

CONQUEST OF THE SOUTHWEST

1863, his last years embittered by the too evident failure of the Confederacy and the discords which tore his beloved country in twain. The world is familiar with the events of his strange, romantic and useful career, few Americans have been more written about, and few men deserved it more. While he did not rise to the solitary heights of greatness, he was one of the most eminent men of his time, and his valuable services to Texas are held in undying remembrance.¹

¹ The following is a summary of his career: "Born near Lexington, Va., March 2, 1793; died at Huntsville, Texas, July 25, 1863. An American gentleman and statesman. He served in the War of 1812; was a member of Congress from Tennessee, 1823-27; was Governor of Tennessee, 1827-29; as commander-in-chief of the Texans, defeated the Mexicans at San Jacinto, April, 1836; was President of Texas, 1836-38 and 1841-44; was United States Senator from Texas, 1845-59; and was Governor of Texas, 1859-61."—*Century Dictionary of Names*.

CHAPTER V

THE DECLARATION OF INDEPENDENCE —THE CONSTITUTION

CHAPTER V

THE DECLARATION OF INDEPENDENCE—THE CON- STITUTION

BEFORE Houston assumed command, the Texan forces in the field had been more or less busy, although little that was decisive was accomplished after the first successes. General Cos had peremptorily declined to surrender San Antonio. He had refused even to treat with those whom he regarded as rebels. The siege had made languid progress. Division, want of harmony, lack of discipline, insubordination, and jealousy prevailed—all the faults of an unorganized volunteer force—among the different Texan commands, and when Austin left the army at the summons of the consultation, turning the command over to Burleson temporarily, Houston also being busily engaged at the consultation of which

CONQUEST OF THE SOUTHWEST

passioned speech closing with these words: "Who will go into San Antonio with old Ben Milam?"

The effect was electrical. The erstwhile recalcitrant men now clamored tumultuously to be led to the attack. The assault began in earnest the next morning and continued for five days. The Texans stormed the place, fighting in the streets, carrying the barricades, dislodging the enemy in a series of hand-to-hand conflicts from house to house until finally on the evening of the 9th General Cos hoisted the white flag. Milam had been killed while recklessly exposing himself in one of the assaults. The Texan loss was one man killed—Milam—and twenty-seven wounded. Milam was about forty-five years of age. The Mexican loss is variously estimated; it was probably over one hundred and fifty killed and twice as many wounded.

Five hundred stand of arms, twenty-one pieces of artillery, besides an immense quantity of supplies, all of great value, fell into

DECLARATION OF INDEPENDENCE

the hands of the Texans. Honorable terms were granted to Cos, who was permitted to leave Texas with his regular troops retaining their arms. A large number of convicts whom the Mexicans had impressed as soldiers and ordered to the assistance of Cos were deprived of their arms and sent back under guard of the regular troops.

Meanwhile, the Mexican government had not been idle. It had despatched a large body of troops to succor Cos and raise the siege of San Antonio, but this reinforcement met the troops of Cos returning from the capitulation and the whole party withdrew into Mexico. There was, therefore, not a single Mexican soldier left east of the Nueces River. Texas so far was free. Various expeditions were projected by the Texans, but owing to the lack of organic coherency among the different detachments, and to petty jealousy and distrust of one another among the leaders, they came to nothing. An attempt was made to send a force to the Rio Grande to capture Matamoras,

CONQUEST OF THE SOUTHWEST

but the question of command could not be settled and the expedition never got off.

The volunteers, having seen the last Mexican leave Texan limits, naturally desired to go home to attend to their various duties. The regular Texan troops were in a state of confusion and disorganization. There was no money with which to pay them. The temporary government had not been sufficiently well established to command recognition and obedience, and its requisitions were often disregarded. Yet the case was not hopeless; money and supplies, together with volunteers, had been poured into Texas from the United States, which was openly used as a recruiting ground for the Texan army. Most of the regular troops, in fact, were recruited from the United States, and actually called themselves after their home locality; as, "The New Orleans Battalion," "The Cincinnati Company," etc. Mexico protested vehemently against this, but received no satisfaction.

Among other flagrant breaches of neutrality

DECLARATION OF INDEPENDENCE

on our part, was a filibustering expedition formed in and despatched from New Orleans, to attack Tampico, Mexico, which had no connection whatever with Texas, save as a diversion, and which was, in fact, unless disavowed and apologized for with suitable reparation made, an act of open war, more especially since the bulk of the adventurers were American citizens. The expedition failed lamentably and most of the participants were shot—as they deserved to be. It had no bearing on this struggle, but it is interesting, as indicating the attitude of the United States.

The finest body of troops in the Texan army was a New Orleans company, which had been enlisted and uniformed for the purpose of fighting Mexico. During the Texan war it was most preposterously but gravely urged by the United States that so long as the government officially did not actively and directly interfere between Texas and Mexico, it could take no cognizance of the doings of private individuals. We have made progress since

CONQUEST OF THE SOUTHWEST

that day. I am certain that our government would not now allow such things even in the case of the weakest and feeblest power; indeed, our course in the Cuban revolt against Spain is a case in point.

The period between the departure of the Mexicans from Texas and their return—for it was evident to every one that Mexico would not tamely submit to the loss of her most promising province without making an effort to regain it—was a time which should have been employed by the Texans in strengthening their army and in making suitable preparation for the next campaign. Little or nothing was accomplished, however. Santa Anna, on the contrary, assembled a force of some six thousand men of which he took personal command, having under him as second in command, General Filisola, with Generals Cos, Sesma, Gaona, Tolsa, Ampudia, and others, as brigadiers. His force had been amply provided with everything necessary to prosecute the war. It rendezvoused at Monclova early in 1836.

DECLARATION OF INDEPENDENCE

The Texans had been fully informed of the storm which was about to break upon them. They prepared to meet it from one point of view with firmness, but from another, they did nothing. Their courage was beyond all question. The population of Mexico at that time was estimated to be about eight millions of people, of which four millions were Indians; two millions half-breed Indians and negroes; one million two hundred thousand pure blooded Mexicans of Spanish descent; six hundred thousand mulattoes or half-breed Indians and negroes; and one hundred thousand full-blooded negroes. The remainder, including one thousand Spanish subjects, was divided among other nationalities. The population of Texas was about forty-five thousand, including thirty thousand Americans, thirty-five hundred Mexicans, four thousand Indians and five thousand negroes.

Back of the Texans, however, lay the United States, and between the United States and Mexico, from a material point of view, there

CONQUEST OF THE SOUTHWEST

could be no comparison. The United States had already taken action under the pretense that the Indians were troublesome. It had despatched General Gaines with a strong force to the Sabine River. This constituted a moral demonstration of undoubted value to the Texans.

The consultation reassembled on the 1st of March, 1836, at Washington, on the Brazos. The spirit of the delegates had changed for they now declared themselves a convention, and on the 2nd of March the following Declaration of Independence was proclaimed:

THE UNANIMOUS
DECLARATION OF INDEPENDENCE
MADE BY THE
DELEGATES OF THE PEOPLE OF TEXAS
IN GENERAL CONVENTION
AT THE TOWN OF WASHINGTON
ON THE 2ND DAY OF MARCH 1836.

“ When a government has ceased to protect the lives, liberty and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happenings it was instituted,

DECLARATION OF INDEPENDENCE

and so far from being a guarantee for the enjoyment of those inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression: When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central, military despotism in which every interest is disregarded but that of the army and the priesthood—both the eternal enemies of civil liberty, the eve-ready minions of power, and the usual instruments of tyrants: When, long after the spirit of the Constitution has departed, moderation is at length, so far lost, by those in power that even the semblance of freedom is removed, and the forms, themselves, of the Constitution discontinued; and so far from their petitions and remonstrances being regarded the agents who bear them are thrown into dungeons; and mercenary armies sent forth to force a new government upon them at the point of the bayonet: When in consequence of such acts of malfeasance and abdication, on the part of the government, anarchy prevails, and civil Society is dissolved into its original elements. In such a crisis,

CONQUEST OF THE SOUTHWEST

the first law of nature, the right of self-preservation—the inherent and inalienable right of the people to appeal to first principles and take their political affairs into their own hands in extreme cases enjoins it as a right towards themselves and a sacred obligation to their posterity to abolish Such Government and create another, in its stead, calculated to rescue them from impending dangers, and to secure their future welfare and happiness.

“ Nations; as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievances is, therefore, submitted to an impartial world, in justification of the hazardous but unavoidable step now taken of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

“ The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written Constitution that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America. In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes

DECLARATION OF INDEPENDENCE

made in the government by General Antonio Lopez de Santa Anna, who, having overturned the Constitution of his Country, now offers us the cruel alternative either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the Sword and the priesthood.

“ It has sacrificed our welfare to the State of Coahuila, by which our interests have been continually depressed through a jealous and partial course of legislation carried on at a far distant seat of government, by a hostile majority, in an unknown tongue; and this too, notwithstanding we have petitioned in the humblest terms, for the establishment of a separate State Government, and have, in accordance with the provisions of the national Constitution, presented to the general Congress a republican Constitution, which was, without just cause contemptuously rejected.

“ It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our Constitution and the establishment of a State Government.

“ It has failed and refused to secure on a firm basis, the right of trial by jury; that palladium of Civil liberty, and only safe guarantee for the life, liberty, and property of the Citizen.

CONQUEST OF THE SOUTHWEST

" It has failed to establish any public system of Education, although possessed of almost boundless resources (the public domain) and, although, it is an axiom, in political science, that unless a people are educated and enlightened it is idle to expect the continuance of civil liberty, or the Capacity for Self-Government.

" It has suffered the Military Commandants stationed among us to exercise arbitrary acts of oppression and tyranny; thus trampling upon the most Sacred rights of the citizen and rendering the military superior to the civil power.

" It has dissolved by force of arms, the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the Seat of government; thus depriving us of the fundamental political rights of representation.

" It has demanded the surrender of a number of our Citizens, and ordered military detachments to seize and carry them into the Interior for trial; in contempt of the civil authorities, and in defiance of the laws and the Constitution.

" It has made piratical attacks upon our Commerce; by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our Citizens to far distant ports for confiscation.

DECLARATION OF INDEPENDENCE

" It denies us the right of worshipping the Almighty according to the dictates of our own conscience; by the support of a national religion calculated to promote the temporal interest of its human functionaries rather than the glory of the true and living God.

" It has demanded us to deliver up our arms; which are essential to our defense, the rightful property of freemen, and formidable only to tyrannical Governments.

" It has invaded our Country, both by sea and by land, with intent to lay waste our territory and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

" It has, through its emisaries, incited the merciless Savage, with the Tomahawk and Scalping-knife, to massacre the inhabitants of our defenseless frontiers.

" It hath been, during the whole time of our connection with it, the contemptible Sport and victim of Successive Military Revolutions; and hath continually exhibited every characteristic of a weak, corrupt and tyrannical Government.

" These, and other grievances, were patiently borne by the people of Texas untill they reached that point at which forbearance ceases to be a vir-

CONQUEST OF THE SOUTHWEST

tue. We then took up arms in defense of the national Constitution. We appealed to our Mexican brethren for Assistance. Our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the Interior. We are, therefore, forced to the melancholy conclusion that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a Military Government—that they are unfit to be free and incapable of Self Government.

“The necessity of self-preservation, therefore, now decrees our eternal political separation.

“We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a Candid World for the necessities of our Condition, do hereby resolve and declare that our political connection with the Mexican Nation has for-ever ended; and that the people of Texas do now constitute a free Sovereign and independent Republic, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme Arbiter of the destinies of nations.”¹

¹ Reproduced as to spelling, capitalization, etc., from a facsimile in *Comprehensive History of Texas*.

DECLARATION OF INDEPENDENCE

On the 4th of March, Sam Houston, who had received his rank from the consultation, was again elected commander-in-chief of the armies of the Texan Republic. On the sixteenth, a constitution was adopted, and, so far as could then be done, the independence of Texas was assured.

The constitution had been drawn up on the lines of that of the United States, with such changes as were rendered necessary by the fact that Texas included only a single state, as has been said, and “provided for the establishment of an Executive, a Legislature to consist of two bodies, Senate and House of Representatives, and a Judiciary, to be governed by the common law of England. Slavery was established, and owners were forbidden to manumit their slaves without the consent of Congress. Free negroes were forbidden to reside in the territory. The importation of slaves, except from the United States, was punishable as piracy. . . . Freedom and equality for all forms of religious belief were decreed; the

CONQUEST OF THE SOUTHWEST

rights of trial by jury and writ of habeas corpus, except in cases of treason, and the freedom of the press were established. No man was to be imprisoned for debt, and titles of nobility and monopolies were forbidden."¹

David G. Burnet was elected president of the provincial government, which was to administer affairs until the people could express themselves constitutionally. Lorenzo de Zavala, an enlightened, liberty-loving Mexican, was elected vice-president.

¹ Sam Houston, etc., by Alfred M. Williams.

CHAPTER VI

THE ALAMO AND GOLIAD