

CHAPTER XI

TEXAS IN ARMS

THE meeting of the Mexican Congress in January, 1835, proved to the whole world how completely the reactionary elements were in control. One of the first acts of Congress was to depose Gómez Farias from the office of Vice-President;¹ and as Santa Anna again desired to retire to his hacienda, General Miguel Barragan, a willing tool of Santa Anna's, was elected President *ad interim*.

After a short period of hesitation, Congress, on May 2, 1835, declared that it had been vested "by the Will of the Nation" with the power to make any constitutional changes it might think were for the good of the people, without reference to the methods of amendment prescribed in the Constitution itself;² or, in other words, it declared the Constitution of 1824 to be at an end. Later, on September 9, 1835, it reiterated this declaration,³ and began the detailed task of constitution-making.

The first step was to abolish the state legislatures and to make the governors of the several states entirely dependent on the federal government.⁴ And on October 23 an act was passed in which the outlines of a new constitution were adopted.⁵

¹ Law of Jan. 23, 1835. The form of this singular and obviously unconstitutional statute is as follows: "The general congress declares that the nation has disowned (*desconocido*) the authority of Vice-President of the Republic exercised by Don Valentin Gómez Farias, and he therefore no longer possesses the powers of that office."—(Dublan y Lozano, III, 15.)

² *Ibid.*, 43.

³ *Ibid.*, 71.

⁴ *Ibid.*, 75.

⁵ *Ibid.*, 89. In communicating these decrees officially to the United States government the Mexican legation wrote that the "system of government of the nation has been changed, and is simply republican, representative and popular, instead of federal, as it was before. This change has been effected by the free and spontaneous will of the people, manifested in a legal and pacific manner. . . . Neither the heat of party nor force have, in any way,

By this revised Constitution the powers of the several states were destroyed and the nation became, in form, a strictly centralized republic. The whole legislative power was to be vested in a bicameral Congress, the whole executive power in an elected President, and the whole judicial power in courts to be established by Congress. The national territory was to be divided into departments. Laws and regulations for the administration of justice were to be uniform throughout the republic.

The drafting of the details proceeded very slowly, and it was not until December 29, 1836, that the complete constitutional provisions were finally adopted.¹ On the following day a law was adopted by which Coahuila and Texas were made separate departments.²

The success of the Centralist party and their avowed determination to overthrow the federal form of government awakened new resistance in the spring of 1835, especially in Zacatecas and Coahuila; and this served for some months to divert the attention of the government from the ever-present problem of Texas.

The immediate cause of the revolt in Zacatecas was the passage of an act by Congress on March 31, 1835, regulating the militia, and providing that their number should be reduced so that there should only be one militiaman for every five hundred inhabitants.³ The objects of this law were, of course, to strengthen the position of the regular army as the controlling power in the country, and to weaken the local authorities.

Zacatecas had been for some years extremely prosperous and well governed, and it had a local militia which was considered to be superior to any in Mexico. The people of that state having refused to obey the new law, Santa Anna left his hacienda, and by express leave of Congress, granted

contributed to this change."—(Castillo to Forsyth, May 13, 1836; H. R. Doc. 351, 25 Cong., 2 sess., 736.) Certainly a very strange assertion, in view of the notorious and undisputed facts.

¹ Dublan y Lozano, III, 230-258. A useful summary of the provisions adopted will be found in Bancroft's *History of Mexico*, V, 144.

² Dublan y Lozano, III, 258.

³ *Ibid.*, 38.

April 9, 1835,¹ took command of the army and marched with three or four thousand men against the state troops. On the night of May 10, 1835, he routed the Zacatecans in a contest in which his own losses were trivial and those of the rebels enormous; and as the result of this one-sided affair Santa Anna's prestige throughout the country was immensely increased.

The affairs of Coahuila were somewhat more complicated. In the first place, there was the perennial quarrel over the state capital. The governor of the state favored Monclova. General Cos, the federal commander of the military district, favored Saltillo, the inhabitants of which supported the plan of Cuernavaca, or, in other words, supported Santa Anna and the reactionaries. In the second place, the federal government had taken a hand in the disposition of the vacant lands in Texas and elsewhere in the state. The legislature of the state had passed a law on March 26, 1834, by which vacant lands were to be sold at auction, and on April 19 of the same year it passed a second law authorizing the governor to dispose of four hundred leagues of land, nominally for the purpose of restraining Indian depredations.² Under these acts it seems that large quantities of public lands were granted to a small number of persons, although the details of these grants are at the present day very uncertain. On March 14, 1835, the legislature passed another law, under which the governor was empowered to dispose of four hundred leagues of public land, in order to meet the existing exigencies of the state ("*para atender á las urgencias públicas en que actualmente se encuentra*"). He was to regulate the colonization of these lands as he saw fit, without reference to the act of March 26, 1834.³ Finally, on April 7, 1835, the legislature passed a law authorizing the governor to take whatever measures he might think proper "for securing public tranquillity and sustaining the authorities in the free exercise of their functions"; and this vague authority the governor construed as

¹ *Ibid.*, 41.

² *Laws and Decrees of Coahuila and Texas*, 247, 270, 272.

³ *Ibid.*, 281.

quite sufficient to enable him to grant some hundreds of leagues more to Dr. James Grant, of Parras, in Coahuila, a naturalized Scotchman, who was destined to exercise a very disastrous effect on Texan affairs a year later.¹

For once the people of Texas and the Mexican government were in accord. The former believed that the authorities of Coahuila were alienating all the most valuable lands of Texas at a sacrifice to a set of dishonest speculators, and thereby ruining her future prospects; and they had little doubt that the action of the authorities was the result of bribery. The federal government regarded the action of the legislature as an unwarranted infringement upon its own prerogatives. By an act passed April 25, 1835, the federal Congress declared that the state law of March 14, which was the one that had excited the most opposition both in Texas and at the national capital, was void.²

The state also joined Zacatecas in protesting against the law regulating the militia.³ But what served, probably more than anything else, to embitter the controversy, was a representation to Congress, adopted by the state legislature on April 25, 1835. This representation or protest declared that the state of Coahuila and Texas did not recognize, and would never recognize, the measures emanating from the General Congress, unless they were in conformity with articles 47 to 50 of the Constitution—the articles limiting the powers of the federal Congress—nor would the state ever acknowledge any amendments to the Constitution of 1824 which were not subject to the limitations and adopted by the methods therein contained. In addition, the state protested against the action of the federal officer commanding the eastern internal states (General Cos) for interfering in the most turbulent manner in its internal affairs.⁴

¹ A detailed account of this mass of legislation and of the action taken under it will be found in an article entitled "Land Speculation as a Cause of the Texas Revolution," by Eugene C. Barker, *Tex. Hist. Quar.*, X, 76-95. All the grants made under the legislation of 1834 and 1835 were subsequently annulled by the victorious Texans.

² Dublan y Lozano, III, 42. How far Congress was authorized to annul the act of the legislature is an interesting but unimportant question.

³ *Laws and Decrees of Coahuila and Texas*, 290.

⁴ *Ibid.*, 288-290.

Agustin Viesca had been elected governor, and Ramón Músquiz vice-governor, on March 20, 1835,¹ and, the legislature having adjourned at the end of April, the executive officers were left to face, as best they might, the hostile federal officers. General Cos had issued a proclamation from Saltillo threatening to put down the "revolutionists" by force, and it was becoming evident that Monclova was no longer a very safe place of residence for the state authorities. Accordingly, Viesca decided to remove the seat of government to Béxar, and attempted to make his way thither with some members of the state legislature and some of the state officers. They were, however, captured by Cos's troops, but ultimately escaped and made their way to Texas, where Viesca and those who were regarded as responsible for the land laws of 1835 were very coolly received.²

The affairs of Coahuila having been thus settled, the Mexican government was free at last to turn its undivided attention to the affairs of Texas. Through all the recent vicissitudes of the nation those in authority had never varied in their determination to take military possession of that province, although since the summer of 1832, a period of three years, they had not exercised, in fact, any control over it whatever.

The subject was, however, quite obviously one of urgent importance. Not only had Mexican officials been attacked and driven from their posts, not only had the military forces of the country been insulted, but the Treasury was being daily despoiled as one cargo after another was landed in Texas without even a pretence of compliance with the customs laws. Whether a policy of concession might have served to restore the authority of the national government is not important to consider. A recent Mexican author contends that if a very moderate tariff had been adopted, with provisions for expending the whole proceeds on internal improvements; if the comparatively few slaves then in

¹ *Ibid.*, 282.

² Viesca's vindication of his actions, which he asserted were patriotic in the extreme, will be found in Filisola, *Guerra de Tèjas*, II, 115-125.

Texas had been purchased and manumitted by the government and slavery absolutely abolished; if emigration from the Northern and Eastern United States had been encouraged; if land titles had been promptly and fairly settled; and if all religious intolerance had been done away with, the discontent of the settlers could have been readily appeased.¹ Perhaps so; but no such solution commended itself to the federal government, although Austin spent months in Mexico trying to secure the adoption of some such programme.

If Mexican authority was to be forcibly established in Texas, an efficient and adequate army and navy were evidently the first essential. Unfortunately for itself, the national government was unable to furnish any military force that was either adequate or efficient.

Early in 1833, during Pedraza's short tenure of office, an effort was made to accomplish something with such forces as it could then command; for the government was much disturbed by the reports of the San Felipe convention of October, 1832, and the new convention called for March, 1833. The Mexican Minister of Relations on March 2, 1833, solemnly wrote to the American chargé d'affaires that "our North American colonists of the department of Béxar" intended to secede from the State of Coahuila and unite themselves to the United States; that they were favored and encouraged by the inhabitants of the neighboring North American states; that he hoped the United States government would do what it could to stop this; and that the President of Mexico had issued such orders as were deemed necessary to prevent the dismembering of the national territory.² What those orders were has been related in very great detail by the officer charged with their execution, General Vicente Filisola, an Italian by birth, but for many years a resident of Guatemala and of Mexico, who had been appointed early in the year 1833 to command the eastern internal states, Tamaulipas, Nuevo Leon, and Coahuila and Texas.

¹ Bulnes, *Las Grandes Mentiras de Nuestra Historia*, 255 et seq.

² Gonzales to Butler, March 2, 1833; H. R. Doc. 351, 25 Cong., 2 sess., 470-471.

Filisola's force consisted of two battalions of regular infantry, a regiment of regular cavalry, and a six-gun battery of horse artillery, besides the local troops, presidial guards, and detachments of various arms which since the abandonment of Texas had been wandering about the neighboring states. These men, for the most part, had been loyal to Bustamante, and they entertained the idea that they had been ordered to Texas as a punishment for taking the wrong side in politics, an idea that seems to have been pretty well founded.¹ Not only were the troops disaffected, but they were utterly incapable of taking the field. The general wrote that the artillery horses were unfit for service, and that the battery had neither carpenter, armorer, wheelwright, smith, nor harness-maker. The two regular infantry battalions numbered, between them, but two hundred and thirty-six men. The cavalry regiment had but a hundred and fifty men, and their horses were utterly useless. The presidial companies were six months in arrears in their pay, and they were badly mounted, worse armed, and in rags. The barracks at Matamoros, the head-quarters of the department, were almost in ruins. There were no hospitals, no medicines, and no surgeons.²

In letter after letter Filisola urged the government to send him men, money, arms, ammunition, clothing, supplies, engineers, and surgeons. He had been ordered to reoccupy Texas, and was impressed with the imperative necessity of doing so at once if Texas was to remain a part of the republic; but he was totally unable to do more than establish one weak detachment at the mouth of the Rio Grande and another at Goliad.

To add to his difficulties, Filisola fell ill, the cholera broke out, and the troops became uneasy and desirous to join in the contest for *fueros y religión*. The results of these multiplied difficulties were that the force under Filisola's command was not only mutinous but had no effective organization of any kind. By the end of the year 1834 it had

¹ Filisola, *Guerra de Tèjas*, I, 298.

² Filisola to the Secretary of War, May 9, 1833; *ibid.*, 327-340.

practically ceased to exist.¹ The battery of artillery which Filisola had brought with him had been marched off somewhere else. The men of the other commands had mostly deserted. The presidial companies had been all but disbanded. Men could not be found to pursue highway robbers on the roads near Matamoros. In Texas, where there were no bandits on the roads, the colonists lived "in almost total independence," refused to allow troops and federal employees within their territory, administered justice according to their own fancy and under foreign laws, and not only paid no dues to the Treasury, but filled the interior with smuggled goods.²

The failure of the custom-houses to produce money was a very serious business for the Mexican army, inasmuch as commanding officers considered themselves quite at liberty to take over directly the customs receipts; and if there were no receipts, very often there was no money for the troops. Not only had the Texan custom-houses ceased to exist, but Matamoros and Tampico, which ought to have brought in a great deal of money, as trade was constantly increasing, showed constantly diminishing receipts. This fact Filisola officially reported to be due entirely to the gross and open corruption of the revenue service.³

On November 22, 1833, an order was issued relieving Filisola and appointing in his place General Pedro Lemus, who did nothing.⁴ In September, 1834, Lemus was succeeded by General Martin Perfecto de Cos, a brother-in-law of Santa Anna. For the time being Cos also was reduced to impotence by the lack of means, but when, after the fall of Zacatecas, he was enabled to adopt a forward policy, his achievements were represented not by a zero but by a negative quantity. He failed in everything he attempted.

His first step was to re-establish a custom-house for Galveston Bay, and he sent for this purpose a small detachment under a certain Captain Antonio Tenorio, who landed about

¹ "Las tropas . . . se hallen reducidas á la más completa nulidad."—(Report to Secretary of War, Dec. 30, 1833; *ibid.*, I, 470.)

² *Ibid.*, 475.

³ *Ibid.*, 481-484.

⁴ He took over the command at Saltillo Jan. 4, 1834.

the first of January, 1835, on Galveston Island. About January 31 he removed with his men to Bradburn's old post at Anáhuac, where there were at first two officers and thirty-four men, although in May they received a reinforcement of a lieutenant and nine men.¹ Cos also strengthened to some extent the detachments at Béxar and Goliad, but he entirely underestimated the magnitude of his task. He repeated Terán's blunder of sending a boy to do a man's work.

In a general way Cos was disposed to follow the conduct recommended by Colonel Piedras three years before, namely to conciliate the colonists by fair words and to continue gradually strengthening the military posts until he was in a position to crush out all resistance. In accordance with this policy he addressed in June, 1835, a friendly circular to the people of Texas "full of the paternal views of the government"; but the persons to whom it was addressed were angry and perplexed and not very well disposed to listen to his assurances. The arrest of the governor of the state by the federal authorities, and the well-understood intention of the party in power to adopt a new federal Constitution which would destroy all state rights, had been universally unpopular. So far, all Texas was agreed; but multiplied doubts and difficulties had arisen when the question of a remedy came to be considered.

Meetings had been held at various places, which led to heated discussions, but to no definite results, for in spite of violent antagonisms, threatening even to end in tragedies, the majorities were conservative.² The most important of these local meetings was announced to be held at San Felipe on June 22, 1835. The day before the meeting, some hot-headed enthusiasts for the Texan cause stopped a government courier, who was bringing Cos's conciliatory circular; but there were also found in his possession private letters, one from Cos and another from Colonel Ugartechea

¹ Barker, "Difficulties of a Mexican Revenue Officer in Texas," *Tex. Hist. Quar.*, IV, 190, 192.

² *Comp. Hist.*, I, 504; Brown, I, 297-299.

at Béxar, addressed to the commanding officer at Anáhuac, promising such reinforcements as would soon enable him to regulate matters.

The disclosures of these letters caused great excitement at the San Felipe meeting. Violent language was used and violent proposals were made. One suggestion was that an expedition should be organized and sent across the Rio Grande to rescue Governor Viesca from the federal troops, and to set up the old state government at Béxar; but this plan evidently involved risks and delays. As an alternative it was proposed that Músquiz, the vice-governor, who was then at Béxar and quite ready to act with the American colonists, should be installed as governor in open opposition to the national authorities. But the majority was not yet ready to take any decided step, and so nothing was done.¹

Nevertheless, a minority was resolved that something should be done; and at a secret meeting they passed resolutions "recommending that, in connection with the general defence of the country against military sway, the troops of Anáhuac should be disarmed and ordered to leave Texas."² The irrepressible William B. Travis was authorized to collect men for the purpose. He had been one of Bradburn's seven prisoners in 1832, and he had been invited, as he said, by several of his friends, "who were suffering under the despotic rule of the military," to come and help them.

On June 29, 1835, with about thirty men from San Felipe and Harrisburg, he sailed across Galveston Bay in a sloop on board of which he had mounted a six-pounder gun. Without waiting for an attack, Captain Tenorio evacuated the fort and took to the woods; but next morning he and his forty men came in and surrendered. They agreed to leave Texas immediately and not to serve again against the people of Texas, whereupon twelve muskets were allowed them as a protection against the Indians. The rest of their arms were surrendered, and then the Mexicans and Texans sailed peaceably back across the bay in Travis's sloop,

¹ Brown, I, 294; Yoakum, I, 338.

² Travis to Henry Smith, July 6, 1835, in *Tex. Hist. Quar.*, II, 24.

reaching the village of Harrisburg in time to celebrate together the Fourth of July.

A young girl who was present on that occasion wrote years afterward a naïve account of it.

"The citizens of Harrisburg," she wrote, "had been preparing for a grand ball and barbecue before the trouble at Anahuac. When they heard the Mexicans would be brought there they sent word to the people of the different settlements to attend. . . . The Fourth of July brought out quite a crowd. The Texans and Mexicans arrived in time for the barbecue. . . . The men spent the day talking war and politics. Families from the country camped. Ladies were shopping and visiting and young people were having a good time. . . . Captain Tenorio walked among the people shaking hands with the men and acting as if he was the hero of the occasion. The Mexican soldiers sat and smoked and played cards. . . . The Mexican officers were at the ball. They did not dance country dances. Mr. Koker-not (*sic*) and his wife were Germans. They waltzed, and Captain Tenorio danced with Mrs. Kokernot. She could speak French and Captain Tenorio also was a French scholar, so they danced and talked all the evening."¹

Captain Tenorio and his men, feasting and dancing, in time got as far as San Felipe where he stayed for seven weeks in the hope that the Mexican commander at Béxar would send him horses and money with which to complete his journey; and he ultimately reached Béxar about September 8, 1835, where, one may suppose, he was certainly not regarded as a hero.²

Precisely what was the motive for this silly attack upon the Anáhuac garrison is not quite clear. There had been local difficulties, one man had been shot and wounded by a Mexican soldier, and a Mr. Briscoe had been put in the guard-house; but probably Travis's action was chiefly due to a sort of boyish impulse to show the Mexicans that they could not order Americans about. Certainly to sensible Texans

¹ Reminiscences of Mrs. Harris, *Tex. Hist. Quar.*, IV, 125.

² An excellent account of this whole affair is a paper on the "Difficulties of a Mexican Revenue Officer in Texas," by Eugene C. Barker, *Tex. Hist. Quar.*, IV, 190-202, already referred to. See also "The Old Fort at Anahuac" by Adele B. Looscan, *Tex. Hist. Quar.*, II, 21-28.

an insult to the Mexican flag just then was the very last thing to be desired. What they must have prayed for was continued peace. No other part of Mexico was so peaceful, so free from crimes of violence, or so prosperous as Texas; and if only a few more such years of growth and plenty could be assured, she would have attained a place where she need fear nothing from Mexican arms.

General Cos, even before he heard of the Anáhuac affair, had taken the talk of the war party in Texas very seriously. He could not yet bite, but his bark was tolerably ferocious. In a proclamation dated at Matamoros, July 5, 1835, he warned the inhabitants of Texas that if they attempted to disturb the peace from a mistaken zeal for "persons who had acted as State authorities but had been deposed by the determination of the Sovereign General Congress" (meaning Viesca and Músquiz), the inevitable consequences of war would fall on them and their property, so that they would no longer benefit by the advantages afforded by their situation, "which places them outside the oscillations that have agitated the people in the centre of the Republic"; and that the Mexican government would know how to repress with a strong hand those who, forgetting what they owed the nation that had adopted them as sons, went so far as to desire to live according to their own pleasure and without submitting in any way to the laws.

With this threatening proclamation before them and with Captain Tenorio in attendance, a meeting of representatives from the local committees of the neighboring settlements was held at San Felipe July 17, 1835. The members appointed a delegation to wait on General Cos to explain the late disturbances and assure him of the adherence of Texas to the general government; the arms and papers taken from the Mexicans at Anáhuac were ordered to be restored; and resolutions were adopted recommending "moderation, organization, and a strict adherence to the laws of the land," protesting against the acts of any set of individuals which were calculated to involve the citizens of Texas in a conflict with the federal authorities, and promising to assist