

The governor was provoked to the highest degree of fury by the action of the council and the news from Béxar. He had a special session of that body called for Sunday, the tenth of January, and sent them a message in the most intemperate terms. Corruption, he asserted, had crept in among them, and though he knew there were honest men in their number, there were also Judases, scoundrels, wolves, and parricides; and he declared that if the obnoxious resolutions were not rescinded by the next morning the council should not meet again. The council replied by a resolution deposing the governor, and until the first of March, when the convention met and the provisional government came to an end, the governor and the council refused to recognize each other.

The effect of such a state of things upon the efforts to make military preparations was of course disastrous. Houston, representing the authority of the governor, went about making speeches to the volunteers, in which he declared that the proposed Matamoros expedition was unauthorized and unwise. Johnson, holding authority from the council, asserted that Houston had no authority except over the "regular" troops. Fannin said he would serve under Houston, but only if the latter would head the expedition to Matamoros and obey the orders of the council.

A commander-in-chief whose orders were only to be obeyed when they were the kind of orders that his subordinates approved was evidently of no manner of use, and on January 28, 1836, Houston was instructed by the governor to go to the eastern part of the state to confer with the Cherokee Indians, who were threatening trouble. There, at least, he was listened to and he did good service, for he made a treaty which helped to keep these Indians quiet so long as the war with Mexico lasted.

CHAPTER XIII

THE MEXICAN INVASION

ONE of the many controversies between Governor Smith and the council had arisen out of the question of summoning a constitutional convention. The consultation, just before adjourning, in November, 1835, had authorized the provisional government to provide for the election and meeting of such a body; and the council accordingly, on December 10, 1835, adopted an ordinance, at the urgent request of Governor Smith, directing that a general election be held on February 1, 1836, for delegates to a convention, who were to be clothed with plenary powers, and were to meet at Washington, on the Brazos, on the first day of March, 1836. Governor Smith vetoed this ordinance on the ground that it allowed all "Mexicans opposed to a central government" to vote, as well as "all free white men"; and he did not know how to determine what Mexicans were or were not opposed to centralism, although he did consider that those near Béxar were not entitled to either respect or favor. The council, however, repassed the ordinance over the governor's veto on December 13, 1835.¹

Notwithstanding the confusion that prevailed in Texan affairs at the time set for the elections, these were duly held and resulted in the selection of a body of men who appear to have represented fairly the diverse elements of the population. Forty-two members out of a total of fifty-eight, or about three-quarters of the whole, were natives of the slave states of the American Union. Six were natives of the Middle and New England states, four were native subjects of Great Britain. The birthplace of three of the Americans was not ascertained. Béxar sent two Mexicans, Francisco

¹ Text in *Ordinances and Decrees of the Consultation*, 77 (Gammel, I, 981).

Ruiz and José Antonio Navarro, besides whom Zavala sat for Harrisburg; so that the Anglo-American race had little more than a proportionate representation.¹

The principal question before the voters was, of course, whether Texas should declare her independence or whether she should still continue to struggle, as an integral part of the Mexican republic, for the maintenance of the Constitution of 1824. The capture of Béxar, the failure of Mejía's expedition, and the daily increasing mass of evidence that there was no substantial "Federal party of the interior" either willing or able to support Texas in a contest with the national troops, all tended to change the opinions of the most conservative.

Austin vacillated, but he ultimately declared himself in favor of independence. Just before sailing for the United States he wrote advising that Texas should do nothing to alienate the Federal party,² but by the time he had reached New Orleans he was clearly in favor of a declaration of independence. Writing to Houston on January 7, 1836, from New Orleans, he said:

"A question of vital importance is yet to be decided by Texas, which is a declaration of independence. When I left Texas I thought it was premature to stir this question and that we ought to be very cautious of taking any step that would make the Texas war purely a national war, which would unite all parties against us, instead of it being a party war, which would secure us the aid of the Federal party. In this I acted contrary to my own impulses. . . . I now think the time has come for Texas to assert her natural rights, and were I in the convention I would urge an immediate declaration of independence. I form this opinion from the information now before me. I have not heard of any movement in the interior by the Federal party in favor of Texas, or of the constitution. On the contrary, the information from Mexico is, that all parties are against us, owing to what has already been said and done in Texas in favor of independence and that we have nothing to expect from that quarter but hostility. I am acting on this information. If it be true, and I have no reason to doubt it, our present position in favor of the republican principles of the constitution of 1824 can do us no good, and it is doing us harm by deterring that kind of men from joining us that are most useful."³

¹ See list in Yoakum, II, 512.

² Brown, I, 463-468.

³ *Ibid.*, 471.

To much the same effect was an official letter from the Texan representatives in the United States addressed to Governor Smith on the tenth of January.¹ At almost the same moment Houston expressed himself to the same purpose. "No further experiment need be made," he wrote to a friend on January 7, 1836, "to convince us that there is but one course for Texas to pursue, and that is an unequivocal declaration of independence."²

If the neighboring Mexican states had had as vigorous a leader as Santa Anna, when he "pronounced" in 1832 for the federal system, and if they had been willing to join with Texas in a contest against centralism, a declaration of independence might have been postponed. But when it was learned that all parties in Mexico were united in a common desire for vengeance on the Texan rebels, and the projects for a descent on Matamoros failed, the hope of support from that quarter disappeared and nothing more was heard of an opposition to a final break with Mexico.³ When the convention met its members proved to be unanimously in favor of independence.

The month which elapsed between the election of delegates and their meeting in convention brought about no improvement in the distracted condition of Texan affairs. The breach between the governor and the council was irreparable. There was, in reality, no government, no central authority, and no direction in affairs, and a large Mexican army was known to be advancing on Béxar.

The situation of the very inadequate garrison at that place had already attracted the serious attention of Governor Smith and General Houston, but they had been unable to do anything effectual. About the middle of January Houston determined to abandon the town, and he accordingly sent forward James Bowie and what few men he could gather, with orders to withdraw the whole force to the Alamo and to destroy the barricades in the streets; and he asked the governor for authority to remove all the ar-

¹ *Tex. Dip. Corr.*, I, 56.

² See *Revue des Deux Mondes*, April, 1840.

³ Yoakum, II, 55.

tillery and stores to Gonzales and Copano and to blow up the Alamo.¹ Neill, the commander, reported, however, that he could not remove the guns for want of horses (which Grant had carried off), and the Alamo was left intact under the care of about a hundred men.

A few days later William B. Travis was ordered to Béxar, and started with some thirty men, arriving early in February, when he took over the command from Neill, who left for home, "in consequence of the sickness of his family." On February 12, 1836, Travis wrote that he had not more than a hundred and fifty men, "and they in a very disorganized state." As the frontier post, it would certainly be the first to be attacked, and his information was that nearly five thousand of the enemy were approaching. "Yet we are determined," he wrote, "to sustain it as long as there is a man left, because we consider death preferable to disgrace."² On February 24 the Mexican advance was actually in the town of Béxar, and Travis again appealed for aid. "I call on you," he exclaimed, in an address to the people of Texas, "in the name of liberty, of patriotism, and of everything dear to the American character, to come to our aid with all dispatch. . . . Though this call may be neglected, I am determined to sustain myself as long as possible, and die like a soldier who never forgets what is due to his own honor or that of his country."³

While Travis was sending out these desperate appeals for help, Fannin was lying idle not a hundred miles away, with a considerable force. He had become convinced that his project of a descent by sea upon Matamoros was impracticable, and about the end of January, 1836, he left Velasco and collected at Goliad some four hundred men, mostly volunteers from the United States. On February 28 he set out from Goliad with three hundred men to reinforce Travis; but owing to insufficient transport, and perhaps a shrewd sense that it was now too late, he returned to his post on the same day.

¹ Houston to Smith, Jan. 17, 1836; Yoakum, II, 458.

² Brown, I, 534.

³ *Ibid.*, 567. *

The Matamoros expedition undertaken by Johnson and Grant which had so weakened Béxar, had by this time come to a wretched end. Many of the men deserted, either to return home or to join Houston, and by the beginning of February Johnson and Grant had less than a hundred men in all. With this handful they occupied San Patricio, and then busied themselves in collecting horses from the scattered Mexican ranches lying west of the Nueces. While Grant, with some fifty men, was on an expedition of this kind, Johnson was surprised at San Patricio, on February 27, 1836, by an overwhelming force of Mexicans. He himself, with four other men, escaped. The rest, with the exception of five or six, were all killed; and from thenceforward Johnson, who lived to be nearly eighty-five, disappears from Texan history.

Grant was less fortunate. After a successful raid he was returning to San Patricio, on the second of March, when he was attacked by a force of several hundred Mexican dragoons. He himself was killed, as were all but one of his men. Reuben R. Brown, the sole survivor, was lassoed, and was thus captured, only slightly wounded. He was taken to Matamoros, and made his escape nearly a year later.¹

The convention which met on Tuesday, the first of March, under these depressing circumstances, wasted no time in discussion. On the next day after assembling, the delegates, by a unanimous vote, solemnly declared, in words copied from the more famous declaration of 1776, that their political connection with the Mexican nation had forever ended, and that the people of Texas now constituted a free, sovereign, and independent republic.²

The next step was necessarily the organization of an army. On March 4, by a unanimous vote, Houston was appointed

¹ The narratives of Johnson and Brown will be found in Brown, I, 542-548. Johnson's account is also printed in Baker, 80-82. It seems that eighty-five men were killed, five escaped, and seven were taken prisoners, making ninety-seven in all.

² The official text is in *Journals of the Convention of the Free, Sovereign and Independent People of Texas* (Houston, 1838).

commander-in-chief, with authority over all regulars, volunteers, and militia in the field, and on the morning of the seventh, as soon as his commission and instructions were received, he took leave of the convention, of which he was a member, and started for Gonzales, where a small force was again assembling. Houston was subsequently criticised for not having gone earlier to the front; but it is apparent that he could not have exercised any real authority if he had. The provisional government, from which he had theretofore derived authority, was at an end, and to have attempted to organize a military force under a doubtful title while the constitutional convention was sitting, would have been useless.

On March 12, 1836, an ordinance was adopted providing for a species of military conscription. Bounties in the form of liberal grants of land were also authorized.

On March 16 a Constitution was adopted, which was signed the next day. It was compounded, without much alteration, from the Constitution of the United States and the Constitutions of some of the Southwestern states. A President and Vice-President, a Senate and a House of Representatives, a Supreme Court and such inferior courts as might be established by Congress from time to time, were to exercise the executive, legislative, and judicial powers respectively. The common law of England, subject to such statutory changes as Congress might make, was to govern; the usual bill-of-rights provisions were, of course, included; and the acts of the legislature of Coahuila and Texas, passed in 1834 and 1835, which disposed of many hundred acres of the public lands, were declared to be null and void.

The constitutional provisions relative to slavery seem to have caused little or no discussion at the place and time of their adoption. Briefly, the Constitution declared that persons of color who had been slaves before coming to Texas, were to remain in a state of servitude; that Congress could pass no law emancipating slaves; that no individual could manumit his slaves without the consent of Congress; that

no free person of color could reside permanently in the republic without the like consent; and that Congress might prohibit the introduction of slaves as merchandise, or from any country but the United States.

It could hardly have been expected that a body of men of whom the larger part had always lived in slave states, and nearly all of whom represented slave-holding constituents, should have adopted any different Constitution. To have done so, indeed, would have been suicidal. The one object for which the convention had been called was to relieve the people of Texas from Mexican control. It was abundantly evident that the accomplishment of this task would require all the best efforts of a united nation; and if the convention had begun by destroying the property of large numbers of the people, and thus creating most bitter antagonisms, their main object would most assuredly have been defeated. There was at the time no anti-slavery sentiment in Texas;¹ but if there had been, any delegate who desired independence as his first object would have been ill advised indeed, if he had attempted to complicate the situation by a premature proposal to make Texas a free state.

At the same time that the Constitution was approved ordinances were adopted for the establishment of a provisional government, consisting of a President, a Vice-President, Secretaries of State, War, Navy, and the Treasury, and an Attorney-General. The Constitution was to be submitted to the people, and, if approved, elections were to be held for the constitutional officers under the direction of the provisional government. David G. Burnet, a lawyer, a native of New Jersey, who had practised in Ohio before coming to Texas, was elected President, and Lorenzo de Zavala Vice-President. An address to the people of the

¹ Even Austin had reached the conclusion more than six months before that "Texas must be a slave country. It is no longer a matter of doubt."—(Austin to Mrs. Holley, Aug. 21, 1835; *Tex. Hist. Quar.*, XIII, 271.) This letter was written from New Orleans, before the writer had reached Texas on his way home from Mexico, and while he was still in hopes that an armed conflict might be avoided or postponed.

United States, appealing for their sympathy and aid, was adopted. And then on Thursday, the seventeenth of March, the convention adjourned, while the new provisional government sought safety at the town of Harrisburg from the advancing forces of Santa Anna.

The Mexican expedition to Texas, which now appeared so formidable to the Texan authorities, had been long preparing, and was on as large a scale as the chronic emptiness of the national Treasury and the necessity of guarding against domestic disturbances would permit. As early as June, 1835, the rumor began to spread in the cafés and anterooms in the capital that the next achievement of the President (who had just slaughtered the Zacatecans) was to be the reduction of the Texan colonists to a proper condition of obedience.¹

In preparation for definite military action, the Minister of Relations, on the last day of August, 1835, sent a circular to the governors and other local officers throughout the republic, which was doubtless meant to intimidate the colonists, but which only succeeded in enraging them.

"The colonists established in Texas," the circular declared, "have recently given the most unequivocal evidence of the extremity to which perfidy, ingratitude and the restless spirit that animates them can go, since—forgetting what they owe to the supreme government of the nation which so generously admitted them to its bosom, gave them fertile lands to cultivate, and allowed them all the means to live in comfort and abundance—they have risen against that same government, taking up arms against it under the pretense of sustaining a system which an immense majority of Mexicans have asked to have changed, thus concealing their criminal purpose of dismembering the territory of the Republic.

"His Excellency the President *ad interim*, justly irritated by a conduct so perfidious, has fixed his entire attention upon this subject; and in order to suppress and punish that band of ungrateful foreigners, has directed that the most active measures be taken, measures re-

¹ Santa Anna at about this time told Austin that he (Santa Anna) would "visit Texas next March—as a friend. His visit is uncertain," Austin added, "his friendship still more so. We must rely on ourselves and prepare for the worst."—(Austin to Mrs. Holley, Aug. 21, 1835; *Tex. Hist. Quar.*, XIII, 272.)

quired by the very nature of what is in reality a crime against the whole nation. The troops destined to sustain the honor of the country and the government will perform their duty and will cover themselves with glory."¹

It was Santa Anna's intention to open the Texan campaign in the spring, and meanwhile to remain at his hacienda of Manga de Clavo, leaving General Barragan, as President *ad interim*, to administer the government and to gather an adequate force of troops at Béxar by the end of the following February,² but the news of the affair at Gonzales and the seizure of the post at Goliad forced the hand of the government. On October 29, 1835, the Mexican Cabinet laid before Congress reports from General Cos, to the effect that all the colonies in Texas had risen, even including Austin's colony, "which until then had supported the government,"³ and on October 31, 1835, orders were sent to General Ramírez y Sesma, the governor and commanding officer in Zacatecas, directing him to march at once to Béxar with four battalions and a battery of light artillery. By November 11 Ramírez had started on his difficult march with about fifteen hundred men and a hastily organized transport. The distance from Zacatecas to the Rio Grande at Laredo is about four hundred and fifty miles, and it was not until two days after Christmas that Ramírez and his division reached the southern bank of the river. Awaiting him there was General Cos, with the defeated garrison of Béxar and a large number of their women and children, who had reached Laredo on Christmas Day.

Santa Anna himself had hurried back to the capital early in November to take personal command of the Texan expedition, and after arranging the political affairs of the country to his satisfaction, started for the front toward the end of the month. By December 7 he was at San Luis Potosí, where he was energetically occupied for some days in organizing his army. The task was made peculiarly difficult from a lack of money. Although the total ex-

¹ Dublan y Lozano, III, 64.

² *México á través de los Siglos*, IV, 360.

³ Filisola, II, 213.

penditure of the republic for the army amounted in 1835 to \$7,686,926, according to the reports of the Secretary of the Treasury, it was necessary to resort to the most desperate expedients to raise the additional sums required for the Texas campaign. The government had been authorized by Congress on November 23, 1835, to raise \$500,000 "by the least onerous method" for the purposes of the war,¹ but it was unable to do so by any of the ordinary means of finance.²

Santa Anna himself, in his manifesto written after the close of the war, thus explained the situation:

"Who is ignorant," he wrote, "of the condition of our public treasury? Not only was it very wretched, but the only hope of raising money for the war was the slow and risky expedient of assessments (*contribuciones*), which might also serve as a pretext for risings and popular commotions, and which it was therefore impolitic to adopt. . . . In spite of the authority granted by Congress on November 23, the government was unable to procure the means necessary for the campaign, and until my arrival at San Luis, the supply was so trifling that although a part of the army was already assembled in that city, five days passed before it was possible to pay the men anything; and then but \$10,000 were distributed, which I was only able to secure on giving my personal guarantee. I was empowered by the government to effect a loan, and I had to do it under extremely disadvantageous conditions for the nation, for I feared that later on the necessity would be greater and in consequence the conditions more onerous. . . . This contract, which was made on condition that it should be approved by the government, as it was finally approved, and which taken by itself will appear ruinous for the nation, but whose advantages are obvious if compared with other transactions of the same kind entered into by the government directly, was at that time the sole means of equipping troops and opening the Texas campaign."³

¹ Dublin y Lozano, III, 106.

² The Treasury report for the year showed that the income of the government was far from sufficient to meet its obligations, and the minister (José Mariano Blasco) dwelt unhopefully on the necessity of devising some means to relieve the exhausted Treasury from the abject condition into which it had fallen ("*sacar á nuestra espirante hacienda de la abyección en que la ha puesto circunstancias*").—(*Memoria de la hacienda federal . . . presentada al Congreso . . . en 22 de Mayo de 1835.*)

³ Santa Anna, *Manifiesto*, 6.

The loan referred to was for \$400,000, of which only a small part was actually paid in cash, the remainder being in supplies to be delivered at Matamoros or in bills of exchange. A bill for \$47,000, previously drawn on the collector of customs at Matamoros, and protested by him for lack of funds, was to be accepted as cash.¹ Nor was this usurious loan the end of the money difficulties of Santa Anna's army. They were expected to live upon the country; but in spite of forced loans and the seizure of all they could lay their hands on, they were always in distress for the lack of the most trivial sums of money.

Another difficulty under which the expedition labored was the inability to secure transportation of men and supplies by sea, or to blockade the coast of Texas. Considering that the colonists received from New Orleans all their supplies (except what little food they raised themselves), and that they were certain to receive considerable reinforcements of men from the same source, an effectual blockade and the seizure of all the principal ports would have been a very effectual means of conquering the country. So also, if vessels had been procurable, the army and its entire train might have been rapidly carried and regularly supplied from Vera Cruz or Tampico. But Mexico had no navy, no merchant marine, and no money with which to charter ships. So far as control of the sea went, Texas, with four patched-up schooners, secured and held it.²

Santa Anna was thus compelled to march by land with an ill-supplied and inadequate force. To reduce and hold effectively so large a country as Texas, thinly settled as it was, a very considerable army should have been provided; but in spite of all Santa Anna's undoubted energy and skill as an organizer, he could only manage to get together six

¹ See details in App. 2 and 3 of the *Manifiesto*, 43-45. Caro, Santa Anna's private secretary, asserts that Santa Anna himself got a commission on this loan. Also that General Castrillon was paid \$6,000 by the lenders, which sum he advanced to the army paymaster at 4 per cent a month interest.—(Caro, *Verdadera Idea*, 2-4, 148-162.)

² A detailed history of the Texan navy at this period will be found in a series of papers by Alex. Dienst in *Tex. Hist. Quar.*, XII, 165-203, 249-295.

thousand men. The regular army at that time amounted, on paper, to twenty-seven thousand, and with the more or less permanently organized militia, to forty-eight thousand six hundred men.

Perhaps with the view of making good this deficiency in physical force, the Secretary of War, on December 30, 1835, issued a blood-thirsty circular which was intended to discourage the landing of men and supplies from the United States. The government, it was stated, had positive information that meetings had been held in the United States with the undisguised object of equipping armed expeditions against the Mexican nation; and the government was also assured that these acts were disapproved by the authorities of the United States, and were contrary to its laws. Nevertheless, as some speculators and adventurers had managed to evade the punishment that awaited them at home, the President *ad interim* directed that all armed foreigners who entered the republic should be treated and punished as pirates, as also all persons who imported arms or munitions of war intended to be put into the hands of those who were hostile to the government.¹ There can be no doubt whatever that Santa Anna, who was still the real head of the nation, was responsible for this measure. Indeed his private secretary asserts that it was drafted in Santa Anna's residence.²

Santa Anna's next care was to relieve Béxar, and orders were accordingly sent to General Ramírez y Sesma, directing him to push on from Laredo and take measures to raise the siege, which, it was assumed, was still in progress. "The foreigners," ran the orders, "who are making war on the Mexican nation in violation of every rule of law, are entitled to no consideration whatever, *and in consequence no quarter is to be given them*, of which order you will give notice to your troops."³

Reinforcements under General Fernandez were ordered to be collected at Matamoros; General Filisola, who had

¹ Dublan y Lozano, III, 114.

² Filisola, II, 245. Italics not in original.

³ Caro, *Verdadera Idea*, 155.

been appointed as second in command of the expedition, was despatched to the front, and Santa Anna himself promised to follow at the earliest possible moment.

From the Rio Grande Filisola, who had overtaken Ramírez on the road, wrote a long and despondent letter to Santa Anna. The march, he reported, had been most toilsome; the horses and mules were all lame, the inhabitants of the country were apathetic, there were no cattle in the *ranchos*, and there was no money to pay the troops. General Cos had only eight hundred and fifteen men left, most of them naked and untrained, although he had equipped them as well as he could.

With respect to the plan of campaign, Filisola strongly advised that the base on the Rio Grande should be at Mier—eighty miles below Laredo—and that the advance should be by the line of San Patricio and Goliad to San Felipe. In this way Béxar would be turned, and would either be cut off from the rest of Texas altogether and easily taken later, or would be abandoned by the enemy. At Goliad, the army would be only fourteen leagues from Copano on Matagorda Bay, whither supplies could readily be forwarded by sea. As for Matamoros, the commandant was clamoring for reinforcements, and Filisola suggested that it might be well to send General Cos and his wretched troops to that point, where they could be organized, clothed, and drilled.¹

Filisola's letter was crossed by one from Santa Anna, dated at San Luis Potosí on December 28, 1835, in which he stated that he had sent orders to Cos to continue his retreat to Monclova (nearly two hundred miles from Laredo), where his force could be rested, and to Ramírez y Sesma to march eighty miles up the Rio Grande to the old presidio of San Juan Bautista. These orders Filisola was to see executed. With respect to Matamoros, General Fernandez with a well-equipped body of troops was at hand, and Filisola need not pay any attention to it, but was to establish his headquarters at Monclova. General Urrea, who had been ordered to proceed from Durango with a small body of

¹ Filisola, II, 260-269.