexington, though the foremost, was only one of a number of places in Kentucky, whose citizens made sacrifices for the cause of Texas independence. At Winchester a meeting of citizens was held at which \$188.75 in cash was collected and almost \$200 worth of fire-arms and clothing contributed; some ten or a dozen young men expressed a desire to volunteer as emigrants.² At a meeting of the ladies and gentlemen of Woodford county at Versailles on May 4, Congress was urged to recognize the independence of Texas; the gathering listened to a stirring address by Charlton Hunt, Esq., of Lexington; the sum of \$336.50 was subscribed by fifty-three of those present; and to crown the whole, Colonel William P. Hart generously donated one three-year-old mule for one volunteer to ride.³ A group of citizens of Anderson county assembled at Lawrenceburg, drew up a set of resolutions expressing sympathy with Texas, and raised \$59.⁴ Between fifty and sixty emigrants from Georgetown expressed a willingness to go to Texas. The same place contributed the sum of \$600.⁵ At Russell's Cave on May 10, \$212.25 was subscribed by a number of gentlemen, fifteen volunteering their services.⁶ A meeting of the citizens of Bourbon county was held at Paris on Saturday, May 14, at which a collection was taken up, and fifteen volunteers, headed by Mayor Pease, enrolled their names. The meeting recommended a central committee at Lexington to appoint a day for meetings in every county in Kentucky for the purpose of enrolling names and receiving subscriptions.⁷ At a Texas meeting in

¹*Lexington Intelligencer*, June 10, 1836. Mrs. Holley also expended \$30 for work and materials for a silk flag designed by General Austin which was presented to the Ladies Legion by Mrs. Holley's niece, Miss Henrietta Austin, on June 3.

²*Kentucky Gazette*, May 12, 1836.

³*Lexington Intelligencer*, May 6, 1836.

⁴*The Commonwealth*, May 18, 1836.

⁵*Lexington Intelligencer*, May 10, 1836.

⁶*Kentucky Gazette*, May 16, 1836. These were Simon Gregg, W. Hughy, John Connaly, J. R. Wallace, E. Bowie, C. Wallace, John Simpey, J. G. Gorham, Robert McMeans, Robert Innes, T. E. Ritter, John McLean, John Roy, Asa Lawrence, James Maddox.

⁷*Kentucky Gazette*, May 19, 1836.

Mt. Sterling on the evening of May 3, stirring resolutions, prefaced by a preamble in the style of French and American revolutionary declarations, were adopted, and the sum of \$154.25 subscribed.¹ The ladies of Bardstown held a fair for the benefit of Texas, and raised, with other subscriptions, the sum of \$516; at the same place twenty young men volunteered their services.² The citizens of Nicholasville and of Harrodsburg likewise showed their zeal for the cause of Texas by raising funds and enrolling volunteers.³ The citizens of Harrison county subscribed \$260 in aid of the Texan cause and furnished several volunteers.⁴ At Louisville steps were taken for the purpose of raising and equipping a corps to be styled the "Ladies Cavalry."⁵ A committee in Lexington acknowledged donations from various points in Kentucky to the amount of \$776. This sum was secured through the instrumentality of Major R. A. Ferguson.⁶ The counties of Scott, Clark, Mercer and Montgomery are said to have contributed freely of their men and means.⁷ On the eve of his departure, Colonel Wilson was presented by Mr. Isaac Cunningham, of Clark, with a horse for which he paid \$200. Another horse of about the same value was presented Colonel Wilson by a citizen of Lexington.⁸ Judge Bledsoe, of Kentucky, addressed large meetings in Natchez and New Orleans, in advocacy of the Texan cause.⁹ It is thus seen that hundreds of volunteers and several thousand dollars were raised in Kentucky in furtherance of the cause of Texas liberty.

Of these emigrants about forty under Captain Wigginton left Louisville for Texas April 19th.¹⁰ Between sixty and seventy under the command of Captain Shannon, of Mt. Sterling, left the

¹*Lexington Intelligencer*, May 24, 1836.

²*Ibid.*, June 17, 1836.

³*Ibid.*, May 10, 1836; *Kentucky Gazette*, May 19, 1836.

⁴*Lexington Intelligencer*, May 24, 1836.

⁵*Ibid.*

⁶*Kentucky Gazette*, May 23, 1836. A committee of seven citizens of Shelbyville and Shelby county exonerated Major Ferguson from reports prejudicial to him in reference to money collected by him for the Texan cause. *Lexington Intelligencer*, June 14, 1836.

⁷*Ibid.*, May 20, 1836.

⁸*Lexington Intelligencer*, June 10, 1836.

⁹*Richmond Enquirer*, April 22, June 26, 1836.

¹⁰*Lexington Intelligencer*, April 26, 1836.

morning of June 2d "in the steam car" for the same destination.¹ The most considerable number of them, however,—between three and four hundred, started under the command of Colonel Edw. J. Wilson and Captain G. Lewis Postlethwaite this same month. Of these about two hundred left Lexington the first week in June, reaching Louisville on Monday, June 6. At Shelbyville, on Sunday, each of the officers of the "Ladies Legion" was presented with epaulettes by a young lady—Miss Buckner—of Louisville.² On Saturday, June 11, the Texas Volunteers to the number of some three hundred under the command of Colonel Wilson left Louisville in the steamer *Fort Adams*.³ One of the Lexington papers prints a letter from Colonel Wilson in which he says, "the people of Louisville, *with a few exceptions*, have been as cold as icicles, and but for the magnanimous Thomas Smith of New Castle, our trip would have stopped here. Mr. Smith furnished all the meat and tendered six months' provisions and takes the Texas Government for it [that is, accepts drafts on the government]."⁴ The volunteers proceeded on their way down the Ohio some fifty miles when the boat sprung a leak. It was accordingly run ashore and the emigrants landed. Messrs. Postlethwaite and Woolley returned to Louisville, procured another boat,⁵ and once more the volunteers embarked. Some whose hearts had grown faint abandoned the enterprise.⁶

Another body of Texas emigrants, under the command of Colonel Charles L. Harrison, of Louisville, left that city on the evening of July 1 in the *Heroine*.⁷ On June 14 the Kentucky volunteers under Colonel Wilson reached New Orleans, from which

¹*Lexington Intelligencer*, June 3, 1836.

²*Ibid.*, June 10, 1836; *Kentucky Gazette*, June 6, 1836. In addition to Fayette, the counties of Clarke and Montgomery were represented among these emigrants. *Frankfort Argus*, June 8, 1836.

³*Kentucky Gazette*, June 16, 1836. Another account says they left Sunday in the *Adriatic*.

⁴This Mr. Smith was a "colonel," and is furthermore styled "a gentleman of fortune."

⁵The new boat was probably the *Tuskina*. See *Senate Docs.*, 24 Cong., 2 Sess., I, No. 1, p. 40.

⁶*Kentucky Gazette*, June 20, 1836.

⁷*Lexington Intelligencer*, June 1, 1836. According to the *Richmond Whig*, July 22, 1836, ninety-four volunteers left this month commanded by Captain Earl, of Louisville.

point it was said they would depart immediately for Texas—"to plant corn or fight"; as the sequel will show, not a few were destined to engage in the former more prosaic, though not less profitable enterprise.¹ It may be interesting at this point to quote an extract from a letter written by Major P. H. Harris, of the "Ladies Legion of Texian Volunteers," dated New Orleans, June 27, 1836:²

Dear Sir:

. . . You have no doubt heard of our embarkation at Louisville and being landed on the bank of the Ohio river, where we were detained five days. We finally succeeded in effecting a re-embarkation on board the *Franklin*, a very splendid boat: but lamentable to relate, while in camp lost by desertion about 30 men. . . . Such men would only tarnish the fame which Kentucky has acquired in deeds of noble daring. . . . In five days we shall be on Texian soil. We are to land and equip at Galveston, and march by way of Copano and from thence 20 miles to Houston's camp. . . . We will have to contend against 8000 motley and degraded hirelings, and I pledge my life that the Ladies Legion of Lexington will give a good account of itself and old Kentuck' will be faithfully and honorably represented.

We remain under the same organization as when we left Lexington with but few exceptions. Our men are entirely healthy and in high spirits—some 20 or 30 will join us from this city.

Colonel Wilson, with a portion of the volunteers, was detained at New Orleans certainly until July 7 and probably later, Captain Postlethwaite with one hundred and fifty men having departed for Texas a few days before.³ About the middle of July, Colonel Wilson with his command reached Velasco. A letter from this point, dated August 5, announced that he was about to start to join the Texan army.⁴ But unfortunately for the fame of the

¹*Kentucky Gazette*, July 7, 1836. The same paper a few days later asserted that it was doubtful if their service would be wanted.

²This letter is copied from the *Kentucky Gazette*, July 11, 1836.

³*Kentucky Gazette*, July 28, 1836. On July 1 a meeting was held in New Orleans for the purpose of raising means to transport the Kentucky volunteers to Texas. *Virginia Herald*, July 23, 1836.

⁴*Kentucky Gazette*, August 18, 1836. Colonel Wilson arrived in Texas by July 24. *Ibid.*, August 25, 1836. Some of the command of Wilson probably remained in New Orleans until August, for one account mentions the departure of Kentucky volunteers during this month for Texas in the schooner *Julius Caesar*. *Virginia Herald*, August 27, 1836, quoting the *New Orleans True American*, August 9, 1836.

"Ladies Legion" which had set forth under such bright prospects, the start was never made. And great was the surprise of those at home to learn, at the end of August, that Wilson and Postlethwaite with about one-half of their command had returned to Kentucky. The first intimation which the people of Lexington had of this extraordinary procedure was when they read in the *Kentucky Gazette* of August 29 that the two above-named gentlemen and a part of the emigrants had returned to New Orleans and would be on home in a few days. The reason assigned was that they had not arrived in Texas by the time prescribed by the government, namely, July 1, and had been assured of only \$8.00 a month. Moreover, according to the correspondent, matters in Texas were in a very unsettled state. According to another report, no immediate danger was to be apprehended from Mexico. Furthermore, the lands promised emigrants by the government of Texas had been refused, the law allowing bounty lands having expired by the above-named date.¹

Feeling that public opinion demanded an explanation of their course of action, Wilson and Postlethwaite published a lengthy article in the newspapers in which they set forth their reasons for abandoning the cause of Texas. In the *exposé* of the motives which impelled their return, they declare the unhappy civil and political condition of Texas render her totally unworthy of aid or sympathy. *Professing* agents secured volunteers by means of false promises. The cause for the long delay at New Orleans was due to the President and Cabinet wanting no more volunteers, believing the war at an end. In consequence of a rumor of a Mexican invasion, Captain Postlethwaite advanced with one hundred troops about July 2. Colonel Wilson got off on July 10, arriving at Galveston seven days later. The former went to Velasco, the seat of government, where he was treated with great rudeness by President Burnet, who was also guilty of incivility to Colonel Wilson. In conclusion they declared that the present population of Texas was incapable of a just idea of civil or political liberty; the mass of people were animated by a desire of plunder; no stable government of any kind existed; the army was defiant; the Cabinet corrupt and imbecile; the only stimulus of

¹The *Commonwealth*, August 31, 1836.

the soldiers was a hope of plunder—in a word, the condition of affairs in Texas was miserable.¹

Such were the reasons assigned by these men for returning home, and it requires only a casual knowledge of Texas affairs at this time to see that the report constituted a slander upon Texas and its people.

General T. Jefferson Chambers, who was the object of the attack in the report of Wilson and Postlethwaite, replied to his opponents through the *Louisville Journal*, his rejoinder taking up six columns of that paper. According to his side of the story, the battalion from Lexington was to have been attached to the army of reserve under his command. Colonel Wilson refused to accept the commissions tendered him on the ground that Colonel Harrison would take rank over him. His chagrin at the court of Velasco was due to the fact that he had not been asked to take a seat by President Burnet. He was denied the rank and land he coveted. General Chambers included in his reply letters from Lieutenants Combs and Brashear of Captain Price's company confirmatory of the facts he sought to establish. Only thirty or forty of three hundred emigrants returned, according to General Chambers; a letter of Dr. Read of the Texas army, which he printed as further confirming his statements, asserts that eighty men returned out of some two hundred.

Having thus paid their respects to each other in the columns of the press, Colonel Wilson, after the fashion of the time, challenged General Chambers. The difficulty, however, was referred to a board of honor which finally proposed a compromise that was accepted by both parties.²

¹See the *Kentucky Gazette*, September 13, 1836, for a detailed statement of their grievances. Their article was also published in the *Frankfort Argus*, September 21, 1836.

Reports of a similar nature found their way into the newspapers, and naturally had the effect of deterring volunteers from going to Texas. Cf. the *Virginia Herald*, March 23, 1836. The *Evening Post*, March 23, 1836, copies from the *Randolph* (Tenn.) *Recorder* a dismal account of the situation in Texas.

²*Kentucky Gazette*, October 31, 1836. It is gratifying to note that General Chambers was completely exonerated by the government of Texas for his share in sending volunteers to Texas. On June 12, 1837, the Texas Congress passed a resolution tendering Chambers their thanks for the zeal and ability displayed by him in defending the cause of Texas,

While the state of affairs in Texas no doubt justified the determination of Wilson and Postlethwaite to return with their men, yet their presence in the country only a few days and at a single point rendered it impossible for them to form a just judgment of the situation. No immediate danger, it is true, was to be apprehended from Mexico at this time. The ordinance of March 16 diminished the quantity of bounty lands to soldiers who entered between that time and July 1, and left the quantity for those enlisting after that period undefined and to be determined by Congress. In addition to this, differences existed between those in authority in the government, and it would have been a miracle had no land speculators found their way to Texas.¹ In view of these things the determination of the volunteers to return may be excused, but no excuse can be offered for the groundless accusations which their leaders were instrumental in spreading to the injury of Texas. But the presence or the absence of the Kentucky volunteers at this time did not affect the important question of the independence of Texas, for that had been settled by the decisive victory of San Jacinto.

The news of the battle of San Jacinto had been received with the greatest enthusiasm in Kentucky. In a number of places the victory of Houston and his men was celebrated with peals of artillery and bonfires, while the city of Louisville was brilliantly illuminated in honor of the capture of Santa Anna and his men.² While more than three-fourths of the victors of San Jacinto were citizens proper of Texas, yet side by side with these were to be found volunteers from Kentucky and from other states who, on

and for the efficient manner in which he had discharged the duties of his commission in sending men and arms to Texas. Gammel, *Laws of Texas*, I, 1328.

¹Cf. Barker, "Land Speculation as a Cause of the Texas Revolution," in *THE QUARTERLY*, X, 79-95. The *Richmond Enquirer* of March 26, 1836, quotes the *Charleston Patriot* of March 14th to this effect: "The gallant corps of Volunteer Greys from New Orleans has generally returned disgusted with the service, saying that they would no longer fight to enrich a few land speculators." Cf. *Courier and Enquirer*, October 31, 1835.

²*Lexington Intelligencer*, May 14, 20, 1836; *Kentucky Gazette*, May 16, 23, 26, 1836. The *Intelligencer* of May 17 published official confirmation of the defeat of Santa Anna copied from the New Orleans paper of some two weeks earlier.

that memorable day, rendered valiant service in the cause of Texas independence.¹

The following account of the battle of San Jacinto was written by Captain James Tarleton, captain of the company of Texas volunteers that first went from Louisville:²

. . . At last, at 3 1/2 p.m. we were ordered to prepare for battle, which was soon done; and then commenced a conflict, the parallel of which, I presume, cannot be found on record. To see a mere handful of raw undisciplined volunteers, just taken from their ploughs and thrown together with rifles without bayonets, no two perhaps of the same calibre, and circled by only two pieces of artillery, 6 pounders, and a few musketeers, some with and some without bayonets, and some 40 or 50 men on horseback to meet the trained bands of the heroes of so many victories—to see them, with trailed arms, marching to within 60 or 70 yards of such an army at least double in number and entrenched too behind a breastwork impregnable to small arms and protected by a long brass 9 pounder—to see them, I say, do all this, fearless, and determined to save their country and their country's liberty or to die in the effort was no ordinary occurrence. Yet such was their conduct, and so irresistible was the Spartan phalanx, that it was not more than from 15 to 20 minutes from our first fire until a

¹Richard Roman, of Kentucky, commanded a company in the fight. *Muster Rolls*, p. 208. The Second Regiment of Texas Volunteers was commanded by Colonel Sidney Sherman, another Kentuckian, who, with a Kentucky regiment gallantly led the left wing at the battle of San Jacinto. *THE QUARTERLY*, XIV, 213. Cf., also, Barker, "The San Jacinto Campaign," in *Ibid.*, IV, 262-336 *passim*, for allusions to Colonel Sherman's activity in the San Jacinto campaign. For services rendered the government by him and for money expended for the same, Colonel Sherman was allowed by the Texan Congress the sum of \$3973.17. Gammel, *Laws of Texas*, I, 1491.

"It is susceptible of almost positive proof," says one writer, "that ninety-eight per cent of those who fought at San Jacinto were already settled in Texas or remained in the Republic after the Revolution." Fulmore, "The Annexation of Texas and the Mexican War," in *THE QUARTERLY*, V, 29, note 2. At the same time it is asserted by others that Texas "could never have recovered from the severe blows received in the Alamo and Goliad had it not been for the active help of friends in the United States." Smith, "The Quarrel Between Governor Smith and the Council," in *THE QUARTERLY*, V, 345. Cf., also, *Ibid.*, IX, 260.

²This letter, which is of considerable length, is taken from the *Louisiana Journal*, and is printed in the *Commonwealth* of June 8, 1836, and in the *Frankfort Argus* of June 15, 1836. Only those portions relating to the battle of San Jacinto are reproduced. An extended account of the battle agreeing in the main with Captain Tarleton's description, was contributed by Colonel George W. Hockley to the *Louisiana Advertiser* of May 23, 1836, and is copied in the *Virginia Herald*, May 25, 1836.

complete rout of the enemy was effected, and such slaughter on the one side and such almost miraculous preservation on the other have never been heard of since the invention of gunpowder. The commencement of the attack was accompanied by the watch words, "Remember the Alamo, Labade [La Bahia], and Tampico," at the very top of our voices, and in some 10 minutes, we were in the full possession of the enemy's encampment, cannon, and all things else, whilst his veterans were in the greatest possible disorder attempting to save their lives by flight. I happened to be so placed in the regiment to which I was attached, that I was enabled to be the third man, who entered the entrenchment, which I soon left in company with the balance of the regiment in pursuit of the defeated enemies of Texian liberty. I feel confident that I do not exaggerate, when I state their loss in killed as nearly if not quite equal to the whole of our number engaged; whilst we had only 6 killed on the spot and some 12 or 15 wounded, two of whom have since died, one of them Dr. Motley,¹ of Kentucky, a relative of Mr. Shapley Owen, and who died to-night since I commenced writing this letter. The number of their prisoners has not yet been officially announced, but I should suppose it is nearly if not quite 600, many of whom are wounded. . . .

Though the battle of San Jacinto practically secured the independence of Texas, yet for months rumors of renewed attempts on the part of Mexico to subjugate Texas continued to be printed in the Kentucky newspapers with the result, as we have seen, of the enlistment of volunteers in the summer of 1836. These rumors were of a most contradictory nature, so that it was impossible for those remote from the scene of action to determine the true state of affairs. For instance, it was announced in August that it would be impossible for the Mexican army to begin a campaign against Texas for two or three months; in October people read that General Bravo was threatening Texas with an army of eighteen thousand men; a few days later and this army had vanished into thin air.² Some of these newspaper reports were absurd in

¹Dr. William Motley was a member of Houston's staff and a brave soldier. Foote, *Texas and Texans*, II, 311, relates this incident: "When Motley was asked if he was hurt, he replied, 'Yes, I believe I am mortally wounded.' 'Doctor, I will get some one to take care of you,' replied his questioner. 'No,' answered Motley, 'if you whip them, send back a man to assist me, but if you do not, I shall need no assistance.'"

²Cf. *Lexington Intelligencer*, November 18, 1836; December 6, 23, 1836. Such contradictory rumors continued to be printed throughout the spring of 1837. See *Kentucky Gazette*, January 12, 1837; February 7, 1837; April 13, 1837; May 11, 18, 1837.

the extreme and remind one of the inflammatory despatches which emanate from the imagination of war-correspondents in these days; for instance, it was asserted on one occasion that the Mexicans were pouring into Texas, their intention being to make war upon the United States, to sack and burn New Orleans. This rumor, it was averred, was confirmed by official reports of the presence of Mexicans in Texas in large numbers.¹ There can be little doubt that General Gaines and the troops under his command would have eagerly welcomed the advent of the Mexicans upon American soil.²

It may be observed that apprehension of a Mexican invasion continued to be shared by the Texan authorities. In June, 1836, Thomas J. Green, brigadier general of the Texan army, wrote urging soldiers to come to Texas immediately.³ A few weeks later it was given out at New Orleans that the Texas Agency at that point did not desire, on account of a lack of provisions, any further emigration save those who would become permanent cultivators of the soil.⁴ In November we find Wharton writing to Austin from New Orleans: "No one here anticipates another invasion of Texas. We should, however, *act* as if *we* thought differently."⁵ When Wharton reached Washington, he seems to have given more credence to the rumors of a renewed invasion.⁶

¹*Lexington Intelligencer*, July 19, 1836.

²Cf. Barker, "The San Jacinto Campaign," in *THE QUARTERLY*, IV, 255: "That he [i. e. Gen. Gaines] was in eager sympathy with the Texans and was possessed of an almost feverish desire to help them is certain."

³Cf. *Kentucky Gazette*, August 8, 1836. In this same month, however, Grayson wrote Jack that it was likely the invasion of Texas would for a time be suspended. Grayson to Jack, August 11, 1836. Garrison, *Dip. Cor. Tex.*, I, 121.

⁴*Kentucky Gazette*, July 11, 1836. In November Thomas J. Rusk, the Secretary of War, was summoning the able-bodied men of Texas to arms. In December there was rumor of an invasion by land and sea. Austin to Wharton, December 10, 1836. Garrison, *Dip. Cor. Tex.*, I, 150. On December 22, 1836, a joint resolution was passed by the Texas Congress authorizing the president to receive into service 40,000 volunteers. Gamel, *Laws of Texas*, I, 1235. Perhaps this is a misprint for 4000.

⁵Wharton to Austin, November 30, 1836. Garrison, *Dip. Cor. Tex.*, I, 148.

⁶Wharton to Austin, December 22, 28, 31, 1836. *Ibid.*, I, 167. On January 11, 1837, Senator Walker, of Mississippi, stated in the Senate that he had information to the effect that the projected invasion of Texas had been abandoned. Cf., however, Catlett to Henderson, April 14, 1837. Garrison, *Dip. Cor. Tex.*, I, 207.

Finally, an order was issued from New Orleans on March 10, 1837, signed by A. S. Thruston, commissary general of Texas, to the effect that recruiting service for the present was suspended; those who had already entered for two years or during the war and were ready to leave for Texas equipped, would be enrolled and furnished transportation from New Orleans.¹ It is not surprising, in view of the conflicting rumors of a renewed invasion of Texas which obtained currency in the United States, that volunteers should have continued to present themselves for enrollment in the armies of Texas.

A word may be said about the organization of those who went as volunteers from Kentucky and from other states.² Most of these belonged to the Auxiliary Volunteer Corps, those from Kentucky enlisting for the more part for a period of six months, fewer enlisting for three months, and still fewer for the duration of the war.³ Provision was made for this body in accordance with an ordinance passed by the Council December 5, 1835. By the terms of this act each platoon should not contain less than twenty-eight men, rank and file; each company was to consist of two platoons of fifty-six men, rank and file; each battalion, five companies, or two hundred and eighty men, rank and file; each regiment two battalions, or five hundred and sixty men, rank and file: each platoon might be officered by one first lieutenant, each company by one captain, one first lieutenant and one second lieutenant; each battalion, one major; each regiment one colonel,

¹*Kentucky Gazette*, April 13, 1837. Cf., however, Catlett to Henderson, May 7, 1837. Garrison, *Dip. Cor. Tex.*, I, 217. According to Yoakum, *History of Texas*, II, 209, only those volunteers would be passed by Colonel Thruston who should furnish themselves with good arms, six months' clothing, and two months' rations.

²Upon this subject, see Barker, "The Texan Revolutionary Army," in *THE QUARTERLY*, IX, 227-261.

³See *Muster Rolls* for period of enlistment. The following oath was taken by the volunteers: "Know all men by these presents that I have this day enrolled myself in the Volunteer Auxiliary Corps for and during the term of six months. And I do solemnly swear that I will bear true allegiance to the Provisional Government of Texas or any future Government that may be hereafter declared and that I will serve her honestly and faithfully against all her enemies whatsoever and observe and obey the Governor of Texas, the orders and decrees of the President and future authorities, and the orders of the officers over me, according to rules and articles for the Government of the Army of Texas. So Help Me God." *Muster Rolls*, p. 115. As a rule, the volunteers hesitated to enlist for any definite period. Cf. Yoakum, *History of Texas*, II, 456.

and one major.¹ Shortly after the passage of this act, another ordinance was adopted empowering the commander-in-chief to accept the services of five thousand auxiliary volunteers.²

Those who enlisted for the duration of the war received the same pay, clothing, and wages as was allowed by the United States in the war of 1812, besides bounties in money and valuable tracts of rich land. The auxiliaries from the United States, it may be noted, were also permitted to choose their own company officers. By the decree of December 5 a bounty of six hundred and forty acres was promised those who served throughout the war; those enlisting for three months received a bounty of three hundred and twenty acres; those enlisting for a shorter period received no bounty, otherwise their status was similar to that of the permanent volunteers.³ Later an ordinance of March 10 increased the bounty of those serving twelve months or during the war to twelve hundred and eighty acres; those serving nine months received nine hundred and sixty acres; while six hundred and forty acres were received for six months' service, and three hundred and twenty acres for three months' military service.⁴ Those entering the service of Texas after July 1 were to receive a quantity of land in proportion to their services.⁵

At the suggestion of Fannin provision was made by the Council for a battalion of cavalry to consist of three hundred and eighty-four men, rank and file, divided into six companies: arms and uniforms were also prescribed. The members of this force were to receive the same pay as cavalry in the service of the United States and a bounty of six hundred and forty acres of land.⁶

Attention has already been called to the services of General Chambers in recruiting volunteers for his "Army of Reserve";

¹*Ordinances and Decrees*, 48.

²*Ibid.*, 85.

³Cf. THE QUARTERLY, IX, 233, note 3. President Burnet, in his first message to the Texan Congress, October 4, 1836, recommended the propriety of withholding all inducements to enlistments for short periods of time. The message is printed in *Niles' Register*, LI, 189-191. The correspondent of the *Courier and Enquirer*, November 21, 1836, wrote from New Orleans that treasury bills of volunteers could be cashed in that city only in small quantities and at an enormous discount.

⁴*Ordinances and Decrees*, 92.

⁵*Proceedings of Convention*, 74-75.

⁶THE QUARTERLY, IX, 234.

these received the same pay and bounty as the other auxiliaries.¹ Of course when volunteers from the United States enlisted in branches of the service other than those mentioned above, they became entitled to the rewards pertaining to the particular service in which they engaged. For instance, members of the Regular Army received the same pay and emoluments, rations, and clothing as those belonging to the corresponding branch of service of the United States. In addition, they received a bounty of eight hundred acres of land and \$24.² To each of the volunteers in the Army of the People of Texas was given a bounty of six hundred and forty acres of land.³ Soldiers who came to Texas after March 2 and prior to August 1, 1836, received one league (4428 acres) and one labor (177 acres), if the head of a family; and one-third of a league (1476 acres) if a single man.⁴ Lawful heirs of all such volunteers were to be entitled to the quantity of land due the deceased; said heirs to receive an addition in the way of a bounty—640 acres as decreed by the Council, December 11, 1835.⁵ A donation of six hundred and forty acres was given to those engaged in the battle of San Jacinto, to those entering Béxar between the morning of the 5 and the 10 of December, 1835, and taking part in the reduction of the same; to those in the action of March 19, 1836, under Fannin and Ward and to their heirs; and to the heirs of those who fell in the Alamo. The heirs or legal representatives of those who fell with Fannin, Ward, Travis, Grant, and Johnson received a league and a labor or one-third of a league, according as the soldier was the head of a family or a single man, and to each one was given an additional bounty of six hundred and forty acres.⁶ The pay of volunteers from the United States, according to a resolution passed by the Texan Congress November 23 and 24, 1836, was to commence from the time of their embodying and leaving home, provided said time did not exceed sixty days prior to their being mustered into the service of the republic of Texas. At the same time it was determined that

¹THE QUARTERLY, IX, 235, and above, p. 46, note 2.

²*Ordinances and Decrees*, 22, 87.

³*Ibid.*, 79.

⁴Gammel, *Laws of Texas*, I, 1414.

⁵*Ibid.*, I, 894-895.

⁶*Cf.*, *Ibid.*, I, 1450-1451.

all volunteers who had entered the service of the republic since July 1 last should be entitled to the same pay and bounties of land as those entering prior to that time.¹ According to a law of December 18, 1837, all those permanently disabled while in the service of Texas by loss of eye, arm or limb, or other bodily injury so as to be incapacitated for bodily labor, received one league of land.²

This matter of the land bounties has been dwelt upon somewhat at length for two reasons: first of all, the inducement thus held out to volunteers a compelling motive in causing hundreds from the United States to enlist in the service of the Texan government; and, secondly, many of those who rendered such service would naturally, at the close of hostilities, settle down permanently in the region between the Sabine and the Rio Grande. It may be observed that Austin while acting as commissioner to the United States wrote back to the government of Texas in regard to offers of land to volunteers at variance with those of the government, which offers, he said, did much harm. The offer referred to was one made by Major William P. Miller, of Nashville, promising eight hundred acres and \$24 bounty. The decree increasing the bounty of soldiers in the regular army by one hundred and sixty acres and \$24 was passed December 14, and had not come to the notice of Austin.³

Touching the question of neutrality, Kentuckians like the volunteers from other states, did not feel themselves called upon to pay any more heed to the laws upon the subject than did anti-

¹Gammel, *Laws of Texas*, I, 1094.

²*Ibid.*, I, 1436.

³Austin, Archer and Wharton to Smith, February 16, 1836; Austin to Owings, February 12, 1836; Austin and Archer to the Governor of Texas, March 3, 1836. Garrison, *Dip. Cor. Tex.*, I, 68-69, 70, 73. Cf., however, THE QUARTERLY, IX, 233, note 3. The *Kentucky Gazette*, December 12, 1836, prints an offer signed by Miller promising twelve hundred acres of land and \$24 bounty; promises are held out of a law raising the bounty to two thousand acres. According to a joint resolution passed by the Texas Congress November 30, 1836, those introducing by January 10 for the duration of the war as many as twenty men were to receive a second lieutenant's commission; thirty, a first lieutenant's; fifty-six, a captain's; two hundred and eighty, a major's; four hundred, a lieutenant-colonel's; five hundred and sixty, a colonel's, and eleven hundred and twenty, a brigadier-general's. Gammel, *Laws of Texas*, I, 1112. Cf., also, *Lexington Intelligencer*, April 26, 1836, and *Kentucky Gazette*, July 20, 1837.

slavery sympathizers of a later time feel called upon to give their support to laws compelling the rendition of fugitive slaves. In the one case as in the other, the law of the land fell practically flat because the existing state of public opinion rendered federal statutes incapable of enforcement. Add to this the fact, to which attention has already been called, that no adequate means were provided for securing the enforcement of the Act of 1818, which authorized the President to employ the military and naval forces of the United States for the purpose of preventing violations of our neutrality.¹

At the very outbreak of hostilities between Texas and Mexico, the President, whatever may have been his views in regard to the cession of Texas in 1819,² proclaimed the neutrality of the United States in no equivocal terms, and from time to time as occasion arose, reiterated his intention not only faithfully to maintain our neutrality, but to discountenance anything that might be calculated to expose our conduct to misconstruction in the eyes of the world.³ And this attitude Jackson maintained till the close of his administration. When Wharton and Hunt besought him to recognize the independence of Texas, the President declined to in-

¹See Barker, "President Jackson and the Texas Revolution," in *American Historical Review* for July, 1907. Cf., also, Miss Ethel Z. Rather, "Recognition of the Republic of Texas by the United States," in *THE QUARTERLY*, XIII, No. 3.

²Benton, *Thirty Years' View*, I, 15, 16.

³Richardson, *Messages and Papers*, I, 151, III, 237-238. On August 5, 1836, President Jackson wrote Governor Cannon, of Tennessee, as follows: "The obligations of our treaty with Mexico . . . require us to maintain a strict neutrality in the contest which now agitates a part of that republic . . . any act on the part of the government of the United States that would tend to foster a spirit of resistance to her Government and laws . . . would be unauthorized and highly improper. A scrupulous sense of these obligations has prevented me thus far from doing anything which can authorize the suspicion that our Government is unmindful of them, and I hope to be equally cautious and circumspect in all my future conduct." *Sen. Docs.*, 24 Cong., 2 Sess., I, No. 31. Practically the same sentiments were expressed somewhat over a year later by Forsyth in a letter to General Memucan Hunt. Cf., also, *Sen. Docs.*, 24 Cong., 2 Sess., I, No. 31. One of the Kentucky papers noted that the Governor of Louisiana had issued a proclamation calling attention to the Act of 1818. *Lexington Observer and Kentucky Reporter*, December 16, 1835. The editor of the *Philadelphia Saturday Courier* expressed surprise that the President had not issued a proclamation announcing neutrality, inasmuch as such a step was certainly sanctioned by custom.

terfere.¹ To Austin's earnest appeal for the recognition of Texas, Jackson replied intimating that the Texans should have taken into consideration the consequences of their act in beginning the revolution, concluding with the statement repeatedly expressed: "Our neutrality must be faithfully maintained."²

That Jackson was sincere in thus proclaiming his intention to enforce the neutrality laws of the United States will hardly admit of question; for he was a man of conscience and of honor, steadfastly devoted to the performance of his duty as he saw it. When complaints therefore of the violations of neutrality were from time to time addressed to the department of state by Gorostiza, Castillo, and Monasterio,³ the reply was that "all measures enjoined and warranted by law have been and will continue to be taken to enforce respect by citizens of the United States within their jurisdiction to the neutrality of their Government."⁴ Accordingly the district attorneys in the leading cities of the Union were authorized to prosecute without discrimination all violations of laws of the United States which had been enacted for the purpose of preserving peace or which fulfilled treaty obligations with foreign powers.⁵

¹Wharton and Hunt to Rusk, February 20, 1837. *Dip. Cor. Tex.*, I, 196, 197. Cf. Rather, "Recognition of the Republic of Texas by the United States," in *THE QUARTERLY*, XIII, 246-247. The writer, after a careful study of the question, reaches the conclusion that so far as Jackson's personal attitude toward Texas was concerned, he was consistent throughout.

²Bassett, *Life of Andrew Jackson*, II, 680. "The writer does not reflect that we have a treaty with Mexico, and our national faith is pledged to support it. . . . [The rebellion] was a rash and a premature act, our neutrality must be faithfully maintained." This is precisely the attitude taken in his message of December 22, 1836. Richardson, *Messages and Papers*, III, 266.

³*House Exec. Docs.*, 24 Cong., 2 Sess., VI, No. 256; 25 Cong., 2 Sess., VII, No. 190; 25 Cong., 2 Sess., XII, No. 351; *Sen. Docs.*, 24 Cong., 2 Sess., I, No. 1.

⁴*House Exec. Docs.*, 24 Cong., 1 Sess., VI, No. 256.

⁵These orders were addressed by Secretary Forsyth to the district attorneys at Boston, New York, Philadelphia, Baltimore, Mobile, Richmond, Nashville, Frankfort, Natchez, and St. Martinsville, La. Lewis Sanders, the district attorney at Frankfort, in his reply to Forsyth, declared his intention of enforcing the laws against all offenders. In his letter to Dickens he disclaims knowledge of any movement calculated to disturb our neutral relations with Mexico. In similar manner Addison who was acting as district attorney at Natchez assured Forsyth that vigilance would be used to prevent any infraction of neutrality within his district.

But convictions were not forthcoming for several reasons. First of all, it was no easy matter to determine just what constituted a violation of the act in question, for it must be remembered that it was

not a crime or offence against the United States under the neutrality laws of this country for individuals to leave the country with intent to enlist in foreign military service, nor an offence to transport such persons out of this country and to land them in foreign countries when such persons had an intent to list; nor an offence to transport arms, ammunition, and munitions of war from this country; nor an offence to transport persons with intent to enlist and munitions on the same trip.¹

To constitute an offence within the meaning of the act in question, there must be combination and organization on the soil of the United States, with the intention of going abroad to enlist.² To avoid violating the neutrality laws therefore, Austin counselled that volunteers should not be recognized until they had presented themselves to the governor of Texas or commander-in-chief of the Texan army.³

The United States district attorney at New York assured the Mexican consul of his earnest wish to render every aid in his power to preserve an entire neutrality as regards the Texas revolution. See *Senate Docs.*, 24 Cong., 2 Sess., VI, Nos. 25, 37, 42. Cf., also, *House Exec. Docs.*, 24 Cong., 1 Sess., VI, No. 256; 25 Cong., 2 Sess., III, No. 74.

¹Moore, *Inter. Law Digest*, VII, 912. It was held that acceptance of a commission might be regarded as contrary at least to the spirit of the Act of Congress of April 20, 1818. *Ibid.*, VII, 872. By some papers it was charged that high officers of the United States government were taking part with the Texans; this was denied, however. The author of the *War of Texas*, p. 43, gives credence to the rumor that some two hundred of Gaines's force had joined the Texan army. On the other hand an officer writing from Fort Jesup under date of October 24 refers to the "high and dignified course in the cause of neutrality and national faith which is responded to by almost every officer in this army—much is due to Mexico; and the United States owe it to themselves to be strictly neutral." *Virginia Herald*, December 7, 1836. It may be observed that a contract between citizens of the United States and an inhabitant of Texas to enable him to raise men and procure arms to carry on the war with Mexico could not be specifically enforced by a court of the United States. Moore, *Inter. Law Digest*, VII, 909.

²Cf. *Wheaton's Inter. Law* (Boyd), Third Edition, p. 584.

³Austin, Archer and Wharton to Smith, January 10, 1836. Garrison, *Dip. Cor. Tex.*, I, 56. "To undertake to receive them [i. e. troops] here, and pay their way to Texas, is now impossible. We have not the means, and it is an open violation of the laws of this country, than which nothing could more effectually injure our cause."

That open violations of the act occurred it will not be denied; and in one instance at least the district attorney seems to have treated the law as a joke as the following extract from a letter of Carson to Burnet will show:

Seventy men are now ready to leave under Captain *Grundy* who is the *prosecuting Atty.* for the United States for this District, and has *formal orders* to arrest and prosecute every man who may take up arms in the cause of Texas or in any way *Violate* the Neutrality of the U. S. He says he will prosecute any man under his command who will take up arms *here* and he will accompany them to the boundary line of the U. S. to see that they shall *not violate her Neutrality* and when there, if the boys think proper to step over the line as *peaceable emigrants* his authority in Gov't will cease and he thinks it highly probably that he will take a peep at Texas himself.¹

On the whole, it would seem that Jackson, so far as lay within his power, complied fully with the formal requirements of the law. With the sentiment of the South and West what it was, to have removed delinquent officials and put others in their place would have accomplished nothing.

We may next glance at Jackson's attitude toward the asserted violation of our neutrality by General Gaines's crossing the frontier. While there existed no doubt whatever in the mind of the President and of his Secretary of State Forsyth as to the right of General Gaines to cross any supposed or imaginary boundary, they impressed upon him "the duty of the United States to remain entirely neutral"; yet considering the existing tension between Mexico and this country, and the eagerness of Gaines to take a hand in the struggle across the border, Jackson may perhaps incur the reproach of having failed to take all reasonable precautions to prevent General Gaines from exercising with undue haste the discretion which was necessarily entrusted to him.²

¹Carson to Burnet, June 1, 1836. Garrison, *Dip. Cor. Tex.*, I, 93.

²Jackson complained of "those who, indifferent to principle themselves and prone to suspect the want of it in others, charge us with ambitious designs and perfidious policy." Richardson, *Messages and Papers*, III, 237-238. Those who saw in the Texas question only evidences of a dark plot to wrest a large domain from Mexico for the purpose of adding five or six more slave States to the Union, charged the "combination" with sending "volunteers" to the frontier, through the agency and at the ex-

At the same time it should be borne in mind that though to Jackson's mind a sufficiency of causes assigned for the advance of our troops by General Gaines was seriously doubted by him, there existed no doubt whatever in the minds of the Texan authorities of the urgent need of United States troops at or near Nacogdoches for the purpose of protecting the inhabitants on the west side of the Sabine, nor did there exist the slightest doubt in their minds of their being entitled to such protection in accordance with the treaty of 1831. The evidence upon this point is decisive.¹ We

pense of the government. Lundy, *War in Texas*, p. 42. In May, 1836, Webster wrote: "I have no faith in Gaines's prudence, or, indeed, in his purposes." *Writings and Speeches*, XVIII, 19 (Boston, 1903). We find the *New Orleans Bee*, April 23, 1836, protesting that "if Gaines enters Texas with his forces, he exceeds his authority, no matter on what pretext." Von Holst (*History of the United States*, II, 573-583) concludes a ten-page fulmination against the administration with the statement, "a more shameless comedy of neutrality was never played." It is more surprising to find MacDonald (*Jacksonian Democracy, The American Nation*, XV, 215) asserting that "Jackson's defence of his course was utterly specious." On the other hand, see Barker, "President Jackson and the Texas Revolution," in *American Historical Review* for July, 1907, and cf. Garrison, *Westward Extension (American Nation, XVII)*, 87-89. A friend of the administration has this to say: "Duty and interest prescribed to the United States a rigorous neutrality; and this condition she has faithfully fulfilled. Our young men have gone to Texas to fight; but they have gone without the sanction of the laws, and against the orders of the government . . . Prosecutions have been ordered against violators of law . . . if parties and individuals still go to Texas to fight, the act is particular, not national. . . . The conduct of the administration has been strictly neutral." Benton, *Thirty Years' View*, I, 671. Cf., also, Bassett, *Life of Andrew Jackson*, II, 673-681, and especially Smith, *The Annexation of Texas*, 23-25, et seq. This writer can find on the whole nothing to censure in the conduct of Jackson or of the administration touching the question of our neutrality.

According to the *Courier and Advertiser*, October 24, 1836, the United States government in advancing its troops to Nacogdoches was only performing a duty due the inhabitants who it might appear were American citizens and whom the government claiming jurisdiction over them with us could no longer protect in their persons and property.

The *Evening Post*, May 12, 1836, in an editorial defending Gaines and the administration, held that the former's instructions were as guarded as they could well be. This journal protested vigorously against a premature recognition of the independence of Texas by the United States government.

¹On the danger from the Indians, see Carson to Burnet, April 14, 1836. Garrison, *Dip. Cor. Tex.*, I, 83; for report of an alliance between the Cherokees and General Urrea and on the right of Texas to be protected in accordance with the treaty, see Burnet to Collinsworth and Grayson. August 10, 1836, *Ibid.*, I, 119. The New Orleans correspondent of the *Courier and Enquirer*, March 19, 1836, traces the rumor of such an alliance to the *Donaldson (La.) Eagle* of February 13.

find Austin writing to Wharton that he had been assured that the Cherokees, Caddos, Comanches, and other tribes had entered into a combination to join the Mexicans and were prepared to do so when they heard of the defeat at San Jacinto. Austin was convinced that it was of vital importance to the tranquillity of the United States that American troops should continue at Nacogdoches, and that the number should be increased rather than diminished.¹ In January, 1837, Wharton wrote Forsyth that the Caddos within the United States were meditating an invasion of the Republic of Texas and asked that the United States troops should continue at Nacogdoches or at some other point near the frontier.² Ten days later Henderson was urging upon Wharton and Hunt to point out to the Government of the United States the necessity of stationing troops immediately at or near Nacogdoches for the purpose of keeping the tribes in subjection. He too was certain the Cherokees had formed a treaty during the summer with the Mexicans at Matamoros with the intent to attack the people of Texas.³

When rumors of Indian attacks and alliances were thus flying back and forth across the border, is it to be wondered at that General Gaines felt it incumbent upon him to take up an advanced position across the Sabine?⁴

On the whole it is difficult to see how a President could have been animated by a more scrupulous regard for the proper observance of our neutral relations on the part both of the government and of the people than characterized Jackson's attitude during the

¹Austin to Wharton, December 10, 1836. Garrison, *Dip. Cor. Tex.*, I, 156. The *Virginia Herald* of August 20, 1836, prints a letter dated New Orleans, July 29, in which the writer seeks to show that the story of the visit of the Cherokee chiefs to Matamoros for the purpose of making a treaty with the Mexicans was "entirely a fabrication."

²Wharton to Forsyth, January 11, 1837. Garrison, *Dip. Cor. Tex.*, I, 175. Cf. *Ibid.*, I, 187, 195, 203 et seq.

³Henderson to Wharton and Hunt, January 21, 1837. *Ibid.*, I, 177-178.

⁴General Gaines, as is evident from his letter to Governor Cannon, of Tennessee, attached slight importance to crossing a "little muddy branch of the Sabine bay," inasmuch as he was "impressed with the belief that the whole of the frontier would be involved in an Indian war as soon as threatened hostilities between our neighbors on the West are renewed."

For an extended and unfavorable comment upon the proposed action of General Gaines in advancing to "old Fort Nacogdoches," see the *National Intelligencer*, March 10, 1836. Cf. *Ibid.*, September 9, 1836.

last two years of his administration. And equally scrupulous it may be said was the government as to its obligations as a neutral touching the question of annexation.¹

To the cause of Texas independence, Kentucky gave of her sons and means unstintedly. General Felix Huston writing from Natchez in the spring of 1836 has this to say: "I wish to get some men from Kentucky. There is no difficulty in getting as many as I want there, but more difficulty in rejecting those I do not want."² With one exception no trace has been found of any opposition being offered by Kentuckians to the annexation of Texas. In the *Lexington Intelligencer* of July 12, 1836, appeared an interesting article in which the writer urges the people of Texas to avoid any connection with the Southern States; to forbid the immigration of slaves or slaveholders, and pictures all the benefits which would flow from a population of free men.³ But as events were destined to show, his was a voice crying in the wilderness, and his arguments fell upon deaf ears. In this connection it is to be remarked that in all the resolutions which were drawn up in Kentucky calling upon the United States government to recognize the independence of Texas, there is no suggestion whatever of the benefits that would accrue to the South by the possible acquisition of new territory being opened up to slavery. According to one of the leading Kentucky journals, six newspapers in the State were opposed to the annexation of Texas, but the names of these are not given.⁴ The attitude of the press of the State as a whole is no doubt more faithfully reflected in a quotation found in the *Kentucky Gazette* of July 7, 1836, which is copied from the *New*

¹See Smith, *The Annexation of Texas*, Chapter 3.

²*Richmond Enquirer*, May 3, 1836. A "Citizen of the West" writing on Texas in this paper September 2, 1836, remarks that there are "enough volunteers from Kentucky to go to Mexico if Texas had funds to pay the expenses of transportation, and to support them until they reached camp."

³Cf. Wharton to Austin, December 11, 1836. Garrison, *Dip. Cor. Tex.*, I, 152. The writer refers to the annexation of Texas being opposed by some in Kentucky and in other States on the ground that a brighter destiny awaited Texas as an independent State.

⁴On the other hand, the more influential portion of the press of Kentucky sided heartily with Texas. When news of the fall of Bexar reached the State, editorials appeared calling upon the citizens of Kentucky to aid the struggling Texans not only with sympathy but with men and money. See *Frankfort Argus*, April 20, 1836.

Orleans Bee: "But for Presidents Monroe and Adams, Texas would long have been what she should be a State of the American Union."

While urging the propriety of a recognition of the independence of Texas by the United States in the Senate of Kentucky, one of the members used these words: "Kentucky has been to Texas what France was to the British Colonies—she has furnished her with soldiers and money and advocated her cause in the face of the world."¹ A correspondent of the *Louisville Public Advertiser* of June 2 writes: "Kentucky may claim a large portion of the glory acquired in the late decisive victory over Santa Anna on the San Jacinto. We have felt and bled for the safety of our brethren in Texas."²

Both of these statements, though exaggerated, nevertheless, contain an element of truth. Kentucky afforded the struggling Texans moral and material assistance at a time when such aid was urgently needed. With justice she might lay claim to no small share of the "generous sympathy so abundantly manifested by the people of the United States."³

¹The *Commonwealth*, February 1, 1837. As for instance when the lower house of the Kentucky Legislature passed a resolution instructing her representatives in Congress to vote in favor of recognition. It may be noted that Clay was chairman of the Senate committee which on June 18 reported in favor of the conditional acknowledgment of the independence of Texas. Cf. Rather, "Recognition of the Republic of Texas by the United States," in *THE QUARTERLY*, XIII, 218.

²*Kentucky Gazette*, June 6, 1836.

³Burnet to Collinsworth and Grayson. August 10, 1836. Garrison, *Dip. Cor. Tex.*, I, 210.

THE APPROACHES TO CALIFORNIA

FREDERICK J. TEGGART

The paramount interest of California history lies, not in the vicissitudes of settlers in the country, but in the search for a road thither. There neither was nor is any short or easy way of reaching El Dorado; and, from the days of the conqueror of Mexico to the present, the wrecks of lives and reputations have been strewn along the many paths by which men have essayed to reach this land.

In contrast with the coast of California—by which was once designated the whole stretch from Cape San Lucas to Unalaska—the Atlantic seaboard of North America lies open to Europe. To it there was but one line of approach for an expanding western civilization, and the problem of this approach was solved once and for all by Columbus and Cabot. Henceforward the nations—Spanish, Portuguese, English, French, or Dutch—might come, for the way lay open and direct.

To the Pacific Coast, on the other hand, no direct approach was possible. Between western Europe and California there lie, not the oceans merely, but the great land masses of the globe. These obstacles are the primary consideration in her history, which assumes ever new aspects with the opening of new routes. The history of the Spanish period is the record of land expeditions from the south and of hazardous voyages on difficult and uncharted coasts. The short period of Mexican domination witnessed the coming of the Americans from the eastward overland through the wilderness, and of new ventures on the coast by American ships. The conquest in 1846 was but the prelude to the coming of the Argonauts by sea and land, over routes new and old. The conditions created by this mad influx had scarcely been reduced to order when a new chapter was opened with the completion of the first transcontinental railroad. Such, moreover, is the recognition of the importance of these approaches that, in spreading out the unwritten page for a newer chapter, the people of California are preparing to mark its importance with the frontispiece of a great international pageant.

The history of the one hundred and forty years since the first Europeans settled in California turns thus upon the approaches by which men have reached her shores. Back of this period there lie two and a quarter centuries of similar endeavor so that the entire scope of European activity on the coast is unified by one special interest.

To appreciate the significance of these endeavors it is necessary to disabuse one's mind of the idea, expressed in its accepted form by Bishop Berkeley, that the expansion of the nations follows the path of the setting sun. This is an idea evidently born of the movement across the Atlantic; and is one that could not possibly have originated on the western side of the continent. From the standpoint of the Pacific Ocean the question is not merely of Spaniards and Englishmen crossing the Atlantic Ocean and the American continent, but of Russians making their way eastward across Asia and leaving us a memorial of their ambitions in the name of the Russian River; and, further, of the hitherward overflowing of oriental nations that has created in perpetuity the problem of Asiatic exclusion. When the time comes for a new interpretation of the movements of expansion the old conception of a western line of advance may give place to the idea that civilization, spreading out from an original focus in eastern Asia, after traversing equal distances to the east and to the west, is drawing to a new focus on this spot which is opposite the first but on the other side of the world.

It is unnecessary to dwell upon the fact that the earlier explorations of great land masses were, of necessity, made in ships. The world of ancient history was confined to the shores of the Mediterranean Sea; and even today, with all the modern facilities for overland travel, the seaboard of the world are infinitely better known than the inland parts of the continents. Theoretically, in order to reach California from Europe, it was necessary, at the beginning, to pass round either one or other of the two great land masses of the globe. There were thus four possible approaches: the explorer might sail eastward to the north of Europe or to the south of Africa; or he might sail westward to the north or to the south of the American continent. One only of these four has been used as a route to the Pacific Coast, though each of them has in turn been tried. The northern routes are ice-bound, while that

by "The Cape" presents no advantages over the South American route to compensate for the greater length of the voyage it entails. The route by Cape Horn was itself so long and hazardous that the search for an available alternative was eagerly pursued. After centuries of effort the only possible alternative—one first proposed in 1523—is now being made ready by the government of the United States.

The first explorations of the California coast were not dependent, however, on the use of the long sea routes. They were the inevitable sequel to the conquest of Mexico. The efforts of Cortés disclosed no such wonders, however, as had been described by Ordoñez de Montalvo, and can scarcely be called successful from any point of view. The two ships he sent out in 1532 never returned. In 1533 the *Concepción* and *San Lázaro* discovered the extremity of the peninsula, but were otherwise unfortunate. The expedition of 1535, led by Cortés himself, landed at the bay of Santa Cruz, possibly La Paz, but failed in the purpose of establishing a colony. Finally, the expedition under Francisco de Ulloa, in 1539, which was the supreme effort of Cortés, succeeded in exploring the Gulf of California to its head and the outer coast to about the latitude of 28° .

The viceroy, Antonio de Mendoza, next took up the burden of northward exploration. To co-operate with Coronado in the search for the famous Seven Cities of Cibola he sent Hernando d'Alarcón, in 1540, by sea to the head of the gulf. Mendoza had no better fortune than Cortés in discovering fabulous lands and cities, but by his next venture, the expedition under Cabrillo and Ferrelo, in 1542, the California coast was explored to $40^{\circ} 26'$. The return of Ferrelo marks the conclusion of the first period of California exploration—when next the scene opens interests of quite another character are disclosed.

In 1566 Urdaneta crossed the Pacific Ocean from the Philippine Islands to Mexico and demonstrated the practicability of this voyage. The route thus marked out brought the returning galleons to the American coast in the vicinity of Cape Mendocino, and further examination of the coast thus became a matter of necessity. It required, however, the stimulus of Francis Drake to bring the Spanish government to the point of ordering this exploration to be made.

Considering the great extent and complexity of Spanish interests in the old world and the new, it is scarcely just to attribute delay in any one particular undertaking to mere negligence. The difference between the Spanish and English methods of colonizing lay primarily in the fact that while England availed herself of the initiative of her subjects and stepped in to take advantages of their enterprise, Spain insisted that active initiative might come only from the government. Thus it happened on this coast that, time after time, the Spanish crown neglected to take important steps that had been urgently recommended by officials in America, until forced to do so by the energy of the subjects of other powers. Whatever the policy of Spain may have been at any time in regard to the north Pacific Coast, her activities may be traced in practically every instance to the movements of foreigners. Even the explorations of Cortés, inevitable as they would appear, were influenced by his discovery in 1524 that a ship—presumably Portuguese from India—had been wrecked upon the Jalisco coast.

It was the voyage of Drake in 1579, followed by that of Cavendish in 1588, that impelled the Spanish government to act upon the recommendations that had been made for a fuller exploration of the California coast. The position of Spain in regard to the coast might be described by saying that the possession of Mexico gave her the advantage of interior lines of communication. Drake, on the other hand, may be said to have turned the flank of the Spanish position by demonstrating the feasibility of the long detour round South America. The Pacific Ocean was henceforth open to all Europeans, notwithstanding the strategic position occupied by the Spanish power. The attack made by Drake, particularly as it was followed up by Cavendish, was disconcerting, and the more so as it was believed that he had actually found a Northwest passage back to England. Drake was in fact the precursor of Cook in the search for such a passage from the Pacific side, but he returned from his great venture by way of the Cape of Good Hope. Of greatest interest, perhaps, is the fact that his was the first voyage to California made directly from Europe, and, in that sense, he opened the only approach generally available to Europeans for nearly three centuries.

The voyages of Sebastián Vizcaino in 1596 and 1602 were the Spanish reply to these English incursions into the Pacific Ocean.

Vizcaino was directed to search for such a harbor as would be suitable for Philippine ships to visit on the returning voyage from Manila; and to discover, if possible, the strait to the Atlantic. The highest point reached by the second expedition was in the vicinity of Cape Blanco—42° or 43°. The ports of San Diego and Monterey were visited and described, but nearly one hundred and seventy years were to elapse before another Drake could induce the Spanish government to act upon Vizcaino's recommendations.

It was not until the year 1768 that the Spanish authorities took up the subject of colonizing Alta California where it had been dropped in 1603. During this interval some progress had been made towards establishing land routes northward through the peninsula and by way of Pimería Alta. These results were due almost exclusively to the devotion of the Jesuit missionaries—particularly Father Kino. Exploration of the exterior coast there had been none, though the sailing-directions of González Cabrera Bueno, published in Manila in 1734, show a very considerable advance in knowledge. English seamen had touched the coast of Lower California, especially in the earlier years of the eighteenth century—William Dampier (1686, 1704, 1709), Woodes Rogers (1709), George Shelvocke (1721)—but they had been more sincerely interested in the movements of the Manila ships than in making contributions to geographical knowledge.

When the Spanish government awakened ultimately to the need of occupying Upper California the preparations were conducted with so much vigor and determination as to indicate reasons of the utmost urgency for the step. The reasons were, in brief, that other nations were actively engaged in opening up approaches to California. In 1768 the council that determined upon the immediate occupation of San Diego and Monterey founded its opinion in regard to the necessity of this undertaking upon the advances that other nations were making towards this unoccupied territory. The pressure thus exerted came from the four quarters of the globe and California appears as the objective point towards which not only Spain, but England, Russia, France, and Holland were moving. The council referred specifically to the discoveries that had been made eastward by Russia; to the efforts that France had made westward from Canada, and which, since 1763, were being

continued by England; to the search for the Northwest passage conducted by England not only from the Atlantic but from the Pacific Ocean; to the intimate knowledge of the Pacific Coast that had been acquired, on the one hand by Lord Anson, and on the other by the Dutch coming from the East Indies.

The decision having been made, the visitador-general, Don Joseph Gálvez, took charge of despatching the California expedition of which Don Gaspár de Portolá was appointed commander. The force at Portolá's disposal was divided into four parts—two going by land and two by sea. The divisions assembled at San Diego, and, on the 14th of June, set out from that place in search of the port of Monterey. The expedition reached San Francisco Bay in the first days of November, having been unable to identify Monterey from the descriptions of Vizcaino and Gonzalez Cabrera Bueno. It was not, therefore, until the month of June, 1770, that a post was established at the latter port.

The founding of presidios and missions at San Diego and Monterey did not wholly relieve the anxiety of the authorities in Mexico, and, even before the additional explorations of the coast during which Juan Manuel de Ayala sailed the *San Carlos* into San Francisco Bay in 1775, it was considered necessary to send out a ship to investigate the Russian settlements to the north. Accordingly Juan Pérez, in 1774, made a voyage in the *Santiago* to 54° 40', the southern extremity of Alaska. This was the first of a very notable series of exploring expeditions made with the purpose of validating the Spanish claims to the entire coast. In 1775, Heceta and Bodega; in 1779, Arteaga and Bodega; in 1788, Martínez and Haro; in 1790, Elisa, Fidalgo, and Quimper, commanded ships that reached the Alaska coast. The years 1789 and 1790 were full of activity on account of the Nootka Sound controversy; but before the actual conclusion of the incident, which terminated Spain's interests north of California, Alejandro Malaspina, with the *Descubierta* and *Atrevida*, had visited Nootka in 1791 during his voyage round the world, while Galiano and Valdés, in the *Sutil* and *Mexicana*, made the last, and the best known, of these expeditions in 1792.

As a result of these voyages Spain is entitled to the honor of having made the first explorations of the Pacific Coast as far north, at least, as Queen Charlotte Island. Owing, unfortunately,

to the secrecy of the Spanish government the records of the voyages were not published—in fact have not yet been published—and the names given by the earliest explorers have not been retained. From the point of view of Spanish territorial interests these activities on the Northwest coast can only be regarded as aggressive measures designed to protect the settlements in California from the approach of other powers. In this they were entirely successful—it was not until 1812, when the Spanish power in America was nearing its end, that the Russians founded the colony in California that had been a subject of apprehension to Gálvez in 1768.

Of the four possible approaches to California, two, as I have said, would naturally be sought eastward by the north of Europe and westward by the north of America. The best energies of the seafaring nations have been expended in the search for the Northeast and Northwest passages, and it has only been after demonstration beyond question of their impracticability that the necessity of accepting overland substitutes has been admitted.

As early as 1553, and again in 1580, English ships were sent out to search for a Northeast route to the Pacific Ocean. These were followed by Dutch expeditions in 1594, 1595, and 1596; but, though many attempts were made, the accomplishment of the voyage was reserved for Nordenskjöld in 1879.

The opening of the corresponding land route across Asia was the step preliminary to Russian activities in Northwestern America. The transcontinental advance beyond the Ural Mountains is dated as beginning in 1578, and Okhotsk was reached in 1639, "thus completing the march across the continent of Asia, in its broadest part, in about sixty years." By 1706 the Russians had penetrated to the southern extremity of the peninsula of Kamchatka, and ten years later the Okhotsk Sea was crossed for the first time.

The navigations in which we are more directly interested date from 1728 when, by order of Peter the Great, Vitus Bering explored the eastern extremity of Asia. The second Russian expedition was sent out by the empress Elizabeth. Six years were required to convey the men and materials across Siberia, so that it was June 1741 before Bering and Chirikof sailed from Avatcha Bay. The two vessels composing the expedition soon lost sight of

each other with the result that the continent of America was discovered independently by each ship. Chirikof made land at Bucareli Bay on July 15, while Bering reached the vicinity of Copper River on July 20. The misfortunes and sufferings of the crews were extreme, but while Chirikof succeeded in returning to Kamchatka, Bering died, December 8, 1741, on the island which now bears his name.

The fur trade had led the Russians across Asia, and adventurous spirits were at once attracted by it to the shores of Alaska, so it came about that fur hunters played the same part of explorers and pioneers on these northern coasts as in the western parts of the United States. While it is unnecessary for my present purpose to follow the exploration of the Alaska coast in detail, the secret expedition of Krenitzen and Levashef, in 1768-69, may be mentioned for the reason that it was contemporary with the Spanish expedition that resulted in the settlement of California. As the undertaking had been set on foot by the empress Catherine in 1764 there is no improbability in supposing that information in regard to it had been communicated to his own government by the Spanish ambassador in St. Petersburg.

There can, it seems to me, be no reasonable doubt that Russia, at the beginning of the nineteenth century, cherished designs of a far-reaching character in regard to the North Pacific Ocean. Her interest was by no means confined to Alaska. Explorations were systematically made on the Asiatic coast as far south as Japan, and on the American coast as far south as Lower California. Under Baranof, one of the most striking figures in American history, two positions were occupied in the Hawaiian Islands, a fortified post was established in California—first at Bodega Head, and later at Fort Ross—and hunting stations were maintained on the Faralones outside San Francisco Bay, and on the islands off Santa Barbara. Whatever projects there were, and Russian commanders of the time in the Pacific speak with confidence, the foothold in California was abandoned in 1841; by 1854 proposals had been made to the United States for the cession of Alaska, and the Russian empire in America came to an end in 1867. Thus the eastward yielded to the westward advance.

The search for the Northwest passage continued from 1497, when John Cabot discovered the entrance to Hudson Strait, until

1907, when Amundsen completed his four years' voyage by sailing into San Francisco Bay. It is an interesting illustration of the view here set forth that the ship in which the navigation of the Northwest passage was finally accomplished now floats upon a pond in Golden Gate Park.

Up to the beginning of the eighteenth century so little had been done towards elucidating the geography of the north and northwest of America that it would be unsuitable, in the present instance, to go into details respecting the earlier explorations. The activity shown by Peter the Great in sending out Bering was not confined to Russia, the commercial ambitions of other European nations, particularly England and France, led, at the same period, to world-wide explorations looking to the development of foreign trade. As one of the great unexplored areas of the globe was the Pacific Ocean, it was inevitable that the search for a Northwest passage would be taken up again with renewed vigor. The new advocate of the quest was Arthur Dobbs, and owing to his persistence three expeditions were sent out before the middle of the century. The Hudson's Bay Company equipped two ships which sailed in 1737 but never returned. The English government detailed two ships in 1741 which did not get beyond the confines of Hudson's Bay. Finally, Dobbs succeeded in raising sufficient money by public subscription to send out two ships more in 1746. One of these Dobbs named the *California*, thus indicating the further object of the undertaking; and it is of interest to know that the scheme for which Dobbs could obtain such generous support contemplated that "if a discovery should be made of this passage, . . . a considerable settlement should be made in California; . . . that settlement should be made the rendezvous for all ships going from or returning to Europe, . . . and should be the head settlement, as Batavia is to the Dutch in India, and from hence the trade might spread to Asia, India, Mexico, and Peru; and from this place the islands in the great South Sea might be discovered, and a commerce be begun with them."

The exploration of the South Sea did not wait upon the charting of a Northwest passage. After Anson's voyage (1740), Byron (1764), Wallis and Carteret (1766), and Captain Cook (1768, 1772, 1776) continued the work he had commenced of exploring the Pacific Ocean—and of alarming the Spanish authorities in

regard to the safety of their possessions. Cook's third voyage was made for the purpose of examining the northwest coast for a passage or strait to the Atlantic; this was not found, but the indirect result of the voyage was the beginning of the fur trade on the northwest coast by English and American ships. The opposition of the Spanish authorities in Mexico to this trade led to the Nootka Sound controversy which gave world-wide prominence to the northwest coast and terminated Spain's claims to sovereignty north of California. Before the Nootka affair had been finally settled between England and Spain the United States had acquired a first footing on the Pacific through the discovery of the Columbia River by Captain Gray on May 11, 1792. The next year, moreover, the continent was crossed for the first time.

The progress of the French across the continent that gave concern to Gálvez and the *junta* of 1768 in the city of Mexico, reached its farthest point west in La Vérendrye's discovery of the Rocky Mountains in January, 1743. Years elapsed, however, before this discovery was followed up, and then it was by English fur traders. In 1769 Samuel Hearne was sent out by the Hudson's Bay Company and before his return in 1772 had reached the Arctic Ocean at the mouth of the Coppermine River. In 1789 Alexander Mackenzie, a member of the Northwest Company, explored to its mouth the river that bears his name; four years later he crossed the Canadian Rockies and reached the Pacific Ocean opposite Queen Charlotte Island on the 22d of July, 1793.

It was not Mackenzie's route, however, but that of Lewis and Clark that proved to be the long-sought substitute for the northwesterly route to California. The line of approach in the latter case was by the Missouri River, which had previously been explored as far as the Mandan nation in North Dakota by the subjects of Spain in Upper Louisiana. Lewis and Clark made the overland journey from St. Louis to the mouth of the Columbia River and return between 1804 and 1806. In reality the American approach to California involves the entire history of the "westward movement" from ocean to ocean. By this expedition, joined with the purchase of Louisiana in 1803, it was advanced to the Pacific Ocean. With the acquisition of Louisiana fur traders and trappers overran the new territory and penetrated again beyond the contiguous Spanish frontier. So by the end of the third de-

cade of the nineteenth century the first beginnings of the overland stream of American immigration appear in California in the persons of Jedediah Smith (1826) and the two Patties (1828).

The contrast between the Spanish and English methods of colonization are nowhere more apparent than in the respective approaches of the Spaniard and American to California. Not so much as an adventurer had penetrated to Alta California from the southward when in 1769, an expedition under the direct auspices of a minister of the crown, led by an officer in the Spanish army, accompanied by friars duly appointed as missionaries, set out for the purpose of establishing a government at Monterey and San Diego. Not until the machinery was installed did the authorities in Mexico turn their attention to promoting settlement.

On the American side a period of conflict with Spanish neighbors across the Mississippi was ended suddenly by the Louisiana purchase. American frontiersmen and traders instantly crossed the river to exploit the new land, and within a quarter of a century had opened paths into every part of it. Where these adventurers led the American government followed—tardily. So in Oregon there arose the curious anomaly of a joint occupancy, while the American settlers in Texas had erected and maintained an independent government before their own extended its protection over them. The American approach to California was begun by individuals making their way there by sea round the Horn and overland across the continent; it was made effective by the establishment of American government in Oregon and Texas. When this had been accomplished it was obvious that a continued hold by Mexico on this territory was strategically impossible.

Nevertheless a great barrier of mountains, chasms, and deserts lay between California and the country east of the Rocky Mountains and it is not at all certain that a Pacific Republic would not have arisen if the railroad had not provided a new approach.

In the long run, however, it has been realized that something more than a railroad is necessary—a country can not be colonized effectively on the basis of the expenditure incidental to transcontinental travel. Hence it is that the discovery of a route by water has lost none of its importance with time. We go back now in the twentieth century to create the route dreamed of in the sixteenth century, and utilized in anticipation, one might say, by

the buccaneers of the seventeenth. The canal at Panama has many justifications but principally is it important, in the eyes of a Californian, because it brings Europe as near as is physically possible to his own shores.

I have now indicated the lines of approach that have been followed by Europeans in reaching the remote coast of California. With the other half of the subject, the lines of approach by which the peoples of Asia have reached the same place, it is not a present intention to speak further than to say that the expansion of oriental nations has more than once brought European civilization to the test, and that the brunt of a great oriental expansion confronts this western outpost of European civilization. It can not be supposed that laws of our own promulgation will of themselves afford us protection when the dense masses of China, for example, discover that the barrier of the ocean is no longer impassable.

CORRESPONDENCE FROM THE BRITISH ARCHIVES
CONCERNING TEXAS, 1837-1846

EDITED BY EPHRAIM DOUGLASS ADAMS

III

ABERDEEN TO ELLIOT¹

No 17.

Foreign Office
November 3d. 1842.

Sir,

With reference to my Despatch No 15 of the 3d. ultimo upon the subject of the Relations between Mexico and Texas, I inclose to you, for your information Copies of a communication which I have received from Mr Ashbel Smith, and of a correspondence which I have held with Her Majesty's Ambassador at Paris, having reference to that subject.²

Aberdeen.

Captain Elliot. R. N.

¹F. O., Texas, Vol. 18.²This correspondence treats of the project of joint mediation between Mexico and Texas, by England, France, and the United States. Aberdeen declined to join in this, stating England's preference to act alone. The enclosures were:(1) Smith to Aberdeen, August 19, 1842. (In Garrison, *Diplomatic Correspondence of the Republic of Texas*, III, 1011, in Am. Hist. Assoc. Report, 1908, II,—but the date there given is "August 15 (?)." In this was enclosed copy of Smith to Guizot, August 15, 1842. (In *Idem.*, III, 1387.)

(2) Aberdeen to Cowley, No. 147, October 15, 1842. Aberdeen here stated that England, carrying out the plan of her treaties with Texas, had already offered mediation, but had met with no encouragement, and that since Mexico was at the moment angry at an alleged violation of neutrality by the United States, more might probably be accomplished by similar individual action, than by joint action. He enclosed to Cowley correspondence to show that there was little present prospect of Mexican acquiescence in the proposed mediation. These letters were: Aberdeen to Pakenham, No. 21, July 1, 1842; and No. 24, July 15, 1842; Pakenham to Aberdeen, No. 80 (September?). 1842.

(3) Cowley to Aberdeen, No. 349, October 24, 1842. For comment on the proposed tripartite mediation, see Adams, *British Interests and Activities in Texas*, 117-119.

ELLIOT TO ADDINGTON¹

Private.

Galveston. November 15th. 1842

My Dear Sir,

I have to acknowledge and thank you for Your Note of the 3d Ultimo.² The President is General Houston of your acquaintance, and I am sure that your friendly recollection of him will afford him great pleasure. His career during too large an interval between that time and this, has been strange and wild. Defiance of, and expulsion from a branch of the Legislature of which he was a Member, a domestic tempest of desperate violence, and calamitous consequences, habitual drunkenness, a residence of several years amongst the Cherokee Indians, ruling amongst them as a Chieftain, and begetting sons and daughters, a sudden reappearance on this Stage with better hopes and purposes, and commensurate success, but still with unreclaimed habits.

Finally however, a new Connexion with a young and gentle woman brought up in the fear of God; conquered no doubt as women have been from the beginning and will be to the end by a glosing tongue, but in good revenge making conquest of his habits of tremendous cursing, and passionate love of drink. Whatever General Houston has been, it is plain that *He* is the fittest man in this Country for his present station. His education has been imperfect, but he possesses great sagacity and penetration, surprising tact in his management of men trained as men are in these parts, is perfectly pure handed and moved in the main by the inspiring motive of desiring to connect his name with a Nation's rise. Adverting to his general safe and reasonable policy with respect to Mexico, it must certainly be admitted that He sometimes says and writes what appears to be capricious and contradictory.

But the truth is that He knows his own people thoroughly, and when He seems to be running with them, He is probably satisfied

¹F. O., Texas, Vol. 4.

²Not found. Presumably a private letter, but apparently in response Elliot began the series of unofficial letters to Addington, which convey his personal impressions and opinions in regard to Texan matters. He no doubt understood that these letters were to reach the foreign office, and in fact they were filed with the formal, official despatches addressed to Aberdeen.

that opposition would only provoke their precipitate purposes. With hard fare at the point of assembly, skilful delays on the part of the President, and an abundant measure of mutual laudation, the fit passes away innocently enough.—

You desire me to remark that the release of the “Montezuma,” and the disallowance of the Blockade are not to be taken as evidences of ill will to Texas or partiality to Mexico. There will be no difficulty in making the President understand this because his conceptions are founded upon larger notions of direct motives, and straight proceedings than those of most men in this Republic. In regard to the public, the case is different. The suspiciousness of the United States races, and absurd imputation of the policy and conduct of our Government to recondite Motives, and perfidious purposes, afford unhappily the most convincing and distressing proof of their own twistiness and unfriendly feeling. They cannot believe in open or fair dealing, because, speaking generally, they are without the ideas or impulses which makes such conduct intelligible. The consequence of this moral and blundering blindness is manifesting itself just now amongst the good folks of Texas in a pretty general belief that Her Majesty’s Government are sitting early and late in London, debating to and fro, how to compass the strangulation of this young Hercules, and it is probable that we shall have some songs to that tune during the approaching Session of Congress.

Driven away by some of those springs of local politics, feuds and jealousies, which run into such long streams of talk and knavis[h]ness, on this side of the Atlantic, and are so insignificant and unintelligible every where else, the President has convened Congress to assemble at Washington on the Brazos, where there are 12 or 13 Wooden shanties, and to which place there are no means of getting except in an ox train, or on a Bât horse. My worthy American Colleague Mr. Eve, who is suffering from indisposition, has requested me to wait till He is well enough to accompany me, for the sake of Company, and better protection against Indians, or Mexicans, or wild beasts, and we are then to set forth to this Legislature in the Provinces with such appointments to do Honor to our respective Countries, as may find place in two pair of Saddle Bags.—The President writes to me in a private Note a few days since, that He finds things at Washington rather raw

and as He has been accustomed to the elaborate comforts and luxuries of an Indian Wigwam, I presume he must be living in a commodious excavation.

Meditating on the situation and prospect of this Country, and other interests connected with it, I cannot help lamenting more and more that free labor has not been its foundation Stone. The advantages to the Country itself would have been vast indeed, not merely on the results springing from Men's sense that they were laboring for their own and their Childrens' advantage, not merely in beginning upon sound, instead of rotten principles, not merely in drawing to the land much larger proportions of the orderly and enterprising settlers from the free States of the American Union rather than the reckless people of the South, but because immediately considered it would have left Texas clear of a very dangerous state of circumstances, if the Mexicans do invade the Country, and indeed I cannot but think that to have made Texas a fine State, would have been at once to disarm the hostility of Mexico against it's consolidation, and advancement.

Texas, with a free population would of course have been an object of great dislike and suspicion to the South Western States of America, and therefore an effectual barrier between them and Mexico. And it is manifestly the permanent interest of this Country to cultivate more intimate and friendly relations with the people and things Westward of the Rio Grande, than with those East of the Sabine. If wise Councils could be heard here, I think they point to a course which it may not yet be too late to pursue, and which I do fairly believe would be attended with vast advantages to this Country, to our own substantial concernment, and to the great interests of humanity. My scheme supposes another Convention in this Country. Slavery to be abolished, the entire abolition of political disabilities upon people of Colour, *perfectly free trade* to be declared to be a fundamental principle; the right of voting to depend upon a knowledge of reading and writing, and a pretty high money contribution to the State, with the payment charge to be made in advance, Congress to have power to *lower* the rate from time to time according to the state of the public necessities; stringent legislation against squatting, in the form of a land tax and otherwise, improvements upon the well established

failure and folly of a yearly elected Legislature and other liberality of the rhodomontade school.

It seems to be scarcely doubtful that the Northern and North Eastern part of Mexico, from Tampico on the East Coast, to San Blas on the West, (involving the most important parts of the Country) would soon find it their interest to join a State founded upon such principles, or at all events constrain their own Government with the adoption of an equally liberal scheme of Commercial policy.

Foreign Merchants, foreign Capital, and foreign enterprize and principles would soon find their way into those great and rich regions by peaceful means, and the power of the United States on this Continent would be gradually balanced, and yet without motive for collision; Indeed it seems possible enough that the North Eastern States would not be disturbed to see the power of the South and West effectually limited, and a bound marked, beyond which Slavery could not advance. In all such speculation the question immediately presents itself how it is reasonable to expect that a Legislature of Slave Holders will ever consent to make a present sacrifice for a prospective and remote advantage. I have had much experience of such bodies and I know that they talk violently of holding on to their property to the last gasp, of the lawfulness of the System, of the sanction of it in the Bible, Abraham's Slaves. J. L.¹ and then there are always many hard words about Irish Slaves and press gangs and the like. But in the main, their circumstances make them a timid and needy people, and ready enough to compound reasonably for a monied consideration

Neither do I doubt that a sufficient loan could be readily raised in England to enable this Government to compensate the present Slave Holders, upon the frank and full adoption of such a system as I have spoken of. I attach great importance to the entire abolition of disability upon people of Colour. Such a Stipulation would at once bring into this Republic tens of thousands of most abused and intelligent people from the United States, and would be exceedingly agreeable to a very influential and wealthy party

¹Meaning uncertain. Possibly should be read V. L., meaning *vide locum*; or I. L., meaning *in loco*.

in our own Country. The present conjuncture is particularly favorable for the Commercial part of the scheme, by reason of the late foolish tariff in the United States.¹ Your kind note has enabled me to trouble you with new thoughts, inadequately expressed, and clumsily thrown together, but I beg you to believe not hastily adopted. In a former part of my Official career I had much reason to think upon the subject of Slavery, and to watch it's effects, and I have long since formed the opinion that bad as it is to the enslaved, it is ten times worse to the enslaver, and to the Country in which it obtains. It is a rot at the heart of society, debasing the Master Classes more and more, robbing prosperity of all sense of security, and frightfully aggravating the calamities and the risks of adversity.

I am perfectly sensible that it does not consist with the principles or policy of Her Majesty's Government to interfere with the Institutions of other Countries, and I feel I need scarcely say to you that situated as I am I should guardedly abstain from offering any opinion here upon this Subject. If I were approached upon it, and you are perfectly aware that it is just one of those topics upon which the motives and purposes of H. M. Government are so absurdly misconceived about, I should say, that Her Majesty's Government would of course expect a faithful fulfilment of the Slave treaty with this or any other Country, that the abhorrence of the British Nation to the system of Slavery in The Queen's Dominions, had been manifested before the whole world by a costly sacrifice, but that nothing could be further from the intentions of Her Majesty's Government than to interfere with the Institutions of other Countries. It has occurred to me that it might be useful if Lord Aberdeen would be pleased to give me authority to pay a visit to Mexico on leave of absence, if I saw reason to think that my representations on that question might smooth away some of the difficulty in the adjustment of this mischievous contest, but in making this remark I take the liberty to say that I have no personal wishes upon the subject, and have merely mentioned it because I consider it my duty to declare whatever I think may be of advantage to the public Service. I feel assured that you will accept this declaration literally.

¹The tariff of August, 1842, which raised duties above twenty per cent.

It is the bare truth that personally speaking I am weary of going and coming, and would think it my greatest blessing if I had when [been] invitted to sit down (upon the most modest footing) for the rest of my days very far off from public life or politics of any kind. I hope you will not consider this tedious letter to be an intrusion, that the conjuncture with respect to this Country is so important that I conclude you will be content to hear [more] advice upon the subject, than might be the case, if it had passed through it's troubles.

Charles Elliot.

To H. U. Addington, Esqr. etc.

P. S. If any North American Mails should come to you after the arrival of this one conveying these letters without communications from me, perhaps you will be so good as to ascribe the omission to my absence at Washington. Communications between that place and the Coast are quite uncertain.—May I beg you to offer my best respects to Lord Aberdeen and Lord Canning

Charles Elliot

KENNEDY TO BIDWELL¹

Liverpool, November 16th, 1842.

Sir.

I beg to inform you that I shall embark today at Liverpool for New Orleans, on my way to my post at Galveston.

William Kennedy.

John Bidwell, Esq. etc.

ELLIOT TO ABERDEEN²

Secret.

Galveston November 16th. 1842.

My Lord,

A private letter from the President of which the inclosed is a copy has this moment reached me, and as the Steam Boat is upon the point of sailing to New Orleans, I have no time to offer any observations upon the Subject; but it must be unnecessary to

¹F. O., Texas, Vol. 3.

²F. O., Texas, Vol. 4.

say to Your Lordship that I am prepared for any Service which may be committed to me.

The indisposition of my Colleague Mr. Eve has detained me here at his request till He should be well enough to accompany me to Washington, where however we shall proceed in the course of a day or two.

Affairs remain in the Situation reported in my last despatches.

Charles Elliot.

To the Right Honorable.

The Earl of Aberdeen, K. T. etc.

HOUSTON TO ELLIOT¹

[Enclosure.]

Private.

Washington 5th. November 1842

My Dear Sir.

I am about to present a suggestion to You, and I hope it will claim your indulgent consideration. It is quite novel in it's character and would to one, not perfectly acquainted with my direct way of business, require some apology.

You are aware of my intense anxiety for peace with Mexico. To obtain it I do not care to pursue formal means. I know of no Gentleman, whose agency in my estimation would go farther in the attainment of the object than your own were it possible to obtain your personal Services. Should it be agreeable for you to be so employed I am well aware that the permission of Your Government (of Her Majesty The Queen) will be necessary. This you could do, if you may deem it proper, and the sacrifice is not too great upon your part. I can claim nothing on behalf of My Country or myself individually of Captain Elliot, but I desire to hope everything for Texas.

I had the pleasure to peruse your despatch to the State Department, and regret the bearing which attached to a portion of the protest. It will be rectified forthwith. It was owing as I presume to a misapprehension of the revocation of the Blockade on the part of the Acting Secretary of State, as I feel pretty well

¹F. O., Texas, Vol. 4.

assured, that as the Archives had not arrived, that He could not refer to the Proclamation, and I am not certain, as He had been absent that He had ever seen it; as we had no Mails to the Eastward, where He was at the time it was promulgated.

Nothing conclusive has been heard of the treaty with the Indians, but as usual I hope for the best.

As Congress is called to convene on the 14th Inst. it will afford me great pleasure to see Her Majesty's Chargé d'Affaires. It will be of much importance to Texas if you could be here one or two days previous to the 14th.

Mrs. H. as well as myself have been quite indisposed for some ten or fifteen days, but are now pretty well with a hope of better health.

It will afford me much pleasure to hear from you by Mr. Scott on his return. I have many thanks to render you for past favors.

And beseech you to regard me as faithfully Thine.

Sam. Houston.

The Honble. Charles Elliot. etc.

ELLIOT TO ABERDEEN¹

No. 15.²

Houston. November 24th. 1842.

My Lord.

In reply to Your Lordship's despatch No. 16 of the 18th Ultimo, I have now the honor to transmit the requested information, and I remain.

Charles Elliot.

To the Right Honorable

The Earl of Aberdeen, K. T. etc.

¹F. O., Texas, Vol. 4.

²No. 14, Elliot to Aberdeen, acknowledging receipt of dispatches, is omitted.

Return to the information required in Lord Aberdeen's despatch No. 16 of Oct. 18. 1842 respecting Texian Marine¹

Vessels Names	How rigged	No. of Guns	Situation	Where built	Time of arrival in Texas, and Names under which they arrived
Austin	Ship.	18	Still at New Orleans.	Baltimore	1840 "Austin of Baltimore"
Wharton	Brig.	16	Do. Do.	Do.	1839 "Colorado of Baltimore"
Galveston	Do.	Do.	dismantled and unmanned at Galveston	Do.	1840 "Galveston of Baltimore"
San Bernard.	Schooner	7	Stranded in the late hurricane at Galveston	Do.	1839 "Scorpion of Baltimore"
San Antonio	Do.	Do.	Missing, and supposed to be lost in the late hurricane	Do.	1839 "Asp of Baltimore"
San Jacinto	Do.	Do.	Cast away on "La Arcas" Shoal in 1841	Do.	1839 "Viper of Baltimore"
Zavala	Steamer		Water logged at Galveston	Philadelphia	March 1839.

¹F. O., Texas, Vol. 4.

The whole force came out under American Colours, as Merchant Vessels, bringing freight and Passengers; But with their Armament in their respective holds, completely fitted, and ready to go into their places; Powder, shot, stores, and provisions, for six Months.

With the exception of the Steamer "Zavala" the whole Squadron was supplied by the firm of "Wm. Dawson & Co. of Baltimore"; British Subjects by birth, but I am unable to say whether they have not assumed the privileges of Citizens of the United States.

The Steam Vessel Zavala was supplied by Samuel Hamilton of Charleston

Charles Elliot.

Houston Novr. 24th. 1842.

ABERDEEN TO ELLIOT¹

Draft.

F. O. Decr. 3. 1842.

Captn. Elliot.

No. 19.

Sir,

I have to acquaint You in reply to Your Despatch No. 5 of the 1st of September, addressed to Mr. Addington, that under the circumstances therein stated, H. M's Govt. approve of Your residing usually at Galveston, instead of Austin; And in the present unsettled state of the Country, I leave it to your discretion to reside, according to circumstances, wherever You may consider Your presence most conducive to the Interests intrusted to Your Charge.

ELLIOT TO ABERDEEN²

Private.

Galveston. December 11th, 1842.

My Dear Sir.

Since I had the pleasure of writing to you on the 15th Ultimo, I have been to Washington, but my stay there was shortened by the necessity of returning for advice and care on account of a bad

¹F. O., Texas, Vol. 4. The letter is unsigned.

²F. O., Texas, Vol. 4.

accident which befell me on the way up—The Steam boat in which we were going to Houston struck the ground at night, and the tarpaulin leaven within me moved me to go out, and watch the people heaving her off. A hatch had been carelessly left open, and I stepped down into the hold; a friendly bale of cotton bringing me up with just jerk enough to dislocate a rib.

For the first day or two I did not feel the pain very acutely, and being anxious to see the President, I thought that with fast bracing, and lacing, and gentle riding I might bear the stress of the journey, but I find now that it would have been more prudent to take the Doctor's urgent advice, and abide at Houston. At least 50 Miles of the way was through a quick sandy bog, and rough riding, and a Blanket on the plank (which last retirement I preferred to half Judge his bed!!) have not helped me. However I am one of the best practised men of my time to strange accidents, and hard rubs of all kinds, and I hope to come straight enough again, for all that is come and gone.

I found as I anticipated that the President needed no explanation respecting the release of the "Montezuma" and the disallowance of the blockade. He said he would detail to me what he understood to be the Motives of Her Majesty's Government, and He had certainly perfectly apprehended them. Being upon the topic, He requested me to present his Compliments to Lord Aberdeen, and say that the tone of Mr. Ashbell Smith's correspondence relating to the release of the "Montezuma" had been a Subject of much concern to him. That Gentleman's natural and laudable anxiety for the interests of his Country had rather hurried and misled him, but He owed it to him to state that his subsequent communications to Texas had frankly and fully admitted his own error.¹ The President for his own part knew the British Government never meant any thing else than it said, and never performed less than it promised. He had the most abiding confidence in the Neutral professions, and very friendly dispositions of Her Majesty's Government.

¹No evidence has been found that Smith made such an admission, but Houston did mildly state his disapproval of Smith's vigor in the affair of the *Montezuma* and *Guadalupe* (Terrell to Smith, December 7, 1842. Garrison, *Diplomatic Correspondence of the Republic of Texas*, III, 1057; in *Am. Hist. Assoc. Report*, 1908, II.)

He then took occasion to place in my hand a letter marked "Private and Confidential" from General Hamilton dated at Washington in the United States sometime in the Month of October.¹ That Gentleman stated that He had recently had some Conversation with General Almonte, the Mexican Minister in the United States, upon the subject of the difficulties between Mexico and Texas, and thought He was reasonably disposed, rather than otherwise. General Hamilton concludes with the offer to be useful through that Channel, in any way that the President might suggest. The President wished it to be said to Lord Aberdeen that He entirely disclaimed this interference upon the part of General Hamilton. He [Houston] had direct official relations with this Government, [Great Britain] disposed to be helpful to Texas, and He considered it particularly due to Lord Aberdeen and to himself, to disavow all proceedings of the kind. He would employ no other channels of Communication than Official and responsible, and General Hamilton's proposal was the contrary of suitable or agreeable to him. As nearly as I can remember that was General Houston's express language, and He particularly requested that it should be conveyed to Lord Aberdeen as soon as convenient. I mentioned to him (with reference to his private letter to me forwarded in my Second Despatch to Lord Aberdeen of the 16th Ultimo) that I had sent it to England, and was of course ready for any course Her Majesty's Government might sanction.

He expressed himself very obligingly to me, and said that He had a belief that my visit to Mexico would be productive of advantage to this Country, and further the purposes of Her Majesty's Government. Whilst I was at Washington I spoke both to the President and the Attorney General upon the absolute necessity of adjusting the long delayed claims for the "Eliza Russell" and "Little Pen." They both assured me that the first should be settled as soon as the Governmt. could lay its hand upon a few dollars, which I must know they had not done since my arrival in the Country. With respect to the second, Mr. Terrell shewed me an opinion He had given just before my arrival upon a claim pre-

¹See two letters from Hamilton to Houston, November 6 and 25, 1842, in Garrison, *Diplomatic Correspondence of the Republic of Texas*, I, 638-640; in Am. Hist. Assoc. *Report*, 1907, II.

ferred by the Agents of Mesr. F. Lizardi, and Co., and excused himself and the Secy. of State for not acknowledging my note upon the subject, upon the plea of absence from the Seat of Government, and the removal of the papers from Houston. He did not say so, but I have otherwise reason to believe that they hoped to have been able to settle the claim for the "Eliza Russell" before this, and I presumed that they were averse to write till they could promise payment upon that account.

The case of the "Little Pen" is not free of difficulty, but it will be my duty to communicate upon this Subject Officially by the next opportunity, and therefore I say no more at present. These despatches carry you the President's Message to Congress.¹ He did me the favor to read it to me before it was submitted, and asked me what I thought of his finance scheme. I told him I was a very inadequate judge of such matters, but I must frankly admit that I could not think it would be efficacious. It appeared to me that the Cherokee land was no sufficient basis for the support of the Exchequer Bills in the Market. In the present state of this Country there was no raising funds upon the best improved land in the Republic; with the best titles, and in the least disturbed parts of it and therefore, casting no disparagement upon the Cherokee lands, it certainly seemed to me that their value was of rather too prospective a nature to serve as a solid foundation for an actual paper issue. So far as I could judge from all I had seen, or read, the single course for a Governnt. and Country in the Situation of Texas was to be as economical as possible, to adhere with unfailing honesty to the declaration, and determination to pay their debts whenever they could, and to promote trade and industry by every means of encouragement.

In this view I had much hoped that the President would advise Congress to repeal the dishonest Bill of the July Session,² which would have the effect of making the Exchequer Notes receivable for Customs Imposts at their full value, then I thought that with resolutions of Congress forbidding the issue of another Dollar

¹President Houston's message is dated December 1, 1842. (*Journals of the House of Representatives of the Seventh Congress of the Republic of Texas*, 10-28.)—EDITORS OF THE QUARTERLY.

²The bill referred to by Elliot is "An act to regulate the collection of impost duties," approved July 23, 1842. (Gammel, *Laws of Texas*, II, 812.)—EDITORS OF THE QUARTERLY.

until the whole amount in circulation fell within such an amount as would be absorbed by the duties within a period of three Months, and future monthly publicity of the amount issued, and the amount absorbed, He might expect to keep up the value within some reasonable distance of a specie value. I had also hoped to see a recommendation to sweep away the tonnage duty, which was no more than a device to prevent ships from coming to Texas, and to enhance the value of imports to a people that could ill enough afford to pay for them at the minimum price, at which they could be supplied. The tariff too at it's present rate (an average of at least 25 per Cent over the general mass of imports) might be lowered more than 50 per Cent, with great advantage to the revenue, and to the Consumer—And I could not [help] thinking it, would be worthy of his general wise course of policy to advise Congress to declare that it was expedient to lower the tariff to such a point as would serve to pay the expence of noting exports and imports for Statistical purposes and no more, as soon as the people had the common sense to pay their land and direct taxes, so that the Government might be supported in the way best suited to them on we!! understood interests.

The President required that the Custom duties at their present high rate should be paid in Gold and Silver, but I could not perceive how the Merchants were to get their Gold and Silver. They could only purchase it by bringing in less goods, and He must excuse me for saying (seeing that I was weak of stomach, and could not easily digest the modification of Sawdust, which they call "Corn bread", that is bread made of Indian Corn) that flour, and coffee, and sugar, and clothes, were to the full as useful as Gold and Silver. The Merchants were already obliged to wait nearly two years for the produce returns for the goods they supplied to the Planters, and if those goods was to be charged with 25 per Cent more in the price, which would be at least necessary to cover the cost of the Gold and Silver duty payment, it seemed to me that they would all find a remedy for the mischief, by keeping the whole trade of the Country the wrong side of the Custom Houses.

The President answered this with a form of expression which He often uses—"My dear Commodore as soon as I have hung a

dozen of these Smugglers, we will have no more of it; only let me execute them, Sir, and we shall get our revenues quite steadily." I said that I did not pretend to dispute that hanging might be a very good thing in it's way, but I remarked that a very venerable Sovereign in whose Dominions I had passed several years of my life, and where the Laws were generally respected to the full as energetically as they are disregarded in other places, had tried the experiment of hanging, drawing and quartering for this peccadillo, wholly without effect. I believe He would be disposed to admit on reflection that the history of the whole world had found that Smuggling had always beat various fiscal systems, after immense loss, and great mischief of other kinds to the Governments and people where they had obtained. He shook his head at this, and was not prepared to agree with me—the truth is that General Houston has two sides to his understanding, one very clear indeed, and the other impenetrably dark. Let him speak of men, on public affairs, or the tone and temper of other Governments, and no one can see farther, or more clearly. The moment He turns to finance or fiscal arrangements, you find that he has been groping on the dark side of his mind.

I feel that I should offer you an excuse for troubling you so long upon this topic, but I cannot but think that it is an object of very considerable importance that this Country (situated as it is), should be launched upon sound principles in this respect. With Mexico upon one side, and the United States upon the other, it is much to be wished they should establish their own Commercial footing upon a sound basis.—A subject upon which General Houston's policy and personal feeling is particularly honorable and wise is the treatment of the Indians. He has adverted to it with his usual liberality on this occasion, and I cannot help thinking that it would fortify him in such purpose, and be attended with good general consequences, if Lord Aberdeen would notice that point in any manner that might seem suitable to His Lordship.—The most tremendous crime of these modern times is the treatment of the Indians on this Continent. Robbers and Murderers pronounce that the civilized man cannot live in peace with the Indian, and the whole Christian world accepts the precious falsehood, as one of the undeniable and inscrutable truths of God's way upon Earth. In at least eight cases out of ten, the first perfidy as well as the

first rapine is on the side of the Civilized savage, and then of course, there is nothing for it but to kill these poor wretches, or to be killed by them.

I am cordially for the President's favorite remedy in the case of outrage to Indians. You will judge by the general tone of His Message that we are in a sorry, and very inflamed condition, but they do not appear to be in a much sounder state in Mexico, and sure I am that Texian *means of defence* are more to be depended upon, than Mexican means of *offence*.—But it would be a wise and a great policy to put peace between them, starting this Country upon principles that would gradually detach her from the United States connexion, and bind her to the Countries South West of Her, enduringly—Reflection strengthens me in the persuasion that such a combination is practicable,—and I hope I am not stepping beyond my place in expressing the opinion, that it is a policy recommended by very high considerations.

Free labor, and a steady Government at this point, would make it a station of great interest, on a theatre of great and growing importance. I am almost ashamed to forward you this letter, but with a hard hand at the best, I would add, that it is painful to me . . .¹ much just now, and I write with more difficulty than usual. Requesting your excuse—

And begging you to present my respects to Lord Aberdeen, and Lord Canning.

Charles Elliot.

H. U. Addington, Esqre. etc.

ELLIOT TO ABERDEEN²

No. 18.

Galveston December. 14th. 1842

My Lord,

During my recent visit to Washington I took an opportunity to call Mr. Terrell's attention to the note which I had addressed to this Government on the 26th September upon the subject of the

¹Illegible.

²F. O., Texas, Vol. 4. No. 16, Elliot to Aberdeen, enclosing Houston's Message of December 1, 1842; and No. 17, enclosing copy of letter Terrell to Elliot, October 16, 1842, are omitted.

claims for the "Eliza Russell" and "Little Pen."¹ He requested that the removal of the Government from Houston, and Mr. Jones's and his own absence on other service might excuse the want of reply to that communication, but I was assured both by the President and himself that there was great anxiety to adjust the claim for the "Eliza Russell" and that the destitute condition of the Treasury was the sole obstacle in that respect. Mr. Terrell then shewed me an opinion which he had given as Attorney General upon the claim of the "Little Pen" submitted by Messrs. Lizardi and Cos. Agents, some short time before I arrived in the Country, and the Inclosed is a copy of a note which I have subsequently addressed to him.²

In the shape that the case had assumed I felt it incumbent upon myself to enter into it at length, and to endeavour to explain the grounds upon which it must now be considered and adjusted

I shall continue to press the arrangement of both these claims with the urgency prescribed in Your Lordship's Instructions; but there can be no doubt of the disposition of this Government to settle the first as soon as it is in a situation to do so, and I hope that the exposition I have now submitted may have the effect of removing all difficulty respecting the other.

Charles Elliot.

The Right Honorable.

The Earl of Aberdeen K. T. etc.

ELLIOT TO ADDINGTON³

Private.

Galveston December 16th. 1842

My Dear Sir.

In the situation of affairs here I conjecture that you will always be glad to hear at the latest date that there is no change for the worse—if none for the better. And I will only say upon my own part, that it is no love of long letter writing which has disposed me to trouble you at what I am afraid you may consider an unconscionable length upon the topics of my present correspondence, but

¹See Garrison, *Diplomatic Correspondence of the Republic of Texas*, III, 1022-1023; in *Am. Hist. Assoc. Report*, 1908, II.

²*Ibid.*, III, 1058-1062, Elliot to Terrell, December 13, 1842.

³F. O.; Texas, Vol. 4.

on very serious impression that the subject is of much moment, and that the crisis for it's conclusive and advantageous treatment is at hand, and may soon pass away.

Thus impressed I use the freedom to say that it was pleasant to me to find that Lord Aberdeen had declined the proposal of a triple Mediation.¹ In my poor judgment there is no advantage to be derived from any association with the Government of the United States in that matter.

They are ill liked by the Mexicans, and there seems reason to doubt their own earnestness, or sincerity upon the subject of a recognition of Texian independence by Mexico. The N. E. and free States probably believe that the Independence and progress of Texas upon the *present footing with respect to Slavery*, would be the next most inconvenient thing (so far as their weight in the Union is considered) to it's formal annexation. The S. W. States have always frankly desired it's annexation.

The people of Texas are gasping for peace, and the best bidder. I believe that the only safe solution would be a formal offer upon the part of Her Majesty's Government to Texas, to secure the close of this contest upon the basis of It's consenting to place Itself in a position of *real Independence*, by an immediate and thorough organization of It's social, political and Commercial Institutions and policy upon sound, and independent principles; an[d] further offering every reasonable facility to England to negotiate such a loan as would be necessary to accomplish the proposed objects.

So far as I can see there is no choice between this, and the virtual, early, and permanent lapse of Texas within the sphere of United States influence, and policy; and I cannot help adding here, that I do not believe that the Government and people of the United States have just or Moderate purposes with respect to Mexico. To put Texas between them with a steadily constituted

¹Ashbel Smith, on instructions from Anson Jones, had proposed to France in July, 1842, that she join with Great Britain and the United States in urging Mexico to make peace with Texas. Guizot approved the plan and suggested it to Aberdeen, but the latter preferred to have Great Britain act separately, and declined the overture in October, 1842. (Adams, *British Interests and Activities in Texas*, 117-119.) On December 7, 1842, Elliot, in a private letter to Houston, stated Aberdeen's refusal, and transmitted the substance of the correspondence between England and France. (Garrison, *Diplomatic Correspondence of the Republic of Texas*, I, 637, in *Am. Hist. Assoc. Report*, 1907, II.)

Governt. upon a non Slavery principle, with a considerable Coloured population, perfectly free of political disabilities, and a Commercial policy of the most liberal description is the best barrier that I believe the nature of circumstances offers against consequences and encroachments in my mind *deliberately intended*, and which may be much nearer than they appear to be.

The chance of the permanent re-establishment of Mexican Authority in Texas is gone, but another effort in that sense upon the part of Mexico, in the utterly depressed condition of this Country will possibly throw it back upon the United States, and that is the end which would probably best please the present Cabinet at Washington, and most assuredly the whole of the S. W. part of the Union.

But Texas, differently established would put an end to all combination of that kind, and be a very helpful weight in the preservation of peace, and a just balance of power on this Continent. I cannot help thinking that money lent to put an end to Slavery in a South West direction in America; and to give a place and a voice to the Coloured races, would render as profitable returns as money spent for fortresses and Military works on the Northern frontier of the United States. We should have those Mens hearts with us beyond the third and fourth generation.

Texas would be effectually separated from the United States of the Union, and a liberal Commercial policy would as effectually detach it from the N. E. States infected by a spirit of Commercial hostility to Great Britain, and this last principle efficaciously worked out would soon relax the self injurious fiscal system of Mexico.

Charles Elliot.

To H. U. Addington, Esqr. etc.
P. S.

I have this moment heard from Houston that a small party of our Texian levies have advanced to the Rio Grande, and I can have no doubt that they will do no manner of good there. The President has done what He could to prevent this folly, but it needs other checks there than that, and I think it is safe to prophecy that it will find them. This report has reached us with more solidity than most we have had from that quarter, upon the same

subject, and eventually, it may be entirely false. There is not much truth running about our natural roads in Texas.

ELLIOT TO ADDINGTON¹

Private.

Galveston Decr. 28th. 1842

My Dear Sir,

Since I had the pleasure of writing to you last, we have received President Tyler's Message to the Congress of the United States. I collect from that document that their difficulties with Mexico are in course of adjustment, and by the bye either my solitary life is cheating my imagination, or that Message is a very noticeable instrument, both in point of significancy, and the time of the appearance of such matter. The President closes his paragraph concerning the general relations with European Powers with an observation, which I cannot help thinking might have more frankly found it's place at the head of the succeeding Section of the Message.

It has a tang of Texas and Mexico, and is certainly worthy of attention both for coolness of purpose, and dryness of expression—"Carefully abstaining from all interference in question[s] exclusively referring themselves to the political interests of Europe, we may be permitted to hope an equal exemption from the interference of European Governments in what relates to *the States of the American Continent*."²

Bolting the bran, I presume this means that United States politicians and financiers mislike disturbance on the little Island, forming the Continent of North and South America. But it is possible that this pretension of United States policy may not be equally acceptable to all "the States of the American Continent." There is room to suspect that some of the States of the American Continent have no particular confidence in Washington purposes, and no desire to cast off all other friendship in peace, or alliances in War. Be that as it may, it is pleasant to observe how considerably Mr. Tyler has blended the Civil with the decided in this "Bon Soir" to European influence in this quarter of the globe.

¹F. O., Texas, Vol. 4.

²President Tyler's message to Congress, December 7, 1842. (Richardson, *Messages and Papers of the Presidents*, IV, 197.) Elliot's quotation is slightly inaccurate.

His self permission to hope for "an equal exemption from the interference of European Governments in what relates to the States of the American Continent" is a fine instance of the *Multum in parvo* in comprehensive political discussion.

Washington on the Potomac is the place of places in President Houston's emphatic language "A God's Earth," for great strokes of this kind—Washington on the Brazos has it's promise too, but we are giving and they get. When I read this announcement drumming us all off this Continent, from the Arctic to the Antarctic, I could not but pull back to what had been said some distance up the stream of small print. There we had been instructed "that the question of peace or war between the United States and Great Britain is a question of the deepest interest, not only to themselves, but to the Civilized world, since it is scarcely possible that the War could exist between them without endangering the peace of Christendom"

It seems then that there is no objection to as much of United States influence on the *Continent* of Europe, as may serve to draw one half of it upon our backs in that contingency of deepest interest,—war between the United States and Great Britain; but Great Britain must pretend to no influence on the *Continent* of America.

This is plain American, if not plain English, on the occasion of the earliest possible formal declaration after the publication of the late Treaty,¹ that the Oregon territory is an open question, and

¹Treaty of Washington, signed at Washington, August 9, 1842. *pari passu* with marked approbation of General Cass for volunteering to trip up arrangements at Paris, known to be agreeable to the British Government and Nation.¹ Living I may almost say in the United States, and with my attention constantly fixed upon a subject in which United States feeling and assistance are exer-

¹On December 20, 1841, the Quintuple treaty for the suppression of the African slave trade had been signed at London by England, France, Prussia, Austria, and Russia. The treaty gave to each nation a right to search vessels of the other nations signing the treaty. Lewis Cass, American representative at Paris, protested against this, wrote a pamphlet upon the matter of right of search, and appealed to France with such effect that the French government refused to ratify the treaty. For the treaty, see *British and Foreign State Papers*, XXX, 269.

cising so powerful an effect, I hope to be excused for these reflections

There is no thinking or writing of Texas without adverting to United States politics, and impulses, and I must frankly say that so far as I can judge the late Treaty with Great Britain is generally considered in the United States to be no more than a truce into which it has been convenient for them to enter till our hands are full in other parts of the World, and their own credit and finances have recovered themselves. The Government no doubt has more honest purposes than the general body of the people. As the Government of the United States is the creation of a great majority. In fact, the land, through it's whole length and breadth is infected with the plague of party politics, and electioneering. It is not principles that are a question in that great republic, but the monstrously exaggerated virtues and wisdom of Henry, John, or Thomas, and the still more hideously exaggerated views and folly of Martin, James or Peter. Upon those themes, and for the sake of party success, the Country is in a perpetual ferment, and nothing steady or just can be depended upon at the hands of the Government

Weighing all the circumstances within my reach of judgment, and particularly the undoubted temper of our neighbours East of the Sabine, I certainly do think it is an object of considerable moment to Her Majesty's Government that this Texas question should be firmly and steadily settled, and I lean to the opinion that it is in the power of Her Majesty's Government (so far as Texas is concerned) to effect an eligible arrangement. Monsieur de Cremiel¹ the new French Charge d'Affaires to our Court arrived here a week since. He told me it was generally reported at New Orleans in respectable circles that the British Govnt. had refused to take part in the Mediation proposed by Mr. Ashbell Smith,² and asked if this were so. Finding that He had received no despatches since He left France, and that He was going up to see the President (of Texas) at Washington, probably under mistaken impressions, I begged him to peruse Lord Aberdeen's correspond-

¹Vicomte Jules de Cramayel, French chargé d'affaires in Texas, 1842-1844.

²See note, page 93.

ence with Lord Cowley¹ upon that subject, which would not only explain to him the feelings of Her Majesty's Government, but of his own too; and enable him to judge how little credit was to be attached to New Orleans reports.

Congress is still in Session, or I should say, in confusion, for the Members from Western Texas, angry at the removal of the capital from Austin have seceded. And there is just a quorum, and that is all, without them. In the present disturbed condition of the Country, it seems to me to be wished that they should all go home, as soon as possible. We have no tidings from the force that has advanced to the Rio Grande but no good can come of such folly as that, and it will be matter of surprize if one half of them get back, that is to say, supposing they *do* cross the Rio Grande.

My continued concern for these tedious letters must be the coherent tediousness of the subject, and the belief that you will desire to hear more about it, in it's present posture than you could do, or should do from me, if it were better settled. Requesting you to offer my respects to Lord Aberdeen and Lord Canning.

Charles Elliot.

To H. U. Addington, Esqr. etc.

By the news from Washington this morning, I find amongst other notices of business before Congress. A resolution (in the H. of Representatives) "to instruct the Committee of Foreign relations to enquire into the expediency of annexing the Republic of Texas to the Ud. States."² It is not proposed by one of our great men, and nothing has been done upon it yet: If there be, I shall of course make the Subject a matter of official communication to Lord Aberdeen. I suppose it is only put forward as a feeler.

Charles Elliot

¹Henry Wellesley, Baron Cowley (1773-1847), British ambassador at Paris, 1841-1846. (Stephen, *Dictionary of National Biography*.)

²On December 20th, R. Scurry introduced the resolution referred to by Elliot. (*Journals of the House of Representatives of the Seventh Congress of the Republic of Texas*, 89.)—EDITORS OF THE QUARTERLY.

REVIEWS AND NOTICES

*The Leading Facts of New Mexican History.*¹ By Ralph Emerson Twitchell. Volume I. (Cedar Rapids, Iowa: The Torch Press. 1911. Pp. xxi, 506.)

With its elaborate footnotes, bibliographies, and facsimiles of manuscripts, this beautifully printed and bound book conveys at first sight the impression that it is the result of much original investigation, and as such it has been represented by uncritical reviewers. But closer examination shows that it is nothing of the sort. The book is, as a matter of fact, purely a compilation, and of the simpler kind, most of the text being either a close paraphrase or a direct copy of two works. If the borrowing had been duly acknowledged, the book would have been welcomed and judged on its merits as a compilation; but it is unfortunately the case that the compiler, while making much show of citation and quotation of supplementary matter in the footnotes, has, either in ignorance or flagrant disregard of literary ethics, in the main concealed the sources from which he copied or paraphrased the text, and much of the footnote matter as well, thus creating an impression of independent work which he did not perform. Nor is he relieved of this charge in any important measure by his prefatory remark that "a great deal of the work . . . may best be termed editing," or by an occasional observance of the proprieties, which only serves to further mislead.

Such a statement as this can not be made without at least an indication of the evidence on which it rests, and to this end most of my space will be devoted. Chapters II, III and IV of the book in question deal with the early Spanish exploration of New Mexico. On reading the footnotes and bibliographies one misses references to Lowery's very pertinent work, *The Spanish Settlements within the Present Limits of the United States, 1513-1561*. A more careful reading, however, shows that Mr. Twitchell has by no means overlooked it. Indeed, the greater portion of the text of the one hundred ninety-nine pages comprised in these chapters is taken almost bodily from Book II, Chapters III, V and VI of

¹Reprinted from *The American Historical Review*, April, 1912.

that book, but absolutely without credit, for neither the name of Lowery nor of his book receives mention in the work. The order of presentation is identical, with few exceptions, through paragraph after paragraph, page after page, while there are hundreds, if not thousands, of identical phrases, sentences, and even large portions of paragraphs, without a single acknowledgment. Chapter III, for example, on Fray Marcos de Niza, is a paraphrase of Lowery's Chapter V. By actual count one hundred fifty-nine identical phrases or sentences were found in identical connections, although the chapter contains only about ten full pages of text; nor does this statement give an adequate impression of the closeness of the paraphrasing. Very clearly Mr. Twitchell regards Lowery as a reliable translator as well as a safe historian, for the identity extends to numerous extracts translated from the Spanish. In these cases Mr. Twitchell generally cites the same originals as Lowery (except occasionally, as where Lowery's reference to Mota Padilla III somehow becomes "Mota Padilla, 3"), but Lowery never.

Lowery's book reaches only to 1561, and Mr. Twitchell's anchor for the remainder of his text is Bancroft's *Arizona and New Mexico*. In this case the compiler's shortage of quotation marks is less obvious, because due credit is given here and there for portions borrowed—in the very paragraphs, indeed, where much greater portions are taken without credit.

Less attention has been paid by the reviewer to Chapter I, dealing with ancient New Mexico, but a casual examination shows that most of pages 4-7 and 42-50 were taken almost verbatim and altogether without credit from Hodge's *Handbook of American Indians* (part I, pp. 171-172, 305-309, 108-109, 327).

As has already been intimated, the method above described extends in liberal measure to the footnotes, also; and this applies not merely to citations, but to comments and important conclusions as well. For example, more than seventy of the notes in the last one hundred fifty pages were traced directly to Bancroft's *Arizona and New Mexico*, though no credit is given to that work. An instance, which could be paralleled by others, is note 362, where eighty-seven lines, consisting of a summary based on Vetancourt, are taken verbatim from Bancroft, pages 172-173, although the citation is to the original Spanish work. The only other explana-

tion possible would be that two independent writers could give identical summaries of a lengthy passage in a foreign language. Again, on pages 344-412 at least twenty-three notes which purport to be the result of independent work in the sources were traced directly to Bandelier's *Final Report*, parts I and II.

Another remarkable feature of the work is the citation of rare manuscripts. From the frequency of these citations and the extended comment on manuscript sources in the Prefatory Note, the reader would infer that Mr. Twitchell had really used a great deal of this class of material, in addition to printed works. But appearances are misleading here also. To begin with, many of the first-hand citations are to manuscripts in the private collection made by Mr. H. H. Bancroft, to which, we know, Mr. Twitchell never had access. In these cases, naturally, the citations can all be traced directly to Bancroft's *Arizona and New Mexico*. If space permitted, it would be easy to demonstrate by the pagination and titles of the manuscripts cited that such is the case with his references to the "Pinart Collection," notes 346, 355, 413, 445, 446; to "N. Mex. Doc.," notes 375, 461, 462, 465, 470, 474, 475; to Otermin's "Extractos," notes 349, 375, 376; to Bonilla's "Apuntes," note 465; to Morfi's "Desórdenes," note 482; to Menchero's "Declaración," note 465; and to "Moqui, Noticias," note 437. Mr. Twitchell evidently did not know that many of these citations refer to Bancroft's personal note-books, and not to the pagination of the documents in any archive; or that some of the titles are designations given to documents by Bancroft, and are applicable only to his own collection.

Again, on the period of the Pueblo revolt and the reconquest by Vargas, Twitchell not only cites first-hand but gives extensive extracts from the manuscripts entitled "Ynterrogatoria de Preguntas," "Parecer del Fiscal," "Diario del Sitio," "Diario de la Retirada," "Protesta á Don Diego de Vargas," "Carta al Padre Morfi," "Memoria del Descubrimiento," "Petición de los Vecinos de Albuquerque al Cabildo de Santa Fé," "Certificación de los Huezos del Venerable Fray Juan de Jesus," "Estado de la Misión de San Lorenzo el Real," "Autos del Año de 1694," "Relación Sumaria de las Operaciones Militares del Año de 1694," Escalante, "Relación del Nuevo Mexico," and "Autos de Guerra, 1696." These extracts, with references directly to the manuscripts, should

create the presumption that Mr. Twitchell had used a considerable body of fundamental manuscript sources for this period. But the impression is modified when we learn that in every one of the twenty-five cases in which the quotations were tested the identical extracts, with the identical references to the manuscripts, and usually with the identical notes and comments, were found in Bandelier's *Final Report*, parts I and II, though no reference is made to that scholar's work. Mr. Twitchell may have had access to these documents, but no evidence has been found that he made any independent use of them.

Such a method of appropriating the results of the work of others can be regarded in only one light by scholars; and it is due to scholars that a protest be made against its employment by those who know better, and that books produced by it by those who do not, be represented in their true light. Hence this review.

After the above statement of the sources and workmanship of Mr. Twitchell's book, it hardly need be said that, although it is a useful compilation, it adds little to our knowledge of the history of New Mexico.

HERBERT E. BOLTON.

The Life of Andrew Jackson. By John Spencer Bassett, Ph. D., Professor of History, Smith College. In two volumes. (New York: Doubleday, Page, and Company. 1911. Pp. xiii, 371; 375-766.)

This is a comprehensive study of Andrew Jackson in relation to the history of his period. Naturally, where Parton and Sumner and Brown, and Von Holst, McMaster, MacDonald, and Catterall have reaped before there must be much winnowing of old straw. But the book is abundantly justified by the contribution which it makes to our appreciation of Jackson's influence upon his age and of its influence upon him.

Sixteen chapters, covering three hundred and twenty pages, are devoted to Jackson's life prior to the presidential campaign of 1824; three additional chapters are needed to bring him to the presidency in 1829; and only fourteen remain—less than three

hundred and fifty pages—for the important work of his two administrations and the interesting years from 1837 to 1845. Of these one is devoted to the inauguration and the choice of the first cabinet, one to an excellent discussion of the spoils system, one—somewhat unnecessarily, it seems,—to Jackson's championship of Mrs. Eaton, one each to his policy toward internal improvements, his quarrel with Calhoun, the reorganization of the cabinet in 1831, and to his attitude toward nullification, three to the war on the United States Bank, one to foreign policy, one to minor problems of the administration—the Cherokees in Georgia, the distribution of the surplus, and the specie circular—and one each to "Personal Characteristics" and "Closing Years." Notwithstanding the fact that to the earlier years belong the Creek War, the battle of New Orleans, the Seminole War, and the governorship of Florida, it is questionable whether a truer proportion would not have given less space to the period before Jackson became the exponent, and to some extent the creator, of a great national party. And, considering the importance of our foreign relations under Jackson and the still too common misapprehension of his policy toward Mexico and Texas, more attention might profitably have been devoted to this phase of the subject. In regard to the charge that Jackson aided the revolutionists in Texas, Professor Bassett thinks that the evidence shows "pretty clearly that he proposed to preserve neutrality, at least outwardly, which, in view of American feeling, was about all that could be expected." And he thinks that Jackson was really lukewarm on the subject of Texan recognition during the winter of 1836-1837, though his attitude in this particular may have been influenced in some degree by his desire to avoid embarrassing Van Buren, many of whose partisans were opposed to recognition.

Professor Bassett offers on page 249 a plausible solution for the puzzle of the Rhea letter, in which, as Jackson always contended, Monroe authorized the invasion of Florida in 1818. It saves the veracity of both Jackson and Monroe, and is perhaps as near the truth as we are likely to come. He mildly defends Jackson's execution of Arbuthnot and Ambrister (pages 254-260). And he shows (pages 369-371) that Jackson had reasonable ground for suspecting that there was an understanding between Adams and Clay in 1825 when the former through the help of

the latter won the election in the house of representatives. This is not to say, however, that the understanding was a corrupt one. Van Buren fares better than one is wont to expect, appearing as a sincere and devoted friend of Jackson, who frequently advanced his policies by frankness and their own worth and not by the craft of the sycophant. Calhoun appears less favorably.

Of Jackson a few brief characterizations and summaries will show the writer's estimate: "There is no record that Jackson ever changed an opinion once formed, whatever the proof offered him." His nature was "frank to the point of rashness." "He was apt to speak his mind clearly, although he could on occasion . . . be as diplomatic as a delicate case demanded." In his use of the patronage he but reflected "the forces which ruled public life at the time. Any man who could have been an exponent of the democratic movement would probably have believed as Jackson believed in regard to appointments." He was "probably stronger through his forceful personality than any other American since Washington. He was no economist, no financier, no intelligent seeker after wise and just ideals, and his temper and judgment were bad; but his will was the coherent force of a party organization more complicated, and yet better adjusted, than existed before that time in our government. Courage, knowledge of the people, simplicity of manner, the common man's ideal of honesty and patriotism, and a willingness to discipline his subordinates when necessary were the qualities which kept the party organization effective." "The secret of his power was his adjustment to the period in which he lived. Other men excelled him in experience, wisdom, and balanced judgment; but the American Democrats of the day admired neither of these qualities. They honored courage, strength, and directness. They could tolerate ignorance but not hesitancy. Jackson was the best embodiment of their desires from the beginning of the national government to his own day."

The book is based chiefly on the Jackson and the Van Buren Manuscripts in the Library of Congress, and is documented with numerous extracts from Jackson's letters which have not before been printed.

EUGENE C. BARKER.

A School History of Texas. By Eugene C. Barker, Charles S. Potts, and Charles W. Ramsdell. (Chicago: Row, Peterson and Company. 1912. Pp. xvi, 384.)

The characteristic feature of this book is the success with which it conforms to the newer ideas in history writing. The authors have performed their best service to the State of Texas in supplying to the school children a text-book in history that recognizes throughout the true nature of historical material. The book under review exhibits on every page the inner life of the people of Texas in the process of unfolding. It keeps vividly before the mind the whole life of the people as a growing organism, and at the end leaves the reader in possession of a delightful fund of information possessing organic relation. This feature of the book impresses itself upon the reader with the first chapter, and is especially emphasized in the treatment of the periods of republic and statehood. The old method of using gubernatorial administrations as the basis of organization has been discarded, and in its place the authors have followed, as an organizing principle, the laws of growth as expressed in the social and institutional life of the people. To the reviewer, it seems that this has been done with unusual success, considering that the book is intended for children. The authors state in the preface that they have aimed "to bring it within the grasp of fifth and sixth grade pupils." They have not missed their aim; and yet the reader is nowhere allowed to wander away from the proper viewpoint of the whole subject. So far as the reviewer knows, in all the historical literature of the grammar grades, there is no text-book that so skillfully impresses the correct philosophy of history and at the same time keeps so well within the capacity of those for whom it is written.

Another feature of the book which appeals to all lovers of truth is its spirit of fairness and accuracy. This is illustrated in the discussion of the general causes of the revolution. On page 83, it is stated that "the causes of the revolution spread through the whole ten years, between 1825 and 1835, but at the very bottom of them all was the fact that the Mexicans and the colonists never really got acquainted and learned to trust each other. . . . The colonists felt a sort of contempt for the

Mexicans. . . . The Mexicans soon observed this and began to suspect that the colonists would some day try to take Texas away from them." This same spirit of fairness is exemplified on pages 127 to 128, relative to Fannin's surrender at Coleto. "The first article of this document [the capitulation] declares that the Texans agreed to surrender unconditionally, while the third says that they surrendered as prisoners of war subject to the disposition of the supreme government of Mexico." This in no way seeks to justify the Goliad massacre which followed the agreement, but it does Santa Anna the justice of giving him technical, legal right in the matter.

Again, the part of Texas in the Civil War is developed with unusual clearness and fairness, while the period of reconstruction is dealt with in the same broad spirit. Near the close of the book is a profitable discussion of the recent material and educational growth of the State.

It is another stated purpose of the authors "to make it a thoroughly useful tool in the hands of the teacher." In pursuance of this aim an unusual amount of "helps" is given. For example, in Appendix II, suggestions are made to the teacher as to the presentation of each separate chapter and a well chosen bibliography for each chapter is included in the same appendix. In Appendix III is a complete outline of the book by the authors themselves. Appendix IV consists of a list of Presidents and Governors, with the dates of their administration. Finally, in this connection, each chapter is concluded with a summary, a list of wholesome questions, and a suitable bibliography for children.

It is difficult to pass fair judgment upon a text-book without having put it to actual test in the class room, but if the accepted characteristics of successful history writing are sound, then this book ought to have generous treatment at the hands of the school public.

J. A. HILL.

Texas . . . by Milam . . . From several references in the Lamar papers and from internal evidence it appears that *Texas* . . . by Milam . . . (Philadelphia, 1839) was written by Henry Thompson, a lawyer of Houston, who had early in Lamar's administration been the President's private secretary.

On August 18, 1839, Thompson writes Lamar from New York: "I send no's 1 and 2 of a series of chapters on Texas, they have taken very well, and are re-printed in the Balto and N York papers, they are intended to be correct pictures of T——The 3d no' is of more import than the rest which are rather preparatory chapters— . . . The Boston papers have the chapters with quite a compliment to the Author"; on September 19, from Philadelphia: "I am publishing a little work on Texas small—with a map, Chapters &c—it will be out in one month"; on December 28, from Houston: "2000 copies of *Texas by Milam* sold in the North 2d Edition in press—Good! at last."

The author of the book is evidently a lawyer, as appears from his familiarity with legal terms and procedure and from his use of the phrase "my brethren of the bar" (p. 49). He is a partisan of the Lamar administration: he gives merely a perfunctory notice of General Houston (pp. 70-71), since "the victor of *Santa Anna*; and the *Hero* of *San Jacinto*, must not be omitted in these pages"; of Lamar (pp. 18-20) and Handy (pp. 87-88) he speaks with personal knowledge and enthusiasm. His style resembles Thompson's in his letters to Lamar. Moreover, in the letter of September 19, noted above, the same objection is made to the bonding system of Texas in relation to the depreciation of the currency as is urged on pp. 63 and 64.

The map referred to in the letter of September 19 does not appear in the State Library copy, one of the first edition, the only copy to which I have had access; and there is no sign of its ever having been included.

ELIZABETH H. WEST.

In "Polk and the Oregon Compromise of 1846," *Political Science Quarterly*, September, 1911, Dr. R. L. Schuyler of Columbia University acquits Polk of sharp practice in connection with the settlement of the Oregon Question. "Because Polk refused to assume the responsibility of war with Great Britain, for the disruption of his party and for the failure of his administration—and these apparently would have been the result of rejecting the British offer—we need not infer that he had been playing a double

game." The paper is based chiefly upon Polk's *Diary* and the *Works* of Buchanan, both of which have but recently been published.

In *Political Science Quarterly*, March, 1912, Professor William A. Dunning reviews in a thoroughly interesting way the *Diary of Gideon Welles* (three volumes), recently published by Houghton, Mifflin and Company. "The value of these volumes as a source for the history of the times depends chiefly," says Professor Dunning, "upon two factors: first, the candor and sincerity of the writer, and, second, the accuracy and completeness with which his record has been reproduced in print. In both respects the value of the *Diary* is unimpeachable." Seward, Stanton, Chase, Sumner and Grant are heavily scored in the *Diary*, but Andrew Johnson is in general staunchly defended.

In the June number of *Political Science Quarterly*, Professor L. S. Rowe has a discerning analysis of the causes of the recent Mexican revolution.

The Lewis Publishing Company, Chicago, has published the following works relating to Texas. These volumes have not been examined sufficiently to form a critical estimate of their worth, but are mentioned for the benefit of students who may be interested in the sections to which they relate:

A Twentieth Century History and Biographical Record of North and West Texas. Captain B. B. Paddock, Editor. 1906. Two volumes.

A Twentieth Century History of Southwest Texas. 1907. Two volumes.

A History of Greater Dallas and Vicinity. 1909. Two volumes. Volume I is by Philip Lindsley; volume II is edited by L. B. Hill, and has for its subtitle "Selected Biography and Memoirs."

Historical Review of Southeast Texas and the Founders, Leaders and Representative Men of Its Commerce, Industry and Civic Affairs. Dermot H. Hardy and Ingham S. Roberts, Associate Editors. 1910. Two volumes.

A History of Central and Western Texas, compiled from historical data supplied by commercial clubs, individuals, and other authentic sources, under the editorial supervision of Captain B. B. Paddock. 1911. Two volumes.

The *Los Angeles Examiner* recently published a volume entitled "Press Reference Library, Notables of the Southwest, being the portraits and biographies of progressive men of the Southwest, who have helped in the development and history-making of this wonderful country. Los Angeles, California, 1912." 4to. Pp. 500. The work relates almost exclusively to California, particularly Los Angeles; only eleven Texans are included. The work is an excellent piece of printing.

The *Proceedings* of the Navarro County Bar Association, held at the Carnegie Library, Corsicana, Sunday, September 24, 1911, in memory of Colonel Roger Q. Mills, have been published in a pamphlet of 32 pages. Not only the addresses delivered on the date named, but the tributes paid Colonel Mills by his friends far and near by the Texas press are included.

In *The Numismatist* (Brooklyn) for April, 1912, Mr. R. C. Crane has an illustrated article on the paper money of the Republic of Texas.

NEWS ITEMS

Mr. Charles Wilson Hackett will return to the University of California to study Southwestern History next year.

Professor E. D. Adams, of the History Department of Stanford University, is lecturing at Harvard University this summer.

Professor Eugene I. McCormac, of the History Department of the University of California, is lecturing in the Summer Session of the University of Illinois.

Professor C. H. Van Tyne, head of the Department of History in the University of Michigan, is lecturing in the Summer Session of the University of California.

Mr. John W. Curd, Principal of the High School at El Paso, will become a graduate student in Southwestern History at the University of California next fall.

Miss Anne Hughes took her Master's degree in History at the University of California in May, was awarded a fellowship in History in the same University, for the following year, and hopes to return to continue her work.

Mr. William E. Dunn, B. A., the University of Texas, 1909; M. A., Stanford University, 1910, who held a fellowship in History at Columbia during the past year, will hold a similar position at the University of California next year. He is spending the summer in the Mexican archives at Saltillo and the City of Mexico.

Mr. Charles E. Chapman, teaching fellow in History in the University of California, was awarded the Traveling Fellowship founded by the Native Sons of the Golden West, and has sailed for Spain, where he will spend next year working in the historical archives.

At the June Commencement of the University of Texas, Messrs. William S. Brandenberger and Stuart H. Condron took the M. A. degree in History. Mr. Brandenberger's thesis was "The Administrative System of Texas, 1821-1835"; and Mr. Condron's was "The First Texas Agency in New Orleans in 1836"—a study of

the assistance rendered by William Bryan and Edward Hall, of New Orleans, to the Texas Revolution.

Professor William R. Manning of the University of Texas expects to spend the latter part of the summer gathering material from the Mexican archives for the show lectures on diplomatic history which he will deliver next year at Johns Hopkins University.

A summer session of the School of American Archæology will be held this summer at Santa Fé and the ruins in El Rito de los Frijoles from August 1 to 30, inclusive. Lectures will be given and research conducted by the regular staff of the school on the distribution and culture of the peoples in the southwestern part of the United States and Northern Mexico in prehistoric times; on the development of design in ancient Pueblo art; on the Indian cultures of the Southwest; on the civilizations of ancient Mexico and Central America; on the native languages, and methods of recording and studying them; and upon the hieroglyphic writings of the Ancient Mayas. In connection with these courses there will be excursions to such important sites as Pecos and Puyé, and to neighboring Pueblos still occupied. Besides the regular staff of the school, lectures will be given by Dr. Harry Langford Wilson, of Johns Hopkins University, and Professor D. A. Cockerell, of the University of Colorado.

"Through the kindness of Mr. and Mrs. W. T. Wroe, the William Barrett Travis Chapter of the Daughters of the Republic was presented on April 4th with a life-size portrait of James S. Lester. . . . Judge Lester represented the counties of Fayette and Bastrop in the Congress of [the Republic of] Texas. He gave to Fayette county its name; also named the town of La Grange; was one of the heroes of San Jacinto and was the first county judge of Fayette county. . . . He died in December, 1879."—*Austin Statesman*, April 7, 1912.

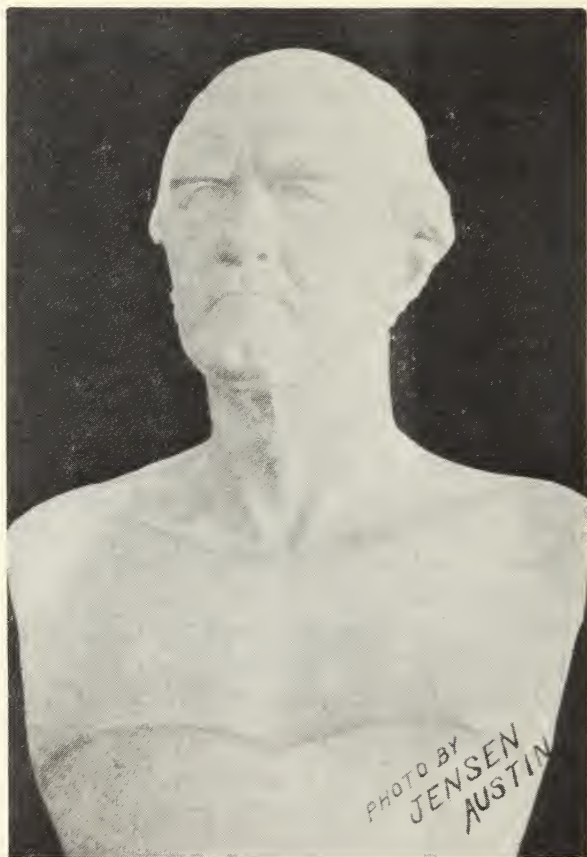
"Dr. Ferdinand Herff, for more than two generations the leading physician in San Antonio, and famed both in Europe and America for his skill as a daring, yet successful surgeon, died [May 18, 1912] at the Herff homestead, 308 East Houston Street, which he built in 1853, and in which he resided ever since. Had

he lived until November 29, Dr. Herff would have been 92 years old."—*San Antonio Express*, May 19, 1912.

The *Express* gives in this issue more than three columns to a sketch of Dr. Herff's remarkable career, and editorially comments on his qualities as a citizen. An incident in the early life of Dr. Herff as a member of the "Communitistic colony of Bettina" is narrated in THE QUARTERLY, III, 33-40.

Captain M. B. Davis died at Waco on June 18. He was born in Virginia in 1844, was educated at the Virginia Military Institute, and served in a Virginia regiment in the Army of Northern Virginia during the Civil War. In 1873 he entered the newspaper business in Waco. From 1875 to 1878 he served as a Texas ranger, but at the expiration of that time re-entered newspaper work. For a number of years before his death he was Texas representative of the National Audubon Society.—(From a sketch in *The Dallas News*, June 19, 1912.)

On June 21 Colonel Andrew J. Baker, of San Angelo, died while on a visit to Los Angeles, California. He was born in Grenada county, Mississippi, in 1842, was educated at the University of Mississippi, and served in a Mississippi regiment in the Army of Northern Virginia during the Civil War. After the war he practiced law at Oxford, Mississippi, and was a member of the Legislature which closed the period of Reconstruction in that State. He moved to Texas in 1884, was a member of the Twenty-second Legislature, served as Commissioner of the General Land Office of Texas from 1894 to 1898.—(From a sketch in *The Dallas News*, June 22, 1912.)



SAM HOUSTON

(Marble bust by John O'Brien, who was born in Cork about 1826, and died at Galveston in 1903. The bust was acquired by the State in 1891.)

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RECOLLECTIONS OF GENERAL SAM HOUSTON

A. W. TERRELL

General Sam Houston will always be conspicuous in history as one of the most remarkable men of the past generation. Much has been written about him that is misleading. This was natural, for his career was marked by fierce antagonisms, and men generally regarded him either from the standpoint of partiality or prejudice.

I who knew him intimately in his later years now comply with the request of friends in giving my recollections of him, with incidents of his strange career, many of which I had from his own lips in social converse from time to time while he was governor of Texas and I a young district judge, meeting him almost daily in Austin. I know of no other living man who knew him well, and a natural curiosity is felt by this generation to know more of his appearance, his disposition, his habits, incidents illustrating his character, and the peculiarities that distinguished him from other men.

His Early Life.—On the forty-third anniversary of his birth (March 2d, 1836) he signed the Declaration of Texas Independence. When left an orphan at a tender age by his father's death, his mother crossed the mountains from Virginia with him and her other children, and settled in Maryville, Blount county, Tennessee. The family was poor, and after working on a small farm and obtaining such common school education as a new country

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afforded he was placed by his older brother in the store of a Mr. Sheffy to clerk. He was not satisfied there, and went to the tribe of Cherokee Indians, whose lands were just across the Holston River, and but a few miles distant. With them he remained for nearly two years, fishing, hunting, participating in their ball games and other amusements. His adventurous and ardent nature rejoiced in the wild freedom of the forest and in the companionship of the Cherokees, whose language he learned to speak fluently. The Indians made him a sub-chief and named him Co-lon-neh,¹ the raven. He lived in the home of Oo-loo-tee-kah, known by Americans as John Jolly, who became the principal chief of the western fragment of the Cherokees after their removal by treaty west of the Mississippi River. Thus early he heeded the "call of the wild" by disregarding the authority of his older brother, and evinced that impatience of control that marked all his future life.

After leaving the Cherokees he was for a short time a student in the academy at Maryville, until the declaration of war with England, when he enlisted as a private soldier in his twentieth year, and was commissioned as an ensign by President Madison.

His Personal Appearance.—Joseph Guild of Gallatin, Tennessee, states in his *Old Times in Tennessee* that Houston was six feet six inches high. Guild greatly admired Houston and some allowance must be made for his error, for Houston's height in his prime of life was six feet two inches; he once told me so, and though men shrink in stature when old he could never have been so tall as Mr. Guild describes him. I will describe him as I remember him, though it is difficult to write a picture of any one.

His bearing was always dignified and erect; his form indicated great strength and activity; his face and head were large and symmetrical; his voice deep toned, manly and firm; his speech whether in conversation or addressing an audience deliberate and distinct; and his eyes large and deep blue.

He was a little eccentric in his dress, was occasionally seen with a vest made of leopard's skin, and wore in all seasons a soft, broad brimmed, fur hat. In winter he sometimes wore a Mexican

¹The Cherokee word "Co-lon-neh" is properly Ka-la-nu, signifying "raven," a common Cherokee word and hereditary personal name.—F. W. HODGE.

blanket, but in other respects was usually clothed in the fashion of the time. His gestures were graceful and his manners refined, especially when with ladies, with whom he was a great favorite. He was an inveterate whittler, and one of his San Jacinto captains once told me that he always found him whittling when he visited his headquarters. I will be excused for remembering that I often thought of General Houston's appearance during the four years I lived in Europe when I met often in the audience chamber of the Sultan of Turkey and at social functions the ambassadors of other powers, bedecked with the medals and gewgaws of rank. On such occasions I have wished that I could show them Sam Houston, a man commissioned for leadership by God, who needed no artificial decorations, and whose appearance attested his nobility.

A fine marble bust of Houston may be seen in the State Library room in Austin which represents him as he looked in 1859.¹ An excellent portrait of him belonging to the Hon. Edwin B. Parker of Houston shows how he appeared in 1863, and another portrait painted in the Cherokee nation now hangs in my hall, and will be given to Texas. Another portrait made at the same time in the Cherokee nation belongs to the State of Tennessee.² They represent him naked with only a blanket thrown around his waist. He told the artist to paint him as "Marius among the ruins of Carthage," and so he stands among broken columns with but a few remaining standing, as if to indicate that hope was left.

I quite agreed with the Hon. John H. Reagan, Major W. M. Walton, Governor Lubbock and others that the marble statue of Houston in the National capitol, a replica of which is near the south entrance of our State House, does not convey a correct idea of the man. They are the conceptions of a distinguished artist

¹See frontispiece.

²A portrait of Sam Houston very closely resembling the one described in the above paragraph was some years ago offered to the Tennessee Historical Society: the Society did not accept it. Concerning the history of this proffered portrait the secretary of the Society states that it "was painted in or near the city of Nashville, Tenn., by Washington Cooper. . . . I knew the artist well for many years. In speaking of this portrait he said that Governor Houston was very proud of his physical development. 'He came to my studio one day and asked me to paint him as a Roman senator, which I consented to do.'"

The Tennessee Historical Society has two portraits of Governor Houston by Cooper.—THE EDITORS.

who never saw him, and who has represented him clothed with a fringed hunting shirt, cavalry boots and wearing a sabre. The marble bust in the State Library would have given the artist a better idea of his face.

I first saw him in 1855 after he had joined the Native American or Know-Nothing Party, but did not then form his acquaintance. He was mounted on a splendid gray horse and rode at the head of a procession of his admirers on Congress Avenue in Austin, going up to the old Capitol building, from the steps of which he spoke to the multitude. He was a fine horseman, and as with uncovered head he bowed to the people who with shouts were saluting him, I thought I had never seen a more attractive figure. He visited Austin again in 1857, and I then heard him speak in a beautiful grove on the very ground where now stands the State University, just north of which a barbecue was prepared. I did not then know him personally, being opposed to his political course. My acquaintance began in the autumn of 1857 after his defeat for governor under circumstances to which I will refer presently, and which marked the beginning of a mutual friendship.

History tells us of his daring at the battle of the Horseshoe, of his being elected to Congress when on account of his age he was barely eligible, of his re-election, and of his then being elected Governor of Tennessee. Also of his marriage to Miss Eliza Allen (who was a first cousin of Mrs. E. H. Mitchell, my mother-in-law), and of his separation from that wife. Every schoolboy knows of Houston's career in the Texas revolution and of his victory at San Jacinto. That battle he once at my request described to me; and some sidelights upon that victory, thus obtained, will be found in my printed address to the San Jacinto veterans at their annual reunion in Houston in 1893.

The music for the Texan troops at San Jacinto was made by a fife and a kettle drum. The soldiers, remembering the recent massacre of Fannin's men after their surrender, and the butchery at the Alamo, were eager for revenge. Houston knew that their courage had hardened into desperation, and he ordered the musicians to play as the army moved to battle the old love song "Will you come to the bower I have shaded for you," and to change the tune to "Yankee Doodle" when in close rifle range. The Greeks indulged in the pyrrhic dance before battle, but Houston's army

at San Jacinto was the only one that ever charged to the music of a love song, except when General Havelock marched to the relief of Lucknow to the music of "Annie Laurie."

Separated From His First Wife.—Houston's separation from his first wife is a mystery which I presume will never be solved. He and his wife were regarded as the finest looking couple in Tennessee. They were married in January, 1829, he being then governor. His canvass for a second term opened the following April. A few days afterwards he resigned his office and, a few hours later, before the citizens of Nashville knew it, he was going down the river in disguise on a steamboat. When his friends next heard of him he was with the Cherokees west of the Mississippi River. They sent a small stock of goods to him suited to the Cherokee trade, and without his previous knowledge, for they knew his indifference to money. They also sent an artist to paint his portrait.

Henry Sublett, who took my place in the law firm of Hamilton and Terrell in 1857 and whose older brother Phil Sublett had been Houston's friend in boyhood, once told me that he was present when Houston resented the efforts of that brother to discover the cause of his separation from his wife. Phil Sublett lived in eastern Texas and in 1839 Houston often stopped at his house. He was then much given to dissipation and one stormy night rode up to the house out of a cold rain quite intoxicated. After he had thrown himself on the floor, Phil got down by his side and said: "Sam, you know you can trust me. Why did you quit Eliza?" Henry told me that Houston was sober in an instant, and rising up said: "Sir, you violate the laws of hospitality by seeking to tear from my bosom its secret," and mounting his horse he went forth in the stormy night, rejecting all Sublett's efforts to detain him.

The conduct of his divorced wife who afterwards married Dr. Douglas was equally strange. She never mentioned Houston's name, but, without speaking, would resent every harsh reference to him by promptly leaving the presence of the speaker, and she is said to have read with avidity every notice of his subsequent career. What effect the deep grief that drove Houston into exile had in changing his nature can only be surmised; but certain it is that he is the only man I ever knew who having a keen sense of humor never indulged in boisterous laughter. When his anecdotes

or droll sarcasm excited those around him to merriment, he would remain with features unmoved and only show his enjoyment of the pleasantry by opening his large blue eyes as if in astonishment.

Among the Cherokees.—While with the Cherokees he resumed his name of Co-lon-neh, or the raven, and always wore the garb of a Cherokee. His intimate friends were Oo-loo-tee-kah and Apothla-a-hoo-lah, neither of whom spoke English. Within a year after separating from his wife he married a beautiful half-breed woman, Tiana Rodgers, who was said by those who had seen her to have been very tall and graceful and devoted to Houston. With her he lived in a log cabin on the banks of the Grand River nearly opposite Ft. Gibson. Judge W. S. Oldham, my first law partner in Texas, and a former supreme judge in Arkansas, had known Houston in Tennessee and sometimes saw him in Ft. Gibson dressed like a Cherokee. He would never then speak English to anyone and a deep melancholy caused him to avoid all intercourse with white men. Such periods would be followed by intoxication, though his former habits in that respect had been exemplary. Often he was seen armed only with the bow and arrows with which he had become dexterous when a boy. He was always a friend of the Indians, and as president and governor did much to preserve peace on the frontier of Texas.

His Method of Campaigning in 1857.—The canvass for governor of Texas in 1857 was marked by great bitterness. Houston had made himself obnoxious by his vote on the compromise slavery measures and was opposing Runnels, who was the Democratic nominee for governor. Wigfall and W. R. Scurry canvassed against him east of the Trinity and Judge W. S. Oldham west of that stream. Though I had never taken an active part in politics, the State convention at Waco made me one of the central executive committee, and afterward I had announced as a candidate for district judge of the five counties embracing the capital. The Hon. John A. Green, son of Chief Justice Nathan Green of Tennessee, was my competitor and he was related either by consanguinity, affinity, or partnership connection with ten other lawyers including a federal judge and John Hancock, a former district judge, all of whom lived in Austin. This alarmed the lawyers who were not in the connection, and they persuaded me to oppose Green. Houston's course in his canvass of the State was defiant; he refused to speak

from the same stand with anyone opposing him. Wigfall he called "Wiggletail," and denounced him everywhere as a murderer. At Tyler he closed his speech by telling his audience that a murderer named "Wiggletail" would follow him, and he advised them not to hear him "unless they were fond of lies." After speaking he sat in the porch of a hotel near the courthouse and when the crowd left at the close of Wigfall's speech, he rose and met them with uplifted hands and shouted, "Did I not tell you that you would hear nothing but lies?"

His Speech at Lockhart.—He spoke at Lockhart one sultry afternoon in 1857 from a long platform erected in a grove near Storey's spring. A large portion of his audience was composed of his San Jacinto soldiers and their kindred. He was clothed in a long coarse linen duster that reached to within a foot of his ankles, loose pants of the same material, no vest, low quartered shoes, and his shirt collar opened until the audience could see the grizzled hair on his breast a foot below his chin, and as thick as a buffalo mop. I had never before heard him speak when thus attired, but his erect bearing, the majesty of his appearance, his deep-toned, commanding voice, impressive gestures, and perfect composure made a lasting impression upon me. That impression was deepened when he denounced the executive committee, of which I was a member.

While Houston was speaking, Judge Oldham rode up. Oldham took from a large pair of saddlebags two volumes of the Congressional Globe. When the audience in front from curiosity began to move, Houston said, "Be still, my friends, be still, I will report the cause of this commotion." Then, taking a step to the rear of the platform and looking over, he turned and said: "It's Oldham, only Oldham, I'll tell you what he is doing." After looking to the rear again he faced the audience and said in a loud voice: "He is opening some books, but they are not the bank books he stole and sunk in White River, Arkansas."

I was standing by Oldham's side. He bit in two the cigar he was smoking and said: "He wants to provoke an attack and have me assassinated." Oldham knew the devotion of Houston's friends and how a personal difficulty would terminate.

Referring again to Oldham, Houston said that his name was attached to a paper issued by the Democratic executive committee

of the State appointed by "some conspirators at Waco" in which it is said they intend "to handle me without gloves." He paused a moment, and took deliberately from the pocket of his duster a pair of heavy buckskin gauntlets and with mock gravity drew them on, saying "that paper is too dirty for me to handle without gloves." Then drawing the paper from his pocket he read that portion which declared that all traitors should be defeated, and in the defeat of Houston "add to theirs a name of fear that traitor knaves shall quake to hear." Throwing the paper to the floor with quick impatient gesture, he exclaimed: "What! I a traitor to Texas! I who in defense of her soil moistened it with my blood?" Then he took several steps, limping on his leg that was wounded at San Jacinto, and continued: "Was it for this that I bared my bosom to the hail of battle at the Horseshoe—to be branded in my old age as a traitor?"

The effect can hardly be described. A wave of sympathy swept over the audience, and red bandana handkerchiefs were wiping tears of indignation from the eyes of his old soldiers. Then he stooped down and after picking up the paper said: "Let me read you the names of that executive committee." He read: "Williamson S. Oldham—though he stole and sunk those bank books in White River and ran away to Texas, he is not yet in the penitentiary."

"J. M. Steiner—a murderer. He murdered Major Arnold."¹

"John Marshall—a vegetarian; he won't eat meat; one drop of his blood would freeze a frog."

"A. W. Terrell—he used to be a Whig in Missouri. They tell me that the young scapegrace wants to be your judge. A pretty looking judge he would make, this slanderer of a man old enough to be his father."

I have heard all the great orators of the Republic and State of Texas, except Lamar and the Whartons. Houston as an orator before a frontier audience excelled them all. His voice was clear as a bugle, and his thorough knowledge of the impulses and habits of thought of the fearless men who made Texas enabled him to exercise a wonderful influence when addressing them. He was one

¹Dr. Steiner was a cultured gentleman who slew in self-defense, and was acquitted by a jury.

of them, and his knowledge of human nature enabled him to impress and move them with consummate skill. Of course, their admiration of the man and his strange career had their influences. He was the product of strange environments which have disappeared in the progress of society, and for that reason we will not see his like again.

The election resulted in the defeat of Houston for governor, and in my election as district judge. After the election I published in the *State Gazette* a note in which I declared that my name had been placed on the address of the committee without consulting me and, while I endorsed all its political reasons for the defeat of General Houston, I would never have signed the address which called him a "traitor knave," for his services to the country as a patriot were known to all men. I sent the article to General Houston in a letter, stating that I had delayed making the correction until I was elected, so my motive could not now be questioned. He answered by saying that in a long and eventful career he had never received anything from a political opponent that pleased him more, and he hoped soon to know me personally. From that time I date a friendship between us that lasted until his death. Two years after that canvass he was elected governor, and then I met him almost daily. He and his amiable wife belonged to the Baptist church, of which Mrs. Terrell was a member, and my wife's last sacrament was taken at our home one hot afternoon two miles south of Austin, as she lay on her cot under a spreading live oak tree, when General Houston and wife and nearly all the members of her church partook with her of the cup.

As a Christian.—I have seen two autograph letters, one from General Jackson and one from Houston in answer thereto. General Jackson wrote to him soon after he joined the Cherokees, expressing his sympathy and astonishment. Jackson had reformed and become a Presbyterian; he advised Houston to become a missionary among the Indians; the latter replied, after expressing his pleasure in knowing that he still had the confidence of his old commander, that to be a missionary to the Indians was an employment "neither suited to his inclinations nor capacity." After Houston's marriage to Miss Margaret Lea in 1840, a lady of strong intellect, a noble wife and mother and devout Christian, she exercised a wonderful influence on his habits of drinking and

using profane language. He was baptized near Brenham, Texas, by the Rev. Rufus Burleson; but long established habit is a terrible tyrant, and the Hon. John H. Reagan has more than once related to me an incident in Houston's life that illustrates this aphorism. He was riding with Houston and a Baptist preacher in eastern Texas when Houston's horse stumbled and threw the General upon his neck. When Houston exclaimed, "God d— a stumbling horse!" the preacher said: "Oh! brother Houston, do you still swear?" "Well, what must I do?" asked the General. "Ask God to forgive you." "I'll do it. Hold my bridle rein," and then he dismounted and walking to a fence near the wayside knelt down under a hot sun and prayed.

Once when he came to church late I saw him take a seat near the door at a place where negro slaves usually sat, and kneel down in prayer by the side of a little negro boy.

Whether he ever felt in full measure the Christian virtue of loving his enemies may well be questioned, for while he no doubt felt a desire for the salvation of their souls after death he was always much given to plain speaking about what scoundrels they were in the flesh. He was continually attacked by ambitious men who exasperated him by assailing him through the press. His very last speech in the United States Senate was made in answer to a bitter attack of a personal enemy who charged him with cowardice at San Jacinto.

Only a few weeks before his death I witnessed a touching evidence of how time and the influence of religion had softened his imperious nature. I met him in Houston near the old Fannin Hotel one summer morning in 1863 and at once disclaimed allusion to him in an address I had made at the Capitol; for it had been charged by an Austin newspaper that I had made a covert attack upon him. His answer was, "I know, Judge, I know you did not refer to me, and if you had it would only have excited regret. I feel that my time is short and I have not a root of bitterness here," touching his bosom with his hand, "towards any human being that breathes."

That night I met him by invitation at the house of Major E. W. Cave, his former secretary of state. After some conversation he asked my opinion about Texas sending all her young men to distant battlefields across the Mississippi River and said: "We

will soon have no one in Texas but old men and boys to defend our homes." The waste of life seemed to him wicked and unnecessary. He asked my opinion as to how our people would feel in Texas about unfurling the Lone Star flag and calling the boys home, saying to the North and South "hands off." I declared my belief that it would cause the sacrifice of any man who proposed it. The subject was then dropped. It was agreed between Major Cave and myself that the conversation should be kept secret for obvious reasons. Six years ago shortly before Major Cave died, he was still averse to making public the conversation for reasons that did not appeal to me. The idea of a separate republic for Texas was naturally dear to General Houston, but he failed to realize that such a move as he proposed during the madness of the hour would be regarded as treachery to the other Southern States, and would be treated as an act of treason.

Caning Stanberry.—The caning of Congressman Stanberry, from Cincinnati, Ohio, and events connected with and following it, constitute a most remarkable chapter in the life of Houston. The difficulty had its remote origin in Houston's activity in trying to check the systematic plunder of the Cherokees by government contractors during the great excitement caused by Jackson's veto of the United States Bank charter. In the fall of 1859 I heard his version of the difficulty and his subsequent trial, which I will now relate. It was a long time ago, but I afterwards made full notes of the conversation, and those who know me will bear witness to the tenacity of my memory.

After General Houston's election as Governor in 1859, he brought his young son Sam to Bastrop, where I was then holding a session of the district court, to place him in the military academy of Colonel Allen. Governor Sayers, now living in Austin, was captain of the cadets when Houston with uncovered head inspected his company during that visit, handling every gun. General Houston for several days lodged at the house of Jimmy Nicholson where Jack Hamilton, John Hancock, George W. Paschal and myself were boarding during court. Houston having just been elected governor was in a cheerful mood, and being in the company of gentlemen, all of whom except myself had canvassed for him, entertained us until midnight with interesting

events of his career. I had not then read the history of his trial contained in the eleventh volume of the *Abridgment of Debates in Congress*, but Hamilton had, and requested the General to tell us of it. The air was balmy and the full moon was shining from a cloudless sky as we sat on Nicholson's porch and listened until late at night. Williams's *Life of Houston* places him in Washington in March, 1832, when Stanberry first made his offensive remark. This is an error. Houston told us that Stanberry went out of his way to assail his conduct, and that a friend sent a newspaper clipping to the Indian nation to inform him. This fact did not appear in the trial, nor did Houston refer to it in his speech, for it was not in the record. He told us that he wrote at once to Stanberry demanding a public retraction of his remarks and sent his letter by a Cherokee Indian to be mailed at Ft. Gibson. After waiting a reasonable time for an answer, he resolved to go to Washington and demand in person a retraction. He borrowed from a Cherokee friend named Apoth-la-a-hoo-lah his fringed buckskin hunting shirt with a beaver skin collar, and armed only with a Bowie knife and hickory cane that General Jackson once gave him, he started for Washington.

There were then no railroads west of the Alleghanies and the journey was tedious. On his arrival in the spring of 1832 he went directly to the hall of the old House of Representatives, for having been a member he had the privilege of the floor. While standing behind the speaker's stand and hidden from view he was conversing with Bailey Peyton, Felix Grundy and James K. Polk, when Stanberry (who perhaps knew of his presence) got the floor and again indulged in an insulting reference to Houston and spoke of him as one of General Jackson's "bullies." The General told us that he could with difficulty restrain himself, but was influenced by his friends to leave the House.¹

He then found his old friend Reverdy Johnson and requested him to bear a note to Stanberry. Fearing that Stanberry would

¹Many years after this conversation Colonel Bailey Peyton, then over eighty years old, was in Austin and confirmed Houston's statement while conversing one night with some friends and myself. He said that Houston remarked when Stanberry made the insulting statement: "I right such wrongs where they are given, were it in the sight of heaven," and his friends had much difficulty in preventing a scene.

refuse to recognize him on the ground that he was a voluntary exile from civilization, Houston made Reverdy Johnson promise that in such an event he would not pursue the course required by the dueling code and assume the quarrel himself. Stanberry having refused to notice Houston's note, except by denying his right to question him, was just at dark crossing Pennsylvania Avenue in front of the National Hotel when he approached where Houston was standing and conversing on the opposite pavement with Senator Buckner of Missouri. Houston said: "Is this Mr. Stanberry?" The answer according to General Houston was the snapping of a flint-lock pistol close to Houston's breast. Before he could draw again Houston had knocked him down with a cane and then wrenched the pistol from his grasp.

The testimony before the congressional committee makes no mention of the snapping of a pistol but does of Houston's wrenching some object from Stanberry's hands. It was dark; percussion caps were not then in use; and the pistol being a flint-lock and making no flash Buckner did not see it. Knowing the calmness of Houston in danger, there can be no question that it occurred as he stated it.

With his foot on Stanberry's prostrate body he was chastizing him with his hickory cane when the police appeared. The General told us that he then drew his knife and told them to stand off, that he was "whipping a scoundrel who had insulted him, but did not intend to kill him."

The journals show that Stanberry, who for some days was confined to his bed, complained to the House in a note published in the debates. A committee was at once named to investigate, evidence was taken, and a long debate followed. He claimed in his defense that he had caned Stanberry for the second offense; namely, for publishing libelous matter in the press, and not on account of the insulting language in debate. The case dragged along for nearly a month, but General Houston told us that his friends had counted noses and knew that no degrading sentence would be pronounced. He had kept away from the White House until a few days before the date when he would be heard in his own defense at the bar of the House, when one night he received a note from President Jackson as follows: "Sam, come to the White House. I want to see you." He told us that, dressed

in his buckskin suit (for he had no money to buy clothes), he obeyed at once the summons and found General Jackson pacing the floor in great excitement. His features portrayed his rage, and with the look of an angry tiger he said: "It's not you they are after, Sam; those thieves, those infernal bank thieves, they wish to injure your old commander."

Never before had he seen Jackson in such a rage, and General Houston told us that he did not believe that anyone could then have looked on his face without a tremor. The President told him that he must prepare for his defense before the House and dress himself like a gentleman, at the same time taking a long silk purse filled with gold pieces from a drawer and tendering it. Houston's pride rebelled, and at first he declined to receive it, saying he had no means of repaying it, but Jackson insisted until he took the purse, for he said: "Sam, you must take this money and when you make your defense tell those infernal bank thieves, who talk about privileges, that when an American citizen is insulted by one of them, he also has some privileges."

The next day Houston ordered a fine suit of clothes, a silk hat, and boots, which were delivered the afternoon before he was to speak. That night he had as his invited guests at his room Stephenson the Speaker of the House of Representatives who was an old friend, Senator Felix Grundy of Tennessee, James K. Polk and Bailey Peyton, and I now quote *verbatim* his language:

"Gentlemen, we sat late and you may guess how we drank when I tell you that Stephenson at midnight was sleeping on a lounge in the room. Bailey Peyton was out of commission and had gone to his room, and Felix Grundy had ceased to be interesting. Polk rarely indulged and left us early. Though I drank deeply I could not feel intoxicated, and ordered a bellboy to wake up a barber and bring him. When he came I told him to bring me a cup of coffee at sunrise and his 'shaving traps.' Opening a drawer, I said, do you see this purse of gold and this pistol? 'If the coffee does not stick when I drink it, take the pistol and shoot me and the gold is yours.'" He said that he was at the very bottom round of the ladder and that he had rather have died than to have made a failure in his speech, which would occur if the coffee sickened him. The next morning the coffee agreed with him, and

being dressed for the occasion he appeared at the bar of the House in custody of the sergeant-at-arms at the appointed time.

The excitement in the city was great, and the gallery was packed with the intellect and beauty of Washington. He gave us the outline of his defense substantially as published in the *Abridgment of the Debates*, except for an incident during his speech which was omitted, for what cause one can only surmise; but Col. Bailey Peyton many years afterward assured me that the incident occurred. Houston told us that during the debate the anti-Jackson men had made such a wanton attack on his domestic relations that he was tempted to seek higher game than Stanberry, referring to which he said as it appears in the speech: "I ask no sympathy nor need. The thorns which I have reaped are of the tree I planted. They tear me and I bleed." He said, "That man Stanberry has slandered me through the columns of a newspaper, and refused even to answer a polite note, and I chastized him as I would a dog, and I will visit the same punishment on the shoulders of anyone who insults me, even though it be one of you who now sit in judgment on my conduct." When the thunder of applause that greeted this remark had ceased the silence that followed was broken by a voice clear as a flute; it was a woman's voice that could be heard all over the chamber. A reigning belle of Washington had risen from her seat in the gallery just above where Houston stood and said: "I had rather be Sam Houston in a dungeon than Stanberry on a throne," and threw a bouquet of flowers at his feet. He told us that when he stooped down to take the flowers and looking up bowed his thanks to the fair lady he felt a thrill of joy like that he experienced in the flush of victory at San Jacinto.

Four days after his speech the House decided by a vote of 106 to 89 that Houston had been guilty of a breach of privilege. Then, on motion of Henry Clay, a vote was taken on the proposition that Houston should be brought to the bar of the House and there reprimanded by the Speaker for contempt. Henry Clay opposed any penalty except that of a reprimand: the motion was adopted by a vote of 106 to 89. Then a motion to exclude Houston from the privileges of the House was lost by a vote of 90 yeas to 101 nays: Clay, Broadhead, Cave Johnson and James K. Polk voting in the negative.

The curious reader will find in Volume XII of the *Abridgment of Debates* the censure of the Speaker which reads more like a compliment than a reproof. Houston was fined by the local authorities \$500 for assault, which was remitted by President Jackson, "for divers good and sufficient reasons moving thereto."

His Duel With General William White.—In his long conversation that night in Bastrop in 1859 Houston told us of his duel with General White and its origin. It occurred soon after his return to Nashville after his first term in Congress. He had denounced a postmaster, who threatened to hold him personally responsible, and it was generally believed by his friends that Jno. T. Smith, a noted duelist, would bear a challenge from the offended party, and that Colonel McGregor, whose grandson now resides in Austin, would act as Houston's friend. Smith lived in Missouri; he had killed six men in duels and was known as Jack Smith T. He bore a challenge from the angry postmaster and attempted to deliver it to McGregor, who, without reading it, tore the paper and threw it on the ground, saying, "I'll neither read nor deliver to Houston anything brought by you, sir." No fight followed between Smith and McGregor, but General White, who was near, remarked that he did not think Smith had been properly treated. When Houston heard of the remark he told General White that if he was not satisfied he would give him any satisfaction he desired. It was reported that White had backed down, and this caused White to resent the imputation by challenging Houston, who accepted it.

Houston went at once to General Jackson's home at the Hermitage to borrow his pistols and practice under his eye. The dueling code required the antagonists to stand with their backs to each other and after answering to the question "Are you ready, gentlemen?" to fire between the words "fire" and "1, 2, 3, stop." Jackson told Houston to clamp some substance firmly between his teeth to steady his nerve, and also to so place his feet that without turning he could make a quarter turn of his body and thus gain a fraction of time after the word "fire." Houston and White fought across the State line in Kentucky. Houston escaped, but White was shot through the body, though not killed.

In answer to a question as to what Houston would have done if insulted by Smith T., he told us that it was then thought in

Nashville that his enemies had brought Smith there to provoke a challenge from him. Smith was a dead-shot who after killing his victim always walked up to him to see if he had shot him in the eye. General Houston told us that it was believed that Smith wore a shirt of mail, and he said that he had prepared himself with a double-edged dagger and if Smith had insulted him by treading on his foot or otherwise, he intended to seize him and kill him by driving the knife down above the collar bone, for, said he, "Smith was a heartless butcher, and if insulted, I intended to slay him as I would a dog."

Houston never fought another duel, though his bitter tongue when speaking of his enemies provoked many challenges. He was challenged by General Albert Sidney Johnston, President Lamar, Commodore Moore, President Burnet, and others. He once handed to his secretary the paper containing a challenge, saying, "This is number twenty-four. The angry gentleman must wait his turn."

It may seem strange that his reputation for courage was not affected, especially when the manner in which he sometimes avoided a fight is considered, for once he said, "Tell him that I won't fight him, for I never fight downhill"; but there was a general feeling amongst the colonists, except on the upper Colorado, that the safety of the republic depended on his services, and that many who aspired to leadership wanted him out of the way; therefore the people did not blame him for refusing to risk his life in personal combats.

Among the most prominent men then in Texas was William H. Wharton who was a brilliant orator and a leading spirit in stirring up the colonists to revolt. Governor Frank Lubbock once told me that after Houston had declined a challenge from Wharton he, with others, was present when they met in the shed room of the house on White Oak Bayou near Houston, where on some festive occasion the gentlemen had retired to mix their toddies. Wharton made an insulting remark to Houston and at the same time placed his hand on the handle of his Bowie knife, when Houston instantly lifted up both his open hands above his own head at arm's length and exclaimed: "Draw—draw if you dare! Lift your hand against the Majesty of Texas and the Almighty God would blast you where you stand." Such was the strange

influence of Houston's voice and gesture that Wharton, whom all knew to be a brave man, left the room.

I witnessed in 1859 the wonderful influence that Houston exercised over a desperate man when both were seated opposite each other at the dining table of Nicholson's Hotel in Bastrop. Ham White had during his early life been a Texas ranger, and had sworn he would kill Houston on sight, because he had said during the "Archive War" after the Mexican invasion of Vasquez that the people of the upper Colorado were horse thieves. White's threat was known, and Houston had been warned. While seated opposite each other at the dining table White made a very insulting remark intended for the General. All heard it and expected trouble; no answer was made, but Houston after laying down his knife and fork straightened up in his chair and looked with defiant gaze straight at Ham White who dropped his head and continued eating. Not a word was spoken, but anyone who has seen a powerful mastiff cow with a look a barking dog can understand the scene.

Strange Renewal of Friendship.—One of my nearest neighbors and valued friends from 1852 to 1860 was Captain James M. Swisher. He commanded a company at San Jacinto, and was a staunch friend of Houston until the latter attempted to remove the archives of the Republic from Austin, and at the same time indulged in harsh criticisms of Austin's colonists on the Colorado. For this Swisher openly threatened to hold Houston responsible. They never met, however, until 1857 when Houston, while making a speech, discovered Swisher in the audience. After a patriotic tribute to the bravery of the Texan soldiers at San Jacinto, the General said: "Yes, I see many of my old boys before me, and yonder sits Captain Jim Swisher, the bravest of the brave." After the speaking Swisher embraced Houston and weeping, laid his head on Houston's breast. Swisher was a good hater, a stern, vindictive man; but the memory of mutual dangers in the past and former friendship drove every thought of resentment from his breast.

Houston's Solicitude for Long John.—In the winter of 1838 when the seat of government was at Houston a few of Houston's Cherokee friends went there to see him, expecting, of course, to get presents of powder, lead and blankets. Houston was poor; indeed his only property consisted of two negroes Tom and Esau,

and his saddle horse. Under such conditions his Indian visitors could not have given the General much pleasure. One cold, rainy night while the Cherokees were in town Dr. Ashbel Smith, Surgeon-General of the army of Texas, received an unexpected visit from Houston, who standing at the door without entering Smith's cabin said: "Dr. Ashbel, have you with you your pill bags?" When he answered "yes" the General said: "Then get them quick and follow me to see a sick friend." He led the way over the muddy streets through the dark and the cold rain until he stopped at the open door of a large cabin built of pine slabs that stood in the rear of the Capitol. At the door Houston removed his hat and stood with bowed head until an Indian medicine man had finished his incantations over a kettle that was placed on a fire on a dirt floor in the middle of the room. Then the General, who had not spoken a word, motioned to the Doctor and pointed to two goods boxes on which Smith saw by the flickering firelight the form of a stalwart Indian. Houston motioned to Smith to approach the man, but still without speaking. The Doctor felt his wrist; he had no pulse. "Your friend, Mr. President, is quite sick," he said. Houston bowed his head, but said nothing. The Doctor put his ear over the region of the heart; it had ceased to beat, and the Indian's glazed eyes were fixed on vacancy. The Doctor wished to break gently the patient's condition to the President, so he said: "Mr. President, your friend is really in *articulo mortis*." Houston bowed his head, but said nothing. "I must be plain. Your friend is dead." The Doctor told me that Houston bowed his head for an instant, and then lifting high his hands exclaimed: "My God, is Long John dead? I thought Long John was too d— a rascal ever to die."

His Dislike for General W. R. Scurry.—General William R. Scurry, who was killed at the battle of the Saline during our Civil War, was one of the eloquent men of Texas. He opposed Houston from the stump in 1859 and incurred his enmity. Scurry, who was often careless in his attire, was nicknamed by Houston "Dirty-Shirt Bill." His hatred of Scurry found expression in a peculiar manner. After the inauguration of General Houston in 1860, A. J. Hamilton and G. W. Paschal, desiring to retain Professor Shumard as State Geologist, introduced him to the Governor who was quite busy, but being introduced Houston laid down his pen

and said: "O yes, glad to see you, Professor. Few men in Texas are qualified for your office. You call rocks the bones of the earth and tell how old it is by inspecting them. Yes, yes, a rare sort of learning! I wish a test of your skill. Find out and report to me the composition of the dirt on Bill Scurry's neck. If the report satisfies me I may keep you." Then rising up, he said: "Good afternoon, Professor, good afternoon," and with a lordly gesture bowed him to the door.

Soon afterwards I met Hamilton coming from the Capitol who told me that he had just inquired about Shumard's appointment, and the Governor had said: "He is a remarkable man, sir. He reports that he has found six distinct strata of filth on Bill Scurry's neck, and in the lower strata next to the hide he has discovered the fossil remains of animalculae."

His Views of Education.—When he brought his young son, Sam Houston, to Allen's Military School at Bastrop, he then gave to the Hon. A. J. Hamilton and myself his views of education. He wanted his son to be well grounded in the history and constitution of the United States, to continue his study of English grammar, and to have daily practice in writing until he could write well; to cypher to the "single rule of three," and learn how to calculate interest so as to protect himself in business, and did not wish him to "waste time" on Greek and Latin, nor keep him at school for years to learn the higher branches of mathematics. "For what profit," he asked, "is there in learning to tell how long it will take a ray of light from some distant star to reach our planet?" He wished to take Sam from school before he was twenty years old and place him in a clerk's office, or store, to come in contact with men and learn the "great book of human nature." He said that if Sam was kept at school until he was older in order to study Greek, Latin, and advanced mathematics he would return home "a graduated fool."

It may well be doubted whether a university education would have better qualified General Houston to lead the rugged men who drifted to the frontier of civilization or to hold his own when surrounded by the turbulent spirits who often opposed him.

His Bird of Destiny.—General Houston once told Dr. Ashbel Smith that a raven, his bird of destiny, fluttered before him in the dust in the road when he was going to Colonel Allen's (his father-

in-law) house the afternoon of his first marriage, and its peculiar cry of distress seemed a note of warning. General Houston gave to Major Goree, who grew up in Texas where the General lived, and to whom he was much attached, a singular account of his coming to Texas. He told him that while he lived among the Cherokees, the raven, whenever he saw that bird, would fly in the direction of Texas, and he at last determined to follow the course of his flight.

His Punishment of an Enemy.—Houston had a great dislike for General Besser, who lived in Huntsville. When Houston was Governor of Texas in 1860 he directed that a lean, half-starved, estray dog that came to the Mansion should not be fed by anyone but himself. After dinner he would throw him some crusts of bread, and then while he was eating would beat him with his staff until he howled, and while beating him would say: "How do you like that, General Besser?" Such an act was evidently the result of his early association with the Indians, who thought they could injure an enemy by giving his name to some object and then shooting arrows at it.

One of His Last Speeches.—When he was Governor in 1860 he spoke one cloudy afternoon in December on the north side of the Baptist church that stands in front of the Executive Mansion. His voice was clear and strong, and as he appealed for the union of the States, he uttered no word of bitter invective. His entire speech was an address to the reason, while he was depicting the horrors of civil war and foretelling its progress and result with prophetic truth; not one word of dissent was heard from the great assembly that covered the hillside. I have sought in vain for a newspaper copy of that speech to which I listened, but much of it lingers in my memory. He warned us that civil war would surely follow secession, and would result in the destruction of slavery; he said that at first Southern chivalry would for a time triumph, but our overthrow would follow; that the prejudices of the civilized world were against slavery and would prevent help from coming to us from abroad, while Europe would, if necessary, furnish recruits for the armies of the North. He warned the people of the numerical superiority of the Northern States, and that they were in possession of the navy and all the machinery of organized government, while the South with no previous preparation would soon find its

seacoast blockaded and its men fighting with the fear of a servile insurrection behind them. He predicted that our young men would be hurried across the Mississippi River,¹ and leave Texas to be protected by old men and boys, and thus fall an easy victim to the North. He said the North would control the Mississippi River and cut the Confederacy in two; New Orleans would be captured, and our boys would die on distant fields. Thus with warning voice he pleaded for peace, and talked like some inspired prophet of disaster. No one answered him, and though Associate Justice Roberts and Attorney-General George Flounoy soon afterwards made able speeches for secession, yet at the election a large majority of votes cast in Travis county and Austin were against secession, and it was defeated in every one of the five counties of my judicial district.

His stern and uncompromising nature provoked antagonism at every stage of his strange career. As early as 1855, while he was a United States senator from Texas, the Texas house of representatives passed "A resolution inviting him 'as former president of the Republic of Texas' to a seat in that House," but it declared that the invitation "should not be construed as an endorsement of his vote on the Kansas-Nebraska bill to which this House is opposed."

In 1859 he made no concessions to the secession element and made but few speeches, and yet though he denounced secession as madness he was elected by 6,000 votes in a voting population of 63,727. Two years before that he had been defeated by the organized Democracy by a majority of 8,924 votes, on account of his position in opposing the extension of slavery. His majority in 1859, if it had not been overawed by the defiant and aggressive methods of the intellectual men who then had the confidence of the people, might have prevented the secession of Texas.

Lincoln's Letter.—Before the secession convention removed Houston from his office,² he received a letter from Mr. Lincoln

¹This danger was soon realized. On the 12th of March, 1862, I delivered to Judah P. Benjamin, the Secretary of War of the Confederate States, the protest of the Texas Governor against raising any troops except through the Governor's office; a promise to comply with the request was made, but disregarded.

²Governor Houston was deposed on March 16.—THE EDITORS.

through a confidential messenger about the 28th of March, 1861, in which he was told that Lincoln was willing to send 50,000 troops to aid in keeping Texas in the Union. Undoubtedly the effort already made by Governor Houston to induce General Twiggs to surrender to *him* instead of to the Convention the government arms and stores in San Antonio was known in Washington and induced Lincoln's letter. When that letter was received, Houston requested his personal friends David Culberson, James Throckmorton, Ben Epperson and his cousin, Colonel Rogers (who was afterwards killed at Corinth), to meet him in the Executive Mansion. He there in confidence showed them Lincoln's letter and asked them to express frankly their opinions. Though all were at that time opposed to secession, they each advised against resistance to the Convention. Then Houston stepped to the fire and burned the letter, saying: "Gentlemen, I had resolved to act in this matter on your advice, but if I was ten years younger I would not."¹

If he ever contemplated resistance to the Secession Convention, the idea was abandoned for he wrote to Colonel Waite at San Antonio, saying: "I have received intelligence that you have, *or will soon receive* orders to concentrate United States troops under your command at Indianola, in this State, to sustain me in the exercise of my official functions. Allow me most respectfully to decline any such assistance . . . and to most earnestly protest against the concentration of troops . . . in Texas and to request that you remove all such troops out of this State."

No Relic in the Texas Capitol.—Texas has no relic as a personal memento of her most illustrious soldier and statesman; neither vesture, hat, sword, gun, nor even his walking staff.² A long gold-

¹The above account of what transpired I had in great confidence from one of the gentlemen consulted. Senator Culberson has referred to it in an article published some years ago (*Scribner's Magazine*, May, 1906, p. 556), and he learned it, presumably, from his father. A letter printed in the *War of the Rebellion* (Series I, Vol. 1, pp. 551-552) gives an insight into a confidential mission of one F. W. Lander, sent by Mr. Lincoln. It may be that he bore the letter referred to, but my information was that the bearer of the letter from Mr. Lincoln was George Giddings.

²While the articles enumerated by Judge Terrell have not been placed in the Capitol, the reader may find there a marble bust, a marble statue, four oil portraits, and the official records of General Houston's administrations as President and as Governor of Texas.—THE EDITORS.

headed staff with which he walked habitually in his advanced years was presented to me by his son, Senator Temple Houston, many years ago to keep as a memorial of the General's personal regard. It was delivered to me with the request that it should finally go to the most worthy descendant of the General. After it had remained in my hall for many years, Temple Houston wrote me from Oklahoma requesting that I send it to him. I reminded him that the State had none of his father's belongings, and wrote requesting consent that I might chain it to his father's portrait in the Capitol. He answered saying: "Send me the staff. Texas thinks more of Jim Hogg's old shoes than of my father's memory." I thought it a harsh reflection on the State, but within a year his sister, an intellectual and accomplished lady, was defeated for the office of postmistress of the Senate.

Houston's inflexible honesty and contempt for the mere money-maker did much to inspire the confidence of the early colonists. He opposed all speculative raids on the public domain, and once proclaimed that he had rather see our treasure emptied into the Colorado River than give it to any sort of corporation.

A Duty of Texas.—To General Sam Houston, more than to any man living or dead, Texas owed her independence, and to his wise statesmanship her preservation against foreign and domestic enemies during the ten years when she was a republic. The prejudice excited by Texas slave holders against him on account of his opposition to the extension of slavery, and which has been transmitted to many of their posterity, is unworthy of our people.

Too long has this State neglected his memory; for not until he had been dead forty-seven years did she do anything to show her gratitude, and then it was done as an act of tardy justice by erecting a monument over his remains in an obscure graveyard in the interior of the State.¹

We are now strong and prosperous, and this State should place in front of our Capitol his full length bronze statue of heroic size, on a granite pedestal, with no inscription but his name, SAM HOUSTON.

¹For a brief notice of the unveiling of this monument, see *THE QUARTERLY*, XV, 85.

THE RETREAT OF THE SPANIARDS FROM NEW MEXICO IN 1680, AND THE BEGINNINGS OF EL PASO

I

CHARLES WILSON HACKETT

INTRODUCTORY

In a former paper, published in *THE QUARTERLY* in October, 1911, an account was given of the revolt of the Pueblo Indians of New Mexico in 1680, and of the defensive efforts of the Spaniards immediately following the revolt. That paper ended with the decision of the two divisions of refugees, at Santa Fé and Isleta, to abandon the province. It is now proposed to give a narrative of their retreat down the Rio Grande, and of their subsequent settlement at Paso del Norte, subjects on which practically nothing has been written heretofore.¹ The present paper has been based largely on the sources described in the introduction to the former. Several additional original documents, however, have been encountered in the Bancroft Collection, and have been utilized here. A large number of older secondary works, in which the Bancroft Collection is especially rich, have also been used. Without essentially changing the story of the revolt as I have previously written it, this new material will supplement it and throw additional light on certain points not clear in that narrative.

I. THE RETREAT OF GARCIA'S DIVISION TO FRAY CRISTOBAL

As has been pointed out in the account of the revolt, it was on August 14 that the Spanish refugees in Isleta abandoned that pueblo and began their long and perilous journey toward Mexico. The condition of these once prosperous settlers of Rio Abajo was such, however, that a hasty retreat was impossible. Most of the

¹Even Escalante, who wrote an authoritative, though brief account of the revolt from the archives of Santa Fé, has little to say concerning the retreat down the Rio del Norte, or concerning the events attending the settlement of the Spaniards at El Paso.

refugees, including hundreds of women and children, were without horses; many of them were barefooted and half-naked; while all suffered in common from a lack of food.¹ It is not surprising to learn, therefore, that for the first ten days of the retreat an approximate distance of only twenty-five leagues was covered. For the details of this stage of the journey there is no adequate account, the chief source being an *auto* of García dated August 24, at which time the pueblo of Socorro had been reached. In that document García unfortunately made mention of only two important succeeding events, and even neglected to give the date for one of these.

The place first mentioned as having been passed was Sevilleta, one of the pueblos of the Piros Indians. There the natives were found quiet and peaceably disposed toward the Spaniards, as is shown by the fact that they abandoned their pueblo and moved on with the refugees into the interior of the Piros nation.² Sometime between the 14th of August, the day Isleta was abandoned, and the 20th of the same month, García and Father Diego de Mendoza despatched letters to Leiva and Father Ayeta informing them of the revolt and of the fate which at that time it was supposed had befallen all the settlers north of Sandía.³ This news was received by Leiva and Ayeta at El Paso on August 25, at eight o'clock in the morning.⁴ The events attending the receipt of it will be discussed later.

A second and more important event had been the receipt by García of definite news concerning Otermín and the northern refugees at Santa Fé. On August 20, while García and the Rio Abajo people were halting in the pueblo of El Alto,⁵ there arrived from the north Sebastian de Herrera and Fernando de Chávez,

¹*Autos tocantes*, 28.

²*Auto* of García, in *Autos tocantes*, 21-22.

³"*Autto* (de Otermín)," in *Autos tocantes*, 15.

⁴"*Carta del Padre Visitador a el Exmo. Sr. Virrey*," in *N. Mex. Doc.*, I, 565. I have not had access to the letters of García and Mendoza to Leiva and Ayeta.

⁵I can find no other reference to the location of any pueblo by that name. The document reads, "estando yo con todos los Vezos del Rio en el puesto del pueblo del alto." I think it possible, however, that García only meant to designate his stopping place as "el puesto del alto" (the place of the height), without any intention of referring to a pueblo by that name.

the two¹ survivors of the jurisdiction of Taos. These men first gave an account of the revolt at that pueblo. They then told of their flight for safety, and of passing on the seventh day after the outbreak of the revolt in sight of Santa Fé, where they were able to ascertain that a large number of Spaniards were besieged in the government buildings (*casas reales*). While viewing the progress of the siege from a distance, the Indians had been seen to attack the villa and set fire to houses, the church of San Miguel, and the living quarters of the governor, situated in the *casas reales*, leaving intact only two small towers of his dwelling.² On these towers were seen some people, though it could not be determined whether they were Indians or Spaniards. A little later Herrera and Chávez saw the smoke, and heard the dull roar, as they judged, of the Spanish artillery, after which they saw the Indians, "who actually were fighting,"³ withdraw to the fields, setting fire to other houses as they proceeded. Herrera and Chávez, however, did not wait to see whether the enemy had withdrawn for good, or returned later to continue the siege.⁴

This news brought by Herrera and Chávez was García's first information that any of the northern settlers had survived the revolt, for, as has been seen, the Indians had led him to believe that all had perished except those who were able to assemble in Isleta. Having reason to believe, therefore, that if seven days after the outbreak the Indians had not conquered the refugees at Santa Fé, they might even then be alive and still defending themselves there, García determined, if possible, to learn for a certainty their fate.⁵

Such a move at that time, however, was impracticable. First of all, it was necessary to find a place where the women and children might be left with some degree of security,⁶ for the dreaded Apaches, who were allied with the Christian revolters, were almost constantly in sight of the refugees.⁷ Now that there was

¹Auto of Otermín and Herrera in *Auttos tocantes*, 70.

²*Auttos tocantes*, 23.

³Auto of García, in *Auttos tocantes*, 22.

⁴*Auttos tocantes*, 23.

⁵Auto of García, in *Auttos tocantes*, 22.

⁶*Ibid.*, 23.

⁷*Auttos tocantes*, 23 and 24.

hope that some of the besieged in the villa might still be alive, the question of the rescue presented even greater difficulties than when it had come up at Isleta. Some twenty-five more leagues now lay between him and the villa. The supply of provisions, scanty in the extreme when Isleta was abandoned, had perceptibly diminished. There was no place where they might hope to replenish their food supply, or to refill their almost empty ammunition pouches.¹ Accordingly, the march was resumed from El Alto, and four days later (August 24) the pueblo of Socorro, near the center of the friendly Piros nation, was reached.

Upon the arrival at that place several circumstances combined to influence García to make arrangements at once for returning to the northern jurisdiction. The inhabitants of Socorro, like those of Sevilleta, were found quiet and still friendly toward the Spaniards. When it was learned that the latter were abandoning the province, the natives of Socorro and Sevilleta expressed their determination to go with them, being afraid, since they had not been invited to join the revolt, that the northern tribes would attack and destroy them.² Feeling a certain sense of security in Socorro, therefore, García decided to fortify that pueblo as a means of protection to the women and children, and, after attempting to secure men, arms, ammunition, and provisions from the supply train which was supposed by that time to be somewhere near them, to return to Santa Fé.³

The supply train, as was pointed out in the account of the revolt, consisted of a number of wagon-loads of provisions and munitions which the government had granted for the support and protection of the missions of the province. It had left Mexico the year before in charge of Father Ayeta, the custos and procurator general of New Mexico; and, in order that it might have safe convoy, Otermín had despatched, some weeks previously, a troop of thirty men under Pedro de Leiva, to meet it at El Paso and conduct it up the river.⁴ It was García's intention, upon the receipt of these reinforcements from the supply train, to leave a small garrison at Socorro, and then, with all the force that would

¹*Auttos tocantes*, 23.

²*Auto of García*, in *Auttos tocantes*, 21.

³*Ibid.*

⁴*Auttos tocantes*, 23, 26.

follow him, to go to ascertain the fate of the governor, "or lose his life in the attempt."¹

An *auto* setting forth the above plans, together with an order for their immediate execution, was made public in Socorro on the day of arrival at that pueblo. At the same time García gave an opportunity for anyone who might not agree to the project, to so express himself in writing. While the men in camp were considering the proposals, García, himself, it seems, was making preparations to carry them out. But he soon found himself in a "chaos of confusion," on account of the scarcity of arms, ammunition, and other supplies, either for an offensive or for a defensive campaign. Moreover, signs of hostility on the part of the Socorro Indians had been discovered. He therefore decided to suspend operations, call a *junta* of all the men of practical military experience, and to decide thereafter what was best.²

On the same day, accordingly, all the soldiers who were at Socorro met in assembly.³ The first man to speak was Maestre de Campo Thome Domínguez de Mendoza, a person who had held responsible positions in the province both in peace and war. Mendoza began his remarks by summarizing the events of the revolt. He told how many citizens of the province had been killed, and how the Rio Abajo survivors had been able only "by the very skin of their teeth" to assemble in Isleta. He told how, after the Spaniards had collected there, the natives of that pueblo had become warlike, and how the refugees, fearing death, had held a consultation and decided to retreat toward Mexico until they should meet the supply-train. But especially did he dwell upon the present condition of the refugees. Practically defense-

¹*Auto* of García, in *Auttos tocantes*, 21-22.

²*Ibid.*

³*Auttos tocantes*, 22. The original sources for the events here recorded are a series of *autos* signed by García and the different men who expressed their opinions concerning his plans. All these *autos*, with the exception of that of Luis de Granillo, and the last one of García, were written "en el pueblo del socorro en Veinte y quatro dias del mes de agosto de mil y seis cientos y ochenta anos." The last two in question, however, were written "en este paraje enfrente del pueblo del socorro en veinte y seis dias del mes de agosto." It thus appears that García did not record his answer to the opinions expressed by his officers until the second day following the council, at which time the pueblo of Socorro had already been abandoned.

less and without munitions, the camp had the dreaded Apaches ever in sight. Some of the Piros Indians, among whom the Spaniards then were, and who had hitherto shown no unfriendly disposition, were becoming hostile. This was shown by the fact that when a messenger from the northern rebels had arrived among them, they had hid him for three days, at the end of which time he was discovered. The small supply of provisions with which they had started out from Isleta was almost exhausted, while a number of refugees, including several of the religious, were ill. For these reasons, and because the actual condition of the governor's division could not be ascertained from the report of Herrera and Chávez, Mendoza was of the opinion that the force ought not to be divided, but that all should go together to meet the supply-train and its escort. Having met the train, he thought, a body of men should be sent to ascertain the fate of those in Santa Fé, in order that a true report might be sent to the King. To do otherwise would mean death to both those left behind and those in the villa. Such, he said, was what he conscientiously believed to be "most fitting to the service of God and the King," and in the interest of the safety of the whole body of people.¹

Following Mendoza seventeen other officers spoke. All but one insisted that their force should not be divided by sending a part of them to meet the wagons, as García had ordered, since in their absence the apostates, allied as they were with the Apaches, might attack the camp, the result of which would be fatal to all. The only dissenting opinion came from Captain Don Fernando Durán y Chávez, who said that, leaving the camp guarded, it would be "fitting to return to the villa of Santa Fé in order to know for a certainty" whether its inhabitants were dead or alive.²

Two days later (August 26), in "this place opposite the pueblo of Socorro"—from this it seems that they had already moved out

¹*Auttos tocantes*, 22-23.

²*Ibid.*, 23-27. The names of the men above referred to are herewith given. The *maestre de campo*, Juan Domínguez de Mendoza; the *sargentos mayores*, Don Pedro Durán y Chávez, Sebastian de Herrera, Don Fernando de Chávez, Cristóbal Enríquez, Antonio de Salas; and the captains, Felipe Romero, Pedro Marqués, Ignacio Baca, Juan Luis the elder, Joseph Tellez Xiron, Pedro de Sedillo, Juan Luis the younger, Diego Domínguez de Mendoza, Antonio de Alviçu, Pedro Varela Xaramillo, and Don Fernando Durán y Chávez.

of Socorro—the last man gave his opinion. This was Sarjento Mayor Luis de Granillo, also referred to as “Alcalde and *capitan á guerra* of the jurisdiction of the Xemes and Queres Indians, procurator general of these provinces, and *regidor* of the villa of Santa Fé.”

The account, given elsewhere, which at that time he made of the revolt at Jemez, Sia, and in Rio Abajo, is fuller and even more important than the opinion which he expressed concerning the question at issue. Suffice it to say here, therefore, that having called attention to their lack of supplies, and to the fact that the majority of the people at Socorro were “naked, on foot, and barefooted,” all of which caused “shudders of horror at the sight thereof,” Granillo emphatically declared that the whole body of the people ought to go on together to meet the wagons, before the Indians might advance and destroy them all.¹

At the same time that Granillo gave his opinion García himself drew up an *auto* summarizing his reasons for continuing the retreat. He stated that in the *junta*, where all the many difficulties that surrounded them had been fully discussed, he had come to realize that there was nothing else to be done, especially since they had no suitable place in which to resist the enemy in case of an attack. Considering, therefore, his obligation to so many defenseless women and children, he deemed it best to reserve all his efforts until after he had met the wagons containing the royal alms, concerning which he had lately had occasion to be alarmed, because of the report that the Indians down the river were allied in the revolt. (It will be remembered that the northern tribes told the Spaniards while the revolt was in progress that all who might escape them would be killed by the Mansos Indians.) Therefore, having recorded all the *autos* of the revolt and of the march, together with all the opinions of the men as expressed at Socorro, that all might stand as evidence of his reason for such action, García ordered that the retreat should be continued at once.²

On September 4, when next heard of, García and the Rio Abajo refugees were at a place called Fray Cristóbal, described as be-

¹*Autos tocantes*, 27-28.

²*Auto* of García, in *Autos tocantes*, 29.

ing sixteen leagues south of Socorro, six leagues beyond the inhabited part of the province, nine leagues below the pueblo of Senecú, and approximately fifty-seven leagues from the pass of the Rio del Norte.¹ On the details of the retreat from Socorro thither no light is thrown, nor is it stated when that place was reached. September 4, at Fray Cristóbal, however, proved an eventful day. At that time, or perhaps earlier, García received a letter written by Father Ayeta at El Paso on August 28. In this letter Ayeta notified the lieutenant-general that Leiva would start on August 30 from El Paso with aid for the Rio Abajo refugees.² On the same day Father Francisco Farfan and four soldiers reached Fray Cristóbal from the northern division of refugees with a letter³ and certain instructions from Otermín for García. Otermín states that he sent orders for the Rio Abajo people to return to the pueblo of Senecú,⁴ nine leagues above Fray Cristóbal, there to await the arrival of the northern division. Father Sierra writing at Fray Cristóbal on September 4 states that the Rio Abajo division was instructed to await Otermín's division in whatever place his message should be received.⁵ Whatever the order, it is certain that either García did not construe it to mean that he was to return to the pueblo of Senecú, or else ignored it.

"Autto (de Otermín)," in *Auttos tocantes*, 31; *Auto* of Otermín, in *Ibid.*, 12; "Carta del Padre Fr. Francisco de Ayeta escrita al R. P. Comisario General (Dec. 20, 1680)," in *N. Mex. Doc.*, I, 543; "Autto y diligencia," in *Auttos tocantes*, 43; Vetancur, *Chronica de la Provincia del Santo Evangelio de Mexico*, 98. Lummis in his translation of Escalante's "Letter" (*Land of Sunshine*, XII, 250) calls this place San Cristóbal, and in brackets states that the text has it "fray" Cristobal. The latter is correct, and Lummis is wrong in judging that the halt was made at San Cristóbal, instead of Fray Cristóbal, for the former was a Tanos pueblo, south of Galisteo, while the latter was only a designated halt of the Rio Abajo people in the unsettled part of the province between Socorro and El Paso.

"Carta del R. P. Procurador F. Francisco de Ayeta al Exmo. Sr. Virrey," in *N. Mex. Doc.*, I, 526.

²I have not had access to this letter but am dependent for the fact that it was written upon, "Carta del R. P. Procurador Fr. Francisco de Ayeta al Exmo. Sr. Virrey (Sept. 11, 1680)," in *N. Mex. Doc.*, I, 527; "Carta del Padre Fr. Antonio de Sierra para el Padre Visitador (Sept. 4, 1680)," in *Ibid.*, 522.

"Mandamto de Prision contra la persona del theniente gel alonso garcia," in *Auttos tocantes*, 13.

⁵"Carta del Padre F. Antonio de Sierra para el Padre Visitador (Sept. 4, 1680)," in *N. Mex. Doc.*, I, 520-21.

Shortly after receiving this news, accompanied by six men¹ he set out to meet the governor with some horses,² leaving in command in his place Maestre de Campo Thome Domínguez de Mendoza.³

In his letter to García, Otermín had instructed the lieutenant-general to notify Father Ayeta to send him much needed aid as soon as possible.⁴ Accordingly, before setting out to meet the governor, García wrote to Ayeta advising him of the above-mentioned facts. At the same time Father Antonio Sierra wrote to Ayeta giving him more detailed information concerning the ruin which had befallen his religious order. Both letters were despatched from Fray Cristóbal on September 4 by the same messengers who had brought Ayeta's letter of August 28.⁵

From this time until the Rio Abajo people were overtaken by Otermín's division on September 13, very little light is thrown upon events at Fray Cristóbal; what is known can best be discussed in subsequent pages.

II. THE ARRIVAL OF FATHER AYETA WITH AID FROM MEXICO

As was pointed out in the story of the revolt, when García and his soldiers evacuated Isleta on August 14, it was with the hope that they would soon meet the wagon train of supplies which Father Ayeta, the *custodio* and *procurador general* of New Mexico, was conducting from Mexico for the missionaries of the province.³ Later, as we have just seen, Socorro was abandoned for the express purpose of meeting these wagons so that the immediate wants of

¹*N. Mex. Doc.*, I, 521.

²Notificación y Prision—," in *Autos tocantes*, 14. Gregg (*Commerce of the Prairies*, Vol. I, p. 127) and Davis (*The Spanish Conquest of New Mexico*, p. 298) say that García carried provisions and some carts. I can find no evidence of his having carried other than *Vestias*. It must be remembered that at the time García left Fray Cristóbal Leiva had not reached that place with the aid which he had started out from El Paso with on August 30. García was therefore in no condition to furnish Otermín with supplies.

³"Carta (de Otermín á Parraga)," in *Autos tocantes*, 31.

⁴"Carta Del teniente Gral Don Alonso García para el Rdo Padre Procurador (Sept. 4, 1680)," in *N. Mex. Doc.*, I, 519.

⁵"Carta del R. P. Procurador Fr. Francisco de Ayeta al Exmo. Sr. Virrey (Sept. 11, 1680)," in *N. Mex. Doc.*, I, 526.

⁶THE QUARTERLY, XV, 147.

the refugees might be relieved sooner and that an expedition might be better equipped and sent to ascertain the fate of the northern settlers. At that time the train was supposed to be proceeding up the river at no great distance below Socorro, safely escorted by Pedro de Leiva and some soldiers whom Otermín had previously despatched to meet them. In this, however, the refugees were mistaken, for at that time the train was still at Guadalupe del Paso, over seventy leagues south of Socorro, and it was not until August 25 that Father Ayeta and Leiva at that place received news of the revolt. From that time on the activities of Father Ayeta, who was to become the real savior of the New Mexican refugees, are both interesting and important, for it was he who was to furnish supplies for the actual wants of the people, and who was also to go in person to Mexico City to report on the condition of affairs following the revolt and the things needed for a reconquest of the province.

Before discussing the efforts put forth after August 25 by Father Ayeta and Leiva at El Paso for succoring García's division, which then was supposed to contain all the survivors of the revolt, it is necessary at this point to correct some of the misleading statements that have been made concerning the supply-train which Ayeta had in his charge at that time. Bancroft,¹ for instance, says in substance that in 1676 the condition in New Mexico was such that a reënforcement of forty or fifty men was needed at once if the province was to be saved; that Father Ayeta, having gone to Mexico for succor, was preparing to start with a wagon train of supplies for the missionaries; that he made an earnest appeal for fifty men and one thousand horses to accompany the train; that the *junta* approved the measure on September 9th, perhaps of 1677;² that the viceroy reported to the king his resolution to send aid on January 13, 1678; that the king approved on June 18th; and finally, that after an unaccountable delay, the train started from the city of Mexico on the 29th or 30th of September, 1679.

¹*Arizona and New Mexico*, 171.

²The copy which I have used of the proceedings of the Junta General herein referred to reads, "Mexico nueve de Septiembre de mil seyssientos y setenta y seys años" (see "Autos tocantes á socorros del Nuevo Mexco. —," 4), while Bancroft's own copy reads, "9 de Setiembre de 1676 años" (see *N. Mex. Doc. MS.*, I, p. 509).

From these statements it can readily be seen that Bancroft supposed that only one supply-train was sent from Mexico City, in charge of Ayeta, for the succor of the northern provinces between 1677 and 1680, when, as a matter of fact, there were two. For a clear understanding of the whole situation a brief summary of the facts is pertinent.

It was the policy at that time for the king to grant every three years, for the support of the religious order in New Mexico, the sum of 61,440 *pesos*, paid at his command by the Real Hacienda of Mexico.¹ In 1676 Father Ayeta went to Mexico City to collect this triennial gift, which he planned to transport to New Mexico in twenty-five wagons.² But besides this commission, he was entrusted with another. In September of that year Ayeta, with authority from and in behalf of the governor of New Mexico and the Cabildo of Santa Fé, presented a formal petition to the viceroy, Don Payo de Rivera, asking for reënforcements in the form of men, arms, horses, and ammunition to enable the province to withstand the continued invasions of the Apaches and their heathen allies.³ The number of men asked for was fifty, to be armed and provided with twelve horses each, and whose duty it should be to guard the frontiers. In addition, arms for fifty citizens of the province, one thousand horses in all, and supplies sufficient to conduct the same to New Mexico were asked for, all to be provided at an approximate cost of 14,700 *pesos*, besides the supplies which were to be carried to the religious.⁴ To support the petition which he presented, Father Ayeta included in it transcripts of the royal *cédulas* of June 3, 1570, May, 1600, and May 20, 1620, giving the viceroys authority to take such measures as might be deemed necessary for the pacification of the Indians of New Spain. Father Ayeta concluded by urging that the authority thus granted by the royal *cédulas* cited be applied in the case of New Mexico before it should be too late.⁵

¹Report of Ayeta to the Junta General, January 9, 1681, in *Autos tocantes*, 107; Proceedings of the Junta General, January 17, 1681, in *Ibid.*, 114.

²"Autos tocantes á socorros del Nuevo Mexico—," 1.

³*Ibid.*

⁴*Ibid.*

⁵*Ibid.*, 1-2.

Besides his own petition, Father Ayeta presented also an opinion (*consulta*) from the *definitorio* of the Franciscan missions of New Mexico, and a report (*informe*) made by the governor of that province.¹ These reports, after they had been presented to the viceroy, were referred by him to the *auditor general de guerra*, Don Francisco Fernández Marmolejo. On September 2, Marmolejo, in a report to the viceroy, favored sending the desired aid to New Mexico.² The viceroy next sent the petition of Father Ayeta and the accompanying *autos* to the royal *fiscal*, Don Martín Solís de Miranda. That officer in reviewing the conditions in New Mexico as he found them stated in the *autos* of the governor and *definitorio* of the province, pointed out in substance that the invasions of the Apaches and their allies had been so disastrous that five settlements had been totally destroyed; that churches had been burned, and their furnishings, including an image of Nuestra Señora, carried off by the apostates to be made use of in their dances and sacrileges; that on October 7, 1672, Father Pedro de Ayala, minister of the pueblo of Ajusco, had been killed, and likewise that on January 23, 1675, the same fate had befallen Father Alonso Gil de Avila,³ minister of the pueblo of Senecú; that the

¹"Autos tocantes á socorros del Nuevo Mexico—," 2. I have not had access to the original documents referred to above, but the latter are mentioned and summarized in the *autos* of the viceroy and the other officials contained in "Autos tocantes á socorros del Nuevo Mexico—."

²"Autos tocantes á socorros del Nuevo Mexico—," 2.

³Bancroft mentions this occurrence in his *Arizona and New Mexico*, p. 171. The copy of the source cited by him reads, "y al Padre Fr. Alonso Gil de Avila Ministro del pueblo del Renecuey el dia 23 de Enero del año pasado de 1675." The copy which I have used reads, "y al Padre fray Alonso Gil de Abila ministro del Pueblo de Zenecú en el dia Veinte y Tres de henero del año passado de seyssientos y settenta y cinco." On page 182 *op. cit.*, Bancroft cites Arlegui (*Chronica de la Provincia de S. Francisco de Zacatecas*, ed. 1737) for his authority in stating that "a P. Alonzo Gil —, in this revolt (1680) or some other, appeared at the window of the church where the Christians had taken refuge, and was shot while trying to appease the rebels." In this connection Bancroft fails to note that beyond all reasonable doubt the Father Alonso Gil de Avila mentioned in his copy of the source cited is identical with the Father Alonso Gil mentioned by Arlegui in the passage cited. According to that author (*Chronica*, etc., p. 250, ed. 1737), Father Gil and some Spaniards were besieged in the church (at Senecú). The priest, on appearing at the window with a crucifix in his hand in the attempt to pacify the natives, was shot in the breast with an arrow, from the effects of which he died shortly afterward at the foot of the crucifix in the altar. The other Spaniards in the church were soon afterward aided by some soldiers and all escaped.

natives had lost their respect and reverence for the missionaries; that the defensive force in the frontier settlements amounted to only five soldiers; that Santa Fé itself had only ten such defenders, while many of the citizens of the villa had neither arms nor horses, since they had been carried off by the Indians.¹ Accordingly it was stated that if the request was not granted the danger was imminent not only that all the settlements of New Mexico, but even those of Nueva Vizcaya, would be destroyed.²

For all the above reasons, the *fiscal* stated in his report to the viceroy on September 5, 1676, that he thought it would be inexcusable not to grant the aid asked for by the governor and the *definitorio* of New Mexico, pointing out that royal authority was not lacking, as the *cédulas* cited by Father Ayeta showed. At the same time he recommended that the viceroy refer the matter to the Junta General de Hacienda.³ This was done, and on September 9, 1676,⁴ it was resolved by that body that the viceroy should order the officials of the royal treasury to aid "this time only and no more" the province of New Mexico, with the people, arms, horses, and munitions asked for.⁵ Accordingly, the treasury officials were instructed to provide all the necessities and entrust them to Father Ayeta, who was to conduct them to New Mexico in the twenty-five wagons in which he was also to carry the supplies for the missionaries.⁶

On September 22, 1676, the treasury officials, with the help of Father Ayeta, compiled a detailed estimate of what should be bought, together with an itemized account of the cost. Money was allowed for the following: fifty soldiers to guard the frontiers; eight women to accompany the train to make tortillas and cook for the men; one thousand horses (to be bought in Guadiana, now Durango), twelve being allowed to each frontier guardsman; twelve men to drive the horses; supplies for the caravan sufficient to last six months, the usual time required to make such a journey

¹"Autos tocantes á socorros del Nuevo Mexico——," 2-3.

²*Ibid.*, 3.

³*Ibid.*, 3.

⁴See note 2, page 146.

⁵"Autos tocantes á socorros del Nuevo Mexico——," 3.

⁶*Ibid.*, 3.

from Mexico City to Santa Fé; and other miscellaneous provisions. The total cost was 14,700 *pesos*.¹

The aid thus granted by the Junta General and collected and paid for by the treasury officials, was sent to New Mexico in 1677. Proof of this is shown by the following facts. In a royal *cédula*² of June 18, 1678, the king stated that on January 13 of the same year the viceroy wrote to him giving an account of the appeal for aid which had been received from New Mexico, and informing him that after the matter had been deliberated upon in the Junta General, that body had made provision for the aid in men, arms, horses, and munitions asked for,³ before referring the matter to him, since the total cost of the supplies did not amount to more than 14,700 *pesos*. The king concluded the *cédula* by adding that he approved all that had been done for the support of New Mexico, and asked that he be kept informed as to the condition of affairs there and the results which might follow the grant of supplies. Again, in a *cédula* of June 25, 1680, the king mentioned the fact that on June 18, 1678, he approved the aid of people, arms, and horses which the viceroy "sent to the provinces of New Mexico in 1677."⁴ This is conclusive proof that the supply-train which left Mexico in 1679 was not identical, as Bancroft supposed,⁵ with the one which Ayeta asked for in 1676 and received in 1677.

Concerning the supply-train that left Mexico in 1679, some facts are known. In the early part of that year Father Ayeta returned to Mexico to receive the triennial gift of 61,440 *pesos*.⁶ At the same time he represented to the authorities in Mexico in a letter directed to them and dated May 28, 1679, the advantages and benefits that had resulted from the aid that had been sent in

¹"Autos tocantes á socorros del Nuevo Mexco—," 5-8.

²In *Nuevo Mexico Cédulas* (Bancroft Collection), folio 9-11.

³"y consultandolo vos con la Junta Gral de la Hazienda dispusisteis el socorro qe. se resolvió de cinqta. hombres," etc. *N. Mex. Céd.*, 10.

⁴*Cédula* of June 25, 1680, in *Autos tocantes*, 94. "—que por zedula de Diez y ocho de Junio de mil seiscientos y setenta y ocho le aprovele el socorro de gente Armas y cavallos que el año de seiscientos y setenta y siete remitio a las Provas del nuevo Mexico."

⁵*Arizona and New Mexico*, 171.

⁶Report of Ayeta to the Junta General, January 9, 1681, in *Autos tocantes*, 107. Proceedings of the Junta General, January 17, 1681, in *Ibid.*, 114.

1677, and asked, for the greater security of those provinces, that fifty more soldiers be provided for a period of ten years, so that a presidio might be established.¹ The matter was taken under advisement by the *fiscal* of the Audiencia in Mexico City, but that official recommended that the matter of sending further aid to the secular authorities of New Mexico be suspended for the present,² thereby causing the plan to fall through. On June 19, 1679, the viceroy wrote to the king informing him of the facts stated, and at the same time enclosed affidavits of the correspondence between Ayeta and the Mexican authorities.³ In reply the king issued a *cédula* of June 25, 1680, in which he stated that, because of the benefits that had resulted from the former aid that had been sent to New Mexico, proof of which was contained in the letter of Father Ayeta of May 28, 1679, he ordered the viceroy to apply all the means possible for supplying New Mexico with such aid and defence as might be deemed useful and necessary. He concluded by stating that "you know this [the conversion of the Indians of New Mexico] is my principal care and desire"; and by requesting that he be informed on every occasion offered concerning the state of affairs in that turbulent province. By the time this *cédula* reached New Spain, however, the ruin which Father Ayeta had asserted to be imminent, had already befallen unfortunate New Mexico.

Having failed in his efforts to secure aid for the secular authorities in the province, Ayeta started from Mexico City on Saturday, September 30, 1679,⁴ with twenty-eight wagon loads of provisions for the missionaries, though at the start two of the

¹*Cédula* of June 25, 1680, in *Auttos tocantes*, 94.

²*Ibid.*

³I have not had access to the letter of June 19, 1679, from the viceroy to the king, nor to the letter of May 28, 1679, from Father Ayeta to the viceroy. They are both mentioned and summarized, however, in the royal *cédula* of June 25, 1680, in *Auttos tocantes*, 94-5.

⁴Robles, "Diario de los Años 1665 a 1703," in *Doc. Hist Mex.*, 1st series, volume 2, page 289. Notwithstanding that this is the same authority cited for his statement, Bancroft says that the train left Mexico on the 29th or 30th of September. (*Arizona and New Mexico*, 171.) I can find no authority in the sources used by Bancroft for his further statement that with the wagons went some troops (*Ibid.*, 172), and, as I have already pointed out, the sources which I have used state plainly that the request for troops in 1679 was not granted.

wagons broke down.¹ According to Ayeta's own statement, besides the alms which he was carrying to the missionaries of New Mexico, he also carried 14,000 *pesos'* worth of supplies for other northern settlers and missionaries which he had asked for and received. Of this amount 8000 *pesos'* worth belonged to Captain Joseph de Retes for citizens of his province, while the other 6000 *pesos'* worth consisted of clothing for the missionaries of the same district.² It is thus seen that there was no "unaccountable delay" in the departure of the 1679 supply-train, as Bancroft has stated.³

The progress of the wagons from Mexico had been slow, and although six months was the time usually required for such a trip to Santa Fé, by August 25, 1680, they had not passed beyond the monastery of Guadalupe, near the pass of the Rio del Norte.⁴ When the wagons reached that place I do not know, yet it is possible that they had been there for some time. The river was on a rise, due to the melting of the snow on the mountains, which usually begins earlier in the summer, and this may account for the caravan's not having continued further. With the wagons at this time were the soldiers under the command of Pedro de Leiva, who had been despatched by Otermín to meet them at El Paso and conduct them up the river. This fact should be noted, for had there been any troops with the wagons that set out from Mexico in September, 1679, as Bancroft supposed, it would have been unnecessary for Otermín to send his own much-needed soldiers to meet and escort them.

It was from these wagons and the escort that was with them that García was expecting to secure aid. On September 4, however, at which time he set out from Fray Cristóbal to meet Otermín, García had not heard anything in reply to the letters which he and Father Diego de Mendoza had sent to Leiva and Father Ayeta previous to August 20, the day that Herrera and Chávez overtook the Rio Abajo division with news which seemed to

¹Robles, "Diario," etc., p. 289. It will be remembered that Ayeta carried twenty-five wagons in 1677.

²Report of Ayeta to the Junta General, January 9, 1681, in *Auttos tocantes*, 107.

³Bancroft, *Arizona and New Mexico*, 171.

⁴Carta de Ayeta á el Virey, in *N. Mex. Doc.*, I, 565.

indicate that some of the northern settlers had survived in Santa Fé. These letters of García and Father Mendoza were received by Leiva and Father Ayeta at El Paso on August 25, at eight o'clock in the morning. Immediately Leiva and his men assembled to confer upon the bad news which they contained, while the religious repaired to the monastery of Guadalupe for a season of prayer. It was finally decided to prepare and start aid to García by August 28. Accordingly the 26th and 27th were spent in unloading the wagons, and in making necessary preparations. On the night of the 27th, as Father Ayeta affirms, the full danger surrounding all was realized. The departure of the supplies was delayed, and on August 28, instead of despatching them as intended,¹ Ayeta sent a letter to García by Indian runners, informing him that aid would be started on August 30, and suggesting that in the interim he should halt in some convenient place, attempt to fortify it, and then send messengers to guide the train, which would by that time be on the way. Ayeta requested this because, as he stated, they were all badly confused on account of the meager reports which at that time they had received.² At El Paso the 28th and 29th were spent in arming and equipping the servants (*mosos*) whom Leiva's escort of twenty-seven³ men had with them when they came from New Mexico, that they might accompany the aid sent to the refugees further up the river. It was found that in all there were seventy-eight arquebuses in first-class condition, and with these fifty-one more men were armed.⁴ Before starting Ayeta insisted upon the selection

¹"Carta del Padre Visitador a el Exmo. Sr. Virrey (Aug. 31, 1680)," in *N. Mex. Doc.*, I, 569-71.

²I have not had access to the letter of August 28 from Ayeta to García, but the above information is summarized in the "Carta del R. P. Procurador Fr. Francisco de Ayeta al Exmo. Sr. Virrey (September 11, 1680)," in *N. Mex. Doc.*, I, p. 526.

³Ayeta speaks as though Leiva had only twenty-seven men under his command at the pass, though Otermín states that he had despatched Leiva with thirty men to meet the wagons. "Autto (de Otermín)," in *Auttos tocantes*, 15.

⁴"Carta del Padre Visitador a el Exmo. Sr. Virrey (August 31, 1680)," in *N. Mex. Doc.*, I, p. 571. Don Juan Villagutierre y Soto-mayor, who published in 1701 his *Historia de la Conquista y Reducciones de los Itzaes y Lacandonos en la America Septentrional*, and who was, therefore, practically speaking, contemporary with the revolt, has a fairly good, though brief account of the Indian uprising in New Mexico in 1680, notwithstanding a number of manifest errors. In Book III, Chap.

of Leiva as provisional governor, Ayeta himself conducting the election; for, having reason to believe that Otermín was dead, he objected to their setting out without an authorized leader. Thereby, Ayeta stated, all the inconveniences that might arise, in case of Otermín's death, from the rivalry for leadership, were averted. On the 30th the cavalcade, consisting of seventy-eight soldiers and four missionaries, set out under Leiva's command. Of these, the twenty-seven men who had come from New Mexico, Ayeta remarked, formed the bulwark of strength.¹ Among the things mentioned by Ayeta as having been carried by Leiva and his men were eleven complete outfits for horses;² coats of mail, helmets, etc., which Ayeta had for the protection of the men conducting the wagons; four pounds of powder and a hundred bullets in each pouch; 4000 bales of provisions (*balas de refaccion*); and two cases of powder.³ It is thus seen that Leiva was better prepared to furnish means of defense to the refugees than to succor their bodily wants. And, as we shall see, the supplies which he carried proved wholly insufficient for the 2500 persons whom he met later. Ayeta instructed Leiva that as soon as he should meet the refugees, he should send the women and children to El Paso, since Leiva and his men were fully determined to continue as far as Santa Fé for the purpose of aiding the governor if possible, or at least of learning the northern settlers' fate, so that a true and accurate report

XI, p. 206, for instance, he states that Leiva had one hundred men when he started out from the pass, and that he carried an abundance of all that was necessary for the refugees. The letter which I have cited as the source for my statement was written by Father Ayeta the day after Leiva and his party left El Paso. In this letter Ayeta definitely settles the question by stating that seventy-eight soldiers and four religious formed the relief party. Moreover, while Ayeta does not give a detailed inventory of all that these men carried, we know that there was not an abundance of all that was necessary for the refugees, as Villagutierre has stated. This is shown by the fact, as will be pointed out more fully later on, that the day after Leiva met the northern division near Alamillo, Otermín, realizing the impossibility of proceeding to El Paso without additional supplies, despatched urgent requests to Ayeta for further aid, and, as we shall see, before this reached them they were in the direst necessity. (See *Auto* of Otermín, in *Auttos tocantes*, 31. In this connection it may also be stated that Francisco de Thoma in his *Historia Popular de Nuevo México* makes the mistake of saying that Leiva set out from the pass with thirty men. *Op. cit.*, p. 93.)

¹*N. Mex. Doc.*, I, 572-3.

²*Once ternos de armas enteras de caballos.*

³*N. Mex. Doc.*, I, 573-4.

might be sent to the king.¹ It was Father Ayeta's purpose to send back with a second consignment of supplies the men whom Leiva might detail to accompany the women and children to the pass, together with as many other men as he could spare from the train guard, as well as some men who were with a pack train which he had despatched to Casas Grandes for aid. In order to hasten these arrangements, Ayeta himself remained at El Paso, engaged, as he himself states, in making meal, hardtack, *cocinas*, and bullets.²

As we have already seen, the letter which Ayeta sent to García on August 28 had been received by him at Fray Cristóbal by September 4. On the same day he and Father Sierra sent other letters to Father Ayeta briefly informing him of some of the events that had taken place in the northern jurisdictions, of the retreat of the survivors of those jurisdictions, and of Otermín's request that aid be sent him at once. The messengers bearing these letters set out from Fray Cristóbal on the morning of September 4, but through fear of the enemy they soon deviated from the *camino real*. That evening, toward sundown, while resting on a mountain, they descried Leiva proceeding up the river. The runners, by signals, informed him that the lower camp of refugees was only nine leagues further on. The messengers then continued their journey, reaching El Paso prior to the 8th of September.³ The news which they carried was Ayeta's first information that the governor and the northern settlers were not all dead. From the fact that at sundown on September 4 Leiva with his supplies was only nine leagues from Fray Cristóbal, Ayeta judged that he must have reached the Rio Abajo people by September 5, and that from there he had proceeded with succor for Otermín.⁴ More will be said on this point in connection with Otermín's retreat, which will now be considered.

¹"Autto (de Otermín)," in *Auttos tocantes*, 15.

²"Carta del Padre Visitador a el Exmo. Sr. Virrey (August 31, 1680)," in *N. Mex. Doc.*, I, 575.

³Letter of Ayeta to Otermín, September 8, 1680, in *Auttos tocantes*, 41.

⁴"Carta del R. P. Procurador Fr. Francisco de Ayeta al Exmo. Sr. Virrey (September 11, 1680)," in *N. Mex. Doc.*, I, p. 526-28.

III. THE RETREAT OF OTERMÍN'S DIVISION TO FRAY CRISTOBAL

On August 21, as previously noted, Governor Otermín and the survivors of the siege of Santa Fé decided to evacuate that place. It was their purpose in so doing to unite with the Rio Abajo refugees, who, as they thought, were in Isleta, but who, as we have just seen, had already begun to retreat a week previously, and were at that time nearing the pueblo of Socorro, twenty-five leagues further south. The events of the retreat of Otermín's division are much more fully recorded than are those connected with the retreat of García's division, and from the governor's *autos* we can get a very good account of his movements up to the time when the Rio Abajo division was overtaken.

The first halt mentioned after the abandonment of Santa Fé was made near the pueblo of San Marcos on August 23. On that day while the army was resting at an *arroyo* near that place, the *sarjento mayor*, Bernabé Marquéz, and eight other soldiers, brought into camp a captive Tewa Indian named Antonio. Otermín thereupon took the opportunity, as he ever afterward did when a rebel was captured, to examine the prisoner concerning his knowledge of the revolt, and his reasons for taking part in it. According to his own testimony, Antonio had been a servant of Marquéz, and, as such, had been with him in the *casas reales* during the progress of the siege. However, because he believed that the Spaniards would either be destroyed or else forced to leave the country, and not wishing to go with them in the latter case, he decided to desert his master. The day after making his escape he learned that the Spaniards had abandoned Santa Fé. Thereupon he returned thither, where he found a great many Indians ransacking the *casas reales* and carrying out what property the Spaniards had been unable to take with them. Among those taking part in this pillage, Antonio recognized a large number of Indians from Taos and Picurís, though there were also natives from every part of the province. A Tesuque Indian, named Roque, in commenting upon the number of dead Indians to be seen in the houses, streets, and plaza, had told him that the rebels did not regard their loss any greater than that of the Spaniards; and further, that it did not make any difference if the latter had

gone away,¹ since the Indians could live as they wished and where they pleased. Roque also told Antonio that the rebels were talking of uniting in a narrow pass near the house of Cristóbal de Anaya, for the purpose of again attacking the Spaniards when they should pass that place.² On the next day Antonio left Santa Fé, where pillage had not yet ended, and went back to the *estancia* of his former master. There he was found hiding in a field when captured and carried before the governor.³

The next day the army had proceeded about a league from San Marcos, when two divisions of Indians were seen on some rocks and mesas, making smoke signals to their allies. There was no offer of battle, however, and soon afterward the army reached Santo Domingo. There were found the dead bodies of the priests and of the other residents of the pueblo. The church, convent, and sacristy had been practically unharmed, and in them were found the images and other furnishings, all of which were collected and turned over to Father Francisco Gómez de la Cadena. Passing Santo Domingo the march was continued until sundown, no more Indians being seen that day.

The next morning a ruse of the enemy came near costing the Spaniards the lives of some of their men. While the army was preparing to break camp, a small number of Indians was noticed on the other side of the river with some horses ranging at large, evidently to induce the Spaniards to attempt to take them. One of the soldiers, Juan Ramos, however, on going down to the river, discovered that a large body of the enemy was in ambush on the other bank. As soon as they became aware that they were detected, and that their intentions were understood, the Indians rose up from their hiding place and fired two shots at him. Many other Indians, on foot and on horseback, now joined those in ambush on the west bank, where they made hostile demonstrations, though they did not attempt to cross the swollen river.

¹He evidently meant that it did not matter much that the Spaniards, instead of having been killed, had only been driven out.

²This is the only evidence that the Indians had any such intentions. It seems strange that such a plan was not carried out, however, for the Spaniards would doubtless have been an easy prey for the Indians had they attacked them in the open.

³Declaracion de un indio alsado," in *Autlos tocantes*, 9.

Otermín at once gave the order for the army to proceed; after which a number of Indians swam the stream and followed the Spaniards at a safe distance. A little later the Christian Tanos Indian before-mentioned, Pedro García, closely pursued by the apostates, was able to join the Spaniards. This Indian, it will be recalled, was at Galisteo when the revolt began there, but not wishing to take part in it had attempted to escape to the Spaniards with his wife and an orphan Indian girl. The two women, however, were captured by the rebels, as García would have been had not a number of Spanish soldiers gone out to meet and rescue him. The Indians made no offensive movements, however, and some time later the pueblo of San Felipe was reached. That pueblo, like the others, was found entirely deserted. No more Indians were seen at all until sundown, when a number were noticed spying on them from the *mesas*, though they gave no signs of hostility.

The next morning at daybreak still other Indians were seen watching the movements of the Spaniards. Some of these spys, as soon as the refugees broke camp, swam their horses across the river and inspected the abandoned camping place of the retreating army, after which they recrossed the stream. Although some of the Indians came so close as to be clearly seen by the Spaniards, no hostilities were begun by either side.

As the Spaniards now approached the narrow pass near the house of Cristóbal de Anaya, Otermín ordered the utmost care and vigilance to be observed, for it was there, the Indian Antonio had said, that the natives were to make another attack. To guard against this, Otermín ordered that the height be covered with mounted soldiers, and that the people generally prepare themselves to resist the enemy in case the necessity should arise. With these preparations made, the march was continued, unmolested by the Indians, though a large number of them were seen on the *mesas*. A quarter of a league further on the *estancia* of Pedro de Cuellar was reached, and a little beyond that, those of Cristóbal de Anaya and Agustín de Carbajal. At those places the murders and atrocities elsewhere noted were ascertained. The Spaniards by that time had marched more than ten leagues. Otermín decided to call a halt, therefore, in order that the In-

dian Pedro García might give an account of the revolt at Galisteo, the story of which has been already related.¹

Having heard García's account, the order was given to march, and later in the day (August 26) the pueblo of Sandía, two and one-half leagues further on, was reached. There were seen evidences of many outrages committed both in the church and convent. The doors of the former had been stormed, and the images, pictures, vases and other ornaments had been taken out. All of the altars had been desecrated in the most indecent manner, while on the main altar only a wooden image of St. Francis, with its arms broken and otherwise mutilated, remained. The church, having been filled with straw, was ready to be burned; in fact, it had been set afire in several places, though the fire had apparently gone out without having done much damage. In the convent the *portería* was open, while the doors to the cells had all been torn off, and everything in them had been carried away by the enemy. All the broken images found in the church and convent were put in the custody of Father Gómez de la Cadena, as were some other images and pieces of silver found in the houses of the pueblo. The march was now continued for half a league, when a large number of Indians, some of them mounted and others on foot, were seen on the hills, where they had collected a large herd of cattle. From there the enemy with "much shamelessness and daring" began to harass the Spaniards, shouting and making hostile demonstrations, even shooting at them with arque-

¹For the events of the retreat from San Marcos to the house of Cristóbal de Anaya, see "Auto de marchó y paraxe," in *Autos tocantes*, 10. It is apparent from the narrative of the retreat recorded in this *auto* that Otermín heard García's testimony on August 26. Proof of this is as follows: The *auto* begins, "Despues de lo susodho aviendo salido deste Paraje marchando el dia Veinte y quatro," etc. Sixteen lines further along in the copy which I have used occurs the following, "y otro dia la mañana," etc., which would make the date the 25th. Twenty-one lines below this we read, "y otro dia al amanecer," etc., which manifestly indicates the 26th. The *auto* is closed with the order of Otermín for Pedro García to be examined. The next *auto* contains this Indian's testimony, yet it is dated, "En el paxe (*sic*) de junto ala estancia del Sarjento mor. xptoal de anaia en beinte y cinco dias del mes de agosto." Following this document is another *auto* containing the continued narrative of the retreat. It begins, "de este Paraxe salimos marchando el dia Veinte y seis." It is thus seen that there is confusion in regard to the date. Since Otermín does not mention having halted at this time longer than to hear García's story, I believe that the weight of evidence points to the 26th as the day that that Indian's testimony was recorded.

buses. Otermín at once called a halt and sent a squad of fifty soldiers to dislodge the Indians, who immediately fled to the mountains, driving their cattle before them. Being relieved from immediate danger, and seeing that the Indians had set fire to the church at Sandía, Otermín, in retaliation, ordered the soldiers to return and burn the whole pueblo. This being done, the retreat down the river was continued.

After leaving Sandía, the next halt of which there is any mention was made three leagues below at the *estancia* of Doña Luisa de Trujillo. No date is given for this stop. At this place, some soldiers, on seeing a large number of cattle grazing on the west bank of the river in the *hacienda* of the lieutenant-general, Alonso García, asked permission to swim the river and drive them across. But as soon as the Indians, who were ever on the alert, saw this attempt, they came from the *mesas* on their horses and drove all the cattle away. From this place the army next marched four leagues to the *hacienda* of Los Gómez "without seeing more of the enemy; and throughout the entire distance thither from Sandía [seven leagues], everything was found deserted and robbed both of cattle and of household goods, many *haciendas* on either side of the river being sacked and robbed by the enemy." Soon after leaving Los Gómez, an Indian on horseback was captured in the road, and from his testimony Otermín learned that García and all the people who had escaped from Jemez, Sia, and Rio Abajo had assembled in Isleta on the day following the revolt, and later had left there in a body.

This was Otermín's first information that the Rio Abajo people were not in Isleta. Since learning from the captured Indians at Santa Fé of the assembling of the Rio Abajo people at Isleta, and throughout the entire retreat, the hope of uniting the two divisions in Isleta had been paramount in the mind of the governor. There, and there only, did he look for reënforcements and for the alleviation of the necessities of his foot-sore and half-starved people. Not knowing of the efforts that had been made by García to get in communication with him, nor of the extreme want which had pressed upon the latter's division, it had never occurred to Otermín that they would abandon the province and

leave him and his division to their fate.¹ But the governor did not commit himself on the matter, and at such a time and under such circumstances this was wise. Sorely disappointed at such discouraging news, there was only one thing for him to do, and that was to continue his retreat by forced marches as best he could.

This course was followed, and the day after learning of the abandonment of Isleta by García, that pueblo was reached by the northern refugees. No dates for the halts made on their retreat thither can be determined after August 26, at which time the army, after marching a little over three leagues that day, was a short distance below Sandía.² Otermín states, however, that he reached Isleta more than twenty days after the Rio Abajo people left it,³ which, according to his own statement, would make it September 3 or later when he arrived there,⁴ for García left that pueblo on August 14. If this be true, Bancroft is wrong in stating that "Isleta was reached on the 27th; but the refugees under Captain Garcia had left this pueblo thirteen days before and gone south to Fray Cristóbal."⁵

Otermín found Isleta absolutely deserted, both by refugees and native inhabitants. Suffering as he was from scarcity of provisions and horses, he decided to continue the retreat until advice could be sent to those further down the river, with orders to wait for him and in the meanwhile to send him, if possible, some horses and carts to help transport his tired and foot-sore followers. From the *hacienda* of Francisco de Valencia,⁶ according

¹"Carta (de Otermín á Parraga)," in *Auttos tocantes*, 31-32.

²*Auto* of Otermín, in *Auttos tocantes*, 12.

³*Ibid.* "y aber veinte dias y mas que La jente que seguia al dho theniente del rio avaxo."

⁴It should be held in mind that it took from the 21st to the 26th of August for Otermín to march from Santa Fé to the house of Cristóbal de Anaya, a distance, according to the governor's own statement, of "more than ten leagues." (See "*Auto de marcha y paraxe*," in *Auttos tocantes*, 10.)

⁵*Arizona and New Mexico*, 181. The error is copied by Twitchell, *The Leading Facts of New Mexican History*, 364. The notes given by Twitchell at this point, purporting to come from manuscripts, are obviously taken from Bandelier's *Final Report*, Part II, 221, and 233. De Thoma (*Historia Popular de Nuevo Mexico*, 93) errs in stating that Leiva had thirty-seven men when he met Otermín.

⁶"Mandamto de Prision contra la persona del theniente gen alonso garcía—," in *Auttos tocantes*, 13.

to Otermín's own statement, he sent four soldiers, accompanied by Father Francisco Farfan,¹ to overtake the Rio Abajo people, which they did at Fray Cristóbal. The letter which these messengers carried from Otermín to García, of which mention has been made in connection with García's movements at Fray Cristóbal, was written from the house or place of Tome or of Bartolomé Domínguez,² thirty leagues above Fray Cristóbal,³ and therefore fourteen leagues above the pueblo of Socorro. The events attending the arrival of the messengers at Fray Cristóbal, with the news which they brought from the northern refugees, have already been noted.⁴

On September 6 Otermín's division reached Alamillo, three and one-half leagues above Socorro. The first recorded act of the governor after arrival there was to question more fully Don Pedro Nanboa, the Indian who had been captured in the road further up the river, in order to find out and record what he knew of the motives that had prompted the Indians to revolt. Parts of this Indian's testimony have been cited as authority for various preceding statements, and need not be repeated here.

On the same day, Lieutenant García, who had been overtaken at Fray Cristóbal by the four soldiers of Otermín's division, arrived in the camp. Otermín at once put García under arrest for having abandoned his jurisdiction and having retreated with many soldiers from the province, without authority from his superior, who had expected to find him and his division in Isleta. However, that the matter might be fairly adjusted, and that it might be known for what reasons García had gone out, Otermín gave

¹"Carta del Padre Fr. Antonio de Sierra para el Padre Visitador (September 4, 1680)," in *N. Mex. Doc.*, I, 522.

²García implies that the letter was written from the house of Bartolomé Domínguez. (See "Carta del teniente Gral Don Alonso Garcia para el Rdo Padre Procurador," in *N. Mex. Doc.*, I, 514.) Ayeta positively states that the letter was written from the place of Tome Domínguez. (See "Carta del R. P. Procurador Fr. Francisco de Ayeta al Exmo. Sr. Virrey," in *Ibid.*, 527.)

³"Carta del R. P. Procurador Fr. Francisco de Ayeta al Exmo. Sr. Virrey (September 11, 1680)," in *N. Mex. Doc.*, I, 528.

⁴For the events of the retreat of Otermín from the *estancia* of Cristóbal de Anaya, not otherwise referred to, see *Auto* of Otermín, in *Autos tocantes*, 12.

him opportunity to clear himself of the charge, but ordered that until this was done, he should be imprisoned.¹

García had not come unprepared to defend himself, but had brought with him all the *autos* which he had drawn up since the revolt. Before presenting these he stated briefly that on the day of the revolt the *alcalde mayor* at Jemez, Luis de Granillo, had appealed to him for help; told of his efforts all that night and next day to aid the survivors of his jurisdiction; how having seen them safely in Isleta, he and his sons had made futile efforts at their home north of that pueblo to get in communication with the governor; how the reports of the death of the northern inhabitants had caused the people at Isleta to become restless and impatient to leave the country for their own safety; and finally, how the best possible means, as it seemed, had been adopted at Isleta for the safety of those under his command. In support of what he had stated he presented thirteen written folios containing the record of his movements and the opinions of his men given at Isleta and at Socorro. He also stated that upon receipt of the first intelligence that the northern settlers were on their retreat south of Isleta he had gone to meet them with some horses. Lastly, he reminded the governor that he was a man who had served his majesty with one hundred horses, six sons, and all his goods in the most severe conflicts of the province, frequently taking part in campaigns in which he had risked his life, and often with very considerable damage. For all these reasons he begged Otermín² to release him and absolve him from all blame and punishment. The governor did not at once reply to this defense, desiring first to read the *autos* presented by García. He then ordered them placed with his own, promising the lieutenant-general that justice would be done him.³

After these proceedings the march was again resumed. Shortly afterward, when only about a league below Alamillo, a cloud of dust was detected in the distance. It was caused, as was soon evident, by a body of horsemen approaching. This cavalcade, on coming up, was found to be a party of over forty Spanish soldiers

¹"Mandamto de Prision contra la persona theniente gen alonso garcia," in *Auttos tocantes*, 13.

²"Notificasion y Prision—," in *Auttos tocantes*, 14-15.

³"Autto (de Otermín)," in *Auttos tocantes*, 15.

and four religious under the command of Pedro de Leiva. Bancroft¹ erroneously states that Leiva had only thirty men when he met Otermín at Alamillo on September 6. The document does state that when the cavalcade was first seen by Otermín's division it was estimated that it contained upwards of thirty men, and that when it came nearer Leiva, "the leader of thirty men whom his lordship had despatched" to meet the wagons in charge of Ayeta, was recognized.² A few lines further along in the original document, however, it is positively stated that Leiva had with him forty soldiers and four religious when he and Otermín met.³ In justice to Bancroft⁴ it may be stated that the *Extractos*, his source for this matter, contain only the first few lines of the document dealing with the meeting of Otermín and Leiva, and consequently fails to record later and much more important statements found in the original. As has been pointed out, on September 4 Leiva was only nine leagues from Fray Cristóbal, with the aid that left El Paso on August 30, and, as Ayeta supposed, he doubtless reached the former place on September 5. Having met the Rio Abajo people, and learning that Otermín and his division were near by, Leiva, it seems, leaving some thirty of his

¹*Arizona and New Mexico*, 181.

²"Autto (de Otermín)," in *Auttos tocantes*, 15. "Luego Yncontinente en dho día mes y año dhos yendo marchando su SSa con el ejército al paraje vna legua mas alla del Pueblo del alamillo se descubrio a trecho vna polvadera en la qual se rreconosio Venir Cantidad de hasta treinta Personas da acavallo y reconociendo quienes podian ser se vido que era el mro de campo Po de leiva cavo y caudillo de treinta hombres que su SSa abia despachado a escoltar y convoiar la hacienda de las limosnas," etc.

³"y el dho mro de campo Po de leiva aviendose encontrando con el ejército traiendo consigo mas de quarenta soldados y quatro Relijiosos del horder del Señor Sn franco Reconosiendo a su SSa todos hicieron la salva con mucho regosijo," etc.

⁴Twitchell (*Leading Facts of New Mexican History*, p. 365) has repeated the mistake of Bancroft in saying that Leiva had with him thirty men when he and Otermín met. He states also that "Otermín was also reinforced by a command of thirty men under the Maestro de Campo, Pedro de Leyba, who had come with Lieutenant General García from Fra Cristóbal." Leiva, however, did not accompany García from Fray Cristóbal. The latter left there on September 4 ("Carta del Padre Fr. Antonio de Sierra para el Padre Visitador," in *N. Mex. Doc.*, I, 521; "Carta del teniente Gral Don Alonso García para el Rdo Padre Procurador," in *Ibid.*, 518), while the former at sundown on that day was nine leagues below Fray Cristóbal ("Carta del R. P. Procurador Fr. Francisco de Ayeta al Exmo. Sr. Virrey," in *Ibid.*, 527). Moreover, García met Otermín at Alamillo, and Leiva met him a league below that pueblo.

men at Fray Cristóbal, decided to continue with the rest in his party until they should meet the governor, as was done the next day. As soon as the troopers recognized Otermín, overjoyed at having met him and his division, they saluted him heartily with a volley.¹ For when they left the pass they had thought the governor and all the northern settlers were dead, and, as Father Ayeta in his letter to the viceroy written the day after their departure stated, there were not three of the men whom Leiva had brought with him to the pass who had not lost, as they then supposed, either father, mother, or children, while all had cause for grief in the loss of more distant relatives and friends."² It is needless to comment, therefore, upon the joy of these men at actually meeting and finding alive a thousand or more of their countrymen and friends whom they had but lately mourned as dead. Otermín was so moved by the expressions of generosity and loyalty of Leiva and his men, who, as they themselves stated, were determined when they left El Paso to continue until they might know the governor's fate, whatever the cost, that he ordered his acknowledgment and appreciation recorded.³

At this point several errors made by well known historians should be noted. Davis⁴ and Prince⁵ both correctly state that at Alamillo Otermín met Leiva with forty men, yet both err in saying that Alamillo was above Isleta, and that several days after meeting Leiva at the former pueblo, Otermín reached Isleta. As a matter of fact, Alamillo, one of the Piros pueblos, was over twenty leagues south of Isleta. Alamillo was not reached until September 6, whereas Otermín had left Isleta several days earlier. Furthermore, Prince states that after meeting Leiva and before Isleta had been reached, Otermín received four wagon loads of corn from "Father Ayeta of El Paso," while García, who had already "marched to El Paso . . . responded . . . with a portion of his own scanty store." In the light of facts

¹"Autto (de Otermín)," in *Auttos tocantes*, 15.

²"Carta del Padre Visitador a el Exmo. Sr. Virrey," in *N. Mex. Doc.*, I, p. 573.

³"Autto (de Otermín)," No. 2, in *Auttos tocantes*, 15.

⁴*The Spanish Conquest of New Mexico*, 297-8.

⁵*Historical Sketches of New Mexico*, 195.

already stated it will be seen how incorrect and confused are these statements of Prince.

By this time Otermín had completed his examination of the *autos* presented by García for his defense. He thereupon declared him a free man, and absolved him from all blame for having abandoned the province without superior authority. At the same time, he ordered Francisco Xavier, Juan Lucero de Godoy, and Luis de Quintana to state to García that he was prompted to absolve him because the retreat of the Rio Abajo division had not been with evil intent, but rather had been begun at the request of all those at Isleta and with the agreement of all that they ought not to delay in setting out for Mexico, for the reasons expressed in their *autos*.¹ When notified of the decision of the governor, García expressed his thanks for the justice and kindness shown him.² With this, the last incident connected with the arrest and trial of García, which, as far as can be judged, was more or less a matter of form, was closed.

The next day (September 7) the northern division reached Sorocco. There, notwithstanding the supplies Leiva had brought, Otermín clearly saw the impossibility of continuing to the pass of the Rio del Norte without additional supplies, for the route lay through a country inhabited by hostile Indians and so nearly desert that it would be impossible to secure any sustenance whatever in it. Accordingly, as the only thing left for him to do, he ordered a company of men to set out at once for El Paso, where were the wagons of provisions in charge of Ayeta, to conduct them up the river with all haste for the aid of his suffering and fatigued people, who had come that far, for the most part, on foot and with a very limited supply of food.³ Davis errs again by stating that at Alamillo "a council of war was called by Otermín, when it was decided to continue the march to Salineta there to await a supply of provisions."⁴ Taking the above-cited *auto* of Otermín as authority, no council of war was held at either Alamillo or Socorro. On the contrary, Otermín, at the latter pueblo, apparently in-

¹"Auto (de Otermín)," in *Autos tocantes*, 29.

²Auto of Xavier, in *Autos tocantes*, 30.

³Auto of Otermín, in *Autos tocantes*, 31.

⁴*The Spanish Conquest of New Mexico*, 297.

dependent of suggestions from anyone,¹ decided to send to the pass for aid. Moreover, La Salineta is not mentioned at all in this connection, and the error of Davis' statement that they were to proceed to that place to await provisions is evident when it is understood that La Salineta was only four leagues above El Paso,² while Socorro was about seventy-five leagues above La Salineta.³

On the same day that Otermín decided to send this company of soldiers to meet Father Ayeta he received a letter from Father Diego de Parraga written at Fray Cristóbal, stating that the Rio Abajo people were in grave necessity, and asking that they either be supplied with provisions or else allowed to proceed on their journey in the hope of getting aid sooner. Otermín thought it strange that he should receive such a letter from Parraga, since Thome Domínguez de Mendoza had been left in command of the Rio Abajo refugees by García when the latter started north to meet the governor. At the same time his own troubles were sufficient in themselves, for by that time the people in his charge had reached the point where they were living on roasted corn. Worried at receiving such a letter under those circumstances, Otermín replied to Parraga the next day as follows:

Reverend Father Preacher Fray Diego de Parraga: 'Today, the birthday of our lady, I received the letter which your paternity writes from Fray Cristóbal, which it seems to me is the only letter I have had from you in all the time of your government. In it you tell me that that camp contains 1,500 souls, and, because of having exhausted the supplies which were taken out with them, if they remain there longer a great ruin may be looked for. On account of this you ask that I supply them, or that I order them to proceed on their journey until near El Paco, where they can have aid. In reply let me say that Thome Domínguez de Mendoza, in whose care and disposition the camp was left, on account of the absence of the lieutenant general in coming to find and to see me, has not written me, nor sent me any message in regard to this matter [of going to El Paso] nor of the other [the condition of the Rio Abajo refugees]. In regard to the other, provided it be thus, as I am sure it is, it is a serious affair in a desert place like this, and so many leagues from the *villa*, that supplies should be asked of one sufficient for the sustenance of more than

¹Auto of Otermín, in *Auttos tocantes*, 31.

²Autto Y diligencia," in *Auttos tocantes*, 43.

³Auto of Otermín, in *Auttos tocantes*, 31.

1,500 persons—from a man who with 1,000 mouths [to feed], after he had seen himself in the dangers so manifest by the many conflicts with the Indians, finally had to set out, opening up the road with arms in the hand, bringing so many people in his charge on foot and barefooted, without food, not only because there was none, but because there was nothing on which to bring it. [However we trusted] in providence and his Divine Majesty has not failed to put before us a free table in the campaigns, of roasting ears, squashes, and other grains. And I passed through all this in order to bring myself nearer to give aid [to those in Isleta] where I judged I would find your paternity and others in an extremity similar to my own. After making the enemy retire with such great losses, I could well have remained at home, at least long enough to make a little *matalotaxe* for my journey to Isleta, which, as I said above, was the place where I judged all the people must surely remain until they should learn for a certainty whether or not the governor with all the people of the *villa* were dead. Finally I come here from Isleta, with entrails dragging, as they say, in order to overtake the people of this kingdom, so that, united, I might see and discuss the best method to be taken for the preservation of our lives and for the greater service of both majesties. And now that I am so near to achieving the purpose which has brought me to unite ourselves here, your paternity comes to me for permission to march on to El Paso. If your paternity wishes to go alone, do what you think best, my father, but in regard to that camp, such does not comport with the service of God and his majesty. And if today they are on the point of suffering ruin on account of failing supplies, I say [in reply] that we are suffering the same ruin here, because we have no other provisions than a little mutton and beef, and that even with these articles your camp is better supplied today. Let the *maestre de campo*, Pedro de Leiva, return to El Paso with all the people that he brought, and with the religious that came with him, with earnest entreaties to the Reverend Father Fray Francisco de Ayeta to aid [us] at once in our extreme necessity. I do not doubt that his reverence will do this; and when we find ourselves with that aid we will strive for what is most fitting to the service of both majesties. In the meantime I will go little by little to join that camp, in order that, being together, we may be more secure from Apache invasions, for we are in the middle of their country. May God guard your paternity many years. Place in front of Socorro, September 8, 1680. I kiss your Reverence's hand.

Your servant,

Don Antonio de Otermín.¹

¹Carta in *Auttos tocantes*, 31-2.

REPUDIATION OF STATE DEBT IN TEXAS SINCE 1861

E. T. MILLER

On January 28, 1861, at the assembling of the convention which adopted the ordinance of secession, Texas had no bonded debt. As early as January, 1860, however, the State treasury had been experiencing difficulty because of insufficient taxation and increased expenditures for frontier defence; and United States bonds were transferred from the university fund to provide the State revenue account with cash. But despite this transfer State warrants were outstanding and there was no cash to pay them. The State was not responsible for any of the funded debt of the Republic of Texas which may have been outstanding on January 28, 1861, for though the State assumed at annexation the debt of the Republic, the United States government by the acts of September 9, 1850, and February 28, 1855, provided for the payment of all of the funded debt.

The first official statement of the debt incurred during the war was made in October, 1865. A. J. Hamilton was appointed provisional governor of Texas by President Johnson on January 17, 1865, and ex-Governor Pease and Swante Palm were appointed by the provisional governor to report on the finances of the State since secession. Their report was made under date of October 30, 1865.¹ The following analysis of the debt is based on their report and on the State statutes:

Item I. 8 per cent State Bonds. Authorized by the Act of March 20, 1861, entitled "An Act to provide for the funding of the debt contracted for the protection of the frontier ²\$	16,000.00
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¹Executive Record, No. 281, Archives of the State Department of Texas. The report is abridged and printed as an appendix to the House Journal, 1866.

²*General Laws*, 8th Leg., Extra Session, Chap. 28; repealing Act of January 11, 1862. *General Laws*, 9th Leg., Chap. 63.

Item II. 8 per cent State Bonds. Authorized by the Act of April 8, 1861, entitled "An Act authorizing a loan and imposing a specific tax to meet the principal and interest thereof" ¹	\$ 899,000.00 ²
Item III. 7 per cent State Bonds. Authorized by the Act of December 10, 1863, entitled "An Act to raise two millions of dollars, or so much thereof as may be necessary, by the sale of cotton bonds, to provide for the defence of the State and to repel invasion, and for the purchase of machinery for manufacturing purposes" ³	211,130.83
Item IV. Treasury Warrants. These were of two classes, 10 per cent interest warrants and non-interest warrants. The interest-bearing warrants were authorized by the Act of February 14, 1860. ⁴ The amount of 10 per cent interest warrants outstanding, including interest, was given to be about	180,000.00
Non-interest-bearing warrants were authorized by the Act of January 10, 1862. ⁵ The amount of non-interest warrants outstanding was given to be.....	1,888,997.90
Item V. Due soldiers and for supplies. Amount estimated at	3,150,000.00
Item VI. Due on account of the Republic of Texas. Amount estimated at.....	110,613.23

¹*General Laws*, 8th Leg., Extra Session, Chap. 51; amendatory Act of January 11, 1862. *General Laws*, 9th Leg., Regular Session, Chap. 56; Act of January 13, 1862. *General Laws*, 9th Leg., Regular Session, Chap. 54, Act of March 3, 1863. *General Laws*, 9th Leg., Extra Session, Chap. 10.

²There were \$917,000 of these bonds issued, but \$17,000 were unused and \$1000.00 mutilated, leaving net amount \$899,000.

³*General Laws*, 10th Leg., Chap. 15; supplementary Act of December 16, 1863, Chap. 44.

⁴*General Laws*, 8th Leg., Chap. 82. Repealed by Act of January 10, 1862. *General Laws*, 9th Leg., Chap. 40. See also the funding Act of March 20, 1861. *General Laws*, 8th Leg., Extra Session, Chap. 28, and the Act of January 11, 1862. *General Laws*, 9th Leg., Chap. 63.

⁵*General Laws*, 9th Leg., Chap. 40. The Act of January 13, 1862, *General Laws*, 9th Leg., Chap. 54, authorized funding in 8 per cent loan bonds. See also Act of May 28, 1864, *General Laws*, 10th Leg., Called Session, Chap. 19.

Item VII. Due school fund, university fund, and other special funds of the treasury on account of securities and specie borrowed by the general fund and on account of treasury warrants and Confederate notes received by such funds.....	\$1,455,913.86
Item VIII. Unclassified debt.....	199,176.76
Total.....	\$8,110,832.58

An account of the objects for which the above debt was incurred is essential to an understanding of later legislative action on it. The 8 per cent bonds of item I were issued to fund treasury warrants on account of liabilities antedating March 2, 1861. The 8 per cent bonds of item II were issued on account of \$92,601.67 of liabilities incurred before March 2, 1861, and of \$105,600.38 of civil and \$700,797.95 of military liabilities incurred after March 2, 1861. The 7 per cent bonds of item III were issued on account of military expenditures after March 2, 1861. The outstanding treasury warrants of item IV are not classified as to use or date of issue, but it is stated that about \$1,150,000.00 were drawn after March 2, 1861, for the support of soldiers' families. The claims estimated under item V were obviously of a war character and dated after March 2, 1861. The amount of item VI represented an estimate of the unfunded, non-interest-bearing debt of the Republic of Texas. There existed an appropriation for the payment of such of this debt as had been audited.¹ Of item VII, the amount due the school fund was \$1,137,406.65 and was on account of United States bonds, interest coupons and specie transferred from that fund, and State bonds and treasury warrants held by that fund. All of the transactions occurred after January 28, 1861. The amount due the university fund was \$283,514.22, and was on account of United States bonds, interest coupons and specie transferred from that fund, and treasury warrants and Confederate notes received by that fund. Some of the debt to this fund was incurred prior to January 28, 1861. The balance of item VII was due special treasury accounts, such as escheated estates, county tax funds, etc., and was incurred after

¹Comptroller's Report, 1860-1.

January 28, 1861. Item VIII, or the debt of miscellaneous character, was not described by the investigators.

The debt as above described was, both as to amount and character, that which confronted the delegates to the constitutional convention which convened in Austin on February 7, 1866. This convention was composed of delegates elected by such citizens only as had taken the oath of amnesty or had received special pardon from the President of the United States.

Ordinance No. 2, passed by this convention March 15, 1866, declared all debts created by the State of Texas in the aid of the late war, directly or indirectly, to be null and void, and forbade the Legislature to assume or make any provision for the payment of any portion of the debts contracted or incurred, or warrants issued by the State between January 28, 1861, and August 5, 1865, except warrants issued in payment of services rendered, or liabilities incurred, before January 28, 1861.¹

Ordinance No. 15 of this convention validated all the warrants issued for the payment of troops called into the service of the State by Governor Houston for the protection of the frontier prior to March 2, 1861.²

Ordinance No. 12 acknowledged the indebtedness of the State to the school fund only for the United States bonds and interest coupons transferred from that fund and which were then in possession of the State or which might be recovered by the State. It also acknowledged the indebtedness of the State to the university fund for the United States bonds and interest coupons transferred from that fund in February, 1860. It directed that the Legislature should issue State bonds to these funds for this indebtedness, and it ordained that the Legislature should have no authority and was forbidden to assume or provide by taxation or otherwise, for the payment of any other claim or pretended liability of the State to the school and university funds.³

The debt repudiated by ordinance No. 2 included all the war debt incurred on account of civil as well as military expenditures. Some ten members of the convention went on record in protest

¹Gammel, *Laws of Texas*, V, 887.

²*Ibid.*, V, 900.

³*Ibid.*, V, 899.

against the repudiation of the debt for civil purposes, on the ground that it was not required by the President's restoration policy.¹ The convention appears to have acted, however, in accordance with what it conceived to be the President's restoration policy. "We have by ordinance declared the entire debt growing out of, and accruing during, the war null and void, and forbidden the Legislature assuming or providing for the payment of any portion of it. In so complete and full a manner as language can express, we have declared ourselves on these important questions which have been deemed so vital to sustaining your policy."² No record has been found of a suggestion by President Johnson to the provisional governor or to the convention of this repudiative action. He had, however, in the previous year made the suggestion to Provisional Governor Holden of North Carolina that "Every dollar of the debt created to aid the rebellion against the United States should be repudiated finally and forever."³

The provisional government of Texas ceased and a restored State government went into effect August 20, 1866. An act of November 9, 1866, entitled "An Act to ascertain the amount of, and adjusting and funding the State debt, and to state any and all accounts between the State and individuals," created an auditorial board "for the purpose of auditing all claims for money against the State and reauditing all the audited liabilities of the State not inhibited by the Constitution."⁴ The principal work of the board consisted in separating from the debt incurred between January 28, 1861, and August 5, 1865, that part incurred on account of expenditures authorized before January 28, 1861. The action of the board ceased December 1, 1867.⁵ An analysis of its report shows the following:

¹Journal of the Convention of 1866, p. 356.

²Report of Select Committee to prepare an address to President Andrew Johnson, Journal of the Convention of 1866, p. 317.

³W. L. Fleming, *Documentary History of Reconstruction*, I, 180.

⁴*General Laws*, 11th Leg., Chap. 122.

⁵The report of the board is to be found in the Comptroller's Report, 1868-9, pp. 32-37; also in the Reconstruction Convention Journal, 1869, Vol. 1, pp. 364-8.

Item I.	8 per cent bonds of March 20, 1861. Amount issued, \$16,000. Amount rejected, \$86.04. Amount of principal recognized or estimated valid, \$15,913.96; interest, \$1319.60. Total, \$17,233.56. Amount audited, \$4133.56. Balance outstanding...	\$ 13,100.00
Item II.	8 per cent bonds of April 8, 1861. Amount issued, \$917,000.00. ¹ Amount rejected, \$855,111.95. Amount of principal recognized or estimated valid, \$61,888.05; interest, \$13,909. Total, \$75,797.05. Amount audited, \$30,389.88. Balance outstanding and unaudited	45,407.17
Item III.	10 per cent warrants. Amount issued less amounts funded and received in the collection of revenue, \$109,988.69. Interest to December 1, 1867, \$69,292.44. Total principal and interest, \$179,281.12. Amount rejected and estimated to be invalid, \$30,591.29. Amount audited as valid, \$72,680.05. Amount outstanding and unaudited and estimated valid, \$76,009.79. Total recognized and estimated valid	148,689.84
Item IV.	Non-interest notes (warrants). Amount issued less amounts funded and received in the collection of revenue, \$62,942.82. Interest allowed to December 1, 1867, \$27,065.41. Total principal and interest, \$90,008.23. Amount of principal and interest audited, \$35,047.61. Amount outstanding, of which \$11,541.72 was estimated as valid, \$54,960.62. Total audited and estimated valid.....	78,466.51
Item V.	Amount of 8 per cent certificates issued in payment of minute companies under Act of November 12, 1866, and audited, \$3570.76. Interest and amount unaudited, \$354.97. Total.....	3,925.73
Item VI.	Unaudited claims. Amount audited, \$3,323.48. Estimated outstanding, \$5,000.00 Total..	8,323.48

The debt described in items V and VI appears to have been incurred after August 5, 1865.

¹This figure includes the \$17,000.00 unused and the \$1000.00 mutilated.

Omitting these, therefore, for the time being, the total of the debt described in items I-IV, was, with interest, \$1,217,517.96; total rejected, \$897,331; total valid.....	\$320,186.96
Adding the total of items V and VI to the valid, the total valid debt was.....	332,436.17
Audited	149,145.34
Outstanding and unaudited.....	183,290.83

The act creating the auditorial board authorized the issue of 6 per cent, ten-year bonds, interest payable semi-annually, for which audited valid claims were exchangeable at the State treasury. The board issued \$149,145.34 certificates of valid claims, and \$125,-100.00 were exchanged for bonds.

The auditorial board confined its action to the debts due individuals and did not audit those due the special funds, such as the school and university funds. The indebtedness of the State to these funds was defined by ordinance No. 12 of the Convention of 1866. Pursuant to this ordinance, the Legislature by Act of November 12, 1866, provided for the issue to the school fund of 5 per cent, twelve-year bonds, interest payable semi-annually, in place of the United States bonds and interest coupons transferred from that fund since January 28, 1861, and which were then in the possession of the State or which might be recovered by the State.¹ Bonds of the State to the amount of \$82,168.82, bearing date of January 1, 1867, were accordingly debited to the school fund.² This same Act of November 12, 1866, in obedience to the requirements of ordinance No. 12, provided for the issue of similar bonds to the university fund on account of the United States bonds and interest coupons transferred from that fund in February, 1860, and February, 1861.³ This transfer of the United States bonds was made under authority of the Acts of January 31, 1860, and February 8, 1861. Bonds of the State, bearing date of January 1, 1867, to the amount of \$134,472.26, were debited to the university fund in pursuance of the law of 1866. Ordi-

¹*General Laws*, 11th Leg., Chap. 167.

²*Comptroller's Report*, 1868-9; *General Laws*, 18th Leg., Regular Session, Chap. 27.

³*House Journal*, 17th Leg., Called Session, p. 27.

nance No. 12 specifically provided that these were the only liabilities of the State to the school and university funds which the Legislature had any authority to assume or provide for by taxation or otherwise. Despite this prohibition, however, every Comptroller's report from 1866 to 1883 included in the school fund statement 6 per cent State bonds for \$320,367.13, dated May 13, 1865, and in the university fund statement, a Comptroller's certificate of indebtedness for \$10,300.41, dated June 8, 1865. The 6 per cent bonds were issued to the school fund for the purpose of funding State treasury warrants received by the school fund from railroad companies in payment of interest on their bonds.¹ The warrants funded were received during the period from August 31, 1863, to June 8, 1865. The certificate of indebtedness held by the university fund was on account of treasury warrants received by that fund from land sales which were fundable in the 8 per cent bonds of April 8, 1861.² The warrants were received between February, 1861, and June 8, 1865.

The action on the debt of the State taken by the constitutional convention of 1866 and by the Legislature of 1866 was not to be the final one, however; for the civil government which had been inaugurated on August 13, 1866, and under which an orderly ascertainment of, and provisions for, the debt had been made, was short-lived. Under the Reconstruction Acts of Congress of March and July, 1867, Texas was held to be unreconstructed, her civil government was abolished, and a military or provisional government again established.³ Another constitutional convention was ordered and held in Austin from June 1 to August 31, 1868, and from December 7, 1868, to February 6, 1869. A constitution was framed which was accepted by the people in an election held from November 30, 1869, to December 3, 1869, and this constitution was ratified by the Congress of the United States on March 30, 1870. Between the date of the amending of the constitution by the convention of 1866 and that of the framing of the constitution adopted in 1869, the Fourteenth Amendment to the constitution of the United States had been adopted. This amend-

¹For acts, see Gammel, *Laws of Texas*, V, 691, 767, 820.

²*Ibid.*, V, 355, 486.

³*Ibid.*, VI, 3-12; for the history of this period, see *Texas v. White*, 7 Wallace, pp. 700-743.

ment was proposed on June 16, 1866, and was declared by Congress adopted on July 21, 1868. Section 4 of this amendment provided that "neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States . . . ; but all such debts, obligations and claims shall be held illegal and void." Accordingly, the Texas constitution of 1869, Article 12, Section 34, provided:

(1) That "All debts created by the so-called State of Texas, from and after the 28th day of January, 1861, and prior to the 5th day of August, 1865, were and are null and void; and the Legislature is prohibited from making any provision for the acknowledgment or payment of such debts."

(2) That "All unpaid balances, whether of salary, per diem, or monthly allowance, due to employes of the State, who were in the service thereof on the said 28th day of January, 1861, civil or military, and who gave their aid, countenance, or support to the rebellion then inaugurated against the government of the United States, or turned their arms against the said government, thereby forfeited the sums annually due them."

(3) That "All the 10 per cent warrants issued for military services and exchanged during the rebellion at the treasury for non-interest warrants are hereby declared to have been fully paid and discharged."

(4) "Provided, that any loyal person or his or her heirs or legal representatives may, by proper legal proceedings, to be commenced within two years after the acceptance of this Constitution by the Congress of the United States, show proof in avoidance of any contract made, or revise or annul any decree or judgment rendered since the said 28th day of January, when, through fraud practiced, or threats of violence used towards such persons, no adequate consideration for the contract has been received; or when, through absence from the State of such person, or through political prejudice against such person, the decision complained of was not fair and impartial."¹

Nothing was done by the Legislature about the debt until 1871, when by the Act of May 2, 1871, provision was made for its re-

¹The paragraphing is that of the present writer.

auditing.¹ An auditorial board was created by this act whose duty it was made to examine the work of the auditorial board of 1866 and to audit all other claims against the State. The act provided that bonds issued by the board of 1866 for claims void under the constitution should be considered void and should be canceled. A comparison of the provisions of 1866 and of 1869 shows that the only claims interdicted by the constitution of 1869 and not by that of 1866 were: (1) the unpaid balances due those employes of the State on January 28, 1861, who did not remain loyal to the government of the United States, and (2) the 10 per cent warrants issued for military services and exchanged during the war for non-interest-bearing warrants.

The auditorial board created by the Act of May 2, 1871, made its first report under date of September 1, 1871.² The report stated that, "upon a careful examination of the transactions of the board of 1866, we have been unable to discover any error in the auditing with the exception of \$10,283.12 allowed as interest on non-interest warrants—, but this is a question about which persons may honestly differ." In regard to the unpaid balances due disloyal persons on January 28, 1861, and the 10 per cent interest warrants exchanged during the war for non-interest warrants, each of which was interdicted by the constitution of 1869, the board stated that the former character of claims would not exceed \$10,000, the latter \$78,466.51, and that the board of 1866 had funded about \$40,000 of these claims in 6 per cent bonds. On account of the higher interest (10 per cent) which the valid portion of the claims would bear if reaudited as compared with the 6 per cent interest which the bonds bore, the board estimated that the State would save only about \$25,000 by repudiating the claims. Because of the comparatively small amount involved and because the holders of the bonds refused to submit them for cancellation, on the ground that they were issued in accordance with the constitution and laws of Texas and of the United States, the board, which was composed of the Attorney General, the Comptroller, and the Treasurer of the State, recommended that the action of the board

¹*General Laws*, 12th Leg., 1st Sess., Chap. 66; supplementary act, Chap. 113; supplementary act, *General Laws*, 12th Leg., 2d Sess., Chap. 32.

²House Journal, 12th Leg., Adjourned Sess., 66.

of 1866 in regard to these claims be confirmed. The recommendation of the board in regard to the bonds was adopted by the Legislature and appropriation for the payment of interest on the claims was made in the Act of November 13, 1871.¹

This legislative validation of the action of the board of 1866 extended only to the bonds based upon the certificates of indebtedness issued by that board. But for this validating act some \$40,000.00 of the 6 per cent bonds issued under date of January 1, 1867, would have been held null and void, because they represented either debt to disloyal persons or were on account of an exchange of interest warrants for non-interest warrants during the war. It will be remembered that there were some \$24,045.34 of unfunded certificates issued by the board of 1866. The Act of November 13, 1871, validated these also, subject to the provisions of the constitution of 1869. The board of 1866 had reported that the estimated valid portion of the outstanding and unaudited debt amounted to \$183,290.83. These claims were also subject, in auditing by the boards of 1871 and subsequent years, to the provisions of the constitution of 1869. It will thus be noted that the Act of November 13, 1861, observed the distinction between bonds and unfunded claims. Although some of the bonds issued during the war and based upon liabilities incurred before the war would be included in these unfunded claims, their amount was not known and they could not be properly classed as a part of the bonded debt of the State until they had been audited. The life of the auditorial board was extended by the Act of November 13, 1871, to January 1, 1873, and it was also provided that all interest-bearing claims should be presented on or before March 1, 1872, on pain of not bearing interest after that date.

The Act of May 2, 1871, provided for the issue and sale of 6 per cent, twenty-year bonds to secure the money needed to pay the valid claims ascertained by the auditorial board; it was also provided that holders of claims might exchange their claims for these bonds. The claims subject to payment from the proceeds of the sale of these bonds, or to funding in them, were the valid certificates of indebtedness issued by the board of 1866 and the other valid claims of the same period. The Act of November 13, 1871, not

¹*General Laws*, 12th Leg., 2d Sess., Chap. 32.

only validated the bonds of 1866, amounting to \$125,100.00, but also appropriated \$40,269.15 to pay the interest upon them from date of issue. It also appropriated \$15,000 to pay the principal and interest of the bonds issued under the Act of March 20, 1861. These amounts were drawn during the fiscal year ending August 31, 1872.¹

All of this legislation of the State and all the acts of the auditorial boards related to the debt of the State to individuals. The 5 per cent bonds, amounting to \$82,168.82, issued under the Act of November 12, 1866, to the school fund, and the 5 per cent bonds, amounting to \$134,472.26, issued under the same act to the university fund, were issued to those funds because of transfers made from them to the State revenue account. Those held by the school fund were on account of the United States bonds and interest coupons transferred under authority of the Act of January 11, 1862, and which in 1866 were in the possession of the State, or which might be recovered by the State.² The Comptroller's reports for 1874 and subsequent years err in describing the State bonds issued to the school fund at this time as indemnity for United States bonds used during the war. They were only transferred from the school fund during the war, but as the ordinance of 1866 and the Comptroller's reports of 1866 and 1867 make clear, they were used for general revenue purposes between August, 1865, and January, 1867. The 5 per cent bonds issued to the university fund were on account of the United States bonds and interest coupons transferred from that fund to State revenue account in February, 1860, and February, 1861. It is highly questionable whether one should regard the bonds of the State held by its special funds as binding State obligations, subject, like the State debt to individuals, to all debt conditions against non-payment of interest and failure to pay principal at the contracted date. It is certainly questionable in the case of the State obligations held at this time by the school and university funds. Neither the constitution of 1846 nor the amended constitution of 1861 protected the educational funds against the transfer of the funds authorized by the acts of January 31, 1860, and January

¹Comptroller's Report, 1872, pp. 29-30.

²For Act of January 11, 1862, see Gammel, *Laws of Texas*, V, 55. For Act of November 12, 1866, see *Ibid.*, V, 1126.

11, 1862.¹ Legislative action alone was responsible for the possession of the 5 per cent United States bonds by these funds and legislative action was unrestrained by any constitutional provision against recalling them at any time. But even if they should be regarded at the time of issue as a binding, bonded obligation, the failure of the State to acknowledge their validity, as it did the other debt authorized in 1866, throws doubt on their validity after the overthrow of civil government in 1867. Neither the Legislature nor the auditorial board of 1871 took any cognizance of these 5 per cent State bonds, and this appears to have been fatal to their position, for they were in every Comptroller's report after 1870, except that of 1881-2, classed as doubtful or worthless. The passage of the Reconstruction Acts of Congress in 1867 and the consequent overthrow of civil government and the establishment of military government in Texas, threw the State back exactly to where it was at the close of the war in 1865. As the bonded debt due individuals and authorized by the Act of 1866 had to be reviewed to be valid, so it would seem any other bonded debt authorized in 1866 should have been reviewed and validated to be a binding obligation. This was not done for the 5 per cent bonds held by the school and university funds, and they remained of doubtful validity, no interest being paid on them and their date of maturity passing without payment, until 1883. By the Act of February 23, 1883, they were validated and were ordered paid with accrued interest.²

The reports of the Comptroller after 1865 carried also among the debt of doubtful validity the 6 per cent State bonds dated May 13, 1865, and the Comptroller's certificate of indebtedness dated June 8, 1865, the bonds being held by the school fund, and the certificate by the university fund. As has been explained these were specifically declared void as war debts in 1866, and they were not validated until 1883. Their validation and payment under the Act of February 23, 1883, was, so far as legal obligation was concerned, a pure gift under the guise of payment of a debt. The failure of the State up to 1883 to pay the interest or the principal of the above obligations held by the school and

¹See Article 10 of the Constitution of 1846 and the amended Constitution of 1861, Gammel, *Laws of Texas*, V, 24.

²Gammel, *Laws of Texas*, IX, 321.

university funds was therefore legally justifiable in the light of the history of the obligations.

A question pertinent in the consideration of the charge of repudiation is this: Did the State pay promptly during war time the interest on the bonded indebtedness which the auditorial boards of 1866 and 1871 found to be valid? Since the State had no bonded debt on January 28, 1861, this question is more specifically: Did the State during war time pay the interest on the 8 per cent bonds of March 20, 1861, and the 8 per cent bonds of April 8, 1861? It appears from the report of the auditorial board of 1866 that the interest on the 8 per cent bonds of March 20, 1861, had been paid up to January 1, 1867, and that the interest on the 8 per cent bonds of April 8, 1861, had been paid up to July 1, 1865. The interest on the bonds of April 8, 1861, was payable in specie, and evidence of the payment of it in specie is to be found in the special loan tax accounts.¹

Also pertinent is the question: Was the interest on the bonded indebtedness found to be valid by the auditorial boards of 1866 and 1871 paid after the war? It appears from the report of the auditorial board of 1866 that interest on the bonds of March 20, 1861, was paid to January 1, 1867, and that no interest was paid on the bonds of April 8, 1861, from January 1, 1865, to January 1, 1867. Such of this debt as was found to be valid by the board of 1866 and was funded in the bonds authorized by the Act of November 9, 1866, had no interest paid on it until the passage of the Act of November 13, 1871. The failure to pay interest as it fell due is not chargeable to the dereliction of the State of Texas but to the Congress of the United States. If there had been any bonded debt which antedated the war, there would have been no question as to the obligation of the State to pay interest on it at the time stipulated; but all of the bonded debt of the State was authorized during the war or after January 28, 1861. Therefore, the question as to payment of interest on the valid debt subsequent to the war depends on the date of the establishment of the validity of the debt. Because of the abolition of the civil government and the re-establishment of the military government by the Reconstruction Acts of Congress in March and July of 1867 the

¹See Comptroller's ledger, 1861-5, pp. 437-441.

action of Texas in 1866 providing for its ascertainment was nullified, and Texas may be said not to have had any known valid debt until 1871. As soon as the valid debt was determined, payment of accrued interest was promptly made, and interest thereafter on it and on all other debt was always promptly paid.

It may be asked, finally: Was the principal of the valid debt promptly paid at maturity? The bonds issued under the Act of March 20, 1861, were payable July 1, 1871. Because these bonds were issued during the war period, though to fund floating liabilities incurred before the war, they were subject to auditing before their validity could be established. In view of the Reconstruction Acts of Congress, there was no legally constituted body that could finally determine their validity until 1871. By the Act of November 13, 1871, appropriation was made for the audited and valid portion of this debt. The bonds issued under the Act of April 8, 1861, were due sixteen years from their date. Such of these as were valid and were exchanged for the bonds issued in 1866 were paid at maturity; those valid and which were not exchanged for the bonds of 1866 were either exchanged for bonds authorized by the Act of May 2, 1871, or were paid before their maturity. The principal of the bonds issued under the Act of November 9, 1866, and which were due January 1, 1877, was also paid at maturity. Except in the cases described above; namely, the repudiation of the debt incurred in aid of the war, and the delayed payment of the interest and principal of the bonds authorized in 1866 and of the bonds issued to the school and university funds, the State of Texas has always since January 1, 1861, either paid or refunded its bonded debt at maturity, and met the interest charges on the date stipulated in the bonds.

CORRESPONDENCE FROM THE BRITISH ARCHIVES
CONCERNING TEXAS, 1837-1846

IV

EDITED BY EPHRAIM DOUGLASS ADAMS

KENNEDY TO BIDWELL¹

Life Cert. Circular. On board the Ship. "Ellen Brooks,"
At Sea. December 31st. 1842

Sir.

I have to report that, from the 16th of November to the present date, I have been a passenger in the Ship "Ellen Brooks," bound from Liverpool for New Orleans (U. S.) by way of which city I am to proceed to Galveston, Texas, there to enter upon the execution of my duties as Her Britannick Majesty's Consul.

William Kennedy.

John Bidwell, Esq., etc.

ELLIOT TO ABERDEEN²

No. 1. Galveston January 5th 1843.

My Lord,

With reference to my despatches No. 10 and No. 18 of last year, I have now the honor to transmit to Your Lordship the copy of a note from Mr. Jones, the Secretary of State upon the subject of those communications.³ Being aware that certain respectable British Merchants here, have duties to pay into the Custom-house in the course of a month, I propose to call upon this Government to let those Gentlemen hold themselves liable to me for the sum of \$3840, presenting my acknowledgement to the Custom-house in satisfaction of their duties to that extent. I can hardly doubt that it will be in my power to satisfy the Govern-

¹F. O., Texas, Vol. 3.²*Ibid.*, Vol. 6.³Jones to Elliot, December 24, 1842. In Garrison, *Diplomatic Correspondence of the Republic of Texas*, III, 1063-1064; in *Am. Hist. Assoc. Report*, 1908, II.

ment of the necessity of forthwith adjusting the claim for the "Eliza Russell" by these reasonable means, and indeed I take the liberty to submit to Your Lordship that I perceive no risk in the immediate advance of a sum of £700 to Mr. Joseph Russell¹ if Your Lordship shall see fit to recommend such a step to the consideration of the Treasury. The sum of £700 is specified, because that amount would fall so far within the extent appropriated by Congress as to leave sufficient room for deficiency from course of exchange, or by any other mode of remittance that might become necessary arising from the manner that payment may be made.

It has occurred to me, that Your Lordship, taking into consideration the length of time that Mr. Russell has waited for the adjustment of his claim, may desire to afford him some relief, and believing that, that may be safely extended him under the circumstances now stated, I have ventured to offer this suggestion

Charles Elliot

To the Right Honorable

The Earl of Aberdeen. K. T.

ELLIOT TO ABERDEEN²

No. 2.

Galveston, January 15th. 1843.

My Lord,

The detention of the steam boat which conveys these despatches to New Orleans, enables me to forward a note of intelligence this morning received from Houston. It is much to be wished, that these confusedly reported accounts may be exaggerated, but there is certainly reason to apprehend that some sinister event has occurred.³

I learn that Congress was to separate in the course of the ensuing week, and that no material alteration of the Tariff had been carried.

In other particulars affairs remain in the position reported in my last despatches.

Charles Elliot

To the Earl of Aberdeen, K. T.

¹Owner of the *Eliza Russell*.

²F. O., Texas, Vol. 6.

³This refers to the disastrous Mier expedition of December, 1842. A cutting is enclosed from *The Houston Morning Star*, January 14, 1843.

ELLIOT TO ABERDEEN¹

No. 3.

Galveston, January 23rd. 1843

My Lord,

I have the honor to acknowledge Your Lordship's despatch No. 20 of December 3rd. 1842.

It will be observed in Mr. Jones's note² of the 24th Ultimo transmitted in my despatch No. 1 of this year, that the claim of certain British subjects for lands in Texas will be presented to the consideration of Congress by the President

Since I have been in Texas I have deemed it my duty to examine the nature of these claims, with all the attention in my power, and I have formed the opinion that the Land Law of this Country is utterly unsustainable, violating universally received principles of a general nature, and carried out by Congress beyond the plain intention and limitations of fundamental authority, that is, beyond the Constitution of the Republic.³

That instrument declares that "*the protection of the public domain from unjust and fraudulent claims and quieting the people in the enjoyment of their lands is one of the great duties of this convention,*"⁴ and there upon specially provides that a certain grant made in behalf of John Mason of New York, by the Legislature of Coahuila and Texas in 1834, was "from the beginning null and void," because it was contrary to articles 4th, 12th, and 15th of the laws of 1824 of the General Congress of Mexico, and because one of the said acts had for that reason by the said General Congress of Mexico been declared "null and void"

The special declaration of this case is [in] the Constitution, the distinct specification of the cause of the defect of that title, and the inherent character of that defect, prove that the Constitution never intended to concede to Congress a right to violate titles, and actually disturb possession, lawfully emanating from the Congress of Mexico. The violation of the possessions of that

¹F. O., Texas, Vol. 6.

²See p. 184, note 3.

³A general résumé of the land legislation of Texas is given in Wooten (editor), *A Comprehensive History of Texas*, I, 785-848.

⁴Throughout the quotations given the italics are Elliot's. Errors made by Elliott are corrected by bracket [] insertions, after comparison with Poore, *Charters and Constitutions*, II, 1760-1763.

authority, and its special act, were, on the contrary the fundamental grounds for the annulment of the grant declared to have been irregularly made to Mason in 1834.

But the Constitution further provides that "with a view to the simplification of the land system and the protection of the people and Government from litigation and fraud a *General Land Office* shall be established, where all the Land titles of the Republic shall be registered, and the whole territory of the Republic shall be sectionized in a manner [hereafter] to be prescribed by law, which shall enable the officers of the Government or any citizen to ascertain with certainty the lands that are vacant, and those lands which may be covered with valid titles"

I certainly do not find any authority in this provision for the Constitution to confiscate property lawfully acquired, and partially possessed, under the provisions of the general law of Mexico, legally carried out by the legislature of Coahuila and Texas: and I am satisfied that the special provision of the Constitution in the case of Mason's grant, and the causes of that provision, plainly proves, that the subsequent Confiscatory enactments of Congress were fundamentally illegal.

It may not be misplaced to observe here, in further proof of the intention and limitations of the Constitution that it provided that "whereas many surveys and titles [to land] have been made, whilst most of the people of Texas were absent from home serving in the campaign against Bexar, it is hereby declared that all the surveys and locations of land made *since* the Act of the late consultation 13 Nov. 1835¹ closing the Land Offices, and all titles to Land *made since* that time are and shall be null and void."

It was not said or intended that all the contracts, surveys, and locations made agreeably to law *before* that act of Consultation should be null and void, but it is particularly, and justly provided in the 16th article of the declaration of rights that "no retrospective or ex post facto law or laws impairing the obligation of contracts, shall be made." In the short history of this Country it is difficult to turn to any advantage achieved, to any evil averted, or to any mischief foreseen or deprecated, without find-

¹Date, "13 Nov. 1835," inserted by Elliot.

ing General Houston's name and weight, enlisted upon the side of conduct, wisdom, and justice.

The original Land Bill and the one which forms the law of the land were passed in spite of his veto by the Constitutional majority, and I cannot do better in this brief acknowledgment of Your Lordship's instructions in the despatch No. 21. than to forward copies of those sound and striking papers.¹

I transmit also an abstract of the present Land law in which Your Lordship will observe that Congress consummated the manifest injustice of their proceedings by shutting out aliens or the assignees of aliens from the relief provided in the bill, for other claimants.²

Under all the circumstances of the case I have considered it advisable to pause 'till I am in possession of the determination taken by Congress upon the claim of Messrs. Egerton, Pryor, O'Gorman, etc.³ and the grounds of it, before I enter at length, upon the subject of this most important claim, forming the subject of Your Lordship's present instructions. But reflection leads me to the opinion that the firm establishment of these unquestionable rights of the Queen's subjects might most justly and conveniently be made the subject of an express article, in any treaty concluded between this Republic and Mexico; and I would further submit that it might be left optional by that article, with the claimants, to accept a commutation in other land in this Republic, under special Government patents, or in money, as they may best like: The amount of Land or money compensation to be determined by a joint commission of persons named by the British Government, and by the Government of this Republic with the power of umpire in British hands.

It will be my duty to communicate, with Your Lordship again at an early date upon this subject.

Charles Elliot.

To The Earl of Aberdeen, K. T.

¹Two letters from Houston to the Land Office, December 21, 1836, and June 8, 1837.

²Printed copy of Sections 26 and 27 of the General Land Laws.

³These land claims, as well as the more important Beales claim, were based on grants obtained from Mexico, and in the opinion of Texan officials were not valid. For the Texan view of the matter, see Jones to Elliot, September 19, 1843: Garrison, *Diplomatic Correspondence of the Republic of Texas*, III, 1129-1136, in *Am. Hist. Assoc. Report*, 1908, II.

P. S.

I take this occasion to acknowledge Your Lordship's despatches Nos. 18 and 19 of Decr. 3. 1842

ELLIOT TO ABERDEEN¹

No. 4.

Galveston, January 28th. 1843.

My Lord,

Since the date of my despatch No. 2 of this year (15th January) I am concerned to report, that authentic information has reached this place from Matamoras via New Orleans, confirming the surrender of that portion of the Texian force, under Colonel Fisher, which had separated itself from the direction of the Officer appointed by this Government, and continued the movement beyond the Rio Grande: a movement to which the disregard of the authority of the Officer, acting under the orders of Government has given a character that may be attended with very unhappy consequences to these prisoners. It appears that this disaster occurred at a small town called "Mier" on the right bank of the Rio Grande between 20 and 30 leagues above Matamoras.² I have not seen the Mexican report, but it can scarcely be necessary to say to Your Lordship, that the statement of their loss in the Texian account forwarded in my despatch No. 2, deserves no credit.

I hear in various quarters that a volunteer expedition of some extent is preparing in the South Western part of the Union, with the purpose to make another attempt to penetrate into the Northern Provinces of Mexico through Upper Texas, during the approaching spring, strengthening themselves with such reinforcements as can be collected in the passage through Texas, and it is also said that a simultaneous attempt is to be made on Matamoras by sea.

It appears to me to be proper to mention this rumour but I have no means of judging of it's accuracy. Indeed it is not easy for a

¹F. O., Texas, Vol. 6.

²On January 24, 1843, Houston wrote privately to Elliot in regard to the Mier prisoners. This letter was the ground of the accusations later made against Houston by General Thompson (Green, *Journal of the Texian Expedition against Mier*, Appendix II). For extract from the letter, see Elliot to Aberdeen, Secret, June 8, 1843. Enclosure 2. This will be published in a later number of THE QUARTERLY.

person in public employment in this part of the world to determine what of rumour ought to be stated, and what may be left unheeded; for whilst common report is at least as discursive and venturous here, as elsewhere, it is a material consideration that Government has less control in the United States, than elsewhere: And strange projects and hazardous modes of operation with respect to Mexico, seem to be in the fair way of attempt, whenever they become the subject of general conversation.

Perhaps Your Lordship will give me leave to add to this reflection that the increasing white population of the Slave States (persons engaged in professions, and emigrants from Europe not ashamed to labor, excepted) is almost entirely without steady occupation. Unscrupulous, fearless, and enterprising, and with exaggerated notions of the wealth of Mexico, it is certain that the project of an incursion into that Republic, is highly popular amongst the people of that part of the Union. I believe that the least success of one of these chance expeditions to the westward of the Rio Grande would be the signal for a formidable irruption into Mexico, of which the first stage, it is quite possible, would be permanent settlement as far as the mountains.

It may be thought in some degree to sustain these reports that the Texian Congress during its recent session passed a Law appointing General Rusk¹ to be Major General of the forces of the Republic whenever they should be called into the field, and placing the appropriation for military purposes at his disposition, irrespective of any control on the part of the President; known to be adverse to aggressive war against Mexico. The gentleman in question is an inhabitant of Eastern Texas, and it is possible that his nomination was considered likely to be acceptable to volunteers in the United States, preparing for the incursion into Mexico. The President of course returned this bill without his approval, but it was passed by the Constitutional Majority.

The movements of Mexico with respect to Texas will probably be determined by the results in Yucatan, and Your Lordship must no doubt receive earlier and more trustworthy information upon that subject, than any that it can be in my power to transmit from

¹Thomas J. Rusk, elected by Congress in 1843 to be major-general of militia.

this quarter: But in the mean time I regret to say that this country is bereft of resource, and the counsels best suited to its situation have been disregarded with disastrous consequences.

Upon the whole, so far as I can judge, it seems clear that the eager party in Texas for aggressive war, on the one side, and the Mexican Government on the other are rapidly accomplishing the purposes which the Mexican Secretary of State, in the late correspondence with the American Government,¹ charges to the Cabinet at Washington. The chance of the permanent re-establishment of Mexican Authority in Texas is gone, but this harassing mode of warfare on the part of Mexico at vast expense and danger to itself, and this futile response on the part of Texas, present a high probability of one of two results: Either the Mexicans will achieve so much of success in Texas, as will induce a complication, east of the Sabine, or the Texians and their American volunteer allies, very eager to visit Mexico, will force their way into that country, in considerable strength, and with what may be taken to be, a certainty of drawing on a war with the United States.

In every way that the consequences present themselves to my mind, it seems next to certain, that, unless a peace between these two Republics can be accomplished in some brief space of time, on terms calculated to encourage a good feeling on the part of Texas to Mexico, Texas will soon be annexed to the United States: And entertaining that opinion, I join to it the belief, that there is no earnest disposition at Washington to see the Independence of Texas acknowledged by Mexico, particular[ly] since it has been supposed that Her Majesty's Government takes an interest in accomplishing that result.

I avail myself of this occasion to mention that we have been recently visited by Her Majesty's Sloop *Electra*, touching here on her way from Havana to Vera Cruz, and I have also to report that Mr Neill, concerning whom I wrote to Your Lordship, has made his escape from Mexico,² and is now in Texas.

Charles Elliot

To The Right Honorable

The Earl of Aberdeen, K. T.

¹This refers to Webster's offer of mediation (1842) and its rejection by Mexico.

²For an account of the escape of Andrew Neill, see *THE QUARTERLY*, XIII, 313-317.

ELLIOT TO ABERDEEN¹

No. 5.

Galveston 4th February 1843.

My Lord,

The inclosure is a letter which I have addressed to the Secretary of State of this Republic agreeably to Your Lordship's instructions of the despatch No. 20 of last year.

Finding from an account of the proceedings of Congress during last Session that no steps had been taken, founded upon the representation I had made to this Government on the 30th September last respecting the claim of Messrs. Egerton, Prior, O'Gorman, etc. etc. I have felt it incumbent upon myself to put forward this claim of Mr. Beales without further delay.

Charles Elliot

To The Right Honorable.

The Earl of Aberdeen, K. T.

ELLIOT TO JONES²

[Enclosure.]

Galveston 4th February 1843.

Sir,

Requesting your reference to a note, which I had the honor to address to you on the 30th September last, in support of the claim of certain British Subjects to Lands in Texas, it is now my duty to put forward another and more weighty case of the like nature, recently committed to me by Her Majesty's Government, namely, that of John Charles Beales, and others Her Majesty's subjects claiming under Beales.

The Lands comprised in these last claims, are those known as the "Arkansas grant" the "Milam or Rio Colorado grant," "the Rio Grande grant," and nine grants in fee simple, of eleven leagues each containing 438,411 793/1000 acres English, located on the Rio Nueces.

¹F. O., Texas, Vol. 6.

²*Ibid.* This letter is listed in the *Calendar of Garrison, Diplomatic Correspondence, etc.*, but since it was actually printed only in Texas newspapers of the day, it is included here. In similar cases it is thought advisable to include important documents unless they have previously been printed in Garrison's *Diplomatic Correspondence*, or in other collections, or files, generally available, such as *Niles' Register*.

I am sensible that the limits of these extensive claims and generally the particulars of the title must be known to the Government of the Republic, but for the sake of form, I have considered it proper to annex the accompanying abstract of the dates and limits of the grants collected from the "Exhibits" of a memorial presented to Her Majesty by J. C. Beales, in the course of last year, on his own behalf and that of others claiming under him. And in order that the grounds of Mr. Beales' appeal to the Queen, may be fully known to this Government I also transmit herewith a copy of his memorial presented to Her Majesty

Since I have been in Texas, it has been incumbent upon me to consider these claims with all the attention in my power: And confining the expression of my opinion upon the Land Legislation of this Republic, solely to those provisions which affect the rights and claims of British subjects, I must declare that the provisions of Law complained of by Mr. Beales and the others, seem to me to be unjust and untenable. This opinion rests upon the principles, that the Sovereignty of this Republic could succeed only to the possessions of the former Sovereignty; that private rights ought to have been secured; that the New Sovereignty is bound faithfully and fully to carry out the obligations entered into by the former; and finally that well established rules, with respect to rights not matured, or with respect to conditions prevented, interrupted or rendered impossible by a circumstance of such overruling force as the breaking out of the War of Independence in 1835, and its continuance to this period, have been violated by the Confiscatory Enactments of Congress, in the particulars set forth by these British subjects. But beyond this, it seems plain, to my judgment that the Constitution inhibits Legislation of the nature here complained of, by clear general reservation and by implication, unavoidably deducible from its own provisions respecting defective titles, said to emanate from the former Sovereignty.

"No aliens" says the 10th Section of the General Provision of the Constitution shall hold lands in Texas except "by titles emanating directly from the Government of this Republic." This exception certainly appears to involve a ratification of all titles *emanating directly from* the Government of which this Government is the successor, and to the obligations of which it is lawfully and justly bound: In other words it appears to have been

the purpose of this provision to place this Government for the maintenance of the public faith, and for objects of policy, in the exact situation of the former Government. There can be no warrant in this provision of the Constitution to distrust what has been legally done by the former Sovereignty in behalf of Aliens, and it certainly remains to seek for that sanction elsewhere.

The Constitution declares that "whereas the protection of the public domain from unjust and fraudulent Claims, and quieting the people in the enjoyment of their lands, is one of the great duties of this Convention, and whereas the Legislature of Coahuila and Texas having passed an act in the year 1834, in behalf of General J. T. Mason of New York and another on the 14th day of March 1835, under which the enormous amount of eleven hundred leagues of land has been claimed by sundry individuals, some of whom reside in foreign countries, and are not Citizens of the Republic, which said acts are contrary to articles fourth, twelfth, and fifteenth, of the laws of 1824, of the General Congress of Mexico, and one of said acts, for that cause, has by said General Congress of Mexico, been declared null and void. It is hereby declared that the said act of 1834 in favor of J. T. Mason, and of the 14th March 1835 of the said Legislature of Coahuila and Texas, and each and every grant founded thereon, is, and was from the beginning, null and void; and all surveys made under pretence of authority derived from said acts, are hereby declared to be null and void; and all eleven league claims, located within twenty leagues of the boundary line between Texas, and the United States of America which have been located *contrary to the Laws of Mexico*, are hereby declared to be null and void."

The specification of the causes of the defects of Mason's title, and the alledged intrinsic character of that defect, and the annulment of all eleven league claims located within 20 leagues of the United States of America, said to be located *contrary to the Laws of Mexico*, prove; that it was never intended to delegate to Congress, a right to confiscate titles, and disturb actual possession lawfully emanating *from* the Congress of Mexico. The declared violation of the provisions of the authority of the Congress of Mexico, and it's own special act thereupon, were on the contrary, the fundamental grounds for the annulment of the grants represented to have been irregularly made to Mason in 1834 and 1835.

In the same Session it is declared "with a view to the simplification of the Land system, and the protection of the people and Government from litigation and fraud a General Land Office shall be established, where all the Land titles of the Republic shall be registered, and the whole territory of the Republic shall be sectionized, in a manner hereafter to be prescribed by law, which shall enable the officers of the Government, or any other citizen to ascertain with certainty, the lands that are vacant, and those lands which may be covered with valid titles."

The enactments of Congress for the establishment of a Land Office founded upon this provision, contain the clauses of which these British subjects complain, but it never can be maintained that the Constitution granted or intended a sanction for such enactments in delegating to Congress, the task of establishing an Office for the registry of land titles. The Lands now in question were covered by valid titles; and it assuredly required the prevailing force of a Confiscatory declaration from which there was to be no appeal, to abrogate those titles.

In further proof of the purpose and limitation of the Constitution, if further proof be necessary, it was declared "that whereas many surveys and titles to land have been made whilst most of the people of Texas were absent from home, serving in the Campaign against Bexar it is hereby declared that all the surveys and titles to land, made since the act of the late consultation closing the Land Office, and all titles to Land made since that time, are, and shall be null and void."

This provision (with the provision respecting Mason's grant, and the specification of the objects and purposes for which a Land Office was to be established) appears distinctly to define, and limit the power delegated to Congress respecting Legislation upon the subject of titles to Lands.

And mindful of the principle of the Constitution of Texas that every right not expressly delegated is reserved, it certainly does seem impossible to claim a tacit sanction for enactments of retrospective and confiscatory Legislation, in an instrument of fundamental and liminary authority, so express upon the subject of titles to land, and of which it is a cardinal rule that "no retrospective or ex post facto law or laws impairing the obligation of contracts, shall be made."

I need scarcely say that the President's messages returning the Land Bills to Congress, without his approval, are known to me; and bearing as they do, so forcibly upon the subject of these claims, I have thought it convenient to forward copies of them to Her Majesty's Government.

Upon the general consequences of that Legislation so clearly foreseen, and so emphatically deprecated, in those masterly papers, it is not my province to remark: But speaking of the particular rights forming the subject of this communication it is a source of regret indeed, that the President's objections to the Bills was unavailing

I had hoped that Congress would not separate, without passing some just and effectual measure of relief for alien claimants, in the situation of these parties founded upon the representation which I had the honor to address to this Government on the 30th September last: That hope, however, has been disappointed, and it remains for me to state, in obedience to my Instructions, that unless the facts set forth by these British claimants are refused or a satisfactory explanation given, The Texian Government must be aware that Her Majesty's Government would be fully authorised to take the necessary steps for enforcing the just claims of Her Majesty's subjects.

I commit these cases, recommended by every consideration of justice, and I use the freedom to add of sound policy, with the confident persuasion, that they will have the cordial support of the President. I cannot but express the sanguine hope too, that Congress at this more advanced period of the progress of the Republic will remedy in the behalf of these claimants, the effects of wrongful Legislation, probably attributable to haste and pressure, incidental to the early and disturbed state of affairs in which it was passed.

Charles Elliot

To The Honorable Anson Jones.
N. B.

The inclosures adverted to in the letter of which the above is a copy have not been forwarded to England because, it is understood, that a copy of Mr. Beales' Memorial and of the book from which the abstract has been drawn up must be in the Department.

Charles Elliot.

ELLIOT TO ABERDEEN¹*Secret.*

Galveston February 5th. 1843

My Lord,

The boat from Houston has just brought me a private letter from the President, of which I beg leave to transmit an Extract. Your Lordship will no doubt be struck with the importance of these views, coming from that quarter, and they have certainly strengthened me in those opinions which I had felt it my duty to submit in my despatch No. 4 of this year, written a few days since.

This is the first hint I have ever had of the President's ideas upon this Subject, drawn from him, I have no doubt, by strong impression of the direction and force of circumstances, by the pressure of opposition made to his administration, and mainly by a feeling of entire confidence in the friendly professions of Her Majesty's Government.

Your Lordship will be best able to distinguish what there is of mere advocacy in this Statement of opinion, or what may be taken to be the result of General Houston's sincere Convictions, or of actual suggestion from influential quarters in a contiguous Country

So far as my own judgment in that respect may be considered worthy of attention, I would say that I have no doubt General Houston has said what He believes, and probably less than He knows; neither do I question that the settlement of this Country upon an independent footing would be most agreeable to his personal opinion, and ambition.

But He perhaps thinks that there is no choice between very early settlement on that principle, or very early adhesion to the growing feeling for annexation

I have thought it my duty to place this letter under cover to Mr. Fox, with the impression that Your Lordship might desire the advantage of any views or information from him without loss of time, and I shall also send a copy to Mr. Pakenham.

Charles Elliot.

To The Earl of Aberdeen, K. T.

¹F. O., Texas, Vol. 6.

HOUSTON TO ELLIOT¹

[Enclosure.]

Extract from a Private letter of President Houston to Captain Elliot dated Washington January 24. 1843.

"There is a subject now mooted in Texas which it seems to me will appeal directly to Her Majesty's Government. I mean that of annexation to the United States

"Some of our Journals are much in favor of the Measure. Eastern Texas contains but few dissenting voices to the Measure. I find from the incertitude of our situation that nine tenths of those who converse with me are in favor of the Measure upon the ground that *it will give us peace*. Upon this point of our National existence I feel well satisfied that England has the power to rule! At this time the Measure has an advocacy in the United States which has at no former period existed. From the most authentic sources I have received an appeal on this Subject, and my co-operation solicited in producing the result of annexation

"It is a political question in the United States, as well as Sentimental. I take it that it is a Measure of the democratic party. The South is in favor of it for various reasons. The West and North West desire it because of a monopoly of the trade of Santa Fé, and the Californias. The Yankees will not be blind to the trade which such a Union will open to them in disposing of their Manufactures

"The relations which such a Union would create in the Pacific, and then the Bay of San Francisco as [have] a connexion with the extension of of the Oregon Settlements. If I am not mistaken I think you will readily perceive that the probabilities of the Measure succeeding in the United States are greater than they have been at any former period. Mr. Tyler is of the South. Mr. Clay is of the West. Mr. Van Buren and Mr. Webster are of the North.

"Annexation is to be a question with the political parties and aspirants in the United States. My own opinion is that both parties will advocate the policy. To defeat this policy it is only necessary for Lord Aberdeen to say to Santa Anna, 'Sir, Mexico

¹F. O., Texas, Vol. 6.

must recognise the Independence of Texas.' Santa Anna would be glad of such a pretext. He could then say to the Mexicans 'You see how I am situated. I cannot go to War with England, our best friend with a probability of War with the United States and France.'

"This state of things would be desirable with him, in my opinion, as it would leave him free to establish his power and dynasty! The Texian Subject has answered the use of 'a tub for the whale' long enough, and He would like to get rid of all external troubles. But for this He requires a pretext, and He has incurred so many voluntary committals, that to get out of difficulty He must seem to act under constraint. This He could render as a satisfactory reason to the people, and even acquire favor by the course. In all these matters I may be mistaken, but I am honest in my convictions, that Texas and England would both be beneficiaries by this course. Time will tell the tale."

N. B.

The chief portion of the remainder of the letter is upon the subject of the General's anxiety respecting the persons lately Captured West of the Rio Grande.¹ And requesting that Mr. Pakenham may be moved to do what He can to avert dangerous consequences from them. The General grants that the disorderly action of their separation from the Officer acting under the orders of this Government is of highly serious consequence to them, but presses upon the fact that there was a Capitulation, and that the Mexican Government is bound to respect it. I am endeavouring to write to Mr. Pakenham upon the subject agreeably to the request, by this opportunity.

Charles Elliot

[Endorsed] In letter from Capn. Elliot marked "Secret" of Feb. 5. 1843.

¹For a quotation from this portion of the letter, see Elliot to Aberdeen, Secret, June 8, 1843, enclosure 2. This will be published in a later number of THE QUARTERLY.

KENNEDY TO ABERDEEN¹

No. 1.

Galveston. Texas.

February 11th. 1843.

My Lord.

I have the honor to inform Your Lordship that I arrived at Galveston on the 5th Instant, and immediately reported My arrival to Captain Elliot, R. N. Her Majesty's Consul General and Chargé d'Affaires in Texas.

In accordance with My Instructions, I have placed Her Majesty's Commission appointing Me Her Majesty's Consul at this port in the hands of Captain Elliot, by whom it has been transmitted to the Government of the Republic with an application for the necessary exequatur.

Permit Me to remark that the Communication I have had the honor to hold with Captain Elliot leads me to look forward to future Cooperation with that gentleman in the public Service as a very agreeable duty.

William Kennedy.

The Earl of Aberdeen, K. T.

ELLIOT TO ADDINGTON²*Private.*

Galveston. March 26th. 1843.

My Dear Sir.

I had hoped that the last Steam Boat from New Orleans would have brought me acknowledgments to the communications forwarded from here to the 16th Decr. but I have been disappointed, and I hear accounts of the rather careless modes of conveying the Mails from New Orleans to the Northward, particularly in the Southern part of the route, which leave me uneasy till I hear from England that my letters have been duly received.

It has occurred to me, however, that Her Majesty's Government may prefer to forward some of the communications by the way of the West Indies, and that consideration tends to reassure me. The last despatch in the diplomatic series which has been acknowledged in England is dated here on the 2d November.

¹F. O., Texas, Vol. 7.²*Ibid.*, Vol. 6.

In outward appearances affairs in this quarter remain much as they did when I wrote to you last, in the past Month, but I cannot help believing that this sameness is apparent rather than real, and that in point of fact we are hastening forwards to material changes. So far as the aggressive power or purposes of Mexico be considered, in respect to this Country, you must no doubt have better means of judging than I can furnish, but it seems reasonable to suppose that the protraction of the Struggle in Yucatan must be shaking General Santa Anna's influence, and exhausting the crippled and severely collected resources of the Government.

We hear here, too, (but all our information concerning Mexican affairs comes to us through the United States, and must be received with great reserve) that another Federal movement is ripening, and that it will be supported by some leading Military Chieftains. Leaving these reports out of question, it may still be thought to be a reasonable calculation that any existing condition of things in Mexico will be replaced by another, within three or four years from it's Establishment, and if I am not mistaken the last final Settlement has already reached that measure of venerable duration.

We learn from New Orleans, that the two Texian Vessels of War at that place are at last preparing for Sea, (assisted by funds from Yucatan) and that they will get out in the course of a week or ten days. I am not able to judge of the well foundedness of these statements, but would observe generally of all manner of reports in these parts that they should be received as Dr. Johnson recommended of Short's Stories; Not too easily believed, for the very great probability is that they are false, not entirely disregarded for they may be true. What with my Ultra Malayan and Trans Atlantic drilling, it will be no wonder if I fall into an obstinate Pyrrhonism.

I have heard so little truth, and experienced so much injustice, that doubt and distrust is my way of being. The Treaty¹ between this Country and the United States has not yet been ratified by the Senate of the last, as it is alleged I am told, upon the ground that its provisions would lead to demands for conces-

¹A treaty of commerce. The United States Senate refused ratification in certain essentials.

sions of a similar nature upon the part of the other South American Republics (and the Foreign powers having possessions in the West Indies with which the United States have Commercial treaties) thus disturbing the protective effect of their own tariff, upon their own South Western produce.

But it may be that there are other motives for declining to ratify the treaty. The N. Eastern interest would perhaps feel that relaxation of the contemplated nature in favor of Texian produce would gratify the demands from the opposite points of the Union for a general relaxation of the tariff. "You have let in Texian produce," they would reason "to our detriment." "Admit foreign articles of our Consumption, for our relief." Again mindful of the extremely pressed condition of this Country, and sensible of the difficulty of carrying the formal annexation of Texas by Legislative means, the S. W. party may think that the next best thing would be to leave affairs in such a state that the same result might virtually be achieved by a treaty of Commerce, and hence perhaps an unwillingness to conclude any treaty with this Country (it is most remarkable that there never yet has been one) till affairs are in their agony, from which they do not seem to be far removed.

Another topic deserving particular attention at this conjuncture is a Movement by an Anti Slavery party here. I always knew that such sentiments existed amongst some of the Settlers from the Free States, and a few of the most respected Citizens, but an Englishman who has just returned from travelling through a great part of the Republic assures me that there is a much more general and strengthening feeling in favor of such a course than he had conceived possible. I think he is mistaken in respect [to] the actual state of feeling, and a considerable degree of excitement here last week ending in the sudden dismissal of a Mr. Andrews from this Island (a Lawyer of talent and respectability of Houston who had come down to Galveston to test the state of opinion here) is a proof that in this Island at least there is in [no?] readiness for the immediate entertainment of such views. Upon the whole, however, I believe that sound opinions upon this topic are gaining strength and these South Western people are so exciteable, and so ready to jump from extreme to extreme, whenever they perceive the advantage of the leap, that it would never

surprize me to find the subject thrown upon favorable public attention by the very event of M. Andrew's forced departure.¹

First comes violence, and then come reflection and sympathy, and indeed it is manifest that the advantages of abolition would be so immediate and so momentous, that they only need to be calmly thought of to make their way in the public mind. I am waiting in much anxiety for the next arrivals from New Orleans with the hope that it will bring me some acknowledgment of my despatches and letters as far down as the 27th Decr.

The "Great Western" I observe she was to sail from England on the 10th February. As soon as the Boat arrives I am going up to pay a short visit to the President at Washington [on the Brazos] which I have been prevented from doing for some weeks, by the extraordinary floods of the Rivers. The Mischief of extensive inundation has added itself to all the other troubles that have plagued this poor Country for the last 12 Months.

The people are rough and wild, but their constancy and courage are admirable. I hardly know any more painful and indeed humiliatory subject of reflection than the comparative helplessness of our own poor English people, when one finds them thrown amongst these scheming, enterprising, and it is most distressing to add, almost invariably much better informed persons than themselves. The truth is that the poorer Classes of English people are broken in, or I should say broken down to do but one thing in this world, and then accustomed to all the conveniences and facilities of locomotion etc. etc. in our Country, they make but sorry work of it in taming the wilds, compared with the American races.

The training of our social and political mechanism (and my experience has taught me, military too) unfits men for rough uses and reverses. It must all work together perfectly *smoothly* and *successfully*, or it will scarcely work at all. These strange people *jolt* and *jar* terrifically in their progress but *on* they do get, and prosper too under circumstances where *our people* would

¹Stephen Pearl Andrews, a lawyer of New Orleans; later of Galveston. After urging a plan of abolition in Texas, he went to England in 1843 seeking the aid of British Anti-Slavery Societies. His later life was spent in Boston and in New York, where he gained reputation as a scholar and writer. (Appleton, *Cyclopedia of Amer. Biog.*, I, 76.)

starve and die. I am sure it would be a wise and a right course to put forward some authoritative recommendation to the Queen's Subjects to direct their Emigration to parts of the British Dominions, or at all events not to entirely new Countries on this Continent.

Whenever the born British Emigrant comes into contact with the American or frontier Stations, you find the first squalid, poor and a Wreck, and the last making way chiefly *upon the Capital* which the others have brought with them.

With my excuses for this long letter and small amount of information

Charles Elliot.

H. U. Addington, Esqr.

ELLIOT TO ABERDEEN¹

Private.

Galveston March 29th. 1843.

My Lord,

The delay of the Steam boat for a few hours enables me to transmit to Your Lordship the accompanying Statement of intelligence from Mexico received here two days since, via New Orleans.² I entertain no doubt of the genuineness of their proposals, but am necessarily without any means of forming an opinion upon the purposes or situation of the Mexican Government in relation to them

Upon the face of them, however, it is hard to think that General Santa Aña can entertain a serious hope or wish that they should be accepted in their present form. Their effect would be to leave this Country virtually independent of Mexico, with abundance of pretext for further disturbance and pretensions West of the Rio Grande, as soon as Texas is well strengthened, and Mexico still further enfeebled by unsuitable institutions, and that state of intestine trouble, which appears to be almost the usual condition of the Country.

Indeed it seems to me to be quite unintelligible that this project

¹F. O., Texas, Vol. 6.

²An unidentified newspaper cutting referring to the proposal of a negotiation for peace, made by Santa Anna through James W. Robinson, a released prisoner.

of a Federal scheme of polity as respects Texas, and Central as respects the remainder of the Republic can be seriously put forward or expected to work particularly in the present situation of parties in Mexico.

It is possible however that these proposals may be no more than the first approach to some practicable solution of the dispute, and upon that point Your Lordship will of course have the means of forming a better judgment by the direct intelligence from Mexico, than any that can be provided upon information or suggestions from this quarter.

I do not write officially till this Government has signified its course regarding these proposals, but I naturally conjecture that, they will not openly take notice of them.

I am about to proceed to Washington to pay a short visit to the President, and shall address Your Lordship again as soon as I have returned.

My last dates from the Foreign Office are of the 2d February, but then without, acknowledgments of any despatches from here beyond those of the 2d November.

Charles Elliot.

To The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN¹

No. 2.

British Consulate.

Galveston March 29th 1843

My Lord,

I have the honor to inform Your Lordship that, on the 24th of February, I received from the Seat of Government, at Washington on the Brazos, a Note from the Secretary of State of the Republic of Texas accompanying the President's official recognition of My Commission as Her Majesty's Consul for Galveston

I beg to inclose an extract from the Government paper published at Washington,² not because of any terms of eulogy applied to so humble an individual as Myself, but as indicating the light in which the appointment is Viewed by the President, and

¹F. O., Texas, Vol. 7.

²*The Texian and Brazos Farmer*, February 18, 1843.

the prospect it holds out of My being enabled to promote British interests in this quarter

William Kennedy.

The Earl of Aberdeen, K. T.

ELLIOT TO ADDINGTON¹

Steam Boat "Dayton"

On the Passage from Houston to Galveston

April 15th. 1843.

My Dear Sir,

The inclosure is the Copy of a letter which I have addressed to Mr. Packenham² at the request of the President that He should be moved to make the Communication it contains to General Santa Aña, and I have added some reflections of my own because it occurred to me that Mr. Packenham would wish to judge of any views of mine upon the effect of these propositions on the Government and people of this Country.

I took occasion to mention to the President that I was without any other Instructions than had already been made known to him respecting the feelings and purposes of Her Majesty's Government upon the subject of the close of the Contest, but I was persuaded they had in no degree relaxed. He assured me, and begged the assurance might be particularly conveyed to Lord Aberdeen that He continued to place implicit confidence in the friendly declaration of Her Majesty's Government, and it was in that spirit, and that trust, that He had felt himself bound to communicate to me what He had done respecting the condition of feeling concerning annexation to the United States.

I must feel that in the state of this Country it was no wonder that men[']s minds should turn that way, and it might be depended upon that the feeling was growing and gaining strength both here, and in the United States. I thanked him for what I was sure was the motive of this frank exposition of his views upon this subject; but it was one of great importance, and I could only say that I had lost no time in forwarding to England what He had been so good as to write to me on that Matter.

¹F. O., Texas, Vol. 6. This despatch is not numbered.

²Pakenham. Elliot at times misspells the name.

My letter to Mr. Packenham contains the general substance of the President's remarks, and I must hope that indisposition will be my excuse to you for these few lines by the present occasion. Perhaps a few days rest at Galveston in the comparative comfort, (and at all events the cleanliness) of my own Cabin, will restore me, but the truth is that my health is shattered, and I do not look to make good weather of it through the ensuing hot season, so far to the South as this Country.

Charles Elliot.

To H. U. Addington, Esqr.

ELLIOT TO PAKENHAM¹

Private.

Houston April 14th. 1843

My Dear Sir,

The last Boat from New Orleans has brought here a Citizen of this Republic of the name of Robinson who was captured at San Antonio on the occasion of it's Surprize by General Woll in September last, and the accompanying paper will place you in possession of his own account of the circumstances, and purposes of his release by General Santa Aña.

I was upon the point of starting to Washington to pay the President a short visit when these strange, and vaguely promulgated tidings reached Galveston, and I was with General Houston when Mr. Robinson arrived at Washington. The President placed in my hand the original of the paper General Santa Aña had delivered to Mr. Robinson, but except that it developed the particularity that New proposals were drawn from him by an *approach from Mr. Robinson*, I did not detect that that Gentleman had more to communicate to General Houston than had already been made known to him through the medium of his Newspaper.

In fact General Houston explicitly told me that Mr. Robinson brought him nothing but the papers in question; the substance of which you have here before you.

He observed that although this approach had found it's way before the Public, and came to him in a strange and informal manner indeed, still He would [state] his belief that it evinced a

¹F. O., Texas, Vol. 6.

peacefulness of Spirit on the part of the Mexican Government, and [he was] disposed on his own side to proceed to all proper lengths for the Establishment of an honorable and desirable pacification, He hoped it might not be incompatible with your position to state to General Santa Aña that He was ready to send Commissioners to Mexico in furtherance of that object. He had to remark, however, that an armistice would be indispensably necessary before any proposals of a peaceful Nature could be entertained for without that there would be no deliberating calmly, or determining wisely on either part. General Houston then conversed with me upon the subject of this approach.

He believed that General Santa Aña had long since been convinced that there was no hope of the permanent re-establishment of Mexican Authority in Texas, and He was equally satisfied that General Santa Aña's avowed desire for a close of this futile contest was sincerely felt, both upon political considerations of various kinds, and pressing moment, and no doubt also for the sake of putting an end to a fruitless Waste of human life and happiness. He could readily understand the feeling which led General Santa Aña to shape this approach upon the condition of the acknowledgment of Mexican Sovereignty by Texas, but he could not suppose there was any deliberate purpose to adhere to that condition.

General Santa Aña's scheme involved the virtual separation of this Country from Mexico. They were to elect their own Officers from the highest to the lowest, there were to be no Mexican troops in Texas; they were to initiate and prepare their own Laws. He certainly could not understand to what extent or by what means this Sovereignty was to be enjoyed or exercised. It would be a shadowy Sovereignty indeed, but it was plain to his mind that the renewed difficulties and complications to which it would give rise would be very substantial answers. He could not but hope that calm consideration, and the voice of great powers, equally friendly to both Nations would lead them both to some safe resting place.

I told the President I should not fail to communicate what He had said to you, and living amongst these people I hope it may be unnecessary to offer you any excuse for some reflections of my own upon the same Subject.

It is certainly in no great spirit of disparagement of the people of Texas. In many respects, on the contrary I think them worthy of high admiration, for example in the spirit of daring adventure, and disregard of every kind of difficulty and hardship, I know not by whom they can be surpassed. It is certainly, then, I would repeat in no spirit of general disrespect, but purely of dispassionate observation of their variable and excitable political humour that I would remark I have never lived amongst any people more likely to abandon their solemn declaration of separation to any plausible exhibition of what was best for their immediate interests. Joined to this expansiveness of political consistency, you will scarcely need to be reminded of their actually pressed condition, and of the absence of those impulses which produce what we understand by patriotism; not to be looked for indeed amongst a people strange to the soil, and compounded for the most part of wandering and restless Emigrants. from the S. W. States of the neighbouring Union.

Speaking then of things as they actually are here, and of the people *now* living in this Country it would certainly not surprize me to find this project, temporarily favored, and perhaps it would not be hard for its advocates to shew them that General Santa Aña's scheme would be as profitable an arrangement for Texas and *the United States* as I am sure it would be a mischeivous one for Mexico.

The President, I confidently believe, will act only upon large and honorable views of what is due to his Country and to himself. But whilst He is sincerely and wisely averse to aggressive War in Mexico, I am persuaded that He is steadily anxious to secure the Independence of the Country, and I do not doubt that He is secretly preparing to resort to that course as vigorously as He can if the interference of Foreign powers shall not otherwise and promptly close this combat. There seems good reason to believe that He will succeed in establishing treaties with most of the Border Indians and when that is accomplished He will be in a better situation to turn to other projects.

General Santa Aña will be greatly mistaken indeed if He thought that Houston's real influence in this Country is weakening, or wished that it should, for He is very moderately disposed towards Mexico, and will strive hard to reach some safe and

creditable conclusion. But if he once raises his voice in the opposite way He will be followed by twenty thousand riflemen from the Western States of the Union, in less than 6 Months. To return however to General Santa Aña's scheme, I think you will concur with me that there is no soundness in a System, flimsily pretending to be of one kind, but essentially of a diametrically repugnant description. And of all the people and Governments on the Earth to select for this experiment of resting contented under a scheme of policy, declaratorily masterful, and really powerless, these reckless and enterprizing races that have found their way to this region, and the scantily scrupulous Government of the United States would assuredly be the most certain to shiver the fragile Machinery to atoms, at their first convenience

That the Government and people of the United States, moved under different motives, are perfectly agreed upon one point in this affair of Texas and Mexico, I make no doubt, and that is a disinclination to the recognition of it's Independence by Mexico. The adoption of General Santa Aña's present scheme would probably suit them all much better. It would effectually sponge out all that has been done in that way, and leave things as they were in 1836 (when they never expected Foreign Powers would recognize the Independence of Texas) with leisure to all parties, and full convenience to strengthen this Country, and open out renewed troubles and pretensions in a Westerly direction. I believe that that Government has no more settled purpose than to stretch itself Westward, and I think the present Cabinet at Washington is of the mind that Texas upon an independent footing would be a serious and growing obstacle in their progress thitherwards.

It appears to be reasoned that independent Texas with a very liberal commercial policy would adhere steadily to a balancing system, for it would leave Her a great emporium between Countries with high tariffs, and eager dispositions, and ready facilities to set them at nought. There is reason too in the suggestion (it has been put forward by leading people in America) that the influx of foreign Capital and principles to this Republic from other parts of the world, particularly from England, would pretty rapidly modify present sympathies. Men, they think, would soon begin to feel Texian, as well as to call themselves, Texians. In-

deed it is more true of the United States races, than of any other in the World that their first best Country ever is at home.

They will live friendly or fight with any people for profits sake. Long before I heard of this proposal of General Santa Aña's the impression was gaining strength in my mind that some intrigue was ripening at Washington (on the Potomac) for I had good reason to believe that there had been personal Communications between General Almonte, General Hamilton, Mr. Tyler and Mr. Calhoun, during last Autumn. Revolving the probable subject of that intercourse in my mind, it has sometimes occurred to me (and there is nothing in this proposal to disturb the surmise) that a formal and temporary reannexation of Texas to Mexico might be one of the proposed devices, and thereupon after some decent length of time, a renewal of General Jackson's Negotiation for the purchase of Texas from Mexico.

That might be a convenient mode enough of adjusting United States Claims on Mexico, without any transfer of funds, and perhaps it might be made more palatable to Mexico by proposing to pay a few more Million than General Jackson had offered. The Mexicans would perhaps be instructed by such advisers that this course would save appearances, and give them a handsome Salvage out of what was lost to them for ever, and their own aversion to have a Neighbour with a liberal Commercial policy would possibly help at the scheme. You are a much better judge of the probability of these speculations than myself, but entertaining no doubt at all of the answers of the Cabinet at Washington on the subject, I have thought it convenient to submit them to you. Considering the shape that this Matter has now assumed, (from the point of view that I regard it, and with such means and opportunities of forming a judgment as are within my reach) I cannot help thinking that Her Majesty's Government would regard a renewal of this futile Contest, always pregnant with more risk of inconvenient complication with the United States than there are any safe means of estimating, With great dissatisfaction General Santa Aña has now proposed a concession of all practical hold over the Country, and it will scarcely be agreeable to Her Majesty's Government to learn that a struggle has been reopened for a matter of form.

On the other hand you will know much better than I, how the

intelligence would be received in London that affairs here had been adjusted upon General Santa Aña's present scheme; a scheme effectually breaking up existing arrangements, and leaving behind the certainty of renewed and more serious complications. By late papers from England I observe that Her Majesty's and the French Governments have recently joined in a Note to the Republic of Monte Video, and Buenos Ayres saying in effect, that they might suit their own convenience about making a peace, but that it was necessary they should keep the peace. And I hope you will pardon me for expressing the wish that you may now think yourself in a situation to request the Mexican Government to suspend hostilities, and recommend me to say the like to this Government for such a length of time as might enable you to learn the pleasure of Her Majesty's Government upon this turn of affairs.

In my mind it is a scheme amounting, in few words, to nothing less than a swamping of this Country's Independence. And all the military and other arrangements, present and prospective, depending upon it, for the better convenience of the United States. They would be what General Houston calls the "beneficiaries" of such a solution. It is of course impossible that General Santa Aña can have any such thought or purpose as this last, but with deference, it seems hard to reconcile his entire earnestness in these proposals with any moderate degree of knowledge of character of these people, or of the circumstances connected with their situation

In every way that I regard this subject, looking at it from here, (but your point of view and experience will at once enable you to arrest any misconception into which I have fallen) it certainly seems to me important that there should be a *complete pause*, till you can receive Notice of the views of Her Majesty's Government. After the present turn of affairs shall be known in that quarter

We learn here that the two Texian Men of War are to get to Sea immediately from New Orleans, but the President privately assured me that the Commodore had orders to give up the Command of the Squadron for repeated disobedience of Instructions, and for a most unwarrantable interference in the affairs of Yucatan and Mexico. He shewed me his Messages to Congress upon

that subject, and they were strongly averse to the least interference of this Country in that struggle.

I have to make an excuse for my hard hand writing, but bad as it always is, I write with some considerable discomfort from sickness, in the hot room of a Houston Boarding House which is a manner of existence that I would not wish to my worst unfriends, and I have had bitter. The Steam Boat is to leave for New Orleans tomorrow, and having no time or convenience to write a despatch from here.—I shall take the liberty of enclosing a copy of this letter to Mr. Addington. I should add that the President wished the Communication to you to be made in a private form.

Charles Elliot.

His Excellency Richard Packenham, Esqr.

Copy.

C. E.

[Endorsed] In letter from Captain Elliot of April 15. 1843.

REVIEWS AND NOTICES

American Colonial Government, 1696-1765. A Study of the British Board of Trade in its Relation to the American Colonies—Political, Industrial, Administrative. By Oliver Morton Dickerson, Ph. D. (Cleveland: The Arthur H. Clark Company. 1912. Pp. 366.)

The Relations of Pennsylvania with the British Government, 1696-1765. By Winfred Trexler Root, Ph. D. (New York: Publications of the University of Pennsylvania, D. Appleton and Company, Agents, 1912. Pp. iv, 396.)

It is only within the last twenty years that scholars have begun to study the American colonies as parts of a great empire and to examine from that point of view their relations to the economic and administrative system of Great Britain. In this field Osgood, Andrews, and Beer have been the pioneers, but most of their work has been confined to the seventeenth century. The highly important period from the establishment of the Board of Trade in 1696 to the Revolution has been traversed only by the occasional monograph and yet awaits comprehensive treatment. The two books here reviewed are the most important recent contributions to this hitherto neglected division of the subject.

In his *American Colonial Government* Professor Dickerson gives us the first adequate account of that very important subject, the British Board of Trade, which has been neglected hitherto largely because its importance has not been fully appreciated. Here at last is presented a careful and somewhat detailed account of the organization, nature, and personnel of the Board, its relations to the other organs of the British government, and its relations to the colonies.

The chief duties of the Board were the care and fostering of English trade in general and the supervision of colonial administration to that end. But it was never able to fulfill all the purposes of its creation. Subordinated on the one side to the Privy Council, on the other to the secretary of state for the southern department and excluded from direct control over the enforcement of the Acts of Trade, after a few years of efficiency it passed

from the control of the Crown to that of the Parliamentary chiefs, fell into the hands of Whig spoilsmen—of whom Newcastle as secretary of state for the southern department exercised the most “pernicious interference”—and sank gradually into such a condition of helplessness that its only function was to gather occasional information. Indeed, one is led to believe that, if Professor Dickerson’s view be correct, Newcastle was more responsible than any other man for the conditions which brought about the revolt of the colonies—so lax had become the administration and control of imperial interests, and so many new powers had the colonial assemblies been allowed to assume. During the presidency of the energetic and ambitious Halifax, 1748-1761, there was not only a revival of the original powers of the Board but an extension of them. But the mischief had already been done; the colonies were already beyond the control of the administrative organs of the imperial government. The problems were passed up to Parliament with what results we know.

The reader is likely to feel that the space given to such a topic as the personnel of the Board could have been reduced without serious loss and more given with profit to the explanation of the rise of the assemblies and the weakening of the colonial executive; but the author probably felt that the excellent work of Professor Evarts B. Greene in this field had made an extended discussion of those subjects less necessary. Though sometimes too brief, the account of the Board’s efforts to retain imperial control over the colonial judiciary, to bolster up the waning powers of the royal governor, and to lop off by the weapon of royal disallowance the unconstitutional extensions of the powers of the assemblies is very illuminating. Likewise clear is the story of how the work of the Board was hampered by wretched means of communication, of how the frequent wars and the urgent need of supplies placed the governors at the mercy of the assemblies, and of the failure of the ministers to bring Parliament to the support of the royal officials.

Professor Dickerson has seemingly exhausted the sources of the subject, the chief of which are the manuscript records of the Board of Trade itself. If one is inclined to criticise the proportion of the book, he must, nevertheless, praise the clarity of style and treatment. The title, however, is entirely too broad,—the subtitle is a more accurate indication of the contents of the book.

Dr. Root's book has a peculiar interest, not only in that it deals with one of the most important colonies, but because it affords an excellent example of the futile reaction of imperial laws upon a charter-protected colony and of the anomalous position of such a colony in a well-ordered imperial system. The treatise is admirably arranged. Beginning with a brief examination of Penn's charter and the relation of his colony to the crown, the real point of departure is in the second chapter, which deals with the central institutions of colonial control—that is, the Crown, Privy Council, the great officers of state, treasury and admiralty, the Board of Trade, and finally Parliament. There follow chapters on the administration of the acts of trade, the Court of Admiralty, royal disallowance, judicial system, finance, religious questions, imperial defense and imperial centralization. In these chapters Dr. Root clearly sets forth the helplessness of the Board of Trade because of its subordinate powers, the lack of thorough co-ordination in the administrative system, the poor type of royal official frequently sent out by English politicians and the wretched fee system which rendered corrupt officials more corrupt, the skillful evasion by the colonists of the royal veto, the quarrel over paper money, the failure of certain colonies, especially Pennsylvania, to respond to the needs of imperial defense, the utter futility of the system of requisitions—which we remember Franklin was not ashamed to praise when opposing a general tax—and the necessity for a general reorganization of the empire after the close of the French and Indian war. The author shows a full sympathy for and understanding of the conditions of colonial life which led to the most strenuous assertion of the right of local self-government and distrust of centralized control from across the sea; but the reader is led irresistibly to the conclusion that the empire *needed* reorganization and that from the point of view of the imperial officials the abrogation of the remaining colonial charters, the grouping of the colonies and the raising of a general revenue for better defense, and the stricter enforcement of the laws of trade were matter of prime necessity. How far is this from the notions that high school and even college students still imbibe from their text-books that the measures of the British government were the acts of a wicked and stupid despotism! One must regret that the style is somewhat hard to follow and that

the diction is often careless. Perhaps it is this carelessness that leads the author to say (p. 43) that by 1765 the colonies had "autonomous governments with parliaments of their own co-ordinate with the British Parliament," a statement which is contradicted on pages 202, 311, and 395, where it is variously explained that the Parliament was legally supreme "over both realm and colonies."

There is much to praise and little to find fault with in this volume. Dr. Root has searched widely through the sources with the utmost care, and he has made a solid and notable contribution to little known period.

CHAS. W. RAMSDELL.

An Artillery Officer in the Mexican War, 1846-7. Letters of Robert Anderson, Captain 3d Artillery, U. S. A. With a Prefatory Word by his daughter, Eba Anderson Lawton. (New York: G. P. Putnam's Sons. 1911. Pp. xvi, 339.)

This is a volume of the letters of Captain Robert Anderson to his wife. The first letter is dated at Fort Brook, Florida, December 28, 1846, and the last from Mexico City, October 28, 1847. The writer participated in the capture of Vera Cruz, the battle of Cerro Gordo, and the battle of Molino del Rey, and was with the army at the battle of Churubusco, but was kept out of that engagement by a severe attack of malaria. He was disabled in the battle of Molino del Rey, and was invalided home in October. Covering as they do practically the whole of the southern campaign, one expects these letters to cast valuable side lights on General Scott's invasion of Mexico, but the expectation is disappointed. They are interesting human documents, and inspire abundant respect for the character of the writer; they occasionally contain excellent descriptions of the towns along the route from Vera Cruz to Mexico; but they are singularly devoid of material for the historian. The reason for this is partly explained by the writer: "The newspapers give you so regularly and constantly the last news from the Army, that it is hardly worth while for me to chronicle events as they transpire, or to detail rumors as they fly." Again, "I, from my position, am debarred from all knowledge of the secret plans (if they have any) of our Commanders." Trist is mentioned in several of the letters, but never a word is said of his relations with General Scott. Captain An-

derson was a personal friend of Scott's, and had great admiration for his military qualities. The book is without an index, but this is less serious than would be the case if the letters were of greater historical importance.

E. C. B.

The Story of My Life, or More Than Half a Century as I Have Lived it and Seen it Lived. By G. C. Rankin, D. D. (Dallas: 1912. 12mo, Pp. 356, Vol. I.)

This volume covers the life of Dr. Rankin down to the time of his election as editor of the *Texas Christian Advocate*, fourteen years ago. Previous to that election he had spent four years at Shearn Church, Houston, and two years at First Church, Dallas. The volume, therefore, covers only a small portion of his activity in Texas. The author promises another volume, the material for which has already been accumulated but is too warm to hand out. "In that second and final volume there will be something racy and rare in the literature of the Lone Star State."

The present volume "is not technically an autobiography, for it deals with many persons and incidents outside of myself." "I have grouped certain periods and certain incidents around myself and told the simple story without much accuracy of chronology." These sentences indicate somewhat the plan of the book. The first half of the volume is superior to the second half both as regards choice of subject matter and treatment. The story of his childhood, the courage with which the fatherless boy faced the world, the privations he endured to obtain an education—the account of his kind grandmother, of his own mother's fortitude, of the helpfulness of friends—the pictures of life in his native community, of the scenery of East Tennessee and of the character and originality of the leaders in that region—all these are well told and will win the sympathy and admiration of his readers, young and old.

The second half of the volume is different. The plan of the book is not adapted to the subject matter treated; as a result, the narrative is fragmentary; the style becomes repetitive, digressive, and perfunctory. The author's statements in the Foreword, "I owe nothing to fortune, to kindred or good luck" and "I have had to become, from sheer necessity, the architect of my own position

and character in the world," must have found their origin in writing this portion of the book. However, they are amply refuted by the narrative itself.

The volume is illustrated with reproductions of the photographs of the author, his mother, and members of his family, and of Professor and Mrs. M. H. B. Burkett, Revs. W. E. Munsey, Jno. H. Brunner and Abe Mulkey and Gov. W. G. Brownlow. A few crude pen sketches are also included.

E. W. WINKLER.

A Thumb-Nail History of the City of Houston, Texas, from its founding in 1836 to the year 1912. By Dr. S. O. Young. (Houston: 1912. 8vo, Pp. 184.)

This book was written, the author says, "more for my own pleasure than for anything else." He waives all claim to literary ability, but assures the reader that "every precaution has been taken to guard against error. Wherever possible, I have consulted original documents and newspapers."

The subject matter is divided into twelve chapters, each devoted to some phase of the city's activities and tracing its history from the inception of that interest to the present. Chapter 1 (Pp. 7-43) gives an account of the founding of Houston and outlines its municipal history; Chapter 2 (44-62) tells of the building activities, private and public, at different periods, and of the organization of fire companies; Chapter 3 (63-84) does the same for railroad building, and gives some notes on the lawyers and doctors; Chapter 4 (85-93), newspapers; Chapter 5 (94-108), banks and trust companies; Chapter 6 (109-119), churches; Chapter 7 (120-130), military companies; Chapter 8 (131-138), manufacturing; Chapter 9 (139-150), literary clubs, public library and organized labor; Chapter 10 (151-169), cotton, lumber, oil, rice and insurance; Chapter 11 (170-175), telegraph lines, telephones, and electric lighting; Chapter 12 (176-184), William M. Rice and the Rice Institute.

The book is far from being a complete history of Houston. A large portion of the text is devoted to a description of the city and its business institutions in 1912. There is enough history, however, to indicate the leading rôle Houston has played in the

business enterprise of the State, and the wonderful transformation within the last few years of the old Houston into a modern city.

The absence of any notice of the schools, street railway, hospitals and other charities is remarkable. On page 85 the statement is made that, prior to the establishment of the *Telegraph* in 1835, Texas had no publication worthy of being called a newspaper. Coming from one who has been connected with newspapers, this remark is all the more surprising. Further down the page it is stated that the *Telegraph* was begun at Columbia, while as a matter of fact it was begun at San Felipe. It is also stated that its first number appeared on October 10, 1835, "the very day that the Texans, under Fannin, stormed and took Goliad." Fannin was not at Goliad on that date. On page 88 the statement is made that the tri-weekly *Morning Star* was begun "in the early fifties." This is, perhaps, a misprint, for "in the early forties," for the *Morning Star* was begun in April, 1839.

The illustrations include Sam Houston, after whom the city was named, the Allens, founders of the city, W. J. Hutchins, T. W. House, Sr., Charles Stewart, Paul Bremond, William R. Baker and others, prominent in the city's development.

The volume has neither table of contents nor index.

E. W. WINKLER.

Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, 1911. Published by authority of the State of Texas. Austin, 1912. Svo, Pp. 90+1996. After much delay, these statutes were delivered about the end of July.

"Geographic Influences in the Development of Texas" is the title of an article published by Dr. Frederic W. Simonds in the May number of *The Journal of Geography* (University of Wisconsin).

LETTER FROM A BEXAR PRISONER.—The *San Antonio Express* of September 15, 1912, contains a letter from S. A. Maverick to General Waddy Thompson, dated "Castle de Perote Decr 5, '43" and reproduces the first page in facsimile. The letter contains

some interesting passages. The date, however, is incorrect; in all probability the correct date is January 5, 1843. The Diary of Judge Hutchinson, a fellow prisoner, printed in *THE QUARTERLY*, XIII, 294-313, furnishes several reasons for this conjecture.

E. W. W.

The growing interest in the late O. Henry is shown by the recent appearance of the following articles by Harry P. Steger: "Some of O. Henry's letters and the *Plunkville Patriot*," in the *Independent*, September 5, 1912, p. 543-47; "O. Henry—New Facts About the Great Author," in the *Cosmopolitan*, October, 1912, p. 955-57. "Recollections of O. Henry" by George P. Warner appeared in *The Texas Magazine*, August, 1912, p. 322.

A Family of Millers and Stewarts. By Dr. Robert F. Miller. Printed privately, 1909. Folio, Pp. 64. This volume contains a good biographical sketch of the Rev. James Weston Miller, D. D., a nestor of the Presbyterian Church in Texas. The sermon preached by Dr. Miller at the twenty-fifth anniversary of the Synod of Texas, in November, 1876, is reproduced.

The Call of the New South. Edited by James E. McCulloch. Nashville: Southern Sociological Congress, 1912. 8vo, Pp. 387. The above title has been given to the addresses delivered at the initial meeting of the Southern Sociological Congress, held at Nashville, May 7-10, 1912.

The following articles have recently appeared in *The Texas Magazine* (Houston): *The Bohemian Farmers of Texas*, by LeRoy Hodges (June); *The Texas Overland Mail*, by Mrs. Lipscomb Norvell (July); *Japanese Farmers in Texas*, by W. Jett Lauck (September).

NEWS ITEMS

The Dallas News of July 7 describes the presentation of a dramatized version of the career of General Sam Houston by the Senior Class of the Sam Houston Normal College at their last Commencement. The play was written by the students, and was staged in the open at the old Houston homestead.

Rev. W. S. Red, of Mexia, is engaged in preparing a history of the Texas Presbytery, to be published under the auspices of the Presbytery. Associated with him in the work are Rev. F. E. Fincher of Houston, and Fred S. Robbins of Bay City.

W. L. McGaughey, former Land Commissioner of Texas, died at his home, Tolar, Texas, on March 28, 1912. He was born at Mount Hope, Alabama, February 27, 1836; became colonel of the Sixteenth Alabama Regiment during the Civil War; he removed to Texas in 1872. A sketch of his life is printed in the *Dallas News* of March 29.

Bryan Callaghan, mayor of San Antonio, died on July 8, 1912. He was a native of that city; born April 1, 1852; he studied law at the University of Virginia, and then spent some time studying in France. He was mayor for many years. The *San Antonio Express* of July 8 and 9 has a full sketch of his life.

Carl Urbantke, whose autobiography was noted in *THE QUARTERLY*, VI, 256-57, died at his home in Brenham, July 12, 1912.

Richard M. Wynne, Superintendent of the Confederate Home at Austin, died July 15, 1912. He was born in Haywood county, Tennessee, June 2, 1844, but came to Texas in his early boyhood. During the Civil War he served as an officer in the Tenth Texas Regiment. In 1880 he was elected to the Texas Senate, and in this position helped to frame the law which established the University of Texas. A brief sketch of his life is contained in *The Dallas News* of July 18, 1912.

John H. James, Chief Justice of the Fourth Court of Civil Appeals, died at his summer home near Comfort, Texas, on July 17, 1912. He was born in San Antonio sixty years ago, was trained in law at Harvard, and had been on the bench of the Fourth Court of Civil Appeals continuously since its organization in 1893. A brief sketch of his career is printed in the *San Antonio Express* of July 19.

T. S. Miller, of Dallas, died at Petosky, Michigan, August 3. He was born at Jackson, Louisiana, in 1850. From 1895 to 1897 he was Professor of Law in the University of Texas, being for one year Chairman of the Faculty and Dean of the Law Department. A brief sketch of his life is in *The Dallas News* of August 4, 1912.

Dr. Sylvester Primer, Professor of Germanic Languages in the University of Texas, died at his home in Austin, August 13, 1912. He was born at Geneva, Wisconsin, December 14, 1842. He served through the Civil War in two New York regiments, the 108th Infantry and the 15th Cavalry. After the War he graduated at Harvard, and studied at various German universities, taking the Ph. D. degree from Strassburg. He had been at the University of Texas since 1891. A brief sketch of his life can be found in *Who's Who in America* for 1912-1913.

Judge A. W. Terrell, President of the Texas State Historical Association, died at Mineral Wells (Texas) on September 8, 1912. A sketch of his life will be published in a later number of THE QUARTERLY.

The annual reunion of the United Confederate Veterans of Texas will be held at Cleburne on October 3 and 4.

The Harris County Bar Association recently placed in the courthouse portraits of Andrew Briscoe, first chief justice of Harris county; J. W. Henderson, an ex-Governor of Texas, and Charles Stewart, former Congressman. Among the rules governing the admission of portraits one provides that the subject must have made a distinct contribution to the history of the bar of Harris

county; another provides that he must have been dead at least fifteen years prior to admission.

A monument to commemorate the bravery of Colonel William P. Rogers, of the Second Texas Infantry, was unveiled at Corinth, Mississippi, August 15, by a committee of citizens of Victoria, Texas, assisted by the Corinth U. D. C. Colonel Rogers was killed in the battle of Corinth, October 4, 1862, while leading a charge at Fort Robinett.—*Austin Statesman*, August 16, 1912.

Miss Elizabeth H. West, archivist in the Texas State Library, has been in the City of Mexico since the first week in August. She is supervising the copying of historical manuscripts in the Archivo General of the Secretaría de Fomento, relating to the colonization of Texas from 1820 to 1836.

A CORRECTION

A line was omitted from Dr. Bolton's article in the July QUARTERLY at the bottom of page 16. The sentences there affected should read: "This account of the Texas is of special interest as being the earliest extant, so far as is known, although, as we have seen, reports of them had reached New Mexico as early as 1650. One of the objective points of the Spaniards both of New Mexico and Coahuila was thenceforth the Kingdom of the Texas."

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THE QUESTION OF THE EASTERN BOUNDARY OF CALIFORNIA IN THE CONVENTION OF 1849

CARDINAL GOODWIN

1. *The Boundary under Spain and Mexico*

California apparently had no established eastern boundary under the Spanish government.¹ The explorations of Garcés through southern Nevada as shown on Padre Font's map of 1777,² and of Domínguez and Escalante through Utah and southeastern Nevada³ had doubtless given the Spanish officials a vague notion of the interior basin of upper California, as it was called, and the decrees of the viceroys, according to Halleck, included that region in the judicial district of the California territory.⁴

Even when Mexico became independent of Spain, the boundaries of her northern provinces, California and New Mexico, were not established with any great degree of precision. There were, for instance, two maps of Upper California published in 1837. Rosa's map, published by order of the Mexican Congress, shows the south-

*Volumes I-XV published as THE QUARTERLY of the Texas State Historical Association.

¹Bancroft, *History of Arizona and New Mexico*, 345, says: "California, however, while no boundary was ever fixed officially, was not generally considered to extend east of the Rio Colorado."

²Bancroft, *History of Nevada, Colorado and Wyoming*, 28 et seq.

³*Ibid.*, 36, and *History of Utah*, 7 et seq.

⁴Browne, *Report of the Debates in the Convention of California, 1849*, 451-452.

ern boundary by a line running south of west from the mouth of the Gila river to the vicinity of latitude thirty degrees and thirty minutes on the Pacific coast. The eastern boundary begins at the mouth of the Gila river and runs northeast, joining the 42d parallel at the 108th meridian. The Dufour map, of the same year, indicates no boundary between Upper and Lower California. The eastern boundary, beginning near the 33d parallel, runs northward between 112 and 113 degrees of longitude west from Greenwich, to the vicinity of the 36th parallel of latitude, then turns west of north and joins the 42d degree of north latitude on longitude 116 west. The northern boundary of Upper California, according to Rosa's map, extends from longitude 108, west from Greenwich, westward along the 42d parallel to the Pacific, while on Dufour's, the same boundary includes only the territory along the 42d parallel between 116 degrees west longitude and the Pacific ocean.

Tanner's *Map of the United States of Mexico*, published in 1846, and Mitchell's *Map of Mexico including Yucatan and Upper California*, published in the same year, give California similar eastern boundaries but boundaries which differ considerably from the maps published in 1837. The eastern line runs rather irregularly between 30 degrees and 31 degrees 30 minutes of longitude west from Washington from about the 32d to the 42d parallels of latitude. Another map drawn by Charles Preuss from the surveys of John C. Frémont and other authorities (Washington, 1848)—the one which seems to have been used more frequently than any other by the California Convention of 1849,—indicates still different boundaries.¹ The southern line, beginning on the Pacific coast, about one marine league south of San Diego², runs almost directly east and west to the Gila river, and along that stream to the vicinity of the present Tempe, Arizona, near the 112th degree of longitude west from Greenwich. The eastern line extends northward through Utah, just west of Bear Lake, to the 42d parallel north latitude. The map used by the United States and Mexico in establishing the boundaries in 1848 was Disturnell's *Mapa de los Estados Unidos de Mejico* (California, New York, 1847). The edition of this map used by the writer, which seems to have indicated the same boundaries for California as the one just cited, was

¹For this map see *California Message and Correspondence* (1850).

²*Compilation of Treaties in Force* (Washington, 1904).

published in 1850. On it the eastern line begins near latitude 32 degrees 30 minutes north, and longitude 31 degrees west from Washington, and extends northward, at one place coming near longitude 33 degrees, finally joining the 42d parallel near longitude 31 degrees west from Washington. The map accompanying the President's *Message to the two Houses of Congress*, December 5, 1848, is very similar to the Disturnell map, except that the former follows the Suanca branch of the Gila river instead of the middle branch, thus including in California more territory in the southeast than the latter. The Disturnell map also extends the northwestern boundary of New Mexico slightly more than does the map accompanying the President's message. These maps published at different periods all agree in making the 42d parallel the northern boundary of California,—the line established by United States and Spain in the treaty of 1819—but that is about all they have in common. As we have seen, they show the eastern boundary at the north touching the 42d parallel anywhere between longitude 116 west from Greenwich as indicated on Dufour's map, and 108° as shown by Rosa.

2. *Boundaries proposed in the Convention*

General Riley's proclamation calling a constitutional convention was issued on the third of June, 1849. The eastern boundary of the ten districts into which California was divided by that document was described as formed by the Colorado river and the "Coast" and Sierra Nevada ranges of mountains. Among a majority of the delegates,¹ however, there was a general feeling that the state which they were forming need not be confined to these limits. The Convention, therefore, on September 12, authorized the President to appoint a committee whose duty it should be to propose satisfactory boundaries for the new commonwealth. The members chosen were men supposed to be familiar with the geography of

¹Historians have generally asserted that the management of the convention was in the hands of the southern minority (see Bancroft, *History of California*, VI, 286; Royce, *California*, 262 et seq.). A recent writer goes a step farther and asserts that "more than half the delegates had originated in States below the Mason and Dixon line." (Coman, *Economic Beginnings of the Far West*, II, 248.) An examination of the table of delegates as given in Browne, *Debates*, 478-79, will show that only 15 out of 48 were from southern states.

California as it existed under Mexico. They were Hastings and Sutter of Sacramento, Rodríguez of Monterey, La Guerra of Santa Barbara, and Reid of Los Angeles.¹

On Tuesday, September 18, Hastings submitted for the committee the following report:

Your Committee are of the opinion that the present boundary of California comprehends a tract of country entirely too extensive for one state and that there are various other forcible reasons why that boundary should not be adopted by this Convention. The area of the tract of country included within the present boundary is estimated to be four hundred and forty-eight thousand, six hundred and ninety-one (448,691) square miles, which is nearly equal to that of all the non-slaveholding states of the Union, and which, deducting the area of Iowa, is greater than that of the residue of the non-slaveholding states.

Your Committee are of the opinion that a country like this, extending along the coast nearly a thousand miles and more than twelve hundred miles into the interior, cannot be conveniently or fairly represented in a state legislature here, especially as a greater part of the interior is entirely cut off from the country on the coast by the Sierra Nevada, a continuous chain of lofty mountains, which is covered with snow, and is wholly impassable nearly nine months in the year.

Your Committee are also of the opinion that the country included within the boundaries of this territory as now established, must ultimately be divided and sub-divided into several different states, which divisions and sub-divisions (should the present boundary be adopted) would be very likely to divest the state of California of a valuable portion of her sea coast. Your Committee are therefore of the opinion that a boundary should now be fixed upon which will entirely preclude the possibility of such a result in the future. Another important reason which has aided very much in producing the conclusion to which your Committee has arrived, is predicated upon the fact that there is already a vast settlement [the Mormons in Utah] in a remote portion of this territory, the population of which is variously estimated to be from fifteen to thirty thousand human souls, who are not represented in this Convention, and who, perhaps, do not desire to be represented here.

The religious peculiarities of these people, and the very fact of their having selected that remote and isolated region as a permanent home, would seem to warrant a conclusion that they desire no direct political connection with us, and it is possible, and

¹Browne, *Debates*, 54.

highly probable, in the opinion of your Committee, that measures have been or are now being taken by these people for the establishment of a Territorial Government for themselves.

For the above and foregoing reasons, your Committee are of the opinion that the following should constitute the boundary of the state of California, viz:

Commencing at the northeast corner of the state at the intersection of the parallel of latitude forty-two degrees north with the parallel of longitude one hundred and sixteen west; thence south, upon and along that parallel of longitude to the boundary line between the United States and Mexico, established by the treaty of peace ratified by the said governments at Queretaro, on the thirtieth day of May, 1848; thence west, upon and along said boundary line, to the Pacific ocean; thence in a northerly direction, following the course of the Pacific coast, to the said parallel of forty-two degrees north latitude, extending one marine league into the sea from the southern to the northern boundary, and including all the bays, harbors and islands adjacent to the said coast; and thence, east from the said coast, at latitude forty-two degrees north, upon and along that parallel of latitude to the place of beginning.¹

Immediately after hearing this report the House adjourned, and although the Convention held daily sessions during the interval, the subject of the boundary did not come up again until four days later, the twenty-second of September.² McDougal warned the Convention that numerous proposals would be submitted for the establishment of a satisfactory eastern boundary, and suggested that all who intended to place proposals before the House for consideration should do so at once. He did not himself agree with the Committee, but without attempting to explain the one which he considered the proper boundary he would simply offer his amendment, namely:

That the boundary of the state of California shall include all that tract of country from the 105th degree of longitude west from Greenwich to the Pacific coast, and from the 32d to the 42d degree of north latitude, known as the territory of California; also the harbors, islands and bays adjacent and along the Pacific coast; also, to extend three English miles into said Pacific ocean and along the coast thereof from the 32d to the 42d degrees of latitude north; but if Congress should not grant or adopt the bound-

¹Browne, *Debates*, 123-124.

²*Ibid.*, 167.

ary herein set forth, then the boundary to be as follows, viz: Commencing at the point of intersection of the 42d degree of north latitude, and of the 120th degree of longitude west from Greenwich, and running south on the line of the said 120th degree of west longitude until it intersects the 38th degree of north latitude; thence running in a straight line in a southeasterly direction to the boundary line between the United States and Mexico as established by the treaty of May 30, 1848, and at a point where the 116th degree of west longitude intersects said boundary line; thence running west and along said boundary line to the Pacific ocean, and extending therein three English miles; thence running in a northeasterly direction and following the direction of the Pacific coast to the 42d degree of north latitude, to the place of beginning; also all the islands, harbors, and bays along and adjacent to the Pacific coast.¹

Samuel of Sonoma said that he considered the problem of establishing a satisfactory eastern boundary, if the line did not extend west of the Sierra Nevada mountains, a subject of secondary importance. He thought, therefore, it would be well for the Convention to fix definite boundaries north and south and leave the eastern line to be determined by Congress. Personally he felt that the only portion of the territory which should be included within the boundaries of the new state was that part west of the Sierra Nevada mountains, but that if Congress wished to include the whole of Spanish California, he thought it would be better to accept the desire of that body rather than risk having to remain out of the Union for three or four years. It was "highly desirable," he thought, to have a regularly organized government, and this could be obtained more quickly by omitting everything from their constitution which would tend to stir up sectional prejudices in Congress.²

Following the suggestion, made by McDougal, of getting the various proposals before the House as soon as possible, so that each member could understand the different eastern boundaries proposed before beginning the discussion, Gwin of San Francisco submitted the following amendment to the amendment:

The boundary of California shall be as follows: beginning at the point on the Pacific ocean south of San Diego, to be estab-

¹Browne, *Debates*, 168.

²*Ibid.*

lished by the Commissioners of the United States and Mexico, appointed under the treaty of the 2d of February, 1848, for running the boundary line between the territory of the United States and Mexico, and thence running in an easterly direction on the line fixed by said Commissioners as the boundary to the territory of New Mexico: thence northerly on the boundary line between New Mexico and California, as laid down on the *Map of Oregon and Upper California* from the survey of John C. Fremont, and other authorities, drawn by Charles Preuss, under the order of the Senate of the United States, Washington City, 1848, to the 42d degree of north latitude; thence due west, on the boundary line between Oregon and California, to the Pacific ocean; thence southerly along the coast of the Pacific ocean, including the islands and bays belonging to California, to the place of beginning.¹

Halleck of Monterey offered and Gwin accepted the following proviso clause as a part of the amendment which the latter had submitted:

But the Legislature shall have power by the votes of two-thirds of both Houses² to accede to such proposals as may be made by the Congress of the United States, upon the admission of the state of California into the national confederacy and Union (if they shall be deemed just and reasonable), to limit the eastern boundaries of the state to the Sierra Nevada, and a line drawn from some point in that range to some point of the Colorado or Gila rivers, and to organize, by Congress, a territorial government for that portion of California east of these boundaries, or to admit it into the Union as a distinct and separate state. And the Legislature shall make declaration of such assent by law.³

Gwin said that, believing that many difficulties would arise in connection with the establishment of a satisfactory eastern boundary, he had devoted a good deal of time to a careful study of the subject. He had maps which he had submitted to citizens of California "who were well versed in the matter, and they had informed him that the boundary which he proposed" was the one recognized by the government of Mexico. It had already been recognized by the United States, he said, in official documents and

¹Browne, *Debates*, 169.

²This was later changed to a majority vote of the Legislature. See Browne, *Debates*, 175.

³Browne, *Debates*, 169.

maps published by order of Congress. It was quite essential to state a definite boundary in the constitution, "but as this was a fair subject of negotiation between the two high contracting parties, and as Congress had a right to determine what our boundary should be, . . . then it was fair for Congress and the Legislature, under this proviso, to change it by their joint action."¹ It was true that his proposition included an immense territory, but the people of California could divide it later into several states if they so desired.

Shannon of Sacramento believed that none of the boundaries proposed would be satisfactory. The line which he would suggest would, he thought, offer many advantages over anything yet submitted to the Convention. It would include every point which was of any real value to the state, taking in the Colorado River, which would be of great importance as a southern "port of entry and depot for trade" between the interior provinces of Mexico and California, and would give the new state a uniform width and bring it within reasonable limits. He therefore recommended as the eastern boundary the 120th degree of west longitude from the 42d to the 38th parallel of north latitude, thence southeast to the point of intersection of the 35th parallel of north latitude with the Colorado river, thence south along the eastern bank of that stream to the boundary line established between the United States and Mexico by the treaty of 1848.²

About two weeks later, October 8, after the discussion of the above proposals and after the Gwin-Halleck proposal had been accepted, Ellis moved that the report of the Committee of the Whole on the Boundary be taken up, and Hastings of Sacramento immediately offered the following as a substitute for the line adopted:³

Resolved, that the boundary of the state of California be as follows: Commencing at the intersection of the 42d parallel of north latitude and the 118th meridian line; thence south upon the said meridian to the point where it intersects the 38th parallel of north latitude; thence southeasterly in a direct line, to the point where the 114th meridian line intersects the Rio Colorado; thence southerly down the said river following the main channel thereof to the boundary line between the United States

¹Browne, *Debates*, 169.

²*Ibid.*, 170.

³*Ibid.*, 417.

and Mexico, as established by the treaty of peace, ratified by the said governments at Queretaro on the 30th day of May, A. D., 1848; thence west upon said boundary line to the Pacific ocean; thence northerly, bounded by the said ocean, to the said 42d parallel of north latitude, including all the bays, harbors and islands adjacent to, and in the vicinity of the said coast; and thence east upon the said 42d parallel of north latitude to the place of beginning.¹

An attempt was made to discuss the proposal, but Botts interrupted by saying there was an understanding that a vote was to be taken upon the question without debating it.² He wanted either no debate or a full discussion of the subject. This demand led to an immediate vote which resulted in the adoption of the substitute offered by Hastings.

But objections were raised immediately. McDougal moved that the article on the boundary be reconsidered, while Sherwood made a long speech favoring such action.³ Speeches were made by others, and on the following day Hastings's proposal was rejected by a majority of ten in a total vote of forty-four.⁴ Shannon then submitted the proposal which he had formerly read, and it was also rejected. The question then reverted to the Gwin-Halleck proposal, which was adopted for the second time.⁵

The announcement of this vote led to the only scene of disorder that occurred during the entire session of the Convention. "A dozen members jumped up, speaking and shouting in the most confused and disorderly manner. Some rushed out of the room; others moved an adjournment; others again protested they would sign no constitution embodying such a provision."⁶ Again the subject was reconsidered and various proposals were suggested, only two of which received serious consideration. These were offered in a spirit of compromise by Jones of San Joaquin and Hill of San Diego.

Jones believed that every member of the Convention wanted to avoid raising any question in Congress which might delay the ad-

¹Browne, *Debates*, 417.

²*Ibid.*, 418.

³*Ibid.*, 418-420.

⁴*Ibid.*, 433.

⁵*Ibid.*, 440-441.

⁶Taylor, *Eldorado*, 153-154. See also Browne, *Debates*, 441.

mission of California, and he thought there was also a general feeling that the Sierra Nevada would be the most natural boundary. But there were some who insisted on fixing that as the definite boundary, making no provision for any difficulty in Congress; while others wanted to add a proviso clause so that if Congress did not accept the Sierra Nevada line, they would still have an opportunity to gain admission to statehood without experiencing serious delay. Why not compromise? Why not adopt the Sierra Nevada line with a proviso? That is, why not make it quite clear to Congress that the people of California much prefer the Sierra Nevada line for their eastern boundary, but if Congress should refuse to admit the state into the Union with that line, "if it should prove an insuperable barrier to our admission," then "we will take a larger."¹ He then suggested practically the same eastern limit as offered by McDougal and Shannon: the 120th degree of west longitude beginning at the 42d parallel and extending to the 39th, thence in a straight line southeast to the intersection of the 35th degree of north latitude and the Colorado river, thence down the middle of the channel of that river to the boundary line between the United States and Mexico. But if Congress would not accept that line, he suggested as a substitute the eastern limit as indicated on the Preuss *Map of Oregon and Upper California*.² It was the first part of Jones's proposal that was finally adopted by the Convention.

Botts was willing to compromise, but Jones's proposal involved a principle on which he could not yield. He would strenuously oppose any boundary that included the Mormon settlements, because these people had no representatives in the Convention.³

To meet this objection and to satisfy those who insisted that a single, definite boundary be adopted, Hill submitted as the eastern limit a line following the Colorado from the mouth of the Gila to the 35th parallel, thence north to the 42d degree of north latitude.⁴ Jones's proposal was rejected by a vote of thirty-one to thirteen, and Hill's was adopted by a vote of twenty-four to twenty-two.⁵ The subject was again reconsidered, however, and

¹Browne, *Debates*, 441-443.

²*Ibid.*, 443.

³*Ibid.*, 447.

⁴*Ibid.*, 454.

⁵*Ibid.*, 456-457.

for the third time the Convention voted on the Gwin-Halleck proposal. It was voted down by a majority of six in a total of forty-two votes.¹ Jones then offered the first part of his proposal and it was accepted as a final settlement of the boundary question by a vote of thirty-two to seven.² The boundary line thus established was as follows:

Commencing at the point of intersection of the 42d degree of north latitude with the 120th degree of longitude west from Greenwich and running south on the line of said 120th degree of west longitude until it intersects the 39th degree of north latitude; thence running in a straight line in a southeasterly direction to the river Colorado at a point where it intersects the 35th degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May 30, 1848; thence running west and along said boundary line to the Pacific ocean and extending therein three English miles; thence running in a northerly direction and following the direction of the Pacific coast to the 42d degree of north latitude; thence on the line of said 42d degree of north latitude to the place of beginning; also all the islands, harbors and bays along and adjacent to the Pacific coast.³

3. The discussion of the Proposals

The arguments made by the proponents of the different boundaries have already been given. It is now in order to indicate the nature of the discussions which the proposals aroused.

The first part of McDougal's proposal, suggesting the 105th degree of west longitude as the extreme eastern limit for the new state, seems to have been given little or no consideration. The party which favored the adoption of the eastern boundary of California recognized by Mexico urged the acceptance of the Gwin-Halleck proposition, thus declaring themselves in favor of the line laid down on the Preuss map of 1848. The other party wanted to prescribe narrow limits, but at first they could not agree on a satisfactory line. Some spoke in favor of the proposal submitted by the Committee,—the 116th degree of west longitude,—and others for contracting the boundary still more.⁴ The principal points of

¹Browne, *Debates*, 458.

²*Ibid.*, 458 and 461.

³*Ibid.*, 443.

⁴*Johns Hopkins University Studies*, XIII, 405.

the argument were very similar on both sides: immediate admission to statehood, slavery, the right of the Convention to fix any other eastern boundary than that recognized by Mexico, and the question of including or excluding the Mormon settlements around Salt Lake. The small state party also expressed the fear of division of California by an east and west line. Throughout the entire discussion, both sides were actuated more than all else by a desire to gain quick admission into the Union. The majority of those favoring the extreme eastern boundary seem to have believed that Congress would accept them immediately with that line. The opposition was just as certain that immediate admission could be secured only by bringing the territory of the state within reasonable limits.¹

McCarver of Sacramento said the important thing was to do nothing that would delay their admission into the Union. "We want our two senators in the senate chamber to maintain the interests and supply the wants of California; we want our representatives in Congress" as soon as we can get them there. To accomplish this it was absolutely necessary to fix definite and permanent boundaries north, south, east and west. They should leave no boundary open; they should leave no question open that would be the means of keeping them out of the Union. Furthermore he would like to arrange it so that the Legislature would entertain no proposal from Congress for fixing a boundary. He was afraid Congress might cut the state in two by running a line east and west if the Convention adopted the Gwin-Halleck proposal.²

¹See Willey, *Transition Period of California*, 108.

²Browne, *Debates*, 170, 177. Other members expressed similar fears regarding the division of the State east and west.

Polk, in his message of December 5, 1848, had recommended the extension of the Missouri Compromise line to the Pacific as a means of settling the slavery controversy, and the Senate attempted to get such a measure through Congress, but the House would not accept it. (Rhodes, *History of the United States*, 1, 96 and 97.) Later Southern men in Congress attempted to save a portion of the newly acquired territory for slavery in another way. On August 1, 1850, when the bill for the admission of California was under discussion in the Senate, Foote of Mississippi offered an amendment to an amendment which had been proposed by Douglass, the latter being in relation to the disposal of public lands in California. Foote's amendment was as follows: "And that the said state of California shall never hereafter claim as within her boundaries, nor attempt to exercise jurisdiction over, any portion of the territory at present claimed by her, except that which is embodied within the following boundaries, to wit: Commencing in the Pacific Ocean, three English miles from the shore, at the

Price of San Francisco also asserted that the first object the Convention wished to accomplish was to gain immediate admission into the Union. Could they do it by adopting the extreme eastern boundary offered in the Gwin-Halleck proposition? He did not think so. The southern representatives in Congress would not accept it. He came from a northern state (New Jersey) but he was broad enough to see the injustice of such a measure in so far as it affected the South.¹

Sample wanted to do everything possible to secure the immediate admission of California into the Union² and Halleck believed his proviso clause would insure immediate admission to statehood. Sample seems to have felt that Gwin's proposal alone might not be accepted by Congress, but with his provision added to it, he thought there could be no question. He believed Congress would accept it unhesitatingly.³ Sherwood of Sacramento thought California could not be admitted to statehood very soon if she refused to adopt the extreme eastern limits. To establish the Sierra Nevada or a line of longitude near those mountains as the eastern boundary of the new state would result in one of two things: they would either be left without a government from Congress, or they would

42d degree of north latitude; thence with the southern boundary line of the territory of Oregon to the summit of the Sierra Nevada; thence along the crest of that mountain to the point where it intersects the parallel of latitude of 35 degrees 30 minutes; thence with the said parallel of latitude to a point in the Pacific ocean three English miles from the shore, and thence to the beginning, including all the bays, harbors and islands adjacent to or included within the limits hereby assigned to said state. And a new territory is hereby established, to be called Colorado, to consist of the residue of the territory embraced within the limits of the said state of California, specified in the constitution heretofore adopted by the people of California; for the government of which territory, so established, all the provisions of this act relating to the territory of Utah, except the name and boundaries therein specified, are hereby declared to be in force in said territory of Colorado, from and after the day when the consent of the state of California shall have been expressed in some formal manner to the modification of her boundaries." *Congressional Globe*, 31st Congress, 1st session, Appendix II, page 1485.

In commenting on this, Butler of South Carolina said: "Thirty-six degrees and thirty minutes is that which has been often indicated as the line; this is arbitrary, and if it becomes a point of honor, I will insist upon it. This proposition, 35 degrees 30 minutes," has eternal boundaries to indicate it, and for that reason, he said, he would accept it. *Ibid.*, 1489.

¹Browne, *Debates*, 429-430.

²*Ibid.*, 168.

³*Ibid.*, 175.

have to form a government for themselves independent of Congress.¹

On the other hand Botts of Monterey could hardly keep cool when the subject was broached. He did not believe they stood any chance whatever of becoming a state with the Rocky Mountains as their eastern line. "The gentleman who has last taken his seat (Mr. Sherwood), has made his strongest appeal in behalf of this extreme eastern boundary; that it will be the only means of getting you into the Union. Sir, I can tell you this will not be the means of your admission; you will never get into the Union with this boundary. If you do, it will be only to sit among its ruins, like Marius among the ruins of Carthage."²

Halleck did not believe the joint proposal was understood, and wanted to explain it. The first part, that offered by Gwin, included what had always been recognized as Upper California. The object of extending the boundaries of the new state to the extreme limits, was to settle the slavery question in that vast area forever. Another reason was to extend the jurisdiction of the courts of the state to that region for the purpose of protecting the immigrants who were coming from the East in such great numbers. He did not believe it would be possible to get a government for the territory between the Sierra Nevada and Rocky mountains for the next five years if the question of slavery was left unsettled there. Probably a half dozen or a dozen murders had been committed in that section during the past year; where could justice be meted out to the guilty, and to others who would be guilty of similar crimes in the future, if the eastern boundary of California did not include that region? These were the reasons urged for fixing an extreme eastern boundary. But some members had asserted, and perhaps truly, that Congress would not admit California with this boundary. His proviso clause was to meet just that difficulty. If objections were made to admitting a state which included so much territory, the Constitution carried with it provisions for establishing a new eastern boundary anywhere between the Sierra Nevada and the Rocky mountains, the exact location to be determined by Congress and by the Legislature of California. Thus the new state would gain immediate admission with the extreme eastern

¹Browne, *Debates*, 181 and 418-420.

²*Ibid.*, 420.

limit, and if these limits were to be restricted, Congress and the State Legislature could fix a new line later.¹

Botts had been inclined to leave the settlement of the eastern boundary to Congress, but, he said, since a member of the "new firm of Gwin and Halleck" had explained the motives which actuated them in offering the proposal before the House, he had had just and sufficient reasons for changing his mind. Did the gentleman (referring to Halleck) suppose southern men were asleep? Why did he not, upon the same principle, attempt to settle the question for Congress and for the southern people over a still greater extent of territory? Why not indirectly settle it by extending the eastern boundary of California to the Mississippi river? Why not include the island of Cuba, "a future acquisition of territory which we may one day or other attain, and forever settle this question by our action here."

Slavery, he continued, was a great evil, and for that reason he wanted it excluded from the state in which he lived, but the territory of that state should be confined within "proper" limits. He believed the people of a territory had a perfect right to form a state government and exclude the institution of slavery from their midst; and he was willing to vote for the Rocky mountains as the eastern limit of California if gentlemen could show him that that was the proper boundary for the new state. "But when gentlemen urge upon me as an argument, to adopt that boundary because it excludes slavery from an immense extent of territory; not because it is the proper boundary of California, not because it is desirable to the state of California, but because it will settle the slavery question for the whole of the southern people and that against the will of the inhabitants of that portion of the Union who are not represented here,—the millions of people there who desire to have the institution of slavery amongst them,—when we are told that this may be, and that we here now may adopt that boundary and prevent the people of the South who may come here from exercising their rights and determining the question for themselves—when I am urged to do this, sir, I cannot give my consent."²

Sherwood thought the crest of the Sierra Nevada or some line

¹Browne, *Debates*, 175.

²*Ibid.*, 178-179.

of longitude near it should be the future boundary of the state; and if that were the only question before the House, he would not hesitate to vote for the proposition which established such a boundary. But there were other things which should influence the action of members of the Convention. The most important of these was the slavery question. The fact that Congress had failed to provide a territorial government for California during its last session was due entirely to the controversy over the subject of slavery. That subject, so far as it affected the territory to be included within the new state, had been settled by a unanimous vote of the Convention. Why not complete the good work by extending their eastern boundary to include the whole of California? If this were not done, the discussion of the same question would be open in regard to that portion of California excluded from the limits of the new state.¹ As friends of the Union he appealed to members of the Convention to settle the question for the whole territory and thus relieve Congress of the responsibility. If they did not several years might elapse before a government could be organized in California.

Sherwood then spoke at length upon the excitement which the subject of slavery had created in the eastern states during the preceding year, especially in his native state, New York. In that state opinion had been divided as to whether Congress should pass a proviso prohibiting slavery in all the territory acquired from Mexico. A large party there believed that Congress had no right

¹It will be remembered that the treaty which closed the Mexican War was signed February 2, 1848. On July 13 following, a special committee of eight members, representing equally the North and the South, was appointed by the Senate, and that part of President Polk's message relating to California, Oregon, and New Mexico was referred to them. On July 19, Clayton of Delaware introduced a bill in the name of the committee. In his introductory report, he informed the Senate that the principle of the extension of the idea of the Missouri Compromise to the whole territory had been approved by a vote of 5 to 3 in the committee, but that a motion to treat the part of the newly acquired territory lying south of 36 degrees 30 minutes, as far as related to slavery, in the same way that Louisiana territory had been treated, was lost by 4 to 4. All hope of a compromise disappeared and the committee decided to make only general provisions for the territories and leave the slavery question to itself. Its recommendations were as follows: First, to recognize the provisional laws of Oregon until a law of the territorial legislature should either allow or prohibit slavery; second, to organize California and New Mexico as territories, but to withhold from the territorial legislatures the right to make any decision with regard to slavery. See Von Holst, *Political and Constitutional History of the United States*, III, 385-386.

to pass such a measure. It was a subject, they said, which the people of each territory should determine for themselves. The other party declared that Congress had a right to settle the slavery question for territories. A candidate had been nominated for the Presidency there with the distinct understanding that he would favor the Wilmot proviso.¹ The great excitement which had begun during the presidential election of the preceding year would continue unless members of that Convention settled the slavery question for the whole of the territory of California by extending their eastern boundary to the Rocky mountains.²

The attitude of the administration and of Congress on the subject, Semple thought, might be of interest to members of the Convention. He was in a position to give this in so far as he could get it from a conversation which he had had with Thomas Butler King, a member of Congress and President Taylor's confidential agent to California. He had asked King what Congress would have them do, and had told him that the people of California did not want to extend their eastern boundary beyond the Sierra Nevada, that they would prefer to exclude from their limits all that desert waste east of the mountains. "For God's sake," King had replied, "leave us no territory to legislate upon in Congress." King "went on to state then that the great object in our formation of a state government was to avoid further legislation. There could be no question as to our admission by adopting this course; and that all subjects of minor importance could afterward be settled."³

¹This was Van Buren. The Democratic party of New York split into two factions—the Barnburners and the Hunkers. In the presidential election of 1848, the former declared for the Wilmot proviso, the latter against it. Van Buren was nominated by the Barnburners, and later by the Free Soil party. See Stanwood, *History of the Presidency*, Chapter XVIII.

²Browne, *Debates*, 180-182.

³*Ibid.*, 184. In his message to the House of Representatives, January 24, 1850, President Taylor said that while he had recommended the formation of state constitutions and application for admission into the Union in the case of both California and New Mexico, he had not in any way attempted to influence them in the formation of their domestic institutions. "On the contrary, the instructions given by my orders were that all measures of domestic policy adopted by the people of California must originate solely with themselves." Richardson, *Messages and Papers of the Presidents*, 1789-1897, Vol. V. In spite of this message, however, there is some reason to believe that President Taylor's wishes and those of his cabinet were expressed by King in his conversation with Semple, even more than were the wishes of Congress. In Whitney's *History of*

Shannon claimed that the dignity of the new state would not permit it to receive dictation of this character from Thomas Butler King or from any one else. What right had King to tell the members of that Convention that if they adopted such and such boundaries they would be admitted into the Union; if they did not, they would fail to become a sovereign state? He considered it not only an insult but a threat, and he called upon the Convention to have enough regard for their own dignity and for the dignity of the state of California to reject such an offer immediately. He did not believe for a single moment that King expressed the sentiments of the Congress of the United States. No single individual could do that. The truth of the matter was, he thought, that the cabinet was in difficulty over the Wilmot proviso, and that King—perhaps others—was sent there to influence the people of California, first to establish a state government, and second to include the entire territory within their limits. There was a political quarrel at home into which the President and his cabinet wished to bring the new state of California. For his own part he wished to keep as far

Utah (I, page 408) is a letter written at Great Salt Lake City and dated September 6, 1849. It is addressed to Brother Amasa Lyman and signed by Brigham Young, Heber C. Kimball, Willard Richards. It is in part as follows:

"On the 20th of August, General Wilson arrived here, on his way to California, as general Indian agent, etc. We had an interview with him and gathered from him the following particulars: That the President and Council of the United States are friendly disposed to us, and that he (General Wilson) is commissioned by General Taylor to inform us that he fully appreciates our situation," etc.

"The main point of the matter, however, is this: The President has his ends to subserve, and as he knows we have been favorable to his election, he wishes further to appeal to our patriotism (so says General Wilson) to help him to carry out another measure, which will deliver him, the cabinet and the nation from a difficulty in which he thinks they are likely to be involved.

"The subject of slavery has become more embarrassing than it ever has been before. The addition of the extensive territories of New Mexico and Upper California increases that difficulty. . . . The subject will be first, probably, broached in Congress, and if some active measures are not adopted, they (the President and Cabinet) fear it will be the last and only question. If it should be made into territories, it will be under the direction of the United States, and the question of slavery will annoy and distract all parties, and General Wilson says they fear will have a tendency to break up the Union.

"To prevent this they have proposed a plan of making the whole territory into one state, leaving it to the power of the people to say whether it shall be a free or a slave state, and thus taking the bone from the Congress of the United States, and leaving them to pursue their course, 'peaceably if they can,' undisturbed by this exciting question. They think it ought

from such "rocks and breakers" as possible.¹ The letter given above will show that probably Shannon was not far from the truth.

There were others besides Shannon who seemed to think that the question before the House should not be connected with national affairs. Regardless of slavery and regardless of the opinion held by President Taylor's confidential agent, did the Convention have a right to fix boundaries for the new state of California other than those recognized by Mexico as the limits of the territory while it was a part of that government? Norton of San Francisco believed not. He held as a first principle that the Convention was not at liberty "either to take one acre of land more than now belongs to California or to yield one acre that now belongs to it." No authority had been delegated to them and they had no right to assume power to give up any territory which had been included within the established limits of California. If they were there to form a constitution for California, they were there to form a con-

to be made into two states, but that the sparseness of the population at the present time would preclude the possibility of an act of that kind passing.

"The cabinet think that all parties would agree to a measure of this kind if it should become a free state, and even General Wilson, the President, and other slave holders are anxious that it should take this turn and are willing to make a sacrifice for the public good. He supposes that even southern members would go in for it, but without our help, they think it could not be accomplished. They think that there would be a strong southern influence used on the coast, calculated to place the matter in an embarrassing situation to them and the eastern population on the coast combined, but that by our influence we should be able to counterbalance that of the slave holders, and thus settle the troublesome question. It is therefore their policy to seek our influence, and we need not add it is our policy to use theirs.

"In our communications with General Wilson, we at first rejected altogether the idea of any amalgamation whatever with the government on the coast, but on the subject being presented in another form, we have agreed to the following:

"We are to have a general constitution for two states. The boundaries of the one mentioned by us, before referred to, is our state, the other boundaries to be defined by the people on the coast, to be agreed upon in a general convention; the two states to be consolidated into one and named as the convention shall think proper, but to be dissolved at the commencement of the year 1851, each one having its own constitution, and each becoming a free, sovereign, independent state, without any further action of Congress.

"You will act as our delegate, in conjunction with General Wilson. Brother Pickett is also a delegate."

That is, they were to serve as delegates to a constitutional convention to be held on the coast. Lyman was instructed to block any attempt to unite Deseret and California on terms other than the ones specified above.

¹Browne, *Debates*, 191.

stitution for the whole of it, not a part. "I insist, sir, that we have no right to say that California is not the California we took her to be when she became part and parcel of the United States." He thought it might be possible later, if Halleck's proviso were accepted, to divide the territory; but this would have to be done by a joint action of Congress and the State Legislature,—the Convention could not do it.¹

Such arguments were absurd, McCarver exclaimed. Suppose the convention which formed the constitution for Louisiana had, for similar reasons, attempted to include the whole of the Louisiana territory within the limits of the state. The two countries, Louisiana and California, stood upon the same footing. Both had been obtained by treaty, one from France and the other from Mexico. Both contained territory enough for several states. Would it not have been a "monstrous doctrine" for Louisiana to insist that the whole of that vast territory belonged to them, therefore they would include it all within the boundaries of their state? "We occupy a similar position here. We have a tract of country purchased either by the blood or treasure of the United States, known as California." To imagine that Congress would permit them to include all of it within the boundaries of their state was the most absurd of absurdities.²

Furthermore, the eastern boundary had already been designated, Botts urged. "General Riley proclaimed the eastern boundary of California in his proclamation, and the people said amen. I say that he, in his proclamation, called upon the people of California in pursuance of instructions, if you please,—California as laid down in certain described lines—to form this Convention, and they, through their representatives, have excluded slavery for themselves; and is it for you, sir, now to reverse that decision?" He did not believe the Convention could do it. Most assuredly the people living within certain limits had no right to make rules for people beyond those limits. Such an act would violate every republican principle of justice; "Why, sir, is it necessary at this day, in this enlightened country, to stand here and argue and prove that peo-

¹Browne, *Debates*, 185-187.

²*Ibid.*, 187.

ple can make laws only for themselves? I am ashamed of the position that I am compelled to occupy.”¹

Lippitt of San Francisco also felt strongly on the subject. The Convention, he said, had no right to extend their government over the inhabitants of the Salt Lake region, comprising some thirty or forty thousand Mormons who had never been consulted in making the constitution.²

It was a new doctrine, said Gwin, that every man must be represented within the borders of a new state, a doctrine which he believed had never been preached before. Great stress had been laid upon the fact that the Mormons were not represented. There was no proposition to force the Mormons to become a part of the government of California. He did not propose to extend the laws of the state nor of any district in the state to the Mormons. He did not propose to send tax collectors or government officers there. He favored awaiting their own action in the matter. If they wanted the benefit of the government which was being established, they should send a petition to have representatives allotted to them. “If they desire the protection of our laws, let them send to us, and it will then be a matter of inquiry on the part of our state government.” But he thought the Mormons would have no right to complain. The people whose representatives composed the Convention, were the majority, and the majority of the inhabitants of any state had a right to make rules for the minority. As a matter of fact, thousands of immigrants had reached California since delegates were elected to the Convention. They, too, had no representation in that body, but as a minority they were bound to submit to the will of the majority. Would not these people have as much right to complain as the Mormons?³

Shannon thought not. He did not see how the fact that the Mormons were in the minority would prevent them from offering legitimate objections to being included within the new state. They could justly claim that they had no part in making the constitution which that Convention was framing. But even if they should accept the work of the Convention, he did not think they should be

¹Browne, *Debates*, 422-423 and 447.

²*Ibid.*, 448.

³*Ibid.*, 194-196.

included because of their peculiar religious beliefs.¹ And there was another objection even more serious, said Hastings. The Mormons had already applied to Congress for a territorial government. Suppose both applications should be brought before Congress at the same time—"we apply for a state government and they for a territorial government"—both petitions coming from the same territory. Would it be possible for California to be admitted into the Union claiming the same territory at the same time the Mormons were asking for a territorial government over it? Most assuredly not.²

4. *The Mormons and the Boundary*

In the meantime the Mormons had not been idle. A convention was summoned in Utah early in 1849, and the inhabitants of that part of Upper California lying east of the Sierra Nevada were urged to send representatives.³ On the fourth of March the delegates assembled at Salt Lake City. A committee was appointed to draw up a constitution under which the people might govern themselves until Congress should provide a government for them⁴ "by admitting them into the union."⁵ The name of the new state was to be Deseret,⁶ and its boundaries were to be as follows:

Commencing at the 33rd degree of north latitude, where it crosses the 108th degree of longitude, west from Greenwich; thence running south and west to the northern boundary of Mexico; thence west to and down the main channel of the Gila river (on the northern line of Mexico), and on the northern boundary of Lower California to the Pacific Ocean; thence along the coast northwesterly to 118 degrees, 30 minutes of west longitude; thence north to where said line intersects the dividing ridge of the Sierra Nevada mountains; thence north along the summit of the Sierra Nevada mountains, to the dividing range of mountains that separate the waters flowing into the Columbia river from the waters running into the Great Basin; thence easterly along the dividing

¹Browne, *Debates*, 170-171.

²*Ibid.*, 173.

³Bancroft, *History of Utah*, 440.

⁴*Ibid.*

⁵*Journals of California Legislature*, 1st Session, 1850, page 443.

⁶*Ibid.*

range of mountains that separate said waters flowing into the Columbia river on the north from the waters flowing into the Great Basin on the south, to the summit of the Wind river chain of mountains; thence southeast and south by the dividing range of mountains that separate the waters flowing into the Gulf of Mexico from the waters flowing into the Gulf of California, to the place of beginning, as set forth in the map drawn by Charles Preuss, and published by the order of the United States in 1848.¹

On the 5th of July, Almon Babbitt was elected delegate to Congress and three days later a memorial asking for admission into the Union as a state was adopted by both houses of the legislature.² On the 6th of September, by order of President Taylor, General John Wilson, United States Indian agent, held a consultation with Brigham Young, Heber Kimball, Willard Richards and other Mormons to see if some arrangements could be made for temporarily uniting the whole of the California territory under one government for the purpose of keeping the slavery question out of Congress.³ At the beginning of 1851 the union was to be dissolved and Deseret and California were to become separate states.⁴ As a result of the conference⁵ John Wilson and Amasa Lyman were sent as delegates to California. On the 8th of January, 1850, they addressed a communication from San Francisco to Governor Burnett in which they informed him that they had been appointed by the people of the Great Salt Lake Valley and Basin, as representatives to any convention which might assemble in California, west of the Sierra Nevada, to form a constitution.⁶ "Our constituents will regret to learn that before their delegates did or could arrive here, the Convention had met, concluded their labors, and adjourned, thereby closing all opportunity, for the time, for their delegates to enter upon the discharge of their duty." They were communicating with the governor, they said, and through him with the legislature, to see if arrangements could be made for calling another convention in which the delegates of Eastern California

¹*Journals of California Legislature*, 1850, 1st Session, 443-444.

²Bancroft, *Utah*, 444.

³For an account of this conversation see Young's letter given above, page 244, note.

⁴Bancroft, *Utah*, 446.

⁵*Ibid.*

⁶*Journals of the California Legislature*, 1850, 1st Session, 436.

might be admitted. The purpose of the second convention would be to form, for the present, a single state out of the territory of California, at the same time to agree on the boundary lines which should ultimately separate California and Deseret, when the latter had sufficient population to form a separate state.¹

The people of Deseret, they continued, would insist on the "summit of the Sierra Nevada as a proper and natural boundary" as far as it went. Some complaint had been made because, by extending their boundary to the Pacific, a large area of country had been included within the limits of Deseret without the consent of the people living in that territory. Deseret was willing to leave this to a vote of the people inhabiting the territory in question. If they should object to coming into the state of Deseret, then a compromise line, excluding those settlements, could be drawn. Deseret especially desired that the boundaries agreed upon should be clearly indicated in the constitution. Upon these terms, and with a most earnest desire to settle all excitement in the Union, and to harmonize the interests of the people on both sides of the Sierra Nevada, Deseret's representatives proposed to the Legislature of California to ask the people to assemble in their election districts and vote for delegates to a new convention. They also added that in case the Convention was called they would cast their vote against slavery.²

The governor transmitted this communication to the Senate and Assembly the following February, accompanied by a message to both Houses strongly recommending the rejection of the proposal.³ As a result, the Legislature took no action in the matter. This ended the attempt to establish common boundaries for the two states.

5. Non-sectional character of the Contest

During the discussion of the boundary question the following accusation was made by McDougal against the framers and supporters of the Gwin-Halleck proposal:

If, therefore, we adopt this line I am very sure it will be sent back to us. We will have to call another convention and adopt

¹*Journals of the California Legislature*, 1850, 1st Session, 440.

²*Ibid.*, 441.

³*Ibid.*, 429-435, and Bancroft, *History of Utah*, 446-447.

other lines to suit the views of Congress. In the meantime we have no law. . . . And that is the very thing, Mr. Chairman, if the secret was known, which I apprehend they want to do. They want a constitution presented to Congress so objectionable that it will be thrown back for another Convention. Gentlemen have risen on this floor and stated that they had received letters from the South; and that they knew of many others who want to bring their slaves here, and work them a short period in the mines and then emancipate them. If this Constitution is thrown back upon us for reconsideration, it leaves them the opportunity of bringing their slaves here. It is what they desire to do; to create some strongly objectionable feature in the Constitution in order that they may bring their slaves here and work them three months.¹

More than two weeks later Jones made the following reply to McDougal,—the only notice that seems to have been taken of his charge.

It has been said by a gentleman—I don't know to what wing he belongs²—that we are favoring the admission of slavery here. How are we doing it? By creating difficulties, says this gentleman, which will prevent our admission by Congress as a state into the Union, for some two or three years to come, and thereby give to the South a chance, while we are a territory, to bring their slaves. How is it then that this proposition [of the extreme eastern boundary] is supported by the North as well as by the South? The argument is not worthy of consideration.³

Was Jones right or was McDougal's charge true? The latter has been the generally accepted view.⁴

¹Browne, *Debates*, 180.

²At the time McDougal made his speech he had a proposal before the House, the first clause of which included more territory than the Gwin-Halleck proposition, and later submitted a second which also provided more extensive boundaries. See *Debates*, 168 and 437.

³Browne, *Debates*, 442.

⁴Taylor's *Eldorado* was published in 1850, the year after the convention was held. He was present during the discussion of the boundary question, and devotes considerable space to it, but there is no indication of a struggle between the Old North and the Old South in the controversy as he gives it. Tuthill says, "there is no doubt that the most comprehensive boundaries were advocated with the hope that the action of the convention would be taken as final, and relieve the administration" of the slavery question (*History of California*, 274), but he makes no comment on the aim of southern men in the controversy. Hittell, in his brief account of the subject, expresses no opinion as to the aims of those men favoring the extreme eastern boundary. (*History of California*, II, 766-767.)

Royce, in his *California* (1886), says the men from southern states formed a separate party under the leadership of Gwin. "Their undoubted object was not so much to give over any part of California at once to slavery, since this hurrying life of the gold-seekers wholly forbade any present consideration of such a plan, but to prepare the way for a future overthrow of the now paramount Northern influence in the territory, and so to make possible an ultimate division of the State, in case the southern part should prove to be adapted to slave labor."¹

A similar opinion is expressed by Bancroft. Giving what he considers to be the views of southern men in the Convention he says, "Let Northern California be a free state; out of the remainder of the territory acquired from Mexico half a dozen slave states might be made."² A little further on he quotes from McDougal's speech,³ the part given above,—and says what it "lacked in grammar and rhetoric it supplied in facts."⁴

In 1890, the *Century Magazine* requested Francis Lippitt, who had been a member of the Convention, to contribute any new information he could on the organization of the state government in California. He wrote an article for the September number on *The California Boundary Question of 1849*. He was informed after the Convention, he said, that the extreme eastern boundary had been supported by men "from the southern states with the view to a subsequent division of California by an east and west line into two large states, each having its share of the Pacific coast; and further, to the future organization of the southern of these two states as a slave state—an event that would be quite certain, in as much as most of the settlers in that part of California had come and would continue to come from the South and Southwest. Thus the new free state would be offset by a new slave state."

An article in the *Overland Monthly* for the same month and year, on the *Beginnings of California*, by F. I. Vassault, contains the following: "The fact behind this animated dispute about the location of the eastern boundary was that the pro-slavery members of the Convention hoped that by making the state so large as to include the whole of the Mexican cession it would be necessary later

¹Royce, *California*, 262.

²Bancroft, *History of California*, VI, 291.

³*Ibid.*, 293-294.

⁴*Ibid.*, 295.

to divide the state, and a line running east and west might give one state to the South and the other to the North. Extreme bitterness was shown during the discussion, for the slavery element was fighting in the last ditch."

Dr. Rockwell D. Hunt, in "The Genesis of California's First Constitution,"¹ says, "The design was to make a state so large that division would be necessary," and the southern part would come in later as a slave state. "It is not surprising . . . that friends of slavery fought with utmost vigor for such vast territory as would necessitate division."

There was published at San Francisco in 1901, however, a little volume entitled *The Transition Period of California* written by Dr. Samuel H. Willey, which gives a different view. Dr. Willey lived at Monterey during the eventful year of 1849, was personally interested in the formation of a state government and was Chaplain of the Convention during its entire session. On page 104 of his work occurs the following: "Just here may be as good a place as any to say that nothing whatever was said in the debate indicating that there was a purpose or expectation on the part of the Southern members that the adoption of the larger boundary would result in the introduction of slavery into any part of the territory. Nor was there any appearance, in or out of the Convention, of any secret understanding on the part of any upon the subject. Most of the men who advocated the larger boundary were thorough and pronounced Northern men."

An examination of the positions of northern and southern men in the Convention as indicated by the leading speakers and especially by the actual votes cast will show that the last writer quoted was correct.

It has been stated already that the extreme eastern limit over which the discussion took place was that indicated in the Gwin-Halleck proposition, proposing practically the 112th degree of west longitude as the boundary. The leading speakers for and against that boundary have been given, together with their arguments. We have seen that Gwin, Sherwood, Halleck and Norton were the principal supporters of the proposal on the floor of the House. Among these Gwin was the only southern man; the other three were from the North. Norton was born in Vermont and emi-

¹Johns Hopkins University *Studies*, Vol. XIII.

grated to California from New York. Halleck and Sherwood,—the former the author of the proviso clause in the Gwin-Halleck proposal and a strenuous supporter of the extreme eastern boundary—were both born and raised in New York. Of the seven supporters of the small state who have been quoted above, Price, Shannon, McDougal and Lippitt were from the northern states, while Semple,¹ McCarver and Botts were from the South. No man in the Convention more earnestly urged the narrow boundary than Botts.

The usual supposition has been that the extreme eastern boundary was supported by pro-slavery men for the purpose of making California so large that a subsequent division, by an east-and-west line, would result in the establishment of two large states on the Pacific, one to be dedicated to freedom and the other to slavery.² This view, however, is not substantiated by facts. On six different occasions members of the Convention expressed fear that such a division might occur. The first was by the Committee on the Boundary, which was made up of one northern man, two foreigners and two natives.³ The second expression of fear of such a division was by McCarver, a native of Kentucky;⁴ the third by Semple, also a native of that state;⁵ the fourth by Snyder of Pennsylvania,⁶ the fifth by Sherwood of New York,⁷ and the last by Gwin.⁸ The last named has usually been considered the arch-villain in the southern plot. Thus three southerners, three northerners, two foreigners and two native delegates clearly expressed a fear of such an event.

But the votes taken on the different proposals show even more clearly that there was no attempt on the part of delegates from

¹Semple, the president of the convention, did not speak very often on the subject. The speech made by him quoting King might lead one to think he favored the extreme boundary, but an examination of the votes cast will show that he supported the more contracted limits on every occasion.

²Bancroft, *History of California*, VI, 291 and 294-5; Royce, *California*, 264-66; Hunt, *Genesis of California's first Constitution*, 49; Coman, *Economic Beginnings of the Far West*, II, 248. The last named author also implies that the native delegates were assisting southern men in bringing about such a result.

³Browne, *Debates*, 123.

⁴*Ibid.*, 170.

⁵*Ibid.*, 176.

⁶*Ibid.*, 182-83.

⁷*Ibid.*, 182 and 184.

⁸*Ibid.*, 445.

Southern states to unite against members from the North for the purpose of forcing the extreme eastern boundary on the House. There were nine votes taken on proposed boundaries in which the names of the voters are recorded. In the case of the first, the Gwin-Halleck proposal, we know that it was adopted by nineteen to four, but we have no way to determine the influence of North and South in that particular case.¹ The substitute offered for that proposal when the subject came up for reconsideration two weeks later, was presented by Hastings. This suggested the 118th degree of west longitude as the eastern limit. Of the twenty-three votes cast in favor of the proposal, fourteen were from northern, eight from southern states and one from Switzerland.² Twenty-one votes were registered against the measure, of which nine were northern, seven were native and five from southern states.³ On the following day a motion was made to reconsider the boundary question and Hastings's proposal was again before the House. Of the seventeen votes cast in its favor on this occasion, eight were by southern men (the same who had supported it on the preceding day), eight by northern and one was by a foreigner. Twenty-seven votes were registered against it, of which fourteen were cast by men from northern states, eight by native delegates and five by men from the South.⁴

Shannon's proposal recommending a boundary very much like the one finally adopted was the next to come before the Convention. Nineteen votes were registered in its favor. Eleven of these were cast by men from northern states, seven by men from the South, and one from a foreign country (Sutter). Of the eight southern delegates who voted for the narrow boundary formerly, all but one, Hoppe, voted for Shannon's proposition, and Hoppe evidently was not present, as his vote is not recorded. Of the twenty-five registered against it, thirteen were cast by men from northern states, eight by native delegates and four by men from the South.⁵

McDougal withdrew the first clause of his proposal, thus leaving it very similar to Shannon's,—the 120th degree of west longitude.”⁶

¹Browne, *Debates*, 200.

²*Ibid.*, 418.

³*Ibid.*

⁴*Ibid.*, 431.

⁵*Ibid.*, 443.

⁶*Ibid.*, 440.

Thirteen of the twenty-two votes cast in favor of the proposal were by men from northern states, eight by men from southern, and one from a foreign country. Eleven men from northern states, eight native delegates and five men from the South,—twenty-four in all—voted against it.¹

Another vote was then taken on the boundary drawn up by Gwin and Halleck, and it was adopted for the second time. Twenty-four votes were cast in favor of it. Eleven northerners, eight natives and five southerners voted for the measure; thirteen northerners, eight southerners and one foreigner voted against it.² A vote was then taken on Jones's proposal, which it will be remembered contained two parts—the first recommending the 120th degree of west longitude, and the second, if Congress would not accept that, offering the 112th degree as the eastern boundary. There were thirteen votes for the proposition and thirty-one against it. Among the former, eight were cast by northern and five by southern men; among the latter, sixteen were cast by northerners, seven by natives, seven by southerners and one by a foreigner.³ Hill's proposal, making the 115th degree of west longitude the eastern limit, received twenty-four votes in its favor and twenty-two against it. Of the former, ten were cast by northerners, nine by southerners, four by natives and one by a foreigner. Against it were fifteen northerners, four southerners and three natives.⁴

One more attempt was made to have the Gwin-Halleck, or extreme eastern boundary adopted, but it was rejected. Of the eighteen votes in favor of it, eight were cast by northern men, six by natives and four by southerners. Fourteen northerners, eight southerners, one native and one foreigner opposed the measure.

The final vote was then taken on the first clause of Jones's proposal, recommending the boundary as it was finally established. It was adopted by thirty-two to seven. Eighteen northerners, ten southerners, three natives and one foreigner voted for it. Three northerners, two southerners and two natives voted against it.⁵

¹Browne, *Debates*.

²*Ibid.*, 440-441.

³*Ibid.*, 456.

⁴*Ibid.*, 457.

⁵*Ibid.*, 458.

7. Conclusion

It will thus be seen that in every vote cast the majority of the southern delegates favored the smaller boundary. In the first case,—the Hastings proposal, offering the 118th degree of west longitude,—eight voted for, and five against it. The same proposal when it came up the next day received the vote of the eight southern delegates who had formerly supported it, and was opposed by the same southerners, five, who had formerly voted against it. Shannon's proposal was supported by seven southerners and was opposed by four from that section. Practically the same eastern boundary,—the 120th degree of west longitude,—offered by McDougal was supported by eight southerners while five from the South rejected it. The second vote on the Gwin-Halleck proposal had resulted in five for and eight against it. Five were cast for and seven against the double proposal offered by Jones. Up to this point the five southern delegates who had stood out for the extreme eastern boundary were Gwin, Hobson, Hollingsworth, Jones and Moore. Moore did not vote on Shannon's proposition. Jones's proposal, however, was rejected by Gwin. Hoppe, a southern delegate who had voted for the more contracted boundary, supported the proposition. Hill's proposal,—the 115th degree of west longitude,—was supported by nine southern delegates and rejected by four. Gwin voted against it and Jones for it. In the third vote on the Gwin-Halleck proposition four southerners were for it and eight against it. The first clause of Jones's proposal was supported by ten southern votes. The two southerners who voted against it were Hill and Hobson. Hill had formerly voted for the contracted boundary; Hobson, however, had consistently opposed it.

This evidence seems to show conclusively that the debate and the votes had no sectional character. The majority of the delegates who had immigrated to California from southern states were not only not fighting to have the Convention adopt boundaries so extensive that the constitution would be rejected by Congress, but they were actually contending against that very thing. Every time they had a chance to express themselves by their votes—with the possible but not probable exception of the first vote taken on the Gwin-Halleck proposal, where the names of the voters were not given—the majority of them opposed the extreme eastern boundary. Even

when Jones submitted his double proposition making the 112th degree of west longitude a proviso clause to be considered by Congress only in case that body should absolutely refuse to accept the new state with contracted limits, the majority of the delegates from southern states voted against it. And the motive which seems to have actuated them, as the rest, was a desire to obtain immediate admission to statehood.

THE RETREAT OF THE SPANIARDS FROM NEW MEXICO IN 1680, AND THE BEGINNINGS OF EL PASO

II

CHARLES WILSON HACKETT

IV. THE RETREAT OF THE TWO DIVISIONS TO LA SALINETA

Having despatched the above letter to Parraga with orders for the Rio Abajo people to wait for him, no other *autos* were drawn up by Otermín and no further communication passed between the two divisions until the northern refugees joined those at Fray Cristóbal on September 13. With all the survivors of the province united in one body, Otermín determined to call a council of all the officers and men of experience and prestige in his camp, that they might help to decide what ought to be done in the light of present conditions.¹ Accordingly, on the same day this decision of the governor was made public in the camp by voice of the public crier.² After the meeting was assembled, the first to avail themselves of the opportunity which Otermín gave for all to express their opinions, were eight of the missionaries. They stated briefly, though characteristically, that as "liege vassals of his majesty, and as his ministers in those parts for the administration of the Holy Sacrament, and for instructing in the Holy Faith both Spaniards and natives" they were willing "without any repugnance to follow the person of his Excellency and the royal standard in whatever resolution or determination he and the other persons might agree upon."³

Following the religious a joint statement was made and signed by the *maestres de campo*, Francisco Gómez Robledo, Thome Domínguez de Mendoza, Juan Domínguez de Mendoza,

¹"Auto (de Otermín)," in *Auttos tocantes*, 32-33.

²Auto of Xavier, in *Auttos tocantes*, 33.

³Auto of the Religious at Fray Cristóbal, in *Auttos tocantes*, 34. This auto was signed by the following: Father Nicolás Hurtado, Father Gómez de la Cadena, Father Antonio de Sierra, Father Thomas de Tobalina, Father Francisco Muñoz, Father Juan de Zaballeta, Father Joseph de Bonillo, Father Andrés Duran.

Diego de Trujillo, and the lieutenant-general, Alonso García. After summarizing the events of the retreat, they agreed that because of the miserable condition of all, and especially of so many women and children, and since there was little prospect of any alleviation of their hunger, or any way to avenge or restrain the taunts of the enemy in that desert place, the retreat should be continued; and that after the defenseless ones had been established in a place of safety, a reconquest should be attempted, though they feared this would be difficult, since the enemy was in possession of a great many firearms and other weapons.¹ This opinion having been read, it was agreed to by sixteen *sarjentos mayores*, captains and soldiers.² Lastly, in much the same tone, the Cabildo of Santa Fé went on record as conforming with the decision expressed by the *maestres de campo*.³ The main reasons stated by this body had all been stressed by others who had preceded them. But the Cabildo in addition emphasized the fact that for the 2500 persons in the camp, of whom only one hundred were soldiers, there were less than twenty *fanegas* of corn; and it was pointed out that it would be necessary to send to the jurisdictions of the Mansos Indians to secure provisions, because the enemy was possessed of all the sources of supply within a radius of forty leagues from the camp where it then was. For these and other manifest reasons they were in favor of proceeding to a place of safety. After reaching such a place, they thought, the viceroy should be asked for reënforcements so that the reconquest of the province could be attempted.

Having heard the opinions thus expressed by the principal men in the army, being in great need of supplies, "in a place where the earth was so parched and notched" that no pasture could be found for the cattle, and for many other reasons, Otermín would doubtless have ordered the army to proceed at once but for a letter which he received from Father Ayeta. This letter was written from the "Passo" on September 8.⁴ From it Otermín learned

¹Auto of the *maestres de campo* at Fray Cristóbal, in *Auttos tocantes*, 34-35.

²Auto of the *sarjentos mayores* and others at Fray Cristóbal, in *Auttos tocantes*, 35-36.

³"Paraser del Cavdo (de Santa Fé)," in *Auttos tocantes*, 37-38.

⁴Ayeta mentions having learned through a letter written to him by García of Otermín's escape. This was evidently the letter of September

that Ayeta, who had not had time to receive his message of September 7 from Sorocco, was in doubt regarding the needs of the refugees, notwithstanding the request for aid which had been sent him through García's letter of September 4. The following is an extract from the letter addressed by Ayeta to the governor:

And I say Sir, that I find myself confused on account of having had no notice of your Excellency's intentions. In order to learn what I should do, and in order to relieve myself of that doubt, I send the bearers in all haste, advising that there be no more delay than what your Excellency may cause. I now have everything ready, and the wagons prepared to move. If your Excellency should decide to remain there, fortifying yourself in some spot, I beg that, protecting your person, you come here in order that we may consult on certain matters pertaining to the service of both majesties, and in order to hasten by some time the joy of seeing you, because I am determined, according as it may be proper, to go in person to give notice of what has happened to the viceroy, since all can not be said by writing.

After stating further that he had sent news of the burning of Santa Fé and of the governor's wound to Mexico by Father Nicolás López, Ayeta concluded with the injunction and hope that Otermín would join him at El Paso at once.¹

Immediately upon the receipt of the letter, in order that the least possible delay might follow this already unfortunate doubt, Otermín decided to postpone his decision in regard to the opinions just expressed in the *junta*, and instead ordered that twelve soldiers should be equipped to go with him on the journey to see Father Ayeta. In company with these, Ayeta's secretary, who had come with Leiva and his men,² and another religious, Otermín set out soon afterward, leaving in command in his place the *maestres de campo*, Francisco Gómez and Alonzo García.³

Otermín proceeded with all haste down the river, and on September 18⁴ met Father Ayeta at the place called La Salineta, four

4 written by the lieutenant-general just after he learned that Otermín was relatively near.

¹Letter of Ayeta to Otermín, September 8, 1680, in *Auttos tocantes*, 41.

²"Carta del Padre Fr. Francisco de Ayeta escrita al R. P. Comisario General (December 20, 1680)," in *N. Mex. Doc.*, I, 543.

³"Autto (de Otermín)," in *Auttos tocantes*, 39.

⁴De Thoma (*Historia Popular de Nuevo México*, 93) erroneously states that all the New Mexican refugees reached La Salineta on September 18.

leagues above the monastery of Guadalupe del Paso. Ayeta, it seems, in the interval since he had written to Otermín on September 8 asking him to come to the pass of the Rio del Norte, had received the latter's communication sent from Socorro on September 7, asking that the supply wagons be started to meet the refugees at once. Accordingly Father Ayeta upon the receipt of this request had started from the pass with twenty-four wagons¹ of provisions, raiment, and munitions. He had apparently been unable to cross the river at El Paso, the usual fording place, and so had continued up the west side of the river. The progress of the wagons had been slow, however, for the heavy rains and the melting snow on the mountains had caused the stream to overflow, so that it covered the roads and all the adjacent meadows and lateral valleys (*ancones*). After proceeding about four leagues from Guadalupe under such difficulties, Ayeta had decided on the morning of September 18, at about 8 o'clock, to brave the dangers involved in an attempt to cross the swollen river. Accordingly six² spans of mules were hitched to the first wagon, and Ayeta himself accompanied by a number of skilled Indian swimmers, drove into the river. The water was higher and more dangerous, however, than had been supposed. It rose more than a *vora* above the bed of the wagon, not only damaging the contents, but endangering Father Ayeta's life. Finally the mules after much difficulty were able to reach a higher place where they secured footing, but the wagon remained fast in the middle of the stream. Seeing the impossibility of proceeding, Ayeta cut loose the half-drowned mules from the wagon. At this juncture Otermín and his escort from Fray Cristóbal arrived opposite the wagon on the east bank of the river. Otermín's men, taking in

¹Ayeta ("Carta del Padre Fr. Francisco de Ayeta escrita al R. P. Comisario General," in *N. Mex. Doc.*, I, 541) and Otermín ("Autto Y diligencia," in *Auttos tocantes*, 43) both state that Ayeta had twenty-four wagons when he reached La Salineta. There is, apparently, no foundation for Davis's statement (*The Spanish Conquest of New Mexico*, 298) that he set out from El Paso with four wagons.

²Otermín, who wrote on the same day the fording of the river was attempted but who was not an eye-witness, says, "el qual caíro abiendolo puesto quatro andanas de mulas le arroxaron al Rio." (In "Autto Y diligencia," in *Auttos tocantes*, 43.) Ayeta, writing three months later of the same occurrence, says, "y alentando mi gente puse al carro Capitan seis andanas de acémilas." In "Carta del Padre Fr. Francisco de Ayeta escrita al R. P. Comisario General," in *N. Mex. Doc.*, I, 542.)

the situation, and realizing Father Ayeta's danger, hastened to his assistance, and bore him on their shoulders to a place of safety on the east bank. After much difficulty the wagon was extricated at about six o'clock in the evening, some four hours after Otermín's arrival. As soon as convenient Otermín and Ayeta entered into a consultation as to what should be done, and it was decided, since it was impossible to proceed further with the wagons, to have men swim their horses and transport supplies across the river, so that they might be sent to the needy ones that night. This was done, and the next day still another pack-train of supplies was started, both of which in due time reached their destination. These supplies, consisting of corn, hardtack, flour, chocolate, and sugar, the officers were instructed to distribute freely to all the people in both divisions, after which they were to continue the retreat south.¹

Otermín did not accompany the soldiers who went along to guard the supply trains, but at Ayeta's request stayed behind and crossed the river to make an inventory of the provisions in the wagons, as well as of the supplies that had been left at the monastery of Guadalupe, so that in case these should be found to be insufficient, others might be secured before the people arrived. Four days later, after having registered the amount of provisions in the wagons, and having returned from the monastery of Guadalupe where he had gone for the same purpose, Otermín drew up a report to the effect that in those two places there were 400 bushels of shelled corn and 400 head of cattle and sheep, all of which Father Ayeta said might be distributed to the people when they should arrive. But that the supply might not run short, Otermín sent out foraging parties to Casas Grandes, to Taraumares, eighty leagues distant, and to other places, to buy all the corn and meat possible and bring them to El Paso.²

This was on September 22; nothing more is recorded of the movements either of those at La Salineta or of the main body of refugees until September 29. On that day, however, all the people had reached La Salineta, as is evidenced by an *auto* drawn up

¹For the events attending the attempted fording of the river by Ayeta and the subsequent occurrences see "Auto Y diligencia," in *Autos tocantes*, 43; "Carta del Padre Fr. Francisco de Ayeta escrita al R. P. Comisario General," in *N. Mex. Doc.*, I, 541-4.

²"Auto y diligencia," in *Autos tocantes*, 44.

by Otermín¹ on that day ordering a general review of the camp. By this time, practically speaking, New Mexico had been abandoned by the Spaniards. We now come to the story of their settlement in the vicinity of modern El Paso.

V. THE TEMPORARY CAMP AT LA SALINETA

(1) *The General Muster*.—Having assembled at La Salineta, a place within the present limits of Texas, all the survivors of the revolt, with the exception of those who had fled across the Rio Grande, and with their actual needs provided for through the generosity of Father Ayeta, it was now necessary for Otermín to form some permanent plan for the future. Hitherto the condition of the refugees had been such that only the most pressing needs could be considered and only tentative plans formulated. In fact, the situation had been such that time had not been taken to determine accurately their actual numbers and strength. Accordingly, in order that he might be guided in his decision by definite information regarding the number, quality, and equipment of the men capable of military service, and at the same time that a report might be made both of the survivors and those lost in the revolt, Otermín first of all ordered a review of all the people at La Salineta.² The order was proclaimed on the 29th of September, and on the same day the review began. As each man passed before the governor, he was accompanied by all the members of his family, and carried with him his personal property, including arms, ammunition, and provisions, a complete inventory being taken down and attested to by the man himself. These muster rolls fill some twelve folios of written matter (making twenty-six typewritten pages), hence it would be impracticable to record them all here. In order that their general character and the pitiful condition of the refugees may be seen, however, a few of the individual records have been selected at random and translated below:³

¹Whether or not Otermín went to meet Gómez and García is not stated, though such seem to have been his original intentions.

²"Auto Para pasar nuestra resena de armas cavallos y otras cosas," in *Autos tocantes*, 45; *Auto of Otermín*, *Ibid.*, 57.

³For the complete muster rolls from which these are taken, see *Autos tocantes*, 45-55; and 58-60.

At once, after the promulgation of the proclamation, the *maestre de campo* Francisco Xavier, *alcalde ordinario* of the first vote, passed muster as follows: with six very lean horses, useless for service; a sword; a dagger; a skin jacket; an arquebus; and a shield. He had been robbed by the enemy of all his goods. In witness whereof he signed it and declared that he had with him a family of four daughters, two sons, and a female servant.

Francisco Xavier.

Alcalde Ordinario. (rubric.)

The *maestre de campo* Pedro de Leiva, now serving in that capacity for the kingdom passed muster, as well as three sons, all of whom serve his majesty, all with their personal arms, and amongst them twenty-five horses, some of them in good condition and some lean. The enemy killed Leiva's wife, two young lady daughters, and two sons, soldiers in the *pueblo* of Galisteo, three grandsons, and a daughter-in-law. And of thirty servants which he had the enemy left him three, and robbed him and his sons of all their property. And he signed it.

Pedro de Leiva. (rubric.)

Pedro de Cuellar passed muster with four lean horses, a royal arquebuse and its equipment, and a boy who served him. The enemy killed his wife and daughter in the revolt, and robbed him, poor as he was. And he signed it.

Pedro de Cuellar. (rubric.)

Captain Francisco de Anaya passed muster on foot; personal arms; robbed by the enemy. They killed his wife and three [other] persons, children, relatives, and servants. Nothing was left him but that which he has on his back. And he signed it.

Francisco de Anaya. (rubric.)

The *sarjento mayor* Juan Lucero de Godoy, *alcalde ordinario* of the second vote, showed a sword, a dagger and an arquebuse; a lean horse; four sons, young men capable of bearing arms, all naked and without weapons; four daughters, young women; and five servants; state, married. And he signed it.

Juan Lucero de Godoy. (rubric.)

The *maestre de campo* Alonso García, lieutenant of government and war, and captain general of the jurisdictions of Rio Abajo,—state, married—, passed muster with eighty horses and five mules, all of the latter lean, suffering from lock-jaw, and worn out by service. He has three sons, two sons-in-law, all with their per-

sonal arms. They are supplied by the lieutenant-general. Two sons and his two sons-in-law are married and have twelve persons in their families, twenty-two servants, and another young man capable of bearing arms. He carries a royal arquebuse and has been robbed by the enemy. And he signed it.

Alonso García. (rubric.)

The *sarjento mayor* Luis de Quintana passed muster with four very lean horses; all his personal arms; an infant daughter; four servants; robbed of house and goods by the enemy. And he signed it.

Luis de Quintana. (rubric.)

Felipe Montoya, married, passed muster on foot, naked, very poor, with one tired horse and four sons. And he signed it.

Felipe Montoya. (rubric.)

Captain Roque de Madrid passed muster with three lean horses, two lean and tired mules, all his personal arms, his wife, and four small children. His house was robbed by the enemy, and [he is] extremely poor. And he signed it.

Roque de Madrid. (rubric.)

This muster was continued without interruption for three days when on October 1 a temporary halt was occasioned by a number of the people having gone without permission to the monastery of Guadalupe, whence they were scattering into Nueva Vizcaya. As soon as he learned of this, in order that the muster rolls might be completed, and that further delay might not be occasioned in completing the reports that were to be sent to the viceroy, Otermín, on October 1, sent Francisco Xavier to El Paso with a message to Joseph López de Gracia¹ (the lieutenant of Andrés López de Gracia, *alcalde mayor* of the valley of San Antonio de Casas Grandes),² who was at that time at Guadalupe, ordering him or any other officer of Nueva Vizcaya, to arrest and send back to La Salineta any person, no matter what his rank, character, or condition, who might attempt to cross the river into that province. Gracia promptly promised to put the order into effect, and requested Otermín to make this fact publicly known.³

¹Auto of Xavier, in *Auttos tocantes*, 58; Auto of Joseph López de Gracia, in *Ibid.*, 79-80.

²"Mandamto del Gober, or y Cappan gel del p, l," in *Auttos tocantes*, 79.

³Auto of Otermín, in *Auttos tocantes*, 55; *Ibid.*, 57-58.

In thus complying with Otermín's demand, Gracia was acting in harmony with his own governor, Bartolomé de Estrada. Before the main body of refugees reached La Salineta, Otermín had written to Estrada, at Parral, that he feared that when the refugees should reach La Salineta they would be inclined to scatter to Casas Grande, Carretas, and other parts of Nueva Vizcaya, as well as into Sonora, whereas they should all be required to settle together in some designated place until assistance could be secured from the viceroy. Upon the receipt of this letter Estrada at once (September 24, 1680) ordered Captain Andrés López de Gracia, or in case of his absence or incapacity, Captain Alonso Pérez Granillo, *alcalde mayor* of Carretas y Janos, to go at once to El Paso to prevent any person from crossing into Nueva Vizcaya without Otermín's permission, under threat of the death penalty. If any person had already so crossed, and arranged to settle, his arrangements were to be annulled, on the authority of Estrada. Gracia was to leave his lieutenant at El Paso to carry out the order, and any laxity or lack of vigilance on the part of the officers was punishable by a fine of \$10,000.¹

It is not recorded when Joseph López de Gracia received Estrada's order, or whether Andrés López de Gracia went to El Paso at all. On October 5, however, Joseph López de Gracia published it "en el Pueblo de nra Señora de Guadalupe de passo Jurisdiccion de la nueva Bizcaya," in the presence of "many people of the pueblo as well as of the provinces of New Mexico."² As we have seen, Gracia had already agreed four days previously to carry out like instructions at Otermín's demand, for on that day Francisco Xavier returned to the Spanish camp at La Salineta with this information.³ Whether López de Garcia had at that time received Estrada's order I am unable to say, though I presume that he had. Otermín had already threatened with severe punishment any who should be guilty of desertion in the future.⁴ Thereby, together with the co-operation of López de Gracia at

¹Mandamto del Gober, or y Cappan gel del p, 1," in *Auttos tocantes*, 79-80. I am dependent on this order for the fact that Otermín wrote to Estrada from La Salineta on this subject.

²Auto of Joseph López de García, in *Auttos tocantes*, 79-80.

³Auto of Xavier, in *Auttos tocantes*, 58.

⁴Auto of Otermín, in *Auttos tocantes*, 55; *Ibid.*, 57.

the pass, the dispersion of the people at La Salineta was checked and the review was continued without further recorded interruption.

The total number of persons who passed this muster, including soldiers, servants, women, children, and Indian allies, was, according to the sworn statement of Otermín, 1946. During the retreat to La Salineta, Otermín, García, and others frequently stated that there were 2500 refugees in the two divisions. Of these it was estimated that there were 1500 in García's division and 1000 in Otermín's.¹ Taking these estimates as being approximately correct, it is seen that at least several hundred of the refugees crossed into Nueva Vizcaya without having been listed at La Salineta. Of the total number of the 1946, only 155 were men capable of bearing arms. The number of horses was 471, though, as the muster rolls showed, these were for the most part so poor and weak that they were unfit for military service. There was only one horse for every fourth person, even if we assume that none of the horses were used to transport the few provisions and other things which the refugees brought with them. The supplies are not listed, but the statement is made that the people were provided with meat, corn, and munitions. For this reason, notwithstanding the fact that a number of the guns were broken and practically useless, and although a great many of the men were entirely destitute of both weapons and horses, Otermín recorded his belief that his force was sufficiently strong to settle at that place, or some more convenient one near by, with a fair degree of safety.²

The Indian allies who passed in review before the governor were inhabitants of the four Piro's pueblos of Senecú, Socorro, Alamillo, and Sevilleta, and numbered 317 persons in all.³ These Indians, many of whom had already abandoned their pueblos before the revolt because of the ravages of their Apache neighbors,⁴ had

¹"Autto (de Otermín): Salieron el día 22," in *Auttos tocantes*, 8; "Carta (de Otermín á Parraga)," in *Ibid.*, 31; "Pareser del Cavdo (de Santa Fé)," in *Ibid.*, 37.

²"Autto de Junta de guerra," in *Auttos tocantes*, 61.

³Muster rolls, in *Auttos tocantes*, 60.

⁴Letter of the Cabildo of Santa Fé to the viceroy, October 16, 1680, in *Auttos tocantes*, 98.

followed the Spaniards, to whom they had at least outwardly remained friendly, as far as La Salineta.

(2) *The Decision to Settle at El Paso.*—With the women and children in a place of safety, and with the people and equipment listed, Otermín was brought at last face to face with the question as to whether or not an attempt should be made to reconquer New Mexico. This was no new question. At Isleta it had arisen for García and his advisers to decide in the negative, for such an attempt in their condition, believing as they did that the governor and inhabitants of Santa Fé were all dead, could not be thought of. When Socorro was reached and the testimony of Herrera and Chávez tended to indicate that the inhabitants of Santa Fé were still alive, the question had again come up, but it was almost unanimously agreed that in their weak condition the first thing to consider was the protection of the many women and children with them, hence it was decided to go on to meet the supply-train before even attempting to ascertain the fate of the northern inhabitants. When Otermín himself left Santa Fé, he did so as quickly as possible in order that he might unite his forces with those whom he thought to be at Isleta, there to decide on a plan for subduing the rebellion. However, the two divisions were not joined till Fray Cristóbal was reached, and there the question of a return was again discussed but was tabled until the women and children should be put in a place of safety. Now this had been accomplished, and the fighting strength of the survivors determined. It behooved all, therefore, “as loyal vassals of his majesty” to consider seriously the question of a return to Santa Fé. For this purpose Otermín called a council, composed of the members of the Cabildo of Santa Fé, the military officers, the friars, and all others who might wish to attend, in order that they might help him decide the grave matter, touching as it did both the spiritual and the temporal welfare of the province.¹

This order was published on October 2, and shortly afterward, all the men having assembled in the *plaza de armas*, the discussion was opened by Father Ayeta. He did not express his opinion as to whether or not an attempt at reconquest should be made, stating that since he had no experience in military matters such a

¹“Autto de Junta de guerra,” in *Auttos tocantes*, 62.

question would have to be decided by the soldiers. If, however, they should decide that their strength was sufficient, then in his opinion the reduction of the apostates should be attempted. In this matter he spoke for the whole body of religious, who were willing to abide by the decision of the council and to assist in whatever was agreed upon. If it was decided to reconquer the province, he would aid the troops with the necessary provisions and munitions, though he could not furnish them with horses. For the use of the soldiers he offered twenty breastplates, four dozen stirrups, fifty bridles, and other necessities, as hats, shoes, and two hundred *varas* of linen for shirts; he would see that the women and children and the guard left behind were also provided with necessities; in case the council should decide that their means were not sufficient to attempt this reconquest, he would supply the camp in whatever place they might decide to locate it, with ten head of cattle and eight *fanegas* of corn daily; he called attention to the fact that provisions had to be secured eighty leagues away, and that the wagons should be started as soon as possible after more, so that the supply might not fail; he concluded by stating that he agreed to furnish the refugees with supplies only until the viceroy might be informed of their condition and aid them.¹ After Ayeta had spoken, several of the other religious expressed themselves as agreeing with him, some offering to lose their lives should the attempt to reconquer the province be made.²

Following the religious, a large number of officers and soldiers went on record as either favoring or opposing an attempt at immediate reconquest. Those who favored it were Thome Domínguez de Mendoza and Juan Domínguez de Mendoza, the former a man of long experience and great influence. Both advised accepting the aid proffered by Father Ayeta, and removing the camp to La Toma del Rio del Norte, whence they might inform the viceroy of events in New Mexico and ask him for provisions, equipment, and a presidio; while awaiting the reply of the viceroy they favored sending a body of troops to New Mexico to capture

¹*Auto* of Otermín and Ayeta, in *Auttos tocantes*, 62-63.

²*Autos* of Otermín and the religious at La Salineta, in *Auttos tocantes*, 63-64.

as many rebels as possible, in order to use them as peace emissaries to the revolted tribes. Juan Domínguez, however, made the proposed *entrada* conditional on the volition of the men and better equipment for both men and horses.¹ Eight *sarjentos mayores*, captains, and soldiers supported the arguments of the Mendozas, some on the condition that the people at El Paso were left with sufficient protection and provisions; others on condition that the choicest horses available in the surrounding region be given the soldiers.

The chief opponents of an immediate reconquest were Francisco Gomez Robledo, Alonso García, and Pedro Durán y Chávez. All three based their opposition on the jaded condition of the men and horses and lack of equipment; and favored appealing to the viceroy for aid. Robledo feared the unrest of the Mansos, Sumas, and Sonora Indians; García regarded the building of huts to protect the ill-clad citizens of first importance; Chávez wanted one hundred men for garrison duty and one hundred as settlers before undertaking the conquest. The cabildo of Santa Fé, which supported this faction, also regarded soldiers, arms, and supplies to establish a garrison, as prerequisites to the undertaking. Captain Pedro Marqués, Sebastian de Herrera, and four other officers cast the weight of their opinion against immediate action.²

(3) *Fears in the Neighboring Provinces.*—Just at the conclusion of the *junta de guerra* Otermín received two letters from friends at San Juan Bautista in Sonora, which are especially interesting in this connection, since they illustrate how fears spread as a result of the revolt in New Mexico to other provinces, since they contained much the same ideas as had already been expressed by the majority of those at La Salineta, and since they exerted considerable influence upon Otermín in helping him reach his decision, and later influenced the authorities in Mexico when they were considering the plans that should be adopted for the reconquest of New Mexico. One of the letters in question was from Don Francisco de Agramontes, former governor *ad interim* of Nueva Vizcaya, a person of much experience in the northern provinces,

¹*Auto* of Otermín and Mendoza, in *Autos tocantes*, 64-65.

²*Autos* of Otermín and others at La Salineta, in *Autos tocantes*, 66-70. *Auto* of Otermín and García, *Ibid.*, 71.

and well informed in Indian matters.¹ The writer stated that the day before (September 15) he had received news of the revolt of the Indians, of the governor's wound, and of Ayeta having sent eighty musketeers (seventy-eight is the correct number) and supplies for their aid. After consoling Otermín for the loss of his province he suggested that it would be well to form a *plaza de armas* at El Paso and then send Father Ayeta to Mexico to represent the whole situation to the viceroy. In his opinion at least three hundred men, fully armed and able to fortify themselves in the villa of Santa Fé, should be sent to reconquer the province. By this means the Indians could be reduced and kept in subjection. The matter as he saw it was a serious one, for the province of Nueva Vizcaya was very liable to experience a similar misfortune should the New Mexican rebels be unpunished and the province abandoned, since the Janos, Yumas, and other natives of Nueva Vizcaya, seeing the success of their neighbors, would also revolt, and in this way make the ruin in the northern provinces of New Spain complete.²

It is thus seen that Agramontes viewed the revolt and apostasy of the New Mexican Indians with great misgivings for the security of the northern frontiers, and likewise that he recognized the necessity of maintaining the refugees in some fortified and contiguous place until the province should be reconquered. The same conclusions had been reached even earlier than this and independently by Father Ayeta, than whom there was doubtless no man better qualified to speak with judgment concerning the affairs in northern New Spain. On August 31, when Ayeta was under the impression that only the Rio Abajo refugees had escaped from New Mexico, he had notified the viceroy that he had had Pedro de Leiva elected provisional governor in Otermín's place, whom he supposed to be dead, in order that the refugees might be made to halt at El Paso when they should arrive there. For, as he stated, not to do so would mean that Parral would be lost. Moreover, he pointed out that El Paso was a suitable place for establishing a base of operations for the purpose of subduing the natives, possessing suitable sites for a large settlement, and an

¹*Auto of Otermín, in Auttos tocantes, 80.*

²*Letter of Agramontes to Otermín, in Auttos tocantes, 81.*

abundant water supply.¹ He further stated that he had written to Governor Estrada asking him for certain supplies (*uno docena de leperuscos*), but that he knew Estrada would not be able to send them even if he wished, because there was danger of his own province experiencing a similar revolt. He judged this because he had learned that the Indians in that vicinity had stated that they were going to devastate the valley of San Bartolomé and kill all the Spaniards there. He added that he inferred they would be able to succeed in doing so, because so far as he could judge the Indians were united as one, in view of which fact Estrada's forty soldiers would be insignificant.²

The other letter which Otermín received was from Juan de Escorsa, *sarjento mayor* in Sonora. The writer expressed his sorrow for the misfortunes that had befallen the province of New Mexico, unexampled in all New Spain, and of ill omen for other provinces. He stated that on September 10 reports of the revolt were received in those parts, but were taken lightly. On September 15 the early reports were confirmed by letters from El Paso and from Casas Grandes, among them being one from Father Ayeta to a certain Andrés. After consoling Otermín for his misfortunes and reminding him of the afflictions and tribulations of Job, Escorsa assured him that after the barbarians had arranged such a plan as that which they had executed, it might be well counted miraculous that a single man escaped.³

(4) *Decision to Delay the Reconquest*.—On October 5, before Otermín announced his decision as to whether or not he would attempt the reconquest of New Mexico before hearing from the viceroy, the *sarjento mayor*, Luis de Granillo, appeared before him and in behalf of all the people in the camp presented a petition asking that, because of the many dangers and inconveniences which

¹"Carta del Padre Visitador á el Exmo. Sr. Virrey," in *N. Mex. Doc.*, I, 564.

²*Ibid.*, 575-576.

³Letter of Escorsa to Otermín, in *Autos tocantes*, 83-84. Escorsa very cordially invited Otermín to visit him in his home at the mines of Nacatovori, saying that his *hacienda* some distance away was not finished because lumber, which cost almost its weight in silver, was so hard to secure. He concluded by stating that although he was deeply in debt, having lately spent more than 25,000 *pesos*, he expected to have his home ready for entertaining Otermín before the end of the year, "so that you may have much pleasure and recreation in it."

beset them at La Salineta, the whole camp be allowed to move to a place on the opposite side of the river near the monastery of Guadalupe. There, it was stated, pasture could be secured for the cattle, and huts built for the protection of the people. Otermín in reply assured the petitioners that the request would be granted.¹

The next day the governor formally announced his decision concerning the question of attempting the reconquest of the province at that time. In an *auto* summarizing the opinions expressed in the *junta de guerra* of October 2, he stated that he agreed with the Cabildo of Santa Fé and the majority of the other experienced men, and that an expedition would not be sent to reconquer the revolted province until further aid could be secured from the viceroy. In giving this decision the governor emphasized the fact that winter was approaching and that there was no shelter for the people. Moreover, because of the two letters which he had received from San Juan Bautista, he felt that it was more imperative to make a stand in that place than to attempt to make an *entrada* with his weakened forces. Since they could be furnished with necessary supplies through the liberality of Father Ayeta until royal aid might be received, he thought it best that his soldiers should not be separated until that time. Accordingly, he ordered the *autos* to be arranged preparatory to sending them to the viceroy.²

Having reached this decision Otermín instructed Alcalde Ordinario Juan Lucero de Godoy, and Sarjento Mayor Diego López, to notify Ayeta of this decision and in behalf of himself and of all the other people in the camp to thank the Reverend Father formally for what he had already done and for the proposition which he had made to continue to aid them. This was done, and in reply Father Ayeta sent Otermín notice that he was able by that time to increase the daily allowance of corn from eight to ten *fanegas* because he had bought since the day he began to succor the people, six hundred more *fanegas*, while two wagons were to be sent out on the 18th on a similar purchasing expedition. Moreover, he stated that only that day he had bought and paid for 1640 head of cattle in the jurisdiction of Casas Grandes, all of which he freely gave, asking that it be distributed among the people

¹Auto of Otermín, in *Autos tocantes*, 77.

²*Ibid.*, 85.

most needing it. In conclusion he supplicated the people to be patient, promising to send to Parral for wool to clothe them, and stating that he would reserve for himself and his order nothing more than the insignia of his patron San Francisco, and would sacrifice all for their welfare and comfort until royal aid could be secured.¹

VI. THE SETTLEMENT OF THE REFUGEES AT EL PASO

(1) *Early History of the El Paso District.*—At the time the retreating settlers of New Mexico determined to make El Paso their base of operations in the reconquest of the revolted provinces, there were already established at that place a mission group administering to the Mansos, Sumas, and the outlying Janos Indians, and a small nucleus of Spanish settlers about the missions. In 1659 priests from New Mexico had founded Nuestra Señora de Guadalupe at the pass, and between 1659 and 1680 two other missions were founded in the vicinity, one called San Francisco, twelve leagues below, on the Rio del Norte, and another called La Soledad, among the Janos Indians, seventy leagues to the southwest of Guadalupe. All three appear to have been within the ecclesiastical jurisdiction of New Mexico, and directly governed from that center. Evidence points to a civil organization of the settlers in the neighborhood as early as 1659, but the details concerning this phase of the Spanish activities in the El Paso region are more fragmentary than those relating to religious matters.

(2) *The Settlement at El Paso.*—It has already been shown that on October 6 Otermín made public his determination to encamp at El Paso, on the right bank of the Rio del Norte. By the 9th the camp appears to have been moved to the new site. The people were placed in three camps at intervals of two leagues. The governor and the Cabildo occupied the Real de San Lorenzo, and with them were five religious; all were sheltered in rude wooden huts. The Real de San Pedro de Alcantara was the second camp; it was administered by four religious. The third camp was Real del Santísimo Sacramento, in which dwelt Father

¹*Auto of Otermín, in Autos tocantes, 85-86.*

Alvaro de Zavaleta and other religious. The arrangements were probably completed by October 20, when Otermín wrote to the viceroy: "I am bivouacked and fortified on this Rio del Norte, waiting Your Excellency's order as to what ought to be done."¹

(3) *Provision of a Presidio*.—As far as the documents now available indicate, the paramount interest of Otermín and the Cabildo, during the next twelve months, was the question of a presidio of El Paso. In compliance with the recommendations of the governor, the central authorities took the matter under advisement in January, 1681, and in the same month decided to grant it, empowering the governor to carry out the plans. Whether or not Otermín attempted to found the presidio is not clear from the documents, but he appears to have formed some kind of guard to protect the citizens during his absence on the *entrada* made in November, 1681, with the intention of reconquering New Mexico.

While it is not purposed at the present time to continue the history of the El Paso settlements further than the departure of Otermín's army from El Paso for New Mexico on November 5, 1681, a few words will not be out of place here on subsequent events there. As has already been noted the presidio and the settlement at El Paso were not meant to be permanent. However, when Otermín returned in the winter of 1681-2 from his unsuccessful attempt to reconquer the province, it was realized by the authorities that several expeditions might have to be made before the people at El Paso could re-enter New Mexico. Accordingly, the Spaniards were required to settle in several pueblos and to make preparations for planting crops to maintain themselves there indefinitely. In this way the plans for settlements were given a sort of permanence. Events of the next few years, as will be shown later, served to make them entirely permanent.²

¹Letter of Otermín, in *Autos tocantes*, 102.

²The summary given above is based on material gathered from the four *expedientes*: *Autos tocantes*, *Autos Pertenecientes*, *Autos sobre los Socorros*, and an *expediente* without a title. For aid in the revision of the last few paragraphs of this paper, acknowledgments are due to Miss Anne Hughes.

VIRGINIA AND THE INDEPENDENCE OF TEXAS

JAMES E. WINSTON

Virginians have ever been prone to seek distinction and fortune beyond the bounds of their native state. What the New England states have been by way of a nursery from which home-seekers have gone to settle the middle West, that Virginia has been to the states of the South and the Southwest. The best blood of the Old Dominion has gone forth to enrich the citizenship of many a sister-state. It would require several volumes to narrate the history of all those Virginians whose enterprise, bravery, and skill have contributed to the upbuilding and prosperity of their adopted homes. In every war in which the national honor has been at stake, the sons of Virginia have given their services with readiness and loyalty, and have acquitted themselves upon the field of battle with honor to themselves and credit to their native state. It is not the purpose of this paper, however, to vaunt the deeds of Virginians in the wars in which this country has been engaged. Without attempting a task so pretentious, the writer has confined himself to the effort of recording the names and services of those Virginians who had a part in accomplishing the separation of Texas from Mexico, and who helped to erect a stable government within the bounds of the mighty state whose limits are the Sabine and the Rio Grande. The story is not a long one, for Virginia was too remote from the scene of hostilities for the struggle between the Texans and their oppressors to arouse the same degree of interest and enthusiasm that was felt by the citizens south of the Ohio and east of the Mississippi. Then, too, the ardor of the Virginians may have been dampened somewhat by the unfavorable accounts of Texas which appeared in the Virginia newspapers.¹

¹See *Richmond Enquirer*, July 4, 1837. The *Virginia Herald* for March 23, 1836, quoting the *Randolph (Tenn.) Recorder* of March, has this to say: "Volunteers are returning and reporting very discouragingly of the inhabitants of Texas. The inhabitants are poor, and care not a fig under what government they live. The principal object of the majority of the inhabitants that fight is plunder and pillage." It was, moreover, stated that armed emigrants going from the United States for the purpose of interfering in the war would not be permitted to enter Texas. *Virginia Herald*, April 30, 1836.

Be this as it may, however, what Virginians lacked in the way of numbers, they made up for by the high quality of the service rendered the young republic. No braver or more loyal spirit gave his life in behalf of Texas independence than John Sowers Brooks,¹ of Augusta county, Virginia; another Virginian who rendered the cause of Texas distinguished services as a soldier was Colonel William G. Cooke,² of Fredericksburg. Among the more conspicuous builders of the new state the names of Branch T. Archer and Peter Hansborough Bell³ deservedly have a high place. Another Virginian who rendered his adopted home valuable services both as a civilian and as a soldier was Judge Edwin Waller.⁴ Both Austin and Houston were natives of Virginia, while among the signers of the Texas Declaration of Independence, eleven were either natives or former residents of Virginia.

Rumblings of the storm about to break in Texas reached Virginia in the summer of 1835. In July and August the Richmond papers printed reports of the projected invasion of Texas by the Mexicans and of the determination of the colonists to resist.⁵ The *Richmond Enquirer* of July 17, 1835, copied from the *New York Courier* the following extract which correctly summed up the situation at this time:

Each succeeding day is rendering Texas of more importance to the United States from the fact that it is rapidly being settled by our own people, and the very probable supposition that in a few years it will constitute a portion of our Union. In settling the boundary line between Texas and the United States, the Rio Grande should be, and in all probability, will be fixed upon as the dividing line, and thus the thousands of American citizens who are now settling what is yet a foreign country, will once more find themselves enjoying the blessings and protection of our liberal laws.

¹See THE QUARTERLY, IX, 157-209, for an account of this gallant though ill-fated young officer.

² *Ibid.*, IX, 210-219.

³See Coyner's article on "Peter Hansborough Bell" in THE QUARTERLY, III, 49-53. Governor Bell, at the age of twenty-six, left his native state to engage in the war of Texas independence, and rendered valiant service on the field of San Jacinto as a member of the cavalry corps.

⁴See Peareson, "Reminiscences of Judge Edwin Waller," in THE QUARTERLY, IV, 39-53. See Thrall, 540, 570, for accounts of James Gaines and Frank W. Johnson, who filled important civil and military positions.

⁵*Richmond Enquirer*, July 17, 1835; August 4, 1835.

Among those who took part in the storming of San Antonio, in December, 1835, was Nathaniel R. Brister of the "New Orleans Greys," commanded by Captain Samuel O. Pettus, himself a Virginian. Brister was promoted from the position of sergeant-major to that of adjutant in this company about the middle of February, 1836.¹ According to one account a Captain Blair of Conway county and a Dr. Mitcherson, both from Virginia, were killed in the storming of San Antonio.²

Virginia had her representatives at the Alamo, the following Virginians being killed there: John J. Baugh, first lieutenant in Captain Thomas H. Breece's company of Texas Volunteers, and later a captain;³ and a soldier by the name of R. L. Stockton, who arrived at San Antonio about the same time as Crockett.⁴ Other Virginians who were members of Captain Pettus' company were Allen O'Kinney (or Kenney) and William L. Hunter; the former is said to have been massacred at Goliad, while the latter is one of the few who effected a thrilling escape after being left there for dead upon the field of slaughter.⁵ Other Virginians killed at the time of Fannin's massacre were Henry W. Downman, James Batts, and James Kemp, all of Duval's company.⁶

In the Zanesville Volunteer Rifle Company were the following Virginians: James Perry, first sergeant, from Norfolk; Henry Sikes, of the same place; John Fisher, of Shenandoah; John A. Davis, of Surrey county; and John Snelling, of Augusta county.⁷ Company E, First Regiment of Texas Infantry, Permanent Vol-

¹Muster Rolls, General Land Office of Texas, pages 25, 37. Colonel William G. Cooke was also at one time captain of the same company.

²*Arkansas Gazette*, April 12, 1836.

³Muster Rolls, page 37. See THE QUARTERLY, IX, 237.

⁴THE QUARTERLY, IX, 4, 117, and XIV, 321-322. The *Virginia Herald* of May 4, 1836, contains a list of the names of those who fell at the capture of San Antonio.

⁵See Duval, *Early Times in Texas*, 59.

⁶*Kentucky Gazette*, July 7, 1836. The *Virginia Herald* of June 1, 1836, copies from the *New Orleans Bee*, March 25, 1836, an account of Fannin's massacre written by a Mexican general. In the *Herald* of June 18, 1836, is a detailed account of the massacre of Goliad by Z. S. Brooks, one of those who escaped. The same issue contains a list of the "Red Rovers" who were put to death on this occasion. In the same journal for August 6, 1836, is what purports to be an account of an eye-witness of the death of Fannin, written by Joseph H. Sphon, of New Orleans, who escaped.

⁷Muster Rolls, page 230. Perry and Davis were shoemakers; Fisher, a chair-maker; and Snelling, a paper-maker.

unteers, contained these soldiers from Virginia: David Balfour, of Norfolk; John H. P. Brent, of Fauquier county; James Dunn, of Wheeling; Silas A. Gordon, of Augusta county; John M. Hooper, of Hanover; John T. Morehead, of Rockbridge county; Benjamin Smith, of Frederick; and L. C. Toncray, of Washington.¹ With General Houston at San Jacinto were Oscar Farish, of Fredericksburg, a private in Captain McIntyre's company;² Washington Anderson, a member of Company C, First Regiment, Texas Volunteers, who was wounded; James Montgomery, and Crittenden. In addition these Virginians saw service in the Texan cause: John Claiborne, John O. Knox, J. C. Osburn, M. D., R. R. Goodloe, J. W. Massey, Hugh G. Pannell, Lemuel Smith, A. M. Tandey, Peter C. Ragsdale, Nicholas Herron, Dr. A. M. Levy, John P. T. Fitzhugh, T. R. Striff, and Jesse Benton, the last-named hailing, it is believed, from Richmond.³

In the *Richmond Whig* of April 15, 1836, is found this letter from him:

Near Nacogdoches

22d Feb. 1836

Dear Sir:—

. . . Official information has just reached us that Santa Anna has crossed the Rio Grande and is marching against us with a large army for the purpose of exterminating us. I will place myself in the Infantry as a private soldier, and if he pass our bayonets, I will be deceived. Nearly all our troops are riflemen; no body of infantry to lodge on to form squares or rush on with and crush the enemy. We will die hard, for it will be truly *victory or death* with us. Our volunteers have consumed our provisions and a great many have left us—just what I expected. General Cos and his troops we are informed have broken their parole and are returning against us. The country on the Rio Grande is given up to a brutal soldiery. . . . If we cannot defend the country in any other way, we can do it effectually by adopting the Russian mode of defence against Napoleon in 1812.

A Virginian who rendered the new republic of Texas substan-

¹Muster Rolls, pages 237, 239. A Virginian by the name of R. S. Neighbors is said to have joined the Texan army in 1837.

²*Virginia Herald*, June 15, 1836. In the issue of June 1 of this paper is an account of the battle of San Jacinto, copied from the *Mobile (Ala.) Advertiser*, May 13, 1836.

³*Lexington Intelligencer*, September 13, 1836; *Richmond Enquirer*, November 6, 1836; and Muster Rolls, page 115. Herron, Levy, and Striff are said to have been members of the "New Orleans Greys."

tial aid was Thomas Jefferson Chambers who agreed to loan \$10,000 of the funds necessary for the purpose of recruiting a force in the United States, and to recruit the force himself. This he did in a highly successful manner, sending a large force of men and quantities of war materials to Texas.¹

Horatio Chriesman, the chief surveyor of Austin's colony during its entire existence, was a native of Virginia, though going to Texas from Missouri in 1822.² Among those under sentence of death at Tampico December 14, 1835, was a Virginian, William H. Mackay, aged twenty.³ According to the *Virginia Herald*, September 24, 1836, about thirty young men from Petersburg went to Norfolk with the intention of embarking for Texas. No doubt the companies which went from other southern states to Texas contained Virginians, though mention of this fact does not occur in the records.

Mason, of Virginia, on July 4, 1836, reported in the House from the committee on foreign affairs in favor of recognizing the independence of Texas as soon as satisfactory information was received that Texas had in successful operation a civil government.⁴

Rumors of a renewed invasion of Texas by the Mexicans appeared from time to time in the Virginia newspapers.⁵

Of those who never lost faith in Texas and in her future was Branch T. Archer, already alluded to. On Tuesday evening, April 12, he addressed a crowded assemblage in Richmond, at the capitol, on the affairs of Texas.⁶ Dr. Archer resembled Stephen F. Austin in his enthusiasm for the Texan cause, and upon a second visit to Richmond the following year declared Mexico was in greater danger from Texas, than Texas was from Mexico.⁷

¹See Barker, "The Texas Revolutionary Army," in *THE QUARTERLY*, IX, 235, 240. In this connection, it may be noted that two Virginians, William F. Gray and James McCulloch, subscribed \$10,000 each of the first loan of \$200,000 raised by Texas commissioners to the United States; of the second loan, William F. Ritchie subscribed \$8500, Howard F. Thornton \$1000, and Jeremiah Morton, \$3000. Barker, "The Finances of the Texas Revolution," in *Political Science Quarterly*, XIX, 630.

²*THE QUARTERLY*, VI, 236. Brown, *History of Texas*, I, 116, note, wrongly gives the date 1823.

³*New Orleans Bee*, December 25, 1835.

⁴*Reports of Committees*, 24 Cong., 1 sess., III, No. 854.

⁵See *Virginia Herald*, July 9, 16, 20, 1836; August 17, 1836.

⁶*Richmond Whig*, April 15, 1836.

⁷*Richmond Enquirer*, August 29, 1837. Cf. the suggestion made by Justice

In conclusion, it may be interesting to compare, on the Texan question, the attitude of two of the leading Virginia papers which have been cited above. The *Richmond Enquirer* while suggesting impracticable schemes for the incorporation of Texas with the United States was opposed to the purchase of Texas by our government.¹ On the other hand, the *Richmond Whig* was convinced that Texas must be purchased by the United States government and carved into two or more slave-holding states.² To this paper a war for absolute independence was quite premature and impolitic.³ There was little doubt in the mind of the editor of the *Whig* that our government would gladly catch at the slightest pretext for a quarrel with Mexico, if for no other reason than to divert the people from a scrutiny of domestic affairs.⁴ One of the few articles friendly to Mexico which has been observed during this time is to be found in the columns of the *Whig* of July 22, 1836. The editor seeks to justify Mexico in defending the integrity of her territory and contends that the existing treaty with Mexico was binding upon citizens of the United States. In this same issue is a letter from Isaac T. Preston written to the *New Orleans Courier* of July 2 in which the writer deplores the fact that the treaty between the United States and Mexico had been violated.

Touching a proper boundary line, the *Enquirer* was an ardent expansionist. Quoting the *New Orleans Bee* of March 19, 1836, it says: "Let the independence of Texas be recognized by the United States. Let its bounds be extended to the Rio Grande and to California and the Pacific Ocean and we shall have easy access to Asia."⁵

Catron of Tennessee as to the possibility of American volunteers invading Mexico from Texas. Smith, *The Annexation of Texas*, 53.

¹See *Richmond Enquirer*, October 27, 30, 1835; December 19, 1835.

²*Richmond Whig*, April 15, 1836.

³*Ibid.*, April 29, 1836.

⁴*Ibid.*, May 20, 1836. Wharton, writing to Austin, alluded to the imprudent attitude of the *Whig* touching the annexation of Texas by using language calculated to irritate the North. Wharton to Austin, December 11, 1836. Garrison, *Diplomatic Correspondence of the Republic of Texas*, I, 152.

⁵See Wharton to Rusk, February 16, 1837. "Genl Jackson say that Texas must claim the Californias on the Pacific in order to paralyze the opposition of the North and East to annexation." Garrison, *Diplomatic Correspondence of the Republic of Texas*, I, 193.

The Texas question is tersely dealt with in the following statement: "It is impossible for Texas to remain long under the dominion of Mexico." The character of the "Texonians," it continued, "is essentially different from that of the Mexicans, they know too much of the principles of republicanism, are too much attached to the free institutions they have been taught from childhood."¹

Animated by the spirit of a love of liberty and of hatred of oppression such as characterized their forefathers, Virginians went to Texas and wielded their swords and pens in behalf of the cause of Texas independence.

¹*Richmond Enquirer*, August 7, 1837, quoting the *New Orleans True American* of July 17.

DUGALD McFARLANE

ADELE B. LOOSCAN

About the year 1829 or 1830 there came to Texas, from the state of Alabama, a Scotchman named Dugald McFarlane. He left his native land when a boy of eighteen years or less, and settled first in South Carolina. After a few years he removed to Alabama, where he married Miss Eliza M. Davenport, and lived at or near the town of Tuscaloosa. He was about thirty-three years old when, following in the footsteps of many worthy sons of the South, he, together with his wife and children, emigrated to Texas.

The family traveled overland by private conveyance, and experienced the usual hardships attending a long journey over an unsettled country. Arriving at San Felipe, the seat of governmental authority for Austin's colony, the head of the family selected Matagorda as their future home, and located his head-right on the Colorado river, eight miles above the town. He identified himself with the interests of the settlers about him, and became a most useful citizen. His only surviving child, Mrs. Eureka M. Theall, is living at Bay City, at the home of her daughter, Arie Davenport (Mrs. B. F. Sweeney, Sr.), and from her recollections the leading incidents of his life have been obtained. At the time of the immigration to Texas she was a little toddler, just old enough, as she afterward told, to slip her father's pocket knife into a water jug, which was carried along for the use of the family during a day's journey. She recalls the days of her childhood at Matagorda, when the Indians roamed about the neighborhood, and, as they were Carankawas and reputed cannibals, their visits were greatly dreaded. At that early period the Mexicans traded extensively with the Texans, and their trains of burros loaded with silver dollars to be exchanged for tobacco and other commodities were frequently seen and always welcomed at Matagorda. Mrs. Theall says that, although her parents owned slaves, they were left in Alabama in the care of an uncle, since the laws of Mexico were such that they would have been free on Texas soil. The first servants her parents had in Texas were

Scotch, a man and a woman, who lived with them for two or three years. Many were the hardships for a long time endured by her mother and others who, like her, had been tenderly reared and were now reduced to the hard necessities which life in Texas at that period involved. At one time, as the Colorado river afforded almost the only water supply, the women of Matagorda made its banks their common laundry. Soiled clothing, tubs, etc., were hauled in an ox-cart to the landing; as there were no washboards, the clothes were soaked, well soaped and placed on a strong bench called a "battle-board," designed for the purpose, and thoroughly beaten with a heavy paddle. They were dried on the bushes. In this primitive fashion were the women obliged to carry on one of the most important branches of their household economy.

The first two-story house erected on the bay shore of Matagorda, known as the Bluff, was built by Dugald McFarlane, and was for many years the home of himself and family. It was so tall that it served as a kind of a landmark for the ships at sea, and the sailors kept a lookout for "McFarlane's Castle," as they were wont to call it. Colonel S. R. Fisher owned the only other house on the Bluff in the early Colonial days.

Dugald McFarlane was a Royal Arch Mason of the thirty-third degree. "By dispensation of the Grand Lodge" of South Carolina, he was sent to Alabama to establish Masonic lodges. His daughter has the Masonic chart issued to him by the Grand Lodge of South Carolina. It is of vellum and is inscribed with the autographs of the officers of the lodge. This chart was carried by its owner throughout the Texas revolution, and it was twice captured by the Mexicans, but each time was returned to its owner by order of Santa Anna, who was himself a Mason. This valuable Masonic chart possesses a double value to its owner from the fact that it was filled in by her mother. Her father's great interest in Masonry induced him to write a "History of Freemasonry," which is incomplete, but has been carefully preserved by her, together with other records by his hand. His name occurs in Masonic records as occupying such honorable positions as Grand Lecturer, and District Deputy Grand Master of District No. 2, which was the district of Matagorda. One of the early lodges at San Augustine bore the name McFarlane No. 3.

Mrs. Theall is of the opinion that there was a lodge at San

Antonio established by her father, but I could find no record of it in the "Proceedings of the Grand Lodge of Texas," mentioned in a succeeding note.

When, in 1835, the oppression of the Mexican government became unbearable to the Texas colonists and a revolution was their only recourse, Dugald McFarlane enlisted in the volunteer army as a private.

History relates that, on November 21, 1835, as a member of Captain Philip Dimmit's company at Goliad, he was one of a committee of five elected to prepare a preamble and resolutions expressive of their confidence in their captain, and their belief in their right, "under existing regulations—or, rather, during the want of all regulations," to elect their company officers. This was simply the assertion of their privilege and right as citizen volunteer soldiers to elect their immediate commander, and was a vigorous protest against an order from headquarters at San Antonio to Captain Dimmit to deliver the command of the fort and town to Captain George M. Collinsworth.¹ The same history relates that on December 20, 1835, Dugald McFarlane's name was enrolled among the ninety-two men, many of them members of Captain Dimmit's company of volunteers, who signed and published what is known as the "Goliad Declaration of Independence." Brown says² that fully a third of these signers "maintained their pledges with their lives, largely as members of Fannin's command."

During the revolution Dugald McFarlane rose to the rank of captain of artillery, and at one time had from four to six cannon under his orders. His daughter related that, while in command of this company, he was so closely pursued by the Mexicans that, to prevent his guns from falling into their hands, he sank two of them into the Brazos river at Brazoria. The following letter from her gives an account of this interesting episode:

He was on his way to San Jacinto, had crossed the Brazos river and was marching toward the scene of conflict; they were near enough to hear the booming of artillery and the shouts of the soldiers, but suddenly they saw approaching a large body of Mexicans, who had discovered my father's cannon, and about the same time they started in pursuit of his company. There was

¹See Brown, *History of Texas*, I, 376-7. The daughter of George M. Collinsworth, Mrs. Rebecca Turner, is living at Angleton, Brazoria county.

²*History of Texas*, I, 432.

nothing left for him to do but order a retreat, which he did, the Mexicans in pursuit. He reached the Brazos and embarked some of the guns, carriages, and men; the ferryboat was not nearly large enough to cross all at one trip, time was too precious to waste, so they could not wait to load the other guns, as the river was on a boom at the time, and the current very strong. It would have jeopardized the lives of the soldiers too much to risk the loading of the other guns, so my father ordered them sunk in the muddy, turbid stream, where they were completely lost in the mud. The Brazos resembles the Mississippi in the turbidity of its waters during a freshet, as the mud boils up from the bottom. So it was not when General Urrea invested Brazoria that the cannon were sunk, but it may have been at this time that the Masons had to meet under a liveoak tree, as they had no lodge room.¹

Dugald McFarlane seems to have continued in the army after the battle of San Jacinto, which, by giving victory to the Texans, had caused many soldiers to feel that they were justified in returning to their homes. His name occurs as captain of artillery in the list of appointments sent by President Sam Houston to the Senate for approval on May 10, 1837, and, in the *Secret Journals of the Senate of the Republic of Texas*, these names are printed under the heading, "A List of Officers actually in the Service of the Army of the Republic of Texas."²

In 1842 McFarlane returned to civic life, and we find him representing Matagorda county in the Congress of the Republic of Texas during 1842-43. At this time he was known as Colonel McFarlane, and when the war between the United States and Mexico broke out in 1846, he again enlisted in military service. His son also entered the service of the United States at this time and was adjutant of a New York regiment during the Mexican War.

¹In a reminiscence of Masonry in Texas written by a distinguished member of the order the following words were used: "In March (1836) Brazoria was abandoned. Urrea soon took possession of the place at the head of a detachment of the Mexican army, and the records, books, jewels and everything else belonging to the lodge were utterly destroyed by them and our members scattered in every direction. See *Proceedings of the Grand Lodge of Texas*, 5837-5853, Vol. I, page 7.

According to the Diary kept by General Urrea, he occupied Columbia and its Port at four o'clock on the afternoon of April 21, 1836, and on the 22d marched to Brazoria, which he reached at 10 a. m. of the same day. "See pp. 25 and 26 *Diario Militar del General José Urrea Durante La Primera Campaña de Texas*, 25-26."

²See the Journals just cited, pages 44-45.

Dugald McFarlane was about five feet ten inches in height, well proportioned and strongly built, of fair complexion, light blue eyes, light brown hair tending toward auburn; his habitual expression indicated firmness of purpose, tempered by tenderness and kindness. He was perfectly erect, had a military bearing, was dignified but genial in manner, very strict as to morals, veracity and all good conduct. He was a born commander, whose men were drawn to him by the strong ties of confidence and friendship. His latter years were passed at Brazoria, where he had many friends, and there, in March, 1861, at the age of sixty-four, he breathed his last. Thirty-one years of his eventful life had been given to Texas, and this period was just completed on the eve of another eventful era in the history of his adopted land.

Dugald McFarlane was not only a colonist of Texas, a soldier and officer in her armies, and a law-giver of the Republic, but he was also a thoroughly successful teacher, a man of letters, and a pioneer journalist—a man of versatile talents, such as go to make an ideal citizen. He kept a diary, and therein were recorded details of thrilling historical events in which he had borne a part. His participation in the revolutionary war of 1836 and again in the war between the United States and Mexico caused writers of history to consult him when preparing their records. He corresponded with Brown and with Robinson on these subjects. He was intensely interested in all public matters, and contributed to newspapers and magazines, especially to papers published at Matagorda and Brazoria. Among these were *The Democrat* and *The Planter*, and the consolidated *Democrat and Planter*. In the *Columbia Democrat*, published every Tuesday by E. H. Cushing, may be found a "Chronological Index of Texas History," the careful work of his hand, signed "Dugald."¹

In partnership with his son-in-law, Joseph Theall, he published at Matagorda *The Chronicle of the Times*. His interest in Masonry induced him to contribute to *The Masonic Signet and Journal*. Among his contributions to *The Chronicle of the Times* was a series of sketches called "Rumpled Records of a Buckskin Budget," which were copied from that paper by *The Democrat*. The name suggests adventure, sport, pioneer life in plenty, and would no doubt reveal pen pictures of the times and tell us much

¹From an undated clipping.

of the life of him who gave them their euphonious title and signed himself "Dugald." Are they in existence? Probably stored away in some attic, or packed away in some chest whose original owner has long since died, these records of an interesting past may be brought to light.¹

Dugald McFarlane left two children, a boy and a girl. When the former, William Wallace, was about fourteen years old, as he was of delicate constitution, through the advice of the physicians who recommended a long sea voyage, he entered the service of the Texas navy. Captain Taylor, who was a friend of the family, selected the lad as one of his aides. In naval records of a later date his name appears as a midshipman, on board the *Austin*, flagship of Commodore Edwin W. Moore. When, after many trying experiences, this branch of the service of the Republic of Texas was finally disbanded, he was qualified to enter the service of the United States with the rank of captain. For a long time he served as quartermaster at Tampa Bay, Florida, and was then transferred to San Antonio, Texas, where he remained about four years. He then went north again, and was sent to sea, making trips for the government to the Guano Islands, and was in command of a ship to the Mediterranean. After engaging for a while in the oil refining business in New York, he again entered the government service and held positions in the postoffice department in New York City and Springfield, Massachusetts. During the Mexican War (1846-48) he served as adjutant in a New York regiment. He died several years ago,² survived by his widow and a son and daughter. Recent letters announce the death of the widow at the age of seventy.

Mrs. Theall, the surviving daughter of Dugald McFarlane, inherited much of her father's talent; she was sent to school in Kentucky, where she received a liberal education, which fitted her for the vicissitudes of a long life full of good deeds. Her husband, Joseph Theall, served in the Confederate army in Captain Lewis Stroble's cavalry, and afterward in the commissary department under Captain William McMaster at Columbia, Texas.

¹Mrs. Theall says she had a small box containing her father's manuscript, which was nailed up and put in a crib or loft of her house at Columbia (probably the oldest house in the country), which is now occupied by one of her grandsons.

²See Dienst, "The Navy of the Republic of Texas," *THE QUARTERLY*, XIII, 19.

Exposure in the service injured his health. He was for many years an invalid. After the war Mrs. Theall opened a school at Brazoria; she also taught at Columbia, and was for seven years postmistress at the latter place. Her acquaintance in Brazoria county was large, and the many pupils who profited by her instruction regard her with affection and gratitude. She is familiar with the historic localities of that section, and numbers among her former friends prominent citizens of the early days, who have passed away. While she contributed to the press from time to time, her pen was used chiefly as a recreation, and she preserved none of her writings. She was the mother of two sons and two daughters, and the care of her family and household filled her life. But one of her children survives, the daughter with whom she makes her home, and whose family are all settled in Bay City and Brazoria and Matagorda counties. While the weight of eighty-odd years has impaired her physical strength, her mental grasp is vigorous, and her fine memory summons at will varied and interesting pictures drawn from her many eventful years in Texas.

CORRESPONDENCE FROM THE BRITISH ARCHIVES
CONCERNING TEXAS, 1837-1846

V

EDITED BY EPHRAIM DOUGLASS ADAMS

ELLIOT TO ABERDEEN¹

No. 6.

Galveston April 25. 1843.

My Lord,

I have the honor to report that the two Texian Vessels of War "Austin" and "Wharton" sailed from the N. E. Pass of the Mississippi on the 19th Instant, destined as it is generally supposed, to the Coast of Yucatan. It is certain that this step has been taken by the Commander of the Vessels in spite of repeated positive orders of this Government to return direct to this Port. And I am in a situation to inform Your Lordship that the arrangements between that Officer and the persons in authority in Yucatan were made without the sanction of this Government, and have been disavowed and disapproved in the most unequivocal language by the President of Texas.²

The embarrassments of this Government upon the subject must no doubt be much increased, if a report which has recently been circulated in this place be well founded, and I am disposed to attach credit to it. That statement is that the Government of the United States has directed it's Agent here to call upon this Government to desist from any further pursuit of the unsustainable character of Warfare which has been waged between this Republic and Mexico for some time past, and has further notified that Instructions to the same effect will be transmitted to their Minister at Mexico. I should perhaps mention that I have not heard that these last instructions direct General Thompson to press the point of the acknowledgment of the Independence of Texas on the Mexican Government but merely the cessation of the objectionable description of Warfare. Neither do I hear or ob-

¹F. O., Texas, Vol. 6.

²For additional facts concerning the course pursued by Commodore E. W. Moore, see *THE QUARTERLY*, XIII, 113 ff.

serve any thing disposing me to modify the opinion that there is no earnestness upon that subject at Washington on the Potomac.

The Texian Vessels are said to be incompletely manned, with crews of a mixed character: I make no doubt, however, that they will be handled with becoming behaviour if any opportunity of collision presents itself, but I am afraid that there is no room to expect that this unauthorized proceeding can produce any other than injurious consequences. If there be success, and the Officer is sustained by the people here it will be a triumph over the Authority of the Government and the Law, and in other respects probably not very remote, of extremely unfortunate tendency.

And if there be a reverse the consequences will of course be very serious. In the mean time the state of the fact is, that these Vessels are sailing the Seas without due warrant from any constituted Authority. And I have had enough of experience of Naval Affairs to offer the opinion that the power of the Officer in Command to maintain any more control over their movements than may be agreeable to the general will of the Crews, will disappear as soon as it is generally known that He is himself acting in violation of the orders of his Government

I must not close this despatch without once more assuring Your Lordship that there is not the least doubt that the step this Officer has taken is entirely upon his own responsibility, and contrary to his knowledge of the desire of the Government that He should repair direct to this Port. I shall consider it my duty to forward extracts of as much of this despatch to the Senior Officer of Her Majesty's Ships in the Gulph of Mexico, as may place him in possession of the circumstances under which these Vessels are operating, with a suggestion that their movements should be reported to the Commander in Chief, to Her Majesty's Minister at Mexico, and in the event of any proceeding of consequence, by any direct means which may present themselves to England.

Charles Elliot.

The Right Honorable

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN¹

No. 7.

Galveston April 29th. 1843.

My Lord,

The accompanying Newspaper² contains a letter from Mr. Van Zandt, Chargé d' Affaires of this Republic near the Government of the United States to the Address of Mr. Archer, Chairman of the Committee on Foreign Relations in the Senate of the United States, in support of the proposed treaty between the two Republics. It will be observed that the treaty was not ratified by the Senate of the United States; but Containing the principles of the arrangement as assented to by the two Governments, I have considered it proper to submit Mr. Van Zandt's letter for Your Lordship's information.

The refusal of the Senate of the United States to ratify the treaty with this Country has led the President to direct the enforcement of the provision of the tariff Laws of Texas, levying a duty of 5 per Cent ad valorem on Imports in Vessels of Countries, not having treaties with this Republic.

Charles Elliot.

To The Right Honorable.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN³No. 9.⁴

Galveston, May 9th, 1843.

My Lord,

The Inclosure No. 1 is the copy of a despatch from Her Majesty's Chargé d' Affaires at Mexico covering copies of a Communication addressed to him under date 19th April by Senor de Borangra, ⁵ and of his own reply dated on the same day, but as these last will have no doubt already reached Your Lordship direct from Mexico I do not transmit them through this Channel. I have

¹F. O., Texas, Vol. 6.²*The Texian and Brazos Farmer*, April 15, 1843.³F. O., Texas, Vol. 6.⁴No. 8, Elliot to Aberdeen, acknowledging receipt of despatches, is omitted.⁵José María de Bocanegra.

also the honor to forward the Copy of my own reply to Mr. Doyle.¹

There seems less reason to think that these declarations of the Mexican Government are the forerunners of any serious attempt to recover it's Authority over this Country than to discourage [emigration?] to it, and prevent it's settlement. But continued hostilities of this partial nature, (particularly if they be preceded, as the last were, by fallacious proclamations that the advancing parties were the Van Guards of invading Armies, and now by a declaration of a very unsustainable description as regards the rights of Neutral Governments and their Subjects) will probably attract the serious attention of Powers having treaty relations with Texas.

It may be added too that their object of preventing the Settlement of the Country seems to be ill-considered both as respects the hope of fulfilment, and the consequences of the mode of operation. For though it is quite true that the Mexican Government has succeeded in obstructing the settlement of the Western Country by steady and respectable people disposed to cultivate the Soil in peace, and particularly by European Emigrants whom the Climate and advantages of that portion of the Republic would otherwise attract, it is no less true that that Section of Texas is becoming the resort of Men from all parts of the World ready for, and equal to desperate enterprize of any description.

If General Santa Aña cannot be promptly arrested in this bad policy I am afraid it will soon be found that He is doing no more than securing the rapid organization of advanced bands of what will accumulate into a formidable irruptionary Movement.

Your Lordship will be enabled to judge in some degree from the inclosed proclamation² how disquietingly the actual State of Western Texas sustains this reasoning, and it is my duty to add that

¹Percy Doyle, British chargé d'affaires at Mexico in 1843, after Pakenham's return to England, and until Bankhead's arrival in Mexico in March, 1844.

²Proclamation of the president, April 27, 1843. It declared martial law in the territory between the Rio Frio and Nueces Rivers and the Rio Grande, and ordered all armed parties upon the western frontiers, claiming to act under authority of the government, except Major John C. Hays, to disperse, and not further to molest the citizens of the frontier by acts of lawlessness (*Telegraph and Texas Register*, May 17, 1843).—EDITORS OF THE QUARTERLY.

with wise and honorable dispositions on the part of the Government of Texas, It is wholly without power to regulate or control the course of events in the particulars now drawn under the attention of Her Majesty's Government.

There is much reason to fear that the Mexican Government has suffered itself to be precipitated into the dismal Measure of decimating the Texian prisoner's taken at Mier, and lately recaptured after a successful rise against their guard. It is impossible to ascribe such extraordinary ignorance of the character of these people to General Santa Aña, as to suppose that He could think after a moment's reflection that such Measures were calculated to intimidate them, and hasty orders upon a subject of so much moment, and such very serious consequences can not be too deeply deplored. If these proceedings have had place they will influence these people to the highest degree, and in other respects cast increased difficulty upon the Mexican Government that there was much need for more prudent Conduct.

It will probably be declared here that some of the prisoners put to Death by these undistinguishing orders were amongst those who used their best efforts to prevent outrage, and absolutely risked their lives, in the attempt, and the Mexican Government has unhappily deprived itself of conclusive means of refuting such allegations. But beyond this I am sure it will be felt by Her Majesty's Government that the Mexican Government was bound by the conditions of the Capitulation assented to by their Commanding Officer at Mier, and the act of successful rise of a body of prisoners against their guard is no warrant for any other Measures than those of more effectual precaution, if they should be retaken.

If particular outrage was charged against them, enquiry should have been had in a regular Military Way, however summarily, and no blame could have attached to the Mexican Government for any proceedings it might have seen fit to take after investigation by responsible Officers. I anxiously hope that General Santa Aña, will upon more mature reflection have dispatched orders of a more suitable nature than those in question here, and that they will have arrived in time to prevent a shocking event.

H. M. S. *Spartan* sailed again for Vera Cruz this day with my reply to Mr. Doyle.

Charles Elliot.

To The Earl of Aberdeen, K. T.

DOYLE TO ELLIOT¹

[Enclosure] Copy.

Mexico, 20 April 1843.

Charles Elliot.

Sir,

I have the honor to inform You of my arrival in Mexico, having been accredited in the Character of Chargé d' Affaires of this Government.

I take the earliest opportunity of communicating to you a note which I have this day received from the Mexican Government, intimating that on the entry of their troops into the Territory of Texas, they will acknowledge no right, whether as respects their persons or their property, in such individuals as may be found established in that Country, and who may be taken prisoners, nor will they reply to any representations addressed to them in favour of such prisoners,—that they will treat all who may be found in Texas as actual invaders and enemies of the Republic, and will cause them to be punished according to the laws of Mexico. They also protest that they will not acknowledge any right in foreign Consuls found in that Territory to be treated otherwise than as Neutral Foreigners, intimating that such character even will not be respected in case they oppose, either directly or indirectly the right, in its full extent, whereby Mexico is endeavouring to recover possession of her Territory.

I have the honour to transmit to you a copy of the reply which I have thought it my duty to return to this Communication of the Mexican Government.

I have requested the Honble. Captain Elliot² of Her Majesty's Ship "*Spartan*" to proceed to Galveston as soon as he may consider it compatible with the interests of Her Majesty's Service, in

¹F. O., Texas, Vol. 6.

²George Elliot, in command of H. M. S. *Spartan* until June 27, 1843, when he was promoted to the command of the *Eurydice*. (British Sessional Papers, 1844—Commons—Vol. 33. Return of Naval Appointments from October 1, 1841, to March 1, 1844, p. 3.)

order that you may be enabled to take such Steps as may seem expedient to you for the protection of British Subjects and their interests under the extraordinary circumstances of this crisis, but as it is necessary that the "Spartan" should return without delay to the Mexican Ports for the purpose of conveying specie to our Colonies, I trust you will not find it necessary to detain her long.

I have been informed that it is the intention of the Mexican Government, as soon as they shall have brought the Department of Yucatan back to its allegiance, to direct the Squadron, together with a considerable land force, upon Texas, and as intelligence has just reached Mexico of the submission of Merida the Capital of Yucatan, and the adherence of Genl Yuran,¹ a person of considerable influence among the aborigines, who constitute a majority of the population, it is probable that the whole force now employed in that quarter may shortly be disposable for any operations which the present Government of this Republic may think fit to undertake.

I shall also write to Admiral Sir Charles Adam,² to inform him of what has occurred, in order that he may take whatever steps he may think necessary on this occasion

Percy W. Doyle

Captain Charles Elliot.

[Endorsed] Inclosure No. 1 in Capt'n. Elliot's Despatch to Lord Aberdeen. No. 9. May 9th. 1843.

ELLIOT TO DOYLE³

[Enclosure] Copy.

Galveston May 7th. 1843.

Charles Elliot

Sir,

I have the honor to acknowledge your letter of the 20th Ultimo, with its Inclosures.

It is to be wished that your note of the same date (20th April) to Senr. de Bocanegra may have reminded the Mexican Government of the grave character of any hostile movement against this

¹Santiago Iman.

²Commander in Chief in the West Indies, 1841-1845. (Stephen, *Dict. Nat. Biog.*, I, 85.)

³F. O., Texas, Vol. 6.

Country preceded by a plain declaration of the determination to disregard treaty engagements between other Powers and this Republic, practically denying to the Governments of great and friendly Countries, any right to clothe their servants with a public character in Texas, and further giving special warning that the Mexican Government will only consider these Officers to be neutral foreigners, and separate them from the classification of real invaders, and enemies of Mexico into which all other foreigners found in this Country are to be cast, and from punishment as such according to the laws of Mexico, upon the express condition that they neither directly or indirectly oppose themselves to the full exercise of the rights of Mexico to recover its authority over Texas, as expounded by the Mexican Government, and exercised by Mexican Military Officers

In the event of the entrance of a Mexican force into this Country Her Majesty's Officers here will regulate their proceedings, by the rules of public law, for the government of neutrals in such Cases.

And if such a circumstance should take place before I can receive instructions from Her Majesty's Government, I shall consider it incumbent upon myself formally to declare and assert the privileges and immunities of Her Majesty's Officers in this Republic as well as the rights and liabilities of all Her Majesty's other subjects resident or trading here

I shall also hold it to be my duty to protest against the consequences of any hostile movement founded upon the purposes or principals declared in Senr. de Bocanagrar's note of the 20th Ultio. or to be undertaken till those principles and purposes shall have been authentically disclaimed and disavowed, so far as they menace the rights and safety of Her Majesty's Officers and Subjects resident or trading here.

Charles Elliot.

Percy Doyle, Esq. Her Majesty's Chargé d' Affaires Mexico.

[Endorsed] Inclosure No. 2 in Captn. Elliot's Despatch to Lord Aberdeen. No. 9. 9th May. 1843.

ELLIOT TO ABERDEEN¹*Private.*

New Orleans, May 12th 1843

My Lord

On my arrival here whither I have taken the liberty to come on my way to Havanna to meet Mrs. Elliot I find that accounts have reached this place which do not seem to be doubted by persons competent to Judge, though they are certainly entirely at variance with those that reached us at Galveston by H. M. S. "Spartan" coming direct from Mexico. The last tidings, however, are necessarily much later, and I should presume more trustworthy. By them it appears that a division of the Mexican force moving upon Merida, and said to consist of nearly 2000 Men, found themselves compelled to surrender by Capitulation, from want of secure communications with their Squadron, and failure of Supplies.

Agreeably to the reported terms of the Capitulation the surrendering force was to depart for Mexico in 8 days, with their Arms, but their Artillery and Materiel to be held by the Yucantanese till affairs are finally adjusted between the contending parties. This event is said to have taken place on the 24th Ultimo. It is also reported that Commodore Moore with his two Texian Vessels of War have been partially engaged with the Mexican Steam Ships and succeeded in checking them.

I use the freedom of this mode of communication to mention to Your Lordship that I am troubled with an Ague contracted in a long and painful Service in hot Countries, and I should consider it a favor if Your Lordship would sanction my passing the Months of July, August, and September in the Mountains of Kentucky where I have been advised as there are Springs of great virtue for Complaints of that kind. I have the less reluctance in proffering this request, as I can always be at my post within two weeks from that Situation, and be in the constant receipt of tidings from Texas of ten days or a fortnight's date. It may also be added that Congress in Texas does not meet till December, and the Officers of the Texian Government usually disperse during the hot Season.

Charles Elliot.

The Earl of Aberdeen, K. T.

¹F. O., Texas, Vol. 7.

KENNEDY TO ABERDEEN¹*Separate.*British Consulate
Galveston, May 15th. 1843.

My Lord.

In the absence of Captain Elliot, Her Majesty's Chargé d' Affaires in Texas, who left Galveston last week for New Orleans, I have the honor to transmit Copies of three documents which have emanated from the Government of this Country, relative to the position of the Texian Navy now at Sea, and the steps taken by the Executive with regard to it's Commander, Commodore Moore: namely,

No. 1. Copy of a Proclamation by the President; dated March 23rd. 1843.²

No. 2. Copy of a despatch to Commodore Moore from the department of War and Marine; dated March 21st. 1843.

No. 3. Copy of Instructions issued by the Executive to Commissioners James Morgan and William Bryan Esquires, dated March 23rd. 1843

In addition to the above, I have the honor to inclose the Copy of a despatch to Captain Elliott, and the Copy of a letter to the Collector of Customs at this port (as the intermediate agent of the President) in explanation of the Circumstances under which I have deemed it my duty to communicate to Your Lordship the papers herewith sent.

I shall forward to Captain Elliott, under Cover to the British Consul at New Orleans, by the same Conveyance that bears this, the whole of the documents addressed by President Houston to Her Majesty's Chargé d' Affaires

The President, writing to Captain Elliot, states that "All that has been done by Commodore Moore since the 5th Ultimo, has been in violation of orders, and under suspension and arrest." "On the 5th April," he adds "the order of the Department of War and Marine was placed in his (the Commodore's) hands."

It seems to be the hope and wish of the President that Her Majesty's Government may receive the Proclamation and collateral documents as evidence of the sincere and anxious desire of his

¹F. O., Texas, Vol. 7.

²The proclamation is printed in THE QUARTERLY, XIII, 110-111.

Government to prevent aggressive Action against Mexico, unless offensive operations should be rendered necessary by the Conduct of that Country towards Texas.

William Kennedy.

H. B. M. Consul at Galveston

May 16th. The Steamer for New Orleans has delayed its departure until today, which gives me the opportunity of forwarding a published letter from Commodore Moore that has just appeared.¹

W. K.

The Earl of Aberdeen, K. T.

HAMILTON TO MOORE.²

Copy.

Department of War and Marine

Washington 21st March, 1843.

To Post Capt. E. W. Moore. T. N.

New Orleans.

Sir.

Your Communication of the 10th inst. has just been received; by which the Department is advised of the receipt by you, of orders dated 22nd Jany. last requiring your immediate presence at the Seat of Government, and notified at the same time, that you decline the execution of the same.—Alleging as a reason for thus disregarding the plain and positive Commands of the President, that you have been placed “in Command by the Constituted authorities of the Country, and acting under orders from the Department, from which source alone you look for orders (which have never been rescinded or countermanded”).

Notwithstanding the orders to you of 29th October, reiterated on the 5th and 16th November, to report with the vessels under your Command, at Galveston; which orders you acknowledge to have received, and which were repeated again on the 2nd Decr. with the additional injunction to report in person to the Department; and renewed on the 2nd of January³—which last you have also received, as allusion is made to it in your Communication.

¹Page 307 below.

²F. O., Texas, Vol. 7.

³The order of January 2, 1843, is printed in *Secret Journals of the Senate, Republic of Texas*, 265.

The "Sealed Orders" to which you refer were issued under the belief that you could, with the means placed in your hands by the Govt. prepare the Squadron for sea, and on that condition alone. You failed to do so, rendered the orders null; and hence your orders to proceed to Galveston and report; which, in the opinion of the Department, countermanded your previous orders to cruize upon the Gulf. That you may *distinctly* understand the wishes of the Department, however, the "*Scaled orders*" of 15th Sept 1842, *together with all others, not in accordance with this, are hereby revoked.*

Any negotiations which may have been concluded, or may now be in progress with the Commissioners of the Government of Yucatan, have been entered into without the Authority or sanction, or even knowledge of the Government, and will not be recognized by it.

In consequence of your repeated disobedience of orders, and failure to keep the Department advised of your operations and proceedings, and to settle your accounts at the Treasury within three, or at most in six months from the receipt of the Money which has been disbursed as the laws require, and as you were recently ordered to do, You are hereby suspended from all Command, and will report forthwith in Arrest, to the Department, in person.

Any interference on your part with the Command, or with those who have been directed to assume it, will be regarded by the Government as Mutiny and Sedition, and punished accordingly.

By Order of the President.

M. C. Hamilton

Actg.: Sec: War and Marine

[Endorsed.] No 2. In Mr Consul Kennedy's despatch marked "Separate" of May 15th 1843.

HOUSTON TO MORGAN AND BRYAN¹

Copy.

To James Morgan.
and Wm. Bryan, Esquires.

Executive Department
Washington, Texas.
March 23d/43.

Gentlemen,

Your report of the 10th inst. with the accompanying papers, has

¹F. O., Texas, Vol. 7.

been laid before me, by the acting head of the War and Marine Department. In full contemplation of all the subjects involved in the transaction, I must now render my orders, touching the attainment of the design of Congress, in passing the Secret act for the disposition of the Navy.¹

Col. William Bryan, Consul of Texas, and Naval Commissioner, will immediately proceed to New Orleans, and in connection with Col. James Morgan, also Naval Commissioner, employ all proper and legal means to get possession of the National vessels, the Ship Austin and Brig Wharton, likewise all the public Stores, arms, equipments, and public property, of every description, belonging to the Republic; holding the same subject to the future orders of the Government of Texas. Should any resistance be made to the orders of this Government, by any officer of the Navy, or by other persons, you will apply, in the name of this Government, to the Federal or other proper Authorities of the United States, and demand of the same, such aid, as may be compatible with the relations of the two Countries, and the Laws of Nations

Post Captain E. W. Moore has had no authority from this Government, to Ship Men, appoint officers, enlist marines, or do any other act, or thing, but to sail to the port of Galveston, and report, or turn over the Command of the Navy to the Senior officer next in rank present, and report in person to the Department. Since the 29th October 1842, he has had no Authority to enter into any arrangements with Yucatan, nor could do so, without contumacy to his superiors, or treason to his Country. The fact of his shipping men, or enlisting or receiving, volunteer marines, with an intention of going out to Sea, without the orders, or sanction of his Government, or contrary to order, on armed vessels, will clearly render it a case cognizable by the Government Authorities of the United States. His setting at "defiance the laws of his own Country" to which he owes allegiance, is clearly treason.—When the orders under which he received his "Sealed Orders" were suspended, by the order for him to repair to Galveston, the "Sealed Orders" were of no avail, and it is his duty to return them "Sealed" to the Department: as the event authorizing *the Seal to be broken* has not transpired, and can not now occur, under the Sanction of his

¹The secret act to provide for the sale of the navy of Texas is printed in *Secret Journals of the Senate, Republic of Texas*, 316.

Government.—His existence as an officer is derived from the organs and functionaries, under the Constitution and Laws of Texas, and he is bound to know and obey them. Not to obey, is “Unofficer-like” to “resist” them is “Mutiny,” and to “defy” them is “treason.” For him to *persist would be “Piracy.”*

Should Post Captain E. W. Moore not forthwith render obedience to the orders of the Department, with which you are furnished, you will have published, in one or more Newspapers, in the City of New Orleans my Proclamation, and forward one authentic Copy with which you are furnished to the Hon. Ashbel Smith, Chargé d’ Affaires of Texas, to France, at Paris, and also a Copy to our Chargé d’ Affaires to the United States, the Hon. Isaac Van Zandt, at Washington City.

It is deplorable for a Nation to be reduced to the dilemma of either exposing the Shameless delinquencies, and most flagrant crimes of her officers, or suffer herself to become the object of contempt, or the victim, of insubordination and anarchy.

Our national humiliation is attributable to a few disorganizing men, who seek power without Merit, and a few incendiary presses, which are supported by such men, with the avowed design, of prostrating the Constitutional Officers, by Revolution. *They shall fail.*—I suggest these facts, that you may meet and counteract their influence for the Nation’s sake, and honor. I beseech you to intermit nothing, until you have accomplished, the objects of the law, for the prompt execution of which you were appointed

Should sickness, or any other cause, prevent the Commissioners, from acting jointly, they, or either of them, may act in all things, separately and singly, but not adversely.

Sam. Houston

[Endorsed.] No 3. In Mr Consul Kennedy’s despatch marked “Separate” of May 15th 1843.

KENNEDY TO ELLIOT¹

Copy.

British Consulate.

Galveston, May 15th 1843.

Sir,

Major Cocke, Collector of Customs at this port, called upon me yesterday Morning, bearing a packet from President Houston,

¹F. O., Texas, Vol. 7.

addressed to you, which I was given to understand the President was desirous I should open, in the event of your absence.—Packets containing similar enclosures—Major Cocke informed me—had been simultaneously transmitted to the Ministers of France and of the United States, resident at this place.

Permit me to refer you, for explanation of the course I deemed it best to pursue, to the enclosed Copy of a letter to Major Cocke, acknowledging the receipt of the packet and its enclosures

I beg to assure you, Sir, that it was with reluctance, I opened a Communication addressed to you, notwithstanding the intimation of Major Cocke, who was aware of its contents. On this occasion, however, the persuasion that I should be acting as you would wish me to act under the circumstances, and that I should thereby best consult the interests of the service, induced me to waive my scruples,—More especially as the packet bore not the slightest intimation of being other than of a purely public character.

William Kennedy

Captain Chas. Elliot. R. N.

[Endorsed.] No 4. In Mr Consul Kennedy's despatch marked Separate of May 15. 1843.

KENNEDY TO COCKE¹

Copy.

British Consulate.
Galveston, May 15th 1843.

Sir.

I beg to acknowledge the receipt, through your hands, on yesterday, of a packet transmitted by the President, General Sam Houston, to Captain Elliot, R. N., Her Britannic Majesty's Chargé d' Affaires in Texas, and, which in consonance with your suggestion,—as being agreeable to the wishes of the President, and otherwise expedient,—I opened in your presence.—The said packet contained the following documents, viz:—

No. 1. Copy of a Proclamation by the President of the Republic, respecting Commodore Moore and the Texian Navy; dated March 23rd 1843.

No. 2. Copy of a Despatch to Commodore Moore, from the Department of War and Marine dated. March 21st 1843.

¹F. O., Texas, Vol. 7.

No 3. Copy of Instructions issued by the President to the Commissioners, James Morgan and William Bryan, Esquires, dated March 23rd 1843.

Nos. 4 and 5. Two letters from the President to Captain Elliot.¹

By the return of the Hon, Anson Jones Secty of State, to the Seat of Government, the President will have been apprized of the absence of Captain Elliot from Galveston, he having proceeded to New Orleans, for the purpose of meeting his lady at Havannah, on her way from England. Under the circumstances, and being in the receipt of no specific instructions, I shall feel it my duty forthwith to transmit the several documents heretofore named and enumerated under cover to the British Consul at New Orleans, for Captain Elliot; and to forward, at the same time, copies of the President's Proclamation, the Despatch to Commodore Moore, and the Instructions to the Commissioners, Messrs. Morgan and Bryan, to Her Majesty's Principal Secretary of State for Foreign Affairs.

Do me the favour to convey to the President the assurance of my profound respect

William Kennedy.

H. B. M. Consul at Galveston

Major Cocke, Collector of Customs.

P. S. Should Captain Elliot be in New Orleans on the arrival of the New York Steamer, (by which I shall forward the communications addressed to him by the President,) it will not, of course, be necessary for my Agent to transmit the documents I have mentioned to Her Majesty's Secretary of State.

[Endorsed.]. No. 5. In Mr Consul Kennedy's despatch, marked "Separate" of May 15th. 1843.

¹For the first of these letters, see Elliot to Aberdeen, No. 10, May 29, 1843. The second is presumably Houston's letter of May 13, enclosed in Elliot to Aberdeen, *Secret*, June 8, 1843. Pp. 311-312, 318-321.

MOORE TO THE TEXAS TIMES¹

Texas Sloop of War Austin,
Outside N. E. Pass, Miss.

April 19th, 1843.

Mr. F. Pinckard, Editor of the Texas Times,
Galveston, Texas.

In the event of my being declared by proclamation by the President as a Pirate, or outlaw; you will please state over my signature that I go down to attack the Mexican Squadron, with the *consent* and *full concurrence* of Col. James Morgan, who is on board this Ship as one of the Commissioners to carry into effect the secret act of Congress, in relation to the Navy, and who is going with me, believing as he does that it is the best thing that could be done for the country.

This Ship and the brig have excellent men on board, and the officers and men are all eager for the contest.—We go to make *one desperate struggle* to turn the tide of *ill luck* that has so long been running against Texas.

You shall hear from me again as soon as possible.

E. W. Moore.

ABERDEEN TO ELLIOT²

Draft.
Captain Elliot.
No. 5.³

Foreign Office
May 18th. 1843.

Sir,

I have received your Letter of the 29th of March, in which you inform me that a Texian Citizen named Robinson had arrived in Texas bearing to the President of Texas from General Santa Anna Propositions of a peculiar but pacific character for the adjustment of the Differences between the Two Countries

Those Propositions although calculated and perhaps intended to

¹Quoted by *The Morning Star*, May 18, 1843.

²F. O., Texas, Vol. 6. The concluding phrase of the last paragraph only has been printed in Garrison, *Diplomatic Correspondence of the Republic of Texas*, III, 1096; in Am. Hist. Assoc. *Report*, 1908, II.

³Nos. 1, 2, 3, and 4 Aberdeen to Elliot have been omitted. No. 1 transmitted correspondence with Ashbel Smith on the *Guadalupe* and *Montezuma*. No. 2 was an inquiry as to the fate of a Mr. Orr, and No. 3 in regard to a Mr. J. Dickson. No. 4 transmitted a despatch from Parkerham, descriptive of the war between Mexico and Texas.

afford an opening for further Negotiations, do not appear to Her Majesty's Government to be of a very practical description, nor fitted in their present shape to create more than a faint hope of a satisfactory Settlement of those differences. But as Her Majesty's Government have received no Accounts from Mexico respecting those Propositions, and are therefore unable to judge of the Motives which gave rise to them, or of the probable course which the Mexican Government intend to pursue in furtherance of them, or even of the authenticity of the Propositions themselves, which yet appear uncertain, it is unnecessary, in the present stage of the business, to indulge in any speculations respecting this Matter.

With regard to the project for the annexation of Texas to the United States, which has formed the subject of some of your recent communications to this Office, Her Majesty's Government do not think it necessary to give you any Instructions at the present moment on that subject, further than to desire that you will assure the President of the continued interest which the British Government takes in the prosperity and independence of the State of Texas; and of their full determination to persevere in employing their endeavours, whenever they see a reasonable hope of success, to bring about an adjustment of the differences still existing between Mexico, and Texas, of which they so much lament the continuance.

KENNEDY TO ABERDEEN¹

No. 3.

British Consulate
Galveston, May 22nd. 1843.

My Lord,

I have the honor to enclose a return in duplicate of the prices of Agricultural produce² within the limits of the Galveston Consulate, for the Quarter ending 31st March, 1843, together with a Memorandum, in reference thereto, also in duplicate. Although I was not empowered to enter upon the duties of My office until the 24th of February last, I have deemed it best to Commence these periodical Returns, which will be continued in regular succession, with the beginning of the year.

¹F. O., Texas, Vol. 7.

²Returns of corn and grain prices were frequently made by Kennedy, but they are not printed here as they were merely copies of current prices quoted in newspapers.

From the observations in the "Memorandum," it will be seen that there is, at present, no export of Corn or Grain from this Port, and that the Return, as a register of the prices of this Class of domestic products, is almost valueless. Convenient lines of Communication must be opened and adequate means of transport provided before Galveston can possess a Corn Market worthy of the name.

In conformity with the terms of Paragraph 14 of my "Instructions," I have given the prices for each week of the quarter; at the same time, I am inclined to think that, under the circumstances of price and Supply, a Quarterly, or Monthly, average of Corn and Grain would be clear and more practically useful.

When in London during the Autumn of last year, I had the pleasure of presenting to the Hydrographic Office, at the Admiralty, some documents illustrative of the geography of Texas. And it was suggested that I should endeavour to obtain for the Department, a Copy of the Chart of the Coast used in the Texian Navy, and drawn up from the observation of its Commodore. Since my arrival at my post, I have endeavoured, not only to meet this particular suggestion, but to collect such additional Materials as might elucidate the general aspect and character of the Coast and liminary lines of the Republic. On the 8th of this Month, I had the satisfaction to transmit to Captain Beaufort, by Her Majesty's Ship of War Spartan, then lying off Galveston, the following documents; viz:—

1. General Chart of the Coast line of Texas, Compiled from the Observations of the Texian Commodore, and from the Boundary Survey made under the direction of the Commissioners of Texas and the United States.

2. Tracings of the Boundary line between Texas and the United States.

3. Large Plan of Galveston Island and Sketch.

4. Government Survey of the entrance to Galveston, recently made.

5. Survey of the Entrance to Matagorda Bay, by the Texian Commodore.

6. Running Survey of Corpus Christi and Aransas Bays.

7. Survey of the Rio Grande, from the Mouth to the Mexican town of Mier.

I hope to render these Materials, the Collection and Arrangement of which have entailed no expense upon the Admiralty, still more complete, but I have reason to believe that the information they embrace is nearly as ample and as reliable as can well be obtained, until it shall please Her Majesty's Government to employ a Vessel in Surveying the Coast.

William Kennedy.

The Earl of Aberdeen, K. T.

*Memorandum accompanying the Return of Corn and Grain
from the Port of Galveston, Texas, for the Quarter
ending March 31st. 1843.*¹

Galveston. May 20th. 1843.

The Corn and Grain trade of Galveston is, at present, altogether unimportant in a Commercial point of View.

The only kind of grain yet produced, in noticeable quantities, throughout the lower section, or rich Cotton-growing region of Texas, indeed throughout the limits of the Republic—is Maize or Indian Corn; And, in consequence of the imperfect State of Communication with the interior, but little of that finds its way into the Galveston Market. Nearly all the Corn and grain consumed on the Island is imported from New Orleans; whence, also, are received Supplies of flour and potatoes, and even hay, oats, poultry and pork.—Thus although Texas is one of the most fertile Countries on the American Continent, the cost of living is higher at Galveston than in the United States or England.

Texas, admirably adapted to the raising of Stock, and the Cultivation of some of the more profitable products of tropical Agriculture, will, in all probability, never rank as a Corn-exporting Country; as it is likely to prove sounder economy for the farmers to exchange the great Staples of the Republic for the flour and small grains of the Western States of the neighbouring Union, than to incur the outlay of erecting an independent Supply.

There is no stock of Corn or grain in granary at Galveston. From New Orleans the importation is regular, being graduated by the wants of the population. Freight from New Orleans to Galveston is twenty Cents per bushel, for Corn, and fifteen Cents per bushel, for Oats.

¹F. O., Texas, Vol. 7.

The only restriction on the grain trade is an import duty Amounting to twenty Cents per bushel on Indian Corn and fifteen Cents per bushel on Oats, with fifteen per Cent *ad valorem* on other grains. In common with other Articles of import, subjected to taxation, grain introduced from Countries with which Texas has no Commercial Treaty, is liable to an additional duty of five per Cent *ad valorem*. This duty is at present levied on imports from the United States, owing to the non-renewal of the Treaty between the two Republics.

Freights to England is three fourths of a penny per pound for Cotton, b; which freights generally are governed.

Exchanges at Galveston are ruled by the New Orleans rates. For the quarter ending March 31st. 1843, they ranged as follows, viz:—

On the Dollar.

January	10th. 1843.....	101½ to 102¼	Premium
	25th.....	103½ to 104.	
February	14th.....	101¾ to 102½.	
	25th.....	100¼ to 100¾	
March	10th	100½ to 101½.	
	24th.....	102 to 102½.	

[Endorsed] No 2. In Mr Consul Kennedy's despatch of May 22d 1843.

ELLIOT TO ABERDEEN¹

No. 10.

New Orleans. May 29th. 1843.

My Lord.

Mr Consul Kennedy's Despatch and its Inclosures will have placed Your Lordship in possession of the course taken by the Government of Texas with respect to Commodore Moore in command of the Texian Vessels of War "Austin" and "Wharton" off the coast of Yucatan; and I beg to add to the papers forwarded on that occasion the copy of a private letter from the President,² the substance of which your Lordship will observe He has desired should be communicated to Her Majesty's Government.

¹F. O., Texas, Vol. 6.

²Houston to Elliot, May 6, 1843, in Garrison, *Diplomatic Correspondence of the Republic of Texas*, III, 1089; in *Am. Hist. Assoc. Report*, 1908, II.

The inclosure No. 2 is a Newspaper¹ containing accounts of an affair between the Mexican Squadron and the Texian Vessels of War on the 16th Inst. off Campeche. These reports are said to be made by the Commodore, and his Brother acting as his Secretary, and I perceive no ground to question their genuineness

It is proper to draw Your Lordship's attention to the details reported in these notes respecting the display of the English Ensign at the main of the Mexican Steam Ship "Guadaloupe" previous to the commencement of the action, and the immediate hoisting of the English and American Ensigns at the fore of the Texian Ship "Austin." No further particulars concerning this feature of these transactions are stated: I may add however, that I shall lose no time in forwarding a copy of this despatch to the Commander in Chief on this Station, to whom I have already communicated the movements, and situation of the Texian Vessels of War.

The recent proceedings of the Mexican Government towards the retaken Texian prisoners, joined to these accounts from the Coast of Yucatan and the measures of the President of Texas with respect to Commodore Moore, are said to be occasioning considerable excitement in this City, and probably more or less, throughout the whole Southern part of the Union.

Charles Elliot.

To the Earl of Aberdeen, K. T.

ABERDEEN TO KENNEDY²

Slave Trade No. 1.

Draft to Mr. Wm. Kennedy.

Foreign Office

May 30. 1843.

Sir,

I have to desire that you will do your utmost to obtain for the Information of H. M's Govt answers to the following queries.

1. What is at present the amount of the Population of the State in which you reside, and what the number of whites, and of coloured people forming that Population, distinguishing Males from

¹Unidentified cutting.

²F. O., *Slave Trade*, Vol. 479. This instruction and Kennedy's answers (September 5 and 6, 1843) have been printed in British Sessional Papers, 1844, *Slave Trade Correspondence, Class C*, but are here inserted as of unusual interest. Kennedy's reply of September 5, 1843, will be printed later in its chronological order.

Females, and Free People from Slaves:—What was the amount of the population in the same State in the year 1832, and what was the amount in the year 1837, distinguishing the particulars as in the case of the present time?

2. Is it supposed that any Slaves have been imported into the Country within the last ten years, either direct from Africa or from other quarters; if so, how many in each year?

3. Is the Slave protected by Law equally with a free man in criminal cases?

4. What protection is there by Law to a Slave against ill-conduct on the part of his Master?

5. Is the evidence of a Slave received in a Court of Law?

6. Is the Slave well or ill-fed, well or ill-treated?

7. Is the Slave considered generally to enjoy as good health and to live as long as a free person?

8. Is the Slave population considered to be on the increase, or decrease, and from what causes?

9. Is the manumission of Slaves of common occurrence?

10. Have the Laws and Regulations in respect to Slaves become more or less favourable to them, within the last ten years?

11. Is there in the State in which you reside a party favourable to the Abolition of Slavery? and what is the extent and Influence of such party? And is such Party on the increase or otherwise?

12. Is there any difference in the eye of the Law between a free white and free coloured man?

13. Are free coloured men ever admitted to Offices of the State?

14. You will state whether you have drawn your answers from Public Documents, or from private Information; and you will state whether any Periodical Census is taken of the Population within the district of your Consulate, and what was the last period at which it was taken.

You will be careful to make your reply to each question as concise as possible.

I am, etc.

Aberdeen

ABERDEEN TO ELLIOT¹

Draft.
Captain Elliot.
No. 6.

Foreign Office
June 3, 1843.

Sir,

With reference to your Letter dated the 29th of March, inclosing a printed Copy of the Propositions conveyed from General Santa Anna to the President of Texas, by the medium of Mr Robinson, to which Letter I made a brief reply by my Despatch No. 5, of the 18th Ultimo, I have now to communicate to you a Copy of a Despatch from Mr. Pakenham, dated the 23d of March,² relative to those Propositions. They appear to have been made by Genl. Santa Anna in the full hope, and even expectation, that they would be accepted by the Government of Texas as the basis of an adjustment between Texas and Mexico.

You will perceive from that Despatch that General Santa Anna has expressed his anxiety that Her Majesty's Government would employ their good offices in order to promote an arrangement between Mexico and Texas on the footing laid down in those Propositions.

Although Her Majesty's Government do not intend to make themselves in any way a Party to this Transaction or to incur any responsibility respecting it, they are nevertheless perfectly willing to employ their good offices, in an entirely neutral and impartial sense, in order to bring about a peaceful and equitable adjustment of the differences existing between Texas and Mexico.

It appears to Her Majesty's Government that the propositions of General Santa Anna go far to establish the virtual independence of Texas, although by the first of those Propositions Texas is required to acknowledge the Sovereignty of Mexico

Her Majesty's Government might have supposed that this latter demand had been put forward *pro formâ*, and, to save appearances, were it not that they have learnt from Mr Pakenham, since his arrival in England, that he does not consider it at all probable that General Santa Anna will recede from this Demand, since, even

¹F. O., Texas, Vol. 6. The letter is unsigned.

²F. O., Mexico, 161, No. 21. This despatch was written by Pakenham in Mexico, but carried in person to England. Doyle, as chargé, was now the British diplomat at Mexico.

were he personally disposed to do so, which he does not seem to be, public opinion would effectually oppose him in carrying out that inclination.

It may therefore be taken for granted that the demand for the recognition of the Sovereignty of Mexico will be adhered to by the Mexican Government.

Under these circumstances it will be for the Government of Texas to determine whether the virtual independence of Texas would, in their opinion, be too dearly purchased at the price of the nominal concession required of them, or whether it may not be well to admit that concession, and to look to the future for the means of removing that sole remaining badge of their dependence.

By adopting this course peace would be immediately secured, and with peace, commerce and agriculture would flourish, and the foundations of daily encreasing wealth and power would be at once laid.

Difficulties will undoubtedly stand in the way of giving practical effect to the propositions submitted to Texas by Mexico; and it is very obvious that various Modifications will be required in those Propositions before they can be carried into execution. But if both Parties enter upon the task of endeavouring to bring about an adjustment with good faith, and prosecute that task with temper and a full determination to bring it to a satisfactory issue, Her Majesty's Government do not perceive in the terms of accommodation proposed by Mexico any insurmountable obstacle to the conclusion of an agreement on equitable grounds between the Parties.

Her Majesty's Government are not prepared to offer any advice to the Government of Texas in this matter; but I repeat that they will very readily lend their good offices, whenever called upon, in order to facilitate the termination of the existing Dispute.

ABERDEEN TO ELLIOT¹

Draft.

F. O. June 3d 1843.

Captain Elliot.

No. 7.

Sir.

I transmit to you herewith for your information, a Copy of a

¹F. O., Texas, Vol. 6. The letter is unsigned.

despatch from H. M. Minister in Mexico¹ respecting the recapture of a Body of Texians who had been made prisoners in an unsuccessful attempt to penetrate into Mexico and had overpowered the escort in charge of them, and also respecting the measures adopted by Genl Santa Anna with regard to those prisoners.

KENNEDY TO ELLIOT²

[Enclosure]

Copy.

Sir.

British Consulate

Galveston, June 5th 1843.

The following information which I have received, when taken in connexion with the general character of the relations subsisting between the United States and Texas, and the Critical Situation of the latter, appears to be of a sufficient importance to warrant the formality of a despatch. My informant, whose name I am not at liberty to mention is, I believe, quite worthy of trust, besides being a person of intelligence, and experience in the affairs of this Country.—I give his statement from a Minute which I took at the time.

“General Murphy”³—(says my informant)—“the new Minister from the United States to this Republic, has but lately returned from a diplomatic Mission to the Republic of Colombia. He is now entrusted with a Special Mission to Texas * * *

“The object of his present Mission is to submit Certain propositions, with a view to some agreement between the United States and Texas. The Nature of these propositions, or agreement, is not specified. The only known ground of surmise is included in the following observations, which dropped from him in conversation with the Mayor and a deputation of Citizens, this Morning, between eleven and twelve o’clock.

“Texas”—General Murphy remarked—“was virtually independent, and the bombast of Mexico, like that of Spain, anticipated Matters that could never be accomplished. The border Warfare between Mexico and Texas was an evil which the United States would stop; and, in so doing, they would act in accordance with the sentiments of every other Civilized Nation. Texas should be,

¹F. O., Mexico, 161, No. 11, March 22, 1843.

²F. O., Texas, Vol. 10. The letter is here placed in correct chronological order, though transmitted by Kennedy to Aberdeen, May 8, 1844.

³W. S. Murphy.

and, indeed, was independent, and all that could now be desired was a Security to emigrants to people the Country. The inhabitants of Texas wanted emigrants like themselves—and no others—Men speaking their own language, and subject to their own Customs and laws—Security would be given to such emigrants.—Our friends on the other side of the Water might be “*much irritated and disappointed*” (these latter, says my informant, are not the exact words, but, in meaning, they are substantially the same)—“*at the Matter, but what do we care for that?* As a Virginian Member of Congress observed, in one of his Speeches at a former day—“For what reason should we ask for independence, when we are actually independent—what care we for that puny little Isle?”

I examined my informant as to the exact impression made upon him by the Minister's tone and style of expression, when alluding to Great Britain:—his decided feeling, (he replied) was that they were unfriendly.

When, with this information is coupled the recent introduction of a South Carolina politician (Mr. Legaré)¹ into the Cabinet of the United States, in the room of Mr Webster, and the attempt to displace Mr. Everett as American Minister to England,² I am led to infer, Sir, that the observations of General Murphy, as reported to me, may not be wholly unworthy of your consideration.

General M. has, I understand, announced his intention to proceed to Washington on the Brazos, by way of Virginia Point, to-morrow.

William Kennedy.

Captain Elliot. R. N.

Her Majesty's Chargé d' Affaires (at Galveston)

Copy.

British Consulate
Galveston June 7th. 1843.

Sir,

In reference to my Communication (No 3) of the 5th Inst., I beg to state that, according to information, more recently received, General Murphy was accredited to Guatemala, instead of Colombia

¹Hugh Swinton Legaré, a prominent lawyer, writer and politician of South Carolina. He was attorney-general of the United States under President Tyler and on Webster's resignation of the Secretaryship of State, conducted the duties of that office for a short period in 1843. (Appleton, *Cyclopedia of Amer. Biog.*, III, 677.)

²It was planned to have Webster replace Everett, but the latter clung to his position.

I have been further informed that he is an able engineer, much trusted by his Government, and that, during his Southern Mission, he made a Survey of the Country bordering on the river San Juan and the lake of Nicaragua, with a view to connect the Atlantic and Pacific Oceans by Means of a Canal Communication.

William Kennedy

Captain Elliot. R. N.

[Endorsed]. Enclosure No. 2. In Mr Consul Kennedy's despatch No. 7, dated May 8th, 1844.

ELLIOT TO ABERDEEN¹

Secret.

Galveston
June 8th. 1843.

My Lord.

The Inclosure No 1 is the Copy of a private letter addressed to me by General Houston, which it is proper that I should transmit for the information of Her Majesty's Government. In his position, he necessarily could not request nor directly authorize me to forward this communication of his private views to Your Lordship.

But the subject of the letter is entirely political, and whilst I am sensible that these opinions have been communicated to me in the confidence of friendship, I am also persuaded that General Houston must have felt that they would be made known to Your Lordship, and I am equally satisfied that it would be unnecessary and unsuitable on my part to do more than mention my own earnest request that they should only be used for the private information of Her Majesty's Government. Your Lordship will readily conceive that in the state of feeling in this and the neighbouring Country, on such topics, they could not be publicly adverted to, without consequences of the highest inconvenience.

It will be noticed that General Houston has alluded to some Newspaper attacks to which He has been exposed both in this Country and the United States with respect to secret engagements with the British Government. And I should mention that the last time I conversed with him He touched upon these observations and strictures, at least as to the feelings of, Her Majesty's Government upon the existence of Slavery in Texas, for it had been alleged

¹F. O., Texas, Vol. 6.

amongst other things that Her Majesty's Government had required the abolition of Slavery in one of the South American Republics as the price of it's Mediatorial Offices with another; And it was thence argued that the same Concession was required from Texas.

I told General Houston that the sincere desire of Her Majesty's Government to put an end to the Contest between Mexico and this Country had been frequently declared; that I was sure He would understand that no conditions were intended, which were not expressed; and that the subject of Slavery in Texas had never been mentioned to me in any despatch from Her Majesty's Government, or by word of mouth. As to the feelings of the British Government and Nation upon the Subject of Slavery, abstractly considered, which seemed to be the foundation of these speculations of the press, they were well known to the whole World, and it was quite unnecessary to enter upon that topic; But as He had alluded to this Institution in Texas, I could not help expressing my own opinion that it's existence was a Subject of deep regret.

General Houston did not conceal his own opinions to the same effect, and added, that unless the propitious Moment of a Settlement of the difficulties with Mexico should be taken for devising some mode of getting rid of the Mischief, He foresaw that Texas would sooner or later become the "impound" of the Black and Coloured population of the United States, to the incalculable injury of it's well understood interests and happiness.

Another point which will require a few words of comment is the allusion to the case of the Prisoners taken at Mier in whose behalf I wrote to Mr Packenham at General Houston's request. I forwarded Mr Packenham an extract from General Houston's letter to me upon the Subject, in which I understood him to reason that the Prisoners were entitled to the benefit of the Capitulation with the Mexican Commanding Officer, though He did not deny that the movement beyond the Rio Grande had been made upon their own responsibility.

It seemed to me that his purpose in saying that was to free himself from the imputation of using language of aversion to irregular incursionary Warfare in his Communications with foreign Governments, whilst He sanctioned it in his orders to his own officers: But I certainly never supposed that General Houston intended or

wished that any representations of that kind should be made to General Santa Aña.

The accompanying extract from General Houston's letter upon the Subject will probably convince Your Lordship that his reasoning was addressed to me for representation to Her Majesty's Minister at Mexico, and I am sure that it will be a source of great surprise and concern to Mr Packenham, and entirely contrary to the [his?] wishes, that any other use has been made of it. General Houston's present remarks are founded upon declarations made by Prisoners recently released through the good offices of the American Minister at Mexico which have found their way into the public press, to the effect that General Thompson shewed them the Copy of General Houston's letter to me communicated to him in confidence by Mr. Packenham. It appears very probable that Mr. Packenham conferred with General Thompson upon the cause of these unfortunate people, but it is quite unnecessary to say that I am certain He never authorized the exhibition of General Houston's letter to these Texian Prisoners, or much less, gave the least room for the extremely unjust and injurious insinuation that General Houston wished to prejudice these prisoners in the sight of the Mexican Government.

Mr. Packenham's whole course in Mexico, with respect to the Government of Texas, and any Citizens of the Republic who fell into the hands of the Mexicans was marked by unvarying Consideration, and kindness, often too, as it is well known at considerable pecuniary Sacrifice, and it may be depended upon that any communication He might have had with General Thompson upon this subject, was made in a spirit of perfect appreciation of General Houston's Motives, and of a cordial disposition to meet his wishes.

I shall take occasion to say this to the President, and to add that I find it easier to believe that these released prisoner's misconceived General Thompson, than that He afforded them any ground to misrepresent General Houston's plain and kind purposes on their behalf. It remains to be hoped that there has been some mistake as to the representation that General Thompson shewed any of these released prisoners a Communication He had received from Mr Packenham in a confidential way.

I have taken the liberty of forwarding the original of General Houston's private letter to me, because it does not appear to me to

be desirable to retain it in this Country, in case of accident to my papers.

Charles Elliot.

P. S.

I abstain from offering any opinion upon the probable turn of affairs as respects this Country, in the present crisis, because with all things in a deplorable and helpless condition here, it is plain that results must depend chiefly on events, or Negotiations beyond my sphere of observation

Charles Elliot

The Right Honorable

The Earl of Aberdeen, K. T.

HOUSTON TO ELLIOT¹

[Enclosure.]

Washington May 13th 1843.

(Private.)

My Dear Captain

We are much excluded here from important intelligence, among which may be reckoned the *thrilling* events passing in your Community of Galveston. We occasionally receive papers from the United States, and from them learn that they are taking a *very* deep interest in the Welfare of Texas—so far at least as the patriotic effusions of editors go. I may be mistaken, but I think the course pursued there is not difficult of comprehension.

For Texas not to be completely subservient to the United States, is regarded by them as rebellious and ungrateful. Their political parties have not yet determined what capital is to be made out of us; and the Southern section at least, with a hope of ultimate annexation, is unwilling that any change from our present attitude should take place. They perceive that, if a pacification is brought about between Texas and Mexico, by England, we must know that it will result more from generous feeling than from a hope of pecuniary gain, and will necessarily inspire, on the part of Texas, feelings of kindness arising from a sense of obligation. The *quid pro quo* of five Millions cannot be the desideratum with England now, for the time for that has passed by²

¹F. O., Texas, Vol. 6.

²This refers to the plan whereby Texas was to assume five millions of the Mexican debt if Great Britain was instrumental in securing recognition of Texas by Mexico.

If England produces a pacification between this Country and Mexico, she will thereby secure a friend on the gulf whose contiguity to the United States, in the event of a War, would not be desirable to that country. All movements on the part of the U. States would seem to indicate that they have an eye to a rupture at some period not remote. But I need not suggest this to a gentleman of your observation. The genius as well as the excitability of that people, united to a bold and generous daring, impel them to war. Their love of Dominion, and the extension of their territorial limits, also, is equal to that of Rome in the last ages of the Commonwealth and the first of the Caesars.

The Continent of North America is regarded by the people of the U. States as their birth-right—to be secured by policy, if they can, by force if they must. Heretofore Texas has been looked upon as an appendage to the U. States. They cannot realise that we now form two Nations. Therefore every act done in reference to us by any power of which they are jealous, or for which they do not cherish kind national feelings, is regarded as an unauthorized interference and necessarily provokes their denunciation.

This is the case at present in relation to England, British influence and every ridiculous humbug which their crazed imaginations can start, are conjured up and marshalled in fearful array for the purpose of alarming Texas, exciting disorder, producing disrespect towards England, and compelling us to look to the U. States as our only hope of political salvation. They are willing to see Texas tantalized by every annoyance until, in a fit of despair, she is compelled to identify herself with them, and by some act of good fortune become incorporated with them—though they cannot precisely point out the means.

In support of this opinion, the rejection of the late treaty with us, by the U. States Senate, to my mind, was not at all an equivocal expression of the notions of that Country in relation to Texas. It was assigned as a reason, though not in debate, that the Condition of Texas was such as to render them reluctant to form closer connexions with us than those already established by their recognition of our independence, *and such provisions as they could make in our favor* BY LAW. Such reasons, I presume, have never been uttered concerning any other nation, since the establishment of Hayti. The humility of our condition, however, compels us to

pocket this; as the U. States regard us, from their expressions, nothing more than a pocket attached to their outer robe.

I shall look with *amusing* interest to the journals of the U. States for a formal denunciation of the Executive for having enforced the law requiring a discriminating duty upon articles imported from countries not in treaty with us. It will not be *the law or people* of Texas, I apprehend, that will be blamed, but the *Executive* for having *the audacity to enforce the law against THEM*. But so long as Texas does exist, I am determined, that if I should not be so fortunate as to conciliate good opinion, I will at least evince to the world that, so far as any merit may attach to the execution of her laws, so far as I have the power, I shall be entitled to it.

Texas has once evinced a willingness, amounting to unexampled unanimity, to become annexed to the United States. We sought the boon with humble supplications. In this posture we remained in the outer porch of their Capital for many months. Our solicitations were heard with apathy. Our urgency was responded to with politic indifference. Apprised of this, I directed our Minister to withdraw the proposition. This I did from a sense of national dignity. Since that time Texas has not renewed the proposition; and the United States now, in order to get it into an attitude before them that would be creditable to them, desire no doubt that Texas should again come forward soliciting the boon. They have not as yet received such indications as they desire. If it were the case, it would place the subject before the poli[ti]cal parties of the U. States, in a position different from that in which it now rests. In that event there would be but one question to ask: Shall the Annexation of Texas to the U. States take place? As it is, there are two: First, Is Texas *willing* to be annexed? Second, in that case, shall it be annexed? This renders the matter more complicated and produces feelings of excitement and irritability that induce the leading journals of certain sections in that Country to traduce and vilify the authorities of Texas in a very unbecoming manner. This I presume is done by [way?] of whipping prominent Men into the list of petitioners.

Again, if war between the U. States and England should take place, and the independence of Texas not be recognized by Mexico, or not annexed to the U. States, under the excitement and commo-

tion which would exist in a state of war, the contiguity of a situation united with kindred inhabitants, would, *without form of law*, amalgamate us with the U. States. If however the independence of Texas should be recognized through the medium of English influence, such a result could never take place. If the U. States upon the Gulf can maintain a parallel influence to that which they may establish on the Pacific, Texas will become a cantonment for the pioneers in the van of that mighty advance whose political power will not halt short of the isthmus of Darien. If Texas is sustained as an independent Nation, it will necessarily retard the consummation of schemes which, though now but in embryo, will at some future period be developed by much human suffering.

It is not selfishness in me to say that I desire to see Texas occupy an independent position among the Nation's of the earth, to which she is justly entitled by her enterprise, daring, sufferings and privations. The blood of her martyrs has been sufficient to give cement to the foundation of a great nation, and if her independence be steadily [speedily?] recognized by Mexico, heaven will direct and carry out her destiny to a glorious consummation. Every day that it is delayed affords to demagogues a theatre for mischief, and when repose should refresh her, factious political incendiaries are marching about with their torches of discord. I am weary of this state of things. All that Texas requires, to make her healthy and vigorous is a respite from execution.

I cannot believe that all this fustian about British influence and abolition in Texas, has its origin with the Government of the U. States. But in a Country where the Chief of it is elective in ninety nine cases out of one hundred, I presume the Administration derives complexion from the Clamours, or what is supposed to be the feelings, of the people. If so, as far as Southern influence can be exercised upon the Administration of that Govt. it is highly probable that the Agency of England, exercised in behalf of this Country would not receive a hearty cooperation from all the agents which that Government may have employed. Of Mr Tyler my opinion is too exalted to think that he would sanction a course so much at war with the avowed wishes of that Government—its natural Character and the rights of humanity.

If the prisoners who have been released by Santa Anna have reported truly the conduct of Genl. Thompson in Mexico, he could

have had but one object in view, and that was, by the return of those gentlemen to create a strong prejudice against the representative of Her Britannic Majesty in Texas, as well as the Executive, who was understood to be on terms of personal friendship with him and entertaining at the same time for his character and capacity the highest respect. If Gen. Thompson really has stated, as represented, *confidentially*, to *every* prisoner with whom he conversed, that Mr Pakenham, *enjoining secrecy*, had shown him a letter from yourself, stating that I had written to you desiring your interference—representing that the Mier prisoners had gone into the enemy's territory in violation of *My* orders, and that I hoped that Santa Anna would show them mercy etc. and if Gen. Thompson gave these things such a coloring as represented, the object is too plain. If Mr. Pakenham showed to Gen. Thompson any letter, it must certainly have been shown under, as he himself declared, injunctions of secrecy, and by violating these injunctions he acted in bad faith. Again—If its facts had been as represented by Gen. Thompson, they could not have prevented Mr Pakenham, as a gentleman, from exercising any influence in behalf of humanity; which, as an individual, he might possess. I regret that Gen. Thompson has placed himself in the attitude he occupies. By his own showing he was unauthorised, and I much fear that neither the act nor the motives will find a justification in truth. Mr. Pakenham will certainly regard it as an act of discourtesy on the part of Gen Thompson, if not one of faithlessness; Being fortified as I am, and being assured, from your intelligence, and feelings, that you would pursue no course, but one induced by the highest principles of honor and generosity, I am very much at ease.

I regret that our friends in the U. States should have any uneasiness on the Subject of Santa Anna's propositions. If we were to judge from the Newspapers, as well as from the private Correspondence which I receive, we might conclude that there was danger of my being favorable to retrocession to Mexico; and as for the subject of Texas becoming a British Colony and abolition in Texas, and all that, they have been exclusively confined, so far as I can learn, to Galveston, and Houston. I have never understood that they have been discussed in any other sections of the Republic. So I can neither sympathize with the distresses of our friends, nor can I entertain commiseration for their ridiculous credulity.

From our Chargé d' Affaires in Europe, we have had no recent advices. I am exceedingly anxious to hear what course Her Majesty's Government has taken on the subject of the Protest, as well as the course of the French Governmt.

I would be very happy to hear from you by every safe opportunity; and, if any thing important, by express

I hope you have had a very satisfactory interview with Doctor Jones, Secretary of State, relative to the consistent policy of this Government.

Sam. Houston

Captain Charles Elliot.

[Endorsed.] Inclosure No 1 in Captain Elliot's despatch "Secret" to the Earl of Aberdeen. Galveston June 8. 1843.

HOUSTON TO ELLIOT¹

[Enclosure]. Extract of a letter from General Houston to Captain Elliot marked "Private" and dated at.

Washington Jany. 24th. 1843.²

"In relation to this Subject I am constrained to solicit the kindness of you should it not be out of the line of your official Action, that you would address Her Majesty's Minister at Mexico, and bad as matters are, make this representation.

"It is true that the Men went without orders; And so far as that was concerned the Government of Texas was not responsible, and the Men thereby placed themselves out of the protection of the rules of War. This much is granted. But the Mexican Officers by proposing terms of Capitulation to the Men relieved them from the responsibility which they had incurred, and the moment that the Men surrendered in accordance with the proposals of Capitulation they became prisoners of War, and were entitled to all immunities as such. Upon this view of the Subject I base my hopes of their Salvation, if it should be speedily presented, thro' the agency of Her Majesty's Minister to the Mexican Government. Should it be proper to do so I feel assured that your kind offices will not be wanting in an early application upon the Subject.

¹F. O., Texas, Vol. 6.

²See THE QUARTERLY, XVI, 789, note 2.

This view of the Subject seems to me the only feasible one which has presented itself to my mind"

Copy.

Charles Elliot.

[Endorsed.] Inclosure No 2 in Captain Elliot's despatch "Secret" to the Earl of Aberdeen. Galveston. June 8th. 1843.

NOTES AND FRAGMENTS

THE WHEREABOUTS OF SAM HOUSTON IN 1834.—Historians and biographers have been puzzled as to the whereabouts of Houston in 1834. Lester in *The Life of Sam Houston*, which appeared anonymously in 1855, gives no events in his life between the convention at San Felipe de Austin in 1833 and the military affairs of 1835; pp. 65-70 cover the period. Yoakum, *History of Texas* (1856), I, 311, discusses the part he played in the San Felipe meeting; nothing farther is given until events in 1835; see I, 328, 350. Crane, *Life and Select Literary Remains of Sam Houston of Texas* (1885), I, 49-54, shows the same deficiency, as does Bruce, *Life of General Houston* (1901), 85-93. Williams, *Sam Houston and the War of Independence in Texas* (1895), 92-93, does worse than the rest for he garbles the story by placing events of 1835 in 1834. Garrison, *Texas* (1903), 195-196, makes this guarded statement, "Sam Houston, who seems to have left Texas soon after the convention of 1833, and to have returned just previous to the consultation [1835], and who was a delegate from Nacogdoches, offered a resolution instructing the committee to declare in favor of the constitution of 1824." Barker, *Jackson and the Texas Revolution in The American Historical Review*, XII, 802-803, says: "He did attend the Convention of April, 1833, and the Constitution there adopted for the proposed state of Texas . . . was largely his work. But his life is a blank to history for the next two years, and it is not till past the middle of 1835, when the revolution was well under way, that we find him at Nacogdoches, speaking at a public meeting. . . . The writer has examined hundreds of letters and public documents, both Texan and Mexican, on the development of the revolution, has collected with few exceptions the proceedings of all the public meetings and revolutionary committees, and has found nowhere a single reference to General Houston."

The last writer who has added his testimony is Justin H. Smith, *The Annexation of Texas*, which work appeared in 1911. On page 28 he says, "Let us look now at Houston. He first became prominent in Texan Affairs at the head of a committee appointed to draw a State Constitution, the acceptance of which

by Mexico would have prevented the rebellion that soon occurred. In October, 1835, he wrote, 'Our principles are to support the Constitution (of 1824) and down with the usurper!!' Not he, but Anson Jones, appears to have set the ball of independence rolling. In fact no trace of him is to be discovered for more than two years during the critical stage of the budding revolution, and when he reappears, it is not at the principal seat of the movement. Hundreds of Texan and Mexican documents bearing on the genesis of the rebellion have been searched for his name without success." In this the author has but followed Barker's article.

The mystery of Houston's whereabouts in 1834 is dispelled by Mrs. Jefferson Davis in the life of her husband. The exact title is *Jefferson Davis, ex-President of the Confederate States of America, A Memoir by his Wife*. It was copyrighted in 1890. In I, 156-157, this passage occurs, "Horace and Hannibal Bonney, twin brothers, who enlisted in the First Dragoons in 1833, marched to Jefferson Barracks, which was then an outpost on the extreme frontier. After a winter spent there the troops were ordered to Fort Gibson, Ark., and on their arrival were welcomed by a body of five hundred or more Indian Warriors in the full glory of their native costumes. At their head rode a man, over six feet in height, dressed all in buckskin, and when Horace Bonney inquired who this white warrior was, with all these red men, he was informed that it was the redoubtable Captain Sam Houston."

THOMAS MAITLAND MARSHALL.

THE TEXAS REPUBLICAN.—Two notes on the *Texas Republican* have previously appeared in THE QUARTERLY.¹ The interest that attaches to this pioneer among newspapers in Texas and the information contained in the extracts below will, perhaps, excuse this additional note. These extracts add to our information concerning the issues for August 14, 21 and 28, 1819, and throw some light on the condition of Texas at that time, the motives that animated Dr. Long and the kind of appeal he made for help.

The *Mississippi Republican* (Natchez) of August 31, 1819, says "We have just received the first number of the *Texas Republican*, from which a few extracts are given in this day's paper."

¹THE QUARTERLY, VI, 162-5; VII, 242-3.

Army of Texas.

Camp Freeman, June 22, 1819.

On taking the command of the army of the Republic, which has been vested in him by the voice of the representatives of the people, the Commander-in-Chief cannot refrain from expressing his sensibility to so distinguished a token of public confidence. Aware of the responsibility which this important station imposes, it is with diffidence of his own abilities, but with no distrust of the goodness of the cause in which these troops are levied, nor with any doubt of its ultimate success, that he enters upon its duties: he pledges himself to fulfill them to the utmost of his power.

From his comrades in arms he expects a ready co-operation in those measures which he may deem it expedient to adopt to bring the approaching contest to a happy issue. It is not necessary for him to appeal to a patriotism which has already evinced itself in rallying round the standard of Independence, or to add stimulants to a zeal which shrinks from no sacrifice, and which no danger can appal. He trusts that no individual under his command will tarnish the character of a soldier by the commission of any act which may call for his animadversion; but he owes it to himself, to his country, and to the reputation of the army, to declare his determination rigidly to punish every violation of the rules and articles of war. The very existence of an army, not less than the well-being of the country whose banner it upholds, and whose rights it professes to vindicate, imperiously requires the strictest preservation of discipline. Under this conviction, the Commander-in-Chief will feel himself compelled to inflict the full measure of justice on every offender. The rewards which await those who faithfully persevere to the end, conjoined with that sense of honor which should be cherished in every soldier's bosom, will operate as a sufficient incentive to all who are capable of appreciating their own interests, or who have at heart their country's welfare, to pursue with undeviating step the path of duty.

James Long, Commander-in-Chief.

General Order.

Head-Quarters, Nacogdoches,

June 25, 1819.

All officers of the army of the Republic of Texas who are not otherwise ordered, will, without delay, repair to Head-quarters. Those failing to comply will be stricken from the rolls of the army.

James Long, Commander-in-Chief.¹

¹The "General Order" was followed by the article from the *Texas Republican* printed in THE QUARTERLY, VI, 163-5.

The *Port Gibson Correspondent* of September 25, 1819, contained the following "from the *Texas Republican*, Aug. 21":

On the 19th inst. the detachment under the command of Gen. Long met a Spanish woman 40 miles west of Nacogdoches, by the name of Maria El Garma Freminia. She was found in a state of starvation, and comparatively naked. She states that she left Labadie a few weeks ago in company with two men, both soldiers in the service of the king of Spain, and not knowing the road, they wandered about in the woods for many days in search of provision, but without finding any. One of the men turned off by himself to look for water, but he never returned to them, and they supposed that he must have died. The other man and this woman journeyed on but a short distance when he died for want of provision, and she began to expect the same fate; however, she finally fell into the main road leading from Labadie to this place, and subsisted on a pole cat in the woods until she met with general Long's detachment, from whence she has been sent to this place. She also adds, that when she left Labadie, that place was in a very unpleasant situation—that garrison being in a state of total defection, having in it not more than twenty soldiers at the time of her leaving the place, the most of whom watched only for an opportunity to run away; that they are not well supplied with provisions; that the Comanche Indians, their eternal enemies, harrass them and keep them continually annoyed on every side, so that they cannot go more than one mile in safety from the place. The commandant of St. Antonio cannot assist them.

In the issue of September 18th, the *Port Gibson Correspondent* published the extract from the *Texas Republican*, printed in THE QUARTERLY, VII, 242-3, and credited it, and the notice "To Settlers" below, to the *Texas Republican* of August 28th:

To Settlers.

The army being now on a march to the Brassos, and a fort contemplated to be erected at that place, it will give the utmost security to families wishing to settle in this country. From the great facility of getting lands, the quality of which cannot be excelled, as well as the mildness of the climate, it holds forth the greatest inducements at this time to persons to settle; and as the army will always be one hundred miles at least in advance of the settlements, it will give them the fullest protection.

Now is the time, as the first settlers will certainly have the most choice lands, in greater abundance, and on much better terms, than those who wait to see our troubles over without shewing a disposition to effect the settlement of the country or contributing in any manner to advance the cause.

E. W. WINKLER.

BOOK REVIEWS

Statesmen of the Old South, or From Radicalism to Conservative Revolt. By William E. Dodd, Ph. D., Professor of American History in the University of Chicago. (New York: The Macmillan Company, 1911. Pp., 235.)

The substance of these studies of Jefferson, Calhoun, and Davis was originally presented, the author tells us, in the form of popular lectures. The sub-title indicates the general trend of the book. Jefferson, the idealist, the organizer of a political party which refused to adopt his political philosophy, except in part, was succeeded by Calhoun, the nationalist, who was forced by circumstances into a particularist attitude; and Calhoun, in turn, was succeeded by Jefferson Davis, who was identified by earliest environment with the cotton planting and slavery interests of the lower South. These interests were now on the defensive, and therefore gathered about them all the forces of social and constitutional conservatism, just as the great corporate interests of our own day have done.

The author constantly keeps in view the influence of the West, of the frontier, of which in a sense all three men were products, and his comments on this influence are always illuminating. We cannot always agree with his conclusions, as, for instance, those on the nature of the development of pro-slavery sentiment during the twenty years following Jefferson's retirement from the presidency. It would seem, in this case, that Professor Dodd does not sufficiently appreciate the powerful economic forces that impelled the South to the extension of cotton planting and its accompaniment, negro slavery. The author points out that the breakdown of the early alliance between the South and West, due partly to Clay's "American system," partly to Jackson's dickering for eastern support after his break with Calhoun, was what first forced the South into a particularist attitude. Calhoun's rupture with Jackson he regards as a fatal thing both for the great South Carolinian and for the South; for it drove Calhoun, who in the nullification episode had been striving to hold his state in check, back upon the necessity of consolidating the South upon the pro-

slavery basis. Professor Dodd believes that "the injustice and bad faith of a personal and despotic party leader" (Jackson) was responsible for Calhoun's particularistic attitude, and that had the latter's ambition to become president been gratified, secession and civil war might not have come. A similar fatality overtook Jefferson Davis, who, though a secessionist in 1850, had changed his views and remained a nationalist until Mississippi seceded; for his imperialistic scheme of a southern railroad to the Pacific and the acquisition of Cuba, Panama, and a route to the Orient was blocked by Douglas in the interest of the northwestern railways; the Kansas bill followed, reopening the slavery question, divorcing the two wings of the Democratic party and hastening the revolt of the South in 1860-61.

Though not entirely immune from criticism, these brief and sympathetic studies sum up in a clear and attractive fashion the principal forces which carried the South and the Democratic party along its course from radical leadership in 1800 to conservative reaction in 1860.

CHAS. W. RAMSDELL.

Winning the Southwest: A Story of Conquest. By Glenn D. Bradley. (McClurg. Chicago, 1912. 12mo; Pp. 225; ill.)

Under the above title the author groups sketches of Kit Carson, Robert F. Stockton, "Uncle Dick" Wootton, Sam Houston, Stephen W. Kearny, George A. Custer and John C. Fremont with a view of weaving "about their lives in a somewhat coherent manner some of the conspicuous facts of the struggle in which the Southwest was won for the Union" (preface). The fragmentary character of the treatment of the subject is further emphasized by the absence of any grouping of the sketches. The treatment is popular in style, and the principal service the book can render will be to introduce the heroes to readers who have not yet made their acquaintance from larger works.

In the sketch of Sam Houston the author has committed a number of regrettable errors. Passing by misspellings and minor inaccuracies in the statement of historical facts, one cannot overlook the wholesale condemnation of Mexican government in Texas (113, 116); nor the statement that the convention which assembled

at San Felipe on April 1, 1833, was "the first deliberative body of Anglo-Saxons that ever assembled within the limits of the ancient Spanish-American empire" (114); nor that Stephen F. Austin suffered "several months of loathsome imprisonment" only (116); nor that Houston had anything to do with restraining the anger of the colonists because of Austin's imprisonment (116); nor that "Houston alone appears to have been able to foresee [December, 1835] that the fight for independence had only begun" (120); nor that Houston's statesmanship saved the honor of his government (141). Travis's famous letter is emasculated by omitting, without any indication of the fact, the sentence which Travis underscored, namely, "I shall never surrender or retreat" (123). And the following inscription from the Alamo monument, "Thermopylæ had her messenger of defeat, but the Alamo had none," is marred by the omission of the words "of defeat" (124). The account of the battle of San Jacinto is embellished with a number of ominous sayings attributed to General Houston (133, 134, 135); and the apochryphal story of the destruction of Vince's bridge is made the key to the strategy of the fight (135, 136). Finally, the author's imagination supplied the Texan soldiers with revolvers (137).

E. W. WINKLER.

Guide to the Study and Reading of American History. By Edward Channing, Albert Bushnell Hart, and Frederick J. Turner, professors in Harvard University. (Boston and London: Ginn & Co., 1912. Pp., xvi, 650. The present volume is a great improvement over the first edition, which was published in 1896. It has been brought down to date; it gives references to more available books; and it enlarges the sections on social, economic, and industrial history, making them especially valuable. Professor Turner, who was not connected with the earlier edition, has contributed many valuable references to writings on Western history. The whole work, however, has been done over, and will be found very helpful to students and teachers in every field of American history.

CHAS. W. RAMSDELL.

NEWS ITEMS

For several years historical scholars and patriotic societies have been trying to induce Congress to erect a fireproof building for housing the national archives. At present the archives are scattered in the different government buildings in Washington and elsewhere. They are frequently difficult of access, and are in some cases far from safely housed. It seems probable that the present session of Congress can be persuaded to act. Readers of *THE QUARTERLY* can aid in this measure by writing to their local representatives and endorsing the plan. Hon. Morris Sheppard is chairman of the Committee on Buildings and Grounds. Dr. Waldo G. Leland published in the October (1912) number of the *American Historical Review* an article discussing the importance of the proper care of our national archives. There is an article on the same subject by Rosa Pendleton Chiles in the February (1912) *American Review of Reviews*.

"The History and Geography of Texas as Told in County Names," by Judge Z. T. Fulmore, is running in the Saturday issue of the *Dallas-Galveston News* and in the Tuesday issue of the *Semi-Weekly Farm News*. The first chapter appeared on December 7. Since many counties of the state are named for individuals, this work will be particularly valuable for its additions to Texas biography.

The University of Texas has issued, as Bulletin No. 246, "A Reconnaissance Report on the Geology of the Oil and Gas Fields of Wichita and Clay Counties," by J. A. Udden, assisted by Drury McN. Phillips, xiv and 308 pages, with numerous plates and charts. Copies can be had of Dr. William B. Phillips, Director of the Bureau of Economic Geology and Technology of the University of Texas.

"Our Governors' Wives," by Mrs. J. A. Jackson, began in the *San Antonio Express* of November 3 and is appearing serially in the Sunday edition of that paper.

The following articles recently appeared in *The Texas Magazine* (Houston): "The King's Highway," by Mrs. Lipscomb Norvell

(November); "Old Fort Concho," by Paul B. Sturgis (November); "Along the San Antonio Trail," by J. H. Cosgrove (November); "The Poles of Texas," by LeRoy Hodges (December).

The Texas Division of the United Daughters of the Confederacy was in session at Fort Worth from December 3 to 7.

A monument to the memory of those who wore the gray, erected by the local chapter, United Daughters of the Confederacy, was unveiled at Waxahachie November 2, 1912. The monument stands on the courthouse lawn. The State Superintendent of Buildings and Grounds reports the completion of the monument to Governor George T. Wood at Point Black, San Jacinto county, and of that over the grave of Elizabeth Crockett, wife of David Crockett, at Acton, Hood county. The Thirty-second Legislature authorized the erection of the last two monuments and made the necessary appropriations for the purpose.

Mrs. J. A. Jackson of Austin reports the acquisition of an interesting contemporary picture of Austin in 1839. It is described in the *Austin Statesman* for October 23, 1912.

AFFAIRS OF THE ASSOCIATION

RESOLUTIONS.

To all the news of the sudden death of Judge Alexander W. Terrell came as a great shock. Notwithstanding his venerable age and his great usefulness in the past, one felt that there was much that he could yet do. No one feels this more keenly than the members of the Texas State Historical Association, whose presiding officer he was. His varied public career, his extensive acquaintance with the public men of three generations, his remarkable memory, his keen analysis of personal motive and character, and his unusual gifts as a conversationalist had given him an extraordinary fund of knowledge and personal reminiscence. For a long time addresses on patriotic or memorial occasions alone served to make drafts on these riches, but during late years, in response to the insistent demands of his friends, he agreed to write his memoirs. It is hoped that he had made much progress in this undertaking, but the fact that the task was far from complete is quite certain. His election to the presidency of the State Historical Association on March 2, 1908, and his re-election and the exercises that marked the annual meetings since had helped to draw his attention to this kind of work. To the October QUARTERLY, 1910, he contributed an article on "The City of Austin from 1839 to 1865"; to the January QUARTERLY, 1911, he contributed a revision of his memorial address on "Stephen F. Austin," and among the last things to engage his attention was an article now in press and to appear in the October QUARTERLY, entitled "Reminiscences of General Sam Houston." These were, however, only the beginning of many similar articles that he had planned, some of which he had almost completed.

In the death of Judge Terrell the Texas State Historical Association has lost a distinguished member and a faithful and efficient officer, and the state has lost a citizen whose richly endowed mind could have contributed much to recovering the unwritten history of its stirring past.

E. W. WINKLER,

Z. T. FULMORE,

E. C. BARKER,

Committee.

September 15, 1912.

The annual meeting of the Texas State Historical Association will be held at the University of Texas on March 2, 1913. Members will receive further announcements and copies of the program during February.

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SPANISH ACTIVITIES ON THE LOWER TRINITY RIVER, 1746-1771¹

HERBERT E. BOLTON

FRENCH ENCROACHMENTS AND OROBIO BAZTERRA'S EXPLORING EX- PEDITION, 1745-1746

The activities of the Spanish government in Texas were from first to last inspired largely by fears of foreign aggression. When these fears slept, Texas was left pretty much to itself, so far as the government was concerned, but when serious rumors of encroaching strangers reached the official ears, there was likely to be vigorous proceedings for a time. The occupation of the lower Trinity River in the middle of the eighteenth century was no exception to this rule. Although settlements had been founded in eastern Texas as early as 1690, the authorities in Mexico, and even in the province of Texas itself, seem to have been almost entirely igno-

*Volumes I-XV published as THE QUARTERLY of the Texas State Historical Association.

¹This paper is based entirely upon manuscript original sources. The older works in English which mention the subject are entirely valueless; the treatments given by modern writers in English are so brief as to be very unsatisfactory. The only printed account by an early Spanish historian is that of Bonilla, in his *Breve Compendio* (translated by West in THE QUARTERLY, VIII, 1-78), which, although written by a contemporary who was in a position to know, contains numerous fundamental errors. At best Bonilla's account is very brief and incomplete, as he devotes only about a page to the matter. The manuscript materials on which this study is based are records in the Béxar Archives, the Lamar Papers, and the Nacogdoches Archives, and transcripts in my personal collection from the archives of Mexico and Spain. What is presented here was practically

rant of the geography of the lower Trinity and the adjacent country until 1745, when they were called into it by tales of a French establishment somewhere on the coast. One previous official expedition to the locality had been made in 1727,¹ it is true, but it had led to no further steps toward occupation, and given no permanent knowledge of the topography or of the natives of the region.

What stirred the authorities to action in 1745 was a letter reporting the rumors alluded to above, written in July² to the viceroy by Don Joaquín de Orobio Bazterra, captain of the presidio of Bahía del Espíritu Santo, but for the time being in Coahuila. In reply to this communication the viceroy ordered Captain Orobio to proceed in all haste to learn the truth about the French settlement, where and when it had been established, if at all, and what and how many Indians there were in the vicinity. If he should find Frenchmen established or intending to settle, he was to order them to leave forthwith.³

The prevailing ignorance of and lack of communication with the coast country between the Guadalupe and the Trinity rivers at this time is amply illustrated by Orobio's difficulties and uncertainty in getting from La Bahía to his destination. His first efforts were directed toward ascertaining whether the investigation

completed several years ago. Subsequently my manuscripts were put at the disposal of Miss Elise Brown, a graduate student in the University of Texas, as material for a master's thesis. This was written under my direction with the title, "The History of the Spanish Settlements at Orcoquisac, 1746-1772." Though the two accounts are quite different in general, and at variance at some points, I have made some use of Miss Brown's valuable work, and hereby make acknowledgment. In the citations which follow, B. A. stands for Béxar Archives, L. P. for Lamar Papers, N. A. for Nacogdoches Archives, and B. MSS. for Bolton Manuscripts, the title by which my collection is designated.

¹In 1727, when Rivera inspected the northern establishments of New Spain, he sent Engineer Francisco Alvarez Barreyto from La Bahía eastward with a detachment of twenty soldiers to examine the coast country as far as the Neches. Barreyto spent thirty-five days on the expedition and traveled 363 leagues, but what he recorded in his reports I cannot say, as I have not seen them, though I do know of their whereabouts, and have taken steps toward securing them. See Rivera, *Diario*, 1727, leg. 2466.)

²July 2.

³The viceroy's order was dated July 18 (*Diligencias Practicadas por Dn. Joaquín de Orobio Capn. de la Bahía Sobre establecimiento de Franceses*. B. A.). Orobio signed his name as above, but, other Spanish officials frequently wrote it "Orobio y Basterra." The brief form of his name is usually given as Orobio.

could be made on *terra firma* by way of Matagorda Bay and the coast. To determine this point he went in October with a squad of men down the banks of the Guadalupe; but, because of high water and the roughness of the country, he decided to build a fleet of canoes and take thirty men on a two months' expedition by water, down the river and along the coast. New discouragements and difficulties led him finally to decide to take the Adaes road to the crossing of the Trinity, a hundred miles or more above its mouth, and descend to the coast from that point.¹ Such an expedition made it necessary to send to San Antonio and Presidio del Rio Grande for more soldiers, in order that La Bahía might not be left unprotected. As a consequence of this and other delays, it was late in December before Orobio was ready to start.²

From Orobio's diary, which has not hitherto been used, we are able to follow his movements in detail. Setting out on December 20 with twenty-one soldiers, he marched over the *camino real* to the Trinity, where he arrived on January 9. Failing to learn from the Indians of this locality what he wished to know regarding the country below, he again changed his plan and continued northeast to San Pedro, the Nabadache village near the Neches. Here he saw in the firearms, clothing, and trinkets possessed by the natives—the sight was no new one at San Pedro—abundant signs of French influence. But these things, he was told, had all come from the French of Natchitoches ("Los Canos"), by way of the Cadodacho, and not from the coast. The rumors of the French settlement on the Gulf, however, were confirmed and repeated with exaggeration. But Orobio was informed that the place could be reached only from Nacogdoches, by way of the Bidai trail, "a path which the Vídias have made in going to Nacogdoches."

Acting on this information, Orobio went on to Nacogdoches. Here a report by the veteran missionary, Father Joseph Calahorra y Saenz, to the effect that fifteen shipwrecked Frenchmen had recently passed that way from the coast, caused him to go on to Los Adaes to consult with the governor, García Larios, before plung-

¹Lieut. Miguel de Olivares investigated the possibilities of the proposed expedition by water, and reported that the river was obstructed, and, besides, that suitable boats could not be built. Report by Olivares to Orobio, *ibid.*, 2.)

²Order of Orobio, Oct. 22, 1745; Orobio to Urrutia, Dec. 7, *ibid.*, 2, 4.

ing into the unknown south country. The conference over, Orobio returned to Nacogdoches, where he arrived on February 4, and where he secured an Indian guide to conduct him over the Bidai trail to the coast.¹

Since his diary gives us our first intimate account of a large stretch of country and of the earliest Spanish contact with a distinct group of natives in their own home, its contents have unique historical interest, and will, therefore, be still further drawn upon. Leaving Nacogdoches on February 7 and going southwest, on March 6 Orobio was near the Trinity at a place which he called Santa Rosa de Viterbo. Here he found a settlement of Bidai Indians living in seven *rancherías*² of bearskin tents, their regular winter habitations. The presence of Spaniards here, which, we are informed, "had never occurred before," aroused much interest and comment among the natives, as can be well understood. With the chief Orobio held a long conference, but that over, his stay was brief.

Taking a Bidai guide, he set out across the Trinity, and on March 15 was at Puesto de San Rafael, so-named by himself, thirty leagues west-southwest from Santa Rosa de Viterbo. It will appear later on that San Rafael was in all probability on Spring Creek, west of the San Jacinto River. Here were two Orcoquiza villages, near which Orobio camped. The surprise of these Indians at seeing "Yegsa," as they called the Spaniards, whom, we are told, they had heard of but never seen, was even greater than that of the Bidai.

Among both the Bidai and the Orcoquiza the rumors of Frenchmen on the coast were confirmed with circumstantial detail. Orobio was informed that men who lived among the Pachina near the Mississippi had for six years been coming by land to the Orcoquiza, while others came annually by water, entering the Neches, Trinity, and Brazos rivers, the implication being that they regularly visited the Bidai as well as the Orcoquiza. As yet there was no regular settlement of Frenchmen, but one had been promised. In the past summer those coming by sea had even chosen a site, and had sent the Orcoquiza to notify the Bidai,

¹*Diligencias Practicadas*, 4-9.

²It is sometimes difficult to determine whether a *rancheria* was a small village or a single dwelling. This is one of those cases.

Doxsas (Deadoses), and Texas to come next season to this place with their buckskins (*gamuzas*) and buffalo hides, which the French were accustomed to buy.¹ The site designated for the settlement was described as some distance from the mouth of a river between the Trinity and the Brazos, but a tributary of neither. The stream was obviously the San Jacinto, an inference which is supported by positive evidence which will appear later on.² Among the Orcoquiza Orobio learned that some Frenchmen had been lost among the Cujanes, to the southwest, and that the shipwrecked crew who had passed through Nacogdoches were apparently a party who had been to rescue them.

Going toward the coast a distance of fifteen leagues, Orobio reached the place on the San Jacinto designated by the Orcoquiza as the site chosen by the French. The stream Orobio named Nuestra Señora de Aranzazu. Finding no signs of a habitation, and recording the opinion that there was little likelihood that one would be established,³ since the site was ill fitted for settlement, he struck northwestward to the *camino real* leading from Nacogdoches, and returned to La Bahía, where he arrived on April 6. On June 25 he sent a report of his reconnaissance to Governor Larios.

THE ORCOQUIZA TRIBE⁴

This visit of Orobio to the Orcoquiza Indians was the beginning of a quarter of a century of Spanish activity in their country. While among them Orobio talked to them of missions. In a short while, apparently in the same year, he made them another visit and went again to the San Jacinto to look for Frenchmen, though we have not the details of this second expedition. To counteract French influence, one of the Orcoquiza chiefs was hon-

¹*Diligencias Practicadas*, 11-12.

²See pages 344-345, *post*.

³"I found no habitation whatever, but such a scarcity of lands that in case of wishing to establish a presidio, there are facilities for supporting only five or six families for a short time, because of the small amount of timber and the entire lack of stone on the margin of the river." *Ibid.*, 12.

⁴The form of this word adopted by the Bureau of American Ethnology is "Arkokisa," but it seems better, historically considered, to use in this article the spelling common in the contemporary sources. If this were not to be done, ethnologists would not get from the article the historical aid which it ought to afford. The usual form of the place where the Orcoquiza tribe lived is "El Orcoquisac" or "Orcoquisac."

ored by being made a "captain," and during the next few years Spanish agents, in the guise of traders, were regularly sent among both the Orcoquiza and the Bidai. Finally, further encroachments of the French, as we shall see, led to the occupation of the Orcoquiza country by a presidio and a mission. In the course of this contact, a large fund of knowledge regarding the tribe, whose early history has been strangely unknown, was acquired. It was not till 1755-1757 that this information, precious to the ethnologist and the historian, was extensively recorded in the documents at our command, but it will facilitate the remainder of the narrative if these later documents are drawn upon somewhat in advance for a general sketch of the Orcoquiza tribe, who, with their territory, form the chief center of interest in the story.

It was learned by these traders, explorers, soldiers, and missionaries that the Orcoquiza lived in four (or five) *rancherías*, or scattered villages, near the lower Trinity and the San Jacinto rivers. The center of their population was a western branch of the San Jacinto, usually called in the eighteenth century the Arroyo de Santa Rosa de Alcázar (the San Rafael of Orobio), which, after a careful study of the evidence, appears to be the Spring Creek of today.¹ Near the junction of the San Jacinto and the

¹This conclusion was reached, after careful study of the documents, before the whereabouts of Miranda's map of April 18, 1757, was learned. The map bears it out. The following are some of the data on which the conclusion was reached independently. Miranda tells us that going ten leagues nearly eastward from the Springs of Santa Rosa, one comes to the San Jacinto; and that from the San Jacinto to the site of El Orcoquisac, just across the Trinity, it was not more than six leagues, by implication in the same general direction. Now, a direct line west from El Orcoquisac would fall between Buffalo Bayou and Spring Creek, while both of these streams run for a stretch of ten leagues almost east into the San Jacinto, leaving little to choose between them, as the claimant to being the Santa Rosa. (Miranda, report of survey, April 26, 1757.) According to the same authority the three western Orcoquiza villages were ranged along the Santa Rosa. But the southernmost village visited by Orobio in 1746 became a landmark in the later descriptions. Orobio tells us that after leaving the two Orcoquiza villages at San Rafael, which, we have positive evidence, was Santa Rosa (N. A., doc. 488, fol. 22), he went fifteen leagues southward to the place designated as that where the French were expected to settle, which was some distance from the mouth of a river called Aranzazu, the stream subsequently called San Jacinto (*Diligencias Practicadas*, 13-14). The two villages at San Rafael must, therefore, have been at least fifteen leagues or more northward from the mouth of the San Jacinto. In August, 1756, Joseph Valentin testified that he had gone "down the bank of the San Jacinto River to the place reached by Dn. Joaquín de Orobio Basterra," and that "from this place he returned up the said river to its crossing, near which it joins the

Santa Rosa, and within a gunshot of the latter, was the village which became known as that of chief Canos, so-called because of his leaning toward the French. Farther up the Santa Rosa some twenty miles, perhaps, at the junction of two small branches, was the village of El Gordo (the Fat), while "above" this point, perhaps northwest, was that of Mateo. East of the Trinity and some ten or fifteen miles from its mouth was another village, known for a long time as that of Calzones Colorados (Red Breeches). There is some indication that there was another village under the authority of this chief, but just where it was located is not clear. These statements, which rest on unquestioned sources, make it appear that the Orcoquiza lived rather more to the westward than has been supposed, as is true also of the Attacapa. On the east the Orcoquiza divided the country between the Trinity and the Neches with the latter tribe, who had two villages on opposite sides of the Neches near modern Beaumont; on the north the neighbors of the Orcoquiza were the Bidai, and, apparently, the Deadoses (Agdocas, Doxses); on the west, the Cocos; on the west and the southwest, the Carancaguases and the

spring (or arroyo) of Santa Rosa." (N. A., doc. 488, ff. 7-8.) Marcos Ruiz gave almost the same testimony. Domingo del Rio, who a year before had passed from the Bidai on Bidai Creek to the western Orcoquiza village, now testified that this arroyo of Santa Rosa appeared to be the same as that which rose near the village of the Bidai chief, Tomás. (*Ibid.*, fol. 3.) This testimony, combined with that of Orobio, seems to make it clear that Santa Rosa could not be Buffalo Bayou. One statement made by Miranda was puzzling until I saw his map. He states that he went west from El Orcoquisac for some twelve leagues, till he reached the San Jacinto, thence south about fifteen leagues to the point reached by Orobio, thence between south and west along the bed of the San Jacinto to its junction with the Santa Rosa. This testimony taken alone would point to Buffalo Bayou as the Santa Rosa, but it directly contradicts the statement of Valentín and Orobio. By changing Miranda's south to north, his statement would agree with the others. The difficulty is partly cleared up by the fact that on his map his south is west and his west north. (*Ibid.*, 10.) The country about the Santa Rosa was described as being marked by beautiful prairies, forest, oak, walnut, pine, cedar, and many lakes. In this season, which was dry, the creek had two inches of water. There was lack of stone for a dam, and the bed of the stream was deep, but irrigation was hardly necessary, for the Indians had fine corn, although the season had been dry. (*Ibid.*, 12.) Miranda's map does not completely clear up the difficulty of deciding between Buffalo Bayou and Spring Creek, but it points in the same direction as the rest of the data. The map is reproduced in Hamilton's *Colonization of the South*, opposite p. 241.

Cujanes.¹ With all of these tribes, except the Carancaguases, the Orcoquiza were generally on good terms, but racially they seem to have been quite distinct from all but the Attacapa, with whom they were considerably mixed.²

Although they went periodically back and forth, with the changes of seasons, between the coast and the interior, the Orcoquiza lived in relatively fixed villages. If they were like the Bidai, they remained inland during the winter. They practiced agriculture to some extent, raising what was called by Bernardo de Miranda "superfine maize." But this article seems to have been a minor feature of their subsistence, for they lived to a large extent on a fish diet, supplemented by sylvan fruits and game, among which deer and bear were prominent. It was trade in the skins and the fat of these animals that chiefly attracted the French intruders.

An indication that the tribal organization of the Orcoquiza was loose is the fact that during the clash between the French and the Spaniards in the region, the tribe was divided in its allegiance, Canos, particularly, leaning toward the French. Another indication is the conflicting contemporary statements by different witnesses as to which of the chiefs was "capitan grande," or head chief of the group. Had there been a conspicuous tribal headship, such a conflict of opinion would not have been likely to occur. At first Canos appears in this light, and is the one to whom Governor Barrios gave the title of captain some time before October, 1754. Indeed, there are some reasons for thinking that he had the best claim to this distinction, but it was assigned also to Mateo and to Calzones Colorados.³ The last named chief became the one best known to the Spaniards.

Although our data on this point are conflicting, the tribe was evidently small in numbers, even at this early date. Orobio, after his second visit, reported that it was composed of five villages, containing three hundred families, or perhaps twelve hundred

¹The Bidai told Orobio that the Orcoquiza occupied the country from the Neches to a point half way between the Trinity and the Brazos. See Miranda's report, N. A., doc. 488.

²The present writer has shown, in another study, that the Bidai, Orcoquiza, and Deadoses all belonged to the same linguistic group (*Handbook of American Indians*, II, under "San Francisco Xavier de Horcasitas.")

³*Dilijens. Practicadas*, 1755, 3, 4, 7 (L. P. No. 25) ; N. A., doc. 488, fol. 3.

souls. It was later claimed that Captain Pacheco "reduced" two villages of four hundred persons each. But compared with other estimates, these numbers appear to be too large. Bernardo de Miranda, for example, on being asked in 1756 what was their number, could not say definitely, but declared that he had seen at the village of Canos more than twenty warriors and their families. If this was the entire village, and if it was representative, the total of the tribe would not have exceeded one hundred men, or five or six hundred persons. An official estimate made in 1778, after a period of great general decrease in the native population of Texas, it is true, put the Orcoquiza fighting strength at only fifty men.¹ It was not, therefore, in any case, a very large Indian population for which the French and the Spaniards were contending. To either party, the territory involved was far more important.

SPANISH TRADE WITH THE BIDAI AND ORCOQUIZA TRIBES

Soon after the visit of Orobio, it has already been noted, Spanish traders from Los Adaes began to operate in the Indian villages of the lower Trinity. The exact circumstances under which this trade was established are not clear, but it is evident that it flourished after 1751, and that its chief beneficiary was Governor Jacinto de Barrios y Jáuregui, who went to Texas in that year.

The evidence regarding this trade, which was regarded as contraband, came out in a special investigation made in 1760, after Barrios had departed, and it may well be that it is not altogether trustworthy; but the main allegations seem well established. From the testimony given during the inquiry we learn that between 1751 and 1759 Governor Barrios engaged pretty regularly in commerce with the Bidai, Orcoquiza, and other tribes. The trade was kept a strict monopoly in his hands and carried on by his personal agents, among whom were Marcos Ruíz, Domingo del Rio, Juan Antonio Maldonado, and Jacinto de León. Goods were carried to the tribes in pack-trains, convoyed by small guards of soldiers. The merchandise was procured by the governor at Natchitoches, in open defiance of the law. Among the articles

¹Orobio to the viceroy, Jan. 29, 1748, B. A., Miscellaneous, 1742-1793; N. A., doc. 488, f. 11; estimate by the *junta de guerra*, Dec. 5, 1778, in Cabello, *Informe*, 1784.

taken to the Indians were French knives, scissors, tobacco, combs, and even firearms, though it was a serious offense to furnish weapons or ammunition to the natives. In exchange the Indians gave horses (stolen usually from the Spanish settlements and missions), corn, and hides of deer and buffalo. The corn and horses were used by the governor at the presidio of Los Adaes; the skins were either sold at Natchitoches, likewise an unlawful proceeding, or were sent to Saltillo. This trade, conducted at first from Los Adaes, was later continued from the presidio of San Agustín, at the mouth of the Trinity.¹

THE ARREST OF BLANCPAIN, 1754

The interest in the lower Trinity aroused by Orobio's visit was crystallized by the arrest in October, 1754, of some Frenchman, caught by Marcos Ruíz among the Orcoquiza Indians. The leader of the French party was Joseph Blancpain, whose name sometimes appears as Lanpen. With him were captured two other Frenchmen, Elías George, and Antonio de la Fars, besides two negroes. Their goods were confiscated and divided among the captors, their huts given to chief Calzones Colorados, their boat left stranded on the river bank, and they, after being questioned as to their purpose, sent to the City of Mexico and imprisoned.

According to Blancpain's own statement he had long been an Indian interpreter in the employ of the government of Louisiana, and had a trading establishment at Natchitoches, but lived on his plantation near the Mississippi, twenty-two leagues from New Orleans. He claimed that, at the time of his arrest, which occurred east of the Trinity at the village of Calzones Colorados, he had been trading for two months with the Attacapa, with whom he had dealt for more than a quarter of a century. The list of goods confiscated by his captors shows that, among other things, he was furnishing the Indians of the locality with a goodly sup-

¹The facts recorded above are drawn mainly from the records of the investigation entitled *Testimonio practicado sobre si D. Jacinto de Barrios tuvo comercio con muniziones de Guerra con los Indios Barbaros de Esta Prova. y fuera de ella*, etc. In the *residencia* of the governor held a few weeks before the investigation, the same witnesses testified solemnly that Barrios had not engaged in illegal trade, but later explained the discrepancy on the ground of a technicality in the meaning of contraband trade. *Autos de la Residencia. . . . de Barrios y Jauregui.*

ply of firearms, a proceeding which the Spanish government had always strenuously opposed. He had in his possession a license from the governor of Louisiana authorizing him to go among the Attacapa to trade for horses, as well as instructions to keep a diary, and, if he encountered any strange Indian village, to make friends of the inhabitants and take the chiefs to see the governor at New Orleans. Until shortly before his arrest he had been accompanied by a considerable party.

These instructions the Spaniards regarded as evidence that Blancpain was acting as a government agent to extend French authority over the Indians living in Spanish territory. It was charged against him that he had taken away the Spanish commission of chief Canos and given him a French one. More than this, Barrios reported to the viceroy, on the testimony of the soldiers who made the arrest and who claimed to have their information from the Indians and from Blancpain himself, that the Orcoquiza were expecting from New Orleans fifty families of settlers and a minister, to plant a colony and a mission at El Orcoquizac. But later, when his examination occurred at Mexico in February, 1755, Blancpain with great hardihood it would seem, considering the circumstances, denied having had anything to do with the Orcoquiza or Bidai, and, with greater truthfulness, perhaps, claimed not to know of any plans for a mission or a settlement.

Blancpain died in prison at Mexico, and, after a year's incarceration, his companions, according to the then customary dealing with intruders in Mexico, were deported in *La América* to Spain, to be disposed of by the Casa de Contratación. Their case brought forth a royal order requiring that if any more Frenchmen should be caught on Spanish territory without license they should be sent to Acapulco and thence to South America, there to be kept on the Isle of San Fernández or at the Presidio of Valdivia.¹

¹The account of the arrest of Blancpain is gathered mainly from an *expediente* called *Dilixencias sobre Lanpen*, dated Feb. 19, 1755 (B. A., Provincias Internas, 1755-1793). See also a communication of the viceroy to the King, March 14, 1756; royal cédula directed to the viceroy, July 19, 1757; statement by Valcarcel, in *Testimonio del Dictamen dada por el Senor Don Domingo de Valcarcel del Consejo de Su Magd su oydor en la Rl Auda de esta Nueva Espana en los autos fechos a consulta de Don Jazinto de Barrios y Jauregui Governador de la Provincia de Texas de que dá quenta el comandante frances de el Presidio del Nachitos se pre-*

EL ORCOQUISAC GARRISONED, 1755

As soon as Ruíz, the captor of Blancpain, returned to Los Adaes, Governor Barrios held a council, in which testimony was given to show that the French were clearly intending to establish a colony on the Trinity. In consequence, Barrios reported the danger to the viceroy, and at the same time took measures to provide temporary defense. In his account of the Blancpain affair sent to the viceroy on November 30, 1754, Barrios proposed guarding El Orcoquisac against further intrusion by establishing a presidio and a mission and also a civil settlement strong enough to exist after a few years without the protection of a garrison, suggesting that the families be recruited from Adaes and that they be given the government subsidy usually granted to new colonies.¹ This initiation by Barrios of a plan to colonize the lower Trinity country should be kept in mind for consideration in connection with the governor's later conduct.

With respect to the temporary defense of El Orcoquisac, the *junta* recommended sending to the Trinity ten soldiers and ten armed settlers. Failing to find this number of men available at Los Adaes, Barrios at once corresponded with the captains at San Antonio, Bahía, and San Xavier, asking for eighteen men to add to the ten which he proposed to detach from his post; but he did not at first meet with success.² Meanwhile Domingo del Rio was sent among the Bidai and Orcoquiza to learn, as Barrios put it, how they reacted toward the arrest of Blancpain. He returned in April bearing a new rumor that the French had settled and fortified El Orcoquisac. Thereupon the governor dispatched him with a squad of soldiers to make another investigation and to bring back a careful report. To strengthen the Spanish hold upon the Indians, Del Rio's party were supplied with abundant merchandise for gifts and for "cambalache," or barter. In view of the defection of chief Canos to the French, they took for Mateo a commis-

bino que los yndios de aquella Dominacion intentaban saltar el Presidio. Dated Oct. 11, 1755. The title is incorrect. The document is a recommendation of the auditor concerning the proposed garrisoning of the mouth of the Trinity. B. MSS.; report of the *junta de guerra* held at Los Adaes, Oct. 23, 1754. B. A., San Augustin de Ahumada.

¹The viceroy to Barrios, Feb. 12, 1756; *Test. del Dictamen*, Oct. 11, 1755, fol. 7.

²*Dilijens Practicadas*, p. 19. L. P., doc. 25.

sion as captain, a cane, symbol of authority, a jacket, a sombrero, and a shirt, while for Tomás, chief of the Bidai, who already had a commission as captain, they carried a like outfit. When they returned from this journey, which included a visit to the Nabadache, to the Bidai villages of Antonio and Tomás, and to the Orcoquiza village of El Gordo, they were accompanied by Mateo, Tomás and a band of braves, who were duly entertained by the governor, and who repeated former requests for missions.¹

Del Rio had found no French settlement, but he had heard from the Indians, who, as was to be expected, told a good story, that subsequently to the arrest of Blancpain some Frenchmen had been among them, that Mateo and his people (loyal to the Spaniards, of course!) had withdrawn from the coast, but that Canos, Blancpain's proselyte, had been to New Orleans, and, on his return, all decked out in French garb and laden with presents, had tried to win the rest of his tribe to the French cause.

This report evidently caused Barrios to act. Del Rio's return was early in June. Sometime between this date and August 27—probably at least a month before this—the governor sent twenty-eight soldiers recruited from San Xavier, San Antonio, La Bahía, and Adaes, to garrison El Orcoquisac until permanent arrangements should be made by the superior government.² The posting of this garrison marks the beginning of the Spanish occupation of El Orcoquisac.

PRESIDIO, MISSION, AND VILLA AUTHORIZED, 1756

The examination of Blancpain in the royal hall of confessions had occurred in February, 1755. For a year after this nothing was done by the superior government in Mexico but to discuss and refer, a process all too well known to the special student of Spanish-American history. To follow the details of this correspond-

¹*Dilijens Practicadas*, 1755. L. P. no. 25. The details of this expedition are given in the declarations of the soldiers who accompanied Del Rio. (*Ibid.*) Miss Brown makes no mention of Del Rio's journey between October and April.

²*Test. del Dictamen*, Oct. 11, 1755. The date, Aug. 25, is fixed by Valcarcel's statement that on this day the fiscal had suggested that part of the temporary garrison sent by Barrios should remain. *Ibid.* Miss Brown concluded that this garrison was not sent. My inference is drawn from Valcarcel's *Dictamen*.

ence would be profitless except as a study in Spanish provincial administration. Viewed from this standpoint, however, it is interesting, as it furnishes a typical example of procedure in the matter of frontier defense, and a suggestion of the baneful effect of long distance legislation upon the missions and colonies, as well as insight into Spanish governmental methods.

A question within this field once brought to the attention of the viceroy ordinarily went from him to the fiscal of the royal Hacienda. If necessary, it went also the auditor of the war department and to a *junta de guerra y hacienda*, composed of officials from these two branches of the service. On the basis of these opinions of the fiscal and auditor, and the resolution of the *junta*, the viceroy issued his decrees. To one who studies intimately the viceroy's administration of the provinces it is noticeable how completely he followed the advice of these officials, particularly of the fiscal.

According to this customary routine, Barrios's proposal concerning the defense of the Trinity went, during the spring and summer of 1755, to the auditor, the fiscal, and a *junta de guerra y hacienda*. But there was so little agreement of opinion that the viceroy could reach no decision. Nominally, the difference was upon the size of the garrison and the question as to whether the proposed settlement should be subsidized or not. One gets the impression, however, that the real reason for delay was lack of interest. The fiscal recommended retaining at El Orcoquisac twenty of the soldiers already placed there by Barrios, and favored establishing one or more missions for the Orcoquiza. But he opposed Barrios's proposal of a subsidized colony, recommending, instead, dependence upon settlers who should be attracted to the vicinity by lands alone. The six officials of the *junta* which was called could agree neither with the fiscal nor with each other. While all were of the opinion that El Orcoquisac should be garrisoned, two voted for twenty soldiers aided by the Indians of the locality, two for a larger number of soldiers, and two for ten soldiers and ten citizens.

After receiving Barrios's letter of September 6, 1755, which reported not only that Frenchmen had again been seen on the Trinity, but also that the governor of Louisiana had set up a claim to the territory which he garrisoned, the viceroy asked for a new opinion of the auditor.

Valcarcel, adopting the views that had been expressed by Altamira in his famous dictamen in 1744, and of Escandón, frequently voiced during his long struggle to people the country between the San Antonio River and Tampico, had in his mind the germs of a colonizing policy which might have been successful if really carried out. Reporting on October 11, he opposed the fiscal's plan for an unsubsidized settlement, on the ground that it would be more expensive to maintain a garrison for the long time that would be necessary under that plan, since there was little chance of a pueblo formed without special inducements to settlers, than to equip at once fifty families, withdrawing the garrison within a definite time. Citing Altamira's opinion, he argued with some logic that, in time of peace, on the one hand, good citizens would be more useful than soldiers as agents in winning the Indians, since presidial soldiers were proverbially low characters, and always making trouble; while, in time of war, on the other hand, twenty soldiers would be virtually useless. He advised, therefore, selecting fifty families of good character, attracting them not only by the lands, but also by the usual subsidy given to new colonists, putting them under a governor of their own number, and suppressing the presidio as soon as the civil settlement should be established.

He also made recommendations concerning the choice of a site. First a good location should be selected. He doubted the fitness of El Orcoquisac for the settlement, for lack of wood, and because of the marshiness of the country. Agreeing with the fiscal in this, he recommended ordering the governor to take the president of the eastern Texas missions, go to the Trinity country, and select a site for a town and missions. The town site must be so chosen that it would serve to protect the missions, control the Indians, and keep the French from among them. He advised, also, requiring Barrios to report the necessary supplies to be furnished the families at government expense.

But still the matter dragged on. Further delay was caused by a change of viceroys, and when the new one, the Marqués de las Amarillas, arrived in Mexico, he found the defense of the Trinity one of the questions first demanding attention. Accordingly, on February 4, 1756, he called a *junta*, whose resolutions, supplemented by the viceroy's decree of February 12, brought the matter to a head.

The provisions thus jointly made for the lower Trinity were as follows: (1) For the present a garrison of thirty soldiers and a mission were to be established precisely on the site of Blancpain's arrest. (2) As soon as a suitable permanent site could be selected—it being conceded that El Orcoquisac was unhealthy—a villa of fifty families was to be founded, and to this site the mission and presidio were to be removed. Of these families twenty-five were to be Spaniards and twenty-five Tlascaltecan Indians, both classes to be recruited mainly from Saltillo, and to be aided by a single government subsidy sufficient to transport them and provide them with an outfit for agriculture, the sum to be determined by Barrios. (3) At the end of six years the presidio was to be suppressed, the soldiers becoming citizen colonists. For this reason, as well as for the immediate benefit of the Indians, married men of good character were to be preferred in the selection of the garrison. (4) The mission was to be conducted by two friars from the college of Guadalupe de Zacatecas, on a stipend of four hundred *pesos* each. (5) Barrios was ordered to report the funds necessary for the subsidy, to proceed at once to establish the presidio and mission on the temporary site, and, assisted by two friars and by men acquainted with the country, to choose the site for the villa.¹

Bonilla and Bancroft have made it appear that the colony of fifty families provided for was to be identical with the presidio, but from the above it is clear that such was not the case. Morfi states that a presidio of thirty men was at first provided for; that because Barrios reported the original site unsuitable, the garrison was moved to the Springs of Santa Rosa de Alcázar, and that on February 4, 1757, a *junta* in Mexico decided to establish a new presidio and a colony of fifty Spanish and fifty Tlascaltecan families. The date of the *junta* was February 4, 1756; it provided for a colony of only fifty families, as has been stated above.

¹The proceedings in Mexico are recorded in a report of the *junta de guerra* of Feb. 4, 1756 (B. A. San Agustín de Ahumada); *Testimonio del dictamen de Valcarcel*, Oct. 11, 1755. B. MSS.; the viceroy to Barrios, Feb. 12, 1756. B. MSS.; the viceroy to the king, March 14, 1756. B. MSS.; royal cédula, Aug. 20, 1756. B. MSS. The auditor, Valcarcel, gave his opinion on Feb. 11, 1755, the fiscal on Aug. 27. The date of the first *junta* has not been ascertained. Note Bancroft's error in saying that all the families were to be Tlascaltecan.

It will be seen from what follows that the first garrison was not moved to the Springs of Santa Rosa.¹

This provision regarding the sending of Tlascaltecan families to the Texas frontier is an illustration of the interesting part played by the Tlascaltecan tribe during the whole period of Spanish expansion in New Spain. After their spirited fight with Cortés, resulting in an alliance, they became the most trusted supporters of the Spaniards. After playing an important part in the conquest of the valley of Mexico, they became a regular factor in the extension of Spanish rule over the north country. Thus, when San Luis Potosí and Saltillo had been conquered, colonies of Tlascaltecanes were sent to teach the more barbarous Indians of these places both loyalty to the Spaniards and the elements of civilization. In Saltillo a large colony of Tlascaltecanes was established by Urdiñola at the end of the sixteenth century, and became the nursery from which numerous offshoots were planted at the new missions and villages further north. At one time one hundred families of Tlascaltecanes were ordered sent to Pensacola; we see them figure now in the plans for a colony on the Trinity River; and a few years later it was suggested that a settlement, with these people as a nucleus, be established far to the north, on the upper Red River, among the Taovayas Indians.

PRESIDIO AND MISSION ESTABLISHED, 1756-1757

San Agustín de Ahumada

Barrios promptly set about establishing the presidio, which was evidently founded late in May or June, 1756.² It was certainly established by July 14. In compliment to the viceroy, the name given it, San Agustín de Ahumada, like that of the presidio of San Luís de las Amarillas, established a year later at San Sabá, was borrowed from that official's generous title.³ The site was

¹Bonilla, *Breve Compendio*, 57; Baneroft, *North Mexican States and Texas*, I, 625; Bonilla, *Memorias para la historia de Texas* (MS.), 345.

²On March 14 Barrios ordered Ruíz to enlist recruits. On May 16 Cristóbal de Córdoba issued supplies to those who went to establish the presidio. This, probably, may be taken as the day when they set out for the new establishment. (Declaration of Córdoba, Oct. 10, 1757; Barrios to the viceroy, July 14.)

³This was Don Agustín de Ahumada Villabon Mendoza y Narváez, Marqués de las Amarillas.

fixed according to the instructions, at El Orcoquisac, the place where Blancpain had been arrested. This was near a lagoon a short distance east of the left bank of the Trinity some two leagues from the head of the Bay, or near the north line of present Chambers county.¹ It is easy to explain Bancroft's mistake of supposing that El Orcoquisac and Los Horconsitos, which will appear later in the narrative, were identical, but it is difficult to understand how he came to place San Agustín de Ahumada on his map more than one hundred miles up the river instead of near its mouth.² Marcos Ruíz was made recruiting officer for the garrison; Domingo del Río's skill as an Indian agent was recognized by his appointment as lieutenant *ad interim* in command, while Cristobal de Córdoba was made sergeant. On June 12, 1757, it was reported that the presidio, church, granary and corrals were all completed, and that fields and gardens had been prepared. We learn little about the structure of the presidio except that it was good. It was undoubtedly an unpretentious affair, and perhaps not very different from that soon ordered substituted for it when a change of site was being planned. The latter was to be a wooden stockade, triangular in shape, with three bulwarks, six curtains, one gate near the barracks, and a *plaza de armas* in the center. As a temporary part of the equipment of the presidio, two swivel guns were sent from Los Adaes, to remain until other provisions could be made.³

The new establishment on the Trinity served to keep Barrios in Texas nearly three additional years. On August 21, 1756, by royal order, he was appointed governor of Coahuila and Don Angel Martos y Navarrete named in his place. But in view of the Orcoquisac enterprise just begun, the viceroy requested that Martos be sent temporarily to Coahuila in Barrios's place. The request was granted, and Barrios continued in office until 1759.⁴

¹This conclusion, based upon an independent study of the sources, is borne out by Miranda's map, which I did not see till long after the above had been written.

²*North Mexican States and Texas*, I, 615, 643.

³Order to survey the Trinity, N. A., doc. 488, f. 2; Barrios to the viceroy, July 14, 1756; Barrios to the viceroy, June 12, 1757; Appeal of the Father, N. A., doc. 487; the viceroy to Barrios, May 26, 1757. Miss Brown implies that Ruíz led the garrison to El Orcoquisac.

⁴Brown, "The History of the Spanish Settlements at Orcoquisac, 1746-1772," MS.; the viceroy to the king, April 19, 1757; *autos* of the resi-

Nuestra Señora de la Luz

The mission established in the neighborhood of San Agustín was called Nuestra Señora de la Luz (Our Lady of Light), with the addition, sometimes of "del Orcoquisac." Before the arrival of the regular missionaries, Father Romero, of the Ais mission, went among the Orcoquiza and secured promises that they would receive instruction, with the result that, in July, 1756, Barrios was able to report that even Canos, the French partisan, had become "reduced" to mission life, whatever this may have meant, in the absence of a mission. He had probably consented to enter one. At this time Barrios talked hopefully of even three missions instead of one.¹

The first missionaries sent were Fr. Bruno Chavira and Fr. Marcos Satereyn. Just when they arrived is not clear, but it was evidently after August, 1756, and certainly before the end of January, 1757.² Barrios soon complained that these missionaries were unsuited for their task, one because he was very young, and the other, Fr. Chavira, because he was old and violent in his manner. Moreover, he said, though the Indians were docile and anxious to live at the mission, the *padres* had brought nothing to support them. He carried his complaint to President Vallejo, who promised to have the College recall these two missionaries and send others.³

Chavira's removal, however, was by a more powerful hand, for on June 27, he succumbed to the unhealthfulness of the country and died. Fr. Chavira's companion remained for some time and was approved by the governor.⁴

In January, 1757, as we shall see, the viceroy ordered the missionaries to transfer their mission to Santa Rosa, and to "reduce"

dencia of Barrios. B. A., Adaes, 1756-1766. Martos began his administration on Feb. 6, 1759.

¹The viceroy to Arriaga, citing Barrios's opinion, April 18, 1757. At this point Miss Brown's thesis follows my findings and my language.

²They are not mentioned in the *Diligencias* of August, 1756, but Barrios wrote of their being there in January, 1757 (Letter to the viceroy, June 12, 1757). From his statement it is inferred that January was the month of their arrival, although this is not certain. See the statement that the viceroy was sending letters by the missionaries, Jan. 19, 1757. These might be new missionaries. (Historia 91, *expediente* 2.)

³The viceroy to Arriaga, April 18, 1757.

⁴*Ibid*, postscript.

there at El Gordo's village, all four of the Orcoquiza bands and the Bidai tribe as well. This plan does not exactly harmonize with the decision of the *junta* of March 3 that efforts should be made to keep the different bands hostile toward each other. The Indians, however, opposed the transfer, and, to meet this difficulty, Barrios suggested dividing the missionary forces, leaving one friar at El Orcoquisac, with a small guard of soldiers, the other going to Santa Rosa.¹

As was usually the case in the initial stages of founding a mission, the Orcoquiza (especially the band of Calzones Colorados) were at first very tractable and friendly. They professed anxiety to enter upon mission life, built a house for the missionaries, and the first spring planted for them six *almudes* of corn, something "never before seen in these natives."²

The church, reported by Barrios as already complete in June, was evidently a very temporary structure, which was supplanted afterwards by a somewhat better one, itself miserable enough. A complaint made two years later by Fr. Abad de Jesus María, who was then head minister at the place, to the effect that he could not get help from the soldiers to complete the mission, reveals to us the site and the nature of the newer building. He writes: "Fearful of what might result, I had to set about the mentioned material establishment. . . . The two ministers, having explored and examined the territory with all care and exactitude, we did not find any place more suitable or nearer the presidio than a hill, something less than a fourth of a league's distance to the east from the latter and on the same bank of the lagoon. This place, Excellent Sir, because of its elevation, commands a view of the whole site of the presidio and of a circumference to the west and south, where this River Trinity turns, as far as the eye can reach. Towards the east the land is a little less elevated. At a distance of a league enough corn might be planted to supply a large population. . . . All these advantages being seen, the mission was erected on this site. It is made of wood, all hewn (*labrada*), and beaten clay mixed with moss, and has four arched portals (*portales en círculo*). This building, because of its

¹Viceroy's decree, January 19, 1757; Barrios to the viceroy, June 12, 1757.

²The viceroy to Arriaga, April 18, 1757.

strength and arrangement, is the most pleasing in all those lands of the Spanish and the French—or it would be if your Excellency should be pleased to have completed its construction, which for the present has been suspended.”¹

Such are some of the glimpses which we are able to get of the new mission and presidio.

PLANS FOR A VILLA AT SANTA ROSA, 1756-1757

To select a site for the colony, Barrios commissioned Lieutenant Del Rio and Don Bernardo de Miranda, the latter known for his recent explorations of the Los Almagres mineral vein, each to make an independent survey, which they did in the mid-summer of 1756. When, on August 26, 1756, they and their assistants gave their reports before Governor Barrios and Father Romero, all agreed as to the most desirable location. Above the presidio, within a space of six leagues, they reported three arroyos, on the middle one of which was the village of Calzones Colorados. These arroyos, they thought, would afford moderate facilities for a town site. But much better was the country along the arroyo of Santa Rosa del Alcázar, mentioned before as in the center of the Orcoquiza tribe.²

Pleased with the glowing description of Santa Rosa, as it came to be called commonly, Barrios next had it surveyed by two surveyors named Morales³ and Hernández. In October these men reported favorably upon three sites, but most favorably on that near El Gordo's village at the junction of two small branches joining the Santa Rosa, about ten leagues or perhaps twenty miles west of the San Jacinto—apparently Mill Creek and Spring Creek.⁴

¹Father Abad to the viceroy, November 27, 1759.

²Order for the survey of the banks of the Trinity. N. A., doc. 488, 2, 8, 9.

³Miss Brown gives his name as Morelos.

⁴Orders for the survey. N. A., doc. 488, 14-22. The survey was begun early in September, 1756, Barrios going with the party. He returned to Los Adaes on September 6, leaving Miranda in charge, and with orders to go up the Santa Rosa to three arroyos that had been mentioned before. On the 13th the survey was resumed, the first *ojo* examined being one about three leagues west of the San Jacinto; within three leagues of this two others were examined. Going up stream to the village of El Gordo they found a larger stream, carrying two hands of water (*bueyes*), and dividing at a short distance into two smaller streams, one coming from the northwest and one from the south. This was regarded as the best

Barrios required the surveyors to prepare estimates of the cost of building the necessary dams and *acequias*, and in November reported to the viceroy in favor of Santa Rosa (as Miranda had already done in October), recommending three missions instead of one. On January 7 this site was approved by a *junta de guerra y hacienda*, and shortly afterward the viceroy ordered the presidio moved thither, with the condition that each week a squad of soldiers must be sent to reconnoiter El Orcoquisac to look for Frenchmen.

The missionaries were required, likewise, to transfer the mission with the people of Calzones Colorados and Canos (assumed by the authorities, from previous reports, to be in the mission), to El Gordo's village, and to strive to attract thither the people of Mateo and also those of the Bidai tribe. Thus was it planned to gather all of the Orcoquiza and Bidai into one settlement.¹

In March and April the central government proceeded in good faith to provide 30,000 *pesos*, the sum asked for by Barrios, for equipping and transporting the settlers, and ordered three swivel guns to San Agustín, to take the place of the cannon brought from Los Adaes. The details of recruiting the families were left to Barrios, but he was ordered to take from Saltillo fifty saddle horses, fifty brood mares, twenty-five cows, nine thousand one hundred and twenty-five sheep, and six yoke of oxen. Other necessary stock was to be purchased in Los Adaes. Each family was to be supplied with a limited outfit for engaging in agriculture, and a gun and a sabre for defence, while, during the journey, each member of the Spanish families was to be allowed three reals a day, and each member of the Tlascaltecan families two reals. The actual work of recruiting, equipping and transporting the families was entrusted by Barrios, some time later, to a Frenchman named Diego Giraud.²

place for the site, and is the place marked on Miranda's map as Santa Rosa. It was apparently about where Hufsmith now is; if not, then at Houston.

¹Barrios to the viceroy, November 8, 1756; the viceroy to the governor, January 7, 1757; decree of the viceroy, January 19, 1757; the viceroy to the missionaries, March 23, 1757.

²Action of the junta of March 3, and a supplementary decree of April 3; viceroy's decrees of March 3 and March 8; viceroy to Arriaga, April 18, 1757; *Appeal of the Father*, 9 (N. A. doc. 487).

EFFORTS TO MOVE THE PRESIDIO AND THE MISSION; FAILURE OF
THE PROJECT FOR A VILLA

To this point prospects seemed good for the beginning in Texas of a new civil settlement, the element most lacking, and want of which meant ultimate failure. But now ensued a period of disheartening inactivity, flimsy excuse-making, and pernicious quarreling, that shatters the reader's patience, and that resulted in killing the projected settlement.

The plan for a colony had originated with Barrios, and hitherto he had acted with reasonable promptitude in carrying it out. As late as June, 1757, his attitude was favorable, for then, when reporting that the Indians at El Orcoquisac might oppose moving to Santa Rosa, he had suggested that this difficulty might be overcome by leaving one missionary at El Orcoquisac, protected by a small garrison, and establishing the other at Santa Rosa.¹ But from now on he seems to have entirely changed his mind. It may have been sincere conviction that there was no suitable site—he could not foresee the building in the vicinity of a great city like Houston—or it may have been some unexplained influence that caused him to positively oppose the town. A suggestion of jealousy of Miranda appears in the documents, but one is not warranted in accepting this suggestion as conclusive.

Whatever the cause, his subsequent conduct is most exasperating. In October he reported that he had been deceived by Miranda's report and that a personal examination made in October by himself and President Vallejo proved that Santa Rosa was unfit for a settlement,² but that a place called "El Atascosito" or "El Atascoso y Los Tranquillos" on the Trinity, some nineteen leagues above the presidio, was a suitable location.³

While the viceroy was putting Barrios's suggestion through the usual deliberate legislative routine,⁴ the governor was forced into

¹Barrios to the viceroy, June 12, 1757.

²This report is missing, but it seems from references to it that his objection was the difficulty of making an *acequia*. (See *Appeal of the Father*; viceroy to Barrios, March 3, 1758.)

³*Dictamen fiscal*, February 5, 1760. With this report he seems to have sent *autos* of his examination of El Atascosito.

⁴On March 13, 1758, he ordered Barrios to make another report so that the government could decide whether or not to accept El Atascosito as a substitute for Santa Rosa. Barrios either ignored or failed to get this order. (The viceroy to Barrios, March 13, 1758.)

temporary activity by the missionary then at Nuestra Señora de la Luz, Fray Joseph Francisco Caro. This friar wrote in February, 1758, to his superior at Adaes, Father Vallejo, a mournful tale about the physical miseries of life at his swampy, malarial, mosquito-infested post. Father Chavira had died, he said, from the unhealthfulness of the place; his companion, Fray Marcos Satereyn, and all the soldiers, were sick from dysentery, due to bad water, excessive humidity, and putrid lagoons nearby. He requested, therefore, that the presidio and mission be moved at once to another site, preferably El Atascosito. If this could not be done, he begged leave either to move the mission with a small guard of soldiers to the place designated or to abandon his post. Vallejo reported the complaint to Barrios and requested that one of the alternatives be granted, preferably that looking to the transfer of the presidio as well as the mission to El Atascosito; he closed with a threat that unless something were done, he would order Father Caro to retire and, acting in the name of his College, would renounce the mission.¹

In response to this threat Barrios went in April to San Agustín, selected a site within two gunshots of El Atascosito, ordered crops sown, and instructed Lieut. Del Rio, as soon as the sowing should be completed, to build there a new triangular stockade, and to transfer the garrison and the mission.² To offset this apparent compliance, however, Barrios gave the idea of a colony a serious blow by declaring that neither El Atascosito, the place he had himself proposed as a substitute for Santa Rosa, nor any of the several others that had been considered, would support a settlement of fifty families, and recommended accordingly that Giraud, his agent sent to Saltillo to recruit families, should be repaid for his trouble and expense, and, it is inferred, relieved of his commission.³

¹*Appeal of the Father at the Mission of Nuestra Señora de la Luz de Orcoquiza for permission to abandon that mission on account of the insufferable plague of mosquitoes and ants and of the unhealthfulness of the locality* (MS., N. A. doc. 487), 4.

²Barrios replied on March 13 that as soon as the weather would permit he would attend to removing the presidio to El Atascosito. While at Nacogdoches, early in April, on his way to San Agustín, he received news of the destruction of the San Saba Mission. Only high rivers prevented him from going to San Antonio and leaving the affairs of San Agustín to his lieutenants. *Appeal of the Father*.

³*Appeal of the Father*, 9. Barrios had denounced El Orcoquisac and

On March 4, 1758, and again on March 13, Barrios was ordered to make another search for a town site, or at least a site to which the mission might be removed. But after all the delays and failures recounted above, one will hardly be surprised that these renewed orders were not obeyed. The reason, if the reader were to require a specific one, does not appear, for it happens that in our sources there is a gap, so far as events in Texas go, between April, 1758, and October, 1759. Before that time Governor Barrios had gone to his new post in Coahuila, leaving half done the task to accomplish which, because of his supposed special fitness for it, his transfer had been indefinitely suspended. His successor proved to be no more efficient than he, so far as our present interest is concerned.

When the curtain again rises after the year and a half of darkness the tables are turned. The mission and presidio are still at El Orcoquisac, but the new missionary, Fray Joseph Abad de Jesus María, is in dispute with the new governor, Don Angel Martos y Navarrete, over the question of removal to a new site, Los Horconsitos, three or four leagues up the river. But this time it is the missionary who opposes the transfer.

Don Angel began his administration on February 6, 1759,¹ and after attending to matters of most pressing moment he took up the question of locating the proposed villa and transferring the mission and presidio from El Orcoquisac. In October he visited Santa Rosa and decided against it.² On November 4, in company with Del Rio and Father Abad, he visited El Atascosito, and decided against it also. But farther south he found a place called Los Horconsitos (Little Forks) three and one-half leagues above El Orcoquisac, and a league north of this, a juniper covered arroyo called Los Piélagos, either of which he regarded suitable for a town, as well as for the presidio and mission.³

But Father Abad opposed the governor's suggestion. He argued, and with reason, that the trouble with the presidio and the mission

the San Jacinto site in August, 1756; Santa Rosa in October, 1757, and now he declared against El Atascosito and, by implication, against the whole plan.

¹*Autos de Residencia de Barrios*, B. A., Adaes, 1756-1766.

²Martos to the viceroy, December 6, 1759. B. A., San Agustín de Ahumada.

³Martos to the viceroy, December 6, 1759. B. A., San Agustín de Ahumada; Informe by Father Abad, November 27, 1759.

was one of laziness rather than one of faults of the site; that Del Rio, being a common soldier, was unfit to be a commander; that the Indians objected to leaving their native soil; that the buildings and crops, secured at the cost of great labor, should not be abandoned; and that new rumors of the French made removal unwise. In spite of Father Abad's opinion, on December 12 Martos reported favorably on Los Horconsitos, and on March 15 the viceroy ordered the removal made to that point. But instead of complying with the order, in May Martos took more testimony, which added a "Place on the Trinity" to the list of sites suitable for a town and for the transfer in question, but declared against El Atascosito and El Orcoquisac.¹ After recommending to the viceroy, on May 30, the three places named, Martos inquired of Father Vallejo if the removal was imperative. First referring the matter to Father Romero, the missionary from Los Adaes who had been at San Agustín, the president replied in the affirmative, and with emphasis.² Thus Father Abad was now opposed by Fathers Vallejo and Romero, while the governor stood between them.

Meanwhile Martos had added his opposition to the project of a villa. On December 16, ten days after recommending El Atascosito and Los Piélagos as suitable for such a purpose, he asked the viceroy to relieve him of responsibility for founding the town. What his reason was is not clear, but it may have been his unwillingness to oppose Father Abad.³ At any rate, on March 6, 1760, his request was granted provisionally, until the site should be determined. As this never occurred, the plan for the villa was never again taken up in Mexico, and it never was founded.⁴

If it were not for the fact that Bonilla, and those who have followed him, had made the fundamental error of saying that the presidio and mission were moved one or more times, finally to Los Horconsitos (which Bancroft confuses with Orcoquisac), the reader

¹Abad to the viceroy, November 27, 1759; *dictamen fiscal*, February 5, 1760; *Interrogatorio*, May 20, 1760. B. A., San Agustín de Ahumada.

²Martos to the viceroy, May 30, 1760, in Abad's *Informe*; Martos to Vallejo, June 10, *ibid.*; Romero to Vallejo, June 12, *ibid.*; Vallejo to Martos, June 13, *ibid.*

³Abad, *Informe*, B. A., San Agustín de Ahumada, ff. 9-10.

⁴A recent writer makes the error of stating that the colony was actually founded, and this in 1755 (Coman, *Economic Beginnings of the Far West*, I, 99). In view of the fact that the colony was never established, her comments on the laziness of the colonists seem gratuitous.

might be spared the pain of following further such frivolous excuse-making and disgusting inactivity. Since, however, such errors have been made, it is necessary to show that, excepting, perhaps, a removal to a site a quarter of a league away, the transfer had not been effected down to 1767, when steps for final abandonment of the place were begun, and after which, of course, no further effort was likely to be made.¹

A year and a half passed after the events related above had occurred, when a *junta de guerra* held in Mexico December 9, 1762, again approved Los Horconsitos, and, on December 22, Martos was again ordered to move the presidio and mission thither and to do it at once. It is clear from what follows, however, that the order was not carried out.

In November, 1763, the presidio was put under the command of a captain, Don Rafael Martinez Pacheco, whereupon Martos, resenting the change, became anxious to do what for five years he had neglected. In June, 1764, therefore, he went to the presidio in company with Father Calahorra to effect the transfer, but the Indians, bribed by Pacheco, as it later appeared, opposed the change, and, though the governor remained on the ground a month, the object was not accomplished.² Martos reported his failure to the viceroy, and on August 12, 1764, the command to remove the establishment to Los Horconsitos was repeated.³ In the course of the ensuing trouble with Pacheco the presidio was partially burned. Subsequently, in the administration of Afan de Rivera, temporary repairs were made on the partly destroyed establishment, which indicates that no removal had been made. In 1766 a storm damaged the presidio and mission, and a new clamor was made for a transfer, there being some evidence that the presidio was moved in consequence to higher ground a quarter of a league away.⁴ Finally, in October, 1767, when the Marqués de Rubí inspected the place, he

¹Bonilla, *Breve Compendio*, THE QUARTERLY, VIII, 57.

²The viceroy to Martos, December 22, 1762; Martos to the viceroy, December 14, 1763; the viceroy to Martos, August 12, 1764; Martos to the viceroy, December 14, 1763. Testimony was given on January 2, 1765, to the effect that Pacheco had bribed the Indians. What his motives were does not appear. Declaration of Calzones Colorados before Marcos Ruiz, January 2, 1765. L. P., no. 25.

³The viceroy to Martos, August 12, 1764.

⁴The viceroy to Rivera, November 17, 1766; *dictamen fiscal*, November 17, 1766.

found the presidio at or near the original site, for in his diary describing the journey to the coast La Fora records passing El Atascosita and Los Horconsitos, and proceeding south from this point to the presidio. His entry makes it clear that the presidio and mission were still at El Orcoquisac. He says: "We traveled . . . four leagues to a small ranch at the place called El Atascoso, where we camped." On the next day "we traveled ten leagues, generally south, although the road forms a semicircle, to escape the lagoon formed by the Rio de la Trinidad, which during the whole day we kept at our right and two leagues away. After going four leagues over level country . . . we crossed the Arroyo de Calzones, which runs west and empties into the Trinity, and leaving behind the Paraje de los Horconsitos we forded that of El Piélagos, . . . which flows in the same direction and, like that of Calzones, empties into said river, both overflowing in rainy seasons and flooding the six leagues between this place [evidently Los Horconsitos] and the Presidio of San Luis de Ahumada, commonly called El Orcoquisac."¹

It is clear, then, that down to October, 1767, no material change of site had been made. Rubí recommended that the establishment, like the rest of those in eastern Texas, be abandoned. This suggestion was soon acted upon, and if any transfer was ever effected (of which there is no evidence), it was between 1767 and 1771, a period when the affairs of the place were going from bad to worse.

RELATIONS WITH THE FRENCH

The arrest of Blancpain brought forth a protest from Kerléréc, the new governor of Louisiana, who claimed that the trader had been arrested on French territory.² He added that only with difficulty had he been able to restrain the Attacapa Indians from destroying the Spanish establishment, on account of their anger at the expulsion of the French. On September 11, 1756, he proposed to Barrios that a joint commission be appointed to examine the site of San Agustín to determine the question of ownership,

¹*Relacion del Viaje que de orden del Excelentisimo Senor Virrey Marques de Cruillas Hizo el Capitan de Ingenieros Dn. Nicolas de la Fora*, entries for October 8 and 9.

²Kerléréc protested on January 12, 1755, and again on April 7. (Report of the *junta de guerra* of February 6, 1756.)

and named Athanase de Mézières to serve as the French representative. Barrios refused the proffered aid and expressed to his government the fear that Kerlérec intended to found a presidio near that of San Agustín.

In spite of the arrest and the harsh treatment of Blancpain and his party, fear of the Spaniards was not so great as to keep away all Frenchmen. Domingo del Rio reported in the summer of 1755, after his visit to El Orcoquisac, that since the arrest of Blancpain four Frenchmen had been there on horseback. Scarcely had the new presidio been established when a Frenchman presented a petition to the viceroy through Barrios asking permission to settle at El Orcoquisac. The petitioner, M. Massé, a stock raiser who lived in the Attacapa region, was evidently well known to Governor Barrios, for when the latter went to establish the presidio he asked permission to go by way of M. Massé's hacienda among the Attacapa, but his request was refused. In his petition Massé enlarged upon his distinguished birth and his attainments, and explained that he was led to make the request by his desire to emancipate his slaves, which was not possible in Louisiana. As arguments in his favor, he referred to his large herds of stock, which would be at the disposal of the new establishment; to the increase of population which would result from the settlement of his numerous slaves; and to the important service he would be able to perform among the Indians. In this connection, he promised to secure the allegiance of the Attacapa, as well as the friendship of the northern nations, the Taovayases, the "Letas" (Comanche) "Patoca" (Comanche) the "Icara" and the "Pares" (Panis). He did not speak for himself alone, but also for his partner, the Abbé Disdier, whose loyalty he was ready to guarantee. On July 22, Governor Barrios forwarded the petition, and added the information that Massé was a chancellor of Grenoble, of good standing among the French, absolute master of the Attacapa and the northern Indians, owner of twenty negroes, seven hundred head of cattle, and one hundred horses, all of which he was willing to contribute to the support of the town. When we learn that for many years after this date Monsieur Massé was a contraband trader on the Gulf Coast, and that Barrios also was engaged in this enterprise, we are inclined to suspect something besides generosity in Massé's request.

The viceroy in Mexico regarded the petition as a part of a plan to establish a French settlement on soil claimed by Spain, and the answer was the only one which could be expected. Barrios was instructed to inform Massé and Disdier that it would be contrary to law for them to even enter the Spanish province, and that if they did so their goods would be confiscated and they sent prisoners to Spain. He was further instructed to ascertain why the Frenchmen had wished to settle in Texas; and to find out if the Abbé, during his stay at Los Adaes, had caused any desertions.

In the course of the correspondence which ensued it was stated that Disdier had come to New Orleans as chaplain of a vessel; had been made chaplain of a seminary in New Orleans; had been ejected by Kerlérec because of trouble with the boys; had gone to the establishment of M. Massé, thence to Natchitoches, and thence to Los Adaes, where he had served for two months as tutor for the governor's sons. Regarding Massé it was stated that he was a military officer who had been engaged in secret trade among the Attacapa. In June, 1757, Barrios reported that Disdier had left Texas on the pretext of going to Mexico to visit the shrine of the Virgin of Guadalupe, but instead had gone to El Orcoquisac to persuade the missionaries there to desert to Louisiana and Europe. Barrios professed to refuse to believe that he was a priest, but regarded him as a fraud, and mentioned a correspondence that he had carried on with De Mézières.¹

Kerlérec did not confine his protests to those made to Barrios, but wrote to his home government on the matter, addressing his complaint to the Minister of Marine. This correspondence was reported to the viceroy of Mexico on March 9, 1757, by the governor of Havana. Writing of the matter to the king on April 18, the viceroy suggested the erection of a presidio on the bank of the Mississippi River opposite New Orleans "to protect the boundaries" and so that this establishment, the new presidio of San Agustín, and that of La Bahía, might defend the coast "and in future prevent any introduction whatever." With the dispatch he sent a map made by Bernardo de Miranda, the surveyor of Santa Rosa, who happened to be in Mexico, and a report on the French

¹Miranda to the viceroy, April 26, 1757; petition of Massé, July 19, 1756; Barrios to the viceroy, July 22, 1756; the viceroy to the king, September 14, 1756; royal cédula, June 10, 1757; Barrios to the viceroy, June 16, 1757; the viceroy to Barrios, 1757, draft.

border by the same individual. The map which, as the viceroy remarked, is not "subject to the rules of geography," shows Texas as extending to the Mississippi.¹

Frenchmen continued to operate among the Indians in the neighborhood of San Agustín, and to cause trouble for the small garrison. Sometime in 1759, for example, two Frenchmen entered the Orcoquiza country with a band of one hundred Indians and were expelled by Del Rio and ten soldiers, after some show of resistance. It later was charged that they were connected with a plot to destroy the Spanish settlement. In November of the same year eight Spanish soldiers were sent to the Brazos to reconnoiter a place where Frenchmen had encamped among the Karankawa, promising to return to build a town.²

Allusion has just been made to a French plot to destroy the settlement at San Agustín. In January, 1760, Del Rio wrote to Governor Martos that Luis de St. Denis (son of the famous Luis Juchereau de St. Denis so long commander of Natchitoches) had sent an Adaes Indian among the Orcoquiza and Bidai tribes to bribe them to destroy the presidio of San Agustín. Barrios at once protested to Governor Kerlérec, and added that he believed that the destruction of San Sabá in the preceding year had been accomplished by French weapons. Kerlérec replied on March 13 in great indignation, demanding that Martos produce evidence to support the charge against St. Denis, and threatening to complain to the Spanish king.³ Martos sent his correspondence with Del Rio and Kerlérec to Mexico, whereupon a secret investigation of the charges was ordered, and special care enjoined to discover, whenever an Indian outbreak should occur, whether it was due to French intrigue.⁴

The testimony presented in the investigation which followed was not altogether conclusive, but was nevertheless significant. Calzones Colorados testified that early in 1760 two Bidai Indians had brought a message from St. Denis, inviting his tribe to go to

¹The viceroy to Arriaga, April 18, 1757.

²Declaration of Miguel Ramos and others, April 17-20, 1761.

³Kerlérec to Martos, March 13, 1760, in *Testimonio practicado sobre si Dn. Jasinto de Barrios tuvo comersio*, etc. B. A., 1756-1766.

⁴*Dictamen fiscal*, August 26, 1760; viceroy's decree, August 27, 1760; *dictamen del auditor*, September 1, 1760; decree of the viceroy, September 3, 1760; the viceroy to Martos, September 8, 1760.

Natchitoches to secure ammunition with which to return and kill all the Spaniards at El Orcoquisac; that he had refused to listen (of course); that the emissaries had gone to make the same proposal to Canos and Tomás; and that later one of them had returned saying that the offer had been made by St. Denis merely to test their loyalty to the Spaniards.

Canos, well known to be a partisan of the French, as his name implied, could not be secured as a witness, for he had escaped to the Attacapa; El Gordo denied having been offered bribes, but declared that during a visit to Calzones Colorados he had heard of the proposal. Tamages, another chief, corroborated the story as told by Calzones Colorados; Boca Floja, another, testified that the two Frenchmen who had been expelled by Del Rio had come with one hundred Attacapa to induce them to aid in killing all the Spaniards and running off the stock. The conference had been broken up by the opportune arrival of Del Rio and ten soldiers. The Bidai chiefs, on the other hand, claimed that, so far as they were concerned, no bribes had been offered them.¹

This testimony, considering the circumstances under which it was given, is not conclusive, but taken in connection with Kerlérec's avowed design of encroaching upon western Texas, his protests against the settlement at San Agustín, his recent proposal of a joint commission, and the contemporary Indian attack on San Sabá, in which French influence was clearly seen, the evidence is not to be rejected altogether.

Again in November, 1763, after the Louisiana cession, but before it was generally known in Texas and Louisiana, a lively dispute over boundaries arose between Governor Martos and Cavalier Macarty, commander at Natchitoches. The precise point at issue was not the ownership of the lower Trinity, but in the course of the correspondence Macarty laid claim, on the basis of La Salle's colony, to the Bay of Espíritu Santo, saying: "This be-

¹The whole investigation is recorded in the documents called *Testimonio sobre si Dn. Jasinto de Barrios tuvo comersio con Muniziones de Guerra con los Yndios Barbaros de Esta Prova y fuera de ella*, etc. B. A., Adaes, 1756-1766, Martos sent the correspondence on March 16; on August 26 the fiscal gave his opinion; the auditor his on September 1; the viceroy approved their opinions on September 3, and on September 5 issued his instructions to Barrios. Martos received the instructions on January 17, 1761, and on the 22d began the investigation. The investigation at San Agustín was conducted by Del Rio and Juan Prieto.

ing granted you cannot fail to be convinced both of our rights to the Bay of San Luis (Espíritu Santo), and that if from there we draw a line running straight north, the lands lying to the east thereof belong to the Most Christian dominions."¹

After the occupation of Louisana by Spain the question of the boundary ceased to have political significance, and troubles arising over the French contraband traders on the border were matters of internal concern only.

MISSION PROGRESS, 1759-1771.

Regarding progress and events at the mission of Nuestra Señora de la Luz, which had the misfortune to be placed amidst a multitude of discordant and hostile elements, natural, moral, and political, we have only incomplete data. Nevertheless, here and there we get glimpses of occurrences and personalities.

Father Chavira's place was filled by Fray Francisco Caro, formerly of the mission of Nuestra Señora de los Dolores de los Ais, who was at the Trinity mission in February, 1758. The most notable event recorded of his administration was his denunciation of the climate, swamps, and insect pests at the site, and his strenuous fight to have the mission removed to El Atascosito. In 1759 and 1760, as we have already seen, the superior of the mission was Father Abad de Jesus María. He opposed the removal of the mission as strenuously as Father Caro had favored it. It is from him that we get the description already given of the second church, which was being built in 1759.

The Indians of the place were not always docile, and there is little evidence that they actually entered the mission and submitted to its discipline. In 1759, during some trouble, the Attacapa joined the Orcoquiza in an outbreak, and in order to pacify them it was necessary to shoot a soldier. The trouble was evidently caused by one of the ever recurring instances of misconduct on the part of the presidial guards.²

Slight as is our information before 1760, we have even less for the period between that time and the coming of Captain Pacheco,

¹Macarty to Martos, November 17, 1763.

²Vallejo to Barrios, February 27, 1758; Father Abad to the governor, November 27, 1759.

in 1764. But the occurrences at the time of his advent indicate that few Indians were living in the mission before that date, and that the mission building was in a state of decay when he arrived.

The coming of Captain Pacheco was followed by a temporary revival at the mission under Fathers Salvino and Aristorena, aided by the new captain. Pacheco arrived on May 13, 1764, and on the next day he began his reforms. Calling an assembly of the one hundred and fifty Orcoquiza living about the place, he passed them in review, and addressed them in the presence of the missionaries, urging them to settle in the mission at once. A peace pipe was passed, dances were performed, and the Indians declared themselves eager to enter a mission for which they had waited three years. Del Rio, the interpreter, informed them of the duties of neophytes, telling them that they must obey the king, his officers, and the missionaries, throw away their idols, attend prayers, work in the field for the fathers, remain always in the mission enclosure, and defend the place against the French or hostile tribes. In return, Del Rio assured them of four rations of food a week and clothing when necessary.¹ The Orcoquiza agreed. Gifts and feasting followed, and the next day the heathen idols and ornaments were solemnly turned over to the missionaries.

The new zeal extended to other villages besides that of Calzones. On May 31, Chief Canos and his band, now mainly of Attacapa, it seems, came, flying a French flag, to consider entering the mission. The same ceremony was performed, and after a day's deliberation Canos declared himself willing to part with the French emblem and the native idols, and to enter a mission, providing it were separate from that of Calzones. On June 6 the Bidai chief, Tomás, came with forty-eight of his tribe, participated in the same ceremonies, and promised to enter a mission if it were established in his own country—his people had already tried one in foreign lands, at San Xavier—and also to persuade the northern tribes to do likewise.

On June 14, Captain Pacheco sent to Mexico an account of all that had been done, and requested funds to rebuild the mission and the presidio, both of which were in a state of decay; to furnish supplies for the Indians; and to found missions for the villages

¹Pacheco to Solis, May 26, 1764. *Papeles pertenecientes al Orcoquiza.*

of Tomás and Canos. He asked, besides, for permission to go with Chief Tomás on a missionary and diplomatic trip among the northern tribes. Pacheco assisted further in the missionary work by furnishing supplies, and within a short time he was reported to have furnished the Indians with clothing to the value of 1079 *pesos*, and with tools and implements for agriculture. Calzones' village was supplied with two beeves and five fanegas of corn a week, and that of Canos with half as much.¹

This, however, was but a temporary wave of enthusiasm, lasting but a few months. The scandalous quarrel which ensued before the year was over, between Pacheco and Governor Barrios, resulting in the flight of the former and his absence during the next five years, removed the best support of the missionaries, and there was a recurrence of former conditions at Nuestra Señora de la Luz, which the Marqués de Rubí, after a visit in 1767, referred to as "an imaginary mission."²

Nevertheless, the missionaries continued their work, and in the course of the next six years effected the "perfect conversion" of thirty Indians, mainly adults. Pacheco was welcomed back in the fall of 1769 by both missionaries and Indians, and his return was followed by another revival. The missionaries whose names appear are Fathers Luis Salvino and Bernardino Aristorena, in 1764-1766; Fray Bernardo de Silva (?), 1766; Fray Joseph Marenti, 1767; Fray Ignacio María Laba, 1768-1771; Fray Anselmo Garcia, 1770; and Fray Joseph del Rosario Soto, 1770. Presidents Vallejo and Calahorra each visited the place once in the course of its existence, but Father Solís, who in 1766 came all the way from Zacatecas to visit the missions, slighted this one, and caused complaint thereby. Missionary supplies were continued with some regularity during the administration of Afan de Rivera at San Agustín, between 1765 and 1769, who spent for the Indians 2724 *pesos*; and Pacheco, during his stay of a year after he returned in the fall of 1769, spent 2496 *pesos* for the Orcoquiza, Attacapa, Bidai, and "Asinaio," tribes "resident on this frontier." The Asinai had by this time acquired the custom of coming to the post for *regalos*. At least

¹*Papeles pertenecientes al Orcoquiza*. B. MSS. (This collection gives an account of Pacheco's assistance to the missionaries.); Pacheco to Cruillas, July 22 and July 29, 1764, *ibid.*

²Rubí, *Dictamen*, paragraphs 24-25.

one missionary expedition was made by a *padre* among the Bidai, and in all probability more than one. And after the garrison of the presidio was removed in 1771, the missionaries, Fray Ignacio Laba and his companion, were the last to leave the place.¹

SCANDALS IN THE ADMINISTRATION

Up to 1764 the presidio of San Agustín was commanded by Domingo del Rio, who was responsible to Governor Martos. But in 1763 Del Rio wrote to the viceroy complaining of the lack of flour and clothing, and even of ammunition, charging Governor Martos with neglect, and recommending that the post be taken out of the governor's hands and put under the command of a captain directly responsible to the viceroy. On November 23, the viceroy acted upon this recommendation (though it seems that the change was already under contemplation) and appointed to the new office Rafael Martínez Pacheco.² The first result of the change was the promising wave of missionary activity and general prosperity which we have already recounted. But this was soon followed by one of the disgraceful quarrels which so often marred the success of frontier Spanish administration.

Pacheco was charged by his troops with arrogance, ill temper, harshness, and avarice. By June 24 his soldiers had planned a general mutiny, which was temporarily checked by a visit of Governor Martos and President Calahorra, who came to attend to moving the presidio and mission. The governor's stay of a month did not help matters—perhaps the contrary—and in a short time the plan to desert was carried out. One by one the garrison slipped away to Natchitoches, and before August, eighteen had sought French protection, while two took refuge at the Mission of San Miguel, only five, among whom was Domingo del Rio, remaining at the presidio.

Hearing of the event, Governor Martos sent a squad of soldiers to the provincial boundary to overtake the deserters, if possible. In this he failed, and a few days later Périère, commander at

¹*Testimonio del expediente, formado á instancia de la parte del Capitan Don Rafael Marttinz. Pacheco*, 138.

²Order of the viceroy, *Papeles pertenecientes al Orcoquiza*, November 23, 1763.

Natchitoches, forwarded to Martos a petition of the deserters, who told of their wrongs, but professed a willingness to return if they were put under another commander.¹

Martos proceeded, in the usual way, to take depositions, and in consequence, on September 12, he formally suspended Pacheco and promised the deserters pardon. He then sent Marcos Ruíz at the head of the band of twenty deserters to arrest Pacheco and to restore peace and order, two entirely incompatible aims, it proved. Arriving there on October 7, Ruíz proceeded to arrest Pacheco. But this doughty warrior barricaded himself and a handful of servants and adherents in his presidio, trained two cannon on the arresting party, and opened fire.

Withdrawing to a safe distance, Ruíz laid siege to the stronghold. For three days the combined effort of Del Rio, Fray Salvino, chief Calzones, and a maiden named Rosa Guerra to communicate with Pacheco proved without avail. At the end of these three days the chief with his braves, who had been neutral or wavering, gave allegiance to Ruíz, and on the 11th the presidio was set on fire, to drive the captain out. In the attendant fight blood was shed and Pacheco, with one faithful adherent, Brioso, escaped through a secret door. Hiding till night in a nearby tule patch, the fugitives crossed the river and fled toward San Antonio. Two days later they were met by teamsters from San Antonio twelve leagues down the road, at Caramanchel. Reaching La Bahía, the captain hid for a day and two nights in the house of Capt. Ramírez de la Pizcina. Going thence to the mission of San José on a horse loaned him by Ramírez and aided by Father Cámbaros, he took refuge at the mission, but was arrested by Captain Manchaca in virtue of a proclamation issued by Ruíz. But in December he was freed, after an attack on one of his guards, and thereafter lived at liberty for several months at the mission of San José, going to San Antonio with entire freedom.² Later on he went to Mexico, where he was imprisoned and tried.

¹*Testimonio de los Autos fijos por el Govor de Provincia de Texas contra Rafael Martinez Pacheco*, Año de 1764. B. A., Adaes, 1756-1766. This *expediente* contains the evidence regarding the trouble at San Agustín.

²*Testimonio de los Autos; Testimonio de Dilixencias comenzadas en San Augustin de Aumada y continuadas en este Preso, de los Añoes por el Govor de esta Prova de Texas contra el Capitan Don Rafael Martinez Pacheco*. Año de 1765. B. A., Béxar, 1751-1769.

After the escape of Pacheco, Ruíz, aided by Fray Salvino, managed affairs at San Agustín for a time in peace, writing reports of the damage done to the presidio and of Pacheco's misdeeds, and making new attempts to reduce the Indians to mission life. It now came out that Calzones had been bribed by Pacheco to oppose the attempts made by Martos in the preceding summer to remove the presidio and mission to Los Horconsitos. This disclosure involved Del Rio, and hastened the appointment of Afan de Rivera as commander. In May, 1765, Rivera arrested Del Rio for his partisanship with Pacheco. In November of the same year Ruíz was arrested by Hugo O'Connor to answer to the charge of burning the presidio. Another man of some prominence to become entangled was Manuel de Soto, who to escape arrest fled to Natchitoches, and lived there for some years a refugee. Finally, in 1767 Martos himself fell, under the charge of burning the presidio, and subsequently underwent a trial that lasted fourteen years and ended with the imposition of a heavy fine upon him.¹ Truly an unfortunate establishment was that of San Agustín.

THE ABANDONMENT OF EL ORCOQUISAC

The remaining five years of the outpost's existence were less eventful. Afan de Rivera, successor to Marcos Ruíz, commanded the garrison till the fall of 1769. At that time Captain Pacheco, who had been tried, exonerated, and reinstated by the government in Mexico, returned to his post, welcomed by both missionaries and Indians, with whom he was a favorite.

The monotony of mere existence at the forlorn place was broken on September 4, 1766, by one of those terrible storms which since the dawn of history there in 1528 have periodically swept the Texas coast. It damaged the buildings, led to more talk of "movings," and, it appears, actually caused the transfer of the presidio to higher ground a quarter of a league away. In 1767 Marshal Rubí, the distinguished officer from Spain, honored the place with an inspection, but not with his good opinion. In 1769

¹*Testimonio de Autos fhos . . . contra . . . Pacheco*. B. A., San Agustín de Ahumada; *Testimonio de la Declaracion que hicieron los principales Indios de la Nacion Orcoquiza ante Don Marcos Ruiz . . .* 1765, L. P. no. 25; *Testimonio de la Diligencia practicada por el Sargento Maior Dn Hugo Oconor sobre la remision del theniente don Marcos Ruiz al Precidio de los Adaes . . .* 1765 B. MSS.

the monotony was again relieved by the passage that way of a band of shipwrecked Acadians who had been rescued at La Bahía and sent, after being harshly treated, to their compatriots in Louisiana. Another event of these latter years was a three day's campaign against Indian horse thieves.

Rubí had recommended in 1767, since Louisiana no longer belonged to France and the eastern Texas missions were failures, that both the presidios and the missions of that frontier should be suppressed, a measure which was ordered carried in 1772.

But before the order came El Orcoquisac was already abandoned. In June, 1770, the governor of Texas, the Baron de Ripperda, made a call for help against the Apaches. In consequence Captain Pacheco responded in July with a part of his garrison. In February, 1771, the rest of the soldiers, except three, went to San Antonio in answer to another call. The three had remained behind with Father Laba and his companion, whose departure was opposed by their charges. But within a few weeks the missionaries, also, left, and the presidio and mission passed out of existence.¹

¹References to the events of the last days of the establishment are made in *Test. del Expediente*, 132-134; Thobar to Pacheco, June 12, 1770; certificate by Ripperda, July 3, 1770, to the effect that Pacheco had aided in an Indian campaign.

CAUSES AND ORIGIN OF THE DECREE OF APRIL
6, 1830¹

ALLEINE HOWREN

I. INTRODUCTION

1. *Mexico, 1823-1833.*—To appreciate the significance of any measure of the Mexican federal government, with regard to Texas, during the years 1820-1836 it is necessary to have a knowledge of conditions in Mexico during that time, as well as some understanding of the feeling of the Mexican people toward their neighbors of the north, the people of the United States. This is possibly more true of the decree of April 6, 1830, than of any other political measure passed by the Mexican government, with reference to Texas, during the whole period of Anglo-American colonization. Therefore, before taking up a study of the decree, it will be well to review rapidly the salient facts in Mexico's history during the decade 1823-1833.

After a struggle of eleven years, Mexico succeeded, in 1821, in freeing herself from the yoke of Spain. During the next three years she went through a restless period of governmental experiments, the boldest of which was the adoption in 1824 of a constitution and a republican form of government. It seemed for a while as if this radical step was to prove successful. The first president, Guadalupe Victoria, was a fairly able executive, and piloted the war-worn nation safely through the first three and a half years of his administration. But the presidential campaign of 1828 was a sharp contest between two strong candidates, Gomez Pedraza and Vicente Guerrero. Pedraza was declared elected, but Guerrero charged unfairness in the election and took up arms in support of his claim. He was a popular military leader and suc-

¹The manuscript materials used in the preparation of this paper are found in the Austin Papers at the University of Texas, and in the transcripts which the University has made from the Mexican archives. The transcripts here used are from the *Archivo de Guerra y Marina, Operaciones Militares, Fracción 1*. Each document will be referred to by Legajo and date.

ceeded in establishing himself in the presidential chair at the beginning of the new term, April 1, 1829. In the summer of 1829, the nation was thrown into excitement over an attempt of Spain to invade her former possession with a view to reconquest. The Spanish troops were easily repelled by Generals Terán and Santa Anna, but during the crisis President Guerrero had been invested with dictatorial powers, and his exercise of the extraordinary authority afforded political agitators an opportunity to raise the cry of tyranny. Anastasio Bustamante, who had been elected vice-president on the ticket with Pedraza, easily "assumed the role, which is always open to the demagogue, of preserver of the constitution and liberator of the people,"¹ and incited a revolt against Guerrero, who fled from the capital, leaving his rival in possession. Bustamante assumed the chair and held it until he in turn was driven out by the ambitious Santa Anna in November, 1832. Pedraza was now installed to fill out his unexpired term, and on April 1, 1833, Santa Anna himself became president. The turbulent history of the next few years does not directly concern the subject of the decree of April 6, 1830.

2. *The Anglo-American Colonization of Texas.*—During the years while Mexico was effecting the outward metamorphosis into a full-fledged republic, she took a step which seemed at the time not only justifiable but commendably progressive, but one which shortly proved to have been a serious political blunder. This was nothing less than the opening of her doors to foreign immigration. It is true that the first concession in this direction was made under Spanish authority to Moses Austin of Missouri, in 1821, but the grant was reaffirmed by the various succeeding governments, and in August, 1824, the new republic promulgated a general colonization law² most generous in its provisions. The intent of the law seems to have been a deliberate bid for colonization from the English-speaking states of the north. The reason back of this was doubtless in some degree an impulsive feeling of fellowship on the part of the newly born Mexican republic for the strong and successful sister republic whose boundaries touched her own. She was grateful for the sympathy extended by the people of the United

¹Garrison, *Texas*, 104.

²Dublan y Lozano, *Legislación Mexicana*, I, 712.

States during her struggle with Spain, and for the prompt official recognition of her independent government in 1822. It can be regarded as but natural if she saw in the future a welding of interests and population at the inland borders of the two nations. Mexican statesmen were fully cognizant of the impulse of westward expansion in the United States, and they gladly threw open before it the fertile lands of Texas. As before stated, the step seemed both justifiable and progressive. The mistake lay in the fact that Mexico was ignorant of the nature of the people whom she was inviting within her borders. Without imputing blame or making comparisons disparaging to either people, it may be categorically stated that amalgamation, or even understanding, was essentially impossible between the representatives of the two races who came in contact with each other in Texas. By race, tradition, and education the two peoples were separated by an impassable gulf. But the business of colonizing Texas was undoubtedly taken up in good faith on both sides; the friction, easily as it developed, was neither sought nor welcomed by either; it was simply inevitable.

One of the first notes of alarm to sound in Mexico's ears was the amazing success of her proposition. In three hundred years, Spain had managed to people Texas with some four thousand souls,¹ while in one decade, 1820-1830, under the new colonization scheme, the civilized population increased to five times that number,² of whom the English-speaking inhabitants were in a large majority.³ This rapid immigration would possibly have resulted under any conditions by which Texas might have been opened to Anglo-American settlement, but it was peculiarly facilitated by the colonization scheme adopted by the state legislature of Coahuila-Texas in 1825.⁴ Under this law, certain persons designated as *empresarios* could contract with the state government to settle a number of families on vacant lands in the state, the head of each family receiving from the government one league of grazing land or one *labor* of agricultural land, or both,⁵ and the

¹Garrison, *Texas*, 124.

²*Ibid.*, 156.

³Terán to Guadalupe Victoria, June 30, 1828. Transcript. Legajo 7, 1836.

⁴Gammel, *Laws of Texas*, I, 99-106.

⁵*Ibid.*, Art. 14.

empresario receiving five leagues and five *labors* for each one hundred families introduced through his efforts, provided he did not receive the premium on more than eight hundred families.¹ The price paid for this land by immigrants was \$30 for a league and \$2.50 to \$3.50 for a *labor*.² It is at once evident that such offers to a people imbued with the spirit of land-getting would not lack takers, if the land were of any value at all, and these lands were for the most part extraordinarily rich.

Stephen F. Austin was the most successful *empresario*. He introduced over twelve hundred families. "His colony was the predominant element of Anglo-American Texas, and he the foremost figure among the colonists."³ The new population was located along the lower courses of the rivers between the Sabine and the Nueces, and for the most part south and east of the old San Antonio Road, which connected Béjar with Nacogdoches.

A most significant fact in the colonization of Texas was the political status of the colonies. Aside from a general oath of allegiance to the Mexican federal and state governments, required of every male colonist, each of the colonies was practically independent in the management of its local affairs. It is obvious that this fact offered opportunity for serious trouble in case any race antagonism should develop. Such antagonism did develop, and, combined with other circumstances, engendered in the minds of the Mexican people angry suspicions as to the designs of the United States upon the province. It needs to be noted that the Mexican statesmen who framed the colonization policy, if not aware of the inevitableness of such suspicions, were yet by no means blind to their possibility, as is evidenced in a clause of the federal law of August 18, 1814, which reads as follows: "Prior to the year 1840, the general congress shall not prohibit the introduction of foreigners for the purpose of colonization, unless imperious circumstances make it necessary to do so with respect to the individuals of some particular nation."⁴

¹Gammel, *Laws of Texas*, I, 102, Art. 12.

²*Ibid.*, Art. 22.

³Garrison, *Texas*, 157.

⁴Dublan y Lozano, *Legislación Mexicana*, I, 712, Art. 7.

II. GROWTH OF FRICTION BETWEEN TEXAS AND MEXICO

1. *The Fredonian Rebellion*.—It was hardly to have been expected that all the *empresarios* who attempted to settle families in Texas would be men of tact and far-sighted judgment, and it was to be expected that the *empresarios* lacking these qualities would not find trouble avoiding him, since there were earlier settlers scattered throughout the sections chosen for colonization. Hayden Edwards was the man who first became involved in a serious difficulty arising from this cause. The story of his misfortune and political disagreements, ending in armed rebellion against the Mexican government and his final expulsion from the province, is too well known to need reciting here. The point that concerns us is the attitude of Edwards's fellow-colonists and that of the federal authorities toward his movement. Dr. Garrison says:¹

The rising . . . met with little encouragement. It was only in Edwards's colony that there appeared just then to be any occasion for it, and the general mass of Anglo-Americans had little interest in the quarrels of the local factions at Nacogdoches. In Austin's colony there had been up to this time no serious friction with the Mexican authorities, and the sentiment of gratitude and loyalty towards Mexico in that quarter was strong. Had Austin been moved by this feeling less than he was, it would have been easy for him, looking at the matter from a business standpoint, to see that the Fredonian outbreak threatened ruin to the work of the *empresarios*. Farther than this, the Fredonians were in alliance with the Indians, whom he and his colonists had good reason to dread. His mind, therefore, was quickly made up. He took strong ground against the insurrection, using his influence to suppress it, and sending a considerable detachment of militia from his colony with the Mexican troops who marched to put it down.

This was accomplished with comparatively little difficulty in January of 1827, and the Fredonian Rebellion became a thing of memory only. But the seed of suspicion had been sown.

This was the first tangible incident calculated to stimulate racial distrust. In spite of the fact that the rebellion had been easily suppressed and the offenders expelled, Mexico might easily have made the inquiry, "What of the North Americans who did

¹Garrison, *Texas*, 166-7.

not join *this time?*" It is not likely that intelligent Mexicans saw in Austin's loyal attitude more than a shrewd business foresight. Whether or not at that time they regarded the uprising as inspired from abroad, it is hard to say; but it was not long until they began to see in it a conspiracy on the part of the United States to acquire Texas by insidious means. Lieutenant Tarnava, in a report regarding the Texas question, made at the instance of General Terán to the Minister of War, in January, 1830, uses the following language:¹ "General Terán does not doubt that the United States will carry out their project of possessing Texas at the first opportunity, which opportunity will be as soon as they think we are torn by civil strife—a consideration which should not be lost sight of for one moment; either they would incite the American population to revolt, *as they tried to do in 1826 at Nacogdoches*,² or else they would openly use force to support their pretended claims."

2. *Attempts of the United States to Purchase Texas.*—This suspicion of a conspiracy, however slight it may have been in 1826, was confirmed and increased by the evident desire of the United States to possess Texas, a desire repeatedly emphasized in the instructions issued to her diplomatic agents in Mexico during the administrations of John Quincy Adams and Andrew Jackson, for the desire had not ceased to exist with the legal adjustment of the boundary at the Sabine by the Treaty of Onís in 1819. The relinquishment of Texas at that time was acquiesced in most reluctantly by Adams, the Secretary of State, and shortly after he became president in 1825 he began negotiations for the purchase of all or a part of the territory between the Sabine and the Rio Grande. Poinsett, the agent of the United States in Mexico, after feeling the ground, counselled delay. But in 1827 he was instructed by the state department at Washington to offer Mexico one million dollars for the territory between the Sabine and the Rio Grande, extending westward to the Pecos and north to the Arkansas; if this much could not be secured, he was to offer five hundred thousand for a boundary at the Colorado. Mexico not only had no intention of accepting these offers, but became alarmed and demanded the recognition of the line of 1819 as

¹Tarnava to Ministro de Guerra, January 6, 1830. Transcript. Legajo 14, 1830.

²The italics are the present writers.

the condition of any commercial treaty between herself and the United States. The United States acceded to this condition, but the offers to purchase were not permanently discontinued, Poinsett's successor reopening them in 1829-30.

Clay, in his instruction to Poinsett in 1827, had suggested as a possible argument to be used in the negotiations that the continued settlement in Mexican territory of Anglo-Americans, who bore with them the political principles of their own nation, must inevitably lead to friction. Poinsett was wise enough not to advance this idea, but it certainly occurred to the Mexican leaders, and they magnified its significance. The possible transfer of Texas to the United States was being written and spoken about freely in the North, and Mexico was by no means uninformed of what was discussed in the papers of the United States.

The following extracts will serve to indicate the interest the subject had aroused in the United States. A friend of Austin wrote from Lexington, Kentucky, in the fall of 1829:¹

I am sorry to perceive that Mexico is again exposed to foreign war as well as intestine divisions. We are all anxious to purchase Texas from Mexico and the subject is beginning to excite a great deal of warm discussion in our public prints. If Mexico will dispose of it on reasonable terms, I believe our government will no doubt be glad to obtain it, and I am sure it will meet the almost universal desire of our citizens. The consequences to the holders of property in Texas would be very important and it would promote the happiness and prosperity of all the citizens of the province. A great many citizens of Kentucky would move to your settlement instantly if it were under our government.

About the same time a Texas colonist, then on a visit "back home," wrote from Nashville:²

The prosperity of your colony . . . has now become a leading topic in conversation and one of the most interesting subjects of discussion in the political papers. A strong and simultaneous effort is at this moment making from the one end of the country to the other to induce this government to purchase it. I incline to the belief that if the Mexican government will *sell* this government will *buy*.

¹McCalla to Austin, October 6, 1829. Austin Papers.

²Nicholas to Austin, October 11, 1829. Austin Papers.

But in December of this same year David G. Burnet wrote from Cincinnati¹ that newspaper discussion of the purchase of Texas had abated, since Poinsett's conduct had made him too unpopular to negotiate a treaty. This was quite true as to Poinsett's position in Mexico; in fact, he had already been recalled, to be succeeded by Colonel Anthony Butler, who, however, as events proved, was a less fit representative of the United States government than Poinsett had been. In January, 1830, John Austin, a citizen of Texas, but at that time in the United States, wrote from New York² that he was assured by "credible authorities" that purchase was hopeful, that the subject was being discussed by the English papers, and that Mexico was seemingly disposed to friendliness with the United States.

All of this interest and discussion were doubtless well known in Mexico, and when it is remembered that in addition to this the chargé of the United States was broaching the subject at every opportunity, it is no wonder that Mexico began to see evidence of a sinister design in the persistent desire of her neighbor to possess Texas. She feared that what the United States could not obtain by negotiation she might try to take by force. This fear is repeatedly expressed in the letters of General Terán, who was at this time *comandante general* of the Eastern States, with headquarters in Tamaulipas. He was in close touch with Texas affairs from 1827 until his death in 1832, and his observations and reports are the most reliable source of information on the Texas question, as seen by Mexican eyes, during this period.

But if we are to take Austin at his word, the Texans of intelligence had no desire to see Texas transferred to the United States. The first expression that I have seen from Austin on this subject is in a letter to his sister, Mrs. Perry, and her husband, written in March, 1830. He is urging them to emigrate to Texas at once:*

Pay no attention to rumors and silly reports, but push on as fast as possible. We have nothing to fear from this govt. nor from any other quarter except from the United States of the North. If that Govt. should get hold of us and introduce its land system, etc., thousands who are now on the move, and have

¹Burnet to Austin, December 4, 1829. Austin Papers.

²John Austin to S. F. Austin, January 1-22, 1830. Austin Papers.

³Austin to J. F. and E. M. Perry, March 28, 1830. Austin Papers.

not yet secured their titles, would be totally ruined. The greatest misfortune that could befall Texas at this moment would be a sudden change by which any of the emigrants would be thrown upon the liberality of the Congress of the United States of the North. *Theirs would be a most forlorn hope.* I have no idea of any change unless it be effected by arbitrary force, and I have too much confidence in the magnanimity of my native country to suppose that its Govt. would resort to *that* mode of extending its already unwieldy frame over the territory of its friend and neighbor and sister republic.

On the following day, apparently alarmed by "rumors and silly reports" of the approach of troops from the Rio Grande—rumors evidently too well founded of Terán's expedition, then on the way—Austin was moved to write a lengthy letter to the political chief at Béjar,¹ in which he repeated and amplified the views expressed in the letter to his relatives. He takes up at some length the unconstitutionality of the sale of Texas by the federal government of Mexico, declaring that under the law of August 18, 1824—

The national government cannot give title to one single individual for even one *vara* of public land in the state; how then can it sell all the lands to a foreign power? . . . One of the objects of the Government of the North in seeking to acquire Texas is to derive revenue from the sale of our public lands, and if we should be transferred to that government without the previous necessary guarantees, many individuals who have received concessions under the old government and under this would lose their lands under the pretext of not having complied with each trivial detail of the grant. . . . It is my duty to inform you as my political chief of the public opinion here concerning a particular of such grave importance to all the inhabitants of Texas and of so much interest to the government, for it is possible that in Mexico they might believe that the new colonists desire to be transferred to the Government of the North, and influenced by this mistaken belief, they might perhaps take some step very injurious to Texas and the true interests of the State of Coahuila and Texas and all the nation. The new colonists desire no such thing, nor would they in any manner consent to a transfer to the Government of the North without the greatest number of previous guarantees.

This letter is particularly interesting as coming at this date,

¹Austin to Musquiz, March 29, 1830. Austin Papers.

since the "injurious step" was, as we shall see, already framed and was actually passed by the Mexican congress and published less than ten days after Austin wrote Musquiz. One is led to suspect that the "rumors and silly reports" had disquieted Austin more than he felt disposed to admit, and that he wrote to Musquiz, whom he knew to be politically his friend, in the hope of forestalling the injurious measure.

3. *The Question of Slavery*.—Many of the English-speaking settlers in Texas were slaveholders. Some had been so when they emigrated to the new country and others found it to their advantage to acquire slaves after arriving in Texas. There were two reasons for this. Frontier conditions do not furnish a numerous or cheap wage-earning class, yet cheap labor is essential at such a time. Slaves were practically a necessity for the profitable cultivation of the land in Texas. In the second place, it is not likely that Mexican and Indian labor, even had it been available and cheap, would have been readily adopted by the Anglo-American settlers. The indolence and sensitive pride of the Mexican constituted a combination that made him undesirable as a laborer.

However, the Mexican nation early set its stamp of disapproval on negro slavery, though the existing laws on this subject at the time when colonization began from the United States were somewhat ambiguous. The state constitution of Coahuila-Texas, adopted in March, 1827,¹ declared that from that date no person could be born a slave in the state, and that after six months no introduction of slaves should take place under any pretext whatever. Had this decree been enforced literally, it would have seriously retarded the development of Texas. The colonists evaded it by taking advantage of a law passed May 5, 1828,² which recognized the legality of contracts made between master and servant prior to arrival in Texas. The emigrant settler thus merely took the trouble to make a practically non-terminable contract with his slaves before he crossed the Sabine.³ Under this arrangement, colonization went on uninterruptedly, so far as slavery was concerned, for two more years. In view of Mexico's system of peonage, in some ways un-

¹Gammel, *Laws of Texas*, I, 47-56.

²Bugbee, "Slavery in Early Texas," in *Political Science Quarterly*, XIII, 409.

³*Niles' Register*, XXXIV, 334.

doubtedly worse than avowed slavery, it is evident that it was the name rather than the institution to which she objected. But whether her attitude was consistent, or merely a gross oversight of the beam in her own eye while looking for the mote in her neighbor's eye, was a question that did not affect her feelings toward the actual fact of slavery in Texas. It was a constant source of irritation to her that, in spite of repeated laws on the subject, the English-speaking colonists of the northern province continued to hold their black slaves, and the semblance of legality afforded by the state law cited served only to deepen the irritation.

General Terán, in a letter to President Guadalupe Victoria, written from Nacogdoches in 1828,¹ says: "If these laws [abolishing slavery] should be repealed—which God forbid—in a few years Texas would be a powerful state which could compete in wealth and productions with Louisiana." General Terán's observations on the situation in Texas in 1828 are not only keen and intelligent, but doubly interesting from the fact that he is inclined to respect, if not even to admire, the Anglo-American colonists as a whole. In the words just quoted he implies his personal disapproval of slavery as an institution—a disapproval expressed in no uncertain terms elsewhere in the letter—but he is at the same time able to grasp the economic importance of the institution. In another passage of the same letter he points out two sources of danger from these slaveholding citizens. He says that they are impatient of the restraint placed upon the development of Texas by anti-slavery laws, and that they are also annoyed at the effect of such legislation on the attitude of the slaves themselves. Just how far the last observation may be true—and Terán was but newly arrived in the province—and how much weight to attach to it if true, are matters open to question; but that the Mexican leaders saw in the rigid prohibition of slavery a weapon with which to strike at Anglo-American immigration and influence is evidenced in the renewed attack on the institution in 1829.

When Guerrero was invested with dictatorial powers in that year, those of the Mexican leaders who were especially desirous of seeing Anglo-American colonization cut short induced him to issue a

¹Terán to Guadalupe Victoria, June 28, 1830. Transcript. Legajo 7. 1836.

decree unequivocally abolishing slavery throughout the republic, the measure to take effect on the date of publication, September 15, 1829.¹ Such radical action naturally stirred up the Texans the more, since it was evident that it was aimed directly at the Anglo-American colonists, who alone held slaves in any considerable number. The decree was never officially published in Texas, and was withdrawn, so far as that state was concerned, in less than two months after its passage. Mr. Bugbee, in his article on slavery in Texas cited above, says that a simultaneous impulse seems to have moved a number of Texas authorities to protest against the application of the decree to Texas, and that their efforts through the governor of Coahuila were sufficient to secure this end in December, 1829. But while Austin's first knowledge of the decree seems to have come from the political chief at Béjar in a letter dated October 29,² wherein the political chief states that the copy of the decree has but just arrived, on November 20 Terán wrote Austin,³ from Tampico, saying that he had been authorized by the president to exempt Texas from the decree of September 15, 1829, in all except the importation of slaves, and suggesting that it would be unnecessary to publish the decree in Texas. Whether or not this action of the president was in response to remonstrances already received from the state authorities of Coahuila and Texas cannot be stated, but if so it was unusually prompt action for political authorities in Mexico.

There is some ground for believing that Terán himself may have been instrumental in holding up the measure. Austin in his answer to Terán's letter thanks him for his offices in securing the favor from the president. Also, Alaman, in his *Iniciativa* of February 8,⁴ 1830, says: "Such is the independence enjoyed by the North American colonists, and to such a point have the privileges awarded them borne fruit, that when the decree of September 15 of last year abolishing slavery was issued, in accordance with dictatorial powers, the commander of the frontier of that state declared that

¹Dublan y Lozano, *Legislación Mexicana*, II, 163.

²Musquiz to Austin, October 29, 1829. Austin Papers.

³Terán to Austin, November 20, 1829. *Ibid.*

⁴Austin to Terán, December 28, 1829. *Ibid.* Filisola, *Memorias para la Historia de la Guerra de Ténas*, I, Appendix.

he could not hope to see such a decree obeyed unless it should be enforced by a larger military force than he then had."¹

4. *The General Character of the Two Races.*—There are fundamental differences between the Mexican and American races which even today make amicable joint occupation of a territory difficult. This is true even where cultured and intelligent members of both nations come in contact. Mutual understanding seems, generally speaking, to be confined to individual instances, of which the number is not surprisingly large. On the contrary, prejudice on each side is deeply rooted. In the case of Texas this race antagonism developed very shortly after Anglo-American settlement began, and frontier conditions were calculated to nourish it. Mexico has never had an emigrant class in the sense in which that term is applied to the European and Anglo-American. The impulse behind the emigration of those races is the desire to better conditions of living and to acquire homes at a cheaper price. Mexican emigration has been of a more casual and purposeless nature. There were a few Mexicans of the better class in Texas, but they were for the most part living in or near San Antonio de Béjar and Goliad. While relatively few of the Anglo-Americans who came to the new colonies were cultured, at least they were generally honest and industrious and came with the intention of making homes in the new country. One of the requirements of empresario contracts was that each colonist should furnish a certificate of good moral character, and this requirement was fairly well observed.

The attitude of the two races toward law and political institutions was essentially different through centuries of different political training. The one race, in all its history, had known only primitive chief-rule and Spanish military despotism, while the other was the heir of not only the traditions but the actual results of political freedom centuries old. The outward form and terminology of the local colonial governments was Mexican, and they were subject in the higher courts to the legal procedure of the adopted country, but the spirit of the local administration was the

¹It is not certain whether the "commander of the frontier of that state" means Colonel Piedras, who was in command of the local garrison at Nacogdoches, or General Terán, who was *comandante general* of the Eastern States; these states are often referred to as the states on the frontier.

spirit of the country which had given these colonists birth. Dr. Garrison says:¹

The crossing of the Sabine had wrought no change in the character of the Anglo-Americans. They were, like any band of men gathered by their own choice to participate in such an enterprise, the hardiest and most adventurous among the law-abiding element of their kind, being especially difficult to govern by any method which they did not themselves approve. They kept their own institutions, slavery included; and this they did with the greater freedom because the centers of superior governmental authority and power were far away, and the forces emanating therefrom were too weak at such a distance either to lead or drive the Texas settlers along the Mexican way. Free speech, popular elections, and practical self-government became the rule in Austin's colony from the beginning. The merest tyro in history or political science should have been able to see in the situation the essential elements of revolution.

III. GENERAL TERÁN BECOMES CONNECTED WITH THE AFFAIRS OF TEXAS.

1. *The Boundary Commission, 1827-1828.*—Mexican leaders very shortly realized that they had, as Bancroft expressed it, "overshot the mark in their liberal policy" of colonization. The Fredonian Rebellion opened their eyes to the dangers of the situation, and by the fall of 1827 it was decided to send to Texas a commissioner to inspect conditions, though this part of his mission was apparently secret, his ostensible purpose being the location of the boundary between the United States and Mexico, made necessary by a new boundary treaty at that time under negotiation. The man chosen for this mission was General Manuel Mier y Terán,² then one of the ablest men in Mexico.

¹Garrison, *Texas*, 151-152.

²Don Manuel Mier y Terán was one of the most cultured and intelligent men in Mexico during the years 1820-1832, according to Filisola, Tornel, and Dr. Mora, the latter Terán's biographer. (See Filisola's *Guerra de Tejas*, I, Chapter XXIII and Appendix, and Tornel's *Breve Reseña*, 171-173.) According to Dr. Mora, Terán was connected with the struggle for independence from the year 1810, and from that date until his death he was unswervingly loyal to the cause of Mexico. At the time of his appointment as chief of the boundary commission, he was head of the School of Artillery in Mexico City. In 1829 he was made *comandante general* of the Eastern States, and Dr. Mora says that had he lived, he instead of Santa Anna, would have been elected to the presidency in 1832. Tornel

He was eminently qualified for the task, and from this time until his death in 1832, every important act of the government in relation to Texas is directly traceable to him, except the emancipation decree of September 15, 1829, and, as was shown above, there are grounds for believing that the immediate withdrawal of that was due to his influence. Consequently, it is necessary to follow in detail the history of Terán's connection with Texas, beginning with his appointment as chief of the boundary commission.

Unfortunately, it has not been possible to find a copy of Terán's instructions, and hence the statement that the inspection of the colonies was a prime object of his mission is inferential. First, a word as to the need of such an inspection. It was only a few months since the Fredonian rebellion. In June of 1827 Colonel Piedras had been stationed at Nacogdoches with three hundred

says: "The efforts of General Terán to save the district of Texas to the nation were tremendous, and when the military command fell to him, through the removal of General Bustamante, he disciplined the colonies with effective vigor. One of our revolutions destroyed the fruit of his valiant labors and sent him to his death, to the sorrow of all patriotic citizens." The revolution referred to was that by which Santa Anna deposed Bustamante, and Tornel is wholly correct in his assertion that it was this revolution that destroyed Terán's work in Texas.

As to Terán's ability and personality, Filisola quotes Dr. Mora as follows: "Terán was a scholar who was worthy of a distinguished place in the Paris Academy of Sciences, and furthermore he was a man of the highest distinction with regard to integrity of conduct, social qualifications, polish of manner, and even personal appearance; he fought always in the cause of independence, and this with honor, purity of purpose, intelligence and ability, during a period when examples of these virtues were rare enough, and examples of their opposing vices woefully frequent. In his political faith he was a progressive. . . . Terán had ambition, but being honorable enough to realize that such should not be satisfied at the price of civil war, he abandoned such a field to the vulgarly ambitious. But when his country's cause was endangered by Spanish invasion, he hastened to the field of battle, where he won the laurels of a victory due almost entirely to his efforts and genius. Neither the rebellion of Acordada, nor that of Jalapa, nor any which followed, gained his approval; to all he refused his services, remaining at all times loyal to the recognized government, firm in the conviction that civil wars, only by exception, are a means of political progress." I have found nothing in Terán's public or private correspondence to contradict this estimate of him. The "recognized government" did not of necessity mean to him constitutional government, apparently, but there is ample evidence that he believed in honest, strong government, whether by a strict adherence to the Constitution of 1824, or by the right of individual capacity. No other view can be taken of his unswerving support of Bustamante. It has generally been reported that, in despair over the defeat of his command by the Santa Anna forces, he died at Padilla by his own hand in July, 1832. Filisola refuses to accept this version, declaring that Terán was assassinated by an emissary of Santa Anna.

troops, a measure which Filisola regards as excellent but inadequate, since it served only to alarm the colonists without intimidating them.¹ The probability is that Piedras's reports were disquieting, for he seems to have been personally obnoxious to the colonists from the beginning of his administration,² and friction at that point was frequent. In addition to this, the federal authorities had little confidence in the state authorities of Coahuila-Texas.³ Alaman, in his *Iniciativa* of February, 1830, says that the congress of Coahuila-Texas had been so negligent that "if General Terán had not visited the department in the discharge of the commission to survey the boundary—and to whom is due practically all the information that has been obtained—we would have seen Texas unexpectedly wrested from the Mexican Federation without our even knowing by what means we had lost it."

Terán received his appointment in September, 1827, evidently receiving his instructions prior to the tenth, for on that date he wrote the minister of relations that he should like more specific instructions on various points, and that in regard to the investigation of colonization contracts held by land companies in the United States he naturally could not hope to get very accurate information.⁴ Two days later the minister, in a very brief letter, furnished a part of the new instructions, and added this paragraph:⁵ "Further, the government desires that your excellency in passing beyond the frontiers which we actually hold, will report whether or not there is any necessity for fortifying any points

¹Filisola, *Guerra de Tèjas*, I, Chapter XI.

²T. F. McKinney to Austin, September 9, 1829. Austin Papers.

³Filisola says (*Guerra de Tèjas*, I, Chapter XI) that the congress of Coahuila-Texas wasted the lands of Texas in an outrageous manner, and that grants were made to any applicant who appeared, regardless of the requirements of the law. This doubtless reflects the opinion of federal officials of the time. Alaman, in the fifth paragraph of the *Iniciativa* (in Filisola, *Guerra de Tèjas*, II, 590), says: "The government of Coahuila-Texas, which should have seen to the carrying out of its laws and prevented the immigration of fraudulent colonists, has not only failed to do this, but neither has it given notice of certain grave disturbances [in Texas]." He then gives a list of federal laws which he says were repeatedly violated, calling particular attention to those requiring all colonists to be Catholics and those prohibiting slavery.

⁴Terán to Minister of Relations, September 10, 1827. Transcript. Legajo 7. 1836.

⁵Pedraza to Terán, September 12, 1827. *Ibid.*

along the same for the necessity of the interior, once the exact boundary is established." It is not likely that this refers to the Sabine boundary, since the paragraph preceding the one quoted deals with proposed fortifications along "the new division line." It seem rather to be a hint to Terán to investigate the need of new military posts in Texas itself.

The commission left Mexico City on November 14, 1827, and reached Béjar on March 10, 1828, having passed through Saltillo, Monterey and Laredo. At the last named place they were met by General Bustamante, at that time *comandante general* of the Eastern States, and he accompanied them to Béjar.¹ This is worth noting for the reason that it was immediately after Bustamante's installation as president of the republic that Terán's plans for the "saving of Texas" reached fruition in the Decree of April 6. From this time until Terán's death in Bustamante's cause the political and personal friendship of these two men was of the closest.

From Béjar Terán proceeded with comparative leisure to Nacogdoches, spending some time in Austin's colony, and from that visit also dates a fairly intimate friendship with Austin that was apparently sincere on both sides, if allowance is made for the difference in opinion as to the political needs of Texas.² It is true that Terán was far from frank with Austin concerning his recommendations to the government but it must be admitted that as Terán saw the situation, such frankness would have defeated what he deemed, so far as Mexico was concerned, an urgent political necessity.

From Nacogdoches Terán wrote a long personal letter to President Guadalupe Victoria,³ which is here given somewhat fully, because of the information that it gives concerning social conditions, and because its suggestions influenced the attitude of the federal government during the next four years and had much to do with the policy which culminated in the decree of April 6, 1830:

¹Filisola, *Guerra de Tέjas*, I, Chapter XII.

²See the Austin Papers of 1829-1832, *passim*.

³Legajo 7. 1836. The transcript of this letter bears no signature, but as a report to the minister of war signed by Terán under date of July 7 (*Ibid.*) contains substantially the same information and recommendations, frequently couched in the same language, it seems certain that the author could have been no other than Terán. The letter is dated June 30, 1828.

. . . As one covers the distance from Béjar to this town, he will note that Mexican influence is proportionately diminished until on arriving in this place he will see that it is almost nothing. And indeed, whence could such influence come? Hardly from superior numbers in population, since the ratio of Mexicans to foreigners is one to ten; certainly not from the superior character of the Mexican population, for exactly the opposite is true, the Mexicans of this town comprising what in all countries is called the lowest class—the very poor and very ignorant. The naturalized North Americans in the town maintain an English school, and send their children north for further education; the poor Mexicans not only do not have sufficient means to establish schools, but they are not of the type that take any thought for the improvement of its public institutions or the betterment of its degraded condition. Neither are there civil authorities or magistrates; one insignificant little man—not to say more—who is called an *alcalde*, and an *ayuntamiento* that does not convene once in a lifetime is the most that we have here at this important point on our frontier; yet, wherever I have looked, in the short time that I have been here, I have witnessed grave occurrences, both political and judicial. It would cause you the same chagrin that it has caused me to see the opinion that is held of our nation by these foreign colonists, since, with the exception of some few who have journeyed to our capital, they know no other Mexicans than the inhabitants about here, and excepting the authorities necessary to any form of society, the said inhabitants are the most ignorant of negroes and Indians, among whom I pass for a man of culture. Thus, I tell myself that it could not be otherwise than that from such a state of affairs should arise an antagonism between the Mexicans and foreigners, which is not the least of the smoldering fires which I have discovered. Therefore, I am warning you to take timely measures. Texas could throw the whole nation into revolution.

The colonists murmur against the political disorganization of the frontier, and the Mexicans complain of the superiority and better education of the colonists; the colonists find it unendurable that they must go three hundred leagues to lodge a complaint against the petty pickpocketing that they suffer from a venal and ignorant *alcalde*, and the Mexicans with no knowledge of the laws of their own country, nor those regulating colonization, set themselves against the foreigners, deliberately setting nets to deprive them of the right of franchise and to exclude them from the *ayuntamiento*. Meanwhile, the incoming stream of new settlers is unceasing; the first news of these comes by discovering them on land already under cultivation, where they have been located for many months; the old inhabitants set up a claim to the property, basing their titles of doubtful priority, and for

which there are no records, on a law of the Spanish government; and thus arises a lawsuit in which the *alcalde* has a chance to come out with some money. In this state of affairs, the town where there are no magistrates is the one in which lawsuits abound, and it is at once evident that in Nacogdoches and its vicinity, being most distant from the seat of the general government, the primitive order of things should take its course, which is to say that this section is being settled up without the consent of anybody.

The majority of the North Americans established here under the Spanish government—and these are few—are of two classes. First, those who are fugitives from our neighbor republic and bear the unmistakable earmarks of thieves and criminals; these are located between Nacogdoches and the Sabine, ready to cross and recross this river as they see the necessity of separating themselves from the country in which they have just committed some crime; however, some of these have reformed and settled down to an industrious life in the new country. The other class of early settlers are poor laborers who lack the four or five thousand dollars necessary to buy a *sitio* of land in the north, but having the ambition to become landholders—one of the strong virtues of our neighbors—have come to Texas. Of such as this latter class is Austin's colony composed. They are for the most part industrious and honest, and appreciate this country. Most of them own at least one or two slaves. Unfortunately the emigration of such is made under difficulties, because they lack the means of transportation, and to accomplish this emigration it has become necessary to do what was not necessary until lately: there are empresarios of wealth who advance them the means for their transportation and establishment.

The wealthy Americans of Louisiana and other western states are anxious to secure land in Texas for speculation, but they are restrained by the laws prohibiting slavery. If these laws should be repealed—which God forbid—in a few years Texas would be a powerful state which could compete in productions and wealth with Louisiana. The repeal of these laws is a point toward which the colonists are directing their efforts. They have already succeeded in getting from the Congress of Coahuila a law very favorable to their prosperity: the state government has declared that it will recognize contracts made with servants before coming to this country, and the colonists are thus assured of the employment of ample labor, which can be secured at a very low price in the United States. This law, according to the explanation made to me by several, is going to be interpreted as equivalent to permission to introduce slaves.

In spite of the enmity that usually exists between the Mexicans and the foreigners, there is a most evident uniformity of

opinion on one point, namely the separation of Texas from Coahuila and its organization into a territory of the federal government. This idea, which was conceived by some of the colonists who are above the average, has become general among the people and does not fail to cause considerable discussion. In explaining the reasons assigned by them for this demand, I shall do no more than relate what I have heard with no addition of my own conclusions, and I frankly state that I have been commissioned by some of the colonists to explain to you their motives, notwithstanding the fact that I should have done so anyway in the fulfillment of my duty.

They claim that Texas in its present condition of a colony is an expense, since it is not a sufficiently prosperous section to contribute to the revenues of the state administration; and since it is such a charge it ought not to be imposed upon a state as poor as Coahuila, which has not the means of defraying the expenses of the corps of political and judicial officers necessary for the maintenance of peace and order. Furthermore, it is impracticable that recourse in all matters should be had to a state capital so distant and separated from this section by deserts infected by hostile savages. Again, their interests are very different from those of the other sections, and because of this they should be governed by a separate territorial government, having learned by experience that the mixing of their affairs with those of Coahuila brings about friction. The native inhabitants of Texas add to the above other reasons which indicate an aversion for the inhabitants of Coahuila; also the authority of the *comandante* and the collection of taxes is disputed.

That which most impressed me in view of all these conditions is the necessity of effective government in Nacogdoches at least, since it is the frontier with which the Republic is most in contact. Every officer of the federal government has immense districts under his jurisdiction, and to distribute these effectively it is necessary to give attention to economy as well as to government and security. The whole population here is a mixture of strange and incoherent parts without parallel in our federation: numerous tribes of Indians, now at peace, but armed and at any moment ready for war, whose steps toward civilization should be taken under the close supervision of a strong and intelligent government; colonists of another people, more progressive and better informed than the Mexican inhabitants, but also more shrewd and unruly; among these foreigners are fugitives from justice, honest laborers, vagabonds and criminals, but honorable and dishonorable alike travel with their political constitution in their pockets, demanding the privileges, authority and officers which such a constitution guarantees. The most of them have slaves, and these slaves are beginning to learn the favorable intent of the Mexican

law toward their unfortunate condition and are becoming restless under their yoke, and the masters, in the effort to retain them, are making that yoke even heavier; they extract their teeth, set on the dogs to tear them in pieces, the most lenient being he who but flogs his slaves until they are flayed.

In short, the growing population, its unusual class, the prosperity and safety of the nation, all seem to me to demand the placing at this point of a *jefe politico* subordinate to the one at Béjar, and also a court of appeals. This done, I do not believe so radical a step as the separation of Texas from Coahuila, now desired by the inhabitants, would be necessary.

I must ask your forbearance for this long letter, but I desire to forward to you at once my observations of this country and not withhold them until the day when I make full report to the government, for fear the time for remedy will be past.

The preliminary report on the boundary had been made on April 8, 1828.¹ On August 2 Terán sent to the governor of Coahuila a copy of the *Natchitoches Courier* containing a reference to a recent colonization contract, which, if authentic, he said, was a violation of the colonization laws.² On October 14 he was still at Nacogdoches and wrote the war department a most urgent request for supplies for the frontier garrisons, whose miserable condition he declared the minister could not even imagine; he also declared that this condition was due to the neglect of the federal government, which had repeatedly been advised of the state of affairs. He reminded the minister that if the matter were not attended to before December the roads would be impassible.³ From these citations it will be seen that Terán was acting as a general inspector of the colonies.

2. *Preparations for a Military Occupation of Texas, 1829-1830.*—What may have been Terán's activities during the winter of 1828-1829 is not shown by the available correspondence. Filisola says that the entire boundary commission left Texas early in 1829, going to Matamoras;⁴ and from there Terán wrote Austin

¹Sanchez to Terán, June 28, 1828. Transcript. Legajo 7. 1836.

²Terán to governor of Coahuila, August 2, 1828. Transcript. Legajo 7. 1836. Terán does not indicate the nature of the violation, and I have not had access to a file of the *Courier*.

³Terán to Minister of War, October 14, 1828. Transcript. Legajo 7. 1836.

⁴Filisola, *Guerra de Téjas*, I, Chapter XIII.

on March 12, 1829,¹ concerning an exploration of the coast. Shortly after this he evidently visited Texas again, for on May 29 he wrote Austin from Nacogdoches, saying that he would soon leave that place for Béjar.²

Just what Terán's plans were in regard to Texas it is hard to gather from the meager correspondence available; but it seems clear that the initial step was to be the strengthening of the garrisons already in the province. Whatever general plans he may have formulated were facilitated by events in Mexico during the fall of 1829. In April Bustamante had become vice-president, and his place as *comandante general* of the Eastern States had been taken by Felipe de la Garza. In September the Spanish invaders landed at Tampico, and General Santa Anna, in command of the Mexican forces which gathered to oppose them, sent De la Garza on a special mission to the capital, and promoted Terán to the latter's place as second in command.³ After the victory over the Spanish, Terán became officially *comandante general* of the Eastern States. This appointment meant much to his plans for Texas, and he forthwith set to work to handle the Texas question. He wrote the war department, recommending the division of the Eastern States into two military districts, the one to consist of Tamaulipas and Nuevo León, the other of Coahuila-Texas.⁴ He believed that a center of military control nearer the settled portion of Texas would enable the *comandante* to handle that province much more effectively than was possible under the existing organization. He renewed this recommendation in February, 1830, but was then told that the government preferred to leave the district as it was, with him in charge of all.⁵ About a month later, however, the division was apparently made by Congress.⁶

The next letter that I find from Terán concerning Texas was written to the Minister of War on November 14, 1829. His ac-

¹MS. Austin Papers.

²*Ibid.*

³Filisola, *Guerra de Tέjas*, II, Chapter XIII.

⁴Terán to Minister of War, October 20, 1829. Transcript. Legajo 14. 1830.

⁵Terán to Minister of War, February 27, 1830, and Minister of War to Terán, March 20, 1830. Transcripts. Legajo 14. 1830.

⁶Pettit to S. F. Austin, April 5-7, 1830. Austin Papers.

quaintance with Texas since writing to President Victoria in June, 1828, had made him more suspicious of the aims of the United States and less confident of the loyalty of the colonists to Mexico. After setting forth the importance of Texas to the federal government and the danger to which it was exposed, lying as it did in the direct path of the westward march of the United States, he entered into a vehement philippic against the expansion policy of that country :

Instead of armies, battles, or invasions, which make a great noise and for the most part are unsuccessful, these men lay hands on means, which, if considered one by one, would be rejected as slow, ineffective, and at times palpably absurd. They begin by assuming rights, as in Texas, which it is impossible to sustain in a serious discussion, making ridiculous pretensions based on historical incidents which no one admits—such as the voyage of La Salle, which was an absurd fiasco, but serves as a basis for their claim to Texas. Such extravagant claims as these are now being presented for the first time to the public by dissembling writers; the efforts that others make to submit proofs and reasons are by these men employed in reiterations and in enlarging upon matters of administration in order to attract the attention of their fellow-countrymen, not to the justice of the claim, but to the profit to be gained from admitting it. At this stage, it is alleged that there is a national demand for the step which the government meditates. In the meantime, the territory against which these machinations are directed, and which has usually remained unsettled, begins to be visited by adventurers and *empresarios*; some of these take up their residence in the country, pretending that their location has no bearing upon the question of their government's claim or the boundary disputes; shortly, some of these forerunners develop an interest which complicates the political administration of the coveted territory; complaints, even threats, begin to be heard, working on the loyalty of the legitimate settlers, discrediting the efficiency of the existing authority and administration; and the matter having arrived at this stage—which is precisely that of Texas at this moment—diplomatic manoeuvres begin. . . . He who consents to or does not oppose the loss of Texas is an execrable traitor who ought to be punished with death. . . .

If war should break out, it would be expedient to suppress it in a single campaign—a less expensive method than to be always on the defensive. But even this would be useless until a colony of one thousand native Mexican families is planted there, an economical measure when it is remembered that the funds spent once

in establishing a colony would be spent many times in maintaining garrisons.

This suggestion for counter-colonization of Texas with Mexican families will be considered later. Just now we are more concerned with the plans for the military expedition. In this same letter Terán acknowledged receipt of a "supreme order" of October 28, concerning "an expedition for the defense of the territory of Texas"—no doubt against the designs of the United States.¹ He accompanied his letter, therefore, by a report of the same date, marked "very private," showing the military condition of his *comandancia*, and indicating what must be done in carrying out the expedition:

The Twelfth Battalion of infantry contains 150 men. It is on duty at Nacogdoches, and should be increased to 500 men; to do this, it will be necessary to make use of the contingents of deserters from the states of San Luis, Guanajuato, and Zacatecas, or else make a levy on the regular troops. It would not be wise to relieve the Twelfth, for the reason that if another battalion were sent, even though it should set out with more than the full enrollment, it would arrive in the same condition as the Twelfth and have to be re-enforced.

The Ninth Regiment of cavalry has 250 men fit for duty; its full complement is urgently needed. The duty of this regiment is a continuous activity in Tamaulipas and Texas. There are on hand arms and equipment for the full number. The members who have survived are acclimated and familiar with the country, and can be depended upon; wherefore, it would be more practicable to fill out this body than to send another.

The Eleventh Battalion of infantry, with 100 men, more or less, remains on guard in the Port of Tampico de Tamaulipas; if it is not raised to its full number, its effectiveness as a guard will be of small account, a danger to the safety of one of our most important seaports. To lessen the utter uselessness of this body, I have detained here the Tenth Infantry; but it should be at the rear, becoming acclimated in Victoria; for to station it at once in Tampico will be to lose those still surviving. It has 150 men reported as fit for duty, but the truth is, all are sick.

The town of Matamoras is a most important maritime point; yet it lacks the most ordinary defence; wherefore, it seems necessary to form a company of coast guards numbering 150 men, who shall constitute a part of the infantry militia, and in addition to

¹I have not had access to the "Supreme Order."

this a body of 40 artillerymen of the same class [i. e., militia]. These bodies can easily be raised in the department of the north [Texas]. This matter is so urgent that extraordinary powers should be conferred upon the president for the purpose of its execution. It is wholly in accordance with his plans.

At the same time that the garrison of Nacogdoches and the regular troops of Béxar and La Bahía are being put in good condition, there should be placed at Béxar a batallion—which I suggest should be the Ninth or some other of not less than 500,—and also a squadron with two field pieces. This unusual reënforcement, most urgent at this moment, would yet be sufficient to cut short all those intrigues by which the Department of Texas is undeniably agitated. To avoid desertion, the above mentioned batallion [the Ninth] should embark at Vera Cruz and land at Matamoras, where I will await it to conduct it to Béxar. It might be well to make some stir over this movement, letting it appear that it is an expedition of 500 or 600 men, or more, if the truth be known, from San Luis and Guanajuato to Texas; perhaps by such means the conclusion of the treaty [with the United States] may be hastened.¹

The chief purpose of placing more troops in Texas was, as Terán expressed it, “to cut short those intrigues by which the department of Texas is undeniably agitated.”

Preparations for the expedition were temporarily interrupted in December by the revolution that placed Bustamante in the presidential chair; but the ultimate result of this change—after the new government was settled—was decidedly favorable to the Texas project. Bustamante, besides being the personal and political friend of Terán, had but recently himself been *comandante general* of the Eastern States, and he gave Terán his support, as did the young minister of relations, Lucas Alamán. It was not, however, until the middle of January, 1830 that the Bustamante government was fully established in Tamaulipas.² Additional delay was occasioned by the opposition of General Felipe de la Garza, whom Terán had succeeded a few months before. Terán complained that he threw every possible stumbling block in the way of the expedition, even to the extent of trying to incite the troops

¹Terán to Minister of War, November 14, 1829. Transcript. Legajo 14. 1830.

²Suarez to Terán, January 1 and 12, 1830, and Terán to Suarez, January 10 and 13, 1830. Transcripts. Legajo 14. 1830. Filisola says (*Guerra de Ténjas*, I, 101) that the establishment of the new government in Tamaulipas was effected by Terán at the risk of his life.

to mutiny.¹ The minister of war responded on February 15 with an order to De la Garza, whose official position at this time is not clear, "to do all in his power to encourage the disaffected troops to be ready to start upon the expedition to Texas"; and "to notify the Supreme Government of any difficulty in executing federal orders, a difficulty that might result in great danger to the welfare of the Republic."² But before this was received by De la Garza Terán had begun his march northward.³ At San Fernando he was again forced to wait, but before discussing this delay, it will be necessary to go back a little in the course of events.

During the winter months of 1829, Terán had been preparing an exhaustive report on the Texas question, setting forth the existing conditions and his ideas of the remedy necessary. This report⁴ was presented to the government on January 6, 1830, by Constantino Tarnava, an aide of Terán's. It embraces military and political recommendations, and it is with the former that we are now concerned.

Declaring that "it is as necessary to counteract the influence of the majority of the population [in Texas] as it is to curb the claims of our neighbors," and emphasizing the helpless condition of the province, defended only by the weak and widely separated garrisons at Nacogdoches, Béjar, and La Bahía, the report presents a number of recommendations which may be briefly tabulated as follows:

(1) The removal to the Nueces of several companies of troops now on the Rio Grande; (2) the establishment of a strong and permanent garrison at the main crossing of the Brazos river, that there may be an intermediate force in the unsettled region separating Nacogdoches and Béjar; (3) the re-enforcement of the existing garrisons by troops of infantry properly belonging to them; (4) the occupation and fortification of some point above Galveston Bay, and another at the mouth of the Brazos, for the purpose of controlling the colonists; (5) the organization of a mobile force, equipped for sudden and rapid marches to a threat-

¹Terán to Minister of War, January 22 and 26, 1830. Transcripts. Legajo 14, 1830.

²Transcript. Legajo 14, 1830.

³Terán to Minister of War, February 14, 1830. Transcript. Legajo 14, 1830.

⁴See pages 407-413, *post*.

ened point; (6) and finally, the establishment of communications by sea, such being more prompt and less expensive than by land.

The presentation of this report was opportunely timed. The Bustamante government, just inaugurated, seized the chance to popularize itself by vigorous measures against the supposed designs of the United States. Lucas Alaman, the young and zealous minister of relations, became at once the champion of Terán's program, and during the next three months pushed it with such effect that by the end of the first week in April, Congress had approved every recommendation that it contained.

On January 30 the minister of war notified Terán that the supplies and recruits that he had requested for the Tenth Infantry and Ninth Cavalry in the private report of November 14 would be sent at once to Matamoras.¹ A week later he was notified that the governors of Guadalajara, Guanajuato, Zacatecas, and Durango were ordered to send re-enforcements for him immediately to Monterey.² When they arrived he was to distribute them as he saw fit among the Eleventh and Twelfth Infantry and the Ninth Cavalry. At the end of another week, the minister wrote that the demand on the governors for troops was being repeated, and "his excellency the vice-president hopes that your known ability and patriotism will move you to the immediate execution of your plan to simultaneously occupy the points of Béjar and La Bahía del Espíritu Santo before the disloyal colonists rise in revolt and possess themselves of the said points; but at the same time do not lose sight of the safety of Matamoras, a highly important point in case the enemy should attempt an invasion by way of the tributary Santiago."³

On February 16 Alaman asked the minister of war for a statement of the troops destined for Texas, and the minister's reply of the next day showed a total of 2965 intended for the expedi-

¹Department of War to Terán, January 30, 1830. Transcript. Legajo 14. 1830.

²Minister of War to Terán, February 6, 1830. Transcript. Legajo 14, 1830.

³Minister of War to Terán, February 13, 1830. Transcript. Legajo 14. 1830.

tion.¹ As a matter of fact, however, this number was never at Terán's disposal. Most of the States were slow in complying with the orders, and the governor of Zacatecas refused outright, declaring that the federal government could not constitutionally order militia of one state to do service in another.²

At the same time that the governor of Zacatecas was thus protesting, Terán wrote from San Fernando³ that though he had learned through private letters of the favorable action of the government upon every recommendation contained in his report of January 6, he had received no official instructions that would enable him to order out the reënforcements being gathered at Monterey, or to provide the necessary funds for the expedition. He begged that this delinquency be called to the attention of the vice-president, for, in his own opinion, "not one moment should now be lost."

Some time about the middle of March Terán advanced to Matamoras, where he intended to complete his preparations and get the troops in condition to be thrown quickly across the Nueces into Texas. On April 5 he was still at Matamoras, writing urgent, almost stormy, demands for funds and men with which to continue his important undertaking. He complained that even the inadequate sums of money already sent had been intercepted and partially used by the governor of San Luis Potosi.⁴

¹Transcripts. Legajo 14. 1830. These forces were classified as follows:

Federal Infantry:	
The Twelfth Battalion.....	250
State Troops (Infantry):	
From San Luis Potosi.....	600
From Zacatecas.....	400
From Nuevo León.....	300
From Tamaulipas.....	300
From Coahuila-Texas.....	200
Federal Cavalry:	
The Ninth Regiment.....	315
The Ninth Company of Presidiales of the Eastern Interior States	300
State Troops (Cavalry):	
From San Luis Potosi.....	300
Total	2,965

²Governor of Zacatecas to Alaman, February 16, 1830. Transcript. Legajo 14. 1830.

³Terán to Minister of War, February 14, 1830. Transcript. Legajo 14. 1830.

⁴Terán to Minister of War, March 15 and April 5, 1830. Transcript. Legajo 14. 1830.

The passage of the decree of April 6 placed the expedition in a somewhat different light, by providing for the permanent military occupation of Texas. Terán anticipated a storm of protest from Texas, and he apparently spent the months of April and May at Matamoras corresponding with Austin and talking with Texas colonists whom he encountered there in the hope of partially reconciling them to the decree,¹ which it is now necessary to examine.

IV. THE ORIGIN OF THE DECREE OF APRIL 6, 1830

1. *Terán's Letter of November 14, 1829.*—Historians have generally credited Alaman with the origination of the Decree of April 6, 1830,² but study of Terán's correspondence from November, 1829, to April, 1830, shows that he suggested practically every provision of the decree except the radical eleventh article. The first suggestion embodied in the decree occurs in the letter of November 14, 1829, already quoted:

If war should break out, it would be expedient to suppress it in a single campaign—a less expensive method than to be always on the defensive. But even this would be useless until a colony of one thousand native Mexican families is planted there, an economical measure when it is remembered that the funds spent once in establishing a colony would be spent many times in maintaining garrisons.

However, neither this suggestion, nor any other part of the letter of November 14, received immediate attention, probably for the reason that the Bustamante revolution was brewing, and the government had no time to devote to Texas. Bustamante was installed in December, and Terán at once dispatched his lieutenant, Constantino Tarnava, to the capital to submit to the new government, from which he hoped much, the report already referred to, setting forth in detail his entire scheme for the preservation of Texas.

2. *Tarnava's Report of January 6, 1830.*³—This report al-

¹Terán to Austin, April 24, 1830. Austin Papers.

²See, for example, Bancroft, *North Mexican States and Texas*, II, 113; and Garrison, *Texas*, 159-160.

³Tarnava to Minister of War, January 6, 1830. Transcript. Legajo 14. 1830.

though it is of considerable length, is here given in full, because it is so evidently the document on which the Decree of April 6th is based, and also because it is so careful an outline of Terán's observations and policy.

Mexico, January 6, 1830.

Constantino de Tarnava to His Excellency the Minister of War and Marine.

Esteemed Sir: General Terán, as *comandante general* of the Eastern States, and as such entrusted with the oversight and protection of that part of the Republic, and also as chief of the commission for the boundary with the United States of the North, has several times called the attention of the Supreme Government to the urgency of taking prompt steps to prevent the shameful loss of the department of Texas—a loss whose consequences would vitally affect the safety of the entire nation, because of the condition which would then exist on the frontier, Chihuahua, New Mexico, and part of Sonora being exposed to and half surrounded by our dangerous neighbors, who would thus be at the doors of our richest states.

Having been placed in command of the troops to be sent to Texas to re-enforce threatened points, and desiring to contribute all he can to the preservation of this Republic, General Terán considers this an opportune time to propose certain steps which are suggested by his knowledge of that country; and to avoid the delay likely to occur in official correspondence, and to answer questions which might arise over information received from such a distance, he has commissioned the undersigned to submit to your excellency the necessary information regarding this department of Texas and the urgency of the proposed measures.

However important the other matters which now occupy the government, General Terán asks that it at once give attention to the department of Texas, scarcely as yet a part of the Republic. He declares that it is as necessary to counteract the influence of the majority of the population there as to curb the claims of our neighbors. Many of the newspapers of the United States—and particularly those of New Orleans, which have been sent the government from time to time—have discussed with much heat this question of the boundary at a time when such discussion was very suspicious, namely, when Spanish troops had invaded our country and it was supposed that we were launched upon a struggle which would exclusively absorb all our resources and attention. All these discussions, which based their pretensions on "just claims" and "agreements," declared the Rio Bravo del Norte¹ to be the natural boundary between the two countries. General Terán does not doubt that the United States will carry out its

¹The Rio Grande.

project of possessing Texas at the first opportunity, which to them will be as soon as they think we are torn by civil strife—a consideration which should not be lost sight of for one moment; either they would incite the American population of Texas to revolt, as they tried to do in 1826 at Nacogdoches, or else force would be openly used to support these pretended claims, which the North American government certainly has not renounced, since under specious pretexts it has until this day refused to ratify the treaty negotiated in Mexico for the outlining of the boundary in accordance with the stipulations of the Treaty of Onís. That these pretensions to the ultimate possession of Texas by the United States may not be lightly regarded, it is sufficient to consider for a moment the actual conditions existing in that province: First, the comparative disadvantage in the distribution of population, the Mexican population being confined to only three points, while the North Americans are masters of the frontier posts, of the coast, and of the mouths of the rivers; second, the number of Mexican inhabitants is insignificant as compared with the constantly increasing number of settlers from the north, who everywhere are locating on the fertile lands of Texas, many of which they have occupied without any legal right. No one can fail to see the extremely dangerous influence which these North American colonists are bound to exercise in the affairs of the state, since a decree of the state legislature declares citizens all settlers of five years' residence. As has been stated, the Mexican population is at a standstill, while the American population is increasing daily, and the preponderating influence of the latter will be inevitable unless some extraordinary impulse is given to the colonization of that territory—a colonization that must be for the most part Mexican, and which will call for expenditures that the state of Coahuila, because of its poverty, cannot possibly undertake.¹

The only means of control which the government at this time has at its command are three weak and isolated garrisons for the whole of this immense territory. These are stationed at Béjar, La Bahia del Espiritu Santo, and Nacogdoches, points one hundred and twenty leagues from each other and without any intervening support.

In view of these conditions, General Terán thinks it indispensable that any political measures adopted by either the Supreme Government or the state government should agree with the military measures which he proposes to take.² . . .

He suggests that the political measures might be as follows:

¹Note that Terán suggests counter-colonization of Mexican families, not prohibition of colonization from the United States.

²Here follow the military recommendations already quoted, page 403.

(1) The removal of the *presidarios*¹ to Tampico or Soto la Marina, thence to be transported by sea to the points above mentioned, where they may apply themselves to agriculture under the protection of the enlisted troops;

(2) The encouragement by all legitimate means of the emigration of Mexican families to Texas;

(3) The colonization of Texas with Swiss and German colonists, whose language and customs, being different from those of our neighbors, will make less dangerous the nearness of the latter;

(4) The encouragement of coast-wise trade, which is the only means by which close relations can be established between Texas and the other parts of the Republic, and by which this department, now so North American in spirit, may be nationalized.

To carry out the first, or military, measures the following steps are necessary:-

In order to advance the frontier, with the double object of pushing back the savages and placing the troops nearer Texas, companies of troops must be stationed above the Nueces River, as before stated. In this vicinity there is not a tree—a dearth of vegetation which is characteristic of an immense portion of the country—and consequently it will be necessary to permit the free importation of frame houses.

In order to re-enforce the garrisons by means of permanent troops, the Tenth and Eleventh Battalions should be completed,—the enlistment of both not now exceeding three hundred and fifty—as should also the Twelfth, which is stationed at Nacogdoches. The Ninth has some one hundred and forty on its roll and must be completed, because the *presidio* detachments cannot be drawn off entirely from their original office, namely, the war with the Indians. Therefore, re-enforcements are requested for the above mentioned companies.

To hold the points above indicated,² at this time wholly unoccupied, it must be certain that the soldiers are to be there, and that the provisions necessary for their maintenance be collected beforehand. The precarious dependence on casual remittances, which a thousand circumstances may delay or intercept, is insufficient. It is necessary that the portion of the customs receipts retained by the maritime states, and which is thirty-two per cent of the receipts, be assigned exclusively to the troops, and that the free importation of either hardtack or flour be permitted from Matamoras to Galveston for the support of the above mentioned troops and for new settlements.

For equipping the force which must move rapidly to any point

¹Convict soldiers.

²Some point above Galveston Bay, one at the mouth of the Brazos, and one at the point where the San Antonio road crossed the Brazos.

of danger, the suggestions just offered in the foregoing article should apply. Also this force should be provided with effective artillery, of which there is none in Texas, and which could not be brought in time over three hundred leagues of desert after the need for it arose. It is therefore necessary to place at Béjar beforehand a detachment of this class, or else to create a mobile artillery guard of militia, officered by veterans.

As soon as the Government can arrange the matter with financial ease, it should give its attention to the establishment of a strong fortress on the frontier for the purpose of collecting materials of war. It could then carry on war from this as a base of supplies, something which that distant and unprotected country lacks entirely.

To establish communication by sea it is necessary to have a boat set aside for this purpose alone and always available. The *presidio* companies are practically decimated on the continual trips to Nacogdoches; they are invariably left without mounts, or incapacitated for any service by these long and frequent marches through regions unhealthy at all seasons of the year; the freight cannot always be transported; and the losses in mules is enormous, while the delays from water are intolerable. To do away with these hardships as much as possible, General Terán has proposed that a schooner in constant service be placed in war trim and devoted exclusively to business affecting Texas. It would be well for this boat to confine its operations to the coast, which is frequented only by North American ships—usually smuggling vessels. The headquarters of this boat should be Matamoras, and supposing a detachment to be in Galveston—an indispensable item, in Terán's judgment—this boat should be employed to transport money, munitions of war, and passengers to the abovementioned port and to Nacogdoches.

Nevertheless, these military measures can afford but temporary security, for the holding of Texas does not depend upon the raising of one army nor upon the efforts put forth at one particular time, but upon continuous exertions. It therefore seems indispensable that in addition to these military measures the political measures already referred to should be taken, the utility of which it is not difficult to demonstrate:

First: Large numbers of the *presidarios* who are sent to Vera Cruz die, principally because of the climate. These same men, if transported to a more healthy country, where they would have no desire to desert into unknown wastes, but being compelled to work for a living and seeing in this work their only chance of bettering their condition and becoming proprietors of the land which should be allotted to them, would undoubtedly take kindly to farming and to the new life generally, and chang-

ing their old habits, they could become of real value to that society which now casts them out.

The lands adjacent to the coast have for the most part been ceded to the North American colonists, but it is a grave mistake to give these land up entirely, and to repair this mistake, garrisons of Mexican troops and colonies of Mexican families should be established at the coast points already mentioned, namely Galveston and the mouth of the Brazos. If this and the foregoing steps are taken, the colonists can be controlled.

For the establishing of a settlement at the mouth of the Brazos, it will be necessary to alter the contract of the *empresario* Austin, to whom the coast leagues which the law reserves to the federal government were most imprudently ceded, insuring the loss of Texas when the North Americans should complete their scheme for possessing themselves of the coast of this department.¹ In planning this settlement and that above Galveston—which regions are actual wastes in the whole sense of the word—it will be necessary to provide for the expense of barracks and houses, some farming implements, carpenter's and blacksmith's tools, as well as for provisions for the first few months. These different settlements will occasion other extraordinary expenditures, and arrangements to meet such must be made by setting aside one hundred thousand dollars (pesos).

Second: The second measure, the encouragement of the emigration of families to Texas, should receive the attention of the Government constantly. It is a fact that Mexicans are little disposed to enterprises of this nature, but it is also a fact that the state governments have made no attempts in this direction. Whatever obstacle may be encountered must be overcome, for these measures involve the safety of the nation and the integrity of our territory. Indeed, there is no choice of measures in this matter. Either the government occupies Texas *now*, or it is lost forever, for there can be no possibility of a reconquest when our base of operations would be three hundred leagues distant while our enemies would be carrying on their struggle close to their base and in possession of the sea.

To stimulate this settlement of Mexican families, the Government should create a loan fund for the assistance of poor laborers, for the purpose of supplying them with agricultural implements, etc. It might perhaps be possible for Government to promote among Mexican capitalists some kind of an association for the development of these lands in Texas.

¹It might be inferred from this statement that Terán did suspect the Texans of treacherous disloyalty, but from his letter of the 14th of November it would appear that he placed the credit for this "scheme" upon members of the state department and newspaper writers in the United States rather than upon the settlers themselves.

As the Mexican settlers will be without slaves—an advantage enjoyed by the North Americans—the progress which they make in the cultivation of the soil will necessarily be slower—as much for this reason as because of their smaller inclination for the art of agriculture. Therefore, the Government ought to encourage them by every means possible. The offer of rewards or bounties to those Mexicans who distinguish themselves in this line would in part accomplish this result.

Third: Concerning the colonization of Texas by Swiss or Germans, General Terán is aware that he has submitted a proposition already offered by Don Carlos Hubde,¹ a merchant of Mexico, but it will perhaps be considered at this time. Here, as in most of these measures, the Government will encounter obstacles difficult to overcome, such as it must always encounter in occupying Texas, if the rights of the state to which it belongs are to be reconciled with the safety of the nation. It is essential that the federal government strongly support any measures which have to be passed by the state for the rapid population of Texas, the encouragement of which would be far more easy if Texas were a territory depending solely upon the federal government.

Fourth: Coastwise trade is of the greatest importance in establishing relations with Texas, since through lack of such it is today trading only with New Orleans. Cotton, one of the principal products of Texas, could be transported to Tampico or Vera Cruz in boats of Campeachy—almost the only boats engaged in the coast trade—and thence it can be carried to foreign countries. The cotton shipped out of Texas is already seeded, owing to the gins common among the North American colonists; but since there is no trade with the rest of our ports, it is taken to New Orleans, where it must pay an import duty as foreign goods. The seaports north of Matamoras are not frequented by our coasting vessels. General Terán knows that the shipowners of Campeachy are embarking in no risky speculations on these matters, but are attracted by the temporary use of money which has no circulation in their market and can be sold at a discount in New Orleans.

General Terán thinks it not impossible that the government of the United States of the North, on perceiving a firm determination on our part to hold our own and to support and improve Texas, will begin to carry on its work openly; therefore, it may be expedient to act quickly and place ourselves on the defensive as soon as possible. The ratification of the treaty concluded in Mexico, and designating the boundary between the two nations, should afford the time required for the adoption of the above measures, which have become necessary in order to equal-

¹This name is given as in the transcript, but is possibly a misprint.

ize advantages. It would be possible to conduct this ratification under the cloak of the projected expedition, the preparations for which could be extended at will.

General Terán has given to the undersigned the necessary instructions to make to your excellency any explanations you may desire, either verbally or in writing, concerning these points or any others relative to the same matter.

Contantino Tarnava.

The principal recommendations of this report may be recapitulated as follows:

- (1) Settlement of convict soldiers in Texas;
- (2) Encouragement of emigration of Mexican families to Texas;
- (3) Encouragement of emigration of Swiss and Germans to Texas;
- (4) Encouragement of coastwise trade;
- (5) Free importation of frame houses into Texas;
- (6) Appropriation of the portion of the customs receipts shared by the maritime states to the support of the troops destined for Texas;
- (7) Free importation into Texas of food supplies for the troops;
- (8) Alteration of Austin's contract to give the government control of the coast leagues;
- (9) Establishment of new Mexican settlements, and support of the same for a certain time at federal expense;
- (10) Creation of a loan fund for voluntary colonization of Mexican families ;
- (11) Special rewards or bounties to successful agriculturists among the Mexican colonists.

3. *Alaman's Report of January 14, 1830.*—On January 14 Alaman sent to the president a preliminary report on the above document.¹ In this report he offers nothing new except a suggestion that England be invited to make a declaration against any design of the United States on Texas, such as the United States themselves had made against the conquest of Cuba by Mexico and Colombia. He says that Terán is of the opinion that a Mexi-

¹Alaman to the President, January 14, 1830. Transcript. Legajo 7. 1836.

can consul should be placed at New Orleans, "to keep an eye on the preparations of our neighbors, now almost our enemies." Then in a postscript to the report, he suggests that the newspapers of Mexico should intimate that in case of war any means would be justifiable against "so perfidious an enemy," even to the stirring up of an insurrection of slaves in Louisiana, thus retaliating with the same measures employed by the North Americans, who are inciting the colonists and the Cherokee Indians to revolt in Texas: "Louisiana is an open country, and its extension along our frontier makes it an easy matter to penetrate it with a force even smaller than that of the enemy, and by burning their own homes perhaps diminish the number of those advocating the conquest of Texas."

4. *Alaman's Iniciativa*.—On February 8 Alaman presented to the cabinet his famous *iniciativa* or project of the Decree of April 6. In this document he incorporated the recommendations of Tarnava's report, and added some important provisions of his own. On March 2 Alaman inclosed to Terán a copy of the report which the cabinet had laid before Congress—evidently the *iniciativa* itself—and called his attention to the fact that it is nothing more than the selection and co-ordination of various paragraphs from Terán's own letters and reports.¹ Concerning the status of the matter in Congress Alaman said:

The joint committee of the two houses which has this important business in charge . . . has presented the draft of a law covering the case—a copy of which is also inclosed—which law does not differ in substance from what the Government suggested and your excellency recommended. The specific decree will be one of the matters which the house will take under consideration between the dates which I indicated to you in my abovementioned communication of February 17th; the ratification which should follow—for there is ample ground to expect such ratification—will put you in position to take the necessary steps to remedy the abuses which that department [Texas] suffers.

This letter is the only document that I have been able to find relative to the passage of the decree through Congress. It would be interesting to follow the debates on the subject, but they are

¹Alaman to Terán, March 2, 1830. Transcript. Legajo 7. 1836. In this letter Alaman refers to a letter of February 17 on the same subject, but this has not been found.

not available. As passed on April 6 the decree conformed very closely to Alaman's *project*:

V. THE DECREE OF APRIL 6, 1830¹

Article 1. Cotton goods excluded in the Law of May 22, 1829, may be introduced through the ports of the Republic until January 1, 1831, and through the ports of the South Sea until June 30, 1831.²

Article 2. The duties received on the above mentioned goods shall be used to maintain the integrity of Mexican territory, to form a reserve fund against the event of Spanish invasion, and to promote the development of national industries in the branch of cotton manufacturers.³

Article 3. The government is authorized to name one or more commissioners who shall visit the colonies of the frontier states and contract with the legislatures of said states for the purchase, in behalf of the federal government, of lands deemed suitable for the establishment of colonies of Mexicans and other nationalities; and the said commissioners shall make with the existing colonies whatever arrangements seem expedient for the security of the Republic. The said commissioners shall supervise the introduction of new colonists and the fulfilling of their contracts for settlement, and shall ascertain to what extent the existing contracts have been completed.⁴

Article 4. The chief executive is authorized to take such lands as are deemed suitable for fortifications or arsenals and for the new colonies, indemnifying the states for same, in proportion to their assessments due the federal government.⁵

Article 5. The government is authorized to transport the convict-soldiers destined for Vera Cruz and other points to the colonies, there to establish them as is deemed fit; the government will furnish free transportation to the families of the soldiers, should they desire to go.⁶

Article 6. The convict-soldiers shall be employed in constructing the fortifications, public works and roads which the commissioners may deem necessary, and when the time of their imprisonment is terminated, if they should desire to remain as colonists, they shall be given lands and agricultural implements, and their

¹Translated from Dublan y Lozano's *Legislación Mexicana*, II, 238-240.

²See summary of Tarnava's report (4).

³*Ibid.* (6).

⁴*Ibid.* (2) and (3).

⁵*Ibid.* (8).

⁶*Ibid.* (1).

provisions shall be continued through the first year of their colonization.¹

Article 7. Mexican families who voluntarily express a desire to become colonists will be furnished transportation, maintained for one year, and assigned the best of agricultural lands.²

Article 8. All the individuals above mentioned shall be subject to both the federal and state colonization laws.

Article 9. The introduction of foreigners across the northern frontier is prohibited under any pretext whatever, unless the said foreigners are provided with a passport issued by the agents of this Republic at the point whence the said foreigners set out.³

Article 10. No change shall be made with respect to the slaves now in the states, but the federal government and the government of each state shall most strictly enforce the colonization laws and prevent the further introduction of slaves.

Article 11. In accordance with the right reserved by the general congress in the seventh article of the Law of August 18, 1824, it is prohibited that emigrants from nations bordering on this Republic shall settle in the states or territory adjacent to their own nation. Consequently, all contracts not already completed and not in harmony with this law are suspended.⁴

Article 12. Coastwise trade shall be free to all foreigners for the term of four years, with the object of turning colonial trade to the ports of Matamoras, Tampico, and Vera Cruz.⁵

Article 13. Frame houses and all classes of foreign food products may be introduced through the ports of Galveston and Matagorda, free of duty, for a period of two years.⁶

Article 14. The government is authorized to expend five hundred thousand dollars (*pesos*) in the construction of fortifications and settlements on the frontier, in the transportation of the convict-soldiers and Mexican families to same and their maintenance for one year, on agricultural implements, on expenses of the commissioners, on the transportation of troops, on premiums to such farmers among the colonists as may distinguish themselves in agriculture, and on all the other expedients conducive to progress and security as set forth in the foregoing articles.⁷

Article 15. To obtain at once one-half of the above sum, the government is authorized to negotiate a loan on the customs proceeds which will be derived from the ordinary classes of cotton

¹See summary of Tarnava's report (9).

²*Ibid.* (2) and (9).

³This article is obviously a necessary complement of Article 11.

⁴This measure is not found in any of Terán's recommendations.

⁵See summary of Tarnava's report (4).

⁶*Ibid.* (5) and (7).

⁷*Ibid.* (9), (10), and (11).

goods, said loan to pay a premium of three per cent monthly, payable at the expiration of the periods fixed in the tariff schedule.¹

Article 16. One-twentieth of the said customs receipts shall be used in the promotion of cotton manufactures, such as in the purchase of machines and looms, small sums being set aside for the installing of the machinery, and any other purpose that the government shall deem necessary; the government shall apportion these funds to the states having this form of industry. The said funds shall be under the control of the Minister of Relations for the purpose of promoting industries of such importance.²

Article 17. Also three hundred thousand dollars (*pesos*) of the above mentioned customs receipts shall be set aside as a reserve fund on deposit in the treasury, under the strict responsibility of the government, which shall have power to use the same only in case of Spanish invasion.

Article 18. The government shall regulate the establishment of the new colonies, and shall present to Congress within a year a record of the emigrants and immigrants established under the law, with an estimate of the increase of population on the frontier.

VI. DISCUSSIONS OF THE DECREE

1. *Alaman's Additions to the Tarnava Report.*—Comparison of the decree with the summary of the Terán-Tarnava Report reveals the following additions to Terán's proposals: (1) In article 3, the creation of a special inspection for the colonists; (2) in article 10, the enforcement of existing slave laws; (3) in articles 9 and 11, prohibition of immigration from the United States to Texas. Examination of the *iniciativa* shows these three additions to have been the work of Alaman,³ and from the point of view of the Texans they were among the most objectionable features of the decree. They saw in the first two provisions a determination to ensure the observance of some laws which they had habitually evaded; while the third called a halt to the rapid development of the province and separated the colonists from friends and relatives in the United States.

2. *Terán's probable attitude toward these additions.*—The first two of Alaman's additions were probably quite in harmony with

¹See summary of Tarnava's report (10).

²*Ibid.* (4).

³See the *iniciativa*. Filisola, *Guerra de Ténas*, II, 590.

Terán's ideas. In his letter of June 30, 1828, to President Guadalupe Victoria he had spoken of the evils of slavery and of the undesirability of repealing any of the laws restricting the importation of slaves. But I find no mention of the slave question in any of his succeeding correspondence. As to a special inspector of all colonies, he doubtless saw the need of such an officer, but also saw danger to his own plans should the inspector decline to co-operate with him. Of the policy of restricting Anglo-American immigration, however, there is not a hint in any of Terán's correspondence. Terán must have known before April that the measure was contemplated, for it appears in the *iniciativa*, and it is not likely that it was omitted from either the report submitted to Congress during the latter part of February or from the draft of the law submitted by the joint committee a little later, copies of which Alaman forwarded to Terán on March 2. But these copies could hardly have reached Terán for another week; and had he wished to protest, he might have felt that it was too late, or that the decree involved too much else of vital importance to his plans for him to jeopardize the whole by protest against this provision. However, we are not certain that he objected to the measure. We know only that he had not advocated it in any of his available correspondence or in the Tarnava report; and that since the beginning of his connection with Texas, his policy appeared to be to strengthen the loyalty of the Anglo-American colonists, and not to antagonize them.

3. *The secrecy attending Terán's work.*—Terán's plans for "saving Texas" seem to have been simple enough: first, secretly to prepare adequate reënforcements, then occupy the province suddenly on the plausible grounds of danger from the United States and from the Indians;¹ second, by measures for such an improvement of political conditions in Texas as would increase the respect of the colonists for their adopted country. The part of this scheme that was surprisingly well carried out was its secrecy.

From the date of Terán's first visit to Texas, he maintained a more or less frequent, and even affectionate, correspondence with

¹There seems to have been considerable uneasiness on the part of Piedras over the arrival in Texas of numerous bands of Cherokees and Chichasaws during the winter of 1829-30. Piedras to Terán, December 12, 1829, and Terán to Minister of War, January 24, 1830. Transcript. Legajo 14. 1830.

Austin; yet he was able to keep Austin entirely in the dark with regard to his intentions.

There is a touch of irony in the fact that some of the data used by Austin for his map of Texas—complimentary copies of which, executed by his own hand, he sent to Terán and other Mexican officials in the fall of 1829—were furnished by explorations recently ordered by Terán in preparation for this very occupation of the province. In his letter acknowledging the receipt of the map, Terán informed Austin that he would probably see him ere long, as it was his intention to return to Texas *for his health* as soon as he could be relieved from his duties in Tamaulipas.¹ As a matter of fact, his health was quite bad, as Austin was aware, so the reason seemed plausible enough. During the busy months that followed, Austin appears to have known nothing of Terán's plans for Texas.

The first definite information that Austin appears to have had of the projected expedition, division of the territory, and the Law of April 6 came in a letter written from New Orleans, April 5-7, by an American named Pettit, who was apparently in the Mexican naval service.² On March 20, after Alaman had submitted his *Iniciativa*, and the passage of the law had become an assured fact, Bustamante himself had deemed it well to write Austin a personal letter, expressing his friendship and entire confidence in him, and asking him to inform the colonists of his great interest in their prosperity. But this letter was slow in reaching Austin, because it was sent first to Terán, who held it until April 24, when he forwarded it with a letter of his own, insinuating that his own knowledge of the decree was as recent as that of Austin. Bustamante wrote:

Mexico, March 20, 1830.

Lieutenant-Colonel Stephen F. Austin.

Esteemed Friend: Notwithstanding the fact that I have not received an answer to the late letters which I have sent you, and in spite of the press of my own affairs, I take this opportunity of writing you this letter, which I shall send to you through Señor Terán, to whom you will kindly send your answer in order that it may not go astray.

My object on this occasion is to assure you that during my

¹Terán to Austin, September 28, 1829. Austin Papers.

²E. L. Pettit to Austin, April 5, 1830. *Ibid.*

administration you and your estimable colonists shall continue to receive the same proofs of favor and consideration which, since the year 1822, my wishes for your happiness and prosperity have made clear to you, since I have used in your favor the influence derived from the public positions I have held since that date. Be so kind, then, as to inform the colonists of my goodwill, and for yourself accept at the same time my assurances of true friendship and appreciation, wherewith I sign myself, as formerly, your friend and affectionate fellow-citizen. . . .

Anastasio Bustamante.¹

Terán wrote:

Matamoras, April 24, 1830.

My esteemed friend and Sir:

I have the pleasure of sending you the inclosed letter of my friend and companion-in-arms, Vice-president Don Anastasio Bustamante. I suppose that you have received information of the draft of the law for the development of this country, *which is now under consideration in the federal congress,*² and concerning which certain of my friends in Mexico have asked my opinion; *as I have time to communicate this opinion after hearing from you,* I beg you to write me your opinion with that frankness we have been accustomed to employ. My friends have particularly asked me about the matter of declaring Texas a territory, and on this point I am maintaining great circumspection, for indeed I have no settled conviction on the subject, having heard a diversity of opinions in Texas. If you will feel no hesitancy in honoring me with your reflections, I shall greatly appreciate the same.

I think that we shall have the pleasure of seeing each other within two months. In the meantime you know that your letters will be most welcome, and you may write at your leisure.

Present my regards to Señor Don Samuel,³ and do you command at pleasure your most affectionate friend and obedient servant. . . .

Manuel de Mier y Terán.⁴

It is hardly necessary to call attention to the craftiness with which Terán attempts in this letter to deny all responsibility for the decree whose provisions it had now become his duty to enforce. But while his attitude is wholly disingenuous, we must

¹Austin Papers.

²The italics in this translation are mine.

³Samuel Williams.

⁴Austin Papers.

remember that the most radical measures of the decree, those which he knew the colonists would most resent, were not his work.

VII. SUMMARY AND CONCLUSION

The Decree of April 6, 1830, was an attempt of Mexico to save Texas to the Mexican nation by strengthening the ties of that state with Mexico and severing those which bound it to the United States. In 1824 the Mexican government passed a generous colonization law, throwing open the rich lands of Texas to foreign immigration. The vast majority of foreign colonists who came in were from the United States, and the numbers and character of these colonists so endangered Mexican authority in Texas that the federal government felt it necessary to save the province by passing this Decree of April 6, the most important provision of which was the prohibition of all further immigration of colonists from the United States. The causes of suspicion and distrust which led to the promulgation of this decree begin as far back as the Fredonian Rebellion at Nacogdoches in 1826, and were continued and augmented by the insistent efforts of the United States to purchase Texas, by the determination of the colonists to hold slaves, notwithstanding their adopted country's reiterated policy of abolition, and by the friction which was the inevitable result of racial difference and prejudice. In 1828 General Terán, as chief of the boundary commission which was sent to survey the eastern and northern boundary between Mexico and the United States, reported a serious condition of affairs for the political and military authority of Mexico in Texas. But the central government was either too indifferent or too occupied with internal troubles to take cognizance of the situation at that time. In 1829 Terán was made *comandante general* of the Eastern States and at once began preparations to occupy Texas with a sufficient number of troops to lend prestige to Mexican authority in the state. About the same time he began urging upon the central government the necessity of action from that source, if Texas were to be saved to the federation. This the Guerrero government failed to do, but after the accession of Bustamante, in December of 1829, Terán sent his lieutenant, Constantino Tarnava, to lay before the central authorities a full report of conditions in Texas,

his own plans to remedy them, and various recommendations for political measures which would make his military plans more effective. One month later Lucas Alaman, the new minister of relations, laid these recommendations, with certain additions of his own, before Congress, and two months later still that body complied with the requests by passing the Decree of April 6, 1830, which was to go into effect on the day of its passage. The responsibility for that section of the law which prohibits further immigration from the United States seems to rest upon Alaman, though practically all of the other provisions are directly traceable to suggestions made by Terán.

It is not the purpose of this paper to follow the attempts to enforce the decree. The radical measures comprised in Article 11 were bitterly resented by the Texans, and were probably the most potent factors in the later friction that resulted, as Terán had so clearly foreseen, in the loss of Texas to the Mexican nation. Had Terán lived and been retained in his position as special commissioner and military governor of the colonies, the story might be different, but, as Filisola says, the whole fruit of his labors was destroyed by Santa Anna's overthrow of the Bustamante government in 1832.

CORRESPONDENCE FROM THE BRITISH ARCHIVES
CONCERNING TEXAS, 1837-1846

VI

EDITED BY EPHRAIM DOUGLASS ADAMS

KENNEDY TO ABERDEEN¹

No. 4.

British Consulate
Galveston. June 9th 1843

My Lord,

I have the honor to transmit enclosed the following documents relating to the trade and commerce and Maritime regulations of the Republic of Texas, and the Consulate of Galveston; namely:—

The present Tariff of the Republic of Texas.²

Historical Abstract in reference to the Tariff.

Return of the British and Foreign Trade at Galveston for the year ending 31st December 1842.²

Return of British Trade at Galveston for the year ending 31st December 1842.²

Charges on Shipping in the ports of Texas—Pilotage Regulations at Galveston,³ description of the National Flag of Texas.⁴

Regulations for the Coasting Trade and Protection of Texian Shipping⁵

Warehousing of Goods and Drawbacks⁶

I beg to observe that I have drawn up the "Historical Abstract" for the purpose of rendering the series of official documents more complete, and have furnished trade Returns for 1842—the year

¹F. O., Texas, Vol. 7.

²Omitted.

³Omitted, since the matter submitted by Kennedy is a synopsis of "an act regulating the appointment and duties of pilots at the Port of Galveston," approved February 4, 1842 (Gammel, *Laws of Texas*, II, 773, 774).

⁴The description of the Texas flag is copied from the act approved January 25, 1839 (*Ibid.*, II, 88).

⁵Under this title Kennedy submitted a synopsis of "an act for the regulation of the coasting trade and the protection of Texian shipping," approved January 4, 1841 (*Ibid.*, II, 479-482).

⁶Under this title Kennedy submitted a synopsis of "an act to provide and establish the warehousing system in the ports of this Republic," approved February 5, 1840 (*Ibid.*, II, 225-229).

previous to my arrival at my post—in order to note, by comparison with the Returns for the Current year, the Commercial progress, or retrogression, of the Republic.

William Kennedy.

The Earl of Aberdeen, K. T.

Historical Abstract, in reference to the Tariff of the Republic of Texas, in operation on the first of June 1843¹

On the 17th of January 1821, Moses Austin, a Native of New England, obtained permission from the Supreme Government of the Eastern Internal Provinces of Mexico, to introduce three hundred families as Colonists from Louisiana into Texas.

In consequence of Moses Austin's death, his project of Colonization was taken up and prosecuted by his Son, Stephen, who was obliged, in 1822, to apply to the Authorities of revolutionized Mexico, for Confirmation of the privilege which had been conceded to his father by the Authorities of old Spain. On the 4th of January 1823, a Colonization law, approved by the Mexican Emperor Iturbide, was promulgated, and, on the 18th of February of the same year, an Imperial Decree was issued, empowering Austin to found a Colony under the provisions of the general law.

A revolutionary Movement having displaced Iturbide, and the Government which succeeded him, having decreed the Nullity of all Imperial titles, Austin was Constrained to Solicit the Confirmation of his Concession from the Congress of Mexico. This he obtained on the 14th of April 1823, which may, therefore, be recorded as the legal date of the Commencement of Anglo American Colonization in Texas.

To encourage the settlement of her waste frontier lands, and thereby interpose a barrier against Indian aggression, and strengthen herself against Spanish attempts at reconquest, Mexico held out various inducements to the earlier Colonists of Texas, and, among them, a temporary exemption from tithes and taxes. By Article 24, of the Mexican Colonization Law of the 4th of January 1823, it was enacted that, during Six Years from the date of the Concession, the Colonists should not pay tithes, or duties, on their produce, nor any Contribution whatever, of a public kind.

¹F. O., Texas, Vol. 7.

By Article 25, of the same law, it was enacted that, during the Six years, immediately succeeding the termination of the first specified period the Colonists should pay half the tithes and half the Contributions, direct and indirect, that were paid by Native Citizens.

These enactments emanated from the *General Government of Mexico*.

The *State* of Coahuila and Texas, as a Member of the Mexican Federation, by Article 32, of a Colonization Law passed by its Legislature on the 24th March 1825, ordained that, during the first ten years,—reckoning from the Commencement of the Settlement,—Colonists within the limits of the State should be free from every kind of public Contribution, except such as were generally demanded to prevent, or repel, foreign invasion.—After ten years, new Settlers were to bear an equal proportion of the public burthens with Native Citizens.

The law containing these provisions was repealed by an Act dated April 28th 1832, which exempted all “New towns,” for ten years, from the time of their foundation, from every description of tax, except Contributions for defence against foreign invasion. For the Site of each of these “New towns,” the State appropriated four Square leagues of land.

The establishment of Custom-houses in Texas, and of garrisoned posts to enforce the Collection of the National Revenue, which followed the periods of exemption from taxation granted to the infant Settlements, formed with the Colonists prominent Causes of dissatisfaction, while, on the other hand, the infraction of fiscal enactments was regarded by the Government of Mexico as indicative of an ungrateful and rebellious Spirit on the part of Men invited by its liberality to occupy its fertile lands. In June 1832, a party of Colonists attacked and Captured the Mexican garrison at the port of Velasco.—in April 1833, petitions complaining of the Tariff, and praying for the privilege of free importation, for a term of three Years, of the most important Articles of Consumption, were transmitted by the Colonists to the General Government.—in the Autumn of 1834, a number of persons seized the Collector of Customs at Anahuac, and expelled the Military stationed at his post,—and, in the Autumn of 1835, Texas and Mexico were in a State of open Warfare.

In November 1835, a Convention was called in Texas, and a Provisional Government proclaimed, which Conferred on a Governor and Council the power "to impose and regulate Impost and Tonnage Duties, and to provide for their Collection under such Regulations as might be deemed expedient"

An Ordinance of the Provisional Government, imposing certain duties of Customs, passed on the 12th of December 1835, was repealed by another Ordinance on the 27th of the same Month, which placed a duty of twenty five per Cent, *ad Valorem*, on such goods, wares, and Merchandize as were "entitled to a debenture" in the port of Shipment, and a duty of fifteen per Cent, *ad Valorem*, on such as were not entitled to debenture.—Articles imported *bona fide* for the use of emigrants, including farming implements, household furniture, provisions, stores and Machinery of all kinds, were to be admitted free.

The declaration and establishment of the independence of Texas, and the adoption of a Constitution of its inhabitants, were followed by the Convocation of a Congress, which, on the 20th of December 1836, passed an Act "to raise a Revenue by Impost Duties," under which the following charges were exigible:—

On Invoice price of Wines, Spirituous and Malt liquors 45 per Cent *ad Valorem*.

Silk goods, and all Manufactures of Silk 50 per Cent *ad Valorem*.

Sugar and Coffee $2\frac{1}{2}$ *ad Valorem*.

Teas 25 *ad Valorem*.

Bread Stuffs 1 *ad Valorem*.

Iron and Castings—10 per Cent *ad val*.

Coarse Clothing, Shirtings, Shoes, blankets Kerseys, Sattinets, and Stuffs formed of a Mixture of Cotton and Wool. 10 per Cent *ad Valorem*.

All the non-enumerated goods an *ad Valorem* duty of twenty five per Cent on invoice price.

Another, and more Comprehensive, Customs law was passed on the 12th of June 1837 "for the purpose of raising a revenue to aid in defraying the public expences, sustaining the public Credit, and securing to the public Creditors a fair Annual, or semi-Annual interest on the Shares of Stock in the funded debt."

The Tariff underwent a farther revision by an Act passed on the

5th of February 1840, to which the law at present in operation is termed "Supplementary"

It is to be observed that the receipt of duties in National paper, profusely issued, on an unsound basis,—and, of course, rapidly depreciated,—has from time to time, caused the Tariff to appear much higher than it really was, and the successive endeavours to realize, Amidst the Confusion occasioned by a spurious Currency, an adequate, tangible revenue, has imparted a capricious character to the fiscal legislation of the Republic, discouraging and injurious to the Merchant and the emigrant. The duties, at present, are receivable only in gold and silver, or in "Exchequer Bills," at their Market value.

There is a general and increasing feeling in favor of diminished duties, with a view to the ultimate adoption of a System of Free Trade, but no material alteration in this direction can well be anticipated until the Country is tranquillized in regard to its external relations

More than two thirds of the revenue derived from Customs is received at the port of Galveston. The Eastern Counties of Texas, which possess a comparatively dense population, Contribute but a small proportion to the public funds, owing to their geographical position, which secures impunity to the Smuggler. The gross amount received at the port of Galveston for the year ending the 31st of December. 1842, may be set down, in round numbers, at 110,000 (one hundred and ten thousand) dollars; the receipts for the same period at Brazos, Matagorda, Red River, San Augustine, and Sabine at 30,000 (thirty thousand) dollars. The average expense of Collection was a fraction above fourteen per Cent.

The attempts hitherto made to raise a revenue by *direct taxation* have been unsuccessful

[Endorsed.] No. 2. In Mr Consul Kennedy's despatch of 9th June. 1843.

*Charges on Shipping in the Ports of Texas*¹

Tonnage Duty. All Sailing Vessels entering any port of the Republic, from any foreign port or place, are chargeable with a

¹F. O., Texas, Vol. 7.

tonnage duty of Sixty Cents per ton, and Steam boats with thirty Cents, according to registered tonnage.

Entrance. Any Ship, or Vessel, of less than one hundred tons burthen, pays one dollar and a half, of one hundred and upward, two dollars and a half,—

Clearance. For every clearance of Vessels of the above-mentioned burthen, the same fees respectively.

Port Entry. Two dollars.

Permit to land goods. Twenty Cents.

Bond taken Officially. Forty Cents.

Permit to land goods for exportation that may be entitled to debenture, or official Certificate. Forty Cents.

Bill of Health. Twenty Cents

For every document (registers excepted) required by any Merchant, Owner, or Master of any Ship, or Vessel, not before enumerated. Twenty Cents.

[Endorsed.] No. 5. In Mr. Consul Kennedy's despatch of 9th June. 1843.

ELLIOT TO ABERDEEN¹

No. 12.²

Galveston, June 10th. 1843.

My Lord,

Mer Majesty's Sloop "Scylla" arrived last night from Vera Cruz bringing me a Despatch from Mr. Percy Doyle Her Majesty's Chargé d' Affaires at Mexico of which I have the honor to transmit a Copy, as well as a Copy of the Communication I have thereupon addressed to the Secretary of State of this Republic.³

The departure of the Steam boat for New Orleans, prevents me from adding more upon this occasion. I should mention however, that in the state of understanding between the Government of Her Majesty, and that of the King of the French concerning the close of the Contest between this Republic and Mexico, I have felt it right to communicate the subject of Mr Doyle's despatch in confidence to my Colleague Monsieur de Cramayel; And He concurs with me that every suitable effort should be made to dispose the

¹F. O., Texas, Vol. 6.

²No. 11, Elliot to Aberdeen, on the *Eliza Russell* claims, has been omitted.

³Elliot to Jones, June 10, 1843. In Garrison, *Diplomatic Correspondence of the Republic of Texas*, III, 1090; in Am. Hist. Assoc. Report, 1908, II.

Government of this Republic to meet these advances of the President of Mexico.

Charles Elliot

To The Earl of Aberdeen, K. T.
Downing Street

BOOK REVIEWS AND NOTICES

Journal of the Secession Convention of Texas, 1861, edited from the original in the Department of State by Ernest William Winkler, State Librarian (Austin: The Texas Library and Historical Commission. 1912. Pp. 469).

This volume is the second collection of documentary material to be issued by the Texas Library and Historical Commission since its creation four years ago; and it should be taken as an earnest of what the commission could do in the way of aiding research in the field of Texas history were it supplied by the state with adequate funds. Very little of our rich archives has been published except the diplomatic correspondence of the Republic, the laws and the legislative journals—which last are not complete. The commission is authorized by law to publish the archives, but the scantiness of the funds supplied has made it impossible to undertake the publication of anything but small and scattered units. Thus, the former volume consisted of the secret journals of the Congresses of the Republic.

The choice of the secession journal for the second volume is justified not only by the importance of the subject but by the inherent value of the journal itself and of the accompanying papers of the convention. The journal is remarkably full. It begins with an account of the manner in which the convention was called, and contains the full text of practically every resolution and report, as well as the addresses of the commissioners from the other cotton states. The debates are lacking, but it is not difficult to follow the mind of the convention in the record that is left. Inserted in the printed journal is a folded page photograph of the signatures to the Ordinance of Secession.

There are four appendices, only one of which is found with the original journal. The first is an address to the people, prepared after final adjournment, setting forth the various acts of the convention and the reasons for them. This was originally issued as a pamphlet. The second is the report of the Committee of Public Safety, a valuable document, which was appended to the journal and was also published in pamphlet form. The scarcity of

these pamphlets justifies their inclusion here. A statistical list of delegates follows. The fourth appendix contains the election certificates of delegates as found in the convention papers.

A number of interesting points are brought to light, not all of which can be enumerated here. The election certificates disclose the fact that in certain counties the strength of the secession sentiment had brought about the election of delegates before the general call went out from Austin. The movement was truly spontaneous. And in the general election of delegates the regular officials were in charge and made the returns. This seems to dispose of the charge that unauthorized persons conducted the election. It is shown that eight votes were cast against the ordinance of secession instead of the traditional seven; and the figures given by Roberts and others for the popular vote on that ordinance are proven erroneous, though the ratio is not materially altered. A number of other inaccuracies in Roberts's account also become evident.

The accuracy of the editorial work could be tested only by a painstaking comparison of the printed copy with the originals; but the editor's reputation for care and thoroughness is a sufficient guarantee on this point. All students will commend his decision to include the appendices. The index is well done.

The publication of this volume emphasizes the need of a comprehensive plan for the publication of all the official archives of the state and the provision of funds sufficient for carrying out that plan. The other great requisite, efficient and scholarly editorial supervision, is already provided for. The commission should not be held to the necessity of publishing our historical records in isolated fragments, however well done that sort of work may be.

CHAS. W. RAMSDELL.

The Pathfinders from River to Ocean: the Story of the Great West from the Time of Coronado to the Present, by Grace Raymond Hebard, Ph. D. (Chicago. Lakeside Press, 1911. Pp. viii, 263).

This little book is a praiseworthy attempt to provide a help for the elementary teaching of the history of the New Northwest. It contains nine chapters, on: the early explorers, the fur traders,

the great trails, the missions, Frémont's explorations, the gold discoveries, the soldier and the settler, cows and cowboys, and the railroads. On the whole, the chapters are well and interestingly written for the purpose, and with a fair degree of accuracy of statement.

The principal shortcomings of the book are on the side of omission rather than of commission. It is written from the standpoint of the Northwest, and by no means covers the ground indicated by its title, which embraces the whole of the Trans-Mississippi West. The point of view is nicely illustrated by the fact that the chapter on missions is placed after that on the Oregon and California trails, and is devoted almost entirely to nineteenth century missionary work. This narrow view of the West is shown by the fact that the list of western explorers omits the names of De León, St. Denis, La Harpe, Kino, Anza, Font, Garcés, Escalante, De Mézières, and Vial. Similarly, in the history of the fur trade, no mention is made of Natchitoches, second only in importance to St. Louis, nor of the century long work of the French and Spanish fur traders west of the Mississippi. In the account of Catholic missions in the Southwest no mention is made of the French missionaries in Louisiana and Arkansas; of the Spanish Franciscans in Texas, where they labored for a century and a quarter; or of the Spanish Jesuits in Arizona. In the list of great western trails, the San Antonio trail, reaching from Natchez to Durango, and in use for more than a century, finds no mention. The history of "soldier and settler" fails to touch the settlement of Texas or of the western half of the Mississippi valley, except on its outer edge.

Nevertheless, in spite of the fact that it covers only about one-third of the field which it defines, the book is distinctly worth while as an aid to elementary teaching; and the partial view of Western History presented by this author may serve as a helpful suggestion to others whose standpoints are different but equally local. In view of the growing interest in the history of the West, many similar books are bound to be written; and the outcome will be, at no distant day, a revision of the text-books and a very considerable shifting of emphasis in the teaching of United States history in the schools.

HERBERT E. BOLTON.

Social Life in Old New Orleans: Being Recollections of my Girlhood, by Eliza Ripley. (New York: D. Appleton and Company, 1912. Pp. 332.)

In a brief biographical sketch, appended to these memoirs, we are informed that the author died shortly after making the last arrangements for their publication. Thus this account of old New Orleans, of seventy years ago, becomes the more impressive, now that another is gone of the few who could supply it.

Novelists in search of local color will find a rich store here. The setting and the activities of every-day life are described with rare accuracy and minuteness. Receptions, balls, and weddings; the fashion in dress for both sexes, young and old; the topography of New Orleans, and its architecture; furniture, tapestries, and pictures, the preparing and serving of meals; the opera, old music, old songs; schools and old-fashioned ideas of bringing up children; the plantation-life of masters and slaves; these and many other topics are discussed at length. There are also frequent references to her contemporaries. Of the celebrities of her day she was acquainted with many; some famed in the annals of New Orleans, some of wider reputation. Their names are often linked with interesting biographical details and descriptions of their persons and characters.

A praiser of her times, though she has only kind words for the present, one fancies that with her strong memory she must have preferred to dwell in the past even more than is the wont of old age. And none will refuse to tarry with her in the glorified past who feels the charms of invariable good humor and of a youthful heart.

Not the least interesting of the *hors-d'oeuvres* which lend variety to the narrative is the account of how Lexington won the great race in 1854, and of the swarming of the Kentucky belles and their escorts into New Orleans to be present at his triumph: "The race, the only one I had ever witnessed, was tremendously exciting, and as the gallant horses swept round the last lap, Lexington, ever so little, in the lead, the uproar became quite deafening. One of the Johnson women, beautiful and enthusiastic, sprang upon the bench and said to her equally excited escort, 'Hold me while I holler.' He threw his strong arms about her

and steadied her feet. 'Now, holler.' And never did I hear the full compass of the female voice before, nor since."

New Orleans is interesting, directly or indirectly, for its Creole population. There can be no complaint that this subject does not receive at the hands of the author the attention it deserves. But it may be urged, perhaps, that whatever information she imparts is of an external character. It is true that the quaintness of Creole objects and ways, as the term is usually understood, does not imply analysis of character. At any rate the average tourist, who seems to feel repaid for his pains, probably makes no great progress in this direction. It would be no reproach to say that, even from the picturesque point of view, she supplies materials for the picture rather than the picture itself. The reviewer remembers Loti's magical homesick visions of French colonial life, evoked by the master with a few simple words. But Loti's intense visions doubtless exist in his mind only; they are reproduced in the reader's by insistence on merely a few details, and they could not have the informational value of these memories. From the moral and intellectual standpoint, the book which shall describe the Creoles of Louisiana is still to be written, at any rate, the book which shall satisfy the subject. The author of such a book can surely only be one who has been steeped in that strange experience of living in two atmospheres at once, a French and an English, as far apart as may be, who is conscious of so equally balanced claims upon his sympathy that he hardly knows in which direction to incline, who speaks and thinks and laughs now in obedience to the one, now to the other.

E. J. VILLAVASO.

Incomplete Rolls First Regiment Texas Infantry, C. S. A., Fourth Regiment Texas Infantry, C. S. A., Fifth Regiment Texas Infantry, C. S. A., Hood's Texas Brigade, Army of Northern Virginia, 1861-1865. Compiled by William R. Hamby, Company B, Fourth Texas.

The above is the title of a volume of one hundred and thirty-five typewritten pages and the result of several years of tireless effort. General Hamby has presented the State Library with a copy of the book. Its character and contents are well described by the following excerpts from the introduction:

"The following rolls have been compiled from incomplete records and with the assistance of surviving comrades. It was earnestly desired the name of each comrade, especially those killed or wounded in action or who died in the service, should be correctly reported, and it is a matter of lamentable regret that so many of the rolls are still incomplete, not only in names but in casualties, but incomplete as they are it is believed that they show a record for Hood's Texas Brigade, from 1861 to 1865, that is unequaled in modern warfare.

"These incomplete rolls show for the First Texas 1302 names, for the Fourth Texas 1251 names, for the Fifth Texas 1331 names—total 3884 names.

"The First Texas lost 332 killed in battle, 476 wounded once, 119 wounded twice, 25 wounded three or more times, 159 died of disease; total casualties 1111, a loss of over 85 per cent.

"The Fourth Texas lost 316 killed in battle, 451 wounded once, 98 wounded twice, 19 wounded three or more times, 123 died of disease; total casualties 1007, a loss of over 80 per cent.

"The Fifth Texas lost 303 killed in battle, 506 wounded once, 138 wounded twice, 28 wounded three or more times, 140 died of disease; total casualties 1115, a loss of over 83 per cent.

"The aggregate losses of the three regiments in killed, wounded and died of disease was 3233 out of 3884, making the total loss over 83 per cent."

E. W. WINKLER.

Texas Almanac for 1861.—It may be of interest to collectors to note that there were two editions of Richardson's *Texas Almanac* for 1861, each containing 336 pages, including advertisements. The principal differences between the two editions are in the preface and in the contents on page 242 and pages 246-52, inclusive. The preface of the edition which seems to be the earlier is undated and unsigned; the preface of the later is signed Richardson and Company, Galveston, November 1, 1860. Paragraph two of the earlier preface contains two sentences which are omitted in paragraph two of the later regarding statistics not available for the first issue. Paragraph four of the later edition also omits the two final sentences of the earlier regarding the failure to receive census reports and county statistics. Paragraph

five of the earlier edition promises a second edition; paragraph five of the later treats of the county statistics included in this issue and promises a supplementary sheet as soon as the census reports are received.

Page 242 of the first edition contains a report of the Washington County Railroad Company; page 242 of the second, a list of the District Judges and Attorneys and an article regarding the commerce of Indianola. The United States statistics on pages 246-52, inclusive, of the earlier edition are omitted entirely in the second. The corresponding pages in the later edition contain a list of the county officers, an abstract of the treasurer's report for the year ending August 31, 1860, an article upon river and harbor improvements, a report of the Washington Railroad Company (found on page 242 of the earlier), a list of newspapers in Texas, brief directories of the Supreme Court of Texas and the United States District Courts in Texas, and the penitentiary report for the year ending September 1, 1860.

ELIZABETH H. WEST.

The Mississippi Valley Historical Association will hold its sixth annual meeting at Omaha, Nebraska, May 8-10. Plans will be discussed for inaugurating a quarterly publication in addition to the annual *Proceedings*, which has heretofore been the sole organ of the Association. The *Proceedings* for 1911-1912, which is just from the press, is a beautifully printed volume of 268 pages. Besides a number of papers which are of interest primarily to teachers of history, it contains the following articles: "The Settlement of the John Randolph Slaves in Ohio," "The Quakers in the Old Northwest," "The Western Reserve in the Anti-Slavery Movement, 1840-1860," "The Mississippi Valley in the Movement for Fifty-Four Forty or Fight," "De Soto's Line of March from the View Point of an Ethnologist," "The Disintegration and Organization of Political Parties in Iowa, 1852-1860," "Attitude of the Western Whigs toward the Convention System," "Factors Influencing the Development of American Education before the Revolution," "The Battle of Lake Erie."

Membership dues in the Association are only one dollar a year, and members are entitled to the publications of the Association

without additional cost. Applications for membership and for back volumes of the *Proceedings* should be sent to Clarence S. Paine, Lincoln, Nebraska.

Lectures on the American Civil War, by James Ford Rhodes, LL. D., D. Litt. (Pp. xi, 206) has just been issued by the Macmillan Company. The lectures, of which there are three, were delivered at the University of Oxford during the Easter and Trinity Terms of 1912. The first lecture is devoted to "Antecedents of the American Civil War 1850-1860," the second covers the period between the election of Lincoln and the emancipation proclamation, and the third brings the story to the surrender of General Lee at Appomattox. The book is a fresh, thoughtful, skillful, and interesting epitome of the war. It can be read in three hours.

The Texas Star, by Joseph A. Altsheler (New York: D. Appleton and Company, 1912. Pp. 372), is a story for boys, detailing the adventures of Edward Fulton, a fictitious youth who voluntarily went to Mexico to share the imprisonment of Stephen F. Austin in 1834, and who, divining Santa Anna's purpose of subjugating Texas, escaped to warn the Texans. A number of historical characters, both Texan and Mexican, appear in the book, which on the whole pictures the conditions of the period with a good deal of accuracy. Austin appears only in the early chapters of the book.

Mr. W. T. Hefley, of Cameron, has collected and printed in convenient booklet form the newspaper correspondence recently evoked by his suggestion of a commission to locate the ashes of those who died at the Alamo and give them suitable burial. It is entitled, "In Memory of the Heroes of the Alamo and to Give the Facts of History as to the Resting Place of their Ashes."

THE QUARTERLY has received *Border Wars*, by James T. De Shields, edited by Matt Bradley (The Herald Company. Tioga,

Texas. 1912. Pp. 400). A more extended notice will appear in the July number.

Mr. Edward W. Heusinger, of San Antonio, has ready for press a volume, entitled "Mission Ruins in Texas."

In the *William and Mary College Quarterly* for October, 1912, is printed a letter from James Hamilton to Thomas W. Gilmer, dated Columbia, June 3, 1838, in regard to a foreign loan for the Republic of Texas.

In *The American Historical Review* for January, 1913, George L. Rives has an article entitled "Mexican Diplomacy on the Eve of the War with the United States."

The *Texas Magazine* (Houston) for January, 1913, contains an article by Julia Beazley on "Ashbel Smith, physician, orator, soldier, scholar, philosopher and statesman"; the number for February contains a brief article by H. M. McDougall on "Rare Confederate Stamps," which refers to certain issues by Texas post-offices; the March number contains a brief sketch of James Kemp Holland, a Mexican War veteran, by Annie J. Holland.

Two letters of Elisabet Ney are printed in the *Austin Statesman* of January 20, 1913.

NEWS ITEMS

The International Congress of Historical Studies is to be held this year at London, April 3-9. The last meeting of the Congress was at Berlin in 1908.

A Confederate monument was unveiled at Beaumont on November 27, 1912. A full account of the dedicatory ceremonies and a picture of the monument are contained in the *Beaumont Enterprise* of November 27.

A Confederate monument, erected under the auspices of the local chapter, U. D. C., was unveiled at Matagorda, January 17, 1913. The *Galveston News* of January 18 contains an account of the ceremonies, a list of the twenty soldiers lost in the shipwreck on Matagorda Bay on December 31, 1863, portraits of Captain E. S. Rugeley and Judge A. C. Burkhart, two of the rescued, and a picture of the monument.

A combined monument to Thomas Jefferson and memorial of the purchase of Louisiana Territory will be dedicated in St. Louis some time this spring, probably in April. It is in the form of a large building of concrete, stone, and marble, costing about \$450,000. A heroic statue of Jefferson occupies the center of the rotunda. The architect is George F. Kessler, and the sculptor is Karl T. F. Bitter. The cost of the building is defrayed from the residue fund of the Louisiana Purchase Exposition of 1904. In the building will be housed the archeological collections and the archives of the Missouri Historical Society, which contain much valuable material on the history of the Mississippi Valley.

The Illinois Chapter of the Daughters of the Confederacy has established a prize of \$100 to be awarded annually by the History Department of the University of Chicago to the author of the best study in Southern History. Competitors for this prize must be graduates of some Southern College or university and candidates for a higher degree at the University of Chicago, and

they shall, on recommendation of the History faculty, receive annual scholarships free of other conditions. It is understood that the prize money shall be used to pay the expense of publishing the successful essay or thesis, and further that in the event that no Southern student enters the competition for one year the Department of History may award the said prize to the author of a suitable study in the field of Southern History without regard to place of residence.

Judge Edwin LeRoy Antony, of Cameron, member of Congress, 1892-1893, died in Dallas on January 16, 1913. A sketch of his life appeared in the *Dallas News* of the 17th.

George C. Pendleton, Lieutenant Governor under Governor Hogg, and formerly Congressman from the old Ninth District, died at his home in Temple, January 18. He was sixty-eight years old.

Thomas Volney Munson, an international authority on viticulture and author of *Foundations of American Grape Culture* (1909), died at Denison, Texas, on January 21, 1913. A sketch of his life appeared in the *Dallas News* of January 23, and in *Who's Who in America*, 1912-1913.

On January 25 J. W. Curd died at El Paso. He was one of the ablest teachers of history to be found in the public schools of Texas. For several years he had been employing all of his spare time on a study of the early history of El Paso, and it is to be hoped that his work had progressed sufficiently to be useful.

Col. T. B. Wheeler, of Aransas Pass, former Lieutenant Governor, and mayor of Austin in the early 70's, died at San Antonio on February 2, 1913. A sketch of his life is printed in the *San Antonio Express* of the same date. He contributed to THE QUARTERLY (XI, 56-65) his "Reminiscences of Reconstruction in Texas."

On February 3, 1913, Mrs. Jeanette Ennis Belo, widow of the late Col. A. H. Belo and head of the Galveston-Dallas News Corporation, died at Cambridge, Massachusetts.

On Monday, February 10, 1913, Mr. W. W. Mills died at his home in Austin. He was born in Indiana in 1836, came to Texas in 1857 with his brother, now Brigadier-General Anson Mills of the United States Army, and settled at El Paso, then a small village. He served in the United States Army in New Mexico during the Civil War. In 1868-'69 he was a member of the Texas Reconstruction Convention. Most of his later life was spent in the Federal service as customs collector at El Paso and as consul in Chihuahua. Brief biographical sketches may be found in the *El Paso Herald* of February 11 and 17, and the *Austin Tribune* of February 24, 1913.

The transfer of the remains of Joanna Troutman, the Georgia girl who presented Ward's battalion with a lone star flag, from her native State to the State Cemetery at Austin is chronicled in a proclamation issued by the Governor, January 21, and in a message to the Legislature, February 25, 1913.

Dr. W. L. Bringhurst, Superintendent of the Orphans' Home, died at Corsicana on February 18, 1913. His widow is a daughter of General Sam Houston. A sketch of his life appeared in the *Dallas News* of February 19.

Judge Marcellus E. Kleberg, son of Robert Justus Kleberg, a San Jacinto veteran, died at Galveston on March 1, 1913. He represented De Witt county in the Thirteenth Legislature, and was city attorney of Galveston from 1904 until 1911.

AFFAIRS OF THE ASSOCIATION

THE ANNUAL MEETING

The annual meeting of the Association was held at the University of Texas on March 3. The Treasurer read the report, which appears below. Thirteen life members and forty-seven members were elected to the Association. The following officers were chosen for the ensuing year: Judge Z. T. Fulmore, President; Miss Katie Daffan, Mrs. A. B. Looscan, Mr. Beauregard Bryan, and Mr. Edward W. Heusinger, Vice-Presidents; Professor Charles W. Ramsdell, Corresponding Secretary and Treasurer, and Dr. W. F. McCaleb, Miss Lilia M. Casis, and Dr. W. J. Battle, Members of the Executive Council. At a meeting of the Fellows, Mr. Charles W. Hackett was elected a Fellow, and Professor Herbert E. Bolton was added to the Publication Committee. Other members of the Publication Committee were re-elected.

TREASURER'S REPORT FOR YEAR ENDING MARCH 1, 1913

Receipts

	1913	1912
By membership dues	\$1,760 68	\$1,539 35
By sale of QUARTERLY.....	108 80	44 75
By sale of reprints.....		8 50
By sale of binding.....	4 50	29 55
By miscellaneous	7 13	3 28
By life memberships	390 00
By interest	142 45	149 45
Total receipts	\$2,413 56	\$1,774 88

Expenditures

	1913	1912
To printing QUARTERLY	\$ 574 21* 5	775 41
To binding QUARTERLY	55 63	101 76

*It should be noted that when this report was made bills had not been rendered for printing the October and January numbers of THE QUARTERLY.

	1913	1912
To reprinting QUARTERLY	37 25	301 76
To reviews		19 50
To commissions		5 00
To clerical expenses	424 15	257 60
To miscellaneous expenses	98 99	108 52
To postage	158 50	125 00
To stationery	87 25	27 15
To Powell transcripts	57 74
	<hr/>	<hr/>
Total expenditures	\$1,493 72	\$1,721 11
Net profit	919 84*	53 77
	<hr/>	<hr/>
	\$2,413 56	\$1,774 88

CHAS. W. RAMSDELL,
Treasurer.

H. Y. BENEDICT,
Auditor.

*See note on previous page.



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