





THE  
HISTORY  
OF THE  
REPUBLIC OF TEXAS,  
FROM THE  
DISCOVERY OF THE COUNTRY TO THE PRESENT TIME;  
AND THE CAUSE OF HER SEPARATION  
FROM THE  
REPUBLIC OF MEXICO.

BY  
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*"History when known, no prodigies remain;  
Climates are regular and mammoths plain."*

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## PREFACE.

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IN the month of November, 1839, being in delicate health, and led away by the exaggerated accounts then, as well as now, promulgated respecting Texas and the Texans, I embarked for that land of promise, and arrived on the 30th of January, 1840. I remained there until the end of July, having spent much of my time in visiting different parts of the country, exploring its soil, and studying the character of its government and inhabitants, as well as in examining the condition of the aboriginal tribes, and of the negroes held in bondage by the North-American Settlers. During part of the time I was Editor of the *Richmond Telescope*, and on the 7th of April I became a member of the Texan bar. Besides these opportunities of personal observation, I collected what information I could gather from public men and official records, taking notes of the whole at the time and on the spot.

The present work is founded on these notes, after a careful comparison with the previously published works of others, upon the same topics, from some of which, and from public papers, I have extracted freely wherever I found matter confirming

my own observations, and illustrating my subject. I have not written it from any promise to write a book made over a champagne supper, while my brain was reeling under the pleasing draught, and my heart softened by the cajoleries of young Texan lawyers; nor to favour any project or party, either in Texas or this country. My object is to present to the public an unvarnished account of what Texas and the Texans really are; of the true origin and history of their rebellion against Mexico, their lawful sovereign; of their inhuman treatment of the Negro and Indian races; of their aggressive policy systematically pursued towards Mexico; to warn the British government against the ratification of a treaty with a people whose existence as an independent nation is owing, first, to their own base treason, and secondly, to a political juggle of Andrew Jackson, the late President of the United States; and to prevent more of my own countrymen from sharing in the ruin and wretchedness of too many others who have already emigrated to Texas, and at this moment are either pining there, in want and sickness, or have begged their way out of it, to New Orleans, and other parts of the United States.

It is much to be regretted that a work intended to answer these ends has not fallen into abler hands. I am quite aware that both in the arrangement and in its style the reader will find much whereon to exercise his generous indulgence; and I despair

not of obtaining it, when I state that, during the progress of the work in the press, a distressing illness in my family, and other pressing incidents, distracted my attention from watching over and correcting the proofs with that care which was required. This is the only apology I can offer for the numerous *errata* embodying some important notes, which I have had to add in correction of the text.

I hope that Reviewers will attach the proper weight to these circumstances, and that they will not allow my faults, as a writer, to prejudice them against my *facts* respecting Texas and the Texans, upon which I take my stand against all opponents. Where I am at variance with Mr. Kennedy and other panegyrists of Texas, all I request is calm and dispassionate inquiry, and a little patience, till reports are received from those who have recently emigrated to that country under his encouragement, (I refer to that offered by his published work and letters,) and the operation of the Texan Land Association, of Exeter Street, Strand.

In the part of my work that professes to give the history of Mexico, I am less confident; never having been in Mexico, and not knowing the language, I have therefore been without the same advantage of writing from personal observation and knowledge. But I flatter myself the English reader will find sufficient of that history to render intelligible that of Texas, and the Mexican will not look to my work for any thing beyond that. Writing as I do

without either "Texan temptations" or Texan influences, I have studiously kept aloof from all that might be considered *Mexican*, lest I should unconsciously imbibe a spirit inconsistent with that of an impartial historian.

Those who believe what Mr. Kennedy and others of his category have written of Texas and the Texans, Mexico and the Mexicans, will of course doubt the impartiality to which I lay claim. But let them for one moment reflect upon the identity of causes, principles, and men, who robbed Mexico of Texas, and of those who wanted and still want to rob this country of the Canadas. There is not a public writer in England who does not fully understand and detest the character and designs of the Sympathizers of the north, and yet (if we are to attribute reviews to the editors of the papers where they have appeared, and not to other influences) there is scarcely one who does not profess to believe Mr. Kennedy's description of the modern Texan, who is neither more nor less than a Sympathizer of the south, who has succeeded in his object. Why should the same man be an execrable villain on the frontier of Canada, and a worthy Texan on the borders of Mexico? and why should the same deeds which are decried and punished in the north, not be equally so in the south? Crimes do not change their nature, nor the rights of nations vary, with a mere difference of latitude; the Mexicans, exposed to similar out-



rages with ourselves, have had and have the same right to resist them, and while we reject the doctrines and sympathies of Mr. Wm. Lyon Mackenzie, as treasonable and destructive to ourselves, in common justice we must equally repudiate the doctrines and sympathies of Mr. William Kennedy, as promoting treason and sedition against the Mexicans.

I hold that the justice of this parallel is undeniable, and assuming that it is so, I beg the attention of the reader to the following graphic portrait of the Sympathizer of the north, taken from the *Canadian British American and West Indian Magazine*, for February, 1839, said to have been edited by a gentleman of talent, at present connected with the *Morning Herald*:—

#### AMERICAN "SYMPATHY."

"American sympathy is clearly all on one side, and the various phases under which it may be found openly displayed or covertly lurking—the Protean shapes it assumes—can neither blind to its cool and callous atrocity, or disguise its cant and hypocrisy in whatever way it may appeal to the sense. The brigands, who, with their title deeds duly enrolled and signed by Mackenzie for lots of fair Canadian land, cross the border, fire the dwelling, and deliberately consummate midnight assassination upon unsuspecting, unprepared, and helpless men, women, and children—these are 'Sympathizers.' If the murderous gang ultimately beaten off by a brave and loyal population, succeed in escaping by a disgraceful flight, they are welcomed back by their countrymen with 'sympathy,' not for the innocent victims they had so ruthlessly slaughtered in Canada, but for the booty

not gained, though expected, and the larger share of it laid out by the whole skin sympathizing contrivers of the foray at home for themselves. If the bandits are captured, brought to trial and sentenced to the gallows, as outcasts, such from the laws of God and man deserve to be, American 'sympathy' then shrouds itself in a world of wordy philanthropy. The charities of kind and of nature are appealed to on their behalf, as if the condemned savages could claim aught of kindred with humanity beyond the outward form. To propitiate a mercy which would often be worse than suicidal in the gallant people outraged and rob the hangman of his due, never more worthily exacted, the banded pirates are held up as folks poor and honest, or as blubbing boys escaped from the maternal apron strings, who have been 'deluded,' unwarily 'seduced,' or even 'compelled' by threats to join the vagrant crew with which they were associated in their nefarious schemes of bloodshed and rapine—as if the conscious vagabonds knew not the difference between a rifle and a reaping hook, and could not decipher the contract sealed and signed in their own handwriting for the purchase of Canadian freeholds, at the foul price of innocent unoffending Canadian blood!"

I leave the reader of the following pages to point out where I have painted the Texans, *alias* Sympathizers of the South, in colours blacker than the above. Such, and such only, were the men who, from New Orleans, invaded Texas in 1836! such are the men who, at this moment, hostilely the whole line of the Rio Bravo del Norte! such are the men who form the *Texan nation!* from whose vicinity, according to Mr. Kennedy, Mexico is to derive so much benefit, and with whom Lord Palmerston allowed himself to be hurried into a treaty!

The only thing that can be urged in his Lordship's defence is, that in this case he only did what the United States, France, Holland, and Belgium had done before him. But Scripture tells us, "we ought not to follow a multitude to do evil:" "we ought to do unto others as we would that they should do to us;" all which maxims his Lordship, in this case, violated, affording an example which other nations may follow to the prejudice of this great colonial empire, and exposing to imminent hazard the important interests of his countrymen throughout Mexico.

The reader may think the imputation I have cast upon the government of the United States, in having recognized Texas, through a *political juggle*, as undeserved. Such, however, is not the case. It is a fact in history, well authenticated by other evidence besides that of Mr. Kennedy, (see p. 280, vol. ii.,) that President Jackson recognized Texas merely to give her a semblance of right to dispose of herself, voting her aggregation to the United States. While only recognized as an integral part of Mexico, the cabinet of Washington could not in decency admit into the Union those who were not their own masters. But with states as well as individuals, honesty is the best policy. The crafty Americans perpetrated the disgraceful deed, but they were overreached by the equally cunning, and still more unprincipled Texans, who, under a promise of annexation, had induced President

Jackson to violate the territory of Mexico through the army of General Gaines, and threaten Mexico with war unless she almost instantly paid an indemnity for fourteen specific, and sundry indefinite claims of American citizens, trumped up for the occasion, from the remote date of 1817! All this was done after the battle of *San Jacinto*, to deter General Bravo, who had concentrated a Mexican army at San Luis Potosi, from invading Texas, and retrieving the disastrous surprise of General Santa Anna. The manœuvre succeeded. The disputes with France which soon followed rendered it impossible for Mexico, for a time, to spare troops for the reconquest of Texas, and the wily Texans were no sooner relieved from their apprehensions of a fresh visit from the Mexicans, and fortified by the acknowledgment of their independence by the United States, than by a vote of their own congress, they withdrew their petition for admission into the American Union.

It was to this most disgraceful *political juggle* of General Jackson, that Texas owes its admission amongst independent nations. France followed the example of the United States, to indulge a vindictive feeling against Mexico. Holland and Belgium thought they could do no wrong in doing as the United States and France had done before them; and at last Lord Palmerston followed in the same path, to the manifest prejudice of every British interest, and the sanction of a principle tend-

ing to the destruction of our friend and ally, Mexico, and to endanger the peace of our own colonies when foreigners choose to interfere with them.

By an official despatch of General Santa Anna, of the 10th of February, 1836, addressed to the secretary of war and marine, it appears that after suppressing the insurrection in Texas, his intention was to have given to all slaves, and men of colour, the benefit of the Mexican laws, which secured their freedom; to have established throughout Texas military colonies like those of Russia, in Siberia, or England in India; commuted the salaries and pensions of civil and military *employes* into grants of land for two-thirds of the amount due to each, and one-third in cash to enable him to cultivate the land, and to have opened offices for the sale of the remainder to English, German, French, Spanish, and other emigrants, (*not being Anglo-Americans,*) so as to cement the credit and prosperity of the nation, and discharge its debts.

That the rule of the Mexican government was not incompatible with the prosperity of the country is abundantly proved by the statistics of Texas, published in Mexico, by General Don Juan N. de Almonte, in 1835. From the great progress made by the colonists previous to that date, we may reasonably infer that had General Santa Anna succeeded in establishing the system above explained, the inhabitants of Texas would have been more numer-

ous, more happy, more wealthy, more moral, and less burdened with debt, or stained with the crime of Negro slavery and Indian massacre than they are at this moment. And how infinitely greater would have been the advantages to Mexico and to England! The former would not have had to deplore the loss of Yucatan, and the disorganization of her frontier, with the ruinous expense of keeping up a large army; while British goods would have been consumed to a greater extent, and been better paid for throughout the republic; the dividends would have been remitted on the English debt, and of this a great part could have been wholly cancelled by the lands in Texas, pledged by Mexico to the bondholders. Lastly, Mexico would have weighed in the scale as a counterpoise to the United States, in the full integrity of her strength, in place of being placed at her mercy, as the policy of Lord Palmerston has placed her.

Let me, however, be just to Mr. Kennedy: his work is obviously got up with great care; in point of composition and language, it is one of considerable merit; but the historian should be more careful of his facts than of his language; these are to be collected by careful observation, and not imbibed while sipping champagne and inhaling the crafty inspiration of astute young Yankee lawyers congregated in Texas, first, to seize the country; secondly, to turn its resources to their own profit; and thirdly, to justify the act. How far these re-

marks may apply to Mr. Kennedy's two well puffed up volumes and Mr. Ikin's poetical recommendation thereof, those emigrants will best judge who may allow themselves and families to be transported to any point within the limits and rule of Texas.

If they find themselves there denuded of their means, ruined in health, and subjected to the horrors of Indian and Mexican warfare, they will derive little consolation from a re-perusal of the fine words, alluring phrases, and tempting promises, to which they surrendered their judgment and their cash; nor from a reference to my pages, where I have endeavoured to warn them against the snares laid for them. If they accept lands within the yellow line in my map, marking the territory absolutely in the possession of the Texans, they will subject themselves to all the diseases incident to the climate—to the civil disorders of the worst governed country in all America—to their share of taxes and imposts, to pay the charges of an administration expensive in its composition, and burdened with debt already out of all proportion to the population—to the requisitions of military service against the Mexicans and the Indians—to the frauds of publicans, pedlars, gamblers, land-jobbers, tax-gatherers, lawyers, excisemen, and other sinners—to the degradation of being called "White Niggers," if they work, and the penalty of starvation if they work not, and to the enormous charges of the Texan doctors (for which see Mr. Kennedy's book) if they

fall sick: and if they go beyond that line, they get to a more healthy country, it is true, but with the exception of less disease, they expose themselves to all the above evils and hardships, with this addition, that they are at the mercy of Indian tribes, all preferring Mexican to Texan rule, and by the atrocities of the Texans, excited to a degree of mad revenge against all who acknowledge their government.

To all this I may add, that Mexico, under the strong government expected to result from recent changes, may again invade Texas with an army not to be resisted, cancelling all grants of land made by the usurping government—declaring free, and calling to arms, the whole slaves in Texas (amounting nearly to 12,000), and parcelling out the lands afresh to these liberated Negroes, to the various Indian tribes—to the Mexican soldiers—to the British bondholders, and recolonizing the whole territory upon some such plan as that intended by General Santa Anna.

Were such a change to take place, (and if the Mexicans unite heart and hand there is nothing to prevent it,) what would be the value of lands bought and paid for in Texas, and held by no other tenure than that of any Texan land company? The Mexican government, with that scrupulous regard to the rights of foreigners which has ever characterized its public acts, even amidst the horrors of civil war, would doubtless respect the possessions of all colonists



not implicated in rebellion, holding their lands by right of grant, emanating from themselves, or Mexican authorities; but settlers now going out must necessarily be dispossessed, according to public notice already given by the Mexican government. With the exception of the evil which would certainly result to this unfortunate class, the change contemplated ought to be hailed with joy by every British subject—the British creditors of Mexico would be restored to their territorial rights—the British merchant would find a country cleared of cheats, rogues, and vagabonds, (the Mexican laws require certificates of good moral character from emigrants,) and well supplied with a metallic currency—the British philanthropist would see slavery abolished in Texas, and the remnants of ancient nations of *red men* preserved from extinction, under the joint protection of Mexico and Great Britain—the British emigrant would, in time, find a country well supplied with native labourers, and obtain lands for a mere nominal price, under a title of indisputable validity, and the British government in Mexico would find a faithful and willing ally, in the event of war with the United States, able and ready to cross the Sabine with a force of 50,000 coloured men, to declare that slavery has ceased to exist in the states of the south, and to march an auxiliary force from California to repel any encroachment that might be attempted upon our territories on the north-west coast.

The reader may ask, Is Mexico able to do all

this? I unhesitatingly answer, Yes. All she would require would be a subsidy, as we used to grant to other nations in the war with Napoleon. To those who doubt my authority upon this head, I recommend a careful perusal of the ever-memorable speech in the congress of the United States, made by the Venerable John Quincy Adams, on the 25th of May, 1836. On the subject of war with Mexico, then threatened, to favour the rebellious Texans, he emphatically remarked—"Your war, gentlemen, must be a war of castes—the Anglo-Texan-American fighting against the Morisco-Hispano-Mexican-American—a war between the northern and southern halves of North America, from Pasmaquoddy to Panama. Are you prepared for this war?"

"I ask you, what will your cause be in such a war—*aggression, conquest*, and the re-establishment of slavery where it was before abolished? In this war, the flags of liberty will be those of Mexico, and ours, I blush to say so, the flags of slavery!"

The orator went on to show, that in spite of the affair of *San Jacinto*, which was a mere surprise, Mexico had a larger number of veteran troops, and was better prepared for war than the United States, so that, if she should throw herself upon the southern states in chase of the rebels of Texas, she might pursue them to the very heart of the Union, placing the government in a position, the difficulty of which they might estimate from that they had experienced with only some five or six hundred Seminole

Indians in Florida. He very clearly proved that a Mexican war would be a negro and Indian war, and that most likely they would find Great Britain take up the cause of Mexico, which would be that of justice and of freedom.

The invasion of the United States by Mexico, by every law of nations would have been fully justified by the example of General Jackson in Florida, the then recent invasion of Mexican territory by the United States' army under General Gaines, and the open recruiting in New Orleans and the southern states of soldiers to fight in Texas, and to be paid by large slices of that Mexican territory. It is a feature distinctive of the diplomacy of the United States to understand the laws of nations in one sense as they affect themselves, and in quite a different as they affect their neighbours. Hence arose the loud outcry respecting the outrage to their territory in the affair of the *Caroline*, though nothing compared to that committed by themselves upon the sovereignty of Spain in Florida, and of Mexico in Texas; and hence will arise the necessity of the nations of the world putting down the North-American republic entirely, unless they consent to be guided by the same rules which they apply to others, and to exercise that repressive authority over their frontier population that will permit their neighbours to live in peace and safety.

I would recommend my Lord Palmerston to read an exceedingly well-written and able pamphlet by

the Mexican general, Don Jose Maria Tornel, formerly secretary-of-war, entitled *Texas, and the United States of America in their relations with the Mexican republic*, as showing the perfidious policy, and worse than Punic faith of the United States to Mexico, and the true origin of the base and ungrateful rebellion of the Texans. No one who will read that pamphlet, and carefully consider its contents with relation to the facts stated, will fail to deplore the recognition of Texas as a great calamity—to consider the conduct of General Jackson, and his administration in that affair, as a blot in the history of the United States, and to concur with Señor Tornel, who condenses his opinion of the political creed of the North-American republic in these emphatic words, "*their desire is their right, and their own convenience is their justice.*" If this hold true of the North Americans, which I believe it does, it holds doubly true of those citizens of the United States who have usurped Texas, and there assumed to themselves a local habitation and a name, at the expense of the owners of the soil, and of the British creditors of Mexico, and to the scandal of all the good and just amongst mankind.

Under these feelings, sincerely and disinterestedly entertained, I addressed to the Right Honourable the Earl of Aberdeen the letter which will be found at the end of the Appendix.

N. D. MAILLARD.

December 4, 1841.

## CONTENTS.

	Page		Page
Preface . . . . .	iii	Republican government estab-	
The Natchez . . . . .	1	lished . . . . .	43
The original inhabitants of Texas	3	Sovereign republican congress .	44
Manners, habits, customs . . . .	4	Territorial division . . . . .	45
Religion of the Natchez . . . . .	5	Legislative qualification . . . .	46
Disappearance of the Natchez . .	6	Functions of the executive . . .	47
Narvaez' expedition . . . . .	7	Judiciary districts . . . . .	48
Colonisation of Florida . . . . .	8	Santa Anna proclaimed protector	49
First settlements in Texas . . . .	9	Establishment of the central sys-	
Spanish missionaries . . . . .	10	tem . . . . .	50
Spanish misrule . . . . .	11	Re-appearance of Iturbide in	
The first Mexican revolution . . .	12	Mexico . . . . .	51
Hidalgo's conspiracy . . . . .	13	Execution of Iturbide . . . . .	52
Defeat of Hidalgo . . . . .	14	Recognition of Mexico by Eng-	
Hidalgo's retreat . . . . .	15	land . . . . .	53
Arrest of Hidalgo . . . . .	16	Abolition of slavery by Mexico	54
The execution of Hidalgo . . . .	17	The Fredonian scheme . . . . .	55
First national congress . . . . .	18	Spanish invasion of Mexico . . .	56
Magee's expedition to Texas . . .	19	Ambitious views of Guerrero . .	57
Fall of Nacogdoches . . . . .	20	A colonisation law passed . . . .	58
Salcedo's retreat . . . . .	21	Expulsion of the state legislature	59
Massacre of Mexican prisoners . .	22	Guerrero shot as a traitor . . . .	60
Texan overtures to Morelos . . . .	23	Justice to the settlers . . . . .	61
Mexican cry for the expulsion		Santa Anna espouses Pedraza . .	62
of the Anglo-Americans . . . . .	24	General Teran destroys himself .	63
San Antonio retaken by Arre-		Protection to the colonists . . . .	64
dondo . . . . .	26	Petition of the general convention	65
Expulsion of the Americans from		Austin's advice to the colonists . .	66
Texas . . . . .	27	The close of federalism . . . . .	67
Anglo-Americans schemes in Mex-		Santa Anna, president . . . . .	68
ico . . . . .	28	Measures of clemency . . . . .	70
Austin's petition . . . . .	30	Texan land jobbing . . . . .	71
Spanish constitution introduced		Austin's advice to the colonists	72
Iturbide at Iguala . . . . .	31	Political fanatics . . . . .	73
Plan of Iguala . . . . .	33	Rebellious spirit of the Texans . .	74
Provisional junta . . . . .	36	Address of the general committee	75
Iturbide, Regent of Mexico . . . .	37	State legislature of Coahuila and	
Iturbide proclaimed emperor . . .	38	Texas . . . . .	77
Dissolution of the national as-		Defeat of Garcia . . . . .	78
sembly . . . . .	39	Arrest of Viesca . . . . .	79
Rebellious state of the country . .	40	Proclamation of General Cos . . .	80
National colonisation law . . . . .	41	Declaration of the peace party in	
Abdication of Iturbide . . . . .	42	Texas . . . . .	81

	Page		Page
Proclamation of the Mexican chiefs . . . . .	84	Admiral Baudin's despatch . . . . .	145
General Cos joins Ugartechea . . . . .	86	Prowess of the Mexicans . . . . .	146
The Texans act on the offensive Centralism confirmed by Proclamation . . . . .	87	Diversion of the Mexican troops . . . . .	147
The Texans commence hostilities . . . . .	88	Kennedy's account of the Texan congress . . . . .	148
General Austin resigns the command . . . . .	89	Kennedy's picture of Texas, 1837 . . . . .	150
Acts of the general convention . . . . .	90	Annexation of Texas to the United States . . . . .	151
Gen. Austin repairs to the United States . . . . .	91	Lord Palmerston's conduct reviewed . . . . .	152
Military successes of the Texans . . . . .	92	Admiral Baudin's flight from Vera Cruz . . . . .	153
Reinforcement of the Mexicans . . . . .	93	Admiral Baudin's letter to Gen. Urrea . . . . .	154
Suspension of hostilities . . . . .	94	Recognition of Texas by foreign powers . . . . .	158
Capitulation . . . . .	95	Anglo-Mexican debt . . . . .	159
General Urrea enters Texas . . . . .	96	Meeting of the Mexican bondholders . . . . .	163
Colonel Fanning surprised by Urrea . . . . .	97	Act of the Mexican congress . . . . .	168
Sanguinary act of Santa Anna . . . . .	98	Mexican president's order in council . . . . .	170
Orders of congress enforced . . . . .	99	Territory claimed by the Texans . . . . .	176
San Antonio besieged . . . . .	100	Mexican and United States boundary . . . . .	178
Address to the Texan people . . . . .	101	Gen. Hamilton's letter to Lord Palmerston . . . . .	180
Death of Crockett and Bowie . . . . .	102	Convention between England and Texas . . . . .	182
The Bowie knife . . . . .	103	Gen. Hamilton's protestando . . . . .	184
Texan independence declared . . . . .	104	Texan atrocities . . . . .	186
Mexican overtures rejected . . . . .	105	Texan and Mexican civilisation . . . . .	187
The surprise at San Jacinto . . . . .	106	Reprisals of foreign nations . . . . .	188
Houston's misrepresentation . . . . .	107	The Anglo-Texan convention . . . . .	189
Armistice between Texas and Mexico . . . . .	108	Protest of the Mexican charge d'affaires . . . . .	191
Treaty between Santa Anna and the Texans . . . . .	109	The Texan loan job . . . . .	192
Retreat of the Mexicans . . . . .	110	Hints to capitalists . . . . .	193
Santa Anna's execution discussed . . . . .	111	The high tariff . . . . .	194
Santa Anna's protest . . . . .	112	The mistaken policy of Mexico . . . . .	195
Santa Anna sent to Washington . . . . .	113	New republic of Rio Grande . . . . .	196
The miraculous success of the Texans . . . . .	114	Texan partizanship . . . . .	197
Sentiments of a Mexican merchant . . . . .	115	Territory of Rio Grande . . . . .	198
Alleged grievances of the Texans . . . . .	116	Dismemberment of Mexico attempted . . . . .	199
Observations on the Texan grievances . . . . .	117	Canales, convention with Reyes . . . . .	200
Anglo-American designs . . . . .	118	Present population of Texas . . . . .	202
Operations of the American land forces . . . . .	119	Table of towns and population . . . . .	203
Mexican envoy sent to Washington . . . . .	120	County towns and cities . . . . .	204
American diplomacy . . . . .	121	The white population of Texas . . . . .	205
French blockade . . . . .	122	Landholders, shareholders, speculators . . . . .	207
Conference at Jalapa . . . . .	123	Usefuls, contemptibles, and loafers . . . . .	208
Conference at Jalapa . . . . .	124		
Mexican reply to France . . . . .	125		
New plan of adjustment . . . . .	126		

CONTENTS.

XXI

	Page		Page
Cotton of Texas . . . . .	209	Mexican freedom . . . . .	273
Texan rural economy . . . . .	211	Recognition of Texas by foreign powers . . . . .	274
Texan salutations . . . . .	212	An oracle for modern bravados . . . . .	276
Yankee whittling . . . . .	213	British municipal commissioners . . . . .	277
Religion of Texas . . . . .	214	Lord Durham's cogent remarks . . . . .	278
Texan protestantism . . . . .	215	Proceedings of the anti-slavery society . . . . .	279
Religion of Texas . . . . .	216	Lord Palmerston's reply . . . . .	284
Religious toleration in Texas . . . . .	221	Caution to Texan emigrants . . . . .	286
Texan hotels and boarding houses . . . . .	222	Alleged anti-slavery spirit in Texas . . . . .	287
Texan houses . . . . .	223	Houston's slavery principles demonstrated . . . . .	288
The Indians of Texas . . . . .	224	Mr. Kennedy's slavery in its mildest form . . . . .	289
Past sufferings of Indians . . . . .	229	Address of the anti-slavery society . . . . .	290
Extermination of the Indians . . . . .	230	Horrors of the slave trade . . . . .	294
Territorial rights, &c., of Texan tribes . . . . .	233	Progress of abolition . . . . .	295
International rights of the Texan Indians . . . . .	234	Free trade views of the Texans . . . . .	297
Plan for protecting the Texan Indians . . . . .	235	Anti-republican laws of Texas . . . . .	298
Benefits of civilisation . . . . .	237	Territorial history of Texas . . . . .	300
True origin of slavery . . . . .	238	Names of counties . . . . .	305
The Texan Indian tribes . . . . .	239	Climate of Texas . . . . .	306
Costume of the Comanche Indians . . . . .	240	Mrs. Holly's climate of Texas . . . . .	311
Comanche towns and villages . . . . .	241	Mr. Kennedy's climate of Texas . . . . .	314
Wild horse of Mexico . . . . .	242	Bonnell's petrified forest . . . . .	322
Indian manœuvring . . . . .	243	Fossils and diluvial formations . . . . .	323
Indian rulers and councils . . . . .	244	Superficial configuration of Texas . . . . .	324
Mamanchic dance . . . . .	245	Geology of Texas . . . . .	326
Indian chronology . . . . .	247	Rivers of Texas . . . . .	328
Indian languages . . . . .	249	Bays and lakes . . . . .	333
Indian arts and science . . . . .	250	Bays and lagunas . . . . .	334
Carancahua Indians . . . . .	251	Mountains of Texas . . . . .	335
Indian tribes . . . . .	252	Mountains and mounds . . . . .	336
Cherokee Indians . . . . .	254	Geology and entomology of Texas . . . . .	337
Texan and Indian treaties . . . . .	255	Entomology of Texas . . . . .	338
Texan injustice to the Cherokees . . . . .	256	Arboriculture of Texas . . . . .	340
Debate in congress . . . . .	257	Commercial and statistical views of Texas . . . . .	342
Kickapoos, Shawnees, and Creeks . . . . .	258	Public debt and liabilities of Texas . . . . .	346
Unknown Indian tribe . . . . .	259	United States' jobbers and speculators . . . . .	348
Slavery . . . . .	260	Caution to emigrants . . . . .	350
Number of slaves in Texas . . . . .	261	Traveller's guide . . . . .	353
Texan loan—how to be applied . . . . .	262	Sea-port towns on the Texan coast . . . . .	354
Treatment of slaves . . . . .	263	Advice to emigrants . . . . .	356
Killing a negro not deemed murder . . . . .	264	Texan tariff . . . . .	357
Negro depravity enforced . . . . .	266	National colours . . . . .	361
Arguments of American slaveholders . . . . .	267		
Abolition of slavery by England . . . . .	268		
Abolition of slavery by Mexico . . . . .	270		
Another figment for Mr. Kennedy . . . . .	272		

	Page		Page
Superficial surface of Texas . . . . .	362	Claims on the Texan govern- ment . . . . .	396
Principal inland towns . . . . .	363	Supplement . . . . .	398
Roads and distances in Texas . . . . .	365	Opinions of the French press on the Texan loan . . . . .	399
Texan grants to colonists . . . . .	368	Opinions of the London press The "unratified" treaty between Texas and Great Britain . . . . .	410 411
Colonisation laws of Mexico . . . . .	369	British consul-general to Texas . . . . .	418
Colonisation laws of Coahuila and Texas . . . . .	370	Mr. Hartnell's comment . . . . .	420
Colonisation laws of Mexico, Coa- huila, and Texas . . . . .	372	Extracts from the London press . . . . .	421
Land laws of Texas . . . . .	374	Treaty with Texas—slavery . . . . .	427
General land law of Texas . . . . .	378	Extracts from the London press Mr. Crawford's "big talk" with Indian chiefs . . . . .	429 431
Land law of Texas . . . . .	386		
Assessed taxes of Texas . . . . .	392		
Common law and criminal laws of Texas . . . . .	394		

## APPENDIX.

	Page
Acts of congress of 1836-7-8-9 . . . . .	435—493
Treaty between Texas and France . . . . .	493—499
Letter to Viscount Palmerston . . . . .	499—501
Declaration of American consul . . . . .	501, 502
Important event to English emigrants . . . . .	502
Table of Mexican and English measures . . . . .	503
Letter to D. O'Connell, Esq. . . . .	503—508
Laws of Texas and Mexico as regards slavery . . . . .	509
Letter to Lord Aberdeen . . . . .	511, 512

## ERRATA AND EXPLANATORY NOTES.

Page	Line	
3	10	the Indian nations of Buenos Ayres, Chile, and Guatemala are not mentioned.
4	11	for "was" read "were."
13	16	for "Gunaguato" read "Guanaxuato," both there and wherever else the word occurs.
19	21	for "outlaw" read "outlaws."
29	15	for "General Austin" read "Moses Austin."
30	3	for "at the head of" read "in the name of."
31	9	for "Moses" read "Stephen."
31	19	for "Apodoca" read "Apodaca."
33	2	for "Iguala" read "Acapulco."
33	19	for "securing" read "secured."
43	5	for "congress" read "junta."
45	13	from the word "country," the sentence to the end of the paragraph should have been entirely omitted. It was inserted by a mistake.
49	21	for "was taken from Santa Anna," read "was adopted in accordance with Santa Anna's views."
50	1	I have subsequently been assured that the British ministers did not interfere further than simply intimating, that if such disorders continued, they would retire altogether.
50	10	for "Labato" read "Lobato."
50	23	for "Guadulaxara" read "Guadalaxara."
50	24 and 30	for "Paxaca" read "Oaxaca."
52	5	for "Arroyo" read "Arroyos."



## Page Line

- 53 7 for "seized" read "viewed."  
 53 24 for "March 24, 1825," read "18th August, 1824."  
 55 2 and 5 for "Escoceres" read "Escoceses."  
 57 3 for "Barrabas" read "Barradas."  
 57 10 The 1000 men are what Santa Anna brought with him from Vera Cruz, but he was joined in the state of Tamaulipas by large reinforcements.  
 57 20 I find that Guerrero was only chargeable with the abuse of the dictatorial powers conferred on him by the congress.  
 62 5 "Carbajal" should be "Carabajal."  
 62 26 for "confusion" read "revolution."  
 66 23 for "petitions" read "petition."  
 93 5 for "Captain Fannin" read "Colonel Fannin."  
 93 20 for "San Patricio" read "San Patricio."  
 101 20 for "450" read "150."  
 102 29 for "450" read "150."  
 108 28 for "Muriano" read "Mariano."  
 108 33 for "Satillo" read "Saltillo."  
 114 19 I mean that the treaty terminated the war of independence as the Texans will have it, but it can only be so understood for that campaign. The account of the disorders in Urrea's retreat may be exaggerated. I had it from a Texan officer.  
 133 3 for "chosen" read "have chosen."  
 145 17 for "on the receipt of" read "sending off." At this part, before speaking of the landing at Vera Cruz, I ought to have mentioned the capture of the fort of San Juan de Ullua, between which events a considerable period elapsed.  
 148 4 for "army were" read "army who were."  
 150 23 for "found" read "it was found."  
 158 14 The £10,000,000 is, in round numbers, the whole amount of the debt of Mexico to English subjects, in security for which Mexico mortgaged to them 125 millions of acres to be selected in Texas, Chihuahua, New Mexico, Sonora and California, at their own option.  
 " 16 The date of the decree being 12th April, 1837, it was one month after the acknowledgment by the United States, which took place on the 3rd of March preceding: but I apprehend Mexico had then, and has now, a perfect right to dispose of Texas as she pleases, according to her force and power so to do.  
 " 26 By saying that Mexico has no power to recognize the independence of Texas, I do not mean to deny her right of perfect sovereignty, but simply that the basis of the constitution appears to militate against such a dismemberment, and, much to her honour, Mexico has already protested her inability to recognize Texas to the prejudice of the territorial rights there of British subjects, founded on the sanctity of her own decrees.  
 163 5 for "Jose Justa" read "Jose Justo."  
 186 25 for "Matagorder" read "Matagorda."  
 194 7 In speaking of a fiscal revolution in Mexico, I allude to the absurd notion of Mr. Kennedy to upset the fiscal regulations both of Mexico and the United States, by the introduction, across both frontiers, of British goods introduced into Texas duty free.  
 196 17 for "Tamaulipas" read "Tamaulipas."  
 204 The population of Texas, including transient visitors, is given, in round numbers, as 54,038, on a fair estimate from the best data I could collect on the spot, in the absence of any regular census of the whole country.  
 216 5 for "General Austin" read "Moses Austin."  
 228 12 Let not the reader understand that by dismemberment of the old empire of Montezuma, I do more than allude ironically to the preposterous idea of a modern author of no small self conceit, that Great Britain has an interest in supporting the Texans, whose whole policy and efforts are directed to effect that dismemberment.  
 229 20 for "General" read "Stephen."  
 235 6 I would not confine the commission for the preservation of the independent Indian nations from extinction to Great Britain and Mexico; I name these powers because their laws and policy are most favourable to that humane

- Page Line
- object; but if all the powers in Christendom should unite in it, and in obliging the North Americans and the Texans to keep within the rules of humanity and justice, I would be so much the better pleased.
- 237 13 I do not here mean an *active* policy, but one too passive, and not actively preventive of encroachment upon aboriginal races.
- 239 26 for "share" read "chase."
- 258 27 for "Buyon" read "Bayou."
- 272 5 for "breaks" read "break."
- 275 19 for "as" read "is."
- 276 17 for "Lumbary" read "Lumbar."
- 290 9 for "vesicular" read "vesicatory."
- 290 15 for "voracious" read "ferocious."
- 303 9 for "Tamaulepas" read "Tamaulipas."
- 306 14 for "construction" read "constitution."
- 309 5 for "to collect" read "as to collect."
- 321 12 for "obtain" read "obtain."
- 326 23 for "product" read "products."
- 332 1 for "de la" read "de las."
- 332 10, 11, 12. Here I speak of the frontier that the Texans pretend to, and which Mr. Kennedy allows them; for the true limits, the reader is referred to the map.
- 336 10 for "Sacramento" read "Sacramento."
- 353 7. The extension of the territory of Texas to the Rio Grande del Norte, is to be understood only in the sense of what the Texans claim, the true boundary being the river *Nueces*.
- 354 19 and 23 for "Valasco" read "Velasco."
- 354 26 for "700" read "600"
- 357 13 after "bacon, bread, stuff, flour of all kinds," read "*free*."
- 357 15 for "bents" read "beets."
- 357 29 for "crats" read "carts."
- 359 19 for "lining" read "lime."
- 362 8 for "96,000,000" read "192,000,000" of English acres.
- 362 17 for "Beud" read "Bend."
- 363 6 for "Annuhuac" read "Anahuac."
- 363 19 Brazoria itself contains only about 250, (see page 203,) but the population of the neighbourhood is here added.
- 363 24 The same remark applies to Bolivar.
- 363 28 It applies also to Austin.
- 366 8 for "Valasco" read "Velasco."
- 368 3 for "Yavalla's" read "Zabala's."
- 368 17 If I am correct in the estimate of 63,648,669 acres already granted, by turning to page 234, the reader will find that Texas still comprises 78,536,331 acres to be disposed of.
- 369 26 for "haciendos" read "haciendas."
- 369 1 for "vava" read "vara."
- 369 2 for "vavas" read "varas."
- 369 3 for "scitio" read "sitio."
- 369 6 for "scitios" read "sitios."
- 369 7 for "haciendos" read "haciendas."
- 371 31 for "Ginado major" read "Ganado mayor."
- 372 13 The grants referred to in note, page 368, are to be understood as exceptions.
- 375 26 for "to that" read "to what."
- 392 4 for "lines" read "liens."
- 399 22 for "crises which besiege" read "crisis which besieges."
- 408 20 The meaning here is, that the lands may be paid for in government paper, receivable *at par*, only worth 25 cents the dollar.
- 410 15 for "3,000,000" read "5,000,000."
- 410 31 The expression of this hope will remind the reader of the fable of the fox and the sour grapes.
- 427 7 The meaning is, that Mexico, as sovereign of Texas, will not recognise the validity of any titles to lands there given by the rebel government.

HISTORY  
OF THE  
REPUBLIC OF TEXAS.

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CHAPTER I.

The Natchez : the Original Inhabitants of Texas—Extent of their territory—Their Religion—Their sudden and unaccountable disappearance—First Spanish Settlements in Natchez—Texas formerly a part of Natchez—Texas annexed to the Viceroyalty of Mexico—First War of Independence, to the fall of Morelos.

To carry the history of a civilized nation through a series of ages, is comparatively an easy task to tracing the rise and fall of a people unacquainted with the use of letters, and whose discoverers have left us but a very vague account of their manners, habits, customs, or institutions, and of which their own traditions furnish the historian with no data. Such is the obscurity in which the history of the Natchez is involved. However, in addition to the conjectures of many able historical writers, who have laboured to show the fate of the Natchez, we find that the Spaniards at different periods possessed themselves of the whole of the vast empire of the Natchez, which extended from the Missis-

sippi on the east, to Rio del Norte or Rio Grande on the west, and from the Gulf of Mexico on the south, to Great Osage River on the north.

As early as 1527, the attention of the conquerors of Mexico was directed towards the Natchez. Cortes, in his despatches to Charles V., in the above year, speaks of the Natchez as a powerful and civilised nation, whose manners, habits, and institutions differed essentially from those of the Mexicans, to whom, however, they were by no means inferior in many of the arts of civilisation. Cortes also stated, that he had long contemplated the conquest of the Natchez, but before he could make the arrangements necessary for such a vast undertaking, the Natchez were engaged in a sanguinary war, or rather a war of extermination, with the Bogotans, a less civilised but equally powerful nation; by whom the Natchez, says Robertson, were soon after overpowered, and subsequently exterminated; but it is somewhat difficult to give that degree of credit to this bold assertion of Robertson's, on a highly interesting subject, which is due to the simplest remark of so able an historian. In fact, nothing can be more absurd than to suppose that so powerful a nation as the Natchez could be annihilated, as if by magic, in the space of a few months, or that the Bogotans could undertake the conquest of such a powerful and distant people.

The capital of the empire of Bogota, now a province of New Granada, was situated on one of the

tributary streams of the Magdalena River, while the capital of Natchez stood on the west bank of the Mississippi, in lat.  $30^{\circ} 30'$  north; hence the distance between these two countries alone places the conjecture of Robertson beyond the remotest bounds of probability.

At the period of the discovery of America, the Spaniards found but few settled nations on that continent; namely, the Mexicans, Peruvians, Bogotans, and Natchez; with the exception of these, the whole of the original inhabitants of America were divided into tribes, who led a wandering life, or were in the act of migrating from one part of that immense continent to another, with a view of settling down, as their kinsmen, the Mexicans, Peruvians, Bogotans, and Natchez had done. But we can easily imagine the many difficulties these wandering tribes must have had to contend with, when we consider the base injustice and cruelty with which those settled nations were treated by the Spaniards, and all the other European discoverers and conquerors of America. Many of those tribes who were then found wandering from place to place, continue so to this day; while those empires which were not only settled, but considerably advanced in all the arts of civilisation, broke up into small communities, after struggling for years to maintain their primitive simplicity and freedom, and retired to the woods and mountains for safety. Such in all probability was the fate of the Natchez,

and beyond this nothing can be advanced on a subject which has passed unnoticed into the most complete and impenetrable oblivion.

It is certain, however, that the Natchez were once a powerful nation, and that "among them a variety of ranks existed, which were totally unknown to the northern tribes. The chiefs were reputed nobles, and their families enjoyed hereditary dignities." While, according to Robertson, from whom I am here writing, the body of the people was considered as vile, and only formed for subjection. This distinction was marked by appellations, which intimated the high elevation of the one state, and the ignominious depression of the other. The former were called respectable; the latter "stinkards." The great chief, in whom supreme authority was vested, was reputed to be a being of superior nature, the brother of the sun, the sole object of worship. They approached this great chief with religious veneration, and honoured him as the representative of their deity. His will was a law, to which all submitted with implicit obedience. The lives of his subjects were so absolutely at his disposal, that if any one incurred his displeasure, the offender approached him with profound humility and offered him his head. Nor did the dominion of the chief end with their lives; their principal officers, their favourite wives, together with many domestics of inferior rank, were sacrificed at their tombs, that they might be attended in the next world by the same persons who served

them in this; and such was the reverence in which they were held, that those victims welcomed death with exultation, deeming it a recompense for their fidelity, and a mark of distinction to be selected to accompany their deceased master. Thus a perfect train of superstition, arrogance, and cruelty, was established among the Natchez and by a singular fatality, that people has tasted of the worst calamities incident to more polished nations.

“The tribe of the Natchez,” says the same author, “had advanced beyond the more uncultivated nations of America, in their ideas of religion, as well as in their political institutions. The sun was the chief object of their religious worship. In their temples, which were constructed with some magnificence, and decorated with various ornaments, according to their mode of architecture, they preserved a perpetual fire, as the nearest emblem of their divinity. Ministers were appointed to watch and feed this sacred flame. The first function of the great chief of the nation, every morning was, an act of obeisance to the sun: and festivals returned at stated seasons, which were celebrated by the whole community, with solemn, but unbloody rites.”

The same author attributes the subjection of the Natchez, to the difference in their state from that of the other tribes of America. “They were a settled nation, residing constantly in one place. Hunting was not their chief occupation. They had made considerable progress in agriculture and arts. The idea of property was fully established. Among

people in this state, avarice and ambition acquired objects, and began to exert their power; views of interest allure the selfish; the desire of pre-eminence excites the enterprizing; dominion is coveted by both; and passions unknown to man in his savage state, prompt the interested and ambitious to encroach on the rights of their fellow-citizens. Motives with which rude nations are equally unacquainted, induce the people to submit tamely to the usurped authority of their superiors. But even among nations in this state, the spirit of subjects could not have been rendered so obsequious, or the power of rulers so unbounded, without the intervention of superstition. By its fatal influence, the human mind, in every stage of its progress, is depressed, and its native vigour and independence subdued." Unfortunately for the people, whose institutions are the subject of inquiry, this power was in the hands of their chiefs. By the exercise of the grossest superstition, despotism was established among the Natchez, which existed to the latest period of their existence as a nation.

1528. Cortes having now prepared an expedition which he meant to have led in person, against the Natchez, heard of the sudden disappearance of the whole of that tribe; but not placing implicit confidence in a report which appeared to him so marvellous, he dispatched Narvaez with one hundred cavalry, three hundred infantry, and two thousand Indians, to ascertain the truth of a rumour which caused him no slight uneasiness. Narvaez, after



crossing the Rio Grande, marched due east, through the centre of Natchez, which he found completely depopulated, but in a high state of cultivation, until he reached the Mississippi river, in lat.  $30^{\circ} 29'$  north. Here he crossed the Mississippi, and pursued his march as far as the confines of West Florida, where he was led by many fresh trails, and several concurring circumstances, to suppose the Natchez had retired. But before he could overtake the tribe whose track he was following, he and his troops were reduced to such extreme distress by famine, that they ate such of their own companions as happened to die. This appeared so dreadful to the Indians, who accompanied Narvaez on this expedition, and who had hitherto believed the Spaniards to be beings of a superior nature, far above the reach of such necessities as they constantly experienced in their savage life, in which however they were accustomed to devour none but prisoners, that it filled them with horror and indignation against the Spaniards, who were compelled to return with all possible despatch to Mexico.

On reaching Mexico, having informed Cortes that the Natchez were extinct, or had suddenly disappeared, leaving their whole country which was highly cultivated to become a wilderness, Cortes' doubts as to the fate of the Natchez being thus far resolved, and, seeing that the whole of their immense territory could at any moment be annexed to Mexico, whose subjection he had now nearly completed, turned his attention to the conquest

of Peru: an undertaking which, however, was reserved, and subsequently carried into execution by others.

Notwithstanding that Narvaez' expedition to Natchez and Florida proved most disastrous, still the Viceroy of Mexico was resolved to make an attempt to colonize the western part of the latter country. Two ships being engaged at Vera Cruz to convey settlers to Florida, many Spaniards and Mexicans eagerly embarked in this new undertaking, but when the expedition reached, and the colonists beheld the dreary and inhospitable shores of Florida, nothing could equal their disappointment and consternation. After sailing a whole day along the shore, seeing no chance of carrying out the object they had in view, they refused to land, and therefore directed their course towards the Mississippi river, which they ascended, as far as the point where Narvaez and his followers had crossed. Here the climate appeared more congenial, the soil more productive, and the aspect of the country generally better suited to their views; seeing a prospect of success, they landed with the greatest alacrity, choosing the west bank of the Mississippi as their future location. The first settlers were soon followed by many of their countrymen from Mexico and Cuba; and thus that portion of the Natchez territory, which lies between the Mississippi and the Sabine rivers, now called Louisiana, soon became inhabited, while the rest of the territory of the Natchez, west of the Sabine river, to the

river Nueces, which is now called Texas, and from the Nueces to the Rio Grande, the extreme western boundary of Natchez, remained a complete wilderness from the fall of Natchez, about 1528, until the year 1692, when the descendants of the conquerors of Mexico built the town of San Antonio de Bejar on the San Antonio river.

1716. The Spaniards having held possession of San Antonio unmolested for four-and-twenty years, commenced to build the town of La Bahia del Espiritu Santo (now called Goliad,) on the same stream, about thirty miles to the south of San Antonio. The establishment of these two points led the viceroy of Mexico to inquire into the extent and capabilities of this newly acquired territory, to which was soon after given the name of Texas, and under that title formally annexed to the viceroyalty of Mexico. Subsequent to the annexation of Texas, several expeditions were sent from Mexico to explore the country east of San Antonio river, but no further acquisitions were made until the year 1732, when the Spaniards established a military post on the banks of the Arroyo de la Nana, situate between the rivers Angelina and Sabine, when all that territory east of the San Antonio river to the Sabine was also annexed to the viceroyalty of Mexico, under the title of Eastern Texas.

But those who undertook the establishment of towns and military posts at this period (1732) were

strangers to that love of conquest, and energy of character, which were the true characteristics of the conquerors of Mexico. The government of points so far removed from the seat of Government, was left by the responsible representatives of the court of Spain in the hands of the missionaries, whose zeal for the spiritual welfare of the settlers and soldiers led them to demand so much of their attention, that all temporal affairs were quite overlooked, consequently agriculture and commerce, the two first elements of national prosperity were totally neglected; education and industry were never deemed the only and indispensable medium of advancing civilisation, or developing the resources of the country. Fanatical superstition and abuses soon crept into these remote points, and were rigidly enforced by spiritual and military rulers. Under such a system, if aggression ceased, a great portion of the vast possessions which had been acquired, remained a wilderness. But who that has ever watched the current of human affairs could for a moment suppose that any country could long continue in the condition of the viceroyalty of Mexico; a country, the magnitude and variety of whose resources, scattered over a prodigious extent of territory, are as yet but imperfectly known. They will only be fully developed when it shall contain what it is certainly capable of, a population as large as any country in the world, of which Mexico appears destined by nature to become independ-

ent both in a commercial and political point of view. Had this assertion been addressed to the political economists of the mother country previous to the revolution of 1810, insanity would have been imputed to its author ; but the result of that one event alone, would have entitled it to some degree of credit, while a thousand subsequent events concur to establish it as a matter of fact that their impolitic rule has shorn them of great interests, which now excite the attention of other nations, particularly England, who is vitally concerned in this and every other subject connected with New Spain. And as the independence of the territory of Texas originated in the dismemberment of Mexico, which was the result of Spanish misrule, it is necessary to recur briefly to the long series of events which led to the final subversion of the power of the Spaniards in New Spain, in order that the reader may be able to take a correct view of the Texan cause.

Those whose avocations in this life are the most tedious, would shudder at the thoughts of tracing the slow progress of civilisation among the Aborigines of Mexico, while the most sanguinary despot in Christendom would blush at his ignorance of the arts of torture, tyranny, and bloodshed, after reading the history of New Spain, from the conquest down to the year 1810 ; and as the recital of events which occurred during that period can contribute nothing to enhance the value of this

work, I need not impose upon myself the task of straying so far back. And as the immense combinations of circumstances which led to the first revolution in Mexico have already been so well and ably defined, and must, therefore, be perfectly understood, I can confine myself to a brief sketch, by referring the reader to other authors, such as Humboldt, Brackenridge, Don Carlos Bustamante, Robertson, and Ward, for full and interesting details of those events which led to the establishment of republican institutions in New Spain.

The first Mexican revolution was commenced by Don Miguel Hidalgo, the parish priest of Dolores, who had devoted much of his life to the introduction of the silk-worm, and the establishment of vineyards in the immediate neighbourhood of the village of Dolores, as an example to those among his flock who had ample means to follow it, and so give employment to the poor of his parish. This his laudable design, however, was rendered abortive by a special order from the Spanish Government prohibiting the inhabitants of Mexico from making wine. Hidalgo attributed the promulgation of this prohibition to the unjust interference and undue influence of Europeans. He therefore resolved to avenge an act, which he held, as far as it concerned himself, to be extremely oppressive, and most injurious to the country at large. Accordingly, he consulted with Allende, Abasolo, and Aldana, three creole officers then stationed at Guanaguato, who,

considering the great influence which Hidalgo possessed among the Indians and people of the province generally, and knowing that the whole of Mexico (more particularly the creoles) was ripe for a revolt against the Spaniards, did not hesitate to enter into a conspiracy to overthrow the government.

Such a conspiracy soon found many other able supporters, and on the 16th of September, 1810, the signal of revolt was given, by imprisoning the Spaniards in the neighbourhood and town of Dolores. On the following day (17th) the insurgents took possession of San Felipe, and on the 18th, of San Miguel el Grande, both towns of considerable importance. Hidalgo next turned his attention to the capital of the province, Guanaguato, which he took, after an obstinate resistance on the part of the royalists, on the 28th of September. The day before the taking of Guanaguato, Hidalgo was elected "captain-general of America," by the general voice of his followers, who, in the short space of twelve days, amounted to about 20,000, and as such he was duly recognized by the ayuntamientos (corporations) of the towns of Celaya and San Miguel, and afterwards by the ayuntamiento of Guanaguato. The property of Spaniards, that had fallen into the hands of the Mexicans up to this period, was here distributed among Hidalgo's troops, a circumstance which led thousands of recruits to join the insurgents. The fall

of Guanaguato filled the Spaniards in the capital with the greatest consternation, which was in some measure appeased by the prompt measures taken by the new viceroy, Don Francisco Xavier Venegas, to quell the insurrection. The first steps taken by Venegas, was to arm the Spaniards, and to order the troops stationed at La Puebla, Orizaba, and Toluca, to march upon the capital, while he despatched all the creoles in the city of Mexico, under the command of the Conde de la Cadena, to join Don Felix Maria Calleja, military commandant of San Luis Potosi, who was ordered to march with all his force in pursuit of the insurgents. Hidalgo, on hearing of the approach of Calleja, hastened his departure from Guanaguato, which he left on the 10th of October, directing his march to Valladolid, of which he took possession without any resistance being made, on the 17th of October. Hidalgo remained only two days in Valladolid, where he was joined by Don Jose Maria Morelos, a priest of Nocupetaro, whom Hidalgo immediately appointed to command in chief on the south-western coast of Mexico. On the 28th the insurgents took possession of Toluca. Here Hidalgo halted for two days, to refresh his troops. On the 30th he marched out of Toluca upon the capital; but on reaching Las Cruces, he met the corps of observation sent by Venegas from the capital, under the command of Colonel Truxillo, and Don Augustin Iturbide, then a lieutenant in the royalist ser-



vice, but afterwards Emperor of Mexico. The defeat of this corps by Hidalgo removed every obstacle that stood in the way of the triumphal entry of the insurgents into the capital; but when he reached a position whence he beheld the city of Mexico in all its grandeur, he betrayed considerable emotion; and, like a visionary enthusiast, he seemed from that moment to sink under the weight of an enterprize which originated with himself. Being unable longer to direct the wild elements, which he saw rampant in the 40,000 faces that then stood round his standard, towards the completion of a task for which he had brought those elements into action, he ordered a retreat; thus giving to the world the most undeniable proof of his cowardice, and an advantage to his enemy, which soon after brought him to that ignominy he so justly merited.

Calleja, who had by this time reached Queretaro, on his way to defend the capital, commenced again to pursue Hidalgo, followed by a strong reinforcement from the capital, and succeeded in overtaking the insurgents (who were retreating upon Valladolid) at Aculco, on the 7th of November, when a general engagement took place, and Hidalgo and Allende were driven from the field, leaving 10,000 Indians dead. Hidalgo, with the main body of the insurgents, with difficulty effected a hasty retreat to Valladolid, while the royalists pursued Allende, who retreated to Guanaguato, which being unable

to defend, he evacuated, leaving his partisans, and many of his followers, to provide for their own safety. The mistake which Calleja made, by following Allende instead of Hidalgo, gave the latter time to collect another body of men, sufficient to enable him to take the field; which he did on the 17th, and proceeded to Guadalajara, where Rayon, one of Hidalgo's chiefs, had raised a large force. On the 24th of November Hidalgo entered the city of Guadalajara with great pomp, and was received by Rayon with military honours.

Calleja having received another reinforcement from the capital, marched out of Guanaxuato towards the north. On the 16th of January, 1811, he came again in sight of the insurgents, who had fortified the bridge of Calderon, about sixteen leagues from Guadalajara. Here, on the 17th of January, a general and decisive engagement took place; and, like the former, ended in the defeat of the insurgents. Hidalgo, with several of his chiefs, retreated to Saltillo, with the remnant of their shattered forces, while Rayon volunteered to carry off the military chest from Guadalajara, which contained 300,000 dollars; this he accomplished, and arrived with it at Saltillo, where he found Hidalgo, Allende, Aldana, and Abasolo, preparing to go to the United States, to purchase supplies to carry on the war. Rayon was appointed to command the insurgents during Hidalgo's absence; but Hidalgo and his companions were made prisoners before

they had got far from their head-quarters; and, on the 21st of March, 1811, were conveyed to Chihuahua, where they were imprisoned until the 27th of July, when Hidalgo, being first deprived of his order of priesthood, was shot, together with his associates.

The capture and execution of Hidalgo contributed nothing towards tranquillizing the country; on the contrary, it merely opened the door to others, who were better able to carry on the work which he had commenced. Among those who followed him as leaders, were Rayon and Morelos; the former a sound political economist, the latter a prudent and intrepid soldier. It is much to be lamented that these two men did not act together, as it would have advanced the cause of independence at once to that state, which it did not acquire for some time afterwards, and which led so many of the first men in Mexico, together with the whole creole population, to espouse it.

Immediately after the arrest of Hidalgo, Rayon saw the necessity of bringing about a moral revolution in favour of independence, which was not to be done by the sword alone; he therefore conceived the idea of forming a national convention or junta, and which he possessed sufficient energy of character to accomplish, on the 10th of September, 1811: the first junta, consisting of five members duly elected, sat in the town of Zitacuaro, in the province of Valladolid. The establishing of

the junta was deemed premature by Morelos, who was about to place himself at the head of the insurgent troops, though it was well received by the country generally, and with the greatest enthusiasm by the creoles. The establishment of the junta soon gave rise to the idea of forming a national congress; in favour of which, a general cry was raised throughout the southern intendencies, and was accordingly convened in the month of March, 1812, at Chilpanzingo, Calleja having taken the town Zitacuaro. The first act of the Mexican Congress, which consisted of forty members, was to draw up a true representation of the state of the country, making at the same time proposals to government for peace, on certain conditions. These proposals were indignantly rejected, and publicly burnt by orders of the Spanish Viceroy, Venegas, in the city of Mexico. From this moment, war was inevitable; and Morelos, who had now a large force under his command, moved towards the capital, having already defeated the royalists in several engagements. Morelos' success in the field, added to the wisdom displayed by congress in providing for the internal welfare of their country, would have brought the revolution to a speedy and successful issue, but, during Hidalgo's career, the Spaniards, who had armed themselves, were now in the field in defence of their assumed rights, in sufficient numbers to supply the place of the creole troops, who were now flocking

from all quarters round the standard of independence.

That the restless and sanguinary Anglo-American outlaws, and Indian hunters, who had for years been committing the most infamous outrages all along the eastern frontier of Mexico, should allow such an opportunity of dealing largely in the horrors of civil war to escape them, is not easily to be supposed. A gang of about one thousand of such characters had posted themselves at Nacogdoches, and along the banks of the Sabine river, for a considerable distance, in eastern Texas, for the purpose of robbing and murdering the trading caravans which frequently pass from the United States to the provinces (Provincias Internas) of Mexico. Favoured by the revolutionary state of the country, their depredations passed on unnoticed by the Mexican government, until the latter part of 1812, when Capt. Magee was sent with a strong detachment of troops to disperse them. In the spring of 1813, Magee succeeded in driving the American outlawe across the frontier, into the United States, from whence they came; but he had scarcely completed his perilous task, before he became equally troublesome to the government of Mexico himself, by issuing a proclamation, inviting the very outlaws, whom he was sent to punish, to enrol themselves under the banner of independence. Such an invitation was nothing short of a God-send to, and was therefore eagerly accepted by, the outlaws, to whom

it was principally addressed. Having thus enlisted from five to six hundred men, who were to assemble at a certain place on a given day, Magee proceeded to New Orleans, where he obtained the necessary supplies for his troops, and enlisted nearly three hundred more. While at New Orleans, Magee met an old Mexican, Bernardo, and a refugee from justice, who had been previously banished by the royalists, and subsequently by Hidalgo: a circumstance that at once established his claim to the consideration of Magee's band, by whom he was elected commander in chief of the Texan expeditionary forces, which took the field directly after Bernardo was appointed to the command.

Bernardo immediately planted the banner of independence on the Trinity river, in eastern Texas, and issued a proclamation, inviting the Mexicans to join his standard; he soon after marched upon Nacogdoches, a Mexican garrison in eastern Texas, of which he took possession quietly. Here he found a large quantity of provisions and military stores. The fall of Nacogdoches spread through the United States and Mexico with great rapidity, and caused a very important diversion in favour of Morelos, who, aided by generals Teran, Osorno, Toledo, Cos, and Guadalupe Victoria, had carried the insurrection to the gates of Mexico. Bernardo remained only three weeks at Nacogdoches, when he marched upon La Bahia, a town of importance in western Texas, where he

was soon besieged by 1200 royalists under Salcedo, a general of considerable talent. The royalists during the siege of La Bahia, which lasted nine months, suffered the greatest hardships, being completely destitute of provisions, necessary clothing, and ammunition. However, Salcedo contrived to keep the Americans in check for nine months, when finding himself totally cut off from the royalists, whom he had left in the eastern provinces of Mexico, he was obliged to raise the siege of La Bahia, which he did under the cover of night, and so unexpectedly, that the Americans were quite unprepared to follow him: however, the outlaws held a council of war the next morning, and without hesitation determined to march upon San Antonio de Bexar, where they found themselves again in the presence of Salcedo's army, which had been reinforced by a park of artillery *en route* to La Bahia. Salcedo, on hearing of the approach of the enemy, formed his troops into line, and placing his artillery on the right, waited to receive them. But the Americans, whom we shall occasionally call Texans, advanced without seeming to care for the display thus made by Salcedo, until they had got within a few hundred paces of the Mexicans, when they rushed forward *en masse* to the charge, putting the enemy to flight, and taking the entire park of artillery. Salcedo endeavoured to rally his men, but in vain; he therefore was compelled to retire, leaving 51 killed and wounded on the field. The Texans, as if satisfied

with the capture of so valuable a prize, marched on to San Antonio, without waiting to ascertain what the royalists meant to do. At San Antonio the Texans found several of Salcedo's followers, who, worn out with fatigue and sickness, had sought for shelter at the mission, and, to their dishonour be it said, the Texans made prisoners of these royalists to the number of twenty-seven, and, without even the form of a court-martial, shot them in cold blood: thus setting an example which was unfortunately followed by the Mexicans during the whole of the revolutionary war in Texas. The report of these exploits was received in the United States with exultation, and hundreds of young American citizens flew to join their countrymen in Texas; but in the mean time the news of the massacre at San Antonio reached Mexico, and the Viceroy despatched Elizondo with 500 men to chastise the sanguinary intruders. Elizondo immediately left the capital, and in about six weeks succeeded in forming a junction with Salcedo, who was then hovering about the enemy, waiting for a favourable opportunity to attack; but when Salcedo found that he had been superseded in the command of the royalist troops in Texas, he became so enraged, that he did every thing in his power to frustrate the measures taken by his successor to suppress the revolution in Texas, in which he was most successful. When Elizondo inquired of Salcedo what force the enemy possessed, he reported them to be about one half only of what they really were, which led



Elizondo to make an attack on the town of San Antonio, that ended in the defeat of the royalists, whose loss on this occasion amounted to 400 men, killed, wounded, and missing. The result of this engagement convinced Elizondo that he had been deceived by Salcedo; he therefore returned to Mexico as quickly as possible, leaving Salcedo to collect the royalist troops, which were once more scattered all over the country. This second victory of the Americans in Texas filled the people of Mexico with indignation, and every party forgetting for a moment their own opinions, views, and interests, raised their voices for the immediate and complete expulsion of the Anglo-Americans from Texas; and thus another favourable diversion was caused for Morelos, who was now master of two-thirds of Mexico.

Jan. 1813. The Texans made several overtures to Morelos to be incorporated in the Mexican army then under his command, but Morelos was a man of great foresight, and though he could not help at once appreciating the diversions which the Americans had caused in his favour, still he deemed it highly impolitic to connect himself with foreigners, when he was leading not only an army, but the whole people of a country, whose great and general cause of complaint was the constant introduction and patronage which was exclusively reserved for Spaniards, the very people from whom Morelos' followers had for the most part descended, but by whom the Spaniards even were deemed and opposed

as foreigners. Morelos, therefore, resolved to keep himself aloof from the Americans, and lost no time in setting public opinion right on that score. While Calleja, who now filled the viceroial chair, anxious to respond to the universal cry of the people of Mexico for the expulsion of the Americans, gave orders for the departure of 2000 men for the province of Texas. The command of this expedition was given to general Arredondo, who was universally esteemed a sound politician and intrepid soldier. He addressed himself to the various duties of his new appointment with such tact and alacrity, that in a few days he was enabled to leave the capital for San Antonio, where he found the Americans strongly intrenched. After the defeat of Elizondo before San Antonio, about two hundred Americans, outlaws and pirates,\* who up to that period had remained scattered over the province of Texas, made patriotism their refuge, and joined their victorious countrymen, so that when Arredondo arrived before San Antonio, he found the number of the intruders increased to about 1000 men. However, on reconnoitring the enemy's position, though he was not disposed to make an attack on the town, he was resolved to bring him to an engagement, more particularly as he entertained a very contemptible opinion of the abilities of

\* The remnant of Burr's followers, who with the Lafayettes, Nolans, and Hunters, were all dispersed, or put to the sword by the Mexicans, at different periods, and before any of their petty revolutionary schemes were matured.

Bernardo, who commanded, and was now aided by generals Toledo and Menchaca; the former was unknown to Arredondo, but the latter was generally known as a common muleteer.

Arredondo gave his men one night's rest, and early on the following morning he put himself at the head of his troops, and moved slowly towards the enemy's lines. This approach of the Mexicans was soon made known to the Texans, who, flushed with victory, raised a contemptuous yell, which was followed by a confused sound of voices, such as one sometimes hears in the neighbourhood of a school-boys' play-ground. Such sounds issuing from a camp then surrounded by an enemy, might have led a general less acquainted with the uncontrollable boyishness of the Americans under all circumstances, into an error, by inducing him to believe that it betokened internal strife and disorder; but Arredondo knew the character of his enemy, and had formed his plans, which only remained to be carried into execution. Accordingly, he drew out three storming parties in front of the main body of his troops, and made such other movements as at once led the enemy to suppose that he meant to make a vigorous assault on their lines. The storming parties being in advance were now put in motion, followed by 700 men, while 500 were kept as a reserve. The storming parties soon came within the range of the American rifles, which was no sooner discovered by the Texans than they opened a brisk fire from the town, and

at the same time they raised another yell, whereupon the Mexicans, as it was previously arranged, retreated; the Americans deeming this the harbinger of another victory, rushed from their stronghold; the foremost, led by Menchaca in person, were soon surrounded, and made prisoners, together with about 300 Mexicans, who had joined the Americans. This rashness of Menchaca was deemed by the Americans nothing short of a premeditated desertion on his part, while they did not hesitate themselves to follow his example; this they did, in the Indian style, by creeping on their hands and knees through the long prairie grass until they got within range of the Mexicans who were retreating before them. But Arredondo, on finding he had thus succeeded in drawing them into the open field, suddenly faced them, and after a short struggle compelled them to retreat, leaving 200 killed and wounded, and 400 prisoners in the hands of the Mexicans. Arredondo, placing himself at the head of a squadron of lancers, pursued the Americans, making many prisoners, and putting to the sword all who refused to surrender; when he found himself abreast of the American lines, he wheeled suddenly to the right, presently crossed their trenches, and then entered San Antonio in triumph. Hence these outlaws, who thought again to arouse the sympathy of their country *en masse*, by their daring military exploits, saw their fond hopes completely blasted, and those who escaped the

disasters of San Antonio returned to their former avocation of piracy, &c., with increased energy ; but before they could reach their old haunts, they were overtaken by Arredondo, on the Trinity, where the whole of the fugitives were made prisoners, sent to the interior of Mexico, and disposed of for life in the mines.

With the entire expulsion of the Americans from the province of Texas, the first revolution on the frontiers of Mexico was quelled, and Arredondo returned to the capital, where he received the hearty thanks and warm congratulations of his fellow-citizens ; but the Americans, finding that the "strong arm" had gained them nothing, soon tried how far stratagem would enable them to possess themselves of a country which had so long attracted their "acquisitive" rapacity ; the aspect of affairs, however, at this moment did not appear quite so favourable for another "strong arm" attempt. Morelos, who had at this time been defeated by the royalists, held out no hopes to the Americans, even when in the zenith of his brilliant career, and the royalists who were now driving Morelos into the north states of Mexico, by their contiguity could at once check any attempt that might be made in Texas by the Americans, and thus these lawless insurrectionists were kept down until the death of Morelos, who was arrested at the village of Tescmeluca, on the 5th of November, 1815, and executed at San Christoval, on the 29th of December in the same year.

## CHAPTER II.

Anglo-American Schemes in Mexico—Austin's Petition—Spanish Constitution Introduced—Iturbide at Iguala—Plan of Iguala—Provisional Junta—Iturbide Regent of Mexico—Dissolution of the National Assembly—Rebellious State of the Country—First Colonization Law—Abdication of Iturbide—First Republican Government of Mexico—Sovereign Republican Congress—Territorial Division of Mexico—Legislative Qualifications—Functions of the Executive—Judiciary Districts—Petition of the General Convention of Texas—Austin's Advice to the Colonists—The Close of Federalism.

SOON after the fall of Morelos, and complete destruction of his followers, the aspect of the internal affairs of Mexico became more tranquil, and would doubtless have remained so for some years, had the Mexicans kept their Anglo-American neighbours at a respectful distance; but tranquillity was no sooner restored than a host of land speculators and wild adventurers from the United States, entered the country in all directions; the former intrigued in the capital, while the latter, by mixing themselves up in petty brawls in the provinces, soon gained the confidence of the leaders of the factions, whose cause they espoused.

As each demagogue appeared on the stage, he was put in possession by these American agents of

some scheme for the aggrandisement of either himself or his party, or the total subversion of the then existing state of things. In their projects, the probability of the great honour that would redound, and the unlimited patronage and emolument that would eventually accrue, to the leader of a brilliant enterprise, was duly set forth.

Such schemes were widely and speedily disseminated through the northern provinces; and notwithstanding that each particular plan was meant to aggrandise different individuals and parties, yet they all seemed to unite in infusing into the public mind a fresh spirit of anarchy and discontent.

1820. While all this was going forward in the provinces remote from the capital, General Austin,\*

\* Mrs. Holley, in speaking of her brother, General Austin, says, "This gentleman was a native of Durham county, in the State of Connecticut, and presents an eminent specimen of the enterprising character of the New England people. At a very early age, impelled by a thirst for knowledge, and ambitious to make a speedy fortune, he left his native state at the age of twenty, and was married to Miss Maria Brown in Philadelphia. Shortly after, in partnership with his brother, Stephen Austin, he purchased the lead mines, called Chesset's Mine, on the New River, Wythe county, Virginia, to which he removed, and established a regular system of mining and smelting, together with the manufacture of shot, sheet lead, &c. Miners and mechanics to prosecute this business were introduced from England, for at that time manufactures of this kind were in their infancy in the United States.

"Owing to causes beyond his control, this enterprise failed of success. Having received flattering accounts of the lead mines

the real "prince of hypocrites," appeared in the city of Mexico, at the head of the Anglo-American land jobbers, with his notable petition, praying to be allowed to introduce a certain number of colonists, from the United States into the province of Texas.

De Onis, the Spanish Minister at Washington, took charge of Austin's petition, and lost no time in forwarding it to the Spanish viceroy, who referred the whole business to the royal audience of the eastern internal provinces, then sitting at Monterey.

The audience received the petition with becoming courtesy, and after mature consideration, granted Austin's petition; and on the 17th of January,

in Upper Louisiana, now Missouri, he resolved to visit that distant and unknown country. Accordingly, having procured the necessary passports from the Spanish minister, he visited Upper Louisiana in 1799, and procured a grant from the governor-general, Baron de Carondelet, for one league of land, including the Mine-a-Burton, now called Potosi, forty miles west of St. Genevieve, where still stands Durham Hall, the ancient seat of hospitality in the wilderness.

"After closing all his affairs in the United States," continues the same author, "he removed his family, with a number of others from Wythe county, by a new and almost unknown route, down the Kinpana river, to his new grant in 1799, and laid the foundation of what is now called Washington county, in Missouri. The early settlers of this county will bear ample testimony to his enterprise, public spirit, and honourable character. The exercise of the generous qualities brought on another reverse of fortune, and compelled him to turn with unabated ardour, in the decline of life, to a new and hazardous enterprise in the wilderness of Texas."



1821, the necessary authority was given him, to introduce three hundred families into Texas, under such conditions as the fundamental laws of Mexico peremptorily required, and which Austin bound himself to respect, deeming them by no means arbitrary at this period.

Having accomplished his object so far, Austin returned to the United States, where he died, leaving his son, Mr. Moses Austin, to complete the creation of a new world. While the Anglo-Americans were thus engaged in securing a footing in the eastern part of Mexico, party spirit had risen gradually to an alarming degree in the interior of the country. Murmurs from the remotest districts were echoed in the capital. The Spanish viceroy found himself deserted by many of the first creoles in Mexico, while none seemed anxious to supply their place. These symptoms, however, did not make any visible impression on the mind of Apodoca, who was then the viceroy. He flattered himself that he could at all times call to his assistance the priesthood, whose influence had been restored by his predecessor Venegas, and which he deemed sufficient of itself to sustain his authority as the Spanish viceroy. He called to mind the tranquillity that followed, and reigned, in his own imagination only, after the death of Morelos; and in his weakness and inactivity he shrunk from making examples of the disturbers of the public peace, while he neglected to inquire into the character of the new and general

complaint, or the nature and extent of the agency employed to irritate the public mind.

The introduction of the Spanish constitution helped to increase the discontent of the people of Mexico at this epoch, who only wanted a leader in whom they could confide, to relieve them of the Spanish yoke altogether.

Augustine Iturbide, a creole, and a general of great experience, at once saw that the introduction of the Spanish constitution into Mexico, prepared as it was under the eye of Europe to mystify and baffle the intrigues of two powerful parties in Old Spain, had brought New Spain into a most singular and critical position, unanimously disposed as the latter then was to shake off the yoke of the mother country. The emergencies of the latter were of a different nature, which the constitution was totally inadequate, or, in fact, was never meant, to obviate, while by bestowing an elective franchise upon her colonial subjects, it gave a power which was exercised only as the medium of expressing the true sentiments of the nation on the great question of independence.

Iturbide, who had for four years kept a vigilant eye on all that was going forward in Mexico, lost no time in preparing his plans, founded on his own practical experience, and, being then in command of a body of troops, openly declared the independence of Mexico.

The first success that attended Iturbide was the

seizure of a *conducta*, with 1,000,000 dollars, *en route* to Iguala, where he subsequently established his head-quarters, and published a plan of constitutional government, generally known as the "Plan of Iguala." After the promulgation of this plan, Iturbide was hailed throughout Mexico as a true patriot, and was looked up to as the deliverer of his country, to whose standard the people flew with one voice and unparalleled eagerness.

The "Plan of Iguala," considering the peculiar situation of Mexico at the period of its promulgation, is certainly one of the ablest state documents that ever fell from the pen of a statesman. It brought about a great moral revolution throughout a country filled with conflicting interests, without bloodshed. It consolidated the various views and interests of the innumerable factions into which the nation had fallen, as it at once removed the cause, and securing the great and first object of all, viz., the independence of Mexico, which it substantially guaranteed, as follows:—

## PLAN OF IGUALA.

ARTICLE 1. The Mexican nation is independent of the Spanish nation, and of every other, even on its own continent.

ART. 2. Its religion shall be the Catholic, which all its inhabitants profess.

ART. 3. They shall all be united, without any distinction between Americans and Europeans.

ART. 4. The government shall be a constitutional monarchy.

ART. 5. A junta shall be named, consisting of individuals who

enjoy the highest reputation in the different parties which have shown themselves.

ART. 6. This junta shall be under the presidency of his Excellency the Conde del Venadito, the present Viceroy of Mexico.

ART. 7. It shall govern in the name of the nation, according to the laws now in force; and its principal business will be to convoke, according to such rules as it shall deem expedient, a congress, for the formation of a constitution more suitable to the country.

ART. 8. His Majesty Ferdinand VII. shall be invited to the throne of the empire; and, in case of his refusal, the Infantes Don Carlos and Don Francisco de Paula.

ART. 9. Should his Majesty Ferdinand VII., and his august brothers, decline the invitation, the nation is at liberty to invite to the imperial throne any member of reigning families whom it may select.

ART. 10. The formation of the constitution by the congress, and the oath of the emperor to observe it, must precede his entry into the country.

ART. 11. The distinction of castes is abolished, which was made by the Spanish laws, excluding them from the rights of citizenship. All the inhabitants of the country are citizens and equal, and the door of advancement is open to virtue and merit.

ART. 12. An army shall be formed for the purpose of religion, independence, and union, guaranteeing these three principles, and therefore it shall be called the army of the three guarantees.

ART. 13. It shall solemnly swear to defend the fundamental basis of this plan.

ART. 14. It shall strictly observe the military ordinances now in force.

ART. 15. There shall be no other promotions than those which are due to seniority, or which shall be necessary for the good of the service.

ART. 16. This army shall be considered as of the line.

ART. 17. The old partisans of independence who shall immediately adhere to this plan, shall be considered as individuals of this army.

ART. 18. The patriots and peasants who shall adhere to it hereafter shall be considered as provincial militia-men.

ART. 19. The secular and regular priests shall be continued in the state in which they now are.

ART. 20. All the public functionaries, civil, ecclesiastical, political, and military, who adhere to the cause of independence, shall be continued in their offices without any distinction between Americans and Europeans.

ART. 21. Those functionaries, of whatever degree and condition, who dissent from the cause of independence, shall be divested of their offices, and shall quit the territory of the empire, taking with them their families and their effects.

ART. 22. The military commandants shall regulate themselves according to the general instructions, in conformity with this plan, which shall be transmitted to them.

ART. 23. No accused person shall be condemned capitally by the military commandants. Those accused of treason against the nation, which is the next greatest crime to that of treason against the Divine Ruler, shall be conveyed to the fortress of Barrasbas, where they shall remain until congress shall resolve on the punishment which ought to be inflicted on them.

ART. 24. It being indispensable to the country that this plan should be carried into effect, inasmuch as the welfare of the country is its object, every individual of the army shall maintain it, to the shedding (if it be necessary) of the last drop of his blood.

TOWN OF IGUALA, *Feb.* 24, 1821.

From the date of Iturbide's plan, Mexico must be considered as an independent nation, as the Spanish troops never after that day dared to take the field

against the people, and the resident Spaniards seemed to give up all thoughts of resistance; while the commander-in-chief of the troops newly arrived from Spain deemed it expedient to accept the terms proposed to him by Iturbide, to save the effusion of blood.

Having thus set the Spaniards at defiance, Iturbide entered the capital on the 27th of September, 1821, without bloodshed, and immediately issued a proclamation establishing a provisional junta in the capital.

The first act of this junta was to appoint a regency of five members, with Iturbide as president. This act gave offence to Generals Victoria and Bravo, who with several others were ordered to quit the country by Iturbide. The junta next prepared a plan for assembling a national congress; and after seeing its realization in the capital, on the 24th of February, 1822, it dissolved itself.

Previous to the dissolution of the provisional junta and the assembling of the congress, the foundation stone of the short-lived Mexican monarchy was laid by the wonderful Iturbide. He was now at the head of the regency, and by the wise disposition of his patronage he drew round him those whom he knew to be devoted to his person. But unfortunately for him, and the nation too, his train was soon filled with the mean, the weak, and the wicked. Fawned on by the mean, unopposed by the weak, and prompted by

the wicked, to seize upon the first opportunity of securing to himself a throne, of which they were to form the gaudy pillars; Iturbide, although a man of the strongest mind, was not proof against double-tongued flattery and admiration; and being a regent, invested with the supreme, but not the sole command of the nation, he did not, or rather could not think it his place, to suspect those, who only a few days before held higher offices in the state than himself.

They represented to him, that he was to consider himself as elected to the Regency by the unanimous voice of the people: therefore, it only remained for him to declare himself Emperor of Mexico. And thus, while he was led on within the walls of his palace, he found himself so completely compromised by his crafty partisans without, that he was obliged to declare his intention of appearing before the people as their emperor; which was no sooner whispered in the capital, than the populace collected round the palace, and with many hearty "hurrahs" approved the past conduct and future intentions of Iturbide. While this was going forward in the capital, many counter intrigues among the Spanish residents and the old insurgents took place. The former were divided into Constitutionalists, Bourbonists, and Imperialists; and such of the first who were in the northern provinces unanimously declared in favour of republicanism, and only wanted a man to

lead them in arms upon the capital, to enforce its establishment. Iturbide, who had allowed the national congress to meet on the day appointed, (24th of February, 1822,) without discovering his intentions, thus taking time to see how parties stood in the national assembly, soon found it to be divided into innumerable factions of about equal numbers. He therefore resolved to wait no longer. Accordingly, on the 18th of May, 1822, he publicly declared his intention of placing himself on the throne, and on the same day he was proclaimed Emperor of Mexico, under the title of Augustine I. ; and as such he appeared before the congress on the following day, and was received, when the emperor immediately issued a decree confirming the authority of congress ; and the assembly continued in session until the 30th of October, when republican partisanship became so manifest in the national assembly, that Iturbide issued an order for its immediate dissolution ; and the bearer of the order, (General Cortazar) which was read to the congress, was desired to clear the house, and convey the key to the palace, which was accordingly done.

The sudden dissolution of the national assembly was eagerly seized by the republicans as a sufficient pretext for taking up arms against the emperor, which they did in the month of December, 1822, under General Santa Anna, military commandant of Vera Cruz.

Santa Anna, a young, brave, and ambitious



officer, published an address to the Mexican nation, in which he accused the emperor of usurping and trampling on the rights of the people, and finally of gross perjury.

The promulgation of this address no sooner reached the capital, than Iturbide entrusted the government of the country to the junta of forty-five members, whom he had appointed on the 31st of October, and proposed leading the imperialist troops in person against the insurgents; but he was subsequently dissuaded from placing himself in such a perilous situation, and the command of the troops destined to oppose Santa Anna, (in favour of whose republican views the garrison of Vera Cruz, and many of the northern provinces had decided) was consigned to General Echavari, a Spaniard of moderate principles, and warmly attached to Iturbide's person.

The present distressed state of Mexico must be ostensibly attributed to the premature dissolution of the national assembly by Iturbide. This step, although dictated by the soundest policy as regards the maintenance of his throne, proved however no less a national calamity. First, it showed that Iturbide was the author of his own aggrandisement, and that he was not only ambitious, but impatient of legitimate restraint, and jealous of the rights of the representatives of the nation, which caused the most intense anxiety and excitement throughout the country. It gave to those who lost their seats in

the national assembly, a new cause of complaint, and so laid the foundation of fresh disturbances; for many who were elected, during the general confusion into which the country was thrown, so soon after the struggle for independence, saw a prospect of their places in congress being filled by others, who possessed more local influence; while the latter had their most sanguine hopes blasted by the re-establishment of the imperial junta; and thus all parties were anxious for a total change in the form of government.

Texas, although in her earliest infancy as a colony at this time, had political scouts and intriguers in the capital, who kept a vigilant eye on passing events, while they were treated with great courtesy by the imperial government, whose avowed enemies they were known to be, even by the emperor, against whom they soon found means to enter into combination with the New York Masonic Society, established at Vera Cruz, which began to insinuate itself into the public affairs of Mexico about this period.

In November the entire country was in a state of open rebellion. Guadalupe Victoria returned from his hiding-place, and hastened to join Santa Anna, who immediately gave up the command of the republican army into his hands.

The Texans took a part in this struggle, under General Long, and marched to join the republican forces in the north; but being too few in number

to form a distinct corps, they were incorporated in the Mexican army, and as if to demonstrate the truth of their boasted superiority over their "priest-ridden Mexican" comrades, they deliberately assassinated their general (Long), who was the president of the supreme council of Texas, while in the discharge of his military duty.

Victoria and Santa Anna having now laid the foundation of republicanism in Mexico, openly took the field about the middle of December, against the Imperialists, who were concentrating their strength under Echavari, at Xalapa.

The junta of forty-five, who with Iturbide at their head, was still sitting in the capital, being harassed by the importunities of the Texan agents, reluctantly, or rather blindly passed a national colonisation law \* on the 4th of January, 1823, the benefits of which were extended to Texas by a decree of the emperor's, dated the 18th of February following.

While the imperial government was thus engaged, the republicans under Victoria and Santa Anna, accompanied by a few Texans, were making rapid strides towards Xalapa, and as rapidly were the flames of this insurrection spreading throughout the country, which Echavari no sooner perceived than he faithfully represented to the emperor his inability to check its progress, and therefore ear-

\* See Appendix.

nestly recommended Iturbide to evade the impending danger by submitting to the voice of the people.

Having thus nobly discharged his duty to the emperor, Echavari proceeded to negotiate with the leaders of the republican army, with the view of accommodating matters between the two great parties (the Imperialists and Republicans), into which all the petty factions had now resolved themselves. After some little time spent in these negotiations, Victoria and Santa Anna entered Xalapa, followed by Generals Guerrero and Bravo. This event gave such general satisfaction to the country, and was received with such universal rejoicings, that Iturbide at once saw the truth of Echavari's remarks, and the propriety of accommodating himself to the suggestions of his prudent counsellor.

Though it may with some truth be said that Iturbide was too ambitious to be honest, yet he was not too arrogant to receive, nor so self-willed as to refuse to act up to the suggestions of those whom he had called to the council of the state to aid him with their advice; he therefore summoned his ministers together, and after laying before them a correct view of his position, he stated his wish to relinquish his claims to the throne, which he did in a letter addressed to the junta, dated March 19th, 1823. This letter was written in a spirited and masterly style, returning all the dignities, honours, and titles, to the troubled source from which they had been

so recently taken; and thus the gaudy pillars of the mighty temple of renown which Iturbide had designed for himself, were seen to quake and fall to the ground.

The congress was astounded at the receipt of the emperor's abdication, and would fain have compromised with him, so as to have prevented his departure from the capital; and the re-assembled national congress raised a question as to Iturbide's right to abdicate the throne; but this question was mooted and discussed merely to see whether the congress had the power to receive the emperor's abdication or not. Their apprehensions were no sooner removed, and all doubts resolved on that head, than they accepted the emperor's abdication, and voted him a yearly income of 25,000 dollars for his former services and their deliverance from a dilemma in which they felt so seriously embarrassed, and with the most profound respect they allowed him to retire to Tulancingo, where he remained until the 11th of May, when General Bravo was sent by the republican government to escort Iturbide to Antigua, at which place he embarked with his suite for Leghorn.

Victoria, at the head of the republicans, entered the capital on the 27th of March, 1823, when the imperial junta was unceremoniously dissolved, and a temporary government, by a supreme executive of three members, established. Generals Bravo, Victoria, and Negrete, were the members of this

executive. Amidst the universal uproar and confusion, Iturbide, who withdrew as quietly as possible, was not thought of, until some thousands of proclamations and decrees appeared on the walls of the city, bearing signatures quite unknown to the majority of its inhabitants. Many lamented Iturbide's departure, while all joined in a rigid inquiry as to the form of government about to be established, which was promptly answered by the promulgation of a plan of a federal republican constitution.

This constitution was at first held to be perfect in all its parts, and was adopted by the nation as such. But, contrary to the most sanguine expectations of its framers, it had to undergo some few modifications; by some it was thought to be tainted with centralism, while others contended that it ought even to be more democratic, and yet central. The government, anxious to keep all parties quiet, did not oppose the alterations, which were discussed by a constituent congress, and the bases of the constitution were finally approved and sworn to on the 2nd of February, 1824.

The constitution being purely democratic and federal, and prepared to meet the views of the most fastidious factionists, was far, however, from being the harbinger of tranquillity.

The supreme legislative power being assumed by the general congress of the nation, it proceeded, as a constituent body, to settle the various points

of the constitution, of which the bases were already agreed to, and thereby to consolidate the political independence of Mexico, confirm and maintain the civil and religious rights of the people, and to promote the welfare of the nation generally. The limits of the republic were declared to embrace all those provinces which, although forming part of the vice-royalty of New Spain, had in some measure separate administrations, such as Yucatan, the east and west internal provinces, Lower and Upper California, with the adjacent lands in both.

The Mexican nation was again declared for ever free and independent of the mother country. The limits of the republic were carried beyond what was known as the vice-royalty of New Spain, to the provinces of Tucatan, the internal provinces of East and West, Lower and Upper California, with the lands annexed, and adjacent lands, in both seas.

The Roman Catholic Apostolic religion was perpetuated and established for ever, as the universal religion of the people; and the exercise of all others was peremptorily prohibited within the limits of the republic.

The form of government popular, representative, and federal republican; and the territory of the republic was divided into states, to form the confederation, as follows:—

The state of Chiapas, Chihuahua, Coahuila, and Texas, Durango, Guanaguato, Mexico, Mechoacan,

New Leon, Oaxaca, Puebla de los Angeles, Quere-  
taro, San Luis Potosi, Sonora and Sinaloa, Tabasco,  
Tamaulipas, Vera Cruz, Xalisco, Yucatan, and Za-  
catecas. Upper and Lower California, Colima and  
New Mexico, were declared territories, and the cha-  
racter of the province of Tlaxcala was left to be de-  
fined by subsequent enactment. The legislative  
power was vested in a general congress, consist-  
ing of senators and representatives elected by the  
states. The qualification of electors, and the rules  
and regulations to be observed at all elections, were  
left to the states, while the population formed the  
constitutional basis of the elective franchise of a  
state. For every 80,000 souls, two representatives ;  
for a fraction under or above 40,000, one. To be  
a representative, it was necessary to be twenty-five  
years of age, to have been a resident for at least two  
years in the state for which elected, to possess a  
real estate worth 8000 dollars, or some occupation  
that produced 1000 dollars per annum. If not a  
Mexican by birth, in addition to this qualification,  
the military not born in the republic, but who  
established and maintained the independence of the  
country, were peremptorily required to reside eight  
years within the republic before they could be  
elected as a representative.

The senate, which was the second branch of the  
supreme legislature, was also elective. The legis-  
lature of the states was allowed, individually, to  
elect two senators, who retained their seats for two



years, when one half retired, to be renewed by a fresh election. The states' legislatures were, collectively and individually, responsible to the supreme executive power and the general congress, for the maintenance of the constitutional rights of the citizen, for the administration of justice, and the collection of the public revenue, according to the strict letter of the constitution, which prohibited the legislature of the states from entering into alliances with foreign powers, or raising or collecting imposts, or in exacting a revenue, except such as should be established under the constitution, or sanctioned by the general congress, which reserved to itself the entire control of the public revenue, and the supreme executive; which was, however, ostensibly vested in the president of the republic, who held his appointment for four years, and was not eligible to be re-elected until the expiration of four years from his retiring from the presidential chair. The president was allowed a vice-president to aid him in the discharge of the duties of his office; and a council, consisting of one half of the senate. This body was styled the council of government, to which the president referred all cases of extreme difficulty or importance, such as the proceedings of ecclesiastical councils, pontifical bulls, briefs, rescripts, &c. &c.

The council of government could at any moment call out the militia, assemble congress, and in certain cases take into its own hands the supreme

executive power. The president could not command the army or navy in person without the special leave of the general congress.

The judicial power of the republic was vested in one supreme circuit and district courts. The supreme court was composed of eleven members, elected by the general congress, and were divided into three halls, so as to discharge the duties of the supreme, and at the same time to preside over the circuit and district courts.

The first only took cognizance of public or state affairs. The circuit court was presided over by a judge and state solicitors, who were appointed by the president, and took cognizance of all admiralty cases, such as mutiny, piracy, contraband, cases of consuls, crimes, misdemeanors, and such civil cases as the government were interested in, to the amount of 500 dollars.

The republic was divided into judiciary districts, each of which had a presiding judge, and took cognizance, without appeal, of civil cases in which the confederation was interested, in a sum not exceeding 500 dollars. In addition to having original jurisdiction, which they had in all cases in which the circuit court had appellate jurisdiction, they had also the following general rules or laws laid down to them by the constitutional act. The sentence of infamy could not be extended beyond the criminal who merited it, according to law. The confiscation of estates was for ever prohibited, as also were judg-

ments by commission and retrospective laws. No one could be imprisoned, unless there were reasonable grounds for supposing him criminal, nor detained in prison more than seventy hours on suspicion.

The government of every state was left to itself, subject merely to the constitution of the republic; therefore each state had its legislative body, that formed and published its own laws and decrees, without being responsible to any other body, so long as such laws were not repugnant to the constitution, or opposed to those of the sovereign congress. Hence, the remotest districts of the country could enjoy the greatest political indulgence, and a wide field was opened for that talent and energy of character which had been too long employed in working up the people to rebellion. But the Mexicans were not prepared to receive or put in motion such a ponderous mass of complicated state machinery.

This constitution, however, was taken from Santa Anna's, who left the army soon after it entered Xalapa, and retired to his country seat at Vera Cruz, in order to be ready to step into the presidential chair, but was astonished to find that the constituent general congress had not even reserved a seat for him in the executive. This his proud spirit could not brook: he therefore hastened to the capital, where he found General Lobato busy in concocting a rebellion, which, however, was prevented by the

timely intervention of the British commission then sitting in the city of Mexico. The object of this proposed outbreak was never known; yet the mere whisper of its existence caused much uneasiness, and threw the republicans in the capital into great consternation, and the government dreaded an attempt to restore Iturbide, who was still in Mexico. A large military force was, therefore, ordered into the city, and Santa Anna and Labato were obliged to yield to the force of the government, and the able remonstrance of the British commissioners.

The plan of the constitution already described, whilst under discussion in the congress, was at first hailed by the majority of the people with great joy; but this had scarcely subsided when it was considered by some as carrying the federal system too far; by others, as centralising too much power in the capital; and by the Iturbidists and Bourbonists as destructive of their respective views and interests. It therefore underwent many modifications, not a little accelerated by revolutionary movements, occasionally got up in the provinces, at Guadulaxara, San Luis Potosi, Paxaca, Apan, &c., during the latter part of 1823, and first months of 1824. The random doings of these demagogues disgusted those who were endowed with more human understanding.

Echavari, commanding at Puebla, and Hernandez de Leon in Paxaca, indignant at these proceedings,

placed themselves at the head of their respective troops with the design of repressing the men who were abusing the confidence of the people, and of maintaining the institutions which the public voice had called into existence.

Echavari contended that it was the duty of the then existing government to allay the thirst of the people by the wisdom of their counsels, by a becoming steadiness of purpose, rather than promote the views of those revolutionists, alike strangers to patriotism and good order, by a tame submission to their unjust demands; yet he was opposed to the shedding of blood. Therefore he resolved to exert himself to accommodate matters between the government and his followers, by whom he knew he was much esteemed, and whose confidence he enjoyed, rather than to lead them to a sanguinary conflict; but this humanity of Echavari was not approved by many of his partisans.

General Lobato was the first to separate himself from Echavari, and openly called on the government for the immediate dismissal of all Spaniards from office. In the mean time the latter had compromised with Guerrero, who was sent to oppose him. Echavari's troops having followed his advice, Lobato was left without support in the capital, where he had ineffectually endeavoured by a military insurrection to intimidate the congress.

In the month of July, 1824, Iturbide, who was supposed to be at Leghorn, landed at Soto-la-

Marina, and marched to join his partisans. The military commander of the province hearing of his arrival, despatched some squadrons of cavalry to seize him, which they effected at the little village of Paraje de los Arroyo, a short distance in the interior. From this place he was immediately carried to the town of Padilla, and having been summarily identified before a military commission, was shot on the 19th of this month, in execution of a decree of outlawry of the general congress, passed some time before, in apprehension of his making an attempt to regain the throne.

The execution of Iturbide was prefaced by a most remarkable coincidence. On the day of his re-appearance in Mexico, the second republican congress, actuated by the purest feelings of freedom and humanity, adhered with unbending firmness to the letter of their political creed, and, to their honour be it said, passed an act prohibiting all trade and traffic in African blood; and while this is admitted, let it never be forgotten that Mexico was the first country that dashed to the earth the galling chains of the cruellest bondage, which is still reserved in other republican countries for the helpless African, who is a stranger in every land. This spontaneous act of humanity was hailed with rejoicing even by those who were reduced almost to beggary by the emancipation of the slaves.

But the honest and proud Hispano-Mexicans preferred the miseries of poverty to the reproaches of

conscience, and were too sensitive to brook the sneers of their enlightened foreign relations, who would have styled, and with truth, all their republican institutions as paradoxical and absurd, so long as the word slavery was to be found on the title page of their constitution as a free people.

The abolition of slavery by Mexico was seized by the British government, seeing the honour that would redound to that nation in after ages, as one of the best titles to independence, and to the extension with her of the most friendly political and commercial relations. In effect, the independence of Mexico was formally recognised by the treaty of amity and commerce with England in 1825.\*

The Mexicans having obtained the recognition of their independence by England, soon found the means of effacing the last remains of Spanish power in Mexico; and energetic measures were taken by the illustrious Victoria (president of the Mexican republic, and champion of abolition,) to improve the condition of the internal provinces of the republic, and with this view a national colonisation law† was passed by the Mexican Congress, March 24, 1825.

Many Americans from the United States availed themselves of this law to settle in Texas. Bred in a country which is the hot-bed of slavery, and where

\* See Letter to Viscount Palmerston in Appendix.

† See Appendix.

they were taught to live by the sweat from the brow of their fellow-creatures, rather than apply themselves to any industrious pursuit to get their daily bread, they (the Anglo-Americans) were not above having recourse to base stratagem to perpetuate the horrors of slavery, and so pollute the institutions of a free people by their presence. During the period that elapsed between the passing of the act by congress, and the promulgation of the decree by the president for the abolition of slavery, the Anglo-Americans previously settled in Texas, had time to get their slaves bound to them as apprentices for the term of ninety-nine years, which they did, and thus the law was evaded by all new comers. The news of the abolition of slavery by Mexico soon spread far and wide over the United States of America. By the northern states of the Union it was well received, while the slave-holding states of the south viewed it with serious apprehension, and agents were immediately sent from New Orleans to Mexico to revolutionise the country, and thus produce bloodshed and fresh scenes of horror, which were to be attributed to the emancipation of the slaves.

These agents, amounting to three or four hundred, with Mr. Poinsett,\* the representative of the United States, at their head, formed themselves into a society of a masonic order, and as such they

\* Himself a Virginian slave-holder.



commenced their work by attacking in a violent manner, through the press, the Escoceres, or Scotch lodge of masons, in which, however, be it known, there never was any British subject. The Escoceres were opposed to slavery, and unremitting in their exertions to get the decree for its abolition promulgated, in which they no sooner succeeded than they abandoned the field to their opponents of the New York lodges, of which several North Americans and some French and Italian adventurers were very active members.

From the fall of San Antonio in 1813, Texas remained but little disturbed until the spring of 1827, when an attempt was made by a handful of desperate characters from the United States, to establish Texas as an independent republic, under the name of Fredonia. But the Anglo-American colonists who entered Texas with Austin, and who were at this period most busily employed in cultivating their newly-acquired domains, refused to engage in this rebellious scheme, and, failing to gain the cooperation of the native Indians, the Fredonian government was soon dissolved, and the rebels killed or dispersed by the Mexicans.

The principal objection of the Fredonians to the Mexican government, says Mrs. Holley, was, that "it prohibited slavery within its territory." And indeed she might have added, that it was the only real objection the Texans could by any possibility bring at any subsequent period against the government of

Mexico to justify their conduct towards the Mexicans, who were in truth their generous benefactors. Although the Fredonian scheme failed, yet it suggested to others the idea of attempting similar undertakings, and from this period the Anglo-American colonists, who amounted to about 8,000 souls, seized every opportunity of opposing the federal government of Mexico, by whom they were at all times treated with the most profound consideration, and to whom, as I have before stated, the Texans owed an indubitable debt of gratitude. However, their opposition to the federal government at last became so intolerable, that the Mexican authorities sent a large body of troops into Texas, and thus order would in all probability have been maintained but for the revolution which was then raging in Mexico.

Guerrero, in the spring of 1829, was elected president, in consequence of the revolution in the capital of the previous December having obliged the congress to declare the election of his rival Pedraza, to be null and void. Anastasio Bustamante was at the same time elected vice-president, and Santa Anna at last reached the favour of government, by being appointed minister of war. This government had not been long installed before it received information of the arrival of an expedition from the Island of Cuba, consisting of 4,000 royalist troops, sent by Spain to reconquer the republic of Mexico.

On the 29th of July the Spanish troops landed near Tampico, without loss of time, where their general, Barrabas, established his head-quarters. Santa Anna was immediately appointed commander-in-chief of the Mexican army, and sailed from Vera Cruz at the head of 1,000 men, to attack the Spaniards, whom he compelled to surrender as prisoners of war on the 10th of September, less than two months after they landed. The Spanish government was induced to make this vain attempt to reconquer Mexico, by the misrepresentations of the pro-slavery Anglo-Americans, and their partisans the Spanish authorities at Cuba. This event, like the Fredonian affair, gave rise to fresh troubles in Mexico, by causing a diversion in favour of the ambitious views of the newly-elected president, Guerrero, who scarcely waited to see Santa Anna's luck turned before he began to arrogate to himself the sole dictatorship of the republic, and by the grossest intimidation he subsequently succeeded in getting the congress publicly to invest him with all the powers of a dictator. The functions of this office he was, however, soon after applied to by Bustamante, the vice-president, to relinquish. This, Guerrero refused in the most unqualified terms; Bustamante, therefore, who viewed Guerrero's abuse of the executive power with indignation, placed himself at the head of a small body of troops, and marched into the capital, where he was joined by a sufficient

force to compel the dictator to fly from the presidential chair, which Bustamante soon after occupied in accordance with the general congress.

Amidst the horrors which in December, 1828, had filled the capital, reports reached Mexico from the heads of departments in Texas, stating that the colonists were constantly committing acts of open rebellion, whilst individual complaints from colonists were also received by the government from Texas, complaining of the depredations of the Indians, and that the country was filled with troops who were also employed in the commission of outrages, while others cried aloud for military succour. Amidst these conflicting statements the federal government was for a long time at a loss to know what course to pursue. The presence of a military force was obviously called for by the reports of the heads of departments, and to have withdrawn it on the suggestion of the colonists who complained of the depredations of the Indians, would at once have endangered both the lives and property of the settlers; therefore the government, after spending much time in mature consideration as to the best means of removing the evils complained of on both sides, passed a colonisation law in 1830, repealing all laws then in existence which prohibited foreigners from settling on the Mexican territory, with the view of increasing the population, so that numbers might protect them against the Indians, and thus render the continu-

ance of a large military force in Texas useless. But a clause in that law prohibited citizens of foreign countries lying adjacent to the Mexican territory from settling as colonists in the states or territories adjoining such countries, (that is, the United States to the north, and Guatemala and British Honduras to the south,) and suspended contracts, not executed, opposed to the tenor of that prohibition. This law, however, was no sooner passed, than the Anglo-Americans from the southern states (slave-holders) flocked into Texas, which, instead of frightening the Indians, swelled their jealousy to such an extent that they became openly hostile to the settlers; and the influx of slave-holders helped naturally to neutralise the power of the Mexican government, by giving confidence to those who had already arrayed themselves against the Mexican government, both in and out of the state legislature of Texas, which was self-constituted, in violation of the colonisation contracts and Mexican laws, until they excited the government, by playing with its constitutional prerogative to such a degree that it expelled the state legislature, which was done by force, and the most refractory of its members arrested and committed to prison for high treason against the federal republican government of Mexico.

About this time, (September,) Mexico was again shaken to her centre by revolutionary movements.

Guerrero, immediately after he had abdicated the presidency, formed a government in opposition to Bustamante; he also drew up a new constitution, got it sworn to by his followers, and therefore deemed it binding on the nation. But in February, 1831, Guerrero was taken prisoner, (after much bloodshed,) tried, and shot as a traitor. Thus tranquillity was restored to the capital and in all the Mexican provinces except Texas, where the government and sovereign congress found it absolutely necessary to continue to exercise the compulsory powers vested in them by the state and federal constitution, in order to re-establish the peace of the province. Accordingly, the state legislature, which had been hastily dissolved by force, was now dissolved by proclamation, and an ayuntamiento was established at Liberty, a small town on the Trinity river, in eastern Texas; and the settlers who were anxious to see peace restored, succeeded in returning Don Francisco Madero to preside over the ayuntamiento, which was to inquire into the state of the province of Texas and to report to government, so that congress might legislate in a way best suited to meet the emergency of the case.

The ayuntamiento was quickly beset by individuals and petitions, praying to be put in possession of the lands to which they were entitled under the colonisation laws; and complaining of the gross indolence and frauds practised by the officers ap-

pointed by the state of Coahuila and Texas to preside over the land officers.

Madero therefore brought this subject under the consideration of the ayuntamiento, who soon discovered a conspiracy, in which every man connected with the land office was concerned, to defraud the government, and to reduce the newly-arrived colonists to beggary, and so to make them the enemies of the government, who had not only made a liberal provision for them, but had also given them a political existence, which was not tainted with the "accursed system of slavery." Yet the conspiracy existed, and the strong arm of justice was necessarily raised against it, and soon put the conspirators to flight. The ayuntamiento having lent itself in some measure to forward the views of the ungrateful agitators, was immediately dissolved by an order of the military commandant, General Mier y Teran, at Anahuac, where a land office was opened for the purpose of giving the settlers the necessary license to enable them to locate themselves on their lands, as the colonisation law directed, which was promptly done under the eye of the military commandant. These measures gave general satisfaction to those who were really anxious to settle themselves peaceably on the bounty of the Mexican nation, while it had a direct tendency to destroy the influence of those who had no object in view but to revolutionise the country.

Those who held commissions from the state of Coahuila and Texas lent their assistance to the disaffected; and none were more conspicuous in this way than Don Francisco Madero, and Jose Maria Carbajal, a surveyor; both of whom were arrested by General Teran, at Liberty, and sent to Anahuac, where they were imprisoned. Every settler who had arrived in the country during the reign of disorder was now put in possession of his grant of land, and the well-disposed proceeded accordingly; but the revolutionists, who received their grants merely as a blind, still kept lurking about the towns of Liberty and Anahuac in idleness.

In June, 1831, the number of these idlers, who were destined to fight against the Mexicans, was found to have increased, imperceptibly, from fifty or sixty, to upwards of two hundred; which was no sooner ascertained by General Teran, than he sent a reinforcement to Colonel Bradburn, the commandant at Anahuac, with orders to arrest the leaders of these lawless intruders as vagrants, which was accordingly done. Their associates still remained, under various disguises, in the country, waiting for the signal of rebellion, which was soon afterwards given by their countrymen and political scouts, at Vera Cruz, where the standard of confusion was again raised by Santa Anna, who now espoused the cause of Pedraza, whose place as president was unconstitutionally filled by Bustamante.

Santa Anna at this time believed the democratic



federal constitution of 1824 to be the only form of government suited to work out the salvation of his country ; and he attributed all the evils which had befallen Mexico since its introduction, to the abuse of the executive power by those who were elected to exercise it. Santa Anna, therefore, did not hesitate to take up arms in favour of Pedraza, who was one of the victims of misrule. On the 2nd of January, 1832, he openly declared in favour of Pedraza, at Vera Cruz, in opposition to Bustamante ; and called on Coahuila and Texas, with the rest of the states, to support him.

To this call the Anglo-American colonists responded by besieging the different Mexican garrisons in Texas, and cutting off all communication between them and the commander-in-chief of the provinces. The number of the colonists was increased daily by the influx of Anglo-Americans, who entered the country as settlers, though they were regularly enlisted, in the United States, in the military service of Texas. By the introduction of troops in this way, the revolutionists soon found themselves strong enough to attack the Mexicans ; which they did, and defeated them. Fort Velasco was first besieged and captured ; and Nagodoches was subsequently attacked and carried. General Teran, the Mexican commandant, destroyed himself, owing to political feelings, strongly excited ; and the Mexican army having fallen into the greatest disorder, the rebellious colonists fled to their homes,

dreading the severe chastisement they deserved, and which speedily followed, but not from the quarter whence it was expected.

The Indians, who refused to join either party, kept a vigilant eye on their movements, and no sooner detected the absence of the military force, which was sent into the country in the first instance to check them, than they fell upon the colonists, whose strength was completely paralyzed by the cholera, then raging with most destructive virulence throughout Texas, from the beginning of the summer to the close of the winter of 1832. At this distressing epoch, the peaceably-disposed colonists, who were styled the "peace party," appeared before the Mexican congress, with a petition setting forth the true state of Texas, and praying the government to defend them from the Indians, and to take such steps as would also protect their lives and property from the lawless intruders and strangers who were scattered over the whole face of the country.

Bustamante having in December abandoned the presidency to Pedraza, the latter received the petition with the most generous courtesy, and at once granted the protection sought for by the colonists at the hands of the government; but the introduction of troops into Texas, which had been called for, tended to inflame the revolutionary spirit that had crept into the country, and had remained passive only until the leaders of the war party found

that the military force was not sent to punish the rebellious, as they deserved, but, if possible, to restore peace without bloodshed.

In the spring of 1833, the war party, nothing daunted by the presence of a military force, renewed their labours under a new mask, and in a much milder tone. Having previously laid down their plans, and organised themselves so as to carry them into execution, they assumed the title of a "General Convention," and proceeded to call a meeting of its self-elected members at San Felipe de Austin, a small town on the Brazos river. The first act of the convention was, to prepare a petition, which was subsequently despatched and presented to the general congress by Colonel Austin, setting forth the many disadvantages Texas laboured under from being annexed to the state of Coahuila, with a plan of a new form of government for Texas, which the petitioners prayed to have established. The petition then went on to state,—

"That Coahuila and Texas were totally dissimilar in soil, climate and productions.

"That the representatives of the former were so much more numerous than the latter, that all legislation for the benefit of Texas could only be *the effect of a generous courtesy*.

"That laws happily adapted to the one would, on account of the great dissimilarity in their interests, be ruinous to the other.

"That Texas was in continual danger from the aggression of the Indian tribes, without any efficient government to protect her in such cases.

"That the present legislation has been calculated to exasperate

the Indian tribes, by withholding their rights;\* whereas by doing them JUSTICE, *valuable auxiliaries might be gained, instead of deadly enemies; which would be the policy of Texas.*

“ That Texas possessed the necessary elements (a population of 80,000 souls) for a state government; and that, for her attachment to the Federal Constitution of 1824 and to the Republic, the petitioners pledged their lives and honours.”

The receipt of this petition filled the Mexican government with suspicion. In the first and last paragraphs they found two glaring falsehoods, the first backed by a frivolous complaint, and the second by gross duplicity. The first falsehood is, “that the climate, soil, and products of Coahuila were totally different” from those of Texas, whereas it is well known that the latter is divided from Coahuila by the Nueces river only, which is so narrow that it scarcely deserves to be called a river. In the second place, they complained of the laws passed by the state legislature of Coahuila and Texas, as being merely “the effect of a generous courtesy.” Thirdly, the policy of the Texans towards the Indians will be seen hereafter.

Lastly,—the petitions falsely asserted, “that Texas possessed the necessary elements for a state government,” by which the Texans meant that she possessed a population of 80,000 souls; while it was a well known fact, that there was not more

\* Meaning those secured to the Indians by the Colonization Laws. I am here availing myself of Mrs. Holley's condensed notice of the Petition of the General Convention.

than one-tenth of that number in the province; therefore, as "a population of at least 80,000" was the necessary qualification required by the federal constitution of 1824, for the Mexican provinces before they could become separate states, the prayer of the petition of the general convention was refused by the general congress of Mexico, whereupon the representative of the convention, Colonel Austin, wrote from the city of Mexico to his partisans in the ayuntamiento of San Antonio, recommending the Anglo-American colonists in Texas to organise Texas into a state *de facto*.

This letter of Col. Austin's fell into the hands of the Mexican authorities; and Austin was arrested and imprisoned—not for the mere act of presenting the petition of the general convention of Texas to the Mexican Congress, as the Texans falsely assert, but for an act of rebellion against the Republic of Mexico; for the attachment to which the petitioners' lives and honour were pledged. Having now arrived at the close of the history of the federal constitution of Mexico, it will be necessary for the reader to bear in mind the conduct of the Anglo-American settlers towards their generous benefactors the Mexicans, during the reign of federalism, in order that he may be able to take a correct view of the conduct of the colonists, at different periods subsequent to its abolition, and the establishment of centralism, which will form the subject matter of the following chapter.

### CHAPTER III.

Santa Anna, President—Measures of Clemency—Texan Land Jobbing—Austin's Advice to the Colonists—Political Fanatics—Rebellious Spirit of the Texans—Address of the General Committee—State Legislature of Coahuila and Texas—Defeat of Garcia—Arrest of Viesca—Proclamation of General Cos—Declaration of the Peace Party in Texas—Proclamation of the Mexican Chiefs—General Cos joins Ugartechea—The Texans act on the Offensive—Centralism confirmed by Proclamation—The Texans commence Hostilities—General Austin resigns the Command—Acts of the General Convention—General Austin repairs to the United States—Military Successes of the Texans—Reinforcement of the Mexicans—Suspension of Hostilities—Capitulation—Massacre of Fannin and his Men—Siege and Capture of San Antonio by Santa Anna—Death of Crockett and Bowie—Retreat of the Texans—Surprise at San Jacinto—Capture of Santa Anna and the Vanguard—Santa Anna's Protest—His Execution discussed by the Texans—Retreat of the Mexican Army, &c., &c.

In speaking of the federal constitution, I have always styled it a ponderous mass of complicated state machinery; and to illustrate this assertion I have given, in the Appendix, my letter to Mr. O'Connell, published in February, 1840, in which the reader will find a summary comparison between the federal and central forms of government; and I will only further observe, that the enormous additional expense that cumbrous system entailed

upon the Mexican people, hastened a downfall which sooner or later would have been inevitable.

The extinction of the federal system in the latter part of 1834, and the establishment of centralism, were brought about by the following prominent circumstances:—Pedraza, who had been installed as president in December, 1832, on the forced retirement of Bustamante, gave up the reins of government in April, 1833, to Santa Anna, who in the mean time had been elected president, and Gomez Farias vice-president, according to the constitution of the federation. Santa Anna soon found himself unable to control the many unruly elements by which the government was surrounded, and confiding his powers provisionally to Farias, retired to Vera Cruz. The latter having obtained unlimited authority from the congress, carried on so extensive a system of persecution and banishment of those he suspected to be inimical to the government, that in the spring of 1834, the outcry became general, and Santa Anna himself now favoured the insurrectionary movements against the very party which he had been chiefly instrumental in elevating to power. Having resumed the presidential functions, he closed the general congress in May, and declaring it to be the national desire, he suspended the legislatures and executive governments of the several states as a preliminary to the establishment of a central, in lieu of a federal system; and whilst these operations were carried on with more or less coercion during the remainder of the year, Santa

Anna convoked another general congress, the members of which were to be elected expressly for the purpose of modifying the constitution of 1824, or of framing a new one.

In the interval which elapsed previous to the assembling of this new constituent congress, Santa Anna exercised nearly dictatorial powers in order to restore tranquillity. He recalled from banishment and released from prison the innumerable victims of Farias's persecutions. He turned his attention to the army and militia, which he reorganised, bringing the former into a good state of discipline, and disbanding a considerable part of the local militias, whose composition had long been extremely prejudicial to good order.

Agreeably to Santa Anna's summons, the congress met in the capital on the 1st of January, 1835; and after giving Santa Anna the most unqualified assurances of their approval of his conduct and views, which had already been backed by complimentary and grateful addresses from nearly every province and town throughout the country, the congress declared him president of the central republic of Mexico.

The vice-presidency of Gomez Farias, who, when driven from office, fled and concealed himself in the state of Zacatecas, having been declared vacant, the congress elected General Barragan as Santa Anna's vice-president. By the report on the state of the country, which Santa Anna sent to congress, it appeared that there were only five states, out of



the twenty which formed the Mexican confederation, opposed to the change in progress. The congress, reserving to itself all legislative power, transformed the states into departments, the civil and military administration of which was subjected directly to the supervision and control of the supreme executive in the capital; but in each department there was established a council under the presidency of a governor to manage all their internal affairs.

The first standard of rebellion against the central system was raised by the Texans, who, it will be remembered, had been the indefatigable opponents of federal government. The Texans, now pretending their adhesion to federation, pronounced Santa Anna to be a traitor to his country, but more openly than before, commenced to make arrangements for the separation of Texas from Mexico.

Much confusion had prevailed in the Coahuilan part of the state of Coahuila and Texas, during a portion of 1834, by the struggle of two factions, which terminated in the election of a new state legislature in direct opposition to Santa Anna's proclamations and the new order of things. That legislature elected Augustine Viesca governor of the state, and his unwarrantable proceedings greatly augmented the existing difficulties between Texas and Mexico. Viesca (whose public life history will brand as unprincipled, if not openly dishonest) commenced his career as governor of the state of Coahuila and Texas, by promulgating a decree in

March, 1835, directing the immediate survey of all the waste lands of Texas, and also the sale of a great portion (411 leagues) of the public domain ;\* thus creating a public revenue without the sanction of the general congress of the Mexican nation, which was most strictly forbidden by the federal constitution of 1824.

Having, for the sake of perspicuity, taken a rapid view of the general course of political events in the Mexican republic, more or less connected with the history of Texas up to its most interesting epoch, I must now go back a little in the order of time with regard to some of the most important local events of 1832-3, in order to enable my reader to perceive that this land job of 1835, and the abolition of slavery by Mexico, were the chief causes of the separation of Texas from the republic of Mexico. Col. Austin, who was arrested in the early part of 1833 for high treason, writes to his constituency from Mexico, 25th August, 1834, stating that "the government have remedied the evils complained of in Texas, and which threatened it with ruin, and those who acted last year in good faith, and with pure intentions of separating Texas from Coahuila, are now opposed to it, because the reasons which made a separation necessary, no longer exist." He then says, that "a public act of gratitude should be expressed by the people for those remedies that have been applied

\* See Appendix.

by the state and general government to the many evils that were threatening Texas with ruin; that they should discountenance in the most unequivocal manner all persons in the habit of speaking or writing in violent or disrespectful terms, or in the language of contempt or defiance of the Mexican people or authorities; and that they should discountenance all violent or disorderly politicians or men, especially all political adventurers and fanatics." He then goes on to caution them against joining in the pronouncement of the state government of Coahuila and Texas in Monclova, in June, against Santa Anna, advises them to recognise Santa Anna as president, "without mixing in the internal disputes of the Mexicans, or being led by *inflammatory men, political fanatics, political adventurers, would-be great men, vain talkers, and visionary fools,*" and, finally, remarks, that "the farmers *must* (or suffer, as all hangs upon them) proclaim, with one unanimous voice, fidelity to Mexico, opposition to violent men or measures, and it will be peace and prosperity to Texas."

Col. Austin, who was himself the most crafty of the "political fanatics, political adventurers, would-be great men, and vain talkers," wrote in this bland style, solely to escape from the clutches of the Mexican government, and not with a view to restore tranquillity to Texas, which had now become very difficult, for, during Austin's absence, the collision between Santa Anna and the federal con-

gress had taken place, and two parties had sprung up in the state of Coahuila and Texas, which were exercising the functions of government; one, the "*peace party*" at the seat of government in Saltillo, and the other the "*war party*" at Monclova. The former acknowledged the authority of Santa Anna as president of the Central Government; and the latter were opposed to both Santa Anna and the then existing government. The mere existence of such a state of things gave "the would-be office-holders sufficient opportunity of broaching their favourite scheme of separation." Mr. Edwards, in his history of Texas, says, when speaking of these political demagogues, "I think I hear the reader exclaim, as every honest, sober, peaceful citizen of Texas did at the time, Good God! what a set of deceitful, ambitious, and ungrateful men has got into our country. What! while they were sitting quietly under those very laws which they had confessed were granted to them more by courtesy than by strength in the state legislature, and that too by those very Mexicans whose prejudices are so often spoken of? Was it prejudice which granted every thing the colonists required, as far as the power of a state government could be stretched, even to that of *tolerating all* religions in Texas, and that, too, while the Texan members of congress were but as two to five? or was it too much for them, in the solitary instance of retaining the retail markets of their own state, for the benefit of their

own citizens, while they left those of Texas more than free to the colonists, and had just called upon them in good faith to add their strength to that constitutional party, which, by so doing, would finally prevail, and which did prevail?" The war party, however, though few in number, "were talented and systematised: closely connected and indefatigable in their endeavours to infuse suspicions against the general government, and commit their country without the possibility of a recall."

To retard the awful tendency of the false representation and rebellious spirit of these demagogues, the grand central committee of Texas, which was formed in November, 1834, and met at Columbia expressly for that purpose, issued an address, boldly denying all the charges brought against the Mexican Government, as may be seen from the following extracts:—

"Allow us to ask you, as men, as husbands, as fathers, if you are prepared heedlessly to rush forward in a cause, the termination of which may involve your country of adoption in all the horrors of civil war? Are you prepared to plunge yourselves and your country into revolution, imbrue your hands in the blood of your brethren, and finally to be expelled from the land, to which we are so much attached by the strongest of ties? If you are, the plan suggested, and we have too much reason to fear, our worst anticipations will be realized!

"But from the information which we have, and which can be relied upon with confidence, we assure you that the feelings of the federal government, particularly those of the president, are of the most favourable character towards Texas. We are assured of this fact by our representative, Colonel Austin, and

the advice which he most earnestly presses upon us, is to be peaceful and quiet, and to adopt as our motto, 'The Constitution and Laws, State and Federal.'

"From the state government, too, we have surely received favours the most liberal, and boons the most free; in fact, what has been for our particular benefit, which we have asked, and they have not granted, which is in their power to give? It has established the trial by jury; it has organised a court especially for Texas, and if it does not answer the desired end, and make us contented, it is not the fault of the legislature.

"We ask you again, in the spirit of candour, has the government ever asked any thing unreasonable of Texas? If she has, we must, before God and our country, say, we know it not. Again, for your experimental knowledge shall bear us out, has she ever burdened you with taxes, or the performance of arduous, expensive, or perilous duties? Nay, has Texas ever borne any part of the expenses of sustaining the government, that protects her citizens, their lives, their liberty, and their property, either in legislation or in war?

"When have the people of Texas called upon the government for any law to their advantage, or for the repeal of any law by which they were aggrieved, and what their requests have been complied with?"

In the second paragraph of the address from which these extracts are taken, Colonel Austin is mentioned as the representative of the general committee; that would lead one almost to believe that the framers of the address were merely lending themselves to Austin's plans of escape from the dungeons of a prison; however, it set forth the truth in such glaring colours, that it could not fail to restore peace to the colony, which it did for a short time; but it did not do away with the

land-jobbing of that period, which was the groundwork of all the troubles that befel the colonists, and is thus described by Mr. Edwards:—

“A committee of land speculators, whose plans were well laid, and whose funds were completely organised, presented themselves before this—by the people of Texas’ never-to-be-forgotten legislature—which immediately passed a decree to sell the vacant lands of Texas, and otherwise arranged it to be done as soon as bidders should present themselves.

“Of course they were there—and purchased this already-surveyed land, of 411 leagues, for 30,000 dollars in hand, to the government, or 72 dollars, 99 cents per league. But we shall allow their travelling expenses in conjunction with those by bribes, to such members of the legislature *as were* in partnership with them, to raise the whole amount expended in this nefarious transaction, to 40,000 dollars, or 96 dollars 35 cents per league; by bringing this exorbitant price within the grasp of every man’s mind, allow me to say two cents and three-fourths mills per English acre.”

Thus “the house,” (*i. e.* the state legislature of Coahuila and Texas,) continues Mr. Edwards, “went on for a time gloriously; decree after decree was passed and signed by a *corrupt governor*” (Viesca); and thus, in all probability, would that honourable body have continued up to this day; but while this was going on in Texas (1834) a revolt occurred in Zacatecas, under Garcia, in the month of April, who had prepared a large militia force, formidable only in point of numbers and appearance, to support the independence of that state, and his pretensions to the re-establishment

of the federal system in defiance of the majority of the nation.

To quell this insurrection Santa Anna collected a considerable body of troops, mostly regulars, and quitted the capital to command them in person, leaving the executive provisionally to Barragan, as vice-president.

Whilst on the march towards Zacatecas, Santa Anna despatched orders to General Cos, the military commandant of Coahuila and Texas, to require the immediate dissolution of the state legislature at Monclova, in obedience to the decrees of the sovereign general congress; and in case of refusal, to dissolve it by force.

Santa Anna then attacked Garcia, and having succeeded in putting him and his followers to flight, a governor for the department of Zacatecas was appointed by him provisionally. Viesca, the governor of the state of Coahuila and Texas, on hearing of the defeat of Garcia, and dreading the chastisement he so richly deserved for his fraudulent proceedings, called on each department of Texas to supply one hundred men for the ostensible purpose of protecting the colonists from the depredations of the Indians, but which were really meant to oppose the centralists. General Cos, who had not a sufficient force to justify his attempting to enforce obedience to the decree for the dissolution of the unconstitutional acting legislature, therefore marched to Saltillo, where



the people were all in favour of Santa Anna's centralisation. Here Cos received the necessary reinforcement, and hastened back to his former position, Monclova; but Viesca no sooner heard of his approach than he packed up the archives of the state, with which he was about to abscond to Texas, as the colonists had previously pledged themselves to protect him; however, before he reached his Anglo-American partisans, he was arrested, and committed to gaol. This the "*war party*" deemed a flagrant outrage, and Viesca's rescue was therefore resolved upon, while Musquiz was appointed to fill the office of governor *pro tem*.

Viesca was arrested on the 4th of June, and a few days after was released by the colonists, who had again taken up arms at Nagodoches, where they succeeded, as also at Anahuac, in disarming the Mexican troops, and commenced imprisoning the collectors of the custom-house, whom they falsely accused of *exacting* money, (*meaning the established import duties,*) not only from strangers, but also from the colonists.

Immediately after the defeat of Garcia, Santa Anna returned to the city of Mexico in this month (June). Congress having prepared the central constitution, it received the sanction of Santa Anna, was duly proclaimed, and well received by all the departments (the contending parties being now perfectly tranquillised through the able and energetic measures of that extraordinary man, Santa Anna,

who was at once the military leader and universal and patriotic pacificator of his country) except Texas, which was in a state of open rebellion, thus showing not only the necessity of consolidating the executive power of the nation, but requiring a large military force to keep the colonists in subjection.

In July a large body of troops was despatched to Texas, under Don Domingo de Ugartechea, principal commandant of Coahuila and Texas. His entry into Texas was prefaced by the following official proclamation of General Cos:—

“THE BRIGADIER-GENERAL MARTIN PERFECTO DE COS,  
“Commanding-General and Inspector of the Eastern Interior States.

“In the name of the President of the Republic, I make it known to all and every one of the inhabitants of the three departments of Texas, that whenever, under any pretext whatever, or through a badly conceived zeal in favour of the individuals who have acted as authorities in the State, and have been deposed by the resolution of the sovereign general Congress, any should attempt to disturb the public peace, that the inevitable consequences of the war will bear upon them and their property, inasmuch as they do not wish to improve the *advantages afforded them by their situation, which places them beyond the uncertainties* that have agitated the people of the centre of the Republic.

“If the Mexican government has cheerfully lavished upon the new settlers all its worthiness of regard, it will likewise know how to repress, with strong arm, all those who, forgetting their duties to the nation which has adopted them as her children, are pushing forward with a desire to live at their own option, without any subjection to the laws. Wishing, therefore, to avoid the confu-

sion which would result from the excitement of some bad citizens, I make the present declaration, with the determination of carrying it into effect

“ MARTIN PERFECTO DE COS.

“ *Matamoros, July 5th, 1835.*”

This proclamation was quickly responded to by a declaration from the “peace party” in *Texas*; and I give the following extracts from this document, as published by an able and modern authority:—

“ We, the representatives of the people, duly elected and appointed by them, to learn, try, weigh, and resolve upon the cause and effect, which have produced evils unbearable, in the breast of every citizen who wishes his own welfare and his country's to be inseparable.

“ Our constituents, learning that the Congress of the *state*\* had, during its session of this present year, acted improperly—contrary to the rights of states, and in direct opposition to the constitution of the Mexican confederation—being corrupted from the line of legislative duties, by the undue influence of a few foreigners and others, they became amenable to the laws made and provided.—Therefore, were they treated by the government of the nation according to their deserts.

“ Those who had escaped, for the time being, just correction and punishment—threw themselves into the midst of our tranquil community; disorganized the system, by overthrowing confidence and hope—like the scorching blast of the *Sirrocco* winds, carrying destruction, grief and dismay, into the peaceful dwellings of every loyal, virtuous, and contented family. If checked in their designs of compromising the people, or detected in their falsehoods

\* Meaning the state of Coahuila and Texas.

resorted to in order to cover the guilt of their proceedings—perseverance was their motto, and fertility of invention their characteristic; so that by the flexible nature of their sinuosity, they were enabled to give to the country of Texas an unparalleled shock *throughout all its members*.

“To give this shock consistency and name, the governor called upon each department of the state for one hundred men, armed and equipped, to sustain him and a *vile* congress, that have bartered our public lands for a mere song—but he found, that in calling upon us, ‘he had reckoned without his host.’ It was too much for us to risk (if it was not too much for him to ask) *our blood*, to sustain those who had wantonly squandered our lands. It will be recollected, that the advocates of a state government have even contended that the public lands would sustain, for the *first ten years, the expenses of a state government*. What will be our situation when deprived of this land? There will be found but one set of men in all Texas who would support such measures, and those are *the very men who purchased the land*.

“The law of the 14th of March past is looked upon by the people with horror and indignation; it is looked upon as the death-blow to this rising country. In violation of the general constitution and laws of the nation—in violation of good faith, and the most sacred guarantees—Congress has trampled upon the rights of the people and the government, in selling four hundred and eleven leagues of land at *private sale*, and at a shameful sacrifice, thereby creating a monopoly—thereby entirely ruining the future prospects of our country, contrary to law, and contrary to the true interests of every citizen in Texas! Therefore—

“Resolved,—That we protest against the late sale of our lands in the late congress of Coahuila and Texas, and view it as an act of corruption in all parties concerned; and that we *will not* sustain such men and measures—but, on the contrary, aid the general government in maintaining the integrity of the constitution and laws of the Mexican nation.

“Resolved,—That we recommend and promote by every means, a general union of sentiment among ourselves, moderation,

organization, and a strict adherence to the laws and constitution of the land; meanwhile protesting against the conduct and acts of any set of individuals (less than a majority) calculated to involve the citizens of Texas in a conflict with the *federal government*.

“Resolved,—That we shall, if required, assist the government of our country against those persons who *will not obey the revenue laws* of Mexico, and that we will particularly assist in bringing to condign punishment those individuals who have, with malice afore-thought and *rebellious intentions*, insulted the national flag of the confederation at Anahuac, denouncing said individuals or persons as *foreigners*, and *disclaiming all* participation in their acts whatsoever.

“Resolved,—That we sincerely invite the supreme executive to carry the revenue laws into effect, suggesting at the same time a modification of these laws, in order that the duties *shall all be collected*. We believe that reasonable duties, collected by collectors understanding both languages, without favour or collusive management, would be cheerfully submitted to by the merchants; but, in a contrary case, we pledge ourselves to aid the *federal authorities* in their collections.

“Resolved,—That we furthermore suggest to our federal executive, that a court of admiralty jurisdiction, to hold its sittings in Texas, would greatly facilitate the object of collecting those duties; while, at the same time, it would relieve Texas from the embarrassment of tedious foreign suits.

“Resolved,—That we wish to be considered as the faithful and legal citizens of Mexico, and that we are disposed and desirous to discharge our duties as such; and that it is our wish and *interest to remain attached to the federal compact*: humbly sustaining our position until the *federal congress* shall admit us to the rights of a separate state—or till the loyalty and patriotism of the inhabitants of Texas shall challenge this comfort at their hands.

“Resolved,—That every act or deed, tending to interrupt the harmony and good understanding of the federal government and

Texas, by whomsoever made, deserves the marked disapprobation and contempt of every friend of good order and constitutional regularity in the country—therefore, we pledge ourselves, our property, our honour, and our lives, to abide by and fulfil, as becomes the determined resolves of freemen, all and every duty required of them as such, by their own free will and consent!

“Signed, &c.”

This declaration, which speaks so loudly of the loyalty of its framers towards the *federal* government, it should be remarked, was passed by the representatives of the people, when it was notoriously known, throughout the country, that *federalism* was done away with and centralism established, *de facto*, many months before the meeting of these representatives.

General Ugartechea, who had by this time taken up his quarters at San Antonio de Bejar, on hearing of what was going forward, and, as if doubtful of the sincerity of the representatives of the people, issued the following proclamation:—

“Principal Commandancy of Coahuila and Texas,

“Charged by the Commandant-General with the preservation of the state of public tranquillity, in fulfilment of my duty, I can do no less than address you, as interested in so important an object, upon which depends the happiness of the inhabitants of the department, in order that you may make every effort for dissipating the alarms occasioned by *false* information, communicated by unquiet and revolutionary characters, who, resentful at not being able to carry into effect their depraved intentions of *dilapidating* the lands of Texas, wish to make the inhabitants believe the Supreme Government is going to send forces to *despoil* proprietors of the possessions which they have acquired by a

*title*, without any other object on the part of those *perverse men* than to prosper by means of a revolution.

“ In order, therefore, that you may succeed in tranquillizing the mind, and dissipating the *falsehoods* which have been spread for the purpose of compromising the colonists, you can show them this communication, and also manifest to them that they have *nothing* to fear from the introduction of troops, as this measure would have no other object than that of placing them as detachments at the ports, to prevent the smuggling trade—which is carried on with impunity by adventurers—and likewise to prevent the incursions of the Indians, who, when they are not chastised, become every day more insolent, and too frequently commit hostilities.

“ Nor have we *ever* thought of trampling upon the rights lawfully acquired by the colonists, who ought *not* to doubt that the Supreme Government *will* attend to their representations; and will, at the same time, omit *no* means of accomplishing the grand object of the welfare of all and each one of the inhabitants of that interesting part of the republic.

“ At the same time I do no less than expect, that you will, by virtue of your office, prevent the enemies of order from circulating reports, forged for the purpose of compromising the incautious: and if there be *any* person or persons in the department, whose minds of pernicious counsel are occupied in disturbing tranquillity, and whose actions are conducted to the injury of their country, you will forthwith proceed to restrain and correct, by the power which your office creates; bringing them to just punishment, according to the constitution and laws of your country. On this occasion I have to offer you the protestations of my particular consideration and regard. God and Liberty.

“ DOMINGO DE UGARTECHEA.

“ Bexar, July 15th, 1835.”

This proclamation of the Mexican general, and

“the declaration of the representatives of the people,” were promulgated on the same day, and thus the former served at once to test the sincerity of the latter, which the reader will, ere long, be fully able to appreciate.

From the date of Ugartechea's proclamation nothing of importance transpired until about the middle of the ensuing month, when the Mexican authorities ordered the arrest of Zavala, a Mexican, who had been duly charged with treason. His arrest, however, was resisted by the colonists; consequently orders were immediately forwarded to General Cos to march into Texas, to support Ugartechea. General Cos, who was stationed at Matamoros, accordingly embarked for Texas with 400 men, and landed at Copano early in the month of September, when “every voice,” says Mrs. Holley, “was raised, without hesitation, for war;” all, forsooth, because the Mexican authorities, in the discharge of their duty, ordered a renegade Mexican citizen to be arrested on a charge of treason against the republic of Mexico; but the fact is, that the long-looked-for moment had arrived at last. General Austin, (late Colonel Austin,) who made his escape from prison in the month of July, had now reached Texas, and instantly became the rallying-point of the colonists. On the 23rd of September the general put himself at the head of 700 Texans, at Brazoria, and marched immediately to attack Ugartechea at San Antonio, without



waiting to know the result of the sitting of "the general consultation of all Texas," which had been publicly called for by "the Committee of Safety" some time before, and which had been elected by the colonists previous to Austin's re-appearance in Texas. All, however, being now ready on the part of the rebels—the Mexican flag having been insulted—every entreaty being totally disregarded—every contract between the Mexican nation and the colonists being broken, war was inevitable; Austin therefore raised the war-whoop. "Committed—once more committed—my friends," he cried, "in the sight of Heaven and men! Down with those rag-poles, more like scarecrows in a potato-patch, than flags of honourable resistance—have you forgotten the Fredonian fir-pole of Nacogdoches, which was danced round by the facetious liberty-men, until its bark flew off, and with the last peeling they had to fly themselves?"

Notwithstanding all this bravado, the Texans waited for something like "a substantial excuse" for their taking up arms before they attempted to act on the offensive, and this excuse was soon found.

On the 3rd of October, in this year, the Mexican government issued a proclamation, containing a decree of the general congress for effecting certain changes as corollaries, to the adoption of the central system, as follows :

“ OFFICE OF THE FIRST SECRETARY OF STATE, INTERIOR  
DEPARTMENT.

“ His Excellency the President *pro tem.* of the Mexican United States, to the Inhabitants of the Republic. Know ye, that the General Congress has decreed the following :

“ ART. 1. The present Governors of the States shall continue, notwithstanding the time fixed by the Constitution may have expired, but shall be dependent for their continuance in the exercise of their attributes upon the supreme government of the nation.

“ ART. 2. The Legislatures shall immediately cease to exercise their legislative functions; but before dissolving (and those which may be in recess meeting for the purpose) they shall appoint a department council, composed for the present of five individuals, chosen either within or without their own body, to act as a council to the governor; and in case of a vacancy in that office, they shall propose to the Supreme General Government three persons, possessing the qualifications hitherto required; and until an appointment be made, the gubernatorial powers shall be exercised by the first on the list, who is not an ecclesiastic.

“ ART. 3. In those states where the Legislature cannot be assembled within eight days, the *ayuntamiento* \* of the capital shall act in its place, only for the purpose of electing the five individuals of the department council.

“ ART. 4. All the judges and tribunals of the states, and the administration of justice, shall continue as hitherto, until the organic law relative to this branch be formed. The responsibilities of the functionaries which could only be investigated before Congress, shall be referred to and concluded before the supreme court of the nation.

\* The *ayuntamientos* are the municipal bodies, or corporations of cities, and are similar to the mayor and council, or corporations of the cities in the United States.

"ART. 5. All the subaltern officers of the state shall also continue for the present, (the places which are vacant, or which may be vacated, not to be filled,) but they, as well as the offices, revenues and branches under their charge, remain subject to, and at the disposal of, the Supreme Government of the nation, by means of their respective governors.

"City of Mexico, October 3, 1835.

"MIGUEL BARRAGAN, President *pro tem*.

"MANUEL DIAS DE BONILLA, Secretary of State."

At the time this proclamation appeared, the general council of Texas was sitting at San Felipe de Austin, providing means and devising measures for the prosecution of a war, which, the Texans say, "had been forced upon them." We have already seen that nearly a month before the receipt of that proclamation, to which the general council prepared the reply which will be given presently, the Texans had commenced hostilities against Mexico. On the 9th of October they attacked the town of Goliad, a Mexican garrison, commanded by Colonel Francisco Sandoval, who had only about forty men to support him, while the Texans, who stormed the town at midnight, mustered fifty-two rank and file, under Captain Collingworth. The garrison was captured, with the loss of one wounded on the Texan side, and three killed and seven wounded on the Mexican. After plundering the missions, the Texans decamped from Goliad with three hundred muskets, two field-pieces, and some military stores, towards San Antonio, where General Cos, who had formed a junction with Ugartechea, was besieged by General Austin, at the head of about 1000 men.

The time which was thus spent by the troops in the field was employed by the General Council in preparing inflammatory addresses, which were widely diffused throughout the country: those who refused to take up arms in the "sacred cause" were denounced; their property was to be confiscated; and pains innumerable were eventually to be the portion of the disobedient! in fact, there was not a stratagem recorded in the history of ancient or modern republicanism, or the basest monarchical tyranny, that was not resorted to, to compel settlers to take up arms for the aggrandisement of a set of needy and desperate land speculators.

General Austin, having heard of the total subjection of the federalists throughout Mexico, and that Santa Anna was concentrating a large force on the Rio Grande to invade Texas, thought it prudent to open negotiations with General Cos for the suspension of hostilities; but the answer the Mexican general gave was, that "the Americans would be treated as rebels." This was only what they had a right to expect.

The day after Austin received the above reply he gave up the command of the Texan force to Colonel Milam, and returned to his old associates, who were sitting in council at San Felipe, which was now called a "General Convention," but being self-elected, was therefore illegal, even according to the Texan principles of government. However, on the 7th of November, 1835, the Convention put forth the following

## "SOLEMN DECLARATION.

"Whereas, General Antonio Lopez de Santa Anna, and other military chieftains have, by force of arms, overthrown the federal constitution of Mexico, and dissolved the social compact which existed between Texas and the other members of the Mexican confederacy; now the *good people* of Texas, *availing themselves of their natural rights*, solemnly Declare,—

"1st. That they have taken up arms in defence of their rights and liberties, which were threatened by encroachments of military despots, and in defence of the republican principles of the federal constitution of Mexico of 1824.

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

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

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

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

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

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

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

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

"Signed, &c."

In order to prepare my readers for these and many other assertions of a similar character, put forth by the unprincipled Texans, I have in the preceding chapter shown what their conduct was while the federal system was in force in Mexico, and never did the history of a people brand them with greater treachery, or grosser ingratitude and inconsistency.

Austin, the most indefatigable of the Texan leaders, hastened away with these documents to the United States, where, by working on the sympathy of his fellow-countrymen, he succeeded in getting money, arms, and men to carry on the war against Mexico.

From the date of the "Solemn Declaration," the Texans date their nominal independence, and I shall (as an act of courtesy) henceforth speak of them as an independent people, although it will be necessary for me to allude to their conduct again, as colonists, in the next chapter.

The Texan troops, whom we left before San Antonio, continued the siege, during which many skirmishes occurred between the hostile armies.

On the 28th of October, a detachment of Cos' army, amounting to 400 men, who were escorting some large pieces of ordnance and military stores from Matamoros to San Antonio, suddenly came on a party of Texans, commanded by Captain Fannin. They immediately attacked the Mexicans, who, being embarrassed with a heavy luggage train, were induced to act merely on the defensive, and continued their march after losing about eighty men.

On the 3rd of November, the Texans captured the fort of Tepantitlan, which was erected and garrisoned by the Mexican authorities to protect the Irish settlement at San Patricio, from the Indians. The Texans destroyed the fort, and the next day abandoned it, taking with them the guns, two small carronades, and twenty-one prisoners; but they had scarcely crossed the river Nueces before they were attacked by a few Mexicans and the Irish settlers at San Patricio *en masse*, headed by the Alcalde, an Irishman, who brought up his little band in the good *ould* style, to close quarters, and after a sharp engagement, which lasted three quarters of an hour, the Texans were driven from the field, leaving the whole of their booty collected the day before, in the hands of the Alcalde, who was severely wounded in the beginning of the affair. But nothing decisive occurred until the 5th of the ensuing month, (December,) when the Texans had a stronger force than the

Mexicans, and availing themselves of the absence of Ugartechea, who had left San Antonio with 300 men on a secret expedition, the besieging army made a vigorous assault on the garrison. The attack was commenced by 300 men, led by Milam in person, who was supported by 400 men on each flank. The storming party soon reached the Plaza, where the main body of the Mexicans was drawn up to receive them, which they did with a brisk discharge of musketry, kept up until dusk, when the Mexicans retreated in good order to the Alamo, a strong fort on the west bank of the San Antonio river.

Early the next morning (6th) the Mexicans renewed their fire, and compelled the Texans to retire, leaving their commander, Colonel Milam, dead. In the course of the day, they made a *sortie* from the fort, but were in their turn compelled to retire, when hostilities were for a while suspended, and Cos hastened to inform Ugartechea of what was going on, and urging him to return without delay. Ugartechea, on receipt of this information, made preparations to return, and by forced marches succeeded in reaching the Alamo, which he entered on the night of the 7th, with the 300 troops he had with him.

This reinforcement of the Mexicans did not daunt the Texans, but on the contrary, it seemed to rouse them to fresh acts of daring valour. At daylight the following morning (8th) the Texans saw the



black flag flying on the walls of the Alamo; however, their attack on the fort was so bravely sustained that the Mexicans were obliged to ask for quarter, which was granted, and the Mexicans, after an obstinate resistance, capitulated.

Hostilities being thus suspended, commissioners on both sides were appointed to draw up the following

#### CAPITULATION,

“Entered into by General Martin Perfecto de Cos, of the permanent troops, and General Edward Burleson of the colonial troops of Texas.

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

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

“3rd. That the general take the convicts brought in by Col. Ugartechea, beyond the Rio Grande.

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

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

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

“7th. That three officers of each army be appointed to make

out the inventory, and see that the terms of the capitulation be carried into effect.

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

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

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

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

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

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

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

“15th. The sick and wounded of General Cos' army, together with a surgeon and attendant, are permitted to remain.

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

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

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

“The commissioners, Jose Juan Sanchez, adjutant inspector, Don Ramon Musquiz, and Lieutenant Fransisco Rada, and interpreter, Don Miguel Arciniega, appointed by the commandant and inspector, General Martin Perfecto de Cos in conjunction with Colonel F. W. Johnston, Major R. C. Morris, and Captain J. G. Swisher, and interpreter, John Cameron, appointed on the

part of General Edward Burleson, after a long and serious discussion, adopted the eighteen preceding articles, reserving their ratifications by the generals of both armies.

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

(Signed) "MARTIN PERFECTO DE COS,  
"Mexican Commandant.  
"EDWARD BURLESON,  
"Commander-in-chief of the Texan Army."

The fall of San Antonio de Bejar, which is the strongest military fort in Texas, led the Texans to believe that their war of independence was at an end, but they were soon convinced to the contrary.

In the beginning of January, 1836, General Urrea entered Texas at the head of the vanguard of the Mexican army, the whole consisting of 5000 men, commanded by Santa Anna.

General Urrea's march from the Rio Grande to Nueces was attended with immense difficulty; however, on the 26th of January, just at daylight, he entered the town of San Patricio. Here he was hailed by the inhabitants (chiefly Irish) with great joy. After killing fifteen of the Texan garrison, and putting the rest to flight, Urrea, who was eight days' march in advance of Santa Anna, remained only a few days in the town. While Urrea was staying at San Patricio, he heard of the arrival of Dr. Grant, who was busily engaged in a pursuit very common among the Texans, viz., that of stealing horses from

the frontier settlers. Urrea, immediately on hearing of the worthy M.D., despatched a detachment to arrest him. Having refused to surrender, the doctor, together with his followers, amounting to about thirty men, fell victims to their folly.

A day or two after this event, General Urrea began his march towards La Bahia or Goliad. On his road he passed through another Irish settlement, called "the Mission," of which the Texans had some time before taken possession, and from which Urrea thought it expedient to dislodge them. For that purpose he detached a portion of his troops, who found the Texans in the church, which they had fortified. At first the enemy made some resistance, but as soon as the Mexicans brought a piece of artillery to bear upon the church, the besieged surrendered. After the finishing of this mission, the force detached for that service rejoined the main body, and advanced, flushed with victory, towards La Bahia, which they had the mortification to find in ruins, and the Texans in full retreat. Prompted by the appearance of fear on the part of the enemy, Urrea pursued them, and succeeded in finding Colonel Fanning, with 560 men, in the middle of a prairie, where he was awkwardly intrenched behind a narrow ditch and some wagons. The Texan commander had neither the knowledge for fight, nor the discretion to retreat; for there was a thick and extensive wood at a short distance in the rear, in which, with his superiority in point

of numbers and artillery, it would have been easy for him to have fortified himself in a formidable manner, and in case of defeat, it would have afforded him many chances of escape.

Urrea at once detected the short-sightedness of the enemy, and therefore did not hesitate to attack them, but with so scanty a supply of ammunition, that, in a short time, he was obliged to suspend firing, as he had left his ammunition and artillery at a great distance behind. Had the Texan commander taken advantage of this critical moment, Urrea's total discomfiture would have been the inevitable result; but Fanning remained quietly within his camp, while the Mexicans, lying down in the grass, occasionally amused the Texans with music and feigned demonstrations, which were made with the trumpets and drums in various directions round their intrenchments. Thus Urrea gained time to send for his ammunition and artillery, which reached him in the course of the night, and on the following morning he renewed the attack, and soon compelled the Texans to surrender.

The Texans taken on this occasion were all shot, by order of Santa Anna, who was now besieging San Antonio. To attempt to justify such an act of wanton injustice and cruelty, would, indeed, be a disgrace to a writer of the darkest ages. Yet it is the onerous duty of all who take upon themselves the task of recording such tragical and untoward events, to consider the real or less obvious circum-

stances which are urged upon an indignant and enlightened age as a palliative, and, secondly, to place the foul odium of their execution on the right head. This is but justice!

The Texans were, and indeed are at this present time, rebels: they were first entreated and admonished with a mildness and kindness of feeling that redounds to the honour of the Mexican nation. Again, they were warned of the awful consequences of plunging their country into the horrors of civil war—they were told, with a firmness which could not have been mistaken, that obedience to the laws of the republic of Mexico would be enforced; and it was not until they had absolutely taken up arms that they were informed “the Americans would be treated as rebels;” and when they had assumed that position towards the Mexicans, to whom their gratitude was due for the many signal acts of liberality conferred upon them by Mexico, the Mexican sword was drawn—peace was proposed—and a general amnesty offered by the Mexicans. Every overture had been refused. Fanning’s party was the first taken—Santa Anna’s proffered amnesty had been rejected—and Cos’ entreaties having been received with scorn, he, with the firmness of a soldier, declared the Americans would be treated as rebels. Santa Anna vacated the presidential chair during the war, and having taken the field as a soldier, he was accordingly obliged to obey the orders of Congress, which were, that “the un-

grateful Texans should be treated as rebels." Consequently he ordered the execution of Fanning and his men.

In thus bringing forward the facts connected with this lamentable occurrence, it must not be supposed that I am attempting to justify such tragical deeds; on the contrary, I do not hesitate to say, that it leaves an everlasting stigma upon the character of a soldier who is guilty of such an enormity, notwithstanding the existence of the usage common among civilized nations in such cases.

On or about the 18th of February, Santa Anna appeared before the walls of San Antonio de Bexar. The Texan garrison was summoned to surrender, and a general amnesty was again offered, in case of obedience; but it was refused, and the Texans immediately opened fire on the Mexicans, by the way of confirming their refusal, when Santa Anna commenced the siege with about 1000 men, while the Texan garrison consisted of about 450 only. The commencement of the siege is thus described by the Texan commander in the following Address:—

“ TO THE PEOPLE OF TEXAS, AND ALL AMERICANS  
IN THE WORLD.

“ Commandancy of the Alamo Buzar,  
Feb. 24, 1836.

“ Fellow-Citizens and Compatriots,

“ I AM besieged by a thousand or more of the Mexicans, under Santa Anna. I have sustained a continual bombardment and cannonade for twenty-four hours, *and have not lost a man.* The

enemy have demanded a surrender\* at discretion. I have answered the summons with a cannon-shot, and our flag still waves proudly from the walls. I shall never surrender or retreat. Then I call on you, in the name of liberty, of patriotism, and every thing due to the American character, to come to our aid with all dispatch. The enemy are receiving reinforcements daily, and will no doubt increase to three or four thousand in four or five days. *Though this call may be neglected*, I am determined to sustain myself as long as possible, and die like a soldier, who never forgets what is due to his own honour and that of his country—Victory or Death!

(Signed)

“ W. BARRETT TRAVIS,  
Lieut.-Col. Commanding.”

From the date of this address, the bombardment was kept up with great skill and activity, while the cry of the Texans for aid was not responded to.

On the 3rd of March Colonel Travis addressed another call for aid to the President of the General Convention, which was then sitting; but on the night of the 6th, before any assistance could possibly reach him, Santa Anna attacked the Alamo, that now contained only 150 men, with all the Mexican force, when a stubborn contest ensued, and the result was, that the Texans, at daylight, were obliged to cry for quarter, which was refused, when a retreat was attempted, but those who crossed the walls of the fort were immediately cut down, and finally, when the fort was taken, it only contained, out of a garrison of 450 men, six men and one woman; with this miserable remnant, the well-known David

\* This for the second time.



Crockett breathed his last, by the side of Razin Bowie, the man who invented that deadly weapon, the "Bowie knife," which is the tenant of every Texan's bosom, and which should be deposited (dripping, as it is, with human blood) in the museums of Europe, and placed by the side of the weapons of the benighted Indian of the desert, as an emblem of the savage barbarism of the existing Anglo-American race.

Crockett was from his youth a soldier, therefore it is not surprising to find him engaged in the Texan campaign.\* But Bowie was a reckless drunkard, who had squandered his property, and was subsequently obliged to fly from his country, (the United States,) for slaying a man in a duel. This fact is well known in Texas, and was thus told me by a friend of Bowie's, who was present when Razin Bowie fought a duel with knives across a table at the Alamo, a few days before Santa Anna took it. His first duel was fought at Natchez, on the Mississippi, in the fall of 1834. A dispute arose at a card-table, in the middle of the day, between Bowie and a man named Black. The lie was given by Bowie to his opponent, and at the same moment drawing his knife, (which was a case one, with a blade about four inches long, such as the Americans always carry in their pockets,) he challenged the man to fight, which was accepted, and Black having taken his seat opposite Bowie, at a small square

\* Crockett had been in the American army.

table, the conflict began. It had lasted about twenty minutes, during which time both parties were severely cut, when Bowie rose from the table, and with a desperate oath rushed upon his antagonist, who immediately fell dead at his feet. The inconvenience felt by Bowie on this occasion, from the smallness of the knife, having called forth the exercise of his debauched and sanguinary mind, he invented a weapon which would enable him, to use his own words, "to rip a man up right away." This task he accomplished during his exile in Texas, and which was the only legacy he could leave his young and adopted republic; indeed, it is all she can show of her citizen, his body having been burnt by the Mexicans, and his ashes swept from the face of the earth by the passing winds.

The real Bowie knife has a two-edged blade, about nine inches long, slightly curved towards the point, and sufficiently thick in the back to serve as a chopper, in which way it is very formidable, but not so much so as in thrusting; the blade is covered with a sheath, and, when neatly got up, as some of them are, it forms a pretty ornament enough when peeping from under the corner of the waistcoat, or over the waistband of a pair of Texan trowsers.

I need scarcely apologize to the reader for this digression, as the record of the fate of all such monsters is due to the lovers of humanity.

On the 1st of March, 1836, the meeting of dele-

gates to the General Convention of Texas (appointed to meet at Washington, on the Brazos, on that day) took place; and the peaceable settlers having left the country rather than take up arms against Mexico, a majority (in which the Texan army, at the election of these delegates, must be included,) appeared in favour of independence; and accordingly an absolute declaration of independence was unanimously passed, and General Sam. Houston appointed commander-in-chief of the Texan army.

Houston commenced his military career with the following Proclamation, which shows that all "the good people of Texas" were not much disposed to take up arms.

#### " ARMY ORDERS.

*" Conventional Hall, Washington, March 2, 1836.*

" War is raging on the frontier. Bejar is besieged by two thousand of the enemy, under the command of General Siesma. Reinforcements are on the march to unite with the besieging army. By the last report, our force in Bejar was only one hundred and fifty men strong. *The citizens of Texas must rally to the aid of our army, or it will perish. Let the citizens of the east march to the combat.* The enemy must be driven from our soil, or desolation will accompany their march upon us. Independence is declared—*it must be maintained.* Immediate action, united with valour, alone can achieve the great work. The services of *all* are forthwith required in the field.

" SAM. HOUSTON,

" Commander-in-chief of the Army.

"P.S. It is rumoured that the enemy are on their march to Gonzales; and that they have entered the colonies. The fate of Bejar is unknown. The country *MUST* and *shall* be defended. *The patriots of Texas are appealed to on behalf of their bleeding country.*

"S. H."

The tense so repeatedly used by the commander-in-chief of the Texan army, will at once show the mood of the bulk of the people of Texas; but notwithstanding all the opposition shown by the rebels, still Santa Anna, as soon as he had taken the town of San Antonio, sent one of the Texan prisoners captured in the fort to General Houston with an autograph note, offering the Texans peace, and a general amnesty, if they would lay down their arms and submit to the central republican government of Mexico; to which Houston replied, "True, sir, you have succeeded in killing some of our brave men, but the Texans are not yet whipped."

On the receipt of this answer, Santa Anna marched out of San Antonio towards the Brazos, where he divided his troops into three divisions, giving the command of the left wing to General Filisola, who marched on to Washington to disperse the convention, while General Cos commanded the right, and Santa Anna the centre, with which he crossed the Brazos, and pursued Houston, who was in full retreat, at the head of 1300 men,\* towards the eastern frontier of Texas.

Houston, after a forced march of fifty-seven miles,

\* See Kennedy, p. 216, vol. II.

reached Harrisburgh, a miserable little village situated on the west bank of Buffalo Bay, on the 18th of April; here he contemplated crossing, with a view of making his escape to the United States; but in the course of the night he received information that Santa Anna had most improvidently divided his force, and finding that their numbers were nearly equal, and that it was quite impossible for Santa Anna to receive any assistance either from the left or right wings of his army, Houston resolved to engage him.

On the morning of the 19th, Houston marched from Harrisburgh, where he left his baggage, and pursued his march as far as Clopper's Point, where he made a disposition to meet Santa Anna, which is thus described by the Mexican general in an official communication to his government :—

“ Early on the morning of the 19th of April, I sent Captain Barragan, with some dragoons, to a point on the Lynchburgh road, three leagues distant from New Washington, in order that he should watch and communicate to me, as speedily as possible, the arrival of Houston: and, on the 20th, at eight o'clock in the morning, he informed me that Houston had just got to Lynchburgh. It was with the greatest joy all the individuals belonging to the corps, then under my immediate orders, heard the news; and they continued the march, already begun, in the best spirit.

“ At my arrival, Houston was in possession of a wood on the margin of Bayou Buffaloe, which, at that point, empties itself into the San Jacinto creek. *His situation rendered it indispensable to fight*; and my troops manifested so much enthusiasm, that I immediately began the battle. Houston answered our

firing, but refused to come out of the cover of the wood. I wished to draw him into a field of battle suited to my purpose, and in consequence withdrew about one thousand yards distance, to an eminence affording a favourable position, with abundance of water on my view, a thick wood on my right, and a large plain on my left. Upon my executing this movement, the enemy's fire increased, particularly that of his artillery, by which captain Fernando Urriza was wounded. About one hundred cavalry sallied out of the wood, and boldly attacked my escort, which was posted on the left, causing it to fall back for a few moments, and wounding a dragoon. I commanded two companies of cazadores to attack them, and they succeeded in repelling them into the wood.

“It was now five in the evening, and our troops wanted rest and refreshment, which I permitted them to take. Thus was the remainder of the day spent. We lay on our arms all night, during which I occupied myself in posting my forces to the best advantage, and procuring the construction of a parapet to cover the position of our cannon. I had posted three companies in the wood on our right, the permanent battalion of Matamoros formed our body of battle in the centre, and on our left was placed the cannon, protected by the cavalry, and a column of select companies (*de preferencia*) under the orders of Lieutenant-Colonel Santiago Luelmo, which composed the reserve.

“On the 21st, at nine in the morning, General Cos arrived with four hundred men belonging to the battalions of Aldama, Guerrero, Toluca, and Guadalaxara, having left one hundred men under the orders of Colonel Muriano Garcia, with their loads in a swampy place, near Harrisburgh; and these never joined me. I then saw that my orders had been contravened; for I had asked five hundred select infantry, and they sent me raw recruits, who had joined the army at St. Louis Potosi and Satio. I was highly displeased with this act of disobedience, and considered the new reinforcement as trifling, whereas I had before its arrival entertained well founded hopes of gaining some decisive advantage *with the new succour, which was to have*

*given me the superiority of numbers.* I disposed myself, however, to take advantage of the favourable disposition which I perceived in our soldiers on the arrival of General Cos ; but the latter represented to me, that having made a forced march in order to reach my camp early, his troops had neither eaten nor slept during twenty-four hours, and that whilst the loads were coming on, it was indispensable to grant some refreshment to the soldiers. I consented to it, but in order to keep a watch over the enemy, and protect the loads which were on the road, I posted my escort in a favourable place, reinforcing it with thirty-two infantry, mounted on officers' horses. Hardly one hour had elapsed since that operation, when General Cos begged me, in the name of Don Miguel Aguirre, the commander of the escort, that I would permit his soldiers to water their horses, which had not drunk for twenty-four hours, and let the men take some refreshment. Being moved by the pitiable tone in which this request was made, I consented, commanding at the time that Aguirre and his men should return to occupy their position as soon as they should have satisfied their necessities ; and his disobedience to this order concurred to favour the surprise which the enemy effected.

“Feeling myself exceedingly fatigued from having spent the whole morning on horseback, and the preceding night without sleep, I lay down under the shade of some trees, while the soldiers were preparing their meal. Calling General Castrillon, who acted as major-general, I recommended him to be watchful, and to give me notice of the least movement of the enemy, and also to inform me when the repast of the soldiers would be over, because it was urgent to act in a decisive manner.

“I was in a deep sleep,” continues Santa Anna, “when I was awakened by the firing and noise ; I immediately perceived we were attacked, and had fallen into frightful disorder. The enemy had surprised our advance posts. One of their wings had driven away the three companies (*de preferencia*) posted in the wood on our right, and from among the trees were now doing much execution with their rifles. The rest of the enemy's infantry

attacked us in front with two pieces of cannon, and their cavalry did the same on our left.

“Although the mischief was already done, I thought I could repair it, and with that view sent the battalion of Aldama to reinforce the line of battle formed by that of Matamoros, and organized a column of attack under the orders of Don Manuel Cespedes, composed of the permanent battalion of Guerrero, and the piquets of Toluca and Guadalaxara, which moved to the front with the company of Lieutenant-Colonel Luelmo, in order to check the advance of the enemy; but my efforts were vain. The line was abandoned by the two battalions that were covering it; and notwithstanding the fire of our cannon, the two columns were thrown into disorder, Colonel Cespedes being wounded, and Colonel Luelmo killed. General Castrillon, who ran to and fro to re-establish order in our ranks, fell mortally wounded; and the new recruits threw every thing into confusion, breaking their ranks, and preventing the veterans from making use of their arms, whilst the enemy was rapidly advancing with loud hurrahs, and in a few minutes obtained a victory, which they could not, some hours before, even have dreamed of.

“All hopes being lost, and every one flying as fast as he could, I found myself in the greatest danger, when a servant of my aide-de-camp, Colonel Don Juan Bringas, offered me his horse, and with the tenderest and most urging expressions insisted upon my riding off the field. I looked for my escort, and two dragoons, who were hurriedly saddling their horses, told me that their officers and fellow-soldiers had all made their escape. I remembered that General Filisola was only seventeen leagues off, and I took my direction towards him, darting through the enemy's ranks. They pursued me, and after a ride of one league and a half, overtook me on the banks of a large creek, the bridge over which was burned by the enemy *to retard our pursuit*. I alighted from my horse, and with much difficulty succeeded in concealing myself in a thicket of dwarf pines. Night coming on, I escaped them, and the hope of reaching the army gave me strength. I crossed the creek with the water up to my breast,



and continued my route on foot. I found, in a house which had been abandoned, some articles of clothing, which enabled me to change my apparel. At eleven o'clock, A.M., while I was crossing a large plain, my pursuers overtook me again. Such is the history of my capture. On account of my change of apparel, they did not recognize me, and inquired whether I had seen Santa Anna? To this, I answered, that he had made his escape; and this answer saved me from assassination, as I have since been given to understand."

This unvarnished account of the battle of San Jacinto, as given by Santa Anna himself, I have selected in preference to many detailed by other pens, all of which are tainted with partiality and gross misrepresentation; while Houston's account of his first battle, that of San Jacinto, is nothing more than an extravagant outlay of martial wrath, that may be handed down to posterity among the archives of the illustrious *Bombastes Furioso*.

Houston states in his despatch, dated San Jacinto, April 25, 1836, that the aggregate force of the Texans for the field numbered 783; whereas Houston, at the time he crossed the Colorado at Beason's ferry, had 1300 men under his command; and this was the Texan force engaged at San Jacinto (with the exception of about twenty men who deserted), while the Mexican force did not exceed 1600 men, composed of such materials as Santa Anna describes.

Santa Anna's surprise filled Filisola and Urrea (the latter having reached Columbia West) with dismay.

On the 25th, Filisola made a retrograde movement, for the purpose of drawing Houston again into the heart of the country, where Filisola would certainly have engaged him; but on the 28th, just as Filisola had taken up a strong position on the San Bernard river, he received a despatch from Santa Anna, informing him that he had signed an armistice with Houston, and that in order to save his (Santa Anna's) life, together with the lives of many worthy Mexicans, it would be necessary to comply with its conditions, therefore Filisola immediately despatched a courier to Houston, with the most solemn assurances that the compact between the Texan commander and Santa Anna should be religiously observed.

The following is the treaty between Santa Anna and the Texans, as prepared by David G. Burnet, the first president, and by far the most talented man in Texas:—

“Articles of an Agreement made between his Excellency the General-in-chief of the army of operations, President of the Mexican republic, Don Antonio Lopez de Santa Anna, for one party; and his Excellency the President of the Republic of Texas, Mr. David G. Burnet, for the other party.

“ARTICLE 1. General Antonio Lopez de Santa Anna agrees not to take up arms, nor to influence their being taken up, against the people of Texas, during the actual strife of independence.

“ART. 2. Hostilities shall immediately cease, by sea and land, between the Mexican and Texan troops.

“ART. 3. The Mexican troops shall evacuate the territory of Texas, passing to the other side of the Rio Grande del Norte.

“ART. 4. The Mexican army, in its retreat, shall not make use of the property of any person without their consent and just indemnification, taking articles only necessary for their subsistence, when the owners should not be present; and sending to the general of the Texan army, or to the commissioners for the arrangement of such matters, advice of the value of the property consumed, the place where taken, and the name of the owner, should it be known.

“ART. 5. That all private property, including cattle, horses, *negro slaves*, or persons contracted, of whatsoever denomination, which may have been taken by a part of the Mexican army, or which should have taken refuge in said army from the commencement of the last invasion, shall be returned to the commander of the Texan forces, or to the persons that should be named by the government of Texas in order to receive it.

“ART. 6. The troops of both belligerent armies shall not be placed in contact; and for this aid the Texan general shall take care that between the two encampments a distance shall intervene of five leagues at least.

“ART. 7. The Mexican army shall not delay any more in their march than is necessary to take off their hospitals, trains, &c., and pass the rivers, considering as an infraction of this agreement the delay, which, without just motives, should be noted.

“ART. 8. This agreement shall be forwarded by speedy express to Vicente Filisola, general of division, and to General T. J. Rusk, commander of the army of Texas, that they may remain bound as far as appertains to them, and being mutually agreed, may arrange the speedy and due execution of the stipulations.

“ART. 9. That all the Texan prisoners at this time in the power of the Mexican army, or in that of any of the authorities of the government of Mexico, be immediately placed at liberty and passports given to them, so that they may return to

their homes; it being the duty on the part of the government of Texas also, to place at liberty a corresponding number of Mexican prisoners of the same rank and state, and to treat the remainder of said Mexican prisoners who may remain in the power of the government of Texas with all due humanity, charging the government of Mexico for the expenses caused in their behalf, when any extra convenience should be afforded them.

“ART. 10. General Antonio Lopez de Santa Anna shall be sent to Vera Cruz as soon as may be thought proper.

“And for its fulfilment and consequent effects, the contracting parties sign it by duplicate in the port of Velasco, on the 14th of May, 1836.

“(Signed)      “ANTONIO LOPEZ DE SANTA ANNA.  
                    “DAVID G. BURNET.  
                    “J. COLLINSWORTH, Secretary of State.  
                    “BAITY WARDIMAN, Secretary of Treasury.  
                    “P. W. GRAYSON, Attorney General.”

This treaty, which was subsequently ratified by General Filisola, terminated the war of independence, and the Mexicans commenced a retreat, followed by a Texan force, to superintend the execution of the stipulations of the armistice.

The march of Urrea's division through Texas, resembled the passage of an army of Cossacks more than a regular military force, while its retreat was attended with the greatest privations and hardships imaginable, and at the same time rivalling in fertility of incident the Hegera, or flight of Mahomet.

The immense number of women who followed the Mexican army, were employed as, and indeed

diminished the necessity of, beasts of burden, to carry off the spoil. Every one of them, immediately on getting what she or her "caro sposo" deemed a valuable cargo, would return to Matamoros, sometimes on horseback, sometimes in an ox-cart, but more frequently on foot, tottering under the load she carried.

To participate in these undertakings, many of the soldiers deserted, shaving their upper lip, and assuming female attire, the costume of the Mexican women, which admits of a shawl being drawn partly over the face, greatly favouring the deception. A hundred or more of tender couples so disguised made their way through the outposts, in the character of Jews returning from a rag fair, and each groaning under a ponderous load of trumpery.

One man was seen with a load of smoothing-irons, walking with as consequential an air, elastic step, and joyful countenance, as though he had been carrying away all the riches of America; while his wife, at his side, was moaning and groaning under a prodigious burden of crockery-ware, consisting exclusively of tea-pots, which were strung together, and hung round the neck after the manner of a necklace. Another had seized upon two kegs of hog's-lard and a box of candles, which he expected to sell for a high price at Monterey, a town four hundred miles distant, and notwithstanding the great solar heat of his native land.

A fourth loaded his mule with the massive legs of a billiard table, and put a parcel of empty bottles on the top to complete his prize, while he undertook to walk back to the city of Mexico, a distance of twelve hundred miles only. But the most laughable object of all, was a tall dragoon in woman's apparel, who carried on his back a large Yankee clock, the weights of which were dangling down to the calfs of his legs, against which they thumped at every step he took ; however, the clock kept time for some time as he went along. Vexed beyond all measure, the trooper kept swearing at the weights, but durst not throw them away, thinking them a most essential part of the wonderful machine of which he had possessed himself, but not before he had experienced some difficulty in believing that it was not supernatural.

But these scenes, which caused much merriment, soon gave place to the horrors of a disastrous retreat, that would never have occurred if Santa Anna had left the duties of the vanguard to Urrea, who had carried every thing before him ; but Santa Anna was impatient to strike a decisive blow, and to get back to the capital, with the view, it has been said, to become dictator of Mexico ; however, as he did not attempt any such thing, and as a man must stand or fall by what he does, and not by what is said of him, I need not venture a conjecture on the subject.

General Filisola, as soon as he had saved the

life of Santa Anna, and his fellow-prisoners, by ratifying the treaty with the Texans, which he did, solely because the Mexican army was totally disorganised, and could not be brought to act on the offensive, offered to cede the command to any one whom the other chiefs might elect, but all insisted on his keeping it: from that moment Urrea began to undermine him in his correspondence with the government, and at last succeeded in obtaining his post.

The retreat of the army was attended by every dismal circumstance that can be conceived: hunger nakedness, violent rains, and a complete destitution of spiritual succour for the sick and dying, a calamity more bitterly felt by a Mexican army than any thing else that could befall it. The generals had engrossed all the wagons and beasts of burden to convey their share of the plunder, so that much of the baggage necessary for the comfort of the troops was left behind; but it was more particularly at a place called the Atasquito that they suffered the most. Here they were overtaken by dreadful cold rains, in the middle of a swamp, through which, with the utmost difficulty, the progress of a day was about three miles. Here there appeared no chance of extricating the artillery; and the officers would have left it in the mire had it not been for the laudable exertions of Don Pedro de Ampudia, the commandant of that corps, who by his indefatigable labours and resolution succeeded in extricating the

guns, and preventing the soldiers from breaking up the carriages, in order to get fire-wood to warm themselves. The vanguard commanded by General Urrea, preceded the main body by seven or eight days' march, and as they went along they gleaned every thing that had escaped them in the months of January and February; so that the main body could find nothing to relieve their necessary wants.

In June, 1836, the Mexican army crossed the Rio Bravo, and Urrea took the supreme command, while Filisola was obliged to repair to Mexico, to take his trial for this retreat,—a retreat that closed the war, and from which the Texans date their independence *de facto*.

From the date of the surprise at San Jacinto, up to the middle of this month, the Texans were busily employed in discussing the propriety of assassinating Santa Anna. Among these republicans, who would have the world believe that they are treading in the footsteps of the "mighty Romans," were to be seen groups of dwarfish Neroes, whilst a Yankee Brutus, by the exercise of that singular energy which is almost peculiar to a transatlantic centurion, would stifle the eloquence of young gentlemen from the state of Maine, who had "heard of battles, and longed to follow to the field." In this discussion, the elements of each of these characters were fully developed, and it was not without considerable exertion on the part of their leaders, who were by no means sure at this moment



whether they were born to be drowned in the swamps of Texas, or hanged as rebels by the abused Mexicans, that Santa Anna's life was saved. Notwithstanding that all the stipulations of the treaty between Santa Anna and Houston had been most rigidly observed by the Mexican generals, (Urrea and Filisola,) yet Santa Anna was treated with the greatest injustice by the Texans, until he entered the following protest against the abuse of the confidence placed in the Texan leaders by his generals, who would not have withdrawn their troops from Texas, except to secure the life and liberty of the president.

" I protest against the violation of the faith engaged in the agreement made between me and the government of Texas, signed 14th of May ult., and commenced verbally with the general-in-chief of the army of Texas, Samuel Houston, and T. J. Rush, secretary of war.

" 1st. For having been treated more like an ordinary criminal than a prisoner of war, the head of a respectable nation, even after the agreements had been commenced.

" 2nd. For the treatment as prisoners of war and ill usage received by the Mexican general, Adrian Wool, who had come into the Texan camp with a flag of truce, under the safeguard and word of honour of General Houston, and with the consent of the members of the cabinet.

" 3rd. Against the non-fulfilment of the exchange of prisoners, stipulated in the 9th article, inasmuch as, up to the present time, not even one Mexican prisoner of war has been set at liberty, notwithstanding the liberty given to all the Texans in possession of the army under my command.

" 4th. Because the *sine qua non* of the 10th article, as follows, has not been carried into effect; which is, that I shall be sent to

Vera Cruz when the government shall deem it proper ; whereas the president himself and the cabinet of Texas, being convinced that I had punctually fulfilled all my engagements, viz., that the Mexican army, 4,000 strong, should retreat from the position it occupied on the Brazos to beyond Rio Grande ; that all the property should be given up, also the prisoners of war—had determined on my embarking in the Texan schooner of war, the *Invincible*, in which I finally did embark on the 1st of June inst., after addressing a short farewell to the Texans, wherein I thanked them for their generous behaviour, and offered my eternal gratitude.

“ 5th. For the act of violence committed on my person, and abuse to which I have been exposed, in compelling me to come again ashore, on the 4th inst., merely because 130 volunteers, under the command of General Thomas J. Green, recently landed off the beach at Velasco from New Orleans, had, with tumults and with threats, requested that my person should be placed at their disposal.

“ Finally. I protest against the violence kept up towards me, by being placed in a narrow prison, surrounded by sentinels, and suffering privations which absolutely render life insupportable, or tend to hasten death ; and finally, for being uncertain in regard to my future fate, and that of the other prisoners, notwithstanding a solemn treaty.”

To this protest the Texan president (Burnet) replied, stating that it was with profound mortification that he could not control popular excitement, which had constrained the government to deviate for a season *from the terms* of the treaty relative to his conveyance to Vera Cruz. And lastly, that the privations as alleged by Santa Anna, were those to which the government of Texas itself was exposed.

However, after much nasal vociferations on the part of the orators, it was agreed that Santa Anna should be sent to Washington, in the United States, in the custody of three commissioners, the Texans having previously exacted a solemn pledge from Santa Anna that he would use all his moral and political influence in bringing about the recognition of the independence of Texas by Mexico.

The Mexican government and general congress disavowed all the acts of Santa Anna while a prisoner, in which situation he had no right to exercise the functions he assumed in the convention with Houston for the retreat of the Mexican army. And General Filisola, upon the well known principle that *a prisoner forfeits all command*, was put upon his trial for having obeyed the injunctions of Santa Anna which accompanied that convention. Santa Anna, while commanding the troops, could not constitutionally act as president of the republic; and upon receiving that command the vice-president took his place. Santa Anna's presidential attributes, therefore, remained in abeyance, and the Texans who exacted from him the above-mentioned pledge, ought to have been aware of its nullity.

## CHAPTER IV.

The miraculous Success of the Texans—Friendly Disposition of Mexico towards her Colonists—Enormous Indemnity demanded by the Texans for supposed Wrongs—Trial by Jury—Mr. Secretary Forsyth's Correspondence with the Mexican Ministers—Capture of Mexican Vessels by the United States—Blockade of Mexico by the French—Defeat of the French by the Mexicans—Mexican Statesmen—General Characteristics of the Mexican Nation—Mr. Kennedy's Picture of Texas in 1836—Proposed Annexation of Texas to the United States—Anti-National Scheme—Admiral Baudin at Tampico and Galveston—Acts of the Mexican Congress relating to British Creditors—Boundaries and Maps of Texas—Convention between England and Texas—Friendly Disposition of Mexico towards England—High Tariff the salvation of Mexico—The Federalists defeated by Arista—The New Republic of Rio Grande—Canales at Austin and Galveston—The Texans join in an attempt to revolutionize Mexico—Total failure of the Scheme—Canales' Convention with Reyes.

THE miraculous success of the Texans seemed to embarrass them more than a complete defeat, being convinced, as every reader of these pages must be, that they had no just cause of rebellion. That they had suffered neither in person nor property, and yet they demanded the most enormous indemnity ever yet sought by any race of men; that they had, in short, no territorial rights to be violated, and yet they claimed the sovereignty of a territory

nearly as large as that of the whole of France; and which has been recognised by foreign powers on the erroneous assumption that Texas was an independent republic *de facto*. In order to sustain these assertions, I will avail myself of information given to the British public, by a "Mexican merchant" of the highest respectability.

"From what I have endeavoured to show in the preceding pages,\* the reader will perceive that no justification whatever of the rebellion of Texas can be sought for in the conduct of Mexico towards her colonists; the Texans, or rather the American land speculators, were so clearly the aggressors, that were the Mexicans to reconquer the country and appropriate her own lands afresh, no nation could interfere, with any shadow of right, and much less would it become Lord Palmerston to interpose the mediating influence of her Majesty's government, unless upon the basis of 168,000,000*l.* of territory detached from Mexico, to be compensated for; 168,000,000*l.* of territory gained by the American adventurers, most of them pennyless five years ago, to be accounted for; and 33,750,000*l.* of lands mortgaged to British subjects by the Mexican government in 1837, in the full right of her sovereignty, to be secured.

"These are the important interests that require to be provided for in any treaty for the acknowledgment of Texan independence by Mexico. If the Texans expect that the Mexican congress will ever throw away land to the value of 168,000,000*l.* without an adequate compensation, they will find themselves greatly mistaken; and they will be still more mistaken if they think that Lord Palmerston, so justly renowned for his treaties, will negotiate upon so partial and unjust a basis, *giving away* 45,000,000

\* The author I am quoting alludes to his work called "Texas and Mexico," by a Mexican merchant, published by Messrs. Smith and Elder.

of acres of land belonging to his own countrymen, and who have a title to it vastly preferable to that of the Texans, inasmuch as they have paid Mexico upwards of 10,000,000*l.* between principal and interest, as a consideration for 45,000,000 acres; whereas the Texans, for the whole 224,000,000 acres, never paid one-thousandth part of the amount, even including the 30,000 *dollar job.*"

Here, then, we find that the Texans, amounting in all to about 15,000 souls at the time they declared their independence, demand of Mexico by way of indemnity for the Mexican nation, or, as the Texans have it, Santa Anna's daring to change the system of government from federal to central, the exorbitant sum of 168,000,000*l.* : to justify this, is the declaration of the independence of "the good people of Texas,"\* dated March 2, 1836, which was drawn up by their *soi-disant* representatives "in convention assembled," and accompanied by the following list of supposed grievances:—

"1st. That the Mexican government had induced them to colonise Texas under the faith of a written constitution, by virtue of which they were to enjoy the same institutions they had been accustomed to in their own country (United States):† but that the Mexican nation, having changed that federal constitution, (to central republican,) they had no other alternative but to abandon their homes, acquired with so much pain, or to submit to a military and religious despotism.

\* Vide Appendix.

† As these institutions are state and federal, democratic republican, I must again beg of the reader to bear in mind the conduct of the Texans during the reign of federalism.

" 2nd. That their interests had constantly suffered from a partial and jealous legislation, imposed upon them by a hostile majority, in a foreign language, and at a great distance from their homes.

" 3rd. That their republican constitution (which perpetuated slavery and denied the negro any religious rights, and which they, the Texans, had prepared for Texas as a separate state) had been rejected by the Mexicans.

" 4th. That Austin had been imprisoned for the support he gave in Mexico to their application to congress to declare Texas a separate state.

" 5th. That trial by jury was denied to them.

" 6th. That the rights of man had been trampled on, and military despotism exalted to crush civil liberty.

" 7th. That they had not been allowed to exercise *their religion*.

" 8th. That government required that several of their fellow citizens should be delivered up, troops having been sent to arrest them, and take them away.

" 9th. That their commerce has been exposed to violence and privations, foreigners having been authorized to take possession of their ships and convey the property of their fellow citizens to distant ports, there to be confiscated."

Such were the inconsistent, and indeed false grievances of the Texans, on which the following observations appeared in the London newspapers, and which I give on the manuscript authority of their author :

" 1st. That the colonists were admitted into Texas on the faith of the law of the 4th of January, 1823, enacted under the monarchical government of Iturbide, and not under the faith of a federal republican constitution.

"2nd. That the trial by jury was refused to them because Texas, *not being a separate state during the federal constitution*, but forming *only* part of the state of Coahuila, unless the legislature of this state adopted the trial by jury for the whole state, the Texans could not be favoured with it.

"3rd. That the said law of January 4, 1823, and other posterior laws, established as a necessary condition that the colony should be Roman Catholics, simply because it was the universal religion of Mexico, and therefore, to avoid religious brawls, the Mexican government was justified in not allowing the public exercise of any other religion; but, independent of this, the only thing prohibited to them was the erection of temples of public worship, otherwise they have never been molested on account of their religious tenets; and moreover, in the year 1834, a law was passed by Congress for the protection of persons of all religious denominations.

"4th. That the Texans required by the government to be given up were the promoters of the riots of 1835, and surely government had a right to seize them by force, as any other country would have done, if they were not delivered up.

"5th. That their commerce was never other than an uninterrupted series of smuggling transactions, and the Mexican government did perfectly right in sending *cruizers* to put an end to such scandalous transactions. These are, no doubt, 'these foreigners,' as the Texans call them, authorised to take the property of their fellow-citizens to distant ports, there to be confiscated."

The foregoing remarks, and the circumstances attending the colonization of Texas, already alluded to, will enable the reader duly to appreciate the justice of the complaints of the colonists. It is therefore easy to perceive that these complaints are but a miserable pretext to hide the real motive of the Texan insurrection. Indeed, the colonists would



never have thought of taking arms against Mexico had they not been urged to it by their countrymen, the North Americans of the southern states, whose ambition to possess that portion of the Mexican territory, which is much larger than any one of the states which compose their union, cannot be a matter of doubt. "Let us excite the Texans to revolt—let us next aid them to declare their independence of Mexico—and lastly, let us prevail upon them loudly to proclaim their free will to be incorporated with the North American States." Such is, and such has been, the only object of the Anglo-Americans; and now it remains to be seen what part will be taken by the government and people of the United States to secure these objects.

It is a well-known principle of the law of nations, that a government cannot allow subjects or citizens living under it, to perform acts of hostility against another nation with which it is at peace. All these acts are considered as acts of piracy, and punished as such. In spite of this, the American government suffered its citizens to indulge in all sorts of hostilities against Mexico. Public subscriptions were opened at New Orleans, and other towns, for the benefit of the Texans—the public papers announced, day after day, the sailing of vessels from the American ports, with arms, ammunition, and men, to the assistance of the Texans. Nay, an expedition took place from New Orleans, in November, 1835, publicly prepared in that port,

which proceeded to Tampico, took possession of the fort at the bar, and attacked the town called Santa Anna de Tamaulipas. The invaders were repulsed with great loss, and the survivors obliged to seek safety in flight. This was not all. In July, 1835, the troops under the command of the American general, Gaines, entered the Mexican territory, and occupied the town of Nacogdoches, under pretext that it was necessary to keep in awe certain tribes of Indians, who were stated to have perpetrated two murders, and committed other acts of violence, at Navasola. This town is in Texas, twenty-nine miles west of Nacogdoches, and since the American government felt bound to protect the inhabitants of Navasola, it seems that it already considered Texas as a part of its territory.

While the American land forces were busy in occupying Mexican frontier towns, an American ship, assisted by a Texan steamer, captured the Mexican war schooner *Correo* on the 1st of September, 1835, because, in fulfilment of her duty, she strove to check the contraband trade on the Mexican coast. The commander and officers were deprived of their baggage and papers, sent with the vessel to New Orleans, there to be tried on a charge of piracy, and set at liberty before any sentence was passed on them, but without receiving satisfaction or indemnity, on the plea that their commission from the Mexican government was not sufficiently proved. After the loss of their papers, they ap-

pealed to the Mexican consul to certify their legitimacy. The consul lost no time in doing so; but it was of no avail.

The culpable toleration of the United States Government in regard to hostilities practised by Americans against Mexico—the occupation of her territory by General Gaines, and the capture of the *Correo*, were objects surely important enough for explanation and satisfaction. Accordingly an Envoy Extraordinary was sent to Washington about the month of February, 1836, by the Mexican government, to expostulate on these matters; but, during the space of eight months, and in spite of the envoy's efforts, not a single word of satisfaction could be elicited from the American government. The most precise answer that could be got from Mr. Sec. Forsyth on the subject of the occupation of the Mexican territory was, "that Government had not given instructions to General Gaines to go as far as Nacogdoches, but had, on the other hand, recommended him not to go beyond the said town."

Under these circumstances the Mexican envoy considered his mission at an end, asked for his passport, and prepared to return to his country; but previous to leaving the United States he published his correspondence with the American government.

It is this publication which has given so much offence to Mr. Forsyth, and has formed the last of one of those interminable communications

from the American government to the congress, in which transatlantic diplomatists are ever wont to indulge. However, admitting that such publication, so long as the author remained in the country enjoying his diplomatic functions (although he had declared his mission at an end) be contrary to diplomatic usage, yet this is but matter of form, and surely not enough, in the present age, about which to shed human blood.

It may be said, that if the nature of the correspondence published had been such as to reflect honour on his government, Mr. Forsyth would not have been so susceptible on the score of diplomatic form. Had the Mexican envoy deferred his publication until after his arrival in his own country, Mr. Forsyth would have been deprived of one of the grandest subjects of complaint against Mexico.

The case of the Mexican brig-of-war, *Urrea*, has not been properly explained by Mr. Forsyth. It is as follows. The Mexican cruisers captured on the coast of Texas several American ships laden with arms, ammunition, and other implements of war, which were destined for the insurgents of that province; this among nations is called "war contraband." These vessels were sent to Matamoros according to articles 18 and 20 of the treaty of 1831. The United States corvette, *Natchez*, retook one of these vessels on the 16th of April, 1837, whilst she was at anchor in the Brazos de

Santiago, and what is more, fought and captured, in spite of peace and friendship between both countries, the *Urrea*, which was also at the same port. Now, although it may be true that the vessels were not comprised in the second part of the said article, (20th of the treaty,) as it was acknowledged by the Mexican government, is it to be tolerated, that the commanders of ships of war shall, of their own accord, commit hostilities in order to obtain satisfaction for infractions of the treaty which in their opinion may have taken place? Are all the officers of the United States as much authorized as the government to make reprisals?

Let the grievances alluded to in Mr. Forsyth's report against Mexico, nay, let the whole list of fifty-seven complaints be produced by his excellency, and let them all be compared to one only that Mexico can bring against the United States. The world will pronounce its verdict, and this verdict is earnestly solicited, as it has been proved that the Texans had not the slightest cause to revolt against their adopted country—that they had merely been the abject instruments of American ambition—that the American government has seconded this ambition with all its might, though at the same time professing to maintain feelings of the tenderest love for Mexico—that that government had no reasonable cause to declare war against the Mexicans—and finally, that its only object for bringing on a war was to remove obstacles which peace with

Mexico would have opposed to the annexation of Texas to the United States. "Texas," to use Mr. Forsyth's own expression, "must justly or unjustly, by hook or by crook, become part of our country, for we have been longing for it these fifty years." If Mr. Forsyth had written these words to congress, he would have been less diplomatic, but he would have been more sincere. However, Texas does not yet belong to the United States!

While this correspondence was pending between the United States and the republic of Mexico, the latter was making preparations to retrieve the surprise at San Jacinto, from which she was, however, diverted by the unjustifiable blockade of her shores by the French, from the 16th of April, 1838, to the 9th of March, 1839. The object of the blockade was to obtain from Mexico an indemnity of 600,000 dollars to make good the losses sustained by the French residents in Mexico during the war of independence, which the Mexican government met by stating they were "a nation always agitated by revolutions: as such suffered all the consequences of a state of revolution, popular tumults, robberies, plunderings, assassinations, unjust devices;" and since they were obliged to suffer all these evils, "we consider that the foreigners who may be in our country must suffer like ourselves, without a chance of redress or compensation:" and further, "that all foreigners who have arrived in Mexico since the war of independence well knew that the

country was in a disturbed state; wherefore all such foreigners have their eyes open, and of their own accord and free will chosen to come into the country and take the consequences of such a disturbed state of affairs, consequently they have only themselves to blame, and have no right whatever to complain on account of their sufferings:" and "that the Mexican government therefore did not conceive itself bound to indemnify the French residents in Mexico for the losses and miseries they sustained in consequence of the revolutionary disturbances which in past years have occurred, and that if it was obligatory on the government to indemnify foreigners for all the exactions and expenses they have endured, all the treasures of the republic would not suffice."

Thus commenced the notable conference at Jalapa between the Mexican minister and Admiral Baudin, plenipotentiary of France, which led to a long correspondence, that has been translated and published in England. The following is a copy of the final answer of the Mexican Minister for Foreign Affairs to Admiral Baudin's demands, dated Jalapa, 26th November, 1838:—

"The undersigned has the honour to transmit to his Excellency the plenipotentiary of France, the reply, as promised in his note of the 20th instant, delivered a few hours before his Excellency left this city for the anchorage of Sacrificios.

"With very painful feelings, the undersigned has read the dispatch of M. Baudin, dated the 21st, wherein, after apprizing

him that he would await for an answer until the 27th instant, states that if the convention then sent should not be fully and completely satisfactory to France, which would not be the case unless it was drawn up in the very terms dictated by his Excellency, hostilities would begin immediately. This announcement has served to confirm the opinion previously entertained by the undersigned, that M. Baudin's manner of carrying out the mission entrusted to his charge, was rather different from the character ostensibly given to it. The full powers wherewith his Majesty has been pleased to accredit his Excellency as plenipotentiary to the government of the republic, breathe nothing but the most friendly sentiments of peace and good-will; this was what chiefly induced the undersigned not to throw any obstacle in the way of this negotiation, to make a journey to this city to confer with M. Baudin in the formal and regular manner customary in similar transactions. Bearing the credentials of the King of the French, and coming in the character of a pacific diplomatist, as the plenipotentiary of his Majesty, the undersigned was nothing less than astonished at hearing his Excellency declare that he only consented to leave his squadron out of deference to the Mexican government. As little can he comprehend how the rear-admiral can have supposed such an important negotiation could be concluded in three days, much less that it could be carried on with his Excellency at Sacrificios, when presenting himself in a character very different from that in which the government of his Majesty had announced him to that of the republic.

“Nevertheless, the undersigned will not contradict his own feelings, nor the conduct which he has hitherto observed throughout the discussion of this serious question, which now appears likely soon to be decided; remembering also the considerations due to humanity and civilization, the undersigned desires not to dwell upon the points of form and etiquette connected with the conferences and correspondence held with M. Baudin, and therefore proceeds at once to present to his Excellency, in the accom-



panying plan, the final conditions which the Mexican government considers reconcileable with the interests and honour of both countries.

“ His Excellency will easily perceive that it is substantially the same with the plan previously proposed, although with some variations and modifications, not unfrequent in the arrangement of this description of treaties. Before proving to his Excellency that in the accompanying plan every reasonable concession is made compatible with the honour of the republic, and that his Majesty ought not to insist upon more, he proposes to state briefly that the last plan presented by his Excellency is in some of its articles irrelevant to the questions in dispute, and nothing respectful to the Mexican government.

“ It is stipulated by the 1st article that until a definitive treaty shall have settled the political and commercial relations between the two countries, they shall be regulated by the declarations of 1827, (forgetting that these declarations were never ratified by the Mexican government, and refused by the congress,) particularly as refers to the 7th, 9th, and 11th articles. The undersigned considers it would be wholly out of place here to discuss the conditions contained in these declarations, but he cannot avoid claiming the attention of his Excellency to the inconvenience of taking these declarations as the basis whereon to construct a treaty, they themselves having been solemnly disapproved by the highest authorities of the republic. On the other hand, the undersigned considers that by the ninth article of the accompanying convention similar guarantees to those contained in the declarations are secured to the French residents, and in a manner much more suited to this transaction.

“ For if by this article French citizens, consuls, and diplomatic agents, are to be placed upon the footing of the most favoured nation until a definitive treaty be arranged, what more satisfactory regulation can be devised under present circumstances?—Even this clause is altogether foreign to the question, as M. Baudin is no doubt perfectly well aware, but in order that the friendly intentions of the Mexican government should not for a moment

be doubted, the undersigned from the beginning hastened to include it in the preliminaries. Therefore, it appears to the undersigned more expedient that M. Baudin desists from the first article of his proposed convention, and instead thereof consent to introduce that proposed by the undersigned, which is perhaps more extensive and certainly more agreeable to the national wish, seeing that it is grounded upon treaties already ratified and agreed to with other nations.

“But if the undersigned experiences serious difficulties in adopting the 1st article of the proposed convention, he is bound to state candidly that to the 2nd he must totally dissent. In this it is stated that the forthcoming definitive treaty is to be based upon the declarations of 1827, and more especially upon the 7th, 9th, and 11th articles already mentioned. Such a stipulation would give to the present arrangement the appearance least likely to conciliate the reciprocal interests of the two countries; for to the world it would seem as a coercive measure, brought about by intimidation; the naval forces of France being employed to compel the republic to treat upon conditions already laid down, as based upon an agreement which, as has been shown already, was not, and is not sanctioned by the general congress. And it is more particularly now the duty of the undersigned not to give the least occasion for unfavourable conclusions, since M. Baudin having left to join his squadron, numerous incidents indicate the approach of hostilities. The Mexican government cannot understand that his Majesty would wish to exact as the conditions of intercourse between the two countries, better and more favourable terms than those stipulated for with other nations. The undersigned cannot believe that such is the intention of his Majesty or of his plenipotentiary, and will proceed to make a frank and clear explanation upon the subject of most importance and interest in the opinion of his Excellency M. Baudin, which he has modified several times in the different plans presented, and finally has merged in the provisional declarations of 1827. The undersigned alludes to the retail trade exercised by the French residents in the republic.

“The undersigned has already mentioned to M. Baudin, that this subject having nothing whatever to do with the differences in dispute, should never have been brought forward. Like other foreigners the French exercise a retail trade, and up to the present complain not either of bad treatment or want of protection. Neither the government nor congress are thinking of restricting or prohibiting this description of trade to foreigners, and the fears excited amongst some have no other foundation or origin than the present differences. Whenever it shall be found necessary to adopt a measure of this description, [which according to the 9th article of the convention (XXXI.) cannot be confined to the French alone,] the utmost delicacy will be observed, and every principle of the strictest equity and justice adhered to, so as not to give the slightest ground of complaint to the government of his Majesty nor to that of any other power. The guarantees which M. Baudin desires to obtain with the declarations of 1827 are not greater than those stipulated by other treaties. The undersigned declares that existing differences being settled between the two countries, it will be easy to come to an arrangement on this point, which will be agreeable to the French cabinet, cause no detriment to the rights of the republic, and by change of circumstances be conformable to the national wish. His Excellency the French plenipotentiary cannot fail to give due weight to the remarks of the undersigned on this head, which in point of fact may be comprised in the observation that lasting and friendly relations between the two countries are more securely and firmly based upon reciprocity of interests and good offices, than on arrangements which partake more or less of the influence of passing and temporary circumstances. From the above observations it may be deduced that the 9th article of the present agreement is the most suitable for maintaining present relations between France and Mexico, besides being sure of approval in the Mexican congress, being based entirely upon treaties already sanctioned and ratified.

“The 3rd article of the plan proposed by M. Baudin, is in substance the same as the 7th of that now proposed, but the

language of the latter is perhaps more consonant to the considerations justly due to the Mexican government. Wherefore the undersigned has made a few trifling variations, such as substituting for the phrase, '*debts whereof the justice has been recognised,*' that of '*recognised debts,*' which expresses the same idea.

"The 4th article of M. Baudin's plan, relating to the payment of the indemnity claimed, differs from the 2nd article of the accompanying convention, in the sum stated, in the period when payable, and very particularly so in the terms in which it is drawn up. On this subject the Mexican government, obeying the frank and disinterested character of the nation, desired the undersigned to exercise the utmost latitude in money matters. His Excellency M. Baudin cannot but admit, that whenever the subject of pecuniary claims was brought forward, not only was the most favourable disposition to satisfy them constantly manifested, but that the undersigned even waved any lengthy discussion on the subject, whether as it related to the amount claimed, or to the unfair application of the principles on which the demand was sustained. Even now the undersigned will touch but lightly upon these topics; on the total want of revised accounts of the different claimants; of the inaccuracy of many that have been presented; of the singular freedom of fixing at once the sum of 600,000 dollars: and, finally, of the strange character of the greater part of these claims. But to enter upon any detailed examination of these different points, would be opposed to the sentiments of conciliation, which the undersigned wishes to pervade the whole of this communication. Nevertheless he cannot, ought not, to pass over in silence the fact, that the government of the republic has not wished to risk a rupture between the two countries for the sake of 600,000 dollars; that it has remembered what was due to the interests of peace and humanity, as much as to the mercantile and political relations with other powers, and above all, that in this particular it could yield with a good grace, without being wanting to its name or dignity. Such, however, is not the case with the sum of 200,000 dollars claimed for the costs of the French expedition; because the

Mexican cabinet having done its utmost to avoid a quarrel, cannot be responsible (and this the undersigned protested in his letter of the 30th of March last), neither for the expenses nor any other evils contingent upon the rupture between France and Mexico. The Mexican government appointed a minister to the court of his Majesty, who was neither received nor listened to until after the orders were given for dispatching the naval forces for blockading the Mexican ports; the government, in like manner, proposed the arbitration of her Majesty the Queen of Great Britain, which was equally refused; and, lastly, urged by all means in its power the envoy of his Majesty to make a friendly arrangement, founded upon equitable principles of the questions in dispute. It is the republic which has most reason to complain; it is the Mexican nation that has an undoubted right to complain of proceedings which has deprived it of its chief resources; which have served to derange its social system, and to place in imminent peril its dearest interests; its agricultural, commercial, and mining interests, all have suffered, and are suffering from the blockade, and the evils resulting from this state of things ought to weigh upon her Majesty's government. True to its principles, however, the republic renounces, without hesitation, its rights acquired by so many sacrifices, and is not desirous that they should serve as an obstacle to any honourable arrangement; but it never can consent to pay the sum of 200,000 dollars in the shape of an indemnity, for the costs of a naval expedition, since this demand, made in such a peremptory manner by the government of a rich and flourishing nation, to that of one whose resources it has attacked and enfeebled, is so unjust and menacing that it cannot be admitted without staining the national honour. The undersigned is equally at a loss to understand how, under such circumstances, his Excellency M. Baudin could venture to insist that the entire sum was to be paid within one month.

“ If upon this point his Excellency the Rear-Admiral should think that the undersigned has expressed himself rather warmly, he will find such not the case, with the 4th article of his before-mentioned plan. This the undersigned passes over without

further comment beyond appealing to his Excellency's own feelings of honour thereon, and assuring him that the classification proposed, and the language employed, are too derogatory to the Mexican nation to be admitted, at the same time they reflect little credit on his Majesty's government.

"In what relates to the 5th article of the plan of M. Baudin, it is essentially the same with the 1st of the convention, only the word "*convienne*" (agrees) is left out, and one or two others of no import.

"With respect to the 6th article of M. Baudin's proposals, and the 8th of this convention, the difference consists in that the Rear-Admiral has stipulated no fixed period, except in general terms, for the withdrawing of the French forces from the coasts of the republic, while the undersigned has proposed the ample and sufficient period of twenty days, reckoned from the date of the delivery of this convention duly ratified to the said plenipotentiary.

"The 7th article of M. Baudin's proposals agrees entirely in the leading points with the 3rd and 4th of this convention, as far as relates to the mutual delivery of the ships and cargoes sequestered by both parties. The only difference consists, in that these last do not express that the said ships and cargoes be delivered in the state in which they may happen to be. This is quite consonant to the principles of justice and equity, because it is natural that the losses sustained by individuals of each nation during the sequestration, should be made good according to the most obvious principles of common right. On the other hand, the undersigned has the satisfaction to assure Rear-Admiral Baudin the difference upon these articles is not likely to lead to any disagreeable consequences between the two governments. What the undersigned principally desires is, that the convention be such as to bear presenting to the republic and to the whole world, without reflecting upon, or compromising the honour of the nation.

"The plenipotentiary of France will observe that the undersigned has judged it expedient to introduce into the accompanying convention (as already indicated to his Excellency) the 5th

article, whereby both governments mutually agree, for the sake of peace, to wave whatever pecuniary claims might arise out of the present differences. Neither the stipulations nor the terms employed convey any thing unfriendly. The undersigned might argue at great length upon the perfect justice of the complaints and claims which the Mexican government might make on account of the injuries occasioned by the blockade and other hostile measures adopted, but it is not his object to give to this document, which probably will determine the question of peace or war between the two countries, any appearance of a recriminatory character.

“ Respecting the demand of the French government as relates to the question of forced loans, his Excellency M. Baudin will find in the 6th article the subject satisfactorily arranged, according to the wishes of her Majesty.

“ From all the preceding, it results that the Mexican government consents to pay the sum of 600,000 dollars, within the space of six months; not to impose in future any forced loans; not to claim from the French government any reparation for losses or damages sustained in consequence of the hostile measures adopted against Mexico; to pay the credits admitted to be due to French citizens; and lastly, to stipulate that French agents, consuls and residents shall, in all respects, be placed on the same footing as the most favoured nation, on condition of an equal reciprocity, until such time as a definitive treaty be concluded with France.

“ The government of France insists on the payment of 200,000 dollars, for costs of the naval expedition: that the declarations of 1827, shall regulate provisionally the relations between the two countries, and that they serve for the basis of any future treaty, particularly the 7th, 9th, and 11th articles: that all ships, vessels, and cargoes sequestered during the blockade, be delivered up in the state in which they may then be, without the least right to make any claim for whatever damage they may have sustained, neither on the part of the government, nor of the individuals interested therein; that the delivery and payment of the 600,000

dollars, and of the 200,000 dollars more, be completed within one month. Finally, the style adopted by his Excellency the French plenipotentiary, in drawing up his conditions, has throughout been very different from that used by the Mexican minister.

“Although his Excellency has plainly told the undersigned that his government will not consent to subject its disputes with this country to the arbitration of Great Britain, he cannot refrain from repeating this proposal, and with more force than ever, because the two governments being agreed on the most essential points, a rupture could hardly be justified upon the other and minor questions, which can only be considered as accessory. The arbitration indicated above is the most suitable, and his Excellency M. Baudin may be assured that it is conformable to the sentiments and wishes of her Britannic Majesty. The government of France can not fail to see, in this renewed proposal, a fresh effort of that of Mexico to preserve peace; indeed, after the declared opposition of M. Baudin, it would seem hardly decorous that it should do so—but in favour of peace Mexico is willing to wave this consideration. Let this be admitted as relates to the points in question, and the actual differences would speedily be terminated in a satisfactory manner.

“The undersigned has just received despatches from the minister of the republic at Washington, with copies of communications addressed by the United States Secretary of State to their envoys in Paris and London, informing them of the wishes of his government, that they should use their endeavours to terminate favourably the differences now pending between France and Mexico. And the President of the United States has officially declared, that if he had not offered his mediation to his Majesty's government, it was because he was aware that her Britannic Majesty had, with the same views, already offered hers; but he was desirous that the French government should be acquainted with his sentiments and readiness to contribute in any useful manner to bring about a satisfactory settlement.

“If this long statement (indispensably rendered so by the abrupt termination of the conferences occasioned by M. Baudin's



departure) is founded upon reason and justice, and the mutual interests of both countries, the undersigned cannot comprehend how his Excellency, the plenipotentiary of his Majesty, can refuse the accompanying convention, or the renewed proposal to refer the questions in dispute to arbitration, without failing in the solemn protests made to the Mexican cabinet. The honour of France and that of Mexico, said his Excellency, are perfectly compatible, and France neither demands nor desires any thing beyond what is just and reasonable. It is unfortunate that since the departure of M. Baudin, the present negociation has assumed a very different character to what was expected from his mission; and his Excellency will not be surprised when the undersigned assures him, that from the moment in which he announced his departure for Sacrificios, he had an unquestionable right to consider the negociation at an end. His Excellency having agreed with the undersigned to hold in this city the necessary conferences for arranging the pending differences in a satisfactory manner; neither of them could have contemplated fixing such a short period as four days, for settling questions of such high importance. Nevertheless, the undersigned has not desired to consider his mission as terminated, because M. Baudin having informed him, that his departure was the result of unavoidable circumstances, he wished not to lose the last chance of a reconciliation, which the interests of both countries, of others with which Mexico is in friendly relations, and the dearest rights of humanity so imperiously require. Thus it is that he has not hesitated a moment in prolonging his stay in this city until the conclusion of this important affair, and therefore waits the reply of his Excellency to this note.

“These endeavours have no other origin than in the unanimous feeling of the Mexican government, of the necessity it is under to justify fully to the world its entire proceedings connected with this important question. Acting in behalf of a nation which alone has achieved its independence, which has shed with profusion its blood in defence of its rights, it could neither yield to the impulse of unworthy fear, nor be wanting to a due consi-

deration for itself. The French government, which so unjustly has attacked it, may occasion evils of great magnitude, it can occupy some points of the coast, paralyze the foreign trade, and cause the loss of many lives. The undersigned is aware of this, and confesses it without hesitation; and for the same reason he desires that the French cabinet should understand that the Mexican nation, whatever may be its government, whatever its institutions, and whatever its misfortunes, will never for an instant listen to any proposals unworthy of its independence. War may rage, costing much blood to French and Mexicans alike, and thus perpetuating bitter hatreds between the two nations. Their respective governments will not be able to efface in many years the desolation occasioned by war, and France will never be able to justify her conduct. Mexico, on the contrary, can at all times appeal with confidence to the annexed convention in proof of the justice of her cause.

“The undersigned has the honour to reproduce to his Excellency the plenipotentiary of France the securities of his distinguished consideration.

“LUIS GONZAGA CUEVAS.”

A new plan of adjustment accompanied this communication, the receipt of which was never acknowledged by Admiral Baudin, except in the subjoined despatch of the French admiral's to the general commanding the department of Vera Cruz :—

“His Majesty's frigate, *Nereide*, off Vera Cruz,  
27th November, 1838.

“Excellent Sir,—

“I have received your two notes of this day's date, the one of a public, the other of a private nature, accompanying me a despatch from his Excellency the Minister for Foreign Affairs.

" I have no time at present to reply to the minister, but I beg of you to inform him that the period I had fixed expires to-day, and that no answer has been sent me sufficiently satisfactory to the honourable and moderate demands of France : I am therefore under the necessity of commencing hostilities.

" It is now a month since I arrived off Vera Cruz, and I have performed to the best of my ability every thing that reason and humanity can desire, to avoid a rupture between the two countries. God is witness of the sincerity of my endeavours to obtain this result. My mission of peace is concluded—that of war begins. Would to God that all the ills consequent thereon fell solely upon those men whose iniquity and pride have occasioned this result. I again recommend to the consideration and humanity of your Excellency the safety of my countrymen who are in Vera Cruz, and beseech you to admit the assurances of my esteem and high consideration.

" CHARLES BAUDIN.

" To his Excellency D. Manuel  
Rincon, Commandant General  
of Vera Cruz."

Immediately on the receipt of this despatch, the French admiral, notwithstanding that he obtained all that was required by France, made arrangements for attacking Vera Cruz. Accordingly a large body of men were landed at the Mole from the blockading squadron, about two hours before day-light. The barracks where Arista and Santa Anna were quartered was surprised and the former taken prisoner, but Santa Anna made his escape, and commenced mustering the soldiers of the garrison, who were flying in all directions. Having armed them in the best manner he could, he

led them against the French, and a stubborn conflict ensued in the streets of Vera Cruz. The French, although they were led by the Prince Joinville and Admiral Baudin, soon found that the Mexicans were more than a match for them, and were eventually obliged to make a precipitate retreat, in which they were closely pressed by Santa Anna, who, just as he was leading the garrison towards the Mole, lost his leg. This untoward event saved both the French prince and admiral from being made prisoners.

I have introduced the Mexican foreign secretary's note at length, in order to show that the Mexican statesmen are not the imbeciles they are represented; but on the contrary, that they are alive to the courtesy which is due from one nation to another, and that in their intercourse with foreign powers they are actuated by a profound sense of propriety, justice, and humanity. In giving also a brief account of the engagement between the French troops, and the Mexicans under Santa Anna, which ended in the complete defeat of the former, my object is to show that the prowess of the Mexicans is by no means contemptible in a military point of view, and indeed it cannot be denied that the Mexican must necessarily be brave, enterprising, and inured to all hardships and dangers incident to the most *active* life of a soldier, exposed as he is from his earliest infancy, first, to hostile Indians, men of inexhaustible energy, vigilance, and supe-

rior physical characters; secondly, to wild beasts, many of them the most deadly enemies of the human race; thirdly, to mortal conflicts that arise from petty brawls, at almost every stage of life; and lastly, to the constant dangers, scenes of blood, and vicissitudes of revolutionary wars. These, the daily incidents of a Mexican's life, tend to produce that recklessness and disregard of existence which have at all times been deemed almost an indispensable ingredient in the composition of a soldier, and therefore I have no hesitation in saying that if the Mexican troops were but once brought into a proper state of subordination, and her people generally united, they would, in the event of another invasion of their country, convince the world that her shores are not to be invaded with impunity, and that the victories they have already won, unaided and almost without discipline, would be speedily followed by others, even more brilliant, by the simple union of those decidedly martial characteristics of the Mexican nation.

While the Mexican government, by the presence of a hostile French force, was diverted from the Texan question, the troops destined to reconquer Texas, under the orders of General Bravo, were called away and successfully employed against the French, who were obliged to have recourse to some of their old light infantry movements to secure their retreat; the Texan congress — which was then sitting and busily engaged, and impelled by

a singular ramification of apprehensions, which arose from the discontent of the peaceable settlers, the dread of the Mexicans, and complete disorganization of the Texan army,—were the only body of men extant that could have kept pace with the French on this memorable occasion.

The first Texan congress assembled at Columbia East on the 3rd of October, 1836. The description of this assembly given by Mr. Kennedy is so striking, and being perfectly correct, I will here give it in his own words, and I am induced to do so simply because it will serve to show the exact condition of the Texans and their legislative body at this moment.

“Few legislative bodies,” says Mr. Kennedy, “were ever convened under more trying circumstances. Rumours of Mexican invasion had agitated the country early in the summer, *had passed away*, and were again renewed. The *Mexican government had passed a decree on the 20th of May, annulling all stipulations* entered into by Santa Anna *while a prisoner*.”

“Warlike preparations, on an extensive scale, had been made in Mexico, and General Lamar was called to the command of the Texan army,\* to

\* Mr. Kennedy does not tell us why General Lamar was called to the command of the Texan army. However, I found on inquiring into the military and general acquirements of Lamar, that he had a slight knowledge of the broad-sword exercise, and in the constancy of the Anglo-American spirit, did, at the battle

organize forces for the defence of the country. By an order of the United States, dated the 11th of July, General Gaines *was directed to cross the boundary line, and take a position in Texas, which order was executed in autumn.*

“Troubles,” continues Mr. Kennedy, “in the interior having diverted the attention of the Mexican government from Texas, nothing further was heard of the projected expedition until November, on the 9th of which month General Bravo, commander-in-chief of the army of the north, issued a proclamation to his soldiers, from the camp at San Luis Potosi, announcing to them that they were destined to form an important part of the army against Texas.

“Since the grand work of our independence was achieved,” said the Mexican general, “our country never called upon its worthy sons in defence of a more sacred cause, nor to sustain a more just war. In that Texas, *where there should only be found people friendly to the Mexicans, and grateful for the generous hospitality granted by them, you but meet with hordes of insolent adventurers, who, when our usurped lands are claimed from them, answer by raising the savage cry of war.* A trifling success, which *must be attributed to the contempt with which*

of San Jacinto, place himself in the front of the Texan army, and challenged the Mexican general to single combat, which however was declined.

*they were looked upon, and by no means to their own prowess, has filled them with vain glory."*

That this proclamation of General Bravo's, which is truth itself, should be recorded by Mr. Kennedy, is somewhat surprising, considering that he is the avowed advocate of Texas; however, its value will be considerably enhanced by the knowledge of the fact that I have quoted *verbatim* from Mr. Kennedy, who thus sums up his distressing picture of Texas, in 1836:—"Threatened from without, Texas was disorganized at home; the lands laid waste; the people impoverished; *the government inundated* with claims and demands; the treasury empty; the army naked and starving."

This indeed is the true condition of Texas at this moment, notwithstanding that Mr. Kennedy tells us that "a man may — (something) in Texas, but he cannot starve."

Early in this year, (1837,) contrary to expectation, the prime movers in the Texan rebellion and the anti-national scheme for the separation of the southern states from the northern states of the American Union, found that the constituency of Texas, with the exception of ninety-three individuals, had voted for the annexation of Texas to the United States. Consequently, a commissioner was despatched to Washington from Texas with a proposition to that effect; this proposition, however, caused much discussion among Mr. Calhoun's anti-national and pro-separation party, some of



whom wished merely to gain a balance of power in favour of the slave-holding states, by the annexation of Texas to the Union, without a separation; while Calhoun and many of his political aids, Gen. Hamilton among the rest, was in favour of the establishment of Texas as an independent nation, in whose creation, the views, interests, and opinions of the slave-holding states was to become the fundamental principle, and which was to be upheld by the influx of people from Europe; which, when sufficiently matured to carry those fundamental principles into perpetuity, it would, in the event of a collision between the northern and southern states on the question of abolition, become the interest of the slave-holding states to drop off from the Union, and annex themselves to Texas, whose physical strength would presently place all opposition to such a scheme beyond the remotest probability of success. While the planters of the south were thus engaged in discussing their several views, the free states of the north solemnly protested against the annexation of Texas to the Union, simply on the ground of its turning the balance of power in favour of the slave states; and fearing that the southern states should succeed in the annexation scheme, a covert attempt coincident with these legislative movements was made on the British settlements in Canada, with the object of possessing themselves of territorial influence, which was to preserve the balance of power. The Texans seeing

little chance of securing their union with the States, sent a commissioner to England (Gen. Henderson) to sound Lord Palmerston on the subject of the recognition of the independence of Texas by England. The result of Gen. Henderson's mission was, that Lord Palmerston indirectly pledged himself to recognise the independence of Texas, so soon as the proposition for the annexation of Texas to the United States was withdrawn from the table at Washington, which was immediately done, and on the 3rd of March, 1837, the United States recognised the independence of Texas, which example was followed by France on the 25th of September, 1839, and subsequently by Belgium and Holland, and finally Lord Palmerston subscribed to a treaty between England and Texas on the 13th of November, 1840. In reviewing this act of Lord Palmerston's, apart altogether from the question of injustice towards the Mexican bond-holders, the cruelty and injustice towards the native Indian population, and its inconsistency and general imbecility as regards the question of slavery, it may justly be said, that the folly of the British government, in foregoing or sacrificing the simplest rights of British subjects for the paltry consideration of securing to Lord Palmerston the honour of negotiating a treaty of friendship and commerce with a country whose institutions are repugnant to the national prejudices, and destructive to the general interests of the British nation, are problems not to be solved. A

treaty of commerce with a wretched people, without agriculture, and so "miserably impoverished" that they can only hold out the hope, to the merchants of London, whom they ask to advance them money, the prospect of a contraband trade with the United States and Mexico! To secure to England these *moral, political, and commercial* advantages, the very government who wrung from the hands of the British nation no less than 20,000,000*l.* for the abolition of slavery, recognised the independence of a country that not only cherishes slavery, but which denies the British subject of African origin the right to land on her shores, where slavery had previously been abolished for ever; while the native Indians, a portion of them the citizens of Mexico, are still struggling for their lives and property, are abandoned, *de facto*, by my Lord Palmerston, to be cut to pieces by a desperate race of men, who, while they are cutting the throats of the defenceless Indian women and children, are to bestow their plaudits on his lordship, whose wisdom, as displayed in this affair, will not be readily lost sight of.

The recognition of Texas by France was prefaced by a species of diplomacy, which it is hoped will be duly appreciated by every nation who advocates the observance of rectitude on the part of diplomatic agents in their negotiations, in all international transactions.

Admiral Baudin having been obliged to fly from

Vera Cruz, in December, 1838, as a messenger of peace from the French government, addressed the following letter to General Urrea, who, at that moment, was commanding an insurgent force at Tampico :—

“ H. M. S. off Antonio Lizardi,  
Dec. 22, 1838.

“ Excellent Sir,

“ He who has now the honour to address you, has been a witness of all the changes and vicissitudes which his country has experienced for the space of forty years : he is, therefore, perfectly convinced that when civil war rages in a foreign country, *foreign aid ought never to be given to either party*, but that the political differences of citizens dwelling in the same state should be settled among themselves.

“ I come *not* to offer assistance, which, perchance, might make the federal system less popular : if, as I hope and trust, the federal cause is the real national cause in Mexico, it will finally triumph, and for this it ought to be indebted to nought but itself.

“ Allow me to state to your Excellency, that I come not as an enemy to Mexico, nor of any part of the Mexican nation ; and that the *government* of France, *whose representative I have the honour to be*, has sent me on *this mission* with the most friendly sentiments of peace and good-will. *These sentiments are congenial to my own feelings*, and, for the whole of the past month, I have exerted myself to the utmost to cause them to be believed : but the cabinet which *then governed Mexico*, and *which was the slave of a detestable faction*, the sworn enemy of the happiness of Mexico, raised so many obstacles, and gave me so many proofs of their hypocrisy and bad faith, that, not being able to prevail by fair means, I was obliged to use force.

“ If your Excellency has read the documents relating to the conferences at Jalapa, you will not fail to remark that, instead of the indemnity justly due to my countrymen, and of which the Mexican government did not dispute the validity, all I asked and

sought to obtain was, that, in future, French subjects should be admitted to the same rights and privileges which had been stipulated in favour of another nation in its treaty with Mexico :\* this condition the faction, of which the Señor Cuevas is but the instrument, had predetermined not to concede under any circumstances. I do not doubt but that your Excellency will feel the deepest disgust to see the cunning and treachery displayed in the drawing up of the sixth, seventh, and ninth articles, which the Minister Cuevas ventured to send me the evening before the day fixed for the conclusion of the negotiation : had I accepted such conditions, my countrymen would have been exposed to every sort of violence and oppression, without any assurance for the past, or security for the future. Convinced of the unfavourable disposition of the Mexican plenipotentiary, and of the absolute impossibility of coming to any reasonable understanding with him, I found myself obliged to lay my hand upon the citadel of San Juan de Ulloa : I occupied it, but only as a pledge, declaring that it should be given up as soon as the differences then pending between the two governments were adjusted. This is true ; and I can tell your Excellency safely, that my conduct throughout has been that of a friend to the Mexican nation, not that of an enemy. Unasked, I granted the garrison of Ulloa a most honourable and advantageous capitulation : the wounded Mexicans are now lying in the hospital of Ulloa, by the side of the wounded French, treated like brethren. Master of Ulloa, I can command the city of Vera Cruz to surrender at discretion ; I could have seized it, but refrained from so doing, from respect to the honour of the Mexican nation, and the integrity of their territory, until at length the outrageous conduct of General Santa Anna compelled me to dismantle the city, and carry off its cannon. This duty I performed with every possible consideration for the lives

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\* This is not true. Great Britain (the nation alluded to) has not in her treaty stipulated for the right to carry on the retail trade, but the French Admiral here unguardedly discloses the real motive of the French government to force by arms a treaty on Mexico.

and properties of the inhabitants, using every effort to alleviate the evils of war. I have set at liberty the soldiers, my prisoners, without conditions; the officers I have set at liberty on their parole, and have only retained General Arista, who has been treated with all honours and respect due to his rank. Master of the sea, I could, without risking the loss of a man, destroy every town and village within range of my guns along the coast; and yet I have abstained, up to the present hour, from occasioning any damage.

“In return for such forbearance on my part, what has been the conduct of the Mexican government? Two days after declaring war against France, despite its recent promises and all the laws of humanity, it has promulgated a savage decree, driving out of the Mexican territory, to their certain ruin, the numerous French families therein residing; and striving to irritate against these unfortunates the popular indignation, by furious and lying proclamations. They have been left without defence to every private revenge. The agents of the government have been instigated to aggravate, with refined cruelty, the barbarous law of expulsion; and finally, in a fit of insanity, the government has issued a decree, prescribing the penalty of death to such as should supply provisions to the French in Vera Cruz.

“Excellent Sir, while inditing these lines, and when about to state that such a government, such a lying and malicious government, is unworthy of the civilized age,—the shame and scourge of the generous Mexican nation, whose interests it has sacrificed, as well as betrayed and degraded its character,—behold, the intelligence of the fall of this government has just reached me—the federal constitution has been proclaimed in Mexico. This great event will cause my letter to be almost without an object. Probably this will not find you at Tampico; and I hasten to conclude with the most direct and formal assurance, that no views of ambition, no intention to infringe the Mexican territory, has caused the government of France to send to the shores of Mexico the expedition I have the honour to command. Had France the slightest idea of making a conquest, she would have sent an

army, not a squadron only. I have not a single soldier on board; and as soon as the castle of Ulloa came into my power, I sent back to France the greater part of my squadron, not retaining more than adequate to enforce the blockade. In a time when all nations aspire to be brethren, let not hatred reign between France and Mexico. The feelings which most honour a nation are those which tend to encourage kindness and benevolence, reminding us continually that we all belong to the great family of the human race. I hope, therefore, that the day is not far distant when the Mexican nation, enlightened as to its true friends, will grasp the hand which France, with true sincerity, extends. That such a hoped-for event may soon arrive, is the fervent prayer of the undersigned, who begs your Excellency to receive the assurances of his distinguished consideration.

“The Admiral commanding the Naval Forces of France in  
“the Gulf of Mexico,

“CHARLES BAUDIN.”

It will be seen that at the time Admiral Baudin wrote this disgraceful letter, he entertained a very strong personal animosity towards the Mexican government. Having failed in his object with Urrea, he carried his animosity with him to Texas, where he arrived on the 13th of May. Being received by the Texan ships at Calveston Island with a salute of twenty-two guns, which, with an address of welcome, accompanied with the freedom of the city, added to Admiral Baudin's personal hostility to the Mexican government, he, assisted by M. de Saligny, secretary of the French legation at Washington, drew up a very flourishing account of Texas, which was forwarded to France with all

haste, and which led to the recognition of Texas by France in the ensuing September.

How Holland and Belgium happened to hear of such a place as Texas, even Mr. Kennedy has not informed us; and as I am quite at a loss how to account for the mysterious event, I shall leave the subject for Mr. Kennedy's third volume on Texas.

The gross injustice of the recognition of the independence of Texas by England, at first appears as if exhibited in the recognition of the *de facto* sovereignty of a few citizens of the United States to the territory of Texas, a large portion of which was pledged by the Mexican nation to British subjects for 10,000,000*l.*, which was absolutely paid by them into the coffers of Mexico. This arrangement was first mooted in 1835, one year before the Texans had *declared themselves* absolutely independent of Mexico.\* And this was finally confirmed by decree of the Mexican congress, dated April 12, 1837, one month before the independence of Texas had been recognized by any foreign power; and while negotiations were positively going on between the Texans and the United States for the annexation of that very territory of Texas to a foreign power, namely, the United States. And in order to show that Mexico has virtually no power to recognize the independence of Texas, and that

\* This should be particularly noted, as it will soon be seen that the Texan envoy has publicly denied the fact.



therefore an endless war, which must be most injurious to British interests, is inevitable, I will here introduce the decree of the Mexican congress concerning the debt due to British subjects.

“ THE PRESIDENT, AD INTERIM, OF THE REPUBLIC OF MEXICO  
TO THE INHABITANTS THEREOF.

“ Know ye, that under the authority to me granted by the law of the 4th of this present month, I have seen fit, with the concurrence of the council of government, to decree as follows:—

“ ART. 1. There shall be created a national consolidated fund, with interest at the rate of 5 per cent. per annum, with the sole and determinate object of converting thereinto the entire foreign debt, if it shall appear to the present creditors advantageous so to do, and to fund it in the manner set forth in the following articles; to which effect Messrs. F. de Lizardi and Co., of the city of London, are hereby named and appointed the agents of the republic for said operation; and they shall, in the name of the Mexican nation, emit the corresponding bonds of the said national consolidated fund, in pounds sterling, payable in London, on the 1st of October, 1866, with interest coupons in the margin for each half year until said date. These bonds shall moreover be countersigned by the minister plenipotentiary of the republic in London, or by his representative.

“ 2. The holders of the bonds now in circulation of the foreign debt, proceeding from the two loans effected in London, at 5 and 6 per cent. interest, shall have the power to convert the same bonds, as well the coupons thereof not paid and due, into the bonds of the new consolidated fund, under the following conditions:—1st. The bonds bearing 5 per cent. interest shall be received at par. 2nd. Those bearing 6 per cent. interest shall be received at the rate of  $112\frac{1}{2}$  for 100. 3rd. Coupons for interest due on both loans shall be taken at par. 4th. For the bonds offered for conversion there shall be given in payment one-half of the amount in the bonds of the consolidated fund, bearing 5

per cent. interest, and the other half in land warrants on the vacant lands in the departments of Texas, Chihuahua, New Mexico, Sonora, and California, at the rate of four acres for each pound sterling; and these land warrants shall in like manner bear 5 per cent. interest up to the day on which the holders are put in possession of the lands, and on so doing the accruing interest shall be credited, and the quantity of lands thereby acquired augmented in proportion; always, however, under the conditions that they shall present themselves to take possession in the manner expressed in article 5 of this decree.

“3. Interest on the national consolidated fund shall be payable in London half-yearly, on the 1st of April, and 1st of October of each year, commencing from the 1st of October of the present year of 1837. Until proper measures can be taken for the periodical transmission of the funds for this purpose, the holders of coupons which may become due shall have the right to present them to the agents of the republic in London on the day on which they become due, and to demand of them a certificate, also countersigned by the Mexican minister at the said court, and said certificate shall be received as cash in payment of duties to the extent of one-sixth part, for all duties accruing at the maritime custom-houses of Vera Cruz or Santa Anna de Tamaulipas. The agents of the republic in London shall be bound to issue such certificate when thereto required by the holders of coupons, which may not have been paid when due. Each pound sterling of the amount of said coupons shall be estimated at the rate of five dollars, and the amount of each certificate shall be augmented to the extent of 6 per cent. in full compensation for all difference of exchange, and all expenses 1 per cent., of which those interested shall pay on receiving the certificate to said agents, who shall account for one-fourth part thereof to the Mexican minister plenipotentiary.

“4. The land warrants shall in like manner be issued in the name of the Mexican nation, and shall be countersigned by the Mexican minister in London. They shall be as follows:—  
‘Know all to whom these presents shall come, that the Mexican

nation grants to (here insert the name), or to his representative, the right of property in (here insert the number) acres of land in the department (here insert the department), of which full and complete possession will be given by the competent authority, assisted by the public surveyor, on the presentation of the present document.

“ ‘ Done in London this (here insert the date).’

“ No warrants shall be issued for less than 400 acres, nor for more than 10,000. Those interested shall pay to the agents on receiving their warrants at the rate of twelve reals for each 100 acres, of which three reals to the minister for his signature.

“ 5. The right of property in the land warrants may be transferred from one person to another by endorsement; but after the lands to which the warrant gives right are taken possession of, and a title granted, such lands can thereafter only be transferred by public act of sale in legal form.

“ 6. The land warrants, when to be located on lands, must be presented to the government office of the corresponding department, there to be recorded, as they are presented, in a book to be kept for that purpose, that preference may be given in the location according to the order of presentation, for which purpose there shall be delivered a certificate setting forth the number and location thereof; on presentation of which document to the local authorities, they, with the assistance of the public surveyor of the department, shall give possession of the land chosen, taking care to observe the condition of the 11th article of the law of the 6th of April, 1830, which says—‘ In virtue of the power which congress reserves to itself in the 7th article of the law of the 18th of August, 1824, it is prohibited to foreigners to settle on lands adjoining or bounding on those states or territories belonging to the country of which they are citizens.’

“ In consequence whereof all contracts in contravention of this law must be suspended.

“ 7. For further security in the payment of the principal and interest of the national consolidated fund, the Mexican government

specially hypothecates, in the name of the nation, 100,000,000 of acres of the vacant lands in the departments of California, Chihuahua, New Mexico, Sonora, and Texas, with special guarantee to said consolidated fund, until the total extinction of the bonds; and moreover, if any sales are made on the lands so hypothecated, it shall be at no lower rate than four acres for the pound sterling, and the amount shall be payable to the agents of the government in London, who alone are qualified to issue the corresponding warrants, and these agents shall employ all sums so received in extinguishing the bonds of the said national consolidated fund.

“8. The period during which the conversion, according to article 2 of this decree, can have effect, shall be from the date of publication of this decree in London, during one year, after which period no further conversion can be effected.

“9. During the said period, and until December 31, 1839, the holders of bonds of the consolidated fund shall have the right to exchange them, either at the time of receiving them from the agents, or thereafter, for land warrants of an equal amount, with an addition of 10 per cent., at the rate always of four acres per pound sterling. But after the 1st of January, 1840, although the right is still retained to the holders of converting the said bonds into land warrants, with the like addition of 10 per cent., it shall be at the rate only of three acres per pound sterling.

“10. Finally, foreigners who, in virtue of their land warrants, shall come to establish themselves on their properties, shall acquire from that date the title of Colonists, and shall participate, they and their families, in all the rights and privileges which the laws grant, or may grant, to any others of the same origin, and under the same conditions; but it shall not be permitted to one individual to hold more than one square league of 5,000 yards of land capable of irrigation, four square leagues superficial of land fit for cultivation, and six superficial leagues of pasture land; and the enjoyment of the mines which may be found on the lands so granted, shall be subject to the regulations of the general ordinances of mines.

"It is accordingly ordered, that the present decree be printed, published, and circulated, and carried into effect.

"Given at the palace of the general government, in Mexico, April 12, 1837.

"JOSE JUSTA CORRO."

On the receipt of this decree by the Mexican agent in London, a public meeting was held on the 9th of August, 1837, when the following agreement was entered into between the Mexican agent and the Mexican bond-holders.

"AGREEMENT.

"A public meeting of the holders of Mexican bonds having been held, pursuant to public advertisement, at the City of London Tavern, on the 9th of August, 1837, for the purpose of taking into consideration the decree of the Mexican government in relation to its foreign debt, dated in the city of Mexico, the 12th of April last, communicated by Messrs. F. de Lizardi and Co., the agents of the Mexican government in London,

"It was Resolved,—

"That a committee of bond-holders be appointed to examine and consider the terms and conditions of the above-mentioned decree, and to report their opinion thereupon to a future general meeting of the bond-holders.

"The said committee having accordingly attentively considered the terms of the said decree, a further general meeting of the bond-holders was held at the City of London Tavern, on the 5th of September instant, when it was agreed, so far as regarded the bond-holders then present, that the terms of the said decree should be accepted, subject to the modifications recommended by the committee.

"And the said modifications having been submitted to the

consideration of A. de Yturvide, Esq., the Mexican minister at this court, they have by him been assented to, on behalf of his said government.

“In accordance, therefore, with the same, the following agreement has been drawn up and entered into by the special committee of the Mexican bond-holders on the one part, and A. de Yturvide, Esq., representing the said Mexican government, and F. de Lizardi and Co., the agents of the said government in London, on the other part, as the stipulations under which the conversion of the existing Mexican bonds into the new consolidated 5 per cent. stock is to be effected.

“I. The first article of the said decree is accepted and agreed to without modification, and is as follows:—

“There shall be created a national consolidated fund, with interest at the rate of 5 per cent. per annum, with the sole and determinate object of converting thereinto the entire foreign debt, if it shall appear to the present creditors advantageous so to do, and to fund it in the manner set forth in the following articles, to which effect Messrs. F. de Lizardi and Co., of the city of London, are hereby named and appointed the agents of the republic for said operation; and they shall, in the name of the Mexican nation, emit the corresponding bonds of the said national consolidated fund in pounds sterling, payable in London, on the 1st of October, 1866, with interest coupons in the margin for each half year, until said date. These bonds shall moreover be countersigned by the minister plenipotentiary of the republic in London, or by his representative.

“II. The second article of the said decree to be modified as follows:—

“The holders of the bonds now in circulation of the foreign debt proceeding from the two loans effected in London at 5 and 6 per cent. interest, shall have the power to convert the said bonds, as well as the coupons thereof, not paid and due, into the bonds of the new consolidated fund, under the following conditions:—

“1. The bonds bearing 5 per cent. interest, shall be received at par.

"2. Those bearing 6 per cent. interest, shall be received at the rate of  $112\frac{1}{2}$  for 100.

"3. Coupons for interest due on both loans, shall be taken at par.

"4. For the bonds offered for conversion, there shall be given in payment one-half of the amount in the bonds of the consolidated fund, bearing 5 per cent. interest, and the other half in deferred bonds, to commence to bear interest from the 1st of October, 1847, at the rate of 5 per cent. per annum, and which deferred bonds shall be at all times receivable in payment of vacant lands in the departments of Texas, Chihuahua, New Mexico, Sonora, and California, at the choice of the purchaser, at the rate of four acres for each pound sterling; and when deferred bonds are applied in the purchase of lands, interest at the rate of 5 per cent. per annum shall be allowed from the 1st of October, 1837, up to the day on which the holders are put in possession of their lands; and, on so doing, the accruing interest shall be credited, and the quantity of lands thereby acquired, augmented in proportion; always, however, under the condition that possession shall be taken in the manner expressed in article 5 of said decree.

"III. The third article of the said decree is modified as follows:—

"Interest on the national consolidated fund shall be payable in London, half-yearly, on the 1st of April, and on the 1st of October, of each year. The bonds of the first series to commence to bear interest from the 1st of October, 1837,—those of the second series, from the 1st of October, 1847; and for the better securing the punctual payment of the said interest, the Mexican government shall appropriate irrevocably thereunto, one-sixth part of all the custom-house duties of the ports of Vera Cruz and Tampico (Santa Anna Tamaulipas). This portion of the duties to be received from the administrators of the customs by two commissioners, to be appointed by the Mexican government, one of whom to be nominated on the recommendation of the agents of the bondholders in the city of Mexico. These

commissioners to transmit, by every English packet, to the agents of the Mexican government in London, the aforesaid funds—the commission to be paid to the said commissioners for this service, by the Mexican government. If from any cause, any of the dividends shall not be paid in London, within ten days from the date of the same falling due, the holders of coupons, which may so remain unpaid, shall have the right to present them to the agents of the said republic in London, and to demand of them a certificate, countersigned by the Mexican minister at the said court; and the said certificate shall be received as cash in the payment of duties, to the extent of one-sixth part of all payable at the maritime custom-houses of Vera Cruz and Tampico. The agents of the republic in London shall be bound to issue such certificates, when thereto required by the holders of coupons which may not have been paid when due. Each pound sterling of the amount of said coupons shall be estimated at the rate of five dollars, and the amount of each certificate shall be augmented to the extent of 10 per cent., in full compensation of all difference of exchange and all expenses.

“IV. The fourth article in the said decree, referring to land warrants, forms no part of this agreement; but the deferred bonds to be issued, shall contain a clause or clauses which shall stipulate that the Mexican government, when thereto required, shall grant to the bearer of the said bond full right of property and complete possession in the number of acres of land, corresponding to the amount of the said bond, with the accruing interest thereon, at the rate of four acres of land for each pound sterling, of which full and complete possession shall be given by the competent authorities, on presentation of said deferred bond.

“V. The fifth article of said decree is modified as follows:—The deferred bonds may be transferred from one person to another by delivery, without endorsement; but after the lands, to which the bond gives right, are taken possession of, and a title granted, such lands can thereafter only be transferred by public act of sale in legal form.



" VI. The sixth article of said decree to be modified, by substituting the words *deferred bonds* for land warrants.

" VII. The seventh article of the said decree shall be modified, by adding the stipulation, that the Mexican government, in addition to the general hypothecation contained in said article, shall specially set apart, by a public decree, twenty-five millions of acres of government lands in the departments having the nearest communication with the Atlantic, and which may appear best suited for colonization from abroad. The said lands to be specially and exclusively held open for the location of deferred bonds. When lands are applied for in exchange, and if sold by the Mexican government, the produce thereof to be appropriated to the redemption of the said bonds.

" VIII. The eighth article of the said decree is agreed to without alteration.

" IX. The ninth article of the said decree to be considered as cancelled.

" X. The tenth article is adopted without modification.

" XI. On the 1st of April, 1848, and subsequently half-yearly, the payment of the interest on the said deferred bonds, or such part thereof as may then remain unliquidated, shall be regularly made by the agents of the said republic in London, in the same manner as has been provided in respect to the first division of the bonds named in Article 2.

" XII. Although the Mexican government obliges itself to set apart one-sixth of the custom's revenue collected at the ports of Vera Cruz and Tampico, for the payment of the interest on these obligations, it is fully understood, that in the event of the same not being found equal to the required purpose, the whole revenues of the state are to be responsible for the same, as provided in the original bonds; and further, that the bonds issued under this agreement shall contain all the guarantees and securities granted to the bond-holders by the original bonds, besides the new special securities conferred by this agreement.

" XIII. All expenses attending the exchange of the said bonds are to be borne by the Mexican government.

“ XIV. The bonds of the first class to be liquidated by the Mexican government on or before the 1st of October, 1866. Those of the second class on or before the 1st of October, 1876.

“ XV. The original bonds presented for conversion are to be deposited in the Bank of England until the payment of the first dividend by the Mexican government, on the 1st of April next, when the same shall be delivered up to the agents of the Mexican government.

“ Signed and delivered in London, this 14th } “ A. DE YTURBIDE,  
day of Sept. 1837, in the presence of }  
“ Chargé d’Affaires for the Mex.  
“ E. J. de Landesa.” Rep. London.

“ F. DE LIZARDI AND Co., Agents.

The modifications proposed in the foregoing agreement were confirmed by the following act of the Mexican Congress, and the President’s Order in Council :—

“ His Excellency the President of the Republic (*ad interim*) has been pleased to address me the following decree :—

“ The President (*ad interim*) of the Mexican Republic to the inhabitants thereof: Be it known, that the General Congress hath enacted and decreed as follows :—

“ ART. I. The Agreement made with the holders of Mexican bonds in London on the 14th of September, 1837, is hereby approved.

“ II. For completing the conversion of the foreign debt, the term of one year more shall be allowed; said term to be calculated from the date of publishing this decree.

“ III. With regard to the colonization which may be established under the present Agreement, the government must take care that the existing laws relating to emigration be enforced, as likewise any others that may in future be enacted, provided the same be not contrary to the tenor of the Agreement.

" IV. The government will also take heed that in conformity with the 6th article of the Agreement, no lands on the frontiers shall be granted to the subjects of the border states in the event of any bonds falling into their hands which they may be desirous of exchanging for lands under the provisions contained in the 5th article of the Agreement.

" V. The lands reserved by the decree of the 4th of April, 1837, in favour of the soldiers of the army of independence, shall be allotted by the government from the waste lands in the provinces of California and Yucatan. The other two reserves of lands mentioned in the said decrees retained at the disposal of Congress for future allotment in favour of the Indian tribes and nations, and of the soldiers of the army for the restoration of Texas, shall be distributed by the government in this manner; to the former, the lands nearest the frontier, and to the latter, such waste lands as may be situate on the Gulf of Mexico, at the distance of at least twenty-five leagues from the sea.

" VI. The government is most strictly enjoined on its own responsibility, that the lands be so divided among the emigrants as to prevent their too great concentration on one point: they are, therefore, to be located (the colonies) at some distance from each other, and as near to our own towns as may be convenient.

" VII. To obviate any inconvenience which may arise in the execution of the agreement with regard to the extent of land designated by the term *acre*, the government will take measures to ascertain the exact value of the acre compared with the land measure known in this country, and to adjust thereby the value of the land warrants issued by virtue of the Agreement. Signed, Jose Maria Garcia Figueroa, President and Deputy. Sebastian Camacho, President of the Senate. Mariano Aguilar y Lopez, Deputy and Secretary. Jose R. Malo, Secretary of the Senate.

" Wherefore I order the same to be printed, published, and circulated, and that this act of Congress be duly obeyed. Palace of the national government, Mexico, 1st of June, 1839.

" ANTONIO LOPEZ DE SANTA ANNA.

" To. D. Francisco M. Lombardo."

“And to the end that the preceding decree be truly and exactly fulfilled, his Excellency the President, with the consent of the council of the government, orders that the following directions be observed:—

“PRESIDENT'S ORDER IN COUNCIL, RELATING TO  
THE ABOVE ACT.

“1. Conformable to the extension of time granted by the 2nd article of the preceding act, the old bonds of 5 and 6 per cent., which may be presented for conversion, shall be liquidated up to the last day of September, 1837, and shall gain interest from the 1st of October of the same year.

“2. The deferred bonds which have already been issued, or which may be issued in virtue of the extension of term conceded by the above-mentioned Article II. of the preceding act, shall be admitted and received up to the 30th of September, 1847, in exchange for waste lands in the departments specified in the original Agreement.

“3. The administrators of the custom-houses of Vera Cruz and of Santa Anna de Tamaulipas (Tampico) are hereby appointed to receive the sixth part of all the duties which may be received in their respective custom-houses, and to remit the same to London, agreeable to the stipulations contained in the 3rd article of the aforesaid Agreement. For the performance of this duty, a charge of 2 per 1000 shall be made upon the entire amount received at each custom-house, and this commission shall be equally shared (by the administrator) with the commissioner named and appointed by the government, according to the tenor of the 3rd article of the said Agreement.

“4. And that the stipulations contained in the said article be exactly and truly fulfilled, the administrators of the custom-house of Vera Cruz and Tampico under their immediate responsibility, are directed to insist, from the date of publishing this law, upon the payment to them of the sixth part in hard money, of all sums received for duties in the said custom-houses, in the understanding that any order of the government issued prior to, or posterior to the date of this law, for the payment of any bill or draft issued

by the Treasury, shall be always construed without prejudice to the separation of the sixth part stipulated for, and specially assigned by the said Agreement for the payment of the dividends.

"5. In case that funds required for payment of the dividends on the foreign loans should not be remitted to London in due time, and that it should be found indispensable to admit the certificates which may be issued by the agents of the republic in London, countersigned by the Mexican minister to the Court of St. James's, the said certificates shall be duly admitted by the administrators of the custom-houses of Vera Cruz and Tampico in the manner, and with the conditions and formalities fixed by the 3rd article of the Agreement, and with the instructions detailed in this present ordonnance.

"6. If in any case the funds for payment of the dividends should not be timely received in London, and that in consequence thereof the agents of the republic issue certificates admissible for the sixth part of duties payable at the custom-houses of Vera Cruz and Tampico agreeable to the 3rd article of the treaty, such certificates shall be duly received and admitted in payment, and whatever funds may have been previously remitted to London shall be at the disposal of the supreme government.

"7. For the proper safety of the funds which may be remitted to London by the administrators of the custom-houses of Vera Cruz and Tampico, for the payment of the dividends on the foreign debt, his Excellency the Minister of Finance and the agents of the republic shall take care to have the needful insurances effected.

"8. The funds at present existing in the hands of Messrs. Baring, Brothers and Co., of London, intended for the payment of the dividends on the old loan of 5 and 6 per cent., shall be exclusively applied to the payment of the interest on this debt, which is to be remitted to London conformable to the conditions contained in the preceding agreement.

"9. To obviate the inconvenience which would be occasioned by the agents for the republic issuing certificates in duplicate, as regards their admission at the custom-houses of Vera Cruz and Tampico, they are hereby expressly prohibited from issuing any

such documents in duplicate, seeing that any risk of loss in their transmission must be for account of the owners, by reason that it is stipulated in the Agreement that the amount of the certificates shall be augmented 10 per cent., as full compensations for all costs and expenses to be incurred, and because the owners can protect themselves by insurance against the loss of their documents.

“10. It shall be distinctly and clearly stated in the certificates issued by the agents of the republic, that the same shall be fully received and admitted at the custom-houses of Vera Cruz and Tampico of the bearer, as effective payment in hard money for the sixth part of any duties which he may have to pay. These certificates shall be drawn out with such marks and checks as may, in the opinion of the agents of the republic and of the minister plenipotentiary to the British Court, be considered necessary to prevent errors or fraud.

“11. To the end that the admission of these certificates at the custom-houses of Vera Cruz and Tampico be conducted in a clear and distinct form, and with the view of avoiding any abuse or fraud which might be attempted to the injury of the nation, and of the creditors themselves, in addition to the entries made in the usual and ordinary books of the custom-houses, there shall be a separate and distinct book kept at each of the custom-houses of Vera Cruz and Tampico, for the sole object of entering these certificates: said book shall be paged throughout, and signed in the first and last page by the commissioners of the Treasury (the other pages having only the *rubrica*.)

“In this book are to be entered, in rigorous numerical order, the certificates as they may be presented for admission, in payment of the sixth part of any duties, and which may be cancelled, expressing the date, amount, and number of such certificate, agreeable to the accompanying model.

“12. Whenever any certificates shall have been admitted in payment of duties at the custom-houses of Vera Cruz and Tampico, the same shall be immediately cancelled and rendered unfit for circulation by cutting a piece out of the centre, half an inch in diameter; and this shall be done in the presence of the administrator, comptroller, and chief clerk of the custom-house, sending

by the first post a particular account thereof to the Treasury, from whence it will be forwarded to the minister of finance.

“ 13. For the better attainment of the objects contemplated in the preceding instructions, his Excellency the minister plenipotentiary to the court of St. James, and the agents of the republic in London, shall take especial care to give timely and punctual advices to the custom-houses of Vera Cruz and Tampico, and to the Minister of Finance, of all certificates issued by them, duly enumerating their numbers, dates, values, &c., the certificates must absolutely be issued in strict numerical order, which on no account whatever is to be altered or interrupted.

“ 14. At the general treasury of the republic there shall be kept a paged book, whereof the first and last pages shall be signed by the minister of finance; (the intermediate ones bearing his *rubrica* only;) this book shall be expressly kept for the purpose of showing a clear and detailed account of the operations carried on at the Custom-houses of Vera Cruz and Tampico, on the subjects previously detailed in the 10th article of the instructions. For this purpose the administrators of those custom-houses will give timely advice of their proceedings to the general treasury.

“ 15. Since it may occur that the certificates issued by the agents of the republic be presented indifferently at Vera Cruz or Tampico; to avoid any error or fraud, as also with a view to ascertain whether the whole interest on the foreign debt be covered or not, the administrators of these custom-houses are directed to communicate frequently with each other, advising the amount of certificates which may be presented at their respective offices, taking care to mention their numbers, date, value, &c. And should, at either of the custom-houses, any error or mistake be noted, or that any fraud be committed or attempted to be made, then advice thereof to be sent immediately to the general treasury and to the Minister of Finance to the end that the government may dictate such orders as may be required without prejudice to any proceedings which the administrators may have thought fit to institute before the proper tribunals.

“ 16. For the true and faithful observance of all the stipulations contained in the 4th, 5th, and 6th articles of the Agreement, and of the 3rd, 4th, 5th, and 6th articles of the preceding act of congress, there shall be appointed with the least possible delay a committee of emigration under the immediate orders of the supreme government, composed of three intelligent persons suitable for the office, who shall have the control of the land surveys, location of emigrants, and other necessary details, bearing in mind the end and purpose of the 6th article of the decree of the 12th of April, 1837, which has been admitted, and remains an integral part of the above-mentioned Agreement.

“ 17. The agents of the republic having first notified such to the minister plenipotentiary at the British court, shall proceed to form an exact account, supported by vouchers, of all and every the expenses occasioned by the issuing of the new bonds for the conversion of the foreign debt, which shall be duly transmitted to the minister of finance.

“ 18. Immediately upon concluding the payment of the first dividend of the interest on this new consolidated debt, whether such payment be made in London, or by the issue of certificates as herein before described, the agents for the republic shall proceed, in conformity to the 15th article of the Agreement, to collect the original bonds now deposited in the Bank of England, and in the presence of his Excellency the Mexican minister to cancel and render the same unfit for circulation, by cutting out from the centre of each bond a piece of half an inch diameter, and this same operation shall be performed on all bonds which may hereafter be presented for conversion. Both his Excellency the minister and the agents shall give due notice and account to the minister of finance of the bonds thus cancelled, describing from whom received, amount, dates, &c., and all these said documents shall afterwards be placed in a safe deposit, as may be agreed upon by his Excellency the minister to her Britannic Majesty, together with the agents for the republic, so that at any time these documents, when needed, can be forthcoming to prove the legality of the conversion.



" 19. The issue of new bonds shall be limited to the precise sum required to satisfy the amount of the old bonds, with arrears, &c., which shall be presented for conversion, so that there shall never be issued one new bond except to replace an old one; which latter is to be directly cancelled, and deposited in a place of safety, as provided for by the preceding article.

" 20. In compliance with what is enacted in the 7th article of the before recited act, and for the due fulfilment of what is stipulated in the preceding Agreement with respect to the deferred bonds, it is declared hereby that the acre mentioned in the Agreement contains 4840 English yards, and is equivalent to \* Mexican measure.

" 21. To the end that the accounts of the foreign debt be kept at the general treasury with necessary care and accuracy, so as to correspond with the debt as now established by this present conversion, there shall be opened the proper accounts in the great book, under the different heads of capitals and interests, so that at any time the situation and amount of the foreign debt may be easily seen in all its parts.

" 22. Whatever operations may be entered into either within or without the republic relating to this debt, must appear in the books of the treasury; therein must be entered also whatever amounts are received or paid, whether such sums be in cash or in any description of national securities.

" 23. For the better carrying into effect the instructions contained in the preceding article, the agents of the republic, entrusted with the management of these affairs, shall remit by every English packet a general account made up to the day of remission, and of this copies shall be sent by the government to the treasury, for the needful entries to be made. Such public officers in the republic who may effect any operation connected with the foreign debt can only do so by virtue of a treasury warrant, and they must give due notice, upon the same being completed, to the treasury.

\* There is a blank in the original.

“ 24. At the end of every year the treasury shall make out a general statement of the foreign debt, arranged to the 31st of December, and this shall form part of the general statement of the public credits and liabilities which the government submits every year to congress.

“ And I communicate this to you by order of his Excellency the president, for your information and government.

“ *Mexico*, 29th *July*, 1839.

“ God and Liberty.

“ To Messrs. F. de Lizardi and Co.”

“ ECHEVERRIA.

From the foregoing documents may be gleaned the precise interests and *rights* of *British subjects* in Texas, when Lord Palmerston recognized the *de facto* independence of that country: but even that act of gross injustice towards his own countrymen is not unparalleled; for the territory of which the Texans claim the sovereignty under the right of conquest,—notwithstanding that three-fourths of that territory remain an unexplored wilderness, into which the Texans are forbidden to penetrate by its *unsubdued*, unconquerable, and lawful owners, the native Indians,—includes a large portion of the states of Tamaulipas, Coahuila, Chihuahua, and the territory of Santa Fe, or New Mexico, in addition to Texas-*Proper*, under the Spanish regime, as shown on the map: but the territory claimed by these people is under an act of the *Texan Congress*, (and not the right of conquest, as they falsely assert,) passed in the session of 1836, and which defines the boundaries of Texas thus:—

“ The boundary of the republic of Texas is as

follows, beginning at the mouth of the Rio del Norte, about 26 north latitude, and up that river to its source; thence a due north course to the source of the river Arkansas, the boundary-line of the United States, following that river in all its meanderings to about the 99th degree of longitude from London; then a line due south to the Red River, following the course of the Red River to a line due north from the junction of the Sabine River, with the 32nd parallel of latitude, and about the 94th degree of longitude; then taking the course of the Sabine River to its termination in the Gulf of Mexico."

Thus this boundary embraces that portion of the Mexican states I have mentioned, which lies east of the Rio del Norte; hence, then, the injustice to the unoffending Mexicans of those states. But our modern geographers are not satisfied with this wholesale plunder, as defined by the Texan congress, and recognized by Lord Palmerston; they needs must leave a sally-port in the north-western corner, which may be seen in Mr. Arrowsmith's map, as published in Mr. Kennedy's work, through which the Texans, "in the constancy of the Anglo-American spirit," are to reach the shores of the Pacific!

But surely Messrs. Arrowsmith and Kennedy must be aware that the physical features of the country, that lies between the north-western boundaries of Texas as correctly defined in the map which accompanies this work, present in-

numerable and indeed insurmountable obstacles to the influx of emigrants from Texas or the United States to California and the shores of the Pacific. While the hostile Indian tribes on the frontier, and the dense population in the interior of Mexico, at once render the ingress and egress of the Texans to the Californias from the western frontier of Texas, so totally impossible, it is almost too absurd to allude to such visionary projects, except to illustrate the folly which is constantly brought before the public by authors, who collect matter to form their works in other countries, which is the course Mr. Kennedy says he pursued, instead of writing from personal observation, and the latter he could not have done, as he was not more than six weeks in Texas. The boundary line between the United States and Texas has also been commented on by Mr. Kennedy at great length, in which he would lead the world to believe that the former has had an indisputable title to the soil of Texas since the cession of Louisiana to the United States by France, up to the time the states recognized the independence of Texas, notwithstanding that the boundaries between Mexico and the states were unalterably defined by Onis's treaty of 1829, which has long been the law of nations on that subject; thus we find the boundary in question defined in the third article of Onis's treaty of 1829 :

“ARTICLE 3. The boundary line between the two countries west of the Mississippi, shall commence from the Gulf of Mexico,

at the place where the river Sabine empties itself into the sea; and it shall continue northward by the west bank of this river, until it reaches the 32nd degree of latitude, from which point it shall continue in a straight line due north, until it strikes the red river of Natchitoches, and then it shall proceed eastward up the course of that river as far as the 100th degree of longitude west from London and 23 degrees from Washington, at which point it shall cross that river, and continue by a straight line due north on the same degree of longitude to the river Arkansas, the south bank of which it shall follow up to its source in the 42nd degree of north latitude, and from this point a straight line shall be drawn following the same parallel of latitude to the Pacific Ocean. All according to the map of the United States, published in Philadelphia, by Mellish, and perfected in 1818. But should it be found that the source of the Arkansas river is either to the north or the south of the said 42 degrees of latitude, the line shall continue from the source of that river due north or due south, as the case may be, until it reaches the said 42 degrees of latitude, and then shall follow that parallel to the Pacific Ocean. All the islands of the Sabine river, red river of Natchitoches, and Arkansas river in the whole of the course described, shall belong to the United States; but the use of the waters and navigation of the Sabine to the sea, and of the before-mentioned red river and Arkansas river, along the whole course of their respective banks, comprehended within their limits here specified, shall be common to the inhabitants of both countries."

Then follows a clause by which Spain for ever renounces all right, &c. to territories to the east and north of the said line; and the *United States in like manner renounces for ever all rights, claims, and pretensions, to all territories situated to the west and south of the said line.* But whilst every effort was and is being made to disturb the established order

of things—while the creation of a new country, and the dismemberment of an old and friendly nation were going on, not a voice was raised in the British parliament on this important subject, except that of Mr. O'Connell, who unfortunately took a wrong view of the Texan question in the first instance, and when advised as to the right course, did not think proper to follow it.\* However, he urged the propriety of the treaty between Texas and England being brought before the house; but this Lord Palmerston evaded, and not a particle of information upon this vital subject could be obtained in any quarter until the month of May, 1841, when the following official communication from General Hamilton was published, to lull the natural suspicions and apprehensions of those who were most deeply interested in the Texan question, namely the British creditors of Mexico :

“MY LORD,

“London, November 5, 1840.

“As our communications in relation to the proposed mediation of Her Majesty's government, in procuring a pacification between Texas and Mexico, and the assumption by the former of a portion of the public debt of the latter, have hitherto been entirely verbal, I beg leave to transmit you this despatch, that the reasons and motives, which may influence the republic of Texas in making this assumption, may not be liable to any farther misconstruction. In the first place, I must enter a *protestando* against the inference that Texas is BOUND in any degree for any portion of the said debt on any principle of international law, or by any one obligation of private justice.

\* Vide Letter to Mr. O'Connell in Appendix.

“Mexico violated the charters she had granted to Austin's colonists, on the faith of which the Anglo-Americans had emigrated to Texas, and recovered its territory from the savage tribes, with whom Mexico was incapable of coping. These violations were accompanied by atrocities, which rather belonged to the dark ages than the day in which we live.

“Texas consummated her independence in 1836. In 1837, after Mexico had lost all possession of and sovereignty over Texas, she concluded a convention in London with the Mexican bondholders, and assigned certain portions of her public lands in several of her provinces or departments. She was guilty of the absurd mockery of including in this convention those situated in the department of Texas, where she had neither a man nor a foot of land over which she exercised jurisdiction east of the Rio Grande.

“I need not insist, I am sure, with your lordship, on the absolute nullity of this convention, as far as Texas is concerned. But what I desire to do is to do voluntarily, as a concession to the benevolence and philanthropy of her Majesty's government, which have induced you to come forward and offer its intervention in producing a pacification between the two countries, honourable to both.

“If, therefore, Mexico will consent to a truce with Texas within thirty days after the communication of any convention, we may conclude on the subject by her Majesty's ministers at her capital, and in six months after will conclude a treaty of amity and commerce with Texas, which shall provide for a satisfactory and well-defined boundary between the two countries, I shall be quite willing to come under a stipulation that Texas shall assume one million sterling of the public debt of Mexico, contracted by Mexico prior to the year 1835, which is precisely the sum the United States offered for the whole country in 1830. The value it has acquired since has been conferred on it by the enterprise, heroism, and intelligence of the citizens of Texas themselves, and is a just and honourable acquisition of their own.

“This I desire to be regarded as a voluntary concession; for

I conceive Texas no more bound to assume a portion of the public debt of Mexico, than the thirteen American colonies, after they achieved their independence, were bound to assume a share of the national debt of Great Britain. Your lordship, however, in our conferences, has never pressed this as a matter of right, although I have not failed to recognise the zealous attention and regard you have paid to the interests of a class of her Majesty's subjects, who have long suffered under the bad faith of Mexico, and whom, under a just equivalent to the citizens of Texas, I shall be gratified if they shall be instrumental in indemnifying.

"In conclusion, I have the honour to remain, with distinguished consideration and regard,

"Your Lordship's obedient Servant,

"J. HAMILTON."

"The Right Hon. Lord Viscount Palmerston."

This letter (which is quite Texan in the way of contradiction,) is dated the 5th November, 1840, eight days before the treaty was signed between England and Texas,\* and Lord Palmerston accepted this letter as the basis of the subjoined convention which was signed the day after the treaty.

#### "CONVENTION.

"Whereas her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous of putting an end to the hostilities which still continue to be carried on between Mexico and Texas, has offered her mediation to the contending parties, with a view to bring about a pacification between them ;

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\* The treaty between England and Texas was published in the United States' papers in June, 1841: the copy given in the Supplement is taken from an American paper.



and whereas the republic of Texas has accepted the mediation so offered: the republic of Texas and her Britannic Majesty's government have determined to settle, by means of convention, certain arrangements which will become necessary in the event of such pacification being effected; and have for this purpose named as their plenipotentiaries, that is to say, the republic of Texas, General James Hamilton, &c., &c.; and her Majesty the Queen of the United Kingdom, the Right Honourable Henry John Viscount Palmerston, Baron Temple, a peer of Ireland, a member of parliament, Knight of the Grand Cross of the Most Honourable Order of the Bath, and her Britannic Majesty's Principal Secretary of State for Foreign Affairs; who, after having communicated to each other their respective full powers, found in good order and due form, have agreed upon and concluded the following articles:—

“Art. 1. The republic of Texas agrees that if by the mediation of her Britannic Majesty an unlimited truce shall be established between Mexico and Texas within thirty days after this convention shall have been communicated to the Mexican government by her Britannic Majesty's mission at Mexico; and if within six months after that communication shall have been made, Mexico shall have concluded a treaty of peace with Texas, then, and in such case, the republic of Texas will take upon itself a portion, amounting to one million pounds sterling, of the capital of the foreign debt contracted by the republic of Mexico before the 1st of January, 1835.

“Art. 2. The manner in which the capital of one million pounds sterling of foreign debt, mentioned in the preceding article, shall be transferred from the republic of Mexico to the republic of Texas, shall be settled hereafter by a special agreement between the republic of Texas and the republic of Mexico, under mediation of her Britannic Majesty.

“Art. 3. The present convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible within the space of nine months from this date.

"In witness whereof, the respective plenipotentiaries have signed, and have affixed thereunto the seals of their arms. Done at London the 14th day of November, in the year of our Lord, 1840.

(Signed) "PALMERSTON.

"HAMILTON."

General Hamilton, whilst absolutely craving the mediation of her Britannic Majesty on behalf of Texas with the mother country, for the suspension of hostilities, on the issue of which depends the independence of the republic of Texas, enters his "protestando" against the inference that Texas is bound in any degree for any portion of the foreign debt of Mexico, on any principle of international law: but the gallant Texan envoy must have forgotten that the debt contracted by Mexico with British subjects was for the express purpose of promoting the internal improvement of the Mexican states, and that the loan raised by Mexico in London was so applied by the Mexicans, and that a due portion fell to the lot of Texas. In order, however, to substantiate his "protestando" he states, "I conceive Texas no more bound to assume a portion of the public debt of Mexico, than the thirteen American colonies, after they had achieved their independence, were bound to assume a share of the national debt of Great Britain." Here it is necessary to remind the enlightened plenipotentiary that England had no foreign debt at the time to

which he alludes ; and if she had, as is the case with Mexico, he may be sure that the foreign creditors of England would have applied to, and, in case of refusal, compelled the thirteen American colonies to assume a part of the *foreign* debt of the mother country.

There are a few other assertions contained in General Hamilton's despatch, that are worthy of a passing notice. He says, "Texas consummated her independence in 1836." If so, where was the necessity of his soliciting, in 1840, the mediation of the Queen of the United Kingdom with Mexico ? And if the latter, as Gen. Hamilton has stated, lost "in 1837, all possession of, and all sovereignty over Texas," why call in a third power ? Is it simply for the satisfaction of making a voluntary concession of £1,000,000 sterling to the benevolence and philanthropy of the British government ? If Texas achieved her independence honourably and nobly, and was so prepared to maintain it, would she now offer to pay "precisely the sum the United States offered for the whole country in 1830," when she can console herself with the assertion put forth by the Texan envoy in his "protestando ?" Certainly not.

When speaking of the violations of certain contracts between Mexico and the Texans, that "were accompanied by atrocities which rather belonged to the dark ages than the era in which we live," his Excellency, as a matter of course, alludes to the

following, which are historically recorded by several *American writers* :—

The massacre, by the first Anglo-American settlers in Texas, of the Carancauha Indians, amounting to 350 families, men, women, and children, say 600 souls, . . . . .	600
The massacre of a poor Indian woman, who was shot, and "had both knees broken for stealing a handful of corn from a crib."—( <i>Texas in 1840.</i> ) . . . . .	1
The poor wounded Indian, who was asked by a <i>gallant</i> Texan officer, "where he would be shot, opened his bosom, and pointed to the centre of his breast, which was immediately pierced by a ball, and a rope being tied to his legs, the body was dragged some distance, and finally hung upon a tree, where it remained until eaten up piecemeal by the wolves and vultures."—( <i>Texas in 1840.</i> ) . . . . .	1
The unprovoked massacre of Salcedo's officers by the Texans, at San Antonio, amounting to . . . . .	27
The assassination of General Long by his Texan soldiers	1
Ditto " Thompson, a planter on the Brazos in 1828 . . . . .	1
The assassination of ——— Foster, a planter on the Brazos in 1828 . . . . .	1
The assassination of Judge Fisher, Matagorder, 1839 . . . . .	1
The massacre of 14 Indian chiefs and two women at San Antonio, April, 1840; they having entered that settlement for the purpose of concluding treaties with the Texans . . . . .	16
The deliberate assassination of Vance and three of his associates on the Houston race-course in April, 1840, in the presence of two or three thousand persons . . . . .	4
The duel between a Colonel of the Texan army and a subaltern officer at Austin, May, 1840, in which both were mortally wounded . . . . .	2

It must have been these 655 bloody deeds to which the worthy envoy alludes in his despatch, and not to the one *provoked*, but nevertheless unjustifiable, reprisal made by the Mexicans when they put Fanning and his armed and rebellious associates to death; or to the murder of two Englishmen, Mr. Ward and ———, by the Indians, at the city of Austin, in March, 1840. These are indeed grave atrocities, but they do not, when duly considered, equal the enormities which history has already recorded against the Texans. The Texan prides himself on his Anglo-American blood, boasts of his humanity, his moral and political perfection, and finally of his high state of civilization; therefore there is nothing that can be urged to extenuate his crimes. Whereas the Mexicans are described by some modern authorities, as proud, idle, revengeful, priest-ridden, and in fact a half civilized race only, whom, however, the history of civilized nations will in some measure excuse, in the case of Fanning and his men, by merely recording the usage common among civilized nations in all cases of rebellion; and as for the poor, oppressed, and benighted Indians, who are still far beyond the pale of civilization, and who have never heard the commandment of their God, "Thou shalt do no murder," and yet are being robbed and *murdered* daily by the very Christians whose duty, and whose study it ought to be, to teach and protect them; surely the acts ascribed to these poor creatures cannot be said to be their own crimes.

But even admitting for a moment that all these Texan atrocities that I have brought forward from historical records, could be justly inscribed on the escutcheons of the Mexican nation, yet we find them paralleled in the history of Europe, aye, even down to the very era in which we live. Take, for example, Spain and Portugal, where reprisals have been made, not *once*, but repeatedly, and British subjects shot in cold blood under the very guns of their own country! And yet these countries are not expunged from the map of Europe, nor British interests in either overlooked. Is Mexico, then, to be erased from the map of the new world for *one* reprisal? a country which is to England, in the west, what Turkey is in the east; while the United States, in the Gulf of Mexico, is to the several powers on the continent of America, what Russia, in the Black Sea, is to the powers of Europe! Are then the restless, acquisitive, and ungovernable Anglo-Americans to be suffered (under any pretext) by the British government to overrun Mexico and to extend their territorial boundary to the shores of the Pacific? If so, it is time for the Mexicans, and the British merchants, and the creditors of Mexico to unite to a man, and call on the South American republics, one and all, to resist the first and unjustifiable inroad (on the Mexican territory), of their rapacious, mortal, and acquisitive enemies, the Anglo-Americans of the United States.

General Hamilton, who, about two years ago,

was a slave-holding citizen of the United States, must, as such, be aware that the boundary between the United States and the Mexican province of Texas, has long since been satisfactorily defined and recognized by the law of nations. For surely he cannot allude in his despatch to the boundary of Texas as independent, while he acknowledges the existence of hostilities between the Texans and the parent state, or be allowed to throw off allegiance to his country; and appear at the court of St. James's as a citizen of Texas, so created for the express purpose of disturbing the boundaries of Mexico. Lord Palmerston must, doubtless, have seen the drift of the Texan envoy, which is simply to break up the existing order of things, that he may open a door to his acquisitive countrymen that shall eventually lead them to the possession of the treasures of Mexico, as well as those of the Pacific. However, the convention between England and Texas, of which General Hamilton's despatch was accepted by Lord Palmerston as the basis, is simply a recognition by the British government of hostilities pending (at the very moment the treaty was signed) between Mexico and her rebellious colonists in Texas; and as it is generally reported that Lord Palmerston's Texan treaty has not yet been ratified by the British government, this convention cannot be looked upon as a recognition of the independence of the republic of Texas by Great Britain, a subject which is not to be handled without the most profound

consideration, replete as the colonial history of England is with the injuries and dangers that accrue to a mother country from the interferences of a foreign power in disputes between a parent state and her colonies. Where, it may be asked, are these injuries and dangers more distinctly exhibited than in the colonial history of England? But while we repudiate such unjustifiable interferences, stigmatize them as unpardonable, and are the first to seek the fullest atonement, let it not be said that England has prematurely and unjustly interfered in this case, which is immediately connected with one of a similar nature, that has placed the life of a British subject in imminent peril, and may therefore be appropriately cited as a case in point. On the contrary, now that the period so peremptorily defined by the Texan envoy for the ratification of a treaty of amity and commerce between Mexico and Texas, has expired without the ratification of such a treaty taking place, her Majesty's government should accept the refusal of Mexico to surrender her sovereignty to the Texan territory, as a strict confirmation of the existence of hostilities between the two countries, and should endeavour to obtain from Gen. Hamilton some information as to the course the Texans intend to pursue, remembering that the interests of that "class of her Majesty's subjects who have long suffered under the bad faith of Mexico," have suffered most from protracted civil wars, in which the Anglo-Americans and Texans



have taken an active part, in direct violation of every private contract and international law. The sentiments of the Mexican nation on the subject of the recognition of the independence of Texas may be gleaned, moreover, from the following extract from the protest of the Mexican Chargé d'Affaires, addressed to Lord Palmerston, and subsequently approved by the Mexican government:—

“The government of Mexico ratifies the protest of the Chargé d'Affaires (Mexican) to Lord Palmerston, adding that the acknowledgment of a faction of adventurers as an independent nation is contrary to the principles which Lord Palmerston, conjointly with the four powers, has maintained in Europe in the Turco-Egyptian question, in which no adventurer, but an illustrious prince, a native born in the country, endeavoured to withdraw himself from the sovereignty of the Grand Seignor of Constantinople. That the conduct of Lord Palmerston was a breach of the harmony and good faith, which was considered also by the Spanish-American States to be a characteristic of the British government, so that it was impossible to conceive that, in the face of existing treaties of alliance and friendship between Great Britain and Mexico, by which the integrity of the Mexican territory is acknowledged, how should be recognized as a sovereign people, not a fraction of the same territory and its primitive inhabitants, but a handful of adventurers, who in the sight of all the world have entered upon the Mexican territory, bringing slaves with them to re-establish slavery in a country in which by law slavery was abolished. That in the treaty between Lord Palmerston and the agent of Texas there is no provision for the abolition of slavery; a condition which the English government has exacted from all the Spanish-American governments in the treaties celebrated with them. That the territory of Texas is mortgaged for the foreign debt of Mexico, and to

permit the alienation of a property so sacred, against the will of its owner, and encouraging the aggressors with moral force, which Lord Palmerston has done by the recognition of their independence, is to attack every principle of justice and international right, and will be a most ominous precedent for the new world.

“In consequence, the Mexican government, firm in the justice of its cause, and resolved to preserve the integrity of its territory, will commit to force the execution of the national will, whose energy is daily displayed in the resources voluntarily proffered by all the citizens, and in the progressive amelioration of the revenues of the state; and the English people will render justice to Mexico when it is seen that the anomalous conduct of the British ministry does not prevent her from fulfilling the obligations which she has contracted, and will see besides that the Mexican nation knows how to distinguish between the British people and the government.”

The last paragraph of this protest is by no means complimentary to Lord Palmerston. Although true, it is nevertheless sincerely to be hoped that the House of Commons will, in some way, acknowledge the friendly feeling of the Mexican nation towards their constituents, and that they will devise some measures to secure the continuance of the friendly disposition of Mexico towards Great Britain.

Finally, Texas, in the exercise of her nominal and would-be *de facto* independence, has strained every point to obtain a loan of 5,000,000 dollars from England. Having failed in London, Holland was tried, with no better success; and recently General Hamilton has modestly asked but for 2,000,000 dollars. In what manner it is intended to apply this money, will be the subject of another chapter, while I

will venture to offer a word of advice to capitalists on this subject, which is, first to inquire (not as regards Texas only, but every other country) into the nature and extent of the natural and artificial resources of the country that makes such an attempt: and secondly, into the means possessed or proposed for their development before they advance their money, which has already found its way across the Atlantic much quicker than it will find its way back.

This remark, though applied to North America generally, may be more strictly applied to Texas, where the spontaneous resources, and indeed the soil itself, which, liberally offered to British capitalists as a security for money, and for sale to others, at 15*s.* per acre, is still in the possession of the native Indians. The successful development of its agricultural capabilities for the cultivation of cotton, sugar, indigo, coffee, tobacco, rice, &c., must depend on Negro labour, which I think the reader will be convinced, on reading the subsequent chapters, Texas will not be able *much* longer to obtain. These are facts, which, if overlooked by capitalists, they must inevitably lose every shilling they advance to Texas; and surely it is to be hoped that the hard-earned millions of England will not again be advanced on the mere recommendation of our North American bubble-mongers, or European revolutionists and political demagogues. The evils of so doing are at this moment ripe, and their

baneful tendency too generally felt, to need any further comment on the subject.

The geographical position of Texas has, more than once, been alluded to by the Texan advocates as presenting innumerable advantages to capitalists, and to the governments of Europe, who may be anxious to work a fiscal revolution in Mexico and the United States; but without descanting on the moral turpitude of such an object, it cannot be denied that the millions which have been lent to both those countries were advanced for the express purpose of their internal improvement, thereby promoting their external resources, so as best to secure their own prosperity, and yield the return sought by their creditors. The policy of both these countries seems to be that of keeping up prohibitory duties!

Mexico, when she had shaken off the yoke of the mother country, found a mercantile polity exclusive in favour of Spain calculated to confine to her all commerce, and had to open her ports to foreign nations, under a system becoming her as an independent nation. She was filled, some thirty years ago, with a population of which two-thirds were demi-civilized Indians, who were almost the only labourers and cultivators of the soil, not living on the produce of the chase, like the Indians of North America. These Indians, though industrious, could not afford to clothe themselves and families, owing to the price of

goods, on which duties were levied to the amount of 200 or 300 per cent. on prime cost. These high duties have more or less been continued to defray the increased expenses of the war of independence. Hence, then, Mexico, in all her revolutions, could never attempt to adequately lower her tariff; but hopes are now entertained of a great reduction whereby all classes will be able to clothe themselves, and the revenue will be vastly increased. The United States, with her manufactures in their infancy, has pursued a similar system, and been compelled to forego the entire development of her agricultural resources, for the extension and general improvement of her manufactures: and if any political economist, or person of common sense, can be led to believe that Texas either can, or will be suffered to become so formidable to the United States and Mexico, and to the British merchant in both cases, as by admitting goods, duty free, to destroy the fiscal regulations of those countries, I lament exceedingly that I cannot, on taking an unbiassed view of the question, bring forward one point on which they can ground such a vain hope: on the contrary, it is by no means doubtful, that, as soon as the United States finds, which she must ere long, that Texas pretends first to ruin her manufactures, and then to become her most formidable rival in agriculture, she will take up such a position towards Texas as will convince her of the weakness of her

real geographical position, and that it would be much easier to carry on a war across the Sabine than across the Rio Grande.

But the policy of the Texans is, and must be, war, so long as Mexico remains unsubdued, and until the last of the Native Indian tribes are exterminated. Finding themselves without the least probability of reconciling the former, and having failed in the execution of all their plans for the speedy completion of the latter, they took a part in Canales' revolutionary schemes for the dismemberment of Mexico.

In the summer of 1839 Canales attempted, without money or arms, to raise the long-fallen standard of federalism. Having witnessed the success of the Texan rebellion, he was induced to believe that Tamaulipas, his native state, was just as much entitled to be declared an independent republic as Texas. He therefore collected a force of about 700 men, who first declared the states of Tamaulipas, Coahuila, and Durango, an independent republic, under the title of the Republic of Rio Grande, and then elected Canales president. Immediately after his election Canales marched at the head of his followers to Laredo, a small town on the Rio Grande, where the insurgents remained to the month of April, 1840, when they were attacked and defeated by General Arista, who commanded a strong detachment of the centralist troops. Canales, and a few of his followers, made good their

retreat, directing their steps as fugitives towards the capital of Texas, where they arrived about the 1st of May, having secured the friendship of the Comanches, and other Indian tribes, through whose territory they passed, by assuring them that he and his followers were nothing more than missionaries and traders. Canales soon enlisted the sympathy of the Texan government, and, after a few days spent in negotiations with the president of Texas, which were strictly private, Canales left Austin for Galveston, where he was followed by the Texan president, who arrived at Galveston on 20th of May, when the private negotiations were renewed, and continued between the contracting parties to the 25th, when Canales embarked on board a Texan armed schooner, the San Jacinto, Captain Postelle, for Live Oak Point, a small settlement in Western Texas, to make arrangements for the disembarkation at that point of 500 volunteers, which he raised in Texas, with the consent of the Texan government during his short visit. Canales had but one Mexican officer with him, Colonel Caravajal, who was formerly a surveyor in Texas, when under the Mexican government. He, however, engaged General Baker and Colonel Wigginton, with several other Texan officers of inferior rank. The first place to be attacked by Canales was Matamoros, a Mexican garrison, about thirty miles from the mouth of the Rio Grande. On the 28th the first draft of volunteers followed Canales, in two schooners, con-

voyed by two Texan armed schooners ; and on the 30th another draft arrived at Galveston, from the interior of Texas, for the same service. This draft consisted of thirty-two men : and on the 8th of June another body of men sailed from New Orleans, for the same destination. The exact extent of territory claimed by the republic of Rio Grande is as follows. From the river Nueces (the western boundary of Texas) on the east, to the western boundary-line of the state of Durango, on the west, and from the Gulf of Mexico, on the south, to the northern boundary of the state of Chihuahua, on the north.

Canales had scarcely turned his back before the result of his private conference with the Texan ruler was divulged, and was currently reported as follows :—The entire Texan fleet, consisting of one corvette, two brigs, and the three schooners already alluded to, were to be employed in the federalist service in the first instance ; but so soon as the latter possessed themselves of a seaport, the whole fleet was to have been sold or handed over to Rio Grande by the Texan government, on the following terms :—

“ 1st. The president of the republic of Rio Grande (General Canales) pledges himself to declare the independence of the republic at Rio Grande, and to declare and establish the state and federal constitution of 1824, so soon as he shall have established his head quarters within the limits of the territory claimed by the said republic.

“ 2nd. That the republic of Rio Grande shall immediately



after the said declaration of independence recognize the independence of Texas.

“3rd. The republic of Texas pledges herself to aid the federalists of Rio Grande in their struggle for independence, directly her independence is recognized by the republic of Rio Grande.”

Thus the total dismemberment of Mexico was to have been speedily completed under the specious pretence of a regard for the constitution of 1824. Every petty state in the northern and eastern parts of Mexico was to have been invited to raise the standard of rebellion; and in the event of their being molested by the central republican government of Mexico, it was arranged that they should annex themselves to Texas under the federal system referred to.

While the Texan government was anxiously looking forward to the completion of this their darling object, the dismemberment of Mexico, Colonel Wigginton hastened away to the United States to raise 2,000 men for the military service of Rio Grande. Who was to have taken command of these troops, was not known. Canales being only a village lawyer, could not be their leader. In fact he was nothing more than a puppet in the hands of the Texan government, which had raised him to the position he then held to secure the influence he possessed in the states that were to form the new republic. These states, it was generally believed, would have declared in favour of

federalism, all Mexico would have been convulsed, and the British capital invested in the mines of Durango and Zacatecas, and in commerce, might have been lost, and all British interests in Mexico seriously compromised.

The Texan militia was rapidly organizing, at this period, throughout the republic, for the ostensible purpose of chastising the Comanche Indians, who were concentrating all their force between the rivers San Antonio and Guadalupe, in western Texas, in order to revenge the massacre of their chiefs at San Antonio in the month of April. The Cherokee Indians, were also preparing to commence hostility against Texas. The troops on the west of the Brazos were ordered to march against the Kickapoos and other Indian tribes, who were engaged in hostilities with the settlers in Robertson country, about the three forks of the Trinity river; in fact, the affairs of Texas generally assumed a very war-like appearance. Canales, however, no sooner found the prospects of success somewhat doubtful, than he endeavoured to accommodate matters with the government of Mexico. And on the 6th of November, 1840, a convention was signed between General Reyes (commanding part of Arista's army) and Canales, and by the terms, not only was the cause of federalism and all notion of the new republic of Rio Grande abandoned, but Canales and all the Mexicans under him joined General Reyes,

and have since actually made war upon the Texans, (whose duplicity they discovered,) in conjunction with Arista's army.

Part of the Texan and American adventurers who were taken from Texas and the United States were surprised and made prisoners, but the remainder had intimation of the nature of the convention, and fled in all directions back to Texas. Thus ended the first partisan war of the Texans, and so will every other, where the undisciplined hordes invade their neighbours, the sovereigns of the soil they have usurped so ungratefully.

## CHAPTER V.

Present population of Texas—Whites—Indians and Negroes—  
Misrepresentations respecting the white population—Statistical  
table of towns and population of Texas in 1839 and 1840—  
Aristocratical Land-owners, Usefuls, Contemptibles or White  
Niggers, and Loafers—Oppressive system of taxation—Houses  
open to visitors—The Texan ladies—The rising generation—  
Texan salutations—The Texan Planters—The former and  
present religion of Texas—A graphic sketch of a Texan  
gambler—Inns and boarding houses, &c., &c.

THE present inhabitants of Texas consist of three distinct classes, Anglo-American, or whites, about 54,088; Indians, 80,000; and Negroes, 10,000 to 12,000, in all 146,088. The first profess civilization; the second wander over the face of the country, and contend for their primitive rights, lands, and freedom; the third are exposed to the degradation and horrors of slavery in its worst forms.

There is not a subject connected with the history of Texas, that has been so grossly misrepresented, as that of the character and numbers of the white population, and this has obviously been done for several reasons. The exaggerated accounts commenced with the scheme for the separation of Texas from Coahuila, which could only be mooted,

as it was in 1834, on the ground that Texas possessed "the necessary elements to form a separate state," viz., "a population of 80,000 souls." To reach this standard, it was necessary to multiply hundreds by thousands; and since the Texans have established their independence, they have been impelled to continue the estimate system on which they started first, to make it appear to the people of the United States that the white population is sufficiently numerous to afford peaceably disposed emigrants every protection against the Indians and the millions of Mexicans; and lastly, the greatest object of all is to deter the Mexicans, by swelling the Texan might, from attempting to reconquer the country; but the subjoined table will enable the reader to form an opinion on this subject.

The following is the Statistical Table of the Towns and Population of Texas, in 1839 and 1840.

Cities and Towns.	Resident Population.
Austin (Capital of Texas) . . . . .	400
Anahuac . . . . .	50
Bolivar . . . . .	50
Brazoria . . . . .	250
Columbia (East and West) . . . . .	200
Goliad . . . . .	250
Galveston (Island and City) . . . . .	5,000
Gonzales . . . . .	250
Houston . . . . .	2,073
Live Oak Point . . . . .	20
Lynchburgh . . . . .	20
Lamar . . . . .	35

Liberty . . . . .	20
Matagorda . . . . .	600
Nacogdoches . . . . .	750
Osceola . . . . .	50
Richmond . . . . .	80
San Antonio . . . . .	2,000
San Augustin . . . . .	1,000
San Patricio . . . . .	200
Sabine . . . . .	150
San Felipe . . . . .	20
Victoria . . . . .	600
Velasco . . . . .	100
Washington . . . . .	400
Washington, New . . . . .	20
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Total of the Residents in Towns . . . . .	16,588
Agricultural population, exclusive of Negroes	12,500
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Permanent residents . . . . .	29,088
Transient visitors, such as traders, land jobbers, and adventurers of every description going backwards and forwards . . . . .	25,000
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Total	54,088*

There are a number of other towns in Texas, such as La Grange, Bastrop, Texana, &c., that consist of a solitary boarding house and one or two negro huts, while others, many of them county

\* What a contrast this with the representations of "Le Constitutionnel" of the 10th of March, the "Colonial Magazine" of January, Messrs. Lafitte & Co., and Mr. Kennedy! The "Morning Post" alone comes near the mark. See "Morning Post" of February 15th, 1841.

towns and cities, have been laid out, but remain uninhabited up to the present time; in fact, the facility with which the Anglo-Americans incorporate cities and build towns, is well known, and is no where more remarkable than in Texas, where nothing more is required of a man, woman, or child, than to possess a piece of land, and with a few pegs to sectionize a portion of it, and then tack "ville" or "burgh" to the end of their name, and the city, town, or hamlet is complete, and forthwith placed on the list of flourishing and populous localities.\*

The white population of Texas are called "Texans," a new born-race, hatched in the United States, and recently enrolled in the list of civilized nations. Having thus far merely described their political history, I shall proceed to bring forward their manners, habits, and customs, which have been industriously misrepresented to the English people. The Texans are generally styled the first offsprings of America, and the grand-children of England. As such they become interesting objects of inquiry, in which it is painful to note the singular deformities of their rapid degeneration, whether measured by the modern standard of civilization or morality. To bring a people just merging from a miserable oblivion, the life of the western wilderness, at once up to this standard, may be deemed unfair by an impartial reader; yet when a nation professes to

\* Thus is explained the list given by Mr. Kennedy, nearly as long as the post-towns of England and Wales!

be civilized, and when English writers of great literary pretensions proclaim them to be so, we are naturally led, in a moral point of view, to suppose that the great mass of the people of which she is composed, have abandoned or subdued the natural vices of the human heart, and that the first object of their life is the suppression of vice, and the promotion of virtue. The first by encouraging industry, particularly in the domestic arts, as the first step towards social refinement, and the latter by promoting moral education, backed by moral precept; and in a political point of view, we at least look for civil and religious toleration—nay, liberty, as the substratum of their present and future political existence as an independent nation.

But it is almost impossible to believe that these, and they are but the first elements of civilization, will ever find their way to, and be cherished in Texas, a country filled with habitual liars, drunkards, blasphemers, and slanderers; sanguinary gamblers and cold-blooded assassins; with idleness and sluggish indolence (two vices for which the Texans are already proverbial); with pride, engendered by ignorance and supported by fraud, the art of which, though of modern construction, is so well defined, and generally practised, that it retards even the development of the spontaneous resources of the country.

That all the elements of an intolerable and



despotic aristocracy are rife in the United States at this moment, no one can deny; and that these elements are for the most part confined to the southern states (whence the Texans principally come from), is equally indisputable, and we need no further proof of their existence in Texas, than the simple fact, that every revolutionary movement that has occurred in Mexico since the establishment of an Anglo-American colony on the Mexican frontier, has been stigmatized and complained of by the democratic republican Texans, as "the acts of the populace," or "mob." Here we may ask what has the Mexican army been since the establishment of republican institutions in Mexico, but a citizen soldiery? or, in other words, the republican constituency of the country in arms?

The inconsistency of these complaints from a republican people, is only equalled by the warm sympathy which they drew forth from the people of the southern states; a fact that should not be overlooked by the well-wishers of democratic movements in the north.

But if we need any further proof of the aristocratic disposition of the Texans, it will be found in the impenetrable lines of demarcation already established in society in Texas, which is divided into the four following and distinct classes;—Despotic aristocratical Land-owners and Speculators, Usefuls, Contemptibles, and Loafers.

The first consists chiefly of Planters, Slave-

holders, and Government Officers.\* These men have not the least spirit of accommodation in them, and the simplest act of civility may be considered as a very great condescension for them.

The second are overseers, store-keepers, and master tradesmen. The contemptibles are those who are obliged to labour hard to get their daily bread; these are also called "white niggers."

The Loafers are by far the most numerous class, and are those who go about from one dram-shop to another, for the purpose of gaming and sponging on their friends, and not unfrequently on strangers; † but this latter practice is by far too common in Texas to be confined or strictly applied to any one branch of the community. Notwithstanding the existence of these several grades, there is nothing sufficiently remarkable in their dress to distinguish the agriculturist from the soldier, the merchant, or mechanic; but still, when you behold the Texans, either separately or *en masse*,

\* I must beg to exempt the officers of the Texan navy from the criticisms I am now entering on. I cannot refrain from stating that I never met a more liberal, high-minded, and gentlemanly set of men in any part of the world. Their position afloat secures them from the contamination on shore.

† Such are the people whom Mr. Kennedy represents as "brave, intelligent, enterprising, and calumniated, who are to afford to England the benefit of a profitable connexion," and to Mexico "the advantages resulting from the neighbourhood of a state founded by men of British origin." See his Letter, "Times," 12th August, 1841.

they exhibit all the features of a ruffianized European mob, to whom, however, they are greatly inferior in social refinement, and much less formidable in a military point of view. The agriculturist being very deficient in his physical character, and totally ignorant of the manly exercises of the field; the soldier, of the gentlemanly and professional acquirements of his calling; the merchant, wanting in faith, stability, and business habits; and the mechanic, in that inventive genius and perseverance for which the English nation is so justly famed. "Still made up of such motley materials, which have not had time to coalesce and unite into a homogeneous whole, no general and uniform character can be ascribed to the people of Texas. The new settler in mingling with his fellows, witnesses no common or uniform manners, customs, or language,—sees no pattern to which he may conform, and hence each one retains his own previously formed habits, *nor even thinks of adopting any model.*" \*

The planters, however, are, on the whole, about the most moral and best-behaved people in the country. They are, with few exceptions, poor and in debt.† The slave-labour employed by them, is

\* *Texas in 1840. By an Emigrant.*

† Very few of the inhabitants of Texas, with the exception of their lands, which are not yet available (being in the hands of their lawful owners, the Indians), are in possession of wealth, or even enough to preserve them from early want.—*Texas in 1840. By an Emigrant. Page 233.*

generally obtained on credit, and for which they pay so much monthly or quarterly to the slave-owners, either in cotton or hides.

The slaves thus employed are chiefly owned by New Orleans' cotton brokers, who keep agents constantly travelling through the country, to collect the cotton, &c., as the instalments fall due, and in this way the whole of the cotton raised in Texas is pre-engaged by these brokers for three and four years.

That the planters of Texas can stand this ruinous system, certainly appears problematical, when we consider their present immense public debt,\* and the great burden imposed on them by the congress of 1840, under "an act to create a revenue by direct taxation;" which is, without any exception, one of the most oppressive systems of taxation † ever yet introduced into any country, and indeed unjustly so, when applied to the Texan planter, whose substance was freely given to support the government, and whose services were as freely given in the ranks of the army, during the

\* Mr. Hartnel, supposing the French loan of 37,000,000 francs to be realized, makes it 13,614,319 dollars. (See Texas and California, page 47.) If this be true, the proportion on the public debt bearing upon every individual of the 29,088 permanent residents of Texas, is forty dollars, and not nine, as Mr. Hartnel calculates on Mr. Kennedy's wrong datum of 200,000 souls.

† For assessed taxes of Texas, vide Index, chapter ix.

war of independence, leaving his plantation to become a barren waste, his cattle to run wild again, and his wife and children exposed to all the horrors of an internal war.

On the plantations, the spade is seldom seen; the plough, harrow, and hoe are the only implements of husbandry generally in use in Texas. The fences are all made of wooden rails, and are said to be extremely durable, and are certainly constructed with much rustic taste. The houses of the planters are also made of wood, in the architecture of which they display but little taste for domestic comfort; they are, however, open to travellers, but not, as some may suppose, without charge, and their charges are by no means so moderate as to lead visitors to suppose that hospitality has yielded altogether to the sheer necessity of "mine host," whose countenance either betrays low origin, or partakes at once of the acuteness of the Scotch, the discernment of the Irish, and the inflexible sternness of the English. The Texan ladies seldom show themselves to strangers, and, like those of the United States, they use either the pipe or the swab.\* They have little

\* The "swab" is a piece of soft wood about three inches long, which they chew at one end until it forms a brush, then dipping it into a small bottle of brown rappee snuff, which they carry about them for the purpose of cleaning their teeth; this operation being performed, the "swab" is placed on one side of the mouth, while the pipe sometimes takes the other.

neatness or cleanliness of person to attract the eye. Their figures are scarcely to be described; coarse from neglect, or emaciated by self-indulgence, their skins have borrowed from the sun the exact hue of the lemon; and if the countenance be a true index of the mind, I doubt not that their dispositions have somewhat of the peculiar flavour of that sour bullet of the tropics; but yet, to those who admire silence above every thing else in woman, permit me to introduce the ladies of Texas, *par excellence*, as mutes.

The reader must here be left to form his own ideas of the rising generation, from the stock above described, while I merely venture to add, that their "constant friction" with the negroes in early life, will impart a striking "tincture" of the sambo character to the rising race, that will not be less amusing to their transatlantic brethren, than is Mr. Rice in his favourite character of "Jim Crow."

The usual salutation of the Texan gentlemen is, "How does your copperosity sagaciate this morning?"—"How are you now?" (this is all after an absence of some years.) "A pretty considerable of a jug full of sun this morning,"—"A tarnation upstreet sort of a day this, I calculate."

On entering into conversation, they take out their knives and commence "whittling;"\* first taking

\* "Whittling" means cutting sticks, for which purpose every Texan as well as American carries a knife.

special care to eject from the innermost recesses of their "pants" those small detachments of fleas who are (backed by an auxiliary force of some twenty mosquitoes) instinctively prone to locate themselves in those regions. So great is their propensity for "whittling," that they frequently, if sitting on a chair, put down their hand and bring it up again with a long slice off one of the legs, which they begin to "whittle," and "calculate" the exact value per thousand of the wood of which the chairs are made.

When speaking of those men who have been fortunate enough to gain their esteem, they say, "He's an up-street man that,"—"A right smart man,"—"A pretty considerable of a man,"—"A tarnation tall man:" this last expression, when applied to some of their eminent men who happen to be considerably under the middle standard, is far more amusing than all the rest of their peculiarities, and cannot fail to probe the gravity of a stranger.

In no country in the world do men shave more clean than in Texas, and a barber is deemed as great an acquisition in a new settlement, as Sir Isaac Newton's studies have proved him to be in the advancement of science; indeed the calculations of the latter have not done more, in their way, than those of the former, who, while clinging to the nose, will tell one the exact length of beard a man shaves off in the course of a life of seventy years, "com-

mencing first to shave at the age of sixteen, and allowing that in every sixty-four days he shaves off one inch of beard, it would, on a calculation, be found, that, at the end of seventy years, he had shaved off fifty-eight feet, two inches of beard." This is certainly an heir-loom in the way of discovery, that must be set down to the Texan barbers.

The religion established in Texas previous to her separation from Mexico, was the universal religion of the latter country—the Roman Catholic apostolic religion; and as the ceremonies, &c. of that church are so generally known, and celebrated for their uniformity in all Roman Catholic countries, it would be superfluous here to enter into a detail of them; however, it may with safety be said, that the religion of the present white population of Texas, which is called Protestantism, about as much resembles the Church of England, in its forms and ceremonies, as the forms and ceremonies of the Church of England resemble those of the Greek Church.

But the following comparison, as drawn by an anonymous Texan author, between the Roman Catholic religion in Mexico and Protestantism in Texas, showing their moral influence on their respective countries, will serve to establish the truth of the above assertion.

“There is not,” says the Texan author, “throughout the vast extent of Mexico, the least variation in



the Roman Catholic ritual, from the frontiers of Guatemala to Santa Fé. The churches are every where scrupulously built upon the same plan—the same number of bells suspended in every steeple—the statues of the Holy Family, carved in the same posture, with the same inflexible strictness of features, and dressed exactly in the same style—the same processions are performed at the same hours, and the same cut of ecclesiastical furniture is preserved. Thus the Roman Catholic religion appears like a figure dressed up for winter, with cloak and cap, and linings of fur. The Protestant religion consists rather of negatives, and is like a young fellow in his summer deshabelle. It may be called Christianity in round-about. Our creed (the Protestant) sits upon us as light as summer air. It is of a most plastic nature, suffering itself to be moulded into any form or shape. There is but one simple point in it which can be considered as unalterable, and in which we all agree—it is to protest. Hence comes our name; but we are now divided into so many petty schisms and parties, that the whole is well nigh reduced to an impalpable powder, having lost all the original leaven and savour."

"As for us," continues the same author, "here, in Texas, we are no ways particular about religion, since we reported ourselves as Roman Catholics, though mortal enemies to that system of faith."

When speaking of this imposition, our author does not go as far as the truth of the case will admit to illustrate his assertion, for it will be remembered that the first Anglo-American colonists who entered Texas with General Austin, not only reported themselves as, but they solemnly swore that they were, Roman Catholics, which the fundamental laws of Mexico peremptorily required. But the author I am quoting goes on to say, "Think not that we deny the necessary articles which constitute the basis of all religions, such as the existence of a Supreme Being, the spirituality of the soul, and a future state of rewards and punishments. We hold fast that indispensable substratum, without which not even civil government could be maintained; and we may say, also, that we are more pure in morals than the Mexicans. There are no highway robberies amongst us, nor thefts, except such as proceed from negroes."

Here our author overlooks the cold-blooded assassinations committed with the Bowie knife and pistol, that are the constant tenants of every Texan's bosom, and with which hundreds have been killed (white men) since their introduction to the country, to say nothing of the host of Indians who are murdered without mercy in Texas daily.

However, he says, "In point of chastity, also, the most important and influential qualification of northern nations, we are infinitely superior to them. Lust is with us hateful and shameful; with them it

is a matter of indifference. This is the chief curse of the south. The leprosy, which unnerves both body and mind, is what caused the mighty Roman empire to sink under the assaults of the northern barbarians." Here he indulges us with the common boast of the Anglo-Americans. "A mighty wave is again starting from the same point, and it will sweep even to the Equator. \* \* \* The southern races must be renewed, and the United States are the *officina gentium* of the new continent. Mexico cannot withstand the shock, nor her people resist. How could they? who is there to rouse and direct them? Their priests? Are they not sunk into gross immorality and ignorance? What will a sacrilegious priesthood, loaded with concubines and bastards, do for them? Are they not polluted to their heart's core? Have they not introduced a pestilent distinction between morality and religion? It is not so with Protestantism. Christianity, with us, is one and the same thing with morality, or, at least, we never attempt to separate them."

"There are," he adds, "undoubtedly hypocrites amongst us also, but I would say they are comparatively few. They cannot trust in outward rites, as possessing any value of themselves, in order to lay a deceitful unction to their souls. The Roman Catholic religion, I know, possesses in itself all the rules of morality, and the most efficient spiritual means of enforcing the practice of virtue; but that religion with them receives a strange hue, from

their system of civilization, which is in the main too much akin to the morisco."

Leaving theological polemics to Doctors Wiseman, Philpots, Pusey, and Chambers, it is only fair to the Catholics to quote what M. de Tocqueville says of them in his book on America. He observes, "I think that the Catholic religion has erroneously been looked upon as the natural enemy of democracy. Amongst the various sects of Christians, Catholicism seems to me on the contrary, to be one of those which are most favourable to the equality of condition. In the Catholic church the religious community is only composed of two elements, the priest and the people. The priest alone rises above the rank of his flock, and all below him are equal."

"On doctrinal points," says our author, "the Catholic faith places all human capacities upon the same level; it subjects the wise and the ignorant, the man of genius and the vulgar crowd, to the details of the same creed; it imposes the same observances upon the rich and the needy; it inflicts the same austerities upon the strong and the weak; it listens to no compromise with mortal man, but reducing all the human race to the same standard, it confounds all the distinctions of society at the foot of the same altar, even as they are confounded in the sight of God."

Finding these loose opinions universally disseminated through Texas, I felt, as a Protestant, anxious to attend some Protestant place of worship,

in order to be able to judge of the extent of the schisms and doctrines of the several religious parties.

Hearing, one day, that the Rev. W. Taylor, a Protestant clergyman, from the United States, who was generally spoken of as an able and orthodox preacher, was going to preach, I went to hear him. On entering a room set aside as a place of worship, I found the ladies seated on one side, busily engaged with their fans, while the gentlemen were as industriously employed chewing tobacco on the other. Prayers commenced, and I soon detected that the general confession, the Litany, and its substitute, together with the Communion service, were totally omitted. When the prayers were over, the reverend divine above named, gave a whole chapter from the Romans as his text, and proceeded with his discourse, a portion of which I will here give:—"What," said he, "is all this bustle and fussing we hear in the world about the salvation of man's soul? Why, it is the simplest thing alive—the simplest thing in the world. It is a simple matter of fact, and I'll tell you how it is to be done—I'll tell you how. Why, go home, and believe in the Lord Jesus Christ—that's all—that's all you have to do. I have always preached this doctrine, and, to illustrate the comfort it has given to the afflicted, I'll mention a case. A poor Dutchman, who had lost two children, came running—[Mark! the Dutchman ran!!]—in great trouble.

I asked him what was the matter? when he exclaimed, 'Oh, Sir!

' Mine two babes, Sir, so dead as knits,  
' Whom Got did take away vid fits ;  
' Dem vas too good to live vid me,  
' So Got did take dem home to live vid he.'

' Well, well,' I said, ' you must go home, too.' The man stared at me; but I said to him again, ' You must go home!'—he looked down—' and believe in the Lord Jesus Christ!' He did not wait to make any answer, but ran away, and in a few days he came to me again, and said, ' Oh, Sir,

' If Got did kill mine babes so dead as knits,  
' You did take away mine fits.'"

This discourse was delivered with great energy, and at the conclusion of it the congregation sung a hymn to the air of "Auld lang syne," and retired.\*

They have in Texas, Methodists, Independents, and a long string of other dissenters *from their Protestant church*, but whether these constitute the schisms which the Texan author alludes to, I am not prepared to say, though I soon discovered the existence of both "the petty schisms, parties," and the "impalpability" of the "powder" to which Protestantism is reduced among the Texan com-

\* This sermon was actually delivered at Houston, in Texas, in 1840.

munity, who have been lauded by many travellers as the warmest advocates of religious toleration! But to bring this subject to the test, we will suppose the man who "ran" to Mr. Taylor, in such sad dudgeon, to be a black man,—a negro, and Mr. Taylor seeing the trouble of the father for the loss of his children, would he dare say to the poor negro, "Go home, and believe in the Lord Jesus Christ?" Not he: for if he were to approach the negro, even in the capacity of a clergyman, or if a Roman Catholic priest were to venture to put the sign of the cross on a black man in Texas, what would be the consequence? He would be either shot on the spot, or he would be taken, tarred, feathered, whipped, and started on a log into the nearest river, to find his way to the bottom, or to some more hospitable locality. Such is the true spirit of religious toleration in Texas.

In these criticisms of the white population, I may be considered by some, who are unacquainted with the character of the frontier settlers of the transatlantic states, to be biassed by some personal or political prejudice; but such is not the case, and in order to prove this, I will avail myself of Mr. Kennedy's description of a solitary member of a very numerous Anglo-American fraternity. "Bring down my baggage," said one of these worthies, an adventurer (a gambler) from Arkansas, to the waiter of an inn. "What is it, sir?" inquired the latter. "Three pistols, a bowie-knife, a

pack of cards, and a shirt." "Among all ranks and classes in Mexico," continues Mr. Kennedy, as if fearing that the above anecdote would tell too strongly against the Texans, "the mania for gambling ruinously prevails." But this he advances from hearsay, never having been in Mexico, and therefore must not be taken as an infallible authority on this subject; however, the mania for gambling does prevail in Mexico to about the extent that it does in Old Spain.

The hotels and boarding-houses in Texas are conducted in the most miserable way, being extremely filthy, filled with vermin of every description, and wretchedly supplied with food. Their charges are exorbitant, and after the description I have given of the people, the reader can easily imagine what the society must be. These establishments on the sea coast, such as at Galveston, Matagorda, and at Houston, are in a slight degree better than those in the interior, one of which we find thus described by the author of "Texas in 1840," pages 49 and 50. "Hard lodging! In due time after supper we were shown to our lodging in an outer apartment, only partially covered by a roof, and that part far from being water-proof. Our bed consisted of a quilt spread upon the floor, and our covering of another we brought with us. The upper parts of the room were occupied by the poultry, whose frequent noises, and the dripping of the rain, rendered sleep a difficult though



a desirable business." Having been weather-bound for some days at this establishment, which is situated on the Colorado, I can bear the fullest testimony to the difficulty attending the desirable business alluded to in the above quotation.

The ordinary furniture of the houses in Texas, is of the rudest construction. The tables are made of boards cut from the trunk of a tree with a common axe, and pegged or nailed to cross-pieces, so as to keep them together. The chairs are formed with round sticks and cross-pieces, and then covered with the raw hide of oxen or deer skin, to form the seat; and a great many of the bedsteads are also covered in the same way. On this hide, which becomes as hard and as tight as the head of a drum when dry, without covering of any kind or even mattress, the traveller is frequently obliged to lay his weary bones; but at some places you find mattresses made of Spanish moss, corn husks, or coarse prairie grass; but as for feather-beds, they are not to be found in Texas, where they would be by no means a contemptible creature-comfort of a winter's night.

## CHAPTER VI.

The Indians of Texas—General Remarks—Manners, Habits, Customs, and Institutions of different tribes—Comanches—Carancahuas—Tawackanies—Tankaways—Waccos—Caddos—Lipans—Cushatees—Cherokees—Creeks—Kickapoos—Shawnees, and their fugitive tribes—Indian system of reckoning time compared with the Gregorian—The Maminchic Dance—Debate in Congress on the Cherokee Land Bill—Discovery of an unknown tribe, &c.

THERE is not a more interesting branch of the great human family, still in its primitive state, than the Indians of Texas, who, notwithstanding the murderous depredations of their Christian brethren, are still free, and whose institutions are not tainted with modern corruption. The number of Indians still wandering in the western, northern, and eastern parts of Texas, may be estimated at about 80,000 souls, and the following sketch of their general character, will not be more interesting than the history of the many individual tribes into which they are divided.

When an European first beholds an Indian warrior or hunter, a thousand erroneous conjectures take possession of his mind; but on a second view he detects a perfect model of human symmetry, a brow, bold and unfraught with expressions of care,

though most expressively marked with intellectual power, whilst the decision with which the simplest motion of his beautifully rounded limbs is performed, shows the vigour of his nature, and the marvellous and almost unconquerable energy of the unvitiated man. Add to this the primitive freedom and simplicity of the Indian character, which have been preserved by unremitting vigilance and valour through all ages, and the European sees in this wandering child a true portrait, embracing at once the accomplishments and characteristics of his own primitive forefathers; hence the Indian becomes an interesting object of contemplation, and being thus associated, he cannot fail to draw forth the warmest sympathy of his civilized brethren.

The wants of man in his primitive state are but few, particularly in Texas, a country where game abounds, such as the buffalo and deer: with the skin of the latter the Indians clothe themselves, while the robe of the buffalo supplies them with a bed; and the flesh of both, a nutritious and plentiful repast. What is the property of one Indian, is the property of the whole tribe to which he belongs; therefore, stealing from each other is a vice unknown among them, while the exercise of their simple virtues is neither checked by a prospect of future want, nor by the introduction of rigid laws (too common among civilized men) for the suppression of vice.

Hospitality is the inmate of every Indian's bosom; he neither asks nor cares whence those who seek it

come ; what his hut or tent contains, he holds as the right of those who seek relief ; and without suspicion, which too often suggests the use of a mask, he gives all, even to the last morsel. Freedom is the basis, and justice the text of their every social compact. They do not wage war for the love of conquest, nor to add fresh laurels to their fame. Trespassing on the territory of a neighbouring tribe, who have only a sufficient stock of game on their range to supply their own wants, is held at all times to be a sufficient provocation for hostilities, which are commenced with alacrity, and carried on with great determination and valour on both sides. But with the white man who robs the Indian of his freedom—his territory or range—his only means of subsistence—and of life—their revenge is unconquerable, and their wars are always wars of extermination. Yet, if the counsel of Heaven were invoked to decide the justice of the claims of the contending parties in these sanguinary conflicts, to forbearance, justice, and humanity, the palm would be awarded to the oppressed Indian, whose sufferings in these wars with the white man, few tongues but their own can tell.

But what strikes the European inquirer most forcibly, is the profound veneration with which these Indians, one and all, though remnants of powerful and distinct nations, cherish the memory of Montezuma, (emperor of Mexico, who reigned upwards of 300 years ago,) and under whom and his pre-

decessors civilization made such rapid strides among their forefathers, who, under that monarch's fostering solicitude, had converted the wilds of Huastecapan into what was formerly designated, and is to this day described by the Indian race, as the paradise of Montezuma's empire, and by all modern travellers as the most fertile region in the world.

Hence we find a people, whose hearts, after a lapse of three hundred years, are beating with love and gratitude, and whose lips are constantly uttering the most pitiful lamentation for a generous benefactor who would, long ere this, have raised them above the reach of those who think it no crime to butcher them in cold blood; and having done so, declare themselves innocent of the lives of their fellow-creatures. The gratitude of these people alone shows what may yet be done with them; for where, may I ask, does tradition hold out more hope, or nature present a nobler foundation (simplicity—love of freedom—gratitude—and hospitality) for the great structure of civilization? And what nation, I may also ask, can, on any just grounds, interfere with any plan that may be laid down for their protection and civilization? There is no proof on record of the subjugation of these people by any nation. They are, though wandering and houseless, a free and sovereign people, and as such, they have an indisputable right to ask and to receive protection from any nation, European as well as American; and it is to be hoped that this

imperfect picture of their long sufferings, will induce some civilized nation to extend to them the hand of pity. That England, a Christian country, has not done so before, is a lamentable reflection. England has entered into treaties with the wild Arabs of the eastern desert, and yet she hears with the greatest apathy the cries of the children of the western wilderness, where she has interests as vital and immediate as in any region of the world; to her the creation of a new country, whether republican or monarchical, must be of as much importance as the dismemberment of the old empire of Montezuma; and as these two great political revolutions are now going forward and concur, as if to draw the attention of the British statesman towards that quarter, it is to be hoped the Indians will not be overlooked. For degraded as they are, and have been, by the murderous depredations of the white man, still if the hand of *true friendship* were extended to them, and if ever so small the boon, "the effect merely of a generous courtesy" were granted to them, it would be received with unutterable thankfulness, and the gratitude of the father would be handed down to the son as the memory of Montezuma has been, through ages even to this day.

The Indians of Texas can never be brought into subjection by the Texans. They must be exterminated; to exterminate 80,000 souls, is not the work of a day; and if at the end of twenty years,

the last poor wanderer should fall under the rifle or the "Bowie knife" of the Texan murderer,—how far will civilization be advanced, or what can compensate the lovers of humanity for the useless and merciless effusion of human blood?

The past sufferings of Indians, during the several attempts that have been made to exterminate them, few tongues, as I have said, but their own can tell; however, their extermination commenced with the colonization of Texas by Anglo-Americans in the year 1821. The prosecution of the Indians was prefaced by base accusations and falsehoods, which were speedily followed by publicly whipping, branding, and cutting off the ears of the falsely accused natives, a course which soon led to retaliation on their part. The Carancahuas, a tribe consisting of about 400 families, were the first to taste and resist the tender mercies of their invaders, and therefore they were the first marked for extermination; a task which was undertaken by General Austin, at the head of sixty riflemen, in the spring of 1822. The result of the first attack upon these defenceless people, was the slaughter of half the tribe. More than one half of the survivors were subsequently surprised in small parties, and cut to pieces; while the remainder, amounting to about forty in all, sought and found protection at the mission of San Patricio. From the above date down to 1827, the Indians were assailed on all sides by the settlers, and suffered much. From the latter date to 1836,

Texas was the theatre of constant war and bloodshed between the Mexicans and Texans; and the Indians, for refusing to act as allies on either side, were often mercilessly slaughtered, during the whole period of the war of independence. It is believed that during that period 8,000 Indians perished; and that from the year 1836 down to the present time, the expeditions under Generals Houston, Rusk, Burleson, and Morehouse, have slain upwards of 5,000 more.

I would not here venture to avow, that the Texans at all times kill the women and children of the Indians; but this I do say, that they have done so on several occasions; and although I was in the country while an Indian war was going on, I never saw nor heard of such a thing as an Indian prisoner of war.

But the following extracts from the diary of an emigrant in Texas, published in New York by William Allen, under the title of "Texas in 1840, or the Emigrant's Guide to the New Republic," will serve to show how these exterminating works are being carried on:—

"January 6.—In the afternoon we visited an eccentric individual, who, with no other associates than his dog and chickens, lives on the borders of the forest. He is an aged Frenchman, who has been many years in the country, and has formerly been a soldier in Texas. In giving some reminiscences of his life in the early settlement of the country, he related several anecdotes of Indian characters and warfare; among others, he mentioned, that once being left in charge of the camp equipage, while his



messmates were abroad on duty, he left his place for a few moments to procure water from the river Guadalupe, which was just at hand. While here, he caught a glimpse of an Indian, gliding swiftly through the thickets towards the river above him, with a blanket he had just stolen from the camp. He immediately fired upon the savage with a rifle, but without effect, as the Indian pressed on into the stream. By the time he could seize another gun, and be ready to fire, the redman had nearly attained the middle of the river with his booty. We again fired, and, it would seem, with better aim, for the thief sunk, and was seen no more, while the stolen blanket was observed floating down the current."

How the narrator's mind was affected by such events, did not appear otherwise than by an apparently perfect indifference.

"At another time, he said, an Indian was shot at night, while crouching at a corn crib, attempting to steal the grain. In the morning it was found to be a woman, who, by the shot, had both her knees broken, and had died of the wounds. This incident must certainly awaken regret, as there is too much reason to conclude, that the unhappy woman was induced to the act by the cravings of hunger, or, perhaps, by the cries of her starving children.

"In another place, while the troops were encamped at night, and their horses tied in the prairie to feed upon the grass, a dark object was seen to approach one of the animals. On being fired upon, the figure disappeared. In the morning a trace of blood was followed some distance to a hollow, where a wounded savage lay, (not the murderer, but an Indian.) On being interrogated why he attempted to steal the horse, he remained silent, in either haughty sullenness (more likely being unable to speak,) or else despair. An officer (a white man! a Christian) present then presented his rifle, and asked him where he would be shot? He (the wounded Indian—the *savage*) opened his bosom, pointed to

the centre of his breast, and was immediately pierced by a ball at the place indicated. A rope was then attached to his legs, by which the body was dragged some distance, and hung upon a tree, as a warning to other Indian depredators, where it remained for several months, and until eaten up piecemeal by the wolves and vultures."

"January 8, page 46.—This day, as usual, passed through a country interspersed with woodlands and elevated prairies. At a little distance in the woods stood two young men, loading their rifles, to make further trial of their skill in the use of that deadly weapon. Their appearance was sufficiently rustic for every forest or hunting purpose, and their *language* and *conversation smacked strongly* of the *spirit* of border fighting and hatred to the Indians. They had learned, but a few hours before, from a traveller, that Indians had been seen further up the country, (whether friendly or not, they seemed not disposed to inquire,) and hence they were thus preparing for such emergencies (from friendly Indians) as they supposed might likely transpire."

In answer to a suggestion that the Indians mentioned by the traveller might be a company of friendly Indians, and not disposed to do mischief, the young husband, with a mingled frown, sneer, and angry laugh, answered, "Friendly? Yes, they will be friendly enough if they once come within the range of my rifle." This remark was received by the junior members of the family with a *laugh of pleasure*. "It required but little penetration to discover that our hosts were accustomed to the vicissitudes *attendant upon settlers* on the borders of the haunts of savages, and that to them, sporting and the killing of Indians were merely synonymous terms."

We are also informed, by the same author, that the Indians were plundered of 25,000 head of buffaloe by General Burleson, in 1840, and, as if forgetting this provocation, he brings down a long list of crimes committed by the Indians, to justify the white man's Christian retaliation.

The territorial rights and claims of the western tribes of Texas are simply those of uninterrupted possession of the soil for upwards of 200 years, a title which the Mexicans have at all times respected, and which the land and colonization laws of Mexico strengthen; while the eastern tribes, namely, Cherokees, Shawnees, Creeks, Kickapoos, and their fugitive tribes, claim the lands they accepted in Texas, on the earnest solicitation of the Mexican government, under the colonization laws of Mexico, and the state of Coahuila and Texas, which give, after the native or western tribes, to foreign or wandering Indians on the frontier, the following portions of land. To every head of a family one sitio, 4428 acres; and to every single male adult a quarter of a league, 1107 acres; therefore, if we estimate the territory claimed by the Indians according to the colonization laws, allowing that the Indian population (80,000) would only give 10,000 heads of non-adult families at one sitio, (4428 acres,) and 5000 single male adults a quarter of a league, or 1107 acres each, their portion of the soil of Texas would be 49,815,000 acres, which would be equal to about 662 acres per head for the native

Indian population, and, after deducting 49,815,000 acres claimed by the Indians from the superficial surface of Texas, which is estimated at 300,000 square miles, or about 192,000,000 of acres, it leaves the white population (which I can prove to be under 60,000) 142,185,000 acres, or 2369 acres per head.

Hence it will be seen that the territory claimed by the Indians does not amount to one-third of their native country, and therefore it cannot be said that the savage wants to monopolize all to himself, to the inconvenience and prejudice of his civilized brethren. The international rights of the Indian nations of Texas are precisely the same as those that England has acknowledged by treaty with the Arabs, and various other wandering nations in Africa and America, viz., that of entering into treaties, offensive and defensive, with foreign powers. And we find, in many cases, that the exercise of this right by the Indians has given to British subjects the right of trading with them, without the interference or concurrence of the power who merely exercises a nominal sovereignty over the territory they inhabit. And, in order to secure these interests to British subjects in Texas, and to advance the cause of humanity, justice, and civilization, I have frequently and publicly proposed the following plan for the protection of the Texan Indians, and which I strongly recommend to the serious consideration of the Aborigines Protection Society, viz., That

her majesty's government be earnestly intreated to send out a commissioner to Mexico, to solicit the Mexican government to enter into a treaty for the establishment on the eastern frontier of Mexico, of a commission to be composed of one commissioner on the part of England, and one on the part of Mexico, for the purpose of protecting the lives and property, and adjusting the claims of the Indian tribes of Texas.

The means proposed to carry the views of this commission into execution will be best understood by detailing its benevolent objects. The primary duties of the commissioners would be to remonstrate with the murderers and enemies of the aborigines; to hear and report their grievances to their respective governments; to watch over the general interests of the Indians; to create and foster a friendly intercourse between the different tribes; to grant the utmost protection to persons who may be desirous to trade with or visit the Indians for the purpose of instructing them in the arts of civilized life; and by a judicious distribution of presents, to draw them into bonds of friendship with their civilized brethren.

If such a course were pursued I have no hesitation in saying, particularly as there is nothing on record to prove that such a plan has failed, that we should, within five years, have the satisfaction of seeing these people settled down into a position that would not admit of their wandering from place to

place; whereas if they are to be left, abandoned, to be hemmed in by the white men on every side, their total extermination will be but the work of a few short hours.

But this plan will be scoffed at by the blind exterminators of the human race, like every other that has been laid down for the civilization of the savage. The exterminators commence by magnifying the dangers of approaching the Indians, the expense attending their civilization, and lastly, by reminding their hearers of the distressing poverty and absolute starvation of our own countrymen. To these unsophisticated political economists I would however observe, that there are very many productive, and consequently highly valuable sections of the globe, and in our own colonies, where the white man cannot labour in the cultivation of the soil; and wherever this is the case, we find that the greatest exertions (all attended with a corresponding waste of human blood and considerable expenditure) have been made to destroy the natives, whose physical condition is, by nature, adapted to continuous labour, which is fully exhibited in their ordinary exercises, but more particularly in the daily exertions and renewed fatigues of the chase. Were these energies directed to the cultivation of their native soil, they would legitimately and speedily develope its spontaneous resources and artificial capabilities. And by our extending the hand of Christian fellowship to the savage, at the

same time that we teach him to sow, in order that he may with his fellow man in the harvest field, behold, and his heart be made glad with the merciful bounty of his Creator, we raise him above the level of the beast, make him an useful member of society, and by creating sentiments of civilization, we produce wants as yet unknown to savages, and thus open new markets for British industry, and millions of people would become consumers of British labour.\* By this extension of our commerce we strike at once at the true cause of the distress so loudly and justly complained of at home. But has not the policy of Great Britain towards the natives of all newly discovered and conquered countries from the earliest period down to the present, tended to the extermination of the natives? And what was the consequence of this in the onset? The introduction of slavery! A system whereby the African, with all his *primitive barbarism*, indolence, and physical defects, was to be kidnapped, (at the great risk of the lives of his captors,) torn from his kindred and country, and from thence transported, at a great expense, to supply the place of the slaughtered natives in the colonies of Christian countries.

The wisdom of exterminating the natives of newly discovered countries, and, above all, of the West Indies, and the United States of America,

\* Vide Appendix.

simply because they were, and are, merely *supposed* to be irreclaimable, and supplying their place with men who are said to be equally incorrigible, and indeed inferior, in every respect, to the natives of those regions, remains a mystery which I fear no one will attempt to explain. Whereas it can be demonstrated to proof, that the extermination of the natives of countries where the white man cannot labour, is the true origin of slavery and the slave trade; and if but one-tenth of the danger, expense, and trouble attending slavery, to say nothing of the 20,000,000*l.* sterling recently paid for its abolition, had been expended on the civilization of the aborigenes, wherever God had placed them, and the white man had found them, millions of souls would have been spared, instead of being hurried from this world, by their Christian discoverers and conquerors, as they came into it, alike strangers to their God and the blessings of civilization.

Trusting to my readers' forgiveness for this digression, I will now proceed to give a sketch of the manners, habits, customs, and institutions of the Texan Indian tribes, individually, namely,

The Comanches, Carancahuas, Tackankanies, Kankaways, Waccos, Caddos, and Lipans; these, with their fugitive tribes, have entered Texas from the west, and are supposed to be remnants of the various nations that formed the Mexican empire at the time of the conquest of Mexico by the Spaniards.

The Cushatees are supposed, from one or two



customs still extant among them, to be the descendants of the original inhabitants of Texas, the Natchez.

The tribes that entered Texas from the north, and last, are the Cherokees, Creeks, Kickapoos, and Shawnees, with a few small fugitive tribes. The Indians here named are scattered all over the eastern and northern parts of Texas, from the Sabine to the Trinity river; from thence, taking a straight line to about twenty miles north of Milam on the Brazos, to the Colorado, about five miles above the city of Austin, in the west, for the southern frontier of their territory, to the Red River on the north; while the Comanches and the other western tribes possess the whole territory west of the Colorado, and south of the Nueces to the Rio Grande, as marked on the map, and following the latter river (on both sides) to its source in the Verde mountains; thus embracing within its known limits the rocky mountains of Chihuahua, New Mexico, and the fertile plains, called the Bolson Mapimi, and Parras.

The Comanches are by far the most warlike nation in Texas, and are also the most powerful tribe that has entered Texas from the west. They may be considered a settled people, though they do not cultivate the soil, but rely on the shore for subsistence, which is not at all times to be found in the same regions, therefore at stated seasons they are obliged to lead a wandering life, and live in tents. The men carry themselves remarkably

erect, and are tall, and beautifully proportioned; face oval, features bold, regular, and expressive; their hair fine, black, straight and long, except at the sides, where it is cut as close as possible, but growing from the forehead along the crown of the head as plaited, and hangs down upon the shoulder, and not unfrequently as low as the small of the back.

Their dress consists of deer-skin, which they tan themselves, and afterwards make into coats that reach half way down the thigh, somewhat after the fashion of a Spanish tunic; add to this the maccason, made of the same material, and that serves for shoe, stocking, and trowsers, and the Comanche Indian dress is complete. This style of dress was first introduced among the original inhabitants of Peru by the Incas, whose first appearance on that continent about the middle of the thirteenth century, is thus described by Garcillasso and other authors: "There appeared on the banks of the lake Titicaca, a man and woman of majestic form, and *clothed in* decent garments. They were persons of excellent shape and beauty, and the DRESSES THEY WORE were such as continued afterwards the usual habits of the Incas, by which title they described themselves." The Comanche women, or squaws, are short, (and with few exceptions particularly ugly,) but in war they are as courageous as the men, and, like them, most civil and hospitable in peace. Formerly they dressed like the men,

but of late years they have taken to wear coarse cotton garments, which they obtain from the American traders.

The chief town of the Comanche nation is situated at the foot of the San Saba hills, in Western Texas. It contains about two hundred houses. They are all built on an uniform scale, one hundred feet long, thirty wide, and six high. The walls are built of earth; the roofs flat, and covered with a whitish clay, which, when exposed to the atmosphere, becomes as hard as marble. Each house has its venerable patriarch, who, with his descendants for two and three generations, live within its walls in perfect harmony. Their detached villages, of which there are several, are always located in some fertile and remote spot, difficult of access in the mountain districts, where the buffalos range in immense woods during the winter months, and from whence they obtain, with little difficulty, an abundant supply of food; but in spring, when the water begins to recede from the prairies or swamps in the lower country, the buffalos leave their winter's range. At this season the villages are all bustle; the hunter and warrior prepare for, and simultaneously take the field, the former frequently carrying the chase from the mountains in the north, to the most distant plains in the south, whose confines are washed by the water of the gulf; while the latter hastens away to avenge a wrong, or to watch the movements of the white man, or some neighbouring Indian tribe. When

the autumnal rains set in, the buffalos instinctively return to their mountain haunts ; and the hunter and warrior also return for the winter to their hamlets, where their wives (with the exception of those engaged in the war parties) and children are left, and employed during their absence in drying the buffalo-ropes and deer-skins, collected through the preceding season.

The Comanches, both in their hunting and war excursions, move on horseback ; and the musteno, or wild horse that they use, abounds in Texas ; but it is difficult to trace in these horses any remains of the old Spanish blood, from which they are said to have descended. Their heads are extremely long, coarse, and large ; the neck ewed and long, withers unusually high, shoulder upright, arm long from the shoulder to the knee, and short from the knee to the fetlock joint, which is astonishingly long ; foot large, broad, and flat ; hoof generally white and soft ; barrel small, back long, stern contracted, thigh long and spare ; the lower extremities of the hind quarters resemble those of the fore ; height from twelve to fifteen hands.

However, ill-formed as these horses are, still they are a great acquisition to the Indians ; and a Comanche warrior, mounted on one of them, with his Tlascalcan spear,\* (which they use both in the chase and battle,) bow, poisoned-arrow, scalping-

\* The heads of their spears were originally made of galinazo, or black stone, but of late years they have used sword blades, which they get from the Americans.

knife, and tomahawk, is by no means less formidable than a Cossack, and by far more so than the dwarfish Arab. The largest of these horses, which touch, but never exceed sixteen hands, are kept for their chiefs and warriors, who manage them with exquisite skill, and use the bow with the most deadly effect; while with their shield, which is made from the thickest part of the buffalo's hide, and said to be as tenacious as steel, they guard their horse and their person by hanging from the saddle on the opposite side.

In battle each war party is headed by one or more squaws, who, with their shrill voices, serve as trumpets, denoting by various tones the movements and evolutions to be performed according to the orders of the chief in command. Their military as well as civil discipline is extremely strict, and is now simply what it was in Montezuma's time. When they meet an enemy on the open field, they retreat in a body to the woods, where they separate and manœuvre with such rapidity, that in an instant they surround him, when they raise the war-whoop, and dash forward from all points, shooting their arrows like lightning, or slaying with the spear as they fly at full speed through the ranks of the enemy and the thickest wood. When they get a few paces from the object of attack, they suddenly wheel round, according as the whoop is given, and simultaneously dash forward on the enemy as before.

Prisoners taken in battle are conveyed before the chief in command, who is bound to bring them before the council of the nation, and if a warrior takes the life of a prisoner, he is punished with instant death. Their method of keeping prisoners would be most repugnant to the feelings of some of our effeminate and aristocratical soldiery. Each prisoner is given in charge to two warriors, on whom the prisoner must attend by day, and at night he is placed under a buffalo-robe, on which the Indians lie down by his side, so that the simplest motion arouses the vigilant sentinels.

They have a head chief or ruler of the whole nation,\* who resides in the chief town, and several subordinate ones in the villages. The latter assemble in council quarterly, under the head chief. A grand council of the whole nation is also held once a year (on the 26th September, or as the Indians call it Pachth) under an oak tree in some remote spot in the woods or mountains. At these councils prisoners of war are tried, as well as all cases of adultery, theft, sedition and murder, which are punished by death. The grand council also takes cognizance of all disputes between the chiefs, and other matters of importance.

During the sitting of the grand council, which lasts nine days, the chief town presents a scene of much merriment. On the return of the head chief

\* Shaw-co-naw-taw is the present ruler of the Comanche nation.

from the council a procession is formed each day to meet him, and on his arrival a damsel steps forward, and taking him by the hand, leads him, followed by dancers decked with flowers, to the tiana, (throne,) where they seat themselves to personate Montezuma and his Mamanchic, (empress,) amid the acclamations of the warriors and hunters, who form a circle round the tiana, when the Mamanchic dance begins. This dance, which was originally a sacred performance, emblematical of the old Mexican system of astronomy, and the manner in which they regulated their calendar, was practised in Montezuma's empire long before the conquest; but that ingenious prince found means to turn it to his own account by becoming the chief performer in these revels, and so making himself and his princess the object of the profound adorations which were formerly paid only to the sun and moon. However, neither the idea of turning these adorations to his own personal aggrandizement, nor the form of worship paid by these people to the sun and moon, originated with Montezuma, for we find that Mango, the first of the Incas of Peru, towards the close of the thirteenth century, told the first people who came about them, that he and his wife Coya Mama, were children of the sun and moon; and that their father (the sun) taking pity on the miserable condition of mankind had sent them to reclaim them from their savage lives, to give them laws, teach them morality, and to wor-

ship the sun, who gave life to all creatures, and makes the plants and herbs grow for the use of mankind: that they were expressly sent to rule them, for their benefit and happiness, with the same care and goodness with which their great father, the sun, ruled the world.—*Garcilasso*.

But it is impossible to trace in these revels any connexion whatever with the religion of the Incas, as the former are only kept up to commemorate the love of their forefathers for Montezuma, whom they look upon as their Saviour.

The Mamanchic dance is opened by a boy and a damsel, who personate the chief and his bride on the throne. These are called in the Indian language *Matachines*. When they begin the dance, the chief and his bride stand up; the boy with a crown of flowers on his head, dances round the ring, followed by the Mamanchic with a grave and dignified step, while with a rattle which she holds in her hand she makes a gentle noise. A number of other dancers, who are supposed to represent the several constellations in their calendar, follow the *Matachines*, imitating their motions.

Proceeding in two parallel lines they reach the throne, when one line wheels to the left, and the other to the right, so that four rows of dancers are moving in opposite directions. After this figure has continued some minutes, a man with his face covered comes in, personating the Evil Spirit, who with his whip throws all into confusion, and then



disappears, when the dancers again approach the throne in two rows, kneel down and make low prostrations, bending slowly until their heads touch the ground, then raising themselves, they all wave their rattles and advance towards the throne; this ceremony is repeated nine times, and the same in retiring. The waving of the rattles as they advance and retire from the throne is typical of the eighteen months of their year, while certain irregular steps they perform represent their five intercalary days, which I shall endeavour to explain.

The civil year among these people, as it was among the ancient Mexicans, is divided into eighteen months of twenty days each, and five intercalary days, which brings their system to correspond with the Gregorian, as follows :—

1st day of the month,	Tetit Itzcalli,	9th January
„	Itzcalli Xochilhulil,	22nd January
„	Xilomanatitzli,	18th February
„	Tlacuxipehualitzli,	10th March
„	Tozoztontli,	30th March
„	Hueytozotli,	19th April
„	Toxcutl,	9th May
„	Etzalhualitzli,	29th May
„	Tecuihuitontli,	19th June
„	Hueytecuilontli,	8th July
„	Hicailhuitontli,	28th July
„	Heymixcuithuilt,	17th August
„	Ochpaniztli,	6th September
„	Pachth,	26th September
„	Heuyactli,	16th October

1st day of the month.	Quecholli,	5th November
„	Panquitzalitzli,	25th November
„	Atemoztli,	15th December

The period of fifty-two years to them is what a century is to us, but they never reckon them by odd numbers. After the termination of each cycle of fifty-two years, they add thirteen days before beginning anew the first month of the ensuing cycle; which shows that they are aware that the solar revolution exceeds their civil year by six hours. Their ancestors, the original inhabitants of Mexico, had another way of reckoning time, which was purely lunar, and constituted their religious year.

How these people came by this method of regulating their time is a great mystery, but I am of opinion that it was the invention of some of their Asiatic visitors. However, its mere existence goes far to prove that they were, at one time, greatly advanced in civilization; and indeed, Ranking, in his "Historical Researches on the Conquest of Peru and Mexico by the Moguls," proves, to the satisfaction of the most philosophical mind, that the first Inca, Mango Capac,\* was the son of the Grand Khan Kublui, and that the people found by the Incas in America were the descendants of the Tartars, Japanese, or Chinese, who had been blown across the Pacific in remoter times; and this

\* Capac was a title given by the Indians to Mango; it means sole emperor, splendid, rich in virtue.—*Ranking*.

conjecture is strengthened by the fact that the Indian system of reckoning time is common among many of the unsettled nations of Eastern Asia.

The language spoken by the Comanches is of great antiquity, and differs but little from that of the Incas of Peru, which wants the consonants *b*, *t*, *f*, *g*, *r*, and *s*; whereas the Comanches (whose language is spoken by all the western tribes of Texas) use the consonants *t* and *z*, instead of the *s*; but this slight difference renders it by no means less difficult to be acquired by an European, for some of our words of one or two syllables are of sixteen or seventeen with them; while others, of three, four, or more syllables with us, are of only two with them. For example, the word *excellent*, in the Indian language, is *tata*; the word *justice*, *Tla-me-la-hua-ca-chi-hua-litz-li*.

Hunting, exquisite horsemanship, the use of arms, and invincible courage, (which is described by their enemies as "brutal fierceness"), are the only accomplishments of the Comanche; and the "brutal fierceness of the Comanche, which has at all times been shown to his Christian brethren," has been in the protection of his hunting grounds, by the manly exercise of all the rest; and I would have those, who tell us that these people have no capacities for civilization, remember, that three-fourths of the peasantry of Mexico are nothing more than an INFERIOR order of civilized Indians; and that, notwithstanding the known inferiority of the Mexican

peasant, his extreme good sense, quickness of mind, high sense of justice, and love of truth, render him far less troublesome, and quite as useful to the state in agriculture and many of the mechanical arts, as the peasant of any European country; and that this assertion may be confirmed by all future inquirers and travellers, I will here direct their attention first to the valley of Huastecapan and the Indian settlements on the sun-scorched plains of Bolson Mapimi, as specimens of their agriculture and industry; and to Santa Fé, the capital of New Mexico, where the cloths (called blankets), manufactured by the Mexican Indians, possess all the minuteness of design and brilliancy of colour, the fantastic taste, and ingenious invention of the Chinese.

The Comanches still retain the art of recording events by pictures and quipos. The latter are, however, used only to record the history of their wars and executions; they consist of strings of scalps; one contains the scalps taken on the field of battle; another, the scalps of spies and traitors; and the third, the scalps of those who have been executed for theft, adultery, murder, &c. These people deem hieroglyphical painting an essential part of their education, and they teach their children, while casting up the quipos, to repeat their historical songs, which celebrate the military exploits of their ancestors.

Finally, to illustrate the high sense of justice that

exists among these Indians I will give a short extract from Mrs. Holley's Texas: "General Austin (whose camp had been attacked and robbed by a party of Comanches) assuming great composure, went up to the chief, and addressing him in Spanish, and the few words of Indian he knew, declared himself to be an American, and demanded if their nation was at war with the Americans. 'No,' was the reply. 'Do you like the Americans?' 'Yes, they are our friends.' 'Where do you get your spear-heads, your blankets?' &c., naming all their foreign articles one by one. 'Get them from the Americans.' 'Well, do you think, if you were passing through their nation, they would rob you as you have robbed me?' The chief reflected a little, and replied, 'No, it would not be right.' Upon which he commanded his people to restore all the things they had taken, and every article of value was brought back, with the same dispatch with which it had disappeared, except a pair of saddle-bags, which were subsequently restored."

Next to the Comanches the Carancahuas were once the most powerful of the western tribes of Texas; but, about the year 1796, they commenced a sanguinary war with the former, which lasted for several years; and, on the arrival of the first Anglo-American settlers in Texas, this once powerful nation consisted of about four hundred and fifty families. These "harmless people," however, soon experienced the tender mercy of their Christian

visitors, who, with the Bowie knife and rifle, presently reduced their numbers to about fifty, and this miserable "balance" was driven across the La Baca river, and finally sought and found protection from their murderers under the hospitable roof of an Irish priest, at the mission of San Patricio. They formerly inhabited the whole sea-coast of Texas, from Brazos river to the Rio del Norte.

The Tawackanies, Tankaways, Lipans, Waccos, Caddos, and a few small fugitive tribes, who follow the Comanches, may be considered as one nation, although each tribe forms a separate community. Each one has its own council and its own rulers, precisely like the Comanches; still they live on the most intimate terms, keeping up a constant intercourse with each other, hunting over the same range, and inhabiting the same territory in common. Their villages are located in the north-western part of Texas, on the Red River, and about the headwaters of the Colorado. Their united numbers may be estimated at from ten to twelve thousand. In their hunting or war parties they never use the spear or shield, and are seldom seen mounted, in which respect alone they differ from their kinsmen, the Comanches.

The Cushatees differ from every other, and are the only tribe that can be said to cultivate the soil. They hold every other tribe in great contempt. Their head chief or ruler pays his obeisance to the sun every morning; and from the fact

of their still worshipping the sun and moon, they are supposed to be a remnant of the Natchez : and when we consider that the sun has been the favourite and peculiar god of the Moguls from the earliest times, we may readily believe that the Natchez were of eastern origin, and that the Cushatees, whose religion so closely resembles that of the Natchez, are the descendants of the latter.

The Cushatees live in wooden houses, which are built with considerable taste. Their villages consist of thirty or forty detached houses, and are located on the banks of the Trinity River in eastern Texas, about forty-five miles from its mouth. They cultivate corn and a variety of vegetables, and are rich in cattle and horses. In the hunting season, however, they leave their villages for a short time to procure beef, bear-meat, and venison, on which they live during the winter. Their squaws always accompany them in their hunting excursions, and carry all the culinary utensils, blankets, beds, tents, and children. The latter are strapped upon a board when only a few days old, and are kept so until they can walk, which in some measure accounts for their being so erect when grown up. This practice is also common among the Comanches and other tribes. These people are most hospitable to strangers, and conduct themselves with becoming decency in every situation. They are, however, but few in number, not exceeding five or six hundred souls. They use the

rifle, and are excellent marksmen, brave and faithful to their allies. They wear a cap adorned with a variety of feathers, but the feathers of the coraque are most esteemed; and it is a remarkable fact that the feathers of this bird were much esteemed by the ancient Peruvians, who supposed that they were not to be found any where but in the desert of Villcanuta, but they abound in Eastern Texas. The rest of their dress resembles that of the other tribes, as already described.

The Cherokees are not only the most powerful of the eastern tribes, but their numerical strength is greater than all the western tribes put together. Their territory extends from about 32 parallels of north latitude, in Texas, to the Arkansas River in the United States. That portion of their territory which lies in Texas, they claim under the general colonization law of Mexico, passed by the Mexican congress in 1823, and under that law they were invited by various Mexican functionaries, and by General Teran, in the spring of 1832, and subsequently by the Texans themselves, to accept lands in Texas, while they receive an annual tribute from the United States, for the sovereignty of the territory they evacuated on entering their present location in the State of Arkansas, which was duly assigned to them by the state's government.\*

In June, 1832, the Texans secured the neu-

\* See State Papers of 1825.



trality of the Cherokees and Shawnees, pending their struggle with the Mexicans; and in the spring of 1837, the Texans made fresh overtures to the Cherokees, and after some time had been spent in negotiations, they entered into treaties with the Texans for the sale of their lands. In these treaties with the Texans, the territory described as follows was reserved for, and the fee simple duly secured to, the Cherokee Indians, and associate bands:

“West of the San Antonio road, and beginning on the west at the point where the said road crosses the river Angelina, and running up said river until it reaches the mouth of the first large creek below the great Shawnee village, emptying into said river from the north-east. Thence running with said creek to its main source, and from thence a due north line to the Sabine, and with said river west; then starting where the said San Antonio road crosses the Angelina, and with said road to where it crosses the Neches, and thence running up the east side of the river, in a north-westerly direction.”

This treaty was signed by several Indian chiefs, Bowls, Big, Musk, Fayette, &c., and by General Houston, and two other commissioners appointed by the Texans “in convention at Washington,” to treat with the Indians; but the treaty was no sooner laid before the convention than it was rejected by its members, and subsequently by the

Texan senate, in December, 1837. In the fall of this year, overtures, however, were again made by the Texans to the Indians for the purchase of the fee simple of the reservation named in the rejected treaty of 1836; and the Indians eventually accepted the proposals of the Texans, who engaged to pay a certain sum for the Cherokees' lands in a given time, and the Indians agreed to give up possession of their territory on receipt of the money. Thus the matter stood until October, 1839, when an act under the following title was introduced into the Texan congress:—"An Act to sectionize and sell the lands formerly *reserved for, and occupied* by, the Cherokee Indians!" This vile and unjust measure at once disinherited the Indians, and authorized the Texan government to take possession of the Indian lands; but the payment of the purchase-money was virtually deferred (no mention of it being made in the act) to an indefinite period.

During the debate in the Texan congress on this bill, much warmth manifested itself on both sides of the house, and it was with the utmost difficulty that the Speaker, who is supplied with a wooden mallet, to preserve order, could obtain a hearing for those who were anxious to address the house on the subject: however, by continual pounding on the table with his mallet, he at last reduced the eloquence of the factious to an "impalpable powder;" but before he could turn his quid

(a conspicuous part of a Texan Speaker's equipage) a member started on his legs, and said, "Mr. Speaker, this is an important subject, Mr. Speaker; and I want some light on this subject, Mr. Speaker; and I would thank you to throw some light on this subject, Mr. Speaker."

Mr. Speaker responded by again applying the mallet to the table, and the honourable representative sat down; when another gentleman got upon his legs, and commenced by saying, "Mr. Speaker, I rise to order, sir, but if I am out of order, Mr. Speaker, give a tap with that there hammer, Mr. Speaker, and I will squat like a partridge." The Speaker immediately gave "a tap," and the honourable member squatted, when General Houston stood up, and in an eloquent speech closed the debate; the house divided, and the bill was carried by a large majority.

General Houston, in the course of his speech, dwelt with great force on the claims of the Indians, and the expediency of making friends of them; but unfortunately his humane views were not appreciated by his colleagues, and therefore the Cherokees were not only deprived of their lands, but a military expedition was immediately set on foot to drive them back into the United States; but to suppose that Texas, in her present feeble state, can coerce a nation of 40,000 warriors, with as many allies as the Cherokees have, is madness. The Texans may dupe them, and cut them down one

by one, as they do, but they cannot meet them openly in the field, expert at the rifle, well mounted and disciplined, as they have been, under the famous Pick-she-nubbee.

As the Cherokees are one of the many members of the great family of North American Indians, whose manners, habits, &c., have already been described by so many different travellers, it would be superfluous for me to mention them; yet I am convinced that they will not give up their territory quietly, and that its possession will be dearly bought. They have been duped, and when they discover it their hostility towards the Texans will be immeasurable.

The combined strength of the Kickapoos, Shawnees, and Creeks, with their fugitive tribes, may be estimated at about 7,000. Being too few in number to oppose, they have recently followed the Cherokees in their war excursions. They always move on foot, and a Shawnee Indian can outrun the quickest horse, and continue his quickest pace for several days. These tribes have always been most troublesome, and will continue so, to the settlers in eastern Texas. They live in tents covered with deer skins, and their camps are for the most part located about the head waters of the Trinity River, and Buffalo Buyon, a portion of Texas as yet unexplored.

In addition to the above tribes, another has been recently discovered on the Trinity River,

about 200 miles from its mouth. They are perfectly wild, and even at the sight of other Indians, they fly into the woods. Their cries are most unearthly. They go perfectly naked, and do not use the rifle, bow, or any other weapon of defence, and are, therefore, supposed to live on roots and nuts, which abound in that region of the country. Their numbers and origin are as yet totally unknown.

## CHAPTER VII.

Slavery—The number of Slaves in Texas—Number of Slaves imported annually—How imported—Texan Loan—How to be applied—Savage barbarity of a Planter towards a negro woman—A Texan Slave Auction—The assertions and arguments of the Texans relative to Slavery and Slaves—The abolition of Slavery by England—The duty of England towards her subjects of African origin—Unjustifiable aggression of the citizens of the United States—Mr. Kennedy's fears—Another figment for the Pro-slavery advocates—International right of interference in cases of aggression—Native Americans of African origin—The children of the Niger, Gambia, Ohio, and Mississippi—Pro-slavery rights of the Colonial subjects of France in Texas—Mr. Kennedy's vain threats—An oracle for modern bravados—Mr. Kennedy's Municipal Philosophy—Review of Mr. Kennedy's Slavery in its mildest form—Progress of Abolition in the United States—Texas without negro labour, &c.

THE number of slaves imported into Texas from Africa, Cuba, and the United States, previous to the declaration of her independence, may be estimated at 3,500. One half of this number ran away, and remained in the bush, or joined the Mexican army during the revolution, but were subsequently restored to their respective owners.

The number imported into the country from the United States, from the date of the independence of Texas (1836) down to the close of the year 1840,

has averaged 2000 annually, which would bring the whole number of slaves in Texas to about 11,500; and if we fix the mortality among the slaves at 2 per cent. on the whole slave population, the number now remaining would be about 10,616; whereas it appears by the returns of assessors of 1840, that the whole number of slaves in Texas was 11,323. This return, however, includes the servants of transient visitors, and free blacks, that enter the ports of Texas in foreign vessels, who must be duly registered at the office of assessors; and thus the number set forth in the assessor's report is made up.

It is a gratifying fact to know, that the number imported annually is not on the increase; but this is owing solely to the want of capital in Texas. This the Texan Government, with the most barefaced effrontery, is straining every nerve to obtain in Europe, but, fortunately for humanity, without the remotest prospect of success.

Every loan that has been granted by England to foreign countries has been attended with evil consequences. First, by creating anti-national interests at home; secondly, by supplying contending parties and petty factions abroad with "the sinews of war." War has either ensued, or been continued, and thus our commerce has been cramped, and our moral and political influence completely paralysed; while disgust, contempt, confusion, and in some cases, a panic in our monetary market has been the result of all.

But what would be the consequences of England's granting a loan to Texas? How would it be employed? First,—In the permanent establishment of a new slave market; for the abolition of which, in her own colonies, she has recently paid 20,000,000*l.* sterling. Secondly,—It would be applied to carrying American influence and interest to the gates of Mexico, a country where England has vast monetary and commercial interests at stake. Thirdly,—It would be giving a premium for, and would consolidate an unjust and daring aggression in the south, on the part of the United States, which might speedily be imitated in the north.\*

Hence, then, without venturing an opinion as to the probability of the Texans paying the interest of a foreign debt, it is to be hoped that their efforts to obtain a loan in England may ever prove unsuccessful.†

The slaves (as I have before stated publicly‡) have been imported from the United States by dealers, labour-masters, (men who hire slaves in the States and let them out again in Texas,) and insolvent planters, who carry their slaves to Texas in order to evade their creditors. From fifteen hundred to two thousand slaves are annually imported into the country by such persons; and it will scarcely

\* Vide Extracts from Lord Durham's Report on Canada, page 278.

† Vide Supplement: Opinions of the French Press.

‡ See Letter to Lord Palmerston in Appendix.



be believed that they are imported from the United States across the Gulf of Mexico, *i. e.* from the Mississippi to Texas, a distance of four hundred miles, in the steam-packets which run between those two places, in the face of every treaty and law now in force for the suppression of slavery! I happened to be at the city of Galveston, Texas, in February, 1840, when the steam-packet "Columbia" arrived in Galveston harbour from New Orleans, with no less than thirty or forty slaves on her deck; and again in May of the same year, while I was at Galveston a second time, the "Columbia" boat arrived with twenty slaves. Thus the traffic is carried on.

The slaves, however, are well treated while on board the steam-packets, but they are not so ashore. The instant these poor creatures land, they are carried away to the interior of the country, to work on some plantation, where they have to labour from sun-rise to sun-set, under the eye of their cruel task-masters, whose heartless conduct I have too often witnessed. On one occasion, I was perfectly horrified at the savage barbarity of a planter towards a poor negro woman. The planter here alluded to was a young man about twenty-three years of age, the son of a widow named Thompson, who occupies a plantation on the Brazos river, about three miles above the city of Richmond. On the 20th of March, 1840, I had some business to transact in the immediate neighbourhood of Mrs. T.'s plantation. As I rode along the boundary fence I heard the

most piteous cries of a female, in the direction of a cotton patch within the fence. I hastened as near the spot as I could get on horseback, where I beheld the most revolting scene imaginable. A poor negro woman, who complained of being ill, was seized by the planter, James Thompson, who, after striking her several times with his clenched fist, called her husband from the gang then at work in the field, made him take hold of his wife, place her head between his (her husband's) legs, raise her clothes, and give her a cow-hiding, which the husband did, and then led his poor tortured wife back to the gang, who stood watching the execution of the inhuman monster's sentence.\*

The next outrage that came under my own immediate notice, was the trial of a man named Vince, at the spring term of the second Judicial District Court, held at the city of Richmond, Texas, in the first week in April last. An action was brought against Vince by a planter, to recover the value of a negro whom Vince had shot. The defendant openly acknowledged that he shot the negro, which was not deemed murder, the action being brought merely to recover the value of the man. The jury, after hearing counsel on both sides, gave a verdict for the plaintiff, and the murderer of the negro was allowed to leave this court of justice without a reprimand. But any man, in fact, may go out and

\* See *Anti-slavery Reporter*, 4th November, 1840.

shoot any number of slaves in Texas, provided he is able to pay for them; and, indeed, if he cannot pay for them, he has only to make an affidavit to that effect, and all remedy at law is at an end.\*

Soon after this, a whole family was offered for sale, at public auction, by the sheriff of Fort Bend County, under execution. The family consisted of a man, his wife, and two children; the eldest, a boy about four years old; the youngest, an infant at the breast. The sheriff, after describing (to a host of spectators) the capabilities of each member of the family, who stood before him weeping at their degradation, and seeming to be fully impressed with the injustice and cruelty of their fate, he opened the sale, which was soon brought to a conclusion, as the slaves happened to be the property of an alien, who was absent, and the terms of sale twelve months' credit. However, the result of the sale was,—the man was bought by a planter who resides about thirty miles below; and his wife, with the infant at her breast, by a man who lives sixty miles above; while the boy was bought by a third party, who carried him away some thirty or forty miles west of the place of sale. Thus the holiest of ties—the strongest bonds of civilization—were torn asunder, and the purest affections of the human heart grossly outraged! The man or woman whose skin is as white as the snow from heaven, could not press each other more affectionately to their bosoms,

\* See "Digest of the Laws of Texas."

or weep more bitterly, than this poor man and woman did when parting from each other and their children, in all probability, for ever.

The man, on arriving at the plantation of his purchaser, was sent to live with a woman who had three children by another man. Here depravity was enforced, and yet the very men who enforce it, will, with an air of singular composure, tell me "that the niggers are the most depraved race in the world—that they are a curse and a disgrace to the human race;" while they employ many ingenious arguments to prove, that the "native American, of the African origin, is closely allied, or is, in fact, a branch of the monkey family; and were it not for a singular perverseness of nature, which has given the black native American a mouth and ear formed to speak many languages, as they do correctly, in lieu of what the naturalists vulgarly call a tail, instead of a projection," the most philosophical mind might admit the correctness of the analogy drawn by the Anglo-American slaveholder, which, by the by, is not at all flattering to "the whites," inasmuch as the blacks, whom they define as belonging to the baboon species, are, in their physical formation, nearly a fac-simile of themselves. But, to show how they reason on this head, I will here give a quotation from the anonymous Texan author before quoted:—

"How does it happen, asks every stranger that visits our country, that so moral and chaste a people have so many mulattos among them? You may

travel the whole extent of Mexico without meeting so many individuals of mongrel breed, though, amongst the Mexicans, marriages between the various castes are neither prohibited by law, nor stigmatized by public opinion. And your slavery? What have you to say to that?

“Here, they think they embarrass us; but we can produce,” continues the same author, “good arguments to prove that the negroes are an inferior race, made purposely to be hewers of wood and drawers of water to the whites. If they wish Scripture authority, we can quote the curse of Noah against one of his sons and his posterity; and nothing prevents us from supposing that our negroes are descended from Ham. In that case we do nothing more than *fulfil the Scripture*. If they wish for philosophical proofs, dissect a black man, and you will find the internal structure of his body is somewhat different from that of the whites. The difference is somewhere about the lumbar regions, anatomists say. Does not this make our assertion good, and prove them to be intended by nature to serve us as playthings? If they want metaphysical arguments, we can show that negroes are inferior to us in judgment; and though some of their fanatical friends (in the Northern States) represent them as naturally superior in warmth of fancy and quickness of imagination, we are not bound to acknowledge the truth of the fact.”

“But here,” he adds, “I must drop the subject.”

It is dangerous to treat on it even in the coolest manner; my neighbours might mistake me for an abolitionist, and in that case I should become hateful. The suspicion of abolitionism operates like the plague in Texas as well as in the Southern States."

Leaving this sagacious writer in doubt as to "the truth of a fact," and the full and uninterrupted enjoyment of his transatlantic logic, I may, without wasting time in sighing after Anglo-American freedom, take the liberty of inquiring into the past and present policy of England relative to her negro subjects.

The emancipation of the slave in our West Indian colonies was not only an act of humanity, but also an act of sound policy. It has changed the character of our trade in that quarter, it is true; but this new character gives an impetus to our trade, which was confined, during the existence of slavery, to the interests of the few, the planters, through whose cupidity (the legitimate offspring of their wanton extravagance in too many cases) the consumption of the mass of the population was becoming daily more limited; while this declining consumption itself was confined to our coarsest and cheapest manufactured goods. But since the abolition of slavery, the great mass of the population have and will continue to exercise their own taste; and as their condition improves, they will not be found less negligent of their external appearance than any

European. Hence we have the new and improved character of our West India trade, which consists simply in the consumption of a better description of manufactured goods, which equals already in amount the former consumption of the coarsest and cheapest ; and while this emanates, as it does at present merely from the abolition of slavery, its future extension hinges on the social improvement of the great bulk of the people ; and as their resources will at all times be equal to those of the most prosperous peasantry in Europe, it becomes the onerous duty of the British legislature to promote their improvement ; while we are bound as a nation, who have admitted the negro to the rank of a fellow-citizen and subject, to protect him from insult, and to defend the institutions which we have given him from innovation, whether foreign or domestic.

But here I may take another view of our position relative to slavery.

The proof we have of the advantage of slave labour is the enormous sum of £20,000,000 sterling which England has recently paid by way of compensation to those who held slaves, for its abolition ; and here the cost of abolition to us may be taken for the true value of slavery to others. When, therefore, we consider that the advantages (admitting for a moment that there is an advantage in slave labour) are solely commercial, we, as a commercial people, having already paid £20,000,000 for its abolition, are bound in all consistency and expediency

to retard, at almost any cost, its growth where it exists, and to prevent its revival in a country where it has been abolished, and its establishment where it has never yet been known.

Having thus treated the subject as a national question, let us for a moment consider what Mexico, a country where slavery has been abolished, has lost or gained by its abolition.

In the history of the revolutionary war or struggles for independence in Mexico, we find, as I have before asserted, something at the conclusion of each sanguinary contest to compensate the lovers of humanity for the effusion of blood on those occasions.

The first revolution under Hidalgo ended in the total destruction of the Inquisition. The subsequent establishment of the independence of Mexico by Iturbide placed the people of colour on a level with their fellow men; and the degradation of being a mulatto, which may be attributed to the gross depravity of the African's oppressors, was at once buried in eternal oblivion. The introduction of republican institutions on the abdication of the emperor (Iturbide) was speedily followed by the total abolition of slavery, and all traffic in slaves was for ever prohibited in the republic of Mexico. Thus the strength of the oppressor (the white man) was lost in his own depravity; and by its natural offspring (the mulatto) the poor negro was brought to the fountain of liberty to drink and to be refreshed; and as every Christian, it is to be hoped,



holds the life of a black as dear as a white man's ; and knowing, as we do, the historical fact, that the blacks and castes amounted at the period of the revolution to two-thirds of the population of Mexico ; it may be said that that country has gained for itself that which is most dear to every Christian people, "civil and religious liberty."

For which, however, her territory has been invaded and taken from her by the citizens of a powerful foreign nation (the United States). A country that stigmatizes the Mexicans as impertinent demagogues, brainless priest-ridden fanatics, and a despotic, sanguinary, cowardly, merciless race. And all this is heaped upon the Mexicans by their democratic, republican, Anglo-American neighbours, because, forsooth, they abolished slavery, the very act which led the government of "king-ridden England" to recognize the republic of Mexico as an independent nation. In this, America was the first to show the way, not having, as usual, sufficient foresight to see that it was her interest to support the Spaniards with their inquisitions, their depravity, and their slavery ; and now that the discerning eye of republicanism detects the error, and beholds freedom approaching the confines of "the land of the free," she raises her arm, hurls her back, and creates a creature after her own kidney. America's want of foresight in this matter may cost her more dearly than any act of which Mexico has ever yet been guilty. If Mexico adopt the emancipation of the negro as

a war-cry, and extends a sincere hand of friendship to aborigines, enfeebled as she is, the Union of America will receive a shock that it never can recover ; and when once the wild elements of which that nominal Union is composed breaks forth, future ages will shudder at the bare thoughts of what may occur pending their convulsion. And much as Mr. Kennedy and his pro-slavery friends in America may dread the consequence of such a war ; much as the anti-slavery movers in England would deplore its existence, particularly the Society of Friends, who hold out the olive branch to all mankind ; yet when an anti-slavery war occurs, as an event over which they can exercise no control, they will not desert their standard ; and if now, in these days of peace, they stand to be smote on one cheek, and again turn the other, it is because they simply entertain a firm and unalterable conviction, that the wise and constant exercise of moral influence will, ere long, lead to the abolition of slavery and the slave trade throughout the world.

Perhaps Mr. Kennedy will be so good as to return to the young republic, and communicate the substance of the foregoing "figment" to the rulers of the slavery-loving Texan republicans. Well may they call for forties of thousands of their countrymen to aid them against the unspotted escutcheons of the truly republican Mexicans, on whom slavery was forced by their conquerors and ancestors, but with the iron rod of Spanish tyranny,

the chains of the African were cast under the feet of the conqueror and freemen to rise no more, and therefore, if England was to participate, directly or indirectly, in the dismemberment of the American union, under existing circumstances, she could not be surprised; for when the United States recognized the independence of Texas, and therein approved a daring and unjustifiable aggression on the part of her citizens, she knew that England had recognized with herself (the United States) the independence of Mexico as a free and sovereign nation; and she also knows, full well, that the national interests of Great Britain imperatively demand that we should support her as such, particularly now that England must be deemed an anti-slavery nation; and while it is known that the poor negro is under the merciless lash, and the wandering Aborigines, in Texas, are daily falling under the Bowie knife (a murderous weapon almost peculiar to her people) and the rifle of her citizens, she cannot be surprised to find the national prejudice and force of a free and christian people directed against any nation who would deny them the right of interference, which every nation has in all cases of aggression, but more particularly against those who recognize and so perpetuate the unutterable sufferings of their kindred man.

This is the international right that England enjoys, as far as the act of aggression is concerned, until the recognition of Texas by the British government shall be absolutely ratified. But should this point

be foolishly lost, the execration of every free people cannot fail to be heaped on those who would, by such an act, sanction the principle of slavery, to say nothing of those who promote its revival in a country where it has long been abolished.

That the people of the northern states of America were privy to the recognition of Texas by the American government, is no more to be supposed than that the people of England were privy to her recognition by the British government.

The Americans of the north are liberal enough to admit, that the fraud is too base—the deception too deep—the mask too hideous—and the degradation too abject, of those who have erected the standard of independence in Texas, and on which the words “slavery” and “intolerance” are written in letters of blood, to the immortal disgrace of those who have raised it on the territory of a free people. They are also too enlightened to deny or “doubt the truth of the fact;” nay, they may with truth boast, that the “Native American” of African origin is as intelligent and as useful in the state as a husbandman, and, in many of the mechanical arts, as the peasantry of any country in Europe; while they fearlessly assert, that the children of the Niger and Gambia are cast in the same mould as the offspring of those who nobly possessed themselves of the sovereignty of the Ohio and the Mississippi.

France, throughout her negotiations for the recognition of the independence of Texas, claimed

for her colonial subjects all the rights and privileges enjoyed by the most favoured nations; and we find that the United States, the most favoured nation, has a right, under the constitution of Texas, to introduce any number of slaves into the Texan republic; and France, in the 18th article of the treaty between France and Texas, has also secured this right to her colonial subjects; so that, in the event of the French government attempting to abolish slavery in her own colonies, the worthy French slave-holders in the West India islands will only have to run their slaves across the Gulf of Mexico to Texas, where they can dispose of them to some advantage. In addition to this, French brandies are admitted into Texas duty free, and wherever France can secure such a privilege as this, there the soul of the French cabinet is sure to be pledged, and thus the object of the recognition of Texas by Marshal Soult as readily accounted for.

Those, however, who know any thing of the state of parties in America know full well how to appreciate the recognition of Texas by England; they will and may, with truth, say that England, by recognizing Texas, has participated in the destruction of the union of the states, and the total dismemberment of Mexico. But, in order to stifle any opposition that may be raised against Texas on this view of the subject, Mr. Kennedy enters into a long discussion on the probability of the remotest whisper from the abolitionists of England leading

to a war between England and America, whereby we are to lose one of our best customers. But is Mr. Kennedy ignorant of the fact, that if the port of Liverpool alone were closed against the Americans, that that would be the greatest national calamity that could befall the United States, and more particularly the agricultural states of the south? Yet, notwithstanding this *fact*, Mr. Kennedy leads his readers to suppose that the Americans are about to invade England "right slick away."\* But "the stunted, depressed, and hopeless Briton," can refer the Anti-Anglo writers and "sleepers awakened" to the tomb of Napoleon, where lies an oracle that may be consulted by our modern bravados, and future ages on that subject. Napoleon was not a poor African, who differed in his physical characters "about the lumbar regions." He was not a "priest-ridden and cowardly Mexican;" nor was he a "stunted, depressed, and hopeless Briton," who is invited to the swamps of Texas, where he is to "assume" a new "mould of strength and symmetry of beauty." No, he was the leader of a great and a warlike nation, who, it is to be hoped, will speedily unite her moral and political influence with that of the stunted and king-ridden Britain, for the total abolition of "the accursed system of slavery," and the slave-trade throughout the world.

The whole of the arguments contained in Mr.

\* Kennedy.

Kennedy's Anti-Anglo work on Texas, as regard slavery and the treatment of the Aborigines by the Texans, will, it is to be hoped, enable Parliament to form a correct estimate of the value of his practical knowledge and experience in municipal philosophy, which was employed under the anti-slavery government of Great Britain, to inquire into and report on the municipal institutes of Canada, where there exists a large Aboriginal population, intermixed with several thousands of negroes, who are labouring under the prejudice of caste, in order, forsooth, that the British government might legislate so that all her Majesty's subjects might be governed alike. However, it is to be hoped, that when a similar inquiry is instituted, that men of Christian feeling, without prejudice, and alive to the rights and claims of their fellow-creatures, of every colour, caste and shape, may be chosen to discharge the duties of assistant municipal commissioners of England to her colonies.

If Lord Palmerston was led by the culpable misrepresentations to overlook what is due to the African colonial subjects of Great Britain, (which he most unquestionably has done in negotiating with the Texans,) in order to secure to his country some great moral, political, and commercial advantages, surely he ought not to have forgotten the following remarks, which occur in Lord Durham's Report on Canada, and which must at once have

opened his lordship's eyes as to the danger of even tolerating the idea of Texan independence:—

“ Whatever aid the insurgents have recently received from citizens of the United States, may either be attributed to those national animosities which are the too sure result of past wars, or to those undisguised projects of conquest and rapine, which, since the invasion of Texas, find but too much favour among the daring population of the frontiers. \* \* \* \* The danger, however, which may be apprehended from the mere desire to repeat the scenes of Texas in the Canadas, is a danger from which we cannot be secure, while the disaffection of any considerable portion of the population continues to give an appearance of weakness to our government.”—*Extract from Lord Durham's Report, January 31, 1839.*

On the 9th of November, 1839, a deputation from the British and Foreign Anti-Slavery Society waited, by appointment, on Lord Palmerston, to convey to his lordship the sentiments of that body respecting the recognition of Texas, and the treatment of the Africans captured in the *Amistad*. His lordship *professed his unwillingness* to do any thing by which the influence of Great Britain could become accessory to the extension or perpetuation of slavery, and his desire to give to the moral aspect of the recognition of Texas, which it was the



special object of this deputation to press on his attention, the fullest consideration :

“ To the Right Honourable Lord Palmerston, her Majesty's principal Secretary of State for Foreign Affairs, &c.

“ MY LORD,—

“ The Committee of the British and Foreign Anti-Slavery Society beg permission to express their sentiments to your lordship on a subject deeply interesting to all the friends of liberty and justice, and which they feel to be of paramount importance at the present time, as affecting the dearest interests and future happiness of a large portion of the human race, and one to which it is understood the attention of your lordship and her Majesty's government has already been officially directed.

“ It is currently reported, that from the revolted province of the Mexican empire, Texan envoys have been sent to this country to solicit its recognition by the British government as an independent state.

“ With such a negociation, considered as relating to political interests alone, although they conceive these to be of the gravest importance as it respects the interests of British subjects, and even the integrity of the British empire in the Gulf of Mexico and Carribean sea, it would be quite out of the province of the British and Foreign Anti-Slavery Society to interfere : but there is a peculiar feature in the present case, which renders it not only proper for them, but imperative on them, to express to your lordship their sentiments on the subject, and to entreat for them a serious consideration at the hands of the government.

“ The Committee will not trouble your lordship with a detail of the unjust and atrocious manner in which the Mexican province of Texas has been wrested from the parent state by the unprincipled adventurers, land-jobbers, and slave-holders from the United States, whose conduct merits the most indignant rebuke, and must attach lasting dishonour to all who may become implicated in it ; but would press on the consideration of your

lordship and the government the well-known fact, that the legislature of Texas has abolished the universal freedom which, with such admirable justice and propriety, had been decreed by the Mexican government, and have re-established slavery in its worst form. The Committee would also call your lordship's attention to the fact, that the Texan laws also provide for the expulsion from its territory of all Africans, and the descendants of Africans, whether in whole or in part born free, as well as of the native Indian tribes, an iniquity not less cruel than it is infamous, and unparalleled in the history of any civilized people.

“ It will be no more than consistent, the Committee conceive, with the noble attitude which Great Britain has taken before the world on the great subject of Slavery, to refuse, in the most positive terms, the recognition of any new state in which the unrighteous system of slavery is recognized, and measures so repugnant to every principle of equity and religion as those referred to are established by constitutional law; nor can it, the Committee would respectfully observe, be otherwise than a matter of plain and imperative obligation that the British government should avail itself of so just and striking an opportunity of using its mighty moral influence, for diffusing through other countries the same freedom which at so much cost has been happily, and the Committee trust permanently established in the dependencies of our own.

“ The whole of the case before the Committee, however, is not yet stated. The establishment of slavery in Texas will open an immense market for the slave-breeders of the United States, and will inevitably enlarge to an unprecedented extent, and raise to a pitch of unprecedented horrors, a traffic so infamous and deplorable. Nor can it be doubted but, in spite of the law which prohibits it, the slave trade with Africa, against which the whole power of the British empire is arrayed, will be extensively carried on, as there is too great reason to believe it has already begun.

“ Under these circumstances, the Committee trust that her Majesty's government will regard the proposed recognition of Texas with the greatest abhorrence; and they cherish an earnest

hope that in their decisions, considerations of humanity, justice, and liberty will be firmly held paramount to every other.

“ On behalf of the Committee,

“ G. W. ALEXANDER, Chairman.”

The hopes cherished by the Committee that Texas would not be recognized by Great Britain as an independent power, were, unhappily, not realized. In the latter part of November, the public press announced that Lord Palmerston, and General Hamilton, the Texan envoy, had concluded a treaty, on the part of their respective governments, in which the independence of Texas was duly recognized. All that remained for the Committee then to do, was publicly to express their decided reprobation of the act. The terms in which this was done, will be found in the following correspondence with Lord Palmerston, and the resolutions which accompanied it :

“ To the Right Honourable Lord Viscount Palmerston, &c. &c.

“ 27, New Broad Street, London, 7th December, 1840.

“ MY LORD,—

I beg to transmit to your lordship a copy of Resolutions of the Committee of the British and Foreign Anti-Slavery Society of the 2nd instant, and deeply regret the occasion which has called these resolutions forth, and permit me to solicit your lordship's attention to them as the unanimous and deliberate expression of their sentiments.

“ Whilst Great Britain sanctioned by her laws, or by a guilty connivance, the system of slavery and the African slave-trade which formerly prevailed in her colonies, it was impossible, consistently with her own evil practice, to have on this ground

avoided the recognition of other states, who, having followed her wicked example in this matter, had sought commercial and political relations with her. But I humbly conceive that, having abandoned both slavery and the slave-trade, and fixed publicly and for ever the brand of moral reprobation on these enormous crimes, it became her duty thenceforward to act in conformity with her noble decision, and to maintain the honourable position to which she had been exalted among the nations of the earth. It follows, therefore, in my apprehension, that she was brought under solemn obligations to discountenance slavery and the slave-trade, wherever they might exist; to foster the spirit of humanity and justice among the nations with which she might be connected; to encourage free and liberal institutions in new and rising states; and to refuse friendly relations with any people who might seek to establish slavery in countries where it had hitherto been unknown, or to re-establish it where it had been previously abolished. In this way she might have become the guardian of the liberties of mankind; and her mighty influence have been exerted for good, and not for evil, in time to come.

“I need hardly state that few indeed were the native Mexicans or Texans engaged in the revolt which led to the formation of the Texan republic, and which has terminated most unhappily in the establishment of a wicked and cruel despotism, by the overthrow of a generous system of government, which had secured liberty to the slave, the suppression of the slave-trade, and the protection of the aboriginal tribes. The Americans invaded the territory, and by brute force have wrenched Texas from the parent state, reversed the Mexican laws, established slavery in perpetuity, and have already issued a proclamation commanding all free persons of African descent, whether born in the land or not, whether possessed of property or not, to quit the republic within a given period of time; and an army of twelve hundred men has been levied for the extermination of the Indian tribes. Humanity cannot but shudder at the sufferings which must ensue from the working out of this iniquitous policy; and religion must again weep over scenes of devastation and blood, which have too

often and too long covered the name of nominal Christians with ignominy.

“ In concluding these remarks, I cannot but contrast the painful fact of the recognition of Texas with the non-recognition of Hayti. In the one case, I perceive a band of marauders and slave-holders, after having deprived a friendly power of part of its dominions, and “ framed iniquity by a law,” admitted to the highest distinctions and privileges this country can confer upon them ; whilst, in the other case, I behold a people, who for centuries had been enslaved and oppressed, after having achieved their liberty, and established free institutions on a firm foundation, treated with scorn and indignity.

“ I have the honour to be, my Lord, your Lordship’s most obedient humble servant,

“ J. H. TREGOLD, Secretary.

“ At an adjourned meeting of the Committee of the British and Foreign Anti-Slavery Society, held at 27, New Broad Street, London, on Wednesday, the 2nd day of December, 1840 ;

“ JACOB POST, Esq., in the Chair,

“ It was unanimously resolved,

“ I.—That inasmuch as the system of slavery forms an integral part of the constitutional law of the new republic of Texas, this Committee have heard with feelings of the deepest sorrow and humiliation, that her Majesty’s government have been induced to enter into a commercial treaty with its representative, by which that republic has been introduced to the high distinction of a place amongst the great family of civilized nations ; and that thus the moral dignity and national honour of this great country have been outraged, the dearest interests of multitudes of human beings, their liberty and happiness, trampled under foot, a fearful impulse given to slavery and the slave-trade, and the sacred cause of Christianity, civilization, and freedom immeasurably retarded.

“ II.—That, in view of the great fact that the legislature of this country, stimulated by the Christian zeal of its people, has abo-

lished for ever the guilty traffic in human beings, and terminated the atrocious system of bondage which formerly existed in the British colonies; and that the government has perseveringly, if not hitherto successfully, sought the entire suppression of the foreign slave-trade, at an enormous cost of the national treasure and of human life; the Committee cannot but express their great astonishment, as well as their profound regret, that her Majesty's ministers should have entered into friendly relations with a people whose first act, after a successful but wholly unjustifiable revolt, was to engraft on their constitution the system of slavery, to create a slave trade between the United States and themselves, as well as for the utter expulsion of all free persons of African descent, and the final extirpation of the aboriginal tribes from the soil; and thus to violate every principle of humanity and justice, and to consolidate, extend, and perpetuate slavery and the slave trade in a country, which, as part of the Mexican empire, had been previously devoted to freedom.

“III.—That, therefore, this Committee, as the organ of the Anti-slavery principles and feelings of the country, feel bound to enter their solemn protest against the recognition of the independence of Texas as *a most immoral and impolitic act, alike uncalled for by the justice or the exigency of the case, as fraught with the most injurious consequences to mankind, and as consequently deserving the unqualified reprobation of all good men.*”

Lord Palmerston's reply to these resolutions will startle the lovers of truth and consistency. It is as follows:—

“*Foreign Office, December 14th, 1840.*

“SIR,—I am directed by Viscount Palmerston to acknowledge the receipt of your letter of the 7th instant, addressed to his lordship, transmitting a copy of Resolutions which the Committee of the British and Foreign Anti-Slavery Society passed on the 2nd instant, expressing their concern that her Majesty's government should have entered into a *commercial treaty* with Texas,

and protesting against the recognition of the independence of that republic by Great Britain.

"I am, in reply, directed to state to you, that Lord Palmerston very much regrets that the Committee should take this view of the measure which has been adopted by her Majesty's government in regard to Texas; but that it does not appear to Lord Palmerston, on the one hand, that the refusal of Great Britain to conclude a commercial treaty with Texas would have had any effect in inducing the Texans to abolish slavery within their territory; nor, on the other hand, that the conclusion of such a treaty can have the effect of affording the Texans any encouragement to continue the condition of slavery as part of their law.

"It may indeed be hoped, that the greater intercourse between Great Britain and Texas, which will probably result from the treaty, may have the effect of mitigating, rather than aggravating, the evils arising out of the legal existence of slavery in that republic. \* \* \* \*

"Lord Palmerston desires me to mention, that you appear to be under a misapprehension as to the state of the relation between Great Britain and Hayti; inasmuch as Great Britain has actually concluded a treaty with Hayti, as an independent state; and I have the satisfaction to acquaint you, that the specific object and purpose of that treaty is the suppression of the slave-trade.

"I am, Sir, your obedient humble servant,

(Signed)

"LEVESON.

"J. H. Tredgold, Esq., &c."

My Lord Palmerston's right and left arguments will, I doubt not, puzzle some of the ablest political fuglemen even on his lordship's own side of the House. Mark the absurdity of his telling the people of this country, "that the conclusion of a treaty of commerce," which would give a moral impetus to the rise, and a great and continuous

moral influence to Texas, would not "have the effect of affording the Texans any encouragement to continue the condition of slavery as part of their law."

In the third paragraph, fallacy, if possible, is still more glaring. "The greater intercourse," says his lordship, "between Great Britain and Texas may have the effect of mitigating the evils arising out of the *legal existence* of slavery in that republic." The legal existence of slavery in a country where it had been totally abolished! Monstrous assertions! Anti-national partisanship and idle nonsense could scarcely be carried further. Has the *constant* and "greater intercourse" between Great Britain and the United States had "the effect of mitigating rather than aggravating the *legal existence* of slavery in that republic?" Certainly not; but on the contrary, according to Mr. Kennedy, it has had precisely the opposite effect.

The Anti-Slavery Society, ever faithful to the cause in which they have embarked, put forth the following caution to emigrants:—

"EMIGRATION TO TEXAS.

"All persons inclined to emigrate to Texas, are earnestly recommended, well and seriously to consider the provisions of the Texan law in relation to emigrants.

"The grants of land to emigrants are only made on condition of permanent residence,—the performance of all duties required of other citizens, for the term of three years, *to the satisfaction of those in power!*—they must be ready to bear arms against the



parent state of Mexico, and the native Indians, for the purpose of subjugation and expulsion, and to sustain the twin abominations of Slavery and the Slave-trade, which the Mexican empire, to its great honour, had totally and for ever abolished. Will any Englishman, Irishman, or Scotchman, subject himself and his family to degrading contact with the atrocious system of slavery? Will he take arms in its support, and to sustain the domination of men, alike destitute of conscience, and of honour? Can any man, voluntarily placing himself in such circumstances, expect the blessing of God on his undertaking?

“For further information, see a pamphlet entitled ‘Texas,’ by John Scoble, published by Harvey and Darton, 55, Gracechurch-street, London, price 6d.

“On behalf of the Committee,

“J. H. TREGOLD, Secretary.”

It is said that an anti-slavery spirit lies dormant in Texas at this moment, and Mr. Kennedy, to substantiate this idle assertion, puts forth the following extract from a speech of the ex-president of Texas, Samuel Houston:—

“Not unconnected with the naval force of the country is the subject of the African slave-trade. It cannot be disbelieved that thousands of Africans have lately been imported to the island of Cuba, with a design to transfer a large portion of them into this republic. This unholy and cruel traffic has called down the reprobation of the humane and just of all civilized nations. *Our abhorrence to it is clearly expressed in our constitution and laws.* Nor has it rested alone upon the declaration of our policy, but has long since been a subject of representation to the government of the United States, our ministers apprising it of every fact which would enable it to devise such means as would prevent either the landing or introduction of Africans into our country.

“The naval force of Texas not being in a situation to be diverted from our immediate defence, will be a sufficient reason why the governments of the United States and England should

employ such a portion of their force in the Gulf as will at once arrest the accursed trade and redeem this republic from the suspicion of connivance, which would be as detrimental to its character as the practice is repugnant to the feelings of its citizens. Should the traffic continue, the odium cannot rest upon us, but will remain a blot upon the escutcheon of nations who have power, and withhold their hand from the work of humanity."

It would be well if these fine sentiments were carried into execution by Samuel Houston, or any other members of the Texan community who have it in their power to rid themselves of the "accursed" trade in human blood "and the suspicion of connivance," which is certainly as detrimental to the character of a republican people as it is said "to be repugnant to their feelings."

I agree with Mr. Kennedy, "that there would be no more occasion for "cheap little books with illustrative cuts" that are "sent across the Atlantic, where they receive fresh circulation and call forth the indignant denunciation of the excellent persons who essay to regulate the world by periodical resolutions at Exeter-hall;" but will it be believed that the very man from whose lips this eloquent speech in question fell, is the slave-master of his own son by a native American of African origin! This young man—a slave—the offspring of the ex-president of the republic of Texas—pays to his father, Samuel Houston, a monthly pittance for the privilege of practising his profession as a hair-dresser, &c., in "the flourishing city of Galveston." This young man's house is nearly opposite to the Tre-

mont House, where he may be seen, the bondage victim of his own parent! by all future travellers. Mr. Kennedy, instead of recording such facts as these, defends slavery in Texas, by informing us that "negro slavery never existed in a milder form than it does in the United States." Slavery in the mildest form! What does the appointee of her Majesty's government mean? The then trustee for the liberty of the slave, here plainly says that there are gradations in slavery, and such as ought not to be tolerated by the British people, who paid twenty millions for the total abolition of it. At that period we were ignorant that slavery had its philanthropic gradations, until illuminated by the labours and anxious observations of Mr. Kennedy. Perhaps that gentleman would furnish us with the name of the planter or planters who preserve slavery "in its mildest form." Acts however oppressive, however cruel, according to this logic, must not be complained of, if *done in the mildest form*.

We never heard a client of Jack Ketch's at the Old Bailey complain of his operation because it was *executed*, as Mr. Kennedy would say, in the mildest form. To give some illustration of this slavery "in its mildest form." A female slave in New Orleans attracted my attention and excited my deepest sympathy by one of the most barbarous exhibitions of which the mildest form of slavery consists. I observed her carrying the child of a planter, after its mother, with an iron collar round her neck, not having

the *mildest form* of protection even enjoyed by an English bull dog, that of having the spike outside to prevent a larger dog injuring him; but this unfortunate slave had the points of the collar inversed, so that every motion of her neck when she dared to contemplate the visage of this little urchin—whose sire was no doubt an advocate of Mr. Kennedy's slavery in its mildest form—caused the sanguinary vesicular of this painful instrument to draw blood from the young slave, who once hung upon the breast of a mother as fond, nay, I will say without comparison, fonder, than this tigress mother of the little urchin she was then carrying. If this be Mr. Kennedy's mildest form, may Heaven preserve us from his voracious one! but from any form of Mr. K.'s, I repeat the same prayer.

But to return to the "figment" of which he complains. I feel proud, as an Englishman, to have it in my power here to record the Address of the British and Foreign Anti-Slavery Society, presented by a benevolent and high-minded Englishman, Mr. Joseph Sturge, to the President of the United States.

ADDRESS TO THE PRESIDENT OF THE UNITED STATES.

"SIR,—As the head of a great confederacy of states justly valuing their free constitution and political organization, and tenacious of their rights and their character, the Committee of the British and Foreign Anti-Slavery Society, through their esteemed coadjutor and representative, Joseph Sturge, would respectfully approach you, in behalf of millions of their fellow-men held in bondage in the United States. Those millions are not only denied

the political immunities enjoyed by the citizens of your great republic generally, and the equal privileges and the impartial protection of the civil law, but they are deprived of their personal rights: so that they cease to be regarded and treated, under your otherwise noble institutions, as MEN (except in the commission of crime, when the utmost rigour of your penal statutes is invoked and enforced against them), and are reduced to the degraded condition of 'chattels-personal' in 'the hands of their owners and possessors, to *all intents, constructions, and purposes whatsoever.*'

"This is the language and the law of slavery; and upon this law, guarded with jealousy by their political institutions, the slaveholders of the south rest their claim to property in man. But, Sir, there are claims anterior to all human laws and superior to all political institutions; claims which are immutable in their nature—claims which are the birthright of every human being, of every clime and of every colour—claims which God has conferred, and which man cannot destroy without sacrilege, or infringe without sin. Personal liberty is amongst these the greatest and the best, for it is the root of all other rights, the conservative principle of human associations, the spring of public virtues, and essential to national strength and greatness.

"The monstrous and wicked assumption of power by man over his fellow-man which slavery implies, is alike abhorrent to the moral sense of mankind, to the immutable principles of justice, to the righteous laws of God, and to the benevolent principles of the gospel. It is, therefore, indignantly repudiated by the fundamental laws of all truly enlightened and civilized communities; and by none more emphatically than by that over which, Sir, it is your honour to preside.

"The great doctrine that 'God hath created all men equal, and endowed them with certain inalienable rights, and that amongst these are life, liberty, and the pursuit of happiness,' is affirmed in your Declaration of Independence, and embodied in the theory of your constitutional laws. But there is a stain upon your glory. Slavery, in its most abject and revolting form, pollutes your soil; the wailings of slaves mingle with your songs

of liberty, and the clank of their chains is heard in horrid discord with the chorus of your triumph.

“The records of your States are not less distinguished by their wise provisions for securing the order, and maintaining the institutions of your country, than by their ingenious devices for riveting the chains and perpetuating the degradation of your coloured brethren. Their education is branded as a crime against the state; their freedom is dreaded as a blasting pestilence; the bare suggestion of their emancipation is proscribed as treason to the cause of American independence.

“These things are uttered in sorrow; for the Committee deeply deplore the flagrant inconsistency so glaringly displayed, between the lofty principles embodied in the great charter of your liberties, and the evil practices which have been permitted to grow up under it, to mar its beauty and impair its strength.

“But it is not on these grounds alone, or chiefly, that they deplore the existence of slavery in the United States. Manifold as are the evils which flow from it, dehumanizing as are its tendencies, fearful as its re-action confessedly is on its supporters, the reproach of its existence does not terminate in the institution which gave it birth. The sublime principles and benign spirit of Christianity are dishonoured by it. In the light of divine truth it stands revealed in all its hideous deformity, a CRIME AGAINST GOD, a daring usurpation of the prerogative and authority of the Most High. It is as a violation of his righteous laws, an outrage on his glorious attributes, and a renunciation of the claims of his blessed gospel, that they especially deplore the continuance and support it receives among you; and, in the spirit of Christian love and fraternal solicitude, they would counsel its immediate and complete overthrow as a solemn and imperative duty, the performance of which no sordid reasons should be permitted to retard, and no political considerations to prevent. Slavery is a sin against God, and ought therefore to be abolished.

“The utter extinction of slavery, and its sister abomination the internal slave-trade—second only in horror and extent in the United States to the African, and in some of its features even

more revolting—can be argued by the philanthropists of this country only on the abstract principles of moral and religious duty; and to those principles the people of your great republic are pledged on the side of freedom, beyond every nation of the world.

“The negro, by nature our equal, made, like ourselves, in the image of his Creator, gifted with the same intelligence, impelled by the same passions, and redeemed by the same Saviour, is reduced by cupidity and oppression below the level of the brute, spoiled of his humanity, plundered of his rights, and often hurried to a premature grave, the miserable victim of avarice and heedless tyranny! Men have presumptuously dared to wrest from their fellows the most precious of their rights—to intercept, as far as they may, the bounty and grace of the Almighty—to close the door to their intellectual progress—to shut every avenue to their moral and religious improvement—to stand between them and their Maker! It is against this crime the Committee protest, as men and as Christians; and they earnestly and respectfully call upon you, Sir, to use the high powers with which you are invested to bring it to a peaceful and speedy close.

“May you, in closing your public career, and in the latest hours of your existence on earth, be consoled with the reflection that you have not despised the afflictions of the afflicted; but that, faithful to the trusts of your high stewardship, you have been ‘just, ruling in the fear of God’—that you have executed judgment for the oppressed, and have aided in the deliverance of your country from its greatest crime, and its chief reproach!

Signed on behalf of the Committee,

“*London, March 8th, 1841.*

“THOMAS CLARKSON.”

Such sentiments and appeals may be resisted for a while, but they cannot be hushed into oblivion, deserving as they do the attention of the present age, and to be handed down to posterity as an heir-loom. While the recital of the inhuman

horrors of the slave-trade as set forth in the following extract, will fill the hearts of generations yet unborn with emotions of dismay and disgust, which no pen can describe; I could almost persuade myself that even now I hear those who advocate it, say, "Methinks it is good to be an abolitionist."

"CAPTURE OF A SLAVER.

(Extract from the Log of her Majesty's Schooner Fawn.)

LAT. 23 30: LONG. 40 WEST.

LIEUT. COMM. J. FOOTE, H. M. SCHR. FAWN.

"On the 19th of February, 1841, Cacupos, on the Coast of Brazil, about eighteen miles, observed a large brig standing in for the land; altered our course so as to cut her off, if possible, on approaching. She appeared not to have the least idea of our being a man-of-war—allowed her to close within range of our long 32 pounder—fired a gun over her, and another as quick as possible a-head—she then up with her helm, attempted to run, but appeared in great confusion. We continued to throw the shot over, a-head and astern of her, without intention of striking, as we were positive of slaves being on board; after a short time she was increasing her distance; Lieutenant Foote then determined to put a shot into the hull, but with great regret, on account of the unfortunate beings on board. Shots were thrown close under her stern twice—a third was about to be fired, when we observed her round to. In about twenty minutes we came up, and boarded her. The slaves were all below, with the hatches on: on turning them up, a scene presented itself, enough to sicken the heart even of a Portuguese. The living, the dying, and the dead, huddled together in one mass. Some unfortunates in the most disgusting state of small-pox, in the confluent state, covered from head to foot; some distressingly ill with ophthalmia, a few perfectly blind, others, living skeletons, with difficulty



crawled from below, unable to bear the weight of their miserable bodies. Mothers with young infants hanging at their breasts, unable to give them a drop of nourishment. How they had brought them thus far appeared astonishing; all were perfectly naked. Their limbs much excoriated from lying on the hard plank for so long a period. On going below the stench was insupportable. How beings could breathe such an atmosphere and live, appeared incredible. Several were under the loose planks, which was called the deck, dying; one dead. We proceeded to Rio Janeiro with the prize. On the passage we lost thirteen; in harbour, twelve from small-pox and debility; a number also died on board the recovery ship *Crescent*. After clearing the hold and fumigating the brig, it was determined by Mr. Ouseley, the British minister, to send the brig, with a part of her cargo, for adjudication to the nearest colony, under the command of Mr. G. Johnstone, mate of the *Fawn*. We sailed on the 19th March, with 180, well provided with medicines, and directions in what manner to use them. Tapioca and lime juice were also provided; notwithstanding all the care that a small crew could bestow on them, we unfortunately lost twenty, chiefly from scurvy and general debility. This unfortunate brig left Bahia forte, on the coast of Benguela, with 510 negroes! and eighteen days after, on her capture, she had but 375!!"

Such are the outrages against which the abolitionists of England are contending; and that the high-minded Americans in the north are determined to relieve their country of the accursed traffic in human blood, will be seen from the following paragraphs.

“NATIONAL NOMINATING CONVENTION.

“A NEW body under this title met at New York, on the 12th of May. It consisted of 141 delegates, from eleven states; and

it was their object to consider and act upon the propriety of then nominating presidential candidates for the election of 1844. After ballots which were decided by very large majorities, it was resolved unanimously,

“That James G. Birney, of New York, as candidate for the Presidency, and Thomas Morris, of Ohio, as candidate for the office of Vice-Presidency, be unanimously and cordially supported at the election of 1844, and recommended to the support and confidence of the people of the United States as the worthy representatives of the just principle of liberty, and deserving the highest honours that can be bestowed by a people wishing to be free.”

The following resolutions also were adopted :—

“That the friends of liberty throughout the nation be requested to nominate and to vote for Township, County, and all other officers, favourable to the immediate abolition of slavery.

“That duty, patriotism, and humanity, call upon all Americans to unite heartily and fully in the effort to remove all oppressive laws, and to establish equal rights and the impartial administration of justice throughout this land.

“That the thanks of the liberty party, and of the people of the United States, are due to Joshua Leavitt, for his memorial, accompanied with appropriate statistical tables, to the 22nd congress, praying the adoption of measures to secure an equitable and adequate market for American wheat.

“That this Convention recommend to our friends throughout the country to send in their memorials to the congress now about to assemble, to abolish slavery in the district of Columbia, and the inter-state slave-trade.

“That the President of the United States be respectfully requested to liberate his slaves, and that the presentation of this request be referred to the discretion of Alvan Stewart, Samuel Webb, and Benjamin Shaw.

“The Convention then adopted a plan of organization for the Liberty Party (for so the new party is to be called), and resolved to meet again in two years.”

But why should such trifling demonstrations alarm our poor slavery historians? The cause is simply this:—If slavery in the states is abolished, then the planters of the south will invest their capital in legitimate commerce, and, becoming thus a commercial community, they will find it to their interest to preserve the present tariff, in order to force a portion of the black population to become manufacturers, and in that case the great anti-tariff revolution that was to be brought about in Mexico and the United States, through the medium of the free trade views of the Swampites of Texas, would, together with the pro-slavery writers' anti-tariff arguments, all fall to the ground. However, there is another point involved in the question of the abolition of slavery in the United States, which the Texans may very reasonably view with great alarm.

It will presently be proved, with the assistance of the writings of the Texan advocates, that persons of northern habits cannot labour in the cultivation of the soil of Texas, owing to its unpropitious climate; therefore none but negro labour can, by any possibility, be employed to develop the resources of the country, her staples being cotton, sugar, rice, coffee, indigo, and tobacco, all of which require the constant attention of the labourer in the open field, at those seasons when the sun is most ardent; consequently, the abolition of slavery by the United States would at once blast the bright and fondest hopes of the young republic; for, to introduce

slaves from any other country except the United States and French colonies, is piracy, and punishable by death, while a law, passed by the Texan congress in 1835, prevents "the importation and *immigration of free negroes and mulattos* into Texas." And the Texans have also passed an act to compel all *free persons of colour, and free negroes*, settled in Texas, to quit the *republic*: therefore it will be seen that Texas cannot hope (owing to her own infamy and inconsistency, that of expelling free men from her *republican* soil,) to see her resources developed by free negro labour, and, unless Texas can maintain her position as a slave-holding *republic* against the combined moral force of Mexico, England, and the northern states of the American union, she must not trust to slave labour.

That Mr. Kennedy did not take this view of the subject, founded on facts, is somewhat surprising, and to be lamented. However, it is to be hoped that he is fully "impressed with the delicacy of his task, coming forward, as he does, quite as much in the character of a panegyrist as of an historian;" and, in order to test Mr. Kennedy's pretensions to accuracy in both these capacities, I have placed the laws of "the benighted Mexicans" in juxtaposition with those of his beloved, enlightened, free, generous, and noble Anglo-Texan race, who tread "the bowers of a second Eden—fair, indeed, serenely fair, as a Madonna's aspect—those gardens of the desert."

“ Those boundless unshorn fields, where lingers yet  
The beauty of the earth, ere man had sinned—  
The Prairies.”

These are but an humble specimen of Mr. Kennedy's poetical embellishments. But, in conclusion, I beg to refer the reader to the Appendix for the laws of Mexico and Texas, as regards the “ accursed system of slavery.” This I deem the only way of refuting, indisputably, the extravagant assertions of Messrs. Kennedy, Hamilton, and Ikin, as also “ the board established” at Exeter Hall “ on anti-slavery principles.”

## CHAPTER VIII.

Territorial History—Political, Conventional, and Natural Boundaries—Climate of Texas—Mrs. Holley's and Mr. Kennedy's Climate of Texas—Geology of Texas—Mountains—Rivers—General Statistics—Hints to Emigrants, &c.

THE territorial history of Texas has already been discussed in detached parts. However, it forms such an important item in the geography of a country, that it will be necessary here to recapitulate those points that have been alluded to in the preceding pages.

The political boundary of Texas Proper, under the old Spanish regime, embraced an area of about 88,000 square miles, as defined on the map, while the remainder, which will be described as forming the territory of Texas Proper under the Mexican republican regime, formed a part of the province of Coahuila. Soon after the establishment of the independence of Mexico, many alterations were proposed as regard her territorial divisions, but it was not until the federal republican constitution

was established that these alterations were made. At this period it was deemed prudent to equalize the elective franchise of the states that were to form the Mexican federation as nearly as possible, and therefore a portion of those states which possessed a greater population was transferred or annexed to those less populous, and thus the territory lying north of the boundary of Texas Proper, under the Spanish regime, to the Red River, and in a line almost due north from the source of the river Nueces to the junction of the 100th parallel of longitude, with the 34th of north latitude, was taken from the province of Coahuila, and annexed to the province of Texas, marked on the map as Texas Proper under the Mexican republican regime

On the 11th of March, 1827, the constituent congress of Coahuila and Texas divided the territory of the state, in accordance with the republican constitutional act, into three departments, namely, Bexar, Monclova, and Saltillo, and Texas was also divided into the three following: Bexar (in Texas,) the Brazos, and Nacogdoches. The boundaries of these departments were marked on a map, and subsequently defined without any degree of local accuracy. The three departments of Texas were subdivided into grants or colonies under the Empresario System; but the condition on which the grants were made, never having been fulfilled, except by Stephen Austin, one of the grantees, the

colonies or grants have been erased from the map, and therefore no longer belong to this portion of my work. Texas can be said to have no natural boundary—unless we deny to Mexico the right of sovereignty over the soil of that portion of her territory—except the Nueces river, and the Guadaloupe mountains, which might reasonably be laid down as her natural boundary, both on the west and south. But by an act of the Texan congress, dated December 19th, 1836, we find the Rio Grande politically defined as the natural boundary on the south and west of the republic of Texas, at the same time that the conventional boundary between Mexico and the United States is duly recognized, and claimed as the boundary of the republic of Texas on the east and north, as follows: “Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That from and after the passing of this act, the civil and political jurisdiction of this republic be, and is hereby declared to extend to the following boundaries; to wit: Beginning at the mouth of the Sabine river, and running west along the Gulf of Mexico, three leagues from land, to the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to the forty-second degree of north latitude, thence along the boundary line, as defined in the treaty between the United States and Spain, to the begin-



ning; and that the president be, and is hereby authorized and required to open a negotiation with the government of the United States of America, so soon as in his opinion the public interest requires it, to ascertain and define the boundary line as agreed upon in the said treaty."

By thus extending the western boundary of Texas to the Rio Grande, the Texans claim those parts of the Mexican states of Tamaulepas, Coahuila, Chihuahua, and New Mexico, that lie to the east of the Rio Grande, in addition to Texas Proper under the Mexican republican regime, making in all a territorial domain of about 300,000 square miles. The northern and eastern boundary of Texas is laid down in the same act, in accordance with Onis's treaty of 1819, which was confirmed by a treaty of limits between the republic of Mexico and the United States in 1828; but subsequent to this date a convention was agreed upon for the purpose of surveying and settling the boundary line, but as the survey had not been made previous to the declaration of the independence of Texas, the United States refused to recognize the boundary of Texas, according to the treaty of 1819, until the stipulation of her convention with Mexico should be completed; therefore the Texan congress finally passed an act in 1839, to provide funds to carry the object of the original convention into execution, and in April, 1840, the commissioners appointed by Texas and the United States, commenced their arduous duties.

The conventional boundary between Mexico and

the United States, as defined in Onis's treaty, is as follows:—

“The boundary line between the two countries west of the Mississippi, shall commence from the Gulf of Mexico, at the place where the river Sabine empties itself into the sea; and it shall continue northward by the west bank of this river, until it reaches the thirty-second degree of latitude, from which point it shall continue in a straight line due north, until it strikes the red river of Natchitoches, and then it shall proceed eastward up the course of that river as far as the 100th degree of longitude west from London, and twenty-three degrees from Washington, at which point it shall cross that river, and continue by a straight line due north on the same degree of longitude to the river Arkansas, the south bank of which it shall follow up to its source in the forty-second degree of north latitude, and from this point a straight line shall be drawn following the same parallel of latitude to the Pacific Ocean. All according to the map of the United States, published in Philadelphia, by Mellish, and perfected in 1818. But should it be found that the source of the Arkansas river is either to the north or the south of the said forty-two degrees of latitude, the line shall continue from the source of that river due north or due south, as the case may be, until it reaches the said forty-two degrees of latitude, and then shall follow that parallel to the Pacific Ocean.”

It is difficult to say whether this will continue to be the boundary between Texas and the United States when the present commission shall have finished its labours.

The exact extent of territory now in the absolute possession of the Texans is distinctly defined on the map, and has been divided into judicial districts,\* and subdivided into the following

COUNTIES :—

Jefferson	Nacogdoches	Brazoria	Jackson
Jasper	Houston	Austin	Victoria
Sabine	Liberty	Fort Bend	San Patricio
San Augustine	Galveston	Matagorda	Gonzales
Shelby	Harrisburg	Bastrop	Refugio
Harrison	Montgomery	Travis	Goliad
Red River	Milam	Colorado	Bexar
Fannin	Robertson	Fayette	Lamar
Ward	Bowie	Paschal	Navisata
Burnet	Spring Creek	Panola	Menard
Washington			

I now arrive at a subject, namely, the climate of Texas, which I approach fearlessly, having given it my most constant attention from the earliest period of my arrival in the country up to the moment I left it; and I would earnestly entreat of every class of my readers to reflect seriously upon the facts, more particularly such of my countrymen who are about to emigrate from this country in hopes of finding a more hospitable asylum than their native and favoured, but over-crowded island at present

\* See page 362.

offers. For what would be the real worth of the richest soil in the world, where, if the agriculturist did not absolutely lose his health, his energy would become so completely paralyzed that he could not cultivate it? Or what is to compensate a mechanic for the loss of his health, and therein of his labour? Is it the prospect of his being able to earn as much in one hour in an unhealthy country as he would in a whole day in his own? Certainly not. The climate which checks the legitimate use of corporeal labour, be it sickly or not, is the constant and unconquerable opponent of human prosperity, and is, therefore, only to be avoided by inquiring into its physical construction. This hint, it is to be hoped, will not be overlooked by emigrants, be their destination where it may.

The territory of Texas, extending from  $27^{\circ} 30'$  to the 42nd parallel of north lat. on the west, and from about the 29th to the 34th of north lat. on the east; and from about  $94^{\circ}$  to  $94^{\circ} 30'$  of west longitude, is exposed on the southern and eastern extremities, and for two or three degrees from the coast towards the interior, to all the varieties and inconveniences of a tropical climate; and on the northern and western, from about the 35th of north lat., to the perpetual snow and frost of the frigid zone. This region, however, is visited during the summer months by an ardent sun, while the atmosphere throughout the former of the last-named limits, is either very wet, cold, or sultry. At the beginning of spring (March) it is generally

very wet and cold, the thermometer seldom rising above  $45^{\circ}$ ; but towards the close of the spring (May) it suddenly becomes sultry, the thermometer reaching as high as  $95^{\circ}$ . This sudden transition produces among the inhabitants fever and ague, congestive and jungle fever, while vegetation makes but little progress.

In summer the ordinary range of the thermometer is from  $95^{\circ}$  to  $105^{\circ}$ , but it frequently touches  $125^{\circ}$ , when the rapid progress that vegetation makes appears almost supernatural; and the sun, by imparting vitality to every species of filth on the surface of the earth, fills the air with innumerable tribes of insects, whose existence renders life an intolerable burthen. This season also brings its epidemics, yellow and bilious fevers.\*

In autumn the thermometer falls gradually until it reaches 60 degrees, and the weather becomes more congenial for a short time, when the autumnal rains or rainy season sets in, and continues all through the winter and greater part of the spring, accompanied by awful thunder, lightning, and northerly winds, which search the frame with an indescribable acuteness.

The baneful influence of these sudden transitions of the atmosphere on the animal, is only equalled by their destructive influence on the vegetable family that covers the face of the earth, which is

\* The yellow fever carried off 65 per cent of the population of eastern Texas in 1839.

as rich as any in the world ; but every thing it produces, whether planted by nature or the hand of man, is no sooner above ground than it is matured, and vanishes as if by some convulsive effort of nature. The flowers on the prairies are of a single day's creation, showing themselves in all their primitive and exquisite beauty in the evening ; but the next day's sun reduces them to a cinder, or inundates them with water, which varies in depth (during the rainy season) from eighteen inches to four, and in some places eight feet. At the close of this season these waters do not disappear ; on the contrary, in April the sun comes forth with great power, and its action on the snow that covers the mountains in the north causes similar inundations in the valleys which intersect the mountainous regions, whence the waters thus produced are in a great measure confined or backed up by a strong south south-easterly wind which prevails, (with the sun at this season,) aided by the waters that fall during the rainy season : but the latter no sooner begin to retire, hurried by a strong northerly wind, than the mountain valleys pour forth their torrents, not unfrequently sweeping every thing before them,\* but never failing to continue the inundation

\* "The *New York Sun* reports that there have been great floods in Texas. The rivers had swollen to a great height. People were obliged to climb trees to escape from drowning. The weather was, however, intensely cold, and ice and drift wood prevented the navigation of the streams."—*From the Jamaica Morning Journal of March 10th, 1841.*

of the lower country from about the 1st of April to the middle of May, when the rivers of Texas, which at other seasons are particularly narrow and shallow, rise, overflow their banks, and so spread their waters to collect the annual deposits of decomposed vegetable matter on the prairies, and the loose timber of the forest, with which they subsequently return to their former course, thence dashing onward with astonishing rapidity for their common destination, the Gulf of Mexico, into which they discharge themselves, together with an immense body of drift timber and decomposed vegetable matter collected as above described, and which they carry on their surface for hundreds of miles through the interior of the country.

The temperature of the waters, at this season, is never less than 20 degrees below the temperature of the water produced by the rains, and at all times 40 degrees below the temperature of the atmosphere, and thus the energy of the animal family, and of all vegetation, is completely paralyzed.

But it is asserted that "draining" will remedy all this; such is not the case, for if the low lands were drained (admitting for a moment that it were practicable) so as to carry the water off the surface, the sub-soil must be cut into, and being thus drained, would lose the moisture it now retains, and which alone supports the vegetation on the surface through the summer months, that are invariably intensely hot and dry.

Again, we are told by the romantic tourists and needy speculators, who have visited Texas, that these obstacles are not met with in the upper or western part of Texas; but although they are ignorant of the physical formation of the climate and soil of that country, they are not ignorant of the fact, that all the finest part of Texas is still in the absolute possession of various tribes of Indians, amounting in all to about 80,000, who can never be brought under the Texan yoke; and if they should by any chapter of chances be exterminated, their place will be immediately supplied by other and more formidable tribes from the state of Arkansas, whence all the tribes that have emigrated from the valley of the Mississippi, for the last thirty years, are now located, and concentrating all their strength.

Having given a description of the climate of Texas, from personal observation, for the truth of which I hold myself responsible to the reader, it will be readily admitted that I am justly entitled to expose the errors into which other writers have fallen on this subject. Indeed, I deem it a duty so to do, as the obvious tendency of every line that has been written on Texas is to seduce people to emigrate to the inhospitable swamps of that country.

Mrs. Holley, a fair American authoress, who gives the most romantic, seductive, and extravagant account of Texas, says, when speaking of the climate,



page 42, "indeed, the severe heat of the summer season, when the average range of the thermometer is 85 degrees, would render it quite uncomfortable and unhealthy were it not for the refreshing breezes from the south, which blow almost without intermission." But towards the close of the same paragraph she (in one of those contradictions, with which her work is replete throughout) states, "The temperature, however, depends, at all times, greatly upon the REGULAR WINDS, WHOSE CHANGES sometimes cause it to vary 40 degrees in twenty-four hours." And again she says, page 43, "But it must not be supposed that there are no cold days in Texas, nor exceptions to the general course of things. Within the *last FEW YEARS*, which have been signalized by winters EXCESSIVELY COLD everywhere, the weather has been so severe in Louisiana, as well as Texas, that all the young orange trees were killed, and the old ones injured; and much of the cane injured."

But Mrs. Holley's spirit of contradiction does not rest here, for in page 44 she asserts, "The climate [of Texas] is, in truth, very similar to that of Louisiana, but *modified by so many favourable circumstances*, [the frequent vast and sudden transitions of the temperature of the atmosphere from 85 to 40 degrees] as to possess all the genial influences [not forgetting the destruction of young and old orange trees, cane, &c.] of the latter, while it avoids its attendant evils;" which she describes as "fever and ague," and then continues thus, page 45 :

"Near the large river bottoms [of Texas] which are ANNUALLY OVERFLOWED, a sickly region may be marked out, where intermittents [fever] frequently prevail. Even here you never find the malignant fevers which characterize the vicinity of the Mississippi and other southern rivers after inundation."

The fevers of the Mississippi, and most other "southern rivers," are intermittents, bilious, congestive, and fever and ague. These, according to our gentle shepherdess of "Sibyl leaves," do not exist in her adopted country; which she thus accounts for: "The reason of this [the non-existence of sickness] is found in the fact that no miasmatic marshes or stagnant pools remain to mark the overflow, as is the case with the rivers in the south of the United States." But mark the next paragraph. "In the vicinity of the forests," alluding again to Texas, "as is usual, sickness prevails to some extent. It is thought that the moss, which we call Spanish moss,\* and use for stuffing mattresses, indicates an unhealthy region, and this is found frequently in the woodlands, especially on the live oak. But, on the other hand, the forests of Texas are generally distinguished by an almost total absence of underwood, [which happens to be impenetrable on the Trinity, Buffalo Bayou, Caney Creek, and Brazos bottoms] presenting frequently a smooth verdant

\* The moss, which is purely an atmospheric production, is to be found in all parts of Texas, as every traveller can testify.

turf for miles. The climate, in such regions, though subject to FEVERS, is far more healthy than the lower parts of Louisiana."

This certainly carries a mouthful of consolation with it; but before we have time to breathe, our gentle shepherdess informs us, that "another cause of disease is to be found in the water, being chiefly THAT OF THE RIVERS AND CREEKS, which are used for ALL PURPOSES." But mark the consolation she gives on this point: "This, however, is a temporary evil, and, if prolonged, will be so unnecessarily; for, although *springs do not abound* in some parts, especially near the coast, yet water of the very best quality may be had from wells of moderate depth."

This is true; "water may be had from wells of moderate depth," but this water is produced by the drainage of the surface strata of the earth, which, according to our author's own account, is more or less impregnated with nitre or salt; but the singular flavour of the well-water in that country I do not attribute to the existence of either the one or the other, but solely to the gross mucilage of the partially decomposed vegetable matter with which the waters become impregnated on the surface of the earth, and carry with them through the surface strata to the substratum, where water can always be found.

With one or two more of Mrs. Holley's "Sibyl leaves," and I have done with the American speculators and romance.

After describing Texas, on the whole, as a shade

better than the lower parts of Louisiana, she states, (page 15), "The whole coast is possessed of a belt of prairie, about eight or ten miles wide. This prairie is destitute of timber, except narrow skirts on the margins of the rivers and creeks. Its distinguishing and happy peculiarity is, that, although *rather low*, and so extremely level, that the scope of the eye comprises an horizon of many miles; it is entirely free from marsh, so much so that, *in most places*, a loaded wagon may be driven to the beach without obstruction."

I am sorry to find such an erroneous statement as this recorded by a female pen—a statement that might lead an innocent family or party of strangers to undertake the risk even of crossing them, knowing, as Mrs. Holley must, that it is unfordable for two-thirds of the year, and that the attempt has frequently terminated in the loss of both life and property. But finally, she informs us, (page 45) that there are no stagnant pools or marshes in Texas, while, in the very next page, the following passage occurs:—"It is a remarkable fact, well worthy of notice, that stagnant lakes and pools of water [in Texas] are never covered with green slime, which in summer characterizes our [meaning Louisiana] ponds and stagnant streams."

These contradictions of Mrs. Holley are only equalled by those that occur in Mr. Kennedy's pages; but in the latter they are so ably and ingeniously interwoven with strained embellishments,

that it is almost impossible to detect the incongruities of this author, who

“ For the satisfaction of a thought—  
No further harm,”

Vol. I. p. 73, says—“ If any part of Texas can be termed sickly, it is the narrow strip of country running parallel to the gulf, where, in the low and timbered bottoms, the rivers deposit the accumulations of their annual overflows.”

“ On the coast,\* especially near the large river bottoms, which are occasionally OVERFLOWED, the climate is similar to the neighbouring state of Louisiana, but with ample abatement of its injurious influences. The forests are free from the rank undergrowth of the woody districts of LOWER Louisiana, as the level region, generally, is from those putrid swamps, the exhalations from [the accumulations of the annual overflows] which, under the rays of a burning sun, poison the atmosphere, and produce sickness and death.”

“ In Texas, from river to river [which, according to Mr. Kennedy's map, comprehends but a very narrow space] the country is an open, mild acclivity; in Louisiana and Mississippi, from river to river, it is a compactly wooded level, retaining the waters of the annual inundations, which, acted upon by a dense vegetation and a powerful solar heat [both of which our author tells his reader will be found in Texas] generates noxious miasma, the

\* Kennedy, page 65.

certain cause of malignant fevers. In the LOW ALLUVIAL parts of Texas intermittent fevers frequently prevail; but to these visitations all new countries are subject, particularly where, by the clearing of the timbered land, the rays of the sun first break upon the vegetable deposit of ages. Intermittent fever, or "fever and ague, as it is vulgarly termed, is the general penalty attached to settlements in the bush, from the St. Lawrence to the Sabine."

Here Mr. Kennedy quaintly deposits the fever on the eastern boundary-line of Texas; but, fortunately for humanity, he says, in the same paragraph, "In the low alluvial parts of Texas," *i. e.* running parallel to the gulf, from the Sabine to Rio Grande, "intermittent fevers frequently prevail."

But now I must beg to introduce a few of Mr. Kennedy's favourite authors, to show that "the pest of New Orleans and Vera Cruz," the "yellow fever," finds in Texas all the elements and advantages of position necessary for its periodical development.

"Dr. Smith remarks,\* in a publication on the subject, that yellow fever requires *generally* for its development *proximity to water*, and an ardent sun, with, *it may be added*, a population more or LESS dense. At the time of its manifestation at Galveston strong easterly winds prevailed, with cloudy weather. Ten or twelve days after the appear-

\* Kennedy, page 78.

ance of the EPIDEMIC it was checked, by a fall of the mercury to  $67\frac{1}{2}^{\circ}$ , and there was no new case for nearly three days. The (epidemic) disease was at that time confined within very narrow limits. As the temperature became again elevated, new cases appeared, and the limits of the infected district were gradually much extended, and extending, when a fall of the mercury to 45 degrees occurred. But the epidemic influences were now become so inveterate, as not to be wholly destroyed by this low temperature, until a 'norther' setting-in, on the 20th of November, depressed the mercury to forty, which it is believed wholly arrested the disease."

The northers mentioned by Dr. Smith are thus described by Mr. Kennedy.

"The northers, which are peculiar to Texas and the eastern coast of Mexico, generally follow a few days of rain and southerly winds: they burst forth suddenly, with a great gust of wind which almost checks respiration, and *seems to dry up all moisture of the skin*; severe cold immediately succeeds, and the thermometer falls ten or twelve degrees [105 to 40°] within half an hour: their average duration is *three days*. Coming from a point west by north, they depress the mercury in the thermometer *lower than easterly winds*, but they are regarded as *less prejudicial to health*. During the *summer months* 'northers' are of rare occurrence, and their rude

visits are not an unmixed evil, as they tend much to purify the air."

This paragraph Mr. Kennedy winds up with the following significant hint.

"The shelter of the groves and woods affords sufficient protection to *cattle* from these assaults." This is an important fact; for Mr. Kennedy states (page 66), that "an occasional norther," of two or three days' continuance, WILL OCCUR during the summer months, and this, which is more sensibly felt upon the land than upon the sea in the immediate vicinity of the coast, is generally accompanied by heavy rain and thunder, and sometimes by a peppering hail-storm." But notwithstanding these and other marvellous and frequent convulsive revolutions of the atmosphere, Mr. Kennedy informs us, from "The Emigrant's Guide," that "the trees retain their foliage, and the plains their verdure, and that, estimated by their combined effects on a bountiful soil, the climate of Texas may fairly claim to be entitled a perpetual summer, admitting, as it does, of two and three crops a year of fruits and vegetables, in great abundance and perfection."

Again, says Mr. Kennedy, "the sweet south-westerly breeze, which is so accessory to health and comfort on the level region of the coast, may be almost termed an unmingled luxury among the cool *springs*, translucent streams, wooded 'bottoms,' islands of timber, and flower-spangled prairies of the



rolling country. The greater portion of *this beautiful region*, which has obtained for Texas the name of the Italy of America," or rather the Bog of Allen of America, which Mr. Kennedy, with all the spirit of an Irishman, thus describes:—"Blessed with a temperature delightful to the sense and favourable to life, and to most of the products which render life agreeable." Amongst which he mentions "sweet potatoes of gigantic growth;" that are to expand the dimensions and to give to the stunted, depressed and hopeless Briton, strength and symmetry of beauty. Mr. O'Connell could scarcely say more of the virtue of a big potato or the beauties of a newly discovered bog. But our author says, "the drought that pervades the season from the close of April to September, is often modified by copious and refreshing showers, which sometimes distribute their favours very unequally. The unequal distribution of rain is indeed," he adds, "considered by the husbandman the chief defect in the climate of Texas. One section of the country is frequently saturated by teeming showers, while, at the distance of only a few miles, the ground is gaping for moisture." However, he informs us, that it is "not so at other periods of the year." Then wet weather is general, and in the early spring [this season he recommends to emigrants] predominates, especially on the coast, where it *breaks up the roads*, swells the streams, which [occur at every ten or fifteen

miles throughout the country] become unfordable torrents, and sometimes injures the stock and retards the preparations of the agriculturist." Nevertheless, Mr. Kennedy states, (page 137, vol. i.) "If the native of a southern clime, devoted to tropical agriculture, and anxious to obtain quick and large returns from *capital*, he will find a suitable field of operation on the alluvial lands of the coast, or the rich 'bottoms' of the Red River. If accustomed to a *more temperate* clime, and the mixed pursuit of farming and stock raising, he will be quite at home on the rolling prairies."

I must here apologize to my reader for dwelling so long on this subject, but I deem it one of great importance to my countrymen, who may, by false representations, be induced to emigrate to the inhospitable swamps of Texas, and therefore I beg to direct attention to a few more of Mr. Kennedy's observations on the climate of his young republic.

"The vernal season of Texas Proper, which is [a continuous swamp] slightly elevated towards the north and north-west, begins to shed its cheering influences about the end of February; then [mark!] the weather, though variable, is often delightful, and the Texans boast that March in the young republic equals in amenity 'the glad green month of May' in New York and the adjacent states. To persons of northern habits, April and October are the most pleasant and attractive periods of the year, both with respect to climate and scenery.

The stranger who journeys along the low lands of the Brazos [the heart of Texas Proper] during the drenching days of the short *winter of Texas*, when the *natural* roads\* over the rich alluvial soil are broken into sloughs, and the creeks swollen into unfordable torrents, will probably anathematise the country and its eulogists, and perhaps, *as some have done*, abandon it altogether *in disgust*. But were the same person to arrive in spring or autumn, and mounting a good horse [which unfortunately it is quite out of the power of the poor, depressed, and hopeless Briton to obtain] ascend *from the coast* to the interior, where the path winds along limpid brooks and gentle vales, through a wilderness of flowers, varied by clustering evergreens and fairy groves, his heart could hardly fail to dilate with motions of grateful joyousness, and to ejaculate in the silent temple of nature, ‘Methinks it is good to be here.’”

Here our author might have added, particularly if caught in summer deshabelle, in a “norther, which bursts forth suddenly with a gust of wind, that almost checks respiration, and seems to dry up all moisture of the skin,” while the thermometer runs down from 105 to 40 degrees in less than half an hour. However, with one more quotation from Mr. Kennedy I shall close this chapter:—

“The healthiness of the climate, I conceive,

\* There are no other roads in Texas.

does not admit of doubt;\* I speak from *information derived from others*, and from personal experience, which has been considerable."

Various other writers, are next quoted, amongst the rest Humboldt, Clay, Marryatt, Ward, and Pike, none of whom have ever been in Texas, and yet General Pike states, that "Texas has one of the most delightful temperatures in the world."

With such idle assertions we find every page that has yet been written on Texas replete. Finally, I am sorry that Mr. Kennedy should have lent his pages to so many of the fabulous authors of the west; not forgetting Mr. Bonnell's description of a petrified forest, consisting of trees petrified half way from the root, while the upper part is in a perfect state of vegetation, throwing out its branches in all directions! To complete the history of the natural curiosities of Texas, Mr. Kennedy mentions a wonderful tooth; this tooth I have seen; its weight is about eighteen pounds, but as travellers are allowed to exaggerate, he has set it down at fifty; and as Mr. Kennedy's doubts are still unresolved as to the origin of this tooth, I, as a traveller may venture to say, that it dropped from the jaw of the "Jerusalem pony," with which so many men were slain at the battle of San Jacinto, and other glorious fields, recorded in Texan history, and not in remoter times, as it may appear to the

\* This is taken from Mr. Egerton's Report. See Kennedy, vol. i. page 76.

incautious readers of Mr. Kennedy's history of the young republic.

However, the big tooth question is one easily solved. The probability is, that the immense quadrupeds, whose remains are daily being discovered in America, are antediluvian, and are in all probability still to be found living both in America, Africa, and Asia, and will some day be discovered, as "the tapir of Sumatra has recently been by the English settlers in that country, together with a gigantic flower, which appears at first sight as if it had dropped from another world." Therefore it is by no means improbable that elephants and mastodontes will be yet discovered in America, three-fourths of which still remain to be explored.

The tooth I saw in Texas, is evidently a species of the genus discovered in Ohio, which is said to be sixteen and a half inches in circumference, with a humerus twenty-five inches round the condyles: this, with several other fragments of tusks, fossil moles of the rhinoceros, all resemble the diluvial formation discovered on the banks of the Irawaddy, 20° to 21° north latitude, and which are deemed to be the remains of a world before man was called into existence.

But the discovery of these fossils in America, where they can scarcely be deemed extraneous, is by no means so surprising as the discovery of the remains of the mastodon, elephant, hippopotamus, rhinoceros, hyæna, tiger, beaver, and tapir, such as

described by the ancient writers near Florence, these animals being really extraneous in Europe.

The superficial configuration of Texas presents the following irregularities: level, undulating, hilly, and mountainous, each varying in fertility according to its elevation above the sea, whose waters have gradually been driven back from their original confines, (the hilly range,) by the descent of the alluvial surface soil of the mountains, which has been brought down by the waters produced by the action of the sun on the snow that covers their summits. These alluvial deposits were left for a while to form the surface soil of the hills, but have been again carried onward in their course to the undulating section, by the periodical rains of the tropics, which extend as far as this region, and the constant action of the innumerable rivers that intersect this portion, and which have finally deposited their alluvial treasures in such rapid succession as to complete a singular conquest of the deep, leaving a rich and level tract of country between its original and present shores, varying from thirty to eighty miles in breadth, as a splendid specimen of the great power and mighty revolutions of nature. So complete has been the success of the natural agencies employed here, as in almost every other part of the globe, to give to Texas the ordinary physical features of other countries, that little remains in its configuration for the traveller to dilate upon. The mountains exhibit a bare, rocky,

and broken surface of limestone ; the hills a surface strata of sand, and rock-sand of the remotest formation, intermixed with marine deposits, and stiff and unfriable marls, interspersed with tracts of alluvial soil. The undulating, varying but little in its formation from the latter, however, assumes a more fertile aspect, owing to its nearer proximity to the level of the sea. The fertility of this region increases as it approaches, and is finally lost in the gross vegetation, which covers the surface of the level and less elevated plains of the alluvial district. Having only given my reader an idea of the physical aspect of Texas, it is necessary now to give a more minute description of the sub and surface strata.

There is no region in the world that possesses more fertile land than Texas, and where nature has raised so many obstacles in the way of its general cultivation, and the development of its fertility.

Such is the physical construction of the prairies of Texas, like those of Louisiana, that they present nothing more than the ordinary aspect of swamps\*

\* The Americans of the south found the word "swamp" so obnoxious to their brethren of the north, and more especially to Europeans, that they merely, as a matter of expediency, called the "swamps" "prairies," which is certainly an improvement ; and every body must admit that the prairies of Texas are as fine as any in the world ; but what is to be done to remove the water with which they are covered ? that this cannot be done must also be admitted, for they arise from two distinct, great and uncontrollable natural causes.

for two-thirds of the year ; and the timber which covers the " rich alluvions " on the river bottoms, is not to be removed without a considerable outlay of capital and labour. The latter will at all times be extremely expensive, and more or less difficult to obtain.

The surface soil throughout the explored portions of the country is composed of one-fourth lime, one-fourth sand, and one-half marl, white, black, and red ; the quantity of the latter, being equal to both the other component parts, at once decides the colour of the soil, as it presents itself in different sections ; the whitish, or light soil, in the elevated tracts in the north-west, and for a considerable distance along the banks of the Colorado river ; the black throughout the prairies, and the red in the cane-prairies, woodlands, particularly along the banks of the Brazos, and in the elevated plains in the north.

This diversity in the surface soil, forms a striking feature in the aspect of the country, and the whole strata being equally rich and well adapted to the cultivation of tropical staples, may in time render Texas famous for the variety of her product.

The sub-strata of the earth, however, is still more diversified, and may be described as follows : In the elevated sections, white marl, which, when exposed to the atmosphere, becomes as hard as marble ; the wood-lands and cane prairies, sand,



and a stiff blueish clay, interlaid at intervals of three or four feet, to the depth of thirty, and finally resting on a substratum of rock sand; the prairies a black, greasy clay, interlaid at intervals of about ten feet with a very stiff blueish marl. The latter are the true characteristics of the substrata of what is called "the alluvial country," which extends along the sea-coast, from the Sabine river to the Rio Grande, and to about eighty miles, on an average, towards the interior, whence the land begins to rise, and at once assumes the character here given to that portion of the country; and finally, the peculiar construction of the still more elevated soil, both sub and surface, present themselves to view, as also described.

The physical construction of the atmosphere, and other natural causes, render the prairies in the lower parts of Texas, along the sea coast, worse than useless for two-thirds of the year; and the prospective productiveness of the upper sections of the country, somewhat problematical. The rivers and water courses of Texas are remarkably numerous, occurring at almost every ten miles throughout the country; but relying as they do on the rains of winter, spring, and autumn, and on solar influence in summer, for their waters, they afford but few facilities for navigation, assuming during the first-named seasons the character of impetuous torrents, overflowing their banks, frequently forsaking their old, and taking an entire fresh course

during the general inundation; while in summer the largest rivers seldom exceed three feet in depth, and their tributaries become quite dry, so that in the latter season the traveller is obliged to carry a supply of water for himself and horse from river to river: whereas in winter, spring, and autumn, he meets an "unfordable torrent" at every ten miles.

The streams east of the Brazos river rise in the "immense levels in the north," stretching from east to west for two or three hundred miles; but these streams do not assume the ordinary character of rivers of the fourth magnitude, until they reach the southern confines of the levels, whence they are vastly augmented by the natural drainage of these plains, that are elevated considerably above the marshes, through which the eastern rivers of Texas flow.

The surface strata of the earth, in this section of the country, consist chiefly of red clay, as I have already described, and a substratum of rock sand, from which issue the clearest waters. They, however, in the earliest stage of their meanderings through the swamps, lose their native purity, and borrowing from the vast variety of the strata of the marshes much gross and earthy matter, they assume a variety of colours, and towards the latter part of their career become almost pestilential.

The Sabine river, the extreme eastern boundary of Texas, rises in latitude  $33^{\circ}$  north, and di-

vides Texas from the United States. The waters of this stream, after meandering through a vast region of swamp, assume a greyish colour, and finally discharge themselves into Sabine Bay. The Sabine river varies in width from 40 to 100 yards, and is unnavigable, owing to the innumerable sand-bars, which commence at its mouth, and re-occur at short intervals throughout its course.

The Neches river rises about 80 miles north and 100 west of the source of the Sabine, from which it differs but little in width, depth, and other respects; its navigation being obstructed by similar impediments.

The Trinity or Trinidad river rises in the most elevated part of the "immense levels," lat.  $30^{\circ} 35'$  north, and after meandering through a great extent of thickly wooded country, discharges itself into Galveston Bay. The waters of the Trinity are of a blueish colour, and are, if any thing, more gross and earthy than the waters of the Sabine. It is, however, navigable, from its mouth, for nearly 300 miles; but its mouth is almost inaccessible, owing to the prevailing shallowness and sand bars of Galveston Bay; yet its navigation is susceptible of great improvement. Its width varies from 100 to 250 yards, and its depth from three to forty feet, according to the season.

The San Jacinto River is an insignificant stream, famous only among the Texans for the successful

surprise of the Mexican army under Santa Anna by General Houston.

Buffalo Bayou rises in the "immense levels," in about  $31^{\circ} 30'$  north. There is no motion visible in the waters of Bayou for nearly two-thirds of the year, which is supposed to render its banks most insalubrious. Its astonishing depth, from its mouth as high as the city of Houston, affords abundant facilities for steam navigation, which is now carried on by three companies; and the constant passing of steam-boats to and fro, by giving motion to its waters, will help to purify them. In its course it forms many acute angles, which renders its navigation very difficult, but not less beautiful and interesting. After a course of about 100 miles, it mingles its waters with those of the San Jacinto, and several other small streams that empty themselves into Galveston Bay on the north.

The Brazos river rises in the Rocky Mountains in the north-west: and after collecting the waters of many tributary streams from the same source, it keeps an easterly course for about 200 miles, when gradually inclining to the south, making innumerable windings and acute angles, it empties itself into the Gulf of Mexico, after a course of about 800 miles. The waters of the Brazos, though originally as pure as the waters of every mountain stream, soon become impregnated with much earthy matter, and taking a reddish colour from the strata

of the earth, that indicates the existence of a portion of oxyde of iron of the most recent formation, and which adds novelty and beauty to the landscape, as seen from its margins ; but, notwithstanding that its banks are high and bold, it frequently overflows them, and so inundates the whole country around for many miles.

The Bernard, Cedar, Caney, Live Oak, and Big-boogy rivers, and Oyster Creek, are all perfectly dry during the summer, and being too narrow to afford any facilities for navigation at any other season, they do not require a minute description.

The Colorado river in Western Texas rises in lat.  $32^{\circ}$  north ; pursuing a north-easterly course for upwards of 100 miles, it winds round the foot of the San Saba mountains, and thence takes a south-east course. Passing over a substratum of soft white marl, its waters assume a whitish hue, which they preserve throughout the remainder of their course, of 150 or 200 miles, when they discharge themselves into Matagorda Bay.

The Navidad, and other small rivulets that rise between the Colorado and the San Antonio rivers, together with the tributaries of the latter and Guadalupe river resemble the small streams of Eastern Texas, being totally dry during the summer.

The rivers Guadalupe and San Antonio are at all times very narrow, and particularly shallow in summer, but more impetuous at other seasons than the streams of Eastern Texas of the same magnitude.

The river De la Nueces, with its tributaries, rises among the rocky mountains of Ganahuaca, and is very narrow but deep; keeping an uninterrupted course from about north-west to south-east, it finally empties itself into the Nueces Bay. This river was formerly the western boundary of Texas, which separated it from the state of Coahuila; but at the period of the declaration of the Independence of Texas, the Texans extended their western boundary to Rio Grande or Rio del Norte.

The Rio Grande or Rio Bravo, formerly called Rio del Norte, is the western boundary of Texas, which separates Texas from Mexico; this is the largest river in Mexico, and rises in the Verde Mountains, in about  $45^{\circ}$  north latitude, sweeping along the base of the western chain of the Sierra Madre, watering in its course the confines of the vast plains known as the Bolson Mapimi and Parras; collecting the waters of innumerable rivulets that flow from the lakes of Parras and Mapimi, it winds round the foot of the Sierra de Pilaros, thence keeping due east until it receives the waters of Puerco; then running south into the Gulf of Mexico, after a course of 1600 miles. The waters of the Rio Grande are clear, light, and wholesome. Its navigation is seriously obstructed by a sand bar at its mouth.

The Arkansas river is the north-western boundary claimed by the Texans, and is supposed to rise in latitude  $42^{\circ}$  north. This river does not assume the character of a permanent stream until it reaches

38° north latitude, when all the rivulets that run through the intervening space, which is composed of a very loose sandy soil, seldom take the same course twice, being supplied at one season by the rains, and at another by the melting of the snow on the mountains. The waters of both these seasons take the course best suited to convey them to the point whence the river may be said to have a fixed source, namely, in latitude 38° north.

The coast of Texas presents but few bays, and these are obstructed by sand banks and bars, while internally, they are both shallow and exposed.

Sabine Bay or Lake, on the extreme eastern point of the coast of Texas, is quite inaccessible, having innumerable sand, mud, and oyster banks, which commence some miles out at sea, and continue to its mouth.

Galveston Bay \* is the largest inlet on the coast, and is accessible, both on the east and west, for ships of light draught of water. It varies from ten to twenty-five miles in width, and is from thirty to thirty-five miles in length; but its navigation is obstructed by two sand bars which run from east to west. The first, "Red Fish Bar," occurs about

\* The charts of Matagorda and Galveston Bays that have recently been published in England, are nothing more than drawings, no survey having as yet been made. Copies of the drawings from which those charts have been taken, were in my possession when in Texas.

twenty-two miles from its entrance, and the second, "Copley's Bar," about five miles higher up the bay.

Matagorda Bay is at present next in importance to Galveston Bay. It is about forty miles in length, and varies from five to nine miles in width. It is shallow within its entrance, "Passo Cavallo," seldom affording more than seven feet water in the deepest part of the channel.

Aransas Bay possesses many advantages over Galveston and Matagorda Bays. It is easier of access, having more water at its entrance, and being well sheltered within, and is, above all, the most healthy part of the coast.

Nueces Bay possesses all the advantages of Aransas Bay, and is, if any thing, more healthy. These bays have been almost overlooked by the Texans, up to the present time, but they will ultimately become places of some importance.

West of Nueces Bay there are several smaller ones, called Lagunas, formed by a long sand bank, named, "Isle de Padre," or Mustang Island. There are many inlets to these Lagunas, but they have not been sounded, and are generally believed to be very shallow; this portion of the coast is, in fact, but very imperfectly known.

All the bays and rivers of Texas are infested with alligators, serpents, water moccasins, lizards, frogs, toads, scorpions, gally nippers, tarantulas, ants, wasps, cantharides, horse-flies, and musqui-



toes; the latter swarm upon the boats passing to and fro, and soon throw the passengers into a sort of Mississippi commotion. Fish also abound in the waters of Texas; such as cat fish, sheeps'-head, buffalo, red fish, mullet, eels, trout, perch, crabs, prawns, and oysters.

The mountains of Texas, from their contiguity to those of Mexico, are supposed to possess vast mineral riches; but there is nothing on record except an Indian tradition, to establish the fact of their existence. Many parties have been formed in Mexico, Texas, and the United States, to explore the San Saba Mountains in the north-west of Texas, but they have been either driven away or cut to pieces by the Comanches.

The San Saba Mountains are, strictly speaking, the only mountains in what is called "Texas Proper." They may, however, be styled the footstones of the Andes of Peru, which, after entering the states of Mexico and Puebla, divide themselves into two large chains, the western arm running due north, at the distance of about 100 leagues from the Pacific Ocean; and the eastern one following and keeping the shores of the Gulf of Mexico, at the same respective distance, until it reaches the state of Coahuila; it is united by a ridge of smaller mountains to the rocky mountains which follow the Rio Grande, from north to south, and finally are lost in the table lands of Texas.

The enchanted rock is a huge mass of lime-stone, rising abruptly from the centre of an inclined plane, to the height of 220 feet. Its surface is bare, except here and there, the head of the "ribes adorum," a species of blackberry, is seen waving its head in the breeze. The original inhabitants are supposed to have had a temple on this rock; and to this day it is known among the various Indian tribes as "the enchanted rock." The Gaudalupe, Piedra Pinta, Ganhuaca del Sacramento, and Obscura, form the immense ridge of mountains which follow the eastern bank of the Rio Grande, as already described by Humboldt.

Among the very many remarkable features of the revolutions of nature in Texas, there are to be seen two mounds, one near Nacogdoches, and the other a few miles from Columbia, on the Brazos. The former is elevated about eighty feet, and the latter from 150 to 200 above the level of the surrounding plains. These mounds are supposed, from the marine deposits found on their surface, from the base to their summits, to have been originally submarine, together with the whole region that now forms the lower country. They were, doubtless, nothing more originally than sand-banks, formed by the confluence of the waters of various rivers with the Gulf of Mexico; and this supposition is materially strengthened by the knowledge of the fact, that such formations are now in rapid progress, and that these must necessarily be

elevated considerably above the elevation of all subsequent deposits, whether purely alluvial or marine.

The zoology of Texas consists of the wild horse, buffalo, deer, antelope, Mexican wild hog, cougar, a species of lion, leopards, panthers, leopard cats, wild cats, bears, wolves, grey squirrels, polecats, raccoons, beavers, and opossums. The feathered tribes of the woods and prairies are vultures, eagles, bald-headed eagles, hawks, pelicans, geese, ducks, wild turkeys, prairie hens, a species of partridge, pheasants, plovers, pigeons, doves, snipes, larks, black, blue, and red birds, a great variety of woodpeckers, mocking and humming birds.

The insects are as follows: grasshoppers, butterflies, fire-flies, ants, spiders, tarantula,\* horse-flies, buzzing-flies, red, black, and brown bugs, egg and wood ticks, mosquitoes, and lastly, a prodigious family of fleas, whose industry (without offence to our own prodigies) is not surpassed by any in the world; by day they are intolerable, but at night (particularly in the inns) they are really alarming. Mrs. Holley, who must have been quite a *bonne bouche* to the "atmospheric animalculæ" of her adopted country, says, page 145, "mosquitoes are a great annoyance in the SWAMPS," [here she admits that there are such things as swamps in Texas]

\* This is the most venomous insect in the world; when expanded, it measures from five to seven inches. The rattlesnake is harmless compared to the tarantula.

“ woods, and river-bottoms ; but on the uplands are not so numerous. In the former situations, no one would think of sleeping without a musquito-bar ; while, on the latter, they are often entirely superfluous at all seasons.” Here she might have added, that an Indian bar, to protect a man’s scalp, would be an acquisition. “ But there is,” continues this lady, “ a species of animalcule, called the red-bug, which is intolerably tormenting in the woods. GREAT NUMBERS of this insect will settle upon the skin, which they perforate, and commence sucking the blood until they are so filled that, from at first being imperceptible, they are at length PLAINLY visible, under the appearance of red specks upon the skin.” Now Mrs. Holley indeed begins to speak feelingly and truly. The sensation that these insects cause may be entered on the calendar of human miseries, under the title of the Scoto-American fiddle. “ The land-flies and ticks are also very annoying in their attentions,” says Mrs. H. “ The traveller is frequently blinded by the former getting into his eyes, and has his skin almost literally nipped to pieces by the latter. These ticks are furnished with a proboscis or trunk greatly disproportioned to the rest of the body, and so closely do they stick, and so industriously do they perform their part, that, in one night’s time, if not carefully guarded against, they will spoil the beauty of the fairest face in creation, beyond the redemption of all cosmetics, for days to come!”

These and the following graphic touches of Mrs. Holley, are true to the life:—

“The horse-fly, it is said, has frequently been known to kill horses” [leaving the traveller in the middle of a prairie, under a scorching sun, to walk.] “*At any rate*, it is a most malicious and troublesome insect; the gad-fly is also a dreadful tormentor of cattle in summer.”

These, however, are but “a select few” of the out-door tormentors of Texas; while our suffering shepherdess informs us, that, “The common house-fly, the gnat, *and others* of like species, and of equal attachment to poor suffering humanity, [‘alas! poor Yorick!'] are the constant and close companions of a summer’s day in Texas. At that season, [a mouthful of ice and air,] and a happy deliverance from such plagues, would form the most desirable item, as far as creature comfort is concerned, in a Texan Litany.”

It would be superfluous for me to add another word on this subject, which has been already dwelt upon at such length by the ablest Texan naturalist, whose veracity on this one head is most unquestionable.

In addition to cotton, Texas produces magnificent crops of maize, or Indian corn, which grows as high as ten or twelve feet, while the ground below is generally covered with the finest pumpkins, water melons, and sweet potatoes; a great variety of vegetables are also grown in Texas; but wheat,

oats, and barley have failed wherever they have been tried as yet. The timber is confined to the margins of the innumerable streams that intersect the country, and as these occur so frequently, the lower parts of Texas may be said to be well timbered. The oak, ash, red and white pine, and cedar, are to be found in the greatest perfection in eastern districts, with a prodigious shrubbery of underwood, the most conspicuous of which is the Lapan tea-tree, and a large collection of medicinal roots, such as sassafras, arrow-root, rhubarb, gentian, jalap, &c.; while the red, black, live and post oak, locust, musquit, pecan, hackberry, and mulberry, are to be found in the west. The timber of eastern Texas, where the surface soil is very deep and rich, arrives at the most gigantic magnitude with astonishing rapidity; but this is only the case with cedar, cypress, red and white pine, and such other trees as spread their roots along, and confine them to the surface soil; while the oak, ash, &c., whose roots penetrate the sub-soil, which is a cold wet clay at all seasons, present but a meagre foliage, and seldom arrive at a greater size than trees of thirty or forty years' growth in England. This is more remarkable in western Texas, which is considerably elevated above the lower country. Throughout the former the surface soil is much more shallow than in the latter, and which will continue to decrease, owing to the action of the climate. First, the rains inundate the whole country, and their

waters periodically find their way to the river courses, carrying with them more or less of the alluvial soil of the upper country; and so great is this operation of nature, that in many places the original sub-soil may be found quite exposed, which is the case throughout nearly the whole region of territory that lies between the river Nueces and the Rio Grande. This sub-soil, being composed of a strong, stiff, cold, and wet clay, or rock sand, presents but few asylums for the timber of the forest. The oak, ash, &c. of this and the upper regions of Texas are remarkably stunted, and their coarse, brittle, and dwarfish foliage at once denote that the soil is most uncongenial to their nature; even in the eastern or lower parts of the country the traveller will frequently meet with large patches of decayed trees of the first magnitude; he will also find, on examining those that have been blown down, that the blight arises from the roots having penetrated into the sub-soil after the surface soil has been removed from the roots by the retiring waters of the periodical inundations.

The cross timber of Texas, which has excited the attention of so many travellers, Mr. Kennedy conjectures to be a work of art, and owes its origin to an unknown race of men, who erected the mounds and ancient fortifications of the Mississippi valley; whereas the simple fact is, that the cross timber of Texas is a continuation of the woody bottom of the Trinity River, growing on either side

of a valley, which was evidently a continuation of the present bed of that river, and having been cut off from its original source, at some remote period, by the Red River, it is now kept up by the natural drainage of the vast marshes through which it formerly took its course, as denoted on the map.

There is also a great variety of wild grasses in Texas, but they are generally very coarse, dry, and sour; the musquit grass, however, is of such a delicious flavour, that cattle frequently eat of it until they drop dead; the blade sometimes grows to the height of six feet, and when seen at a distance has a novel, beautiful, and noble appearance.

The extravagance of the estimates that have been put forth relative to the marvellous productiveness of the soil of Texas may be seen from the few foregoing, and her present and future commercial prospects from the few following statistical facts:—

Cotton is the only Texan commodity that can be produced for export for some years; and this can only be raised by negro labour, for I repeat, that Europeans cannot work in the fields in Texas, and the American, who can do so partially, will not; therefore negroes must be obtained, and in the absence of capital, which is not to be found in Texas, the cotton must go to pay for the labour that raises it, to the great but unavoidable injury of the country, as I will show; but these facts are adroitly disguised by the Texan authorities, as may be seen



by the last statements of the Secretary of the Treasury of Texas, published in the *Morning Herald* of the 1st of September, 1841, as follows:—

PORTS.	DOMESTIC GOODS.		FOREIGN GOODS.		TOTAL.	
	Dollars.	Cents.	Dollars.	Cents.	Dollars.	Cents.
Galveston .....	32,168	. 85	17,355	. 41	49,524	. 26
Velasco.....	55,503	. 55	28,392	. 47	83,896	. 02
Metagorda .....	24,479	. 92	4,102	. 00	28,581	. 92
Labaco .....	14,583	. 95			14,583	. 95
Aransaso .....	930	. 00			930	. 00
Sabine.....			42,885	. 00	42,885	. 00
	<u>127,666</u>	<u>. 27</u>	<u>92,734</u>	<u>. 88</u>	<u>220,401</u>	<u>. 15</u>

For the three months ending 31st March, 1841.

Galveston .....	16,906	. 75	27,145	. 97	44,052	. 72
Velasco .....	19,957	. 50			19,957	. 50
Metagorda.....						
Labaco.....	9,860	. 45			9,860	. 45
Aransaso.....	120	. 00			120	. 00
Sabine .....	18,805	. 00			18,805	. 00
	<u>65,649</u>	<u>. 70</u>	<u>27,145</u>	<u>. 97</u>	<u>92,795</u>	<u>. 67</u>

Total of 15 months 193,315 . 97 119,880 . 85 313,196 . 82

Value of Imports during the same period ... 1,670,240 . 00

Gross Revenue..... 313,196 . 82

Expense of Collection 133,139 . 00

Net Dollars 180,057 . 82

The "foreign goods" named in this statement refer to the imports, the duties on which are paid in the promissory notes of the Texan government, and these securities are to be bought at 75 per cent. dis-

count, and paid, as they are at all times, in these notes, would yield a net amount, in silver dollars, of 29,970:21 $\frac{1}{4}$  only, instead of 193,315:97 dollars. The amount of "domestic goods" paid for in this depreciated currency (for the government rule their receipts in notes at par in all their statements) would yield 48,328:99 $\frac{1}{4}$  in hard dollars, and not 119,880:85 dollars. The expenses of collections being paid in notes at 75 per cent. discount, and redeemable at par in specie, amount to 532,556:00 dollars, showing a deficiency in the "gross amount of revenue (313,196:82 dollars) of 219,359:18 dollars, in the place of "net dollars," 180,057:82. It would puzzle the Texan government exceedingly, I fear, to show what the domestic goods (which mean the exports) of Texas, as set forth in their financial statement, consist of. However, it will not suffice to dismiss our statistical *exposé* of the Texan budget in the face of so formidable an official document as the foregoing, and of the following and conflicting statements of its advocates. Mr. Kennedy says (Vol. II. p. 379), "The estimated receipts into the treasury for the fiscal year, commencing the 30th of September, 1839, and ending the 30th of September, 1840, are as follows:—

	Dollars.
" From Customs . . . . .	400,000
" Taxes and Land Dues . . . . .	500,000
" Sales of Lots in the Cities of Austin and Colhoun . . . . .	400,000
	<hr/>
	1,300,000"
	<hr/>

This is Mr. Kennedy's statement, in the face of that of the Texan government, which gives 313,196:82 dollars as the gross amount of revenue for fifteen months from the customs; while Mr. Ikin, the Texan consul, says the amount of revenue obtained by means of import duties and direct taxation, in 1840, is 802,054 dollars. In order, therefore, to arrive at any thing like a correct estimate, it is necessary to ascertain what are the articles exported from Texas, and the amount of labour employed in their cultivation. Cotton, as I have before observed, is the only article that Texas produces at present for exportation, and, admitting that there are 11,323 slaves in Texas, and that half of this number are the *bona-fide* property of the Texan planters, and that the other half are only hired, and out of the whole that 8000 are actually employed in the cultivation of cotton; the labour of 8000 hands, at the average rate of ten bales to each hand, will produce 80,000 bales annually, at the estimated value of forty dollars per bale; for 40,000 bales uncontracted for, and 40,000 bales contracted for at the usual rate, thirty-five dollars per bale will yield 3,000,000 dollars per annum, from which we have to deduct the hire and keep of 4000 slaves at the common rate of forty dollars per month for nine months, as being actually engaged in planting, picking, ginning, and bagging cotton, and ten dollars per head per month for the keep (including imports) of 4000 slaves, 1,920,000 dollars, which, when deducted from the net amount of produce, leaves only 1,080,000 dollars as the dis-

posable means of Texas; and this is the amount that is to supply the imports for 59,000 souls (not including the negroes) on an average of fifty dollars per head, 2,950,000, and an *ad valorem* duty (say of 15 per cent.) on this amount of imports, with the revenue derived from assessed taxes (500,000 dollars), added to sales of government lands (400,000 dollars), is, as near as can be calculated, all that is tangible to meet the current expenditure of the country, which has averaged 1,475,750 dollars annually, from 1836 to 1840. The last item is by far too low; but I am here trying to yield a little to sanguine speculators, who have represented the present and future ordinary resources of Texas as truly unlimited. However, in following up these supposititious calculations, the reader must not pass over the subjoined statement of the

## PUBLIC DEBT OF TEXAS.

	Dollars.
Amount funded under the act of 1837, redeemable at the pleasure of the government, after 1841 . . .	750,000
Interest on the same, not paid . . . . .	75,000
Amount funded under act 1840, and payable in 1845 . . . . .	800,000
Interest due and unpaid . . . . .	40,000
Bonds, hypothecated, redeemable in twenty years . . . . .	500,000
Interest due and unpaid . . . . .	50,000
Bonds for the payment of the Navy, redeemable 1842 . . . . .	690,000
Interest due and unpaid . . . . .	138,000
Eight per cent. bonds payable in five years (no interest due) . . . . .	100,000
Treasury notes in circulation . . . . .	2,250,000
Supposed amount of claims outstanding, and not presented to be audited . . . . .	500,000
Making in all . . . . .	5,893,000

Hence it is we find that the annual expenditure of the government from the declaration of the independence of Texas in 1836 to 1840, has averaged 1,500,000 dollars; and yet we are told by Mr. Consul Ikin, in his three-shilling advertisement of Mr. Kennedy's work, that "the expenditure of the government" cannot be much over 600,000 dollars, whereas it has averaged more than double that amount; and in the foregoing statement, moreover, I have not included the following items:—

	Dollars.
Bonds and Treasury notes held by the bank of the United States, in Philadelphia . . . . .	137,015
Bonds held by the bank in London . . . . .	184,204
The voluntary assumption of 1,000,000 <i>l.</i> sterling, named in the convention between England and Texas . . . . .	5,000,000
	<hr/> 5,321,219
Public debt brought forward . . . . .	5,893,000
	<hr/>
Total amount of recognized liabilities . . . . .	11,214,219

The interest on the amount of recognized liabilities of the government would amount to about 560,200 dollars, and the Texans propose to increase their public debt by raising a loan of 6,510,000 dollars, which is to yield them (after various deductions) 4,042,000 dollars, for which they are to pay a yearly interest of 420,000 dollars, thus swelling their national debt to the enormous amount of about 17,724,219 dollars, and the annual interest on their liabilities to about 1,000,000 dollars; this is

to be paid by a nation of about 59,000 souls, but *when*, even Mr. Kennedy does not venture to inform us.

All the inconveniences, however, that may arise from the pressure of such a national burden, is to be obviated, we are told, by the influx of strangers, who are to bring money into the country, for the purpose of investing it in lands; this, it is true, may come to pass, but it must be remembered that the lands of the republic are now in the hands of the United States' jobbers, or speculators, who are not residents in the country, and who are only waiting to sell the land and then carry the money away with them to the United States. And it is also said that the government by redeeming their promissory notes in specie, will throw money into the country; but here again it must be remembered, that all the securities of the republic have been bought and are held by the United States' capitalists at a discount of 75 per cent., who are anxiously waiting for the government to redeem them in specie, an event particularly desirable "up town" at this moment; therefore, the evils which arise from the absence of capital, must continue to be felt for some time, and no legitimate commerce can be established without it, or maintained until the agricultural prosperity of the state demands it. The tariff of Texas, however, holds out many inducements to the "contrabandista," and a very extensive contraband trade will doubtless be carried on through Texas with the United States; but before it can reach Mexico, roads have to be

made, the Indians exterminated, and the abused confidence of the Mexicans restored, and this may occupy more time than all the rest; therefore the trade of Texas, for the next ten years at all events, will be confined to the shipment of cotton to New Orleans, to meet the engagements of the planters and her contraband trade with the United States, and to what extent this trade is to arrive, remains altogether with the States.

As for raising sugar without either capital or negroes, it is quite absurd; and the impossibility of such a thing is too well known to require a moment's consideration. The soil of Texas, if better adapted to the cultivation of sugar, rice, coffee and tobacco, than any land on the continent, as it is said to be, its prodigious productiveness must remain in embryo until it can be developed by the legitimate operation of capital; and the Texans must, most assuredly, wait patiently for their turn, like other people; for if they raise loans and incur debts in foreign countries, the principle will not only be taken away, but the interest will open a fresh channel for draining the country of the little specie it may possess.

Having shown what has been said for and against the soil and climate of Texas by these visionary advocates, and referring back to what I have advanced on the subject from personal observation, I shall now sum up the early prospects of those who may be inclined to emigrate from Europe to Texas.

It has, I think, been proved that if the climate of Texas is not decidedly bad, it renders the productiveness of the soil most precarious.

First. The soil, though rich, is so wet at one season, (spring,) and so dry in the summer, as to "retard the preparations of the agriculturist."—Kennedy, Vol. I. The periodical inundations of this country are not to be prevented; the water coming from the clouds in the winter and spring, and from the tops of the snowy mountains at other seasons, render the soil insusceptible of that improvement which can make it of value to European agriculturists.

Secondly. In addition to the innumerable privations and hardships that the emigrant has to contend with in all new countries, he is in Texas exposed to the grossest imposition of "land-sharks" and speculators,\* and by those who may employ him as a labourer, such as being induced to buy land still in possession of some hostile Indian tribe, or on the Indian frontier, where life and property would be in danger every hour, and after all, perhaps, at the end of five years the victim would find out that somebody else had a better title than himself to the fee simple of his purchased estate. Such cases as these are not unfrequent, and indeed are not

\* Some of these gentry are now in England trying to dupe the unguarded; but see the American Consul's declaration in the Appendix, for a specimen of their honourable proceedings.



to be guarded against under the present laws of Texas.

Thirdly. In order to hold land, the emigrant must become a citizen of Texas, in which capacity he is liable to be called upon at any moment to take the field as a soldier against the Mexicans, who can at any moment bring 50,000 men into the field; or against the Indians, by whom the scalp of a European would be as much prized as the feathers of a *rara avis* by the British Museum.

Fourthly. There is not such a thing to be seen throughout this country, as a silver dollar. The absence of specie is supplied by promissory notes of the Texan government, which are at a discount of seventy-five and eighty-five per cent. These notes are scarcely negotiable in Texas, much less out of the country; therefore if the emigrant attempts to increase his little property by taking out merchandise to Texas, he will find it at a dead loss, eventually being obliged to sell his goods by auction, in which he will find the auctioneer and purchaser linked together to plunder him. With the proceeds of such a sale the emigrant may, as Mr. Kennedy would say, "turn himself round;" but I question very much if one or two hundred pounds' worth of British merchandise sold on such terms, and paid for in the Treasury notes of the government of Texas, would enable the disappointed emigrant to return to the bosom of his family. To dispose of goods in barter is quite impossible, for all the cotton,

which is the only article they have for export, must, as already stated, go to New Orleans to pay for the labour that raises it; while "the hides of the immense herds of the buffalos, wild horses, furs, and deer skins," are wholly in the hands of the Indians, as may be seen by the map.

For the truth of these remarks I pledge myself; and if it should not check the misery I have seen entailed on my countrymen in Texas, for want of the information this work contains, the blame must be attached to others, and not to these pages.

## CHAPTER IX.

Traveller's Guide—Chief Towns on the Coast, and in the Interior—Soundings of the Ports—Tariff—National Colours—Judicial Districts—Table of Roads and Distances—Land Titles—Digest of Laws thereon—Table of Land Fees—Assessed Taxes—Common Law of England, as in force in Texas—Review of her Criminal Laws—Standard of Coins—Monetary Securities.

THE territory of the republic of Texas, extending from the Sabine river on the east to the Rio Grande or Rio del Norte on the west, embraces a sea coast from east to west as follows :—

	Miles.
From Sabine to Galveston .....	80
— Galveston to the Brazos River .....	50
— Brazos River to the Nueces River.....	160
— Nueces River to Rio del Norte .....	110
	400

In addition to these points, which appear on every map and chart of the Gulf of Mexico, the following sea-port towns have recently been established on the coast :—

City of Sabine, on the west bank of Sabine Pass, contains a population from 100 to 150, and is most unhealthy. Depth of water on the bar from four

to seven feet. The land on the Sabine is very marshy, and only fit for sugar, rice, and coffee plantations.

City of Galveston.—On Galveston Island, which is nothing more than an inhospitable sand-bank.\* It is extremely unhealthy and insalubrious, particularly from the latter end of May to the middle of October. The city contains about 400 wooden houses; population 5000, including West Port. Depth of water on the bar, nine feet at all times, and sometimes fourteen feet, varying with the tide, but more perceptibly with the wind. Anchorage good about four miles inside the bar.†

West Pass, or West Port.—On the western side of Galveston Island; a small town containing thirty houses and 100 inhabitants. Depth of water on the bar, from eleven to sixteen feet; anchorage good, inside the bar.

Valasco.—At the mouth of the Brazos River; is very unhealthy; contains about sixty houses and 100 inhabitants. Depth of water on the bar, four to six feet. Two steam-boats run from Galveston to Valasco.

City of Matagorda.—On Matagorda Bay, at the mouth of the Colorado River. The town is situated forty-five miles from the bar; contains about 700 in-

\* "Low and sandy."—*Kennedy's Texas*.

† The pilots of Galveston, and, indeed, all along the coast of Texas, frequently run vessels ashore intentionally; therefore masters of vessels should keep a vigilant eye on them.

habitants, and is most unhealthy. Three other towns have been laid out on the bay, but are not sufficiently advanced for any particular notice. A company has been formed to clear out the raft near the mouth of the Colorado, but they have done nothing as yet. Depth of water on the bar from eight to twelve feet. Anchorage five miles from the town, six to seven feet water. Population about 600.

City of Lamar.—On the east side of Arransas Bay; contains a population of thirty or forty souls; distance, twenty-eight miles from the bar.

Live Oak Point.—On the west side of Arransas Bay; will eventually be a place of considerable importance; and is here recommended to emigrants as the most healthy location ON THE COAST OF TEXAS. The present population is small, but will increase rapidly. Depth of water on the bar, (Arransas Pass,) from ten to seventeen feet.\*

The Texans have no ports, as yet, west of Live Oak Point. And under the present system of com-

\* The following remark is worthy of attention, and may be strictly applied to all the rivers with which the coast of Texas is indented. When southerly winds prevail with violence, which they do, they cause a flow of the sea into the lagoons, which increases the waters on the bars, thus enabling ships that draw above a certain depth of water to cross them; while at other seasons, when the wind blows from the north, vessels are almost sure to perish if they attempt it; and I may here add, that there is no coast in the world where the winds and waters vary so capriciously, or where the mariner can place less reliance on the soundings.

merce, established by the Texan government with foreign nations, no attestation of papers in the clearance of vessels, nor passports, are required, although every Texan consul is bound to give passports, and a certificate of intentions and character to any Texan citizen, free of expense. All legal instruments, executed in foreign countries, must be attested by a consul, to be valid in Texas.

The laws relative to debentures and collection of duties in Texas, are precisely the same as those of the United States. Special acts of the Texan Congress, however, take precedence; but there are no special enactments as yet to embarrass merchants or captains in their trade; therefore captains have only to proceed to the ports of Texas, as they would to any port in the United States. All goods must be cleared at the custom-house by the merchant, or his agent. The captains of vessels are required to present a manifest of all emigrants received prior to the clearance at the custom-house, with a memorandum of all the articles they have shipped. Both captains and emigrants should be particularly careful to observe this form.

Emigrants and travellers in Texas are required to make an entry, at the custom-house, of their baggage, &c. before landing it. The entry costs one Texan dollar.

When the duties, under the present revenue laws of Texas, on any one importation, shall amount to 500 dollars, a credit of three or six months is given;

and on any sum over 100 dollars and less than 500 dollars, three months; under 100 dollars, cash. When credit is given, security, by two persons, being citizens, is required.

## TARIFF OF DUTIES,

*As enacted by the Second Congress of the Texan Republic in 1838.*

## NOW IN FORCE.

	Dol.	Cts.
Apples, per cent. <i>ad valorem</i> . . . . .	0	25
Almonds, per lb. . . . .	0	3
Axes, hoes, ploughs, harrows, &c., for the purposes of husbandry . . . . .	Free.	
Arms, fire-arms of all descriptions . . . . .	Free.	
Bacon, bread-stuff (flour) of all kinds . . . . .	Free.	
Ball rope, barley, and pickled meat . . . . .	Free.	
Bents and beans . . . . .	Free.	
Butter, per lb. . . . .	0	6¼
Brandy, from France direct . . . . .	Free.	
„ from any other country, 1st and 2d proof, per gallon . . . . .	0	50
„ 3d and 4th proof, per gallon . . . . .	0	60½
„ above 4th proof „ . . . . .	0	75
Boots and shoes (English in great demand) per cent. <i>ad valorem</i> . . . . .	0	25
Books and stationery, and baggage in actual use, Free.		
Brass, and all articles of which it forms a component part, per cent. <i>ad valorem</i> . . . . .	0	25
Building stone, bricks, slates, and tiles . . . . .	Free.	
Brushes of all kinds (in demand) . . . . .	Free.	
Crats (in demand) corn of all kinds, and coffee, Free.		
Candles, tallow, per lb. . . . .	0	2
„ Spermaceti, per lb. . . . .	0	3
„ Wax, per lb. . . . .	0	4

	Dol.	Cts.
Cinnamon and cloves, per lb. . . . .	0	10
Cotton, and all articles of which it forms a component part, per cent. <i>ad valorem</i> . . . . .	0	10
Cotton bagging (in demand) . . . . .	Free.	
Clothing and wearing apparel in actual use . . . . .	Free.	
"                    "                    otherwise imported, than for actual use, per cent. <i>ad valorem</i> . . . . .	0	30
Copper, and all articles of which it forms a component part, per cent. <i>ad valorem</i> . . . . .	0	20
Carriages, for pleasure, per cent. <i>ad valorem</i> . . . . .	0	25
"    Drays                    "                    " . . . . .	0	10
Cards, playing                    "                    " . . . . .	0	50
Coals . . . . .	Free.	
Corks, per lb. . . . .	0	12½
Combs, of all descriptions, per cent. <i>ad valorem</i> . . . . .	0	25
Cordage, per lb. . . . .	0	2
Dry Goods.—Wool, and all articles of which it forms a component part, per cent. <i>ad valorem</i>	0	25
Linen                    "                    " . . . . .	0	25
Cotton                    "                    " . . . . .	0	10
Silk                    "                    " . . . . .	0	30
Drugs, and medicines of all descriptions, per cent. <i>ad valorem</i> . . . . .	0	20
Earthenware (in demand), per cent. <i>ad valorem</i> . . . . .	0	20
Fish.—Cod, per cwt. . . . .	1	00
Mackerel, per barrel . . . . .	1	50
Salmon                    " . . . . .	2	00
Herrings, in boxes, per cwt. . . . .	1	00
Shads, per barrel . . . . .	1	50
Flour . . . . .	Free.	
Fruit.—Apples and peaches, per cent. <i>ad valorem</i> . . . . .	0	25
Raisins, filberts, figs, and almonds, per lb. . . . .	0	3
Peaches in spirits, per cent. <i>ad valorem</i> . . . . .	0	25
Farming utensils . . . . .	Free.	
Groceries, not enumerated under the respective heads, per cent. <i>ad valorem</i> . . . . .	0	25



	Dol.	Cts.
Glass and glassware, per cent. <i>ad valorem</i> . . . . .	0	20
Hats of all descriptions " " . . . . .	0	25
Household furniture, and harness (in great demand), Free.		
Iron and steel, and implements of, for the purposes of (colonial in great demand) husbandry . . . . .		Free.
Iron in bars, per cwt. . . . .	0	50
All articles of which iron or steel form a component part, not otherwise enumerated, per cent. <i>ad valorem</i> . . . . .	0	20
Jewelry, per cent. <i>ad valorem</i> . . . . .	0	33½
Liquors, malt, of all descriptions (in great demand), Free.		
" " in bottles, per dozen . . . . .	2	00
Linen, and all articles of which it forms a component part, per cent. <i>ad valorem</i> . . . . .	0	25
Leather, " " . . . . .	0	25
Lead, " " . . . . .	0	25
Lumber and lining . . . . .		Free.
Molasses, or syrup, per gallon . . . . .	0	5
Mustard, per cent. <i>ad valorem</i> . . . . .	0	25
Munitions of war (in demand) of all descriptions, Free.		
Machinery of all kinds . . . . .		Free.
Nails and screws, per cwt. . . . .	1	00
Oats and onions . . . . .		Free.
Oil.—Salad, sperm, whale, rape, and linseed (in demand), per cent. <i>ad valorem</i> . . . . .	0	15
Pork.—Pickled, salted, or smoked, and potatoes, Free.		
Pepper, per lb. . . . .	0	5
Pickles and peaches, per cent. <i>ad valorem</i> . . . . .	0	25
Pewter, or articles of which it forms a component part, per cent. <i>ad valorem</i> . . . . .	0	20
Paints of all descriptions, per cent. <i>ad valorem</i> . . . . .	0	20
Paper, (for newspapers, in great demand), Free.		

	Dol.	Cts.
Rice . . . . .	Free.	
Raisins, per lb. . . . .	0	3
Rope.—Ball and cordage, per lb. . . . .	0	2
Sugar . . . . .	Free.	
Spices.—Pimento, per lb. . . . .	0	5
Cinnamon, cloves, &c. per lb. . . . .	0	10
Soap.—Yellow, per lb. . . . .	0	5
Other kinds, per cent. <i>ad valorem</i> . . . . .	0	25
Salt . . . . .	Free.	
Silk, or articles forming a component part, per cent.		
<i>ad valorem</i> . . . . .	0	30
Spirits.—Whiskey, 1st and 2nd proof, per gallon . . . . .	0	25
,, 3rd and 4th ,, ,, . . . . .	0	37½
,, above 4th ,, ,, . . . . .	0	50
Gin, same as brandy.		
All others not enumerated, including cordials and liqueurs of all kinds, the same duty as brandy.		
Shoes, boots, and hats, per cent. <i>ad valorem</i> . . . . .	0	25
Syrup, per gallon . . . . .	0	5
Screws, per cwt. . . . .	1	00
Stone, for building, and slate . . . . .	Free.	
Segars, per thousand . . . . .	2	50
Seeds (in demand) of all descriptions . . . . .	Free.	
Saltpetre, per lb. . . . .	0	6½
Tongues.—Neats, pickled, or smoked . . . . .	Free.	
Tea . . . . .	,,	
Tools of trade in actual use . . . . .	,,	
,, of all descriptions imported for carpenters, cabi- net-makers, joiners, and blacksmiths, per cent.		
<i>ad valorem</i> . . . . .	0	15
Tin.—All articles of which it forms a component part, per cent. <i>ad valorem</i> . . . . .	0	20
Tiles—for building . . . . .	Free.	
Tobacco, in any form than segars, per cent. <i>ad val.</i>	0	30

	Dol.	Cts.
Vinegar . . . . .	Free.	
Wheat . . . . .	„	
Wines.—Claret and other red French wines, except from France direct, per gall.	0	25
Oporto or port . . . . .	0	37½
French wines, except from France . . . . .	0	25
Champagne . . . . .	1	00
Ditto in bottles, per dozen . . . . .	2	00
Madeira, per gallon . . . . .	0	75
Teneriffe „ . . . . .	3	37½
Spanish, red and white, per gallon . . . . .	0	25
German, hock, Rhenish, &c. „ . . . .	0	50
All others, in bottles, per dozen . . . . .	1	50

Wool.—All articles forming a component part, per cent.

*ad valorem* . . . . . 0 25

Waggons, free

Wares.—Glass and earthen, per cent. *ad valorem* . 0 20

All other articles not enumerated shall pay a duty of 25 per cent. *ad valorem*.

Masters of vessels and all persons concerned in the shipment of goods, wares, and merchandise are notified that the rules and regulations of the custom-house in the United States will be adopted in this republic, so far as the applicability of the law and circumstances will permit. All reports, therefore, presented to the office of the custom-house at Galveston or elsewhere, will be required to be made in due form.

#### NATIONAL COLOURS.

The national flag of Texas is a blue perpendicular stripe, one-third the length of the flag; two horizontal stripes of two-thirds of the length—the upper white, the lower red, the stripes of equal width, a white star of five points in the centre.

The national standard is an azure ground with a large golden star in the centre.

The national seal is a single star of five points, encircled by an olive and live oak branch, with the words, "Republic of Texas."

The superficial surface of the republic of Texas, as claimed by the Texans, is supposed to be about 300,000 square miles, or nearly 96,000,000 of English acres, the whole of which was sectionized or laid out under the impresario system of Mexico, as colonies, but is now by special enactments of the Texas congress divided into the following judicial districts:—

First District.—Galveston, Liberty, Montgomery, and Harris counties.

Second District.—Matagorda, Brazoria, Fort Beud, Austin, and Colorado counties.

Third District.—Fayette, Washington, Bastrop, Travis, Milam, and Robinson counties.

Fourth District.—Bexar, Gonzales, Jackson, Victoria, Goliad, Refugio, and San Patricio counties.

Fifth District.—San Augustine, Nacogdoches, and Houston counties.

Sixth District.—Jefferson, Jasper, Sabine, and Shelby counties.

Seventh District.—Harrison, Fannin, and Red River counties.

The principal inland towns are as follows:—

San Augustine, situate on the old road to San

Antonio, about twenty-seven miles from Gaines Ferry on the Sabine River, in Eastern Texas, amid rolling lands; and is, therefore, perhaps, one of the healthiest towns on the eastern part of Texas. Population about 1000.

Annuhuac, on Galveston Bay, at the mouth of the Trinity River, contains about fifty inhabitants. The river has more timber on its banks than those of any other river in Texas.

City of Houston, formerly the capital of Texas, on Buffalo Bayou, about ninety miles from Galveston, contains a population, according to the census of 1839, of 2073 souls, of which 1620 are males, and 453 females. Three steam-boats run to Houston from Galveston, but the navigation to it is seriously obstructed by the Red Fish and Clopper Bars, which vary from three to five feet in water.

Brazoria City, about thirty-miles from the mouth of the Brazos River, contains between five and six hundred souls. Here the first settlement of the Anglo-Americans was formed. The situation is low and unhealthy.

Bolivar, on the Brazos river, a small town about twenty-five miles above Brazoria; population 200.

Austin, formerly Waterloo, on the Colorado river, is the capital of Texas. It is situated in the most fertile and healthy part of the country; population about 1000, but during the session of congress the population may be estimated at 2000 and upwards.

San Patricio, on the bank of the Nueces; this is an interesting location, being inhabited by a very orderly colony of Irish settlers, who have not mixed themselves up in state affairs in any way. They have a priest of their own nation, and magistrates selected from among themselves; they continue their allegiance to the Mexican government to this day; they never feel the hand of civil superiors, and may be considered a truly independent and happy community. Town about thirty-five miles from the sea; population about 200.

San Antonio, on the San Antonio river, is the centre of a fertile country, and is a place of some trade. It contains a population of 2000, of which two-thirds are Mexicans, and is strongly recommended to English emigrants, as one of the best locations in TEXAS.

Goliad, formerly La Bahia, also on the San Antonio river, is a small town containing about 250 inhabitants.

Gonzales, on the Guadalupe river, is an old Mexican town, situated in a fertile region. It contains a population of 250, chiefly Mexicans.

Victoria, on the Guadalupe river, is one of the most flourishing towns in the republic. It contains 600 inhabitants, and is also recommended to English emigrants as a healthy and fertile location FOR TEXAS.

Nacogdoches, in the north of Texas, contains 750 inhabitants, and is represented as a flourishing town.

TABLE OF ROADS AND DISTANCES IN THE  
REPUBLIC OF TEXAS :FROM GALVESTON TO SAN ANTONIO, *via* HOUSTON AND SAN FELIPE.

	Miles.		Miles.
To Houston . . .	90	To M'Clure's . . .	4
Cartwright's . . .	15	Foyde's . . .	9
San Felipe . . .	8	Gonzales . . .	1
Columbus . . .	28	Sandy Creek . . .	20
Navidad . . .	22	Forty Mile Hole . . .	37
Foley's . . .	9	Sibille . . .	15
Hallett's . . .	6	Salvo . . .	21
Farm House . . .	3	San Antonio . . .	4
Foole Road's . . .	15		—
		From Galveston to San Antonio	307

FROM SAN ANTONIO TO VICTORIA, *via* GOLIAD.

	Miles.		Miles.
To Cantoon's . . .	24	To Goliad . . .	7
Ilquin's . . .	9	Menue . . .	5
Roache's . . .	2	Pirdid . . .	7
Cloto . . .	36	Colletta . . .	6
Clarisa . . .	23	Victoria . . .	12
			—
		From Santonio to Victoria	131

## FROM VICTORIA TO HOUSTON DIRECT.

	Miles.		Miles.
To Garsette . . .	15	To Nortington's . . .	20
Texanna . . .	5	Richmond . . .	10
Naridad . . .	6	Houston . . .	26
Colorado . . .	40		—
		From Victoria to Houston	122

FROM HOUSTON TO MATAGORDA, *via* BRAZORIA AND VALASCO.

	Miles.		Miles.
To Lynche's . . .	18	To Perry's . . .	15
Choate's . . .	15	M'Neal's . . .	3
Dr. Moore's . . .	15	Casey's . . .	6
Colonel Hall's . . .	8	M'Coy's . . .	3
O'Ry's . . .	10	Sheppard's . . .	10
Calvert's . . .	16	Payton's Creek	7
Valasco . . .	10	Matagorda . . .	12

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From Houston to Matagorda 148

FROM MATAGORDA TO WASHINGTON ON THE BRAZOS, *via* COLUMBIA  
AND SAN FELIPE.

	Miles.		Miles.
To Payton's Creek .	12	To Allen's . . .	10
R. H. Williams's	10	San Felipe . . .	8
Tinsley's . . .	14	Cummings's . . .	8
Bernard's Ferry	5	Edward's . . .	8
Columbia . . .	6	Walker's . . .	12
Damond's . . .	12	Swipier's . . .	12
Nottingham's . . .	24	Chentman's . . .	2
Coles's . . .	11	Washington . . .	15

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From Matagorda to Washington 169

FROM HOUSTON TO SAN AUGUSTINE, *via* NACOGDOCHES.

	Miles.		Miles.
To Mines . . .	20	To Saddler's . . .	5
Harris's . . .	10	Thompson's . . .	5
Rogers's . . .	20	M'Donald's . . .	7
Montgomery . . .	2	Cox's . . .	4
Cawley's . . .	7	Hadley's . . .	5
Ware's . . .	5	Cincinnati . . .	12



FROM HOUSTON TO SAN AUGUSTINE, *via* NACOGDOCHES—

(Continued.)

	Miles.		Miles.
Bedois . . .	4	Lucy's . . .	6
Salinsville Spring	6	Lockett's . . .	12
Trinity River . .	6	Nacogdoches . .	16
Partew's . . .	16	Moss . . .	12
Crockett's . . .	14	Stidam's . . .	12
Master's . . .	10	Teal's . . .	4
M'Lane's . . .	12	San Augustine . .	7
Niches River . .	7		—

From Houston to San Augustine 246

FROM NACOGDOCHES TO SAN ANTONIO, *via* WASHINGTON.

	Miles.		Miles.
To Duvit's . . .	18	To Trinity River . .	17
Lucy's . . .	12	Buyon . . .	12
Niches River . .	5	Sim's . . .	12
M'Clone's . . .	6	Tavern . . .	13
Parker's . . .	8	Bower's . . .	18
Master's . . .	8	Washington . . .	28
Estrados . . .	16		—

From Nacogdoches to San Antonio 173

The grants made to colonists in Texas, under the laws of Mexico, and of the State of Coahuila and Texas, and by Texas since her independence have been established by the official records in the several land offices, are as follows:—

	Acres.
Grants issued at Nacogdoches, from 1791 to 1835 . .	2,583,647
“ on the Eastern Frontier, in 1835-6 . .	742,923

	Acres.
Grants issued in various colonies, in 1834-5 . . . . .	945,367
"    in Burnet's colony . . . . .	990,901
"    in Vehelm's and Yavalla's* colony . . . . .	2,871,607
"    in Robertson, Austin, and Williams's colonies . . . . .	945,367
"    in various districts, by Commissioner George W. Smith . . . . .	609,981
"    in De Witt's colony . . . . .	164,013
"    in Bexar county . . . . .	265,236
"    to S. M. Williams, F. W. Johnson, and R. Preebles . . . . .	1,815,480
"    sold by the State of Coahuila and Texas . . . . .	701,394
"    in Austin county, up to 1839 . . . . .	6,012,753
Titles issued by the Republic of Texas, such as bounty lands, head rights, dona- tions, &c., are estimated at . . . . .	45,000,000
Total . . . . .	63,648,669

Of the grants made by Texas, 15,000,000 are still unlocated, and as the laws of Texas, under which these grants have been made, not only respect, but have emanated from, the fundamental laws of Mexico, it is necessary here to give a limited abstract of them.

"The first colonization law of Mexico, of 1823, enacts, That an empresario, who introduces 200 families, shall receive a premium of three haciendas and two labors of land, provided the families are located within twelve years from the date of the empresario's contract.

\* These grants were made by the state legislature of Coahuila and Texas, and by special acts of the Texan congress are declared invalid.

“That a vava shall be reckoned three geometrical feet; a straight line of 5,000 vavas shall be called a league; a square, whose sides shall be a league, shall be called a scitio;\* and five scitios, a haciendo; a square of one million vavas on each side, a labor.†

“That an empresario's premium shall not exceed nine haciendos, and six labors, whatever may be the number of families he introduces; and that families who shall emigrate to Texas, independent of an empresario, shall receive a title to locate a league and labor of land, from the Ayuntamientos.”‡

“Second colonization law of Mexico, of 1824, under the federal executive power, enacts, That no land shall be colonized within twenty leagues of the boundary line of Texas, or any foreign nation, nor within ten leagues of the sea coast, without the express sanction of the executive power,§ and that no law shall be passed, prohibiting the introduction of foreigners, until 1840.

“ARTICLE 12.—No one individual shall be allowed to derive from the government, by purchase or otherwise, more than eleven leagues of land; and that no person can hold land if he resides out of the republic of Mexico.”

The first colonization law of the State of Coahuila and Texas, of 1825, enacts, That no lands can be located within twenty leagues of the boundary line of the United States, nor within ten leagues of the sea coast, unless with the approbation of the general government of Mexico.

\* A scitio of land is equal to 4,428 acres English.

† A labor is 177 acres English.

‡ The first colonization law of Mexico is generally supposed to apply exclusively to Austin's colony, but I am of a different opinion, and I contend that it is a general public act, and not a private and personal act.

§ See Provisions of the Texan Constitution, relative to land titles.

"ARTICLE 8.—That no colonization or empresario grant is held to be good, unless 100 families at least have been introduced under the grant.

"ARTICLE 10.—That a preference shall be given to the military and Mexican citizens founded on service and merit.

"ARTICLE 12.—That an empresario shall receive for each 100 families introduced five sitios and five labors of grazing land, one half of which shall be without the facility of irrigation; but an empresario must introduce at least 100 families to entitle him to a premium.

"ARTICLE 13.—That an empresario who acquires more than eleven leagues of land shall alienate the surplus, or have it sold at public sale, within twelve years.

"ARTICLE 17.—That the government may increase the quantity of land to emigrants, according to the industry of the family; but not to exceed eleven leagues.

"ARTICLE 22.—That the government dues on the location of land shall be as follows:—

	Doll.	Cts.
For a sitio of pasture land .....	30	00
For a labor without the facility of irrigation ....	2	50
Do. with the facility of irrigation .....	3	50

And that the said dues shall be paid into the receipt of the land-office for the district in which said land is situate, as follows: One-third in four years; one third in five years; one-third in six years: but in case of non-payment of said dues, the land to be forfeited.\*

"ARTICLE 24.—That land may be sold by the government to Mexicans, and Mexican citizens only, on the following terms:—

"One hundred dollars for a sitio of pasture land.

"One hundred and fifty dollars for a sitio of farming land.

\* The above clause does not apply to grants made to empresarios for their services as empresarios, and to the military. They are exempt from forfeiture and government dues.

“Two hundred and fifty dollars for a sitio if capable of being irrigated ; but no one individual can buy or hold more than eleven leagues, and the purchaser is bound to cultivate all he acquires in six years.”

The second colonization law of the State of Coahuila and Texas, commonly called the Labor Act, 1833-4, enacts,—

“That no further grants of land shall be made to empresarios, and that *no extension of time* shall be given to empresarios for the completion of existing contracts.

“That all lands granted to COLONISTS shall be considered as fully cultivated, so soon as the grantee places on said land, 125 large cattle, such as horses, mules, or cows,\* &c., or 250 small cattle, *i. e.* sheep, goats, or swine.†

“That a commissioner-general shall be appointed, to have all the vacant lands of the public domain remaining after the completion of the existing empresario contracts, surveyed and divided into labors of 177 acres, and offered for public sale at the minimum price of ten dollars per labor.

“That no colonist shall in any way be molested for his religion, or belief, so long as he does not disturb the public peace.

“That all purchasers of land alienated by colonists shall be held responsible to the government for the original conditions of settlement, and for all land dues on the same.”

The third colonization law of Coahuila and Texas, 2nd May, 1835, enacts,—

“That all persons and families who have emigrated to Texas previous to this date, if they have not before obtained their land, shall be entitled to the benefit of the colonization laws ; and that those who arrived before the 28th April, 1832, shall pay the fees

\* Ginado major.

† Ginado minor.

named in the preceding laws ; and those who arrive subsequently shall pay the following dues :—

	Doll.	Cts.
One league of pasture land .....	5	00
One labor of arable land .....	5	00

“ That commissioners be appointed to the three departments of Texas (east, middle, and west) to receive the said dues, and to issue and record the necessary titles according to the special and constitutional instructions of government, dated 4th September, 1827.”

This brief abstract of the land laws of Mexico, Coahuila, and Texas, is given merely to show the foundation of the old Mexican titles, which, as I have before stated, the laws of Texas respect, while in every land-law act of the republic we find the land-laws of Coahuila and Texas stigmatized as “illegal and fraudulent, and consequently null and void.” In order, therefore, to show the validity of the former, and the illegality of the latter, it is necessary here to give an explanation of the empresario contracts.

Under the colonization laws of Mexico, empresario rights were granted to individuals who contracted with the government to introduce into Texas within a limited period, a certain number of families, and place them on a given tract of land as colonists. On the completion of the contract, the empresario was entitled to an empresario premium, and the amount of these empresarios' land premiums formed but a small per centage on the amount of land granted to the colonist, and beyond this the

empresarios had no rights or interference in the colony or grant. The colonists at all times received their head rights from the ayuntamiento of the district, independent of the empresario, and were in no way held responsible for the performance of the empresario contract; therefore titles or head rights acquired by actual settlers from the ayuntamientos under the Mexican colonization laws, although the titles to land and fees of location vary somewhat in form and tenor, still they are most unquestionably good.

The empresario contracts made with the government of the State of Coahuila and Texas, under the colonization of that state, were for the introduction of a definite number of families within a given district, within six years from the date of the contract; but all the concessions made by the State of Coahuila and Texas were found, on inquiry, to be repugnant to the fundamental laws of Mexico, and have therefore been treated as illegal by the Texan republic; however, many of the titles which have emanated from this quarter are still offered for sale to the public, by their fraudulent possessors, such as the Alderado Company, Galveston Bay and Texas Land Company,\* the Arkansas and Texas Land Association, and the Colorado and Red River Company. These, and other base schemers have issued scrip in New York, London,

\* See American Consul's declaration, Appendix.

and other places, which have no foundation whatever, and can give no title to lands in Texas; consequently any one who purchases it will not only have the mortification of being duped, but will also lose the whole amount of his original purchase-money. This scrip may be known by being issued in even numbers, such as hundreds and thousands. *No land-titles are good in Texas unless issued under the Mexican, and backed by the Texan authorities; or under the land laws of Texas, and confirmed by a Patent from the Republic of Texas, as independent.*

#### LAND LAWS OF TEXAS, AS INDEPENDENT.

The General Council of Texas closed all the Land Offices, established under the Colonization Laws of Mexico and Coahuila and Texas, on the 27th October, 1835, until the General Consultation should meet.

This Consultation of the Delegates of all Texas met on the 13th November, 1835, and decreed—

“That all land-offices should be closed.

“That commissioners be appointed to receive the archives of the several land-offices.

“That all persons then in Texas, who had not received their portion of land, or who should emigrate to Texas, during her contest for liberty, should receive the benefit of the law under which they emigrated.

“That ALL grants of land made illegally or fraudulently under



the decrees of the State of Coahuila and Texas, are declared null and void.

“That all persons, except widows and orphans, who leave Texas during the present struggle, without permission of the civil authorities, forfeit their lands.”

Decree of the General Consultation of Texas, dated 14th November, 1835, grants 640 acres of land to every soldier, on enlisting in the service of Texas. And by another decree of the 14th December, an addition is made of 160 acres of land, and twenty-five dollars bounty, in silver, to all who may have their names regularly registered on the muster-roll of the army.

Decree of the General Consultation of all Texas, dated 16th March, 1836.

The following bounties of land are granted to soldiers actually serving in the army:—

	Acres.
“ Those who serve during the war . . . . .	1280
“ For a period of six months . . . . .	640
“ For three months . . . . .	320
“ For all who enter after July, 1836, and serve during the war (continuing six months) . . . . .	960
“ All who shall enter after July, a proportionable quantity.	
“ Any soldier who may fall in the contest, if a man of family, shall be entitled (by his heirs) to that he was entitled to as a colonist,—a league and labor of land . . . . .	4605
“ A single man . . . . .	1476”

Provisions of the Texan Constitution relative to land titles :—

“ No alien shall hold land in Texas, except by titles emanating directly from the government.

“ Should a citizen die intestate, his heirs inherit his estate ; and if aliens, they are allowed a reasonable time to possess themselves of his property and dispose of it.

“ Orphans of residents, under the colonization laws of Mexico, (which laws are acknowledged by Texas,) are entitled to the same rights as their parents.

“ No citizen of the republic of Texas is compelled to reside on his lands.”

The several enactments of the legislature of the states Coahuila and Texas, in 1834 and 1835, by which 1100 leagues of land were granted to John T. Mason and OTHERS, contrary to the laws of the general congress of Mexico, passed in 1824, AND ALL TITLES ARISING from such grants, are declared by the constitution of Texas null and void ; and all eleven-league claims located within twenty leagues of the boundary line between the United States and Texas, which have been located contrary to the laws of Mexico, are also declared null and void.

Hence, then, persons about to purchase land in Texas, should inspect the original deed or grant of the land before advancing one halfpenny ; and if the name of “John T. Mason,” or the “State of Coahuila and Texas,” but once occurs in the said deed or grant, the party may be assured that such titles are invalid ; or first ascertain the exact situation of the

lands offered for sale, and then refer to the map, and if the said lands are found to be within the limits mentioned in the constitution, viz. "within eleven leagues of the boundary line between Texas (either on the east or on the north) and the United States," the titles to lands within those limits are also worthless, unless the title shall have emanated directly from the Texan authorities, as required by the following Act.

ABSTRACT OF THE GENERAL LAND LAW OF TEXAS, PASSED  
BY CONGRESS, DECEMBER 14TH, 1837.

"SECTION 5.—Be it further enacted, That the commissioner of the general land office shall cause to be provided a seal of office, which seal shall not be changed except by law; and certified copies of any records, books or papers, belonging to the said office, under the signature of the said commissioner, or chief clerk, with the seal of office thereunto attached, shall be competent evidence in all cases where the originals could be evidence.

"SECTION 6.—Be it further enacted, That the commissioner of the general land office be entitled to, and shall keep charge of the seal; and also that he be, and is hereby entitled to, and shall have custody and control of all books, records, papers, and original documents appertaining to the titles of lands heretofore, and by the provisions of the law denominated archives; and that the said books, records, papers, and original documents, shall become and be deemed the books and papers of said office.

"SECTION 7.—Be it further enacted, That all patents issuing from the land office, shall be in the name of the republic of Texas, and under the seal of said office; shall be signed by the president of the republic, and countersigned by the commissioner of the general land office, or the chief clerk thereof.

“SECTION 8.—Be it further enacted, That no person appointed to any office instituted by this act, or employed in any such office, shall, directly, or indirectly, be concerned in the purchase of any right, title, or interest in any public land, either in his own name, right, or interest for any other person, or in the name or right of any other person in trust for himself; nor shall take or receive any fee or emolument for negotiating or transacting the business of said office, other than those fees allowed by law. Any person offending in the premises against the prohibitions of this act, shall, on conviction thereof before the district court, be removed from office, and fined in any sum not less than five hundred dollars, and shall forfeit all the lands he owns in the republic, and never after be allowed to hold any office of trust or profit in the republic.

“SECTION 9.—Be it further enacted, That there shall be elected by joint vote of both houses of congress, for each county, a county-surveyor, who shall reside at the county seat, and whose duty it shall be to receive and examine all field notes of surveys, which have been or may hereafter be made in said county, and upon which patents are to be obtained, and shall certify the same under his hand to the commissioner of the general land office, after having recorded the same in a book to be kept by him for that purpose, and shall immediately return the same to the president of the board of land commissioners of said county. He shall, before entering upon the duties of his office, enter into bond, with three or more securities, to be approved by the board of land commissioners of the county, in the sum of ten thousand dollars, payable to the president, or his successors in office, conditioned for the faithful performance of his duties; which said bond shall be recorded in the clerk's office of said county, and the original transmitted to the office of the secretary of state; and the said surveyor shall hold his office for three years, and be re-eligible. He shall be entitled to charge on all field notes and plots presented to him for inspection, for every set of field notes, and a plot of a league and labor of land, five

dollars; for one third of a league, four dollars; and for every less quantity, three dollars. His books shall be open at all times for inspection, and he shall be allowed thirty-seven and a half cents for every search. He shall appoint as many deputy surveyors as he may deem necessary for the county; and shall administer to them the oath of office, and take the bond hereinafter prescribed, and shall furnish them such instructions as may be furnished to him from time to time by the commissioner of the general land office, and such deputy-surveyor, before he enters upon the duties of his office, shall enter into bond, with two or more securities, to be approved by the county-surveyor, in the sum of five thousand dollars, payable to the president, or his successors in office, conditioned for the faithful performance of the duties of his office; and for such appointment of a deputy-surveyor, the county-surveyor shall be allowed to charge, and receive from the person so appointed, the sum of five dollars.

“SECTION 10.—Be it further enacted, That it shall be the duty of each deputy-surveyor to administer an oath to each individual employed by him as chain-carrier, or marker, for the faithful performance of his duties as such, in accordance with the instructions given him; and no African or Indian, or descendant of either, or any person under the age of sixteen years, shall be employed in either of the above capacities; and further, it shall be the duty of said surveyors to subscribe the name of each of the chain-carriers to his field notes, previous to his returning the same to the county-surveyor. He shall also state, to the best of his knowledge or belief, the number of labors of irrigable lands, and the number of labors of temporal or arable lands, and the number of labors of pasture lands, in each survey, for that class of claimants who are entitled to land under the constitution and colonization laws, which shall be plainly written out in the field notes, and also inserted in each patent; and for all such surveys he shall charge and receive three dollars for each lineal mile actually run.

“SECTION 11.—Be it further enacted, That there shall be elected, by a joint vote of both houses of congress, a commissioner, who shall be president of the board, and two associate

commissioners for each and every county, who shall compose and constitute a board of commissioners for the respective counties, to be styled a 'Board of Land Commissioners,' whose duty it shall be to investigate all claims on this government for head rights to lands; and they are hereby authorized and required to grant to any person or persons, a certificate of their claim or claims, upon such proof being made to them, by the party or parties claiming, as is herein required, setting forth in said certificate the amount of land the claimant is entitled to, upon what conditions, and the time when he, she, or they emigrated to this country. The presidents of the board of land commissioners shall be receivers of public monies for their respective counties, and shall enter into bond with good and sufficient security, to be approved by the county court, or if there be no county court, the board of land commissioners, in the sum of 20,000 dollars, payable to the president of the republic of Texas, or his successors in office, and conditioned for the payment of all sums which may be received by him, on account of public lands, to the secretary of the treasury, for the use of the republic, which bond shall be recorded by the clerk of the county court, and the original transmitted to the office of the secretary of state, and for all public monies which he may receive and pay over, he shall be allowed to charge and receive two per cent.

"SECTION 12.—Be it further enacted, That every person who shall claim a title to land in this government, by virtue of the colonization laws, or by residence in the country at the declaration of independence, shall be required to take and subscribe the following oath: 'I do solemnly swear, that I was a resident citizen of Texas at the date of the declaration of independence; that I did not leave the country during the campaign of the spring of 1836, to avoid a participation in the struggle; that I did not refuse to participate in the war, and that I did not aid or assist the enemy; that I have not previously received a title to my quantum of land, and that I conceive myself justly entitled, under the constitution and laws, to the quantity of land for which I now apply.' They shall also be required to prove, by two or

more good and credible witnesses, as the commissioners may require, that they were actually citizens of Texas at the date of the declaration of independence, and have continued so to the present time; and they shall also be required to prove, in like manner, whether they were married or single at the time of the declaration of independence, and what amount of land they were entitled to under the law: Provided, widows and orphans shall not be required to take the oath herein prescribed; and all persons claiming a grant to land of this government by inheritance or purchase, shall prove, in the same manner as above stated in this act, widows, orphans, or their legal representatives not excepted, that the person whose estate they claim is entitled to a grant to lands of this government, by the laws of the country, or that the person of whom they purchased is actually entitled to said grant to lands of this government; and no purchaser of a head right shall be entitled to receive a grant, either as assignee, or in the name of the original claimant, unless proof be also made, that the person represented as entitled to the grant is actually a resident of the republic at the time the application for the grant is made; and all orders of surveys of head right, procured under the colonization laws previous to the declaration of independence, shall be submitted to the examination of the land commissioners and holders of the same, whether they be original claimants, their heirs, or assignees, shall be subjected to the same formalities and requisitions in procuring said head rights, as pointed out for other individuals in this law.

“SECTION 13.—Be it further enacted, That any person claiming the benefits of any particular colonization law of Coahuila and Texas, during their existence, fixing the prices to be paid for lands by the colonists, shall prove by at least two respectable witnesses, that he, or she, was actually a resident of Texas during the time the said law was in force, which proof, so made before said board of land commissioners, shall entitle the claimant to have his or her land at the price fixed upon by said colonization law which was in force at the date of said claimant's emigration to this country.

“SECTION 15.—Be it further enacted, That every certificate which may be issued by the authority of this act, shall be signed by the board of land commissioners, and attested by the clerk; and for every such certificate so issued, the party claimants shall pay the sum of five dollars, one half of which shall go to the clerk, and the other be equally divided between the quorum of the board actually presiding. And it is hereby made the duty of said board, and they are required to meet at the court houses of their respective counties, on every other Thursday, then and there to transact the duties required of them by this act, and shall remain in session so long as may be necessary for the transaction of the business before the board, for which services they shall be entitled to demand and receive the fees herein allowed, and no more: Provided, that after the land offices shall have been open three months, the said board shall not be required to meet only on the first Thursday of each month, and if that day should fall on a regular court week, so as to interfere with it, then they shall meet on the next Thursday thereafter. And be it further provided, that a majority of said board shall form a quorum to transact the duties herein required of them.

“SECTION 16.—Be it further enacted, That the decision of a majority of said board of commissioners shall be necessary to entitle any person to a certificate of their claims; but if a majority of said board should decide that any claimant who presents himself, or herself, before them for a certificate of claims, is not entitled to the amount of land which they claim, said claimant may take an appeal from their decision to the next district court for the county in which said claimant may live, citing the board of commissioners to appear as defendants, where it shall be tried; and in all such cases the district attorney shall represent the interest of the republic, for which services he shall be allowed a tax-fee of ten dollars on every such case, to be paid by the appellant, together with all other costs of suit, in case he or she fails to obtain a verdict in his or her favour; but if the appellant should obtain a verdict for the amount of land which he or she claims, the costs of suit shall be paid by the republic, when the



commissioners shall issue a certificate in accordance with such decision.

“SECTION 17.—Be it further enacted, That any certificate of claim to land, which has been or may be obtained in the manner and form herein prescribed, shall be sufficient evidence to authorize any lawful surveyor to survey for any person holding such certificates, any land which he may point out, agreeably to all the laws which do now, or may hereafter exist on that subject: Provided, also, that where more than one application is made for the same tract of land to be surveyed, the settler or occupant shall have the preference if their claims be otherwise equal.

“SECTION 19.—Be it further enacted, That it shall be the duty of the surveyor in all cases, before he runs a division line between two settlers claiming lands, to notify the party or parties interested, before running the same, in writing. And any survey which may be made contrary to the true intent and meaning of this section of this act, shall not be a lawful one, and the field notes of every survey which shall be returned to any land office hereafter, for the purpose of getting a title for the same, shall be under oath of the surveyor, who shall swear it was executed according to law, and shall also swear the same was made prior to the closing of the land office by the consultation, or subsequent to the opening of the same by this act; and if made prior to the closing of the land office by consultation, the same shall also be proven by at least two respectable witnesses.

“SECTION 20.—Be it further enacted, That the commissioner of the general land office is hereby authorized to grant, to all persons holding an order of survey, legally obtained previous to the closing of the land offices in one thousand eight hundred and thirty-five, and having a survey which was made agreeably to said order, and in conformity to law in all respects, a patent for the same, upon the holder presenting the certificate of some board of land commissioners, that he is entitled to the quantity of land surveyed, and making such proof to them as is required by law, and upon his paying the several fees as the law requires.

“SECTION 21.—Be it further enacted, That all lands surveyed

for individuals, lying on navigable water-courses, shall front one half of the square on the water-course, and the line running at right angles with the general course of the stream, if circumstances of lines previously surveyed under the laws will permit, and all others not on navigable water-courses shall be squares, if previous lines will permit; and under no circumstances shall any one grant be located in more than two surveys.

“SECTION 22.—Be it further enacted, That each and every individual under the age of seventeen, who have volunteered in the service of their country, and who have received honourable discharges, shall be entitled to the same quantity of land as a head right, that they would be though they were twenty-one years of age, and upon the same conditions.

“SECTION 23.—Be it further enacted, That all single men who were in the republic at the date of the declaration of independence, and entitled under the constitution to one-third of a league of land, and who have since married, or may marry within the next twelve months, shall be entitled to the additional quantity of two-thirds of a league and labor of land: Provided, that the benefits of this section shall only extend to those who have contributed to the support and defence of their country: and provided, this additional quantity shall not be allowed to any whose wife has received a league of land of this government.\*

“SECTION 24.—Be it further enacted, That whereas many persons have received titles under the colonization laws as colonists from the different commissioners of the county, and whereas many conditions were by the law attached to said titles, that all such conditions be, and are hereby cancelled, and the titles to all such lands are hereby ratified and confirmed: Provided, that such persons shall pay, or cause to be paid, to the president of the board of land commissioners of the county where such land may be situated, within six months after the opening of the land office, all money which may be due or owing on the same:

\* For further provisions, in regard to emigrants at the present time, see emendatory law, January 4, 1839.

provided, that the condition of remaining in the country, and the provision prohibiting the sale to aliens, shall not be repealed by this law. And further provided, That no title by this act shall be confirmed, which was illegal or invalid *ab initio*. And further provided, That this act shall not extend to any grantee or individual for a greater amount of land than one league and one labor.

“SECTION 25.—Be it further enacted, That no person shall, by virtue of an improvement, have a right to claim more than one league and one labor of land, and that improvement shall consist in the clearing and fencing in a farmer-like manner, at least four acres: and this privilege shall not extend to any person or persons who have previously received a title to the quantum of land to which they were entitled, nor to any person or persons entitled to a grant of land by purchase.

“SECTION 26.—Be it further enacted, That it is hereby declared, that all empresarios' contracts having ceased on the day of the declaration of independence, all the vacant lands of Texas are the property of this republic, and subject alone to the disposition of the government of the same.

“SECTION 27.—Be it further enacted, That in order to settle the claims of empresarios, each and every one of the same are hereby authorized to institute a suit against the president of the republic of Texas, which suit or suits shall be tried in the county in which is situated the seat of government, and shall be tried as all other land suits are required to be tried. And should any empresario who should thus sue, fail to establish the claim for which he sues, he shall pay all the costs of suit: Provided, that neither aliens nor the assignees of aliens shall be entitled to the benefits of this act.

“SECTION 29.—Be it further enacted, That every volunteer who arrived in this republic after the second day of March, 1836, and before the first of August, 1836, and has received, or may hereafter receive, an honourable discharge, and has taken the oath prescribed by the constitution, or who may have died, shall receive the quantity of land by this act secured to original colonists: Provided, that the priority of location mentioned in the thirty-eighth section of this act shall be adhered to: And further

provided, that none but the person who served, or his heirs, shall be entitled to the benefit of this provision, and all augmentation shall accrue to the original claimants, and not to the persons to whom it may have been transferred: Provided, no person who is entitled to the benefit of the first part of this section of this act, shall be entitled to the benefits of the latter part of the same; every person who has arrived in this republic since the declaration of independence, and previous to the 1st of October, 1837, who is a free white person, and the head of a family, and who actually resides within the government with his family, shall be entitled to a conditioned grant of twelve hundred and eighty acres of land, by paying the fees of office, and of surveying. The conditions of said grant shall be that both grantee and his or her family shall remain and reside within the republic, and do and perform all the duties required of other like citizens, for the term of three years; after which time, he or she shall receive an unconditional deed for said land; and in no case whatever shall a grant of that description be made, unless it be satisfactorily proven that all the conditions and provisions of the law have been complied with. And all single free white men who have emigrated to this republic since the declaration of independence, and previous to the 1st of October, 1837, they shall be entitled to an additional quantity of six hundred and forty acres of land upon the same conditions as above named, and all laws contrary to the meaning and provisions of this section are hereby repealed.

“SECTION 30.—Be it further enacted, That all officers and soldiers who engaged in the service of Texas previous to the 1st of March, 1837, whose families are now here, or may arrive within twelve months from the date of their discharges, shall be entitled to the same quantity of land as they would have been entitled to, if their families had emigrated with them to the country.

“SECTION 31.—Be it further enacted, That the board of land commissioners are hereby authorized to grant to persons claiming lands of this government, under the 29th section of this act, a certificate of their claims, upon the same proof being made to them

as is required of other claimants, stating in said certificate, the amount of land to which the claimant is by law entitled; at what time he or she arrived in this republic.

“SECTION 36.—Be it further enacted, . . . . And the said patentee in all cases shall pay as government fees the prices fixed by the colonization laws of Coahuila and Texas in force at the time they emigrated to this country. And if they emigrated subsequently to the second day of May, 1835, and previous to the declaration of independence, they shall be required to pay the amount fixed by law passed by the congress of the state of Coahuila and Texas on the above date.

“SECTION 37.—Be it further enacted, That the president of the republic be, and he is hereby authorized to contract for the surveying, and cause to be surveyed, at the expense of this government, a sufficient quantity of land to satisfy the holders of all land scrip that may have been issued and sold by this government, agreeably to the law in all respects. And the secretary of the treasury is hereby authorised to pay out of any money in the treasury, not otherwise appropriated, the expenses which may accrue in completing such surveys, provided it shall not exceed three dollars for each English lineal mile actually run.

“SECTION 38.—Be it further enacted, That where two or more locations have heretofore been made on, and titles granted for the same piece of land, or where the boundaries of different titled surveys conflict with each other, the party who has his title or order of survey of subsequent date, may, on proper showing of all the facts, and the certificate of a legal surveyor to the board of land commissioners of the county in which the land lies, have his former title cancelled by said board, and a new order issued for his quantum of land, or so much thereof as shall be affected by the conflicting lines or boundaries mentioned in this section.

“SECTION 41.—Be it further enacted, That audited claims against the republic of Texas shall be receivable in payment of public dues on lands, provided the benefits of this section shall not extend to any one individual for a larger quantity of land than two leagues and two labors: and any offering to pay for

lands in audited paper on the government, shall swear that he has not paid for as much as two leagues and two labors in such paper before, either by himself or his agent, which affidavit shall be filed with the chairman of the board of land commissioners.

“SECTION 42.—Be it further enacted, That all streams of the average width of thirty feet shall be considered navigable streams within the meaning of this act, so far up as they retain that average width, and that they shall not be crossed by the lines of survey.”

Much confusion arose in the land offices throughout the republic under this law. It therefore became necessary to pass the following acts, to explain and amend the general land law :—

“By act passed by congress December 4th, 1839, the laws granting bounty lands are amended, so that all who have served three months, receive three hundred and twenty; six months, six hundred and forty; nine months, nine hundred and forty; twelve months, twelve hundred and eighty acres of land.

“By act of December 18th, 1837, the soldiers disabled in the service of Texas, are granted a league of land.

“By act passed by congress December 21st, 1837, all persons actually engaged in the battles of San Jacinto, all persons wounded on the day previous to the battle, all persons detached to take charge of the baggage at the camp near Harrisburgh, all persons who entered Bexar between the 5th and 10th of December, 1835, and who took part in the reduction of the same, are entitled to six hundred and forty acres of land, but no individual can receive more than that amount of land if engaged in no more than one battle; in these cases the certificate of the secretary of war is deemed sufficient evidence of the fact.

“All officers and soldiers of Texas in the service previous to the 1st of March, 1837, whose families have since arrived or may arrive before the 1st of January, 1840, are entitled to the same

quantity of land as they would have been had their families emigrated with them, a family, twelve hundred and eighty acres, and a single man six hundred and forty acres; but if an emigrant, being a single man, at the time of emigrating, married previous to the 1st of October, 1837, he will be entitled to six hundred and forty acres.

“By act passed by congress December 24th, 1838, land dues may be paid \* either to the secretary of the treasury, or to the president of the board of land commissioners, where the land is situate.

“Locations of soldier's claims and bounty lands, agreeably to the 21st section of the general land law, are declared valid; but in no case shall the holder of government land scrip be permitted to lay claim in more than one place.

“By act of congress passed January 4th, 1839, all free white emigrants (heads of families) arriving between the 1st of October, 1837, and January 1st, 1840, with a family, are entitled to six hundred and forty acres on paying the usual fees.

“The emigrant, to perfect his title to his land under this act, must reside in Texas for three years, and perform the duties of a citizen, when he will receive an unconditional title, and no legal alienation of the land can be made until the title is perfected by the government.

“A single man emigrating to Texas, above the age of seventeen years, is entitled to 320 acres, under the same conditions. This also extends to males (residents) who may reach the age of seventeen, between the dates above-mentioned; but this does not apply to females.

“By act of congress, passed 26th January, 1838, citizens are required to make returns of all lands held by them as agents or representatives of others, and upon lands so held by citizens for

\* Treasury notes are received in payment of government dues, and all government claims should be paid in notes, as they can be had at a discount of 75 per cent.

aliens or absentees, a double tax is levied: the returns to be made on oath.

“ The taxes upon unlocated lands, held by citizens of Texas, are as follows :—

	Doll.	Cts.
A league and labor . . . . .	5	00
Above one-third of a league . . . . .	4	00
One-third of a league . . . . .	3	00
Six hundred and forty acres* . . . . .	1	00

“ By act passed by congress, 26th June, 1838, to amend the general land law, the chief justice of counties, the appellate justices, and the county clerk, of each and every county, are constituted the board of land commissioners; the chief justice being president, subject to the provisions of the general land law.”

The number of acres granted by Texas, as set forth in the estimate of lands granted by Mexico under the state of Coahuila and Texas, and Texas as independent, amount to 45,000,000; and the laws of Texas under which these grants have been made, expressly provide that all lands held by actual settlers, acquired in conformity to law, shall be free of all the conditions named in the Mexican laws, provided the grantee shall pay such dues as were payable to the receiver of public monies appointed by the supreme government of Mexico to receive the land revenue of the state of Coahuila and Texas, and remaining unpaid, to the receiver of public monies for the republic of Texas, within six months from the opening of the land

\* Soldiers' head rights and bounty lands are exempted from taxation.



offices of Texas. Thus far the laws of Texas are in all cases consistent with the primary land laws of Mexico: and from the 27th of October, 1835, when the first Texan decree was promulgated relative to the disposition of the public lands of the republic, her laws from that date must be considered as supreme; and it is only when Mexican concessions or grants are repugnant to the supreme laws of the federal government of Mexico, that the supreme laws of Texas touch the validity of the Mexican titles; consequently titles issued by the Mexican authorities to sitios, and leagues of land; these, being the smallest grants ever made by Mexico, are most unquestionably good, but all eleven-league grants are illegal concessions, and will never be confirmed by Texas. But the distinction between the valid grants and those declared null and void by the constitution of Texas can be readily seen by reference to the primary land laws of Mexico and Coahuila, and Texas.\*

I have been most particular in shaping this portion of my work in order to show the variety of sources whence the land titles of Texas have been derived; but my earnest advice to those who think of investing money in land in Texas is, not to purchase any land in that country except the original titles have been duly confirmed by a patent

\* See Appendix.

from the Texan government ; and it is, moreover, necessary for the vendee to search the registry of the land office of the county or district in which the land is situate, and where all lines, mortgages, and judgments on landed property are duly registered. On the purchase of land it is also advisable to have the deeds of conveyance recorded in the land office without loss of time, in order to prevent a subsequent sale of the land by the vendor ; indeed to be secure, it would be better to record the deeds previous to the payment of purchase money.

#### ASSESSED TAXES.

The direct taxes, established by the Texan congress in 1840, on real, personal, or mixed property, is one-half per cent. on *valuation* of *assessors* appointed by the county courts ; and the permanent taxes are as follows :—

Poll taxes for every white man, per annum,	1 dollar.
If the owner be a non-resident of the republic,	one per cent.
No land to be valued at less than one dollar per acre.	
Wholesale mercantile establishments, 100 dollars for license, and	one-quarter per cent. on the amount of goods sold.
Retail mercantile establishments, 100 dollars for license, and	one-half per cent. on amount sold.
If wines or spirits be vended in less quantities than one gallon,	250 dollars, or quantities not less than one gallon, 100 dollars additional.
Auctioneers,	two per cent. on amount of sales.
Agents or brokers	. . . . . 100 dollars for license.
Tavern-keepers	. . . . . 250 „

Boarding-house keepers and restaurateurs, not selling wines or spirits . . . . .	50 dollars for license.	
Billiard-table . . . . .	250	"
Theatre . . . . .	200	"
Museums and exhibitions . . . . .	50	"
Race-course . . . . .	100	"
All money loaned out at interest, one-half per cent. on the amount loaned.		
Each white male in the republic, over 21 and under 45 years of age . . . . .	1	"
Each negro under 15 . . . . .	1	"
,, over 15 and under 50 . . . . .	3	"
,, over 50 . . . . .	2	"
Each carriage, saddle, or pleasure horse . . . . .	1	"
All neat cattle, except 25, 10 cents. per head.		
Stallions standing for the season, a tax equal to the price charged for the season.		
Each pleasure carriage, per wheel . . . . .	1	"
,, gold watch . . . . .	3	"
,, silver watch . . . . .	1	"
,, pack of playing cards, sold, loaned, or given away . . . . .	3	"

In case of neglect or refusal to pay any of the above rates or taxes, the assessor reports the person who neglects or refuses to pay such taxes to the secretary of the treasury as a defaulter, and he, immediately on the receipt of the assessor's report, forwards the same to the judge or magistrate for the district in which the defaulter resides, and the said judge or magistrate issues a warrant to distrain for double the amount of

assessment, with costs. No summons is issued to bring the party who refuses or neglects to pay, before the judge or magistrate for the district in which he resides, to show cause why he refuses to pay said taxes; nor has the assessed any appeal against an unjust assessment of assessors.

#### THE COMMON LAW OF TEXAS.

The common law of England was introduced into Texas by act of congress, 1840, subject to modification, and is now in force, except in cases where it conflicts with the existing statutory or primary laws of the republic, which take precedence of all others. Therefore it may be seen that the introduction of the common law of England, while the common-law pleadings have been totally omitted, must render the common-law proceedings of Texas a confused mass of irregularities. However, independent of any writ, by act of congress, 26th January, 1839, of execution or *fiere facias*, a citizen of the republic can hold his house, 50 acres of land, improvements to the value of 500 dollars, furniture to the value of 200 dollars, implements of trade or husbandry to the value of 50 dollars, five cows, one yoke of oxen, or one horse, twenty hogs, and one year's provisions.

#### CRIMINAL LAWS OF TEXAS.

Her criminal code is founded on partiality and contradiction. The crime of murder is, as it were,

confined to one class (the whites); while the slaying of another class (the aborigines and negroes) by them is qualified. The slaying of a white man is held to be murder, and is punishable by death; but the slaying of an aborigine, or negro, by a white man, is styled and deemed a justifiable homicide, except in the case of slaying a negro, which, under aggravated circumstances, may be brought in a trespass, for which it is almost impossible to get a court to award damages, under the common law, owing to the existence of the statutory laws of trespass, which are prospective, and not retrospective; and therefore cannot be applied to the act of slaying, which is, under the common law, a trespass; but the statutory law takes precedence, while it reserves its pains and penalties, for the attempt to decoy away—interfering with—or stealing negroes, and not for the act of slaying, which deprives the citizen of his property in the slave.

The pains under the statutory law for interfering with, decoying away, or stealing a negro, are death, cutting off ears, branding, whipping, imprisonment, &c.

The penalties, loss of citizenship, banishment from the state, and confiscation of property.

#### STANDARD OF TEXAN COINS.

The standard of all coins in the republic is the

same as in the United States, by Act of Congress, January 21, 1839.

“By Act of Congress, January 19, 1839, all claims against the government issued previous to the 1st of September, 1837, and which have been previously funded, shall bear interest from September 1, 1837; and all claims issued subsequent to the 1st of Sept., 1837, shall bear interest from the 1st Sept., 1838; but no promissory notes which may be hereafter issued or paid out of the Treasury shall bear interest, but the holders of such promissory notes, not bearing interest, or bearing interest, shall be allowed to receive the stock in the funded debt, bearing interest of 10 per cent. per annum.”

The first issue of the promissory “notes” of the government was made to meet the audited drafts on the Treasury, payable to order for services and articles for public use. These notes bear interest at the rate of 10 per cent., and are now fundable by act of congress of 1840, in sums not less than one hundred dollars, bearing interest of 10 per cent., payable semi-annually, transferable only at the Treasury, by self or attorney, and are redeemable by the government after September 1, 1842, six months’ notice being given.

Second issue, “star money,” are printed plates and are also fundable, bearing interest at 10 per cent. per annum. Of this issue there are many counterfeits: since they have been discovered, the government have issued copper-plate bills, bearing

the same interest, of which there are no counterfeits yet detected. The amount of notes issued by the government of Texas since the declaration of independence, is estimated at 3,000,000 of dollars.

Government scrip, issued under act of congress, and signed by the president, in pieces of 640 and 320 acres, in the names of William Bryan, Thomas Toby, D. White, R. Tesslett, and James Erwin, can also be funded at 50 cents per acre, under act of congress, May 8, 1838, in the same manner as other claims on the government. This is the only species of land scrip that can be held by an alien.

“By Act of Congress, January 21st, 1839, the first and second auditor, with the comptroller, are constituted a tribunal for the examination and auditing all claims against the republic. They have the powers of a court of equity, where existing laws make no provision.”

No claim can be presented to congress, or the president, until they have been first presented to this tribunal. An appeal may be made from their decision to congress.

By a recent order from the executive department, the court has been restricted to acting as an auditorial board for the examination of claims only, subject to the future revision of congress.

The government securities in May, 1840, were at a discount of 75 per cent.

## SUPPLEMENT.

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WHEN an author is fully impressed with the justice of a cause, and the legitimacy of his views, expressions are frequently used, in the heat of composition, that some persons would deem any thing but impartial; and such is the conviction that would probably arise in the mind of the reader of the preceding chapters; more particularly if my real object, which is to undeceive my countrymen, by exposing the base misrepresentations of Anti-Anglo hirelings of Texas, be so disguised as to be unknown. However, in order to show that I am not singular in my views and opinions, and do not stand forward alone; but on the contrary, that there are others who, judging from facts, think as I do, on some of the most important subjects discussed in the foregoing pages, I have studiously collected from various and recent sources such opinions and facts as will enable the reader to see the correctness of my statements, and the fallacy of those that are opposed to them.



The following are some of the opinions of the French press on the subject of

THE TEXAN LOAN.

[From "*La France*" 9th June, 1841.]

"Since the month of March last, several journals have published many apologetic articles on the republic of Texas. These articles, which had for their object to call the attention of French capitalists to a loan for that infant state, were clothed in the most seductive terms that language could supply, to create anew the enthusiasm that prevailed on the subject at the Paris Bourse about two years ago. The fertility of the soil, the beauty, power, and virtues of the inhabitants,—the abundant resources offered by the topographical position of the country,—the softness of the climate, boundless forests, virgin mines—nothing, in short, was omitted that could tend to exhibit in the most attractive colours, the advantages that would accrue to those who should participate in the loan to Texas. If one were to implicitly believe in these representations, there can be no doubt that capitalists would be certain to invest their money with no other benefit than that of having had the pleasure of obliging such young and virtuous republics.

"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 that would result from such speculations?

"The official documents on which are established the following remarks, completely destroy the excitement for speculation desired by the lynx-eyed republicans.

"There are two essential points to be examined. The first is the offer made to congress by M. de Saligny, minister of France

at Texas, to establish a line of French planters or cultivators along the frontiers, as a living barrier against the Indians (Comanches.) The second is the announcement made by the journals of the mission of General Hamilton, in France, to obtain the support of the minister in raising a loan of thirty-seven millions, which Texas would employ, at our expense, in augmenting the value of the admirable resources of her soil.

“And the author of one of these articles exclaims with much sympathy, ‘Here is a people, who, from the waters of the Gulf of Mexico, extend their hands to us, and ask to become our friends. Friends, alas! we have not many in the world at the present day.’ Again: ‘Let us do something for the new world, since we now play so small a part in the old.’—*Constitutionnel*, March 10. May we add that the nationality of the Texans is endeared by the recollection of their heroes. It is affirmed that the population doubles itself every year—that the Texans have no debts—that they wish to establish a credit on a scrupulous fidelity to fulfil their engagements, &c. Then, in consideration of the commercial advantages that Texas can secure to France, it is concluded that the French cabinet ought to facilitate General Hamilton in the execution of his loan.

“It is necessary that the *Constitutionnel* should be reminded that a treaty of commerce has been concluded between Texas and England, which stipulates that that power shall be placed on a footing with the most favoured nations; but it would appear that the adroit Texans have reserved to themselves, *in petto*, the right to grant *special privileges* to whoever shall accord to them their millions, and that England would not be able to claim an equal benefit from these exceptionable stipulations.

“Let us see if the French capitalists may rely on the preference offered them by these young republicans—these colonizers, *par excellence*—this energetic and industrious race! The Texan race has absolutely the same constitution, moral and physical, as that of the United States; and he must be very ill-informed who does not know that in New Orleans, as on the frontiers of

Canada, the people of French origin are not the most beloved. (See the *Morning Post* of the 2nd and 15th of February last.)

"In a prospectus, signed by General Hamilton and his colleague M. Burnley, circulated privately in London, in the month of December last, announcing the formation of an Anglo-Texan association, we read as follows: 'In the course of a few years the influence of the Texan government, supported by that of England, will give the final blow to slavery. In all other respects the people and the laws of Texas are entirely similar to those of England. The people are the same Anglo-Saxon race, and the English tongue is that of its government. The same constitutional freedom for property is secured by the laws.' The object of this association was, first, to persuade the English to purchase and colonize the vacant lands, at the price of fifteen shillings per acre; and, secondly, to effect a loan which should be employed in the building of towns, and in the construction of quays and ports to facilitate navigation; in a word, to the achievement of a multitude of patriotic operations, Texas having no debt!

"It is clear, however, that the French people have not received the first affections of Texas; but they ought not to be too jealous, for England has been no better favoured. Certain it is, that the financial regards of this young State were first proffered to the United States, by whom they were declined; then to Holland, who appreciated them in like manner. But, perhaps Paris is more susceptible than Philadelphia, New York, Brussels, and London. If the advantages thus vauntingly put forth prove real, ought not the industrious genius of the people of this country to possess such a golden prospect of future good?

"The Texan republic, it is said, has no debts, yet the president, in his message to congress on the 1st of November last, says, 'We are in debt, and we ought to pause till the resources of the country shall be more amply developed,' &c. The remainder of the message clearly shows the necessity experienced by Texas for assistance from some quarter, whatever may be the conditions."

This journal then gives an exposition of the public debt of Texas, which corresponds with the statements made in pages 346-7, and then proceeds to say—

“ In some documents which have been drawn up, the Texan population was declared to be two millions of souls. The president in the message already cited, says, ‘ Five years ago, the population 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; and interest at the rate of 60/0 (2 dollars, 35 cents) per head on women, children, old men, and slaves.

“ With respect to the project of establishing living walls of French cultivators between the Texans and the Indians (Comanches), we have that which the English have not. In the month of January last, a company was formed in London, under the patronage of General Hamilton, for the cultivation of lands in Texas. M. Henry Prater was the secretary. They have not succeeded since they came to us.

“ Looking at the moral guarantee of the debt, who would rely on the fidelity of the Texans to fulfil 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 upon 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?

“ Among the arguments offered in favour of the Texan loan, there is one which, in this money age, can scarcely be dwelt upon without blushing; we allude to the immoral and anti-social policy of allowing the French cultivators to smuggle prohibited

goods to the frontiers of Mexico and the United States. But this shameful traffic, since it has been conceived, cannot, we say, be carried on. The enormous expenses, moreover, that would be incurred by the transport of merchandise from the Texan side beyond the frontiers, to say nothing of the danger from the proximity of the Indians—how is it that the Texans have not reflected that the difficulty would be, not in conveying merchandise to the coast, but in transporting it to Mexico or the United States under the eyes of a vigilant customs? And how can we believe that the United States would suffer, on their frontiers, the existence of a republic of smugglers?

“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 return 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 desirous of obtaining from the French capitalists? And even if this menace should not be carried into effect, ought not Texas to pay for the naval armament she has purchased, discharge her public debt, or at least the arrears of interest, before she applies a single franc to the cultivation of the soil thus menaced?

“In vain do they tell us that this loan project is abandoned. It is a new snare to catch the credulous. Every thing is secretly prepared. Notifications, expostulations, coupons, actions, &c., &c. all are ready to dazzle with the usual noise. But we hope we have succeeded in putting public credulity on its guard against the sinister and mystified efforts thus incessantly employed to entrap the unsuspecting.”

This exposé not only thwarted General Hamilton's schemes by opening the eyes of the French

people, but it also led the French press generally to take up the subject, and on the 14th June, 1841, the subjoined article appeared in *La Presse* :—

“THE TEXAN LOAN.

“THE COMMERCIAL BANK OF LAFITTE AND COMPANY.

“The project of a loan on the part of the republic of Texas, at first publicly announced under the auspices of M. Lafitte, then withdrawn after the declaration made by the French government in its official lists, appears to be definitively and irrevocably abandoned. It is, however, not so; and the bait is presented anew to the cupidity of stock-jobbers, and the ignorance of annuitants, with a charlatanism unparalleled.

“The question of national interest is the first point in which we ought to regard this unjustifiable attempt. What! Is it at a moment, when our finances are deeply encumbered—the very day after the Government and the Chambers have refused to apportion a sum for iron railroads, in the fear that the issue of vouchers with interest at 4 per cent., would create a competition in state securities—when the minister of finance is calling upon the French capitalists to supply our deficits and secure our services—is it at such a moment, we say, that Paris is to be inundated with an issue of thirty-seven millions to benefit a foreign republic? And the banker who has the temerity to give the sanction of his name to this anti-national scheme, is M. Lafitte! M. Lafitte, who, after having succeeded in acquiring a long and prodigious popularity, would now make it appear that he is no longer proof against former delusions, the last glimmerings of which were extinguished at the bottom of the *quarry of the Plasterer's Society* and in the mines of *Chaney Saint Stephen*.

“But we turn from this part of the subject, on which the public cannot be too sufficiently edified, and address ourselves to a rigid examination of the Texan loan, a dry inquiry, but nevertheless an useful one in a moral sense, and more especially useful

for the evil that may be averted by the exposition. What is the destination of the loan? What are its conditions? What the guarantees? What is M. Lafitte's position in the speculation? Is the affair profitable to the borrower and the lender; or on the contrary, is it disastrous to both, and excellent only for M. Lafitte?

“The loan, says the prospectus, is destined to the extinction 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 Britannic 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.

“The loan is to be divided into 37,000 bonds of 1000 francs each, thus representing a nominal debt of 37,000,000 francs. These bonds are to be divisible into 37 series, redeemable *at par*, by an annual withdrawing of at least 1000 bonds. The capital advanced for each bond is to be only 750 francs in exchange for title to 1000 francs. The annual interest is to be 6 per cent. on the nominal amount of the bond. Of the produce of the negotiation, 50 per cent. only of the nominal capital (500 francs per bond) will be lodged with the Texan government, a deduction to be made of 6 per cent for the first year's interest. The 25 per cent. of the surplus will be reserved as an account current by M. Lafitte, to be placed at the disposal of the Texan government

after the liquidation, in capital and interest, of one-fourth part of the loan.

“The mechanism of these combinations surpasses every thing that could be conceived by the most cunning usurer in a private transaction, as the following calculations will demonstrate :—

“The republic of Texas delivers 37,000 bonds of 1000 francs, representing a capital of 37,000,000 francs ; but on each bond 750 francs only are to be advanced by the subscriber. Here, in the onset, is a *loss of 25 per cent.* to the borrower on a sum of 9,250,000 francs. Such is Combination the first !

“The interest stipulated at 6 per cent. to save appearances, is due, and ought to be paid on the nominal sum and not on the amount advanced. The *fictitious rate* of 6 per cent. is thus in reality placed by that of 8 *per cent.* Combination the second !

“Of the sum of 750 francs advanced by the subscriber, 250 francs are to be remitted to the borrower at a very remote period, probably not less than nine years. Here is then a second sum of 9,250,000 francs, which will not reach the Texan republic. This sum of *nine millions two hundred and fifty thousand francs is to remain, for at least nine years, in the hands of M. Lafitte.* Combination the third !

“Of these 9,250,000 francs *not* at the disposal of the Texan republic, she pays to the subscribers *six per cent. interest*, while M. Lafitte, in his account on this deposit, allows *four per cent.* The borrower thus loses a difference of interest of *two per cent.\** *for at least nine years* on this enormous capital, which he is pre-

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\* This ‘combination’ reminds me of one of the many instances of success that attended the late Mr. Rothschild’s financial operations. In contracting the Brazil loan of two millions, Mr. R. made net £89,000, viz. two per cent. commission, £40,000, and the first half-year’s dividend, £59,000 ; the contract having been made in January, 1825, with interest from the 1st of October preceding, whereas he issued it with interest from the 1st of April, 1825 !—N. D. M.



cluded from making use of in any manner whatever. Here is a real loss of two millions. Combination the fourth!

“In fine, on the fifty per cent. of the loan at the disposal of the republic, the interest of the first year, six per cent. is retained in advance. The borrower thus paying interest upon interest. Combination the fifth!

“So that in reality by reducing all the above ‘combinations’ to their simple and true meaning, the Texan government will receive only 440 francs net for every obligation of 1000 francs; in other words, less than a moiety! Is not this the act of a child that deserves banishment?

“Let us now place before the reader a veritable picture of the annual charge which Texas thus imposes upon herself by this loan:—

	Francs.
1. Redemption, <i>at par</i> , of 1,000 bonds every year	1,000,000
2. Interest at 6 per cent. on one moiety of the loan (18,500,000 francs) . . . . .	1,110,000
3. Interest at 6 per cent. on one-fourth of the loan not contributed by subscribers . . . . .	555,000
4. Loss of 2 per cent. interest on one-fourth of the loan, remaining in trust in Lafitte's bank . . . . .	185,000
5. Commissions to M. Lafitte, which can be at present only named as Memorandum	
	2,850,000

“The Texan Exchequer will then have to pay every year the sum of 2,850,000 francs for a capital of 16,280,000 francs, which it will have received at the rate of 440 francs for each of the 37,000 bonds issued. In a word, if Texas fulfil her engagements, she will have redeemed at the end of *six years* a loan which will oppress her in a decreasing ratio, we admit, for *thirty-seven years!*”

“The prospectus announces that the produce of the customs, and five millions of acres of land are to be specially set apart as the guarantee for the loan. But, in the words of M. Lafitte, as expressed in the first edition of the prospectus, from some

inexplicable motive carefully omitted in the second, 'What is the product of the customs of a country *born yesterday*?' What importance can attach to the commercial relations of Texas, after the tedious warfare it has sustained, and will doubtless yet have to sustain against Mexico?

"The five millions of acres given as a guarantee for thirty-seven millions of francs, represent a value of 7 francs 40 cents per acre, (18 francs 28 cents per hectare). But is this estimate of 7 francs 40 cents. the precise value of the land? In a word, if it were desired to sell the five millions of acres, would it be easy to realise 37,000,000 francs? Certainly not. In order to give an undue importance to this part of the guarantee, M. Lafitte estimates the acre at 7 francs 40 cents; this being the computation which exactly covers the amount of the loan. But, by the side of M. Lafitte's allegations, we have those of a company formed for the sale of lands in Texas, which affirm that 7 francs 40 cents per acre is much too high a rate, considering the sales that have been already effected by that government. There is something still worse, namely, that the lands sold by government may be sold with their public liabilities, which are worth only 25 per cent., and which government will be obliged to take *at par*. It necessarily results from this circumstance that the lands sold by government at the rate of 24 francs per acre, will be better disposed of than those sold subject to the loan guarantee at the rate of 7 francs 40 cents. Since the purchaser at 24 francs will be free from the public liabilities, the effect of which is a loss of 75 per cent.

"Finally, as to the solidity of the security. Suppose the value of the ceded land should cover the whole of the loan, there would exist a still stronger reason for inquiring into the nature of the property. Texas is a country 'born yesterday,' a country in a state of rebellion, which was conquered by the success of its arms, a sort of independence which has been acknowledged by a few nations scarcely two years. Is there not good ground for anticipating that Mexico will renew the contest? Nay, but recently it was announced that Mexican troops were actually on their march

against Texas to recommence hostilities. In such a case what would then become of 'the beautiful and fertile lands'—the public domain which, according to M. Lafitte, is to him alone a source of immense wealth? What, we ask, will be the fate of that country to which most of the public journals invited attention some months since with a zeal which reminded one of those halcyon days when a well-known financier disposed of a part of the press for the purpose of puffing off the Spanish loans?

"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.

"How could Lafitte's bank have descended to such means to allure the confidence of the credulous! How indignant must every one feel on reading sentences fraught with such formal assurances, the utter falsehood of which is apparent upon the slightest examination. We have written the word and we repeat it. IT IS FALSE THAT THE RISK OF THE LENDERS IS REDUCED TO FIFTY PER CENT. It is also false that the redemption of the capital and interest may, during five years, be completely protected from all casualties if the Texan government should not fulfil its engagements.

"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.

"H. D."

It appears also from the following article, published in the *Times* of August 31, 1841, that the Texans themselves think that a loan would not extricate them from their present embarrassments, but on the contrary, that it would involve them beyond all redemption:—

“At New Orleans the money market was quiet. The speculators in Texan currency (paper) would not pay the prices that had formerly ruled, premising that the loan would never be completed; and that if it was, no part would be made available to pay off the outstanding liabilities of the republic.

“On the subject of the Texan loan a private letter has been received from Galveston, which, originating as it does from the Texans themselves, shows that while their neighbours are doubtful whether they will get the loan, they themselves are not anxious for the completion of the obligation, and are far from satisfied at the accommodation afforded them by their friends in Paris. The conditions of the loan being, that Texas is to receive 750 francs, or about 150 dollars for shares of 1000 francs, or 200 dollars, paying 6 per cent. on 35,000,000 francs, mortgaging her custom revenues for ten years, selling 3,000,000 acres of her best lands, and leaving the deposit of 25 per cent. for two years at Lafitte's for the further guarantee of the shareholders, the calculation is made as follows:—The amount of 35,000,000 francs is set down in dollars at 6,510,000, (the nominal amount being 7,000,000 dollars,) from which, deducting the discount of 25 per cent., the sum of 4,882,500 dollars is left. This is the value at 75 per cent.; but again deducting the sum which is to lie for two years at Lafitte's, it is reduced to 3,255,000 dollars, (for which they have to pay two years,) the remaining 1,627,500 dollars is to be paid at the end of the two years. Thus they say they borrow 3,255,000 dollars, for which they have to pay two years' interest, amounting to 840,000 dollars, or above 13 per cent. per annum, leaving in their hands 2,415,000 dollars. The arrival of the remaining part of the loan will give them 4,042,000 dollars, for which they will pay a yearly interest of 420,000 dollars. After this detailed calculation a hope is expressed that the loan, which is regarded as an infliction instead of a blessing, may never reach Texas.”

In order to obtain money, even on the ruinous terms set forth by *La Presse*, the proposed treaty

between England and Texas, which was to silence the Mexican cry of justice, was brought forward, and every effort was made to induce the world to believe that the treaty had been duly ratified by the two contracting parties, my Lord Palmerston and the adroit slave-holder, General Hamilton; but *the treaty between England and Texas*, of which the following is a correct copy, has *not been ratified*, nor can her Majesty's government entertain any proposition to that effect in the *face of passing events*, and with such a beacon as that contained in Lord Durham's report on Canada.

“TREATY OF COMMERCE AND NAVIGATION BETWEEN THE REPUBLIC OF TEXAS AND GREAT BRITAIN.

“THE Republic of Texas and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being equally desirous of affording every facility and encouragement to their respective citizens and subjects engaged in commercial intercourse with each other, have nominated as their plenipotentiary to conclude a treaty for this purpose, that is to say :

“The Republic of Texas, General James Hamilton, &c. &c.

“And her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John Viscount Palmerston, Baron Temple, a peer of Ireland, a member of her Britannic Majesty's most honourable Privy Council, a Member of Parliament, Knight Grand Cross of the most honourable Order of the Bath, and her Britannic Majesty's principal Secretary of State for Foreign Affairs :

“Who, after having communicated to each other their respect-

ive full powers, found in good and due form, have agreed upon and concluded the following articles:—

“ARTICLE 1. There shall be reciprocal liberty of commerce and navigation between and amongst the citizens of the Republic of Texas and the subjects of her Britannic Majesty; and the citizens or subjects of the two countries respectively, shall not pay in the ports, harbours, roads, cities, towns, or places whatsoever, in either state, any other or higher duties, taxes or imposts, under whatsoever name designated or included, than those which are there paid by the citizens or subjects of the most favoured nations; and the citizens and subjects, respectively, of the two high contracting parties shall enjoy the same rights, privileges, liberties, favours, immunities and exemptions in matters of commerce and navigation, that are granted, or may hereafter be granted, in either country, to the citizens or subjects of the most favoured nation.

“No duty of customs, or other impost, shall be charged upon any goods the produce of the country, upon importation by sea or by land, from such country to the other, higher than the duty or impost charged upon goods of the same kind, the produce of, or imported from any other country; and the Republic of Texas and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, do hereby bind and engage themselves not to grant any favour, privilege, or immunity, in matters of commerce and navigation, to the citizens or subjects of any other state which shall not be also and at the same time extended to the citizens or subjects of the other high contracting party, gratuitously, if the concession in favour of that other state shall have been gratuitous, or on giving as nearly as possible the same compensation or equivalent, in case the concession shall have been conditional.

“ART. 2. No duties of tonnage, harbour, lighthouse, pilotage, quarantine, or other similar or corresponding duties, of whatever nature, or under whatever denomination, shall be imposed in either country, upon the vessels, or upon any articles the growth, produce, or manufacture of the other, in respect of voyages between the two countries, if laden, or in respect of any voyage, if

in ballast, which shall not be equally imposed in like cases on national vessels, and in neither country shall any duty, charge, restriction, or prohibition, be imposed upon, nor any drawback, bounty, or allowance be withheld from any goods imported from, or exported to, any country in the vessels of the one country, which shall not be equally imposed upon or withheld from such goods, when so imported or exported in the vessels of the other country.

“ART. 3. The citizens and subjects of each country shall enjoy full liberty to go to the ports and harbours of the other country, where other foreigners are allowed to enter, to unlade their merchandize therein, to hire and occupy houses, and peaceably to conduct their respective trades and professions.

“The ships of war of both countries, respectively, shall have the liberty to enter freely and touch at all such ports in each country into which the ships of war of any other nation are permitted to enter; subject, however, to the regulations, laws, and statutes of the respective countries.

“ART. 4. The stipulations of the present treaty shall not be considered as applying to the navigation and carrying trade between one port and another, situated in the dominions of one contracting party by the vessels of the other, as far as regards passengers, commodities, and articles of commerce. Such navigation and transport being reserved by each contracting party to national vessels.

“ART. 5. The high contracting parties reserve for future negotiation, at such time as they may mutually agree upon, the condition upon which the trade and navigation shall be regulated between the Republic of Texas and her Britannic Majesty's colonial possessions in Europe, Asia, Africa, and America.

“ART. 6. Whereas in the present state of Texan shipping the Republic of Texas would not enjoy the full benefit of the reciprocity intended by this treaty, if no vessel were to be admitted into British ports as a Texan vessel, unless it had been built within the territory of Texas, it is therefore agreed, that for the space of eight years, to commence from the date of the exchange

of the ratifications of this treaty, any vessel, wheresoever built, being *bona-fide* the property of, and wholly owned by, one or more citizens of the Republic of Texas, and whereof the master and three-fourths of the mariners, at least, are naturalized citizens of the said Republic, or persons domiciled in that Republic by act of the government as lawful citizens of the Texan Republic, to be certified according to the laws of that country, shall be considered as Texan vessels. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, reserving to herself the right, at the end of the said term of eight years, to claim that the provisions of the British navigation act relative to the nationality of foreign vessels, shall be strictly applied to Texan vessels in British ports.

"ART. 7. The consuls and vice-consuls of each country shall, within the territory of the other, enjoy all the rights, privileges, and immunities which are accorded to such functionaries by the law of nations; and it is provided that in the ports of each country, especially, the authorities shall give all due legal assistance and protection for the apprehension, safe keeping, and delivering of all deserters from the ships of war and trading vessels of either country; and all the powers and privileges granted in respect to the matters to which the stipulations of this article relate, by either of the contracting parties to any other nation, shall be granted by such contracting party to the consul, vice-consuls, ships of war, and trading vessels of the other.

"ART. 8. If any ships of war or merchant vessels should be wrecked on the coasts of either of the high contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandize, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the Texan or British consul, in whose district the wreck



may have taken place; and such consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandize saved from the wreck shall not be subject to duties, unless cleared for consumption.

“ART. 9. The exercise of the rites of religious worship and freedom of conscience, shall be reciprocally secured to the citizens and subjects of each country, by the government of the other. The rights of sepulture shall be reciprocally accorded by each of the contracting parties to the other; and there shall be no law passed by either government that shall violate the rights of property, or limit the power of bequeathing personal estate by will or testament.

“The citizens or subjects of the one country residing in the other, shall not be liable, under extraordinary warrants or otherwise, to compulsory services, or to forced loans; and on all questions affecting the rights of persons or property, the courts of judicature of the one country shall be impartially open to the citizens or subjects of the other.

“In the event of war between the contracting parties, the citizens or subjects of the one country residing in the other, shall, reciprocally, have twelve months, after a formal declaration of the same, to depart with their property and effects, and without any hindrance or disturbance whatsoever.

“ART. 10. The present treaty, when the same shall have been ratified by the President of the Republic of Texas, by and with the advice and the consent of the senate, and by her Britannic Majesty, shall be binding and obligatory on the contracting parties, for eight years from the date of its signature; and further, until the expiration of twelve months after one of the high contracting parties shall have notified to the other an intention to terminate its duration.

“It is further agreed, that in twelve months after one of the high contracting parties shall have received from the other such

notification, this treaty, and all the stipulations it contains, shall cease to be obligatory upon either party.

"ART. 11. The present treaty shall be ratified, and the ratifications shall be exchanged at London as soon as possible, within the space of nine months from this date.

"In witness whereof, the respective plenipotentiaries have signed the same, and affixed thereto the seals of their arms.

"Done at London, the thirteenth day of November, in the year of our Lord, one thousand eight hundred and forty.

(Signed) "PALMERSTON, [L.S.]  
(Signed) "J. HAMILTON, [L.S.]"

I here subjoin the cogent remarks of the *Morning Herald* of October 4, 1841, on the subject of the foregoing treaty.

"*Lord Palmerston's successful Diplomacy!*—When the late Foreign Secretary signed the treaty recognizing the independence of Texas, which has not yet been ratified, although Lord Palmerston illegally appointed a consul-general to Texas, he contemporaneously signed a convention with the Texan envoy, stipulating terms on which peace should be concluded, by the intervention of Great Britain between Texas and the mother-state, Mexico, and the independence of the former by the latter. Nearly twelve months have since elapsed, and not only have peace and the recognition not been concluded between Mexico and Texas, but war is on the point of breaking out afresh, and British mediation is wholly repudiated even by imbecile Mexico. The Texan powers, to ratify the treaty of recognition and commerce, have been in London six months, and the ex-minister never ratified a document of which he boasted in the House of Commons; yet Lord Palmerston has the vanity to talk of his successful diplomacy!"

Lord Palmerston, seemingly apprehensive that his treaty with Texas would not stand the scrutiny

of his successors, before leaving the Foreign-office, amongst the last of his official acts, appointed the magnanimous Captain Elliot, of opium celebrity, to the office of Her Majesty's Consul-general in Texas. His lordship has thus done all in his power to clinch the recognition of Texas; but as his lordship was throughout over-reached by General Hamilton, and led to acknowledge Texas upon grounds false and delusive, contrary to every British interest and international right, my Lord Aberdeen ought not to be fettered in his review of the whole bearings of that most disgraceful treaty. Those who have read Mr. Richard Hartnel's pamphlet, entitled *Texas and California*, will find that, in the opinion of *Le Constitutionnel of Paris*, of 10th March last, Lord Palmerston's treaty with General Hamilton left a loophole for the Texans to offer certain special privileges to France\*, and that the Texan Land Company of Exeter Street, Strand, scrupled not to represent the British Government as lending a

\* "On prétend que le Général Hamilton offre une franchise complète au commerce français. Les Texiens ont, à la vérité, conclu avec l'Angleterre un traité par lequel ils s'engagent à la traiter sur le pied de la nation la plus favorisée. Ils se sont réservé, cependant, le droit d'accorder des privilèges spéciaux à quiconque leur offrirait des avantages équivalens, et l'Angleterre ne serait pas fondée à réclamer le bénéfice de ces stipulations exceptionnelles. Le Texas deviendrait, pour ainsi dire, une colonie française, mais une colonie indépendante, s'appartenant à elle-même et ne nous coûtant rien."

sanction to emigration to Texas\*. Many other proofs might be adduced of the artful and tortuous policy pursued by the Texans, but those I have quoted most interest the honour of Her Majesty's government, and are quite sufficient to justify Lord Aberdeen to reconsider every ground and allegation made by General Hamilton, whereby he committed Lord Palmerston to the acknowledgment of Texas.

If, after a careful review of the whole circumstances, Lord Aberdeen should find that the acknowledgment of Texas cannot be revoked, the appointment of a diplomatic agent there will follow as a matter of course; but that agent assuredly should not be Captain Elliot, or any other individual unacquainted with the Spanish language, and true bearings of the question between Mexico and Texas. The recognition of Texas is a great evil; but supposing it an evil *unavoidable*, it is much to be desired that the representative of Her Majesty, at the seat of the Texan government, should be a man of sense, of principle, and experience,—not a pro-slavery and anti-aborigines man,—but one likely to have weight with that government, and to

\* “Such are the prospects offered by General Hamilton and Mr. Burnley to the authors of this paper, and communicated by them confidentially to their friends; on the one hand, a nucleus for the formation of an Anglo-Texan Land Company, under the faint sanction of the British and Texan Governments!!!”—See *Texas and California*, page 19.

exert his influence in disposing it to adopt a policy compatible with the rights, peace, and safety of its neighbours. If the course of Texan lawless aggression is to be stopped, and peace with Mexico negotiated, Her Britannic Majesty must not be represented in Texas by any visionary enthusiast, believing that the world is to benefit by the extinction of Mexicans and Indians, and the substitution of Anglo-Saxon Americans; or that the Mexicans are to be made happy and prosperous by carrying the frontier of their Anglo-American spoilers into their close vicinity. Such monstrous ideas have indeed been avowed; but Richard Hartnel, in his pamphlet above quoted, has well exposed their glaring absurdity, and they are not likely to have much weight with so refined and experienced a diplomatist as Lord Aberdeen.

It is not for me to make suggestions to his lordship; but from the terms in which I heard Mr. Crawford invariably spoken of in Texas, and from his intimate acquaintance with the language, and all the relations and interests of the Mexicans, I cannot help admitting that there is much truth in what Mr. Richard Hartnel says of him. In the passage quoted in the next page he obviously alludes to my present work, but he is incorrect in saying I resided in Texas as many months as Mr. Kennedy did days, or that I pretend to any literary eminence. The reader, therefore, will only consider the following

quotation as of importance from the just testimony it bears to Mr. Crawford.

“ I approve highly of the object of Mr. Kennedy's book on Texas, in the sense explained by himself in the first and ninth paragraphs of his letter in the *Times* of yesterday. How far his written work bears the impress of such a spirit, I will know better when I have read his book again in connexion with that soon to be published, of a literary gentleman much more recently arrived from Texas than Mr. Kennedy, and who, I learn, has spent as many months there as Mr. Kennedy spent days. When the latter comes out, without knowing its contents, I challenge a comparison of my veracity with that of Mr. Kennedy or Mr. Nicholas Carter; and it so happens that an authority, to which the world will attach much more credit than either, can be appealed to. I refer to J. T. Crawford, Esquire, Her Majesty's Consul to Tampico, who, I am told, arrived by last packet.

“ It is understood that that gentleman visited Texas as a commissioner on the part of the British Government. From the high opinion entertained of his character and talents by the British merchants of Tampico, it is evident that Her Majesty's Government could not confide to better hands the care of British interests in Texas, and, amongst others, the right of the Mexican bond-holders to certain lands there, ‘ the deceptive character’ in the Mexican transfer to which, Mr. Kennedy claims some credit for exposing in his book, as well as the superiority of the ‘ enlightened commercial and financial principles of Texas, as contrasted with the fiscal barbarism of Mexico,’—of which more anon.

“ Mr. Kennedy cannot object to Mr. Crawford upon the ground of being a kinsman of mine. I cannot boast of him in that near relation; but his upright and honourable character is not unknown to me. Like Mr. Kennedy, ‘ I love to enable my readers to appreciate the trustworthiness of my views and opinions, by adducing the testimony of others.’ In this spirit I

referred Mr. Kennedy to my cousin *William*, of Monterey, (of whose respectability, his old partner, Hugh M'Culloch, Esquire, No. 9, Crescent, Minories, London, can inform him), to Captain Hall, of Messrs. Hall and Boyd, Breezer's Hill; and to Mr. R. Walkinshaw, of Durango; and in the same spirit I now refer to Mr. Crawford."

I have already dwelt at some length on the commercial prospects of Texas, and the absurdity of attempting to alter the existing state of things in Mexico, or the United States, by entering into treaties with the lawless and impoverished Texans. Yet I am willing to admit that many radical errors exist in the present fiscal policy of Mexico, as the following correspondence, which appeared in the *Morning Chronicle* of the 12th of October, 1841, will amply demonstrate:—

"The intelligence we announced on the 5th instant, of the proceedings in Mexico, proved correct. The subjoined letter from a Spanish merchant in Tepic, conveys some useful information regarding the views of the Mexicans on their own political reforms, as well as on their views with regard to Texas. We cannot for a moment believe that the government of the United States would sanction any piratical inroads upon the Texan territories; and look with regret upon the resolution said to be entertained by the Mexican government to attempt the reduction of Texas.\*

\* Yet the fact is, the rebellion of Texas was wholly achieved by piratical adventurers from the United States, whose government not only permitted, but connived at their inroads; and we see no more reason to regret that Mexico should effect their expulsion, than that Great Britain should have effected the expulsion of similar pirates from *Navy Island*.

“The letter, of which we subjoin a translation, is as follows:—

“*Tepic, 19th July, 1841.*

“‘DEAR FRIEND,—I enclose the documents which you ask in your esteemed favor of the 15th of April.

“‘Trade along these coasts is very much depressed on account of the abundance of goods, and the scandalous contrabands which are perpetrated. In a political sense we are in a bad position, but the aurora of a better day brightens upon us, because the idea has become general that our system of finance requires a total reform, carried to the extent of extinguishing all motive for, and profit in clandestine introduction of goods, and that the constitution itself requires to be revised, with the view of reconciling the *centralist and federal party*, of satisfying the alterations required by the dissentients of *Yucatan and Tobasco*, and of establishing a popular, united, and strong government.

“‘The only thing wanting to carry into effect this *reform* is, that some one of our military chiefs of reputation should proclaim himself the leader of the movement, which, from the prepared state of the popular mind, would spread over the whole republic with the rapidity of the ‘*three guarantees*’ of Iturbide. Supposing the reforms once verified by the unanimous voice of the Mexicans, the new government would be able to execute the fixed and determined will of the nation to reduce the rebellious colonists of Texas, and to expel beyond the Sabine the pirates who have there intruded from the United States. They do not fail to make upon us a silent war (‘*guerra zorda*’) along the whole frontier; they endeavour to insurrectionize the states of *New Mexico, Chihuahua, and California*; they foment disorders every where; they interrupt our commerce, and occasion great expenses to the public treasury, to the great prejudice of remittances for the English dividends.

“‘As much as we ourselves are English merchants, and English holders of Mexican bonds interested in the pacification of Texas, because in time of peace our seven millions of souls should consume more than 60,000,000 dollars of goods yearly, upon which value, supposing an *ad valorem* duty of 30 per cent.



only, the treasury ought to receive eighteen millions of dollars yearly, which amount suffices to pay all branches of the public service, and besides the English dividends in full. But without the reduction of Texas nothing of this will be possible; for even though at the instance of England, we should recognize Texas, our peace with her would never be more than nominal; new adventurers would pour in from the United States, and their robberies, rapines, and contrabands, would continue all along our frontier, leaving us no other alternative but either to repel them, or allow ourselves to be exterminated by slow degrees. With a population of the class that occupies Texas, the observance of pacts and treaties is impossible, as you know to your cost, by what happened to yourselves in Canada. There is not a Mexican who does not know this, nor one who would refuse to contribute to effect the reduction of Texas. You recommend us peace—but what a peace? With the *pirates* who have introduced themselves into our territory, calling themselves *Texans*! Would you yourselves do as much were the question Canada? Be just, ye friends of Great Britain.

“ ‘Excuse this political sermon,’ &c.

“By the accounts, *via* the United States, which we published on the 5th instant, it appears that the writer of the above letter was so far correct in his views, that twenty-four days afterwards, namely, on the 12th of August, the popular movement commenced in Guadalupe, and that General Paredes declared in its favour, at the head of the garrison.

“The character of all such movements depends mainly upon the character of the leader, and the objects aspired to. As to the first, we are informed that General Paredes y Arillaga is himself of good family, and married into that of Cortez, one of the most respectable in the capital of Xalisco; that he is a man of education and honour; a veteran well known to the army, and throughout the republic generally. It is said that the movement is preconcerted with some of the most wealthy merchants and landowners of the republic; that the principal chiefs of the army are no strangers to it, and that while the convention is deliberating upon the

reforms required, General Santa Anna will be called to administer affairs with dictatorial powers.

“The obstinacy with which the Mexican Chambers have adhered to their obnoxious 15 per cent. *consumo* duty is said to have precipitated this movement. In fact, nothing can be more opposed to every principle of sound political economy, than the financial system hitherto pursued in Mexico; nor can anything tend more to demoralise the whole population of the coast, to injure the Mexican revenue, retard its agriculture, and cramp their mercantile relations with this and other commercial nations.

“We beg to prove our position by a few examples:—

	£	s.	d.
100 dozen Pullicate handkerchiefs, cost in Glasgow, 5s.	25	0	0
Add 15 per cent., to cover expenses to Vera Cruz	3	15	0
	<hr/>		
	£28	15	0

Equal, at 4s. the dollar, to 140 dollars 15 cents.

“Duties levied on the same:—

	Doll.	Ct.
Import duty of 1d. 50c. per dozen, on 100 dozens	150	0
Duty of 1 per cent. on Mexican valuation	5	0
„ 5 per cent. <i>consumo</i> , paid in Vera Cruz	25	0
„ 15 per cent. <i>consumo</i> , paid in the interior	75	0
	<hr/>	
	Dollars	255 0

“In this case the duty is nearly double the prime cost and charges to Vera Cruz.

	£	s.	d.
100 yards cloth, of fifty inches wide in Leeds, at 10s. per yard	50	0	0
Add 15 per cent. for all expenses to Vera Cruz	7	10	0
	<hr/>		
	£57	10	0

Equal to dollars, say . . . 285d. 50c.

	Doll. Ct.
Import duty of one dollar on each yard on of 162 square yards, to which 100 are reduced . . .	162 0
Duty of 1 per cent. on Mexican valuation . . .	5 40
„ 5 per cent. consumo, paid in Vera Cruz . . .	27 0
„ 15 per cent. consumo, paid interior . . .	80 0
	<hr/>
	Dollars 274 40

“In this case the duty is nearly as much as the whole prime cost and charges to Vera Cruz.

	£ s. d.
100 pieces chintz, $\frac{7}{8}$ of 28 yards in Manchester, at 13s. . . . .	65 0 0
Add 15 per cent. for charges to Vera Cruz . . .	9 15 0
	<hr/>
	£74 15 0
Equal to dollars, say . . .	370d. 75c.

	Doll. Ct.
Import duty of 3 dollars 75 cents on each piece, per tariff . . . . .	375 0
Duty of 1 per cent. upon Mexican value . . .	12 50
„ 5 per cent. consumo, paid in Vera Cruz . . .	62 50
„ 15 per cent. consumo, paid in interior . . .	187 50
	<hr/>
	Dollars 637 50

“In this case the duty is nearly twice the whole amount of prime cost of charges to Vera Cruz! But the Mexican mode of calculating the duty is worthy of observation. As an illustration, let us take the 100 yards chintz:—

The amount of the importation duty is . . .	375 0
This they augment $233\frac{1}{3}$ per cent. . . . .	875 0
	<hr/>

Making 1,250 0

to be the value on which they calculate the other per-centages.

“Thus 1 per cent. upon 1,250 dollars, is  $3\frac{1}{3}$  per cent. in reality.

Thus 5 per cent. upon ditto, is  $16\frac{2}{3}$  per cent. in reality.

Thus 15 per cent. upon ditto, is 50 per cent. in reality.

“Under such a system contraband is sure to flourish; not even the power of the British government could extinguish it; and hence we need not be surprised that the Mexican government never receives more than one-third of the duties that are nominally levied; that the two-thirds are shared between the merchant and their own *employés*; and that goods are often selling at prices less than the duties to which they are subject by tariff. In Mazatlan, last spring, domestics [Mantas] were selling [duty paid] at  $1\frac{1}{2}$  reals the ‘vara,’ on eighteen months’ credit. This outrageous contraband prevails more on the Pacific than it does on the Atlantic coast, and hence cargoes go round Cape Horn to Acapulco, San Blas, Mazatlan, and Guaymas, which are destined to be there introduced under these frauds on the public revenue, and afterwards to supply the markets in the interior, and even on the Atlantic coast. Under the prevalence of a system so ruinous to the ports of Vera Cruz and Tampico, the bond-holders need not wonder at the small amount of the sixth parts of duties there received, applicable to the payment of their dividends.

“It is to be hoped that Santa Anna will for ever abolish these abuses.”

The accounts of the 5th of October, alluded to in the foregoing article, are as follows:—

“*Morning Chronicle*, October 5, 1841.

“From Mexico very important news has been received by way of the United States. General Paredes, at the head of the garrison Guadalajara, had declared in favour of immediately convoking a national convention, with the view of arranging all differences between the federalist and centralist parties, to re-

incorporate Yucatan into the union, and to concentrate the whole military force of the republic upon Texas.

“The Mexican government has sent public notice to their agents in Europe and America, that they will expel from California all parties intruding there without regular passports; and that parties buying lands in Texas, and accepting titles from the rebel government, cannot recognize any such titles.”

My zealous endeavours to obtain and perpetuate the opinions that have been written on this important subject, have not been confined to the European press, as may be seen from the annexed extract from the *Honduras Observer*, June 16th, 1841.

“TREATY WITH TEXAS—SLAVERY.

“ARTICLES 5 and 7. The treaty of navigation and commerce lately published between Great Britain and the republic of Texas, is conceived in the usual spirit of reciprocity, which, with some later improvements, the wise policy Huskisson legitimized among kingdoms, to which Canning and the successive sires of commerce gave life, and which promises to bring forth many wealthy and peaceful descendants betwixt the connecting families of nations. It is by such ties that man will be bound by the brother ties of amity with man, and that sister countries will unite as natural friends, which, in the foolish antipathies of old, viewed each other as natural foes. But a great deficiency in the treaty with Texas, is the want of some stipulation regarding slavery. Whilst it was a province of the Mexican federation, slavery was abolished; it is now re-established by the adventurers from the Union, who provide—

“That the congress shall not have the power to emancipate slaves; nor shall any slave-holder be allowed to manumit, without the consent of the legislature, unless he shall send the slave without the limits of the republic.

“That no free person of African descent, either in whole or in part, shall be permitted to reside permanently in the republic, without the consent of the congress.

“That the admission of negroes, except from the United States, is for ever prohibited, and the importation of them declared to be piracy.

“The same practical sanction must now be extended to Brazil and other slave-holding states.

“The British treaty with Mexico, by Article 15, stipulates—

“ARTICLE 15. The government of Mexico engages to cooperate with his Britannic Majesty for the total abolition of the slave trade, and to prohibit all persons inhabiting within the territories of Mexico, in the most effectual manner, from taking any share in such trade.

“Is a slave escaping from or by a vessel to Jamaica or Bahamas, to be delivered up as a deserter? Is the exception by the laws of their constitution against free persons of African descent to be extended to British-born subjects? There is not an expression in the whole treaty that gives the smallest discountenance to the slave traffic, or on which England may build a future provision; and well does Britain know how little it can trust to the mere internal laws of slave-holders. Here is every encouragement to the breeding and rearing of slaves in the southern states of Virginia, Carolina, and Georgia, for sale, not only to the southern planters, but for export to Texas, a separate and independent republic. What difference does it make whether they come from Africa or the Union, except that they speak our native English, and are trained for slave work? Is not the Union hereby carrying on the slave-trade from its own territories into those of another republic—Texas? Is there any piracy declared on their exportation from the latter to Cuba or elsewhere?—None.

“Here is a neighbouring country to which the discontented English planter can emigrate with facility, and *enact all the scenes of the old tragedy anew!* England was in this treaty the in-

dependent party, whose recognition was anxiously sought, and *she ought* to have stipulated that no law affecting colour (whether with the consent of congress or without it) should militate against any of her subjects from Africa, the West Indies, Britain, or elsewhere. The question is not about colonies, but all may see the influence that will predominate in case the high contracting parties should *ever* enter on future negotiations relative to her Majesty's colonial possessions in the West Indies, agreeably to the 5th article of this treaty. Look to the spirit that pervades the whole American Union, and to the exclusion of Hayti from their commerce and diplomacy.

"England has in this treaty with Texas ceded her 'vantage ground, and given her tacit approbation of slavery to new slave constitutions, and to all the various shades of civil intolerance, disability, refusal of education, and denial of the natural rights of humanity."

The latest authentic information of importance that has been received from Mexico, I have extracted from the *Times* of the 11th of October.

"Falmouth, October 9.—On the 5th instant, we advised the arrival of the Penguin packet from Mexico, with dates from Vera Cruz to the 17th of August, and this morning we had a further arrival from the same quarter, by the Alert packet, which sailed from Tampico on the 19th of August, Vera Cruz on the 2nd of September, and Havannah on the 17th of September, with 340,000 dollars on freight. We have, consequently, sixteen days' later intelligence by this vessel, which, however, principally refers to the *pronunciamento* which we noticed as having broken out at Guadaluaxara, in favour of a reduction of the *consumo* duty. It now appears that General Paredes, who is at the head of the said movement, having effected a reduction of the duty in question in the state of Jalisco, demands further, the deposition of the present

government, the formation of a new congress (to be occupied exclusively with the revision and reform of the constitution), and the election of some influential man who, invested with extraordinary powers, should take the reins of government till the proposed measures are effected. In consequence of these proceedings, General Santa Anna, who was residing on his estate at Vera Cruz, issued a communication to government, praying them, in consideration of the justice of the demands of General Paredes, to suspend any hostile measures against him, intimating at the same time, his (General Santa Anna's) resolution to second the plans of Paredes, should government not be disposed to listen to them. On Santa Anna's sentiments being known, as well as from his being commandant-general of Vera Cruz, the civil authorities of that city immediately pronounced in favour of the new order of things; whereupon the General immediately marched for the fortress of Perote (on the road to Mexico), to strengthen his position. What impression this *émeute* made at the seat of government was not known, as the accounts reached the capital at the moment when the express for the coast left, but it was generally considered beyond a doubt that it would tend to the abolition of the *consumo* duty. We regret to announce the death of Lieutenant Dawson, of the Alert.

“By letters from Mexico of good authority, it is known that that government on the 10th of August, sent instructions to General Arista not to have any communication with the Texan commissioners expected at Monterey, except on the basis of submission to Mexico. The Mexican congress has passed a law admitting, free of duty, for the term of ten years, coals for the use of her Majesty's steam-packets; such concession being granted only for the coals used by that particular service, with a proviso that it may cease before the expiration of the term, provided the mines of the republic shall yield a sufficient quantity of coal. With respect to the recently declared independence of Yucatan, the Mexican minister for foreign affairs strongly protests against it, and against all that may be done in that territory against



the integrity of the Mexican republic, and repudiates all contracts that may be entered into with the insurgents."

When speaking of the Texans, I have always described them as sanguinary gamblers, and cold-blooded assassins, and the following extract from the columns of the *Morning Chronicle*, October, 1841, indisputably bears me out, and I can claim for myself the fullest consolation of the old Latin proverb—

"Magna veritas et prævalebit."

"From Texas we learn that one Jackson, resident in Harrison county, had contrived the arrest of Judge M<sup>r</sup>Henry, who tried him; that the friends of the judge killed Jackson, and that a large party of Jackson's friends immediately went out, and hung the five friends of the judge, who had killed Jackson; the whole representing a fearful tragedy!"

I take the above from a letter of "Publicus," of Philadelphia, the well known veracious correspondent of the *Morning Chronicle*.

While in the act of compiling the foregoing supplement, I received from an authentic source the following account of a "Big Talk" with several Indian chiefs in Texas, in presence of Her Majesty's Consul, (Joseph T. Crawford, Esq.) at Tampico, which may be interesting to the reader.

"Early in May, 1837, a day or two after the opening of the Congress, at the city of Houston, several tribes of Indians being

encamped in the splendid forest which covers the undulating ground, on the opposite side of Buffalo Bayou, where the city is situated, a '*big talk*' was arranged with the president, General Sam Houston, and the cabinet of Texas, at which Mr. Crawford, who was then upon his visit to that country, was invited to be present.

"The '*talk*' was held in the '*White House*' of Texas, General Houston's residence, then a log cabin, consisting of a passage or hall, open at both ends, and a room of very moderate dimensions on each side.

"On the anniversary of the battle of San Jacinto, (21st of April,) a lofty flag-staff had been erected in Main-street, and, on this occasion, a splendid silk flag of the new republic was, for the first time, displayed from it.

"Around this flag several hundreds of Indians and Squaas danced a grand war-dance. Such exhibitions have been too often described to require a particular account here. They began moving round the centre like so many radii, as is done in the Flower-dance when represented on the stage, accompanying the movement to a dull and monotonous sort of humming music of their own voices, which became quicker and quicker till they got into very rapid motion, with shouts and yells occasionally, and, all at once, they stopped, and suddenly dispersed. After this, the chiefs adjourned to the '*talk*.'

"These consisted of some six elderly and very sedate grave gentlemen, who were seated around a table, and communicated through an interpreter. The latter appeared a very intelligent, middled-aged man, and seemed to possess the implicit confidence of the chiefs. In presence of Mr. Crawford, they were made to intimate their friendly disposition to the new rulers, and received assurance of their protection in return. General Houston, having ordered the interpreter to inform them that there was an officer of their Great Father across the water present, in the person of Mr. Crawford, they expressed their disbelief, by looking, as it were, melancholy, serious, and all shook their heads. General Hous-

ton then asked Mr. Crawford to stand forward, and took down his (Mr. Crawford's) sword, which, being an old one, such as used to be worn in the navy, had a crown and anchor on the handle. Upon seeing these emblems their doubt seemed to vanish, as they all stood up, and one by one, in the most composed manner, examined the sword carefully. They then returned it, muttering two or three words; all bowed their heads, and, in token of assent, uttered a sort of 'ugh.' Immediately afterwards, the oldest advanced to Mr. Crawford, took him by the right hand, and commenced a sort of manipulation up the arm, grasping it strongly, as if feeling the muscles at short distances quite up to the shoulder. Mr. Crawford was desired to do the like to the veteran chief, which he did. He had to go through exactly the same ceremony with all the other chiefs, ending with the youngest. After the whole was ended, it was explained to Mr. Crawford that he was recognized to be treated as a chief by their tribes, and that he was known as such, and would be so received should he pass their country. So ended 'the Talk.'

"In the afternoon the presents were delivered, and instant distribution commenced, each carrying away his respective share. Tobacco seemed, of all the articles they received, to be the most esteemed. Drunkenness then began, and at last General Houston had to send round to the liquor stores to request that no more whisky should be sold, which had the effect of inducing them quietly to retire to their camp, but the woods rang nearly all night with their yells. Amongst them was a very finely formed youth, who wore the large silver badge which was given to his father by General Jackson, whose faithful guide he had been for years through the intricate wilds of the 'far west.'"

In the preceding narrative the reader will not fail to observe the respect paid even by those Indians of the south to their "Great Mother" (our gracious Queen) across the water. Their acquaintance with

the emblems of British royalty, and their readiness to admit Her Majesty's representative, Mr. Crawford, to the rank of a chief amongst them, are no less remarkable. These facts confirm my opinion (stated in page 235) of the practicability of Great Britain and Mexico combining to form treaties with, and civilize these children of the desert. A universal partiality to Great Britain pervades the whole of the Indian tribes, from the lakes of Canada to the plains of Mapimi; and the Comanches, Apaches, and others of the south, from long experience, have learned that the Mexicans are much kinder neighbours than the United States or Texas. It may be questioned how far, in 1837, these Indian chiefs would have assured General Houston of their friendly disposition to the new rulers of Texas, had he not very adroitly contrived to make the representative of British majesty appear a party to the arrangement. At the present moment, the enormities committed by the Texans have obliterated every vestige of kindness, and a war of extermination goes silently on.

## APPENDIX.

### DECLARATION

OF THE PEOPLE OF TEXAS, AND PROVISIONAL GOVERNMENT, PROCLAIMED AND ADOPTED IN GENERAL CONVENTION, HELD AT SAN FELIPE DE AUSTIN, NOVEMBER 3, 1835.

#### DECLARATION OF THE PEOPLE OF TEXAS IN GENERAL CONVENTION ASSEMBLED.

Whereas General Antonio Lopez de Santa Anna and other military chieftains, have, by force of arms, overthrown the federal institutions of Mexico, and dissolved the social compact which existed between Texas and the other members of the Mexican confederacy; now the good people of Texas, availing themselves of their natural rights, solemnly declare—

1st. That they have taken up arms in defence of their rights and liberties, which were threatened by the encroachments of military despots, and in defence of the republican principles of the federal constitution of Mexico, of 1824.

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

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

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

5th. That they hold it to be their right during the disorganization of the federal system, and the reign of despotism, to withdraw from the Union, to establish an independent government, or to adopt such measures as they may deem best calculated to protect their rights and liberties; but that they will

continue faithful to the Mexican government so long as that nation is governed by the constitution and laws that were formed for the government of the political association.

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

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

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

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

PLAN AND POWERS OF THE PROVISIONAL GOVERNMENT  
OF TEXAS.

ARTICLE 1. That there shall be, and there is hereby created, a provisional government for Texas, which shall consist of a governor, a lieutenant-governor, and a general council, to be elected from this body, one member from each municipality, by the majority of each separate delegation present; and the governor and lieutenant-governor shall be elected by this body.

ART. 2. The lieutenant-governor shall be president of the council, and perform the duties of governor in case of death, absence, or from other inability of the governor, during which time a president, *pro tem.*, shall be appointed to perform the duties of the lieutenant-governor in council.

ART. 3. The duties of the general council shall be to devise ways and means, to advise and assist the governor in the discharge of his functions; they shall pass no laws except such as, in their opinion, the emergency of the country requires—ever keeping in view the army in the field, and the means necessary for its comfort and support; they shall pursue the most effective and energetic measures to rid the country of her enemies, and place her in the best possible state of defence. Two-thirds of the members elect of the general council shall form a quorum to do business; and, in order that no vacancy shall happen in the council, if any member, from death or other casualty, shall be incapacitated to act, the governor shall immediately, on information thereof, notify the member elected to fill the place; and on his default, any member who has been elected to this body from the same jurisdiction.

The governor and council shall be authorized to contract for loans, not to exceed one million of dollars, and to hypothecate the public lands, and pledge the faith of the country for the se-

curity of the payment; that they have power to impose and regulate import and tonnage duties, and provide for their collection under such regulations as may be most expedient. They shall have power, and it is hereby made the duty of the governor and council, to treat with the several tribes of Indians concerning their land claims, and if possible, to secure their friendship.

They shall establish post-offices and post-roads, and regulate the rates of postage, and appoint a postmaster-general, who shall have competent power for conducting this department of the provisional government, under such rules and regulations as the governor and council may prescribe; they shall have power to grant pardons, remit fines, and to hear and judge all cases usual in high courts of Admiralty, agreeably to the law of nations.

They shall have power to appoint their own secretary, and other officers of their own body; also, they shall have the power to create and fill such offices as they may deem proper; provided, nevertheless, that this power do not extend to officers heretofore rejected by this house.

That the governor and council have power to organize, reduce, or increase the regular forces, as they may deem the emergencies of the country require.

ART. 4. The governor for the time being, and during the existence of the provisional government, shall be clothed with full and ample executive powers, and shall be commander-in-chief of the army and navy, and of all the military forces of Texas, by sea and land; and he shall have full power by himself, by and with the consent of the council, and by his proper commander or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and for the special defence and safety of the country, to assemble in martial array and put in warlike attitude the inhabitants thereof; and to lead and conduct them by his proper officers, and with them to encounter, repel, resist, and pursue by force of arms, as well by sea and by land, within or without the limits of Texas; and also to destroy, if necessary, and conquer by all proper means and enterprises whatsoever, all and every such person or persons as shall, at any time, in a hostile manner, attempt or enterprise the destruction of our liberties, or the invasion, detriment, or annoyance of the country; and by his proper officers, use and exercise over the army and navy, and the militia in actual service, the law martial in time of war, invasion, or rebellion; and to take and surprise, by all honourable ways and means consistent with the law of nations, all and every such person or persons, with their ships, arms, ammunition, and goods, as shall, in a hostile manner, invade, or attempt the invading or annoying our adopted country; and that the governor be clothed with all

these and all other powers which may be thought necessary by the permanent council, calculated to aid and protect the country from her enemies.

ART. 5. There shall be constituted a provisional judiciary in each jurisdiction represented, or which may hereafter be represented in this house, to consist of two judges, a first and second, the latter to act only in the absence or inability of the first, and be nominated by the council and commissioned by the governor.

ART. 6. Every judge, so nominated and commissioned, shall have jurisdiction over all crimes and misdemeanors recognized and known to the common law of England; he shall have power to grant writs of "habeas corpus" in all cases known and practised to and under the same laws; he shall have power to grant writs of sequestration, attachment, or arrest, in all cases established by the "Civil Code" and "Code of Practice" of the State of Louisiana, to be regulated by the forms thereof; shall possess full testamentary powers in all cases; and shall also be made a court of records for conveyances which may be made in English, and not on stamped paper; and that the use of stamped paper be, in all cases, dispensed with; and shall be the "notary public" for the respective municipalities. All office fees shall be regulated by the governor and council. All other civil proceedings at law shall be suspended until the governor and general council shall otherwise direct. Each municipality shall continue to elect a sheriff, alcalde, and other officers of Ayuntamientos.

ART. 7. All trials shall be by jury, and in criminal cases the proceedings shall be regulated and conducted upon the principles of the common law of England; and the penalties prescribed by said law, in case of conviction, shall be inflicted, unless the offender shall be pardoned, or fine remitted; for which purpose a reasonable time shall be allowed to every convict to make application to the governor and council.

ART. 8. The officers of the provisional government, except such as are elected by this house or the people, shall be appointed by the general council, and all officers shall be commissioned by the governor.

ART. 9. All commissions to offices shall be, "in the name of the people, free and sovereign," and signed by the governor and secretary; and all pardons and remissions of fines granted, shall be assigned in the same manner.

ART. 10.—Every officer and member of the provisional government, before entering upon the duties of his office, shall take and subscribe the following oath of office: "I, A. B., do solemnly swear (or affirm) that I will support the republican principles of the constitution of Mexico of 1824, and obey the declarations



and ordinances of the consultation of the chosen delegates of all Texas in general convention assembled, and the ordinances and decrees of the provisional government; and I will faithfully perform and execute the duties of my office agreeably to law, and to the best of my abilities, so help me God."

ART. 11.—On charges and specifications being made against any officer of the provisional government for malfeasance or misconduct in office, and presented to the governor and council, a fair and impartial trial shall be granted, to be conducted before the general council; and if, in the opinion of two-thirds of the members, cause sufficient be shown, he shall be dismissed from office by the governor.

ART. 12.—The governor and council shall organize and enter upon their duties immediately after the adjournment of this House, and hold their sessions at such times and places as, in their opinion, will give the most energy and effect to the objects of the people, and to the performance of the duties assigned to them.

ART. 13.—The general council shall appoint a treasurer, whose duties shall be clearly defined by them, and who shall give approved security for their faithful performance.

ART. 14.—That all land commissioners, empresarios, surveyors, or persons in anywise concerned in the location of land, be ordered forthwith to cease their operations during the agitated and unsettled state of the country, and continue to desist from further locations until the land offices can be properly systematized by the competent authorities which may be hereafter established; that fit and suitable persons be appointed to take charge of all the archives belonging to the different land offices, and deposit the same in safe places, secure from the ravages of fire or devastations of enemies; and that the persons so appointed be fully authorized to carry the same into effect, and be required to take and sign triplicate schedules of all the books, papers, and documents found in the several land offices, one of which shall be given to the governor and council, one left in the hands of the officers of the land office, the other to be retained by the said persons; and they are enjoined to hold the said papers and documents in safe custody, subject only to the orders of the provisional government, or some such competent authority as may hereafter be created. And the said persons shall be three from each department as commissioners to be forthwith appointed by this house, to carry this resolution into full effect, and report thereof to the governor and council. That the political chiefs immediately cease their functions. The different archives of the different primary judges, alcaldes, and other municipal officers of the various jurisdictions shall be handed over to their successors in

office, immediately after their election and appointment; and the archives of their several political chiefs of Nacogdoches, Brazos, and Bexar shall be transmitted forthwith to the governor and council, for their disposition.

ART. 15.—All persons now in Texas, and performing the duties of citizens, who have not acquired their quantum of land, shall be entitled to the benefit of the laws on colonization under which they emigrated; and all persons who may emigrate to Texas during her conflict for constitutional liberty, and perform the duties of citizens, shall also receive the benefit of the law under which they emigrated.

ART. 16.—The governor and council shall continue to exist as a provisional government until the re-assembling of this consultation, or until other delegates are elected by the people, and another government established.

ART. 17.—This convention, when it may think proper to adjourn, may stand adjourned, to meet at the town of Washington on the first day of March next, unless sooner called by the executive and council.

ART. 18.—All grants, sales, and conveyances of lands, illegally or fraudulently made by the legislature of the state of Coahuila and Texas, located, or to be located, within the limits of Texas, are hereby solemnly declared null, void, and of no effect.

ART. 19.—All persons who leave the country in its present crisis, with a view to avoid a participation in its present struggle, without permission from the alcalde or judge of their municipality, shall forfeit all or any lands they may hold, or may have claim to, for the benefit of this government: Provided, nevertheless, that widows and minors are not included in this provision.

ART. 20.—All moneys now due, or that may hereafter become due, on lands lying within the limits of Texas, and all public funds or revenues, shall be at the disposal of the governor and general council, and the receipt of the treasurer shall be a sufficient voucher for any and all persons who may pay moneys into the treasury; and the governor and council shall have power to adopt a system of revenue to meet the exigencies of the country.

ART. 21.—Ample powers and authority shall be delegated, and are hereby given and delegated, to the governor and general council of the provisional government of all Texas, to carry into full effect the provisions and resolutions adopted by "the consultation of the chosen delegates of all Texas in general convention assembled," for the creation, establishment, and regulation of said provisional government.

## OF THE MILITARY.

ARTICLE 1.—There shall be a regular army created for the protection of Texas during the present war.

ART. 2.—The regular army of Texas shall consist of one major-general, who shall be commander-in-chief of all the forces called into public service during the war.

ART. 3.—The commander-in-chief of the regular army of Texas shall be appointed by the convention, and commissioned by the governor.

ART. 4.—He shall be subject to the orders of the governor and council.

ART. 5.—His staff shall consist of one adjutant-general, one inspector-general, one quartermaster-general, one paymaster-general, one surgeon-general, and four aids-de-camp with their respective ranks, as in the United States army in time of war, to be appointed by the major-general and commissioned by the governor.

ART. 6.—The regular army of Texas shall consist of men enlisted for two years, and volunteers for and during the continuance of the war.

ART. 7.—The regular army of Texas, while in the service, shall be governed by the rules, regulations, and discipline, in all respects applicable to the regular army of the United States of America in time of war, so far as applicable to our condition and circumstances.

ART. 8.—The regular army of Texas shall consist of eleven hundred and twenty men rank and file.

ART. 9.—There shall be a corps of rangers under the command of a major, to consist of one hundred and fifty men, to be divided into three or more detachments, and which shall compose a battalion, under the commander-in-chief when in the field.

ART. 10.—The militia of Texas shall be organized as follows: all able-bodied men over sixteen, and under fifty years of age, shall be subject to militia duty.

ART. 11.—Every inhabitant of Texas coming within purview of the preceding article shall, on the third Monday of December next, or as soon thereafter as practicable, assemble at each precinct of their municipality, and proceed to elect one captain, one first lieutenant, and one second lieutenant to every fifty-six men.

ART. 12.—When said election shall have taken place, the judges shall certify to the governor forthwith the names of the respective officers elected, who shall, as soon as practicable, make out and sign, and transmit commissions for the same; that if there shall be found to exist in any municipality more than three

companies, the captains or commandants, on giving due notice thereof, shall call together the subalterns of said companies, and proceed to elect one major; if of four companies, one lieutenant-colonel; if of five or more companies, one colonel for the command of said companies, which shall constitute a regiment of said municipality; that if there shall be found to exist more than one regiment in said municipality, the whole number of field and company officers shall on due notice proceed to elect a brigadier-general out of their number, who shall command the whole militia in said municipality.

BRANCH TANNER ARCHER, President.

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DECLARATION OF INDEPENDENCE MADE BY THE  
DELEGATES OF THE PEOPLE OF TEXAS, IN GENERAL  
CONVENTION, AT WASHINGTON, ON MARCH 2, 1836.

When a government has ceased to protect the lives, liberty, and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted; and so far from being a guarantee for their inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression;—when the federal republican constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism, in which every interest is disregarded but that of the army and the priesthood, both the eternal enemies of civil liberty, the ever ready minions of power, and the usual instruments of tyrants;—when, long after the spirit of the constitution has departed, moderation is at length so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the constitution discontinued; and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dungeons, and mercenary armies sent forth to enforce a new government upon them at the point of the bayonet;—when, in consequence of such acts of malfeasance and abduction on the part of the government, anarchy prevails, and civil society is dissolved into its original elements,—in such a crisis, the first law of nature, the right of self-preservation, the inherent and inalienable right of the people to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right towards themselves, and a sacred obligation to their poste-

erty, to abolish such government, and create another in its stead, calculated to rescue them from impending dangers, and to secure their welfare and happiness.

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

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

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

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

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

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

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

It has suffered the military commandants, stationed among us, to exercise arbitrary acts of oppression and tyranny, thus tramp-

ling upon the most sacred rights of the citizen, and rendering the military superior to the civil power.

It has dissolved, by force of arms, the state congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government, thus depriving us of the fundamental political right of representation.

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

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

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

It has demanded us to deliver up our arms, which are essential to our defence—the rightful property of freemen—and formidable only to tyrannical governments.

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

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

It has been, during the whole time of our connexion with it, the contemptible sport and victim of successive military revolutions, and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas, until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defence of the national constitution. We appealed to our Mexican brethren for assistance; our appeal has been made in vain; though months have elapsed, no sympathetic response has yet been heard from the interior. We are, therefore, forced to the melancholy conclusion, that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefore of a military government; that they are unfit to be free, and incapable of self-government.

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

*WE, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid*

*world, for the necessities of our condition, do hereby resolve and declare, that our political connexion with the Mexican nation has for ever ended, and that the people of Texas do now constitute a FREE, SOVEREIGN, and INDEPENDENT REPUBLIC, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the supreme Arbiter of the destinies of nations.*

In witness whereof we have hereunto subscribed our names.

RICHARD ELLIS,

President and Delegate from Red River.

EXECUTIVE ORDINANCES, PRELIMINARY TO THE ESTABLISHMENT OF A CONSTITUTION FOR TEXAS, ADOPTED IN CONVENTION AT WASHINGTON, 16th MARCH, 1836.

Whereas, we, the people of Texas, through our delegates in general convention assembled, for the purpose of framing a constitution, and organizing a government under that constitution, free, sovereign, and independent; and finding, from the extreme emergency of the case, and our critical situation, that it is a duty we owe to our fellow-citizens and ourselves, to look upon our present danger with a calmness unruffled and a determination unsubdued; and at the same time to pursue a prompt and energetic course, for the support of our liberty and protection of our property and lives; therefore,

1st. Resolved—That we deem it of vital importance to forthwith form, organize, and establish a government, "*ad interim*," for the protection of Texas, which shall have full, ample, and plenary powers to do all and everything which is contemplated to be done by the general congress of the people, under the powers granted to them by the constitution, saving and excepting all legislative and judicial acts.

2nd. Resolved—That the said government shall consist of a chief executive officer, to be styled the "President of the Republic of Texas;" a vice-president, secretary of state, secretary at war, secretary of the navy, secretary of the treasury, and attorney-general, whose salaries shall be fixed and determined by the first congress of the republic.

3rd. Resolved—That all questions touching the powers hereby conferred to these officers, shall be decided by a majority of said officers.

4th. Resolved—That the president be elected by this convention:

and that the candidate or individual having a majority of the whole number of votes given in, shall be, and is hereby declared to be duly elected.

5th. Resolved—That the vice-president, the aforesaid secretaries, and attorney-general, be elected by this convention, a majority of the whole number of votes being requisite to a choice.

6th. Resolved—That the members of this body vote for the above-named officers *viva voce*.

7th. Resolved—That the officers so selected, be required to take the oath prescribed by the constitution.

8th. Resolved—That the president, by and with the advice and consent of a majority of his cabinet, shall have the appointment of all officers, civil, military, and naval, for and during the existence of the government *ad interim*.

9th. Resolved—That the government aforesaid, shall be invested, and they are hereby invested with full powers to create a loan, not to exceed one million of dollars; and to pledge the faith and credit of the republic, and the proceeds of the sale of the public lands, for the repayment of the same, with the interest thereon.

10th. Resolved—That the president and his cabinet shall have full power to appropriate the funds of Texas to the defence of the country, by raising and supporting the army and navy, making fortifications, &c.

11th. Resolved—That said officers hold their offices until their successors are chosen and qualified.

12th. Resolved—That the president, by and with the advice and consent of his cabinet, shall have power to issue writs of election for senators and representatives, at an earlier day than that fixed by the constitution, and convene them as soon after the election as may be convenient.

13th. Resolved—That the said government have ample and plenary powers to enter into negotiations and treaties with foreign powers.

14th. Resolved—That the president and his cabinet have power to appoint commissioners to any foreign power.

The foregoing fourteen Resolutions were adopted in convention of the people of Texas, assembled at the town of Washington, on the sixteenth day of March, in the year of our Lord one thousand eight hundred and thirty-six.

RICHARD ELLIS,  
President of the Convention.

Attest, A. S. KIMBLE, Secretary.



## CONSTITUTION OF THE REPUBLIC OF TEXAS.

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

ARTICLE I. *Section 1.* The powers of this government shall be divided into three departments, viz. legislative, executive, and judicial, which shall remain for ever separate and distinct.

*Sec. 2.* The legislative power shall be vested in a senate and house of representatives, to be styled "The Congress of the Republic of Texas."

*Sec. 3.* The members of the house of representatives shall be chosen annually on the first Monday of September each year, until congress shall otherwise provide by law, and shall hold their offices one year from the date of their election.

*Sec. 4.* No person shall be eligible to a seat in the house of representatives until he shall have attained the age of twenty-five years, shall be a citizen of the republic, and shall have resided in the county or district six months next preceding his election.

*Sec. 5.* The house of representatives shall not consist of less than twenty-four, nor more than forty members, until the population shall amount to one hundred thousand souls, after which time the whole number of representatives shall not be less than forty, nor more than one hundred; provided, however, that each county shall be entitled to at least one representative.

*Sec. 6.* The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

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

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

*Sec. 9.* At the first session of the congress, after the adoption of this constitution, the senators shall be divided by lot into three classes, as nearly equal as practicable; the seats of the senators of the first class shall be vacated at the end of the first year, of the second class at the end of the second year, the third class

at the end of the third year, in such manner that one-third shall be chosen each year thereafter.

*Sec. 10.* The vice-president of the republic shall be president of the senate, but shall not vote on any question unless the senate be equally divided.

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

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

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

*Sec. 14.* Each house may determine the rules of its own proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, may expel a member, but not a second time for the same offence.

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

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

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

*Sec. 18.* Neither house, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which the two houses may be sitting.

*Sec. 19.* When vacancies happen in either house, the Executive shall issue writs of election to fill such vacancies.

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

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

*Sec. 22.* The style of the laws of the republic shall be, "Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled."

*Sec. 23.* No person holding an office of profit under the government shall be eligible to a seat in either house of congress, nor shall any member of either house be eligible to any office which may be created, or the profit of which shall be increased during his term of service.

*Sec. 24.* No holder of public moneys, or collectors thereof, shall be eligible to a seat in either house of congress, until he shall have fully acquitted himself of all responsibility, and shall produce the proper officer's receipt thereof. Members of either house may protest against any act or resolution, and may have such protest entered on the journals of their respective houses.

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

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

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

ART. II. *Section 1.* Congress shall have power to levy and collect taxes and imposts, excise and tonnage duties, to borrow money on the faith, credit, and property of the government, to pay the debts, and to provide for the common defence and general welfare of the republic.

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

*Sec. 3.* To establish post-offices and post-roads, to grant charters of incorporation, patents, and copyrights, and to secure to the authors and inventors the exclusive use thereof for a limited time.

*Sec. 4.* To declare war, grant letters of marque and reprisals, and to regulate captures.

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

*Sec. 6.* To call out the militia to execute the law, to suppress insurrection, and repel invasion.

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

ART. III. *Section 1.* The executive authority of this government shall be vested in a chief magistrate, who shall be styled the President of the republic of Texas.

*Sec. 2.* The first president elected by the people shall hold his office for the term of two years, and shall be ineligible during the next succeeding term; and all subsequent presidents shall be elected for three years, and be alike ineligible; and in the event of a tie, the house of representatives shall determine between the two highest candidates by a *viva voce* vote.

*Sec. 3.* The returns of the elections for president and vice-president shall be sealed up and transmitted to the speaker of the house of representatives, by the holders of elections of each county; and the speaker of the house of representatives shall open and publish the returns, in presence of a majority of each house of congress.

ART. IV. *Section 1.* The judicial powers of the government shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges of the supreme and inferior courts shall hold their offices for four years, be eligible to re-election,—and shall, at stated periods, receive for their services a compensation not to be increased or diminished during the period for which they were elected.

*Sec. 2.* The republic of Texas shall be divided into convenient

judicial districts, not less than three, nor more than eight. There shall be appointed for each district a judge, who shall reside in the same, and hold the courts at such times and places as congress may by law direct.

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

*Sec. 4.* The judges, by virtue of their offices, shall be conservators of the peace throughout the republic. The style of all process shall be, The Republic of Texas; and all prosecutions shall be carried on in the name and by the authority of the same, and conclude, against the peace and dignity of the republic.

*Sec. 5.* There shall be a district attorney appointed for each district, whose duties, salaries, perquisites, and terms of service shall be fixed by law.

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

*Sec. 7.* The supreme court shall consist of a chief justice and associate judges; the district judges shall compose the associate judges, a majority of whom, with the chief justice, shall constitute a quorum.

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

*Sec. 9.* The judges of the supreme and district courts shall be elected by joint ballot of both houses of congress.

*Sec. 10.* There shall be in each county a county court, and such justices' courts as the congress may from time to time establish.

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

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

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

*ART. V. Section 1.* Ministers of the gospel being, by their profession, dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions; therefore no minister of the gospel, or priest of any denomination whatever, shall be eligible to the office of the executive of the republic, nor to a seat in either branch of the congress of the same.

*Sec. 2.* Each member of the senate and house of representatives shall, before they proceed to business, take an oath to support the constitution, as follows:—

“ I, A. B., do solemnly swear (or affirm, as the case may be,) that, as a member of this general congress, I will support the constitution of the republic, and that I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people.”

*Sec. 3.* Every person who shall be chosen or appointed to any office of trust or profit, shall, before entering on the duties thereof, take an oath to support the constitution of the republic, and also on oath of office.

*ART. IV. Section 1.* No person shall be eligible to the office of president who shall not have attained the age of thirty-five years, shall be a citizen of the republic at the time of the adoption of their constitution, or an inhabitant of this republic at least three years immediately preceding his election.

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

*Sec. 3.* The president shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during his continuance in office; and before entering upon the duties of his office, he shall take and subscribe the following oath or affirmation: “ I, A. B., president of the republic of Texas, do solemnly and sincerely swear (or affirm, as the case may be,) that I will faithfully execute the duties of my office, and to the best of my abilities will preserve, protect, and defend the constitution of the republic.”

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

*Sec. 5.* He shall, with the advice and consent of two-thirds of the senate, make treaties; and with the consent of the senate

appoint ministers and consuls, and all officers whose offices are established by the constitution, not herein otherwise provided for.

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

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

*Sec. 8.* There shall be a seal of the republic, which shall be kept by the president, and used by him officially; it shall be called the great seal of the republic of Texas.

*Sec. 9.* All grants and commissions shall be in the name and by the authority of the republic of Texas, shall be sealed with the great seal, and signed by the president.

*Sec. 10.* The president shall have power, by and with the advice and consent of the senate, to appoint a secretary of state and such other heads of executive departments as may be established by law, who shall remain in office during the term of service of the president, unless sooner removed by the president, with the advice and consent of the senate.

*Sec. 11.* Every citizen of the republic who has attained the age of twenty-one years, and shall have resided six months within the district or county where the election is held, shall be entitled to vote for members of the general congress.

*Sec. 12.* All elections shall be by ballot, unless congress shall otherwise direct.

*Sec. 13.* All elections by joint vote of both houses of congress shall be *viva voce*, shall be entered on the journals, and a majority of the votes shall be necessary to a choice.

*Sec. 14.* A vice-president shall be chosen at every election for president, in the same manner, continue in office for the same time, and shall possess the same qualifications as the president. In voting for president and vice-president, the electors shall distinguish for whom they vote as president, and for whom as vice-president.

*Sec. 15.* In cases of impeachment, removal from office, death, resignation, or absence of the president from the republic, the vice-president shall exercise the powers and discharge the duties

of the president until a successor be duly qualified, or until the president who may be absent or impeached, shall return, or be acquitted.

*Sec. 16.* The president, vice-president, and all civil officers of the republic, shall be removable from office by impeachment for, and on conviction of, treason, bribery, and other high crimes and misdemeanors.

#### SCHEDULE.

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

*Sec. 2.* All fines, penalties, forfeitures, and escheats, which have heretofore accrued to Coahuila and Texas, or Texas, shall accrue to this republic.

*Sec. 3.* Every male citizen who is, by this constitution, a citizen, and shall be otherwise qualified, shall be entitled to hold any office or place of honour, trust, or profit, under the republic, any thing in this constitution to the contrary notwithstanding.

*Sec. 4.* The first president and vice-president that shall be appointed after the adoption of this constitution shall be chosen by this convention, and shall immediately enter on the duties of their offices, and shall hold said offices until their successors be elected and qualified, as prescribed in this constitution, and shall have the same qualifications, be invested with the same powers, and perform the same duties which are required and conferred on the executive head of the republic by this constitution.

*Sec. 5.* The president shall issue writs of election, directed to the officers authorized to hold elections of the several counties, requiring them to cause an election to be held for president, vice-president, representatives and senators to congress, at the time and mode prescribed by this constitution, which election shall be conducted in the manner that elections have been heretofore conducted. The president, vice-president, and members of congress, when duly elected, shall continue to discharge the duties of their respective offices for the time and manner prescribed by this constitution, until their successor be duly qualified.

*Sec. 6.* Until the first enumeration shall be made, as directed by this constitution, the precinct of Austin shall be entitled to one representative; the precinct of Brazoria, two representatives; the precinct of Bexar, two representatives; the precinct of Colorado, one representative; Sabine, one; Gonsales, one; Goliad, one; Harrisburg, one; Jasper, one; Jefferson, one; Liberty, one; Matagorda, one; Mina, two; Nacogdoches, two; Red River,



three; Victoria, one; San Augustine, two; Shelby, two; Refugio, one; San Patricio, one; Washington, two; Milam, one; and Jackson, one representative.

*Sec. 7.* Until the first enumeration shall be made, as described by this constitution, the senatorial districts shall be composed of the following precincts: Bexar shall be entitled to one senator; San Patricio, Refugio, and Goliad, one; Brazoria, one; Mina, and Gonzales, one; Nacogdoches, one; Red River, one; Shelby and Sabine, one; Washington, one; Matagorda, Jackson and Victoria, one; Austin and Colorado, one; San Augustine, one; Milam, one; Jasper and Jefferson, one; and Liberty and Harrisburg, one senator.

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

#### GENERAL PROVISIONS.

*Sec. 1.* Laws shall be made to exclude from office, from the right of suffrage, and from serving on juries, those who shall hereafter be convicted of bribery, perjury, or other high crimes and misdemeanors.

*Sec. 2.* Returns of all elections for officers who are to be commissioned by the president, shall be made to the secretary of state of this republic.

*Sec. 3.* The presidents and heads of departments shall keep their offices at the seat of government, unless removed by the permission of congress, or unless, in cases of emergency in time of war, the public interest may require their removal.

*Sec. 4.* The president shall make use of his private seal until a seal of the republic shall be provided.

*Sec. 5.* It shall be the duty of congress, as soon as circumstances will permit, to provide, by law, a general system of education.

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

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

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

*Sec. 9.* All persons of colour who were slaves for life previous to their emigration to Texas, and who are now held in bondage, shall remain in the like state of servitude, provided the said slave shall be the *bona fide* property of the person so holding said slave as aforesaid. Congress shall pass no laws to prohibit emigrants from bringing their slaves into the republic with them, and holding them by the same tenure by which such slaves were held in the United States; nor shall congress have power to emancipate slaves; nor shall any slave-holder be allowed to emancipate his or her slave or slaves, without the consent of congress, unless he or she shall send his or her slave or slaves without the limits of the republic. No free person of African descent, either in whole or in part, shall be permitted to reside permanently in the republic, without the consent of congress; and the importation or admission of Africans or negroes into this republic, excepting from the United States of America, is for ever prohibited, and declared to be piracy.

*Sec. 10.* All persons (Africans, the descendants of Africans, and Indians excepted) who were residing in Texas on the day of the declaration of independence, shall be considered citizens of the republic, and entitled to all the privileges of such. All citizens now living in Texas, who have not received their portion of land, in like manner as colonists, shall be entitled to their land in the following proportion and manner: Every head of a family shall be entitled to one league and "labor" of land, and every single man of the age of seventeen and upwards, shall be entitled to the third part of one league of land. All citizens who may have, previously to the adoption of this constitution, received their league of land as heads of families, and their quarter of a league of land as single persons, shall receive such additional quantity as will make the quantity of land received by them equal to one league and "labor," and one-third of a league, unless by bargain, sale, or exchange, they have transferred or may henceforth transfer their right to said land, or a portion thereof, to some other citizen of the republic; and in such case the persons to whom such right shall have been transferred, shall be entitled to the same, as fully and amply as the person making the transfer might or could have been. No alien shall hold land in Texas, except by titles emanating directly from the government of this republic. But if any citizen of this republic should die intestate or otherwise, his children or heirs shall inherit his estate, and aliens shall have a reasonable time to take possession of and

dispose of the same, in a manner hereafter to be appointed by law. Orphan children, whose parents were entitled to land under the colonization law of Mexico, and who now reside in the republic, shall be entitled to all the rights of which their parents were possessed at the time of their death. The citizens of the republic shall not be compelled to reside on the land, but shall have their lines plainly marked.

All orders of survey legally obtained by any citizen of the republic, from any legally authorized commissioner, prior to the act of the late consultation closing the land offices, shall be valued. In all cases the actual settler and occupant of the soil shall be entitled, in locating his land, to include his improvement, in preference to all other claims not acquired previous to his settlement, according to the law of the land and this constitution, provided, that nothing herein contained shall prejudice the right of any citizen from whom a settler may hold land by rent or lease.

And whereas the protection of the public domain from unjust and fraudulent claims, and quieting the people in the enjoyment of their lands, is one of the great duties of this convention; and whereas the legislature of the State of Coahuila and Texas having passed an act in the year 1834, in behalf of General John T. Mason, of New York, and another on the 14th day of March, 1835, under which the enormous amount of 1100 leagues of land has been claimed by sundry individuals, some of whom reside in foreign countries, and are not citizens of the republic; which said acts are contrary to articles 4th, 12th, and 15th, of the laws of 1824, of the general congress of Mexico, and one of said acts for that cause has, by the said general congress of Mexico, been declared null and void: it is hereby declared that the said act of 1834, in favour of John T. Mason, and of the 14th of March, 1835, of the said legislature of Coahuila and Texas, and each and every grant founded thereon, is, and was from the beginning, null and void; and all surveys made under pretence of authority derived from said acts are hereby declared to be null and void; and all eleven-league claims located within twenty leagues of the boundary line between Texas and the United States of America, which have been located contrary to the laws of Mexico, are hereby declared to be null and void; and whereas many surveys and titles to land have been made whilst most of the people of Texas were absent from home, serving in the campaign against Bejar, it is hereby declared that all the surveys and locations of land made since the act of the late consultation closing the land offices, and all titles to land made since that time, are and shall be null and void.

And whereas the present unsettled state of the country and the general welfare of the people demand that the operations of the

land-office and the whole land system shall be suspended until persons serving in the army can have a fair and equal chance with those remaining at home to select and locate their lands, it is hereby declared that no survey or title which may hereafter be made shall be valid, unless such survey or title shall be authorized by this convention or some future congress of the republic. And with a view to the simplification of the land system, and protection of the people and the government from litigation and fraud, a general land-office shall be established, where all the land-titles of the republic shall be registered, and the whole territory of the republic shall be sectionized in a manner hereafter to be prescribed by law, which shall enable the officers of the government or any citizen to ascertain with certainty the lands that are vacant, and those lands which may be covered by valid titles.

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

#### DECLARATION OF RIGHTS.

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

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

Second. All political power is inherent in the people, and all free governments are founded on that authority, and instituted

for their benefit; and they have at all times an inalienable right to alter their government in such a manner as they may think proper.

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

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

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

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

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

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

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

Tenth. All persons shall be bailable by sufficient security, unless for capital crimes, when the proof is evident or presumption strong; and the privilege of the writ of "Habeas Corpus" shall

not be suspended except in cases of rebellion or invasion, when the public safety may require it.

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

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

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

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

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

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

Seventeenth. Perpetuities or monopolies are contrary to the genius of a free government, and shall not be allowed; nor shall the laws of primogeniture or entailments ever be in force in this republic.

The foregoing constitution was unanimously adopted by the delegates of Texas, in convention assembled, at the town of Washington, on the seventeenth day of March, in the year of our Lord one thousand eight hundred and thirty-six, and of the independence of the republic the first.

In witness whereof we have hereunto subscribed our names.

RICHARD ELLIS,

President and Delegate from Red River.

C. B. Stewart  
James Collinsworth  
Edwin Waller  
A. Brigham  
John S. D. Byrom  
Francis Ruis  
John S. Roberts  
Robert Hamilton  
Collin M'Kinny  
A. H. Latimore

James Power  
Sam Houston  
J. Antonio Navaro  
William D. Lacy  
William Menifee  
John Fisher  
Matthew Calwell  
William Motley  
Lorenzo de Zavella  
George W. Smyth

Stephen H. Everett	Sydney C. Pennington
Elijah Stepp	Samuel P. Carson
Claiborne West	Thomas J. Rusk
William B. Leates	William C. Crawford
M. B. Menard	John Turner
A. B. Hardin	Benjamin Briggs Goodrich
John W. Bunton	James G. Swisher
Thomas J. Gazley	George W. Barnett
R. M. Coleman	Jesse Grimes
Sterling C. Robertson	E. O. Legrand
George C. Childress	David Thomas
Baily Hardiman	S. Rhodes Fisher
Robert Potter	John W. Bower
Charles Taylor	J. B. Woods
Edward Conrad	A. Briscoe
Martin Palmer	Thomas Barnett
James Gaines	Jesse B. Badgett
William Clark, Jun.	Stephen W. Blount

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

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

Attest.

H. S. KIMBLE,

Secretary of the Convention.

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#### COLONIZATION LAW OF 1823.

Augustin, by Divine Providence, and by the congress of the nation, first constitutional emperor of Mexico, and grand master of the imperial order of Guadalupe, To all who shall see these presents, know ye, That the Junta Nacional Instituyente of the Mexican empire has decreed, and we sanction the following:—

The Junta Nacional Instituyente of the Mexican empire being convinced by the urgent recommendations of the government, of the necessity and importance of giving to the empire a general law of colonization, have thought proper to decree as follow:—

ARTICLE 1. The government of the Mexican nation will protect the liberty, property, and civil rights of all foreigners who profess the Roman catholic apostolic religion, the established religion of the empire.

ART. 2. To facilitate their establishment the executive will

distribute lands to them, under the conditions and terms herein expressed.

ART. 3. The empresarios, by whom is understood those who introduce at least two hundred families, shall previously contract with the executive, and inform it what branch of industry they propose to follow, the property or resources they intend to introduce for that purpose; and any other particulars they may deem necessary, in order that with this necessary information the executive may designate the province to which they must direct themselves; the lands which they can occupy with the right of property, and the other circumstances which may be considered necessary.

ART. 4. Families who emigrate, not included in a contract, shall immediately present themselves to the ayuntamientos of the place where they wish to settle, in order that this body, in conformity with the instructions of the executive, may designate the lands corresponding to them, agreeably to the industry which they may establish.

ART. 5. The measurement of land shall be the following:— Establishing the vara, at three geometrical feet, a straight line of five thousand varas shall be a league: a square, each of whose sides shall be one league, shall be called a sitio; and this shall be the unity of counting one, two, or more sitios; five sitios shall compose one hacienda.

ART. 6. In the distribution made by government, of lands to the colonists, for the formation of villages, towns, cities, and provinces, a distinction shall be made between grazing lands, destined for the raising of stock, and lands suitable for farming, or planting, on account of the facility of irrigation.

ART. 7. One labor shall be composed of one million square varas, that is to say, one thousand varas on each side, which measurement shall be the unity for counting one, two, or more labors. These labors can be divided into halves and quarters, but not less.

ART. 8. To the colonists whose occupation is farming, there cannot be given less than one labor; and those whose occupation is stock raising, there cannot be given less than one sitio.

ART. 9. The government of itself, or by means of the authorities authorised for that purpose, can augment said portions of land as may be deemed proper, agreeably to the conditions and circumstances of the colonists.

ART. 10. Establishments made under the former government which are now pending, shall be regulated by this law in all matters that may occur; but those that are finished shall remain in that state.

ART. 11. As one of the principal objects of laws in free governments ought to be to approximate, so far as is possible, to



an equal distribution of property, the government, taking into consideration the provisions of this law, will adopt measures for dividing out the lands, which may have accumulated in large portions, in the hands of individuals or corporations, and which are not cultivated, indemnifying the proprietors, for the just price of such lands to be fixed by appraisers.

ART. 12. The union of many families at one place shall be called a village, town, or city, agreeably to the number of its inhabitants, its extension, locality, and other circumstances which may characterize it, in conformity with the law on that subject. The same regulations for its internal government and police, shall be observed as in the others of the same class in the empire.

ART. 13. Care shall be taken in the formation of said new towns, that, so far as the situation of the ground will permit, the streets shall be laid off straight, running north and south, east and west.

ART. 14. Provinces shall be formed whose superficies shall be six thousand square leagues.

ART. 15. As soon as a sufficient number of families may be united to form one or more towns, their local government shall be regulated, and the constitutional ayuntamientos and other local establishments formed in conformity with the laws.

ART. 16. The government shall take care, in accord with the respective ecclesiastical authority, that these new towns are provided with a sufficient number of spiritual pastors, and in like manner, it will propose to congress a plan for their decent support.

ART. 17. In the distribution of lands for settlement among the different provinces the government shall take care that the colonists shall be located in those which it may consider the most important to settle. As a general rule, the colonists who arrive first shall have the preference in the selection of land.

ART. 18. Natives of the country shall have a preference in the distribution of land, and particularly the military of the army, of the three guarantees, in conformity with the decree of the 27th of March, 1821; and also those who served in the first epoch of the insurrection.

ART. 19. To each empresario who introduces and establishes families in any of the provinces designated for colonization there shall be granted at the rate of three haciendas and two labors for each two hundred families so introduced by him, but he will lose the right of property over said lands, should he not have populated and cultivated them in twelve years from the date of the concession. The premium cannot exceed nine haciendas and six labors, whatever may be the number of families he introduces.

ART. 20. At the end of twenty years the proprietors of the

lands, acquired in virtue of the foregoing article, must alienate two-thirds part of said lands, either by sale, donation, or in any other manner he pleases. The law authorizes him to hold in full property and dominion one-third part.

ART. 21. The two foregoing articles are to be understood as governing the contracts made within six months, as after that time, counting from the day of the promulgation of this law, the executive can diminish the premium as it may deem proper, giving an account thereof to congress, with such information as may be deemed necessary.

ART. 22. The date of the concession for lands constitutes an inviolable law for the right of property and legal ownership. Should any one, through error or by subsequent concession, occupy land belonging to another, he shall have no right to it, further than a preference in case of sale, at the current price.

ART. 23. If after two years from the date of the concession the colonist should not have cultivated his land, the right of property shall be considered as renounced, in which case the respective ayuntamiento can grant it to another.

ART. 24. During the first six years from the date of the concession, the colonists shall not pay tithes, duties on their produce, nor any contribution under whatever name it may be called.

ART. 25. The next six years from the same date they shall pay half tithes, and the half of the contributions, whether direct or indirect, that are paid by the other citizens of the empire. After this time, they shall, in all things relating to taxes and contributions, be placed on the same footing with the other citizens.

ART. 26. All the instruments of husbandry, machinery, and other utensils, that are introduced by the colonists for their use, at the time of their coming to the empire, shall be free, as also the merchandize introduced by each family, to the amount of two thousand dollars.

ART. 27. All foreigners who come to establish themselves in the empire shall be considered as naturalized, should they exercise any useful profession or industry by which, at the end of three years, they have a capital to support themselves with decency, and are married. Those who with the foregoing qualifications marry Mexicans will acquire particular merit for the obtaining letters of citizenship.

ART. 28. Congress will grant letters of citizenship to those who solicit them in conformity with the constitution of the empire.

ART. 29. Every individual shall be free to leave the empire, and can alienate the lands over which he may have acquired the right of property, agreeably to the tenor of this law, and he can

likewise take away from the country all his property, by paying the duties established by law.

ART. 30. After the publication of this law there can be no sale or purchase of slaves which may be introduced into the empire. The children of slaves born in the empire shall be free at fourteen years of age.

ART. 31. All foreigners who may have established themselves in any of the provinces of the empire, under a permission of the former government, will remain on the lands which they may have occupied, being governed by the tenor of this law in the distribution of said lands.

ART. 32. The executive, as it may conceive necessary, will sell or lease the lands, which, on account of their local situation, may be the most important, being governed with respect to all others by the provisions of this law.

This law shall be presented to his Imperial Majesty, for his sanction, publication, and fulfilment.

Mexico, 3d January, 1823—3d of the independence of the empire.

JUAN FRANCISCO, bishop of Durango, president.

ANTONIO DE MIER, member and secretary.

JUAN BAPTISTA DE ARIOPE, member and secretary.

Therefore we order all tribunals, judges, chiefs, governors, and all other authorities, as well civil, as military, and ecclesiastical, of whatever class or dignity they may be, to comply with this decree, and cause it to be complied with, in all its parts, and you will cause it to be printed, published, and circulated.

Given in Mexico, 4th January, 1823.

Signed by the Emperor.

To Don Jose Manuel de Herrera, Minister of Interior and Exterior Relations.

#### NATIONAL COLONIZATION LAW.

THE supreme executive power, provisionally appointed by the general sovereign constituent congress—To all who shall see and understand these presents; know ye, that the said congress has decreed as follows:—

ARTICLE 1. The Mexican nation offers to foreigners, who come to establish themselves within its territory, security for their persons and property, provided they subject themselves to the laws of the country.

ART. 2. This law comprehends those lands of the nation, not the property of individuals, corporations, or towns, which can be colonized.

ART. 3. For this purpose the legislatures of all the states will, as soon as possible, form colonization laws, or regulations,

for their respective states, conforming themselves in all things to the constitutional act, general constitution, and the regulations established in this law.

ART. 4. There cannot be colonized any lands comprehended within twenty leagues of the limits of any foreign nation, nor within ten leagues of the coasts, without the previous approbation of the general supreme executive power.

ART. 5. If, for the defence and security of the nation, the federal government should deem it necessary to use any portion of these lands for the construction of warehouses, arsenals, or other public edifices, they can do so, with the approbation of the general congress, or in its recess, of the council of government.

ART. 6. Until after four years from the publication of this law there shall not be imposed any tax whatever on the entrance of the persons of foreigners who come to establish themselves for the first time in the nation.

ART. 7. Until after the year 1840 the general congress shall not prohibit the entrance of any foreigner as a colonist, unless imperious circumstances should require it, with respect to the individuals of a particular nation.

ART. 8. The government, without prejudicing the objects of this law, shall take such precautionary measures as it may deem expedient for the security of the confederation, as respects the foreigners who come to colonize.

ART. 9. A preference shall be given in the distribution of lands to Mexican citizens, and no other distinction shall be made in regard to them, except that which is founded on individual merit, or services rendered the country, or under equal circumstances a residence in the place where the lands to be distributed are situated.

ART. 10. The military, who, in virtue of the offer made on the 27th March, 1821, have a right to lands, shall be attended to by the states in conformity with the diplomas which are issued to that effect by the supreme executive power.

ART. 11. If in virtue of the decree alluded to in the last article, and taking into view the probabilities of life, the supreme executive power should deem it expedient to alienate any portion of land in favour of any officer, whether civil or military, of the federation, it can do so from the vacant lands of the territories.

ART. 12. It shall not be permitted to unite in the same hands with the right of property more than one league square of land suitable for irrigation, four square leagues in superficies of arable land without the facilities of irrigation, and six square leagues in superficies of grazing land.

ART. 13. The new colonists shall not transfer their property in mortmain (*manus muertos*).

ART. 14. This law guarantees the contracts which the empresarios make with the families which they bring at their own expense, provided they are not contrary to the laws.

ART. 15. No person who, by virtue of this law acquires a title to lands, shall hold them if he is domiciliated out of the limits of the republic.

ART. 16. The government, in conformity with the provisions established in this law, will proceed to colonize the territories of the republic.

Mexico, 18th August, 1824.

CAYETANO IBARRA, President.

PEDRO DE AHUMADA, Member and Secretary.

Therefore we command it to be printed, circulated, and obeyed.

NICOLAS BRAVO,

VICENTE GUERRERO,

MIGUEL DOMINGUEZ,

} Members of the Supreme  
Executive Power.

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COLONIZATION LAW OF THE STATE OF COAHUILA  
AND TEXAS.

The governor provisionally appointed by the sovereign congress of this state,—To all who shall see these presents, know—that the said congress have decreed as follows:—

Decree No. 16. The constituent congress of the free, independent, and sovereign state of Coahuila and Texas, desiring by every possible means to augment the population of its territory, promote the cultivation of its fertile lands, the raising and multiplication of stock, and the progress of the arts and commerce, and being governed by the constitutional act, the federal constitution, and the basis established by the national decree of the general congress, No. 72, have thought proper to decree the following law of colonization:—

ART. 1. All foreigners, who in virtue of the general law of the 18th August, 1824, which guarantees the security of their persons and property in the territory of the Mexican nation, wish to remove to any of the settlements of the state of Coahuila and Texas, are at liberty to do so; and the said state invites and calls them.

ART. 2. Those who do so, instead of being incommoded, shall be admitted by the local authorities of said settlements, who shall freely permit them to pursue any branch of industry that they may think proper, provided they respect the general laws of the nation, and those of the state.

ART. 3. Any foreigner already in the limits of the state of Coahuila and Texas, who wishes to settle himself in it, shall make a declaration to that effect before the ayuntamiento of the place, which he selects as his residence; the ayuntamiento in such case shall administer to him the oath, which he must take to obey the federal and state constitutions, and observe the religion which the former prescribes; the name of the person and his family, if he has any, shall then be registered in a book kept for that purpose, with a statement of where he was born, and whence from, his age, whether married, occupation, and that he has taken the oath prescribed, and considering him from that time, and not before, as domiciliated.

ART. 4. From the day in which any foreigner has been enrolled as an inhabitant, in conformity with the foregoing article, he is at liberty to designate any vacant land, and the respective political authority will grant it to him in the same manner as to a native of the country in conformity with the existing laws of the nation, under the condition that the proceedings shall be passed to the government for its approbation.

ART. 5. Foreigners of any nation, or a native of any of the Mexican states, can project the formation of new towns on any lands entirely vacant, or even on those of an individual in the case mentioned in 35th article; but the new settlers who present themselves for admission must prove their Christianity, morality, and good habits, by a certificate from the authorities where they formerly resided.

ART. 6. Foreigners who emigrate at the time in which the general sovereign congress may have prohibited their entrance for the purpose of colonizing, as they have the power to do, after the year 1840, or previous to that time, as respects those of any particular nation, shall not then be admitted; and those who apply in proper time shall always subject themselves to such precautionary measures of national security which the supreme government, without prejudicing the object of this law, may think proper to adopt relative to them.

ART. 7. The government shall take care that within the twenty leagues bordering on the limits of the United States of the North, and ten leagues in a straight line from the coast of the Gulf of Mexico, within the limits of this state, there shall be no other settlements except such as merit the approbation of the supreme government of the Union, for which object, all petitions on the subject, whether made by Mexicans or foreigners, shall be passed to the superior government, accompanied by a corresponding report.

ART. 8. The projects for new settlements, in which one or more persons offer to bring at their expense one hundred or more families, shall be presented to the government, and if found con-

formable with this law they will be admitted: and the government will immediately designate to the contractors the land where they are to establish themselves, and the term of six years, within which they must present the number of families they contracted for, under the penalty of losing the rights and privileges offered in their favour, in proportion to the number of families which they fail to introduce, and the contract totally annulled if they do not bring at least one hundred families.

ART. 9. Contracts made by the contractors or undertakers, empresarios, with the families brought at their expense, are guaranteed by this law, so far as they are conformable with its provisions.

ART. 10. In the distribution of lands, a preference shall be given to the military entitled to them, by the diplomas issued by the supreme executive power, and to Mexican citizens who are not military, among whom there shall be no other distinction than that founded on their individual merit, or services performed for the country, or in equal circumstances, a residence in the place where the land may be situated; the quantity of land which may be granted is designated in the following articles.

ART. 11. A square of land, which on each side has one league or five thousand varas, or what is the same thing, a superficies of twenty-five million varas, shall be called a sitio; and this shall be the unity for counting one, two, or more sitios; and also the unity for counting one, two, or more labors, shall be one million square varas, or one thousand varas on each side, which shall compose a labor. The vara for this measurement shall be three geometrical feet.

ART. 12. Taking the above unity as a basis, and observing the distinction which must be made between grazing land, or that which is proper for raising of stock, and farming land, with or without the facility of irrigation, this law grants to the contractor or contractors for the establishment of a new settlement, for each hundred families which he may introduce and establish in the state, five sitios of grazing land, and five labors, at least the one-half of which, shall be without the facility of irrigation; but they can only receive this premium for eight hundred families, although a greater number should be introduced, and no fraction whatever less than one hundred shall entitle them to any premium, not even proportionally.

ART. 13. Should any contractor or contractors in virtue of the number of families which he may have introduced, acquire, in conformity with the last article, more than eleven square leagues of land, it shall nevertheless be granted, but subject to the condition of alienating the excess, within twelve years; and if it is not done, the respective political authority shall do it, by selling

it at public sale, delivering the proceeds to the owners, after deducting the costs of sale.

ART. 14. To each family comprehended in a contract, whose sole occupation is cultivation of land, one labor shall be given; should he also be a stock raiser, grazing land shall be added to complete a sitio, and should his only occupation be raising of stock, he shall only receive a superficies of grazing land equal to twenty-four million square bars.

ART. 15. Unmarried men shall receive the same quantity when they enter the matrimonial state, and foreigners who marry native Mexicans, shall receive one-fourth more; those who are entirely single, or do not form a part of some family, whether foreigners or natives, shall content themselves with the fourth part of the above-mentioned quantity, which is all that can be given them until they marry.

ART. 16. Families, or unmarried men, who, entirely of their own accord, have emigrated, and may wish to unite themselves to any new towns, can at all times do so, and the same quantity of land shall be assigned them which is mentioned in the two last articles; but if they do so within the first six years from the establishment of the settlement, one labor more shall be given to families, and single men in place of the quarter designated in the 15th Article, shall have the third part.

ART. 17. It appertains to the government to augment the quantity indicated in the 14th, 15th, and 16th Articles, in proportion to the family industry, and activity of the colonists, agreeably to the information given on those subjects by the ayuntamientos and commissioners; the said government always observing the provisions of the 12th Article, of the degree of the general congress on the subject.

ART. 18. The families who emigrate in conformity with the 16th Article, shall immediately present themselves to the political authority of the place which they may have chosen for their residence, who, finding in them the requisites, prescribed by this law for new settlers, shall admit them, and put them in possession of the corresponding lands, and shall immediately give an account thereof to the government, who of themselves, or by means of a person commissioned to that effect, will issue them a title.

ART. 19. The Indians of all nations, bordering on the state, as well as wandering tribes that may be within its limits, shall be received in the markets, without paying any duties whatever for commerce, in the products of the country; and if attracted by the moderation and confidence, with which they shall be treated, any of them, after having first declared themselves in favor of our religion and institutions, wish to establish themselves in any settlements that are forming, they shall be admitted, and the same quantity of land given them, as to the settlers spoken



of in the 14th and 15th Articles, always preferring native Indians to strangers.

ART. 20. In order that there may be no vacancies between tracts, of which great care shall be taken in the distribution of lands, it shall be laid off in squares, or other forms, although irregular, if the local situation requires it; and in said distribution, as well as the assignation of lands for new towns, previous notice shall be given to the adjoining proprietors, if any, in order to prevent dissensions and law suits.

ART. 21. If by error in the concession, any land shall be granted belonging to another, on proof being made of that fact, an equal quantity shall be granted elsewhere to the person who may have thus obtained it through error, and he shall be indemnified by the owner of such land for any improvements he may have made; the just value of which improvements shall be ascertained by appraisers.

ART. 22. The new settlers, as an acknowledgment, shall pay to the state for each sitio of pasture land, thirty dollars; two dollars and a half for each labor without the facility of irrigation, and three dollars and a half for each one that can be irrigated, and so on proportionally, according to the quantity or quality of the land distributed; but the said payments need not be made until six years after the settlement, and by thirds: the first within four years, the second within five years, and the last within six years, under the penalty of losing the land for failure in any of said payments; there are excepted from this payment, the contractors and military, spoken of in the 10th article; the former, with respect to lands given them as a premium, and the latter, for those which they obtained in conformity with their diplomas.

ART. 23. The ayuntamientos of each municipality (Comarca) shall collect the above mentioned funds, gratis, by means of a committee, appointed either within or without their body; and shall remit them as they are collected to the treasurer of their fund, who will give the corresponding receipt, and without any other compensation than two and a half per cent., all that shall be allowed him; he shall hold them at the disposition of the government, rendering an account of every month of the ingress and egress, and of any remissness or fraud which he may observe in their collection; for the correct management of all which, the person employed, and the committee, and the individuals of the ayuntamientos who appoint them, shall be individually responsible, and that this responsibility may be at all times effectual, the said appointments shall be made *viva voce*, and information shall be given thereof immediately to the government.

ART. 24. The government will sell to Mexicans, and to them only, such lands as they may wish to purchase, taking care there

shall not be accumulated in the same hands, more than eleven sitios, and under the condition that the purchaser must cultivate what he acquires by this title within six years from its acquisition, under the penalty of losing them; the price of each sitio, subject to the foregoing condition, shall be 100 dollars, if it be pasture land; 150 dollars if it be farming land, without the facility of irrigation; and 250 dollars if it can be irrigated.

ART. 25. Until six years after the publication of this law, the legislature of this state cannot alter it as regards the acknowledgment and price to be paid for land, or as regards the quantity and quality, to be distributed to the new settlers, or sold to Mexicans.

ART. 26. The new settlers, who within six years from the date of the possession have not cultivated or occupied the lands granted them, according to its quality, shall be considered to have renounced them, and the respective political authority, shall immediately proceed to take possession of them, and recall the titles.

ART. 27. The contractors and military, heretofore spoken of, and those who by purchase have acquired lands, can alienate them at any time, but the successor is obliged to cultivate them in the same time that the original proprietor was bound to do; the other settlers can alienate theirs when they have totally cultivated them, and not before.

ART. 28. By testamentary will, made in conformity with the existing laws, or those which may govern in future any new colonist, from the day of his settlement, may dispose of his land, although he may not have cultivated it; and if he dies intestate, his property shall be inherited by the person or persons entitled by the laws to it, the heirs being subject to the same obligation and condition imposed on the original grantee.

ART. 29. Lands acquired by virtue of this law, shall not by any title whatever pass into mortmain.

ART. 30. The new settler, who, wishing to establish himself in a foreign country, resolves to leave the territory of the state can do so freely, with all his property; but after leaving the state, he shall not any longer hold his land, and if he had not previously sold it, or the sale should not be in conformity with the 27th Article, it shall become entirely vacant.

ART. 31. Foreigners, who, in conformity with this law, have obtained lands, and established themselves in any new settlement, shall be considered from that moment, naturalized in the country; and by marrying a Mexican, they acquire a particular merit to obtain letters of citizenship of the state, subject, however, to the provisions which may be made relative to both particulars, in the constitution of the state.

ART. 32. During the first ten years, counting from the day on which the new settlements may have been established, they shall be free from all contributions of whatever denomination, with the exception of those which in case of invasion by an enemy, or to prevent it, are generally imposed, and all the produce of agriculture or industry of the new settlers, shall be free from excise duty, alcabala, or other duties, throughout every part of the state, with the exception of the duties referred to in the next article; after the termination of that time, the new settlements shall be on the same footing as to taxes with the old ones, and the colonists shall also, in this particular, be on the same footing with the other inhabitants of the state.

ART. 33. From the day of their settlement, the new colonists shall be at liberty to follow any branch of industry, and can also work mines of every description, communicating with the supreme government of the confederation, relative to the general revenue appertaining to it, and subjecting themselves in all other particulars, to the ordinances or taxes established, or which may be established on this branch.

ART. 34. Towns shall be founded on the sites deemed most suitable by the government, or the person commissioned for this effect, and for each one there shall be designated four square leagues, whose area may be in a regular or irregular form, agreeably to the situation.

ART. 35. If any of the said sites should be the property of an individual, and the establishment of new towns on them should notoriously be of general utility, they can, notwithstanding, be appropriated to this object, previously indemnifying the owner for its just value, to be determined by appraisers.

ART. 36. Building lots in the new towns shall be given gratis to the contractors of them, and also to artists of every class, as many as are necessary for the establishment of their trade; and to the other settlers they shall be sold at public auction, after having been previously valued, under the obligation to pay the purchase money by instalments of one-third each, the first in six months, the second in twelve months, and the third in eighteen months; but all owners of lots, including contractors and artists, shall annually pay one dollar for each lot, which, together with the produce of the sales, shall be collected by the ayuntamientos, and applied to the building of churches in said towns.

ART. 37. So far as is practicable, the towns shall be composed of natives and foreigners, and in their delineations, great care shall be taken to lay off the streets straight, giving them a direction from north to south, and from east to west, when the site will permit it.

ART. 38. For the better location of the said new towns, their

regular formation and exact partition of their lands and lots, the government, on account of having admitted any project, and agreed with the contractor or contractors, who may have presented it, shall commission a person of intelligence and confidence, giving him such particular instructions as may be deemed necessary and expedient, and authorizing him under his own responsibility, to appoint one or more surveyors, to lay off the town scientifically, and do whatever else may be required.

ART. 39. The governor, in conformity with the last fee bill, arancel, of notary publics of the ancient audience of Mexico, shall designate the fees of the commissioner, who, in conjunction with the colonists, shall fix the surveyor's fees; but both shall be paid by the colonists, and in the manner which all parties among themselves may agree upon.

ART. 40. As soon as at least forty families are united in one place, they shall proceed to the formal establishment of the new towns, and all of them shall take an oath to support the general and state constitutions; which oath will be administered by the commissioner; they shall then, in his presence, proceed, for the first time, to the election of their municipal authority.

ART. 41. A new town, whose inhabitants shall not be less than two hundred, shall elect an ayuntamiento, provided there is not another one established within eight leagues, in which case it shall be added to it. The number of individuals which are to compose the ayuntamiento, shall be regulated by the existing laws.

ART. 42. Foreigners are eligible, subject to the provisions which the constitution of the state may prescribe, to elect the members of their municipal authorities, and to be elected to the same.

ART. 43. The municipal expenses, and all others which may be considered necessary, or of common utility to the new towns, shall be proposed to the governor, by the ayuntamientos through the political chief, accompanied with a plan of the taxes, arbitrios, which in their opinion may be just and best calculated to raise them, and should the proposed plan be approved of by the governor, he shall order it to be executed, subject however to the resolutions of the legislature, to whom it shall be immediately passed with his report, and that of the political chief, who will say whatever occurs to him on the subject.

ART. 44. For the opening and improving of roads, and other public works in Texas, the government will transmit to the chief of that department, the individuals, who in other parts of the state may have been sentenced to public works as vagrants,

or for other crimes; these same persons may be employed by individuals for competent wages, and as soon as the time of their condemnation is expired, they can unite themselves as colonists, to any settlement, and obtain the corresponding lands, if their reformation shall have made them worthy of such favour in the opinion of the chief of the department, without whose certificate they shall not be admitted.

ART. 45. The government, in accord with the respective ordinary ecclesiastics, will take care to provide the new settlements with the competent number of pastors, and in accord with the same authority, shall propose to the legislature for its approbation, the salary which the said pastors are to receive, which shall be paid by the new settlers.

ART. 46. The new settlers, as regards the introduction of slaves, shall subject themselves to the existing laws, and those which may hereafter be established on the subject.

ART. 47. The petitions now pending relative to the subject of this law, shall be despatched in conformity with it, and for this purpose they shall be passed to the governor, and the families who may be established within the limits of the state, without having any land assigned them, shall submit themselves to this law, and to the orders of the supreme government of the Union, with respect to those who are within twenty leagues of the limits of the United States of America, and ten leagues in a straight line of the coast of the Gulf of Mexico.

ART. 48. This law shall be published in all the villages of the state; and that it arrive at the notice of all others, throughout the Mexican confederation, it shall be communicated to their respective legislatures by the secretary of this state; and the governor will take particular care to send a certified copy of it, in compliance with the 16th Article of the federal constitution, to the two houses of congress, and the supreme executive power of the nation, with a request to the latter, to give it general circulation through foreign states, by means of our ambassadors.

The governor *pro tem.* of the state will cause it to be published and circulated.

(Signed) RAFAEL RAMOS VALDEZ, President.

JUAN VICENTE CAMPOS, Member and Secretary.

JOSSE JOAQUIN ARCE ROSALES, Member and Secretary.

Therefore I command all authorities, as well civil as military and ecclesiastical, to obey, and cause to be obeyed, the present decree in all its parts.

RAFAEL GONZALES, Governor.

Saltillo, 24th March, 1825.

INSTRUCTION TO THE COMMISSIONER APPOINTED BY  
THE LEGISLATURE OF THE STATE.*Executive Department of the State of  
Coahuila and Texas.*

Instructions by which the Commissioner shall be governed, in the partition of lands to the new colonists, who may establish themselves in the State, in conformity with the Colonization Law of the 24th of March, 1825.

ART. 1. It shall be the duty of the commissioner, keeping in view the contract which an empresario may have entered into with the government, and also the colonization law of the 24th March, scrupulously to examine the certificates or recommendations which foreign emigrants must produce from the local authorities of the place where they removed from, accrediting their christianity, morality, and steady habits, in conformity with the 5th article of said law, without which requisite they shall not be admitted in the colony.

ART. 2. In order to prevent being imposed on by false recommendations, the commissioner shall not consider any as sufficient, without a previous opinion in writing as to their legitimacy, from the empresario, for which purpose they shall be passed to him by the commissioner.

ART. 3. The commissioner shall administer to each of the new colonists, the oath in form, to observe the federal constitution of the united Mexican states, the constitution of the state, the general laws of the nation, and those of the state which they have adopted for their country.

ART. 4. He shall issue in the name of the state, the titles for land, in conformity with the law, and put the new colonists into possession of their lands, with all legal formalities, and the previous citation of adjoining proprietors, should there be any.

ART. 5. He shall not give to any colonist who may have established, or who may wish to establish themselves within twenty leagues of the limits of the United States of the north, or within ten leagues of the coast, unless it should appear that the supreme government of the nation had approved thereof.

ART. 6. He shall take care that no vacant lands be left between possessions, and in order that the lines of each one may be clearly designated, he shall compel the colonists within the term of one year to mark their lines, and to establish fixed and permanent corners.

ART. 7. He shall appoint, under his own responsibility, the surveyor, who must survey the land scientifically, requiring him

previously to take an oath truly and faithfully to discharge the duties of his office.

ART. 8. He shall form a manuscript book of paper of threepenny stamp, in which shall be written the titles of the lands distributed to the colonists, specifying the names, the boundaries, and other requisites, and legal circumstances; and a certified copy of each title shall be taken from said book on paper of the two-penny stamp, which shall be delivered to the interested person as his title.

ART. 9. Each settler shall pay the value of the stamp paper used in issuing his title both for the original and copy.

ART. 10. This book shall be preserved in the archives of the new colony, and an exact form of it shall be transmitted to the government, specifying the number of colonists with their names, and the quantity of land granted to each one, distinguishing that which is farming land, with or without the facilities of irrigation, and that which is granted as grazing land.

ART. 11. He shall select the site which may be most suitable for the establishment of the town or towns, which are to be founded agreeably to the number of families composing the colony, and keep in view the provisions of the law of colonization on this subject.

ART. 12. After selecting the site destined for the new town, he shall take care that the base lines run north and south, east and west, and he will designate a public square 120 varas on each side, exclusive of the streets, which shall be called the principal or constitutional square, and this shall be the central point from which the street shall run, for the formation of squares and blocks in conformity with the model hereto annexed.

ART. 13. The block situated on the east side of the principal square, shall be destined for the church, curate's house, and other ecclesiastical buildings. The block on the west side of the said square shall be designated for public buildings of the municipality. In some other suitable situation a block should be designated for a market square, another for a jail and house of correction, another for a school, and other edifices for public instruction, and another beyond the limits of the town for a burial ground.

ART. 14. He shall on his responsibility cause the streets to be laid off straight, and that they are twenty varas wide, to promote the health of the town.

ART. 15. Mechanics, who at the time of founding a new town, present themselves to settle in it, shall have the right of receiving one lot a piece without any other cost than the necessary stamp paper for issuing the title, and the light tax of one dollar annually for the construction of the church.

ART. 16. The lots spoken of in the preceding article shall be

distributed by lot, with the exception of the empresario, who shall be entitled to any two lots he may select.

ART. 17. The other lots shall be valued by appraisers, according to their situation, and sold to the other colonists at their appraised value. In case there should be a number of applicants for the same lot, owing to its situation or other circumstances, which may excite competition, it shall be decided by lot, as prescribed in the preceding article; the product of said lots shall be appropriated to the building of a church in said town.

ART. 18. He shall, in unison with the empresario, promote the settlement of each town by the inhabitants belonging to its jurisdiction, who take lots in it, and cause them to construct houses on said lots within a limited time, under the penalty of forfeiting them.

ART. 19. He shall form a manuscript book of each town, in which shall be written the titles of the lots which are given as a donation or sold, specifying their boundaries, and other necessary circumstances; a certified copy of each one of which, on the corresponding stamp, shall be delivered to the interested person as his title.

ART. 20. He shall form a topographical plan of each town that may be founded, and transmit it to the government, keeping a copy of it in the said register book of the colony.

ART. 21. He shall see that at the crossing of each of the rivers on the public roads, where a town is founded, a ferry is established at the cost of the inhabitants of said town, a moderate rate of ferriage shall be established to pay the salary of the ferryman and the cost of the necessary boats, and the balance shall be applied to the public funds of the towns.

ART. 22. In places where there are no towns, and where ferries are necessary, the colonists who may be settled there shall be charged with the establishment of the ferry, collecting a moderate ferriage, until such ferries are rented out for the use of the state. Any colonist that wishes to establish a ferry, on the terms above indicated, shall form an exact and certified account of the costs which he may be at for the building of boats, and also an account of the produce of the ferry, in order that when said ferry is rented out for the use of the state, he shall have a right to receive the amount of said expenses which had not already been covered by the produce of the ferry which for the present he collects.

ART. 23. He shall preside at the popular elections, mentioned in the 40th Article of the colonization law for the appointment of the ayuntamiento, and shall put the elected in possession of their offices.

ART. 24. He shall take special care that the portions of land granted to the colonists by Article 14, 15, and 16 shall be mea-



sured by the surveyors with accuracy, and not permit any one to include more land than is designated by law, under the penalty of being personally responsible.

ART. 25. Should any colonist solicit, in conformity with the 17th Article of the law, augmentation of land beyond that designated in the preceding articles on account of the size of his family, industry, or capital, he shall present his petition in writing to the commissioner, stating all the reasons on which he founds his petition, who shall transmit it to the governor of the state, together with his opinion, for which opinion he shall be responsible in the most rigid manner, in order that the governor may decide on the subject.

ART. 26. All the public instruments, titles, or other documents issued by the commissioner, shall be written in Spanish; the memorials, decrees, and reports of the colonists or empresarios on any subject whatever, shall be written in the same language, whether they are to be transmitted to the government, or preserved in the archives of the colony.

ART. 27. All public instruments or titles of possession, and the copies, signed by the commissioner, shall be attested by two assistant witnesses.

ART. 28. The commissioner shall be personally responsible for all acts or measures performed by him contrary to the colonization law, or these instructions.

(A copy.) *Saltillo, September 4th, 1827.*

TIJERINA, } Secretaries of the Legislature.  
ARCINIEGA, }

(A copy.) JUAN ANTONIO PADILLA, Secretary of State.

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AN ACT AUTHORIZING THE ISSUING OF THE PROMISSORY NOTES OF THE GOVERNMENT.

Sec. 1. That the president be, and is hereby authorized and required to issue promissory notes of this government, payable at the treasury of the republic, to the amount of 500 dollars, which notes shall be signed by the president, and countersigned by the secretary of the treasury; *provided* that no note shall be of a less denomination than one dollar, or a greater amount than 1000 dollars.

Sec. 2. That the said notes shall be payable twelve months after date, and shall draw an interest of ten per cent. per annum from date.

*Sec. 3.* That the said notes, at any time before or after maturity, shall be considered as cash, and shall be received as cash for all dues owing or coming to the government.

*Sec. 4.* That the president is authorised to have said bills printed, and draw on the treasurer for the sum necessary, to be paid out of any money in the treasury not otherwise appropriated.

*Sec. 5.* That one-fourth of the proceeds arising from the sale of the land, contemplated to be sold by an Act of congress, shall be paid into the treasury, to be paid out only for the redemption of these promissory notes of the government.

*Sec. 6.* That the president is authorised to sell 500,000 acres of land scrips, the proceeds of which shall be paid into the treasury, to be paid out only for the redemption of these promissory notes of the government; *provided* that this scrip shall be disposed of at no less than fifty cents per acre; and *provided further*, that the agents appointed to sell the scrip shall give bond and approved personal security in double the value of the scrip so delivered to him for the faithful discharge of his duty as agent.

*Sec. 7.* That all improved forfeited lands are hereby pledged for the redemption of these promissory notes of the government, and in addition the faith and credit of the government are hereby solemnly pledged.

*Sec. 8.* That these promissory notes shall be issued and paid out alone, for and on account of the expenses of the civil departments of the government; *provided, however*, that the president be, and he is hereby authorised and required to expend a sum not exceeding the sum of 100,000 dollars for the purchase of horses and munitions of war, to be used by the rangers and mounted gun men, and in a campaign against the Indians.

SAM HOUSTON.

Approved, June 9th 1836.

#### AN ACT COMPENSATING OFFICERS OF THE CIVIL LIST.

*Sec. 1.* That the following shall be the compensation allowed to the officers of the civil list:—

President, with house furnished, 10,000 dollars; vice-president, 3,000 dollars; secretary of state, 3,500 dollars; secretary of treasury, 3,500 dollars; secretary of war, 3,500 dollars; secretary of navy, 3,500 dollars; attorney general, 3,000 dollars; postmaster-general, 2,000 dollars; commissioner-general of the land office, 3,000 dollars; chief clerks of departments, 1,500 dollars; treasurer, 2,500 dollars; auditor, 2,500 dollars; chief

justice, 5,000 dollars ; associate or district judges, 3,000 dollars ; members of congress, per diem, five dollars ; speaker of the house of representatives, per diem, seven dollars ; president, *pro tem.* of the senate, while acting as such, per diem, seven dollars ; mileage for members of congress, for every twenty-five miles going and coming, five dollars.

The members and officers of the consultation that sat at San, Felipe, in October and November of the last year, shall receive the same compensation and mileage as the members and officers of the present congress.

Chief clerks of both houses, per diem, six dollars ; foreign ministers, 4,500 dollars outfit, 5,000 dollars salary per annum ; consuls, perquisites ; secretary of legation, 2,000 dollars ; assistant clerks, per diem, six dollars ; reporter, per diem, eight dollars ; serjeant-at-arms, per diem, five dollars ; translator for congress, per diem, five dollars ; door-keeper, per diem, five dollars.

*Sec. 2.* That the heads of departments be furnished with officers, stationery, fuel, lights, &c., at the expense of government.

*Sec. 3.* That no portion of the above salaries or pay of the members of congress, shall be allowed except in equal ratio with the payments made to the officers and soldiers of the army and navy : *provided*, however, that this section shall not extend to the reporters and clerks of either house of congress, or to the clerks of any of the departments of the government, or the translator and interpreter, the serjeant-at-arms, and the door-keepers of either house of congress.

*Sec. 4.* That all secretaries of legation be excluded from the operation of the third section of this act.

SAM HOUSTON,

Approved, Dec. 9, 1836.

President.

JOINT RESOLUTION FOR SENDING A MINISTER TO THE UNITED STATES.

Whereas, the good people of Texas, in accordance with a proclamation of his Excellency D. G. Burnet, president *ad interim* of the republic, did, on the first Monday of September last past, at an election held for president, vice-president, senators, and representatives of congress, vote to be annexed to the United States of America, with an unanimity unparalleled in the annals of the elective franchise, only ninety-three of the whole population voting against it.

Be it, therefore, resolved by the senate and house of representatives of the republic of Texas in congress assembled,

that the president be, and he is hereby authorized and requested to dispatch forthwith to the government of the United States of America, a minister vested with ample and plenary power to enter into negotiations and treaties with the United States' government for the recognition of the independence of Texas, and for an immediate annexation to the United States, a measure required by the almost unanimous voice of the people of Texas, and fully concurred in by the present congress.

SAM HOUSTON,

Approved, Nov. 16, 1836.

President.

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JOINT RESOLUTION AUTHORIZING THE PRESIDENT TO  
ISSUE SCRIP TO THE AMOUNT OF FIVE HUNDRED  
THOUSAND ACRES OF LAND.

*Sec. 1.* Resolved,—That the president be, and he is hereby authorized and required to sign land scrip to the amount of 500,000 acres, and transmit the same to Thomas Toby, of New Orleans, for the purpose of being sold: *provided* that said scrip shall not be sold for a less sum than fifty cents an acre: and *further provided*, that should the bonds of this government, to the amount of 500,000 dollars, be previously sold, then, and in that case, it shall be the duty of the president to recall said scrip, and forbid the further selling of the same.

*Sec. 2.* That the said Toby, with the proceeds arising from the sale of said scrip, be, and is hereby authorized and required to fulfil all legal obligations into which he may have entered as agent to this government, on the faith of the authority given him by the president "ad interim," for the selling of land scrip; and that he be authorized and required to pay all legal debts contracted on the faith of the same.

SAM HOUSTON,

Approved, Dec. 10, 1836.

President.

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AN ACT MAKING APPROPRIATION FOR PAYING THE  
EXPENSES OF THE GOVERNMENT OF TEXAS.

*Sec. 1.* That there is hereby appropriated out of any money in the treasury, not otherwise appropriated, the following sums of money for defraying the expenses of the government, in part for

the years 1836 and 1837; to wit: for defraying the expenses of the navy, 150,000 dollars; for the expenses of the army, 700,000 dollars; for the executive and civil departments of the government, 150,000 dollars; making an appropriation of one million of dollars, which said one million of dollars the secretary of the treasury is hereby authorised and required to pay out of the treasury, out of any money therein not otherwise appropriated by law.

*Sec. 2.* That if there should be no monies in the treasury when the same may be demanded according to law of the secretary of the treasury, then and in that case he shall issue scrip to the person or persons lawfully entitled to the same.

SAM HOUSTON,

Approved Dec. 15, 1836.

President.

AN ACT SUPPLEMENTARY TO AN ACT FOR THE PUNISHMENT OF CRIMES AND MISDEMEANORS.

*Sec. 1.* That if any person or persons shall introduce any African negro or negroes, contrary to the true intent and meaning of the ninth section of the general provisions of the constitution, declaring the introduction of African negroes into the republic, to be piracy, except such as are from the United States of America, and had been held as slaves therein, be considered guilty of piracy; and, upon conviction thereof, before any court having cognizance of the same, shall suffer death without the benefit of clergy.

*Sec. 2.* That if any person or persons shall introduce into the republic of Texas, any African, or any slave or slaves from the United States of America, except such slave or slaves as were previously introduced and held in slavery in that republic in conformity with the laws of that government, shall be deemed guilty of piracy; and upon conviction thereof, before any court having cognizance of the same, shall suffer death.

SAM HOUSTON,

Approved, December 21, 1836.

President.

SIXTH SECTION OF AN ACT PASSED 21<sup>ST</sup> DECEMBER, 1836,  
FOR PUNISHING CRIMES AND MISDEMEANORS.

*Section 6.* Any person who shall steal or entice away any slave out of the possession of the owner or owners of slave or slaves, shall be deemed guilty of felony, and on conviction shall suffer death.

JOINT RESOLUTION TO SEND A MINISTER TO THE  
COURT OF GREAT BRITAIN.

Resolved,—That the President be requested to appoint an agent to the court of Great Britain to solicit the recognition of our independence, and to enter into such treaties as may be necessary to advance our mutual interest: and that 9,500 dollars are hereby appropriated out of any monies in the treasury, not otherwise appropriated, to carry this resolution into effect.

SAM HOUSTON.

Approved, May 15, 1837.

JOINT RESOLUTION FOR THE RELIEF OF FREE PERSONS  
OF COLOUR.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled,—That all free Africans, or descendants of Africans, who were residing within the republic of Texas at the date of the declaration of independence, and their natural issue, are hereby granted and allowed the privilege of remaining in any part of the republic as long as they choose, on the condition of performing all the duties required of them by law.

SAM HOUSTON,

Approved, June 5, 1837.

PRESIDENT.

AN ACT TO INCORPORATE THE TRUSTEES OF INDEPENDENCE  
ACADEMY, AND OF THE UNIVERSITY OF SAN  
AUGUSTINE.

*Section 1.* That John P. Coles, Robert Stevenson, Asa Hoxie, M. Cummins, Shubach Marsh, James B. Miller, and James G. Swisher, be, and they are hereby incorporated, a body politic, under the name and style of the "Trustees of Independence Academy," capable of suing and being sued, pleading and being impleaded, of holding property either personal, real, or mixed, of selling, alienating, and conveying the same at pleasure, of having a common seal, and of changing the same at pleasure; and of doing whatever else that may be necessary and proper to be done for the benefit and advancement of said institution, not contrary to the constitution and laws of this republic.

*Sec. 2.* That this charter and privilege shall extend to the said

trustees, and their successors in office, as long as they confine the benefit of the same, to the advancement of the sciences and the promotion of useful knowledge, to the rising generations; which institution shall be accessible equally alike to all, without regard to opinions of religion or politics.

*Sec. 3.* That Elisha Roberts, Jesse Burdit, William McFarland, John Cartwright, Summer Bacon, George Teat, Augustus Hotchkiss, Henry W. Augustine, Andrew J. Cunningham, Philip A. Sublett, Iredell D. Thomas, Albert Gallatin Kellogg, Almanzon Huston, William W. Holman, and Joseph Rowe, be incorporated a body politic, under the name and style of the "President and Trustees of the University of San Augustine," and shall have the same powers and privileges which are conferred by this Act on the Trustees of Independence Academy.

SAM HOUSTON,

Approved, June 5, 1837.

President.

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AN ACT TO INCORPORATE THE TRUSTEES OF  
WASHINGTON COLLEGE.

That William Smith, Asa Hoxie, John P. Coles, J. H. Wood, Thomas Gay, and Stephen R. Roberts, be, and they are hereby constituted and declared to be, from and after the passage of this Act, a body corporate and politic, in fact and in name, by the style and title of the "Trustees of the Washington College," and by that name they and their successors in office shall, and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering, and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors, by the same name and style, shall be in law capable of holding, purchasing, and conveying any estate, real, personal, or mixed, for the use of the said college, and doing and performing all things which are necessary or common for corporations of a like nature to do, not contrary to the constitution of this republic, or the provisions of this charter, as hereinafter enacted.

*Sec. 2.* That every person who has subscribed or may hereafter subscribe and pay into the treasury of the college the sum of ten dollars, shall ever afterwards be considered a member, and have the right of a voice, either in person or by proxy, in the selection of trustees, and shall himself be eligible to the office of trustee.

*Sec. 3.* That the trustees of the Washington College shall be

electd annually by the subscribers, and continue in office until their successors are duly elected; and a less number than five shall not be a competent body for the transaction of business, nor shall the whole number consist at any one time of more than twenty-five.

*Sec. 4.* That the trustees for the time being shall have full power to enact such bye-laws, rules and regulations, for the government of said college as they may deem necessary for the prosperity of the same.

*Sec. 5.* That the chartered property of the college shall be liable for the debts of the same.

*Sec. 6.* That the institution hereby incorporated shall be located at, or in the vicinage of, the town of Washington, on the Brazos river.

*Sec. 7.* That the privileges, venents, and facilities of the said college shall be equally accessible to all, without regard to peculiarity of opinion.

Approved, June 5, 1837.

SAM HOUSTON.

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#### AN ACT REGULATING ELECTIONS.

*Section 1.* By the senate and house of representatives of the republic of Texas, in congress assembled—That the chief justice and associates in each county of the republic shall designate election precincts at the most suitable places for holding elections in their several counties. And it shall be the duty of the chief justices of the counties to issue writs of election to the several precincts established, appointing a presiding officer in each to hold the election, stating specifically in the writs the officer or officers to be elected, and the day on which the election shall take place.

*Sec. 2.* That each presiding officer shall appoint three judges of the election and two clerks, who shall be sworn, before entering upon the duties of their offices, to conduct the election without partiality or prejudice, and agreeably to law; and in the event that the judges and clerks thus appointed shall fail to attend, or refuse to act, then it shall be lawful for the voters, at the house of opening the polls, to appoint judges and clerks to supply such vacancies: and if there be no justice of the peace present, the presiding officer shall swear the other managers, and one of them shall administer the oath to him, which shall be as legal as if done by a judicial officer.

*Sec. 3.* That each of the clerks shall write the name of each voter at the time of his voting, making two lists of the names of



the electors, one of which shall be delivered to the chief justice of the county, with the returns of the election, to be kept as a record, and the other to be retained by the presiding officers of the election.

*Sec. 4.* That the polls shall be kept open from nine o'clock to twelve in the forenoon, and from one to five o'clock in the afternoon, the presiding officer making proclamation at the door of the house at the time of opening and closing the polls.

*Sec. 5.* That immediately after closing the polls, the officers of the election shall proceed to count the votes, and make out a correct return, which shall be sealed up and delivered to the chief justice of the county by the presiding officer, or one of the judges of the election, upon oath; a duplicate of which return shall be kept by the presiding officer.

*Sec. 6.* That the chief justice shall give at least ten days' notice (except in cases of vacancy, when immediate notices shall be given to the different precincts upon the receipt of the president's proclamation for filling said vacancy) of every election, by an advertisement published in a newspaper, if any be printed in the county: or, if there be no paper published in the county, then by an advertisement in manuscript, in each precinct, stating the names of the several presiding officers appointed in the county, the places of holding the election, the day on which the election will be held, and the officer or officers to be elected. The writs of election issued by the chief justice shall require the presiding officer, or one of the judges or clerks of the election, to deliver the returns to him at the county seat, at some time specified therein, not exceeding ten days from the day of holding the election; and upon the receipt of the returns, the chief justice, in presence of the returning officer, shall examine the several documents, and immediately execute and deliver to the person or persons having the greatest number of votes, a certificate of election.

*Sec. 7.* That no officer of an election shall examine any vote, or unfold any ticket presented by a voter.

*Sec. 8.* That when a man shall offer his vote, unless some officer of the election will vouch for his qualifications as an elector, he shall take an oath that he is legally qualified according to the constitution and laws, to vote for members of congress.

*Sec. 9.* That regular enlisted soldiers, and volunteers during the war, shall not be eligible to vote for civil officers.

*Sec. 10.* That no person shall be permitted to contest any election unless within ten days after the return day. The person intending to contest shall cause the person having a certificate of election to be notified thereof, and a statement in writing delivered to him, containing the grounds upon which he relies to

sustain the contest, or, in case the candidate elect cannot be found, then the notice and statement to be left at his usual place of abode. No *ex parte* statements or testimony shall be received as evidence in any contested election, without the consent of the opposite party.

*Sec. 11.* That this Act shall take effect and be in force from and after its passage; provided, however, that nothing herein contained shall affect elections in depopulated counties. And be it further enacted, that if any person in this republic shall, after the passage of this Act, vote for a member or members of congress more than one time in the same day, such person shall be liable to indictment; and, upon conviction before any competent tribunal, shall forfeit and pay for every such offence not less than fifty, nor more than five hundred dollars; to go to the county treasury.

*Sec. 12.* That in senatorial districts, now or hereafter to be established, consisting of two or more counties, congress shall, from time to time, designate and determine the county, whose chief justice shall issue the necessary certificate to the senator elect. And the chief justices of the other county or counties composing the senatorial district shall seal up and deliver the returns of the election, from the several precincts of their respective counties, for senator, duly authenticated, and hand them to the chief justice of the county so designated by congress, within ten days after said returns are received by him or them.

*Sec. 13.* That if at the time of any election for civil officers a portion of the citizens of any county shall be absent from home, in the service of their country, they shall choose three managers from among themselves, who shall hold the election, under the same rules and regulations herein prescribed, who shall seal up the returns of said election, and send them to the chief justice of their respective counties, who shall receive the same.

*Sec. 14.* That in case of a tie between any two or more candidates for representatives in congress, the chief justice of the county in which such tie shall occur shall decide between the candidates having the highest number of votes.

*Sec. 15.* That in case of a tie between any two or more candidates for senator to congress, if the county in which such tie shall occur be entitled to a senator, then, and in that case, the chief justice of such county shall decide the tie; but if the senatorial district in which a tie occurs be composed of two or more counties, then the chief justice of the county authorized to give a certificate in the senator elect shall decide the tie.

Approved, October 26, 1837.

SAM HOUSTON.

## AN ACT FIXING THE SALARY OF INDIAN COMMISSIONERS.

Resolved,—That the sum of 5 dollars per day be allowed to all Indian Commissioners appointed by the President, according to law, while on actual service, going to and returning from any place, to hold, or attempt to hold, a treaty.

SAM HOUSTON, President.

Approved, 1st December, 1837.

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## AN ACT TO SUSTAIN THE CURRENCY OF THE COUNTRY.

That from and after the passage of this act, nothing but gold and silver, or promissory notes of this government, shall be received on payment of duties on goods imported into this republic; nor shall any bank-notes be received in payment of any duties to the government of Texas.

Approved Dec. 14, 1837.

SAM HOUSTON, President.

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## AN ACT TO PROVIDE FOR THE PUNISHMENT OF CRIMES AND MISDEMEANORS COMMITTED BY SLAVES AND FREE PERSONS OF COLOUR.

*Sec. 1.* That from and after the passage of this act the following shall be considered as capital offences, when committed by a slave or free person of colour: To wit, Insurrection, or any attempt to excite it; poisoning, or attempting to poison; committing a rape, or attempting it, on any free white female; assaulting a free white person with intent to kill, or with a weapon likely to produce death; or maiming a free white person; arson; murder; burglary; every and each of which offences shall be triable in the district courts, and, upon conviction, shall be punished with death.

*Sec. 2.* That it shall not be lawful for any free person of colour to inveigle or entice away from his or her owner or master any slave or slaves, nor to aid or assist any slave or slaves in leaving the republic, without the consent of the owner of such slave or slaves; nor shall it be lawful for any free person of colour to conceal or render aid or assistance to any runaway slave, with the intent to prevent the return of such runaway slave to his or her owner. And, upon conviction of any of the foregoing offences before the district courts, such free person of colour shall be fined

in a sum equal to the value of such slave or slaves. And on failure to pay the said fine, he shall be sold as a slave for life.

*Sec. 3.* That all other crimes and misdemeanors, known to the common law of England, committed by slaves, shall be triable before the county courts, and, on conviction, shall be punishable at the discretion of said court, so as not to extend to life or limb.

*Sec. 4.* That upon complaint made upon oath to any member of the county court, of any offence not capital, having been committed by any slave, it shall be the duty of said court forthwith to call a special term of said court, for the trial of such slave. And when any such special term may be called, it shall be the duty of the county court, in conjunction with the sheriff, to draw fifteen jurors, in the usual way, to attend such term, and if any of them should fail to attend, or from challenges the number of twelve should not be had, it shall be made up from the bystanders.

*Sec. 5.* That it shall not be necessary in such cases that a bill be found by a grand jury, but the party shall be required to proceed to trial, upon a charge made out and signed by the person lodging the information, setting forth the offence with which such slave stands charged.

*Sec. 6.* That if any slave or free person of colour shall use insulting or abusive language to, or threaten any free white person, upon complaint thereof before any justice of the peace, such justice shall cause such negro to be arrested, and upon conviction, the slave or free person of colour shall be punished by stripes not exceeding one hundred, nor less than twenty-five.

SAM HOUSTON.

Approved Dec. 14, 1837.

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#### JOINT RESOLUTION RELATIVE TO CONSULATES.

*Be it resolved*, by the senate and house of representatives of the republic of Texas, in congress assembled, That the consular system of the United States of America, be, and is hereby adopted for the government of the consular agents of this republic, so far as its provisions may be suitable to the conditions of Texas.

*Sec. 2.* That it shall be the duty of the secretary of state, from time to time, to furnish said consuls with such instructions as may become necessary for the proper regulations of the commercial intercourse between this and foreign countries.

*Sec. 3.* That no consul of this republic shall be allowed to charge any fees for passports or certificates of characters or intentions.

Approved Dec. 18, 1837.

SAM HOUSTON.

## THE LOAN ACT.

*Sec. 1.* Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, that for the purpose of carrying into effect the provisions of the act of congress, passed the 22nd January, 1839, setting apart annually the sum of 300,000 dollars, as a permanent and accumulating sinking-fund, for the redemption of such bonds of the republic as may be issued by J. Hamilton and A. T. Burnley, in pursuance of the several loan acts of 1836, 1838, and 1839, the secretary of the treasury, secretary of state, and first auditor of the republic, be, and hereby are appointed commissioners of the said sinking-fund.

*Sec. 2.* That immediately after the survey of the republic lands, and any portion of the same, shall be brought into market and sold, it shall be the duty of the secretary of the treasury to pay over to said commissioners, on the first days of May and November, each year, the said sum of 300,000 dollars, in two equal semi-annual instalments of 150,000 dollars, each, which the said commissioners are hereby commanded and directed to remit forthwith to such agents in London, Paris, Amsterdam, or wherever the said loan may be negotiated, and the dividends on the aforesaid bonds are made payable.

*Sec. 3.* This section provides that in case the said 300,000 dollars should not be raised from the sale of the public lands, then the secretary of the treasury is to provide from other sources of revenue for carrying out the provisions of the preceding section.

*Sec. 4.* That the said agents in London, Paris, Amsterdam, or wherever said loan may be negotiated, shall, with the aforesaid fund, enter the market and purchase at the lowest price at which they may be obtained, the aforesaid ten per cent. bonds of the five millions loan. Should, however, the market price of the said bonds reach fifty per cent. premium beyond their par value, the holders of said bonds shall be required, on the application of said agents, to surrender and cancel the same, on the payment of the said par value and the said premium.

*Sec. 5.* That the lowest numbers of the bonds in circulation shall be re-imbursable at the maximum price in the first instance, provided they cannot be obtained at a lower price.

*Sec. 6.* That the said agents in London, Paris, Amsterdam, or wherever the loan may be negotiated, in case they are not able to purchase the aforesaid bonds at £150 money, for £100 stock, they shall make a public declaration in one or more of the London, Paris, Amsterdam, [or wherever the loan may be negotiated] newspapers, designating the numbers of the bonds to be

paid off, beginning at the lowest number; after which declaration, no further interest will be paid beyond the demi-annual dividend then next accruing.

*Sec. 7.* That it shall be the duty of the said agents in London, Paris, Amsterdam, or wherever the loan is negotiated, provided the holders of the bonds announced to be redeemed, do not present the same for payment within ninety days after said announcement, to invest the amount in their hands, not applied to the redemption of the bonds, in exchequer bills, or in the public securities of the country where the said loan is negotiated, to be deposited in the bank of England, Paris, Amsterdam, or wherever the loan is negotiated, to be held on account and risk of the holders of said bonds advertised for redemption.

*Sec. 8.* That the agents in London, Paris, Amsterdam, or wherever the loan may be negotiated, shall demi-annually announce in one or more of the newspapers, where said loan is negotiated, the numbers and amount of the bonds so redeemed, which shall be cancelled and deposited in the banks of England, Paris, or Amsterdam, as the case may be, and a notarial certificate of the specification of said redemption be transmitted to the secretary of the treasury of this republic, to whom likewise a demi-annual account of said agents shall be rendered.

*Sec. 9.* That the commissioners of loan of this republic, in case they deem it advisable to sign and issue bonds bearing interest of 6, 5, 4, 3 per cent., are empowered to issue a sufficient number to make up the sum of five million of dollars, and that they be authorised, conformably to the most advantageous terms on which the bonds can be disposed of, to make them payable in ten, twenty, or thirty years, provided not more than one-third of the same shall be payable in a less term than ten years, and provided the bonds sold amount to not more than 7,000,000 dollars.

*Sec. 10.* That in case any supplementary loan shall be authorised by the president, under instructions of both branches of congress, the said powers and discretion are hereby given to said commissioners, both as to rate of interest and time of payment.

*Sec. 11.* That in case of any additional loan other than the five millions, now authorized by law, be negotiated, the sum of 65,000 dollars for each million negotiated or borrowed, over and above the interest, is reserved and set apart out of the sale of public lands, as a permanent and accumulating sinking fund, for the redemption of said bonds, to be annually remitted to the agents in London, Paris, Amsterdam, or wherever said loan is negotiated, who shall be authorized to pay the dividends on the bonds, to purchase the said bonds, whenever those bearing a less rate of interest than 10 per cent., can be purchased at or under par. And it is further declared, that any saving of interest, which may arise from the negotiations of the bonds bearing a less

rate of interest than 10 per cent., shall be annually carried to a sinking fund appropriated for the redemption of said loan or loans.

Sec. 12. That so soon as the loan, or any part of the loan hereby authorized, is negotiated, the commissioners, or any one of them, shall have full power to draw forthwith for the same, or authorize any president or cashier of any bank in the first credit, in the city of New York, to do the same, and to deposit the net proceeds of said loan, or any part of it, which may be negotiated to the credit of the republic of Texas, in said bank, and to remain there till disposed of by congress.

(Section 13 provides, that in case of the absence or death of one of the commissioners, any contract made by the other, shall be conclusive, and binding; and Section 14 repeals such parts of all previous acts as may conflict with the present.)

Sec. 15. That all loans negotiated by the authority of the republic of Texas independently of the reservation of the sinking fund, the proceeds of the public land generally, its revenue, and public faith, are solemnly pledged for their redemption.

1840.

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#### TREATY BETWEEN TEXAS AND FRANCE.

MIRABEAU B. LAMAR, President of the Republic of Texas: to all and singular who shall see these presents, greeting:

Whereas, a Treaty of Amity, Navigation, and Commerce, between the Republic of Texas and His Majesty the King of the French, comprising three additional articles, signed on the same day, and to be of the same force as the said Treaty, was concluded and signed by General J. Pinckney Henderson, a citizen of Texas, Plenipotentiary on the part of the Government of Texas, and Jean de Dieu Sout, Duke of Dalmatia, Plenipotentiary on the part of the King of the French, at the city of Paris, on the 25th day of September, in the year of our Lord, One Thousand Eight Hundred and Thirty-nine, which Treaty and additional articles are word for word as follows:—

The president of the republic of Texas and his majesty the king of the French, desiring to regulate, in a permanent manner, the political and commercial relations between Texas and France, have resolved to conclude a treaty of amity, navigation, and commerce, founded on the common interests of the two countries, and which shall establish the formal recognition, on the part of

France, of the independence of the republic of Texas; and, to this effect, have named for their plenipotentiaries, that is to say, the president of Texas, General James Pinkney Henderson, a citizen of the said republic, and his majesty the king of the French, Jean de Dieu Soult, Duke de Dalmatia, martial and peer of France, grand cross of his royal order of the legion of honour, &c. &c. &c., his minister and secretary of state for the department of foreign affairs, president of his council of ministers.

And the aforesaid plenipotentiaries, after having compared and exchanged their several powers, found to be in due form, have agreed upon the following articles:—

ART. 1. There shall be perpetual peace and amity between his majesty the king of the French, his heirs and successors, on the one part, and the republic of Texas, on the other part, and between the citizens of the two states, without exception of persons or places.

ART. 2. The French and Texans shall enjoy, in their persons and property, in the entire extent of their respective territories, the same rights, privileges, and exemptions, which are or may be granted to the most favoured nation. They shall have the right of disposing freely of their property by sale, exchange, by deed of gift, will, or in any other manner, without any impediment or difficulty. In like manner, the citizens of each, inheriting property in either of the states, may become heirs, without any hinderance, to such property which may devolve to them *abint state*, and without being held to pay any other or higher tax on the succession than that which shall be paid in similar cases by the citizens of the country themselves. They shall be exempted from all military service, from all war contributions, forced loans, military requisitions, and in every other case, their personal or real estate shall not be subject to any other charge or impost than that which shall be paid by the citizens of the country themselves.

ART. 3. If it should happen that one of the two contracting parties be at war with any other power whatever, the other party shall prohibit their citizens from taking or holding commissions or letters of marque to cruize against the other, or to molest the commerce or property of her citizens.

ART. 4. The two contracting parties adopt, in their mutual relations, the principle, "that the flag covers the goods." If one of the two parties remains neuter when the other may be at war with a third power, the goods covered by the neuter flag shall also be considered to be neutral, even if they should belong to the enemies of the other contracting party.

It is equally understood that the neutrality of flag protects also the freedom of persons, and that the individuals belonging to a hostile power, who may be found on board a neutral vessel,



shall not be made prisoners, unless they are actually engaged in the service of the enemy.

In consequence of the principle that the merchandize is to be considered as belonging to the nation under the flag of which it sails, neutral property found on board an enemy's vessel, shall be considered as enemy's, unless it shall have been shipped on board the vessel before the declaration of war, or before knowledge of such declarations in the port from whence the vessel may have departed.

The two contracting parties will not apply this principle, as it may concern other powers, except in the case of those by whom it may be recognized.

ART. 5. In case one of the contracting parties should be at war with another power, and her ships at war should be compelled to exercise the right of search, it is agreed that if they meet a vessel belonging to the other, then neutral party, they shall send their boat on board said vessel, with two persons charged to enter on an examination of the nationality and cargo of said vessel. The commanders shall be responsible for all vexatious acts of violence which they may either commit or tolerate on such occasions.

The search shall not be permitted but on board vessels which navigate without convoy; it will be sufficient when they are convoyed, that the commander of the convoy declares verbally, and on his word of honour, that the vessels placed under his protection, and under his convoy, belongs to the state under whose flag he sails, and that he declares, when the vessels shall all be destined to an enemy's port, that they have no goods on board, contraband of war.

ART. 6. In case one of the two countries should be at war with a third power, the citizens of the other country shall have a right to continue their commerce and their navigation with the same power, with the exception of the towns or ports before which there shall be established an actual and effective blockade.

It is fully understood this liberty of commerce and of navigation shall not extend to articles reputed contraband of war, such as cannon and fire-arms, swords, pikes, projectiles, powder, salpêtre, objects of military equipment, and all instruments whatever manufactured for the purposes of war.

In no case a trading vessel belonging to citizens of either of the two countries, which shall have sailed for a port blockaded, by the other state, shall be seized, captured, or condemned, unless the commander has previously been notified of the existence of the blockade, by some vessel making a part of the squadron or division forming the blockade; and in order that no vessel may alledge ignorance of the facts, and really be liable to capture on her re-appearance before the same port whilst the blockade is enforced, the commander of the ship-of-war who shall first meet

her, must endorse on her papers his *visa*, indicating the date, the place or latitude and longitude where he has visited the vessel, and given the notifications in question, which shall contain, besides, all the other indications required for the *visa*.

ART. 7. The vessels of one of the two countries, forced into one of the ports of the other by distress, shall be exempt from all duties, either upon the ship or cargo, if they enter into commercial operations, provided that the necessity of entering such a port is legally established, and that they do not remain in the port longer than the necessity of the case requires.

ART. 8. The two contracting parties shall have the right to appoint consuls, vice-consuls, and consular-agents in all the cities or ports open to the foreign commerce; these agents shall not enter on their functions until they shall have obtained the authorization of the government of the country.

ART. 9. The respective consuls, vice-consuls, and consular-agents, and their chancellors, shall enjoy in the two countries the privileges which generally belong to their functions, such as exemptions from having soldiers quartered upon them, from all direct contributions personal, as moveable or sumptuary, unless however they are citizens of the country, or that they become proprietors or holders of real estate, or are engaged in commercial business, in either of which cases they shall be subject to the same taxes and charges as other individuals. These agents shall enjoy, besides all the other privileges, exemptions, and immunities, which shall be granted in their place of residence to the agents of the same rank of the most favoured nation.

ART. 10. The archives, and in general all the papers of the officers of the respective consulates shall be inviolable; and under no pretext, nor in any case, shall they either be seized or searched by the local authorities.

ART. 11. The respective consuls, vice-consuls, and consular-agents, shall have the right, on the death of their fellow citizens, who shall have died, without having made a will, or nominated testamentary executors, to execute either by virtue of their office, or at the request of the parties interested [taking care to give previous notice to the competent local authorities,] all the formalities necessary for the security of the heirs; to take possession in the name of the succession, and to liquidate and administer the same, either personally, or by substitutes, named under their responsibility.

ART. 12. The respective consuls, vice-consuls, and consular-agents shall be charged exclusively with the internal police of the commercial vessels of their nation, and the local authorities shall not interfere except in cases of riot or disturbances of a nature calculated to effect the public peace, either on shore, or on board other vessels.

ART. 13. The respective consuls, vice-consuls, and consular-agents, shall have the right to arrest all sailors, who shall have deserted from vessels of war, or merchant vessels belonging to their respective countries, and may send them on board, or to their own country to this effect, they will address themselves in writing to the competent local authorities, and will justify by the exhibition of the ship's register, or roll of the crew, or if the said ship should have sailed, by a copy of the said documents duly certified by them, that the men whom they claim were a part of the same crew. On this demand thus justified, the delivery shall not be referred to them. Besides, every aid and assistance shall be given to them in seeking out, seizing, and arresting the said deserters, who shall even be detained and kept in the prison of the country, on the requisition, and at the expense of the consuls, until these agents shall have found an opportunity to send them away. If, however, this opportunity should not present itself in the space of four months, counting from the day of their arrest, the deserters shall be set at liberty, and cannot again be arrested for the same cause.

ART. 14. French vessels arriving in or sailing out of the ports of Texas, and Texan vessels on their entry in, or leaving the ports of France, shall not be subject to other or higher duties of tonnage, of light money, port charges, pilotage, quarantine, or any other affecting the body of the vessel, than those which are paid, or shall be paid by vessels of the country itself.

ART. 15. The products of the soil, and of the industry of either of the two countries imported directly into the ports of the other, the origin of which shall be duly ascertained, shall pay the same duties, whether imported in French or Texan vessels.

In like manner, the products exported will pay the same duties, and will enjoy the same privileges, allocations, and drawbacks which are or shall be allowed on the exportation of the same articles in the vessels of the country from which they are exported.

ART. 16. The *cottons* of Texas, without distinction of quality, will pay on their entry into the ports of France, when they shall be imported directly in French or Texan vessels, a uniform duty of *twenty francs*, or one hundred *killogrammes*.

All reductions of duties which may hereafter be made in favour of the cottons of the United States, shall be equally applied to those of Texas gratuitously, should the concession be gratuitous, or with the same compensation, if the concession is conditional.

ART. 17. From the day of the exchange of the ratifications of the present treaty, the duties at present levied in Texas, on all *fabrics* and other *articles of silk*, or of which silk shall be a chief component part, imported directly into Texas, the manufacture

of France, in French or Texan vessels, shall be reduced *one-half*.

It is clearly understood that if the Texan government reduce the duties upon similar products of other nations to a rate inferior to *one-half* of the duties now existing, France cannot be obliged, in any case, to pay higher duties than those paid by the most favoured nation.

The duties at present levied in Texas on the wines and brandies of France, also imported directly in Texan or French vessels, shall be reduced, the first two-fifths, and the second one-fifth.

It is understood that in case the republic of Texas should hereafter think proper to diminish the present duties on wines and brandies, the productions of other countries, a corresponding reduction shall be made on the wines and brandies of France, gratuitously if the concession is gratuitous, or with the same compensation if the concession is conditional.

ART. 18. The inhabitants of the French colonies, their property and ships, shall enjoy in Texas, and reciprocally the citizens of Texas, their property and ships, shall enjoy in the French colonies all the advantages which are or shall be granted to the most favoured nation.

ART. 19. The stipulations of the present treaty shall be perpetual, with the exception of Articles the 14th, 15th, 16th, 17th, and 18th, the duration of which is fixed to eight years, counting from the day of the exchange of the ratifications.

ART. 20. The present treaty shall be ratified by the contracting parties, and the ratifications shall be exchanged at Paris or Austin, within the period of eight months, or sooner if possible.

In witness whereof, the respective plenipotentiaries have signed the present treaty, and have affixed thereto their seals. Done at Paris, the twenty-fifth day of September, in year of our Lord one thousand eight hundred and thirty-nine.

J. PINCKNEY HENDERSON.  
MAL. DUC DE DALMATIA.

#### ADDITIONAL ARTICLES.

ART. 1. As the laws of France require, as conditions of the nationality of a vessel :

That it should have been built in France ; that the owner, the captain, and three-fourths of the crew shall be citizens of France.

And Texas, by reason of the particular circumstances in which she is placed, being unable to comply with the same conditions, the two contracting parties have agreed to consider as Texan vessels those which shall be *bona fide* the exclusive and real property of a citizen or citizens of Texas, residents of the country for at least two years, and of which the captain and two-thirds of the crew shall also be *bona fide citizens* of Texas.

ART. 2. It is understood that if the republic of Texas thinks proper hereafter to diminish the duties now in force on *silk goods*, they will maintain between the *silk goods*, the produce of countries beyond the Cape of Good Hope and similar *goods* of other countries, a difference of *ten per cent.* in favour of the latter.

ART. 3. The present additional articles shall have the same force for eight years, as if they had been, word for word, inserted in the treaty of this day.

They shall be equally ratified by the contracting parties, and the ratifications exchanged at the same time as those of the treaty.

Done at Paris, the 25th day of September, in the year of our Lord, 1839.

J. PINCKNEY HENDERSON, [L. s.]  
MAL. DUC DE DALMATIA, [L. s.]

And whereas, the senate of the republic of Texas, by their resolution of the 14th day of January, 1840, two-thirds of the senators present concurring, did advise and consent to the ratification of the said treaty.

Now therefore, I Mirabeau B. Lamar, President of the republic of Texas, have caused the said treaty, with the additional Articles, to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the republic of Texas, and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the great seal of the republic of Texas to be affixed. Done at the city of Austin, this 18th day of January, in the year of our Lord, 1840, and of the independence of the republic the fourth.

MIRABEAU B. LAMAR, [L. s.]

By the President,  
David G. Burnet,  
Acting Secretary of State.

London, 15th Sept., 1840.

MY LORD,

Immediately on my arrival at Liverpool, from the republic of Texas, I forwarded to the government journal an account of the

latest movements of the Federalists in Texas, which appeared in the *Morning Chronicle* of the 17th August, showing the course which the Texan government has engaged to pursue pending the struggle between the Centralists and Federalists of Mexico; in addition to which, I beg to direct your Lordship's attention to the traffic in slaves, which is carried on at this moment in the most barefaced manner, between the Southern States of the North American Union and the republic of Texas. The vessels engaged in this branch of the American slave trade are steamers of the first class, of which there are no less than three; the "Neptune," "Columbia," and "New York." These boats respectively make two voyages a month, and the number of slaves thus transported across the Gulf of Mexico may be estimated at one hundred each boat per month. Nothing would be deemed more just, my Lord, than the seizure of the boats thus employed: considering that Mexico was the first civilized nation that abolished slavery, and that that act was not only seized by the British government of 1825 as the medium of opening a direct intercourse between Great Britain and Mexico, and was made the ostensible basis on which our relationship with Mexico was to rest; and moreover, that the legislature of Texas, (if she may for an instant be deemed an independent republic,) the country whence the slaves are taken, has made the importation of slaves by sea, except from the United States, piracy, which exception is overruled by the treaties established in accordance with international law; and lastly, that the United States, the country to which the boats in question belong, as if to demonstrate to the world her repugnance to the slave trade, seized six small vessels in the month of April last, in the port of New York, on a mere suspicion that they were fitting out for the slave trade.

The United States are now pouring supplies into Texas, in order that the latter country may be able to fulfil her engagements with the Federalists; and if Texas can only get sufficient slave labour to develop her resources, the Federalists must succeed eventually, when we shall see slavery revived and perpetuated, and other institutions still more injurious to our interests and repugnant to our national prejudices, established throughout Mexico, whose dismemberment at this or any future period must prove most ruinous to British interests in that quarter.

The recent alterations which have been made with regard to the western boundary of Texas are also worthy of your lordship's attention. Up to the month of May, 1840, the republic of Texas claimed the whole territory lying between the Sabine river, which divides Texas from the United States on the east, to the Rio Grande, or Rio del Norte, on the west; but at the period above mentioned, the republic of Texas ceded the territory lying between the Rio Grande and the Rio Nueces (in Western Texas) to the new republic of Rio Grande; the Nueces being the eastern

boundary of the state of Coahuila, which separated it from the province of Texas, as laid down by the council of the eastern internal provinces or states of Mexico, established under the Mexican federal constitution of 1824. Should the Federalists fail in their attempt to establish the independence of the republic of Rio Grande, Texas will doubtless lay claim again to the territory in question.

I have the honour to be,  
Your Lordship's very humble, obedient servant,  
N. DORAN MAILLARD.

To the Right Hon. Viscount Palmerston, M.P.  
Secretary of State for Foreign Affairs.

#### DECLARATION OF AMERICAN CONSUL.

To all whom it may concern in the kingdom of Great Britain, United States, republic of Texas, and elsewhere, be it known, that from information just received, I Stewart Newell have good reasons to apprehend that a certain person, named ———, now or late a resident of the city of London, in the kingdom of Great Britain, has been using my name in reference to the *validity of title* in certain documents called *Scrip*, of the Galveston Bay and Texas Land Company of New York, purporting to be titles to land in Texas. And I am further informed that said ——— represents his having a certificate or affidavit, with my name attached thereto, and sworn to before a magistrate or other public officer, wherein I have deposed to the truth and validity of said titles.

Therefore I do now make known that all scrip for titles to land in Texas, such as referred to, or any scrip purporting to convey the right of said Company, or any other of similar character, to be, in my opinion, a base fraud, and unauthorized by any law of Mexico or Texas; and that no land can be obtained upon such scrip being presented at any of the land-offices in the republic of Texas, as experience has proved to me and others who purchased scrip of similar character, and as will fully appear by reference to the laws of Coahuila and Texas, and the republic of Texas, the latter having made provision for the settlement of claims of any and all empresarios, but not of those who claim under them. And I do further declare that said ———, nor has any other person ever received from me any letter, document, or writing, or assurance whatever, of the validity of such titles; but if any such

are in his, or other persons' possession, they are *forged*, and should be treated accordingly.

In witness whereof I have hereunto set my hand and private seal, this 30th day of May, A.D. 1840, at the city of Galveston, republic of Texas.

Witnesses present.

STEWART NEWELL.

I, A. A. M. Jackson, Collector of the port of Galveston, republic of Texas, do certify that the above-named Stewart Newell, Esq., consul for the United States to Velasco, did sign and acknowledge the above written instrument to be his act and deed, before me, this 30th day of May, A.D. 1840, at the city of Galveston aforesaid.

ALDEN A. M. JACKSON,  
Collector, District and Port of Galveston.

Extracted from the *Morning Chronicle* of 25th February, 1840, taken from the United States papers.

A very important event to English emigrants to Texas has recently taken place. My authority for naming it is the *Mobile Chronicle*. It appears that the *Agnes*, a British vessel, arrived at Galveston, Texas, a few weeks since. John Woodward, the Texan consul at New York, had sold to a Mr. Ikin, an Englishman, large quantities of Texan lands, to which he "had not," says the *Mobile Chronicle*, "the shadow of title." The emigrants in question had purchased their lands of Ikin, who is not to blame; and the bitterness of their disappointment may be imagined on finding, when they arrived at Texas, that they had not a single acre of land, and that their titles were blank papers. This is (assuming the accounts to be correct in every particular) one of the most cruel and infamous cases I ever heard of. The people of Galveston acted in a very proper spirit on the occasion. They convened a public meeting, with General Hunter, as president, to express their opinion of Woodward's conduct. They recommended his immediate discharge; and it is said that the Texan congress will grant donations of land to the unfortunate emigrants, in addition to their head rights. Persons in Europe cannot be too cautious in buying scrip on so-called titles to Texas lands.



TABLE OF MEASURES.

Mexican.	is equal to	English.
1 foot		$11\frac{1}{8}$ inches
1 yard or vara	"	$33\frac{1}{3}$ do.
108 varas	"	100 yards.
1000 varas	"	{ $925\frac{92559}{100000}$ or 925 yards, or 2 feet $9\frac{1}{3}$ inches.
1000 varas square, or 1 million square varas is one labor, }	"	{ $177\frac{136}{1000}$ acres, or about $177\frac{1}{2}$ acres, equal to about $17,725\frac{2}{3}$ rods
5000 varas square, } is one league, }	"	{ 4629 yards, 1 foot, $10\frac{2}{3}$ inches, or $2\frac{632}{10000}$ miles, or 2 miles, 201 rods 12 feet, $4\frac{1}{3}$ inches.
1 league square, or 25 million square varas is 1 sitio, }	"	4428 $\frac{402}{1000}$ acres.

A township of 4 sitios is  $17,713\frac{603}{1000}$  acres English.

An American township of six miles square, is 22,040 acres.

To bring Mexican measure into English, deduct  $7\frac{41}{100}$  per cent.

To bring English measure into Mexican, add 8 per cent.

4,840 yards make an acre English;  $5,714\frac{285}{1000}$  varas make an acre English.\*

#### SLAVERY IN TEXAS.

TO DANIEL O'CONNELL, ESQ., M.P.

SIR,—Being fully impressed with the vast importance of the question which you propose to bring before Parliament on the 18th inst., viz. slavery in Texas, permit me to address you on that subject, and to draw your attention to some of the most important points which are immediately and deeply involved in that question.

The history, Sir, of the various revolutions that have occurred in Mexico within the last thirty years, are, like the annals of all civil wars, written in letters of blood; but at the conclusion of every Mexican revolution we find something to compensate the lovers of freedom, humanity, and justice, for the effusion of human blood on those occasions.

The Revolution of 1810 under Hidalgo, ended in the total destruction of the Inquisition. The subsequent establishment of the independence of Mexico, by the short-lived emperor Iturbide, placed the people of colour, commonly called "castes," on a level with their fellow-men; and the degradation of being a mulatto, which is to be attributed, wherever that caste is seen, to the gross

\* The above table was prepared by Joseph F. Bridges, surveyor, 173, Green-street, New York; and is a correct comparison of English and Mexican measure.

depravity of the African's oppressor, was buried in oblivion. The introduction of republican institutions by the illustrious champion of true Republicanism, Santa Anna, on the abdication of the emperor Iturbide, was speedily followed by the total abolition of slavery; and all traffic in African blood was for ever prohibited in Mexico (1824.) Hence it is difficult, Sir, to imagine the magnitude of the domestic importance of these revolutions to Mexico, while to illustrate the profound impression which their glorious termination made on foreign powers, I have merely to add that the British government of 1825 seized the abolition of slavery (an act which bespoke an honest determination of purpose worthy of the leader of a republican people) by Mexico as the medium of opening our intercourse, and made it the ostensible basis on which our future relationship should exist, and on that basis our relationship with Mexico rests at this moment.

But vast as these revolutions were, they appear nothing when we consider the great political revolutions going forward in Mexico at the present day—the dismemberment of an old, and the creation of a new country. In the former, we are necessarily led to look for the destruction of all that is good and great, and here we have the climax of a nation's calamities; while the advantages to be derived from the latter by a Christian and humane community, are nothing more than speculative and problematical; yet how unenviable is the situation of the statesman, whose province it is to weigh the importance of this subject. But in the discharge of this duty I would not have any man led by any political feeling, as the question is one of humanity between man and man, in which the feelings of a brother, a husband, a father, and an Englishman, may be allowed to take their full scope; and in the absence of these feelings justice cannot be done in this cause.

The sufferings of the slaves in Texas, Sir, are only equalled in the annals of human misery by the sufferings of the children of the wilderness—the Indians of that country. These people were invited into Texas by General Madero, a commissioner sent expressly by the council of the eastern internal provinces of Mexico to get the Indians to accept lands in Texas; and there are persons now in London who were present at the "talks" which took place between this commissioner and the Indian chiefs at Nacogdoches in the year 1831. The lands occupied previously by, and offered at this time to the Indians, without distinction, were secured to them by the general colonization law passed by the Mexican congress, tempus 1824, and every Indian now in Texas is entitled to a league and labor of land (4,605 acres English) under that law; and now, forsooth, we are told by the president of Texas that these Indians are driven from their lands—that their lands\* are available, and can now be sold, to support

\* Vide the *Morning Post* of the 17th December, 1840, containing the President's Message to Congress.

a government which tramples in the dust one race of men, the Africans, while their arms are employed butchering another, a brave and hospitable race, the Indians.

Previous to the recognition of the independence of Texas, the extermination of the Indians, and the establishment of perpetual slavery in Texas were looked upon by Mexico, and, indeed, the Texans themselves, as a work which they could never hope to accomplish. The Indians have an indisputable right to their lands, and the negroes in Texas to their freedom, under the fundamental laws of Mexico, which were in existence when their independence was recognised by England, and those laws are still in force; but the recognition of Texas by England approves, and so gives a moral force to the laws passed by the Texan congress both to disinherit the Indians, and to perpetuate the slavery of the negro; hence the gross injustice, inconsistency, and iniquity of that measure.

The advocates of our treaty with Texas state that our commercial operations with Mexico are so insignificant, that they ought not for a moment to be weighed in the scale with the immense advantages to be derived from the commercial treaty with Texas. That our commercial operations with Mexico are small, I will admit. But does not that fact alone speak volumes in favour of the commercial enterprise of the Mexicans, whose shores might be blockaded for twenty years without their feeling the least inconvenience; and it will scarcely be believed, that among these people, who have arrived at this happy state of perfection, *i. e.* possessing every thing within themselves, scarcely a trace of pure European blood is to be found—two-thirds of the population of Mexico being of pure Indian blood, and the remainder castes or mulattoes.

Although small our commercial operations with Mexico, yet the vast amount, the millions of British capital employed at this moment in the mines of Mexico, and invested in Mexican bonds, should be duly and seriously considered. These our national interests, created in a legitimate way, are immediately and injuriously affected by the internal commotion of the country whence they occur; but how much more must the British capitalist suffer when the act of his government sanctions a daring and unjustifiable aggression of a foreign power on a territory, the soil of which is pledged or mortgaged to the capitalist for the principal of his money, while the interest is charged on the external revenue of the country, whose fiscal arrangements are about to be completely overthrown by our entering into a commercial treaty with a people just merging from a miserable oblivion, and whose every commercial or rather peddling transaction is confined to the art of fraud.

I do not here presume, Sir, for a moment to suppose that her Majesty's Secretary of State for Foreign Affairs has wilfully aimed such a destructive blow at the interests of British capi-

talists in Mexico; on the contrary, I think his Lordship, in his anxiety to do justice to all parties, has lent an attentive ear to, and has been grossly deceived by, the paid advocates of Texas in this country. The Mexicans, whose character has, as it were, resolved itself into that of one individual, namely, Santa Anna, a man who committed but one mistake in the course of a long and brilliant career, and that was in the choice of the form of government best suited to the people at the period 1824, at which he was called upon to make the choice. Whether he gave this subject or not the mature consideration it required is difficult to say; however, in the above year he introduced into Mexico a federal democratic republican constitution, which bestowed on each of the many States into which Mexico is divided, and which formed the Mexican Confederation, the entire control of its own internal affairs. Each State had its own legislative body, which which was held responsible by a general congress of the nation for the administration of justice and maintenance of the constitutional rights of the citizen. Under this form of government the position of Mexico soon became critical and extraordinary, and, indeed, almost indescribable. The laws of no two of the States' legislature were alike, conflicting on all points so essentially that everything which emanated from the law of one must needs differ in form and tenor from that of another. Thus the entire jurisprudence of the country fell to pieces. In one State a simple assault was punished by death; while in the next murders were committed daily with impunity. Justice was lost sight of. Peculation and fraud in every department of the States' government was the order of the day.

To remedy this state of things was a task imposed by a large majority of the States on Santa Anna (1834), who, having had ten years' practical experience of the working of the federal system, did not shrink from the arduous undertaking, but with his usual and peculiar tact and extraordinary talent, he soon brought about a total reformation, abolishing at once the federal, and establishing in its place a central form of government, which was done without disturbing or depriving the people of any one of the great principles of republicanism, and with little or no bloodshed.

Under the central system, the legislative bodies of the States was abolished, and all the legislative and executive power vested in one constitutional congress, of which each State formed a part; and thus the congress became responsible to its constituency for the due exercise of the legislative and executive power, instead of its former constituency (the legislative bodies of the States) being responsible to that body which under the federal system enjoyed sovereign power. Hence, Sir, the simplicity of the central, and the complexity of the federal system, may be readily seen. The former easily defined and to be understood by any people of common understanding, which is precisely what Mexico

wanted; the latter, a ponderous mass of complicated state machinery, difficult to put in motion, and requiring (to keep up the legitimate action of all its parts) universal intelligence and energy of character, which the Mexicans do not possess.

All the petty factions which existed at one time in Mexico have also resolved themselves into two parties—Centralists and Federalists. The first (now in power) consists of all the patriotic, honest, and intelligent men of the country. These may justly be styled the peace party. The Federalists are but few in number, consisting chiefly of renegade Mexicans, led by Anglo-American refugees from justice. These are now in arms in the northern and eastern provinces of Mexico, and, therefore, may be called the war party; and I am of opinion that if they get into power, slavery will be established again in that country. That the Centralists possess sufficient strength and energy to put down the Federalists and to drive the Texan slavery banner off their soil, no one can doubt, and that this has not been done before, I attribute entirely to the anxious desire of the Central party to preserve peace: but, how difficult is the task to devise a plan that can at once advance the cause of humanity and justice, and purge the Anglo-American Texan system of civilization of its inhuman depravity without bloodshed? If the Texans are left unmolested, 80,000 souls are at once given up as a sacrifice to be offered up on the shrine of Texan liberty, and the bare backs of 10,000 Africans will be kept under the merciless lash of their sanguinary oppressors, in a land where every African was once free, but where a British subject of African descent dare not now set his foot without being taken and sold as a slave for life.

If, Sir, this state of things (and I trust that the historical facts which I have herein brought before you will enable you to take a correct view of them) is to be extended from the Sabine to the Rio del Norte, permit me most respectfully to ask, if it is to be suffered to extend west of that river? This, Sir, is a question of vast importance indeed, and it would be well to know from the Noble Secretary of State for Foreign Affairs, whether our Government is about to take steps to prevent it, to secure the independence of Mexico—to check the pollution of the institutions of her free people—to secure their territory from further piratical aggression—to define the boundary within which slavery is henceforth to be looked for, and tolerated by this country—and, lastly, to stop the outrageous effusion of the innocent blood of the Indians of Texas.

This, Sir, can only be done (here I speak from personal observation, and with a perfect knowledge of the character of the Texan people,) by England's entering into a treaty with Mexico, guaranteeing the existence of the present form of government [central] established in Mexico, for a definite period, allowing time for its laws and institutions to become consolidated and habitual to

the people, and defining the eastern boundary of the Mexican republic. By entering also into a separate treaty, in which the government of England shall pledge itself to co-operate with the government of Mexico, in the suppression of foreign and domestic slavery,\* and also to co-operate with Mexico in the establishment of a commission, to be composed of one commissioner on the part of England, another on the part of Mexico, and one on the part of Texas [when her independence is recognized,] to adjust the claims, and to protect the lives and property of the Indian tribes of Texas.

If this course, Sir, is pursued by her Majesty's government, it will give stability to the government of Mexico. It will unite the people, and so retard the dismemberment of that country, and thus British interests and influence will be secured and promoted, the progress of slavery effectually checked, consistency preserved as far as existing circumstances will admit, and, by stopping the inhuman butchery of the Indians, the cause of humanity and justice will be advanced; and to Him who works out these laudable objects, honour and credit must and will redound; and that these objects, at least, may speedily be secured, you may rest assured, must be the constant prayer of a just, merciful, and Christian people.

I have the honour to be, Sir,

Your very humble obedient Servant,

London, Feb. 8, 1841.

N. DORAN MAILLARD.

*Slavery Laws of Mexico.*†

*From the Constitution of Texas.*

By Article 30 of the law of the Mexican government, of the 4th of January, 1823, after the publication of said laws, there be no sale or purchase of slaves, which may be introduced into the empire.‡ The children of slaves, born in the empire, shall be free at fourteen years of age. By the laws of Coahuila and Texas, passed the 24th of March, 1824, (Article 46,) new settlers, as regards the introduction of slaves, shall subject themselves to the existing laws, and those which may hereafter be established. And by a law of the congress of Coahuila and Texas, passed the 23rd of March, 1831, there shall be formed in each town a register of the slaves, with a statement of their ages, names, and sexes.

Sec. 9. All persons of colour, who were slaves for life previous to their emigration to Texas, and who are now held in bondage, shall remain in the like state of servitude: Provided the said slave shall be the *bona fide* property of the person so holding said slave as aforesaid. Congress shall pass no laws to prohibit emigrants from bringing their slaves into the republic with them, and holding them by the same tenure by which such slaves were held in the United States; *nor shall congress have power to emancipate slaves; nor shall any slave-holder be allowed to emancipate his or her slave or slaves without the consent of congress, unless he or she shall send his or her slave or slaves without the limits of the republic. No free person of*

\* When I say "domestic slavery," I mean the slavery introduced into Texas by the Anglo-Americans.

† See page 299.

‡ Vide Kennedy's Appendix, vol. ii. p. 481.

ART. 2. A register shall be kept of the birth of children of slave parents, since the publication of the Constitution, giving an account thereof to the government every three months. And in like manner an account of the death of slaves.

ART. 4. Importers of slaves, after the expiration of the time mentioned in the 13th Article of the Constitution, (11th of September, 1827,) will be subject to the penalties established by the general law of the 13th of July, 1824.

ART. 5. Slaves are free on the death of their owner, who has no lineal heirs, (except owners are poisoned or assassinated by one of the slaves.) And in case descent by lineal heirs, one-tenth are free; to be determined by lot.

ART. 9. The free children of slaves shall receive a good education, and be bound out to trades by the ayuntamientos; and by Article 10, a fine of 500 dollars is imposed on the ayuntamiento which neglects to see the law enforced.

ART. 10. Of the general law of the Mexican republic, of the 6th of April 1830, no change can be made with respect to colonies already established, nor slaves they contain, but the prevention of the further admission of slaves shall be exacted under the strictest responsibilities.

*African descent, either in whole or in part, shall be permitted to reside permanently in the republic, without the consent of congress; and the importation or admission of Africans or negroes into this republic, excepting from the United States of America, is for ever prohibited, and declared to be piracy.*

Sec. 10. All persons, (Africans, the descendants of Africans, and Indians excepted,) who were residing in Texas on the day of the declaration of independence, shall be considered citizens of the republic, and entitled to all the privileges of such.

An act to authorize Wiley Martin to emancipate his slave Peter. Approved the 3rd of January, 1840.

An act to authorize Carey, a free man of colour, to remain within the republic of Texas. Approved January the 25th, 1840.

An ordinance and decree to prevent the importation and emigration of free negroes and mulattoes into Texas.

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Extract from the City article of the *Morning Herald* of the 6th of August, 1841:—

TEXAS papers recently received to the end of May give some curious details of the working of republican slavery principles. In justice, however, it may be remarked, that a peremptory denial is given to certain allegations made in this country respecting slave importation from the coast of Africa. The *Galveston Gazette* observes, on this head, that "Sir Fowell Buxton, the English abolitionist, states, in one of his publications, that he has it from high authority, which he cannot doubt, that 15,000 were imported into Texas from Africa during the years 1837-8. Now, the whole number of slaves in the country last year, as appears from returns of the assessors, is only 11,323, and of this number we do not believe a single one was ever imported directly from Africa." These remarks would seem to evidence a laudable desire on the part of Texas to bleach herself white of the reproach of slavery with time, if not presently, but they contrast strangely

with the tenour of legislative enactment in the same paper, entitled, an "Act concerning Free Persons of Colour." By the first section of this Act, it is ordained "that it shall not be lawful for any free person of colour to emigrate to this republic."—By section 2, it is ordered that the sheriff, or any constable of the county in which such free person of colour shall be found to have emigrated, to arrest him, after ten days' previous notice, and take him before the chief justice of the county, or judge of the district, whose duty it shall be to receive the bond of the prisoner in 1000 dollars, with the approved security of a citizen, for his instant departure from the territories of the republic.—Section 3 provides, that if the person of colour shall not be able to give the bond of security provided, he shall then be committed to the public gaol, with an order to the sheriff to expose him for public sale to the highest bidder, with four weeks' previous notice in the journals, and sale him into slavery for the space of one year. If at the expiration of the term he be able to give the bond security, he may be discharged; but if unable, he must be re-delivered to the sheriff, who shall again advertise him for sale into slavery for life.—Two years are allowed for the emigration of all free persons of colour actually in the republic at the passing of the Act. But if any master of a vessel, or other person or persons, *be necessary to the introduction of any free person of colour into Texas, they shall be deemed guilty of a misdemeanor*, and, on conviction, finable, for not less than one, nor more than ten thousand dollars; cooks or other hands on board vessels not being considered to come within the provisions of the Act.—It is quite clear, from this specimen of Texan legislation, that there is at least no immediate intention to provide for the gradual extinction of slavery, or to mitigate the severity of the servile condition.

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*Note on the Indian population of Texas. See page 224.*

Valdes reports the Indian population of Texas, in 1831, to be 77,795, to which must be added the Cherokees, and other tribes that have entered Texas subsequent to the census of 1831.

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#### INDIANS.

*Note to page 233.*

By Art. 19, of the Law of Coahuila and Texas, of the 24th of March, 1825, *Indians* of all nations, bordering on the state, as well as wandering tribes within its limits, shall be received in the market, without paying any duties on the products of the country; and if they declare in favour of our religion and institutions, they shall be entitled to the same quantity of land as spoken of in the 14th and 15th Articles, always *preferring* native Indians to strangers.



## LETTER TO LORD ABERDEEN.

London, Sept. 24, 1841.

MY LORD,—Permit me with every sentiment of respect to address your Lordship briefly on a highly important subject, which has doubtless been urged on your consideration before this, viz., the Treaty between Great Britain and the Republic of Texas. This, my Lord, is a question on which the interests of a class of her Majesty's subjects, as numerous (commercial and monetary) as the present Anglo-American population of Texas, are deeply involved; in which the rights and laws of nations are threatened with immediate subversion, in order that a boundary suited to the acquisitive views of the Anglo-Americans may be satisfactorily laid down. But without looking to what may be deemed points unalterable, how stand the facts? Why, that England has subscribed to a treaty of amity and commerce with the Republic of Texas, dated the 13th of November, 1840; and this treaty was forwarded from England to Texas for ratification in the same month. Whereas your Lordship will find in the archives of the Foreign Office a despatch from the Texan envoy, dated the 5th of November, 1840, eight days previous to the signing of the treaty by the accredited ministers of the two contracting powers, in which General Hamilton (a slave-holding and a *bona fide* citizen of the United States) craves the mediation of Great Britain with Mexico, for the suspension of hostilities between the latter country and her rebellious Anglo-American colonies in Texas, whose independence, *de facto*, depends on the issue of the pending hostilities. These facts, my Lord, are fully established in the Texan envoy's despatch, which, however, it would appear, had been totally overlooked before the treaty was signed, but subsequently accepted by Lord Palmerston, as the basis of a "Convention" between England and Texas, dated the 14th of November, 1840, one day after the recognition of the independence of Texas by England; and this "Convention" simply confirms what the Texan envoy avows, namely, the existence of hostilities between the colony of Texas and the mother country. Here, my Lord, I would have her Majesty's Government pause.

The dangers and injuries that have been and may be felt by a mother country from the interference of a foreign power, in disputes between a parent state and her colonies, is nowhere more distinctly exhibited than in the colonial history of Great Britain; and while we at all times repudiate such interference, and stigmatize it as unpardonable, and therefore are the first to demand the most ample atonement, let it not be said that England has

prematurely and unjustly interfered in this case, which may be speedily cited by the Anglo-Americans as a case in point. In a word, my Lord, the republic of Mexico in the west is to England what Turkey is in the east; while the United States in the Gulf of Mexico is to the North and South Americas, what Russia is to Europe in the Black Sea.

But the late government, throughout the discussion of the Texan question, were led to draw erroneous inferences from the gross misrepresentations of the paid advocates of Texas; and these, my Lord, have been substantially confirmed by an anti-Anglo work, recently issued from the press, the obvious tendency of which is to delude the British government still further, and to get people to emigrate from this country to the swamps of Texas, where they are to be arrayed in arms against Mexico. To counteract this awful tendency, I have reluctantly taken upon myself the task of writing a work on Texas, from personal observation, having spent five months in exploring the interior of the country, and collecting every information as to the social condition and general resources of the people. I therefore entreat your Lordship to suspend your opinion of the Texan question until further facts are made known, both to the government and people of this country, who may be speedily called upon to exercise the utmost vigilance, and thereby involved in a considerable expense, for the suppression of a wholesale traffic in slaves between the French colonies in the West Indies and Texas. The French government have secured to the colonial subjects of France, in the 18th article of the treaty between France and Texas, all the rights and privileges enjoyed by the most favoured nation, namely, the United States, whose citizens, under the constitution of Texas, have secured to themselves the right of introducing slaves into the young republic.

The atrocities alluded to, my Lord, in the Texan envoy's despatch of the 5th of November, 1840, I am prepared to prove from historical records, are the unprovoked massacre of Mexican prisoners of war—Native Indian tribes, (men, women, and children,) and negroes, by the Texans. The Texan representative was nevertheless perfectly correct in stating, that the violations of certain contracts between Mexico and the Texans were accompanied by "atrocities, which rather belonged to the dark ages than the era in which we live."

I have the honour to be, my Lord,

Your Lordship's most obedient and very humble servant,

N. DORAN MAILLARD.



