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MAP
of the State of
COAHUILA
—and—
TEXAS.
W.Hooker Sculp.
Scale of Miles.
West Longitude from Greenwich.
MEXICO
OREGON
TERRITORY
MISSOURI
PART OF ILLINOIS
UNITED STATES
ARKANSIS TERRITORY
MISSISSIPPI
CHEROKEE INDIANS
CREEK INDIANS
CHOCTAW INDIANS
WILSON AND EXTERS 2nd GRANT
DOMINGUEZ GRANT
PADILLA and CHAMBERS
Thorns Grant now Filisola
Wavell's Grant
John Cameron
Austin & Williams Grant
Beale and Grant
Beales Grant
Granted to Stephen Austin
Beale and Grant
CHIHUAHUA
DURANGO
NEW LEON
GULF OF MEXICO
Santa Fe
Monclova
Saltillo
Matamoras
Monterey
Galveston I.
Velasco
Nacogdoches
Natchitoches
Natchez
Orleans
Red River
Arkansas R.
Sabine River
Trinity River
Brazos R.
Colorado R.
Rio Grande
Pearl R.
Mississippi R.

DEDICATION.

TO

GEN. STEPHEN FULLER AUSTIN,

Truly the Genius of Texas—the HERO, the PATRIOT, the BENEFACTOR, the *just man*, in each and every character above praise—this new work on Texas, with equal pride and pleasure, is dedicated.

CONTENTS.

PAGE.

Dedication, - - - - - - iii

Preface, - - - - - - - v

Introduction, - - - - - - 1

CHAPTER I.

Geography, Face of the Country, Timber, &c., 13

CHAPTER II.

Bays, Rivers, &c. - - - - - 25

CHAPTER III.

Climate, Water, Soil, &c. - - - - 39

CHAPTER IV.

Trade, Products, - - - - - 55

CHAPTER V.

Natural History, - - - - - 73

CHAPTER VI.

Towns, Villages, &c., - - - - 109

CHAPTER VII.

Inhabitants, Society, and Manners, - - 127

CHAPTER VIII.

Indians, - - - - - - 151

CHAPTER IX.

Religion, - - - - - - 175

CHAPTER X

Money, Banks, Mail Establishments, - - 183

CHAPTER XI.

Colonization, Empresarios, Titles, Proportion of land taken, - - - - - 196

CHAPTER XII.

Government and Laws, - - - - 233
Gen. Austin's Address, - - - - 253

CHAPTER XIII.

History of Gen. Austin and his Colony, - 281

CHAPTER XIV.

History, - - - - - - 301

APPENDIX.

Constitution of Mexico, - - - - 365
Constitution of Texas, - - - - 393

NOTICE
Please do not write in this
book or turn down the pages

PREFACE.

It is not without much diffidence, that the following work on Texas is offered to the public. Far from being perfect, it pretends but to be the best the circumstances permit.

To embody passing history is at all times a difficult task. The rapidity with which the Texan republic—Minerva-like—has come forth to challenge the admiration of the world, renders such a task in her case impossible. As well might one attempt to portray a flitting shadow, or trace the ever varying, and always beautiful visions of the *Dissolvent Scenes*. Not only are events of stirring interest "treading on each others heels" with the swiftness of the phantasmagoria, displaying characters of no ordinary proportions, but new local advantages, new facilities for the manifold operations of society, and new natural beauties, are constantly developing themselves to excite our wonder and delight.

Before this sketch is completed, the besom of destruction may have passed like a whirlwind over this beautiful, and once thriving and happy land, and the blood-hounds of Mexico have torn up every vestage of civilization. We hope, however, for better things. Though the flowers of May on those magnificent prairies have withered, and though the delicate mimosa which forms their carpet has

shrunk from the unhallowed tread of an army, warring against Liberty, yet, sprinkled with the life-blood of freemen, and consecrated by deeds of unparalleled heroism, will they not spring again with renewed sensibility, and bloom on in redoubled lustre and perennial beauty? Texas has had her *Leonidas*, and many a *Curtius;* every man will become a *Cincinnatus.*

The success of the Letters on Texas, imperfect as that work was; the demand for a second edition; the great interest every where manifested in whatever related to the country, together with its growing importance, led to a careful study of its affairs, and a second visit of inquiry. Events rolled on; materials swelled and assumed new attitudes and importance; and much time was lost in waiting for a suitable monent and convenience to give them shape and publicity. An attempt at a more systematic work was the result. With what success, the public must decide; ever bearing in mind, however, that far from bidding defiance to criticism, it desires but *to serve them*, the cause of *Texas*, and of *Truth.*

To the emigrant, rather than the general reader, by assisting him to locate his ideas as well as his land, this volume hopes to be most useful. Poetry, with which the other was thought to be surcharged by some, incredulous like the King of Siam on the subject of ice, has been carefully excluded—that is, *if truth be never poetry.* This is strictly a

matter of fact volume—rather *under* than *over* colored. Like those who first accused John of gluttony and then of abstemiousness, it may be, some may thus find in it new cause for cavil. Whatever be its merits or demerits it is henceforth public property, and asks not favor—but candor.

The labors of others, have been used, wherever available, on the principle of *general utility*, and on the principle of *reciprocity*. The Letters on Texas, the first work on the subject, has been the *text book* for every other, especially in relation to Austin's Colony, of which, being the first and much the most important colony, it chiefly treats.* Such obligations are with pleasure acknowledged; particularly the very great ones to the distinguished young gentleman who assisted in the compilation and arrangement.

It is to be regretted that the researches of naturalists in Texas have hitherto been so limited: a wide and beautiful field, fresh from Nature's bountiful hand, is thrown open to them. Two distinguished individuals, pioneers in Texas Botany and Mineralogy, died unfortunately, when their labors were scarcely begun.†

*Vide especially Edwards's late work, and compare it with "Letters on Texas."

†Mr Thomas Drummond of Glasgow has done more than any other man toward exploring the Botany of Texas. He sent home many plants and seeds which have been successfully cultivated there, and drawings of them have been given in late numbers of Curtis's Botanical Magazine. He had made arrangements to settle his family in Texas, where he could have devoted himself with ardor to his favorite science, and where

Of promised contributions on Geology, Botany and other interesting topics, none have as yet been received.

with his land and *his cows*, to use his own language, he would have *been more independent in a few years, than he could ever have hoped to be in GreatBritain.* Unfortunately for science, as for himself, Mr Drummond took the year of flood and cholera, 1833, to make his first, and only visit, to his adopted land; and, in common with every body else, suffered much inconvenience and consequent sickness. Hence his views of the country are partial and drawn from present personal experience. He saw through jaundiced eyes—and not with the eyes of a philosopher. Notwithstanding he liked nothing, and nobody, he sent home seven hundred new specimens of plants; and a hundred and fifty preparations of birds, obtained in a very few excursions; and resolved there to live and die; no poor compliment, surely, to any place, however we may, for the time being, abuse it.

Having survived cholera, flood and famine, and all the evils he complained of in Texas, he died in Cuba, on his way to his own country, preparatory to his final removal with his family.

Dr Henry Cooley was a scientific and highly intelligent Englishman, who, like Mr Drummond, commenced his labors in Texas during the terrible visitation by cholera, which for a time nearly prostrated the energies of the before thriving colonists. He fell a victim to his humanity. He landed at Matagorda, which place he had selected for his future residence, in the month of May, 1833. Having occasion some time after to visit Monclova, on his way thither, he stopped at Goliad where the cholera raged with frightful fatality, and there was no physician in the place. The ferryman who put him across the river, hearing him called *Doctor* by a young gentleman, his companion, instantly spread the grateful news that a physician was at hand, and he was surrounded by the panic struck citizens beseeching him to save the sick and dying from the terrible malady. He could not be deaf to their entreaties, and remained some days, administering very successfully to the suffering people. Unhappily there was no good Samaritan—no physician there to perform the same kind charity to himself, when after much fatigue and watching he became prostrate; and notwithstanding he had given directions in his own case, should it occur, the moment for applying the remedy was lost, and the disease with him proved fatal. His accomplished family remained in New York, where they still mourn his too early death.

INTRODUCTION.

Texas, until within the last few years, has been, literally, a terra incognita. That such a region existed, has, indeed, been known; but in respect to its geography and natural resources, clouds and darkness have rested upon it. This is the more remarkable, lying as it does, contiguous to two enlightened nations, the United States, on the one side, and Mexico, on the other; being, moreover, very easy of access, both by land and sea. While Britons, impelled by a daring spirit of enterprise, have penetrated to the ice-bound region of Melville's Island, and our own New Englanders have encountered all the hardships and hazards of the western desert, the Rocky Mountains and hostile Indians, to find a home at the mouth of the Columbia river, this most inviting region, lying just at their doors, has been altogether overlooked. Quite unexpectedly, as it were, a report has reached the public ear, that the country lying west of the Sabine river, is a tract of surpassing beauty, exceeding even our best western lands in productiveness, with a climate perfectly salubrious, and of a temperature, at all seasons of the year, most delightful. The admirers of this new country, speaking from actual knowledge, and a personal inspection, are

not content, in their descriptions of it, to make use of ordinary terms of commendation. They hesitate not to call it a *splendid* country—an enchanting spot. It would seem as if enchantment had, indeed, thrown its spell over their minds, for, with very few exceptions, all who return from this fairy land, are perfect enthusiasts in their admiration of it. Whatever qualifications to its excellence, the most cautious of them are disposed to make, have reference to those inconveniences, which unavoidably pertain to every country in the incipient stages of its settlement.

So apparently extravagant have been the representations of the natural beauty and resources of this country, that many persons are incredulous, and attribute them to the schemes of interested contractors, eager to allure the unwary emigrant, by deceptive statements. Such a motive, if it really actuates the conduct of any one, cannot be too severely condemned. A design more criminal and disgraceful cannot be, easily, conceived of, and ought not to be lightly insinuated against respectable men. What design more cruel, than that of deliberately seducing, not the confiding emigrant alone, but, with him, his wife and children, to become the certain victims of privation, disappointment and ultimate ruin, in the wilderness. The character and respectability of the witnesses above referred to, at once, repel an insinuation so atrocious.

While listening, for the first time, to the favour-

able reports of Texas, it must be confessed, a suspicion is very apt to arise in the mind, that so much imputed excellence if it really existed, could not have been so long concealed from the view of the world; and we are prone to ask, how has it happened, that a territory, possessing such uncommon advantage of climate and soil, has not been explored and appropriated before. To this very natural enquiry, a satisfactory answer is at hand.

Two causes seemed to have operated to prevent the earlier settlement of the province of Texas, and to retard the developement of its resources. In the first place, the jealous policy of the old Spanish government, uniformly discouraged all attempts to penetrate into the country. It was the policy of the government, that completely locked up Texas, and all the Spanish American possessions and excluded even visiters and travellers. It was a favorite saying of the Spanish Captain General of the internal provinces, Don Nemisio Salcedo, that he would stop the birds from flying over the boundary line between Texas and the United States, if it were in his power. This rigid policy prevented any one from attempting to explore the country by land, for perpetual imprisonment was the inevitable result of detection and capture

In the second place, the Carancahua Indians, who inhabited the coast, were represented to be of a character, uncommonly ferocious. They were, popularly, believed to be cannibals, and many tales of most frightful import, were told of

them; such as, if true, it must be acknowledged, were sufficiently appaling to check the enterprise, and damp the ardor of the most eager adventurer. These representations of the character of the Carancahuas, though, in a measure true, were, greatly, exaggerated; and it is believed by many, that they were either fabricated or at least countenanced, by the Spanish authorities, to prevent intercourse with the Province, which it was not easy to guard by a military force. Thus, the whole of this country remained for ages unknown to the world, and instead of being converted into an abode of industrious and happy freemen, as it might have been, it was doomed by the selfishness of men, to continue a howling wilderness. No maps, charts or geographical notices, were ever allowed by the Spaniards to be taken of it. The map, compiled by Gen. Austin, and published by Tanner, was the first geographical information of the country, that was published. The persons who were engaged in the expeditions under Generals Bernardo, Guitierrez and Toledo, in 1812–13, knew nothing of Texas, except along and near the road they travelled, for they were too much occupied by the war, during the short time they had possession, to explore the country. It is uncertain how long this extensive and valuable country would have remained unknown and unsettled, had not the bold enterprise and perseverance of the Austins torn away the veil that hid it from the view of the world, and redeemed it from the wilderness, by the settlement

of a flourishing colony of North Americans, on the Brazos and Colorado rivers. With the settlement of this colony, a new era has dawned upon Texas. The natural riches of this beautiful Province have begun to be unfolded, and its charms displayed, to the eyes of admiring adventurers.— A new island, as it were, has been discovered, in these latter days, at our very doors, apparently fresh from the hands of its Maker, and adapted, beyond most lands, both to delight the senses, and enrich the pockets, of those who are disposed to accept of its bounties.

Without any assistance from the government, or fostering care of any sort, but simply under a permission to enter, many thousands of industrious farmers and mechanics, with their families, have located themselves here. Their numbers are rapidly increasing, and there cannot be a doubt, that, in a few years, Texas will become one of the most thriving, if not the most populous, of the Mexican States.

Of the numerous contracts for purposes of colonization, made by the Mexican Government with individuals and companies, few of those of early date, for causes, which it is not necessary now to mention, have proved successful, while that of Gen. Austin, has been eminently so. The author of this volume made a visit of observation to this colony, in the autumn of 1831, with a view to the ultimate settlement of herself and family.— Many of her friends did not hesitate to condemn

the enterprise as romantic, and too adventurous for a female. Allured, however, by the flattering representations of the country, made to her, by persons in whose judgment she placed implicit confidence, and tempted by the very liberal terms of settlement proposed by the colonization laws; but, above all, impelled by a desire, which every widowed mother will know how to appreciate, of making some provision for an only son, a provision, which, if not immediately available, cannot fail to be ample, at some future day; favoured, also, by a previous personal acquaintance with Gen. Austin himself, and encouraged by a brother already established in the country, she resolved to go. But previous to a final removal from her native land, prudence dictated, that she should first cast an eye of observation over the ground, the probable scene of her future weal or woe.

The result of her expedition was, a decided purpose of removal, as soon as domestic arrangements would permit. Her most sanguine impressions of the natural advantages of the country, both with regard to the salubrity of the climate, the fertility of the soil, and the facility with which the lands can be brought under cultivation, were confirmed, and, without further hesitation, she determined to choose this spot for her home.

To the enterprising public, especially to emigrants, the following remarks, originally published in the form of letters, in the hope of being useful, are respectfully presented.

The publication of them was suggested, by the notice of some queries, by the London Geographical Society, regarding the localities, the moral and physical capabilities and prospects of Texas, with a view to emigration; to which queries a distinct, and it is believed, satisfactory reply, will be found in the subsequent pages. The commands of numerous friends, to whom a visit to Texas seemed little less marvellous, than the wanderings of Dante on the other side of the Styx, enjoined upon her, *to observe and tell them all about the country*, and to assure them, whether it were, or were not, *a fabulous land.*

The public mind, seem to require, more just, more distinct, and detailed information, than had, hitherto, been given: many persons, disposed to emigrate to this fair portion of earth, needed assurance, that the natives do not *kill and eat people* there, nor always insult and rob them. It has been thought, that an exact represensation of things, *just as they are*, in this beautiful and fertile country, where the greatest abundance of all valuable and substantial possessions, are the easy and certain reward of industry and perseverance, would be acceptable.

Emigration is, often, undertaken with expectations so vague and preposterous, that, disappointment, if not ruin, is the inevitable consequence.—Not more unreasonable were the emigrants of the early history of America, who expected to find streets, paved with gold, because that material

abounds in the mines of Mexico and Peru, than are those individuals of the present day, who, escaping from confinement and poverty in the northern cities of America, or from the slavery and wretchedness of the crowded and oppressed communities of Europe, complain of their disappointments in Texas, because, forsooth, they do not find in Brazoria and San Felipe, the Philadelphia and New York markets, and streets lighted with gas. Such persons would do well to ask themselves, in what part of the world they can get land for nothing;—where obtain so many enjoyments, with so little labour? What region combines every good?

The idle and the vicious, as it happens every where, will be sure to be disappointed in Texas. Like the hero of Milton, such characters carry their discontent with him.

A soil, that yields the fruit of nearly every latitude, almost spontaneously, with a climate of perpetual summer, must, like that of other countries, have a seed-time and a harvest. Though the land be, literally, flowing with milk and honey, yet, the cows must be milked, and the honey must be gathered. Houses must be built and enclosures made. The deer must be hunted, and the fish must be caught. From the primeval curse, that, in the sweat of his brow, man shall eat bread, though its severity be mollified, there is no exemption, even here. The emigrant should bear in mind, that in a new community, *labour* is to be performed; that

if he cannot work himself, he must take with him those who can. He sees about him, all the means for supplying, not only the necessaries, but also, the comforts and luxuries of life. It is his part, to apply them to his use. He is, abundantly, furnished, with the raw materials; but his hands must mould them into the forms of art.

Much incident, calculated to interest the general reader, is not to be expected in this volume. But the author having ample means of information may, without vanity, indulge one hope, as she professes but one aim—utility.

TEXAS.

CHAPTER I.

Geography—Face of the country—Timber, &c.

Under the general title of Texas, geographers have, hitherto, been accustomed to include the whole of that vast region of country, extending from the Sabine river, on the East, to the Rio Grande, on the West; and from the Red river on the North, to the Gulf of Mexico, on the South; embracing, thus, an extent of territory, double, at least, to that comprised within the limits of Texas Proper. The cause of this geographical error is readily found in the universal ignorance of the true state of this region, originating in the despotic measures of her royal governors, while she was a province of Spanish America. All foreigners were prohibited, under the penalty of an indefinite imprisonment, and, if protestants, of experiencing the "tender mercies" of an Inquisition, from trespassing on her soil, or visiting her confines. Native subjects were not encouraged, and even had they been, were not enterprising, intelligent, and active enough, to settle in a coun-

try which, wilderness as it was, presented to the adventurous colonist, so many privations to endure and obstacles to subvert. Happily, however, these barriers to emigration no longer exist. No government has ever offered greater facilities for colonization than the State of Texas now does. And, instead of a wide waste of unexplored territory, unlimited and unknown, she is destined henceforth to occupy a definite and distinguished station on the map of North America.

Texas, at present, forms a part of the State of Coahuila and Texas; being provisionally annexed to Coahuila, until its population and resources are sufficient to form a separate State, when its connexions with Coahuila will be dissolved.* It is situated between 27° and 33° 30 N. Latitude, and 93° 30' and 99° 30' W. Longitude. Its boundaries are, the Red river, separating it from Arkansas on the North; the Gulf of Mexico, on the South; the Sabine river, and Louisiana, on the East; and the river Nueces, separating it from Tamaulipas and Coahuila on the West. It is about 450 miles, in length, from North to South; and 400 from East to West; and comprises nearly 200,000 square miles of territory. With a coast near 300 miles in extent, bordering on the great commercial Gulf of Mexico, indented with numerous and commodious harbors and bays, and watered by large and navigable streams; as a geographical division,

* That dissolution appears by recent events in Texas to be near at hand. A declaration of independence will probably be, in a few weeks, the result of the present struggle against Centralism.

Texas presents the most eligible situation on the continent.

Surface of the Country.—Texas is divided into three districts, tracts, or regions, whose characteristics are, in many respects, entirely different. These are the *level*, the *undulating*, and the *mountainous* or *hilly*.

The level region occupies the entire coast, extending from 30 to 80 miles into the interior. The undulating succeeds this and embraces the whole of the interior and north, and reaches westward to the mountainous tract, which is distant 150 to 200 miles from the boundaries of the level lands.

The whole coast, from the Sabine river to the Nueces, is possessed of a belt of prairie about eight or ten miles wide. This prairie is destitute of timber, except narrow skirts on the margin 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 a 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.

That part of the level region which lies between the Sabine and San Jacinto rivers, extends back about seventy miles from the coast in a north and north-westerly direction. This tract is, in general, heavily timbered with pine, oak, ash, cedar, cypress, and other forest trees. The Sabine, Naches, and Trinity rivers, are all navigable en-

tirely through this section; and the latter, for a considerable distance above it. The Naches affords good navigation to the junction of the Angelina, twenty-five miles south-east of Nacogdoches. This tract includes part of the colonies of Zavala, Vehlein, and Austin.

The section of the level region lying between the San Jacinto and Guadalupe rivers, including the lower part of the Brazos, San Bernard, Colorado, and La Baca rivers, extends into the interior about eighty miles from the coast, in a northerly direction. This beautiful and very valuable portion of Texas, as far as the La Baca, is embraced in Austin's Colony. The land is sufficiently elevated to drain easily and rapidly after heavy rains. It is entirely clear of all marsh, lakes, and overflow. The alluvial bottom lands of the Brazos, San Bernard, and Colorado, are from three to twenty miles in width. They are heavily timbered with live oak, with red, black and other species of oak; with cedar, pecan, elm, hackberry, mulberry, and all the other variety of forest trees and undergrowth, common in the rich alluvions of the Mississippi. The cane-brakes are of immense extent, especially on Cane-brake creek. On this creek there is an uninterrupted cane-brake, seventy-five miles long, and from one to three miles wide. It extends on both sides of the creek, from within twelve miles of its mouth, into the gulf, to its source, a few hundred yards from the Colorado river. Scarcely a tree is to be found in this ocean

of cane, which has hence received the name of the Great Prairie Cane-brake. It is bordered, on each side, by the heavy and lofty timber of the alluvial soils.

Cane-brake creek, or *Caney*, as it is usually called, winds its way through this tract, and exhibits so many and such unequivocal evidences of its having been a branch of the Colorado river, that not a reasonable doubt exists that such is the fact.

Oyster creek, on the east side of the Brazos river, affords, also, extensive bodies of prairie cane-brake; though by no means so extensive as that which has just been mentioned. The cane land on Oyster creek extends indeed along its entire course, but it is not all prairie cane-brake, in many places being interspersed with heavy timber.

That portion of the level lands situated to the west and southwest of the Guadalupe, lying between that river and the Nueces, differs, in some important respects, from that which stretches to the eastward, and which has already been noticed. This tract is much narrower than the eastern, and not so well clothed with timber. The distance from the bay shore to the undulating lands varies from twenty-five to thirty miles. The margins of the Aransaso and Nueces bays are also much higher than the margins of the bays lying farther eastward. The whole tract, though level, is more elevated than any parts of the level regions before noticed. Its pasturage is confessed to be even superior to that of any other district of the country,

consisting of a different species of grass, called Musquit grass. This grass bears a strong resemblance to the blue grass of the United States, and furnishes the most nutritious pasturage. It continues green throughout the winter, and retains its nutritious qualities even after it has become dry and apparently dead. The Musquit tree also abounds here, affording excellent fire-wood and valuable materials for fencing; while forests of oak, ash, and other suitable timbers for building, flourish on the margins of the water courses. This section includes McMullen's and McGloin's, and Power's grants.

North and northwest of that section of the level region contained between the Sabine and San Jacinto rivers, the country is undulating to Red river, the northern boundary. There is no portion of it, however, sufficiently broken to be called hilly; for, though more elevated than the level district, and presenting a perpetually varying surface, it never breaks into ridges or elevations higher than those which characterize what is called a "rolling" country. The thickly timbered or wooded lands extend quite to Red river, and as far west as a line drawn, due north, from the heads of the Sabine. West of this line there is a wide belt of undulating prairie, extending along Red river, which is thinly timbered; the timber being confined to the margin of the streams. The whole of this section is well-watered by numerous rivers and their tributaries, which afford many

favorable sites for saw-mills and manufactories. Besides the rivers above mentioned the Neches, Trinity, and their branches, with others of less note, take their course through this region. The land here is chiefly occupied by the "Galveston Bay and Texas Land Company," which includes the colonies of Zavala, Vehlin and Burnet; except the prairie lands to the North, which remain free, uncovered by any grants.

Above the level region situate on the Brazos, Colorado, and Guadalupe rivers, the country becomes gently and beautifully undulating. This description of land extends, in a northwestern direction up those rivers, from one hundred and fifty to two hundred miles, as far as the mountain range. The surface is beautifully, and often fancifully diversified with prairie and woodland; presenting to the enterprising farmer, large and fertile fields already cleared by the hand of nature, and waiting, as it were, to receive the plough. The woods which encircle the prairies afford the best of oak, cedar, ash, and other timber valuable for fencing and building. The whole of this undulating region is most beautifully watered, and abounds in bold rivulets and springs of pure water. These rivulets have all more or less of bottom land adjacent to them, and are lined with the lofty forest trees of the rich alluvions. The undulations, in many places, rise into eminences of considerable elevation, but always with a gentle ascent and lengthened intervals. Abrupt elevations

or cliffs seldom appear, nor is the surface so uneven or broken, as to be justly designated hilly.

From the summit of these elevations the view is extensive and imposing. The landscape is rich and splendid, and the eye delights to roam over the smooth, verdant, extended slopes. The round tops of the eminences are here crowned with tufts of cedars, or groves of oaks and pecans; there, presenting an unbroken surface of grass. The pale green of the prairie, sprinkled with flowers of every hue, forms a pleasing contrast with the dark foliage of the cedars, and other magnificent forest trees; while the rivulets, which wind their serpentine course at the foot of the undulations, agreeably diversify the scene. All combined under a clear blue sky present a picture, not only delightful to the eye but enchanting to the imagination, which, with the pencil of fancy, would fain fill up the scene under view with rural cottages, with the flocks of the herdsman, and all the various indications of human activity and domestic happiness. Austin's and William's, and Beale's grants, are included in this region.

The undulating region succeeds to the level tract between the Guadalupeand Nueces, and stretching in a north-westerly direction, and gradually increasing in elevation, finally terminates in the mountain range, a distance of about two hundred miles. The whole of this extensive tract is peculiarly adapted to grazing and the raising of stock; being principally clothed with the Musquit grass, before-mentioned, afford-

ing the best of pasturage. The Nopal also thrives here with great luxuriance, forming, oftentimes, impenetrable thickets, and furnishing, with its leaves and fruit, a bountiful supply of excellent food for cattle and wild horses. Timber and water, however, are not so abundant as in the country lying farther east. The Musquit tree, the most common one found in this section, is a species of locust. Its size is that of a peach tree, which, when viewed at a distance, it very much resembles in appearance. The leaves of it are similar to those of the honey locust, but much smaller. It bears a pod about the size and shape of the common snap-bean, quite sweet to the taste, and when dry is used by the Indians in times of scarcity for food. It is highly valued by the Mexicans who maintain, that for the purposes of fattening cattle and hogs it is equal to Indian corn. The wood of the Musquit is very durable, as much so as black locust or cedar, and hence its value as a material for fencing.

Besides the rivers before-mentioned this district is watered by the St. Antonio, Aransaso, and other smaller and tributary streams. It is principally settled by emigrant Irish.

The mountain range of Texas may very properly be called a spur of the Sierra Madre, (Mother Ridge) which it leaves near the junction of the Rio Puerco with the Rio Bravo and, pursuing a north-easterly direction, enters Texas at the sources of the Nueces river. Thence, continuing

in the same direction to the head waters of the San Saba, a branch of the Colorado, it inclines to the east down the San Saba, crossing the Colorado some distance below the mouth of that river; it is finally lost in the undulating lands of the Brazos. This range does not cross the Brazos. The country east of this river and upon Trinity river is gently undulating, and in some districts quite level; this description of surface extending the whole distance to Red river. Spurs of this mountain range extend southwardly down the rivers Madina and Guadalupe, to the vicinity of Bexar. Spurs also extend down the rivers Slanos and Pedernales, and the smaller western tributaries of the Colorado. Similar spurs stretch up to the Colorado above San Saba to a considerable distance, and round the head waters of the San Ardress and Bosque, tributaries of the Brazos.

The mountains are of third and fourth magnitude in point of elevation. Those of the San Saba are much the highest. These are, in many places, thickly covered with forests of oak, cedar, and other trees, interspersed with a great variety of shrubbery.

This range of high land on its northwestern frontier is of vast advantage to the State of Texas. It not only renders the atmosphere more salubrious but, abounding in copious fountains of limpid water, it gives rise to the numerous rivulets which, having first irrigated their own fruitful vallies, flow off with a rapid current, and unite to form the

large rivers of the central and western parts of the State. These last mentioned rivers are uniformly more limpid than the rivers to the east of the Brazos. Beale's, Austin and William's, and the unoccupied lands of the northwest are embraced in this district.

North of this mountain range and on the extreme head waters of the Brazos river, the country becomes level again and presents to the view interminable prairies. These stretch to the north and northwest beyond Red and Arkansas rivers, and are finally lost in the vast ocean of prairie that terminate at the foot of the Rocky Mountains.

CHAPTER II.

Bays, Rivers, &c.

No part of the extensive coast of the Gulf of Mexico, presents a more numerous assemblage of bays and harbors, than that of Texas. Several of these, though obstructed at present by bars and sand-banks, possess, even now, important advantages; but when, in the course of time, the accumulation of wealth, and the progress of improvement shall lead to the removal of these obstacles, they will be rendered commodious, secure, and sufficient for all the purposes of an extensive commerce. Nor is it alone upon the sea-board, that the facilities of trade are abundantly offered. The interior, intersected by numerous magnificent and navigable streams, in close vicinity to the great western tributaries of the Mississippi, and holding easy communication with the mighty "Father of rivers" himself, furnishes a commercial position very desirable and seldom surpassed. The consideration of the *trade* of Texas however, is reserved for a future chapter, and, at present, we must confine ourselves simply to topographical details.

Beginning at the eastern extremity of the coast, the first large body of water is Sabine lake. The

inlet into this lake has from four to six feet of water. It is, however, difficult to cross, owing to the mud and oyster banks which extend, opposite to this inlet, out of sight of land.

Galveston bay is the next inlet to the westward, and the largest on the coast. It is about thirty miles in length, and varies from twelve to eighteen in width. The island of Galveston or San Luis stretches along the coast in front of the bay. It is about thirty miles long and from three to five broad. A small settlement has recently been made on this island, though reserved by government for its own use. The harbor lies between this and Pelican island, and has a depth of water varying from eighteen to thirty feet, continuing for some miles up the bay, until you approach Red Fish bar, which bisects the bay in nearly equal parts. On this bar there are not more than five or six feet of water. The channel is spacious and secure, affording firm, good anchorage. The principal entrance is at the eastern extremity of the island, between its coast and an opposite promontory on the main land, called Point Bolivar. The passage is about half a mile in width, and carries at all times twelve feet, and at high tides fourteen, and sometimes sixteen feet water. *Within* the Bay the tides are so small as to appear entirely dependant on the winds; hence, beyond Red Fish bar, the waters are often rendered very shallow by the north winds, which prevail with great force

in the fall and winter. The average depth of water in the *bay* is nine or ten feet.

A western arm of this bay extends along the coast, in a southwest direction, to within two miles and a half of the Brazos river, and might be very easily connected with that river by a short canal. There is also an inlet at the west end of Galveston island, which may be advantageously used by small vessels, drawing not more than six or seven feet.

An eastern arm of Galveston extends along the coast, called East bay, from the head of which there is a deep tide-water creek, which nearly intersects a similar creek from Sabine lake. By uniting these two creeks, which might be effected with little expense, a canal communication could be opened between the bay and the lake.

In the extreme southwest of Austin's colony is situated the spacious and beautiful bay of Matagorda. Its inlet, Passo Cavallo, has twelve feet water over the bar, and a safe anchorage within, with four fathoms of water. Like Galveston however this bay is shallow. The average depth of water through it to the mouth of Colorado river is not more than eight feet. Vessels that can cross the bay cannot approach nearer than one mile of the mouth of the river, and are compelled to unlade their cargoes by means of lighters. The same inconvenience exists at the mouth of the La Baca, three feet or three and a half being the depth of water at the entrance of these rivers, at ordinary high tides.

Southwest of Matagorda, in the eastern part of Power's grant, is Aransaso bay, the third in size and deeper than either Galveston or Matagorda. The entrance to it is easy for vessels not drawing more than seven feet. This bay forms a very secure haven, and is the principal harbor for vessels whose cargoes are destined for Goliad or Bexar, and for the Irish colonies of the Nueces.

The entrance into Nueces bay is in every respect equal to that in Aransaso bay, but it has not often been resorted to. Settlements are now beginning to be formed on its margin, and no situation for building can be more beautiful and picturesque. The margin is bold and elevated, and when the wilderness shall have given place to a respectable body of Irish emigrants, this spot will present one of the most pleasant and desirable residences in Texas.

Rivers.—Red river forms the northern boundary of Texas, separating it from Arkansas Territory. It takes its rise in about 103° West Longitude, and 33° North Latitude, and after a course of 1500 miles through a fertile and romantic region, receiving the waters of numerous smaller tributaries, it pours the vast "gathering of its waters" into the majestic Mississippi in about 91° 30′ West Longitude and 31° North Latitude. It is navigable for sloops to Alexandria, a distance of one hundred and thirty-five miles, and for smaller boats to Natchitoches, two hundred and fifteen miles from its mouth. Two-thirds of its course is occupied

several months in the year by "small craft," engaged in conducting a considerable branch of the Santa Fe Trade. This river takes its name from the extraordinary appearance which it frequently assumes. In Spring and Autumn especially when the waters are swollen and turbid, they are tinged with the deepest crimson; which color they also communicate to the alluvial deposits on the banks of the river, thus fully justifying the appropriate title of *Red* river.

The Sabine takes its rise in the northern part of Texas in about 33° North Latitude, and pursues a southeast direction for about 150 miles; it here receives a small stream called Tancks creek, and running from this point in a course generally south, forms the boundary between Texas and Louisiana. It waters a fertile and well timbered country, and is navigable for about 70 miles from its entrance into Sabine lake. It is probably, taken in all its meanderings, 350 miles in length.

The Nueces, which forms part of the western boundary of Texas, takes its source in the mountain range of Sierra Madre, and runs southeast a distance of near 350 miles and discharges into the Gulf of Mexico, forming a considerable bay at its mouth. The section of country embraced in its course and that of its numerous branches is one of the healthiest and most valuable in Texas. It does not abound in timber, though furnishing sufficient for fencing and building materials; but affords pasturage of the finest kind, abounding in the

Nopal and the Musquit grass. Flourishing colonies of Irish have been settled here upon the grants of Powers, and McMullen, and McGloin.

The Rio Colorado takes its source, in 33° North Latitude and about 104° West Longitude, among the Cordilleras mountains, and pursuing a south-east course, enters Texas, forming the boundary between Beale's, and Williams' and Austin's grants, and disembogues itself into the bay of Matagorda, after a course of near six hundred miles. It is the second river in size *within* the boundaries of Texas, and would be navigable almost to the mountains, were it not obstructed by a raft of drift wood ten miles above Matagorda. This raft fills the bed so as to cause a dispersion of the stream into several channels; it however is not extensive, and its removal may be easily accomplished. The late Col. Milam had undertaken to clear out the Colorado, and was to have had the exclusive privilege of steam navigation upon the river for a term of years. The banks of this river abound in the finest timber. Various descriptions of oak, ash, cedar, &c. are plentiful, as indeed are found upon all the streams in this section. The Brazos river, the largest in the province, takes its rise near the sources of Red river, and after a meandering route of 750 miles, discharges itself into the Gulf of Mexico. In its course it receives the waters of many tributary streams, and itself irrigates a region unsurpassed either for the beauty of its scenery, the fertility of its soil, or the salubrity of

its climate. The river Navasoto, one of its eastern branches, forms the western boundary of Burnet's grant, and is a stream of considerable importance. The most peculiar feature of the Brazos is found in its westernmost branch, which takes its source in an extensive salt region, a vast plain of one or two hundred miles in extent, the land of which is charged with mineral salt, and on which nitre is deposited by the atmosphere. The geography of no other part of the world presents a more singular phenomenona—a salt-water river running from the interior towards the sea. When, in the dry season, the water is evaporated, the salt is deposited in immense quantities, and the whole plain is covered with crystallized salt. When, on the other hand, the rains are copious, an extensive, shallow, temporary lake is formed, which discharges its briny water into the Brazos by the *Salt Branch*, as it is called, its waters being at times salt enough to pickle pork.

The freshet produced in the Brazos by the rise of the Salt Branch, renders the whole river, for a while, brackish; and its waters deposit a fine red clay, as slippery as soap and as sticky as putty, and retaining its saltness, as does the water also, until an inundation from the fresh branches washes it away or covers it up, when the river becomes fresh and potable and continues so until another rise in the Salt Branch. The color of the water of the Brazos varies from a deep red to almost chocolate, according as the different freshets pre-

vail. The general depth of the river is from twenty to thirty feet, and one hundred and fifty in width; it is however in different places and seasons double its ordinary dimensions. My "Texas," published in 1833, states that the Brazos never, in its whole course, overflows its banks. This was strictly true at the time. But it so happened that the next year they had a terrible inundation, carying off cattle, corn, and every thing on its banks for miles on either side, and, in some places, the banks themselves. The river was in some places ten miles wide; the people went over the corn and cotton fields in boats.

This was one of those visitations of Providence that come but once in an age, and is to be recorded as an exception and not as a rule. It destroyed in some degree the beauty of the river, by tearing away the verdure of its shores, and depositing dead timber there, making it more like common rivers.

The flood named above preceded the cholera in Texas, which carried off many valuable citizens—making it a year of misfortune, which threw them back some say seven years.

Its mouth, like those of all the important streams in this country, is obstructed by a narrow bar formed of a bank of sand, about twenty yards wide. The ordinary depth of water on this bar is six feet. The harbor within is perfectly safe, and the river is navigable for large ships as far as Brazoria. Three steamboats are in operation on the

Brazos, and vessels are towed over the bar. The anchorage off the bar is good in northers which blow off shore, or in light southerly winds. The bottom is blue mud with three fathoms of water immediately outside the bar, which gradually deepens as you recede from the shore. The substratum beneath the sand of the bar is blue clay, as is also that between the bar and the beach. This clay would afford a solid foundation for piling, by which the channel of the river might be contracted over the bar, and thus a deep and secure passage formed into the largest and most important river of Texas. The bar is about four hundred yards distant from the beach.

The Trinity rises near the Red river in its great western bend, and running southeastwardly discharges itself, after a course of three hundred and fifty miles, into the northeastern corner of Galveston Bay. It is navigable for steamboats about two hundred miles above its mouth. This stream is remarkably deep with high, steep banks, and is from forty to sixty yards in width. Its banks present a rich luxuriant soil covered with a fine growth of timber.

The Neches also rises near Red river, and pursuing a southeasterly direction, meets the confluent waters of Angelina and Attoyeac in Zavala's grant, and flows into Sabine lake. It is a deep but narrow stream, subject to the usual inundations, which however are never deleterious in their consequences, receding within the bed of the

river early in the spring, and leaving a rich deposit of alluvion behind. It is navigable for the smaller class of steam-boats seventy-five miles, and for keel-boats one hundred.

The San Antonio takes its source within three leagues of Bexar. From a concentration of innumerable springs, which unite their rivulets within a few yards of their fountains, it bursts forth at once a river, and its crystal waters flow off with a rapid current over a bed of limestone. Hence it seldom or never overflows its banks, and as there is not sufficient space for any dangerous accumulation of water, it is never exposed to sudden or violent freshets. It is about twenty yards in width and twelve feet deep, and is navigable for canoes to its source. It flows through a region which has not been granted to any Empresarios, though containing some of the oldest settlements in the country, whose growth has been somewhat impeded by this circumstance. It abounds in fine mill-seats, and will probably become the great manufacturing district of Texas.

The Rio Guadalupe takes its rise in the mountainous region, and receiving several smaller tributary streams, it finally forms a junction with the San Antonio a few miles above their entrance into Aransaso bay. Its waters are very transparent and navigable for canoes. It is a beautiful river, passing through a well-timbered country, and affording valuable alluvial bottoms. Its width is in some places as much as sixty yards.

The La Baca, from its source to its entrance into Matagorda Bay, serves to form the western boundary of Austin's colony, separating it from De Witt's and St. Leon's grants. It is a handsome rivulet in a fertile and well timbered country.

The San Jacinto, Buffalo Bayou, and a number of small streams discharge their waters into Galveston bay, after plentifully irrigating the surrounding country. The San Jacinto forms a very beautiful bay at its mouth, and is navigable for any vessel that can pass Red Fish bar, as far as the mouth of Buffalo Bayou. The Buffalo Bayou is also navigable to its forks above Harrisburg, within forty miles of San Felipe de Austin, which interval is a level prairie. It resembles a wide canal, with high and heavily timbered banks. The tide flows up as far as the forks above mentioned. These streams are all within Austin's colony.

Caney creek has been before mentioned as remarkable for the vast cane-brake through which it winds its course. It is supposed formerly to have been a branch of the Colorado river, and this suggestion is fully confirmed by the fact, that the appearance of the banks and soil is alike, but more especially by the abrupt termination of the deep, wide bed of the Caney, within less than two hundred yards of the river, in an alluvial bottom nearly ten miles in width. From these appearances it is very evident that the Colorado, at some former period, divided at, or near the present source of the Caney, and discharged its waters into the gulf,

by two distinct mouths more than twenty-five miles apart, forming an extensive island. This island constituted what is now called the Bay Prairie; a large, rich, and very beautiful prairie, lying between the timbered lands of Caney and those of the Colorado. Not any of the water of the river has been known to flow into Caney since Austin's colony was commenced, nor is there any indication of there having been an overflow for many years.

Oyster creek, on the east side of the Brazos, affords also extensive bodies of cane-brake prairie extending along its entire course, but unlike that of Caney creek, it is frequently interspersed with heavy timber. This singular creek takes its rise in the alluvial lands of the Brazos. Winding its course through the bottoms of this river which it drains, it discharges into the gulf two miles east of its mouth. Oyster creek forms a connexion with the Brazos at Bolivar by a deep channel, through which the waters of the river, in time of freshets, pour their crimson tide with a rapid current.

There are the San Benardo, Aransaso, and many other smaller rivulets and creeks with which Texas everywhere abounds; but those named are the most important and valuable to those, who would furnish themselves with a knowledge of the geography of Texas.

There are no lakes of importance to be found in this country. A few small ones near the sources of the Guadalupe and on some of the

branches of Red river are all that are worthy of the name, and they are inconsiderable. To a country so well watered, intersected by rivers so numerous and important, and offering such valuable facilities for canal communication, they would be useless. Indeed, with but very little expense, the vast water courses of this state might be united in one great navigable chain. which would render the transportation of produce, from any section of this wide spread territory, to a commercial emporium at any point on the coast, a matter of the utmost ease and at a trifling cost.

CHAPTER III.

Climate—Water—Soil, &c.

No matter what may be the resources of a country—though teeming with the exuberant produce of a fertile and prolific soil, or with the luxuries of a prosperous and extensive commerce; though surrounded with a rich profusion of all the comforts and elegancies of life;—all would present but small attractions to the adventurer, who could enjoy them only in connexion with a pestilential atmosphere, and a climate pregnant with disease and death. On the other hand, regions more sterile, but blessed with a happy temperature and salubrious climate, are sought with the greatest avidity, and rapidly settled. Hence that country which fortunately blends the advantages of both, and offers health, comfort, and abundance, in one associated charm, would present an El Dorado which, we are told, exists only in the vanity of human wishes.

We do not pretend to say that this visionary creature of the imagination has been realized, even in embryo, by emigrants to Texas; or, that the elements of perfection have so met in her, as to enable her ever to fulfil every vain desire of man.

A land such as this nature has not bestowed upon earth; it is the object of faith alone, and the glorious residence of eternity.

But while we claim nothing unreal, no poetic exaggeration, or fictitious excellence for this region, we could confidently assert, that no state on the continent is more eminently favored by nature, in fertility of soil and salubrity of climate than Texas, or presents a like combination of natural advantages.

All who have ever visited this lovely region, concur in ascribing to it one of the most delightful temperatures in the world. Though possessing a climate varying, according to local situation, from tropical to temperate, it is always remarkably pleasant and salubrious. Perhaps, indeed, the severe heat of the summer season, when the average range of the thermometer is 85°, would render it quite uncomfortable and unhealthy, were it not for the refreshing breezes from the south, which blow almost without intermission. Another fortunate peculiarity has already been mentionod in a former chapter, and which exercises a highly beneficial influence here: we refer to the gradual slope in which the level lands ascend towards the interior, and the manner in which the banks of the water courses generally climb from the beds of their streams; thus precluding the formation of swamps and stagnant pools to any injurious extent. During winter ice is seldom seen except in the northern parts of the colonies. The tempera-

ture, however, depends at all times, greatly, upon the regular winds, whose changes sometimes cause it to vary 40° in twenty-four hours. The extensive flat country which stretches from the coast many hundred miles to the interior mountains, produces periodical winds like the monsoons of India. From March to November but little rain falls, and the power of the sun upon the flat surface of the land is such as to exhale that little promptly. The face of that region is therefore dry in summer, and the continual action of the sun upon a surface so extensive, flat and dry, causes a constant indraught of air from the sea. A strong southeast wind is thus produced, which blows almost incessantly except at the full and change of the moon. These winds are very invigorating, and one never takes cold, however heated, by exposure to their influence. After walking or riding on a hot day, nothing can be more delicious. They give great elasticity to the spirits. This is a strong point of difference between the climate of Texas to that of Louisiana, as all experience who make the change. The difference consists in the superior *dryness* of Texas. A fan cannot be used in Texas; and, if writing, you must shut the south window, or your papers will become *Sibyl leaves*. There are occasional interruptions by the calms of mid-summer and by *northers* of slight force and of short duration, in the spring and fall.

In November the strong northers set in. The rains which usually fall in this month cool the land.

The mountains of the interior, now covered with snow, serve as generators of cold air, while the continued action of the sun upon the waters of the gulf rarifies the air in that direction, and, consequently, a strong current is produced of the cold and heavier atmosphere of the north. Hence, in the months of December and January, the cold northern winds sweep down the plains with nearly as much regularity as the south-east wind in summer; being occasionally interrupted by that wind, as noted above, chiefly on the full and change of the moon. In these months the southerly winds are of short duration, and soon produce rain—an infallible indication of an immediate norther. These northers or northerly winds blow sometimes from the northwest, and sometimes from the northeast. The northwest is most prevalent in mid-winter; the northeast early and late in the season. They come on very suddenly,—often without warning, always blow strong and at times very violently.

The effect of these winds upon the tide-water of the bays along the coast is very perceptible. In Galveston bay a strong norther reduces the depth of water three or four feet and keeps out the tide until it moderates. A southeast gale has a reverse effect. On Red Fish bar which crosses that bay, during a strong norther, there are at times but three and a half feet of water at high tide; but, with a strong southeast wind, there are usually six feet

and sometimes seven. This observation will apply to all the bays of the coast.

These periodical winds doubtless tend greatly to purify the atmosphere, and contribute much to give to the climate of Texas a blandness which is rarely enjoyed, and a salubrity which we look for in vain in the low country of the Southern United States. The climate may be described to be in general terms a perpetual summer, and admits of two or three crops a year, of almost every variety of vegetable and fruits in great abundance and perfection. Peaches, figs, and other tropical fruits are found plentiful, even to the middle of October. Two gardens are common, one for spring and summer, and one for fall and winter. But it must not be supposed that there are no cold days in Texas, nor exceptions here, as elsewhere, 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; even much of the cane was destroyed. But this is a very rare occurrence and does not detract from the correctness of the general rule. In 1831, the *northers*, as they are technically called, were frequent from the middle of November until Christmas. They seldom lasted long, not more than a day or two, and were invariably succeeded by warm rains or bright sunshine. The greatest cold produced but white frost—con-

sidered at the north as the harbinger of mild weather—except once, when there was hail and sleet and the ground had a slight covering of snow, the only instance, except one, in the memory of Col. Austin since his residence in the country. The foliage did not leave the trees nor even the rose-bushes, and the grass was verdant. The season, however, required tighter apartments and more comfortable clothing than would have sufficed for the summer.

Emigrants arriving at this period of the year would, of course, be disappointed in their visions of the climate. It is not at all surprising that some, who have arrived in Texas at this unpropitious moment, have become disheartened and sighed for home; or, what is much less excusable, have given vent to their morbid feelings by detraction and slanderous misrepresentations of the country. The best month to arrive in is October. The first impression at that time is delightful as well as just; and there is less inconvenience and trouble than at any other season. It is also the most favorable season on account of health. The change to the hot months of the succeeding year is then gradual. Those persons who come from the Northern States or from Europe in the spring and summer, experience too sudden a change, and are always more or less affected by it.

The climate is, in truth, very similar to that of Louisiana, but modified by so many favorable circumstances as to possess all the genial influences

of the latter, while it avoids its attendant evils. In addition to the invigorating sea-breeze and the freeness from marsh which it enjoys, there is another advantage which contributes, perhaps still more effectuately, to the preservation of the health of the emigrant and which is almost peculiar to Texas. The settler, in locating himself, selects the rich lands of the prairies, where he has no clearing to do and no other preparation, in order to realize a plenteous crop, than that of turning the fertile loam and scattering the seed. In doing this, he does not let the rays of the sun suddenly upon the vegetable deposit of ges, which must be the case with land cleared by the axe, and which has proved so deleterious to the health of the Western farmer; for his soil has had a similar exposure for centuries, ever subject to the action of the sun, and presents hence no necessity for acclimation to a "fever and ague bottom."

Near the large river bottoms, which are annually overflowed, a sickly region may be marked out where intermittents frequently prevail. But even here you never find the malignant fevers which characterize the vicinity of the Mississippi and other southern rivers after inundations. The reason of this 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.

In the vicinity of forests, 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 woodland, especially on the live oak. But, on the other hand, the forests of Texas are generally distinguished by an almost total absence of underwood, presenting frequently a smooth verdant turf for miles. The climate in such regions, though liable to fevers, is far more healthy than the lower parts of Louisiana.

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. 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. It is a remarkable fact, well worthy of notice, that stagnant lakes and pools of water never are covered with the green slime, which in summer characterizes our ponds and stagnant streams. The mountainous and portions of the undulating districts, however, are better supplied with fountains and rivulets of pure water; and no part of Texas is destitute of good potable water sufficient for all domestic uses. The eastern part of the country is the best watered, and affording, not only supplies for family use and irrigating the soil, but many favorable sites for saw-mills and manufactories. It is not to be concealed however that, generally speaking, steam power must be mostly relied on for moving ma-

chinery in Texas, on account of the scarcity of water.

In regard to soil Texas can safely challenge all other countries for a comparison, both as to quality and variety. It presents every species that can be found in alluvion, level, undulating or mountainous lands; embracing all the varieties of clayey, sandy, pebbly, rocky, with all their intermixtures.

Texas in general is a prairie country having all the streams skirted by timber. In many of the grants, however, a large proportion of woodland is interspersed, delighting the eye with the view of splendid lawns and parks presenting all the order and taste of civilization.

The eastern section of Texas, comprising Zavala's, Burnet's, and Vehlein's grants, embraces more woodland perhaps than any other. It is heavily timbered with pine, oak, ash, cedar, cypress, and other forest trees, which extend quite to Red river, occasionally variegated by small prairies containing from one hundred to one thousand acres. The soil is well adapted for grazing and agriculture. The timber business will be extensive and lucrative in this section. The southern region, near the gulf, is admirably adapted to the culture of sugar and cotton, which are produced in considerable quantities and great perfection. The sugar cane grows larger and taller in its stalk, and possesses the saccharine matter in larger proportions and greater purity than in Louisiana.

The cotton also is of a finer texture, a longer staple, more silky, and brings more in the market than that of the Southern States of our country. Indigo is indigenous, and grows as commonly on the road-side as milk-weed in Kentucky. The poorest land offers excellent facilities for the culture of the vine. Native grapes are found growing luxuriantly in all quarters, and many of them are of exquisite flavor; so that, by paying attention to their cultivation, it is anticipated they will, in a short time, be able to rival the choicest productions of France and Italy in wine and fruits. Indeed, they have even at present gained some notoriety.

The soil of the Brazos, Bernard, Caney, and Colorado lands has the same general character as to appearance, fertility, and natural productions. It is of a reddish cast, nearly resembling a chocolate color, and is evidently alluvial, formed by the deposits of the rivers during freshets. The deposits from the rivers at these seasons are very great—much greater than those from the waters of either the Red river or Mississippi. The Guadalupe, La Baca, Navidad, and a great number of fine rivulets that intersect the level lands of Austin's colony, also afford valuable bottoms of rich, alluvial, black soil, all of which are well clothed with timber. These alluvions are in the highest degree productive and easily cultivated. Three thousand pounds of seed cotton and seventy-five bushels of indian corn or maize are an average crop in these lands.

That remarkable feature of the Brazos, the Salt Branch, has been already mentioned. It is probably owing to this peculiarity that the land of the Brazos has a fertility so truly extraordinary. The freshets of the other branches are much more copious and frequent than those of the Salt Branch. They all rise and flow through very rich land, and their waters go towards the sea charged with fine loam and clay washed into them by the floods. The alternate deposits by these salt and fresh tributaries in time of freshets, form a soil of a light reddish-brown color, slightly impregnated with salt and nitre which it is well known are potent manures. This bright *mulatto* soil as it is called, formed in this manner, is considered the best land in Texas. The whole valley of the Brazos is mostly of this description. On the surface of this alluvion a blackish mould is formed by the decomposition of vegetable matter. The soil, properly speaking, possessing the power of vegetation in all its vigor, extends to an unlimited depth. When brought to the surface from a depth of twenty feet, it will produce as good crops as the surface itself. Where this mulatto soil is found the banks of the rivers and smaller streams are clothed with heavy timber. Near the sea coast the timber is mostly live oak of enormous size, intermixed with Spanish oak, red and black oak, ash, sycamore, mulberry, pecan, hackberry, and various other kinds. Immediately on the banks of the river cotton wood abounds. This latter tree resembles the Lombardy

poplar, and in respect to texture its timber is about the same. Hence it forms perhaps the least valuable of forest timbers. But if all other good qualities are absent, it possesses that of greatly facilitating a "*cleaning*," yielding easily to the progress of the axe.

The meanness of such a species of timber, however, is amply compensated by the dense and extensive forests of oak which abound here.

The live oak region extends from the bay of Matagorda to the west end of Galveston Bay, and on the banks of the Brazos towards the interior about seventy miles. There is a live oak tree in Bolivar sixteen feet in circumference, and keeps this size more than thirty feet from the ground; it then spreads out its enormous branches. Larger trees than this are not uncommon. Ten miles from Bolivar there is a tree which measures nineteen feet in circumference.

About fifteen miles east of Brazos the live oak region ends. Thence to the Sabine river fine cedar, oak, &c. are the growth on the water courses. The land in and about Bolivar is the best in Austin's colony. It is clothed with heavy timber, with peach and cane undergrowth, to the distance of six miles from the river.

The undergrowth of the best land in the Brazos valley is cane and a species of laurel, the leaves of which taste like the kernel of a peach-stone, containing an extraordinary quantity of prussic acid. The cane is sometimes so thick in its

growth as to render the forests almost impassable. They grow to the height of twenty or twenty-five feet in a single season, afford excellent food, when green, to vast herds of cattle; and, falling to the ground and perishing in a few months, become a rich manure to the soil. The leaves of the laurel resemble those of the peach tree. Hence it is called by the colonists the wild peach. This tree is an evergreen, and grows to the height of twenty or thirty feet though usually not exceeding ten. It is regarded as a certain indication of the best soil. Hence, when a colonist wishes to describe his land as first rate, he says it is all *peach and cane land.*

The intervening country between the rivers, creeks and rivulets, is open, level, rich, and elevated prairie, covered with a thick and luxuriant growth of grass, of a good quality for pasturage, with occasional *points* and *islands* of timber, as the wooded projections and scattered clumps of trees are called; which give the plains the appearance of vast parks, with ornamental trees artificially arranged so as to beautify the prospect. Nothing can exceed the beauty of these vast natural meadows in the spring and summer seasons; neither is it possible to form an estimate, even in imagination, of the number of useful domestic animals that may be reared on them without trouble or expense. Even in the winter season the pasturage is sufficiently good to dispense with feeding live stock.

The value of the prairie lands however is not confined to grazing alone. These lands are so nearly equal to timbered alluvions for all the purposes of planting and farming, that many persons who have cultivated this kind of land, prefer it to the alluvial bottoms. They maintain that the prairie, when properly broken up by the plough and sufficiently mellowed, will yield crops nearly equal to the best alluvions; that the labor, expense, and time required to clear twenty acres of timbered bottom land, and prepare it for cultivation, would be sufficient to prepare sixty acres of prairie; that, supposing both kinds of land to be equally prepared, a hand can cultivate two-thirds more of the latter than of the former. So that, taking all things into account, the cultivation of the prairie land requires less capital in the outset, and is more profitable in the end than the cultivation of the bottoms. Experience has proved that these calculations are not unfounded; and that the prairies are valuable for all the purposes of farming, as well as for grazing. The soil of the prairies is a deep black mould mixed with sand in various proportions.

Above the region just noticed, the soil is very productive and easily cultivated. It is bountifully watered by springs and rivulets which have, all, more or less of bottom land adjacent to them, and are lined with the best of oak, cedar, and other forest trees of the alluvions. Successful experiments have been made in various places on

these undulating lands, to the raising of wheat, rye, oats, and flax, and the result satisfactorily establishes the fact, that these articles may be cultivated upon them to any extent. All the fruits and agricultural productions of the level region arrive at perfection here, except sugar and sea island cotton. Indigenous grapes of several varieties grow in great profusion, and extensive natural vineyards await the hand of the vine dresser. It is considered to be fully equal to the level region for raising black cattle and hogs, and far superior to it for rearing horses and sheep. Lime and other building stone, and clay and sand suitable for brick-making, are found here.

The level lands west of Austin's colony consist mostly of prairies, and have a deep black mould very fertile and productive. The pasturage here is superior to that of any other section, consisting of the Musquit grass which is very nutritious, even when dry, and continues green throughout the winter. Timber, sufficient for fuel and building materials, flourishes on the margins of the water courses. Above this tract, as far as the mountain range, the country continues good for grazing. The Nopal thrives with great luxuriance and furnishes a bountiful supply of food for cattle and horses. The Musquit tree is also abundant, the fruit of which is said to be equal to Indian corn for fattening cattle and hogs. Timber and water are generally scarce. On the San Antonio river, however, in the vicinity of Bexar,

water is abundant, and many fine mill-seats are convenient; springs here abound and the land is copiously irrigated. The soil is rich and produces corn, sugar-cane, beans, and other vegetables. Lime and building stone abound, and are procured with but little labor.

The mountain range in many places is thickly covered with forests of oak, cedar, and other trees, interspersed with a great variety of shrubbery. Extensive valleys of rich, arable, alluvial lands are found throughout this range, particularly on the water courses. Most of these valley lands may be irrigated, at little expense, from the numerous streams which flow through them. The sides and even the summits of the mountains are, for the most part, susceptible of cultivation. The soil is sufficiently rich and adapted to wheat, rye, and other small grain, as well as to the vine and all the northern fruits. The resources of this elevated or mountainous section are very great and valuable. At some future period it will, in all probability, supply the whole country with grain, and afford a surplus for exportation. Fine wool will be a staple article from these high lands, which are probably as well adapted to the raising of sheep as any country in the world. Timber, water, and building-stone are abundant.

CHAPTER IV.

Trade—Products.

The position of Texas is highly favorable for all the purposes of an extensive trade. Its harbors and rivers are well adapted to facilitate the pursuits of commercial intercourse, both at home and abroad. Situated on the Gulf of Mexico, it has easy access to the Mexican ports on the south, to the West Indies on the east, and the United States on the north. An immense inland trade may be also carried on through the ports of Texas with New Mexico, Chihuahua, and all the northern portion of the Mexican republic. This inland trade now passes in large caravans, from St. Louis in Missouri to Santa Fe in New Mexico, through a land infested with Indians. Whereas the distance from either of the ports of Texas to the Passo del Norte and Chihuahua, or New Mexico, is much less than from St. Louis, and a good wagon road may be opened the whole distance. Except in the mountainous districts, such is the natural face of the country that, in order to obtain good and permanent roads for travelling or wagon transportation, all that is necessary is to mark the line of route, establish ferries, and bridge

the smaller streams. Where no regular roads have been opened—towards the north and south-west there is, nevertheless, a very considerable trade transacted, reaching even to the Mexican capital. These routes are generally designated by marked trees and other signs known to the initiated, and are traversed by caravans of traders who are growing rich in this occupation, while they are but the pioneers of the capitalist and merchant in the conduct of a commerce in which, in a few years, thousands will be employed in successful speculation. The citizens of Texas are already alive to the great importance of roads and other internal improvements; and nothing but the sparse population and political difficulties of the state, have prevented active exertions for their construction. A rail-road with sanguine expectation is spoken of, which will extend from New Orleans to California: and which, the interest of the Southern United States being so deeply concerned, having once been proposed, may almost be said to be decided upon. Thus connected with the great chain of rail-roads projected and partly constructed in the United States, the future greatness and prosperity of Texas will be greatly enhanced. Never was there a surface better adapted for the construction of rail-roads than that of Texas. The difference in their cost from similar works in the Western United States, will almost compensate for the difference in the resources of the two countries. Timber can be abundantly

furnished at a low price, while the rails can be obtained as cheap as in the United States. The labor required will be trifling when compared with that ordinarily demanded by such works.

The rivers have been hitherto navigated by keel-boats as is the case in most new countries. These however are beginning to be superseded by the use of small steamboats, which are safer and more expeditious facilities for travel and transportation. Three steamboats are already in operation on the Brazos. The country is equally favorable for the construction of canals as of roads; and a moderate expenditure for this purpose would furnish an intercommunication to the different sections of Texas, by the connection of her rivers and bays, such as is seldom enjoyed.

Regular packets, several of which are *steam vessels*,* ply between the ports of Texas and New Orleans. Matamoras is within two days sail; Tampico and Vera Cruz are reached in four, and the all-consuming market of Cuba in five days. In all the Mexican ports articles of home produce are free of duty, and protected by a high tariff on similar productions of the United States and other foreign countries. There is a protecting duty on tobacco, indigo, and I think, on cotton. On the former amounting to prohibition. Importations

* This is a little in anticipation. There are not actually steam vessels, but may be before our book is out. The steamboats are built in the United States and taken there, hence we hear of steam vessels between New Orleans and Brazoria.

of articles of foreign production and free from duties, though now, on account of the feeble and heretofore distracted state of the country, introduced from New Orleans, can more conveniently and at less expense be made from Liverpool direct. This course of trade will obtain whenever a regular commerce is permitted by the state of the country.

This arrangement will change the present unnatural channel of trade to Chihuahua and New Mexico, from Missouri to the ports of Texas; where merchandise can be delivered cheaper than at St. Louis, and transported at less than half the expense to these countries. This is evident from the fact that safer and better roads four hundred miles in length, can afford superior facilities to one of one thousand miles through a wilderness infested by tribes of ferocious savages. The advantages accruing from such a trade would be invaluable; it would people and civilize the western frontier of Texas, add greatly to the State revenue, and enrich the sea board-cities engaged in it. We will not be accused of estimating this trade too highly when we state, that the annual importations from Missouri to these provinces amount to nearly two millions of dollars. But no matter whence importations are made to Texas; whether from Liverpool, New York, or New Orleans, still are the facilities of this trade superior in Texas.

We may be asked here why speak of what *may* and not what *does* exist? Why has not Texas

already availed herself, to some extent at least, of these advantages?

The answer is an easy one, the reason plainly evident. It is but a few years since Texas was a terra incognita—an unexplored wilderness—unblest by the presence of civilized man, and though now visited with a rapid tide of emigration, its population yet scarcely exceeds fifty thousand souls. Towns have sprung up like mushrooms, but only to deceive the eye of him who surveys the map of this state with the idea of a well settled country. They are as yet in embryo, and scarcely one exists worthy of the name of a "place of business." Every farmer with an extensive estate lays out a town, which often consists solely of his own "castle"—far from being a castle *in the air* or Chateau d'Espagne, it is too often in the mud. Agriculture has been almost the only, as it will, for many years to come, continue to be the chief occupation of the citizens. Superadded to these is the fact that, through a population of emigrants in a new country, and scarcely settled in the pursuits of a livelihood, they have yet been engaged in continued political commotion, which has finally ended in a revolutionary struggle against Santa Anna and Centralism. And under these circumstances the home-consumption of agricultural products has been equal to the production.

The commerce and wealth of Texas hence are almost altogether prospective. As such then we must speak of them. To exhibit the resources of

the country in its natural advantages, is all that can be expected at present: it remains for future enterprise and industry to evolve the rich blessings they contain.

The planters of Texas believe they can vie in agricultural productions with the planters and farmers of Louisiana and the other Southern States, and that they will be able to sell their produce in the ports of the Gulf at a less price, than that of the same description produced on the plantations of their neighbors. And such is the profusion of their crops that, in a short time, their agricultural exports will amount to the sum total, or exceed the value of their necessary importations. Texas will thus receive from the foreigner, merchandise in exchange for her products; while her merchants in its consumption at home or in adjacent provinces, will realize a return in gold and silver. This will exhibit a case entirely different from the commercial statistics of the other provinces of Mexico, where the exports of specie are returned for merchandise at an exorbitant price. Indeed, Texas will realize in these same Mexican provinces the best markets for her produce and manufactures, exchanging the fruits of her fertile soil and busy industry, for their richer treasures of precious metals.

Among the productions which may be considered as naturally adapted to the soil of Texas, and which will form important articles of commerce, cotton stands pre-eminent. This is the

great crop of Texas and has, for some years, produced as much as ten thousand bales. Notwithstanding these difficulties the crop this year is said to be double what it was last year, amounting it is stated to sixty thousand bales. Its staple is uniformly good, but near the Gulf it approaches, or rather equals in length and fineness, the Sea Island cotton. It needs not to be planted oftener than once in three or four years, to yield a crop superior in quality and quantity to the annual plantings of Louisiana. One acre of ground well cultivated will yield from two thousand to twenty-five hundred pounds, at an average price of eleven cents per pound. The planter never fears realizing great and instant profits for his labor, cotton being always in demand at fair prices wherever it is produced. His crops also can scarcely fail, the climate being ever favorable and the soil, whether upland or lowland, woodland or prairie, all admirably adapted for the culture of this article.

The sugar cane is beginning to be extensively cultivated, and will prove a most valuable article to Texan agriculturists. It grows luxuriantly throughout the whole level region. Neither Arkansas nor Louisiana can rival Texas in the production of this cane. The stalk grows much larger and taller, and possesses the saccharine matter in larger proportions and greater purity in the latter than in the former States, and is said to sweeten a foot and a half higher up than the Louisiana cane. Its

manufactures always find a ready market at a good price. There are two sorts of cane known as the *ribin* and *Creole* cane, which differ very little as to intrinsic value, the latter perhaps being rather inferior. The former however must be planted every three years, while the latter continues to grow from the roots for ten or fifteen years, producing good crops.

That invaluable article of bread-stuff, maize or Indian corn, is produced abundantly in every district of this country. Seventy-five bushels to the acre have been frequently gathered, but it is not usual for the farmer to bestow a sufficiency of labor on their corn crops, to produce that quantity generally. Two crops are annually gathered, yielding in all about seventy-five bushels of shelled corn, worth one dollar and fifty cents* per bushel at the farms. The first crop is usually planted about the middle of February, and the second about the 17th of June. It is stated by a visiter to Texas that upon the poorest kind of soil, known among the inhabitants by the name of hog-bed prairie, Indian corn, if merely dropped in to holes made with a stick, will yield considerable crops even without hoing, and it is commonly obtained from the prairie cane-brake lands the first year, when there is no time to prepare the land with the plough, by merely making a hole for the seed with the hoe.

* When I was last in Texas corn was two dollars per bushel. The demand is great and will continue to be great for years—price cannot fail.

At present, and probably for many years to come, the home-consumption will demand the whole amount of crops produced; but a surplus for foreign markets will meet with ready sale in the Mexican ports, where it commands an average price of two dollars and a half per bushel.

Wheat, rye, oats, barley, and other small grain, yield plenteous harvests to the farmer throughout the undulating district, when cultivated. On account, however, of the scarcity of mills, notwithstanding the high price of flour, grain is not extensively raised at present; other crops proving more lucrative. But the soil and climate being alike genial to their production and the wants of the inhabitants demanding it, great inducements will be presented for their culture in future. The establishment of mills will be the signal for abundant harvests of grain.

Flax and hemp, though their cultivation has hitherto been neglected, are well adapted to the soil, and, from experiments made, are able to furnish ample rewards to the labor of the agriculturists. Rice is already produced in considerable quantities and can be to any extent.

Tobacco is grown luxuriantly throughout Texas, but home-consumption and the restraints of law prevent its being an article of commerce. It forms at present an item of considerable moment in a heavy contraband trade with the interior Mexican States. The time however is doubtless near when it will be produced in such quantities as

to alter the present policy and render it a valuable export. It is, and will continue to be, under every state of policy an important product.

The indigenous indigo of Texas is considered by those who have tried it, to be greatly superior to the plant which is cultivated in the United States. It is manufactured in families for domestic use, and is preferred to the imported indigo. It grows wild on the sides of the roads like the milk-weed in Kentucky. Any remarks to prove the value of such an article would be useless. In a table of exports from the port of Vera Cruz, it is stated to have averaged for severel years before the Mexican revolution the value, in exportation, of two hundred and eighty thousand dollars annually. The southern states of our Republic realize a heavy amount of profit in its cultivation. It is evident then, that in this product the Texan farmer possesses a source of much wealth. It has as yet been little attended to, as indeed has every thing else in this State of a day, but the necessaries of life. This, among other facts, will serve to exhibit how confined have hitherto been the energies of this recently settled country, and that the present pursuits of her inhabitants which are nearly the same in every new settlement, are no test of what they will become under the influence of natural facilities. The resources of a country are never explored or understood by an emigrant population for many years. Until taught by experience they always attempt to graft their own customs and

comforts on the land of their adoption. This must needs be the case in all similar circumstances as it has been with Texas, who has as yet received but the pioneers of an extensive future emigration. But once again restored to peace and filled with a tide of industrious emigrants from the West and from Europe, Texas will unfold agricultural treasures and commercial advantages which will astonish a world that has scarcely hitherto known of her existence.

The grape abounds here in great variety and of the finest flavor, and no country can be better adapted for the culture of the vine than this. Experiments have been successfully made in the manufacture of wine from the native grape, and considerable quantities of the most exquisite quality have been made. The liquors and fruits obtained from the Texan vineyards will form an important article of commerce. The same description of grape, which is acrid and unpalatable in Louisiana, is sweet and finely flavored in Texas, where the poorest description of land is admirably adapted to the culture of the vine. Although their culture has not as yet been carried to any extent, the manufacture of the wild indigenous grape has been so eminently successful as to warrant an almost unrivalled prosperity to the future vintner. A great variety of fruits, both of the tropical and more temperate climates, are produced in uncommon abundance and perfection. Olives, oranges,

lemons, figs, prunes, peaches, &c. are of the finest quality, and may be obtained in great profusion.

The date also, it is thought, may be successfully cultivated. Melons of the richest gusto abound every where, and culinary vegetables are plentiful and excellent. Beans, peas, sweet and Irish potatoes, and other esculent plants found in the United States, with a great variety of garden stuffs peculiar to the country, enrich the horticulture of Texas.

A genuine Yankee could luxuriate here in a paradise of pumpkins—a field of which is really a curiosity—they are in such numbers and so large. A field once planted with them, seldom needs planting again. The scattered seeds sow themselves, and the plants are cultivated with the corn. These pumpkins, as large often as a man can lift, have a sweet flavor and are very palatable. Sweet potatoes are also deserving notice for their rapid growth and unusual size, some of them weighing from four to seven pounds, and with slight cultivation produce frequently five hundred bushels to the acre. Notwithstanding this, they meet a ready sale at seventy-five cents per bushel. Culinary vegetables of all kinds are in demand at good prices in the neighboring Mexican ports.

Dried fruits and distilled spirits may be estimated as important articles of produce:—of the former, peaches, figs, grapes, &c.—of the latter, whiskey, peach and grape-brandy, and rum.

The extensive natural pastures found in the

prairies furnish peculiar facilities for rearing horses, black cattle, hogs, sheep and goats. They require no attention but to be branded and prevented from straying too far from home and becoming wild. Large quantities of mules are raised annually, many of which are carried to the United States; and it proves a very lucrative business, inasmuch as the labor and expense in rearing them are trifling and the price they command good. Cattle also are raised to a very great extent, and it may almost be said that a man can rear a hundred as easily as he can a half dozen. They get their own living and protect themselves, and all that is necessary for a farmer is to detect his brand on a herd, and claim them as his property. In many parts of Texas, hogs may be raised in large numbers on the native mast. Acorns, pecans, hickory-nuts, &c. with a variety of nutritious grasses and many kinds of roots, afford them ample sustenance during the year.

Butter, lard, &c. are of course yielded in abundance, and are important articles to the farmer, especially in the vicinity of the towns where a surplus always meets with a ready demand at high prices.

Poultry are raised with great ease and are valuable items in the stock of the farmer. Eggs and chickens always sell high, as notwithstanding the quantity yielded it is not sufficient to supply the consumption. And though their price will be lessened in time by force of competition in produ-

cers, they will never fail bringing an ample compensation for the trifling trouble and expense of raising them. Game of the finest kind requires only the skill of the hunter to be afforded plenteously. For an enumeration of the animals of the chase and hunt, *vide* the succeeding chapter on Natural History.

The honey-bee seems to have found a favorite haunt in Texas. These industrious insects swarm in great abundance in every district, and beeswax and honey may be produced in any quantity and without the least expense. White or bleached beeswax generally sells for one dollar a pound in the cities of Mexico, where large quantities are made use of for candles in the churches. It is common for hunters to secure the wax and throw away the honey as of comparatively trifling value, and so abundant. Texas is without doubt equal and perhaps superior to Cuba for bees, and will rival that island in the exportation of honey and wax.

The lumber business cannot fail of becoming at some future day an object of considerable importance. Large quantities of live oak of the noblest kind abound in the southern part of Austin's colony. Lofty cedars and pine of various descriptions with some cypress are found, and must prove valuable materials of lumber. The different kinds of oak, ash, cherry, walnut, elm, hackberry, linn, &c. can be obtained in abundance, and as is well known, are excellent timber for building.

In the western grants the Musquit tree is most common. It is a species of locust, and besides furnishing in its fruit excellent food for cattle and hogs, is a superior timber on account of its durability, which is equal to that of cedar for the purposes of fencing. It forms also a principal and suitable article for fire-wood. The species of wood above-mentioned are many of them desirable for fuel, in addition to which, however, many other kinds, among which is hickory so much sought for every where for that purpose, are found in most all the grants.

The nopal celebrated for the production of the cochineal insect, the most important export of Mexico, grows luxuriantly, attaining frequently a height of fifteen feet, and forms in places impenetrable thickets. Its fruit is highly esteemed and purchased eagerly in the Mexican markets. This fruit with the leaves furnishes food for vast herds of cattle and wild horses. The various kinds of mulberry are common forest trees throughout Texas, and afford every facility that can be desired for the rearing of silk-worms. The vanilla, it is thought, can be successfully cultivated; if so, it will be a commercial commodity of no mean value.

In the policy of the government of Texas, and in the resources of the country, manufacturers will find the most encouraging prospects of success in their respective pursuits. The quantities of peltries furnished by the vast herds of wild cattle,

wild horses, buffalo, deer, &c. present unequalled inducements for the settlement of tanners, curriers, shoemakers, saddlers, &c. The manufactures of these arts can be sold at large profits in the Mexican market, but the home-consumption itself will for a length of time require them all. High duties are levied upon all those articles of manufacture, whose raw materials are found plentiful or may be produced in the country. Hence artizans can supply their citizens with such articles at large profits.

The protection of a tariff extends to the cotton manufacturer the greatest encouragement for the establishment of factories in Texas. Cloths which sell at ten cents in the United States, are imported and sold here in large quantities, as being articles of necessary consumption and, consequently, always in demand, with a duty upon them of twenty cents per yard. With a protection of this kind, cannot the manufacture of cotton cloths, where the raw material is an abundant product of the soil, become a highly lucrative business?

Immense quantities of salt are obtained, and the quantity can be almost indefinitely increased from the numerous salt springs and marshes which are frequent throughout the country. Salt is gathered from the waters of the Brazos after inundations from the Salt Branch; it is also made in considerable quantities at Velasco, near the mouth of the Brazos, and salt lagunes are scattered in every section of this wide territory, furnishing copiously

the inhabitants of the colonies with this indispensable article.

Lumber is very scarce, not being made in sufficient quantities to supply the demand. The cause of this is found in the fact, that though there is no want of timber, but few mills have been as yet established; their number however is increasing, and lumber is now advertised by the Harrisburgh steam-mill company at twenty-five dollars per thousand feet. Fortunes may be realized here by good sawyers, with a slight capital. Grist-mills are also much needed, and their owners will find profitable employment.

Coach and chair makers, carpenters, blacksmiths, and all workers in wood, will find ample encouragement for their labors in supplying the necessities of their fellow-citizens and the luxuries of their neighboring wealthy states.

The manufacture of tobacco must in time be a considerable business. Wool and bagging factories have inviting prospects of success, but will not perhaps prove so lucrative as some others. Experiment, however, alone can settle the appropriate manufactures to be cherished in Texas. As yet but little has been done in the department of handicraft; for the same causes which have served to retard the advance of agriculture and the progress of internal improvements, have operated still more banefully on the manufacturing interest. Hence we have no statistics of the present condition of Texan manufactures, and our

task is accomplished in designating those pursuits which may be advantageously and with the greatest facility prosecuted by the future colonist. The most prominent of these we have presented, paying regard only to those which offer present facilities and emoluments, without even a glance towards many other arts which, fostered by time and required by the wants of a growing population, will in years to come prove sources of wealth to thousands of industrious mechanics. These will be recorded by the future statist and chronicler when Texas shall have taken a higher rank among the nations of the earth, and the enterprise of her citizens explored the true springs of national greatness and individual prosperity.

CHAPTER V.

Natural History.

In treating of the natural history of Texas, we expect to give signal umbrage to the disciples of the Linnæan school. Those objects of the science which it shall become our task to notice, have already been classed by the attentive naturalist, and to such we refer the scientific inquirer; for our classification will be limited by the grand divisions of the kingdoms of nature, and, consequently, to the student of artificial systems, will present matter of dire offence. But to him whose curiosity seeks for useful and practical knowledge, we hope our details will not prove wholly uninteresting.

Geology and Mineralogy.—The valley of the Brazos, and nearly all of Texas, is one vast alluvion, with a surface of black mould, formed by the decomposition of vegetable matter. The whole body of the earth is soil, and when brought to the surface from a depth of twenty feet, produces as good crops as the surface itself. One never sees a stone here, with a few exceptions of limestone and a soft friable sandstone; which however are rarely found. The banks of the rivers,

whether in marsh or upland, are all of secondary formation, and never present strata of rocks, or any thing beside the rich, black soil, which everywhere abounds. The highlands, however, appear frequently to be but one complete bank of conch, oyster, and muscle shells, cemented together with a fine black loam. Beds of gravel are very uncommon.

Those persons who have been long in the country and are at all curious in such matters, do not hesitate to declare their belief, that what now constitutes Texas, was once, and at no very remote period, the bottom of the sea. We will not speculate on this theory, though it might be done with safety; it not being consistent with the plan of our work. We however present some of the facts which are used in the argument upon the subject.

It is well known that land is making on all the Texan coast, and that the mouths of the rivers are growing towards the sea. We are told also that a submarine island has been formed adjacent to the main land, so near to the surface as to be dangerous to vessels. To this is added, that persons in New Orleans remember when the mouths of the Mississippi were several miles higher up than at present. Upon these data is founded the hypothesis that Texas is extending still farther into the Gulf, and thus offers conclusive evidence, that her interior itself is of very recent and similar formation.

The geology of the country, however, is supposed to offer still more convincing proofs of the truth of this position. We have already spoken of the structure of the surface in the interior, of the scarcity of all kinds of mineral productions, not even pebbles being found but very rarely, and of the evident formation of the banks of the rivers. In addition to these, the strongest testimony, perhaps, of her marine origin is found in those singular mounds so frequently occuring in Texas. A description of one of these will suffice to determine the character of the whole. On the road from Brazoria to San Felipe, there is a remarkable elevation rising from the level surface of the prairie. It is however, instead of one, rather a cluster of small hills, occupying about a league of land, and attaining with a gradual wave-like swell, to the height of a hundred feet from the plain to the summit. This really trifling eminence becomes here, in contrast with the uniform level which surrounds it, a very conspicuous object, clearly visible at a distance of thirty miles;—a phenomenon indicative of the extreme flatness of the surrounding plain. The materials of which it is composed however are the most interesting to the curious geologist, and are such as to induce the belief that these mounds are banks, formed by oysters when the Texan bottom-lands were part of the bed of the sea. Limestone, chalk, gypsum, and other minerals not yet analyzed; and conch, oyster, and a great variety of marine productions,

are turned up by cray-fish, and are known to form the composition of this and the various mounds scattered throughout the country.

In the northwestern part of Austin's colony, and thence to the mountains, rocks and mineral productions are more plentiful; clay and sand suitable for brick-making are also abundantly furnished. These are articles of value in a country, a great portion of which is furnished with but little stone. The mountains in the northwest are not distinguished in point of elevation, but are believed to possess great mineral wealth; but they have been as yet very imperfectly explored. Iron, lead, and mineral coal have been found, and tradition says, that a silver mine on the San Saba was successfully wrought many years ago, but the prosecution of it was arrested by the Indians, who cut off the workmen. Towards the head-waters of the Brazos, a large mass of metal is known to exist. It is of several tons weight, and said to be worshipped by the Comanche Indians. It is malleable and bright, having little oxide or rust upon its surface. A large piece of this metal was taken to New York many years since, by way of Nachitoches, under a belief that it was platina. It is said that experiments made by chemists in that city, proved it to be pure iron in a malleable state. The existence of such a mass of metal is doubtless very remarkable. It is, however, well attested by many persons in Nachitoches and Texas, who have been at the spot and seen it. Whether it be

iron, is perhaps not so well ascertained. Iron, lead and coal have been found in many places, and specimens of copper, in a very pure state, have been obtained on the head-waters of the Brazos. Strong indications of the precious metals exist in the mountainous region on the sources of the Colorado. But little attention has been paid to the mineral wealth of Texas by her citizens. For though it is highly probable that rich veins of the precious metals may be found here, she yet offers nobler rewards to the industry of the agriculturist and the manufacturer, than she ever will to that of the miner.

Salt springs and salt lagunes, as has been before stated, abound throughout Texas. In Burnet's grant, on the waters of the Netches, there is a copious salt spring, so strong that common salt is not soluble in it. It spreads over a surface of several hundred yards, and the ground is thickly incrusted with it by natural evaporation. It is supposed that that singular phenemenon, the Salt Branch of the Brazos, has its waters impregnated by an immense depository of the mineral near its source;—not Mr. Jefferson's salt mountain, of which so much was said and sung at the time of the Louisiana purchase, but a vast plain of two hundred miles in extent, charged with mineral salt. It is however but little known, being situated in the Comanche country.

Nitre is formed on the salt lagunes, in dry seasons, by the atmosphere. Sulphur springs are

also found; but whether they are very productive, we are not informed.

Lime, in the northern part of the undulating and in the mountainous districts, can be plentifully furnished from the limestone, which is there found. In the level district, where there is no stone whatever, oyster shell lime can be substituted.

A species of bitumen abounds on the coast;—but whether it is an article of any value we have not learnt.

Botany.—The displays of vegetable nature in Texas are profuse, various, and valuable; presenting, on one hand, the stately and magnificent forest, and again delighting the eye with the rich and splendid scene of the luxuriant prairie, garnished with an endless variety of beautiful and fragrant flowers; making a landscape of indescribable and surpassing loveliness. It would be an elysium for the florist and the poet. One feels, amid such scenes, as we suppose Adam to have felt when, in the infancy of nature and every object bore the impress of its Maker, he was made the first and sole tenant of Eden, and left to commune with and contemplate the wonders of creation.

But we shall not pretend to compile the Flora of this garden of nature. It would be a task too laborious, and more extensive than is consistent with our present purpose, which is to exhibit a simple view of the principal botanical treasures of Texas; such as will interest and reward the en-

terprise of the emigrant settling in that country. Every variety of timber commonly found in the American forests is abundant in Texas, with many other species peculiar to the country. We have had occasion to speak of these in a former chapter, but will briefly recapitulate them here. Live oak abounds in the southern part of Austin's colony. White red, black, and Spanish oak, are common forest trees. Of other timber, are found walnut, hickory, ash, wild cherry, mulberry, elm, hackberry, red cedar—more especially on the uplands—yellow pine of the noblest description, linn, gum, pecan, cotton tree, and willow on the borders of streams, being the first growths upon the alluvial formations, the Musquit tree in the western grants, poplar, china tree, sycamore, hawthorn—black and white, sassafras—growing very large and high, and wild peach, a species of laurel bearing a valuable mast indicative of the best soil; its fruit contains an extraordinary quantity of prussic acid. The holly is a fine tree in this country; it grows high, and is extremely ornamental in the forests, with its glossy leaves and clusters of red berries. Besides these, there are many other fruit and timber trees, to be found among the underwood and forests; but we will let those already enumerated suffice.

Among the plants of Texas, the Nopal or prickly pear is a most interesting and valuable production. In some districts of the upper country, it grows in great abundance, and forms in places

impenetrable thickets higher than a man on horseback. It produces an immense quantity of fruit, which, together with the young leaves, furnishes food for vast herds of cattle and wild horses. Of the fruit of the nopal, there are two kinds; one is a scarlet, about the size and shape of a large pear. The other is much longer, and, when ripe, of a yellowish white color. The latter is most esteemed, and is sold in the markets of Mexico as a choice fruit. During the revolution, the army of the patriots was, at one time, preserved from famine by the fruit of the nopal. Which circumstance, in connexion with its never failing abundance, its great value for feeding cattle, and for nourishing the cochineal insect, probably suggested the idea of adopting it as a part of the Mexican Arms.*

* Among the superstitions of the Mexicans, there is a tradition, from which many credulous people derive the origin of this emblem. The Mexicans, it is said, originally inhabited a cold climate, and a barren, mountainous country, where, with difficulty, they gathered a scanty subsistence. They resolved to migrate in a body. The Great Spirit appeared to the king in a vision, and directed him to lead his nation to the south. An eagle should fly before them to direct their course. This guide they were to follow, until it should settle and finally disappear.

In conformity with these instructions, the whole nation followed the eagle, which according to promise, flew before them. The eagle stopped on a tree in California, but did not disappear, continuing to fly around and around the same spot, every day. The king, believing that this was the place destined for the permanent location of his people, caused large storehouses to be erected, the ruins of which may be seen in the forests of California to this day, known by the name of "Las Casas Grandes."

The nopal is the favorite food of the cochineal, an insect that furnishes the most beautiful crimson dye, and which is so much esteemed as to be a very valuable article of commerce. Both the plant and the insect are indigenous in Mexico. They have not as yet been cultivated in Texas, and, consequently, with *her*, they have formed no object of commerce. That they will be, however, and that with success, is highly probable. For the information of our readers, we subjoin here an article on their culture, with which we have been favored by a friend, a traveller in Guatimala, where nopalades are frequent and valuable.

DESCRIPTION OF A NOPALADE, OR ESTATE FOR CULTIVATING THE COCHINEAL.

The plant called by the Creoles and Spaniards of the country *the Nopal*, is the Cactus Opurtia Maxima of some botanists, but the Cactus Cochinilifer of Linnæus, and the Indian fig-tree of the

At this place the nation remained a few years, the eagle still hovering around the spot. At length the king received an indication, by means of another vision, that the eagle would lead them to their permanent home, having rested at that place only to let them recruit. Accordingly, the winged guide again set his feathered sails for the destined haven. The nation, with the king at their head, again followed the eagle, until he settled upon a Nopal, on an island in the lake Tezcuco, and shortly afterwards died. This was pronounced by the king, priests, and wise men of the nation, to be the spot designed by the Great Spirit, for their permanent location. Here they remained and founded the city of Mexico.

hot houses. The plant when properly attended to, is suffered to grow only so high that a man seated on a stool, a foot from the ground, can reach the top to clean it, or to collect the insects upon it. The site chosen for a nopalade is of such elevation as to be exempt from too much heat from the direct rays of the sun, too much cold, or too abundant rains. It should be neither too hot nor too cold, too moist or too dry. Few have succeeded in Guatimala that have not been at least fifteen hundred yards above the level of the sea. Rich, fine, deep, alluvion land is the best, and on such a descent as will permit the rains readily to pass off.

The earth being well dug, pulverized, and cleansed from weeds and foreign matter, is hoed into rows seven feet apart, and set with the leaves of the nopal at two feet distance; thus, allowing each plant about fourteen square feet, with an occasional omission of a row, in order to have a wider path, for the greater convenience of removing the weeds, &c. An acre of four thousand eight hundred and forty square yards may contain about three thousand plants. These are well attended to, and, if the season be dry, watered for a few weeks. The leaves or slips, which are thus set in the ground, vary from ten to thirteen inches in length, and from six to eight in width, and are about one inch thick, when full grown. If left unpruned, at that period, the plant would exceed twenty feet in height.

When it has six full grown leaves, which it will have at thirty months after its insertion, (if properly attended to,) the cochineal insect is removed from other plants or leaves, (for these leaves being very succulent afford nourishment a long time after they are lopped from the stock,) and transferred in little parcels done up in certain leaves, or thin husks of maize; thus secured, they are attached with thorns to the different parts of the new plant. This process is esteemed as delicate as any, and the season for it must be mild, calm, and dry, or all such labor would prove useless and expensive.

The quantity of young insects for an acre, is as three pounds for a hundred and eighty plants, when very thrifty. Three pounds of the green insects are equal to one of dry. The expense of such seed is therefore the price of about sixteen and two-third pounds of the best merchantable cochineal. I visited a nopalade of eighteen hundred plants which received three hundred and fifty pounds of green seed, but these were plants of greater age than those here referred to. A nopalade is a property extremely hazardous. Besides uncontrollable natural events, its success must depend essentially upon the conduct of whoever has the immediate charge of it. Two of three seasons most invariably fail, and the third is seldom so good as I have described. The gatherings or crops are thrice a year; that of April and May is the best.

Care must be taken to keep the ground entirely free of weeds, dead leaves, or any substance which might harbor vermin of any description, which might destroy the cochineal, unless assiduously attended to and removed by the persons, whose duty it is to protect them from such depredations. This part of the duty is also a nice one; for there are insects resembling the male cochineal that are inclined to feed on this plant, which, if neglected, would soon cause all the females to drop from the leaves, and thus be destroyed. They must be removed with the point of a sharp and delicate instrument designed for the purpose, by a person sitting on a stool and looking over the whole, leaf by leaf.

The plant affords nourishment from its third to its twelfth year, but is best from the fourth to the eighth. After twelve years it is removed, and the ground is reset with leaves from the old stock, or brought from elsewhere. They may be removed from any distance, and would grow after being hung up in the air for months, when planted and attended to.

The nopal produces flowers of white, pale yellow, and pink. They are very handsome, and the fruit is of an agreeable flavor and abundant; but is not permitted to grow on the plants designed for the cochineal, as the nourishment necessary for the insects would thus be diminished.

To protect the plants during the season of bearing cochineal, small tents are sometimes erected

in rows over them, forming an angle at the top, and covered with palm leaves, mats, or some of the long tough grasses from the mountains, furnishing a shelter from both sun and rain.

The male insect is extremely small, having two wings. The female has no wings; is crimson on both sides, but most so on the back—is covered with a white downy substance—has six legs, hardly visible from their shortness—lives twenty days and then dies, after giving birth to an innumerable progeny, so minute as to appear but as eggs. They are apparently motionless for a day, when they attach themselves to the most succulent part of the leaf near where they were first deposited; they soon however are full grown and become torpid. Then the person who collects them, having a cup of water in one hand, and a fine hair pencil in the other, selects such as are well grown from those which are not, and brushes them one by one into his cup, when they are drowned by the water. Each day's collection is put into an oven, or in a pan over a slow fire where they are dried to death (thus doubly killed by drowning and baking). The least wound to the insect would divest it of its coloring matter, and is therefore carefully avoided. Only the large, well fed, and healthy insects are of value. The lean, such as have a frame merely, are of no moment for purposes of commerce, and command a very small price. The best are such as have clear crimson and red bodies and legs, black

and gray minutely mixed with a red and silvery-gray back. To a casual observer the female appears to be fixed and torpid. The males fly in every direction from leaf to leaf, and in proportion to the females are as one to fifty or sixty.

Some well regulated nopalades have, in addition to the tents above described, a nursery for such insects as are designed for propagating seed, to be transferred to other plants; it frequently happening that the winds and rains of an equinoctial winter chill them so that they cease to cling to the leaf. This is done by selecting from the parent stock such leaves with insects on them, as the exuberance of the plant may afford, and hanging them up under roofs erected for the purpose, and against the sides of buildings which are clean and have a projecting roof. These leaves afford nourishment for six to twelve months, during which period the insects may be collected as the season or convenience may require.

The rich alluvions of Texas are covered with extensive cane-brakes, such as are common in the Western and Southern States, in low and marshy situations. They are frequently interspersed in the forests, forming a dense undergrowth, which renders a passage through them almost impossible. They often occur however in brakes, of several leagues in extent, and entirely destitute of trees. The Great Prairie Cane-brake, extending on both sides of Caney creek from within

twelve miles of its mouth into the gulf to its source, is seventy-five miles in length, and from one to three miles wide, with scarcely a tree in its whole extent. They furnish inexhaustible resources of food to cattle and horses in winter, when the prairie yields but little or none, being at that time young and tender. These reeds are very slender and grow to the height of about twenty-five feet in a single season; being renewed every twelve month. They are unfailing indications of a rich alluvial soil, and hence cane-land is most generally sought for and highly prized. The land is cleared by burning the dead reeds. If left upon the ground till dry they soon fall and perish. But if cut when green and preserved, they are very strong and durable, and are used, as every disciple of Isaac Walton in this country knows, for fishing-poles.

Indigenous grapes grow luxuriantly throughout Texas, and are of the most exquisite flavor. The vines are attached to the forest trees, frequently enveloping them on every side, and forming the most beautiful natural arbors, pendant with clusters of the luscious grape, and protected from the sultry heat of the sun by a luxuriant and fragrant foliage. Almost every variety of grape is native in Texas, from the large fox-grape down to what is called the chicken-grape; but are all of uniform sweetness, and produced in wonderful exuberance. They furnish considerable quantities of wine of the finest quality, not inferior to the

French or Italian vintages. They will be extensively cultivated, being in great esteem and presenting the prospect of a lucrative business to the vintner.

Among the underwood are found the bay laurel—the poet's own tree—the dogwood with its beautiful white flowers, the ilex, the papaw, common in our Western States, the delightful magnolia, the nutmeg tree, and the wild peach tree—an evergreen bearing a white blossom, and furnishing, in its fruit, which resembles a large black-heart cherry, a fine mast for hogs.

Were we to offer even a nomenclature of the shrubbery and anthology of this country, we should exceed our limits. We therefore shall notice only a few of the most remarkable specimens in these departments of botany, and hasten to other branches of natural history.

Among these the Yawpan or tea tree deserves a special notice. Its leaf is very similar, in form and flavor, to that of the veritable Chinese shrub, and is dried and used as a substitute for the latter, by many of the inhabitants of Texas. It is not at all inferior to the black tea or bohea, used among us, in its quality. It is abundant and furnishes to the backwoodsman a very acceptable and cheap beverage, in lieu of the pure chinese article, which is frequently not only costly but difficult to be obtained, especially at a distance from the more populous and commercial towns of the province.

Indigo, superior to that cultivated in the South-

ern United States, grows wild, and in great abundance, as has been mentioned in a former chapter. The plant and fruit are both well known, and need not be described here.

Cayenne pepper, called by the Mexicans *Chile*. grows exuberantly all over Texas, and is an article highly prized by the inhabitants, who make of it a common sauce to use with their food, and vast quantities are yearly consumed for this purpose. The Indians and Creoles are extremely fond of it, and no Mexican would willingly relinquish his chile for almost any other luxury.

Tobacco is indigenous, and is also cultivated to a considerable extent. Its value as an article of commerce has been heretofore adverted to, and it is a plant so well known as to need no description here.

Blackberries of a very superior kind, dewberries, the May apple, and a great number of similar plants unnecessary to be recorded, are found in the utmost profusion. Excellent vegetables are furnished in great variety and excellence; and no region in America can boast among its botanical treasures, a richer abundance of valuable medicinal herbs and roots. Every *old woman*, at least, knows how desirable such a natural pharmacopia is to a frontier family, far distant perhaps from the shops of the druggist and the physician, where every man, in time of sickness, becomes a "*botanical quack* and *steam doctor*," and practices upon his own "*patent.*"

Among various other kinds of wild beans extremely common, the celebrated Vanilla is found growing as a native vine; true, it is rarely met with, yet sufficient evidence is given, that it is adapted to the soil and climate, and is susceptible of successful culture. The following description of this delightful and highly valuable plant will not, we trust, be amiss here:

Vanilla.—This curious and very rare vine is about the size of a quill—the stem green, glossy and smooth, the leaves project by pairs, from joints eight or ten inches apart. They are large, and thick as sheathing paper; succulent and brittle, and shaped like pear leaves.

The vanilla is propagated by planting, or by inserting it into the bark of some soft wood tree, always where it is shady and humid. It soon attaches itself to the surrounding branches, and in three years will overtop the highest trees, suspending from its extremity the fruit, which consists of pods resembling the common kidney bean. These pods can only be obtained by felling the tree which could not be climbed, or by an instrument attached to a long pole.

To prepare it as an article of commerce—the greatest attention is required in curing and packing the vanilla. Each pod must be separately bound round with thread, but slightly, that it may not warp and open. During the process of drying, if not perfectly ripe, it changes its color from green to brown or nearly black, and exudes on

handling it, an oil balsamic, and almost insupportably fragrant. The greatest care must be taken to prevent the loss of this odour, for if it does not discharge sufficiently of its balm it will sour and corrupt, and if its emanations are too copious, its virtue is diminished. The art of curing therefore lies in avoiding excess eitner way; and when dry it must be packed so that it may arrive at a foreign market in proper order. To secure this point it is carefully wrapped up in leaves with honey, to keep a certain degree of moisture, in bundles of fifty, and put up in wooden boxes. Tin and sealed would be better.

The pod of the vanilla contains thousands of small black seeds of the brilliancy of jet.

This delicious plant is highly esteemed in medicine—as a perfume—and in various culinary arts. Its rich qualities may be preserved in spirits of wine, which extracts its resinous substance. It is in this form that the luxurious in Mexico, Madrid, Paris and London, adapt it to a variety of uses; as, for instance, with chocolate, ices, jellies, and various sauces and confectionary. That which is perfect frequently commands double its weight of silver, in some of the European cities and those of Africa. Its price is from three to ten dollars per pound, but not one of a hundred pounds ever arrives in its pure quality.

It is impossible to imagine the beauty of a Texas prairie when, in the vernal season, its rich luxuriant herbage, adorned with its thousand flow-

ers of every size and hue, seems to realize the vision of a terrestial paradise. None but those who have seen, can form an adequate idea of its surpassing loveliness; and pen and pencil alike would fail in its delineation. The delicate, the gay and gaudy are intermingled with delightful confusion, and these fanciful *bouquets* of fairy Nature borrow tenfold charms when associated with the smooth verdant carpet of modest green which mantles around them. To say that admiration was excited in such a scene, would be but a faint transcript of the feelings. One feels that Omnipotence has consecrated here, in the bosom of Nature and under Heaven's wide canopy, a temple to receive the praise and adoration of the grateful beholder, and cold and reckless indeed must be that soul, from whose sensibilities no responsive homage could be elicited, by such an exhibition of the power and beneficence of the Creator. Methinks the veriest infidel would be constrained to bow and mingle in that worship, which, amid the profound but expressive stillness of the scene, creation seems to pay.

Many of our northern garden flowers and hothouse exotics bloom on the prairies spontaneously, in the utmost profusion and in wonderful variety.

All the varieties of the genus stellaria, yellow, blue and purple, display their rich and gaudy tints in every direction. The splendid and fashionable Dahlia, an exotic highly esteemed and carefully reared in our hot-houses, is indigenous in

this country. The great family of geraniums serve to adorn and perfume with their sweet fragrance the mild meadows of Texas. Numerous varieties of digitalis are also found; different species of the lily here "waste their sweetness on the desert air," and the bignonia or trumpet flower and lobelia cardinalis are exceedingly common. The ground apple having a delicate flower, is abundant, and violets form a common carpeting everywhere. The beautiful and much admired passion flower is frequent. The perpetual rose, multiflora, and other varieties of the rose, grow without any care paid to them, and many species are indigenous. The primrose displays the mild beauty of its simple but chaste and elegant flower in almost every situation. The amateur florist can well appreciate the anthological riches which we have here spread before him, although presented, we confess, more in the order of a fancifully variegated nosegay, than in that of a scientifically classified *flora*. He must pardon this irregularity, however, by virtue of our own premonition on the subject, while we conclude this hasty botanical sketch with a more extended notice of that beautiful and singular plant, the Mimosa—a plant which always has been, and ever will be, perhaps, a matter of curious interest and admiration to the natural historian and philosopher.

This extraordinary plant is frequently found covering many acres in extent with its verdure. On the borders of rivers and brooks, the gentle

slopes, which gradually ascend from the water's edge, are often entirely overgrown with the mimosa. It is very elastic to the tread; so much so, that, when the passenger has trampled over its drooping, apparently withered leaves, and looks back for the path which his rude footsteps have marked out, not a vestige of the invasion remains, but all is life and verdure again. On the approach of one, a singular phenomenon of their *sensitiveness* is exhibited; not only those plants which are in actual contact with the person, droop and seemingly wither at the touch, but the sensation is communicated to those many feet in advance, which present the same appearance of shrinking delicacy as the former. The cause of this is evidently mechanical; and the extent of the impression made upon their sensitive structure, depends upon the connexion of these plants, by means of their roots which are interwoven with each other, and through which the shock is communicated to a considerable distance around. The mimosa, in the prairies of Texas, bears a flower of a delicate pink colour, and much larger than that of our exotic plants in the North.

Zoology.—Among the wild animals of Texas are several of the feline race; some of which it would be dangerous for a traveller to encounter. The American panther and leopard were formerly frequent and formidable tenants of the forests; at present, however, they are rarely met with. Wild cats are still numerous; but are fast retiring before

the march of the settler, and are indeed but little dreaded, being considered merely in the light of good wild game, for the pursuit of which hunting parties are formed, whose excursions are conducted in the night, when the order of the hunt consists in "shining the eyes," as it is called. This is the general mode of hunting wild animals in this country, and is conducted in the following manner. The hunter carries with him a torch or fire-brand, whose light never fails to attract the attention of the game, from whose eyes it is so strongly reflected, that they are seen to sparkle like balls of fire for a considerable distance. In the meantime, the fire is so disposed as to render the huntsman invisible to the animal, the shining eyes of which afford a sure mark for a skilful shot, and he is thereby enabled to take his aim with the utmost deliberation. This practice is not peculiar to Texas as many an old hunter of Kentucky can testify.

The black bear frequents the forests and cane-brakes, and is a favorite object of the hunt. Wolves abound and prove a great annoyance to the farmers; carrying away pigs and sheep and even, when rendered desperate by hunger, will venture to attack, and often succeed in carrying off calves. The prairie wolf is common. This is a very small species of the wolf, very mischievous, but not so much to be feared as the large black wolf.

The Pecari or Mexican hog is even yet occasionally met with, on the frontiers, in considerable gangs. They will boldly attack a man, and are

considered more dangerous than any other wild animal in Texas. The pecari is of a greyish color, and the ordinary size of the domestic hog; its bristles stand erect. It is armed with tusks, several inches in length, which curl back from the under jaw, and its aspect altogether is very ferocious.

The wild hog also is frequently met with, and, although it has never been known to make a voluntary attack upon a man, yet, when provoked, it is a very furious and formidable animal. These hogs are descended from the domestic swine, and have become wild by running at large in the woods.

All these animals, abovementioned, are now found in those parts of the country which are thinly settled, and very rarely below San Felipe. They are chiefly confined to the forests and brakes of the northwest, where, as yet, but few settlements have been formed, and which is seldom visited except by hunters and roving tribes of Indians.

Wild horses or *mustangs*, originally introduced by the Spaniards, now roam at large, and are exceedingly numerous in the northern prairies and the western sections of Texas. Many of them are animals of fine figure and spirit, but are generally inferior to the blooded horses of the United States. The exceptions to this remark, however, are very numerous; and a very large number are to be found which, for form and fleetness, are not to be surpassed any where. "If fine, delicate heads," remarks a writer on the subject of the wild horse, "wide nostrils—slim, and tapering, and

clean limbs—small and hard hoofs—and an Arabian symmetry of form, will make a fine horse, there are fine horses in abundance on the prairie." The wild horses so frequently brought to the markets of the United States are, indeed, but poor specimens of the Texan mustang; and this is easily accounted for from the fact, that they are all caught by the use of the *lazo*, and, consequently, in the chase of a herd, those which are the most inferior are invariably caught, while the more noble animals generally escape. The mode of catching a horse also frequently injures him for life. The hunter, in this business, is supplied with a long pole, with a strong noose attached to it; or, sometimes, merely with a noosed cord made of twisted strips of raw hide, called a *lazo*. When a herd appears, the hunters take their stations on every side of them, and commence the chase; mounted upon fleet animals, they soon overtake and noose some of them. As soon as the lazo is thrown over the head of the horse, it is drawn so tight as almost to suffocate, and the animal is immediately thrown to the ground, deprived almost entirely of motion, and sometimes of life. He is then immediately blindfolded and mounted by a rider, with heavy spurs, and large barbarous bits, and run at the top of his speed, until he falls down through exhaustion. This brutal process is repeated until the animal is thoroughly *broke* and rendered docile. He always afterwards stands in dread of the lazo, and, whenever he becomes refractory, can be im-

mediately tamed by the use, and often by the mere exhibition of this dreadful noose. They are taken to market, after being caught, and sold for a trifling sum—commonly at three or four dollars a piece, to the home purchaser. The finer animals are sold, however, much higher than this, and have been known often to bring several hundred or a thousand dollars readily. They are often caught in another mode than those mentioned. A party of hunters, finding a small drove, instantly surround them, and drive them thus into pens constructed for the purpose. When taken young, under four years of age, they are easily subdued and domesticated. This mode is much preferable. It prevents the injury to which the mustangs caught by the lazo are liable, and which they always more or less experience. The older ones however cannot be so well tamed as by the use of the noose. They are of all colors—are hardy and active—and better adapted to the saddle than the harness. They are sometimes of good size, but are generally about thirteen hands high.

Mingled with the herds of mustangs are often found jacks, jennies, and mules. Good jacks bring about twenty dollars in the home market, and mules from two to five. The rearing of these animals has proved heretofore a very lucrative business, and, in time to come, will be much more so. The expense of raising them is a trifle—the vast natural pastures affording inexhaustible supplies for this purpose.

The buffalo—commonly so called, but termed by naturalists the bison—is found in Texas astonishingly gregarious. Thousands and tens of thousands in a drove have been seen in the interior regions, roving over the prairies, whose luxuriant herbage furnish them with the means of subsistence. They are seldom seen near the sea coast, but descend in large herds from Arkansas and Missouri, and furnish the principal sustenance of the Indians in the interior of Texas. They are much esteemed and hunted for both their flesh and hides. Their beef is highly regarded by all those who have partaken of it; and buffalo robes are in great demand, at good prices, all over the United States.

The deer are still more numerous than the buffalo, being found in every part of Texas in great abundance. Not only are the forests and desert prairies stocked with them, but even in the settlements, they are so plentiful and tame, that they often come upon the plantations of farmers, and feed in company with the cattle. Venison, hence, is a common dish upon the table of the inhabitants, and can be procured for a low price at any time. Deer-skins never fail to find a ready and profitable market. The moose is also found, but is confined to the frontier or far west.

The fox-hunter could find constant employment in this country, where Reynard peeps from every bush and brake. Raccoons, opossums, rabbits, and squirrels, in great abundance, and a great

variety of similar small animals, serve to stock the forests of Texas with game.

Ornithology.—We shall content ourselves, in this department, with merely enumerating the principal specimens of the feathered tribe in Texas, with but few accompanying remarks. They are, mostly, such as are well known in the United States, and therefore need no description.

The bald-headed eagle, and Mexican eagle, which is among the smallest of the aquiline tribe—the vulture—various species of hawks and owls, are among the birds of prey, and are very common.

Cranes—whooping, white, and blue ditto—Bec Rouge, a species of crane with a beautiful red crest—swans—pelicans—king-fishers and water-turkies, are all aquatic birds of prey, and are found in great abundance.

Large and almost innumerable flocks of wild geese and turkies—brants—teal—canvass-back, and summer duck—and other water fowl, frequent the rivers and sea shore; and are so plentiful, that one can always furnish himself with as many of these birds as he may want, by visiting their haunts, where a single shot will often provide a meal for twenty persons

Partridges—quails—pheasants—prairie hens—pigeons and turtle doves, are very plentiful. Snipes—plovers—and robins are small, but considered as good game by the fowler in catering for his table. Ortolans, which form so celebrated a dish in Europe, are abundant in Texas.

Crows—red-winged black birds—starlings—blue jay—different species of the woodpecker—red-birds, martins—swallows and wrens abound. The beautiful paroquet—the oriole—the whip-poorwill—and the sweet-toned mocking bird enliven the woods with the beauty of plumage and melody of voice which belong to them. These are but a few specimens of the ornithology of Texas; but they are sufficient to prove, that nature has not denied her a less bountiful provision, in this department of natural history, than in those before mentioned.

Icthyology.—The rivers and bays of Texas abound in fish of an excellent quality, of great variety, and some of them of peculiar character.

Redfish bar in Galveston bay, takes its name from the number of red fish which are there found. This fish is very delicious and weighs often fifty pounds. Yellow, white, and blue catfish are furnished commonly by the rivers and streams in this country. The following are some of the species of fish as they are named by the inhabitants, viz: perch, buffalo, sheeps-head, mullet, pike, trout, flounders, suckers, and other fish common in American waters. The gar is a worthless fish with a snout of immense length. The alligator gar is very large, attaining sometimes several yards in length; its back is covered with scales, and it is very similar to the alligator in appearance; and, when first seen in the water, would be mistaken for one. Eels are also found in the fresh-water streams of

the country; the black lamprey eel is much esteemed by those who have eaten of it.

Erpetology.—In the class of reptiles, which unfortunately is rather large, the only useful and valuable species found here, is the tortoise. Both hard and soft shell turtle are numerous in all the rivers and bayous, especially near their mouths.

Lizards, scorpions, and that singular and beautiful animal, the chameleon, are to be found every where.

All the rivers and bayous are infested with alligators, which follow the boats so closely that they can be struck with the oars. These creatures, on land, are lazy and harmless, and not ferocious, devouring animals, like the Egyptian crocodiles. You must tread on them as they lie basking in the sun, before they will move, and then, they slowly drag their clumsy length along. They are from twenty to thirty feet in length, and are covered with a coat of scales which, on the back, form an armor impenetrable to a rifle ball. They will lie for hours, during a sunny day, in low marshy spots on the borders of streams, motionless as logs, and, at such times, are hard to be moved; they will neither go out of their way to attack, or to avoid the approach of a man.

No new country has ever been less troubled with serpents than this. Yet that there are snakes of a poisonous kind frequently met with is true; and there are some whose bite would be inevitably fatal, were it not that ready antidotes are always plentiful and at hand.

The rattlesnake, which is the most venomous of all serpents, grows to an immense size, and many of them possess fangs half an inch long. Horses and cattle are frequently killed by their bite; but men, never—if proper means are taken. The remedy used by the Indians to extract the poison, when bitten, is simple, ready at hand, and said to be effective. They kill the snake immediately, taking care at the same time that he does not bite himself; they then cut off his tail, and apply the fleshy part to the bite; after holding it an instant to the wound, they remove it and cut off another piece of the snake, about an inch long, and apply it; this is repeated until the whole snake is used up. The poison having a greater affinity for the flesh of the serpent, than for that of the man, is soon extracted, and the wound becomes perfectly harmless. A root called rattlesnake's master grows abundantly in the pine woods, and is said to be an efficient remedy. The deer is a very powerful enemy of this snake, stamping him to death with his hoofs, whenever he comes across him; hogs also will kill and devour them with great greediness, not being in the least effected by their poison. They are not apt to bite unless provoked, and invariably give warning of their approach by shaking their rattles with which they are furnished, one being added every year. Besides the large serpent here described, there is another called the ground rattlesnake, equally if not more venomous in its bite, which, however, is cured by the same

remedies as that of the former. They are said never to have more than two rattles and a button—are of a drab color—and about a foot long. Land and water moccasin, coach whip, and copper heads are the only venomous snakes, besides the rattlers found in Texas. Of others are the chicken-snake—very fond of poultry as its name denotes, of a beautiful color, mottled, with yellow and black—the garter snake, and many others, all entirely harmless.

Beside the frogs and toads common every where almost, is another interesting little animal, embraced under the same name, called the "horned frog," though, it is probable, it belongs rather to the lizard than the frog family. It is an inhabitant of the prairies, and consequently, being at such a distance from water, not amphibious. It is long—like a lizard—of a graceful form—has a tail and legs—and never leaps in running, but moves very swiftly. It is of a yellowish mottled color, and has horns projecting about half an inch from the front of the head.

Entomology.—Under this title we shall, for conveniency's sake, include not only the class of insects, but also, the classes crustacea and mollusca, though not strictly speaking belonging to it. They are indeed, though forming distinct classes in natural history, nearly allied; sufficiently so, at least, to permit their association in our present article.

Beetles—grasshoppers—butterflies—fireflies—ants—wasps—musquetoes—spiders—and a great

variety of others, belonging to the same species and orders with these, are found here; we shall however notice but a very few of them particularly.

Musquetoes are a great annoyance in the swamps, woods, and river bottoms; but, on the uplands, are not so numerous. In the former situations, no one would think of sleeping without a musqueto bar; while, on the latter, they are often entirely superfluous at all seasons. There is 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. The sand fly and ticks are also very annoying in their attentions. 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 disproportionate 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.

The horse fly, it is said, has frequently been known to kill horses; at any rate, it is a most ma-

licious and troublesome insect; the gadfly is, also, a dreadful tormenter of the cattle in summer. The common housefly, the gnat, and others, of like species and of equal attachment to poor suffering humanity, are the constant and close companions of a summer's day in Texas. At that season a happy deliverance from such plagues would form the most desirable item, as far as creature comfort is concerned in a Texan's litany.

The cantharides or Spanish flies, such as are used for blistering and sold by druggists for that purpose, are common flies in Texas. The forests of Texas are visited by numerous swarms of bees, which deposit their luscious stores in their hollow trees, and thus give rise to a profitable branch of trade in which many individuals are employed, viz: the sale of honey and wax, which are and will be important items of commerce. It is a very curious fact in the natural history of the bee, that it is never found in a wild country, but always precedes civilization, forming a kind of advance guard between the white man and the savage. The Indians, at least, are perfectly convinced of the truth of this fact, for it is a common remark among them, when they observe these happy and industrious insects, "there come the white men!"

Of all the insects of Texas, the most disgusting and venomous creature is that species of spider called the tarantula. It grows enormously large—measuring, when expanded, five and six inches—and some say that is is even much larger than

this. Its bite is considered more fatal than that of the rattlesnake, and is declared by many and generally believed to be without a remedy. It is, at any rate, a most malignant and disgusting insect.

Of crustaceous animals, the crab—crayfish—shrimp—and stingaree, a species of horsefoot, are the principal. The latter is furnished with a hard and pointed member, protruding some inches, as is the case with the horsefoot, and which is called a sting by many, who assert that a wound made by it is envenomed and fatal.

Of the testaceous animals or shell fish, the most prominent are the oyster—clam—muscle—and land-snail, beside the great variety of marine animals, such as star-fish, sun-fish, a species of nautilus, and others, which do not properly belong to the natural history of Texas.

Beds of oysters line the coast, and nearly all the inlets along it; and are in such abundance about Oyster bayou, as to have given name to that creek. They are large and well flavored; and are said to be equally as good as those obtained in our Atlantic cities.

CHAPTER VI.

Towns—Villages and Settlements.

In a country so recently settled as Texas one must not look for large and populous towns and cities. There is indeed a town-making mania; but the energies and resources of the settlers are not equal to their wishes. Every man who purchases a large plantation, possessing a good site for the location of a town, immediately lays out one. Hence, a vast number of nominal towns are, in reality, not even villages; sometimes containing not more than a dwelling or two, with a blacksmith shop and a mill, and their greatness being altogether prospective. The most populous settlements, even, are as yet small places, which is necessarily the case, since the whole vast region of Texas does not contain, within its wide borders, more than fifty thousand souls.

San Felipe de Austin was founded in 1824 by Gen. Austin and the commissioner, Baron de Bastrop. It is the capital of Austin's colony, and situated on the right bank of the Brazos river, eighty miles from the gulf by land, and one hundred and eighty by the meanders of the river, at the head of boat navigation. The site of this town is exceeding-

ly beautiful. It is a high prairie bluff which strikes the river, at the upper or northern limit of the level region, about forty feet above the level of the stream: an elevation which is unusual in this section. It is the residence of Gen. Austin. The State and municipal officers of the jurisdiction hold their offices here; and this was the capital designated for Texas, when its separation from Coahuila and its reception as an independent State of the Mexican confederacy, should take place. Here, likewise, all the land and judicial business of the colony is transacted. It contains several stores, and presents altogether the appearance of a busy and pleasant little village.

Brazoria is thirty miles from the mouth of the Brazos by the meanders of the river, and fifteen by land. It is not located in a prairie, where nothing was to be done to prepare the foundation of the rising city, but to mark off its lines with compass and chain; but upon a wooded elevation of peach land, as it is called. This spot was chosen as the most commanding and healthful, besides combining other advantages. It has therefore to dispute empire with the lords of the forest. One street stretches along the banks of the Brazos, and there is one parallel with it further back, while other streets are laid out to intersect these at right angles.

In 1831, Brazoria gave promise of being a large and populous town. From several causes, however, it has not fulfilled the expectations of its

sanguine inhabitants. In 1833, that scourge, the cholera, took off some of its most enterprising population, and since that time other towns have sprung up to direct the channel of trade. Columbia, one mile and a half back from Bell's landing was made the seat of the new courts, thereby drawing off the lawyers and others from Brazoria. It was found however to be a bad arrangement, and they are now returned to their first location. A regular mail route is established between it and San Felipe, once a week.

Brazoria, besides being well situated, will always be important as the first stopping place for emigrants. To them it is no inconvenience that vacant houses can sometimes be obtained. Here may be found those necessaries which the newly arrived, and those wishing to penetrate into the interior, have need of. Such persons having heard of Brazoria as a considerable place, will feel disappointment at the sight of it. It contained, in 1831, fifty families, and now, 1836, it has not many more, though it numbers more houses. Nor have any of the then existing towns in Texas increased much. Most people, mechanics and all, choose to settle on their own estates, or are attracted by some boasted advantage to some new settlement. It is however looking up; business is increasing, and its favorable situation, being easy of access and convenient to the sea, combined with other advantages, will inevitably render it one of the most important towns in Texas.

Nacogdoches.—The old Spanish military post and village of Nacogdoches, is situated in the eastern section of Texas, in latitude 31° 40′, sixty miles west of the Sabine river. In 1819 or 1820, it was totally broken up by the revolution and abandoned. Its inhabitants were driven away by the Spanish troops and compelled to seek a refuge in Louisiana, near Nachitoches, exiles from their native country and dependent, in most instances, on the hospitality of strangers.

Nacogdoches remained without population until the year 1822–3, when many of the emigrants who left the United States with the view of joining Austin's colony, stopped at this place. A number of the ancient inhabitants, also, returned to their former possessions, and thus the town has been gradually repeopled and is now a respectable village. A garrison of Mexican troops, before the late war for independence, was stationed here under the command of a colonel of the army. There is, also, a custom house establishment, for the collection of duties on the inland trade from Louisiana. The country on the road between this place and the Sabine, is thinly settled by emigrants from the United States. This place is the great thoroughfare of emigrants to Texas.

San Antonio de Bexar.—The ancient town of Bexar is situated in the western part of the undulating region on the San Antonio river, which flows through it, and is remarkably pleasant and healthy. This place is in latitude 29° 25′, one

hundred and forty miles from the coast, and contains two thousand five hundred inhabitants, all native Mexicans, with the exception of a very few American families who have settled there. A military outpost was established at this spot by the Spanish government in 1718. In the year 1731, the town was settled by emigrants sent out from the Canary Islands by the king of Spain. It became a flourishing settlement, and so continued till the revolution in 1812. Since which period the Comanche and other Indians have greatly harassed the inhabitants, producing much individual suffering, and totally destroying for a season, at least, the prosperity of the town. It is the capital of the province, and has been rendered a place of considerable notice, as the seat of the late war, and by the surrender of Cos, to the patriot army of Texas under Gen. Burleson, on the 11th of December, 1835: by the conquest of which not a Mexican soldier in arms was left in the State of Texas.

Columbia, on the league of Mr. Bell, is a place of considerable business, and was, for a while, the seat of justice. It contains a hotel kept by Bell, new and spacious—the largest building there. There is besides a building or two, constructed while it was the seat of the courts, for a court house, and offices, &c. and a few dwelling houses. This town is on the edge of the prairie, and the scenery about it is pretty. A broad road through timber is cut to the landing, which is very muddy

in wet weather. It was thought by many that this place was not so convenient for the court as Brazoria, which was formerly the seat of justice, and it was accordingly again removed thither. Columbia is more central than Brazoria, but has less accommodation, and is too far from the river for convenience.

Marion, or Bell's Landing, two miles distant from Columbia, since 1831, has had an increase of a number of dwelling houses, and several large warehouses, one of which was built by an extensive dealer in cotton, many bales of which I have observed in going up the river, lying on the shore ready to be shipped. Some of the fine trees have been cut away, and in some places the banks have caved in, which with the business-like air of the place, have destroyed much of the picturesque effects observed on my former visit.

Anahuac.—This was formerly a military post town established by order of Gen. Teran, on the northeast corner of Galveston Bay, opposite the mouths of the Trinity river in Vehlein's grant. Its situation is very pleasant, on the borders of a prairie, at an elevation of thirty feet above the waters of the bay which is spread before it. This town was at first known by the name of Perry's Point, until the ancient title of the city of Mexico was bestowed upon it, at the time it was occupied by a Mexican garrison of about an hundred soldiers under the command of Col. Bradburn. It contains about thirty houses besides the building

erected as barracks for the soldiery. This is about one hundred and fifty feet long and twenty wide, with the colonel's quarters at one end, and the guard house on the other.

Goliad.—This village formerly called La Bahia is situated on the right bank of the San Antonio river, about one hundred and ten miles southeast of Bexar, and thirty miles from the coast. It contains about eight hundred inhabitants, all Mexicans. It was garrisoned by Mexican troops, and was one of the first places signalized by a triumph of the Texan arms in their struggle for liberty.

San Patrick—This is an Irish colony situated in McMullen's and McGloin's grant, on the right bank of the Nueces. A number of Irish families have settled here, and many others will probably find an asylum, with the certain prospect of plenty and independence. The settlement of Irish colonies in this grant is the great object of the Empresarios who are, themselves, "exiles of Erin." The Mexican garrison at this place surrendered to the patriots on the 3d of October, 1835.

Gonzales—the capital of DeWitt's colony, is built on the left bank of the Guadalupe river, at the point where the direct road from San Felipe de Austin intersects that river. The site of the town is elevated, pleasant, and healthful, and possesses many natural advantages. It contains about three hundred inhabitants; and is distinguished as being the opening scene of the late war, where

the first blow was struck against the despot Santa Anna and Centralism—the *Lexington* of Texas.

Bastrop or Mina, lies on the left bank of the Colorado, at the intersection of the road leading from Bexar to Nacogdoches with the river. It was laid out in 1830 by the Empresario, General Austin, in his contract of 1827, and is already a considerable place, and continues to grow rapidly. It is a favorite spot for new settlers, and is quite the rage at present; no sickness of any kind having ever been known there. It is situated on a bend of the river, sloping beautifully down to the water, with ranges of timber—first oak, then pine, then cedar, rising in regular succession behind it.

Bolivar is at the head of tide water on the Brazos, sixty miles from the river's mouth by water and forty-five by land. It is an important point, as any vessel that can pass the bar can ascend to this place in the lowest stage of water, but not farther. The road via Bolivar to San Felipe is fifteen miles nearer than the road from Brazoria to San Felipe direct, and is much better. The distance from Bolivar to the navigable waters of Galveston bay, is but fifteen miles over a high, dry prairie, with the exception of six miles through timber land, where the road is good. The land in and about Bolivar is the best in the colony; clothed with heavy timber, with peach and cane undergrowth, to the distance of six miles from the river. The bank of the river in front of the town, is a high bluff of stiff red clay. About fifty acres are cleared and under cultivation.

Bolivar, though selected as an advantageous location for a commercial town, and laid off for that purpose before Brazoria, is as yet a town only in name. Its location, for purposes of trade as well as on account of the fertility of the adjacent country, has doubtless many advantages. But it was neglected for that which was regarded, upon the whole, as a more eligible position, on account of its easier access from the sea. At some future day however it will, in all probability, become one of the most flourishing emporiums in Texas. We are warranted in this belief by the fact, that it is, even now, the great point for the embarkation of cotton, from the rich plantations which every where surround it. There is not a wealthier or better settled district in the colony, than that which surrounds Bolivar, in the raising and sale of cotton, particularly. It possesses, likewise, all the other advantages, which one of the best positions on a large and commercial river can bestow.

Cox's Point.—The new town at Cox's Point will eventually rival Matamoras, inasmuch as it has a better harbor, and is equally near to all the great mining districts. The facility of getting goods to the interior is at this time greater; and it is preferred as a market by almost all the interior traders. There are already heavy capitalists located there, and one *conducta* has arrived from Chihuahua with three hundred thousand dollars. It is situated at the mouth of the La Baca, and contains about two hundred inhabitants,

Matagorda is an older and a larger town than its rival Cox's Point, at the mouth of the Colorado. It contains five hundred inhabitants and is a place of great business, trading with the interior and New Orleans. Before the existence of the settlement at Cox's Point, it was the only place of depot of the Colorado river, and of an extensive fertile country which found its natural market at this point.

Washington is situated on the Brazos, in one of its bends, about fifty miles above San Felipe, and on the San Antonio road. It is quite a new town, but is increasing very rapidly, and already numbers fifty houses. It was designated by the Provisional Government as the future seat of government in Texas; and the sessions of the convention were removed there, in March of the present year. It is pleasantly and healthfully situated; and, with the numerous advantages which it enjoys, cannot fail to become an important point in Texas.

San Augustine is beautifully situated on the verge of a prairie, forty-five or fifty miles east of Nacogdoches, on a branch of the Angelina, in Zavala's grant. It is on the direct road from Nachitoches; and is the first town that the traveller meets, within the limits of Texas, in going from the United States. It is a prosperous place, though new; and is about the size of the capital, Washington.

New Washington.—This is as yet a small place, laid out a short time since by Col. Morgan, a resi-

dent and associated with a New York company. It is at the mouth of the San Jacinto river, at the head of Galveston bay, in Austin's colony. Several well laden vessels have already gone there; and it promises to be a place of great commercial importance. A large warehouse and a hotel for accommodation of visiters are now being built there. It is generally known by the name of Clopper's point, and probably this will continue to be its common appellation, on account of there being another town of the same name—Washington, the capital of the State.

Cole's Settlement.—This place is situated in a rich and romantic country, and is a prosperous and populous neighborhood. It lies near the Brazos above San Felipe, is increasing fast, and is especially noted for a young ladies school, kept there by Miss Trask.

Orozembo and Montezuma are located on the Brazos river, opposite to Bolivar. They are as yet but "castles in the air," and were laid out on two contiguous leagues of land, by their respective proprietors. The situation of both of these rival *towns* is pleasant, and favorable for trade. Which of them, however, is to be the most flourishing, or whether both of them will be entirely abandoned for some other more advantageous and popular position—are questions which require more of the prophetic "unction" than we possess, to answer definitely.

Fort Settlement on the Brazos, a little higher up than the two last mentioned, contains a considerable population. It is not a thickly settled village, but a section of country containing many farms: such as we would call, in this country, a well settled neighborhood.

Harrisburgh.—This town has its name from Mr. Harris, the owner of a steam saw-mill at this place. There are now extensive steam saw-mills here, belonging to the Harrisburgh Saw Mill Company; and large quantities of lumber are constantly made and disposed of. Vessels are frequently loaded at these mills with lumber, destined for the Mexican ports of the Gulf, and any quantity may be sold, at good prices, either for domestic or foreign consumption. The timber, consisting of yellow pine and oak, is abundant. The mills are on Buffalo Bayou about thirty miles from the Brazos river, and are accessible to vessels drawing five or six feet water. The price of lumber is at present twenty-five dollars per thousand feet. The town is irregulary built and contains only about twenty houses, mostly log, with two or three frame buildings. The situation is, probably, rather unhealthy, and the importance of the village can be sustained only by its valuable mills, which furnish more lumber, probably, than all the others in Texas.

Tenoxticlan is a military post and town established on the right bank of the Brazos, twelve miles above the upper road leading from Bexar to

Nacogdoches, fifteen miles below the mouth of San Ardress river, and one hundred miles above San Felipe de Austin. It is very eligibly situated and abundantly supplied with excellent water. It was the intention of government to keep a garrison at this place, for the twofold purpose of protecting the frontier of Austin's colony from the predatory incursions of Indians, and of facilitating the extension of that colony, northwesterly, up to the Brazos river. The adjacent country for many miles around, is fertile and healthful, and the Brazos in seasons of freshets, is navigable some miles above this port.

Galveston is situated on the bay of that name in Vehlein's grant, and, as a commercial town, possesses one of the best locations on the Gulf. Indeed Galveston as a harbor is said to be much superior to any other on the Gulf between Pensacola and Vera Cruz; and her vicinity to the West Indies, the United States, and the Mexican ports, with the Gulf stream, the great river of the ocean, at hand to sweep her vessels, with its mighty and rapid current, to the eastern Atlantic, renders her position for foreign commerce highly felicitous.

Velasco, a small town at the mouth of the Brazos river in Austin's colony, is celebrated for its salt works which are very notable. It is a small town but is well situated, and is in a flourishing state. A collector of customs resides here.

Velasco is the resort, in summer, of great numbers of visiters from the north of the colony, who

come to enjoy the delightful sea-breezes, sea bathing, and the comforts with which they are every where surrounded. Excellent accommodations can always be obtained at boarding houses, which, among other attractions, are always furnished with supplies of oysters and fish of the first quality. Musqutoe bars are not often needed here, and, altogether, it is one of the most delightful places in the country. A Mexican garrison was formerly stationed at Velasco; at present, it is a rendezvous of the patriot troops.

Quintana is a town in embryo, containing a proprietor's house belonging to Mr. McKinney, and a large warehouse; but "farther the deponent saith not." It is situated on the Brazos opposite to Velasco.

Powhatan has been just laid out by Dr. Archer and Mr. Williams, at the mouth of Dickson's creek, on the western shore of Galveston bay. It possesses a first rate harbor.

Tuscasito, in the vicinity of Anahuac, instead of being a town or even a village, is a mere stopping place on the way to San Antonio with a single house and a blacksmith's shop. It is situated in a dreary and barren country, with scarce a sign of vegetation around it. The view from this place looking out upon the bay is very fine. The spot is important to travellers, who will receive good accommodation from the proprietor, Mr. Orr.

Victoria, named after the patriot Guadalupe Victoria, is situated on the east side of the

Guadalupe, in DeLeon's grant, at the intersection of the road leading from San Felipe to Goliad with that river, and about twenty miles from the mouth of the La Baca. It is a small village, and its population is chiefly Mexican.

Aransaso and Copano are both located on Aransaso bay, in Power's grant, and are inconsiderable places at present. They are however favorably situated, and their future prospects are good. The region around them is one of the most valuable portions of Texas, and the bay is much deeper than either Galveston or Matagorda, and is the principal harbor for vessels, whose cargoes are destined for Goliad or Bexar, and for the Irish colonies of the Nueces. Aransaso was formerly a Mexican garrison-town, and Copans was the winter-quarters, this past season, of a part of the volunteer troops in the cause of Texas.

Liberty.—This is a small place on the east bank of the Trinidad river, in Vehlein's grant, at the intersection of that river by the road leading to San Felipe. It is a point in the weekly mail route, established between San Felipe and Belew's Ferry on the Sabine river. It is the capital of a jurisdiction, and its citizens have taken an active part in the war of Independence.

Lynchburg is a new town at the mouth of the San Jacinto and Buffalo Bayou, at the head of Galveston bay; it is a point in the eastern mail route from San Felipe.

Houston, in compliment to the General who so nobly volunteered in the Texan cause, has recent-

ly been laid out on the east side of the Trinity river, forty miles north of the San Antonio road It contains between three and four hundred building lots and a large quantity of out land. The situation is said to be handsome, salubrious, and well watered; surrounded by fertile, well timbered land, and is about six miles distant from a good steamboat landing on the Trinity. The town is intended to be on the roads leading from Nacogdoches and Pecan Point, to the falls of the Brazos. Within a few miles of it there are two large and good salines.

Bevil's Settlement is situated on the Sabine, and forms one of the jurisdictions of the department of Nacogdoches. A mail arrives here weekly by the way of *Zavala*—a small place on the Neches river in Zavala's grant—from San Augustin. It is a populous neighborhood, but cannot be called a town. Bevil's Mill is the point embraced in the mail route.

We have thus enumerated the principal towns and settlements in Texas, embracing all, we believe, which are worthy of notice; and perhaps the reader will think, that many of those which we have mentioned might have been spared. They were presented however in order to give something like an accurate idea of the state and seat of settlements in this country; and had we confined ourselves to towns—properly so called—populous and flourishing, our sketch would have extended to but a few lines, and our purpose

would not have been accomplished. Population is, as yet, sparse, widely scattered, and of a very roving character; and, consequently, even the future destinies of towns, notwithstanding all their advantages, are involved in much doubt, except a few places combining such natural and artificial facilities, as will necessarily ensure their prosperity. These have been noticed in the above schedule, and the advantages of all, as far as practicable, have been added to their description. There are many other *nominal* towns, and a number of good settlements, not included in our present sketch, and which, conceiving we had offered sufficient information for the emigrant, and having some "bowels of compassion" for the general reader, we thought proper to omit. Towns in Texas, indeed, are of mushroom growth; they spring up in a day, and decay as soon, being abandoned for some more alluring spot, which has the charm of novelty for a roving and unsettled emigrant. The lapse of a few years, and the influence of a regular and well administered government, which we confidently hope will be the result of the present struggle, will materially alter and confirm the character of population, and the prospect and growth of the towns and villages of Texas.

CHAPTER VII.

Inhabitants—Society and Manners.

The population of Texas, exclusive of the Indian tribes, is estimated at fifty thousand souls. Of these about five thousand are Mexicans, and the remainder mostly Anglo-Americans, with a small number of Europeans. The principal settlements of Mexicans are the old Spanish towns of Bexar and Goliad (formerly called La Bahia).

The former was the capital of Texas, under the Spanish and Mexican dominions, and contains about twenty-five hundred inhabitants. The latter is a village whose inhabitants do not exceed eight hundred. There is, also, a small village of Mexicans on the Guadalupe, at Victoria, near which there was also formerly a military post. At Nacogdoches and in the vicinity of the town, there is a Mexican population of about five hundred souls. A few families are also dispersed among the American settlers, particularly in Austin's colony; but the addition of one thousand to those already mentioned, would include the total Mexican population in Texas. The Mexicans, in the colonies, are employed by the settlers mostly as herdsmen, and are universally acknowledged to

be the best hands that can be procured, for the management of cattle, horses, and other live stock. Their occupation indeed, generally, is raising live stock, and agriculture on a limited scale. Many of them make a business of catching and taming *mustangs* or wild horses, which they sell to the American settlers. They are also frequently employed in the conduct of trade, by caravans, with the neighboring Mexican States. They are very ignorant and degraded, and generally speaking, timid and irresolute; and a more brutal and, at the same time, more cowardly set of men does not exist than the Mexican soldiery. They are held in great contempt by the American settlers, who assert that five Indians will chase twenty Mexicans, but five Anglo-Americans will chase twenty Indians. This savors rather of a "half horse and half alligator" origin, but the experience of the late revolution has confirmed its truth in the main. The Mexicans are commonly very indolent, of loose morals, and, if not infidels of which there are many, involved in the grossest superstition. This view exhibits why it is by no means wonderful that this people have been the dupes and slaves of so many masters, or that the plans of intelligent and patriotic men, for the political regeneration of Mexico, have heretofore entirely failed. The moral education of this people must be improved, before their political condition can be ameliorated. There are many honorable and signal exceptions to this statement, it is

true; but we believe the general character of the Mexicans in Texas and her vicinity has been pretty accurately drawn. Fortunately however, as we have seen, there are but few of the race within her confines.

The great majority of the population of Texas, and the most valuable portion of it, consists of emigrants from the United States. The active and enterprising New Englander—the bold and hardy western hunter—the high-spirited southern planter—meet here upon common ground, divested of all sectional influence, to lend their combined energies to the improvement of this infant but delightful and prosperous country. It has been said and published by certain individuals, for what cause we know not without it is in sheer enmity to this country, that Texas is the great penitentiary of America, where outlaws, murderers, thieves, and vagabonds resort, after having been compelled to flee from the judgments of offended laws, or the scorn and detestation of society. This is a gross misrepresentation, and unworthy of any man who has the least regard for truth. That cases have existed and are yet occasionally found of this description we will not pretend to deny. They are unavoidable evils to which every new country is liable. We know indeed that a considerable portion of the United States was settled by transported convicts, and the evil increased to such a degree, as to become one of the primary matters of complaint, by the colonies to the mother

country. Such is not the case however in Texas. It is true that there are found, here and there. refugees from justice; but they cannot be properly called colonists; they are here, as in their own country, the marks of public contempt and abhorrence, holding no influence in society, nor honored with the confidence or regard of any citizen. They are considered as pests, and avoided as such. Never has any cis-Atlantic State been peopled by a more honest, industrious, intelligent, and respectable emigration than Texas, and especially Austin's colony. Sturdy mechanics, substantial farmers, able professional men, and, not unfrequently, wealthy planters, have sought and found a home in the Brazos valley; while the great body of settlers, though commonly poor, have been of the most respectable and enterprising character. The empresario, Gen. Austin, has never admitted into his colony any man known to be of disreputable standing, and has always, as far as practicable, made diligent inquiries in order to ascertain, if possible, the conduct and reputation of each applicant.* Facts—eloquent facts—in the rapid

* It is not always the case that an unremitted and unmitigated prosecution is the most proper, in regard to such unhappy characters as have incurred the penalty of the laws by the commission of crimes. Many a man has been driven to despair, and rendered a villain of ten times deeper dye by such a course, when, by proper treatment, he might have been reclaimed. We have often seen it the case, that men, outlawed from their own country, have sought a home in foreign lands, where their past lives were unknown, and, repentant for their former misdemeanors, have commenced an entirely new and useful

growth of this country, the state of public sentiment manifest in their present struggle, the success

career. Confirmed and impenitent villains should always meet with deserved odium; but let not the weight of public indignation always fall with unrelenting force upon the head of the unfortunate, erring, but repentant culprit, who may yet be reclaimed and made an useful member of society. The following is an anecdote in point to confirm the justice of these remarks. B——— was a Kentuckian, and went to Texas in the early history of the colony, and located himself on a lovely but solitary spot, when there was scarcely a settlement of the Brazos. Here, with his wife and children, he resided in peace, and was getting things snug and comfortable around him, when evil-tongued rumor dragged him from his retreat. Word came to Gen. Austin that B——— had been a convict in the Penitentiary of Kentucky. He, bound for the good character of the colonists, sent forth an order immediately, as was his custom in such cases, for B——— to decamp within three days, on pain of summary punishment. Another refugee, the infamous Desha, of Kentucky, averted the punishment of the law by committing suicide. B——— replied that, true, he had been in the Penitentiary, and also he had been in the Legislature of Kentucky, where he opposed the manufacture of so many banks, by which he and so many others had been ruined; upon which he had been tempted to the crime of forgery, or to do that on a small scale, which they had been doing on a great one. He had paid the forfeit—had stolen off to his present retreat to lead an honest and a solitary life, far from the world, which he desired neither to injure or to serve—and now he wished but to be let alone.

Upon this, Gen. Austin paid him a visit, and was so well pleased with the conversation and improving condition of the old man and his family, that he left him to live and die in peace.

The cholera in 1832 finished his course. He died in Brazoria, where it cannot be said he *lies interred*, for he was buried *erect* and in full dress, with his rifle on his shoulder, according to his desire.

which has attended her arms, and the sympathy which she has universally excited, loudly proclaim how false and slanderous have been such imputations upon the honor of her citizenship, as that cited above. The tide of emigration now flowing in from the United States is of a character most desirable for any new country. The present American population is about fifty thousand and is augmenting daily.

Of trans-Atlantic emigrants, the principal are Germans, French, English, and Irish; but chiefly the last.

The colonies of McMullen & McGloin, and Powers, were contracted for, with the special purpose of settling an Irish population on their lands. These grants embrace the greater portion of the region situated between the Nueces and San Antonio rivers. This is a very valuable part of Texas, and there can be no doubt but that many thousands of the oppressed sons of Erin, if they possessed the information and means of emigration, would joyfully exchange their "cow's grass" and "potatoe lots" for rich farms in this colony. Here are no tithes, no poor rates, no burthensome exactions, nor vexatious restrictions. Here enterprise and energy may unfold themselves to their fullest extent, in all the various pursuits of honest industry, without fear and without reproach. The colony has already commenced operations under favorable auspices, and will doubtless succeed and ultimately flourish. Nothing is now wanting to

insure its immediate success, but a sufficient supply of industrious emigrants; and these are fast coming in. A number of Irish families have already established themselves in the upper grant of San Patrick, charmed with the country and animated with the certain prospect of plenty and independence, and the lower grant is constantly receiving accessions. Never was there a more inviting asylum for Irish emigrants, than is presented by the Irish colonies on the Nueces, and it is to be hoped that large numbers of them will avail themselves of the advantages here presented in the event of their becoming settlers.

There are a considerable number of Negroes in Texas who, though slavery is prohibited, by an evasion of the law are "bound" for life, and are, *de facto*, the property of their masters. They are however, from the restraints of law, invested with more liberty and less liable to abuse than the slaves of the Southern United States. The question of negro slavery in connexion with the settlement of this country, is one of great importance, and perhaps may hereafter present a serious difficulty. The former constitution and laws totally probibited this worst of evils. Should this wise policy be abandoned and Texas become, what Louisiana now is, the receptacle of the redundant and jail-delivered slaves of other countries, all its energies would be paralyzed, and whatever oppressions may hereafter arise either from abroad or at home, must be endured, for the country would re-

quire a prop to lean upon, and, from necessity, would be forever dependant.

Various Indian tribes are resident in Texas; but we reserve a notice of them for the succeeding chapter, which will be specially devoted to their history and manners.

The character of Leather Stocking is not uncommon in Texas. Many persons employ an individual of this class in the business of hunting, in all its branches; and thus are constantly supplied with provisions of every description, even to eggs, which are furnished by the immense number of wild fowl. These hunters are very profitable to their employers, and much cherished in the family, and often become spoiled by familiarity and indulgence. A roughness of manners, and a rudeness of speech are tolerated in them, which would not be brooked in other servants. They are a sort of privileged character. Indians and Mexicans are considered the best qualified for this important office. But it sometimes happens that a white man from the *States*, who has become some what decivilized, (to coin a word,) is substituted. The dress of these hunters is usually of deer-skin; hence the appropriate name of *Leather Stocking*. Their generic name, for they form a distinct class, is *Frontiers-men*.*

* The family of Dust who reside on the "mound," noticed in this work as situated on the road between Brazoria and San Felipe, are perhaps the most illiterate and decivilized of any in Texas. The children are totally uneducated, wild,

The use of the rifle, however, is not confined to the Leather Stockings, or to the ruder sex exclusively; as the following anecdote, the subject of which is still living, will testify. Mrs. M——, the Texas Diana, has killed with the rifle eighty deer and one buffalo. Her canting husband wanting industry and capacity, she was compelled thus to support him and her children. She now lives alone with her children, in the prairie near Chocolate Bayou. She was an illiterate woman, having never been to school in her life; but the same independent spirit which placed the rifle in her hand for the support of her family, prompted her to study and improve herself by learning to read, after which she taught the same to her children; a great blessing for a poor family, where schools were formerly so very rare. The mode of her education, in the use of the rifle, will show how natural it is that we should find, in a wild unsettled country, many females in her circumstances and of a daring spirit, who are acquainted with its use. The same bold mind which, in different circumstances, would make such a female

and rude, and flee from any association with strangers. They are, literally, "wild men of the woods," with the exception of one daughter, who married an intelligent and industrious yankee, with whom she now resides on the mound, and has become a very tidy woman, and quite respectable. Mrs. Dust, the mother of the family, is a grand daughter of the Kentucky patriarch, Daniel Boone, and does no discredit to her lineage, as far as a disposition for a roving and solitary life can testify.

a polished lady, would lead her, here, to acquire the accomplishments of "wood-craft;" so much are we the creatures of circumstances. Her father came from Mississippi with his family in a keel-boat. Having to "put in" along shore frequently on the way, and to go hunting in order to provide food for the party, she, then a young girl, took, at last, the habit of carrying the rifle, and thus learned the use of it. She is a strong active woman not yet thirty. When she hunts, not being able to lift a whole deer, she divides the animal with a "tomahawk" into quarters, tying two of them together, and thus suspending them on each side of her horse.

It must not be supposed from the characters we have named here as existing in Texas, that such constitute the body of her population, and give tone to her society. These are a distinct class of people, who are invariably found among the pioneers of every new country, and are such as alone would be able to encounter the hardships, to endure the privations, and enjoy the solitude of the wilderness around them. Such as these form the *avant couriers* of civilization, and prepare the way for the less hardy but more refined colonist. Many of these who first penetrated into this then wild and uninhabited region, are still living to see the face of nature and society almost wholly changed by the rapid march of improvement, and are themselves solitary monuments, thinly scattered through her territory, to show how great that

change nas been. Though rude and unfit for the common avocations of social life, they are not however an useless or troublesome class. They are brave, generous, and hospitable; though generally careless and unreflecting. Never having felt the various artificial wants of society, they regard not those luxuries which are required to supply them. Having lived mostly free from the restraints of law, they are not apt to pay implicit obedience to its dictates, when contrary to their own views and feelings. The descendants of this class reared in the midst of civilized society, combine the noble daring and independence of the one, with the refinement of the other; and, thus, frequently form the most intelligent, enterprising, and, altogether, the most valuable portion of a community.

With regard to the state of society here, from what we have seen, it is natural to expect some incongruities. It will take some time for people gathered from the north and from the south, from east and from the west, to assimilate and adopt themselves to new situations. But there is one redeeming quality which is universal, and which will exert a most beneficial influence upon the manners of the people; that is the virtue of hospitality. Every body's house is open, and table spread to accommodate the traveller; the best of every thing is presented freely, not indeed with the refinement and courtesy of a polished European community, but with the honest, blunt, but

hearty welcome of a Texas back-woodsman. There are a few here of the higher class, whose manners are more courtly but not less sincere. Nature has lavished her treasures upon all, and they seem imbued with the spirit of liberality which such abundance should create. Though there are a few who may be styled *nabobs*, as far as wealth is concerned, and others who are worthless and wretched: yet, as a general remark, there are no poor people here, and none rich; that is, none who have much money. The poor and the rich, to use the correlatives where distinction there is none, get the same quantity of land on arrival; and if they do not continue equal, it is for want of good management on the one part, or superior industry and sagacity on the other. All are happy, because busy; and none meddle with the affairs of their neighbors, because they have enough to do to take care of their own. They are bound together, by a common interest, by samenesss of purpose and hopes. Artificial wants are entirely forgotten in the view of real ones; and self, eternal self, does not alone fill up the round of life. Delicate ladies find they can be useful, and need not be vain. Even privations become pleasures; people grow ingenious in overcoming difficulties. Many latent faculties are developed. They discover in themselves powers which they did not suspect themselves of possessing, and, equally surprised and delighted with the discovery, they apply to their labors with all that energy and spirit,

which new hope and conscious strength inspire. This state of things may be changed, and society probably advanced a grade higher in the scale, by the events of the present war.

All the comforts of life surround the settler here, which are enjoyed by a Kentucky farmer. Neat and comfortable houses, though not furnished with all the luxury which characterize the mansions of an older country, are sufficiently convenient and sometimes spacious. Dwellings are generally constructed in the cottage style, only one story high, mostly of logs, though not unfrequently frame and brick buildings are found. Porticos in front of the tenements are almost universal. The furniture is generally of domestic manufacture, except in a few houses owned by wealthy planters, who have been at the pains to import from the United States articles more sumptuous than those in common use.

Tables, chairs, &c., when of foreign construction, are generally imported in pieces, and put together after their arrival. The table commonly in use, however, is a simple frame and top, made of such boards as can be obtained in the country; and the chairs are framed and bottomed with deer skin, buffalo robes, withes, &c. We have noticed these trivial affairs in order to give a proper idea of the furniture of a Texas dwelling. These cottages contain from two to five rooms, made warm, sometimes lined with boards, but rarely plastered. One room is set apart for the

kitchen; the rest are used for bed-rooms, sitting-rooms, &c. indiscriminately. The living cannot but be excellent in a country, which is furnished with such a profusion of the good things of life as Texas. Vegetables of every descriptions, wild fowl, and other game, beef, pork, venison, fowls, butter, eggs, milk, &c., with tea, coffee, and all the like comforts commonly found upon the tables in our country. Unfortunately, cooks do not grow upon trees. The epicure, therefore, who brings with him his morbid appetites, must also bring his cook. But he who can relish the most wholesome viands, dressed in the plain manner of the country, will never find opportunity to complain of the quality or quantity of fare which is to be found upon a Texas table.

The ordinary dress of the inhabitants is fully equal, if not superior, to that of the back-woods settlers of the Western United States. A stranger would be astonished to see, in this infant settlement, a taste and luxury displayed by females in the article of dress, which would compare with that of the old settlements of our country. Dry good stores, well supplied, are to be found in all the towns of much size, and there is, hence, no difficulty to the opulent farmer or mechanic—and opulence is an unfailing consequence of industry here—to supply themselves with the very best articles of clothing. Indeed, no new country in America presents a population more tasteful and genteel in dress than Texas; and one would sup-

pose, on visiting a ball-room or a place of fashionable resort—for such there are—that he had fallen among the *elite* of a flourishing and refined community; when the fact is, he would be among the common class of a country where there are no distinctions, where rich and poor blend together, and where all are able to, and on such occasions do present the same genteel appearance.

There is no aristocracy observable here except such as nature herself demands; the only distinction is that which always should obtain between virtue and vice. All are contented; all are happy. Each thinks himself, with a pardonable vanity, the most highly favored of men. Each has in his own opinion the best land, the best water courses, the finest timber, and the most judicious mode of operation; proving at least that each is satisfied with his own lot, and not disposed to envy his neighbor. There are exceptions to this tone of feeling it is true; but we are merely tracing the general complexion of society, which is such as we have described it, at present, whatever changes may be wrought in it hereafter.

Many foreigners, well educated, and of polished manners, have found a home in the Brazos valley; and the higher requisites of social intercouse are not totally absent here.* Great attention is be-

* Our readers will doubtless be interested in the following truly affecting fate of a distinguished foreigner, who had sought, but unsuccessfully, an asylum in Texas.

The Count de Possé, the friend, kinsman, and companion in

ginning to be paid to education and the spread of useful knowledge among the people. Two newspapers are already established in Austin's colony—the Texas Republican at Brazoria; and the Telegraph at San Felipe. Several schools with competent instructors are well supported, and the

arms of Napoleon, had been for two or three years a wanderer in America, recommending himself, in the various places of his short sojourns, by the refined and amiable qualities of his mind and heart. Overwhelmed by domestic afflictions and pecuniary troubles, he suffered excessive depression of spirits, some say, mental derangement. It was perhaps under such partial alienation that during the summer of 1831 he found his way to Texas. While in Brazoria his means were exhausted. Some humane persons befriended and assisted him, and soothed him as far as they could. But he was ill calculated to sustain the evils of so comfortless and hopeless a condition. He passed on to San Antonio, proposing, it is said, to go to the city of Mexico, where after remaining a few weeks, moneyless and dejected, he put an end to his miserable existence by blowing out his brains. Before the fatal moment, while he stood on the banks of the river premeditating the last desperate act of his life, he called a boy to him and gave him his splendid watch, his rings and trinkets, (probably keepsakes and relics of his happier days) telling him to carry them to a person he named, and probably owed for means of subsistence while in that place. He then applied the fatal pistols one to each ear, meaning, it is thought, that his body should fall into the river, and thus further trouble about him be saved. But his delicacy on this point might have been spared, for the orthodox Mexicans concern themselves little about heretics or charities. The last rites to his neglected and mangled remains were performed, where they fell, by the birds or beasts of prey. Nor were they the first vultures that knawed at his too tender heart. All who knew him speak with kindness and respect of the unhappy Count de Possé.

"knights of the birch" will find a broad and profitable field for labor in the numerous settlements here, where all are more or less wealthy, and anxious to bestow upon their children a good education.

Public Instruction, by the confederated state of Coahuila and Texas was predicated upon the following basis: "In all the towns of the State, there shall be established a competent number of common schools, in which there shall be taught reading, writing, and cyphering; the catechism of the christian religion, a short and simple explanation of the constitution, and the general one of the Republic; the rights and duties of man in Society, and that which can conduce to the better education of youth."

"The method of instruction shall be uniform throughout the State, and in those places where it may be necessary, there shall be institutions of learning more suitable for disseminating public instruction in the useful arts and sciences."

So wise an act of legislation, we are confidently assured, will not be altered by the free and independent State of Texas, should she attain to independence; but, on the contrary, new and improved facilities will be extended for the promotion of the interests of education.

With regard to the language of the Texans, you *hear* nothing but English. This is to be expected, inasmuch as the great body of settlers is composed of emigrants from the United States. It is

owing to this cause that the laws and all public proceedings, which were formerly published in Spanish, are by a late act, required to be promulgated in the English language. It is about as great an accomplishment to speak Spanish there, as it is French in our own States. It is however convenient to know it; and all who *can*, try to attain it. Lawyers who know it, will hereafter have a great advantage over others who are ignorant of it; all deeds, conveyances, &c. being written in the Spanish. Those acquainted with this language find a profitable business as translators: this shows how few there are who are adepts in it. As to language, idioms, &c. as well as many customs, it would be unnecessary for us to go into a detail. Let the reader only fancy himself in Kentucky or any *new* State, listening to their conversation and observing their manners, and he will have an accurate idea of such things in Texas. Indeed it is very probable that we have already wasted too much time in our description of Texans and their manners, and that it would have been fully sufficient to have said, with regard to many things, that the inhabitants differ but very little from those of the recently settled western and southern States of our country.

A few remarks upon some peculiarities in Texas customs, and we shall conclude this chapter.

We have heretofore spoken of the wild daring of this people, even of the females; and cited a case which was rather an extreme one—of rare

occurrence. But necessity has taught many of a more elevated rank in life, a hardihood and courage which is truly surprising in the gentle sex. We shall now make a few remarks upon a great class, of which the example we shall give is a just one, who were formed to be remarkable women in any sphere, and whose characters have been moulded by the circumstances of the country, in which their lots have been cast. At the same time it will be recollected that the state of the country is fast changing the character of society, and that this class is yielding to one of a different description, such as improvement and refinement in any country naturally gives birth to.

Living in a wild country under circumstances requiring constant exertion, forms the character to great and daring enterprise. Women thus situated are known to perform exploits, which the effeminate men of populous cities might tremble at. Hence there are more Dianas and *Esther Stanhopes* than one in Texas. It is not uncommon for ladies to mount their mustangs and hunt with their husbands, and with them to camp out for days on their excursions to the sea shore for fish and oysters. All visiting is done on horseback, and they will go fifty miles to a ball with their silk dresses, made perhaps in Philadelphia or New Orleans, in their saddle-bags. Hardy, vigorous constitutions, free spirits, and spontaneous gaiety are thus induced, and continued a rich legacy to their children, who, it is to be hoped, will sufficiently value

the blessing not to squander it away, in their eager search for the luxuries and refinements of polite life. Women have capacity for greatness, but they require occasions to bring it out. They require, perhaps, stronger motives than men—they have stronger barriers to break through of indolence and habit—but, when roused, they are quick to discern and unshrinking to act. *Lot was unfortunate in his wife.* Many a wife in Texas has proved herself the better half, and many a widow's heart has prompted her to noble daring.

Mrs. —— left her home in Kentucky with her six sons, and *no other jewels.* There was good land and room in Texas. Hither she came with the first settlers, at a time when the Indians were often troublesome by coming in large companies and encamping near an isolated farm, demanding of its helpless proprietors, not then too well provided for, whatever of provisions or other things struck their fancies. One of these *foraging* parties, not over nice in their demands, stationed themselves in rather too near proximity to the dwelling of this veteran lady. They were so well satisfied with their position, and scoured the place so completely, that she ventured to remonstrate, gently at first, then more vehemently. All would not do: the *pic-nics* would not budge an inch; and moreover threatened life if she did not forbear from further expressions of impatience. The good woman was *armed.* She buckled on her *breastplate* of *courage*, if not of *righteousness*, and

with her children and women servants, all her household around her, sent for the chief, and very boldly expostulating with him, *commanded* him to depart on the instant at the peril of his tribe; or by a signal she would call in her whole *people*, numerous and formidable, and exterminate his race. She was no more troubled with the Indians. She lives comfortably with her thriving family and thriving fortune, and with great credit to herself, on the road between Brazoria and San Felipe, in the same house now famed for its hospitality and comfort. It is the usual stopping place for travellers on that route, who are not a little entertained with the border stories and characteristic jests, there related, by casual companies meeting for the night and sharing the same apartment. It was thus that the above incident, much more exemplified, was drawn from the hostess herself. A volume of *reminiscences* thus collected, racy with the marvellous, would not be *unapt* to modern taste, and the modern science of book-making.

The ladies of Texas during the *passing* struggle—more *patriots* even than the men—have displayed much of the Roman virtue, encouraging the citizens, and keeping up the chivalry of the volunteers by expressions of enthusiasm and by fêtes as well as by a careful attention to their wants. They have not yet been called upon to shoulder the rifle and mount the war-steed, but with the occasion will come the spirit to do so. Their present duty is to *guard* the domicil.

The early settlers are much given to boasting of their exploits—especially with the Indians—considering such achievements as a sort of title to nobility. Noble deeds certainly are the best claim to the best species of nobility. Hence all good governments—except our own America—are liberal in their gifts of titles as well as of money to their statesmen, heroes, artists, and all who distinguish themselves.

These enterprising and proud pioneers are not half pleased that persons coming in at the *eleventh* hour; should share the benefits of the colony equally with those who have borne the *heat and burthen of the day.* They should reflect, however, that there are other claims to the privileges of good citizenship, besides fighting Indians—*or Mexicans.*

While on the subject of women, it is natural and just to make a digression in their favor, prefering with our own countryman, Ledyard, to flatter the sex rather than the individual. The Mexican women are made the treasurers of all deposits of money, even where their husbands are distrusted. Is it nature's religion written in the hearts of the natives? for from them they are said to derive it.

Mr. ——, an American trader, passes from the coast to the interior and back twice a year, with goods and large sums of gold and silver, (there being no paper money in Mexico,) which it is inconvenient to take along. His custom is to make deposits at different stages of the route—always with the *women*, whether Mexican or Indian. At

one time there were suspicious circumstances about the place of his selection, and he trembled for his treasure. A handsome young girl with woman's sagacity observing his confusion, stepped forward from a group of ill-looking men, her relations, with a "*Give it to me Sir, I will take care of it,*" and forthwith she put it in her chest before them all.

Returning after some months worn out and sick, he entered the same hovel and threw himself on the only bed there, not a little anxious about the fate of his money, but saying nothing. The abovementioned chest, situated so that he could look into it, was frequently opened, and he saw with dismay that it was not there. At length, watching his moment, he ventured an inquiry. The faithful creature told him to be easy, that fearing the men of the family had some design upon it, she had buried it under her bed—the one on which he lay. It was a *ground floor.* The bag she said might be spoiled, but she would furnish him with another. She did so, with every dollar of the thousands so religiously guarded, without reward, and purely from a sense of honor.

To balance this fine quality, the Mexicans, *women* as well as men, are said to be remarkable for their *ingratitude.* One, familiar with them, and who had shown them many favors—even to the saving of life—declared he never saw a symptom of that virtue. The only case which came nearest to it was once when he sent his sailors to

rescue a canoe of drowning men on their way down the Del Norte to the market town. Of their large stock of vegetables and delicious fruits all saved by him, he was offered a piece of sugar cane as a reward for his services—exhibiting a Spartan indifference to kindness, if not to danger. Favors shown them awaken suspicions of sinister design.

Does this trait come also from nature? Rather has it grown out of the treachery practised upon them by their Spanish masters. The native Mexicans are represented as a simple, unsuspecting people—their merciless conquerors as malicious and intriguing. Duped and subdued, it was natural for them to grow suspicious. Thus is character formed and transmitted to the latest time. An intelligent Indian being asked why his people had no sentiment of gratitude replied: "It is a part of our education, and incorporated into our religion, not to be grateful to Spaniards for benefits, because they are incapable of disinterested actions. Our fathers taught us that the white men, being more intelligent and cunning than they were, circumvented, plundered, and enslaved them by duplicity, pretending to have their *good* in view, when their object was their *goods* and *gold*. Therefore, when a white man did an act of kindness to an Indian, he must be guarded against some latent design which he could not discover, and this shut out all sense of gratitude."

CHAPTER VIII.

Indians.

The Comanches, whether we consider them by the standard of savages, or according to that of civilized man, have deservedly the highest rank among the tribes of Indians in the vicinity of Texas. This is the uniform testimony of the numerous traders who pass through their hunting grounds, and have more or less traffic with their tribe. Like the Arabs, they are distinguished for two prominent virtues—fidelity and hospitality. It is said of that wandering people that, though they never fail to rob the unwary traveller and murder him too, if it suit their purpose, if you go to their dwelling and claim hospitality, all they have is *at your service*, not in polite phrase only, but in reality, to the possession of their whole stock of comforts, and the great inconvenience of themselves and dependents. They will then put you on your journey with an escort to the end of the pale of their jurisdiction. It is even so with the Comanches. Persons understanding their character, go fearlessly through their country, sure to find protection if they ask it. They are however much more amicably disposed towards

Americans of the north, from whom they have experienced no undeserved harshness, than towards Mexicans. Indeed they are anxious to keep them friends against their ancient foe. Of mixed companies travelling together, the former are always treated with respect, while the latter are often killed by them *sans ceremonie*. Like Turk and infidel they seem to have an exterminating antipathy for each other. Whoever reads the conquests of Cortes and his companions will not be puzzled to understand the grounds of these bitter feelings. The Spaniards like all perpetrators of injustice, must pay the penalty of their misdeeds.

The Comanches inhabit the country to the north and northwest of San Antonio de Bexar. They like the Arabs are a wandering race, do not cultivate the earth for corn, but depend altogether upon the chase for subsistence. They have, however, villages located generally with native taste in some luxuriant and beautiful place that is easily protected, where they leave their women and children in their hunting and warlike excursions, and hold their councils. They follow the immense herds of buffalo which graze the vast plains of this region, often to the amount of thousands in one herd. These plains are also stocked with wild horses, which run together in droves of many hundreds. These wild horses are called, in the language of the country, *mustangs*, and hence the figure of speech to denote any thing wild and uncultivated, as a

mustang girl, applied to a rude hunter's daughter. These horses are not natives, but descended from the stock brought over by the first Spaniards. Domestic animals, and man himself, become rude, when removed from the associations of civilized life. The Comanches catch and tame these wild horses, and when unsuccessful in chase, subsist upon them.

These Indians always move on horseback. Besides the bows and arrows, the usual arms of the Indian warrior, they are armed, like the Cossacks with a long spear, having a sword blade for the point. A war party of these mounted Indians is sufficiently formidable. They are headed by two squaws, who by their shrill voices, serve as trumpeters, and have, like them, various tones to denote the different evolutions and movements. When they descry an object of attack or pursuit, they dart forward in a column like lightning towards it. At a suitable distance from their prey, they divide into two squadrons, one half taking to the right and the other to the left, and thus surround it.

Though fierce in war they are civil in peace, and remarkable for their sense of justice. A trader with a caravan passing through their territory, not long since, relates the following incident exhibiting their great sense of probity. A party of young Indians hanging about their camp, gave evident designs of a disposition to depredate upon their goods and animals. Word was given out that if they touched an article they should be shot. Dur-

ing the night a bold young fellow seized upon a mule and was shot down by the sentinel in the act. The trader was violently carried off by the accompanying Indians, and long held a prisoner, expecting daily to suffer a cruel death for his temerity. What was his surprise, then, on being called before a regular tribunal of chiefs, and required to make his defence for the crime he had committed: the accusing party—friends of the deceased—having first stated the grounds of their grievance, in perfect accordance with the truth, without attempt to bias the opinion of the judges. Is *civil law* more just. The trader made a simple statement of facts—how he was a travelling peaceably through their country, and a young Indian had been shot in attempting to rob him—"very well," said the presiding chief, "you served him right." The trader, forthwith, was not only acquitted, but damages were awarded to him in proportion to the injury done his cattle and goods by detention, &c. and paid by the family in horses and mules. They call the people of the United States their friends, and give them protection, while they hate the Mexicans, and murder them without mercy.

The Comanches have one head chief and many subordinate ones. They hold regular councils quarterly, and a grand council of the whole tribe once a year. At these councils all important matters are decided, and all prisoners taken for offences are tried. Their discipline is rigid. If a hunting party takes the life of a North American

after making him prisoner, without bringing him before the council for trial, the offenders are punished with death. Not so with the Mexicans, who are considered as enemies and treated as such. This hatred is mutual, and fully reciprocated on the part of the Mexicans. Hence the origin of the epithet expressiug odium, so general in all parts of Mexico: to denote the greatest degree of degradation, they call a person a *Comanche.*

The following adventure with a body of these Indians, related by Gen. Austin himself, being illustrative of the Comanches, is here inserted. It will show you also an instance of the kind of hazard, both of life and limb, which this enterpris ing man has encountered in accomplishing his noble project.

On his way to the city of Mexico, in the year 1822, with but two persons in company, arriving at San Antonio, he was told it was dangerous to proceed without an escort, for a war party of Comanches was abroad, killing every unprotected person who came in their way, that some individuals had been murdered by them the day before, and that he, with so much baggage, being a valuable prize, could not possibly hope to escape.

Finding, however, no opportunity of obtaining an escort, and the business of the colony requiring his presence in the metropolis, he resolved, at all hazards, to proceed on his journey. They travelled the first day unmolested. On the morning of the second day, feeling somewhat indisposed, he

undertook to prepare some coffee. There were no accommodations on the road, and it was necessary to carry provisions on a pack horse, and cook by the way-side. His companions warned him, that if there were Indians near, they would be attracted by the smoke. He flattered himself that by selecting a sheltered place and making little smoke, it would be impossible for them to discern it. Besides, his craving for the coffee was so great, being afflicted with a bad head-ache, he insisted he must have it at all risks. They were upon an open plain, and they could see many miles around. No living creature at the moment, but themselves, was in view.

The men in company went to seek the horses, which had been hoppled the night before and let loose to feed. This is a mode of tying the horses' legs together to keep them from running away. The general retired to a little ravine to enjoy his coffee. It was boiled, and in the act of putting the refreshing beverage to his parched lips, he heard a sound like the trampling of many horses. Raising his head, with the coffee yet untasted, he beheld in the distance, fifty mounted Comanches, with their spears glittering in the morning sun, dashing towards him at full speed. As the column advanced, it divided, according to their usual practice, into two semi-circles, and in an instant he was surrounded. Quicker than thought he sprang to his loaded rifle, but as his hand grasped it, he felt that resistance by one against a host was vain.

The plunder commenced. Every article of the little encampment, with the saddle-bags, which he stood upon to protect if possible, was greedily seized. His presence of mind, however, did not forsake him. He calmly meditated for a moment, on what course to pursue.

Assuming great composure, he went up to the chief, and addressing him in Spanish and the few words of Indian he knew, he 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 our friends the Americans." "Well, do you think if you were passing through their nation, as I am passing through yours, 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 taken.

Every article of value came back, with the same despatch with which it had disappeared, except the saddle-bags These, which contained all his money, were indispensable to the further prosecution of his journey. No one could tell any thing of the saddle-bags. Almost in despair of seeing them again, he observed in a thicket at a little distance a squaw, one of the trumpeters, kicking and belaboring her horse to make him

move off, while the sagacious beast would not stir a step from the troop. The General instantly pursued the female robber, and, thanks to her restive mustang, secured his property, which was very adroitly hidden under the saddle blanket and herself. The whole squadron then wheeled off, and were seen no more.

One little circumstance connected with this adventure must be added. A Spanish grammar which the General carried suspended at the saddle-bow, that he might study it as he rode along, (for he was not then familiar with the Spanish language,) was missing. This grammar was afterwards found among the Indians by some traders. and having the owners name in it, a report spread abroad, that he had been killed by the Comanches. This report reached the ears of his anxious mother and sister in Missouri, and it was many months before they learned that he had survived this dreary pilgrimage.

The *Carancahuas* inhabited, formerly, the whole of the sea coast. They were reputed to be cannibals and very ferocious. Hence, probably, the Spaniards were little disposed to invade them, or to visit the country without a strong military escort. Hence also, it is less surprising, that they acquired little knowledge of the coast, and thus they supplied the place of knowledge, with tales of fictitious horrors.

The first settlers in this part of the country, under Gen. Austin, arrived in considerable force

and were well armed. The Carancahuas were sufficiently peaceable so long as the settlers remained in a body, annoying them only by begging and stealing whatever fell in their way. But when the settlers separated to explore the country for the purpose of selecting an eligible location, four of the number who were left with the provisions and baggage to protect them, were killed by these Indians, and their goods carried off.

Thus hostilities commenced. The colonists, at this period, were not strong enough to inflict the chastisement the Indians had provoked, being unaided by a single soldier from the government, and were compelled to submit to the insolence they could not resent. These vexations were endured for some years, when, at last, the number of the colonists being much increased, they mustered a party of sixty riflemen, to punish them for some murders they had committed. Gen. Austin commanded this expedition in person. The result was the slaughter of half the tribe. The remainder took refuge in the church of the Mexican Mission of La Bahia. The priests were ordered to turn them out, on pain of having the sactuary violated in case of refusal. But after much entreaty by the priests and Alcade, a truce was granted them, on condition, that they should never again cross the La Baca river, the western boundary of the colony. The Alcade and priests became surety for their good be-

havior. This engagement they have faithfully kept.

Recently, the Mexicans have commenced killing the remnant of this tribe, for some robberies and murders committed by them. The survivors have crossed the La Baca, to the number of forty or fifty, to beg the protection of the colonists, offering to perform any kind of service or labor, in return for protection and food. The people on that frontier have, accordingly, distributed them amongst their families, as servants.

Thus the shores and bays of this beautiful region, in which these fierce children of the woods once roamed, free as the lion of the desert, have been transferred to other hands. From being the rightful proprietors of the domain, they have become the hewers of wood and drawers of water to their invaders.

There are remnants of several other tribes of Indians, the Waccos, Tawackanies, Caddos, Tankaways, Lepans, &c., which still exist in Texas, but of too little note to merit particular notice. They are either too few in number to be formidable, or so far civilized as to provide well for themselves without disturbing others.

The Cushatees are most worthy of notice. They have their villages on the Trinity river, their houses are well constructed, and their fields well cultivated. They have good stocks of horses and cattle, use culinary utensils, and are hospitable to strangers. In Autumn, when their crops are laid

by, they range the country in small parties, to procure a winter's stock of venison and bear's meat, leaving their villages often without a single individual to protect them. They are few in number and quite friendly. When among the settlements, they conduct themselves with great propriety, and know the difference between a wild hog and one that has a mark on his ear.

The Kickapoos, Shawnees, Cherokees, and Creeks, driven by the people of the United States to the west of the Mississippi, sometimes extend their hunting parties quite to the settlements on the Brazos. They appear to regard the American settlers in Texas, as a part of the people of the United States, and conduct themselves in a friendly and respectful manner.

The following graphic description of an accidental rencontre with a war party of Waccos and Tawackanies, as related by Razin P. Bowie, formerly of Louisiana, now a resident of San Antonio, a chief actor, is so interesting and characteristic—so apropros to our purpose, that it merits a place while speaking of the Indians of Texas.

The Indians were one hundred and sixty-four in number: the Americans but nine men and two boys—eleven in all.

"On the 2d of November, 1831, we left the town of San Antonio de Bexar for the silver mines on the San Saba river; the party consisting of the following named persons:—Razin P. Bowie, James Bowie, David Buchanan, Robert Armstrong, Jesse

Wallace, Matthew Doyle, Cephas D. Hamm, James Corriell, Thomas M'Caslin, Gonzales and Charles, servant boys. Nothing particular occurred until the 19th, on which day, about 10 A. M., we were overhauled by two Comanche Indians and a Mexican captive, who had struck our trail and followed it. They stated that they belonged to Isaonie's party, a chief of the Comanche tribe, sixteen in number, and were on their road to San Antonio, with a drove of horses, which they had taken from the Waccos and Tawackanies, and were about returning to their owners, citizens of San Antonio. After smoking and talking with them about an hour, and making them a few presents of tobacco, powder, shot, &c., they returned to their party, who were waiting at the Illano river.

We continued our journey until night closed upon us, when we encamped. The next morning, between daylight and sunrise, the above-named Mexican captive returned to our camp, his horse very much fatigued, and who, after eating and smoking, stated to us that he had been sent by his chief, Isaonie, to inform us we were followed by one hundred and twenty-four Tawackanie and Wacco Indians, and forty Caddos had joined them, who were determined to have our scalps at all risks. Isaonie had held a talk with them all the previous afternoon, and endeavored to dissuade them from their purpose; but they still persisted, and left him enraged and pursued our trail.

As a voucher for the truth of the above, the Mexican produced his chief's silver medal, which is common among the natives in such cases. He further stated that his chief requested him to say, that he had but sixteen men, badly armed and without ammunition; but if we would return and join him, such succour as he could give us he would. But knowing that the enemy lay between us and him, we deemed it more prudent to pursue our journey and endeavor to reach the old fort on the San Saba river before night, distance thirty miles. The Mexican then returned to his party, and we proceeded on.

Throughout the day we encountered bad roads, being covered with rocks, and the horses' feet being worn out, we were disappointed in not reaching the fort. In the evening we had some little difficulty in picking out an advantageous spot where to encamp for the night. We however made choice of the best that offered, which was a cluster of live-oak trees, some thirty or forty in number, about the size of a man's body. To the north of them a thicket of live-oak bushes, about ten feet high, forty yards in length and twenty in breadth. To the west, at the distance of thirty-five or forty yards, ran a stream of water.

The surrounding country was an open prairie, interspersed with a few trees, rocks, and broken land. The trail which we came on lay to the east of our encampment. After taking the precaution to prepare our spot for defence, by cutting

a road inside the thicket of bushes, ten feet from the outer edge all around, and clearing the prickly pears from amongst the bushes, we hoppled our horses and placed sentinels for the night. We were now distant six miles from the old fort above mentioned, which was built by the Spaniards in 1752, for the purpose of protecting them while working the silver mines, which are a mile distant. A few years after, it was attacked by the Comanche Indians, and every soul put to death. Since that time it has never been occupied. Within the fort is a church which, had we reached before night, it was our intention to have occupied to defend ourselves against the Indians. The fort surrounds about one acre of land under a twelve feet stone wall.

Nothing occurred throughout the night, and we lost no time in the morning in making preparations for continuing our journey to the fort; and when in the act of starting, we discovered the Indians on our trail to the east, about two hundred yards distant, and a footman about fifty yards ahead of the main body, with his face to the ground, tracking. The cry of Indians was given, and all hands to arms. We dismounted, and both saddle and pack horses were immediately made fast to the trees. As soon as they found we had discovered them, they gave the war whoop, halted and commenced stripping, preparatory to action. A number of mounted Indians were reconnoitring the ground; amongst them we discovered a few

Caddo Indians, by the cut of their hair, who had always previously been friendly to Americans.

Their number being so far greater than ours, (one hundred and sixty four to eleven,) it was agreed that Razin P. Bowie should be sent out to talk with them, and endeavor to compromise rather than attempt a fight. He accordingly started with David Buchanan in company, and walked up to within about forty yards of where they had halted, and requested them in their own tongue to send forward their chief, as he wanted to talk with him. Their answer was, "how de do? how de do?" in English, and a discharge of twelve shot at us, one of which broke Buchanan's leg. Bowie returned their salutation with the contents of a double barrelled gun and a pistol. He then took Buchanan on his shoulder, and started back to the encampment. They then opened a heavy fire upon us, which wounded Buchanan in two more places slightly, and piercing Bowie's hunting shirt in several places without doing him any injury. When they found their shot failed to bring Bowie down, eight Indians on foot took after him with their tomahawks, and when close upon him, were discovered by his party, who rushed out with their rifles and brought down four of them—the other four retreating back to the main body. We then returned to our position, and all was still for about five minutes.

We then discovered a hill to the northeast at the distance of sixty yards, red with Indians, who

opened a heavy fire upon us with loud yells. Their chief, on horseback, urging them in a loud and audible voice to the charge, walking his horse perfectly composed. When we first discovered him, our guns were all empty, with the exception of Mr. Hamm's. James Bowie cried out, "who is loaded?" Mr. Hamm observed, "I am." He was then told to shoot that Indian on horseback. He did so, and broke his leg and killed his horse. We now discovered him hopping round his horse on one leg, with his shield on his arm to keep off the balls. By this time four of our party being reloaded, fired at the same instant, and all the balls took effect through the shield. He fell, and was immediately surrounded by six or eight of his tribe, who picked him up and bore him off. Several of these were shot by our party. The whole body then retreated back of the hill, out of sight, with the exception of a few Indians who were running about from tree to tree, out of gun shot.

They now covered the hill the second time bringing up their bowmen, who had not been in action before, and commenced a heavy fire with balls and arrows, which we returned by a well directed aim with our rifles. At this instant, another chief appeared on horseback, near the spot where the last one fell. The same question of who was loaded, was asked; the answer was nobody; when little Charles, the mulatto servant, came running up with Buchanan's rifle, which had

not been discharged since he was wounded, and handed it to James Bowie, who instantly fired and brought him down from his horse. He was surrounded by six or eight of his tribe, as was the last, and borne off under our fire. During the time we were engaged in defending ourselves from the Indians on the hill, some fifteen or twenty of the Caddo tribe had succeeded in getting under the bank of the creek in our rear at about forty yards distance, and opened a heavy fire upon us, which wounded Matthew Doyle, the ball entering in the left breast and out of the back. As soon as he cried out he was wounded, Thomas M'Caslin hastened to the spot where he fell, and observed, "where is the Indian that shot Doyle." He was told by a more experienced hand not to venture there, as, from the report of their guns, they must be riflemen. At that instant they discovered an Indian, and while in the act of raising his piece, was shot through the centre of the body and expired. Robert Armstrong exclaimed, "d——n the Indian that shot M'Caslin, where is he?" He was told not to venture there, as they must be riflemen; but on discovering an Indian, and while bringing his gun up, he was fired at, and part of the stock of his gun cut off, and the ball lodged against the barrel. During this time our enemies had formed a complete circle around us, occupying the points of rocks, scattering trees and bushes. The firing then became general from all quarterd.

Finding our situation too much exposed among the trees, we were obliged to leave it, and take to the thickets. The first thing necessary was to dislodge the riflemen from under the bank of the creek, who were within point-blank shot. This we soon succeeded in, by shooting the most of them through the head, as we had the advantage of seeing them when they could not see us.

The road we had cut round the thicket the night previous, gave us now an advantageous situation over that of our enemy, as we had a fair view of them in the prairie, while we were completely hid. We baffled their shots by moving six or eight feet the moment we had fired, as their only mark was the smoke of our guns. They would put twenty balls within the size of a pocket handkerchief, where they had seen the smoke. In this manner we fought them two hours, and had one man wounded, James Corriell, who was shot through the arm, and the ball lodged in the side, first cutting away a bush which prevented it from penetrating deeper than the size of it.

They now discovered that we were not to be dislodged from the thicket, and the uncertainty of killing us at random shot; they suffering very much from the fire of our rifles, which brought half a dozen down at every round. They now determined to resort to stratagem, by putting fire to the dry grass in the prairie, for the double purpose of routing us from our position, and, under cover of the smoke, to carry away their dead and wounded,

which lay near us. The wind was now blowing from the west, and they placed the fire in that quarter, where it burnt down all the grass to the creek, and then bore off to the right and left, leaving around our position a space of about five acres that was untouched by the fire. Under cover of this smoke they succeeded in carrying off a portion of their dead and wounded. In the mean time, our party were engaged in scraping away the dry grass and leaves from our wounded men and baggage to prevent the fire from passing over it; and likewise, in pulling up rocks and bushes to answer the purpose of a breastwork.

They now discovered they had failed in routing us by the fire, as they had anticipated. They then re-occupied the points of rocks and trees in the prairie, and commenced another attack. The firing continued for some time, when the wind suddenly shifted to the north, and blew very hard. We now discovered our dangerous situation, should the Indians succeed in putting fire to the small spot which we occupied, and kept a strict watch all around. The two servant boys were employed in scraping away dry grass and leaves from around the baggage, and pulling up rocks and placing them around the wounded men. The remainder of the party were warmly engaged with the enemy. The point from which the wind now blew being favorable to fire our position, one of the Indians succeeded in crawling down the creek and putting fire to the grass that had not yet been

burnt; but before he could retreat back to his party, was killed by Robert Armstrong.

At this time we saw no hopes of escape, as the fire was coming down rapidly before the wind, flaming ten feet high, and directly for the spot we occupied. What was to be done—we must either be burnt up alive, or driven into the prairie amongst the savages. This encouraged the Indians; and to make it more awful, their shouts and yells rent the air; they at the same time firing upon us about twenty shots a minute. As soon as the smoke hid us from their view, we collected together, and held a consultation as to what was best to be done. Our first impression was, that they might charge on us under cover of the smoke, as we could make but one effectual fire—the sparks were flying about so thickly that no man could open his powder horn without running the risk of being blown up. However we finally came to a determination, had they charged us, to give them one fire, place our backs together, and draw our knives, and fight them as long as any one of us was left alive. The next question was, should they not charge us, and we retain our position, we must be burnt up. It was then decided that each man should take care of himself as well as he could, until the fire arrived at the ring around our baggage and wounded men, and there it should be smothered with buffalo robes, bear skins, deer skins, and blankets, which, after a great deal of exertion, we succeeded in doing.

Our thicket being so much burnt and scorched, that it afforded us little or no shelter, we all got into the ring that was made round our wounded men and baggage, and commenced building our breastwork higher, with tne loose rocks from the inside, and dirt dug up with our knives and sticks. During this last fire, the Indians had succeeded in removing all their killed and wounded which lay near us. It was now sundown, and we had been warmly engaged with the Indians since sunrise, a period of thirteen hours; and they seeing us still alive and ready for fight, drew off at a distance of three hundred yards, and encamped for the night with their dead and wounded. Our party now commenced to work in raising our fortification higher, and succeeded in getting it breast high by 10 P. M. We now filled all our vessels and skins with water, expecting another attack the next morning. We could distinctly hear the Indians, nearly all night, crying over their dead, which is their custom; and at daylight, they shot a wounded chief—it being also a custom to shoot any of their tribe that are mortally wounded. They, after that, set out with their dead and wounded to a mountain about a mile distant, where they deposited their dead in a cave on the side of it. At eight in the morning, two of the party went out from the fortification to the encampment, where the Indians had lain the night previous, and counted forty-eight bloody spots on the grass where the dead and wounded had been lying. As near

as we could judge, their loss must have been forty killed and thirty wounded.*

Finding ourselves much cut up, having one man killed, and three wounded—five horses killed, and three wounded—we recommenced strengthening our little fort, and continued our labors until 1 P. M., when the arrival of thirteen Indians drew us into our fort again. As soon as they discovered we were still there and ready for action and well fortified, they put off. We after that remained in our fort eight days, recruiting our wounded men and horses; at the expiration of which time, being all in pretty good order, we set out on our return to San Antonio de Bexar. We left the fort at dark, and travelled all night and next day until afternoon, when we picked out an advantageous spot and fortified ourselves, where we remained two days expecting the Indians would again, when recruited, follow our trail; but, however, we saw nothing more of them.

David Buchanan's wounded leg here mortified, and having no surgical instruments, or medicine of any kind, not even a dose of salts, we boiled some live-oak bark very strong, and thickened it with pounded charcoal and Indian meal, made a poultice of it, and tied it around his leg, over which we sewed a buffalo skin, and travelled along five

* We afterwards learned from the Comanche Indians that their loss was eighty-two in killed and wounded.

days without looking at it; when it was opened, it was in a fair way for healing, which it finally did, and the mortified parts had all dropped off, and his leg now is as well as ever it was. There was none of the party but had his skin cut in several places, and numerous shot holes through his clothes.

On the twelfth day we arrived in good order, with our wounded men and horses, at San Antonio de Bexar.

CHAPTER IX.

Religion.

However we may be disposed to cavil at the idea of natural religion, no one can enter the great *Temple not made with hands*, and never profaned by the metaphysics of man, such as we find in the Gothic-arched forests and Heaven-roofed prairies of Texas, without a profound and elevated devotion. Every one feels powerfully the presence of that great and good Being who made him and the world of beauty around him. He needs no priest to tell him how to hold communion with his Creator and lift his soul to the source of life. He feels the universal presence—he feels his own insignificance, and is ever ready to exclaim with the Psalmist, "*Lord, what is man that thou art mindful of him*," &c.

Gen. Austin relates of individuals of the first emigrants he took to Texas who strayed from the camp then surrounded by Indians, that after some days they were found deeply absorbed in religious emotions, and giving vent to their feelings in the wildest expressions of enthusiasm, or remaining prostrate for hours in fervent devotion and grateful joy, and, in most cases, the character was radical-

ly changed, especially when it had been notoriously bad.

In comparing this pure and spiritual religion with those forms which fill communities with wrangling; and in view of the terrible persecutions which, from time to time, have devastated the world and torn asunder the sacred ties of society, one acquires sufficient reverence for that influence which cometh from above and speaketh directly to the heart of man—which cannot lie; and does not much wonder at the questions sometimes put, whether religion, or that which, under this semblance, is any thing but a spirit of peace, has not been the source of as much evil as good in the world? True, such is not pure and undefiled religion. Where does it exist in purity? Each champion exclaims it is here—it is here—and turns to fight his adversary to prove that he has it. The United States is professedly a land of toleration, boasting superior intelligence; yet within the year, a young man has been dismissed from one of her colleges* on account of opinion: and where does not sectarism prevail—where do people *agree* to *differ?*

Texas was not, like New England, settled by Puritans flying from persecution. It was, however, settled by men who knew the value of freedom of conscience as well as of civil liberty. They accepted lands from the Mexican govern-

* Kenyon, Ohio.

ment on condition of becoming nominal Catholics. as the members of the British government pledge themselves to be good Episcopalians, and though not *Romans*, they were so far *Catholic* as not to contend for points of faith, and had sense enough not to quarrel about forms and technics, when they knew that more liberal views were dawning in Mexico in religion as well as government—that they were only in advance of, and had but to remain quiet and wait the progress of opinion there. They also knew that for them the best creed was the familiar one—general enough surely to offend no one—*Be good and mind your work.* But for Santa Anna and Centralism, the event would have proved how wise was this policy.

The introduction of protestant preachers was contrary to law, and had it not been so, the contests of sectarians would have destroyed the country. Hence all have been silent on the subject of religion, and there is not to this day a church in the colonies.

Some have objected to Texas—*it is no place for them—there is no religion there.* With their *bibles in their hands*, can they not carry their *religion in their hearts*, and act it out in their lives, where there are none to molest or make them afraid? Can they be insensible to the profusion of good things which Heaven, as by a miracle, spreads out before them—to the beautiful visions, and the still voice which cries, Rise Peter; kill, and eat?

There are in Texas as every where, some who evade all law and scout at all religion—some who found in the hitherto existing laws a sanction for their sinister designs. There were others who, having witnessed the abuses of all systems, were ready to condemn the whole, or to find in them but the sources of ridicule. Once or twice the farce was practised upon them of a Mexican Padre, going the rounds of the colonies to unite in lawful wedlock *young* couples with *blooming families* to assist at the nuptials, proclaiming his infallible decree, that no other form of marriage was sanctioned by high Heaven. On these occasions, large neighborhoods were collected to make a wholesale business and a frolic of it, in which his Holiness freely participated, carrying off considerable booty in the form of *fees*. Many of these priests, it is well known, have little faith in the doctrines they preach, and much less disposition to practice the rules they lay down for others. Conversations like the following, exhibiting in a strong point of view the sort of faith to be derived from their Mexican *friends*, were not uncommon among the colonists.

"An intelligent and liberal priest who had become rich enough by plundering the people in the name of, and for the love of Christ, to leave off his trade, and attend to politics and his vices, said to one of the colonists, you must not expect to see this country reduced to the state of order and propriety which you have in the United States - you

must consider that at the time of your revolution, the people of the United States were, what they are now, an educated, intelligent people, accustomed to elective government, with their State legislatures already formed, and their religious institutions established with toleration of all sects. The people of this country, on the contrary, were conquered by our forefathers in the *name of God*, and all manner of error taught them as the *Christian religion*, for the purpose of more conveniently enslaving and governing them. They have been taught, that to fear and worship the priests and offer up their worldly treasures to God through them, the special agents of Christ, his Son, is the only way to save their bodies from the stake in this world, and their souls from damnation in the next. Now we have to *unteach* them all this error before they can be fit to receive rational instruction."

Fanatical Protestants, on the contrary, insinuated themselves stealthily through the country to spy out the land, or for purposes they best knew, holding forth in secret places, and under all the odium which belongs to clandestine movements. One of these was about to be quartered on Mr. ——, who hearing of his approach went over the prairie to meet him with a welcome, assuring him that his wife, a pious lady, would be much edified by his spiritual conversation and prayers. He then led him into his cottage, and presented him to his wife (who, though a sensible woman, made

no pretensions to extra saintship,) with, "my dear, this holy man will pass a few days with us in prayer and devotional exercises for your express benefit." She looked all sorts of reproofs at her waggish husband, for she had no chance to speak them, and which he heeded not, leaving her to support her new character, and arrange her household to the tax of a new guest, to whom it was necessary to yield whatever of comfortable accommodations they had about them, as best she could. This was a standing joke which he told with infinite merriment upon his wife, who, to her honor be it said, bore it with great good nature.

Such anecdotes illustrate, better than dry discussions could, the state of religion in Texas. They show why the intellectual, the high-minded, and the really pious portions of the community—those who give tone to public sentiment and manage affairs of state have hitherto preserved an exact neutrality. The law requiring the test of Catholicism was abrogated by the legislature of Coahuila and Texas in 1834, but was to have been restored with all the other evils of Centralism. The God of battles has heard the prayers of the oppressed, though uttered by unconsecrated lips, under the spacious firmament of Heaven, and those evils have been averted. The righteous cause—THE CAUSE OF LIBERTY, PHILANTHROPY and RELIGION—shall prosper. Such is the cause of Texas. All they contend for, is the right of self-

government, and of worshipping God according to the dictates of their conscience—the end and aim of all true patriots.

By the 10th article of the Law of the State of Coahuila and Texas, passed the 26th of March, 1834, it is declared that no person shall be molested on account of his religious or political opinions, provided he does not disturb the public order.

The colonists are equally opposed to a *Catholic* or *Protestant Inquisition.* And this, surely, cannot militate against the followers of the meek and lowly Jesus, who, with their bibles in their hands, can set up their Ebenezers at the family fireside, until, in the providence of God, they shall be enabled to worship him in a more public manner. Until this can be, the pious and devoted Christian can carry his religion in his heart, a tabernacle not consecrated with earthly hands, and glorify his God by letting his light shine before men in works of mercy and of love, and in the display of all the christian virtues.

Religious, social, and political institutions are yet *nascent* in Texas. It will be interesting to watch their awakening and growing energies. If nothing has been done, nothing is to be *un*done. Strong circumstances have drawn together as by a single impulse, strong characters, and developed in them noble qualities. Men born and bred under free institutions, who have never breathed but the breath of freedom, with a model to imitate and improve upon, are bound together by a common

interest—a common feeling. They have that to do which will employ the noblest faculties of their nature to the suppression of every vice and selfish feeling--the forming of a great and free State. The elements are already collected, and with the Divine blessing will surely *work together for good.*

Whether we draw an analogy from nature, where promiscuous atoms of matter obeying the laws of their several affinities arrange themselves into perfect and beautiful combinations, or from art, where, of rude materials carelessly thrown together, each part is nicely adjusted to its proper place and condition in a uniform whole, we may safely predict a high standing for Texas, whose materials of greatness are abundant, and need only some plastic hand to give them form. We see in her a new republic growing up like a young girl by the side of her yet blooming mother—a lovely scion from the parent stock.

CHAPTER X.

Money—Banks—Mail Establishments.

Specie has heretofore been the current money of Texas; there being no banks formerly established in the country, no such thing as paper money could be found. The greatest part of the silver coin was of the description called provincial or hammered and sand dollars;—a coin of the Revolution made by the Mexican patriots, before they obtained possession of any of the mints. This coin circulates at par in the States of Coahuila and Texas, and in the other Eastern Mexican States: but is received at a discount of 8 or 9 per cent. in the Banks of New Orleans, and other parts of the United States. This produces a rate of exchange highly favorable to the emigrants; for merchants who have remittances to make to the United States, always prefer exchanging their provincial money, at the discount, for United States' bills, gold coin, or standard silver dollars. Several emigrants have found the difference of exchange sufficient to defray all the expenses of their passage to the country.

This description of coin, however, cannot *now* be said to form the current money of Texas. Her intercourse with the Southern United States has not only furnished her with the American, Spanish and other coins current there, but has rendered their paper money, both of the United States and of local State banks, quite common.

On the 1st day of April, 1835, the Legislature of the State of Coahuila and Texas chartered a Banking Institution for the Department of Brazos, with permission to establish branches in any part of the State;—the capital, one million of dollars, to be secured by mortgage on real estate: we subjoin here its charter as decreed by the Congress of Coahuila and Texas.

Art. 1. There is hereby granted the establishment of a Bank in the Department of Brazos, which shall be denominated the Bank of Commerce and Agriculture. The citizen, Samuel M. Williams, as Empresario, shall take measures for its establishment.

Art. 2. The capital of said Bank shall not exceed one million of dollars divided into ten thousand shares of one hundred dollars each.

Art. 3. Subscribers to the amount of at least three thousand shares having been obtained, the Empresario shall call a meeting of the stockholders, who shall proceed to the election of eight Directors, who shall appoint a President from among themselves, and shall discharge the duties of their office for one year.

ART. 4. To obtain the office of Director, it is required to be a citizen of the State and the owner of at least five shares.

ART. 5. The votes shall be counted at the rate of one for each share, but no one stockholder shall have more than fifty suffrages, no matter how many shares he may own. Those who are absent may vote by proxy.

ART. 6. The Directors shall be rewarded annually, and the convocation for this purpose shall be forty-five days previous to the expiration of their term of office, and the election for the Directors shall be held eight days before the expiration of the current year.

ART. 7. The Directory shall form by-laws for the management of all the concerns of the company.

ART. 8. The Bills which may be issued by the Bank, shall be signed by the President and Cashier: the name of the company and the capital of the Bank shall be responsible for the payment of said bills. The Bank can sue and be sued.

ART. 9. For the encouragement of commerce, the arts and industry, the Bank can make loans at the rate of eight per cent. per annum, when the term of the loan does not exceed six months, and ten over that term, exacting from the borrower the necessary security.

ART. 10. The stockholders shall give security by a lien upon real estate in the Republic to the amount of their several shares, and as soon as one

hundred thousand dollars, at least, shall have been paid into the vaults of the Bank, it may commence operations, after previous examination made by a commissioner, whom the government shall appoint, and who shall likewise make an annual report of the affairs of the company.

Art. 11. The duration of this Bank shall be for twenty years, and may establish branches in any part of the State.

The plates of the notes have been executed by Messrs. Tappan & Co. of Philadelphia, with handsome and appropriate vignettes, and, in order to prevent counterfeits, they have been made of steel. It is hardly necessary to attempt the production of argument in favor of the immense importance of such an institution, and the benefit to be derived from it by the new government of Texas and the inhabitants. Let him that doubts it only turn his eyes to the United States, and view the vast amount of wealth, the advancement of the arts and sciences, the increase of commerce and agriculture—all owing their rise, progress and security to the facilities afforded by the banking capital of the nation; without which all of these objects and pursuits must have remained for years to come, in comparative insignificance. Again, we have only to advert to the history of the old Continental money, to find the fruitful sources of those difficulties, that so often surrounded the heroes of '76, in their struggle for independence. Can the government of Texas hope to be more

fortunate, without an institution from which it may receive facilities? Can Congress hope to issue a similar currency, that will share a better fate than the old Continental money? And can they hope to find in time of their greatest need a Robert Morris? It is necessary that there should be an institution sustained by a sound and well directed individual enterprise, to redeem for the government its loans, and such certificates or notes as the government may be compelled to issue, redeemable at some future period; because it is not to be presumed that the citizen, much less the soldier, can wait five or more years for the redemption in money of a note. The result will be that so soon as they become possessed of such paper, they will offer it for sale at a discount; and, by commencing at a small per cent. of discount, it will be found in a short time, that four or five dollars will be offered for one dollar in good currency, and, perhaps, ten or twenty even for one. All this may be saved to the holder, and the character and credit of the government be preserved. For the local bank can make arrangements with the government to redeem them, and, as the treasury certificates will bear an annual interest, the bank can hold them when an individual could not do it. Then the commercial and agricultural interest must be vastly benefitted by the facilities which the bank will be able to afford to merchants and planters; and, in fact, a new life, new vigor and action will be given to every branch of in-

dustry in Texas. In addition to this, the consequence and importance of the State and confidence in her commercial transactions abroad will be signally promoted.

Roads.—It has been noticed in a former chapter, that the roads marked out on the map are merely routes to direct the traveller in his journeyings. Notwithstanding this, however, so even and regular is the surface of the country, that travelling is always easy and pleasant, and the same labor is not required to be expended in the construction of a good road, which is demanded by the uneven and broken surface of our Western States.

So truly inviting are the facilities offered, that we do not hesitate to believe, that the rail-way will be the common road in use, a few years hence, in Texas. At present there are not more than one or two roads, properly so called, in the country.

Mail Establishment.

The general council of Texas, in session last fall at San Felipe, taking into consideration the necessity of having facilities of communication established throughout the country, accordingly organized a Post Office Department and appointed a Postmaster General, under whose directions the following mail routes have been established.

No. 1. From San Felipe de Austin, by Whitesides' in Cole's Settlement, Washington, Fantharp's and Sim's, to Robbin's, on the Trinity river, 118 miles, weekly.

Leave San Felipe, every Sunday, at 7 o'clock, A. M., and arrive at Robbin's every Tuesday, at 7 o'clock, P. M.

Leave Robbin's, every Wednesday, at 7 o'clock, A. M., and arrive at San Felipe every Friday, at 7 o'clock, P. M.

No. 2. From Robbins, by Albridges, Masters, and Williams, to Nacogdoches, 110 miles, weekly

Leave Robbin's, every Wednesday, at 7 o'clock, A. M., and arrive at Nacogdoches on Friday, at 7 o'clock, P. M.

Leave Nacogdoches, every Saturday, at 7 o'clock, A. M., and arrive at Robbins' every Monday, at 7 o'clock, P. M.

No. 3. From Nacogdoches, by Steddams, San Augustine, and Robinson's, to Gaines's, on the Sabine river, 63 miles, weekly.

Leave Nacogdoches, every Saturday, at 7 o'clock, A. M., and arrive at Gaines's the next day, at 7 o'clock, P. M.

Leave Gaines's, every Monday, at 7 o'clock, A. M., and arrive at Nacogdoches, every Tuesday, at 7 o'clock, P. M.

No. 4. From San Felipe, by Fort Bend, Oro zimbo, Columbia, and Brazoria, to Velasco, 98 miles, weekly.

Leave San Felipe every Sunday, at 7 o'clock, A. M., and arrive at Velasco, every Tuesday, at 6 o'clock, P. M.

Leave Velasco, every Tuesday, at 1 o'clock, P. M., and arrive at San Felipe, every Friday, at 7 o'clock, P. M.

No. 5. From San Felipe, by Hunter's, Harrisburg, and Lynchburg, to Liberty, 107 miles, weekly.

Leave San Felipe, every Sunday, at 7 o'clock, A. M., and arrive at Liberty, the next Tuesday, at 7 o'clock, P. M.

Leave Liberty, every Wednesday at 7 o'clock, A. M., and arrive at San Felipe the next Friday, at 7 o'clock, P. M.

No. 6. From Liberty, by Beaumont on the Neches, and Cow Bayou, to Culcasiu, U. S. 107 miles, weekly.

Leave Liberty, every Wednesday, at 7 o'clock, A. M., and arrive at Culcasiu every Friday, at 7 o'clock, P. M.

Leave Culcasiu, every Saturday, at 7 o'clock, A. M. and arrive at Liberty the next Monday, at 7 o'clock, P. M.

Route No. 6. will be continued as above advertised, until a mail is carried by the United States Government, from Culcasiu to the Sabine river, when it will be discontinued between these two points, which, when done, will lessen the distance the mail has to be carried on this route.

No. 7. From Jefferson, by Chambersburg and Zavala, to San Augustin, 122 miles, once in two weeks.

To leave Jefferson on Thursday, at 7 o'clock, A. M., and arrive at San Augustin the following Saturday, at 7 o'clock, P. M.

To leave San Augustin on Sunday, at 7 o'clock, A. M., and arrive at Jefferson on Tuesday following, at 7 o'clock, P. M.

No. 8. From Whitesides, by Tenoxtitlan and New Nashville to Viesca, 85 miles, once in two weeks.

To leave Viesca on Friday, at 7 o'clock, A. M. and arrive at Whiteside's the next Sunday, at 7 o'clock, P. M.

No. 9. From San Felipe, by Mercer's and Texana to Victoria, 100 miles, once in two weeks.

To leave San Felipe every other Monday, at 7 o'clock, A. M., and arrive at Victoria the next Wednesday, at 7 o'clock, P. M.

To leave Victoria every other Thursday, at 7 o'clock, A. M. and arrive at San Felipe the next Saturday at 7 o'clock, P. M.

No. 10. From Victoria, by Goliad and Refugio, to San Patricio, 100 miles, once in two weeks.

To leave Victoria every other Thursday, at 7 o'clock, A. M. and arrive at San Patricio, the next Saturday, at 7 o'clock, P. M.

To leave San Patricio every other Sunday, at 7 o'clock, A. M., and arrive at Victoria the next Tuesday, at 7 o'clock, P. M.

No. 11. From San Felipe, by Phillips' and Cook's Island, to Matagorda, 90 miles, weekly.

To leave San Felipe every Sunday, at 7 o'clock, A. M., and arrive at Matagorda every Wednesday, at 7 o'clock, P. M.

To leave Matagorda every Thursday, at 7 o'clock, A. M., and arrive at San Felipe the next Saturday, at 7 o'clock, P. M.

No. 12. From San Felipe, by Wade's, Gotier's Eblin's, and Burleson's, to Mina, 90 miles, once in two weeks.

To leave San Felipe every other Monday, at 7 o'clock, A. M., and arrive at Mina, the next Wednesday, at 7 o'clock, P. M.

To leave Mina every other Thursday, at 7 o'clock, A. M., and arrive at San Felipe the next Saturday, at 7 o'clock, P. M.

No. 13. From San Felipe, by Beason's and Daniel's, to Gonzales, 90 miles, once in two weeks.

To leave San Felipe every other Monday, at 7 o'clock, A. M. and arrive at Gonzales the next Wednesday, at 7 o'clock, P. M.

To leave Gonzales on Thursday, the day after the arrival of the mail from San Felipe, and arrive at the latter place next Saturday, at 7 o'clock, P. M.

No. 14. From Gonzales, by Sandie's and Cibolo, to Bejar, 76 miles. once in two weeks.

To leave Gonzales every other Thursday, at 7 o'clock, A. M., and arrive at Bejar the next Saturday, at 7 o'clock, P. M.

To leave Bejar every other Sunday, at 7 o'clock, A. M., and arrive at Gonzales the next Tuesday, at 7 o'clock, P. M.

No. 15. From Bejar to Goliad, 90 miles, once in two weeks.

No. 15. From Bejar to Goliad, 90 miles, once in two weeks.

To leave Bejar every other Sunday at 7 o'clock. A. M., and arrive at Goliad the next Tuesday, at 7 o'clock, P. M.

To leave Goliad every other Friday, next following the arrival of the mail from Bejar, and arrive at the latter place the next Sunday, at 7 o'clock, P. M.

Though there are many rivers navigable for steamboats, the Brazos alone is visited by them; several steam vessels regularly navigate its waters for the purposes of commerce. Unfortunately, notwithstanding the precautions taken to avoid accidents, serious injury sometimes happens to vessels in crossing the bar, at the mouth of the river. This obstacle, however, we are assured, will not long exist; and, had it not been for the occurrence of the present war, would probably have been removed by this time.

CHAPTER XI.

Colonization—Empresarios—Titles—Proportion of land taken.

While under the Spanish dominion, the frontier provinces of Mexico were left in complete neglect; or, rather, with watchful vigilance were kept in their wild, uncultivated state. Not only were foreigners absolutely prohibited from settling in their territory, but even Mexicans themselves were discouraged from occupying these lands. It seemed as if the jealous Spaniard was anxious to avoid contact with the free spirits and republican principles of the Anglo-Americans, and would willingly have retained the broad forests and desert prairies of his border territories, as an impassable barrier to the two nations. When Mexico, however, threw off the yoke of transatlantic despotism under which she had so long groaned, and finally dissolved all political connexion with Spain, in the general prevalence and triumph of Republican principles, she assumed a more liberal course of policy; and, in imitation of the bright example of the United States, passed laws for the distribution of the uninhabited tracts of her territory, among such citizens and foreigners as should choose to

occupy them. Under these laws, large sections of country have been granted to Empresarios or contractors, for the settlement of a population in Texas; and many have embarked in it, induced, no doubt, by the signal success of that indefatigable Empresario, Genl. Austin, to whom Texas owes a debt which she can never repay; for her present prosperity, nay, her very existence, is the happy fruit of his unremitting toils and noble exertions in behalf of his colony.

Free and extensive colonization has formed the undeviating policy of every administration of the Mexican Government, from the reign of the Emperor Augustin, the notorious Iturbide, down to the present time; and that still greater facilities will be offered by the Independent State of Texas, we do not for a moment doubt. That the progress of colonization and its facilities may be better understood, as well as the nature of Empresario contracts, and the titles of settlers, we shall proceed to give a translation of the different laws of the general and state Governments, in regard to colonization. We shall afterwards present a summary of intelligence in reference to the settlement of lands and security of titles, such as we deem useful in the present juncture of affairs.

Colonization Law of 1823.

"AUGUSTIN, by Divine Providence, and by the Congress of the Nation, 1st Constitutional Emperor of Mexico, and Grand Master of the Imperial Order of Gaudaloupe;—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 follows.

"Art. 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 Ayuntamiento 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 authorized 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 cit-

izens 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 merchandise 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 Batista de Arispe, 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:—

"Art. 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 favor 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 emprezarios 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 & Sec'y.
MANUEL DE VILLAY COCIO, Member & Sec'y.

"Therefore, we command it to be printed, circulated, and obeyed.

NICOLAS BRAVO,
VICENTE GUERRERO,
MIGUEL DOMINGUEZ,
} Members of the Supreme Executive Power."

Colonization Law of the State of Coahuila an Texas.

"The Governor provisionally appointed by the Sovereign Congress of this State,—To all who shall see these pres-

ents; 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 con-

sidering 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 Gulph 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 comformable 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 favor, in proportion to the number of families which they fail to introduce, and the contract totally annuled 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 comformable 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 who 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 14, 15, and 16th articles, in proportion to the family industry, and activity of the colonists, agreeably to the information given on these subjects by the Ayuntamientos and Commissioners; the said government always observing the provisions of the 12th article, of the decree 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 Re-

ligion 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 dissentions 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 and 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 a 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 funds, 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 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 respon .bility 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 that 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 one hundred dollars, if it be pasture land; one hundred and fifty dollars, if it be farming land without the facility of irrigation; and two hundred and fifty 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, *Aranceel*, of notary public's 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 new settlement, and obtain the corresponding lands, if their reformation shall have made them worthy of such favor 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 respec-

tive 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 Govornor 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 embassadors.

"The Governor pro tem. of the state will cause it to be published and circulated.—Saltillo, 24th March, 1825.

"Signed, RAFAEL RAMOS Y. VALDEZ, President.
JUAN VICENTE CAMPOS, Mem. & Sec'y.
JOSE JOAQUIN ARCE ROSALES, Mem: & Sec.

"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."

Instructions to the Commissioner appointed by the Legislature of the State.

"EXECUTIVE DEPARTMENT, }
Of the State of Coahuila and Texas. }

"Intructions 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 in 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 possession to any colonists 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 the 3d 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 2d 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 the 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 one hundred and twenty 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 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 pre-

ceding 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 new 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 who 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 collect.

"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 measured 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 an augmentation of land beyond that designated in the preceeding 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
ARCINIEGA, } Legislature.

"A Copy, JUAN ANTONIO PADILLA,
Secretary of State."

It will be seen by these documents, that many and grevious mistakes have existed in regard to the colonization laws of Texas, which have been the origin of much dissatisfaction to the disappointed adventurer and speculator, and have contributed not a little to the circulation of those various slanderous reports, and that strain of bitter invective, which have been so liberally indulged in by unsuccessful avarice.

Empresarios.—The Empresarios' contracts, by an inadvertency, no doubt, have been called *grants.* This term is correct for those who comprehend what an Empresario-contract is; but there is reason to believe that it has misled many, who were unacquainted with the colonization laws, and who attached to the word *grant* an idea of a fee-simple right vested in the Empresario, for all the land designated on the maps as embraced in an Empresario's contract. Such an idea is totally erroneous. The Empresario has no authority or power whatever to give a title to any land in Texas, except for his own premium land. The law allows him five leagues for each hundred families he introduces, or is instrumental in settling there; the land remaining within the limits designated for an Empresario's contract or colony, after the families and single men and the premium land are provided for, becomes vacant land.

What then is the value of an Empresario's contract? will be asked. We answer: The law of the State of Coahuila and Texas of the 24th of

March, 1825, authorizes the governor to contract with persons who are called Empresarios, to settle a certain number of families within specified limits, in the term of six years. To all such families introduced under these contracts, the law grants a league of land,—and to a single man a quarter league; the title to which is issued by a commissioner, specially appointed by Government.

The Empresarios, during the time of their contracts, have control and jurisdiction over the lands, so far as their settlement is concerned. According to law, no person can settle upon their grants without their consent, and they alone are authorized to judge of the qualifications of colonists, and give them a right to settle, as they are responsible for their good character, being bound, by the terms of their several contracts, to introduce into their colonies no man guilty of atrocious crimes.

The consent of the Empresario is an indispensable prerequisite to obtain a title from the Commissioner of Government; as that officer has no authority, and dare not issue a title to land which is covered by a contract. This consent, in some instances, is issued by the Empresario, and sold by his agents in the form of scrip or certificates of admission to the colony, the holders of which will receive titles thereto for the quantity of land allowed by law, which will be valid, provided they take the necessary steps to perfect their title. It will hence be apparent, that it is of the utmost consequence to the settler to possess himself of the

scrip or consent of an Empresario; for by it, he can have free access to the choice lands of Texas, and without it, he must content himself with those vacant lands which have been left unappropriated.

All the grants or sales of land made by the Government in Texas are of the same character, and in virtue of the same laws, except those in the first colony of three hundred families, settled by Gen. S. F. Austin. This contract was made with the General Government, previous to the adoption of the Federal system and constitution, and before the vacant lands were vested in the States by the Federal compact and constitutional law of the 18th of August, 1824.

There is no such thing as Military grants in Texas, or grants of any kind, except Austin's first colony as just mentioned, that are not in comformity with the colonization laws of Coahuila and Texas, and the constitutional act of the 18th of August, 1824.

Titles.—The basis of a title to land in Texas, is actual removal and settlement in the country. The grantee is allowed six years to settle the land given to him; but he must be in the country before a title can be issued to him; for if issued before he removes, or if he abandons the country after it is issued, without having legally sold and tranferred his land, it escheats and becomes vacant land. No foreigner not naturalized, can hold real estate in Texas, under the colonization laws; and should a settler who has perfected his title sell it to a foreigner, it escheats and becomes vacant land.

Each man having a family on settling, obtains a league of land—which is about 4428 acres English measure—provided the Empresario and a commissioner, both officers of Government, certify to his character, his necessary legal qualifications, and his intention of becoming a citizen. This certificate is carried to the surveyor, who is also a public officer, and it becomes his duty to lay off to the applicant the amount of land to which the certificate entitles him.

It was ordered by the laws respecting colonization, that an applicant for settlement should present a certificate from the authorities of the place whence he came, accrediting his "Christianity, (adherance to C A R religion) morality and steady habits," and without such certificate, as also that of the Empresario witnessing its genuineness, the commissioner is bound to withhold title. In point of fact, however, to procure an order of survey, an applicant is required merely to obtain from the Alcalde of the country, the certificate above mentioned. He goes to the Alcalde, and that officer, upon the testimony of two by-standers, gives him the certificate required, upon payment of a dollar and a half. Upon presentation of this paper to the commissioner, an order of survey is granted, and the title issued to the land surveyed.

By a law of 21st of May, 1834, however, protection is offered to the person and property of every settler, whatever may be his religion; and, henceforward, if Texas should be successful in

her struggle for Independence, the Roman Catholic will cease to be the established religion of the State.

Every one obtaining land from the Government, is obliged to take an oath to support the constitution of the country, must reside within its limits six years, and must make some small improvement, before his title is perfected. But under a law of March 26, 1834, settlers have the privilege of selling their land before actual settlement, or cultivation; but the second purchaser is bound to do both, within six years from the date of the original title, or forfeit his land. The title deed is issued upon stamped paper, and contains, 1st, the petition of the applicant; 2nd, the order of the commissioner, passing him to the Empresario, to ascertain whether his consent is granted; 3rd, the declaration of the Empresario, expressing that consent; 4th, the decree ordering a survey; 5th, the surveyor's return, or the description of the land; 6th, the decree ordering title to be extended; and 7th, the extension of titles. The stamped paper upon which this title is issued, costs from two to three dollars; and the whole cost of a league of land is about one hundred and eighty dollars.

A single man, upon a certificate of his qualifications, can obtain a quarter of a league of land, and, provided he marries, gets the remainder of the league; and should he marry a native Mexican, he would be entitled to one third more.

As the Mexican measures are but little known

in the United States, the following table in which the Mexican and English measures are compared, will, we doubt not, be found useful, and indeed almost indispensable.

Table of Measures.

Mexican.		English.
1 foot	is equal to	$11\frac{1}{9}$ inches
1 yard or vara	"	$33\frac{1}{3}$ do
108 varas	"	100 yards.
1000 varas	"	$925\frac{925}{1000}$ or 925 yards, or 2 feet $9\frac{1}{3}$ inches.
1000 varas square, or one million square vara is one labor,	"	$177\frac{136}{1000}$ acres or about $177\frac{1}{9}$ 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 $2\frac{632}{1000}$ miles, or 2 miles 201 rods, 12 feet, $4\frac{1}{3}$ inches.
1 league square, or twenty five million square varas is 1 sitio,	"	$4428\frac{402}{1000}$ acres.

A Township of 4 sitios is $17,713\frac{608}{1000}$ 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.*

New settlers are exempted from the payment of the usual taxes, for the term of ten years, and

*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.

are allowed to introduce all articles for their own use, free of duty.

The Governor alone has the power to augment the quantity of land granted to an individual; he, or the State Legislature, may grant to one person, being a Mexican, eleven leagues in full property, but cannot legally grant more; for the states are limited, by the general constitutional law of 18th of August, 1824, which vests the vacant lands in the respective States in which they are situated, to that amount for one person. All grants or sales, therefore, made by the State government, for more than eleven leagues, to any single individual, are null and void; for there existed, no authority or power in the Governor or legislature, to execute any such grants or sales.

Government concessions have been made to Empresarios, entitling them to sell to purchasers to the amount of eleven leagues, to which quantity they are limited by law. Under these concessions, a commissioner is appointed by Government, to extend the title of possession. But, in all cases where there is a default of such appointment, and no other officer is named to issue title, it is usual to petition the nearest Alcalde for an order of survey, and he, upon the return of the field notes, decrees that title shall be extended, and puts the party in possession. A record of this is made in the Alcalde's office, the copy issued to the party, being signed by the clerk of the Ayuntamiento. The titles thus bestowed, though irregular, are per-

fectly valid. The total cost per league of land thus obtained, will amount to an average sum of one hundred and twenty-five dollars, payable in cash on receipt of title.

Speculators have made, and will continue to make fortunes in Texas, as land-jobbers. Sales are rapid, and the price of land is continually increasing. A chapter might be written upon the facilities and profits of such a trade; but it is not consistent with our plan or limits to do so, and we leave the subject to be explored and demonstrated by adventurers *in propria persona.*

Proportion of Land taken.—The maps of Texas that have been published, generally represent the whole country as occupied and disposed of by *grants* to Empresarios. This is naturally calculated to convey the idea, that there is no vacant or unappropriated land in that country. Such an idea is totally erroneous, and fit for mischief. Of these contracts or *grants*, the latter term seems to be the favorite: none have been fully complied with, except those granted to S. F. Austin. Of the others, only a part of the families contracted for have been settled; and the most of them have expired by the terms of the contracts, without any settlers. This, however, does not invalidate the titles of colonists, in their grants; the Empresario alone suffers by his delinquency. For the settler does not receive his title from the Empresario, but from the government, through a commissioner appointed for the special purpose of extend-

ing titles. After being once introduced, and the conditions of his title are performed, the Empresario has no further jurisdiction over a settler, or his land.

Gen. Austin has entered into five contracts of different dates; the first with the Mexican Government, and the others with the State of Coahuila and Texas, to colonize a number of families, not exceeding two thousand. The first four of which have been completed, and the fifth is being fast settled. The last of the above mentioned contracts was made in February, 1831, in the name of Austin & Williams, and is to embrace eight hundred families. Like all other contracts, it will be in force for six years from the date of it; consequently, it will expire in 1837. In Austin's colonies, which are the most populous, it is estimated that at least one third of the land is still vacant and unappropriated.

A considerable number of families have been settled in the colonies of De Witt, De Leon, Austin & Williams, Burnett, Vehlein, and Zavala. The greatest proportion of land however in these grants, is vacant; and that too, of excellent quality. In the other colonies, in the interior of Texas, the land is all vacant.

On Red river, a considerable portion of land is taken up under eleven leagues, and smaller tracts, granted to individuals; which is also the case in the Nacogdoches district, and in the vicinity of Goliad and Bexar.

There is not sufficient data to state positively how much land has been appropriated; it is, however, a fair estimate that the appropriations will not exceed one twentieth part of the whole state. It is by no means true that, as has been stated, all the good lands in Texas have been taken: a great portion of the best soil in the country yet remains unlocated, and will, in all probability, for many years to come; or, if purchased, will be in the hands of speculators, who will resell it at a fair advance.

Land of the best quality may, at present, be obtained in Austin & Williams's colony, and in many other grants, where as yet scarce a settlement has been formed.

CHAPTER XII.

Government and Laws.

Under the Spanish government, Texas was one of the provinces of New Spain, and after the old divisions of territory was superseded by a new arrangement in the year 1776, it was joined with Coahuila, St. Andero, and New Leon, to form the intendency of San Luis Potosi. This intendancy, styled the Eastern Captaincy, was the subject of a subordinate military government, under the control of the supreme council or *audienza* of Guadalajara. When, in 1810, the Mexican patriots drew the sword for liberty, Texas was found to be an important auxiliary in war, though she had been an insignificant province in peace. She became, more than once, the scene of war, and her territory being in the hands of the patriots, offered a secure route for the bands of anglo-American volunteers in the Texan cause.

She was one of the unities that composed the general mass of the nation, and was represented in the constituent congress of Mexico that formed the constitution of 1824. This constituent congress, so far from destroying this unity, expressly recognized and confirmed it by the law of May 7, 1824, which united Texas with Coahuila *provis-*

ionally, under the special guaranty of being made a state of the Mexican confederation, so soon as it possessed the necessary elements.

This law and the Federal constitution gave Texas a specific political existence, and vested in its inhabitants special and defined rights, which can only be relinquished by the people of Texas, acting for themselves as an unity. The state cannot therefore relinquish those rights, by agreeing to a change of government, or by any other act, unles expressly authorised by the people of Texas to do so; neither can the general government of Mexico legally deprive Texas of them, without the consent of the people. For a full exposition of this matter, we refer the reader to Gen. Austin's address, published in this volume, page 253.

The colonization laws both of the general government and of the state of Coahuila and Texas, have been published in a previous chapter. In order still farther to show the inducements presented to colonists to settle in the Mexican Territory, we refer the reader to the Mexican constitution published in the appendix. The Laws of the General and State Governments, as well as the regulations of the Provisional Government, we must omit for want of room. For though, doubtless, they would be interesting documents to the reader, they are not of so much present importance. as to warrant their admission into a work of the size and plan of this.

This constitution having been violated by Santa

Anna, and the rights of Texas being invaded thereby, a general consultation was advised and convened, of delegates from the different municipalites of Texas, to take into consideration the means best calculated to promote their welfare, and especially to secure their constitutional rights. This consultation met at San Felipe, on the 3d of November, 1835, and proceeded to adopt a Bill of Rights, and organize a provisional government. Henry Smith was electd Governor, and J. W. Robinson, Lieutenant Governor.

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 Pepple 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 are threatened by the encroachments of *military despots*, and in defence of the republican principles of the Federal Constitution of Mexico.

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

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

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

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

B. T. ARCHER, President."

Before adjourning, the consultation appointed the 1st of March, 1836, for a convention of delegates to be held at Washington, for the purpose of publishing a more positive declaration of independence, and organizing a permanent government. At the appointed time the convention assembled, and, on the 2d of March, 1836, reported,

"*The Unanimous Declaration of Independence,*

"Made by the delegates of the people of Texas in general

Convention, at the town of Washington, on the 2d day of March, 1836.

"When a government has ceased to protect the lives liberty and property of the people from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted, and so far from being a guarantee for the enjoyment of those inestimable and unalienable 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, at length so far lost, by those in power, that even the semblance of freedom is removed and the framers themselves, of the constitution, discontinues, and so far from their petitions and remonstrances being regarded, the agents who bear them, are thrown into dungeons, and mercenary armies sent forth, to force a new government upon them at the point of the bayonet; When in consequence of such acts of malfeasance, abdication, on the part of the government, monarchy prevails, and civil society is dissolved into its original elements.

"In such a crisis, the first law of nature, the right of self preservation, the inherent and inalienable right of the people to appeal to first principles, and take their political affairs into their own hands, in extreme cases, enjoins it as a right towards themselves and a sacred obligation to their posterity to abolish such government and create another in its stead, calculated to rescue them

from impending dangers, and to secure their future welfare and happiness.

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

"The Mexican government, by the colonization laws, invited and induced the anglo-American population of Texas to colonise the 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—as the Mexican nation to has acquiescedin the late changes made in the government by Gen. Antonio Lopez de Santa Anna—who having overturned the constitution of this country, now offers us the cruel alternative either to abandon our houses, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

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

"It incarcerated in a dungeon for a long time one of our

citizens, for no other cause than a zealous endeavor to procure the acceptance of our constitution and the establishment of a state government.

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

"It has failed to establish any system of public education although possessed of means almost boundless, (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 commandant stationed amongst us to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizen, and rendering the military superior to the civil powers.

"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 secure and carry them into the interior for trial, in contempt of the civil authority, and in defiance of the laws and the constitution.

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

"It denies us the right of worshipping the Almighty according to the dictates of our conscience, by the support of a national religion, calculated to promote the temporal interests 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 land, with intent to lay waste our territory, and drive us from our homes—and has now a large mercenary army advancing to carry on against us, a war of extermination.

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

"It hath been, during the whole time of our connexion with it, the contemptible sport and victim of successive military revolutions; and hath continually exhibited every characteristic of a weak, corrupt and tyrannical government.

"These and other grievances were patiently borne by the people of Texas, until they reached that point, at which forbearance ceases to be a virtue. We then took up arms in defence of the national constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain; though months have elapsed, no sympathetic response has yet been heard from the interior. We are, therefore, forced to the melancholy conclusion, that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government; that they are unfit to be free, and incapable of self-government.

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

"We, therefore, the delegates, with plenary powers, of the people of Texas, in Solemn Convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare, that our political connection with the Mexican nation, has forever 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 submit the issue to decision of the supreme arbiter of the destinies of nations.

Signers Names.

RICHARD ELLIS, President.

Municipality of Austin—C. B. Stewart, Thos. Barnett.
Brazoria—Edwin Waller, James Collinsworth, J. S. Bynum, Asa Brigham.
Bexar—Francisco Rouis, Antonio Navarro, J. B. Badgett:
Colorado—W. D. Lacy, William Manifee.
Gonzales—J. Fisher, M. Caldwell.
Goliad—William Motley.
Harrisburg—Lorenzo DeZavala.
Jasper—J. H. Everette, Geo. W. Smith.
Jackson—Elijah Stepp.
Jefferson—Claiborne West, Wm. B. Seates, M. Menard, A. B. Hardin.
Mina—J. W. Benton, E. J. Gazlay, R. M. Coleman.
Matagorda—B. Hardiman.
Milam—L. C. Robertson, Geo. C. Childress.
Nacogdoches—Robert Potter, Thos. J. Rusk.
Pecan Point—Robert Hamilton, Collin M. King, Albert H. Latimore.
Refugio—James Power, Saml. Houston, David Thomas, Edward Conrad.
San Augustin—E. O. Degand, Mortin Parmer, S. M. Blount.
Sabine—James Gaines, William Clark, Jr.
Shelby—Sydney O. Pennington, Wm. C. Crawford.
San Patrico.—John Turner, B. B. Goodrich, Jesse Grimes, J. G. Swisher, G. W. Barnett.

The government organized by such a congress will, of course, be purely Republican—modelled upon that of our own happy country. Such a government alone can obtain in Texas, while she contains fifty thousand free spirits, who have breathed the atmosphere of American liberty. Vain must be every effort to compose servitude upon such men. Santa Anna and his myrmidons may *annihilate*, but they never can *enslave* them. While one anglo-American is left in Texas, the tyrant may tremble for the security of his dominion, not only over her territory, but that of Mexico also. The sun of liberty which has arisen in our political horizon, will not set until it shall have illumined our vast continent with the light of eternal day.

Judicial. The *trial by jury* was secured to Texas before her independence, and was, no doubt, a bad stroke of policy in a despot to permit. This right will of course remain under the Republican regime.

Texas was divided by act of assembly, in the year 1834, for judicial purposes, into three Departments or Districts, viz: the Department of Bejar,—that of the Brazos,—and that of Nacogdoches. In each of these Departments, there are as many Ayuntamientos as the conveniency of the people require. The sphere of action of the Ayuntamientos is called a jurisdiction, and answers to a town or city corporation; to each of which is assigned an Alcalde, who is the chief officer of the

public corporation, and primary judge of the court. He has cognizance of all causes both civil and criminal.

From the decision of the primary judge, an appeal lies to a superior court, which is held by one judge, who at stated times, hears appeals at the three Departments.

Some alterations were made in this plan by the Provisional Government, and others will probably obtain yet before the complete organization of a government. Each municipality, however, yet continues to elect an alguazil or sheriff, an alcalde, a syndico-procuradore, corregidor, and other officers of Ayuntamientos. The political Chiefs have ceased their functions by order of the consultation.

BIOGRAPHICAL SKETCHES.

In a country so very recently settled, and even yet in a great measure unredeemed from Nature's barbarism, we cannot look for characters whose wisdom in council and exploits in the field might interest mankind. These qualities are the creation of circumstances, to which the occasion that demands always gives birth. There are however a few individuals who have figured in the events of her brief history, whom Texas will delight to honor; and a passing but slight sketch of whom, we think, will prove interesting to our readers.

First among these stands Gen. S. F. Austin; in regard to whom Texas may be said to have grown with his growth and strengthened with his strength. Of him, however, a full account will be found in the succeeding chapter; and we therefore shall pass on to others, with whose lives, the fortunes of Texas have not been so invariably identified, but whose names are worthy to be recorded upon the brightest page of her history.

Conspicuous among these is the name of the lamented Benjamin B. Milam. Col. Milam was a native of Kentucky. He was born of humble parents, and had the advantages of but a very slight

education. He had, however, a strong mind, unfettered by any bands which circumstances could force, hardy, and enterprising in the highest degree. He distinguished himself in the war with Great Britain in 1812–15, for his patriotism and valor. Returning after the conclusion of the war to his native state, he found the country in such a declining condition, that, dissatisfied with the prospects before him, he bade adieu to the land of his birth, and as an adventurer and a philanthropist, sought the revolutionary banners of Mexico, and drew the sword in the cause of liberty against transatlantic despotism. Distinguished as a soldier only in the provinces, he soon marched to Mexico itself, and became a very conspicuous leader in the patriot army, rendering eminent services to the Republican cause. When Iturbide was proclaimed Emperor, he was the first to call for his dethronement; as a consequence of which he was arrested and imprisoned. Commanding however almost universal admiration and esteem, the fetters of a tyrant were not able to hold the people's friend. The populace rose in large numbers, attacked and broke the jail in which he was confined, and set him at liberty. In a short time he assisted in expelling the tyrant from the country, and finally bringing him to punishment. His services were not forgotton by the republic for whom he had done so much—fickle and ungrateful as she has so often proved herself. In 1828, he obtained from the government a grant of land in Texas, amount-

ing to one million of acres, which he disposed of to Baring & Co. London. He also, subsequently, obtained from the legislature of Coahuila and Texas a decree, conceding to him for the term of ten years, the free and exclusive navigation of the river Colorado by steam boats:—for which privilege he was to render said river navigable to the town of Mina, clearing away all rafts and other obstructions which impeded its navigation. The execution of this decree was prevented by the distracted state of the country, and the contractor's early death.

In 1835, after the dispersion of the legislature of Coahuila and Texas, Milam, who was returning from the seat of government to Texas, was found in company with the governor, who was flying from the troops of the despot. For this, and for no other assignable reason, he too was thrown into confinement. After several months of imprisonment he effected his escape, and immediately started for Texas. In order to elude the pursuit of his merciless enemies, he travelled six hundred miles without a road, prosecuting his journey in the night, and secreting himself during the day. Throughout this dangerous and protracted journey, his subsistence was derived, solely, from a few articles of food, which he had fortunately contrived to obtain on his escape from confinement; for he dared not show his face at any habitation.

Early in October he arrived near the town of Goliad in Texas, where his attention was aroused

by the approach of soldiers. He at first, naturally enough, conceived that he was overtaken, by his enemies; and knowing that if he again fell into their hands, he would be subjected to death or indefinite imprisonment, he prepared, although being but one against fifty, to sell his life as dearly as possible. How did his heart rebound however when, on nearer approach, he discovered them to be his Texan countrymen, on their march against the Mexican garrison at Goliad? By them he was furnished with food and clothing, for the want of which he was almost exhausted. In a few moments he joined the little band and, as some small revenge for the injuries he had sustained, had the satisfaction of being among the foremost in storming and capturing the garrison of Goliad. This being over, although he had been raised in the army of the United States—had borne a distinguished part in the patriot wars of Mexico, and was accustomed and qualified to command; yet, by way of example, he entered the ranks and cheerfully discharged the duties of a common soldier. As such he was in the army which besieged San Antonio; where, impatient of delay, he resolved upon and executed the bold attack which, though it proved fatal to himself, in its final catastrophe, rendered an important service to the cause of liberty, and has embalmed his memory in the hearts of his admiring countrymen.

On the evening of the 4th of December, he stepped forth from the ranks, and beat up for vol-

unteers to storm the castle of San Antonio. His call was promptly answered. A Leonidas band of about three hundred immediately placed themselves under his command. On the night of the 5th of December, they entered the town to attack a garrison of more than five times their numbers; who were also protected by forts, walls, houses, ditches, and twenty pieces of artillery. They entered, however, determined to "conquer or die." For six successive days and nights, they grappled with the enemy before they finally conquered.—They succeeded; but the death of their dauntless leader, who fell in the arms of victory, was the price of their triumph. He lies full low—but not forgotten. As long as the Texan flag shall wave from the Alamo, so long will his country be reminded of his services. A mourning country and an admiring world, have already dropped the tear of sympathy over his untimely fate, and his name shall not lightly pass away, while a patriot's gratitude can be awakened. When Texas shall have taken her stand proudly among the nations of the earth, as an independent republic, the constitutional liberty of the land for which he fought will stand, we trust imperishably, as a monument of the noble devotion, the distinguished merit, and the glorious death of the hero of San Antonio.

Gen. John Austin, was one of those hardy sons of New England, who literally set off to *seek their fortunes.* Born of respectable and very religious parents, his grand father and father being succes-

sively deacons in the parish where they lived, and highly exemplary, he early discovered that bustling spirit which cannot brook the constraints of a quiet and well ordered home—a spirit which leads abroad in successful enterprise, so many of the youth of that favoured land. While yet a boy he left his native Connecticut, and his father's house, to roam, he knew not whither, nor wherefore, and without letting any one know of his design. For years his anxious parents thought their first born of a numerous offspring lost, supposing he had gone to sea as is common in the seaport towns of New England. It was the fact—he had gone before the mast, a common sailor. One of his voyages took him to a port of Mexico, and he made his way to the Metropolis. This happened, while Gen. S. F. Austin was there engaged in the final arrangment, regarding his first Colony of Texas. Attracted by the name, or by the enterprising character which belongs to it, the two gentlemen became known to each other, and though not at all related, an intimacy ensued which led to their return together to the scene of their after labors, and which ended but with the life of the subject of this notice. He was one of the victims of the cholera in 1833.

Gen. John Austin was a valuable man in Texas. He had great strength of character, was foremost in every important crisis, and ready at every post of danger. His name appears at the head of many interesting documents. He was a faithful friend

and good citizen. His aged father, hearing of his prosperous condition in Texas, went to visit his lost son. The author of this notice saw him in New Orleans on his way thither elated with the prospect. They met—but not in joy. They were united but in death—death by cholera, to which they both fell victims.

Gen. John Austin would have gloried in this struggle for Independence, and would have been foremost, as he ever had been, battling for his country.

Don Lorenzo de Zavala is a name well know n throughout Spanish America, where it stands identified with the cause of the people and republican institutions. He is a native of Yucatan, and one of her most distinguished citizens. He was elected a delegate by that captain-generalcy, to represent his country in the *Cortes of Spain;* was subsequently, a conspicuous and influential member of both houses of the Mexican congress; Governor of his own State; minister of finance; and ambassador of the Republic. He took part in the patriot war of his native country; and was proscribed by the Spanish authorities as a traitor. In 1828–9, he fought by the side of the other Liberal generals, Santa Anna, and Sobato, in behalf of the Yorkino principles; and assisted in placing Guerrero in the presidential chair. He remained attached to the fortunes of Santa Anna, as long as the latter continued to maintain his republican principles. At the time of the establishment of centralism, he was

Minister from the Mexican Republic to France. But, upon hearing of the treachery of Santa Anna, to the cause in which they had both been so long and so ardently engaged, he immediately resigned his office, and accompanied his resignation with a very spirited letter to the President detailing his reasons; being unwilling to represent a government, in which the last pillar of liberty had been prostrated by the ambitious conduct of its president.* He condemned himself to voluntary exile; and, from his post, retired immediately to Texas; where he had obtained a large grant of land, with the purpose of establishing a colony there.

In August, 1835, the commandant general, Martin Perfecto de Cos, sent a demand to the Political Chief of the Department of Brazos, for the arrest of Zavala, and his delivery to the Mexican authorities, as a proscribed traitor. Col. Ugartechea was also ordered to move with a large body of cavalry under his command, to enforce the arrest of Zavala, if the political Chief failed to deliver him up. He escaped however, and has lived to do good service in the Texan cause, which he ardently espoused; and to see the fall of a tyrant who had trampled upon the liberties of his country. He was elected a delegate to the convention which met at San Felipe on the 3d of November, 1835,

*In this letter he told the Dictator that, "formerly, he had owed his success in arms to the justice of his cause, but now, that his cause was a bad one, liberal principles would put him down." He has lived to see his predictions in part, at least, verified.

and made the solemn declaration against centralism. Possessing great influence among the Liberals of the Mexican States, he warmly appealed them to sustain the constitution of 1824; but the presence of an overawing military prevented any successful movement of this kind. In the meantime the Texans had resolved to deliver up no citizen, which Zavala then was, to the demands of Mexico; and he became fully identified with their cause, by *necessity*, as he had been before by his devotion to liberal principles, and by his patriotism. As a delegate from the jurisprudence of Harrisburg, he signed the Declaration of Independence, made by the General Convention of Texas, at Washington, on the 2d of March, 1836. He is not only a distinguished soldier, statesman, and patriot; but is probably among the first literary men of his nation. His work entitled "Travels in the United States," has been very favorably spoken of; and his reputation as a scholar is inferior to none who claim that title in Mexico. Universally esteemed and beloved, nothing but that despotism, under which his native country unhappily groans, and which fetters the spirit as well as the body, could have banished him from an admiring and affectionate people. Long will he be remembered by the citizens of Texas and cherished among them in the fervent gratitude which he has so justly inspired.

AN ADDRESS

Delivered by S. F. Austin of Texas, to a very large Audience of Ladies and Gentlemen in the Second Presbyterian Church, Louisville, Kentucky, on the 7th of March, 1836.

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

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

When a people consider themselves compelled by circumstances or by oppression, to appeal to arms and resort to their natural rights, they necessarily submit their cause to the great tribunal of public opinion. The people of Texas, confident in the

justice of their cause, fearlessly and cheerfully appeal to this tribunal. In doing this the first step is to show, as I trust I shall be able to do by a succinct statement of facts, that our cause is just, and is the cause of light and liberty:—the same holy cause for which our forefathers fought and bled:—the same that has an advocate in the bosom of every freeman, no matter in what country, or by what people it may be contended for.

But a few years back Texas was a wilderness, the home of the uncivilized and wandering Comanche and other tribes of Indians, who waged a constant and ruinous warfare against the Spanish settlements. These settlements at that time were limited to the small towns of Bexar (commonly called San Antonio) and Goliad, situated on the western limits. The incursions of the Indians also extended beyond the Rio Bravo del Norte, and desolated that part of the country.

In order to restrain these savages and bring them into subjection, the Government opened Texas or settlement. Foreign emigrants were invited and called to that country. American enterprise accepted the invitation and promptly responded to the call. The first colony of Americans or foreigners ever settled in Texas was by myself. It was commenced in 1821 under a permission to my father, Moses Austin, from the Spanish Government previous to the Independence of Mexico, and has succeded by surmounting those difficulties and dangers incident to all new and wilderness

countries infested with hostile Indians. These difficulties were many and at times appalling, and can only be appreciated by the hardy pioneers of this western country, who have passed through similar scenes.

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

such guaranties, as free born and enterprising men naturally expect and require.

The fact is, we *had* such guaranties; for, in the first place the Government bound itself to protect us by the mere act of admitting us as citizens, on the general and long established principle, even in the dark ages, that *protection* and *allegiance* are reciprocal—a principle which in this enlightened age has been extended much further; for its received interpretation now is, that the object of government is the well being, security, and happiness of the governed, and that allegiance ceases whenever it is clear, evident, and palpable, that this object is in no respect effected.

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

When the federal system and constitution were adopted in 1824, and the former provinces became States, Texas, by her representative in the Constitutional Congress, exercised the right which was claimed and exercised by all the provinces, of retaining within her own control, the rights and powers which appertained to her as one of the *unities* or distinct societies, which were confederated together to form the federal republic of Mexico. But not possessing at that time sufficient population to become a State by herself, she was with her

own consent united provisionally with Coahuila, a neighboring province or society, to form the State of COAHUILA AND TEXAS, "*until Texas possessed the necessary elements to prove a separate State of herself.*" I quote the words of the constitutional or organic act passed by the Constituent Congress of Mexico, on the 7th of May, 1824, which establishes the State of Coahuila and Texas. This law, and the principles on which the Mexican federal compact was formed, gave to Texas a specific political existence, and vested in her inhabitants the special and well defined rights of self-government as a State of the Mexican confederation so soon as she "*possessed the necessary elements.*" Texas consented to the provisional union with Coahuila on the faith of this guaranty. It was therefore a solemn compact, which neither the State of Coahuila and Texas nor the general government of Mexico can change without the consent of the people of Texas.

In 1833 the people of Texas, after a full examination of their population and resources, and of the law and constitution, decided, in a general convention elected for that purpose, that the period had arrived contemplated by said law and compact of 7th May, 1824, and that the country possessed the necessary elements to form a State separate from Coahuila. A respectful and humble petition was accordingly drawn up by this convention, addressed to the general Congress of Mexico, praying for the admission of Texas into the

Mexican confederation as a State. I had the honor of being appointed by the convention the commissioner or agent of Texas to take this petition to the city of Mexico, and present it to the government. I discharged this duty to the best of my feeble abilities, and, as I believed, in a respectful manner. Many months passed and nothing was done with the petition, except to refer it to a committee of Congress, where it slept and was likely to sleep. I finally urged the just and constitutional claims of Texas to become a State in the most pressing manner, as I believed it to be my duty to do; representing also the necessity and good policy of this measure, owing to the almost total want of local good of any kind, the absolute want of a judiciary, the evident impossibility of being governed any longer by Coahuila, (for three fourths of the Legislature were from there,) and the consequent anarchy and discontent that existed in Texas. It was my misfortune to offend the high authorities of the nation—my frank and honest exposition of the truth was construed into threats.

At this time (September and October, 1833,) a revolution was raging in many parts of the nation, and especially in the vicinity of the city of Mexico. I despaired of obtaining any thing, and wrote to Texas, recommending to the people there to organize as a State *de facto* without waiting any longer. This letter may have been imprudent, as respects the injury it might do me personally, but how far it was criminal or treasonable, considering

the revolutionary state of the whole nation, and the peculiar claims and necessities of Texas, impartial men must decide. It merely expressed an opinion. This letter found its way from San Antonio de Bexar (where it was directed) to the gov ernment. I was arrested at Saltillo, two hundred leagues from Mexico, on my way home, taken back to that city and imprisoned one year, three months of the time in solitary confinement, without books or writing materials, in a dark dungeon of the former Inquisition prison. At the close of the year I was released from confinement, but detained six months in the city on heavy bail. It was nine months after my arrest before I was officially informed of the charges against me, or furnished with a copy of them. The constitutional requisites were not observed, my constitutional rights as a citizen were violated, the people of Texas were outraged by this treatment of their commissioner, and their respectful, humble and just petition was disregarded.

These acts of the Mexican government, taken in consideration with many others and with the general revolutionary situation of the interior of the republic, and the absolute want of local government in Texas, would have justified the people of Texas in organizing themselves as a State of the Mexican confederation, and if attacked for so doing in separating from Mexico. They would have been justifiable in doing this, because such acts were unjust, ruinous and oppressive, and be-

cause self-preservation required a local government in Texas suited to the situation and necessities of the country and the character of its inhabitants. Our forefathers in '76 flew to arms for much less. They resisted a *principle*, "*the theory of oppression*," but in our case it was the *reality*—it was a denial of justice and our guarantied rights—it was oppression itself.

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

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

In 1834, the President of the Republic, Gen. Santa Anna, who heretofore was the leader and champion of the republican party and system, be-

came the head and leader of his former antagonists—the aristocratic and church party. With this accession and strength, this party triumphed. The constitutional general Congress of 1834, which was decidedly republican and federal, was dissolved in May of that year by a military order of the President before its constitutional term had expired. The council of government composed of half the Senate which, agreeably to the constitution, ought to have been installed the day after closing the session of Congress, was also dissolved; and a new revolutionary and unconstitutional Congress was convened by another military order of the President. This Congress met on the 1st of January, 1835. It was decidedly aristocratic, ecclesiastical and central in its politics. A number of petitions were presented to it from several towns and villages, praying that it would change the federal form of government and establish a central form. These petitions were all of a revolutionary character, and were called "*pronunciamientos*," or pronouncements for centralism. They were formed by partial and revolutionary meetings gotten up by the military and priests. Petitions in favor of the federal system and constitution, and protests against such revolutionary measures, were also sent in by the people and by some of the State Legislatures, who still retained firmness to express their opinions. The latter were disregarded and their authors persecuted and imprisoned. The former were considered sufficient to invest Congress with

plenary powers. It accordingly, by a decree, deposed the constitutional Vice President, Gomez Farias, who was a leading federalist, without any impeachment or trial, or even the form of a trial. and elected another of their own party, Gen. Barragan, in his place. By another decree it united the Senate with the House of Representatives in one chamber, and, thus constituted, it declared itself invested with full powers as a national convention. In accordance with these usurped powers, it proceeded to annul the federal constitution and system, and to establish a central or consolidated government. How far it has progressed in the details of this new system is unknown to us. The decree of the 3d of October last, which fixes the outlines of the new government, is however sufficient to show that the federal system and compact is dissolved and centralism established. The States are converted into departments. This decree is as follows as translated:

[Decree of the 3d October, 1835.]

"*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.

"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,

* 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. To explain by a comparison the unconstitutional power vested by the decree of 3d of October in the *ayuntamientos*, or corporations of capitals of the States, we have only to suppose that a similar decree to this one of the 3d of October, was passed by the Congress of the United States, and that the Legislature of Kentucky was not in session and could not be convened, and that the corporation or municipal authority of Frankfort, acting in the name and as the representative of the whole State, was to nominate five persons to compose the department council of Kentucky, which by such a decree as this one of 3d October, would be converted from a State into a department of the consolidated government, like the departments of France.

remain subject to and at the disposal of the supreme government of the nation, by means of their respective governors."—City of Mexico, Oct. 3d, 1835.

MIGUEL BARRAGAN, *President, pro. tem.*
MANUEL DIAS DE BONILLA, *Secretary of State.*

For the information of those who are not acquainted with the organization of the Mexican Republic under the federal system and constitution of 1821, it may be necessary to state that this constitution is copied, as to its general principles, from that of the United States. The general Congress had the same organization and was elected in the same manner. A Senate elected by the State Legislatures for four years, and a House of Representatives elected by the people for two years. A President and Vice President elected for four years, and removable only by impeachment and trial. The mode of amending the constitution was clearly fixed. The powers of the States were the same in substance as the States of the United States, and in some instances greater. During the recess of Congress, half the Senate formed the council of government.

By keeping these facts in view, and then supposing the case that the President and Congress of these United States were to do what the President and Congress of Mexico have done, and that one of the States was to resist and insist on sustaining the federal constitution and state rights, and a parallel case would be presented of the present con-

test between Texas and the revolutionary government of Mexico.

In further elucidation of this subject, I will present an extract from a report made by me to the provisional government of Texas on the 30th of November last, communicating the said decree of 3d October.

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

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

"Had the change been effected by constitutional means, or had a national convention been convened, and every member of the confederacy been fairly represented, and a majority agreed to the change, it would have placed the matter on different ground; but, even then, it would be monstrous to admit the principle, that a majority have the right to destroy the minority, for the reason, that self-preservation is superior to all political obligations. That such a government as is contemplated by the before mentioned decree of the 3d of October, would destroy the people of Texas, must be evident to all, when they consider its geographical situation, so remote from the contemplated centre of legislation and power; populated as it is, by a people who are so different in education, habits,

customs, language, and local wants, from all the rest of the nation; and especially when a portion of the central party have manifested violent religious and other prejudices and jealousies against them. But no national convention was convened, and the constitution has been, and now is, violated and disregarded. The constitutional authorities of the State of Coahuila and Texas, solemnly protested against the change of government, for which act they were driven by military force from office, and imprisoned.* The people of Texas protest against it, as they had a right to do, for which they have been declared rebels by the government in Mexico.

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

* The Legislature of the State of Coahuila and Texas of 1835, which made this protest, was dissolved by a military force acting under the orders of Gen. Cos, and the Governor, Don Augustin Viesca, the Secretary of State, and several of the Members of the Legislature were imprisoned. Col. Benjamin R. Milam, who fell at San Antonio de Bexar, and several other Texans were at Moncova, the capital of the State, when those events took place—they took a decided stand in support of the State authorities and the constitution. Milam was taken prisoner with the Governor, the others escaped to Austin's colony, and the local authorities were commanded by a military order from General Cos to deliver them up to him. This order was not obeyed of course: it was the precursor of the invasion of Texas by this General in October.

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

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

Without exhausting the patience by a detail of numerous other vexatious circumstances and violations of our rights, I trust that what I have said on this point is sufficient to show that the federal social compact of Mexico is dissolved; that we have just and sufficient cause to take up arms against the revolutionury government which has been established; that we have forborne until the cup was full to overflowing; and that further forbearance or submission on our part would have been both ruinous and degrading; and that it was due to the great cause of liberty, to our-

selves, to our posterity, and to the free blood which, I am proud to say, fills our veins, to insist and proclaim *war* against such acts of usurpation and oppression.

The justice of our cause being clearly shown, the most important question that naturally presents itself to the intelligent and inquiring mind is, *what are the objects and intentions of the people of Texas?*

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

This object we expect to obtain by a total separation from Mexico as an independent community—a new republic—or by becoming a State of the United States. Texas would have been satisfied to have been a State of the Mexican Confederation, and she made every constitutional effort in her power to become one. But that is no longer practicable, for that confederation no longer exists. One of the two alterations above-mentioned, therefore, is the only recourse which the revolutionary government of Mexico has left her. Either will secure the liberties and prosperity of Texas, for either will secure to us the right of self-govern-

ment over a country which we have redeemed from the wilderness, and conquered without any aid or protection whatever from the Mexican government, (for we never received any) and which is clearly ours. Ours by every principle by which original titles to countries are, and ever have been founded. We have explored and pioneered it, developed its resources, made it known to the world, and given to it a high and rapidly increasing value. The federal republic of Mexico, had a *constitutional* right to participate *generally* in this value, but it had not, and cannot have any other; and this one has evidently been forfeited and destroyed by unconstitutional acts and usurpation, and by the total dissolution of the social compact. Consequently, the true and legal owners of Texas, the only legitimate sovereigns of that country, are the people of Texas.

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

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

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

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

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

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

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

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

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

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

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

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

It is worthy of particular attention that this declaration affords another and an unanswerable proof of the forbearance of the Texans and of their firm adherence, even to the last moment, to the constitution which they had sworn to support, and to their political obligations as Mexican citizens. For, although at this very time the federal system and constitution of 1824 had been overturned and trampled under foot by military usurpation in all other parts of the republic, and although our country was actually invaded by the usurpers for the purpose of subjecting us to the military rule, the people of Texas still said to the Mexican nation—"restore the federal constitution and govern in conformity to the social compact which we are all bound by our oaths to sustain, and we will continue to be a member of the Mexican Confederation." This noble and generous act, for such it certainly was under the circumstances, is of itself sufficient to repel and silence the false charges which the priests and despots of Mexico, have made of the ingratitude of the Texans. In what does this ingratitude consist? I cannot see, unless it be in our enterprise and perseverance in giving value to a country that the Mexicans considered valueless, and thus exciting their jealousy and cupidity.

To show more strongly the absurdity of this charge of ingratitude, &c. made by the general government of Mexico, and of the pretended claims to liberality, which they set up, for having

given fortunes in land to the settlers of Texas. It must be remembered that, with the exception of the first three hundred families settled by myself, the general government have never granted or given one foot of land in Texas. The vacant land belonged to the State of Coahuila and Texas so long as they remained united, and to Texas so soon as she was a State separate from Coahuila. Since the adoption of the federal system in 1824, the general government have never had any power or authority whatever to grant, sell, or give any land in Texas, nor in any other State. This power was vested in the respective States. The lands of Texas have therefore been distributed by the State of Coahuila and Texas, (with the exception of the three hundred families above mentioned) and not by the general government, and, consequently, it is truly absurd for that government to assume any credit for an act in which it had no participation, and more especially when it has for years past thrown every obstacle in the way to impede the progress of Texas, as is evident from the 11th article of the law of the 6th April, 1830, which absolutely prohibited the emigration to Texas of citizens of the United States; and many other acts of a similar nature—such as vexatious custom-house regulations, passports, and garrisoning the settled parts of the country where troops were not needed to protect it from the Indians, nor from any other enemy. It is therefore clear that if any credit for liberality is due, it is to the State government, and how far *it* is entitled to

this credit, men of judgment must decide, with the knowledge of the fact that it *sold* the lands of Texas at from thirty to fifty dollars per square league, Mexican measure, which is four thousand four hundred and twenty-eight acres English, and considering they were getting a high price and full value for it.

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

To close this matter about *ingratitude*, I will ask—if it was not ingratitude in the people of the United States to resist the "throng of oppression" and separate from England?—can it be ingratitude in the people of Texas to resist *oppression* and *usurpation* by separating from Mexico?

To return to the declaration of the 7th of November last, it will be observed that it is a total separation from Mexico—an absolute declaration of independence—in the event of the destruction of the federal compact or system, and the establishment of centralism. This event has taken place. The federal compact is dissolved, and a central or

consolidated government is established. I therefore repeat that the present position of Texas is absolute independence:—a position in which we have been placed by the unconstitutional and revolutionary acts of the Mexican government. The people of Texas firmly adhered to the last moment to the constitution which they and the whole nation had sworn to support.

The government of Mexico have not—the party now in power have overturned the constitutional government and violated their oaths—they have separated from their obligations, from their duty and from *the people of Texas;* and, consequently, they are the true rebels. So far from being grateful, as they ought to be, to the people of Texas for having given value to that country, and for having adhered to their duty and constitutional obligations, the Mexicans charge us with these very acts as evidence of ingratitude. Men of judgment and impartiality must decide this point, and determine who has been, and now is ungrateful.

In order to make the position of Texas more clear to the world, a convention has been called to meet the first of March, and is no doubt now in session, for the express purpose of publishing a positive and unqualified declaration of independence and organizing a permanent government.

Under the declaration of 7th November, a provincial government has been organized, compounded of an executive head or governor, a legislative

council, and a judiciary. A regular army has been formed, which is now on the western frontiers prepared to repel an invasion should one be attempted. A naval force has been fitted out which is sufficient to protect our coast. We have met the invading force that entered Texas in October under Gen. Cos, and beaten him in every contest and skirmish, and driven every hostile soldier out of Texas. In San Antonio de Bexar he was entrenched in strong fortifications, defended by heavy cannon and a strong force of regular troops greatly superior to ours in number, which was of undisciplined militia without any experienced officer. This place was besieged by the militia of Texas. The enemy was driven into his works; his provisions cut off, and the spirits and energies of his soldiers worn down, with the loss of only one man to the Texans, and the place was then taken by storm. A son of Kentucky, a noble and brave spirit from this land of liberty and of chivalry, led the storm. He conquered, and died, as such a spirit wished to die, in the cause of liberty, and in the arms of victory. Texas weeps for her Milam; Kentucky has cause to be proud of her son. His free spirit appeals to his countrymen to embark in the holy cause of liberty for which he died, and to avenge his death.

I pass to an examination of the resources of Texas. We consider them sufficient to effect and sustain our independence. We have one of the finest countries in the world. a soil surpassed by

none for agriculture and pasturage, not even by the fairest portions of Kentucky—a climate that may be compared to Italy; within the cotton or sugar region, intersected by navigable rivers, and bounded by the coast of the Gulf of Mexico, on which there are several fine bays and harbors suitable for all the purposes of commerce—a population of about seventy thousand, which is rapidly increasing, and is generally compounded of men of very reputable education and property, enterprising bold and energetic, devotedly attached to liberty and their country, inured to the use of arms, and at all times ready to use them, and defend their homes inch by inch if necessary. The exportations of cotton are large. Sheep, cattle and hogs are very abundant and cheap. The revenue from importations and direct taxes will be considerable and rapidly increasing, the vacant lands are very extensive and valuable, and may be safely relied upon as a great source of revenues and as bounties to emigrants.

The credit of Texas is good, as is proven by the extensive loans already negotiated. The country and army are generally well supplied with arms and ammunition, and the organized force in February last in the field exceeded two thousand, and is rapidly increasing. But besides these resources, we have one which ought not, and certainly will not fail us—*it is our cause*—the cause of light and liberty, of religious toleration and pure religion. To suppose that such a cause will fail,

when defended by anglo-Saxon blood, by Americans and on the limits, and at the very door of this free and philanthropic and magnanimous nation, would be calumny against republicanism and freedom, against a noble race, and against the philanthropic principles of the people of the United States. I therefore repeat that we consider our resources sufficient to effect our independence against the Mexicans, who are disorganized and enfeebled by revolutions, and almost destitute of funds or credit. Another interesting question which naturally occurs to every one, is, what great benefits and advantages are to result to philanthropy and religion, or to the people of these United States, from the emancipation of Texas? To this we reply, that ours is most truly and emphatically the cause of liberty, which is the cause of philanthropy, of religion, of mankind; for in its train follow freedom of conscience, pure morality, enterprise, the arts and sciences, all that is dear to the noble-minded and the free, all that renders life precious. On this principle the Greeks and the Poles, and all others who have struggled for liberty, have received the sympathies or aid of the people of the United States; on this principle the liberal party in priest-ridden Spain, is now receiving the aid of high-minded and free born Englishmen; on this same principle Texas expects to receive the sympathies and aid of her brethren, the people of the United States, and of the freemen of all nations. But the Greeks and the Poles are not parallel cases with

ours—they are not the sons and daughters of anglo-Americans. We are. We look to this happy land as to a fond mother from whose bosom we have imbibed those great principles of liberty which are now nerving us, although comparatively few in numbers and weak in resources, to contend against the whole Mexican nation in defence of our rights.

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

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

But apart from these great principles of philanthropy, and narrowing down this question to the contracted limits of cold and prudent political calculation, a view may be taken of it, which doubtless has not escaped the penetration of the saga-

cious and cautious politicians of the United States. It is the great importance of Americanizing Texas, by filling it with a population from this country who will harmonize in language, in political education, in common origin, in every thing, with their neighbors to the east and north. By this means Texas will become a great outwork on the west to protect the outlet of this western world, the mouths of the Mississippi, as Alabama and Florida are on the east; and to keep far away from the southwestern frontier—the weakest and most vulnerable in the nation—all enemies who might make Texas a door for invasion, or use it as a theatre from which mistaken philanthropists, and wild fanatics might attempt a system of intervention in the domestic concerns of the South, which might lead to a servile war, or at least jeopardize the tranquillity of Louisiana and the neighboring States.

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

To conclude, I have shown that our cause is just and righteous, that it is the great cause of mankind, and as such merits the approbation and moral support of this magnanimous and free people. That our object is independence as a new republic, or to become a State of these United States; that our resources are sufficient to sustain

the principles we are defending; that the results will be the promotion of the great cause of liberty, of philanthropy and religion, and the protection of a great and important interest to the people of the United States.

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

CHAPTER XIII.

History of Gen. Austin and his Colony.

The first settlement of this colony by General Austin and his little band of hardy pioneers, displays a spirit of noble enterprise not often surpassed. If the project of establishing such a colony in Texas did not originate with the Austins, it was the first proposal of the kind that was accepted by the Mexican authorities, and it cannot be denied, that the sagacity, the prudence, the industry and perseverance, displayed by General Austin in the successful execution of the undertaking, are worthy of all admiration. A short history of the origin of the colony, with some of the difficulties which embarrassed its first struggles for existence, cannot fail to be interesting.

The idea of forming a settlement of North Americans in the wilderness of Texas, it is believed, originated with Moses Austin, esq. of Missouri, and, after the conclusion of De Onis's treaty, in 1819, efforts were made by him to put matters in train for an application to the Spanish government in Old Spain. In answer to his inquiries as to the best mode of laying the subject before the Spanish government, he was advised to apply to the Spanish authorities in New Spain. A memorial was accordingly presented, and his application

granted, on the 17th January, 1821, by the supreme government of the Eastern Internal Provinces of New Spain, at Monterey. Authority was hereby granted to Mr Austin to introduce three hundred families into Texas, on terms that were satisfactory to both parties.

At this juncture of affairs, before any location for the intended colony was fixed upon, in the midst of diligent preparations to fulfil his engagement, Mr Moses Austin died. His health had suffered greatly by exposure to bad weather, from swimming and rafting rivers, and from want of provisions on his return to Missouri from Bexar; for at that time Texas was an entire wilderness from Bexar to the Sabine. A severe cold, occasioned by this exposure, terminated in an inflammation of the lungs, which finally put an end to his mortal life.

This gentleman was a native of Durham, 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 of knowledge, and an ambition to make a speedy fortune, he left his native state, and, at the age of twenty, was married to Miss Maria Brown, in Philadelphia. Shortly afterwards, in partnership with his brother, Stephen Austin, he purchased the lead mines, called Chessel's Mines, on 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 description 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 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.* After closing all his affairs in the United States, he removed his family, with a number of others from Wythe county, by a new and almost untried route, down the Kenhawa river, to his new grant in 1799, and laid a foundation for the settlement, of, what is now called, Washington county, in Missouri. The early settlers of this country will bear ample testimony to his enterprise, public spirit, and honorable character. The exercise of these generous qualities, in fact, 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.

*Where still stands *Durham Hall*, the ancient seat of hospitality in the wilderness.

At his death, Mr. Moses Austin left a request, that his son, Stephen F. Austin, should prosecute the enterprise which he had thus commenced, of forming a settlement in Texas. Stephen F. Austin, afterwards Colonel, now General Austin, immediately entered upon the prosecution of the enterprise with vigour. After having first visited the capital of Texas, to make the legal arrangements, and having personally surveyed the country, without a guide, and at much risk, in order to select a favorable location, in December, 1821, he arrived on the river Brazos with the first emigrants, and the new settlement was commenced in the midst of an entire wilderness. Without entering into a detailed history of all the difficulties, privations and dangers that were encountered by the first emigrants, it is sufficient to say, that such a detail would present examples of inflexible perseverance and fortitude on the part of these settlers, which have been seldom equalled in any country, or in any enterprise.

Of two cargoes of provisions, shipped from New Orleans for their subsistence, one was lost on the coast, the other, after having been deposited on shore, was destroyed by the Carancuhuas, and four men, left to protect it, were massacred. They were compelled by these disappointments, to obtain their seed-corn over land, and with much trouble, from Sabine or Bexar. For months, they were totally destitute of bread and salt. Sugar and coffee were luxuries, enjoyed only in remem-

brance or in anticipation. Their only dependence for subsistence, was upon the wild game. To range the country for buffaloe, was dangerous on account of the Indians. The mustangs, or wild horses, fortunately were abundant and fat, and, it is estimated, that one hundred of them were eaten in the course of the two first years.

The Carancuhua Indians were very hostile on the coast. The Wacos and Tawakanies were equally so in the interior, and committed cónstant depredations. Parties of Tankaways, Lepans, and other tribes, were intermingled with the settlers. These Indians were beggarly and insolent, and were restrained from violence the first two years, only by presents, forbearance, and policy. There was not force enough in the colony to awe them. One imprudent step with these Indians, would have destroyed the settlement, and the settlers deserve as much credit for their forbearance, during the years 1822—23, as for their fortitude. In 1824, the force of the colony justified a change of policy, and a party of Tarankaways was, in that year, publicly tried and whipped, in presence of their chiefs, for horse stealing.

The hardships of the wilderness, however, were not the only difficulties to be surmounted. Great embarrassment arose from another quarter, which produced much delay, expence, personal risk, and discouragement to Gen. Austin; and not only checked all further accession to the colony for a time, but compelled some of the actual emigrants to abandon their lands.

In March, Gen. Austin proceeded to Bexar to make his report to the Governor, by whom he was informed, for the first time, that it would be necessary for him to proceed, immediately, to the city of Mexico, in order to procure from the Mexican Congress, then in session, a confirmation of the original grant to his father, Moses Austin, and receive special instructions as to the distribution of land, the issuing of titles, &c. This intimation was totally unexpected, and, as may be well supposed, very embarrassing; for not calculating upon any thing of the kind, he had not made the necessary preparations for such a journey. There was no time for hesitation. Hasty arrangements were made with Mr. Josiah H. Bell, to take charge of the infant settlement, and General Austin immediately departed for the city of Mexico, a journey of twelve hundred miles.

This was an undertaking of no little hazard at that time. Owing to the revolutionary state of the country, the roads were infested with robbers, and the Indians, taking advantage of the times, committed many outrages. Gen. Austin fortunately escaped without molestation, except that of being partially robbed by a party of Comanches, as related in a preceding chapter. From Monterey he had but one companion. They both disguised themselves in ragged clothes, with blankets, so as to pass for very poor men, who were going to Mexico to petition for compensation for services in the revolution.

The state of political affairs in the capital, at this time, was very unsettled. In addition to embarrassments likely to arise from this source, when Gen. Austin arrived in Mexico, he laboured under the disadvantage of being a foreigner, a total stranger, and ignorant of the language of the country, except what little knowledge he had acquired in his first trip to Bexar, and on his journey to the capital. Without entering into a minute detail of all the perplexities and difficulties which embarrased the business, arising out of the revolutions and frequent modifications of the general government, which took place at that period, and these were neither few nor small, Gen. Austin, after a whole year's detention, at last had the satisfaction of returning to Texas, with the object of his journey fully accomplished. His authority to plant a colony in Texas, under which he had been acting, was confirmed by all the national authorities which under different names, had ruled the Mexican nation during the year; and, as the last confirmation was by the Sovereign Constituent Congress, whose members were the acknowledged and legal representatives of the people of the nation, there could be no shadow of doubt as to the legality and validity of his concession.

In August, when General Austin arrived in the colony, it was nearly broken up, in consequence of his long detention in Mexico, and emigration had totally ceased. Many of the first emigrants had returned to the United States. and a number of

those who had commenced their journey for the colony, had stopped in the vicinity of Nacogdoches, or on the Trinity river, and thus the settlement of those sections of country began. By energetic exertion and prudent management, however, the life of the expiring colony was soon revived, and from the day of General Austin's personal re-appearance in the settlement till recently the affairs of the colony have flowed onward, with a silent, but rapid and uninterrupted prosperty. It now numbers upwards of eighty thousand inhabitants, and the influx of emigrants is greater than ever. These people are, as a body, of the most industrious and worthy character, for the greatest precaution has been used, from the commencement of the enterprise, to exclude the idle and the vicious. This judicious policy has been pursued throughout, from a conviction, that the success of the undertaking must depend upon the good character of the population. A report counter to this statement, has more than once found its way to the public ear, and been circulated in the newspapers, but it is a fabrication and a slander.

Several fugitives, who found their way into the colony in 1823—4, he expelled, under the severest threats of corporal punishment if they returned, and in one instance he inflicted it. As regards the general morality and hospitality of the inhabitants, and the commission of crimes, the settlement, it is contended, will bear a favourable comparison with any county in the United States.

When, in the progress of years, the state of Texas shall take her place among the powerful empires of the American continent, her citizens will doubtless regard Gen. Austin as their patriarch, and children will be taught to hold his name in reverence; for though there have been many other respectable men engaged in the work of colonization, yet Gen. Austin began the work, and was the first to open the wilderness. All the subsequent labour of others has been comparatively easy.

Gen. Austin has proved himself, both in point of talents and sound judgment, perfectly qualified for the arduous undertaking he took in hand. In the first place, we view him as the hardy and bold pioneer, braving all the dangers of a wilderness infested with hostile Indians, far out of the reach of civilized society, and the most common comforts of civilized life, enduring with the humblest labourer of the little band, all the exposure and privation of the camp, living for months upon wild horse-flesh, without bread or salt.

In the second place, we view him as the skilful negotiator in the capital of Mexico. His difficulties here, were of the most trying and discouraging kind, and required the greatest discretion to surmount; for his business was with the government, and that government in a constant state of revolution and counter-revolution. Twice was his business brought, as he had every reason to think, almost to a successful termination, when a change of government threw it out, and left him

where he began months before, to commence anew. His difficulties were not a little increased by the number of petitions for grants of colonization similar to his own. Among these applications, was one from the late Gen. Wilkinson, formerly of the United States army. It argues not a little in favour of his own skilful management, that, of all these petitions, his alone was finally acceded to, at that time, by the Mexican authorities.

Next, view him as the civil governer and military commander of the people; for he was clothed with very extensive civil and judicial authority in all matters, and, as commander of the militia, he was vested with the rank of Lieut. Colonel, by the provincial deputation of Coahuila and Texas. If his power has been great, most judiciously and beneficently has he wielded it, as is abundantly proved and illustrated, by the present prosperity of the colony. If any one is inclined to surmise, that this prosperity was a matter of course, he should reflect, that, out of twenty grants of colonization similar to his own, his, alone, can be said to have fully succeeded. Whoever will reflect upon the proverbial jealousy of the Mexican people, which, for years, was indulged to such a degree as to exclude every foreign footstep from the soil of Texas, will know how to appreciate the prudent and sagacious management which has produced such pleasing results. Nor should it be forgotten, that, whatever has been accomplished.

has been effected by policy and private resources alone, without the aid of a single soldier to repel hostile Indians, or a single dollar from the public treasury, even to pay the salaries of the necessary subordinate officers and clerks.

Never for a moment has he lent himself to the spirit of speculation—the ruling spirit of the day. He had the first choice of lands in Texas. Regardless of the law, he might have occupied himself, as others have done, in selling lands in Europe and the United States, and filling his pockets with gold, instead of settling the country with intelligent emigrants. What was the fact? Behold the philanthropist true to his priciples suffering with the courage of a martyr, and acting with a prudence and foresight worthy of so great a cause—and which could alone ensure success—laboring long and cautiously in laying a solid foundation of American materials in Texas, and for the extension of the republican principles of his native land over the whole of Mexico. *The foundation is laid.* Those who build upon it and rear the superstructure of a free republic will perhaps receive much more applause and enjoy a more envied fame than he upon whose works they are building. But nothing can take from General Austin the consciousness that he has been the chief laboror in laying that foundation, without which Texas would not now be in a situation to enter the great battle field in the cause of Liberty. It is a fact, that much of the success of Texas in the present struggle was owing to the

cautions and prudent course pursued by General Austin at the commencement of hostilities, however it may have been charged upon him as a fault. For a time he took command of the volunteers for the express object of exercising a restraining influence. They consisted of the choice spirits of the land—rash and adventurous and ready to hazard all. He thought, justly, they were not lightly to be sacrificed. The plan pursued by the brave Milam—the Texas Leonidas—he recommended before quitting the army. He resigned the command when his services were more required elsewhere. Should the present struggle terminate unfortunately—were such a result possible—it might justly be ascribed to a departure from his prudent counsel. Many feared in the beginning, and he among the rest, that the moment had not yet arrived for a final separation from Mexico. No doubt a few years hence they would have been better prepared for the contest, but the course of the Santa Anna party left them no alternative. They were forced to declare themselves Independant and to fight to make themselves so.

How infinitely better than money is that grandeur of character which finds its reward in the consciousness of deeds done, not for individual self, but for the species: which, happy in broad and philosophic views, looking forth from its moral elevation with pride and satisfaction, and stimulated by powerful results, urges on the march of liberty, justice, and freedom of conscience. Such is the position of General Austin.

Texas once emancipated, its moral influence will not stop short of the Pacific. She *must* be emancipated. What can resist the moral impetus already given? What stop the progress of the anglo-Saxon race? What stifle the free principles, which the sons of Texas imbibed with their mother's milk in the land of Washington—the land of the brave and the free? Can it be supposed that those sturdy principles once firmly rooted in a vigorous foreign soil will not spread over the land to the extermination of all meaner herbs? As certain as the savage yields to civilized man will the narrowness and bigotry of Mexico give place to juster views; for, what power is so great—what weapon so strong as knowledge?

It may be supposed, that he is now sufficiently compensated for all his labours by a vast accumulation of wealth. But this is not so. He indeed, holds the title to much valuable land. Aside from this, he is poor; and land can hardly be considered wealth, where land is so abundant, and to be got almost for nothing. Many of the settlers, without any of the hardships, or exposure, or labour, which he has encountered, are richer than he. That many opportunities of promoting his private fortune have presented themselves, will, of course, be understood. But his character is noble and generous, without one particle of selfishness, and he has yielded all considerations of a private nature, to the general welfare of the colony. He has had his enemies and calumniators, as it is na-

tural to expect of one, who held the power, and was determined to exercise a wholesome authority, in the management of affairs. His reputation, however, remains untarnished, and never in higher estimation that at this present moment. The greatest charge ever brought against him was that of *extreme prudence*, and those who complained loudest, now acknowledge its necessity, and call it a virtue. Amidst all the slanderous imputations that have been uttered against him, he finds sufficient consolation, in the general confidence of all the intelligent and worthy part of the settlers, in the uniform approbation of the Mexican authorities till the present difficulties; and above all in the high consideration of the enlightened every where.

The colony has received the most cordial and uninterrupted manifestations of liberality, confidence, and kindness, from every superior officer, who has governed the province of Texas, or the state of Coahuila and Texas, from its commencement to the late events. For its services on one occasion, it received, in flattering terms, the approbation of the President. These testimonials are too high and unimpeachable to leave any doubt, as to the morality, honour, and integrity, of either Gen. Austin himself, or of the great mass of the settlers. To say that there are no base men here, would be a violation of candour and truth; but these individuals meet their reward in Texas, as in other well regulated communities, in the frowns of public opinion.

Gen. Austin is still a young man, not yet forty-five years of age, but, through the hardships of his life, looks much older than he really is. In his youth, he received a respectable academical education first at Colchester, in Connecticut, and afterwards passed two years in Transylvania University, Lexington, Kentucky, (where many of his early friends still testify to his interesting and amiable character,) but began, very early, to acquire that species of knowledge which is to be obtained only by the experience of business, and the intercourse of men,—a kind of knowledge which has qualified him to perform well his part in the peculiar sphere of life in which he has been called, by Providence, to act. Successively a member of the Legislature of Coahuila and Texas —commissioner to the Congress of Mexico—commander-in-chief of the volunteer army of Texas —and now we see him a commissioner to the United States of the north. Long may he live to reap the reward of his arduous labors, and enjoy the fruits of his noble enterprise.

We do injustice to the subject, and to the Austins, by regarding them merely as the founders of the colony which bears their name. They have, in fact, been the movers, either directly or indirectly, of the whole North American and Irish emigration to this country, and, whatever good may result to the great cause of liberty, of science, and human happiness, by the introduction into this vast region, of the English language, and of

those principles of republican and constitutional government, which always accompany that lanlauge,* may be very properly attributed to them, —to the father for conceiving the idea of such an enterprise, to the son for successfully accomplishing it. Few instances occur in the history of new settlements, in which results so important and permanent have been produced by means so comparatively feeble, and under circumstances so discouraging. The settlers of Austin's Colony were unaided by capital or support, either from the Mexican government or from any other quarter. They had no resources, whatever, to depend upon, except those afforded by the spirit and prudence of their leader, a total contempt of danger, obstacles and privations, and a firm reliance on their rifles, themselves, and their God. Besides

*"It is not to be imagined that the impulse of the anglo-Saxon race can be arrested. Their continual progress towards the Rocky Mountains has the solemnity of a providential event. Tyrannical government and consequent hostilities may retard this impulse, but cannot prevent it from ultimately fulfilling the destinies to which that race is reserved. No power on earth can close upon the emigrants the fertile wilderness which offers resources to all industry, and a refuge from all want. Future events, of whatever nature they may be, will not deprive the *Texans* of their climate, their bays and rivers or their exuberent soil. Nor will bad laws, revolutions, and anarchy, be able to obliterate that love of posterity and that spirit of enterprise which seem to be the distinctive characteristic of their race, or to extinguish that knowledge which guides them on their way.

"Thus in the midst of the uncertain future, one event is sure. At a period which may be said to be near, the anglo-Americans will alone cover the immense space contained between the Polar regions, and the Tropics extend from the Coast of the Atlantic to the shores of the Pacific Ocean."

De Toqueville's America.

the natural difficulties of subduing the wilderness. they had to contend with the deeply fixed prejudices of the people in the United States, who were loath to remove to a country, which they had been taught to believe, was barren and savage, doomed to eternal pestilence and fevers, and, at least, but a refuge for fugitive criminals, pirates, and desperados. Other obstacles, not less appalling to some, arose from the revolutionary and distracted condition of the civil government of Mexico.

Until recently, neither the Mexican government nor the Mexican people, knew any thing of this interesting country, and, whatever value it now possesses in their estimation, or in the opinion of the world, is to be attributed, entirely, to foreign emigrants.* They redeemed it from the wilderness,—they developed its resources,—they have explored it, in its length and breadth, and made known its geography. All has been done by them, without the cost of a single cent to the Mexicans. This consideration, certainly gave to those emigrants, a natural and a just claim upon the liberality of their government, and authorized them to expect a system of colonization, of revenue and municipal law, adapted to their local situation and their infant state. How far those speculations have been realized will be seen in the sequal.

Instead however, of fulfilling these expectations,

*While in prison in Mexico the little volume of "Letters on Texas," written, they said, by his sister, was shown to General Austin (he had not before seen it) *translated for the President*— who obtained from it nearly all he knew of the country.

the course of the general government has been one unceasing tide of oppression, rolling on its bitter waters in a continually augmenting volume, until the time has come for Texas if she would not be overwhelmed and lost forever, to prevent utter annihilation by a manly resistance to the usurper's power. She is aware of this and has responded to the call which liberty and the rights of man have made upon her, and has arisen in the majesty of freedom to battle for her independence.

"Mexico never can conquer Texas! The justice and benevolence of Providence will forbid that that delightful and now civilized region should again become a howling wilderness, trod only by savages, or that it should again be desolated by the ignorance and superstition, the tyranny and anarchy, the rapine and violence of Mexican misrule. The anglo-Saxon American race are destined to be forever the proprietors of this land of promise and fulfilment. Their laws will govern it, their learning will enlighten it, their enterprise will improve it, their flocks alone will range its boundless pastures, for them alone its fertile lands will yield their luxuriant harvests, its beauteous rivers will waft the products of their industry alone, and their latest posterity will here enjoy "legacies of price unspeakable," in the possession of homes protected by the genius of liberty, and sanctified by the spirit of a beneficent religion.

"This is inevitable—for the wildernes of Texas has been redeemed by American blood and enter-

prise. The colonists have carried with them the manners, the habits, the language, the enterprize, the valor, and the lofty love of liberty that has always distinguished their ancestors. They have identified them indissolubly with the country. Yes, they have founded them on a basis of as much imperishability as belongs to the frailty of human institutions. I repeat it again and again, Mexico can never conquer Texas. When we were wholly unprepared for war, without experienced officers, without disciplined soldiers, without the requisite arms or amunition, without money, organized government, or any thing else necessary in such a crisis, except dauntless hearts, besides two other garrisons, which yielded to our arms, a Leonidas band of 300, under the never to be forgotten Milam, captured the garrison of St. Antonio, containing 1700 regular soldiers, who were covered and protected by walls, ditches, houses, forts, and more than 20 pieces of artillery. "If such things are done in the green tree, what will not be done in the dry?" Now we have money, credit, organized government, experienced officers, armies, ammunition, and 5,000 soldiers. With these, and cowardly Mexicans for our antagonists, we are truly invincible. But suppose that the enemy should send another army, and be, for the moment, successful. They will only be masters of the ground they occupy. We are not congregated in great cities, as in France or England, where the possession of Paris or London is the conquest of

the country. Our situation resembles more the indomitable Scythians of old, in their mountains and fortresses. Our inhabitants could easily retire before a pursuing enemy. But if they temporarily retired, it would only be to return with recuperated energy and redoubled numbers. Yes! return they would, month after month, and year after year, until their object was effected. "If thousands offered up their lives, there would still be lives to offer." Return they would! *All* would gloriously perservere, until relieved of the misery of a slavish existence, or until their liberties were established, and their tyrannic oppressors were made to feel and know, from blood bought experience."

CHAPTER XIV.

History.

The history of Texas, from the earliest period of its settlement to the present time, is replete with incident of the most romantic and interesting character. These details, if collected and arranged by a competent annalist, would furnish a volume highly desirable to all, and especially to the American public. Such details, however, would not be consistent with the plan of the present work; which will permit us merely to bestow a glance at the earlier history of this country, and hasten to the relation of those more recent events, which are now producing so much excitement, sympathy, and admiration, in the breasts of American patriots.

The first settlement formed in this country by Europeans, was the Spanish town of San Antonio de Bexar, which was founded in 1692. La Bahia del Espiritu Santo was commenced in 1716, and Nacogdoches in 1732. Up to the time of Gen. Pike's visit in 1807, these continued to be the only towns of notice in the province; which also contained a few missions and military stations for the Mexican garrisons, intended for the protection of the frontiers; making, altogether, a population

of seven thousand, exclusive of the roving tribes of aboriginees, and including civilized Indians and half breeds. The first acquaintance which Anglo-Americans, obtained with the delightful region, was made by those generous bands of Western Volunteers, who marched through its territories, to the aid of the Mexican Patriots in their struggle for liberty.

The first Mexican Revolution was commenced on the 10th of September, 1810, by Hidalgo, a Spanish priest, an enthusiast for independence, and possessing great influence, especially with the Indian population: his rise, decline and fall, are well known. He terminated his career at Chihuahua, on the 27th of July, 1811; being first deprived of his orders of priesthood, and then shot.

This however was but the beginning of a long and sanguinary conflict, or series of conflicts.—Though Hidalgo, with his miserable rabble of soldiery, had been exterminated or dispersed, the conquest availed but little. In the same year, that extraordinary man, Don Jose Maria Morelos, began his brilliant career in arms, and drew to his standard many of the most distinguished citizens of Mexico. We cannot here give even a sketch of his successful and astonishing career, which for five years attracted the admiration of the world. In this struggle we find the names of Guadalupe Victoria with his Guerilla bands, Teran, Cos, Rayon, Ossourno, and the brave Toledo, fighting under the banners of Morelos. On the side of the Roy-

alists, Gen. Slano, the execrable Calleja, and the notorious Iturbide were conspicuous leaders. In the midst of his military successes Morelos, anxious to divide the responsibility of his situation, convened a congress of forty members, at Apatzingan, in the Intendancy of Valladolid. By this congress, at the head of which was Don Jose Maria Liceaga, a constitution was framed, which was accepted by the provinces in the possession of the Patriots. The establishment of this Congress was the death-blow to independence. They proved traitors to their country, and moved by a despicable jealousy were no doubt the ultimate cause of the downfall and death of Morelos. He was taken at Tepecuacuila, in the 5th of November, 1815,—sent to Mexico, and delivered over to the *Holy Office*. By that tribunal he was declared a heretic, degraded, and surrenderd to the military authority, which sentenced him to be shot in the back, as a traitor. This sentence was executed on the 22d of December, at San Christoval, in the environs of the Capital.

While these events were transpiring in the southern Intendancies, an important diversion was made, in the year 1813, in favor of Morelos, by an expedition undertaken to Texas from the United States, and which, but for treachery, would have eventually ruled the destinies of Mexico itself.

"The origin of this expedition was far from being either brilliant or glorious;" says Judge Brack-

enridge, (from whose account we have compressed the following brief notice,) "but this does not diminish the interest of its history; for, though commenced by outlaws, it was continued by noble and daring spirits, from among the most respectable citizens of the South West."

In the latter part of 1812, Lieut. Magee was detached from Natchitoches, with a military force, to break up a gang of outlaws of the most daring and desperate character, who had stationed themselves on the Sabine, for the purpose of intercepting the trading caravans, which frequently passed between Natchitoches and the *Provinces Internas* of New Spain.

While engaged in his perilous enterprise, which was attended with complete success, he conceived the bold idea of the conquest of Mexico by the aid of the very banditti he had just subdued. They were easily enlisted in the enterprise; and, after appointing a rendezvous, Magee repaired to New Orleans, where he obtained some supplies, and engaged a number of partisans—young men of the most respectable character. Here he found also a Mexican refugee, Bernardo, by name, who had fled in consequence of having taken a part in the Revolution attempted by Hidalgo. Magee, thinking it impolitic to enter New Spain as an invader, resigned his commission in the army—planted his standard in Texas on the Trinity, and issued a proclamation in Spanish, in the name of Bernardo, as the nominal general of the expedition, inviting the Mexicans to his standard.

Among his officers were Kemper, Lockett, Perry and Ross--young men of the most daring spirit and enterprise. His first military movement was an attack on Nacogdoches; which he took with ease, and obtained some provisions and recruits. The news of his success spread with great rapidity in the South Western States, and in a short time, his army had been so increased by volunteers from these states, that he was in command of five hundred men, three hundred of whom were Americans. With this force he took possession of La Bahia, and prepared for a seige, which soon took place, by an army of fifteen hundred men under Salcedo. This seige continued through the greater part of the winter of 1812–13; and scarcely a day passed without a skirmish, in which the Spanish were invariably worsted. Magee did not live to see the retreat of the Spaniards, which took place in the latter part of the winter. After his death the command devolved upon Col. Kemper. A council being called, it was resolved to march upon San Antonio; within six miles of which place, they came in sight of the Spanish army under Salcedo, which had been reinforced and now consisted of twelve hundred men, with six pieces of artillery planted on the road, near the centre of the whole.

A select corps of riflemen under Lockett, rushed forward—shot down the artillerists—and seized the cannon, while Kemper on the right, and Ross on the left, soon put the two wings of the Spanish

army to flight. The American loss was small—that of the enemy very great. The Spanish officers surrendered at discretion, and the town containing about three thousand inhabitants, was taken possession of without opposition. General Bernardo, who had acted the part of Sancho Panza during the battle, now became an important personage, and was the cause of the subsequent misfortunes of the Americans. Magee being dead, and Bernardo invested with a nominal authority, the *Generalissimo* must of course exercise some power; and he accordingly did, in the commission of an act of the most atrocious character. The Spanish officers to the number of seventeen, were inhumanly butchered by the orders of this monster. The American leaders, who had given them every assurance of safety, were struck with horror at this act; and Kemper, Luckett, and Ross, with a number of other adventurers, returned immediately to the United States. Their places however were more than supplied by others, who had caught the spirit of wild adventure which had first given birth to the expedition. The command was entrusted to Col. Perry, and the Mexicans, about 700 strong, were formed into a distinct corps under Manchaco, a bold, but rude and uneducated native of the neighborhood. In the meantime Vanega, viceroy of Mexico, had despatched against them General Elisondo, with a well appointed army of fifteen hundred men, besides a number of the irregular troops of the country. When advanced within a

few miles of San Antonio, this force was attacked at day break, while at matins according to their custom, by the combined forces of Americans, Indians and native Mexicans, under Perry, and were entirely routed, with a loss of four hundred killed and wounded, and the rest completely dispersed; Elisondo himself making his escape with a handful of men.

By this splendid victory the numbers and respectability of the adventurers were greatly increased, and the Spanish authorities excited to more active exertions against a foe, which began to assume so formidable an aspect. Gen. Arredondo marched at the head of two thousand of the best troops in the viceroyalty. About this time another personage appeared on the stage, among the Americans and Mexicans. This was Gen. Toledo. He was a native of Cuba. whence he had fled on account of his revolutionary feeling—of a distinguished Spanish family—of an interesting and soldierly presence—and was invited to the command, much to the satisfaction of the Americans, but not without jealousy on the part of Manchaco and his Mexicans, the consequences of which were soon experienced.

The hostile forces soon met, and prepared for battle. Contrary to the orders of Gen. Toledo, Manchaco left the position in which they were encamped, and rashly threw himself forward upon the advanced guard of the Spaniards, and pursued it in its retreat, until he was decoyed into an am-

bush. Toledo was compelled to follow. Manchaco and his force however would neither receive nor bestow succor. *Sauve qui peut* was the order of the day, and they ingloriously fled, leaving the contest to be maintained by about four hundred Americans, and two hundred Indians, who nobly sustained the unequal conflict and handled the enemy so severely that, when obliged to retreat for want of ammunition, they left Arredondo well satisfied to keep the field, without following up his dear-bought victory. Indeed, had not Manchaco added treachery to cowardice, and gone over to the Spaniards with information which served to renew their exertions, they would have given way and yielded the victory to the American army. It is supposed that the Spanish loss exceeded six hundred men; that of the Americans was about one hundred: no prisoners taken.

The adventurers immediately made preparations for a return to their country, as this disastrous battle had destroyed their last hope of success. A part of them were however overtaken by the enemy, at the Trinity, and carried prisoners to the interior of New Spain. Had this battle been delayed, according to the wishes of Gen. Toledo, or had not Manchaco turned traitor, it is highly probable that, *the war commenced on the frontier of* Texas, *would have ended in the city of* Mexico, for the San Antonio road at this time was literally crowded by adventurers, coming to join the fortunes of their gallant countrymen, and reap the golden harvest

which they fondly anticipated as the result of the struggle. As it was, however, it effectually put an end to the expedition, and to the war in the province of Texas, for that time.

This nest of outlaws and pirates continued to maintain their power by land and sea, until they had excited—not only the vengeance of the Spanish authorities, but the execration of all honest men.

Hitherto we have had occasion, as Historians of Texas, to speak only of adventurers and invaders upon her territory. And this grew out of necessity. For, exclusive of the Spanish garrisons established in Bexar, Nacogdoches, and a few other military stations, the population of the Province amounted only to a few hundred foreigners, of almost every "nation, kindred, tongue and people." Henceforward, however, the case will be altered somewhat; and, although the stirring events which for years afterwards continued to transpire in this country, were connected with the same class of adventurers, another and more valuable class were laying the foundation for the future greatness of a republic of laws, and constitutional liberty. The history of this class, the colonists of Austin, has been chronicled in a former chapter; to which we refer the reader who would become acquainted with the details of their history.

In December, 1820, Moses Austin, who had long entertained the idea of forming a settlement of North Americans in Texas, arrived at Bexar, in the prosecution of his object. After some diffi-

culties, originating in the cautious regulations of the Spanish authorities in regard to foreigners, he obtained an interview with the Governor of the province through the mediation of Baron de Bastrop, and a memorial, strongly recommended by the local authorities of the country, was transmitted to the superior government of the Eastern Internal Provinces, asking permission for Austin to settle three hundred families in Texas.

On the 17th of January, 1821, this petition was granted; and in conformity with the orders of the Commandant General, Don Joaquin de Arredondo, a special commissioner, Don Erasmo Seguin, was despatched to the United States to inform Austin of the result of his application. A few days after the reception of the news, however, Austin, worn out with his constant fatigues, died in Missouri, leaving his request for his son, S. F. Austin, to prosecute the enterprise. In July, 1821, the younger Austin accordingly entered Texas with seventeen companions, where, after settling terms of colonization and exploring the country, he returned in the fall to New Orleans. In December of the same year, Austin arrived on the river Brazos with the first emigrants, and the new settlement was commenced in the midst of an entire wilderness.

This year was equally distinguished by the events which transpired in Mexico. Don Augustine Iturbide, a royal officer, having been entrusted with a large sum of money, amounting to half

a million of dollars, revolted from the Spanish government—published the plan of Iquala—united with the patriot generals Guerro and Victoria, and finally, compromised with Gen. O. Donoju at Cordova, on 24th of August.

A junta and regency were established, at the head of which was placed Iturbide. He was at the same time appointed admiral and generalissimo of the navy and army, and assigned an annual salary of 120,000 dollars. Thus Mexico became an independent nation.

On the 24th of February, 1822, the National Congress of Mexico convened in the capital.—They adhered to the plan of Iquala, and the Spanish constitution was provisionally adopted. The executive department was administered by an agency, of which the generalissimo Don Augustine Iturbide was President. The efforts of the ambitious general were directed to sowing dissention in Congress, and subverting the civil to the military authority, in which he soon succeeded. Every thing being thus prepared for his purpose, on the 18th of May, the soldiery and populace took it upon themselves to decide the destiny of Mexico, in proclaiming Iturbide emperor. The session of congress on the 19th was held surrounded by bayonets. When one of them demurred to the election of an emperor at that time, the surrounding mob of soldiers and citizens furiously shouted out "that they would cut the throats of the deputies if Iturbide were not elected and proclaimed before

one o'clock, that day." Thus intimidated, the congress complied with the demands of the rabble, and Iturbide was declared the emperor of Mexico, under the title of Augustine I.

The new emperor and the congress, as might have been expected, did not long agree; and after continual altercations between them, the congress proving too patriotic and unwilling to submit to the demands of the tyrant, a general officer was sent to dissolve the assembly, on the 30th of October, with orders to expel the members by force, if they continued above ten minutes longer in session, which was accordingly done. A junto of forty-five members was appointed by the emperor, who convened on the 2d of November, when the session was opened by his majesty in person.

Iturbide did not long enjoy his power in tranquillity. An insurrection broke out in the Northern provinces in October, which was soon quelled; but only to give place to another more formidable. Santa Anna, who had been an active and enterprising officer and an adherent to Iturbide, was harshly treated and dismissed from his command at Vera Cruz by the emperor in November. Before the news of his discharge, however, reached them, he hastened to the garrison, and assembling his soldiers, harangued them upon the odious character of the government, and the tyranny especially of Iturbide. The standard of the republic was immediately unfurled, and Guadalupe Victoria, who had been imprisoned by Iturbide and escaped,

left his hiding place in the mountains and joined Santa Anna. He was by the voice of the troops and the people hailed with joy, and immediately declared commander-in-chief.

In the meantime there had been continual arrivals of adventurers in Texas from the United States; so that as fast as one body had pushed their fortunes, in the many ways which the troubles of the times afforded—becoming incorporated in the Mexican army, or returning home enriched with spoil—another would supply its place. In this year also the notorious Gen. Long, whom we have before noticed as President of the Supreme Council of Texas, terminated his career. At the head of about sixty desperadoes he had marched upon La Bahia, which he took without opposition, and located his men at that place. He was soon afterwards taken by a party of one hundred and eighty men, sent from San Antonio, and with his party carried to Saltillo for trial. They were afterwards taken into the Mexican service. Gen. Long was subsequently shot by a soldier, as he was entering a public office to settle some claims upon government. Whether the act was of public or private instigation is not known.

On the 4th of January, 1823, a national colonization law, passed by the Mexican congress and approved by the Emperor, was promulgated; and on the 18th of February, a decree was issued, authorising Austin to proceed with his settlement in Texas. To obtain these acts Austin had been

spending nearly a year at the capital: and, being now satisfied, was about to return, when the news of the revolution under Victoria reached him, which made him resolve to stay, convinced that another great political change was near at hand. The sequel proved how correct was this supposition.

Victoria, whom we left in the field commander-in-chief of the republican forces, was soon joined by large bodies of patriots, and the insurrection spread throughout the province. On the 1st of February the army of imperialists under Echavani, at Xalapa, joined Victoria, and was the signal of revolt in all the other provinces. Generals Guerrero and Bravo, whose names were justly dear to the Mexican patriots, also re-appear upon the stage in the West. So general was the revolt, that Iturbide deemed it prudent to submit without venturing to take the field. He accordingly on the 19th of March, addressed a letter to congress tendering his abdication, and retired to Tulancingo. His abdication was not admitted, as that would suppose a right to have existed which he had renounced. He was allowed a yearly income of 25,000 dollars, and, with his family and suite, consisting of twenty five persons, was escorted by General Bravo to Antigua, where, on the 11th of May, he embarked on board an English ship for Leghorn.

On the 27th of March, the republican army entered the capital. The old congress was immediately convoked; a provisional government estab-

lished, and an executive composed of three members appointed. Generals Bravo, Victoria and Negrete, formed the first executive.*

During this interesting period, Gen. Austin still remained at the capital in order to obtain a confirmation of the imperial decree in his favor, by the new government. This was finally obtained; the executive council, by order of congress, confirming in full the imperial concession, by a decree issued the 18th of February, with a certified copy of which he immediately returned to Texas.

After the departure of the cidevant emperor, his partisans attempted to excite some disturbances, but they were too weak, and possessed too little influence, to endanger public tranquillity. The only remaining source of dissension, and one which caused a great deal of commotion, was the form of government about to be established. Some apprehension prevailed that congress intended to establish a *central government;* on account of which, the excitement was so great in several districts, as to occasion civil commotion and even revolt. These fears, however, were soon dissipated, by the project of a constitution,

*Santa Anna, disappointed probably at not being elected by the congress as one of the executive, made an attempt in the month of March to seize the supreme power. He sailed from Vera Cruz with six hundred men—landed at Tampico—and, advancing through the country, took uphis head quarters at San Luis Potosi. Here he proclaimed himself Protector of the Federal Republic. He failed however to inspire the confidence of the people, and was compelled to surrender to the force sent against him by the government of Mexico.

presented to the constituent congress the 20th of November, of a purely federative character.

On the 2d of February, 1824, the project of a federal constitution, which was proposed the November preceding, being adopted with a very little alteration, was sworn to in the capitol, amidst the rejoicings and acclamations of the people.

Several insurrections occurred during the year 1824, under Echavani and Hernandez, both of which were soon quelled by Gen. Guerrero; and a more formidable one under Sobato, who wished to compel Congress to dismiss all Europeans from office. The insurrection was put down, and the cause of complaint removed.

The tranquillity of the country was again disturbed by the return of the ex-emperor Iturbide, in the month of July, in despite of a decree of congress dated April 28, which declared him a traitor, and pronounced him out of the protection of the law, if he again set foot on the territory of the confederacy. He was taken at Paraje de los Arroyos, about six leagues from Sota la Manva—sent to Padilla to the State Congress—and, by their order, was shot on the 19th of July. The Congress, actuated by feelings which do them honor, voted an annual pension of eight thousand dollars to his widow, who is now residing in the United States.

On the 13th of July, Gaudalupe Victorio, president, issued a decree abolishing forever in the Mexican territory the trade and traffic in slaves.

In 1825, the Independence of Mexico was acknowledged by Great Britain, as it had been in 1822 by the United States. Titles of nobility were abolished, and the power of the priests signally diminished. The last vestiges of Spanish dominion in Mexico were effaced, by the surrender of the garrison at Vera Cruz, and the ship Asia and another vessel in the Mexican waters. During this year several grants of land in Texas were conceded, in addition to those already made; and a state colonization law was passed on the 24th of March, by the congress at Saltillo.

1826. Considerable excitement prevailed on the subject of suppressing the Masonic Societies, in obedience to a bull fulminated against them by the reigning pope. A bill to this effect was introduced into congress; but was rejected. Indeed, in a short time, all the men of influence in the country were arranged upon the side of one or the other of the political factions, which were said to be under the guidance of the rival Scotch and English lodges. The Escoceses, or Scotch, constituted a society of Scotch origin, composed of large proprietors and persons of distinction; they were mostly men of moderate principles, but decidedly favorable to the cause of independence. Many of them have been in favor of a constitutional king of Mexico, chosen from the Bourbon family. The Yorkinos lodge derived its origin from a New York Masonic Society, through the agency of Mr. Poinsett, American Minister at

Mexico. They were opposed to central or royal government—to the Bourbon family—and were in favor of the entire expulsion of the Spaniards from Mexico.

In 1827, an attempt was made by a body of adventurers and speculators, to erect Texas into a Republic, under the name of Fredonia; the revolutionists relying greatly upon the co-operation of a number of Indian tribes, with whom treaties had been made. The principal objection of the Fredonians to the Mexican government was, that it prohibited slavery within its territory. The new government was however soon dissolved, and the Fredonians killed or dispersed, by troops from San Antonio. Austin's colonists were not engaged in this mad business.

Towards the close of 1827, the storm which had been so long gathering burst forth at Olumba, where Col. Don Jose Montano published his plan for the forcible reform of the government, in order to counteract the growing influence of the *Yorkinos*.

In January, 1828, General Bravo, the leader of the Escoces, and then Vice President of the Republic, left Mexico, and uniting with the rebels, stationed himself at Tulancingo, where he issued a manifesto in favor of Montano. General Vicente Guerrero took the field in behalf of the government, and soon succeeded in suppressing the insurrection. Bravo and his associates were banished from the republic. The two parties were a second time arrayed against each other, on accasion of

the choice of a president, which took place in September, to succeed Victoria, whose time expired this year. The result of the election, after an arduous contest, was the triumph of the Escoces faction, whose candidate, Manuel Gomez Pedraza, was chosen, by a majority of two votes over Vicente Guerrero, the candidate of the Yorkinos. General Santa Anna, at the head of a body of troops, declared that this vote was not a fair expression of the will of the people, and proclaimed Guerrero president. He failed in this movement; but in a short time again took the field, assisted by Zavala and Sobato; and, finally, Guerrero himself appeared in open arms against his successful rival. On the first six days of December, civil war raged in all its horrors in the city of Mexico, between the two rivals; the result of which was, after much bloodshed, the flight of Pedraza, who shortly after surrendered his claims, and for a while left the country.

In the meantime the affairs of Texas had been going on prosperously. Emigration was rapidly settling her territory; and tranquillity everywhere prevailed. Soldiers were stationed at the frontier garrisons, and a good un erstanding was maintained with the different Indian tribes. Large grants of land were conceded to Empresarios, and every facility to settlement was offered. Austin's colony in 1827, about seven years from its commencement, was computed to number a population of near fifteen thousand souls.

Pedraza having retired from the contest, and there being now no longer any opposition to his rival, Vicente Guerrero was elected president, on the 6th of January, 1829, by congress declaring some of the votes of the states illegal; and in the following April was inaugurated into his office. Anastasio Bustamente was also elected vice president, and Don Lopez de Santa Anna became Secretary of War.

On the 27th of July of this year, an expedition consisting of four thousand men under Barradas, fitted out at Havana to undertake the conquest of the Mexican Republic, landed near Tampico, and directly took up a position at Tamaulipas.—After a contest of two months, the invading army surrendered to Santa Anna on the 10th of September. But no sooner was the danger of a foreign invasion passed, than intestine dissensions were renewed. Guerrero to meet the exigencies of the times, had been invested with the office of Dictator; an unwillingness to relinquish which became the pretext of another revolution. Bustamente, the vice president, placed himself at the head of a body of troops in December, and issued a proclamation denouncing the abuses of the executive—proceeded towards the capital and was joined by the forces there. Guerrero was thus compelled to abdicate the presidency, and Bustamente was immediately elected his successor, by the army.

1830 was an important year to Texas, and contributed by its events, perhaps, more than was done

by those of any other period, to prepare this country for taking the stand which she now occupies.

On the 6th of April, a law was passed opening the door of emigration to all nations, except North Americans, the country which, of all others, demanded of her the warmest gratitude for many favors. Simultaneously with this act Texas, in every part, was deluged with garrisons, in the midst of profound peace, in the presence of whom the civil arm was paralysed, and the whole country groaned under the oppression and outrages committed by a licentious military.

In September, the members of her legislature were expelled by force, without trial, and compelled to flee for their lives. Texan citizens were imprisoned without cause, and detained without trial; and their rights and privileges, in every respect, were trampled upon.

Disturbances also again broke out in Mexico—that land of revolutions. In the latter part of this year Guerrero, the *quondum* president, established a form of government in opposition to that of Bustamente, at Valladolid; and, in a short time, the whole country was arrayed in arms, on one side or the other.

In February, 1831, Guerrero was made prisoner by Bustamente's troops; and being condemned to death for bearing arms against the established government, was shot as a traitor. After this event, tranquillity and public confidence were restored for a while, and the country began to assume a more prosperous appearance.

While these events were transpiring in Mexico, Texas still continued to suffer under the misrule of military tyranny. The persons and property of her citizens were wantonly violated; and martial law superseded all civil authority. This was peculiary the case in the Eastern grants.

By the order of the commandant general, Don Manuel de Miersy Teran, Col. Juan Davis Bradburn, military commandant at Anahuac, arrested Don Francisco Madero in the exercise of his commission, from the governor of Coahuila and Texas, authorizing him to put the inhabitants on Trinity river, in possession of their lands. He and his surveyor Jose Maria Carbajal were carried to the Mexican garrison town of Anahuac, and there imprisoned.

The Ayuntamiento established at Liberty by Madero, and acknowledged by the state, was destroyed by the military; and another established by Col. Bradburn at Anahuac, without any authority from the state government, and even without consulting it. This military council then usurped Ayuntamiento authority, and even distributed lots to the inhabitants, contrary to all law, but that of the *strong arm*.

1832. The colonists, who had been so long patiently waiting for the redress of their multiplied injuries, inflicted upon them by a lawless military, became convinced that their own act alone could relieve them. They accordingly made a manly effort to relieve themselves of their immediate op-

pressors, and succeeded. In the accomplishment of their patriotic resolve, they proceeded in a very determined, but most orderly manner. There was not the least insurrectionary spirit manifested by them, or any wish to oppose the laws of the country. We have before stated the conduct of Col. Bradburn in destroying the ayuntamiento at Liberty, destributing lands under the authority of a military tribunal established by him at Anahuac, resisting by force the election of Alcalde &c. at Liberty, as ordered by the state government, and the imprisonment of the commissioners and other citizens. For the redress of these evils and the release of the prisoners illegally confined at Anahuac, a large number of citizens in June of this year took arms and marched to that post. While encamped at Turtle Bayou near Anahuac on the 13th of June, having been informed that on the 2d January previous the city of Vera Cruz headed by Santa Anna had pronounced in favor of the constitution and laws, and convinced that the last hope of liberty, and the principles of the representative democratic federal system depended upon the success of the liberal party, they unanimously resolved to adhere to the plan of Vera Cruz, and called upon the citizens of Texas to co-operate with them in the support of these principles. The citizens of Austin's colony generally espoused the cause of liberals and were not slow to manifest their adherence to it.

They had suffered much under the oppressive administration of Bustamente, and hailed with

joy the successes of the revolution in favor of liberal principles, which was at this time progressing under Santa Anna and Pedraza. A company was formed, who, under the name of that then distinguished patriot, Santa Anna, resolved to strike for their liberty and the support of the constitution. After the conquest of the garrison at Velasco, commanded by Ugartechea, which fell into the hands of the colonists on the 26th of June, they went to Anahuac to assist in the attack upon that garrison, which soon capitulated to the besiegers.

On their proceedings being known at Nacogdoches, the people of that district determined immediately upon a hearty co-operation with the Vera Cruzian party. Col. Piedras, the commandant of the garrison at Nacogdoches, had been invited by Col. Mexia (who had by this time arrived in Texas to make inquiries into the nature of the contest, and to induce the garrisons to declare for Santa Anna,) to join the liberals, and refused to do so. Being disappointed also in his desire to render assistance to Col. Bradburn at Anahuac, he remained fortified in his position at Nacogdoches. The citizens of the district resolved to dislodge him. Having secured the neutrality of the Cherokee and Shawnee Indians, at that time in the neighborhood, and who, they feared, would co-operate with the Mexicans, they commenced the attack. The contest was long and severe, the forces being nearly equal, about three hundred on each side—yet after a day's hard fighting, there were only three

Americans killed and seven wounded; and of the Mexicans eighteen killed and twenty-two wounded. During the night the Mexicans evacuated the garrison and fled. They were pursued and soon overtaken, and surrendered, the next day, without a struggle.

By this time news had arrived that their ancient and stedfast enemy, the commandant General Teran and his troops, had been surrounded by Gen. Montezuma, and cut to pieces. Teran fell on his own sword. The Mexicans in Texas, had also declared for the Vera Cruzian plan; having indeed no choice left. The volunteers returned to their homes, and the war was ended.

This was a year of suffering for Texas; for no sooner had they been relieved from the contest with the Mexicans, than they were still more alarmed by the ravages of the Indians, who were making continual depredations upon the frontiers. Their fears were not without foundation; for the powerful bodies of Indians in their vicinity were truly formidable, and especially since, to oppose them, they must rely solely on their own strength. For at this time, there were not more than seventy Mexican soldiers in Texas, who were sustained by the citizens of Bexar—the general government, on account of its own difficulties, being unable or unwilling to afford either funds or troops for their protection.

Pestilence also combined with their other difficulties, to heighten the horrors which assailed the

settlers in 1832. The cholera raged to a very considerable extent through the country, and many of the most respectable citizens, and frequently whole families, fell victims to this fearful disease.

In December, a suspension of hostilities between the contending armies of Mexico, until the ensuing March, was agreed upon by the leaders, Generals Santa Anna and Bustamente.

1833. At a general convention of Texas, held at San Felipe, a petition was prepared to be submitted, together with the plan of a state government, to the general congress, praying for the separation of Texas from Coahuila.

This petition represented—That Coahuila and Texas were totally dissimilar in soil, climate, and productions.

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

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

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

That the present legislation has been calculated to exasperate the Indian tribes, by withholding their rights; whereas, by doing them justice, valuable auxilliaries might be gained, instead of deadly enemies; which would be the policy of Texas.

That Texas possessed the necessary elements for a state government, and that for her attachment to the federal constitution and to the republic the petitioners pledged their lives and honor.

For the above reasons, among others, the petitioners prayed that Texas might be erected into a separate state of the Mexican confederacy, in obedience to the decree of the 7th of May, 1824; which declares, that Texas shall be provisionally annexed to Coahuila, until its population and resources are sufficient to form a separate state; when the connexion shall be dissolved. In the spring of this year Gen. Austin, having been selected as their commissioner to present this petition to the general congress, departed for the city of Mexico. He discharged his duty; presented the petition, and urged the policy and necessity of the measure in the strongest but most respectful manner. After waiting for some months, in which nothing effectual was done—congress being in confusion and a revolution raging in many parts of the nation—he despaired of obtaining even a hearing. In October matters being in this condition, he wrote to the Ayuntamiento of Bexar, recommending the people of Texas to organize as a state *de facto*, without delaying any longer for a decision from congress. This letter found its way from Antonio de Bexar to the government, and Austin was arrested in his return to Texas at Saltilllo, two hundred leagues from Mexico, on a charge of treason.

He was detained here nineteen months; one year and three months in solitary confinement, in the dungeons of the *Ocordado*, the former Inquisition prison.

In 1834, Don Lopez de Santa Anna, who had hitherto been the leader of the republicans, became the champion of the aristocratic and church party, and succeeded in putting down the cause to which he had formerly been attached. On the 13th of May, he dissolved by force the Mexican congress, before its constitutional term had expired, and issued a military order for the convention of another. The council of government was also dissolved at the same time, and hence, the reins of government were placed completely in his own hands.

In the meantime, the legislature of Coahuila and Texas was in the greatest confusion. The collision of the president and national congress, had divided them into two separate factions. The one at Monclova issued a *pronunciamento*, denouncing Santa Anna and his unlawful measures, and sustained Vidaurri as governor of the state. The other party, also, issued its *pronunciamento* against the congress, threw itself under the protection of the army, and elected a military officer governor, the majority of votes in the election being given by officers in the army. They established themselves at Saltillo, and disannuled the decrees passed by the constitutional state congress. In this state of anarchy the two factions continued denouncing each other, and neither able to gain the confidence

of the people, until the time designated by the constitution for the election of governor and other officers had unfortunately expired, and the state was left in the most disgraceful state of anarchy.

To remedy this state of confusion, the inhabitants of Bexar met on the 13th of October, and resolved, that a state convention be held at Bexar on November 15th, to organize a provisional government. This was proposed by Don Erasmo Sequin, the chief of the Department, and a copy of the resolutions transmitted to the other departments. The deputies at Monclova also recommended the plan, but it failed.

1835. The new congress of Mexico convened on the first of January—Santa Anna acting president of the republic. Pronunciamentos, petitions, and protests were sent in by the military and priests, in favor of centralism; and others from the people and some of the state legislatures, in behalf of the federal system and constitution. The last were totally disregarded, and their authors persecuted and imprisoned. The former were received as the voice of the nation, and a corrupt and aristocratic congress acted accordingly. The constitutional vice president, Gomez Farias, was deposed without impeachment or form of trial, and Gen. Barragan elected in his place.

In the meantime the difficulties in the state of Coahuila and Texas had been in appearance quelled. A new legislature had been elected, and on the first of March was in session at Monclova.

Augustin Viesca having been duly elected governor entered upon the duties of the gubernatorial office. A decree passed for the sale of four hundred leagues of land, which were immediately purchased as it was said by speculators who were expecting the act, caused much dissatisfaction, and no doubt had an important bearing upon the events which followed.

In April, Alvarez, Governor of Zacatecas raised the standard of rebellion against the acts of the Mexican congress, who under the influence of Santa Anna and the ecclesiastics were issuing their decrees subversive of the federal government, and gradually preparing for a despotism.

In May, the hopes of the federal party were almost prostrated by the decisive victory gained by Santa Anna over the troops commanded by Alvarez in Zacatecas. Gutirez and Victoria were also in the field against the Dictator, but invariable success appeared to attend his march and all opposition was crushed except in a state which had hitherto been regarded as an insignificant integrant of the Republic. This state was Texas.

The difficulties of the state legislature of Coahuila and Texas continued to increase. The Saltillo party had taken a decided stand against the authority of the constitutional congress at Monclova, and in their revolutionary measures had been openly and powerfully assisted by the commandant General Cos and his troops. Viesca, the governor elect, saw the storm gathering, and in order

to sustain himself, had in the month previous made a call upon each of the departments of Texas for a force of one hundred men to march immediately to his assistance. But the governor and legislature had both become very unpopular by their recent acts, especially by the decree authorising the sale of four hundred acres of the public domain, and this call for assistance was disregarded. During this month, while things were in this posture, Gen. Cos issued an address stating that the congress at Monclova had rendered themselves worthy of and would soon meet with merited chastisement, unless they changed their course. He complained that they had disposed of the public domain, that they had opposed the government troops in attempting to occupy the barracks at Monclova, that they had secreted in Monclova the late vice president Gomez Farias who was passing to embark in exile from the republic, that they had passed a law for giving permanency to the local militia, and finally that they had resolved to assemble a body of civil militia in Monclova to take the field under the pretext of subjugating the department of Saltillo who had revolted against their authority. For these and other similar '*criminal acts*,' the commandant general, unless a speedy *repentence and reformation* should be manifested, would proceed to put down by military force these revolutionists. This threat was soon executed. A licentious military invaded the sanctity of civil authority; the legislature was dispersed and Viesca compelled to flee. The

governor had obtained permission of the legislature to establish his government in some place of security, and selecting Texas as that place, immediately started with the public documents, to avail himself of this privilege so generously granted him by the legislature.

June 4. Viesca, attempting to reach Texas, accompanied by his suite, and bearing the state archives with him, was arrested and imprisoned by the orders of the commandant general. This arrest caused great excitement and indignation in Texas, where Viesca had been much esteemed. His rescue was resolved upon publicly and Rancon Musquiz was invited to take the gubernatorial chair, pro tempore. Had not such a movement been made by the people, and that simulteneously throughout Texas, it is probable that the noble Viesca would be still the tenant of a dungeon, if not of a tomb.

In this month was published the plan of Toluca, by which the government of Mexico was to be changed from the system of federal republics to a central consolidated government, over which Santa Anna is recognised as the head or supreme chief of the nation. Lerma Campeachy and other states and Ayuntamientos adopted the plan and sent petitions to the general congress of the nation recommending the proposed change to take place without delay.

Great excitement prevailed in Texas in regard to the exactions of the custom house officers. This

excitement reached its acme in the department of Nacogdoches, where the people, irritated by the conduct of the collectors, who had manifested but little regard for their comfort or accommodation, not only protested against their acts as illegal and impolitic, but laid violent hands on the collector and disarmed the military at Anahuac, compelling the garrison at that place to an unconditional surrender to the people. They were well treated however, and no doubt were some of them, glad to be relieved of so disagreeable an office as had been imposed upon them.

July. Great apprehensions were excited among the colonists by the introduction of large bodies of Mexican troops, especially at Bexar, under the pretext of protecting the custom-house officers and preventing the ravages of the Indians, who had assumed a hostile attitude and committed depredations upon the frontiers. The colonists, however, justly feared that this introduction and concentration of troops boded ill, rather than good to them, and were greatly alarmed by the military parade, notwithstanding all the professions of Cos and Ugartechea, who would have them deceived with a show of amity and concern for their welfare. The public mind was in a ferment, committees of safety were appointed and a general convention advised. In August the hostile attitude assumed by the Mexicans became so apparent that the most incredulous could no longer be deceived as to their intentions. It was well known that Santa Anna

was concentrating government troops at Saltillo for the invasion of Texas. The conduct of his creature, Colonel Nicolas Condey, commander of the garrison at Goliad, served also to develope the views of the Dictator in regard to this country. He commenced his petty reign of tyranny by incarcerating the Alcalde, confining him in the calabose, and extorting from the administrador the sum of five thousand dollars, under the penalty of being marched to Bexar as a prisoner. The arms deposited with the town authorities were seized upon; citizens were pressed into the ranks as soldiers, and the troops quartered upon the people. A demand was also made for the arrest of Zavala, as a traitor, which was steadily refused, which served as another pretext for the introduction of forces.

September. By this time Gen. Stephen F. Austin, who had been so long confined in the dungeons of Mexico, re-appeared in Texas, when he immediately became the rallying point of the colonists. Prudent as he always had been, he was never a cringing slave, and now that he saw the dearest rights of his fellow-citizens jeopardised by the despotism of Santa Anna, he who had once been his friend like the noble Zavala, became his foe, conscious that the triumph of the despot would be the fall of his own country. He warmly seconded the advice of the committee of safety and others for the call of a general consultation. All now was preparation for the crisis which was evidently

at hand, and when early in this month Gen. Cos landed at Copano with four hundred men, every voice was raised without hesitation *for war!* On the 23d, 700 Texans commenced their march from Brazoria under Gen. S. F. Austin, commander-in-chief, to attack the garrison at Bexar.

The first blow was struck in the cause of Liberty on the 28th inst. at Gonzales, the Lexington of Texas. Ugartechea, the military commandant of Bexar, sent a demand to the Gonzales for the delivery of a brass six pounder which he had learned was deposited in their town. They returned for answer that the gun originally belonged to the king of Spain, but had been captured and now belonged to Republican Mexico—that they held it as the property of the confederation, but did not recognise any right or title in centralists to lay claim to it. On this answer being reported to Ugartchea, he ordered out a detachment to take the gun by force. The detachment marched immediately and attacked Gonzales, but were bravely met, repulsed and compelled to retreat without having gained their object.

October. The Mexican convention having annulled the federal constitution, proceeded to adopt, publish and demand obedience to a central government, formed upon the plan of Toluca for its basis. For the act of convention on this subject see Austin's speech at Louisville, page 262. On the publication of this act many of the states again took arms for a last desperate struggle against the ec-

clesiastical and military despotism which was thus despoiling them of all their rights as freemen. They were too weak however to combat against a power so gigantic as that which was then ruling the destinies of Mexico. The presence of government troops in a short time stilled the tumult and repressed revolt in every part of the republic (as it was still called) with the exception of Texas. The spirit of the degraded Mexican was easily subdued, but the smiting of the oppressor's rod had served only to heighten the indignation and strengthen the resistance of the brave Anglo-American. An enemy was now in the field far different from that which the Mexican Bonaparte had been accustomed to meet—one which was destined to teach his haughty spirit a lesson of humility and make him acquainted with the power that nerves the freeman's arms.

In the early part of this month the general council of Texas met at San Felipe and engaged themselves in sustaining the true interests of their constituents by providing means and devising measures for the prosecution of a war which had been absolutely forced upon them. In doing this they received daily encouragement in the co-operation of the people, and the cheering news of their gallantry and success in war, unmingled as the commencement of the contest providentially was with the stain of a single defeat.

On the 9th of this month the town of Goliad, an

old Spanish town containing a Mexican garrison commanded by Col. Francisco Sandoval was attacked by a company of Texans 52 strong, under Capt. Collinsworth, and captured. The place was taken in thirty minutes by storm at the hour of midnight. The fruits of this enterprise, 21 prisoners, viz: 1 colonel commandant, 1 captain, 2 lieutenants and 19 privates. A considerable quantity of arms, 2 brass field pieces, 300 stand of muskets and ten thousand dollars worth of public stores fell into the hands of the victors. The Mexicans lost 3 killed and 7 wounded, the Texans had 1 man wounded. From Goliad the troops moved to Bexar and took up a position on Salado creek within five miles of that place.

While these events were transpiring in the field, the council were not idle. Preparations were made for putting the country in a state of defence; three companies of rangers were organized to protect the frontiers against hostile Indians, and arrangements were made to treat with and secure the neutrality if not the assistance of the different neighboring tribes.

The army before Bexar continued to augment its number by the almost daily accession of volunteers; and occasional slight skirmishes in which the Texans were invariably victors, tended to confirm the confidence in themselves and the contempt of the enemy which they already possessed.

Gen. Austin at this period attempted to open a communication with Cos, but was told by the

haughty brother-in-law of Santa Anna that he could treat with the Texans only in the character of *Rebels.* This answer put an end to all hopes of accommodation.

On the 28th, an action took place at Conception, near Bexar, which resulted in a decided victory to the colonists, and considering the disparity in numbers and equipment, was one of the most brilliant achievements of the war.

A detachment of Cos's army, amounting to 400 in number, of which there were several companies of cavalry and one of artillery, with two pieces of ordnance, made an attack about half an hour by sun on the encampment of Capt. Fanning, who with 92 men was resting on his arms at the mission of Conception. Notwithstanding the superiority of the enemy in numbers and military equipage, they were repulsed with the loss of near one hundred men in killed and wounded, amongst whom were many promising officers, while the Texans had but one man killed and none wounded. One piece of ordnance and a considerable number of muskets became the spoil of the victors.

November 3. General Convention met at San Felipe de Austin, B. T. Archer, president. After some consultation, the "SOLEMN DECLARATION" of the people of Texas, (for which see page 222) was passed by an unanimous vote. From the records of the election of officers, we select the following list as the most important:

Henry Smith, elected Governor.

J. W. Robinson, Lieutenant Governor.

Sam. Houston, Major General of the Regular Army.

Gen. S. F. Austin, B. T. Archer, president of the convention, and W. H. Wharton were appointed Foreign Commissioners.

November. The hostile armies at San Antonio still continued their positions, apparently fearing to commit their fate to a general engagement. The colonists were, no doubt, waiting for reinforcements, and of this Cos was well aware; but being afraid to attack even the force already collected under Austin, he resolved to fortify himself in the town, and stand the seige of the enemy until succor could arrive. The streets of Bexar were accordingly barricaded, cannon planted on the top of the church, trees cut down in the way, and similar means of defence adopted to prevent the possibility of any successful attempt to take him by storm.

On the 3d inst., a detachment of 50 men from Goliad under adjutant Westover, entered Lepanticlan, whose garrison, consisting of 21 men, surrendered on the same night and were set at liberty on parole not to bear arms again during the war. The Texans found here two cannon, a four and a two pounder, which had been taken from San Patricio. They made preparations to cross the river on the next evening, at which time about one half of the men having crossed over, they were informed that a company of 73 Mexicans were approaching to

attack them. An action immediately ensued, which lasted 32 minutes, when the ememy, tired of sport with folks who understood the game so well, retreated, leaving a number of horses and the Alcalde of San Patricio wounded. The total loss of the Mexicans was 28 men. The Texans had one man wounded in the hand.

On the 8th, another slight engagement took place near Bexar between small parties of the two armies. A company of 40 men was sent out under Capt. Austin to intercept some troops of Cos commissioned to burn the grass for 30 or 40 miles beyond San Antonio. This company had proceeded 3 or 4 miles when a Mr House fell from his horse and broke his neck. News of this was despatched to camp and a detachment of 27 was sent out under Capt. Bird to bring in the body. They were met by the enemy, consisting of 160 Morelos cavalry, which after a severe engagement were compelled to retreat, with the loss of 5 killed and a number wounded. The Texans had one man slightly wounded.

During this month a plan and form of the provisional government was adopted, the first governor of independant Texas inaugurated, and a decree passed to raise a regular army of 1120 men to serve for two years or during the war. By the sentiment expressed by the citizens of every part of Texas, war was evidently the choice of the people. And henceforward the counsellors of Texas discarded all doubt with regard to the course

which policy and justice demanded of them to pursue to reinstate their countrymen in their rights and privileges which had been torn from them.

On the 26th, an engagement took place near Bexar, where things still remained in *statu quo* between equal forces of Mexicans and Texans, 300 on each side. The loss of the Mexicans was about 60 men killed and wounded, and 3 wounded and none killed of the Texans.

December. On the 5th, Col. Milam with a party of 300 volunteers made an assault upon the town of Bexar. The party he divided into two divisions, which on entering the town took possession of two houses adjacent to the '*Plaza*' or public square, where an unceasing and fierce battle raged, until the enemy were driven within their last strong hold across the river to the *Alamo*. On Tuesday the brave Milam who was the leader of the expedition received a rifle ball and fell in the cause of Liberty, to rise no more. After his death the command devolved on Col. F. W. Johnson, the second officer of the detachment, who gained to himself the gratitude of an admiring country by the manner in which he discharged the duties of his important trust. On Wednesday night Col. Ugartechea effected an entrance into the Alamo with a reinforcement of about 300 men. The BLACK FLAG was raised by Gen. Cos, who fought with a desperation worthy of a better cause, but in vain. The unconquerable Texans with their equally brave auxiliaries from the United States, were not

to be dislodged, and the battle raged with tremendous fury, adding however, fresh courage and hopes to the Texans every minute, while terror and despair were fastening upon the enemy. At length dismayed and disheartened with the contest, instead of the BLACK FLAG, the vain emblem of their savage cruelty, they were compelled to raise the *signal of submission*. Hostilities were accordingly suspended, and on the 11th, commissioners being appointed by each party, agreed upon 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 honor; that they will not in any way oppose the re-establishment of the federal Constitution of 1824.

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

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

"4th. That it is discretionary with the troops to follow their general, remain, or go to such point as they may deem proper: but in case they should all or any of them separate, they 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 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's army, together with a surgeon and attendants, are permitted to remain.

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

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

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

"The commissioners, Jose Juan Sanchez, adjutant inspector; Don Ramon Musquiz, and lieutenant Francisco Rada, and interpreter, Don Miguel Arciniega, appointed by the commandant and inspector, general Martin Perfecto de Cos, in connection 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, JOSE JUAN SANCHEZ,
RAMON MUSQUIZ,
J. FRANCISCO DE RADA,
MIGUEL ARCINIEGA,
Interpreter.
F. W. JOHNSTON,
ROBERT C. MORRIS,
JAMES G. SWISHER,
JOHN CAMERON,
Interpreter.

I consent to, and will observe the above articles.
(Signed,)
MARTIN PERFECTO DE COS.

Ratified and approved.
(Signed,)
EDWARD BURLESON,
Commander-in chief of the Volunteer Army.

A true copy. EDWARD BURLESON,
Commander-in-chief."

This was the most important post in Texas, the strength of whose fortifications was well known to be equal to that of any fortified place in N. Mexico, though defended by about fifteen hundred men, was captured by storm and its garrison compelled to surrender to a force one fifth of their own number. The loss of the Mexicans in this contest of five days was not very large—exact number not known—the Texans lost three killed and about 25 wounded.

On the 14th, a horrible tragedy was acted under the auspices of Santa Anna at Tampico. An expedition had been fitted out against that place by Gen. Mexia in which a number of Americans had

participated, who upon the termination of that unfortunate affair became prisoners of war, and upon this day were to be executed. As there have been many contradictory statements about this matter, and as it does not come properly within the jurisdiction of the Texan historian, we will content ourselves with giving the declaration of the prisoners themselves the day before their execution.

"We, the undersigned prisoners of war, condemned to be shot on Monday next the 14th inst., at 7 P. M. by a military court martial, conformably to the established custom of the country, and composed of officers of the Mexican army, the sentence being read and interpreted to us on Saturday at 4 P. M., by captain Alexander Fauluc of said army, as our last dying words, do declare ourselves innocent of the charge of either participating or colleaguing with any person or party, having for its object the revolutionizing or disturbing Mexico, and that the testimony given before the honorable court of enquiry will corroborate this declaration, the facts and circumstances being briefly as follows:

"That about a hundred and thirty men, composed of Americans, French and Germans, two-thirds of which being of the first named class (including three who are natives of foreign nations but naturalized) embarked on the 6th November last on board the American schooner Mary Jane, captain Hall, said to have been chartered or employed by a committee, of which Mr William Christy, of New Orleans, was the agent, to convey emigrants to Texas, then understood to be at variance with the Mexican government. This opportunity afforded many in pecuniary circumstances a passage free, which was readily embraced and accepted of. The terms agreed upon were, that it was optional whether the party took up arms in defence of Texas or not; that they were at full liberty to act as they pleased when landed on the Texan shore. That taking advantage of this favorable opportunity they accordingly embarked—the vessel proceeded on the voyage, and

nothing transpired to indicate a belief but all was right as it should be, until the 6th day we was out from the Balize, although it had been previously understood that a general with his officers and staff was on board the vessel, whose design was to act in concert with the Texans, and induce us to join him. Of this however we received no certain assent, but the truth is—Tampico was our destination and an attack on the city, the design, which was now evident, and not before—the land being in sight and the vessel standing in, it was announced that it was Tampico; that the steam boat then also in sight would have us in tow, and Tampico would be in our possession. Elated with this harangue proceeding from the authority, through the instrumentality of Captain Hawkins, one of the aids of General Mexia, some were induced to join his standard, but of these the number could not have exceeded fifty, 35 of whom were French and Creoles, of New Orleans, who doubtless had a previous understanding, they being exclusively privileged, having the quarter deck to themselves and seemingly armed and equipped prematurely. The boat had us in tow soon, and all that could be crammed below were driven there until she struck the bar, and the steam boat soon afterwards.—In this awful predicament night closing on us, the sea breaking over us, efforts were used to reach the shore, which at imminent danger was effected safely, and were all landed during the latter part of the night and early part of the morning of the following day. A formidable fort surrendered without attack, and we built fires to dry our clothing. The party were now tendered arms and ammunition, and never having been soldiers before, some probably took them out of curiosity, others from necessity and others from compulsion: and it is asserted and believed that no one person was or had been acquainted with two others of the number of us, which so added to the hurry and bustle of the officers, that before we could have an understanding we were all mingled and bundled together more like a hords or drove of swine than a company of soldiers, competent to act as such, particularly against regular trained soldiery. At about 5 P. M., on Sunday, we were formed and made ready for the attack, having added to our number about from 45 to 50 citizens, soldiers or adherents, and which were all

judged to be Mexicans, a number being fellow prisoners with us, but without trial to this moment. Having no other resource we were necessarily compelled from obvious reasons reluctantly to join the party, with a full determination not to act in concert with it, but submit ourselves as prisoners of war, having no design or intention to fight;—and without one single exception every individual of the undersigned, from motives of conscience and oppression added to the shameful abduction or deception practised on us, and chose to throw ourselves on the clemency and mercy of the authorities. And this being the substance of our testimony before the court, yet notwithstanding, mark the result which has terminated, not in an ignominious, but christian like death. Trusting in God and bearing in mind his promise and with our trust in his mercies, we die both as christians and men.

"We have now but nine hours allotted us, and conclude hastily by requesting all who may hear of our fate to entertain no orroneous impression."

To this declaration are subscribed the names of the twenty eight prisoners who were executed on the 14th inst. Three others died in the hospital and thus escaped the infamy of that public death to which they had been sentenced by a sanguinary, relentless foe.

January. The fall of Bexar for the time ended the war, and not a Mexican soldier was left in Texas. It was, however, justly apprehended, that this repose would be speedily followed by the invasion of the country by a much larger force than had yet been within her borders. The Texans accordingly were not idle. Every preparation in their power was made to prevent the entrance of the enemy into their territory, and the commissioners in the United States were enlisting the sympathies of that country in the cause of Texan liberty.

An expedition was planned against Matamoras to be placed under the command of Col. F. W. Johnston, which from various causes was never carried into execution. The forces, however, which captured Bexar and which were to enter upon this expedition, moved southward and left that post with a garrison of not more than seventy-five men, a measure, which to say the least was imprudent, when it was well known or strongly suspected that an army of several thousand men would be in Texas in a short time, and that Bexar would be in all probability both from its situation and importance the first point of attack.

February. On the 1st, elections were held for delegates to the general convention, which was to meet at Washington, the seat of government, on the first of March. The ticket in favor of *Independence* was chosen in all the municipalities without exception. The voice of Texas was beyond all doubt for an absolute Declaration of Independence.

News arrived and was speedily confirmed that 3000 Mexicans were on their march for Texas, that large re-inforcements would follow, and that Santa Anna himself was to assume the command of the expedition. To add to the general alarm which was occasioned by this intelligence, a force was demanded to repress outrages committed by the Indians, instigated, no doubt, by agents of Mexico.

Notwithstanding the alarm of the people of Texas in the expectation of invasion, their exer-

tions were not commensurate with their fears, if they had been the tragedy of Bexar would have been prevented, and many brave and noble spirits would yet have lived to assist Texas with their swords and counsels. The Texans did not, however, even imagine the full extent of the danger which threatened them, and the news fell as a thunderbolt upon them, when they were told that an army of Mexicans under the command of Santa Anna himself, was beseiging the little band of heroes at San Antonio. The following letter, from the gallant and lamented Travis, will serve to exhibit the state of the garrison and the spirit which animated them in the desperate condition in which they were placed:

To the People in Texas, and all Americans in the World.

COMMANDANCY OF THE ALAMO,
Bejar, Feb. 24, 1836.

Fellow-citizens and compatriots,--

I am besieged by a thousand or more of the Mexicans, under Santa Anna. I have sustained a continual bombardment and cannonade, for twenty-four hours, and have not lost a man. The enemy have demandad a surrender at discretion, otherwise the garrison is to be put to the sword, if the fort is taken. I have answered the summon 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 of every thing dear to the Americen character, to come to our aid, with all despatch. The enemy are receiving reinforcements daily, and will no douht 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 honor and that of his country. *Victory or Death!*

W. BARRETT TRAVIS, Lieut. Col. Command.

P. S. The Lord is on our side. When the enemy appeared in sight, we had not three bushels of corn. We have since found, in deserted houses, eighty or ninety bushels, and got into the walls twenty or thirty head of beaves. T.

March 1. The General Convention of Texas assembled at Washington, and on the ensuing day passed *unanimously* an absolute DECLARATION OF INDEPENDENCE, (for which vide page 269.)

The following proclamation by Gen. Houston, exhibits the state of the country and of the army at this time:

Army Orders.

CONVENTION HALL,
Washington, March 2, 1836.

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

SAM. HOUSTON,
Commander-in-Chief of the Army.

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

Fannin, in the meantime, was besieged at Goliad, and could render no assistance to the suffering

garrison at San Antonio, and the whole country was plunged in confusion and dismay. The only encouragement offered for future success was the news of a treaty with the Indians and the generous sympathy which the visit and representations of their commissioners had excited in the United States of the North.

Ever since the 25th of February, Bexar had been the scene of an active warfare between 150 Texans, composing the garrison at that place, and about 2000 Mexicans under Santa Anna, who were attempting its reduction. Several hundred of the enemy had been killed, without any important loss sustained by the Texans, when the following letter was addressed by Col. Travis to the president of the Convention:

Copy of a letter from Col. Travis to the President of the Convention.

COMMANDANCY OF THE ALAMO,
Bejar, March 3, 1836.

Sir,—In the present confusion of the political authorities of the country, and in the absence of the commander-in-chief, I beg leave to communicate to you the situation of this garrison. You have doubtless already seen my official report of the action of the 25th ult., made on that day to Gen. Sam. Houston, together with the various communications heretofore sent by express. I shall therefore confine myself to what has transpired since that date.

From the 25th to the present date, the enemy have kept up a bombardment from two howitzers, (one a five and a half inch, and the other an eight inch,) and a heavy cannonade from two long nine pounders, mounted on a battery on the opposite side of the river, at the distance of four hundred yards from our walls. During this period the enemy have been busily employ-

ed in encircling us with entrenched encampments on all sides, at the following distances, to wit:—in Bejar, four hundred yards west; in Lavilleta, three hundred yards south; at the powder house, one thousand yards east by south; on the ditch, eight hundred yards northeast, and at the old mill, eight hundred yards north. Notwithstanding all this, a company of thirty-two men, from Gonzales, made their way into us on the morning of the 1st inst., at 3 o'clock, and Col. J. S. Bonham (a courier from Gonzales) got in this morning at 11 o'clock, without molestation. I have so fortified this place, that the walls are generally proof against cannon balls; and I still continue to intrench on the inside, and strengthen the walls by throwing up the dirt. At least two hundred shells have fallen inside of our works without having injured a single man: indeed, we have been so fortunate as not to lose a man from any cause; and we have killed many of the enemy. The spirits of my men are still high, although they have had much to depress them. We have contended for ten days against an enemy whose numbers are variously estimated at from fifteen hundred to six thousand men, with Gen. Ramirez Siesma and Col. Batres, the aids-de-camps of Santa Anna, at their head. A report was circulated that Santa Anna himself was with the enemy, but I think it was false. A reinforcement of about one thousand men is now entering Bejar from the west, and I think it more than probable that Santa Anna is now in town, from the rejoicing we hear. Col. Fannin is said to be on the march to this place with reinforcements; but I fear it is not true, as I have repeatedly sent to him for aid without receiving any. Colonel Bonham, my special messenger, arrived at La Babia fourteen days ago, with a request for aid; and on the arrival of the enemy in Bejar ten days ago, I sent an express to Col. Fannin, which arrived at Goliad on the next day, urging him to send us reinforcements —*none have yet arrived*. I look to the *colonies alone* for aid: unless it arrives soon, I shall have to fight the enemy on his own terms. I will, however, do the best I can under the circumstances; and I feel confident that the determined valor, and desperate courage, heretofore evinced by my men, will not fail them in the last struggle: and although they may be sacrificed to the vengeance of a gothic enemy, the victory will cost the

enemy so dear, that it will be worse for him than a defeat. I hope your honourable body will hasten on reinforcements, ammunition, and provisions to our aid, as soon as possible. We have provisions for twenty days for the men we have—our supply of ammunition is limited. At least five hundred pounds of cannon powder, and two hundred rounds of six, nine, twelve, and eighteen pound balls—ten kegs of rifle powder, and a supply of lead, should be sent to this place without delay, under a sufficient guard.

If these things are promptly sent and large reinforcements are hastened to this frontier, this neighborhood will be the great and decisive battle ground. The power of Santa Anna is to be met here, or in the colonies; we had better meet them here, than to suffer a war of desolation to rage in our settlements. A blood red banner waves from the church of Bejar, and in the camp above us, in token that the war is one of vengeance against rebels: they have declared us as such, and demanded that we should surrender at discretion, or that this garrison should be put to the sword. Their threats have had no influence on me, or my men, but to make all fight with desperation, and that high souled courage which characterizes the patriot, who is willing to die in defence of his country's liberty and his own honor.

The citizens of this municipality are all our enemies except those who have joined us heretofore; we have but three Mexicans now in the fort; those who have not joined us in this extremity, should be declared public enemies, and their property should aid in paying the expenses of the war.

The bearer of this will give your honorable body, a statement more in detail, should he escape through the enemies lines—*God and Texas—Victory or Death!!*

Your obedient servant,

W. BARRETT TRAVIS,

Lieut Col. Comm.

P. S. The enemies troops are still arriving, and the reinforcement will probably amount to two or three thousand. T.

On the 6th inst., about midnight, the Alamo was attacked by the entire Mexican force, commanded

by Santa Anna in person. A desperate contest ensued, in which prodigies of valor were wrought by this Spartan band, which garrisoned the fort until daylight, when only seven of them were found alive. These seven cried for quarter, but were told there was no mercy for them. Of this number were Col. David Crockett, Mr Benton, and the gallant Col. Bonham of South Carolina. When their demand for quarter was refused, they continued fighting until all were butchered. Col. Travis on whose head a price was set, when wounded and dying, was attacked by a Mexican officer who, in imitation of the western savage, seemed desirous of "*striking the body of the dead*,"—mustering his swiftly departing strength for one last act of noble daring, the brave Travis met and plunged his sword in the breast of the advancing enemy, and fell the victor with the victim, to rise no more.—Gen. Bowie was murdered in his bed where he had been confined for a length of time by severe illness. One woman, Mrs. Dickerson, and Col. Travis's servant, were the only persons in the fort whose lives were spared. Gen. Cos, on entering the fort, ordered Travis's servant to point out the body of his master; he did so, when Cos drew his sword and mangled his face and limbs with the malignant feeling of a savage. It is worthy of remark, that the flag of Santa Anna's army was a *blood-red* one, in place of the old constitutional tricolored flag. The bodies of the slain were thrown into a heap in the centre of the Alamo and burned. On

Gen. Bowie's body being brought out, Gen. Cos said that he was too brave a man to be burned like a dog—then added, "*pues no es cosa, eschade*"—never mind, throw him in.

We might fill many pages with the details of this mournful catastrophe, did our limits permit; but we must pass on.

Immediately after the capture of the place, Gen. Santa Anna sent Mrs. Dickerson and Col. Travis's servant to Gen. Houston's camp, accompanied by a Mexican with a flag, who was the bearer of a note from the President, offering the Texans peace and a general amnesty if they would lay down their arms and submit to his government. Gen. Houston's reply was, "True sir, you have succeeded in killing some of our brave men, but the Texans are not yet whipped."

Shortly previous to this, another butchery was enacted, to the disgrace of the Mexican arms. A party of 30 Texans, under F. W. Johnson and Dr. Grant, captured a small reconnoitering party of Mexicans under Rodriguez. From the manner in which they were taken they might have been fairly considered as spies, but with an undeserved and unrequited generosity and forbearance they spared the lives of the men and released Rodriguez on his parole of honor. About the time of the attack on Bexar the same party of the Texans under Johnson and Grant were taken by Rodriguez under circumstances nearly similar to those under which they had taken him a few days before. Grant

and Johnson escaped; the rest, in defiance of the pledged honor of the Mexicans, were butchered to a man.

Many events have transpired since that time, but the most important are those chronicled in the following documents, with which we shall conclude our narrative:

HEAD QUARTERS OF THE ARMY,
San Jacinto, April 25, 1836.

To His Excellency D. G. Burnet, President of the Republic of Texas:

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

I have the honor to inform you, that on the evening of the 18th instant, after a forced march of fifty-five miles, which was effected in two days and a half, the army arrived opposite Harrisburgh; that evening a courier of the enemy was taken, from which I learned that General Santa Anna, with one division of his three troops had marched in the direction of Lynch's ferry on the San Jacinto, burning Harrisburgh as he passed down. The army was ordered to be in readiness to march early the next morning. The main body effected a crossing over Buffalo Bayou below Harrisburgh, on the morning of the 19th, having left the baggage, the sick and a sufficient camp guard in the rear. We continued the march throughout the night, and without refreshment. At day-light we resumed the line of march, and in a short distance our scouts encountered those of the enemy, and we received

information that General Santa Anna was at New Washington, and would that day take up the line of march for Anahuac, crossing at Lynch's. The Texan army halted within a half a mile of the ferry in some timber, and were engaged in slaughtering beeves, when the army of Santa Anna was discovered to be approaching in battle array, having been encamped at Clopper's point, eight miles below. Disposition was immediately made of our forces, and preparation for his reception. He took a position with his infantry and artillery in the centre, occupying an island of timber, his cavalry covering the left flank. The artillery then opened on our encampment, consisting of one double fortified medium brass twelve pounder.

The infantry, in columns, advanced with the design of charging our lines, but were repulsed by a discharge of grape and cannister from our artillery, consisting of two six pounders. The enemy had occupied a piece of timber within rifle shot of the left wing of our army, from which an occasional interchange of small arms took place between the troops, until the enemy withdrew to a position on the bank of the San Jacinto, about three quarters of a mile from our encampment, and commenced a fortification. A short time before sunset, our mounted men, about eighty-five in number, under the special command of Colonel Sherman, marched out for the purpose of reconnoitering the enemy. Whilst advancing they received a volley from the left of the enemy's infantry, and after a sharp rencounter with their cavalry, in which ours acted well, and performed some feats of daring chivalry, they retired in good order, having had two men severely wounded, and several horses killed; in the mean time the infantry under the command of

Lieutenant Colonel Willard, and Colonel Bush's regiment, with the artillery, had marched out for the purpose of covering the retreat if necessary. All those fell back in good order to our encampment about sunset, and remained without any ostensible action until the 21st, at half past three o'clock—taking the first refreshment which they had enjoyed for two days. The enemy in the mean time extended the right flank of their infantry so as to occupy the extreme point of a skirt of timber on the bank of the San Jacinto, and secured their left by a fortification about five feet high constructed of packs and baggage, leaving an opening in the centre of the breastwork in which their artillery was placed—the cavalry upon their left wing.

About 9 o'clock on the morning of the 21st, the enemy were reinforced by 500 choice troops, under the command of General Cos, increasing their effective force to upwards of 1500 men, while our aggregate force for the field numbered 783. At half past three o'clock in the evening, I ordered the officers of the Texan army to parade their respective commands, having in the mean time ordered the bridge on the only road communicating with the Brazos, distant eight miles from our encampment, to be destroyed, thus cutting off all possibility of escape. Our troops paraded with alacrity and spirit, and were anxious for the contest. Their conscious disparity in numbers only seemed to increase their enthusiasm and confidence, and heightened their anxiety for the conflict. Our situation afforded me an opportunity of making the arrangements preparatory to the attack, without exposing our designs to the enemy. The 1st Regiment, commanded by Colonel Burleson, was assigned the cen-

tre. The 2d Regiment, under the command of Colonel Sherman, formed the left wing of the army. The Artillery, under the special command of Colonel George W. Herkley, inspector-general, was placed on the right of the 1st Regiment; and four companies of Infantry, under the command of Lieutenant Colonel Henry Millard, sustained the Artillery upon the right. Our cavalry, sixty-one in number, commanded by Colonel Mirabau B. Lamar, (whose gallant and daring conduct on the previous day had attracted the admiration of his comrades, and called him to that station,) placed on our extreme right, completed our line. Our cavalry was first despatched to the front of the enemy's left, for the purpose of attracting their notice, whilst an extensive island of timber afforded us an opportunity of concentrating our forces and displaying from that point, agreeably to the previous design of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line, and through an open prairie, without any protection whatever for our men. The artillery advanced and took station within two hundred yards of the enemy's breastwork, and commenced an effective fire with grape and cannister.

Colonel Sherman with his regiment having commenced the action upon our left wing, the whole line, at the centre and on the right, advancing in double quick time, rung the war cry "*Remember the Alamo*," received the enemy's fire, and advancing within point blank shot before a piece was discharged from our lines. Our line advanced without a halt, until they were in possession of the woodland and the enemy's breastwork. The right wing of Burleson's and the left of Millard's taking possession of the breastwork; our artillery having

gallantly charged up within seventy yards of the enemy's cannon, when it was taken by our troops. The conflict lasted about eighteen minutes from the time of the close action, until we were in possession of the enemy's encampment, taking one piece of cannon, (loaded,) four stand of colours, all their camp equippage, stores and baggage. Our cavalry had charged and routed that of the enemy upon the right, and given pursuit to the fugitives, which did not cease until they arrived at the bridge which I have mentioned before. Captian Karnes, always among the foremost in danger, commanded the pursuers. The conflict in the breastwork lasted but a few moments; many of the troops encountered hand to hand, and not having the advantage of bayonets on our side, our riflemen used their pieces as war clubs, breaking many of them off at the breech. The route commenced at half past four, and the pursuit by the main army continued until twilight. A guard was then left in charge of the enemy's encampment, and our army returned with their killed and wounded. In the battle, our loss was two killed and twenty-three wounded, six of whom mortally. The enemy's loss was 630 killed, among which was 1 general officer, 4 colonels, 2 lieutenant colonels, 7 captains, 12 lieutenants. Wounded 280, of which were 5 colonels, 3 lieutenant colonels, 2 second lieutenant colonels, 7 captains, 1 cadet. Prisoners 730—President General Santa Anna, General Cos, 4 colonels, aids to General Santa Anna, 6 lieutenant colonels, the private secretary of General Santa Anna, and the Colonel of the Guerrero Battalion, are included in the number. Gen. Santa Anna was not taken until the 22nd, and General Cos on yesterday, very few having escaped. About 600 muskets,

300 sabres and 200 pistols, have been collected since the action; several hundred mules and horses were taken, and near twelve thousand dollars in specie. For several days previous to the action, our troops were engaged in forced marches, exposed to excessive rains, and the additional inconvenience of extremely bad roads, ill supplied with rations and clothing—yet amid every difficulty they bore up with cheerfulness and fortitude, and performed their marches with speed and alacrity—there was no murmuring.

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

I have the honor of transmitting herewith a list of all the officers and men who were engaged in the action which I respectfully request may be published as an act of justice to the individuals. For the commanding General to attempt discrimination as to the conduct of those who commanded in the action, or those who commanded, would be impossible. Our success in the action is conclusive proof of their daring intrepidity and courage; every officer and man proved himself worthy of the cause in which he battled, while the triumph received a lustre from the humanity which characterized their

conduct after victory, and richly entitles them to the admiration and gratitude of their General. Nor should we withhold the tribute of our grateful thanks from that Being who rules the destinies of nations, and has in the time of greatest need enabled us to arrest a powerful invader whilst devastating our country.

I have the honor to be,
With high consideration,
Your obedient servant,
SAM'L. HOUSTON,
Commander-in-Chief.

Return of the killed and wounded in the actions of the 20th and 21st of April, 1836.

Major General Samuel Houston, wounded severely.

FIRST REGIMENT TEXAS VOLUNTEERS.

Company A.	Geo. Waters,	private,	slightly wounded	21st.
B.	James Cunly and W. S. Walker,	privates,	badly wounded	21st;
C.	Captain Jesse Beillingsly,		slightly wounded	21st.
	Lemuel Blackely,	private,	killed	"
	Logan Vandeveer,	"	badly wounded	"
	Washington Anderson,	private,	slightly	"
	Calvin Page,	"	"	"
	Martin Walker,	"	badly	"
D.	Capt. Mosely Baker,		slightly	"
	C. D. Anderson,	private,	slightly	"
	Allen Ingram,	"	badly	"
F.	Levy Wilkinson,	"	slightly	"
	James Nelson,	"		"
	Mitchell Putnam,	"		"
H.	A. R. Stephens,	"	slightly	"
	J. Tom,	"	badly,	"
J.	—— Cooper.	"	killed,	"
K.	B. Brigham,	"	killed,	"

Total—killed 3; wounded 15.

SECOND REGIMENT TEXAS VOLUNTEERS.

Company D. 2d Lieut. Lamb,	killed,		21st.
G. W. Robinson, private,	severely	wounded	"
Wm. Winters, "	"	"	"
1st Sergeant Albert Gallatin,	slightly	"	"
E. Washington Lewis, private,	severely	"	"
E. Gector, "	slightly	"	"
F. Alphonso Steel,	severely	"	"
K. 1st Lieut. J. C. Hale,	killed		"
J. Capt. Smith,	slightly	"	"
1st Sergeant Thos. P. Fowl,	killed		"
William F. James, private,	severely	"	"
—— Trask, "	severely	"	20th.

Killed 3; severely wounded 5; slightly 3. Total 11.

Dr. Wm. Mosely, wounded severely—died since.
A. R. Stevens " " " "
Lieut. Col. J. C. Neil, of the artillery, wounded severely on the 20th.
Wm. A. Park, of the artillery, wounded slightly on 21st.
Devereaux J. Woodiff, of the cavalry, wounded severely on the 20th.

Army Orders.

Head Quarters,
San Jacinto, May 5, 1836,

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

The enemy, though retreating, are still within the limits of Texas—their situation being known

to you, you cannot be taken at surprise. Discipline and subordination will render you invincible—your valor and heroism have proved you unrivalled. Let not contempt for the enemy throw you off your guard. Vigilance is the first duty of a soldier, and glory the proudest reward of his toils.

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

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

SAM. HOUSTON,
Commander-in-Chief.

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APPENDIX.

THE CONSTITUTION

OF THE

MEXICAN UNITED STATES.

The Supreme Executive Power, provisionally appointed by the general sovereign Congress of the Nation, to all who shall see these presents, *Know, and understand*, That the same Congress has decreed and sanctioned the following

FEDERAL CONSTITUTION OF THE UNITED MEXICAN STATES.

In the name of God, all powerful, author and supreme legislator of society. The general constituent Congress of the Mexican Nation, in the discharge of the duties confided to them by their constituents, in order to establish and fix its political Independence, establish and confirm its Liberty, and promote its prosperity and glory, decree as follows:

CONSTITUTION OF THE UNITED MEXICAN STATES.

Title 1st. Only Section.—*Of the Mexican Nation, its Territory and Religion.*

Article 1. The Mexican Nation, is forever free and independent of the Spanish government, and every other power.

2. Its Territory consists of that, which was formerly called the vice-royalty of New-Spain, that styled the captain generalship of Yucaton, that of the commandant generalship, formerly called the Internal Provinces of East and West, and that of Lower and Upper Caliafornia, with the lands annexed, and adjacent lands in both seas. By a constitutional law, a demarkation of the limits of the Federation will be made as soon as circumstances will permit.

3. The Religion of the Mexican Nation, is, and will be perpetually, the Roman Catholic Apostolic. The Nation will protect it by wise and just laws, and prohibit the exercise of any other whatever.

TITLE 2d. ONLY SECTION.—*Form of Government of the Nation, of its integral parts and division of Supreme Power.*

4. The Mexican Nation adopts for its Government, the form of Republican representative, popular Federal.

5. The parts of this Federation, are the States and Territories as follows.—The State of the Chipas, Chiuahua, Coahuila and Texas, Durango, Guanajuato, Mexico, Michoacan, New Leon, Oajaca, Puebla de los Angeles, Quetaro, San Luis Potosi, Sinora and Sinaloa, Tobasco, Tumaulipas, Vera Cruz, Xalisco, Yucatan Tacatecas, the Territory of Upper Caliafornia, Lower Caliafornia, Colima and Santa Fe of New Mexico—a constitutional law shall fix the character of Tlaxcala.

6. The supreme power of the Federation will be divided for its exercises, in Legislative, Executive, and Judicial.

TITLE 3d. SECTION 1st.—*Legislative power, of its nature and the mode of exercising it.*

7. The legislative power of the Federation, shall be disposed in a General Congress, this to be divided in two houses, one of Deputies (Representatives) and the other of Senators.

SECTION 2d.—*Of the House of Representatives.*

8. The House of Representatives shall be composed of Representatives elected totally every two years, by the citizens of the States.

9. The qualifications of the electors shall be constitutionally prescribed by the Legislatures of the States; to whom, likewise, appertains the regulation of the elections, in conformity with the principles established by this Constitution.

10. The general basis for the appointment of representatives, shall be the population.

11. For every 80,000 souls, one Representative shall be appointed, or for a fraction which passes 40,000. The State which may not contain this population, shall, notwithstanding, appoint one representative.

12. A census of the whole Federation, which shall be formed in five years and renewed every ten, shall serve to designate the number of Deputies corresponding to each State; and in the mean time, it shall be regulated agreeably to the basis established in the former Article, by the census which governed in the election of Deputies in the present Congress.

13. In the same manner shall be elected in each State, the necessary number of supernumerary representatives, in the ratio of one for every three full representatives, or for a fraction amounting to two, the States which may contain less than three full representatives shall elect one supernumerary.

14. The Territory which may contain more than 40,000 inhabitants, shall appoint a full representative and one supernumerary, who shall have a voice and vote in the formation of laws and decrees.

15. The Territory which may not contain the foregoing number of population, shall appoint one full representative and one supernumerary, who shall be entitled to a voice in all matters. The election of Representatives for the Territories shall be regulated by a special law.

16. In every State and Territory of the Federation, the appointment of Representatives shall be made on the first Sunday in October previous to its renovation. The election to be indirect.

17. The election of Representatives concluded, the electoral college shall remit through their President to the Council of Government, a legal return of the election, and notify the elected of their appointment by an official letter, which shall serve as a credential of election.

18. The President of the Council of Government shall give to the returns, referred to in the preceding Article, the direction prescribed by the regulations of said Council.

19. To be a Representative it is required—First, To be at the time of the election, twenty-five years of age, complete. Second, To have been a resident of the State, from which elected, at least two years, or born in the State, although a resident in another.

20. Those not born in the territory of the Mexican Nation, to be Representatives, must have, besides eight years' residence in it, 8000 dollars of real estate in any part of the Republic, or an occupation that produces them 1000 per year.

21. Exceptions to the foregoing Article—First, those born in any other part of America, that in 1810 appertained to Spain, and has not united itself to another nation, nor remains subject to the former, to whom three years' residence in the Territory of the Federation is sufficient, in addition to the requisite prescribed in the 19th Article. Second, The military not born in the Territory of the republic, who, with arms, sustained the independence of the country, eight years' residence, complete, is sufficient, and the requisites prescribed in the 19th Article.

22. In the election of Representatives, actual residence shall have preference over birth and non-residence.

23. Those cannot be Representatives—First, Those deprived or suspended from the rights of citizenship. Second, The President and Vice-President of the Federation. Third, The members of the Supreme Judicial Court. Fourth, Secretaries of the Cabinet and the officers of their departments. Fifth, Those employed in the Treasury, whose functions extend over the whole Federation. Sixth, Governors of States and Territories, Commandant Generals, Archbishops and Bishops, Governors of Archbishoprics and Bishoprics, Provisors and Vicar Generals, Circuit Judges, Commissary Generals of treasury and war, for the States and Territories over which they exercise their functions.

24. In order that any person enumerated in the foregoing Article may be eligible, it is necessary they should have ceased their functions six months previous to their election.

SECTION 3d.—*Of the Senate.*

25. The Senate shall be composed of two Senators from each State, elected by an absolute majority of the votes of the Legislatures, and renewed by one-half every two years.

26. The seats of the Senators appointed in the second place, shall be vacated in two years, and the first appointed in four years, and so on in succession.

27. When a vacancy occurs by the death, resignation, or other cause, it shall be filled by the corresponding Legislature in session, if not as soon as it meets.

28. To be a Senator it is necessary to possess all the qualifications required by the former Section, to be a re-

presentative, and moreover, to be at the time of election, thirty years of age.

29. No person can be a Senator, who is disqualified from being a Representative.

30. In the election of Senators, the 22d Article shall also govern.

31. When the same individual is elected for a Senator and Representative, the first election shall have the preference.

32. The periodical election of Senators shall be made in all the States on the same day, which shall be on the first day of September previous to the renewal of half the Senators.

33. The election of Senators concluded, the Legislature shall remit a legal return through their President, to the President of the Council of Government; and notify the elected of their appointment, by means of an official letter, which shall serve them as credentials. The President of the Council of Government shall give the direction to these returns indicated in the 18th Article.

SECTION 4th.—*Of the Individual Functions of both Houses and Prerogatives of its Members.*

34. Each House in its preparatory meeting, and in every thing appertaining to its government, shall follow the rule formed by the present Congress; provided that amendments may be made to them in future, should both Houses consider it necessary.

35. Each House shall judge of the elections of its respective members, and resolve all doubts which may occur in them.

36. The Houses cannot open their sessions without the presence of more than the half of the total number of its members; but those present of one and the other, must unite on the day appointed for the regulation of the internal government of each, and respectively compel the attendance of the absentees, under the penalties prescribed by the law.

37. The Houses will communicate with one another, and with the Supreme Executive Power, by means of their respective Secretaries, or by means of deputations.

38. Either of the two Houses may sit as Grand Jurors, on accusations. First, Against the President of the Federation, for the crime of Treason against the National In-

dependence or the established form of Government, or for subordination or bribery during the time of his service. Second, also, against the President, for acts manifestly intended to impede the election of President, Senators, or Representatives, or to prevent them from entering on the exercise of their duties in the manner prescribed in this Constitution, or to deprive the Chambers of the use of any of the powers constitutionally vested in them. Third, against the members of the Supreme Court and the Secretaries of the departments, for any crime committed during the time of their service. Fourth, against the Governors of the States, for infractions on the Federal Constitution, laws of the Union, or orders of the President of the Federation, which may not be manifestly contrary to the Constitution and general laws of the Union, and likewise by the publication of laws and decrees of the Legislatures of their respective States, contrary to the same constitution and laws.

39. The House of Representatives will exclusively form a Grand Jury, when the President or his ministers may be accused of acts in which the Senate or the Council of Government have concurred by reason of its attributions. The House will, in the same manner, serve as Grand Juror, in cases of accusation against the Vice-President, for any offence committed during the term of his service.

40. The House, before which has been made the accusation of the individual spoken of in the two preceding articles will form itself in a Grand Jury, and if it is declared, by the vote of two-thirds of the members present, that there is cause of accusation, the functions of the accused shall be suspended, and he shall be placed at the disposition of the competent tribunal.

41. Any Representative or Senator, can make any proposition in writing, or present projects of a law or decree in his respective chamber.

42. The Representatives and Senators shall be inviolable for the opinions manifested in the discharge of their duties, and never can be called to account for them.

43. In all criminal prosecutions instituted against Senators or Representatives, from the time of their election until two months after the expiration of their term of service, the former shall be accused before the Chamber of the latter, and the latter before that of the former;

each Chamber composing a Grand Jury respectively for this object.

44. If the Chamber sitting as a Grand Jury, in the cases referred to in the last Article, declare by a vote of two-thirds of the members present, that there is cause for accusation, the accused shall be suspended and placed at the disposition of the competent tribunal.

45. The emoluments of the Representatives and Senators shall be determined by law, and paid from the general treasury of the Federation.

46. Each House, and also the meetings spoken of in the 36th Article shall have power to deliver such orders as they may deem necessary to carry their resolutions into effect, issued by virtue of the functions granted to each by the 35th, 36th, 39th, 40th, 44th, and 45th Articles of the Constitution, and the President of the United States shall cause them to be executed without making any observations upon them.

SECTION 5.—*Of the faculties of the General Congress.*

47. Every resolution of the general Congress shall have the character of a law or decree.

48. The resolutions of the general Congress, to be entitled to the force of law or decree, must be signed by the President, except in cases otherwise provided in this Constitution.

49. The laws and decrees which emanate from the general Congress, shall have for object—First, to sustain the National Independence, and provide for the National security and preservation of its exterior relations. Second, to preserve the Federal Union of the States, and the peace and public order of the interior of the Federation. Third, maintain the independence of the States among themselves, in all that relates to their interior government, in conformity to the Constitutional Act, and this Constitution. Fourth, sustain the proportional equality of obligations and rights which the States are entitled to before the law.

50. The exclusive faculties of the general Congess are the following:—First, promote illustration, assuring for a limited time, exclusive rights to authors for their respective works; establishing Colleges for marine, artillery, and engineers; erecting one or more establishments in which are to be taught, natural, political, and moral scien-

ces, noble arts, and the languages, without prejudies to the power which the Legislatures have to regulate public education in their respective States. Second, promote the general prosperity, by opening and improving roads and canals, without impeding the States in the improvement of theirs; establishing mails and post-offices, and securing for a limited time, exclusive right to the inventors, perfectioners or introducers of any branch of industry, for their respective inventions, perfections, or new introductions. Third, protect and regulate the political liberty of the press, in order that its exercises may never be suspended, and much less abolished in any of the States and Territories of the Federation. Fourth, admit new States to the Federal Union or Territories, incorporating them in the Nation. Fifth, regulate definitively, the Limits of the State, when they cannot agree among themselves about the demarkation of their respective districts. Sixth, form States out of Territories, or unite them to those already existing. Seventh, unite two or more States, by a petition of their Legislatures, to form one only, or form a new one from the limits of those that already exist, with the approbation of three-fourths of the members present of both houses, and a ratification of an equal number of the Legislatures of the other States of the Union. Eighth, fix the general expenses, establish the necessary contributions to cover them, regulate their collection, determine the inversion, and take annually accounts thereof from the government. Ninth, contract debts upon the credit of the Federation, and designate guarantees to cover them. Tenth, acknowledge the National debt, and designate means for its consolidation and payment. Eleventh, regulate the commerce with foreign nations, and among the different States and Tribes of Indians. Twelfth, give instructions to celebrate covenants with the Apostolic Chair, approve them for their ratification, and regulate the exercise of the patronage in all parts of the Nation. Thirteenth, approve treaties of peace, alliance, friendship, federation, armed neutrality, and whatsoever others which the President of the United States may celebrate with foreign powers. Fourteenth, to establish all kinds of ports, custom-houses, and deignate their locations. Fifteenth, determine and regulate the weight, standard, value, type and denomination of money in all the States of the Federation, and adopt a general

system of weights and measures. Sixteenth, declare war after examining the data prescribed by the President of the United States. Seventeenth, form regulations relative to granting letters of marque and reprisal, and to declare good or bad captures by sea and land. Eighteen, designate the armed force of sea and land, fix the respective quota of men to each State, and give orders and regulations for their organization and service. Nineteenth, form relations to organize, arm, and discipline the local militia of the State, reserving to each one the appointment of their respective officers, and the faculty of training them conformably to the discipline prescribed by said regulations. Twentieth, to grant or deny the entrance of foreign troops in the Territory of the Federation. Twenty-first, permit or not, the station of squadrons of any other power, for more than one month, in the Mexican ports. Twenty-second, permit or not, the departure of National troops without the limits of the Federation. Twenty-third, create or suppress public offices of the Federation, designate, augment or diminish their emoluments and pensions. Twenty-fourth, grant premiums and recompenses to corporations or persons who have rendered important services to the Republic, and decree public honors to the posthumous memory of great men. Twenty-fifth, grant amnesty or pardon for crimes, the cognizance of which appertains to the tribunal of the Federation, in the cases, and with the previous requirements prescribed by law. Twenty-sixth, to establish a general law of naturalization. Twenty-seventh, to give uniform laws in every State, on the subject of bankruptcies. Twenty-eighth, to select a place to serve as a residence for the supreme powers of the Federation, and exercise within its limits the attributions of the legislative powers of the State. Twenty-ninth, to change such residence when they may deem it necessary. Thirtieth, give laws and decrees for the regulation of the interior administration of the Territories. Thirty-first, dictate all the laws and decrees that may be conducive to fulfil the object spoken of in the 49th Article, without interfering with the interior administration of the State.

SECTION 6th.—*Formation of the Laws.*

51. The formation of laws and decrees can proceed indiscriminately from either of the two Houses, with the ex-

ception of those which arise from contributions or imposts, which cannot have origin except in the House of Representatives.

52. There shall be considered as insipients of law or decree—First, the propositions which the President of the United Mexican States may deem conducive to the general good of society, and as such, particularly recommend them to the House of Representatives. Second, the propositions or plans of laws or decrees which the legislature may direct to either house.

53. All projects of a law or decree, without any exception, shall be successively discussed in both Houses, observing in each with exactitude, the rules relative to the form of debates, interval and mode of proceeding in discussing and voting.

54. The projects of a law or decree rejected in the House where it originated, before being sent to the other House, shall not be renewed in the same House by its members in the sessions of that year, but must remain until the following year.

55. If the project of a law or decree, after having been debated, should be approved by the absolute majority of the members present of both Houses, shall be passed to the President of the United States, who also, if he approves it, shall sign and publish it, and if not, return it, with his observations, within the term of ten days, (Sundays and solemn festivals excepted,) to the House of its origin.

56. The project of a law or decree, returned by the President in conformity with the preceding Article, shall be a second time discussed in the two Houses. If in both of these it should be approved by two-thirds of the members present, it shall be again returned to the President, who, without excuse, must sign it and publish it; but if it was not approved by the vote of two-thirds of both Houses, it cannot be renewed in either of them until the next year.

57. If the President does not return any project of a law or decree within the time prescribed in the 55th Article, it shall, from that circumstance be considered as sanctioned, and as such shall be promulgated, unless in the mean time, the session of congress should be closed or suspended, in which case the return must be made on the first day in which Congress shall be re-assembled.

58. The project of a law or decree, totally rejected for the first time by the House to which it has been sent, shall

be returned with their observations to the one in which it originated, if after a re-examination the said House shall again approve of it by a vote of two-thirds of the members present, it shall be sent a second time to the House that rejected it, who cannot a second time reject it without a concurrence of two-thirds of the members present.

59. The projects of a law or decree, approved of after a second revision by two-thirds of the members of the House where it originated, and not rejected by two-thirds of the members of the other house, shall be sent to the President, who shall sign and publish it, or return it within ten days (Sundays, &c. excepted) to the House where it originated, with his observations.

60. The project of a law or decree, which according to the foregoing Article, the President returned to the House of its origin, it shall be again taken into consideration, and if this approves it by a vote of two-thirds of the members present, and the revising body does not reject, by an equal number of its members it shall be returned to the President, who must publish it. But if it was not approved by the vote of two-thirds of the House of its origin, or was rejected by an equal number of the revising body, it cannot be renewed until the ordinary subsequent sessions.

61. In the event of the rejection a second time of the revising body, in conformity with the 58th Article, the project shall be considered rejected, and cannot be re-considered until the following year.

62 In the amendments which the revising body make to any project of a law or decree, there shall be observed the same formalities required before the project of a law can be sent to the President.

63. The parts of a project of a law or decree rejected for the first time by the revising body, shall take the same course as those totally rejected by it for the first time.

64. In the interpretation, modification, or revocation of the laws or decrees, the same requisites shall be observed which are prescribed for their formation.

65. All resolutions of the general Congress communicated to the President of the Republic, must be signed by the President of both Houses and by a Secretary of each one of them.

66. For the formation of every law or decree, it is necessary that an absolute majority of all the members of each House should be present in their respective Houses.

SECTION 7th.—*Of the time, duration and place of the Sessions of the General Congress.*

67. The general Congress shall meet every year on the first day of January at the place designated by law; its internal rules shall prescribe the previous forms necessary at the opening of its sessions and the formalities which are to be observed at its installation.

68. The President of the Federation shall assist at the installation, and pronounce a discourse analogous to this important act, and the persons who presides in Congress shall answer it in general terms.

69. The ordinary sessions of Congress shall be daily without any other interruption than that of the days of solemn festival, and in order to adjourn for more than three days, the consent of both Houses shall be necessary.

70. Both Houses shall reside in the same place, and cannot move to another, without first agreeing on the removal, the time and manner of effecting it, designating the same point, for the reunion of one and the other. But if they agree on a removal, and differ as to the time, mode, and place, the President of the States shall determine the difference, electing one of those in question.

71. The Congress shall close its sessions annually on the 15th day of April, with the same formalities as are prescribed for its opening, proroguing the session 30 days, (Sundays and solemn festivals excepted) when they may deem it necessary, or when the President of the Federation requires it.

72. When the general Congress is assembled for extraordinary sessions, it shall be formed of the same Representatives and Senators as the ordinary sessions of that year, and shall occupy itself exclusively on the object or objects for which it was convened; but if these should not be completed on the day in which the ordinary sessions are to commence, the extraordinary sessions shall cease, and the subject pending shall be determined by Congress in said ordinary sessions.

73. The resolution that the Congress take relative to the removal, suspension, or prorogation of their sessions, agreeably to the three preceding Articles, shall be communicated to the President, who shall cause them to be executed without making any observations upon them.

TITLE 4th. SECTION 1st.—*Of the Supreme Executive Power of the Nation.*

74. The supreme executive power of the Federation shall be deposited in one individual, who shall be styled *President of the United Mexican States.*

75. There shall likewise be a Vice President, on whom will devolve the faculties and prerogatives of the President, in case of his physical or moral inability to serve.

76. To be President or Vice President, it is required to be a Mexican citizen by birth, thirty-five years of age at the time of the election, and to be a resident in the country.

77. The President cannot be re-elected for this office, until after four years are passed from the time of his retirement.

78. He that is elected President or Vice President of the Republic, shall accept these offices in preference to any others.

79. The first day of September, anterior to the year in which the new President must enter on the exercise of his duties, the Legislatures of each State shall elect by an absolute majority of votes two individuals, one of which, at least, must not be a native of the States that elects.

80. The voting concluded, the Legislature shall remit to the President of the Council of Government, a legal return of the election, in order that he may give it the course designated by the rules of the Council.

81. The sixth of January afterwards, the said returns shall be read in presence of both houses united, provided those of three-fourths of the Legislatures of the States have been received.

82. The reading of said returns concluded, the Senators shall retire, and a committee appointed by the House of Representatives, and composed of one for each State of those that have Representatives present, shall revise them and render an account of the result.

83. The House shall then proceed to class the elections and enumerate the votes.

84 He who has an absolute majority of the votes of all the Legislatures shall be the President.

85. If two should have said majority, he shall be President who has the most votes, and the other the Vice Pres-

ident. In case of a tie with said majority, the House of Representatives shall elect one of the two for President, and the other shall be Vice President.

86. If no one should have the absolute majority of the votes of the Legislature, the House of Representatives shall elect the President and Vice President, choosing in each election, one of the two which had the greatest number of suffrages.

87. When more than two individuals have a respective majority and equal number of votes, the House shall choose from them the President or Vice President as the case may be.

88. If one has received the respective majority, and two or more have an equal number of suffrages but greater than the others, the House shall elect from those who have the greatest number of votes.

89. If all have an equal number of votes, the House shall elect from among them all, the President and Vice President, doing the same when one has a number of suffrages and the others an equal number.

90. If there should be a tie upon the voting of the classing of the elections made by the Legislatures, the votes shall be repeated once, and if it should result in a tie, shall decide it by lot.

91. In the competitions between three or more that have an equal number of votes, the voting shall be directed to the reduction of the competitors to two or one, in order that in the election he may contend with the other, that may have obtained a relative majority over all the others.

92. For a general rule in voting, relative to the election of President and Vice President, they shall not refer to lots before having made a second vote.

93. The voting on classifications of elections made by the Legislatures, and on those made by the House of Representatives for President and Vice President, shall be made by States, the representation of each one having a single vote, and in order that there may be a decision in the House, it must contain an absolute majority of the votes.

94. In order to deliberate on the objects contained in the foregoing Article, there must be united in the House more than the half of the total number of its members, and be present, Representatives from three-fourths of the States.

SECTION 2d.—*Duration of the office of President and Vice President, manner of filling the vacancies of both, and their oath.*

95. The President and Vice President of the Federation shall enter upon the discharge of their duties on the first of April, and shall be replaced precisely on the same day every four years by a new constitutional election.

96. If for any motive, the elections of President and Vice President are not made and published by the first of April when they ought to take their seats, or those elected should not immediately enter upon the discharge of their duties, nevertheless, the former ones shall go out of office the same day, and the supreme executive power shall be deposited, provisionally, in a President, that shall be elected by the House of Representatives, voting by States.

97. In case the President should be indisposed, then the provisions in the preceding article shall have effect, and if both should be at the same time, and Congress not being in session, the Supreme Executive Power shall be deposited in the hands of the Chief Justice of the Supreme Court, and two individuals that shall be elected by an absolute plurality of votes by the Council of Government; these are not to be members of the general Congress, and are to have the qualities requisite to be a President of the Federation.

98. Until the elections are made to which the preceding Articles allude, the Chief Justice of the Supreme Court shall be charged with the Supreme Executive Power.

99. In case of the perpetual inability of the President and Vice President to serve, Congress, or in its recess, the Council of Government, will respectively provide according to Articles 96 and 97, and so depose that the Legislatures proceed to the election of President and Vice President, according to the form prescribed by the Constitution.

100. The elections of President and Vice President, made by the Legislatures in consequence of the perpetual inability of those to serve who had been elected for these offices, shall not impede the ordinary elections the first of September every four years.

101. The President and Vice President newly elected,

must be on the first day of April, in the place where the supreme powers of the Federation reside, and before both Houses assembled, swear to observe the duties imposed on them under the following form:

"I, N-- Elected President (or Vice President) of the United Mexican States, swear before GOD and the Holy Evangelists, that I will exercise faithfully, the charge the same U. S. have confided in me, and that I will keep, and cause to be kept exactly, the Constitution and general laws of the Federation."

102. If neither the President or Vice President present themselves to swear as the preceding Article provides, and the session of Congress being open, they shall swear before the Council of Government as soon as each one presents himself.

103. If the Vice President takes the oath prescribed in Article 101, before the President, he shall enter immediately on the discharge of the duties of President until he shall have sworn.

104. The President and Vice President constitutionally appointed according to Article 99, and those individuals provisionally appointed to exercise the charge of President, according to Article 96 and 97, shall be sworn as prescribed in Article 101, before both Houses, if assembled, if not, before the Council of Government.

SECTION 3d.---*Of the prerogatives of the President and Vice President.*

105. The President has the power to lay before Congress such propositions or amendments of laws as he may deem conducive to the general good, directing them to the House of Representatives.

106. The President has the power once in the space of ten days (Sundays and solemn festivals excepted) to make observations upon the laws and decrees passed to him by Congress, suspending their publication until the resolution of Congress, except in the cases mentioned in this Constitution.

107. The President, during the time of his administration, cannot be accused, except before either of the Houses, and only in crimes alluded to in Article 38, committed in the time therein expressed.

108. Within one year from the day on which the President ceases his functions, he cannot be accused, except

before one of the Houses for crimes alluded to in Article 38, or any others committed during the term of his administration; after this he cannot be accused for those crimes.

109. The Vice President, during the four years of his administration, cannot be accused except before the House of Representatives, for whatever crime he commits during the time of his administration.

SECTION 4th.---*Attributions of the President and the restrictions of the faculties.*

110. The attributions of the President are the following:—First, to publish, circulate, and cause to be kept, the laws and decrees of the general Congress. Second, to give rules and decrees, and orders for the better observance of the Constitution, constitutional act and general laws. Third, to put into execution the laws and decrees directed to preserve the integrity of the Federation, and to sustain its Independence in its exterior, together with its union and liberty in its interior. Fourth, to name and remove freely, Secretaries of the departments. Fifth, to direct the collection of, and decree the inversion of general contributions agreeably to the laws. Sixth, to name the officers of the Treasury department, and those of the commissary generals, diplomatic ministers, and consuls, colonels and other superior officers of the permanent army, active militia and navy, with the approbation of the Senate, and should it not be in session, with the council of the Government. Seventh, to name all other officers of the permanent army, navy and active militia, and officers of the Federation, conformably to the laws. Eighth, to appoint, after previous recommendation from the Supreme Court, Judges and Attorney Generals of the Circuit and District. Ninth, to grant discharges, grant licenses, and regulate military pensions according to law. Tenth, to dispose of the permanent armed force by sea and land, and the active militia for the security of the interior and defence of the exterior of the Federation. Eleventh, to dispose of the local militia for the same purposes, but to take them out of their respective States or Territories, it will require the previous consent of Congress, who will also designate the force necessary. Should Congress not be assembled, the consent of the Council of government will be necessary, and who will also designate the number. Twelth, to declare war in the name of

the United Mexican States, after a previous decree of Congress to that effect, and to grant commissions to Privateers in conformity with the laws. Thirteenth, to celebrate covenants with the Apostolic Chair, as designated in clause 12th of Article 50. Fourteenth, to direct diplomatic negociations, and to celebrate treaties of peace, amity, alliance, truce, federation, armed neutrality, commerce, and all others, but to give or deny the ratification, of any of them, requires the approbation of the general Congress. Fifteenth, to receive ministers and other envoys from foreign nations. Sixteenth, to request Congress to prorogue their sessions for thirty days (Sundays, &c. excepted.) Seventeenth, to assemble Congress for extraordinary sessions, as he may deem the case necessary, by the consent of two-thirds of the Council of Government present. Eighteenth, also assemble an extraordinary session of Congress, when the Council of Government shall deem it necessary, and the votes of two-thirds of the members present, is given to that effect. Nineteenth, to see that justice is promptly and impartially administered by the Supreme Courts, Tribunals, and inferior courts of the Federation, and that their sentences be executed according to law. Twentieth to suspend from their employments, for the space of three months, and deprive one half of their pay for the same time, all officers belonging to the Federation, violaters of its orders and decrees; and should there be cause for a prosecution against such officers, he shall place the subject before its proper tribunal. Twenty-first, to grant the passage, or retain the decrees of the Ecclesiastical Councils, Pontifical Bulls, Briefs and Rescripts, with the consent of the general Congress, if they contain general dispositions to be laid before the Senate, or in its recesss, before the Council of Government, if containing governmental business, and before the Supreme Court of Justice, if it is a subject of litigation.

111. The President, in publishing laws and decrees, shall use the following form: "The President of the United Mexican States, to the inhabitants of the Republic, *Know*, that the general Congress have decreed the following: (here the subject) Therefore, I command that it be printed, published, and circulated, and that due compliance be given it."

112. The restrictions of the faculties of the President are the following:--First, the President cannot take command of the forces by sea or land in person, without the

previous consent of the general Congress, or should it not be in session, without the Council of Government, by a vote of two-thirds of the members present. When he takes the command with these requisites, the Vice President shall administer the Government. Second, the President has not the right to deprive any one of his liberty nor inflict punishment on any individual but when the safety of the Federation requires it, he can arrest any person provided he places the person, arrested, within 48 hours, at the disposition of the competent judge or tribunal. Third, the President cannot occupy the property of any individual or corporation, or disturb the possession, use, or benefit of it; and should it be necessary for the public good, to take the property of any individual or corporation, it will require the approbation of the Senate, or in its recess, the approbation of the council of government, indemnifying the party interested, by the decision of men chosen by the party and the government. Fourth, the President cannot impede the elections and other acts expressed in the last clause of the 38th Article. Fifth, the President or Vice President, cannot leave the Territory of the Republic without the consent of Congress, during the discharge of their duties and for one year after they retire from office.

SECTION 5th.—*Of the Council of Government.*

113. During the recess of Congress there shall be a council of Government, composed of one half of the members of the Senate, one for each State.

114. For the first two years, this Council of Government shall be composed of the first members elected by their respective Legislatures, and the succeeding year by the oldest members.

115. This Council shall have for President, the Vice President of the United States, and also have the power to elect a President pro-tem. to fill the vacancy occasioned by the absence of the other.

116. The attributions of this Council are the following:—First, to see that the Constitution is strictly observed, and the constitutional act, and general laws, and to give their advice in any incident relative to these objects. Second, to lay before the President any observations conducive for the better compliance of the Constitution and laws of the Union. Third, to determine of themselves

only, the advice of the President, the calling of extraordinary sessions of Congress; but in either, it shall require the vote of two-thirds of the counsellors present, as stated in attributions 17 and 18, of Article 110. Fourth, to grant their consent to the calling out of the local militia, in the manner stated in Article 110, attribution 11. Fifth, to approve the appointment of officers designated in attribution 6, of Article 110. Sixth, to give their consent in the case referred to in Article 112, restriction first. Seventh, to name two individuals who shall, in conjunction with the Chief Justice of the Supreme Court, provisionally exercise the Supreme executive Power, as prescribed in Article 97. Eighth, to administer the oath stated in Article 101, to those individuals of the Supreme executive Power, in the terms provided in this Constitution. Ninth, to give their opinion on subjects referred to them by the President, by virtue of the 21st faculty of Article 110, and all business wherein he may consult them.

SECTION 6th.—*Of the despatch of Government business.*

117. For a despatch of government business of the Republic there shall be the number of Secretaries of State, which Congress by a law may establish.

118. All the regulations, decrees, and orders of the President, must be signed by the Secretary of State of the department to which the subject belongs, and without this pre-requisite they shall not be obeyed.

119. The Secretaries of State shall be responsible for the acts of the President, unauthorized by their signatures, contrary to the Constitution, Constitutional Act, and general laws and constitutions of the States.

120. The Secretaries of State shall give to each House, as soon as their annual sessions are opened, an account of the state of their respective departments.

121. To be a Secretary of State it is necessary to be a Mexican citizen by birth.

122. The Secretaries of State shall form a regulation for the better distribution and direction of their duties, which shall be passed by the Government to the Congress for their approbation.

TITLE 5th. SECTION 1st.—*Of the Judicial power of the Confederation.*

123. The Judicial Power of the Federation shall reside in one Supreme Court of Justice, and in the Circuit and District Courts.

SECTION 2d.—*Of the Supreme Court of Justice, the election, term of service, and oath of its members.*

124. The Supreme Court of Justice shall be composed of eleven members divided into three halls, and one Attorney General. Congress may augment or diminish its number as they deem it necessary.

125. To be elected a Judge of the Supreme Court of Justice, it is necessary to have been instructed in the science of public rights, according to the judgments of the Legislatures of the States, to be 35 years of age, to be a native born citizen of the Republic, or born in any part of America, which in 1810, was dependent on Spain, and has separated from her, provided they have been five years resident within the territory of the Republic.

126. The Judges of the Supreme Court of Justice shall hold their offices during good behaviour, and can only be removed in the mode prescribed by the laws.

127. The election of the Judges of the Supreme Court of Justice shall be made on the same day by the Legislatures of the States, by an absolute majority of votes.

128. The elections concluded, each Legislature shall remit to the Council of Government a certified list of the twelve persons elected, designating which one of them was elected the Attorney General.

129. The President of the Council, as soon as he shall have received the lists from at least three-fourths of the Legislatures of the States, shall give them direction indicated by the rules of the Council.

130. On the day designated, the Congress shall open and read the said lists in presence of both Houses united, after which the Senate shall retire.

131. In continuation, the House of Representatives shall appoint by an absolute majority of votes, a committee, which shall be composed of one member from each State, from which there was any member present, to which committee the said lists shall be passed, who will revise and examine them, and render an account of the result; and the House shall then proceed to class the election and count the votes.

132. The individual or individuals who may have received more than half the votes of the whole number of the Legislatures, without regard to the number of votes given by their respective members, shall be considered

elected; and the declaration of the House to that effect shall immediately entitle them to their seats.

133. Should those who may have received the necessary majority of votes agreeably to the last article, not amount to 12, the House shall elect the balance from those who had the highest number of votes before the Legislatures, observing in every thing relative to these elections the provisions of the first section of the 4th title, which treats of the election of President and Vice President.

134. Should a Senator or Representative be elected a Judge of the Supreme Court of Justice, his election to that office shall be preferred over the other.

135. When a vacancy occurs in a Supreme Court of Justice by perpetual inability, it shall be filled agreeably to this section, after a previous notification given by the Governor to the Legislature of the state, of said vacancy.

136. The members of the Supreme Court of Justice on entering upon the exercise of the office shall take an oath in the presence of the President of the Republic, in the following form: "You swear to GOD our LORD, faithfully to discharge the duties and obligations confided to you by the nation—if you do this GOD will reward you, if otherwise he will punish you."

SECTION 3d.—*Of the attributions of the Supreme Court of Justice.*

137. The attributions of the Supreme Court are the following—First, to take cognizance of the difference which may arise between one and another state of the Federation, whenever it embraces a subject of litigation in which there must be a formal sentence, and those that arise between one state and one or more inhabitants of another, or between individuals about pretensions to lands under concession from states, without depriving the party of the right of reclaiming the concession from the authority which granted it. Second, to terminate all disputes which arise, or contracts or negotiations made by the Supreme Government or its agents. Third, consult relative to publishing or retaining of Pontificial Bulls, Briefs, and Rescripts issued in matters litigant. Fourth, adjust any dispute that may exist among the tribunals of the Federation, and between these and those of the states, and those which may arise between the tribunals of one state and those of another. Fifth, to take connoisance;—First, of

the prosecutions moved against the President and Vice President according to articles 38 and 39, after the previous declaration in article 40. Second, of the criminal prosecutions of the Representatives and Senators, indicated in article 43, after the previous declaration required in article 44. Third, of those against Governors of the states in the cases spoken of in article 38, in its third part, after the previous declaration required in article 40. Fourth, of those of Secretaries of State in conformity with articles 38 and 40. Fifth, of the civil and criminal affairs of the Diplomatic Ministers and Consuls of the Republic. Sixth, of the Admiralty cases, captures by sea, land, and contraband, of crimes committed on the high sea, of the offences against the United Mexican States, of those employed in the Treasury and Judiciary of the Federation, and of the infractions of the Constitution and general laws, as may be provided for by law.

138. A law shall regulate the mode and grade by which the Supreme Court of Justice shall take cognizance of the cases comprehended in this section.

SECTION 4th.—*Of the mode of judging the members of the Supreme Court.*

139. In order to Judge the members of the Supreme Court, the House of Representatives shall elect, voting, by States, in the first month of the ordinary sessions of each biennial, twenty-four individuals not appertaining to the general Congress, and who shall possess the qualifications required for Judges of the Supreme Court, from these there shall be elected by lot an Attorney General, and an equal number of Judges equal to that which composes the first Hall of the Court, and whenever it may be necessary the same House shall proceed, and in its recess, the Council of Government, to draw in the same manner Judges of the other Halls.

SECTION 5th.—*Of the Circuit Courts.*

140. The Circuit Court shall be composed of a Judge of the law and a prosecuting Attorney, both appointed by the Supreme Executive Power, proposed by the Supreme Court, and two Associate Judges, as the law may prescribe.

141. In order to be a Circuit Judge it is necessary to be a citizen of the Federation, and thirty years of age.

142. To these Tribunals, corresponds the cognizance of

admiralty cases, captures by sea and land, contraband, crimes committed on the high sea, offences against the United Mexican States, cases of consuls, and civil cases whose value exceeds $500, and in which the Federation are interested. By a law shall be designated the number of these Tribunals, their respective jurisdictions, the mode, form, and grade, in which they must exercise their powers in these and other matters which come under the cognizance of the Supreme Court of Justice.

SECTION 6th.—*Of the District Courts.*

143. The United Mexican States shall be divided into a certain number of districts, and in each one of which, there shall be a tribunal presided by a judge of the law, which shall take cognizance without appeal, of all civil cases in which the Federation is interested, the amount of which does not exceed $500, and shall have original jurisdiction in all cases in which the Circuit Courts have appellate jurisdiction.

144. In order to be a District Judge, it is necessary to be a citizen of the United Mexican States, and twenty-five years of age. The Judges shall be appointed by the President, proposed by the Supreme Court.

SECTION 7th.—*General Rules to which all the States and Territories in the Federation shall conform in the administration of Justice.*

145. In each one of the States of the Federation, full faith and credit shall be given to the acts, registers, and proceedings of the judges and other authorities of the other States. The general Congress shall regulate the laws by which said acts, registers, and proceedings shall be authenticated.

146. The sentence of infamy shall not extend beyond the criminal that may have merited it according to law.

147. There is forever prohibited the penalty of confiscation of estates.

148. There is forever prohibited all judgments by commission and all retro-active laws.

149. No authority shall apply any species of torture, whatever may be the nature or state of the prosecution.

150. No one shall be imprisoned, unless there is a reasonable ground to suppose him criminal.

151. No one shall be imprisoned on suspicion more than seventy hours.

152. No authority shall give an order for the search of any houses, papers, and other effects of the inhabitants of the Republic, except in the cases expressly provided for by law, and in the form which it designates.

153. No inhabitant of the Republic shall be compelled to take an oath relative to his own acts in criminal affairs.

154. The military and ecclesiastics will remain subject to the authority under which they actually are, according to the existing laws.

155. No suit can be instituted, neither in civil or criminal cases, for injuries, without being able to prove, having legally attempted, the means of conciliation.

156. None can be deprived of the right of terminating his differences by means of arbitrators appointed by each party, whatever may be the situation of the controversy.

TITLE 6th. SECTION 1st.—*Of the individual government of the States.*

157. The government of each State shall be divided for its exercise in three powers, Legislative, Executive, and Judicial, and never can be united two or more of these in one corporation or person, nor the Legislature deposited in one individual.

158. The legislative power of each State shall reside in one Legislature, composed of the number of individuals which their respective constitutions may determine, to be elected popularly and removable, in the time and manner which said constitutions may designate.

159. The person or persons in whom the States confide their executive power, cannot exercise it except for a definite time, which shall be fixed by their respective constitutions.

160. The Judicial power of each State shall be exercised by the Tribunals that the Constitution may establish or designate, and all cases, civil or criminal, which appertain to the cognizance of those tribunals, shall be terminated in them to final judgment and execution.

SECTION 2d.—*Of the obligations of the States.*

161. Each one of the States is obliged—First, to organize its interior government and administration, without opposing this Constitution nor the constitutional act. Second, to publish, by means of their Governors, their respective Constitutions, laws, and decrees. Third, to obey,

and cause to be obeyed, the constitution and general laws of the Union, and treaties made, and those that henceforward may be made, by the supreme authority of the Federation with any foreign power. Fourth, to protect its inhabitants in the free use and liberty which they have to write, print, and publish their political ideas, without the necessity of licence, revision, or approbation previous to publication, always taking care to observe the general laws on the subject. Fifth, to deliver immediately, the criminals of other states, to the authority which reclaims them. Sixth, to deliver the fugitives of other states, to the person that justly reclaims them, or compel them in some other mode to satisfy the interested party. Seventh, to contribute for the consolidation and extinguishment of the debts acknowledged by the general Congress. Eighth, to remit annually to each one of the Houses of Congress, a general, circumstantial, and comprehensive note, of the ingress and egress in all the Treasuries they may have in their respective districts, with a relation of the origin of one and the other, of the situation in which are found the branches of industry, agriculture, commerce, and manufactures, of the new branches of industry which they can introduce and extend, designating the means by which it can be obtained, and of their respective population and means of protecting and augmenting it. Ninth, to remit to both Houses, and in their recess, to the Council of Government, and likewise to the Supreme Executive Power, authorized copies of the Constitutions, laws, and decrees.

SECTION 3d.—*Restrictions of the Powers of the State.*

162. None of the States can—First, establish, without the consent of the general Congress, any tonnage duty, nor other post duty. Second, impose, without the consent of the general Congress, contributions or duties on importations or exportations, whilst the law does not regulate it as it must do. Third, hold, at no time, a permanent troop nor vessel of war, without the consent of the general Congress. Fourth, enter into any agreement or compact with any foreign power, nor declare war against them, resisting in case of actual invasion, or in such danger as will not admit of delay, giving immediate notice thereof to the President of the Republic. Fifth, enter into an agreement or compact with other States of the

Federation, without the previous consent of the general Congress or its posterior approbation, if the transaction was upon the regulation of limits.

TITLE 7th. ONLY SECTION.—*Of the observance, interpretation, and amendment of the Constitution and Constitutional Act.*

163. Every public functionary, without exception to the class, previous to entering on the discharge of his duties, must take the oath to obey the Constitution and Constitutional Act.

164. The Congress shall dictate all laws and decrees, which they may deem necessary to render effective, the responsibility of those who violate this Constitution or the Constitutional Act.

165. The general Congress alone can resolve doubts, which may occur about the meaning or understanding of the Articles of this Constitution and of the Constitutional Act.

166. The Legislatures of the States can make such observations as they may deem proper about particular Articles of this Constitution and the Constitutional Act, but the general Congress will not take them into consideral tion until the year 1830.

167. The Congress in that year shall confine itself to examining the observations that merit the deliberation of the next Congress, and this declaration they shall communicate to the President, who shall publish and circulate them without any observations.

168. The following Congress in the first year of its ordinary sessions, shall occupy themselves in examining these observations submitted to their deliberation, in order to make such amendments as may be deemed necessary, but the same Congress which makes the examination, provided in the last Article, cannot decree the amendments.

169. The amendments and additions that are proposed in the year following, the 30th shall be taken into consideration by the Congress, in the second year of each biennial, and if rendered necessary, in conformity wih the provisions made in the preceding Article, they shal publish this resolution, in order that the next Congress may notice them.

170. In order to reform or amend this Constitution or the Constitutional Act, shall be observed, besides the rules prescribed in the foregoing Articles, all the requisites pro-

vided for the formation of laws, excepting the right to make observations granted to the President, in Article 106.

171. The Articles of this Constitution and the Constitutional Act which establishes the Liberty and Independence of the Mexican Nation, its Religion, form of Government, Liberty of the Press, and division of the Supreme Powers of the Federation, and of the States, can never be reformed.

Given in Mexico, 4th October, 1824, fourth year of Independence, third of Liberty, and second of the Federation.

Signed by the members of Congress, and the Supreme Executive Power.

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 1.

Section 1. The powers of this Government shall be divided into three departments, viz: Legislative, Executive, and Judicial, which shall remain forever 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 chose 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 cases of treason, felony, or breach of the peace, be privileged from arrest during the session of Congress, and in going to and returning from the same, and for any speech or debate in either House, they shall not be questioned in any other place.

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

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

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

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

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

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

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

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

SEC. 24. No holder of public moneys, or collector thereof, shall be eligible to a seat in either House of

Congress, until he shall have fully acquitted himself of all responsibility, and shall produce the proper officer's receipt thereof. Members of either House may protest against any act or resolution, and may have such protest entered on the journals of their respective Houses.

SEC. 25. No money shall be drawn from the public treasury but in strict accordance with appropriations made by law; and no appropriation 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 prevents its return within the time above specified by adjournment.

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

ARTICLE II.

SEC. 1. Congress shall have power to levy and collect taxes and imposts, excise and 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 characters of incorporation, patents, and copy rights, and secure to the authors and inventors the exclusive use thereof for a limited time.

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

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

Sec. 6. To call out the militia to execute the law, to suppress 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.

ARTICLE III.

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

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

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

ARTICLE IV.

Sec. 1. The Judicial powers of the Government shall be vested in one Supreme Court, and in such inferior court 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.

Article V.

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

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

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

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

Article VI.

Sec. 1. No person shall be eligible to the office of President who shall not have attained the age of thirty-five years, shall be a citizen of the Republic at the time of the adoption of this Constitution, or an inhabitant of this Republic at least three years immediately preceding his election.

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

Sec. 3. The President shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during his continuance in office; and

before entering upon the duties of his office, he shall take, and subscribe the following oath or affirmation: I, A B, President of the Republic of Texas, do solemnly and sincerely swear [or affirm, as the case may be] that I will faithfully execute the duties of my office, and to the best of my ability to preserve, protect, and defend the Constitution of the Republic.

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

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

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

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

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

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

Sec. 10. The President shall have power, by and with the advice and consent of the Senate, to appoint a Secretary of State and such other heads of Executive departments as may be established by law, who shall remain in

office during the term of service of the President, unless sooner removed by the President, with the advice and consent of the Senate.

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

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

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

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

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

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

SCHEDULE.

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

SEC. 2. All fines, penalties, and 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 honor, trust, or profit,

under the Republic, any thing in this Constitution to the contrary notwithstanding.

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

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

Sec. 6. Until the first enumeration shall be made, as directed by this Constitution, the precinct of Austin shall be entitled to one represensative; the precinct of Brazoria two representatives; the precinct of Bexar two representatives; the precinct of Colorado one representative; Sabine one; Gonzales 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 the 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 President 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 aid or assistance to the present enemy, shall forfeit all rights of citizenship and such lands as they may hold in the Republic.

Sec. 9. All persons of color who were slaves for life previous to their emigration to Texas, and who are now

held in bondage, shall remain in the like state of servitude, provided the said slave shall be the bona fide property of the person so holding said slave as aforesaid. Congress shall pass no laws to prohibit emigrants from the United States of America 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 forever 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 "labour" 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 "labour" and one-third of a league, unless by bargain, sale, or exchange, they have transferred, or may henceforth transfer their right to said land, or a portion thereof, to some other citizen of the Republic; and in such case the person to whom such right shall have been transferred, shall be entitled to the same, as fully and amply as the person making the transfer might or could have been. No alien shall hold land in Texas, except by titles emanating directly from the Government of this Republic. But if any citizen of this Republic should die intes-

tate or otherwise, his children or heirs shall inherit his estate, and aliens shall have a reasonable time to take possession of and dispose of the same, in a manner hereafter to be pointed out by law. Orphan children, whose parents were entitled to land under the colonization law of Mexico, and who now reside in the Republic, shall be entitled to all the rights of which their parents were possessed at the time of their death. The citizens of the Republic shall not be compelled to reside on the land, but shall have their lines plainly marked.

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

And whereas the protection of the public domain from unjust and fraudulent claims, and quieting the People in the 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 eighteen hundred and thirty-four, in behalf of General John T. Mason, of New York, and another on the fourteenth day of March, eighteen hundred and thirty-five, under which the enormous amount of eleven hundred leagues of land 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 fourth, twelfth, and fifteenth, of the laws of eighteen hundred and twenty-four, of the General Congress of Mexico, and one of said acts for that cause has, by the said General Congress of Mexico, been declared null and void: it is hereby declared that the said act of eighteen hundred and thirty-four, in favor of John T. Mason, and of the fourteenth of March, eighteen hundred and thirty-five, to 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 offices 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 such 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 their authority, and instituted for their benefit; and they have at all times an inalienable right to alter their government in such manner as they may think proper.

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

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

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

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

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

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

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

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

Eleventh. Excessive bail shall not be required, nor excessive fines imposed, or cruel or unusual punishments inflicted. All courts shall be open, and every man for any injury done him in 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 his representative, without just compensation being made therefor according to law.

Fourteenth. Every citizen shall have the right to bear

arms in defence of himself and the Republic. The military shall at all times and in all cases be subordinate to the civil power.

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

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

Seventeenth. Perpetuities or monopolies are contrary to the genius of a free government, and shall not be allowed; nor shall the law of primogeniture or 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 year.

In witness whereof, we have hereunto subscribed our names.

RICHARD ELLIS,
President and Delegate from Red river.

ALBERT H. S. KIMBLE, *Secretary.*

C. B. Stewart,
James Collinsworth,
Edwin Waller,
A. Brigham,
John S. D. Byrom,
Francis Ruis,
J. Antonio Navaro,
William D. Lacy,
William Menifee,
John Fisher,
Matthew Calwell,
William Motley,
Lorenzo de Zavalla,
George W. Smyth,
Stephen H. Everett,
Elijah Stepp,
John S. Roberts,
Robert Hamilton,
Collin McKinny,
A. H. Latimore,
James Powers,
Samuel Houston,
Edward Conrad,
Martin Palmer,
James Gaines,
William Clark, jun.,
Sydny C. Pennington,
Samuel P. Carson,
Thomas I. Rusk,
William C. Crawford,
John Turner,
Benjamin Briggs Goodrich

Claiborne West,	James G. Swisher,
William B. Leates,	George W. Barnett,
M. B. Menard,	Jesse Grimes,
A. B. Hardin,	E. O. Legrand,
John W. Bunton,	David Thomas,
Thomas J. Gazley,	S. Rhodes Fisher,
R. M. Coleman,	John W. Bower,
Sterling C. Robertson,	J. B. Woods,
George C. Childress,	J. W. Briscoe,
Baily Hardiman,	Thomas Barnett,
Robert Potter,	Jesse B. Badgett,
Charles Taylor,	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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