

CORRESPONDENCE HITHERTO UNPUBLISHED.

FORSYTH TO CASTILLO Y LANZAS.^a

COMMISSION OF AUSTIN, ARCHER, AND WHARTON.^b

In the name of the People of Texas
Sovereign and free

To whomsoever these presents shall come be it known

That I, Henry Smith ^c Governor of Texas by virtue of the authority of the chosen delegates of all Texas in consultation in general Convention assembled, appointing Stephen F. Austin, Branch T. Archer ^d and William H. Wharton ^e as agents on the part of the People of Texas to the United States of North America for general purposes Now be it known, that by virtue of the several ordinances and decrees passed by the Legislative Council of Texas with all due formalities and confirmation, creating and requiring the contracting of a loan in the United States of the North to the amount of One Million of Dollars to be applied and appropriated to the benefit and use of the Government of Texas. Therefore, in conformity with the superior order of the Convention, and by virtue of the authority vested in me by the ordinances and decrees of the Legislative Council of Texas, I, Henry Smith Governor as aforesaid, do, By the authority and in the name of the People of Texas vest in the said agents Stephen F Austin, Branch T. Archer and William H. Wharton full power and ample authority to contract and stipulate for the above Loan of One Million of Dollars and as security for the payment of the same to pledge the faith of the

^a October 22, 1835. See Jones to Bee, January 21, 1839.

^b D. S., in the Austin Papers. November 12, 1835, the Consultation at San Felipe elected the three men to whom this commission was given to act as agents for Texas in the United States under the title of commissioners. See Gammel, *Laws of Texas*, I., 534.

^c A native of Kentucky, who went in early life to Missouri and thence in 1821 to Texas; member of the Convention of 1833; acting political chief of the Department of the Brazos, 1834; member of the Consultation of 1835; provisional governor, 1835-1836; beaten by Sam Houston for the presidency of the Republic, 1836; secretary of the treasury of the Republic, 1836-1838; emigrated to California, 1840; died in 1853.

^d A native of Virginia, who came to Texas in 1831; representative from Brazoria in the Convention of 1833; president of the Consultation, 1835; commissioner to the United States, 1835-1836; secretary of war of the Republic, 1840-1841; died in 1856.

^e Born in Virginia; lived for a while at Nashville, Tenn., whence he came to Texas in 1829; chosen to carry petitions of Convention of 1832 to Mexico, but did not go; president of the Convention of 1833; commissioner to the United States, 1835-1836; chargé d'affaires (not formally received) of Texas at Washington, 1836-1837; state senator from Brazoria, 1838-1839; died in 1839.

Country, and if necessary to hypothecate the Public Lands of Texas. And under them to appoint other agents for special purposes at will, and again at pleasure to revoke. And to do and perform generally, all other act or acts, contemplated by and of right pertaining to their mission as general agents of the People of Texas.

All contracts and stipulations entered into by the said agents by virtue of the authority herein vested as agents on the part of the People of Texas, shall on the part of this Government be recognised ratified, confirmed, and be performed in good faith

In testimony of which I, Henry Smith Governor as afore-
Seal said have signed the same and affixed thereto my private seal, there being no seal of office yet provided.

Done in the Town of San Felipe de Austin on the seventh day of December in the Year of our Lord One thousand Eight hundred and thirty five.

HENRY SMITH
Governor

CHAS B STEWART
Secretary of Executive

SMITH TO AUSTIN, ARCHER, AND WHARTON.*

To the Honorable, the Agents of the People of Texas STEPHEN F. AUSTIN, BRANCH T. ARCHER AND WILLIAM H. WHARTON ESQ'S Gentlemen

The following will be handed you as your private instructions on the part of the Government of Texas.

You will proceed direct to the United States of the North with the least possible delay and enter the same by way of New Orleans. Your first object there, will be to procure and fit out from that or any other city the contemplated armed vessel[s], calculated for the protection of our commerce and Sea Coast. They should be well officered and manned and provided for, from four to six months cruise. They should be directed to proceed direct to Galveston Bay or Brasos, report to the authorities, receive commission, with orders for their government

2d To see that the necessary arrangements are made for the procurement of provision, arms, and munitions of war and that they meet with safe despatch.

3. If Thomas F. McKenney should fail to contract a Loan of One Hundred thousand Dollars in the City of New Orleans, or elsewhere, as he has been commissioned to do, you will, if possible, proceed to effect it for the immediate use of the Government on the best terms

* L. S., in Austin Papers.

that you can, and arrange, if necessary, that it be refunded from the first permanent loan made for this Government.

4 You will receive all monies proffer[ed] as donations, and all contracted for as loans and deposit them in the Banks contemplated by law, and have the same entered to the Credit of the Government of Texas, and subject alone to its orders—which orders or checks shall be drawn in favour of the Treasurer, signed by the President of the Council and attested by his secretary and also approved by the Governor and attested by his Secretary. Checks to some extent might be negotiated here through our Merchants and endorsed in their favour. You will also receive donations of every description, tendered by the patriotic; and forward them as circumstances may direct, with advices of the same. Finally, You will proceed to the City of Washington, with all convenient speed endeavouring at all points to enlist the sympathies of the free and enlightened people of the United States in our favour by explaining to them our true political situation and the causes which impelled us to take up arms; and the critical situation in which we now stand. You will approach the authorities of our Mother Country, either by yourselves, or confidential friends; and ascertain the feelings of the Government towards Texas, in her present attitude. Whether any interposition on the part of that Government in our favour can be expected, or whether in their opinion, any ulterior move on our part would to them, be more commendable and be calculated to render us more worthy of their favour, or whether by any fair and honorable means, Texas can become a member of that Republic. If not, if we declare Independence, whether that Government would immediately recognise and respect as an independent People Receive us allies, and form with us a treaty of Amity both offensive and defensive. If all should fail on the part of the Government, or a refusal to intermeddle in our difficulty, You will immediately notify this Government whether good or bad, of your success, and govern yourselves accordingly. On the failure of success with the Government, you will redouble your energies in arousing the sympathies of the Patriotic citizens of the North to rally to our assistance. You will correspond with this Government regularly and keep it advised of all the movements you make connected with your mission. You will appoint in New Orleans a faithful agent to attend to the prompt forwarding of your letters. You will write in duplicate and order one to be forwarded by the Land Mail by way of Fort Jessup and the other by water, or if circumstances should require by different mails by land. You will use the following address, To his Excellency [Henry] Smith, Governor of Texas, Seat of Government—Texas, or if any change should be necessary you will be notified. Your letters from this Government will be put under the proper address directed to the City of Washington

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United States where you will have an agent to forward them to any point which you may please to direct. A majority of You will con-
 sult and concur in all important matters relative to your mission.
 You will receive from this Government advices from time to time,
 respecting your duties as agents in their behalf.

You will be expected to remain there until recalled or until circum-
 stances shall direct your return to the bosom of your fellow citizens.

San Felipe de Austin With sentiments of the highest

8th Decr. 1835 respect and consideration

I am Gentlemen Your Obt Servant

Henry Smith

Governor

CHARLES B. STEWART

Secretary of Executive

SMITH TO AUSTIN, ARCHER, AND WHARTON.^a

Executive Depart
 of Texas

To the Honorable

The Agents of the People

of Texas STEPHEN F AUSTIN BRANCH T.

ARCHER WILLIAM II WHARTON Esqrs

GENTLEMEN

The honl. President and Members of the General Council request
 me, by a resolution of their body, to instruct you as follows—viz

That you will not furnish any out fit to Mexicans who pretend to
 be our friends. Such as Mexia and others; who profess to belong to
 the liberal party, but leave that matter for the Government here to
 judge, whose duty it is, and who will be governed by their acts and
 not by their promises.^b And I farther have to request of you that
 all your correspondence as Agents will be addressed as you have
 previously been instructed and not directed to the council. You will
 have agents in all the principal cities to correspond with us through
 you.

I am

Gentlemen Your Obt St

San Felipe de Austin

Decr 17, 1835

The Council requests you appoint agent[s] in all the principal
 cities to correspond with this Govt. at least once a month. This

^a In the Austin Papers. The latter part, beginning with the words, "You will have
 agents," is in Smith's hand and the letter is signed by him.

^b See *Quarterly of the Texas State Historical Association*, V., 297-305.

however, I consider you will have managed through yourselves, or as you may direct.

I am

Gentlemen, respectfully
Your Obst^a

HENRY SMITH
Governor

AUSTIN, ARCHER, AND WHARTON TO SMITH.^b

NEW ORLEANS *Jan'y 10th 1836*

DEAR FRIEND.

We have placed Capt Jeremiah Brown^c in command of the arm'd Schooner Liberty.

His known experience as a seaman, his devotion to our cause;—and above all, his previous services, by the introduction of emigrants to the country;—recommend him, to our highest favour

Permit me to add, that every thing here promises well.

Accept my best wishes, for yourself and our common country.

Your Friend and Svt.

B. T. ARCHER
WM H. WHARTON
S. F. AUSTIN

To his Excellency, H. SMITH.

AUSTIN, ARCHER, AND WHARTON TO SMITH.^d

NEW ORLEANS *January 10, 1836*

To his excey. HENRY SMITH

Govr. of Texas

SIR,

We have succeeded in effecting a loan in this city of two hundred and fifty thousand dollars for Texas on the terms as contained in a copy of the contract herewith enclosed.^e

^a Obedient servant.

^b Draft in Archer's handwriting; signatures original; endorsed on back, with address, "F[avor] Capt. J. Brown."

^c Apparently the "Jerry Brown" who was concerned in the disturbances of 1832 as captain of the Sabine (see *Quarterly of the Texas State Historical Association*, IV, 34, 41); captain of the Invincible when it captured the Pocket (see *Texas Almanac for 1860*, p. 162); collector of customs at Velasco, 1837.

^d Draft in Austin's handwriting; signatures original.

^e The commissioners had, in fact, negotiated two loans, one for two hundred thousand dollars, and the other for fifty thousand. (See Commissioners to Governor Henry Smith, January 20, 1836.) One printed and two manuscript copies of the contract for the two hundred thousand dollar loan are in the Texas State Library in the files relating to "Financial affairs;" and a manuscript copy of that for the fifty thousand dollar loan is in the Comptroller's Department, file "relating to the \$50,000 loan." For details of the history of these loans, see account of Eugene C. Barker, in *Political Science Quarterly*, XIX, 612-635.

Some of the best informed persons of this place confidently assert that this loan insures the triumph of our cause and the independence of Texas. That in New Orleans, so near us, and so well acquainted with our situation, confidence enough should exist in us to induce a loan, speaks volumes in our favor and will give confidence every where else. The stock in this loan will soon be in the hands of hundreds of capitalists who will feel as much interest in Texas and exert themselves as much for it, as those of us, who have long lived there. To prove this the lenders have offered to land in Texas within six weeks five hundred men officered, armed, and equipped to serve during the war on the terms of the military laws of the provisional government and convention, and after the war to receive pay for the costs of their arms and outfit with interest in the mean time at 8 per cent on the amount (with the option of being paid on the basis of this loan as an addition to it) from their arrival in Texas. This is the true way to obtain troops. To undertake to receive them here, and pay their way to Texas is now impossible—We have not the means, and it is an open violation of the laws of this country, than which nothing could more effectually injure our cause. Let volunteers not be recognised until they have presented themselves to the governor or commander in chief. A sufficient number will do this at their own expense. A man must have lived to little advantage, and will not be of much force when he joins us, if he be not able to spend thirty or forty dollars to get to Texas, especially when he will be paid for gun, horse etc. on his arrival.

All grants of land or certificates of citizenship or reception hereafter to those who are not now in Texas or who have not already acquired rights should be made with a special reservation of the priority of location stipulated for the four hundred thousand acres contracted away by this loan, and it should be so published and mentioned in the certificate that no body be deceived. Disposing of our land at fifty cents pr. acre for the purpose of getting money so particularly indispensable at this moment, appears to us very fortunate. In fact rather than have missed the loan, we had better borrowed the money for five years and given them the lands in the bargain.

We are of the opinion that in the next convention a stop should be put to granting league and quarter league tracts to all who come after that date, for otherwise the country will be taken up entirely before we have volunteers enough, and besides the pay and rations of the United States with a premium of six hundred and forty acres, will induce just as many to come. We respectfully suggest this, as what we would endeavor to do were we of the next convention.

The information from Mexico recd. here is, that the leading men of the federal party have united with Santana to invade Texas; consequently the position taken by the declaration of 7 November in

favor of the republican principles of the constitution of 1824^a can no longer do any good, the object of that declaration having been to extend light and liberty over Mexico, and thus secure the cooperation of the liberal party. On the other hand, mentioning the federal constitution in that declaration has done us an injury in this country and would ruin us if it were not confidently expected and believed that a new convention would soon meet, and make an absolute declaration.

In expressing this opinion we are influenced by the information now before us; and we do not in any manner blame the convention for making such declaration. All of *us* concurred in the propriety of it at that time and believed the convention had no power to make any other, in as much as a declaration of independence was not contemplated when they were elected. All we say is that a bolder declaration was expected here, and we have already ascertained since our arrival here that we would have been sustained in it with more sympathy, zeal, and efficiency.^b

We hope to be at home in March, and can then give more specific information on the subject.

Respectfully your
obt. serts

S. F. AUSTIN
WM. H. WHARTON
B. T. ARCHER

AUSTIN AND ARCHER TO OWINGS.^c

AUSTIN AND ARCHER TO SMITH.^d

NEW ORLEANS *January 20. 1836.*

To His Excellency
GOVERNOR HENRY SMITH

SIR,

We forwarded to you by Capt. Brown of Nacogdoches, a copy of the contract for the loan of two hundred thousand dollars, negotiated

^a Journals of the Consultation held at San Felipe de Austin, October 16, 1855, p. 18.

^b There are in the files of the diplomatic correspondence two drafts of a flag for an independent republic, one prepared by Austin himself, and the other a modification of the same design recommended by the three commissioners for adoption by the government of Texas. There is no means of fixing accurately the dates of the drafts, but they were probably executed in New Orleans soon after this letter was written. (See *Quarterly of the Texas State Historical Association*, III, 170-176.)

^c January 18, 1836. See Austin and Archer to Smith, January 20, 1836.

^d With the autograph signatures of Austin and Archer, but not signed by Wharton, who had left New Orleans January 17.

by us, with Robert Triplett^a and others, and we now forward two more copies thereof printed, with a list of the numbers of the Scrip taken by each stockholder, also six copies of the Scrip, which will fully inform the Government of every particular relative to this transaction.

We also enclose a certified copy of the contract for a second loan, made by J Erwin^b and others, and copies of the scrip issued in this loan.

By the conditions of these loans, they are to be ratified by the Convention, the instalments on the first loan, are not to be paid until after such ratification is published by the Government Agent in this City, in conformity with the 11th Article. The faith of the Country is pledged for their ratification, and in the last loan, we the Commissioners have pledged our individual property and estates for such ratification. Any failure or delay in ratifying these loans will totally ruin the credit of Texas.

The market price of land is now fixed at half a dollar per acre, and we are of the opinion that no more land should be disposed of, in future, by the Government, at less than one dollar, or one and a quarter, as the minimum.

We have appointed Mr. William Bryan the General Agent of the Government in this City, and Edward Hall purchasing Agent. Copies of their appointments are enclosed.

Mr. Bryan has accepted for the Government, to a considerable amount, as will appear by his account, at four and six months, in anticipation of the instalments which are to be paid on the first loan, you will therefore perceive, at once, the great importance of dispatch in ratifying that loan, and having the corresponding notice given, so that the instalments may become due, as soon as possible; for should the funds not be provided to pay Bryan's acceptances, or they should lay over, or be protested, it would ruin the cause of our Country.

Enclosed is an account of the receipts and disbursements which have passed through our hands, by which you will perceive the sums paid to the Quarter Master, A. Huston, the Adjutant General J A. Wharton,^c and to Capt. Jerry Brown and purser Wells of the Schooner Liberty.

A considerable portion of the purchases were made by some of these officers, without the intervention of the General Agent, which has caused some confusion in the manner of doing the business. To avoid

^a Of Yellow Banks, Kentucky. Triplett was agent for the government of Texas later in 1836.

^b J. Irwin, of Lexington, Kentucky.

^c Brother of William H. Wharton. He came to Texas in 1833; was a member of the Consultation, 1835; secretary of war under President Burnet, 1836; member of Congress from Brazoria, 1838.

a recurrence of similar things in future, it would, perhaps be best, that all the purchases and business of the Government relative to expenditures in this City be done through the General Agent.

The Schooner Liberty has been expensive, an examination into her accounts may be necessary. A very rigid scrutiny and examination into the accounts of public agents is indispensably necessary, and a strict accountability should be established. If this is not done in the commencement of our financial operations, carelessness, confusion and waste, and perhaps fraud, will creep into the Treasury Department, which will totally destroy all confidence and credit, and ruin our Cause.

We have purchased the Schooner "Ingham" (late Revenue cutter) and she is fitting out by the Genl. Agent, under the Superintendance of Captain Hawkins, who is to command her.

Our colleague, W H. Wharton left on the 17th for Nashville, we have been detained to close the second loan, and complete the other business, but expect to leave to-morrow.

By the last accounts from the Mexican ports, it appears that active preparations are making to invade Texas by sea and land. Several heavy armed vessels are fitting out at Campeachy and Vera Cruz. General Santa Anna, was daily expected at Matamoros, etc.

We have authorized Col. Thos. D. Owings to raise, arm and equip a body of volunteers for the service of Texas, not to exceed fifteen hundred men, to be in Texas by March next. The expenses of arming, equipping and transporting, are to be refunded after the close of the War.

We have requested him to correspond with you on the subject,^a and enclose you a copy of our letter to him. We have introduced him to the Genl. agent Wm Bryan with whom he will correspond.

We recommend that you keep the genl. agent informed regularly every week, of everything calculated to promote our cause, that he may publish it.

Respectfully your obt servts,

S. F. AUSTIN
B. T. ARCHER

NEW ORLEANS *January 18, 1836*

Col. T. D. OWINGS *late Col of 28th U. S. infantry*

SIR

Your offer to furnish one or more Regiments not to exceed fifteen hundred men in all, to be in Texas by March next, armed and equipped for the service of Texas, in the struggle in which she is at present

^a From this point to the end the handwriting is Austin's.

engaged, with the Military and Unconstitutional Government of Mexico, is thankfully received.

Our cause is that of Liberty, Religious toleration and Freedom of Conscience against Usurpation, Despotism, and the Unnatural and Unholy Monopolies of the Church of Rome. We wish to extend the blessings of Civil Liberty over one of the fairest portions of this Continent, and to offer a home upon its fertile soil, to the pious and Industrious of all Religious Denominations. In doing this, we invade no right appertaining to Mexico, we violate no duty, on the contrary, *Right* and *Justice* and *Duty* loudly call upon us to resist Oppression and defend ourselves—they call upon the noble, the liberal, the pious and the free to fly to our aid, and assist in planting the Standards of Independence and of Freedom in Texas.

Your offer is accepted. The Regiment or Regiments of volunteers, which you propose to raise, will be received into the service of Texas, on the terms and conditions, enacted by the Provisional Government of Texas, by their ordinance of 5th December last,^a and other laws and obligations now in force on the subject. The expense of arming and equipping said force, so far as it is done by you, will be refunded to you by the Provisional Government, at the close of the War, or as soon as the finances of the Country will permit; Said arms and equipment to be furnished to the Government at a fair valuation. Ammunition and provisions furnished by you for said force, will also be put on the same footing as the arms and equipments. The accounts to be duly audited and substantiated by the proper vouchers. A reasonable allowance will also be paid for the transportation of said Regiment or Regiments to Texas.

On your arrival there you will report yourself to the Governor of Texas, or the Commander in Chief of the Army, in conformity with said ordinance of 5th December, after which yourself and troops will be considered as having formally entered into the service of Texas, and their pay and rations commence from that time.

It is understood that the above mentioned force of volunteers are to be received, although the number should not amount to fifteen hundred men, it is however, not to exceed that number, and they are to be in Texas by the month of March next.

The Bounty lands of the Volunteers, are to be located under the direction of the Government, and no claims or rights existing, or for which the Government of Texas may be compromitted, at the time of receiving said volunteers, are to be interfered with.

S. F. AUSTIN
B. T. ARCHER

^a Passed by Council December 5, and approved by Governor Smith December 8. See Gammel, *Laws of Texas*, I, 951-954.

Address Col Owings at Owingsville Bath County Kentucky—he wishes the earliest information possible relative to the affairs of Texas, and whether men will be needed immediately.^a

[Copy.^b]

NEW ORLEANS, *January 21st* 1836.

MR A J. YATES

SIR,

Your letter of the 16th instant, submitting an offer to proceed to the City of New York, and purchase a Steam Vessel for the Government of Texas, has been received, and is accepted.

In accordance with your proposal, you will receive herewith, two hundred dollars, and a letter of credit, pledging the faith of the Government of Texas, as we are authorized to do, for an amount not exceeding twenty thousand dollars, to be paid out of the loan negotiated in New Orleans on the 11th instant, with which we wish you to proceed, with all possible despatch to the City of New York, and purchase a Steam vessel of not more than three hundred tons burthen, and one of two hundred would be much preferable, strong and substantially built to bear heavy guns, say 18 pounders, and in every way fit for sea service.

The object of this Steamer is to defend our coasts and harbours from Mexican cruisers, and to facilitate the safe transportation of troops, emigrants, and the munitions of war; she is therefore to be provided with such armament of heavy cannon and small arms as may be necessary to effect said object, and well commanded by experienced officers, sufficiently manned with seamen, gunners etc, and supplied with munitions and provisions for at least three months.

You will also advertise for passengers for Texas, and charge them such reasonable price for passage as in your judgment should be proper, and if any should take passage in said Boat, with intention of entering into the service of Texas, they shall have their passage money refunded to them, on being received into the service. Any organized companies who shall take passage with you, regularly armed and

^a This postscript, written on the same sheet with the copy of the letter to Owings, was intended for Governor Smith.

^b This copy and those of the two notes and the receipt that follow are all written on the same sheet.

In a letter to Governor Smith dated February 25, 1836, Yates writes that he is on the point of purchasing a vessel which will bring to Texas two hundred and fifty men armed and equipped, now ready to be taken as passengers. He has a prospect also of purchasing and sending out another vessel to carry a load of passengers and to be paid for in lands at fifty cents per acre.

^c The letter in which this was enclosed is dated January 20, and it must have been held over to receive the enclosures.

equipped for the same service shall also be further repaid for such arms and equipments, at a reasonable price by the Government, as soon as funds for that purpose can be procured to the public Treasury.

You will have said vessel cleared from the Custom House in New York, in your own name, as owner, and fully insured, and proceed direct to Galveston Bay or any other port in Texas, and report yourself, and the vessel and passengers to the Governor of Texas, and present your accounts, supported by the proper vouchers, to be audited, and execute a sale of said Vessel to the Government, and return her Register to the City of New York.

As despatch is of the greatest importance, in executing the foregoing commission, you are desired to make every effort to sail from the City of New York, on or before the first day of March next. Your personal expenses on the journey will be allowed and such reasonable compensation for your time, as the Government shall hereafter determine on delivery of said vessel.

Signed S. F. AUSTIN
 " B. T. ARCHER
Commissioners

Copy.

NEW ORLEANS *January 21st 1836.*

Mr A J. YATES

SIR,

You are hereby authorized to draw on William Bryan the General agent of the Government of Texas, in the City of New Orleans, for the sum of Twenty Thousand dollars, payable at the Bank of New Orleans, at the time that the instalment hereafter to become due on the Loan negotiated by the Commissioners on the 11th instant, shall become due, and you are to account to the Government of Texas for the proceeds of said draft, in conformity with the letter of Instructions this day given you by said Commissioners.

Signed S. F. AUSTIN
 B. T. ARCHER
Commissioners

Copy.

NEW ORLEANS *January 21, 1836.*

Mr WILLIAM BRYAN

General Agent etc.

SIR,

You are hereby authorized to accept the drafts of A J. Yates, drawn on you as General agent of the Government of Texas, in the

City of New Orleans, said drafts to be made payable at any time subsequent to the date when the instalment on the Loan negotiated by the Commissioners, in behalf of said Government, on the 11th instant shall become payable, and to pay the same from the proceeds of said instalments, to the amount of Twenty Thousand Dollars, and retain this letter of advice, and said drafts, with the letter of advice of said Yates, as your vouchers therefor.

Signed S. F. AUSTIN
B. T. ARCHER
Commissioners

(Duplicate.)

NEW ORLEANS *January 21st 1836.*

I have this day received of the Commissioners of Texas the sum of Two hundred dollars in Cash, and a letter of credit, of which the above is a copy, for the sum of Twenty Thousand Dollars, for which I am to account to the Government of Texas, agreeable to the foregoing letter of instructions from said Commissioners.

A. J. YATES

AUSTIN AND ARCHER TO YATES.^a

AUSTIN AND ARCHER TO YATES.^b

AUSTIN AND ARCHER TO BRYAN.^c

RECEIPT OF YATES TO COMMISSIONERS [AUSTIN AND ARCHER].^d

AUSTIN AND ARCHER TO SMITH.^e

NEW ORLEANS *Jan. 22. 1836.*

We have deposited ten thousand dollars in the Bank of Orleans subject to the orders of the Govt. which must be drawn for in the manner stated in our instructions

GOVOR HENY SMITH

S. F. AUSTIN
B. T. ARCHER

^a January 21, 1836. See Austin and Archer to Smith, January 20, 1836.

^b January 21, 1836. This letter was inclosed in another of the same title and date. See Austin and Archer to Smith, January 20, 1836.

^c January 21, 1836. See Austin and Archer to Smith, January 20, 1836.

^d Draft in Austin's hand; signature original.

pamphlet.^a The french question^b absorbs every thing. It is unfortunate that our affairs came on the carpet simultaneously. Mexico has remonstrated with this government but nothing done as yet. I look with great anxiety to the next convention in Texas. I hope all personal or party feeling is forgotten. I hope they will declare absolutely and advise us of it with instructions. The vote should be taken on whether they wish to be attached to these United states. I prefer it 10,000 to 1. The declaration should be explicit. In the new Organization I will have nothing to do with the Executive post. I prefer the post I am now in to any other if they choose to keep me in it. As I wrote you a belief that we warred for any thing beyond the Rio Grande would damn us beneath all depth in hell.

Yours in haste

WM H. WHARTON.

AUSTIN, ARCHER, AND WHARTON "TO THE PUBLIC."^c

AUSTIN, ARCHER, AND WHARTON TO SMITH.^d

NASHVILLE *Feb. 16 1836*

SIR,

Since our last communications from New Orleans, we have been endeavoring to make our way as fast as possible to Washington City and New York, but have been detained by the ice in the Ohio which has been closed for some weeks. This obstacle we expect is now removed or will be in a few days, as the weather has moderated and the rivers have commenced rising; we shall therefore leave here tomorrow for Louisville and proceed with as little delay as practicable.

It is with the most lively sentiments of gratitude towards the patriotic and generous citizens of this free and happy land, and with renewed confidence in the triumph of our cause, that we inform you, of the universal and enthusiastic interest which pervades all ranks and classes of society in every part of this country, in favor of the emancipation of Texas. The citizens of Nashville and of all Tennessee have manifested their sympathy in the most prompt and efficient

^a For what was doubtless the matter of this pamphlet, see *Telegraph and Texas Register* for February 27, 1836.

^b The question of the payment of the indemnity due the United States from France under the treaty of July 4, 1831.

^c See Austin to Owings, February 12, 1836, in Austin, Archer, and Wharton to Smith, February 16, 1836.

^d Copy in Austin Papers, University of Texas, but none on file with the correspondence. The Austin Papers, however, contain no copy of Austin to Owings here printed as an inclosure.

manner. Several companies of volunteers have already marched, armed and equipped by contributions, and many more are now forming. The LADIES of Nashville have generously offered to furnish the means of arming and equipping and transporting one company that is now rais [ing^a] in this city. This act speaks for itself, no encom[ium^a] from us can enhance its merits—it belongs to []^a and will form a bright page in the record of []^a patriotism and devotion to the cause of liberty []^a philanthropy and of religion.

On Thursday evening the 11th instant there was a Texas meeting in the []^a church in this city, the largest in the place, it was crowded with ladies and gentlemen of the first rank in point of intelligence and wealth, of this country. The legislature being in session the members generally attended, also Govs. Cannon and Carroll. But one sentiment prevailed as you will see by the resolutions and proceedings published in the "Nashville Republican" and other papers of this city, which we forward by Mr. Barrett. We informed you from N. O. of the arrangement made with Col. T. D. Owings to raise two Regiments in Kentucky—he came up with two of us in the steam boat as far as the mouth of Cumberland and will proceed to raise the men with as little delay as possible. Col H L. Webb of Illinois is also raising 2 companies and will be on in April. Our communications from N. O informed you of the progress we had made in raising funds in that city. Just as we were leaving we recd. a proposition from Mobile to loan fifty thousand dollars payable in land at fifty cents pr. acre on the terms of the loans made in Orleans. The two coms. remaining at O. believe that money could be raised on better terms. We authorized our agent Mr. Wolfe to take the loan and pledge land at such price as the govt. of Texas might fix before the month of December next. We have not heard from our agent on the subject since then.

Our expectations of realising a higher price for land seem to have been well founded, as we have been offered money in this place for land at one dollar pr. acre. This offer and the opinions of many gentlemen of intelligence in this city have induced us to recommend to the Govt. of Texas, as we now do—that land scrip be issued [by^a] that Govt. in tracts of 640, 320, and 160 acres, at one dollar pr. acre, to be located on vacant lands after [all^a] land claims in Texas are settled and the lands [are^a] regularly surveyed into Townships sections etc. [The^a] absolute right however of deciding on all private [cla^a]ims and vested and equitable and even incipient rights of actual settlers should be carefully and distinctly retained by the Govt. so as to prevent even the possibility of disputes or contests in the courts.

^a Torn off.

of law between the holders of this scrip and other land claimants, and the decision of the Govt. should be final and absolute without appeal or revisal, for otherwise the holders of scrip may possibly attempt to locate on lands deeded or equitably held by settlers on the pretext that the settler had not complied with all the minute conditions of settlement, improvement etc etc We recommend this mode of raising money to a limited extent in the belief that it will succeed and many persons will become interested in various parts of the U. S. The scrip should also bear an interest of five pr. cent from the time the money was paid, and be receivable in payment of land at the public land sales when they take place of all dues to the Govt. Scrip of this kind, struck off like bank notes handsomely engraved would serve as a circulating medium and be a much sounder currency than some of the bank notes for being a title to land at a low rate nothing but the total ruin and failure of the country by defeat would jeopardize its value or reduce it below par or in lieu of this plan treasury notes might be issued to a limited extent payable in land at one dollr. pr acre and receivable for all govt. dues

Should either of these plans be adopted, the necessary instructions might be sent on to us to procure the plates for the notes or scrip and to appoint agents etc for disposing of them. It is believed by us that one of us at least should remain in the U. S. as a permanent Genl agent. Should this be approved of by the Govt he could attend to this business.

We have appointed H. R. W. Hill Esqr. of this city the agent of Texas in this state. The unparallel'd patriotism and liberality of this Gentleman in favor of the cause of Texas, and his devotion to the principles of civil and religious liberty entitle him to the gratitude of the people of Texas. We forward by Mr. Barrett the news paper which contains a copy of our correspondence with him.

We deem it to be our duty to call the attention of the Govt. to that part of our communications from Orleans which relates to grants in future of league tracts. One clause of the offers made by Majr. Miller places the volunteer or soldier "in a situation equal to the most favored citizens of Texas".—of course it gives him league tracts, in addition to the 800 acres. Was this the intention of the Govt.? If it was, where is land to be found to meet our promises? The fact is that all are satisfied with 640 acres. There should be no doubts on this point. The league system should cease.

There is a variation in the offers made by Majr. Wm P Miller and the ordinances on this subject, which has done much harm We have published the ordinance relative to volunteers (enclosed are Miller's publication and orders) and have predicated all our offers upon this ordinance and the one to raise a regular army as we know of no law offering the terms contained in Majr. Millers publication

It is all important that information of the movements of the enemy and the dangers which threaten the country should be published in the U. S. and sent to all our agents. The certainty that real danger threatens Texas, will send thousands to our aid who would not go, if they thought they were not needed. Sound the alarm if necessary by a plain statement of facts, let the truth be told in every instance without underrating the forces or materials of the enemies' army, or magnifying those of our own.

We have heretofore expressed our opinions in favor of a decided and unqualified declaration of independence. We again repeat and confirm that opinion. In the next declaration, the ground heretofore taken should be maintained, that Texas has been absolutely independent of the Govt. of Mexico, since the commencement of hostilities October last, and that no sale or transfer of that country or any portion of it, by that Govt. to any one will be recognised as valid or binding on the people of Texas.

Respectfully your most obt. servants

S. F. AUSTIN

B. T. ARCHER

W. H. WHARTON

comms. for Texas

To HENRY SMITH Esqr.

Gouv. of Texas

AUSTIN TO OWINGS.^a

[Copy.^a]

NASHVILLE *Feb. 12, 1836*

DR SIR.

On my arrival here I enquired of Maj. Miller for the law under which he was offering 800 acres of land and twenty four dollars

^a February 12, 1836. See Austin, Archer, and Wharton to Smith, February 16, 1836, on file with the correspondence. It must have been an inclosure in the letter which it here follows. It is written on page 3 of a folio, the first two pages of which are covered with printed matter. At the top of page 1 in the center are the words "*To the Public.*" Immediately underneath this is a vignette showing Hercules attacking the Hydra, on either side of which is the coat of arms of the United States. Below the vignette is the title "*Liberty triumphing over Tyranny and Pricstcraft.*" Next comes the following:

"Repeated inquiries being made of us in regard to the terms on which volunteers in the cause of Texas are received, we have thought proper, for general information, to publish the decree of the provisional government on this subject. It will be seen that the decree published below relates exclusively to volunteers. Texas has also a regular army, which is placed on the same footing with the Regular Army of these United States in respect to pay, rations, promotion and discipline, and, indeed, in every respect, with the superaddition of a mile square of land as a premium to those who serve two years, or during the war. Those disposed to embark in this struggle are requested to do so promptly, as their services will be needed during the ensuing spring, more than at any time hereafter.

"W. H. WHARTON,

"S. F. AUSTIN,

"B. T. ARCHER,

"Commissioners for Texas."

Then follows the decree of December 5, 1835, for which see *Ordinances and Decrees of the Consultation, Provisional Government of Texas, and the Convention*, etc., 47-50.

bounty. He showed me a proclamation of Genl. Houston's which contains those offers^a but as the commissioners have never seen the law authorizing them, and have no knowledge of any ordinances on the subject except what is contained on the other page of this paper, we send you this copy as all the law in our possession on the subject

We have information that Santa Anna is making great preparations to invade Texas in the Spring. There is no time to lose, and I hope you will have complete the regiments you have proposed to raise.

We shall leave day after tomorrow for Louisville.

yours respectfully

S. F. AUSTIN

Col. T. D. OWINGS

late 28 U. S. A.

The greatest enthusiasm and interest is felt in this city in favor of the cause of Texas—indeed it pervades the whole of this State, and all ranks of society. The *Ladies* of Nashville have offered to furnish the means of equipping a company from here. Such an act merits the highest grade of encomium—it belongs to history.

S. F. AUSTIN

AUSTIN TO [SMITH (?)]^b

NASHVILLE, *Feb 18, 1836.*

DR SIR,

Thrice bad roads have detain[e]d us, but the time has not been lost or misapplied. We have all been active, and I think usefully engaged

The enthusiasm in favor of Texas is very great and universal all over this country, and we can get aid to sustain our independence I have no doubt of it and I think there will not be much difficulty in procuring the recognition of the U. S. Govt. Nothing is wanting but union, and harmony, and concert of action and of purpose, at home; and an unqualified declaration of independence—keeping up always the position heretofore taken, that Texas has been absolutely independent of the Govt of Mexico, since the commencement of hostilities in October last, and that no sale or transfer of Texas by that gov't. will be recognised as valid or binding on the people of Texas.

I am greatly pleased with Nashville. There is much genuine hospitality patriotism and chivalry in this people. H. R. W. Hill, (whom we have appointed the agent of Texas here) deserves to be remembered in the most complimentary and gratefull manner, and I hope he will be.

^a Dated December 12, 1834 [1835]. Copy in Austin Papers.

^b Copy in Austin Papers.

Farewell. I close by repeating—Union, union, union, and concert of action and of purpose with a single eye to the independence and prosperity of Texas

Yours truly

S. F. AUSTIN

AUSTIN, ARCHER, AND WHARTON TO SMITH.^a

NASHVILLE *Feb. 24, 1836*

SIR,

On the recommendation of H. R. W. Hill Esqr. of this city, (of whose appointment by us as the agent of Texas in this State we advised you a few days since) we have concluded to adopt the plan of issuing treasury notes. As delay is pernicious and may be ruinous to our cause, we have concluded to take the responsibility of having the plates engraved for the notes immediately on our arrival in Philadelphia, and take them with us to Texas, to be signed by the President of the republic of Texas.

As one of us at least, will be at home in April, we recommend that no law be passed for the issue of treasury notes until one or all of us arrive with the plates. The law can then be passed and published. We shall procure a model for the law at Washington from the acts of congress on the subject, and from men of financial knowledge. In this way no time will be lost and the best of advice can be had on the subject

Enclosed is a copy of the notes proposed by Mr. Hill.^b This gentleman is the same who advanced five thousand dollars for Texas, and is at this time more actively engaged in promoting our cause than, any man in the U. S. He has this day assured us that he will take \$50,000 of these notes and is confident that money to any amount we need may be raised on them

Another great advantage of this plan is the supplying a circulating medium which is much needed in Texas

Respectfully

your most

obt sevts.

S. F. AUSTIN

B. T. ARCHER

WM H WHARTON

Commissioners for Texas^c

^a Draft in Austin's handwriting; signatures original.

^b The form provides for notes payable in ten years, bearing five per cent interest, receivable in payment for public lands and of dues to the government of Texas. Austin's comment written on the form states that the denominations are to be five, ten, twenty, fifty, and one hundred dollars.

^c In the original these words are written across the lines to the right of the three names.

P. S. We leave here tomorrow for Washington—the ice has given way and the river is open. We have been detained by the ice in the Ohio and the impassable state of the roads for stages.

We enclose a note handed to us by the Texas committee of this place to be sent to you for collection as the men who signed it have gone there

AUSTIN AND ARCHER TO THE GOVERNOR OF TEXAS. ^a

Louisville, Kentucky, March 3, 1836

To the Governor
of Texas ^b

SIR,

It possibly may be considered that the commissioners have delayed too much time in getting on to Washington.

The delay has been unavoidable owing to the ice, and the illness of Mr Wharton and Gen Austin at Nashville.

But had nothing of this kind detained us, we have no doubt that the cause of Texas has been much more effectually promoted by our presence in this country, than it could have been done in Washington City.

It is almost useless for us to appear in Washington until we receive instructions from the convention of Texas, to apply in form to the U. S. govt. to recognise our independence. If we go to Washington now, we cannot be recognised or received in any public capacity whatever, and a refusal to receive us as Commissioners would have a bad effect. This opinion is founded on information recd. from a source that is entitled to confidence.

The course heretofore pursued by the people of Texas has been universally approved by all men of reflection and calm judgment; for they say it has been marked by prudence and forbearance on our part, which has placed us on high ground

The events in Mexico, the revolutionary state of that country, the prostration of the constitution, and the establishment of centralism, have compelled and *forced* Texas to separate, and declare absolute independence. It now ought to be done, public opinion all over this country expects and calls for such a declaration, and our friends are anxiously awaiting it. Altho it would have been viewed as a premature, or at least a doubtful measure in November last, it now will be hailed by this people as the *true course*, and the *salvation* of Texas.

^a Draft in Austin's handwriting; signatures original, except that Archer's to the postscript seems to have been written by Austin.

^b See Austin, Archer, and Wharton to Government of Texas, April 6, 1836, note.

The particular object of this letter is therefore to urge upon you all an immediate and full declaration of independence, and to send it to the commissioners *by express*, with full powers to act under it. We hope all this will have been done before this reaches you. We have stated here, that we had no doubt the declaration would be made on this day, or tomorrow the *4th of March*.

The regulation of the financial operations, is all important. A *bank* will give great facilities to the country in its monied affairs. Mr S. M. Williams^a has made arrangements to put one in immediate operation, he has the bills etc all with him. We strongly recommend this subject to the convention and authorities.

In our communication from Nashville we recommended the issuing of treasury notes. We now repeat that recommendation, and have to superadd that the bank, in our opinion, will aid very materially in giving credit to those notes. As we informed you from Nashville, we shall procure the plates etc for the notes, and take or send them to Texas without delay after which the law can be passed.

We left Mr Wharton sick at Nashville, but expect him here dayly. We shall proceed from here to Cincinnati and up the river, stopping a short time at the principal places.

Respectfully

your most

obt sevts.

S. F. AUSTIN

B. T. ARCHER

Commissioners for Texas.^b

P. S. The difference in the publication made by Majr. Miller and the ordinance of 8 Decr. relative to volunteers has made some confusion and has done some harm.

S. F. AUSTIN. B. T. ARCHER

COMMISSION OF GEORGE C. CHILDRESS^c AS AGENT OF TEXAS AT WASHINGTON.^d

[Childress, acting with Robert Hamilton, is to open negotiations with the Cabinet at Washington, D. C., "inviting on the part of that

^aA native of Baltimore who came to Texas in 1822 and rendered valuable service as secretary of Stephen F. Austin in the organization of Austin's colony.

^bIn the original these words are written across the lines to the right of the names.

^cA native of Tennessee who came to Texas in 1834; member of the Convention of 1836 and chairman of the committee that reported the declaration of independence, of which he is supposed to have been the author.

^dMarch 19, 1836. Childress is commissioned "in conjunction with Robert Hamilton esqr.", and the form of the document is such as to suggest that it was intended as a commission for both; but a careful reading indicates that it was for Childress alone, and that besides his other duties, he was to cooperate with Hamilton who seems to have been expected to serve as financial agent of Texas.

Cabinet a recognition of the Sovereignty and Independence of Texas, and the establishment of such relations between the two Governments, as may comport with the mutual interest, the common origin, and kindred ties of their constituents."']

CHILDRESS TO BURNET.^a

NATCHITOCHEES LA *March 28th 1836*

MY DEAR SIR

I see, from the Newspapers, here, that Messrs. Austin, Wharton, and Archer are supposed to be now at the City of Washington acting as Commissioners under the authority conferred upon them by *the late* provisional Government. If when Mr Hamilton and I shall have arrived there we should find those gentlemen acting in the same capacity it would place both us and them in a very awkward situation. Will you please, in conjunction with the Cabinet, take this matter into consideration and take such steps with regard to it as you and they may think proper.

I have the honor to be Sir with the highest respect
your friend and obt. Servt.

GEO. C. CHILDRESS

His Excellency
D. G. BURNET^b

TRANSLATION OF DECLARATION OF MEXICAN MINISTER [MANUEL F. DE GOROSTIZA.]^c

(Translation from the Spanish.)

Extraordinary Legation of the Mexican Republic in the United States of America.

The undersigned extraordinary Envoy and Minister Plenipotentiary of the Mexican Republic in the United States of America, in

^a A. L. S. The duplicate, also on file, has the following postscript: "As I wish this letter to be sure to reach you I have sent duplicate copies one by hand and the other by mail. Please have us furnished with instructions with regard to our political and pecuniary missions."

^b David G. Burnet was born in Newark, New Jersey, 1788; was a member of Miranda's expedition against Venezuela, 1806; afterwards a citizen of Cincinnati, Ohio, whence he came to Texas in 1826; member of the Convention of 1833; district judge of the department of the Brazos, 1834-1835; president *ad interim* of the Republic, 1836; vice-president, 1838-1841; secretary of state of the State of Texas, 1840-1847; elected United States senator from Texas, 1866, but not allowed to take his seat.

^c No letter of transmission is filed with this document. It may have been enclosed in Austin, Archer, and Wharton to Government of Texas, April 6, 1836.

conformity with Instructions given him by his Government and with the view of refuting misrepresentations and removing every pretense for future Complaints, declares that the Mexican Government will never recognise, in any manner whatever, the engagements or debts which those persons that have been or may still be at the head of the revolted Texans, may have contracted or might contract hereafter, be what it may the Authority which they are temporarily exercising thus, or the mission which they have assumed.

The undersigned also declares that this government will neither recognise any alienation of national property or lands in Texas, made promised or agreed to, by the said persons, or in their name, either under the Title of sale, engagement, donation, or compensation, or in any other shape, as the government considers them, from this moment, should there be any, as null and of no value

Signed MANUEL E DE GOROSTIZA.

WASHINGTON 1st April 1836

BURNET TO CARSON.^a

EXECUTIVE DEPARTMENT
Harrisburg, April 1st 1836

To the honorable
SAMUEL P. CARSON

DEAR SIR

The infirm State of Your health rendering it necessary for you to repose from fatigues of office and the suggestion of your physician that a change of climate would probably conduce to Your restoration I have submitted to the gentlemen associated with us in the government, the propriety of Your proceeding forthwith to the United States and there employing Your valuable time in the service of Texas. The Cabinet fully concur with me in the expediency of your temporary absence from us.

You will please repair as fast as circumstances will permit to Washington City and there unite your exertions with those of our Commissioners in procuring a *recognition* from the government of our *mother* country and You will take in charge a general Supervision of all the interests and concerns of Texas in that Country.

You are fully apprised of our wants—they are numerous, as the means at present in our power of gratifying them are limited. Your

^a A. L. S. Carson was a native of North Carolina and a member of the senate of that State in 1822 and 1824; a member of the Nineteenth, Twentieth, Twenty-first, and Twenty-second Congresses of the United States; came to Texas in 1834; was secretary of state of the Government *ad Interim* of the Republic of Texas in 1836. (See *Quarterly of the Texas State Historical Association*, VIII, 263-266.)

exertions may be valuably employed in procuring aid of all sorts—fiscal aid is all important at this crisis.

Your absence will be too sensibly felt not to be deeply regretted, and I beg You will make it as little irksome as possible, not only by frequent communications, but by shortening the period of it as much as a prudent regard to Your health and the ulterior objects of your visit will permit. An *acting* Secty of State will be appointed ad interim, but the department will await the return of its most esteemed incumbent with impatient solicitude. Wishing You a pleasant trip, the speedy restoration of your health and an early return to us, I commend [you] to the protection of that God who careth for the oppressed.

With great consideration

I am

Your friend and obt Serv

DAVID G BURNET

CARSON TO CHILDRESS AND HAMILTON.^a

STATE DEPT TEXAS

Harrisburg April 1st. 1836.

Honorable

GEORGE C CHILDRESS

And

ROBT. HAMILTON

*Special Agents
To the U. S.*

(Private)

GENTLEMEN

We have learned that a minister Plenipotentiary has been sent by the Govt. of Mexico to the U. S. *Rumor* says that one object of this mission is to *sell Texas* to that Govt.

Immediately on your arrival You will try and ascertain this and if true, You will enter Your *solemn protest* in the name and on the behalf of this Republic against the right of Mexico to sell or the U S. to purchase, Setting forth in full the declaration of Independence.

It is desirable by the President and cabinet that the three commissioners Messrs Austin, Archer, and Wharton, appointed by the provisional Govt. should be associated with Yourself and Mr Hamilton and their aid and exertions requested in obtaining a recognition of our Independence. You will say to those Gent. after explaining the course of the convention with regard to the loan, that the Executive Govt has ratified the loan with modifications. I cannot detail the

^a Records of Department of State (Texas), Book 34, p. 19.

modifications because of my bad health when the arrangement was agreed on It is such however as seems to be quite satisfactory

I have the honor to be
Your Obt. Svnt.

SAM P. CARSON

CARSON TO CHILDRESS AND HAMILTON.^a

STATE DEPT TEXAS •
Harrisburg April 1st 1836

(Private Instructions)

To Special Agents
of the Republic

To the Honbls.

GEORGE C CHILDRESS

and

ROBT HAMILTON.

GENTLEMEN

The objects of Your mission were so fully explained to You before Your departure by the Government that nothing further on that subject need be said I hope to Join You in a short time after this reaches You, when full explanations will be given. By a private letter of this date You are advised of the wishes of the Govt with regard to the Minister from Mexico resident near the Govt of the U. S. You will use every means and argument privately with the officers of Govt. and the Senators and representatives to Congress which may be suited to the advancement of the objects in view. If desired hold the freest and fullest conversation with the President and cabinet officers (see my letter presenting You to Mr Forsythe) I say *desired*, this You can ascertain by sayin[g] to Mr Forsythe that if it is desirable by the Govt. You are instructed to hold the fullest and freest conversation—should there be any manifestations of reluctance on the part of the Sec of State to hear (which I cannot anticipate) a dignified elevation due to this Republic must mark Your course. Mr Childress can approach the President in the event alluded to through the medium of old acquaintance and personal Friendship and effect the object. Your own minds will suggest the course most proper to pursue as the Govt. cannot anticipate occurrences which might make it necessary to deviate from strict instructions and therefore leave to You the management of the subject with full confidence that the dignity and honor of Your country will be fully maintained and advanced

Yours respt

SAM P. CARSON

^a Records of the Department of State (Texas), Book 34, p. 20.