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# THE SOUTHWESTERN HISTORICAL QUARTERLY

VOLUME XX

JULY, 1916, TO APRIL, 1917

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AUSTIN, TEXAS

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# THE SOUTHWESTERN HISTORICAL QUARTERLY

VOL. XX

JULY, 1916

No. 1

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

## HISTORY OF THE CATTLE INDUSTRY IN THE SOUTH- WEST

CLARA M. LOVE

### IV. THE STRUGGLE OF THE RANGE INDUSTRY FOR EXISTENCE

The range industry has long been waging a rather successful conflict with a strange assortment of enemies, who, fortunately for the range industry, have not all been on the firing line at the same time. Eastern stockmen, western settlers, cattle thieves, the sheep industry, and the greed of the ranchmen themselves have filled the ranks of the enemies of the ranges.

The first struggle was between the longhorns and shorthorns. Mr. McCoy tells us that the cattle growers of Illinois looked with suspicion on the evil-eyed, quick-tempered, long-haired animals of Texas. There was a reasonable basis for this, because of the contagion of Spanish fever, but Eastern cattle carried pleuropneumonia, which was feared by western growers. Many laws were enacted by various states and territories regulating quarantine of cattle. A brief summary seems sufficient for practical purposes. At one time, in 1886, the governor of Montana quarantined all cattle from Texas at the State line for ninety days. It was difficult to enforce the ordinance justly and it was revoked. In 1886 Dakota authorities refused to admit cattle from Texas unless they were driven all the way. Most western states and territories had live stock sanitary boards which effectively enforced regulations looking to the protection from disease, but

some were without. The Texas Traffic Association received one-fifth of the income on Texan beef for their services and saw it to be to their interest to have uniform regulations concerning transportation of cattle from the East infected with pleuropneumonia.<sup>1</sup> Mexico was a breeding ground for Spanish Fever. Many Mexican cattle were imported into the United States. For protection Congress passed an Act, August 30, 1890, providing for inspection of all cattle imported into the United States. The chief of the Bureau of Animal Industry said that adequate inspection of large herds was impossible, and he advised that all Mexican cattle be regarded as infected until Mexican authorities define the infected district. Cattle from both countries strayed across the Arizona border, and careful inspection here was supposed to be the method of preventing revenue frauds.<sup>2</sup>

The other phase of the conflict was based on the meat producing quality of the animal. Successful cattlemen wish to produce small bones, short horns, and much flesh. The Western stockman saw the advantage and set about to improve his stock. He had the Spanish cattle, which were of Moorish or Castilian origin. They were slightly mixed in Texas with American and French cattle. American or native cattle were a conglomeration of cattle brought in from various places. Virginia had brought cattle from the West Indies in 1624, the Dutch from Holland, and New England from Old England in colonial times. Along the Delaware, cattle had Swedish pedigrees. Different parts of western Europe in the meanwhile had produced cattle for various purposes. In developing the Devon and the Durham or short-horn stock, the aim was beef, quick growth, small bones, and very heavy hind quarters. The Dutch concentrated their energies on an enormous and persistent flow of milk. The development of a large amount of butter fat was the aim on the Island of Jersey.<sup>3</sup> Eastern growers had been gradually improving their stock for many years. In 1783 three Baltimore gentlemen had begun importing some of the best breeds. Colonel Sanders of Kentucky imported twelve fine animals in 1817. Six of these were shorthorns. Henry Clay, in the same year, imported two

<sup>1</sup>*House Misc. Docs.*, 50 Cong., 2 sess., no. 139, pp. 319-325.

<sup>2</sup>*House Ex. Docs.*, 54 Cong., 1 sess., no. 205, pp. 32-33.

<sup>3</sup>*House Ex. Docs.*, 39 Cong., 2 sess., vol. 15, no. 107, p. 295.

male and two female Herefords, at the cost of five hundred dollars.<sup>4</sup> New England and New York soon began the introduction of short-horn stock. The western grower was half a century behind the East in the kinds of stock, but he determined to improve as rapidly as possible. Besides knowing the purpose of his animal, he had to learn the results of mixing certain eastern breeds with the Spanish stock and the adaptability of the animals to the ranges. It was found that storms and short forage affect well bred animals sooner than the native western animal.<sup>5</sup> The lightweight Devon was found better suited for uplands than the heavier shorthorns.<sup>6</sup>

California stock growers began introducing blooded bulls as early as 1852, and the native stock gradually became uncommon. By 1880, in central California, Miller and Lux had three-fourth and seven-eighth shorthorn and Devon stock. In an address before the Agricultural Society of California, the president, Hon. Marion Biggs, September 18, 1877, said:

We now challenge the world with our shorthorns. We have the finest beef cattle in the world. Yes, our neighbors, the Japs, come all the way from Japan, go to New York and examine the finest herds in the Atlantic States, they return to California and purchase their cattle and horses in this market, showing the world that we produce the best animals that stand on hoof.<sup>7</sup>

The high grade bull was introduced among the herds on ranges throughout the west. The Texans sold their male animals young to drovers or placed them as stock cattle on the ranges to be sold when old enough to be called beeves. They introduced Durham bulls among their herds and by crossing improved their stock. In Colorado it was made a punishable offense to permit a Texan or "scrub" bull to run at large, and ranchmen were authorized to shoot such unwelcome animals wherever they were met upon the range.<sup>8</sup> Thus the western grower both lost and won in his conflict with improved stock.

<sup>4</sup>"American Cattle," *Nation*, II, 46.

<sup>5</sup>*Census Report for 1880*, III, p. 990.

<sup>6</sup>*Ibid.*, 1033.

<sup>7</sup>Biggs, Marion, address in California State Agricultural Society *Transactions*, 1877, p. 87.

<sup>8</sup>McCoy, *Historic Sketches of the Cattle Trade in the West and Southwest*, 238.

The next conflict the ranchman had to fight was with the settler. This assumed different forms in different places. The contest became important in Texas before it assumed proportions elsewhere, and Texas has worked out a system of dealing with her public lands which is worthy of notice. By the terms of the joint resolution of Congress of the United States, approved March 1, 1845, and by the convention of Texas on July 4, 1845, Texas was annexed to the United States, retaining control of her own public lands.<sup>9</sup> In 1850 Texas sold her claim to part of New Mexico, Wyoming, Colorado, and Oklahoma to the United States for \$10,000,000. From the vast area of public lands Texas granted 24,454,713 acres to railroads, sold land to settlers, and gave 3,050,000 acres for the construction of a capitol.<sup>10</sup> No general system of sales or lease had been evolved prior to 1879.

As in California, the laws generally favored the ranchman in the early years. As late as 1870 every gardener, farmer, or planter was required to maintain a fence around his cultivated lands.<sup>11</sup> But the settlers increased in number. They "squatted" on public lands and engaged in farming. Cowboys frequently tired of the company of the Texan steer and determined to settle. The homesteader from the East pushed into new lands. The cowmen looked with no kindly eye upon encroachments, and in derision applied the term "nester" to the man with the hoe. The nester was poor—he had a team, a wagon, a family, a rifle and some dogs. Such equipment seemed small to compete with the cattle kings, many of whom were foreigners. But the nester had a conviction of what he called his rights and he had courage. The cattle barons determined to stop nesting. They enclosed immense areas with wire fences. They chose the best watered districts and left no gates. Sometimes they got legal rights by leasing the districts and sometimes they did not. When the nester found the fence in his way, he cut the wire and proceeded. This was a declaration of war. The cattle barons stationed cowboys along the fences to protect them. In turn the nesters lay in gullies to "get" the cowboys. Shooting occurred on both sides, but

<sup>9</sup>*Senate Document*, 58 Cong., 3 sess., no. 189, p. 29.

<sup>10</sup>Barker, Robert M., "The Economics of Cattle-Ranching in the Southwest," in *Review of Reviews*, XXIV, p. 306.

<sup>11</sup>*House Ex. Docs.*, 41 Cong., 2 sess., vol. 14 (not numbered), p. 396.

the fences continued to be cut. There was no trespass law in Texas, and when the question was taken to the courts the village rose in arms and the case was mildly continued.<sup>12</sup>

So the merry game went on. The Legislature took up the problem. As in all problems of great difficulty, the solution did not come with the first attempt. April, 1879, a law was passed charging twenty-five dollars yearly rent per section of public land enclosed. No adequate machinery was provided to collect the rent, so the law was largely inoperative. In the meantime capitalists and corporations were acquiring large areas of school lands cheap. They secured the titles from railroads to odd numbered sections, and by using names of wives, children and others as many as seven sections could be secured for one person.

In 1883 the Legislature classified public lands. Some lands were classified for sale and some for lease and some for either. Pasture lands, not timbered, could be leased at four cents per acre per annum. Land deemed fit for settling could be sold to actual settlers in quantities not to exceed six hundred and forty acres. The settler was required to live upon and fence the land. If the land leased contained but one watered section, that section could not be sold as long as the lease was effective. Money for lease was refunded if it had been paid in advance, and then the land was sold.<sup>13</sup> Enclosures facing or crossing streams could not be over four miles wide and a space of forty rods had to be left between the fences.

In 1884 a law was passed making it an offense punishable with fine or imprisonment for any person knowingly to fence, allow to remain fenced, or herd his cattle on state land without duly executing a lease. The rent was raised to eight cents per acre.<sup>14</sup>

In 1887 the laws were revised. Certain lands were classified as grazing land to be leased for ten years. Stock turned on land was limited to a certain number of head unless the lease was fenced. A fence placed on land not leased was unlawful and punishable with a large fine. No fence could be three miles long in one direction without gates for passageway. Unleased public

<sup>12</sup>Hough, E., *The Cowboy*, II, 266-7.

<sup>13</sup>House Report, 58 Cong., 3 sess., no. 189, p. 356.

<sup>14</sup>*Ibid.*, 36.

lands could be used for gathering stock or holding for shipment for a period of one week. Holding a longer period without a lease was an offense.<sup>15</sup>

Again in 1889 the law was changed. The lease for ten years was changed to six years south of the Texas Pacific Railway and west of the Pecos River. All university lands in Andrews, Gaines, Terry, and Yoakum counties could be leased for ten years. At the end of the lease opportunity must be given for sale. Any improvements put on leased lands were property of the lessee and could be removed within a period of sixty days after the expiration of the lease.

Changes concerning what lands could be leased were again made in 1891. The minimum rent was placed at three cents per acre. Much of the semi-arid land in western Texas was opened to settlers. In 1895 the minimum price of grazing land was reduced from two dollars to one dollar per acre, while agricultural lands were reduced from three dollars to one dollar and fifty cents per acre. Payments were allowed to run forty years bearing interest of three per cent.

Summing up, we find that certain counties of Texas are absolute lease districts, not open to settlers during the period of the lease. Other lands are open to settlers at all times, but the lessee must be repaid if he has advanced rent and is permitted to remove his improvements. A prospective lessee can have a ninety days' option to find a water supply. It is unlawful to fence public lands or herd by line riding without a lease. The penalty is a fine of from \$100 to \$1000 and a jail sentence of from three months to two years. Each day such a fence is maintained constitutes a separate offense.<sup>16</sup>

The income from these lands is divided into four funds, according as the lands are classified. There are public school lands, county school lands, land for asylums (deaf, dumb, blind, orphan and lunatic) and university lands. The university lands by several grants reached the total of 2,289,682 acres in 1883. The regents became dissatisfied with the yield from these lands and the control of them passed from the state land office to the board of regents. The revenue rose from \$8,800 in 1894 to

<sup>15</sup>*House Report*, 58 Cong., 3 sess., no. 189, p. 38.

<sup>16</sup>*Ibid.*, 44.

\$59,453.66 in 1902.<sup>17</sup> But this was accompanied by an increase in the school fund revenue, which grew from \$170,471.41 in 1895 to \$457,656.85 in 1902.<sup>18</sup>

Mr. Frederick V. Coville of the United States Department of Agriculture saw eleven advantages from the Texan system of leasing. (1) Stock owners know upon what they can depend for pasture. They have a definite basis. (2) This is an incentive to conserve the grasses. (3) The cost of rounding up for branding and market is much less when the animals are to be found in a definite district. (4) It encourages supplementary forage, by the use of dry land forage crops, and gives fifty per cent greater carrying capacity to the range. (5) The ranchman has a chance to save his cattle from storms or starvation in case of prolonged drought. (6) Land far from water can be utilized because the lessee will construct windmills and reservoirs and the energy of the cattle is saved by not having so far to go for water. (7) Certain pastures can be saved for winter forage. (8) The raiser can produce a better breed of cattle, for the percentage of all animals can be known. (9) The percentage of increase of breeding is much larger, for the date of birth of the calves can be controlled so that the cows are strong enough to survive the shock of calving and to suckle the calves. Calving should not precede the first of April. (10) Cattle stealing is much reduced. The small owner who could have little or no help to hunt up cattle in open range was much tempted to brand the cattle of others. (11) Violence is reduced.<sup>19</sup>

In the remainder of the great cattle raising district the land belonged to the national government, which made the problem more difficult, for national legislation is enacted more slowly than state. The government provided a homestead law in 1862, but that did not meet the needs of the rangers which developed later. The government has never recognized the fact that grazing lands must be sold and occupied under different conditions from arable lands.<sup>20</sup> First-comers drove in their herds and took

<sup>17</sup>*House Report*, 58 Cong., 3 sess., no. 189, p. 30.

<sup>18</sup>*Ibid.*, 47.

<sup>19</sup>*Ibid.*, 46.

<sup>20</sup>Hart, A. B., "The Disposition of Our Public Lands," in *Quarterly Journal of Economics*, I, 182.

up the water fronts. Those who came later sometimes wedged themselves to the water front. As more cowmen and settlers came, the firstcomers who had grown rich and strong on public land, felt their rights intruded upon. They felt that a given lot of land was "their range," and that late comers were intruders. They determined upon methods of self-preservation. They would gain title to the land, at least to the portion necessary to settlers or other ranges. Homesteads along the water fronts were obtained frequently by the cowboys who turned them over to their employers. Frauds of various kinds were practiced.

The defiance of public rights increased directly with the number of settlers. The settler took his claim and intended to lead a quiet, agricultural life. But he frequently found that the road to the distant village had been impeded by a fence, and he was lucky if his trip was made less than ten miles longer. Again he might find even his homestead enclosed in some immense ranch. In brief, the cattlemen selected the ranges which they chose and fenced them without title to one foot of ground. Wire cutting followed, and war on the ranges ensued. The reckless disregard of public rights was not the work of a few small owners, but of those rightly termed cattle kings. Lives of settlers were endangered and many were lost.<sup>21</sup>

In western Nebraska the large cattle ranges enclosed hundreds of acres of government land with barbed wire fences. In 1883 postal service was reported cut off by these fences in certain districts.<sup>22</sup> One such ranch was the Brighton Ranch. In Kansas entire counties were fenced. In Colorado a Scotch company, the Prairie Cattle Company, had fenced about a million acres. Numerous other companies and individual owners had fenced large tracts of land. In the Dakotas the Marquis de Morales fenced large areas, and in Wyoming the Carlisle Cattle Company (English) along with more than one hundred other companies fenced large areas. Not only was the general public domain fenced, but land set aside for school purposes as well.<sup>23</sup> In Nevada there was an attempt to fence pasture lands. This meant starvation to Indians who lived by raising cattle. In New

<sup>21</sup>*House Ex. Docs.*, 48 Cong., 1 sess., no. 119.

<sup>22</sup>*Ibid.*, 2.

<sup>23</sup>*Senate Ex. Doc.*, 48 Cong., 1 sess., no. 127.



Mexico two companies organized for the purpose of enclosing large tracts of public lands and keeping others out, but the cost of fencing there made it largely prohibitive. Posts, thirty-three feet apart, connected by three barbed wires, cost \$110 per mile. Fencing thus cost about \$10 per head of stock kept on the enclosed range.<sup>24</sup> The Immigrants' Association of California claimed that large proportions of government land in that state were out of reach of immigrants because of encroachments of stock companies.<sup>25</sup>

Nor was fencing the only evil. The cattle kings boldly entered the timbered districts and appropriated all the timber they wished to construct their fences. Deputy Surveyor G. W. Fairchilds complained of the destruction of valuable timber. He reported: "There are acres after acres of bare stumps, which but a short time ago were growing timber. There were thousands of logs cut during last summer and hauled out of accessible points to be used for fences, canals, landing chutes and houses in Nebraska and Wyoming."<sup>26</sup>

Methods used to intimidate settlers or small cattle owners were notorious. Fences were placarded thus: "The — who opens this fence had better look out for his scalp." In Nebraska, Mr. Fairchilds reported, settlers were notified they would be frozen out by the cattle companies who forbade their employees to take government land. In Wyoming the companies ordered settlers who had built houses to move. A combination of companies in Montana formed a monopoly and refused all others the right of the "round up." They branded the stock of small owners and literally drove them out of the field. One ranger had the audacity to charge town people one dollar per month per head for pasturing their cows.<sup>27</sup>

It is needless to say that small owners and settlers appealed to the government. The land office gave its moral support to the settlers, but moral support is hardly substantial on the frontier. April 5, 1883, the Public Land Commissioner, N. C. Mc-

<sup>24</sup>*Census Report, 1880, III, p. 999.*

<sup>25</sup>*Senate Ex. Doc., 48 Cong., 1 sess., no. 127, p. 26.*

<sup>26</sup>*House Report, 48 Cong., 1 sess., no. 1325, p. 6.*

<sup>27</sup>*Senate Ex. Doc., 48 Cong., 1 sess., no. 127, pp. 22-23.*

Farland, sent out notices that fencing public land was trespass. He added that until settlement was made, no objection was made to grazing or cutting hay on public lands, providing they were left open to all.<sup>28</sup> No attention was paid to his statement and he issued the following: "This department will interpose no objections to the destruction of these fences by persons who desire to make bona fide settlements on the enclosed tracts, but are prevented by fences or by threats of violence from doing so."<sup>29</sup>

The department had no judicial authority, and no attention was paid to these statements. The settlers and their allies, the small owners, petitioned the government for redress. In one complaint it was alleged that the Justice of the Peace was an Englishman and favored the land-grabbers. Another complaint was that the companies let grass grow during the summer on their tracts, turning their cattle out to graze on unfenced land. In winter they were well provided with feed but the outside man's cattle had to bear the storms in hunger. This complaint was made by many persons. Another man had taken up the well watered land and fenced the adjacent public domain but refused to pay taxes on his fences enclosing public land. Probably he considered the fence a public benefaction.<sup>30</sup> Mr. Fairchild who knew the conditions urged legislation or action by the president. He said that by a statute of 1807 the president had the right to remove obstructions or trespasses upon public land by military force, but that such power had only been used to remove a few ignorant settlers from disputed regions of Indian Territory. He stated strongly that the government was straining at a gnat and swallowing a camel.<sup>31</sup>

Congress was slow to take up the question, but it prohibited by an act, approved February 25, 1885, any and all enclosures of public land except under claim of title made in good faith.<sup>32</sup> By proclamation of the same date, President Cleveland ordered that every officer upon whom the legal duty justly fell should

<sup>28</sup>*House Ex. Docs.*, 48 Cong., 1 sess., no. 119, p. 3.

<sup>29</sup>*Ibid.*

<sup>30</sup>*Ibid.*, p. 3.

<sup>31</sup>*House Reports*, 48 Cong., 1 sess., no. 1325, p. 7.

<sup>32</sup>*House Ex. Docs.*, 49 Cong., 2 sess., no. 166, p. 1 (Serial no. 2483).

execute the law.<sup>33</sup> However, the order was not effectually and immediately executed.

The land problem was partly solved by the State of Wyoming modeling on the Texan plan. By acts of Congress of 1881, 1888, and 1890, 4,042,160 acres of land were given to Wyoming partly for educational purposes. Much of this was in sections. Laws were enacted organizing a lease system 1890-1893. The land board was made to consist of the governor, the secretary of state, the state treasurer, and the state superintendent of public instruction. Rental for non-irrigable land without water was two and one-half cents per acre. The income from leased lands in 1892 was \$7,397.47 and in 1902, \$95,925.30.

There is something to be said in favor of the slow actions of the government in leasing or granting titles to large tracts of land to cattlemen. Land that was apparently unfit for cultivation has been utilized profitably where irrigation has been brought about. It took time, experience, and capital to accomplish this great work of redemption, which is yet unfinished. Cattlemen failed to admit that land was arable, for that was contrary to their interest, and if the government had acted hastily much valuable homestead land might have been made unavailable to settlers temporarily or permanently.

The next step in the conflict was known as the "Rustlers' War." The popular notion of this struggle was that it was a conflict between virtuous cattle owners on the one hand and a community of cattle thieves on the other. The word "rustlers" popularly meant cattle thieves.<sup>34</sup> But this is hardly accurate. Originally the word rustler was applied to a cowboy who received a fee from his employer for every maverick he found and branded with the employer's brand. Then the cattle association paid \$5 for every head of cattle that he found for the association. It behooved the cowboys to get out and "rustle" for calves. Thus the word rustler was originated, synonymous with "hustler."<sup>35</sup>

With money laid by, the thrifty cowboy bought a few cows and started in business for himself. As the West settled up along

<sup>33</sup>Richardson, J. D., *Messages of the Presidents*, VIII, 308-9.

<sup>34</sup>Chapman, Arthur, "The Last War for the Cattle Range," in *Outing*, XLVI, 668.

<sup>35</sup>Hough, E., *The Cowboy*, II, 273.

the railroads, competition became sharp. The big men met and combined against the little ones. They agreed that no more maverick commissions should be paid, and that no more cowboys should have brands of their own. Thus the rustler began to be looked upon as a thief and a criminal by the big cattlemen. Among the cow punchers there were honest men as well as dishonest ones. Ex-hunters as well as cowboys joined in rustling. Real cattle stealing became a habit of the rustlers. They developed their own dialect and lived on "slow elk," that is yearling beef, but it was a point of honor never to touch the cow of a poor man or small owner. The companies suffered considerable loss, and not infrequently the manager of a ranch was in open sympathy with or connived at the theft. Sometimes cowboys branded the calves at night for the rustlers.

A worse and less excusable type of rustler lived in Montana. They were located and driven out by the cattlemen. Those who did not leave when warned to do so were hanged. Between 1876 and 1886 the vigilantes of the range executed a great many men. One morning thirteen were found hanged on a railroad bridge.

Rustlers modified and tampered with brands so that the maverick was not the only object stolen. They carried small wires that could be bent into any form desired. With such equipment, changes were made in the brands of animals, for example, 101 could easily be changed to 701 or 107 or 707.<sup>36</sup> They bound the honest settlers to them by giving them pieces of "slow elk." The settler might wish to refuse the gift, but knew it was unsafe to do so. Having once accepted, he was bound to secrecy and to be an ally of the rustler. To be sure, they were enemies of the cattle kings. Cattle kings had in many instances been rustlers themselves originally. When the great trails were opened, some owners had started at one end of the trail with a few cattle and arrived at the other end with a great herd. Henceforth they lived in luxury and frequently served their country and their interests in legislatures and in Congress.<sup>37</sup> They had no feeling for the less successful rustler nor for the humble, plodding settler.

The next stage of the conflict was with the sheep interests.

<sup>36</sup>Hough, E., *Cowboy*, II, 294-6.

<sup>37</sup>Chapman, Arthur, "The Last War for the Cattle Range," in *Outing*, XLVI, 668.

The lion might lie down with the lamb, but never the steer with the sheep. The cowboy might marry a squaw, but he deigned not to associate with the shepherd. If you wish to provoke him to shooting, call him a sheep-herder—not a shepherd, for he might not understand you. The nature of sheep and cattle caused the trouble. Sheep can live on less than cattle, they can utilize steep slopes where cattle would fail. Moreover, cattle dislike sheep very much. Cattle will not graze where sheep have run, and they refuse to drink the same water. When the pasture has become too poor to support cattle, sheep can thrive in it, but it is more seriously depleted.<sup>38</sup>

Cattle men early learned these facts and resented the ba-a of a sheep as much as any enemy that could be imagined. They realized that this was a war to the end, and that sheep would probably be the victors. It is a law of psychology that one takes up some of the characteristics of his associates. The cowboy became more aggressive because of his occupation. He wore a gun as part of his attire. The shepherd was a calmer, quieter man, who carried a gun only when expecting trouble. Frequently, even then, his gun was rusty and useless.

Usually the method of the cattle men was to send word to the sheep men to keep their distance. If they were not heeded, the advancing herd was met, the sheep slaughtered and the herder driven out of the country if he was lucky enough to escape unhurt. From 1893 to 1903 a score of men were killed and five times that number wounded in this series of petty wars, which extended pretty well over the grazing states. On one occasion 800,000 sheep were driven from Utah and Wyoming into Colorado. The cattle men there took the herders and held them until every sheep was killed, after which they warned the herders not to return. In 1895 two sheep kings determined to break down the tradition. Armed cattle men attended a convention on the lower Snake River. A body of two hundred and fifty men was organized and scouts were sent out to locate the sheep camps. The sheep men recruited a force, but were overwhelmed by numbers and bound to trees while the sheep were killed. Other flocks

<sup>38</sup>*House Ex. Docs.*, 46 Cong., 2 sess., no. 46, vol. 22, p. 501. Hough, *The Cowboy*, II, 300-301. Michelson, Chas., "The War for the Range," *Munsey*, XXVIII, 380.

were driven back into Wyoming. To aid the cattle men, the governor of Colorado issued a proclamation that the sheep were infected. Herds began arriving from Utah but the trail was soon strewn with heaps of mutton.

The war is not over. As to open fighting it has ceased, but the range is constantly dwindling. Irrigation and dry farming are winning. The large areas are being cut in twain, and it is probable that the sheep men will eventually win out as a natural consequence of conditions. Be that as it may, the country is older and the institutions more firmly established. The rustler's war itself taught the cattle men that their safety lay in reverence of law. Even though the old struggles go on, they are now fought out in the courts instead of on the ranges with guns.

A barren pasture will not produce beef any more than the ancient Hebrew could produce bricks without straw. The cattle men became their own most dangerous enemy by their practice of over stocking. In 1867 a traveller reported that three hundred cattle could thrive on one square mile of pasture, but in 1898 not more than fifty cattle could be supported on a square mile of Texan pasture.<sup>89</sup> The great boom of the latter seventies and early eighties encouraged overstocking. The coming of the Texas Pacific Railroad about 1883 made the owners think that the beginning of the end was at hand and that the settlers would eventually drive out the cattle. They determined to get all they could from the free range while it lasted. The land was seriously overstocked, eaten bare, trampled hard, and permanently injured. No seeds were saved to bring up the next year's crop.

Much of the land in Texas and in other range districts needs reseeded with seeds of grass native to the ranges. Such seeds are obtainable back fifteen or twenty miles from the water. The leasing system may eventually encourage greater care in regard to the grasses by the rancher.

## V. SOCIAL AND ECONOMIC PHASES

The range industry was of necessity a frontier industry, requiring large areas of unsettled land. If it becomes possible by irrigation or dry farming to settle all the land, the range indus-

<sup>89</sup>U. S. Department of Agriculture, *Farmers' Bulletin*, No. 72, p. 7.

try will cease to exist. Frontier life meets peculiar problems, and accordingly a peculiar type of society is developed there.

In the grazing country the population was sparse and the villages scattered far apart. Villages which were fortunate enough to be situated on a railroad—when the railroads were built—became shipping stations. Some of these developed into cities. In such, banking business was in especial demand. Drovers and purchasers needed bills of credit or ready money. The first bank which transacted business with the cattlemen was the First National Bank of Kansas City. Later banking facilities were opened to drovers at Wichita, Kansas.<sup>1</sup> Bankers ran considerable risks, but the cattlemen seldom abused their privileges. Bankers now are glad to aid the cattlemen through an unlucky season by taking mortgages on the herds. Farmers complain that the banks favor the grazers and that they find it difficult to borrow.

In the early days the ranges were practically womanless. The lives of the cowboys were hard, luxuries and avenues of culture were absent. Their garb consisted of woolen shirts, loose coats in cold weather, woolen or leather trousers, spurs, pistols, knives and hats that served as umbrellas in the rain. Each man owned a pony, for without one he could find no other means of conveyance if he should be thrown out of employment. The "round up" was the chief social event and it was also of great economic importance. On these occasions men, from large areas of country, met and enjoyed feast and social intercourse while branding or rebranding the cattle brought in.<sup>2</sup>

In the cattle villages society was conducted very unconventionally. The ball was the chief event of the winter. Women were less numerous at these than men, but many cowboys were too far from town to attend. Those who attended wore full range uniforms and their fair partners were costumed in gingham and calicoes.<sup>3</sup>

Professional men found it difficult to earn a livelihood. The minister toiled at some labor to supplement his tiny salary, and

<sup>1</sup>McCoy, J. G., *Historic Sketches of the Cattle Trade in the West and Southwest*, Ch. XVI.

<sup>2</sup>Grohman, W. Baillie, "Cattle Ranches in the Far West," in *Fortnightly Review*, XXXIV, 447.

<sup>3</sup>Hough, E., *The Cowboy*, II, ch. XIII.

the lawyer, whose library consisted of only a few law books, was a real estate man, an insurance agent, and candidate for public office. The storekeeper was usually a Jew who hoped to grow up with the country.<sup>4</sup>

The personnel of the industry is interesting. Trappers whose game had become scarce, foreigners, well-bred young men from the states started out by relatives, and mature middle class men engaged in the business. Harvard graduates and unsuccessful miners alike tested their ability in cattle raising. Cowboys were divided into two classes, those from Texas, and those not from Texas. Most of them were good men, but many criminals sought the ranches as a refuge from the officers of the law. Excesses were committed on the cattle raising frontier, but for many of these the cowmen were not responsible. By far the greater number of cattlemen settled into steady life and helped lay the foundations of the great commonwealths of the west.

Fortunes were accumulated rapidly in this business. In the days of greatest prosperity large owners lived in Texan cities like princes, enjoying their time in luxury and travel, while their wealth increased faster than they could spend it. A number of men whose wealth is great in live stock are yet living, among whom Mr. Henry Miller of the firm of Miller and Lux is an interesting figure. Others of note are Major G. W. Littlefield, Col. C. C. Slaughter, John Scharbrauer, Sugg Robinson, and Winfield Scott all of Texas. There are a number of firms which have large holdings. The X. I. T. ranch in the Panhandle is a good example.

Most cattlemen now own smaller herds for which better care is provided. They drive a less number to the "round up," but they find fewer skeletons bleaching on the ranges in the spring. The owner in the cooler region knows that he can make profit by raising a few hundred head, if he provides some kind of shelter and a reasonable amount of feed for them during the winter months.

The growth of western cities and the extension of the great railroad systems through the West has eliminated the drover from the business. Great markets and meat packing centers have

<sup>4</sup>Hough, E., *The Cowboy*, ch. XVI.



grown up. In 1870 Chicago received 533,000 cattle into her market; St. Louis, 234,000; Cincinnati, 128,000; Kansas City, 121,000; and Indianapolis, 119,000.<sup>5</sup> The number of cities affected by the cattle business increases every decade, Chicago remaining in the lead as to numbers. In 1900 Fort Worth, Sioux City, St. Paul, Denver, and Seattle received large numbers of cattle, while in 1910 Portland, Oregon, was the market for 90,000 cattle.<sup>6</sup>

Experts are striving to find a method to increase the capacity of the impoverished ranges. They say that some lands given to farmers for cotton in Texas would be more profitable as pasture if properly handled.<sup>7</sup> Fourteen hundred stockmen were questioned by the Bureau of Animal Industry a few years ago. The consensus of opinion was that individual pastures, by lease or purchase, with at least six hundred and forty acre homesteads, would be the best incentive to proper conservation of the ranges.<sup>8</sup> Bills providing for leasing have been introduced into Congress but nothing has come of them,<sup>9</sup> perhaps because the demand for such a law has not sufficiently matured.

Accompanying the destruction of the pastures by overstocking and settlement, is a decrease in the number of cattle. According to the census report, the population of the United States increased 11,000,000 between 1890 and 1900 and the cattle decreased 5,000,000.<sup>10</sup> However, cattlemen impeach the accuracy of the figures concerning cattle, but it is evident that the increase of cattle does not keep pace with the increase in population.<sup>11</sup> The sheep industry has injured the cattle industry and the drought of 1901 caused a shortage of crops and loss of cattle. Farmers of the Middle West have turned to cattle raising more for dairy purposes than for beef. The Jersey and the

<sup>5</sup>House Docs., 55 Cong., 2 sess., vol. 22, no. 578.

<sup>6</sup>University of Illinois Agricultural Experiment Station Circular No. 169, citing *Chicago Drovers' Journal Yearbook*, 1911.

<sup>7</sup>U. S. Department of Agriculture, *Farmers' Bulletin*, No. 72, p. 10.

<sup>8</sup>Senate Docs., 58 Cong., 3 sess., no. 189, Folder.

<sup>9</sup>Andrews, E. B., "The American Ox and His Pasture," in *Review of Reviews*, XXVII, 63.

<sup>10</sup>Hill, Wm., "Conditions in the Cattle Industry," in *Journal of Political Economy*, XIII, 1.

<sup>11</sup>Ogden, G. W., "Why the Price of Beef is High," in *World's Work*, IV, 2181.

Holstein are profitable for their production of milk but are short on the heavy hind quarters for beef.<sup>12</sup> Many western ranchmen are selling cows and calves for beef, lowering the number of breeding stock on the ranges.<sup>13</sup> Some have quit breeding altogether. In California Mr. Miller continues to breed on his ranches, but many California cattlemen buy from small farmers all the young animals, which they can, preferably three year olds. About the first of November these cattle are driven into pastures which have grown all summer and which have made hay. About the first of May the fattened beeves are sold for a price that returns a profit of fifteen to twenty dollars on each animal.

The packers and the trusts are blamed much for the high price of beef. While they make profits, they are not as culpable as is popularly supposed. They derive profits from hides, fats, offals, oleomargarine, stearin, tallow, soap, fertilizer, medical extracts, dyestuffs, buttons, glue, bone, charcoal and other by-products which the small butcher could not utilize.<sup>14</sup>

That Congress can and should regulate the price of beef has been another popular error. Congress cannot bring back the ranges to their original capacity, Congress cannot oust the settlers in the West, Congress cannot regulate the likes of the multitude for choice cuts of beef, Congress cannot regulate the world's supply of gold, Congress cannot repeal the law of supply and demand.

<sup>12</sup>Hovey, Walter, "Our Beef Supply as a Great Business," in *Review of Reviews*, XLI, 313.

<sup>13</sup>Stockbridge, F. P., "Beef," in *World's Work*, XXIV, 661.

<sup>14</sup>*Ibid.*, 663.

THE SOURCES OF THE MEXICAN ACTA CONSTITUTIVA\*

MARION JOHN ATWOOD

The Mexican scheme of government since the earliest days of the republic has been regarded as but an ill adapted copy of that of the United States. Within the United States this belief has been largely founded upon the recognized influence of our form of government upon the South American republics. Inasmuch as we have been wholesale borrowers from the older eastern states in the erection of our state governments, we have been led to impute a similar character to the earliest governmental architects of Mexico.

This deep rooted belief has had many able exponents. Foreign publications, both American and European, during the troubled times of 1824 and 1825 spoke of the new government as an imitation of that embodied in the constitution of the United States.<sup>1</sup> No less a person than Henry Clay, in the instructions given to Joel R. Poinsett, our first minister to Mexico, took this point of view and counselled Poinsett to advise those in power as to the manner in which a republic should be conducted.<sup>2</sup>

Mr. J. Q. Dealey appears to have been the first student to disagree with this attitude and to indicate anything of the extent of the Spanish influence.<sup>3</sup> In a brief comparison of the constitution of Spain, promulgated at Cadiz, March 19, 1812, with the Mexican constitution of 1824, Mr. Dealey has pointed out a marked parallelism and an essential similarity. Mr. Dealey concludes that, "the real basis of the Mexican constitution was the Spanish constitution of 1812 and the departures from the

\*Written in the seminars of Professors Barrows and Bolton, University of California.

<sup>1</sup>*North American Review*, January, 1825, p. 78. "The present federal system of government instituted in imitation of that of the United States is quite uncertain and on the whole may be considered as rather an unfortunate step at so early a stage. The affairs of Venezuela, before the union, went on very indifferently under this system."

<sup>2</sup>*American State Papers, Foreign Relations*, V, 908.

<sup>3</sup>Texas State Historical Association, *THE QUARTERLY*, III, 161-169.

latter were due largely to the adoption of the form of a federal republic, which compelled, to some extent, the imitation of the American model. But even in so imitating, the framers of the constitution endeavored to mould the unfamiliar institutions of the North to the familiar institutions of Spain."<sup>4</sup>

This study is based upon the *Acta Constitutiva*, which was adopted January 31, 1824. This act was the basis upon which the constitution of 1824, as well as all other Mexican constitutions recognizing the federal principle, have been erected. Its skeletal character enables one to see in it more clearly than in the maze of detail of a more elaborate fundamental law the intention of the makers of the constitution. Furthermore, those responsible for the adoption of the *Acta Constitutiva* were likewise responsible for the adoption of the constitution of 1824.

Merely an inspection of the *Acta Constitutiva* and of the Spanish constitution of 1812 reveals parallelism of treatment and, at times, the use of identical language. The *Acta Constitutiva*, being but a framework upon which the constitution of Mexico was later to be constructed, does not contain all of the titles to be found in the constitution of 1812 but the general order of treatment is the same in all essentials. This similarity is to be noted, not only in the broad general outlines of the two documents, but descends to the sub-structure, as may be illustrated by the opening articles of both.

Capítulo I, Título I, of the Spanish constitution of 1812 states,

Article 1. "The Spanish nation is formed by the union of the Spaniards of both hemispheres."

Article 2. "The Spanish nation is free and independent and is not, nor can it become the patrimony of any person or family."

The *Acta Constitutiva*, Título I, states,

Article 1. "The Mexican nation is composed of the provinces included in the viceroyalty hitherto called New Spain, the Captain Generalcy of Yucatan and the 'provincias internas de oriente y occidente.'"

Article 2. "The Mexican nation is free and independent of Spain and of other powers and is not the patrimony of any person or family."

<sup>4</sup>Texas State Historical Association, *THE QUARTERLY*, III, 166-167.

Article 3. "The sovereignty resides essentially in the nation and to it belongs the right to establish the fundamental laws."

Article 3. "The sovereignty resides originally and absolutely in the nation and to it belongs the exclusive right to adopt and to establish by means of its representatives the form of government and the fundamental laws that appear most convenient for its conservation and greater prosperity, modifying and varying them according to its convenience."

In the proposed organization of the legislative branch of government, the displacement of the Spanish unicameral system by the bicameral is at once noticed. From the debates in the constituent assembly, which enacted the constitution of 1824, it is apparent that the congress of the United States was the model followed. In the constituent assembly it was proposed that there be created a House of Deputies and a Senate which should be upon an equal footing, save that financial measures should arise in the lower house. In the attack made by Godoy and others, it was pointed out that this proposal was but an adaptation of the system in use in the United States.<sup>5</sup> Gómez, in defending the measure, admitted the charge and proceeded to quote at length from the constitution of the United States.<sup>6</sup>

The actual provisions of the *Acta Constitutiva* are:

Article 10. "The legislative power of the federation shall reside in a Chamber of Deputies and a Senate which shall make up the General Assembly."

Article 11. "The members of the Chamber of Deputies and of the Senate are to be chosen by the citizens of the States in the manner provided by the constitution."

Article 12. "The basis of election of representatives to the House of Deputies shall be according to population. Each State shall elect two senators to be prescribed by the constitution."

The Spanish constitution of 1812 reflects the leaven of the French political thought of the time. Its recognition of the right of the Spanish people to control their affairs through the cortes caused the constitutions of Spain, Mexico, and the United

<sup>5</sup>*Diario de los Debates*, May 5, 1824.

<sup>6</sup>*Ibid.*, May 6, 1824.

States to be very much alike in their grants of power to their legislative bodies. An attempt at analysis of the powers to be granted to the Mexican congress fails to reveal any marked leaning toward either the Spanish or American precedent.

In some few details the Mexican congress was to possess less power than the congress of the United States. No mention is made of congressional power to create courts inferior to the Supreme Court, to establish uniform laws regarding bankruptcy, nor to establish postoffices or post roads. The most marked point of difference lies in the absence of any grant that might be compared with our "necessary and proper" clause.

In the power of congress to control all external commerce, to regulate internal commerce, to regulate the finances of the nation, to control the army and navy,—the influence of the United States is seen. The Spanish constitution of 1812 still entrusted the control of the army and navy to the king.<sup>7</sup> The *Acta Constitutiva*, like the constitution of the United States, attempted to remove powers with such tremendous possibilities as far as possible from the hands of a single individual.

The executive to be created was not defined by the *Acta Constitutiva*. Article 15 states, "The supreme power of the executive is placed by the constitution in the 'individual' or 'individuals' who may be chosen, who are residents and native born citizens of any of the states or territories of the federation." This phraseology may be explained by the fact that, since the abdication of Iturbide, the executive power had been lodged in a triumvirate made up of Nicolás Bravo, Guadalupe Victoria and Pedro Celestino Negrete. The opponents of those advocating the federal scheme of government were led by Don Carlos Bustamante, who strenuously advocated a multiple executive.<sup>8</sup> Dr. Miguel Ramos Arizpe, chief draftsman of the *Acta Constitutiva*, however, admirably advanced the arguments favoring a single executive.<sup>9</sup>

The great powers of the President of the United States are due largely to the lack of specific restriction. The Mexican

<sup>7</sup>Constitution of Spain (1812), Título IV, Capítulo I, Art. 171, Secs. 8-9.

<sup>8</sup>*Diario de los Debates*, April 12, 1824.

<sup>9</sup>*Ibid.*, April 13, 1824.

executive, as defined by the *Acta Constitutiva*, was to be restricted by a careful definition of power.<sup>10</sup> The powers of the king of Spain were similarly enumerated by the constitution of 1812, the example of which undoubtedly influenced the Mexicans.<sup>11</sup>

The Mexican chief executive was to be granted full control in the nomination and removal of cabinet secretaries. The responsibility of these secretaries was to be to the chief executive, as in the United States, and not to the national congress as in Spain.<sup>12</sup> Similarly in the field of diplomatic and consular affairs the United States was the model followed. The Mexican chief executive was to have control of the appointment of diplomatic and consular representatives, subject to the approval of the senate,<sup>13</sup> and of the negotiation of treaties, subject in all cases to the approval of the General Congress.<sup>14</sup> The constitution of 1812 likewise granted to the King of Spain the direction of diplomatic and commercial relations with other nations, but did not restrain his action by the necessity of approval by the cortes.<sup>15</sup>

The veto and ordinance power of the chief executive best illustrates the leaven of Spanish precedent. The chief executive was to be granted the right of veto and the power to use this privilege at once or within ten days after a measure had been presented to him. A veto, following upon the dissolution of the General Congress, was to suspend the measure until further action had been taken at the next session.<sup>16</sup> Thus the "pocket veto" was guarded against. A similar provision is to be found in the constitution of 1812, save that the king is there granted a period of thirty days within which to approve or disapprove any measure.<sup>17</sup>

The ordinance power granted the Mexican chief executive is provided for as follows:

Article 16, Section 14. "The chief executive shall have power

<sup>10</sup>*Acta Constitutiva*, Art. 16.

<sup>11</sup>Constitution of Spain (1812), Título IV, Capítulo I, Art. 171.

<sup>12</sup>*Ibid.*, Título IV, Capítulo I, Art. 171, Sec. 1.

<sup>13</sup>*Acta Constitutiva*, Art. 16, Sec. 10.

<sup>14</sup>*Ibid.*, Art. 16, Sec. 11.

<sup>15</sup>Constitution of Spain (1812), Título IV, Capítulo I, Art. 171, Sec. 10.

<sup>16</sup>*Acta Constitutiva*, Art. 16, Sec. 13.

<sup>17</sup>Constitution of Spain (1812), Título III, Capítulo VIII, Arts. 150, 151.

to give decrees and ordinances better to complement the federal constitution and the federal laws."

Article 17. "All decrees and ordinances of the chief executive shall be signed by the secretary of state affected by them and without this signature they are not to be obeyed."

The Constitution of 1812 states:

Título IV, Capítulo I, Section 1. "The king may issue decrees, rules, and instructions which are considered necessary to the execution of the laws."

Título IV, Capítulo VI, Article 225, provides that "All the ordinances of the king shall be signed by the secretary of state to whose department they correspond. No citizen or tribunal shall give credence to them without the satisfaction of this requirement."

Thus it would appear that in the definition of the powers to be granted to the chief executive, in the character of the veto power, and in the ordinance power, the framers of the *Acta Constitutiva* did not vary a great deal from the Spanish constitution.

The *Acta Constitutiva* says little with regard to the organization of the judiciary. It provides that the federal judicial power shall be vested in a supreme court and in "those courts which shall be established in the states."<sup>18</sup> Judgments by special commission, together with retroactive laws are to be abolished.<sup>19</sup> The definition of the field of jurisdiction of the supreme court, together with the creation of inferior grades of courts, is left to the succeeding constitutional convention.

The last two titles of the *Acta Constitutiva* deal with the organization of state governments. As the opening articles of the instrument are but a copy of the provisions of the Spanish constitution of 1812, so the closing articles are but a copy of the provisions of the constitution of the United States. The tripartite division of powers of the federal government was to be extended to the states.<sup>20</sup> The legislative power of the states was to be vested in a body which was to be popularly elected after the fashion to be set by the various state constitutions.<sup>21</sup> The

<sup>18</sup>*Acta Constitutiva*, Art. 18.

<sup>19</sup>*Ibid.*, Art. 19.

<sup>20</sup>*Ibid.*, Art. 20.

<sup>21</sup>*Ibid.*, Art. 21.



character of the executive, as in the federal government, was not defined; it was merely stated that the exercise of this power should be for definite periods established by the states.<sup>22</sup> The constitutions of the states were to conform entirely to the federal constitution and to the federal laws.<sup>23</sup>

In the denial to the states of any control over foreign commerce, over the making of treaties with foreign countries, and over the maintenance of military and naval forces, there is an almost verbatim statement of the provisions of Section 10 of Article I of the constitution of the United States.<sup>24</sup> The only marked evidence of Spanish precedent in this connection is the requirement that states should annually transmit to the federal government a statement regarding their finances and regarding the condition of industries within their boundaries.<sup>25</sup>

Coupled with the assumption that Mexico was a wholesale borrower from the United States there has gone another belief that it was greatly influenced by the political changes within France, and, nearer home, by those within Colombia. Such an assumption does not duly consider the fact that, during the opening years of the nineteenth century, Mexico did not have the same intimate intercourse with Europe that the South American countries did. An examination of the debates of the constituent assembly reveal surprisingly few references to French political changes or to French political philosophy.

The Colombian constitution, adopted at Rosario de Cucuta in 1821, evidences clearly the influence of French political changes. Narino had suffered imprisonment for his translation and publication of the "Rights of Man" in Colombia. Arosemena has pointed out that these "were the sparklings of the French revolution which arose in America in spite of the vigilance of the 'peninsulars' and prepared it for the shock of 1810."<sup>26</sup> Furthermore, the Colombian minister at this time occupied a particularly influential position at Mexico City, since Colombia had been

<sup>22</sup>*Acta Constitutiva*, Art. 22.

<sup>23</sup>*Ibid.*, Art. 24.

<sup>24</sup>*Ibid.*, Arts. 27, 28, 29.

<sup>25</sup>*Ibid.*, Art. 32.

<sup>26</sup>Arosemena, Justo, *Estudios constitucionales sobre los gobiernos de la América latina*, I, 28.

the first to recognize the independence of Mexico. Under the *nom de plume* of Chinchilla he contributed articles to *El Sol* during the year 1823 dealing with local politics, and ridiculed the ceremonies in connection with the Court of Augustin I.<sup>27</sup> However, the Centralist faction met with defeat in the constituent assembly in 1824, and, inasmuch as they were the exponents of the Colombian system of government, it appears reasonable to conclude that such French influence as entered into the formation of the *Acta Constitutiva* came indirectly through the influence of France in the formation of the Spanish constitution of 1812.

The influence of Dr. Miguel Ramos Arizpe, chief draftsman of the *Acta Constitutiva* and of the constitution of 1824, has, hitherto, been almost entirely neglected. Arizpe was chairman of the committee on the constitution and the moving spirit in the adoption of the *Acta Constitutiva*. He had previously been the most active of the Mexican delegates in the adoption of the Spanish constitution of 1812. Inasmuch as so little has been written in English about this interesting character, a brief review of his life may not be out of place.

Arizpe was a native of Coahuila and was born February 15, 1775. He was educated at the seminary in Monterey and later received the degree of Doctor of Canon Laws at the seminary in Guadalajara. He then became the parish priest of the villa of Borbón in Nueva Santander. He was elected as a deputy from Coahuila to the Spanish cortes, September 1, 1810, and entered upon his duties March 22, 1811. Because of his ardent support of the constitution of 1812 he was imprisoned in Madrid for twenty months and was subsequently banished for four years to Cartuja de Arachrista in Valencia when Ferdinand VII returned to power. With the return to power of the constitutionalists in 1820, he was released and became a *diputado suplente* in the new cortes. In the same year he became precentor of the cathedral of Mexico City and returned to his native land. By reason of his political experience he was appointed president of "La Gran Commission" following upon the abdication of Iturbide, and presented the *Acta Constitutiva* to the assembled dele-

<sup>27</sup>Alamán, Lucas, *Historia de Mejico*, V, 764.

gates, November 23, 1823. He subsequently took a leading part in securing the adoption of the constitution of 1824.<sup>28</sup>

Bancroft says of Arizpe and his connection with the constitution of 1812, "Among the American delegates there was one particularly bright man, the deputy from the 'provincias internas de oriente,' Dr. Miguel Ramos Arizpe, parish priest of the villa of Borbón in the colony of Nueva Santander, now state of Tamaulipas. . . . He was full of spirit, fond of talking and one would never suspect, either from his manner or his dress, that he was a priest. He thought his countrymen too gentle and would often say, 'I am not a Mexican, I am a Comanche,' and he came to be known by that name."<sup>29</sup>

Into the fabric of any constitution there enter many diverse elements, but it would appear to be clear that in the *Acta Constitutiva*, and in its offspring, the constitution of 1824, the most prominent influences were those of the United States and of Spain. The natural influence of the Spanish connection, together with the bias of the draftsman, have given great prominence to the Spanish element. The direct influence of France and of Colombia at this time were of minor importance, although they were to be of great importance within a decade. There seems little room for agreement with Señor Solórzano, who before the constituent assembly May 25, 1824, declared, "This mania for following others results in the greatest errors. The errors of the Spanish were taken from the French, and those of Venezuela from Spain, and in ours (proposed constitution) we have the errors of Venezuela. In this way instead of one error we have three, and in this I see nothing new, nor useful."<sup>30</sup> The *Acta Constitutiva* appears, rather, to be the attempt to inject the federal principle of government, as borrowed from the United States, into an instrument of government essentially Spanish in character.

<sup>28</sup>Sosa, Francisco, *Biografías de Mejicanos Distinguidos*.

<sup>29</sup>Bancroft, H. H., *Mexico*, IV, 449-450.

<sup>30</sup>*Diario de los Debates*, May 25, 1824.

THE GERMAN SETTLERS OF MILLHEIM BEFORE THE  
CIVIL WAR

ADALBERT REGENBRECHT

[The earliest German immigrants in Texas located in what is now Austin County. Friedrich Ernst and Charles Fordtran settled in 1831 where Industry now is. The families of Marcus Amsler, Ludwig Anton Sigmund von Roeder and Robert J. and Louis Kleberg settled in 1834 where Cat Spring now is. The reports these families sent to their former homes caused others to follow. Some of the experiences of these pioneers are recounted in THE QUARTERLY, I, 297-302; II, 170-73 and 227-32.

Millheim was an offshoot of the settlement at Cat Spring.

The present article was prepared in response to a request of The Editors. It is printed as written, for the author died (March 29, 1916) very soon after it had been completed. He was in his eighty-fifth year, and, perhaps, the last survivor in Austin County of *die Lateiner*, those cultured, genial spirits who found it much easier to cultivate music and song and literature than corn and cotton. *Ubi libertas, ibi patria.*]

After the year 1848 several thousand highly educated Germans emigrated from Germany for various reasons, but immigrated to the United States from love of freedom. Not all of them went to the Northern States, but quite a number went to Austin County and other parts of Texas. My father was a professor of jurisprudence and was elected rector magnificus of the University of Breslau. As a young man he volunteered in the war of 1813 to 1815 and was decorated for bravery in the battle of Kulm with the iron cross and a Russian order. He was wealthy. In the year 1848 I was seventeen years old and a schoolboy. Therefore, I did not participate in the revolution, but took a lively interest in it. Reading the constitutions of the free countries I preferred the constitution of the United States. After having studied jurisprudence for several years and after the deaths of my parents I emigrated in company with a Texan farmer, who had married a second cousin of mine and returned

with his wife to his farm in Austin County. We went in a sailing vessel to New Orleans and arrived there in January, 1856. Thence we went in a steamboat to Galveston, thence in another steamboat to Houston, thence in an ambulance drawn by mules to the farm of said farmer. In April I moved to Millheim, where I boarded with E. G. Maetze and later with Dr. H. Nagel. In January, 1857, I bought a farm in Millheim. In June, 1857, I made a trip on horseback with five farmers, who wanted to inspect their lands in the Miller and Fisher grant in Llano County. We had a hack for our baggage, because we camped at night and for dinner. We went through La Grange, Bastrop, Austin, Burnet County to Castell and Leiningen on the Llano River. There I separated from them, who went directly to their homes, and rode alone to Fredericksburg, San Antonio and New Braunfels, at which place the 4th of July was celebrated. There I listened to the songs of a singing society. Thence I went back to Millheim. I carried no arms, because there was no danger of an attack by Indians then in that part of Western Texas. Catspring and Millheim are adjoining. The first German immigrants arrived in Catspring in 1834 and in Millheim at least ten years later. In 1856 the hardships of pioneer life had gone. In these settlements were blacksmiths, wheelwrights, carpenters, shoemakers, tailors, brickmasons, a cabinet maker, a saddler, a tanner, and a tinner. The ordinary farm laborer received free board and fifty cents per day. The teamster received fifty or seventy-five cents per hundred pounds for freight to or from Houston. The farmers of Millheim lived in frame dwelling houses, but some of the pioneer settlers lived still in block houses. The farms of the pioneer settlers were located where water and wood was handy, even where the soil was poor. Those who came later settled in their neighborhood, but most on the East of the old settlement on the black lands South of Millcreek. The Bernard Prairie extending from the Brazos to the Colorado and from Catspring to Brazoria County was a ranch free for cattle and horses. Therefore, many settlers were cattle and horse raisers. Some raised sheep, but with no success on account of depredation by wolves. Corn bread, bacon, molasses and coffee, occasional fish and venison, were the principal food of the pioneers.

In 1856 the settlers had better vegetable gardens and orchards and more milk, butter and cheese. There were more stores. Most farmers had wells or cisterns. There was a singing society in Millheim. In 1856 the farmers of Millheim at Catspring formed the Agricultural Society of Austin County at Catspring, which still exists, in which the book farmers of Millheim and the practical farmers of Catspring exchanged their knowledge. In Millheim was one of the best elementary schools of Texas, conducted by E. G. Maetze for more than twenty-five years. Many of his pupils became prominent, for instance, Charles Nagel, Secretary of Commerce and Labor; Wm. D. Cleveland, of Houston, and Hugo Becker, wholesale merchants, W. A. Trenckmann, editor of *Das Wochenblatt* and State representative, and Wm. Hagemann, internal revenue officer. All Germans of Millheim were Democrats, but, as the Democratic Party in the Southern States was for slavery, many Germans did not join said party. In the first election in which I participated I voted against secession. Ninety-nine votes were cast against secession, eight for secession at the Millheim-Catspring box. Nearly every one voted. According to my opinion the State of Texas had no better right to secede on account of slavery than the State of Utah on account of polygamy, slavery and polygamy being wrong. Nevertheless, I admit that the slaveholders were a noble class of people. Physically perfectly unfit for military service and opposed to the war, I succeeded in avoiding the service except that, although exempt as justice of the peace, I was compelled to go to the camp of instruction near Houston. After some weeks I was discharged by a writ of habeas corpus. The perfectly blind son of my neighbor Constant was carried to the same camp and detained there until his father succeeded in liberating him. Many Union men of our neighborhood enlisted in the Confederate Army because they believed it to be their duty. After the war I was probably the first justice of the peace in Texas in whose court a freedman recovered the wages for his labor from his former master. After the war I was appointed director of public schools and assessor and collector of taxes and elected four times county commissioner. After the Democratic Party had declared that the freedmen be protected by law I joined the party. Six German

settlers of the small settlement of Millheim were former students at German universities, namely: E. G. Maetze, Dr. Nagel, Lawyer E. Kloss, Referendarius F. Engelking, Meisterlin and myself. Besides them lived there quite a number of highly educated Germans, for instance, Lieutenant Constant, Professor F. A. Treckmann, Wilms, E. Kleberg, Robert and Alex. Kloss.

E. G. Maetze was born at Glogau in the Province Silesia of the Kingdom of Prussia on the 12th day of September, 1817. His father was the secretary of a Prussian general. In consequence of the war the family became poor. His wife kept a private boarding house with such success that her son could be educated in the gymnasium of Glogau and later in the university of Breslau. After graduation he was appointed rector of the town school of Bernstadt. In 1848 he was elected a representative to the Prussian National Assembly. He joined the democratic wing of the Assembly. The royal government usurped arbitrary power. Therefore, the Assembly resolved that no taxes should be paid to the government. The resolution was not executed, because the people were tired of the frequent political disturbances and wanted peace and the government was supported by the army. The representatives who voted for said resolution, were prosecuted. E. G. Maetze escaped to Texas. He went to New Ulm and worked for a farmer. Hunting a horse in the Bernard Prairie he met F. Engelking, who invited him to become a tutor of his children. Maetze accepted the proposal and a short time afterwards he established the first school at Millheim with six pupils at forty dollars per pupil in the first year. He bought a piece of land, on which he built a dwelling and outhouses, so that his wife and his two children could come to Texas and have a home. The number of pupils grew from year to year, not only from the neighborhood but also from distant places. He taught school at Millheim more than twenty-fives years. He was a great speaker. His voice was euphonic, his gestures dignified, his speech logical. He joined the Democratic Party, but was opposed to secession. As his party was for secession, he did not vote. He submitted to the will of the people and became a loyal Confederate citizen. His son enlisted in Sibley's Brigade. In 1856 he was elected county commissioner, later senator and later

county school superintendent. The Senate elected him its president pro tempore. The Democratic Executive Committee engaged him to make speeches in Fayette County to influence the Germans to join the Democratic Party. He was successful. He died on the 12th day of October, 1891, at the age of seventy-four years one month, highly respected by everybody.

A. F. Trenckmann, the son of a farmer, was born in Wefendishen near Magdeburg in the Kingdom of Prussia on the 7th day of July, 1809. He attended an elementary school and later a normal school, in which he graduated. As his means were insufficient, he had to supplement them in private teaching. Afterwards he established a private school in Magdeburg which became so popular that five hundred pupils attended the school at the same time. He was so prominent that in 1848 he was appointed as a member of a delegation to go to the King of Prussia and ask for political reforms. A. F. Trenckmann was progressive, but opposed to uproar and rebellion. In 1844 began a movement against pietismus among the Protestants and against ultramontaniam among the Roman Catholics, trying to harmonize belief and science. The Protestant movement originated in Magdeburg, the home of A. F. Trenckmann; the Catholic movement in Breslau, where my father and some others formed the sect of the "Christian Catholics," eliminating popery. A. F. Trenckmann sympathized with the Protestant movement. After the reaction of the religious and political reforms was successful, he emigrated in 1853, first to Colorado County, but in 1858 he bought a farm and gin in Millheim. He voted against secession, but obeyed the laws of the de facto government of the Confederate States and did not object to the enlistment of two sons in the Confederate Army at the beginning of the war; one of them was killed in battle. He was a good speaker and popular. He died in 1883. W. A. Trenckmann, his youngest son, is still living. He represented Austin County in the legislature some years ago and is editor and proprietor of one of the best German newspapers of Texas since many years.

[In preparing to write this article, Mr. Regenbrecht asked Hon. Charles Nagel for a sketch of his father, Dr. Herman Nagel. Before receiving it he died. It is, however, added below.]



DR. HERMANN NAGEL.—Born in Pritzwalk, Mark Brandenburg, Germany; attended the usual schools, and afterwards the Universities of Jena, Wurzburg, and graduated in medicine at the University of Berlin. Married Friedricka Litzmann, a daughter of a Lutheran clergyman; practiced his profession for a brief period, but in 1847 he and his wife sailed for New Orleans, where they arrived after the usual journey of many weeks, to continue it to the interior of Texas. They settled in Colorado County, about twelve miles from Columbus, on the St. Bernardo. The first intention was to abandon the profession, and to devote himself to the small farm which he had acquired. Very soon, however, the demand for medical aid was such that he returned to the practice of medicine, which profession he followed throughout his life. About 1855 he moved to Millheim, in Austin County, and again acquired a small farm, which was cultivated in the manner then in vogue, without, however, surrendering the professional pursuit. Life under these conditions no doubt answered every expectation and hope that had been entertained, until the breaking out of the Civil War, when conditions were naturally rendered difficult by the fact that Dr. Nagel sided with the Union cause.

In spite of the admitted need of medical men, and in spite of the very universal consideration with which he was treated, he concluded, in November, 1863, that it was no longer safe for him to remain at home. Leaving his wife and two children, he took his older son Charles with him, determined to make his way to Mexico. After many weeks of doubt and difficulty, they succeeded in crossing the border; from there made their way to Monterey; then to Matamoras, and from there by sail ship to New York, from which point they came to St. Louis. Landing here with fourteen dollars left, Dr. Nagel again established himself in his profession, and in the course of a few years had a comfortable income from his practice. After one year his wife (the two remaining children having in the meantime died), joined him, she having also come by way of Mexico and New York.

In 1872 Dr. Nagel visited Berlin, for the first time after leaving his native country, and while his son heard lectures in law,

he spent another year in hearing lectures in medicine at this great University. Returning in 1873 he again practiced his profession, until the time of his death, in 1889.

While he was a man of very strong convictions, he took practically no part in public affairs, beyond exercising his rights as a voter. Although he had suffered his share of misfortune during the Civil War, he never entertained the remotest grievance against the Southern people. It was his opinion that the South thought itself right; that it had made a good fight; that happily the Union had been preserved, and that the energy of all citizens of the United States should be bent towards cementing all forces for the maintenance of that Union hereafter. How sincere he was in this feeling can perhaps be best exemplified by the simple statement that he voted for Samuel J. Tilden, and afterwards for Grover Cleveland, for President of the United States.

## THE AUTHOR OF THE TEXAS HOMESTEAD EXEMPTION LAW

A. E. WILKINSON

The law books, in discussing the homestead exemption, properly credit the origin of this beneficent enactment to the Third Congress of the Republic of Texas.<sup>1</sup> Several recent inquiries as to the author of the Act by which it was created led the writer to look into the matter, with this result. It appears that the bill was introduced in the House of Representatives by Mr. Louis P. Cooke,<sup>2</sup> of Brazoria County. The journals of the House and Senate give the following information in regard to the progress and enactment of the measure:

December 29, 1838. "Mr. Cook introduced a bill entitled 'An Act exempting certain property from execution,'—was read a first time. Mr. Cook moved to suspend the rules, which was lost."<sup>3</sup>

January 2, 1839. "A bill entitled an act to exempt certain property therein named from execution was read a 2d time and referred to Judiciary Committee."<sup>4</sup>

January 22, 1839. "'An Act to exempt certain property named therein from execution' was taken up on second reading. Rules suspended, read a 3d time and passed."<sup>5</sup>

January 24, 1839. "A message from the Senate reported to the House its concurrence in 'An Act to exempt certain property named therein from execution.'"<sup>6</sup>

January 24, 1839. "Joint Committee on enrolled bills reported

<sup>1</sup>Houston & T. C. Ry. Co. v. Winter, 44 Texas, 397; 21 Cyc., 459, note 5. The homestead right is purely a creature of statute. Blum v. Gaines, 57 Texas, 121. And few legislative ventures have ever been so promptly copied or followed. Barney v. Leeds, 51 N. H., 261.

<sup>2</sup>The name in books, and even in the legislative journals and deed records, is spelled, about impartially, "Cook" and "Cooke." His original letters as Secretary of the Navy show that he used the latter form of the name.

<sup>3</sup>House Journal, Third Congress, 238.

<sup>4</sup>*Ibid.*, 256. No record of report of the bill from the committee has been found. The published journal is imperfect; but the bill was, doubtless, favorably reported.

<sup>5</sup>*Ibid.*, 396.

<sup>6</sup>*Ibid.*, 408.

'An Act entitled An Act to exempt certain property named therein from execution' duly enrolled and on that day presented to the President for his approbation."<sup>7</sup>

The Senate Journal shows the following action:

January 24, 1839. "A bill to exempt certain property from execution read a 2d time; rule suspended, read a 3d time, and passed."<sup>8</sup>

There was also introduced in the Senate a bill on the subject of exemptions, as to which the following entries appear on its journal:

December 14, 1838. "Mr. Stroud introduced a joint resolution exempting certain articles from execution and seizure, which was read a 1st time and laid on the table for one day."<sup>9</sup>

December 18, 1838. "A bill to exempt certain articles from execution and seizure was read a 2d time and on motion of Mr. Barnett referred to the Judiciary Committee."<sup>10</sup>

No further action on Mr. Stroud's measure is recorded. There is nothing to indicate that it included any exemption of real estate. It was probably abandoned through preference for the bill passed by the House. That enactment received the President's approval on January 26, 1839. It appears in the session laws passed by the Third Congress in the following form:

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this Act there shall be reserved to every citizen or head of a family in this Republic, free and independent of the power of the writ of fire facias or other execution issuing from any court of competent jurisdiction whatever, fifty acres of land or one town lot, including his or her homestead, and improvements not exceeding five hundred dollars in value, all household and kitchen furniture (provided it does not exceed in value two hundred ollars) all implements of husbandry (provided they shall not exceed fifty dollars in value) all tools, apparatus and books belonging to the trade or profession of any citizen, five milch cows, one yoke of work oxen or one horse, twenty hogs, and one year's provisions; and that all laws and parts of laws

<sup>7</sup>House Journal, Third Congress, 410.

<sup>8</sup>Senate Journal, 131.

<sup>9</sup>*Ibid.*, 54.

<sup>10</sup>*Ibid.*, 58.

contravening the provisions of this act shall be and the same are hereby repealed: Provided, The passage of this act shall not interfere with contracts between parties heretofore made.<sup>11</sup>

The bill as introduced by Mr. Cooke seems to have suffered no amendment or change, to have met little discussion and no opposition, and to have been hurried through its final passage on the last day of the session. It apparently excited less heat and controversy than the bill to grant a divorce to Sophia Aginbaugh, or that to permit Edward Teal to emancipate his slave Fanny. Probably not even its author had any idea of the far reaching effect that it was to have. In the Texas Constitution of 1845, the exemption was carried into the fundamental law,—the first instance of the kind. It has been expanded in all subsequent legislation on the subject in Texas; and the principle has been adopted since in nearly all the States and in many foreign countries. Ponderous volumes of adjudged cases on Homestead Exemption are now to be found in all law libraries.

It may be well to add such information as the present writer has been able to collect in regard to Mr. Louis P. Cooke, the author of this law. He was not present at the organization of the Congress on November 5,<sup>12</sup> nor does his name appear on the committees then announced by the speaker;<sup>13</sup> but he presented his credentials and took the oath of office on the following day.<sup>14</sup> He was placed on the standing Committee on Military Affairs on November 8.<sup>15</sup> And later was put on the Judiciary Committee in place of his colleague from Brazoria, Hon. John A. Wharton, who died during the session.<sup>16</sup> He appears to have been an active member of the Congress, and, on the whole, an able and judicious legislator, commanding the confidence of his associates. He was selected, along with Campbell and Menifee, as member from the House upon the commission appointed to select the site of the new state capitol,<sup>17</sup> and, with his associates on that commis-

<sup>11</sup>Laws, 3d Congress, Republic of Texas, 125.

<sup>12</sup>House Journal, 3, 4.

<sup>13</sup>*Ibid.*, 7, 8.

<sup>14</sup>*Ibid.*, 10.

<sup>15</sup>*Ibid.*, 10.

<sup>16</sup>*Ibid.*, 256.

<sup>17</sup>*Ibid.*, 358.

sion, had sufficient vision of the future to join in the judicious choice for its location of the then perilous ground upon which now stands the city of Austin. Soon after he became a resident of that frontier village, as Secretary of the Navy in the cabinet of President Lamar. The following brief references to him in Texas historical works may be found of interest:

Louis P. Cook. Came to Texas with the New York Battallion in 1836. Was Secretary of the Navy in 1839. Having been accused of killing young Peyton in Washington, he went to the Rio Grande: was a sutler in Taylor's army in 1846. He and his wife died of cholera in 1849.<sup>18</sup>

Cooke, Louis P., born in Tennessee, entered West Point Military Academy—expelled before graduation—came to Texas from New York in the Morehouse Expedition, arriving just in time to miss the battle of San Jacinto; lieutenant colonel in the army of 1836-37, member of congress from Brazoria in 1838-39, secretary of the navy under President Lamar from 1839 to 1841, a wild courageous and somewhat reckless man, had an eye shot out by an Indian arrow near Corpus Christi, in 1845, and died of cholera at Brownsville in 1849. His brother, Dr. Wilds K. Cooke, was senator from the Robertson district in the first Legislature after annexation; and another brother, H. W. Cooke, of Coryell, was a captain on the frontier in 1849. Louis P. Cooke was an extraordinary man. His history, life and death abound in romance, a romance of courageous recklessness, clouded by actions in contrast with his otherwise admirable character.<sup>19</sup>

An incident of early life in Austin is thus described by Morphis:

One night John Wahrenberger, a Switzer and gardener for Louis P. Cook, Secretary of the Navy, returning home with a bag of meal on his shoulder, fell in with a party of Indians at the head of the Avenue, near the Alhambra. He fled and gained the residence of Col. Cook, who then lived where Col. A. H. Cook now resides, but received three arrows in his meal sack and one in his arm.

As the poor fellow gained the door he fell exhausted, and fainted, while Col. Cook fired on his pursuers and wounded one so badly that their trail was easily traced the next day by the blood on the ground.

After recovering his senses, John Wahrenberger felt his wound, then looking round he exclaimed: "Mine Got! What a Texas!"

<sup>18</sup>Thrall, *Pictorial History of Texas*, 528.

<sup>19</sup>*Encyclopedia of The New West*, 576.

Then casting his eyes around without any more ado, he earnestly inquired: "Where ish mine meal?" It was shown to him, under his head, and taking it up he retired to his apartments.<sup>20</sup>

Wahrenberger, familiarly known to early citizens of Austin as "Dutch John," whose simple Swiss fidelity to his meal sack possibly saved his life, became reconciled to life in Texas. He prospered here, and his family became a leading one in the development of the city. But for his employer and rescuer evil days were to darken over a future which then seemed filled with promise. Something of his history may be traced from the land records of Travis County. In 1843, he appears to have conveyed a tract of land on the Colorado to James S. Mayfield, a lawyer, to defend him against two indictments for murder in that county,—one for killing Mark B. Lewis, and the other for killing Alex. Payton.<sup>21</sup> The records do not show that any such indictments were returned against him, and their mention in the deed may have been as something anticipated.

The deed records also give some information as to his family. His wife's name was Mary A., and they left four children surviving: Cora K. (Cooke) Rice, wife of Horatio H. Rice, of White Pigeon, Michigan; Louis P. Cooke, Jr., of Robertson County; Mary A. (Cooke) Hardy; and Virginia B. (Cooke) (Phelps) Talbot, of Travis County, all of whom were still living in 1871. Descendants or relatives probably still live in Texas.<sup>22</sup>

Louis P. Cooke thus appears as a picturesque figure in the stirring times of the Republic. His name deserves to be rescued from oblivion; it may be hard to find another who, by such a brief career as a legislator, ever left so broad and deepening a mark upon jurisprudence.

The distinction of having been the father of the homestead law has been claimed on behalf of others than Louis P. Cooke. The writer has heard it attributed to Isaac Van Zandt, a brilliant figure, for all too brief a time, in the early history of

<sup>20</sup>Morphis, *History of Texas*, 438, 439. The same incident is related in Wilbarger's *Indian Depredations in Texas*, 271.

<sup>21</sup>Deed Records, Travis County, Book B, 407.

<sup>22</sup>*Ibid.*, Book V, 597, 598, 695-698.

Texas. But Van Zandt was not a member of the Third Congress; in fact, came to the Republic as an immigrant about the time that Congress commenced its session. He was, however, a member of the convention that framed the constitution of 1845, under which Texas was admitted as a State, and may have been instrumental in having such exemption then made a part of the fundamental law, as stated in Judge Fulmore's *History and Geography of Texas*, p. 192.

A more serious claim is that made for Judge Emory Rains, whose name, like that of Van Zandt, has been given to one of the counties of the state. An article by C. W. Raines<sup>23</sup> at least establishes the fact that Judge Rains did represent himself as the one responsible for its enactment. But the conversation to which the author there refers took place some forty years later. The clouded life of Cooke had closed nearly thirty years before. Rains was a member of the Senate in the Third Congress, and Chairman of its Judiciary Committee. The history of the Act here given from the journals seems to leave little doubt that, as passed, it was identical with the bill introduced by Cooke in the House. Judge Rains may have been the moving spirit in having it put through the Senate, on the verge of adjournment, in preference to the Senate bill. That he drew the bill and had it introduced by another in the House does not seem probable. The Act is fairly well drawn, on the whole, but some of its phraseology sounds like an amateur's. A lawyer, for instance, would not have been likely to describe the writ of execution as a *fire* [sic] *facias*.

<sup>23</sup>"Enduring Laws of the Republic of Texas," in *THE QUARTERLY*, I, 96-107.



## THE LAST EXPEDITION OF JOSIAH GREGG

OWEN C. COY

While engaged in historical research relating to the northwestern section of California, the writer fortunately came into possession of the facts dealing with the closing events in the life of Dr. Josiah Gregg, a man recognized by the student of the history of the Southwest as one of the most important explorers and writers for that part of the United States; the author of *Commerce of the Prairies, or the Journal of a Santa Fe Trader*. Believing that a short account of the experiences of Dr. Gregg and his party during this expedition, which proved the last for its noted leader, might prove of interest to the students of Western history, the following article has been prepared.

Several attempts have hitherto been made to ascertain the identity of Josiah Gregg: to find out if possible the earlier events in his life as well as to learn what became of him after he had published his extremely popular work. Previous attempts, however, have met with only partial success. Dr. Reuben G. Thwaites, Secretary of the Wisconsin Historical Society and editor of that most valuable collection of historical sources entitled *Early Western Travels*, reprints in full the work of Josiah Gregg but fails to give many facts regarding the author himself, although in a subsequent letter he claims to have spent a great deal of time in looking up data regarding him.<sup>1</sup> Later Mr. W. E. Connelley became interested in the matter and fortunately was able to locate members of the Gregg family from whom information was obtained regarding his early life. These facts are published in a long footnote in Connelley's *Doniphan's Expedition*, but although of value for the earlier period of his life the facts here given fail to offer any clear account of his experiences after coming to California, except to say that he probably met his death while mining upon the Trinity River.<sup>2</sup> A study of the original sources relating to the history of the northwestern part

<sup>1</sup>Connelley, *Doniphan's Expedition*, 168.

<sup>2</sup>*Ibid.*, 162-176.

of the state leaves no doubt regarding the identity of the man and reveals the fact that his last days were spent in a manner well becoming the true scientific spirit that possessed him.

In his early life Josiah Gregg suffered from poor health and so at the age of twenty-five left his home in Missouri to join the spring caravan then leaving for the Mexican outpost at Santa Fé. For the next nine years he engaged regularly in the business, himself becoming one of the proprietors of the Santa Fé trade. By this means he became thoroughly familiar with the country and people of northern Mexico, and being of a scientific turn of mind he displayed great interest in whatever he came in contact with and made careful notes of all his observations and impressions. At the request of his friends these were published in a work of two volumes in the year 1844, being issued simultaneously in both New York and London.

This work, *Commerce of the Prairies*, was immediately received with great enthusiasm and two more editions were issued during the following year; to be followed later by a fourth and fifth edition, and in 1857 by a sixth, under a somewhat different title. Not only was this popularity enjoyed among American and English readers but the work was also translated into German, and three editions published in that language between the years 1845 and 1847. Dr. Thwaites declares him "pre-eminently the historian of the Santa Fé trade," and describes his book as "a classic in the literature of Western history," that it "stands without a rival, and is indispensable to a full knowledge of the American past."<sup>3</sup>

Although he had returned to his home in Missouri, Gregg was once again called to the frontier when the Mexican War broke out; this time to act as a newspaper correspondent, a position for which his literary ability and knowledge of the country very ably fitted him. At the first news of the discovery of gold in California he joined in the migration to the El Dorado and in the fall of 1849 was to be found in the northern part of the state among the miners upon the Trinity River. It was here that the opening events in the last chapter in his career took place.

As winter approached with its consequent high water which

<sup>3</sup>Thwaites, *Early Western Travels*, XIX, 15.

drove the miners from the rich river bars, and which also was sure to cause a scarcity of food to carry the large population through the months of enforced idleness, many of the men prepared to leave the mines. A great number drifted to San Francisco and other centers, where their earnings were soon gathered in by the amusement and gambling resorts. To Josiah Gregg, however, this respite from mining offered an opportunity for wider activity.

The Trinity mines were greatly handicapped because they were so difficult of access, being located far up the Sacramento Valley and separated even from this by an almost impassable mountain barrier. On the other hand it was believed that but a short distance lay between these mines and the mouth of the river, which, as its name implies, was supposed to enter the ocean through the bay known to the Spaniards and named by them Trinidad Bay. During the mining season there was no time for explorations, but if during the idle period a shorter route could be discovered it would be a most desirable and probably also profitable undertaking. Furthermore, according to the Indian guides, there was at eight days' distance a beautiful bay surrounded by fertile fields, which might offer opportunities for settlement and commerce. Such an adventure appealed most strongly to the scientific mind of Gregg, so it was but natural that he should become the leader of a body of men who had as their object the exploration of the country lying to the west of them.

One of the members, who has left a narrative of the expedition, says,<sup>4</sup>

Among the first and most active in getting up and organizing the expedition was a gentleman by the name of Josiah Gregg, a physician by profession, formerly of Missouri. He had with him all the implements necessary to guide us through the uninhabited, trackless region of country that lay between us and the point to be sought. No one seemed better qualified to guide and direct

<sup>4</sup>The source of information for this expedition is a narrative by L. K. Wood, one of the party. It was originally published in the *Humboldt Times*, April 26, 1856, seq., and has more than once been reprinted in it and other Eureka papers and also in pamphlet form by his son. It may be found in the Kentucky State Historical Society, *Register*, VI, 19-32; in Elliott, *History of Humboldt County, California*, 83-95; and in paraphrase in Bledsoe, *Indian Wars of the Northwest*, 73-103; and Hittell, *History of California*, III, 817-832.

an expedition of this kind than he. Upon him, therefore, the choice fell to take command.

The party as at first organized consisted of twenty-four men but when the storms, which had been most severe during the previous month, did not abate as the time approached for the departure, the number was reduced to but eight of the most determined ones. These men, notwithstanding the fact that even the Indian guides now refused to go, were only the more resolute in their determination, and so on the fifth of November, 1849, with rations for about ten days they set out over the mountains in the direction indicated by the Indians, little thinking of the hardships and suffering that were to be their almost constant companions on the way. They had not proceeded far, however, before they began to realize something of the difficulty of the task that was theirs, for when they had slowly worked their way through the deep snow to the summit of the mountain they looked toward the west only to see innumerable ranges of mountains piling up before them. But once having taken up the task they were only the more firmly resolved to carry it to completion.

On the evening of the fifth day a welcome sound like that of the ocean surf met their ears and early the next morning one of their number was despatched ahead to investigate. He returned with sand which contained rich deposits of gold but reported that the sound was only that of a rushing mountain stream,<sup>5</sup> which they now followed to its junction with the main river. They now considered following along the latter to the ocean, but the Indians of a ranchería near at hand warned them against that course on account of numerous bands of Indians who would oppose their progress in that direction, while to turn directly west across the mountains would lead them nearer their desired end.

From the Indians they had been able to secure a variation in their diet by an exchange of venison for smoked salmon, but on their second day from the Indian village their supply of provisions became entirely exhausted. They were even reduced to the point of dividing and consuming the soured paste that had formed on the inside of their flour sacks when these had been

<sup>5</sup>The South Fork of the Trinity River.

saturated by the rain. Space does not permit a full statement of, nor could our minds comprehend, the suffering these men underwent as they slowly worked their way through what appeared to be impassable mountains. Many days were spent without food, for in places even game was scarce, and often their animals had no other food than the leaves of the trees that were cut down for their use. Several times the little party halted to consider the question of turning back, but each time the decision was to move forward, for they believed that once having passed the mountains they would soon reach the ocean or at any rate find their progress much easier. But here again they were doomed to disappointment, for they were but to pass from the rugged mountains into a labyrinth of a primeval forest. The narrative says,

The redwood forests through which we had to pass, were more dense and difficult to penetrate than any before, consequently our progress was in proportion retarded. Dr. Gregg frequently expressed a desire to measure the circumference of some of these giants of the forest, and occasionally called upon some one of us to assist him. Not being in the most amiable state of mind and feeling at the time, and having neither ambition to gratify nor desire to enlighten the curious world, we not infrequently answered his calls with shameful abuse. His obstinate perseverance, however, in one or two instances, resulted in success.

Through this forest we could not travel to exceed two miles a day. The reason for this was the immense quantity of fallen timber that lay upon the ground in every conceivable shape and direction, and in many instances piled one upon another so that the only alternative left was literally to cut our way through. . . . We were obliged, therefore, constantly to keep two men ahead with axes, who, as occasion required, would chop off sufficient to construct a sort of a platform by means of which the animals were driven upon the log and forced to jump off on the opposite side.

At last after more than four weeks of travel their "ears were greeted with the welcome sound of the surf rolling and beating upon the sea-shore." The next morning two of the number proposed to go to the coast in advance of the party. This they did returning on the evening of the same day "bringing the glad tidings that they had reached the sea-shore, and that it was not

more than six miles distant." In spite of the fact that they were now so near they toiled "three long weary days" before they came out into the open country in view of the ocean.

They had reached the ocean just south of the stream known as Little River. Here they turned toward the north but soon found their advance blocked by the waters of Big Lagoon which lay between the dense forest and the ocean; they then decided to turn south again, this time stopping to examine a projecting headland, which in deference to their leader they named "Gregg's Point."<sup>6</sup> Here Dr. Gregg stopped to determine the latitude of the place and carefully carved the result on the trunk of a tree near at hand for the benefit of any who might afterward visit the place. In March of the next year the crew of the *Cameo*, in exploring the coast found this inscription, which read as follows:<sup>7</sup>

"Lat. 41° 3' 32" Barometer 29° 86' Ther. Fah. 48° at 12 M. Dec. 7, 1849. J. Gregg."

These scientific observations of the leader came to be a source of annoyance to the other members of the party, and as he still persisted in making them, in spite of the toil and hardships they endured, he became subject to much abuse. Unfortunately this lack of harmony in the exploring party has been indelibly stamped upon the map of the region in the name of one of its most important streams, for they had not gone far along the coast to the south until they came to a stream which gave the appearance of being a large river, and without doubt suitable for navigation.

The Doctor wished to ascertain the latitude of the mouth of the river, in order hereafter to know where it was. This was of course opposed by the rest of the company. Regardless of this opposition, he proceeded to make his observation. We were, however, equally obstinate in adhering to the determination of proceeding without delay. Thus decided, our animals were speedily crossed over, and our blankets and ourselves placed in canoes—which we had procured from the Indians for this purpose—ready to cross. As the canoes were about pushing off, the Doctor, as if convinced that we would carry our determination into effect,

<sup>6</sup>This point was Trinidad Head, or Trinidad Bay, so named by the Spanish explorer Bodega in 1775. Thus unfortunately the name of Gregg was not to be permitted to remain upon the map.

<sup>7</sup>*Alta California*, April 1, 1850.

and he be left behind, hastily caught up his instruments and ran for the canoe, to reach which, however, he was compelled to wade several steps into the water. His cup of wrath was now filled to the brim; but he remained silent until the opposite shore was gained, when he opened upon us a perfect batter of the most withering and violent abuse. Several times during the ebullition of the old man's passion, he indulged in such insulting language and comparisons, that some of the party came near inflicting upon him summary punishment by consigning him, instruments and all, to this beautiful river. Fortunately for the old gentleman, pacific counsels prevailed, and we were soon ready and off again. This stream, in commemoration of the difficulty I have just related, we called Mad River.

The party now continued its way along the ocean beach, little mindful of the object of their search, but active in speculation upon the chances of their being able to make their way once more to a land of civilization. When night came they made camp where they were and now for the first time found a scarcity of water, consequently two of the number were sent out in search of this needed article. One of them returned with a kettleful of water which was found to have a brackish taste, and on being asked where he had obtained it replied laconically, "about a mile for here." Other inquiries brought the reply, "I dipped it from a bay of smooth water," but beyond that he had nothing to say. Early the next morning all the party were ready to move and soon their camp was pitched on the shore of the bay, which at the present time is known as Humboldt Bay.<sup>8</sup>

Finding that they would not be able to continue south along the beach on account of the entrance to the bay their route was now directed around the northern portion of the bay, which had been named by them Trinity Bay since they believed it to be the one discovered by the Spaniards. Christmas Day was spent in camp on a plateau at the head of the bay, the present site of the town of Arcata, their dinner being furnished by a band of elk which was found near camp the evening before. The next day the party followed an Indian trail south along the eastern

<sup>8</sup>This was the first discovery of Humboldt Bay during the American period, for although it had been known by the earlier fur-traders it had been little appreciated and soon forgotten. Early the next spring Eureka and other towns were established upon the bay which soon became the most important shipping center along this portion of the coast.

shore of the bay and camped at a point of land near a village of Indians who appear to have been very friendly. One day only did they remain in camp here when again they turned their faces toward the south.

It had been our intention at the outset if we succeeded in discovering the bay, and providing the surrounding country was adapted to agricultural purposes, and was sufficiently extensive, to locate claims for ourselves and lay out a town; but the deplorable condition in which we found ourselves, reduced in strength, health impaired, our ammunition nearly exhausted,—upon which we were entirely dependent, as well for the little food we could obtain, as for our defense and protection—and destitute of either farming or mechanical implements, induced us to abandon such intention, at least for the present, and use all possible despatch in making our way to the settlements.

The third day after leaving the bay the party came to another river, which on account of the large number of eels that they obtained from the Indians was called "Eel River." The river was now very high because of the recent storms but canoes were secured from the Indians and a crossing made at a point just below the mouth of a branch stream now named "Van Duzen" in honor of one of the party. Here a difference of opinion arose between the members of the expedition as to the most advantageous route to pursue: some urging that they should follow down the coast; and others, that by following up this river they could the more easily cross the mountains and reach the settlements further south. No amount of argument was able to produce harmony, so the different proponents took their respective routes.

Mr. Wood, the writer of the narrative, with three others, followed up the river, while Dr. Gregg and the remainder of the party went south toward the coast. The river party made good progress for a few days but soon hardship overtook them. Fortunately they had kept the hide of a small deer which they had killed, for we are told this and a few buckeyes were all they had to sustain life, "the former we cut up and boiled in water and afterwards drank the water in which it had been boiled, and chewed the hide." After continued hardships these men suc-



ceeded in reaching the settlements in what is now Sonoma County on the 17th of February, 1850.

The party which attempted to follow the coast was less fortunate. On account of the snow on the high ridges and the great number of gulches and ravines that impeded their progress they decided to turn toward the east and work their way across the mountains into the Sacramento Valley. Their supply of ammunition became exhausted and starvation threatened the whole party, and for the leader of the expedition, notwithstanding a life upon the frontier, this experience was too severe. One of the party relates,

Dr. Gregg continued to grow weaker, from the time of our separation, until one day he fell from his horse and died in a few hours without speaking—died from starvation—had had no meat for several days—had been living entirely upon acorns and herbs.

His death occurred on the 25th of February, 1850, in the vicinity of Clear Lake,<sup>9</sup> where, to borrow one of his own expressions, he was "buried according to the custom of the prairies." "These funerals," he explains, "are usually performed in a very summary manner. A grave is dug in a convenient spot, and the corpse, with no other shroud than its own clothes, and only a blanket for a coffin, is consigned to the earth. The grave is then filled up with stones or poles, as a safeguard against the voracious wolves of the prairies."<sup>10</sup> Thus ended the active life of Josiah Gregg, writer, merchant, scientist and explorer. In life an ardent lover of the frontier, she had now taken him to her bosom that their association might ever remain undisturbed.

<sup>9</sup>*Alta California*, March 7, 1850. Gibbs in Schoolcraft, III, 131.

<sup>10</sup>These words which so accurately describe the burial of Gregg are taken from his *Commerce of the Prairies*, I, 27, with note.

## BRITISH CORRESPONDENCE CONCERNING TEXAS

## XIX

EDITED BY EPHRAIM DOUGLASS ADAMS

ABERDEEN TO ELLIOT<sup>1</sup>

No. 1.

Foreign Office.

January 23, 1845.

Sir,

Your Despatches to No. 15 have been received and laid before the Queen.

Since the date of my last Despatches, the course which events have taken, both in the United States and in Mexico, has been such as, in the opinion of Her Majesty's Government, to call for a fresh and more explicit declaration of the views entertained by Great Britain of the relations between Texas and those Republicks.

The Annual Message of the President of the United States,<sup>2</sup> as well as the Resolutions which have been proposed to Congress with the intention of engaging a vote of the Legislature in favour of the Annexation of Texas to the Union will have been received at Galveston long before this Despatch reaches you. You will also have learnt the communication by President Tyler of a further Message directed exclusively to that object.

What may be the result in the United States of these redoubled exertions on the part of the Advocates of Annexation, it is impossible with certainty to foresee. Her Majesty's Government hope that the honesty and good sense of a large and influential portion of the Publick in that Country will resist the impolicy and danger of committing the conduct of the State, in a matter of such delicacy, to the direction of Men so violent and unscrupulous as those who have come forward as the leaders in this cause. Yet it cannot be denied that, under the present state of excitement, the Legislature might be pledged by a rash

<sup>1</sup>F. O., Texas, Vol. 21.

<sup>2</sup>President Tyler's message, December 3, 1844. (In U. S. Docs., Ser. No. 449, Doc. I.)

vote, and thereby force the Executive Government, and perhaps not altogether against their will, into a course of action from which the National Pride, if once engaged in it, would not easily allow of a retreat.

The external relations too of the Country, is illustrated by the Papers lately laid before Congress, and so far as they bear upon the question of Annexation, are not without danger.

The Correspondence which has passed between Mr Calhoun and the American Envoy at Paris<sup>3</sup> sufficiently shows the jealousy with which the partizans of Annexation are ready to take up any sign of interference, or even of interest expressed by a Foreign State against the cause in which they are engaged; and, should any incident appear to confirm that jealousy, there can be no doubt of the use which would be made to precipitate active measures in the United States whilst the abrupt termination of friendly relations between the American Representative and the Government of Mexico, stopping as it did little short of an open rupture, might but too easily lead to hostilities of which Texas would not be suffered to remain a neutral Spectator; and from which, whatever might be the result to the principal parties concerned, She could not hope to escape with her Independence.

This is a state of things, which to those who feel an interest in that Independence cannot be otherwise than alarming, and which calls upon them to furnish every aid they can honourably and safely offer for its support.

The Government of Texas are already aware of the light in which Great Britain views the question of Annexation as it affects the interest of Texas. Her Majesty's Government are firmly convinced that the dignity and prosperity of that Country are more secure in its own keeping than under the institutions of any other Government, however powerful, and it would not be difficult to show that, under a Government composed as that of the United States, and having so many and such opposite interests to serve, it must be long before a newly settled and comparatively thinly peopled Country would command the attention and the weight which would make up for an abandonment of the privilege of self-government,—if indeed such a result should ever

<sup>3</sup>Calhoun's despatch to King, August 14, 1844. (In U. S. Docs., Ser. No. 499, Doc. I, pp. 39-47.)

be attainable. Again, as affecting other States, Her Majesty's Government are of opinion that the continuance of Texas as an Independent Power, under its own Laws and institutions, must conduce to a more even, and therefore a more permanent, balance of interests in the North American Continent, and that its interposition between the United States and Mexico offers the best chance of a preservation of friendly relations between those two Governments.

That there are other inducements, in which British feelings and interests are more directly concerned, for wishing to see Texas securely established as an Independent State, Her Majesty's Government do not deny, but these are all strictly compatible with a sincere desire to promote the dignity, welfare, and prosperity of Texas.

Apart from all selfish or exclusive considerations, Her Majesty's Government would wish to urge upon the Government of Texas and to exhort them to abstain from any act on their own part, or from encouraging any measure on the part of the Congress of Texas, which might be construed into a desire to surrender the Independence of their Country into the hands of a Foreign Power.

Whilst circumstances which I have already detailed to you seem to Her Majesty's Government to call for a renewal of this representation, an event has recently taken place in another quarter, which I trust will induce the Government of Texas to pause before they reject the counsel which, in perfect sincerity, and with a firm conviction of its being most in accordance with the interests of Texas herself, Her Majesty's Government have again offered to them.

A few days ago I received from Her Majesty's Minister in Mexico a Despatch dated the 29th of November last of which I send you a Copy.

You will see by that Despatch and its inclosure that the views of the President of Mexico on the subject of Texas have undergone a remarkable change, that he has now, for the first time, deliberately entertained the question of Texian Independence, and, in short, has made a step toward its recognition. This result of the exertions which you are aware Her Majesty's Government have not ceased to use with Mexico, is most satisfactory.

The conditions which General Santa Anna would annex to the recognition are certainly, in some respects, such as Her Majesty's Government could neither support on their own part nor recommend for the acceptance of Texas. Still, a first step of this nature, implying as it does a willingness to enter upon a temperate consideration of the subject with a view to its amicable settlement, is one of great importance and value at the present moment.

That the Government of Texas, to whom you will communicate verbally the substance of Mr Bankhead's Despatch and of its Inclosure, will so consider it, Her Majesty's Government cannot doubt, or that they will hesitate to avail themselves of the good offices of Great Britain and France with a view of the modification of the terms now offered by General Santa Anna and to rendering them such as Texas can honourably and advantageously accept.

General Houston in his last Annual Message, a Copy of which I have just received from you, is entirely justified in stating to Congress that the late agitation of international questions between Texas and the United States has not in any degree abated the desire of the Governments of Great Britain and France for the continued prosperity and independence of his Country, or caused them to relax their good offices to bring about the speedy and honourable adjustment of its difficulties with Mexico. And he does those Governments no more than justice in expressing his confidence that they will never require of Texas any sacrifice of honour or interest.

If these are indeed the sentiments of the Texican Government, it may be confidently expected that they will act upon the advice which Her Majesty's Government now offer them upon this subject, and accept the united good offices of England and France with the Government of Mexico.

As to the modifications which Her Majesty's Government would require in the terms proposed by Mexico, it is unnecessary to enter into details on that point until Texas shall have signified her readiness to accept such friendly intervention. At the same time it is right that you should at once declare that Her Majesty's Government would not consent to propose to Texas any condition so unreasonable as the acceptance of the Colorado River as

the Boundary of the State. You may also add that, although Her Majesty's Government would not be disposed to undertake their share of the responsibility, which, for the security of the possessions of Mexico, General Santa Anna would impose upon England and France, yet, that, under certain circumstances, those Powers would not refuse to take part in an arrangement by which Texas and Mexico should be bound each to respect the Territory of the other.

You will gather from what I have now stated, that, although, in alluding before to the correspondence which has appeared between Mr Calhoun and the United States Envoy in Paris, I did not think it necessary to notice it, that the difference of opinion which that Correspondence affects to establish between the Governments of England and France on the subject of Texas has no existence;—and such in truth is the fact; whether as relating to the Annexation of Texas to the United States, or to the general position and other interests of that Country. The best and most practical proof of this which can be given to the Texian Government will be the cordiality with which you and your Colleague will join in pressing the same views and arguments upon their consideration.

Upon the receipt of this Despatch therefore you will immediately confer unreservedly with the French Chargé d' Affaires (who will by the same opportunity be furnished with Instructions to a similar purpose); and you will lose no time in bringing the subject jointly before the Texian Government.

You will read this Despatch to the Texian Minister, and you will state that it will be necessary that you should receive from him a full and frank explanation of the views of his Government as regards the Annexation of Texas to the United States.

When that shall have been given, you will inform Her Majesty's Government of the result with the least possible delay.

I should add that both in your Communications with the Texian Government, and in your general conversation, you will do well to avoid all unnecessary mention of the Government of the United States, and all comment upon their Policy

Aberdeen.

Captain Elliot, R. N.

BANKHEAD TO ABERDEEN<sup>4</sup>

[Enclosure.].

Copy.

Confidential

Mexico.

No. 102.

Novr. 29. 1844.

My Lord,

Genl. Santa Anna passed a few days lately in the immediate Neighbourhood of Mexico, on his way to join the division of the Army destined to act against Genl Paredes.<sup>5</sup>

I was desirous for many reasons to see him during his Sojourn, and I accordingly went to Guadalupe, and was most courteously received by His Excellency.

In another despatch I have informed Your Lordship that I was anxious to understand what the President intended to do, with respect to the different pecuniary arrangements existing between this Republic and British Subjects, at this particular Crisis.

I afterwards entered into a long discussion with Genl Santa Anna upon the state of Texas, and I was enabled to place the views of H. M's Govt upon that Subject before the President more distinctly by recapitulating the Contents of Your Lordship's Despatch No 30 of the 30th of Sepr last,<sup>6</sup> which I had the same morning communicated to the Minr for Foreign Affairs, as I knew that the latter would submit what I said to the President.

Genl Santa Anna desired me in the most earnest manner to assure Your Lordship of his unalterable wish to preserve the ex-

<sup>4</sup>F. O., Texas, Vol. 21.

<sup>5</sup>Mariano Paredes, b. 1790, d. 1849. He was for a long time a prominent figure in Mexican politics, and in the army. At first a supporter of Santa Anna, he went over to Herrera in 1844, aiding the latter to the presidency. Later he overthrew Herrera's government, using the cry that the government was about to sacrifice Mexican interests to the United States. Paredes became president in June, 1845. (Michaud, *Biographie Universelle*.)

<sup>6</sup>F. O., Texas, 20. Copy sent to Elliot. This instruction to Bankhead in effect indicated a reversal of Aberdeen's plan for joint action between France, England, and Mexico to prevent annexation. Mexico was here warned that since she was not ready to yield to British advice and recognize Texas, and was in fact planning an invasion of Texas, she must not expect any British sympathy or support in case she got into difficulties. For further analysis and partial quotation, see Adams, *British Interests and Activities in Texas*, 185-187. For criticism of this view, see Smith, *The Annexation of Texas*, 403, note.

isting relations between Mexico and Gt Britain, and of his readiness to receive any Counsel which Yr Lordship might think fit to offer for the benefit of this Country.

H. E. then entered at considerable length into the difficulties of his present position, both with reference to the recent communications from the U. States respecting Texas, and the necessity there was at the same time of putting down the Insurrection which has broken out in Guadalajara. This I knew as well as he did; I was therefore prepared for a declaration he made to me that, out of deference to the British Govt., he would forego any intention he might have previously entertained of invading Texas, and he desired me to state that to Your Lordship.

We now come to that part of the Question which relates to the Recognition of the Independence of Texas by Mexico, I have already had the honour of mentioning to your Lordship, that I have lately observed several indications of a desire to settle this point, without compromising the Amour propre of Mexico

I can now present to Your Lordship the Consent of Genl Santa Anna to the Measure in question.

While discussing this point the Minr of Finance came in and took part in the conversation. The President mentioned to him the substance of what he intended to submit for Your Lordship's consideration, and accordingly Señor Haro, drew up, from H. E.'s dictation, in Mr Doyle's and my presence, the conditions upon which Mexico would consent to acknowledge the Independence of Texas. I have the honour to transmit a Copy and translation of this Paper.

With respect to the 1st point—The Boundary of Texas has never, I believe, been accurately described. The Texans Claim to the Rio Bravo, while the Mexicans consider that the proper Boundary would be the Rio Colorado. The Town of Matamoros is situated immediately on the Mexican side of the former River, which, no doubt, is one of the reasons which induces this Govt to place the frontier at a distance. As to the question of compensation, I think on a former occasion an offer was made by the Govt of Texas, through Genl. Hamilton, to purchase the good will of Mexico by making over to the holders of Mexican Bonds in England the Sum which the People of Texas were willing to pay to Mexico for the Recognition of their Independence.



This Offer was reported to the Foreign Office in Mr Pakenham's Despatches Nos 97 of Decr 12—1839, and No 2 of Jany. 3. 1841

With reference to the Guarantee of Gt Britain and France that Texas ([if she] be acknowledged) shall not be allowed to pass whatever Boundary may be agreed upon between Her and Mexico, and that the Californias, New Mexico, and other parts of the Northern Frontier shall equally be guaranteed to Mexico [these], are, of course, entirely for Your Lordship and H. M's Govt. to deliberate upon, as also that part of the Second proposition which relates to the Assistance of the two Great Powers, in case the U. States should endeavor to carry into effect the Scheme of Annexation.

The 3d Point relates to the promise of the President to suspend all operations against Texas.

With respect to the 4th proposition, I think it agrees in some measure with the intentions of H. M's Govt. and was probably suggested to the President by some observations in the Memorandum given by Your Lordship in my last to Mr Murphy.<sup>7</sup>

In receiving these proposals from Genl Santa Anna, I assured H. E. that I would lose no time in forwarding them to Your Lordship, but did not, in the most remote manner, compromise H. M's Govt. by any observation with reference to them. I merely took them ad referendum.

Some of the Conditions may appear to Your Lordship difficult of execution, and rather at variance with the acknowledged weakness of this Govt., but with due allowance for their usual Self confidence, I think we may receive them as yielding at first as much as we could expect, and I doubt not that Modifications may be afterwards obtained.

I ventured to press upon the President the absolute necessity of keeping this preliminary arrangement secret. H. E. promised fully to accede to my request, and I have not heard of its being divulged to any of the Persons who unfortunately surround him, and who have no other interest in proffering advice, than their own base and sordid personal advantage.

Charles Bankhead.

The Earl of Aberdeen, K. T.

<sup>7</sup>See THE QUARTERLY, XIX, 96, note 8.

[Endorsed.] Copy. 1844. *Mexico, Novr. 29.* Mr. Bankhead. No. 102. *Confidential 1 Inclo. Recd. Jany. 6.* Interview with President Sta Anna respecting Acknowledgt of Independence of Texas.

[Enclosure to Aberdeen's No 1 of Jan 23, 1845. Translation.]<sup>8</sup>  
Copy.

Points on the Settlement of which the Mexican Govt might agree to grant the Independence of Texas, in compliance with the wish indicated by H. M's Govt.

1st. Mexico would yield the Territory which is now occupied by the so-called Republic of Texas, that is from the Rio Colorado to the Sabina, and would at the same time mark out the Boundaries of the Interior part of the Country.

2d. Mexico by way of Compensation demands an Indemnity for the Territory so yielded.—The Guarantee of England and France united, that under no pretext whatever shall the Texans ever pass the Boundaries marked out. The same Nations shall also guarantee to Mexico the Californias, New Mexico, and the other points of the Northern Frontier bordering on the U. States, according to a Treaty to be drawn up for that purpose. If the U. States carry into effect the Annexation of Texas to the N. American Union, England and France will assist Mexico in the Contest which may be thereby brought on, always under the supposition that Mexico shall have carried into effect the recognition mentioned in Article 1.

3d. Until an answer shall be received from England, which is requested may be sent with the least possible delay, Mexico will suspend all hostilities against Texas.

4th. The English Cabinet can either give her Minister here, or send a Commissioner charged with full Powers to treat upon the above Points, and conclude the Negotiation.

[Endorsed] Copy. Translation

In Mr. Bankhead's No 102 "*Confidl*" of 1844

<sup>8</sup>F. O., Texas, Vol. 21.

ABERDEEN TO ELLIOT<sup>9</sup>

No. 2.

Confidential

Foreign Office

February 3d. 1845

Sir,

With reference to my Despatch No 1, of the 23d Ultimo, I transmit to You herewith, for your Information a copy of the Instruction therein referred to, which the French Government have addressed to M. Dubois de Saligny,<sup>10</sup> and which the Count de St Aulaire has communicated to me confidentially, by direction of his Government.

I take this opportunity to direct you to communicate with Mr Bankhead, Her Majesty's Minister in Mexico, upon any matter arising out of my Instructions of the 23d Ultimo, on which you may judge it necessary that Mr Bankhead should be informed. Mr Bankhead has, in like manner, been directed to communicate to you any matters of importance which may arise in Mexico affecting the position of Affairs in Texas.

Aberdeen.

Captain Elliot, R. N.

ABERDEEN TO ELLIOT<sup>11</sup>

No 3

Foreign Office.

February 3d 1845.

Sir,

My Despatches to you, of this day's date will be forwarded by the West India Mail to Jamaica, whence they will be carried to Galveston under cover to Mr Consul Kennedy, by one of Her Majesty's Steamers, or by some other Ship of War. The Commander of such Ship will be instructed to wait at Galveston until Mr Kennedy shall have transmitted those Despatches to you at the Seat of Government, and received your answer, and to wait still further at Galveston, if you should express a wish to that effect; and he will eventually take back to Jamaica any De-

<sup>9</sup>F. O., Texas, Vol. 21.

<sup>10</sup>Guizot's instructions to Saligny, dated January 17, 1845, were similar to those sent by Aberdeen to Elliot on January 23. For wording of essential clauses, see Adams, *British Interests and Activities in Texas*, 199.

<sup>11</sup>F. O., Texas, Vol. 21.

spatches for Her Majesty's Government, with which he may be entrusted by you or by Mr Consul Kennedy.

It is presumed that the detention of the Ship at Galveston for ten days, or at most a fortnight, will be sufficient to give you time to communicate with the Texian Government, and enable you to give to Her Majesty's Government, some idea of the probable course which events may take in Texas with reference to the matters treated of in my Despatches. Nevertheless, if you should deem it essential for the publick Service to detain the Ship still longer, you will consider yourself authorized to so do, but you will of course, in any case, not keep her longer than may be really necessary.

Aberdeen.

Captain Elliot, R. N.

ELLIOT TO ABERDEEN<sup>12</sup>

No. 4.<sup>13</sup>

Galveston.

February 8th. 1845.

My Lord,

I have the honour to acquaint Your Lordship that Congress in this Country adjourned on the 3d Instant till their next regular Session in December of this year.

A Bill to reduce the tariff to a uniform rate of 10 per Cent ad valorem has failed, but from frequent conversation with the President on the subject, and in view of the improving finance of the Country I believe there is every prospect of a modification to that extent during the next Session of Congress. It should be mentioned in connexion with this point that the increased amount of revenue has enabled Congress to repeal the Act authorising the issue of Exchequer paper, and all the payments of the Government are now practically made in specie.

I believe that nothing direct has been done in Congress respecting Annexation, but incidentally there has been evidence of the continued prevalence of feeling in support of the Measure from different parts of the Country, and still more decisively by

<sup>12</sup>F. O., Texas, Vol. 13.

<sup>13</sup>F. O., Texas, 13, Elliot to Aberdeen, No. 3, January 25, 1845, has been omitted. It related to the claims of Mr. S. Merana upon the Mexican government.

the fate of certain resolutions *against it*, presented in the House of Representatives on the 15th Ultimo. The resolutions and a brief sketch of the debate upon the occasion of their presentation is herewith transmitted for Your Lordship's perusal, from which it will be observed that their reception was rejected by a Vote of 19 to 18.

By another extract<sup>14</sup> from the Galveston Civilian of the 5th Instant, and that paper is one of the best conducted and most influential in the Country, Your Lordship will remark that these proceedings have given general satisfaction. Upon the whole I incline to the opinion that there is a growing disposition here to believe that Annexation will be very difficult in the United States; a state of feeling which of course encourages the party in favour of Independence, and if the present effort in the United States is defeated, it is possible that there will be a considerable manifestation in Texas against any further entertainment of the subject.

Several leading men in the Country are only waiting for an opportunity, and will probably declare themselves against it decisively and energetically as soon as they think they can do so without mischief to their popularity.

Another indication of the spirit of Congress is the rejection by the Senate of Mr. Terrell and Colonel Riley as their representatives in Great Britain and the United States, and I also learn that no appropriation has been made for the support of any persons in those Stations. The pretext for these proceedings is economy, but the improved state of the finance is the sufficient answer to that plea and their real motive no doubt, is the dislike of those Gentlemen to the Annexation project, with perhaps some feeling that this Government would avail itself of the presence of a representative in Europe to facilitate combinations adverse to Annexation.

Without under valuing any inference deducible from these proceedings of Congress, I would take the liberty to remind Your Lordship that the House of Representatives is elected annually by the way of universal suffrage, and it would be unsound and unjust to consider that the decisions of such a Body afford

<sup>14</sup>All enclosures in this letter are newspaper cuttings from the *Galveston Civilian*, but are without date.

a fair average method of estimating the feeling of the respectable prudent and intelligent portions of the public. Generally speaking in these Countries the persons best suited in point of character and ability to the office of representatives do not offer themselves as Candidates, or would certainly be defeated if they did, and so far as I can observe it is almost a rule that the least eligible of those who do present themselves will be chosen.

This condition of things has the unfortunate result of constantly lowering the standard of the Legislative Bodies to the level of the masses of the Electors, who in their turn are as constantly tending downwards politically considered, both from the large immigration of ignorant persons, and still more so from the want of motive to fit and improve themselves as safe depositaries of political power, a deficiency chiefly attributable to the absence of some required qualifications, however moderate, in point of capacity, pursuit, character, or property.

Judging from a near point of view I venture to say that universal suffrage seems to me to be mere accidental privilege in respect of origin, with none of the securities, and guarantees, and advantages by which that kind of power is accompanied under other modifications of it. For the most part they who have nothing to win or to lose neither preconsider nor reflect, but exercise their political right in the spirit of the very hour, be it what it may, ignorant or heedless of the lessons of the past, and probably incited rather than deterred, as respects consequences, by the warnings of the wise and the just.

The course of Congress in Texas affords evidence no doubt of the actual state of popular impression at any given moment, but Your Lordship will readily conceive how suddenly that may be fashioned into any other shape by hands and voices accustomed to that task; and if it will not always be quite accurate to estimate the feeling of the more prudent part of the public from the proceedings in Congress, by an inverse process, it only remains to observe that those proceedings afford no means of judging at all of the opinions or wishes of thoughtful persons, any more than of the constancy of the prevailing popular humour.

Such is the state of the case as respects the conclusions to be drawn from the late Measures of Congress in Texas, and I believe that the view I have in other places had the honour to

submit to Your Lordship is sound, that is, that the course of the people of Texas will depend in a great degree upon the proceedings in the United States,

If they are disappointed of their hopes in that quarter during the present Session of Congress in the United States, there may come a moment of dissatisfaction and excitement in which it would be practicable to arrange definitely upon a sounder basis

Charles Elliot.

The Right Honourable.

The Earl of Aberdeen, K. T.

P. S.

Galveston Feby.— 8th. 1845.

Since the above was written, an account of the latest proceedings in Congress before it's adjournment has reached us, from which I find that the Senate had succeeded in carrying an amendment of the Appropriation Bill, to some extent, respecting the support of Diplomatic Agents: A sum of \$9,000 was voted for the service of the year under that head, which would enable the Government to sustain two representatives, probably, one in the United States and one in Europe. I also learn from a Member that a Bill reducing the tariff by a gradual process, to a uniform rate of 15 per Cent ad valorem had passed, but I have reason to think that it will not be approved by the President, who is unwilling to touch the Duties till the experience of another year has enabled them to judge how far that can be done with security to the necessities of the Government, on a specie basis.

Charles Elliot

ELLIOT TO ABERDEEN<sup>15</sup>

No. 5.

Galveston.

February 8th. 1845.

My Lord,

Herewith I have the honour to transmit to Your Lordship the Copy of certain resolutions<sup>16</sup> reported by the Committee on the State of the Republic in the House of Representatives on the 29th Ultimo. The report of the Committee was accepted, but

<sup>15</sup>F. O., Texas, Vol. 13.

<sup>16</sup>Unidentified newspaper cuttings giving a resolution of the House of Representatives declaring that if annexation failed, the government should seek treaties with foreign powers, beneficial to Texan products.

the resolutions were rejected by a considerable Majority, in the feeling, as I am told, that they seemed to be drawn up in some disposition to constrain the action of Congress in the United States.

I also avail myself of the opportunity to forward a letter written by the Representatives of this County in Congress, and published in a newspaper here,<sup>17</sup> upon the subject of the late difficulty between the President and General Green which I think Your Lordship will wish to peruse.

Like everything else that has transpired upon that subject, it is deserving of attention.

I should mention that General Green has some time since taken the Oaths as a Citizen of Texas, and has I believe gone down to Corpus Christi on business connexion with a Gentleman of the name of Kinney, engaged in trade with the Mexicans across the frontier

Charles Elliot

To The Right Honourable.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>18</sup>

Separate.

Galveston

February 8th 1845.

My Lord,

Congress having now separated in Texas till December 1845, and Congress in the United States being about to do so on the 4th. Proximo, I take the liberty of requesting Your Lordship's attention to some considerations connected with my own position in this Country

It appears to me that in the present unsettled state of the question of Annexation there is not merely no use in my constant presence in Texas during the recess of those Bodies, but on the contrary, certain and inexpedient exposure to a continuance of those rumours of undue influence on the part of Her Majesty's Government, got up for purposes of mischievous excitement here and in the United States, of which one remarkable instance has recently been reported to Your Lordship. This

<sup>17</sup>Unidentified newspaper cutting.

<sup>18</sup>F. O., Texas, Vol. 13.



Government is still only temporarily situated at Washington, where there is neither lodging nor convenience of any kind, nor steady communication with the Coast, and from whence the President and most of the Members of his Cabinet are absent as much as possible during the recess.

Beyond these considerations it should be mentioned that it is one of the most unhealthy situations of which I have any knowledge in my 30 years experience of the bad climates of the World, and therefore till this Government is permanently fixed somewhere it is not to be expected that any of the foreign Agents accredited to it, should establish themselves at such a point.

They have none of them done so, merely going there when they had any business with the Government. By a law passed in the late Session of Congress it has been determined that the situation of a permanent seat for the Government should be settled by a Majority of the Votes of the people in the Elections of 1847. And in the present state of all the circumstances of the case I would submit to Your Lordship that I should be allowed to reside in the United States during the recess of Congress in Texas, (unless I may at any time have business with the Government requiring my presence here) of course at some point where I should be in the line of my correspondence with Your Lordship, and with Her Majesty's Ministers at Washington and Mexico.

If this arrangement is sanctioned I shall proceed to join my family in Philadelphia as soon as I have had the honour to receive Your Lordship's reply and remain to the Northward till the Autumn, unless I should receive any Instructions in the interval requiring me to return here before that time, which I could do almost as soon as any Despatch could reach me in Texas; And indeed during the Summer Months owing to the frequent interruptions of the Mail communications between New Orleans and Galveston, probably sooner, unless the Despatches were forwarded by Special Messenger authorized to charter a vessel from New Orleans. On my return to New Orleans in the Autumn I should fix my family there or in the neighbourhood and come on myself to Texas for the meeting of Congress.

Perhaps Your Lordship will give me leave to mention that I

have returned to my post this year in a sense of duty at risk and considerable private distress, for my health is not good, and owing to the severe sickness of my child I have been compelled to leave my family amongst strangers in a hotel at Philadelphia

But I felt that this was not the moment to suffer myself to be influenced by personal considerations, and I hope I am not mistaken in the confidence that Your Lordship will deem it safe to the public interests to confide the point of my residence in, or absence from Texas, to my own sense of the necessity. I may remark that my American Colleague has the authority of his Government to go to the United States, whenever he considers that he can absent himself, and the French Chargé d' Affaires tells me that he thinks himself at liberty in the present unsettled state of this Government, only to come here when he has business or during the meeting of Congress. In fact whether we are at Galveston or New Orleans is a matter of indifference, with some advantage in point of easy receipt of intelligence in favour of the latter place.

Till the affairs of this Country are settled; too, the immigration of persons of respectability is out of the question, and constituted as Society is at present, I can neither consent to expose my family to the total unsuitableness of a residence here, or afford to keep them part in England, part in the United States, and myself in Texas.

I am aware that Your Lordship is not called upon to weigh such considerations, but I permit myself to state them for they must of course influence my own proceedings

Your Lordship will scarcely need to be informed that if the half of my salary is to be stopped whilst I am in the United States, I cannot avail myself of the sanction to reside there, for I have no private fortune, and my actual allowances barely enable me to maintain my family. Indeed I will frankly state that I have only been prevented from applying for a higher rate of allowance in a post where the expences are regulated by the scale of prices at New Orleans (the dearest place in the United States) and let me add, in a post where the duties, and risks, and indeed the painfulness of employment are probably equal to those of any similar station in the Service of the Crown, by a feeling of extreme repugnance to ask for any thing for myself.

Neither have I been without the hope that Your Lordship may be disposed to remove me to some better position whenever that can be done with convenience to the public interest.

Till then it must be unnecessary to say that my services are at the disposal of Her Majesty's Government here or any where else that Your Lordship may see fit to leave me, or to send me.

Charles Elliot.

To The Right Honourable.

The Earl of Aberdeen, K. T.

Downing Street.

ELLIOT TO ABERDEEN<sup>19</sup>

No. 6.

Galveston

February 15th. 1845.

My Lord,

Since I last had the honour of addressing Your Lordship the Annexation resolutions adopted by the House of Representatives in the United States have been received here.<sup>20</sup>

I certainly have no belief that they will pass through the Senate; But if they should, such is the humour here that it is probable even these hard conditions would be accepted by a Majority of the people of Texas. At the same time it is certain that the tenour of the resolutions, is much below the expectations of the friends of the Measure, and occasioning considerable disappointment in that quarter, they have naturally had the effect of encouraging the hopes of the party, favourable to Independence, small as yet in point of numbers, but I think upon the whole gaining strength and confidence.

It is beginning to be insisted both in the press, and amongst the people with more of openness than I have hitherto remarked, that it is more manifest than [that] Annexation cannot be achieved on any terms that this Country ought to accept; that

<sup>19</sup>F. O., Texas, Vol. 13.

<sup>20</sup>The "Brown" resolutions passed the United States House of Representatives on January 25, offering to admit Texas as a state, without further negotiation of an annexation treaty. Benton in the Senate introduced a bill providing instead for a new negotiation. This was amended to permit the President to select either mode he preferred, and as amended, passed the Senate on February 27, and the House on February 28. (Text of the resolutions as joined, and approved by Tyler, in U. S. Docs., Ser. No. 470, Doc. 1, p. 34.)

the conditions of these resolutions are entirely one sided as to advantage, and little short of insulting to Texas in point of language; that the charge of a State Government would be as heavy to this people as their present Establishments, that brought under the more burdensome fiscal system of the United States, and with the amount of the duties going to the Treasury of the United States, they would be at once living more chargeably, and trading less advantageously, and therefore even less able than they are now to meet their expenditure by direct taxation; that if they are to sacrifice all their present means of defraying their expence, and to be left with no other fund for the discharge of their debts than the proceeds of land sales, it was at least just that the Government of the United States should have guaranteed to them the peaceful and full possession of the territory which they claim to be Texas, that the United States can no doubt very well afford to be liberal to Mexico in respect of limits, being perfectly free of liabilities for the debts of Texas, that they are by no means satisfied with the vague expression that Congress is to take over the territory properly "included within, and rightfully belonging to the Republic of Texas"; and that they hold it to be out of the question under the circumstances of being left with the burden of their debts and expences, to concede to the United States the right of negotiating away their territory, or ever to enter into any Annexation arrangement with that Country unless the integrity of their present limits is effectually guaranteed.

Great dislike is expressed to the admission of any conditions respecting the Institution of Slavery within the limits of Texas; and beyond these and a variety of other considerations, it is insisted that it is impossible in any fair construction of the Constitution of Texas to take the sense of the people upon this momentous subject, and to have adopted a new Constitution as a State of the American Union for presentation to Congress in the United States, on or before the 1st January 1846, the period allowed for that purpose by the Resolutions of the House of Representatives. I enclose for Your Lordship's perusal the provisions of the Constitution in that particular,<sup>21</sup> from which it

<sup>21</sup>Elliot enclosed a copy of that part of the Texan constitution entitled "General Provisions," Section II (on amendments). As in Poore, *Charters and Constitutions*, II, 1761-1762.

would certainly appear to be scarcely practicable to accomplish this object within the specified time.

The first necessary step would be a call of the present Congress (in existence till the first Monday in next September) by a majority of which the proposed change must be agreed to, and referred by them to the Congress next to be chosen, which could not assemble again at the very earliest before the middle of October.

If that Congress should pass the proposed measure it would have to be submitted again to the people and making every allowance for the readiness with which they would enter into schemes to accelerate this matter, I think it could hardly come back to Congress, and have been adopted in time to reach Washington in the United States by the 1st January 1846.

My own impression is that although these resolutions may fail in the Senate, it is probable enough that some Measure will pass that body, intended to maintain a state of expectation in this Government and people; perhaps proposals to renew the Negotiations for settlement by treaty, and in that case I should consider it fortunate rather than otherwise that these resolutions have passed the House, for they will indicate to the people of Texas the kind of terms which can be carried through the Legislature of the United States; and the more these terms are examined the less acceptable must they be in this quarter. If the affair should take the turn of Negotiation again, there is reason to think that accommodation will be more difficult than it would have been before the appearance and passage of these Resolutions; though after all Her Majesty's Government must be sensible that objections in Texas must always be liable to give way before the representations and management of the Government of the United States.

Your Lordship will I believe hear with satisfaction that Mr Ashbell Smith has been appointed Secretary of State, and I am expecting to have the pleasure of seeing him here in the course of a few days.

Charles Elliot.

The Right Honourable.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>22</sup>*Secret.*Galveston,  
February 17th 1845

My Lord,

Herewith I have the honour to transmit to Your Lordship the Copy of an Act entitled, "An Act to incorporate the Texas Trading Mining and Emigrating Company,"<sup>23</sup> passed on the 30th January 1841. which has laid a dead letter in the Statute Book till the last Session, during which I observe that an Act supplementary to it has been passed. I have not seen that Act but I believe it is merely to authorize the opening of Books for the sale of Stocks etc. etc. I think it right however to forward the fundamental Act without loss of time because I perceive that certain parties forming part of the Body Corporate are resident in London (Messrs. Jonathan and Arthur Ikin). I learn from good authority that General Duff Green has constituted himself President of the Board of Resident Directors, and I have reason to think it is intended to raise money in London as well as the United States in furtherance of the project.

Believing that nothing but loss and serious mischief can accrue from such speculations under such management I take the liberty to suggest to Your Lordship that it may be desirable to cause some prudent and experienced persons in the City of London to be confidentially advertised of the possibility of the attempt to raise funds on these pretences, and of the very high probability that the result will be a dead loss. Her Majesty's Government too, will I am aware, be wishful to do whatever may be in their power to prevent the involvement of British Subjects and Capital in that web of political and Commercial speculation against Mexico which there is reason to think has not wanted some countenance from persons in high stations in the United States.

General Green does not appear to have carried any of his devices through the Legislature during it's last Session owing to circumstances known to Your Lordship; but in that disappointment this Act seems to have presented itself to his attention,

<sup>22</sup>F. O., Texas, Vol. 13.<sup>23</sup>Not transcribed.

and in truth it is very capable of being turned to account by persons versed in the art of managing such baits upon public credulity.

Charles Elliot

To The Right Honourable.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>24</sup>

No 8.<sup>25</sup>

Galveston

February 22d. 1845

My Lord,

Thinking it probable that Your Lordship may desire to see something of the opinions of the press in this Country at the present Crisis, leaning against Annexation, I have taken the liberty to cut out the accompanying articles from one or two leading papers,<sup>26</sup> in preference to forwarding the Journals themselves, not otherwise worth the heavy charge of postage through the United States.

The articles from the "Texas National Register" are probably inserted with the knowledge and approbation of the Government

Charles Elliot.

To The Right Honourable.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>27</sup>

No 9.

Galveston.

February 24th. 1845

My Lord,

I have had the honour to receive Your Lordship's despatches to No 14 inclusive, of last year, and it is gratifying to me to reflect that I have been acting in such close accordance with the

<sup>24</sup>F. O., Texas, Vol. 13.

<sup>25</sup>There appears to be no despatch No. 7 from Elliot to Aberdeen in 1845. Presumably, Elliot made an error in numbering.

<sup>26</sup>Newspaper cuttings of three editorials from the *Galveston Civilian*, February 12, 19, and 22, 1845, and of two editorials from the *Texas National Register*, February 8 and 15, 1845.

<sup>27</sup>F. O., Texas, Vol. 13.

Instructions and policy of Her Majesty's Government since my return here.

Mr Ashbell Smith arrived at Galveston last Evening and I shall take an early opportunity of reporting the substance of my communications with him, but so far as I can judge from what he has yet said to me Your Lordship has nothing further to learn respecting the policy and wishes of this Government.

I shall avail myself of some early and safe occasion to press upon Mr Bankhead the readiness of this Government to enter into Negotiation with Mexico, and the importance of inducing them to respond to those dispositions as soon after the separation of Congress in the United States as possible

Charles Elliot

To The Right Honourable.

The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN<sup>28</sup>

No. 4.

Her Majesty's Consulate  
Galveston February 25th 1845

My Lord.

Her Majesty's Chargé d' Affaires to this Republic would doubtless have apprized Your Lordship, by the Mail from Boston on the 1st of next Month, that, a short time previous to the adjournment of the Texan Congress on the 3rd Instant the Senate rejected the nomination of Mr Terrell, as the accredited representative of the Government to Great Britain and France.

It was generally understood at the period when the rejection took place, that this Measure was prompted by Mr Terrell's avowed hostility to the project of Annexation. From all that has since transpired, it is manifest that it was attributable to no other cause. In whatever quarter the Matter has been discussed, not a Syllable has been uttered, depreciatory of Mr Terrell's character, or capacity.

In a communication marked "Private," and dated "Washington, February 13th, (but not posted until the 20th), which President Jones has addressed to me, he adverts to Mr Terrell's rejection, and states that—"he will return home so soon as let-

<sup>28</sup>F. O., Texas, Vol. 14.



ters can reach him.”—I take leave to copy for Your Lordship’s perusal, the observations of the President in relation to the recall of Mr Terrell, and Colonel Dangerfield, the Chargé d’ Affaires of the Republic in Holland.

“Colonel Dangerfield will also return early in the Spring. It is probable that I will send over some one in their place, but as yet have not fixed upon the individual. In the meantime, I feel anxious that any important Negotiations we may have with England and France should be conducted in Texas, and that their representatives here should be fully empowered for that purpose. In this way we can act much more efficiently and promptly as circumstances may arise, than if these Negotiations were to be carried on in London, as Lord Aberdeen has heretofore desired.”

I may remark that the late Congress of Texas refused to receive the petition of certain Citizens deprecating the Annexation of this Country to the United States, but received, and with especial notice, similar documents containing opinions and declarations favourable to that Measure.

William Kennedy

The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN<sup>29</sup>

No 5

Her Majesty’s Consulate  
Galveston, Febraury 26th 1845.

My Lord,

On the 17th of December last, a paragraph appeared in a Newspaper published in Charleston, South Carolina, stating that the British Consul in that City had intimated by Circular, that Sugar produced in the United States would thereafter pay in “the British Dominions” (United Kingdom) a duty of £1-14-0 per Cwt.

Towards the close of last Month, this paragraph was brought under my notice in a Communication from the Treasury Department of the Texan Government, and I was requested, for the information of a Congressional Committee on the State of the Republic to signify whether the allegation in the Newspaper para-

<sup>29</sup>F. O., Texas, Vol. 14.

graph was correct, and whether "there were" a discriminating duty of £3-3-0 per Cwt on the Sugars of Cuba and Brazil, when imported into the United Kingdom, and also what amount of duty was at present paid on Colonial Sugars there introduced.—The Communication referred to closed with these words:

"If the aforesaid discrimination really exist, the Sugars of Texas being entitled by Treaty to equality in Great Britain with those of the most favoured Nation, ought to become a profitable product of this Country for the British Market.

Immediately on receipt of this Communication, I forwarded, for the information of the Congressional Committee, copies of a London daily Newspaper, containing ample reports of the Parliamentary debate on the Sugar Duties Bill, of last year. In a letter of reply dated 25th January, I stated that I had "no official knowledge of any steps taken by Her Majesty's Consul at Charleston, in relation to the Law lately passed, regulating the import of Sugars into the United Kingdom."—I then adverted to the Act itself (7 and 8 Victoria, cap. 28) and proceeded to copy, for the consideration of the Committee, those of its provisions that were apposite to the Matters of inquiry, intimating that I had but recently received my official copy of the Act, which had, not been accompanied by any Instructions from Her Majesty's Government.

From my knowledge of the Soil and Climate of Texas, and the evidence afforded by specimens of Sugar grown in the Country, I feel fully warranted in expressing the opinion that Sugar, as well as Cotton, will form an important article of export from the Republic, when its political independence has ceased to be a Matter of uncertainty,—provided a profitable Market can be found.—I have reason to believe that the expectation of finding such a Market in the United States has been one inducement to the Texan planters to desire incorporation into the Union. At present, they do not hope, under the burthen of a discriminating duty, to compete advantageously with the Sugar-growers of Louisiana, although they enjoy a superiority of climate, if not of Soil.—Persons of experience think that Sugar as the surer crop, is destined to supersede Cotton on the rich alluvion of the low lying lands of Middle Texas. It is anticipated that the capital requisite for its cultivation would soon be

forthcoming, were Annexation to the United States consummated; A market for the product would then be found at home, while lands now waste, or subjected to a very imperfect tillage, would, command a price calculated to raise the owners from the condition of a barren proprietorship to a state of comparative opulence

The Committee of Congress on the state of the Republic, when instituting their inquiries respecting the British Sugar Market, were doubtless desirous to ascertain whether, in the event of Texas retaining her independence, an equivalent for the advantages secured to the home grown under the American System of protection, might be found elsewhere.

William Kennedy.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>30</sup>

No 10.

Galveston

March 6th. 1845.

My Lord,

I have recently had several communications with Mr Ashbell Smith respecting the policy and dispositions of this Government. He believes, with the President, that the temper of this people is changing, and that if terms of Independence are speedily offered by Mexico they will be very generally acceptable and steadfastly maintained.

But he dwells a good deal (as the President had done,) on the increasing strength of a rising Sugar growing interest in Texas, as the party most favorable to Annexation, and expresses much hope that Her Majesty's Government will be willing to make some proposals in that respect calculated to weaken these dispositions.

I observed that he could have hardly failed to remark during his late residence in England firstly that the principle of discriminating duties was not favourably regarded there, and secondly with respect to the sugar duties, that owing to a variety of causes and the union of a great body of political opinion, otherwise of various shades, upon one consideration connected with that branch, of the public revenue; it might be very diffi-

<sup>30</sup>F. O., Texas, Vol. 13.

cult for Her Majesty's Government to propose any discrimination in favour of the sugar produced in Texas, under its present circumstance.<sup>31</sup> At the same time I would say, speaking without authority and entirely as a matter of private opinion that it seemed to me that the rate of duty to be charged upon Texas sugar (considered apart from the general bearing of any relaxation in that respect) was a matter of no consequence:

For I had a conviction that Texas grown Sugar could never come into consumption in any large way in that Market, even supposing for a moment that it was admitted at a mere nominal higher rate than our own Colonial produce.

Mr Smith must be aware that it could never be laid down in England at such a price as would enable it to compete with the Sugar of Countries better suited to that kind of production under any amount of differential duty that there was the least reason to suppose could ever exist between the Sugar even of our own Colonies, and of those Countries. I had had a long experience in Sugar producing Countries in all parts of the World, and it was plain to me that if there should ever be any attempt to grow Sugar on an extensive scale in Texas, the result would be disastrous to the parties concerned, and extremely unfortunate for the well understood interests of the Republic.

He admitted that this might be the case, but still he had no doubt that any evidence of the favourable disposition of Her Majesty's Government in that particular would be attended with excellent effects here at the present moment, and he sincerely hoped that something would be done in that sense.

I said I certainly believed Your Lordship would be well disposed to recommend a general and liberal relaxation in favour of the produce of Texas if the Legislature of this Republic; by the modification of their own tariff would afford some proper grounds for sustaining such a policy in Parliament. The fact

<sup>31</sup>In the British free trade agitation of 1844-1845, there was much discussion of the duties discriminating in favor of colonial as against foreign sugars. The first break in the protective idea in relation to colonial sugars, came in a proposal (1844) to give an advantage to foreign sugars produced by countries not maintaining slavery. Elliot's answer to Smith here indicates, therefore, the difficulty he sees in getting any advantages for Texas, a slave state.

that the tariffs of the United States and Mexico were both very burdensome to British Commerce would naturally place a different policy on the part of Texas in a strong and favourable light, and speaking for myself, I did hope and believe that it would be in the power of Her Majesty's Government, as I am sure it would be at all events their wish, to meet such arrangements on the part of Texas, in the most friendly and liberal spirit. Mr. Smith had fully collected that impression from Your Lordship's Conversations with him, and the President reposed implicit Confidence in the just and kind feelings of Her Majesty's Government.

Mr Smith made a brief summary of the points which he wished to be drawn under Your Lordship's particular attention as best conducive in his mind, to a safe and final adjustment of this question, due regard being had to the certain renewal of the subject in the United States by the Administration of Mr Polk, the temper of the people of Texas, and the situation of this Government.

1st That Mexico should at once propose the acknowledgment of the complete Independence of Texas.

2nd That Texas upon her part would in that case stipulate in the treaty never to annex herself, or to become subject to any country whatever.

3rd. That the question of limits, and indemnity for any portion of the territory should be the subject of Negotiation, and if disputes or difficulties should arise in the Negotiations Mr Smith thinks that there would be no objection on the part of Texas to adjustment by the arbitration of umpires. He remarked with regard to indemnity for any portion of the territory that he certainly believed the people of Texas would consent to pay it, but it was only just to admit that he saw no means of making the payment within any period of time, that it would be safe to indicate now. The liability, however, would remain, and the Country would discharge it, as soon as they could.

He pressed upon the point of limits that the people of Texas would certainly strongly insist upon going, at least Coast wise, as far as the Mouth of the Rio Grande; and he urged that it was for the safety and convenience of Mexico to consent to that,

for even if the people could be brought to take the line of the "Nueces" for the present, he thought there was reason to apprehend further troubles at no remote period arising out of these claims to the line of the Rio Grande which they had so long been accustomed to consider was their frontier.

I told Mr Smith I would of course communicate his views to Your Lordship by the earliest opportunity, but whilst I was without the means of forming any opinion upon the willingness of Her Majesty's Government to press these territorial pretensions upon Mexico, for the subject never had been adverted to in any Communication of Your Lordship to me, I could not but state my own impression, that there was very little reason to suppose that they would ever be admitted by Mexico.

I may take the liberty however, in this place to state my own opinion to Your Lordship that whilst it would certainly be for the safety of Mexico to adhere to the line of the Nueces as the Western frontier of Texas, by reason of the desert nature of the Country between that river and the Rio Grande, it would no doubt be a matter of general and considerable convenience to the foreign trade with Texas, to endeavor to secure from Mexico the cession of the Keys or Islands facing the Coast, as far down as the Harbour of Brassos. Santiago, at the Mouth of the Rio Grande. This despatch affords me a convenient occasion to mention to Your Lordship that recent communications have taken place between General Arista Commanding in the North of Mexico, and by them no doubt made known to this Government.

I am disposed to think from what I have learnt of that Officer's character and opinions, and the general temper of the Provinces contiguous to Texas, as well as from other Circumstances in Your Lordship's knowledge, that it is quite probable there may be some reports of considerable importance in contemplation, the further development of which may depend in a great degree upon the course of the new Governments in Mexico and the United States.

It seems to me forming my opinion partly from information and partly from reflection that General Arista's schemes propose the junction of Texas with the Provinces contiguous to this Country for the purpose of securing from the Central Gov-

ernment some such relaxation as was recently wrung from Santa Anna at Yucatan, and it may be that failing in that object there may be some renewed attempt to form what Your Lordship will remember to have heard of as the "Republic of Rio Grande." Her Majesty's Government will probably have better information upon these points from Mexico than I can furnish from here, but I make no doubt that some project of the kind, is in contemplation, though it may be that circumstances will conspire to defeat it for the present. It should be mentioned in connexion with this subject that the trade between Texas and Mexico has been steadily improving since the Armistice of June 1843, and if nothing should occur to interrupt it (which is less likely, since the mended finance of this Country has enabled the Government to Station a small force on the frontier for the maintainence of order, and the protection of the traders) I believe it will soon be of considerable political importance, as well as Commercial.

Mr Smith observed, to me in the course of conversation a day or two since, that if Mexico should require guarantees for the faithful execution of the treaty respecting the abandonment of any further Annexation projects, he thought it was possible that the Governments of Her Majesty and The King of the French might not be averse to offer them. I said I was without any information upon that subject, and could form no opinion upon it. But I venture here to state to Your Lordship my own belief that the best guarantee for Mexico in that particular would be in the suitableness of the Scheme itself to the interests of this people, and the certainty that the Country upon an independent footing would rapidly fill up with a population not at all disposed to connect themselves in that way with the United States.

I think that it might be pressed with force, and I am sure with great truth upon Mexico, that nothing could tend more to keep alive the feeling of hostile eagerness in the United States or here, in favour of Annexation, than the knowledge of the existence of any guarantees against it by the European Governments. The sounder policy in my humble judgment would be that all parties should be left free to act according to circum-

stances in the event of any breach of this condition upon the part of Texas.

With no confidence expressed in this respect by the European Governments, either in the United States or in Texas, it would probably be conjectured in both those quarters, that not much was felt, and that consideration would have its weight without furnishing those overt means of exciting the population of these two Countries, that the formal stipulation of guarantees would certainly do.

Observation and reflection have satisfied me (let the Scheme of Annexation to the United States upon its present intention and footing be pushed to extremities when it may, either before or after the acknowledgment of the Independence of Texas by Mexico,) that Mexico has much more efficacious means of confounding the project, and responding formidably to the aggression, than seems to be generally contemplated either in the United States or here.

I beg to mention to Your Lordship that I have taken the liberty to shew my French Colleague Monsieur de Saligny the communications which had passed between Her Majesty's and His own Government forwarded to me in Your Lordship's Despatch No 13 of 1844, as he informed me that his own Instructions did not come down to so late a date as mine.

I need hardly say that I have always felt it particularly incumbent on myself, in the suspicion, or the pretended suspicion, respecting the undue exercise of British influence here, to cultivate the best understanding with the Representative of the French Government, and I add with pleasure that both He and his predecessor have constantly extended to me similar proofs of confidence and friendly feeling.

Charles Elliot.

To the Right Honourable  
The Earl of Aberdeen, K. T.

P. S. I shall forward a Copy of this despatch to Her Majesty's Minister at Mexico.



ELLIOT TO ABERDEEN<sup>32</sup>

No. 11.

Galveston  
March 7th. 1845.

My Lord,

I have the honour to enclose an Article extracted from the "Texas National Register"<sup>33</sup> understood to be the organ of the Government upon the Scheme of Annexation proposed in the Resolutions passed by the House of Representatives in the United States

If the Government were in a situation to sustain this tone by evidence that immediate settlement upon the basis of the Independence of the Country (or at all events a state of peace and security) was beyond a doubt, I think these Resolutions would find little favour in this Country. But Her Majesty's Government will conceive that in the absence of definite and satisfactory assurances of a steady settlement as respects Mexico, it will always be easy for the Government of the United States to maintain a state of expectation in this Country.

Entertaining little doubt that some measure calculated to produce that effect will pass through the Legislature of the United States, probably powerfully supported by a strong tone on the part of the new President in his inaugural address, I certainly see reason to question the readiness of this people at once generally and cordially to sustain the Government in the sense of this Article

If however any overtures should be made by Mexico or from their quarters of a conclusive nature, the people would no doubt be more induced to abandon all further thought of Annexation than they would have been if these resolutions had been less hard and injurious than they certainly are.

Charles Elliot.

To The Right Honourable

The Earl of Aberdeen, K. T.

P. S. March 9—1845

Since the above was written another Article has appeared in the "Texas National Register" of the 1st. Inst., adverse to the

<sup>32</sup>F. O., Texas, Vol. 13.

<sup>33</sup>For February 22, 1845.

principles of Mr. Benton's proposed Bill for the removal of Annexation Negotiations.

Charles Elliot.

ELLIOT TO ABERDEEN<sup>34</sup>

No. 14.<sup>35</sup>

Galveston.

March 22d. 1845.

My Lord,

The intelligence of the success of the Annexation Measures in the United States arrived here two days since, and with the language of the new President in his inaugural address have certainly given some encouragement to the party favourable to the Scheme; But upon the whole it seems to me that less satisfaction and confidence are entertained by the more sagacious and watchful of that way of thinking than they profess to feel.

Owing to some mischance either at New Orleans, or on the Voyage, I have not yet received my despatches by the 4th February Mail, or any of a latter date than I have already had the honour to acknowledge, (No 14 of 1844); but I have fortunately received one private letter from Mr. Pakenham dated 24th Ultimo, informing me of the favourable dispositions of the Mexican Government, and I have lost no time in privately communicating that intelligence to Mr Ashbell Smith; for Your Lordship will conceive how important it is, particularly at the present moment that this Government should have the certainty, that settlement upon the basis of Independence is within their reach.

It is to be regretted that these tidings did not reach this Country before the late news from the United States, but still if the Mexican Government will adhere firmly to the determination only to conclude upon the condition that Texas is to remain an Independent Country, and stipulate for a prompt and

<sup>34</sup>F. O., Texas, Vol. 13.

<sup>35</sup>F. O., Texas, 13, Elliot to Aberdeen, Nos. 12, March 9, and 13, March 13, 1845, have been omitted. No. 12 referred to a Texan proclamation revoking letters of marque. No. 13 related to the "Little Penn" claims and transmitted copies of Elliot to Allen, January 8, 1845, Smith to Elliot, February 22, 1845, and Elliot to Smith, March 10, 1845. The first and second of these letters are calendared in Garrison, *Diplomatic Correspondence of the Republic of Texas*, II, 47, in *Am. Hist. Assoc. Report*, 1908, II. The third apparently has not been printed, but is here omitted since none of the "Little Penn" correspondence has been included in this publication.

decisive answer from this quarter to that condition; I should see little reason to doubt that this question might be speedily and securely adjusted. Rapidity of action and liberality in point of terms from Mexico, have now become of indispensable necessity.

But acting at once in that spirit with regard to Texas, it may I think be depended upon that they have the power of effectually averting the dangers by which they are menaced.

Charles Elliot.

To The Right Honourable.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>36</sup>

No. 15.

Galveston,  
March 24th 1845.

My Lord,

The accompanying Newspaper<sup>37</sup> contains the report of the Committee on the State of the Republic in the House of Representatives transmitted in my despatch No 5 of this year.

The debate upon the subject too is reported in this paper, and I think the whole is worthy of Your Lordships attention at the present moment.

I would also claim Your Lordship's notice to the Editorial Articles in this paper, known to be the Government organ

Charles Elliot.

To The Right Honourable.

The Earl of Aberdeen, K. T.

JONES TO ABERDEEN<sup>38</sup>

Washington on the Brazos.  
31st March. 1845.

My Lord,

Having received certain information of a willingness on the part of Mexico to treat with Texas on the basis of independence, it has been thought best in order to take advantage of

<sup>36</sup>F. O., Texas, Vol. 13.

<sup>37</sup>The *Texas National Register*, March 15, 1845.

<sup>38</sup>F. O., Texas, Vol. 14. This letter is calendared by Garrison as printed in Jones, *Memoranda and Official Correspondence*, 475-476, but is here reprinted as of special interest in understanding Elliot's activities.

this favorable disposition on the part of the government of that Country, that Capt Elliot should proceed without delay to the City of Mexico to press this Matter to a conclusion with that government.

Capt. Elliot has expressed the desire, that, as his proposed visit to Mexico when communicated to me, seemed in my opinion highly advisable and necessary I would communicate this opinion of mine to Your Lordship directly.

I beg you will excuse the trouble I give you at this time, and accept the assurance of the esteem and very high consideration with which I have the honor to remain.

Anson Jones.

To, The Right Honorable.  
The Earl of Aberdeen.

ELLIOT TO ABERDEEN<sup>39</sup>

Secret.

Galveston.  
April 2d. 1845

My Lord,

I had the honour to receive Your Lordship's despatches to No 3 inclusive of this year by Her Majesty's Ship "Electra" on the 24th Ultimo, and proceeded next morning with my Colleague M. de Saligny to Washington where we arrived on the 27th.

Our chief desire was to reach that place with our instructions before the official account from the United States announcing the passage of the proposed Measure of Annexation through that Congress (one Copy said to be coming by the way of the Red river) for we are perfectly sensible that the difficulties of our task would have been greatly increased, or it may be entirely insuperable, if the representations and other means of action of that Government upon this people, and through them upon this Government had preceded our own arrival at Washington. We were also aware that Major Donnelson the American Chargé d' Affaires might be expected every hour in the Steam Boat looked for at Galveston when we left.

There could therefore be but little time for the hopeful dispatch of our own business before he would appear upon the

<sup>39</sup>F. O., Texas, Vol. 13.

scene with all the means he could naturally have for engaging this Government in an opposite direction, or at all events of effectually preventing them from engaging themselves in any way for the support of the independence of the Country.

We had the good fortune to arrive at Washington before any official tidings from the United States, and we hope that the Measure we were able to complete before disturbing circumstances presented themselves will be satisfactory to our Governments; a brief space, for Major Donnalsen was actually within 20 Miles of Washington when the Memorandum of Conference was signed, as Your Lordship will learn in the sequel of this report

In a careful examination of the Situation of our circumstances during our voyage to Washington we could not fail to perceive that if the Scheme adopted in the United States should be that known as Mr Brown's resolutions the great immediate danger was in the success of the strenuous efforts to induce the President forthwith to call a Session of Congress. The present Congress, in existence till the first Monday in September next, particularly the House of Representatives, is by far the least respectable or trustworthy that I have seen since my residence in this Country, and, has already so deeply committed itself to the Cause of Annexation that we felt every hope for the honourable and safe adjustment of this grave question must be relinquished unless the Assembly of that Body could be obviated. If the portion of the plan selected by the Government of the United States should be Mr. Benton's resolution,<sup>40</sup> the danger indeed was of another kind, but certainly not at all less serious. Such a Commission from the United States sitting in Texas, as that Gentleman's project contemplates, founded upon an appropriation of \$100,000, would at once over whelm the whole power and influence of the Constituted Authorities of the land. In the one case the Nationality of the Country would be helped to destruction by the Assembly of their own Congress; In the other by the Assembly of the Commissioners from the United States.

Fully concurring in these opinions, and in view of the advanced state of affairs we agreed that it was incumbent upon us to use every effort consistent with the object of our instructions to

<sup>40</sup>See p. 67, note 20.

induce this Government neither to assemble Congress, nor to entertain any Negotiation for Annexation, at all events for such a length of time as might enable our Governments to determine the Government of Mexico to acknowledge the independence of this Country, or failing in those efforts to provide for the emergency in any equally effectual manner by diplomatic Act in Europe with the representatives of this Republic.

The President was not at Washington on the Evening of our arrival, but we had the advantage of full and frank communication with Mr Ashbel Smith, and next morning with His Excellency himself. We read to him our Instructions, and urged every argument that presented itself to us, whether founded upon the honour and advantage of the Country, or upon the ruinous consequences of Annexation, and the ambiguity and doubtful nature of the resolutions. They told us so far as they were personally concerned it was unnecessary to insist upon these views. The President, speaking for himself, was sincerely desirous of maintaining the independence of the Country, but we were perfectly aware that the Government in this Scheme of things was but the agent of the people.

He thought therefore we must be prepared to hear that unless he should be very speedily enabled to offer for the decision of the Country a Measure founded upon the acknowledgment of the Republic by Mexico, unaccompanied by any other than the condition to maintain their independence, He should feel that it was in vain to resist the tide, and that it was his duty to carry out the wish of the people whatever it may be. He was sensible however, of the risks and inconveniences of assembling the present Congress, or of the Meeting in Texas of the Commission of Negotiation from the United States, and was certainly prepared to incur every proper responsibility to avoid either of these alternatives. But it was not till the President had consulted his Cabinet twice in the course of the 28th., and requested us to meet them once, and urge our own views, that we were enabled to dispose him to agree to the arrangement which Your Lordship will find detailed in the Memorandum of Conference herewith transmitted.

With the hope of facilitating that conclusion I offered after consultation with my Colleague, to proceed myself with the ut-

most despatch and secrecy to Mexico in order to make a fresh explanation to the Ministers of our Courts there of the extreme difficulty of the President's situation, and the urgency of immediate promptitude, and exact conformity to the preliminary arrangement here submitted. On that condition the President consented, but he exacted from us a personal assurance that the Memorandum of Conference, should only be confided to our Courts, and to the Ministers at Washington and Mexico.

It must be admitted that His Excellency has not exaggerated the serious responsibility he has incurred. But we confidently hope that He may depend upon the early successful intervention of the two Courts at Mexico, and that Confidence was fortified by my own private information from Mr Pakenham, and subsequently by a private letter from Mr Bankhead dated March 1st., also reporting the favourable dispositions of the new Government.

With these dispositions in that quarter we feel that it has been a point of great moment to prevent any sudden action here in an opposite direction and Your Lordship will judge how little time was left to us when I mention that we met Major Donnelson within 10 Miles of Washington scarcely six hours from the time that we had concluded, with eager requests to know if Congress was already convoked, and speaking of that Measure as one of course, and necessarily decisive of the whole matter.

We told him that we supposed the Government were waiting the tidings, and that nothing had transpired of their purposes. But in spite of the earnest efforts of Major Donnelson and the friends of Annexation, it is our opinion that the steadfastness of the President to the present arrangement may be confidentially depended upon and we are equally satisfied that he will keep his promise not to reassemble the present Congress.

We cannot but express the hope that within the period of 90 days our Governments will have either succeeded in disposing Mexico to acknowledge the independence of Texas, or have forwarded to this Country such a formal declaration of their purpose to sustain it, and prevent further disturbance and complication from Mexico as will enable the friends of independence to defeat their opponents at the next election. The party on

the side of the first is naturally cautious, and unwilling to declare itself openly against the connexion with the United States whilst so much doubt exists. But it comprises a considerable portion of the intelligence and respectability of the Country, and I believe there is ground for the opinion that it is stronger than it appears to be, and that its friends will rally round it with courage and confidence as soon as they know authentically that it is within their reach. Major Donnelson's anxiety to learn where General Houston was (which we could not tell him exactly) was another significant hint of the direction in which he proposes to operate, and coming immediately from General Jackson for whom General Houston has so much friendship, it is not to be denied that his influence may be very powerful un- that quarter. General Houston however has other friends in this Country who will endeavour to keep him in the way of his abiding honour and duty and we have certainly heard nothing which leads us to dismiss the hope of their success

In conformity with Your Lordship's directions I only communicated the substance of Mr Bankhead's despatch with its inclosure, and indeed I must state that it would have been hopeless to induce the President to pause if he had been officially certified of the nature of some of the proposals made by Mexico. Nothing that is so much mixed with securities and guarantees upon the part of the European Powers, Great Britain in particular, can be offered to this people, with the least hope of success, and the knowledge of these proposals of Mexico at the present moment would be decisive against the possibility of maintaining the Independence of the Country. They would light up a flame from one end of the North American Confederacy to the other.

Pressed by the advanced state of the circumstances and the necessity of immediately meeting the danger of an Assembly of Congress, or opening of Negotiation with the United States, it has been out of our power with any regard to the objects of our instructions to confine ourselves to a report of the dispositions of the Government. Good as those dispositions are, the report we should have been compelled to make would virtually have involved an account of the sacrifice of the independence of the Country. But we have had the less hesitation in adopting



the proposals made by Mr Smith as the basis of our proceedings, perceiving that they accord with the wish of our Governments that Mexico should merely acknowledge the independence of Texas under a Stipulation that it should be maintained, leaving all other terms and conditions to be matter of Negotiation.

I called the attention of the President and Mr Smith to the absence of any stipulation respecting indemnity, which Mr Smith had declared their willingness to pay in the conversation reported in my despatch No 10. They said that they faithfully adhered to that offer, but they had avoided it's direct acknowledgment in the condition because they desired they should go before the people here on their return from Mexico in such a shape as would secure support, and they forcibly felt that they could not be altered in point of language without imminent danger to the prospect of success, already sufficiently critical.

We availed ourselves of our late visit at Washington to press upon the President the unsuitableness of leaving our Courts without a representative of this Country at the present moment, and we said that we both felt it would be taken to be a striking proof of the good dispositions of this Government at this Crisis, if His Excellency would send back his present Secretary of State. He was known and highly appreciated both in London and in Paris, and he would be able to afford such a complete explanation of the situation of circumstances here as would be very desirable at this time.

We therefore trusted he would be reappointed, and desired to proceed to his post with the utmost despatch with full powers to conclude any engagement which might seem to the Governments and himself to be necessary for the safety of the Country. What was done there might be sent out here to us, and acted upon or not according to the result from Mexico. The President with his usual friendly confidence in us acceded to our request, and Mr Smith will probably reach England by the Middle of May.

I would wish to say to Your Lordship privately, that it was a point of importance with us in making this request that Mr Smith would probably be succeeded by Mr Allen the present Attorney General, a man of excellent sense, high character, and the best dispositions in this matter; and we have satisfaction in

saying that such is to be the case. Whilst Mr Smith will be of the highest use in Europe, it may be depended that Mr Allen will adequately and safely replace him here. Mr Smith told us that there had been great difficulty in inducing some of the Cabinet to consent to refrain from any movement in the direction of the United States Negotiation, for so long a time, not from any good will to the resolutions, but because they conscientiously felt that it would be almost impossible to keep the people patient for such a considerable period, and we cannot but admit that it will require the utmost degree of caution, firmness, and address upon the part of this Government to manage these affairs with success.

I do not offer Your Lordship any excuse for the determination to proceed to Mexico, for I hope that none can be necessary. Personally considered, if I may venture to intrude a personal consideration, it is distressing to me on several grounds; but the President attached so much importance to it, and my Colleague advocated it so strongly that I have thought it my duty to go. I shall of course take every practicable precaution to keep my visit there strictly secret and shall not remain one day longer than may be necessary for purpose of full explanation. With the intention of concealment I shall cause it to be understood that the *Electra* has gone to Bermuda with despatches to meet the homeward Mail, and that She will drop me at Charlestown, to which place I have for some time been expecting that Mrs Elliot would pay a visit.

I shall also ask the Commander not to anchor at Vera Cruz, but to send me in to any English or French Man of War lying there, as an officer charged with despatches for Her Majesty's Minister at Mexico, and the ship will go away, and be reported by another name. It is also my purpose not to return to this place or New Orleans from Mexico, but if possible to land somewhere in the United States where I am not known, and to return to New Orleans in some unobserved manner. I hope to be there by the 1st May in time to receive my despatches by the April Mail.

The Ministers of the two Powers in Mexico will be best able to judge of the mode of operating upon Mexico but I need hardly say that it does not form part of our plan that these preliminary

conditions should be placed before the Mexican Government at once, which they might perhaps offend, as having an appearance of dictation, but only that they should be a sufficient Warrant to the Ministers to answer for Texas to that extent. It will also of course be necessary to take care that the Mexican Government does not know the length of time during which Texas is bound to abstain from any Negotiations with the United States. We have also thought that if there should be any French Man of War lying at Sacrificios and Monsieur Alleye de Cyprey will have the goodness to send back the answer of the Mexican Government by her (supposing it to be favourable) that such a circumstance would have a good effect here. The President wished that it should be done in that way.

I must not close this despatch without expressing to Your Lordship my cordial obligations to my Colleague Monsieur de Saligny for his friendly, zealous and able co-operation in these affairs. Weighty as the representations of His Government have no doubt been with the President, I should be wanting indeed if I omitted to say that Monsieur de Saligny's long acquaintance with this Government, and their well founded confidence in his good wishes and Judgment have contributed much to the turn we have been able to give to this question at the present critical moment.

These despatches will be conveyed to Washington by M. Saint Martin an Attache of his Legation.

Charles Elliot.

To The Right Honourable.

The Earl of Aberdeen, K. T.

Galveston April 3d. 1845.

P. S.

Since the above was written H. M. S. Eurydice has arrived here from Vera Cruz bringing me a despatch and private letter from Mr Bankhead dated 20th and 22d March<sup>41</sup> with the intelligence that the new Mexican Government was in the same favourable disposition towards an amicable settlement with this Country as General Santa Anna.

It has appeared to me to be so important that what has passed

<sup>41</sup>In F. O., Mexico, 184, copies sent by Bankhead to Aberdeen, March 31, 1845.

here upon the same subject should be known to Her Majesty's Government as soon as possible that I have requested Captain Elliot to direct the Commander of the "Electra" to proceed with the duplicate of my despatches to Bermuda without loss of time in the hope that She may catch the homeward Mail leaving that Island on the 21st. Instant, and if She has sailed I trust that the Commander in Chief will forward them to England by a Ship of War.

Charles Elliot.

[Enclosure].<sup>42</sup>

Memorandum of a Conference held at the State Department at Washington on the Brazos on the 29th. March 1845. between the Honourable Ashbel Smith Secretary of State of the Republic of Texas and the Chargés d' Affaires of Their Majesties. The Queen of Great Britain and The King of the French. Captain Charles Elliot and M. de Saligny.

(Seal.)

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After the communication to Mr. Ashbel Smith of the instructions of their respective Governments dated 17th and 23d January last the representatives of the two Powers invited the Government of Texas to accept the good offices of England and France for an early and honourable settlement of their difficulties with Mexico upon the basis of the acknowledgment of the independence of Texas by that Republic.

The Secretary of State was instructed by the President to accept the invitation of the two Powers; But in view of the much more advanced condition of circumstances connected with the affairs of Texas, now existing, than could be known in London and Paris at the dates of those despatches, and adverting to the difficulties and risks to which this Government is exposed from causes upon which he need not dwell, The Secretary of State was desired by the President to press the urgent necessity that this Government should be as speedily as possible enabled to present to the people of this Country for their consideration and action decisive proofs that Mexico was at once ready

<sup>42</sup>F. O., Texas, Vol. 13.

to acknowledge the independence of this Republic without other condition than the Stipulation to maintain the same.

The Government of Texas therefore with a sincere desire to avail themselves of the proffered interposition of the Powers have now authorized the Secretary of State to propose to their representatives the following arrangement

1st. The Signature and seal of the Secretary of State or any other Minister of the Republic of Mexico duly authorized by the Government thereof to be procured to the preliminary conditions now submitted to the Representatives of the two Powers, and the Government of Texas pledges itself forthwith after the same shall be placed in the hands of the President to issue a Proclamation announcing the conclusion of the preliminaries of peace with the Republic of Mexico.

2nd. Texas for a period of ninety days from the date of this Memorandum agrees not to accept any proposals, nor to enter into any Negotiations to annex Herself to any other Country.

The Representatives of the two Powers sensible of the peculiar situation of the Government of Texas, to which the Secretary of State has called their attention were ready on the part of their respective Governments to accede to the proposals he had now made, and pledged themselves forthwith to pursue their accomplishment.

(L. S.) Ashbel Smith.

(L. S.) C. de Saligny.

(L. S.) Charles Elliot.

[Endorsed.].

Inclosure No 1 in Capt Elliot's Secret despatch to the Earl of Aberdeen. April. 2d 1845

[Enclosure.].<sup>43</sup>

Conditions preliminary to a treaty of peace between Mexico and Texas.<sup>44</sup>

I. Mexico consents to acknowledge the Independence of Texas.

<sup>43</sup>F. O., Texas, Vol. 13.

<sup>44</sup>This document is in U. S. Docs., Ser. No. 480, Doc. 2, p. 71, but is here reprinted to make clear the results of the efforts of Elliot and Saligny.

II. Texas engages that She will Stipulate in the treaty not to annex herself or become subject to any Country whatever.

III. Limits and other conditions to be matter of arrangement in the final treaty.

IV. Texas will be willing to remit disputed points respecting territory and other matters to the arbitration of umpires.

Done at Washington on the Brazos. on the 29th of March. 1845.

Signed Ashbel Smith  
Secretary of State

Seal of the Department of State.

(Copy).

Charles Elliot.

[Endorsed]

Inclosure No 2. in Capt. Elliot's Secret despatch to the Earl of Aberdeen. April 2d 1845.

ABERDEEN TO ELLIOT<sup>45</sup>

*Separate.*

Foreign Office.

April. 3d. 1845

Sir,

I have received Your Despatch, marked *Separate*, of the 8th of February in which you describe your position, and express your wishes with reference to your residence in Texas, stating under the present political and social circumstances of that Country, a fixed residence in it, and especially at the Seat of Government, does not appear to you to be necessary, and that it would be attended with serious risk to your health, and great personal inconvenience and discomfort in every respect

You accordingly desire permission to reside in the United States during the recess of the Texian Congress, alleging that your Colleagues, the Chargés d' Affaires of France and of the United States always adopt this plan when the Congress is not sitting

As a general principle, I must observe that the proper residence of a Consular or Diplomatic Agent is in the Country in which he is accredited; and that such Agent, having voluntarily accepted his Appointment with all the risks and inconveniences,

<sup>45</sup>F. O.. Texas, Vol. 21.

as well as all the advantages attached to it, is bound to fix his residence in such Country, nor can he properly assign personal discomfort, or even risk, as a sufficient ground for absenting himself, or desiring to absent himself, from his Post. There may, however, be exceptions to this general rule, and considering the rude and unsettled state of Texas, and the entire absence as yet of those ordinary comforts and conveniences which are considered necessary in civilized life, as well as the positive unhealthiness of the Country in its present uncultivated state, I think that Texas may fairly be classed as coming within those exceptions. It appears also that other Governments allow their Agents in Texas to view the matter in this light, and to reside during a part of the year in the United States.

This being the case, I have no objection to your quitting Texas this year during the hot and unhealthy Months, and establishing your Residence in the United States, with the benefit of your full Salary as if you were at your Post. But you must clearly understand that you will be expected, while in the United States, to reside at some sea-port between which and Texas there is frequent Communication, and that, while thus absent from your Post, you will keep your attention constantly alive to all that is passing both in Texas, and in the United States with reference to Texas, and that whenever your presence in Texas may be required, you will at once proceed thither to resume the Duties of your Station

Aberdeen.

Captain Elliot, R. N.

## BOOK REVIEWS AND NOTICES

*Texas in the Middle Eighteenth Century.* Studies in Spanish Colonial History and Administration. By Herbert Eugene Bolton, Professor of American History in the University of California. (University of California Press, Berkeley, 1915. Pp. 501.)

This book, as its title indicates, treats of the history of the Spanish province of Texas during the middle eighteenth century, after the conquest and occupation of that region had been definitely effected. No attempt is made to deal with the early period from 1689 to 1730. As the author states in his preface, the book is not intended to be a complete history of the period which it covers. It is, instead, a reprint of four monographs published by the author at various times in the *Texas State Historical Association Quarterly* and its successor, the *SOUTHWESTERN HISTORICAL QUARTERLY*, preceded by a general introduction covering the period within which the special studies fall. Each of the articles has been revised and amplified by the incorporation of new sections and additional details. The most important contribution of Professor Bolton, however, consists of the extended introductory sketch, which occupies one hundred and thirty-three of the five hundred and one pages of the book. For this introduction he has taken the cream of his special studies, supplemented by summaries of other printed books and monographs on the period, and of manuscript material hitherto unused, thus giving for the first time an authoritative and connected account of the chief events in the history of Texas during the years from 1730 to 1789.

Although these studies have previously appeared in print, it seems necessary to recall their contents, and give a general summary of the subject-matter of the volume as a whole. The topics treated are the following: "The San Xavier Missions, 1745-1758"; "The Reorganization of the Lower Gulf Coast, 1746-1768"; "Spanish Activities on the Lower Trinity River, 1746-1771"; and "The Removal from and the Reoccupation of Eastern



Texas, 1773-1778." The paper on the San Xavier missions now appears for the first time in complete form, and adds an important chapter to the mission history of Texas. The second study is an account of the founding of the mission of Nuestra Señora del Rosario on the Gulf coast, supplemented by an excellent summary of the establishment of Nuevo Santander, the connection of this province with the history of Texas being made clear for the first time. The third article describes the founding of Spanish establishments on the Trinity River, and discusses in this connection the general subject of Spanish and French relations on the whole northern frontier. The final paper is that which first appeared under the title of "The Spanish Abandonment and Reoccupation of East Texas." It gives an account of the changes which took place in the eastern portion of Texas due to the general reorganization of the northern frontier of New Spain in 1772. With these studies brought together in a single volume, and bound together by the excellent general sketch, the important work of Professor Bolton in clearing up a hitherto obscure period in Texas history becomes readily apparent, and the book serves to mark the progress that has been made in the history of the Southwest by a new school of historians of which the author is recognized to be the founder and leader.

Carefully as the work has been done, however, and in spite of the exhaustive research which it represents, it is not a final study even of the special topics with which it deals. Just as Professor Bolton has been compelled to revise these articles which were written only a few years ago, so it will be necessary to incorporate into the present volume the results of still more recent research which is now in progress in the archives of Spain under the auspices of the University of Texas. While the archives of Mexico, upon which Professor Bolton has chiefly relied, and the local collections of Texas, contain the major portion of the documentary material necessary for a study of the narrative history of Texas, the troubled course of events in Mexico during the past few years has made historical investigation in that country an impossibility, and has made it necessary for further research work in the field of Texas and the Southwest to be transferred to Spain. This has been a fortunate change, for the General Archive

of the Indies in Seville has proved to be a valuable supplement to the archives of Mexico, and has been found to contain a vast amount of material on this field which apparently does not exist elsewhere. To a certain extent, the publication of Professor Bolton's book at this time may be said to be somewhat premature, as he has been unable to utilize the new material that is now being secured in Spain, which must be studied before a final account can be given even of the special topics which comprise the subject-matter of the volume under consideration. A few examples will serve to illustrate this statement. In the episode of the capture of the Frenchman, Blancpain, and his companions on the Trinity River (pp. 337-339), the following documents are available which were not used by Professor Bolton: Testimonio de los autos fechos a consulta de D. Jacinto de Barrios y Jauregui . . . en que da cuenta hauer aprehendido vnos franceses qe se hallaban establecidos en el Rio de la Trinidad, 162 pp.; Testimonio de los autos fhos sre la condusion de los franceses, y Negros que se aprehendieron en el Desembocadero del Rio de la Trinidad y declaraciones que se les tomaron sre. el establesimto que intentavan hazer en aquel partido, 31 pp.; Testimonio de los autos fechos Sre. hauer fallenido en la Carzel publica de esta Ciudad [Mexico] el Frances nombrado Blancpain, 6 pp.; Expediente sobre la aprehension que Dn Jacinto de Barrios y Jauregui . . . hizo de tres franceses y dos negros, etc. (a summary of this whole incident made for the Council of the Indies, October 22, 1756), 26 pp.; *consulta* of the Council of the Indies, November 27, 1754, 9 pp. Professor Bolton's chief authority for this matter is an *expediente* in the B́exar Archives at Austin, which while it doubtless contains some of the documents included in the manuscripts cited above, does not supply all that is necessary for a clear and detailed treatment of the subject. Again, in the section dealing with the establishment of the presidio of El Orcoquisac and the proposed *villa* on the Trinity River (p. 345 *et seq.*), the author is compelled to indulge in speculation at various points because of the absence of material. He does not know definitely, for instance, when the expedition set out to establish the presidio, nor the actual date of the founding, and the early days of the presidio's history are passed over with slight mention. Several other gaps in the sources appear at

different places. In the documents that are now available from the General Archive of the Indies, however, such doubtful points are made clear. We know that Barrios set out from Adaes on May 16, and that the presidio was founded on May 27. In two large *expedientes* alone, comprising one hundred and eighty-eight typewritten pages, several important letters of Barrios written during the days following the founding of the presidio, important discussions of the project by the viceregal authorities in Mexico and by the Council of the Indies in Spain, and other miscellaneous documents not used by Professor Bolton, are now available, and throw much light upon the actual founding of the new settlement. Many other illustrations of a similar nature might be cited. Additional material on Franco-Spanish relations, biographical material on prominent men in Texas, reports of missionary activities, inspections of presidios, diaries of campaigns against the Indians, the missing correspondence of the *comandante general* at Chihuahua—in short, a total of several thousand pages of new material is now being made accessible to students on the very period with which Professor Bolton has dealt. While this mass of new material may not contradict or alter any of the valuable work of Professor Bolton, it does clear up many obscure points in the middle eighteenth century, as well as in the whole period of Texas history, and it may be regretted that the author did not delay the publication of his book for a short while in order to utilize these recent researches.

None of the foregoing facts, however, it will be obvious, detract from the credit which is due Professor Bolton for his pioneer work in this field of Texas history, nor do they lessen the present usefulness of his book. It will be welcomed by all students in this field as a most helpful and interesting account of an important period in the history of the state. For the general reader, its delightful style and clearness will make it especially attractive. A valuable feature of the volume consists of several contemporary maps, which are now published for the first time. Too high praise cannot be given to the general map of Texas, which furnishes the most elaborate and authoritative map of colonial Texas in existence, one which could only be prepared by a profound specialist in the field.

In spite of the vast amount of editorial labor involved in the

handling of so many manuscript sources, the number of errors is remarkably few. Minor slips and typographical mistakes have been noted on the following pages: 18, 25, 72, 78, 90, 110, 113, 131, 283 (2), 335, 339, 345, 417, 418 (2), 438.

In conclusion, it may be said that Professor Bolton's "Texas in the Middle Eighteenth Century" is a highly creditable and very scholarly piece of work, and one which will supply a long-felt need for a connected and reliable account of a most important period in the history of Texas.

W. E. DUNN.

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In the January and April numbers of *Old Santa Fé* Mr. Charles W. Hackett publishes "Otermín's Attempt to Reconquer New Mexico, 1681-1682." In previous papers published in THE QUARTERLY he has traced the settlement of New Mexico and the expulsion of the Spaniards in 1680, which led to the settlement of El Paso, Texas. Another article in the January issue which will interest readers of THE QUARTERLY is "The Confederate Invasion of New Mexico, 1861-2."

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*The Trezevant Family in the United States* from the date of the arrival of Daniel Trezevant, Huguenot, at Charles Town, South Carolina, in 1685, to the present date. By John Timothée Trezevant. Columbia, S. C., 1914. Pp. 122, 8vo. The author is a retired business man of Dallas, Texas. Brief sketches of the prominent members of the family include those of Louis Trezevant Wigfall and General James Hamilton.

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The following articles about Edward Mandell House are listed in the *Readers' Guide to Periodical Literature* for the period from January, 1910, to April, 1916: *American sphinx* (Literary Digest, March 18, 1916); *Collector and adviser of powerful personages* (Everybody's, August, 1915); *Colonel House as the President's special representative* (Outlook, March 15, 1916); *A friend's view of Colonel House* (North American Review, April, 1916);

*How about Colonel House?* (Collier's, October 30, 1915); *Mystery of Colonel House* (Current Opinion, June, 1913); *President's most intimate friend* (American Magazine, March, 1916); *President's silent partner* (Collier's, May 3, 1913); *President Wilson's envoy to Europe* (Living Age, March 18, 1916); *Swashbuckler or scholar* (North American Review, October, 1915).

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Articles of interest concerning Texas: *Along the Mexican border* (Scribner's Magazine, March, 1916); *How Dallas audited its public service* (Survey, April 29, 1916); *State-wide civic campaign* (American City, March, 1916); *Texas depositors' guaranty fund* (Bankers' Magazine, March, 1916); *Texas vast, varied, vital* (Journal of Education, January 20, 1916).

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A useful and interesting sketch of Major George W. Littlefield, with an appreciation of the Littlefield Fund for Southern History, by Octavia F. Rogan, appears in the *San Antonio Express* of June 4.

## NEWS ITEMS

Two years ago Major George W. Littlefield, of Austin, established at the University of Texas a fund of \$25,000 for the collection of material on the history of the South. The fund yields at present \$1,500, and for twenty-five years only the income is to be used. Realizing the need of a larger available fund, Major Littlefield, at the meeting of the regents in April, added to his gift \$5,000 for current use. Persons owning, or knowing the whereabouts of, material on any phase of southern history—old newspapers, political pamphlets, legislative journals, proceedings of conventions, reports of business or patriotic organizations, letters, manuscripts, etc.,—will do no little part in furthering the purpose of the fund, if they will kindly write to the Librarian of the University of Texas.

Mr. J. S. Cullinan, of Houston, has erected a monument on the spot approved by the San Jacinto Chapter of the Daughters of the Republic, the State Park Commissioners, and ex-Governor Colquitt, as the place where Santa Anna surrendered to six of General Houston's soldiers, April 22, 1836. The land thereabout is owned by Mr. Cullinan, and is henceforth to be known as Santa Anna Farm. *The Houston Chronicle* of April 20 gives some account of the monument and of the pains to locate it with approximate accuracy.

A portrait of John A. Wharton has been hung in the parlors of the Rice Hotel at Houston. A sketch of Wharton appears in the *Houston Post* of May 7, 1916.

J. E. McAshan, a pioneer banker of Houston, died at his home April 19, 1916. He was born at La Grange, Texas, October 20, 1857.

William Ritter von Streeruwitz, one time State Geologist of Texas, died at Houston April 19, 1916. He was eighty-three years of age, a native of Bohemia.

# THE SOUTHWESTERN HISTORICAL QUARTERLY

VOL. XX

OCTOBER, 1916

No. 2

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

## THE POSTAL SYSTEM OF THE REPUBLIC OF TEXAS<sup>1</sup>

W. L. NEWSOM

An account of the establishment and operation of the postal system of the Republic of Texas will necessarily date from October, 1835. This paper is not concerned with the system of mail transportation in operation during the period of Mexican rule, nor has the system of communication of the committees of safety and correspondence preceding the revolution been included. The records are fragmentary and incomplete, and this account is as full as has been possible in the face of this condition.

### *Establishment of the System*

On October 20, 1835, Mr. A. Thomson made a motion in the Permanent Council that a committee be appointed to look after mail routes. The President appointed J. S. Hood, Joseph Bryan,

<sup>1</sup>The material for this paper has been gathered from many sources. Among the most important are the following: *Journal of the Permanent Council*, October 11-27, 1835 (THE QUARTERLY, VII, 249-278). The Permanent Council was a sort of central committee composed of representatives from several municipalities and was called by Stephen F. Austin to meet at San Felipe to look after the general administration at the beginning of the Texas Revolution. *Journal of the Consultation* (Houston, 1838). The Consultation assembled November 3, 1835. It was composed of delegates elected by the several municipalities of Texas. It provided for a provisional government consisting of a governor and a legislative council, and adjourned November 14. *Proceedings of the General Council* (Houston, 1839). This was the legislative body created by the Consultation and its sessions extended from the middle of November, 1835, till the middle of January, 1836. *Ordinances and Decrees of the Consultation and of the General Council* (Houston, 1839). Gammel,

and A. Houston.<sup>2</sup> This is the first record of any action to establish a mail system in the Republic of Texas. On October 23, the Council went into a committee of the whole on the subject of mails, and, "after due deliberation, appointed John Rice Jones postmaster-general to take charge of the affairs and put them into operation."<sup>3</sup> He was to do this as soon as possible.

This committee on mail routes also presented on the 30th an outline plan for carrying out the organization of a post-office department. It set forth the need of communication between the different parts of the country, and recommended that weekly service be put into operation from San Felipe to San Augustine, from San Felipe to Velasco, from San Augustine to Bevil's Mill, from San Felipe to the Sabine River, and, as soon as it could be done with safety, from San Felipe to Bexar. It recommended that the postmaster-general be authorized to open subscriptions to obtain contributions or loans to aid in putting the project into immediate operation. And it resolved further, that the postmaster-general be empowered to ask and demand and receive fixed rates of postage for all letters and packets transported by mail.<sup>4</sup>

On November 3, 1835, the Permanent Council reported to the Consultation that it had ordered to be carried into effect, by subscription and under certain regulations, a mail service from San Felipe de Austin to Cantonment Jessup in the United States, to the headquarters of the army, or to Bexar, and to Velasco. It recommended that the Consultation take up the subject at a suitable time and that branch routes be ordered.<sup>5</sup>

Governor Henry Smith made reference to the post-office department in his message to the General Council on November 16, 1835. He commended the action of the previous council and urged

*Laws of Texas*, I and II (Austin, 1898). *Post-Office Directory*, 1836-1842, Volumes 68-69, and *Post-Office Letter Book*, 1840-1842, Volume 71, MS., records in State Department of Texas. *House Journals*, Seventh to Ninth Texas Congresses, and *United States Senate Document No. 1*, 29th Congress, 2d Session. A more complete bibliography will be found at the end of the article.

<sup>2</sup>THE QUARTERLY, VII, 266.

<sup>3</sup>*Ibid.*, 270.

<sup>4</sup>*Ibid.*, VII, 276-278.

<sup>5</sup>Gammel, *Laws of Texas*, I, 513.



an extension of the work and its continuation during the war. He also recommended the appointment of a postmaster-general.<sup>6</sup>

The Council accordingly referred this portion of the message to the committee on state and judiciary, which was composed of D. C. Barrett, Daniel Parker, and J. A. Padilla. On November 27 this committee reported. They reviewed the partial organization of the post-office department by the Permanent Council; spoke of Jones, the temporary postmaster-general, in high terms, calling attention to the governor's endorsement of him, and urged that he be made permanent postmaster-general; and offered an ordinance creating a permanent general post-office department. This report was adopted,<sup>7</sup> and on December 7 the ordinance creating the general post-office department was passed.<sup>8</sup> It was approved by the governor December 13, 1835. The ordinance embraces thirty-five sections and sets forth in detail the postal laws and regulations. For a clear understanding of the foundation of the system, the first section, establishing the system, is quoted:

Sec. 1. . . . There shall be, and there is hereby created and established a General Post-Office, to be under the charge and direction of a Postmaster-General to be appointed by the General Council, who shall give bond with approved security, in a sum not less than five thousand dollars, payable to the Governor for the time being, and his successor in office. The Postmaster-General shall have power to appoint the necessary assistants and clerks for doing the business of his office; he shall establish Post-Offices and appoint postmasters at such places as he shall deem expedient, on the Post-Roads that are or may be established by Ordinances and Decrees of the Provisional Government; he shall give instructions to the postmasters and all other persons he shall employ, or who may be employed in any of the departments of the General Post-Office, relative to their several duties; he shall provide for the carriage of the Mail on all post-roads that are or may be established by the Ordinances and Decrees of the Government aforesaid, as often as he shall think proper, having regard to the productiveness thereof; he shall obtain from the several postmasters their accounts and vouchers for the receipts and expenditures of their several offices once in every three months, or oftener if he think proper, showing the balance thereon in favor or against the General Post-Office; he shall pay all neces-

<sup>6</sup>Gammel, *Laws of Texas*, I, 559.

<sup>7</sup>*Ibid.*, I, 618-619.

<sup>8</sup>*Ibid.*, I, 963-977.

sary expenses incident to the General Post-Office in consequence of mails, collection of the revenue, and in the general management thereof, from the incomes of the General Post-Office Department, if the receipts thereof be sufficient, otherwise he shall report the deficiency to the Governor of the Provisional Government, who shall submit the same to the legislative power for providing ways and means for such deficiency; he shall prosecute, or cause to be prosecuted, all offences against the General Post-Office establishment; he shall render an account, current, to the Provisional Government of Texas once in every three months, of all the receipts and expenditures in the said Department, to be adjudicated and settled as other public accounts, at the same time stating generally the condition of the Department, suggesting such improvements as, in his opinion, may be useful and necessary, and he shall render his first quarterly accounts on the first day of March, eighteen hundred and thirty-six; he shall have a general superintendence of the business of the said Department in all the duties that are or may be assigned to it; provided, that in case of death, resignation, or removal from office of the Postmaster-General, all the duties of the Department shall be performed by his assistant, or chief clerk, until a successor shall be appointed to take charge of the General Post-Office Department.<sup>9</sup>

When the First Congress of the Republic assembled, the matter of the post-office department was brought before that body, and on December 20, 1836, Congress passed and President Houston approved an act creating a general post-office department and making provisions for carrying it into effect. This was almost identical with the law of December 7, 1835, having only the following variations: that the postmaster-general should be nominated by the president, subject to approval or rejection by the senate; that he should hold office for a term of three years; and that he should render his first quarterly account on the first day of April, 1837.<sup>1</sup>

This act was in operation, with a few amendments, until February 5, 1840, when the Fourth Congress passed an act "to amend and reduce into one, the several laws regulating the post-office department."<sup>2</sup> This provided that the postmaster-general should

<sup>9</sup>Gammel, *Laws of Texas*, I, 963-964.

<sup>1</sup>*Ibid.*, I, 1226-1227.

<sup>2</sup>*Ibid.*, II, 248. The most important of the amendments to the act of December, 1836, may be noted. In December, 1838, the Second Congress

make a report every three months to the secretary of the treasury of all receipts and disbursements, that the bond of the postmaster-general should be increased to twenty-five thousand dollars, and that a number of new mail routes should be established.

This law was in operation until the Republic of Texas became a State and the mail service was absorbed by the Government of the United States. A few amendments were made, however, of which one may be noted. On January 18, 1841, an act was passed by the Fifth Congress abolishing the office of postmaster-general, and creating in the state department a bureau styled "The General Post-office." A clerk was to be appointed by the secretary of state to perform the duties of the postmaster-general.

This gives briefly an account of the establishment of the post-office department in the Republic of Texas and of the main acts governing its operation.

### *The Postmaster-General*

We have seen that the Permanent Council appointed John Rice Jones to act as postmaster-general, and that when the Consultation met in November Governor Smith recommended that Jones be confirmed, which was done. Jones continued in office until 1836, when he was succeeded by Robert Barr. Barr held the office until his death in October, 1839, when E. S. C. Robertson became acting postmaster-general and served until December, 1839, when John Rice Jones was again appointed. This time Jones kept the office until it was abolished in January, 1841.<sup>3</sup> During the operation of the general post-office as a bureau of the state department, the following served as chief clerks: George W. Sinks, A. C. Hyde, W. D. Miller, John Hall, Dan T. Toler, and Joseph Daniels.<sup>4</sup>

passed an act changing the rates of postage, empowering the postmaster-general to impose fines on mail contractors for a failure to comply with the terms of their contracts, and making it the duty of every ferryman or keeper of a ferry on any water course to allow to pass over free of charge the driver or carrier of the mail and any carriage or horse carrying the same.

<sup>3</sup>Gammel, *Laws of Texas*, I, 569. These dates are obtained from the official letters signed by these officers. For a brief sketch of John Rice Jones, see *THE QUARTERLY*, II, 100-2.

<sup>4</sup>*Post-Office Letter Book*, Volume 71, Office of Secretary of State. The exact date when each clerk was appointed is not obtainable, but it may

The acts described in the preceding part of this paper show that the duties of the postmaster-general were many and arduous. The establishment of post-offices, appointment of postmasters, and the making of contracts for carrying the mails in a country sparsely settled and having bad roads, and with no money provided for carrying on all this business, called for the activities of a master mind. The whole plan, as established and put into operation by the first postmaster-general, John Rice Jones, was modeled after the system of the United States. Forms and blanks were sent to the governor and Council from the United States for that purpose by Edward Hall in 1835.<sup>5</sup>

The duties and salary of the postmaster-general remained practically the same as under the Provisional government. The salary was two thousand dollars a year. The act of 1840 increased the bond of the postmaster-general to twenty-five thousand dollars. After the abolition of the office the clerk in the state department received from six hundred dollars to nine hundred dollars a year.

### *Finances*

When the Permanent Council proposed the first mail route from San Felipe de Austin to Cantonment Jessup, to the headquarters of the Army, or to Bexar, and to Velasco, the expense was to be met by subscription supplemented by the income from the postage rates as fixed by the Council. This was the beginning of the mail service in Texas before the Republic was organized.<sup>6</sup> The General Council made no appropriations for the post-office department, but instructed the postmaster-general to report the deficiency and this would be met by the ways and means committee of the legislature.

The First Congress appropriated on December 20, 1836, one thousand dollars "for the purpose of facilitating the transportation of the mail, the same to be paid out of any money not otherwise

be determined approximately from correspondence in this letter book. George Sinks wrote his first official letter on January 29, 1841; A. C. Hyde wrote his first official letter on December 21, 1841; W. D. Miller wrote his, August 10, 1842; John Hall wrote his, December 28, 1842; Dan. T. Toler wrote his, January 12, 1844; and Joseph Daniels wrote his first official letter on March 5, 1844.

<sup>5</sup>*Comptroller's Letters*, December 28, 1835. Texas State Library.

<sup>6</sup>THE QUARTERLY, VII, 276-278.

appropriated."<sup>7</sup> The next day Congress passed an act providing that any one, who had accounts against the post-office department for transporting the mail any time during the year 1837, might take the same in land at fifty cents per acre by paying the fees for recording and surveying; provided, that the land should be located in tracts of not less than three hundred and twenty acres in the form of a square. The certificate of the postmaster-general should be sufficient evidence of any such claims in any land office in the Republic. It was further provided that the lands could not be located until six months after the land office had opened.<sup>8</sup>

In November, 1837, Congress passed an act appropriating ten thousand dollars for the use of the post-office department.<sup>9</sup> This was to supplement the income from postage fees, which were used to support the system.

On December 13, 1838, an act was approved by President Lamar appropriating twenty-five thousand dollars for the use of the department;<sup>1</sup> fifteen thousand dollars additional was appropriated January 26, 1839.<sup>2</sup> This was done because the duties of the department had greatly increased, many new routes had been established, and weekly mails were substituted for the semi-monthly mails on many routes.

In the general appropriation bill for 1840, approved February 3, 1840, the following items were appropriated for the post-office department: For compensation of the postmaster-general, \$3,000; for compensating the clerks of the bureau, \$4,700; for contingent expenses of the post-office department, \$1,400; for transportation of the mails under orders and direction of the postmaster-general, for the year 1840, \$100,000.<sup>3</sup> By act of January 28, 1841, \$50,000 in promissory notes and all the moneys arising from the receipts of the department during the year were appropriated for the year 1841.<sup>4</sup>

December 7, 1841, \$40,470 was appropriated in promissory notes

<sup>7</sup>Gammel, *Laws of Texas*, I, 1238.

<sup>8</sup>*Ibid.*, I, 1256.

<sup>9</sup>*Ibid.*, I, 1352.

<sup>1</sup>*Ibid.*, II, 7.

<sup>2</sup>*Ibid.*, II, 121.

<sup>3</sup>*Ibid.*, II, 382-383.

<sup>4</sup>*Ibid.*, II, 582.

for the post-office department, with the provision that "not more than ten dollars a mile *per annum* shall be paid to Highsmith and Jones for carrying the mail on Route 30, between Austin and Houston."<sup>5</sup> A supplementary act on February 3, 1842, appropriated: For salary of chief clerk, \$600; for probable deficiencies, under contracts for carrying mails, etc., \$5,000; for amount due mail carriers for 1841, \$4,258.81, to be apportioned to each according to the sum due him, this appropriation being only one-half the whole amount due.<sup>6</sup>

The general appropriation bill, approved January 6, 1843, set aside the following for the post-office bureau: For contingent expenses, \$500; for transporting the mails, \$12,000, and all the moneys arising from receipts of the department during the year 1843.<sup>7</sup>

On January 14, 1843, Congress passed an act authorizing an audit of the residue of claims against the government for carrying the mails during 1841 and 1842, and appropriated \$600 to pay mail contracts for 1839. This act provided that when the claims should be audited, they should be receivable in payment of direct taxes, at the same rate as exchequer bills were received for the same dues.<sup>8</sup>

The next year, on January 6, 1844, Congress appropriated \$3,742.36 for the purpose of continuing the mails until March 1, 1844;<sup>9</sup> and the general appropriation bill, approved February 5, 1844, carried the following items for the post-office bureau: For contingent expenses (printing, fuel, mail bags, mail locks, etc.), \$500; for transporting mails for 1844 and part of 1845, \$12,000, and all the moneys arising from receipts of the bureau and salary for two clerks, amount to be taken out of \$11,600, appropriated for payment of sixteen government clerks.<sup>1</sup>

An act approved February 1, 1845, making appropriations for the support of the government, set aside the following for the post-office: For contingent expenses, \$1,360; for transporting the mails,

<sup>5</sup>Gammel, *Laws of Texas*, II, 679.

<sup>6</sup>*Ibid.*, II, 767-769.

<sup>7</sup>*Ibid.*, II, 828.

<sup>8</sup>*Ibid.*, II, 840.

<sup>9</sup>*Ibid.*, II, 923.

<sup>1</sup>*Ibid.*, II, 1018.

\$15,000, and all the moneys arising from receipts of the bureau and salary of two clerks, amount to be taken from \$13,250 appropriated for payment of government clerks in different departments.<sup>2</sup>

April 22, 1846, the First Legislature passed a joint resolution asking relief for mail contractors who had continued to carry the mails after February 16, 1846, the date when annexation became effective. This called attention to the fact that after February 16, 1846, the transportation of the mails was chargeable to the United States government, and that Texas had so notified her contractors, but had suggested to them to continue to carry the mails and to open accounts with the Federal Government after that date.<sup>3</sup> The contractors, with a few exceptions, relying on the justice of the government, continued to carry the mails until superseded by other contractors. In view of these facts, the legislature instructed the United States senators from Texas to urge the passage of a law authorizing the postmaster-general of the United States to pay these contractors.

In his annual report for the year ending June 30, 1846, the first assistant postmaster-general of the United States, S. R. Hobbin, said that \$9,189 had been paid out for the operation of the mail service from February 16, 1846, to June 30, 1846. He stated that other expenditures incident to transportation, such as amounts paid for ship, steamboat, and way letters, etc., was not included in this amount, because these accounts were paid from a separate appropriation. According to this report, there were 3,786 miles of mail routes in operation in Texas at that time. Continuing, Mr. Hobbin made the following statement concerning the operation of the mail service in Texas at this time:

The service in Texas has not been satisfactorily performed. Upon the passage of the act of May 29, 1846, establishing post-routes in Texas, the late Postmaster-General of Texas, Daniel J. Toler, was appointed the special agent of the department, and despatched with proper instructions to put the routes in operation, and superintend the service generally. A contract was made with Charles Morgan, to transport the mails from New Orleans to Galveston and back, once in every five days, in ocean steamers. The *Galveston* and *New York* were engaged in the performance of this service, when the *New York* was lost in a storm, on the

<sup>2</sup>Gammel, *Laws of Texas*, II, 1117.

<sup>3</sup>*Ibid.*, II, 1424.

gulf. The agent, Toler, was on board, and reported the loss of his papers connected with the service, which had been prepared for the department. The other vessel, the *Galveston*, it is understood, has been much engaged in the transportation of troops and supplies to the Rio Grande. Irregularity in the delivery of the mails to Galveston ensued. Independently of this, great derangement of the mail service existed in other parts of Texas, and was justly the cause of much complaint. So soon as the department was informed of this state of things, which information was greatly delayed from some unknown cause, a second agent was despatched to Texas, with proper instructions for the regulation of the service; and the postmaster at New Orleans was directed to forward the mails to Galveston whenever opportunity occurred, under the provisions of the 17th and 18th sections of the act of 1825. The facts of the case did not seem to warrant an annulment of so favorable a contract as the one with Mr. Morgan, who, it is expected, will, at no distant day, supply the place of the New York, and cause the service to be again regularly performed. Recent reports from the agents in Texas induce the belief that the whole service in Texas will soon be in operation, as authorized by the act of Congress.<sup>4</sup>

#### *Postage Rates*

In the decree creating a general post-office department, passed at San Felipe, December 12, 1835, the following rates of postage were adopted: Letters containing a single sheet of paper and conveyed any distance not exceeding twenty miles, six and one-fourth cents; over twenty miles and not exceeding fifty miles, twelve and one-half cents; over fifty miles and not exceeding one hundred miles, eighteen and three-fourth cents; over one hundred miles, and not exceeding two hundred miles, twenty-five cents; all distances exceeding two hundred miles, thirty-seven and one-half cents; on all ship letters, six and one-fourth cents additional to be charged. On all letters containing two pieces of paper, double these rates was to be paid; on all containing three pieces of paper, treble these rates; and for any packet containing four or more pieces of paper or other things, and everything of one ounce, quadruple these rates; and in that proportion for all greater weights. On all letters and newspapers going out of Texas the postage must be prepaid.<sup>5</sup> The act of December 20, 1836, recom-

<sup>4</sup>*Senate Documents*, 29 Cong., 2 Sess., No. 1, 684.

<sup>5</sup>Gammel, *Laws of Texas*, I, 966.



mended practically the same rates as those fixed by the Permanent Council in October 30, 1835, which were not materially different from those just listed.<sup>6</sup>

On December 18, 1837, Congress changed the rates as follows: For every letter composed of a single sheet of paper and conveyed any distance not exceeding forty miles, twelve and one-half cents; over forty miles and not exceeding one hundred miles, twenty-five cents; over one hundred miles and not exceeding one hundred and fifty miles, fifty cents; upon all ship letters, six and one-fourth cents additional was to be charged. For every package composed of four or more pieces of paper and weighing one ounce, quadruple those rates; and in that proportion for all greater weights. Newspapers carried not over one hundred miles, one cent each; over one hundred miles, two cents. Pamphlets carried not over one hundred miles, one and one-half cents per sheet; over one hundred miles, two and one-half cents. On all mail matter going out of Texas postage must be prepaid.<sup>7</sup>

The act of February 5, 1840, did not change the rates of postage on letters and newspapers, but fixed the following rates on pamphlets: Pamphlets carried not over fifty miles, per sheet, one cent; not over one hundred miles, per sheet, one and one-half cents; over one hundred miles, per sheet, two and one-half cents.<sup>8</sup>

By an act of the Fifth Congress, approved January 28, 1841, the rates of postage as provided by previous laws were doubled. And on all letters intended to be conveyed by any ship or vessel beyond the sea, or received from any place beyond sea, there was to be paid an extra fee of fifty cents at the time of its reception.<sup>9</sup> A law of February 1, 1842, provided that all postage should be paid in gold, silver, or exchequer bills authorized to be issued by the act of the Sixth Congress. The following rates were to go into effect after March 31, 1842: For each letter composed of a single sheet of paper and conveyed not to exceed fifty miles, twelve and one-half cents; over fifty miles and not exceeding one hundred miles, eighteen and three-fourths cents; over one hundred miles

<sup>6</sup>For the rates fixed by the Permanent Council, see THE QUARTERLY, VII, 277.

<sup>7</sup>Gammel, *Laws of Texas*, I, 1429

<sup>8</sup>*Ibid.*, II, 252.

<sup>9</sup>*Ibid.*, II, 581.

and not exceeding two hundred miles, thirty-one and three-fourths cents; on all ship letters, six and one-fourth cents additional was to be charged; on all double letters, double the above rates; on each newspaper conveyed not exceeding one hundred miles, one cent; over one hundred miles, two cents; on all pamphlets or books for each sheet the same as newspapers. For all free letters received and distributed, postmasters were entitled to receive one cent and should retain this amount out of the quarterly returns. Postmasters were required to pay the master of any foreign vessel two cents for each letter delivered within twenty-four hours after their arrival.<sup>1</sup>

On January 16, 1843, the Seventh Congress reduced the postage. For letters the rates were to be again the same as those fixed by the law of December 18, 1837. For letters or packages made up and sealed in letter form, weighing one ounce and less than two ounces, conveyed not to exceed fifty miles, quadruple the rate of a letter for that distance; over fifty miles and not to exceed one hundred miles, or over one hundred miles and not to exceed two hundred miles, quadruple the rate for single letters for these distances; for packages of two ounces, six times the amount of single letters, and so on in like proportion. Ship letters were to be charged twelve cents additional; letters lodged for delivery were to be charged twelve and one-half cents additional; way letters were to have on them a postage of twelve and one-half cents additional. Each newspaper, conveyed not exceeding one hundred and fifty miles, two cents, over one hundred and fifty miles, three cents. Books and pamphlets were to have the same rates as newspapers per sheet.<sup>2</sup>

January 27, 1844, the Eighth Congress again modified the rates of postage: On each single letter, conveyed less than one hundred miles, twelve and one-half cents; over one hundred miles, twenty-five cents; double letters, double this amount; treble letters, treble this amount; packages of one ounce, quadruple the above rates; and so on in like proportion. On ship letters the extra fee was to be six and one-fourth cents; on way letters, six and one-fourth cents. Newspapers conveyed one hundred miles or less, one cent;

<sup>1</sup>Gammel, *Laws of Texas*, II, 756.

<sup>2</sup>*Ibid.*, II, 863-864.

over one hundred miles, two cents; foreign papers, one cent additional to the regular rates. Books and pamphlets were to be charged the same rates as newspapers. The postage was to be paid in gold, silver, or exchequer bills.<sup>3</sup>

The rates were lowered by the Ninth Congress, on January 30, 1845, to the following: Each single letter, conveyed less than one hundred miles, ten cents; over one hundred miles, twenty cents; double letters, double this rate; treble letters, treble this rate, and so on; each package quadruple this rate, if it weighed one ounce or less; ship letters five cents extra; way letters, five cents; newspapers, conveyed one hundred miles or less, one cent; over one hundred miles, two cents; foreign papers, one cent additional; books and pamphlets the same rates as papers.<sup>4</sup>

In the changes pointed out in the above paragraphs, two important facts appear: (1) The high rates charged as compared with the present day rates; (2) the frequent changes made in the rates. The high rates may be accounted for by remembering the sparse settlements, the bad roads, the dangers encountered in transporting the mails, and the depreciated currency in which the postage was paid. The frequent changes are due to the fact that the government was handicapped financially and endeavored to meet the deficiencies in the department by changing the rates to gain more funds.

#### *Franking Privileges*

By the first decree creating a general post-office department, franking privileges were allowed the following officers: Each postmaster, provided the package did not exceed half an ounce in weight; the president and members of the General Council of the Provisional Government; secretary of the General Council, during actual attendance upon a session of the Council and for thirty days thereafter; the governor of the Provisional Government, treasurer, and postmaster-general; officers of the army and navy, officers of the revenue, when communicating on subjects connected with public service. These persons must all write their names and offices on the outside of letters and manuscripts they wished to frank; and the officers of army, navy, and revenue must add, "On

<sup>3</sup>Gammel, *Laws of Texas*, II, 953.

<sup>4</sup>*Ibid.*, II, 1098.

Public Service." This provision allowed letters or packages going either to or from these persons to be carried free of charge.

All publishers of newspapers in Texas could send free of postage one copy to each of the other publishers in the State. Publishers were allowed to send out or receive from out of the State as many as fifty copies post free under such regulations as the postmaster-general might provide.

The act of the First Congress, approved December 20, 1836, continued franking privileges to the same persons, and in the same way. In January, 1839, it was discovered that the franking privilege was not extended to the vice-president of the Republic, so by a special act, approved January 23, 1839, this privilege was accorded to him and to other officers of the Republic. The franking privilege continued, with a few minor changes, until the end of the Republic. The act of 1840 provided that publishers of the newspapers could receive or send out of the State only thirty papers free of charge, instead of fifty.<sup>5</sup>

### *Postmasters*

The ordinance passed by the General Council in 1835 empowered the postmaster-general to appoint postmasters at such places as he deemed expedient. It provided also that he should allow to postmasters such commissions on the money arising from postage on letters as should be adequate for their respective services and expenses. But it further provided that the said commission should not exceed thirty per cent. of the first hundred dollars each quarter, twenty-five per cent. on a sum over one hundred and not exceeding three hundred dollars, twenty per cent. on any sum over four hundred dollars and not exceeding two thousand dollars, and eight per cent. on all sums exceeding two thousand dollars. Postmasters employed in receiving and despatching foreign mails were allowed a sum not to exceed twenty-five dollars a quarter over and above the regular commission. Those who were required to keep a register of the arrival and departure of the mails were allowed ten per cent. for each monthly return thereof to the postmaster-general.<sup>6</sup>

<sup>5</sup>Gammel, *Laws of Texas*, I, 914, 1236.

<sup>6</sup>*Ibid.*, I, 914.

The First Congress in 1836 made a few unimportant changes in these rates. It empowered the postmaster-general to appoint postmasters at such places as he should see fit, authorized him to allow postmasters such commissions on money arising from postage as should be adequate to their duties and expenses, and provided that these commissions should not exceed twenty-five per cent. on the first hundred dollars, twenty per cent. on amounts over one hundred and not exceeding three hundred dollars, ten per cent. on any sum over three hundred and not exceeding two thousand dollars, and five per cent. on any sum collected over twenty-four hundred dollars. Postmasters employed in receiving and despatching foreign mail were allowed twenty-five dollars extra per quarter; fifty per cent. was allowed on all postage arising from newspapers, magazines, and pamphlets; and two dollars per month for each register showing the arrival and departure of mails.<sup>7</sup> So far as can be ascertained this same method and rate of compensation remained in operation until the postal system of Texas was transferred to the United States in 1846.

### *Postal Routes*

No record is available as to the exact date the first route went into operation in Texas, but it was about 1835. We have already noticed the recommendations of the Permanent Council that mail routes be established by subscription, under certain regulations, "from San Felipe de Austin to Cantonment Jessup in the United States, to headquarters of the Army or to Bexar, and to Velasco, and that branch routes be established at suitable times."

In section 34 of the ordinance passed by the General Council on December 12, 1835, a mail or post route was established from the General Post-office to the principal town of each municipality of Texas. These routes were to go into operation as soon as contracts could be made by the postmaster-general for transporting the mails, the postmaster-general being authorized to regulate and determine the post-roads on which said mails were to be carried, and how often they were to be carried, etc.<sup>8</sup>

December 20, 1836, Congress authorized the establishment of

<sup>7</sup>Gammel, *Laws of Texas*, I, 1235.

<sup>8</sup>*Ibid.*, I, 997.

the following routes: From the location of the General Post-office to the headquarters of the Army; also to Gaines's Ferry on the Sabine River, via Washington, Nacogdoches, and San Augustine; also from Velasco, via Brazoria, Columbia, and Washington, to Viesca; from Liberty, via Jasper and San Augustine to Nashville in Shelby County. These routes went into effect as soon as the postmaster-general could make the proper contracts.<sup>9</sup> In June, 1837, he was authorized to extend mail routes via Ballou's and Gaines's Ferries, so as to communicate with the United States mail, and to pay for any services already rendered to effect that object.<sup>1</sup> In December, 1837, he was instructed to establish as soon as practicable a mail route from Nacogdoches, via Epperson's Ferry on the Sulphur Fork, to the county seat of Red River County, Jonesborough, to the county seat of Fannin County, and to look to it that the mail was carried over said route once every two weeks. Such post-offices were to be established along this route as the postmaster-general should deem necessary and proper.<sup>2</sup> In May, 1838<sup>3</sup>, bi-weekly service was ordered from Galveston to Matagorda and Texana via Velasco and Quintana. At the same time the following routes were ordered into operation: From the town of Bastrop to the residence of Reuben Hornsby on the Colorado River; from Anahuac, Liberty County, to the house of Thomas Stubblefield on Trinity River, in Liberty County; from Shelbyville, in Shelby County, to the town of Milam, in Sabine County, via Hamilton on the Sabine River.<sup>3</sup>

In December, 1838, the route from Houston to Nacogdoches via Cincinnati was changed so that after leaving Cincinnati it passed by Mustang Prairie Post-office, thence to Crockett, in Houston County, thence to intersect the existing route at Williams's on the Neches River.<sup>4</sup> Another route authorized at this time, proceeded from Houston to San Augustine via Captain

<sup>9</sup>Gammel, *Laws of Texas*, I, 1238. In November, 1836, the First Congress recognized certain routes established by General T. J. Rusk, and instructed the paymaster to audit accounts for said routes. No records are found to indicate just what routes General Rusk established. (Gammel, *Laws of Texas*, I, 1087.)

<sup>1</sup>*Ibid.*, I, 1295.

<sup>2</sup>*Ibid.*, I, 1439.

<sup>3</sup>*Ibid.*, I, 1497.

<sup>4</sup>*Ibid.*, II, 12.

Hiram's on the Trinity River, Belt's on the Neches River, B. W. Harvey's on the Angelina River, and Nathaniel Hunt's on Ayish Bayou. Mail was transported weekly over this route. A bi-weekly route was also established from Jasper to Belgrade.<sup>5</sup>

In January, 1839, weekly routes were established: From Texana to San Antonio, and from Victoria to Live Oak Point; the mail leaving Texana immediately after the arrival of the mail from Houston.<sup>6</sup> About the same time a bi-weekly mail was inaugurated from Clarksville to Shelton on Sulphur Fork; a weekly route from Crockett to [Fort] Houston via Brownville; from Myrtle Springs, in Red River County, to Fulton on Red River; from San Augustine to Port Caddo, via Shelbyville and Shelton's store, with post-offices at Shelton's store, at Bristow's Ferry, at Thomas Timmons's, and at Port Caddo. This route was extended from Port Caddo to Coffee's Station in Fannin County.<sup>7</sup>

The act of February 6, 1840, which reduced into one the various laws relating to the post-office department, abolished all routes except the following thirty-six:

No. 1. From Houston to Galveston, via Harrisburg, Lynchburg, Spilman's Island, and New Washington.<sup>8</sup>

No. 2. From Houston to Cincinnati, via Spring Creek, Mount Vernon, and Huntsville.

No. 3. From Cincinnati to Nacogdoches, via Neches, Mustang Prairie, Crockett, and Mount Sterling.

No. 4. Nacogdoches to McClannahan's Post-office, Louisiana, via San Augustine, Milam, Gaines's Ferry, and Sabine Town.

No. 5. From Nacogdoches to Epperson's Ferry.<sup>9</sup>

No. 6. From Epperson's Ferry to Jonesboro, via Myrtle Springs, Dekalb, and Clarksville.<sup>1</sup>

<sup>5</sup>Gammel, *Laws of Texas*, II, 24.

<sup>6</sup>*Ibid.*, II, 38.

<sup>7</sup>*Ibid.*, II, 53, 71, 128.

<sup>8</sup>February 5, 1840, the postmaster-general was authorized to transport the mail from Houston to Galveston twice a week, provided it could be done for \$2,500 per year. (Gammel, *Laws of Texas*, II, 439.)

<sup>9</sup>Gammel, *Laws of Texas*, I, 1439. The route from Nacogdoches to Epperson's Ferry was changed November 7, 1841, so as to run from Nacogdoches to Marshall, thence to Smithland, Daingerfield, and to the county seat of Bowie County. (*Ibid.*, II, 676.)

<sup>1</sup>November 17, 1841, the route from Epperson's Ferry to Jonesboro was changed so as to commence at the county seat of Bowie County and

No. 7. From Jonesboro to the seat of Justice of Fannin County, via Franklin, Johnson, Raleigh, and Lexington, Fannin County.

No. 8. From the seat of Justice of Fannin County to Coffee's Station, via Warren.

No. 9. From Clarksville to the seat of Justice of Fannin County, via Lexington, Red River County, and Shelton's and English's.<sup>2</sup>

No. 10. From San Augustine to Port Caddo, via Shelbyville, Shelton's, and Elysian Fields.<sup>3</sup>

No. 11. From Houston to Swartwout, on Trinity River.<sup>4</sup>

No. 12. From Liberty to Lyons' Post-office, Louisiana, via Pine Island, Patillo's, Richland, Jefferson, and Beaumont.

No. 13. From Jefferson to Hamilton, on Sabine River, via Jasper, Zavala, San Augustine, and Shelbyville.

No. 14. From Jasper to Salem.

No. 15. From Houston to Egypt, via Hodges' and Richmond.

No. 16. From Matagorda to Egypt, via Preston's and Peach Creek.

No. 17. From Egypt to Goliad, via Texana, and Victoria.

No. 18. From Egypt to La Grange, via Columbus.

No. 19. From Velasco to San Felipe, via Crosby's, Brazoria, Marion, Orozimbo, and Big Creek.

proceed thence to Dekalb, Clarksville, and Jonesboro. (Gammel, *Laws of Texas*, II, 676.) The route from Myrtle Springs to Fulton, Arkansas, was changed so as to commence at the county seat of Bowie County, and go via Colonel Charles Morris's and David Lane's to Fulton, Arkansas. (Gammel, *Laws of Texas*, II, 676.)

<sup>2</sup>December 13, 1839, Congress authorized a weekly route from Shelton, Red River County, to the county seat of Fannin County with post-offices at Merrell's and at Fort English. At this time the postmaster-general also established post-offices at Ward's, Ballard's, Haman's, and H. L. Williams's on the route from Clarksville to Shelton, and let the contract to have the mail carried over this route once a week. The route from Port Caddo to Coffee's Station, established January 26, 1839, was discontinued on December 13, 1839. (Gammel, *Laws of Texas*, II, 421.)

<sup>3</sup>This route was changed by the Sixth Congress, November 17, 1841, to run from San Augustine by Shelbyville, Pulaski, Elysian Fields, and terminate at Marshall, Panola County. The route from Elysian Fields to Greenwood, Louisiana, was changed so as to have a weekly mail. (Gammel, *Laws of Texas*, II, 676.)

<sup>4</sup>On January 25, 1840, the postmaster-general was authorized to establish a route from Swartwout to San Augustine with convenient offices along the route. Also in January, 1840, the following routes were abolished by Congress: From Neches to Tenoxtitlan; from Houston to Stubblefield; from Houston to San Augustine. (Gammel, *Laws of Texas*, II, 369.)



No. 20. From San Felipe, to La Grange, via Dr. Punchard's, Centre Hill, Cedar Creek, Washington, Independence, Gay Hill, Oak Grove, and Rutersville.

No. 21. From Independence to Franklin, via Mound Prairie, Fort Oldham, Tenoxtitlan, and Nashville.

No. 22. From Montgomery to Washington, via Rusk and Fanthorpe's.

No. 23. From Brazoria to Matagorda, via Williams's at Caney Crossing.

No. 24. From Huntsville to Swartwout, via Carolina.

No. 25. From Houston to Washington, via Myrtle Turf, and Groce's Retreat.

No. 26. From Crockett to Fort Houston, via Bennett's Post-office, and San Pacero.

No. 27. From Victoria to Live Oak Point, via Lamar.

No. 28. From Quintana to Galveston, via San Luis.

No. 29. From City Sabine to Beaumont.

No. 30. From Austin to Crockett, via Nashville, Franklin, Dunn's Post-office, Tinnen's, Robins's Ferry, on Trinity River, and Mustang Prairie.<sup>5</sup>

No. 31. From Austin to San Antonio, via Gonzales, and Seguin.<sup>6</sup>

No. 32. From Gonzales to Victoria.

No. 33. From Austin to Houston, via Comanche, Bastrop, Primm's, La Grange, and San Felipe.

No. 34. From Texana to La Grange, via Stapp's, Zumwalts', Chadoins', and Lyons'.

No. 35. From Quintana to Texana, via Matagorda.

No. 36. From Swartwout to Jasper, via Barclay's.

<sup>5</sup>December 18, 1839, the postmaster-general was authorized to establish a weekly route from Austin to Crockett, via Nashville, Franklin, Tinnen's, Robins' Ferry, and Mustang Prairie. The route from Houston to Nacogdoches was then altered so as to pass directly from Cincinnati to Crockett, discontinuing that portion of the route from Independence to Franklin. (Gammel, *Laws of Texas*, II, 416.)

<sup>6</sup>The postmaster at Austin was to make up a mail for Victoria on the same day, and Gonzales was to be made a distributing office for Victoria, and San Antonio. (Gammel, *Laws of Texas*, II, 369.) January 5, 1840, a route was established from Colonel Harvey Jones' to Comanche, and the postmaster-general was authorized to contract for carrying the mail over this route once a week, provided the expense was not more than two hundred dollars per year, and that the income from it would amount to at least fifty dollars per year. (Gammel, *Laws of Texas*, II, 408.)

The postmaster-general was to inaugurate service on each of the above routes, not already in operation, and to regulate and determine the roads upon which the mail was to be transported. These routes were to continue in operation during the year 1840.

On December 21, 1841, the secretary of state was authorized to establish a weekly route from Port Lavaca to Victoria, provided service did not exceed the average cost per mile on other routes.<sup>7</sup> In January, 1842, he was authorized to establish a weekly route from Fanthorp's post-office, in Montgomery County, by Boonville, in Navasota County, to Dunn's, in Robertson County.<sup>8</sup>

A law of January 6, 1843, amending the several laws relating to the post-office, established the following twenty-one routes, and no others, on which public mails should be transported:

No. 1. From Galveston to Matagorda, via San Luis, and Velasco.

No. 2. From Galveston to Houston.

No. 3. From Houston to Patillo's, via Liberty, and Beaumont.

No. 4. From Houston to Washington.

No. 5. From Houston to Egypt, via Richmond.

No. 6. From Egypt to Victoria, via Menefee's.

No. 7. From San Antonio to Rutersville, via Obarr's and La Grange.

No. 8. From Rutersville to Cincinnati, via Mount Vernon, Independence, Washington, Montgomery, and Huntsville.<sup>1</sup>

No. 9. From Cincinnati to San Augustine, via Crockett, and Nacogdoches.

No. 10. From San Augustine to Sabine Town, via Milam.

No. 11. From San Augustine to Daingerfield, via Shelbyville, and Marshall.

No. 12. From Daingerfield to Fort English, via Boston, DeKalb, Savannah, and Clarksville.

No. 13. From Jasper to Sabine Town.

No. 14. From Velasco to Washington, via Brazoria, Columbia, Richmond, San Felipe, and Burleigh.

<sup>7</sup>Gammel, *Laws of Texas*, II, 694.

<sup>8</sup>*Ibid.*, II, 729.

<sup>1</sup>By an act of February 1, 1844, the route from Montgomery, in Montgomery County, to Huntsville was changed so as to pass along the Huntsville road, through Joseph Lenley's settlement, and a post-office was es-

- No. 15. From Matagorda to La Grange, via Egypt, and Columbus.
- No. 16. From La Grange to Austin, via Bastrop.
- No. 17. From Victoria to Gonzales, via Cuero.
- No. 18. From Independence to Nashville, via Caldwell.
- No. 19. From Washington to Franklin, via Booneville.
- No. 20. From Huntsville to Swartwout.
- No. 21. From Swartwout to Jasper, via Town Bluff.<sup>2</sup>

On January 30, 1845, a route was established from Galveston to Point Bolivar and attached to the route leading from Point Bolivar to Patillo. At the same time all routes were revised and weekly service provided as follows:

San Antonio to La Grange, via Seguin, Gonzales, and Hallett's.

La Grange to Fanthorpe's, via Rutersville, Shelby's, Sieper's, Buster's, Brenham, Independence, and Washington.

Fanthorpe's to Crockett, via McGuffin's, Huntsville, and Cincinnati.

Fanthorpe's to Huntsville, via Rusk, Jacob Shannon's, Montgomery, Lone Oak, and Collard's.

Crockett to San Augustine, via Masters', Mount Airy, Douglass, Nacogdoches, Melrose, and Flournoy's.

San Augustine to Sabine Town, via Milam.

Nacogdoches to Marshall, via Wm. Wooten's, and Henderson and Hiram Walker's.

San Augustine to Marshall, via Shelbyville, Hilliard's, Mount Mourn, and Parry's.

Marshall to Boston, via Daingerfield, and Weaver's.

Boston to Bonham, via DeKalb, Savannah, Clarksville, Blossom Prairie, Paris, and Honey Grove.

Austin to Columbus, via Smithwick's, Bastrop, Mount Pleasant, Cunningham's, Miller's, La Grange, and Frail's [Frels'] on Cummings' Creek.

Columbus to Matagorda, via Egypt, Peach Creek, Preston, and Caney.

established at the house of B. F. Burke at Lone Oak on said road. (Gammel, *Laws of Texas*, II, 972.)

<sup>2</sup>Gammel, *Laws of Texas*, II, 831.

Columbia to Galveston, via Hines', Brown's, Liverpool, and Virginia Point.

Velasco to San Felipe, via Brazoria, Columbia, Orozimbo, Big Creek, and Richmond.

San Felipe to Franklin, via Bostwick's Crossing, Travis, Cedar Creek, Washington, Boonville, and Wheelock's.

Franklin to Dallas, via Alta Springs, Parker's Point, Melton's, and Chambers' Creek.

Dallas to Bonham, via M'Garrah's.

Fanthorpe's to Crockett, via Mitchell's, Leona Mills, Alabama, and Mustang Prairie.

Crockett to Fort Houston, via Pettett's.

Washington to Houston, via Arnold's.

Houston to Galveston, via Lynchburg.

Houston to Egypt, via Hodge's Bend, Richmond, and Damon's Mill.

Egypt to Victoria, via Texana.

Independence to Franklin, via Mound Prairie, Caldwell, Dillard's, and Nashville.

Galveston to Swartwout, via Chambersia, and Liberty.

Huntsville to Jasper, via Rankin's, Swartwout, Criswell's Hooker's, Ratcliff's, and Town Bluff.

Jasper to Sabine Town, via Williams' on Cow Creek.

Point Bolivar to Patillo's, via David Garner's, and Beaumont.

Matagorda to Port Caballo, via Matagorda Bay.

Port Lavaca to Gonzales, via Victoria and Cuero.

Clarksville to Fort Towson, U. S.

Boston to Fulton, U. S., via Moorsville.

Montgomery to Houston, via Jacob Croft's on Spring Creek.

Marshall to Greenwood, U. S., via Port Caddo.

Sabine Town to McClannahan's, U. S.<sup>3</sup>

Contracts on these routes were to hold from April 1, 1845, to April 1, 1846. This same law provided for the appointment of an agent in New Orleans to assort and forward all letters addressed to Texas. He was to be paid \$150 a year for his trouble and expense.

The sixth section of this act provided for a post-office at Corpus

<sup>3</sup>Gammel, *Laws of Texas*, II, 1096-1098.

Christi, and instructed the postmaster at Galveston to forward by water (when an opportunity occurred) all mail for Corpus Christi, and to collect five cents extra on letters so forwarded. A route was also established from Galveston to Matagorda, via San Luis and Velasco, and contracts let as for the other routes.<sup>4</sup>

In June, 1845, a route was established from San Antonio to Laredo; and another from Corpus Christi to Point Isabel.<sup>5</sup> At the same time, the secretary of state was empowered to establish a route from Galveston to New Orleans and to contract with any Texan vessel plying between these ports to carry the mail, provided the cost did not exceed one-half the tonnage duties on the vessel.<sup>6</sup>

The above routes were in operation when annexation was completed and the postmaster-general at Washington, D. C., assumed control of the postal system of Texas.

### *Annual Reports*

From the reports submitted by the postmasters at the different offices and from the reports of the postmaster-general, some estimate can be formed of the volume of business transacted. The reports for all years, however, are not available, and many of those that are available are so incomplete that it is difficult to get a clear conception of the system with its workings and income. Hence, no attempt is made to give all the reports, but some representative ones are used to show the volume of postal business.

On October 29, 1840, the postmaster-general filed a report with President Lamar showing the receipts of the post-office department, and offered a number of suggestions for the improvement of the service. The income for the year 1839 is given in this report as \$12,512.84. The income for the first three quarters of 1840 was \$11,640.31. During this period a number of outstanding accounts were collected, making the total cash received \$16,810.54. The expenditures for the first three quarters of 1840 were \$75,422.01. It is evident from this report that there was much irregularity in reporting and remitting by the different postmasters.

<sup>4</sup>Gammel, *Laws of Texas*, II, 1099.

<sup>5</sup>*Ibid.*, II, 1204.

<sup>6</sup>*Ibid.*, II, 1212.

Judging from the recommendation made to President Lamar, the entire system was in need of much improvement. Mr. Jones states: (1) That there was great need of mail bags and mail locks, that these had been ordered from New Orleans several months before and the order not filled; (2) that a number of routes had been consolidated because the carriers for different routes traveled for long distances over the same road; (3) that a number of offices had been discontinued because the income was not sufficient to keep them in operation; (4) that legal proceedings had been instituted against several postmasters in order to collect outstanding accounts.

This report, with its suggestions and recommendations, was referred to the committee on post-offices and post-roads, and on November 30, 1840, this committee made its report to Congress approving the recommendations made by the postmaster-general. The following are the most important recommendations: (1) That the existing rates and charges of postage be doubled, which increase owing to the depreciation of the currency would be but slightly more than they were in reality a year ago, and would be generally less than the rates now charged in the United States. (2) That the commissions now allowed postmasters be reduced one-half, excepting the postmasters at Austin, Houston, and Galveston. (3) That any office yielding less than twenty dollars per quarter after the first quarter be discontinued. (4) That no offices be established or permitted within less than twelve miles of each other. (5) That printers and publishers be required by law to put up their papers and packages in substantial wrappers or envelopes, left open at one end, and the whole securely tied with strong twine. (6) That postmasters be required by law to collect postage on newspapers for each quarter in advance. (7) That the postmaster-general be authorized to prosecute persons who made proposals for carrying the mail, and afterwards refused to enter into contract under the bid accepted by the department, for the difference between the bid so accepted and the sum for which contracts shall afterwards be made in the same cases. (8) That the postmaster-general be authorized to contract hereafter for payment of dues of the department in par money, or in promissory notes at his option. (9) That no semi-weekly mails be allowed in the Republic, except between Austin and Houston

and Galveston, during the session of Congress only. (10) That provision be made to compel prompt delivery of all letters carried by boats plying on the waters of the Republic and that the postage on ship letters be increased.<sup>7</sup>

The postmaster-general's report for the year ending March 31, 1841, gives the following receipts from postage<sup>8</sup>:

Quarter ending June 30, 1840.....	\$ 908.75
Quarter ending September 30, 1840.....	1,032.92
Quarter ending December 31, 1840.....	340.00
Quarter ending March 31, 1841.....	181.11

The most complete report, and in fact the only one in which the system of bookkeeping is clearly comprehensible, is that of Dan T. Toler, chief clerk, to Anson Jones, secretary of state. This report is dated December 2, 1844, and it shows the following things: (1) Quarterly returns from each post-office from October 1, 1843, to September 30, 1844. (2) Appointments of postmasters. (3) Cost of mail transportation, under contract from March 1, 1844, to April 1, 1845. (4) Foreign mail transportation. (5) Comparative statement of revenue of various offices from October 1, 1843, to September 30, 1844.

Ninety-eight post-offices reported for the fourth quarter of 1843 and the first three quarters of 1844. A few of the larger ones are given to show the volume of business transacted:

Post-office and Postmaster.	Fourth quarter, 1843	First quarter, 1844	Second quarter, 1844	Third quarter, 1844
San Felipe—J. Hillyard....	\$ 7.25	\$ 19.85	\$ 7.72	\$ 12.64
San Antonio—J. W. Smith..	39.37	39.61	27.93	53.81
La Grange—A. L. Vail.....	63.54	71.77	51.07	51.28
Houston—M. K. Snell.....	222.45	161.81	67.54	67.45
Beaumont—W. P. Herring..	3.19	1.38	.....	.....
Paris—J. Long .....	3.33	3.33	1.80	17.41
Matagorda—G. W. Ward...	93.90	101.52	70.28	68.89
Huntsville—A. McDonald...	31.62	37.85	29.50	29.13
Nacogdoches—A. Sterne ...	24.73	44.12	38.81	20.77

<sup>7</sup>House Journals, Fifth Congress, 1840-41.

<sup>8</sup>Report of Postmaster-General Jones for 1840-1841. MS., State Library.

	Fourth quarter, 1843	First quarter, 1844	Second quarter, 1844	Third quarter, 1844
Post-Office and Postmaster.				
Austin—H. G. Catlett.....	\$ 24.17	\$ 9.48	\$23.99	\$ 6.47
Victoria—J. A. Moody.....	27.15	23.62	34.62	26.39
Washington—W. D. Miller..	52.08	63.99	68.61	60.62

The total receipts from the ninety-eight post-offices reporting were as follows:

Fourth quarter, 1843.....	\$1,234.70
First quarter, 1844.....	1,363.49
Second quarter, 1844.....	1,123.01
Third quarter, 1844.....	1,157.44

The postmasters appointed and commissioned from October 1, 1843, to December 2, 1844, were:

Postmaster and Post-office.	Date of Commission.
S. M. Flournoy—Flournoy's.....	November 8, 1843.
L. L. Chiles—Caldwell.....	December 11, 1843.
M. P. Norton—Houston.....	January 1, 1844.
J. A. Miller—Ingram's Prairie.....	January 25, 1844.
C. J. Birdsall—Fanthorp's.....	February 14, 1844.
O. Earll—Columbus .....	February 3, 1844.
D. P. Penn—Penn's.....	February 3, 1844.
H. G. Catlett—Austin.....	February 5, 1844.
A. L. Vail—La Grange.....	February 25, 1844.
C. Wilcox—Anahuac .....	April 6, 1844.
E. D. Little—Cedar Creek.....	April 11, 1844.
J. Ralston—Brenham .....	May 18, 1844.
C. A. Betts—Peach Creek.....	June 10, 1844.
B. B. Peck—Gonzales.....	June 15, 1844.
A. M. Crooks—Clarksville.....	June 23, 1844.
T. Dillard—Dillard's.....	June 30, 1844.
J. W. Dabbs—Boston.....	July 1, 1844.
W. W. Buster—Mt. Vernon.....	July 6, 1844.
W. Boyles—Boonville.....	July 6, 1844.
J. Long—Paris.....	July 8, 1844.
C. Beache—Beache's.....	July 18, 1844.



Postmaster and Post-office.	Date of Commission.
R. K. Ratcliff—Wolf Creek.....	August 24, 1844.
Casey Askew—Marshall.....	September 4, 1844.
A. J. Denson—Mount Pleasant.....	September 4, 1844.
A. D. Kellam—Kellam's Mills.....	September 4, 1844.
T. Criswell—Criswell's.....	September 4, 1844.
W. H. Cobb—Port Caddo.....	September 4, 1844.
B. F. Thomason—Loneoak.....	September 4, 1844.
J. B. Harris—Fanthorp's.....	September 21, 1844.
M. K. Snell—Houston.....	October 1, 1844.
W. Conway—Damon's Mills.....	October 15, 1844.
D. W. C. Vary—Alta Springs.....	October 15, 1844.
P. H. Hays—Europe.....	October 21, 1844.
A. Vannoy—Golden Drain.....	October 23, 1844.
E. Melton—Melton's.....	October 29, 1844.
Thos. I. Smith—Chambers' Creek.....	November 5, 1844.
J. D. Smith—Parker's Point.....	November 5, 1844.
W. D. Miller—Washington.....	November 11, 1844.
P. H. Petty—Preston.....	November 23, 1844.

The cost of transporting the mail from March 1, 1844, to April 1, 1845, thirteen months, was as follows:

Route.	Contractor.	Amount of contract.	Distance in miles.	Rate per mile.
1.	Thos. G. Masterson.....	\$1,440.00	180	\$ 8.00
2.	W. B. Goodman.....	1,050.00	105	10.00
3.	Andrew Miller .....	679.00	97	7.00
4.	N. H. Darnell.....	300.00	30	10.00
5.	Andrew Miller .....	609.00	87	7.00
6.	Andrew Miller .....	700.00	100	7.00
7.	Jacob McFarland .....	900.00	90	10.00
8.	Jacob McFarland .....	1,210.00	121	10.00
9.	Jacob McFarland .....	380.00	38	10.00
10.	Andrew Miller .....	175.00	25	7.00
11.	John Hamilton .....	600.00	60	10.00
12.	Hamilton & Laird.....	840.00	100	8.40
13.	Hamilton & Laird.....	420.00	50	8.40
14.	Charles Smith .....	848.00	100	8.48

Route.	Contractor.	Amount of contract.	Distance in miles.	Rate per mile.
15.	Thos. G. Masterson.....	\$ 1,099.00	133	\$ 8.26
16.	Thos. G. Masterson.....	750.00	90	8.33
17.	Stephen Tichenor .....	400.00	80	5.00
18.	J. F. Brown.....	1,122.55	65	17.27
19.	Thos. G. Masterson.....	830.00	105	7.90
20.	Thos. G. Masterson.....	842.00	100	8.42
21.	John Craddock .....	400.00	59	6.77
22.	R. H. Grimes.....	812.00	100	8.12
23.	Harvey Kendrick .....	700.00	90	7.77
		\$17,106.55	2,005	

Average cost per mile \$ 8.53

The disbursements for incoming foreign mail paid by R. D. Johnson, postmaster at Galveston, from October 1, 1843, to September 30, 1844, were:

Fourth quarter, 1843.....	\$ 76.27
First quarter, 1844.....	140.54
Second quarter, 1844.....	131.00
Third quarter, 1844.....	88.00
\$435.81 <sup>o</sup>	

This brief study of the postal system of Texas during the Republic shows a crude organization, but one that served a purpose and laid the foundation for a better system. The country was new, roads were poor, distances were great, and money was scarce. But all these difficulties were surmounted, for communication was a necessity. The extension of the service is an index of the settlement and development of the country.

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\*An itemized statement of these disbursements may be found in *House Journal, Ninth Congress*, Appendix, 35-46. All matters under the heading of Annual Reports are found on pages 35-43 of *House Journals, 7-9 Congress*, Appendix, State Library.

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## COLONEL JOHN MARSHALL

W. S. OLDHAM

The following sketch is not written entirely from my personal recollections of Colonel Marshall. When I knew him I was merely a gawk of a boy, while he was a mature man. I was often in his office and listened to his conversations with friends on the political and other topics of the day, and I recognized that he was a very entertaining talker, but I did not fully appreciate his scholarly attainments, his erudition and his great mental endowments. I obtained my data principally from various conversations that I had in years gone by with three of his personal friends and political associates, to wit: James P. Henderson, of Houston, and Francis R. Lubbock, and William M. Walton, of Austin. All three were capable, reliable, prominent, intellectual gentlemen. The first two were governors of the State; the third, Colonel Walton, now living in Austin, was attorney general of the State and has long been recognized as one of the most learned lawyers and polished orators of Texas.—Author's note, Austin, Texas, March 24, 1913.

Colonel John Marshall was born in Virginia, where he grew to manhood, then he concluded to make his home in and grow up with the young State of Mississippi. He married Miss Anna P. Newman in 1850, daughter of a wealthy cotton planter of Jefferson County, Mississippi. They had three children; two of them survived their parents. The daughter, Clara, became the wife of this writer in 1873. The son, Hudson B. Marshall, is now a citizen of Austin, and has a picturesque mountain farm near the city, and is a recognized authority on Angora goats and bee culture.

Little is known about Colonel Marshall's life prior to his moving to Mississippi. He was a silent man concerning matters which touched him personally, and his private affairs or early life history was known only to those who were his most intimate and confidential friends.

Before coming to Texas he lived at Jackson, Mississippi, and edited *The Mississippian*. He was the friend and compeer of Jefferson Davis, John A. Quitman, the Yergers, Guions, Sharkies, George and other noted men of that day and time.

In 1852 he determined to make Texas his future home. He

located at Austin and purchased a half interest in the *State Gazette*.<sup>1</sup> The father of the writer owned a half interest in that paper from 1855<sup>2</sup> to 1858, but Colonel Marshall was the principal editor, and an aggressive editor he made.

I remember that he was rather an undersized man, about five feet seven inches high, spare made, fair complexion, aquiline features and an eye like an eagle's. He dressed always in black, and his attire was as neat as that of a Bulwer-Lytton. He was of quick, energetic motion and action; was very temperate in his habits, both eating and drinking; he never touched liquor of any kind. He always rose at daylight and made his way to the river, where he took a plunge every morning, winter and summer. He never indulged in the sport of fishing or hunting, but was strictly business all the time. He was very cordial in his friendships, but rather exclusive. He was a gentleman of courtesy even in his maddest humor, and he did not master his temper like a Socrates.

<sup>1</sup>Colonel Marshall did not come to Texas until 1854 as following extracts from the *State Gazette* will indicate. The *Gazette* of May 27, 1854, gives notice that John Marshall has purchased the interest of J. W. Hampton; he did not assume control until two months later.—EDITORS.

"The present number closes my connection with the *Gazette*. I have disposed of my interest in the office to Gen. John Marshall, formerly editor of the *Mississippian* at Jackson, Mississippi, and the paper will in future be conducted by Messrs. Marshall & Scurry, as editors and proprietors."—(*State Gazette*, May 27, 1854, volume 5, number 40.)

"As Gen. Marshall will be absent from the city for a few weeks in the transaction of business connected with the office, Mr. Hampton will continue at his post until the return of his successor."—(*Ibid.*, May 27, 1854.)

"Having commenced in this number our Editorial duties, we return our sincere thanks to the press generally in this and other States, for the generous, if too flattering, marks of their favor. Our Democratic antecedents being well known, we have only to say that we shall endeavor to make the *Gazette* worthy of its position and patronage throughout the State. John Marshall."—(*Ibid.*, July 29, 1854.)

<sup>2</sup>Williamson S. Oldham's connection with the *State Gazette* dates from August, 1854, only a few months after Colonel Marshall had purchased J. W. Hampton's interest.—EDITORS.

"With this issue, my connection with the *Gazette* ceases . . . W. R. Scurry."—(*State Gazette*, August 19, 1854, volume 5, number 52.)

"Having purchased the interest of Major Scurry in the *State Gazette*, I shall, for the future, be associated with the editorial control . . . W. S. Oldham."—(*Ibid.*, August 19, 1854.)

"My connection with the *State Gazette* will not change its political complexion. Being a Democrat of the strictest sect, I conceive the only safeguard of the rights of the States is in a strict adherence, by the general government, to the powers specifically delegated by the constitution, and those absolutely necessary to carry into effect those delegated powers."—(Oldham's *Salutatory*, *Ibid.*, August 19, 1854.)

He had one peculiarity that is common to many studious and thoughtful men, that frequently caused him embarrassment and his friends some amusement. He was very absent minded. When engrossed in thought upon any question or subject matter, his whole mind was concentrated on that subject and he was oblivious of all surroundings. On one occasion, on a bright summer day, he rose suddenly from his writing desk at his office and started off in a brisk walk down to the city. He had proceeded the distance of a little more than a block when he met a friend who asked him, "Where is your hat?" He reached up and discovered that he was bare-headed. He was an excellent Latin scholar and could read and write Spanish, though he did not speak the language. After coming to Texas he read law and obtained his license as an attorney from the supreme court, not, however, for the purpose of practicing that profession, but, like Lord Macaulay, he thought it was the duty of every gentleman to gain a knowledge of the laws of his country. He was not religious, but was classed as a moral man, yet when excited and wrought up, while expressing his feelings, he would at times italicize his remarks with very emphatic cuss words.

I remember a favorite saddle horse he owned. That horse seemed to be his greatest joy. It was the largest I ever saw, and the fastest pacer and the ugliest brute. It would not be a great exaggeration to say it was a perfect camel of a horse, and yet he was as proud of that beast as a little tot of her first Christmas doll. Another peculiarity of his I will mention, though some may doubt the truthfulness of my statement. I have read letters written by him to his wife when he was absent from home, and the tender expressions and affectionate utterances therein contained proved conclusively that though married he had not ceased to be a devoted lover.

When Colonel Marshall commenced his career at Austin, he did not climb by slow degrees the ladder that led to his enviable position, but seemingly almost at a single bound he reached the head and front of the Democratic party and held that place until the war of 1861 commenced. It was his prerogative almost from the beginning to ride upon the whirlwind and direct the storm of political commotion, to sit in the high place of power, or rather influence, and mould the destiny of Texas Democracy. His paper

was the organ, the monitor, of that party until the war began, when he laid down his pen and took up his sword. It was Marshall who caused the convening of the first State Democratic convention in Texas.<sup>3</sup> It met at Waco in 1857, and nominated as its candidate for governor Hardin R. Runnels to oppose Sam Houston, who was the leader and candidate of the Know Nothing or American party. And the strenuous opposition, and the crushing, blasting denunciations of the *State Gazette*, more than any other cause or causes, procured the defeat of General Houston on that occasion, and made the hero of San Jacinto ever afterwards hate John Marshall with all the intensity with which the "devil hates holy water."

Colonel Marshall was an accomplished man. His mind was a vast magazine admirably arranged. Everything was there, and everything was in its place. His judgment on men and on books had been often and carefully tested and weighed, and had been committed each to its proper receptacle in the most capacious and accurately constructed memory. One could hardly ask for anything in history, biography or general literature that could not be found in that immense storehouse of knowledge. The article which you required was not only there; it was ready; it was in its own proper compartment; in a moment it was brought down, unpacked and displayed. He was a charming conversationalist, and he shone to best advantage when seated with only one or two friends, with whom he would squander at times wit and pleasantry with the profusion of Rabelais. In his editorials reason penetrated and, if I may venture on the expression, made the subject matter red hot with passion. He was not an orator but a writer; he let fall lightning strokes that blazed with fury, and logic that fell all around a subject or individual, if an individual was the object of attack. He knew how to illuminate what was dark in a question by throwing upon it a condensed light, and he seemed to be able to penetrate the human heart and to reveal the secret motives which actuated the conduct of men and expose

<sup>3</sup>Democratic conventions met in Texas in 1846, 1848, 1852, 1853, 1854, 1855, and 1856. Up to 1885 the action of the conventions was limited to the adoption of platforms. The one of 1856 nominated candidates for treasurer, comptroller, and attorney-general. The one of 1857 was the first to nominate candidates for governor, lieutenant-governor, and commissioner of the general land office.—EDITORS.

them without mercy. In his editorials his witty epigrams were flashing and bright; his ridicule was terrible. His sarcasm, like that of John Randolph of Roanoke, was withering. He was a holy terror to political demagogues and frauds. If, instead of living in the far away sparsely settled State of Texas, his home had been in one of the great cities of the Union, his fame as a writer would have been rivaled only by such men as Horace Greeley of New York, George D. Prentice of Louisville, and William L. Yancey of Alabama.

During our present advanced day of enlightenment, you know, if one feels that he has been libeled or outraged by a newspaper, he calls upon the editor for an apology. Promptly in the next issue of the paper the apology is printed in small type and placed down in the southeast corner of an advertising page, and the trouble is amicably settled. But in those days—as some would say, semi-civilized days—those days that I am writing about, editors did not confine their fighting to paper and lead pencils, but they were often called upon to back their editorials with the dueling pistol or revolver, and they generally cheerfully responded. On one occasion Colonel Marshall and Judge A. B. Norton, who edited the *Southern Intelligencer*, had reached the pistol stage of their controversy. They could not fight a regular duel in Texas, as that under the law would disfranchise them, but a duel must be fought, honor demanded it; their friends expected it. So they agreed to meet at Tallequah, in the Indian Territory. It was a terrible trip in those days; no railroads, no automobiles, no turnpike roads, and no bridges spanned the many streams. Colonel Marshall reached the place where they agreed to argue their case with dueling pistols, and spent one day on the intended battleground, but Judge Norton was arrested at Bonham, Texas, on the border of the State, and the duel prevented.

On another occasion Colonel Marshall and one Dr. Phillips, a prominent citizen of Austin, appealed from the newspaper controversy to the gage of battle. They had a street fight on Congress Avenue, between Seventh and Eighth Streets. On that occasion Marshall showed the gallantry and chivalry of a knight of the Crusades—the politeness of a Chesterfield. With his pistol pointed in the air, he received the first two shots from Dr. Phillips, while he, Marshall, tipped his hat to a woman who was passing,



possibly in range, and waited until she passed to safety. Then they advanced from opposite sides of the Avenue, firing as they came. They emptied their revolvers; then shot their Derringers; then like Homer's Trojan heroes they picked up rocks and hurled them at each other until a huge, lone constable, a Mr. McAnally, reached them, seized each combatant by the collar and held him at arm's length until a crowd rushed up and separated them. Fortunately neither gentleman was seriously injured; but they were both very willing souls.

When the Civil War commenced, Colonel Marshall did not adopt the course pursued by the majority of editors—remain at home and with his "gray goose quill" stir up the patriotism of others and urge them to the front—but he said, "He wished to defend with the sword the principles he advocated with his pen."

As stated before, when he lived in Mississippi, he had been a personal friend and political supporter of Jefferson Davis; so he went to Richmond, stated his wishes to President Davis, who promptly appointed him lieutenant-colonel of the Fourth Texas Infantry. John B. Hood was colonel. Soon Hood was promoted to the rank of brigadier general, and Marshall became colonel of the regiment. He had no opportunity to prove that he possessed any military talent, as his duties consisted merely in executing the general routine of camp life, such as drilling, guard mounting, dress parade and occasional marching. I heard of an amusing incident that occurred during one of those marches. On a cold, frosty morning the command reached a wide stream; there was neither boat nor bridge; the men halted. Colonel Marshall rode up to the front and asked, "Why this halt?" Someone answered, "How are we to cross this stream?" He replied, "What! Are you willing to face Federal bullets, yet afraid of a little cold water? Forward!" The boys still hesitated, and one yelled out, "Colonel, suppose you get down and lead us across, and see how you like it yourself." He immediately sprang from his horse, handed his bridle rein to the adjutant, and walked into the water waist deep and said, "Follow me." This settled the cold water question; the men gave him a rousing cheer and rushed after him.

Like the heroic Warren at Bunker Hill, Marshall was killed in his first battle, in the seven days' fight around Richmond, June,

1862. In that series of engagements, Gaines' Mill was the key to the enemy's lines. If that was lost, all would be lost. It was fortified with a double row of earthen breastwork, that bristled with Enfield rifles and frowned with both heavy and light artillery. Here two Confederate brigades had been repulsed. Hood's Texas Brigade was then ordered to storm the position, which they did successfully, but the Fourth Texas lost fully half its members in killed and wounded. Colonel Marshall, who refused to dismount from his horse and go into the charge on foot, as other field officers did, was among the slain, shot through the forehead. Generals Lee and T. J. Jackson rode over the ground shortly afterwards and, while viewing the havoc made by the guns of the foe, Jackson exclaimed, "These men were truly soldiers." Colonel Marshall was buried in the cemetery at Richmond.

Thus this man with knightliest head and tenderest heart, with harness on, with crest that was never lowered and escutcheon that never knew a stain, became a martyr while defending with his sword the cause he so ably advocated with his pen. And when the spirit of that gallant man winged its flight to the great beyond, it could be truly said of him, that he was an admirable type of the Old South—a man, who in life had never turned his back on a friend, or failed to face a foe.

DON CARLOS BARRETT<sup>1</sup>

EUGENE C. BARKER

Of the early life of Don Carlos Barrett—Don is a name, not a title—little is known. He was born, the eldest son of Jonathan and Elizabeth Murdock Barrett, at Norwich, Vermont, June 22, 1788. At Natchez, Mississippi, he married Lucy Walton, in 1810, who also was born in Norwich, in 1793. Of this marriage one child, Oliver Barrett, was born, August 29, 1811. Some years later, probably in the early twenties, though this date, too, is uncertain, he married Mrs. Eliza De Cressey Smith, whom he had met in New York City, and with her he lived for a time at Wilkesbarre, Pennsylvania.<sup>2</sup> Of this marriage there were four children, one of whom, Mrs. Emily Wight Tillinghast, was still living in 1913, at Clearwater, California. In 1820 he was licensed to practice law in the Court of Quarter Sessions of Luzerne County, Pennsylvania, and in 1827 was admitted to practice in the Supreme Court of Western Pennsylvania, sitting at Pittsburgh.<sup>3</sup> It is said that Robert C. Grier, later Justice of the Supreme Court of the United States, conducted his bar examination.

Barrett's Texas career began, so far as this sketch is concerned, on April 13, 1835, when he took the oath of allegiance before Samuel Wolfenberger, alcalde of the municipality of Mina, and became a citizen of Coahuila and Texas. He had apparently arrived in Texas but a few weeks before, for among his papers are

<sup>1</sup>This sketch was written several years ago at the request of Mrs. Mary Ligon Christensen, then of Wichita Falls, Texas, and was intended to appear in a biographical volume edited by Mrs. S. J. Wright for the Texas Federation of Women's Clubs. This volume has not yet appeared, and since the sketch adds somewhat to our knowledge of a man who played no mean part in the legislative history of the Texas revolution, it is here presented in *THE QUARTERLY*. Besides the Journals of the Consultation and of the General Council of the Provisional Government, I have been permitted to use some interesting manuscripts in the possession of Mr. B. D. Tillinghast of McDonald, Pennsylvania, transcripts of which are now through his courtesy to be found in the State Library. Documents here cited, unless otherwise stated, are in this collection. Mr. Tillinghast and Mrs. Christensen are great-grandchildren of Barrett by different marriages.

<sup>2</sup>This information is furnished by Mrs. Christensen. It does not appear to be based on documentary sources.

<sup>3</sup>Mr. Tillinghast says (in a letter to Mrs. Christensen, May 23, 1913) that he has these licenses in his possession. I have not seen copies.

a letter of introduction dated New Orleans, February 23, 1835, which he brought to Colonel Ben Milam, and one from Spencer H. Jack to Colonel John P. Coles, dated San Felipe, March 28. In his letter Jack says that Barrett was introduced to him by Thomas F. McKinney, and that he brought "high recommendations from some of the first men of the United States."<sup>4</sup>

At Mina, Barrett formed a law partnership with E. M. Pease, later twice governor of Texas. The two men had met in New Orleans, and came to Texas together.<sup>5</sup> Barrett sprang into immediate prominence. The revolution was rapidly approaching, the country was in confusion, and the frontier threatened by Indians. On May 8, the citizens of Mina elected a committee of safety and correspondence to look after the protection and general welfare of the community and to keep in touch with political movements in other districts of Texas. Barrett was president of the committee.<sup>6</sup> At the same time he is spoken of as one of the commissioners "for operating and improving the navigation of the Colorado River."<sup>7</sup> On July 4, a public meeting at Mina expressed confidence in all the acts of the committee of safety, voted to continue it "with all its powers," and appointed Barrett one of a special committee to correspond with the ayuntamientos of the Department of the Brazos with a view to quieting the rising excitement and avoiding a breach with the government. One of the suggestions of the special committee was that each municipality should send delegates to San Felipe to form a representative executive committee for the whole province.<sup>8</sup> A nucleus of such an assembly met at San Felipe two weeks later, including representatives from Columbia, San Felipe, and Mina. Barrett was the sole representative from Mina.<sup>9</sup> This joint committee, in the hope of averting the threatened invasion of Texas by Mexican troops, determined to prepare a clear statement of the local situation, assuring the government of the loyalty of the great majority of the colonists, and send it to

<sup>4</sup>The documents mentioned in this paragraph are among the transcripts in the State Library.

<sup>5</sup>E. M. Pease to Mrs. Eliza C. Barrett, June 18, 1838.

<sup>6</sup>Wolfenberger to Barrett, July 10, 1835.

<sup>7</sup>Ira Ingram to Barrett, May 6, 1835.

<sup>8</sup>*Texas Republican*, July 18, 1835.

<sup>9</sup>Committees of Columbia, San Felipe, and Mina to Colonel Ugartechea, July 17, 1835. MS., Texas State Library.

General Cos at Matamoras. For this important mission the committee selected Barrett and Edward Gritten, an Englishman who had long resided in Mexico, and who was sincerely exerting himself to bring about a closer understanding between the colonists and the government. The mission was abandoned at San Antonio because at that place Colonel Ugartechea showed the commissioners a letter from General Cos, saying that he would not listen to any talk of loyalty from the Texans until they surrendered to the military authorities certain colonists whose arrest he had ordered and whom the Texans had no intention of giving up. Barrett returned to San Felipe, while Gritten remained at San Antonio and gathered valuable information for the Texans concerning the movements of the Mexicans.<sup>10</sup> A hint of the important influence that Barrett had gained over the people of Mina can be gathered from a letter written to him at San Felipe on September 15, by E. M. Pease: "I hope, in fact it is absolutely necessary, that you should return as soon as possible, or I fear that the people of this municipality will soon be as much divided and distracted as any in Texas. There is a disposition among the majority here to do what is right, but for want of some one of sufficient firmness and talent to 'go ahead,' Williamson<sup>11</sup> browbeats them into his views."

During August and September, 1835, the most important local political measure in Texas was the calling of a general convention and the election of delegates thereto. Each municipality was entitled to seven representatives, and the meeting was fixed for October 15. Partly because of uncertainty as to whether the meeting was to be at San Felipe or at Washington, and partly because the war had begun on October 2, and many of the delegates had joined the army, no quorum was obtained until November 3. Barrett was one of the delegates from Mina. The first question, of fundamental importance, that this assembly—it called itself "the Consultation"—had to settle, was whether or not Texas should declare itself independent of Mexico. Barrett believed that a declaration of independence would unite the whole Mexican people against Texas, whereas a declaration that the Texans were fighting in defense of the constitution of 1824, which Santa Anna had

<sup>10</sup>See "James H. C. Miller and Edward Gritten," by the writer, in *THE QUARTERLY*, XIII, 145-153.

<sup>11</sup>R. M. Williamson, a prominent member of the war party.

overthrown, might draw some of the Liberal party of Mexico to their support. This view was shared by Stephen F. Austin, General Sam Houston, and the majority of the Consultation, which, on November 7, adopted a declaration saying that the Texans had taken up arms to defend the constitution. A careful analysis of this document shows that Barrett had a good deal to do with shaping both its form and its contents.<sup>12</sup> At the same time a committee of twelve, composed of one member from each municipality represented in the Consultation, was drafting a "Plan" or constitution for a provisional government. The report of this committee was referred on November 9 to a select committee of five, consisting of Barrett (chairman), Wyatt, Hanks, R. M. Williamson, Daniel Parker and Lorenzo de Zavala; and the next day the Consultation in committee of the whole decided to adopt "the report of the committee of five, as the basis whereon to report the plan of a provisional government for Texas."<sup>13</sup> As amended by the Consultation this plan provided for the organization of a regular army and a provisional, or temporary, civil government. The government was to consist of a Governor, Lieutenant-Governor, and a General Council, all elected by the Consultation. The General Council was composed of one delegate from each municipality in Texas, and Barrett was elected to represent his district.<sup>14</sup> Henry Smith, formerly political chief of the Department of the Brazos, and chairman of the committee whose report on the plan of provisional government had been rejected in favor of the draft presented by Barrett's committee, was elected governor.

The Consultation adjourned and the provisional government went into operation on November 14. From the first Barrett assumed a conspicuous place in the General Council. He was chairman of the standing committee on State and Judiciary, and, first and last, was chairman of, or served on, more than a score of other committees during the session. A large proportion of the eighty-three laws and resolutions passed by the Council were introduced by him; and a glance through the journal of that body will reveal

<sup>12</sup>For such an analysis, see, by the writer, "The Texan Declaration of Causes for Taking up Arms Against Mexico," in *THE QUARTERLY*, XV, 173-185.

<sup>13</sup>*Journals of the Consultation*, 30-31.

<sup>14</sup>*Ibid.*, 37.

rather strikingly his activity and influence in its deliberations. He had the confidence of Austin, and letters in the possession of Mr. Tillinghast show that as late as January 2, 1836, he was on cordial—indeed, somewhat intimate,—terms with General Houston.

Of Barrett's private life and interest in Texas, at this time, we know next to nothing. That he had some enemies is clear. E. M. Pease, writing from Mina on September 15, 1835, referred to things that had been said and done there against Barrett by certain "envious and malicious rascals." "Your return amongst us will set matters right and nothing else will." On December 11, the General Council elected him judge advocate general of the army,<sup>15</sup> and this precipitated on the 17th a vicious attack upon him by Governor Smith, who vetoed his appointment. Among other things he charged that Barrett had forged an attorney's license in North Carolina, that he had taken fees on both sides of a case, that he had passed counterfeit money knowingly, and that he had embezzled the money provided for his and Gritten's mission to Cos the preceding July. He declared his willingness to prove these charges,<sup>16</sup> but the Council said that it had no jurisdiction to investigate the four just enumerated, while two that did fall within its province it repelled as untrue.<sup>17</sup> At the same time it denied the governor's right to veto the appointment. We have no direct evidence to rebut Governor Smith's charges, but concerning the first it may be remembered that Barrett was certainly a regularly licensed attorney in Pennsylvania, and concerning the others, that he still enjoyed the confidence of Austin, Houston, and his associates in the Council. The governor had no patience with the Council's policy of trying to win the support of the Mexican Liberal party, and probably resented Barrett's influence in maintaining that policy.

On January 11, 1836, Governor Smith, in a message filled with denunciation, declared the Council dissolved; and the Council replied by deposing the governor. Probably both acted without

<sup>15</sup>*Journal of the General Council*, etc., 146.

<sup>16</sup>The charges, says Yoakum (*History of Texas*, II, 45), were read in secret session on December 20. They do not appear in the *Journal*. Yoakum had access to Smith's original message, which is not now available. Brown, *History of Texas*, I, 449-450, quotes part of the message, but omits the charges against Barrett.

<sup>17</sup>*Journal of the General Council*, 199, 205.

authority, but the Council had somewhat the best of the quarrel, because it called the lieutenant-governor to assume the executive office and proceeded for a time with its business. Though the governor's message had mentioned no names it was apparently understood that some of its vituperation was intended for Barrett. If this is true, Barrett, so far as the public records show, conducted himself with dignity, and made no reply. The Council had, as we have seen, expressed confidence in him following the message on the 17th, and on January 24th, seven members, in the absence of a quorum, signed a strong testimonial to his ability and usefulness: "He has been one of the leading members of the Consultation and General Council and has been industrious and useful to the country. We do most sincerely recommend him as a gentleman of high order, talents and learning, a patriot and an honest politician."<sup>18</sup>

The unfortunate quarrel between the governor and the Council really destroyed the usefulness of both. The journal of the Council rarely shows the presence of a quorum after January 17. On February 15, Barrett asked to be excused from further attendance, and presented a certificate from a physician which declared that his "future health and even life" would be endangered "by longer confinement to public business at present." He was threatened, said the statement, "with confirmed dropsy of the legs, etc., the consequence of long, laborious employment in writing and other corresponding duties in the General Council."<sup>19</sup>

Early in April Barrett was in New Orleans, whence he went to Blue Sulphur Springs, Greenbrier County, Virginia. From that place a friend wrote on July 28, that he was still too ill to return to Texas.<sup>20</sup> In May, 1837, he was again in New Orleans, on his way to Texas, and obtained there a letter from General Mirabeau B. Lamar introducing him to Richard Ellis at Houston. Lamar spoke of him as "a gentleman of high literary and legal acquirements, whose name and labors are associated in all the important movements of the early period of our revolution." By August 26

<sup>18</sup>The original is in the hands of Mr. Tillinghast. It is signed by James W. Robinson, acting governor, John McMullin, president pro tem. of the General Council, J. D. Clements, Wyatt Hanks, G. W. Patillo, Alex. Thomson, and Thomas Barnett.

<sup>19</sup>*Journal of the General Council*, 255.

<sup>20</sup>S. Blackmon to David G. Burnet, July 28, 1836.



he was at Galveston.<sup>21</sup> Among his papers there is an itemized statement for salary as judge advocate general—the appointment which Governor Smith had vetoed,—rations, servants, etc., for \$880 for the five months from February 22 to July 22, 1836, though during most of that time he was, as we have seen, in the United States. It was evidently his intention to present this bill to the government, but whether or not he did so is uncertain. He died at the home of Colonel Hall, near Brazoria, May 19, 1838.<sup>22</sup> While in the United States, he had probably visited his family at Erie,<sup>23</sup> Pennsylvania, since his son George was with him when he died. E. M. Pease wrote that his estate was inventoried after his death at about \$140,000, of which land valued at \$56,000 was in litigation. Fifty-four thousand dollars was in the form of notes, and there were five slaves and a comfortable home at Quintana.

Yoakum and Brown have given publicity in their histories to Governor Smith's charges against Barrett, while the record of his faithful and valuable services during the early period of the revolution has for the most part been buried in the journals of the Consultation and of the General Council.

<sup>21</sup>Lamar to Ellis, May 8, 1837; Leigh to General R. G. Dunlap, August 26, 1837.

<sup>22</sup>E. M. Pease to Mrs. Barrett, June 18, 1838. "His disease was dropsy about the heart. I should not have been surprised if he had died at any time in the last two years, although he sometimes flattered himself with the hope of recovery. . . . I became acquainted with Colonel B. at New Orleans in January, 1835. I came to this country with him and continued with him as a partner in the practice of law, until his bad health induced him to visit the United States in the spring of 1836, while absent we corresponded occasionally and since his return to Texas our former intimacy has been renewed."

<sup>23</sup>That Erie was his home is shown by a letter signed R., dated June 14, 1836, and addressed to Barrett at Cincinnati. From the tone of the letter it seems likely that R. was Barrett's father-in-law. He says that Barrett's old homestead, "now in the hands of R. T. Reed," is worth a fortune, twenty or thirty thousand dollars.

## SAM HOUSTON AND WILLIAMSON SIMPSON OLDHAM

CONTRIBUTED BY E. W. WINKLER

In the gubernatorial campaign of 1857, Hardin R. Runnels, the nominee of the Democratic party, was opposed by Sam Houston, who ran as an independent. Williamson S. Oldham, one of the proprietors of the *Texas State Gazette*, the principal Democratic paper in the State, joined actively in the campaign that resulted in the election of Runnels. On several occasions he met Houston in joint debate; the discussions were not particularly conducive to friendship, however much they increased the respect of the participants for one another's ability. During the early days of the Secession Convention, Houston became reconciled to Oldham,<sup>1</sup> and their mutual respect ripened into friendship as is attested by the letters printed below. The originals of these letters are in possession of W. S. Oldham, of Austin, Texas, son of Williamson S. Oldham; they were copied by the undersigned. Excepting one sentence, the letters are in the handwriting of an amanuensis, but are signed by Sam Houston.

In a volume, entitled *Five Years in Texas*, by Thomas North, the writer describes a review of Colonel Moore's regiment by General Houston as witnessed by himself.<sup>2</sup> This anecdote is repeated by General Houston's latest biographer.<sup>3</sup> Who originated it is doubtful; it is attributed to Tom Ochiltree. North's claims as an eyewitness appear to be an unwarranted assumption.

During the first year of the war Colonel Moore had organized a splendid regiment of eleven hundred young men, volunteers mostly from Galveston,<sup>4</sup> finely equipped, of which Sam Houston, Jr., was a member. . . . It was as fine a regiment as went to the war from any section of the country. The Colonel was justly proud of them, and fond of exhibiting their superior drill and "dress" to the public, and particularly to old military men. . . . Before leaving the island for the seat of war the Colonel invited General Houston to review his regiment. Now Judge

<sup>1</sup>"Hon. Williamson S. Oldham," by E. Fontaine, in *De Bow's Review*, XXXVIII, 876.

<sup>2</sup>*Five Years in Texas; or What You Did Not Hear During the War*, . . . pp. 95-98.

<sup>3</sup>Williams, *Sam Houston and the War of Independence in Texas*, 367-70.

<sup>4</sup>Company F only was raised in Galveston County.

Campbell, of one of the judicial districts of Texas, and Williamson S. Oldham, member of the Confederate Congress, had been the old General's bitter enemies during the canvass on secession. They had followed him night and day through the State. On the day set for him to review and put the regiment through some military evolutions, the General was on hand at the hour and place. This called out a large concourse of people to witness the performance. . . . All eyes were now upon him, some of them dimmed with tears, and many a throat of soldier and spectator was choking down feeling unutterable—the writer with the rest. Not a word had yet passed the General's lips, but now the Colonel passed him his own sword and told him to proceed. Then came

“Shoulder arms.”

“Right about face.” The regiment now facing the rear, the General cried out in stentorian tones of sarcasm: “Do you see anything of Judge Campbell or Williamson S. Oldham there?” “No,” was the emphatic reply. “Well,” said the General, “they are not found at the front, nor even at the rear.”

“Right about; front face.”

“Eyes right. Do you see anything of Judge Campbell's son here?” “No, he has gone to Paris to school,” responded the regiment.

“Eyes left. Do you see anything of young Sam Houston here?”

“Yes,” was the thrilling response.

“Eyes front. Do you see anything of old Sam Houston here?”

By this time the climax of excitement was reached, and regiment and citizens together responded, in thunder tones, “Yes!” and then united in a triple round of three-times three and a tiger for the old hero. Thereupon he returned the Colonel his sword, with the remark, “There, Colonel, that will do, I leave you to manage the rest of the maneuvering,” and retired from dress parade.

That the incident set forth above is imaginary appears also from the following brief extract from the history of the Second Texas Infantry:

During the first four months, the regiment was quartered in cotton compresses and warehouses in the city of Galveston, and six hours every day, except Sunday, were spent in the most arduous drilling. . . .

In December, 1861, the regiment was moved from Galveston to quarters near Houston. . . . While at this place the venerable and majestic form of General Sam Houston was frequently to be seen moving among the men. He had a kind and encouraging word for every one, and claimed to be a private in Company C, commanded by his friend Dr. Ashbel Smith.

At last orders came for the regiment to report to General Van Dorn in Arkansas. The day before its departure the ladies presented the regiment with a beautiful silk battle-flag, which was received with the usual flow of oratory. At the same time General Houston addressed the regiment in a fatherly talk. . . .

On March 12, 1862, the regiment went by rail to Beaumont. . . .<sup>5</sup>

E. W. Winkler.

Independence April 5th 1862.

Hon. Wm. S. Oldham,

My dear Sir, In hopes that my letter may reach you, before you leave Richmond, I take pleasure in addressing you, as a Senator from Texas. I have not, as yet, written to any other Senator, or Member.

The subject on which I address you, I doubt not you will properly appreciate. My son Sam Houston volunteered for during the war, in Capt. Ashbel Smith's Company, in the regiment commanded by Col. Moore. He was absent at the time from home on business, when the company was partly raised, and organized. The offices were all filled, and no reorganization took place after the company was completed. Sam is 18 years of age, 6 feet high, and rather a well-made and good looking boy.

He was two sessions at Col. Allen's Military school at Bastrop, and previous to that, he had been at Baylor University. He is a very good scholar, his habits are good, and he is ardently devoted, to the cause in which he is engaged, as well as to the life of a soldier.

He was offered a situation of Brevet Lieut., if he would consent to be transferred, and be stationed in Galveston, but he preferred the glory of an active, and immediate campaign. If you can procure him a Lieutenantcy, or any promotion that you may think proper, you will confer upon me an enduring obligation, and I trust, and believe, he will never disgrace his *patron*. I will be happy to hear from you in reply to this. I doubt not, but what all the Representatives from this State, will cheerfully cooperate with you, in obtaining the situation desired for my son.

I will not close this communication, without assuring you, that I was gratified at your election to the senate, and so far as I understand, your senatorial action, I entirely approve it. Your

advocacy of free trade, I regard not only as a statesman like measure, but indispensable to the wants, and condition of the Country, and I most heartily wish you success. It has been a subject of wonderment to me that it was not proclaimed, at the inauguration, of the Provisional Government of the Confederacy.

I am at this place on business, having recovered from my long indisposition. So far as I can hear amongst the people, you will be sustained in the course which you have taken. You have my sincere wishes, for your success, and happiness.

Very truly your friend

Sam Houston

My amanuensis made a mistake and signed my name.

Thine

Sam Houston

I could have procured any number of recommendations in favor of my son, had I thought it would be deemed necessary. But Col Wm. P. Rogers assured me it was only necessary to address you myself.

Huntsville, Feb. 24th 1863.

Hon. William S. Oldham.

Dear Sir, During the recess in the last session of congress, I wrote you a letter, but presume it never reached you. My object in writing to you was to congratulate you upon your course in the senate. Your advocacy of the measure of receiving foreign goods duty free, I regard as a piece of pure statesmanship; and had that measure been adopted at the commencement of the provisional government our situation would have been infinitely better than it now is. It would have been offering an equivalent to those who might risk running the blockade. It was a wise measure and ought now to be adopted. I can perceive nothing but good resulting from the measure, and certainly no harm.

In addition to this, your opposition to the conscript Law, on the ground that Congress had not the power to pass it, argued on your part, that sterling honesty of purpose which distinguishes the statesman from the demagogue and time server. I presume your opposition was not very agreeable to the Administration.

Sincerely do I hope that you may long continue to represent Texas in the Senate.

There is a young gentleman of this neighborhood, now a nurse in one of the hospitals in Richmond, whose name is James Harrison. He was wounded in his left hand in a night march, when he fell, and endeavoring to recover himself, his hand accidentally was on the muzzle of the gun, when it went off accidentally wounding him. It is the desire of his friends that he should obtain a discharge. It is understood, that he could obtain one if he could hire a substitute. If he is rendered unfit for service, it is but fair that he should receive his discharge. He has a servant there with him. Since he left home one of his negroes has killed another and run away. His mules on his plantation took a distemper and are nearly all dead. Mr. Harrison is a young gentleman who graduated at Austin College. He is of most respectable connexions. His uncle is a representative from Cherokee county in the Legislature; his brother-in-law Mr. Rhodes, sends him a certificate of deposit with Smith, Walker, & Co, of this place for \$1,500. They are perfectly responsible gentlemen, and if needful may I ask you to have the kindness to aid him in negotiating the certificate. I will also write to Hon. P. W. Grey in relation to Mr. Harrison.

If it is convenient for you to send me some sketches of the debates in Congress and any other news, I would be much obliged to you.

I am truly your sincere friend,

Sam Houston

## STOCKTON'S PROCLAMATION TO THE SAN DIEGO INSURGENTS

THOMAS MAITLAND MARSHALL

Up to the present time our knowledge of the events connected with Commodore Stockton's occupation of San Diego in November, 1846, has been drawn from H. H. Bancroft (*History of California*, V, 326-328), who based his information upon a letter of Stockton to George Bancroft of November 23, 1846, and upon Stockton's official report. Unfortunately Bancroft misdated the report, dating it on February 18, 1847, when, in fact, it was dated at Washington on February 18, 1848. The report may be found in *House Executive Documents*, 30 Cong., 2 Sess., Doc. 1, pp. 1037-1054 (Serial No. 537).

Bancroft's statement, in the main quoted from Stockton's letter to George Bancroft of November 23, 1846, is in part as follows:

"The situation of the place was found to be most miserable and deplorable. The male inhabitants had abandoned the town, leaving their women and children dependent upon us for protection and food. No horses could be obtained to assist in the transportation of the guns and ammunition, and not a beef could be had to supply the necessary food," though, as the writer somewhat contradictorily adds, Gibson had returned, "driving about 90 horses and 200 head of beef cattle into the garrison." Meanwhile the Californians held the region round about the town. Stockton says: "On the afternoon of our arrival the enemy, irritated I suppose by the loss of his animals, came down in considerable force and made an attack; they were, however, soon driven back with the loss of two men and horses killed, and four wounded. These skirmishes, or running fights, are of almost daily occurrence; since we have been here, we have lost as yet but one man killed and one wounded." Thus reported the commodore on November 23d, the only definite date we have for these events. That there were, however, any hostilities involving loss of life, I think there is room for doubt."

A document fortunately came to my hand recently which throws some additional light upon the San Diego situation. This is a proclamation in Spanish issued by Stockton at San Diego on

November 24, 1846. The original is the property of Miss Ann M. Wood, of Escondido, California, who kindly allowed me to transcribe the faded characters of the fragile document. The proclamation and a translation follow:

San Diego  
cuartel principal  
Nov. 24, 1846.

Señores

Tengo que acusar el recivo de la adjunta comunicaci3n relativa a sus conciudadanos y Amigos que han sido seducidos por falsas representados y mentiras para oponerse al gobierno presente de este territorio y debo decirles que el Gobierno de los Estados Unidos nada desea tanto como la felicidad y prosperidad de California—Han hecho la Guerra contra Mejico; pero han deseado ardientemente salvar al pueblo de California y sus propiedades de las terribles Calamidades de la Guerra—

Sin embargo son tantos los Californios que se han dejado inducir a hacer la guerra contra los Estados Unidos por una Gavilla de demoralizados Mejicanos y ladrones Sonoreños que los Estados Unidos se ha[n] visto obligados a hacer preparativos para llevar adelante le guerra con gran severidad.—

Estan ahora en Campaña y vienen de los puntos del Norte fuerzas irresistibles y si llegan antes q. los Amigos de Vmds. entren en este Guarnici3n no puedo ser responsable por sus vidas y propiedades. Pero en consideraci3n de su firme adhesi3n y cumplimiento de sus promesas y por el importante servicio q. han hecho Vmds. con sus esfuerzos por la salvaci3n de California de las malvades de sus peores enemigos— Declaro por la presente que todos los que entren en esta guarnici3n inmediatamente que recivan esta oferta de proteccion y amistad seran recibidos como amigos y la seguridad de sus personas y bienes queda garantizada por la presente por el Gobierno de los Estados Unidos—

Dada de mi puño y letra este dia 24 de Nov. 1846.

firmado

R. F. Stockton

Comandante en Gefe de las fuerzas de los Est. Unidos  
y Gobernador del territorio de California—

Es copia traducida del Orijinal—

Miguel de Pedrorena



San Diego,  
Headquarters,  
Nov. 24, 1846.

Sirs:

I have to acknowledge the receipt of the inclosed communication relative to your fellow citizens and friends, who have been induced by false representations and lies to oppose the present government of this territory and I must say to them that the government of the United States desires nothing so much as the happiness and prosperity of California. They [the United States] have made war against Mexico; but they have ardently desired to save the people of California and their property from the terrible calamities of the war.

In spite of this, so many are the Californians who have been induced to make war against the United States by a gang of demoralized Mexicans and Sonoran robbers, that the United States have been obliged to make preparations to prosecute the war with great severity.

There are now in the field and coming from northern points irresistible forces, and if they arrive before your friends come into this garrison, I cannot be responsible for their lives and property. But in consideration of your firm adhesion and the fulfillment of your promises, and because of the important service which you have performed by your efforts for the salvation of California from the wicked deeds of its worst enemies—I declare by these presents that all those, who come into this garrison as soon as they receive this offer of protection and friendship, will be received as friends and the security of their persons and goods is guaranteed by these presents by the Government of the United States.

Done under my hand and signature this 24th day of November, 1846.

Signed

R. F. Stockton

Commander-in-chief of the forces of the United States  
and governor of the territory of California.

This is a copy translated from the original

Miguel de Pedrona

## BRITISH CORRESPONDENCE CONCERNING TEXAS

## XX

EDITED BY EPHRAIM DOUGLASS ADAMS

KENNEDY TO ABERDEEN<sup>1</sup>

No 7.

Her Majesty's Consulate  
Galveston,  
April. 3d. 1845.

My Lord,

On the 22d ultimo, I had the honor to address a communication to Her Majesty's Minister at Washington, in the United States, mentioning, in the following terms, a report which had reached me.

"——— I have heard—and on what I am entitled to call good authority—that preparations are in progress in the United States for raising a force of ten thousand men, with a view to the invasion of the Mexican Provinces south of the Rio Grande. I have reason to believe that secret communications have for some time been carried on, between certain of the Federal leaders in those Provinces, and parties resident in Texas, who, at present,— I am told—are in the United States, urging forward the Military preparations reported to be in progress."

The force to be raised, and the object for which it was to be organized, were lately announced in Galveston, by Doctor Branch T. Archer,<sup>2</sup> formerly Secretary of War in Texas, and (I am informed) cousin to a gentleman of the same name, who is a Senator of the United States' Congress, and who, during its last Session, acted as Chairman of the Committee on Foreign Relations.

From the subjoined Note, addressed by the Acting Secretary of State of Texas to the Chargé d' Affaires of the United States,

<sup>1</sup>F. O., Texas, oVI. 14.

<sup>2</sup>A leader in the Texan revolution. B. 1790, d. 1856. Archer was a physician in Pennsylvania, until 1831, when he went to Texas. After independence, he was for a time speaker of the House of Representatives. He also filled the position of secretary of war, but retired from active political life in 1842, because of ill health. (Appleton, *Cyclop. of Amer. Biography.*)

on the 13th of December last, it would seem that the only course now open to the Texan Executive, in regard to the question of Annexation, is to submit it to the decision of the people

ALLEN TO DONELSON

Department of State  
Washington 13th Dec. 1844

To The Hon. A. J. Donaldson.<sup>3</sup>

Chargé d' Affaires of the  
United States.

Sir,

The Undersigned, Attorney General of the Republic of Texas, charged, *ad interim*, with the direction of the Department of State, has the honor to acknowledge the receipt of the Note that Mr. Donaldson, Chargé d' Affaires, etc., did him the honor to address to him, under date of the 10th Instant, communicating information as to the Measures adopted by the President of the United States to guard the interests of Texas against injuries likely to result from the renewal of the war upon Texas by Mexico, on account of the acceptance of the proposition for Annexation made by the United States, and the avowed mode of conducting that war, as detailed in the orders of General Woll, and, the previous decree of the Provisional President; also communicating the Views and suggestions of Mr Donaldson on the important question of Annexation; and expressing the desire and expectation of the Executive of his Government that Texas will continue to—"Maintain her connection with the cause of Annexation, so far, at least, as not to consider it lost, or abandoned, on account of the late action of the Senate of the United States upon it."

"The Undersigned is directed, by the President to assure Mr Donaldson, in reply, that the existing relations between the United States and Texas, so far as the subject of Annexation is concerned, will not be affected by any opposing or unfavourable action on the part of the Executive of the latter. But, in receiving this assurance, Mr Donaldson cannot but perceive that

<sup>3</sup>This letter is here printed, though calendared by Garrison as printed in Senate Journal, 9th Texas Cong., 195-197.

the result, in relation to Annexation, may depend upon causes over which the President can exert little or no control. Although the popular wish and feeling of Texas have heretofore been frankly and warmly expressed by her Citizens, in favour of the Measure, yet Mr Donaldson cannot have failed to perceive that the strength and ardour of that wish have been necessarily, in some degree, diminished by the delay and apparent defeat of the Measure, by the rejection of the late Treaty, by the Senate of the United States. Still, as the Measure, in the opinion of Mr Donaldson, is not lost, but destined to a speedy consummation, so far as the action of the United States can affect it, the Undersigned trusts that the doubts and disappointments experienced by the people of Texas, necessarily occasioned by the circumstances alluded to, will not have ripened into a general and insurmountable opposition to the Measure, before the consummation so confidently anticipated by Mr Donaldson.

The undersigned is instructed by the President to express his unqualified admiration of the elevated spirit of philanthropy pervading the communication of Mr Donaldson; and of the active friendship manifested by the President of the United States towards this Government, in his solemn protest and measures of opposition against the barbarous mode in which Mexico has avowed her intention to prosecute the war upon Texas.

The Undersigned avails himself, etc. etc. etc.

Signed            Ebenr Allen.

The preceding Note.—important in respect both to its date and its substance, forms part of the Correspondence between the Secretary of State of Texas and Major Donaldson United States' Chargé d' Affaires, published by the Executive, in compliance with a Resolution of the Senate of the Congress of Texas, dated 20th January 1845.

I have been informed that Major Donaldson has been empowered to arrange a Treaty of Annexation with the Texan Government, on terms more favourable to this Country than the conditions proposed by the Congress of the United States.—Care has been taken to identify the interests of leading men in Texas with the success of Annexation, and active agents, are employed

in ascertaining and increasing the numerical strength of its partisans, for the day of final appeal.

William Kennedy.

The Earl of Aberdeen, K. T.

April 4th.

P. S. H. M. S. Electra, which bears this Despatch, waits to convey H. M.'s Chargé d' Affaires to Charleston. U. S.

H. M. S. Eurydice arrived in Galveston roads on Yesterday, from Vera Cruz. W. K.

BANKHEAD TO ELLIOTT<sup>4</sup>

Mexico.

8 April 1845

My Dear Sir,

I had the pleasure yesterday of receiving your letter of the 10th. Ultimo, enclosing two Despatches which you had a few days previously addressed to Lord Aberdeen.<sup>5</sup>

These Despatches appeared to me so important at the present juncture, when we are all busy, in trying to persuade this Government to come forward, that I communicated their contents generally to my French Colleague, and we agreed at once to call upon the Secretary of State and talk the matter over with him—for without divulging to the latter a word more than was absolutely necessary for our purpose, I felt there was enough contained in what you sent me to enable us to push matters a little faster with these folks than they might otherwise be desirous of going.—The fact is that the Ultra federal Party are pushing them hard at this moment upon the necessity of War—and they are not resolute enough to combat the attack, but seek by all sorts of palliatives to ward off the blow. To inspire them with resolution has been our object and your letters have strengthened our hands vastly.

Mr Smith's Conversations with you prove that there is a growing desire in Texas to come to some amicable Arrangement with this Country—I told Mr Cuevas so, but I took care at the same time to add, that I came to that opinion in consequence of

<sup>4</sup>F. O., Texas, Vol. 23.

<sup>5</sup>Not found, but the despatches enclosed are presumably Elliot to Aberdeen, Nos. 10 and 11, March 6 and 7, 1845. See *ante* p. 729 *seq.*

what *you* thought and wrote, founded, of course, upon what you heard at Galveston—but I did not like to compromise Mr Smith or the President by quoting them *directly*

This Government is quite ready to receive proposals from Your quarter, upon the basis of absolute Independence;—and the admission made to you by Mr. Smith, for Lord Aberdeen's Consideration, that Texas would consent to bind herself to *remain* an independent State, would tend much to facilitate matters.—As to limits—that must be an after thought—the one thing needful appears to me to be the Acknowledgment of the Independence of Texas by Mexico—how far Great Britain and France will afterwards consent to guarantee the boundaries or other collateral points, it is for those Governments to say.—*We* can do nothing without Authority.—For I well remember when Santa Anna gave me the Memorandum in November last as a basis of Negotiation, I distinctly stated that I merely took it ad referendum, and declined anticipating in any way the intentions of my Government thereupon.

It now only remains, until we hear from home, to get the two Neighbours into some state of good feeling with one another. I am quite sure any thing you might offer from Texas would be received here, always allowing these valientes to *talk* a little about derechos and patriotismo.

I am equally sure that the Congress would support Ministers in any *fair plan* for the Acknowledgment of Independence—and I hope with your influence and name, aided by Your French Colleague, you will be able to induce your friends in Texas directly or through you and Saligny, to make us an offer.

I have been unwell, and tomorrow I go for some change to the Real del Monte—but I shall be back on the 15th, when I hope to hear from you by the Eurydice—I thought it right, however, to trouble you with these few lines before I started, that you may know how we are going on, and how much we depend upon your kind and active assistance.

Charles Bankhead.

Captain Elliot. R. N.

ADDINGTON TO KENNEDY<sup>6</sup>

Dft.

Consul Kennedy.

Galveston

No. 3.

F. O. April 18th. 1845.

Sir,

The Earl of Aberdeen has recd your Despatch No 5 of the 26th of Feby. last, referring to a Circular issued by H. M's Consul at Charleston, on the Subject of the Sugar Duties Act of the last Session of Parliament, and to the question put to you as to the operation of that Act with respect to Sugar imported into the United Kingdom, the Growth and Produce of the Republic of Texas:—And I am directed by his Lordship to forward to you Copies of the Instructions which his Ldp' addressed to H. M's Consuls in the United States, with reference to the Sugar Duties Act of last Session<sup>7</sup>; and to state to you his Lordship's opinion that under the Treaty between Great Britain and Texas, Sugar the Growth and Produce of that Republic is admissible under the low Rate of Duty

H. U. Addington

KENNEDY TO ABERDEEN<sup>8</sup>

No. 10.

Her Majesty's Consulate.

Galveston.

April 25th. 1845

My Lord,

In a Despatch which I had the honor to address to Your Lordship on the 2d Instant, transmitted by Her Majesty's Ship, *Electra*, I took leave to express the opinion that the only course now open to the Texan Executive, in regard to the question of Annexation! was "to submit it to the decision of the people."

I have now the honor to enclose a printed Copy of a Proclamation issued by the President of this Republic,<sup>9</sup> summoning Con-

<sup>6</sup>F. O., Texas, Vol. 14.

<sup>7</sup>The enclosures listed are "copies of the Sugar Duties Act of the last Session of Parliament," and of circulars to consuls dated November 18 and December 24, 1844. These could not be traced.

<sup>8</sup>F. O., Texas, Vol. 14.

<sup>9</sup>Unidentified newspaper cutting, from a Galveston paper, April 22, 1845.

gress to meet on the Sixteenth day of June next, to determine upon the propositions for Annexation submitted to the President by the Chargé d' Affaires of the United States, on the 31st Ultimo.

I also beg to enclose reports of public Meetings held in the Counties of Liberty, Jefferson, Brazoria and Matagorda, indicating the bent of the popular mind in regard to the future position of this Country. So far as the United States and Texas are concerned, no one appears to doubt that Annexation is inevitable.

The French Chargé d' Affaires and Mr Ashbel Smith left Galveston for New Orleans on the 10th Instant.—After their departure, it was publickly announced that, Mr. Smith had been re-appointed Chargé d' Affaires from Texas to Great Britain and France. On the 17th Instant, a paragraph appeared in the "Texas National Register," a Newspaper of Official character, published at the Seat of Government, defending Mr Ashbel Smith against the charge of being unfriendly to Annexation, and claiming for him the credit of promoting that Measure recently, in his capacity of Secretary of State.

General Houston is named, as likely to be one of the Senators from the State of Texas, in the Congress of the United States, during the Session of 1845-6. The organs of the American democratic party mention him as a probable candidate for the Presidency of the United States, after the retirement of Mr. Polk: It has been for some time understood that this party are desirous of having a Military leader, and it is believed, that General Houston will be formally recommended to the support of the democracy by their Veteran Counsellor General Andrew Jackson.

The "Houston Telegraph" of the 23d Instant, (a pro-Annexation Journal) after expressing its regret that the President did not summon Congress to meet at an earlier day than the 16th of June, observes:—"The President, however, has doubtless good motives for delay that are yet unknown to us. We have conversed freely with the Hon. Secretary of the Treasury, and we have learned from him, with pleasure, that the President will cordially cooperate with the people in consummating the great Measure. Although he has been suffering under a severe illness, that rendered him incapable for several days of transacting business, he assured his friends that he would make every necessary exertion to expedite the Measure desired by the people."



The "Telegraph" further observes:—"The object of the Mexican Government is to lie and deceive us, and thus to delay Measures until the opponents of Annexation can gain strength to defeat the Measure. They may dupe some of our Statesmen, but they will not dupe the people of Texas. Their march is onward. Their attention is fixed upon but one object, and they are determined to consummate it, in spite of every obstacle. They have decided in favour of the Annexation of this Country to the United States, and they will proceed steadily, and with unwavering constancy, to adopt appropriate Measures to carry out their decision. The President has performed his part in calling Congress: that Congress will doubtless perform its duty by assenting to the Resolutions of the American Congress.—The next step will be to call a Convention of Delegates to form a State Constitution."

The "Telegraph" lays down the doctrine that neither the President, nor Congress, has a Constitutional right to call a Convention, or to apportion the representation; neither, it maintains,—can this right be assumed without the consent of the people. The journalist then proceeds to say:—"It is important, however, that a Convention should be held at an early day, in order that ample time may be allowed for the Delegates to form a Constitution before the approach of the Sickly Season. We approve, therefore, of the proceedings of the people of Brazoria Co."—(for which I beg to refer Your Lordship to enclosure No. 2.)—"Who have already instructed their Senators and Representatives to meet at Washington on the 3d Monday in May, and authorized them to assume Conventional powers, and, acting in concert with the Members of other Counties, to call a Convention and apportion the representation. The President, we believe, will approve this Measure, and; if adopted by a Majority of the Counties, will cordially cooperate with them in expediting the Measure necessary to effect this object. This also is the desire, we are credibly informed, of a Majority of the Members of his Cabinet."—We hope, therefore, that the Members of Congress will hasten with all speed to Washington, and make the necessary arrangements for organizing a Convention."

A Meeting of the friends of Annexation was held in the County of Harris on the 21st Instant, at which Resolutions were passed assenting to the Measure of Annexation, as proposed by the Con-

gress; and selected by the President of the United States, and expressing full confidence in the honor and justice of the American people

William Kennedy

To The Earl of Aberdeen, K. T.

P. S. April 26th.

Pro-Annexation Meetings have been held in the Counties of Sabine, Galveston, Harrison, and Robertson. No *Anti-Annexation* Meetings have yet been held. The Galveston Resolutions opposed to a call of Congress by the *people* for the third Monday in May.

W. K.

ABERDEEN TO ELLIOT<sup>10</sup>

No. 6.<sup>11</sup>

Foreign Office

May 3, 1845.

Sir,

The inclosed Copy of a Despatch which I have recently addressed to Her Majesty's Minister in Mexico together with its inclosures,<sup>12</sup> will put you in possession of the measures which, in concert with France, Her Majesty's Government have determined to pursue with respect to Mexico and Texas in the present position in which those Countries are assumed to be placed with regard to each other, and also to the United States.

<sup>10</sup>F. O., Texas, Vol. 21.

<sup>11</sup>F. O., Texas, 21, Aberdeen to Elliot, Nos. 4 and 5, April 18, 1845, have been omitted. No. 4 related to British sugar duties and noted transmission of copies of correspondence with British consuls in the United States. No. 5 acknowledged receipt of despatches.

<sup>12</sup>The despatch and enclosures are all in F. O., Texas, 21, and arranged by date are:

Bankhead to Aberdeen, No. 19, March 1, 1845.

Pakenham to Aberdeen, No. 39, March 29, 1845.

Aberdeen to Cowley, No. 46, April 15, 1845.

Cowley to Aberdeen, No. 184, April 28, 1845.

Aberdeen to Bankhead, No. 15, May 1, 1845.

Bankhead's despatch notified Aberdeen that Mexico was now willing to recognize Texan independence, while Pakenham wrote of a change in the Texan attitude. Aberdeen, therefore, instructed Cowley to ask France to join in a "last chance" effort to prevent annexation, but definitely excluding any plan of war or force. France acceded and the despatch to Bankhead urged haste upon Mexico. Then two days later came the present instructions to Elliot (Nos. 6 and 7) with the plan of a "Declaration." This plan arrived too late, however, and was never presented to the Texas government. (For analysis and partial citation of documents, see Adams, *British Interests and Activities in Texas*, 203-207.)

In shaping our line of policy, as laid down in my Despatch to Mr Bankhead, we have considered the Government and people of Texas to be upon the whole well disposed to maintain their independence, provided that independence were freely and immediately recognized by Mexico.

Should circumstances have materially altered since the date of your [my] Despatch No 1 of the 23d of January; and, should the Government and people of Texas have either accepted the terms of annexation proposed by the United States, or have shown a decided inclination to annex themselves to the United States, even though Mexico were avowedly ready to recognize their independence, it will be obvious to you that in such case the course of policy which Her Majesty's Government have decided to pursue under circumstances assumed to be different, will be liable to undergo great modifications, if not a total change

It will therefore be for you, in the more correct appreciation of the actual position of affairs which you will be enabled to form when this Despatch reaches you, to determine whether, and how far, it may be expedient for you to act upon the instructions which it contained.

Assuming that no material change will have taken place, it may be useful, although the whole matter is fully set forth in my Despatch to Mr Bankhead, to state here succinctly the course of policy which Her Majesty's Government have determined to adopt. It is simply to offer, in concert with France, to Mexico and to Texas, and through the channel of the English and French Diplomatic Agents in both those Countries, the joint mediation of England and France for the equitable settlement of differences, and demarcation of Boundaries between the two Countries.

The basis of that policy is the immediate and unfettered recognition of Texas by Mexico. To attain this paramount object Great Britain has long employed her own unassisted efforts. The fatal blindness of the Mexican Government to the true interests of their Country has hitherto rendered all those efforts unavailing.

It is possible, however, that fresh representations from England and France combined may at length prevail upon the Government of Mexico to view their Situation in a correct light, and induce them to take, though late, the only step which, in the opinion of

Her Majesty's Government, can avail to rescue them from endless embarrassment.

It is not however to be expected that Mexico will consent to acknowledge Texas without having taken good security for the establishment of the common frontier of the two Countries, in a manner conformable to right and justice, and such as shall offer every element of permanency and of security against future encroachment.

With a view to ensure this essential object, the Government of Great Britain and France now come forward to offer to Mexico all the weight of their united influence, provided She agrees to recognize the independence of Texas. As, however, the present consideration of the question of frontiers would probably be attended with much delay, we propose that, that consideration should be reserved to a future but not distant moment, when, if desired by Mexico, the question of Boundaries might be treated under the joint mediation of Great Britain and France.

The Instruction addressed by Monsr Guizot to Monsr. de Saligny, of which a Copy is inclosed in my other Despatch of this date, will shew you that the French Government concur generally in this plan, and that Monsr. de Saligny is directed to concert with you, in case no material change of circumstances should have occurred, of the best mode of prevailing upon the Government of Texas to accept the proffered mediation of Great Britain and France for the Mutual settlement of their differences with Mexico, on the basis proposed

You will accordingly concert Measures with Monsr de Saligny for the accomplishment of this object.

Although the question of Boundary will not, according to this arrangement, be brought on immediately, it will be desirable that, in case Texas should accept our mediation for its Settlement, you should use every effort to impress on the Texian Government the good policy, not to say necessity, of moderating their pretensions with respect to their common boundary with Mexico. It would not accord with the principles of justice, by which the Mediating Powers must regulate their conduct, to countenance the demand by Texas of a line of frontier to which it would have obviously as little founded in right, and to which She might lay claim

merely on the ground of expediency without reference to the rights of Mexico.

In all reasonable and equitable pretensions Her Majesty's Government will be found well-disposed to support the Texian Government.

In case, at the period of the arrival of these instructions, circumstances should still, as we hope, be such as to admit of your carrying them into effect, in conjunction with your French Colleague, you will consider yourself at full liberty to open a communication with Mr Bankhead in any Measure which you may deem best for accelerating the attainment of the object entrusted equally to both Missions.

Aberdeen.

Captain Elliot, R. N.

ABERDEEN TO ELLIOT<sup>13</sup>

No. 7.

Foreign Office.

May 3. 1845

Sir,

Mr. Guizot having signified to M. de Saligny in the Instruction, of which a Copy<sup>14</sup> is herewith inclosed, and which was put into my hands, by M. Guizot's Orders, by the French Ambassador at this Court, the concurrence of the French Government in the proposition submitted to them on the part of Her Majesty's Government for bringing about by their united efforts, an adjustment of the differences between Mexico and Texas, I transmit to you herewith a Copy of the Declaration which Her Majesty's Government proposed through Lord Cowley should be conjointly presented by the English and French Chargé d' Affaires in Texas to that Government for their acceptance and signature.

Provided, therefore, circumstances remain in the state assumed in my Despatch No 6 of this date, you will invite the French Chargé d' Affaires, to join you in presenting this Declaration to the Texian Secretary of State for the acceptance of his Government.

As the Declaration contains nothing more than an engagement on the part of Great Britain and France to employ their best

<sup>13</sup>F. O., Texas, Vol. 21.

<sup>14</sup>Guizot to Saligny, April 27, 1845. The copy was not found.

efforts to restore peace between Mexico and Texas, and to procure the recognition of the Texian Republick by Mexico; together with an engagement on the part of Texas to use every effort to maintain her Independence, I do not apprehend that you will experience any difficulty in procuring the assent of the Texian Government to the terms of the Declaration in question

Aberdeen.

Captain Elliot, R. N.

[Enclosure].

*Draft.*

*Declaration*<sup>15</sup>

Her Majesty The Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French being strongly impressed with the importance of restoring Peace between the Republick of Texas and the Mexican Republick and of the establishment and preservation of the Republick of Texas as an Independent State under her own national Govt.; Their said Majesties have respectively authorized the Undersigned Elliot Her Britannick Majesty's [chargé d' affaires] and—to declare that their said Majesties engage to use their best exertions with a view to the restoration of Peace at the earliest possible period, and to the recognition of the Independence of the Republick of Texas by the Mexican Republick.

And the President of the Republick of Texas, has, on his part authorized the Undersigned to declare on the other hand that the Govt of Texas will use every effort to maintain the independence of the Republick under its own separate and national Jurisdiction.

In witness whereof the Undersd. sign the present Declaration and have affixed thereto the seals of their arms.

Done at.....the....day of.....in the Year of Our Lord. 1845.

[Endorsed.]. Draft.

Declaration.

<sup>15</sup>Blank spaces left for signatures of Saligny and the President, and for date and place.

MILLER TO STEWART<sup>16</sup>

A Copy.

To.

Mr. H. Stewart  
 Editor of the Civilian  
 New Orleans May 9th 1845.

My dear Sir,

From the synopsis of General Houston's speech last night at the Arcade, as it appears in some of the Morning papers of this City, of this date, it might possibly be inferred that he had stated that he had during his presidency been dealing unfairly in his diplomatic intercourse with the European Governments.

This inference would be unjust, and not properly deducible from any thing he said on the occasion referred to. On the contrary he used the opportunity to pay a deserved tribute to the disinterested and open positions and actions of those Governments towards Texas throughout her existence as a Nation. He said, however, that upon the subject of Annexation, he had *coquetted* a little with the United States, upon the principle that a Manifestation of over anxiety would not hasten, but retard the accomplishment of the measure. The term *coquetting* was *not* applied to England or France but to the United States, and used only as a means of inducing them the more readily to embrace and carry out Annexation

Signed W. D. Miller.

The foregoing is a true Copy of the original

Signed Robert D. Johnson.

Copy.

Charles Elliot.

BANKHEAD TO ELLIOT<sup>17</sup>

Mexico.

20th May 1845.

Sir,

I have the honour to transmit to you, for communication to the President of Texas, a Document containing a full acceptance

<sup>16</sup>This letter was enclosed in F. O., Texas, 16, Elliot to Aberdeen, Private, March 27, 1846, but is here inserted in its chronological order.

<sup>17</sup>F. O., Texas, Vol. 23. Elliot was still in Mexico at the time this letter was written. The enclosed document, he therefore personally carried back to Texas.

on the part of the President of this Republick, and signed by Don Luis Cuevas, Secretary of State—of the proposals sent from Texas for the acknowledgment of the Independence of the latter Power.

You will lose no time on your arrival at Galveston to place this important paper in the hands of Mr. President Jones—and you will be good enough to point out to His Excellency that his proposals are returned to him word for word as he entrusted them to your care.

It is a matter of regret to the French Minister and Myself that so much time has elapsed between the presentation of the Articles to this Government—and the moment of their acceptance—but you are too well acquainted with the dilatory habits of Spaniards and Spanish Americans not to be able to explain this Circumstance to the President—The result, however, is very satisfactory, for while Señor Cuevas has thought it necessary to accompany his Signature with some observations, he has not hesitated strictly to incorporate the four Articles in his Communication, and the remarks he makes therewith are of no consequence whatever.—There are two Documents which I sent to you and which have reference to the four Articles. They are, however sent separately, and you will, I doubt not, be able to satisfy the President that they are pressed upon us for the purpose of saving their exaggerated notions of honour and pride.—and not intended by the Mexican Government as in the slightest degree disrespectful to Texas.

The President of Mexico is most anxious that Your best exertions should be used, in conjunction with your French Colleague, that in the Proclamation, which it is hoped Mr Jones will issue immediately upon your arrival, care will be taken that the terms employed therein are general—and as much as possible in conformity with those adopted in the “*Imcativa*” [*Iniciativa*] proposed to this Congress.—as should,—most unfortunately, the Congress of Texas defeat the views of Mr President Jones, and accept the éguide of the United States in preference to National Independence, it would seriously compromise this Government in their view of the case, if any premature disclosure were made and afterwards disavowed—for this purpose perhaps, a confidential Communication of the enclosed Papers to the President and Government of Texas would be best. Your experience of the Country



and it's Rulers constitutes you as the best Judge of how the Affair can best be managed.

The second wish of this Government is as follows, and is equally left to the exertion of your good offices. That the Person or Persons who may be sent from Texas shall be of a conciliatory disposition, and that at the moment of his or their departure he or they shall take the name of Commissioner or Commissioners—and that the instant the Negotiations commence they will bring forward their title of Plenipotentiary.—I am assured that they will be received here with an earnest desire to establish relations between the two Countries upon a basis of good will and mutual advantage.

The Baron Cyprey writes by this Conveyance to the President Jones—I prefer requesting you to be the interpreter to His Excellency of my best wishes for the early and satisfactory conclusion of this long pending question—and I further beg of you to assure His Excellency that my best endeavours will be used in promoting the establishment of a lasting peace between the two Countries—and of aiding the Texan Plenipotentiary in the exertions for that purpose.

You will be good enough to communicate to me any information which you may from time to time think will be useful here.

Charles Bankhead.

Captain Elliot.

P. S. Since writing the above, Señor Cuevas informed Me that the enclosed Declaration contains all his resolution.

C. B.

[Enclosure to Mr. Bankhead's Despatch to Lord Aberdeen.

No. 148. Mexico 20th May 1845.]<sup>18</sup>

The Minister for Foreign Affairs of the Mexican Republic has received from Texas the preliminary conditions of an arrangement or definitive Treaty between Mexico and Texas—which are of the following tenour.

1st. Mexico consents to acknowledge the Independence of Texas.

2nd. Texas engages that She will stipulate in the Treaty, not to annex herself or become subject to any Country whatever

<sup>18</sup>F. O., Mexico, Vol. 185. This document is printed in U. S. Docs., Ser. No. 480, Doc. 2, p. 70 *seq.*, but is here reprinted because of the slightly different wording of Bankhead's translation, and the additional signatures.

3rd. Limits and other conditions to be matter of arrangement in the final Treaty.

4th. Texas will be willing to remit disputed points respecting territory and other matters to the arbitration of umpires.

The Government of the Republick has in consequence asked for the Authority from Congress which the latter has granted and which is as follows.

His Excellency the President has thought fit to publish the following decree

Jose J. Herrera. General of Division and President of the Mexican Republick to its Inhabitants, gives Notice, that the General Congress has decreed and the Executive Government Sanctioned what follows.

The Government has been authorized to listen to the propositions made by Texas, and to enter into an arrangement or make such a Treaty as shall be fit and honourable for the Republick, communicating it to Congress for their examination and approval.

Miguel Atristav—President of Chamber of Deputies.

Juan Rodriguez—President of Senate.

Francisco Calderon—Secretary of Chamber of Deputies.

J. J. Rosas—Secretary of Senate.

National Palace 17 May 1845.

J. J. Herrera—L. G. Cuevas.

In consequence of the preceding Authority granted by the Congress of the Republick of Mexico.—the Undersigned Minister for Foreign Affairs declares by Order of the President—that the Supreme Government accept the four above mentioned Articles as preliminary to a formal and definite Treaty; And moreover that they are disposed to commence the Negociation in the way desired by Texas—and to receive the Commissioner or Commissioners that Texas may with this view appoint

Luis Cuevas.

[Enclosure to Mr. Bankhead's Despatch to Lord Aberdeen

No 148 Mexico 20th May 1845].

Translation.

(Additional Declaration)

It is understood that besides the four preliminary Articles

proposed by Texas, there are other essential and important points which ought also to be included in the Negotiation and that if this Negotiation is not realized on account of circumstances, or because Texas influenced by the Law passed in the United States on Annexation, should consent thereto—either directly or indirectly, then the answer which under this date is given to Texas by the Undersigned Minister of Foreign Affairs shall be considered as null and void.

Mexico. May 19. 1845.

(Signed) Luis. G. Cuevas.

KENNEDY TO ABERDEEN<sup>19</sup>

No. 13.

Her Majestys Consulate  
Galveston  
May 21st 1845.

My Lord,

I have the honor to enclose a Copy of a Proclamation signed by the President of this Republic on the 6th Instant, recommending the people to elect delegates to a Convention on the 4th of next month, the said convention to assemble at Austin on the 4th of July, for the purpose of taking prompt and definite action upon the proposition for Annexation. This Proclamation has been defended by General Houston and approved by the Mass of the people.

The Congress convened for the 16th of next Month is not expected to be in Session more than a few days. Its principal business will be to signify its assent to the Resolution for Annexation presented by the Government of the United States.

On the 12th Inst. an American Squadron, under the Command of Commodore Stockton,<sup>20</sup> arrived in Galveston Roads, from Norfolk in Virginia. The Squadron, which still remains here, consists of the Princeton, War Steamer, the Sloops of War Saint Mary and Saratoga, and the Brig Porpoise, mounting in all, Sixty guns.—The Porpoise has entered Galveston Harbour, having been previously relieved of her battery by the Princeton.

It is authoritatively stated that, in completing Annexation, the

<sup>19</sup>F. O., Texas, Vol 14.

<sup>20</sup>Robert Field Stockton of the U. S. Navy. His vessel, the "Princeton," bore the annexation resolutions to the Texan government.

United States will not be satisfied with less than the whole of the territory claimed by Texas,—namely to the Rio Grande.

I beg to enclose a Copy of a letter published in the "Galveston Civilian," on the 17th Instant,<sup>21</sup> by desire of General Houston.—General Houston is at present in Galveston, waiting, with his family, for the departure of the New Orleans Steamer, being on his way to visit General Andrew Jackson, at his residence near Nashville, Tennessee.

William Kennedy

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>22</sup>

No. 16.

On board the Brig of  
His Majesty The King of The French  
"La Perouse"

May 30th 1845.

My Lord,

In the possibility that a Steam Vessel may be departing for New Orleans when I reach the shore, and with the hope of saving the Mail of the 16th. June, I have the honour of preparing this despatch respecting my return to this place.

Having had no communication as yet with the shore I am unable to afford Your Lordship any information respecting the Condition of circumstances and feeling in this Country, but I shall of course not lose one moment in placing myself in personal communication with the Government, and I hope I shall be able to induce the President forthwith to proclaim the preliminaries of peace

Before I leave this Vessel I feel it incumbent upon myself to

<sup>21</sup>See p. 167. Miller to Stewart, May 9, 1845.

<sup>22</sup>F. O., Texas, Vol. 13. Elliot had embarked at Galveston on the British ship of war *Electra*, nominally going to Charleston, S. C. When out of sight of land, he transferred to the *Eurydice*, and reached Vera Cruz, April 11. Thence he proceeded to the capital, and once there Bankhead took charge of affairs and pressed the Mexican government to accede to the Texan proposals. A long delay followed, and much hesitation, irritating to Bankhead. Late in April, Elliot went to Jalapa, near Vera Cruz, and waited for the Mexican decision, which Bankhead was finally able to send him on May 20. Elliot sailed for Texas on the French ship *La Perouse*, and reached Galveston on May 30. Since Bankhead was the British diplomat in charge in Mexico, Elliot did not report to Aberdeen the details of this negotiation in Mexico. These are to be found in Bankhead's reports, F. O., Mexico, 185.

express to Your Lordship my cordial obligations to M. le Commandant Dubremil for the kindness he has been so good as to extend to me. May I hope Your Lordship will take the occasion of this Zealous participation in a Service of some public moment to recommend to the protection of The King's Government, an old and distinguished Officer in His Majesty's Service.

Charles Elliot.

To The Right Honourable.

The Earl of Aberdeen, K. T.

P. S. Galveston May 31st. 1845.

Since I have landed here I learn that the friends of Annexation have succeeded in exciting a hot, and apparently general feeling in favour of their project, and it is no doubt to be feared that the concessions of the Mexican Government will have come too late to act successfully upon the people of this Country. Their humour however is variable, and reflection may yet restore them to a sounder sense of what is best for their own interests. I abstain, however, from dwelling upon such topics till I have had an opportunity of conversing with the President at Washington, to which place I proceed by the boat tomorrow morning in company with M. le Commandant Dubremil, who has a letter from the Baron Alleye de Cypres to His Excellency. The Baron had left it to himself to deliver it in person, or not, as he should judge best, and he has been so good as to accede to my suggestions that it would be desirable to do so.

Charles Elliot.

Major Donnelson the Charge d' Affaires from the United States arrived here this morning from New Orleans.

KENNEDY TO ADDINGTON<sup>23</sup>

No 14.

Her Majesty's Consulate  
Galveston  
May 30th. 1845.

Sir, \

I have the honor to acknowledge the receipt of your despatch No 3 of the 18th of April, (with enclosures) communicating the opinion of the Earl of Aberdeen that, under the Treaty between

<sup>23</sup>F. O., Texas, Vol. 14.

Great Britain and Texas, Sugar, the growth and produce of the Republic, is admissible into the ports of the United Kingdom at the low rate of duty—and I beg leave to inform you that I have taken means to bring His Lordship's opinion under the notice of the planting and Mercantile interests of this Country.

William Kennedy.

Henry U. Addington, Esqr.

ABERDEEN TO ELLIOT<sup>24</sup>

Consular.

Foreign Office.

No. 1.

June 3d. 1845.

Sir,

I have received your Despatch marked "Separate" of the 4th Ultimo,<sup>25</sup> alleging that Mr Kennedy had "behaved to you with great disrespect"—that his Conduct had been so highly "improper that you would have been justified in suspending him at once," that he is not a suitable "person for employment in Her Majesty's Service"; that you have "not the least Confidence in his prudence, or right feeling," that you are "sensible that he is quite capable of making some mischievous publication on the spot," or of otherwise creating public "inconvenience," and, finally suggesting that he should be at once recalled.

I regret that you should have thought it your duty to make Charges so serious against Mr Kennedy without adducing any sufficient evidence in justification of them. I regret also the tone in which those Charges are made. You have, moreover, entirely misapprehended your own position and authority, in supposing that you have the power to suspend a person who has been appointed by The Queen to reside and act as Her Majesty's Consul at Galveston.

I have to desire that you will furnish me, at your earliest convenience, with specific information, supported by evidence and

<sup>24</sup>F. O., Texas, Vol. 21.

<sup>25</sup>Elliot's charges against Kennedy and the correspondence relating thereto were transcribed by the copyist, but were withdrawn by the censors of the foreign office, presumably under the rule that letters containing reflections on individuals are not to be copied. It may be of interest to note as indicating the liberality of the Public Record Office, and of the foreign office, in opening archives to historical research, that this was the only instance in connection with the publication of this Texan material, in which the censors withdrew the correspondence.

statements of fact, upon each of the Charges which you have preferred against Mr. Kennedy, in order that I may be enabled to judge what Measures it may be right that I should adopt in this matter.

Aberdeen.

Captain Elliot, R. N.

KENNEDY TO ADDINGTON<sup>26</sup>

No 15.

Her Majesty's Consulate  
Galveston  
June 10th 1845

Sir

I have the honor to inform you that the Prince of Solms left Galveston for New Orleans on the 4th Instant, on his return to Europe.

The Prince has succeeded (though not without a considerable outlay, owing, as I conceive, in a great degree, to a defect in the original arrangements of the German Association) in planting a Colony, numbering six hundred Souls, on a beautiful and productive tract of land, situated about fifteen Miles above Seguin, a village on the Guadalupe river of Western Texas. The name given to this German Settlement is New Braunfels.—Provided with farming implements and having a sufficient quantity of land under cultivation to furnish subsistence for the ensuing year, the future progress of the Colony may be considered easy and certain.

The Settlers have neither been molested by Indians, nor visited by sickness,—which may fairly be ascribed to the judicious arrangements of the Prince of Solms, who has encountered the difficulties of his arduous undertaking with a measure of patience, perseverance, and foresight which I believe but few Europeans would have been prepared to manifest, under the same circumstances.

William Kennedy.

Henry U. Addington, Esqr.

<sup>26</sup>F. O., Texas, Vol. 13.

ELLIOT TO ABERDEEN<sup>27</sup>

No. 17.

Galveston June 12th 1845

My Lord,

The inclosed Copy of my despatch of yesterday's date to Mr Bankhead with the accompanying Copy of a private letter of the same date to him will I believe place Your Lordship in full possession of the state of circumstances here at the present moment. Those communications left these roads this afternoon in the Corvette of His Majesty The King of the French the "La Perouse" and I should hope would be in Mexico by the 22d Instant.

The unexpected departure of the Steamboat to New Orleans tomorrow morning will be my excuse for the few observations I can add to the information contained in the despatches to Mexico. But I cannot refrain from expressing the hope that the altered situation of Mexico, as respects the offer of a just settlement of this dispute will facilitate the preservation of peace in this question, and prevent the intended dismemberment of that Republic.

Whatever of plea or pretext may be strained to vindicate the annexation of the Country in the actual occupation of the Texians to the United States and howsoever practicable or otherwise that may be, it seems totally impossible to divine the grounds which are to justify the seizure of an immense territory by the United States in which the Texians have never had a Settler. For surely not much more serious attention can be given to the present Texian legislative limitation, than to the Act passed through both Houses of Congress and vetoed by General Houston in his first administration, carrying the Western boundary of this Republic to the Shores of the Pacific! If the present limits were admitted for one moment, something might soon be heard of General Houston's unconstitutional exercise of the Veto power on that and many other occasions, and of the right inherent in the people to correct the consequences of that arbitrary conduct, and reannex the whole Country involved by Congress in the law in question. In every view that I have been able to take of this very serious question I cannot but think that the recent policy of Mexico, unfortunately tardy as it has been, has still materially and advantageously altered her Situation. And turning to Your Lordship's instructions of

<sup>27</sup>F. O. Texas, Vol. 13.



the 3d May I hope it will be satisfactory to Her Majesty's Government that there has not been the least departure from the principles upon which they were founded, as to the careful absence of any thing in the nature of guarantee, or pledge of assistance, to either party in this contest.

The tone of the President's proclamation<sup>28</sup> herewith forwarded will also I trust be agreeable to Her Majesty's Government. It may probably produce considerable effect amongst portion of the people of the United States, and in the difficult circumstances that he is placed, it is not more than truth and justice to say that he has acted with courage, honour, and prudence. The approaching Convention, (perfectly irregular and beyond the Law of itself, assembled to take into consideration the extinction of the Nationality of the Country, and with it the violation of their compacts, direct and implied, with the powers with which they have treaties,) appears to me to be a state of things that had better not have the countenance of any Foreign representative accredited to this Republic; (I mean by countenance, such assent as might be inferred from his presence,) and I shall therefore set out for the United States as soon after the assembly of Congress on the 16th Inst. as I can conveniently get away.

In the brief Note I shall address to the Government on my departure, I shall attribute it to infirm health, which indeed is my sufficient excuse for leaving this part of the Continent without delay. I am also sensible that my continued presence here during the discussions in the Convention would be attended with mischievous rather than advantageous consequences, and I trust my departure will have Your Lordship's approbation. I avail myself of this occasion to acknowledge Your Lordship's despatches to the 3d May, but what has already been accomplished, and the present temper of this people necessarily relieve me from any movement in the sense of those Instructions.

Charles Elliot.

<sup>28</sup>The *National Register*, Extra, June 6, 1845.

JONES TO ELLIOT<sup>29</sup>

[Enclosure.]

Copy.

Charles Elliot.

(Private)

Washington,

June 6th. 1845

My Dear Sir,

I send you enclosed herewith a Despatch from the Baron Aeley de Cyprey. The package for him contains a letter of acknowledgment for his courtesy and kindness, together with a properly Certified Copy of the Proclamation, and some printed Copies, attested by myself in the same manner as those herewith enclosed for your own use

I have as you will perceive made some slight alterations in the Proclamation from the first Copy, but none I think which you will dislike.

Would it not be well that Mexico should make a *formal* declaration of a Cessation of hostilities on her part? I think it would be well although I consider her Assent to the preliminaries, necessarily presupposes, and promises such Cessation. But the people here would be more satisfied and feel more secure if the declaration was made formal and public.

The Bearer of this will be with you on Monday or Tuesday at farthest and will return immediately to this place. Please write by him.

It strikes me that the question of Annexation or Independence will come up to be *decided* by the people of Texas only when the Vote is taken on the ratification of the Constitution which will be proposed by the Convention. This Vote will probably be taken in September or October next. What the state of public feeling may be at that time it is impossible to determine. I do not even presume to "guess"

(Signed) Anson Jones.

To Captain Charles Elliot.

[Endorsed.] Inclosure No. 2 in Capt'n Elliot's Despatch to The Earl of Aberdeen No. 17 June 12th. 1845.

<sup>29</sup>F. O., Texas, Vol. 13.

ELLIOT TO BANKHEAD<sup>2b</sup>

[Enclosure]

Copy.

Galveston

June 11th. 1845.

Sir,

I have the honour to acquaint you that I arrived here on the 31st. Ultimo, and proceeding immediately to Washington, placed the preliminary Conditions in the hands of the President of Texas on the evening of the 2d Instant. His Excellency told me that the general state of popular excitement in favour of Annexation, so little looked for three months since, could be no sufficient motive with him for failing to fulfil what he felt to be his obligations towards his own Country, towards Mexico, and towards the Powers who had interested themselves in the peaceful and honourable adjustment of this struggle; and that he should therefore, in the course of a day or two, issue a Proclamation, making known the actual situation of affairs with Mexico to the people of this Country, and leaving it to them and their Constitutional Agents to dispose of the result as they should judge best.

With respect to the additional declaration made by the Government of Mexico, he had no hesitation so far as depended upon the Executive, in accepting it. That is, in express terms, he adhered to the declaration he had formerly made to M. de Saligny and myself as to the willingness of this Government to stipulate an indemnity in the final treaty, if the liminary conditions were satisfactory, and he certainly could offer no just objection to the other reservation made by the Secretary of State to Mexico in the contingency of movement in the direction of annexation. But with no firm belief in the final completion of that scheme (for the difficulties appeared to be very great, if not insuperable, both here and in the United States,) he cordially hoped that the Ministers of the two Powers would be able to induce the Government of Mexico peacefully to wait the turn of events.

Concerning the appointment of Commissioners to proceed to Mexico, he thought it must be unnecessary to say that in the present temper of the public, and with the close assembly of Congress, such a step would be unsuitable and mischievous; but he

might soon be in a situation to adopt that course, and in that case, it might be depended upon that he would have careful regard to your suggestions. I said I was gratified to hear that His Excellency had resolved to publish the Proclamation, but I could not conceal from him my own impression that what had taken place with the authority of the Government since the month of March last when he had placed the Preliminaries in our hands was enough to justify the Government of Mexico in declaring their acceptance of them to be null and void; and further that the course pursued in Texas had left it perfectly open to the Government of Mexico forthwith to take what steps they saw fit for the safety and rights of the Country.

The President told me that he had convened Congress and recommended a Convention in the plain perception that no other means were left to him of averting bad and irreparable consequences. He had no doubt that He had acted wisely for the well understood interests of this Country in those particulars; and he could further assure me that the course most ardently desired by the partizans of annexation here and elsewhere was military movement beyond the Rio Grande by Mexico. Such a step would immediately and decisively accomplish the measure. I remarked that the policy to be pursued by Mexico was a subject to which I was not competent to speak, but I thought it possible that the Ministers of the two Powers might endeavour to induce the Government of Mexico to refrain from onward movement, till some final decision was taken by the people of Texas, as long as this Government and people were confining themselves within the limits of their present occupation. That, however, was mere private and personal opinion upon my part, and the President would have the goodness only to accept it in that sense.

The Proclamation has reached me this day, and I am only prevented from forwarding the Despatches to the "La Perouse" at once, by the unfavourable state of the weather which prevents communication. The Copy herewith transmitted is attested by the President himself. So far as I can observe there is no remission as yet of this feverish excitement in favour of annexation, provoked and kept alive by extraneous agency, and, judging from present appearances, there can be little doubt that the annexation resolutions will be adopted both by Congress and the Convention.

But it may I think, be depended upon that the late policy of Mexico, and the present attitude of this Government will have greatly increased the difficulties of the annexation party here, and, most particularly, in the United States.

With firm adherence on the part of Mexico to the protest against annexation, active preparations for defence, and the continued exhibition of the offer of Settlement on the basis of Independence till some decisive action is completed by the people of Texas in the sense of annexation, (unless some forward movement should be made by them beyond the limits of their present occupation, or by the Troops of the U. S. into Texas,) I trust that this very serious business may yet be adjusted advantageously and satisfactorily.

My last despatches from England are of the 3rd May inclosing me Copies of those to you of the 1st Idem: But what has already been accomplished, and the present temper of the public here, relieve us from any necessity of movement at this point under those Instructions

The President desires me to convey to you his best thanks for your kind and able interposition in the negotiations at Mexico.

Signed Charles Elliot.

To His Excellency, Charles Bankhead.

Mexico.

[Endorsed.] Inclosure No 1 in Captain Elliot's Despatch to The Earl of Aberdeen. No 17. June 12. 1845

ELLIOT TO BANKHEAD<sup>31</sup>

[Enclosure].

Copy.

Galveston

June 11th. 1845.

*Private*

My dear Mr Bankhead,

Beyond the information furnished in my despatch I have to tell you that the President described the state of feeling here to be that of fever, and like all fevers he said it must run it's course for good or for evil.

He ascribed the sudden and general spread of the disease to

<sup>31</sup>F. O., Texas, Vol. 13.

the alarm excited at Washington (D. C.) by the Anti Annexation Articles in the Government Newspaper, which had led to an influx of Agents specially charged to work upon the people and damage his influence. His simple chance of useful intervention depended in his mind, upon complete abstinence from opposition just now. That would be futile or indeed worse, would fan the flare.

But he thought he observed symptoms of an abatement of the excitement already, and he requested me to conjure the Baron and yourself to keep Mexico from any kind of onward Movement. Such a step he says, would be fatal to the prospect, and the good prospects of averting all this mischief.

I should tell you that I learnt as soon as I landed from a source of information entirely to be depended upon that Commodore Stockton was using every effort to induce the President to issue a Proclamation calling out Volunteers for the purpose of occupying the Country *to the Rio Grande at once*.

The President frankly admitted to me that such was the case, and told me (I use his own words as nearly as I can remember them) that he said to those parties "I see not one single motive for Annexation if it is not for security and protection, or if we are *to do our own fighting*, and I tell you plainly that I will not be made the scape goat in such an affair as you have proposed to me. The United States Government must take all the responsibility, and all the expence and all the labour of hostile movements upon Mexico. I will issue no Proclamation of the kind, you wish, and authorize no movement *unless Mexico makes a movement upon us*. Somebody else must break up the state of peace. It shall not be me." You will see by the Proclamation that he has kept his word, and I remark already that it is a heavy blow to the violent partizans of the scheme here. Donnelson who arrived from the U. S. the day after I got here, and who I met on his way to Washington will probably enough disavow Stockton and at all events the Proclamation will be a sad disappointment to him, for he will be able to judge of it's effect on the wise portion of the people of the U. S.

I see good reason to think, however, that the Mexican Governnt should concentrate force on the line of the Rio Grande as soon as possible, and do what may be practicable without a moment's delay to protect Matamoras against a Coup de Main. I believe

too it would also be well to turn up breast works at the Brassos Santiago, and mount a few heavy guns and Mortars there. I should also particularly suggest that a very careful watch should be had on movements from this quarter on the Commachee and other frontier tribes. I make little or no doubt that they would attempt to tamper with them, and I am also strongly inclined to believe that Stockton's force here has a large supply of arms and ammunition ready for distribution amongst this people.

But if I may venture to offer an opinion I think it would be very unwise of Mexico to take the initiative in hostile or onward movements. That step should be left to the Government of the U. S. which will find it no easy or irresponsible affair during the recess of Congress and in the entirely altered attitude of Mexico as respects Texas, with a closely divided state of parties in their own Country upon the subject, and indeed serious divisions in their own ranks in regards to it.

I forward herewith for the Baron's and your own perusal a copy of a private letter which I have this morning received from the President, and I take the liberty to suggest that it might be of advantage if the Mexican Governmt. would forthwith issue a Proclamation declaring that no onward movements would be made whilst none were made by the Texians, or U. S. troops, that is, in the present state of the relations between the two Countries.

Saligny is at New Orleans and writes to me that he thinks it best in the present state of affairs to remain there till he has received answers to his despatches of the 3d April, which may be looked for by the "Great Western" on the 9th or 10th Inst. He has begged Elliot<sup>32</sup> to remain for him at the Mouth of the Mississippi till that date. The "Great Western" will bring dates of the 14th or 15th Ult. I should mention that the President told me in confidence that a considerable number of the Delegates to the Convention ostensibly favourable to Annexation, were not at *all so in reality*, and would go there steadily determined to send such a Constitution to the U. S. as would not be accepted by that Legislature. I give it to you as he said it to me, but can offer no opinion upon the possibility of the Statement

The pinch of the question will be in the U. S. next Session,

<sup>32</sup>Captain George Elliot of H. M. S. *Eurydice*.

and if Mexico is *firm* and *moderate*, She will avoid this danger. Houston is gone to New Orleans and the *Hermitage* to sound the depths in those quarters, and calculates his chance of running for President in succession to Polk, and I shall think it very wonderful if they do not continue to catch him, and throw him over afterwards, adroit as he is. He is a fellow of infinite resource too, and under the cards he may be working the right way to get. It would be like him. The American force here consists of "Princeton" (Steamer) "Saratoga" and St. Mary's Corvettes of 20 guns each, and Porpoise 10 gun brig. Their main business here is to, spend money or as they have it in the U. S. to "*log roll*."

I beg to mention to you that I am on the point of leaving this Country for I really do not think it proper to remain here whilst this Convention is sitting. The Measure is purely revolutionary, and I see not suitable excuse for remaining in Texas whilst the people are unlawfully, or at all events beyond the Law, debating upon the extinction of their Nationality, and the violation of their compacts with the Powers who have treated with them. My health too is shaken heavily, and I have private distresses with which I will not trouble you, but they are sad to bear.

If the Govern. of Mexico have anything to communicate to this Govern. under present Circumstances, I would suggest that it had better be done directly through the General Officer in Command of the Army of the North, and if this Government should happily defeat the Annexation Scheme, they will be able to communicate freely and directly. Till that Scheme is thrust further back than it stands at present, I do not think it right to remain here. The President has behaved as well as he could, and I hope the Govern. of Mexico will carry on any Communications they may have with this Govern. in a conciliatory spirit and respectful terms. It would be sound policy to do so, and a contrary course would help their enemies.

Very kind regards to Mr [Mrs.] Bankhead and Doyle if you please, with a thousand Compliments to the Baron and his family.

Very sincerely yours.

Charles Elliot.

P. S. I have just recd. a line from Saligny dated 9th June. The Despatches by "Great Western" were looked for hourly, and



he would come on by "Eurydice." The President begged me most particularly to remind the Baron and yourself that the *Memorandum of our Conference* should be *kept secret*.

To Charles Bankhead, Esqr Mexico.

ELLIOT TO ABERDEEN<sup>33</sup>

No. 18.

Galveston.

June 15. 1845.

My Lord,

Since I had the honour of addressing Your Lordship on the 12th Inst. I have had an attack of Ague and fever, and finding that the best chance of interrupting this disorder and restoring myself to a fit state for Service is by immediate change, I propose to go to New Orleans by the Steam Boat which has been delayed here till today. I shall wait there for [until?] the President's Message has reached me, and if there should be anything [nothing?] to detain me to the Southward in the circumstances arising out of the Assembly of Congress I shall venture to proceed forthwith to New York, holding myself in constant readiness to return here whenever that step may be necessary or desirable.

The state of my health should not have induced me to leave Texas at present if I did not feel that there can be no reasonable doubt as to the course of the present Congress respecting annexation, and renewed reflection has strengthened me in the impression that I had better not be here at the period of their formal action upon this subject, be it what it may. The continued presence of the American Naval force named in the margin,<sup>34</sup> off this Bar, and the circumstances, leave me without doubt that it is the settled purpose of the Government of the United States to avail themselves of any opportunity or pretext to take Military possession of this part of the Country, at least, and by that step so far to commit the two Governments and Legislatures as to diminish all risk of retraction or disturbance here or in their own Country

But I will not dismiss this topic without taking the liberty to repeat an opinion I have in another place expressed to Your Lord-

<sup>33</sup>F. O., Texas, Vol. 13.

<sup>34</sup>*Princeton* (Steamer), *St. Mary's* and *Saratoga* (Corvettes), and *Porpoise* (Brig).

ship—; that is, that Mexico has much more efficacious Means of responding formidably to forcible aggression by the United States than seems to be generally contemplated here or there. There is more of aptitude in the United States for the accession of territory on that Side, by the mode of gradual encroachment in the unsettled Countries, than by regular Military operations and conquest. And if the policy and resources of Mexico are judiciously directed to prevent the first and arrest the last, I think that the result of regular Military modes of proceeding will not answer the expectation of the persons and councils in the United States intending the forcible dismemberment of the Mexican Confederacy. The danger to Mexico from the United States is in the Settler, and intrigue and conspiracy, not in their Armies and Navies, and the true point to be watched, and placed on a safe footing at once, I am strongly inclined to believe, is Upper California.

Texas, in the actual occupation of the Texians, cannot be safely disturbed by Mexico, and the Country beyond those limits as far as the Rio Grande, is for the most part perfectly desert, and unfit either for settlement, or protracted Military operations. If the Texians and Americans are betrayed as far as the Rio Grande in pursuit of their Aggressive Schemes there may be less difficulty in effectually checking them than is generally believed.

Charles Elliot.

To the Right Honourable,  
The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN<sup>35</sup>

No. 16.

Her Majesty's Consulate  
Galveston

June 24th 1845.

My Lord,

In the absence of Her Majesty's Charge d' Affaires who left Galveston for New Orleans on the 15th Instant, accompanied by Mr John Macdougall, I have the honor to inform your Lordship that the Congress of Texas (which assembled on the 16th Instant,) has passed a Joint Resolution accepting the proposition for Annexation submitted to the Texan government by the Government of the United States.

<sup>35</sup>F. O., Texas, Vol. 14.

I beg leave to enclose a printed Copy of the Joint Resolution<sup>36</sup> passed by the Congress of Texas, relative to Annexation.

Another Joint Resolution has passed the Texan Congress, authorizing the introduction of United States' troops into Texas.

It is understood that Military occupation will be taken of the tract of Country lying between the Nueces and the Rio Grande; for the purpose of making the latter river the boundary between Mexico and Texas.

William Kennedy

The Earl of Aberdeen, K. T.

BANKHEAD TO ELLIOT<sup>37</sup>

[Enclosure].

Mexico

June 29—1845.

Sir,

I have the honour to acknowledge the receipt of your Despatches of the 11th Instant containing the Proclamation of Mr President Jones on the receipt of H. Ey. of the preliminary Articles of which you were the bearer.—It is very gratifying to find that the tenour of this Document is so conciliatory towards Mexico, and evidently by it's language desirous of cultivating Peace and Goodwill, rather than the alternative of Annexation.

Senor Cuevas's mind had been much disturbed by the exaggerated Statements he had received respecting the State of Affairs in Texas but I was fortunately enabled by your valuable assistance to calm down his excited feelings, while, at the same time, I strenuously, and I think with success, conjured him to allow no false or interested statement to urge this Government into any onward, or unfriendly Step while the Measure respecting Texas is pending—but to wait calmly for the decision of the Convention, which by a letter you were so good as to send for Monsieur de Cyprey's and my information, is not likely to take place before October.

I am endeavouring to induce this Government to issue a Proclamation for a Cessation of hostilities, in return for that so spontaneously made by the President of Texas

<sup>36</sup>Not found.

<sup>37</sup>F. O., Texas, Vol. 13. This and the following letter are here placed in correct chronological order, though not received and transmitted by Elliot until August, owing to his absence from Texas.

And Mr Cuevas assured me that no language but that of Conciliation would be used in accompanying the publication of the latter Document in the Government paper here.

Charles Bankhead.

Copy remaining with my papers.  
Captain Charles Elliot.

[Endorsed.] Inclosure No 1 in Capt Elliot's Despatch No. 23. to the Earl of Aberdeen. August. 13. 1845.

BANKHEAD TO ELLIOT<sup>88</sup>

[Enclosure]

Mexico.

June 29. 1845

Sir,

It is with deep regret I learn from your private letter that you think it expedient to leave Texas during the Sitting of the Convention

I am sure you will pardon my earnestly requesting you to reconsider this intended proceeding—for it is absolutely necessary that this Legation should be *accurately* informed from time to time of what is going on in Texas—and, moreover, Lord Aberdeen particularly enjoins you to do so in his Instruction of 3rd May.

I take the liberty of adding that my opinion is fully supported by my french Colleagues and by the Mexican Government.

I send this by H. M. S. *Persian*, and I fervently hope that She may arrive in time to prevent your putting your plan into execution.

Charles Bankhead

Copy remaining with my papers.

Charles Elliot.

Captain Charles Elliot.

[Endorsed.] Inclosure No 2 in Capt Elliot's Despatch No 23 to the Earl of Aberdeen. August 13. 1845.

<sup>88</sup>F. O. Texas, Vol. 13.

ABERDEEN TO ELLIOT<sup>39</sup>No 10.<sup>40</sup>

Foreign Office.

July 3d. 1845.

Sir,

I have received from you no Despatch of a later date than that of the 2d of April, marked "Secret," in which you reported the arrangement into which, in conjunction with the French Chargé d' Affairs, you had induced the President of Texas to enter, with a view to obtaining the recognition of Texas by Mexico. In the same Despatch you mentioned your intention of proceeding in person secretly to Mexico, in order to carry out more effectually the scheme of action thus devised in Concert with the Texian Government.

I have subsequently learned from Her Majesty's Minister in Mexico your arrival in that City, and the success which had attended the united efforts of the Missions of England and France both in Mexico and Texas, by the conditional acceptance by the Mexican Government of the terms proposed to them by the Government of Texas.

I am happy to be able to convey to you the approbation of Her Majesty's Government of the energy and ability with which, in conjunction with M. de Saligny, you prosecuted this matter with the Government of Texas. It might have been preferable, however, that you had not proceeded in person to Mexico; and at all events it would have been better that you had not proceeded thither secretly, or under a feigned name or character, inasmuch as the mystery which necessarily attended such secret expedition was liable to give rise to erroneous notions and false interpretations of our motives and intentions, especially on the part of the United States.

The policy which Her Majesty's Government have pursued with respect to Texas and Mexico has been perfectly clear and open. It has never required any concealment. We naturally desired to preserve the independence of Texas, with which State we had

<sup>39</sup>F. O., Texas, Vol. 21.

<sup>40</sup>F. O., Texas, 21, Aberdeen to Elliott, Nos. 8, May 19, and 9, June 18, 1845, have been omitted. No. 8 acknowledged receipt of despatches. No. 9 noted the transmission of copies of correspondence with British consuls in the United States relative to the sugar duties, but these copies could not be found.

entered into engagements, and concluded Treaties, but we also considered that the welfare of Mexico required that She should, if possible, be preserved from immediate contact with the United States.

We thought it probable that upon such separation the peace of the North American Continent, and therefore of the World, might materially depend. We accordingly employed our efforts, but openly and fairly, to accomplish this object. We looked upon it's furtherance as no less desirable for the United States than for Mexico, since we do not believe that the aggrandizement of the United States will in any way contribute to their strength, or to the advancement of the material interests of their people. On the contrary, we believe that such aggrandizement will be found to have a precisely opposite effect, and that it will eventually excite discord in the bosom of that great Country. But such dissention could scarcely fail to act injuriously upon British interests, considering the vast amount of British Capital which is engaged in Commerce with the United States. Our well understood national interests require that the United States should remain peaceful and united amongst themselves; but the system of extention of their territory which they are now pursuing seems to us to place their internal peace and union, as well as the peace of the whole Continent in jeopardy. For that reason therefore, as well as for those above pointed out, we have constantly sought to uphold the independence of Texas. But in pursuing this policy we have no specified British interests in view, apart from general interests, for we do not conceive that any material or direct British interest is involved in the independence of Texas. Had it been so, it would undoubtedly have been the duty of Her Majesty's Government to promote such interests by every fair means in their power; but we should still have pursued that object as a clear and obvious publick obligation, without the smallest concealment.

I have entered thus at length into explanations respecting the policy of Her Majesty's Government with regard to Texas and Mexico, as well as the United States, with reference to those Countries, in order to demonstrate to you that the Mystery which you unfortunately threw round your recent preceedings was not only unnecessary, but liable to be misunderstood in such manner

as to make your policy appear in a light the very reverse of that which it ought to bear.

In doing this I have thought it expedient to point out to you the error into which you have unintentionally fallen, and which is liable to create serious embarrassment and misunderstanding, in order that you may hereafter be enabled to avoid any repetition of it.

I do not think it necessary to enter upon this occasion into the question of the probable result of your late proceedings, since any reflections in which I might indulge must, in the uncertain position in which matters stand at present in Texas, be purely speculative. Her Majesty's Government see no reason to entertain any sanguine hope that the President of Texas will have been enabled to resist the popular clamour for annexation. It is therefore unnecessary at the present moment to give contingent instructions for the guidance of your conduct in the scarcely imaginable case of the maintenance of their independence by the people of Texas. In the event of the annexation of that Country to the United States being completed, you will remain at your post, or at some port of the United States, as you were authorized to do by my Despatch marked "Separate" on the 3rd. of April last, until you receive further instructions from this Office.

Aberdeen.

Captain Elliot. R. N.

ELLIOT TO ABERDEEN<sup>41</sup>

No 19.

New Orleans.

July 3rd. 1845.

My Lord,

The President's Message,<sup>42</sup> herewith transmitted, reached me this Evening, and seeing that there can be no further need for my stay in this quarter at present, I shall proceed to New York forthwith, holding myself in constant readiness to return to Texas at any moment that my presence there may be thought requisite or desirable. I learn by private letters from Texas that the Steamer Princeton was despatched direct to Norfolk, with these accounts, so that the detailed intelligence of what has passed in

<sup>41</sup>F. O., Texas, Vol. 13.

<sup>42</sup>Printed copy of Jones' message of June 16, 1845.

Texas will no doubt reach Her Majesty's Government from Washington before this despatch can arrive in England.

It would be erroneous to suppose that the unanimity of the Vote in the Texian Congress is decisive of the real feeling of the whole people of that Country. On the contrary, these scrambling and hurried proceedings in this grave affair afford reason to think that discussion was considered dangerous, and the acquiescence of persons in that body well known to be adverse to Annexation is only evidence that they were borne down by the apprehension of Violence, or at least by a sense that it was hopeless openly to resist the unscrupulous management and misrepresentation in operation at this moment.

Her Majesty's Government will find in these proceedings of Congress, and the official Correspondence herewith transmitted remarkable proof of the extent to which the people have been deceived and worked upon both in the United States and in Texas. So far as it has yet gone however this Measure is no doubt an immense triumph to the great Slave Trade interests of this Country.

Men, Women, and Children, My Lord, have risen in value at least 30 per Cent since this scheme was proposed by Mr Tyler in 1844; And the Annexation of Texas which some of the Statesmen of this Country have ventured to actuate in the phrase that it would constitute an "Exodus" for their Slave population signifies in the plainer speech, and, more reverent use of terms applicable to this painful transaction, that they have robbed a Market from a weak and peaceful neighbour where Slavery had no legal existence for the disposal and consumption of their surplus human produce. Their avowed purpose is that the Slaves are to be worked off in Texas till Slavery can no longer be turned to profitable account, and then that the wreck of the race is to be driven forth into the Mexican Provinces, to mix themselves with the inhabitants of those Countries.

But turning from this extravagance, I take the liberty to offer the opinion that the triumph these parties have achieved will be found to be insubstantial and transitory. Misrepresentation and political intrigue, and disease and sordid Motives of all kinds are of no texture to withstand the right feeling, and sober purposes of the great body of this people on this subject



of Slavery. The reaction will be strong, and not slow of coming; and so far as the durability of the institution of Slavery is considered I believe that the Annexation of Texas will by no means work steadily in the sense that its advocates suppose. But there are other consequences to be feared from the success of such schemes as this, and the time may not be distant when it will be manifest that the true friends of the honour, happiness, and integrity of this great Confederacy were those just and able Statesmen who warned their fellow Citizens against the evils of this bad plot.

I learn from a good source this Evening that two Corps of infantry are to be sent immediately to Matagorda by Sea, and that a regiment of Cavalry is to march into Texas from Fort Jessup. It was said that the whole force under orders would not exceed 1,500 men. The Squadron before Galveston had broken up and returned to this Country.

I take the liberty of forwarding Your Lordship the Copy of a Despatch I addressed to Mr Bankhead yesterday, and I would also mention that if your Lordship forwarded me any instructions by the Mail of the 19th May, they have not yet reached me, having probably crossed me on my way up from Texas to this place.

Charles Elliot.

To the Right Honourable.

The Earl of Aberdeen, K. T.

## BOOKS REVIEWS AND NOTICES

*Early Diplomatic Relations Between the United States and Mexico.*

By William R. Manning. (Baltimore: The Johns Hopkins Press. 1916. Pp. ix, 406.)<sup>1</sup>

This valuable volume, published as one of the series of Albert Shaw Lectures on Diplomatic History, covers the period of Mexican-American relations from 1821 to 1830, which has never before been adequately done—a period which might have been used to establish friendly relations, but which was wasted in quibblings and misunderstandings. In the latter the author finds the origin and largely the explanation of the growing and apparently irreconcilable differences of the next two decades, and the discord of half a century.

Parts of four or five chapters have previously appeared in various standard periodical publications. Chapter I supplements the detailed treatment of the policy of the United States found in Paxson, and the chapter on Cuba supplements the earlier accounts of Callahan and Chadwick.

The history is presented in ten chapters: Beginnings and early Mexican representatives at Washington; Tardy appointment and cool reception of the first United States Minister to Mexico; British influence in Mexico and Poinsett's struggle against it; Cuba saved to Spain; Diplomacy concerning the opening of the Santa Fé trail; Denunciation of Poinsett because of his relations with the York Masons; Obstacles in the way of concluding a commercial treaty; Commercial controversies; Texas and the boundary issue; Public attacks on Poinsett and his recall. The chapters on Cuba (77 pages) and the boundary issue (72 pages) are disproportionately long.

An additional chapter presents comments on authorities. The author has obtained his materials largely from official manuscript sources of the State Department at Washington and of the Ministry of Foreign Relations in Mexico. He has also drawn from the Van Buren manuscripts in the Library of Congress at Washington much material on the beginnings of Jackson's and Van Buren's plan for the purchase of Texas in 1829. He has also

<sup>1</sup>Reprinted from *American Journal of International Law*, July, 1916.

made a careful study of the public documents and many secondary sources. The chief authorities are cited in the footnotes, which add much to the value of the book.

The real beginning of the Mexican legation dates from the arrival (November, 1824) of Obregon, the fourth minister plenipotentiary appointed by Mexico. The appointment of an American representative to Mexico was used as a political football or political pawn at Washington while Canning was busy establishing a British influence which overshadowed the importance and influence of the earlier American recognition of Mexican independence and the declarations of Monroe. Joel R. Poinsett, who accepted the appointment, previously declined by others, received his instructions on March 8, 1825. To recover the prestige lost by delay, and with a desire to preserve republican institutions in Mexico and prevent encroachment of European powers, he used means which subjected him to charges of interference in internal affairs and produced increasing distrust and suspicion, which postponed the satisfactory conclusion of pending negotiations, endangered peaceful relations, and finally led to public Mexican attacks which resulted in his recall. In Clay's instructions to show an unobtrusive readiness to explain to the Mexican Government the working of the American Constitution, which had been so largely copied by Mexico, Poinsett found his only excuse for his activities (through the York rite Masons) which gave rise to the charge of meddling in internal affairs. At the same time he corrected the implication of Alaman (the Mexican Minister) that the declaration of Monroe gave Mexico the right to demand that the United States interfere in behalf of the new American states.

In his longest chapter, the author traces the negotiations in regard to the serious international question of the destiny of Cuba, in which seven nations were involved, and in which the United States, while opposing the acquisition of the island by any European power or by Mexico or Colombia, declined to be drawn into a self-denying pledge.

In Chapter V he treats the growing intercourse along the Santa Fé trail on the far northern frontier, after 1821, the substitution of wagon trains for pack animals in 1824, the measures to establish and protect the trade, the efforts to secure the co-operation of Mexico in constructing the road, which she opposed until the

question of boundary line should be settled, and the military escort furnished by the United States before the regulation of trade by the treaty of 1831.

The two most valuable chapters in the book are those relating to the negotiation of treaties of commerce and boundaries. For over four years the negotiations for a commercial treaty were fruitless, and in this period Mexico twice allowed the time for exchanging ratifications to pass without action. The chief initial obstacles, after the agreement to separate the question of commerce from that of boundaries, were the attempt of the United States to modify the most favored nation clause by a new principle of "perfect reciprocity" of tonnage dues, which was opposed by Mexico, and the demand of Mexico for an exception in favor of the new Spanish American states on the ground that they were engaged in a common contest against Spain in which the United States was not participating. In reply to the latter, Clay and Poinsett urged that the United States by maintaining neutrality had prevented the precipitation of a detrimental union of European powers against Americans, and thus had been enabled to render assistance more valuable than military co-operation. Poinsett successfully made the omission of the exception a *sine qua non* and yielded on the proposed "perfect reciprocity." He also withdrew an anti-British exception which he had proposed to the principle of "free ships make free goods."

The treaty was signed on July 10, 1826, and, on its arrival at Washington, still not ratified by Mexico, was promptly ratified (February 26) by the Senate, after the insertion of Poinsett's proposed exception and also the omission of an article excluding from Mexico all European Spaniards who had been naturalized in the United States since 1820, which was declared to be repugnant to the United States Constitution. Mexico still delayed to act, first objecting to the clause on the rendition of fugitive slaves, and later demanding an article settling the boundary dispute. Finally, after the hasty conclusion of a boundary treaty on January 12, 1828, followed by the quick settlement of disputed points, Poinsett obtained a new treaty (on February 14) which secured both the principle of "perfect reciprocity" and the exception to the principle of "free ships make free goods," and also provided for the return of fugitive slaves. This treaty, ratified by the

American Senate on May 1, 1828, failed in the Mexican Congress. Finally, however, over a year after the growing opposition to Poinsett had burst into a demand which resulted in his removal, Anthony Butler (on April 5, 1831) secured a treaty which was ratified and properly exchanged by both powers, and which contained practically all the articles of the Poinsett treaty except the clause providing for return of fugitive slaves.

The commercial controversies, which in the absence of treaty regulations, continually arose over the rights and privileges of United States merchants and merchandise, and which occupied most of Poinsett's time in vain attempts to adjust, are treated by the author in a separate chapter. They relate to requirements of consular certificates to invoice of goods and resulting seizures of vessels and goods, unfair tariff charges, seizure of American vessels and cargoes on various pretexts, the conduct of Mexican naval vessels and Mexican privateers against the commerce of Spain (and their use of United States ports) and losses to merchants and travelers at the hands of robbers and bandits.

The long chapter on "Texas and the Boundary Issue" traces the questions relating to the American desire to regain territory bartered away in 1819, the early suspicions of the authorities of the new state of Mexico, the proposals of the American Government to secure a new and more advantageous boundary west of the Sabine to guard against possible future difficulty, the hope of the Mexican ministry to secure the extreme limits of Spanish claims before the treaty of 1819, the beginning of the Anglo-American independence movement in Texas, the American attempts to purchase the territory in which American citizens had obtained extensive grants from Mexico, the hasty negotiations of the boundary treaty of January 12, 1828, which was promptly ratified by the United States but was ratified too late by Mexico to be exchanged under the time limit, the rise of new internal questions relating to Texas, and the unsuccessful negotiations by the Jackson administration to secure a new treaty of limits. Poinsett, shortly before his recall, was convinced that the American boundary could not be extended west of the Sabine without driving Mexico "to court a more strict alliance with some European power." Finally, after Mexico by firm but pacific protests, had been induced to ratify the pending treaty of commerce, the American government (ac-

ording to promise) submitted with it, to the United States Senate, the pending treaty of limits, which was thus revived after its obligatory character had been lost by the remissness of Mexico. Ratifications were exchanged exactly one year later, on the last day allowed under the treaty provision.

J. M. CALLAHAN.

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*Anglo-American Isthmian Diplomacy, 1815-1915* [Prize Essays of the American Historical Association, 1914.] By Mary Wilhelmine Williams, Ph. D., Assistant Professor of History in Goucher College. (Washington: American Historical Association. 1916. Pp. xii, 356. \$1.00.)<sup>1</sup>

A committee of the American Historical Association awarded to this book the Justin Winsor prize in American history for 1914. This assures for it a high degree of accuracy and a respectable literary style, for committees in the past have more than once withheld the prize for want of a worthy candidate. English-American isthmian relations have been summarized in many books, and portions of the subject have furnished topics for monographic investigation. Miss Williams's book claims attention for its distinguished patronage and because it is a consecutive study of the whole subject. It is based on a minute and painstaking study of all available English and American manuscript and printed sources, and the writer lists in her bibliography a wide range of secondary authorities from whom she has drawn more or less assistance. One expects the book to be, and it ought to be, a most useful contribution, but it is disappointing. It is a conscientious seminar report with the defects of such an exercise, exhibiting immense industry but small sense of proportion. Details piled on details note every shade of shifting, transitory, ministerial opinion in England, the United States, and Central America, as revealed in the diplomatic correspondence; and the really important aspects of the subject are lost in a desert of unessentials. The same fault is carried out in the documentation. It hardly seems necessary in a printed book to make six or eight references in a single brief paragraph to a short document which is the sole source of the paragraph. As a rule, over documentation is a good fault, and

<sup>1</sup>Reprinted from *American Journal of International Law* for July, 1916.

this criticism would be captious but for the fact that it emphasizes the principal defect of the book, its exaggeration of detail.

The book will necessarily find a place on the shelves of all well furnished libraries and in the hands of professors of history, but students and readers who desire a clear-cut presentation of the essentials of Anglo-American Isthmian relations must continue to use some of the excellent manuals listed in Miss Williams's bibliography.

EUGENE C. BARKER.

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*History of Arizona.* By Thomas Edwin Farish, Arizona Historian. Two volumes. (Phoenix: Printed and Published by Direction of the Second Legislature of the State of Arizona, A. D., 1915. Pp. xii, 392; viii, 348.)<sup>1</sup>

The background of Arizona history is large. On the one side one may trace it from the Spanish conquest of Mexico through the northward advance of missionaries and conquistadores in the early sixteenth, seventeenth, and eighteenth centuries, and on the other from the English settlements of the Atlantic seaboard through the westward movement of American pioneers in the seventeenth, eighteenth, and early nineteenth centuries. But in the period covered by these volumes, that is, down to 1863 or 1864, there is little distinctive, individualistic history for the region. It is mainly incidental, episodal. Spanish priests and explorers; American fur-traders, prospectors, and soldiers, generally destined elsewhere, passed through the country and recorded their experiences—frequently stirring enough to make a thrilling tale;—but of colonization and purposeful development of a commonwealth there was none.

These volumes are a fairly skillful and quite entertaining compilation of quotations from Bancroft and Bandelier on the Spanish-Mexican period and from the reminiscences and reports of American pioneers and military officers thereafter. Three-fourths of the text is quoted. Six chapters are devoted to "Early Spanish Explorations" and "Early Spanish Missions and Missionaries"; but Kino, the only missionary who ever gave his primary attention

<sup>1</sup>Reprinted from the *Mississippi Valley Historical Review* for September, 1916.

to Arizona, gets but four pages. Following the American conquest three chapters are given to railroad surveys and transportation projects, three to "Early Mines and Mining," three to the contest for Arizona during the Civil War, two to territorial organization, eight to Indians, and nine to early settlers and settlements. A list of chapter titles illustrates the absence of any plan of organization, except, to some extent, a chronological one: interspersed with other chapters, the Indians appear under "Troubles with the Indians," "Indian Raids and Outrages," "the Navajos," "the Crabb Massacre," "Indians—Massacres—Outrages—Raids," "Indian Hostilities," "the Navajos." American pioneers appear under "Early American Occupation," "Early Settlements and First Attempts at Organization of Territory," "Early Days in Arizona," "Early Pioneers and Settlers" (six chapters). In that portion of the text written by the compiler a few inaccuracies are noted: in the light of the researches of Professor Adams and Mr. Rives it requires hardihood to assert without qualification that England "was preparing to seize" California in 1846 (Preface, vi, and 1:149), not Alarcón (1:19), but Kino, a hundred and forty years later, settled the fact that California was not an island; the Democratic platform of 1844 claimed to 54 40', not to 59 40' (1:119). This, of course, may be a misprint. It was Tyler's pleasure to notify Texas of the passage of the joint resolution for annexation, not Polk's "first official act" (1:119). Each volume is separately and adequately indexed, but there is neither bibliography nor bibliographical notes. There are illustrations, but no map. These are omissions which subsequent volumes in the series should supply.

EUGENE C. BARKER.

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*Mrs. Percy V. Pennybacker; an appreciation.* By Helen Knox.  
(Chicago: Revell & Co. 1916. 12mo, pp. 7, 192.)

As the sub-title implies, it is not so much a critical appraisal as a friendly tribute by a young college woman to one of the leading club women of America, who has helped the author and her colleagues in the University of Texas in their own club life and inspired them in their efforts at service.

The book is dedicated "to the women of high ideals, of sym-



pathetic understanding, of generous appreciation, who have made the women's clubs a vital force for good."

The subject is treated under the heads "The Little Girl," "The School Girl," "The Student," "The Educator," "The Wife and Mother," "The Author," "The Traveler," "The Club Woman," "The Speaker," "The Woman."

In Mrs. Pennybacker's manysided life, the aspect under which she is most generally known, and which is now of widest interest, is that of the club woman. It is this phase, therefore, and its related phases, which the book emphasizes.

"Mrs. Pennybacker has lived under the two régimes of the Woman's Club—the one, of ostracism and suspicion; the other, of power and recognition," says Miss Knox in the chapter on "The Club Woman."

Her club life began in Carthage, Missouri, when she was still a young girl. As a young married woman she went from Palestine, about twenty years ago, to her first State Convention of the Texas Federation of Women's Clubs in San Antonio, where the bishop prayed: "Lord, though we are in doubt about this movement, Thou canst bring good out of it!"

Today, the woman's clubs have become a power to reckon with; it has become a matter of vital moment to gain their support in all public movements looking to human betterment. While it is of course impossible to weigh exactly any one individual's influence in so wide a growth as this, it is undoubtedly true that Mrs. Pennybacker has had a large part in bringing about the development which has been so noticeable in the last ten years.

Quotations are made from letters of such people as Edward Bok, former acting President W. J. Battle, and Ex-president Sidney E. Mezes, of the University of Texas, Ex-governor Campbell, Lady Aberdeen, as well as prominent American club women, to show in what high esteem Mrs. Pennybacker is held in America. Portraits of Mr. and Mrs. Pennybacker and their daughter Ruth, and pictures of the old Sam Houston Normal, and the Pennybacker residence in Austin, illustrate the book.

ELIZABETH H. WEST.

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*Woodrow Wilson as President*, by Eugene C. Brooks, Professor of Education, Trinity College, Durham, N. C. (Chicago: Row,

Peterson and Company. Pp. 572. \$1.60), is a somewhat uncritical but extremely interesting, and withal, valuable, review of President Wilson's administration. The book is made up largely of excerpts from the President's messages and speeches concerning the great measures and policies of his administration, and gives one a new respect for his sturdy idealism.

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*The Rice Institute Pamphlet* is the title of a quarterly publication begun by The Rice Institute, Houston, Texas, in April, 1915. It is now in its third volume. Its purpose is to give "publicity in permanent form to inaugural and other lectures in letters, science, and art by visiting lecturers and professors of the University." "Texas: A democratic ode," by Henry van Dyke, appeared in the first number.

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*Rev. Peter H. Fullinwider*: The first Presbyterian minister to visit and preach in Texas, by Edward M. Browder, is the title of a well written article first appearing in the *Texas Presbyterian*, August, 1916, and now reprinted in pamphlet form.

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The Great Southern Life Insurance Company, of Houston, Texas, has issued a University number of its magazine (July, 1916), in which are reprinted the articles by William Green Sterrett on the University of Texas, Agricultural and Mechanical College, and College of Industrial Arts, that appeared in the *Dallas-Galveston News* from April 15 to 21, 1915.

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A series of articles on "The Anti-Trust Legislation of Texas," by Tom Finty, Jr., has been printed in the Sunday issues of the *Dallas-Galveston News*, beginning April 2nd and ending July 23, 1916.

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The address of Judge William H. Wilson on "Primary Elections as an Instrument of Popular Government," before the State Bar

Association, was printed in the Sunday issues of the *Houston Post* for July 30 and August 6 and 13, 1916.

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*The Texas History Teachers Bulletin*, IV, No. 3 (May, 1916), continues the publication of extracts from the minutes of the ayuntamiento of San Felipe. The proceedings of March 2, October 21, November 14, 22, 24, 27, 1829, and March 9, 1831, are drawn upon.

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Articles of interest concerning Texas: *El Paso* (New Republic, June 17, 1916); *The Old Texan Capital* (Scribner's Magazine, July, 1916); *Mexico in San Antonio* (New Republic, June 24, 1916); *Houston—an Inland Seaport* (Review of Reviews, July, 1916). The following articles recently appeared in Texas newspapers: Reminiscences of the lower Rio Grande border during the Civil War and 1866, when the United States threatened to expel the French from Mexico, by Margaret L. Wilson (*Galveston News*, August 6, 1916); A biographical sketch of General William J. Worth, with many extracts from his unpublished letters (*Ibid.*, August 6, 1916); The Alabama Indians of Polk County, Texas, by C. D. Waide (*Ibid.*, August 13, 1916); Captain Edgar Collins Singer, inventor of a successful submarine torpedo in 1863, by Horace N. Hill (*San Antonio Express*, July 30, 1916).

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The *San Antonio Express* of August 15, 1916, contains a list of the sculptures of Pompeo Coppini, and a brief sketch of his life.

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*The Texas School Journal* issued a special University of Texas number for September, 1916.

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Two important Bulletins of the University of Texas now in press are, *A Financial History of Texas*, by Professor E. T. Miller of the department of Economics and Sociology, and a collection of *Political Party Platforms in Texas*, by Mr. E. W. Winkler of the University Library staff.

## NEWS ITEMS

The July QUARTERLY announced an additional gift of \$5,000 to the University of Texas by Major George W. Littlefield for the purchase of material on southern history. By rare good fortune the University was able during the summer to buy a file of Charleston, South Carolina, newspapers, almost complete from 1799 to 1910. The *Dallas News* of September 16, 1916, publishes a letter from Professor Robert Adger Law which discusses the importance of these papers. It is quoted below:

"The recent acquisition by the library of the University of Texas of certain files of Charleston (S. C.) newspapers, running from 1799 to 1910, is a significant event. These are the *City Gazette*, the *Charleston Times*, the *Courier*, and the *News and Courier*. Historically, they cover the whole period from the death of Washington, through the War of 1812, Mexican War, the War between the States, the abolition of slavery, reconstruction, the Spanish-American War, almost down to the Wilson administration. The city of Charleston played an important part in many of these periods. It was there that John C. Calhoun lived, and there he is now buried. From Charleston came a number of soldiers who distinguished themselves in the Mexican War. In Charleston began the War of Secession with the attack on Fort Sumter; in that city the evils of reconstruction were felt at their worst, and Charleston is today one of the most unique cities of America. The whole background is fully reflected from year to year in the files of these newspapers.

"The *Courier*, especially, from its very foundation, was an excellent newspaper of the conservative type. Its history began in 1803, and the files purchased by the University of Texas are in a good state of preservation and are practically complete for more than a century. To read the early numbers gives one a curious impression of the present day combined with the past. For the Napoleonic wars then stirred Europe and America, as well. Daily war bulletins occupied a prominent place in the *Courier's* news columns, while its editorial page showed strong sympathy with the British cause. President Jefferson and his Cabinet were accused of undue favoritism toward the French, and the *Courier* strongly

condemned the policies advocated by three Virginians—Jefferson, Monroe, and Madison. Later on came the famous nullification controversy, in which South Carolina was ready to defy President Andrew Jackson, supposedly a native of that State. The entire contest over slavery was most bitter in Charleston, and the convention by which South Carolina seceded from the Union was held in the same city. Not a few battles in the years that followed took place in and around Charleston harbor, and there in 1899 was held one of the most notable Confederate reunions, in which Generals John B. Gordon and Joe Wheeler were the most prominent figures.

“These newspapers, which have been collected for over a hundred years by the Charleston Chamber of Commerce, were sold at auction this summer. Among the bidders were several of the most important libraries of the country, and it is understood that the University of Texas only slightly outbid others by paying almost five thousand dollars for the collection. That she was able to do so is directly due to the generosity of Major George W. Littlefield of Austin, who not only established the Littlefield History Fund for the purchase of such material, but made a large addition to it for this particular object.

“It is easy to foresee that this valuable collection of newspapers—probably unique outside of Charleston—will attract numbers of special students to Texas. It is also easy to forecast that the acquisition of them will come as one more step in the building of the long-promised ‘university of the first class.’”

Mrs. Lucy A. Kidd-Key, for nearly thirty years president of the North Texas Female College, Sherman, died at Sherman, September 13, 1916.

Judge Leroy G. Denman, associate justice of the Supreme Court of Texas, 1894-1899, died at San Antonio, September 14, 1916.

Ralph J. Smith, author of *Reminiscences of the Civil War and other Sketches* (see QUARTERLY, XV, 90), died at San Marcos, April 17, 1913.

William D. Williams, member of the Railroad Commission of Texas, died at Austin, October 1, 1916.

A monument in honor of General H. B. Granbury was unveiled at Granbury, Texas, September 14, 1916. It was erected by the Daughters of the Confederacy, and stands on the courthouse square.

Mrs. A. J. Hamilton, widow of Ex-governor Hamilton, died at her home in Austin, April 25, 1916. Mrs. Hamilton was born in Georgia in 1828; was married September 3, 1843, in Alabama; came to Texas in 1846, residing first at La Grange, and since the spring of 1849 at Austin.

On August 10, 1916, Mrs. W. A. Callaway, for many years on the staff of the *Dallas News*, died at Dallas. "Mrs. Callaway has been active in social betterment work in this State for twenty-five years. Her time, her pen and her brain have ever been ready to further the efforts of those who have strived to make the world a better place in which to live."

Davis Foute Eagleton, for many years a professor in Austin College, Sherman, and compiler and editor of *Writers and Writings of Texas*, died June 9, 1916.

Jonathan Lane, a prominent lawyer of the Houston bar, died May 27, 1916. A sketch of him appears in *Who's Who in America, 1914-1915*.

William Williston Heartsill, author and printer of that odd little volume, *Fourteen Hundred and 91 Days in the Confederate Army . . . Or Camp Life, Day by Day, of the W. P. Lane Rangers*, died at Waco, July 27, 1916.

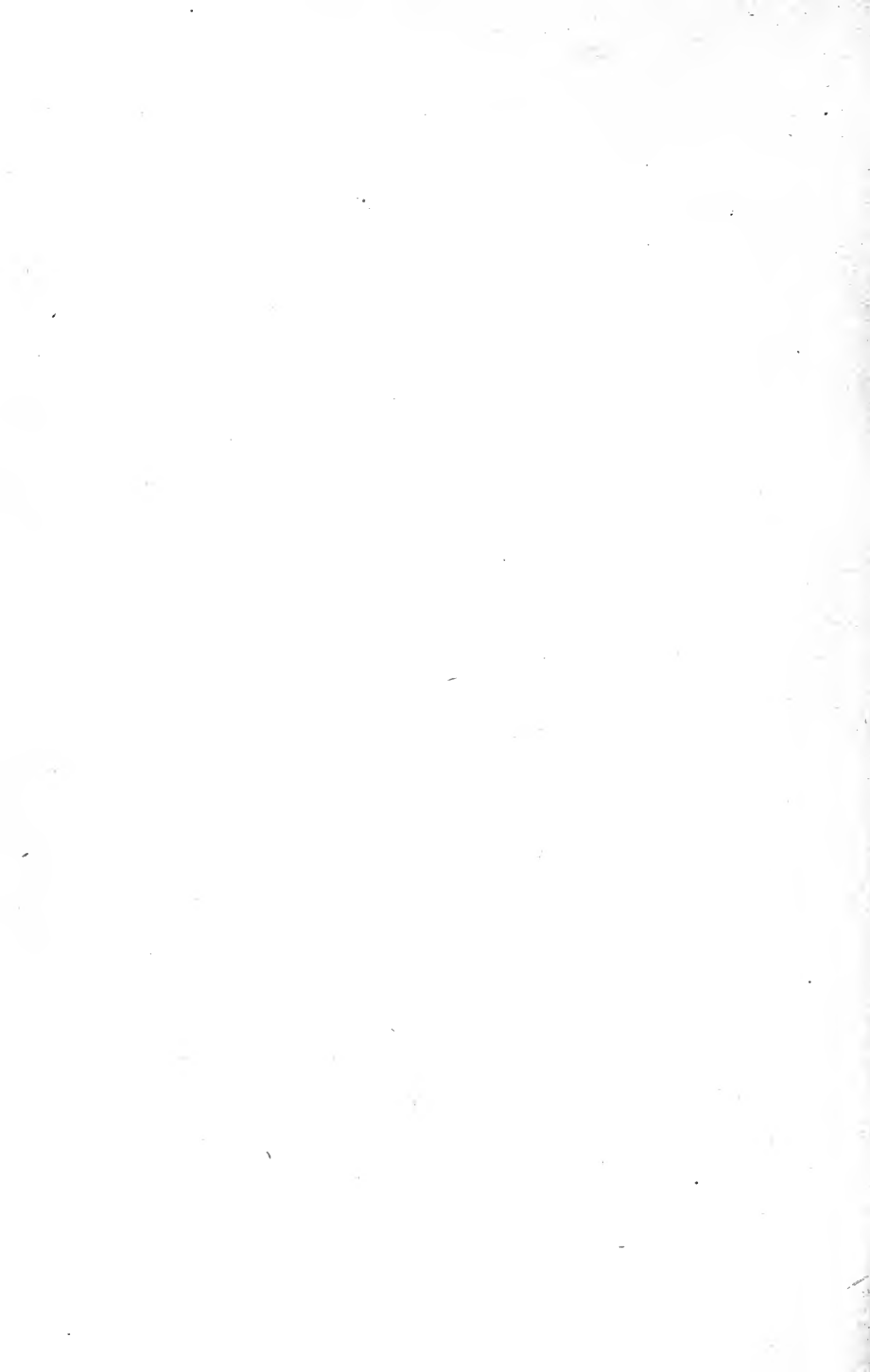
George Douglas Neal, lieutenant-governor of Texas, 1903-1907, died at his home in Navasota, July 13, 1916. A sketch of Lieutenant-Governor Neal appears in *Raines' Year Book for Texas, II, 188-89*.

Cecil A. Lyon, for eighteen years member of the Republican State executive committee, brigadier general of the Texas National

Guard, and receiver of the International & Great Northern Railway, died at Sherman, April 4, 1916. A sketch of General Lyon appears in *Who's Who in America, 1914-1915*.

Mrs. Catherine Allien-Hooker died at Houston, June 30, 1916. She was the daughter of Imanuel Frederick Gibenrath, the German drummer at Goliad (*THE QUARTERLY*, XIV, 166-68).

John S. Patterson, Commissioner of Insurance and Banking, was shot August 27, 1916, at Teague, Texas, and died two days later at Waco.





# THE SOUTHWESTERN HISTORICAL QUARTERLY

VOL. XX

JANUARY, 1917

No. 3

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

## DIPLOMATIC RELATIONS BETWEEN FRANCE AND THE REPUBLIC OF TEXAS, 1836-1845\*

HERBERT ROOK EDWARDS

### I

#### NEGOTIATIONS FOR RECOGNITION AND FOR A COMMERCIAL TREATY

On March 2, 1836, the people of Texas, through their delegates, assembled in convention at Washington, Texas, declared themselves a "free, sovereign and independent Republic," fully invested with all the rights and attributes which properly belong to independent nations. A constitution was framed and adopted on March 17, 1836. The next natural step was to secure the recognition of Texas as an independent nation by the civilized governments of the world.

During the presidency of General Houston, J. P. Henderson was sent by the Texan government as a commissioner to Paris and London to obtain recognition of Texas.<sup>1</sup> He arrived in Paris March 23, 1838.<sup>2</sup> On April 28, the French government was officially notified of his arrival, and General Henderson asked Count Molé, French Minister of Foreign Affairs, for a date on which he could pay his respects. From what he was able to learn

\*A thesis presented to the Faculty of the Graduate Department of the University of Texas for the Degree of Master of Arts.

<sup>1</sup>Bancroft, *North Mexican States and Texas*, II, 338.

<sup>2</sup>Henderson to Molé, May 26, 1838. Garrison, *Diplomatic Correspondence of Texas*, in *Annual Report of the American Historical Association*, 1908, II, 1206.

from the best informed sources, Henderson did not think that he would be able to obtain recognition for Texas, unless the difficulties then approaching a crisis between France and Mexico should make it advantageous to France to take such a step.<sup>3</sup> Hence he did not press for an answer until the 26th of May, when he learned through newspaper reports that the French were blockading the Mexican ports. Seizing this opportune moment, Henderson addressed a note to Count Molé asking for an inter-

<sup>3</sup>In 1827, France made a provisional arrangement for a treaty of amity with Mexico which granted to French citizens in Mexico "most favored nation" privileges. Various unsuccessful efforts were made to get the Mexican government to conclude the treaty. Certain French citizens in Mexico had claims against the government for damages. Among these was a baker whose shop had been sacked in 1828 by a Mexican mob. The Mexican government took no decisive steps to settle these claims. In 1838 France's patience became exhausted, and on January 16, 1838, the French representative at Mexico, Baron Deffaudis, decided to withdraw. He instructed French citizens in Mexico to make an invoice of their goods, as this would be of use in forming the basis of a damage claim in the event of the destruction of their property. In March a French squadron arrived in Mexican waters. On March 21, Deffaudis gave an ultimatum to the Mexican government. It demanded the payment by May 15, at Vera Cruz, of \$600,000 for the settlement of the damage claims of French citizens. The Mexican government, moreover, was not to obstruct the payment of certain loans due to Frenchmen which did not happen to be listed in these claims. Certain Mexican officials charged with having connections with outrages against Frenchmen were to be removed. Frenchmen were to be exempt from forced contributions and were not to be excluded from retail trading without proper indemnity. The Mexican government was given until April 15 to make a reply, but failed to give a satisfactory answer. On April 16, diplomatic relations were suspended, and a blockade was declared on Mexican ports. In October Rear-Admiral Baudin arrived at Vera Cruz with additional ships and power to make a settlement with Mexico. On November 17, he held a conference at Jalapa with Cuevas, Minister of Foreign Affairs, but as he could obtain no satisfactory terms, he left Jalapa, and decided that unless his terms (which were in the main like those of the ultimatum) were accepted by November 27, hostilities should be begun. The Chambers of the Mexican congress refused to terms of Baudin. On November 27, the French squadron bombarded San Juan de Ulua, which fell on November 28. As the blockade worked a hardship on British trade, Pakenham, the English Minister to Mexico, offered mediation, and on March 9, 1839, a convention and treaty between France and Mexico were signed by which Mexico agreed to pay \$600,000 in six months for the settlement of French claims prior to November 26, 1838, and to give French citizens the same rights as were held by citizens of the most favored nations. (A. Debidour, *Histoire Diplomatique de L'Europe*, I, 360.) Indemnity for Mexican vessels which had been taken by the French, and the payment of compensation to expelled Frenchmen were to be referred to arbitration. San Juan de Ulua was to be restored to the Mexicans after the ratification of the treaty. (Bancroft, *History of Mexico*, V, 186-205.)

view.<sup>4</sup> He did not think it proper to argue the justness of Texas' claims to recognition, but merely reminded Molé that the United States had recognized Texas as an independent nation and had treated her as such for twelve months.

In reply to Henderson's note of May 26, Molé invited Henderson to a meeting at nine o'clock, May 31. At the appointed time the two met, but Molé declined to receive Henderson as the "Accredited Agent of Texas," since "such an act might be regarded as a partial recognition of her independence." Henderson assured Molé that he would not so consider his reception, but at the same time he showed Molé his credentials, and the latter consented to hear what he had to say. As the interpreter could not speak French well enough to satisfy Henderson, he begged to submit his statement to Molé in writing. To this Molé agreed, and a long letter from Henderson on June 1, set forth the reasons why Texas was entitled to recognition.

To show that Texas was an independent nation *de jure* as well as *de facto*, it was necessary to go into a short sketch of the settlement of the country and of the causes which led Texas to declare herself independent of Mexico. The first settlement of Texas by the existing inhabitants was made by Stephen F. Austin in 1821, under a grant given to Moses Austin by the King of Spain. Little progress was made before Mexico revolted from Spain. In the years 1823, 1824 and 1825, special colonization laws were passed to induce foreigners to come to Texas.<sup>5</sup> In 1824 Mexico established a federal republican form of government. The provinces of Coahuila and Texas were united as an independent state of the federation.

When Texas obtained a "requisite number" of inhabitants, she was, under the terms of the union, to become a separate state with all the rights and privileges of the other states. In 1833, said Henderson, Texas attained the "requisite number" of inhabitants, and a convention was called, which adopted a petition to the general congress of Mexico, asking for a separate state organization; the petition was not only disregarded, but the agent sent to advo-

<sup>4</sup>Henderson to Molé, April 26, 1838. Garrison, *Diplomatic Correspondence of Texas*, III, 1207-1208.

<sup>5</sup>For copies of these laws, see Gammel, *Laws of Texas*, I, 27-30, 33-40, 40-46.

cate it was thrown into prison. This action was followed by Santa Anna's usurpation and the overthrow of the constitution of 1824. Santa Anna then set up a central military government. Texas and Coahuila were among the states which remonstrated against this tyrannical action. Santa Anna, thereupon, sent General Cos to compel obedience to his authority. This roused the people of Texas to arms. In November, 1835, they held a consultation, in which they expressed their intention of restoring the constitution of 1824, and appealed to the rest of Mexico to aid them. After initial success at the Alamo and Goliad Santa Anna was defeated at San Jacinto, April 21, 1836, and a few days later was captured. On May 14 he signed a treaty agreeing that the remainder of the Mexican army should be withdrawn from Texas, and that he should use his influence to secure from the government a recognition of Texas' independence, which had been declared on March 2. The Mexican government had refused to recognize Santa Anna's treaty, and declared its determination to suppress the insurrection in Texas, but two years had elapsed and no serious efforts had been made to invade Texas.

From this historical statement Henderson passed to a discussion of the ability of Texas to maintain its independence and of the advantages which France would derive from a treaty with his country. He claimed that while Mexico had exhausted herself by internal revolutions, and had proved faithless to her own citizens and to her "engagements with foreign nations," Texas had increased "in population and wealth." Out of an area of two hundred million acres, only thirty million acres had been settled. The rest remained the domain of the State, and when sold would yield a large revenue.

France would gain many advantages by a recognition of Texas and a commercial treaty with her. Texan land was well adapted to the cultivation of cotton. Owing to the high tariff of the United States this cotton would have to seek manufacturers abroad. Sugar, rice, indigo, and tobacco could be grown very advantageously. Texas could never be a manufacturing country, and it would be necessary to admit French wines, silks, and fine cotton goods on very favorable terms. Texas also produced extensive naval supplies. Immediately after her separation from Mexico, Texas, it was true, had wished to join the United States,

but the overtures of Texas had been rejected. Since that time she had begun to feel herself secure against Mexico, and no longer desired annexation, because the people of Texas, being essentially interested in agriculture, would, if they became a part of the United States, be oppressed by the protective tariff of that country. The United States had, however, recognized Texas. Henderson declared that Texas was in a position similar to that of France in the July Revolution to which Louis Phillipe owed his throne. In conclusion, he said that he hoped that "the spirit which prompted her own glorious revolution would induce His Majesty's Government to take the initiative in the recognition of a Republic desirous of forming political and commercial relations with this great and polished nation."<sup>6</sup>

Early in August, 1838, France had established a successful blockade of the Mexican ports. On the Atlantic side, Mexican commerce was in dire straits, and there were attempts to smuggle goods into Mexico through Texan ports. This was a matter of great concern to Texas, for France might consider such evasions due to the connivance of the Texas government and extend the blockade to Texan ports. This would inflict a great injury upon the "flourishing prospects" of Texas as it would cut off commercial intercourse with the United States.<sup>7</sup> Therefore, on September 7, 1838, Irion, the Texan Secretary of State, wrote to Henderson: "The President desires you to convey to the French Government his request that they will extend the operation of their fleet to the coast of Texas as far as may become necessary to prevent the evasion of their blockade of the ports of Mexico."<sup>8</sup>

Henderson looked upon the question in a different light. As a basis of the Texan claim for recognition, he had set forth "her ability to maintain her independence, unaided by other nations." He considered that such a request from the Texan government would be tantamount to saying that Texas was not able to defend herself against Mexican aggression and asked aid. He was strengthened in his opinion by newspaper reports of an occurrence at Corpus Christi. A small Mexican force had seized that port,

<sup>6</sup>Henderson to Molé, June 1, 1838. *Ibid.*, 1208-1216.

<sup>7</sup>Irion to Henderson, August 7, 1838. *Ibid.*, 1217-1218.

<sup>8</sup>Irion to Henderson, September 7, 1838. *Ibid.*, 1219.

but upon the approach of a Texas force had sailed for Matamoras.<sup>9</sup> Hence he decided not to transmit the president's request to the French government unless he received further instruction. However, if Molé asked him for permission to extend the operation of the French fleet to prevent the evasion of the blockade through Corpus Christi, Henderson said that he had decided to inform him that Texas had "no objection to their doing so," that the port was in a region which was not occupied by the Texans, was remote from her frontier settlements, and that the recent Mexican occupation had not been regarded as in the least degree "important" to her peace and safety.<sup>10</sup>

Henderson believed that unless there was a commencement of hostilities between France and Mexico, Texas had only a small chance of recognition. About the middle of August it was rumored in Paris that France was willing to compromise with Mexico. Fearing that this might be true, he again urged the Texan claims to recognition. Further grounds for these claims were shown in the embarrassment of Mexico, in her foreign and domestic relations, as contrasted with the prosperity of Texas, due to her increase in population.<sup>11</sup> The existing government of Texas had stood the test of independence for three years, with small chance of being conquered. Texas had already for eighteen months enjoyed recognition from the United States. To hasten the French action on the question of recognition, Henderson intimated to Molé that he had soon to leave France on another mission.<sup>12</sup>

In reply to this note Molé granted Henderson a conference, and

<sup>9</sup>The *Telegraph and Texas Register* of August 25, 1838, seems to show that Corpus Christi was held for a short time in the latter half of 1838 by a small band of Mexicans. It says that "there had only been twenty-five Mexican soldiers at Corpus Christi; they had returned to Matamoras in a light craft with the flour and other supplies and were beyond any pursuing force." The same paper of September 8, 1838, states that "Colonel Morehouse has just arrived from the west. He states that the party of Mexicans that recently visited Corpus Christi left in a very precipitate manner and have left about a hundred barrels of flour upon the beach at that place."

<sup>10</sup>Henderson to Irion, October, 1838. *Ibid.*, 1227-1230.

<sup>11</sup>The financial statement of Texas' debt and revenue, pages 225-226, below, does not seem to substantiate Henderson's argument as to the prosperity of Texas.

<sup>12</sup>Henderson to Molé, September 26, 1838, enclosed in Henderson to Irion, October 5, 1838. Garrison, *Diplomatic Correspondence of Texas*, III, 1221-1222.

informed him that Alphonse de Saligny, one of the secretaries to the French minister at Washington, had gone to Texas to look over the resources of the Republic, and to make a report, and that the government could take no definite steps until this was received.<sup>13</sup> At the same time Henderson told him that although England had not formally recognized Texas, still she had the subject under consideration, and had entered into a commercial agreement which would open direct trade with Texas. Molé then asked when Henderson expected to leave France, and Henderson replied that while his official instructions permitted him to leave at his discretion, he was willing to stay all winter, if it was likely that France would grant recognition or enter into a commercial agreement similar to the one made with Great Britain. However, he wished to leave by the last of November, if there was no chance of France's action on the requests of Texas. Molé thought it would be impossible to get a report from the agent in two months. This seemed to Henderson to indicate that France would lay much stress on Saligny's report.<sup>14</sup>

On October 1, 1838, Henderson put forward the proposal for a commercial treaty with France in a more formal manner. By the rules of international law, said Henderson, a neutral country had the right to form trade relations with a revolted state, prior to its recognition by the government to which it had formerly belonged. A similar arrangement to that which he now proposed to make with the government of France existed between the government of the United States and Texas previous to the recognition of the independence of the latter by the former. Texas had, now, however, been recognized and treated as an independent nation by the government of the United States for more than eighteen months. The main question that faced France, then, was whether it was expedient for her to make such a treaty. Hen-

<sup>13</sup>"This report did not reach France until late in the next year." (Garrison, *Diplomatic Correspondence of Texas*, III, 1830.) Hamilton says in a letter to Lamar, dated August 1, 1839, that Saligny set sail for Europe about ten days prior to August 1, 1839, after his visit to Texas, in a "French Corvette." (Hamilton to Lamar, August 1, 1839. Garrison, *Diplomatic Correspondence of Texas*, II, 468.) His report is not available, but was probably favorable, as France later recognized Texas, partly on the strength of it. (Kennedy, *Texas*, II, 346.)

<sup>14</sup>Henderson to Irion, October 5, 1838. Garrison, *Diplomatic Correspondence of Texas*, III, 1220-1227.

derson again pointed out the advantages France would gain by such a treaty. Although rich in land, Texas by her natural condition could never be a manufacturing country. The people of Texas had to seek their manufactured goods elsewhere. They were compelled to pay high prices for articles of French manufacture brought into Texas through the United States, with which Texas had established commercial relations. Texas cotton, the best in North America, except Sea Island cotton, would be forced to seek a market in Europe because the United States put an import duty of "three cents per pound" upon it. Henderson proposed that France should permit Texan vessels and cargoes to enter French ports upon terms compatible with the French laws and acceptable to the pleasure of the King, and Texas in return would admit French vessels upon the same terms as those of the most favored nation.<sup>15</sup>

In addition to the want of proper foreign commercial relations, Texans suffered inconvenience in obtaining passports from England to France. The French minister could grant passports only to French and English citizens. All others must obtain passports from their own ministers. But Texas not being yet recognized, had no minister. In July, 1838, several Texans in England desired to visit Paris, and applied to General Henderson for aid. He obtained, through Count Molé, permission for the French minister at London to issue passports to Texans until Texas should be officially recognized by France.<sup>16</sup>

On November 2, Henderson was encouraged by a note from Molé proposing a commercial arrangement such as Henderson had previously suggested. He enclosed a draft which he said would be satisfactory to the French government, and which ran as follows: "Until the mutual relations of France and Texas are regulated in a complete and definite manner, the citizens, the vessels and the merchandise of the two Countries shall enjoy in every respect in each of the Countries the treatment accorded, or which may eventually be accorded to the most favored Nation, conforma-

<sup>15</sup>Henderson to Molé, October 1, 1838, enclosed in Henderson to Irion, October 5, 1838. *Ibid.*, 1220-1227.

<sup>16</sup>Henderson to Irion, October 15, 1838. *Ibid.*, 1227.



bly moreover to the Respective Usages."<sup>17</sup> Henderson thought that the arrangement was very satisfactory, and having plenary power, under his instructions, accepted it. Texas was not as yet recognized as an independent nation, he pointed out in notifying his government, still this arrangement was based "on the National existence of Texas." It was more favorable than the arrangement made with Great Britain, which still considered Texas as a part of Mexico, while in this one "Texas was regarded as a nation and its authorities as a government."

By November 12, Henderson had been notified by Anson Jones, minister plenipotentiary of the Republic of Texas at Washington, of the formal withdrawal of the application of Texas for admission into the Union of the United States.<sup>18</sup> In reporting this action to the French government, Henderson thought it desirable to explain the "apparent inconsistency" of having applied for recognition as an independent nation while seeking at the same time admission to the United States. The vote on annexation was taken soon after the declaration of independence. Texas considered that if admitted she would gain several advantages. War would be stopped and her citizens could continue peaceful occupations. After the refusal of the Texan application by the United States, events soon occurred which convinced Texas that she had the elements necessary to an independent nation. Among the considerations which brought about this change of sentiment were, on the one hand, the embarrassed situation of the treasury of Mexico, and, on the other, the rapid increase of the population of Texas. Moreover, the people of Texas saw the disadvantages of a high protective tariff which would accrue to them in case of union

<sup>17</sup>Henderson to Molé, November 2, 1838, enclosed in Henderson to Irion, November 12, 1838. *Ibid.*, 1233-1237.

<sup>18</sup>On the first Monday of September, 1836, the first election of officers of the Republic of Texas took place under the new Constitution. At the same time the people were asked to express their opinion on the question of annexation to the United States. At the polls only ninety-one votes were cast against annexation. As a result of this vote, Hunt, the Texan minister at Washington, made a formal proposition on August 4, 1837, for the annexation of Texas to the United States. This offer was rejected by the United States. On October 12, 1838, Anson Jones in behalf of the Texan government notified the United States government "of the formal and absolute withdrawal of the proposition for the annexation of Texas to the United States." (Jones to Vail, October 12, 1838, 25th Congress, 3d Sess., House Document No. 2, page 33.)

with the United States. Texas had considered the matter closed since the rejection of its application, but, through an oversight, had failed to notify the United States of that fact.<sup>19</sup> What impression this made on Molé we are not told.

In January, 1839, the King asked Marshal Soult to form a new cabinet, but to retain Molé in the cabinet.<sup>20</sup> This was gratifying to Henderson, as he believed that Molé was favorable to Texas. Soult, however, had as yet declined to enter into a coalition with any of the old cabinet, and the issue was uncertain. In the end Molé was not retained.<sup>21</sup>

At the close of February news came that Mexico had issued letters of marque, which aggravated the friction between France and Mexico. The question of recognition seemed now to hang on the daily expected report of the French agent to Texas. Henderson was sure the King understood the question, and was ready to favor recognition should the report be favorable.<sup>22</sup>

It is necessary now to turn and notice a negotiation between Admiral Baudin and the Texan government. The French consul at New Orleans reported to Baudin, the French naval commander in the Gulf of Mexico, certain statements which were "represented to be the official, though informal expression" of President Lamar upon "the impending contest between France and Mexico."<sup>23</sup> Baudin, thereupon, on April 18, 1839, sent the abbé M. B. Anduze to find out the position which Lamar would take in case of a war between France and Mexico. He was to get the answer of the president to three questions: "First, what would be the nature and extent of the co-operation of Texas with France in case of a war between France and Mexico? Second, how much would Texas demand in money and munitions in case of such co-operation?"

<sup>19</sup>Henderson to Irion, November 12, 1838. *Ibid.*, 1233-1237.

<sup>20</sup>The presidents of the "Council" in the French government from 1836-1848 were as follows: Thiers, February 22, 1836, to September 6, 1836. Molé (with Guizot), September 6, 1836, to April 15, 1837. Molé (without Guizot), April 15, 1837, to March 31, 1839. Girod, March 31, 1839, to May 12, 1839. Soult, May 12, 1839, to March 1, 1840. Thiers, March 1, 1840, to October 29, 1840. Soult (with Guizot), October 29, 1840, to September 19, 1847. Leban, *Modern France*, 467.

<sup>21</sup>Henderson to Bee, March 10, 1839. Garrison, *Dip. Cor. Tex.*, III, 1244.

<sup>22</sup>Henderson to Bee, February 27, 1839. *Ibid.*, 1242.

<sup>23</sup>Data are not available showing exactly what the statements of Lamar were, or when they were made.

Third, what kind of guarantees would Texas make to France for the reimbursement of France for the advances thus made?"<sup>24</sup> To these questions Webb, secretary of state, could give no specific answer. He said that the president had declared that the communication made to Admiral Baudin by the French consul at New Orleans "was not authorized by him," but the feelings which called forth that communication accorded with the feelings of the Texas government at that time. Subsequently, however, the situation had changed. France had "given peace to Mexico," and Texas had sent "a messenger with the offer of peace to that nation (Mexico)."<sup>25</sup> If, However, Mexico should violate her agreement with France and reject the peace offer of Texas, Texas was willing to offer co-operation to punish Mexico, and would not cease until Mexico was willing to propose an honorable and advantageous peace. Texas would be willing to unite with France and furnish 20,000 men. In such case, France would be asked to furnish money and supplies necessary to carry on the war.<sup>26</sup>

Turning back now to the negotiations in France: Early in June, Henderson obtained an introduction to Baron Pontois, French minister to the United States, who had recently arrived in Paris on a leave of absence. Pontois talked freely and said that Saligny had left Texas, he believed, before the first of May, and that he was to deliver his report in person. Pontois expressed his own belief that the claim of Texas for recognition was well founded, and that the King ought to recognize Texas. In a conversation with the King after his return to France, Pontois told him that he thought that "he would be obliged to recognize Texas in common justice." Pontois assured Henderson that the King received this advice "kindly." Henderson considered that Pon-

<sup>24</sup>Anduze to Lamar, April 18, 1839. *Ibid.*, 1244-1245.

<sup>25</sup>On August 9, 1839, James Treat was appointed as a "Private and Confidential Agent" of the Texas Government to Mexico to find out "the disposition of the Mexican Government in regard to a negotiation of a peace between the two nations, and, if practicable, to prepare the initiatory arrangements for such a negotiation." The principal points of the negotiation were to be the unconditional acknowledgment of the absolute independence of Texas, the boundary of Texas, and the consideration to be paid for the boundary. (Burnet to Treat, August 9, 1839. *First Biennial Report of the Texas Library and Historical Commission, Secret Journals of the Senate*, 156-158.) The mission failed.

<sup>26</sup>Webb to Admiral Baudin, April 25, 1839. Garrison, *Dip. Cor. Tex.*, III, 1246-1247.

tois's opinion would have considerable weight with the King, as his recent position had enabled him to get a closer view of the Texas situation than any other French official.<sup>27</sup>

At about this same time General James Hamilton, of South Carolina, who distinguished himself by his interest in Texas, and who, with Albert T. Burnley, had been commissioned to carry on loan negotiations for Texas, was writing from Philadelphia for authority to use \$50,000 in *douceurs* to hasten French recognition.<sup>28</sup> He and Burnley were expecting to sail for Europe immediately, and Hamilton said frankly that the money would probably be spent before he received a reply from Texas. French recognition was so essential to the floatation of the loan and would have such an influence on British recognition that he thought precipitate action justified. This fund was to be spent with the concurrence of Henderson.<sup>29</sup> The president of Texas did not feel himself authorized to sanction the advances asked for by Hamilton, but notified Hamilton that he believed that whatever expenses were "profitably incurred" in getting early recognition of Texas would be sanctioned by congress.<sup>30</sup>

Fortunately Hamilton's plan was not necessary. On July 16, Henderson dined with Marshall Soult, who had finally succeeded in forming a cabinet, and came away with the conviction that recognition was determined upon. Soult admitted that he had received Saligny's report a few days before and that Saligny was expected shortly in Paris. He said, however, that he himself would be too busy to consider the matter until after the adjournment of the Chambers. Henderson hinted that Pontois might be commissioned to negotiate with him, and to this Soult agreed. At the same time Henderson seized the opportunity to recapitulate some of the arguments for recognizing Texas. France could expect little from Mexico in the way of trade so long as England possessed there the influence that she did. The recent punishment given by France to Mexico would not soon be forgotten, and

<sup>27</sup>Henderson to Secretary of State (Burnet), June 13, 1839. *Ibid.*, 1352-1354.

<sup>28</sup>The loan negotiations of Hamilton and Burnley will be discussed later.

<sup>29</sup>Hamilton and Burnley to Burnet, June 22, 1839. Garrison, *Dip. Cor. Tex.*, III, 1254-1255.

<sup>30</sup>Burnet to Hamilton, August 10, 1839. *Ibid.*, 1268.

would only add to the English influence. Texas, on the other hand, would be more willing to favor the French than the English, as she looked on the latter as a protector of Mexico. The commercial agreement recently made with France was not likely to fully satisfy Texas, as Texas had no consuls in the French ports to look after the interests of her merchants. She would send her cargoes, rather, to the United States, where her merchants would feel more secure, even though the trade would be less profitable. Henderson wanted to expand the commercial agreement made with Molé into a formal treaty.

Two days later Henderson called on Pontois. Pontois had not yet been officially authorized to conduct the negotiations, but consented to an informal discussion. He noticed that Henderson's credentials were signed by Houston, who was no longer president of Texas. Henderson had previously written to the Department of State for new credentials, but they had not reached him. He, therefore, sought to evade this obstacle. He admitted that in a monarchical form of government it was necessary for the new sovereign to recommission the ministers appointed by the preceding sovereign, since in a monarchical form of government the minister represented the person of the sovereign. In a republican government, however, the people, who are the sovereign power, never die, and hence there is no change of sovereignty. The ministers of Texas did not come under the monarchical rule and, therefore, continued in the exercise of their duties until removed by the president. Pontois "expressed himself entirely satisfied on that point, but observed that he should feel himself bound nevertheless to mention the circumstances to the Minister of Foreign Affairs."

Pontois mentioned the question of slavery as a possible source of friction. Henderson explained that the constitution of Texas prohibited, directly or indirectly, traffic in slaves. No slaves could be brought into the Republic except through the United States, and such persons must have been slaves under its laws. The United States prohibited its citizens from importing slaves. Hence the number of slaves could not be increased, although their geographical position might be changed. Internal slavery in Texas was a question of domestic policy, and not of concern to foreign nations.

Pontois suggested that France would probably make a treaty of amity and commerce, and in the same act recognize Texas as an independent nation. Henderson preferred for "the King to recognize Texas as an independent nation first," in order that he "might enter upon the negotiations with France as the representative of an equal power." Otherwise it might seem that Texas had entered into the treaty under restraint, and had given up privileges which she would not have otherwise done. On this point Pontois was silent. He then turned to the content of the treaty. His government would probably ask, he said, that French wines and silks be allowed to enter Texas on the same terms that they entered the United States. French silks, according to Henderson, were free from duty in the United States, and wines paid only a nominal duty.<sup>31</sup> Henderson thought he would be compelled to agree to some reduction of the duties imposed in Texas upon French wines and silks, but he would try to get in return a like reduction by France of the duties on Texas cotton.<sup>32</sup>

In the latter part of August, 1839, the French showed a tendency to delay the completion of the negotiations. This was due to the belief of the French that General Hamilton, who had just arrived in England, carried instructions which would enable Henderson to grant more favorable terms to them. In an informal conversation with Pontois and Henderson, Saligny, who had now arrived in Paris, said that he knew that Henderson could accede to the French demand, as the president of Texas had told him that Texas was very anxious to obtain a treaty and could grant "such and such favors." He expressed the belief that Hamilton was bringing new instructions which would authorize the concessions France demanded, and said that he had that day written to Hamilton, in London, urging him to come to Paris immediately. Henderson was much vexed at Saligny's interference, but contented himself with saying that he knew Hamilton bore no new instructions.

<sup>31</sup>By the tariff act of March 2, 1833, silks were put on the free list in the United States after December 31, 1833. (Tariff Acts, 61st Congress, 2nd Session, *House Document* 671, 110.) By the act of July 4, 1836, the duties on wines imported into the United States were to be reduced one-half, after July 30, 1836. (*Ibid.*, 114.)

<sup>32</sup>Henderson to Secretary of State (Burnet), August 5, 1839. Garrison, *Dip. Cor. Tex.*, III, 1267.

Pontois insisted upon a reduction of the tariff upon French brandies and "Paris Articles," such as shoes and hats. Henderson objected to this demand, not only on the ground that it would injure the revenue of Texas, but also on the ground that the reduction made on French wines was "a sufficient *quid* for the *quo*" in the concession which the French government had made on Texas cotton. Henderson objected to the reduction of the duty on brandies on both moral and financial grounds. Pontois argued that any treaty which "did not do something for the French brandies would be unpopular with the Chambers because that interest is strongly represented there." Henderson then concluded to lower the duties on French brandies one-fifth; but Pontois was still unwilling to close up the negotiations definitely until Hamilton arrived from England.<sup>33</sup>

At the outset of the negotiations, France had agreed to lower the duty on Texas cotton one-fourth with an equivalent reduction by Texas in her tariff in favor of French wines, two-fifths, on French silks, one-half, and on French brandies, one-fifth. After Hamilton's arrival Pontois laid great stress on the advantage which recognition would give him in selling Texas bonds. He withdrew the concession to Texas cotton, but insisted on retaining the corresponding privileges that Henderson had allowed French products. General Henderson held a firm ground at first, and said that the negotiations must begin again *de novo*. Finally, however, on the urgent advice of Hamilton, Henderson yielded to the French demands rather than delay the matter until he could write home for the advice of the president.<sup>34</sup>

The treaty was signed September 25, 1839. It contains twenty articles and three "Additional Articles."<sup>35</sup> The following are among the most important articles of the treaty: The citizens of each country were guaranteed "reciprocally the same rights, priv-

<sup>33</sup>Henderson to Burnet, August 20, 1838. *Ibid.*, 1268-1270.

<sup>34</sup>Henderson to Secretary of State (Burnet), October 16, 1839. *Ibid.*, 1271-1275.

<sup>35</sup>The original treaty was written in French and English in parallel columns. It is not known just when this treaty reached Texas. There is a beautiful copy of the treaty in the State Archives, which was given to the government of Texas at the exchange of ratifications. This copy is very elaborate and is bound in blue velvet, and accompanied by a beautiful French seal.

ileges, and exemptions" of the most favored nation. In case of war by one of the contracting parties with a third power, the neutral contracting power was not to issue letters of marque. The flag was to cover the goods, and citizens of the enemy on neutral vessels were not to be seized unless "actually engaged in the service of the enemy." Furthermore, in case of war by one of the contracting parties, the other was to have freedom of commerce, except contraband of war to the warring nation's ports, except those under actual blockade. Each of the two powers established a consular system in the ports of the other, possessing the usual consular rights and duties, as privacy of the archives, right of internal police of commercial vessels, and the duty of assistance in the capture of deserters. The vessels of each country in the coastal waters of the other were to pay only such tonnage duties as were paid by the vessels of the respective countries. Texas cotton on entering French ports was to pay a duty of twenty francs per one hundred kilograms. French manufactured articles, whose chief constituent was silk, were to enter Texas ports at one-half duty. French wines were to enter at a two-fifths rate, and French brandies at one-fifth. The treaty was to be ratified within eight months.

Besides the twenty regular articles of the treaty there were three "Additional Articles" added to enable Texas "to conceal from other nations that she has consented to require any other qualification for her vessels than that of being owned by a Texas citizen, so that they may not be induced to require a similar qualification." France, at first, insisted that for a vessel to be national it was necessary that it should be built in the country to which it belonged, and that three-fourths of the crew should be citizens of that country. Henderson threatened to break off negotiations if the French pressed this point. Seeing that that would probably be the result, they agreed to the modification as found in the "Additional Articles." Henderson thought that the Texans would do most of the carrying between France and Texas as the French vessels were too large for the Texas ports, and also the French lacked the enterprise to compete with American vessels.<sup>30</sup> The three "Additional Articles" were as follows: The first defined a Texas vessel as one that was the *bona fide* exclusive property of Texas citizens of two

<sup>30</sup>Henderson to Secretary of State (Burnet), October 16, 1839. Garrison, *Dip. Cor. Tex.*, 1271-1275.



years residence, and, of which, the captain and two-thirds of the crew were *bona fide* citizens of Texas. The second article provided that should the Republic of Texas reduce the existing duty on silk goods, it would maintain at least a difference of ten per cent between those manufactured in countries beyond the Cape of Good Hope and similar goods of other countries, in favor of the latter countries. The last article provided that the "Additional Articles" were to be in force for eight years. On October 2, 1839, the ratification of the treaty was signed by Soult and King Louis Phillippe. On January 14, 1840, the Texas Senate ratified the treaty, and two days later President Lamar affixed the official seal of the Republic.

II.

LOAN NEGOTIATIONS

We shall now turn to the financial relations between France and Texas, noticing the financial condition of Texas, the loan laws passed by the Texan government and the early operations which took place under them. An idea of the financial condition of the republic may be obtained from *Gouge's Fiscal History of Texas*, whose figures are accurate enough for illustration.<sup>37</sup>

<sup>37</sup>Gouge, *Fiscal History of Texas*, 270-275.

Since the paper was written Professor E. T. Miller's *Financial History of Texas* has been published by the University of Texas. His figures (page 391) vary somewhat from those given by Gouge and are more reliable. They are as follows:

*Revenues*

1836-1838 .....	\$260,780
1839 .....	187,791
1840 .....	453,235
1841 .....	442,635

*Public Debt*

1838 .....	\$1,886,425
1839 .....	3,855,900
1840 .....	6,241,409
1841 .....	7,446,740

*Treasury Note Circulation*

1838 .....	\$ 684,069
1839 .....	2,013,762
1840 .....	3,287,962
1841 .....	2,920,860

## Revenues of the Republic:

September 30, 1837-September 30, 1838.....	\$ 248,815.87
September 30, 1838-September 30, 1839.....	182,930.28
September 30, 1839-September 30, 1840.....	460,671.86
September 30, 1840-September 30, 1841.....	442,635.67
Grand total .....	<u>\$1,335,053.68</u>

The debt of the Republic was approximately as follows:

September 30, 1838.....	\$1,886,525.32
September 30, 1839.....	3,102,083.35
September 30, 1840.....	5,485,502.28
September 30, 1841.....	7,704,328.17

One of the means by which the Republic sought to relieve its financial strain was by the issuance of paper money. The probable amounts in circulation were as follows:<sup>38</sup>

September 30, 1838.....	\$684,069.59
November 3, 1838.....	812,454.00
September 30, 1839.....	2,013,762.55
September 30, 1840.....	3,287,962.42
September 30, 1841.....	4,381,004.64

According to Gouge the probable value received by the government for its notes was as follows:<sup>39</sup>

July, 1838-November, 1838.....	80 cents in the dollar
November, 1838-March, 1839.....	60 cents in the dollar
March, 1839-July, 1839.....	50 cents in the dollar
July, 1839-November, 1839.....	33½ cents in the dollar
November, 1839-March, 1840.....	25 cents in the dollar
March, 1840-June, 1840.....	20 cents in the dollar
After June, 1840.....	16¾ cents in the dollar

The quickest way to put the Republic's finances on a sound basis

<sup>38</sup>Gouge, *Fiscal History of Texas*, 269.

<sup>39</sup>*Ibid.*, 269.

appeared to be to obtain a loan. To this end a series of loan laws were passed. On May 16, 1838, a law was passed "to negotiate a loan on the lands of the government not to exceed five millions of dollars."<sup>40</sup> The president was authorized to issue bonds in the name of the Republic for such sums as would suit the purchasers of them. The bonds were to bear an interest of ten per cent, and two million dollars worth of them were to be redeemable at the government's option at any time between five and thirty years. To negotiate the sale of the bonds, the president was authorized to appoint, with the approval of the senate, two commissioners who should have the power to dispose of the bonds "either within the United States or Europe," and were to be subject to his instructions. The commissioners were to have the power to stipulate in the bonds that the holders could use them in payment for public lands in Texas.

The commissioners were to contract "with the Bank of the United States of Pennsylvania (if practicable), if not, with the Manhattan Bank of New York, or the Union Bank of Louisiana," to act as the fiscal agents of the Republic for all operations within the state in which such banks were located, and by their agents in other states of the United States of America and also in Europe. Any money which should be deposited in these banks was to be subject to the sight draft of the president, countersigned by the secretary of the treasury. The secretary of the treasury was to make a report to each congress of the sales of the bonds and the disposition of the funds. For the interest and final redemption of the bonds, the public faith of the Republic was pledged.<sup>41</sup>

By the act of January 22, 1839, in case the five million dollar loan or any part of it should be negotiated by the act of May 16, 1838, a general pledge of the faith and credit of the Republic was given for the payment of the interest and redemption of the principal of the proposed loan.<sup>42</sup> As additional security there was to be set aside annually as much of the revenue of the Republic as

<sup>40</sup>This act is similar to the law of November 18, 1836, authorizing a loan of five million dollars. See Gammel, *Laws of Texas*, I, 1092-1093.

<sup>41</sup>Gammel, *Laws of Texas*, I, 1484-1487.

<sup>42</sup>This act was a supplement to the act of May 16, 1838, previously described.

should be necessary to meet the semi-annual interest on any of the bonds that might be issued. Whenever it appeared expedient to sell any of the public lands of Texas, the sum of \$300,000 was to be set aside annually to form a sinking fund for the ultimate redemption of the loan. This was to be continued until "with the interest accruing and accumulating on the same, a sum shall be raised equal to the said five million dollars or any part thereof which may have been negotiated."<sup>43</sup>

By the loan act of January 14, 1840, the secretary of state, secretary of the treasury, and the first auditor of the Republic were appointed commissioners of the sinking fund provided for by the act of January 22, 1839. The secretary of the treasury was to pay over to the commissioners yearly \$300,000 in two installments of \$150,000 each, on May 1, and November 1, to buy up the 10 per cent bonds of the \$5,000,000 loan, in case such bonds should be sold. If the market value of the bonds reached 50 per cent premium "beyond par value," the government of Texas was to have the option to pay the holders "par value and said premium" and cancel them.<sup>44</sup>

With a picture of the condition of the Republic and a summary of the most important loan laws in mind, we shall now notice the efforts of the Republic to negotiate a loan with France. In the beginning, it may be said that no loan was ever made under any of these laws. In pursuance of the act of May 16, 1838, S. M. Williams and Albert T. Burnley were nominated on May 21, 1838, by the president, as commissioners of the "Five Million Dollar Loan."<sup>45</sup> The nomination of Williams was rejected by the senate some time before May 24, 1838 (the exact date is not given in available information), at which time the Adjourned Session terminated. Information is not available showing exactly when Burnley left the United States for Europe. A letter from Bee to Lipscomb says Burnley was to sail for Europe by April 21, 1840.<sup>46</sup> After his appointment and until his departure for Europe, Burnley seems to have been carrying on negotiations in the United

<sup>43</sup>Gammel, *Laws of Texas*, II, 62-63.

<sup>44</sup>*Ibid.*, II, 239-233.

<sup>45</sup>*First Biennial Report of the Texas Library and Historical Commission (Secret Journals of the Senate)*, 110.

<sup>46</sup>Bee to Lipscomb, April 21, 1840. Garrison, *Dip. Cor. Tex.*, I, 447.

States. By January, 1841, we find him in Europe assisting Hamilton.<sup>47</sup> In February, 1841, Burnley returned to Texas to assist in bringing about peace between Texas and Mexico.<sup>48</sup>

On December 24, 1838, General Hamilton was nominated by the president as "Commissioner of Loans" to fill the place made vacant by the rejection of Williams. Two days later the senate confirmed the appointment.<sup>49</sup> General Hamilton was a citizen of the United States and a resident of South Carolina. He took an interest in the struggle of Texas against Mexico, as "he believed that the regenerating principles of free trade and civilization were at issue in her fortunes."<sup>50</sup> Because "he had sacrificed his personal pursuits and domestic enjoyments, and advanced his money freely for Texas," Hamilton was made a citizen of the Republic by special resolution of congress.<sup>51</sup> Hamilton became associated with Burnley. They were to try first to secure money in the United States, and if none could be obtained there they were to go to Europe. The United States had gone through a financial panic in 1837 and the banks of that country were not in a condition to handle the Texas loan. Therefore, Europe appeared to be the only open field. As a result, Hamilton set sail for Europe in 1839 arrived in England in August and then proceeded to Paris.<sup>52</sup> There he aided General Henderson in securing the treaty of amity, commerce, and navigation with France, which has already been discussed. Hamilton believed that the success of the loan project was closely bound up with the treaty projects and depended upon its success. Indeed, France seemed to offer bright prospects for a loan. From the various semi-official conversations which Saligny had had in Texas with the secretary of state, A. S. Lipscomb, it had appeared that for a fair equivalent France might not be "unwilling to give something like a moral guarantee or security for the final redemption" of the Texas bonds. Saligny

<sup>47</sup>Hamilton to Lamar, January 4, 1841. Garrison, *Dip. Cor. Tex.*, III, 926-929.

<sup>48</sup>Burnley to Burnet, February 21, 1841. *Ibid.*, III, 931-937.

<sup>49</sup>*First Biennial Report of the Texas Library and Historical Commission (Secret Journals of the Senate)*, 119-120.

<sup>50</sup>Kennedy, *Texas*, II, 347.

<sup>51</sup>*Ibid.*, 347.

<sup>52</sup>Hamilton to Lamar, August 1, 1839. Garrison, *Dip. Cor. Tex.*, II, 468. Also, Dunlap to Burnet, August 12, 1839. *Ibid.*, I, 415.

hinted that this fair equivalent might be in the form of advantageous commercial arrangements which would enable France to supply "the Mexican trade with her manufactures through the ports of Texas." The secretary of state instructed Hamilton to inform the French government, if such appeared to be a "favorite object" with them, that part of the loan would be spent in strengthening the frontier of Texas by a line of posts from the mouth of the Rio Grande to Santa Fé. This would protect French commercial enterprises and enable French capitalists to "force their goods into the rich province of Coahuila." Furthermore, Lipscomb intimated that French manufactures, which were subject to a high tariff in the United States, might, perhaps, reach that country more cheaply through the ports of Texas by smuggling.<sup>53</sup>

Hamilton made no progress in his negotiations during 1839 and 1840. In January, 1841, news arrived by the steamer Halifax from New York that Mexico and Texas had commenced hostilities. Thinking that Texas was really going to war again, Hamilton entered into negotiations with the French government for the purpose of inducing it to guarantee the loan. He considered that France ought to render Texas some financial assistance in return for what the Republic had done for "French Industry and Commerce" by the treaty of 1839.

At the time of the formation of the treaty of September 25, 1839, Marshall Soult had intimated to General Hamilton that the French government would appreciate the courtesy of allowing French wines, brandies and silks to enter Texas ports by "favorable discriminations." In return, the French government, according to Soult, would aid Hamilton in securing the loan for Texas with which he was charged. In the treaty of 1839 French wines were placed on the free list, while brandies and silks were permitted to enter Texas at half duty. In a letter to Guizot January 21, 1841, Hamilton said that he had hoped to gain the loan without calling on the French government for aid, but the condition of the money market in Europe made it impracticable to secure a loan without such assistance. Therefore, if the concessions already given to France were not a "sufficient equivalent," what further concessions would be asked of Texas as a "just com-

<sup>53</sup>Lipscomb to Hamilton, February 24, 1840. *Ibid.*, III, 1276-1277.

pensation" for a guarantee of the Texan bonds? For the guarantee Texas was willing to offer as security "a territory as large as the Kingdom of France and the good faith of the law-abiding and debt-paying people." Hamilton argued that as soon as the currency of Texas was placed on a sound basis, which he claimed would be affected by the negotiations of the loan with which he was charged, the Republic's revenues would be sufficient to pay its naval, military and civil expenses, the interest on the proposed loan, and "constitute a permanent and accumulating sinking fund for the redemption of the principal." In conclusion, Hamilton reminded Guizot of the possibilities of the development of an enormous trade with the citizens of Texas and northern Mexico, which would be made possible by the "moderate imports" of the Republic.<sup>54</sup>

Hamilton hoped to have a "definite agreement" with Lafitte and Company by February 12, 1841. The company had taken up the loan question with much earnestness, and wished to take the loan if there appeared a fair chance of selling the bonds, or their own certificates founded upon them. The ministry of France was likewise carrying on negotiations with Hamilton, and the time spent in the consideration of his proposals showed the value which it placed on them.<sup>55</sup> On February 4, 1841, Hamilton concluded a contract with the bank of J. Lafitte and Company of Paris for the Texas loan.<sup>56</sup>

With such apparently bright prospects before him, pointing to a successful completion of the loan, Hamilton was suddenly thwarted by some unfortunate occurrences in Texas. In February, 1841, Saligny, who had come to Texas in the interest of the French government prior to the treaty of 1839, and, who had become the *chargé d'affaires* of France after the treaty, became involved in a quarrel with an Austin inn-keeper, Bullock by name.

<sup>54</sup>Hamilton to Guizot, January 21, 1841. *Ibid.*, III, 1285-1286.

<sup>55</sup>Hamilton to Lipscomb, February 7, 1841. *Ibid.*, III, 1287.

<sup>56</sup>In a letter to Lipscomb of March 3, Hamilton told the secretary of state he hoped to get the French government to guarantee the loan as that would be worth between 2 and 3 millions to the Government of Texas." He thought that it would be probably July before any of the loan would be available in New York, as it would take a month for Lafitte and Company to complete negotiations and another month for them to get out certificates of stock on the security of Texas bonds. (Hamilton to Lipscomb, March 3, 1841. *Ibid.*, III, 1302.)

The trouble began by Bullock's attacking Monsieur Pluyette, a member of Saligny's legation, and was subsequently aggravated by a visit from Bullock's pigs to Saligny's stables, where they consumed corn intended for the legation horses. A servant killed the pigs, and Bullock thrashed the servant. Saligny demanded the summary punishment of Bullock, and the government ordered a judicial investigation to that end. Saligny was unwilling to await the slow redress of such procedure, and chose to make an international incident of the affair. At the end of March he suspended intercourse with the government, but remained in Texas. In May the Texan government, through its chargé in Paris, protested against his longer residence in the Republic. Guizot was inclined to take the side of the peppery diplomat, and for a time showed a decided coolness toward Texan affairs. In the meantime, Saligny had withdrawn to New Orleans. After Houston's inauguration in December, 1841, steps were taken to resume relations with Saligny and he was induced to return to his post in the spring of 1842.<sup>57</sup>

We shall now see what effect this controversy had on the loan negotiations in Paris. Saligny was a brother-in-law of the French minister of finance. Hence that department would naturally be influenced by the insults which Saligny believed he had suffered. By the middle of May, 1841, the loan had received a check, but Hamilton thought that he would be able to straighten the tangle by a visit to the King at Paris. Unless the minister of finance absolutely refused to permit the sale of the bonds to the bank, Hamilton believed that Lafitte was resolved to carry the loan "triumphantly through."<sup>58</sup>

On May 14, 1841, Lafitte and Company advertised the loan in Paris newspapers, informing the public that they had taken it upon themselves to issue a loan of "37 millions of Francs" to the Texan government. According to article X of their agreement the contract was formed with "a formal assurance given by the Texan Envoy that he had obtained the consent or admission of the French Government to the above Loan and a further assurance that the said Government will facilitate with its moral aid the

<sup>57</sup>Mayfield to Saligny, March 29, 1841. *Ibid.*, III, 1308-1316. Also, Mayfield to McIntosh, May 12, 1841. *Ibid.*, III, 1323-1328.

<sup>58</sup>Hamilton to Lamar, May 17, 1841. *Ibid.*, III, 1336-1337.



negotiation of the said Loan," of which assurances the Texas envoy had given to them "documentary proof."<sup>59</sup>

The French press, in general, opposed the Texan loan project. The following are statements taken from *La France* of June 9, 1841, in regard to the loan:

But in the midst of the crises which besiege the country, anticipating ourselves the necessity of a loan when commerce and public credit are paralyzed by disastrous failures, is it not a duty on the part of the press really devoted to the welfare of our country, to forewarn the public against the consequences which would result from such speculations? [After an exposition of the public debt of Texas, the journal says:] The President in his message to congress on November 1, 1840, says: "Five years ago the population [of Texas] was scarcely 40,000 souls, but since that time it has quadrupled." That is to say, six months ago, the Texans, Indians and slaves amounted to 160,000 souls! It is, then, upon this population that the weight of the enormous debt will rest; namely, in principal, at the rate of 39 dollars per head; an interest at the rate of 6 per cent (2 dollars, 35 cents) per head on women, children, old men and slaves. Looking at the moral guarantee of the debt, who would rely on the fidelity of the Texans to fulfill their obligations? Ought we to adopt, as an example of their fidelity, their rebellious conduct towards Mexico? or the punctuality with which they have discharged the interest on their debts—interest which we have shown has never been paid? or still more, in the offer made to France of "exclusive privileges," bound as they are by a treaty with Great Britain, who will assuredly not suffer the slightest infraction of her conditions?

In fine, if it should turn out that General Hamilton should accomplish his object and effect a loan, who would believe that the money would be employed in developing the resources of Texas? We here again refer to the message of the President delivered in January last—a message which announces that "Mexico is making preparations to reconquer Texas"—a fact confirmed by the Mexican envoy here, and recently inserted in the Paris journals. Is it not, we ask, for the purpose of defending themselves against this threatened attack that the Texans require the loan they are anxious to obtain from the French capitalists?

But we hope we have succeeded in putting public credulity on its guard against the sinister and mystifying efforts thus incessantly employed to entrap the unsuspecting.<sup>60</sup>

<sup>59</sup>(Enclosure) Hamilton to Lamar, May 17, 1841. *Ibid.*, III, 1337. Copy of this agreement is not available.

<sup>60</sup>Quoted in Maillard, *History of Texas*, 399-403.

On June 14, 1841, there appeared another article in *La Presse* of which the following are extracts:

The loan, says the prospectus, is destined to the execution of the old debts of Texas, which are represented by the bonds issued during the war with Mexico, and by a debt contracted with the United States bank. In consequence of these dispositions the liquidation of the Mexican debt ought, in reality, to turn to the advantage of the English, who hold the securities. This is a result that ought necessarily to follow the act of mediation of the 14th of November, 1840, between Mexico and Texas, interposed at the instance of the British government. This act stipulates, in effect, that "if the republic of Texas shall obtain, through the mediation of her Britanic Majesty, an armistice and a treaty of peace with Mexico, she will consent to charge herself with one million sterling (25,000,000 francs) of the foreign debt contracted by the republic of Mexico."

The destination of the money demanded by M. Lafitte of the French capitalists is thus fixed by the document just cited, the result of which is, that the loan to be raised in Paris will be turned to the benefit of our excellent allies, the English.

So in reality . . . the Texan Government will receive only 440 francs net for every obligation of 1,000 francs; in other words, less than a majority! Is not this the act of a child that deserves punishment?

The prospectus is indited in the most seductive terms, and does not disdain to employ a falsehood for the purpose of having it believed that the risk of the lender is reduced to 50 per cent., and that the redemption of the capital and interest is, during the first five years completely protected against all casualties.

It is false that the risk of the lenders is reduced to fifty per cent.

We say to those of whom the money is solicited that the risk is upon the whole sum subscribed, and that the payment of the interest and capital is not secured for five years.<sup>61</sup>

To many of the Texans, it did not appear that a loan would materially assist them but would rather involve them in financial embarrassment beyond redemption, as is shown by the following extracts from the newspapers of the day:

General Hamilton, one of the loan commissioners to negotiate the five million dollar loan arrived in Austin about a week since and is still with us—the principal object of his visit is to procure an alteration in the loan act. Many of us who came here highly prejudiced against this gentleman and almost prepared to vote

<sup>61</sup>Quoted in Maillard, *History of Texas*, 404-409.

for a repeal of all laws authorizing negotiation of loans have since hearing a disclosure of his views and plans have been fully convinced of the indispensable necessity of procuring the loan at an early period as possible.<sup>62</sup>

Another remedy from which much appears to be hoped by many of our citizens is the \$5,000,000 loan. It is true by this means we may purchase a short respite from our present difficulty, but it will be so temporary and fleeting in its effects that it deserves not the name of relief. It is more injurious than the original evil. The obtaining of this loan will increase the burdens already borne by the people without materially benefiting them.<sup>63</sup>

Texan bonds are selling in New Orleans and elsewhere for from 15 to 17 cents on the dollar. We say is it at all probable that any capitalist will be so weak as to advance his money at 80 cents on the dollar—when he can obtain that which is equally good in New Orleans for 17? We consider it worse than folly any longer to look for relief to the five million loan.<sup>64</sup>

Some doubted the wisdom of the loan even after the public announcement by General Hamilton that he had completed the negotiations of it with Lafitte and Company. The editor of the *Austin City Gazette* said that whether the loan proved “the weal or the bane of Texas will depend in a great measure on the use or abuse that is made of it. It is this latter that we dread. We are afraid that Congress has been so long used to ‘Texas Red Backs’ that the members have forgotten the actual value of money.”<sup>65</sup>

Speaking of the terms of the loan the *Colorado Gazette and Advertiser*<sup>66</sup> said: “We predict—that the terms of the loan—will be regarded, by all who do not hope to get a grab at the proceeds, as grinding and likely to be of much permanent injury to the country.”

From May, 1841, to August, 1842, no progress was made in France with the loan project. Hamilton was recalled January 26, 1842, as the law authorizing the \$5,000,000 loan was repealed January 12, 1842.<sup>67</sup> He sailed from Liverpool for the United States on September 20, 1842, and was in Boston by October 5, 1842.<sup>68</sup> Ashbel Smith was appointed *chargé d'affaires* to France

<sup>62</sup>*Colorado Gazette and Advertiser*, January 18, 1840.

<sup>63</sup>*Austin City Gazette*, July 29, 1840.

<sup>64</sup>*Telegraph and Texas Register*, October 14, 1840.

<sup>65</sup>*Austin City Gazette*, April 21, 1841.

<sup>66</sup>June 26, 1841.

<sup>67</sup>Garrison, *Dip. Cor. Tex.*, III, 943.

<sup>68</sup>Hamilton to Jones, October 5, 1842. *Ibid.*, III, 1025.

February 3, 1842.<sup>69</sup> Smith was recalled in June, 1845.<sup>70</sup> On August 15, 1842, the French government was asked by the Texan government to join the United States and Great Britain in a triple intervention to bring about peace between Texas and Mexico.<sup>71</sup> By the latter part of October, 1842, it appeared to Ashbel Smith that mediation with Mexico was impossible. He presumed that Mexico was intending to make an attack on Texas "in the ensuing spring, if not earlier." If such were her plans, Smith considered that Texas would need ships and munitions of war, which could only be secured "with money." To get the money "in the way of an ordinary loan" seemed impossible. Texan bonds needed the guarantee of some European government to make them salable. To get this guarantee Texas seemed to have only one available instrument in her possession, namely, commercial privileges. Smith believed that France would guarantee the Texan bonds on condition that French manufactured articles were allowed to enter Texan ports at a low rate of duty for a number of years, or until the loan was redeemed. He suggested that certain specified articles of French manufacture be allowed to enter the Texas ports at about one-third the rate of the "custom house duties," and payable in the same currency and on the same terms as were paid by the manufactures of other nations. Special concessions might be granted to French emigrants. Count Cramayel, French chargé d'affaires to Texas, considered that the plan was feasible.<sup>72</sup> Smith decided to lay the plan before the French government with the understanding that it should be carried into effect or dropped according to the instructions which he should receive from his government.<sup>73</sup>

President Houston did not think that Smith's plan would be

<sup>69</sup>*The First Biennial Report of the Texas Library and Historical Commission (Secret Journals of the Senate)*, 220.

<sup>70</sup>Garrison, *Dip. Cor. Tex.*, III, 1198.

<sup>71</sup>Smith to Guizot, August 15, 1842, enclosed in Smith to Jones, August 31, 1842. *Ibid.*, III, 1385. This plan fell through, as Great Britain refused to join it. Chapter IV of this paper will take up the various mediation efforts to bring about peace between Texas and Mexico.

<sup>72</sup>Towards the end of 1842, Saligny was succeeded by Cramayel. Cramayel held the position of French chargé d'affaires for about two years, and was in turn succeeded by Saligny, who occupied the post until Texas was annexed to the United States. (Garrison, *Dip. Cor. Tex.*, II, 32.)

<sup>73</sup>Smith to Jones, October 21, 1842. *Ibid.*, III, 1389-1390.

acceptable to the Texan government, as he did not believe that it would be willing to extend such privileges to any nation. However, he was willing to pledge a sufficient amount of the public lands of Texas as security to France for the ultimate redemption of the bonds, which might be guaranteed by her. According to Terrell, acting secretary of state, the president had, by now (December 10, 1842), "in a great measure, lost confidence in the success of almost any proposition which should be made . . . having in view the obtainment of the loan." However, if France would guarantee the bonds to the amount of one million dollars upon the terms which have just been mentioned, or, if any French capitalists were willing to make a loan on similar terms, send an agent to Texas "clothed with full powers to conclude such a contract," and "to draw for the money immediately," the president was willing to take immediate action.<sup>74</sup>

On December 26, 1842, Smith was authorized to treat with France for a guarantee of the loan, and to stipulate to France such commercial privileges as would be "a just equivalent for such a guarantee." Texas was desirous of obtaining the privilege of introducing her cotton into France at a low rate of duty for a number of years, as this would stimulate the growth of the staple in Texas. On the other hand, there was no objection to allowing French wines to enter the Republic's ports free of duty, if France was willing to grant her a corresponding equivalent concession.<sup>75</sup>

The probable chances of getting a French guarantee of the Texan bonds were given another blow by a proclamation that President Houston issued on December 21, 1842, in which he revoked General Lamar's proclamation of February 11, 1840. Houston's proclamation was to take effect February 15, 1843. On February 11, 1840, President Lamar had issued instructions, in accordance with "An Act altering several acts to raise a Revenue by Impost Duties" of February 5, 1840, that the duties on "all wines" of French product, imported in Texan or French vessels were to be abolished and were to be admitted into Texas ports "free of duty" until his proclamation should be revoked by the president.<sup>75a</sup> Houston revoked Lamar's proclamation "as neither

<sup>74</sup>Terrell to Smith, December 10, 1842. *Ibid.*, III, 1403-1404.

<sup>75</sup>Jones to Smith, December 26, 1842. *Ibid.*, III, 1407-1409.

<sup>75a</sup>Gammel, *Laws of Texas*, II, 662.

propriety, policy nor a just regard due to the rights of our citizens" required its continuance.<sup>76</sup> Cramayel protested against Houston's proclamation. He doubted whether the time was opportune for such an act which was so little favorable to French commerce, and especially at a time when France had just tried to give Texas new proofs of her friendship by her efforts to bring about peace between Texas and Mexico.<sup>77</sup> The motives of the new measure as explained by the president did not seem conclusive to Cramayel. According to his view, the introduction of French wines into Texas had for its principal object the increasing of commerce between France and Texas through the opening of an easy market to her goods, and the furnishing of the Texas market with a great number of articles which her people had been forced to buy through the United States at a higher price. Furthermore, he declared that French commerce with Texas had had a wonderful development up to the existing date (January 16, 1843), and asked whether it would be a prudent thing for Texas to hinder its development by tariffs and arbitrary restriction. Cramayel complained of the shortness of the time before the proclamation of General Houston went into effect. He claimed that according to constant usage it was customary to fix the time proportionate to the distance. Hence, it would be unjust to commerce to commence the enforcement of Houston's proclamation on February 15, 1843, as he was of the opinion that three French ships were already on their way to Texas, and others were preparing to leave for her ports. The new proclamation was unknown to them, and it would be contrary to the customs of civilized nations to make them come under this rule. Cramayel thought that it would be better to postpone the enforcement of the proclamation until it had been officially proclaimed in France through the diplomatic or consular agents of Texas, and French commerce was legally thought to have knowledge of it.<sup>78</sup> In response to this, he was told that Texas was willing to enter into a new treaty with France by which French wines

<sup>76</sup>Gammel, *Laws of Texas*, II, 878.

<sup>77</sup>The efforts of France to bring about peace between Texas and Mexico will be discussed in Chapter IV.

<sup>78</sup>Cramayel to Jones, January 16, 1843. Garrison, *Dip. Cor. Tex.*, III, 1413-1415.

would come in free, if she were given a "corresponding immunity." In order to show the spirit of friendship and justice towards France, any of her vessels that had sailed to Texas in ignorance of the proclamation of December 21, 1842, would receive such relief as the conditions should require.

Cramayel does not seem to have been very highly pleased with Texas. In his dispatches to his government, he spoke of Texas "with bitterness," and was "decidedly hostile to the negotiation of any loan for Texas, in France." He considered Houston's proclamation as an unfriendly act. In face of the adverse opinion of both Saligny and Cramayel, France was not willing to sanction the Texas loan. By the close of March, 1843, there appeared to Smith little chance of obtaining French aid "on any conditions." He believed that the best thing to do in France was to "let the subject die as quietly as possible." It did not seem that an attempt to establish commercial relations would bring about any important results. Smith considered that it would be better to reserve for future negotiations the free introduction of French wines into Texas, and the "right of transit" of their merchandise than to put them up to France for anything that she might offer in exchange.<sup>79</sup>

On February 19, 1843, the French government was officially notified of the proclamation of December 21, 1842. Guizot, Minister of Foreign Affairs, said that it was imprinted "with a hostile character of retroactivity."<sup>80</sup> According to Smith, by the middle of April, 1843, the obtainment of a French guarantee to the Texas loan was "utterly impossible," as they "considered the revocation of the Proclamation of the 11th of February, 1840, as having been occasioned by their refusal to guarantee the Texian Loan, which General Hamilton was charged to negotiate."<sup>81</sup>

In a letter to the secretary of state (dated Paris, June 28, 1843), W. H. Daingerfield, Texas chargé d'affaires to Netherlands, said that his former position of secretary of the treasury of the Republic had induced some of the friends of Texas in France to approach him on the subject of a million dollar loan.<sup>82</sup>

<sup>79</sup>Smith to Jones, March 31, 1843. *Ibid.*, III, 1427-1429.

<sup>80</sup>Guizot to Smith, February 28, 1843. *Ibid.*, III, 1434.

<sup>81</sup>Smith to Jones, April 11, 1843. *Ibid.*, III, 1432.

<sup>82</sup>Daingerfield's nomination as chargé d'affaires to the Netherlands was

Daingerfield replied "very frankly" that there was at that time no legislative sanction for a loan "in Europe," and that Texas was not "in the market as a borrower."<sup>83</sup> However, Daingerfield assured those who approached him on the subject that, if they would submit their propositions to him on their own initiative, he would be willing to lay them before his government, if he could be "fully satisfied" of the ability and good faith of the proposed negotiations.<sup>84</sup>

Having traced the unfruitful efforts of Hamilton, Burnley and Smith to obtain a loan from the French government or through its sanction of Texan bonds, we shall now notice the equally unsuccessful attempt of Alexandre Bourgeois d'Orvanne to secure a loan for Texas. Bourgeois was a French citizen and was primarily interested in the colonization of Texas.<sup>85</sup> On June 11, 1842, the Texan government concluded a contract with Bourgeois for the negotiation of a million dollar loan under the loan act of January 22, 1839. This contract has not been found as yet, but from his letter to the president of Texas of July 8, 1844, we learn of his efforts to secure a loan of one million dollars in France, England, Holland and Belgium. In England, Bourgeois met with "a dangerous and systematic resistance," due to the fact that prominent bankers were interested in the Mexican debt. In Holland, the same reason did not exist, but still the government did not consider it advisable to enter into any financial arrangements with Texas. The French government was not inclined to make Texas a loan after the episode of General Hamilton with Lafitte and Company.

The news of the armistice between Texas and Mexico in 1843 produced a favorable impression in Europe. Still anxious to show Texas his interest in her prosperity, Bourgeois entered into negotiations with Charles de Castell about the million dollar loan. The proposition was sent to the senate by the president December 20, 1843 (*First Biennial Report of the Texas Library and Historical Commission, Secret Journals of the Senate*), 281. His nomination was confirmed February 3, 1844. (*Ibid.*, 300.)

<sup>83</sup>The repeal of the loan laws is discussed in a latter installment of this paper.

<sup>84</sup>Daingerfield to Jones, June 28, 1843. Garrison, *Dip. Cor. Tex.*, III, 1457.

<sup>85</sup>Bourgeois' colonization work is discussed in a later installment of this paper.



loan. Castell was acting for a German colonization association. The association wished to add three additions to Bourgeois' contract: (1) A land concession for six thousand families in a fertile region favorably situated for commerce, (2) the right of importing \$200,000 worth of goods per year for ten years, (3) the power of the consul general to receive directly from the collector of customs at Galveston the sums necessary to pay the interest on the loan before other expenses were paid. The details of the negotiation are obscure. Bourgeois, however, failed to secure the loan. On March 26, 1844, he was officially notified that his contract had expired by limitation and had been annulled. On January 27, 1844, an act was passed "that all laws authorizing the President to negotiate a loan or loans upon either the public faith or the hypothecation of the public lands be, and the same are hereby repealed, and that this article take effect from and after its passage."<sup>87</sup> Bourgeois regretted the loss of "the fruit of so much labor and expense," but still if Texas wished to get a loan at a later date, he expressed his willingness to take up the negotiations again.<sup>88</sup>

*(Continued.)*

<sup>87</sup>Gammel, *Laws of Texas*, II, 954.

<sup>88</sup>Bourgeois to the President of the Republic of Texas, July 8, 1844, *Financial Papers*, State Library.

COMMERCIAL ASPECTS OF THE TEXAN SANTA FÉ  
EXPEDITION

THOMAS MAITLAND MARSHALL

In June, 1841, the Texan Santa Fé expedition left its camp near Austin and started on its toilsome march toward Santa Fé.<sup>1</sup> Historians have speculated at length upon the reasons which caused President Lamar to send the expedition. That those reasons, whatsoever they were, appeared weighty to the President there can be no doubt, for in sending forth the "Santa Fé Pioneers" it was necessary for him to transcend his constitutional authority, the congress of the republic, as the constitution demanded, having given him no authorization for such an expedition.<sup>2</sup>

Historians who have written concerning the expedition have depended largely upon the readable narrative of Kendall, the editor of the *New Orleans Daily Picayune*, who accompanied the expedition.<sup>3</sup> Kendall says that he was informed by Major George T. Howard, who was in New Orleans purchasing supplies for the expedition, that it was commercial in its intentions, the policy of Lamar "being to open a direct trade with Santa Fé by a route known to be much nearer than the great Missouri Trail." This Kendall believed to be the primary object, but he subsequently learned that an ulterior intention of Lamar was to make good Texan pretensions to the territory east of the Rio Grande.<sup>4</sup>

Yoakum says that in 1841 Texas was engaged in building a military road from Red River to the presidio crossing of the Nueces and that a road was proposed from Austin to Santa Fé. It was believed that the Santa Fé trade, which was supposed to amount to four or five million dollars annually, might be diverted through Texas, shortening the route three hundred or four hundred miles. It was also believed that the province of New Mexico might be conciliated.<sup>5</sup>

<sup>1</sup>*Austin City Gazette*, June 16 and 23, 1841.

<sup>2</sup>Report of select house committee on Santa Fé expedition, December 6, 1841, in *Austin City Gazette*, December 15, 1841.

<sup>3</sup>George W. Kendall, *Narrative of an Expedition across the great southwestern Prairies from Texas to Santa Fé*, 2v. London, 1845. An edition was also published in 1844.

<sup>4</sup>*Ibid.*, I, 14-15.

<sup>5</sup>Henderson Yoakum, *History of Texas from its first Settlement in 1635*

Bancroft followed Kendall and Yoakum, but he did not leave the subject with a mere statement of facts, taking occasion to comment upon the sending of the expedition, characterizing it as "an ill-digested scheme," the long distance between the settled areas of Texas and New Mexico being infested with savages, and the government and people of New Mexico being loyal to Mexico.<sup>6</sup> Garrison emphasizes the desire of Lamar to get possession of the country east of the upper Rio Grande, but he makes no mention of a commercial reason for the expedition.<sup>7</sup>

### *The Arkansas-Louisiana Border Trade*

The writer believes that both commercial and political reasons were back of the Texan Santa Fé expedition, but none of the historians have been fully acquainted with border conditions, nor have they been cognizant of the whole of Lamar's project, especially in its commercial and diplomatic aspects. Recently examined materials make possible not only a clearer conception of the reasons for sending the expedition, but also call attention to the border trade of Arkansas of which little has been written, but which profoundly affected Lamar's policy.

Up to the present time we have had information concerning three expeditions between the Arkansas-Louisiana border and the Mexican provinces between 1821 and 1840, namely, the Glenn expedition of 1821, the Albert Pike journey of 1831, and the Gregg trip of 1839. Concerning the Glenn expedition, for many years historians depended upon the scant statement of Gregg,<sup>8</sup> but the discovery and publication of the journal of Jacob Fowler, who accompanied Glenn from Arkansas to the New Mexican settlements, has added greatly to our knowledge of that episode.<sup>9</sup>

*to its Annexation to the United States in 1846* (2v. New York, 1856), II, 312-313. Yoakum was in error regarding the supposed amount of the Santa Fé trade, for Archer reported it as amounting to three or four millions. See Sec'y of War, *Rpt. to 6 Cong.*, Sept. 30, 1841, Republic of Texas, State Department, *Army Papers*, 1840-1841.

<sup>6</sup>Hubert Howe Bancroft, *History of the North Mexican States and Texas* (2v. San Francisco, 1889), II, 332-333.

<sup>7</sup>George Pierce Garrison, *Texas, a Contest of Civilizations* (Boston, 1903), 244-245.

<sup>8</sup>Josiah Gregg, *Commerce of the Prairies* (2v. New York, 1844), I, 21. Reprinted in *Early Western Travels* (R. G. Thwaites, ed.), XIX-XX.

<sup>9</sup>Jacob Fowler, *Journal, narrating an Adventure from Arkansas* . . .

Regarding Albert Pike's expedition our knowledge has been far scantier. On Kendall's map is shown the route of Pike from Santa Fé to the Arkansas frontier, but otherwise he does not enlighten us, leaving us with the impression that an important trading expedition had passed that way.<sup>10</sup> But in fact Albert Pike's expedition was of slight importance in the Arkansas trade. In March, 1831, he left Newburyport, Massachusetts, with the intention of going to the Pacific coast. At St. Louis he joined a party of pioneers and proceeded as far as Santa Fé. In September, 1832, he became connected with a party of trappers at Taos, went down the Pecos river, and entered the Staked Plains. The trappers nearly starved, and Pike with five companions left the main group, retraced his steps to the Spanish settlements, and then proceeded to Arkansas, arriving at Fort Smith on December 10, 1832.<sup>11</sup> Of Gregg's journey an account will be given later in this article.

Not until 1839 did an important trade open. In May of that year a company of Mexican traders arrived at Shreveport, Louisiana. They had been forty days in making the journey from Chihuahua to Ft. Towson, a distance of six hundred miles traversed without guides, their route being governed by chart and compass. They brought with them nearly a half million in silver bullion which was transported partly on mules and partly by wagons. For the return journey they purchased a large number of wagons, as the prairies afforded a fine natural road.

A letter from one of the Chihuahua traders furnished further details. He stated that three merchants, of whom he was one, started from Chihuahua with fifty men employed at their own expense, and an escort of fifty furnished by the governor of the state of Chihuahua. On April 3, 1839, they left the city of Chihuahua with more than five hundred mules and seven wagons in which

*to the sources of Rio Grande del Norte, 1821-22.* Elliot Coues, ed., New York, 1898.

<sup>10</sup>Kendall, *Narrative*, I, map opposite p. 1.

<sup>11</sup>Albert Pike, *General Albert Pike's Poems with introductory biographical Sketch by Mrs. Lillian Pike Roome, Daughter of the Author* (Little Rock, 1900), introductory sketch. The above account is somewhat at variance with a statement in *The South in the Building of the Nation* (XII, 282), which says that in 1831 Pike made a journey from Arkansas to Santa Fé and back again.

they hauled a quantity of freight, victuals, and arms for defense against Indians. From Chihuahua they traveled to "Fort del Norte," no doubt meaning El Paso. From there they struck across the plains through a region unknown to any who accompanied the caravan. They found the road level, pasturage good, and the fords frequent.

The *Shreveport Intelligencer*, where the information concerning the Chihuahua traders was first published, then commented upon the possibilities of the trade. It pointed out that the route was the best for commerce between the United States and the interior of Mexico, other trails being much longer. Merchants who shipped by sea, however, were then at an advantage, for by the Mexican debenture law duties were returned to them, a condition which did not maintain for land traffic. The trade of the interior provinces was estimated at five million dollars annually. Believing that the Mexican congress would extend the debenture law to overland trade, the *Intelligencer* stated that a company was about to be formed to prosecute the inland commerce. It predicted that in the spring of 1840 a caravan with a hundred men and five hundred mules with wagons would leave some point on Red River for Chihuahua and return in four or five months. The leader would be a well-known man and many of those who engaged in the enterprise would be from the neighborhood of Shreveport.<sup>12</sup>

The exact route followed by the traders cannot be determined from materials now accessible, but on Kendall's map appears a trace which he designated the "Chihuahua Trail," and it is probably approximately correct. It started at Chihuahua, proceeded northward to El Paso and thence ran a little north of east, crossing the headwaters of the Colorado, Brazos, and Trinity rivers, at the latter crossing turning almost due east, passing through Clarksville, Texas, and terminating at Fulton on the Arkansas river.<sup>13</sup> From that point it was possible for the traders to go by boat in the spring and early summer.

About May 1 and shortly before the arrival of the Chihuahua merchants at Shreveport, a caravan started from Van Buren, on

<sup>12</sup>The account of the Chihuahua traders and the merchant's letter were published originally in the *Shreveport Intelligencer* and copied in the *Austin City Gazette*, April 28, 1841.

<sup>13</sup>Kendall, *Narrative*, I, map opposite p. 1.

the Arkansas river below Ft. Smith, bound for Chihuahua. It contained about forty men, and eighteen wagons laden with a stock of merchandise, principally dry goods. A party of United States dragoons under Lieutenant Bowman was to meet them at Camp Holmes, one hundred and fifty miles west of Ft. Gibson, and escort them through the Indian country. The distance from Van Buren to Chihuahua by a direct route was estimated to be seven hundred miles, but because Chihuahua was not a place of legal entry for goods from the United States, it was necessary for merchants to proceed first to Santa Fé to enter the goods at the custom house, a harsh necessity which would lengthen the journey by several hundred miles. It was said that suitable representations had already been made to the Mexican Minister at Washington to procure Chihuahua as a place of entry.<sup>14</sup>

This was no doubt the expedition in which Gregg participated. His account is far more explicit than the newspaper story. The blockade of the Mexican ports by the French in 1839 induced him to undertake another trip to get trade with Chihuahua. Twenty-five thousand dollars' worth of goods were shipped to Van Buren. A new route was chosen. The caravan, which consisted of thirty-four men, including Josiah Gregg and his brother John, started on April 21. On the twenty-eighth it crossed the Arkansas a few miles above the mouth of the Canadian. At the Cross Timbers they were joined by Lieutenant James M. Bowman and forty dragoons from Ft. Gibson who were to accompany them as far as the United States border. They crossed the North Fork of the Canadian about a mile above its confluence with the main stream and then followed the main ridge between the Canadian and the North Fork. On May 30 they doubled the spur of the great north bend of the Canadian. When they approached the Pecos, Gregg left the caravan and hastened on to Santa Fé, where he arrived on June 25.<sup>15</sup> At Santa Fé Gregg outfitted six wagons for the Chihuahua trade. Eight other wagons and forty men were in the caravan. When he returned in 1840 he followed still another

<sup>14</sup>This information was published in the *Little Rock Gazette*, and under the caption *First Caravan from Arkansas to Mexico* appeared in the *Telegraph and Texas Register*, July 17, 1839.

<sup>15</sup>Gregg, *Commerce of the Prairies*, II, 11-61.

route, this time south of the Canadian, coming out at Van Buren.<sup>16</sup>

This border trade attracted the attention of the press, speculators, legislators, and officials of Texas. A report of the first caravan from Van Buren appeared in the *Houston Telegraph and Texas Register* on July 17, 1839. On April 8, 1840, an article was published in the same paper the substance of which had already appeared in *The Sentinel* of Austin. The account stated that the author had been frequently asked concerning the feasibility of opening a direct communication between Austin and Santa Fé. He estimated that the distance was four hundred and fifty miles and that the road would traverse a rich, rolling, and well-watered country. From Austin to the old San Saba ford he estimated the distance at one hundred and twenty-five miles. The old Spanish road from Gonzales to San Saba could be followed most of the way and was fit for wagons. The road crossed the Colorado river about two hundred and twenty-five miles above Houston, the crossing being made easy by a good ford. On the head waters of the Red River he stated that there was good grazing, a beautiful country, through the center of which passed the road to Santa Fé. To the west lay an elevated country without many mountains and with plenty of good water. The Comanches were the only ones to trouble and fifty well armed men could cross their country with impunity. He stated that New Mexico produced many minerals, that the Santa Fé trade consisted mainly of valuable peltries, and gold and silver in bars, and that horses, mules, and cattle might be driven from New Mexico to Texas with profit. He concluded that Texan traders would have every advantage over those from St. Louis.

The *Austin City Gazette* of April 28, 1841, stated that two envoys had arrived at Houston from the interior provinces of Mexico charged with negotiating terms of amity and commerce. It predicted that the commercial road from Chihuahua, Durango, and Zacatecas must eventually be to some point on Red River and thence by the rivers to the gulf. It then gave an account of the Mexican traders who had arrived at Shreveport in 1839, the information being copied from the *Shreveport Intelligencer*.

<sup>16</sup>*Ibid.*, II, 69, 138.

*Lamar's Policy*

The possibilities of commercial expansion and increased revenue for the government by means of trade with the Mexican provinces forcibly impressed the President. Lamar was a man of poetic temperament whose imagination played with large conceptions. He dreamed of empire, of a Texas which was to play an important part in the history of the continent. It was to be the third great republic with a dominion stretching from the gulf to the Pacific.<sup>17</sup>

Unfortunately the republic was sorely in need of funds, expenses far exceeded the income, and foreign commerce had but slightly developed. It would be unfair to Lamar to typify him as a visionary. He realized his country's poverty and made strenuous efforts to overcome the difficulties. His attempts to obtain a foreign loan, to dispose of land scrip, and to establish a bank are too well known to need discussion here. Those schemes were not visionary, and had it not been for the panic of 1837 in the United States and unusual conditions in England and France, they might have succeeded.<sup>18</sup>

Lamar saw the two-fold advantage of getting control of the Santa Fé region, for it would make good the territorial pretensions of the republic and open up a new outlet for commerce over a route already proven feasible and which had many advantages over the old Santa Fé trail. In his message of 1839 he had urged the sending of an expedition and the secretary of war had also recommended it.<sup>19</sup>

Early in 1840 the President determined to have agents at Santa Fé to prepare the way for the expedition, Captain William G. Dryden, John Rowland, and William Workman being selected to take care of Texan interests and to prepare the people for the change of government. According to Lamar's statement they were all

<sup>17</sup>Marshall, in *THE QUARTERLY*, XIV, 285-288; address to the people of Santa Fé, *Lamar Papers*, Doc. 1972.

<sup>18</sup>E. D. Adams, *British Interests and Activities in Texas, 1838-1846* (Baltimore, 1910), 20-22, 36-78; *Dipl. Corr. of the Republic of Texas*, in *Am. Hist. Assoc., An. Rpt., 1908*, II, 1206-1351, *passim*.

<sup>19</sup>Report of select house committee on the Santa Fé expedition, December 6, 1841, *Austin City Gazette*, December 18, 1841; Lamar to the Citizens of Santa Fé, April 14, 1840, in *Republic of Texas, State department, Santa Fé Papers*.



citizens of New Mexico.<sup>20</sup> It is probable that Rowland and Workman were already at Santa Fé and that Dryden carried Lamar's address to the people of New Mexico, going by way of St. Louis and the old Santa Fé trail. Dryden arrived at his destination on September 17, 1840.<sup>21</sup> He wrote two letters to Lamar, one on March 10 and the other on April 18, 1841, but neither reached Austin before the departure of the expedition.<sup>22</sup>

A new idea now dawned upon Lamar. If commercial relations could be established between Cuba and Texas, the advantages would be mutual. With the establishment of a trade route from Havana, running through Texas with western terminals at Chihuahua and Santa Fé, the resources would be increased and wealth would flow into the coffers of the merchants. The idea was incorporated into the message of November 1, 1840, to the fifth congress. The President observed that as yet no overtures had been made to Spain, but he believed that an acknowledgment of independence by that power would influence relations with Mexico. He pointed out the importance of establishing commercial relations with Spain and her colonies. The Island of Cuba not only would supply a market for surplus provisions, but Texas merchants would be able to obtain important products without the enormous burdens then imposed by importations through the ports of the United States.<sup>23</sup>

Instructions were issued to Barnard E. Bee, the Texan representative at Washington, to attempt to make a treaty with Spain.

<sup>20</sup>Lamar's address to the citizens of Santa Fé, April 14, 1840, Republic of Texas, State department, *Santa Fé Papers*. Although Dryden had been in New Mexico, in Texas he was considered a citizen of Texas. See *Austin City Gazette*, August 25, 1841. At his trial in Santa Fé he declared himself a citizen of the United States. Archivo de Gobernación (Mexico), Guerra, Frac. 1, Leg. 1, Op. Mil., 1841 á 1842. A copy of this document is in my private collection, marked Santa Fé Papers, LXII.

<sup>21</sup>Dryden to Lamar, March 10, 1841, in Republic of Texas, State department, *Santa Fé Papers*. Rowland was a fur trader in New Mexico as early as 1826. For proof see Archivo de Gobernación (Mexico), Comercio, Expediente 44. Of William Workman I have no positive proof, but a Workman family was related to Kit Carson. See Marshall, in *THE QUARTERLY*, XIX, 253.

<sup>22</sup>Republic of Texas, State department, *Santa Fé Papers*; *Austin City Gazette*, August 25, 1841.

<sup>23</sup>*Lamar Papers*, Doc. 1932; Republic of Texas, 5 Cong., 1 Sess., 1840-1841, *House Journal*, 15-26.

On February 27, 1841, Bee addressed the following letter to the Spanish minister at Washington:

The undersigned Chargé d' Affaires of the Republic of Texas, near the Government of the United States, with a view of promoting the interests of the country he represents, begs leave to propose through the Chevalier d' Argaiz, Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty the Queen of Spain, also near the Government of the United States, the negotiation by the latter Government of the Independence of the former and the formation of a general Treaty of Amity and Commerce between the two nations, having for its special object the establishment of a direct trade with Cuba, and other of Her Majesty's possessions in the West Indies contiguous to Texas, for the exchange of the commodities and productions of the two countries on a liberal footing mutually beneficial, so that Spain may also be a participant in the benefits enjoyed already by several of the Nations of Europe, from the adoption of a course similar to that now proposed.

The mules, Horses, cattle, Beef, cotton, Etc. abounding in Texas, would meet with a ready sale in Cuba, while the coffee, Sugar, cigars, Tobacco, fruit, Etc. of Cuba could be furnished Texas at reduced rates, to the extent probably of her entire wants, now supplied principally through the United States, after being imported into that country from various others, and in addition to the present wants of Texas proper. The Santa Fé trade now flowing through St. Louis Missouri United States, will be diverted to the Ports of Texas a cheaper more direct and expeditious route, towards the speedy accomplishment of which object, the introduction of goods direct from Cuba will in no small degree contribute.

A natural bond of Union and sympathy between Texas and Cuba is found in the great dependence of both countries through their entire extent upon slave labor, both regarding with extreme regret, the spirit of fanaticism abroad in certain portions of the world ready to despoil by the manumission of slaves, without indemnity to the holder, honest citizens of the right guaranteed to them by the laws under which they live.

As regards the place for the negotiation of a Treaty, should it meet the views of the Spanish Government, the undersigned would propose Washington, and the persons to negotiate be the representatives of the two nations here.

The undersigned begging the Chevalier d'Argaiz will submit these views to his Government, and obtain as early as possible its decision, offers the assurance of his high consideration.<sup>24</sup>

<sup>24</sup>Bee to Argaiz, February 27, 1841, *Tex. Dipl. Corres.*, in *Am. Hist. Assoc., An. Rpt.*, 1907, II, 482-483.

On March 3 Argaiz replied but made no mention of the Santa Fé trade. He promised to transmit Bee's letter to the Spanish government and to send a copy to the Captain General of Cuba in order that that official might without loss of time inform his government respecting the advantages to be afforded by a direct trade between the island and Texas.<sup>25</sup>

Not until January 15, 1842, was the Spanish reply forthcoming. Bee was then absent from Washington and Nathaniel Amory was in charge of the Texan legation. Amory described the meeting with the Spanish minister as follows:

At a Diplomatic dinner at the Presidents this day, the Spanish Minister Chevalier d Argaiz, on paying my respects to him, finding I was acting as Chargé, signified a wish to have some conversation through the Portugese Minister as interpreter, not being well acquainted with english. I told him I understood Spanish sufficiently to dispense with the interpreter, and he proceeded in his own language. Referring to the correspondence between the two Legations in February and March 1841 . . . he observed that unfortunately he wrote his government on the subject by the President Steam Ship, which was lost, and after much time, repeated the communication, which accounts in some measure for the delay that has occurd. The Spanish Government he says are unwilling to enter into any positive treaty negotiation at present, but the Commandant of Havana or Cuba (under authority no doubt of the home Government) has signified his willingness that a trade between Cuba and Texas should be opened, and Spains and Texan vessels admitted into the Ports of the respective countries on the terms of the most favored nations, and assured me that any Texan vessel arriving in Cuba would be readily admitted upon the terms indicated, he apologised for entering upon such a topic upon such an occasion, but being obliged to leave Washington to which he had come on a visit of a few days only, immediately for his residence Wilmington Del. he feared another opportunity might not offer of making this communication soon.<sup>26</sup>

It is evident that Lamar's plan in its diplomatic aspect had met with partial success. Recognition of Texan independence by Spain had not been accomplished, but a commercial arrangement

<sup>25</sup>Argaiz to Bee, March 3, 1841, *ibid.*, II, 483. In the printed correspondence the date is given as 1840, obviously an error on the part of Argaiz or of a proof reader. I have been unable to examine the original document.

<sup>26</sup>Amory to Jones, January 15, 1842, *ibid.*, II, 531-532.

had been made possible. The merchants had faith in the presidential program, for the *Houston Telegraph and Texas Register* announced that a mercantile establishment at Galveston would soon open a direct trade between that place and Cuba, thus affording an outlet for the surplus mules and cattle of the republic.<sup>27</sup>

### *The Question in Congress*

Even before the news of the successful expeditions of 1839 had reached Texas, the possibilities of an overland trade to the Mexican provinces had attracted the attention of congress. During the third congress, on January 26, 1839, a joint resolution was adopted which provided that the President be authorized to give every encouragement and support in his power, compatible with the safety of the country, to the trade between the western settlements of the republic and those of the Mexican government on the Rio Grande.<sup>28</sup>

But it was not until the fifth congress that the question of establishing trade and of sending an expedition to Santa Fé became a vital issue. On January 20, 1841, an article appeared in the *Austin City Gazette* which was taken from the *New Orleans Daily Picayune*, Kendall's paper. It stated that a proposition was about to be laid before the Texan Congress for incorporating a trading company in the department of Chihuahua. It said that the distance from St. Louis was about three thousand miles and

<sup>27</sup>Item copied in the *Austin City Gazette*, October 6, 1841.

<sup>28</sup>Republic of Texas, 3 Cong., 1 Sess., *Laws*, 105-106. Since the above was written, two letters of Stephen F. Austin which have bearing on the Mexican trade have been brought to my attention by Professor Eugene C. Barker. The first of these was written to Henry Austin, August 27, 1829, and is in the Austin Papers, file of July, 1836. In this Austin states that he contemplates opening a road to El Paso and Santa Fé with a view of turning the trade from Missouri to Galveston. The other was sent from Mexico March 4, 1835, to his brother-in-law, James F. Perry, and is in the Austin Papers of that year. In this Austin stated that he had recommended to the Mexican government that two companies of riflemen be stationed high up on the Colorado and Brazos for the purposes of defense and to open a road to Chihuahua. Later he said that he thought the Chihuahua road was very important, that influential men in Chihuahua favored it, and that he believed that the people of Texas would unite to open it. Whether or not this project of Austin's influenced Lamar, I am unable to determine. I have found no direct evidence that it did, but for a time Lamar contemplated writing a life of Austin, and no doubt knew at least of the second letter.

that the Texan company would carry goods only two thousand. Two-thirds of the goods from Missouri were consumed in the Santa Fé district and the English now monopolized the Chihuahua trade, transporting two million dollars' worth of goods annually from the Pacific coast to the interior. The proposed company's stock was to be divided into shares, and any trader, not a stockholder, might have the company's protection by paying a specified sum.

The possibilities of benefiting by the border trade attracted the attention of Saligny, the French representative, and he appears to have busied himself in influencing the Texan congress to consider a colonization bill, which the press of the period labeled the "Franco-Texienne Bill." On November 9, 1840, a resolution was offered in the house by Representative Miller to the effect that the committee on finance should inquire into the expediency of laying off and setting apart so much of the public domain intermediate and equidistant between Austin and Santa Fé, as might be adapted to the establishment of a colony of actual settlers, with a view to the opening, facilitating, and securing the trade of the latter place.<sup>29</sup>

The bill as formulated provided for the establishment of a French company authorized to introduce eight thousand Frenchmen who were to be stationed at twenty forts which were to be erected on the northern frontier between Red River and the Rio Grande. When eight thousand people over seventeen years of age had been located, the company was to receive title to three million acres, was to have the privilege of working mines for twenty years provided it paid fifteen per cent of the profits to the Texan government, and was to be allowed to trade with Chihuahua, Santa Fé, or any other Mexican towns. The eleventh section of the bill provided that the company was also privileged to introduce goods into the republic free of charge for twenty years, if the goods were intended for the Mexican trade. The section, however, was so palpably unconstitutional that it was stricken out. The entire bill was finally defeated in the senate, much to the delight of the enemies of Sam Houston, the ex-president having warmly supported the bill.<sup>30</sup>

<sup>29</sup>Republic of Texas, 5 Cong., 1 Sess., 1840-1841, *House Journal*, 43, 46.

<sup>30</sup>*Telegraph and Texas Register*, February 10 and 17, and July 21, 1841.

At the same session of congress on January 30, 1841, an act was passed to incorporate the Texas Trading, Mining, and Emigrating Company. The capital stock was fixed at five hundred thousand dollars. The company was given the right to establish trading stations and to carry on trade with the Mexicans or Indians. The corporation was given the right to raise and to retain in service three hundred troops for the protection of its trading houses.<sup>31</sup>

Congress also considered at length the question of sending an expedition to Santa Fé. On November 9, 1840, Representative Usher presented a resolution to the effect that the committee on the state of the republic be instructed to take into consideration the propriety and expediency of passing a law with the view to inform the inhabitants of Santa Fé of their privileges as citizens of the republic of Texas.<sup>32</sup>

The first note of disapproval of Lamar's policy appeared on November 19, when a joint resolution, requiring the President to receive into service one company of volunteers of San Patricio county, brought forth a protest from several members, who objected to an increase of expenditures in extending the frontier when the promises of Texas were worth only sixteen cents on the dollar. Prominent in the opposition was Sam Houston,<sup>33</sup> who had recently taken his seat as representative from San Augustine.<sup>34</sup>

On November 21 a quixotic scheme was presented to the house in the form of a petition from James W. Parker, who asked authority to raise not over four thousand men, without cost to the government, and to be given a conditional grant to each man of six hundred and forty acres north of the trail leading to Missouri from Santa Fé, provided that within twenty months he produced a ratified treaty with the prairie Indians. The petition was denied.<sup>35</sup>

On December 2 Lamar sent a message to the house to the effect that Colonel W. G. Cooke had traversed a country almost unknown and had finally reached Red River and selected a judicious point

<sup>31</sup>Republic of Texas, 5 Cong., 1 Sess., 1840-1841, *Laws*, 78-79.

<sup>32</sup>Republic of Texas, 5 Cong., 1 Sess., 1840-1841, *House Journal*, 45.

<sup>33</sup>*Ibid.*, 127-128.

<sup>34</sup>*Ibid.*, 94.

<sup>35</sup>*Ibid.*, 133.

above the settlements on that stream for the establishment of a post. The President stated that he was waiting for appropriations to be made or for the proposed system of frontier defense to be abandoned.<sup>36</sup> The following day Representative Van Zandt carried through a resolution that a committee of five be appointed to draft a bill to serve as a basis for retrenchment in all the departments of the government.<sup>37</sup>

It was evident from Van Zandt's resolution that opposition to the President's policy was increasing, but nevertheless his supporters on the same day succeeded in getting through the house a resolution that the committee on military affairs inquire into the expediency of authorizing the President to raise five thousand volunteers to invade Mexico, to compel her to recognize independence; the men to equip themselves and to have the spoils which they might take, and each to be entitled to one league and labor of land and further pay in land to be located in territory which might be taken west of the Rio Grande.<sup>38</sup> On the fifth the senate sent word that it had appointed a select committee to act with a committee of the house to consider the expediency of a war with Mexico.

The war party appeared to be gaining in strength, and the continued presence of Lamar at the capitol would probably have insured its success, but the President was taken ill and on December 12 informed congress that he was unable to attend to business and requested that he be allowed to go to the United States for treatment, a request which was immediately granted<sup>39</sup> and David G. Burnet, the Vice-President, temporarily took charge of the executive office.

On December 16 Burnet informed Congress that news had arrived that Mexico was marshaling forces for reoccupying Texas, and he submitted a plan of campaign formulated by Felix Houston, which provided for the troops to rendezvous at Gonzales for an offensive campaign across the lower Rio Grande. Both houses agreed that the western border must be put in a state of defense.<sup>40</sup>

<sup>36</sup>Republic of Texas, 5 Cong., 1 Sess., 211.

<sup>37</sup>*Ibid.*, 181.

<sup>38</sup>*Ibid.*, 181-182.

<sup>39</sup>*Ibid.*, 240-242.

<sup>40</sup>*Ibid.*, 292-294, 300-301.

On December 19 Burnet sent information to congress that Treat had died on the voyage from Vera Cruz to Galveston and that the Texan overtures for peace had been rejected. The acting President urged war.<sup>41</sup> A joint resolution was accordingly introduced by Representative Mayfield to adopt measures for an offensive war against Mexico.<sup>42</sup> On December 23 a law was passed providing for the employing of three companies of spies.<sup>43</sup>

This measure was followed on December 30 by a message from Burnet which stated that the army supplies were deficient. He urged that preparations be made for war, for if an invasion should take place the pending loans could not be made. "That the early occupation of the territory adjacent to the Rio Grande will be a matter of great moment, in the event of a treaty with Mexico, is most evident; and it is a question worthy of inquiry, whether the ordinary ingress of population will accomplish that object within a convenient season. A superinduced population, to be planted there, would more certainly effectuate it."<sup>44</sup>

On January 12, 1841, a select committee of the house brought in a report which pointed out the poverty of the republic. It stated that England was about to mediate with Mexico and advised against beginning an offensive war until the outcome was known. In the meantime Texas ought to prepare to repel invasion.<sup>45</sup> On the following day Burnet sent two messages to congress. In the first he chided the legislative bodies for delay and in the second stated that letters had been received at the war department which showed that the threatened invasion was a certainty.<sup>46</sup>

The question of the Santa Fé expedition had been obscured by the larger question of a general war, but on January 15 a message from the senate was received in the house bringing the information that the upper house had passed a bill to open communica-

<sup>41</sup>*Ibid.*, 315. For Treat's mission to Mexico see Marshall, in *THE QUARTERLY*, XV, 270-272, 274.

<sup>42</sup>Republic of Texas, 5 Cong., 1 Sess., 1840-1841, *House Journal*, 321.

<sup>43</sup>*Ibid.*, 347, 367.

<sup>44</sup>*Ibid.*, 387-390.

<sup>45</sup>*Ibid.*, 473-480. For English mediation see E. D. Adams, *British Interests and Activities in Texas, 1838-1846*, pp. 97-122; Justin H. Smith, *The Annexation of Texas* (New York, 1911), 79-84.

<sup>46</sup>Republic of Texas, 5 Cong., 1 Sess., 1840-1841, *House Journal*, 494, 499.



tion with Santa Fé and other towns.<sup>47</sup> Immediately Representative Murchison introduced a bill authorizing the raising of volunteers to make an expedition to Santa Fé,<sup>48</sup> and five days later the committee on the state of the republic reported this bill as a substitute for the senate measure.<sup>49</sup> On January 26 the senate bill was lost in the house by a vote of sixteen to nineteen and the substitute measure was carried by the slender majority of two, Houston having worked strenuously in the opposition.<sup>50</sup>

On January 28 a most surprising measure was passed by the house, which voted twenty to ten to disband the regular army. The same day it authorized the raising of a volunteer corps to be sent to Santa Fé, Houston voting in favor of both bills.<sup>51</sup> On these measures the houses were unable to agree and adjourned without giving legislative sanction to the Santa Fé expedition or without making appropriations for the support of the regular army.<sup>52</sup>

#### *The Expedition Sent in Spite of Congress*

In spite of the lack of congressional support, Lamar proceeded to carry out his plan of sending the expedition to Santa Fé. Orders were issued to the quartermaster and commissary-general of the militia to contract for equipment and means of transportation, and they were required to approve the accounts which the President endorsed and sent with directions to the auditor and comptroller to audit and pay the bills. The auditor readily complied, but the comptroller refused until directed by a letter of instructions from the President received through the secretary of the treasury, accompanied by the latter's corresponding order. The total amount drawn from the treasury for equipping the expedition was about \$80,000. In this procedure Lamar appears to have transcended his constitutional powers regarding both his control of the army and the treasury.<sup>53</sup>

<sup>47</sup>*Ibid.*, 509.

<sup>48</sup>*Ibid.*, 518.

<sup>49</sup>*Ibid.*, 555.

<sup>50</sup>*Ibid.*, 610-611.

<sup>51</sup>*Ibid.*, 631, 634-635.

<sup>52</sup>*Ibid.*, 720-723.

<sup>53</sup>Report of select house committee on the Santa Fé expedition, December 6, 1841, *Austin City Gazette*, December 15, 1841. The committee

Volunteers were called for and in May, 1841, groups began to assemble at Austin,<sup>54</sup> and soon went into encampment a few miles distant on Brushy Creek. By June 21 all was in readiness, the expedition broke camp and started on its long and disastrous journey.<sup>55</sup> As finally constituted the military division contained about three hundred officers and men. Three commissioners, William G. Cooke, Don José Antonio Navarro, and Dr. Richard F. Brenham were to represent the Texan government, and after arrival at Santa Fé, were to be joined in a similar capacity by William G. Dryden.<sup>56</sup> George W. Kendall of the New Orleans *Picayune*, Thomas Falconer of the London press, and Francis Combs, the son of General Leslie Combs of Kentucky, accompanied the expedition apparently through love of adventure. The list of merchants as given in the papers confiscated by Armijo, the Governor of New Mexico, shows the following names: Archibald Fitzgerald, George T. Howard, J. C. Howard, D. H. Snively, Thomas S. Torrey, T. Robinson, H. Buchanan, P. Gallagher, and J. H. Houghtalin.<sup>57</sup>

At this point we must drop the story for the time being, for it is not the purpose of the writer to present a history of the Texan Santa Fé expedition. That must be reserved for a larger monograph. The object in preparing this paper was to emphasize the commercial aspects of the expedition, to show the development of the Arkansas-Louisiana border trade, the influence of that trade upon the press, the officials, and the congress of Texas, and to show the resulting policy of Lamar in its broad aspects, his struggle with congress to put it into effect, and the final pushing through

placed the cost of equipment at \$89,549.69. The report of the quartermaster-general, October 1, 1841, gives the cost at \$78,421.51. See his report in Republic of Texas, State department, *Army Papers*, 1840-1841.

<sup>54</sup>*Austin City Gazette*, May 12, 1841.

<sup>55</sup>Kendall, *Narrative*, I, 72-76.

<sup>56</sup>Van Ness to Dryden, n. d., in Archivo de Gobernación (Mexico), Guerra, Frac. 1, Leg. 1, Op. Mil., 1841-1842. In my collection, Santa Fé Papers, LXVII.

<sup>57</sup>Archivo de Guerra (Mexico), Frac. 1, Leg. 6, Op. Mil., 1843. In my collection Santa Fé papers, LXVI. The list as published in the *Austin City Gazette*, January 5, 1841, includes the names of Sully and Golpin, and Houghtalin is spelled Haughtelling. George T. Howard is classed as aide-de-camp to Brevet Brigadier General McLeod. This is no doubt correct as it is verified by official documents. See Order Book of the Texan Santa Fé expedition, MSS. in the Archive of the Texas State Historical Association.

of his plans regardless of congress and the constitution. The judgment of Andrew Jackson that the Santa Fé expedition was "an ill-judged affair," a "wild-goose campaign,"<sup>58</sup> has been accepted by uncritical historians and a believing public. But lack of success has often damned a great conception. Had Jackson been captured in Florida, the world would have characterized his venture also as a wild-goose campaign.

<sup>58</sup>Morris, J. M., *History of Texas* (New York, 1875), 425.

## GOVERNOR GEORGE THOMAS WOOD

S. H. GERMAN

A short review of the official and military career of Governor George T. Wood, in connection with certain facts of his personal life, will no doubt be of interest to the readers of Texas history. Especially is this true when we consider the meager information given in the histories of Texas concerning his life and services to the State. Until a few years ago the grave of Governor Wood was unkept and unmarked, save by the towering pine trees that had grown thereon, and the place of his burial was practically unknown, except by a few people in the community where his ashes mingle with the dust. The history now being taught in the public schools of the State gives only a paragraph concerning Governor Wood, and concludes by stating that he died in 1850. Another history states that he was buried in Panola county. The Thirty-second Legislature made an appropriation for the purpose of erecting a suitable monument at the grave of Governor Wood, near Point Blank, San Jacinto county, and his last resting place is now appropriately marked by a granite shaft.

Based mostly on interviews with men who knew Governor Wood well, and particularly from information given by David S. Gindrat,<sup>1</sup> a stepson of Governor Wood, the writer has been able to gather some interesting data with reference to Governor Wood that it is worth while to preserve. Mr. James N. Patrick, who is still living in San Jacinto county, also knew Wood well and is familiar with his life while living in what is now San Jacinto county.

George T. Wood was born at Cuthbert, Randolph county, Georgia, March 12, 1795. He did not have the advantage of a finished education, but acquired a good practical education from the common schools of his day. When about nineteen years of age, what is known as the Creek War broke out in Southern Alabama, and young Wood organized a company of men and partici-

<sup>1</sup>The information given by David S. Gindrat has been preserved in a small pamphlet, entitled *George Tyler Wood: Unpublished history of a noted man, who was second Governor of Texas*. By Jesse L. Dixon. San Jacinto News Print, Oakhurst, Texas. Published about 1901.

pated in the battle of Horse Shoe Bend. It is said that he met Sam Houston and Edward Burleson in this campaign, and perhaps the acquaintance with these pioneer heroes had a great influence, during later years, in turning his eyes towards Texas. No doubt the popularity gained by Wood in this campaign against the Indians assisted in causing Fortune to smile upon him, for in the mercantile business in Cuthbert he had great success and acquired a nice fortune for that day.

In the spring of 1837 Wood started on an overland trip to the City of New York for the purpose of buying goods. While on his way to some convenient point on the Potomac, where he expected to find a sailboat for part of his journey, he stopped at the town of Milledgeville, Capital of the State and the county seat of Baldwin county, Georgia. It was while stopping here that Cupid found an easy mark in his heart, for here he met a beautiful young widow, and at once fell a victim to her many charms. She was the owner of a large plantation and many slaves, and possessed not only wealth but all the grace and culture of a lady of the Old South in those Cavalier days. It is said that her estate had passed to her from a grant originally made by Oglethorpe. Before leaving for New York, Wood became engaged to this brilliant and cultured widow, Mrs. Martha Gindrat, and on his return from New York they were married at Milledgeville by the judge of the Inferior Court. The following is taken from certified copy of marriage license and certificate:

State of Georgia

Baldwin County

I certify that George T. Wood and Martha Gindrat were joined in Matrimony by me this 18th day of September, Eighteen Hundred and Thirty Seven.

John G. Polhill, Judge of I. C. B. C.

After their marriage Mr. and Mrs. Wood made their home at Cuthbert, but the thrilling story of Texas and her victories in behalf of liberty had spread over the country, and George T. Wood heard the call that caused him to look to the young Republic for further wealth and adventure. In 1839 he and his wife decided to come to Texas. After collecting their slaves and other property, they embarked at Fort Gaines, Georgia, going down the Chattahoochee river to Apalachicola Bay, where they chartered the

sloop Marshall and sailed for Galveston. After arriving at Galveston, Wood made explorations by boat up the Colorado, Brazos, and Trinity rivers, seeking a place to make his home. He was most favorably impressed with the rich soil and beautiful natural surroundings at a point which is now Point Blank, San Jacinto county, but which was then a part of Liberty county. The place he chose to make his home was practically an unsettled country for many miles in all directions. However, at that time, Col. James Davis and Col. H. Washington owned plantations along the Trinity, and no doubt this to some extent influenced Wood to settle where he did. With his slaves he soon built houses, cleared the land, and within a few years developed a large and valuable plantation.

In 1841 Wood was elected a member of the House of Representatives of the Congress of the Republic from the county of Liberty. He served one year as a member of Congress and gained worthy distinction in that capacity. He was a member of the Constitutional Convention of 1845, and after Texas became a State, was elected to the Senate. The war with Mexico coming on, Wood resigned from the State Senate, and became Colonel of the Second Regiment Texas Mounted Volunteers. Colonel Wood participated in several important battles of the war, and always displayed the highest qualities of bravery. He was present at the surrender of Monterey, and at the close of the war he returned to his farm.

By an act of March 30, 1846, the territory known as the Northern District of Liberty, being what is now Polk and San Jacinto counties, was constituted the county of Polk, taking its name from President James K. Polk. This new county included Wood's home. In 1847, Wood announced as a candidate for Governor of the State of Texas, his opponents being J. B. Miller, N. H. Darnell, and Isaac Van Zandt. The election was held on the first Monday in November, and Van Zandt died before the election was held. In that election the following vote was cast: Miller, 5,106; Darnell, 1,276; Wood, 7,154, and scattering, 1,221 votes.

Governor O. M. Roberts, in writing of Wood's campaign, gives the following account:

Colonel Wood had the advantage over his competitors from

having been recently in the army with three Texas regiments, and a number of the companies in his own regiment had volunteered from Eastern Texas. To show what small influence exerted weight in those days, it was humorously said that Governor Henderson made Wood governor of the State by omitting to mention the latter's gallant conduct in the report of the battle of Monterey, which apparent slight aroused the resentment of the Texan soldiers to such an extent that they actually elected him governor out of revenge and as a reward for his courageous career in Mexico. At any rate Wood was elected.<sup>2</sup>

As further evidence of how this incident may have played an important part in that election, we quote the following extracts from newspapers of that day:

The *Texas Democrat* of December 21, 1846, said:

We are requested by Gov. Henderson to state that the report of Col. Wood's published in the Telegram of the 16th inst., giving an account of the operations of the 2nd Regiment of Texian mounted riflemen in the battle of Monterey and purporting to have been made to Gen. Henderson, was not received by him as it is published. Col. Wood, as the colonel of that Regiment, sent in the report, in the first place, as published, which Gen. Henderson refused to receive, after reading it, upon the ground that it was disrespectful to himself, inasmuch as Col. Wood, in that report, spoke of receiving his orders to move his regiment directly from Gen. Taylor, when in fact the orders for the movement of his regiment were given by Gen. Henderson himself, and could only be so given according to rule and military order. Another cause of the refusal of Gen. Henderson to receive the report was that the report did not recognize Gen. Henderson as having led that regiment into the City of Monterey as the superior officer, which he did do, and commanded it throughout the day.

The *Texas Democrat* of January 6, 1847, quoted the San Augustine *Shield*:

On Saturday evening last we had the pleasure to hear Gen. Henderson's address. The object of the General was to refute some unfounded reports relative to his conduct in the army and at the taking of Monterey. . . . For example, it was stated that Gen. Henderson had stated to Gen. Taylor at Monterey that he need not depend upon the Eastern Regiment of volunteers, for they were cowards. This was the report. "But," said the General, "it is self-contradicting. Would I," said he, "have per-

<sup>2</sup>A *Comprehensive History of Texas*, II, 25.

mitted the Western regiment to accompany Gen. Worth to storm the heights of the city and retain for myself the cowards? Would I retain the Eastern regiment, in that severe contest, if I had even thought them cowards? Never."

The events of Governor Wood's administration are familiar to readers of history. It will be recalled that during his administration there was a heated controversy between the State of Texas and the government of the United States over certain territory, some of which is now within the boundaries of Texas, and some in New Mexico, which the United States sought to claim by reason of the war with Mexico. This controversy reached a point where Governor Wood called on the Legislature to provide him with armed forces in order to protect the rights of the State in this disputed territory. Governor Bell, who succeeded Wood, at first did not approve of the course of Governor Wood, but later endorsed it and succeeded in fully upholding the rights of the State over the territory in dispute.

On February 21, 1848, the first Democratic State Convention ever held in Texas met at Austin, and of this Governor Wood was chairman.

In his second race for governor, Wood had two opponents, and the result of that election was as follows: Wood, 8,764; Bell, 10,310, and Mills, 2,632 votes. David S. Gindrat, the stepson of Wood, is reported as saying that Wood attributed his defeat largely to Sam Houston. Gindrat's statement is as follows:

In 1849 father visited Sam Houston, who lived about five miles from here, and told him that he (Wood) had been solicited to run for Governor again, and that he would do so if Houston would lend him his influence; or, if he did not care to pledge his influence, not to work against him. Houston promised to remain neutral, and father started on his canvas. When he arrived at a certain point in Eastern Texas he met up with David Kaufman, who had just received a letter from Sam Houston, telling him to do all in his power to prevent the election of Wood. When father got to Western Texas, among the Mexicans he found a strong element of the Whig party, who also had a candidate in the field, and so father told them to vote for Bell in order to save the party.

This perhaps reflected the opinion held by Governor Wood, but the true political situation is perhaps better explained by the following statement written in 1849 by a contemporary:



There is a strong party against Wood. This party is the Anti-Houston party of the State—that is, its leaders are the enemies of Houston; such men as Campbell, Webb, Jones in the West, and Ochiltree, Henderson, Jennings and a number of other less worthy of naming. These men will move heaven and earth to defeat Wood, if for no other cause, simply to cripple Houston in this State. I have no question but that this same party have brought out Mills in the Red River country. [If Mills runs], I think Wood is in some danger, and Bell's chances will be materially enhanced. . . . The fact is, I can see but little enthusiasm among Wood's friends. . . . It is an unfavorable sign. The people, however, are right yet, and I hope will remain so.<sup>3</sup>

While not generally known, yet it is true that Sam Houston at one time lived at what he called "Raven's Hill," within about five or six miles of Governor Wood's home. Wood and Houston were always on friendly terms personally, and often visited each other, but Houston did not hesitate at times to oppose ardently the political views of Wood.

In his personal life Governor Wood was scrupulously honest, always kind, generous and hospitable, and charitable to a fault. Those who knew him, and even those who were his slaves, spoke in the highest terms of him as a man. He loved his farm, and it is said that while he was governor he would often ride on horseback to Austin and return. After retiring from political life, he lived quietly on his farm, but kept in close touch with the affairs of State; and Mr. Gindrat is quoted as saying that he practiced law at Liberty to some extent. Governor Wood died September 3, 1858, and was buried in what is now known as the Robinson graveyard, a short distance from Point Blank. By his side was buried his wife, Martha Wood, who died January 5, 1861, and also his mother and three of his children.

At the time of his marriage with Mrs. Gindrat she had three children, David S. Gindrat, Henry A. Gindrat, and Elizabeth Gindrat, who married W. W. Whitehead. The Whitehead family was one of the most prominent families of Tyler county, and some of the descendants of Mrs. Elizabeth Whitehead are still living in that county. At his death Governor Wood left two children sur-

<sup>3</sup>F. Hatch to W. D. Miller, May 20, 1849. A. L. S. in Miller Papers, Texas State Library. George T. Wood made the race for governor a third time in 1853.—EDITORS.

viving as fruit of his marriage with Mrs. Gindrat, George Tyler Wood, who died at about the age of eighteen years, and was buried by the side of his father, and Miss Mary Wood, who on December 24, 1865, married Willis B. Darby. She has a son, W. W. Darby, who is president of the Metropolitan Business College of Dallas. After the death of Darby, his widow married a man by the name of Albea. She is now a widow and resides at 635 Haines Avenue, Dallas, Texas. David S. Gindrat lived to be quite an old man and died several years ago in San Jacinto county.

Although, up to the time of his death, Governor Wood resided on his plantation, yet he engaged in the mercantile business in Galveston, under the firm name of Wood & Powers, and the inventory of his estate indicates that they had an important and valuable business. Mrs. Martha Wood filed her application in the probate court of Polk county September 25, 1858, for administration on the community estate of herself and Governor Wood. In addition to the stock of merchandise and a number of slaves listed in the inventory as property of the estate, there appears the following items: "1 rifle gun, 2 double shot guns, 1 musket, 1 pistol." It will therefore appear that Governor Wood not only believed in but practiced military "preparedness," and no doubt the equipment mentioned were faithful weapons of his military career. The inventory also shows several thousand acres of land and one lot in the city of Austin valued at \$50.00. After the death of Mrs. Wood in January, 1861, David S. Gindrat qualified as administrator of the estate, and shortly afterwards it was distributed among the heirs.

About the beginning of the administration of Governor Sayers there was some discussion about removing the remains of Governor Wood to the State cemetery at Austin, but no action was taken. This would have proved impossible, as all evidence of the grave had practically disappeared, and at that time there were some three or four pine trees growing on the grave, some of them being as much as two feet in diameter. Much credit is due Mr. Tod Robinson of Point Blank, who has kept trace of the spot where Governor Wood was buried, and who, a few years ago, had the grave cleared and rounded up, and kept it in repair until the monument was built in 1911, when an iron fence was placed around the graves.

This monument is constructed of Texas granite, and is finished in an artistic and appropriate manner. The east side bears a Masonic emblem and the following inscription :

GEORGE THOMAS WOOD

Born March 12, 1795,

In Cuthbert, Randolph County,  
Georgia.

Died September 3, 1858.

Was a member of the Congress of the Republic  
of Texas in 1841-1842, and was Governor  
of the State of Texas in 1847-1849.

HERE SLEEPS A JUST MAN.

WOOD.

The north and south sides have a Texas star and the figures "1911."

It is known that Governor Wood was a Mason, but the writer has been unable to find where he was made a Mason, but presumably it was in Georgia. A Mr. Rush, who was the father of Paul Rush, the blind man who kept the cigar stand in the Capitol for many years, stated that he had sat in the Lodge with Wood. Mr. Rush is now dead. He lived for years near the line of San Jacinto and Walker counties.

The impression has been general that Wood's name was George Tyler Wood, but this writer has become convinced, without being able to give definite authority therefor, that his true name was George Thomas Wood; and the inscription on the monument conforms to this. He had a son by the name of George Tyler, and no doubt it was presumed that his son took the father's full name.

Governor Wood died in a double-pen log house, built on the plan and by the methods used at that day, the hewn logs being put together with wooden pins. This house has been occupied until recently. It was torn down during March, 1916. The property is now owned by Mr. Robinson, and a new house has been built on the site of the old one.

It is a source of gratification that even at this late day the State of Texas has done a noble part in marking the grave of one

of her worthy citizens.\* Although the monument is located a number of miles from any railroad or any town of consequence, yet it marks the scenes that he loved; and in the years to come, as our great State develops and increases in population, many of her sons and daughters will pass by this spot to learn something of the life and deeds of the man who served his State well in his day. Parts of the old plantation are now almost a primeval forest, and the stately pines raise their heads high towards the blue of the heavens to keep watch over his last resting place. No doubt his spirit prefers to remain here amid the scenes that were dear to him while living, and where Nature still delights to woo, with lavish profusion of trees and grass and flowers, and limpid, sparkling streams, the lovers who would seek her most delightful retreats. May his ashes rest in peace, while the imperial empire which he fought for and served marches on to a grandeur yet unseen in the vision of her patriots and poets.

\*Wood county was created February 5, 1850, and named in honor of George T. Wood.—EDITORS.

## GOVERNOR GEORGE THOMAS WOOD

LOUELLA STYLES VINCENT

Through fire and other uncontrollable vicissitudes the Wood family records have been destroyed so that most that is known of the Governor is in the recollection of his only living child, Mrs. Albea, who was fifteen years of age at the time of her father's death. For ten years she has been talking to this writer in familiar friendliness and from time to time has given the facts here set forth. On September 7, 1916, Mrs. Albea carefully scanned these data and pronounced them accurate to her best knowledge and belief.

George Thomas Wood was born in Georgia. His father, whose name is not recalled, died when the son was five years of age. His mother was Elizabeth Burris Wood. He was in the Creek War and bore indelible scars from Indian arrows. His commissary was Captain Byrd M. Grace, who also moved to Texas. Mr. Wood was in business in Cuthbert, Georgia, and is supposed to have been in the Georgia legislature when he met Mrs. Martha Evans Gindrat, whom he married at her home in Milledgeville, September 18, 1837.

In 1839, the family decided to move to Texas, and to that end took boat down the Chattahoochee to Apalachicola, Florida, where Mr. Wood chartered a sloop and set sail for the West. Fortunately this charter has survived the years, and is reproduced in full herewith. The script is precise and exquisite like copper plate.

This Charter party, intended and made between John Steib mariner and master of the sloop called the Marshall, now in the port of Apalachicola, of the burthen of Sixty Tons or thereabouts of the One part, And George T. Wod of the other part, Witnesseth that the said John Steib, for the consideration hereinafter mentioned, hath granted and to freight letten, and by these presents doth grant and to freight let, unto the said George T. Wood, his Executors, Administrators, and assigns, the whole tonnage of the hold, Skow, sheets, and half deck. And Cabin of the said sloop called the Marshall, from the port of Apalachicola to Galveston in Texas in a voyage to be made by the said John Steib with the said sloop in manner hereinafter mentioned (that is to say) to sail

with the first fair wind and weather that shall happen after the sixteenth day of the present month, February, from the port of Apalachicola, with the family and Slaves of the said George T. Wood and such freight as the said George T. Wood may think proper to stow on board the said sloop (the Accidents of the seas, norms, and navigation of whatever kind and nature as ships are liable thereto, during the said voyage always Excepted), and there land, unlaid and discharge the said family and Slaves of the said George T. Wood as also such goods, Wares, Chattels or Merchandize as the said George T. Wood may load on the said Sloop. It is further agreed and understood that the said John Steib is to furnish the family (Consisting of man and wife and four children) of the said George T. Wood with comfortable provisions such as passengers on board of such vessels trading to such places are usually found in. As also to furnish the slaves (about Thirty in number) in abundance with good, sound, and wholesome food. The Cabin of the said sloop to be surrendered to the said family and the cooking to be performed on deck. In consideration hereof the said George T. Wood, his heirs, Executors or assigns, shall well and truly pay and cause to be paid unto the said John Steib Six Hundred and fifty Dollars in current Floriday money to be paid previous to the commencement of the voyage above mentioned, the receipt whereof to be endorsed hereon. It is also further agreed and understood that the said sloop (if possible) is to sail from said port of Apalachicola within six hours after the family arrives in this place and are ready to go on board, and further more that the said John Steib is to pay all port Charges which may be incurred On the said vessel both in this port and that of Galveston, and doth further Covenant and grant to the said George T. Wood to keep or cause to be kept the said vessel in the same good order that she is now in at his own Charge, that is to say, stiff, staunch, strong, well appavelled, and furnished as well with men and mariners sufficient and able to sail, guide, and govern the said sloop as with all manner of rigging, boats, tackle, and apparel, furniture, provisions, and appurtenances fitting and necessary for the said men and mariners, and for the said ship during the voyage aforesaid. In witness whereof the parties above-mentioned do hereby subscribe their names and affix their seals at the City of Apalachicola this Sixth day of February in the year of our Lord Eighteen hundred and thirty-nine.

George T. Wood

Pr E. Simpson seal

John Steib

seal

Witness,

H. D. Deadry

On the back of this foolscap page is the indorsement in another hand:

Apalachicola 16 Feby 1839

Received the within mentioned six hundred and fifty Dollars in full for the within charter.

John Steib

And on the back of the folded sheet are the words "Charter Party Sloop Marshall."

Of the four children mentioned in the charter three were Gindrats and the fourth was little Georgia Anne Wood. Besides those mentioned, they were accompanied by Mr. Wood's widowed mother, and by a free negro who had chosen Mr. Wood as his guardian (as the law required): he was brought along and supported though never known to do any work except fishing in the 107 years of his life.

A severe gale carried the *Marshall* far out of her course, and during the protracted and tempestuous voyage all suffered from seasickness. The voyagers soon had enough of seafaring and were glad to dock at Galveston and bid Captain Steib farewell.

They settled in Houston, where Mr. Wood studied law and was admitted to the bar. He did not practice, however, but soon bought a plantation in what was then Liberty county, about a hundred miles north of Houston, near the Trinity river. Though this home was commodious, numerous cabins were built about the grounds to accommodate the overflow of guests attracted by the lavish Wood hospitality and cordial welcome.

Magnificent forest trees of many varieties adorned the premises, flowers bloomed in profusion everywhere, and there was a row of mulberry trees which Mrs. Wood brought from Georgia expecting to continue silk culture in which she had become expert, having woven material valued at ten dollars a yard. Many years afterwards these mulberries made an imposing view with their widespread branches and luxuriant foliage. At this home were born five children, two of whom died in early childhood, following the death of the daughter born in Georgia.

It is stated in history that Mr. Wood was in the Texas Congress and in the State Senate, but records of this service are not here accessible nor are the facts recollected by his daughter. He was authorized to organize a regiment for the Mexican War, and

was commissioned by Governor Henderson as Colonel of the Second Texas Cavalry Regiment of Volunteers. Colonel Wood and Colonel Jefferson Davis led their regiments through the Mexican War near each other. They were together at Monterey and the friendship continued through life. Once when President Davis was expected at a U. C. V. reunion in Texas, a letter from him was published far and wide expressing his disappointment at not being able to attend, and asking that he be remembered to any of Colonel Wood's Mexican War veterans who might be present.

While residing at this place, Colonel Wood was called to the governorship of Texas in 1847. He organized companies to protect the frontier from Indian depredation. The claims of Texas to Santa Fé were contested by the United States. The legislature passed a bill extending the laws of Texas over the disputed domain. "Gov. Wood thought Texas should take forcible possession of New Mexico, and asked that the whole military power of the State be placed at his disposal for this purpose." This territory was still in dispute at the close of Governor Wood's administration. In 1850 he went to Washington to help adjust the still heated question of the Texas boundary.

During her husband's stay at Austin, Mrs. Wood managed the plantation and conducted family affairs, only making one brief visit to the capital. The Governor made frequent visits to his home. After these eventful years, Governor Wood sold his plantation, reserving the right to the use of the cemetery. Another plantation was purchased about five miles farther up the Trinity and situated on the river bank.

Every planter along the river had a landing, and here was Wood's Landing, where steamboats frequently took on cotton and discharged foodstuffs, dry goods, and other supplies. When a boat was to stop at the landing, its whistle gave the signal and, whatever time of night or day it might be, most of the family, whites and blacks, would be standing around to enjoy the excitement when the boat arrived. One night the steamboat was the *James Jenkins*. The captain called to know if George T. Wood lived there. He had a Bible for Mrs. Wood. This treasure had been left among other heirlooms and valued furniture with neighbor



Johnson in Georgia, more than fifteen years before, to be forwarded whenever opportunity occurred, and now after all these years was put by a stranger safely into the owner's hands.

When steamboats stopped at Wood's Landing, they would sometimes take the children, white and black, on a cruise half a mile up the river to Patrick's Ferry, which was on the road leading from Huntsville to Louisiana. Having arrived at the Ferry, the children joyously tramped the dusty half mile back home.

The *Maryland* only plied the Trinity one season, being too large to turn at Wood's Landing. Every year some boat would summer at Patrick's Ferry to keep clear of the barnacles infesting salt water. Entertaining the officers of these steamboats and being entertained by them were among the exciting diversions of that time.

The family considered their place too close to the Trinity for health. It was here that the youngest child, Marshall, died, and the aged free negro, Uncle Tony. A new residence was built upon the hill two miles from the river. An Indian chief named Ben Ash had lived on this spot, and the home was named for him. There was a village of friendly Indians near here, and the Indians frequently visited the family on Ben Ash Hill. One of these was Billie Blount who wore a medal given his ancestor by the United States for service rendered at New Orleans under Andrew Jackson. Mr. Wood was often asked why he was building so large a house; he would answer, "For my friends." The building was still incomplete when he died, September 3, 1858. He was carried to the old cemetery and laid beside his little children. His mother survived him a year and was placed there to rest. Mrs. Wood died January 5, 1861, and was placed by her husband's side.

The three Gindrat children lived to rear families and leave their impress upon the State. Henry Abram Gindrat lived to be sixty years of age. David Shelton Gindrat, who was Mr. Wood's closest friend and counselor, lived to be eighty-one years of age. While the stepfather loved all the children, this one was dearest; they were to each other as David and Jonathan. Elizabeth Gindrat became Mrs. Walter Whitehead. George Tyler Wood lived to enlist in the Confederate army. He lay for months with

typhoid fever in a hospital at Sabine Pass from the effects of which he died January 5, 1869, never having regained his health. Mary, the only surviving child, was born January 5, 1843, and was married to Willis Burns Darby December 24, 1865. Of this union a daughter, Pearl, died upon reaching womanhood; two children survive, Prof. Willis Wood Darby with a son and daughter, and Mrs. S. E. Moss, who has a young son, Robert Cartwright, by an earlier marriage with the late Clinton Cartwright. Some years after Mr. Darby's death, his widow married Hon. C. P. Albea of Waco. Mrs. Albea, now a widow, with her children and grandchildren are residents of Dallas.

Mrs. Albea remembers her father most happily. He was six feet tall and weighed two hundred pounds. His hair was straight and black, but turned gray. His portrait suggests the poet more than the warrior or statesman; his delicately chiseled lips especially denoting the idealist. He was always merry, laughing, jesting, and sustaining a mirthful atmosphere wherever he might be. He was kind and indulgent to family, slaves, and neighbors, indeed, to all the world. His favorite transportation was by muleback. Many Texans still remember his dark mule, *Pantalette*, which was a celebrated walker. During a journey, when time came for slumber, Mr. Wood tied *Pantalette* to his foot and with head upon his saddle slept in peace anywhere on the prairie.

His saddlebags were always full of good things for the home-folk, and he never failed to distribute candy at the big gate upon his return. Or if he rode in a vehicle it was running over with surprising gifts. The bottom of his buggy would be packed with blooming plants for Mary. Once he brought from a friend in Houston a big yellow chrysanthemum, the first she had ever seen of that size. When he came from Galveston there were sure to be all kinds of expensive, and often unsuitable luxuries, costly bonnets, bright hued garments. On one occasion there was a really beautiful pink velvet dress with cap, and boots to match, for the little daughter. Everybody on the place was not only permitted but encouraged to keep as many dogs, cats, horses and other pets as could be collected. Deer and turkeys were plentiful as well as all other wild game. Bear were quite common, and venison was an ordinary food.

The scars on Mr. Wood's legs made by arrows in the Creek War were texts for many Indian stories, which entertained the children. There were also many stories of the Mexican War. In one battle with the Mexicans a bullet was deflected from his body by his watch. After another battle Colonel Wood came across a little Mexican child which had been abandoned; he placed it in charge of a Mexican woman and for the two years that it lived sent means for its support.

Early in 1858 her father carried Mary to Galveston and placed her in Cobb Seminary. The boat conveying her was the *Governor Pease*. At the mouth of the Trinity it struck on a sand-bar and remained for several days before a tide washed it off. In June she returned on the *Bayou City*, a fine steamboat, fitted up luxuriously and giving elegant service for that day. She landed at Lynchburg, which was the shipping point for a large area of country, was met by her brother, and went by private conveyance across Tarkington's Prairie, stopping for the night at the Tarkington farm half way between Lynchburg and Cold Springs and twenty miles from Ben Ash Hill.

Mrs. Wood was born in 1809, so was five years of age when he was fighting with the Creeks. She was first cousin to General Clement C. Evans, and between them a familiar correspondence was carried on throughout her life. General Robert Toombs was among those personal friends of Colonel Wood whose letters were treasured for many years.

Mrs. Wood owned many negroes at the time of her marriage; thirty of them were brought to Texas; but Colonel Wood was never voluntarily a slave holder. He bought five negro men in New Orleans, and through pity for her condition purchased a negress and child from a neighbor. He considered slaves unsafe investments, believing that when the abolitionists should become sufficiently powerful slaves would be emancipated. When in Washington in 1850 he wrote to General Bee that abolition would be inevitable.

When the Wood negroes on Ben Ash Hill reached the side of their field adjoining that of a destitute neighbor, they cultivated both crops alike. When Governor Wood died after a brief illness, the owner of that field said to fifteen-year-old Mary, "Well, daughter, the poor man's friend is gone."

George Thomas Wood was a devoted husband, a tender and indulgent father, a warm and loyal friend, a kind neighbor, a lenient and considerate master, and was ever the chief charm in a most charming home. His friends came long journeys to enjoy his genial companionship and boundless hospitality. His daughter remembers no single meal in her father's home which was not shared with guests.

The monument under the moss garlanded Texas oaks says truly, "Here sleeps a just man," but even the tributes from those who survive to praise, those who knew and loved him, can give one but a faint idea of the fineness, the loveliness, the beauty and dash and glow of the real George T. Wood.

BRITISH CORRESPONDENCE CONCERNING TEXAS

XXI

EDITED BY EPHRAIM DOUGLASS ADAMS

ELLIOT TO BANKHEAD<sup>1</sup>

[Enclosure]

Copy.

Charles Elliot.

Sir,

New Orleans.

July 3d. 1845.

I have the honour to acquaint you that I have availed myself of the engagement of the Congress and Convention in Texas in discussions during the continuance of which I do not think it suitable to remain in the Country, to come on to the United States, with the hope of finding some relief from an Ague Complaint to which I have long been subject in the hot season of these Climates.

Indeed I perceive that in the present temper of the people and the actual attitude of these affairs my presence there would be made the pretext for continued misrepresentation and agitation. I shall go on to New York, but shall of course be ready to return to my post at any moment that my communications from England or other points may render that step necessary. Rumours of the immediate movement of United States Troops into Texas have been repeated several times during my brief residence here, but I think it probable that no step of the kind will be taken until the Government of Texas of it's own accord or under the direction of Congress calls upon the American Chargé d' Affaires to move the Commander of the force at Fort Jessup to advance.

The President's proclamation of the 4th June affords a sufficient indication of the dispositions of the Government of Texas, but it is not so easy to speak favourably of the probable course of Congress. If however the Government of Mexico should have responded to the proclamation of the President by declaring a cessation of hostilities, and shall have caused it to be understood that there will be no Movement beyond their actual

<sup>1</sup>F. O., Texas, Vol. 13.

lines for the present that is, East of the Rio Grande, I think that some mischeivous schemes will be baffled. Those schemes are, first. The immediate Military occupation of Texas by United States troops, which it is believed would close this Subject beyond all risk of retraction or serious discussion by the next Congress of the United States, otherwise, a doubtful point. And, Secondly, the advance of part of the Force to the Brassos del Norte and left bank of the Rio Grande. Hence all the rumours of the Mexican Movement beyond that river in the prints of this Country and Texas, and the extreme vexation which followed the President's proclamation of the 4th Ultimo.

Adverting however to the movement of United States troops into Texas at this time of year and for the advance to the Rio Grande I would observe that I do not believe there are more than 1500 Men of all arms at Fort Jessup, an insufficient as well as unsuitable force for the supposed objects. The difficulties of movement in the Country through which they must pass, and the absolute necessity of transporting all their Material, both provisions and of War, warrant the opinion that more than half that strength of regular troops would be in the hospitals before they had reached the Trinity. A great part of the Country is desert, and even the cultivated parts of Texas are wholly without the means of supporting in an adequate manner even this small addition to the people upon them.

If heavy rain should fall too, as sometimes happens at this Season there would be no possibility of getting on their Material, and if there should be a want of rain water also must be transported for a great part of the way, for it is not only very bad and unwholesome but extremely scarce over almost the whole face of the Country. The only mode by which I believe it would be practicable to place an organized American force in Texas in any thing like an effective condition would be to convey them from the Mouth of the Mississipi to the places on the Coast nearest to the points they are to move upon. In fact whilst advance by land is out of the question at this Season of the year on account of the heat of the weather (at least beyond the Settlements in Texas) and full of difficulty in the Autumn and Winter Months on account of the state of the routes, movement by Sea is also extremely inconvenient owing

to the Shallowness of the water in the Harbours of Texas which would render it necessary to effect the operation in a large number of light Vessels, and the Gulf of Mexico is not at all a secure Navigation for such craft from the beginning of August till after the Autumnal Equinox, owing to the risk of hurricanes.

No person can be more sincerely desirous than myself, that this serious affair may be settled satisfactorily without a Collision between Mexico and the United States but I certainly do believe that the difficulties of movement either by land or Sea (except for a short period in the Spring and beginning of Summer) and the continued Military occupation of the line of the Rio Grande with any amount of regular force that the United States can dispose of will be much greater than seems to be contemplated here. And if the War should be protracted and carried across the Rio Grande I believe that it would require very little skill and scarcely any exposure of the defending force to draw the invading Columns well forward beyond all means of support from their own basis and depots into situations of inextricable difficulty.

From my opportunities of judging too of the fitness of their Volunteer levies for movement into an enemy's Country I should think that the danger and difficulty of invasion would only be greater as that kind of force was more numerous. They are very spirited in and effective in their particular mode of fighting, which is by skirmishing with the rifle, but they could not resist Artillery and Cavalry in a Country suited to those arms, they are not amenable to discipline, they plunder the peasantry, they are without steadiness under reverses, they cannot march on foot, and are in no way comparable to the Mexican force for rapidity of movement or sustaining continued fatigue on the hardest food. The danger to Mexico from this side does not seem to arise from regular military invasion, for which there is no aptitude and insufficient means, but from the gradual and not very slow occupation of the unsettled Countries unless they are timely prevented. And I will take the liberty to add here that from all I have heard both in Texas and this place since I had the honour of seeing you, there seems to be no doubt the greater part of the unusually large emigration of this year

towards the Oregon territory is in point of fact intended for Upper California, perhaps particularly for the Valley of the Sacramento and San Francisco Bay.

I believe also that it is accompanied by Agents of the Government of the United States, and I should mention that it is confidently said here by persons likely to be well informed, to exceed 10,000 souls.

Charles Elliot.

To the Right Honourable.

The Early of Aberdeen, K. T.<sup>2</sup>

[Endorsed] Copy of a despatch from. Captain Elliot to Mr Bankhead. July 3d 1845 Inclosure No 2 in Capt Elliot's Despatch to the Earl of Aberdeen. No 19 of 1845.

KENNEDY TO ABERDEEN<sup>3</sup>

No. 18

Her Majesty's Consulate  
Galveston

July 24th. 1845.

My Lord,

In a Despatch No 16 of the 24th Ultimo, I had the honor to inform Your Lordship of the acceptance by the Congress of Texas, assembled in extra Session, of the terms of Annexation proposed by the Government of the United States. I also informed Your Lordship that the Congress had passed a Joint Resolution, authorizing the introduction of United States' troops into Texas. Of this Joint Resolution I am now enabled to enclose a copy, taken from the "National Register" (Government paper) of the 17th Instant, which has just reached Galveston.

From the same paper I have taken, and enclose herewith a Copy of—"An Act to establish certain Mail Routes therein named and for other purposes"<sup>4</sup>—which I have been given to understand was passed in deference to the wishes of Major Donaldson, United States' Chargé d' Affaires in Texas.—The object of the Act is evidently to assist the territorial Jurisdiction of Texas over the tract of Country lying between the Nueces (*sic.*)

<sup>2</sup>Error made by Elliot in copying. The letter is to Bankhead.

<sup>3</sup>F. O., Texas, Vol. 14.

<sup>4</sup>An unidentified newspaper cutting.



and the Rio Grande, (which formed no part of Texas proper) and to establish the frontier line between Mexico and Texas—"up the principal Stream" of the Rio Grande to its Source, thence due North to the forty second degree of North Latitude." The territory over which Post Office and County Jurisdiction is asserted by the recent Act of Congress, comprizes parts of the Mexican Departments of Coahuila, Tamaulipas, Chihuahua and New Mexico.

United States troops, for the occupation of the Western frontier, are daily expected at Galveston. The "National Register" announces that Major Donaldson, U. S. Chargé d' Affaires, has taken leave of the Government. This Gentleman is at present at Galveston, with, it is publicly stated, the intention of returning to the United States on the arrival of the American troops.

Enclosed herewith are Newspaper extracts,<sup>5</sup> giving the proceedings of the Convention to the latest dates.—The terms of Annexation offered by the United States were accepted on the 4th Instant, with only one dissenting voice (a Delegate from Galveston) and, on the 7th Instant, a Resolution was adopted (with but one dissentient) authorizing and requesting the introduction of United States' troops, for purposes specified.

Her Majesty's Ship "Persian" arrived off Galveston, from Vera Cruz, on the 8th Instant, bearing Despatches for Captain Elliot (which I was authorized to open, in the event of Captain Elliot's absence from Texas)—and a communication addressed to myself—Conveying the earnest desire of His Excellency, Mr Bankhead, to be kept informed of the state of affairs in this Country, especially the proceedings of the Convention. Mr Bankhead's Despatches are dated the 27th Ultimo, at which time the actions of the Texan Congress, in reference to Annexation, was not—it would seem—known in the City of Mexico. I was obliged to detain the "Persian"—(in order to obtain intelligence from Austin) until the 16th Instant, when She sailed for Vera Cruz, which the Commander expected to reach in eight or nine days.—The "Persian" conveyed to Her Majesty's Minister in Mexico intelligence of the proceedings of the Convention, in re-

<sup>5</sup>Unidentified cuttings.

gard to Annexation; and the introduction of United States' troops; together with a series of printed documents, calculated to explain the course of affairs and the state of popular feeling in this Country.

In a private letter to Mr Bankhead, I mentioned that I had obtained, and had proposed to avail myself of leave of absence, but that if it were his wish, I should most willingly forego my intention and continue at my post. If, on the other hand, he deemed it unnecessary, or unfitting, to communicate farther with Texas, and wished to forward despatches specially to Washington (U. S.) or to England, I should be at his disposal for that purpose, on, or about, the tenth of next Month. There is no British Ship now in Port, nor are any expected until November, and it seemed to me that a rapid Journey to England, in the interval between August and November, might not be without its public uses.

By the Brig "Hope Howes," which left Galveston for New Orleans on the 15th Instant, I informed Mr Pakenham, in brief and general terms of the adoption of Annexation by the Convention—adding that the intelligence was sufficiently accurate to be communicated to Her Majesty's Government.—The "Hope Howes" made a quick passage, and I should think reached New Orleans in time to enable Mr. Pakenham to write by the Mail Steamer of 1st August

William Kennedy.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>6</sup>

No 20.

New York.

July 28th. 1845.

My Lord,

I have had the honour to receive your Your Lordship's despatch No. 10 and it is a relief to me that there has not been the least departure from the principles recapitulated in that communication, in what has been accomplished with the hope of sustaining the Independence of Texas.

The manner indeed of my proceedings has unfortunately for

<sup>6</sup>F. O. Texas, Vol. 13.

myself subjected me to comments (and I cannot dispute the pleasure of Her Majesty's Government to disconnect themselves from any thing in their character that they do not like) but there is no objection to the matter concluded, and in that state of circumstances I need not trouble Your Lordship at much length on the present occasion. The degree in which my visit to Mexico contributed to the success of the negotiations at that place is a point on which I have no remark to offer but I will take the liberty to say that there would have been no hope of securing the time necessary for adjustment there, uninterrupted by disturbing representations from this quarter, if my destination had been known when I left Texas.

Your Lordship will perhaps also give me leave to observe that I have not neglected all calculation of the perfectly probable event of Annexation in spite of the contemplated arrangement with Mexico. Beyond the chance of success (not small in the estimation of the Government of Texas when I left) I thought and I still believe that even if it failed the completion and subsequent publicity of the conditions recommended to Mexico by the Governments of Her Majesty and The King of the French could in no way prejudice the public interest, but would on the contrary subserve them. The want of conclusive proof in the sight of the people of Texas and of this Country, of the dispositions and ulterior purposes of Her Majesty's Government had already furnished the advocates of Annexation with their most powerful means of sustaining it. I believed therefore that moderation on the part of Mexico, even at that late hour, and unequivocal evidence of the character and extent of the arrangement supported by Her Majesty's and the French Governments would deprive Annexation of the chief pretext which had given it so much strength here; fastening the Scheme without chance of evasion upon that mixture of Slave trade and the wrongful motives so little likely to find sympathy with the great body of the Nation in more sober moments, and a more perfect state of information than have hitherto had place.

However Your Lordship may disapprove of any part of my proceedings, I may remark that no more than justice has been done to me in the belief that I am incapable of deliberately

intending to injure the public Service. I am as free of such motives as any person in the Service of the Crown, and I meant on this occasion nothing else than to avail myself of the only chance that I saw was left to sustain the independence of Texas by the only means which I believed, with my opportunities of forming a judgment, afforded the least hope of success. It is equally true that I entered upon the task with extreme reluctance and only in a sense that it was my duty to make the effort at once, for there was not a moment to be lost.

But without desiring to protract the discussion or defence of any further conduct of mine that Your Lordship has thought proper to censure I may at least observe that the mystery adverted to was no more than was necessary to conceal my destination. What has been said on this subject in the press of the United States is merely that kind of unscrupulous attack and misrepresentation to which persons are liable in the discharge of their public obligations, and in this particular case is no more than the natural consequence of a faithful attempt to perform my duty to my own Country, and I must give myself permission to add, no bad evidence of the extent to which the success of these proceedings has been felt to interfere with the easy accomplishment of bad and dangerous schemes.

Let me say in conclusion that it had long been clear to me in the turn that affairs were taking, that the important consideration was not so much the mere Annexation of Texas, as what was to be Annexed under that term of extravagant pretensions, and scant title either of right or occupancy; And I have a confidence that what has been accomplished will help the peaceful obstruction of a spirit of injustice and rapacity against Mexico, and facilitate as safe an adjustment of the question for that Government as their own most unfortunate delay has left any room to make. Their late policy, tardy as it has been, will I hope go far to defeat the purposes of those parties in this Country who deliberately mean the forcible dismemberment of Mexico, and in the main have the effect of limiting any possibly sustainable pretensions of the persons settled in Texas to the alienation only, of the territory in their actual occupation; Or at the very utmost of the remainder of the territory constituting Texas, according to the former divisions of

the Country, upon a condition which Mexico would have the clearest right to demand under the fundamental law applying to those regions of her domain, and an obligation of necessity to insist upon for the security of her frontier.

I mean the condition that Slavery should never be introduced into the Ceded Country, and so brought contiguous with their own to the certainty of constant frontier dispute and raid arising out of the escape of Slaves, and the still worse evil of filling these lands with Settlers of the same kind as those who have already proved so dangerous to Mexico. The proposal of negotiations on this basis would I believe at once put an end to all risk of hostilities against Mexico by the United States, and either frustrate the scheme of Annexation entirely, or at least turn it to a more safe and honourable conclusion for all parties than it can otherwise reach. In conformity with Your Lordship's directions I shall wait here or in this neighbourhood till I am further instructed.

I avail myself of this occasion to acknowledge the receipt of Your Lordship's despatches Nos 8 and 9, and I have the honour to be,

Charles Elliot.

To The Right Honourable  
The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN<sup>7</sup>

No. 20.

Her Majesty's Consulate  
Galveston  
July 28th. 1845.

My Lord,

I have the honor to enclose herewith a Copy, in duplicate of the Laws affecting Shipping and Commerce, enacted by the Ninth Congress of the Republic of Texas, during the Session of 1844-5.

I also enclose herewith Copy, in duplicate, of two Acts passed at the extra Session of Congress, which assembled on the 16th Ultimo, to consider the question of Annexation, one of which Acts refers to the future Meeting of Congress.—I postponed the

transmission of the Acts of the regular Session until the Acts of the extra Session had been published.

The following paragraph, in relation to the erection of a Light House on Galveston Island, appeared in "The Houston Telegraph" of the 7th of May last.

"LIGHT HOUSES. We have been authorized by the Secretary of the Treasury to mention that he has determined not to conclude any Contract for the erection of the Light House at Galveston, or that at Matagorda. He considers it now so certain the Country will be soon Annexed to the United States, that he deems it advisable to husband the limited revenue of the Country, to defray the expences of the Congress and the Convention that will soon be convened, and he considers that the United States, having ample resources, will erect Light Houses at these points at an early period, far better adapted to the wants of Navigators than any that could be erected with the small appropriations made by our Congress"

William Kennedy.

The Earl of Aberdeen, K. T.

[Enclosure]. Texas. Affecting Shipping and Commerce, enacted by the Ninth Congress of the Republic of Texas. Session 1844-5.<sup>8</sup>

#### *Tonnage Duties.*

An Act "Relative to Tonnage Duties," approved by the President 1st February 1845, provides that "from and after the 1st of April 1845, there shall be levied and collected on each and every Texan vessel, and on each and every foreign vessel entitled by Treaty to equality with Texan vessels, *Note\** a Tonnage of Sixty two and a half Cents, for each ton of her burthen, on arriving in a port of this Republic from a foreign port."

The same Act provides that one dollar per ton, as per Register, shall be collected from Foreign Vessels not entitled by Treaty to equality with Texan Vessels, on arriving with Cargo from a foreign port;—*or* any higher rate to which a Texan Vessel would be liable in a port of the Nation to which any foreign vessel, so entering, shall belong.

<sup>8</sup>F. O., Texas, Vol. 14.

\**Note.* The vessels of Great Britain, France, Bremen and Holland.

It is likewise provided that a Vessel of either of the above mentioned classes, on arriving in a Texan port, from abroad, with ballast, shall be liable, on entry, to—"No more than one quarter of the rate of tonnage duly required of her by the preceding Sections"—and if she depart from the same port in ballast—"No additional amount of Tonnage duty shall then be required of her" but if She shall depart with outward cargo, or proceed coastwise to another part of the Republic in ballast, and then take in cargo;—"She shall pay the remaining three quarters of her regular rate of Tonnage duty, at the port whence She clears with lading."

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#### *Coasting Vessels.*

By the same Act, every Texan vessel of foreign build, while sailing under a Coasting License is chargeable with an Annual Tonnage duty of Sixty two and a half Cents per ton, payable on the expiration of the half-yearly License, or, *pro rata*, if the vessel should be lost, or the License surrendered before the term of its expiration.

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#### *Transportation of Goods Coastwise*

By an Act approved by the President 3d February 1845, it is provided that—"When any vessel arrives in a port of the Republic, from a foreign Country, with goods, wares, and Merchandize on board, destined to another port of the Republic, to which the vessel itself is not destined,"—it shall be lawful to forward such Merchandize, under bond, in a Texan vessel to the port of her final destination—"without exacting payment of duties until their arrival at the second place of their landing."—Consignments, to be entitled to that privilege, must be exigible to, at last, one hundred dollars' duty,—must be entered, at the first port in the usual form—"except that the entry and oath shall specify that the importation is entered for the privilege of reshipment Coastwise subject to duty"—and that no fraud on the revenue is intended by such reshipment, it being requisite that—"Her Merchandize and effects, so

reshipped, shall be contained in the same packages, or cases, in which they were imported, unless a change of package should be necessary for their preservation, in which case, they may be repacked before shipment, under the inspection of the revenue Authorities."

Before entry for reshipment is made, bond is to be given to the Collector for payment of—"the full amount of duties on the effects reshipped, at the end of Sixty days from its date, unless satisfactory proof be produced to the Collector, within that time, that the said effects have been landed, and the duties paid thereon, or secured according to law, or that the said effects have been accidentally lost, or destroyed, before being relanded."

Any Merchandize reshipped according to the provisions of this Act,—shall be subject to inspection both at the port of its first entry, and at that whereunto it is reshipped—and until it has been duly delivered at the latter, the Revenue Laws shall have the same power over it as in the case of goods entered and landed first from a Foreign port,—and any vessel on which such Merchandize is reshipped shall, from the time it is put on board until the time it is lawfully delivered, be under the same restrictions and responsibilities as if the said vessel had on board a cargo bound direct from a foreign Port."

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#### *Light House on Galveston Island.*

In consequence of representations made by Her Majesty's Consul at Galveston to the proper Department of the Texan Government, an Act passed Congress and was approved by the President 3d February 1845, making an appropriation for the purpose of erecting a Light House on the East end of Galveston Island. The Light House and lantern were to be, at least, seventy five feet in height, and the work was to be commenced on, or before, the first day of June next following, and to be completed on the 3d. of February 1846.—For the support of Light-Houses, a Light Tax of three Cents per ton was to be collected on all vessels arriving in the ports of the Republic from a Foreign Country.—In the beginning of March, the Secretary of the Treasury advertised for the erection of the Light House,



but the undertaking was soon afterwards abandoned by the Government, in view of the speedy Annexation of Texas to the United States.

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*Hospital at Galveston.*

By an Act approved by the President, 3d. February 1845, for the establishment of an Hospital at Galveston, it is provided that, from and after the 1st of May next ensuing,—“the Commander of every vessel arriving at the Port of Galveston, shall be required to pay to the Collector of Customs at that port the Sum of fifty Cents for every foreign Male white Cabin passenger over Sixteen years of age, and the Sum of twenty five Cents for every foreign white Male Steerage passenger over Sixteen years of age, according to the list of passengers produced by the said Commander, or his clerk, which list shall be sworn to.”

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*Chambers of Commerce at Galveston.*

By an Act approved by the President, 3d February 1845, a Corporate body was created under the style and title of “The Galveston Chamber of Commerce”—an institution which, according to the preamble of the Act,—“is much required by the Mercantile Community, as tending to diminish litigation, and to establish uniform and equitable charges.”

It is provided that the Act of Incorporation shall,—“be in force, from the passage thereof, for and during the space of twenty years, and take effect from and after its passage.”

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Two Acts,

passed at the Extra Session of the Ninth Congress of Texas,—  
June 1845.

An Act.

Supplementary to “an Act to regulate proceedings in Civil Suits.

This Act provides that, from and after the 27th June 1845—

“in all Suits brought to recover the price, or value, of any goods, wares, or Merchandize imported, or Notes given for the same, the fact that such goods, wares or Merchandize, were imported, or introduced, into the Republic, without payment of the lawful Duties, or in violation of any Revenue Law thereof, may be pleaded in defence, and, if established, shall constitute a legal and valid defence in all such cases.”—It is further provided that,—“in cases where such defence shall be pleaded”—and also in cases—“When any Civil action shall hereafter be brought to recover duties not paid, the party so charged, or implicated, shall not be liable to any Criminal prosecution for the same offence, or non-payment.”

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An Act.

To alter the time for the Meeting of the Annual Sessions of Congress.

The First Section of this Act,—provides that.—“The Annual Sessions of the Congress of the Republic shall, hereafter, commence on the Second Monday in May, any law, now in existence the contrary-wise notwithstanding.”

By the Second Section of this Act,—“Such of the appropriations of the regular Session of the Ninth Congress, (except appropriations for Foreign Legations) as the President may deem necessary and cannot be dispensed with, are extended, *pro rata*, to the Second Monday in May. A. D. 1846, or until the incorporation of Texas as a State of the United States.

The Acts received the President’s approval on the 26th of June 1845.

[Endorsed.] In Mr Consul Kennedy’s despatch, No. 20. dated July 28th. 1845.

ELLIOT TO ABERDEEN<sup>9</sup>

No 21.

New York,  
July 30th 1845

My Lord,

By private letters from Texas to the 14th Instant I am in-

<sup>9</sup>F. O., Texas, Vol. 13.

formed that a resolution to the following effect proposed in the House of Representatives on the last day of the Session of Congress had failed.

“Resolved by the House of Representatives.”

“That the course of the Executive in relation to the question of Annexation had been unpatriotic and unwise, attempting to thwart the people in their well known wish to unite themselves to the great political family of the United States, and throw them afloat again upon the troubled Sea of a separate existence to be the sport of a policy hostile to liberty in both Hemispheres, and that He may not be enabled to throw further obstacles in the way of this great Measure and ultimately effect its defeat we recommend to the Convention of the people of Texas to establish a Government ad interim until The Constitution of the State of Texas shall go into effect as being the most certain, effectual and economical mode of securing our Annexation to the United States.”

The Convention assembled at Austin on the 4th Instant, and elected General Rusk to be President. An ordinance had been passed with one dissenting voice, consenting upon the behalf of the people of Texas to the terms of Annexation proposed by the Government of the United States, and on the 5th a resolution was passed requesting the President of the United States on the behalf of the people of Texas to send troops forthwith to their frontier

By private letters to the 17th Instant from New Orleans I am informed that the force assembled there under the Command of Brigadier General Taylor consists of two Corps of Infantry amounting to about 1400 bayonets, and also that two Companies of Artillery (180 strong) were at that time coming up the river, supposed to be destined for Texas. It was reported that this force would sail about the 25th Instant for Matagorda in the Steam Ship “Alabama” and three other transports, but this last statement is not made with entire confidence.

A regiment of Cavalry, between 400 and 500 strong was said to have marched for San Antonio de Bexar from Fort Jessup in the early part of this month.

On my way up to the Northward I thought it convenient to

pass through the Port of Norfolk but did not remark any particular activity at that point.

Besides the Guard Ship (Pensylvania) there was one heavy frigate alongside the Yard in a state of partial equipment, one or two Sloops of War fitting, and one Corvette in the Stream, armed and equipped, but not manned, her Ship's Company having been recently landed in consequence of fever. The force under the Command of Commodore Conner on the home Station (which comprizes the Service of the Gulf of Mexico) consists, I believe, of One heavy frigate, 1 of 46. 4 or 5 Corvettes, and six Brigs and Schooners, with two Steam Ships, (the Mississipi and Princeton) but it is said here that it is to be strengthened immediately from the Meditteranean, Brazil, and Coast of Africa Stations, and I heard at Galveston from a good source that Commodore Biddle<sup>10</sup> in the Columbus, was to return from China by the way of the Pacific with part of the East India Squadron. Upon the whole I incline to believe that the force actually on foot has been encreased to the full extent of the appropriations for the Service of the Current year. I have not remarked in the papers that the Squadron has sailed again from Pensacola, where it was when I left New Orleans. H. M. S. Persian was at Galveston on the 14th Inst., but was to sail as soon as the Commander received replies from Washington, looked for on the 16th. I have not heard the purpose of her visit but conjecture that it must have been to carry replies to the despatches I forwarded to Mr Bankhead on the 12th June by the "La Perouse."

With a view to place the Commander in Chief in possession of the latest information I have of the State of affairs in Texas and the Gulf of Mexico, I have taken the liberty to inclose this despatch under a fly Seal to him, with a request that he will have the goodness to peruse and forward it to England by the Mail. I have also forwarded him a Copy of my despatch to Mr Bankhead of the 3d July last

Charles Elliot

To The Right Honourable.

The Earl of Aberdeen, K. T.

<sup>10</sup>John Biddle, a distinguished American naval officer. He was stationed on the California coast during the Mexican War. (Appleton, *Cyclop. of Am. Biography.*)

ELLIOT TO ABERDEEN<sup>11</sup>

No. [22.]

New York.

August. 12th 1845

My Lord,

By papers and letters from Texas to the 24th Ulto. I learn that the Convention was still in Session, and that the Several branches of the State Constitution has been referred to separate Committees. It was thought that they would have concluded their business in the early part of this month, but I am led to understand that some difficulty was contemplated upon the subject of the limits of the State, as also from an attempt to divide it at once into two, which would of itself be a departure from the United States Annexation resolution, and otherwise calculated to embarrass the easy conclusion of the affairs in this quarter.

Another point that is likely to produce dissatisfaction in Texas at least, is the view of the Government of the United States respecting goods to be exported from Texas into this Country after the completion of Annexation. Persons connected with the trade of Texas had formed the idea that Merchandize imported into the United States from there after Annexation, could not be chargeable again in the ports of this Country as coming from a Member of the Confederacy. These impressions had prepared the way for a vast influx of Merchandize from Europe into Texas, and from the United States under the drawback system, with the purpose of an extensive return trade as soon as Annexation were finally accomplished; And it consists with my knowledge that the Government of Texas favoured the purposes of these parties with the intention of helping their own revenue.

The Secretary of the Treasury however in the United States takes a different view of the subject. Without expressing any opinion upon that Gentleman's reasoning, to which I am incompetent to speak, I would merely remark that it is not likely to find favour in Texas, where it should be observed there are many people sedulously waiting the first turn of popular sentiment with the hope of baffling the whole scheme of Annexation.

In the Texian Government Newspaper of the 17th July, I

<sup>11</sup>F. O., Texas, Vol. 13.

observe that an Act was passed by the last Congress which I have herewith the honour to transmit for Your Lordship's information, and there certainly can hardly be a piece of more noticeable legislation extant in the language of any Country. The vast region Annexed to the County of San Patricio under this unobtrusive head of a Mail line across a Country in which the Americans in Texas had never had a settler, (directed to a point on the Rio Grande, in the long and steady occupation of Mexico) is at least 5 times as large as the whole Country in their actual occupancy, more extensive than the aggregate size of several of the largest States in this Confederacy, or than the Co-joint Kingdoms of Spain and Portugal:

It certainly seems to me to be safer for Mexico upon the whole, in the turn that affairs have taken, that the parties in Texas have set out upon these principles and this scale under the auspices of the United States, than that they should have fallen back in the beginning upon the more dangerous plan of quiet and gradual encroachment. Mexico has less to dread from their power to conquer these Countries, than to appropriate them by other principles; And with the attention of the Government of Mexico awakened to the unmistakable intentions of their neighbours, it is reasonable to hope that they will in due season adopt a surer mode of arresting the danger with which they are menaced than they unhappily pursued in Texas from the first moment that they permitted it to be settled by the Americans, till the last hours of it's existence as a separate Country. A sounder policy with respect to other very important and actively threatened parts of their domain is no doubt still within their power; but how soon the opportunity of working upon it successfully and for durable purposes may pass from them, has become to be a disquieting question in many points of view. It is manifest at all events that there is no time to be lost and that their Measures must at once be broad and decisive.

Congress in Texas, before it's separation, had passed an Act changing the period of Assembly of the next Congress to the Month of May 1846, and the President had issued his usual Proclamation under the Constitution of the Republic for the

election of Members of that Body on the first Monday in September next.

Charles Elliot.

To The Right Honourable.

The Earl of Aberdeen, K. T.

[Enclosure]. An Act to establish certain Mail routes therein named, and for other purposes.<sup>12</sup>

Sec. 1.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that a Mail route shall be and is hereby established from Bexar in the County of Bexar to the town of Loredo on the East bank of the Rio Grande, and from Corpus Christi in the County of San Patricio to Point Isabel near the Mouth of the Rio Grande.

Sec. 2.

Be it further enacted that all that part of the Republic lying between the "Nucas" and the "Rio Grande" rivers from the Gulf to the Northerly One [?] of the Republic not now embraced within the defined limits of any County be and is hereby added to the County of San Patricio, and that this Act shall take effect from and after it's passage.

Approved.

June 24th. 1845

[Endorsed] Inclosure in Captain Elliot's despatch to the Earl of Aberdeen. No 22. August. 12th. 1845.

ELLIOT TO ABERDEEN<sup>13</sup>

No. 23.

New York.

August 13th. 1845.

My Lord,

I have herewith the honour to forward to Your Lordship two despatches which I have recently received from Her Majesty's Minister at Mexico,<sup>14</sup> together with a Copy of my reply to that marked No 2.

<sup>12</sup>F. O., Texas, Vol. 13.

<sup>13</sup>F. O., Texas, Vol. 13.

<sup>14</sup>For Bankhead's two letters to Elliot, June 29, 1845, see pp. 800-802.

Mr Bankhead wrote under impressions which later intelligence will have changed, and when that does reach him, I feel assured he will readily admit that my continued presence in Texas beyond the period I did remain there would have been unnecessary and unsuitable. I did not leave the Country without careful consideration of the situation of circumstances, and I believe that my absence from the Country during the Session of Congress and the Convention has prevented the entire abrogation of the remaining Authority and influence of the Government of Texas.

Inconsiderable as that influence is, Your Lordship will nevertheless desire that it should not have been extinguished, for it may be depended upon that it will be exercised beneficially, if any favourable opportunity or change of public sentiment should come about. I am as near the theatre of those events as I can be in the present state of affairs, without aggravating a mischievous spirit, and I am ready to return to it at any moment that my presence can be useful or prudent.

Charles Elliot.

The Right Honourable

The Earl of Aberdeen, K. T.

ELLIOT TO BANKHEAD<sup>15</sup>

[Enclosure]

New York.

August. 8th. 1845

Sir,

I have the honour to acknowledge the receipt of your despatches of the 29th June, and feel assured that the intelligence I communicated to you from New Orleans on the 3d Ulto. will have convinced you of the hopelessness, and I trust too of the unsuitableness and inconvenience of my protracted stay in Texas at that time.

The result of the Elections for the Convention established the certainty of the adoption of the Annexation resolutions beyond a doubt, and with no instructions from Her Majesty's Government as to the course to be pursued by me in that emergency, and no reasonable doubt that they desired the most perfect free-

<sup>15</sup>F. O., Texas, Vol. 13.



dom of action should be reserved to them if it did present itself, I hope you will agree with me in thinking that it was well I should be out of the Country before the Congress and Convention had formally committed themselves to the policy of Annexation.

In writing to Lord Aberdeen on the 12th Inst. I remarked that, "The Assembly of the Convention perfectly irregular and "beyond the law of itself, assembled to take into consideration "the extinction of the Nationality of the Country and with it "the violation of their Compacts direct and implied with the "Powers with which they have treaties appears to me to be a "state of things that had better not have the Countenance of "any foreign representative. I mean by Countenance such as "sent as might be inferred from his presence."

I could hardly have left the Country after the late proceedings of Congress and the Convention without some notice of them to the Government, (and recent instructions have satisfied me there was no wish I should allude to them). Upon the other hand I should have had extreme difficulty in remaining there in a merely observant attitude, accredited to the Constituted Authorities of a Country constrained to signify their assent to the extinction of it's National existence.

The immediate turn of events in Texas, however permanent or otherwise that time may prove to be, was unfortunately too certain before I quitted Galveston (for the result of the Convention elections had been conclusive) and from that moment I felt that my continued presence was neither necessary nor desirable.—But beyond any reason of my own to that effect I am fortunately left without doubt as to the general impressions of Her Majesty's Government respecting my continued presence in Texas in the event of the success of the Annexation party there, for in a despatch from Lord Aberdeen dated on the 3d Ulto. written in the belief that such would be the case His Lordship had authorized me to act upon a sanction previously given to me to come on if I saw fit to any port of the United States where I should be in the line of my Communications from Her Majesty's Government. Neither does His Lordship in that communication give me any instructions as to the course I should pursue, or

the attitude I should observe in the Case which has since presented itself, and I have no apprehension that I shall have acted in opposition to his wishes by retiring from the Country at the time and under the circumstances that I did. The state of my health, poor as it was, should certainly never have induced me to leave Texas then, if I had not felt that with the President's proclamation of the 4th June every thing had been accomplished that it consisted with my means, (under the spirit of my Instructions) to attempt, for the prevention of Annexation, or the mitigation, or modification of it's evil consequences.

And in the further turn of affairs indicated by the Convention elections I could not but see that my continued presence there was not merely useless, but destructive of all hope of the recovery of the people from that condition of delusion into which they had been wrought by the Agents and press of this Country. It was manifest that I could not have remained in Texas during the Session of Congress and Convention without assisting the purposes of the Enemies of a safe and honourable settlement of this dispute for my presence there would have been the pretext for every description of artful misrepresentation and false report. I am sure on the contrary that my departure from the Country after the plain evidence of the ulterior purposes of Her Majesty's Government which I induced the President to exhibit, has already been of service in strengthening a growing return to a sounder sense of the extent of the sacrifice the people were making than had hitherto prevailed amongst them.

If Collision can be prevented between the forces of the United States and Mexico, (a circumstance, however, of which I am in great doubt, for I must admit my own impression that it is the deliberate purpose of the Government of the United States to induce hostilities and so carry all parties in this Country with them) it is by no means impossible that this whole scheme may still fail of realization. I did not leave Texas till all had been done that I could do there, and till it had become clear beyond all doubt that the really important point from which information and action must now be looked for in Mexico concerning this affair was from the S. W. of the United States, and I did not leave New Orleans till I had received the Presi-

dent's Message, and could furnish you some decisive tidings of what was to be done from that quarter.

Our cordial public intercourse, and the kindness and consideration I have always received from you leave me in the full persuasion that you will willingly give your best and most friendly attention to this exposition, and admit that in the state of things known to me in the middle of June, and not known to you before the middle of next Month, I acted with a proper discretion in leaving Texas when I did. I transmit an extract<sup>16</sup> from a despatch I have recently addressed to the Earl of Aberdeen.

Charles Elliot.

To Charles Bankhead, Esqr.

Mexico.

Copy.

Charles Elliot.

[Endorsed.]. Inclosure No 3 in Captn Elliot's despatch No 23 to the Earl of Aberdeen. August 13. 1845.

ELLIOT TO ABERDEEN<sup>17</sup>

No. 24.

New York.

August 15th. 1845

My Lord,

By the Southern Mail of this Morning I have received a Note from the Government of Texas in reply to one which I addressed to Mr Allen on the 13 June.

I have herewith the honour to transmit Copies of these Communications and to remain.<sup>18</sup>

Charles Elliot.

To The Right Honourable.

The Earl of Aberdeen, K. T.

<sup>16</sup>On the margin of the letter, Elliot here wrote "Conclusion of my despatch No. 20 (July 28th, 1845) to Your Lordship."

<sup>17</sup>F. O., Texas, Vol. 13.

<sup>18</sup>The first enclosure, Elliot to Allen, June 13, 1845, is calendared by Garrison as in "Senate Journal, 9th Tex. Cong., extra sess., 67, 68.," but is here reprinted as not generally available. The second enclosure, Allen to Elliot, July 10, 1845, is in Garrison, *Diplomatic Correspondence of the Republic of Texas*, III, 1201-1202, in *Am. Hist. Assoc. Report*, 1908, II.

ELLIOT TO ALLEN<sup>19</sup>

[Enclosure]

Galveston

June 13. 1845

The Undersigned etc. etc. etc, has the honour to acquaint Mr Allen that the bad state of his health constrains him to avail himself of leave of absence to take the benefit of a temporary change of climate.

He would not like to go away, however, in any uncertainty as to his return, without offering the President his sincere acknowledgments for the constant public consideration and private kindness he has received from His Excellency in his long intercourse with this Government, or without adding to those thanks his cordial wishes for the continued honour and prosperity of the Republic and people of Texas.

He requests Mr Allen to convey these sentiments to His Excellency and to accept for himself the assurances of regard and distinguished consideration with which He has the honour to remain.

Charles Elliot.

Copy. Charles. Elliot. To The Right Honourable. Ebenezer Allen. Washington on the Brazos.

[Endorsed.] Inclosure. No. 1 to Capt. Elliot's. despatch No 24 to the Earl of Aberdeen. Aug. 15. 1845.

ELLIOT TO ABERDEEN<sup>20</sup>

No. 25.

New York.

August 22d. 1845

My Lord,

It may be desirable in the present situation of affairs between Mexico and this Country to lay before Her Majesty's Government some authentic means of forming an opinion upon the force of the claim of the persons in Texas to the Country they have legislatively appropriated, so far as that claim is founded upon population and actual occupancy. With that impression I have the honour to transmit herewith a paper headed "Return of the Election for President of the Republic held in the Several "Counties on the 2d day of September 1844"<sup>21</sup>

<sup>19</sup>F. O., Texas, Vol. 13.<sup>20</sup>F. O., Texas, Vol. 13.<sup>21</sup>An unidentified newspaper cutting.

Your Lordship is aware that the late Election was eagerly contested, and it is probable that the number of persons entitled to Vote, who did not Vote upon that occasion was at least balanced by the number who did exercise that privilege without any warrant of law or permanent footing in the Country. The ordinary estimate of five for each head of a family (a large vote in the case of Texas) would give an aggregate white population of less than 65,000 Souls. And taking the liberty to refer Your Lordship to Arrowsmith's Map, in connexion with the results of the accompanying Return, it will further appear that even of this small population at least  $5/6^{\circ}$  are settled East of, or on the Colorado, and more than one half East of, or on the Brassos. In fact a line struck due South from the S. W. point of the United States on the Red river, would pass far Westward of any Texian settlement.

I have been led to draw this subject under Your Lordship's attention at present, from an impression, gathered some time since in quarters where mistake was not likely, that it was at one time the idea of the Government of the United States to limit their pretensions to the Country actually legislatively represented in the Congress of Texas. And it may be that the late prodigious extension of the Country of San Patricio was made in Texas with the purpose to strain their claim upon the Government of the United States within that pretence, before the arrival of the United States troops beyond the Sabine.

In fact it must be admitted that so far as the Act of the Texian Congress is a warrant for the Military occupation of the Country at all by the United States, the Officer in Command of those troops, is as much bound to defend what is legislatively described to be the County of San Patricio as any other Congressional division of the Country. In this view it would of course be justifiable to drive in all the Mexican posts or settlements East of the Rio Grande from  $42^{\circ}$ . N. to it's Mouth, which amounts however to sheer invasion of Mexico, and the territory acknowledged to be Mexican by the treaties in existence between the United States and that Republic.

Your Lordship will probably remark what proportion the territory in the actual occupation of the Texians bears to the size of the largest and most popular State in this Confederacy. Large

as that Country is, and poor as yet of population, the remainder of the unoccupied region constituting Texas according to the *Mexican* territorial division is considerably larger. So far therefore as space is considered, relating to population and it's necessities, there can be no need for absorbing the immense region beyond the just mentioned Mexican division, completing the Texian legislative description of the Country; a region more than twice as large as that in their actual possession, and containing a Mexican population very little short of their own numbers.

Charles Elliot.

To The Right Honourable  
The Earl of Aberdeen, K. T.

P. S. I have joined to the accompanying return a letter which I have extracted from a recent United States Newspaper, and so far as I have had any means of judging I should consider it to be sufficiently correct. It connects itself naturally with the subject of this despatch as shewing not only the numbers and situations of the population in the territory claimed to be Texas, but the Citizenship of the parties by whom this dismemberment of Mexico is proposed. With the exception of two they are all born Citizens of the United States, who for the most part have come into the Country, with the bulk of the population, since the declaration of Independence.<sup>22</sup>

They at least could have no better practical reason to complain of Mexican oppression, than they have right, or shadow of pretext for giving away to the United States large portions of that Republic, in which there never yet has been a Texian Settlement. I have thought it may be convenient at present to collect any details which may serve to establish the true character of any title to those regions, dependent upon Texian assignment.

Charles Elliot.

A copy of this despatch has been forwarded to H. M. Minister in Mexico.

<sup>22</sup>The enclosure was an unidentified newspaper cutting, giving a list of delegates elected to the Texan Convention, with statistics of birth, nationality, etc. It is here printed as not generally available.

ENCLOSURE NO. 2 IN THE DESPATCH FROM ELLIOT TO ABERDEEN NO. 25 AUGUST 22D. 1845.<sup>23</sup>

Table of the places of nativity, ages, and residences of the members of the Texian Convention assembled at Austin on the 4th of July, 1845—Furnished by Gen. Besancon.

Name.	County.	Age.	Occupation.	Last residence.	Place of nativity.	Date of emigration to Texas.
Rusk, T. J., President.	Nacogdoches.	41	Lawyer	Georgia.	South Carolina.	January, 1835.
Anderson, Jno. D.	Gonzales.	25	Lawyer	Alabama.	Virginia.	January, 1835.
Armstrong, Jas.	Jefferson.	33	Lawyer	Indiana.	Kentucky.	November, 1835.
Armstrong, C.	Robertson.	37	Farmer	Tennessee.	Tennessee.	September, 1837.
Baylor, R. E. B.	Fayette.	52	Lawyer	Alabama.	Kentucky.	November, 1839.
Bache, R.	Galveston.	61	Impost. Inspector	Mississippi.	Pennsylvania.	April, 1836.
Brashear, Isaac W.	Harris.	34	Farmer	Tennessee.	Tennessee.	February, 1839.
Brown, Geo. Wm.	Colorado.	27	Lawyer	Virginia.	Virginia.	November, 1839.
Burroughs, Jas. M.	Sabine.	21	Lawyer	Alabama.	Tuscaloosa (Ala.)	February, 1844.
Caldwell, John	Bastrop.	42	Farmer	Alabama.	Kentucky.	December, 1830
Cazneau, Wm. L.	Travis.	33	Merchant.	Louisiana.	Massachusetts.	June, 1830.
Clark, Edward	Harrison.	27	Lawyer	Alabama.	Louisiana.	September, 1842.
Cunningham, A. S.	Victoria.	34	Lawyer	Louisiana.	Virginia.	April, 1836.
Cuncy, Phil. M.	Austin.	36	Planter	Louisiana.	Louisiana.	November, 1840.
Darnell, N. H.	San Augustine.	38	Mechanic.	Tennessee.	Tennessee.	November, 1838.
Davis, James	Liberty.	54	Lawyer	Mississippi.	Virginia.	February, 1842.
Evans, L. D.	Fannin.	35	Lawyer	Arkansas.	Liberty, Tenn.	January, 1844.
Everts, G. A.	Fannin.	45	Lawyer	Missouri.	Ohio.	July, 1844.
Forbes, R. M.	Brasoria.	34	Merchant.	Florida.	Virginia.	February, 1836.
Gage, David	Rusk.	49	Farmer	Arkansas.	Kentucky.	May, 1839.
Hemphill, John.	Washington.	41	Lawyer	South Carolina.	South Carolina.	August, 1838.
Henderson, J. Pinckney.	San Augustine.	36	Lawyer	Mississippi.	North Carolina.	April, 1836.
Hicks, N. W. O.	Shelby	28	Lawyer.	Tennessee.	Tennessee.	November, 1838.

Table of the places of nativity, ages, and residences of the members of the Texian Convention assembled at Austin on the 4th of July, 1845—Furnished by Gen. Besancon.

Name.	County.	Age.	Occupation.	Last residence.	Place of nativity.	Date of emigration to Texas.
Hogg, Jos. L.	Nacogdoches.	38	Lawyer.	Alabama.	Georgia.	January, 1841.
Horton, A. C.	Matagorda.	47	Planter.	Alabama.	Georgia.	February, 1835.
Houston, Sam.	Montgomery.					
Howard, Volney E.	Bexar.					
Holland, S.	Harrison.	44	Planter.	Mississippi.	Virginia.	January, 1842.
Hunter, Wm. L.	Goliad.	34	Farmer.	Louisiana.	Virginia.	October, 1835.
Irion, Van R.	Washington.	26	Planter.	Tennessee.	Georgia.	May, 1836.
Jewett, H. J.	Robertson.	32	Lawyer.	Maine.	Maine.	January, 1839.
Jones, Oliver.	Austin.					
Kinney, H. L.	San Patricio.	31	Merchant.	Illinois.	Pennsylvania.	September, 1837
Latimer, A. H.	Red River.	36	Farmer.	Tennessee.	Tennessee.	December, 1833.
Latimer, H. R.	Lamar.	26	Lawyer.	Tennessee.	Tennessee.	December, 1834.
Lewis, Jno. M.	Montgomery.	40	Planter.	Alabama.	Virginia.	February, 1842.
Love, James.	Galveston.	50	Lawyer.	Kentucky.	Kentucky.	April, 1837.
Lumpkin, P. O.	Houston.	37	Farmer.	Alabama.	Georgia.	April, 1835.
Lusk, Sam.	Brazos.					
Lipscomb, A. S.	Washington.	56	Lawyer.	Alabama.	South Carolina.	November, 1839.
Mayfield, J. S.	Fayette.	35	Lawyer.	St. Louis, Mo.	Tennessee.	April, 1837.
McGowan, Alex.	Harris.	27	Mechanic.	Alabama.	North Carolina.	August, 1839.
McNeil, A.	Montgomery.	38	Surveyor.	Mississippi.	North Carolina.	September, 1837.
Mills, John T.	Red River.					
Miller, J. B.	Fort Bend.	45	Physician.	Kentucky.	Kentucky.	1827.
Moore, Francis, Jr.	Harris.	37	Editor.	New York.	Massachusetts.	1836.
Navarro, J. Antonio.	Bexar.	50	Agricultor.	Bexar.	Bexar.	
Parker, Isaac.	Houston.	52	Farmer.	Illinois.	Tennessee.	1833.



Powers, James.....	Refugio.....	56	Farmer.....	Ireland.....	1823.
Rains, Emery.....	Shelby.....	46	Farmer.....	Tennessee.....	1820.
Runnels, H. G.....	Braroria.....	49	Planter.....	Mississippi.....	1842.
Scott, James.....	Montgomery.....	46	Farmer.....	Alabama.....	March, 1839.
Smyth, G. W.....	Jasper.....	42	Farmer.....	Alabama.....	February, 1830.
Standifer, Israel.....	Milam.....	t-4	Farmer.....	Tennessee.....	1841.
Tarrant, E. H.....	Bowie.....		Lawyer.....	New York.....	1830.
Taylor, Chas. S.....	Nacogdoches.....	38	Lawyer.....	Mississippi.....	September, 1838.
Van Zandt, Isaac.....	Harrison.....	31	Farmer.....	Alabama.....	1831.
White, Francis M.....	Jackson.....	33	Farmer.....	Georgia.....	1839.
Wood, Geo. T.....	Liberty.....	31	Lawyer.....	Tennessee.....	January, 1837.
Wright, G. W.....	Lamar.....		Lawyer.....	Tennessee.....	
Young, Wm. C.....	Red River.....	33			

KENNEDY TO ABERDEEN<sup>24</sup>

No. 22.

Her Majesty's Consulate  
Galveston  
August 23d. 1845.

My Lord,

Since the date of my despatch No 18, of the 24th Ultimo, troops of the United States have been moved to the Western frontier of this Country. Dragoons, to the amount of about four hundred and fifty, entered by land and proceeded towards San Antonio; infantry, estimated at about fourteen hundred, were transported by water from New Orleans to Aransas Bay, and thence to Corpus Christi and its neighbourhood. I am informed, on apparently good authority, that this force is to be speedily increased to an aggregate of between four and five thousand men. Farther reinforcements, had been shipped at New Orleans, about the 15th Instant, and the whole amount of United States troops now on the Western, or South Western, frontier is stated to be some twenty two, or twenty three hundred men.

I have made particular inquiry on the point, and have been assured that General Taylor, the Officer in Command of the United States troops in Texas, has assumed a position at Corpus Christi, *West of the river Nueces*, and according to accounts published in the "Galveston Civilian" of this day, was "busily engaged in fortifying it."—The occupation of this position seemed to indicate a determination on the part of the United States to follow up the pretensions of Texas to the boundary of the Rio Grande—extending, as mentioned in my despatch No 18, beyond the limits of Texas proper, into the Departments of Coahuila, Tamaulipas, Chihuahua, and New Mexico.

A Military officer bearing despatches for General Taylor, arrived in Galveston, from New Orleans, on the 20th Instant, and left the next day in a revenue Cutter for Corpus Christi.—Apprehension of approaching hostilities between the United States and Mexico has been excited by the Military Movements directed by the latter,—and reports (the value of which I am unable to determine) are current that Mexican troops have crossed to the North Eastern bank of the Rio Grande in considerable strength.

<sup>24</sup>F. O., Texas, Vol. 14.

By the latest accounts from Austin, it was anticipated that the Convention would close its labours on the State Constitution and rise about the 20th. Instant.—I have sometimes thought that it would have been well had I been enabled to obtain information of the proceedings of the Convention from a direct and authorized source. Some arrangement of this kind might also, perhaps, be desirable in the event of hostilities on the South Western frontier. Major Donaldson, Charge d' Affaires from the United States to Texas, sailed in the U. S. Cutter "Woodbury," from Galveston for New Orleans, on the 10th. Instant.

H. M. S. "Persian," which left Galveston Roads for Vera Cruz, on the evening of the 16th. ultimo, arrived at her port of destination on the 24th. of the same Month, and I have learned, from Her Majesty's Consul at Vera Cruz, that the Despatches transmitted by the "Persian" have been forwarded to the City of Mexico the day of her arrival.—As the winds were unfavourable, the quick passage made by the "Persian" appears to be worthy of remark.

Since the communication which I had the honor to address to Your Lordship on the 24th ultimo, I have received no official intelligence from Mexico.

William Kennedy.

The Earl of Aberdeen, K. T.

## BOOK REVIEWS AND NOTICES

*Elisabet Ney, Sculptor.* By Bride Neill Taylor. New York: The Devin-Adair Co. [1916.] Pp. 144.

Elisabet Ney was born at Münster, the capital of the Kingdom of Westphalia, in 1834. Before she was fifteen she had determined to become a sculptor, and at eighteen, after overcoming the violent opposition of her mother and family and over-riding the helpless protest of bewildered teachers, she entered the Munich Academy of Art. Two years later she was at Berlin, studying under Christian Rauch. Before she was thirty she had executed important commissions for the governments of Prussia, Bavaria, and Hanover and had finished, besides a number of idealistic figures, statues of many notables of her time. In 1865 she married Dr. Edmund Montgomery, a noted scientist and philosopher. For five years longer she continued her brilliant work at Munich; and then, under the influence of one of those aberrations to which the artistic genius seems subject, she and Dr. Montgomery came to America and settled in Georgia to try out some impractical socialistic dream. This was at the close of 1870. A short time later they bought the old Groce plantation, Liendo, near Hempstead, Texas; and for twenty years Miss Ney, so far as her art was concerned, might as well have been dead and buried. Some of these years—the earlier ones—she spent, unconscious of her human environment, happily absorbed in rearing her son; the others she must have spent eating her heart out in grief and disappointment at what seemed to be the failure of her life.

In 1893, nearly sixty years of age, she was engaged to make statues of Stephen F. Austin and Sam Houston for the Texas building at the Columbian Exposition in Chicago. Competent critics recognized these as the work of a great artist. From this time she maintained a studio at Austin. Through the efforts of the Daughters of the Republic, the Legislature was induced to buy the statues of Houston and Austin which now stand in the capitol; the Daughters of the Confederacy engaged her to make a statue of Albert Sidney Johnston, and she made busts of many prominent Texans and executed a conception of Lady Macbeth

which she had had in mind for nearly half a century. She died in 1907 and was followed four years later by her husband. Her last years were brightened by the recognition of a small but admiring circle of appreciative friends, which serves to relieve the truly pathetic tragedy of her life.

Miss Ney was an intimate friend of Governor Roberts' and was closely associated with other members of the early faculties of the University of Texas. She looked to the future and hoped for a day when the University might establish a School of Art—a little aesthetic leaven to leaven the great materialistic Southwest. By her wish, though there was no formal will, Dr. Montgomery presented her collected works, greatly enriched by many of her early productions, to the University of Texas. They are housed in the Studio, which is under the management of the Texas Fine Arts Association. Ten years have almost passed since Miss Ney's death. The University has not yet established a Fine Arts Department, but some day it surely will, and in the meantime no one with eyes to see can doubt that the leaven is at work.

Mrs. Taylor was one of that fortunate little group of friends who honored themselves in providing the atmosphere of appreciation which soothed and stimulated the artist's closing years and helped her to redeem the lost years of what should have been her prime. Her little book is a gem. It will be strange, indeed, if it does not hasten the realization of her own and Miss Ney's hope, "when Texas shall have a great school of art for its young people."

The spirit in which the book is written can best be conveyed in Mrs. Taylor's own words—the reviewer cannot but feel that they should have formed a preface to the book: "I have tried to verify everything I have said. I knew Miss Ney very intimately from the time she came to Austin, and was closely connected with the group who made the 'struggle' I have emphasized in her life story; but, nevertheless, I have done what I could to test my own impressions by comparing them with those of various other friends and co-workers of the artist's who knew her just as intimately.

"For what I have said of her life in Waller county before she came to Austin, I had very voluminous information from friends who were intimately associated with Miss Ney and Dr. Montgomery there, as well as from Miss Ney and the doctor themselves.

"For the European life, I had what Miss Ney and Dr. Montgomery told me, and likewise what the old housekeeper Crescentia could add, and, later, I did what I could to verify it all by getting the point of view of persons who knew them in Munich. This part of my investigation was, however, brought to an abrupt close by the breaking out of the war.

"Of my own volition, I should never have taken all this trouble simply to write the life of any individual I have ever known; but in the struggle which centered about Miss Ney in her Austin life, I believe there will be discerned finally the beginning of the effort of this pioneer Southwest to find itself aesthetically; and I cannot help thinking that it was worth while to get the story into some sort of permanent form before all those who had a part in living it have passed away.

"If I have made mistakes (which is more than likely), there are no doubt some persons left who can point them out. A few years from now this would be impossible to hope for."

EUGENE C. BARKER.

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*Viajes de Misioneros Franciscanos á la Conquista del Nuevo Méjico.* Con un mapa y dos estadísticas de las misiones Franciscanas en los años de 1786 to 1788. By P. Otto Maas, O. F. M. (Seville: Imprenta de San Antonio, 1915. Pp. 208.)

This volume of documents from the General Archive of the Indies in Seville, Spain, affords an interesting example of foreign activity in the local field of the Southwest. It is the work of a young German Franciscan, who has been commissioned to study the history of his order in the Spanish archives, and represents the first fruits of his labors in Seville. On account of the local nature of the field, and the lack of bibliographical facilities at the author's command, it is not surprising that some documents that have already been printed are included in the volume, as well as a few that are not confined to the region indicated by the title. The documents published are the following:

1. Records of the founding of the missions of Santa Maria de los Dolores, San Juan Bautista, San Francisco Solano, and San

Bernardo. (These missions were really in Northern Coahuila.)

2. Diary of the expedition made to the San Marcos River in 1709 by Fathers Antonio de Olivares and Isidro de Espinosa. (This diary deals chiefly with Texas, and has been known in transcript form.)

3. Diary of the expedition made by Father Silvestre Velez de Escalante to the Moqui, 1775.

4. Two letters of Escalante to the provincial, Father Isidro Murillo, concerning communication between New Mexico and California, and in regard to the conversion of the Moqui (May 6, 1775, and July 29, 1776).

5. Two letters of Father Atanasio Dominguez to Murillo, enclosing letter of Father Garcés and one of Mariano Rosete y Perlata (all 1776).

6. Diary of Fathers Dominquez and Escalante to the Colorado and Cosnina, 1776-1777.

7. Diary of Father Garcés to the Colorado, San Gabriel, and Moqui, 1775.

The map of Garcés's *entrada* of 1777 is reproduced here.

Most of the documents not already printed have been accessible to students in the transcripts at the University of Texas and the University of California.

W. E. D.

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*Historical Polk County, Texas.* By James E. Hill, J. M. Alexander, and T. F. Meece, committee on publication, Ike Turner Camp, U. C. V. Livingston, 1916. 8vo, pp. 66. 25 cents.

After tracing briefly the origin of the county, there follows a short account of secession, and a longer one of the seven companies raised in Polk county for the Confederate States army. Six companies were infantry; three belonged to Hood's Brigade. "Polk county furnished more soldiers than she had voters, and as large, if not a larger number, in proportion to her white population, than any other county in the State." Biographical notices of about two dozen of the officers are included. Rosters, not only of the companies raised in Polk county, but of all men enlisted from this county are attempted. The booklet closes with the speeches of James E. Hill and James M. Crosson delivered on the

occasion of the unveiling of the Confederate Monument at Livingston, Texas, October 10, 1901.

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Biographical sketches of Sydney Smith, for many years secretary of the State Fair of Texas, and of Miss Clyde Giltner Chandler, the sculptor, were printed in the *Dallas News*, October 15, 1916. Miss Chandler designed "The Gulf Cloud" or Sidney Smith Memorial Fountain.

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Under the title "The patron saint of the University of Texas," R. Bedichek reviews for the *San Antonio Express* of October 29, 1916, the valuable services of George W. Brackenridge as regent.

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"The Cow Country," by Frederick L. Paxson, is the title of an article in the *American Historical Review* (October, 1916) that relates to the region served by THE QUARTERLY.

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*Monuments of Galveston: A Guide* is the title of a small pamphlet prepared by a committee composed of Cornelia Branch Stone, R. Waverley Smith and Ballinger Mills, and published by the Rosenberg Library, 1915.

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*The Texas History Teachers' Bulletin*, V, No. 1 (November 15, 1916), prints twelve documents from the Nacogdoches Archives, dated June and July, 1832, dealing with the uprising of the colonists against Colonel Bradburn at Anahuac.

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*A Financial History of Texas*, by Edmund Thornton Miller, Adjunct Professor of Economics in the University of Texas, has just been issued as a Bulletin of the University. It will be reviewed in the next number of THE QUARTERLY.

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"An Episode of the Texas Revolution," contributed by Colonel J. Morris Morgan to *The Military Historian and Economist*, I, 467-473 (October, 1916), is a contemporary account of the duel between General Felix Houston and General Albert Sidney Johnston in 1837.

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In the *Atlantic Monthly* for January, 1917, Colonel Morgan begins "Recollections of a Rebel Reefer."



## NOTES AND FRAGMENTS

*Land Office Seal.*—On page 444, Vol. 19, of THE QUARTERLY, reference was made to the seal of the General Land Office, which had recently come into the possession of the Texas State Historical Association. The *Texas State Gazette*, May 25, 1850, contains a letter from Edward Hall, partner of William Bryan, in which the following facts concerning this seal are given:

“The late Commissioner of the General Land Office, Col. Thos. Wm. Ward, ordered, through Mr. Bryan, a seal to be engraved in New Orleans, which Mr. Bryan had made, as he supposed, agreeably to the order. He sent it to Col. Ward, with a bill of the cost; but Col. Ward afterwards returned it, stating that it would not answer. Mr. Bryan offered it back to the engraver, who refused to take it, and demanded payment. Mr. Bryan replied that he had not received the pay from Col. Ward, and declined paying for it. The engraver then said he might keep it, for he would have nothing more to do with it. The seal was then put away among Mr. Bryan’s papers as perfectly useless.”

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NEWS ITEMS

The Sam Houston Normal has received the smoking and sleeping caps of General Sam Houston. These interesting articles were recently sent to President Estill by Colonel A. J. Houston, of Beaumont, to become a part of the collection of the personal effects of General Sam Houston which the Sam Houston Normal has been making for many years. Among other things, the Normal has, in addition to the new articles, General Houston’s leopard skin vest, walking cane, saddle, drinking cup, spectacles and a number of personal effects.—*Galveston News*, December 31, 1916.

Major George W. Littlefield has added within the past six months more than \$10,000 to the available funds of the Littlefield Fund for Southern History. With this money the University of Texas has already acquired the valuable file of Charleston newspapers noticed in the previous number of THE QUARTERLY, and is now engaged in acquiring collections of session laws, legisla-

tive journals and documents, journals of Constitutional Conventions, etc., for all the Southern States.

A Confederate monument was unveiled at Georgetown, November 10, 1916.

Colonel George Iverson Goodwin, author of the bill creating the Texas Agricultural and Mechanical College, died at his home in Brownwood, October 26, 1916.

Andrew Phelps McCormick, Judge of the United States Court of Appeals for the Fifth Circuit, died at Waco, November 2, 1916.

Mrs. Frances Asbury Mood, widow of the late Dr. F. A. Mood, founder of Southwestern University, died at her home in Georgetown, November 13, 1916.

Paul Waples, Chairman of the State Democratic Executive Committee, was killed on November 16, 1916, when the automobile in which he was riding and an interurban street car collided.

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#### AFFAIRS OF THE ASSOCIATION

The Annual Business Meeting of the Texas State Historical Association will be held at Austin on Friday, March 2, 1917, at 10 o'clock, in Room 158 of the Main Building of the University of Texas.

# THE SOUTHWESTERN HISTORICAL QUARTERLY

Vol. XX

APRIL, 1917

No. 4

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PUBLISHED QUARTERLY BY  
THE TEXAS STATE HISTORICAL ASSOCIATION

AUSTIN, TEXAS

Entered at the post-office, Austin, Texas, as second-class mail matter

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The Association was organized March 2, 1897. The annual dues are two dollars. THE QUARTERLY is sent free to all members.

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# THE SOUTHWESTERN HISTORICAL QUARTERLY

VOL. XX

APRIL, 1917

No. 4

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

## THE TARIFF HISTORY OF THE REPUBLIC OF TEXAS\*

ASA KYRUS CHRISTIAN

### CHAPTER I

#### EARLY TARIFF MEASURES

A government which has recently established its independence is expected to move with uncertain and vacillating steps in setting up institutions; and the establishment of a financial system is the most difficult task that confronts it, since inexperienced men must in the nature of things be in control, and many different interests must be placated. It is not strange, then, that throughout the period of the Republic many of the laws of Texas, particularly those relating to finance, partook of the nature of experiment, and were frequently changed to meet changing conditions. Thus, there were no less than seven laws passed between 1835 and 1842, establishing custom duties, altering rates already established, regulating the methods of collection, and pre-

\*This paper has been accepted in partial fulfillment of the requirements for the M. A. degree at the University of Texas.

Since preparing the most of the paper I have read *A Financial History of Texas*, by Professor E. T. Miller of the University of Texas. This book contains an excellent summary of the tariff system of the Republic of Texas. I have made free use of the footnotes in gathering additional material, particularly on the relation of the tariff to other fiscal policies. I desire also to express my indebtedness to Mr. E. W. Winkler, Reference Librarian in the University of Texas, for many helpful suggestions; to Mr. Sinclair Moreland, Archivist in the Texas State Library; and to Professor Eugene C. Barker for helpful suggestions and criticisms, and for the inspiration of his teaching.

scribing what form of money should be received in payment of duties; and even in the years when no tariff bill was enacted the question was up in Congress in some form. In some cases a bill had hardly had time to take effect before another was passed altering its provisions or repealing it altogether.

By the ordinance creating the provisional government passed by the Consultation, November 13, 1835, power was granted to the General Council "to impose and regulate imposts and tonnage duties, and provide for their collection under such regulations as may be the most expedient." In his first message Governor Smith recommended the establishment of a tariff, and it was estimated by the finance committee that tonnage duties alone would amount to \$125,000. On December 8, 1835, the General Council passed "An Ordinance and Decree establishing and imposing Duties on Imports and Tonnage and for other purposes," and this ordinance received the signature of the governor on the 12th.<sup>1</sup> The ordinance named without defining six revenue districts—Sabine, Galveston, Brazos, Matagorda, Jackson, and Aransas. Duties were to be collected at the rate of 20 per cent ad valorem on all goods entitled to debenture in the ports from which they were exported, and at the rate of 10 per cent on all others, with the exception of household goods, guns and ammunition, which were to be admitted free. On December 27 a supplementary act raised these duties to 25 per cent and 15 per cent respectively. A supplementary act had already provided on the 15th for a tonnage duty of \$1.25 a ton on all vessels of more than ten tons, and for a specific duty of 12½ cents a gallon on whiskey and wines.<sup>2</sup>

No reports are available on which to base an estimate of the returns under this act, but they probably amounted to very little. The merchants anticipated the law and imported larger stocks than usual. The one firm which neglected to purchase additional supplies because it was purchasing supplies for the government was exempted from the provisions of the act. On March 12, 1836, the constituent convention decreed that the pro-

<sup>1</sup>Barker, "The Finances of the Texas Revolution," in *Political Science Quarterly*, XIX, 617, 623, 624.

<sup>2</sup>Gammel, *Laws of Texas*, I, 983.

visional government had exceeded its authority in levying import duties, and ordered what had been collected to be repaid.<sup>3</sup>

The act of December 12, 1835, and the subsequent supplementary acts were makeshifts to serve until the constitutional government could establish a more comprehensive system of tariff duties. Early in the first session of the First Congress the tariff policy of the government was taken up for settlement. On October 4, 1836, President Burnet, in his message to Congress, said:

Duties on imports, and in some cases on exports, constitute a convenient and economical mode of supplying the public necessities, and are less onerous to individuals than almost any other impost. . . . When the abundant intrinsic resources of our country shall be fully developed, then it may be the glory of Texas to invite kindred nations of the earth to an unembarrassed intercommunion of their diversified products.<sup>4</sup>

He made no recommendation except that there be a careful adjustment of the tariff so as to apply equally to all classes and commodities. And it was in this spirit that an act was discussed and passed. On October 11, 1836, Moseley Baker of Austin county moved in the House of Representatives that the committee on ways and means be instructed to prepare a bill to raise revenue by import duties.<sup>5</sup> On October 19th Branch of Liberty county, chairman of that committee, introduced a measure in keeping with this resolution.<sup>6</sup> At various times during the following two months the bill came for discussion and minor amendments, though it did not become a political question. The discussion was more or less desultory. On December 15th it passed the House and was sent to the Senate, where it was passed as routine business the same day.<sup>7</sup>

The policy as indicated by this bill was to lay a rather heavy duty on luxuries and a comparatively light one on necessaries. For example, on wines and silks an ad valorem duty of 45 per cent and 50 per cent respectively was charged, while on

<sup>3</sup>Barker, *op. cit.*, 624.

<sup>4</sup>First Congress, First Session, *House Journal*, 13.

<sup>5</sup>*Ibid.*, 34.

<sup>6</sup>*Ibid.*, 58.

<sup>7</sup>*Ibid.*, 219; First Congress, First Session, *Senate Journal*, 97.

necessities, such as breadstuffs, coffee, etc., the duties ranged from 1 per cent to 10 per cent ad valorem. All unenumerated articles were to pay duty at the rate of 25 per cent ad valorem. This made the general average of duties about 25 per cent. Other sections of the bill provided for tonnage duty of 25 cents a ton on all vessels of ten tons or more; for the appointment of proper officials for each district; for the payment of customs dues in treasury notes if paid at once.<sup>8</sup>

The act of December 20, 1836, was to go into operation June 1, 1837. It made no provision for collection districts, however, and no collectors had been appointed before that date.<sup>9</sup> Before it could become effective, however, the Congress was busy in the preparation of another bill.

The general conditions of trade at that period are summed up very well by Crawford, vice-consul of the British government, in Galveston to O'Gorman, Consul-General in Mexico City. On May 13, 1837, he wrote as follows:

I endeavored to obtain returns of the Trade corresponding to each port, but as they have had no Duties to collect till this time, so they have had no Collectors nor port Officers to collect information, and I am only enabled to form an estimate of what the trade is at present, by what I have seen and conjecture that it will increase proportionately with the population crowding in. At present about 40 Vessels averaging 100 Tons ea[ch] carry on the whole Commerce monthly which would give an aggregate of 48,000 Tons in the year, and they are all under the flag of the United States, with the exception of two or three sailing under the single star of Texas. . . .

The appointment of the necessary Revenue Officers will no doubt be made forthwith, but I have reason to think that a modification of the Tariff will be carried by the present Congress to the effect of authorizing the President to exempt from duty for one year all articles for Agricultural use, provisions of all kinds, seeds

<sup>8</sup>Gammel, *Laws of Texas*, I, 1286; *Telegraph and Texas Register*, June 3, 1837.

There are two insertions of this act in Gammel, *Laws of Texas*. The first insertion gives the rate on unenumerated articles as 20 per cent, and the second at 25 per cent ad valorem. The first is an error. In the *Telegraph and Texas Register* for June 3, 1837, there is a statement from the chief clerk of the State Department saying that the act as passed provided for a rate of 25 per cent ad valorem on all unenumerated articles.

<sup>9</sup>Crawford to O'Gorman, May 13, 1837, in *Texas Historical Association, THE QUARTERLY*, XV, 208.



and plants, Saddlery and Harness, Artificers Tools, Lumber and framed houses with the Glass and fastenings they require, etc.<sup>10</sup>

Crawford's opinion that there was likely to be a revision in connection with the subjects named probably indicates some popular objection to the tariff act of the preceding Congress. In the *Telegraph and Texas Register* for May 2, 1837, there is an article giving the price of flour at from \$15 to \$20 a barrel, and stating that sugar, coffee, and other provisions cost three times as much in Houston as in New Orleans. It was likely, then, that a revision in the tariff would cover all articles of necessity such as those listed. And Congress did immediately enter into a discussion of a new tariff measure.

## CHAPTER II

### THE TARIFF OF JUNE, 1837, AND THE BEGINNING OF OPPOSITION

The real tariff history of the Republic of Texas begins with the act of June 12, 1837. This was the first act to become effective under the constitutional government, and henceforth there was a tariff in operation, though the rates and the methods of collection varied materially. This act is important because it expresses the attitude of a large majority of the tariff advocates throughout the period of the Republic. It is further interesting as it is thus early associated with the land question as a fiscal policy.

In his message to Congress on May 5, 1837, President Houston had nothing to say with regard to the tariff. He did say with regard to the trade of the Republic, however,

Her cotton, sugar, indigo, wines, peltries, live stock, and the precious minerals, will become objects of mercantile activity. To establish such intercourse with nations friendly to us, as will induce them to seek our markets with their manufactures and commodities, and receive from us in exchange our productions, will become our imperative duty.<sup>11</sup>

On May 13th a resolution was submitted in the House of Representatives on taxation, which was adopted as follows:

<sup>10</sup>*Ibid.*, *loc. cit.*

<sup>11</sup>*Telegraph and Texas Register*, May 9, 1837.

Resolved that the Committee on Ways and Means be instructed to prepare a bill to raise revenue by direct taxation, and also to inquire what amendments are necessary in the law that levies impost duties after the first of June next.<sup>12</sup>

In conformity with this resolution, the chairman of that committee introduced on the 24th an act to raise revenue by import duties.<sup>13</sup> On the 27th Joseph Rowe of San Augustine county offered a resolution to defer tariff and tax legislation until the question of opening the land offices should be settled, and thus early began the opposition to the tariff of the eastern section. This resolution was defeated, however, by a vote of 14 to 10.<sup>14</sup> The tariff bill was taken up on its second reading on the 31st, and on June 1, it passed its final reading.<sup>15</sup> The amendments to the bill before its final passage indicate an effort to make the duties on necessaries light and on luxuries heavy. For example, the original bill had provided for a specific duty of four cents a pound on coffee. This was changed to one cent. The duty on salt was lowered from ten cents a bushel to three cents. On the other hand, the duty on jewelry was raised from 12½ per cent and 25 per cent ad valorem to 33⅓ per cent.<sup>16</sup> The Senate received the bill on June 1, and under a suspension of rules it was read a first, second, and third time and passed.<sup>17</sup> On the following day it was returned to the House where the Senate amendments were concurred in, and the bill passed to enrollment.<sup>18</sup>

The first draft of this act as it was passed to engrossment and enrollment had provided for payment of duties in gold, silver, or properly audited drafts on the treasury. On June 9, the committee on ways and means recalled the bill for an amendment striking out the provision for the use of authenticated treasury drafts, which was passed after an effort of Moseley Baker of Austin had been made to allow the original holders of such drafts

<sup>12</sup>First Congress, Second Session, *House Journal*, 25.

<sup>13</sup>*Ibid.*, 60.

<sup>14</sup>*Ibid.*, 72.

<sup>15</sup>*Ibid.*, 90.

<sup>16</sup>*Ibid.*, 89.

<sup>17</sup>First Congress, Second Session, *Senate Journal*, 45.

<sup>18</sup>First Congress, Second Session, *House Journal*, 95.

to pay duties with them. Baker's amendment failed by a vote of 11 to 12.<sup>19</sup> The measure received the president's approval June 12.

The preamble to this act declares its purpose to be to raise a public revenue by import duties, to aid in defraying the public expenses, sustaining the public credit, and securing to the public creditors a fair annual or semi-annual interest on their stock in the funded debt. Naturally the protective principle did not appear. There was an effort to lower the price of provisions by admitting them free of duty with a few exceptions. The free list included breadstuffs, including corn, wheat, barley, and oats; pickled beef, salted and smoked pork, neat's tongue; potatoes, beets, beans, rice, and vinegar. Another free list included tools of trade, lumber and building material, firearms and ammunition, these materials being necessary to the development of the country. Some provisions, however, were required to pay a rather heavy duty. Among these were butter, 6¼ cents a pound; white sugar, 4 cents a pound; tea, black, 12½ cents; green, 25 cents a pounds.

The duties on liquors, spirits, and whiskeys were from 25 to 75 cents a gallon, depending on the quality; on wines, from 25 cents to \$2; on silk goods, 30 per cent ad valorem; on jewelry, 33½ per cent; on playing cards, 50 per cent; cigars, \$2.50 a thousand. Iron articles were to pay at the rate of 20 per cent ad valorem. The duties on unenumerated articles were to be at the rate of 25 per cent ad valorem.<sup>20</sup>

The provision that only gold and silver should be accepted in payment of duties under this act created some confusion. The law of June 7, 1837, creating the audited treasury drafts had provided that they should be receivable for all dues of the government.<sup>21</sup> Under the assumption that the latter act superseded the former, Henry Smith, the secretary of the treasury, on November 5, 1837, instructed collectors not to receive audited drafts in payment of customs.<sup>22</sup> On the 13th he informed them that

<sup>19</sup>*Ibid.*, 134.

<sup>20</sup>Gammel, *Laws of Texas*, I, 1313, 1314.

<sup>21</sup>*Ibid.*, 1301.

<sup>22</sup>Smith to Customs Collectors, November 5, 1837, in *Telegraph and Texas Register*, December 2, 1837.

the president had overruled him in the matter, and they were instructed to receive such drafts.<sup>23</sup> On the 15th the House of Representatives called for a copy of these instructions, and on the following day he complied with the request. In his communication to the House he complained of the conflict in the laws, stating that the act of June 12 had provided that duties should be paid in gold, silver, or such current bank paper as the authorities should from time to time direct, and as the proceeds arising from import and tonnage duties were appropriated for the payment of the interest on the funded debt, he did not think that treasury drafts should be receivable.<sup>24</sup> On December 24, Congress passed an act prohibiting the payment of duties in audited treasury drafts, but creating treasury notes to the amount of \$150,000, which were to be received together with specie in the payment of customs dues.<sup>25</sup>

There seems to have been little if any popular objection to the tariff under this act, though it was probably felt that commerce was adversely affected by it. On July 22, 1837, the *Telegraph and Texas Register*, in commenting on the general prosperity, said that commerce seemed to be languishing under a baneful influence. "The attention of government, however, has already been attracted to the evil," the writer optimistically continued,

and we feel confident that under the fostering influence of a liberal policy this powerful arm of the national strength will soon be restored to its wonted energy.

A little later a writer from Galveston was calling attention to the fact that duties on imports and tonnage were being collected, and that the public credit of Texas would be raised thereby, and that the creditors of Texas would be convinced that their claims would be satisfied.<sup>26</sup>

The campaign for free trade began early in the called session of the Second Congress, and as was usually the case thereafter a representative from the eastern part of the Republic stood

<sup>23</sup>*Ibid.*, *loc. cit.*

<sup>24</sup>*Ibid.*, *loc. cit.*

<sup>25</sup>Gammel, *op. cit.*, I, 1322.

<sup>26</sup>*Telegraph and Texas Register*, August 5, 1837.

sponsor for the resolution to repeal the tariff acts and declare the ports of Texas free. On September 29, 1837, upon a resolution by Douglass of Nacogdoches a special committee was appointed to report a bill repealing the tariff laws then in force.<sup>27</sup>

It is interesting to note that as early as June 1, 1837, East Texas began its campaign for free trade, and West Texas its complaint that the eastern portion was escaping taxation. On that date Joseph Rowe of San Augustine county made a proposal in Congress for the abolition of the revenue district of Red River. This was objected to by W. W. Gant of Washington county on the ground that there was no reason why the eastern portion of Texas should be exempted from taxation, while the western portion was laboring under a tariff.<sup>28</sup>

The committee which had been appointed in the House on September 29, reported with a bill on October 16, which on the 20th was referred to the committee on ways and means.<sup>29</sup> On the 23rd the opponents of repeal passed a resolution, introduced by Patten of Bexar county, for the appointment of a committee of five to revise the tariff.<sup>30</sup> The effort to repeal the tariff laws was dropped when the bill was submitted to a select committee on November 27th,<sup>31</sup> which on the 30th reported a substitute providing for an extension of the free list.<sup>32</sup> The bill was taken up on its second reading the following day, when an effort was made to remove dried peaches, boots and shoes, beef, bagging and ties, and coffee from the free list. The effort was successful with regard to dried peaches and beef, but it failed with regard to the other articles. The proposal to lay a duty on coffee was defeated by a vote of 24 to 2, the two representatives from Brazoria supporting it. It passed to engrossment by sections at an afternoon session after it had failed during the morning session,<sup>33</sup> and on December 4 it was passed after the duty on un-

<sup>27</sup>Second Congress, Called Session, *House Journal*, 14.

<sup>28</sup>*Telegraph and Texas Register*, June 8, 1837.

<sup>29</sup>Second Congress, Called Session, *House Journal*, 53.

<sup>30</sup>*Ibid.*, 57.

<sup>31</sup>*Ibid.*, 189.

<sup>32</sup>*Ibid.*, 203.

<sup>33</sup>*Ibid.*, 210.

enumerated articles had been lowered from 30 to 20 per cent ad valorem.<sup>34</sup>

The Senate passed a substitute for this bill on December 12, after a substitute by William H. Wharton of Brazoria county providing for an ad valorem duty of 15 per cent on all articles except machinery and immigrants' family stores had been defeated, and a resolution to repeal the tariff laws had been indefinitely postponed.<sup>35</sup> The substitute of the Senate was accepted by the House on the 16th,<sup>36</sup> and the bill was signed by the president on the 18th.

The general purpose of the act of December 18, 1837, was to reduce the cost of provisions, as well as to make some concessions to the advocates of free trade. Sugar, coffee, tea, salt, flour, breadstuffs, pickled pork, and bacon were the foodstuffs which were added to the free list, while to the industrial free list were added a number of articles of necessity, as iron and steel, household furniture, cotton bagging, bale rope, books, stationery, machinery of all kinds, wagons, carts, harness, with necessary farming utensils, lime, lumber, and implements brought in by immigrants for their own use. The duty on cotton goods was lowered from 15 to 10 per cent ad valorem, and all other articles were left as in the law of June 12, 1837.<sup>37</sup>

A comparison of prices before the act went into effect with those of a year later shows no marked difference. On August 19, 1837, in the Houston markets butter was selling at 50 cents a pound, coffee at 17 to 20 cents, sugar at 20 cents, and molasses at \$1 to \$1.12½ a gallon. On September 30, 1838, in the same markets butter was selling at 75 cents a pound, coffee at 20 cents, sugar at 17 to 20 cents, and molasses at \$1.50 a gallon.<sup>38</sup> The variation in price was due to fluctuation in the currency and to scarcity of those articles in the market, and not to the tariff.

<sup>34</sup>*Ibid.*, 217.

<sup>35</sup>Second Congress, *Senate Journal*, 104, 110, 113.

<sup>36</sup>Second Congress, *House Journal*, 279.

<sup>37</sup>Gammel, *op. cit.*, I, 1490.

<sup>38</sup>*Telegraph and Texas Register*, August 19, 1837; September 30, 1838.

## CHAPTER III

## THE BEGINNING OF THE CAMPAIGN FOR FREE TRADE

After the act of December 18, 1837, there was not another tariff measure passed until February, 1840. This does not signify, however, that the tariff question was not of interest to the people and to Congress in the meantime. The proposal to repeal the tariff laws during the Second Congress was dropped without coming to a vote in the House, but in the Senate it did come to a vote and was postponed indefinitely by a vote of 7 to 3.<sup>39</sup> "One of the People" in a communication to the *Telegraph and Texas Register*, July 7, 1838, wanted "the tariff and commerce laws repealed, and the loafers around the custom houses put to work." William H. Wharton read in the Senate on December 11, a memorial from citizens of Brazoria county asking for the abolition of the tariff laws, which was referred to a special committee on the tariff.<sup>40</sup>

The Third Congress met on November 5, 1838. The next day Wharton of Brazoria county announced in the Senate that he would offer at an early date a bill for the total repeal of the tariff except with regard to certain obnoxious articles which he would name,<sup>41</sup> and on the 8th he introduced his bill for repeal, which was referred to a special committee. On the 7th Holmes of Matagorda offered a resolution in the House for the abolition or modification of the tariff, which was referred to the committee on finance, after Kaufman of Nacogdoches county had attempted to amend the resolution by striking out "modification."<sup>42</sup> Pending the report of these committees there was little discussion of the tariff in either house.

It was during this period that the *Telegraph and Texas Register* took the lead in the advocacy of free trade. The editor, Francis Moore, Junior, on November 14, 1838, in discussing the bills introduced a week earlier for the abolition of the tariff, said that he had long and ardently desired to see such a meas-

<sup>39</sup>Second Congress, *Senate Journal*, 110.

<sup>40</sup>Third Congress, *Senate Journal*, 47.

<sup>41</sup>*Ibid.*, 14.

<sup>42</sup>Third Congress, *House Journal*, 27.

ure carried into effect. He thought that whatever sums were needed to defray the expenses of government were better raised by a direct tax; that duties were unequal, unjust, and evaded by smugglers. In this connection he said:

This is peculiarly the case at present in some parts of eastern Texas; there are custom-house officers stationed at only two points along that line of frontier extending about six or seven hundred miles from the mouth of the Sabine to the waters of the False Washita or Red River; And it is a singular fact that the net proceeds of the revenue of one of those districts do not amount to one-fortieth part of the expenses of the custom-house officers employed in that district. The population of the districts on that frontier, is greater than that of all the other districts in Texas, and yet the amount of duties paid in to the government from those two districts, amount to less than one-sixth of the duties paid in from the other districts.

The burden of his objection to the tariff, which continued to be the chief cause for objections from this time on, was its inequality. The eastern counties along the Sabine were evading the law, while the West was bearing its whole burden. In replying to the objections to repeal, he said:

The chief objection to the repeal of the tariff is, that the measure may tend to depreciate our currency in the United States, it is said, the demand for it mainly depends upon the revenues. This is a mistake; our currency is sustained in that country as well as at home, mainly because it is based upon the confidence of the people.

He had been well aware that the proposition for annexation to the United States would be unconditionally withdrawn, and that Texas would assume new and important relations with foreign nations. "But it is upon our foreign relations," he said,

that this measure will have the most important bearing; for if our ports are once thrown open to commerce to the world, the inhabitants throughout a large extent of the adjoining States of the Union on the East, and of Mexico on the West, will be induced to procure their supplies for foreign goods through Texas.

In other words, that smuggling would be from Texas instead of into Texas.



In December, 1838, the new president, Mirabeau B. Lamar, was inaugurated, and on December 22, he sent his first annual message to Congress. He said that the bias of his mind was for a total abolition of all duties on imports, and he hoped the time was near at hand to invite the commerce of the world to "our free and open ports." "The radical policy of Texas is anti-tariff," he continued,

because its commercial commodities are of the raw material, which fears no impost rivalry, and paying no contributions to manufactories; yet the immediate adoption of free trade as is proposed by many of our citizens and statesmen, would in the present situation of our country exhibit an apparent recklessness and imprudence, which could not fail to affect our credit abroad. . . . In addition to this, it should be borne in mind, that the revenue collected through custom houses has been, and is still, our chief dependence for sustaining the credit of our public issues, which must most certainly sink into a disastrous and degrading depreciation with the repeal of the imposts. Indeed, if we abolish the Tariff in the present impoverished condition of the treasury, the government will be left destitute of the means of sustaining itself during the interval of collection of the necessary fund by direct taxation, or raising it on foreign loans, which in either case, under the most favorable circumstances, will require several months to effect.<sup>43</sup>

In his issue of December 29, 1838, the editor of the *Telegraph and Texas Register* denied the validity of Lamar's reasons for opposing a repeal or modification of the tariff, though he admitted that it would be unjust to importers to repeal the laws immediately. He said that there were no manufacturing interests to protect, and nothing to fear from the rivalry of importers. He suggested a gradual increase in direct taxes as the tariff should be gradually repealed.

On November 13, 1838, a resolution was passed in Congress calling for a report from the Secretary of the Treasury, Henry Smith, on the finances of the government. In his reply on the 29th he defended the tariff system at length. He said that the tariff was the easiest and most just form of taxation; that a direct tax was odious and unjust, and could not be relied upon

<sup>43</sup>Third Congress, *House Journal*, 180, 181.

with certainty; and that the abolition of the tariff would result in too much importation, and take away the means requisite to prosperity. A wise system of duties on imports would make other taxes unnecessary. With regard to the unequal administration of the tariff laws, he said:

If Eastern Texas could be constrained to bear their fair share of revenue equal to their probable imports, the scale would be greatly changed in favor of revenue. It will be seen that the amount of revenue from imports is \$335,955.83, of which Eastern Texas contributes only \$47,522, leaving a balance against that section most numerous populated, of \$288,433.83. It is confidently hoped that congress will adopt such measures as a prudent policy may dictate, to protect and secure collection of duties in that quarter.<sup>44</sup>

The House Committee on Finance, to which had been referred the various tariff measures, made its report on December 22, 1838. They found it to be unjust and inexpedient at that time to abolish the tariff. The national treasury would admit of neither abolition nor modification. They said that if the tariff were either abolished or modified, the only other alternatives were either a loan or an increase of direct taxes; that a loan was but prospective; that the adoption of such a course would cause the monied nations to withhold credit. The committee did not believe that an increase in direct taxes was in accord with a wise and just policy. In defense of the tariff then existing they said that all articles of prime necessity were admitted free of duty, and that a change would benefit only the mercantile interests. This report was immediately adopted without division.<sup>45</sup>

The report of the special committee of the Senate shows a somewhat different attitude toward the general question of a tariff. This committee delivered its report on January 8, 1839.<sup>46</sup> The report concurred in the recommendations of the president, agreeing that it was inexpedient to abolish the tariff until a loan was secured or direct taxes levied on all lands. For the present the tariff furnished a ready revenue which was available each quarter. After these recommendations, however, the committee

<sup>44</sup>*Telegraph and Texas Register*, January 2, 1839.

<sup>45</sup>Third Congress, *Home Journal*, 206-210.

<sup>46</sup>*Ibid*, 210.

examined the arguments for and against the tariff in comparison with a direct tax, and came to the conclusion that the tariff laws should be blotted from the statute books as early as possible. The argument that the tariff was an indirect tax, and that the people submitted to it because they did not know it was a tax, was ridiculed. The committee said that the people knew they were taxed. The argument that it protected and fostered domestic manufactures was answered by saying that Texas had no manufactures to protect. With regard to the tariff creating a demand for the currency the committee said that it created a demand for only a certain kind of currency, the change notes. They denied that it was inexpensive to collect. They said that the tariff was an encouragement to smuggling. The strongest argument for repeal in the minds of the committee was that the Republic would receive more favorable notice from England and a recognition of independence if free trade were adopted, and that recognition would enable them to make a loan. Finally, the committee thought that a land tax was much more just and equal.<sup>47</sup> The Senate immediately voted to accept this report without division,<sup>48</sup> so there was no tariff measure passed during this session, with the exception of one relating to administration, which I shall discuss in another connection.

#### CHAPTER IV

##### COMMERCIAL TREATIES AND THE TARIFF OF 1840

The Senate committee on the tariff in the Third Congress had reported in January, 1839, that nothing would do more to secure the favorable consideration of England and a recognition of their independence by her than the establishment of a system of free trade. Before this time, however, the executive department had already tried the tariff and commerce as an instrument to secure recognition of independence, and in the case of the United States to obtain both recognition and annexation. The policy consisted of two well-defined alternatives, the promise of favorable tariff laws and commercial regulations in return for

<sup>47</sup>*Telegraph and Texas Register*, January 16, 1839.

<sup>48</sup>Third Congress, *Senate Journal*, 88.

recognition, or a threat of discriminatory legislation if recognition was not given. With this policy in mind various commissioners had been sent abroad to secure recognition. This policy, out of which grew the low tariff act of February 5, 1840, is of such importance in connection with the tariff that I shall discuss it in some detail.

In November, 1836, William H. Wharton was sent as minister to the United States. He was instructed by Stephen F. Austin, Secretary of State for Texas, to do everything possible to bring about recognition and annexation. He was also to keep in touch with the ministers of England and France, "explaining to them the great commercial advantages that will result to their nations from our cotton, etc. and finding a market here for their merchandise, and an outlet for their surplus population, on the basis of a system of low duties and liberal encouragement which it will be our interest to establish."<sup>49</sup> Wharton was to cultivate close and intimate relations, however, only in case the policy of the United States should be indifferent or adverse.<sup>50</sup> In February, 1837, Wharton became rather discouraged, and wrote that he had put the British and French ministers in possession of facts regarding Texas, so that the Republic could turn its attention to a more friendly court if treated unjustly by the United States.<sup>51</sup>

The formal instructions to Wharton had not suggested that he use as a threat the possibility of discriminatory legislation against the United States. The instructions were private and only for his information. In December, 1835, Memucan Hunt was sent as Minister Extraordinary to assist Wharton in his negotiations for recognition and annexation, and in case recognition had been granted he was to urge commercial reasons for annexation.

In addition to the reasons given in the former instructions you may urge it on the ground of the verry great commercial advan-

<sup>49</sup>Austin to Wharton, November 18, 1836, in Garrison, *Diplomatic Correspondence of the Republic of Texas* (Annual Report of the American Historical Association, 1908), I, 137.

<sup>50</sup>*Ibid.*, I, 140.

<sup>51</sup>Wharton to Rusk, February 12, 1837, in Garrison, *Dip. Cor. Tex.*, I, 185.

tages as well as the naval strength which it would give to the United States, for in the event of the refusal of that government to receive this Country into the Union either as a State or a Territory it may become necessary for Texas to form a Treaty of amity and commerce with England or some other European power which would forever and entirely preclude the people of the United States from enjoying any of the benefits resulting in Texas from the richness of her soil commerce etc etc etc These reasons may be forcibly impressed particularly upon the Representatives of the Northern States from whom we may expect to meet the greatest opposition, because should Texas be attached to the United States the immense consumption of those articles principally manufactured in the United States will more than compensate for the additional strength which annexation will add to the political influence of the South. The great and abundant supply of raw material from this Country will reduce the price which they will have to pay for the same and at the same time keep it at a more uniform price thus preventing the great fluctuations so frequently occurring in the United States to the distress and ruin of thousands. As things now are in the United States a partial failure one year will raise the price of the raw material much above its intrinsic or ordinary value, the next it will be suddenly reduced by an abundant crop, but open as this Country would do an immense territory for the production of cotton—land the richest and most productive in the world these fluctuations would not occur, as no failure w[h]ich could ordinarily happen would visibly shorten the supply. On the other hand should the Government of the United States refuse to admit this Country into the Union etc etc Texas would in all probability in order to gain immediate wealth strength and respectability be induced to form a treaty with England by which all the advantages of commerce wealth and strength would be fo[r]ever lost to the United States and important advantages given to a power on her southern border w[h]ich already confines her on the North.<sup>52</sup>

The independence of Texas was recognized by the United States, March 1, 1837, shortly after the arrival of Hunt in Washington.<sup>53</sup> It is likely that the desire for a field of commercial expansion, and the danger that Texas would form commercial treaties with other countries, played considerable part

<sup>52</sup>Henderson to Hunt, December 31, 1836, in Garrison, *Dip. Cor. Tex.*, I, 163.

<sup>53</sup>Garrison, *Westward Extension*, 91.

in influencing the United States to extend recognition. On February 2, 1837, Jackson wrote to a member of the House of Representatives,

There is no doubt if the Independence of Texas be not acknowledged by the U. States, an effort will be made by Texas to Great Britain to have the Independence of Texas acknowledged by her, giving & securing to Great Britain as a consideration, exclusive commercial benefits.<sup>54</sup>

In August, 1837, John Forsyth, the American Secretary of State, acknowledged to Memucan Hunt, the Texas Minister Plenipotentiary, that the controlling reason for the acknowledgment of Texan independence by the United States was that Texas had proved herself worthy of independence, but still that the hope was entertained that Texas would see the benefit of sustaining amicable relations with the United States and abstaining from forming connections abroad.<sup>55</sup>

Hunt was presented to the president, July 6, 1837, and on August 4, he sent a long communication to Forsyth urging annexation, in accordance with his instructions. After listing the commercial advantages that would accrue to the United States if Texas should be annexed, he said:

As an independent Power, her interests would conflict with those of the United States, and without annexation her struggle in the formation of commercial treaties would most naturally be directed to the establishment of the principle of a preference of her cotton and other products in foreign markets over those of the United States, and such relations, when once established would, it will be perceived, very much embarrass if not render totally impractical a treaty of annexation. . . .

It would be impracticable for either Power to enforce its revenue system, and should the tariffs of the two countries differ essentially as must be the case, nothing but the enforcement of the most cruel and unpopular laws could possibly secure the just collection of custom house duties.<sup>56</sup>

Forsyth in his reply, August 25, said no fear was felt but

<sup>54</sup>Jackson to Howard, February 2, 1837, in Smith, *The Annexation of Texas*, 60.

<sup>55</sup>Forsyth to Hunt, August 25, 1837, in 25th Congress, 1st Session, House Documents, 40, p. 12.

<sup>56</sup>Hunt to Forsyth, July 6, 1837, in *Ibid.*, p. 12.

that Texas would accord to the citizens and vessels of the United States the same impartial treatment that the United States accorded to the citizens and vessels of other countries; that if Texas saw fit to adopt a liberal commercial policy with regard to the United States, she would be met in a corresponding spirit by his government; but that

If the answer which the undersigned has been directed to give to the proposition of General Hunt should unfortunately work such a change in the sentiments of that government as to induce an attempt to extend commercial relations elsewhere upon terms prejudicial to the United States, this government will be consoled by a consciousness of the rectitude of its intentions, and a certainty that although the hazard of transient losses may be incurred by a rigid adherence to just principles, no lasting prosperity can be secured when they are disregarded.<sup>57</sup>

In his reply, September 12, 1837, Hunt said that recognition by the United States did not bind the foreign policies of Texas; that since the manufacturing interests of the United States were dependent upon the tariff, Texas could not guarantee any benefit to those interests, even if the United States should be treated as the most favored nation. He disclaimed any purpose to threaten the passage of any laws directed at the commerce of the United States, but said that the policy of Texas would be to pass laws for the benefit of Texas regardless of their effects on others. He struck more directly at the West when he said:

Should it be found necessary or expedient hereafter, for the proper promotion of the interests of her citizens to lay high duties upon the cotton-bagging so extensively manufactured in the Western States, and upon the pork and beef and bread-stuffs so abundantly produced in that region, such as would amount to almost total prohibition of the introduction of those articles into the country, much as her government and people would regret the necessity of the adoption of such a policy, she would be exculpated from the slightest imputation of blame for taking care of her own welfare and prosperity after having been refused admission into this Union.<sup>58</sup>

How much of this threat of legislation directed against the

<sup>57</sup>Forsyth to Hunt, August 25, 1837, in *Ibid.*, p. 13.

<sup>58</sup>Hunt to Forsyth, September 12, 1837, in *Ibid.*, p. 16.

commerce of the United States in case annexation should fail, was real, it is difficult to say. It is clear, however, that it was intended that the United States should consider it a real danger; and as that policy was carried out in 1840 and 1842, we are justified in assuming that the Texan government had it definitely in mind as an alternative upon the failure of annexation.

On February 17, 1838, the First Comptroller of the Treasury of the United States ordered all officers of the customs to give Texan vessels and products the benefit of the fifth and sixth articles of the treaty between the United States and Mexico.<sup>59</sup> These articles provided for complete reciprocal tonnage and other local dues, and that the same duties should be charged whether the articles were imported in Mexican or American vessels.<sup>60</sup> On March 26, John Birdsall, Acting Secretary of State for Texas, responded with an equivocal agreement,<sup>61</sup> and after April 5, 1838, the commercial terms of the treaty with Mexico were in force between Texas and the United States until 1841, when the treaty expired.

Early in 1841, the Texan government decided to open negotiations with the United States for a treaty of commerce, but on account of the death of President Harrison the Texan minister did not get into communication with Webster, the American Secretary of State, till April 12.<sup>62</sup> At various times during the following year the Texan ministers urged the formation of a treaty, but it was not until August 3, 1842, that the draft of a treaty was signed.<sup>63</sup> It provided among other things for freedom of commercial intercourse, reciprocal duties, free use of the Red River and other rivers rising in Texas or forming a boundary between Texas and the United States, the unrestricted right of deposit for five years, and the reshipment of goods to foreign ports without payment of duty in the United States.<sup>64</sup> The treaty was ratified with some changes by the Texan Senate on

<sup>59</sup>Garrison, *Dip. Cor. Tex.*, I, 313, 314.

<sup>60</sup>41st Congress, 3rd Session, Senate Executive Documents, No. 36, p. 546.

<sup>61</sup>Birdsall to Labranche, March 26, 1838, in Garrison, *Dip. Cor. Tex.*, I, 322.

<sup>62</sup>Marshall, in *THE QUARTERLY*, XV, 275

<sup>63</sup>*Ibid.*, 283.

<sup>64</sup>*Ibid.*, 283, 284.



January 16, 1843, but the Senate of the United States struck out the articles relating to commerce,<sup>65</sup> and it failed of ratification.

On October 12, 1838, Texas formally withdrew its proposal of annexation and began a more serious effort to secure recognition and to form commercial treaties in Europe.<sup>66</sup> The first minister from Texas to the United States had been instructed, as we have seen, to keep in touch with the ministers of the European countries, keeping them informed of the conditions in the Republic of Texas in case the United States proved indifferent.<sup>67</sup> In keeping with this policy, J. Pinckney Henderson was sent as Minister to England in July, 1837. Early in October he held a conference with Palmerston, Minister of Foreign Affairs in the British Cabinet, on the subject of recognition, giving as his chief argument for recognition the commercial benefits that would follow. "He then observed," said Henderson in reporting the conversation,

that he supposed that the disposition of the People of Texas to be annexed to the United States decreased in Proportion to their increased confidence in their own strength and ability to maintain their own independence—to which I readily assented and at the same time observed that the people of Texas were aware that they would possess many advantages as an independent Nation, which they could not enjoy as an integral part of the United States—that as an independent Nation, they would not be subject to be agitated by the local jealousies and struggle for political ascendancy between the North and the South, which has so long disturbed the harmony of the States—that Texas never could be a manufacturing nor a *commercial* people, at least so far as the *Carrying Trade* was concerned, that it would be greatly to her interest to be able to open her ports to every nation, and invite the manufactories of every country to equal competition in our markets, and exchange with us the manufactured articles for the raw material, some of which we could supply in the greatest abundance,—that as an independent power, we would be free from the operation of the protective Tariff

<sup>65</sup>*Ibid.*, 285, 292.

<sup>66</sup>Garrison, *Westward Extension*, 96; Jones to Irion, in Garrison, *Dip. Cor. Tex.*, I, 348.

<sup>67</sup>Austin to Wharton, November 18, 1836, in Garrison, *Dip. Cor. Tex.*, I, 137.

which had so long oppressed the Southern planting States of the Union, that England then could come into our markets on a perfect equality with the Northern States and that considering the low price of labor in this country, they could drive from our markets the manufactured articles of all other countries and also engross the carrying trade of Texas.<sup>68</sup>

Palmerston was unwilling to grant recognition at that time or enter into a commercial treaty with Texas, which would be tantamount to recognition; but on April 6, 1838, he did agree to allow Texan ships the same privileges granted to Mexican ships in English ports, in return for a similar agreement on the part of Texas with regard to English ships in Texan ports.<sup>69</sup> Finding that no other concessions were likely at that time and that the British ministers were averse to discussing the matter, Henderson proceeded to France to see what could be done there.<sup>70</sup> He entered into a most favored nation agreement with that country, November 7, 1838,<sup>71</sup> and about a year later he secured recognition and a treaty of amity, commerce, and navigation.<sup>72</sup>

In 1839, James Hamilton was sent to Europe as loan commissioner for the Republic of Texas, and to assist in securing recognition. He wrote to Palmerston, October 14, 1840, repeating the arguments used by Henderson in 1837, and added that Texas had passed a law levying discriminatory duties against all nations which should not have acknowledged her independence by February 1, 1841, and that Great Britain had an obvious interest in avoiding this discriminatory duty.<sup>73</sup> He managed to secure a commercial treaty, November 13, 1840. Ratifications were not exchanged on this treaty, however, until June 28, 1842, because Texas had held up the ratification of the treaty prohibiting the slave trade until January 22, 1842.<sup>74</sup>

<sup>68</sup>Henderson to Irion, October 14, 1837, in Garrison, *Dip. Cor. Tex.*, III, 815.

<sup>69</sup>Palmerston to Henderson, April 6, 1838, in Garrison, *Dip. Cor. Tex.*, III, 857.

<sup>70</sup>Henderson to Irion, June 2, 1838, in Garrison, *Dip. Cor. Tex.*, III, 1207.

<sup>71</sup>Henderson to Irion, November 12, 1838, in Garrison, *Dip. Cor. Tex.*, III, 1233.

<sup>72</sup>Gammel, *Laws of Texas*, II, 655.

<sup>73</sup>Adams, *British Interests and Activities in Texas*, 53.

<sup>74</sup>*Ibid.*, 87, 88; First Biennial Report Texas Library and Historical Commission, *Secret Journals of the Republic of Texas*, 218.

The treaty with France provided for complete reciprocity as to tonnage, lighthouse charges, and port charges; the products of the soil of either country were to pay the same duties whether imported in French or Texan vessels, and products exported were to enjoy the same privileges, allocations, and drawbacks, as were allowed the same articles of the country from which they were exported; cotton was to be admitted into France on the same terms from Texas as from the United States; French fabrics of silk or part silk were to pay one-half the duty as similar goods from other countries if carried in a French or a Texan vessel, and in every case the duty was to be as low for France as for any other nation; on wines and brandies the duty was to be two-fifths and one-fifth that of other countries, depending on quality. An additional article provided that if Texas diminished the duties on silk it would maintain between silk goods produced in countries beyond the Cape of Good Hope and similar goods of other countries a difference of 10 per cent in favor of the latter.<sup>75</sup>

By the authority of the Tariff Act of 1840, which gave the president the right to make any arrangement for carrying into effect the treaty with France, President Lamar, shortly after the receipt of the treaty, issued a proclamation admitting French wines free of duty.<sup>76</sup> This proclamation was revoked by President Houston, December 21, 1842, as being unwarranted under the law.<sup>77</sup>

The treaties with Great Britain and Holland were uniform in their terms. Both provided for the admission of goods from each country into Texas and from Texas into the other countries under the most favored nation agreement, and that no special concessions were to be granted to other countries which were not allowed to the country forming the treaty as to tonnage, harbor fees, lighthouses, pilotage, quarantine, etc.<sup>78</sup>

In a letter to James Hamilton, Texas loan commissioner to France, February 24, 1840, the Texan Secretary of State, Abner Lipscomb, suggested a very favorable tariff system to apply only to France, provided France would guarantee a loan. The ports

<sup>75</sup>Gammel, *op. cit.*, 655.

<sup>76</sup>Gammel, *op. cit.*, II, 660.

<sup>77</sup>*Ibid.*, II, 878.

<sup>78</sup>*Ibid.*, II, 880, 905.

of Texas were to be open to French goods, and the Texan authorities were to facilitate the expansion of French commerce into Mexico and the United States through smuggling.<sup>79</sup> Nothing came of this, however. The following year Hamilton sent to Texas a memorandum of a tentative agreement with Belgium by which Texas should admit cotton and woolen goods, iron, and linen manufactured in Belgium at one-half the existing duty, while the same articles from other countries should be required to pay at the rate of 50 per cent ad valorem. Arms and ammunition were to be admitted free for the Belgians, while other countries were to pay a duty of 100 per cent ad valorem. The coasting trade of Texas was to be free to Belgian vessels the same as to Texan. In return for this Belgium was to guarantee a loan of 37,000,000 francs by a specific endorsement of the bonds of the Republic of Texas. This plan was rejected by the Texan Senate, October 20, 1841, with very little discussion.<sup>80</sup> There was no further effort to make use of tariff and commercial discrimination in order to secure a loan.

The Tariff Act of February 5, 1840, was directly in accordance with the policy of the adoption of practical free trade in return for recognition of independence. The rate of duties was very low, 15 per cent ad valorem on all articles except a few on which a specific duty was charged, and a few that were admitted free. On account of the depreciated condition of the currency at that time the rate was not really more than 3 per cent.<sup>81</sup> Specific duties were levied on wines, liquors, etc., at from 10 per cent ad valorem to \$2 a gallon. The free list consisted of books, farming utensils and implements of husbandry, furniture which had been used and in use to the amount of \$500, tools or the implements of trade of immigrants, wearing apparel and other personal baggage in actual use and belonging to persons arriving in the country.<sup>82</sup> For the execution of the treaty with France the president was authorized to enter into any agreement with France in conformity with the treaty of

<sup>79</sup>Lipscomb to Hamilton, February 24, 1840, in Garrison, *Dip. Cor. Tex.*, III, 1277.

<sup>80</sup>*Secret Journals of the Senate of the Republic of Texas*, op. cit., 222, 224.

<sup>81</sup>Lamar's Message to Congress, Fifth Congress, *House Journal*, 25.

<sup>82</sup>Gammel, op. cit., II, 209-225.

amity and commerce.<sup>83</sup> A drawback was to be allowed on re-exported goods, but not to a contiguous State, which would apply only to the United States and Mexico.<sup>84</sup>

It cannot be shown that this act or the commercial treaties had the effect of discouraging trade with the United States to any marked degree. The first British vessel from England direct to Texas was the barque *Amabassador*, which arrived the latter part of February, 1839. She was received with great rejoicing, because her arrival seemed to be the forerunner of a direct trade with England.<sup>85</sup> But from January 1 to September 30, 1840, only three British vessels, two ships and one brig, came to Texas, while during the same period 285 vessels of different sizes came from the United States. The remaining vessels entering the ports of Texas were one from France, two from Sweden, and one from Cuba.<sup>86</sup> This indicates that most of the trade was with the United States, and that the United States was doing almost all the carrying trade. In fact, of the total imports for the year ending July 31, 1843, valued at \$471,205.32, the United States furnished \$412,983.03, while all the other countries sent the remainder. Of exports for the same period the United States received \$281,342.64 out of a total of \$415,768.75. For the following year the same ratio held as to imports, though less than half the exports went to the United States, England receiving almost as much. From July 31, 1843, to July 31, 1844, the total exports amounted to \$615,119.34, of which the United States received \$249,151.62, while England received \$205,345.05. The difference here occurs because the chief article of export from Texas was cotton, and as the United States was raising a surplus and exporting cotton itself, the Texans found no market there, and of necessity sent their cotton to England and other European countries. The Hanse Towns were the other large importers of Texan produce, of which they received \$112,095.46. For the fifteen months ending October 31, 1845, the United States furnished \$1,151,733.21 out of a total of \$1,204,370.22. Exports showed about the same ratio as for the pre-

<sup>83</sup>*Ibid.*, 217.

<sup>84</sup>*Ibid.*, 224.

<sup>85</sup>Kennedy, *Texas*, 345.

<sup>86</sup>*Telegraph and Texas Register*, June 9, 1841.

ceding period, though for this period the United States received more than half, \$486,327.16, out of a total of \$829,215.04.<sup>87</sup>

On January 27, 1842, a tariff act was passed, one provision of which was that there should be a five per cent additional duty when goods were brought in vessels of countries with which Texas had no treaty.<sup>88</sup> The object of this was to hasten the conclusion of a commercial treaty with the United States; but the figures just given indicate that this discriminatory duty had little if any effect. I have given above the total of importation and the value of the importation from the United States for the period of 15 months from August 1, 1844, to October 31, 1845. The customs for that same period amounted to \$310,473.01, of which the augmentation on account of the additional five per cent duty was \$34,476.45.<sup>89</sup> This predominance of American products was due to the fact that the importations consisted of articles produced in the United States in such quantities that they could compete with other countries in spite of the discriminatory duty.<sup>90</sup>

(Continued.)

<sup>87</sup>These figures are from Gouge, *A Fiscal History of Texas*, 277. No records remain for earlier dates.

<sup>88</sup>Gammel, *op. cit.*, II, 784.

<sup>89</sup>Report of the Secretary of the Treasury, in First Legislature, *Senate Journal*, ap. 70.

<sup>90</sup>I shall give elsewhere a detailed list, as far as possible, of imports and exports.

## DIPLOMATIC RELATIONS BETWEEN FRANCE AND THE REPUBLIC OF TEXAS

HERBERT ROOK EDWARDS

### III

#### FRENCH COLONIZATION IN TEXAS

We shall now turn to the efforts to colonize Texas by European emigration. We shall first notice some of the colonization laws made to encourage this emigration, and then the efforts of various colonization companies operating under the laws. The vast amount of unsettled land in Texas and the sparseness of the population account for the efforts to induce foreign emigration to Texas. On January 4, 1841, a law was passed entitled "An Act Granting Land to Emigrants." This act provided that every free white person who was the head of a family, who had emigrated to Texas since January 1, 1840, or who should emigrate to Texas before January 1, 1842, should be entitled to six hundred and forty acres of land, provided he would settle on the land, cultivate ten acres, and have it surveyed. Under the same conditions, any single free white man was entitled to three hundred and twenty acres. However, no man was to receive a patent to the said lands, unless he presented a certificate from the chief justice of the county in which he resided which showed by the sworn statements of two credible witnesses that he had complied with the conditions of the law, and had taken the oath of allegiance. Furthermore, the president was authorized to form contracts for settling "vacant and unappropriated lands" in Texas. This contract provided that the holders of such contracts were to introduce into Texas, within three years from the date of the contract, a certain number of families, and that they should commence settlement within one year from the date of the contract. The president was to designate certain limits of territory within which the emigrants were to reside. Not more than six hundred and forty acres, "to be located in a square," were to be given to one family, or three hundred and twenty acres to any single man over seventeen years of age. No contract between a contractor and families or persons

was to be binding, if it allowed the contractor for transportation and other expenses over one-half of the land to which such persons were entitled. The contractor was to pay all expenses relating to the surveying, but this did not release the colonist from his obligation to reimburse the contractor. The contractors were to receive ten sections of land for every one hundred families introduced, and "in the same ratio of half sections for every one hundred single men introduced and settled." No fractional number less than a hundred was to be allowed in a premium. A failure on the part of the contractor was not to deprive the colonists already introduced of their rights and "quotas of land." One-third of the whole number of families and single persons provided for in the contract were to be introduced before the expiration of one year from the date of the contract, else the contract was to be forfeited.<sup>86</sup>

On February 5, 1842, the act of January 4, 1841, "Granting Lands to Emigrants," was extended so that the president could make contracts with any colonization companies that he might "in his judgment" approve.<sup>87</sup>

Before discussing the French colonization of Texas, we shall turn aside to notice the unsuccessful attempt to pass through congress a land bill, known as the "Franco-Texienne Bill." On July 21, 1841, there appeared in *The Austin City Gazette* a copy of the "Franco-Texienne Bill," and a discussion of it. According to this bill, Jean Pierre Hippolyte Basterreche, Pierre Francoise de Hassaux, and their associates were to be formed "into a body corporate," and were to have the rights and privileges belonging to corporations, necessary to carry out their contract. Before January 1, 1849, they were to settle in Texas eight thousand emigrants above the age of seventeen. One thousand were to be settled within two years after the passage of the act, with an additional thousand each year until eight thousand had been settled. The emigrants were to take the oath of allegiance to the Texan government and were to be subject to its laws.

The company was to establish and maintain a line of posts for military service from a point "thirty miles above the town of

<sup>86</sup>Gammel, *Laws of Texas*, II, 554-557.

<sup>87</sup>Gammel, *Laws of Texas*, II, 785-786.



Presidio, and extending to the Red River, at some point above and near to the Cross Timbers." There were to be twenty posts and they were to be kept up for twenty years beginning with January 1, 1843. Ten posts were to be erected within two years after the passage of the bill and the remaining ten "within five years from the same period." Likewise, the company was to "establish and keep in repair for the same period of twenty years" for public use lines of communication between each of the posts. Furthermore, the company was bound to appoint a sufficient number of competent geologists, mineralogists and botanists to explore "the whole of the country embraced within the limits of this Republic above the said line of posts," and make a "full report" of all mines that should be found. They were to open and work all mines of value for twenty years, and give fifty per cent of the proceeds to the government of Texas.

If they carried out the provisions of the bill, they were to receive three million acres of land, but were to get a "conditional title" which would become null and void, unless the provisions of the bill were carried out. Over one-fifth of the lands donated were to be west of the Nueces river. The *Gazette* argued that this grant of land would be a means of settling the controversy between Texas and Mexico over the jurisdiction of the territory, "lying west of the Nueces river and east of the Rio Grande." The lands of the act were to be free from taxes until January 1, 1845. To this, the *Gazette* objected, saying that "every citizen should be willing to contribute his mite towards the exigencies of the State." It favored "taxation commencing from the time of location, instead of allowing a lapse of four years as contemplated by the Bill."

The company was to have the right to "import from Europe and elsewhere" for fifteen years all goods and wares which should be necessary "for conducting and carrying on trade and commerce." For goods sold beyond the limits of the Republic, they were to be charged a transit duty of three per cent, ad valorem, and for goods sold within the Republic they were to pay "at such rates of import as may from time to time be established by law." The *Gazette* considered that it was "the true interest of every Government to encourage its citizens in the extension of its

commerce," but thought that the above provision should be made the subject of general, not special legislation.

The company was to have the right to pass all by-laws necessary to the carrying out of the objects contemplated in the bill, provided that they were not in violation of the constitution and laws of the Republic. Indian wars were not to be considered as an excuse for non-performance of its contract. In case of failure by the company to fulfill "any one of the conditions at the time specified" for its performance, all rights of the company together with all forts and roads were to be forfeited to the Republic.

The last section of the bill provided that the head of each family brought over by the company was to receive three hundred and twenty acres of land, and every single man over seventeen, one hundred and twenty acres of land. The colonists were not to have the right "to alienate this land for three years after taking possession of the same."

On the whole, the *Gazette* favored the bill, and declared that, "In vain have we sought for constitutional objections—none could we find." James Hamilton said that "The Franco-Texian Commercial and Colonization Company" was "a private company, in which the French government had no participation, and of which the French Ministry have, I believe, no knowledge."<sup>88</sup>

The *Telegraph and Texas Register* said that President Houston favored the bill, on the ground that "Texas was too weak to protect her frontiers," and that "he was glad that chivalrous France should come forward to to aid us."<sup>89</sup> The bill passed the house of the fifth Texas congress, but was killed in the senate.<sup>90</sup>

In accordance with the act of January 4, 1841, and the act of February 5, 1842, President Houston made a contract with "Henri Castro and John Jasaud and their associates" on February 15, 1842.<sup>91</sup> "For and in consideration of the grant and

<sup>88</sup>*Austin City Gazette*, July 21, 1841.

<sup>89</sup>The *Telegraph and Texas Register*, February 10, 1841.

<sup>90</sup>See footnote in Garrison, *Dip. Cor. Tex.*, III, 1008.

<sup>91</sup>Henri Castro was born in France, 1786. He was of Portugese descent, and was a member of the Paris National Guard in 1814. He came to the United States after the overthrow of Napoleon, and was naturalized. In 1838, he left America and returned to France, where he became a member of the banking house of Lafitte and Company. In 1842, he became consul

privileges, and rights and immunities" given to them, Castro and Jassaud promised to introduce six hundred families or single men into Texas. One-third of the whole number of families or single men over seventeen years of age was to be brought over within one year from the date of the contract, but as the colonists had to come from Europe, the president extended the time of bringing over the first third six months "over and above the time of one year." It was agreed that if any part of the contract conflicted with the acts of congress, it was to be considered to that extent "null and void," the other provisions of the contract remaining in full force.<sup>92</sup>

In speaking of emigration, Castro said that great enthusiasm prevailed in France . . . relative to this subject" and that "thousands of thrifty farmers" were getting ready to emigrate to Texas. The *Telegraph and Texas Register* rejoiced to find that the current of European emigration was turning towards Texas, and expected that within a few years the desert portion of the republic would ring "with the songs of industry."<sup>93</sup>

On October 15, 1842, Castro wrote to the secretary of state telling him of the "fine ship *Ebro*, of five hundred tons," sailing from Havre to Galveston on November 1, and of "the fast sailing *Curiene* of three hundred tons," sailing from Dunkerque on November 30. After a fifty-nine day voyage, the *Ebro* arrived at Texas, having had two deaths and two births on the voyage.<sup>94</sup> Castro planned to continue his sailings from month to month. He impressed upon Jones the importance of giving protection to the first settlers, as future emigration depended "entirely" upon the reception that these received. Their "relations and parents" in France would be waiting to hear of the treatment accorded to the first emigrants.<sup>95</sup>

general for the Republic of Texas in Paris, and entered into the work of colonizing Texas (Appleton, *Cyclopaedia of American Biography*, I, 555).

<sup>92</sup>The original contract is in the State Archives, and is signed by H. Castro, J. Jassaud, and Sam Houston. It is attested by Anson Jones, Secretary of State.

<sup>93</sup>The *Telegraph and Texas Register*, February 16, 1842.

<sup>94</sup>The *Telegraph and Texas Register*, January 25, 1843.

<sup>95</sup>Castro to Jones, October 15, 1842. Colonization Papers in the State Library. Castro to Jones, July 9, 1844, in the Colonization Papers gives the date of the sailing of the *Ebro*, November 3, 1842.

Each family and single person over seventeen deposited one hundred francs with Castro as a guarantee that they were going to the place chosen for the colony. This was to be returned to them after their arrival and settlement in Texas.<sup>96</sup> The *Telegraph and Texas Register* of September 27, 1843, thought that Castro ought to be able to make a good deal of money this way, as it doubted whether many of the colonists would fulfill their contracts. The *Ebro* was chartered to carry one hundred and fourteen persons, who were "skilled agriculturists," bringing with them implements of husbandry as well as means for the cultivation of the land. They only brought part of their property. The remainder was to be sent later, if they were satisfied and wished to remain in Texas.

The Mexican question was a thorn in the side of the emigration movement. On the day of the sailing of the *Ebro*, news was received of the capture of San Antonio de Bexar by the Mexicans.<sup>97</sup> On January 10, 1843, the *Lyons* left Havre, bearing ninety-two individuals, and was followed on February 27, by *Le Louis Phillippe*, carrying forty-nine emigrants.<sup>98</sup>

On the 25th of October, 1843, the *Jean Key* left Anvers for Galveston with one hundred and twenty-nine emigrants.<sup>99</sup> According to Castro, these emigrants were from Alsace, a province well known for agriculture.

On July 9, 1844, Castro made a report to Houston in which he gave a brief survey of his colonial activities. In this he said that the fifteenth of May, 1842, found him busy at work in the execution of his contract. There were three great things which had hindered him in his work. One was the unsettled condition between Texas and Mexico, another was the opposition to the colonization movement by some of the people in France. The third hindrance was the objection of the French government to Castro. Guizot, French minister of foreign affairs, told Ashbel Smith, Texan chargé d'affaires to France, of the dislike to Castro. In

<sup>96</sup>Castro to Jones, November 1, 1842. Colonization Papers, State Library.

<sup>97</sup>Castro to Jones, November 15, 1842. Colonization Papers, State Library.

<sup>98</sup>Castro to Houston, June 1, 1844. Colonization Papers, State Library.

<sup>99</sup>Castro to Houston, July 9, 1844. Colonization Papers, State Library. *Etat des Colons envoyés au Texas. Ibid.*

view of this, Castro's commission as consul general of Texas, which had been sent him on February 28, 1842, was revoked in October, 1842.<sup>100</sup> The government of Texas appreciated the obstacles, and on January 4, 1843, assured Castro that his efforts gave it "much satisfaction," and that every government aid would be extended to him "in the prosecution of an object so manifestly for the interest of Texas."<sup>101</sup>

Castro said that he required four conditions of persons who wished to be his colonists: (1) Necessary clothing, (2) farming implements, (3) means of paying their passage, (4) means of subsistence during the first year. According to Castro, Texas derived several benefits from foreign emigration. She was aided by having her population increased by good, sturdy farmers. Her financial condition was improved, as these vessels brought over a variety of goods subject to the Texas tariff laws.

Castro claimed that it was by no means easy to induce emigrants to come to Texas. Really poor people could not come as the Texas laws refused "to recognize contracts in virtue of which, the time and services of a party were engaged before hand." Hence, capitalists would not advance them money on a mere promise to pay. The farmers in easy circumstances did not care to break up their homes and go to a wild country troubled with frequent wars. Castro thought that after a colonist reached Texas and was settled inducements should not be offered which would cause him to leave his land and move about.

The survey closed with a statement of Castro's expenses up to June 1, 1844. The total was 79,578.25 francs. Among these expenses are mentioned postage, salaries of agents, expenses of various trips, and office expenses.<sup>102</sup>

Among the towns founded by Castro are Castroville, established in 1844, and Quihi, founded in 1845. Castro has left us a graphic description of the founding of Castroville. He and his colonists left San Antonio, Texas, on September 1, and proceeded to the bank of the Medina, twenty-five miles from San Antonio. On the second, they established a camp, and built a log house. Then,

<sup>100</sup>Smith to Jones, October 31, 1842. Garrison, *Dip. Cor. Tex.*, III, 1391.

<sup>101</sup>Castro to Houston, July 9, 1844. Colonization Papers, State Library.

<sup>102</sup>*Ibid.*

with the aid of Mexican laborers, sun dried bricks were made which were to be used in building houses for the colonists. A small garden was laid out and planted for vegetables. Milch cows were brought in and beeves were killed for meat. A constable and two judges were elected to take charge of the government affairs. A surveyor laid off the ground. *Monsieur l'Eveque* Odin and the *abbé* Oge came out to lay the cornerstone for a church. The cannon which was to be used for defense was covered with the flags of Texas and France.<sup>103</sup>

There were many obstacles which deterred Castro from bringing Colonists to Texas. Among these difficulties were the opposition of the French government officials, the lack of equipment and finances by the colonists for making a settlement after their arrival in Texas, the opposition of the Texan and French press, and a decree of the court of Strassburg. French government opposition to Castro's colonization work came from both home and foreign officials. On April 12, 1843, the *Prefet* of Doubs addressed a circular to the *Sous-prefets* and *Maires* concerning emigration to Texas. This circular stated that the emigrants to Texas from Lorraine had had the indiscretion to exchange their money for drafts payable in Texas. They were deceived, and after their arrival in Texas there was no one to pay the drafts, and they found themselves without resources.<sup>104</sup> Such a statement as this coming from an official was certain to attract attention. Guizot excused the circular on the ground that the publication of the *prefet* had been made through the order of the government because it was necessary to protect French emigrants and put them on their guard against the intrigues of certain persons who were acting without a mission and who sought to take advantage of the credulity of emigrants going to Texas.<sup>105</sup> According to Anson Jones, secretary of state of Texas, there was no such complaint in Texas as the *prefet* of Doubs alleged.

The French chargé d'affaires to Texas in 1843 said that the condition of the French colonists after their arrival in Texas was often pitiful. He claimed that some died from unfavorable cli-

<sup>103</sup>Castro, *Le Texas* (Anvers, 1845), 28-30.

<sup>104</sup>Smith to Guizot, April 25, 1843, enclosed in Smith to Jones, April 27, 1843. Garrison, *Dip. Cor. Tex.*, III, 1441-1444.

<sup>105</sup>Guizot to Smith, May 8, 1843. *Ibid.*, III, 1451.

matic conditions, while others were killed in Mexican and Indian attacks. Many of those remaining were applying for money to return to France.<sup>106</sup>

There is probably no doubt that many French colonists did come to Texas not properly equipped for settlement, and without the means to buy such equipment. Doubtless most of the colonists left France with a very slight knowledge of Texas and of the place where they were going to settle. They did not reckon well the expense of making a new home in the wilderness, infested by hostile Indians. The *Telegraph and Texas Register* of September 27, 1843, says that the French emigrants were often destitute of money, and had little clothing and provisions. Frequently they did not have enough money to tide them over until a crop could be made and harvested.

The Texas newspapers with their unlimited freedom criticised the colonization movement as well as the loan project. They characterized the government of Texas as weak, inefficient, and doomed to failure.<sup>107</sup> Because of unfavorable criticism of his colonization work in a provincial paper, Castro sued the editor for libel.<sup>108</sup>

An article appeared in the *Gazette des Tribunaux* of August 2, 1844, concerning the condemnation of Castro's colonization work by the court of Strassburg. The court said that Castro failed to put the colonists in possession of lands promised them, after having received one hundred francs from each married adult and fifty francs from each single person over seventeen years of age as a deposit for the faithful fulfillment of their contracts. Ashbel Smith considered that the action of the court was "severe," as Castro was not present in person or represented by counsel during the court's proceedings.<sup>109</sup>

According to Castro, the court had condemned his operations, as "chimerical" and declared that his credit was "factitious."<sup>110</sup> In opposition to the court's decree he cited the fact that he had sent ten ships to Texas, and had established a settlement of six hundred colonists at Castroville. The head of each family now

<sup>106</sup>Smith to Jones, December 30, 1843. *Ibid.*, III, 1477.

<sup>107</sup>Smith to Jones, June 16, 1843. *Ibid.*, III, 1449.

<sup>108</sup>Smith to Jones, February 26, 1844. *Ibid.*, III, 1481.

<sup>109</sup>Smith to Jones, August 13, 1844. *Ibid.*, III, 1488.

<sup>110</sup>Castro, *Le Texas*, 18.

owned land which, valued at the same rate as public land in the United States, would be worth 5,000 or 6,000 francs. At the least estimate it was certainly worth 2,000 francs. Was this "chimerical," Castro asked, and had it been done with a "fictitious credit?" Castro considered that the judge of the court had not taken an impartial view of his work, and had been occupied only with the interest of the colonists. They had forgotten to take into account the fact that he had gone to Texas to aid personally in the settlement of his colony and had borne its dangers. In conclusion, he thought that the judges had condemned him with "a complete disregard for the fate of the seven hundred Frenchmen," who had already been transported to Texas and who were dependent on his actions.<sup>111</sup>

On January 30, 1844, a law was passed repealing the laws authorizing the president to make colonization contracts, and forfeiting all which had not complied with the law. The president was forbidden to make any contracts granting "any further time, privileges, or facilities" to persons with whom he had already made contracts. The attorney-general was to ascertain as far as possible the proceedings of the contractors, how far they had complied with the laws, and to make a report to the next congress, in order that it might take any action that it should see fit and proper. The president, when he found out that any contracts had been forfeited by the failure to comply with the conditions required, was ordered to make an immediate proclamation to that effect.<sup>112</sup>

From the debates in the Texas constitutional convention of 1845, we learn some of the main reasons which led to the passage of the act of January 30, 1844. The question as to whether the colonization contracts could be annulled came up in the constitutional convention, as the Constitution of the United States says that no State can pass laws impairing the obligations of a contract. It was alleged that the colonization contracts "were fraudulent and unconstitutional in their inception." The opponents of foreign colonization declared that "inasmuch as there was a general lien upon the public lands for the payment of the

<sup>111</sup>*Ibid.*, 37.

<sup>112</sup>Gammel, *Laws of Texas*, II, 958-959.



soldiers and other public creditors, the grants to the contractors were unconstitutional." However, the supporters of the colonization movement said that after all military claims had been paid off, there would still be left one hundred and eighty million acres of public lands.\*

Although the law of 1844, was to cancel emigration contracts which had not been complied with, the senate and house on January 27, 1845, voted to allow Castro an extension of two years on his contracts of February 15, 1842. However, each emigrant upon his arrival in the territory of the Republic would, by virtue of his contract, make an oath to become a citizen of Texas before taking possession of his land.<sup>113</sup>

By 1846, the total number of vessels which had brought emigrants to Castro's colony was twenty-six. He had sent over four hundred and eighty-five families and four hundred and fifty-seven single persons, chiefly Alsatians. Castro died in 1861 in Monterey, Mexico.<sup>114</sup>

We shall now notice the efforts of Bourgeois to bring colonists to Texas. On June 3, 1842, President Houston entered into a contract with "Alexandre Bourgeois (d'Orvanne), and Amand Ducos, and their associates," at Houston, Texas, by which Bourgeois and Ducos agreed to introduce "a colony of twelve hundred families or single men over seventeen years of age," within three years from the date of the contract. The colonists were to be free whites. The location of the colony was to be as follows:

Commencing at the junction of the Rio Potranca with the Rio Medina, thence extending up the Potranca to its source, thence due north to the Sabinos [Sabinal], thence extending along the Sabine to the source of that stream, thence in a direct line to the source of the Arroyo d'Uvalde, thence in a direct line to the source of the southern branch of the Rio Frio, thence extending down the said stream to the junction of the Rio Frio with the Arroyo de Uvalde, thence extending along the line of the grant

\*The convention of 1845 adopted an ordinance providing for an examination of the constitutionality of these colonization contracts, and inhibiting the legislature from extending any contract or granting relief to any contractor.—THE EDITORS.

<sup>113</sup>Castro, *Le Texas*, 24. Also, the *Telegraph and Texas Register*, February 15, 1845.

<sup>114</sup>Appleton, *Cyclopaedia of American Biography*, I, 555.

made to Henri Castro and J. Jassaud to the northeastern corner of said grant, thence in a direct line to the place of the beginning.

Each family was to receive six hundred and forty acres and each single man three hundred and twenty, title to be acquired after three years of residence, having built a log cabin, and cultivated fifteen acres. Bourgeois and Ducos were to receive a compensation like that of Castro. Every settlement of 100 families was to get six hundred and forty acres for "the erection of buildings for public religious worship." Bourgeois and Ducos were to respect "all legal locations" made prior to August 1, 1842. Like Castro, Bourgeois and Ducos must introduce four hundred families into "the limits of the Republic, before the expiration of one year from the date of this contract" or the contract with all its privileges was to be forfeited, but nevertheless all families and single persons who should have settled under the contract were to have "their respective quotas of land." The following was to be taken as a definition of a family: "First, a married man and his wife; second, a widower and two or more children, if males under the age of seventeen, if females, unmarried; third, if a widow, the same as a widower."

The colonists were to be of good moral character and free from criminal offences. They were not to furnish the Indians with intoxicating liquor, gunpowder, lead, firearms, or with any other kind of warlike weapons. If they did so and were convicted, they were to lose all lands which they had acquired by the contract. Each alternate section of land "except for the premium and church lands" was to be reserved and set apart for the Republic of Texas.

Bourgeois and Ducos were to have the privilege "to introduce and settle upon the lands herein designated, an additional number of four hundred families or single men over seventeen years of age," provided they gave to the government of Texas within one year of the date of the contract a written notice of their intention to do so. These emigrants were to be settled under the same contract terms as the previously mentioned twelve hundred families or single men over seventeen years of age. Bourgeois and Ducos received an extension of six months over the time of one year from the date of the contract. Like the contract with Castro, should any of the provisions of the contract be found to conflict

with the laws of congress, to that extent the contract was to be null and void.<sup>115</sup>

In February, 1843, Bourgeois wrote the secretary of state that Ducos would come to America with the colonists, while he would remain in France to carry on the work of enlisting colonists. He declared one of the main hindrances to his work was the unsettled condition of affairs between Mexico and Texas. He complained that he had not been treated as well as Castro, and objected to the alternate sections of land in his grant being reserved to the government of Texas.<sup>116</sup>

In July, 1844, Bourgeois wrote to the Texan government concerning his grant and the work which he had done. He gave several reasons why he had not been able to carry out his contract. In the first place, an organization of that kind required much "care, method, and wise arrangement." It was necessary to take into consideration both the wants of the emigrants and those offering a home to emigrants, so as not to make emigration a weight to both parties. Under the influence of this principle, and a desire to render a truly worthy service to Texas, Bourgeois employed himself in the completion of his plans. No sooner had he returned to Europe and taken up his work than the report of a Mexican invasion of Texas spread over Europe. To have dispatched emigrants to Texas under these circumstances would have been unjust to the emigrants, and might have embarrassed the government of Texas. If the company was to aid the emigrants and add to the prosperity of Texas, Bourgeois thought it was best to await a more favorable moment. However, he declared that it would have been easy for him to have sent to Texas a thousand emigrants. It was not the lack of material that kept him from fulfilling his contract, but his own moral principles. Still Bourgeois claimed that he had not been inactive, but had done all that he could to advertise Texas and her future. He took an active part in the "Triple Intervention," a plan which proposed the combined intervention of the United States, Great Britain and

<sup>115</sup>The contract between Bourgeois and President Houston, June 3, 1842, Colonization Papers, State Library.

<sup>116</sup>Bourgeois to the Secretary of State, February 28, 1843, Colonization Papers, State Library.

France to bring about peace between Texas and Mexico, but which failed to secure the joint action of all three powers.

Bourgeois did not want his contract annulled. He thought that there would be doubt of his obtaining from the coming congress the confirmation of his grant, if he was supported by the cabinet. He thought that the interest he had shown in Texas, and the services which he had rendered her should be taken into consideration. He considered that the law of 1844 required the attorney-general to make a report to congress upon the position of each grantee, and hence no settlements could proceed until this report had been brought up before congress. With respect to his own word and the promises made to the colonists, he did not think that he could transplant them to any other part of the Republic. He maintained that these considerations should induce the government to do for him that which "the law, justice and equity, with respect of persons or of the relations of friendship," required upon the part of Texas.<sup>117</sup>

In the summer of 1843, Bourgeois had visited Germany and on September 19, 1843, had sold his colonization contract to the Verein, a German colonization society which was formed in Germany in June, 1843, with a capital of \$80,000.<sup>118</sup> It had for its object "the purchase and settlement of land areas in Texas." Bourgeois became a member of the company, taking the position of colonial-director of the company. He was to assist Prince Charles, of Solms Braunsfels, the general agent of the company, to carry on the colonization work of the company. Bourgeois' contract of June 3, 1842, provided that he should have four hundred families settled in his grant in eighteen months (six months extension had been allowed him). His contract would, therefore, expire if not complied with on December 3, 1843. By the law of January 30, 1844, all contracts, whose conditions had not been fulfilled, were to be null and void. In May, 1844, Bourgeois and Prince Charles set out for Texas, and arrived there in July, 1844. In two letters of July 8 and July 10, Bourgeois begged for an extension of the time of his contract. Bourgeois does not seem to have been "open and above board" in his transactions with the Verein. Prince

<sup>117</sup>Bourgeois to Secretary of State, July 10, 1844, Colonization Papers, State Library.

<sup>118</sup>Benjamin, *The Germans in Texas*, 32.

Charles was in a difficult situation as the colonists of his country would soon begin arriving and he had no land on which to place them. He, therefore, signed for the company a contract on June 24, 1844, with the government of Texas, and by September, 1844, two hundred families of Germans were brought over to Texas.<sup>119</sup>

We shall now turn aside to notice what promises to be an important innovation in the commercial relations between Texas and France. As the steamship connection between France and Texas was poor and uncertain, the French government made a formal move on September 30, 1843, towards the establishment of a line of royal steam packets for the better transportation of mail and passengers between Texas and France. A commission was sent over to Texas on the French vessel *Comer*, which was to gather information necessary to the establishment of this line.

The steamboats of this line were to belong to the royal marine of France. They were to embark and disembark their passengers and cargoes at Texas ports after complying with the proper formalities. These vessels were to transfer gold and other valuable material formerly carried by warships, but they could also haul merchandise. If merchandise was transferred, a note setting forth the articles to be disembarked and the consignees was to be given to the Texas customs officials. Tonnage duties corresponding to the amount of goods disembarked and embarked was to be paid to the Texas government. All disputes which should arise were to be settled by arbitrators. The Texan government was to choose one and the agents of the King another. These were to choose a third party in case of a disagreement.<sup>120</sup>

Anson Jones, secretary of state, was sent to treat with Cramayel. President Houston was anxious to facilitate by all possible means the commercial relations between Texas and France, but the enterprise was abandoned in February, 1844. France gave as a reason for this action the enormous expense in keeping up the line. The ships which were to be used in the line were needed in her Mediterranean commerce.<sup>121</sup> The *La Grange Intelligencer* quoted the *New York Herald* as saying that France's abandonment of the

<sup>119</sup>*Ibid.*, 38-43.

<sup>120</sup>Cramayel to Jones, September 30, 1843. Garrison, *Dip. Cor. Tex.*, III, 1466.

<sup>121</sup>Smith to Jones, February 26, 1841. *Ibid.*, III, 1480-1481.

steamship project was due to the expense she had undergone in fortifying Paris, and to the expense of her proposed railway projects. The Texas paper believed that the stoppage of the proposed steamship line showed little foresight by the French government.<sup>122</sup> The *Telegraph and Texas Register* held the same view.<sup>123</sup>

[Chapter IV of the paper discusses the attitude of Texas toward the annexation of Texas to the United States. It is based largely on Smith's *Annexation of Texas*, Chapter XVIII, and adds nothing to that discussion. The same subject is covered at length in E. D. Adams's *British Interests and Activities in Texas* (1910), Chapters V-VIII.—EDITORS.]

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<sup>122</sup>*La Grange Intelligencer*, April 25, 1844.

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## JARED ELLISON GROCE

ROSA GROCE BERTLETH

Jared Ellison Groce was born in Virginia, October 12, 1782. He had one brother, whom he lost sight of after leaving Virginia, hence we have no record of him.

His father came to America from England about the year 1772, accompanied by his elder brother. Their relationships were very friendly until the Declaration of Independence, when the elder sided with the mother country and the younger with the suffering colonists. When he enlisted in the army under George Washington, his brother's anger toward him was so great that a quarrel ensued, in which they separated never to see each other again. The younger, with impetuosity, changed the spelling of his name from Gross to Groce, saying he was no longer a subject of King George, but an American through and through. It was his love for adventure, and a roving disposition, which caused him to leave England. This trait has been inherited by many of his descendants. It was this roving nature which caused his son, Jared Ellison Groce, to leave the parental home in Virginia, and settle in South Carolina when twenty years of age. He invested in lands there, which proved valuable property, and two years later he was married to Miss Mary Ann Waller, daughter of Leonard Waller, August 29, 1804. The Waller family was a prominent one, both in political and social life. Shortly after his marriage he removed to Lincoln county, Georgia, where he invested in a large plantation. Many of the slaves on this place had accompanied him from Virginia, but they were inadequate to cultivate so large an estate, so he purchased many more, and cultivated cotton extensively. Four children were born to them in Georgia, Leonard Waller, Edwin (drowned while still young), Sarah Ann, and Jared Ellison, Jr.

His wife died in South Carolina while visiting her relatives, November 7, 1813, her youngest child being only one year old. Her sisters went to Georgia to care for the motherless little children. After her death, despair again awakened in the breast of Jared E. Groce the old longing for new scenes. He entered



his children in college, Sarah Ann, in Nashville, Tennessee (she was only eleven years old at the time), and his boys in Macon, Georgia. After disposing of his plantation in Georgia, he removed to Alabama, where he invested in thousands of acres of timber lands, putting his negroes to work clearing them; he converted the timber into lumber, clearing several hundred thousand dollars. It was at this time that the Mexican government offered great inducements to all settlers in Texas. There was quite a stir among the people in the old States. Some longed to go, but were prevented by many obstacles; others were afraid to venture into the wild, unsettled country. But to Jared Groce it offered just the balm to soothe the aching of his heart, adventure, something strange and exciting. He did not wait to sell his lands in Alabama, but gave them to his wife's piece, Caroline Waller (Mrs. Dr. Mordicia), of Mobile.

He sent a trusted servant to Georgia for his eldest son, Leonard Waller (a lad of sixteen years), to ask if he would like to accompany him to Texas; it was only a few days before the boy rode up to his father's gate, flushed and eager to take the long trip. The next few weeks were spent in buying farming implements, tools, seeds, etc., and when they left Alabama, the procession was more like a caravan than anything else. Mr. Alfred Gee, the overseer who had come with him from Georgia, had charge of the negroes, nearly one hundred of them. There were fifty or more covered wagons, in which the women and children traveled; the men, most of them on horseback, horses, mules, cows, sheep, hogs, came next; then more wagons containing furniture, spinning wheels, looms, provisions, etc.; and lastly came Colonel Groce and his son on beautiful thoroughbred horses, accompanied by their body servants, Edom and Fielding. It was said that when they passed through small towns and villages the inhabitants ran out to their gates to watch wonder eyed at such an unusual sight.

It was in December, 1821, when they reached New Orleans. There they purchased provisions to last many months. In January, 1822, they arrived at the Brazos River. Groce did not take up all the lands he was entitled to, for he was entitled to eighty acres for each slave. He chose as his home site a league of land on the Brazos River, four miles south of the present town of

Hempstead. He had four leagues in Waller County, two or three in Austin County, one in Grimes County, and several in Brazoria County. The present town of Velasco is situated on a part of his land, which was never disposed of.

His son Leonard was allowed to stay only long enough to see the men felling huge trees, and beginning the building of their future home, "Bernardo." Very reluctantly he and Fielding, his body servant, returned to Georgia and to college. He did not come to Texas again until five years later, at the age of twenty-one, for the trip was a long and tedious one as well as dangerous. "Bernardo" was a large, rambling log house. There were many expert carpenters and brick masons among the slaves, and the house when finished was comfortable and had not the appearance of having been built with logs.

The logs were cottonwood hewed and counter hewed, smooth as glass, about a foot thick; the edges were perfectly square. There was a broad hall fifteen feet wide, with two large rooms on each side twenty by twenty feet, which made the front of the house fifty-five feet across. A broad porch ran the full length supported by huge posts of solid walnut, beautifully polished. There was a broad staircase in the hall, which led to two bedrooms above, situated in the two gable ends. There was an old-fashioned fireplace in each room, built of sandstone, taken from the Brazos River. Shingles were of post oak, made with drawing knife. The floors were of ash, sawed by hand, and planed. As was the custom in those days, the kitchen was built a few feet away from the house. A fireplace occupied one whole end of this kitchen, on which was done the cooking. Next to this was the dairy, ten by twelve feet, built of cedar. Two other rooms were in the back yard, one for the doctor, who cared for the negroes when sick, and the other a room thirty by thirty feet, with a rock fireplace in each end, called "Bachelor's Hall." There were six beds in this room, and seldom were they unoccupied by travelers, friends, and relatives. Jared Groce welcomed to his home all weary and heavy laden travelers. He treated rich and poor alike, sent his servants to care for their horses, and others to wait upon them. All were sure of a hearty welcome, and never was a stranger turned from his gates. Many distinguished men and women were guests at "Bernardo," and many a consultation took place within its walls.

While some of the negroes were improving the dwelling and surroundings, others were breaking ground, and making preparations for the planting of cotton, the first ever raised in Texas. Below is a clipping from *The Houston Chronicle*, entitled "Houston the Leading Inland Cotton Market." There are several errors in it. Thrall's *History of Texas* states that Jared E. Groce had the first cotton gin in Texas, and he and his children were of that opinion:

The first cotton planter in Texas, according to the *Year Book* of the Texas department of agriculture, was Jared E. Groce. He came to the State with his family in 1821, bringing with him about 100 negro slaves. In 1822 he planted the first cotton and began its culture on a limited scale. In 1825 he began to ship cotton to New Orleans. The first cotton gin in Texas was owned by John Cartwright in the "Redlands" of East Texas, while Groce established the second gin in 1825 on the Brazos River at the plantation opposite which the army of General Sam Houston camped for some time on its march to San Jacinto battle ground in 1836. Colonel Groce soon became the richest planter in Texas with a vast landed estate, owing to the fact that under the regulations of Stephen F. Austin's first colonial grant, he was entitled to eighty acres of land for each slave introduced in addition to his headright.

The following description of plantation life before the war may be of interest to the present generation:

The negro quarters were about three-fourths of a mile from the dwelling house. The cabins were built fronting one side of a large lake. Nearby was the overseer's house, a large kitchen, eating hall, and day nursery. To the nursery the mothers brought their babies and children each morning to be cared for by several women, trained for the purpose, while they were working. Many cooks were needed to prepare food for so large a crowd of negroes, and they were in the kitchen by four in the morning. The first thing done was to brew steaming pots of strong coffee and, when the gong sounded at daybreak, all hands came to the "hall," which joined the kitchen, and each was served a large cup of coffee. This was done principally by the young boys and girls. It was the duty of some to feed the mules, which are attended to before coffee was served, then all hands went to the field, the men to the plows and the women to the hoes. At 7 o'clock the breakfast

was done, consisting of ham, or bacon, hot biscuits, fresh steak, etc. This was packed in buckets, and sent to the field in carts and distributed among the negroes. At 12 o'clock dinner was cooked and served in the same manner. At 6 p. m. all work was finished and all gathered together at the "hall" for hot supper. The little people were fed and the mothers took them to their own homes; the elder ones sat in front of their doors, or around their fireplaces, and talked about old days back in Virginia; the younger element gathered in the "hall," pushed the long dining tables back, and then the fun began. There were always good musicians among the negroes, and how they danced and sang! Their voices could be heard every night at the "Big House" in laughter and song. Many of the old melodies still live with us today. Several beeves were killed each week to supply the table with fresh meat, and the slaves of Jared Groce never lacked any good thing. Of course there were days when the women had no hoeing to do, and weeks of rainy weather when the plow hands could not work, and all hands were off on Saturday afternoon, and Sunday was spent as they pleased, mostly in fishing and frolicking.

Life at the "Big House" was entirely separate and distinct from that at the "Quarters." They raised their own chickens, milked cows for their own use; it was like a small village of several hundred people. Milk was supplied them from the dairy; their clothes were woven and made by those selected for such work; of course, the most intelligent were chosen for this work. The kindest and most tender-hearted were made the day nurses, while the strongest were chosen for field hands. The servants at the "Big House" felt themselves superior to those at the "Quarters." Being thrown constantly with their master and his family, they naturally absorbed intelligence and some refinement. Colonel Groce's body servant, Edom, had been with him since youth in Virginia, and he had every confidence in him. Myra, his housekeeper, was also brought from his father's home in Virginia. When he knew he could live but a short while, he set her free, and had his sons promise that they would tenderly care for her as long as she lived. This they did, and she lived to be nearly one hundred; lived in her own house and had servants to work for her. Deer and wild turkey were plentiful, and "Uncle Mose,"

with his gun and hounds, kept the table supplied with them. The cedar dairy was presided over by Aunt Liddy. There were shelves on either side with troughs of running water in which the pans of milk were set, then a cover of thin muslin tacked to a frame went over this. Aunt Liddy was selected for this task on account of her neatness. It was certainly a pleasure to step into the spotless, sweet-smelling dairy, and watch her churn, keeping time to the old tune, "Come, Butter, Come," and then she would insist upon your drinking a glass of fresh buttermilk. The milking was done in a very primitive way. It was Matt's duty to drive up the cows, and while others milked he would hold off the calves, which had been allowed to get enough milk to "draw it down." Aunt Sallie had nursed all the children. She was four and one-half feet high, and almost as broad. She was a privileged character, and even after the children were grown up she still kept up her watchful and careful attitude toward them. Her room was among those of the other house servants in the backyard; her bed was the customary four poster, and in the winter she used a thick feather bed, which completely hid her from view. No one could cook like "Davie." He was cooking in the St. Charles Hotel in New Orleans, when Colonel Groce bought him for \$250. Uncle Mack kept the table supplied with vegetables; Jerrie was butler; Arimenta was wash woman; Caroline, house maid; Frances was seamstress. There were many other, such as carriage driver and hostlers.

For five years, there were no ladies in this home. Groce's daughter, Sarah Ann, did not return from school until she was seventeen, and even then she did not remain long, for she was soon married to William H. Wharton whom she had become engaged to while in Nashville. Sarah Ann looked like her mother's family, the Wallers. She was a blonde, and slight of figure, but what attracted one to her more than anything else was her character. She was bright and entertaining, a favorite at school, and an acquisition wherever she was. Naturally brilliant, and highly educated, she was very entertaining. Her loving and unselfish disposition (inherited from her father) caused her to be an ideal wife, mother, daughter, and sister.

It is needless to say that her marriage left another void not

to be filled in the heart and home of her loving father. Nine years after his arrival in Texas, his son Leonard brought home his bride from Louisiana. It was then that "Bernardo" seemed like home again. About two years later his younger son, Jared, Jr., married, and it was then that Colonel Groce decided to divide his property and negroes between his children, and "retreat" to Grimes county. He had previously given his daughter (Mrs. Wharton) her share, which consisted of two leagues of land in Brazoria county and a large home, "Eagle Island," the first frame house built in Texas. To his eldest son, Leonard, he gave "Bernardo," and to Jared, Jr., he gave a league joining "Bernardo," on which he built his home, "Pleasant Hill." Other leagues were left to these sons also.

When about to leave for his new home, "The Retreat," in Grimes county, carrying with him only twenty of his favorite negroes, Colonel Groce laughingly made the remark that he would take twenty negroes, and in ten years he could buy them both out. But he did not live long enough to carry out this boast, for he died about three years later, November 20, 1836. His remains were carried to "Bernardo" for burial.

Eighteen years later, Leonard Waller Groce built his beautiful home, "Liendo," six miles northeast of "Bernardo." This home was spoken of as "The Dixie of the South."<sup>1</sup>

About eighteen months after Jared E. Groce arrived in Texas, they suffered for lack of salt, so he took many hands to the coast country, dug shallow wells, and boiled the salt water down, thus procuring salt enough to last a long time.

A tribe of friendly Indians, Bidais, lived a few miles from the plantation, and they were constantly coming to the house, begging for meal and other things. For a long time they were sup-

<sup>1</sup>Captain W. P. Zuber gives the following account of the subsequent history of "Groce's Retreat": "After his death the heirs sold the retreat to Mr. Dunham, a prospector from Tennessee. Mr. Dunham returned to Tennessee and died there, but his family came to the Retreat and resided there during many years, until Mrs. Dunham's death. While she lived a postoffice, named Retreat, was established there. Later another postoffice of the same name was operated several miles distant. After Mrs. Dunham's death Dougald McAlpin purchased two and a half leagues of land, including the Retreat, pulled down the houses, which had become dilapidated, and settled one mile north of what had been Groce's residence. After this event, the premises were known as McAlpin's plantation."

plied, but one day Mr. Groce gave them each a sack and told them to go into the field and pick it full of cotton, and when they returned he would empty the sacks and fill them with meal. The old chiefs were not accustomed to such work and thought it beneath their dignity, nevertheless with frowns and sullen looks they went among the negroes, of whom they were in much dread. and began to pick. They made very slow work of it, and after that they never asked for any more meal.

Jared E. Groce was very exact in his business relations, honest to the core. Upon one occasion, he loaned to his son Leonard several thousand dollars. Shortly before it was due, Leonard went to his father and told him that he did not think he would be able to pay it at the time appointed, and asked for an extension; but his father told him he would have it to do. Leonard lost no time in raising the money and on the day it fell due he went to his father to pay the note. His father said, "I am glad you have been prompt, and hereafter, my son, never give your note, unless you are certain that you can pay it the day it is due. Now, I will make you a present of it."

Upon realizing the abundant possibilities of the Texas soil, experiencing the delightful climate, etc., he wrote back to the old States hundreds of letters, advising friends, relatives, and others to come to the "Land of Promise."<sup>2</sup>

Austin was a great man, and rightly called "the Father of Texas," for he brought many colonists here, but Jared E. Groce was instrumental in bringing many, among them influential and prominent men, who helped to make Texas what it is. He spared no money to advance the progress of his adopted country, but this was done in such a quiet and unobtrusive manner, that no credit was ever given him.

Unfortunately he aroused the jealousy of Austin who, although

<sup>2</sup>The *Telegraph and Texas Register*, December 13, 1836, in chronicling the death of Colonel Jared E. Groce, paid him the following tribute: "His extraordinary success in cultivating the growth of cotton, first engendered the surprise of the planters of the west, to whom the highly exuberant quality of Texas land was little known, and then was ancillary by the comparative excellence of the article in its quality, in encouraging the emigration of neighboring planters. His habits having been domestic, and his time occupied in rural employments, little is known of him politically as a public character, save that he served and was deemed an active member of the convention of 1833."—THE EDITORS.

a great man, had his faults, and one was a desire to be chief and head of all. Colonel Groce did not go to him for advice as the other settlers did, he did not need his caré and protection. This incensed Austin. There was also a misunderstanding between Austin and Groce's son-in-law, William H. Wharton. But Jared E. Groce went about in his quiet way, entirely ignoring this feeling. A reconciliation was brought about later between Wharton and Austin, when both men, for love of country, let personal feelings die, and joined their efforts to defeat the enemy. It was said by William Russell, that had this not taken place, Texas would not have won her freedom at that time.

It was a personal letter from William H. Wharton to Sam Houston that brought Houston to Texas. The Whartons had known him in Tennessee, and one night at "Bernardo" William H. Wharton was telling Colonel Groce about Sam Houston and his success as a fighter. Groce in his impetuous way said, "That's the kind of men we need in Texas. Sit right down and write to him, urge him to come, and I will send the letter by the next post."

Jared E. Groce did not acquire all his land through the Mexican government; many leagues he bought. One league he bought for \$25 and a horse and saddle. A man from Alabama had settled in Austin county, across the river from him, but getting homesick, and not having money to improve his place, begged for a horse and saddle to return home on, and said he would sell out for the same and \$25. This property Jared Groce gave to one of his wife's sisters as an inducement to her to come to Texas. Many of his relatives followed within a few years, among them his nephew, Judge Edwin Waller, and Judge Lipscomb. The large plantations were near, and very pleasant was it in those days. After the sons and daughters married, the family connection was quite large, and many descendants are scattered over this big State.

In an article which he published in the *Houston Post* in 1904,<sup>3</sup> Captain W. P. Zuber gives some interesting information concerning Colonel Groce.

Mr. Zuber's plantation joined Groce's "Retreat" in Grimes

<sup>3</sup>My clipping does not show the exact date.



county, and he knew Groce well. He says that when he first came to Texas that Colonel Groce loaned him a cook and several other negroes, until he got settled and was able to procure servants of his own.

He was, says Captain Zuber, "a man of large and manly form, though crippled in both arms. . . . He was distinguished as a most hospitable landlord, and better, as a man of sympathy, who was always ready to help worthy indigent men who honestly tried to help themselves."

On more than one occasion Colonel Groce joined with his slaves in campaigns against the Indians; and in 1827 when Colonel Ahumada was marching to Nacogdoches to put down the Fredonian rebellion he offered the use of his ferry boats, slaves, and wagons, for transporting the troops.

Leonard Waller Groce married Miss Courtney Ann Fulton of Alexandria, Parish of Rapides, Louisiana, November 17, 1831. Her father Alexander Fulton was a wealthy sugar planter, a man of high morals, a highly educated gentleman. Her mother was Mary Ann Wells, sister of the honored and beloved Thomas Jefferson Wells; her other brother was Governor of Louisiana.

When the Texan army was en route to the field of San Jacinto, it camped for some time at Leonard Groce's plantation, "Bernardo." Leonard Groce supplied the army with hundreds of beeves, and thousands of bushels of corn.

Jared Ellison Groce, Jr., married Miss Mary Ann Calvit, daughter of Alexander Calvit of Brazoria county, October 1, 1833. The Calvit plantation joined the Wharton plantation, and it was when visiting his sister (Mrs. William H. Wharton) that he met his future wife. He lived only a few years after his marriage; died February 3, 1839, leaving a widow and two small children, Jared E. Groce, Jr., and Barbara (Mrs. Clark).

Colonel Groce's oldest grandson, General John A. Wharton, lived to be a distinguished general in the Confederate Army.<sup>4</sup> Many of his descendants inherited his roving disposition and longing for adventure, among them his great-grandson, Colonel Leonard Waller Groce, Jr., who was executed in Nicaragua, Oc-

<sup>4</sup>See THE QUARTERLY, XIX, 271-278.

tober 16, 1909. A Houston paper published the following sketch of this young soldier of fortune:

“Leonard Waller Groce, Jr., son of Dr. and Mrs. L. W. Groce, was born at the old family home, “Bernardo,” near Hempstead, Texas, October 12, 1874. He spent his childhood in Hempstead, but at the age of seventeen went to Galveston, working for the firm of Hawley and Company several years. In 1897 he went to Bluefields, Nicaragua, where he later engaged in the mining business. At the outbreak of hostilities between Nicaragua and Honduras, he occupied a lucrative position as superintendent of the La Luz and Los Angeles mines, which position he resigned to accept a commission in the Nicaraguan army. His knowledge of military affairs was amply exemplified and his practical advice of much value during those troublous times, and the government was not slow in showing its appreciation of him as a man and as a soldier.”

RECOLLECTIONS OF STEPHEN F. AUSTIN<sup>1</sup>GEORGE L. HAMMEKEN<sup>2</sup>

San Luis, February 28th 1844

Dear Guy,

In answer to yours of the 8th inst., respecting what I know of your uncle, I am sorry to say, that after much reflection on the subject, I can afford you but little information of the kind you desire—such as it is, I communicate—but if led to speak too much of myself, you must rather attribute that to a wish to

<sup>1</sup>This article is printed substantially as written, with slight changes in punctuation.

<sup>2</sup>I have been able to find but little concerning George Louis Hammeken; that little indicates that he was a man of some importance in business and public affairs. He was, perhaps, a native of New York; went to Mexico about 1831, and there made the acquaintance of Stephen F. Austin about the middle of the year 1833. He came to Texas in October, 1835, as the agent of English bankers to place loans with some planters; the revolution interfered with these plans. He does not appear to have participated in the revolution, for early in January, 1836, he was in New Orleans, and about the end of February he was in the City of Mexico. By June he was once more in New Orleans, again met Austin there, and accompanied him to Texas. He soon proceeded to New York, returning to Texas by December. It is probable that he became a resident about this time. In 1837 he translated Filisola's *Defense*. On January 2, 1839, he addressed a letter to President Lamar, expressing the opinion that conditions in Mexico were favorable to peace, and requesting to be appointed one of the commissioners, or secretary to the commissioners, to negotiate with Mexico. He was appointed secretary to Barnard E. Bee, Texan agent to Mexico, March 12, 1839. Since Bee could not speak Spanish and was entirely unfamiliar with the people and customs of Mexico, the position of secretary involved much responsibility. Bee's mission did not succeed, and when James Webb was sent to make another effort to open negotiations, Hammeken was appointed his secretary, April, 1841. I have been unable to ascertain what Hammeken's business was up to 1840. In that year Andrews & Hammeken are engaged as commission merchants at San Luis. In the winter of that year they erected a cotton press capable of compressing seventy-five bales of cotton in twelve hours. They possessed large warehouses and an excellent wharf. Hammeken, too, was president of the Brazos and Galveston Railroad Company, with such well known Texans as David G. Burnet, Lorenzo Zavala, Asa Brigham, and Moses Austin Bryan among the stockholders. Within less than a year after writing the reminiscences here printed he was overwhelmed by misfortune. In a letter of January 7, 1845, Guy M. Bryan said, "Mr. Hammekin has been for some time crazed; he is now in N Orleans. I think his difficulties here, in finances, etc., brought it upon him. I regret this extremely for he was a noble generous kind-hearted man."—E. W. W.

define causes than to egotism. You will therefore destroy whatever appears extraneous to your object.

My acquaintance with your uncle commenced in the City of Mexico, at the time he went there to get Texas admitted as a State.<sup>3</sup> I was then residing on a Hacienda (a large Farm or Plantation) distant about 14 miles from the City. This Hacienda belonged to Mr. James S. Wilcocks, Consul General of the United States. I rented from him an undivided half of his Estate, we kept house and lived together on the most amicable terms. Mr. Wilcocks was a friend of Genl. Austin's, and through him I became acquainted, and afterwards on terms of intimacy and friendship with your uncle, who would occasionally ride out and stay a few days with one or the other of us.

I can recollect very well, that during one of these rides out to the Hacienda, your uncle observed to me in words of the following import, "Hammeken, I never advise any one to go to Texas, but I would like *you* to see that country. You are of the right age to grow up with a country." My reply to him in substance was, "that in order to be a Texian, I must become a Mexican Citizen, and that no pecuniary interest would tempt me to that." This by the by was an improper remark, because *he* was a Mexican Citizen,—but my youth and thoughtlessness were the cause. I added, "if Texas ever becomes Independent, then Colonel, perhaps you will see me there." He replied "Pshaw! By the time you are as old as I am, you will think differently." Whether his remark was intended for the former or latter of my observations I cannot tell.

We had more conversation respecting the Independence of Texas at the same time, but I cannot remember either his observations, or my own—these things now seem to me almost as a dream—when you awake, you can recollect the subject of your dream, but cannot call to mind the particulars.

At the time Col. Austin was endeavoring to get Texas admitted as a State, I heard, from whom I cannot now tell, whether from himself, Mr. Wilcocks, or some other friends, that besides other embarrassments which he experienced, were the intrigues of Anthony Butler, the *mis*-representative of the American Peo-

<sup>3</sup>This was in the summer of 1833.

ple at Mexico,<sup>4</sup> John T. Mason<sup>5</sup> and others—who wished to have Texas declared a Territory, with a view to its being subsequently sold to the United States. This, your uncle opposed; not, I believe, from any aversion to belonging to the United States, but being better acquainted with Mexican character than those gentlemen he knew that instead of the Mexican Government selling Texas, their jealousy and suspicion would be aroused, and would retard the progress of his Colony. For this reason, he declared himself on all occasions, opposed to being one of the United States, and always in conversation seemed to seek for arguments why it was the interest of Texas rather to form a State of the Mexican Federation, than to become one of the United States. He well knew, that if he joined Butler, Mason, and others, in their efforts to make Texas declared a Territory, that he would, as I have observed, arouse the jealousy and suspicion of the majority of the Mexican Statesmen. I will here mention a remark he made to me in New Orleans in January, 1836,<sup>6</sup> “Hammeken, if *they* had let me alone, I would have had 200,000 inhabitants in Texas, before attempting a separation from Mexico.” Who *they* referred to I cannot tell.

It is essential, to elucidate one of the main questions of your uncle's life, that all possible light should be thrown on his *ulterior* views with regard to Texas. His foresight, for which he was remarkable, arising from the good sense which was the principal ingredient of his character, must have led him to the conclusion that at some future time two races, so dissimilar in every point of view as are the citizens of the United States and of Mexico, must come into collision, but at the same time he knew that so long as Mexico could be lulled, Texas would advance in strength and prosperity. But alas! it is no new thing for the plans of the wise and prudent to be overthrown by the rash and designing. But, if you make it appear that his *ulterior* aim was to have

<sup>4</sup>Butler was chargé d'affaires of the United States at Mexico from the close of 1829 to December, 1835.

<sup>5</sup>General John T. Mason was agent for the Galveston Bay and Texas Land Company of New York. A sketch of him by his granddaughter, Miss Kate Mason Rowland, appeared in THE QUARTERLY, XI, 163-198.

<sup>6</sup>Austin was at this time serving, with Dr. Branch T. Archer and William H. Wharton, as a commissioner from Texas to the United States to solicit aid for the Texas revolution.

Texas become one of the United States, what becomes of his character for fair dealing with regard to Mexico? I think the just solution of the question would be, that so long as Mexico remained true to her compacts, that he would also remain true, and that the violation of the compact by her would absolve him and others. I refer to his speech at Louisville<sup>7</sup> to prove sufficiently, that Mexico was the first to violate the compact.

Col. Austin left the City of Mexico in ——— of ——— [December 10, 1833]. I was astonished some weeks after to learn that he had been brought back a prisoner and was confined in one of the dungeons of the Ex-Inquisition.<sup>8</sup> Wishing to see him, I was answered that he was "incommunicado" (not to be spoken with). He was subsequently removed to the Acordada, another prison, where his friends were allowed to see and converse with him. I carried him books, and went to see him as often as I came to town. The situation of a friend in distress would naturally awaken in any one, not destitute of feeling, a desire to relieve him.

The laws with regard to Robbers have seldom been very actively in force in Mexico, since their separation from Spain. I was at the time acquainted (he called himself my friend) with a certain Vicente Saldaña—a bold, daring *Liberal*—always opposed to the Gachupines (old Spaniards). When not engaged in public service, this fellow would carry out his *patriotic* sentiments in private. He assured me, he never robbed a *Liberal*—perhaps because your Democrats are generally of the poorer class.

Don Vicente would occasionally honor me with his company at breakfast or dinner on my Farm, and if in a hurry would leave me a tired horse, and take a fresh one from my stable—which to do him justice he always returned. This though he did not do with small amounts of cash which he would sometimes condescend to *borrow*. In [1833] he with some of his band, conducted Zavala with safety to the coast, and on another occasion had accompanied me a considerable distance to recover a very valuable horse that was stolen from my partner Mr. Wilcocks. He

<sup>7</sup>In March, 1836.

<sup>8</sup>He was arrested at Saltillo on January 3, 1834, and reached Mexico on his return February 13.

had a different name, but seemed to be well known in all the little villages through which we had occasion to pass.

I believe that *uncertainty* was the greatest torture Col. Austin endured—his mind was too great to be affected by the comparatively trifling inconveniences of want of exercise and bad diet. At one time it was currently reported that he was to be banished for Ten years to California. I told him whilst he was in the Acordada what an invaluable *friend* I had possessed in Vicente Saldaña, and that he could be depended upon. The room in which Col. Austin was confined had a window with a small balcony projecting over the street. Almost beneath this window is the principal entrance to the Acordada, before which a Sentinel was constantly placed, and immediately at hand were placed the arms of 10 or 15 soldiers, who were generally lounging around, during the day—at night every thing appeared quiet, except the solitary sentinel.

I explained my plan to your uncle, which as well as I can recollect was this—that on some dark night, he should slip down from the balcony by a rope, that my friend Vicente would be at hand, and I would have horses near the prison, and we could be off before they could see in which direction we went. The Acordada is on the outskirts of the city, and near to it is the principal Promenade at the end of which several roads fork in different directions. Colonel Austin approved my plan, but remarked that he would not attempt to escape in that way, as long as he had a chance of getting clear, but as soon as he could ascertain that his cause would be determined on unfavorably, we would then try it. I never mentioned these things to any one living—not even to my partner Wilcocks, nor to Saldaña. I told him merely that I had a good job for him in view, and to report himself as constantly as possible—he did so [so] constantly, that when your uncle's prison was changed I was glad to get rid of him.

This new prison is called the Diputacion, and is situated in front of the Public Square, in the heart of the City. He was there confined, at the time Grayson and Spencer Jack arrived,<sup>9</sup>

<sup>9</sup>On October 15, 1834, Peter W. Grayson and Spencer H. Jack arrived in Mexico to solicit on behalf of the Texans Colonel Austin's release. Grayson's account of their mission is in *THE QUARTERLY*, XI, 155-163.

in a secluded apartment, which would prevent our carrying out my plan with regard to the Acordada.

The greatest cause of delay in the trial arose from the difficulty of ascertaining which Judge should try his cause. The processes in Mexico are carried on in writing—the papers are stitched together as the cause proceeds—this forms one or more volumes, which are called the Expediente. His expediente was carried to a Judge who after keeping it in his possession for a long time would decide that it did not belong to his Jurisdiction, and that such a Judge ought to try it, who again would act in the same way. All this I think was ordered by the Government, who probably aware that there was not sufficient cause to condemn attained their object by this manoeuvring.

Gomez-Farias, Vice-president, was performing the duties of President, during the absence of Santa Anna from the Capital. He is no doubt one of the most disinterested Liberals in Mexico, but is at the same time as obstinate and stubborn as a mule. Whether influenced by others, or from his native jealousy of the citizens of the United States, I know not, but there is no doubt he believed he was serving his country by detaining Col. Austin in prison.

After his removal to the Diputacion, a general amnesty law for all *political* offences passed the Mexican Congress, and if I mistake not Colonel Austin's liberty was procured on account of this measure.<sup>10</sup>

Mr. Wilcocks was the guardian of two Mexican young ladies residing with their mother in the city. I was very intimate with this family, and introduced your uncle to them before he was imprisoned. He was particularly pleased with one of them, and went frequently to the house—he became a favorite not only with the family, but also with their immediate neighbours and friends. Among the latter, was a very sprightly young lady whose family had influence with Santa Anna. This young lady contributed both to his being set at liberty by giving bail, and subsequently to his final freedom. Not having it in his power to evince his gratitude by any important acts, your uncle endeavored by many

<sup>10</sup>He left the City on July 13, 1835, and returned to Texas by way of Vera Cruz and New Orleans, reaching Texas on September 1.



little attentions to make this lady and the family some return to manifest that he was sensible of the interest they had taken for him. Neither of these families were rich, therefore could not afford those extravagances which are so prized by young ladies of all nations. For the first time, an aeronaut was going to make an ascension and nothing else was talked of in Mexico—but the high price of a Ticket (I think \$20) put it out of the power of many to witness it. I accompanied Colonel Austin to take a Box for the use of these ladies and their friends—on the way we conversed about different men, among others of Anthony Butler. With much warmth he remarked to me that “Butler had been the principal cause of his detention”—he did not tell me in what way, nor have I ever learned. Whether Butler’s motive was private dislike, or whether he considered Col. Austin as an impediment to his schemes, I do not know—most likely, both. Butler was also a visitor, and on friendly terms with the family to which I have alluded. Mr. Wilcocks at a subsequent period represented to his government that he, Butler, had made proposals of marriage, although at the time he had a wife living in the United States, to the same young lady, for whom Col. Austin shewed some preference, which fact was probably known to Austin, and contributed to his contempt for that base man.

I cannot call to mind any other little circumstance, that could possibly interest you, during my acquaintance with your uncle in Mexico. We lived, when I went to the City, in the same house which was rented by our common friend Capt. Washington W. West—who was also devoted to your uncle. When Centralism was talked of, West observed “well, Colonel, of course you will be Duke of Texas”—and Duke was his appellation in the correspondence which I afterwards held with West, and in the private intercourse of us three. Col. Austin was cautious and prudent, and therefore but seldom spoke of the politics of the different parties of Mexico. When he could serve a friend, however, he would lay aside his caution and prudence. Our friend West had got into a difficulty with two Mexican Officers—one of them a Colonel—they sent a file of men to take West, and forced an entrance into the house. West escaped. This happened towards the close of the day. Notwithstanding the delicacy of his situa-

tion, and the risk of making enemies of the Military, he did not hesitate in efforts to serve West, but continued up that evening till past 12 o'clock, and renewed his efforts the following day.

I have heard some of his opponents in Texas accuse him of a want of firmness and decision. In my intercourse with, and in whatever I could learn of him, wherever a proper construction was placed on his motives and actions, his conduct was decidedly firm and decisive, but most men are too apt to judge of others conduct only as affecting their own interests—making no allowances for circumstances. Colonel Austin would probably listen with all patience to the communications and suggestions of those around him—sometimes, their opinions might coincide with his own; and if he acted in accordance with those opinions, his enemies would cry out “he did so, because such a one advised him.”

Our friend West accompanied him on his way to Vera Cruz as far as Jalapa. The Stage was frequently at that time robbed between Mexico and Jalapa. On West's return, I asked him how they got on. He answered me “very well, I told the Duke that if we were attacked I meant to fight. ‘So do I, says the Duke,’ and nothing more was said on the subject, as we understood each other.”

General Barragan had travelled through the United States with Capt. West, and on his return to Mexico came frequently to West's house—where I became acquainted with him. After Farias was put down by Santa Anna's turning from the Liberal Party, Barragan, during the absence of Santa Anna from the Capital, exercised the functions of President. I went to the Palace occasionally to see him—this was in 1835—before and after your uncle left Mexico.

I saw General Austin in New Orleans in January, 1836, and walking with him one day in Canal Street I asked him, if he did not think it would be better to pay Mexico — millions, than to expend money and blood in perhaps a fruitless strife; or words to that effect. At the same time I offered, if he approved of the plan, on my return to Mexico, to see Barragan about it.

General Austin did not hesitate a moment in expressing himself strongly—he said he could give me no *official* authority, but

that if such a thing could be brought about, he would use his influence as far as possible, and he did not doubt that it could be effected, if arranged before blood was shed in Texas.

I shortly after returned to Mexico—but unfortunately found that General Barragan was on his death-bed—which frustrated the whole scheme. Barragan was benevolent and humane and was said to have possessed considerable influence with Santa Anna. He had travelled and was very well informed. He had a very high opinion of Americans.

I mention this circumstance to shew that the object which Houston and Lamar have endeavored to obtain, i. e. purchasing peace from Mexico, was originally one of Genl. Austin's measures. I repeated our conversation to Peter W. Grayson, who told me afterwards that he had spoken to Houston, and that the measure could be carried through, if Mexico would assent. I mentioned it likewise to Lamar, who also adopted the policy of your uncle, and in fact the friendly offices of England have no doubt been obtained in a great measure by the holders of Mexican Bonds, to whom the amount was to have been paid.<sup>11</sup> I saw General Austin again in New Orleans in June, 1836. He had heard previously of Barragan's death. We came out to Texas together in the Pilot boat Union—afterwards when a Privateer, called the Terrible. I remained in Texas but a short time, during which I can remember he went up to [Orozimbo] to see Santa Anna. I rode from Brazoria with him on his return to Mr. Perry's,<sup>12</sup> where I copied sundry letters for him—of which you ought to have copies, as they contain matter of interest—addressed to President Jackson and to General Gaines—enclosed in the one to Jackson, was a letter from Santa Anna to Jackson.<sup>13</sup>

Having been absent from home for five years, I went to New York, and returned in December, 1836, and shortly after went up to Columbia where I found General Austin on a sick bed.

“Well, Hammeken, I am glad to see you. What do you think

<sup>11</sup>During the summer of 1843 Mexico and Texas through the assistance of the British representatives in the respective countries arranged an armistice to treat for peace. The Texan government was entirely willing to assume five million dollars of the Mexican public debt, most of which was owing to English capitalists.

<sup>12</sup>James F. Perry, Austin's brother-in-law, and the step-father of Guy M. Bryan, to whom this letter was written.

<sup>13</sup>Copies of all these papers are in the Austin Collection of the University of Texas.

of going about? We'll give you some place in the government, and I'll let you have some of my stock—they say, it will be very valuable." I replied to him, "that I did not want any place—that in Mexico he had told me his private affairs were greatly deranged in consequence of his attention to public matters, and that if he chose, I would aid him in arranging his own affairs." He then said, that it would suit him exactly, and that when he got better we would talk more about it.

I continued with him from that time (the afternoon of Friday, Dec'r 23d) until his death, which occurred on Tuesday the 27th.

He was taken with a severe cold about a week before his death, but such a cold would not be a cause of fear, as the physicians assured me, in a person of sound constitution. I found him somewhat stupefied from the effects of the opium they had given him, and conversed but little with him that evening. On the following morning (Saturday) he appeared much relieved, and told me that it gave him satisfaction to converse. The next day was Christmas (Sunday) he seemed so much better that Capt. Henry Austin,<sup>14</sup> who was the only friend I found with him, advised him to be shaved and have his linen changed, and brought him out of the little room where his bed was (which room was enclosed with clapboards, very open and without a fire-place or stove) and placed him on a pallet before the fire. This was in the morning—the weather was very mild and pleasant. About 10 o'clock a strong norther came on, and it turned very cold—we put him to bed again, at his request.

Shortly after he was in bed two papers were brought to him for his signature—one of which Capt. Austin read; the other I read—after finishing it, I observed to Capt. Austin, "he must not sign this"—"nor this either," replied he. "Go in and tell him so." I went in to the little room, and said to him, "General, they have brought you two papers to sign, which Capt. Austin and myself agree you ought not to sign, at least in your present condition." He asked me, "What is the nature of them." I told him that they would compromise his whole estate, and further remarked that I did not recollect ever asking a favor from him, but that now I would take it as a great favor if he would

<sup>14</sup>Stephen F. Austin's cousin.

not at that time sign these papers—"Well," says he, "I won't sign them." I immediately went out and told the bearer, Dr. Archer, that General Austin by the advice of his friends would not at that time sign papers of so much importance as to compromise his whole estate. The Doctor remarked "It is no more than I have done. I have compromised *my* whole estate, and he must either sign or relinquish his interest."

I told General Austin of his words, and observed that I was sure no pecuniary object had induced him to enter the association. "Let them draw out the relinquishment" was his only reply, for he was very weak, and conversed apparently with effort. This relinquishment he signed that same day—he got much worse towards evening.

The following morning (Monday) I sent for Mr. Perry. In the afternoon Dr. Levi Jones and Dr. Leger (one an American the other a French Physician) held a consultation and differed—they referred to me. Dr. Jones wished to administer an Emetic, which Dr. Leger opposed. Dr. Jones observed, that if he did not take it he would die in two hours. He was so exhausted, that his strength failed him when he wanted to throw up the phlegm. Dr. Leger replied, that the exertion, if the Emetic should be given, would kill him, but did not suggest any way to get rid of the phlegm, which momentarily increased the difficulty of his respiration. In this situation I had no alternative,—if he did not take the Emetic, he would certainly die, although his life might, by not taking it, last a few hours more. I therefore requested Dr. Jones to give him the Emetic and whilst it was preparing Dr. Leger observed to me "You are right. I have changed my opinion within the last few minutes—it is now his only chance."

They commenced with ipecac, which failed to produce any other effect than to make him strain and weaken himself still more—they then gave him Tartar Emetic, which had the desired effect. He breathed easier but his strength was almost entirely gone. The Doctors were very anxious that he should get a little sleep, but he passed the night without closing his eyes for a moment. He would at times leave his bed and sit on a chair with his arms resting on a small table before him, with his head

buried in his arms. This position seemed to be more agreeable to him than the bed, but his weakness would not allow of this for a long time—he rose and laid down several times during the night, which he passed in the room adjoining his bed room on a pallet before the fire.

At day break Mr. Perry and Austin Bryan<sup>15</sup> arrived. The General was perfectly sensible, he was indeed so until the last—he immediately recognized them—they were told that there were no hopes. At about nine o'clock A. M. Doctor Leger applied a blister to his breast, and afterwards General Austin observed, "Now, I will go to sleep," and with his left elbow on my leg and his cheek resting on his hand, he seemed to be more at ease. Austin was on his right also supporting him. He would at intervals ask for a little tea, and during one of those intervals uttered his last words in a very faint voice, which were, if not exactly in these words yet the import most certainly was, as heard and distinctly understood both by Austin and myself. "Texas recognized. Archer told me so. Did you see it in the papers?"

In about a half hour afterward he ceased to breathe, in the presence of Mr. Perry, Dr. Archer and Austin Bryan.

Dear Guy,

I have now concluded by melancholy task. If your uncle had been spared for a few years longer, I would, by my attention to his business, probably have learned from himself many particulars relating to his life which would interest you. Those which I possess I have written with much prolixity, in order to help my memory as I proceeded. If you can cull out as many *lines* as I have written *pages*, I shall be most amply repaid. You may rely on the truth of all I have written; for I would not set down that of which I was not positive and certain.

Should I at some future period revisit Mexico, in either a public or private capacity, it will afford me much pleasure to aid you in collecting material for your uncle's life. I left many friends there, and by their influence could have access to many State papers.

Wishing you all success, I remain yours,

GEO. L. HAMMEKEN

<sup>15</sup>Austin's nephew.

BRITISH CORRESPONDENCE CONCERNING TEXAS

XXII

EDITED BY EPHRAIM DOUGLASS ADAMS

ELLIOT TO ABERDEEN<sup>1</sup>

No. 26.

New York.  
Augt 31. 1845

My Lord,

I have the honour to transmit herewith a statement of the United States Naval force in various parts of the World, extracted from the Government paper of the 26th Instant.<sup>2</sup> Intelligence from Texas to the 30th Ultimo reports the temporary Cantonment of an American force of 11 or 1200 Men on St Joseph's Island (which faces the Coast between the Mouths of the Aransas Stream and the "Nueces,") and from the various accounts I have seen in the prints of this Country I should judge that reinforcements to the extent of about 2,500 Men are now on their way to the same destination, but the whole strength could hardly be completely assembled in Western Texas before the 10th of next Month, at the earliest.

I presume that St Joseph's Island has been selected for the disembarkation of the troops in preference to Corpus Christi because the entrance at that Pass has the advantage of rather more water, than that at Corpus Christi, (about a degree further to the Westward) and probably also because the Coast at that point is rather nearer to San Antonio de Bexar, where I conclude it is intended to canton the troops and form the main depots, upon the ground of it's situation with respect to the main routes into the Country, and superior comparative healthiness. It should be said that there will be considerable inconvenience and difficulty in transporting the troops and Materiel rapidly from San Josephs to the Coast in consequence of the Shallowness of the Bay and the want of a sufficient number of light boats: And if the rains set in as early as September as they have done of

<sup>1</sup>F. O. Texas, Vol. 13.

<sup>2</sup>Cutting from *The Washington Union*, August 26, 1845.

late years, the March through the lower Country will be extremely slow and trying

If the Mexicans are advancing rapidly in force, and are accompanied by strong levies of effective and well mounted rancheros, thoroughly acquainted with the Country, and commanded by active partizan Chiefs, of whom there is no want in Mexico, the American force may find it more difficult to establish themselves firmly on their intended basis than appears to have been contemplated. In fact the inconsiderable amount of the force originally sent on, and the hurried and piecemeal manner in which reinforcements are now following strengthen me in the impression that the first movement in Texas was dictated chiefly by a desire to commit the Legislatures and people of the two Countries beyond any change of retraction, and not by apprehension of early irruption into Texas by Mexico.

Upon any other reasoning the manifest course, more particularly at this season of the year, would have been to assemble the expeditionary force at some convenient station in the Upper Mississippi, where it would have been beyond the range of yellow fever, and from which it could have been conveyed by Steam in a few days in complete strength and an effective condition to the most eligible place of disembarkation, nearest to the points which it was to act upon, or to cover. If there had not been any movement into the Country by the American Government till the Congress of the United States had met, I think there can be no doubt that Mexico would have been contented to wait for the final action of this Legislature, but other motives have been operative in this quarter and I am afraid that it may now be very difficult to avert a collision.

Amongst the impulses disposing the present Government of the United States to provoke hostilities with Mexico (and if hostilities do ensue it must be plain to the World that they have been incited by this Government both primarily and immediately,) would be the desire of a pretext for taking sudden possession of San Francisco Bay; and it is sincerely to be hoped that the Government of Mexico may lose no time in shaping their policy with respect to that part of their territory on large and sound principles.



But whatever the secret intentions, or political necessities or liabilities of this Government may be, as to the temper of Congress and the Country on more mature reflection, and better information than have hitherto obtained, it is certain at all events that the American force in advance has been exposed, in a Military point of view, to serious and perfectly avoidable risks:

And if the Mexican Warfare and policy are vigorously and judiciously managed, they have fairer means of disturbing the early aggressive proceedings of this Government than it was reasonable to suppose would have been given to them.

The outset of these operations has been defective, either as to the need for such haste with a handful of men, or the period at which they have been commenced, or the confused and desultory manner in which the force has been prepared and directed to the theatre on which it is to act, or finally as to the point of disembarkation.

Mexico in my judgment is in a better situation than could have been looked for, to fall at once and at advantage, upon schemes of warfare best suited to her strength and necessities, and to drop simultaneous suggestions of possible accommodation upon principles that will diminish the risk of vigorously protracted hostilities with the sanction of the Legislature of this Country; and without that sanction the Executive of the United State have neither the power nor the means to do much mischief to any other Country, or their own. Your Lordship will observe, by the papers of this Country that the Governor of Louisiana has been called upon by the General Officer in Command of the S. W. division of the Army to reinforce the regular troops in Texas with drafts from the Militia of New Orleans.

They are unfitted for the circumstances and warfare which they would have to contend with in Texas, and will be a burden and an expense rather than of use in this struggle. The Militia best suited to such Service would be the hardy Yeomanry of the Western free States, not the unpractised youth of the Southern Cities, and I feel I hazard nothing in the prediction that if they are detached in force at this Season to the Coast of Texas, they will perish in great numbers, and with great rapidity. Neither can it fail to strike the most careless observer that with the reg-

ular force in advance, there is need for keeping the Militia at home, and prepared for Service, to guard against the contingency of negro movement, perfectly probable in the pursuit of a war with Mexico, undertaken mainly for the purpose of prolonging and extending the System of Slavery; a fact, of which it would be irrational to suppose that the Slave population of the United States is not quite aware.

Before I close this despatch I may add that it appears from the casual accounts I have seen in the papers, that a considerable portion of the force sent to Texas is Artillery with an unusually large number of Guns for so small an expedition.—So far as I have been able to judge of the weather and Country in Texas that arm would not be very effective in the warfare there except for a few Months in the year, owing to the dry state of the prairies and rush bottoms in the Autumn and Winter months; and if the war should be carried beyond the Rio Grande the inconvenience would be increased, by reason of the Mountainous nature of the Country, and the impossibility of using any other means of transport than Mules.

During the period of more than three years since my arrival in Texas, there have not been more than 10 Months in all, pending which Military operations could have been carried on in this Country, owing to deluges at one time, or drought and a want of fodder at another, and the utter impracticability of keeping a force in the field during the great stress of the heat.

With the view to afford the Commander in Chief all the means in my power of forming a judgment on the state of circumstances in Texas, I have taken the liberty of forwarding this despatch to him for his perusal.

Charles Elliot

To The Right Honourable,  
The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>3</sup>

*Private.*

New York  
August 31st 1845

My Lord,

Since I closed my despatch No 26 of this date (forwarded

<sup>3</sup>F. O. Texas, Vol. 13.

through the Admiral) I have heard a report which I think it proper to mention to Your Lordship.

It comes to me from a Merchant of great respectability here, and directly to him from a person closely connected with Mexico, and he thinks, likely to be accurately informed

My informant states his belief that letters of Marque have been for some time actually in Rio Janeiro, Havana, and other ports in various parts of the World, ready to be issued by the Mexican Consuls, as soon as they shall know of the commencement of hostilities between the United States and Mexico. I have no means of Judging of the truth of this statement, but Your Lordship will no doubt know what degree of credit should be attached to it. The Gentleman who mentioned the report to me thinks that an early rupture is inevitable, founding his opinion chiefly on the difficulty of restraining the American force in Western Texas.

Charles Elliot

To The Right Honourable

The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN<sup>4</sup>

No. 23.

Her Majesty's Consulate  
Galveston,  
September 6th. 1845

My Lord,

I have the honour to inform Your Lordship that the Convention assembled at Austin closed its deliberations and adjourned on Thursday the 28th Ultimo.

Enclosed herewith, are—a printed Copy of “the Constitution of the State of Texas,”<sup>5</sup> adopted in the Convention, and a Copy of a Proclamation by President Jones—invoking the decision of the people of Texas, in reference to that Constitution, and “the expression of their opinions *for* and *against* Annexation,”—together with their adoption, or rejection, of an Ordinance passed by the Convention, having relation to Colonization Contracts.

It is to be observed that the final Vote respecting the State Constitution and the question of Annexation is to be declared

<sup>4</sup>F. O. Texas, Vol. 14.

<sup>5</sup>The Constitution of 1845.

*"vica voce."*—In the elections of the Republic the Votes, hitherto, have been taken by *ballot*. The opponents of Annexation in Galveston appear to consider that (the open) Mode of arriving at the sentiments of the people, as unfavourable to the uncontrolled development of opinion.

Appended to the printed copy of the "Constitution of the State of Texas," is an ordinance adverse to the existing Contracts for Colonization, and calculated, if not to invalidate them directly, so far to impede their operation as to render them useless to their holders—The interests to be affected by this Ordinance are, all but exclusively European.—The German Association, lately represented by the Prince of Solms, forwarded emigrants to Texas on the faith of one of these Contracts.

When General Murphy arrived at Galveston, as Chargé d' Affaires of the United States in June 1843; he instituted inquiries respecting the Colonization Contracts, and took occasion to denounce the introduction into Texas of Settlers from Europe.—He remarked that—"the inhabitants of Texas wanted emigrants like themselves, and no others—Men speaking their own language, and subject to their own customs and laws"

Mr Terrell—lately representing this Country in England—returned to Texas, in the Brig "Hope Howes," from New Orleans, on Tuesday the 2d Instant.—He appears desirous to correct misrepresentations that have been current of the course pursued by Great Britain in reference to Texan affairs, but Annexation being considered virtually settled, it is not likely that he will be afforded a suitable opportunity for explanation.—The number of those who would testify to that which is right, at the risk of detriment to their worldly hopes, or expectations, is not greater here than elsewhere, and the will of the people being Sovereign, the majority by which it is pronounced is by no means indulgent to openly-avowed dissent, or tolerant of active opposition.—Unceasing endeavours—which circumstances have aided, have been made to render the name of England a bugbear in this quarter, and the fruit of these endeavours will doubtless remain after the object which inspired them is accomplished.

For my own part, I am unable to perceive the advantages to be derived, by the present inhabitants of Texas, from the accom-

plishment of Annexation, as contrasted with the attainment of peace and independence.—Popular impulse,—(however generated) for the time bears down every suggestion of prudence and public spirit, but the day is not remote when the feverish Joy of the National “espousals” must yield to cold considerations of a State debt, without internal resources for its liquidation—of the litigation of Land Titles before an unfamiliar, and, practically foreign tribunal—and of a State revenue to be drawn from a source inadequate and unwilling—which has never yet supplied one third of the amount that will inevitably be required for the efficient working of the new Administrative machinery.

Since my despatch No 22 of the 23d Ultimo, small bodies of regular troops, and volunteers, with arms and stores, have been transported from the United States to Western Texas. Up to the date of the present communication, no intelligence on which reliance can be placed has, to my knowledge, been received at Galveston from Mexico. The last accounts from Corpus Christi represent Mexican traders as still resorting thither.

In my despatch No 10, of the 25th of April last, I mentioned that the “Texas National Register” (official Journal) had defended Mr Ashbel Smith against the charge of being unfriendly to Annexation. The “Galveston Civilian” of this day, contains a reply to the same charge from Mr Smith himself, of which I take leave to enclose a copy.—It’s author is still in the United States.

William Kennedy.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>6</sup>

No. 27.

New York.

My Lord,

September 13th 1845

I have thought it may be convenient to forward for Your Lordship’s perusal, the protest of Mr L. D. Evans, a Delegate in Convention from Fannin County (extracted from the Texian National Register of the 14th August) against the passage of the resolutions inviting the troops of the United States into Texas.

Without dwelling upon any particular measure of a Body, unconstitutionally assembled to sacrifice the separate existence, and

<sup>6</sup>F. O. Texas, Vol. 13.

revolutionize the institutions of the country, Mr Evan's protest has certainly strengthened me in the belief that the movement of the United States troops beyond the Sabine was made mainly to commit the Legislatures and people of the two Countries beyond all possibility of retractation. But beyond that motive, I cannot but think, that the advance of the American force within the territory which the Government of Texas in the preliminary conditions sent on to Mexico palpably admitted to be subject to Negotiation and compromise, affords conclusive proof that the Government of the United States desired to provoke hostilities by Mexico; probably with the view to the sudden seizure of certain positions on the Coast of California. I avail myself on this occasion to acknowledge the receipt of Your Lordships despatches to No 12 inclusive, and a Circular despatch of the 30th June.

To The Right Honourable

Charles Elliot

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>7</sup>

*Private.*

New York.

My Lord,

September 14th 1845

I have the honour to forward for Your Lordship's perusal a series of letters signed J. H. E. dated at Corpus Christi on the 8th, 13th, and 27th August which I have extracted from the New York Tribune of the 12th and 13th Inst

They appear to me to contain a good account of the Country in which the American force is now posted, and I think are otherwise very worthy of Your Lordship's notice. From a paragraph towards the close of the Communication No 1—I collect that it is not intended at present to maintain the positions West of the "Nueces," but I should add that my own private letters from Texas, and the tone of the Government press in this Country would lead to different inferences. I have also extracted the 3d Edition of the same paper of this day's date, containing the latest information which I have seen from the Expeditionary force. This letter is sent to the Admiral for his perusal

To the Right Honourable.

Charles Elliot.

The Earl of Aberdeen, K. T.

<sup>7</sup>F. O. Texas, Vol. 13.

P. S.

New York. Sepr. 15.

By an American Brig arrived yesterday from Tobasco (sailed on the 20th Ulto) reports have reached this place of a revolutionary Movement in that quarter against the Mexican Authorities

ABERDEEN TO ELLIOT<sup>8</sup>

Consular

Foreign Office

No. 3.

September 17th 1845

Sir,

I have read with painful attention the explanations contained in your Despatch, Consular No 1 of 1st of July last, which, in compliance with the Instructions conveyed to you in my Despatch Consular No 1 of the 3d of June, you have given me on the subject of the Charges which you preferred against Her Majesty's Consul at Galveston.

As you have in part expressed concern at having made those Charges, and have in part withdrawn from the prosecution of them, I am unwilling to dwell further upon the subject of them, than to express my regret that you should have allowed yourself to have been led away by a momentary feeling of irritation into the serious error of bringing accusations against one of Her Majesty's Subjects, which were calculated so greatly to injure him in the estimation of Her Majesty's Government.

At the same time, however, I make allowances for the hastiness of the act, considering your infirm state of health, at the time at which it was committed, and I willingly acknowledge the candour with which you have admitted your error.

Aberdeen.

Captain Elliot.

Texas.

ABERDEEN TO ELLIOT<sup>9</sup>

No. 13.<sup>10</sup>

Foreign Office.

September 18th. 1845.

Sir,

I perceive by your Despatch No 23, of the 13th of August, enclosing your Correspondence with Her Majesty's Minister in

<sup>8</sup>F. O. Texas, Vol. 21.

<sup>9</sup>F. O. Texas, Vol. 21.

<sup>10</sup>F. O. Texas, 21, Aberdeen to Elliot, Nos. 11, July 18, and 12, August 4, 1845, have been omitted. Both acknowledged receipt of despatches.

Mexico on the subject of your departure from Texas, prior to the passing of the Act of Annexation to the United States, that you have somewhat misapprehended the drift of my Despatch No 10, of the 3d of July, with reference to your contingent continuation, or departure from Texas, while the question of annexation was still pending in that Country.

In the uncertain prospects under which that Despatch was written, it was impossible for me to give you fixed and definite instructions for the guidance of your conduct under every circumstance which might arise. Much was therefore necessarily left to your discretion. But you will find it pretty clearly intimated in the concluding part of that Despatch that Her Majesty's Government rather contemplated your remaining at your post until the Act of Annexation should have been passed. As, however, the preceding correspondence between yourself and this Office has left Her Majesty's Government in uncertainty as to whether, on the arrival of my Despatch of the 3rd of July, you might not have already quitted Texas, the alternative of your remaining in Texas, or in some part of the United States, until you should have received further instructions from home, was mentioned.

Her Majesty's Government would on the whole have preferred that you had remained at your post until the Annexation had been formally decided by the Government of Texas; but they are not disposed to blame you for not having done so, and are willing to admit that the reasoning by which you support the expediency of your departure is not without force, although they are inclined to take a different view of the matter, and are of opinion that your waiting passively the vote of Annexation, would in no way have compromised either Your Government or Yourself.

You will still continue to reside in some port of the United States until Her Majesty's Government shall have been able to see more clearly what turn Affairs may have taken, or may be likely to take, in Texas, and to instruct you accordingly.

Aberdeen.

Captain Elliot. R. N.



ELLIOT TO ABERDEEN<sup>11</sup>

No. 28.

New York.

September 29th. 1845

My Lord,

Intelligence from Galveston to the 6th Instant reports the dissolution of the Assembly at Austin on the 28th Ulto.

The popular vote on the Constitution was to be taken viva voce, and should it appear by the returns to have been adopted, the President was to issue his proclamation on or before the 2d November next, for the election of the officers and representatives of the State Government, who however were not to enter upon their functions until after intelligence had been received of the acceptance of the Constitution by the Congress of the United States. I learn from private sources of information worthy of credit, that efforts were made to establish an ad interim Government at once, but other influences prevailed. The Constitution and authorities of the Republic will therefore continue in force till the Measure of Annexation is completed in this Country; Neither can I dismiss the impression that the Government of Mexico has it in it's power by very prompt and judicious proceedings, if not to defeat this plot, at all events to give it a shape and result that will materially mitigate it's mischievous consequences

My own papers from Texas have not yet reached me, but I have extracted from a Journal of this Country an ordinance submitted to the people with the Constitution of the State. I believe that it is mainly directed against a particular Colonization Contract between General Houston and certain Citizens of this Country, made in the early part of the year 1843, and alleged by his enemies to have been irregularly if not illegally completed. But the Measure may have a more general bearing, and affect interests which Her Majesty's Government would consider it right to protect. I have therefore submitted it for Your Lordship's notice.

The latest dates I have seen from Corpus Christi are of the 16th Instant. The American forces there consisted at that time of about 2,200 Men of all arms, but reinforcements to the extent

<sup>11</sup>F. O. Texas, Vol. 13.

of about 1500 more were looked for in the course of a few weeks. When the whole is assembled, I remark that at least a third of it will consist of Artillery.

It did not appear that General Taylor expected to be attacked, and nothing certain was known of the positions or extent of force of the Mexicans.

Charles Elliot.

To The Right Honourable.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>12</sup>

No. 29.

New York.

Sep. 30. 1845.

My Lord,

The accompanying Newspaper<sup>13</sup> containing a Schedule directing that the Constitution of the proposed State of Texas, as passed by the Body lately assembled at Austin, should be submitted to the people, has this morning reached me in time for the Mail of tomorrow from Boston.

It further contains a Copy of the President's proclamation, from the terms of which it will appear that he has also submitted the question of Annexation or Not to the popular vote; and it occurs to me that there is some ambiguity of expression as to whether that last question is to be taken viva voce, or otherwise.

Charles Elliot

To the Right Honourable.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>14</sup>

No. 30.

New York.

October 6th. 1845

My Lord,

I have the honour to acknowledge the receipt of Your Lordship's despatch No 13.

I take the liberty to remind Your Lordship that I did remain in Texas till the 15th of June last, that is till the day

<sup>12</sup>F. O. Texas, Vol. 13.

<sup>13</sup>*The Civilian and Galveston Gazette*, September 6, 1845.

<sup>14</sup>F. O. Texas, Vol. 13.

before the Meeting of Congress when there could be no reasonable doubt that the Measure of Annexation would be formally adopted by that body and the Executive within a very brief period. The Measure was immediately adopted, and I believe that the ill success of the efforts to set aside the Government at once is chiefly to be attributed to my departure before they could be made.

My own view and intention has always been to return to New Orleans in the event of any change of temper or affairs in Texas indicating the advantage of my near neighborhood to that point, and I may perhaps be able to form some judgment in that respect when the result of the election for the 10th Congress are fully known. So far as they have yet been reported there is no ground for movement upon my part in that direction, but I should say at the same time that they do furnish some slight evidence of recovering strength in the Anti-Annexation party in particular sections of the Country; that is, if I may judge from a few of the names of the Elected Candidates.

Should any considerable portion of the new Congress in Texas be wisely and honourably disposed, and should there be the least pretext for retracing what has been done, in the course of the ensuing Congress in the United States, it is probable that the President of Texas will forthwith call a Session, and do what may be in his power to save the independence of the Country. Late though it be, I still lean to the opinion that it is in the power of Mexico to give a shape to these affairs which would effectually break up the present Scheme of Annexation in the United States, and defeat the other dangerous designs with which She is menaced from this quarter. If there should seem to be any necessity for my movement to New Orleans or Texas before I could receive Your Lordship's sanction, I should state my impressions to Mr. Pakenham, and guide myself by his opinions.

Charles Elliot

To the Right Honourable.

The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN<sup>15</sup>

No. 28.

Her Majesty's Consulate  
Galveston

October 16th. 1845.

My Lord,

I have the honor to enclose a printed Copy<sup>16</sup> of a Speech delivered by Mr. Terrell, lately representing the Government of Texas in England, to a party of political and personal friends by whom he was entertained at Galveston, on the 2d of this Month. Although (acting in conformity with a rule to which I have uniformly adhered since my residence at this Consulate) I was not present at the entertainment,—I am enabled to assure Your Lordship that the enclosed copy of Mr Terrell's Speech is deemed by that gentleman to be a faithful record of his sentiments. The party assembled on the occasion was small in number, but respectable; its paramount object was to afford Mr Terrell an opportunity for explanation. Of this opportunity—when time, and place, and circumstance are duly considered—it will be admitted that he availed himself with a considerable boldness.

There are but two passages in the Speech which seem to call for present remark: these I have marked: One, in page 2., adverting to the probable disposition of the Federal Union, in consequence of the extension of the territory of the United States;—the other, in page 3d., commenting upon the alleged design of Her Majesty's Government to effect the abolition of Negro Slavery in Texas.—With regard to the first of these passages, the apprehensions it embodies are entirely speculative, and with quite as little prospect of being realized now as at any previous time:—with regard to the second passage, Mr Terrell errs in attributing the excitement respecting Slavery in Texas to Your Lordship's remarks in the House of Lords,—spoken, if I mistake not, in August 1843.—The excitement had its origin in the town of Houston, in March 1843, and the leading facts in relation to it were submitted to Your Lordship in my Despatches of the Slave Trade Series for that year. It was immediately after England that the Southern States of the Union appeared to take

<sup>15</sup>F. O. Texas, 14.

<sup>16</sup>Unidentified newspaper cutting. But see p. 395, Note 18.

the Movement of which Mr Andrews was the representative in alarm on the subject of Slavery in Texas, and that direct and strenuous endeavours were made by the American Executive to accomplish the Measure of Annexation as speedily as possible.

William Kennedy.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>17</sup>

No. 31.

New York.

November 14th 1845

My Lord,

I have the honour to forward to Your Lordship a Galveston Newspaper<sup>18</sup> of the 18th Ultimo containing the report of a Speech delivered by Mr Terrell at a public dinner recently given to him by some leading Citizens of that place.

The respect which is so generally and justly felt for him in Texas will no doubt have great weight to his opinions on the subject of Annexation in point of policy and interest. And he has joined to those views what should be matter for serious reflection throughout the Country, in this honourable exposure of the misrepresentation and indirect proceedings by which the people were beguiled and precipitated into a shameful measure of National annihilation.

Indeed it is beginning to be generally understood by the people of Texas, though probably too late, that the demand for the entrance of the troops of the United States, and the foregone compliance of this Government, were not attributable to any well founded apprehension of Mexican invasion, but chiefly to surrender the Country forthwith into the Military possession of the Executive of the United States, for the purpose of overawing the friends of the independence of the Republic, and of silencing any inconvenient reconsideration of the subject in the Legislature of the United States. A state of actual war with Mexico would probably have that last effect; and a pretext for suddenly engaging the force in Texas in proceedings of still further aggression and invasion upon Mexico, rendering collision inevitable, could always be found at a short notice, in the event of any political

<sup>17</sup>F. O. Texas, Vol. 13.

<sup>18</sup>*The Civilian and Galveston Gazette*, October 18, 1845.

pressure upon the administration here arising out of the renewed discussion of the principles and details of the present Scheme of Annexation, in the Congress of the United States.

The latest accounts from Galveston are of the 1st Instant, and at that date the general result of the popular vote on Annexation was not known, but it was sufficiently ascertained that there would be a large majority in favour of it. I remark, however, that the vote taken on the occasion at Galveston, did not amount to much more than half the whole vote of the County. The Annexation party polled what may be taken to be about their whole strength, 270, but the opponents of the measure refrained in a great degree from a viva voce vote which they probably felt in the present temper of the Country, would only unavailingly expose them to suspicion and ill-will. Their vote however reached 121. In Harris County in which Houston is situated, similar feelings seem to have prevailed. Upon the whole judging from the information I have received, I think there may be some ground for the opinion that the Anti-Annexation party is rather recovering strength, and if Congress in the United States should not fulfill the expectations raised in the Correspondence of Major Donnelson with the Government of Texas, it is possible that the reaction there will be stronger and more general than is anticipated in this quarter.

There is a respectable party in Texas cordially in favour of maintaining the Independence of the Republic, and some of the most influential persons in the Country are probably only waiting for a favourable opportunity, and some turn of the popular tide, to head the movement. At my last dates, the United States force in Texas consisted of about 4,000 troops, and there had been no change in their position.

The continuance of the illicit traffic on that frontier, notwithstanding the presence of the force, strengthens me in an impression I have for some time entertained that it would be a wise and safe policy for Mexico at the present conjuncture, to declare the Brassos San Jago a free port for the vessels of all friendly Nations, admitting goods there on an ad valorem duty, not exceeding 5 per Cent. If that Measure were accomplished by a rigid enforcement of the prohibitions against the entrance of

goods by the land frontier, I think the land traffic would soon be beat down by the safety and superior cheapness of the other channel. No better mode of checking some of the very dangerous purposes of this Government against Mexico has presented itself to my mind, and I am sure that it consists with the security of Mexico to fall forthwith upon sound means of diminishing the Commercial intercourse with the Americans by the land frontier. The present purpose of this Government is to make Texas the emporium of a great smuggling trade into the Northern Provinces of Mexico, but I believe it is more in the power of Mexico, by judicious courses, to make Matamoros an emporium for an extensive trade with the United States.

If goods can be purchased much cheaper at Matamoros than at New Orleans (or Galveston, as part of the United States) the people in Texas will purchase them there, and they will find their way by that channel through the whole South West of the United States. The Mexicans have but to beat the Americans in a liberal Commercial policy, at their frontier ports, (no hard task,) and the trafficking spirit of the Neighbouring people will effectually secure to them the fruits of their victory.

I take this occasion to acknowledge the receipt of Your Lordship's despatches No. 14 and 15.

Charles Elliot

To the Right Honourable  
The Earl of Aberdeen K. T.

ELLIOT TO ABERDEEN<sup>19</sup>

*Secret.*

New York.

November 26th. 1845.

My Lord,

Since I last had the honour of addressing Your Lordship I have received some information from a quarter where mistakes are not likely, which Her Majesty's Government may desire to know.

The substance of it is that the Executive of the United States is fully committed to the expectations raised by Major Donnellson's correspondence with the Government of Texas, especially as to provision for their debt in some satisfactory form, or the

<sup>19</sup>F. O. Texas, Vol. 13.

security to Texas of the whole of their legislative territorial pretensions. It seems that Major Donnelson found it necessary to address a letter to this effect to two leading Members of the late Convention at Austin (whose names are known to me) to secure their support. And I think Your Lordship may depend that Mr Polk has subsequently authorized the Agents of Texas at Washington to communicate to their Government his unreserved adoption of Major Donnelson's pledges, and his determination to use all the influence of the Administration to give them full effect.

According to my information it is probable that the President will confine himself in his opening Message to a recommendation of the immediate acceptance of the State Constitution, leaving all the other details, (for fear of embarrassment) to be the subject of a separate Communication, as soon as the main part is carried. I am further informed that one idea of the Government of the United States was to propose to Mexico that the Northern and Western limits of the new State should remain as they are legislatively claimed by the Republic of Texas till the descending line of the Rio Grande reaches the Presidio del Rio Grande (a point noted on Arrowsmith's Map,) and thence, that the lower river and all the Country South and East of the Presidio, as far as the "Nueces" shall be restored to Mexico, the harbour, however of Brassos Santiago, to be ceded to the United States, and the navigation of the river to be common. A further scheme appears to be that the whole Country between the Rio Grande and the Pacific, North of the parallel 36°. 30". should be purchased of Mexico, and it is the impression of the party by whom I was informed, that no arrangement would be satisfactory to this Government, and a large party in the Legislation of the United States that did not involve the acquisition of San Francisco Bay.

Whether this information is entirely accurate, or to what extent it is, I cannot undertake to say; but it reaches me from such a source that I have considered it right to communicate it to Your Lordship, as well as privately to Her Majesty's Ministers at Washington and Mexico. It is to be hoped that the Government of Mexico, (taking warning by the past, and heedful of the palpable purposes of this Government, and of the people of



the growing parts of this Country) will, before it is too late, shape their future policy by a steady regard to the strength and security of the Country in their actual possession, or which they can effectually defend. And if the Government of Mexico will conduct their negotiations with the United States upon these principles, skilfully and temperately, availing themselves of the Sectional jealousies in this quarter, and avoiding any agreement upon the Texas question unless the menaced difficulties in California can be simultaneously and satisfactorily adjusted, I believe that they may lay the foundations of a better balance of political power on this Continent, involving more of security to themselves and all the kindred races, South of them, than there appears to be otherwise much reason to hope for.

Charles Elliot.

To The Right Honourable.

The Earl of Aberdeen, K. T.

ABERDEEN TO ELLIOT<sup>20</sup>

No. 16.<sup>21</sup>

Foreign Office.

December 3. 1845.

Sir,

Your Despatch No. 30 of the 6th of October last, has been received and laid before the Queen.

Until the final Annexation of Texas to the United States shall have taken place, Her Majesty's Government consider it indispensable that you should be at your post at the Seat of Government in Texas, in order to maintain the Communications between the two Governments, and to keep Her Majesty's Government regularly and authentically informed of all that takes place in Texas.

I have therefore to desire that you will forthwith repair to your post, and that you will remain there until you receive orders from Her Majesty's Government to leave it.

Aberdeen.

Captain Elliot, R. N.

<sup>20</sup>F. O. Texas, Vol. 21.

<sup>21</sup>F. O. Texas, 21, Aberdeen to Elliot, Nos. 14, October 3 and 15, October 18, 1845, have been omitted. Both acknowledged receipt of despatches. Aberdeen to Elliot, No. 17, December 3, 1845, notifying Texas that Great Britain will still hold her to her treaty obligations, is in Garrison, *Diplomatic Correspondence of the Republic of Texas*, III, 1203, in *Am. Hist. Assoc. Report*, 1908, II.

KENNEDY TO ABERDEEN<sup>22</sup>

No 34.

Her Majesty's Consulate  
Galveston

December 8th. 1845.

My Lord,

In my Despatch No 7., of the 2d of April last, mention was made of certain Military operations contemplated by Doctor Branch T. Archer, formerly Secty of War in Texas, and others. Since that period, Doctor Archer, and the partner of his counsels, General Thos. J. Green,<sup>23</sup> who formed one of the Texian expedition beyond the Rio Grande, in 1842, has spent the greater part of their time in Washington, United States, where they appear to have been favourably noticed by the President, and the leading Members of his Cabinet.

Mr Terrell's Speech at Galveston, of which I had the honor to enclose a Copy to Your Lordship, in Despatch No 28, of October 16th, has not been published in any Texan Newspaper save that in which it originally appeared. Nor, so far as my information extends, has it been transferred to the columns of any Journal in the United States. The only notice I have seen of it, East of the Sabine, is contained in a Whig Newspaper, the "New York Courier and Enquirer," which taunts the official Journal at Washington with its silence touching the grave charges advanced by Mr Terrell against the Government of the United States.

Since my Despatch of the 16th, no event of importance has occurred here. In addition to the encampment at Corpus Christi, small bodies of United States troops have been stationed at Austin, Goliad and San Antonio, all of which places are on the Western frontier. The establishment of the force at Corpus Christi was effected slowly, and at a great expense, and an active enemy might have found it no difficult matter to cut off the troops as fast as they landed. The want of good water, with

<sup>22</sup>F. O. Texas, Vol. 14.

<sup>23</sup>Thomas Jefferson Green, b. 1801, d. 1863. A native of North Carolina, he early in life removed to Texas, and was brigadier-general of volunteers in the War of Texan Independence. In 1842, he led the disastrous Mier expedition, was captured, and not released until September, 1844. He published "The Mier Expedition" (1845). (Appleton, *Cyclop. of Am. Biography.*)

other local causes, has produced much sickness in the Corpus Christi encampment. It appears to me that if war were to be conducted with the same absence of System and prodigality of outlay that have characterized this frontier occupation, a great European Power, having the command of the Gulf, could carry on a campaign in Texas more efficiently and less expensively than the United States—provided always, that the European Power would take the trouble to ascertain what really are the strong and the weak points of American organization. This, experience shows, the pride of an old Sovereignty will hardly permit it to do.

Some artillery and small arms have been landed at Galveston, but the Island remains without regular troops, or defences. This would seem to be a singular oversight, if hostilities have been anticipated; as Galveston is the Key of the Country, and presents peculiar advantages for the establishment of a large force,—covered and supplied by a fleet in the Gulf.

Annexation having opened a new career to Texan politicians, each party pretending to popular favour and office has been endeavouring to prove itself entitled to the credit of having carried the Measure. The first movement in this direction is ascribed to General Houston, who, in a speech made at New Orleans, on the 28th of May last, is represented to have said that he was the friend of Annexation, although he has “coquetted a little with Great Britain.”

General Houston returned from the United States to Texas in October, and, on the 12th ultimo, attended a Public Dinner given to him at Galveston. This Dinner I was invited to attend, but declined the invitation, for reasons of obvious propriety. Mr Ashbel Smith and the Mayor of Galveston severally called upon me, from General Houston, conveying from him expressions of regard, and of the pleasure he would feel in meeting me. My reply was that I had personally no grounds for ill will to General Houston, but that a sense of what was done [due] to the Commission which I held, must deprive me of the pleasure of Meeting him, so long as the statement contained in the report of his New Orleans Speech—that he had “coquetted” with Great Britain,—remained uncontradicted. It being authoritatively denied that General Houston had made the remark, I suggested

that the contradiction, to be of value, should be as public as the report. A public address subsequently delivered by General Houston, afforded a suitable opportunity for any explanation he might deem befitting, but the occasion passed without any reference to the New Orleans Speech;—and there the Matter rests.

The controversy as to who carried, or was most earnest in the endeavour to carry, the Measure of Annexation, has induced the publication of various official and non official documents of which I beg leave to enclose the more interesting: namely,<sup>24</sup>

1st Letter of Instructions from the Secty of State of Texas to the Texan Charge d' Affaires to the United States, dated January 20th 1842.

2d. A similar letter, from the Secry of State of Texas, to the Texan Charge d' Affaires to the United States, dated February 10th 1843

3d Secret Message of President Houston to the Texan Congress, dated Jany. 20th 1844.

4th. Letter of President Houston (Confidential) to the Texan Chargé d' Affaires at Washington, U. S., dated January 29th and February 15th 1844

5th Letter (Strictly confidential) from President Houston to General Murphy, U. S. Charge d' Affaires in Texas. dated February 3d. 1844.

6th Ex. President Houston's letter to Certain Citizens of Washington (Texas) dated October 20th. 1845.

7th Ex-President Lamar's letter to Citizens of Galveston, dated November 15th 1845

I also enclose herewith a printed Copy of a Proclamation by President Jones, announcing the result of the appeal to the people in regard to the ratification, or rejection, of the State Constitution, and a printed copy of a Proclamation naming a day for holding the elections under that Constitution.

<sup>24</sup>Newspaper cuttings without date or name. Numbers 1, 4, and 5 are calendared by Garrison as in the *Telegraph and Texas Register*, November 26, 1845. No. 2 is in Garrison, *Diplomatic Correspondence of the Republic of Texas*, II, 123, in *Am. Hist. Assoc. Report*, 1908, II. No. 3 is in *Secret Journals of the Senate*, 294-296. Nos. 8 and 9 (as well as Nos. 1, 3, 4 and 5), were later transmitted by Elliot also (F. O. Texas, 16, Elliot to Aberdeen, No. 7, January 20, 1846) and were stated to have appeared in the "National Register Newspaper of the 29th November last." . . .

There are three candidates for the representation of Texas in the Senate of the United States—General Lamar, Houston and Rusk: it is supposed that Houston and Rusk will be elected.

A considerable number of German emigrants have arrived this season. I propose to transmit a return of the whole number to the close of the present year.

William Kennedy

The Earl of Aberdeen, K. T.

## BOOK REVIEWS AND NOTICES

*The Founding of Spanish California. The Northwestward Expansion of New Spain, 1687-1783.* By Charles Edward Chapman, Ph. D., Assistant Professor of History in the University of California. (New York: The Macmillan Company, 1916. Pp. xxxii, 485.)

Most of the contributions that have been made in recent years to the history of the Spanish Southwest have dealt with their respective fields largely from a local point of view. The writers have been interested in the presentation of new facts of a narrative nature, rather than in the discussion of the broader aspects of their subject—in many cases with too little recognition of the fact that the region in question was merely a small division of a great colonial empire, and not an isolated, self-sufficient political entity. Such treatment is more or less inevitable in the pioneer work of developing a new field of historical research. Dr. Chapman's book shows clearly that the writing of the history of California, at least, has passed beyond this early stage. Emphasis is laid, not on the local events connected with the founding of Spanish establishments in California, which have been fairly well known, but rather upon the general attitude and policies of the Spanish government which were responsible for and explain such local occurrences. The chief contribution of the book may be said, therefore, to lie in the creation of a new and broader perspective from which facts of local interest may be approached and interpreted. Such a study as Dr. Chapman has made is possible only in the light of the great mass of original source materials to be found in the archives of Spain, and it is to be noted that the author has based his work almost entirely upon new documents discovered by him in the General Archive of the Indies at Seville.

In order to provide a proper background for his subject, Dr. Chapman first traces the northward expansion of New Spain from its conquest to the beginning of settlement in the peninsula of Lower California. In this opening chapter he has given an excellent summary of the complex movements which resulted in the far northward extension of the frontier down to the close of the

seventeenth century. He next shows, by the use of many previously unstudied documents, that the settlement of Upper California was not the sudden development that it has usually been considered, inspired almost exclusively by fears of Russian and English encroachments, but that it was a movement of slow and gradual growth, which was practically continuous throughout the first half of the eighteenth century. That these early plans did not materialize sooner than they did, he shows to have been due to the many obstacles on the northwestern frontier, and to the lack of an efficient leader. These obstacles were largely removed by the work of the *visitador-general*, José de Gálvez, who put long-deferred plans into execution, and made possible the founding of San Diego and Monterey.

The larger part of the volume is devoted to the movement which led to the founding of San Francisco. The author discusses the various problems in this connection with great detail, but from the broad standpoint of governmental policy. He brings out the importance of the question of overland communication more thoroughly than has ever been done before, and shows the intimate relation between the whole California project and the general development of the northern frontier. The part played by Spanish fear of foreign aggressions is discussed at great length. Dr. Chapman believes that Spain was really less alarmed at the danger from the English and the Russians than the facts would have warranted, and that her policy of strengthening the establishments of California was due chiefly to natural and permanent distrust of foreigners, and not to knowledge of any definite designs against her territory. A valuable chapter on the administration of the *commandante-general*, Teodoro de Croix, is included. Croix is given the blame for the failure of the government to carry out the greater projects that had been planned by the viceroy, Bucarely, for the development of California. The concluding chapter gives a brief summary of conditions in California down to the end of the Spanish régime, but the evident haste with which it was prepared has doubtless prevented the author from continuing the careful work of his earlier chapters. The book contains an interesting general introduction by Professor H. Morse Stephens, and a number of new maps are reproduced.

Some readers are apt to feel that Dr. Chapman, in his desire to furnish a broad perspective and exhaust the new material at his command, has at times gone too far afield from the topics under consideration, thereby impairing the unity of the work. This tendency has been corrected to some extent by the summary which introduces each chapter, but it would have been exceedingly helpful to the reader if a general concluding chapter had been appended, summing up the various contributions, which are often obscured by a great mass of details. On the whole, very few errors have come to the reviewer's notice. A slip or two in the first chapter might be noted. New Orleans was not founded by 1716 (page 5). The Spanish establishments of eastern Texas can hardly be said to have been destroyed by the French in 1719 (*ibid*). It seems possible that further investigation of the events of the administration of Teodoro de Croix may result in the lightening of the burden of condemnation which Dr. Chapman has placed upon him. The reviewer personally would prefer to see the citations to documentary sources given in full in the footnotes, instead of being concealed in the catalogue scheme that has been adopted.

In spite of certain minor defects in style and organization, too much praise cannot be given to Dr. Chapman's book. It sets a new standard for historical writing in the field of Spanish colonization within the United States, and should do much to correct the narrow perspective characteristic of previous State histories in this field.

W. E. DUNN.

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*Collections of the Archive and History Department of the Texas State Library. Executive Series. Governors' Messages, Coke to Ross (Inclusive), 1874-1891.* Edited by and for the Archive and History Department of the Texas State Library, 1916. 8vo, pp. viii, 820.

Ordinarily one expects to find in the Introduction a statement of the scope and plan of the book, something concerning the sources from which the materials contained in the book were drawn, the arrangement of the materials decided upon, and what special problems, if any, the editor encountered in his work, knowledge of which may be of importance to those who use the



book. No such information is vouchsafed the reader of this volume, except that the messages are arranged chronologically.

“It was thought expedient to publish the Governors’ messages first, beginning with the Coke administration and chronologically follow the administrations of the several Governors down to and including the present.” In these words the editor defines the scope and plan of the series of volumes of which this is the first. The reviewer regrets that the scope was not broadened so as to include the Governors’ proclamations, and thus have in one series all the formal official messages issued by the Governor to the Legislature and to the people.

There were four called sessions of the Legislature during the period covered by this volume. The proclamations convening two have been printed in full, those convening the other two have been passed over without mention, although they appear in the journals quite as prominently as do those which are included.

The editor’s statement quoted above warrants one in assuming that it was his intention to include every message from the Governor to the Legislature during the period covered by this book. A hasty and incomplete examination of the principal sources only—the journals of the Senate and House of Representatives—shows that two hundred and seventy messages from that source alone were omitted and not mentioned. The volume contains about two hundred and fifty messages, printed in full or in summary. The omission of this large number of messages, without one word of explanation from the editor, is difficult to account for. There is no evidence that the editor searched outside the printed journals for messages that may not have been included in the journals, such as veto messages filed after adjournment.

Some of the omitted messages are of the same general character as those included. The annual message to the Fifteenth Legislature, over forty pages in length, has been omitted (H. J., 10-54; S. J., 16-60). The biennial message to the Seventeenth Legislature (H. J., 8-11; S. J., 5-10), and a message on quarantine, a message on the sale and exchange of bonds, and a message on the judicial department, all long messages, have been omitted. A number of veto messages have been omitted, and a great many

messages making nominations and requesting the advice and consent of the Senate have been passed over without a reference.

It has not been possible to examine the messages for the purpose of ascertaining whether they are true and exact copies of the originals. The following errors were discovered by a cursory reading: On page 288 the word "Tamaulipas" is misprinted "Camaulipas" and entered in the index under "C." The message on indebtedness of railroads to the school fund (page 340) is incomplete, about nine-tenths of it being omitted. The message in the middle of page 386 and the proclamation on page 488 are incorrectly dated. The sum vetoed in the message on page 523 is \$3,970 instead of \$970.

Turning to the editorial contributions to the book, one notes the absence of a table of contents. This is a serious defect in itself, and it makes the accrediting of messages to their proper legislative sessions practically impossible without some additional source. Reference to the journals without indicating the Legislature intended is even more troublesome.

The explanatory footnotes are too few, in many cases too brief, and lack uniformity. When the Governor in his message refers to other documents for additional information, it is the editor's privilege and duty to indicate where such documents can be found, whether printed in the journals or not. In this manner the editor can enrich the work with the fruit of his own scholarship and smooth the path and economize time for all who come after him. The unsurpassed facilities offered by the files of the State Library, the Executive Office, and the other State departments have, however, in too many instances been ignored in the present work.

Errors in the footnotes occur on page 54 (205 should be 206), pages 55 and 57 (the reference is to page 54 not 80), page 88 (198 should be 47), page 283 (912-913 should be 1005-6, and 1207-1208 should be 1321-22), page 387 (6 should be 3), page 488 (1 should be 3 in both cases), page 599 (929 should be 959), page 655 (208 should be 205-6). Beginning on page 140, the editor has supplied the messages with titles; preceding messages are without title. Titles are wanting on the following pages: 147, 196, 282, and 361. When one comes to the biennial and general messages, obviously no more definite title is possible, but

the editor, nevertheless, has discarded them, and introduced in their place the term "initial message." As a consequence, there are two "initial" messages to the Eighteenth and to the Twentieth Legislature, and in the case of the called session of 1879 there is an "initial message," followed by three "supplemental" messages.

In the opinion of the reviewer, the index is constructed without judgment, is poorly arranged, and is very incomplete. What reason is there for indexing under "Debt, public," and "Public debt"—"Expenditure, public," "Public expenditures," and "State's expenditures"—"Health officer, State," "Public health," and "State Health Officer," data that should be grouped under one head in each case. In some instances the information indexed has been misinterpreted; for example, Alta Vista is said to have been the former name of Prairie View Normal, and Thomas S. Gathright is called the president of this school.

The publication of its archives is a public duty which Texas has too long neglected. Such work, when done, should conform to the highest standards.

E. W. WINKLER.

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*San Antonio de Béxar: Historical, Traditional, Legendary.* By Mrs. S. J. Wright. (Austin, Texas, 1916.)

This volume is the work of Mrs. S. J. Wright, Past-President of the Texas Federation of Women's Clubs, and at present Chairman of the History Committee of the same organization. It is intended to present in brief and popular form the chief facts in the history of San Antonio. As the title indicates, the author does not limit her narration to strict historical facts, but includes may romantic episodes which have been handed down through tradition, but hitherto inaccessible to the busy men or women, who have no time to search them out for themselves. The first ten chapters contain a running summary of the history of early Texas and San Antonio from the first occupation by Spain down to their absorption in the Union. For the Spanish period, Mrs. Wright has followed closely the work of Clark and Bolton. By so doing she has kept her narrative comparatively free from the blunders which have hitherto disfigured most popular historical sketches on early Texas history. Still later research than was accessible to

Mrs. Wright, however, has changed some of the facts which she has gleaned from the two specialists cited above. On the whole, however, her summary is well written, and gives the essential facts correctly. An interesting portion of the book consists of various legends collected in regard to San Antonio, and a description of the missions as they exist today. The general reader interested in early San Antonio history will find much of value in Mrs. Wright's book.

W. E. D.

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*A Brief History of the Lower Rio Grande Valley*, by Frankushman Pierce (Menasha, Wisconsin. 1917. Pp. 200, illustrated, maps). Mr. Pierce's long residence at Brownsville, since 1859, and his legal practice on both sides of the Rio Grande have furnished the information for this little book. Events on both sides of the line fittingly find a place in his survey. The most interesting, as well as the most useful portion of the book is that which sketches the development of the troubles in Mexico which led to the recent movement of United States troops to the border. His estimate of the Diaz régime is not novel, but it is very sound: "Experience had taught that there was but one way to rule a people of whom 80 per cent were ignorant, uneducated, barbarians, and that was with the iron hand. Under him the country soon took place among the nations of the world. . . . In fact, during the thirty-one years in which Don Porfirio administered the affairs of the Republic, every change which took place was destined to the uplifting of his people."

Chapter XI reviews the service of the Texas Rangers in the Brownsville region; and Chapter XIII constitutes a brief guide to the towns within a radius of a hundred miles of Brownsville.

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*Hyphenated*, by August Anderson (published by the author [Austin, 1916]), is the fanciful title of what appears to be a faithful biographical sketch of S. M. Swenson during his career in Texas. While the author has chosen to tell his story in the guise of historical fiction, that is for the purpose of "putting it over." He thoroughly appreciates his obligations as a biographer, and his facts are reliable. The book is a welcome contribution

to the history of the Scandinavian element in Texas. Swenson landed in Texas in 1838, and before the outbreak of the Civil War he had accumulated a fortune. When the War came he was a Unionist and after a time was compelled to take refuge in Mexico. In 1865 he moved to New Orleans and shortly thereafter established his bank in New York.

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*A Foundation Builder*: Sketches in the life of Rev. James B. Simmons, D. D. Compiled by Robert Stuart McArthur, D. D. Published under the direction of the trustees of Simmons College, Abilene, Texas. 1911. 12mo, pp. 141.

James B. Simmons was born and reared in New York. He entered the Baptist ministry and served congregations with much success in Providence, R. I., 1854-57; Indianapolis, Ind., 1857-61, and Philadelphia, 1861-67. Beginning with April, 1867, and ten years thereafter, he was corresponding secretary of the American Baptist Home Mission Society; during this period he secured locations for seven negro schools at Washington, Richmond, Raleigh, Columbia, Augusta, Nashville, and New Orleans. In 1891 his interest was enlisted in the establishment of what is now Simmons College at Abilene. His interest in and attachment for this school increased as the years passed, and when he died in 1905 his remains were laid to rest on the campus. The book will serve as a pleasing introduction to this apostle of Christian education.

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*The Architectural Record* (July, 1916) published seven illustrations and the ground plan of Santa Gertrudis Ranch House, with a brief description. *The American Architect*, January 24, 1917, contains an article by Samuel E. Gideon on "Early Architecture in Texas." Austin residences of the colonial type, most of them antedating the Civil War, are described in word and picture.

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*The Texas History Teachers' Bulletin*, V, No. 2 (February 15, 1917), prints two letters from the Austin Papers. Thomas White writes from Franklin, Louisiana, January 31, 1829, to inquire

about the character of Austin's colonists. Evidently he has heard some pretty alarming stories about these early Texans. In his reply, dated San Felipe, March 31, 1829, Stephen F. Austin gives his colonists a favorable character, and details some of the difficulties he has encountered in keeping the settlement free of criminals.

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*The Scientific Monthly* (January, 1917) contains an article by Edward L. Troxell on "Fossil Hunting in Texas." He describes the Gidley Quarry on Rock Creek, Parker county, and some of the prehistorical animal skeletons that he and others have uncovered there in recent years.

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"A Play for San Jacinto Night" is the title of a little masque for Texas school children, written by Marjorie Wilson Crooks and published as *Bulletin of the University of Texas*, 1916, No. 72.

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*Anti-Trust Legislation in Texas*, noted in *THE QUARTERLY*, XX, 202, has since been published in pamphlet form.

## NOTES AND FRAGMENTS

E. G. MAETZE.—In a letter to the Editor, Mr. Charles Nagel pays the following tribute to E. G. Maetze:

“I read with particular interest the account of E. G. Maetze,\* whose country school referred to in the article, I attended. Only later in life did I learn to appreciate that probably Maetze was the ablest teacher I had ever had, and I say this, fully appreciating that rare fortune at one time or another had brought me into the presence of very competent men. As I recall it, Maetze must have been a born teacher. Books he had but few. However, he managed to present the accumulation of his own work to his pupils in such fashion that his pictures never faded. Today the impressions of Greek history that I treasured, go right back to the little school room at Millheim, where I can almost see my teacher telling the story of Marathon.

“I was first made conscious of the power of this man in 1893, while visiting the Chicago Exposition. Among the statues exhibited there was one entitled ‘The Messenger from Marathon.’ It was a very spirited statue, a replica of which I now possess, and the original of which I saw in Berlin in 1914. As I stood before it I involuntarily said to myself, ‘that is precisely the way in which my teacher described it,’ and this led to the reflection, and finally to the conclusion that among all the teachers to whom it had been my privilege to listen, not one possessed his power to impress and to give out what he himself had attained.”

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NEWS ITEMS

Mrs. Edward Rotan, of Waco, has presented to the Library of the University of Texas an interesting memento of the close of the Civil War. It is a poem, written on the back of a ten-dollar Confederate bill, entitled “Tender but not a legal one.” The poem follows:

Representing nothing on God's earth now,  
And naught in the waters below it,

\*THE QUARTERLY, XX, 31-32.

As the pledge of a Nation that's dead and gone,  
Keep it dear friends and show it  
Show it to those who will lend an ear  
To the tale that this trifle can tell,  
Of a liberty born of the patriot's dream  
Too poor to possess the precious ores,  
And too much of a stranger to borrow.  
We issued today our promise to pay  
And hope to redeem on the morrow  
The days rolled by and the weeks became years  
But our coffers were empty still;  
Coin was so scarce, that the treasury would quake  
If a dollar should drop in the till.  
But the faith that was in us was strong indeed  
And our poverty well we discerned,  
And this little check represents the pay  
That our suffering Veterans earned.  
We knew it had hardly a value in gold,  
Yet as gold each soldier received it.  
It gazed in our eyes with a promise to pay  
And each Southern Patriot believed it.  
But our boys thought little of peace or of pay  
Or of bills that were overdue.  
We knew if it brought us our bread today  
'Twas the best our poor country could do.  
Keep it; it tells all our history over,  
From the birth of the dream to its last.  
Modest and born of the Angel of Hope  
Like our hope of success, it has passed.

The bill is dated February 17, 1864, but the poem is undated.

Through a State commission California is now engaged in making a survey of the materials dealing with its local history. The members of the commission are: Hon. John F. Davis, Chairman; Dr. Herbert E. Bolton, and Mr. James M. Guinn, while Mr. Owen C. Coy is its Secretary and Archivist. Already the Commission has examined the archives of the fifty-eight counties of the State and expects before the end of the year to publish a re-



port of its findings. In addition to the work in the county archives the Commission intends also to make a survey of the State archives and of the United States land and other Federal offices within the State. A directory showing the location of the files of all papers published in California is also being compiled and will probably be published as a separate volume. Together with this work, an effort is being made to locate and report upon all historical documents in the various public libraries and museums, or in the hands of private parties. Other lines of activity planned by the Commission include a report upon the archives of the California missions and the archives of the later religious, fraternal, and leading business organizations.

Professor Charles E. Chapman, of the University of California, recently returned to take up his work at that institution, after an absence of nine months, from May, 1916, to January, 1917. From June to November, Dr. Chapman was engaged in a professional tour of South America, mainly with a view to procuring material for his work in Latin American history. While in Buenos Ayres in July, he represented the University of California at the American Congress of Bibliography and History, one of several congresses held to commemorate the one hundredth anniversary of the Argentine declaration of independence. An article by him about the proceedings of the congress was published in the October number of the *American Historical Review*. Professor Chapman also investigated the archive materials and the facilities for students at the various South American capitals.

The most conspicuous recognition of scholarship at the University of California is the selection, each year, by the Academic Senate, of some member of that body to deliver the faculty research lecture. This year, the honor was conferred upon Dr. Herbert E. Bolton, Professor of American History. The appointment is in recognition of Dr. Bolton's pioneer work in the Mexican archives for the Department of Historical Research of the Carnegie Institution, his own published writings in American history, and his leadership of one of the most productive historical seminars in the country. The subject of Dr. Bolton's lecture, which was given on the night of March 22, was "The Mission as a Frontier Institution in the Spanish-American Colonies."

Professor Carlton Hayes, of Columbia University, has taken charge of two of Professor Stephens' courses at the University of California this semester.

George Leslie Albright, M. A., University of California, '16, and holder of the Native Sons Traveling Fellowship in Pacific Coast History, died at Seville, Spain, in December, 1916. His death was due to typhoid fever. Mr. Albright was engaged in preparation of a thesis bearing upon Escandón's settlement of Nuevo Santander in the eighteenth century. His master's thesis, "Official Explorations for Pacific Railroads," is soon to be published by the University of California.

Mr. Charles W. Hackett, of the University of California, has recently been appointed Associate Editor of *Old Santa Fé*, a comparatively new quarterly devoted to history, archaeology, genealogy, and biography. This magazine is published at Santa Fé, New Mexico, with Ralph Emerson Twitchell as editor. Frederick Webb Hodge and Sylvanus G. Morley are contributing editors.

Judge J. A. Martin, assistant reporter for the Supreme Court of Texas, died January 26, 1917.

Mrs. Martha E. Whitten, author of a volume of poems entitled *Texas Garlands*, died at her home in Austin, February 8, 1917.

Mrs. James H. Raymond died at her home in Austin, March 6, 1917, aged nearly ninety-three years. Her husband was chief clerk of the Sixth to Ninth Congresses of the Republic of Texas, and Treasurer of the State from 1846 to 1858.

## AFFAIRS OF THE ASSOCIATION

On March 2 the Texas State Historical Association met in room 158 of the main building of the University of Texas. The President, Mrs. A. B. Looscan, of Houston, presided. Plans were adopted for the publication of an index to the *Quarterly* of the Association, which is now closing its twentieth volume, and Miss Elizabeth H. West received the grateful thanks of the Association for preparing the index to the first fifteen volumes.

A committee was appointed to apply for space in the old Land Office Building for storing the collections of the Association and for establishing a historical museum. Pledges aggregating \$2,150 to the endowment were reported, and several gifts were received. Mrs. Looscan presented several interesting manuscripts. R. D. Tillinghast, of McDonald, Pa., presented a photograph of his grandfather, Don Carlos Barrett, who played an important part in the legislative history of the Texas Revolution, and Mrs. Ellen Reily Smith, of Houston, gave the Association a set of malachite jewelry, which was presented to her father, Colonel James Reily, while he was United States Minister to Russia. Colonel Reily was at one time minister of the Republic of Texas to the United States.

The Association adopted the following resolution thanking Major Littlefield for his gift to the University of Texas:

"Since the last meeting of this Association, Major George W. Littlefield, one of its members, has contributed to the University of Texas more than \$10,000 to supplement his previous gift of \$25,000 for the purchase of material on the history of the South. His purpose, as he announced it with his original gift, is to promote full and impartial study of the South and of its part in American history.

"Resolved, therefore, That the Texas State Historical Association express to Major Littlefield its sincere appreciation of his enlightened generosity, and its conviction that his plan of collecting and making accessible to students the scattered sources for the history of the South is the only effective way to assure the South its true place in United States history."

Forty new members were elected to the Association. From Dallas, R. B. Allen, Alex Camp, L. M. Dabney, J. J. Fogan, J. L. Goggans, H. T. Henry, S. P. English, T. A. Knight, J. E. Lee, L. M. Mays, H. J. Porterfield, H. E. Prather, W. C. Proctor, J. C. Saner, C. L. Simpson, Rembert Watson, A. F. Weisberg, G. S. Wright, Towne Young. From Houston, H. J. Bering, F. C. Proctor, Mrs. C. B. Chapman, J. C. Hutcheson, Jr., Mrs. F. A. Anderson, Kenneth Krahl, J. L. Croker, George Jones, O. M. Duclos, E. G. Blake, M. F. Hammond, A. R. Miller, L. C. Phelps. And A. P. Barrett, San Antonio; W. H. Bewie, Clifton; Roland Gouger, Cotulla; Marion Levy, Galveston; Miss Mabel Hare, Fort Worth; Mrs. Arthur Geissler, Oklahoma City; Mrs. A. L. Beatty, New York.

Ingham S. Roberts, of Houston, and Professor Ephraim D. Adams, of Stanford University, California, were elected Fellows of the Association.

The officers elected for the ensuing year were: Mrs. A. B. Looscan, of Houston, President; R. C. Crane, of Sweetwater, Miss Katie Daffan, of Austin, Dr. Alex Dienst, of Temple, Mrs. Cornelia Branch Stone, of Galveston, Vice Presidents; Professor Charles W. Ramsdell, Corresponding Secretary and Treasurer; and Judge John C. Townes, of Austin, and Professor J. W. Barton of the Southern Methodist University, members of the Executive Council. The Treasurer made the following report:

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TREASURER'S REPORT FOR THE YEAR ENDING FEBRUARY 28, 1917

*Receipts*

	1917	1916
Membership dues .....	\$ 978 95	\$1,056 95
Sale of QUARTERLY.....	128 07	197 68
Sale of reprints.....	3 50	44 25
Sale of binding.....	75	9 00
Interest .....	166 65	70 00
Life memberships .....	30 00	.....
Loans paid in.....	650 00	.....
Miscellaneous .....	30	56 45
Total receipts .....	<u>\$1,958 22</u>	<u>\$1,434 33</u>

*Disbursements*

Printing QUARTERLY .....	\$ 791 43	\$ 969 43
Binding QUARTERLY .....	41 00	18 00
Clerical expense .....	282 00	300 00
Stationery .....	26 37	46 10
Postage .....	52 50	106 00
Payment on loan.....	360 03	.....
Purchase certificate of deposit.....	400 00	.....
Miscellaneous .....	55 43	20 30
Returned checks .....	3 80	.....
	<hr/>	<hr/>
Total disbursements .....	\$2,012 56	\$1,524 83
Balance on hand February 28, 1916.....	\$ 303 21	
Total receipts .....	1,958 22	
	<hr/>	<hr/>
		\$2,261 42
Total disbursements .....		2,012 56
		<hr/>
Balance on hand.....	\$ 248 87	

The above is a correct statement of receipts and disbursements, as evinced by the books kept by the Treasurer of the Association. The balance agrees with the balance at the Austin National Bank on February 28, 1917.

(Signed) J. ANTON DE HAAS,  
Adjunct Professor, School of Business Training.



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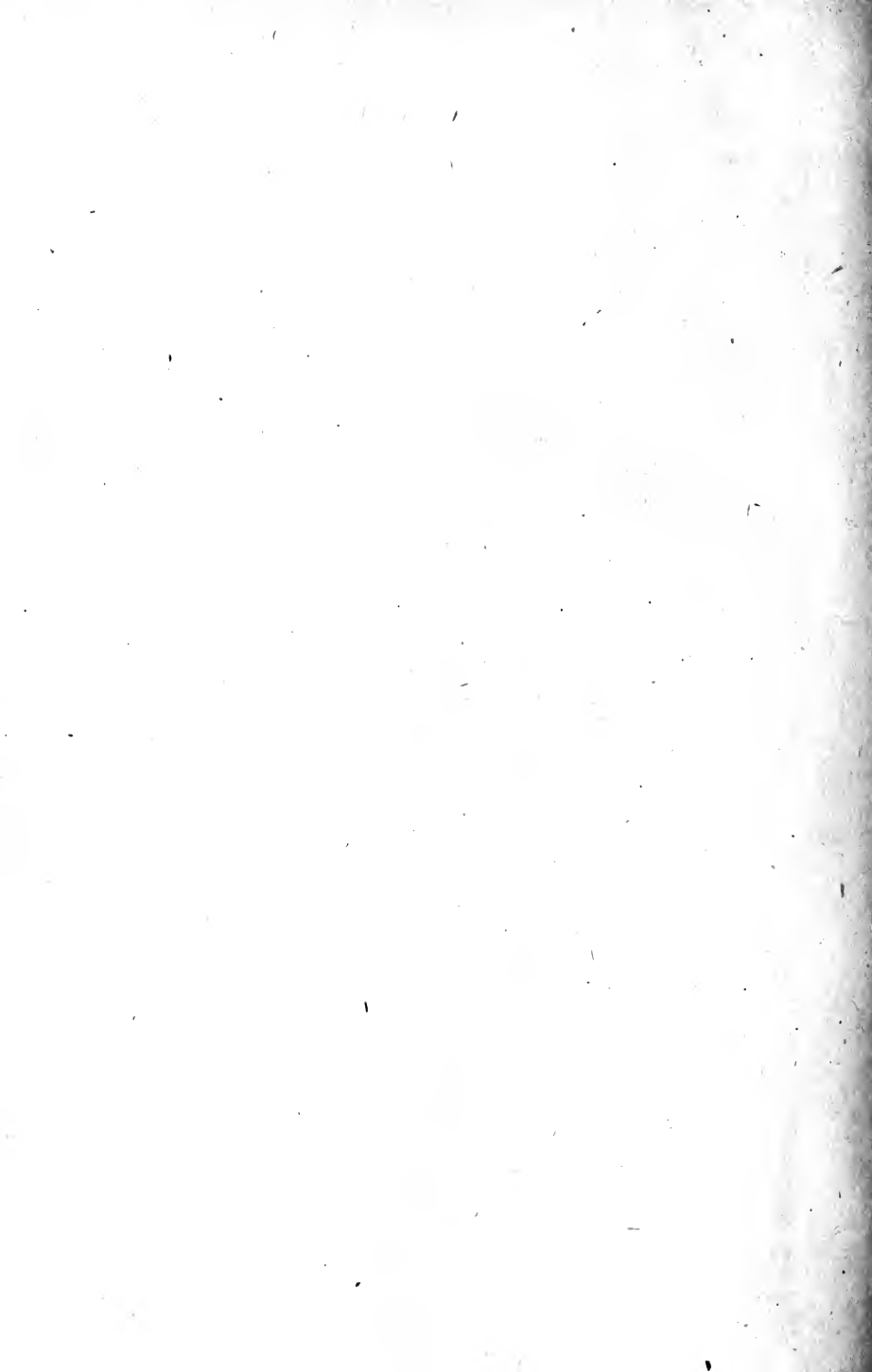
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