

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 superstition.

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