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A Political History of the Texas
Republic; 1836-1845

by

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PREFACE

The great movement westward which characterized American history from the turn of the nineteenth century until the disappearance of the frontier, incidentally embraced the migration to Texas. The pioneering services of Moses and Stephen F. Austin led to the development of this particular wilderness, and the colonizing efforts of the empresarios which followed, made Texas a flourishing colony under Mexican rule. This happy state of affairs underwent a gradual transition in the period, 1823-1836, for the American colonists could not live at peace with their Mexican officials. Differences of temperament and character were accentuated by the desire of the Americans to perpetuate slavery in Texas, and to be free of the practices of the Roman Catholic faith. Squabbles over taxation and disputes concerning the lack of judicial safeguards led to the calling of a series of conventions, which culminated in the Texan declaration of independence, March, 1836. Though defeated badly at Goliad and at the Alamo, the Texans rallied under the command of Sam Houston, and the glorious victory at San Jacinto assured the independence of Texas.

The annexation of Texas by the United States brought to a close the nine year period of independent existence which the Republic of Texas had enjoyed. During this short era, which began in 1836 and reached its conclusion in 1845, Texas enjoyed all the attributes of a sovereign nation. A legitimate government, an army in the field, the beginnings of a navy, and the operation of a diplomatic system on a major scale, were all features of the

nation's power and affluence. Though hampered by the bad times, which also struck with such devastation in the United States, and by the foolish reliance upon paper money issues which characterized the administrations of Sam Houston and Mirabeau B. Lamar, Texas was able to weather the storm and to enter the American Union on virtually a solvent basis.

This work is concerned with the political history of the Republic. It is true that political parties and divisions existed prior to the Revolution, and in this period political differences were based upon distinct principles. The faction led by William H. Wharton in the early stages of the trouble with Mexico was eager for a complete break; the faction led by Austin counseled a moderate program, and did not agree on the wisdom of independence until late in 1835. However, the political divisions on the basis of principles did not continue in the period of the Republic. Politics were almost wholly of a personal nature in the period, 1836-1845. The personality of Sam Houston dominated Texas in that era, and was responsible for the two Houston administrations, as well as the election of Anson Jones, who was Houston's chosen candidate. Also it can be said that the election of Lamar was nothing more than a reversion from the first Houston term in office. Finally, there were no political parties in Texas comparable to the Whigs or Democrats in the United States. There were political techniques, appropriate to a developing, more sophisticated, nation, but politics in the Republic were primarily of a personal nature.

In conclusion, the individual citizen of the Republic was much like his counterpart in the United States. His principles were in

the Jacksonian mold, and his devotion to agrarian pursuits, resulted in a distrust of any type of corporate monopoly. Texas was akin to any other Southern state in the ante-bellum period, with cotton the chief source of wealth, and with slavery a recognized institution. The development of the Republic continued along these lines, so that the state of Texas naturally became a part of the Confederacy at the time of the Civil War. Also social historians have asserted that the germination of the distinct Texas character and tradition had its origin in the period of the Republic.

I would like to express my appreciation for courteous services rendered by the Library staffs at the Rice Institute, the Barker Memorial Library at the University of Texas, the Texas State Library, the Rosenberg Library at Galveston, and the staff of the Museum of Texas History at the San Jacinto battleground. Throughout this work Dr. William H. Masterson has given graciously and unstintingly of his time and advice. My thanks are due to him, and to my parents.

There is a time of life when the mind of man, matured by real and practical experience, tears aside the veil of romance, wherewith the imagination of youth had delighted to invest this transitory state; all is then beheld in its true colors - the gay, the brilliant hues in which a too sanguine temperament had clothed life's fleeting scenes have faded and the stern features of reality alone remain. No class of men more truly know and feel the force of this dispersing of the illusions of the imagination than politicians; their wish is father to the thought that their candidate will be successful; yes, it is imagination thus fostered by their fondest desire, that paints the brilliant future. Time, meanwhile is passing on; the day, the eventful day, at length arrives; the election is over - the sad reality is known - the illusion is ended - their long cherished hope is no more. - Austin City Gazette, September 8, 1841.

For more than fifty years, that is, from the very period of their political infancy, the prevailing thought in the United States of America has been the acquisition of the greater part of the territory that formerly belonged to Spain, particularly that part which to-day belongs to the Mexican nation. Democrats and Federalists, all their political parties, whatever their old or new designations, have been in perfect accord upon one point, their desire to extend the limits of the republic to the north, to the south, and to the west, using for the purpose all the means at their command, guided by cunning, deceit, and bad faith. It has been neither an Alexander nor a Napoleon, desirous of conquest in order to extend his dominions or add to his glory, who has inspired the proud Anglo-Saxon race in its desire, its frenzy to usurp and gain control of that which rightfully belongs to its neighbors; rather it has been the nation itself which, possessed of that roving spirit that moved the barbarous hordes of a former age in a far remote north, has swept away whatever has stood in the way of its aggrandizement. ¹

Well might the Mexican Secretary of War, Jose María Tornel y Mendivil, reflect bitterly in the spring of 1836 upon the rapid sequence of events which had followed the migration of American colonists into Mexican territory. These events had largely come without warning and therefore were harder to bear. Official Mexico had congratulated itself upon the amicable relations that existed between the central government and the colonists and, conversely, no one was more conscious of his duties and responsibilities as a loyal Mexican citizen than Stephen F. Austin.² The empresarios, as a class, adopted the course set by Austin and pursued a moderate policy throughout all the internal troubles which beset Texas and which finally culminated in revolution. Such men as Frost Thorn, David Burnet, Sterling C. Robertson and others, while they ultimately took part in the struggle against Mexico, were originally anything but firebrand revolutionaries.

It is also evident that the members of the various colonies under Mexican rule were generally happy with their lot. Generous bounties of land, a complete freedom from taxation and the practical enjoyment of religious toleration combined to give Texas the aura of a paradise. The ravages of sickness, the constant fear of Indian attack, the loneliness of frontier life and the general privations incidental to the establishment of new settlements in the wilderness were experiences in which they all had shared, yet spirits were always revived by the natural beauty and fertility of the land.³ The original settlers, because of their common pioneering experience and jealousy of new arrivals, constituted a class by themselves and came to be known as the " Old Three Hundred. " ⁴ This was significant in a political sense because the original colonists maintained their loyalty to Austin throughout his career in Texas. Though at no time did they take the lead in the political sniping that preceded the war, the early settlers were conspicuous by their bravery at the siege of Bexar, the slaughter at the Alamo, and the victory at San Jacinto.

Migration to Texas after the establishment of the major colonies by the empresarios can be traced to a small number of basic reasons, the most important of which was the land hunger current in the United States in the early 1820's. This desire for land was stimulated by the panic of 1819, and by the need to abolish the credit system upon the issuance of national land grants. As a result of the panic many wildcat state banks failed, and paper money was further restricted because of the reorganization of the United States Bank by

Langdon Cheves.⁵ On the other hand, land could be had virtually for the asking in Mexico. The Missouri Advocate, published at St. Louis in 1825, reflected the dissatisfaction with the federal land system and the advantages to be gained by migration to Texas upon observing: " The difference is too great not to produce its effect between a republic which gives first rate land gratis, and a republic which will not sell inferior land for what it is worth." ⁶ Land fever and the resulting passion for land speculation were uppermost in the minds of many who came to Texas in this period.⁷

The prevailing hard times in the United States also contributed to the colonization of Texas in the case of those who left their native states to escape their creditors. Various laws of imprisonment for debt were still on the statute books in many of the states, and a hasty removal to Texas provided a solution for many a harassed debtor. In many of the southern states the expression " Gone to Texas " (or simply G.T.T.) written on the doors of recently abandoned homes gave information that the occupants had departed one step ahead of the local sheriff.⁸ This is not to imply that all who came to Texas in this period were fugitives from justice; the majority of those who did migrate had previously been poor but solvent farmers, residing primarily in the southern states. However, enough undesirables did come to Texas to give some credence to the characterization of the new area as the " Botany Bay " of the United States.⁹

The correspondence of Stephen F. Austin, as a representative empresario, gives a good indication of the reasons

impelling migration to Texas. John Hawkins, a boyhood friend of Austin's, wrote from Missouri:

I can do nothing here more than Live, If there is the Least apperance of my making money directly there is an Execution and Disconsirts all my plans so that I have Intirely quit Trying for any thing more than to Make what we Can comfortably live on - all the Ingenuity that has been made use of against me has Not Deprived me of Living tollerable well and I hope will Not. 10

At an earlier date Samuel Ayres, representing the " Texas Emigrating Society " of Lexington, Kentucky, wrote to Austin informing him that:

This society is composed of Farmers, and Mechanics and Manufacturers, with a few Merchants and Professional Characters. Some of them are wealthy, others have been wealthy, but have fallen Victims to the Changes and difficulties of the time, through the unguarded Policy of our Country, and some are young beginners. 11

Finally, from Mississippi James A. E. Phelps wrote to Austin in this vein:

The emigrating or Texas fever prevails to an extent that your wishes would no more than anticipate - It has pervaded all classes of the citizens of this state and the adjoining; from the men with capital, to the man that wishes to acquire a living. 12

These and many other accounts of the same type confirm the fact that the desire for land and the wish to start life in a new country, free from debt and removed from painful surroundings, were the primary reasons explaining migration to Texas. ¹³

The federal constitution of 1824 represented the fruits of Mexican independence. Both Spanish and American influences were important in the drafting of this document, and it was felt that the principles of republicanism and free immigration, both of which had proven so beneficial to the

growth of the United States, would also aid in the political development of Mexico.¹⁴ The national colonization law under which all foreign settlements in Texas except Austin's first colony were made was enacted by Congress on August 18, 1824.¹⁵ The act fixed certain general regulations for the administration of the public lands and also transferred to the respective states the right of developing the local details of the colonization program. The most important restrictions imposed upon the states by the federal act were: (1) That foreigners should not be settled within twenty leagues of the national boundary nor within ten leagues of the coast without the concurrent approval of both the state and federal executives; (2) That no individual should be allowed to hold title in his own person to more than forty-nine thousand acres of land; (3) That Congress reserved authority at its discretion to stop immigration from any particular nation.¹⁶

In accordance with the terms of the federal act, the legislature sitting for Coahuila and Texas passed a local law dated March 24, 1825. Heads of families who met the requirements of the statute could obtain 4,428 acres of land for the very low fee of thirty dollars, payable to the state in installments of four, five, and six years. Clerical expenses, stamped paper for the title, surveyor's charges and other fees, however, increased the complete cost of such a grant to about two hundred dollars. In order to stimulate the settlement of the vacant lands, the law further provided for the employment of immigration agents who were called empresarios. These men could obtain exclusive contracts for a term of six years to

settle a stipulated number of families in designated areas. Within six weeks or so after the passage of the state law the governor let contracts to a number of empresarios for the settlement of some twenty-four hundred families in Texas. By 1830 there were contracts for nearly seven thousand families, and almost the entire area of eastern Texas was covered by grants to the colonizers. 17

If Texas was a land of opportunity for many financially embarrassed families in the United States, there were two factors which in some degree tended to operate against migration. These two points of contention, the right to bring slaves into Texas and the guarantee of religious toleration, are of great importance in understanding the reticence of many families to remove to Texas. The correspondence of Austin here again proves a good index to the sentiments of the times. A prospective emigrant wrote from Alabama: " The most interesting subjects to the people here appear to be that of Slavery and Religion the latter being a constitutional matter I have no expectation of as early a change But would like to know what is the present state or prospect relative to the admission of slavery." 18 Another wished to know the probable attitude of the Mexican government on the matter of religious toleration:

I wish to know what the feelings of the Gov't. are at this time upon the subject of religion. Will it wink at liberty of conscience and permit good and worthy inhabitants to peaceably assemble and worship their God in the way most agreeable to their feelings without evincing any disposition to make proselytes or to interfere with the prevailing religion of the country. This is a subject of vast importance to the people of these U States and has a most powerful effect in preventing respectable families from removing to your country. 19

In regard to the slavery question, a Mississippi planter commented: " Nothing appears at present, to prevent a portion of our wealthy planters from emigrating immediately to the province of Texas but the uncertainty now prevailing with regard to the subject of slavery... If this be a fact it will check the tide of emigrating spirits at once: and indeed it has had its influence already." ²⁰ Finally, from New Orleans one, Nathaniel Cox, wrote to Austin: " As we have never Exactly understood the nature of your laws relative to Slavery I could not answer many of Mr. Kerr's inquiries on that head, but have assured him slaves have been taken there and held - I hope he will find no difficulty with his, as it would ruin an helpless family should he lose them." ²¹ These and many other inquiries of the same nature addressed to the empresarios indicate the importance of slavery and religious toleration.

It was certain that as American immigration poured into Texas, latent racial and cultural distinctions would come to the surface and cause trouble between the Mexicans and the newcomers. It is true that some scholars of this period have overworked the picture of the shiftless, cowardly, Mexican and the energetic and brave American frontiersman, but it can also be said that in many respects the two groups displayed distinctive characteristics. Apart from the personal qualities of difference, the American settlers were imbued with a heritage of political freedom in contrast to the servitude of the Mexicans under their Spanish rulers. The American political experience had meant participation in government and the frequent and orderly change of governmental officials; the

Mexican experience, in the short span of its independence, had resulted in complete turmoil with one revolution following another in rapid fashion. The factor of the racial and cultural differences is significant in explaining the events that followed. It bred in the early colonists a contempt for their Mexican neighbors and in that respect hastened the ultimate conflict. ²²

In November, 1826, Austin wrote to Baron de Bastrop, the representative from Texas in the federal legislature: " One of the most important subjects to the people of the State of Coahuila and Texas is a speedy organization of the Judiciary on a system which promises permanency, uniformity in the interpretation of laws, and a convenience to the people." ²³ The constitution of 1824 merely provided for the framework of a judicial system and stipulated that the details should be filled in by law. This was done by an act of June 21, 1827, yet no basic improvements resulted in regard to the judicial system in Texas. ²⁴ In his letter to Bastrop, Austin suggested that the alcalde, the local judicial officer, be given adequate and clearly defined powers in order to avoid the time and expense of appeals to higher courts. The act of 1827 provided that in civil suits involving up to \$300.00 the alcalde's verdict was final, but that cases involving larger amounts were subject to appeal to one of the three members of the supreme court which sat at Saltillo. Likewise the alcalde's jurisdiction was supreme in criminal cases when the penalty did not exceed a fine of \$100.00 or imprisonment for more than one month. Verdicts of corporal punishment, however, had to

be referred to the supreme court whether or not the defendant appealed, and such sentences as death, deportation, or ten years at hard labor had to be successively confirmed by two chambers of the supreme court.²⁵ The law made no provision for trial by jury and, as the constitution of 1824 was equally silent on the subject, the colonists were without the enjoyment of this basic right.²⁶

Difficulties over land matters also plagued the colonists in their relations with the Mexican government. Titles to land were not certain and if the local empresario could not provide relief, petitions to the central government were of no avail.²⁷ The short-lived revolt led by Haden Edwards in 1826-1827 was indicative of the underlying causes of resentment. On April 18, 1825 permission was granted to Edwards to settle nearly eight hundred families in eastern Texas, and included in his grant was the important town of Nacogdoches. The site of the grant was particularly unfortunate because the district had previously been occupied by the Spaniards and Spanish land titles still retained their legality. To further complicate the matter, the area in question, the "neutral ground" lying on the border between Texas and Louisiana, had long served as the meeting place of renegades of every description as well as scattered bands of Cherokee Indians. The trouble actually began when Edwards contested the validity of the Spanish land titles, many of which undoubtedly were forged. The attempted mediation of Austin and Baron de Bastrop failed, and Edwards soon proclaimed himself ruler of the "Republic of Fredonia." Alliances were signed with some of the Indian tribes, and the

revolt also received support from desperados on both sides of the border. The outbreak was quickly put down by the Mexican authorities, but the total result was to make the federal government apprehensive of further immigration from the United States.²⁸ Thus the questions of slavery and religious toleration, the fundamental racial and cultural distinctions between the colonists and the Mexicans, and the difficulties over land ownership and speculation, all played their part in precipitating the revolution.

In the summer of 1828 General Manuel Mier y Teran was sent to Texas to observe conditions there after the suppression of the Fredonian rebellion. Vincente Guerrero had since succeeded Gomez Pedraza as president of Mexico, and it had been decided that action would be taken against further disturbances in Texas. In September, 1829 Teran became commanding general of the Eastern Interior Provinces, and therefore responsible for the defence of Texas. It was primarily because of his recommendations that the law of April 6, 1830 was enacted by the Mexican government, an act of exceeding importance in regard to the political relationship between the federal government and the colonists.²⁹ The provisions of the law were well defined: (1) It authorized a loan, secured by the existing duties on cotton and woolen imports, to be used to meet the cost of transporting Mexican colonists to Texas; (2) the coasting trade was opened to foreign vessels for a period of four years; (3) authority was vested in the federal commissioner (Teran) to supervise the execution of the contracts and to see that they did not violate the provisions of the

general colonization law; (4) the general passport law of March 12, 1828 was applied to read that foreigners entering by the northern frontier must show passports issued by the Mexican representatives at their place of residence; (5) the act recognized existing slavery within Texas but forbade the further introduction of slaves into the area.³⁰ General Teran then took up residence in Texas to administer the terms of the decree.³¹

In many respects the law of 1830 represented a turning point for the Texans. The philosophy on the part of the Mexican government which had allowed for unlimited immigration from the United States into Texas was replaced by the provision of the act which attempted to stimulate Mexican colonization as a buffer against the Americans. The unrestricted right of slave ownership within Texas was destroyed by the article relating to slavery,³² and the monopoly that the colonists had enjoyed in regard to the coasting trade was also abolished. The clause concerning immigration was a practical recognition by the Mexican government of the differences in temperament that existed between the native Mexicans residing in Texas and their American neighbors.³³ More important, the act seemed to destroy Austin's faith in the intentions of the central government. From this point on until his decision to back the movement for war in 1835 his loyalty to Mexico suffered. At the same time, the discerning among the colonists began to realize that Texas would never have peace under the Mexican flag. The conception became widespread that the continual revolutions in Mexico would result only in a steady flow of

new rulers and different acts all bearing upon Texas.³⁴

In accordance with the terms of the new law, General Teran proceeded to establish military garrisons throughout Texas. One of these, the post at Anahuac on Galveston Bay, was commanded by Colonel John Bradburn, an American, formerly from Kentucky. Perhaps the colonists felt particularly angered at the sight of one of their fellow countrymen in the role of a Mexican official, but in any event trouble soon occurred at Anahuac. William Barrett Travis, as an attorney for a Louisiana slaveholder, attempted to recover two runaways, and for this Bradburn forced his arrest. Patrick C. Jack, who it seems had incurred Bradburn's displeasure as a result of a series of practical jokes, was then held on a trumped up charge. Both Jack and Travis were very popular in east Texas and a force soon started to their rescue. The insurgents sent to Brazoria for two cannon and a skirmish took place at Brazoria between the colonists and the Mexican troops stationed in the area. The Mexicans were forced to withdraw and the Texans then drew up the "Turtle Bayou Resolutions," by which they pledged their support to the cause of Santa Anna in a general revolt against the principles of centralism. This took place in June, 1832 and on August 22, the alcaldes of San Felipe issued a call for a general convention to meet October 1. This was the first in the series of conventions that preceded the final declaration of independence.³⁵

Fifty-eight delegates assembled at San Felipe in October and elected Austin as president, over the candidacy of William H. Wharton. Patrick Jack was present, representing

the District of Liberty, as was Philip A. Sublett, for the District of Ayish Bayou, but other than these two men and Wharton, the convention was controlled by the moderate elements.³⁶ Committees were appointed to prepare memorials to the national and state governments on the following matters: (1) To secure repeal of the decree of April 6, 1830 in regard to immigration from the United States; (2) to petition for a uniform tariff exemption; (3) to petition for a separation from Coahuila and the establishment of state government in Texas. The vote on the demand for statehood stood thirty-six to twelve in favor of the measure, and it is significant as the first test of strength between the temporizing forces led by Austin and the insurgents represented by Wharton. The date is still too early to refer to the Wharton and Austin factions as the " War " and " Peace " parties, for differences at this point were more on the basis of personalities than on political principles, but it can be said that alignments were forming.³⁷

The period from October, 1832 to April, 1833 was one of relative tranquility in Texas. Jonas Harrison, a prominent settler of the Teneha district, wrote to Austin: " The idea of a separate, distinct, and independent government I do not believe exists in the mind of any man of common sense in the district. Nor do they want to belong to the United States of the North, there are some few exceptions to this last opinion, but not many, scarcely one to ten." ³⁸ A week later Harrison returned from a trip to the Ayish Bayou district and reported that the inhabitants there, " deprecate the idea of being

independent of the Mexican Republic, Their sole wish is to be dependent on it, and to afford it all the support and protection in their power - to protect all its rights and interests, and in return to participate in all its benefits and advantages, and particularly of its liberal policy in relation to its lands." ³⁹ On the other hand, so discerning a political observer as Sam Houston wrote to the President of the United States that in his opinion, " Texas will by her members in convention by the 1st April, declare all that country as Texas proper, and form a State Constitution." ⁴⁰ Differences of opinion were current, but the interim prior to the convention of 1833 allowed for the further molding of public opinion.

In January, 1833 the Central Committee, a standing committee of citizens elected at the convention in October, issued a call for another convention to meet on the first of April. Austin was in Bexar at the time, but hurried back to attend the deliberations which were again held at San Felipe. The roll call of delegates assembled at the tiny village gives a good indication of the political development at this point. Wharton was elected president, defeating Austin for the office, and other prominent members of the radical group such as Patrick C. Jack, Philip Sublett, Robert McAlpin Williamson, and Sam Houston were very much in evidence. ⁴¹ The delegates first drew up a provisional constitution and petitioned the federal congress for approval of the document. The petitions against the anti-immigration clause of the act of 1830 and for general tariff exemption were repeated. Sam

Houston was appointed chairman of the committee that drew up the provisional constitution, and David Burnet received the appointment as chairman of the group that prepared the memorial arguing for approval of the constitution and consequent organization of state government. Finally, to place these proposals before the national congress, Austin, Dr. James B. Miller, and Erasmo Seguin, a native Mexican friendly to the Texans, were elected to make the journey to Mexico City. Miller and Seguin were not delegates at the convention and had no taste for the trip, so Austin was left to travel alone. 42

Just prior to his departure for the Mexican capital, Austin expressed his sentiments in regard to the existing situation in a letter to a favourite cousin:

Should this application be refused it will be the greatest error ever committed by the Mexican Government. Texas is now in the budding, and impulsive vigor of youth, and a wise direction of its energies will make it one of the most efficient, faithful, and devoted States of the Union. But, under dissapointment it will be an unmanageable and wayward child. For young as it is in some respects, it is far advanced in energy of character, and an unbending determination of purpose. In short, Texas is determined to have a state Government. 43

Austin was in a difficult position as he set out on his journey, for many of the settlers doubted his enthusiasm for the mission and others were personally jealous of his position. That the commissioner, himself, was aware of this can be seen in a letter he directed to James Perry:

There is, I am told, some uneasiness that I shall not insist on the approbation of the constitution as formed by the late convention - I shall try and get the law of 6 April 1830 repealed and a declaration that the people of Texas may legally convene in convention to make a constitution - This much I expect to effect and no more... no one need have any

fears that I will compromise Texas improperly - The interest of Texas is my interest... Unfortunately we have some personal parties amongst us - but this is an evil that will correct itself in time. 44

Austin left Texas in late April and arrived in Mexico City in the middle of July. On August 1, he filed his petition in support of statehood for Texas with Carlos Garcia, Minister of Foreign Relations, and then occupied himself with attending the sessions of the national legislature. In Texas the people continued to watch his course of action with great interest, the suspicion of his sincerity lingering still. 45

Meanwhile in Mexico City the messenger from Texas chafed under the parliamentary delay for which the Mexican government was already famous. Congress showed no disposition to deal with the memorials from Texas and, to add to his woes, an epidemic of cholera broke out in the city which forced Congress to recess until the end of September. In August, Austin wrote to his cousin, John Austin, " I think the decision of Congress will be in favor of a State, but I fear they will send it to other States for their approbation, this will cause some delay, tho my friends here think it will be dispatched by the first of January." 46 Congress resumed its sessions, but again showed no evidence of coming to grips with the Texas problem. This dissapointment, coupled with the fact that he himself was in poor health after an attack of the cholera, led Austin to pour out his disillusionment and chagrin in a letter to J. Miguel Falcon, the Mexican political chief at San Antonio. Writing this letter was an unfortunate act, for it was ultimately responsible for Austin's arrest and detention

in the capital. In his communication to Falcon, Austin took note of the existing situation, and then observed:

In this state of affairs I recommend that the ayuntamientos of Texas place themselves in communication with each other without a moment's delay for the purpose of organizing a local government for Texas, as a state of the Mexican federation according to the law of May 7, 1824, so as to have everything in readiness to effect the organization in union and harmony as soon as it is known that congress has refused its approval. This step is indispensable as a preparatory measure for there is no doubt but that the fate of Texas depends upon itself and not upon this government. 47

A copy of this letter in time reached the Minister of Foreign Relations, Garcia, and Austin was arrested at Saltillo on January 3, 1834. He was taken to Mexico City and on February 13 was placed in solitary confinement in the old Inquisition prison.

Affairs respecting Texas took a turn for the better early in 1834 because of internal Mexican politics. Santa Anna, whose fame rested on his military exploits, placed Gómez Farias in the presidential chair while he himself for all practical purposes ruled Mexico. The new dictator styled himself a true liberal, and to give stature to this conception Farias secured the passage of legislation looking to the abolition of clerical taxes and to the equal distribution of land taxation in Mexico. Santa Anna was also active in posing as a reformer who would aid the disgruntled provinces in their disputes with the central government. 48 In this light the repeal of the anti-immigration clause of 1830 was announced simultaneously with Austin's arrest, and there was also a promise of tariff exemption at a later date. During the following spring the national legislature granted to Texas many basic

basic and long-desired reforms. It increased local autonomy by creating four new municipalities at Bastrop, San Patricio, Matagorda, and San Augustine and by creating the political department of the Brazos and Nacogdoches. Texas was given an additional representative in the federal congress, so that three members would represent the province at Mexico City. The congress also passed a law permitting the use of English in legal documents and, as a rider to an insignificant land law, passed the declaration that no person should be molested for religious opinions provided he did not disturb public order. Finally, the legislators passed a judiciary act which gave Texas appellate circuit courts and granted the right of trial by jury.⁴⁹ Thus, by the reforms of 1834 the standing complaints against religious conformity, a faulty judicial system, and the restrictions against immigration from the United States were lifted, and the colonists looked upon Santa Anna as a liberator. The revolution would come, much in the fashion of the American revolution, when Santa Anna would be referred to as a "petty tyrant."

With Austin in prison, party alignments became more discernable in Texas. From his cell Austin unburdened his feelings to a trusted friend:

It is very likely that I may be hammered and pummeled about for a year before I get home again, but I think that good will come of it for Texas. The April law is repealed and before I quit the matter I hope to see some other remedies. I did not like the manner this question was started I wanted Bexar to take the lead - but so it is - you must all now harmonize more with Bexar and Goliad and have union - and no more party spirit. I suppose that some of my enemies in the colony will rejoice at what they think or hope will be my ruin - no good man will envy them their joy, nor participate in it. 50

Austin was determined to take his imprisonment philosophically, but as the months passed by and there was no attempt on the part of the political departments in Texas to petition for his release, he grew increasingly bitter. Writing to Oliver Jones he stated his belief that, " a mild and respectful representation from the Ayuntamientos of Texas " would secure his freedom. Rumor led him to believe that his personal enemies were plotting against him in Texas but he did not believe that his friends would also desert him, " a few may do so, but not the mass - not the farmers - the honest and sound part of the community." 51

In this surmise Austin was probably right, but it is true that a concerted opposition to him did exist in the person of the faction led by William H. Wharton. In the fall of 1833, John Wharton, William's brother, established the newspaper, The Advocate of the People's Rights, published at Brazoria. The paper appeared very irregularly from November, 1833 to February, 1834 and its columns were dedicated to an attack of the " watchful waiting " policy adopted by Austin.⁵² The Wharton faction pressed for a less conciliatory attitude toward the central government, and therefore was opposed to Austin's program. 53

While Austin was in prison, events transpired at Monclova, a political department within the state of Coahuila-Texas, that had a direct bearing on the approaching revolution. The state legislature, meeting at Monclova, passed laws of March and April, 1834 which gave to the governor the sole right

of disposing of lands in 400 league units to individuals in Texas. ⁵⁴ A similar law was enacted on April 19, 1835 and under the terms of these enactments the public lands in Texas were made the subject of a particularly notorious speculation. These laws were quickly vetoed by the federal congress, but again the internal distresses of the nation had a distinct reaction in Texas. The laws had resulted from the renewal of a quarrel between the districts of Saltillo and Monclova as to the location of the capital of the state of Coahuila-Texas. The government at Monclova was hostile to Santa Anna, and thus had sanctioned the speculations in an attempt to provide funds in order to defend the established state government against the attack of Santa Anna. Shortly thereafter, General Cós, Commandant General of the Eastern Interior Provinces and the son in - law of Santa Anna, declared the laws of 1834 and 1835 unconstitutional, and proceeded to arrest the governor of Monclova, the legislature having adjourned just prior to his raid. ⁵⁵ The immediate reaction in Texas was one of complete disgust at the shameful speculations in land sanctioned by the Monclova legislature. ⁵⁶ Also the belief was becoming widespread that Texas should free herself of the continual internal warfare that beset the Mexican government.

Politically the Monclova speculations dealt a damaging blow to the Austin group. Chief among those present at the sessions of the state legislature had been Samuel Williams, private secretary to Austin, and business agent for his colony. Williams, as a Texas representative in the legislature, introduced the law authorizing the sale of land up to four

hundred leagues, and he ultimately received a handsome share of the profits. It is certain that other men were associated in the Monclova speculations, such as Ben Milam, James Bowie, General John T. Mason(representing a New York land company) and others, but there were no prominent men of the Wharton faction implicated. ⁵⁷ This fact was of great importance in the political alignments prior to the revolution since it was well understood that Williams had always acted with Austin's sanction, and that the two men were personally very friendly. That Austin was aware of the damage done by William's participation in the Monclova affair can be seen by a later letter to Williams. The two had become estranged and when Williams pleaded for a reconciliation,

those cursed Monclova speculations and Contracts by which you have involved yourself and friends and country in evils which you certainly never even drempt of and know nothing of now... you spared no kind of pains to precipitate the country into war immediately, an event which you must have known would have perpetuated my imprisonment indefinitely - you also must have known that all the odium of those things, would be cast on me by the envious and slanderous owing to our long friendship and relations. ⁵⁸

The important result of the speculations was that those who had been at Monclova wished to make their transactions good by a declaration of independence from Mexico. Thus the Wharton group, while not being tainted with the odium of the speculations, at the same time secured the support of a small but vocal group desiring revolution. ⁵⁹

Events moved rapidly to a climax in the turbulent province of Texas. Austin was released from prison upon petitions from San Felipe, Matagorda, and Liberty, and in July, 1835 left

for Texas by way of New Orleans. In Texas, however, the colonists were alarmed by the display of Santa Anna's true colors. In January, 1835 the Mexican congress in accordance with the dictator's wishes took the first step by deposing President Farias. On March 31, the legislators passed a law reducing the militia to one man for every five hundred inhabitants, thereby ending effective opposition from the individual states of the union. On May 2, congress passed the extraordinary declaration that it possessed in itself the sovereign power to set aside the constitution of 1824 for the supposed good of the nation.⁶⁰ In respect to Texas, General Cós was continued in his position as Commandant General of the Eastern Interior Provinces and Colonel Ugartechea was created Commandant in Texas. Finally, the tariff exemptions that had been granted in 1832 for a period of two years expired, and the customs houses along with the accompanying soldiery were revived. The colonists were now forced to pay a duty on most imports, and a profitable smuggling trade to the interior that should have paid duty at Matamoras was effectively choked off.⁶¹

In January, 1835 Captain Tenorio with a detachment of soldiers and a customs collector arrived at Anahuac to reopen the customs house. A deputy collector was stationed at Brazoria and trouble soon developed. Andrew Briscoe, a local merchant, refused to obey the tariff laws because he felt that the laws were not being enforced on a uniform basis throughout Texas. He showed his contempt for the Mexican soldiery in a series of practical jokes, one of which led to the arrest of himself

and a friend. News of the arrest reached San Felipe, and on June 22 a meeting was held at that place to discuss the matter. Meanwhile General Cós assured Tenorio that Ugartechea was on his way to aid the garrison at Anahuac. The colonists somehow got wind of this and decided to act first. Captain William Barrett Travis delivered an impassioned speech at San Felipe, enlisted volunteers, and forced Tenorio to surrender.⁶² Upon his return to San Felipe, Travis found that his course of action was condemned by many, and that the moderate group still retained the upper hand. A letter from Travis to James Bowie, also a member of the group desiring immediate independence, gives a good indication of the political conditions of the time. Writing from San Felipe, Travis commented:

... the people are much divided here. The peace-party, as they style themselves, I believe are the strongest, and make much the most noise. Unless we could be united, had we not better be quiet, and settle down for a while? There is now no doubt but that a central government will be established. What will Texas do in that case? ... I do not know the minds of the people upon the subject; but if they had a bold and determined leader, I am inclined to think they would kick against it.⁶³

The situation in San Felipe was common to the greater part of Texas. Meetings were held throughout the province attacking the action taken by Travis and asserting the loyalty of the individual communities. In many cases the proceedings of these meetings were broadcast in the hope that the Mexican government would recognize the feelings of the majority of the settlers.

Against this uncertain background Santa Anna overplayed his hand in ordering the arrest of Travis, Williamson, Samuel Williams, and others who had been conspicuous in the recent

disturbances. General Cós refused to receive a peace mission until the men were delivered up to him and, at the same time, he announced his intention to assume command in person at San Antonio. On August 20, at Columbia, a committee of fifteen issued a call for another convention. The plan called for five delegates to be elected from each precinct within the political departments of Texas, and upon their election to meet at San Felipe on October 15. The impetus for this new convention came from the Wharton party and it marks their high point of influence in Texas prior to the revolution. ⁶⁴

The town of San Felipe itself, however, was controlled by the moderates and passed resolutions against the convention. Moreover, as the capital of the department of the Brazos and associated with the policy that Austin had always advocated, its attitude was of supreme importance in regard to the wisdom of another convention. Uncertainty prevailed in Texas but deliberations were put aside with the return of Austin. He landed at Velasco on September 1, and a public dinner was accorded him in his honor at Brazoria. Here he endorsed the convention without reservation and implied that in his mind war was inevitable. His complete approval of the plan set in motion by the Wharton group acted to unite the colonists on the necessity of preparation anticipatory to war.

On September 21, Austin announced the information that General Cós had landed at Copano with a large force, and that a group of Texans were gathering at San Antonio to prevent a meeting of Cós and Ugartechea. The latter officer was then at Gonzales, and demanded possession of a cannon which belonged to the citizens at that place. The demand was refused and on

October 2, the Texans attacked the Mexican garrison under Castinado, the ranking officer at Gonzales. The Mexicans were forced to retreat toward San Antonio, and the Texans had won the first skirmish of the war. These developments made necessary the formation of an army even prior to the meeting of the convention, and Austin took the lead in creating a central committee. At his suggestion each municipality appointed one member to sit on a general council, and the sessions of the regular convention were then postponed until November. The general council, in the interim, elected Richard R. Royal of Matagorda as its president and designated Austin as Commander of the Texan army. ⁶⁵

The new commander decided to advance against San Antonio, but in the meanwhile things were going poorly indeed for the council. Some of the delegates elected preferred to join the march to San Antonio, and those who met at San Felipe threatened to adjourn because of the absent members. Royal, who was having a difficult time of it, wrote to Austin that the delegates were like, " Volunteers in Camp(Very Restless) and much is said about going home... our Proceedings have not had general Circulation all these circumstances render it necessary if not Indispensable to so arrange that the members Return to Hold the Convention as Speedily as Possible. " ⁶⁶ If this report failed to cheer Austin, it was only of a piece with his general situation. William Wharton, in the interests of unity, had consented to accept the office of judge advocate general in the Texan army, but in a fit of pique he resigned. Bowie and Travis disagreed with their commander on the plans

for the siege of San Antonio, while Sam Houston, disgruntled at not receiving command of the army, sulked at San Felipe. ⁶⁷

The convention or " general consultation " as it was also called finally met at San Felipe on November 3, and drew up a declaration defending their actions against the Mexican government. The issue of complete independence was debated, and the Wharton group mustered support from Alexander Horton and Sam Houston, both representing the district of San Augustine, Wyly Martin, of San Felipe, and Judge Williamson, ⁶⁸ from the district of Mina. Don Carlos Barrett, also from Mina, argued the necessity of conciliating the Mexican Federalists, the enemy of Santa Anna, and stressed the fact that an absolute declaration of independence would only serve to unite all factions in Mexico against the Texans. ⁶⁹ The selection of Branch T. Archer as president of the consultation represented a victory for the moderates, and the conventional wording of the declaration of causes as well as a resolution endorsing the constitution of 1824 indicate the mild temper of the convention. ⁷⁰ A provisional government was created consisting of a governor, lieutenant governor and a general legislative council, all the officers of the new government to be elected by the delegates at the convention. On November 12, the group elected Austin, Archer, and William Wharton as commissioners to the United States to enlist monetary aid and general sympathy for the cause of Texas. The organization of a regular army was provided for, and Sam Houston appointed its commander. Then, just before its adjournment, the consultation agreed to meet again on March 1, 1836.

The Wharton party, though it failed to secure a declaration of independence, did gain two notable victories in the appointment of Sam Houston to command the army and the election of Henry Smith as Governor. Smith, representing the district of Columbia at the convention, came to Texas in 1827. He taught school for a livelihood and had held a few minor political offices. He was not a major figure in the Wharton camp, but he had been identified with that group since the convention of 1832. Smith was selected because unlike Williamson or John Wharton he was acceptable to the moderate elements at the convention. The Wharton people were assiduous in contending that Austin could not be spared from the army, and that the position of governor entailed less responsibility. From here it was an easy step to claim that Austin's services would be of greater value as a commissioner to the United States, and to champion Sam Houston as commander of the army in the field. ⁷¹ Houston's military reputation was known and it was felt that his friendship with President Jackson would be of aid to the Texans. Whether Houston conspired in the defeat of Austin for the governorship is not known; it is certain that he held a small opinion of the latter's military abilities, and that he had violently disagreed with Austin's plan to storm Bexar. This test of party strength at the consultation was unique, for the delegates voted for measures rather than men, a state of affairs not often duplicated during the period of the Republic. ⁷² In a short while Austin, Archer, and Wharton set out for the United States, and the provisional government was left with the

problems of waging war.

A bitter fight soon broke out between Governor Smith and his council. The Lieutenant Governor, James Robinson, sided with the council, and the quarrel became so intense that Texas was without a governing body worthy of the name. It was apparent that Smith was a domineering type. Colonel William Fairfax Gray, a native of Virginia travelling in Texas, was introduced to Governor Smith in February, 1836, and recorded the experience in his diary:

My impression of Governor Smith is, that he is a strongly prejudiced party man. Too illeterate, too little informed, and not of the right calibre for the station he has been placed in. Organs of self esteem and combativeness large; perceptive faculty good; intellectual small; little reflection or imagination; no reverence. 73

Military questions were the roots of the difficulties between Smith and his council. It will be remembered that the " declaration of causes " had affirmed an attachment to the principles of the Mexican Federalists, and in time one of the leading opponents of Santa Anna, General Jose Antonio Mexia, offered his services to the Texans. The dilemma that confronted Smith was at once obvious because he, as a supporter of the Wharton party, was wedded to the idea of independence and thus could not reconcile himself to an association with the Federalists. Mexia won the endorsement of Austin prior to the commissioner's departure, and a resolution was adopted by the council stipulating that supplies should be provided to the Mexican military leader and a force to be raised by him. Smith denounced the council's action in a strong veto message, but the resolution was then passed over his veto. Mexia, fully

aware that he would never have the undivided backing of the provisional government, abandoned the expedition and returned to exile in the United States. ⁷⁴

In the meanwhile Bexar had fallen to the Texans. In the interim between Austin's resignation as commander of the army and Houston's appointment, Edward Burleson had served as commanding officer. A variety of plans were suggested to him for the capture of the Mexican fort and, as is characteristic of all volunteer armies, the soldiers remained disgruntled and restless. Finally the old frontiersman, Ben Milam, took matters into his own hands. His challenge, " Who will follow old Ben Milam " proved hard to resist, and some three hundred soldiers attacked the Mexican position. The battle raged for four days and on December 9, the Mexicans under General Cós were forced to surrender. ⁷⁵ The engagement was a complete success for the Texans though, ironically enough, the only man lost was Milam. The Mexicans suffered a heavy loss of life, and the defeat at San Antonio, coupled with the fact that the Texans had occupied Goliad and Gonzales, forced Cós to abandon Texas completely. The next Mexican army to appear in Texas would be led by Santa Anna.

The victory at San Antonio is also important in understanding the main point of contention between the governor and council. In a message delivered on December 19, Smith called attention to the expense of maintaining an idle army and, though he did not expressly say so, the governor implied that a Texan expedition directed against Matamoras would effectively secure

independence. Interestingly enough, a military committee appointed by the council also recommended that the army be kept busy by an attack against the Mexican city. The committee noted that the army could not afford to remain idle because it would create the impression in the United States that no further volunteers were needed, and also because it would allow the enemy time in which to fortify the Rio Grande frontier at Laredo and Matamoras.⁷⁶ Still, although the Matamoras project was popular with all concerned, the governor and council could not agree as to the leadership. General Houston, as the top ranking military officer, was the logical man for the position, but he was opposed to the idea, probably because he felt the council would not effectively back him up. The Commander, who suffered in his relations with the council because of his political affiliations with Smith, had written to the governor that the chairman of the military committee, "has interposed every possible obstacle to the organization of the army; and, so far as I am identified with it, to delay the placing of Texas in a proper state of defence."⁷⁷ Houston instructed Bowie to undertake the expedition, but he also refused, and the council then appointed Francis W. Johnson, who started for the Mexican frontier and then turned back. The command was next offered to James Fannin, but he could not raise the necessary number of volunteers. Finally, the affair took on comic opera aspects when Houston and Johnson changed their minds once again and secured the sanction of the governor and council respectively to undertake the march. The

net result of the entire episode in its military aspects was that neither of the would-be commanders could enlist enough men to commence operations. Houston, in complete disgust, had Smith appoint him as a commissioner to the Cherokees to negotiate a treaty of alliance; Johnson marched on to San Patricio and encamped there with about a hundred men, and Fannin went into quarters at Goliad. This issue of a Mexican expedition was to plague further efforts of the Texans in their bid for independence.

On January 6, Smith received a letter from Houston that proved to be the proverbial last straw. Enclosed in the communication was a report from Lieutenant-Colonel James C. Niel at Bexar. Niel complained that Francis Johnson had rifled all the provisions and clothing at Bexar before proceeding on to San Patricio, and that as a result the men at San Antonio were suffering from want of supplies. Houston implored Smith to, "send supplies to the wounded, the sick, the naked, and the hungry, for God's sake." ⁷⁸ Smith, regarding Johnson's act as a direct challenge to his authority, and suspecting that the council was in agreement with what had transpired, called a secret meeting of that body. He then read them a blistering lecture, accusing the members of the council of playing politics and of impeding the war effort. The council, in turn, created a committee to consider the governor's message and to draft a general course of action. The committee report stated that the members of the council were sovereign and that Smith had violated the national constitution of 1824 and was thus deposed. The Lieutenant Governor, James Robinson, was created

acting governor, and the commander in the field, the agents in the United States, and all other officials of Texas were made responsible to him. ⁷⁹ Smith, completely beside himself, wrote to Robinson accusing him of being a "stranger in the country," and observing that the council, "did not make, nor can they break me; nor can you, with all the plastic power of your council chamber, upon what you may vainly conceive to be my ruin." ⁸⁰ The dispute ran its bitter course. Smith refused to give up the archives of his office, and the council continued to meet at irregular intervals.

The Texas citizens reflected the dissensions of their leaders. From his camp site at Burnham's on the Colorado river, Travis wrote feelingly to Smith, "The people are cold and indifferent - They are worn down and exhausted with the war and in consequence of dissensions between contending and rival chieftians, they have lost all confidence in their own Govt." ⁸¹ The important fact was that the people were moving toward a united front on the question of independence, and in deposing Smith because of his alleged abuse of the constitution of 1824, the council displayed a woeful ignorance of the prevailing sentiment. As early as January 6, Lieutenant-Colonel Niel, writing from his command at Bexar, said:

I will say all to you that I know about the feelings of the Citizens of this place on the subject of Independence - they know not whose hands they may fall into, but if we had a force here that they knew could sustain them I believe they would be $\frac{3}{4}$ the Americans and go for Independence and claim all to the Rio del Norte as they know we want it and will have it. ⁸²

Smith, himself, soon after his removal from office felt that, "an unequivocal Declaration of Independence will save

the country & that is all that can. " ⁸³ Many Texans reasoned that the war had already begun and that the matter of independence in reality was only splitting hairs. Ira Lewis, a prominent settler who had been a delegate at the consultation of 1835, must have reflected the majority opinion in Texas when he commented, " ... the consequences to Texas will differ but little, whether we fight for Independence, or State rights, for in either case we must fight and whip Mexico. " ⁸⁴ Such was the rising sentiment, in fact, that when the matter of independence was debated in March, 1836, the outcome was almost a foregone conclusion.

In the interim between the collapse of the provisional government and the meeting of the delegates in March, military affairs occupied the attention of the Texans. On February 1, Santa Anna set out for Texas at the head of six thousand men. Upon reaching the Rio Grande, he dispatched General José Urrea to Matamoras for the purpose of engaging the force under Johnson and his principal aid, Grant, at San Patricio. The army commanded by Santa Anna then left the Rio Grande and reached San Antonio on February 23. Travis and Bowie were still at San Antonio with some one hundred and fifty men and Fannin remained at Goliad. Urrea marched against San Patricio and on March 2, won a decisive victory, both Johnson and Grant losing their lives in the battle. Fannin, upon hearing of the defeat at San Patricio, sent out companies under Captain Amon B. King and Major William A. Ward to engage Urrea in skirmish actions. Then on March 11, Houston reached Gonzales and ordered Fannin to retire to Victoria on the Guadalupe river. In

characteristic fashion the impetuous commander disobeyed orders and preferred to await the return of King and Ward.⁸⁵ Fannin finally commenced his march on March 19, and was quickly attacked by Urrea. Upon the promise of amnesty and treatment in accordance with their status as prisoners of war, Fannin surrendered his troops on the 20th. The men were then marched back to Goliad where they were joined by a contingent of American volunteers who had been captured at Copano. On Palm Sunday, March 27, the Texans and the recent arrivals from the United States were taken out and massacred. This was the first example of Mexican treachery and helps to explain the fearful desire for revenge at the battle of San Jacinto.

Santa Anna, it will be recalled, reached San Antonio, February 23. The Texans stationed there had taken refuge in the Alamo Mission. Santa Anna caused a flag of truce to be flown and then demanded the surrender of the fort; Travis, commanding the Texans, answered with a cannon shot. It is said that the notes of the degeullo, the mediaeval announcement that no quarter would be shown, were then blown and the siege of the Alamo began. The heroic conduct of Travis, Bowie, Crockett, and others is too familiar to require narration. It is sufficient to recall that after a glorious defense the fort fell on March 6, four days after the Texans had declared their independence. The capitulation at Goliad followed, and the retreat of the colonists toward the American border began in full scale. This was roughly the military situation prior to the battle of San Jacinto. For an understanding of the political situation prior to Houston's major victory, it is necessary to turn to

the convention of March, 1836, called to declare Texas independent from Mexico and a nation in its own right.

From New Orleans, Stephen F. Austin wrote to Houston in January, 1836, that, " a question of vital importance is yet to be decided by Texas, which is a declaration of independence. " Austin then observed that though he had reservations as to independence when he left Texas, now he wished to see the colonists, " free from the trammels of religious intolerance and other anti-republican institutions, and independent at once. " ⁸⁶ This letter put Austin's seal of approval on the approaching convention. It was common knowledge that the Wharton party was eager for an outright declaration of independence, and thus the election of delegates to the convention turned on the candidates' positions in regard to the existing situation. The discerning among the electorate must have realized that unless the Texans went for independence and created a new government which could bestow benefits in land, the high ratio of volunteers from the United States would be greatly curtailed. ⁸⁷ Also, letters from Austin, Archer, and Wharton in the United States stressed the importance of independence as a talking point which they might use in negotiations with undecided capitalists. ⁸⁸

In the eyes of a traveller, Washington on the Brazos was a dismal place indeed:

It is laid out in the woods; about a dozen wretched cabins or shanties constitute the city; not one decent house in it, and only one well defined street, which consists of an opening out of the woods. The stumps still standing. A rare place to hold a national convention in. They will have to leave it promptly to avoid starvation. ⁸⁹

The delegates assembled and elected Richard Ellis,

representing the district of Red River, to be the presiding officer at the convention. On March 2, the declaration of independence was drawn up and unanimously signed by the members present; those delegates who arrived late signed it as they came in. The delegates took no official notice of the dispute between Smith and the council, but merely demanded the transfer of the archives to the convention as the official government. On March 4, General Houston was confirmed in his position as Commander of all the military forces, and all able-bodied persons between the age of seventeen and fifty were declared liable to military duty. An appeal to the United States for men, money, and supplies was announced, and liberal land bounties were offered to those who would volunteer their services in the cause of Texan independence. 90

Though there was complete agreement on the matter of independence, there were areas of contention among the delegates. The wisdom of pledging the lands of Texas as security for any loan floated in the United States by the commissioners was debated, as well as an extra-liberal land policy which would benefit the volunteers as against the old settlers. Gray noted that, " the land question also requires much log rolling to make it suit the existing interests or selfish views of members. " 91 After a prolonged debate, laws were passed which authorized the commissioners to contract a loan of one million dollars in the United States and which stipulated that the sale of public lands in Texas should cease until the war was over. The convention then labored all day and night of the sixteenth

and drafted a constitution for the new state. The delegates provided that the new government should have a president, vice-president, and a congress of two houses. An ad interim government was also created which would serve in the existing emergency.⁹² A judicial system was established, based on the constitution of the United States, and the new nation was divided into local areas for governmental purposes.

The main question of political importance at the convention centered around the election of officers to the ad interim government. As all were united on the choice of independence, attention was directed on personalities rather than issues. There were men with previous legislative experience to choose from among the comparative newcomers from the United States, and it can certainly be said that this was the most talented assembly in Texas prior to the formation of the Republic. Such men as Robert Potter and Samuel Carson, both of whom had served in the North Carolina legislature, and Thomas Rusk, a personal protege of Calhoun's prior to his migration to Texas, gave a definite luster to this convention.⁹³ In addition there were those such as David Burnet, Sam Houston, and the Mexican liberal, Lorenzo De Zavala. These and others like them had been in attendance at the previous deliberations, and already were a trifle contemptuous of the recent arrivals from the United States.

As early as March 8, Gray observed in his diary that, " the evil spirit of electioneering is among them for the high offices in prospect, " but actually the presidency of the ad interim government went by default. William Wharton, as the leader

of the independence party prior to the convention, was the logical man for the position, but in a letter written from Nashville to Henry Smith he had made known his wishes, " In the new Organization I will have nothing to do with the Executive post. I prefer the post I am now in to any other if they choose to keep me in it. " ⁹⁴ It was also felt that Austin wished to remain in the United States, and the Monclova speculations still rankled in the minds of many to further disqualify him. The convention had also purposely forestalled the chance of Houston's election by confirming his military rank as head of the Texan armies. Thus, with the three most prominent candidates disqualified, the convention elected David Burnet as President of the ad interim government.

Lorenzo De Zavala was made Vice-President and Samuel Carson was chosen to fill the office of Secretary of State. The cabinet was completed with the selections of Bailey Hardeman as Secretary of Treasury, Thomas Rusk as Secretary of War, Robert Potter as Secretary of Navy, and David Thomas as Attorney General. The officers of the new government were sworn in at 4 o' clock the morning of the seventeenth, and the convention adjourned the following day. Provision was made for ratification of the constitution by the people on September 1, and on the same date the first permanent officers of the new government would be elected. ⁹⁵

The news of the fall of the Alamo had reached the convention during its sessions and upon adjournment many of the delegates joined the general populace in the retreat toward Louisiana. This episode has come down in Texas history as the " Runaway

Scrape, " and it marked the low point of the war before San Jacinto. It rained steadily for some two weeks as the settlers fled from the oncoming Mexican army, and those immigrants who reached Texas at just this time prepared to turn back. Gray, who upon leaving the convention was caught up in the panic, has left this graphic description:

Passed a number of people on the road flying from the invasion, and seeking a place of safety east of the Trinity. At the ferry were large crowds, all seeking a passage across for the same purpose, with their wives, children, negroes, horses, carts, wagons and droves of cattle. These they were trying to force to swim across the river. 96

Meanwhile, Houston had left for the west and gathered together the remnants of the Texan army. As far as his intentions can be learned, he intended to make the Colorado river his line of defence and to wait there for reinforcements and news from Fannin. The sad tidings of Goliad reached him on the twenty-fifth, and hoping to avert an engagement with General Sesma, who was advancing to Bastrop on the Colorado, he decided to retreat to the Brazos. The Texan commander was severely criticized at a later date for the failure to attack General Sesma, but Fannin's defeat at Goliad ultimately allowed General Urrea to join forces with Sesma, and a pitched battle under those circumstances would have been disastrous for the Texans. 97

Continuing his retreat along the Brazos, Houston hoped to risk everything on a single decisive blow, and thus waited for the most favorable moment to attack. His motives were suspect and he was openly taunted with charges of cowardice by a few of his senior officers. It was known that General Edmund Pendelton Gaines was encamped at the Louisiana border,

ostensibly to guard against Indian depredations. There were many who believed that Houston, in accordance with an understanding with Jackson, would continue the retreat into the territory of the United States and thus lure the Mexicans into a clash with American troops. ⁹⁸ The cabinet officers of the ad interim government, themselves engaged in the wholesale retreat, added to Houston's woes by frequent visits to the army and by admonitions to stop and fight. Houston expressed his anguish in a letter to the Attorney General, David Thomas, explaining that when he promised to keep the enemy from crossing the Brazos, " I did not intend to convey the idea that either the army or myself possessed powers of ubiquity; but that they should not pass through my encampment. " Houston then expressed his hope that, " the president would understand on whom to rely, and on whom for a while, the burden must rest. " ⁹⁹ The Mexican forces, now united under Santa Anna, stepped up the tempo of their march and reached Harrisburg on April 15. The following day a Mexican scouting party just failed to capture Burnet and members of his cabinet at New Washington on Galveston Bay. Finally, Houston brought the retreat to a halt at Buffalo Bayou and the Texans encamped in a dense wood on a bank of the bayou.

Houston's scouts soon brought word that Santa Anna and his army were at New Washington, and that the terrain favored a Texan attack. Evidence points to the conclusion that a majority of the officers and men would not be denied a fight this time and that Houston, himself, considered the situation advantageous. The Texan army now numbered only about eleven hundred men, but

it was felt that the element of surprise after so prolonged a retreat would more than counteract the Mexican superiority in numbers. As luck would have it, however, many of the soldiers now fell ill with the measles and mumps and this greatly reduced Houston's fighting force. Thus when the Texans crossed the bayou continuing their retreat, they numbered about eight hundred men; the other three hundred were either sick, tending the sick, or members of the detachment left to guard the baggage. ¹⁰⁰

The army then continued its march and turned toward Lynchburg Ferry. Houston placed his men in the timber skirting the bayou, and at this point the Mexican army appeared, retired to the timber(immediately behind the site of the present San Jacinto monument) and went into position. Actually the two armies had cut off any mode of retreat. The Texans had the bayou which was particularly deep because of the constant rains to their right, and the Mexicans a swamp at their rear and to their right. Thus neither army could cross the prairie to the south without dangerously exposing itself to the fire of the enemy. ¹⁰¹ It was contended at a later date, when San Jacinto had become a political issue, that General Houston ordered a pontoon bridge built to move the army across Buffalo Bayou. ¹⁰² This order, if it was given, was never obeyed, though the soldiers did consent to destroy the bridge across Vince's Bayou, thus cutting off a Mexican retreat. In any event, in midafternoon of April 21, the Texans attacked as the Mexicans were enjoying their siesta and the rout was complete. The soldiers could not resist striking up the popular

air " Will You Come To The Bower That I Have Shaded For You, " which must have decreased the element of surprise, but still the Mexicans were no match for the pursuing Texans. Before sundown six hundred Mexicans lay dead and more than two hundred were wounded. On the Texan side, nine men were killed and some thirty wounded. Among the wounded was General Houston, who had been shot in the ankle - perhaps by one of his own men. 103

The Texans spent the following day rounding up prisoners and among the lot was Santa Anna, who had disguised himself as a common soldier, but upon his capture was recognized by one of his own men. Houston made himself even more unpopular with certain elements of the army by refusing to allow the execution of the Mexican dictator, and the treatment of Santa Anna became a thorny problem for the ad interim government. On the twenty-fifth, General Houston filed a report of the battle with Burnet, and soon bade farewell to the army. The General left for New Orleans to have his wound treated, and perhaps to await the first regular presidential election in Texas. To a large part of the army Houston was an incompetent leader who had been forced to fight, and even then had been particularly lucky in catching the enemy napping. To the people of Texas, however, he had put an end to the panicky flight and with one blow had demolished Mexican pretensions in Texas. Though the armies of Texas lost every battle in the campaigns of 1836 save San Jacinto, Houston had not been personally associated with any of the defeats. On the contrary the defeat at San Patricio and Fannin's surrender at Goliad

could be directly traced to a refusal to obey orders. Certain it is that with Austin and Wharton in the United States, the popular hero with the returning settlers was Sam Houston.

NOTES I

1 José María Tornel Y Mendiivil, Relations Between Texas, The United States of America, And Mexico, quoted in Carlos E. Castaneda, The Mexican Side Of The Texan Revolution (Dallas, 1928), p. 284. Y Mendiivil's pamphlet was published in 1837 and contained a scathing denunciation of the favorable sentiment in the United States for the Texans.

2 Eugene C. Barker, The Life of Stephen F. Austin; Founder of Texas, 1793-1836 (Austin, 1949), p. 69. Hereafter cited as Barker, Life of Austin.

3 Noah Smithwick, The Evolution Of A State; Recollections Of Old Texas Days (Austin, 1900), 9-10. This pioneer came to Texas in 1827 and noted that, " every head of a family, if a farmer, was promised 177 acres of farming land - bottom land or land susceptible of irrigation, for the Mexicans considered no land arable unless irrigable - and 4,428 acres of pasture land for stock; colonists to be exempt from taxation six years from date of settlement, with the privilege of importing, duty free, everything they might desire for themselves and families; an abundance of game, wild horses, cattle, turkeys, buffalo, deer and antelope by the drove. The woods abounded in bee trees, wild grapes, plums, cherries, persimmons, haws and dewberries, while walnuts, hickorynuts and pecans were abundant along the water courses. Corn in any quantity was to be had for the planting, and, in short, there the primitive curse was set at defiance. " See W. B. Dewees, Letters From An Early Settler Of Texas (Louisville, 1858), passim, for sentiments of much the same nature.

4 Social distinctions soon grew up between the original settlers in Texas and those who migrated to the province during the period of political disturbances that preceded the revolution. These may have been more imagined than real but they did produce a feeling of enmity on the part of the " Old Three Hundred. " An observant traveller in Texas noted that, " rude hospitality and unaffected kindness are the characteristics of the old settlers that I meet with. It is only in retired country places that one will meet with much of these virtues. The new race are adventurers, sharpers, and many of them blacklegs. The observing of the old settlers are sensible to this, and lament it with mortified and indignant feelings. " William Fairfax Gray, Diary of Col. Wm. F. Gray Giving Details of His Journey to Texas and Return in 1835-36 and Second Journey to Texas in 1837 (Houston, 1909), 81. Hereafter cited as Gray, Diary.

5 Barker, " Notes On The Colonization Of Texas, " Mississippi Valley Historical Review, X (1923), 152.

6 The Missouri Advocate, August 27, 1825, quoted in Ibid., 143.

- 7 Elgin Williams, The Animating Pursuits of Speculation (New York, 1949), 21. In this work, devoted to an emphasis of the land motive in the colonization of Texas, the author states, " It was land and especially land speculation which gave the tone to the whole period of the annexation of Texas. "
- 8 William R. Hogan, The Texas Republic; A Social And Economic History (Norman, 1946), 5.
- 9 Thomas A. Bailey, A Diplomatic History Of The American People (New York, 1940), 249.
- 10 John Hawkins to Austin, September 21, 1824. Eugene C. Barker (Ed.), " The Papers of Stephen F. Austin, " Annual Report Of The American Historical Association, 1919, II, Part I (Washington, 1924), 901. There are three volumes that comprise the Austin papers. Volumes I, II, and a supplementary volume were published by the American Historical Association. The final volume was published by the University of Texas. Hereafter cited as Barker, Austin Papers.
- 11 Samuel Ayres and others to Austin, June 6, 1822, Ibid., I, 522.
- 12 James A. E. Phelps to Austin, January 16, 1824, Ibid., II, Part 2, 1020.
- 13 That many men came to Texas under the spell of wanderlust and to indulge in forgetfulness can also be maintained. This is difficult to prove with certainty, but the biographers of perhaps the three men of the most important political significance in the Republic, Sam Houston, Mirabeau Lamar, and Anson Jones, all contend that this factor was uppermost in the minds of their subjects. Houston's removal to Texas in 1832 is partially explained in the light of his domestic unhappiness; Lamar because of the grief suffered at the death of his young wife, Tabatha, and the suicide of his brother, Lucius, events which followed hard upon each other; and Jones because of the complete loneliness of his life as an unsuccessful doctor in Philadelphia. Marquis James, The Raven; A Biography of Sam Houston (Indianapolis, 1929), 103. Philip Graham, The Life and Poems of Mirabeau B. Lamar (Chapel Hill, 1938), 30. Herbert Gambrell, Anson Jones; The Last President of Texas (Garden City, N.Y., 1948), 19. Hereafter cited as Gambrell, Anson Jones.
- 14 James Q. Dealey, " The Spanish Sources of the Mexican Constitution of 1824, " Quarterly Of The Texas State Historical Association, III (1900), 162. With the publication of Volume XVII in 1913, this periodical became known as the Southwestern Historical Quarterly.
- 15 In December, 1820 Moses Austin, the father of Stephen, requested permission from the Spanish government to settle three hundred families in Texas. With the aid of Baron De Bastrop,

an influential citizen whom Austin had previously known in the United States, the petition was granted, January 17, 1821. Moses Austin died soon after this but his grant was made legitimate in his son, Stephen. Mexico was torn by revolution and internal strife in the period, 1821-1824, so that the Austin grant was unique. The empresarios who followed in the wake of the Austins enjoyed their rights under the national colonization act of August, 1824. Dudley G. Wooten, A Complete History of Texas (Dallas, 1899), 131.

16 Eugene C. Barker, Mexico And Texas, 1821-1835 (Dallas, 1928), 12. Hereafter cited as Barker, Mexico And Texas.

17 Ibid., 13.

18 Richard R. Royal to Austin, August 23, 1825, Austin Papers, II, Part 2, 1183.

19 Charles Douglas to Austin, February 15, 1825, Ibid., 1046-1047.

20 James A. E. Phelps to Austin, June 6, 1822, Ibid., 1020.

21 Nathaniel Cox to Austin, April 21, 1825, Ibid., 1079.

22 Mattie Austin Hatcher (Ed.), Letters of an Early American Traveller; Mary Austin Holley, 1784-1846, 157.

23 Austin to Baron De Bastrop, November(?), 1826, Austin Papers, II, Part 2, 1486.

24 Barker, Mexico And Texas, 94.

25 Ibid., 95.

26 Austin to " Gentlemen Of The Convention, " April 1, 1833, Austin Papers, II (supplemental volume), 938. See this circular for the judicial reforms which Austin desired.

27 Austin to B. W. Edwards, September 15, 1825. In this letter Austin complained that, " The claims to land here are rather novel in their nature and are not generally understood out of this Colony and for this reason I am no doubt frequently blamed where I would not be if the facts were known. " See John P. Coles to Austin, September 29, 1825, and John Cameron to Austin, December (?), 1826 for evidence of the uncertainty surrounding land claims in Texas. Austin Papers, II, Part 2, 1202-1203, 1212, 1541.

28 Wooten, A Complete History of Texas, 146-147.

29 Ohland Morton, Teran And Texas: A Chapter in Texas-Mexican Relations (Austin, 1948), 112.

30 Ibid., 116.

- 31 On July 2, 1832, General Teran in a fit of despondency killed himself. He was an avowed enemy of Santa Anna, who had succeeded Bustamante by this time, and it is believed that this situation prompted his decision to commit suicide. Ibid., p. 189.
- 32 Actually the decree of 1830 relating to slavery was not the first time the Mexican government had passed legislation dealing with the matter. On September 15, 1829 an emancipation proclamation was issued by President Guerrero but upon the recommendation of General Teran it was not published in Texas. In point of fact, the practice of slavery was never recognized by the Mexican government but "work contracts" were held to be legal prior to 1830. Barker believes that the government reluctantly tolerated slavery but was generally opposed to it. Barker, "The Influence Of Slavery In The Colonization Of Texas," Southwestern Historical Quarterly, XXVIII (1924), 32. Also see Lester G. Bugbee, "Slavery In Early Texas," Political Science Quarterly, XIII (1898), 398.
- 33 Alleine Howren, "Causes And Origin Of The Decree Of April 6, 1830," Southwestern Historical Quarterly, XVI (1913), 395.
- 34 Barker, Mexico And Texas, 144.
- 35 Ibid., 118-119.
- 36 Biographical Directory of the Texan Conventions and Congresses, 1832-1845 (Austin, 1941), 17. Hereafter cited as Biographical Directory.
- 37 William Harris Wharton was born in Virginia and grew to manhood in Tennessee. He practiced law at Nashville and there made the acquaintance of both Houston and Jackson. At Nashville he also met Sarah Groce, daughter of Jared Groce, the largest plantation owner in Texas. In 1827 he came to Texas, and as the son-in-law of Groce soon held a prominent place in the political affairs of the province. In time he became the leader of those in opposition to Austin. Walter P. Webb, "William Harris Wharton," in Dumas Malone (Ed.), Dictionary of American Biography, XX (New York, 1936), 35.
- 38 Jonas Harrison to Austin, November 30, 1832, Austin Papers, II (supplemental volume), 895.
- 39 Harrison to Austin, December 8, 1832, Ibid., 900.
- 40 Sam Houston to Andrew Jackson, February 13, 1833, Amelia W. Williams and Eugene C. Barker (Eds.), The Writings Of Sam Houston, 1813-1863 (Austin, 1938), I, 275. Hereafter cited as Houston Writings.
- 41 Duncan W. Robinson, Judge Robert McAlpin Williamson; Texas' Three-Legged Willie (Austin, 1948), 131. Williamson lost a leg before coming to Texas and then employed a wooden leg, thus the colorful sobriquet, "Three-Legged Willie."

- 42 Barker, Life of Austin, 361-362.
- 43 Austin to Mrs. Mary Austin Holley, April 20, 1833, Austin Papers, II (supplemental volume), 955-956.
- 44 Austin to James F. Perry, April 22, 1833, Ibid., 960.
- 45 John P. Coles, a member of Austin's colony wrote to the American Minister at Mexico City, Anthony Butler, " Co. Austin's sincerity in this matter is much doubted by many people in Texas. I hope however that Austin will not forget himself and his Friends He is closely watched and his future prospects depend greatly upon his conduct in this matter." John P. Coles to Anthony Butler, July 15, 1833, Ibid., 988.
- 46 Austin to John Austin, August 6, 1833, Ibid., 996.
- 47 Austin to Ayuntamiento of San Antonio, October 2, 1833, quoted in Barker, Life of Austin, 373-374.
- 48 Willfrid Hardy Callcot, Santa Anna; The Story of an Enigma Who Once Was Mexico (Norman, 1936), 108-109.
- 49 Barker, Mexico And Texas, 130.
- 50 Austin to James F. Perry, January 14, 1834, Austin Papers, II (supplemental volume), 1033-1034.
- 51 Austin to Oliver Jones, May 30, 1834, Ibid., 1057.
- 52 Eugene C. Barker, " Notes on Early Texas Newspapers, 1819-1836, " Southwestern Historical Quarterly, XXI (1917), 139.
- 53 Barker, Life of Austin, 386. In his study of Austin, Barker comments, " The two differed fundamentally in temperament. Wharton was masterful, quick to anger, uncontrolled, somewhat domineering, one imagines that he made no allowances for the blundering interference of Mexican authority, and was ready at all times to try to right a real or fancied grievance by the most direct means, regardless of the consequences of failure either to himself or to others. Austin was almost the opposite in every respect. "
- 54 Eugene C. Barker, " Land Speculation as a Cause of the Texas Revolution, " The Quarterly Of The Texas State Historical Association, X (1906), 81. Hereafter cited as Barker, " Land Speculation. "
- 55 Barker, Mexico And Texas, 135-136.
- 56 Barker, " Land Speculation, " 89.
- 57 Elgin Williams, The Animating Pursuits of Speculation, 46-48.
- 58 Austin to Samuel Williams, October 12, 1836, Austin Papers, III, 435.

- 59 Robinson, Judge Robert McAlpin Williamson, 108.
- 60 Wooten, A Complete History of Texas, 182.
- 61 Carlos E. Castaneda (Trans.), " Statistical Report On Texas, 1835, " Southwestern Historical Quarterly, XXVIII (1925), 186. In January, 1834 Colonel Juan Nepomuceno Almonte, a high ranking army officer, was sent to Texas on a general tour of inspection. In the report which was published at Mexico City in 1835, much attention was devoted to the smuggling activities of the Texans.
- 62 Wooten, A Complete History of Texas, 183.
- 63 Travis to Bowie, July 30, 1835, quoted in Henderson Yoakum, History Of Texas: From Its First Settlement In 1685 To Its Annexation To The United States In 1846 (New York, 1856), I, 343. Hereafter cited as Yoakum, History Of Texas.
- 64 Eugene C. Barker, " Public Opinion In Texas Preceding The Revolution, " Annual Report Of The American Historical Association (Washington, D.C., 1913), I, 227.
- 65 Wooten, A Complete History of Texas, 186.
- 66 Royal to Austin, October 16, 1835, Austin Papers, III, 167.
- 67 Marquis James, The Raven, 169.
- 68 Robinson, Judge Robert McAlpin Williamson, 113.
- 69 William C. Binkley, The Texas Revolution (Baton Rouge, 1952), 40-41.
- 70 Eugene C. Barker, " The Texas Declaration Of Causes For Taking Up Arms Against Mexico, " Southwestern Historical Quarterly, XV (1912), 174-175.
- 71 Richard R. Stenberg, " Some Letters of the Texas Revolution, " Southwestern Political And Social Science Quarterly, XXI (1941), 306-307. The material used here originally appeared in the unpublished reflections of Guy M. Bryan, a nephew of Austin's.
- 72 Andrew Jackson Houston, Texas Independence (Houston, 1938), 67-68.
- 73 Gray, Diary, 111.
- 74 Ralph W. Steen, " Analysis Of The Work Of The General Council Of Texas, " Southwestern Historical Quarterly, XXXI (1936), 342.
- 75 Samuel Maverick, " Notes on the Storming of Bexar, " Ibid., XXX (1927), 96.

- 76 Eugene C. Barker, " The Texas Revolutionary Army, " Ibid., IX (1906), 254.
- 77 Houston to Henry Smith, December 17, 1836, Houston Writings, I, 321.
- 78 Houston to Smith, January 6, 1836, Ibid., 333.
- 79 W. Roy Smith, " The Quarrel Between Governor Smith And The Provisional Government, " Southwestern Historical Quarterly, V (1902), 325.
- 80 Smith to Robinson, January 18, 1836, quoted in John Henry Brown, Life And Times Of Henry Smith; The First American Governor Of Texas (Dallas, 1887), 247.
- 81 Travis to Smith, January 28, 1836 in William C. Binkley (Ed.), Official Correspondence of the Texas Revolution, 1835-1836 (New York, 1936), I, 352. Hereafter cited as Revolutionary Correspondence.
- 82 J. C. Neil to Governor and Council, January 6, 1836, Ibid., 274.
- 83 Henry Smith to L. W. Groce, January 18, 1836, Ibid., 304-305.
- 84 Ira R. Lewis to Duncan Walker, January 26, 1836, Ira R. Lewis Papers, University of Texas Archives.
- 85 Wooten, A Complete History of Texas, 218-219.
- 86 Austin to Houston, January 7, 1836, Austin Papers, III, 298-299.
- 87 Joseph E. Field, Three Years in Texas (Greenfield, Mass., 1836), 27-28.
- 88 From Memphis, Wharton wrote to Smith in this manner, " I find the feelings in this country universal in our favor, provided we war for independence, or wish to attach ourselves to the United States of the North. But if our war is to be the Constitution of 1824, and is to terminate in anything short of a total dissolution of all connection with Mexico, we may expect no sympathy or assistance from this quarter. " Wharton to Smith, January 27, 1836, quoted in Brown, Life And Times Of Henry Smith, 289. Also see Austin, Archer, and Wharton to Smith, January 10, 1836, in George P. Garrison (Ed.), " Diplomatic Correspondence Of The Republic Of Texas, " Annual Report Of The American Historical Association (Washington, D.C., 1908), I, 57. Hereafter cited as Diplomatic Correspondence.
- 89 Gray, Diary, 108.

- 90 Laws of the Republic of Texas, In Two Volumes, Printed By Order Of The Secretary of State (Houston, 1838), 20-21.
- 91 Gray, Diary, 127.
- 92 Yoakum, History of Texas, 72.
- 93 Sam Houston Dixon and Louis Wiltz Kemp, The Heroes Of San Jacinto (Houston, 1932), 57.
- 94 Wharton to Smith, February 7, 1836, Diplomatic Correspondence, II, 66.
- 95 Ordinances and Decrees Of The Consultation And The Convention Which Assembled At Washington, March 1. 1836, (Houston, 1838), 23-24.
- 96 Gray, Diary, 152.
- 97 Wooten, A Complete History of Texas, 226.
- 98 James W. Silver, Edmund Fendelton Gaines; Frontier General (Baton Rouge, 1949), 202-203.
- 99 Houston to David Thomas, April 13, 1836, Houston Writings, I, 441.
- 100 Andrew Forest Muir, " The Mystery of San Jacinto, " The Southwest Review, XXXVI (1951), 81.
- 101 Ibid., 82.
- 102 R. M. Coleman, Houston Displayed; or Who Won The Battle Of San Jacinto (Velasco, 1837), passim.
- 103 Muir, " The Mystery of San Jacinto, " 84.

Chapter Two

Old Sam Takes The Helm

Sam Houston has been generally proclaimed the hero of San Jacinto. No fiction of the novelist is farther from the truth. Houston was the only man on the battlefield that deserved censure. Was absolutely compelled into the fight... Houston only lacked the genius to become another Alcibiades. Had all the vices without the virtues of the Athenian. Just before and immediately after the Battle of San Jacinto he was universally detested. The army regarded him as a military fop, and the citizens were disgusted at his miserable imbecility. But when wounded he visited New Orleans and was treated there as a Hero, and accounts of his reception were circulated throughout Texas and a complete reaction set in, and Sam Houston, never worthy to be called a brave man or a wise man, became the hero of San Jacinto and the Second President of the Republic. 1

The Republic of Texas in 1836 presented a vastly different sight from Texas prior to the revolution. The increased immigration which was a result of the struggle for independence led to a decided growth in the population of the young nation. When Houston came to the Presidency for the first time there were an estimated thirty thousand Americans, and twenty-two thousand Mexicans, Indians, and negroes residing in the Republic. The American settlers had located primarily at Houston, Galveston, and at Nacogdoches in East Texas. The city of Austin was unheard of as yet, and San Antonio was predominantly a Mexican town, some two thousand native Mexicans having their homes there. Also there were important Mexican settlements at Nacogdoches, La Bahia, and Victoria. 2

Of the Indian tribes in the Republic, the major were the Cherokees, Comanches, and Wacoos; the first two tribes posed a problem of frontier defense, but the Wacoos were generally

peaceable. The Lipans, Chickasaws, Delawares, and Caddoes also roamed the Texas plains, but were never a significant force either for good or evil. Of the Negro elements, by far the great majority were slaves who had been brought by their masters from the Southern states. There were a nominal number of free negroes in the Republic, but the usual restrictions were in operation against them. ³

In the period just after the revolution immigration to Texas steadily increased. At this time the Republic was peopled by a great migration from the Mississippi Valley area south of the Ohio River. There had been organized companies from New York and Ohio in the Texan army, and in truth individuals came from almost every state in the Union. ⁴ The majority of the American settlers that did migrate to Texas were people of the non-slaveholding, small-farmer class. Though regular church attendance was not a distinguishing feature of many of the settlers, the teachings of the Baptist and other Protestant faiths were held in great reverence. The society of the early Republic period was predominantly Jacksonian in philosophy. ⁵ The popular opposition to corporate financial interests, to established banks, and to monopolies of any type, which permeated the politics of the day, can better be understood as deriving from this background.

The government of this new nation was faced with two major problems; the ultimate disposal of Santa Anna, and the question of recognition of Texan independence by the United States. As a condition to sparing his life at San Jacinto, Santa Anna had ordered a general Mexican retreat. This was faithfully

done and the outlines of a temporary peace treaty were then drawn. Houston, General Rusk, in his official capacity as Secretary of War, and Santa Anna agreed that in the final treaty to be ratified by both governments, the independence of Texas would be a sine qua non.⁶ Upon Houston's departure for New Orleans for medical treatment, General Rusk was given the active command in the field. To replace Rusk in the cabinet, Mirabeau B. Lamar, who had distinguished himself by his bravery in leading a cavalry charge at San Jacinto, became Secretary of War in the ad interim government.

In regard to the problem of Santa Anna, President Burnet decided to spare his life and to wring some concessions from the Mexican government in exchange for the safety of the dictator. Naturally this policy was opposed by the army, which looked upon Santa Anna as personally responsible for the Alamo and Goliad, but Burnet was determined to carry his plan through in the face of popular opposition. Burnet's own words, " Santa Anna dead is no more than Tom, Dick, or Harry dead, but living he may avail Texas much, " ⁷ fully explains his attitude on the matter. In time the question of Santa Anna's disposal became a stalking horse for aspiring politicians and a cabinet split resulted. It was known that the Secretary of the Navy, Robert Potter, was opposed to Burnet's plan, and Lamar, as Secretary of War, disagreed so thoroughly that he felt compelled to issue a pamphlet explaining his position. In Lamar's opinion, Santa Anna's pledges of the use of his influence to secure Mexican recognition of Texan independence were, " lighter than moonshine's watery beam. " The Secretary

of War felt that the defeat at San Jacinto would put an end to whatever power Santa Anna may have enjoyed prior to the campaign. Finally, Lamar regarded the tyrant, because of the butcheries at the Alamo and Goliad, as outside the pale of civilized warfare and thus subject to death regardless of his status as a prisoner of war. 8

Disregarding the revolt within his own cabinet, Burnet, on May 14, signed the two treaties of Velasco with Santa Anna. By the terms of the treaty which was published, Santa Anna pledged himself never again to take up arms against Texas, and to use his influence to bring about a speedy end to the war. It was agreed that all hostilities should cease immediately and that the Mexican troops would continue to evacuate Texas. It was also stipulated that all property should be respected, captured property be restored, and all prisoners held by the Mexicans should be exchanged on an equal basis for Mexican soldiers captured by the Texans. The second treaty that was signed at Velasco was secret in nature. It provided that Santa Anna was to exert all his influence, upon his return to Mexico, in order to obtain a recognition of Texan independence and the establishment of the boundary at the Rio Grande. 9

In accordance with the terms of the treaties Santa Anna was to be provided with passage back to Mexico. On June 1 he was placed on board the Texan schooner of war, Invincible, but his departure was delayed until final instructions were prepared for the commissioners who were to accompany him. At this point General Thomas J. Green arrived at Velasco with a

number of volunteers from North Carolina and prevented the sailing of the Invincible. Santa Anna was taken off the ship over the protests of Burnet and his cabinet and placed under guard. ¹⁰ Green had just arrived in Texas and his conduct did nothing at all to improve relations between the old settlers and the newcomers. The incident only further illustrated the absolute weakness of the ad interim government.

Likewise, the presence of Green and others like him did not ease Rusk's burden as commander in the field, for volunteer delegations led by such men as Memucan Hunt and Felix Huston from Mississippi, and James Pinckney Henderson from South Carolina, continued to arrive and displayed a decided unwillingness to obey orders. It was obvious that both the regular army and the volunteers strongly condemned the Burnet policy in relation to Santa Anna and, in an evident attempt to conciliate the army, Rusk was deposed and Lamar appointed in his stead. This move completely backfired when Green, Felix Huston, and others played on the prevailing sentiment against the ad interim government, and the army refused to accept Lamar. The Secretary of War, deeply chagrined, wrote to Burnet, " the whole has been produced by Rusk's desire of promotion. " ¹¹ There was some truth to this, for Rusk had been cold to Lamar upon his arrival in camp and, upon the army's refusal to accept the Burnet appointee, the men had immediately restored Rusk to command. ¹² The entire affair had ultimate political importance because it led to a breach between Rusk and Lamar, and also strengthened the political association of Burnet and Lamar, an alliance which held through most of the Republic period.

The ad interim government, while failing in domestic affairs, also could not boast of any significant accomplishments in relations with the United States. It will be remembered that the consultation of 1835 had sent Archer, Austin, and Wharton to the United States, and that they were there at the time of independence and the victory at San Jacinto. Prior to the decisive battle the commissioners were mainly concerned with private and official aid to the volunteer armies, and, after the battle, with official recognition of independence. The three men did noble work in securing three loans which totaled nearly \$75,000. and also private donations of a smaller amount. They were successful in recruiting volunteers for Texas and in whipping up general enthusiasm which manifested itself in petitions and memorials to congress praying the recognition of independence. ¹³ In the matter of official recognition, however, the commissioners were less successful. Wharton did secure an interview with Jackson and recorded the experience in a letter to Austin:

By special invitation I took a family dinner with the President on the day before yesterday and with the Vice President on yesterday. I was 4 or 5 hours alone with the President and the sole subject of our conversation was Texas. He asked Where are your letters from your Government? Where Houston's official account of the Victory? Where your President's proclamation calling upon the inhabitants to return to their homes and attend to their crops? Where an official annunciation of the fact that the inhabitants are at their homes and in possession of the Most of Texas? Where the publication opening your ports and fixing your Rates of Tariff and Tonnage? Sir says he your President should send an express once a week to New Orleans to his agent and have published by authority the true situation of your country and every thing that goes to show you are a de facto government. ¹⁴

In truth the Burnet government had failed to do any of the things suggested by Jackson. Houston had delayed in forwarding

an official account of the victory at San Jacinto, and communication between Burnet and the Texas commissioners in the United States was extremely poor. The administration only made the situation worse by sending George Hamilton and Robert Childress as agents to the United States soon after San Jacinto. Thus two sets of commissioners moved about from Washington to New York, not communicating with each other, and generally hurting the common cause. ¹⁵

On May 26, only two months after the appointment of Childress and Hamilton, the government recalled all previous commissioners and sent Peter W. Grayson and James Collinsworth to Washington. Both men were originally from Tennessee and it was felt that their previous personal association with Jackson would prove valuable. The new agents were instructed to solicit the intervention of the United States to stop the war upon the basis of a recognition of Texan independence by Mexico, the recognition of the independence of Texas by the United States, and the annexation of Texas to the United States. ¹⁶ Just prior to his departure, Collinsworth wrote to Rusk, " The objects of my mission I hope will now prove successful & that is a consumation most devoutly to be wished for. We are in a deplorable condition Pecuniary, morally & intellectually. Yet I still hope all will be well. " ¹⁷ Collinsworth's optimistic outlook soon underwent trial, however, for upon his arrival in Washington, Congress had already adjourned and Jackson was on the point of leaving for the Hermitage. In an informal interview the President gave the two commissioners to understand that a secret agent had been sent to Texas and that nothing could be done until his

return.

Thus from November, 1835 until the inauguration of Sam Houston as first president of the Republic, three sets of commissioners represented the embryo nation at Washington. The total result of their efforts in regard to recognition came when Henry Clay introduced a Senate resolution calling for the desired result. The resolution provided for the recognition of independence when Texas had established a civil government and when the new state enjoyed all the attributes of sovereignty. For all practical purposes, however, the resolution left the matter untouched, and to improve upon this situation the Senate quickly passed another resolution requesting the President to communicate to the Senate any pertinent information concerning Texas. This enabled Jackson to appoint a secret agent to observe political conditions in Texas, and Henry R. Morfit was selected for the position. Jackson made known his choice to the Senate and the appointment was confirmed by resolution. The House then gave its sanction to the plan by a resolution adopted July 4, the day that congress adjourned. ¹⁸

When Congress adjourned for the summer it had already declared itself in favor of recognition whenever circumstances might justify it. Feeling that little could be accomplished in Washington with both Jackson and the members of Congress absent, Collinsworth determined to set out for Nashville and meet with Jackson there. Grayson remained in Washington for some two months and then departed for Louisville. The agents felt confident of ultimate recognition because of Jackson's known penchant for Texas, but they did not reckon with his

scrupulous desire to maintain the neutrality of the United States, nor with his desire not to embarrass his successor in office. ¹⁹ Grayson displayed a complete lack of political astuteness when he wrote to William E. Jack, then the Secretary of State in the ad interim government, " As I have said before, there is in my mind no doubt that the present Administration, can carry the measure of Annexation. Genl Jackson feels the utmost solicitude for it and we know how much that will count. " ²⁰ But Jackson would not embarrass his hand-picked successor, Van Buren, and the President refused to be rushed into a precipitate action.

While these events were transpiring in the United States, political attention in the Republic was being focused on the first presidential election. The opportunity to choose governmental officials represented the hard earned fruits of independence from Mexico, and the citizens of the Republic took an active interest in the campaign for office as it developed. The constitution drawn up at Washington on the Brazos in March, 1836 had stipulated that the first election should be held in September of the same year. It was this contest that engrossed the interest of the Republic's citizens.

At the time of the March convention the Austin and Wharton factions were still the only " parties " in Texas, and they were not political parties as the term is understood today. Neither had an organization worthy of the name, nor was there a basic division of principles, for all were united on the necessity for independence. It had long been known in Texas that Wharton and Austin were personally at odds as a result

of a long association of differences dating back to the convention of 1833, and the consultation in sending both men to the United States hoped to give the appearance of a united front in Texas. However, upon his departure for the United States, Austin had felt a complete enmity for Wharton. Writing to Richard R. Royal, Austin complained, " I am associated in a mission to the United States with a man that I cannot act with - a man whose conduct proves he is destitute of political honesty, and whose attention is much more devoted to injure me than to serve the country. I mean Wharton. " ²¹ Nevertheless, as the two men worked together in a common cause and came to respect each other's talents, a gradual reconciliation was effected. On January 21, Austin wrote to a friend, " There has been the most perfect harmony in the commission - we all agree as to the main principles, and especially as to Independence... John Wharton assures me that on his part there will be no more restlessness and his brother says the same. " ²² The long trip to Washington and the constant communication with each other continued to play on Austin's sentiments. A letter to James Perry reveals the complete change in his feelings:

The most perfect harmony exists between all the commissioners - Archer is truly a noble fellow. I have never known him intimately before, and I am very much attached to him - Wharton and myself are on the best of terms and I have no doubt will always continue to be in the future - it is not my fault that we ever were otherwise - heretofore we have not known each other personally as we might and ought to have. ²³

As events transpired, this change of heart on the part of both Austin and Wharton had far reaching consequences for political matters in Texas.

Meanwhile, the appointment of Grayson and Collinsworth had

forced the return of the commissioners from the United States. Austin left Washington ahead of Archer and Wharton on May 24, and reached Texas a month later. He busied himself in making reports to Burnet suggesting that Santa Anna be sent to Washington to impress upon Jackson the absolute need for mediation. At the same time Austin never lost sight of the approaching Presidential election. A short while after his return he received a letter from Wharton, who wrote:

It is understood at Nashville that Genl Houston is opposed to the annexation of Texas to the United States. If this be so it is truly and deeply to be deplored... I plainly see before me the turmoil and confusion and injustice and the demagogueism which must ensue in Texas after the war is over before we can establish an orderly and harmonious independent government. 24

Austin must have realized that this was a disavowal of Houston on the part of his former backers. It was well known that Wharton, himself, did not care to run, therefore Austin could assume that if he himself agreed to be a candidate, he would have the backing of his former associate. All doubts in regard to the matter were set aside when Archer and Wharton returned to Texas. The three former commissioners met at Velasco on July 20, to prepare a joint report of their mission to the United States. The work completed, the talk soon turned to politics; Wharton and Archer impressed upon Austin the necessity for his candidacy and the latter accepted. 25

On July 23, Burnet issued the national election proclamation. The electorate in Texas would choose national and county officials, ratify the constitution and decide on the wisdom of annexation to the United States. The election was then fixed for the first Monday in September. Soon after the proclamation

appeared, the name of Henry Smith was put forward as a candidate. It would seem that the friends of the former Governor submitted his name in an attempt to vindicate his actions under the provisional government. Branch T. Archer permitted his name to be used as a candidate, but he was never a significant force in the election. There was an attempt to place Rusk's name in nomination, but he would not allow it.²⁶ The political situation in July, therefore, found Austin as the only major candidate. The obvious choice, Sam Houston, expressed a disposition not to run.

The tempo of the approaching election stepped up quickly in the month of August. Burnet, writing to Collinsworth and Grayson in the United States, reported, " The electioneering campaign has opened with some activity and will probably be conducted with a good deal of spirit. Austin is out for the Presidency. Archer is talked of by a few. No other candidate has yet passed the curtain. " ²⁷ But there was more significant information relayed by General Rusk from the army, " Smith and Austin are the only Candidates out as yet for President. Smith outruns Austin here... We have had our little difficulties in the army - Many political Jugglers have tried their hands here. " ²⁸ This was a reference to the troublesome element in the army led by the companies serving under Thomas J. Green and Felix Huston. Both of these men were dangling the Matamoras prize before the rank and file of the army once again. Therefore, Rusk's letter to Houston informing him of the existing state of affairs is important in regard to the latter's ultimate decision to become a candidate. The hero of San Jacinto continued

to hold off, however, and thus well into the middle of August the contest centered about the candidacies of Austin and Henry Smith.

In the case of Smith there was not much that could be said concerning his record in Texas politics other than his stand in dispute with the council. This breach proved disastrous to Texas in the campaigns of 1836, and Smith was blamed by many for the defeats prior to San Jacinto. Coupled with this it was well known that he had been hand-picked by the Wharton group in 1835, and that they had now disavowed him in favor of Austin. The case of Austin was a different matter. The issue of the Monclova speculations was brought forward once again and Austin was also charged with undue regard for Santa Anna's salvation. The candidate took notice of the existing situation in a letter to Rusk:

... there are no doubt many erroneous reports in circulation - I have heard two - One that I am interested in the land speculation of Williams and others when they were at Monclova - This is utterly false - I have never been, am not, and never will be interested in those speculations... Santa Anna was saved by Gen. Sam Houston, as you know better than I do... he was also saved by the Cabinet of Texas subsequently, and treaties made with him. I disapprove of all these measures - The first I think was almost ruinous to Texas for it saved the balance of the Mexican army, and the other I think was wrong in principle, and more so in the mode or manner of using Santa Anna. 29

The explanation concerning Santa Anna proved satisfactory to a large number of voters, but the Monclova incident would not down.

Since the victory at San Jacinto the most popular figure in Texas had been General Houston. This colorful figure, whose personality dominates Texas history through the Civil War, had lived a full life prior to the Texas revolution. Born in Virginia

in 1793, Houston grew to manhood in the frontier state of Tennessee and served with honor under Jackson in the Creek war.³⁰ As the protege of Jackson he entered Tennessee politics and was sent to the national House of Representatives in 1823 and again in 1825. In 1827, with the full support of Jackson, he was elected Governor of Tennessee by a majority of over 12,000 votes. In 1829 Houston was married to Eliza H. Allen, a daughter of John Allen, a prominent citizen of Gallatin, Tennessee, and a few months later a separation took place. This melancholy event proved to be the turning point of Houston's career. He immediately resigned as Governor and left by steamer for Little Rock, Arkansas.

In time Houston took up residence with the Cherokees and lived with them for some three years. It is a commentary upon his habits at this time that the rough translation of his Indian name was " Big Drunk. " The reason for the separation from his wife has never been definitely proven. The majority of Houston's biographers accept the story that Houston discovered that his wife did not truly love him, that her father forced her into the union, and that her affections had been pledged to another.³¹ Tiring of his exile among the Indians, Houston appeared in Texas in 1832 as a secret agent of Jackson's empowered to interview a delegation of Comanches. In 1833 he turned up as a delegate at the convention of that year and decided to permanently cast his lot with Texas. At the convention of 1835, he was given full command of the Texan armies, and ultimately the victory at San Jacinto endeared him to the general populace.³²

Such a powerful figure as Sam Houston was of particular

importance in Texas for the political emphasis was on personalities rather than principles. Looking back on the political scene in 1836, a member of the Texas legislature in 1843, wrote, " We here in Texas had nothing to do with the parties in the United States. We were Sam Houston or anti- Sam Houston; Eastern Texas was largely for and Western Texas against him. " ³³ It is true that the Houston and anti-Houston division became even more pronounced after the General's first term in office. Many who voted in 1836, however, voted in support of San Jacinto or in belief of the tales that were being circulated concerning Houston's alleged cowardice in the field. Houston's private life prior to his decision to remain in Texas was also a matter of record. In addition to his known intemperance it was suspected that he had contracted the opium habit, and his friendly association with the Indians was also a topic of public discussion.

The impressions that Houston registered upon some of his contemporaries remain very interesting. Francis Lubbock, a Houston man and later Governor of Texas in his own right, wrote:

No person ever met Sam Houston in the early days of the Republic without ever being impressed by his greatness. He was then about forty-two years of age, just the prime of life. Standing largely over six feet in height, with a massive, well formed hand, a most remarkable foot, measuring more around the instep than in length, a large head, a piercing gray eye, a mouth and nose indicating character of fine proportions, and as straight as a majestic Indian. He was a most perfect specimen of physical manhood. ³⁴

Another citizen of the Republic, Dr. John Washington Lockhart, wrote:

After serving in the civil war and seeing many of the leading military men on both sides, he was, in my judgment, vastly the superior of them all. General R.E. Lee came nearer to him in soldierly bearing than any man I ever saw. He was a natural born ruler, both in the field and forum. ³⁵

The emphasis placed on the personalities phase of the election is not to say there were no political issues involved. It was the practice in those days for political aspirants to place their name in nomination by advertisement in the local newspaper. A correspondent would then write to the paper asking the candidate to state his convictions on certain basic matters. William H. Jack and Mosely Baker, both of whom were running for Congress, received two of these communications which serve to give some indication of the issues involved. The ultimate disposition of Santa Anna and the establishment of a land system were perhaps of the most importance. ³⁶ Many were concerned that justice be granted to the volunteers in the matter of land grants, but that favoritism should not be shown them as against the old settlers. There seemed to be unanimous agreement on the proposal to annex the new Republic to the United States and to give the first elected Congress the powers to amend the constitution. ³⁷ Finally, there were some who felt that the election of Houston would guarantee internal stability and thus favorable consideration on the part of the United States. At the same time, however, a letter addressed to Austin stating that his election would, "hasten the proclamation of the President, acknowledging your Independence," was broadcast and received fairly wide circulation. ³⁸

The first public nomination of Houston came at a meeting of the voters in San Augustine county, held in the Mansion House in the town of San Augustine on August 15. On the motion of Colonel Philip A. Sublett, a former member of the Wharton party

who did not take up for Austin, it was unanimously resolved that Houston be nominated for the Presidency, and General Thomas J. Rusk for the Vice-Presidency. The chairman was instructed to send copies of the resolutions to Nacogdoches, Sabine, Shelby, Jasper, and Liberty. Similar meetings were held throughout eastern Texas and on August 20, at a meeting of the citizens of Columbia, Houston was again nominated. The resolution drafted at Columbia pointed to the General's record as Commander of the Texan armies, the esteem with which he was regarded by Jackson and the cabinet at Washington and the advantage this would mean to Texas in the negotiations for annexation, and also to Houston's previous legislative experience as Governor of Tennessee. Thomas F. Mc Kinney, the business partner and personal friend of Samuel Williams, was the guiding force behind the Columbia meeting. ³⁹ Houston's acceptance came but eleven days prior to the date of the election. In a letter addressed to a "gentleman in the army," he noted, "You will learn that I have yielded to the wishes of my friends in allowing my name to be run for President. The crisis requires it or I would not have yielded. Duty, I hope will not always require this sacrifice of repose and quiet." ⁴⁰ The election slate was now complete.

Just why Houston finally did consent to run has never been fully explained. It is established that he had written to Rusk about the matter and that the latter had assured him of his support. ⁴¹ At a later date, after the passions of the election had cooled, Houston wrote to Guy M. Bryan that he had consented to run only because of the irreconcilable differences between

the Wharton and Austin parties, but in referring to Smith as the standard bearer of the Wharton group, Houston was mistaken. ⁴² He must have known that Wharton was championing Austin and that Smith was a candidate on his own. The fact is that Smith, whose strong point was the army, withdrew from the race upon the announcement of Houston's candidacy, for it was evident that the rank and file of the army would now go for the General. A letter from Henry Austin to his sister throws some light on the situation and does lend credence to Houston's acknowledged purpose of running, " the government was formed on the spirit of compromise to save the country and those who voted for Houston say they did it for fear Henry Smith would beat Stephen and all be lost, while Houston with the votes of the army would be a sure candidate. " ⁴³ Archer allowed his name to remain in nomination, but he was at no time seriously considered as the possible victor.

The campaign was carried on in spirited fashion though there were none of the organization facilities familiar to political campaigns today. Charges were hurled against Austin to the effect that he had fled Texas in her moment of greatest danger and that he had done nothing in the United States but, " eat fine dinners and drink wine. " ⁴⁴ Accusations of this sort were much less serious than the old bogey of the Monclova speculations, and his indirect association with these frauds hurt Austin in the extreme. A staunch supporter of his, Gail Borden, wrote to his Chief that, " from the sign of the times you cannot be elected, unless you or some friend comes out in a circular to the people. The lamented land speculation is operating against you... some

of your old friends say, they cannot support you unless they are convinced that you had no hand in the big land purchase. " 45 Austin wrote to Borden in answer to these accusations, but the impression persisted that Williams had acted at Monclova with Austin's sanction, and this was certainly the chief cause for Austin's defeat. Austin, himself, must have seen the handwriting on the wall, for on September 2, he wrote to James Perry, " Houston will, I am told, get all the east, and Red river now - Many of the old settlers who are too blind to see or understand their interest will go for him, at least a majority of them. " 46 Actually the final result was never much in doubt, and in the official election returns Houston polled 5,119 votes to 743 for Smith and 587 for Austin. 47 Smith had officially withdrawn, yet he still finished ahead of Austin.

David Burnet, as outgoing president of the ad interim government, put his finger on the main reason for Houston's victory, in a letter to Memucan Hunt, " Genl. Houston is beyond all question the President elect, he has beat my worthy friend, Austin, the pioneer of pioneers in Texas, as much as the splendor of military fame(no matter how acquired) excels the mild luster of meditative and intellectual worth. " 48 Allowing for Burnet's known hatred for Houston, the military record of the latter and the fact that he had effectively driven the enemy from Texas, were the chief factors in his favor. In addition to this the simple truth was that the recent arrivals in Texas, who represented an overwhelming majority at the polls, had no association with Austin and thus felt no gratitude for his pioneering efforts in Texas. Many of the voters also felt that

General Houston, as President of the Republic, would continue to prosecute the war and secure an honorable peace on the basis of recognition with Mexico. The impression that Austin would adopt a temporizing policy if elected, and thus duplicate the failures of the ad interim government, also contributed to the downfall of the old empresario. The eastern-western split in the politics of the Republic was not an important factor at this point because Houston had done nothing as yet in regard to frontier policy and favoritism to the Indians to antagonize the west. In 1836, General Houston came as close to being a national hero in Texas as it was ever his lot to be.

The story of the election is best told in an excerpt of a letter from James Morgan, a prominent resident of Galveston, to Samuel Swartwout, prince of thieves in the Jackson era:

The first general election of Texas is now all over and a majority of the candidates have the sad news by now. Austin knew long ago that he would be turned down by the people he had tried so hard to serve. Republics are proverbially ungrateful and we feel certain that Austin anticipated just about the kind of political deal that was handed to him. The Result of the election was as follows: Sam Houston, who had been in Texas about three years, received 5119 votes; Henry Smith, who had made such a tragic and dismal failure of his position as provisional governor, and in a sense, had the blood of both Fannin and Travis on his hands polled a total of 743 votes, while Stephen F. Austin, who was even now dying for the Texas he loved so well and had served so long and had made every sacrifice for, mustered the grand total of only 587 votes, and they were mostly the support of his Original 300 who remained loyal to him to the end. 49

The first administration of the Republic found Sam Houston in the Presidency and Mirabeau B. Lamar, Vice-President. The ex-Georgian had won his position virtually unopposed, the only other official candidate for the office, Alexander Horton, running well behind the victor. Lamar's election in the face of the army's refusal to accept him as their leader after San

Jacinto was explained by the fact that Thomas J. Green was busy running for Congress and Felix Huston was placated with a command in the army. Green and Huston led the malcontents against Lamar and their decision not to actively oppose his candidacy, coupled with Lamar's acknowledged bravery at San Jacinto, may have been responsible for the latter's election.

In the choice of his cabinet Houston displayed a decided wish to unite all former factions. He gave the portfolio of State to Austin, and that of the Treasury to Henry Smith.⁵⁰ For his Secretary of War the President designated General Thomas Rusk, thus keeping that popular personage within the official family. James Pinckney Henderson was appointed Attorney General, and S. Rhoads Fisher, a supporter of Austin's at the election, was named to serve as Secretary of the Navy. To complete the cabinet Robert Barr was given the office of Postmaster-⁵¹ General. Congress then elected James Collinsworth, formerly a commissioner to the United States, as Chief Justice of the Supreme Court. Shelby Corzine, Benjamin C. Franklin, Robert M. Williamson, and James W. Robinson were elected as judges of the four judicial districts of the Republic, and thus served in a dual capacity as associate justices of the Supreme Court. In time district attorneys and county judges were also elected by Congress to complete the judicial branch of the Texan government.⁵² The legislature organized with Ira Ingram, representing Matagorda, as Speaker of the House, and Vice-President Lamar presiding over the Senate. In the House, Branch T. Archer, Thomas J. Green, John Wharton, and Mosely Baker were avowedly anti-Houston, and

in the Senate opposition centered around Alexander Somervell and Stephen H. Everitt. 53

In his inaugural address the hero of San Jacinto outlined some of the basic problems that faced his administration. He first referred to the problem of frontier defense, and to the wisdom of treating with the various Indian tribes on a fair and equitable basis. Houston maintained that the army should be kept in a state of preparedness, and that the war with Mexico should be energetically prosecuted until an honorable peace was realized. The deplorable financial condition of the country was admitted, and a plea made to Congress for judicious legislation as a remedy. The President expressed his pleasure that the people had shown their overwhelming desire for annexation, and stated his belief that the United States would quickly act upon this matter. Finally, reference was made to Santa Anna, still in the custody of the Texans, and the ultimate advantages that might accrue from his release. 54

Texas, in the winter of 1836, presented a frightful spectacle. The national treasury was empty, the land devastated, and the frontier harassed by Indians. A bedraggled army on the lookout for excitement constituted a danger to law and order, and the Mexican armies might at any time again march against Texas. Times were hard, prices high, and the future anything but auspicious. A settler expressed the situation:

The country has been completely ravaged by the armies. Houses have been robbed of their contents, provisions taken from them, the beeves have been driven out of the country, and the game frightened off. We have suffered during the summer exceedingly; some of us have tried to raise a late crop of corn by planting in June, but this experiment has not succeeded well. What we are to

do I know not, but I trust some way will be provided for us. 55

Another resident, in a letter to a relative in the North, gave his account of the troublesome times in Texas:

Provision is very scarce and hard to be got. Flour is now selling at Lynch's at \$18 pr Bbl, and I am told is 20 on the Brazos. Sugar is 20 cts per lb. and no money to be had. Corn very scarce \$1.50 pr Bushel on the Brazos there is none to be had in our neighborhood. I am told that there is 25000 Mexicans on their march and will be here early in the Spring. I am fearful unless peace is made shortly or a sufficient force comes from the U.S. that we shall not be able to contend with so large a force. 56

Against this setting the first Congress began its deliberations at Columbia, and first attempted to locate a permanent seat of government. The ad interim government had concluded its functions at Velasco. Columbia served as a temporary location for the legislature to convene, but it was felt that a permanent capital should be established. House and Senate committees were appointed to draft recommendations, but the committees failed to agree, the House recommending Nacogdoches and the Senate the site at San Jacinto. ⁵⁷ On November 14 an act was passed to temporarily locate the seat of government, and competition then began in earnest for the favored location. In the Senate petitions were presented praying the location of the capital at Matagorda, Fort Bend, Washington, Columbia, and Houston. ⁵⁸ As an agreement could not be reached it was determined to locate the seat of government by joint vote of both houses of Congress. At this point the claims of the embryo city of Houston were put forth by John K. Allen, a member of the House, and his brother, Augustus C. Allen. The Allen brothers had conceived the idea of founding a town to take the place of the devastated Harrisburg and had purchased a tract of land on Buffalo Bayou, five miles north of the former site of

Harrisburg. By the time Congress assembled the Allen brothers were able to offer sufficient inducements in the way of government buildings, private lodgings for congressmen, and a city, "handsome and beautifully elevated, salubrious and well watered and in the very heart or center of population." ⁵⁹ All of these inducements proving too hard to resist, the legislators decided upon Houston as the permanent seat of government. An act was passed December 15, 1836 which provided that the capital should be located at Houston until the end of the congressional session of 1840.

Meanwhile, the question of the disposition of Santa Anna continued to vex the Texan government. The army had kept the illustrious Mexican a prisoner at Crozimbo, the plantation home of James A. E. Phelps. Before his inauguration, President-elect Houston paid the captive a visit and listened to Santa Anna's request that he be allowed to go to Washington and plead the Texan cause there in person. As early as July 4 Santa Anna had written to Jackson asking that he use his influence to insure that the provisions of the general agreement, signed just after the battle of San Jacinto, be carried out in good faith by the Texan government. ⁶⁰ Jackson replied some two months later to the effect that the Mexican Minister in Washington had informed him that the government had officially repudiated Santa Anna, and that consequently the United States could not deal with him. However, Jackson stated that his government would offer its good offices to the de facto Mexican government in an attempt to terminate the war. ⁶¹ On the same day that he wrote to Santa Anna, Jackson unburdened himself to Houston on the matter:

I have seen a report that Genl. St. Anna was to be brought before a military court, to be tried and shot. Nothing now could tarnish the character of Texas more than such an act at this late period. it was good policy as well as humanity that spared him. it has given you possession of Goliad and the alamo without blood or loss of the strength of your army... his person is still of much consequence to you... he is the pride of the Mexican soldiery and the favorite of the priesthood; and whilst he is in your power the priests will not furnish the supplies necessary for another campaign, nor will the regular soldier voluntarily march when their reentering Texas may endanger or cost their favorite Genl. his life. therefore preserve his life and the chances are you have won. 62

Houston and his Secretary of State, Austin, well knew that as the treaties of Velasco had been negotiated with Santa Anna, no disposition of the prisoner could be made without the sanction of Congress. As one of his first acts of office, therefore, Houston, with Austin's approval, requested permission to send Santa Anna to Washington, as a free man to treat with Jackson. Instead of granting this request, Congress passed a resolution directing that Santa Anna be kept in Texas until the consent of the Senate could be secured allowing his removal. 63 The President immediately vetoed this resolution and a general debate followed. In the Senate, Stephen H. Everitt, a leading opponent of the administration, argued a usurpation of the powers of the upper house, as well as the deplorable fact that the health of the prisoner might improve as a consequence of the trip to Washington. 64 The major part of the opposition that was voiced to Houston's plan came from the belief that the Mexican government would not respect any agreements made by the repudiated dictator. This was a sentiment shared by many, and was expressed in concise fashion by the most important newspaper of the period, the Houston Telegraph and Texas Register:

Although Texas has not played the part of the robber with

Santa Anna, yet the influence of what he and his government would call undue fear, was no less: and if his friends have not actually designated us by the honorable cognomen of bandits, they at least, have allowed us to rejoice in the title of rebels, and would assuredly in their congress cause him, in the event of his release, to abjure from any promises he might be induced to make, under present circumstances. 65

Congress continued in a rebellious mood. A resolution was secured, however, which made the President solely responsible for whatever treatment might be accorded Santa Anna. Houston quickly released the prisoner and also freed Colonel Juan Almonte, a prisoner captured at San Jacinto, to serve as Santa Anna's personal aide. Three Texans, Colonel Barnard E. Bee, Captain George Hockley, and Captain William E. Patton were commissioned by the President to accompany the prisoner on the trip to Washington. On November 25, the party sailed for New Orleans and they arrived in Washington January 17, 1837. 66

It was the hope of obtaining quick and favorable action on the annexation petition that motivated Houston and Austin to favor Santa Anna's release. In writing to Henry Meigs, a friend of Texas and brother in - law of John Forsyth, Jackson's Secretary of State, Austin stated the case for Texas:

Probably Mexico will not refuse to treat with the U.S. for the quit claim, or a final adjustment of limits, and thus give to Texas what she wants, without compromising her pride or prejudices by treating direct with Texas - or the same results may be obtained by means of the mediation of the U.S. which Santa Anna has solicited from Genl. Jackson - Could not Santa Anna be used in this matter? and if he can, why not use him. 67

In much the same manner, Austin wrote to Senator Thomas H. Benton that Santa Anna was, "in favor of the independence of Texas, or its annexation to the U.S. You are all wise and experienced politicians in Washington, and can judge better than we can whether any important objects of general good to Mexico,

the U.S. and Texas will result from his visit to your city. " 68 Upon Santa Anna's departure, Houston submitted the name of William H. Wharton as Minister to the United States and the Senate unanimously confirmed the appointment. 69 Wharton was empowered to enter into negotiations for annexation, and it was felt that his previous experience in Washington and prior association with Jackson would be of value. This done, Houston wrote to Jackson informing him of Wharton's selection and confessing his own eagerness for annexation, " My great desire is that our country Texas shall be annexed to the United States on a footing of justice and reciprocity to the parties. " 70 Wharton set out for Washington, arrived there before Santa Anna, and began his work looking toward recognition and ultimate annexation.

In Texas, Houston and Congress came to grips with the problems of finance. The Republic was saddled with a debt of about \$1,250,000. expended in the recent war, and the credit of the new nation was at its lowest point. The financial crisis that faced the government was made even more difficult by the prevailing hard times in the United States. The Panic of 1837, and the resulting differences that occurred between Jackson and Biddle, made the prospect of securing loans in the United States very dim. With the chance of direct loans at a minimum, the government had the alternative of selling Texas lands in the United States, but again the temper of the times was unfavorable. The legislators were then compelled to resort to other means to raise money. A tariff, some types of direct taxes, and the disastrous expedient of paper money issues were the answers ultimately devised by

the government. 71

The land problem was inextricably related with the absolute need for financial aid. The Republic of Texas embraced an area of some 237,906,080 acres. When independence was declared, all of this vast area was unappropriated public domain except 26,280,080 acres which had previously been granted to individuals by Spain and Mexico. 72 The provisional government and the ad interim government had granted extensive bounties in land to volunteers, and it was necessary that these lands should be located, surveyed, and patented to the true owners. The constitution of the Republic stipulated that all valid claims should be recognized and that a general land office should be established. Also, in accordance with the constitution, all heads of families living in Texas at the time of the declaration of independence (March 2, 1836) were to receive a league and labor of land, and all single men, a third of a league. The ad interim government then extended this provision to cover persons who arrived between March 2 and August 1, 1836, who served in the army and were honorably discharged, or who died prior to December 14, 1837. These grants of land were called headrights of the first class. 73

An act was passed by Congress which provided for the establishment of a general land office, but was vetoed by the President. 74 Houston felt that the unsettled conditions of the country would favor those holding false claims, and the Executive, though he favored the creation of a general land office, wanted to defer the action to a later date. The legislators, however, did empower Houston to appoint agents at New Orleans to sell Texas land

scrip at not less than fifty cents per acre, and some 700,000 acres were put up for sale, though the results were disappointing and the government was forced to adopt other methods of raising money. An act was therefore passed which empowered the executive to borrow five million dollars in foreign loans. The legislature also united on a land office over the President's veto. ⁷⁵ Finally, the organization of a tariff system was provided for by an act of December 20, 1836. The law, which would become effective June 1, 1837 established ad valorem duties ranging from one per cent on breadstuffs to fifty per cent on silks, and to average about twenty-five per cent on total imports. The act also placed a tonnage duty of twenty-five cents per ton on all foreign vessels of ten tons burden or more arriving in Texas ports. Some direct taxes such as a general property tax, a poll tax, and various license taxes were included, but the emphasis was placed upon the tariff as the means to raise revenue. ⁷⁶

Houston, though he was adamant on the matter of the land offices, allowed himself to be involved in a speculation of another nature, which in time had political repercussions. The Texas Railroad, Navigation and Banking Company was the creation of Austin, Branch T. Archer, James Collinsworth, Thomas F. McKinney, and James P. Henderson. These men, every one of them high in the political councils of the nation, formed a corporation and secured a charter from the first Congress. ⁷⁷ The charter stipulated that the company should have a capital of five million dollars, extensive banking privileges, and the right to connect by canals and railroads, the Rio Grande and Sabine rivers. The capital stock should be divided into fifty thousand shares of

one hundred dollars each. A bank would also be created with a specie capital of one million dollars. At the beginning of the bank's operations, the company should pay into the treasury of the Republic twenty-five thousand dollars in gold or silver, and thereafter one and one-half per cent upon the annual net profits of the canals and railroads and one per cent of the bank dividends. The charter granted the right of eminent domain and stated that the company might occupy a mile-wide strip through public lands. Finally, the charter asserted that the President of the Republic should annually appoint a commissioner to examine the company and report upon the bonus due the government. The first bonus must be paid within eighteen months from the passage of the act, or the charter would be forfeited. ⁷⁸ Houston signed the bill incorporating the company on December 16, and Congress adjourned soon thereafter.

In the interim between the adjournment of the first Congress and the meeting of the next in May, 1837 the fate of the company's charter became a vital political issue. The Jacksonian tradition of hostility to established banks, and the fact that the company was the creation of leading politicians, combined to cause a concerted opposition to the scheme. Thomas J. Green, a friend of the company in the House of Representatives, in a letter to Archer outlined the advantages that would result from the terms of incorporation:

The privilege of discounting thirty millions of paper at ten per cent. per annum upon its ten millions capital stock; its unrestricted privilege to deal in bills of exchange; its unrestricted authority over the establishment of tolls, fees and charges of the works; the privilege of taking at the minimum government price, all the lands within half a mile of such works; its full and ample

power to buy and sell all species of such property... the right that foreign stockholders have to hold real estate in Texas not otherwise allowed to them, together with its ninety-eight years duration of character are privileges... beyond arithmetical calculation. It is at the option of your corporation to commence any public work at pleasure and to prosecute the same free of any legislative restriction or penalty. 79

This frank self-congratulation proved a bombshell for the managers of the company foolishly allowed this letter in its entirety to be circulated, in order to stimulate the purchase of the capital stock in Texas. The Houston Telegraph and Texas Register, whose editor had been constantly opposed to Houston on personal grounds, immediately took up the cry against this form of monopoly:

Let those HONEST legislators exult to behold ONE MILLION OF DOLLARS in bank capital all accurately counted, and neatly arranged in high and shining piles; & stifle if they can, the bitter, bitter reflection, that this golden fruit of speculative legislation, like the forbidden fruit of Eden, is to entail an hereditary curse upon their posterity; that is to choke up every channel of enterprise throughout our land; control our currency; paralyze our commerce, destroy every germ of internal improvement, and, finally, compel every class of citizens to bow down and do homage at the feet of a foreign, monied, aristocracy. 80

Such a castigation of the monied interests was certainly no foundation for the continued success of the monopoly. The second Congress which met in May continued the onslaught upon the privileges of the company, but its demise came about in tame fashion. In Texas because of the paper money issues the rate of exchange had fallen to about fifteen cents on the dollar. The panic in the United States defeated the attempts to sell the company stock there, and only about \$86,000. had been subscribed for in Texas. If the bank could save it's charter it could print additional currency, but by the terms of the act of incorporation the \$25,000. bonus had to be paid in hard money. Archer, who had

lost his seat in Congress as a result of his association with the speculation, then paid to Secretary of the Treasury Smith the required amount in paper money. Smith, supported by the opinion of Attorney General, John Birdsall, refused to accept the paper money, and no effort was made to open the bank or to test Smith's action at law. ⁸¹

The sanction given to the banking company was the first real political issue in the Houston administration. It was the opinion of many that the President and his administration had favored the speculation, and that in truth Houston was the official power behind the five partners. Francis R. Lubbock, a clerk in the House at the time and a personal friend of Houston's referred to the charter of incorporation as, " the most sharply criticized act of Houston's first administration. " ⁸² The political error of association with the company was not lost on the majority of its founders. Austin repudiated his association with the company just prior to his death in December, 1836. Collinsworth and Henderson were assiduous in attempts to clear themselves of charges of complicity in the transaction, and in time the matter died. Actually, Houston had completely agreed with Smith in his decision not to accept the paper money as the bonus payment, but the original act of incorporation was secured with his approval.

The Hero of San Jacinto was faced with another vexatious question in regard to the army. With the appointment of General Rusk as Secretary of War, the command of the army was transferred to Brigadier General Felix Huston, one of the firebrands who arrived after the battle of San Jacinto and was instrumental in causing the detention of Santa Anna. The law partner of Seargent

Prentiss, the great Whig politician in Mississippi, Huston came to Texas in search of adventure and military glory. The army found itself in a state of inactivity after the Mexican retreat was completed, and trouble soon developed. Huston began to trumpet the old idea of a Matamoras campaign, and to the idle soldiers the prospect of adventure and plunder was alluring. To stay this threat, the President appointed Albert Sidney Johnston as Commander of the army, and in this fashion hoped that the removal of Huston would quiet the troublesome elements in the army. ⁸³ The command had first been offered to General James Hamilton, former Governor of South Carolina and an ardent friend of Texas, but he was unable to accept. Johnston arrived in camp on February 4, 1837 and was immediately challenged to a duel by Huston who could not, "submit to be overslaughed under humiliating circumstances. " ⁸⁴ The challenge was accepted and on the sixth shot Johnston fell seriously wounded. The result of the entire affair was that Felix Huston retained control of the army, and the Matamoras scheme was in the air once again.

The President, however, persevered in his peaceful policy and in March, Huston was writing to his recent adversary, Johnston, in a dejected tone, "I hope little from the war policy of the Administration. The facility of arriving at the same conclusions from the most opposite states of facts renders it entirely useless to argue or reason with the President on this subject... As to our waging war, he will not hear of it. I am in very low spirits as to our prospects, and deem Texas in a very critical situation. " ⁸⁵ Huston decided to attend the sessions of the second Congress and personally lobby for his favourite project. He appeared at the

capital in May, and at this point the President decided to take advantage of his absence and furlough the army. Accordingly on May 18 the Secretary of War, William Fisher, ordered that the entire army, with the exception of six hundred men, be granted furloughs. The furloughs were unlimited but liable to revocation at any time. Of course the soldiers were intent on getting out of Texas before the President could remand his order, which actually was the furthest thought from Houston's mind. Confronted with this fait accompli, Houston returned to his law practice.⁸⁶

The executive's action in disbanding the army was sharply criticized, especially in the West, though the measure was justified by the absolute need to maintain the unity of the administration. In a despairing mood, Houston wrote to a friend that, "We may yet save the country, but it will be a chance. Disorganization in the army heretofore has done all the evil. God avert the worst." ⁸⁷ In the United States the most vocal Southern newspaper in relation to Texas affairs, the New Orleans Picayune, took up the cudgels against the President's policy:

The disbanding of the army by the president of the republic has given great dissatisfaction to the people of the whole country. The army became discontented because the people objected in vain to the president's refusal to gratify their wishes in an attack upon Matamoras... the news from the interior of Texas is very unfavorable - anarchy, confusion, and all the beauties of discontent seem to prevail, to the dishonor of the Republic and the ruin of all the bright hopes of the thousands who have lately emigrated to that country. We have never believed Gen. Houston to be the man for the high station he now occupies, and cannot believe that the country will long remain under its present administration.⁸⁸

Finance, land problems, and a discontented army were not the only problems of the first Houston administration, for the Indians also proved a constant menace. The Cherokees, the principal tribe, enjoyed title to their lands from grants under the Spanish

government which had been confirmed by Mexico at the time of its independence. In February, 1836 when the Texans needed their friendship, Houston, John Forbes, and John Cameron were appointed by authority of the provisional government to treat with the Indians. In return for their neutrality, the government guaranteed to the Cherokees permanent titles to their lands. Houston wrote to Colonel Bowl, the Cherokee Chief, that he was in possession of the, " Great paper that was signed by all the Council - It will make you happy and all your people contented as long as you live. " ⁸⁹ In truth, however, the Congress under the Republic refused to ratify the treaty, and the Indian lands were soon encroached upon by the white settlers. ⁹⁰ The President advocated the cause of the Indians, both from a just view of the situation and from personal interests, and would not sanction a wholesale war against the Cherokees until later events forced his hand. For this policy he was severely censured in the western areas of the nation. Houston's refusal to execute laws of December, 1836 providing for a military establishment of 3,587 troops, as well as a chain of blockhouses, forts, and trading houses for the protection of the frontier, also later reacted against him. The President suffered for looking at the situation in a practical fashion. How to pay for the recommended appropriations in anything but worthless paper money did not appear to concern the legislature.

In the spring of 1837, the elected representatives of the nation rode into the sprawling town of Houston for the second session of Congress. The city designated as the first permanent capital of the Republic had grown, and in 1837 was described by a traveller in concise fashion:

The main street of this city of a year extends from the landing into the prairie - a beautiful plain of some six miles wide, & extending, with points and islands of timber, quite to the Brazos. On this main street are two large hotels, 2 stories, with galleries (crowded to overflowing) several stores 2 stories - painted white - one block of eleven stores (rent \$500 each) - some 2 story dwelling houses & then the capital - to the right - painted peach blossom about $\frac{1}{2}$ mile from the landing. Other streets, parallel, & at right angles, are built on here & there, but chiefly designated by stakes. One story dwellings are scattered in the edge of the timber which form an amphitheatre round the prairie, according to the bend of the Bayou, which, being wider, would render this a most eligible town site. As it is, it is too inconvenient, besides being unhealthy. 91

The capital city was not a desirable place either to work or to live. One congressman wrote to his wife that Houston, " was the most miserable place in the world, " 92 and a young lawyer residing in the city has left this apt description:

Took lodgings at Floyd's Hotel... Rains, streets became very muddy in a few hours. Visit Billiard room, play game of Billiards, successful. In the same house are four faro banks in addition to which are a number of others in the place, the greatest sink of dissipation and vice that modern times have known. 93

Despite the depressed financial situation in Texas, hopeful thousands continued to pour into the country from the United States where conditions were even worse. The Washington correspondent of the New York Journal of Commerce reported that a, " tremendous rush is already making from the south and south west into Texas. Vast numbers are gone, going, or preparing to go, with their money and their domestic slaves, into the new El Dorado. Even from the fertile lands of Mississippi and Alabama, there will be a vast emigration to the more fertile and pleasant fields of Texas - where lands can be had for little or nothing, and where crops of cotton can be made from one planting. " 94 In this period, by far the greater number of emigrants came from the states of Alabama, Tennessee, Mississippi, and Louisiana, and this factor, coupled with those who came from the other states of the

Union caused the population of Texas to swell considerably. 95

Congress convened on May 1 and heard the President deliver his message. Houston called attention to the lamentable financial condition of the country, and asked for adequate legislation in regard to the public lands. He noted the need to draw the boundary on the northeastern frontier between the United States and Texas, and, as a result of the undefined boundary, the duty of each nation to restrain its Indians. The President expressed his pleasure with the existing state of the army, and recommended that the navy be strengthened. Finally, Houston observed that no change had occurred among the people in respect to their united sentiment for annexation. 96

With this program before them, the Congressmen set to work. As a solution to the complete lack of hard cash in the nation's coffers and the failure of the land scrip sold in the United States to realize a sizable profit, the solons resorted to the expedient of paper money issues. The act of June 9, 1837 marked the beginning of this disastrous experiment. It authorized the President to issue the promissory notes of the government to the amount of \$500,000. in denominations of not less than one dollar, nor more than one thousand dollars, payable twelve months after date, and drawing interest at ten per cent. There was pledged for their redemption one-fourth of the proceeds of the sales of Galveston and Matagorda islands, 500,000 acres of land, all improved and forfeited lands, and the faith and credit of the government. 97

These notes were issued about November 1 and on December 14, 1837 Congress authorized the issuance of "change notes" or treasury notes of small denominations, to an amount not exceeding ten

thousand dollars, and an additional issue of \$150,000. of other treasury notes, if required. Also customs duties were made payable only in specie or treasury notes. The amount of printed notes issued down to January, 1838 was \$514,500. They were not reissued, however, and actually they experienced little or no depreciation. The excesses of paper money issues were reserved for the next session of Congress.

In regard to the land problem, the offices were still closed by order of the President, and a comprehensive land law was very much needed. The legislators did repeal all laws which allowed additional bounties to volunteers, for there was no great need for an army, and certainly no way to pay the soldiers at this time. With the passage of this act, Congress adjourned, having been in session only a little better than a month. This action aroused the ire of Dr. Francis Moore, later a Texan Senator in his own right, but then the influential editor of the Telegraph and Texas Register:

In our humble opinion some mechanical means ought to be devised to induce our members of congress to hold longer sessions. Such an obstinate disposition is manifested by some members to pop up and move an adjournment that they ought to be supplied by their constituents with seats of tough sticking plaster. They seem to be quite regardless of the lessons taught by the first legislators of America, who often convened in full assembly, ' before the governor was stirring ' - and more over were such thorough-going business men, that they spent as many hours in the legislative halls as they were accustomed to spend in their fields and workshops. 98

With no other alternative, Houston called a special session of Congress to deal with the land and other pressing questions. Feeling that such a situation would aid the speculators, the President had refused to open the general land office in compliance with the law passed at the first session of Congress, and thus the situation remained virtually the same as it had been at the

beginning of the administration. The crux of the entire matter lay in drafting a bill that would please the veterans as well as the old settlers, for those who had fought in the battles of the Revolution felt that they were entitled to at least an equivalent amount of land as those who had settled in Texas prior to the Revolution but had not served in any of the campaigns. The called session was but two weeks old when Kelsey H. Douglass, of Nacogdoches, introduced a bill for the benefit of the veterans. William Gant,⁹⁹ of Washington County, and General Thomas Rusk, representing Nacogdoches, in turn presented bills dealing with the bounty question. The preoccupation with the land matter at the called session led the editor of the Telegraph and Texas Register to again chide the legislators:

Most of the members of congress appear to be so fascinated by the new land bill that they have entirely forgotten the navy. Land, land, land, seems to engross their whole attention; if their disgraceful apathy should continue much longer, the thunders of the Mexican cannon pealing along our coast may announce to them the startling fact that the title to the lands of Texas is not yet secured. 100

The debates on the land problem continued with no apparent solution in sight. Finally, acts of December 4 and 14, 1837 were passed which provided that those veterans who had served for three months should receive 320 acres; for six months, 640 acres; for nine months, 960 acres; for twelve months or more, 1280 acres. Additional grants were made to those who had participated in the war against Mexico and to all those who had become incapacitated for labor in the service of the Republic. The act did not provide for the division of the lands in sections of a mile square, as was guaranteed by the constitution. This was the main point of contention while the bill was in the House and Senate, and those

who cast their vote against it pointed to the absolute need to employ a surveyor in locating lands, the endless amount of litigation that would be involved, and the opportunities for speculation current.¹⁰¹ In his veto message, Houston placed strong emphasis on the fact that the land would not be sectionized in "parcels of one mile square." He called attention to the constitutional provision respecting this, and said that the work of sectionizing could be completed in less than six months. He also objected to the provision of the bill which authorized the President to cause to be surveyed a sufficient quantity of land to meet all claims of land scrip previously issued by the government. It was Houston's contention that the holders of the scrip, themselves, should be confirmed in their understood right to choose the location of their lands.¹⁰² The joint acts were passed over the President's veto, though Houston remained steadfast in his refusal to open the land offices.

In the matter of relations with the United States, the Texan government continued to work for recognition of its independence. The Congress at Washington had empowered Jackson to send an agent to Texas and gather information concerning the political and economic condition of that country, with the prospect of favorable action on the question of recognition, dependent upon the report. In compliance with this resolution, Jackson sent Henry Lerfit, a clerk in the State Department, to Texas, and the matter then lay dormant until Congress resumed its sessions again in December, 1836. In the interim, Grayson and Collinsworth, the Texan commissioners in the United States were recalled, and William H. Wharton was appointed Minister to the United States. In his instructions,

drafted by Austin as Secretary of State, Wharton was told to claim independence on both a de jure and a de facto basis. Austin contended that the fact of independence was proven by the failure of Santa Anna's invasion, and by his admission that Texas was able to maintain itself. Santa Anna was en route to Washington and would impress these points upon Jackson. If negotiations reached the stage of a treaty of annexation, Wharton should contend for the admission of Texas, with boundary extending to the Rio Grande, on an equality with the existing states; the treaty should recognize slavery with no other limitations than those imposed by the Federal Constitution; and should guarantee land titles without regard to the fulfillment of formal conditions, such as complete cultivation or adoption of the Catholic faith. If Texas were required to pay its public debt, then Wharton should insist that the state retain its public lands. These were the public instructions to guide Wharton in his conversations with Jackson and Secretary of State, Forsyth. Privately, the Minister was advised to treat with the foreign representatives of England and France, located at Washington, in the event that his mission proved a failure. 103

Wharton departed on his task fully aware of the difficulties in his path. A letter written to Austin before Wharton reached Washington gives evidence of an uncanny facility at prophecy:

To be plain and candid, I believe the recognition of our independence will certainly take place, but I have not at present much hopes of our being annexed. That question when proposed will agitate this union more than did the attempt to restrict Missouri, nullification, and abolitionism all combined. Already has the war violently commenced even on the prospect of our annexation. The Southern papers, those in favor of the measure are acting most imprudently. They are irritating and bravading the north into an inveterate opposition. Language such as the following is uttered by the most respectable journals such as the Richmond Whig, Charleston Mercury etc. The North must choose between the Union

with Texas added - or no Union. Texas will be added and then forever farewell abolitionism and northern influence. Threats and denunciations like these will goad the North into a determined opposition and if Texas is annexed at all it will not be until after the question has convulsed this nation for several sessions of Congress. 104

Jackson addressed Congress on December 21 in regard to the matter of recognition of Texan independence. Using the Morfit report as his guide, the President observed that it had been the traditional policy of the United States to accord recognition on the basis of the fact of independence. The agent's report stipulated that Texas was independent, but a doubt existed as to whether the new Republic could maintain this state. In Jackson's words the situation resolved itself in this manner:

It is true that, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, the chief of the Republic himself captured, and all present power to control the newly organized Government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Mexico. The Mexican Republic under another executive is arming itself and menacing a fresh invasion to recover its lost dominion. 105

Jackson reasoned that this condition of affairs was enough to preclude recognition, but the President also called attention to the fact that recognition and annexation were virtually one and the same. It was his opinion that annexation would be the logical and speedy result of recognition, and that this would place the United States in a bad light with the other major powers of the world; that the United States would be suspect of land grabbing and liable to the accusation of a failure to maintain absolute neutral standards. Also the general consternation that annexation might cause in Europe, if accomplished in a precipitate fashion, must have been a factor in Jackson's mind. 106

To the Texans the President's message came as a complete

surprise and a bitter disappointment. So pronounced an opponent of recognition as John Quincy Adams, now a member of the House from Massachusetts, recorded his sentiments in his diary:

A message was received from the President concerning the new republic of Texas - the recognition of her independence, and her application to be annexed to the United States. This message was in a tone and spirit quite unexpected to me, and certainly a large portion of the House - a total reverse of the spirit which almost universally prevailed at the close of the last session of Congress, and in which the President notoriously shared. This message discourages any precipitate action on the recognition of Texas, and speaks with due caution and reserve of its annexation to the United States. 107

In his message, Jackson had pointed out that Congress traditionally exercised the right of recognition and that the final disposition of the matter would have to come from Congress, therefore the discerning were not in despair over Jackson's policy. Houston, writing to Thomas Toby, the Texan land agent in New Orleans, said, " I have read General Jackson's Message and I think it is politic, but not unfavorable. How the United States can get over our recognition, I can not conceive. " 108 Wharton, far from being disheartened, expressed his opinion that, " Congress will probably recommend a recognition in the course of a week... the administration expect to acquire Texas by treaty with Mexico soon and thus remove all causes of complaint. " 109 Though his spirits were not depressed because of Jackson's rebuff, Wharton did become ill in Washington and indicated a desire to return to Texas. His wish coincided with the plans of Houston, who wanted to send to the United States a man who had been present at the sessions of the first Republic Congress and who could give a true picture of the current political and economic conditions in Texas. This was desirable as an antidote to the Morfit report, and Memucan

Hunt was named by the President as a special agent to the United States, to act in concert with Wharton in the deliberations for recognition, and with the understanding that he would assume the position as Minister upon Wharton's return to Texas. ¹¹⁰ However, Wharton was besought to stay on at Washington until the inauguration of Van Buren, and finally consented to do so.

James Pinckney Henderson, who was appointed Secretary of State upon the death of Austin in December, 1836 instructed Hunt to labor for recognition and for the admission of Texas into the Union by a law of Congress. ¹¹¹ Meanwhile, however, the question of Texas recognition had become the subject of debate in national politics. Robert J. Walker, the expansionist Senator from Mississippi and the most devoted friend of Texas in the Senate, introduced a resolution on January 11, 1837 calling for the independence of Texas. His move was opposed by the Jackson administration and passed the Senate with difficulty, only to fail in the House. ¹¹² With Van Buren elected and Jackson about to leave the Presidency, Washington was in a state of transition, and the times were not favorable for negotiations of so delicate a character as the Texas matter. Wharton gave a good account of the difficulties besetting he and Hunt, in a letter to Houston:

I will now tell you the whole secret of the reluctance of Congress to act on this matter. I have made it my business to unravel the mystery and I know that I have succeeded. Some of the members have openly avowed to me their reasons for wishing to postpone our recognition until the next Congress. It all proceeds from the Van Buren party. They are afraid that the subject of annexation will be pressed immediately after recognition;- that annexation or no annexation will be made the test of the elections for Congress during the ensuing summer; - that the North will be opposed and the South in favor of annexation, and that Mr. Van Buren will of course have the support of either the South or North in mass accordingly as he favors or opposes annexation. The fear then of throwing Mr. Van Buren into a minority in the next Congress

induces his friends to desire a postponement of recognition at present, thereby keeping down the exciting question of annexation at the next elections and giving Mr. Van Buren more time to manage his cards and consolidate his strength. 113

Wharton and Hunt were also embarrassed by the fact that the recognition and ultimate annexation of the Republic had become a controversial national issue. The abolitionists seized upon the Texas revolution as a diabolical plot of interested slaveholders to increase the slave area of the United States, and to perpetuate that "peculiar institution" at the expense of the North. The old, warning, charges were bandied back and forth, and Benjamin Lundy, perhaps the most vocal northern abolitionist, entered the lists with a vehement pamphlet which attributed the revolution to the, "oppression of the Slaveholding interests." 114 Important newspapers in both the North and South editorialized on the Texas question; in this respect the Richmond Whig commented on the aggrieved state of affairs:

Some of the Northern papers are beginning to take ground against the admission of Texas into the American Union, on the ground that it will strengthen the interests of the slave holding states. We shall soon hear the whole Northern phalanx in the cry, and the alarm will be sounded in every plausible form calculated to awake cupidity and fanaticism. The surrender of Virginia and North Carolina to their worst enemies, will embolden those who are now dealing in whispers to elevate their tone and enhance their demands. The coming sessions of Congress will develop signs which cannot be mistaken. The storm is gathering. 115

Meanwhile in Washington events proceeded at a rapid pace. Santa Anna reached the capital city and after a few short interviews Jackson despaired of accomplishing anything, and sent the famous prisoner back to Mexico as a passenger on an American naval vessel. Finally, Representative Boyd of Kentucky moved that the independence of Texas be recognized, and the attempt of Cambreling of New York, a staunch Van Buren man in the House, to sidetrack the issue

by a motion to consider appropriations was defeated by a considerable majority. Writing to Rusk on February 12, Wharton surmised that the committee on foreign affairs in the House would include in the general appropriation bill, expenses for a diplomatic mission to Texas. 116 This is precisely what happened; the House on February 28 adopted the twin resolutions of the foreign affairs committee providing for the recognition of Texas, and directing that the bill for the civil and diplomatic expenses of the government should include provisions for an agent, appointed by the President, who would be sent to Texas. 117 On March 1, the Senate by a vote of 23 to 19 passed the resolution which Senator Walker had presented on January 11, recommending legal recognition. The final step in the affair is well told by Wharton:

I have at length the happiness to inform you that President Jackson has closed his political career by admitting our country into the great family of nations. On Friday night last at near 12 o'clock, he consummated the recognition of the Senate and the diplomatic appropriation bill of the lower House, by nominating a Mr. Labranche of Louisiana, charge' d'affaires near the Republic of Texas. He also sent for Gen. Hunt and myself and requested the pleasure of a glass of wine, and stated that Mr. Forsyth would see us officially on Monday. 118

In this fashion was recognition at last accomplished. The Texans had blundered at first in not concentrating all power in a single agent, or even in a single mission. In addition to this, Jackson would not act in hasty fashion, and the Van Buren supporters in Congress refused to encumber the Presidential nominee by a definite stand on such a controversial issue as Texas. Add to these factors the presence of an emotional issue, the expansion of the slave system, albeit mistakenly involved, and it can be seen that the prize of recognition was a difficult one to attain.

In a political sense, recognition was an empty victory without the added factor of annexation. Colonel William F. Gray, an accurate observer of public opinion, recorded in his diary that recognition:

... does not give much pleasure to President and Cabinet of Texas. All persons are disappointed. Their hopes have been so highly raised of a speedy annexation to the United States by treaty with Santa Anna, that they can't at once be reconciled to the new state of things presented by recognition. Texas independent, and compelled to fight her own battles and pay her own debts, will necessarily have to impose heavy burdens on her citizens. 119

In addition to the charges of failure that were circulated against the Houston administration for the inability to secure annexation, the President was also accused of neglecting the military defenses of Texas. In point of fact there was no significant military threat to Texas sovereignty, though the activities of the Mexican Navy cruising off the Gulf were to be reckoned with. In particular, the capture and removal of Wharton from the Texas warship, Independence, upon his return from Washington, and his resultant imprisonment in Mexico City, did embarrass Houston. The President's refusal to sanction an official rescue attempt led the Secretary of the Navy, S. Rhoads Fisher, to order a cruise on his own responsibility, and for this he was quickly dismissed. The entire incident was unfortunate, for it revealed the lack of harmony in the official family of the administration, and led to the loss of some support for Houston in Congress, where Fisher was popular. The fact that the Texas navy consisted of three ships and funds were not available to construct any more did not dampen the ardor of some congressmen for a naval campaign against Mexico. The President, bringing to bear all his facility for practical judgment, continued completely hostile to any suggestion of offensive war.

With three sessions of the Republic Congress already past, and with certain basic policies easily identifiable with the administration, opposition to Houston became concerted. In addition to the political issues such as land, finance, treatment of the Indians, permanent location of the capital, appropriations for defense, and annexation, reports were current concerning the " Old Hero's " 120 drinking and his overall lack of personal decorum. These were undoubtedly exaggerated in many cases, but there was enough truth in the matter for many to consider Houston unfit for the office he held. A friend of the chief executive's was forced to write, " The President is so unpoular himself. Knowing how much you think of ' his Excellency ' I will not tell you just how he does stand at this time. " 121

In a rebellious mood, Congress convened at Houston on April 9, 1838 and busied itself with the duties at hand. The financial question calling for the quickest attention, the legislators began work on it first. The issuance of paper money in the form of interest-bearing promissory notes was continued, so that on September 30, 1838 the amount of paper money in circulation was \$684,069.59 or \$34,069.59 above the amount which had been contemplated by the government; and on November 3, 1838 the estimated amount in circulation was \$812,454. A bill to increase the issue to a million dollars was vetoed by the President on May 12, 1838 on the theory that such a large amount of paper money in circulation would destroy the value of the notes and thus defeat the purpose. But, on May 18, Houston signed a bill that provided for the continued reissue of the notes until an appropriation of \$450,000. should be met. 122

Because of this course of action, Texas suffered from all the illls

of an abnormal economy which soon led to complete inflation. A letter from Ashbel Smith, then the Surgeon-General of the Texan army, to Henry Barnard, later to become famous as a leading American educator, throws some light on the times:

Money is scarce here at the present time - it being in demand for the purchase of Land claims. These and stocks in the Funded Debt have at least doubled in value since I left in January - as well as every other species of property. I purchased nearly a thousand dollars of the Funded Debt a few days since on our joint account, for 50 cents on the dollar. It is now worth 75 cents and is rising. In the meantime it is drawing 10 per cent on its face or 20 per cent on its cost. 123

As depreciation rapidly set in due to the paper money issues of 1838, the notes continued to fall in value. By April the notes were worth but 50 cents on the dollar in New Orleans, while in Texas they were circulated at from 65 to 85 cents on the dollar. The inevitable result of this foolhardy experiment with paper money was a public debt of about \$1,942,000. saddled on the Republic in less than two years.

Another question that occupied the attention of the congressmen was the permanent location of the capital. Meeting at Houston, the legislators found much with which to condemn the city; accommodations were poor, and the general unhealthy atmosphere of the town was a leading factor in the desire to remove the capital to an inland site. 124 In June, 1837 the New Orleans Picayune had commented on the development of the capital:

The city of Houston, it is said, is falling faster than it has risen - that goods are there selling at auction at any price they will bring, and that for lots there is no sale... Such a result must have been expected by reflecting, intelligent men; that a place without scarce any natural advantages should suddenly rise to such importance and maintain it, is certainly not to be expected. 125

At the previous session of Congress, a commission of five men had been selected by a joint vote of both houses to suggest a

number of locations for the permanent capital.¹²⁶ The committee displayed a preference for the central and western areas of the country, nominating Bastrop as their first choice, and indicating a preference for Washington, San Felipe, and Gonzales in that order. In all, seven locations, on or near the Brazos were mentioned, while only three in the vicinity of the Colorado river received notice.¹²⁷

Congress took no action on this report and another commission was created in December, 1837 to report when the legislature would convene in April of the following year. This group, composed of members of Congress, recommended as its leading choice a portion of the vacant lands near La Grange, on the Colorado. The distinctive factor about the entire report was the fact that of the locations recommended, this time the sites on the Colorado river received the greater amount of attention, while Washington, which had been the strongest choice in the Brazos area was dropped entirely. The work of this commission was accepted in April when Congress reconvened and sent to the President for his signature. Houston vetoed the resolution and based his action on three points: (1) Houston City was to remain, according to constitutional provision, the capital of the Republic until 1840; (2) the population of the country was rapidly shifting and increasing, and any central location chosen in 1838 might not be at all centrally located in a few years; (3) the act deciding the location of a permanent capital might easily be repealed by the next Congress.¹²⁸ The legislature did not contest the President's veto, but a second bill was passed in which it was stipulated that, when designated, the name of the new capital was to be Austin, that twelve squares

of land were to be reserved or purchased for the State, one of which was to be dedicated to a State University, and that Houston was to remain the capital until 1840. The bill received Houston's signature.

The capital problem settled, the solons turned their attention to land and Indian affairs. In a report presented to Congress, the Commissioner of the General Land Office, John P. Borden, recommended that a special land office be created to deal with the matter of conflicting patents due to the faulty system of surveying. Borden's recommendation that a new general land law be passed to supersede the law of December, 1837 which became a law over the President's veto, also went unheeded.¹²⁹ The final Congress under the Houston administration thus did nothing to modify the law of 1837, and the President continued to keep the land offices closed. The entire situation was replete with confusion, and the opportunities for speculation were great. The failure of the government to create an adequate land system and to legislate in a wise manner in this regard must lie with Congress rather than the President. Houston continually identified himself with the desire to administer a land law that was well-defined and fair in nature. His policy in this respect remains one of the more admirable features of his first term in the Presidency.

In regard to the question of Indian relations, the President favored an honorable compliance with the various treaties negotiated with the tribes, and also was insistent upon the point that settlers not encroach upon Indian lands. The failure of Congress to ratify the treaties drawn by the ad interim government with the Cherokees and their allies(Caddoes, Shawnees, and Delawares),

allowed the whites to move in upon the Indian lands in East Texas which, because of the failure of ratification, did not enjoy title at law. Houston attempted to forestall a difficult situation by appointing agents to negotiate treaties with the individual tribes, and by threatening the intervention of the United States if the Indians should "cut any capers" along the American border.¹³⁰ This failed, however, because the legislators refused to honor these individual treaties, and a troublesome, uneasy, situation resulted. Houston took notice of this in a message delivered to Congress in May, 1838. The President deplored the fact that the treaties which were signed had not been ratified, and then in forceful language continued:

The Indian lands are the forbidden fruit in the midst of the garden; their blooming Peach trees, their snug cabins, their well cultivated fields and their lowing herds, excite the speculators, whose cupidity, reckless of the consequences which would ensue to the country, by goading these Indians to desperation, are willing to hazard everything that is connected with the safety, prosperity or honor of our country.¹³¹

The tense situation came to an unpleasant head in the summer and fall of 1838. Early in August, Colonel Henry W. Barnes with a company of twenty-one men was attacked by about two hundred Comanches near Bexar. The Indians were defeated and driven off, though the Texans did suffer some loss of life. More significant, was a rebellion which took place at Nacogdoches also in early August. A number of Mexican citizens around Nacogdoches under the leadership of Vincente Cordova, a celebrated Mexican renegade, and Nathaniel Morris, the former alcalde at Nacogdoches, declared themselves in opposition to the government, and drew into their camp about three hundred Indian allies of the Biloxi and Itoni tribes. Houston, who was at his residence in Nacogdoches at the

time, ordered General Rusk to disperse the rebels. Rusk took up the pursuit which led to the Cherokee Village and, in direct contravention of the President's orders, prepared to attack the Cherokees and the rebels who had just arrived there. Houston allowed his predisposition for the Indians to sway him once again and censured Rusk for his contemplated action. The Hero of San Jacinto then gave way to his troubled feelings in a letter to Jackson:

I came from the seat of Government on a visit, as this is my residence, and had been here but a few days, when a commotion broke out which had long been preparing. The violence of the American character was one cause, and measures were taken without my knowledge or consent. Every man feels himself more capable than the constitutional head of the Government to control it. 132

As Rusk prepared to attack the Indian village, the rebels fled and as the Texan commander was delayed, his pursuit was a failure. The significance of the incident to the country as a whole was the union of Mexicans and Indians in a general rebellion against the government. Barnard E. Bee, then Secretary of War in the Houston cabinet, arrived at Nacogdoches and, in a letter to Henry Smith stated his belief that the rebellion had been inspired by official Mexico, and that the permanent Mexican garrison stationed at Matamoras, would march against Texas in the event the uprising was at all successful. 133 There is no proof of Bee's assertion of an alliance between the Mexican government and the Indians at this time, however, the likelihood of such an alliance was obvious to everyone. Rusk and Houston smoothed over their difficulties, and in October Rusk defeated a combined force of Indians and Mexicans at the Kickapoo Village. The Indian situation, therefore, had resolved itself into a series of running hostilities between

the government and the various tribes. The President's conciliatory policy had been a distinct failure and had earned him the hatred of the western-frontier sections of the country.

One final problem, that of the renewed attempts to secure annexation, remained to trouble the first Houston administration. Upon the attainment of recognition in March, 1837 Wharton resigned his post and Hunt was left in Washington as Minister from Texas to the United States. After attending the inauguration ceremonies for President Van Buren, Hunt returned to Mississippi to attempt to secure a loan for Texas on the part of Mississippi capitalists. Becoming ill, he remained at Vicksburg until July and then returned to Washington. In a letter to the Texas Secretary of State, James Pinckney Henderson, Hunt outlined his beliefs on the question of annexation, and at the same time displayed his ardent Southern nationalism:

I believe the consequences of a failure to accomplish annexation will produce a dissolution of the United States That an exercise of such determination will be withheld however, as a dernier resort I likewise believe, and for us to be recognized as Independent by Great Britain with the expectation and belief on the part of these States that such relations would be entered into as to prevent forever our annexation to the latter would at once make up the issue and our success or failure in accomplishing the desirable end of annexation be determined upon by this Government, and even the Northern politicians sooner than see the consequences to which I have adverted, would perhaps advocate our connexion. The North cannot prosper without the existence of a confederacy of the South, on the other hand, the South cannot only exist without the north but prosper to a much higher degree seperated and with Texas annexed and the power to overrun all Mexico and make such a disposition of that country as it may be her interest to do until it could be peopled throughout with Anglo Americans would make a Southern confederacy with such consequences, decidedly in time to come, as to make it the greatest nation upon earth. 134

Hunt, though actively playing upon the fear of British recognition and perhaps ultimate annexation, was discerning enough to realize that the United States would not risk war with Mexico at

this time by annexing Texas. The act of recognition had met with strong protests and this, coupled with Mexican displeasure at the presence of General Gaines's troops on the border at the time of San Jacinto, made the Van Buren administration particularly cautious. In late May, Hunt was writing that, " We must either whip Mexico into an acknowledgement of our independence, or procure its recognition by either England or France before we can hope for any definite action upon the subject by the United States. " 135 The government at Washington was also embarrassed because Southern newspaper editors had adopted the cause of Texas as their own and would not let the issue die. In this respect, the New Orleans Picayune pointed the way for Southern congressmen, " The admission of Texas into the Union, on an equal footing with the original states, should be made a Southern question; and every representative in congress from the south who is found to dodge the subject of admitting Texas should be hurled from his seat as a traitor to our best safety and interests. " 136 The dilemma that confronted the administration was an obvious one, but Hunt determined to make a formal plea for annexation and thus force the hand of the Van Buren party. 137

In June, 1837 Houston, with the consent of the Texan Senate, had appointed James P. Henderson, his Secretary of State, as roving Minister to England and France. Henderson, who was selected mainly because his private means were such that he could afford the position, was instructed to work for recognition on the part of England and France, as well as financial aid if such could be obtained. Hoping to use the Henderson mission as a lever, Hunt on August 4, submitted to Secretary of State Forsyth a formal petition

for the annexation of Texas to the United States. In his application Hunt presented a brief history of Texan affairs from the early stages of American colonization, and petitioned for annexation on the grounds that the Texans were of the same blood of the citizens of the United States, held the constitution of that country in great reverence, and had shared in the same type of democratic political development. Hunt also stressed the fact that as a member of the Union, Texas would aid in protecting the western frontier of the United States and would assure the Union control of the Gulf of Mexico. On the other hand, if Texas were to remain independent she would become a formidable rival, and because of conflicting tariffs and the very similarity of the two peoples and their political institutions, Texas would very possibly come to be involved in difficulties and collisions with her neighboring States. Hunt's formal application covered twenty pages in longhand and was presented in clear and concise fashion. 138

Forsyth waited three weeks to reply, and when he did so his answer constituted a thorough disavowal of the Texan pretensions. 139 Arguing at first that the United States had always recognized independence on the basis of fact and not on the considerations of right between the contending parties, the Secretary of State intimated that in his opinion the recognition which had been granted Texas in March, 1837 had been a hasty measure. The facts had been examined and they did not warrant the government in accepting the annexation proposal, if indeed it was at all constitutional for the United States to annex a foreign state. The Secretary then concluded his reasoning with these words:

So long as Texas shall remain at war while the United States are

at peace with her adversary, the propositions of the Texan Minister Plenipotentiary necessarily involves the question of war with that adversary. The United States are bound to Mexico by a treaty of amity and commerce which will be scrupulously observed on their part so long as it can reasonably be hoped that Mexico will perform her duties and respect our rights under it. The United States might justly be suspect of the friendly purposes of the compact, if this overture of General Hunt were to be even reserved for future consideration, as this would imply a disposition wholly at variance with the spirit of the treaty, and with the uniform policy and obvious welfare of the United States. 140

Hunt's fears were more than realized in Forsyth's reply, which placed the emphasis on the failure of Texas to wring an acknowledgment of its independence from Mexico. But the Texan Minister believed there were other reasons to explain Forsyth's reluctance to accede to the annexation petition. The primary factor was the fear of endangering Van Buren's chances in the next election by a course of action that would be so offensive to the free states. Hunt contended that the danger of war with Mexico did enter into the government's reasoning, but in calling attention to the fear of party difficulties, the Texan agent was very close to the complete truth.

With the refusal of annexation in the United States, the Houston government turned its attention to the efforts of Henderson in Europe. The British government had long shown an interest in the affairs of Texas. On August 5, 1836 only five months after Texas had declared her independence, the new nation was the subject of a debate in the House of Commons in which questions were put concerning Texas at great length. A fear that the United States would annex Texas and thus begin an aggressive policy in the Southwest was expressed. The principle consideration at issue, however, was the matter of slavery. England had a treaty with Mexico for the abolition of the slave trade, and it was feared

that if Texas established her independence, this trade would be reopened with her. Viscount Palmerston, the Foreign Secretary, believed that no doubt need be entertained of the propriety of the conduct of the United States in this matter, and that no action need be taken on the subject of the slave trade until it was certain that the Texas revolution was successful.¹⁴¹ The government then instructed Alan Crawford, British Consul at Vera Cruz, to make an inspection trip of Texas and report on general conditions in that country.

After a very tedious crossing, Henderson arrived in England, landing at Liverpool in early October, 1837, and was soon received by Palmerston. The Foreign Secretary appeared to take a sincere interest in Henderson's mission, but was doubtful as to the possibility of recognition, which he promised to lay before the cabinet for consideration. Henderson, in a letter to Robert Irion, who had succeeded him as Texan Secretary of State, explained that he was laboring for a commercial treaty, and that Palmerston seemed favorably disposed to grant this in time. Henderson presented strong arguments as to the commercial and political advantages that would accrue to Texas as an independent nation, and told Palmerston that the Texan Congress would not again suffer the annexation proposal to be offered to the United States. He also made the point that slaves could be taken into Texas only from the United States, and that a law of Congress expressly forbade the African slave trade in Texas. Henderson concluded his interview with Palmerston by detailing the successful campaigns of the Revolution, dwelling upon the glorious victory at San Jacinto, and presenting forceful arguments as to the established independence of Texas.¹⁴²

Palmerston then took Henderson's plea under formal consideration and promised to submit it to the cabinet for general discussion.

The matter was put off from time to time, and Henderson was left to grumble and complain about the intolerable weather in England. Finally, on December 27, the Texan agent was informed that the British government could not recognize at that time. In another communication to Irion, Henderson reported that the ostensible reason for the British reluctance to recognize Texas independence was a doubt of the ability of the Texans to maintain that state. Henderson believed, however, that this was a less important factor in determining the action of the ministry than the uncertain political situation in England, the fact that slavery was established in Texas, and the interests of the British creditors of Mexico which made it undesirable to do anything that would place in jeopardy the friendly relations between England and Mexico. The British commerce with Mexico was also important, and the government was unwilling to take any step that might force British merchants to lose their markets in Mexico. Finally, Henderson thought that another consideration with the cabinet was the likelihood of the ultimate annexation of Texas to the United States, and the government felt it unnecessary to recognize the independence of Texas, if that nation would voluntarily surrender that independence through annexation. Henderson also reasoned that it was Palmerston's conviction that in recognizing Texas, the British government would only be removing an obstacle to annexation.¹⁴³ Henderson continued to press for recognition in vigorous fashion, but as no success was forthcoming, he then decided to try his luck in France.

The roving ambassador arrived in Paris on March 23, 1838. He

spent a month conferring with General Cass, the American Minister at Paris, as to the course of action which he should follow, and thus he did not present his formal plea until the question of recognition had again been given a thorough airing. Fortune was with Henderson now, for a dispute growing out of unpaid claims to French citizens in Mexico had caused the French ambassador there, Baron Deffaudis, to demand his passports. Diplomatic relations between Mexico and France were suspended in April, and learning that a blockade was to be established by the French on the Mexican coast, Henderson took advantage of the existing situation to present his claim. ¹⁴⁴ Granted an interview with Count Mole, the French Foreign Minister, Henderson presented the standard claims for recognition, laying stress on the fact that Texas was independent de facto, that France would have a trusted friend in Texas in the event of future difficulties with Mexico, and that France would receive favorable tariff concessions and trade rights in any commercial treaty negotiated with Texas. Finally, he called attention to the poor economic condition of Mexico, their failure to live up to their treaty obligations with France, and the generally prosperous condition of Texas.

The results of Henderson's efforts in France during the Houston administration were culminated in the decision of the French government to send Alphonse de Saligny, one of the secretaries of the French legation at Washington, on an inspection trip to Texas. Count Mole informed Henderson that recognition could not fully be considered until de Saligny's report was received and discussed by the government. A commercial treaty was also left for further consideration, dependent upon the report from Texas. Henderson

writing to President-elect Mirabeau B. Lamar, in late October, 1838 opinioned that the French government would both recognize Texas and grant a commercial treaty upon the reception of Saligny's recommendations. The Texan agent agreed to stay on at Paris, as requested by Count Mole, if this was in accordance with Lamar's wishes. ¹⁴⁵ Henderson was instructed to stay at Paris, and the treaties of recognition and commerce that he ultimately secured from France, more properly belong in a consideration of the Lamar administration.

With Henderson working for recognition in England and France, as a weapon to be used in the ultimate negotiations for annexation with the United States, Houston prevailed upon Hunt to remain at Washington. In September, 1837, a month after Forsyth's refusal of the annexation petition, Peter W. Grayson, Attorney General in the Houston cabinet, was sent to the United States as a special agent to aid Hunt in the cause of annexation. Hunt and Grayson labored in concert throughout the fall and winter of 1837 but met with little success. Grayson acknowledged that the question had become one of extreme delicacy, and had become entwined in party politics. In a letter to Secretary of State Irion, he recorded his sentiments:

... there is no solid foundation on which to build a hope that the measure can now be carried. Without going into all the particulars that might be descanted on, in relation to the matter, I will just observe that both parties here are afraid to move in the matter for fear of losing popularity in the North - in so critical and touchy a condition are they with respect to each other. I have indeed the strongest reason to believe that some of the most prominent men of both sides of politics here are heartily in favor of annexation, and would at once advocate the measure openly and freely but for the scare crow to which I have alluded, the displeasure of the North. This is the substance of what I have to say on the subject - that the determination is to give the question the go-by for this session, until weightier matters can be adjusted, touching the future ascendancy of the two great belligerents - the Loco-focos and Whigs. ¹⁴⁶

With this record of constant failure in the negotiations at Washington before them, the Congress of the Republic had met in the spring of 1838 and debated a proposal to withdraw the offer of annexation. In the prolonged discussion certain reasons emerged as significant in explaining the desire to withdraw the petition: (1) the decision of the United States in refusing to consider annexation as long as Mexico laid claim to Texas; (2) the fact that England indicated an unwillingness to recognize independence as long as the annexation offer remained pending; (3) the belief that Texas was able to maintain its independence, and should rightfully enjoy the fruits of that state in favorable trade agreements with England and France. On the other hand, it was pointed out that the withdrawal of the offer would retard emigration from the United States. Also it would discourage favorable sentiment in the Congress at Washington for annexation at some future, more auspicious, date. 147

The question was referred to the Senate Committee on Foreign Relations which reported favorably on April 17, 1838 urging that the proposition be " unconditionally withdrawn " by the Texan agents at Washington. Anson Jones, representing Brazoria, introduced a joint resolution in the House on April 23, which favored the adoption of the policy expressed in the committee report. His resolution was defeated on May 1 by a vote of 14 to 13, but was called up for reconsideration on the following day. Several amendments were then added, but the resolution was again defeated by an identical vote. The Congress adjourned on May 24 and on June 5, Hunt, considering his further presence in Washington as completely useless,

tendered his resignation. Grayson declined the permanent appointment, and Houston then named Anson Jones as Minister to the United States, with specific instructions to formally withdraw the proposal for annexation. Jones did this on October 12, 1838 after the Houston administration had been repudiated at the polls, and thus the matter stood when Lamar came into office. ¹⁴⁸

Although annexation had not been accomplished, there were two treaties of some importance negotiated between the United States and the Republic during the first Houston term. The first treaty was signed in Texas by La Branche, the American charge' d'affaires, and provided for the settlement of certain damage claims held by citizens of the United States against the Republic. The second treaty, negotiated at Washington by Hunt and Forsyth, concerned the question of the boundary. Forsyth maintained that the Neches was the rightful eastern boundary, while Hunt insisted upon the Sabine, in accordance with the terms of the Florida treaty. Hunt suspected Forsyth of attempting to describe the northwestern boundary so that Texas would be limited to the area which she had occupied as a Mexican state. The Texan agent was aware that such an alteration would aid the United States in any potential negotiations for San Francisco Bay, and accordingly lodged a strong protest. On April 25, however, they concluded a treaty on the basis of the Florida treaty, leaving the remainder of the boundary question for further adjustment. ¹⁴⁹ These two treaties represented the only significant accomplishments of a diplomatic nature in the relations of the Houston government with the United States.

With a mediocre score of accomplishments in the problems of land,

finance, and relations with the Indians, coupled with the failure to attain annexation in the sphere of foreign affairs, the Houston party could boast of no major political triumphs in its first term in office. The President had acted in disregard of the will of Congress in the matter of the land offices, in sanctioning treaties with the Indians that he well knew Congress would not honor, and in instructing Anson Jones, as Minister to the United States, to withdraw the petition for annexation. Added to this, the " Old Hero " was still as controversial a figure as ever before, and those who hated him did so with a passion. Tales of his drinking made the rounds again, and his past life was generally held up to public ridicule. Commenting upon the situation, James Harper Starr, later Secretary of the Treasury under Lamar, wrote, " If Texas is to be governed by such men as those now in power she will awaken from her dream of greatness ere long and find that she is not the greatest nation on earth or her government administered by the wisest and most virtuous men. " ¹⁵⁰ James Reiley, a partisan of Houston's, put the case in a more forceful light:

Congress is decidedly Anti-Houston. I hope this remarkable man may escape our country without her limits being disgraced by the attacks which are now meditated against him. Dr. Archer has challenged and the two Fishers & Felix Houston intend to do so... I trust he will refuse to accept any of their offers to fight. ¹⁵¹

Houston, himself, was tired of the burdens of the Presidency and contemplated a trip to the Hermitage to renew acquaintances with Jackson.

In any event, the Constitution of the Republic forbade a President to succeed himself in office, so Houston could not be considered as a candidate in the election of 1838. Therefore, with the field wide open, the political manoeuvring for the campaign of 1838

began as early as the spring of 1837, in a letter that Richard R. Royal wrote to Mirabeau B. Lamar. The Vice-President had returned to his native Georgia for a short trip, and soon after arriving received this communication:

I think you ought to return to Texas as, soon as your Business will conveniently admit, you are Frequently spoken of with much preference as a probable Candidate for the office of Chief Magistrate at our next Election as it will be some time Before the election; It would be well not to be announced before the Public for some time as yet. But those things require some Watching over the Public will and an Occasional suggestion from Friends. 152

On May 30, 1837 Senator Everitt, representing the District of Jasper and Jefferson, implored Lamar to return, " Are this Scrawl can Reach you. Houston worn-down by one continued course of Debauchery, is fast sinking under its Effects and is at times Entirely unfit for business of Every Kind. " 153 Finally, on October 4, 1837 Robert Eden Handy, promoter of the town of Richmond, very significantly informed the Vice-President that, " I saw Gen. Rusk a few days ago he is not and will not be in the field for the next President. " 154 The Lamar boom received official sanction in December, 1837 when nine Senators and two members of the House published an announcement in the Houston Telegraph and Texas Register expressing their desire that Lamar become a candidate for the nation's highest office. 155

Though Lamar was certainly popular with a majority of the congressmen, there was some doubt as to his ability to win the election in the event that General Rusk should consent to be a candidate. As personalities were of great importance in this election, as in the preceding one, the popularity of Rusk was a factor to be reckoned with. A kindly man, who was deeply loved and respected by his friends, Rusk had displayed his bravery on the battlefield at San

Jacinto, and since then had distinguished himself as Secretary of War in the Houston cabinet, member of the House, and skilled Indian fighter. In the opinion of John S. Ford, a contemporary and member of Congress in the second Houston administration, Rusk, " was the only man in Texas who could show the shadow of a claim as the peer of Gen. Houston in the esteem, admiration, and love of the people. "156 It was obvious to the Lamar supporters that if their candidate expected to be successful, the Rusk candidacy had to be forestalled.

Upon the publication of the congressional draft for Lamar, the Georgian seems to have made up his mind on the question of the Presidency. Discerning enough to realize the threat that Rusk presented, Lamar wrote to his former superior in the army before issuing a formal reply to the draft movement. This was a galling task for Lamar, remembering his humiliation after San Jacinto when the army, with Rusk's approval, refused to accept him as Commander, but the Vice-President humbled himself. In his communication to Rusk, Lamar expressed a desire for a meeting with the former in order to determine his views on the approaching election; it was important that harmony prevail at all times, more particularly at the present time when, " any violent controversy for the Chief Magistracy could not fail to be extremely prejudicial to the peace and prosperity of the country. " 157 Rusk declined the meeting " on press of business " stated that he would not be a candidate because of " private affairs and domestic obligations so long neglected, " and admitted that he would be " pleased, dear sir, too see your name before the people for the office of Chief Magistrate. " With this knowledge as security, Lamar consented and became the first official candidate in the campaign of 1838. 158

Although Rusk had declined in December, 1837 Houston and many of his followers felt that the popular army man could be prevailed upon to run. Accordingly, the President made known his disposition for Rusk as his first choice for the man to succeed him, and the party supporters set to work. Francis R. Lubbock, who remained loyal to Houston throughout the first term, was the guiding force behind a meeting that was called in the middle of May, 1838 at Houston to officially put Rusk's name in nomination. Because the President had antagonized the West in refusing to open the land office and in the matter of Indian defense, and also because Houston was not overly popular in the middle or southern districts of Texas, three committees representing the above two sections and the East were appointed to wait upon Rusk and learn his wishes. Some of the most prominent men in the Republic, including Congressmen Anson Jones, Joseph Baker, and Edward Burleson, as well as Thomas McKinney and Michael Menard, the two leading merchants of Galveston, and a delegation from the army, represented by Captain William H. Patton, attempted to convince Rusk of his duty to run. The General declined the honor again, however, pleading financial embarrassments, the fact that he had not attained the age of thirty-five, which by the terms of the constitution was necessary in order to be a candidate, and his prior promise to Lamar that he would not allow his name to be used.¹⁵⁹ In his memoirs, Lubbock records it as his impression that Rusk did want to run, but that he did not want the entire matter to result in any personal difficulties between him and Lamar. Feeling that if he did run, it would rankle the old wound of the army's refusal to accept Lamar after San Jacinto, Rusk declined to allow his candidacy. It is Lubbock's impression

that if Lamar had not expressed a wish to be a candidate, Rusk would have been the standard-bearer of the Houston party.

With Rusk now definitely out of the race and Lamar in, the Houston men were forced to act hurriedly in putting forward a candidate. ¹⁶⁰ The party agreed on Peter W. Grayson, Attorney General in the Houston cabinet and later an agent in the United States, who worked with the accredited Minister, Memucan Hunt. Upon Hunt's resignation in June, 1838 the President had offered the appointment as Minister to Grayson, but the latter had refused and the position went to Anson Jones. Houston, however, wishing to keep Grayson in the United States and thus have him run on the merits of the Houston administration, prevailed upon Grayson to accept the appointment as Texan naval agent, commissioned to purchase ships for the Texas navy in the United States. Grayson accepted this appointment, and reluctantly consented to become a candidate. In Texas it was charged that Grayson was involved in the speculation of confiscated Mexican lands, that he had opposed the declaration of independence, that he was in opposition to the land law of December, 1837, and that he had fought in none of the battles of the Revolutionary campaign. Also an unfortunate incident entered into the campaign; Grayson had a cousin in Kentucky, a reprobate who had deserted his family, with the exact identical name of the Grayson in Texas, Peter W. Grayson, and the Lamar partisans were industrious in representing the doings of this cousin as the conduct of Grayson. ¹⁶¹

The Lamar partisans, as the election approached, well realized the political importance of sectionalism in Texas. General Thomas J. Green, who had stirred up the army against Lamar in 1836, but

supported him now because of his passionate hatred for Houston, wrote to the candidate:

Let your friends watch Sam Houston in the east, he has much at stake in the election of Grayson, he is, rely upon it, the primum Mobile of the opposition. 162

At the same time Barnard E. Bee, former cabinet officer under Houston, and a turncoat at election time, was imploring Ashbel Smith in this manner, " I have conversed with Gen. Lamar. I have reflected most maturely. You must visit Eastern Texas forthwith. "163 These letters give proof of the popularity of Houston in the East and serve to point up the importance of the sectional vote in the election. Politically, East Texas included the original settlements of Nacogdoches and San Augustine, and the entire section east of the Trinity river, from Liberty at the South to Henderson and Crockett, and the settlements along the Red River in the north. The political opinion of the West centered in the counties lying on the Gulf Coast. Galveston, Houston, and Matagorda generally favored the Houston policies. Though this divergence of opinion was accentuated by the popularity of the President at San Augustine and Nacogdoches(he kept his private residence at the latter place), actually it was a political legacy from the old colonies under the Mexican government. Houston's policies generally favored the East and gave offense to the West, and the Lamar managers understood this important fact. 164

The campaign began in earnest in the summer of 1838. Barnard E. Bee wrote to David Burnet, a candidate for the Vice-Presidency that, " where general suffrage prevails no stone ought to be left unturned to enlighten the people, " and the supporters of Lamar actively worked at the process of enlightenment. They were handicapped,

however, by certain elements in Lamar's character. The candidate, who was a widower, had allowed himself to become involved with Clivia Roberts, a friend from Mobile, Alabama, who had followed him to Texas upon his return in 1837. There does not appear to be any evidence of misbehavior on the part of either party, but rumors did abound concerning the conduct of the candidate. Edward Hall, a Lamar man, wrote to his Chief from Columbia in a worried manner:

On my way here I have seen a number of the Inhabitants & Voters of this Republic. the subject of the Presidential election has generally been introduced and I find more division in sentiment than I anticipated. The Talents, Patriotism & Bravery as well as the private Virtues of the Candidates are pretty liberally canvassed. you stand conspicuous for Bravery & Honesty, but there is a great deal of gossiping about some Picadillos or Amours, which have a powerful influence among the better halves of many Families. Your talents have been pronounced of superior order in poetry. Your short residence in the country has also been urged against you. 165

To counteract such accusations as these, Lamar was advised to base his platform on the following points: (1) protection of the frontier and a firm policy in relation to the Indians; (2) the attainment of a lasting peace with Mexico, based upon recognition of Texan independence; (3) adherence to the land law of 1837 by causing the land offices to be opened and patents awarded; (4) renewed attempts to secure English and French recognition and a substantial foreign loan; (5) a free trade policy and a disavowal of the existing tariff. The Matagorda Bulletin observed that the man who would, " support a judicious Tariff, oppose the cash duty system, and endeavor to establish a better currency, would be the man of our choice, " and other newspapers also adopted this stand. 166

The platform consisted wholly of remedies for the mistakes that Houston had made, and Lamar conducted his campaign on that basis.

At the height of the election campaign in July, 1838 the people of Texas were schocked to learn that Grayson had committed suicide in the United States. Travelling in Tennessee, Grayson stopped at Beans Station, in the eastern part of the state, and on July 9 blew his brains out with a pistol. The candidate was then about forty-seven years of age, and the reasons for his act have never been definitely ascertained. In a note left to the landlord of the inn where he stayed the night, Grayson attributed his action to the return of fits of melancholy, from which he had suffered as a young man, and from which he had tried to escape in migration to Texas from Kentucky. Contemporary reports spoke of an unhappy love affair and of his bitterness at the reports which were being spread against him in Texas, but the evidence would seem to point to the return of the mental illness under which he labored.¹⁶⁷ The Houston party then planned to run James Collinsworth, Chief Justice of the Texan Supreme Court and former commissioner to the United States, as their candidate for the Presidency. However, in a macabre development, Collinsworth also committed suicide late in July by jumping from a steamboat in Galveston Bay. In the case of Collinsworth the cause was excessive drinking. Thomas F. McKinney, writing to his business partner, Samuel Williams, observed, "Collinsworth went exactly as you and I presumed. I was here and had been with him to Houston and we had returned and he was under the influence of Ardent Spirits for a week before hand."¹⁶⁸ Other contemporaries also agreed that drink had blurred the mind of the Chief Justice and had caused his suicide. The twin deaths made the election no contest, and in the final tabulation of votes, Lamar received 6,995 to 252 for Senator Robert Wilson, who had consented to make

the formal race as the Houston party candidate, but whose chances were never considered seriously. ¹⁶⁹

The contest for the Vice-Presidency was a great deal closer, however, with David Burnet, the former President of the ad interim government, as a candidate, along with Senator Albert Horton and Representative Joseph Rowe. Burnet ran on the Lamar ticket, and because of the unpopular treaties of Velasco negotiated with Santa Anna, and a suspicion of his participation in doubtful land transactions prior to San Jacinto, his victory was only by the narrow margin of 776 votes, over the combined total of Horton and Rowe. ¹⁷⁰ Burnet had been identified with Lamar since the latter had served as his Secretary of War in the ad interim government, and he was certainly helped in his race for office by the overwhelming victory of Lamar.

The election of Lamar must be taken as a repudiation of Houston's policies during his first term in office. It is doubtful that either Grayson or Collinsworth could have defeated the ultimate victor, and Wilson never had the faintest chance. Lamar came into the Presidency with a good opportunity to build up a strong and permanent party by a successful administration where his predecessor had failed. Houston, victorious in the field, had found the political battles of government by far a more taxing opponent than the Mexican army.

Notes II

- ¹ Burnet to Mary Austin Holley, April 25, 1844, in Calendar of H. R. Wagner Manuscripts at Yale University, quoted in, Richard R. Stenberg, "The Texas Schemes of Jackson and Houston," Southwestern Political and Social Science Quarterly, XV (1934), 76-77.
- ² Yoakum, History Of Texas, II, 197-198.
- ³ Harold Schoen, " The Free Negro In The Republic of Texas, " Southwestern Historical Quarterly, XXXI (1937), 83; Andrew Muir, " The Free Negro in Harris County, Texas, " Ibid., XXXVI (1943), 224-225.
- ⁴ Eugene Barker, " The United States and Mexico, 1835-1837, " Mississippi Valley Historical Review, I (1914), 7-8.
- ⁵ Chauncey S. Boucher, " In Re That Aggressive Slaveocracy, " Ibid., III (1921), passim.
- ⁶ Henry Stuart Foote, Texas And The Texans (Philadelphia, 1841), II, 316-317.
- ⁷ Burnet to Andrew Briscoe, May 21, 1836, Andrew Briscoe Papers, Archives, San Jacinto Museum.
- ⁸ Lamar's Prosecution of Santa Anna, War Department, Republic of Texas, May 12, 1836 (Reprint, Austin, 1935), 4.
- ⁹ Wooten, A Complete History of Texas, 235.
- ¹⁰ William C. Binkley, " The Activities of the Texan Revolutionary Army After San Jacinto, " The Journal of Southern History, VI (1940), 338.
- ¹¹ Lamar to Burnet, July 17, 1836, Charles Adam Gulick (Ed.,), The Papers of Mirabeau Buonaparte Lamar (Austin, 1920). Hereafter cited as Lamar Papers.
- ¹² Binkley, " The Activities of the Texan Revolutionary Army After San Jacinto, " 340.
- ¹³ Ethel Zively Rather, " Recognition of the Republic of Texas by the United States, " Southwestern Historical Quarterly, XLIII (1910), 190-191.
- ¹⁴ William H. Wharton to Austin, June 2, 1836, Austin Papers, III, 363-364.
- ¹⁵ Rather, " Recognition of the Republic of Texas by the United States, " 196.
- ¹⁶ Ibid., 202.
- ¹⁷ Collinsworth to Rusk, May 31, 1836, Thomas Jefferson Rusk Papers, University of Texas Archives.

- 18 Rather, " Recognition of the Republic of Texas by the United States, " 220.
- 19 Eugene Barker, " President Jackson and the Texas Revolution, " The American Historical Review, XII (1907), 809.
- 20 Peter W. Grayson to William H. Jack, August 11, 1836, Diplomatic Correspondence, II, 122.
- 21 Austin to Richard R. Royal, December 25, 1835, Austin Papers, III, 293.
- 22 Austin to Thomas F. McKinney, January 21, 1836, Ibid., 309.
- 23 Austin to James F. Perry, March 4, 1836, Ibid., 318.
- 24 Wharton to Austin, May 28, 1836, Ibid., 360. There does not appear to have been any personal estrangement between Wharton and Houston. Wharton may have honestly preferred Austin, or he may have felt that Houston honestly did not wish to run.
- 25 Memorandum By Austin, July 20, 1836, Ibid., 399. The memorandum reads exactly as follows: " Archer and Wharton at this time requested that I would be a candidate for the Presidency of Texas - B. Gardiman, S. Rhoads Fisher and many others also requested it. "
- 26 Johnathon D. McLeod to Rusk, July 20, 1836, Rusk Papers.
- 27 Burnet to Collinsworth and Grayson, August 10, 1836, Diplomatic Correspondence, II, 119.
- 28 Rusk to Houston, August 15, 1836, Rusk Papers.
- 29 Austin to Rusk, August 9, 1836, Austin Papers, III, 412-413.
- 30 Alexander Hynds, " General Sam Houston, " Century Magazine, XXVIII (1884), 494.
- 31 James, The Raven, 109. Henry Bruce, Life of General Houston, 1793-1863 (New York, 1891), 50. See J. Frank Dobie, The Flavor of Texas (Dallas, 1936) for a unique guess as to why Houston and his wife were separated.
- 32 Dixon and Kemp, The Heroes of San Jacinto, 37.
- 33 Lucy A. Brath, " Memoirs of George Bernard Brath, " Southwestern Historical Quarterly, XXVII (1923), 140.
- 34 Francis R. Lubbock, Six Decades in Texas; or, Memoirs of Francis Richard Lubbock, Governor of Texas in War-Time, 1861-63 (Austin, 1900), 73-74.
- 35 Mrs. Jonnie Lockhart Wallis (Ed.), Sixty Years On The Brazos; The Life And Letters of Dr. John Washington Lockhart, 1824-1900 (Los Angeles, 1930), 235.

- 36 Houston Telegraph and Texas Register, August 9, 1836.
- 37 Ibid., August 23, 1836.
- 38 Joseph Ramage to Austin, July 27, 1836, Austin Papers, III, 405.
- 39 Nina Covington, The Presidential Campaigns Of The Republic Of Texas Of 1836 And 1838. Unpublished master's thesis, University of Texas, 1929, 25-26.
- 40 Houston to " a gentleman in the army " (no date), published in, Houston Telegraph and Texas Register, August 30, 1836.
- 41 Rusk to Houston, August 9, 1836, quoted in, James, The Raven, 255-256.
- 42 Houston to Guy M. Bryan, November 15, 1852, Houston Writings, V, 367-368.
- 43 Henry Austin to Mary Austin Holley, December 9, 1836, quoted in, Covington, The Presidential Campaigns Of The Republic Of Texas Of 1836 And 1838, 83.
- 44 Barker, Life of Austin, 511.
- 45 Austin to Gail Borden, August 15, 1836, Austin Papers, III, 417.
- 46 Austin to James F. Perry, September 2, 1836, Ibid., 423.
- 47 Election Returns, Journal of the Senate, First Congress of the Republic, First Session, 10.
- 48 Burnet to Memucan Hunt, September 16, 1836, Executive Department Journals, Ad Interim Government.
- 49 James Morgan to Samuel Swartwout, September 5, 1836, James Morgan Papers, Archives, Rosenberg Library, Galveston.
- 50 Ernest William Winkler (Ed.), Secret Journals Of The Senate, Republic Of Texas, 1836-1845 (Austin, 1911), 9.
- 51 James De Roulhac Hamilton, " James Pinckney Henderson, " in, Dumas Malone (Ed.), Dictionary of American Biography, VIII, 526-527.
- 52 The judiciary as established in Texas was modelled on the system in Tennessee and in certain other Southern states. The justices of the Supreme Courts and of the district court were elected by a joint vote of both houses of Congress. In both the Supreme Courts and the district courts a majority constituted a working quorum. The powers of the Supreme Court - all appellate in nature - resembled those usually invested in courts of final resort in the United States. The district courts had original jurisdiction in all civil cases wherein real or personal property to the value of one hundred dollars or more was involved, and in prosecution for treason, murder and other felonies, crimes and misdemeanors, except those exclusively cognizable

in a lower court, and in admiralty and maritime cases. Seven district courts, in addition to the more numerous county and justice courts, eventually were established. Hogan, The Texas Republic, 253.

53 Biographical Directory, 23-24.

54 Report of the Proceedings of the House of Representatives, First Congress, First Session (Columbia, 1836), 12-13.

55 Dewees, Letters From An Early Settler Of Texas, 74.

56 A. M. Clopper to Nicholas Clopper, December 18, 1836, in, " The Clopper Correspondence, 1834-1838, " Southwestern Historical Quarterly, XIII (1909), 137-138.

57 Ernest William Winkler, " The Seat of Government in Texas, " Ibid., X (1906), 160-161.

58 Journal of the Senate, First Congress, First Session, 62.

59 Houston Telegraph and Texas Register, in, Adele B. Looscan, Harris County, 1822-1845 (Austin, 1918), 54.

60 Santa Anna to Jackson, July 4, 1836. John Spencer Bassett (Ed.), Correspondence of Andrew Jackson, V (Washington, 1931), 411. Hereafter cited as Jackson Correspondence.

61 Jackson to Santa Anna, September 4, 1836, Ibid., 426-428.

62 Jackson to Houston, September 4, 1836, Ibid., 425.

63 Secret Journals of the Senate, 21.

64 Reverend Chester Newell, History of the Revolution in Texas, Particularly of the War of 1835 & '36; Together with the Latest Geographical, Topographical, and Statistical Account of the Country (New York, 1838), 125-126.

65 Houston Telegraph and Texas Register, November 13, 1836.

66 The journey to Washington was made under very poor conditions in the winter season. Santa Anna, understandably enough, feared for his life, and kept to his stateroom during the greater part of the trip. Upon reaching Washington, however, the prisoner was regarded as a social catch, and his attendance requested at many dinner parties. It is said that Santa Anna borrowed a thousand dollars from Colonel Bee which he never returned. Callcott, Santa Anna, 148-149.

67 Austin to Henry Meigs, November 7, 1836, Austin Papers, III, 449.

68 Austin to Thomas H. Benton, November 25, 1836, Ibid., 460.

69 There does not appear to have been any desire on the part of Houston to rid himself of a political enemy in the appointment of Wharton. In his fight to release Santa Anna, the President had received Wharton's support, perhaps mainly because Austin was also

so insistent on the release. Secret Journals of the Senate, 24.

70 Houston to Jackson, November 20, 1836, Houston Writings, I, 468.

71 Edmund Thornton Miller, A Financial History of Texas (Austin, 1916), 31-32. In addition to the Panic of 1837 in the United States, Miller points out that Texas was in a pioneer-agricultural state, and that a scarcity of money is characteristic of such a situation. Imports exceeded exports, and the adverse trade balance drained out gold, silver, and other money which might have been acceptable abroad.

72 Aldon S. Lang, " Financial Aspects Of The Public Lands In Texas, " Southwestern Political and Social Science quarterly, XIII (1932), 57-58.

73 Wooten, A Complete History of Texas, 253.

74 Journal of the Senate, First Congress, First Session, 102.

75 Miller, A Financial History of Texas, 55. Though the act establishing the general land office was passed on December 22, 1836, the actual opening of the office was postponed from time to time, and it was not officially opened until the spring of 1844.

76 Robert Edward Lee Crane, Jr. The History Of The Revenue Service And The Commerce Of The Republic Of Texas, Unpublished Ph.D. thesis, University of Texas (1950), 12.

77 Austin Papers, III, 472. The articles of incorporation are included among the Austin papers.

78 Andrew Forest Muir, " Railroad Enterprise in Texas, 1836-1841, " Southwestern Historical Quarterly, XLVII (1944), 341.

79 Thomas J. Green to Branch T. Archer, December 26, 1836, in, Gambrell, Anson Jones, 91. Green had extensive contacts in the United States and hoped to interest capitalists there in banking schemes in Texas. See Samuel Swartwout to James Morgan, May 27, 1837, Morgan Papers.

80 Houston Telegraph and Texas Register, July 29, 1837.

81 Gambrell, Anson Jones, 106.

82 Lubbock, Six Decades in Texas, 91-92.

83 Johnston came to Texas in July, 1836 after the battle of San Jacinto. A graduate of West Point, he resigned his commission in the United States Army in March, 1834. Upon the death of his wife in August, 1835 he removed for a time to Louisville, and then came to Texas. Securing the backing of Houston and Rusk, he had attained the rank of Colonel before he was offered the command of the army by Houston. His fame as a Confederate General and his heroic death at Shiloh are well known. William Preston Johnston, The Life of General Albert Sidney Johnston (New York, 1879), 74-75.

- 84 Felix Huston to Johnston, February 4, 1837, Ibid., 76.
- 85 Huston to Johnston, March 28, 1837, Ibid., 81.
- 86 James, The Raven, 285.
- 87 Sam Houston to Anna Raguet, August 2, 1837, Houston Writings, II, 134.
- 88 New Orleans Picayune, June 24, 1837. This newspaper generally maintained a regular correspondent in Texas, so that the majority of the reports concerning Texas were not reprints from local papers.
- 89 Houston to Colonel Bowl, Cherokee Chief, November 22, 1835, Houston Writings, III, 7. The President's sentiments in regard to the Cherokees were well known. He had lived with them prior to coming to Texas, and thoroughly understood the Indian character.
- 90 T. C. Richardson, East Texas; Its History And Its Makers, I, (New York, 1940), 105-106.
- 91 Mattie Austin Hatcher (Ed.), Letters of an Early American Traveller; Mary Austin Holley - Her Life and Her Works, 1784-1786 (Dallas, 1933), 70. The letter describing Houston appears on December 24, 1837 in the log of Miss Holley's first trip to Texas.
- 92 Kelsey H. Douglass to Wife, September 27, 1837, Kelsey H. Douglass Papers, University of Texas Archives.
- 93 Andrew Forest Muir (Ed.), " Diary of a Young Man in Houston, 1838, " Southwestern Historical Quarterly, LIII (1950), 284. This diary was kept by John Hunter Herndon, a native of Kentucky, who came to Texas in 1838. Herndon practiced law during the period of the Republic and resided in Richmond.
- 94 New York Journal of Commerce, in, Niles Weekly Register, March 13, 1837.
- 95 Barnes F. Lathrop, Migration Into East Texas (Austin, 1949), 39. In late 1836 the population of Texas consisted of some 52,670 persons, including 30,000 Anglo-Americans, 3,470 Mexicans, 14, 200 Indians, and 5,000 Negroes. See Morfit to Forsyth, August 27, 1836, in Yoakum, History of Texas, II, 197.
- 96 Report of the Proceedings of the House of Representatives, First Congress, Second Session (Houston, 1837), 9-10.
- 97 Miller, A Financial History of Texas, 67-70.
- 98 Houston Telegraph and Texas Register, May 30, 1837.
- 99 Gambrell, Anson Jones, 115.
- 100 Houston Telegraph and Texas Register, October 28, 1837.

- 101 Report of the Proceedings of the House of Representatives, First Congress, Second Session, 115-123. That one of the sponsors of the land bill was not above speculating activities can be seen in a letter to his wife: "The Land office will open in February and then I hope I will get my land which I think will be a fortune for our children and we can by industry support ourselves - I have made one thousand dollars by speculating in Military Scrip since I came here. Kelsey H. Douglass to Wife, December 10, 1837, Douglass Papers.
- 102 Veto Of An Act Concerning Changes In The Law That Established The General Land Office, Houston Writings, II, 168-170.
- 103 Diplomatic Correspondence, I, 127-140.
- 104 Wharton to Austin, December 11, 1836, Ibid., II, Part 1, 152-153.
- 105 Special Message To the Senate and House of Representatives of the United States, in, James D. Richardson (Ed.), A Compilation Of The Messages And Papers Of The Presidents, 1789-1897, III, (Washington, 1896), 265-266. Anastasio Bustamante again succeeded to the Presidency in Mexico upon Santa Anna's disasters in Texas, but Jackson seems to have over-emphasized the danger of a Mexican invasion. Actually throughout Houston's first administration, there was no significant military threat to Texan independence. Jackson had reference to an expedition outfitting at Matamoras under General Bravo, but nothing of importance came of this.
- 106 In regard to the British reaction to the proposed annexation of Texas, the London Times had this to say: "We see in the late proceedings of the government and the people of the United States a confirmation of the suspicion, long entertained in the best informed diplomatic circles, that the annexation of Texas to their already unweildy territory is a favorite project. Texas would be a stepping stone to the acquisition of Mexico. London Times, in, Niles Weekly Register, December 31, 1836.
- 107 Allan Nevins (Ed.), The Diary Of John Quincy Adams: 1794-1845 (New York, 1928), 474.
- 108 Houston to Thomas Toby, January 27, 1837, Houston Writings, II, 41.
- 109 Wharton to Austin, December 28, 1836, Diplomatic Correspondence, II, Part 1, 158-159.
- 110 Secret Journals of the Senate, 55.
- 111 Henderson to Eunt, December 31, 1836, Diplomatic Correspondence, II, Part 1, 161.
- 112 H. Donaldson Jordan, "A Politician Of Expansion: Robert J. Walker, " Mississippi Valley Historical Review, XIX (1932), 368-369.
- 113 Wharton to Houston, February 2, 1837, Diplomatic Correspondence, II, Part 1, 179-180.

114 Benjamin Lundy, The War in Texas; A Review Of Facts And Circumstances Showing That This Contest Is A Crusade Against Mexico, Set On Foot And Supported By Slaveholders, Land-Speculators, &c., In Order To Re-Establish, Extend, And Perpetuate The System Of Slavery And The Slave Trade (Philadelphia, 1837), passim.

115 Richmond Whig, in, Houston Telegraph and Texas Register, January 11, 1837.

116 Wharton to Rusk, February 12, 1837, Diplomatic Correspondence, II, Part 1, 185.

117 Debates in Congress, 24 Congress, 2 Session, 1880.

118 Wharton and Hunt to Henderson, March 5, 1837, Diplomatic Correspondence, II, Part 1, 201. The newly appointed charge' d'affaires, Alcee La Branche, had formerly served in the House of Representatives, as a member from Louisiana. His appointment was confirmed by the Senate in its first session under the Van Buren administration, and he left for Texas in the fall of 1837.

119 Gray, Diary, II, 219. Another contemporary observer has left this recollection of the failure to attain annexation: " The unsuccessful result of the diplomacy in 1837 was a painful blow to the people of Texas. Our finances were in a bad condition; our treasury was empty; it was a difficult matter to keep our army in the field, and our little navy afloat. " Memoirs of John S. Ford, 1837-1845, II, 198. University of Texas Archives.

120 Jim Dan Hill, The Texas Navy; In Forgotten Battles And Shirtsleeve Diplomacy (Chicago, 1937), 74. The Independence sailed from New Orleans on April 10 with Wharton on board. On April 17, almost within sight of Eagle Island, the plantation home of Wharton, the Texan ship was captured by the Mexican ships, the Libertador and Vencedor del Alamo, and Wharton was imprisoned in Mexico City. The attempt of his brother, John, to effect the rescue of the former minister only led to the imprisonment of the younger Wharton also. Finally, the brothers made good their escape through the help of Padre Muldoon, an Irish priest who had administered to the colonists prior to the revolution.

121 James Morgan to Samuel Swartwout, December 31, 1837, Morgan Papers.

122 Miller, A Financial History of Texas, 67-70.

123 Ashbel Smith to Henry Barnard, May 6, 1838, Ashbel Smith Papers, University of Texas Archives.

124 Winkler, " The Seat of Government in Texas, " 191.

125 New Orleans Picayune, June 18, 1837.

126 Lorena Drummond, " Five Texas Capitals; An Account of the Seats of Government in Texas Since the Adoption of the Declaration of Independence, " Texas Monthly Magazine, V (1930), 201. The five

members of the commission, none of whom was a member of Congress, were John A. Greer, John G. McGehee, Horatio Chriesman, J. W. Bunton, and William Scurlock.

127 Ibid., 202. To compose this commission Patrick C. Jack, of Brazoria, George Southerland of Jackson, and Pleiades C. Lumpkin, of Houston county, were selected in the House of Representatives, and George W. Barnett of Washington, and Emory Raines, of Shelby and Sabine, were chosen by the Senate as members of the joint committee of five.

128 Report of the Proceedings of the House of Representatives, Second Congress, Adjourned Session (Houston, 1838), 162-163.

129 Report Of The Commissioner Of The General Land Office (Houston, 1838), 30-31.

130 Houston to Rusk, March 25, 1837, Rusk Papers.

131 Message From The President of the Republic Concerning Indian Relations and Accompanying Documents; 7.

132 Houston to Jackson, August 11, 1838, Houston Writings, II, 271.

133 Barnard E. Bee to Henry Smith, August 26, 1838, Barnard E. Bee Papers, University of Texas Archives.

134 Lemucan Hunt to James Pinckney Henderson, April 15, 1837, Diplomatic Correspondence, II, Part 1, 208-209.

135 Hunt to Henderson, May 30, 1837, Ibid., 223.

136 New Orleans Picayune, July 23, 1837.

137 Wooten, History of Texas, 223.

138 Justin H. Smith, The Annexation of Texas (New York, 1911), 64.

139 Eugene Irving Mc Cormac, " John Forsyth, " in, Samuel Flagg Bemis (Ed.), The American Secretaries Of State and Their Diplomacy, IV (New York, 1928), 327.

140 Ibid., 331.

141 J. L. Worley, " The Diplomatic Relations of England and the Republic of Texas, " Southwestern Historical quarterly, IX (1905), 2-3.

142 Henderson to Irion, November 5, 1837, Diplomatic Correspondence, II, Part 2, 821-825.

143 Henderson to Irion, January 5, 1838, Ibid., 839-842.

- 144 Herbert R. Edwards, "Diplomatic Relations Between France and the Republic of Texas, 1836-1845," Southwestern Historical Quarterly, XX (1917), 210-213.
- 145 Henderson to Lamar, October 28, 1838, Diplomatic Correspondence, II, Part 2, 1230-1231. Lamar was elected to the Presidency in September, 1838, though he was not formally installed in office until December 10 of the same year.
- 146 Grayson to Lamar, December 7, 1837, Diplomatic Correspondence, II, Part 1, 273.
- 147 Joseph William Schmitz, Texan Statecraft; 1836-1845 (San Antonio, 1941), 61.
- 148 Gambrell, Anson Jones, 130.
- 149 Thomas Maitland Marshall, A History Of The Western Boundary Of The Louisiana Purchase, 1819-1841, University of California Publications in History, II, (Berkeley, 1914), 210-211.
- 150 James Harper Starr to Pamela O. Starr, June 2, 1838, James Harper Starr Papers, University of Texas Archives.
- 151 James Reiley to Henry Raguet, November 20, 1838, James Reiley Papers, University of Texas Archives. The "two Fishers" were cousins. William S. Fisher was Secretary of War in the first Houston cabinet and S. Rhoads Fisher, the Secretary of the Navy, that the President was forced to discharge. Only Archer actually challenged, and Houston, in accordance with his established policy, made no reply.
- 152 Richard R. Royal to Lamar, May 7, 1837, Lamar Papers, I, 549.
- 153 Stephen H. Everitt to Lamar, May 30, 1837, Ibid., 555.
- 154 Robert E. Handy to Lamar, October 4, 1837, Ibid., 573.
- 155 Houston Telegraph and Texas Register, December 9, 1838. The Senators who signed the petition were Stephen H. Everitt, James S. Lester, Isaac W. Burton, William E. Wharton, Emory Rains, Albert C. Horton, John Dunn, Sterling C. Robertson, George W. Barnett. The members of the House were Daniel Rowlett and Edward T. Branch.
- 156 Memoirs of John S. Ford, 1837-1845, II, 216-217.
- 157 Lamar to Rusk, December 7, 1837, Lamar Papers, I, 591.
- 158 Rusk to Lamar, December 7, 1837, Ibid., 592.
- 159 Covington, The Presidential Campaigns Of The Republic Of Texas Of 1836 And 1838, 93-94. Rusk actually was two months short of the constitutional age requirement at the time of the election, though evidence indicates that the requirement would have been waived, had he consented to run.
- 160 Lubbock, Six Decades in Texas, 81.

- 161 Covington, The Presidential Campaigns Of The Republic Of Texas Of 1836 And 1838, 98.
- 162 Thomas J. Green to Lamar, July 11, 1838, Lamar Papers, I, 613.
- 163 Barnard E. Bee to Ashbel Smith, July 17, 1838, Barnard E. Bee Papers.
- 164 George L. Crockett, " East Texas In The Politics Of The Republic, " Eugene C. Barker, (Ed.), Readings In Texas History (Dallas, 1929), 394-395.
- 165 Edward Hall to Lamar, March 1, 1838, Lamar Papers, II, 39.
- 166 Matagorda Bulletin, August 9, 1838.
- 167 New Orleans Picayune, August 26, 1838.
- 168 Thomas F. McKinney to Samuel Williams, October 13, 1838, in, Hogan, The Texas Republic, 43.
- 169 Covington, The Presidential Campaigns Of The Republic Of Texas Of 1836 And 1838, 109.
- 170 Ibid., 110-111.

Chapter Three

Lamar Tries His Hand

Gen. Lamar may mean well - I am not disposed to impugn his motives - he has fines belles lettres talents, and is an elegant writer. But his mind is altogether of a dreamy, poetic order, a sort of political Troubador and Crusader, and wholly unfit by habit or education for the active duties, and the every-day realities of his present situation. Texas is too small¹ for a man of such wild, visionary, vaulting ambition.

Mirabeau Buonaparte Lamar, second President of the Republic of Texas, is as interesting a character study as Sam Houston, his predecessor in office. Born on August 16, 1798, near Louisville, then the capital of Georgia, he was the second child in a family that was later to include four sons and five daughters. Mirabeau lived the typical frontier life while growing into manhood. He received the rudiments of an education through the services of tutors, and himself developed a passion for reading. While not neglecting outdoor sports and activities, the young man also found time to prepare himself thoroughly in history and literature.

The active qualities in Lamar's personality dominated over the contemplative traits in his character when Lamar gave up a chance to enroll at Princeton, and instead moved on to Alabama, determined to make his permanent home in that state. He tried his hand at a mercantile establishment, and this failing, the young man then founded the Cahawba Press, which was also destined for a short life. After this defeat, however, the restless Lamar then found his true medium. His brother,

Lucius Quintus Cincinnatus Lamar, already a promising young lawyer, was an active supporter of candidate George M. Troup, in the Georgia gubernatorial election of 1823.² Upon the election of Troup, the new Governor paid one of his first political debts in the appointment of Mirabeau B. Lamar as his private secretary.

Governor Troup's conception of state sovereignty and his successful defiance of the Supreme Court in relation to the Cherokee Indian question is well known. Lamar's duties as private secretary were less dramatic in nature. He served as official greeter for the Troup administration, he submitted political tracts to the local Georgia newspapers, and he went on frequent speaking tours for his Chief. On one of these speaking engagements he chanced to meet Tabatha Jordan of Millidgeville, and after a determined courtship Lamar claimed his bride in January, 1826. In 1828, with Troup having suffered a defeat at the polls, Lamar turned once again to the status of frontier editor, and removing to Columbus, Georgia, founded the Columbus Enquirer. In the main, these were busy and happy years for the future President of Texas.

In 1829 Lamar decided to run for state senator on the Troup platform of states rights and hostility to the Indians. It was at this point in his life that a great sorrow befell him in the untimely death of his wife, Tabatha, a victim of tuberculosis. The sudden death of his wife, who had just attained the age of twenty-one, left Lamar completely grief-stricken and he attempted to conquer his sorrow in

constant work and travel. He withdrew from the state election but in 1833, having earned a certificate as a practicing lawyer in the interim, he entered the race for the Federal House of Representatives, and was defeated. The suicide of his favorite brother Lucius, a sufferer of extreme melancholia, in July, 1834, acted as the capstone to Lamar's misfortunes; and again he sought release in travel. In the middle of June, 1835, lured by the glowing accounts of his former friend of Columbus days, James Fannin, Mirabeau made a trip to Texas.³ He soon returned to Georgia, but upon the outbreak of the revolution, Lamar offered his sword in defense of the new nation. Arriving just prior to the battle of San Jacinto, his bravery at that engagement was duly recognized and his rise in Republic politics after that was assured. Lamar served as Secretary of War in the ad interim government, and was elected Vice-President in the election of 1836. His triumph in 1838 was unanimous, and Texas looked forward expectantly to a release from the policies of the first Houston administration.

Public opinion in the United States also hailed the election of Lamar. The New Orleans Picayune, disgusted at the manner in which the national administration had treated the annexation issue, observed:

He [Lamar] appears to be unanimously popular with the people of this country, and will, no doubt, prove to be the best chief magistrate that could have been selected. It is certain that he is strenuously opposed to annexation. He wishes Texas to stand as she is - a free and independent Republic, alone and unconnected with any nation. He will also form an entirely new Cabinet; and it is expected that almost every thing will be changed for the better.⁴

The new Executive, anxious to justify the prophesies of success being made for his administration, debated at great length on the choice of his cabinet positions. However, in appointing men to his official family who had attempted to convince Rusk of the necessity of his being a candidate, Lamar quickly antagonized some of his own strongest support. The office of Secretary of State was conferred upon Barnard E. Bee, a turncoat member of the Houston cabinet, who had struck out for Rusk before throwing his support to Lamar. It was felt by some in the President's councils that Francis Moore, the editor of the Houston Telegraph and Texas Register, which had given Lamar its unqualified backing during the recent campaign, should have received the portfolio of State, and there were murmurs of discontent against the selection of Bee.⁵ For the office of Postmaster-General, Lamar retained the Houston appointee, Robert Barr, in direct contravention of the advice of Representative William E. Jones, a powerful Lamar supporter, who referred to Barr as, "one of the bitterest opponents you had in Texas."⁶ Also the Departments of War and Navy were assigned to General Albert Sidney Johnston and General Memucan Hunt, both of whom had filled posts in the Houston administration, and both of whom had been eleventh hour converts to Lamar's candidacy. Richard G. Dunlap, late of Tennessee and a protege of Jackson's was appointed Secretary of the Treasury, and John Watrous, a recent arrival from Mississippi, was given the post of Attorney

General. Both Dunlap and Watrous had come to Texas after independence had already been won, and Lamar was again censured in his cabinet appointments for passing over those who had fought in the Revolution.⁷ No reason can be found to account for Lamar's cabinet appointments; the majority of them proved unfortunate in the extreme.

The townspeople of Houston welcomed the inauguration of the new President as a major social event. On the appointed day, December 10, 1838, outgoing-President Houston appeared in colonial costume, complete with powdered wig, and delivered his "Farewell Address" in much the same fashion as did the man he obviously was imitating. Houston stole the thunder from Lamar's prepared speech by forcing the assemblage to submit to a three hour discourse on the past glories of the first administration. Upon the completion of the harangue, Lamar, completely defeated by tactics such as these, ordered his private secretary, Algernon P. Thompson, to read his speech, and this was done in poor contrast to Houston's effort. Spirits ran high at the ball which followed the inauguration ceremony. Reverend William Y. Allen, writing to Anson Jones, commented on the lively proceedings, "At the ball which wound up the grand affair tis said there was some excess of riot, and some shameful spreeing, towards the breaking of the day. One Hon. Representative, our friend from Jasper, had his nose pulled by a certain military dignitary."⁸ Texans were looking to a new day, and in their eagerness to forget the mistakes of the

Houston administration, the strictest propriety was not at all times observed.

In his first message to Congress, submitted on December 21, 1838, the President outlined the policies that would guide his conduct in office. As if to emphasize the importance which he placed on the destruction of the Cherokees and their allies, the Indian question was taken up first. Lamar contended that the Indian tribes had never received patents to their lands from the Mexican government, that they had no rights under the treaties negotiated by the Provisional government, as the treaties had never been approved by a Republic Congress, and that they could expect no financial redress from the present administration. The President admitted that the work of speculators had perhaps forced the Indians into armed rebellion and though this was to be regretted, "it becomes the nation to meet the exigencies with promptitude and energy."⁹ As a corrective measure, Lamar recommended the creation of a line of military posts along the frontier to afford protection against the Cherokee raids. Thus from the outset, the President clearly identified himself with a program of hostility to the Indian tribes within the Republic.

In the realm of finance, the area in which the Houston administration had so badly floundered, Lamar came forth with some concrete suggestions. One was the creation of a national bank with an adequate amount of the public lands placed aside as security for the bank's capital. In

another, the new administration pledged itself to continue the government's efforts to secure a loan of five million dollars either in the United States or in Europe, and this was the more significant because the establishment of a bank was out of the question if the loan was not forthcoming. Finally, the new President voiced his displeasure at the great amount of paper money in circulation, the greater part of which was worthless; but he presented no remedies to correct this evil.

In regard to foreign affairs, Lamar promised to prosecute the war against Mexico in active fashion, and implied that he would favor the granting of aid to any of the rebellious Mexican provinces. The Chief Executive expressed his hope that Congress would see fit to make liberal appropriations for the upkeep of the army and navy, and pledged that efforts would be made to strengthen the navy as a formidable wing of the Republic's fighting force. In respect to annexation, Lamar expressed his disapproval at the preceding attempts which Texas had made at an annexation, and declared that his administration would be completely hostile to the project. He made much of the point that Texas had been spurned in her previous attempts to secure annexation, and the national pride would certainly suffer if further requests were made. If left to her own devices, Texas would surely prosper, and the President felt that no help need be forthcoming from the United States. Stressing the advantages

in trade agreements that would result if Texas were to remain independent, Lamar implored Congress to let the annexation issue die of its own weight.¹⁰ The President had thus presented his plan in his inaugural message, and more specifically in his first message to Congress; the outcome of the matter lay with the legislators.

In his farewell message Houston had requested the members of the national legislature to deal with Lamar in a more restrained manner than they had with his predecessor. The Third Congress which met with the new President in December, 1838, was predominantly favorably disposed toward Lamar, though there were still some members of the Houston party who had managed to weather the general storm. In the Senate, Robert Wilson, representing the District of Harrisburg and Liberty, and Edward Burleson, of the District of Bastrop, Gonzales, and Fayette, continued to advocate Houston's policies. In the House, David S. Kaufman, representing the District of Nacogdoches, Isaac Parker, of the County of Houston, Louis P. Cooke of Brazoria, and Cornelius Van Ness, of Bexar, remained as the principal Houston men.¹¹ Lamar had made many campaign promises, and the realization of these pledges proved to be no easy matter in the halls of Congress.

In the area of domestic accomplishments, Lamar's Indian policy was the most notable feature of his administration. In compliance with his request, Congress, in its first session under the President, passed three related acts for the protection of the frontier. The first of these provided

for the creation of twenty-three companies to be stationed along the frontier at eight specified locations; at or near Red River; at or near the Three Forks of the Trinity; at or near the Brazos; at or near the Colorado River; at or near St. Marks River; at the headwaters of Cibolo; at or near Rio Frio; and at or near the Nueces River. At each of these outposts fortifications were to be constructed, and the positions were to become the center of later frontier settlements. As soon as the sites were established, three leagues of land were to be laid off and surveyed into lots of 160 acres each. Two of the lots were to be reserved for the government for the purpose of constructing fortifications, one lot was to be given to the soldiers adhering to the term of enlistment, and the remainder was to be given in lots of 160 acres to the bona fide settlers in fee simple who would live there two years. The act further provided for the building of sixteen trading posts.¹²

On January 1, 1839, two other acts for the increased protection of the frontier were approved. The first authorized the President to accept eight companies of mounted volunteers for a period of six months, and appropriated seventy-five thousand dollars to maintain that force. The second act provided the sum of five thousand dollars for the maintenance of a company of fifty-six rangers for a three month period. A short while later another act was signed calling for the creation of three companies of militia for the defense

of the frontier, and on January 24, the additional sum of one thousand dollars was set aside for frontier protection. Lamar had no grounds for complaint in relation to his Indian program, for the Congress had been prompt and liberal in making appropriations for frontier protection.

This Indian program now quickly came to the test, for even with the additional protection realized by the Congressional acts, settlers were reluctant to remain on the frontier. Senator John A. Greer gave a good account of the existing situation in a letter to John C. Watrous, Attorney General of the Lamar cabinet:

The frontier in this section [Robertson County] is in a miserable condition. They have been and are now on the eve of breaking up, at least those who are able to get away, a great many are widows who are unable to get off others have had their horses stolen and are left without the means of moving. I have urged them to stay assuring them that the Govt. would protect them as soon as practicable. They have determined to stay until the first of April if they have to stay in their houses, but if they do not get protection by that time they will break up they know they can not make corn without protection, they will move to a place of safety, you must try and have them protected, indeed if they had not hopes that the Comms. would locate the seat of Govt. at the falls they would have broken up long since.¹³

Faced with this grave situation, the President decided to strike at the heart of the problem. On February 14, 1839, Martin Lacey, an experienced Indian trader, was appointed agent to the Cherokees, Shawnees, and other Indian tribes. Soon after this the administration, which was eager to find a pretext which would justify a full scale war against the Cherokees, found their excuse in May, upon the capture of Manuel Flores, a renegade Mexican, and his band of Cherokee

allies. Flores and his men, who were on their way from Matamoras to Eastern Texas, were discovered while attempting to pass the Colorado River near the site which later became the city of Austin. General Burleson, commanding a detachment of Indian fighters, gave pursuit, and the rebels under Flores were soon overtaken. In the ensuing battle, Flores, himself, was killed; but a diary was stripped from his body which fully revealed that he represented official Mexico, and that that country had promised to lend aid to the Cherokees in the form of men and supplies, to be used in a general war against the whites in Texas. The Cherokee difficulties around Nacogdoches in the Houston administration had been fomented by another Mexican outlaw, Vincente Cordova, but the trouble that occurred in the Lamar administration stemmed directly from official Mexican aid. Lamar now had his reason for war, and the President was quick to take advantage of the situation as it developed.¹⁴

Determined upon war, Lamar ordered Major Benjamin C. Waters with a detachment of soldiers to occupy a site of land bordering on the Sabine River. Ostensibly the men were supposed to guard against any disturbance, but they were occupying land which the Cherokees considered as their own. The Indians, in the person of their Chief, Bowles, protested against Lamar's action and threatened to make war if the troops attempted to construct a permanent fort on the disputed land. The President then issued a proclamation justifying his action on the grounds that the Cherokee lands had

become the meeting place for conspiracies against the government, and stating that the ultimate removal of the Indians was inevitable and would be accomplished either by peaceful means or through war. In reply Bowles indicated that the Cherokees were willing to remove from the bounds of the Republic provided that the government would pay for the improvements of his people. Lamar then assigned commissioners for causing the proper assessments to be made, and other arrangements despatched that were necessary for the removal of the Cherokees.¹⁵ It was understood that the larger portions of the debt thus incurred were to be assumed by the merchants of Nacogdoches and San Augustine, and the balance would promptly be paid in specie.

As Commissioners to treat with the Cherokees, Lamar appointed his Vice-President, David G. Burnet, the Secretary of War, Albert Sidney Johnston, Thomas J. Rusk, who just prior to the commencement of the Indian difficulties had been elected Chief-Justice of the Supreme Court, and two private citizens, James S. Mayfield and James W. Burton. In the event that the Commissioners failed to arrange for the peaceable removal of the Cherokees, they were to be expelled by force, and General Burleson and Major-General Kelsey H. Douglass were instructed to hold their troops in readiness. In the official report filed by Albert Sidney Johnston, Secretary of War, it was stated that Big Mush, the civil chief of the Cherokees, was in favor of removal, but that Bowles, who was then past his eightieth year, convinced the tribes that

aid would be forthcoming from Mexico and that victory against the whites was possible.¹⁶ Negotiations were carried on for better than a week, but failing to accomplish anything and believing that the Indians were only attempting to pass time in the expectation of Mexican help, the Texans finally attacked. The rout was complete and in five days the Cherokees and their allies were dispersed. The troops finished the operation by laying waste the Cherokee villages, and by following the Indian retreat to the American border. Those Indians that escaped with their lives fled into Arkansas. Bowles was killed on the second day of the battle, and the sword which General Houston had given him in honor of their friendship, was taken from the dead warrior in token of the Texan victory.

The expulsion of the Cherokees represented a qualified victory for the Lamar party. Its major importance was expressed by Asahel Smith, who observing that, "Bowles the grand mischief maker is out of the way," pointed out to a friend that, "This discomfiture of the Indians renders any hostile operations on the part of Mexico as exceedingly improbable for some time to come. For Mexico counted much it is believed on the cooperation of hostile tribes."¹⁷ It was true that the Cherokee menace was removed and that the Mexican government had been deprived of a likely ally. However, there was at the same time an articulate body of opposition to Lamar which contended that the Indian problem was not as serious as the administration had made it out to be and that the Cherokee

war had been motivated solely for political purposes. The Houston Morning Star, which had been established by the party out of power to serve as the official organ of the opposition, expressed this feeling in eloquent fashion:

The real object now is, when it is apparent to the friends of the administration, that nothing short of some great and wonderful feat performed by them, will save their sinking reputation, to seize upon this as the most likely of all subjects to make a reversion of public opinion in their favor. Hence it is, that our Indian difficulties are blazoned forth, and with them their own extraordinary merits in quelling them.¹⁸

With the Cherokee problem settled, at least to its own satisfaction, the Lamar administration turned its attention to other problems. Although no particular mention had been made of the issue either in the inaugural or in the first message to Congress, the President next concerned himself with the matter of the permanent location of the seat of government. This question had proven troublesome to General Houston, and just prior to the completion of his term in office, he had signed a bill creating commissions to recommend favorable sites for the capital of the Republic. Also the Houston-controlled Congress had passed a bill stipulating that the capital should remain at Houston until 1840, and that the recommendations should not be acted upon until that date.

Faced with this situation and prodded by the Executive, the first Lamar Congress passed a law creating another commission to supersede those appointed during Houston's term. The law provided that five commissioners should be chosen and that the membership should be limited to members

of Congress. Accordingly Alexander C. Horton, of Matagorda, and Isaac W. Burton, of Nacogdoches were chosen by the Senate, and William Meniffee, of Colorado, Isaac Campbell, of San Augustine, and Louis P. Cooke, of Brazoria, were selected by the House of Representative - two from Western, two from Eastern, and one from Central Texas.¹⁹ By the terms of the act the commissioners were limited to the recommendation of a site, "at some point between the rivers Trinity and Colorado, and above the old San Antonio road."²⁰ Also by the terms of the act the name of the new capital would be Austin, and by a supplementary act passed ten days later, the provision of the act on the statute books which stipulated that the capital should not be removed from Houston until 1840 was overridden. The purpose of the new bill was to remove the capital from Houston at all costs and to placate the Western elements by locating the seat of government in that section. The provision of the act which bound the Commissioners to make their selections within a specified area effectively secured the bypassing of the city of Houston. The old San Antonio road crossed the Trinity at Robbin's Ferry, the Brazos near Tenoxtitlan, and the Colorado at Bastrop. The road formed the northern boundary of Austin's old colony, which was the settled portion of Central Texas. In January, 1839, there were only a few villages located north of the road, and only the town of Bastrop could boast of a population of more than one hundred inhabitants. It was a

certainty then that the Lamar party, realizing that because of Houston's bias for the East, the Central and Western sections of the Republic could be politically cultivated, meant to locate the capital in an area that would please those two sections.

After an intensive search of two months for an adequate location, the Commissioners finally drafted their report on April 13, 1839. The finished report recommended the embryo town of Waterloo, a hamlet on the East bank of the Colorado, about thirty-five miles above Bastrop. This site was particularly appealing to Lamar, who on an earlier hunting trip had referred to the area as a likely spot for a new, "seat of Empire." However, the choice did not meet with overwhelming approval in the Republic press. The Houston Telegraph and Texas Register, generally favorable to the Lamar party, said concerning the recommendation:

In the report of the Commissioners to locate the Seat of Government, it will be seen that the location has been made at Waterloo, an inconsiderable hamlet situated on the eastern bank of the Colorado, on the extreme verge of the northern frontier. The country around this point is represented to be exceedingly fertile and beautiful, and the climate remarkably healthy. It is, however, almost entirely uninhabited, and what is worse probably more exposed than any other point on the frontier to the depredations of the hostile Indians. Indeed within a few months past, parties of Indians have ventured many miles below it. As it will not therefore afford those conveniences of life and the security requisite for the purposes intended, we can hardly believe that the offices of government will be removed during the present year.²¹

Other objections were made to the proposed location of the seat of government, and protests were also voiced on

the ground that it was a violation of the laws of the Republic to provide for the creation of the capital city before 1840. Commenting on this point, the Houston Morning Star observed:

The idea of permanently locating the seat of Government by Commissioners appointed by Congress, seems to us entirely absurd - the only satisfactory way is to leave it exclusively to the people. That there must be a called session of Congress at this place in the fall seems inevitable - for the law at present in force designating the time for the removal of the different departments to the new Capital cannot by any possibility be obeyed.²²

The act which had been recently passed for the permanent location of the seat of government also provided for the laying out of the site selected and for the sale of town lots. In accordance with these provisions the President appointed Edwin Waller as Government Agent for the future capital of the Republic with powers to supervise the sale of town lots, scheduled to go on sale at Austin about August 1. The Cherokee war diverted popular attention from the new location, but the land sales went ahead as anticipated. The removal of the archives and other papers of the Government was scheduled for October, and the final removals were completed in that month.

The frontier capital city, by the terms of the original bill, was named Austin, and was expected to be a great improvement over the city of Houston in respect to natural beauty and to an overall more healthy condition. To the correspondent of the New Orleans Picayune, the capital presented this appearance;

The state of society at Austin is at present, even in this incipient state of things, very good. There are, among our population, quite a number of respectable and intelligent females. It is in contemplation to organize a Presbyterian Church in a few weeks, there being a sufficient number of members of that denomination. A Sunday school is to commence next Sabbath. Two large and respectable Hotels, one 160 by 34 on Pecan st., and 93 feet on Congress Avenue. Both of these Hotels are to be conducted on temperance principles, both being owned and managed by members of the christian church, and pledged to the temperance principle. Two of the principal merchants of the community are members of the church. The stores of the place are all closed on the Sabbath.²³

The removal of the seat of government to Austin represented another triumph for the Lamar party. The removal fulfilled a campaign promise, and showed beyond a doubt the desire of the President to win the favor of the Western-Central sections of the Republic. Though the Cherokee war and the removal of the capital represented triumphs for the administration, Lamar was not without his problems.

Barnard E. Bee, Lamar's Secretary of State, in writing to Ashbel Smith soon after the election of 1838, had opined that "Genl. Lamar will have a trying time of it - Every thing is expected of him - and what can he do without a Dollar."²⁴ Bee's observation sums up in very concise fashion one of the major problems that the administration was faced with. The Houston party had failed completely in the field of finance and had left Texas virtually two million dollars in debt, and this unwelcome legacy was left to the Lamar administration.

As an expedient to meet the emergency, the new President hoped to secure a loan of five million dollars in

either Europe or the United States. He was particularly eager to realize the loan in order to avoid the pitfall into which Houston had fallen: the continual issue of paper money. As his first move towards obtaining the loan, the President submitted the name of James Hamilton to Congress for confirmation as a Commissioner to negotiate in the United States and abroad, and the appointment was approved.²⁵

James Hamilton had served one term as Governor of South Carolina, had represented that state in the House of Representatives at Washington from 1822 to 1829, and had organized an army in defence of nullification in 1832. His banking experience stemmed from his work of organizing, directing, and for a short time acting as President of the Bank of Charleston. He was particularly qualified for the task at hand, as he had successfully negotiated a loan in Europe for his own state prior to coming to Texas.²⁶ Hamilton was instructed to act in concert with Albert T. Burnley, who had been commissioned in the Houston administration, and whose appointment had been honored by Lamar. It was understood, however, that Hamilton would handle the greater part of the negotiations in Europe. The appointment of Hamilton met with general approval, except for the fact that the appointee also could not qualify as an established settler of the Republic. The Houston Morning Star asked its readers if Hamilton received his appointment, "before he even saw the country,"²⁷ but there was no difficulty at all in securing

ratification of the appointment on the part of Congress. The agents were promised a liberal compensation on any loans that they might secure, and soon set about their task.

Because of the prevailing hard times in the United States, Texan agents had fared very poorly in their search for financial aid in that country, but Hamilton decided to call on Nicholas Biddle in Philadelphia in the hope of obtaining a loan. After considerable time and trouble, Hamilton was able to secure both a loan and the promise of Biddle's influence to aid him in his European negotiations. An agreement was made through Biddle with the Bank of the United States whereby the bank agreed to advance four hundred thousand dollars in exchange for 94,500 pounds sterling in bonds bearing ten per cent interest. Actually the loan proved to be a disappointment, for the money was deposited in a bank in New Orleans and consisted of United States post-notes, to turn which into currency the Republic had to pay seven and a half per cent discount. In addition to this the entire amount was overrated.²⁸ However, securing the loan was important as an aid to Hamilton in his European deliberations, for the Texan agent could now point to the support and influence of one of the most powerful banks in the United States.

In New York, Hamilton had the bonds engraved, but concluded that it would be difficult to negotiate them as they were then made out: ten per cent bonds maturing in thirty years and secured only by government lands. He then

wrote to Lamar suggesting that a sinking fund of three hundred thousand dollars be created as additional security for the bonds, but the President promised only to lay the matter before Congress for consideration. Hamilton and Burnley then set sail for England and arrived at London in August, 1839.

As the Texan agents proceeded to Europe, financial conditions in Texas became increasingly desperate. The Republic's currency was virtually worthless and there seemed to be no avenue of escape from the continuing paper money issues. The Richmond Telescope and Register, leaping at a rumor that Hamilton had achieved the loan, described the perilous situation:

It is rumored that General Hamilton is about procuring the long talked of Loan. We much need it. The currency of Texas was never in so low a state, and a loan appears to be the only means of placing it at par valuation. Should General Hamilton be the agent of bringing about the removal of so critical a crisis in our financial affairs, Texas will be under obligations to him, she can never repay.²⁹

Though they presented their case in vigorous fashion the Texan agents met with failure in England. Writing to Lamar, Hamilton explained that the unfavorable harvest in England of 1838 had caused the export of about seven million pounds of bullion, and that with the resulting unfavorable exchanges against England, the Bank of England was forced to borrow two millions Sterling of the Bank of France. The best English securities were of doubtful validity at this time, and Hamilton entertained no hopes of success in regard to borrowing against Texan securities. The financial conditions

in England made it "quite impolitic" to bring forward the idea of a loan at this time.³⁰ Hamilton then requested permission to move on to France, and to work in harmony with the Texan representative there, James Pinckney Henderson, for French recognition. Hamilton believed that once recognition was accomplished the prospect of a French loan would be increased, and the example set in France, the loan in England might be forthcoming in rapid fashion.

At the close of the Houston administration, James Pinckney Henderson was at Paris in his capacity as Texan Minister to England and France. When Lamar assumed the Presidency of Texas, the French government had agreed to commission one of its Secretaries at the Legation at Washington to make an inspection trip of the Republic and to submit a report on the political and economic conditions in Texas. Alphonse de Saligny was accordingly sent to Texas and was present there at the commencement of the Lamar administration. Hamilton, while in New York before embarking for England, had met with Saligny and had encouraged him to draft a favorable report concerning his impressions in Texas.³¹ When Hamilton arrived at Paris, Saligny had just returned from his mission and was preparing his report. Lamar, believing that Hamilton could be of assistance to Henderson in his negotiations for recognition then gave Hamilton official permission to join the Texan Minister at Paris.

In the interim between December, 1838, and August, 1839, or since the commencement of the Lamar administration,

Henderson had not been lax in working for recognition. In November, 1838, he had been informed by Anson Jones, the Texan Minister to the United States, that the Republic Congress had voted to withdraw the petition for annexation, and therefore Henderson was left free to strive for French recognition and perhaps a commercial treaty, unencumbered by any binding agreements on the part of the Republic with the United States. During Henderson's stay at Paris, conditions between Mexico and France continued to grow worse as a result of unpaid damage claims owed by the Mexican government to certain French citizens residing in Mexico. In February, 1839, the Mexican government issued letters of marque and reprisal which further aggravated relations with the French government. With matters in this state, the question of recognition seemed to hinge upon Saligny's report, which was expected daily. Henderson wrote home that the government was disposed to recognize Texas because of the Mexican difficulties, and would do so quickly if the report were favorable.³²

In June Baron Pontois, French Minister to the United States, arrived in Paris on a leave of absence. Pontois informed Henderson that Saligny had left Texas before the first of May, and that he would deliver his report in person. It was his opinion that the government would recognize the independence of Texas, and in an interview with the King, Pontois strongly advised that policy. By July the Foreign Office had

received Saligny's report which stated that Texas was in fact independent and which forcefully recommended recognition. On the basis of the report, Pontois, who had remained in Paris, was commissioned to treat with Henderson. The slavery problem was mentioned as a source of possible friction by the French diplomat, but Henderson contended that the international slave trade was prohibited in Texas, that slaves could not be brought into the Republic except from the United States, and that therefore the number of slaves could not be increased, although their geographical position might be changed. The Texan agent then concluded his argument in rather abrupt fashion by pointing out that slavery in any case was a matter of domestic policy, and not the concern of foreign nations.³³

In the negotiations that followed, Pontois suggested that France might prefer a treaty of amity and commerce and in the same treaty would accord recognition. Henderson wished that France recognize the independence of Texas first so that the Republic might enter upon the deliberations on an equal basis with the French government, for otherwise it might seem that Texas had entered into the treaty under restraint and had given up privileges which she would not have surrendered in any other case. Pontois took Henderson's request under consideration; but Count Mole, the French Foreign Minister, would not yield the point, insisting that recognition be by treaty rather than by separate act, and negotiations proceeded on that basis.³⁴

The terms of the treaty were discussed throughout the month of August. Difficulties arose over the rates on French wines, silks, and ready-made clothing such as shoes and hats. Pontois wanted the silks and wines to enter Texas on the same footing as they entered the United States, and as the silks were admitted duty free at American ports and the wine at a nominal duty, this would represent a major concession on the part of the Lamar government. Henderson felt that he would be compelled to agree to some reduction of the duties imposed in Texas upon French wines and silks, but he would try to secure in return a like reduction by France of the duties on Texas cotton. In a communication to Burnet, then Acting Secretary of State, Henderson informed his government that Pontois had promised to speak with the Ministers of Commerce and Finance respecting the proposed reduction of duties on Texas cotton coming into French ports. Henderson was hopeful that all would be well in regard to the treaty and that recognition would immediately follow.³⁵

While some of the final difficulties of the treaty were being adjusted, the French Foreign Office gave indications of delaying the negotiations. This was due to the fact that Saligny informed Pontois that Hamilton, who had recently arrived in Paris after his unsuccessful efforts to negotiate the British loan, was empowered to offer greater inducements than was Henderson and that Hamilton had plenary powers in the treaty deliberations. Henderson felt some natural

resentment at Hamilton's arrival and was very perturbed over Saligny's interference at just the point when negotiations were proceeding smoothly. Henderson expressed his chagrin in a letter to Burnet:

I was not pleased at that speech of Mr Saligney but reflecting that I was not acting for myself in this business and that a diplomatist ought never to evince the slightest anger in the discussion of a Treaty, I contented myself by assuring him that he [Hamilton] had no instructions for me or he would have informed me of it long since as he knew that I would be engaged ere this in discussing the Treaty and moreover I informed him that your despatch did not mention that such was the case.³⁶

Hamilton's position was a difficult one. He was primarily interested in the loan, and believing that the success of his mission depended upon recognition, he was willing to sacrifice some commercial advantages in order to advance the chances of a loan. Prior to Hamilton's arrival the government had agreed to lower the duty on Texas cotton one-fourth with an equivalent reduction by Texas in her tariff in favor of French wines, two-fifths, on French silks, one-half, and on French brandies, one-fifth. Hamilton strongly urged Henderson to withdraw the concession in regard to Texas cotton, but to retain the corresponding privileges that had been allowed to the French products. Henderson protested at first and said that the negotiations should begin again on an entirely new basis, but he finally yielded to Hamilton rather than delay the matter until he could write home for the advice of the President.³⁷

The treaty was signed on September 25, 1839, and

stipulated that Texas cotton entering France was to pay a duty of twenty francs per one hundred kilograms; French manufactured articles, the principal commodity being silk, were to enter Texas ports at one-half duty; French wines were to enter at a two-fifths rate and French brandies at one-fifth. Henderson, at Hamilton's urging, had given up virtually every concession that Texas had desired, but the Republic did gain the recognition of a major European power. The administration hoped that the French action would influence the British government in time to act in the same manner, and also that the attainment of recognition by France was not lost upon the United States as an example of the Republic's importance as an independent power.

With recognition an accomplished fact, Henderson found time to marry and then returned to England. His efforts at a treaty comparable to the one he had negotiated in Paris did not meet with success in London, and he soon returned to Texas, arriving at Galveston in January, 1840. Hamilton, meanwhile, turned his attention to procuring a loan in France. He felt that with recognition accomplished, a loan would be easier to negotiate, but the Texan agent was doomed to disappointment again. While in Texas on his tour of inspection Saligny had inferred that a loan might be realized in France if part of the sum were used to strengthen the Republic frontier, and thus insure a plan by which French manufactured goods could reach the Mexican trade

through Texan ports. Hamilton made the most of this point in his talks with French capitalists and with government officials, but the depressed money market at the time also had its repercussions in France, and again success eluded the agent. Failing to accomplish his mission, Hamilton returned to Texas via England and arrived home late in the fall of 1839.³⁸

With prospects of the loan dimmer than ever, the administration was forced to find some expedient for its grave financial problems. The mistake made by the Houston party in the issuance of paper money was there for all to see, but the Lamar clique was forced to the same solution as a last resort. Also, to further depress conditions, the President displayed his lack of practical sense in financial affairs by allowing the expenditures of government to increase far beyond what they had been in Houston's term of office. Appropriations for civil purposes skyrocketed from the sum of \$192,000.00 under Houston's last Congress to \$550,000.00 under Lamar's first. This was not because of an increase in existing salaries, but because of the hiring of additional department clerks, the increased requirements of the postal service, and the costs incidental to the removal of the seat of government from Houston to Austin.³⁹ Also expenditures for the army and navy increased from \$881,000.00 under Houston's final Congress to \$1,523,445.00 under the first Lamar Congress, which adjourned in late January, 1839.

The outstanding circulation in paper money at the close of the Houston administration was over \$800,000.00, yet the first incumbent of the Presidency had made attempts at restriction. Lamar, in contrast, utterly failed to make any attempts to stop the flow of worthless paper. From January, 1839, until September of the same year, the third Congress of the Republic issued \$1,569,010.00 in paper money notes. In the following year, that is until September, 1840, \$1,983,790.00 in paper notes was issued, or a total, not including reissues, of \$3,552,800.00. The estimated amount in circulation on September 30, 1839, was \$2,013,762.00, and on September 30, 1841, \$2,920,860.75.⁴⁰ The first issues of paper money or "red-backs" as they were called were valued at only about 37.5 cents on the dollar, and by November, 1840, they had fallen to 16.66 cents. The reckless policy of the administration in sanctioning these expenditures on the part of Congress, coupled with the additional appointments that laid the charge of excessive patronage at the foot of the Lamar party, resulted in increased opposition to the government. The Houston Morning Star confessed itself disgusted with the President's policy and poured forth its invective:

Already since the inauguration of Gen. Lamar, our money, on account merely of the extravagant issues, has decreased in value about forty cents on the dollar, and still his cry is that of the horse leech. "Give! Give!" The truth is, that His Excellency has too lively an imagination to be successful in his attempt to "economize the public resources." The inexhaustable mines of the San Saba valley are too constantly present to his mind, and lead him to act and talk as though their boundless wealth was already in his

grasp. Else how could he talk of standing armies, lines of military posts, the invasion of Mexico, &c. &c. We conclude that his flowery language on these subjects must be "all for talks sake" and to show what mighty schemes may be engendered in the brain of an ordinary man; or else as we hinted above, that the San Saba gold mines have turned his head.⁴¹

The failure to achieve the loan in Europe and the resulting financial plight in Texas constituted the first major disappointment for the Lamar group. Texas was in sore financial straits and no remedy appeared to be forthcoming.

In the field of foreign affairs, Lamar, in accordance with his campaign promise, made a definite attempt to secure an honorable peace with Mexico. It will be remembered that Anson Jones had withdrawn the Texan petition for annexation to the United States in the fall of 1838. In his inaugural address Lamar indicated that the Republic would not renew the annexation negotiations and that Texans should devote their energies to building up the nation's internal resources.⁴² In accordance with this general plan James P. Henderson had been ordered to remain at Paris, and James Hamilton was commissioned as financial agent to both England and France. Henderson had succeeded in gaining French recognition, and though Hamilton had returned empty-handed there was hope for the future. However, it was with Mexico that the government most passionately desired peace. The failure of Mexican recognition had impeded Hamilton's efforts in Europe and also had forestalled the annexation negotiations. Lamar reasoned that if a legitimate peace was obtained with Mexico, in which the recognition of Texan independence must

be a sine qua non, the prospects of aid from abroad would increase immeasurably. Therefore the President decided to humble the nation's pride and make the initial overture in the peace negotiations by the appointment of a special agent to Mexico.

Lamar decided to strike for peace at a time when Mexico was undergoing another period of internal strife. The government of France had declared war after arbitration attempts had failed to secure payment of the claims due French citizens residing in Mexico. Santa Anna, because of his heroic conduct and the loss of his leg at the battle of Vera Cruz, was once again a national hero.⁴³ Upon the completion of the "Pastry War," as the difficulty with France was later referred to, Bustamante, the leader of the Centralists and the established President of the nation, was forced to surrender the government to Santa Anna. The wily Santa Anna, realizing the financial problems that would face the incoming administration, was only too happy to allow Bustamante and his party to flounder in office, while he exercised the power behind the scenes.⁴⁴ The attention of Mexico was therefore occupied with the abortive war with France and the rapid settlement of internal differences, and certainly not with matters pertaining to Texas. Lamar, feeling that Santa Anna would assume the reins of the Presidency at the moment that best suited him, and that the Mexican leader would be favorable to peace negotiations, determined to act.

The President's plan for obtaining peace consisted of two major points. An envoy would be sent directly to Mexico to press for terms, and at the same time a Minister would journey to the United States to attempt to secure the mediation of that country. Therefore efforts would be made simultaneously in the United States and in Mexico. Richard Dunlap, who had been serving as Secretary of the Treasury, was sent to Washington to manage affairs there. In his youth he had been a personal protege of Jackson's and it was felt that this would aid him in his deliberations with the Van Buren government. Dunlap was instructed to solicit the good offices of John Forsyth, the Secretary of State, to bring about the desired end. Forsyth had proven himself to be consistently hostile to Texan pretensions, and Dunlap was faced with an extremely difficult task. The Texan representative was instructed to use his discretion in approaching the Mexican Minister to the United States, Martínéz, in the event that Forsyth proved reluctant to recommend that the United States use its good offices to mediate. Finally, Dunlap was told that his commission was of equal importance with that of Bee and that the two agents should keep in constant touch with each other, while working in perfect harmony.⁴⁵

Dunlap proceeded to Washington and upon arrival took possession of the archives of the Legation. Broaching the subject of mediation during his first interview with Secretary Forsyth, the latter acted in very cautious fashion, but agreed

to sponsor the mediation proceedings should Mexico prove to be willing. Accordingly Forsyth instructed Powhatan Ellis, the United States Minister to Mexico, to stand ready to interpose the good offices of the United States between Texas and Mexico if and when the latter nation asked for them, but in the meanwhile to observe a strict neutrality.⁴⁶ Dunlap then busied himself with the unsettled boundary settlement between the United States and Texas, and anxiously awaited word of Bee's success at Mexico City.

The instructions drafted by James Webb (who became Secretary of State upon Bee's appointment as special agent) to Bee were more explicit in nature. It was assumed that Bee would not be received as an accredited Minister from the Republic to Mexico, for that would imply the recognition of Texan independence, and therefore the envoy was given separate credentials as a special agent. The final decision was left to his discretion, but Bee was advised not to make known his higher functions as a Minister until he had sounded his way as an agent and ascertained whether or not the Mexican government was disposed to treat with him in either capacity. His powers as a special agent were plenary and he was fully authorized to negotiate a treaty of peace. Bee was bound by only two provisions of his instructions. He must sign no treaty which did not admit the unconditional recognition of the independence of Texas and he should also insist upon the settlement of the Texan-Mexican boundary at the Rio Grande rather than at the Nueces. Other than his instructions

on those two points, both of which were made absolutely essential to any permanent treaty signed with Mexico, the Texan agent was left free to use his discretion in all cases.⁴⁷

Bee left Texas on his mission and arrived at New Orleans in April, 1839. He remained at that place nearly a month and conferred with General Hamilton, who was about to depart for Europe on his first quest in search of the loan. While in New Orleans, and through the intervention of Hamilton, Bee met with the representatives of the British commercial house of Lizardi and Company, one of the chief bondholders of the Mexican debt to Britain, which in 1839 amounted to about fifty million dollars. In accordance with his instructions Bee was prepared to pay up to five million dollars for the recognition of Texas on condition that the boundary dispute as to the Nueces and the Rio Grande be settled at the Rio Grande. The agents of the commercial house now proposed that Richard Pakenham, the British Minister to Mexico, persuade that nation to satisfy its obligations to the British bondholders to the extent of five million dollars by locating land for them in the territory claimed by Texas. In return Mexico would receive the sum of five million dollars from Texas and agree to the Rio Grande as the boundary line. If the plan was a success then Mexico would fulfill part of her obligations to the British bondholders and receive a large cash amount in addition. Also Texas would receive the boundary line she claimed, with the prospect of British settlers, and the bondholders would collect what was considered

to be a bad debt.⁴⁸ The plan was outlined in a communication to Pakenham at Mexico City, and he was informed that Bee would present it upon his arrival.

Bee sailed from New Orleans on the United States schooner Woodbury and arrived at Vera Cruz on May 8. He was received by a ranking Mexican military officer, General Victoria, and was treated with all courtesy. Victoria had been instructed to look upon Bee as a private citizen, and to get a written statement from him setting forth his objectives. If the Texan agent came as a commissioner from one of the many rebellious provinces within Mexico, his proposals might be considered, but if he came to negotiate for recognition of independence, he would not be granted a hearing, and Victoria should ask him to depart.

Actually Bee was asking the impossible, for no Mexican party could afford the blow to its popularity that official recognition of an agent from Texas would mean. The Vera Cruz Censor, in its comments on Bee's mission, serves as an index of popular opinion in Mexico:

We do not know which to admire, the audacity of those brigands in sending us their pedlar (marchante) to ask us to allow them the quiet and pacific possession of their robbery, or the answer the commandant general gave to the individual who appraised him of the arrival of this quixotic ambassador. From the tenor of the reply, it appears that if he lands, he will be accomodated with his lodgings at the prison. Nevertheless, the supreme government will designate what definitely ought to be done. The commandant says, he is not aware of the existence of a nation called the republic of Texas, but only a horde of adventurers in rebellion against the laws of the government of the republic.⁴⁹

The Mexican government, upon learning from General Victoria the true nature of Bee's proposals, refused to receive the Texan agent. By the end of May, Bee realized that he would accomplish nothing by remaining in Vera Cruz. In a letter to James Webb, the Texas Secretary of State, Bee stated that the negotiations should have first been opened at Washington before an attempt was made to secure recognition from Mexico. The Texan agent believed that if he were given permission to continue on to Washington, the Mexican Minister at that place, Martinez, would be commissioned to treat with him on a basis of Mexican recognition of Texan independence.⁵⁰ Bee reasoned that the good offices of the United States might be used for mediation if negotiations were commenced at the American capital.

Accordingly, feeling that he would not accomplish anything in Vera Cruz, Bee sailed for New Orleans on June 1, 1839. At just about this time Pakenham received correspondence from Lizardi and Company relative to the proposed scheme whereby British bondholders would receive lands in the disputed boundary area to be purchased by Texas for five million dollars. In an interview with Manuel Gorostiza, the Mexican Foreign Minister, Pakenham urged the recognition of Texan independence at an early date. The Foreign Minister admitted the general advisability of recognition but added that the government dare not risk such an unpopular act. Also a settlement of the boundary dispute at the Rio Grande

was out of the question. Despite the unfavorable outcome of the interview Pakenham felt that if the offer of five million dollars were really made, it would prove too tempting to resist. The British Minister also believed that the reconquest of Texas was an impossibility, and contended that Bee's failure was without significance, for with proper management success could be attained. He advised an armistice as a preliminary move, though Bee's opposition to that policy was well known.⁵¹

The fact that Bee was commissioned to go to Mexico in the character of a Minister and not as a secret agent destroyed his effectiveness. This was the opinion held by many who were conversant with the Mexican character. In this regard the sentiments of Joel Poinsett, formerly United States Minister to Mexico, are enlightening. Samuel A. Roberts, Secretary of the Texan Legation at Washington, in writing to President Lamar, gave this account:

Great interest is felt by the Government here in regard to the proposed treaty of amity between Texas & Mexico - We had first heard of Col. Bee's departure from Vera Cruz which being mentioned gave Mr. Poinsett an opportunity to go somewhat at length into the subject & as he expressed... He in the first place condemned the policy of sending a public minister to Mexico at all - and gave some of his reasons that Santa Anna or who ever might be at the head of the Govt. could not receive him in his public capacity without first acknowledging the very thing which was the object of the mission Viz - The Independence of Texas - thereby concluding the Treaty before it was begun!! He hinted also that the agent selected was too fussy, too fond of show, to conduct secretly a business of this magnitude and importance, - and I believe he knows him well... It is Mr. Poinsett's opinion that a secret agent might have affected the object of the mission.⁵²

When Bee reached New Orleans he found a letter from Colonel Almonte, an influential friend of both Santa Anna and

Bustamente, which informed him that the government had reconsidered and was now willing to listen to the propositions of the Texan government. At this point the involved negotiations took on a "cloak and dagger" aspect. Some time before Bee left Vera Cruz he had met an Italian, named John Vitalba, who was acting as Santa Anna's secret agent, under instructions to communicate with any representatives of Texas. On his way to New Orleans, in accordance with his mission, Vitalba learned of Bee's presence in Vera Cruz and called on him. The Texan agent, having already contacted General Victoria in attempting to establish communication with official Mexico, was not particularly eager to meet with Vitalba. However, in the overtures of Santa Anna's agent Bee sensed a disposition on the part of the Mexican authorities to negotiate. Vitalba's instructions involved too much secrecy to suit Bee's taste, and he felt that it would be wiser to deal openly with the Mexican government. Vitalba, far from being discouraged, however, sailed for New Orleans on the same boat as did Bee.⁵³

At this point in the negotiations, the Lamar government found their next agent in the person of James Treat. The prospective appointee was a merchant with offices in New York who was also interested in the affairs of Texas. He was friendly with Samuel Swartwout, who also had business connections in the Republic, and had kept in fairly regular correspondence with James Morgan, an agent of Swartwout's and one

of the early settlers of Galveston. Treat had spent a large part of his life in South America, and had resided in Mexico for seven years, during which time he had made the acquaintance of Santa Anna and other Mexican leaders. He also spoke Spanish well, and had been in correspondence with Vitalba, whom he regarded as a good friend. After receiving a communication from Vitalba, Treat became convinced that the situation in Mexico was ripe, and that if secret overtures were made and the right persons contacted, the recognition of Texas might result.⁵⁴ Treat communicated his views to Morgan and the latter wrote to Lamar recommending that Treat be sent as a secret agent to Mexico.⁵⁵ The President, with Bee's failure before him, was not overly impressed by Morgan's suggestion, and the matter was allowed to rest for some time.

In the meanwhile Treat continued to correspond with Morgan and spoke of his desire to proceed to Mexico. In June, 1839, Treat met with General Hamilton in New York, and the latter conducted investigations in order to satisfy himself of Treat's character and general fitness for any mission he might undertake. With his own doubts satisfied, Hamilton next wrote to Lamar suggesting that Treat could be of assistance to Colonel Bee in further negotiations with the Mexican government. To Bee, Hamilton wrote that Treat was on his way to New Orleans to confer with Vitalba, that he should join them both there, and that he would find Treat of great service to him in his efforts to secure peace.⁵⁶

Treat arrived in New Orleans on July 9, 1839, and at once set about to convince Bee of the propriety of his proposed undertaking. The New Yorker felt that a secret agent having the right connections in Mexico and empowered to pay a fee to bring the right influences to bear would meet with success. Bee confessed himself impressed with Treat's reasoning and recommended the adoption of his plan to the government. In submitting the plan Bee was fully aware that as negotiations progressed, the, "way would have to be paved with gold,"⁵⁷ and he thought that the whole project would involve the spending of from half of a million to a million dollars. It was his opinion, however, that the necessary money could be taken out of the five million dollars he was authorized to spend in fixing the boundary and still leave a sufficient balance to accomplish the settlement of the boundary dispute. As their acquaintance ripened, Bee came to place complete trust in Treat's ability to accomplish the mission and thus urged him to proceed to Austin and present his plan in person to President Lamar.

In a message delivered to the Senate and House of Representatives on December 10, 1839, the President expressed his belief that a secret mission to Mexico would meet with success. Lamar maintained that he had the assurances of Bee and Pakenham that a secret agent would be received by the Mexican government.⁵⁸ The Congress expressing no objections to the scheme, and the President being favorably impressed with Treat as a result of a series of personal interviews,

Lamar decided to commission Treat as a private or confidential agent of the Texan government. Treat's instructions were very similar to those which had previously been issued to Bee. The recognition of independence and the Rio Grande as the boundary were again required in any treaty negotiated. Treat was allowed the expenditure of five million dollars to secure the boundary settlement, and any monies that might be used as bribery must be taken from the five million dollar sum. Also the agent was empowered to expend an additional thousand dollars for whatever agents or assistants he might require once he arrived in Mexico. Treat was authorized to call upon the United States Minister at Mexico City, Powhatan Ellis, if in his opinion the good offices of the United States could be used in any plans for mediation. Finally, Treat was instructed to negotiate treaties of amity and commerce should success be forthcoming in the case of independence and the boundary settlement.⁵⁹

Though the times appeared auspicious for Treat's mission, developments in Mexico prior to his departure acted to embarrass him. In one of the constant revolutions against the central government the Federalist party had succeeded in establishing independent settlements along the Rio Grande. The Lamar party was favorable to the Federalist cause, and early in 1839 the President issued a proclamation opening trade with the Republic of the Rio Grande. In an attempt to secure a binding alliance, the Federalist leaders, Generals Anaya and Canales, came to Austin and asked for aid to the

revolutionary states of Mexico, which they asserted included Tamaulipas, San Louis Potosí, Zacatecas, Jalisco, Nuevo León, Coahuila, Durango, Sinaloa, Chihuahua, New Mexico, and the Californias. The government maintained a neutral policy but General Canales was successful in recruiting a force of Texans under Colonels Ross and Jordan without the consent of the administration.

The recruits crossed the border with Canales and later took part in some sporadic fighting. Lamar, realizing that Treat's mission was being endangered because of the aid that the Federalists were receiving, issued an official announcement of neutrality and enjoined all citizens of Texas to refrain from participating in any acts of hostility. Then in order to announce the President's proclamation to the Texans who had joined the Federalists, Colonel Benjamin H. Johnson with a small force crossed the Rio Grande to the camp of the Federalists. Upon their return the entire party was captured and put to their death. The administration, outraged as it was, contented itself with a formal protest to the Mexican government, thus indicating the complete willingness on Lamar's part not to embarrass the Treat negotiations.⁶⁰

Treat arrived in Mexico in late December, 1839, and immediately commenced activities looking toward the recognition of Texas independence. He had decided to effect his aims through the intervention of his friends in Mexico and then, if necessary, he would negotiate with the Ministers of England and the United States. Treat explained that by the use of

this method, he would be enabled to, "reserve a shot or two in the locker, so that my first defeat shall not be exactly final."⁶¹ Despite Lamar's disavowal of aid to the Federalists, the Mexican government had assumed a hostile attitude in relation to the Texan cause. Treat arrived in time to find that Congress was considering two measures to cope with the Federalist uprising and the potential aid that might be forthcoming from Texas in defiance of Lamar's proclamation. One act petitioned to Congress for special powers to levy taxes to support a war against Texas, and the other proposed to make it treasonable for anyone to write or speak in favor of Texas.⁶² Originally Treat felt that the act praying for appropriations to levy war against Texas was desirable for he was of the opinion that upon the Texan victory, an unconditional recognition of Texan independence would be the basis of any treaty, but as the session of Congress lingered on and nothing was accomplished, the envoy's patience began to wear thin. Suffering from the first ravages of consumption, and in general ill-humor because of the apparent failure of his plans, Treat outlined his difficulties in a communication to Lamar:

...If I had only to convince a majority of both Houses of Congress - a majority of the Cabinet and the President - and more than half the Sensible men who besides the above, are in office, and the same proportion of intelligent men out of office whose opinions would be worth something, of the policy advantages, ~~may~~, the necessity of an amicable arrangement now, I would say to you, Sir, "I should honestly believe I could make good my word. But when all this ~~is~~ done, then comes the fears, doubts, and apprehensions, of consequences - whether it will prove unpopular, whether the Cabinet

will be broken up and lose their places - and whether a Revolution, might not be the Consequence, etc., etc., Hence the necessity of dividing up the responsibility beginning with Congress, and placing the Executive and Cabinet in an easy position to act, while the public and even Congress itself may be ignorant of what is really going on. It is only thus, we trust, they will be able to get over the anticipated difficulty.⁶³

After much difficulty and finally through the intervention of Pakenham, Treat secured an interview with the Secretary of State, Jose Cañedo. Though the meeting was conducted on a friendly and informal basis, Canedo objected to Treat's credentials as being somewhat irregular. Treat had been furnished with an official, signed set of instructions, but had not been given credentials separate and independent of the instructions. The Secretary of State contended that without the separate document to establish the validity of Treat's powers, the negotiations could not proceed because President Bustamante and others would object to the irregularity. Cañedo then insisted that Pakenham guarantee the validity of Treat's credentials before the negotiations could be allowed to proceed. Pakenham did this early in February, 1840, but then the Secretary of State maintained that negotiations could not begin unless Pakenham gave a formal and official guarantee that his government would acknowledge any stipulations Mexico and Texas might enter into in the course of the negotiations. This highly unusual demand could not be complied with, and Treat was again rebuffed.

It was apparent that the Mexican government was chiefly concerned with putting Treat off, but at the same

time not confronting him with an absolute refusal. Canedo and Bustamente were aware that an unequivocal refusal might drive the Texans into an alliance with the Federalists, and the recognition of Treat's demands would certainly prove very unpopular in Mexico. Confronted with these two horns of the dilemma, the government could only negotiate in complete secrecy, and Treat was willing to accept these conditions, believing that the government might be strengthened to such a point as to hear his proposals irrespective of the wishes of the people. However, in Treat's thinking the wish was father to the thought for the envoy wrote to Lamar that both Bustamente and Canedo were well aware of the commercial benefits to Mexico that would follow hard upon recognition, that the Mexican government realized that it could never again reconquer Texas, and that as soon as the government was bolstered up to the point that it could negotiate in defiance of the popular sentiment, the veil of secrecy could be dispensed with and the deliberations would proceed at a speedy tempo. Treat did admit that any policy was subject to political considerations, but he was sanguine in the belief that official recognition would soon be forthcoming.⁶⁴

On February 13, 1840, Treat submitted a memorandum to the Mexican government setting forth his aims. On the basis of this action the envoy was granted an interview with Canedo, who stated that his government could not negotiate on the basis of Texan independence, but that there was a chance that Mexico would consider an armistice, as this would

not involve the surrender of any sovereignty. Taking this report as a favorable omen, Treat, through the medium of Pakenham, then submitted the definite propositions for recognition and the boundary settlement at the Rio Grande for an indemnity not exceeding five million dollars. In the meanwhile Treat's official credentials arrived, and in May, 1840, the propositions which he had submitted were brought before the executive council of the government, a department in the Executive branch of the Mexican government independent from the Cabinet. After much deliberation the council agreed to the steps taken by Cañedo, and the complete papers were handed over to Congress in July. This policy was followed because the secret negotiations had become a matter of public concern by this time, and the Congress demanded the right to debate the issue. As submitted to the Mexican legislative body the subject required a simple positive or negative vote. A vote in the negative would end the whole affair, and Treat could start back for Texas. On the other hand, a positive vote would not necessarily indicate ultimate success; it would mean only that the way for negotiations would be open, and that Treat's propositions would be officially considered.⁶⁵

Treat expected that the Congress would act quickly upon the question, but was again doomed to disappointment. The Federalist party in Yucatan, rebelling against the exorbitant tax rates imposed from Mexico City, succeeded in capturing the Yucatan Peninsula from the armies of the Centralists early in June, 1840. The Federalists then set up a sovereign

government, but continued ostensibly loyal to the Mexican constitution of 1824. The situation was similar to that of Texas at the time of the revolution, and it was well known in Texas that a declaration of complete independence on the part of the Yucatan Federalists was wholly dependent upon outside aid. Lamar had failed to take advantage of a possible alliance with the Federalists of the Rio Grande Republic, and the President had been sorely tried with the constant trickery of Canedo and Bustamente. Feeling that Treat might accomplish nothing, the President now determined to embarrass the Centralists by effectively giving aid to the Federalists in Yucatan. The administration was cognizant of the fact that an alliance with Yucatan, separated from Texas by several hundred miles of salt water, would not be so likely to lead to subsequent clashes of territorial interests, as an alliance with the Republic of the Rio Grande would certainly have done.⁶⁶

After much deliberation, the President therefore decided to send the skeleton navy on a cruise in the Gulf. Commodore Edwin M. Moore, as the ranking Texas naval officer, was instructed to prevent a blockade of Texas ports by the Mexican navy, to establish communication with the Federalists of Yucatan, and to communicate with Treat, as it was expected that the latter would have finished his mission by this time. Lamar's decision to send the navy on a cruise and his decision to attempt an alliance with the Yucatan Federalists met with unanimous approval in Texas. A campaign

against Mexico was always popular, and even the Houston Morning Star, which had constantly been in violent opposition to the principles of the administration, joined in the general cry of approval:

That the efficient aid which these vessels could render the malcontents and the loss and terror they could inspire among the Centralists, would contribute in an eminent degree to bring the Mexican government to terms with us, we think no one who has reflected upon the subject can doubt. The commerce of Mexico is already nearly prostrated; Yucatan is revolutionized; the north and east is in arms, and the causes of Federalism in Tampico and several other towns upon the coast, though partially smothered, is far from being extinguished. All that is wanting to complete the overthrow of the Central authority are union among the disaffected, and the efficient cooperation of our navy. The former can easily be brought about by diplomacy and the promise of such cooperation, as our navy is now fortunately situated, the latter can be granted with little or no sacrifice...beyond a doubt, captures and contributions can be made more than sufficient to meet all additional expenditures which have been incurred, if not to cover the whole outlay.⁶⁷

Lamar informed Treat of the new policy through a communication sent by the Secretary of State, Abner Lipscomb. The President indicated that the nation was weary of the Mexican negotiations, and that if in Treat's opinion further deliberation would prove futile, the envoy should return home immediately. However, if hopes for success could be based on further deliberations, then Treat was instructed to stay on at Mexico City. The President also stated that in the event a treaty of peace should prove impossible, then an armistice should be arranged for as long a period as possible; from one to three years with a six months cancellation notice, if such could be obtained. The government felt that an armistice might be preferable to a treaty, for it

would enable the Republic to dictate any terms at the expiration of the armistice, so confident were the Texans that their military strength would be respected in time. Also, Lamar felt that a treaty at the present time when the Republic was begging for it, would of necessity entail many sacrifices.⁶⁸

The message from the President was sent to Treat by Commodore Moore, who was under orders to station himself in the Vera Cruz waters and wait thirteen days for an answer from Treat. If the negotiations were to cease, Treat would quit his post and inform Moore, who would then regard the information as an order to prey upon Mexican commerce.⁶⁹ The new instructions to Treat were dated at Galveston on June 13, 1840, and though Moore despatched them from Vera Cruz through the British Minister, Pakenham, they were so delayed that Treat did not receive them until August 13. Therefore the period of time during which Moore was to wait for an answer had already expired when Treat received his instructions. Since Treat did not know whether Moore was still waiting for him, and because his new instructions authorized a truce, Treat decided to exercise his discretion and to continue the talks, estimating that a month or a little less would be the required time to negotiate a truce.

Upon receiving his new instructions, Treat informed Pakenham that he was now seeking an armistice if a lasting peace treaty could not be obtained. The British Minister concurred in this plan and advised Treat on the formulation

of a new statement of the Texan position. This document, which Treat submitted to Cañedo, placed emphasis on the peaceful and neutral attitude which Texas had maintained in regard to the Republic of the Rio Grande, and set forth the conventional arguments concerning the established independence of Texas, the recognition of that state by both the United States and France, and the inability of Mexico to reconquer Texas. Finally, the envoy stated that as a treaty of peace was out of the question, the Republic would content itself with an honorable armistice.⁷⁰

After prolonging his vigil for several additional weeks, during which time there was no answer from the Mexican government, Treat decided to bring matters to a head. Accordingly on September 5, 1840, he addressed another communication to Canedo stating that he had been in Mexico for the past nine months, and could report nothing of a favorable nature to his government. Treat contended that conditions were very urgent, and stated that unless he received some assurance before September 18 that would satisfy him of the actual intentions of the Mexican government, he would be forced to ask for his passports and withdraw from his post.

The period stipulated in the communication expired without any official action on the part of Mexico, and on September 21, Treat requested his passports. At this point Pakenham proposed to bring forward the matter of an armistice, and a document drawn up by Treat and setting forth the Texan terms was now submitted by the British Minister. In his

final attempt at a settlement, Treat demanded a truce for a period of three or four years, with the Rio Grande as the boundary line. However, the Mexican government definitely objected to the Rio Grande, and on September 29 Treat was given his passports. The envoy wished to depart immediately, but upon the insistent urging of Pakenham, he decided to remain a week longer.

As matters developed, however, the additional delay was to no avail. Pakenham urged the Mexican government to give consideration to an armistice, but his efforts failing, he finally conceded defeat and wrote to Treat, telling him that further attempts would be useless. In the British Minister's opinion, Mexico would not act in a reasonable manner concerning the armistice, and had absolutely refused to consider it. Pakenham felt that the government would never officially negotiate with Treat, and that if an armistice were to be considered possible, the Mexican authorities would insist that the line of separation be on the San Antonio river, rather than on the Rio Grande. Faced with such basic and irreconcilable differences, Pakenham believed that Treat should leave the country.⁷¹

Treat made final preparations for his leave-taking but ill health detained him a short while longer. Upon his departure he promised Pakenham that if Texas took up arms again against Mexico, the Republic would not attempt to extend its boundary beyond the Rio Grande. He also gave his promise to counsel the Texan authorities to follow a policy

of peace and forbearance which was completely in accord with the British Minister's sentiments.⁷² On his part, Pakenham gave his word to continue in his role as mediator, and promised to be ready at all times to communicate to the Mexican government any overtures that the Texans might think proper to make.⁷³

Treat was never able to relay these matters to the authorities at home, for he died of consumption on board the schooner of war, San Antonio, on November 13, 1840. John Vitalba, who was travelling with him, then took charge of his official papers, and forwarded them to the government of Texas. The mission had been a failure and had cost the agent his life. In Texas, the populace, saddened at the death of Treat and disgusted at the lack of any effective settlement of the Mexican difficulties, united in the clamor for war. The Houston Morning Star, accurately reflecting the general will, commented: "The result of his [Treat's] labors, so long anticipated, and by ourselves long since predicted, renders our relations with that country much less complicated and delicate. Forebearance on account of pending negotiations is no longer necessary; and the late hostile active operations of our navy render a resort to arms imperative."⁷⁴ Bee and Treat had failed; an alliance with Yucutan was in the offing, but a gloomy atmosphere pervaded the Republic.

NOTES III

- ¹ Anson Jones, Republic of Texas (New York, 1859), 34.
- ² Graham, Mirabeau B. Lamar, 5. Mirabeau and his brothers were named by an eccentric bachelor uncle, Zachariah Lamar. The names he selected for his nephews reflected his reading habits; Lucius Quintus Cincinnatus, Mirabeau Buonaparte, Thomas Randolph, and Jefferson Jackson Lamar.
- ³ Philip Graham (Ed.), "Mirabeau B. Lamar's First Trip to Texas," Southwest Review, XXI (1936), 369.
- ⁴ New Orleans Picayune, December 19, 1838.
- ⁵ Ashbel Smith to General Baker, December 30, 1839, Ashbel Smith Papers.
- ⁶ William E. Jones to Lamar, May 10, 1838, Lamar Papers, II, 156.
- ⁷ Wallace Hawkins, The Case of John C. Watrous, United States Judge for Texas; a Political Story of High Crimes and Misdemeanors (Dallas, 1950), 37.
- ⁸ Rev. William Y. Allen to Anson Jones, December 19, 1858, in, Jones, Republic of Texas, 174.
- ⁹ Message of the President of the Republic of Texas, Submitted to Both Houses, December 21, 1838 (Houston, 1838), II.
- ¹⁰ Ibid., 11-15.
- ¹¹ Lubbock, Six Decades in Texas, 189.
- ¹² Asa Kyrus Christian, "Mirabeau Buonaparte Lamar," Southwestern Historical Quarterly, XXIV (1920), 75.
- ¹³ John A. Greer to James Watrous, March 2, 1839, Lamar Papers, II, 477-478.
- ¹⁴ Anna Muckleroy, "The Indian Policy of the Republic of Texas," Southwestern Historical Quarterly, XXVI (1923), 136-137.
- ¹⁵ Christian, "Mirabeau Buonaparte Lamar," 79.
- ¹⁶ William Preston Johnston, The Life of General Albert Sidney Johnston, 110.

- 17 Ashbel Smith to Memucan Hunt, August 9, 1839, Ashbel Smith Papers.
- 18 Houston Morning Star, April 13, 1839.
- 19 Winkler, " The Seat of Government of Texas, " 220-221.
- 20 Secret Journals of the Senate, 129-130.
- 21 Houston Telegraph and Texas Register, April 17, 1839.
- 22 Houston Morning Star, April 12, 1839.
- 23 New Orleans Picayune, September 28, 1839.
- 24 Barnard E. Bee to Ashbel Smith, September 19, 1838, Barnard E. Bee Papers.
- 25 Secret Journals of the Senate, 119-120.
- 26 James G. de Roulhac Hamilton, " James Hamilton, " in, Dumas Malone (Ed.), Dictionary of American Biography, VIII (1932), 187-188.
- 27 Houston Morning Star, April 13, 1839.
- 28 William G. Gouge, The Fiscal History of Texas (Philadelphia, 1852), 97.
- 29 Richmond Telescope and Register, July 3, 1839.
- 30 Hamilton to Lamar, August 29, 1839, Lamar Papers, III, 83-84. Prior to his departure for England, Hamilton had written to the British Minister at Washington, Henry S. Fox, requesting British mediation to secure a lasting peace between Texas and Mexico. The proposal at this time was not acted upon. See Hamilton to Fox, May 20, 1839, Diplomatic Correspondence, III, 867-868.
- 31 Hamilton to Lamar, July 8, 1839, Diplomatic Correspondence, II, 459.
- 32 Henderson to Bee, February 27, 1839, Ibid., III, 1242.
- 33 Edwards, " Diplomatic Relations Between France And The Republic Of Texas, " 219-220.
- 34 Schmitz, Texan Statecraft: 1836-1845, 76.
- 35 Henderson to Burnet, August 5, 1839, Diplomatic Correspondence, III, 1265. Burnet was Acting Secretary of State for a short while in place of Barnard E. Bee, who had been commissioned as a special agent to Mexico in an attempt to effect a treaty of peace.

- 36 Henderson to Burnet, August 20, 1839, Ibid., 1839.
- 37 Edwards, "Diplomatic Relations Between France and The Republic Of Texas," 223.
- 38 Schmitz, Texan Statecraft; 1836-1845, 35.
- 39 Miller, A Financial History of Texas, 21.
- 40 Ibid., 70.
- 41 Houston Morning Star, November 27, 1839. The outburst of the paper was in reply to a message delivered by Lamar to the Congress in which he recommended the principle of the strictest economy in government.
- 42 The Inaugural Address of Mirabeau B. Lamar, President of The Republic Of Texas, in, Lamar Papers, II, 319-320.
- 43 Schmitz, Texan Statecraft; 1836-1845, 39.
- 44 Ibid., 91-92.
- 45 Webb to Dunlap, March 13, 1839, Diplomatic Correspondence, I, 368-372.
- 46 Eugene Irving McCormac, "John Forsyth," 331.
- 47 James Webb to Bee, February 20, 1839, Diplomatic Correspondence, II, 433-434.
- 48 Schmitz, Texan Statecraft; 1836-1845, 92.
- 49 Vera Cruz Censor, quoted in, Houston Telegraph and Texas Register, June 5, 1839.
- 50 Bee to Webb, May 26, 1839, Diplomatic Correspondence, II, 449.
- 51 Ephraim Douglass Adams, British Interests and Activities in Texas, 1838-1846 (Baltimore, 1910), 26-28.
- 52 Samuel A. Roberts to Lamar, July 9, 1839, Lamar Papers, III, 36.
- 53 Bee to Webb, May 13, 1839, Diplomatic Correspondence, II, 445.
- 54 Schmitz, Texan Statecraft; 1836-1845, 97.
- 55 James Morgan to Lamar, December 27, 1838, James Morgan Papers. Morgan suggested that Treat could go to Mexico on regular business without exciting suspicion, and that once there, if the situation appeared favorable to him, he could commence negotiations.

- 56 Hamilton to Lamar, June 28, 1839, Diplomatic Correspondence, II, 455. See Bee to Webb, July 5, 1839, Ibid., 457. Hamilton and Bee did not meet in New Orleans, and Hamilton erroneously assumed that Bee would return to Mexico to make another attempt at recognition; thus the reference to Treat as being willing to assist Bee in any further negotiations.
- 57 Bee to Webb, July 9, 1839, Diplomatic Correspondence, II, 461.
- 58 Secret Journals of the Senate, 148-149.
- 59 Ibid., 156-159.
- 60 Hubert Howe Bancroft, History of The North Mexican States and Texas, 328.
- 61 Treat to Hamilton, December 16, 1839, Diplomatic Correspondence, II, 511.
- 62 Schmitz, Texan Statecraft; 1836-1845, 116-117.
- 63 Treat to Lamar, January 1, 1840, Diplomatic Correspondence, II, 526.
- 64 Treat to Lamar, February 15, 1840, Ibid., 566-568.
- 65 Schmitz, Texan Statecraft; 1836-1845, 116-117.
- 66 Jim Dan Hill, The Texas Navy, 125. The fear of territorial clashes with the Republic of the Rio Grande had stemmed from good cause. Canales, as President of the Republic, claimed all of northern Mexico, including the Californias, modern Arizona, and New Mexico - regions which the Texan Republic hoped in time to claim.
- 67 Houston Morning Star, July 18, 1840.
- 68 Abner Lipscomb to Treat, June 13, 1840, Diplomatic Correspondence, II, 643-645.
- 69 Lamar to Moore, June 20, 1840, Ibid., 651-652.
- 70 Schmitz, Texan Statecraft; 1836-1845, 124-125.
- 71 Ephraim D. Adams, British Interests and Activities in Texas, 1838-1846, 47.
- 72 Vitalba to Lamar, December 8, 1840, enclosing Treat to Pakenham, October 14, 1840, Diplomatic Correspondence, II, 722.

⁷³ Ephraim D. Adams, British Interests and Activities in Texas,
1838-1846, 49.

⁷⁴ Houston Morning Star, November 28, 1840.