

The Project Gutenberg EBook of Texas, by William H. Wharton

Copyright laws are changing all over the world. Be sure to check the copyright laws for your country before downloading or redistributing this or any other Project Gutenberg eBook.

This header should be the first thing seen when viewing this Project Gutenberg file. Please do not remove it. Do not change or edit the header without written permission.

Please read the "legal small print," and other information about the eBook and Project Gutenberg at the bottom of this file. Included is important information about your specific rights and restrictions in how the file may be used. You can also find out about how to make a donation to Project Gutenberg, and how to get involved.

\*\*Welcome To The World of Free Plain Vanilla Electronic Texts\*\*

\*\*eBooks Readable By Both Humans and By Computers, Since 1971\*\*

\*\*\*\*\*These eBooks Were Prepared By Thousands of Volunteers!\*\*\*\*\*

Title: Texas

A Brief Account of the Origin, Progress and Present State of the Colonial Settlements of Texas; Together with an Exposition of the Causes which have induced the Existing War with Mexico

Author: William H. Wharton

Release Date: January, 2005 [EBook #7355]

[Yes, we are more than one year ahead of schedule]

[This file was first posted on April 20, 2003]

Edition: 10

Language: English

Character set encoding: ASCII

\*\*\* START OF THE PROJECT GUTENBERG EBOOK TEXAS \*\*\*

Produced by William Flis, Stan Goodman, Charles Franks and the Online Distributed Proofreading Team.

TEXAS.

A BRIEF ACCOUNT

OF THE

ORIGIN, PROGRESS AND PRESENT STATE

OF THE

COLONIAL SETTLEMENTS OF TEXAS;

TOGETHER WITH AN EXPOSITION OF THE CAUSES WHICH

HAVE INDUCED THE EXISTING

WAR WITH MEXICO.

Extracted from a work entitled "A Geographical, Statistical and Historical account of Texas," now nearly ready for the press.

Some of these numbers have appeared in the New Orleans Bee and Bulletin.

1836.

PREFACE.

It will be seen that the title of this little pamphlet implies more than it contains. As war is now the order of the day, only a small portion of the political part of the work on "Texas" is here presented. It is hoped and believed that enough is unfolded to convince the most incredulous that the colonists of Texas have been forced into this contest with the mother country, by persecutions and oppressions, as unremitting as they have been unconstitutional. That it is not a war waged by them for cupidity or conquest, but for the establishment of the blessings of liberty and good government, without which life itself is a curse and man degraded to the level of the brute. If the time-hallowed principle of the Declaration of Independence, namely, "that governments are instituted for the protection and happiness of mankind, and that whenever they become destructive of these ends it is the right, nay it is the duty of the people to alter or abolish them." If this sacred principle is recognised and acted upon, all must admit that the colonists of Texas have a clear right to burst their fetters, and have also a just claim for recognition as an independent nation, upon every government not wholly inimical to the march of light and liberty, and to the establishment of the unalienable rights of man.

CURTIUS.

TO AN IMPARTIAL WORLD.

No. I.

The unconstitutional oppression long and unremittingly practised upon the colonists of Texas, having at length become insupportable, and having impelled them to take up arms in defence of their rights and liberties, it is due to the world that their motives, conduct and causes of complaint should be fully made known. In order to do this it will be necessary to explain the origin, progress and present state of the colonial settlements. Without parade or useless preliminaries, I shall proceed to the subject, as substance and not sound--matter and not manner are the objects of the present discussion. It is known at least to the reading and inquiring world, that on the dissolution of the connection between Mexico and Spain in 1522, Don Augustin Iturbide, by corruption and violence, established a short-lived, imperial government over Mexico, with himself at the head under the title of Augustin I. On arriving at supreme power, Iturbide or Augustin I. found that vast portion of the Mexican government, east of the Rio Grande, known by the name of Texas, to be occupied by various tribes of Indians, who committed incessant depredations on the Mexican citizens West of the Rio Grande, and prevented the population of Texas. He ascertained that the savages could not be subdued by the arms of Mexico, nor could their friendship be purchased. He ascertained that the Mexicans, owing to their natural dread of Indians, could not be induced to venture into the wilderness of Texas. In addition to the dread of Indians, Texas held out no inducements for Mexican emigrants. They were accustomed to a lazy pastoral or mining life, in a healthy country. Texas was emphatically a land of agriculture--the land of cotton and of sugar cane, with the culture of which staples they were wholly unacquainted; and moreover, it abounded in the usual concomitants of such southern regions--fevers, mosquitoes &c., which the Mexicans hated with a more than natural or reasonable hatred. Iturbide finding from those causes that Texas could not be populated with his own subjects, and that so long as it remained in the occupancy of the Indians, the inhabited parts of his dominions continually suffered from their ravages and murders, undertook to expel the savages by the introduction of foreigners. Accordingly the national institute or council, on the 3d day of January, 1823, by his recommendation and sanction, adopted a law of colonization, in which they invited the immigration of foreigners to Texas on the following terms:--

1st. They promise to protect their liberty, property and civil rights.

2d. They offer to each colonist one league of land, (4,444 acres) for coming to Texas.

3d. They guarantee to each colonist the privilege of leaving the empire at any time, with all his property, and also the privilege of selling the

land which he may have acquired from the Mexican government, (see the colonization law of 1823, more especially articles 1st, 8th and 20th.) These were the inducements and invitations held out to foreigners under the imperial government of Iturbide or Augustin I. In a short time, however, the nation deposed Iturbide, and deposited the supreme executive power in a body of three individuals. This supreme executive power on the 10th of August, 1824, adopted a national colonization law, in which they recognized and confirmed the imperial colonization law with all its guarantees of person and property. It also conceded to the different States the privilege of colonizing the vacant lands within their respective limits. (See national colonization law, articles 1st and 4th.) In accordance with this law, the States of Coahuila and Texas on the 24th March, 1825, adopted a colonization law for the purpose, as expressed in the preamble, of protecting the frontiers, expelling the savages, augmenting the population of its vacant territory, multiplying the raising of stock, promoting the cultivation of its fertile lands, and of the arts and of commerce. In this state-colonization law--the promises to protect the persons and property of the colonists, which had been made in the two preceding national colonization laws, were renewed and confirmed. We have now before us the invitations and guarantees under which the colonists immigrated to Texas. Let us examine into the manner in which these conditions have been complied with, and these flattering promises fulfilled. The donation of 4,444 acres sounds largely at a distance. Considering, however, all the circumstances, the difficulties of taking possession, &c. it will not be deemed an entire gratuity or magnificent bounty. If these lands had been previously pioneered by the enterprise of the Mexican government, and freed from the insecurities which beset a wilderness, trod only by savages--if they had have been situated in the heart of an inhabited region, and accessible to the comforts and necessaries of life--if the government had have been deriving any actual revenue, and if it could have realised a capital from the sale of them--then we admit that the donation would have been unexampled in the history of individual or national liberality. But how lamentably different from all thus was the real state of the case.

The lands granted were in the occupancy of savages and situated in a wilderness, of which the government had never taken possession, and of which it could not with its own citizens ever have taken possession. They were not sufficiently explored to obtain that knowledge of their character and situation necessary to a sale of them. They were shut out from all commercial intercourse with the rest of the world, and inaccessible to the commonest comforts of life; nor were they brought into possession and cultivation by the colonists without much toil and privation, and patience and enterprise, and suffering and blood, and loss of lives from Indian hostilities, and other causes. Under the smiles of a benignant heaven, however, the untiring perseverance of the colonists triumphed over all natural obstacles, expelled the savages by whom the country was infested, reduced the forest into cultivation, and made the desert smile. From this it must appear that the lands of Texas, although nominally given, were in fact really and clearly bought. It may here be premised that a gift of lands by a nation to foreigners on condition of their immigrating and becoming citizens, is immensely different from a gift by one individual to another. In the case of individuals, the donor loses all further claim or ownership over the thing bestowed. But in our case, the government only

gave wild lands, that they might be redeemed from a state of nature; that the obstacles to a first settlement might be overcome; that they might be rid of those savages who continually depredated upon the inhabited parts of the nation, and that they might be placed in a situation to augment the physical strength and power and revenue of the republic. Is it not evident that Mexico now holds over the colonized lands of Texas, the same jurisdiction and right of property which all nations hold over the inhabited parts of their territory? But to do away more effectually the idea that the colonists of Texas are under great obligations to the Mexican government for their donations of land, let us examine at what price the government estimated the lands given. Twelve or thirteen years ago, they gave to a colonist one league of land for coming, he paying the government \$30, and this year (1835) they have sold hundreds of leagues of land for \$50 each. So that it appears that the government really gave us what in their estimation was worth \$20. A true statement of facts then is all that is necessary to pay at once that immense debt of endless gratitude which, in the estimation of the ignorant and interested is due from the colonists to the government. I pass over the toil and suffering and danger which attended the redemption and cultivation of their lands by the colonists, and turn to their civil condition and to the conduct and history of the government. It is a maxim no less venerable for its antiquity than its truth--a maxim admitted and illustrated by all writers on political economy--and one that has been corroborated by experience in every corner of the earth, that miserable is the servitude and horrible the condition of that people whose laws are either uncertain or unknown. I ask, with a defiance of contradiction, if ours is not and has not always been, in Texas, the unhappy condition and miserable bondage spoken of in this maxim? Who of us knows or can by possibility arrive at a knowledge of the laws that govern our property and lives? Who of us is able to read and understand and be entirely confident of the validity of his title to the land he lives on, and which he has redeemed from a state of nature by the most indefatigable industry and perseverance? Who knows whether he has paid on his land all that government exacts, or whether he has not paid ten times as much? Look at the mere mockery of all law and justice which has always prevailed in place of an able and learned judiciary. Alcaldes, most of them unlearned in any system of jurisprudence, and unacquainted with legal proceedings of any description, have been elected to administer a code, scattered through hundreds of volumes and written in languages of which they did not understand one word.

Who among us is able to confer with his rulers; to represent his wants and grievances; to ask advice, or recommend salutary changes? Have we had more than one or two organs of communication with the government, and must not they have been omniscient to have always understood the wishes of the people, and incorruptible to have always correctly represented them? Who of us feels or ever has felt any reliance or can place any confidence in governmental matters, or can predict with any sort of certainty what in this respect a day may bring forth? There are thousands of other evils growing out of our present situation, too hourly, universally and bitterly felt to require to be mentioned. Who will say that these things do not exist? Who will say that we have not suffered the harassing uncertainty and miserable bondage here represented?

When the people of the United States commenced their war for independence against Great Britain, the friends of Britain charged them with ingratitude. They said that Britain had founded the colonies at great expense--had increased a load of debt by wars on their account--had protected their commerce, &c. This cannot be said of Mexico. Not one dollar has she spent for Texas--not one Mexican soldier has ever fought by our side in expelling the savages. She has given us no protection whatever; and as allegiance and protection are reciprocal, we have a right on this principle to cast off her yoke. However, in my next I pledge myself to demonstrate that the Mexicans are wholly incapable of self-government, and that on that principle we are bound by the first law of nature--self-preservation--to dissolve all connexion, and take care of ourselves.

\* \* \* \* \*

No. II.

I now proceed to demonstrate that the Mexicans are wholly incapable of self-government, and that our liberties, our fortunes and our lives are insecure so long as we are connected with them. At the onset I cannot but advert to the spirit of prophecy and truth with which that unequalled expounder and defender of the rights of man, Mr. Jefferson, spoke more than 18 years ago in regard to this very matter. In a letter to the Marquis de Lafayette, dated Monticello, 14th May, 1817, he says, "I wish I could give you better hopes of our Mexican brethren. The achievement of their independence of old Spain is no longer a question. But it is a very serious one what will then become of them. Ignorance and bigotry, like other insanities, are incapable of self-government. They will fall under military despotism, and become the murderous tools of their respective Bonapartes. No one I hope can doubt my wish to see them and all mankind exercising self-government. But the question is not what we wish--but what is practicable. As their sincere friend, then, I do believe the best thing for them would be to come to an accord with Spain, under the guarantee of France, Russia, Holland, and the United States, allowing to Spain a nominal supremacy, with authority only to keep the peace among them, leaving them otherwise all the powers of self-government, until their experience, their education, and their emancipation from their Priests should prepare them for complete independence." Jefferson's works, vol. 4, page 303. Mr. Jefferson well knew that from the discovery of America to the date of his letter, the Mexicans had unfortunately been the persecuted, pillaged, and priest-ridden slaves of the kings of Spain--a line of kings, with but few exceptions, more inimical to the rights of man, more opposed to the advancement of truth, and light, and liberty, more practised in tyranny, more hardened in crime, more infatuated with superstition, and more benighted with ignorance, than any other monsters that ever disgraced a throne in christendom, since the revival of letters. Yes, humanity shudders, and freedom burns with indignation at a recital of the barbarities and oppressions practised upon the ill-fated Mexicans from the bloody days of Cortes up to the termination of their connexion with Spain. The produce of their cultivated fields was rifled--the natural products of

their forests pillaged--the bowels of their earth ransacked, and their suffering families impoverished to glut the grandeur and enrich the coffers of their trans-Atlantic oppressors. To make their miserable servitude less perceptible, they were denied the benefits of the commonest education, and were kept the blind devotees of the darkest and most demoralizing superstition that ever clouded the intellects, or degraded the morals of mankind. From this it is evident, that up to the period of their independence, having been so long destitute of education, so long unaccustomed to think or legislate for themselves, and so long under the complete dominion of their liberty-hating Priests, they must have been totally unacquainted with the plainest principles of self-government. Let us examine what their subsequent opportunities of improvement have been.

At the close of the revolution, Iturbide, by fraud and force, caused himself to be proclaimed Emperor, who after much commotion, was dethroned, banished and shot. After this Victoria was elected President, during all of whose administration the country was distracted with civil wars and conspiracies, as is evidenced by the rebellion and banishment of Montano, Bravo, and many others. Victoria's term having expired, Pedraza was constitutionally elected, but was dispossessed by violence, and Guero put in his stead. Guero was scarcely seated before Bustamente with open war deposed him, put him to death and placed himself at the head of the government. Bustamente was hardly in the chair before Santa Anna, warring, as he pretended, for the constitution and for making it still more liberal, dispossessed him by deluging the country in a civil war, the horrors of which have not at this moment ended. Since his accession we have been woful witnesses that nothing but turmoil, anarchy and revolution have overshadowed the land, and that at last he has at one fell stroke, with an armed soldiery, turned congress out of doors, dissolved that body and proclaimed that the constitution is no more. Here, then, we have a lamentable verification of the fears and predictions of that great apostle of human liberty, Mr. Jefferson. His prophecy in relation to the result of their governmental experiment, implies in him an almost superhuman forecast and knowledge of the elements essential to self-government. He knew that they were too ignorant and too much under the dominion of their priests at the period of their declaration, and he but too truly foresaw that owing to the unhallowed ambition of their military aspirants, the country would be too continually distracted with revolutions to admit of their advancement in education or any useful knowledge whatever. Time has developed it. There has been no attention on the part of government to schools or other useful institutions. The present generation are as ignorant and bigoted as the past one, and so will continue each succeeding one to the end of time, unless some philanthropic and enlightened citizen shall arrive at power with a purity of patriotism and reach of intellect unexampled among his countrymen, and with energies of character sufficiently commanding to emancipate the nation from the thralldom of her priests--to curb or kill her countless military aspirants, thereby preventing incessant revolutions, and thereby enabling a new generation to experience the benefits of education and to qualify themselves in other respects for complete self-government. I have now gone through with the administration, or rather mal-administration, of the General Government. It is equally demonstrable that so far as Texas is concerned, there have been equal confusion, insecurity and injustice in the administration of the State governments.

Texas, as is known, forms an integral part of the State known by the name of Coahuila and Texas. During the past year there were three persons claiming and fighting for the office of Governor of this State. There was no session of the legislature at the regular period, on account of this civil war, and fifteen officers of the federal troops elected a governor of their own over the head of the one elected by the people. At an extraordinary time the legislature was convoked, and fraudulently sold for a thousandth part of their value, millions of acres of our public domain. This legislature was finally dispersed by the threats of the General Government, and our Governor and one of the members were, on their retreat, arrested and imprisoned by the troops of the permanent army--leaving us involved in chaotic anarchy. Do not these facts conclusively demonstrate an incapability of self-government on the part of the Mexicans? Do they not cry aloud for an immediate dissolution of all connexion with them as the only rock of our salvation? Yes, the vital importance of a declaration of Independence is as clearly indicated by them as if it were "written in sunbeams on the face of heaven."

\* \* \* \* \*

No. III.

#### ANALYSIS OF THE MEXICAN FEDERAL CONSTITUTION OF 1824.

It has been wisely remarked by that great illustrator of the machinery of governments, (Montesquieu) that there can be no liberty where the legislative, executive, and judicial powers, or any two of them, are united in the same person or body of persons. See Spirit of Laws, in reference to the English Constitution. If any corroboration of this high authority is needed, I will refer to Mr. Jefferson, and the writers of that invaluable text book, the Federalist. Mr. Jefferson, in his Notes on Virginia, page 195, says the concentration of legislative, executive and judicial powers in the same hands, is precisely the definition of despotism. And in the Federalist, page 261, it is said, "the accumulation of these powers in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, is the very definition of tyranny." In the same great work it is clearly demonstrated, that if each department is not so fortified in its powers as to prevent infringement by the others, the constitution which creates them all will be worth no more than the parchment upon which it is written. So important was it deemed by all the states of the Union to keep these departments distinct, and in different hands, that it has been specially provided for in all their constitutions. See the constitutions of the different States. And yet in the face of all this wisdom and experience, and contrary to every thing that is republican in its nature, the framers of the Mexican constitution have reserved to Congress the sole power of construing the constitutionality of its acts. This, it will be readily seen, is an entire nullification of the judiciary in all constitutional matters, and leaves the rights of the people and the constitution itself without any other security than what is to be found in the virtue, patriotism and intelligence of Congress. What slender reliances, where the liberties and happiness of a nation are concerned! If



in the United States Congress should transcend its powers in the passage of a law, the courts would declare it null and void, and bring back Congress to a constitutional discharge of its duties. But if the same thing were attempted in Mexico, Congress would re-enact the law, declare it constitutional, and imprison the judge for his presumption. It appears then, that the Mexican constitution of 1824 contains within itself the seeds of its own destruction,--for the accumulation of legislative and judicial powers in Congress, and the enabling of that body to violate the constitution at will, renders it of no more avail than "a sounding brass or tinkling cymbal." It will be no alleviation, says Mr. Jefferson, in his work above quoted, page 195, that in the case of Congress unlimited powers are vested in a plurality of hands. One hundred or two hundred despots are surely as oppressive as one. Let those who doubt it turn their eyes on the republic of Venice. In the next place I will show, that independent of this objection, the Mexican constitution contains principles and provisions 500 years behind the liberalized views of the present age, and at war with every thing that is akin to civil or religious liberty. In that instrument the powers of government, instead of being divided as they are in the United States, and other civilized countries, into legislative, executive and judicial, are divided into military, ecclesiastical and civil, and these two first are fortified with exclusive privileges, and made predominant. It is specially declared that the Roman Catholic religion is, and forever shall be, the established religion of the land. No other is tolerated, and no one can be a citizen without professing it. Can any people be capable of self-government--can they know any thing about republicanism, who will, in this enlightened age endeavor to erect the military over the civil--to bind the conscience in chains, and to enforce an absolute subscription to the dogmas of any religious sect--but more especially of that sect, which has waged an unceasing warfare against liberty, whenever the ignorance and superstition of mankind have given it a foothold?

Can republicans live under a constitution containing such unhallowed principles? All will say they cannot. And if the Texan colonists are willing to do so a moment longer than they are able to shake off the yoke, they are unworthy the sympathies or assistance of any free people--they are unworthy descendants of those canonized heroes of the American revolution, who fought, and bled, and conquered for religious as well as civil liberty, and who established the sacred principle, that "all men have a right to worship Almighty God according to the dictates of their consciences." Yet bad as this constitution is, it has been swept away by, if possible, a worse form of government, the central. This system, now attempted to be rivetted upon the people of Texas, has preserved most of the bad features of the old constitution, viz: the preponderance of the military and clergy, and has destroyed all of the good features, to wit: the representation of the people through the medium of Congress, and the division of the republic into States. The whole of the States are now consolidated into one, and governed by a dictator and council of about a dozen, who are the creatures of his will, and the flatterers of his lawless despotism. All of Mexico, but Texas, has submitted to this, and she is waging a war against it with all the energies of an infant and much oppressed people. If it be asked, why have the people of Texas submitted so long to such a constitution, I answer, that for the first few years their numbers or wealth did

not attract the notice or cupidity of government. 2dly, the incessant revolutions of Mexico kept their attention from Texas for many years more. 3dly, they submitted from physical inability to resist. And 4thly, they were determined to prove themselves a law and oath abiding people, and in case of rupture with Mexico, to show to the world that they were not the aggressors. This rupture has been brought about, and it is folly to think of ever healing the breach. The constitution has been destroyed, and it is idle to think of restoring it. If restored, I have shown that no republican can live under it. We have no right to conclude, that if re-established, it will be amended so as to be made more republican and more congenial with our wishes--for in all their changes and commotions, each party contends for the established religion--it is the last thing they will part with--believing it to be the anchor of their hope and salvation here and hereafter. But granting that the federal party should triumph--that the monster centralism should be crushed, and that the constitution should be amended so as to make it appear, on parchment, the most unexceptionable charter of human rights known to the world, have we any reason to believe or to hope, from their demonstrated incapacity of self-government, and from their incessant past revolutions, that it will be or can be administered for a day? But, as I before said, it is idle to talk of the constitution now. \_Texas must be Independent\_. The tie between her and Mexico is severed, and that by the injustice and violence of Mexico. It can never be re-united--for between the colonists and Mexicans there is an almost total dissimilarity of soil, climate, productions, pursuits, interests, habits, manners, education, language and religion.

\* \* \* \* \*

No. IV.

In my last I contended that none of those ties which are necessary to bind a people together and make them one, existed between the colonists and Mexicans. That there was an almost total dissimilarity in the soil, climate and productions of the regions of territory they respectively inhabited; and that superadded to this, there was no identity of pursuits, habits, manners, education, language or religion. I now proceed to show, that these circumstances have engendered towards the colonists in the mass of the Mexican nation, feelings of unconquerable jealousy and hostility. Yes! our superiority in enterprise, in learning, in the arts and in all that can dignify life, or embellish human nature, instead of exciting in them a laudable ambition to emulate, to equal, or excel us--excites the most hateful of all the passions--envy--and has caused them to endeavor for years past, by an unremitting series of vexatious, oppressive and unconstitutional acts, to retard our growth and prosperity, and if possible, to get rid altogether of a people whose presence so hourly reminds them of their own ignorance and inferiority. Some of these acts I now proceed to enumerate.

1st. With a sickly philanthropy worthy of the abolitionists of these United States, they have, contrary to justice, and to law, intermeddled with our slave population, and have even impotently threatened in the war now

pending, to emancipate them, and induce them to turn their arms against their masters. If they would cast their eyes around them, they would find that at home the more wealthy and intelligent of the Mexicans have unjustly imposed upon at least one quarter of their fellow citizens, the most galling and illegal system of servitude that ever stained the annals of human oppression.

2d. [Footnote: Have been repealed.] Although the colonization law conceded to emigrants to Texas all the rights and privileges of citizens, in 1829 a law was passed confining the retail of merchandize to native born Mexicans. It is useless to comment upon the illegality and injustice of this law. It speaks for itself, and clearly indicates the diabolical spirit in which it was engendered.

3d. I pass over many minor grievances growing out of their illegal legislative enactments, and plainly denoting their settled hostility, and come to the law of the 6th [Footnote: Have been repealed.] of April, 1830. By this law, North Americans, and they alone, were forbidden admission into Texas. This was enough to blast all of our hopes, and dishearten all of our enterprise. It showed to us that we were to remain scattered, isolated, and unhappy tenants of the wilderness--compelled to gaze upon the resources of a lovely and fertile region, undeveloped for want of population. That we were to be cut off forever from the society of fathers and friends in the United States of the North--to prepare comforts suited to whose age and infirmities, many of us had emigrated and patiently submitted to every species of privation, and whose presence to gladden our firesides we were hourly anticipating. That feature of this law granting admission to all other nations except our brethren of the United States of the North, was sufficient to goad us on to madness. Yes! the door of emigration to Texas was closed upon the only sister republic worthy of the name which Mexico could boast of in this new world. It was closed upon a people among whom the knowledge and the foundations of rational liberty are more deeply laid than among any other on the habitable globe. It was closed upon a people who would have carried with them to Texas those principles of freedom, and those ideas of self-government in which, from their birth, they had been educated and practised. In short, and more than all, inasmuch as it stamps the Mexican government with the foul blot of ingratitude, it was closed upon a people who generously and heroically aided them in their revolutionary struggle, and who were first and foremost to recognize and rejoice at the consummation of their independence. Nothing but envy, jealousy, and a predetermination to destroy the colonial settlements, could have prompted the passage of this most iniquitous law. Simultaneous with it, all parts of Texas were deluged with garrisons in a time of profound peace. These garrisons extorted and consumed the substance of the land, and paid for their supplies in drafts on a faithless and almost bankrupt government. In their presence and vicinity the civil arm was paralyzed and powerless. They imprisoned our citizens without cause, and detained them without trial, and in every respect trampled upon our rights and privileges. They could not have been sent to Texas for our protection, for when they came we had expelled the savages, and were able to protect ourselves; and at the commencement of the colonial settlements, when we were few and weak, and scattered, and defenceless, not a garrison--no! not a soldier came to our assistance.

As another evidence of the hostility of the Mexicans to the Colonists, I will instance the following:

On the 7th of May, 1824, when the Republic was divided into States by the constituent Congress, the territory called Texas, not being sufficiently populous for a State, was united to Coahuila, but it was specially decreed by Congress that whenever Texas was sufficiently populous to figure as a State, she should make it known and be admitted. In 1833, the people of Texas, knowing that their numbers exceeded those of several of the old States, in solemn convention formed a constitution, and sent on a delegate to the city of Mexico, praying that Texas be admitted as a State. Instead of granting this just and legal request, they imprisoned our delegate in the dungeons of the Inquisition, and detained him without a trial for more than a year, deprived of the common air and common use of his own limbs! Under all of those multiplied oppressions, the colonists, from a spirit of forbearance, or rather from physical inability to resist, long groaned and languished. Not a voice, not an arm was uplifted. The wheels of government were not retarded in their operation by us. We consoled ourselves with the pleasing but delusive hope that a returning sense of liberality and justice would give to these obnoxious laws a brief duration. While laying this flattering unction to their souls, while indulging dreams of fancied felicity never to be realized, the dictator, Santa Anna, developed his tyrannical course. He surrounded Congress with an armed force, dissolved the body, and declared the constitution at an end. He dispersed our State Legislature by violence, imprisoned our Governor, demanded the arrest of some of the unoffending colonists, to be tried by military tribunals for (if any) civil offences, disarmed the militia, leaving only one gun to 500 citizens, and sent an army of mercenaries into Texas to rivet upon us the chains of centralism. When these glaring oppressions were attempted to be practised, the people of Texas felt that the cup of their bitterness was full to overflowing--that the rod of persecution had smitten sufficiently severe, and that they could no longer submit without relinquishing forever the glorious appellation of freemen. They struck, and struck with the potent arm of liberty. They conquered and drove the enemy from their soil. They wish not to wage a war of cupidity and conquest. They only ask to be permitted to govern the territory they occupy after the republican mode of their fathers. If this, their reasonable demand, is not conceded, they will carry the war into the enemy's country, and force the tyrant (as they have the power to do,) to acknowledge the independence of Texas within the very walls of his capital. After so many descriptions it is useless to discuss the capability of Texas to figure as an independent government. Suffice it to say, that it is larger than France, England, Scotland and Ireland united--of more general fertility, and susceptible of a greater and denser population.

CURTIUS.

End of the Project Gutenberg EBook of Texas, by William H. Wharton

\*\*\* END OF THE PROJECT GUTENBERG EBOOK TEXAS \*\*\*

This file should be named texas10.txt or texas10.zip  
Corrected EDITIONS of our eBooks get a new NUMBER, texas11.txt  
VERSIONS based on separate sources get new LETTER, texas10a.txt

Produced by William Flis, Stan Goodman, Charles Franks  
and the Online Distributed Proofreading Team.

Project Gutenberg eBooks are often created from several printed editions, all of which are confirmed as Public Domain in the US unless a copyright notice is included. Thus, we usually do not keep eBooks in compliance with any particular paper edition.

We are now trying to release all our eBooks one year in advance of the official release dates, leaving time for better editing. Please be encouraged to tell us about any error or corrections, even years after the official publication date.

Please note neither this listing nor its contents are final til midnight of the last day of the month of any such announcement. The official release date of all Project Gutenberg eBooks is at Midnight, Central Time, of the last day of the stated month. A preliminary version may often be posted for suggestion, comment and editing by those who wish to do so.

Most people start at our Web sites at:

<http://gutenberg.net> or

<http://promo.net/pg>

These Web sites include award-winning information about Project Gutenberg, including how to donate, how to help produce our new eBooks, and how to subscribe to our email newsletter (free!).

Those of you who want to download any eBook before announcement can get to them as follows, and just download by date. This is also a good way to get them instantly upon announcement, as the indexes our cataloguers produce obviously take a while after an announcement goes out in the Project Gutenberg Newsletter.

<http://www.ibiblio.org/gutenberg/etext03> or

<ftp://ftp.ibiblio.org/pub/docs/books/gutenberg/etext03>

Or /etext02, 01, 00, 99, 98, 97, 96, 95, 94, 93, 92, 91 or 90

Just search by the first five letters of the filename you want, as it appears in our Newsletters.

Information about Project Gutenberg (one page)

We produce about two million dollars for each hour we work. The time it takes us, a rather conservative estimate, is fifty hours

to get any eBook selected, entered, proofread, edited, copyright searched and analyzed, the copyright letters written, etc. Our projected audience is one hundred million readers. If the value per text is nominally estimated at one dollar then we produce \$2 million dollars per hour in 2002 as we release over 100 new text files per month: 1240 more eBooks in 2001 for a total of 4000+ We are already on our way to trying for 2000 more eBooks in 2002 If they reach just 1-2% of the world's population then the total will reach over half a trillion eBooks given away by year's end.

The Goal of Project Gutenberg is to Give Away 1 Trillion eBooks!  
This is ten thousand titles each to one hundred million readers, which is only about 4% of the present number of computer users.

Here is the briefest record of our progress (\* means estimated):

eBooks Year Month

1 1971 July  
10 1991 January  
100 1994 January  
1000 1997 August  
1500 1998 October  
2000 1999 December  
2500 2000 December  
3000 2001 November  
4000 2001 October/November  
6000 2002 December\*  
9000 2003 November\*  
10000 2004 January\*

The Project Gutenberg Literary Archive Foundation has been created to secure a future for Project Gutenberg into the next millennium.

We need your donations more than ever!

As of February, 2002, contributions are being solicited from people and organizations in: Alabama, Alaska, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

We have filed in all 50 states now, but these are the only ones that have responded.

As the requirements for other states are met, additions to this list will be made and fund raising will begin in the additional states. Please feel free to ask to check the status of your state.

In answer to various questions we have received on this:

We are constantly working on finishing the paperwork to legally request donations in all 50 states. If your state is not listed and you would like to know if we have added it since the list you have, just ask.

While we cannot solicit donations from people in states where we are not yet registered, we know of no prohibition against accepting donations from donors in these states who approach us with an offer to donate.

International donations are accepted, but we don't know ANYTHING about how to make them tax-deductible, or even if they CAN be made deductible, and don't have the staff to handle it even if there are ways.

Donations by check or money order may be sent to:

Project Gutenberg Literary Archive Foundation  
PMB 113  
1739 University Ave.  
Oxford, MS 38655-4109

Contact us if you want to arrange for a wire transfer or payment method other than by check or money order.

The Project Gutenberg Literary Archive Foundation has been approved by the US Internal Revenue Service as a 501(c)(3) organization with EIN [Employee Identification Number] 64-622154. Donations are tax-deductible to the maximum extent permitted by law. As fund-raising requirements for other states are met, additions to this list will be made and fund-raising will begin in the additional states.

We need your donations more than ever!

You can get up to date donation information online at:

<http://www.gutenberg.net/donation.html>

\*\*\*

If you can't reach Project Gutenberg,  
you can always email directly to:

Michael S. Hart <[hart@pobox.com](mailto:hart@pobox.com)>

Prof. Hart will answer or forward your message.

We would prefer to send you information by email.

## **\*\*The Legal Small Print\*\***

(Three Pages)

### **\*\*\*START\*\*THE SMALL PRINT!\*\*FOR PUBLIC DOMAIN EBOOKS\*\*START\*\*\***

Why is this "Small Print!" statement here? You know: lawyers. They tell us you might sue us if there is something wrong with your copy of this eBook, even if you got it for free from someone other than us, and even if what's wrong is not our fault. So, among other things, this "Small Print!" statement disclaims most of our liability to you. It also tells you how you may distribute copies of this eBook if you want to.

### **\*BEFORE!\* YOU USE OR READ THIS EBOOK**

By using or reading any part of this PROJECT GUTENBERG-tm eBook, you indicate that you understand, agree to and accept this "Small Print!" statement. If you do not, you can receive a refund of the money (if any) you paid for this eBook by sending a request within 30 days of receiving it to the person you got it from. If you received this eBook on a physical medium (such as a disk), you must return it with your request.

### **ABOUT PROJECT GUTENBERG-TM EBOOKS**

This PROJECT GUTENBERG-tm eBook, like most PROJECT GUTENBERG-tm eBooks, is a "public domain" work distributed by Professor Michael S. Hart through the Project Gutenberg Association (the "Project"). Among other things, this means that no one owns a United States copyright on or for this work, so the Project (and you!) can copy and distribute it in the United States without permission and without paying copyright royalties. Special rules, set forth below, apply if you wish to copy and distribute this eBook under the "PROJECT GUTENBERG" trademark.

Please do not use the "PROJECT GUTENBERG" trademark to market any commercial products without permission.

To create these eBooks, the Project expends considerable efforts to identify, transcribe and proofread public domain works. Despite these efforts, the Project's eBooks and any medium they may be on may contain "Defects". Among other things, Defects may take the form of incomplete, inaccurate or corrupt data, transcription errors, a copyright or other intellectual property infringement, a defective or damaged disk or other eBook medium, a computer virus, or computer codes that damage or cannot be read by your equipment.

### **LIMITED WARRANTY; DISCLAIMER OF DAMAGES**

But for the "Right of Replacement or Refund" described below, [1] Michael Hart and the Foundation (and any other party you may receive this eBook from as a PROJECT GUTENBERG-tm eBook) disclaims all liability to you for damages, costs and expenses, including



legal fees, and [2] YOU HAVE NO REMEDIES FOR NEGLIGENCE OR UNDER STRICT LIABILITY, OR FOR BREACH OF WARRANTY OR CONTRACT, INCLUDING BUT NOT LIMITED TO INDIRECT, CONSEQUENTIAL, PUNITIVE OR INCIDENTAL DAMAGES, EVEN IF YOU GIVE NOTICE OF THE POSSIBILITY OF SUCH DAMAGES.

If you discover a Defect in this eBook within 90 days of receiving it, you can receive a refund of the money (if any) you paid for it by sending an explanatory note within that time to the person you received it from. If you received it on a physical medium, you must return it with your note, and such person may choose to alternatively give you a replacement copy. If you received it electronically, such person may choose to alternatively give you a second opportunity to receive it electronically.

THIS EBOOK IS OTHERWISE PROVIDED TO YOU "AS-IS". NO OTHER WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, ARE MADE TO YOU AS TO THE EBOOK OR ANY MEDIUM IT MAY BE ON, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

Some states do not allow disclaimers of implied warranties or the exclusion or limitation of consequential damages, so the above disclaimers and exclusions may not apply to you, and you may have other legal rights.

#### INDEMNITY

You will indemnify and hold Michael Hart, the Foundation, and its trustees and agents, and any volunteers associated with the production and distribution of Project Gutenberg-tm texts harmless, from all liability, cost and expense, including legal fees, that arise directly or indirectly from any of the following that you do or cause: [1] distribution of this eBook, [2] alteration, modification, or addition to the eBook, or [3] any Defect.

#### DISTRIBUTION UNDER "PROJECT GUTENBERG-tm"

You may distribute copies of this eBook electronically, or by disk, book or any other medium if you either delete this "Small Print!" and all other references to Project Gutenberg, or:

[1] Only give exact copies of it. Among other things, this requires that you do not remove, alter or modify the eBook or this "small print!" statement. You may however, if you wish, distribute this eBook in machine readable binary, compressed, mark-up, or proprietary form, including any form resulting from conversion by word processing or hypertext software, but only so long as \*EITHER\*:

[\*] The eBook, when displayed, is clearly readable, and

does \*not\* contain characters other than those intended by the author of the work, although tilde (~), asterisk (\*) and underline (\_) characters may be used to convey punctuation intended by the author, and additional characters may be used to indicate hypertext links; OR

[\*] The eBook may be readily converted by the reader at no expense into plain ASCII, EBCDIC or equivalent form by the program that displays the eBook (as is the case, for instance, with most word processors); OR

[\*] You provide, or agree to also provide on request at no additional cost, fee or expense, a copy of the eBook in its original plain ASCII form (or in EBCDIC or other equivalent proprietary form).

[2] Honor the eBook refund and replacement provisions of this "Small Print!" statement.

[3] Pay a trademark license fee to the Foundation of 20% of the gross profits you derive calculated using the method you already use to calculate your applicable taxes. If you don't derive profits, no royalty is due. Royalties are payable to "Project Gutenberg Literary Archive Foundation" the 60 days following each date you prepare (or were legally required to prepare) your annual (or equivalent periodic) tax return. Please contact us beforehand to let us know your plans and to work out the details.

WHAT IF YOU \*WANT\* TO SEND MONEY EVEN IF YOU DON'T HAVE TO?

Project Gutenberg is dedicated to increasing the number of public domain and licensed works that can be freely distributed in machine readable form.

The Project gratefully accepts contributions of money, time, public domain materials, or royalty free copyright licenses. Money should be paid to the:  
"Project Gutenberg Literary Archive Foundation."

If you are interested in contributing scanning equipment or software or other items, please contact Michael Hart at:  
hart@pobox.com

[Portions of this eBook's header and trailer may be reprinted only when distributed free of all fees. Copyright (C) 2001, 2002 by Michael S. Hart. Project Gutenberg is a TradeMark and may not be used in any sales of Project Gutenberg eBooks or other materials be they hardware or software or any other related product without express permission.]

\*END THE SMALL PRINT! FOR PUBLIC DOMAIN EBOOKS\*Ver.02/11/02\*END\*

