



Small white label on the left edge of the book cover.

JAN

NOMA DE NUB

RAI DE BIBLIOTI

JOHN M.
NILES

History of
south
America
and Mexico

△
81408

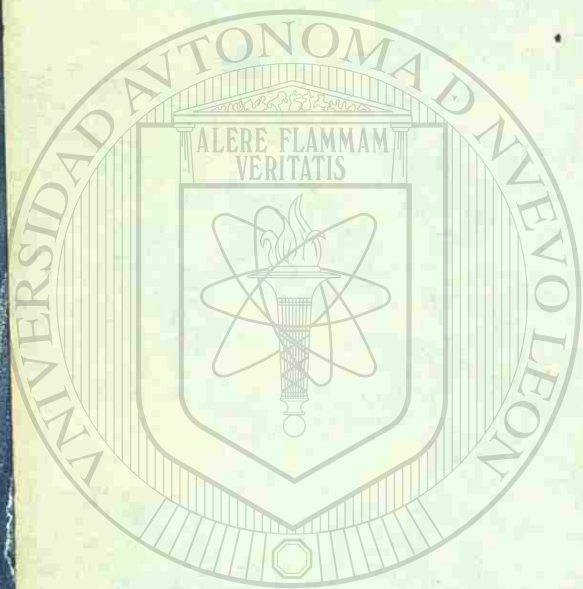
N7



1020004975



1020004975



*Lic. María
Hof.*

UANL

UNIVERSIDAD AUTÓNOMA DE NUEVO LEÓN

DIRECCIÓN GENERAL DE BIBLIOTECAS

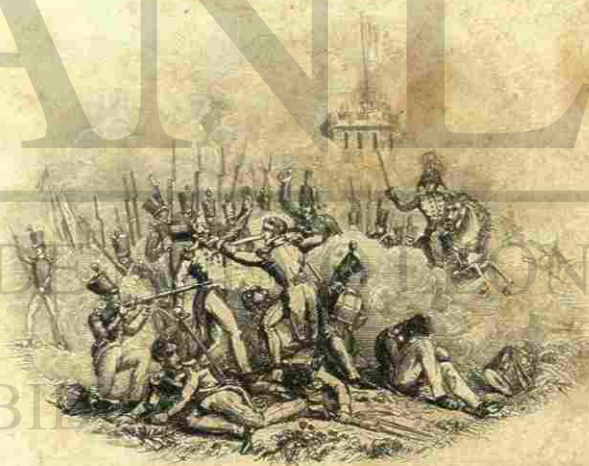


SOUTH AMERICA
AND
MEXICO

By Hon. JOHN MCNILES, Senator, United States,

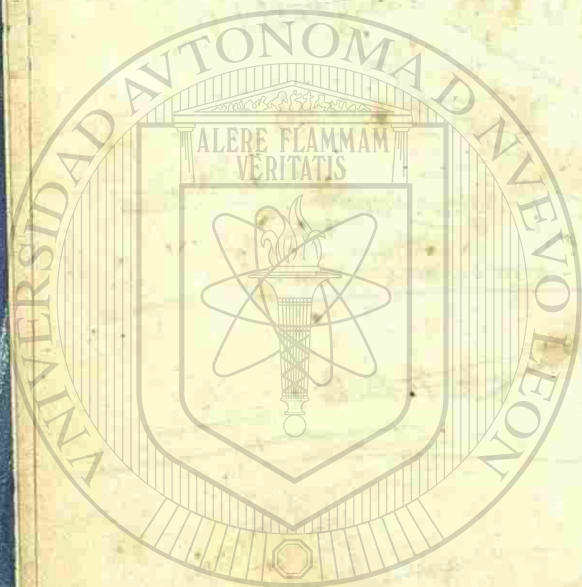
WITH A COMPLETE VIEW

OF
TEXAS.



BATTLE OF THE ALAMO

HARTFORD,
H. HUNTINGTON JUNR



HISTORY
OF
SOUTH AMERICA
AND
MEXICO;
COMPRISING THEIR
DISCOVERY, GEOGRAPHY, POLITICS, COMMERCE
AND
REVOLUTIONS.

BY HON. JOHN M. NILES,
MEMBER OF THE SENATE OF THE UNITED STATES.

TO WHICH IS ANNEXED,
A GEOGRAPHICAL AND HISTORICAL VIEW
OF
TEXAS,

WITH A DETAILED ACCOUNT OF THE
TEXIAN REVOLUTION AND WAR.

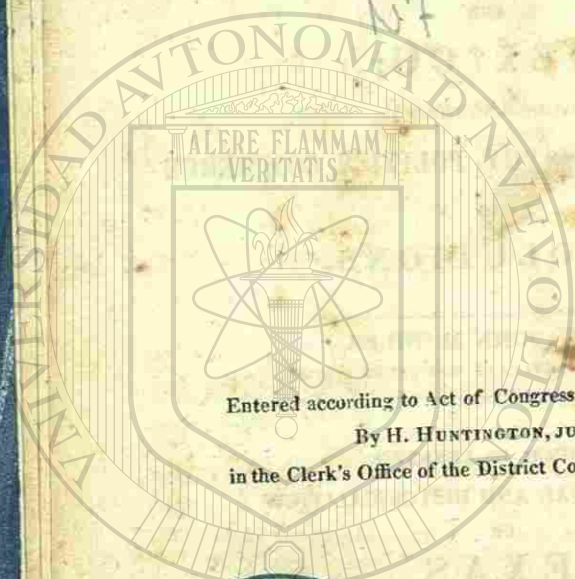
BY HON. L. T. PEASE.

IN TWO VOLUMES.

VOL. I.

HARTFORD:
H. HUNTINGTON, JUN.

1839.



Entered according to Act of Congress, in the year 1837,
By H. HUNTINGTON, JUN.,
in the Clerk's Office of the District Court of Connecticut.



FONDO
FERNANDO DIAZ RAMIREZ

Martinson & Co., Printers.

GEOGRAPHICAL AND HISTORICAL

VIEW OF TEXAS;

WITH A DETAILED ACCOUNT

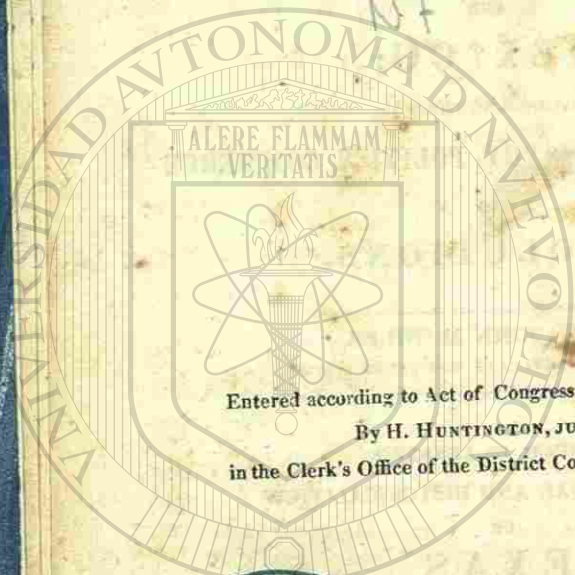
OF THE

TEXIAN REVOLUTION AND WAR.

CHAPTER I.

Boundaries and extent—explored and unexplored regions—natural divisions—eastern or wooded region—its extent—surface—soil and productions—settlements, towns and rivers—middle or wood and prairie region—its extent and area—general aspect of the country, as presented to the traveller—character of the soil—its present productions and promise of future—climate—its promise of health—the causes—water—bays—navigable rivers and water courses—facilities of intercourse and transportation—settlements and towns—inhabitants—their number—origin and character.

THE territory claimed by the present government of Texas, is bounded north and east by the United States, south by the gulf of Mexico, and west by the river Bravo del Norte, which separates it from Mexico; lying between 25° and 39° north latitude, and 95° and 107° west longitude; being in its greatest length from north to south, on its western boundary, following the course of the river, more than fifteen hundred miles; and in its greatest breadth from the northeastern boundary, on the Red river due west to the Bravo del Norte, more than seven hundred miles. Its area, however, is probably something less than 400,000 square miles. Its boundaries are, for the most part, natural, and for the rest easily defined; the southern being entirely upon the waters of the gulf, the western nearly so, upon those of the river



Entered according to Act of Congress, in the year 1837,
By H. HUNTINGTON, JUN.,
in the Clerk's Office of the District Court of Connecticut.



FONDO
FERNANDO DIAZ RAMIREZ

Martinson & Co., Printers.

GEOGRAPHICAL AND HISTORICAL

VIEW OF TEXAS;

WITH A DETAILED ACCOUNT

OF THE

TEXIAN REVOLUTION AND WAR.

CHAPTER I.

Boundaries and extent—explored and unexplored regions—natural divisions—eastern or wooded region—its extent—surface—soil and productions—settlements, towns and rivers—middle or wood and prairie region—its extent and area—general aspect of the country, as presented to the traveller—character of the soil—its present productions and promise of future—climate—its promise of health—the causes—water—bays—navigable rivers and water courses—facilities of intercourse and transportation—settlements and towns—inhabitants—their number—origin and character.

THE territory claimed by the present government of Texas, is bounded north and east by the United States, south by the gulf of Mexico, and west by the river Bravo del Norte, which separates it from Mexico; lying between 25° and 39° north latitude, and 95° and 107° west longitude; being in its greatest length from north to south, on its western boundary, following the course of the river, more than fifteen hundred miles; and in its greatest breadth from the northeastern boundary, on the Red river due west to the Bravo del Norte, more than seven hundred miles. Its area, however, is probably something less than 400,000 square miles. Its boundaries are, for the most part, natural, and for the rest easily defined; the southern being entirely upon the waters of the gulf, the western nearly so, upon those of the river

Bravo del Norte, and having two important rivers, the Arkansaw and Red river along its whole northern boundary, and for its eastern the Sabine and certain parallels of longitude.

That portion of Texas, however, of which we shall attempt a description, lies within much narrower limits, little being as yet known of much of the western and northwestern part of it, which comprises probably more than half its whole area.

Of the region which is yet but partially explored, the accounts of the very few persons capable of estimating its value and importance, who have crossed it in different directions, would seem to authorize a belief that it has hitherto been greatly underrated; possibly as much so, as was, twenty years ago, that part which is now fully brought to light.

The country may be pronounced fully explored, perhaps, along the whole extent of its coast, and into the interior an average extent of 200 miles, with a narrow belt on its northern border, upon the Red river. The former of these tracts lies mostly between 27° and 31° north latitude, and it is this region that is generally understood when Texas is spoken of, and here its present inhabitants are located; the few settlers on the Texas side of Red river, deeming themselves rather inhabitants of the United States than of Texas.

There is no question in regard to boundaries, affecting any considerable proportion of the lands upon the Red river. They are clearly the property of Texas, and within her jurisdiction, if she succeeds in establishing her independence, as is also an extensive region between them and that which we have marked out upon the coast, and also the region extending to the northwest towards Santa Fe, and the head-waters of the Arkansaw; all of which will become ultimately, and most of it immediately, valuable as a public domain. But public attention is now directed to that part of Texas which is the abode of some thirty thousand inhabitants, who have manifested their estimate of its value, by daring to war against eight millions for its defence. It is here, too, that future emigrants to Texas, for some years to come, must find their abode. It is this region, therefore, that seems to demand our principal care in the geographical part of the sketch we have undertaken.

In regard to surface, the aspect of the whole coast of Texas is alike level, presenting neither mountain, hill, nor bluff, from one extremity to the other. The level lands of the coast vary in breadth, from 30 to 80 miles; the surface then becomes gently undulating, or waving, though with frequent level tracts of some miles in extent, becoming more uneven towards the interior; yet so gradual that there is but little perceptible difference in an advance of 50 miles, continuing east of the Brazos, until it subsides

at the lands bordering on the Red River. From the Brazos west, to the valley of the Bravo del Norte, the rolling country is terminated on the north, by a range of mountains, or rather a succession of lofty peaks and knobs, at an average distance of 200 miles from the coast.

In passing from the coast to the interior, the country is naturally divided into two regions, the level, and the undulating; but on proceeding across the country, from east to west, whether over the level lands of the coast, or the waving lands of the interior, the traveller is persuaded to make a division of the country into three parts, the eastern, middle, and western, and to characterize them as the wooded, mixed, and prairie regions. This division of the country is thought to be the most natural, as the names alone serve to designate, and nearly define, the exact limits of each to the eye of the most superficial observer, and because there is in the soil and geological structure much that is peculiar to each.

The eastern and wooded region of Texas, is the smallest of the three. It extends from the Sabine west to the tributaries of the Trinity, a distance of about 100 miles. Along the eastern line upon the Sabine, there is a tract of light sandy land, from ten to fifteen miles in breadth, covered with a heavy growth of pine timber, resembling most of the southern coast of the United States; then commences the tract, familiarly known by the name of the red lands, extending to the western confines of this division. This tract is covered mostly with a forest of hard wood, made up of the various species which are found in the forests of the United States, with many others not found in higher latitudes, and with an occasional sprinkling of pine where the sand prevails over the red loam.

The level region upon the coast here extends into the interior, from 50 to 70 miles, the surface then becomes uneven, but not hilly. At the distance of 100 miles it is more broken, rising occasionally into hills, with some loose rocks near their summits, but without ledges, and always with so gradual a rise as to be of easy ascent, and with declivities not too steep for the convenient use of the plough. There are no extensive bottoms or plains—the streams winding their way between the undulations, without materially varying the character of the soil or surface.

The level lands of the coast are covered with heavy timber, and this alone at no distant day, must render them highly valuable; they are, besides, for the most part, good and feasible; they are not however such lands as are looked for in Texas. Very few settlers have located on them, and these few are from the adjoining borders of Louisiana. The rolling lands have obtained, and deserve a much higher character; they are what in any part of the

United States, east of the mountains, would be called rich lands, well watered, healthy, and affording good crops of cotton, Indian corn, rye, oats, beans, and every species of culinary vegetable that is produced in any part of the United States. Highly productive also of fruit of almost all kinds, whether of the temperate or tropical regions. They are therefore eagerly sought for by those who have not seen the "paradise beyond." Extensive settlements have already been made here; the road from Gains' ferry, on the Sabine, across this whole division, being tolerably well settled, and presenting several large and flourishing plantations.

Besides the Sabine, which washes its whole eastern, and the Trinity ranging near its western border, the latter navigable for small steamboats more than 200 miles, this division has the Neeches, the Angelina, and their numerous branches, which have their whole course within its limits. The latter is a branch of the former, but of nearly equal size at their confluence. The tributaries of both are numerous, several being of sufficient size for mill-streams, and might be advantageously used for that purpose. The Neeches is also navigable for steamboats, to the mouth of the Angelina, about 75 miles.

The old town of Nacogdoches is situated upon the Angelina, in this region, nearly equi-distant between the Sabine and Trinity; about 30 miles nearer the Sabine, is the new town of San Augustine, a lively village of 60 or 80 white houses and stores in the midst of an oak and hickory grove, and in the neighborhood of a flourishing farming settlement and mills, upon the Ayish Bayou, a branch of the Neeches. This town was the residence of President Houston, before his appointment to the office of commander-in-chief of the Texian army.

This division is equally well known by the name of the forest region, or the Red lands; nothing can be more appropriate than the latter name, as the soil, especially when newly turned up, is as red as if stained with fresh blood; so perfect is the resemblance that on accidentally breaking the sod the effect is often startling.

The middle division, or region of mingled wood and prairie, extends from the eastern tributaries of the Trinity river west across the river, the Brazos and Colorado, including the tributaries of the latter, and perhaps, also the river La Baca, a distance of about 150 miles. From the coast to the range of mountains which extends along most of the northern boundary of this region, the average distance is about 200 miles, making an area of 30,000 square miles. Of this, it is estimated, that about one third is covered with wood, the residue is open prairie, resembling in a state of nature, the richest upland meadows which have been laid down with the nicest care and taste in the best cultivated portions of the earth, and for the most part may be brought un-

der tillage with as little expenditure of labor. The greater part of the surrounding wood-lands are tall groves, without undergrowth, presenting the appearance of having been neatly trimmed by the hand of art, and the whole, grove and lawn, covered with rich grass, and verdant the whole year.

The level lands of the coast are here about 80 miles in breadth, and besides the three large rivers which have been mentioned, there are no less than ten others of from 50 to 100 miles in length, which meander their way between them, and discharge their waters into the gulf or the bays of Galveston and Matagorda, which cover more than two thirds of the whole line of coast. The level lands present a succession of broad wooded bottoms, bordering these numerous rivers, with open prairies between; the wooded bottoms interspersed with open meadows of various extent, and the prairies with wooded vales, pointing up from the bottoms, and island groves of wood, with here and there a sprinkling of single trees, most of them stately live oaks, with their broad spreading branches.

The whole of this region is found to have a gradual ascent from the coast, so that the streams flow off with a lively current, and leave the lands every where well drained, and free from swamps and marshes.

The open prairies, which first appear among the eastern branches of the Trinity, are there small and infrequent, and are found gradually to increase in number and extent; in advancing to the west, upon the borders of that river, the wood is still predominant. The pine and magnolia are found here in genial spots, where they can strike their roots into their favorite sand. Large and valuable forests of the former abound low down upon the parent stream, and upon several of its branches. Leaving the tributaries of this river, they entirely disappear. Upon the Trinity there is still sufficient sand to give the soil the dark drab color of the sugar lands of the Mississippi. This soon disappears in advancing toward the Brazos, where the soil of the bottoms is of a deep chocolate, and that of the uplands of a still darker hue.

The Labadie and San Antonio roads both lead across the middle region of Texas, north of the level lands. These are ancient paths, which have been trodden for a century or more, in passing from the old Spanish posts of Labadie and San Antonio, situated at different points upon the San Antonio river, to Nacogdoches upon the Red lands.

In passing from the Trinity to the Colorado, by either of these roads, the whole route is a succession of verdant grove and lawn, continually varying in extent, form and surface, embellished as they should be with frequent glimpses of limpid waters, from the

rivers, brooks and fountains that so often flow by the way, presenting not unfrequently scenes of the most surpassing beauty and loveliness, such as nature rarely exhibits to the admiring gaze of the traveller. But he finds here only a faithful picture of the undulating lands of the middle region of Texas; any other parallel routes between the level lands and the mountains, a distance of more than a hundred miles, would present a new picture of the same enchanting scenery.

We have thus briefly attempted a description of the middle region of Texas, as it appears to the eye of the traveller, but feeble indeed must be our effort, since the subject is one to which neither pen nor pencil can do justice.

Nature, in giving so beautiful an exterior to this highly favored region, has not withheld from it any of her richer gifts. The land, which surpasses all other uncultivated lands in scenes of quiet beauty, to please the longing eyes of civilized man, surpasses them no less in the easy and abundant means it affords for supplying his numerous and daily increasing wants.

The soil over this whole region, with the exception of some tracts, as before remarked, in the neighborhood of the Trinity river, and some few gravelly knolls of unfrequent occurrence in the undulating country near the Colorado, is a dark vegetable mould, slightly mixed with sand and shells, warm and fertile in the highest degree, and of a depth that must render its fertility inexhaustible. This valuable deposit, which may be drawn upon without diminution for countless ages, lies in greater bulk over the bottoms and prairies of the level country, where it is generally from 10 to 20 feet in depth, than upon the rolling prairies of the interior; but here it is seldom less than 4 feet, and is often found of the depth of 6 and even 10 feet.

Those acquainted with the prairies of Illinois and Missouri can best appreciate both the immediate and durable advantages which those in this region afford to the "settler." The same wide range of rich pasturage for domestic cattle, here extends round the whole year. The grass is in general finer, and the sod more easily turned, and sooner productive of full crops; and here cotton, the most profitable of all the products of agriculture, for which these lands are peculiarly adapted, is a never-failing crop.

In general, there are more abundant and more convenient supplies of wood and timber, and less necessity for its use. In the annual products of the forest-trees, a resource which is scarcely known in old and populous regions, yet of great value to the early settlers of a new country, this region has greatly the advantage over Illinois and Missouri, in the greater variety and abundance of acorns, nuts, and other kinds of mast, for the subsistence and fattening of swine; a resource which, like the pas-

turage for cattle, is here never buried in snow, nor injured by severe frosts.

As yet, very little corn has here been used in the fattening of swine. There are planters who make from five to ten tons of excellent pork, entirely upon mast.

Seventy-five bushels of Indian corn, or 1000 lbs. of clean cotton, with ordinary care in the tillage, are considered an average crop per acre, for the lands reduced to cultivation.

Those acquainted with the business of growing these staples, will perceive that the labor of one man might produce 400 bushels of corn, and 5000 lbs. of cotton, besides a supply of vegetables for a small family, which at the price these articles usually sell, would enable him to realize, after reserving sufficient corn for his own use, an income of more than \$1000 a year; at the same time without any labor, he may realize 50 per cent. a year for whatever capital he has invested in neat cattle and swine.

Two crops of corn may be grown in a year, and in most seasons a full crop would be obtained at each planting; the second however must be planted in July, and would sometimes fail for want of rains. Planted in the latter part of February, or in all the month of March, Indian corn is a sure and never-failing crop. Cotton may be planted from February to the first of June, without hazard of a total failure, but a more plentiful crop is secured by early planting. Oats yield a liberal increase in every part of this region; wheat could not be produced upon the level lands, and if it could be, the ease of procuring it from abroad, and the fourfold profit from the same labor directed to the raising of cotton, would exclude it from the list of productions. Upon the rolling lands of the interior, experiments upon a small scale have been made at growing wheat, which for the most part have resulted favorably; but the want of mills for flouring must prevent any considerable attempts at raising this grain for some years to come. The land within 30 or 40 miles of the mountains, where limestone ledges sometimes form the banks of the streams, is pronounced by those who profess to be skilled in this matter, to be a genuine wheat region. Mill-streams are also numerous here, and it is confidently predicted that this, at no distant day, will become the granary of Texas.

Tobacco and indigo plants are both indigenous here, and the former has been already cultivated to some extent. The sugar culture has been commenced, and there is the best reason for believing that the crop will not be less sure and abundant than it has been found in Louisiana. The manufacture of sugar, however, requires so considerable an investment of capital as to render its introduction into a new country necessarily slow; besides, the great encouragement afforded of late for the growing of cotton,

and the extraordinary success which has attended the culture of that plant here, has very naturally caused an application of almost the whole labor of Texas to its production. It should be understood that the force which is necessary to gather the produce of any given number of acres of cotton, during the season of picking it from the bolls, producing as largely as this plant does in Texas, may, during the season of planting and hoeing, cultivate an equal number of acres of Indian corn or potatoes, and the gathering of the latter crops may be deferred until the cotton-picking season is past, so that an application of the whole force of a plantation or a farm, to the production of cotton, does not exclude the cultivation at the same time and by the same force of a sufficient supply of eatables of all kinds, for their own subsistence, and also a surplus for market; the harvesting of the various species of small grains would come between the last hoeing and the first picking of cotton, and that of Indian corn may be done at that interval, or remain, as before remarked, until the cotton-picking is over.

Hitherto little has been done here at growing any of the small grains, and as the perpetual supply of growing herbage renders it unnecessary to make hay or to prepare any dry forage for domestic cattle, the months of June and July are with the Texian farmer the leisure months of the year; during the excessive heats of midsummer, when the severest labor is imposed as a *sine qua non* upon the agriculturist of a more northern latitude, the Texian farmer may repose under the shadow of his live oaks, fanned by the refreshing breeze, which, regular as the rising sun, sweeps over his country, from the gulf to the mountains, during his long summer which extends more than half round the year.

In this region, literally flowing with milk and honey, yielding spontaneously a generous support even for civilized man, and rewarding his moderate labor with an untold abundance of almost all of value that the earth anywhere can be made to produce; in this region, where spring and summer reign alternate through the year, can man live, and especially can he labor and enjoy that vigorous health which is justly deemed essential to the full enjoyment of life, is the eager inquiry of thousands, whose lot is cast where the earth yields in return for the severest toil a scanty pittance during half the year, and for the other half lies wrapped in a shroud, and locked in the icy embraces of death. It cannot be disguised that the thirtieth degree of north latitude crosses this region nearly centrally, and that therefore the sun must be nearly vertical here for several months in the year. This alone has been deemed sufficient ground for pronouncing a country thus situated, unfriendly to the health and happiness of the human race

in general, and fatal to that of every human being who has happened to be born in a higher latitude.

Having read of or witnessed the excessive heat of Northern Africa, and the malignant diseases generated by the extensive swamps and marshes of other parallel regions, the people of northern latitudes cannot be easily persuaded that there may be other regions near the tropics, so favored by nature as to be exempt from either of these evils, and fitted above all others for the highest enjoyment of human life; and yet there are facts that go far to prove that such is the character of the region here spoken of.

In no part of the earth have the first settlers of a new country suffered less from diseases of any kind. Not a solitary case of the various malignant diseases, which are so common in some other parallel regions, has ever been known to exist here. Among the inhabitants who came here from the middle and northern sections of the United States, many whole families may be found who have resided here from five to ten years, in the enjoyment of uninterrupted health.

No one complains of the excessive heat of summer: its unusual length is at first disagreeable to those who have been accustomed to the vicissitudes of the seasons in a northern climate. This soon wears away; but is more effectually cured by a single return, to experience once more the inconveniences, hardships and sufferings of a northern winter.

The surface and geographical position of this region, along the broad sea that forms its southern boundary, in the eyes of a philosopher, would serve as a guaranty against the excessive heats of summer; and on looking further, and finding a country open, as if it had been cultivated for ages, and free from the material which, when acted upon by a summer sun, sends out the exhalations which are known to be the principal cause of the sweeping maladies of summer and autumn, he might promise also a reasonable share of health to its inhabitants.

"The gulf breeze," a periodical wind like the monsoons of the East, and the tradewinds of the West Indies, which never fails to be felt here the first moment the atmosphere is so far heated as to be uncomfortable, sweeps with an unobstructed course over this whole region, diffusing a refreshing and invigorating coolness, which, in less favored positions—even in higher latitudes—is seldom felt during the heat of summer. Facing this breeze, the traveller may here pursue his journey during a midsummer noonday, without experiencing the slightest inconvenience from a vertical sun.

The wooded bottoms of the level country, when first opened, are not exempt from the intermittents which have been found

more or less prevalent in like situations, in all latitudes; but they have been less general and less severe here, than in most other places where they prevail in any degree: cases are never obstinate; but quickly yield to appropriate remedies.

Good water is found in most places, even in the level country, where wells have been sunk to obtain it: on the rolling lands, the numerous gushing fountains have as yet relieved the inhabitants from the necessity of seeking it beneath the surface. No portion of the earth is better provided with navigable waters than this division of Texas, and nowhere can artificial channels of transportation be made at less expense; so that the immense surplus of agricultural treasures which must be produced here at no distant day, may be rendered available to the producer at its highest value.

Galveston bay on the east, and Matagorda bay on the west, extend along more than two thirds of its whole coast: the former receives the waters of the Trinity, and the latter of the Colorado; and nearly centrally between them, the Brazos discharges its waters directly into the gulf. The Brazos and Trinity are navigable for steamboats quite to the northern boundary of this division, and the Colorado still further into the interior. The space between these rivers, in their course through this district, nowhere exceeds sixty miles. Besides these large rivers, there are several less considerable streams, such as the San Jacinto, Bernard, Caney and La Baca, which may be navigated by small steamboats, from thirty to fifty miles into the country. These secondary streams have nearly their whole course in the level country; and further interior, the country is watered by the numerous tributaries of the three large rivers, some of which are navigable for a short distance. It will be perceived, however, that no part of this division of Texas can be more than thirty miles distant from the navigable waters of one of its large rivers.

Most of the settlements in this division are in the immediate neighborhood of the navigable rivers; and the earliest and most considerable are upon the Brazos, upon the borders of which scattering settlements are found from the mouth to the northern boundary of this division. The broad alluvial bottoms of this river, which in some places stretch off to a distance of ten miles from each bank, and generally elevated above the annual freshets, were eagerly sought for by the first settlers. Much of this was covered with wood, which they had to clear away for cultivation, incredulous that the contiguous prairies, which were then ready for the plough, would prove equally productive.

Towns have been laid out at various points upon this river, in a few of which some progress has been made in building. Brazoria, standing thirty miles from the mouth, by the course of the

river, and fifteen by land, is the largest and best built; the others, which have already assumed the appearance of villages, are, Velasco, at the mouth; Columbia, ten miles above Brazoria; San Felipé, ninety miles higher; and Washington, yet forty miles above the latter. San Felipé, which had already become a lively village, and which concentrated most of the trade of the interior, was burnt by the inhabitants during the late invasion, when the Mexican army were known to be approaching the town. It is not yet rebuilt; and an effort, which will probably prove successful, is now making, to supersede it, by the enterprising proprietors of Fort Bend, a beautiful eminence, surrounded by one of the most flourishing planting neighborhoods in Texas, twenty miles below the site of San Felipé.

Oyster Creek winds its way for a distance of eighty miles through the bottoms of the Brazos, on the east side of that river. Its general course is three or four miles distant; but its outlet into the gulf is within a mile of the mouth of that river. Many extensive cane-brakes, without timber, were originally found upon this creek, which were easily brought under cultivation, nothing being required but to set fire to the reeds when dry. The burning sufficiently prepared it for planting; and this process consisted only in perforating the earth with a staff, to receive the grain. Some of the most valuable plantations in Texas are upon this creek; and among them is one belonging to the Hon. William H. Wharton, the present Texian minister at Washington.

The borders of the Trinity are thinly settled, from its mouth to the distance of 150 miles interior. Here are several sugar plantations, making from sixty to eighty hogsheads annually; and between the Trinity and Brazos, upon the San Jacinto and Buffalo Bayou, are considerable settlements. Upon the latter stood Harrisburgh, which was burnt by the Mexicans two days before the battle of San Jacinto; and upon the same stream, a few miles above the site of Harrisburgh, is now laid out the new town of Houston.

Ten miles west of the mouth of the Brazos, the San Bernard, a fine river of more than 100 miles in length, falls into the gulf. Occasional settlements are found upon this river, from within a few miles of its mouth nearly to its source. Its course is nowhere more than twenty miles from that of the Brazos: between them is a prairie, from two to ten miles broad, extending from Columbia to San Felipé, a distance of ninety miles. Six miles west of the San Bernard is the outlet of Cedar Lake, a creek of some thirty or forty miles in length, on which are a number of fine plantations. It derives its name from unfolding its waters into the form of a lake, of a mile or two in circumference, within a few miles of its mouth.

Ten miles yet further west, is the mouth of Caney, whose broad, fertile and easily subdued bottom-lands have already acquired a celebrity over most of the United States. The plantations bordering this stream are already numerous, and rapidly increasing: 4000 lbs. of seed cotton, equal probably to 1500 lbs. of clean, is the annual product of a single acre of Caney bottoms, when well subdued, and properly cultivated. The length of this stream, whose borders are pronounced by all who have witnessed their growing or gathered crops to be of unequalled fertility, is between eighty and ninety miles. It has its source within a few hundred yards of the bank of the Colorado: this circumstance, viewed in connexion with the immense breadth of its alluvial bottoms, so disproportioned to the size of the present stream, has led to the conjecture that it once formed the main channel of that river. Its mouth is obstructed by a sand-bar, so shallow as to forbid the entrance of boats of the smallest size: within the bar, the smaller class of steamboats might, during the greater part of the year, ascend a distance of fifty miles. Six miles from its mouth, it ranges within less than one mile of the head of Matagorda bay, with which it was to have been connected by a canal, at this point, during the past season. The war must, however, have prevented its accomplishment: when peace revisits the country, the rich freight of Caney cotton will soon force an outlet into this fine bay, where its small boats will be sheltered from the rough swell of the gulf. Matagorda bay is estimated to be about seventy miles in length. It extends but very little into the interior; but lies parallel with the gulf, from which it is separated by a peninsula, nowhere much exceeding one mile in width. This tongue of land, which in form probably has no example elsewhere, (being seventy miles, by one,) is evidently of recent formation: not a tree, of any description, is found upon it, from one extremity to the other. A hard beach, of some twenty yards wide, of white sand and shells, lines its outer edge, which is washed by the gulf: this presents an uninterrupted promenade, or carriage-path, which extends along the whole length of the peninsula—and indeed continues to the western inlet of Galveston bay, interrupted only by the outlets of the streams. The peninsula is elsewhere verdant with grass; and, from a lofty elevation, would appear not unlike a green riband, fringed with white.

The Colorado river discharges its waters into the bay by two mouths, four miles apart, about fifty miles from Passe Cavallo, its only entrance from the gulf, and about twenty miles westerly from its head. The settlements upon this river were begun some years later than those upon the Brazos, this part of the country being more exposed to the depredations of hostile savages. When once fully explored however, such was the

tempting beauty of the landscapes upon its borders, that no dangers could deter the settlers from seeking an abode in a region, that in appearance, realized their most seducing dreams of a paradise upon earth.

The first settlements on this river were made only five or six years before the Mexican invasion. They had already extended in detached neighborhoods, from the mouth nearly to the mountains, a distance of about 200 miles, and the inhabitants had begun to sleep in some degree of security from the lurking savage, who seldom, however, ventured within rifle-shot of a plantation, but often prowled around the skirts, ready to pounce upon the unarmed, but oftener to enter the prairies under cover of night, and carry away the horses of the settlers; when the Mexican war drove them all temporarily from their homes, and emboldened the savages to visit the frontiers in such numbers, as to render it unsafe for the inhabitants of the upper settlements to return.

The lapse of a single year, would have placed the settlements upon this river, as far north as the mountains, beyond all fear of the small band of Indians who wander upon its northern borders; as arrangements had been made for the location of several hundred families from the United States, in the neighborhood of the upper settlements, many of whom were on the way when the news of the Mexican war reached them.

Sites of future cities are marked at many points upon this river. Matagorda at its mouth, and Mina 140 miles above, were villages of 50 or 60 houses. During the past year, the former has been visited by the Mexicans, and the latter burnt by the Indians.

West of the Colorado, in this division, settlements of some extent are found upon the La Baca, and a few families upon some fine creeks between. Cox's point, at the mouth of the La Baca, has also been marked for a city. The work was begun, and for a year or two before the war, this city, perhaps of a single store, enjoyed a brisk trade with the interior.

To the foregoing enumeration of the different settlements in this division of Texas, we have only to add a few clusters of eight or ten families, each located at different points on the undulating lands, away from the principal rivers.

There is no means of making an accurate estimate of the whole number of inhabitants here. A rough estimate made by an inhabitant of the country, whose means were equal at least, to those of any other, put the number of whites at 25,000, before the war; of this number, about one third were supposed to be located near the Brazos.

Of this population the adults are almost exclusively from the United States, there being very few Europeans, and fewer yet of

Mexicans among them. Every state in the union has contributed more or less, Tennessee, perhaps, the largest share, and Kentucky would probably come next; Georgia and Alabama, have latterly contributed most largely.

There may be "murderers and outlaws" among them, as there is elsewhere upon the earth, and some few perhaps, who, tired of waiting for a general jubilee, fled their country, to shake off the burden of debt. But if the present inhabitants entered the country with "diseased morals," there is a reforming influence there, which should commend it to some few who are left behind, especially, if evil speaking be a sin. Whether the purifying influence is in the air, earth, or water, *learned casuists* must decide; but certain it is, that the traveller will not seek elsewhere for a more industrious, sober, and *honest* population, than he now finds in Texas. In the higher and nobler virtues, which alone can elevate a people to the most enviable rank, they seem to be nowise deficient, since no people have been more severely tried, or exhibited in bolder relief, the virtues which are the very opposites of knavery and villany.

It is only the idle and the vicious, the sharper and the swindler, who are disappointed in Texas; the former finds no associates, and the latter no victims. The people are too busy to please the one, and too intelligent to become the prey of the other, and this class of emigrants either reform from necessity, or leave the country in disgust. Finding not the vice and folly which they sought, they avenge themselves for the disappointment, by circulating the idle tales of "murderers and outlaws in Texas." The inhabitants of Texas were not driven there; neither the uplifted arm of justice, nor the lawless hand of oppression, forced them from their homes in the United States. That they were drawn there by an adventurous spirit, which many will deem wild and extravagant, and in which few can fully sympathize, must be admitted. But it is a spirit that has long characterized their countrymen, and to which they are indebted for almost all that they possess, of which they may be justly proud, and directed, as in this case, to the most laudable objects; it is a spirit that needs never to be repressed, but should find the highest encouragement.

The settlement of Texas was an enterprise which demanded sacrifices in the outset, and presented hardships and dangers to be encountered in the pursuit, requiring a degree of energy and courage which seldom belongs to feeble minds; and if the objects of the enterprise are duly considered, it will appear that they are not such as stimulate the vicious and depraved, either to make sacrifices, or encounter hardships and dangers in their attainment. These considerations would seem to speak favorably for the

character of the population here, but the idle rumors before alluded to, have, notwithstanding, prepossessed almost all minds; and the virtuous, no less than the vicious, on visiting Texas, are disappointed in the character of its inhabitants, the former in finding it not what they feared, but all they could have desired.

CHAPTER II.

Western, or prairie region—boundaries and extent—general appearance—extent of the prairies—soil—bays—rivers—settlements—inhabitants—Red river lands—their character—the partially explored region of Northern Texas.

THE western division, or prairie region of Texas, extends from the La Baca west to the Bravo del Norte, the western boundary of the country, a distance of nearly two hundred miles. It presents a greater diversity of surface, soil, and climate, perhaps, than either of the others, but is alike in the feature by which we have chosen to characterize it, the general want of wood.

It is not to be understood that this whole region is entirely bald. The streams have often a narrow skirting of wood, especially in the level country, and small patches, few indeed and far between, are found on the uneven lands; but the wood bears so small a proportion to the whole area, as scarcely to be worthy of being taken into the account. Some stately trees of various species are occasionally scattered through the level lands, but in the undulating country, which here approaches within forty or fifty miles of the coast, but one kind is rarely found, and that is a species of locust called the musquite. The tracts where it is found are distinguished by the name of musquite prairies. In gazing from the summits of the higher swells, over the waving ocean of prairie, the eye sometimes rests upon these poor apologies for trees, but finds little relief from so wretched an object. Its dwarfish size, ugly form, and scanty foliage serving rather to increase than diminish the sense of surrounding desolation. The nopal, which is sometimes seen where it has been building up and spreading out its alternate stem and leaf, perhaps, for a century, presents a far more agreeable object, and seen as it sometimes is at a distance of several miles, might be easily mistaken for a hermit's hut or gipsy's cot.

The barrenness here extends to nothing but wood, which nature, in the whims in which she is sometimes found to indulge, seems to have denied to this otherwise interesting and valuable country. It is almost everywhere covered with a rich coat of grass, and generally of a species very fine and nutritious, which from its being uniformly found in the neighborhood of the tree of that name, is here called musquite grass.

Besides the fruit of the nopal, or prickly pear, there are several species of ground fruits or garden vegetables, growing spontaneously here, which might sustain the life of man when lost in these almost boundless prairies, which are some of them several days' journey in extent. His faithful rifle would avail him but little here, although surrounded by whole herds of buffalo, deer, and mustangs, since there is no covert to conceal his approach; he would be only tantalized by the sight, and the sweet morsel would be for ever beyond his reach.

Upon the eastern confines of this division, along the river Guadalupe and its branches, and especially on its large eastern branch, the Saint Marks, there is perhaps a sufficient supply of wood and timber for any purpose for which it may be needed in that climate. The traveller might here be in some doubt whether he was not in the mixed, instead of having entered the prairie region, and the confines of the two might have been more properly placed here, perhaps, than upon the La Baca; yet the prairies greatly prevail here, and scarcely more than one tenth of the whole area in the Guadalupe district is in wood.

The soil is excellent, both here and on the river San Antonio, still further west, and scarcely surpassed in fertility by the lands of the middle region. West of the San Antonio, the country is oftener visited by severe droughts, to the serious injury of vegetation. Early planted crops, however, seldom fail there. The borders of the San Antonio river are favorable for very extensive irrigation from the waters of that river, and this is already practised to considerable extent; many of the farms and gardens in the neighborhood of the city of San Antonio or Bexar, are watered by numerous artificial rills supplied from the river; such rills are also conducted through many gardens within the city walls.

The whole of this division, with the exception of the valley of the Bravo del Norte, coast as well as interior, is more elevated than the middle region, less favored with rains, and with a soil in general of less depth and fertility, though abounding in various extensive tracts, perhaps equal to the former. All the productions which have been enumerated as adapted to the soil and climate of the former, may be produced here, but in less abundance.

The boundless extent of rich pasturage is even superior, and every square mile would enrich a farmer by its pasturage alone. The want of wood and timber presents a serious obstacle to the rapid settlement of this division, but means will be found to supply this want, and with the race of men now approaching and already upon its border, it may be safely predicted that this fertile region, which has lain waste during all past ages, will in that which is to succeed, be made to yield in abundance the rich and

CHAPTER II.

Western, or prairie region—boundaries and extent—general appearance—extent of the prairies—soil—bays—rivers—settlements—inhabitants—Red river lands—their character—the partially explored region of Northern Texas.

THE western division, or prairie region of Texas, extends from the La Baca west to the Bravo del Norte, the western boundary of the country, a distance of nearly two hundred miles. It presents a greater diversity of surface, soil, and climate, perhaps, than either of the others, but is alike in the feature by which we have chosen to characterize it, the general want of wood.

It is not to be understood that this whole region is entirely bald. The streams have often a narrow skirting of wood, especially in the level country, and small patches, few indeed and far between, are found on the uneven lands; but the wood bears so small a proportion to the whole area, as scarcely to be worthy of being taken into the account. Some stately trees of various species are occasionally scattered through the level lands, but in the undulating country, which here approaches within forty or fifty miles of the coast, but one kind is rarely found, and that is a species of locust called the musquite. The tracts where it is found are distinguished by the name of musquite prairies. In gazing from the summits of the higher swells, over the waving ocean of prairie, the eye sometimes rests upon these poor apologies for trees, but finds little relief from so wretched an object. Its dwarfish size, ugly form, and scanty foliage serving rather to increase than diminish the sense of surrounding desolation. The nopal, which is sometimes seen where it has been building up and spreading out its alternate stem and leaf, perhaps, for a century, presents a far more agreeable object, and seen as it sometimes is at a distance of several miles, might be easily mistaken for a hermit's hut or gipsy's cot.

The barrenness here extends to nothing but wood, which nature, in the whims in which she is sometimes found to indulge, seems to have denied to this otherwise interesting and valuable country. It is almost everywhere covered with a rich coat of grass, and generally of a species very fine and nutritious, which from its being uniformly found in the neighborhood of the tree of that name, is here called musquite grass.

Besides the fruit of the nopal, or prickly pear, there are several species of ground fruits or garden vegetables, growing spontaneously here, which might sustain the life of man when lost in these almost boundless prairies, which are some of them several days' journey in extent. His faithful rifle would avail him but little here, although surrounded by whole herds of buffalo, deer, and mustangs, since there is no covert to conceal his approach; he would be only tantalized by the sight, and the sweet morsel would be for ever beyond his reach.

Upon the eastern confines of this division, along the river Guadalupe and its branches, and especially on its large eastern branch, the Saint Marks, there is perhaps a sufficient supply of wood and timber for any purpose for which it may be needed in that climate. The traveller might here be in some doubt whether he was not in the mixed, instead of having entered the prairie region, and the confines of the two might have been more properly placed here, perhaps, than upon the La Baca; yet the prairies greatly prevail here, and scarcely more than one tenth of the whole area in the Guadalupe district is in wood.

The soil is excellent, both here and on the river San Antonio, still further west, and scarcely surpassed in fertility by the lands of the middle region. West of the San Antonio, the country is oftener visited by severe droughts, to the serious injury of vegetation. Early planted crops, however, seldom fail there. The borders of the San Antonio river are favorable for very extensive irrigation from the waters of that river, and this is already practised to considerable extent; many of the farms and gardens in the neighborhood of the city of San Antonio or Bexar, are watered by numerous artificial rills supplied from the river; such rills are also conducted through many gardens within the city walls.

The whole of this division, with the exception of the valley of the Bravo del Norte, coast as well as interior, is more elevated than the middle region, less favored with rains, and with a soil in general of less depth and fertility, though abounding in various extensive tracts, perhaps equal to the former. All the productions which have been enumerated as adapted to the soil and climate of the former, may be produced here, but in less abundance.

The boundless extent of rich pasturage is even superior, and every square mile would enrich a farmer by its pasturage alone. The want of wood and timber presents a serious obstacle to the rapid settlement of this division, but means will be found to supply this want, and with the race of men now approaching and already upon its border, it may be safely predicted that this fertile region, which has lain waste during all past ages, will in that which is to succeed, be made to yield in abundance the rich and

varied agricultural treasures which nature has fitted it to produce, to tens of thousands of human beings who will then have found a happy abode on its broad and inviting surface.

The lower valley of the Bravo del Norte is the least valuable portion of this division, abounding in extensive marshes, not easily reclaimed; it offers neither health nor plenty, in a country which is elsewhere, over its whole surface, so liberal of both.

The Nueces, which falls into a bay of the same name, about midway between the Bravo del Norte and the San Antonio, is mostly bordered, for more than 200 miles, with extensive plains, covered with the deep black mould, which almost everywhere distinguishes the prairie, and promises a fertility unsurpassed even by the middle region.

This division is less favored with interior facilities of navigation, than other parts of Texas. The great river which forms its western boundary, is obstructed by sand-bars, or shallows at no great distance from its mouth, which are impassable for boats of any considerable size. The waters of Nueces have not been fully explored, no obstruction to the navigation of small steamboats has been discovered, and it is conjectured that such boats may ascend this river, a distance of 200 miles. The San Antonio and Guadalupe may be ascended by the same class of boats, the former about 80, and the latter about 60 miles.

Aransaso bay, which receives the waters of the San Antonio and Guadalupe, is an extensive sheet of water, extending some 30 miles into the country. It has several inlets from the gulf, which afford entrance for vessels of 100 tons burden, and a good harbor within. Nueces bay is not inferior to the Aransaso.

The settlements in this division are as yet confined to very narrow limits. The American settlements in their progress westward, have entered upon its eastern confines; some thirty or forty families are, or were, located along the borders of the Guadalupe. On this river also are a few Mexican settlements.

Victoria, a small town settled mostly by Mexicans, is situated upon this river a few miles above its mouth, and about sixty miles above was Gonzalos laid out and built by the colonists from the United States. It was burnt by the inhabitants, on the approach of the Mexican army. On the San Antonio river, are the most extensive Mexican settlements in Texas. More than a century has elapsed since the Spanish settlements were begun here, but so slow has been its progress, that the same ratio of increase would not cover a tract of a hundred miles square, allowing a family for every square mile, short of a thousand years.

The settlements upon the borders of this river were estimated before the present war, at about 6000 souls, nearly half residing within the walls of the city of Bexar, and the residue, partly on

the ranches or small farms in the neighborhood, and partly at Goliad, situated eighty miles below, and thirty from the mouth of the river. An Irish settlement was begun near the mouth of the Nueces, but has been broken up by the war. A few Mexican villages are found upon the Little Brazos, and perhaps upon the other small streams that fall into the gulf between the Nueces and the Bravo del Norte.

We come next to that part of Texas bordering the Red river; but of this we shall say little in a separate notice, not because it is deemed unworthy, but because it is a mere counterpart of the opposite border of the same river, which lies within the limits of the United States, and is therefore too well known to require a particular description.

A single fact may be adduced, affording sufficient evidence of the high character of the Red river lands, and that is, that wherever they have been brought into market by the United States, they have immediately advanced as high as twenty-five dollars and upward per acre, while in an uncultivated state.

There is great uniformity in the character of these lands, along nearly the whole extent of the river. Its borders present almost everywhere, Louisiana in miniature, with its swamps, and sluggish bayous in the rear. Yet so fat and warm is the soil, and so high its reputation for cotton, that so soon as the raft is removed, and the lands in market, hundreds of miles now lying waste, will become rich plantations, visited weekly by numerous steamboats, which will then wend their way more than a thousand miles up the wave of this, the last, but not the least, of the great tributaries of the *grande-monarch* of rivers.

A few remarks upon a portion of the region which we have designated as only partially explored, shall close our separate notices of the different divisions of the country.

The mountainous range mentioned as forming the northern boundary of the western and part of the middle division, covers but a narrow strip of country, and subsides on the north as on the south, into an undulating surface of mingled wood and prairie, extending to the level lands upon Red river. This large district, watered by the Brazos and Colorado, and their numerous branches north of the mountains, is yet entirely without settlements, unsurveyed and ungranted. It is found, so far as explored, not surpassed in beauty or fertility by the rolling lands below, and will soon become almost equally valuable.

Few interior regions are more highly favored with navigable waters, having the Red river at no great distance on the north, and the Brazos and Colorado, boatable through it for some hundreds of miles, the latter holding its course without rapids from its mouth far into this district.

Still west and northwest of this district, lies another, far more extensive, now claimed by the government and people of Texas. It extends along the Bravo del Norte, and its great eastern branch, the Puerco, on the west, and still north along the former to the head waters of the Arkansaw, thence down that river to the northwest corner of the territory of the same name, thence down the west line of said territory to the Red river. It is watered by the rivers which have been mentioned as mostly forming its outlines and their numerous tributaries. It is literally a region of head waters, having within its boundaries the sources of the Arkansaw, and its great southern branches, the Negracka, the Sabine, and the two forks of the Canadian, and also those of the Red river, Brazos, Colorado, and Puerco.

These mostly take their rise in the great chain of mountains called Sierra Madre, (mother ridge,) which ranges nearly parallel with the Bravo del Norte, from the sources of the Arkansaw, to the mouth of the Puerco, a distance of nearly one thousand miles.

The track of the trading caravans from Saint Louis to Santa Fe, crosses this district, and that lonely city which has long occupied a position so fearfully interior, stands on the east bank of the Bravo del Norte, and is therefore included in this part of Texas.

CHAPTER III.

General remarks upon the face of the country—soil—productions for export and use—herds of cattle—their fine appearance, and the causes of it—navigable waters—bays and rivers—the Sabine—Galveston—Matagorda—Aransaso and Nueces bays—the Bravo del Norte—Red—Brazos—Colorado—Puerco—Trinity—Sabine—Nueces—San Antonio—Guadaloupe and Neeches rivers.

HAVING marked out the natural divisions of Texas, as they strike the eye of the traveller, and concluded, according to our plan, a brief description of each under separate heads, embodying therein such facts as seemed properly to belong to each, we now proceed with our geographical sketch of the country, in a more general form; in doing which, we shall endeavor to avoid, at least, all unnecessary recapitulation. Many of the same objects must, however, again be presented, for the purpose of adducing new facts concerning them: but the repetition shall be confined almost exclusively to names.

Two facts being given in regard to the greater part of the maritime region of Texas, viz., the extreme low margin of the coast, scarcely rising above the waves of the gulf, and this continuing apparently almost a dead level, without the slightest natural eminence, and without a rock, stone, or so much as a gravelly pebble near the surface, for a distance in some places of nearly a hundred miles into the country; the inference seems to be almost irresistible, that this must be a country of swamps, marshes, lagunes and pools of stagnant water; and accordingly, the traveller, although he has been told that they do not exist here, is incredulous of the fact, and, after a vain search in their pursuit, expresses his astonishment that they are nowhere to be found. And it is only after carefully examining the streams, and finding them everywhere flowing with a quick current, that the mystery is cleared up; and he discovers that the whole surface has a regular inclination towards the gulf, of several feet in a mile. Both the eastern and western confines of the country are excepted from this remark.

The whole country, indeed, from the coast to the borders of Red River, is one vast inclined plane; and the range of mountains, which crosses it nearly midway, seems placed there only to

diversify the scene, and break the force of the north-winds, which might otherwise sweep with irresistible fury down this almost boundless plain—and perhaps also to purify the waters of the rivers that flow through it, since it does not, like most other mountain ranges, interrupt their course, or give them a new direction: so careful is it to avoid this, if reports of some of the Indian hunters may be credited, that when it cannot otherwise afford them a passage, it swallows them at its northern base, in order to disgorge them again at its southern. This range of mountains, or rather chain of peaks and knobs, is a continuation of the mother ridge, which leaves the Bravo del Norte at the mouth of the Puerco, and ranging off to the east, affording the sources of the Nueces, San Antonio, Guadalupe, and Saint Marks, and a passage through it for the Colorado: it terminates in a high and rocky bluff, on the west bank of the Brazos. Short spurs and isolated peaks are occasionally found standing out from the main range; but these are not of frequent occurrence; and in general it occupies but a narrow space, and the rolling lands reach its base unbroken, marked for a distance of twenty or thirty miles with an underlay of pure limestone, as would seem from the banks and beds of the small streams being often composed of that valuable material. The summits of the highest peaks in the range are bald; but, in general, the summits, as well as the steepest declivities, are covered with a thick growth of wood, mingled towards the base with an almost impenetrable undergrowth.

In a general view of the soil and productions of Texas, it cannot be necessary to add much, after what has been said upon this subject, in noticing the different divisions.

That the greater part of the country is alluvion, and mostly of the richest quality, is conceded by all who have examined it; and having, in some of its divisions, every variety of soil which is found anywhere in alluvial districts. With a climate between the temperate and tropical, and partaking of the advantages of both, it will be perceived that the abundance and variety of its productions, when carried to the extent of its capabilities, can scarcely be limited.

In addition to the valuable articles of cotton, sugar and tobacco, which it must produce largely for export, (and, in the former, it will very soon probably rival any other state in the world,) silk may at no distant day be added to the list, as the mulberry of several species is self-planted in the country, in great abundance; and wines and fruits of various kinds must soon follow.

The future exports from the waters of Texas have been classed by an intelligent gentleman, well acquainted with the country, in the following manner: from the Trinity, and the waters east, cotton, sugar and rice; from the Brazos, cotton, sugar and to-

bacco; from the Colorado, and other waters of Matagorda and Aransaso bays, cotton, sugar, tobacco, raw silk, wines, figs, raisins, and several other kinds of fruit.

Such is the abundance and variety of the native grape, in many parts of the country, that wine of several kinds, and in considerable quantities, may be made without the labor of cultivating the fruit: natural vineyards, of many acres in extent, producing several varieties of the sweet-skinned grape, pronounced by a French vintner to be equal to the best grown in France, are found on the Colorado and its branches, near the mountains; and, probably, may also be found in the same range of country, both easterly and westerly of this river.

The gardens of the earlier settlers are already enriched with a great variety of fruit-trees. Oranges have not yet reached a bearing state; but figs, peaches, apricots, plums and cherries, are produced in the highest perfection. Melons, unrivalled in size and flavor, are grown and ripened in the rich soil and warm sun of Texas; and for quantity and quality of its sweet potatoes, it challenges competition with any part of the earth.

The inhabitants have already availed themselves to some extent of the exuberant growth of nutritious herbage, which beautifies and enriches almost the whole surface of the country. Herds, of from five hundred to a thousand head of neat cattle, are not unusual among the planters who have been ten years in the country; and in a few instances the number has been increased to two or three thousand: and nowhere, in the northern and eastern portions of the United States, where the breeding of these animals from the choicest stocks has of late been so carefully attended to, are finer oxen, cows and bullocks found than in Texas. The traveller, after having noticed the diminutive size and meager appearance of most of these animals, along the southern coast of the United States, and having perhaps heard this degeneracy of the race imputed to the influence of a southern climate, is astonished to find here immense herds, nowise inferior to the very best English breeds. A constant and plentiful supply of food, of the best quality, serves to explain the whole mystery. The animal here, in its infancy, is seldom robbed of any part of that nourishment which is necessary to exhibit the full perfection of its nature; and the supply continuing almost equally generous, it attains here, at two years old, the size and proportions that elsewhere, with the ordinary mode of feeding, it seldom reaches at three. Working-oxen, such as would excite the envy of a whole neighborhood of New-England farmers, are found on every plantation in Texas; and the milk of a single dairy would derange the ample accommodations of half the dairy-women in Goshen and serve to concoct a cheese which would put to the

blush any of the mammoths of that order which have hitherto been exhibited to the world. There are—or were, before the present war—a few farmers in Texas, who could number among their stock more than one thousand cows.

The number of beasts of prey, and especially of wolves, must forbid the introduction of sheep into Texas, for some years to come; and the extreme low prices at which horses are brought from the interior of Mexico, and sold here, leaves little inducement for breeding this animal; from five to ten dollars a head being the common price of a four-years' old Mexican horse, broken only to the halter. Some of the older planters are beginning to bestow some attention to the raising of mules for the Louisiana market, and also on the higher breeds of horses, for pleasure and the sports of the turf.

For the climate, and health of the country generally, we must refer to the few remarks on this subject which were hazarded in noticing the different divisions; adding only, that those upon the mixed region of wood and prairie, are applicable to the greater part of the western division, and, in many respects, to other large districts of the country.

The navigable waters of Texas, like those in the United States, connected with the Gulf of Mexico, are all more or less obstructed with bars or shoals, where they communicate with the Gulf; and the tide here rising but slightly, and not at regular periods, but depending mostly upon the winds, the navigation must be limited, for some years to come, to the smaller class of vessels; and even these must be confined mostly to the bays, the mouths of the rivers being again obstructed, so as to forbid their entrance.

In a former age, the rivers of Texas would have been of little value for the purposes of navigation. Even if the obstructions at the mouths were removed, so as to admit of the entrance of vessels designed for navigating the deep waters, such are their winding and devious courses, and so quick their currents, that little progress could be made in ascending them; and the lighters and flat boats that on some rivers were formerly propelled by poles, carrying merchandise far into the interior, would have been useless on these rivers, since the poles would have penetrated the yielding soil which forms their beds too deeply to be easily recovered.

These rivers were formed for the age of steam; and fortunately the age of steam has arrived before they were needed for the purposes of navigation. The small boats propelled by steam, such as ascend the Connecticut above tide waters, may ascend almost any of the rivers of Texas, nearly to their sources; and with their flat boats in tow, may, at all seasons, unobstructed by ice, transport, at a trifling expense, merchandise, and the produce

of the country, to all points wherever it is needed. During the season of high water, larger boats may be used: but the season of high water is here of short duration; and the principal reliance must be upon the small boats referred to, which can proceed without interruption during the whole year.

The introduction of this class of boats will form a new era in the navigation of almost all southern rivers, which are now often useless as channels of transportation, for several months in the year. Being in general narrow, and without rapids, they hold a uniform depth of water in the driest season, sufficient for all purposes, if the right class of boats were in use; and they may be constructed as well for the accommodation of passengers, as for towing freight. Nature has furnished, in the numerous rivers of Texas, unequalled facilities for an easy intercourse and cheap transportation between all parts of the country; and a race of men are now here, of whom it may be safely predicted, that they will not fail to avail themselves of them to their fullest extent.

The bays of Texas, which cover, as may be seen, the greater part of the coast, in their present condition afford entrance and safe harbors for the largest class of coasting vessels; and the necessity which will furnish employment for ships of a larger class will also furnish the means of preparing the waters for their reception, the obstacles now presented being such as it has been found elsewhere practicable to remove at a moderate expense.

The Sabine Bay, or Lake, as it has been termed, at the eastern boundary of Texas, should be excepted from the foregoing remarks, in regard to its present or future direct intercourse with the Gulf. It has but four feet of water at its inlet; and the shoal extends too far into the Gulf, and is too formidable, ever to be removed. A deep bayou enters this bay from the west, which interlocks with another of a similar character, entering the extreme eastern point of Galveston bay; with which it may be connected at an expense of a few hundred dollars, so as to afford a passage for such boats as will be used in navigating the rivers which discharge their waters into this bay.

Galveston Bay next presents itself on the west. It is the largest in Texas; being, with its eastern and western arms, about eighty miles in length, and where it receives the waters of the Trinity and San Jacinto, extending about fifty miles into the interior. It is not only the most valuable bay in Texas, but in the whole circle of the Gulf of Mexico; having a haven large and safe, with five fathoms water, and good anchorage. It is sheltered for thirty miles by an island of the same name, at either end of which is an inlet; the western having sixteen feet water, and the eastern about half that depth, with a favorable tide. Sheltered as these passes are, by the extreme points of the island, the channel of

either may be easily deepened, for the entrance of the larger class of ships. This is probably the best naval station in the Gulf of Mexico; and its neighboring borders abound on one side with live and other species of oak, and on the other with Georgia pine, the best materials for ship-building. The extreme western point of this bay is within twelve miles of the Brazos river, and about forty from the head of Matagorda Bay; and seventy miles further west is Passo Cavallo, the only inlet to the latter.

Matagorda Bay has evidently been separated from the Gulf, in comparatively modern times, the riband-like peninsula described in our notice of the middle division, having been thrown up by the joint action of the currents of the rivers on one side, and the waves of the Gulf on the other. Opposite the mouth of the Colorado, the bay is now less than five miles broad, and the main and peninsula are visibly approaching each other by annual new formations; so that, at no very distant period, the eastern part of this bay will be reduced to the channel of the Colorado river, in its ordinary dimensions. There can be little doubt, that in the lower valley of the Mississippi, extensive bays have successively been made thus to disappear. The channel at Passo Cavallo has about twelve feet of water at low tide; and this holds with little variation to the bar, at the western outlet of the Colorado.

Towards its western extremity, Matagorda Bay stretches inland some twenty miles, where it receives the waters of the La Baca; and here also it is connected by a channel of but a few miles in length with the Aransaso, the bay next presenting itself in pursuing westward the coast of Texas. This bay, and that of Nueces further west, have a greater depth of water within, but less at their passes to the Gulf than Matagorda. They approach within a league at one point, if they do not, as some have supposed, actually flow into each other.

The value and importance of these extensive sheets of water, as the means of promoting commercial enterprises through the Gulf of Mexico, must be apparent to all.

But there are those who, looking to a rapid increase of population and wealth in the country, already point to still greater advantages, which will be afforded by the bays that stretch along almost the whole coast of Texas. Connected by short canals, where the chain is now broken, and extended to the Mississippi, through the lakes between that river and the Sabine, an inland navigable route would be opened from the Bravo del Norte to New-Orleans; and the rich products which Texas promises to yield in overflowing abundance, would find their way to a market without exposure to the storms of the boisterous Gulf. Such an undertaking might be accomplished with less expenditure of labor than has been required by some of the secondary enterprises

of the same character in the United States. The distance to be excavated for canals would scarcely exceed a hundred miles, through a country entirely level, presenting no impediment that may not be turned up with the plough.

The principal rivers in Texas, including those which form a part of its boundaries, arranged according to their magnitude, are the Bravo del Norte, Red River, Brazos, Colorado, Puerco, Trinity, Sabine, Nueces, San Antonio, Guadalupe, and Neeches. The Bravo del Norte takes its rise near the fortieth degree of north latitude, in the neighborhood of the sources of the Arkansaw; and, after a course in a southeastern direction of more than 1500 miles, including its windings, falls into the Gulf of Mexico, below the twenty-sixth degree of north latitude. The value and importance of this river can never be duly appreciated until the independence of Texas, embracing the country within the boundaries now claimed, shall be acknowledged by Mexico, or until it is received into the American union.

The eastern line of Texas strikes the Red River at the ninety-fourth degree of west longitude, and thence west to the one hundredth degree. This river forms the boundary between Texas and the United States. Its general course here is but little south of east, being almost entirely between 33° and 34° north latitude. It is supposed to be navigable for steamboats the whole distance, during the season of high water.

The Brazos, which falls into the Gulf nearly midway of the coast of the middle region of Texas, has a course little short of a thousand miles in all its windings. Its head waters are not far distant from those of the Red River; and its course for more than a hundred miles, is nearly parallel with that river, when it takes a southeasterly direction, and holds this general course to its mouth. Through its broad bottoms below the mountains, it winds at least three hundred miles, to gain two in a right line. During half the year, steamboats drawing four feet of water may ascend it for that distance: here the navigation is interrupted for a few miles by rapids; and above them it may be resumed to an extent as yet unknown. Few streams are more affected by excessive summer droughts; and there are times when the waters of this river of a thousand miles might flow in the channel of a pitiful rivulet; and again it sometimes swells so as to overflow its thirty-foot banks, and cover the adjoining meadows with a boundless sea of waters. The latter occurrence, however, is rare, since it has happened but once in the memory of living men.

The channel of this river, like most other rivers in Texas, is extremely narrow, compared with its depth. At its mouth, where it is thirty feet deep at low tide, it does not exceed sixty rods in width. There is a slight curve in the coast, at its mouth, which

can scarcely be called a bay; across this, nearly two miles out, is a hard, unyielding gravel bar, over which, at common tides, there is less than six feet of water. Outside of this, in a position far from being a safe one, vessels bound into the Brazos are often compelled to anchor: frequent shipwrecks are thereby occasioned; and an entrance into this river must be effected at some risk, until the fostering hand of a government, like that of the United States, has applied some of its ample resources in clearing a safe and commodious channel.

The far-famed salt branch of the Brazos, which, it is said, sometimes converts the whole river into a pickle, should be reserved, perhaps, to be classed with the remarkable curiosities of the country; but lest it should be forgotten, we will give it a passing notice here. It is a fact now well attested, that the principal branch among the head waters of the Brazos, by spreading itself over a surface of crystallized salt, when it overflows its banks, becomes so strongly impregnated, as to give a brackish taste to the whole collected waters of the river for some hundred miles below.

The Colorado, the next river in size, has its head-springs in the highlands, west of the sources of the Brazos, and discharges its waters, as has been before remarked, into Matagorda Bay. It has been usual to rank this river after the Brazos; but it is little, if at all inferior to it, either in the length of its course or the volume of its waters; and the latter being much less diminished by the summer droughts, it will become, as a channel of communication with the interior, far more valuable. As far as this river has been explored, no impediment to a continuous navigation has been found, excepting the really trifling one near its mouth, which an expenditure of from five to ten thousand dollars would be sufficient to remove. It is a river of sweet and limpid waters, flowing through a country which excites the continual admiration of the traveller; and from whatsoever portion of the earth he may have wandered, he never fails to pronounce the banks of the Colorado unrivalled for the happiest union of beauty and fertility.

We shall pass over the Puereo by referring to the map, confessing our inability to add anything to the knowledge which may be gained by its inspection.

The Trinity, the third river in size, which flows through the heart of Texas, and the most valuable for navigation, in an unimproved condition, collects its head-waters near the borders of Red River, and pursuing a southeasterly course of about 300 miles, forms at its mouth the eastern head of Galveston Bay. It flows with a less lively current than the rivers west of it. It is navigable at all seasons, for a distance of about two hundred

miles, and presents no rapids to obstruct a further progress, but may be ascended in high water with suitable boats, nearly to its source.

Salt springs, which have been pronounced as productive as those of Salina, have been found near its banks, about 150 miles from the coast. Works for boiling and evaporating, are now in operation here on a small scale.

The Sabine has a course of a little rising of three hundred miles, and for nearly half that distance it runs parallel with the Red river; its general course is then nearly due south to its outlet in the Sabine lake. The obstacles which forbid a near approach to the inlet from the Gulf, must, for a long time at least, render this river nearly useless for the purposes of navigation. It is well known as forming the only point in the south-western boundary of the United States, which is approximated by settlements on both sides. Its waters have therefore been supposed to partake of the virtues imputed to those of the real Ganges, as well as to those of the fabled Lethe. It is a happy compound, when the waters of purification and forgetfulness are found mingled in the same fountain, since they should be partaken together in order to give full effect to either.

The Neuces finds its sources among the peaks in the mountain ranges of Texas, and pursuing a course of about three hundred miles, falls into the bay of the same name. The facilities it may afford for an easy intercourse with the interior, is yet matter of conjecture rather than certainty; rumor speaks favorably on this point as well as of the character of the land upon its borders. This river has hitherto been considered the western boundary of Texas, the district between this and the Bravo del Norte having been included in the state of Tamaulipas, while the farce of a federal republic was played in Mexico.

The San Antonio is the shortest among those we have enumerated as the principal rivers of Texas, having a course not exceeding one hundred and fifty miles. But it springs into existence from a cluster of fountains, a full grown river, like Minerva from the head of Jupiter, in full maturity and beauty, grace, and we may add wisdom, if wisdom can ever be predicated of a river; hence it is ever found pursuing its even course, fulfilling the design of its creation, and never in a moment of madness mars its own goodly work. At the point where the waters of this river are collected from its fountains, it is twelve feet deep, and from twenty to thirty yards wide; it soon however expands over a broader surface, and becomes fordable at several places within the first few miles. It has occasional falls or rapids until within seventy or eighty miles of its mouth, and to this point, it may be easily ascended by that class of steamboats referred to

in the early part of this chapter. Uniting with the Guadalupe in its course, their joint waters are discharged into the Aransas bay, which by a channel opposite the mouth of this river, is connected with Matagorda bay. The advantages of water power which are presented by this river for the first fifty or sixty miles from its source, cannot well be surpassed. Its use in irrigating the soil upon its borders has been already noticed. In closing our notice of this remarkable river, we will venture to repeat a report current among the hunters on the upper settlements of the Colorado, that may serve, if true, to account for the marvellous fountains at its source. It should be remarked that the fountains of the San Antonio, spring up near the southern base of one of the spurs of the mountain range. A river of a corresponding size, is said to lose itself at an opposite point in the northern base of the mountain. This is supposed to be the identical San Antonio river which rises and flows off upon the surface, after having held its subterraneous course beneath the mountain; whether any one has yet ventured to navigate this space, so as to be able to testify to its identity, our informant saith not.

The river Guadalupe, which unites with the San Antonio some few miles above their outlet, exceeds that river in length, though its volume of waters, except when swelled by the mountain torrents in rainy seasons, is much less. Its whole course is probably little more than two hundred miles. The longest spur of the mountain range, is found running parallel to the upper waters of this river, and in many places so near as to overhang its banks, and it is here that the mountains approximate nearest to the coast. This spur subsides at the crossing of the San Antonio road, about one hundred and fifty miles from the coast. Below this, the borders of the river present extensive tracts of rich, open prairie, alternated with thickly timbered bottoms, of less extent, but little less inviting than those of the middle region.

The Neeches, which with its eastern branch, the Angelina, waters the red lands of Texas, falls into the Sabine lake, after a meandering course of perhaps two hundred miles.

CHAPTER IV.

Natural history—geology—botany—animals—reptiles—government—civil divisions—population—extract from Morfit's report.

IN embodying a few facts which belong to the natural history of Texas, we shall confine ourselves almost entirely to those branches of the subject which may be denominated the useful, rather than the ornamental. In treating of these, we shall speak only of such things as serve to administer or otherwise to the comfort, convenience, and necessity of the inhabitants; neither our limits nor ability permitting a more extended notice.

The geological treasures of Texas, aside from her soil, which is believed to be such as to satisfy the most fastidious, can scarcely yet be known, there having been neither time nor opportunity to explore but a small portion of its surface, much less to search for what may be hidden beneath it. The important article of stone, or rock, a material deemed indispensable for building among civilized men, may be sought in vain in the level region of Texas. It soon appears in the beds of the smaller streams on entering upon the undulating lands, but the first specimens exhibited are generally of a friable species of limestone, which crumbles almost as easy as the earth in which it is embedded; other species soon appear in advancing interior, and at a distance of a hundred and fifty miles from the coast, there is little difficulty in finding stone of a quality suitable for building. Still nearer the mountains, limestone, fit for all the purposes to which it is any where applied, is abundant. In a few rare instances, isolated rocks, of from five to a hundred tons weight, are found within a few miles of the line of the level lands; these increase towards the mountains, though far from being numerous; perhaps a circuit of twenty miles will present but a single specimen.

In the district within twenty or thirty miles of the mountains, stone for all useful purposes may be quarried in sufficient abundance to supply the whole country. Lime can be furnished from the same district, and materials for brick making can be found almost anywhere, by removing the soil to a sufficient depth. Lime may also be manufactured along the coast, from the im-

in the early part of this chapter. Uniting with the Guadalupe in its course, their joint waters are discharged into the Aransas bay, which by a channel opposite the mouth of this river, is connected with Matagorda bay. The advantages of water power which are presented by this river for the first fifty or sixty miles from its source, cannot well be surpassed. Its use in irrigating the soil upon its borders has been already noticed. In closing our notice of this remarkable river, we will venture to repeat a report current among the hunters on the upper settlements of the Colorado, that may serve, if true, to account for the marvellous fountains at its source. It should be remarked that the fountains of the San Antonio, spring up near the southern base of one of the spurs of the mountain range. A river of a corresponding size, is said to lose itself at an opposite point in the northern base of the mountain. This is supposed to be the identical San Antonio river which rises and flows off upon the surface, after having held its subterraneous course beneath the mountain; whether any one has yet ventured to navigate this space, so as to be able to testify to its identity, our informant saith not.

The river Guadalupe, which unites with the San Antonio some few miles above their outlet, exceeds that river in length, though its volume of waters, except when swelled by the mountain torrents in rainy seasons, is much less. Its whole course is probably little more than two hundred miles. The longest spur of the mountain range, is found running parallel to the upper waters of this river, and in many places so near as to overhang its banks, and it is here that the mountains approximate nearest to the coast. This spur subsides at the crossing of the San Antonio road, about one hundred and fifty miles from the coast. Below this, the borders of the river present extensive tracts of rich, open prairie, alternated with thickly timbered bottoms, of less extent, but little less inviting than those of the middle region.

The Neeches, which with its eastern branch, the Angelina, waters the red lands of Texas, falls into the Sabine lake, after a meandering course of perhaps two hundred miles.

CHAPTER IV.

Natural history—geology—botany—animals—reptiles—government—civil divisions—population—extract from Morfit's report.

IN embodying a few facts which belong to the natural history of Texas, we shall confine ourselves almost entirely to those branches of the subject which may be denominated the useful, rather than the ornamental. In treating of these, we shall speak only of such things as serve to administer or otherwise to the comfort, convenience, and necessity of the inhabitants; neither our limits nor ability permitting a more extended notice.

The geological treasures of Texas, aside from her soil, which is believed to be such as to satisfy the most fastidious, can scarcely yet be known, there having been neither time nor opportunity to explore but a small portion of its surface, much less to search for what may be hidden beneath it. The important article of stone, or rock, a material deemed indispensable for building among civilized men, may be sought in vain in the level region of Texas. It soon appears in the beds of the smaller streams on entering upon the undulating lands, but the first specimens exhibited are generally of a friable species of limestone, which crumbles almost as easy as the earth in which it is embedded; other species soon appear in advancing interior, and at a distance of a hundred and fifty miles from the coast, there is little difficulty in finding stone of a quality suitable for building. Still nearer the mountains, limestone, fit for all the purposes to which it is any where applied, is abundant. In a few rare instances, isolated rocks, of from five to a hundred tons weight, are found within a few miles of the line of the level lands; these increase towards the mountains, though far from being numerous; perhaps a circuit of twenty miles will present but a single specimen.

In the district within twenty or thirty miles of the mountains, stone for all useful purposes may be quarried in sufficient abundance to supply the whole country. Lime can be furnished from the same district, and materials for brick making can be found almost anywhere, by removing the soil to a sufficient depth. Lime may also be manufactured along the coast, from the im-

mense deposits of oyster shells which are found in many places in almost inexhaustible quantities.*

The mineral kingdom has attracted even less attention than the geological, and although in the neighborhood of some of the richest mines in Mexico, no anticipations of collecting the precious metals, otherwise than from the productions of the soil, appear to have been indulged by the inhabitants of Texas. If there are among them those who are inflamed with an inordinate desire of wealth, it is an agricultural cupidity, which of all others has been found the least injurious, both in its influence upon the individual and the body politic. Placed in a position where an opportunity is afforded them, to compare the results of a passion for "gold hunting," and for "land hunting," the people of Texas can scarcely fail to profit by the lesson which is so forcibly inculcated by the contrast.

The mineralogical discoveries in Texas, are such only as have forced themselves upon the notice of persons in pursuit of other objects; they must therefore form very imperfect data for estimating the mineral resources of the country. That the precious metals abound in the mountain range, is generally believed, and many tales are told, by the native hunters, of former discoveries of rich mines of both gold and silver among the hills between the Colorado river and the head waters of the Guadalupe, and a tradition prevails, of the truth of which there can be little doubt, that a silver mine was once opened and successfully prosecuted here, until the workmen were cut off by the savages.

Coal of the bituminous kind presents itself at the surface in many places in the undulating region. Iron ore is also frequently found in the same region. It is seen in large quantities upon the declivities of some gravel knolls in the neighborhood of Mina, the upper town upon the Colorado. Copper mines have also been found unsought like the others; and the usual indications which serve to denote the presence of most of the useful minerals

* In descending the live oak bayou, a fine navigable creek of some thirty miles in length, which falls into Matagorda bay at its extreme eastern point, the writer found on both shores, for several miles before entering the bay, an accumulation of oyster shells, in many places ten feet high; thousands of loads were visible at a glance. This creek, though now abounding with the living oyster of the most tempting size and flavor, is not yet visited by the present inhabitants of Texas for the purpose of obtaining them, and yet from the position of these shells, they must have been thrown there by those who had robbed them of their contents. It would seem that the few savages who once roamed the coast of Texas, might have feasted here for centuries. Large collections apparently thrown together in the same manner, are not unusual on the banks of the creeks and bayous along the coast, but no where else did the writer witness an accumulation like this, which appeared as if a populous city had been supplied for ages.

are not wanting, to induce a belief that the country is not deficient in resources of that kind.

To the scientific or amateur botanist, Texas presents a field unsurpassed perhaps by any portion of the earth. There are few kinds of trees, shrubs, or plants, which may not be found with all their various species, growing spontaneously in this highly favored country. Thus say the few initiated, who with unclinging delight have roamed the green fields, woodlands, and meadows, the sloping lawns, and verdant parks, prepared here by the hand of nature, and decked with all that she has of color or fragrance, waiting to be possessed by man, and wanting only the slight edifice which in this mild climate affords a sufficient shelter, to be fitted for his happiest abode.

Of the various species of forest-trees suited to the wants of a populous country, the middle region has a sufficient supply of all kinds. In the eastern, as before remarked, the supplies are redundant, but wanting in some districts of the western. The level lands of the eastern division are clothed with the greatest imaginable variety, embracing all the choicest kinds for use or ornament. All the varieties of oak, hickory, pecan, wild cherry, mulberry, ash, elm, sycamore, cypress, cedar, pine, magnolia, holly, and a long catalogue of others, which it would be tedious to repeat, are found in the greatest profusion. In the corresponding district upon the Trinity, the variety or abundance is little diminished. Farther west, upon the Brazos and Colorado, and the intervening streams, the pine, cypress, and magnolia, are wanting, and many new varieties supply their place. The live-oak is here most abundant. It is found sometimes mingled with other trees in the bottoms and cross timbers, but more commonly skirting them, or standing out from them, in open groves and sprinkled over the prairies; many of them are the growth of centuries, and have attained a size which would be deemed incredible by those who have not witnessed them. A species of high laurel, called here the wild peach, from the striking resemblance of the foliage to that of the peach, grows profusely in the bottoms, mingled however with the larger class of forest-trees excepting the elm; and the bottoms are generally found marked with alternate tracts of peach and elm, and thus they are generally designated throughout the middle region of Texas, as peach or elm bottoms. Both have been found equally productive when brought under the plough, but the peach lands are preferred on account of a greater compactness of soil, which fits them for clearing and subduing at all seasons. The wild peach is valuable also for a fruit that it produces in great abundance, of the size of the large black cherry, which is sought with great avidity by swine, and has been found highly nutritious and fattening. It comes, too, in a good

time, when the last crop of acorns within the range is nearly exhausted, and continues until the new crop begins to fall. The latter then serves to complete the fattening. The acorn, in the perfection in which it is produced here, and especially that of the live oak, as a food for swine, has been found little inferior to eorn.

Red cedar is found on several of the small creeks and rivulets near the coast, and is abundant in many parts of the interior. As yet, oak and elm being always at hand on the bottoms and prairies of the low country, are most used for fence rails, and the nearest timber with little regard to its quality, has here, as elsewhere in new settlements, been used for buildings as well as fences.

We have before alluded to the natural vineyards of Texas. To all the different kinds of the grape which are found growing in the United States, may be added many choice varieties which here spring up in favored spots in the interior. Cherries, mulberries, and plums of several species, also grow wild; among the latter is a dwarf which is believed to be peculiar to the country, growing not more than three or four feet high, and bearing a very delicate fruit.

Most of the flowering shrubs, as well as plants which are cultivated with so much care in the gardens and hot-houses of the north, are offered to the admiring gaze of the traveller in the lonely forests and prairies of Texas. The deep verdure of the luxuriant herbage is almost everywhere sufficiently relieved by the variegated flowers scattered over the surface; but the admirer of nature in her gayer and gaudier colors, will find his progress sometimes arrested by a broad parterre so rich and varied, that after looking in vain for the mortal hands which could have been employed in collecting and arranging these gems of the vegetable kingdom, he will be half disposed to credit the tales of the East, and pronounce it the work of fairy hands; and the illusion will not be dispelled by finding that the worthless weed he has broken by the wayside, becomes in his hands a fragrant and precious geranium, and the matted mass under his feet, transformed into the far-famed sensitive plant, shrinking from his rude steps with instinctive life.

Even the new formed lands along the coast, while yet unclothed with herbage, are not without their ornaments. It is here the sword-leaved Palmetto chooses its abode, and displays its gorgeous central flower, surrounded by triple ranks of pointed leaves, bristling like the bayonets of a grenadier-guard.

Among the wild animals of Texas, of the ferocious kind, there is probably but a single species that may not be found in the unscouted parts of the United States, and this is the pecari, or Mex-

ican hog, an animal bearing considerable resemblance to the common swine, but smaller, and more ugly and unshapely in its proportions; when full grown its size is about half that of the common breed of swine. It is the most pugnacious, perhaps, of all animals, being seldom known to retreat, but always ready for fight, and being armed with hooked tusks of several inches in length, it is generally regarded as a very formidable adversary. In a rencounter with man it sometimes inflicts grievous, but not dangerous wounds. It has neither the size nor strength to render it a dangerous adversary, but its readiness at all times, to quarrel with whomsoever and whatsoever it meets, makes it terrible to the negroes, who will flee in troops before the Mexican hog. This animal is but rarely seen, and the presumption is, that it has never been numerous, as it never avoids a conflict with more powerful animals, which alone are willing to encounter it. Its first battle is generally its last, and the race therefore, most of them, perish early in the "field of honor."

Reports have sometimes been spread by the timid, of having seen the South American tiger, or leopard, in the forests of Texas, but the most voracious hunters of the country are incredulous of its existence there, believing that the common American panther had been mistaken for it, in the hasty glance in which the inexperienced woodsman generally indulges himself when such spectacles are presented to him in the forest. The latter animal is found here as elsewhere on the continent, retreating into the wilds as the settlements advance. The black bear, the large black wolf, the dwarf or prairie wolf, and a small assortment of wild cats, are found lingering behind the panther, manifesting a greater reluctance at leaving their old haunts.

Among the small feline race is a very beautiful species, called very appropriately the leopard-cat, being spotted with the same bright and brilliant colors as the leopard.

Among the larger quadrupeds, whose flesh as well as hides richly reward the hunter for the labors of the chase, the buffalo, the common black cattle, and deer, are abundant. The two former, however, must be sought on the frontiers of the settlements, the latter abound everywhere; large herds are often seen quietly grazing upon the prairies in sight of the plantations, and in travelling, herds of deer are as common as flocks of sheep, in a well settled country, and scarcely more timid; at two or three hundred yards distance, they will remain quietly gazing at the passing traveller, seldom retreating, unless they discover an evident intention of approaching them with sinister designs. They are seldom hunted in the open prairie, and are therefore bolder in that position than any other. A little before sunset they are generally seen returning to their shelter in the nearest wood; and at

this time the planter who is in need of a fresh stock of venison, conceals himself with his deadly rifle, in the skirts of the wood, near the track where a herd are known to return to their nightly haunts, which is generally the same through the season, and here he is nearly as certain of his prey as a farmer in New England would be of obtaining a lamb from his own flock.

The buffalo is far more shy, and uniformly leaves his old haunts wherever the settlements approximate very near. This animal may often be approached upon the prairie much nearer than deer; with a strong wind blowing from the herd, the hunter often comes within fifty yards without alarming them; showing that they rely principally upon their acute sense of smell, as a warning against danger; having the wind from their enemy they will fly his approach at the distance of four or five hundred yards.

The buffalo is easily domesticated. When taken young, and fed by the hand of man, no animal is more docile; and none fly the approach of man with stronger marks of fear and consternation, than the common black cattle in a wild state. The wild cattle of Texas are said to be numerous. They are occasionally seen in large herds by the hunter and the traveller beyond the frontier settlements, but almost always in the forests and thickets, seldom venturing into the open prairie, when in the neighborhood of the haunts of man. In the vast prairies of the northwest, or Upper Texas, they are still more numerous; several thousands are sometimes seen in a day's travel. They manifest less fear here, from being less exposed to encounter the sight of man. But it is but very seldom that the hunter can approach within gunshot of the wild cattle of Texas, and of all the species of game which roam these wilds, they are the most difficult to reach, and will probably survive all others. These animals have not strayed from the herds of the present inhabitants. It is believed that no instance has occurred where an animal has been lost in this manner from the domestic herds. Not so with the horse. It is by no means unusual for the inhabitants of the frontier to lose their horses by the seductive arts of the mustangs, and between these and the predatory tribes of savages who are the most arrant horse-thieves, it is indeed difficult for the frontier settler to keep a horse.

The mustangs, or wild horses of Texas, are supposed to be far more numerous than the wild cattle. The traveller seldom penetrates far into the interior, without putting to flight a troop of these fine animals; sometimes he will see them flying in the confusion of an absolute route, but oftener making an orderly retreat, like well-disciplined cavalry, under the direction of skilful and experienced leaders. The wild horse, when taken young, is

easily subdued, and rendered serviceable to man, but after reaching mature age it is scarcely within the art of man to break him for service. If he apparently yields, his vicious habits are sure to return, and his rider will find himself unhorsed and deserted at the moment of greatest need. The wild cattle and wild horses of Texas are most of them from a stock which have been wild for ages, originally abandoned, or lost through neglect, by the timid and indolent race of men who inhabited New Mexico.

In regard to the smaller kinds of quadrupeds, serpents, reptiles and insects in Texas, they are not dissimilar from those found in the southern border of the United States. But owing to the absence of swamps and morasses, venomous serpents and noxious insects are less numerous.

Of the former, the large and small or prairie rattlesnake, and land and water moccasin, make the whole list. The subtle venom of the rattlesnake is well known, and unless an antidote is early applied, it often proves fatal. The bite of the moccasin is said to be equally dangerous. This *on dit* is perhaps questionable, yet we confess our scepticism would not carry us so far as to test the truth by an experiment; so much is certain, however, it may be encountered with much less hazard than the rattlesnake. If it is armed with a weapon as dangerous, it has less courage and skill in using it.

The centipede and the tarantula are the only venomous reptiles in Texas, and these are both found along the whole southern border of the United States. The latter is well known to be a large spider. Its bite has sometimes been pronounced incurable; yet well attested instances of death, caused by the bite of the tarantula, are very rare, not more numerous perhaps than from the sting of the common honey-bee. The centipede is the scorpion, and the only scorpion of Texas. It is usually called the stinging scorpion, and northern travellers hearing it called by that name, are not aware that it is a reptile which is common in all parts of the United States below latitude thirty-two. Its sting is as easily cured as that of the hornet.*

* To those who have not seen the centipede, a brief description of it will not be uninteresting. It is about an inch and a half in length. Its head the size of a full grown caterpillar, and tapering to a point at the tail, where it carries its sting;—to inflict a wound it throws its tail over its back. It moves quickly but not rapidly, even with its hundred feet. When it is held fast by pressing a stick upon its back, after repeated efforts to avenge the affront by applying its sting to the wood, and perceiving them to be ineffectual, it will turn its sting upon itself, and almost instantly expire. While in this situation, it may be resuscitated by the application of a few drops of alcohol. The writer witnessed an experiment repeated several times, on one of these reptiles, thus expiring under its own sting, and as often restored to life by the application of a few drops of whiskey.

Of animals of the lizard kind, there is one species not common to the United States. It is called here the horned frog; its body bears some resemblance to the frog, but it is clearly of the lizard kind. It has protuberances projecting from the head, of about a half an inch in length, in the shape of horns. The chameleon and various other species of small lizards, may be found every where in the forests.

The rivers and brooks are well stocked with fish, such as are common in the southern waters of the United States, and the bays and bayous along the coast are stored with oysters, large and well flavored, together with such other shell-fish as are usually found in a southern latitude.

A short notice of the government, civil division, and present population of Texas, with an extract from Morfit's report, exhibiting his estimate of the population in August, 1836, will close our geographical sketch.

The present government of Texas is a republic, or more properly a representative democracy, in which the powers confided to their representatives are specified, and defined by a written constitution, which in all its essential features is but a counterpart of the constitution of the United States. Texas, however, being but a single state, to the congress is necessarily entrusted the authority to legislate for all its internal as well as its external relations.

The civil divisions are counties organized like those in the United States and towns, (not townships,) and cities.

In regard to the number of inhabitants, it should be remarked that the subjoined extract was evidently intended to sift very closely the estimates and the facts in support of them, which had been submitted to the American agent, and on which his own were based. The increase since the date of this report, is probably not far from 15,000, principally by emigration from the United States.

"The population within that territory is said to have been 70,000; but from all that I can learn, it should be estimated at about 50,000, or less. The races consist of Anglo-American, Mexican natives, aborigines, and negroes. Of these, there are perhaps 30,000 Anglo-American settlers, distributed principally between the Nueces river and the Sabine, and on the Trinidad, Colorado, and Brazos rivers; about four or five thousand of the men of this population still remain at home, attending to their farms. There are 3,500 native Mexicans, of Spanish descent, all interested in the cause of Texas. Of these, there are in the neighborhood of

Nacogdoches,	- - -	800 souls.
In San Antonio de Bexar,	- - -	2,000

In Victoria,	- - -	120 souls
San Patricco,	- - -	50
La Bahia,	- - -	500

The negroes are about 5,000 in number. The *additional* territory claimed by Texas since the declaration of independence on the 2d March, 1836, will increase her population at least 15,000, so that the state may be said at this time to contain 65,000 souls. Of this augmentation, there will be, in the village of Taos, about 1,500, in Santa Fe 2,500, in San Miguel, 1,000, and 2000 in the other settlements. There are also 8,000 souls belonging to the families of Rancheros, or herdsmen, who will add to the products, but not to the physical force of the country. The Rancheros are several, and in some instances numerous herdsmen, congregated upon a large estate, called a hacienda, generally belonging to one proprietor. Some of the Rancheros are feudal, where the land and greater profits, with certain services, are claimed by the hacendado or proprietary; others are allodial, where the herdsmen are either owners in fee, or are lessees at a rent in money or in kind, without the rendition of any personal duties. The feudal tenures are confined to the district of Santa Fe and Coahuila, and not many even there. Some of the haciendas have herds of 100,000 horned cattle, and very few less than 10,000, exclusive of mules and horses. The Rancheros themselves, of the poorest grade, have never less than 200 head. This information is derived by inquiry of intelligent men, who have traversed all that region of country, and I advert to it in order to show the resources which the newly acquired portion of territory will bring in aid of the future operations of the state, if her independence is acknowledged.

As regards the population of emigrants from the United States, they are said to be not less than 50,000, being, all those whom I have denominated Anglo-Americans. They have been coming to this country from the first grant to Moses Austin, in 1820, down to the present moment. Those who were here before the revolution were called settlers, because their objects were agriculture, trade, and commercial enterprises. Those who have come since the declaration of independence, are termed emigrants, and devote themselves in the first instance as volunteers, to secure the soil upon which they afterwards intend to fix their homes."

CHAPTER V.

History—general remarks—grant to Moses Austin to plant a colony in Texas—bequeathed to his son Stephen F. Austin—arrival of the first colonists on the Brazos—their hardships—difficulties—expedition against the Carancahua Indians—federal constitution adopted in Mexico—Texas united to Coahuila—review of events to 1830—Bustamente's authority expelled from Texas—petition to become a separate state—presented by Austin—His arrest and imprisonment.

A HISTORY of Texas before 1821, when the colony of Stephen F. Austin was established there, can be little more than the history of the wandering tribes of savages who have probably roamed over its meadows and plains for countless ages; the few Spanish settlements within its limits, which were early planted, some of them in the beginning of the last century, can be deemed little better than sutlers surrounding the military posts which Spanish cupidity and jealousy led them to establish there, to shut out others from a country which they were eager to hold, although incapable of enjoying.

Nacogdoches was the only post of this kind within the limits of the territory in which settlements had been effected by American emigrants before the war. The San Antonio river, on which stands the town of the same name, being west of the utmost limit of any American settlement.

The contiguity of Nacogdoches to the United States, early drew some of the adventurous spirits who are ever curious to discover what lies hidden beyond the boundaries of their own country, to visit it, and explore the "region round about." Several had taken up their abode there, as early as the beginning of the present century. These had no little influence probably, in diffusing among the Spanish population, that love of liberty, and courage to seek it, which made them first and foremost to stake all in an effort to throw off the Spanish yoke. The disastrous result of that effort, when their brethren in Mexico, instead of seconding their noble resolve, turned their arms against them, is well known, and the detail has often excited the sympathies of the reader. They were driven destitute from their homes, by an overwhelming force, and for years were houseless wanderers in a

foreign land. The lesson was not lost upon them, as the remnant of this population, and their descendants, were found without a single exception faithful to the cause of liberty in the late contest: many of them were in the ranks at the battle of San Jacinto, and displayed a courage worthy the ancient renown of their race.

The deeds of Magee and his associates, so well worthy of record, must now be familiar to our readers: they belong not to the history of Texas, except as the then almost unexplored wilds of the country were the scene of their victories and their glory, but not the object of the conflict. The combatants on both sides were drawn from territories beyond its limits; and met there, not to contest the soil of Texas. The prize was also without its limits.

The unimportance of the early history of the country is strongly exhibited in the fact, that it was really unknown as late as 1819, the date of the Don Onis treaty. Something more might have been expected from the associates of Magee, many of whom returned to the United States, who had passed through the heart of the country; and among them were some who may fairly be presumed to have been capable both of estimating and giving a just account of its value and importance. Had such an account been given, even verbally, an impression must have been made, which is scarcely reconcilable with the want of intelligence on the subject evinced by the treaty. It is very certain that these daring men, greatly intent upon other objects, did not properly appreciate the country they passed through.

Texas may therefore be considered as unknown, except to the Spanish authorities in Mexico, who carefully concealed their knowledge from the world, until Stephen F. Austin and his colonists gave a true account of it; and this was at first deemed too incredible for belief. It is true, the existence of such a town as San Antonio, the river of that name, as well as the more important rivers, Brazos and Colorado, had been known for more than a century; and this rendered the tale of Austin and others more incredible. It was strange, indeed, that nobody should have dreamed all this while that the finest country in the world, and so easily accessible, remained unoccupied, and almost unclaimed, while almost every nook and corner of the earth had been eagerly explored in pursuit of a like object.

When Austin arrived in Texas with his colonists, probably the whole number of inhabitants, descended from Europeans, did not exceed 3000: there may have been some thousand or two more half-breeds incorporated with them. These were almost all in and about the towns of Nacogdoches and San Antonio, distant about 250 miles, the one from the other.

Until the enterprise of Magee, which led him to their neighborhood, and the subsequent "stirring events" of the Mexican revolution, the inhabitants of San Antonio had been so long isolated from the rest of the civilized world, that their condition, in point of intelligence, was little better than that of the savages who were their most frequent visitors. With much of the sloth and indolence, and without the courage that characterizes the savage of our continent, almost everything without the walls of the town became a prey to his depredations. It was not uncommon for the Camanches to visit the town in the character of friends, and after bartering for a supply of ammunition, to use it on departing, to murder and rob the inhabitants of the suburbs and neighboring farms.

The beautiful and fertile region watered by the Trinity, Brazos, Colorado, their tributaries, and the intervening streams, was without a civilized inhabitant, and without a rod of cultivated ground, excepting a few corn-fields upon the Trinity, in possession of the Cushatee Indians.

To Moses Austin, a native of Connecticut, the father of General Stephen F. Austin, belongs the credit of conceiving the enterprise of planting a colony of his countrymen in Texas. He so far matured his plan, as to obtain a grant from the Spanish authorities in Mexico; but being overtaken by severe indisposition, and finding the enterprise likely to be interrupted by his death, he bequeathed it to his son, Stephen F. Austin, strongly urging him to prosecute it to its final accomplishment. The grant to the elder Austin was made the 17th of January, 1821. It authorized the introduction of 300 families, upon a specified territory, of a little less than one hundred miles in breadth, upon the coast, and in length about one hundred and fifty miles, towards the interior, crossing both the Brazos and Colorado, and including large tracts east and west of these rivers. By the terms of the grant or contract with Austin, each family was to receive a grant in fee simple of a square of land of the extent of one Spanish league on each side. The grant to Austin, as it has usually been called, but which was nothing more than a contract, the terms of which were, that Austin, the contractor, (called in the Spanish language the *empresario*,) should introduce the three hundred families, who must be of good character for probity and industry; and for this service, the Spanish authorities, after the foregoing encouragement to the colonists, were bound to convey in fee simple to the contractor five square leagues of land for each hundred families so introduced. It was stipulated also in favor of the colonists, that they might bring with them all necessary implements for pursuing the trade or occupation which they proposed to follow, and also other goods not exceeding 2000 dollars, free from any

impost or duty, and that their property should remain exempt from taxation, for a period of five or six years.

The younger Austin immediately engaged in the undertaking, and pursued it with an ardor and ability worthy of the object. Being but poorly supplied with pecuniary resources, he communicated his plans to most of the capitalists in the southwestern states, with the hope of drawing them into the enterprise, but in general with little success; and he was finally compelled to embark with a purse made up of the small means of such men as he found willing to embark with him. About one hundred families had engaged to accompany him: a part of them proceeded with him, and arrived on the Brazos river in December, 1821.

To draw a parallel between this little band and another which landed upon the inhospitable shores of New England, in the same month, two hundred years before, would be deemed by many too great an honor to the former, and by some would be thought impious: we therefore forbear. A son of the pilgrims, however, and especially one who ranks himself as the friend of Texas, will notice the dates so nearly coincident with many other circumstances in support of the parallel; and to construe them as a favorable augury, can scarcely give offence in any quarter.

The Carancahuas, formerly a very numerous and powerful tribe of Indians, who possessed the coast of Texas, had been reduced by frequent wars with the interior tribes to a very small number; otherwise, their indomitable courage and untamable ferocity would have rendered them too formidable to have been encountered by the small band that accompanied Austin. Reduced as they were, the colonists felt themselves unable, for two years after their arrival in the country, to chastise them for their insolence, petty thefts, and open depredations upon their property, with which they were continually annoyed. The cargoes of two schooners which followed them from New-Orleans, consisting of necessaries for their subsistence and comfort, were totally lost to them, the one by shipwreck, and the other by the depredations of the savages after it was landed. Thus left destitute of supplies, they were reduced for the first year to subsist almost entirely upon the game, wild fruit and vegetables of the country, without bread, and during the greater part of the time without salt. Even their seed-corn, to ensure a supply of bread for the coming year, was obtained only by encountering the difficulties and dangers of an overland route of nearly two hundred miles, through an Indian country.

Favored by a mild climate, and encouraged with the hope of future abundance, from the apparent fertility of the soil and the ease with which it could be brought under cultivation, the colonists persevered, in spite of the difficulties and dangers with which

they were already surrounded, and those that they had reason to apprehend, from the unsettled government of the country into which they had transplanted themselves. They had entered the country on the faith of the Spanish authority in Mexico, which was no longer acknowledged there. The new government, however, had promised to respect the grants, and fulfil the *bona fide* contracts of the old; and in regard to the policy of encouraging the migration of foreigners to reside in the country, less liberality could scarcely be expected from the new than from the old government.

It was deemed necessary to report themselves to the authorities of the country; and for that purpose, in the following March, Austin visited the town of San Antonio, the nearest point where he could communicate with a functionary of the new government. He was here advised to proceed to the city of Mexico, to procure a confirmation or renewal of his grant from the congress then in session.

Although, in the existing condition of the country and the colony, the measure appeared to be fraught with difficulties and dangers on all sides, he yet determined to adopt it. He accordingly communicated his determination, and the reasons which in his opinion made it necessary to the colony, and proceeded across land for Mexico. Many of the colonists were alarmed at this intelligence, and a few were so much discouraged as to induce them to return to the United States.

While the confirmation of the grant was thus suspended, and the future prospects of the colony were clouded in doubt and uncertainty during the long absence of Austin, which exceeded a year, emigration to this part of Texas was entirely interrupted. The tide which had begun to set in that direction was checked, but not turned back. Emigrants who took the land route stopped short, and located themselves in a portion of the country more contiguous to the United States; and the country between the Sabine and the Trinity was thus supplied with many of its present inhabitants. Austin, having obtained a confirmation of his grant from the National Congress of Mexico, returned to his colony in August, 1833. He found the colonists reduced in number, and those who remained nearly discouraged. An assurance of a sufficient title to their lands, with all the privileges annexed as citizens of the country, revived their drooping spirits, and reconciled them to their new homes. The presence of their leader, who was endowed with qualities which peculiarly fitted him to be the head of such an enterprise, and in whom they now discovered a determination to persevere in spite of every obstacle, tended to inspire others with a like determination, and produced corresponding efforts to promote the prosperity of the colony.

The tide of emigration began again to flow in, and the colony has since continued to increase in numbers as rapidly as the comfortable subsistence of the inhabitants would permit.

The Carancahua Indians, the only tribe claiming possession of the coast, who as before remarked, continued to commit very frequent depredations upon the property of the colonists, during the two first years of their residence, having received nothing but favors in return for their transgressions, now become bold by impunity, began to butcher the inhabitants. Two families were found murdered in the western part of the colony. Convinced that nothing short of an act of retaliation could secure their future peace and safety, and roused perhaps by a desire to avenge the blood of their slaughtered brethren, a volunteer force of sixty men, headed by Austin, agreed to devote themselves to the service of the colony, until it was delivered from all further danger from these savages. Armed with rifles, and provided with a few horse loads of provisions, they started in the pursuit, and followed it with such success, that in a few days they destroyed more than half the tribe, and compelled the residue to take refuge in the mission house at Goliad. Here a new treaty was concluded with them, by which they were bound never afterwards to enter Austin's colony. This treaty was soon violated by the savages, but with no hostile intentions; their own weakness and the increasing strength of the colonists had allayed all apprehension of danger.*

In organizing the Mexican territory into separate states, under the constitution of 1824, Texas was united for the time being, with Coahuila, the population at that time not being sufficiently numerous to justify a separate organization. The name was kept distinct, and it was called the state of Coahuila and Texas. Provision was made in the constitution for the creation of new states out of certain territories, whenever they should become sufficiently populous, with an express guaranty in favor of Texas. The members of the national congress being chosen by the state legislatures, and Texas being always in a minority there,

* In 1835, the remnant of the tribe, some fifteen or twenty of all ages, (the greater part of them having gone north and united with some other tribe, after they were subdued by Austin,) were seen by the writer near the head of Matagorda bay. They appeared to be preparing to celebrate some festival, evidently connected with the superstition of their race, being descended from the children of the sun. They begun at sunset a song or hymn addressed probably to the great luminary which had just departed, as they feared forever, and continued to sing without a moment's cessation, until sunrise. Sometimes the voices of both sexes were heard at the same time, and at others they were heard alternately; sometimes a solo, and again all appeared to unite, accompanied then with an instrument, the well known Indian drum.

never had it in her power to elect one of her own citizens a member of that body. In the state congress, as it was called, she was generally ably represented, and by that means succeeded in allaying, in some degree at least, the feeling of jealousy and intolerance which was indulged by most Mexicans against a people of a different language, religion and manners, and in preventing that feeling from manifesting itself in legal enactments against them.

A report of the grant to Austin, and of the character of the lands in Texas, having spread through the United States and Europe, the Mexican authorities were early beset with numerous applications for similar contracts for the settlement of other portions of the territory. In general, the applicants found little difficulty in obtaining them, and the whole territory of Texas was soon covered with such grants. Many of them were made to Europeans, who engaged at first with great ardor in the enterprise, but being inexperienced in the business, and unprovided for its difficulties, they were found too formidable to be overcome, and the contractor either fell a sacrifice to his imprudence or abandoned the object in disgust.

High expectations were at one time entertained of a rapid settlement of the country by emigrants from Europe, by means of these numerous contracts; but the effect has been rather to retard than to hasten it. These contracts having been limited to a period of six years for their fulfilment, have all long since expired, Austin's being the only one which was completed. In the mean time, several others were partially accomplished, especially those made by citizens of the United States, relying upon colonists from the United States, who alone seem to be fitted to succeed happily in the settlement of a new country.

From 1824, when the colonists first began to feel secure of a permanent foothold in the country, to 1830, they had sparsely spread over an extent of country of one hundred and fifty miles square, besides the considerable settlement in the neighborhood of Nacogdoches, and a less considerable one upon Red river.

During the presidency of Guadalupe Victoria, the constitution of 1824, and the federal system adopted under it, were looked upon as firmly established in Mexico. The rights of the several states, perhaps imperfectly defined, were, so far as they were understood, respected and preserved; and the usual results of a free government, administered upon just principles, began to exhibit themselves in evidences of general happiness and prosperity throughout all the states of the confederacy.

It must not be understood that the great body of the people were fully protected against acts of private oppression, from the aristocracy, the priesthood, and perhaps from officers of the fed-

eral government; yet in this respect, their condition was far better than at any former or subsequent period; and the people of Texas, far removed from the Mexican population, had felt nothing of this, but had thus far enjoyed nearly the same degree of liberty and security as would have fallen to their lot, if they had remained in the United States; their condition indeed had been much like that of the people under the territorial governments of the United States.

For the purposes of internal government, Texas had been divided into five municipalities, each choosing its own sheriffs, judges, and other officers, corresponding in general with county officers in the United States. These officers, whose conduct bears so directly upon the interests and the happiness of the people, being chosen by themselves, from their own body, and for short periods, and being thus rendered responsible for the exercise of their authority, in the best possible manner, afforded them, while that authority was respected, the highest security against violence and oppression.

The American population in Texas at this time, (1830,) was probably not much less than 30,000, more than two-thirds of whom were in Austin's colony, and the country immediately adjacent. They had left the United States not from any disapprobation of the government and institutions of the country, but to possess themselves of a portion of the rich soil of Texas, upon the apparently easy terms offered, in the Mexican colonization laws; and not among the least of the inducements, and that which led them to forego the advantages of the government and institutions of the country of their birth, was the fact that those of their adopted country were nearly identical. They carried with them strong attachments to the institutions of their native country, and they carried with them that loyalty and fidelity, which is so distinguishing a characteristic of their countrymen, and which, as in duty bound, they immediately transferred to their adopted country. Their case was not that of a temporary resident in a foreign land, living in daily contemplation of a return to that of his birth—they had chosen the country as a home for themselves and their posterity, and up to the time we speak of, no part of the Mexican population felt a deeper interest in the prosperity and welfare of the whole country. ®

We have felt constrained to be thus particular in speaking of the condition of the country, and the feelings and sentiments of the people at this period, because the progress of the settlements in Texas was checked, not to say interrupted, from this time forward, by an entire change of policy on the part of the Mexican government; and the allegiance of the people of Texas towards that government was from this time gradually weakened by fre-

quent acts of violence and oppression, in direct violation of the constitution and laws of the country.

The tyranny of Bustamente, who had usurped supreme power in Mexico, and exercised the authority of an absolute monarch, under the humble title of Vice President, was made to reach Texas, though from the condition of the people in a new settlement, having as yet little to tempt the rapacity of his myrmidons, they suffered less severely than most other parts of the country; their distance too from the capital, favored their exemption, as the usurper deemed it necessary to keep most of his instruments within reach, to preserve his power against any sudden attack.

One of the first acts of his administration was the repeal of the colonization laws, so far as regarded the admission of emigrants from the United States, who were forbidden to hold lands in the Mexican territories. This was sufficiently disheartening to the people of Texas, as it not only disappointed their sanguine hopes of the early settlement of their country by a kindred people, but as it served also to exhibit in no very flattering light, the sentiments with which they were regarded by the authorities of Mexico. But a still greater source of trouble and vexation, was the intelligence which was communicated to them, that a new construction had been put upon these laws by the Mexican authorities, by which many of them would be deprived of their lands, now rendered doubly dear by a recollection of the sufferings, the sacrifices, and the labor they had cost. But they were not long left to brood over the apprehension of danger. Several bodies of troops arrived in the country and took their stations at several points on the coast, and at Nacogdoches, under the pretence of aiding the revenue officers, but really to annoy the people by petty acts of oppression, in order to drive them into conduct that might afford a colorable pretext for exterminating or banishing them from the country.

Accordingly, forts were erected at Nacogdoches, Anahuac, and Velasco; these were to serve as prisons, where the most popular and influential citizens could be confined at the pleasure of the officer in command, and where military tribunals, organized for mock trials, could sit in safety, surrounded and protected by the garrison; and to this use they were converted. Citizens were arrested and confined, in several instances, upon vague charges of disaffection to the existing government; the civil authority in several of the municipalities was declared to be superseded, and in all totally disregarded; in short the inhabitants of Texas found themselves, in the midst of peace, suddenly subjected to martial law, administered by officers who appeared to have been sent there for no other purpose than to make war upon the rights secured to them by the constitution of the country.

The inhabitants, scattered over a wide extent of country in isolated settlements and single plantations, and as yet without roads, or bridges to shorten or facilitate an intercourse between them, were not immediately made acquainted with the nature and extent of these outrages upon their rights. They were not of a mettle, however, to surrender them without an effort for redress.

The character of the reigning chief now fully developed, and the well-known condition of the native inhabitants in most of the states of Mexico, now groaning under multiplied acts of cruelty and oppression, forbid all hope of relief from petition or remonstrance. The alternatives presented, were submission, or redress by their own arm.

In the early part of June, 1832, a consultation was held in the neighborhood of Brazoria, consisting of as many of the planters as could be conveniently brought together, in which it was decided not to wait for further deliberation or concert, but promptly to strike a blow for liberty, and trust to the influence of the example to rouse their brethren to action in other sections of the country.

Accordingly a force of about sixty men, under the command of John Austin, appeared on the morning of the 25th of June, before the fort at Velasco, at the mouth of the river Brazos, and sent in a demand for the surrender of the fort, with the assurance that the garrison should be permitted to retire, with their arms, on a pledge from the commanding officer that they should be withdrawn from Texas. This summons was answered as they had anticipated, only by defiance and threats. The plan of attack had been previously arranged. The assailants had possessed themselves of a schooner, which was anchored in the river a few miles above, on board of which they found a small piece of ordnance, and a few bullets, to which they had added a further supply of ammunition and missiles. This schooner, with its bulwarks so far strengthened as to afford a slight defence, was floated down the stream and anchored abreast, and distant about three hundred yards from the fort. This movement unexpectedly consumed most of the day, so that the attack did not commence until about sunset. Among the assailants, were some few skillful gunners who had seen service in the American navy, and a well-directed fire was immediately opened upon the fort, which a bright Italian moon enabled them to continue during a greater part of the night. The fort was supplied with two pieces of ordnance, with which a spirited fire had been opened, but so ill-directed that scarcely a shot struck the schooner, while almost every missile it sent told with effect. In the course of the evening, a part of the garrison, which consisted of one hundred and fifty men, made a sally with the intention of boarding the schooner.

er, which lay within a few feet of the shore. Some forty or fifty rifles, well aimed, drove them instantly back to their shelter. On the morning of the 26th, Col. Ugartechea, the Mexican commandant, finding his ammunition nearly exhausted by a lavish and almost useless expenditure, and his men unwilling to continue the contest, surrendered the fort to the assailants, who immediately demolished it, and dismissed the garrison without arms, to dispose of themselves at their pleasure. The loss of the assailants was one man killed, and two or three slightly wounded, while the Mexican killed and wounded was not less than twenty. Several of the assailants, during the cannonade, advanced within a few yards of the fort; and, after discharging their rifles with effect at the garrison, retreated unhurt amidst a shower of musketry.

A report of this brilliant affair, the result of the first open resistance against the agents of the usurper, was almost instantly spread through the country; and failed not, as was anticipated, to rouse the whole people to a determination to demolish the remaining forts, disarm the troops, and thus to restore the authority of the constitution and laws of their country.

On the day following the surrender of Ugartechea, a considerable force was collected near the fort at Anahuac. They were to make an assault the next day, when they learned that Col. Bradburn, the commandant, was a prisoner to his own garrison; the latter having been informed that the garrison at Vera Cruz had declared against the authority of Bustamente, resolved at once to follow their example. They therefore received the Texans as friends, and surrendered the fort without resistance. Bradburn, who had made himself conspicuous above all the other military commandants in Texas, by insolence, rapacity, and cruelty, conscious of his deserts, escaped in disguise, and returned to Mexico.

The post of Nacogdoches now remained. The garrison had rejected an invitation to join the movement at Vera Cruz, and the commandant, Col. Piedras, believing he could confide in their fidelity, made preparations for a vigorous defence. The inhabitants of the district, to the number of two hundred, perhaps, appeared armed before the town; but finding the Mexican force, which exceeded their own in numbers, strongly posted in a large stone building, difficult of approach without exposure to a galling fire, most of them retired. About fifty of the most daring among them remained, and commenced an attack, which was continued during the day from various positions where they could best annoy the enemy, and with little regard to their own safety. This little band of not exceeding fifty men, acting each upon his own impulse, without orders, and without officers, had lost during the day's hard fighting, three killed and seven wounded, while the Mexicans maintained their post with the loss of about twenty killed

and as many wounded. The latter, unwilling to renew the conflict even with such odds in their favor, decamped during the night, and took up their march for the west. In the morning they were pursued by less than twenty mounted men, who by taking a different route, threw themselves in front at a distance of some twenty miles from Nacogdoches, and here taking a position in ambush they waited the approach of the Mexicans. The van soon appeared and were saluted with a volley from the Texans, with such terrible effect as to throw them back upon their companions, to whom they declared in their panic that they had been attacked by a large force. This produced a parley, during which the Texian leader was careful not to remove the impression which the panic had created, and the result was a capitulation by Col. Piedras, by which more than one hundred and fifty Mexicans laid down their arms, before a force of fifteen Texans.

Thus the contest was ended almost as soon as begun. In one short week Texas had shaken off a military despotism. A few planters, scattered over an extent of country equal to most of the kingdoms of Europe, without pecuniary means or resources, without military discipline or munitions of war, and without generals or officers of any grade, had, by a spontaneous movement, attacked in their strong holds, defeated and captured nearly a thousand veteran troops, commanded by experienced officers; and without invading the property of a single citizen, and without the slightest commotion or irregularity, had returned again to their peaceable pursuits.

It had been supposed that some concert existed between this movement of the people of Texas and that of the garrison at Vera Cruz, which resulted in the success and elevation of Santa Anna to the presidency of Mexico. The coincidence was accidental: there was no other concert but that which originated in common suffering, and common hatred of the agents of the tyrant Bustamente.

News of the first considerable success which had attended the movements of Santa Anna and his friends in Mexico, reached Texas not until the last vestige of the power of Bustamente had been extinguished there. The intelligence came in a happy time, not only as it afforded hopes which they shared in common with the lovers of liberty; throughout the republic, of a restoration of constitutional order, peace, and tranquillity, but as it relieved them from apprehensions, which will appear but too well founded, of the vengeance of Bustamente and his agents, for the scenes which had just been enacted at home.

The final overthrow of the power of Bustamente, and the triumph of Santa Anna, which succeeded soon after, was then almost everywhere received, as the triumph of liberty in Mexico.

It was also hailed in Texas as affording a pledge of a just, liberal, and generous policy on the part of the national government towards that young and rising state, whose growth had been checked, and prospects nearly blighted, by a policy so entirely the reverse.

In July and August, of the same year, (1832,) the savage tribes in Texas assumed a hostile attitude towards the inhabitants. Great sacrifices were made to avert the danger; these were cheerfully made, as they never had asked nor received aid from the national government to protect them from their foes.

In the following autumn, the cholera, which had been long travelling westward, desolating towns, cities, and hamlets, in its course, reached Texas, and swept off a great number of its inhabitants, and among them, many of its useful and valuable citizens.

In 1833, the tide of emigration from the United States, which had been interrupted during the administration of Bustamante, began again to flow into the country.

Texas having now attained a population equal to some of the smaller states in the confederacy, a convention was called to deliberate and decide upon the expediency of preferring a petition to the general congress, to be admitted into the union as a separate state. The convention met at San Felipe, and having agreed upon the draft of a petition, Austin was requested, and consented to be the bearer of the petition to the general congress at Mexico, and to act as the agent for the petitioners, in pressing it upon the favorable consideration of that body.

The time was deemed highly favorable for preferring this petition, as the members of the new congress were understood to be the ardent friends of liberty, and the character of the new president, Santa Anna, was then looked upon as a guarantee of just and liberal measures. The people of Texas were therefore sanguine in their expectations of its success; not a thought was then entertained of severing the connexion, but all looked forward to a long career of happiness and prosperity, as citizens of a free state in the Mexican confederacy. The petition represented, that "Coahuila and Texas were totally dissimilar in soil, climate, and productions. That the representatives of the former were so much more numerous than the latter, that all legislation for the benefit of Texas, could be only the effect of a generous courtesy: That laws happily adapted to the one, would on account of the great dissimilarity of their interests be ruinous to the other: That Texas is in continual danger from the aggression of Indian tribes, without any efficient government to protect her in such cases: That the present legislation is calculated to exasperate the Indian tribes by withholding their rights, whereas by doing them

justice, valuable auxiliaries might be gained, instead of deadly enemies, which should be the policy of Texas. That Texas possessed the necessary elements for a state government; and that for her attachment to the federal constitution, and to the republic, the petitioners pledged their lives and honor.

For the above reasons, among others, the petitioners prayed that Texas might be erected into a separate state of the Mexican confederacy, in obedience to the decree of the 7th of May, 1824, which declares that Texas shall be provisionally annexed to Coahuila, until its population and resources are sufficient to form a separate state, when the connexion shall be dissolved.

Austin proceeded to Mexico with this petition, and arrived there in the early part of June. He was well received by many of the members of the National Congress, who seemed disposed to give a favorable reception to his petition; but they were then deeply engaged in various projects of reform, on the success of which they believed the prosperity and welfare of the whole people depended. It was already manifest that Santa Anna, the new president, looked coldly upon these projects; and notwithstanding the liberal sentiments of his message, his sincerity began to be doubted, and his designs suspected.

Austin presented his petition, and embraced every opportunity to urge upon many of the individual members such considerations as he believed calculated to advance the object of it. But after waiting several months, without obtaining a hearing from Congress, and finding no encouragement on the part of the executive, he abandoned all hope of success in the present state of affairs at Mexico. He therefore addressed a letter to the municipal authorities of San Antonio, advising the call of a convention, to organize a state government in Texas, and expressing his belief that such a step on their part might tend to advance rather than prejudice their claim before the National Congress.

He soon after left Mexico, in order to return to Texas, and had proceeded as far as Saltillo, in the state of Coahuila, where he was arrested, and thrown into prison on a charge of treason—a charge which had no other foundation than the letter above spoken of.

CHAPTER VI.

Effect of the news of Austin's imprisonment upon the colonists—Santa Anna, the president of the Mexican republic, dissolves the National Congress by force—establishes a military government—Texas prepares to resist—Austin returns to Texas—extracts from his address.

IN the meantime, the affairs of Texas had been highly prosperous at home, and the people, free from the insolence and rapacity of the military bands which infested other portions of the republic, and being too far removed to participate in the inciting topics which distracted the capital, were tranquil in their present condition, and happy in the prospect of a bright future; as the cloud which foretold the storm was yet invisible to them.

The news of Austin's arrest and imprisonment aroused them from their dream of security. Several of the most influential citizens met at San Felipe, to consult upon the expediency of adopting some measure for his relief. Various propositions were submitted and discussed; but prudent counsels prevailed, and the members separated, without having adopted any resolution upon the subject. The colonists in general were sufficiently indignant at the contempt with which their just claims and pretensions had been treated, and could not but feel that the imprisonment of Austin was an outrage upon their own rights, through the person of their agent. There was no remedy within their reach; and it was thought, besides, that any open expression of their feelings might still more endanger his safety.

Some there were, who then looked upon this apparently small matter as the precursor of the great events which now belong to the history of Texas, and were unwilling to afford the slightest pretext for bringing on prematurely a contest which they foresaw was inevitable, but which it was the duty of Texas to await, and husband all her resources to meet manfully when it should come.

In the meantime, every additional arrival from Mexico tended to strengthen these anticipations.

In the beginning of 1834, Santa Anna threw off the mask, and openly appeared as the champion of the aristocracy and the church. The liberal congress was dissolved by force, when the

term of its election had but half expired. To save appearances, a new election was ordered; when care was taken to post the military so as to overawe the suffrages, and procure the return of the creatures of the executive. This Congress, which was convened only to register the decrees of a military despot, very quietly performed that duty.

From the date of the forcible dissolution of the National Congress, in May, 1824, most of the states in the Mexican confederacy had submitted to military government; though the decree terminating their existence as states was not registered until the following year.

Then followed the boody drama of Zacatecas, the catastrophe of which is well known; and this terminated the reign of the constitution and civil law in Mexico. Texas alone remained without the presence of the new authorities which had been adopted to supply their place: a military governor, with his tribunals for administering justice, composed of the officers of his regiment, with a thousand bayonets ready to execute its decrees, had not yet entered Texas. They were without government. *That*, to which they *lately* owed allegiance, had been forcibly dissolved, without their agency. It would seem, therefore, that they were now at liberty to choose for themselves; and to deny them the right to resist with *force* an attempt to *force* upon them a system of government to which they were utter strangers, and to which their assent, either expressed or implied, had never been given, must certainly appear unreasonable. Yet for this they have been reproached in no gentle terms. The banner under which they fought has been called the banner of slavery, while that of their invaders has been pronounced the banner of freedom.

With the fall of Zacatecas before the arms of the supreme chief, which happened in May, 1835, ended all resistance to his authority in the old territories of Mexico. In Texas alone, it remained unacknowledged; neither had it been resisted, as yet: no attempt had been made to establish it there. The wide space of uncultivated land between the settlements in Texas and those of the other states of Mexico, and the want of any exchangeable commodities to create an intercourse by water, rendered Mexican news slow in reaching Texas. This difficulty was still increased by a difference of language, which rendered the press of Mexico a sealed book to most of the people of Texas. In this case, too, great precaution had been used by Santa Anna to disguise the character of his late movements, and suppress all accounts of their true character; so that the late events in Mexico were not fully known and understood by the people of Texas, until a very few days before the arrival of an armed force of Mexicans upon their borders. The danger could no longer be concealed;

nor could the remedy be longer delayed. Nothing but a resort to arms could save them from a bondage which to them appeared worse than death.

Sprung from a race, which in every age has poured out its blood in resisting the exactions of arbitrary power, and born and nurtured in a land where liberty is looked upon as an inheritance, to be lost only with life; both the past and the future now met in their path, to forbid a compromise with tyranny. Yet, a contest with such stupendous odds against them, was indeed fearful; and rash as the undertaking would certainly be pronounced, could they hope for succor, or even sympathy, from their kindred in "father-land."

There remained an alternative. To abandon the land now endeared by so many sacrifices, and return, to be strangers in that of their birth. This would avoid a surrender of personal liberty; but at an expense of rights fairly and honorably acquired, and possessions dearly bought. To sacrifice these, without first striking a blow in their defence, was forbidden by *duty*, as well as *pride*.

The incipient measure of organization to prepare for the struggle, was commended to them by the example of their ancestors. The arrival of a large Mexican force at Bexar, was the signal for holding public meetings in all the principal settlements, in which committees of correspondence and public safety were appointed; and the latter invested with such powers as the crisis demanded. No doubt could be entertained of the designs of the dictator, in sending troops into Texas; nevertheless, it was determined not to begin the contest without the clearest necessity; and so long as the troops made no attempt to advance into the American settlements, and indicated no movements in that direction, to leave them quietly in possession of their present position.

It was supposed that the mass of the Mexican people could not be willing slaves; and hopes were entertained that early efforts on their part to recover their lost rights, in which they (the Texians) might co-operate, would lighten the weight of the contest, and render the issue less doubtful.

In the meantime, however, the committees of safety were busy in preparations for the worst; and almost every able-bodied man in the country stood prepared with his rifle and stock of ammunition, to march at a moment's warning. The month of August was a season of gloom and anxiety; but all remained quiet as the silence that precedes the storm.

In the early part of September, Stephen F. Austin, the father of the colony, whose counsel and advice was greatly needed in the present emergency, returned once more to Texas, after an absence of more than two years, a considerable part of which

he had been immured in the former inquisition dungeons of Mexico.

Austin must necessarily have been minutely acquainted with the merits of the controversy between Mexico and Texas; his interest was for peace, as his all must be staked upon the unequal contest. If any error was ever imputed to him, it was that of carrying prudence to an extreme bordering upon timidity. He is now "gone to his account," and left behind him a character which malice dare not assail; we therefore feel it due to the people, a sketch of whose history we have undertaken to pen, to pause in our narrative, while we permit the man, who, of all the world, best knew their affairs, to speak in their behalf. It is due also to the memory of Austin, of whom our limits will not permit a further notice. We therefore extract the following, from an address of the late Stephen F. Austin, delivered at Louisville, Kentucky, on the 7th of March, 1836.

"It is with the most unfeigned and heartfelt gratitude that I appear before this enlightened audience, to thank the citizens of Louisville, as I do in the name of the people of Texas, for the kind and generous sympathy they have manifested in favor of the cause of that struggling country; and to make a plain statement of facts explanatory of the contest in which Texas is engaged with the Mexican Government.

"The public has been informed, through the medium of the newspapers, that war exists between the people of Texas and the present government of Mexico. There are, however, many circumstances connected with this contest, its origin, its principles and objects, which, perhaps, are not so generally known, and are indispensable to a full and proper elucidation of this subject.

"When a people consider themselves compelled by circumstances or by oppression, to appeal to arms and resort to their natural rights, they necessarily submit their cause to the great tribunal of public opinion. The people of Texas, confident in the justice of their cause, fearlessly and cheerfully appeal to this tribunal. In doing this the first step is to show, as I trust I shall be able to do by a succinct statement of facts, that our cause is just, and is the cause of light and liberty;—the same holy cause for which our forefathers fought and bled;—the same that has an advocate in the bosom of every freeman, no matter in what country, or by what people it may be contended for.

"But a few years back Texas was a wilderness, the home of the uncivilized and wandering Comanche and other tribes of Indians, who waged a constant and ruinous warfare against the Spanish settlements. These settlements at that time were limited

to the small towns of Bexar, (commonly called San Antonio) and Goliad, situated on the western limits. The incursions of the Indians also extended beyond the Rio Bravo del Norte, and desolated that part of the country.

"In order to restrain these savages and bring them into subjection, the government opened Texas for settlement. Foreign emigrants were invited and called to that country. American enterprise accepted the invitation and promptly responded to the call. The first colony of Americans or foreigners ever settled in Texas was by myself. It was commenced in 1821, under a permission to my father, Moses Austin, from the Spanish government previous to the independence of Mexico, and has succeeded by surmounting those difficulties and dangers incident to all new and wilderness countries infested with hostile Indians. These difficulties were many and at times appalling, and can only be appreciated by the hardy pioneers of this western country, who have passed through similar scenes.

"The question here naturally occurs, what inducements, what prospects, what hopes could have stimulated us, the pioneers and settlers of Texas, to remove from the midst of civilized society, to expatriate ourselves from this land of liberty, from this our native country, endeared to us as it was, and still is, and ever will be, by the ties of nativity, the reminiscences of childhood and youth and local attachments, of friendship and kindred? Can it for a moment be supposed that we severed all these ties—the ties of nature and education, and went to Texas to grapple with the wilderness and with savage foes, merely from a spirit of wild and visionary adventure, without guarantees of protection for our persons and property and political rights? No, it cannot be believed. No American, no Englishman, no one of any nation who has a knowledge of the people of the United States, or of the prominent characteristics of the Anglo-Saxon race to which we belong—a race that in all ages and in all countries wherever it has appeared, has been marked for a jealous and tenacious watchfulness of its liberties, and for a cautious and calculating view of the probable events of the future—no one who has a knowledge of this race can or will believe that we removed to Texas without such guarantees, as free born and enterprising men naturally expect and require.

"The fact is, we had such guarantees; for, in the first place the government bound itself to protect us by the mere act of admitting us as citizens, on the general and long established principle, even in the dark ages, that *protection* and *allegiance* are reciprocal—a principle which in this enlightened age has been extended much further; for its received interpretation, now is, that the object of government is the well being, security, and

happiness of the governed, and that allegiance ceases whenever it is clear, evident, and palpable, that this object is in no respect effected.

"But besides this general guarantee, we had others of a special, definite, and positive character—the colonization laws of 1823, '24, and '25, inviting emigrants generally to that country, especially guaranteed protection for person and property, and the right of citizenship.

"When the federal system and constitution were adopted in 1824, and the former provinces became states, Texas, by her representative in the constituent congress, exercised the right which was claimed and exercised by all the provinces, of retaining within her own control, the rights and powers which appertain to her as one of the *unities* or distinct societies, which confederated together to form the federal republic of Mexico. But not possessing at that time sufficient population to become a state by herself, she was with her own consent, united provisionally with Coahuila, a neighboring province or society, to form the state of COAHUILA AND TEXAS, 'until Texas possessed the necessary elements to form a separate state of herself.' I quote the words of the constitutional or organic act passed by the constituent congress of Mexico, on the 7th of May, 1824, which establishes the state of Coahuila and Texas. This law, and the principles on which the Mexican federal compact was formed, gave to Texas a specific political existence, and vested in her inhabitants the special and well defined rights of self-government as a state of the Mexican confederation, so soon as she '*possessed the necessary elements.*' Texas consented to the provisional union with Coahuila on the faith of this guarantee. It was therefore a solemn compact, which neither the state of Coahuila and Texas, nor the general government of Mexico, can change without the consent of the people of Texas.

"In 1833 the people of Texas, after a full examination of their population and resources, and of the law and constitution, decided, in general convention elected for that purpose, that the period had arrived contemplated by said law and compact of 7th May, 1824, and that the country possessed the necessary elements to form a state separate from Coahuila. A respectful and humble petition was accordingly drawn up by this convention, addressed to the general congress of Mexico, praying for the admission of Texas into the Mexican confederation as a state. I had the honor of being appointed by the convention, the commissioner or agent of Texas, to take this petition to the city of Mexico, and present it to the government. I discharged this duty to the best of my feeble abilities, and, as I believed, in a respectful manner. Many months passed and nothing was done with the

petition, except to refer it to a committee of congress, where it slept and was likely to sleep. I finally urged the just and constitutional claims of Texas to become a state, in the most pressing manner, as I believed it to be my duty to do; representing also the necessity and good policy of this measure, owing to the almost total want of local government of any kind, the absolute want of a judiciary, the evident impossibility of being governed any longer by Coahuila, (for three fourths of the legislature were from there,) and the consequent anarchy and discontent that existed in Texas. It was my misfortune to offend the high authorities of the nation—my frank and honest exposition of the truth was construed into threats.

"At this time (September and October, 1833) a revolution was raging in many parts of the nation, and especially in the vicinity of the city of Mexico. I despaired of obtaining any thing, and wrote to Texas recommending to the people there to organize as a state *de facto* without waiting any longer. This letter may have been imprudent, as respects the injury it might do me personally, but how far it was criminal or treasonable, considering the revolutionary state of the whole nation, and the peculiar claims and necessities of Texas, impartial men must decide. It merely expressed an opinion. This letter found its way from San Antonio de Bexar, (where it was directed,) to the government. I was arrested at Saltillo, two hundred leagues from Mexico, on my way home, taken back to that city and imprisoned one year; three months of the time in solitary confinement, without books or writing materials, in a dark dungeon of the former inquisition prison. At the close of the year I was released from confinement, but detained six months in the city on heavy bail. It was nine months after my arrest before I was officially informed of the charges against me, or furnished with a copy of them. The constitutional requisites were not observed, my constitutional rights as a citizen were violated, the people of Texas were outraged by this treatment of their commissioner, and their respectful, humble and just petition was disregarded.

"These acts of the Mexican government, taken in connexion with many others, and with the general revolutionary situation of the interior of the republic, and the absolute want of local government in Texas would have justified the people of Texas in organizing themselves as a state of the Mexican confederation, and if attacked for so doing, in separating from Mexico. They would have been justifiable in doing this, because such acts were unjust, ruinous and oppressive, and because self-preservation required a local government in Texas suited to the situation and necessities of the country, and the character of its inhabitants. Our forefathers in '76, flew to arms for much less. They resist-

ed a principle, 'the theory of oppression,' but in our case it was the reality—it was a denial of justice and of our guaranteed rights—it was oppression itself.

"Texas, however, even under these aggravated circumstances forbore and remained quiet. The constitution, although outraged, and the sport of faction and revolution, still existed in name, and the people of Texas still looked to it with the hope that it would be sustained and executed, and the vested rights of Texas respected. I will now proceed to show how this hope was defeated by the total prostration of the constitution, and the destruction of the federal system, and the dissolution of the federal compact.

"It is well known that Mexico has been in constant revolutions and confusion, with only a few short intervals, ever since its separation from Spain in 1821. This unfortunate state of things has been produced by the efforts of the ecclesiastical and aristocratical party to oppose republicanism, overturn the federal system and constitution, and establish a monarchy, or a consolidated government of some kind.

"In 1834, the president of the republic, Gen. Santa Anna, who heretofore was the leader and champion of the republican party and system, became the head and leader of his former antagonists—the aristocratic and church party. With this accession of strength, this party triumphed. The constitutional general congress of 1834, which was decidedly republican and federal, was dissolved in May of that year, by a military order of the president, before its constitutional term had expired. The council of government composed of half the senate which, agreeably to the constitution, ought to have been installed the day after closing the session of congress, was also dissolved; and a new, revolutionary, and unconstitutional congress was convened by another military order of the president."

* * * * *

"For the information of those who are not acquainted with the organization of the Mexican republic under the federal system and constitution of 1824, it may be necessary to state that this constitution is copied, as to its general principles, from that of the United States."

* * * * *

"By keeping these facts in view, and then supposing the case that the president and congress of these United States were to do, what the president and congress of Mexico have done, and that one of the states was to resist, and insist on sustaining the federal constitution and state rights, and a parallel case would be presented of the present contest between Texas and the revolutionary government of Mexico.

"In further elucidation of this subject, I will present an ex-

tract from a report made by me to the provisional government of Texas on the 30th of November last, communicating the said decree of 3d October. :—

“That every people have the right to change their government, is unquestionable; but it is equally certain and true, that this change, to be morally or politically obligatory, must be effected by the free expression of the community, and by legal and constitutional means; for otherwise, the stability of governments and the rights of the people, would be at the mercy of fortunate revolutionists, of violence, or faction.

“Admitting, therefore, that a central and despotic, or strong government, is best adapted to the education and habits of a portion of the Mexican people, and that they wish it; this does not, and cannot, give to them the right to dictate, by unconstitutional means and force, to the other portion who have equal rights, and differ in opinion.

“Had the change been effected by constitutional means, or had a national convention been convened, and every member of the confederacy been fairly represented, and a majority agreed to the change, it would have placed the matter on different ground; but, even then, it would be monstrous to admit the principle, that a majority have the right to destroy the minority, for the reason, that self-preservation is superior to all political obligations. That such a government as is contemplated by the before-mentioned decree of the 3d of October, would destroy the people of Texas, must be evident to all, when they consider its geographical situation, so remote from the contemplated centre of legislation and power; populated as it is, by a people who are so different in education, habits, customs, language, and local wants, from all the rest of the nation; and especially when a portion of the central party have manifested violent religious and other prejudices and jealousies against them. But no national convention was convened, and the constitution has been, and now is, violated and disregarded. The constitutional authorities of the state of Coahuila and Texas, solemnly protested against the change of government, for which act they were driven by military force from office, and imprisoned.* The people of Texas protested against it, as they had a right to do, for which they have been declared rebels by the government of Mexico.

*The legislature of the state of Coahuila and Texas of 1835, which made this protest, was dissolved by a military force acting under the orders of Gen. Cos, and the governor, Don Augustin Viesca, the secretary of state, and several of the members of the legislature were imprisoned. Col. Benjamin R. Milam, who fell at San Antonio de Bexar, and several other Texans, were at Monelova, the capital of the state, when these events took place—they took a decided stand in support of the state au-

“However necessary, then, the basis established by the decree of the 3d of October, may be to prevent civil wars and anarchy in other parts of Mexico, it is attempted to be effected by force and unconstitutional means. However beneficial it may be to some parts of Mexico, it would be ruinous to Texas. This view presents the whole subject to the people. If they submit to a forcible and unconstitutional destruction of the social compact, which they have sworn to support, they violate their oaths. If they submit to be tamely destroyed, they disregard their duty to themselves, and violate the first law which God stamped upon the heart of man, civilized or savage; which is the law of the right of self-preservation.

“The decree of the 3d October, therefore, if carried into effect, evidently leaves no remedy for Texas but resistance, secession from Mexico, and a direct resort to natural rights.”

“These revolutionary measures of the party who had usurped the government in Mexico, were resisted by the people in the states of Puebla, Oaxaca, Mexico, Jalisco, and other parts of the nation. The state of Zacatecas took up arms, but its efforts were crushed by an army, headed by the president, Gen. Santa Anna, in person; and the people of that state were disarmed, and subjected to a military government. In October last, a military force was sent to Texas, under Gen. Cos, for the purpose of enforcing these unconstitutional and revolutionary measures, as had been done in Zacatecas, and other parts of the nation. This act roused the people of Texas, and the war commenced.

“Without exhausting the patience by a detail of numerous other vexatious circumstances, and violations of our rights, I trust that what I have said on this point, is sufficient to show that the federal social compact of Mexico is dissolved; that we have just and sufficient cause to take up arms against the revolutionary government which has been established; that we have forborne until the cup was full to overflowing; and that further forbearance or submission on our part would have been both ruinous and degrading; and that it was due to the great cause of liberty, to ourselves, to our posterity, and to the free blood which I am proud to say, fills our veins, to resist and proclaim war against such acts of usurpation and oppression.

“The justice of our cause being clearly shown, the next important question that naturally presents itself to the intelligent and

authorities and the constitution. Milam was taken prisoner with the governor, the others escaped to Austin's colony, and the local authorities were commanded by a military order from General Cos, to deliver them up to him. This order was not obeyed of course: it was the precursor of the invasion of Texas by this general in October.”

inquiring mind, is, *what are the objects and intentions of the people of Texas?*

"To this we reply, that our object is *freedom*—civil and religious freedom—emancipation from that government, and that people, who, after fifteen years' experiment, since they have been separated from Spain, have shown that they are incapable of self-government, and that all hopes of any thing like stability or rational liberty in their political institutions, at least for many years, are vain and fallacious.

"This object we expect to obtain, by a total separation from Mexico, as an independent community, a new republic, or by becoming a state of the United States. Texas would have been satisfied to have been a state of the Mexican Confederation, and she made every constitutional effort in her power to become one. But that is no longer practicable, for that confederation no longer exists. One of the two alternatives abovementioned, therefore, is the only resource which the revolutionary government of Mexico has left her. Either will secure the liberties and prosperity of Texas, for either will secure to us the right of self-government over a country which we have redeemed from the wilderness, and conquered without any aid or protection whatever from the Mexican government, (for we never received any,) and which is clearly ours. Ours, by every principle on which original titles to countries are, and ever have been founded. We have explored and pioneered it, developed its resources, made it known to the world, and given to it a high and rapidly increasing value. The federal republic of Mexico had a constitutional right to participate generally in this value, but it had not, and cannot have any other; and this one has evidently been forfeited and destroyed by unconstitutional acts and usurpation, and by the total dissolution of the social compact. Consequently, the true and legal owners of Texas, the only legitimate sovereigns of that country, are the people of Texas.

"It is also asked, *what is the present situation of Texas, and what are our resources to effect our objects, and defend our rights?*

"The present position of Texas is an *absolute Declaration of Independence*—a total separation from Mexico. This declaration was made on the 7th of November last. It is as follows:—

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

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

tary despots, and in defence of the republican principles of the federal constitution of Mexico, of 1824.

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

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

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

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

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

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

"8th. That she will reward by donations in land, all who volunteer their services in her present struggle, and receive them as citizens.

"These declarations we solemnly avow to the world, and call God to witness their truth and sincerity, and invoke defeat and disgrace upon our heads, should we prove guilty of duplicity."

"It is worthy of particular attention that this declaration affords another and unanswerable proof of the forbearance of the Texans, of their firm adherence, even to the last moment, to the constitution which they had sworn to support, and to their political obligations as Mexican citizens. For, although at this very time the federal system and constitution of 1824 had been overturned and trampled under foot by military usurpation, in all other parts of the republic, and although our country was actually invaded by the usurpers for the purpose of subjecting us to military rule, the people of Texas still said to the Mexican nation—'Restore the federal constitution and govern in conformity to the social compact, which we are all bound by our oaths to sustain, and we will continue to be a member of the Mexican Confederation.' This noble and generous act, for such it certainly was, under the circumstances, is of itself sufficient to repel and

silence the false charges which the priests and despots of Mexico have made of the ingratitude of the Texans. In what does this ingratitude consist? I cannot see, unless it be in our enterprise and perseverance, in giving value to a country that the Mexicans considered valueless, and thus exciting their jealousy and cupidity.

"The true interpretation of this charge of ingratitude is as follows:—The Mexican government have at last discovered that the enterprising people who were induced to remove to Texas by certain promises and guaranties, have by their labors given value to Texas and its lands. An attempt is therefore now made to take them from us, and to annul all those guaranties; and we are ungrateful because we are not sufficiently 'docile' to submit to this usurpation and injustice, as the 'docile' Mexicans have in other parts of the nation.

"Another interesting question, which naturally occurs to every one, is, what great benefits and advantages are to result to philanthropy and religion, or to the people of these United States, from the emancipation of Texas? To this we reply, that ours is most truly and emphatically the cause of liberty, which is the cause of philanthropy, of religion, of mankind; for in its train follow freedom of conscience, pure morality, enterprise, the arts and sciences, all that is dear to the noble-minded and the free, all that renders life precious. On this principle, the Greeks and the Poles, and all others who have struggled for liberty, have received the sympathies or aid of the people of the United States; on this principle, the liberal party in priest-ridden Spain is now receiving the aid of high-minded and free-born Englishmen; on this same principle, Texas expects to receive the sympathies and aid of their brethren, the people of the United States, and of the freemen of all nations. But the Greeks and the Poles are not parallel cases with ours—they are not the sons and daughters of Anglo-Americans. We are. We look to this happy land, as to a fond mother, from whose bosom we have imbibed those great principles of liberty which are now nerving us, although comparatively few in numbers and weak in resources, to contend against the whole Mexican nation in defence of our rights.

"The emancipation of Texas will extend the principles of self-government over a rich and neighboring country, and open a vast field there for enterprise, wealth and happiness; and for those who wish to escape from the frozen blasts of a northern climate, by removing to a more congenial one. It will promote and accelerate the march of the present age, for it will open a door through which a bright and constant stream of light and intelligence will flow from this great northern fountain, over the benighted regions of Mexico.

"That nation of our continent will be regenerated; freedom of conscience and rational liberty will take root in that distant, and, by nature, much favored land, where for ages past the upas banner of the inquisition, of intolerance, and of despotism, has paralyzed, and sickened, and deadened every effort in favor of civil and religious liberty.

"But apart from these great principles of philanthropy, and narrowing down this question to the contracted limits of cold and prudent political calculation, a view may be taken of it, which doubtless has not escaped the penetration of the sagacious and cautious politicians of the United States. It is the great importance of *Americanizing* Texas, by filling it with a population from this country, who will harmonize in language, in political education, in common origin, in everything, with their neighbors to the east and north. By this means, Texas will become a great outwork on the west, to protect the outlet of this western world, the mouths of the Mississippi, as Alabama and Florida are on the east; and to keep far away from the southwestern frontier—the weakest and most vulnerable in the nation—all enemies who might make Texas a door for invasion, or use it as a theatre from which mistaken philanthropists and wild fanatics might attempt a system of intervention in the domestic concerns of the south, which might lead to a civil war, or at least jeopardize the tranquillity of Louisiana and the neighboring states.

"This view of the subject is a very important one; so much so, that a bare allusion to it is sufficient to direct the mind to the various interests and results, immediate and remote, that are involved.

"To conclude: I have shown that our cause is just and righteous; that it is the great cause of mankind, and, as such, merits the approbation and moral support of this magnanimous and free people; that our object is independence, as a new republic, or to become a state of these United States; that our resources are sufficient to sustain the principles we are defending; that the results will be the promotion of the great cause of liberty, of philanthropy and religion, and the protection of a great and important interest to the people of the United States.

"With these claims to the approbation and moral support of the free of all nations, the people of Texas have taken up arms in self-defence; and they submit their cause to the judgment of an impartial world, and to the protection of a just and omnipotent God."

CHAPTER VII.

Delegates chosen—arrival of Cos with additional troops—affair of Gonzales—beginning of hostilities—Texians proceed to San Antonio, and encamp below the town—capture of Goliad—battle of Conception—Texians make a successful assault upon the town of San Antonio—surrender of Cos—official bulletin and articles of capitulation—affair of Lepantictlan—campaign closes.

THE intelligence brought by Austin from Mexico, far from relieving the apprehensions of the people of Texas, served only to create additional alarm, and confirm their worst fears of the designs of the Mexican chief. The few who were before incredulous, and who had refused to aid in preparations for the defence of the country, were now found among the foremost.

Austin entered warily into these measures, advised to hasten the call of a general consultation, to organize a provisional government; and devoted, promptly and without reserve, all his private resources to the service of his country.

Meetings for the choice of delegates were immediately called by the committees of safety; and the 15th of October was appointed for the general consultation to assemble.

The arrival of General Cos at Goliad, with four hundred additional troops, and a demand of the citizens to surrender into his hands all depots of arms, at once seemed to give a new impulse to the people, and a new direction to affairs: it "sounded the tocsin," and "lit the beacon fires." It was everywhere received as a signal call to use the arms whose surrender had been demanded.

In this highly excited state of public feeling, which as yet had exhibited itself only in a "burnishing of arms," and which might, perhaps, have subsided for the time being, if nothing had occurred to direct it to a definite point, came an appeal from the people of Gonzales, for aid against a threatened attack, for refusing to surrender a piece of ordnance, which had been demanded by order of the Mexican commandant at San Antonio; thus proving that the demand for the surrender of arms was not a vain ceremony, but was to be enforced, or at least followed up by an effort to take them. This appeal, if it had not found the torch already

in a blaze, would of itself have been sufficient to kindle the flame, in the feverish state in which it would have found the public feeling, at any time during the previous summer.

They needed no general now, to point to the object of the contest, nor the place of rendezvous. Gonzales was to be the "Lexington of Texas." This town is on the extreme western limit of the American settlements in Texas. It had just sprung into existence, and contained at the time some twenty or thirty log houses. The nearest American settlements were on the Colorado, distant about sixty miles. Gonzales was also a northern frontier, and the gun in controversy had been procured for its defence against the Indians. Below this, on the same river, (Guadaloupe,) was the Mexican town of Victoria, and some few scattering settlements, principally, if not exclusively, Mexican. In a north westerly direction, distant about eighty miles, is the old Spanish garrisoned town of San Antonio, or Bexar, whence the order came for the ordnance, and whence the force must come to take it.

"As was expected, when the cannon was refused, a detachment was ordered from the Mexican garrison to come and take it, and punish the citizens of Gonzales for daring to refuse it. This detachment, consisting of 150 men, (cavalry,) reached the banks of the Guadaloupe, opposite Gonzales, on the evening of the 28th of September; and so promptly had the appeal of the citizens been responded to, that on the same evening, nearly one hundred Texians, mostly from the neighborhood of Mina, on the Colorado, had collected in town (in the language of one of the number,) ready for fight. The Mexicans finding a force ready to repel them, made no attempt to cross the river.

"Several conferences were held with the commandant of the detachment. He was told if he wanted the cannon, he must 'come and take it.' Both parties remained in their position until the evening of the second day, when the Texians resolved to cross the river, and compel them to fight, surrender, or run away. Accordingly, about one hundred crossed over, and advanced upon the enemy. At the first fire the Mexicans retreated at full speed."

The Texian force was swelled by daily arrivals, and in ten days amounted to five hundred men. Austin, who had been among the first to hasten to the spot, was chosen general by acclamation; and it was decided to march upon San Antonio, and if possible, to capture or drive out the present invaders, before others should be introduced into the country. Accordingly, on the 12th of October, they commenced their march westward, and on the sixth day afterward, encamped in the neighborhood of the town.

The capture of Goliad by a little band of heroes, headed by the immortal Milam, having preceded in time any active operations against San Antonio, and having contributed largely to the complete success of the campaign, we shall here insert an account of it, and then resume our narrative. Our account is from the correspondent of the New Orleans Bulletin. It has the vigor and freshness of a first impression, and the brief episode upon Milam will be read with deep interest.

"While all eyes were directed with intense anxiety towards the military operations near Gonzales—supposing that to be the only point from whence we might expect important news—we were astonished by receiving information of the capture of the fort and town of Goliad, (La Bahia,) by a party of colonists. These were volunteers from the transcendently fertile banks of the Caney and from the town of Matagorda, a place destined to become an important city.

"Before this party entered the field, most of the volunteers were at Gonzales; and fearing that the harvest of honors would be reaped before they could arrive there, they struck off from La Baca with the daring determination of taking Goliad by surprise.

"Goliad is situated on the southwest side of the San Antonio river, thirty leagues below Bexar, and it is fifteen leagues from Copano, the landing place of Aransas bay, and about the same distance from the La Baca end of Matagorda bay. The fort is built upon the point of a very steep and high hill, formed of rock, with a deep ravine upon one side, and a low prairie upon the opposite, while a broad elevated prairie extends towards the southwest.

"The walls of the fort are of stone and lime, and bear in places the marks of the storms of a hundred winters, but are still proof against any thing less than the batterings of heavy artillery.

"A long forced march brought the van-guard of the colonists to the San Antonio river fording below the town, at 11 o'clock on the night of the 9th instant. Here they halted for the main body and to make arrangements for the attack. A very small party were sent into the town, and they brought out, with the utmost secrecy, a worthy citizen friendly to the constitution of 1824; and by his assistance guides were procured, perfectly acquainted with the place.

"The main body of the colonists missed their road in the night, and before they found out their mistake, were at the upper ford, immediately opposite the town. They then struck across, for a short cut, to the position occupied by the van-guard. Their route led through a *muskeet* thicket. The *muskeet* is a tree of

the locust family, full of thorns, and at a little distance resembles the common peach tree in size and appearance. While the party were threading their way through this thicket, the horse of one of them started in affright at an object beneath a bush. The rider checked his horse and said 'Who's there?' A voice answered in Spanish. One of the party supposed that he recognised in the voice an old acquaintance of La Bahia, and asked if it was not such a one, mentioning the name. 'No,' was the reply, 'my name is *Milam*.'

"Col. Milam is a native of Kentucky. At the commencement of the Mexican war of independence he engaged in the cause, and assisted in establishing the independence of the country. When Iturbide assumed the purple, Milam's republican principles placed him in fetters—dragged him into the city of Mexico, and confined him in prison until the usurper was dethroned. When Santa Anna assumed the dictatorship, the republican Milam was again thrust into the prison at Monte Rey; but his past services and sufferings wrought upon the sympathies of his hard-hearted jailers. They allowed him the luxury of the bath. He profited by the indulgence, and made arrangements with an old compatriot to place a fleet horse, suitably equipped, upon the bank of the stream at a time appointed. The colonel passed the sentinel as he was wont to go into the water—walked quietly on—mounted the horse and fled.

"Four hundred miles would place him in safety. The noble horse did his duty, and bore the colonel clear of all pursuit to the place where our party surprised him. At first he supposed himself in the power of his enemy; but the *English language* soon convinced him that he was in the midst of his countrymen.

"He had never heard that Texas was making an effort to save herself. No whisper of the kind had been allowed to pass to his prison. When he learned the object of the party, his heart was full. He could not speak—for joy.

"When the company arrived at the lower ford, they divided themselves into four parties of *twelve* men each. One party remained as a guard with the horses. The other three, each with a guide, marched by different routes to the assault.

"Their axes hewed down the door where the colonel commanding the place slept, and he was taken a prisoner from his bed. A sentinel hailed, and fired. A rifle-ball laid him dead upon the spot. The discharge of fire-arms and the noise of human voices now became commingled. The Mexican soldiers fired from their quarters, and the blaze of their guns served as targets for the colonist riflemen.

"The garrison were called upon to *surrender*, and the call was

translated by a gentleman present who spoke the language. They asked for terms.

"The interpreter now became the chief speaker. 'No,' answered he. 'They say they will massacre every one of you, unless you come out immediately and surrender. Come out—come out quick. I cannot keep them back—come out if you wish to save your lives—I can keep them back no longer.' 'O do for God's sake keep them back!' answered the Mexicans in their own language: 'we will come out and surrender immediately'—and they rushed out with all possible speed and laid down their arms.

"And thus was the fort of Goliad taken—a fort which, with a garrison of three hundred and fifty patriots in the war of 1812–13, withstood a siege of an army of more than two thousand Spanish troops, and forced them to retire, discomfited.

"At the capture of the fort, three Mexican soldiers were killed and seven wounded, and one colonel, one captain, one lieutenant, with twenty-one petty officers and privates were made prisoners. Others of the garrison escaped in the dark and fled.

"In the fort were found two pieces of brass cannon, 500 muskets and carbines, 600 spears, with ammunition and provisions.

"One of the colonists was wounded in the shoulder.

"Col. Milam assisted in the capture of the fort, and then he spoke: '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.'

"The colonists were commanded by George M. Collinsworth—but it would be difficult to find in the company a man not qualified for the command."

A great part of the provisions, arms, and munitions captured at Goliad, was destined for the use of the garrison at San Antonio. It now found its way there, but for a very different use.

The Texian force which had advanced from Gonzales had taken a temporary position on the river, about eight miles below the town. Here they endeavored to obtain intelligence of the strength and means of the garrison. This was not difficult, as there were many Mexicans friendly to the Texian cause, in and about the town.

Finding by the best estimates he could obtain, that the Mexican force must exceed a thousand men, well supplied with arms, and all the munitions of war, that the streets of the town had been strongly barricaded and defended with cannon, Austin, whose force was less than half that of his enemy, and as yet without a

single piece of ordnance, relinquished the intention of an immediate attack upon the town, and decided to wait the arrival of reinforcements, which were daily coming in, and a few pieces of ordnance which were hoped for rather than expected.

In the meantime, he made an effort to draw the Mexican general, Cos, into a correspondence in relation to the affairs of the country. This was closed at once by the reply of General Cos, that he could treat with them only as rebels, and then only upon the terms of their submission. Slight skirmishes happened almost every day after the arrival of the Texian force in the neighborhood, which uniformly terminated to their advantage, and without loss on their part, while, on the side of the Mexicans, several men had been killed and many more wounded and made prisoners.

On the 27th of October, it was decided to occupy a position nearer the town, to watch the movements of the enemy, and if possible to provoke them to a contest without the walls. Accordingly, a detachment of ninety men, under the command of Colonels Fannin and Bowie, was ordered to proceed in that direction, and to select suitable ground for an encampment. In the evening of that day, this detachment arrived at Mission Conception, distant about one mile, and in plain view of the town; here they rested on their arms for the night. In the meantime, their approach had been watched by the Mexicans, and their exact number and position had been communicated to Cos the same night. On the morning of the 28th, they found themselves nearly surrounded by the enemy, who were still at some distance, advancing to close them in. Sentinels had been posted, and suitable precaution taken, to avoid surprise, but a thick fog had thus far concealed the movements and approach of the enemy. Though the Texians were so nearly surprised, they were not intimidated. The Mexican force, numbering little short of 500 men, was now from the clearing up of the fog, brought into full view. Undismayed by the immense odds against them, the Texians decided instantly for battle; and after despatching a courier to their main body, they fell back a few yards, to the bank of the river, where was a slight bluff, which might afford them a breastwork, and there awaited the approach of the enemy.

On the other side, the Mexicans, encouraged by their great numerical superiority, advanced briskly to the charge; they were permitted to approach unopposed within about forty yards, when they were saluted at once with the deadly aim of nearly a hundred rifles. They faltered and retreated, leaving their cannon, (two pieces,) which they had brought up in their advance, but soon rallied and returned to their cannon, which they bore off to the distance of about a hundred yards, where they again halted

and prepared to return the fire of the Texians, and pick them off as they appeared above the bluff, but finding this position also too warm for them, they again fell back beyond the reach of the rifles.

Another expedient was now attempted, to dislodge the Texians from their position. While they affected to keep up a fire from the line, they despatched their ordnance and a few artilleryists to take a position on the river, a short distance above, that would enable them to rake the Texian line beneath the bank.

The Texians had been apprehensive of this movement, which if executed, must drive them from their present position, upon the bayonets of a line of infantry, supported by nearly three hundred cavalry, waiting to cut them to pieces; and seeing it now about to be executed, a doubt of the issue came over them for a moment, but to defeat the movement was the resolve of the next moment. A small detachment moved rapidly, covered by the bank of the river, to the exposed point, and before the first gun was discharged at their companions, the gunners were cut down or put to flight, and the guns spiked. In the act of spiking these guns, fell the only Texian killed in the conflict. The main body of the Texians coming in view soon after, the Mexicans made a hasty retreat, leaving their cannon, ammunition-carts, many muskets, and twenty-seven men dead upon the field, carrying with them most of their wounded, the number of which has not been ascertained; the whole Texian loss was the one brave man who fell in spiking the cannon. The spot will be for ever consecrated as a monument to his memory, which shall endure until the crystal stream which flows by the spot, and the fountains that feed it, shall be dried up. Thus terminated the battle of Conception, the Texian Bunker's Hill, in which the successful combatants won a wreath of victory as well as a halo of glory.

The Texians, now confident of success in the field, and desiring nothing more ardently than to meet the enemy without the walls, however great the disparity of numbers, determined to divide their force, and occupy two positions, to enable them to watch his movements more closely, and cut off every party that should appear without the town.

To assault the town, with their present force and means of annoyance, was still deemed imprudent by General Austin. Barriaded at the entrance, and affording strong positions within, by its stone houses, where the assailed might shelter themselves from the assailants, while the latter, in the uncovered streets, would be exposed to their fire, these were obstacles sufficiently formidable; but to these must be added the guns of the Alamo, a strong fort which commanded the town, and might open its batteries upon any part of it where an enemy had obtained a lodge-

ment. Altogether they might have deterred a less prudent man than General Austin from attempting an assault; yet in anticipation they had already crumbled and fallen before the daring prowess of many of the heroes who composed his little army.

The Mexicans were cautious in venturing without the walls after the battle of Conception, and the next conflict in the field, called the "grass fight," having with an equal disparity of numbers, resulted equally fatal to them, seemed to extinguish the last of their rural attachments, and shut them up effectually in town.

The Texians soon crossed the river and concentrated in a position within a few hundred yards of the town; a cannonade was opened upon them from the Alamo, but with little effect. The shot only served to furnish the Texians, who now had cannon, but no shot; and the balls were many of them actually collected and thrown back upon the town.

Towards the close of November, General Austin having been appointed by the general consultation of Texas, then in session, a foreign commissioner, left the army to enter upon the duties of his new post. New counsels now prevailed, and the spirit of daring, which had been restrained and controlled by a high respect for the character and unaffected regard for the person of the general, now found room to display itself under the guidance of a new leader. The prudent counsels of Austin, which elsewhere might have claimed their respect, were deemed out of place in a field where success has oftener crowned the efforts of the "rashly brave," than of the "over prudent." Let it not be understood that the distinguished individual, now no more, who had planted the colony, and who watched over its every interest, with more than parental care, until his latest breath, was ever accused or even suspected of cowardice, by those who knew him; far from it. No considerations of personal danger ever for one moment swerved him from what he deemed to be the path of duty. The error with which he was charged in "the field," could scarcely have been deemed an error in a common contest. It was insisted that as they had embarked in this contest in spite of the odds against them, they must not hesitate to encounter the odds, and that upon such terms only could they hope for success.

Col. Milam had now arrived from Goliad, and to him all eyes were turned to lead them to an assault of the town. The whole Texian force in the neighborhood of San Antonio at this time, was short of seven hundred men. Col. Edward Burleson, a plain unpretending farmer, from the frontier settlements on the Colorado, whose whole stock of military experience had been acquired in the present campaign, had been chosen to succeed Austin, as general and commander-in-chief of the volunteer army.

Col. Milam, with the sanction of the general, made a selection of 300 men, with whom to commence the assault. The residue were to remain as a reserve, to be ready to reinforce or relieve, and to cooperate as circumstances should require. The attack commenced on the morning of December 5th, and continued without interruption until that of the 9th. On the part of the assailants, almost the whole time was a scene of hard fighting, intermitted only by severe and incessant labor. The houses being of stone, served as so many citadels, each of which must be stormed in succession, and an enemy outnumbering the assailants more than three to one, were thus driven from one to another of these strong posts, until forced from the last and compelled to seek shelter in the Alamo.

It was not a scene in which a single daring effort or a few brilliant achievements might decide the fate of a battle, but one of severe labor, night and day, for almost a week, amidst the roar of artillery and the rattle of musketry. Men capable of continuing the most vigorous efforts, during four days, in the face of manifest and imminent danger, under circumstances where it is in their power to retreat to a place of safety, may well be pronounced heroes. Almost every day, opposing parties were brought into close contact, often within the walls of the same house, separated only by thin partitions; such of the assailants as spoke the Spanish language, were often holding a parley with the Mexicans, while their companions were collecting materials to renew the assault. In these conversations, the Mexicans were sometimes unmercifully rallied for their tame submission to the will of a tyrant, and not unfrequently the weapons of war and wit were handled by the same parties at the same time. For a further account of the action, we subjoin Col. F. W. Johnson's official bulletin, and the articles of capitulation, together with General Burleson's letter addressed to the Provisional Governor of Texas.

{ "Head Quarters, Volunteer Army,
Bejar, December 14, 1835.

"To his Excellency, the Provisional Governor of Texas.

"SIR—I have the satisfaction to enclose a copy of Col. Johnson's account of the storming and surrender of San Antonio de Bejar, to which I have little to add that can in any way increase the lustre of this brilliant achievement, to the federal arms of the volunteer army under my command; and which will, I trust, prove the downfall of the last position of military despotism in our soil of freedom.

"At three o'clock in the morning of the 5th instant, Col. Neil, with a piece of artillery, protected by Capt. Roberts and his company, was sent across the river, to attack, at 5 o'clock, the Alamo, on the north side, and draw the attention of the enemy from the advance of the divisions which had to attack the suburbs of the town, under Colonels Milam and Johnson. This service was effected to my entire satisfaction; and the party returned to camp at nine o'clock A. M.

"On the advance of the attacking divisions, I formed all the reserve, with the exception of the guard necessary to protect the camp, at the old mill position; and held myself in readiness to advance, in case of necessity, to assist when required; and shortly afterward passed into the suburbs to reconnoitre, where I found all going on prosperously, and retired with the reserve to the camp. Several parties were sent out mounted, under Captains Cheshire, Coleman, and Roberts, to scour the country, and endeavor to intercept Ugartechea, who was expected, and ultimately forced an entry, with reinforcements for Gen. Cos. Captains Cheshire, Sutherland, and Lewis, with their companies, were sent in as reinforcements to Col. Johnson, during the period of attack; and Captains Splane, Ruth, and Lieutenant Borden, with their companies, together with Lieutenant-Colonels Somerville and Sublett, were kept in readiness as further assistance if required. On the evening of the 8th, a party from the Alamo, of about fifty men, passed up in front of our camp and opened a brisk fire, but without effect; they were soon obliged to retire precipitately, by opening a six pounder on them, commanded by Capt. Hunnings, by sending a party across the river, and by the advance of Capt. Bradley's company, who were stationed above.

"On the morning of the 9th, in consequence of advice from Col. Johnson, of a flag of truce having been sent in, to intimate a desire to capitulate; I proceeded to town, and by two o'clock, A. M., of the 10th, a treaty was finally concluded by the commissioners appointed, to which I acceded immediately, deeming the terms highly favorable, considering the strong position and large force of the enemy, which could not be less than thirteen hundred effective men; one thousand one hundred and five having left this morning, with Gen. Cos, besides three companies and several small parties which separated from him in consequence of the fourth article of the treaty.

"In addition to a copy of the treaty, I enclose a list of all the valuable property ceded to us by virtue of the capitulation.

"Gen. Cos left this morning for the mission of San José, and to-morrow commences his march to the Rio Grande, after complying with all that had been stipulated.

"I cannot conclude this despatch without expressing in the warmest terms, my entire approbation of every officer and soldier in the army, which I have the honor to command, and particularly those who so gallantly volunteered to storm the town, and to say that their bravery and zeal on the present occasion, merit the warmest eulogies which I can confer, and the gratitude of their country. The gallant leader of the storming party, Col. Benjamin R. Milam, fell gloriously on the third day, and his memory will be dear to Texas as long as there exists a grateful heart to feel, or a friend of liberty to lament his worth. His place was most ably filled by Col. F. W. Johnson, adjutant-general of the army, whose coolness and prudence, united to daring bravery, could alone have brought matters to so successful an end, with so very small a loss, against so superior a force, and such strong fortifications. To his shining merits on this occasion, I bore ocular testimony during the five days action.

"I have also to contribute my praise to Maj. Bennet, quartermaster general, for the diligence and success with which he supplied both armies during the siege and storm.

"These despatches, with a list of killed and wounded, will be handed to your excellency by my first aid-de-camp, Col. William T. Austin, who was present as a volunteer during the five days storm, and whose conduct on this and every other occasion, merits my warmest praise.

"To-morrow, I leave the garrison and town under the command of Col. Johnson, with a sufficient number of men and officers to sustain the same in case of attack, until assisted from the colonies: so that your excellency may consider our conquest as sufficiently secured against every attempt of the enemy. The rest of the army will retire to their homes.

"I have the honor to be

Your excellency's ob't serv't,

EDWARD BURLESON,

Commander-in-chief of the volunteer army."

"Gen. Burleson, commander-in-chief of the volunteer army of Texas,

SIR,—I have the honor to acquaint you, that on the morning of the 5th inst, the volunteers for storming the city of Bejar, possessed by the troops of Gen. Cos, entered the suburbs in two divisions, under the command of Col. Benjamin R. Milam. The first division, under his immediate command, aided by Maj. R. C. Morris, and the second, under my command, aided by Colonels Grant and Austin, and Adjutant Brister.

"The first division, consisting of the companies of Captains York, Patten, Lewellyn, Crane, English, and Landrum, with two

pieces, and fifteen artillerymen commanded by Lieutenant Colonel Franks, took possession of the house of Don Antonio de la Garza. The second division, composed of the companies of Captains Cook, Swisher, Edwards, Alley, Duncan, Peacock, Breece, and Placido Benavides, took possession of the house of Berrimendi. The last division was exposed for a short time to a very heavy fire of grape and musketry from the whole of the enemy's line of fortification, until the guns of the first division opened their fire, when the enemy's attention was directed to both divisions. At 7 o'clock, a heavy cannonading from the town was seconded by a well directed fire from the Alamo, which for a time prevented the possibility of covering our lines, or effecting a safe communication between the two divisions. In consequence of the twelve pounder having been dismantled, and the want of proper cover for the other gun, little execution was done by our artillery, during the day. We were, therefore, reduced to a close and well-directed fire from our rifles, which, notwithstanding the advantageous position of the enemy, obliged them to slacken their fire, and several times to abandon their artillery, within the range of our shot. Our loss during this day was one private killed, one colonel and one first lieutenant severely wounded; one colonel slightly, three privates dangerously, six severely, and three slightly. During the whole of the night, the two divisions were occupied in strengthening their positions, opening trenches, and effecting a safe communication, although exposed to a heavy crossfire from the enemy, which slackened toward morning. I may remark that the want of proper tools rendered this undertaking doubly arduous. At daylight of the 6th, the enemy were observed to have occupied the tops of the houses in our front, where, under the cover of breastworks, they opened through loop-holes a very brisk fire of small arms on our whole line, followed by a steady cannonading from the town, in front, and the Alamo on our left flank; with few interruptions during the day. A detachment of Capt. Crane's company, under Lieutenant W. McDonald, followed by others, gallantly possessed themselves, under a severe fire, of the house to the right, and in advance of the first division, which considerably extended our line; while the rest of the army was occupied in returning the enemy's fire and strengthening our trenches which enabled our artillery to do some execution, and complete a safe communication from right to left.

"Our loss this day amounted to three privates severely wounded, and two slightly. During the night the fire from the enemy was inconsiderable, and our people were occupied in making and filling sand-bags, and otherwise strengthening our lines. At daylight on the 7th, it was discovered that the enemy had, during

the night previous, opened a trench on the Alamo side of the river, and on the left flank, as well as strengthening their battery on the cross street leading to the Alamo. From the first they opened a brisk fire of small arms; from the last a heavy cannonade, as well as small arms, which was kept up until eleven o'clock, when they were silenced by our superior fire. About twelve o'clock, Henry Carns, of Captain York's company, exposed to a heavy fire from the enemy, gallantly advanced to a house in front of the first division, and with a crowbar forced an entrance, into which the whole of the company immediately followed him, and made a secure lodgment. In the evening, the enemy renewed a heavy fire from all the positions which could bear upon us; and at half-past three o'clock, as our gallant commander, Col. Milam, was passing into the yard of my position, he received a rifle shot in the head, which caused his instant death; an irreparable loss at so critical a moment. Our casualties, otherwise, during this day, were only two privates slightly wounded.

"At a meeting of officers held at seven o'clock, I was invested with the chief command; and Maj. Morris, as my second. At ten o'clock, P. M., Captains Llewellyn, English, Crane, and Landrum, with their respective companies, forced their way into, and took possession of the house of Don J. Antonio Navarro, an advanced and important position close to the square. The fire of the enemy interrupted and slack during the whole night, and the weather exceedingly cold and wet.

"The morning of the 8th continued cold and wet, and but little firing on either side. At nine o'clock the same companies who took possession of Don J. Antonio Navarro's house, aided by a detachment of the grays, advanced and occupied the Zambrano row, leading to the square, without any accident. The brave conduct, on this occasion, of William Graham, of Cook's company of grays, merits mention. A heavy fire of artillery and small arms was opened on this position by the enemy, who disputed every inch of ground; and, after suffering a severe loss in officers and men, were obliged to retire from room to room, until at last they evacuated the whole house. During this time our men were reinforced by a detachment from York's company, under command of Lieut. Gill.

"The cannonading from the camp was exceedingly heavy from all quarters during the day, but did no essential damage.

"Our loss consisted of one captain seriously wounded, and two privates severely. At seven o'clock, P. M., the party in Zambrano's row were reinforced by Captains Swisher, Alley, Edwards, and Duncan, and their respective companies.

"This evening we had undoubted information of the arrival of a strong reinforcement to the enemy, under Col. Ugartechea.

At half-past ten o'clock, P. M., Captains Cook and Patton, with the company of New Orleans Grays, and a company of Brazoria volunteers, forced their way into a priest's house in the square, although exposed to a fire of a battery of three guns, and a large body of musketeers.

"Before this, however, the division was reinforced from the reserve, by Captains Cheshire, Lewis and Sutherland, with their companies.

"Immediately after we got possession of the priest's house, the enemy opened a furious cannonade from all their batteries, accompanied by incessant volleys of small arms against every house in our possession, and every part of our lines, which continued unceasingly until half-past six o'clock, A. M., of the 9th, when they sent a flag of truce, with an intimation that they desired to capitulate. Commissioners were immediately named by both parties; and herewith I accompany you a copy of the terms agreed upon.

"Our loss, in this night attack, consisted of one man only, (Belden, of the Grays,) dangerously wounded, while in the act of spiking a cannon.

"The attempt to give you a faint idea of the intrepid conduct of the gallant citizens who formed the divisions under my command, during the whole period of the attack, would be a task of no common nature, and far above the power of my pen. All behaved with the bravery peculiar to freemen, and with a decision becoming the sacred cause of liberty.

"To signalize every individual act of gallantry, where no individual was found wanting to himself or to his country, would be a useless and endless effort. Every man has merited my warmest approbation, and deserves his country's gratitude.

"The memory of Col. B. R. Milam, the leader of this daring and successful attack, deserves to be cherished by every patriotic bosom in Texas.

"I feel indebted to the able assistance of Col. Grant, (severely wounded the first day,) Col. Austin, Majors Morris and Moore, Adjutant Bristow, Lieutenant Colonel Franks of the artillery, and every captain (names already given) who entered with either division, from the morning of the 5th, until the day of capitulation.

"Doctors Levy and Pollard also deserve my warmest praise, from their unremitting attention and assiduity.

"Dr. Clameron's conduct during the siege and treaty of capitulation, merits particular mention: the guides, Messrs. Erastus Smith, Norwich, Arnold, and John W. Smith, performed important service. And I cannot conclude, without expressing my thanks to the reserve under your command, for such assistance as could be afforded me during our most critical movements.

"The period put to our present war, by the fall of San Antonio de Bejar, will, I trust, be attended with all the happy results to Texas which her warmest friends could desire.

"I have the honor to subscribe myself,

Your most obedient servant,

(Signed)

F. W. JOHNSTON,
Colonel commanding.

"A true copy of the original.

W. M. T. AUSTIN, *Aid-de-camp.*

"*Capitulation, entered into by Gen. Martin Perfecto de Cos, of the permanent troops, and Gen. Edward Burleson, of the colonial troops of Texas.*

"Being desirous of preventing the further effusion of blood, and the ravages of civil war, have agreed on the following stipulations:—

1st. That Gen. Cos and his officers retire, with their arms and private property, into the interior of the republic, under parole of honor; that they will not, in any way, oppose the re-establishment of the federal constitution of 1824.

"2d. That the one hundred infantry lately arrived with the convicts, the remnant of the battalion of Morelos, and the cavalry, retire with the general; taking their arms and ten rounds of cartridges for their muskets.

"3d. That the general take the convicts brought in by Col. Ugartechea beyond the Rio Grande.

"4th. That it is discretionary with the troops to follow their general, remain, or go to such point as they may deem proper: but in case they should all or any of them separate, they are to have their arms, &c.

"5th. That all the public property, money, arms and munitions of war, be inventoried and delivered to Gen. Burleson.

"6th. That all private property be restored to its proper owners.

"7th. That three officers of each army be appointed to make out the inventory, and see that the terms of the capitulation be carried into effect.

"8th. That three officers, on the part of Gen. Cos, remain for the purpose of delivering over said property, stores, &c.

"9th. That Gen. Cos, with his force, for the present occupy the Alamo; and Gen. Burleson, with his force, occupy the town of Bejar; and that the soldiers of neither party pass to the other, armed.

"10th. Gen. Cos shall, within six days of the date hereof, remove his force from the garrison he now occupies.

"11th. In addition to the arms before mentioned, Gen. Cos shall be permitted to take with his force a four-pounder, and ten rounds of powder and ball.

"12th. The officers appointed to make the inventory and delivery of the stores, &c., shall enter upon the duties to which they have been appointed, forthwith.

"13th. The citizens shall be protected in their persons and property.

"14th. Gen. Burleson will furnish Gen. Cos, with such provisions as can be obtained, necessary for his troops to the Rio Grande, at the ordinary price of the country.

"15th. The sick and wounded of Gen. Cos's army, together with a surgeon and attendants, are permitted to remain.

"16th. No person, either citizen or soldier, to be molested on account of his political opinions hitherto expressed.

"17th. That duplicates of this capitulation be made out in Castilian and English, and signed by the commissioners appointed, and ratified by the commanders of both armies.

"18th. The prisoners of both armies, up to this day, shall be put at liberty.

"The commissioners, José Juan Sanchez, adjutant inspector, Don Ramon Musquez, and Lieutenant Francisco Rada, and interpreter Don Miguel Arciniega, appointed by the commandant and inspector, Gen. Martin Perfecto de Cos; in connection with Col. F. W. Johnston, Maj. R. C. Morris, and Capt. J. G. Swisher, and interpreter John Cameron, appointed on the part of Gen. Edward Burleson; after a long and serious discussion, adopted the eighteen preceding articles, reserving their ratification by the generals of both armies.

"In virtue of which, we signed this instrument in the city of Bejar, on the 11th of December, 1835.

(Signed)

JOSE JUAN SANCHEZ,
RAMON MUSQUEZ,
J. FRANCISCO DE RADA,
MIGUEL ARCINIEGA, *Interpreter.*

F. W. JOHNSTON,
ROBERT C. MORRIS,
JAMES G. SWISHER,
JOHN CAMERON, *Interpreter.*

"I consent to, and will observe the above articles.

(Signed)

MARTIN PERFECTO DE COS.

"Ratified and approved.

(Signed)

EDWARD BURLESON,
Commander-in-chief of the Volunteer Army.

"A true copy.

EDWARD BURLESON, *Commander-in-chief.*

} "Council Hall, San Felipe de Austin,
December 18, 1835.

"On motion of Mr. Barrett,

"Resolved, That the General Council feel that no better or more suitable report can be made to the people of Texas, and to the world, of the brilliant storming and taking of Bejar, than that contained in the returns of the brave officers who have communicated their achievements to the provisional government; and that the same be given to the printer for publication; and that five hundred copies, in hand-bill form, be printed as soon as possible.

JAMES W. ROBINSON,

Lieutenant Governor and Ex-officio President of the Gen. Council.

JOHN J. LINN,
DANIEL PARKER,
D. C. BARRETT,
ALEXANDER THOMPSON,
JOHN McMULLEN,
C. WEST,
J. D. CLEMENTS,
ASA MITCHELL,

WYATT HANKS,
W. P. HARRIS,
R. R. ROYALL,
JAMES KERR,
WILLIAM MENIFEE,
JAMES POWERS,
HENRY MILLARD,

E. M. PEASE, *Secretary to General Council.*"

In the early part of November, the Mexican fort at Lepantí-clan, on the west bank of the Nueces, had been stormed and taken by fifty Texians, commanded by Capt. Westover. After dismissing the garrison on the usual parole, the Texians dismantled the fort, and were recrossing the river to return to Goliad, whence they had proceeded on the expedition, when they found themselves suddenly attacked by a company of seventy Mexicans. A smart action ensued, which continued about thirty minutes; when the Mexicans retreated, with the loss of twenty-eight men killed and wounded. On the side of the Texians, one man was slightly wounded. Thus, the surrender of San Antonio left the Mexican chief without a single post in Texas; and, consequently, terminated the campaign of 1835.

CHAPTER VIII.

Civil affairs resumed—delegates convene in general consultation, and organize a provisional government—Message of Gov. Smith—measures of General Council—a convention recommended—delegates are chosen, and convene—independence declared—declaration of independence—constitution of Texas.

WE shall not enter here upon a review of the events of this campaign, in which there was nothing to wound the pride or dampen the joy of the Texians, saving the loss of a few brave men, who had fallen in the arms of victory; but first resume our notice of the civil affairs of the country, which we had brought down only to the choice of delegates.

The 15th of October had been named as the day on which the congress, or consultation, was to convene at Washington. When the day arrived, the war had commenced, and most of the members were in the field: a few, however, convened, who immediately adjourned, to meet at San Felipé on the first of November; at which time, a sufficient number assembled to form a quorum. The consultation was immediately organized by the choice of the necessary officers, and entered at once upon business.

The condition of the country had changed since their election. The war, then threatened, but with the possibility of being averted, had now become a horrid reality. Most of the citizens had exchanged their peaceful homes for the tented field, and the "strife of arms" had already begun.

The first measure adopted may serve to exhibit to the world the true character of the contest. They made a solemn declaration* in favor of the constitution of 1824, which was still the lawful government of the country, although elsewhere prostrated by a military usurper, and appealed to the "liberals" of the nation to support them.

They then organized a provisional government, consisting of a governor, lieutenant governor and general council, composed of one member from each district which had sent delegates. This government was to continue in force till the following March, when it would be ascertained whether the nation had responded to their declaration.

* For this declaration, see Austin's address, page 276 of this work.

The provisional government went into operation on the 14th of November. Measures were immediately adopted for raising a regular army for the defence of the country, and for providing resources for its support. In pursuance of this object, Samuel Houston was appointed commander-in-chief of the army to be raised, and Branch T. Archer, who had been president of the consultation, Stephen F. Austin, and William H. Wharton, commissioners to visit the United States, for the purpose of negotiating a loan upon the credit of the new government, and purchasing supplies and munitions for the use of the army.

In further organization of the provisional government, Henry Smith was chosen governor, and J. W. Robinson lieutenant governor. On the 15th of November, a message from the governor was read before the General Council, in which he called their attention to such measures as seemed to demand their immediate attention; the most prominent of which were the organizing a militia, and providing for calling them into service, and establishing a tariff of duties upon imports. The message concluded with urging upon the council the necessity of acting with "energy, boldness and promptitude, as the welfare of thousands depended upon their actions. The country, it said, possessed numerous resources, if properly developed; and it was their business to bring them fairly forth, to quicken and enliven the body politic, and make Texas, the Eden of America—what the God of nature designed her to be—a land of liberty and laws, of agriculture and commerce, the pride and support of their lives, and a legacy, of price unspeakable, to posterity."

The General Council followed up the suggestions of the governor, by carrying out, to the extent of their authority, most of the measures recommended. They remained in session, assiduously engaged in various plans to provide for the defence of the country, and for the civil administration, when the arms of Texas were crowned with complete success by the capitulation of the Mexican garrison of San Antonio. The happy results of the campaign, so fortunate for the country, and so glorious to her arms, which were unstained by a single defeat, gave also new dignity and importance to the provisional government, whose authority was now unquestioned—at least, in the country where it was exercised.

It must expire, however, by its own limitation, in March, 1836. It had been made provisional, and temporary, to await the action and co-operation of the people in other states of the republic, in restoring the constitution of the country. Nothing as yet indicated any such movement: on the contrary, every vestige of authority had been swept from the states, and the federal constitutions, whose provisions had long been superseded by military power,

had now been formally abolished by a decree of a Congress which was the mere creature of the instrument it assumed a right to destroy.

Under these circumstances, and in obedience to indications of public sentiment, the General Council of Texas, on the 17th day of December, adopted a resolution, inviting the people to elect delegates, clothed with full powers to declare the independence of the country, and adopt a permanent form of government. A day was also named for the choice of delegates, and another for the meeting of the convention.

This resolve met the entire approbation of the people. Indeed, it had been loudly called for, and the public mind was therefore fully prepared for it. Candidates for seats in the convention immediately opened the canvass, and made public their sentiments, not only upon the question of independence, but also upon various distinct propositions in regard to the most important provisions of the proposed constitution.

The prescribed number of delegates having been elected in due form from each of the municipalities, assembled according to appointment at Washington, on the first day of March, 1836; and, on the second day, unanimously agreed upon a declaration of independence; and on the seventeenth of the same month, upon a constitution for the republic of Texas. These important papers will appear at the close of this chapter.

The convention then provided for submitting the constitution to the sanction of the people; and, in the event of its adoption by them, for an election of officers under it. A day was also named, on which it was to go into operation.

It was deemed important by the convention, to collect the sentiments of the people upon the question of annexation of Texas to the United States. Accordingly, they were invited to declare their sentiments upon this question at the time of passing upon the constitution.

The authority of the late provisional government having now expired, by its own limitation, a government *ad interim* was organized by the convention, of which David Burnet was chosen president; and thus closed their labors.

UNANIMOUS

DECLARATION OF INDEPENDENCE,

BY THE

DELEGATES OF THE PEOPLE OF TEXAS,

IN GENERAL CONVENTION, AT THE TOWN OF WASHINGTON, ON THE
SECOND 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 happiness it was instituted; and so far from being a guaranty for their inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression. When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted Federative Republic, composed of Sovereign States, to a consolidated Central Military despotism, in which every interest is disregarded but that of the army and the priesthood—both the eternal enemies of civil liberty, the ever-ready minions of power, and the usual instruments of tyrants. When, long after the spirit of the constitution has departed, moderation is at length so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the constitution discontinued; and so far from 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 abduction on the part of the government, anarchy prevails, and civil society is dissolved into its original elements; in such a crisis, the first law of nature—the right of self-preservation—the inherent and inalienable right of the people to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right 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 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 sev-

ering our political connexion with the Mexican people, and assuming an independent attitude among the nations of the earth.

"The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness, under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America.

"In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio Lopez Santa Anna, who, having overturned the constitution of his country, now offers, as the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

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

"It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our constitution, and the establishment of a state government.

"It has failed and refused to secure, on a firm basis, the right of trial by jury—that palladium of civil liberty, and only safe guaranty for the life, liberty and property of the citizen.

"It has failed to establish any public system of education, although possessed of almost boundless resources, (the public 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 right of representation.

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

"It has made piratical attacks upon our commerce by commissioning foreign desperadoes, and authorizing them to seize our vessels and convey the property of our citizens to far-distant parts for confiscation.

"It denies us the right of 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 defence—the rightful property of freemen—and formidable only to tyrannical governments.

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

"It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenceless frontiers.

"It has been, during the whole time of our connexion 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, until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defence of the National Constitution. We appealed to our Mexican brethren for assistance; our appeal has been made in vain; though months have elapsed, no sympathetic response has yet been 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 connexion 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.

RICHARD ELLIS, *President.*

C. B. STEWART,	} <i>Austin.</i>	J. W. BUNTON,	} <i>Mina.</i>
THOMAS BARNETT,		T. J. GAZELEY,	
J. COLLINSWORTH,	} <i>Brazoria.</i>	R. M. COLEMAN,	} <i>Nacogdoches.</i>
EDWIN WALLER,		R. POTTER,	
ASA BRIGHAM,		T. J. RUSK,	
J. S. D. BYROM,		C. S. TAYLOR,	
FRANCISCO RUIS,	} <i>Bexar.</i>	J. S. ROBERTS,	} <i>Red River.</i>
ANTONIO NAVARO,		R. HAMILTON,	
JESSE B. BADGETT,	} <i>Colorado.</i>	C. MCKINNEE,	} <i>San Augustin.</i>
WM. D. LACY,		A. H. LATTIMER,	
WM. MENIFEE,	} <i>Sabine.</i>	M. PARMER,	} <i>Shelby.</i>
JAMES GAINES,		E. O. LEGRAND,	
W. CLARK, JR.	} <i>Gonzales.</i>	S. W. BLOUNT,	} <i>Refugio.</i>
JOHN FISHER,		S. O. PENNINGTON,	
M. CALDWELL,	} <i>Goliad.</i>	W. C. CRAWFORD,	} <i>San Patricio.</i>
WM. MOTLEY,		JAMES POWER,	
L. DE ZAVALA,	} <i>Harrisburgh.</i>	SAM. HOUSTON,	} <i>Washington.</i>
S. H. EVERITT,		DAVID THOMAS,	
GEO. W. SMITH,	} <i>Jasper.</i>	E. CONRAD,	} <i>Liberty.</i>
ELIJAH STAPP,		JOHN TURNER,	
C. WEST,	} <i>Jackson</i>	B. B. GOODRICH,	} <i>Matagorda.</i>
W. B. SCATES,		G. W. BARNETT,	
M. B. MENARD,	} <i>Jefferson.</i>	J. G. SWISHER,	} <i>Washington.</i>
A. B. HARDIN,		JESSE GRIMES.	
B. HARDIMAN,	} <i>Liberty.</i>		} <i>Washington.</i>

"CONSTITUTION OF THE REPUBLIC OF TEXAS.

"We, the people of Texas, in order to form a Government, establish justice, ensure domestic tranquillity, provide for the common defence and general welfare, and to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution:—

ARTICLE I.

"SECTION 1. The powers of this Government shall be divided into three departments, viz.: Legislative, Executive, and Judicial, which shall remain for ever separate and distinct.

"SEC. 2. The Legislative power shall be vested in a Senate and House of Representatives, to be styled 'The Congress of the Republic of Texas.'

"SEC. 3. The members of the House of Representatives shall be chosen annually, on the first Monday of September each year, and shall assemble on the first Monday in November, until Congress shall otherwise provide by law, and shall hold their offices one year from the date of their election.

"SEC. 4. No person shall be eligible to a seat in the House of Representatives until he shall have attained the age of twenty-five years, shall be a citizen of the Republic, and shall have resided in the county or district six months next preceding his election.

"SEC. 5. The House of Representatives shall not consist of less than twenty-four, nor more than forty members, until the population shall amount to one hundred thousand souls, after which time the whole number of Representatives shall not be less than forty nor more than one hundred: provided, however, that each county shall be entitled to at least one Representative.

"SEC. 6. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

"SEC. 7. The Senators shall be chosen by districts, as nearly equal in free population (free negroes and Indians excepted) as practicable, and the number of Senators shall never be less than one third, nor more than one half the number of Representatives, and each district shall be entitled to one member and no more.

"SEC. 8. The Senators shall be chosen for the term of three years, on the first Monday in September, shall be citizens of the Republic, reside in the district for which they are respectively chosen at least one year before the election, and shall have attained the age of thirty years.

"SEC. 9. At the first session of the Congress after the adoption of this Constitution, the Senators shall be divided by lot into three classes, as nearly equal as practicable; the seats of the Senators of the first class shall be vacated at the end of the first year, of the second class at the end of the second year, the third class at the end of the third year, in such a manner that one-third shall be chosen each year thereafter.

"SEC. 10. The Vice President of the Republic shall be President of the Senate, but shall not vote on any question, unless the Senate be equally divided.

"SEC. 11. The Senate shall choose all other officers of their body, and a President pro tempore, in the absence of the Vice President, or whenever he shall exercise the office of President; shall have the sole power to try impeachments, and when sitting as a court of impeachment, shall be under oath; but no conviction shall take place without the concurrence of two thirds of all the members present.

"SEC. 12. Judgment in cases of impeachment shall only extend to removal from office, and disqualification to hold any office of honor, trust, or profit under this Government; but the party shall nevertheless be liable to indictment, trial, judgment and punishment, according to law.

"SEC. 13. Each House shall be the judge of the elections, qualifications and returns of its own members. Two thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members.

"SEC. 14. Each House may determine the rules of its own proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, may expel a member, but not a second time for the same offence.

"SEC. 15. Senators and Representatives shall receive a compensation for their services, to be fixed by law, but no increase of compensation, or diminution, shall take effect during the session at which such increase or diminution shall have been made. They shall, except in case of treason, felony, or breach of the peace, be privileged from arrest during the session of Congress, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

"SEC. 16. Each House may punish, by imprisonment, during the session, any person not a member, who shall be guilty of any disrespect to the House, by any disorderly conduct in their presence.

"SEC. 17. Each House shall keep a journal of its proceedings, and publish the same, except such parts as, in its judgment, require secrecy. When any three members shall desire the yeas and nays on any question, they shall be entered on the journals.

"SEC. 18. Neither House, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which the two Houses may be sitting.

"SEC. 19. When vacancies happen in either House, the Executive shall issue writs of election to fill such vacancies.

"SEC. 20. No bill shall become a law until it shall have been read on three several days in each House, and passed by the same, unless, in cases of emergency, two thirds of the members of the House where the bill originated, shall deem it expedient to dispense with the rule.

"SEC. 21. After a bill shall have been rejected, no bill containing the same substance shall be passed into a law during the same session.

"SEC. 22. The style of the laws of the Republic shall be, 'Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled.'

"SEC. 23. No person holding an office of profit under the Government shall be eligible to a seat in either House of Congress, nor shall any member of either House be eligible to any office which may be created, or the profits of which shall be increased during his term of service.

"SEC. 24. No holder of public moneys, or collector thereof, shall be eligible to a seat in either House of Congress, until he shall have fully acquitted himself of all responsibility, and shall produce the proper officer's receipt thereof. Members of either House may protest against any act or resolution, and may have such protest entered on the journals of their respective Houses.

"SEC. 25. No money shall be drawn from the public treasury but in strict accordance with appropriations made by law; and no appropriations shall be made for private or local purposes, unless two thirds of each House concur in such appropriations.

"SEC. 26. Every act of Congress shall be approved and signed by the President before it becomes a law; but if the President will not approve and sign such act, he shall return it to the House in which it shall have originated, with his reasons for not approving the same, which shall be spread upon the journals of such House, and the bill shall then be reconsidered, and shall not become a law unless it shall then pass by a vote of two thirds of both Houses. If any act shall be disapproved by the President, the vote on the reconsideration shall be recorded by ayes and noes. If the President shall fail to return a bill within five days (Sundays excepted) after it shall have been presented for his approval and signature, the same shall become a law, unless the Congress prevent its return within the time above specified by adjournment.

"SEC. 27. All bills, acts, orders, or resolutions, to which the concurrence of both Houses may be necessary, (motions or resolutions for adjournment excepted,) shall be approved and signed by the President, or being disapproved, shall be passed by two thirds of both Houses, in manner and form as specified in section twenty.

ARTICLE II.

"SEC. 1. Congress shall have power to levy and collect taxes and imposts, excise and tannage duties, to borrow money on the faith, credit, and property of the Government, to pay the debts and to provide for the common defence and general welfare of the Republic.

"SEC. 2. To regulate commerce, to coin money, to regulate the value thereof and of foreign coin, to fix the standard of weights and measures, but nothing but gold and silver shall be made a lawful tender.

"SEC. 3. To establish post-offices and post-roads, to grant charters of incorporation, patents, and copy-rights and secure to the authors and inventors the exclusive use thereof for a limited time.

"SEC. 4. To declare war, grant letters of marque and reprisal, and to regulate captures.

"SEC. 5. To provide and maintain an army and navy, and to make all laws and regulations necessary for their government.

"SEC. 6. To call out the militia to execute the law to suppress insurrections and repel invasion.

"SEC. 7. To make all laws which shall be deemed necessary and proper to carry into effect the foregoing express grants of power, and all other powers vested in the Government of the Republic, or in any officer or department thereof.

ARTICLE III.

"SEC. 1. The Executive authority of this Government shall be vested in a chief magistrate, who shall be styled The President of the Republic of Texas.

"SEC. 2. The first President elected by the People shall hold his office for the term of two years, and shall be ineligible during the next succeeding term; and all subsequent Presidents shall be elected for three years, and be alike ineligible; and in the event of a tie, the House of Representatives shall determine between the two highest candidates by a viva voce vote.

"SEC. 3. The returns of the elections for President and Vice President shall be sealed up and transmitted to the Speaker of the House of Representatives, by the holders of elections of each county; and the Speaker of the House of Representatives shall open and publish the returns, in presence of a majority of each House of Congress.

ARTICLE IV.

"SEC. 1. The Judicial powers of the Government shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time ordain and establish. The judges of the supreme and inferior courts shall hold their offices for four years, be eligible to re-election, and shall, at stated periods, receive for their services a compensation not to be increased or diminished during the period for which they were elected.

"SEC. 2. The Republic of Texas shall be divided into convenient judicial districts, not less than three nor more than eight. There shall be appointed for each district, a judge, who shall reside in the same, and hold the courts at such times and places as Congress may by law direct.

"SEC. 3. In all admiralty and maritime cases, in all cases affecting ambassadors, public ministers or consuls, and in all capital cases, the district courts shall have exclusive original jurisdiction, and original jurisdiction in all civil cases when the matter in controversy amounts to one hundred dollars.

"SEC. 4. The judges, by virtue of their offices, shall be conservators of the peace, throughout the Republic. The style of all process shall be, The Republic of Texas; and all prosecutions shall be carried on in the name and by the authorities of the same, and conclude, Against the peace and dignity of the Republic.

"SEC. 5. There shall be a district attorney appointed for each district, whose duties, salary, perquisites, and term of service shall be fixed by law.

"SEC. 6. The clerks of the district courts shall be elected by the qualified voters for members of Congress in the counties where the courts are established, and shall hold their offices for four years, subject to removal by presentment of a grand jury, and conviction of a petit jury.

"SEC. 7. The Supreme Court shall consist of a chief justice and associate judges; the district judges shall compose the associate judges, a majority of whom, with the chief justice, shall constitute a quorum.

"SEC. 8. The Supreme Court shall have appellate jurisdiction only, which shall be conclusive, within the limits of the Republic; and shall hold its sessions annually at such times and places as may be fixed by law; provided that no judge shall sit in a case in the Supreme Court, tried by him in the court below.

"SEC. 9. The judges of the supreme and district courts shall be elected by joint ballot of both Houses of Congress.

"SEC. 10. There shall be in each county, a county court,

and such justices' courts as the Congress may, from time to time, establish.

"SEC. 11. The Republic shall be divided into convenient counties, but no new county shall be established, unless it be done on the petition of one hundred free male inhabitants of the territory sought to be laid off and established, and unless the said territory shall contain nine hundred square miles.

"SEC. 12. There shall be appointed, for each county, a convenient number of justices of the peace, one sheriff, one coroner, and a sufficient number of constables, who shall hold their offices for two years, to be elected by the qualified voters of the district or county, as Congress may direct. Justices of the peace and sheriffs shall be commissioned by the President.

"SEC. 13. The Congress shall, as early as practicable, introduce, by statute, the common law of England with such modifications as our circumstances, in their judgment, may require; and in all criminal cases the common law shall be the rule of decision.

ARTICLE V.

"SEC. 1. Ministers of the gospel being, by their profession, dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions; therefore, no minister of the gospel or priest of any denomination whatever, shall be eligible to the office of the Executive of the Republic, nor to a seat in either branch of the Congress of the same.

"SEC. 2. Each member of the Senate and House of Representatives shall, before they proceed to business, take an oath to support the Constitution, as follows:—

"I, A B, do solemnly swear [or affirm, as the case may be,] that, as a member of this General Congress, I will support the Constitution of the Republic, and that I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people.

"SEC. 3. Every person who shall be chosen or appointed to any office of trust or profit shall, before entering on the duties thereof, take an oath to support the Constitution of the Republic, and also an oath of office.

ARTICLE VI.

"SEC. 1. No person shall be eligible to the office of President who shall not have attained the age of thirty-five years, shall be a citizen of the Republic at the time of the adoption of this

Constitution, or an inhabitant of this Republic at least three years immediately preceding his election.

"SEC. 2. The President shall enter on the duties of his office on the second Monday in December next succeeding his election, and shall remain in office until his successor shall be duly qualified.

"SEC. 3. The president shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during his continuance in office; and before entering upon the duties of his office, he shall take and subscribe the following oath or affirmation: I, A B, President of the Republic of Texas, do solemnly and sincerely swear [or affirm, as the case may be,] that I will faithfully execute the duties of my office, and to the best of my ability preserve, protect, and defend the Constitution of the Republic.

"SEC. 4. He shall be commander-in-chief of the army and navy of the Republic, and the militia thereof, but he shall not command in person without the authority of a resolution of Congress. He shall have power to remit fines and forfeitures, and to grant reprieves and pardons except in cases of impeachment.

"SEC. 5. He shall, with the advice and consent of two thirds of the Senate, make treaties; and with the consent of the Senate, appoint ministers and consuls, and all officers whose offices are established by this constitution, not herein otherwise provided for.

"SEC. 6. The President shall have power to fill all vacancies that may happen during the recess of the Senate; but he shall report the same to the Senate within ten days after the next Congress shall convene; and should the senate reject the same, the President shall not re-nominate the same individual to the same office.

"SEC. 7. He shall, from time to time, give Congress information of the state of the Republic, and recommend for their consideration, such measures as he may deem necessary. He may, upon extraordinary occasions, convene both Houses or either of them. In the event of a disagreement as to the time of adjournment, he may adjourn them to such time as he may think proper. He shall receive all foreign ministers. He shall see that the laws be faithfully executed, and shall commission all the officers of the Republic.

"SEC. 8. There shall be a seal of the Republic, which shall be kept by the President and used by him officially; it shall be called the great seal of the Republic of Texas.

"SEC. 9. All grants and commissions shall be in the name and by the authority of the Republic of Texas, shall be sealed with the great seal, and signed by the President.

"SEC. 10. The President shall have power, by and with the advice and consent of the Senate, to appoint a Secretary of State and such other heads of Executive departments as may be established by law, who shall remain in office during the term of service of the President, unless sooner removed by the President, with the advice and consent of the Senate.

"SEC. 11. Every citizen of the Republic, who has attained the age of twenty-one years, and shall have resided six months within the district or county where the election is held, shall be entitled to vote for members of the General Congress.

"SEC. 12. All elections shall be by ballot, unless Congress shall otherwise direct.

"SEC. 13. All elections by joint vote of both Houses of Congress shall be viva voce, shall be entered on the journals, and a majority of the votes shall be necessary to a choice.

"SEC. 14. A Vice President shall be chosen at every election for President, in the same manner, continue in office for the same time, and shall possess the same qualifications of the President. In voting for President and Vice President, the electors shall distinguish for whom they vote as President, and for whom as Vice President.

SEC. 15. In cases of impeachment, removal from office, death, resignation or absence of the President from the Republic, the Vice President shall exercise the powers and discharge the duties of the President until a successor be duly qualified, or until the President, who may be absent or impeached, shall return or be acquitted.

"SEC. 16. The President, Vice President, and all civil officers of the Republic, shall be removable from office by impeachment for, and on conviction of, treason, bribery, and other high crimes and misdemeanors.

SCHEDULE.

"SEC. 1. That no inconvenience may arise from the adoption of this Constitution, it is declared by this convention that all laws now in force in Texas, and not inconsistent with this Constitution, shall remain in full force until declared void, repealed, altered, or expire by their own limitation.

SEC. 2. All fines, penalties, forfeitures, and escheats, which have accrued in Coahuila and Texas, or Texas, shall accrue to this Republic.

"SEC. 3. Every male citizen, who is, by this Constitution, a citizen, and shall be otherwise qualified, shall be entitled to hold any office or place of honor, trust, or profit, under the Republic, any thing in this Constitution to the contrary notwithstanding.

Constitution, or an inhabitant of this Republic at least three years immediately preceding his election.

"SEC. 2. The President shall enter on the duties of his office on the second Monday in December next succeeding his election, and shall remain in office until his successor shall be duly qualified.

"SEC. 3. The president shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during his continuance in office; and before entering upon the duties of his office, he shall take and subscribe the following oath or affirmation: I, A B, President of the Republic of Texas, do solemnly and sincerely swear [or affirm, as the case may be,] that I will faithfully execute the duties of my office, and to the best of my ability preserve, protect, and defend the Constitution of the Republic.

"SEC. 4. He shall be commander-in-chief of the army and navy of the Republic, and the militia thereof, but he shall not command in person without the authority of a resolution of Congress. He shall have power to remit fines and forfeitures, and to grant reprieves and pardons except in cases of impeachment.

"SEC. 5. He shall, with the advice and consent of two thirds of the Senate, make treaties; and with the consent of the Senate, appoint ministers and consuls, and all officers whose offices are established by this constitution, not herein otherwise provided for.

"SEC. 6. The President shall have power to fill all vacancies that may happen during the recess of the Senate; but he shall report the same to the Senate within ten days after the next Congress shall convene; and should the senate reject the same, the President shall not re-nominate the same individual to the same office.

"SEC. 7. He shall, from time to time, give Congress information of the state of the Republic, and recommend for their consideration, such measures as he may deem necessary. He may, upon extraordinary occasions, convene both Houses or either of them. In the event of a disagreement as to the time of adjournment, he may adjourn them to such time as he may think proper. He shall receive all foreign ministers. He shall see that the laws be faithfully executed, and shall commission all the officers of the Republic.

"SEC. 8. There shall be a seal of the Republic, which shall be kept by the President and used by him officially; it shall be called the great seal of the Republic of Texas.

"SEC. 9. All grants and commissions shall be in the name and by the authority of the Republic of Texas, shall be sealed with the great seal, and signed by the President.

"SEC. 10. The President shall have power, by and with the advice and consent of the Senate, to appoint a Secretary of State and such other heads of Executive departments as may be established by law, who shall remain in office during the term of service of the President, unless sooner removed by the President, with the advice and consent of the Senate.

"SEC. 11. Every citizen of the Republic, who has attained the age of twenty-one years, and shall have resided six months within the district or county where the election is held, shall be entitled to vote for members of the General Congress.

"SEC. 12. All elections shall be by ballot, unless Congress shall otherwise direct.

"SEC. 13. All elections by joint vote of both Houses of Congress shall be viva voce, shall be entered on the journals, and a majority of the votes shall be necessary to a choice.

"SEC. 14. A Vice President shall be chosen at every election for President, in the same manner, continue in office for the same time, and shall possess the same qualifications of the President. In voting for President and Vice President, the electors shall distinguish for whom they vote as President, and for whom as Vice President.

SEC. 15. In cases of impeachment, removal from office, death, resignation or absence of the President from the Republic, the Vice President shall exercise the powers and discharge the duties of the President until a successor be duly qualified, or until the President, who may be absent or impeached, shall return or be acquitted.

"SEC. 16. The President, Vice President, and all civil officers of the Republic, shall be removable from office by impeachment for, and on conviction of, treason, bribery, and other high crimes and misdemeanors.

SCHEDULE.

"SEC. 1. That no inconvenience may arise from the adoption of this Constitution, it is declared by this convention that all laws now in force in Texas, and not inconsistent with this Constitution, shall remain in full force until declared void, repealed, altered, or expire by their own limitation.

SEC. 2. All fines, penalties, forfeitures, and escheats, which have accrued in Coahuila and Texas, or Texas, shall accrue to this Republic.

"SEC. 3. Every male citizen, who is, by this Constitution, a citizen, and shall be otherwise qualified, shall be entitled to hold any office or place of honor, trust, or profit, under the Republic, any thing in this Constitution to the contrary notwithstanding.

"SEC. 4. The first President and Vice President that shall be appointed after the adoption of this Constitution, shall be chosen by this Convention, and shall immediately enter on the duties of their offices, and shall hold said offices until their successors be elected and qualified, as prescribed in this constitution, and shall have the same qualifications, be invested with the same powers, and perform the same duties which are required and conferred on the Executive head of the Republic by this Constitution.

"SEC. 5. The President shall issue writs of election directed to the officers authorized to hold elections of the several counties, requiring them to cause an election to be held for President, Vice President, Representatives and Senators to Congress, at the time and mode prescribed by this Constitution, which election shall be conducted in the manner that elections have been heretofore conducted. The President, Vice President, and members of Congress, when duly elected shall continue to discharge the duties of their respective offices for the time and manner prescribed by this Constitution, until their successors be duly qualified.

"SEC. 6. Until the first enumeration shall be made, as directed by this constitution, the precinct of Austin shall be entitled to one representative; the precinct of Brazoria to two representatives; the precinct of Bexar two representatives; the precinct of Colorado one representative; Sabine one; Gonzales one; Goliad one; Harrisburgh one; Jasper one; Jefferson one; Liberty one; Matagorda one; Mina two; Nacogdoches two; Red river three; Victoria one; San Augustine two; Shelby two; Refugio one; San Patricio one; Washington two; Milam one; and Jackson one representative.

"SEC. 7. Until the first enumeration shall be made, as described by this Constitution, the Senatorial districts shall be composed of the following precincts: Bexar shall be entitled to one Senator; San Patricio, Refugio and Goliad one; Brazoria one; Mina and Gonzales one; Nacogdoches one; Red river one; Shelby and Sabine one; Washington one; Matagorda, Jackson and Victoria one; Austin and Colorado one; San Augustine one; Milam one; Jasper and Jefferson one; and Liberty and Harrisburgh one Senator.

"SEC. 8. All judges, sheriffs, commissioners, and other civil officers shall remain in office, and in the discharge of the powers and duties of their respective offices, until there shall be others appointed or elected under the Constitution.

GENERAL PROVISIONS.

"SEC. 1. Laws shall be made to exclude from office, from

the right of suffrage, and from serving on juries, those who shall hereafter be convicted of bribery, perjury, or other high crimes and misdemeanors.

"SEC. 2. Returns of all elections for officers who are to be commissioned by the President, shall be made to the Secretary of State of this Republic.

"SEC. 3. The Presidents and heads of Departments shall keep their offices at the seat of Government, unless removed by the permission of Congress; or unless, in cases of emergency in the time of war, the public interest may require their removal.

"SEC. 4. The President shall make use of his private seal, until a seal of the Republic shall be provided.

"SEC. 5. It shall be the duty of Congress, as soon as circumstances will permit, to provide by law a general system of education.

"SEC. 6. All free white persons who shall emigrate to this Republic, and who shall, after a residence of six months, make oath before some competent authority that he intends to reside permanently in the same, and shall swear to support this Constitution, and that he will bear true allegiance to the Republic of Texas, shall be entitled to all the privileges of citizenship.

"SEC. 7. So soon as convenience will permit, there shall be a penal code formed, on principles of reformation, and not on vindictive justice; and the civil and criminal laws shall be revised, digested and arranged under different heads; and all laws relating to land titles shall be translated, revised and promulgated.

"SEC. 8. All persons who shall leave the country for the purpose of evading a participation in the present struggle, or shall refuse to participate in it, or shall give aid or assistance to the present enemy, shall forfeit all rights of citizenship, and such lands as they may hold in the Republic.

"SEC. 9. All persons of color, who were slaves for life previous to their emigration to Texas, and who are now held in bondage, shall remain in the like state of servitude, provided the said slave shall be the *bona fide* property of the person so holding said slave as aforesaid. Congress shall pass no laws to prohibit emigrants from bringing their slaves into the Republic with them, and holding them by the same tenure by which such slaves were held in the United States; nor shall Congress have power to emancipate slaves; nor shall any slaveholder be allowed to emancipate his or her slave or slaves, without the consent of Congress, unless he or she shall send his or her slave or slaves without the limits of the Republic. No free person of African descent, either in whole or in part, shall be permitted to reside permanently in the Republic, without the consent of Congress;

and the importation or admission of Africans or negroes into this Republic, excepting from the United States of America, is for ever prohibited, and declared to be piracy.

"SEC. 10. All persons, (Africans, the descendants of Africans and Indians excepted,) who were residing in Texas on the day of the Declaration of Independence, shall be considered citizens of the Republic, and entitled to all the privileges of such. All citizens now living in Texas, who have not received their portion of land, in like manner as colonists, shall be entitled to their land in the following proportion and manner:—Every head of a family shall be entitled to one league and "labor" of land; and every single man, of the age of seventeen and upwards, shall be entitled to the third part of one league of land. All citizens who may have, previously to the adoption of this Constitution, received their league of land as heads of families, and their quarter of a league of land as single persons, shall receive such additional quantity as will make the quantity of land received by them equal to one league and "labor," and one third of a league; unless by bargain, sale or exchange, they have transferred, or may henceforth transfer their right to said land, or a portion thereof, to some other citizen of the Republic: and, in such case, the person to whom such right shall have been transferred, shall be entitled to the same, as fully and amply as the person making the transfer might or could have been. No alien shall hold land in Texas, except by titles emanating directly from the government of this Republic. But if any citizen of this Republic should die intestate, or otherwise, his children or heirs shall inherit his estate, and aliens shall have a reasonable time to take possession of and dispose of the same, in a manner hereafter to be pointed out by law. Orphan children, whose parents were entitled to land under the colonization law of Mexico, and who now reside in the Republic, shall be entitled to all the rights of which their parents were possessed at the time of their death. The citizens of the Republic shall not be compelled to reside on the land, but shall have their lines plainly marked.

"All orders of survey, legally obtained by any citizen of the Republic, from any legally-authorized commissioner, prior to the act of the late consultation closing the land offices, shall be valid. In all cases, the actual settler and occupant of the soil shall be entitled, in locating his land, to include his improvement, in preference to all other claims not acquired previous to his settlement, according to the law of the land and this Constitution; *Provided*, That nothing herein contained shall prejudice the rights of any citizen from whom a settler may hold land by rent or lease.

"And whereas, the protection of the public domain from unjust and fraudulent claims, and quieting the people in the enjoy-

ment 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 eighteen hundred and thirty-four, in behalf of General John T. Mason, of New York; and another, on the fourteenth day of March, eighteen hundred and thirty-five, under which the enormous amount of eleven hundred leagues of land have 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 eighteen hundred and twenty-four, 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 eighteen hundred and thirty-four, in favor of John T. Mason, and of the fourteenth of March, eighteen hundred and thirty-five, 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: and whereas, many surveys and titles to lands have been made whilst most of the people of Texas were absent from home, serving in the campaign against Bejar, it is hereby declared, that all the surveys and locations of land made since the act of the late consultation closing the land offices, and all titles to land made since that time, are and shall be null and void.

"And whereas, the present unsettled state of the country, and the general welfare of the people, demand that the operations of the land office and the whole land system shall be suspended, until persons serving in the army can have a fair and equal chance with those remaining at home to select and locate their lands, it is hereby declared, that no survey or title which may hereafter be made shall be valid, unless such survey or title shall be authorized by this convention, or some future congress of the Republic. And with a view to the simplification of the land system, and the protection of the people and the 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 by valid titles.

"SEC. 11. Any amendment or amendments to this Constitution, may be proposed in the House of Representatives or Senate; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on the journals, with the yeas and nays thereon, and referred to the Congress then next to be chosen, and shall be published for three months previous to the election; and if the Congress next chosen as aforesaid shall pass said amendment or amendments by a vote of two thirds of all the members elected to each House, then it shall be the duty of said Congress to submit said proposed amendment or amendments to the people, in such manner and at such times as the Congress shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of Congress voting thereon, such amendment or amendments shall become a part of this Constitution: *Provided, however,* that no amendment or amendments be referred to the people oftener than once in three years.

DECLARATION OF RIGHTS.

"This Declaration of Rights is declared to be a part of this Constitution, and shall never be violated on any pretence whatever. And in order to guard against the transgression of the high powers which we have delegated, we declare, that everything in this bill of rights contained, and every other right not hereby delegated, is reserved to the People.

"First. All men, when they form a social compact, have equal rights; and no man or set of men are entitled to exclusive public privileges or emoluments from the community.

"Second. All political power is inherent in the People, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an inalienable right to alter their government in such manner as they may think proper.

"Third. No preference shall be given by law to any religious denomination or mode of worship over another; but every person shall be permitted to worship God according to the dictates of his own conscience.

"Fourth. Every citizen shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege. No law shall ever be passed to curtail the liberty of speech or of the press; and in all prosecutions for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and fact, under the direction of the court.

"Fifth. The People shall be secure in their persons, houses, papers and possessions, from all unreasonable searches or seizures; and no warrant shall issue to search any place, or seize any person or thing, without describing the place to be searched, or the person or thing to be seized, without probable cause, supported by oath or affirmation.

"Sixth. In all criminal prosecutions, the accused shall have the right of being heard, by himself, or counsel, or both. He shall have the right to demand the nature and cause of the accusation, shall be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his favor. And in all prosecutions by presentment or indictment, he shall have the right to a speedy and public trial, by an impartial jury. He shall not be compelled to give evidence against himself, or be deprived of life, liberty or property, but by due course of law. And no freeman shall be holden to answer for any criminal charge, but on presentment or indictment by a grand jury, except in the land and naval forces, or in the militia, when in actual service in time of war or public danger, or in cases of impeachment.

"Seventh. No citizen shall be deprived of privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

"Eighth. No title of nobility, hereditary privileges or honors, shall ever be granted or conferred in this Republic. No person holding any office of profit or trust shall, without the consent of Congress, receive from any foreign state any present, office or emolument of any kind.

"Ninth. No person, for the same offence, shall be twice put in jeopardy of life or limbs; and the right of trial by jury shall remain inviolate.

"Tenth. All persons shall be bailable by sufficient security, unless for capital crimes, when the proof is evident or presumption strong; and the privilege of the writ of "habeas corpus" shall not be suspended, except in case of rebellion or invasion the public safety may require it.

"Eleventh. Excessive bail shall not be required, nor excessive fines imposed, or cruel or unusual punishments inflicted. All courts shall be open, and every man for any injury done him in lands, goods, person, or reputation, shall have remedy by due course of law.

"Twelfth. No person shall be imprisoned for debt in consequence of inability to pay.

"Thirteenth. No person's particular services shall be demanded, nor property taken or applied to public use, unless by the consent of himself or his representative, without just compensation being made therefor according to law.

"Fourteenth. Every citizen shall have the right to bear arms in defence of himself and the Republic. The military shall at all times and in all cases be subordinate to the civil power.

"Fifteenth. The sure and certain defence of a free people is a well-regulated militia; and it shall be the duty of the Legislature to enact such laws as may be necessary to the organizing of the militia of this Republic.

"Sixteenth. Treason against this Republic shall consist only in levying war against it, or adhering to its enemies, giving them aid and support. No retrospective or ex post facto law, or laws impairing the obligations of contracts, shall be made.

"Seventeenth. Perpetuities or monopolies are contrary to the genius of a free government, and shall not be allowed; nor shall the law of primogeniture or entailment ever be in force in this Republic.

"The foregoing constitution was unanimously adopted by the Delegates of Texas, in Convention assembled, at the town of Washington, on the seventeenth day of March, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the Republic the first year.

"In witness whereof, we have hereunto subscribed our names.

RICHARD ELLIS,

President and Delegate from Red River.

H. S. KIMBLE, *Secretary.*

C. B. Stewart,
James Collinsworth,
Edwin Waller,
A. Brigham,
William Menifee,
John Fisher,
Matthew Caldwell,
William Motley,
Lorenzo de Zavala,
George W. Smyth,
Stephen H. Everett,
Elijah Stepp,
Claiborne West,
William B. Seates,
M. B. Menard,
A. B. Hardin,
John W. Bunton,
Thomas J. Gazley,
R. M. Coleman,
Sterling C. Robertson,

John S. D. Byrom,
Francis Ruis,
J. Antonio Navarro,
William D. Lacy,
James Powers,
Samuel Houston,
Edward Conrad,
Martin Palmer,
James Gaines,
William Clark, Jun.,
Sydney C. Pennington,
Samuel P. Carson,
Thomas J. Rusk,
William C. Crawford,
John Turner,
Benjamin Briggs Goodrich,
James G. Swisher,
George W. Barnett,
Jesse Grimes,
E. O. Legrand,

George C. Childress,
Baily Hardiman,
Robert Potter,
Charles Taylor,
John S. Roberts,
Robert Hamilton,
Collin McKinney,
A. H. Latimore,

David Thomas,
S. Rhoads Fisher,
John W. Bower,
J. B. Woods,
A. Briscoe,
Thomas Barnett,
Jesse B. Badgett,
Stephen W. Blount.

"I do hereby certify that I have carefully compared the foregoing Constitution, and find it to be a true copy from the original filed in the archives of the Convention.

"Given under my hand, this 17th day of March, 1836.

"Attest:

H. S. KIMBLE,

"Secretary of the Convention."

CHAPTER X.

Review of the condition and prospects of the country at the time of declaring independence—military affairs resumed—volunteers from the United States—Col. Johnson marches for the Rio Grande—is surprised and defeated—Santa Anna with an army of eight thousand men invades Texas—unprepared state of the country—the Alamo besieged by Santa Anna—heroic defence of Travis—fall of the Alamo—operations at Goliad—Captain Holland's account—Fanning and his army surrender as prisoners of war, and are massacred by order of Santa Anna.

SINCE the first provisional government went into operation, and especially since the surrender of the Alamo, the last Mexican post in the country, Texas had been, *de facto*, an independent state. She had, however, hitherto acknowledged a qualified dependence upon the federal government of Mexico—such as the states of this union owe to the general government; and this dependence, so far from seeking to throw off, she had faithfully observed, and indeed, striven to maintain, until the authority to which it was due, no longer existed even in name.

The people of Texas had now put forth their pretensions to the rank of an independent nation, and published them to the world in solemn form, not from vain pride, but from stern necessity. We shall not pause here to inquire into their right. The inquiry cannot be necessary, since the measure was forced upon them; or if indeed there was an alternative presented to them, and rejected with becoming scorn, the people of Texas will never be reproached for having rejected such an alternative, by any faithful citizen of the United States; to him it must appear that the motive was imperative. Had the measure been adopted a few months earlier, in the midst of the confidence inspired by the astonishing success which had crowned the efforts of a few armed citizens, it might have been pronounced a mere ebullition of pride, from which she would shrink in the day of trial, when threatened with real dangers, or overtaken by adverse fortune; but never, in the eyes of the world, was Texas further from independence, than at the moment which was chosen to proclaim it. It was done in face of the chief, whose right was disputed, surrounded by a force which had been pronounced

sufficient to crush the country at a blow. A chief whose military career had hitherto been attended with unvaried success; whose repeated victories had acquired him the reputation of the ablest general of the age, the appellation of "The Napoleon of the South." However men may differ in opinion about the right, or the expediency of a declaration of independence by the people of Texas; all must respect the courage which called it forth in face of the dangers which surrounded them.

We have here anticipated in some degree, the events of the second campaign. This seemed to be necessary in order to bring down our history of the civil affairs of the country to an important epoch, as well as to avoid a too frequent interruption of the narrative. We will now return to the military affairs of the country, which were left at the surrender of San Antonio.

This event having closed the campaign, the Texian citizens of whom the volunteer army was mostly composed, returned to their homes, and the forts of San Antonio and Goliad were left to be garrisoned by the volunteers coming in from the United States. During the months of December and January, probably not less than a thousand young men arrived in Texas from the United States. Direct appeals had been made to their sympathies, by various addresses from the Texian authorities at home, and from their agents in the United States. But the best and most effectual appeal, was the simple fact, that their brethren were doing battle in the cause of liberty, against fearful odds.

Much has been said of the character of Texian volunteers, too much indeed, by those who know *little* of the men, and still *less* of the motive that led them to the field. It was an impulse that finds a response only in kindred bosoms. The generosity that withholds *nothing*, but pours out its *blood* like the mountain stream, in the cause of the oppressed, can be little understood by him who withholds all, and whose sympathies flow only for the oppressor. There are those who envy La Fayette the fame acquired by a like sacrifice, to whom nature has denied the courage to imitate his example; and there are those who envy him only for the accidents of birth and fortune, which he sacrificed in such a cause. The former were never found among the Texian volunteers, and the latter will condemn all who were, and scoff at the generous impulse which led them there.

Finding that the enemy had been already driven from the country, and no certain intelligence that he was about to return, and finding also that their support would be a heavy burden to the people, many of the volunteers, and especially those who were unprovided with means for their own support, returned to the United States before the opening of the campaign. Those who remained were a portion of them, scattered through the country

waiting a demand for their services, but the greater number joined the garrisons at San Antonio and Goliad;—the Texians still remaining at their homes, waiting also a call for their services.

Continual rumors were afloat during the winter, that the Mexican chief was preparing to invade the country; and reports frequently came that he had already entered it, and was advancing upon San Antonio. Alarm and preparation followed, which soon subsided on a contradiction of the report. Rumors were also afloat of commotions and insurrections in different parts of Mexico. And many believed that in the unsettled state of the country, Santa Anna could neither invade Texas himself, nor spare any considerable force for that purpose.

In this state of things, an expedition against Metamoras was much talked of among the volunteers, and for this purpose most of those at San Antonio were drawn to Goliad. Col. James W. Fannin, a brave and accomplished officer, who commanded at the latter place, finding the expedition disapproved by the authorities of Texas, declined proceeding. Colonels Grant and Johnson, notwithstanding, determined to go on with about one hundred volunteers, who were willing to accompany them. About the last of February, they had reached the neighborhood of San Patricio, and having neither seen, nor heard of an enemy, were moving carelessly on, unsuspecting of danger, when they were surprised by a large force, (which proved to be the van of the right division of the invading army,) and nearly all cut off. Col. Johnson, with two or three others, escaped and brought the first intelligence of the approach of the enemy.

At this time the whole Texian force in the field did not exceed five hundred men; and an army of eight thousand Mexicans in two divisions, had already advanced far into the country, and was rapidly approaching the settlements. Such was the rumor that reached San Felipe, and spread over the country, about the first of March. The effect of this report upon the minds of the Texian people, was neither what it ought to have been, nor what might have been expected, in view of the heroic courage they had exhibited during the last campaign. So much may be said in general terms. But the degree of censure to which they are justly liable, will best appear from a detail of the principal facts and circumstances which may be supposed to have exerted an important, not to say controlling, influence over their minds at the time.

The events of the last campaign, so flattering to themselves, and so discreditable to their enemy, were little calculated to stimulate to vigorous effort in preparing for another. That vigilance, which keeps a wakeful eye upon the slightest movement of an enemy, the sure precursor of success in war, had been lulled

asleep, by too much confidence in their own prowess, and too great contempt for their enemy. From the proneness of the human mind to fly from one extreme to the other, there was now great danger that this high-wrought confidence would be succeeded by a panic, and unhappily for the Texians, there were too many other circumstances to aid in producing such a result. It was certain that the enemy in great force had reached the very threshold of their settlements, while they were wholly unprepared to meet him. This force, which, when truly represented, must in their condition be sufficiently appalling, was variously exaggerated; different reports making it from ten to twenty thousand men. The offended chief had come with the declared intention, if he found resistance, to spare neither age nor sex, but to lay the country in utter desolation; and as an earnest of his sincerity, he had come with his hands yet stained with the blood of the Zacatecans.

He had advanced thus far with a celerity, which from the condition of the country, would have been deemed scarcely practicable. His arrival therefore, in the heart of the settlements, might be almost daily expected. And should they now leave their homes to meet him in the field, uncertain of his progress or of his course, their families, with no one to give notice of his approach, or aid them in flight, might fall a prey to worse than savage barbarity.

That Santa Anna in person would presume to leave Mexico when so recently seated in power, and the elements of opposition so powerful as they were believed to be at home, or that in the impoverished state of the country, he could muster sufficient resources to support a large force at home, and bring another across land into Texas, had been deemed incredible by many, and not a few of the most intelligent men in the United States, as well as in Texas, had partaken of this incredulity. It required indeed, to accomplish it, the power to extract from the country its resources, for some years in anticipation.

But had all the circumstances of his coming been known, saving the time, which he could easily conceal, separated as the countries were, by hundreds of miles of almost untrodden wilds, and all intercourse prohibited by land or water, the Texians had no resources to keep themselves constantly in the field to await his approach. It was difficult even, while at home on their farms, to subsist the small force then in the field. They could only have concentrated this force, kept a sharp look out, and rushed to the conflict when the enemy appeared. Had this been done, and a skill and intrepidity been exerted, equal to that displayed in the last campaign, it is probable the historian of Texas might have been spared from recording events whose first recital

was everywhere listened to with a chill of horror; which brought mourning and desolation into many families, scattered over this whole continent, and which came near extinguishing for ever the new risen star of Texas.

It has been already remarked, that the invading army had entered Texas in two divisions; the right commanded by Gen. Urea, was following the line of the coast, and advancing upon Goliad, while the left, commanded by Santa Anna in person, was marching upon San Antonio, by an interior route. The van of the latter, consisting of more than a thousand men, arrived in the neighborhood of the town, on the 23d day of February. The Texian garrison, consisting of one hundred and fifty men, mostly volunteers from the United States, who had arrived in Texas since the beginning of the war, was commanded by Col. W. B. Travis.

The garrison, on discovering the approach of the enemy in so large a force, retired into the Alamo, carrying with them all the provisions they could collect, in order to be prepared for a siege. On the morning of the 23d, they received a summons from the Mexican commandant, demanding a surrender of the fort, and threatening in case of a refusal to put the garrison to the sword. This was answered by a shot, and a cannonading now commenced on both sides, which was kept up, with perhaps a few intervals of repose, until the 6th of March. In the meantime, on the side of the Mexicans, successive bodies of troops were daily coming in, until on the 3d of March, an army of 4000 men, with Santa Anna at its head, invested the fort, defended by the little band of volunteers before mentioned, aided now by the services of some thirty Texian citizens, from Gonzales and its neighborhood, who had found their way into the fort since the enemy had invested it.

The measures adopted by Travis to apprise the authorities and people of Texas, and commandant at Goliad, of his situation, that they might hasten reinforcements to his relief, will best appear from the subjoined letters; they contain also interesting details of the progress of the siege, and serve to exhibit the spirit and mind of the man; they constitute the only legacy of a brave man; and the patriot soldier who would form himself upon the most perfect model, need not look beyond the letters and the example of Travis.

(PROCLAMATION AND LETTER OF TRAVIS.)

"To the People of Texas and all Americans in the world.

*"Commandancy of the Alamo,
Bejar, Feb. 24, 1836.*

"Fellow citizens and compatriots.

*"I am besieged by a thousand or more of the Mexicans, under Santa Anna. I have sustained a continual bombardment and cannonade for twenty-four hours, and have not lost a man. The enemy have demanded a surrender at discretion; otherwise the garrison is to be put to the sword, if the fort is taken. I have answered the summons with a cannon-shot, and our flag still waves proudly from the walls. I shall never surrender or retreat. Then I call on you in the name of liberty, patriotism, and every thing dear to the American character, to come to our aid with all despatch. The enemy are receiving reinforcements daily, and will no doubt increase to three or four thousand in four or five days. Though this call may be neglected, I am determined to sustain myself as long as possible, and die like a soldier who never forgets what is due to his own honour and that of his country. *Victory or death!**

W. BARRETT TRAVIS, Lieut. Col. Comd't."

"To the President of the Convention.

*"Commandancy of the Alamo,
Bejar, March 3d, 1836.*

"SIR,—In the present confusion of the political authorities of the country, and in the absence of the commander-in-chief, I beg leave to communicate to you the situation of this garrison. You have doubtless already received my official report of the action of the 25th ult. made on that day to General Samuel Houston together with the various communications heretofore sent by express; I shall therefore confine myself to what has transpired since that date. From the 25th to the present date, the enemy have kept up a bombardment from two howitzers, and a heavy cannonade from two long nine pounders, mounted on a battery, on the opposite side of the river, at the distance of four hundred yards from our walls. During this period, the enemy have been busily employed, in encircling us with entrenched encampments on all sides, at the following distances, viz. in Bejar, four hundred yards west, in Lavilleta, three hundred yards south, at the powder-house, one thousand yards east of south, on the ditch, eight hundred yards northeast, and at the old mill eight hundred yards

north. Notwithstanding all this, a company of thirty-two men from Gonzales made their way in to us on the morning of the 1st inst. at 3 o'clock, and Col. Bonham, (a courier from Gonzales,) got in this morning at 11 o'clock, without molestation.

"I have so fortified this place, that the walls are generally proof against cannon balls, and I still continue to entrench on the inside, and strengthen the walls by throwing up the earth. At least two hundred shells have fallen inside of our works without having injured a single man. Indeed, we have been so fortunate as not to lose a man from any cause, and we have killed many of the enemy. The spirits of my men are still high, although they have had much to depress them. We have contended for ten days against an enemy whose numbers are variously estimated at from 1500 to 6000 men, with Gen. Ramirer Siesma, and Col. Batres, the aides-de-camp of Santa Anna, at their head. A report was circulated that Santa Anna himself was with the enemy, but I think it false. A reinforcement of about 1000 men is now entering Bejar from the west, and I think it more than probable, from the rejoicing we hear, that Santa is now in town.

"Col. Fannin is said to be on the march to this place with reinforcements, but I fear it is not true, as I have repeatedly sent to him for aid without receiving any. Col. Bonham, my special messenger, arrived at La Bahia fourteen days ago, with a request for aid, and on the arrival of the enemy in Bejar, ten days ago, I sent an express to Col. Fannin, which arrived at Goliad next day, urging him to send us reinforcements; *none have yet arrived.* I look to the colonies alone for aid; unless it arrives soon I shall have to fight the enemy on his own terms. I will however do the best I can under the circumstances, and I feel confident that the determined value and desperate courage heretofore evinced by my men will not fail them in the last struggle, and although they may be sacrificed to the vengeance of a Gothic enemy, the victory will cost the enemy so dear that it will be worse for him than a defeat. I hope your honorable body will hasten on reinforcements, ammunition and provisions, to our aid, as soon as possible. We have provisions for twenty days, for the men we have; our supply of ammunition is limited; at least five hundred pounds of cannon powder, and two hundred rounds of six, nine, twelve, and eighteen pound cannon balls, ten kegs of rifle powder, and a supply of lead, should be sent to this place without delay, under a sufficient guard. If these things are promptly sent, and large reinforcements are hastened to this frontier, this neighborhood will be the great and decisive battle-ground. The power of Santa Anna is to be met here or in the colonies. We had better meet them here, than to suffer a war of desolation to rage in our settlements. A blood-red banner waves from the church

of Bejar, and in the camp above us, in token that the war is one of vengeance against rebels; they have declared us as such, and demanded that we should surrender at discretion, or that this garrison should be put to the sword; their threats have had no influence on me or my men, but to make all fight with desperation, and that high-souled courage which characterizes the patriot who is willing to die in defence of his country's liberty and his own honor.

"The citizens of this municipality are all our enemies except those who have joined us heretofore; we have but three Mexicans now in the fort. Those who have not joined us in this extremity, should be declared public enemies, and their property should aid in paying the expenses of the war. The bearer of this will give your honorable body a statement more in detail should he escape through the enemy's lines. *God and Texas, liberty or death.*

Your obedient servant,
W. BARRETT TRAVIS,
Lieut. Col. Com't."

No other communications from the lamented Travis, or any of his associates in the siege, ever reached the authorities or people of Texas. Many fancy sketches of the further progress of the siege, and the conduct of individuals who composed the garrison, have been published. The following is all that can be relied upon as authentic.*

"From the beginning of the siege, (Feb. 23d,) to the 6th of March, the Mexicans had made frequent attempts to storm the fort, which were as often repelled, generally with great loss on the side of the enemy. The garrison were occupied night and day, in fighting and watching the foe, and strengthening their works, (which were large, and required at least five hundred men to man them well.) On the night of the 5th, they had been working until nearly exhausted; they retired to rest two hours before day. That morning had been chosen by Santa Anna to make a more desperate assault than had hitherto been attempted,

* This account our informant derived from a colored servant boy of Col. Travis, the only male survivor of the garrison. Moved to compassion by his age, or more probably by his complexion, the enemy had spared him; and he remains, the only monument of Mexican sparing mercy. This boy had been actively employed in waiting on the garrison, during the last terrible conflict, and relates these few facts with great apparent simplicity and truth. The circumstances of the attack by the Mexicans, came from a Mexican officer taken prisoner at the battle of San Jacinto, who had been actively engaged in storming the Alamo, and whose account of the closing scene also, corroborates that of the colored boy.

and for that purpose he had drawn up his infantry around the fort, and posted his cavalry outside, with orders to shoot down every man who turned back, and thus, about an hour before day, the Mexican chief drove his own forces to the attack. Most of the Texian sentinels, worn out with fatigue, had fallen asleep, and were killed at their posts. On the first alarm, the assailants were on and within the walls, in great numbers. The garrison soon rallied and attacked the assailants with the energy of desperation; twice they cleared the yard and the walls.

'They fought like brave men long and well,
They piled that ground with foemen slain.'

But overpowered by numbers, and covered with wounds, they sunk, one by one, with weariness and loss of blood; one man alone was found alive when the Mexicans had gained full possession of the fort; he was immediately shot by order of the Mexican chief."

The victory must be ascribed to the Mexicans, since there was no man left to dispute it. But the heroic Travis had redeemed his pledge. "It cost them dearer than a defeat." More than a thousand Mexicans had fallen by the weapons of the garrison, since the commencement of the siege.

While these events were passing at San Antonio, Col. Fannin was at Goliad, ninety miles below, with a garrison of about four hundred men. He had received a letter from Col. Travis, apprising him of the attack upon San Antonio, and requesting reinforcements, and was preparing to comply with the request, when Col. Johnson and the other survivors of the party who had been surprised near San Patricio, arrived at Goliad, bringing intelligence of the fate of their companions, and of the approach of a large division of the Mexican army towards that post. The strength of this division was reported to be between three and four thousand men, with a large body of cavalry, whose arrival in the neighborhood might be daily expected. It will be readily seen, that under these circumstances, Fannin could spare no part of his force for the relief of San Antonio, unless he abandoned his own post, which was deemed as important as the other. He therefore made the best preparation in his power for an attack or a siege, and awaited the arrival of the enemy.

For an account of the further progress of events at Goliad, and of the tragic fate of Fannin and most of his associates, we avail ourselves of the following communication from Capt. Benjamin H. Holland, who was a captain of artillery, in active service until the surrender. This account is corroborated by the statements of other survivors of the massacre. It has, too, the char-

acter of a semi-official, as there was no other officer of equal rank among the survivors, and as such it was ordered for publication by the President ad interim of Texas.

"On or about the 12th of March, orders were issued by Gen. Houston, to destroy the town and fort of La Bahia, and the forces to fall back to Gonzales, to unite with him and concentrate all the Texian forces.

"Prior to the receipt of these orders, Captain King's company was ordered to the Mission, (a distance of about twenty-five miles,) in order to relieve some families who were in danger of falling into the enemy's hands. Upon their arrival at the Mission they were met and attacked by a large body of the enemy, and after a gallant and well-sustained fight, retreated in an orderly and judicious manner to the church, where they sustained themselves against a very superior number of Mexicans and Indians with but small loss to themselves, but a severe loss to the enemy, until relieved by the Georgia battalion under Col. Ward, who had been sent to their aid. The separation of our forces caused us to delay our retreat. An express was sent to Col. Ward, at the Mission, to fall back and join the forces at Goliad with all possible despatch, or should he be cut off by the enemy, (of whose advance from San Patricio we had intelligence,) to make good his retreat through the Gaudaloupe bottoms, and join the main army at Victoria.

"On the 16th our scouts brought intelligence that a body of the enemy, 1500 strong, were on the San Antonio road. Many of the cannon having been dismounted preparatory to a retreat, we immediately remounted them, as we anticipated an attack that night. About 12 o'clock the picket guard gave the alarm, and retreated into the fort; it however proved to be only the enemy's spies reconnoitring. On the 17th the enemy forded the San Antonio river and showed themselves at the old Mission, a distance from our fort of four miles. This day we destroyed the whole town of La Bahia by fire, battering down all ruined walls, so as to secure us a full sweep of the enemy, should they attack the fort.

"March 18.—The enemy still hovering round the old Mission, a council of war was called, when it was decided, that inasmuch as our ammunition was not sufficient to sustain a siege, and as our provisions were short, and as we were well aware of the overwhelming force of the enemy, it was advisable to fall back to Victoria.

"This night we made every preparation for an early retreat in the morning and by daylight every one was in marching order: before day a scouting party was despatched to ascertain the position of the enemy, who returned shortly after daylight and re-

ported the lower road being clear. Col. Horton was then ordered by Col. Fannin to post all, advance, rear, right and left guard.

March 19th, at about half-past six, A. M., took the line of retreat towards the lower ford; and about 9 A. M., got our baggage and cannon across. We had nine pieces of brass artillery, consisting of one six-inch howitzer, three short sixes, two long and two short fours, with several small pieces for throwing musket balls. We then commenced our advance towards Victoria. We had advanced several miles without receiving any intelligence of the enemy by our videttes, and at about 10 A. M. halted to graze our cattle, and take some refreshment on the outskirts of some timber we had just passed. We tarried about three fourths of an hour, when we again took up the line of march. We had advanced about four miles into the prairie, when we had intelligence of the enemy's approach. Col. Horton's cavalry, who were ordered in the rear, had neglected to remain in that position; and, in consequence, the enemy had advanced within the distance of from one to two miles, ere they were discovered by the infantry in the rear; and almost simultaneously they were descried upon both flanks, evidently with the design of surrounding us. The enemy had now formed a semicircle on our right and left, and as we had no means of moving our artillery but by exhausted and worn-out men, were fast surrounding us. Captains Hurst and Holland of the artillery were ordered to the rear, to keep up a retreating fire, under cover of which the army advanced about a mile and a half in the face of the enemy. It now became necessary for us to take a position, as we were entirely surrounded, our cavalry cut off from us and escaped, leaving us now two hundred and fifty effective men, consisting of the following companies:—

New Orleans Greys—Captain Pellis.

Red Rovers—Captain Jack Shackelford, from Alabama.

Mustangs—Captain Duval.

Mobile Greys—Captain McManaman.

Regulars—Captain Westover.

1st Company Artillery—Captain Hurst.

2d do. do. —Captain Holland.

3d do. do. —Capt. Schrusnecki, a Polish engineer.

"We were about three hundred yards to the left of the road, in a valley, with an elevation towards the road, of about six feet in the whole distance; we were unfortunately obliged to take that very disadvantageous position, in consequence of our having pursued our advance so far in order to gain the woods. We drew our wagons into a cluster, formed ourselves into an oblong circle around them, and posted our artillery in positions to defend it:

the circle was about 49 feet of shortest central diameter, and about 60 feet of longest diameter. It was now 1 o'clock, P. M., at which time we were attacked on all sides by the enemy, with a brisk fire of musketry: we were ordered not to fire, until the word of command was given, in order to draw the enemy within rifle-shot. We reserved our fire for about ten minutes, and several were wounded in our ranks previous to our firing. At the request of the officers, the artillery was permitted to open fire. The wind was blowing slightly from the N. E., and the smoke of our cannon covered the enemy, under which they made a desperate charge, but were repulsed with a very severe loss. Our cannon was loaded with cannisters of musket balls, and the howitzer with grist. In this manner, the action was kept up with great fury by the enemy; charge after charge being made by the cavalry and infantry, and always repelled by a heavy loss on their part. Our men behaved nobly; and, although surrounded by overwhelming numbers, not a change of countenance could be seen.

"Thus was the battle kept up; and upon the repulse of each charge, column upon column of the enemy were seen to fall, like bees before smoke. Here would be seen horses flying in every direction without riders, and there dismounted cavalry making their escape on foot, while the field was literally covered with dead bodies. It was a sorry sight to see our small circle: it had become muddy with blood; Col. Fannin had been so badly wounded at the first or second fire as to disable him, the wounded shrieking for water which we had not to give them. The fight continued until dusk, when the enemy retreated, leaving us masters of the field, with ten men killed and wounded, while the enemy lay around heap upon heap. We possessed a great advantage over the Mexicans, they having no artillery, and we having nine brass pieces, with which we kept up an incessant fire of musket balls.

"It now became prudent to take measures as to our next procedure: accordingly, the officers were all summoned to Col. Fannin, where he lay wounded, and the question was, whether we should maintain our present position, or retreat. It was carried that we should sustain ourselves as long as possible; consequently, we commenced heaving up a redoubt, some three feet above the mean level of the prairie, exclusive of the dyke.

"The night was now very dark and cloudy, drizzling with rain and misty fog: the enemy encompassed us, and kept up a continual sound to charge, so that we appeared to be surrounded with bugles. We had with us 1000 spare muskets, which we loaded, and each man took an equal share, our cannon ammunition being nearly exhausted. Daylight broke upon us in this

situation, and some of our men went out about a hundred yards, and brought into camp two Mexican prisoners, both badly wounded. From them we ascertained that the number opposed to us was 1900 men, and that a reinforcement of two brigades of artillery would be there that morning, if they had not already arrived. We had no sooner received this intelligence, than this very artillery opened their cannon upon us: they had placed themselves behind a small hillock, and were entirely under cover. We could neither touch them with our cannon, nor charge, as they had so placed their cavalry, that the moment we should quit our artillery, they would cut us to pieces. We accordingly met in council, to devise means and measures: it was accordingly decided that we should send a flag of truce to the enemy, and if possible, obtain a treaty, if upon fair and honorable terms. Accordingly, Capt. F. J. Desanque, the bearer of the express from General Houston, Capt. B. H. Holland, of the artillery, and an ensign, were despatched with a flag of truce: the flags met midway between the two armies, and it was decided that the two commanders should meet to decide the matter; in pursuance of which, Col Fannin was conveyed out, and met Gen. Urea, Governor of Durango, commander of the Mexican forces; and the following treaty was concluded upon, and solemnly ratified: a copy of it in Spanish was retained by General Urea, and one in English by Colonel Fannin:—

“Seeing the Texian army entirely overpowered by a far superior force, and to avoid the effusion of blood, we surrender ourselves prisoners of war, under the following terms:—

“Art. 1st. That we should be received and treated as prisoners of war, according to the usages of civilized nations.

“Art. 2d. That the officers should be paroled immediately upon their arrival at La Bahia; and the other prisoners should be sent to Copano, within eight days, there to await shipping to convey them to the United States, so soon as it was practicable to procure it: no more to take up arms against Mexico, until exchanged.

“Art. 3d. That all private property should be respected, and officers' swords should be returned on parole or release.

“Art. 4th. That our men should receive every comfort, and be fed as well as their own men. Signed,

Gen. UREA,
Col MORATEAS,
Col. HOBZINGER,
On the part of the enemy; and on our part, signed by
Col. FANNIN, and
Maj. WALLACE.

“The officers were then called upon to deliver up their side arms, which were boxed up, with their names placed by a ticket upon each, and a label upon the box stating they should soon

have the honor of returning them; and it was their principle to meet us now as friends, not as enemies.

“Col. Fannin and the men were that afternoon marched back to La Bahia; the wounded, together with the captain of each company, and our surgeons, were left on the field to dress the wounded, which was completed on the 21st, when we were all conveyed back to the fort, where we found the men in a most miserable state. They were brutally treated: they were allowed but very little water to drink, in consequence of its having to be brought from the river; and but a small piece of meat, without salt, bread or vegetables. On the 23d, Major Miller and ninety men were brought into the fort prisoners: they had just landed at Copano, from the United States.

“On the 25th, the Georgia battalion was also brought in: it had been surprised and captured between Victoria and Demill's point, and marched back, and confined with us. Here we were now nearly 500 strong, guarded by 1000 Mexicans, without being allowed the slightest liberty in any respect.

“The Mexicans had always said that Santa Anna would be at La Bahia on the 27th, to release us. Accordingly, on that day, we were ordered to form all the prisoners: we were told that we were going to bring wood and water, and that Santa Anna would be there that day. We were ordered to march all the officers at the head of the file, except Col. Fannin, who lay wounded in the Hospital. As we marched out of the sally port, we saw hollow squares formed ready to receive us: we were ordered to file left, and marched into a hollow square of double filed cavalry, on foot, armed with carbines, commonly called scopets, and broadswords.

“This square was filled and closed, and the head of the remaining files wheeled off into another square, and so on, until all were strongly guarded in squares. The company, of which the writer of this was one, was ordered to forward, and no more was seen of our unfortunate comrades: we marched out on the Bexar road, near the burying-ground; and as we were ordered to halt, we heard our companions shrieking in the most agonizing tones, ‘O God! O God! Spare us!’ and nearly simultaneously, a report of musketry. It was then we knew what was to be our fate. The writer of this then observed to Major Wallace, who was his file leader, that it would be best to make a desperate rush. He said, ‘No!’—we were too strongly guarded. He then appealed to several others, but none would follow. He then sprang, and struck the soldier on his right a severe blow with his fist: they being at open files, the soldier at the other file attempted to shoot him; but being too close, was unable. The soldier then turned his gun, and struck the writer a severe blow upon the left

hand. I then seized hold of the gun and wrenched it from his hand, and instantly started and ran towards the river. A platoon of men (I have been since informed, by two others who made their escape by falling when fired upon among the dead bodies of their comrades,) wheeled and fired upon me, but all missed.

"I then had a chain of sentinels to pass at about 300 yards' distance; they were about thirty yards apart, three of them closed to intercept my retreat, the central one raised his gun to fire—I still ran towards him in a serpentine manner in order to prevent his taking aim—I suddenly stopped—dropped my piece, fired, and shot the soldier through the head and he fell instantly dead. I ran over his dead body, the other two firing at me but missing, and immediately ran and leaped into the river, and while swimming across was shot at by three horsemen, but reached the opposite banks in safety; and after wandering six days without food in the wilderness, succeeded on the tenth of April in joining General Houston's army, after having been retaken by the enemy once, but succeeded in making my escape in company with a wounded man who had got off from La Bahia, by falling among the dead as before stated. I am happy to state, that six more succeeded in saving their lives and regaining their liberty by the same stratagem. The number of the enemy according to their own account, killed at the battle of Cotelo, varies from nine to eleven hundred."

The only material events, connected with this part of the campaign, which are omitted in the foregoing, relate to the movements of the Georgia battalion, under Col. Ward; which, it will be recollected, had been ordered to the relief of Captain King, at the Mission Refugio. We are told by Holland, only of their arrival, to relieve King, and their surrender, and return to Goliad as prisoners. Some events intervened, which in justice to the intrepid Ward, and his dauntless associates, whose lips are now sealed for ever, ought not to be overlooked. They had not probably come to the knowledge of Capt. Holland when he wrote his communication.

Col. Ward, with about one hundred men of the Georgia battalion, arrived at the Mission, on the evening of the 13th of March. A single salute from their rifles served to drive off the enemy, who had invested King in his position, which was the ruins of a stone church. Having marched during the day twenty-five miles, and most of the way in wet prairie, with the water often ankle deep, they were too greatly fatigued to think of returning the same night. Orders were given to commence their return march at daybreak, the next morning; and after posting sentinels the men were permitted to sleep on their arms. On mustering in the morning, a report of one of the sentinels excited

suspicious that the enemy had returned into the neighborhood, accompanied with a much larger force, and it was thought most prudent to send out a reconnoitring party, preceding the march of the main body. Accordingly, Capt. King, with his company, was sent forward. A discharge of musketry was soon after heard in the direction they had taken. Ward with his men immediately pressed forward to the relief of the advance, but at a distance of only a few hundred yards they were met in front by a body of Mexicans of six or eight hundred men. At the same instant, they discovered a body of cavalry moving at some distance in flank, in order to fall upon their rear, and cut off their retreat to the Mission. A moment's deliberation determined them to retreat again to the walls of the Mission house, and by reserving their fire, they kept the cavalry at a distance, and reached the walls without loss.

Preparations were immediately set about, to defend themselves against an assault, as the large force of the enemy rendered it very certain that this would soon be attempted.

On three sides of the church there was nothing to cover the approach of an enemy, but in advancing to make an assault, he must be exposed to the deadly aim of the garrison, the moment he came within rifle shot. On the fourth side was the church-yard, of some fifty yards in length, walled in. From the end of this the ground sloped for some distance. This would cover the advance of an enemy, until it became necessary to scale the wall, and then there were some tombs within that would still partially cover them in a nearer approach to the walls of the church. This point must therefore be defended by a force posted in the yard.

Bullock's company, consisting of about thirty-five men, then without a commissioned officer present, but acting as a band of brothers, volunteered for this dangerous service. Ward himself, although looking well to his duty as commandant of the battalion, was never long absent from this outpost; he scarcely affected to assume the command, but ranked with the band, and none could be more expert in using the rifle.

The order of defence was promptly adopted, and not less promptly executed. The force of the enemy, having been increased by the arrival of another reinforcement, now exceeded thirteen hundred, including the cavalry. At 8 o'clock, they were seen advancing briskly to the assault from all points at the same instant. Upon the uninclosed sides of the building, the enemy opened a fire, on reaching musket-shot distance. On the side of the yard, they were discovered marching slowly and silently in close column, intending to draw up unperceived, and spring upon their prey from the yard at the moment, when he was hard

pressed by their companions, and wholly occupied by the attack from that quarter.

Ward had ordered his men not to hazard an ineffectual shot, but that every man should reserve his fire until sure of his aim, and he was obeyed to the letter. At the first discharge of rifles from the building, as many Mexicans bit the dust. This produced some confusion in the Mexican ranks, and one or two parties retreated, but others recovered and made a rush towards the building. A second discharge from within, not less fatal than the first, cut down the foremost ranks and put the survivors to flight. Meantime, the contest had commenced on the side of the yard. The Mexican column had pressed forward as soon as the firing commenced on the other quarters; at something less than one hundred yards, they received the fire of the little band, until then concealed behind the wall. Several of the front ranks fell, almost in a body, as many, perhaps, by the panic as by the bullets, the remaining ranks fell back a few yards, but a further retreat was stopped by the efforts of a few brave officers. The column now displayed, and detachments from the two wings advanced to attack the yard in flank, while the centre once more moved forward to the attack in front. Ward and his little brothers, (as he now called them, for they were all mere striplings in appearance, mostly under the age of eighteen,) stood undaunted, pouring quick and deadly volleys upon the front, regardless of the threatened attack upon their flank, which they left to the care of their companions within the church; and these having now driven the first assailants beyond the reach of their rifles, were at full leisure to attend to the attack on that quarter, and the flankers now falling rapidly from their oblique fire, and unrestrained by the presence of any superior officer, fled like frightened deer, beyond the reach of danger. The contest was more obstinate in front, where several officers made a desperate effort to lead their men to the charge; many had fallen within a few yards of the wall, but every attempt to reach it proved ineffectual, and these men finding that they were maintaining the contest alone, while their companions had retreated out of danger, turned back with the rest.

The Texians having resisted this attack so gallantly and successfully, and with such terrible effects to the enemy, flattered themselves that they should remain unmolested during the remainder of the day. But in this they were mistaken. The pride of the Mexican officers, many of whom had been long in service, was excessively wounded by the result of the attempted assault, which in view of the great inequality of numbers, was felt to be disgraceful to the Mexican arms. The Mexican loss in the first attack had been little short of three hundred in killed and wounded, yet it was followed up in two hours by a second, and in the

course of the day by a third attempt to dislodge the hundred volunteers from their crazy walls, but at each time with far less vigor than the first, and with as little success, but with much less loss in their own ranks.

Night now coming on, the Mexicans after posting sentinels around the Mission, to prevent the escape of the besieged, retired to their camp, distant only five or six hundred yards. The Texians finding their ammunition nearly exhausted, (which with all their care in husbanding it, would not have held out through the last assault, had it been as vigorous as the first,) determined to retreat during the night. This they effected unnoticed, or at least, unmolested by the enemy. Not a man of the hundred volunteers had been killed in these repeated assaults; three only had been severely wounded;—these were from among the little band of brothers, who had so gallantly defended the outpost, during the long day's strife, and the most daring of the band.* The acknowledged Mexican loss was four hundred men killed and wounded.

Santa Anna in his wretched apology for his cold blooded butchery of prisoners, in violation of the express terms of their capitulation, among other things, introduces this terrible slaughter of his men at Mission Refugio. An apology indeed!—One hundred Texians, attacked by a thousand Mexicans, defended themselves with a gallantry unsurpassed among the records of heroic deeds which mankind have preserved with the greatest care; and this is to excuse the butchery of unarmed prisoners! The apology is precious only as it is an unwilling tribute to the memory of brave men, from the hand of their assassin.

Having been spared the painful detail of the horrid massacre at Goliad, by transferring to our pages an account drawn up by

* These men were left in the church. Their companions being unprovided with means of taking them along. "We parted with tears and sobs," says our informant, who was one of the band, and who wept and sobbed again, before he had finished the tale. "When night came on, and the enemy had retired, they began to feel that hunger and thirst which a long day's work, without food or drink, could not fail to create. They had provided themselves with a tierce of water in the morning from a spring some four hundred yards distant, but this had been tapped and drawn off by the Mexican bullets on the first assault. The poor wounded boys now begged as a last favor of their companions, to fill their gourds with water before leaving them. The Mexicans had posted a strong guard at the spring, but the appeal of their stricken brothers was not to be resisted, and they marched in a body, determined to reach the fountain or perish in the attempt. After exchanging a volley the Mexicans left them in possession of the spring; each then filled his gourd and returned unhurt to their companions. Four of the Mexican guard had fallen at the spring;—they brought also the blankets of the foes they had slain, and in these they wrapped their dying comrades, and bid them farewell for ever."

one who had a fearful interest in the scene, we forbear further comment. The deed is sufficiently characterised by a simple record of the facts.

In dismissing the subject, however, we will introduce one other witness to speak for us, who also bore a part in the tragic scene, different indeed from the last. He was an instrument of the assassin, (and as it would appear from his language, an unwilling instrument,) in consummating the foul deed. We extract the following from a letter written by a Mexican officer after the massacre:—

“This day, Palm Sunday, March 27, has been to me a day of most heartfelt sorrow. At six in the morning, the execution of four hundred and twelve American prisoners was commenced, and continued till eight, when the last of the number was shot. At eleven commenced the operation of burning their bodies. But what an awful scene did the field present, when the prisoners were executed, and fell dead in heaps! And what spectator could view it without horror! They were all young, the oldest not more than thirty, and of fine florid complexions. When the unfortunate youths were brought to the place of death, their lamentations and the appeals which they uttered to Heaven, in their own language, with extended arms, kneeling or prostrate on the earth, were such as might have caused the very stones to cry out in compassion.”

CHAPTER XI.

Reception of the intelligence of Santa Anna's invasion, at the seat of the Texian government—Gen. Houston's appeal to the citizens—he appoints a rendezvous at Gonzales—proceeds there by a forced march—is informed of the fall of Alamo—retreats upon the Colorado—learns Fannin's surrender—retreats to the Brazos—Mexicans advance to San Felipe—General Houston learns the force of the interior division—decides to give them battle—leaves his position upon the Brazos—arrives near Harrisburgh—capture of the Mexican Courier—Deaf Smith—movement of Santa Anna to Harrisburgh and New Washington—the hostile armies meet—affair of the 20th—number and character of the opposing forces—their position described—official account of the battle of San Jacinto.

HAVING brought the bloody drama, which was acted on the western frontier at the beginning of the campaign, to its closing scene, we turn back a few days to the time that notice of the arrival of the invading army at San Antonio first reached Washington. This was on the morning of the second day of March, and previous to this, no certain intelligence that a Mexican had crossed the Rio Bravo, with hostile intentions, had reached that place. It was probably a part of the plan of the campaign with Santa Anna to surprise the Texians, and in this he had fully succeeded. The news that San Antonio was already besieged by two thousand men, came accompanied with all the circumstances of the advance of the invading army in two divisions, and that Santa Anna was either at San Antonio, or on his way there to direct in person the military operations of the campaign. There was nothing kept back. All the astounding facts came at once, with many exaggerations, rendering them still more fearful and appalling. It was reported that the strength of both divisions could not be less than fifteen thousand men; that the garrison at San Antonio had already been overcome and put to the sword, and that the enemy were on the march for the Colorado.

It will be recollected that the Texian convention, clothed with full powers to declare independence, and form a constitution, were then in session at Washington; and it was at this dark hour, in face of the impending storm which threatened to lay their country

one who had a fearful interest in the scene, we forbear further comment. The deed is sufficiently characterised by a simple record of the facts.

In dismissing the subject, however, we will introduce one other witness to speak for us, who also bore a part in the tragic scene, different indeed from the last. He was an instrument of the assassin, (and as it would appear from his language, an unwilling instrument,) in consummating the foul deed. We extract the following from a letter written by a Mexican officer after the massacre:—

"This day, Palm Sunday, March 27, has been to me a day of most heartfelt sorrow. At six in the morning, the execution of four hundred and twelve American prisoners was commenced, and continued till eight, when the last of the number was shot. At eleven commenced the operation of burning their bodies. But what an awful scene did the field present, when the prisoners were executed, and fell dead in heaps! And what spectator could view it without horror! They were all young, the oldest not more than thirty, and of fine florid complexions. When the unfortunate youths were brought to the place of death, their lamentations and the appeals which they uttered to Heaven, in their own language, with extended arms, kneeling or prostrate on the earth, were such as might have caused the very stones to cry out in compassion."

CHAPTER XI.

Reception of the intelligence of Santa Anna's invasion, at the seat of the Texian government—Gen. Houston's appeal to the citizens—he appoints a rendezvous at Gonzales—proceeds there by a forced march—is informed of the fall of Alamo—retreats upon the Colorado—learns Fannin's surrender—retreats to the Brazos—Mexicans advance to San Felipe—General Houston learns the force of the interior division—decides to give them battle—leaves his position upon the Brazos—arrives near Harrisburgh—capture of the Mexican Courier—Deaf Smith—movement of Santa Anna to Harrisburgh and New Washington—the hostile armies meet—affair of the 20th—number and character of the opposing forces—their position described—official account of the battle of San Jacinto.

HAVING brought the bloody drama, which was acted on the western frontier at the beginning of the campaign, to its closing scene, we turn back a few days to the time that notice of the arrival of the invading army at San Antonio first reached Washington. This was on the morning of the second day of March, and previous to this, no certain intelligence that a Mexican had crossed the Rio Bravo, with hostile intentions, had reached that place. It was probably a part of the plan of the campaign with Santa Anna to surprise the Texians, and in this he had fully succeeded. The news that San Antonio was already besieged by two thousand men, came accompanied with all the circumstances of the advance of the invading army in two divisions, and that Santa Anna was either at San Antonio, or on his way there to direct in person the military operations of the campaign. There was nothing kept back. All the astounding facts came at once, with many exaggerations, rendering them still more fearful and appalling. It was reported that the strength of both divisions could not be less than fifteen thousand men; that the garrison at San Antonio had already been overcome and put to the sword, and that the enemy were on the march for the Colorado.

It will be recollected that the Texian convention, clothed with full powers to declare independence, and form a constitution, were then in session at Washington; and it was at this dark hour, in face of the impending storm which threatened to lay their country

in utter desolation, that the delegates of the people of Texas adopted a declaration of independence, and put their names to the instrument.

General Houston, the commander-in-chief of the Texian army was also at Washington, on the receipt of the foregoing intelligence. From the day of his appointment, he had made unsparring efforts to furnish the means of equipping and subsisting a small army upon the frontier, and for this purpose, every available resource of the country had been put in requisition; but these were few indeed, and his progress had been slow and discouraging.

The savages upon the frontier, probably excited by the emissaries of Santa Anna, had, during the winter, assumed a hostile attitude, and the commander-in-chief found it necessary to engage personally, in various measures of menace and pacification, to relieve the frontier citizens from apprehensions from that quarter, that they might be ready to take the field against the Mexicans when occasion should demand it.

To embody the citizens, and march with them to the western frontier, when the whole resources of the country were scarcely sufficient for the transportation of a supply of provisions, necessary for their subsistence for a single month, was not to be thought of. There was no other feasible course but to await the event and call them out on the first alarm. That alarm had now come, but the call had come a distance of nearly two hundred miles, crossing rivers and traversing a country without roads or bridges, and over the deep soil of Texas, in the rainy month of March. Its progress had unavoidably been slow, and so must be the response, in spite of human effort.

The commander-in-chief having appointed Gonzales, as a place of general rendezvous, immediately despatched couriers to all the principal settlements with the following order:—

ARMY ORDERS.

“ Convention Hall,
Washington, March 2d, 1836.

“ War is raging on the frontiers. Bejar is besieged by two thousand of the enemy under the command of Gen. Siesma. Reinforcements are on their march to unite with the besieging army. By the last report, our force in Bejar was only one hundred and fifty men strong. The citizens of Texas must rally to the aid of our army or it will perish. Let the citizens of the East march to the combat. The enemy must be driven from our soil, or desolation will accompany their march upon us. INDEPENDENCE IS DECLARED it must be maintained. Immediate action united

with valor, alone can achieve the great work. The services of all are forthwith required in the field.

“ SAM. HOUSTON,

“ *Commander-in-chief of the Army.*

“ P. S. It is rumored that the enemy are on their march to Gonzales, and that they have entered the colonies. The fate of Bejar is unknown. The country must and shall be defended. The patriots of Texas are appealed to in behalf of their bleeding country.

“ S. H.”

After sending out this brief but “ stirring” appeal, Houston proceeded to muster all the force that could be collected in the neighboring settlements, and commenced a forced march for Gonzales, his place of rendezvous.

Meantime, the same alarming intelligence that reached Washington on the morning of the second, had previously spread through most of the settlements west of the Brazos. That a panic to some extent was the consequence, we have before intimated. Indeed, in view of all the circumstances, the absence of it might be deemed incredible. Men, who might perhaps have acted bravely, where personal safety alone was concerned, became cowards in contemplating the indefinable dangers to which their families might be exposed in their absence. Many therefore proceeded to remove their families before the enemy, instead of manfully facing the enemy and driving him back from their families. There are men however, who cannot be reached by a panic, and in no country is the proportion greater than in Texas. This class of men hastened from all quarters to the frontiers, and on the 7th of March, when Houston reached Gonzales, he found himself at the head of about five hundred men. On the 8th a Mexican brought in a report of the fall of the Alamo, and the fate of the garrison.

A company, consisting of most of the men able to bear arms in and about Gonzales, had but a few days before marched to the relief of the garrison. They had bravely broken through the lines of the besieging army and reached the fort in safety, but to become early victims to numbers too overwhelming to be resisted. Tidings of their fate now first reached their relatives. “ No human pen (says our correspondent, one of the aids of Gen. Houston,) can describe the scene that these sad tidings produced in the little town of Gonzales. Not less than twenty women, with young and helpless children, were made widows. Fathers had lost sons, brother had lost brother. In short, there was not a family,

in the once happy and flourishing settlement of Gonzales, that did not mourn the death of some murdered relative. The soldier too partook of the general affliction of the citizens of the place, for they too had lost many a brother, men fit to have stood by Cæsar. For several hours after the receipt of the intelligence, not a sound was heard, save the wild shrieks of the women, and the heart-rending screams of the fatherless children. Little groups of men might be seen in various corners of the town, brooding over the past, and speculating of the future, but they scarce spoke above a whisper, for here the public and private grief was alike heavy, and sunk deep into the heart of the rudest soldier.

"It was suggested that the report brought by the Mexican might be an invention of the enemy, although there were too many corroborating circumstances to leave a serious doubt of the awful truth. It was deemed expedient that not only the fate of the Alamo should be known beyond a doubt, but that the position and strength of the enemy should if possible be ascertained. Accordingly the next day, Deaf Smith (the Harvey Birch of the Texian revolution,) and two others, of whom our correspondent was one, volunteered, at the call of the general, to proceed upon this hazardous service. Having advanced about twenty miles on the route to San Antonio, they discovered at a long distance on the prairie in front, three persons approaching on horseback. Supposing at first they might be a Mexican scouting party, they pressed rapidly forward, but on coming nearer they discovered a *bonnet*. The party proved to be the unfortunate Mrs. Dickinson with an infant in her arms, accompanied by Ben, a servant of Almonte, and the boy Sam, the faithful and devoted servant of the lamented Travis. Mrs. D. and the others, after recovering from the fright, occasioned by the unceremonious charge of the advancing party, confirmed the report of the Mexican, in regard to the fall of the Alamo, and the fate of the garrison. The party brought also a sort of bragging proclamation from Gen. Siesma, whom they had left that morning on the advance to Gonzales, at the head of a force which they estimated variously from three to ten thousand men." The party then returned with the intelligence thus obtained, to the camp at Gonzales. On the receipt of which, it was decided by Houston, in accordance with the general sentiment of his officers, to burn the town of Gonzales, and fall back upon the Colorado, in the expectation of meeting reinforcements and increasing the strength of his little army. The afflicted inhabitants of the settlement of course accompanied the army in their retreat, and availed themselves of its aid, in taking along their few valuable moveables.

Having crossed the Colorado, the Texian general took a posi-

tion on its banks, which he continued to occupy until the twenty-fifth of the month, when learning of Fannin's surrender, and the probability that Santa Anna was concentrating his two divisions to attack his position, and having thus far been disappointed in his expected reinforcements, he decided upon a further retreat to the Brazos.

The settlements between these two rivers were now quite deserted of inhabitants, most of whom had crossed the last mentioned river, and were moving east toward the Trinity, and by the time the Texian general had pitched his camp upon the Brazos, the flying inhabitants had all crossed the Trinity, and the whole country west of that river was now occupied alone by the two armies. The position now chosen by Gen. Houston, was on the west bank of the Brazos, about twenty miles above the town of San Felipé. He threw up some slight fortifications about his camp, such as time and means would permit, and waited the advance and attack of the enemy, or for the disclosure of any favorable circumstances that would seem to justify an attack on his part. His fearless and faithful scouts all the while keeping a watchful eye upon the advancing enemy, and almost daily reporting his progress.

Strong hopes had been entertained, that many of the citizens who had been engaged in removing their families out of danger, would, on placing them east of the Trinity, return and join the ranks of the army, but these hopes were not to be realized, and all the reinforcements which had joined the army, since the retreat from Gonzales, left it still short of eight hundred effective men.

In the meantime, Santa Anna had not (as it was believed he would,) united the two divisions of his army, but both had crossed the Colorado and advanced by different routes for the Brazos. The one for San Felipé and the other for Brazoria, places ninety miles distant from each other.

A small company of Texians had been left at the latter place, with orders, on the near approach of the enemy, to set fire to the town, cross the river and retreat to the Texian camp, leaving the scouts to watch and report the next movement of the enemy.

From the report of his scouts now brought to his camp, on the fourteenth or fifteenth of April, Houston became enabled to make a tolerable correct estimate of the strength of the Mexican division, which had reached San Felipé, and finding it greatly below all previous reports, and that it would not present such a disparity of numbers as to weaken the hopes and confidence of his men, he determined to break up his camp, cross the Brazos and take a route which would probably place him in front of this division of the invading army. That the enemy on crossing the Brazos

would proceed first to Harrisburgh, was rendered probable, from the fact, that it was then the seat of the Texian government; the officers of which Santa Anna would be eager to secure, in order to wreak his vengeance upon the chief actors in the *rebellion*. An additional reason for his proceeding in that direction, existed in a small depot of military stores at New Washington, on the San Jacinto bay, of which the enemy would probably seek to possess himself.

Houston left his camp on the 16th, and by a forced march reached the Buffalo bayou, opposite Harrisburgh, a distance of fifty miles, on the evening of the 18th. The difficulties to be overcome in transporting his sick, his baggage, artillery and munitions, and a present supply of provisions, through a country entirely new, and destitute as Houston was of any suitable vehicle to facilitate the operation, must have been seen and felt, to be duly appreciated. The labor could have been performed only by such men as composed the army of San Jacinto.

While at this point, Houston was supplied by one of those accidents which often decide the fate of empires as well as armies, with all the intelligence he could possibly desire in regard to his enemy. A courier was brought in with a despatch, giving an account of Santa Anna's late movements, his present position and force, and designating the point next in view, and his intended route.

We have said the Texian general was supplied by accident, and if we had said that he was providentially supplied, the same idea would have been conveyed to our readers. But in this case as in thousands of others, results attained only by a courage, vigilance and foresight, unsurpassed among the cherished records of patriotic deeds, are called accidental, or providential, because the agent is deemed too undignified to be brought into view, when if the same deed had been performed by any man of exalted rank, full credit would have been given to the true agent, and all the world would have sung his praise.

For the injustice we had inadvertently done, by imputing to accident, what was justly due to a great and good man, (if greatness and goodness arise from services as difficult, valuable, and disinterested, as ever mortal man rendered in a just and holy cause,) we will now endeavor to atone, by rescuing the man, and his services from oblivion, so far as our humble work can achieve that object. To Erastus Smith, better known as Deaf Smith, who has been called the Harvey Birch of Texas, but who has been to Texas as a second providence, watching with sleepless vigilance the evil designs of her enemies, and thwarting them with a wisdom, a courage, and an energy in action, almost superhuman, was Texas indebted, for revealing to her defenders, in

this crisis of her fate, when about to strike the last blow in her behalf, all they could have desired to know, of the intentions of their enemy, if they had been privileged to read his heart. Smith had tracked the route of the enemy, he had foreseen the return of the courier, and duly estimating the value to his own country of the despatches with which he must be charged, he had stationed himself at a point he must necessarily pass, and the rest followed of course. No enemy of his country, on whom he had once fixed his eye, ever attempted to escape him, without ruing the day. He thus made himself master of that which possibly, nay probably, involved the destiny of his country, and if Texians were compelled to choose among mortals, one in whom the destinies of their country must be confided, every eye would turn to Deaf Smith. The narrow limits of this work have restricted us to a passing notice of the heroes of the Texian revolution. Indeed, but few among them, living or dead, have received at our hands even that poor tribute of our admiration. Yet why should we regret this, since deeds like theirs cannot fail to command the rich homage of those pens which, like Plutarch's, confer immortality on their subject.

We need not enlarge upon the value and importance of the intelligence with which the Texian general had been so opportunely furnished. To our readers who have the slightest acquaintance with military operations, it must appear obvious at a glance.

Houston having determined to hazard a battle, the time, the place, and the numerical force of his enemy at the moment of meeting, were considerations which must greatly influence, and might control the result. The two first might be accidental, or perhaps be at the choice of his enemy, and as to numbers his enemy might have it in his power to avoid the conflict, until he had concentrated his whole force. These considerations which continually presented themselves to perplex the mind of the Texian general, while occupied with other cares, sufficiently distracting, were now no longer dubious. The precise point where they could meet the enemy, the time with sufficient certainty, and the number they should meet there, was now disclosed to the Texians, and they had only to press forward and be the first to occupy the ground. This secured them not a victory but only a battle. This was the object of their present movement, and so much was now secured to them. But in this, however, they would have no advantage over their enemy. Neither party could then escape the conflict, unless by permission of the other. Thus on the evening of the 18th, the Texians could anticipate the battle of San Jacinto. But no one, it may be presumed, in the wildest dream of enthusiasm, if indeed such dreams were given at that gloomy hour, had then even a faint glimpse of the glorious result. They had deter-

mined to hazard all upon a blow, which, if ineffectual, they well knew must be fatal to their country and themselves, since Texas had no other army, and the enemy spared no prisoners. In a week, the enemy would reach the Sabine—the soil would drink the blood of the last of their race who had not crossed that river, and their beloved country, which had so lately come into existence, beautiful as Eve from the hand of her Maker, would be again blotted from the map of nations: even their own existence and that of their country must be staked upon the issue. The fate of Fannin, too, was before them, and his blood unavenged. The highest and holiest appeals, therefore, from the voice of duty, would come seconded by the calls of vengeance, to strengthen the heart and nerve the arm in the day of battle.

History furnishes few, if any examples, where men have engaged in a conflict of arms with higher or more powerful incentives, than those which may be supposed to have animated the Texians at the battle of San Jacinto; and the event was answerable to the preparation.

Santa Anna having crossed the Brazos at Fort Bend, thirty miles below San Felipe, had directed his march upon Harrisburgh, as Houston had anticipated; but the movement had taken place earlier than was expected. The Mexican chief, having been disappointed in his hopes of seizing upon the officers of the Texian government, who had gained intelligence of his approach, and taken their departure for Galveston Island, a few hours before his arrival, set fire to the town of Harrisburgh, and continued his march down the bay, to the depot of military stores at New Washington.

General Houston, after having gained intelligence of this movement of his enemy, through the capture of his courier before spoken of, on the evening of the 18th, and learning also his intention to return to Lynch's Ferry, near the mouth of Buffalo Bayou, in order to cross the San Jacinto on his way to Anahuac, pressed forward with his army for the point indicated, which he reached on the 20th; and before his army had time to prepare refreshments, the Mexican army appeared in view. Santa Anna had drawn up his army in battle array, and made some show of attacking Houston in his position, which was promptly met by the latter. A cannonading was opened for a short time on both sides, and some skirmishes took place between the opposing cavalry, and also between detached parties of infantry. The Mexicans, however, soon retired, and took a position three quarters of a mile distant from the Texian camp. Houston had not declined the offered battle, but willingly drew off his men when the enemy retired, desirous of invigorating them with sleep and refreshments, which they had been long without, before he led them to

the final conflict. The day closed by a very brilliant feat of arms, on the part of the Texian cavalry, in which Gen. Lamar, the present Vice President of Texas, who had then but recently arrived in the country, led a charge against the Mexican cavalry, with an intrepidity and success that would have done honor to Murat, the quondam king of Naples, in the midst of his splendid career of arms. Night now closed in upon the hostile armies; and the Texians, wearied nearly to exhaustion by previous forced marches night and day, slept soundly upon their arms.

On the part of the Mexicans, we would not be answerable for their quiet repose, since they had not been previously subjected to equal vigilance and fatigue. With half their number, it was the last sleep from which they would awake to the light of the sun; and reposing now, for the first time, in presence of the brothers of those whom they had so recently murdered in cold blood at Goliad. It would not be surprising, if the terrible retribution of the coming day had been shadowed forth in their dreams.

But we will leave them "to such repose as they could find," under the open canopy of heaven, in a Texas prairie, in the month of April, (which, with a quiet conscience, we have found to be not less refreshing and more invigorating than in the curtained chambers of the palace hotels of our commercial cities,) and improve the interval in presenting a summary account of the number and character of the forces of the hostile parties, and the positions they now occupied.

General Houston, before crossing the Buffalo Bayou, had selected a secure and covert position, in which he left his sick and baggage, under the protection of a small guard, that in the event of his defeat, they might remain concealed for some time from the enemy, until the sick should have time to recover, and possibly entirely escape his fury. The force with which he then proceeded to occupy his present position, amounted to something less than eight hundred men. Every state in this Union may claim the honor of having given birth to more or less of the heroes of San Jacinto: some few, and but very few, were European born. There was a small band of Mexicans, collected mostly about Nacogdoches, who at all times had ranged themselves under the "banner of liberty." A very considerable proportion of the whole force—perhaps more than half—had been for some time citizens of Texas. These were mostly planters; but among them were some of every profession, trade or occupation, to be found in the country: statesmen and lawyers, the most eminent in the country, were found acting as privates in the ranks, vying with the ploughman and the blacksmith's apprentice, in their efforts to discharge with alacrity and cheerfulness all the severe

and laborious duties of the common soldier. But few officers or privates had previously seen service in the field: they were all, however, more or less familiar with the use of arms. But in regard to any practical acquaintance with the military exercises and manœuvres of the schools, most of them had none—not even that which may be learned in the common “train bands” of the country. Such was the number and character of Houston’s force; and for the character of the general, it is known to the world, and needs neither delineation nor elucidation at our hands. It may be proper to remark, however, that this was his first effort in leading an army to battle.

On the side of the Mexicans, the military character of Santa Anna, their chief, is also well known. An experience of nearly twenty years in arms, during most of which he had been a general in active command, and during which he had led we know not how many armies to battle, and as often to victory, rendered him truly a formidable antagonist. He had brought with him, in his advance upon Harrisburgh, more than a thousand of his choicest troops, most of them veterans familiar with the manœuvres and the strife of battles, accompanied with generals and subordinate officers, also of long experience, who had been accustomed to execute his orders, and whose valor and skill had been often tried under his own eye. Such was the Mexican force at the meeting of the hostile armies on the 20th; and at nine o’clock in the morning of the 21st, it was reinforced by the arrival of Gen. Cos, with five hundred additional troops of a like character, making the whole Mexican force at the battle of the 21st, little short of sixteen hundred men. The positions occupied by the two armies on the evening of the 20th, which was also the battle-ground of San Jacinto, may be found on the maps of Texas, near the San Jacinto river, immediately below its confluence with the Buffalo Bayou. The Texian army encamped in a narrow open prairie, along the south bank of Buffalo Bayou. In front was a skirting of timber, of some forty or fifty yards in width, terminated again by open prairie, which extended to the Mexican line, three fourths of a mile distant. The Mexican army had encamped in a line, with its right resting upon the San Jacinto, and extending into a narrow skirting of wood along that stream. The space between the strip of wood along the Buffalo Bayou, in front of the Texian encampment and the Mexican line, was not entirely open prairie. At midway between, or perhaps nearest to the Mexican line, a point of timber extended from the San Jacinto into the prairie some two hundred yards; and nearly in the same range, further out from the river, was a small copse of wood, or, in Texian phrase, an island of timber.

The San Jacinto and Buffalo Bayou, though apparently small

streams upon the map, are deep channels of navigable waters; and eight miles distant, in the direction of the Brazos, was another deep creek, over which was a bridge, which had been burnt by Houston’s order, just before the battle of the 21st; so that the two armies were enclosed in a small space, from which it was scarcely possible for either to escape without the permission of the other.

Having proceeded thus far with the preliminaries of the battle of San Jacinto, we will no further anticipate the official account of the Texian general, which describes the disposition of the forces, and the order, progress and result of the battle, with a brevity and perspicuity which we could not hope to attain. We therefore close the present chapter, by subjoining that highly interesting document.

“To his Excellency D. G. Burnett, President of the Republic of Texas:—

*“Headquarters of the Army,
San Jacinto, April 26th, 1836.*

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

“I have the honor to inform you, that on the evening of the 18th inst., after a forced march of 55 miles, which was effected in two days and a half, the army arrived opposite Harrisburgh. That evening a courier of the enemy was taken, from whom I learned that Gen. Santa Anna, with one division of his choice troops, had marched in the direction of Lynch’s Ferry, on the San Jacinto, burning Harrisburgh as he passed down. The army was ordered to be in readiness, to march early on the next morning. The main body effected a crossing over Buffalo Bayou, below Harrisburgh, on the morning of the 19th, having left the baggage, the sick, and a sufficient camp-guard in the rear. We continued the march throughout the night, making but one halt in the prairie for a short time, and without refreshment. At daylight, we resumed the line of march, and in a short distance our scouts encountered those of the enemy, and we received information that Gen. Santa Anna was at New Washington, and would that day take up the line of march for Anahuac, crossing at Lynch’s Ferry. The Texian army halted within half a mile of the ferry in some timber, and were engaged in slaughtering beeves, when the army of Santa Anna was discovered to be approaching in battle array, having been encamped at Clopper’s Point, eight miles below. Disposition was immediately made of our forces, and preparation for his reception. He took a position with his infantry, and artillery in the centre, occupying an

island of timber, his cavalry covering the left flank. The artillery, consisting of one double-fortified medium brass twelve-pounder, then opened on our encampment. The infantry in column advanced with the design of charging our lines, but were repulsed by a discharge of grape and canister from our artillery, consisting of two six pounders. The enemy had occupied a piece of timber within rifle-shot of the left wing of our army, from which an occasional interchange of small arms took place between the troops, until the enemy withdrew to a position on the bank of the San Jacinto, about three quarters of a mile from our encampment, and commenced a fortification. A short time before sunset, our mounted men, about eighty-five in number, under the special command of Col. Sherman, marched out for the purpose of reconnoitring the enemy. Whilst advancing, they received a volley from the left of the enemy's infantry, and after a sharp encounter with their cavalry, in which ours acted extremely well, and performed some feats of daring chivalry, they retired in good order, having had two men severely wounded, and several horses killed. In the meantime, the infantry under the command of Lieut. Col. Millard, and Col. Burleson's regiment, with the artillery, had marched out for the purpose of covering the retreat of the cavalry if necessary. All then fell back in good order to our encampment about sunset, and remained without any ostensible action until the twenty-first, at half past three o'clock, taking the first refreshment which they had enjoyed for two days. The enemy, in the meantime, extended the right flank of their infantry so as to occupy the extreme point of a skirt of timber on the bank of the San Jacinto, and secured their left by a fortification about five feet high, constructed of packs and baggage, leaving an opening in the centre of the breastwork in which the artillery was placed, their cavalry upon their left wing.

"About nine o'clock on the morning of the twenty-first, the enemy were reinforced by five hundred choice troops, under the command of Gen. Cos, increasing their effective force to upward of fifteen hundred men, whilst our aggregate force for the field numbered seven hundred and eighty-three. At half past three o'clock in the evening I ordered the officers of the Texian army to parade their respective commands, having, in the meantime, ordered the bridge on the only road communicating with the Brazos, distant eight miles from our encampment, to be destroyed, thus cutting off all possibility of escape. Our troops paraded with alacrity and spirit, and were anxious for the contest. Their conscious disparity of numbers seemed only to increase their enthusiasm and confidence, and heightened their anxiety for the conflict. Our situation afforded me an opportunity of making the arrangements preparatory to the attack, without exposing our

designs to the enemy. The first regiment, commanded by Col. Burleson, was assigned to the centre. The second regiment, under the command of Col. Sherman, formed the left wing of the army. The artillery, under the special command of Col. Geo. W. Hockley, inspector-general, was placed on the right of the first regiment; and four companies of infantry under the command of Lieut. Col. Henry Millard, sustained the artillery upon the right. Our cavalry, sixty-one in number, commanded by Col. Mirabeau B. Lamar, (whose gallant and daring conduct on the previous day had attracted the admiration of his comrades, and called him to that station,) placed on our extreme right, completed our line. Our cavalry was first despatched to the front of the enemy's left, for the purpose of attracting their notice, whilst an extensive island of timber afforded us an opportunity of concentrating our forces and displaying from that point, agreeably to the previous design of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line, and through an open prairie, without any protection whatever for our men. The artillery advanced and took station within two hundred yards of the enemy's breastwork, and commenced an effective fire with grape and canister.

"Col. Sherman with his regiment, having commenced the action upon our left wing, the whole line, at the centre and on the right, advancing in double quick time, rung the war-cry "*Remember the Alamo*," received the enemy's fire, and advanced within point-blank shot before a piece was discharged from our lines. Our line advanced without a halt, until they were in possession of the woodland and the enemy's breastwork. The right wing of Burleson and the left of Millard, taking possession of the breastwork; our artillery having gallantly charged up within seventy yards of the enemy's cannon, when it was taken by our troops. The conflict lasted about eighteen minutes from the time of close action, until we were in possession of the enemy's encampment, taking one piece of cannon, (loaded,) four stand of colors, all their camp-equipage, stores and baggage. Our cavalry had charged and routed that of the enemy upon the right, and given pursuit to the fugitives, which did not cease until they arrived at the bridge which I have mentioned before, Captain Karnes, always among the foremost in danger, commanding the pursuers. The conflict in the breastwork lasted but a few moments; many of the troops encountered hand to hand, and not having the advantage of bayonets on our side, our riflemen used their pieces as war-clubs, breaking many of them off at the breech. The route commenced at half past four, and the pursuit by the main army continued until twilight. A guard was then left in charge of the enemy's encampment, and our army returned

with their killed and wounded. In the battle, our loss was two killed and twenty-three wounded, six of whom mortally. The enemy's loss was 630 killed, among whom was one general officer, four colonels, two lieutenant-colonels, five captains, twelve lieutenants. Wounded 208, of which were five colonels, three lieutenant-colonels, two second lieutenant-colonels, seven captains, one cadet. Prisoners 730—President General Santa Anna, Gen. Cos, four colonels, aids to Gen. Santa Anna, and the colonel of the Guerrero battalion, are included in the number. Gen. Santa Anna was not taken until the 22d, and Gen. Cos on yesterday, very few having escaped. About 600 muskets, 300 sabres and 200 pistols have been collected since the action; several hundred mules and horses were taken, and near twelve thousand dollars in specie. For several days previous to the action, our troops were engaged in forced marches, exposed to excessive rains, and the additional inconvenience of extremely bad roads, ill supplied with rations and clothing—yet amid every difficulty they bore up with cheerfulness and fortitude, and performed their marches with spirit and alacrity—there was no murmuring.

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

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

“SAM. HOUSTON, *Commander-in-chief.*”



Sam Houston

ARMY ORDER.

{ " Headquarters,
 { San Jacinto, May 5th, 1836.

" Comrades :—

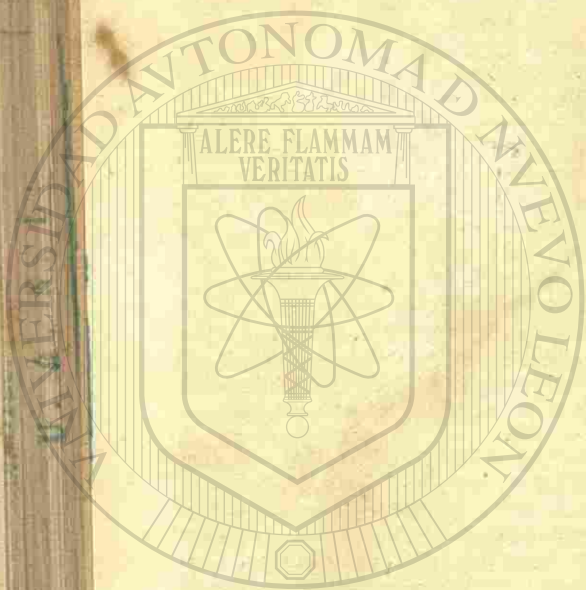
" Circumstances connected with the battle of the 21st, render our separation for the present unavoidable. I need not express to you the many painful sensations which that necessity inflicts upon me. I am solaced, however, by the hope that we will soon be re-united in the great cause of liberty. Brigadier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

" The enemy, though retreating, are still within the limits of Texas—their situation being known to you, you cannot be taken by surprise. Discipline and subordination will render you invincible. Your valor and heroism have proved you unrivalled. Let not contempt for the enemy throw you off your guard. Vigilance is the first duty of a soldier, and Glory the proudest reward of his toils.

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

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

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



UNIVERSIDAD AUTÓNOMA

DIRECCIÓN GENERAL DE BIBLIOTECAS

CHAPTER XII.

Review of the battle of San Jacinto—retreat of the invading army—marine affairs—civil affairs resumed—election—first meeting of Congress—new government organized—officers appointed—proceedings of Congress—adjournment—death of Austin and Zavala—character of Zavala—Santa Anna released—Independence acknowledged by the United States—annexation proposed—meeting of Congress—President's message.

THUS the brief campaign of 1836, which had been opened by the enemy with an array of force apparently so overwhelming that the immediate overthrow of the new republic had been confidently predicted, and which in its progress seemed already to have verified that prediction, was now brought to a close by a victory so strangely brilliant as to shed a blaze of glory over the western hemisphere, and cast a new lustre upon that distant isle whence had sprung the race who achieved it. The new-risen star of Texas, which seemed to have attracted the admiring gaze of the world, but to be extinguished in blood, now burst forth, more brilliant from its brief eclipse, and stands conspicuous in the firmament as the "one bright particular star."

The victory of San Jacinto, when considered in relation to its consequences to the victors, their country and the world, as well as the honor and glory justly acquired by the achievement, stands alone in the annals of human warfare. History, ancient or modern, presents no parallel. When first communicated to the world, it was everywhere deemed too incredible for belief. It came confirmed by letters from some of the chief actors in the scene, men of unquestioned veracity, detailing the principal circumstances, and it was still rejected as fabulous. And not until confirmed by the official report of the commanding general of the Texian army, accompanied with a declaration from the Mexican chief, that "he had decided to remain a prisoner with his enemy," did the public mind fully acquiesce in the truth of the strange tale.

We had collected many incidents of the battle which did not fall within the province of an official report, but which nevertheless might have been interesting to many of our readers. They relate principally to the daring intrepidity, and perfect self-pos-

session exhibited by the commander-in-chief and many of the officers and privates of the Texian army, amidst the greatest danger in the most critical period of the battle. We should have found much pleasure in detailing them, but our limits forbid the indulgence. The defeat and capture of Santa Anna and the force under his immediate command, seemed instantly to paralyze the efforts of all the Mexican troops in Texas. More than four thousand still remained in the heart of the country, with distinguished generals to direct their operations. They had undisputed possession of the whole country west of the Brazos; and in front was only a band of hastily-collected citizens numbering less than eight hundred men. But these were the proud victors of the battle of San Jacinto, who had conquered their invincible chief, and held him captive, and the whole Mexican nation would have then fled before them. Filisola, on whom the chief command devolved after the capture of Santa Anna, made a hasty retreat to the west, affecting to obey the orders and regard the terms of an armistice agreed upon by the captive chief, but really because his panic-stricken army had determined to take French leave of their general if he did not choose to accompany them. At all events, they had resolved to bid Texas farewell for ever.

Texas was again delivered from her enemy, who has not since presumed to invade her soil, though his distant menaces have been so far regarded that a military force, such as the limited resources of the country would justify, has been kept in the field; but no further military operations remain to be noticed in our work. A naval warfare has been carried on with Mexico since the beginning of the contest, and still continues, but on so limited a scale as scarcely to merit the attention of an historian. Some valuable prizes were made by the two or three Texian cruisers then at sea, in the early part of the contest. These were important to the country, as their cargoes afforded timely aid to the military operations then in progress. Some daring exploits of Texian cruisers might perhaps have found a place here, if they had not been thrown so far into the shade by greater exploits in the field.

We had brought down our history of the civil affairs of the country to the 17th of March, 1836, when the constitution was adopted by the convention. At that time the most impartial spectator of the fearful struggle in which she was engaged, would have felt little solicitude about a constitution of civil government for Texas. Not so the convention. They were no less careful in perfecting their work, by embodying in the instrument such improvements upon existing systems as the light of experience had shown to be necessary to secure the rights of the citizens, than if the country had been in the enjoyment of profound peace.

The Texian constitution, in view of the time in which it was adopted, exhibits a striking proof of the courage as well as the wisdom of its framers. And the friend of liberty and equal rights will find in no state better constitutional guarantees for their security than in Texas.

The citizens of Texas, once more permitted to turn their swords into ploughshares, have since labored with the assiduity which is characteristic of their race, to repair the ravages of the war, and to fit their country for any future struggle, or for the happy abode of peace, as their lot may be cast by an all-wise Providence. The only transactions of the summer of 1836, which particularly arrested public attention in Texas, relate to their royal prisoner. The *Illustrious* Don Lopez de Santa Anna, who after an arrangement for his return to Mexico, had been defeated by an expression of public sentiment, seemed much disposed to quarrel with President Burnet, about his bread and butter, and his bedroom. The President in reply assured him that he was furnished with the best the country in its present condition afforded, and expressed his sincere regret that the ravages of a certain war of which his Excellency had some little knowledge, had put it out of his power to furnish better.

On the first Monday in September, an election was held for choosing officers, under the constitution which had been unanimously adopted by the people. An expression of public sentiment was at the same time obtained upon the question of the annexation of Texas to the United States. This was found to be nearly unanimous in the affirmative, there being only 91 voices against, to 3279 in favor of it.

The first Congress under the constitution met at Columbia, on the first Monday in October. The two Houses were organized by choosing Richard Ellis, President pro tem. of the Senate, and Ira Ingraham, Speaker of the House of Representatives, when they received a valedictory message from President Burnet. It is a document of great length, explaining the measures of his brief but eventful administration, enumerating the difficulties he had encountered, and calling the attention of Congress to the ordinary topics of legislation. It contains nothing of sufficient interest to call for its insertion in our pages. Congress proceeded on the second day of their session, to count the votes which had been given in the various districts for President and Vice President of the Republic, when it was found that General Samuel Houston had been elected to the first office, and Gen. Mirabeau B. Lamar to the second. On the same day the new president delivered to both Houses of Congress, and such citizens of Texas as the interesting occasion had collected, the following inaugural address:—

PRESIDENT HOUSTON'S INAUGURAL ADDRESS

“MR. SPEAKER AND GENTLEMEN:—

Deeply impressed with a sense of the responsibility devolving on me, I cannot in justice to myself repress the emotions of my heart, or restrain the feelings which my sense of obligation to my fellow-citizens has inspired—their suffrage was gratuitously bestowed. Preferred to others, perhaps superior in merit to myself, called to this most important station, by the voice of a free people, it is utterly impossible not to feel impressed with the deepest sensation of delicacy. It is not here alone, but our present attitude before all nations, has rendered my position and that of the country, one of peculiar interest.

“A spot of earth, almost, unknown to the geography of the age—almost destitute of resources—comparatively few in numbers, we modestly remonstrated against oppression; and when invaded by a numerous host, we dared to proclaim our independence, and to strike for freedom on the breast of our oppressors. As yet, our course is onward. We are only in the outset of the campaign of Liberty. Futurity has locked up the destiny which awaits our people.

“Who, with apathy, can contemplate a situation so imposing in the physical and moral world? None!—no, not one. The relations among ourselves are peculiarly delicate and important: for no matter what zeal and fidelity I may possess in the discharge of my official duties, if I do not obtain co-operation and honest support from the co-ordinate departments of the government, wreck and ruin must be the inevitable consequences of my administration.

“If, then, in the discharge of my duty, my competency should fail in the attainment of the great objects in view, it would become your sacred duty to correct my errors and sustain me by your superior wisdom. This much, I anticipate—this much, I demand. I am perfectly aware of the difficulties that surround me, and the convulsive throes through which my country must pass. I have never been emulous of the honors of a civic wreath, although when merited, it crowns a happy destiny. In a country situated like ours, environed with difficulties, its administration fraught with perplexities; had it been my destiny, I would infinitely have preferred the privations, the toils and perils of a soldier, to the duties of my present station. Nothing but zeal stimulated by the holy spirit of patriotism, and guided by philosophy and wisdom, can give that impetus to our energies necessary to surmount the difficulties with which our political path is obstructed.

"By the aid of your intelligence I trust that all impediments to our success will be removed—all wounds in the body politic will be healed, and that the constitution of the Republic will derive strength and vigor equal to all emergencies. I shall confidently anticipate the establishment of constitutional liberty. In the attainment of this object, we must regard our relative situation to other countries.

"A subject of no small importance to our welfare is the situation of an extensive frontier, bordered by Indians, and subject to their depredations. Treaties of peace and amity, and the maintenance of good faith with the Indians, present themselves to my mind as the most rational ground on which to obtain their friendship. Abstain on our part from aggression, establish commerce with the different tribes, supply their useful and necessary wants, maintain even-handed justice with them, and a natural reason will teach them the utility of our friendship.

"Admonished by the past, we cannot in justice disregard our national enemies. Vigilance will apprize us of their approach, a disciplined and vigilant army will insure their discomfiture. Without discrimination and system, how unavailing would all the resources of an old and overflowing treasury prove to us. It would be as unprofitable to us in our present situation, as the rich diamond locked in the bosom of the adamant.

"We cannot hope that the bosom of our beautiful prairie will soon be visited with the balmy breezes of peace. We may again look for the day when their verdure will be converted into dyes of crimson. We must keep all our energies alive, our army organized and disciplined, and increased agreeably to our present necessities. With these preparations, we can meet and vanquish despotic thousands. This is the attitude which we at present must regard as our own. We are battling for human liberty; reason and firmness must characterize our acts.

"The course which our enemies have pursued, has been opposed to every principle of civilized warfare—bad faith, inhumanity and devastation marked their path of invasion.

"We were a little band contending for liberty—they were thousands, well appointed, munitioned and provided, seeking to rivet chains upon us, or to extirpate us from the earth. Their cruelties have incurred the universal denunciation of Christendom. They will not pass from their nation during the present generation.

"The contrast of our conduct is manifest: we were hunted down as the felon wolf; our little band driven from fastness to fastness; exasperated to the last extreme, while the blood of our kindred and our friends was invoking the vengeance of an offended God—was smoking to high heaven, we met the enemy and

vanquished them. They fell in battle or suppliantly kneeled and were spared. We offered up our vengeance at the shrine of humanity, while christianity rejoiced at the act, and viewed with delighted pride the ennobling sacrifice. The civilized world contemplated with proud emotions, conduct which reflected so much glory on the Anglo Saxon race. The moral effect has done more toward our liberation than the defeat of the army of veterans. When our cause has been presented to our friends in the land of our origin, they have embraced it with their warmest sympathies. They have rendered us manly and efficient aid. They have rallied to our standard, they have fought side by side with our warriors. They have bled, and their dust is mingled with that of our heroes.

"At this moment I discover numbers around me, who battled in the field of San Jacinto, and whose chivalry and valor have identified them with the glory of the country, its name, its soil, and its liberty. There is a gentleman within my view, whose personal and political services to Texas have been invaluable. He was the first in the United States to espouse our cause. His purse was ever open to our necessities. His hand was extended to our aid, and his presence among us, and his return to the embraces of his friends, will inspire new efforts in behalf of our cause. [The attention of the speaker and that of Congress, was directed to Wm. Christy, Esq. of New Orleans, who sat, by invitation, within the bar.]

"A circumstance of the highest import will claim the attention of the government of the United States. The question which has recently transpired, the important subject of annexation to the United States of America was submitted to the consideration of the people. They have expressed their feelings and their wishes on that momentous subject. They have with a unanimity unparalleled declared that they will be united to the great republican family of the north. The appeal was made by a willing people. Will our friends disregard it? They have already bestowed upon us their warmest sympathies. Their manly and generous feelings have been enlisted in our behalf. We are cheered by the hope that they will receive us to a participation of their civil, political and religious rights, and bid us welcome into the great family of freemen. Our misfortunes have been their misfortunes; our sorrows have been theirs, and their joy at our success, has been irrepressible.

"A thousand considerations press upon me, each claiming attention. But the shortness of the notice of this emergency will not enable me to do justice to those subjects, and will necessarily induce their postponement for the present.

[“Here the President paused for a few seconds, and disengaged his sword.]

“It now, sir, becomes my duty to make a presentation of this sword, this emblem of my past office. I have worn it with some humble pretensions, in defence of my country; and should the danger of my country again call for my services, I expect to respond to that call, if needful with my blood and my life.”

Congress then entered upon their constitutional duties. The necessary laws for the full organization of the new government demanded and received their first attention. The various offices were then filled by President Houston, with the consent of the senate. The most important of which are the following:—

J. Pinckney Henderson,	Secretary of State.
Wm. J. Fisher,	“ “ War.
Henry Smith,	“ “ Navy.
— Grayson,	Attorney General.
B. Barr,	Post Master General.
Wm. H. Wharton, and Memacum Hunt,	Ministers to the United States.

Congress continued in session until the 22d of December, during which time all the measures which seemed to call for their immediate action had been disposed of. The most important relating to the internal affairs of the country, were those of finance, connected with which was the establishment of a general land-office, and various regulations for the security, survey, and sale of the public domain—and of foreign relations; an effort to procure an acknowledgment of their independence by the United States, and an admission into the Union, in conformity to the expressed wishes of the people.

The new city of Houston, which had recently sprung into existence, situated at the head of navigation upon Buffalo Bayou, was fixed upon by Congress as the future seat of government until 1840, and the session was closed by an adjournment, to meet at that place in the following May.

The season was marked by the death of two distinguished individuals, whose memory will long be cherished by the people of Texas. The one, Stephen F. Austin, the father of the colony, and endeared by every sentiment of love and gratitude, which are associated with that reverential relation. The other, Lorenzo de Zavala, a Mexican, but ever the consistent friend and supporter of civil and religious liberty, and therefore the fast friend

of Texas, in her present struggle, in a cause to which he had devoted his whole life.

Austin's eventful life is identified with the whole history of Texas, and a biographical notice, however brief, would be but a repetition of the principal events of that history.

Zavala was a native of one of the southern provinces of Mexico, and one of the first to embark in the struggle for liberty and independence, in opposing the pretensions of Spain. His courage and zeal in the cause, and the high qualifications which he brought to its support, merited and procured him early distinction. He passed successively through some of the most important posts of the republic,—member of congress from his native state—member and president of the convention that framed the constitution of 1824—governor of the state of Mexico under the presidency of Victoria—secretary of state under that of Guerrero, and minister to France under Santa Anna. He rose and fell with liberty in Mexico, and wherever liberty flourished, there Zavala was called to fill some important post in the administration. He had been active in overthrowing the usurpation of Bustamante. And Santa Anna, who envied the tyrant only for his power, having been the most conspicuous actor in his overthrow, and being thereupon elected to the presidency, dared not disregard the merits of Zavala, which would be regarded as a test of his sincerity. But in assigning him a post, was careful to remove him from the country. And thus while he appeared to respect the sentiments of the liberals, he was the more effectually advancing his designs, by removing out of his way the man whose opposition he most dreaded. Zavala, while at the French court, kept himself well informed of the progress of affairs in Mexico, and when the purposes of Santa Anna began to unfold themselves, he took the liberty, in a letter, to expostulate with him in decided, but respectful terms, against the tendency of his measures to centralism.

But the designs of the president, to overthrow the federal republic, in order to establish a military despotism upon its ruins, becoming too manifest to be longer doubted, he resigned his commission, and embarked for the United States. On his arrival, he proceeded immediately to Texas, well knowing the character of her population, and that they would not tamely surrender their constitutional rights, and submit to be governed by arbitrary power. He had ever been a warm advocate for the colonization system, and especially favored the introduction of the citizens of the United States into the Mexican territories. Duly estimating the value of our institutions, he had aided greatly by his influence in moulding those of his own country into the same form; and he hoped much from the example and influence of emigrants

from the United States, in diffusing among the Mexican population the spirit of our institutions.

On his arrival in Texas, Zavala found himself associated with a people, whose estimate of the blessings of liberty corresponded with his own. He was warmly welcomed, and entered heartily into all their measures for resisting the demands of despotic power. The convention, which declared the independence, and framed the constitution of Texas, in organizing a government *ad interim*, elected Zavala vice president. This post was conferred upon him without his solicitation, and against his wishes. But, on a suggestion that the intelligence of his filling that station might produce a favorable impression in Mexico, and possibly rouse his friends to resist the usurper, he consented to hold the place for the brief term of his election.

He bravely met the tyrant, and the unhallowed instruments of his power, in the ever-memorable field of San Jacinto, and remained to his latest breath ardently attached to that cause, in the advancement of which he had devoted the best part of his life. His literary labors and his example survive, as a legacy to his countrymen: both may be profitably read; and we cannot but hope, at no distant day, will exert a happy influence upon the condition of a people now enthralled in the bonds of superstitution.

During the early part of the winter of 1836-7, the disposition of their *Illustrious* prisoner—a question which for several months had perplexed the minds of the authorities and people of Texas—was finally settled. A large and respectable portion of the citizens, including several officers of the civil government, and most of those of the army, strongly urged the justice and propriety of subjecting him to trial and execution, if found guilty of the imputed charge, (of the truth of which there can be no doubt,) of having ordered the massacre of the prisoners at Goliad. It was a question of policy merely, as no one doubted the right of such a proceeding.

Little or no expectation was entertained, that Mexico would regard the stipulations of the treaty that Santa Anna, while a prisoner, had assumed the authority to conclude, in virtue of his office of President of the Mexican Republic. Still, it was believed that his preservation might in some way be useful to Texas, and that his death would not now conduce in any way to the safety or security of the country. It would be an act merely of vindictive justice, scarcely tolerated by enlightened public sentiment in the present age. Public feeling in Texas, which had been so justly indignant at his cowardly assassination of unarmed men, placed in his power only after an express stipulation for their safety from his own officers, had now been softened by time;

and an arrangement for his return to Mexico, by the way of the United States, was permitted to be carried into effect.

A question now felt to be of deeper interest, occupied the public mind in Texas during the winter and spring, until relieved by the gratifying intelligence of the manner in which it was disposed of. We allude to the acknowledgment of their independence by the Congress of the United States; before whom it was understood the question was then under consideration.

The time was felt to be highly important, as in the performance of an act of justice, generosity, or of simple courtesy, there is a time beyond which it cannot be delayed, without robbing it of all its value or grace: nay, more, in regard to conciliating the feelings of the recipient, it had better afterward be left undone—as the mind, keenly sensible to its own honor and dignity, will resent an insult sooner than an injury. The relation in which the people of Texas stand to the United States, gave a twofold edge to their feelings on this delicate question. The withholding or delaying the performance on the part of the United States, would have been felt as if a father or an elder brother had delayed the performance of a simple act of kindness, where credit and reputation were supposed to suffer by the delay.

But the act in this case was seasonably performed; and the kindred tie, strong before, was made stronger by this act of simple courtesy, bestowed with becoming grace. Grateful for this, the people of Texas have proposed, as the most suitable return, to surrender that independence, and submerge their sovereignty in this great confederacy of states. That which she now asks can scarcely be called so much as an act of simple courtesy. To receive a present handsomely offered, is rather an act of duty: but the most ungracious of all acts is that of refusing a present deemed precious by the giver, under circumstances which exhibit a contempt for its value. Texas has proposed to surrender her sovereignty, so far as the states of this Union have surrendered theirs, to our national government; and that sovereignty extends over a territory lying contiguous and projecting into the present territory of the Union—a country, too, over which we have repeatedly exhibited a strong solicitude to obtain jurisdiction. The offer comes free and unsolicited, with no condition annexed, accompanied with indubitable evidence that it has been made by the unanimous wish of the inhabitants. Never was offer made with better grace. And what is the return that is asked? Is it protection? It can be nothing else: and she has exhibited proof before an admiring world, that she is capable of protecting herself against the most powerful nation on the continent, save the United States; and she cannot fear subjection from us, since she voluntarily offers it.

Can it be possible, that there is a single citizen in the United States, to whom the stability and permanency of this Union is dear, who can contemplate with complacency the growth of a rival republic in immediate contiguity, peopled by our own race, nay, by our own citizens. No; it is not possible. A single glance at the proposition exhibits it fraught with all the hideous consequences of a dissolution of the present Union—a dismemberment of one of its parts. It would indeed be a virtual dissolution, sundering the bond which unites our people, and all those fearful conflicts which never fail to spring up between brothers and friends, become rivals, may be predicted with equal certainty. Even if the new republic, (a very probable event,) did not become a nucleus to draw about it some of the contiguous states, assimilated as they would be in climate and productions, in local interests and in manners, habits and sentiments.

The question has taken us by surprise. Among the dangers which beset this Union, that which would spring from the rise and growth of a new republic upon our borders never was seriously contemplated, because it was scarcely believed to be among possible contingencies. And now, when it is presented, it comes in form and magnitude so little alarming, that we scarcely pause to examine it: it is but a speck in the horizon, from which it would be folly to predict the tempest. A mere handful of our own people, who left us, as it were, but yesterday, looking yet with unabated fondness at the home, kindred, and friends they left behind, have to-day erected an independent republic upon our borders. All this we feel and know to be true; and it is this which has led them to make the offer of a surrender of that independent sovereignty, the very semblance of which, after a few years' possession, has been cherished even by the most diminutive state in the world, as the dearest attribute among the gifts of heaven. And so will it soon come to be regarded by the people of Texas, when, in a few years, perhaps in a few months, they shall have acquired a keen relish for the exercise of sovereign power; and when those sentiments of love and gratitude which induced an offer to surrender it, shall have been cooled by the lapse of time, or stifled by resentment for what may be deemed a contemptuous rejection of the offered boon. It is believed, that every citizen of the United States, who has fairly and candidly examined the question in all its bearings, will admit that dangers of fearful magnitude may be justly apprehended from the permanent independent existence of Texas. But such an event is scarcely contemplated as possible. The annexation, at no distant day, is expected to happen almost in course. In the meantime, no danger is apprehended from delay, because it is believed that the evil may be arrested at pleasure. The most

common maxims of prudence may serve as an admonition in the present case. The delay of a manifest act of duty, on account of some lion in the path, has been the most fruitful source of ruin to nations, as well as individuals. The Congress of Texas met pursuant to adjournment in May, 1837, at the city of Houston, the new seat of government. The following message, delivered by President Houston on that occasion, containing a brief and lucid exposition of the affairs of the country at that time, is presented to conclude our work.

MESSAGE OF THE PRESIDENT TO THE CONGRESS
OF TEXAS.

DELIVERED 5th OF MAY, 1837.

"GENTLEMEN OF THE SENATE,
AND HOUSE OF REPRESENTATIVES:

"With peculiar pleasure, I greet your return to the Capitol. At the adjournment of the last session, the country was under apprehension of an invasion from our enemy, which created much solicitude, and had an unkind influence on our foreign relations. It was temporary in its effects, as was manifested in the recognition of our independence by the government of the United States of America. We now occupy the proud attitude of a sovereign and independent republic, which will impose upon us the obligation of evincing to the world that we are worthy to be free. This will only be accomplished by wise legislation, the maintenance of our integrity, and the faithful and just redemption of our pledged faith, wherever it has been pledged. Nothing can be better calculated to advance our interests and character, than the establishment of a liberal and disinterested policy, enlightened by patriotism, and guided by wisdom.

"The subject of the undefined limits on our northern frontier, between the United States and the Republic, will require the action of Congress. The boundaries have been so well described by the treaty of 1819, between Spain and the United States, that little difficulty is apprehended in defining and establishing our just line, and obviating all trifling difficulties which may have at any time existed, through a want of proper consideration. Provision for the appointment of a commissioner, to meet one on the part of the United States, is desirable. Connected with the subject of boundary, is that of the Colorado Indians, inhabiting a portion of our north-eastern frontier. By a treaty recently held with that tribe, they have ceded certain lands to the United States, and have shown a disposition to amalgamate with the wild Indians within our unquestionable boundary, while late advices have