TEXAS

An Informal Biography

BY OWEN P. WHITE

G. P. PUTNAM'S SONS
New York

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MANUFACTURED IN THE UNITED STATES OF AMERICA

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Introduction

TEXAS is one of God's greatest and most gratifying experiments. When God created Texas He did so with the mischievous intention of providing men who had no fear of Him, if only they could conquer it, with an empire of their own of stupendous wealth and unbounded opportunity. Thus Texas was His challenge to the tall, the tough, and the ugly to come and get it. They came and they got it; they are the Texans, and it is their story—the story of men who have made their state great—rather than the story of their politicians who have too often made it ridiculous that I have tried to tell in this book. But not as a history! All my life I have been exposed to Texas history, and always have I felt that its many authors, as if in collusion with one another, have unanimously inflated certain classical heroes to gigantic sizes entirely out of proportion to their achievements. I don't like that. The Texans themselves—not just a few of them who have sat in high places—conquered Texas and made it over to suit their own taste. They did it handsomely, with long rifles and bowie knives; mustangs and longhorns, lassos and branding irons; whisky, cards, women, and six-shooters; corn, cotton, and barbed wire; books and Bibles; schools and churches; sawmills, sugar mills, and gin mills; oil drills and oil refineries. These were their tools, and with them they not only gave Texas its traditions, its culture, its costume, its manner of speech, its swagger, and its reputation but also made it the most powerful, most envied, and most emulated state in the American Union. Clearly then the cold, humorless, conventional pages of history are not the ones whereon to write the colorful record of their deeds. They deserve better treatment than this. From the very beginning when they first accepted God's challenge, and won, clear on up to the present day, the Texans and their state have led an independent life of their own. It has generally been a gay and lively life as well as a constructive one, and hence any story of it should be in the nature of a cheerful, informal biography. I hope this is one.

Owen P. White

June, 1944

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TEXAS

An Informal Biography

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1. *A Land of Miracles*

IT has been ever thus. Since 1536, when Cabeza de Vaca appeared in Mexico City with his fantastic story about its Seven Golden Cities of Cibola, clear on down to the Gay Nineties, when Dallas realtors began to advertise its soil as so fertile that all a man had to do was hill up a whisky bottle and harvest a congressman, or a whale-bone corset and get a choir singer, Texas has been looked upon as a land of miracles. It still is, and that it has capitalized its reputation and made money out of it no one can doubt.

But why shouldn't it, because, after all, what is Texas other than a huge, inert, utterly defenseless, incredibly rich piece of real estate which one generation of adventurers after another has looked at, liked, lusted for, and attempted to ravish? The Spaniards, being first on the ground, were the first to try it.

In 1536, down in Mexico, Antonio de Mendoza, first viceroy to New Spain, was in a very unhappy frame of mind. As representative of his king, Charles V, Señor Mendoza was supposed to be supreme in authority in the country. But he wasn't. On the contrary, instead of giving orders he took them, took them from Hernando Cortes, the grand old conquistador himself, who, as Marquis del Valle, openly laid claim to all the power, all the glory, all the gold, and all the territory his imagination could encompass. Cortes not only claimed power but actually held it, because behind him, as the only military power in this hemisphere, stood the grizzled veterans who had fought with him through all the glorious and bloody days of the Conquest. These men, living easily on the fruits of their victories, still worshiped their old leader, still looked upon him as their only commander; and therefore in 1536 when it became apparent that Cortes was definitely bent on making the limits of his personal kingdom correspond with the limits of his ambition there was nothing the new viceroy could do about it. Clearly Señor Mendoza's situation was very precarious. It was his duty to carry out the policy of the Crown, and as that policy called for setting up a strong government to rule all of Mexico, which meant ruling Cortes, who had conscientious objections to being ruled, it was obvious to the poor man that no matter which road he took he was bound to run into a lot of trouble, perhaps even into a dungeon. If he opposed Cortes, Cortes would lock him up; if he didn't, as soon as he got back to Spain the King would, and, as a dungeon in those days was a consummation devoutly to be avoided if it was at all possible, the worried viceroy merely sat back and did nothing save pray fervently for something to intervene to save him.

His prayers were answered. Something did intervene. Texas was unexpectedly heard from, and, as has so frequently happened since then, its entry into the picture changed the entire aspect of a very delicately balanced political situation. In other words, Texas destroyed the power of Cortes. It happened in this fashion.

In 1532, when the colonizing expedition of Panfilo de Narvarez was shipwrecked in the Gulf of Mexico, several survivors managed to make a landing on the Texas coast, in the neighborhood of Matagorda Bay, where they lived for some time as slaves to the Indians, who called themselves "Tejanos." Finally two of these men, Alvar Nuñez Cabeza de Vaca and a Negro named Estebanico, made their escape and, after having wandered about Texas for more than four years, at last reached Mexico where Cabeza de Vaca told his story of the Seven Cities of Cibola. Cortes's veterans heard this tale and sniffed at it. It was nonsense; it just couldn't be true. It was unbelieveable, they said, that a grandeur greater even than that of Spain itself could exist anywhere on this earth. Anyhow, since Cabeza de Vaca hadn't actually seen any of the wonders of which he spoke, but was merely repeating tall tales told him by the original inhabitants of Galveston, Houston, San Antonio, and El Paso, all towns that had been on his route, Cortes and his retainers dismissed the whole thing as a lot of bunk and proceeded to forget it.

But Viceroy Mendoza, being an uncommonly cunning man, did not so dismiss it. He didn't believe it, of course, but why not verify it? The thought attracted him. In politics, even in those ancient days, a well authenticated lie was a splendid weapon, and if Señor Mendoza could only confirm this one it would open the way for him to conquer the conqueror. He could see this very clearly, and consequently, after asking the Church for its aid, he at once sent an emissary of his own choosing to Texas to investigate the matter.

This emissary, a priest, Fray Marcos de Niza, after an absence of about a year, came back with a very satisfying report. To be sure, he hadn't seen all of the Seven Cities of Cibola, but he had seen enough. Standing upon a distant hilltop, because he was afraid actually to venture in to the town, the good man, so he said, had looked down upon a great city, far greater than the City of Mexico itself. That settled it. If there was one great city in Texas there were six others. Cabeza de Vaca had said there were. Texans with whom the priest had conversed had confirmed that statement, and hence a new conquest in the new world had to be undertaken. It was imperative. The Church at once ordered it. In Texas there undoubtedly lived many, many thousands of pagans into whose darkened souls the light of the Gospel must be made to shine, and therefore, with such a miraculous suddenness as to justify the assumption that there was something very phony about the entire transaction, an expedition, financed by the Crown, manned by the followers of Cortes, and headed by the celebrated Francisco Vasquez de Coronado, was on its way to the land beyond the Rio Grande to search for the Seven Cities of Cibola.

With one possible exception, that of the Pershing expedition to Mexico in search of Pancho Villa, the Coronado expedition was the wildest goose chase in American history. However, as that was exactly what Señor Mendoza had planned it to be, it was, from his point of view, an unqualified success. Before sending Fray Marcos de Niza on his mission to Texas the wily viceroy had given the priest positive instructions as to the character of the report he must bring back with him. The good man obeyed orders and by so doing, by picturing Texas as a land not only rich in souls ripe for the harvest but also rich in loot that would pay them handsomely for their pious work, enabled Señor Mendoza to persuade practically all of Cortes's retainers to abandon their old leader and go with Coronado. It was an astute idea and it worked perfectly. It was in fact so successful that in 1540, finding that his fighting men had nearly all gone to Texas, Cortes returned to Spain. There he remained until his death in 1547.

Needless to say Coronado found no traces anywhere of the Seven Cities of Cibola. But he did find other things. Spending his first winter at Bernalillo, between Albuquerque and Santa Fé in what is now New Mexico, he found that that entire region was inhabited by the peaceful, industrious Pueblo Indians, who lived in well-built villages, cultivated the soil, and made very good pottery. Then, the next year, traveling on and on across hundreds of miles of rolling prairies, as endless almost as the Pacific Ocean, he discovered that the land to the east, which is the Texas Panhandle, Oklahoma, and a part of Arkansas, was the finest for stock raising he had ever seen. But what of it? These items were of no interest to Coronado. He and his men were soldiers; they were out for gold and glory, and as they found neither, the only story that the handful of survivors had to tell when they got back to Mexico City was a dull one about docile Indians, tall mountains, fertile soil, and limitless grasslands.

To no one in Mexico, apparently, except three priests, was this tale of any interest. These three padres, however, the oldest of whom was called Father Benevides, being obviously sincere in their desire to carry the Gospel to Texas, no sooner heard the story than they took action on it. Traveling on foot they went from the City of Mexico to an Indian village far up in northern New Mexico, where Father Benevides remained as a teacher to the natives while his two associates, acting as his messengers, carried letters for him not only to Mexico but even across the Atlantic to the King of Spain. As it took more than two years for these men to make a round trip this correspondence between Benevides and the higher-ups in his Church and State was not very active. But it was very lengthy. It went on for thirty years. Since the priest's letters, which have all been preserved, were masterpieces in advertising northern New Mexico (which was then Texas) as a location for a Spanish colony, they had the final result of causing Don Juan de Oñate to petition the King for the right to move settlers into this new country.

In his splendid history of Texas, Mr. Henderson Yoakum libelously refers to Señor Oñate as a monk. He was certainly not a monk. Instead he was a very vivid young man who, having had the forethought to marry the granddaughter of Hernando Cortes, was able to finance his colonization scheme with funds drawn from the bursting coffers of the grand old conqueror himself. He made a gaudy job of it, so gaudy that when he crossed the Rio Grande and made his grand entry into Texas he carried with him (according to the *Relaciones* of Gaspar de Villagra, a poet who was a captain in his outfit) for his personal adornment eleven pairs of satin trousers, sixteen pairs of real silk stockings, two dozen fine lace handkerchiefs, four purple and three yellow velvet coats, two suits of plate armor, three of chain mail, four spare helmets, and eight

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very handsome feathers to wear in his hat. In addition to these items of individual necessity, the young man had with him a half-dozen fully equipped Catholic priests; his wife; sixteen other beautiful Spanish señoritas who traveled in ox-drawn *carretas* and were the ladies of his court; 150 gentlemen-at-arms who carried swords, shields, and lances, and wore plate, and rattled as they rode like so many animated Charter Oak stoves; 200 foot soldiers who carried arquebusses and cross-bows; 303 families of Spanish settlers; 300 converted Mexican Indians to do the heavy work; 800 sheep; 400 extra horses; and 600 head of longhorn cattle.

At the head of this splendid cavalcade, on April 20, 1598, Oñate reached a point twenty-five and one-half miles southeast of where the El Paso City Hall now stands. Ten days later, only a few miles from City Hall, he crossed the river and took possession of everything to the east, west, and north of him in the name of the King of Spain. After having had his battery of priests say Mass, he concluded the services by slaughtering a longhorn which he gave to the assembled naked El Pasoans, who ate it raw. And that same evening, assisted by his wife, her sixteen lovely ladies in waiting, and the more talented of his gentlemen-at-arms, he put on a play, the first dramatic production ever staged in the United States.

Following this spectacular crossing into Texas, Oñate made his way slowly up the Rio Grande. After pausing for a time at a place called San Juan, from which he conducted an extensive search for another mythical Texas city, La Gran Quivira, he finally made a permanent settlement at Santa Fé. There is some difference of opinion as to when he did this. According to modern historians, who are probably right about it, it was in 1605 or 1606. According to Mr. Yoakum it was in 1598, but there is no argument about the fact that from the time it was founded until 1681, Santa Fé and also several other Spanish colonies in the vicinity flourished handsomely. But something else likewise flourished: the hatred of the Indians. In 1681, rising against their oppressors, they drove the Spaniards from the smaller settlement to the protection of the larger one at Santa Fé. There they all stood siege for a short time, and then, fighting their way out, began a slow retreat back down the Rio Grande. Finally those left alive reached El Paso and found security within the walls of a mission, whose flocks and herds of cattle, sheep, and goats were large enough to furnish them with food for an indefinite period.

This fact of food, in connection with its location at the only feasible pass through the mountains to be found for hundreds of miles, caused the Spaniards to decide on El Paso as the base of operations for the reconquering of New Mexico. Accordingly, these refugees, about two thousand in number, divided themselves into three groups which established settlements at as many points along the Rio Grande. The largest of these settlements was, of course, at El Paso, then on the Mexican side of the river, while the other two, which still exist as quaint, beautiful little communities, were at Ysleta and Socorro. These two towns were also in what is now Mexico, but that situation didn't last long. God soon changed it by causing the Rio Grande to pick up its bed and move it around to the other side of Ysleta, thereby transferring that little village into what is now Texas and thus enabling it to lay claim to the distinction of being the oldest town in the state.

The establishment of these three small settlements in what is today one of the world's most peaceable corners marked the beginning of what was destined to be the world's longest war. This was the war of the Apache Indians against the white man. Beginning in 1681, it did not end officially until more than two centuries later, when, in 1890, the Texas Rangers drove Victorio, the last of the tribe's war chiefs, across the Rio Grande into Mexico, where the Mexican cavalry caught and killed him.

The principal stronghold of the Apaches was in their privately owned mountains only 120 miles north of El Paso, and their hatred of the enervating influences of civilization is one of the most durable and holiest hates in all history. They came down out of their hills and, by mingling with the comparatively docile Mansos and Cinecus who lived in the immediate vicinity of the three Spanish settlements, succeeded in converting them to a religion of bloodshed and villainy that was for a long time gloriously triumphant over the religion taught by the Catholic priests. Even the presumably Christianized Mexican Indians, who had been brought up from the south by the devout padres to be presented as examples of piety to the native Texans, were easily led astray by the teachings of the Apache savages. Specimens of them, who had been caught plotting and scheming against their Spanish benefactors, were always to be seen dangling by their necks from the ends of large beams protruding from the windows in the belfry tower of the Mission Church which still stands in what is now the Mexican city of Juarez.

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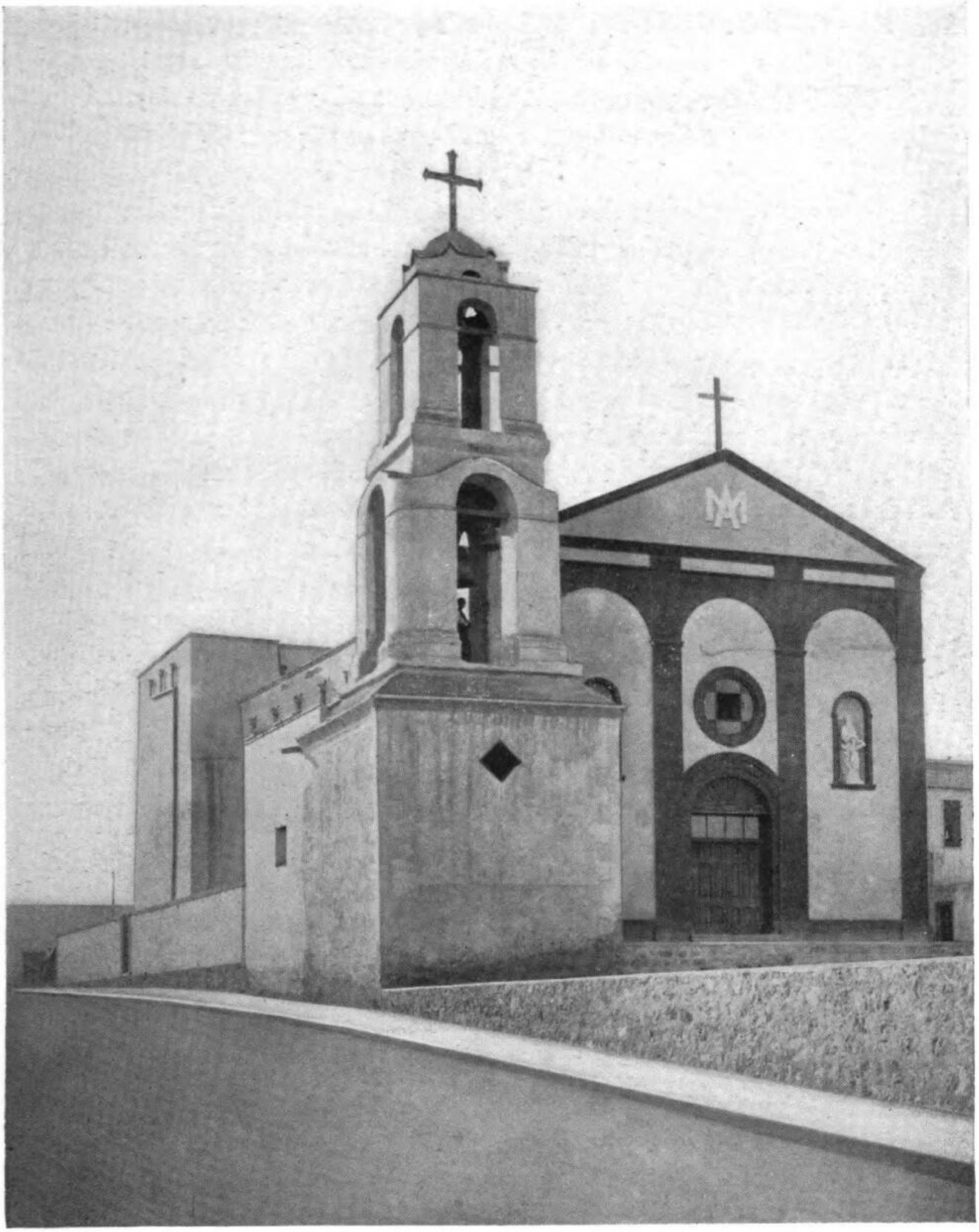

MISSION CHURCH ERECTED IN 1659 AT EL PASO. Indians were always to be seen hanging by their necks in its belfry arches.

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This plan for instilling the fear of God into the hearts of the Texas Indians by stringing up Mexican backsliders turned into so dismal a failure that after three bloody, turbulent years of it the Spaniards who had been conducting the experiment petitioned their Grand Council for permission to abandon Texas. They wanted to move far to the south where they would be safe from both the sinful teachings and the tomahawks of the Apaches and their converts. But their request was denied them. They were told to stay where they were; that the country along the Rio Grande, clear up to Santa Fé, had to be reconquered, and that troops for that purpose would be sent to El Paso. Eventually these troops were sent, and some twenty-five or thirty years later Santa Fé was reoccupied by the Spaniards. In the meantime, something that had nothing whatever to do with either the Spaniards or the Indians, or with their efforts to convert one another, but was nevertheless of surpassing importance to Texas, had been going on up in that northern section.

In 1598, when Oñate made his gala entry into El Paso, he had with him 600 head of longhorn cattle. So far as this investigator can discover these were the first cattle ever to enter Texas. Since it can hardly be denied that the state owes more of its basic culture to the cow ranch than to the Church, a brief look at the characteristics and activities of this original herd is obviously necessary. To begin with, the Spanish longhorns resented domestication as fervently as the Apaches. They were tall, lanky, long-coupled, big-boned, and built both for battle and to withstand the hardships of travel. They could live on grass alone, or mesquite beans or cactus if they had to; they could go almost as long without water as so many camels, and therefore, in a new country which had to populate itself from its own resources, they were, not even excepting his sixteen beautiful señoritas, the most valuable asset Oñate took with him to the colonies around Santa Fé. As time went on they proved their real worth. During the eighty years that these original colonies thrived and prospered the longhorns so multiplied that in 1681 when the Spaniards, at the behest of the uprising Indians, hurriedly left the country, many, many thousands of these animals, which had previously been close herded by their owners, suddenly found themselves free to lead their own lives and wander whither they listed. It was a glorious feeling and it was also a glorious country into which these huge herds of untended cattle, along with a great many horses that had also been set free, now drifted. It was the Texas Panhandle, the land that Coronado had crossed and hadn't cared for. The longhorns, however, did care for it, and judged by the permanency of its effects, which can still be noted in the costume, the swagger, and the bragging, fighting, and drinking ability of all true natives of the Texas cow country, no animal migration in history can be compared with the one which these liberated cattle from Santa Fé now undertook and successfully carried out. In imagination their route is easily traced.

With their tails turned to the cold winds that came down out of the Rockies, grazing leisurely across eastern New Mexico and then the Texas Panhandle, and always as they traveled leaving their progeny as seed behind them, these thousands of wild longhorns, and the wild horses that were with them, gradually swung toward the southeast, and continued on and on to the grass, brush, and timber country between the mouths of the Sabine River and the Rio Grande. Here they were in paradise; here they had everything they could wish for: food, water, shelter; and so here, with no one to disturb them, because the Indians preferred wild turkey, tender venison, and juicy buffalo humps to tough beef, they settled themselves down to the pleasant task of increasing, multiplying, and replenishing the earth.

Consequently, about 1700—and we will here leave the settlements in the west, around Santa Fé and El Paso, to shift for themselves for the next 135 years—when the first Spanish missionaries and soldiers from Mexico came into the region of San Antonio, they found that part of the country already well stocked with cattle and horses. This was splendid: Providence had provided; and as the entire territory was also well stocked with naked, sinful Texans, who obviously had to be enlightened as to the value of their own souls, the Spaniards at once went to work on them. They were very zealous about it. Selecting sites for a number of missions between San Antonio and the Red River, which, incidentally, takes in a considerable spread of open country, and dividing up their meager supply of men of war and men of God among them as best they could, the Spaniards set up a number of religious establishments at practically the same time. Prompt and lasting failure crowned all of their efforts. Unlike the Indians of Mexico, who had been rather easily persuaded that their future salvation was worth more to them than their present happiness, the aboriginal Texans were such

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ardent lovers of free life, free love, and fresh air that about the only way the priests could induce them to take an interest in the Holy Gospel was to do it with a gun.

This then was the method they employed. By using it, by sending soldiers out to round up the natives and herd them to the meetings at the missions, the principal thing they accomplished was to create in the innocent minds of their victims the idea that Matthew, Mark, Luke, and John, as the accredited inventors of Christianity, had been fierce, bearded warriors who went about their task of introducing Love into the world armed with bell-mouthed muskets, horse pistols, and long-lashed, biting black-snake whips. This was the wrong approach to the problem of salvaging the souls of the first citizens of Texas. It aroused their antipathy, and as they already had an antipathy to work which needed no arousing, it is not to be wondered at that very few of them ever accepted the doctrines of the Catholic Church as presented to them by the first Spanish missionaries. But, from their ignorant point of view, why should they accept them? Why should they, they thought, trade off their own convenient beliefs, which allowed every brave to have as many squaws as he could attend to, to murder his neighbor if he felt so inclined, to steal his horses, and go naked, for a narrow code which held him to one woman, made him wear clothes, and compelled him, for the health of something mysterious inside him of which he had been previously unaware, to toil in the field, dig irrigation ditches, and erect handsome houses for the priests and soldiers to live in while he, himself, had to be content with a hovel made of grass, sticks, and mud? That then was the stubborn sinful attitude of practically all the Texas Indians. They stuck to it, and thus, by refusing to pay with blood, sweat, and tears for the promised joys of a doubtful hereafter, they made it necessary for the priests to bring hundreds and hundreds of previously converted heathens up from Mexico to build their missions and till their fields for them.

In this way Texas acquired its first Mexican population and first Mexican settlements, one of which grew up around each of the missions. Owing to the activities of the Texans, however, who hovered constantly on their outskirts waiting for opportunities to open up converts to Christianity with their tomahawks for the purpose of seeing for themselves what a soul looked like, only a few of these settlements became permanent. Of these few only two, one at San Antonio and one at Nacogdoches, are of any historical importance. In 1800, after the missions had been in existence for almost a century, the total Spanish and Mexican population of what is now Texas amounted to less than seven thousand souls, more than half of whom lived in San Antonio. How many aboriginal Texans there were was not recorded. It couldn't be because, having no souls, they of course were not worth counting.

It is thus clear that after 250 years of ownership the Spaniards were not exercising a great deal of constructive sovereignty over their very rich and very luscious possession.

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2. *American Freebooters*

IN 1797, General James Wilkinson, commander of the United States Army, looking across the Sabine River into the great wilderness that lay to the west, conceived the idea that Texas was well worth stealing. He was a good man to devise and endeavor to carry out such a colossal theft. In *The Winning of the West*, Theodore Roosevelt has a good deal to say about him. "He was," wrote Theodore the Just, "the double-traitor, the bribe-taker, the corrupt servant of a foreign government, who despite two court martials for treasonable activities, and one for drunkenness and conduct unbecoming a gentleman, managed to remain at the head of the United States Army."

This was an ideal position for a man of Wilkinson's caliber and lack of morals. Since he controlled the armed forces of his country, who could hinder him if he betrayed it? He deliberately did so. For $12,000 in cash, plus a pension from the Spanish Government which he drew to the day of his death, he entered into a plot to help Spain secure possession of all of what is now the United States except the original thirteen colonies. Then, in 1797, as the first American to attempt to ravish it, he tried to double-cross his Spanish benefactors by stealing Texas from them. He was not even subtle about it. Quite openly he sent Philip Nolan, a young crook whose education in crime he had attended to personally, down to New Orleans to ask the Spanish Governor, in his name, for a passport to visit Texas on a trading expedition. The passport was, of course, issued; Nolan made the trip, explored the country, mapped it carefully as far west as San Antonio, stole 1,297 head of good horses, and returned safely to the Province of Louisiana where, after he had sold the horses stolen from the Spaniards to the Spanish Governor himself, he made his confidential report and exhibited his maps to General Wilkinson.

Both the report and the maps were satisfactory. General Wilkinson approved of them. According to the maps Texas could be easily penetrated; according to the report it was ungarrisoned and defenseless, the Spaniards were without suspicion, and therefore the country was open to quick and easy conquest.

Consequently, in 1800, when we again cut the trail of Philip Nolan, who, at the head of forty good, capable, American outlaws, has again crossed the Sabine, we find him telling his men the story of their future. They will go some distance to the west, build a fort, explore the territory, and then, after they have stolen enough horses, they will drive them back into the United States. There they will find many friends awaiting them, and Nolan will receive authority to return and conquer the entire Province of Texas. It's a magnificent opportunity, it's a splendid scheme; General James Wilkinson, commander of the American Army, is behind it, and it can't fail.

However, it did fail. It failed miserably. Nolan was not of the right grit. Instead he was a cheap rascal, just a common horse thief, but nevertheless a horse thief whose record for efficiency, based on his previous performance, was so good that as soon as the Spaniards got word that he was again in Texas they went after him. And they got him.

"At sunrise on the morning of March 21st, 1801," wrote Lieutenant Musquiz, who, despite Nolan's statement that Texas was ungarrisoned, was in command of a detachment of Spanish cavalry, "I marched upon Nolan's entrenchment. When I arrived at about thirty paces from it ten men sallied forth, unarmed. Among them was Nolan, who said in a loud voice: '*No llegen porque seremos muertos unos u otros.*' (Do not approach because either one or the other will be killed.) Noticing that the men who accompanied Nolan were foreigners, I ordered William Barr, an Irishman, to say to them, in English, that I had come for the purpose of arresting them and that I expected them to surrender in the name of the King. Nolan had a brief conversation with Barr, who informed me that Nolan and his men were determined to fight. Nolan immediately re-entered his entrenchment followed by his men, and I noticed that two Mexicans escaped from the rear of said entrenchment. Soon after they joined us, stating that they had brought Nolan's carbine, which they handed me. At daybreak Nolan and his men commenced firing. The fight lasted until nine o'clock, when, Nolan being killed by a cannon ball, his men surrendered. They were out of ammunition. His force at the time of the engagement was

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composed of fourteen Americans, one Creole from Louisiana, seven Spaniards or Mexicans, and two Negro slaves. Nolan had three men wounded and several horses killed. His men had long beards. After the surrender I learned that they had left Natchez with supplies for two months and had been in the woods and prairies of Texas for over seven months living on horse meat. Nolan's Negroes asked permission to bury their master, which I granted after cutting off his ears in order to send them to the Governor of Texas."

Most of Nolan's men who were captured, during a long nine-hundred-mile trip, either escaped or were killed trying. Only nine finally reached Chihuahua, where they were put to work in the mines, as prisoners, pending word from Spain as to what to do to them. After *six years* of waiting the verdict was received. "On November 8th, 1807," wrote the Spanish chronicler, "the nine foreigners who had invaded the country under Philip Nolan were led into a room where, as they knelt upon the floor, the decree of his Majesty the King of Spain was read to them." * Considering the temper of the times the King was indeed lenient. Only one of the nine men was to be executed to pay for the crimes of all of them, and they were to be permitted to choose their own candidate for that honor in their own way. They shook dice for it, on a drumhead, and as Ephraim Blackburn of Maryland was the oldest man among them he was allowed to roll first. Ephraim was unlucky. He shot a four, Little Joe, a three and a one, the result being that four days later, after he had been publicly baptized in the church by a priest, he was publicly hanged by the soldiers in the Plaza de los Urangos.

However, during the six apparently uneventful years between the de-earing of Philip Nolan and the hanging of Ephraim Blackburn, a major bit of devilment that deeply concerned Texas had been concocted and carried out by Napoleon Bonaparte on the one hand and Thomas Jefferson, James Madison, James Monroe, and John Jay on the other. In 1800 Napoleon, who had a large-size war on his hands at the moment, was badly broke. In what better way could he raise a few easy millions than by selling Louisiana to the United States? Napoleon, of course, didn't own Louisiana, but what of it? For all practical purposes he did own Europe and therefore, by putting on the pressure in the right spots, was able to

* Henderson Yoakum, *History of Texas* (Dallas: William C. Scarff, 1898).

force Spain to cede it to him. Spain did this, secretly, under protest, and with but one stipulation in the deed. *Louisiana was never, under any circumstances, to be sold to the United States!*

But again, what of it? Napoleon needed the money; the United States, although Thomas Jefferson himself seems to have felt that the transaction was monstrous, illegal, and unconstitutional, certainly needed Louisiana; wherefore, with Monroe, Madison, and Jay handling the nefarious details, the deal was closed in April, 1803.

What did Louisiana include? How big was it? According to the Spaniards, who had no illusions in regard to the fact that they had been gypped out of a very valuable piece of territory, it embraced not only all of the present state of Louisiana but also all of Arkansas, Missouri, Iowa, the Dakotas, Nebraska, Wyoming, and Montana, plus most of Minnesota, Colorado, Kansas, and Oklahoma.

Certain grasping, rapacious Americans, however, were not at all satisfied with such limited boundaries. In their opinion, if the United States was going to steal anything it should steal everything, for which reason they claimed that in addition to the area above mentioned the Louisiana Purchase included all territory east and north of the Rio Grande. This took in Texas, and "By God, we'll fight for it!" Two men who made this bellicose statement really meant it. One of them was Major Samuel Houston, of Timber Ridge, Virginia, whose son and namesake, then only thirteen, would be, in just a few years, fighting in the Indian wars under Andrew Jackson. And as Andrew Jackson himself was the other man who said it, and who kept on saying it up to the day of his death, it is easy to understand why young Sam grew up believing that to take Texas was a part of his basic religion.

Also during this same period, floating into the story of Texas on "invasion barges" that had been built for him in Tennessee by Andrew Jackson, but which were loaded down with nothing more dangerous than farm implements and a few deluded colonists, along came Aaron Burr. Seldom has anything so trivial kicked up a greater commotion than did this Burr expedition, and never anywhere has any man appeared who was better able to take advantage of the unusual turmoil than General Wilkinson. The situation was made to order for a man of his sinful ingenuity. He was still in Louisiana; he had previous knowledge of the so-called Burr conspiracy (in fact he was a party to it; he admitted it at Burr's trial); hence he knew that the slowly approaching flatboats were not

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loaded with armed invaders who would first capture New Orleans and from there hop off for a conquest of Texas and all of Mexico. Nevertheless, that was the alarming word he sent by special courier to Governor Claiborne of the new Territory of Louisiana, thereby so frightening that timid soul that he at once called out the militia, 1,500 strong, and placed it under the command of the good general himself. This enabled Wilkinson to follow up his lie to Governor Claiborne with an even better and bigger lie to his friends the Spaniards, about the fate in store for Texas and Mexico in case Burr was not stopped. It was a lie that Wilkinson felt the Spaniards would swallow hook, line, and sinker; and they did.

Until the consummation of the Louisiana Swindle, although they kept a few detachments of cavalry in the Province, the Spaniards had never deemed it necessary really to defend Texas. Following the swindle, though, and due to the profanely expressed belief of Andrew Jackson *et al.* that the Louisiana boundary was the Rio Grande and not the Sabine, they felt that they had to do so. Consequently, and this was all merely a coincidence, at precisely the time that Burr's barges started on their peaceful trip down the Mississippi, General Simon D. Herrera, who at the head of 2,000 Spanish troops had just completed a march across Texas, went into camp on the east side of the Sabine River. This was in no way a warlike move against the United States. It was simply a warning to certain of its avaricious citizens that the Sabine was the boundary line, that Texas belonged to Spain, and for them to keep out.

General Wilkinson, being on the Spanish payroll at the time, knew all about this. He knew that Herrera was on the Sabine merely to sustain the Spanish position in what might develop into a boundary dispute and that under no circumstances would he fight. But, as it was obvious that a lot of money could be made by just a little saber-rattling, he no sooner found himself at the head of an army made up of Louisiana militia and United States regulars than he unfurled his flags, beat his drums, and in full battle array marched against the enemy. It was a silly, opera-bouffe affair if there ever was one and yet it is important because of what it finally did to Texas.

When General Herrera heard of General Wilkinson's approach he instantly indicated his attitude toward war by hastily withdrawing his force to the west side of the Sabine and there pitching a new camp. Wilkinson arrived, bivouacked his Americans on the spot previously occupied by the Spaniards, and crossed the stream to pay a courtesy call on General Herrera, in his tent, where, we can confidently assume, to the accompaniment of a few bottles of hard liquor, the worthy pair held a weighty conference.

Although the full details of that conference have never been officially disclosed we know all that happened. By representing Burr as a ruthless invader Wilkinson threw such a scare into General Herrera that that valiant warrior at once agreed to move his army clear back to Nacogdoches, thus leaving the American General free to return with his forces to the defense of the threatened city of New Orleans.

But what about Burr's projected conquest of Mexico, and what about the disputed boundary line?

Another bottle was opened up and these perplexing problems were quickly disposed of. As to the first, Wilkinson agreed that the United States Army would defend Mexico against Burr, provided Herrera would assist him in collecting from the Spanish Government the rather large sum which he felt, in duty to himself, he should charge for his services. To this interesting proposal General Herrera courteously assented. For a cut in the swag he certainly would assist. With that settled, and with General Wilkinson's aide-de-camp hurriedly dispatched to Mexico City to collect the graft, the two mighty knights of the bottle next took up the matter of the Texas boundary line. That too was easily arranged. Apparently without authority from either of their governments, whose diplomats had previously tried without success to do exactly the same thing, these two tight generals agreed that until some legal settlement of the dispute had been achieved peace would be made to prevail between the United States and Spain by declaring a long, wide strip of ground along the Sabine to be a neutral ground over which no government, not even that of God, had any jurisdiction whatsoever.

Just think of that: just study the possibilities of such an arrangement! The huge, wild, wide-open spaces of Texas on one side, the almost equally wild spaces of Louisiana on the other, and in between a strip of lush, rich wilderness over which no government could exercise any control. None did, none tried to, and it naturally became a breeding area for a first generation of good, tough, white Texans. The Neutral Ground began to fill up with "wanted men" who, loving liberty more than they did jail, moved in and made

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use of it as a secure base from which they could conduct operations both in Louisiana and in Texas.

It is hardly necessary to explain the character of these operations. In 1812, after they had been going on for some years, Lieutenant Augustus W. Magee, U.S.A., who had been graduated from West Point in 1809, captured twenty-five of these apostles of freedom who were out of bounds and had them severely flogged to make them disclose some desired information regarding their activities in Louisiana. He was so overwhelmed with admiration at their ability to absorb punishment, and still keep their mouths shut, that he forthwith resigned his commission as an officer in the American Army, moved over into their territory, and became one of them.

If Augustus Magee had not had consumption Texas history would not have been what it is. He would have been all of it. There would have been no Battle of the Alamo, no massacre at Goliad, no victory at San Jacinto, and, of course, no Sam Houston. But Magee did have consumption. He knew it. He knew that his time on earth would be very limited, and hence when he conceived the idea of seizing Texas and turning it into an empire of his own, and started in to raise an army among his new associates with which to conquer the Spaniards, he was a young man in a hurry. But he was also a sensible, far-seeing young man. Knowing that he would have to have the support of the Mexicans in Texas in order to carry out his great plan successfully he brought forward a Mexican patriot named Gutierrez de Lara as the nominal head of a revolt against Spain.

To the high-spirited inhabitants of the Neutral Ground this man de Lara, who had appeared among them only a few months before as a fugitive fleeing from the wrath of the Spaniards, meant exactly nothing at all. On the other hand Magee, thin, determined, ambitious, and impatient of delay, meant everything. They liked him; he was their kind of man; they could look up to him as a leader. Therefore, in July, 1812, when he captured Nacogdoches, whose Spanish defenders fled in hot haste when they saw him approaching, he had behind him 200 as vigorous freebooters as had ever, up to that time, been gathered together on this continent. Two months later, with his force by then increased to 360 men, the young conqueror set out for Bexar (San Antonio), the capital of the huge Province of Texas. It was a long, hard march, the first part of which was dull and uneventful. Keeping his men in good order, Magee crossed the Trinity and Colorado Rivers, reached the town of La Bahia, now called Goliad, entered it with no opposition, and there learned, probably to the delight of his men, who had not yet had the pleasure of destroying even a single Spaniard, that General Wilkinson's old associate, General Herrera, at the head of 2,000 regulars, was on the way to attack him.

These Spanish forces arrived, attacked, were repulsed, and then surrounded the town. A few days later, on November 20, 1812, they launched another attack. Being again beaten off, with a loss of 200 men to but one for Magee, they again withdrew and, once more encircling La Bahia, settled themselves down to the task of starving the invaders into submission. It was a futile effort. La Bahia contained large stores of corn, beef, and liquor, and as it was also well equipped with willing señoritas to do their domestic chores for them, the besieged Neutral Grounders got along very cozily until January 24, 1813, when a white cow, being fattened for the slaughter, struck a quick blow for liberty by starting across the prairie in the general direction of a Spanish outpost. That cow broke up the sixty-five-day siege. Two of Magee's men started after her; the Spaniards shot at them; they returned the fire; both sides reinforced the skirmishers with the result that when the returns from the Battle of La Vaca Blanca were all in it was found that another 200 or so of Herrera's Regulars had been destroyed with a loss to the expatriated Americans of but one dead and six wounded.

Following this, on February 10, the Spaniards once more stormed La Bahia, again entered the town and again were driven out with such heavy losses that they abandoned their siege, which had lasted for eighty-two days, and took the road back to San Antonio. Within a few days, having paused only long enough to commandeer supplies for their march, the Neutral Grounders were hot on their trail. But now, in addition to being men without a country, they were men without a leader. Magee was dead. There are two versions of the manner of his passing. One is that he died as the result of a sudden, severe hemorrhage, the other, that in a fit of despondency he killed himself with his own pistol. But in either case the tragic fact remains that with victory in his grasp, a scepter already in his hand, the young man passed suddenly away. His army, which without him became an army of looters rather than conquerors, came under the command of a Major Kemper, a man whose first name, apparently, has been lost to history. Nevertheless, under any leadership, or even under none, the Neutral Grounders

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were great fighters. On March 2, being only 350 strong, they overtook and defeated Herrera's 2,000 veterans in a battle near San Antonio. It was slaughter. Losing only six men themselves, these Americans, so runs the account of the engagement, killed 330 of the Spaniards, with the result that the next day the Spanish generals, with the understanding that they and their men would be treated as prisoners of war, laid down their arms and surrendered San Antonio to Major Kemper.

And had Magee lived, it is at this point that history would have been altered. Texas, on March 3, 1813, was completely in the hands of the American invaders; the surrender of the Spaniards had been total, and then and there, as he was the kind of a man who would have had the will to do so, Magee could have set up his own government. Major Kemper, however, had no such will, and neither for that matter had the Neutral Grounders. Government of any kind, even a government of their own contriving, would have been intolerable and abhorrent to them. They liked lawlessness; it was their creed. They literally loved license, and therefore no sooner was San Antonio theirs than they set out to explore its possibilities to the utmost limits. Nor did the majority of the people of the town offer them any opposition. With true native courtesy the Mexicans in San Antonio, having been told in a proclamation by Gutierrez de Lara that these rough, bearded, hell-raising strangers had come to liberate them from their Spanish masters, opened their doors to the invaders and told them to help themselves. They did so. With a large, rich town to loot—probably the largest and richest many of these denizens of the wilderness had ever seen—the Neutral Grounders went happily to it and did a thorough job. From gay and giggling señoritas to good horses and gaudy *serapes* they took everything they could lay their hands on. They robbed the strongboxes of the Spaniards, who owned all the money in the town, and celebrated hilariously with the proceeds. After several days of it, when Major Kemper, who had done his part to make the debauch a success, recovered consciousness, he realized to his horror that while under the influence of hard liquor he had been deceived into conniving at a dastardly crime.

On March 4, the day after the Neutral Grounders had occupied San Antonio, Gutierrez de Lara, the man brought along by Magee as window dressing for the revolt against Spain, taking advantage of Major Kemper's alcoholic preoccupation, had persuaded that inebriated soldier, to whom two Spanish generals, eleven other officers and the Spanish Governor had surrendered, to sign an order turning all of these prisoners over to him. These men, being dangerous to the peace of Texas, were, so de Lara said, to be taken to the coast, put aboard a ship, and sent out of the country. But they were not. Instead they were merely taken to the outskirts of the town where they all had their throats cut!

This butchery ended all chance for the success of the American conquest of Texas at that time. To understand why, we must take a brief, backward look at what had been going on in Mexico. Two and a half years earlier, Miguel Hidalgo, a priest far down in the Province of Guanajuato, had started a revolution against Spain. By raising aloft the holy banner of Our Lady of Guadalupe he had given his movement the character of a religious crusade, and by so doing, and with the Church presumably behind him (which was not the case), had been quickly able to capture the two large towns of Guadalajara and Guanajuato. But there his success ended. Afterward, when he marched on Mexico City itself at the head of a mob of some 80,000 ignorant Indian fanatics, armed with crucifixes in place of swords and muskets, his practically defenseless army was pitilessly crushed in bloody battle by a force of only 7,000 Spanish veterans. A day or two later, in the rout following this disaster, Hidalgo was himself captured and was taken to Chihuahua. After he had been degraded from his holy office by the Church and stripped of his priestly garb, he was executed on the same spot where only a few years before Ephraim Blackburn had paid with his life for the crimes of General James Wilkinson, Philip Nolan, and their band of bandits.

Hidalgo's death, however, did not bring an end to his fight for Mexico's freedom. On the contrary, his revolution lived after him, until he became known as the liberator of his country. It broke out all over Mexico, even up in distant Texas where an independent attempt under Gutierrez de Lara was made to overthrow the local Spanish government. After the attempt failed, de Lara had fled to the Neutral Ground where Magee picked him up and made him the nominal head of his expedition. As a political expedient this would probably have proved successful if the Neutral Grounders after taking San Antonio had behaved themselves in a way to inspire confidence among the Mexicans. But instead of acting as conquerors and liberators they acted as bandits, and in this way

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so lost control of the situation that de Lara was able to take over their victory, call it his own, and set up his own government, whose first official act was to have the Spanish officers and the Spanish Governor, who had surrendered to Major Kemper, foully murdered. That settled it. Kemper knew that in retaliation for this crime the Spaniards, who might otherwise have overlooked what was taking place in Texas, would move against San Antonio in strong force. Since he also knew that he would be the principal object of their wrath, he at once loaded down several pack horses with the most valuable loot he could accumulate and, leaving his hilariously celebrating conquistadores under the command of a Colonel Perry, another man whose first name is missing from the records, returned hastily to his home in the Neutral Ground.

And once again, fortunately for the reputations of the established heroes of Texas, Colonel Perry, although a daring and courageous man, turned out to be no more of an empire builder than Major Kemper. He could quickly and easily have become the founder of a government of his own because after Major Kemper got back to the Neutral Ground with his tale of the love, the liquor, and the loot to be had in San Antonio, so many otherwise unoccupied adventurers hastened thither that within a short time the number of Americans in the town increased from about 350 to more than 850 men. With this army, made up of the world's best fighting men, Perry could certainly have conquered all of Texas. But he didn't. He didn't even turn it, so the chroniclers of that period declare, into a "disciplined command." The results were that instead of standing at the head of the revolutionary movement as Magee had intended they should, the Neutral Grounders became a secondary part of a rabble, rebel army which took its orders from its Mexican leader, Gutierrez de Lara. Under these conditions disaster was unavoidable. Before it finally came, though, Perry and his men had one day of bloody triumph.

Early in June, 1813, when a Spanish army, come to avenge the murder of the Spanish generals, appeared before San Antonio, Perry led his men out to attack it. The first attack was repulsed, but after rallying and re-forming the Americans charged again and this time, "using only the bayonet and the spear," they went right through the enemy. The carnage was terrific and ended only when the Spaniards, leaving behind them "a thousand dead and wounded," turned and fled from the field. Perry's loss in killed and wounded was only ninety-four.

The season of glory for the jubilant, victorious Americans was short. In ended abruptly with the arrival of a second Spanish army, 4,000 strong, against which de Lara sent out his entire force. What then happened to the Americans is not quite clear. Perhaps there was treachery; perhaps seeing an easy way ahead of him to get rid of the foreigners de Lara adopted it. In any event this much seems certain: Under a Mexican commander the Neutral Grounders went headlong to destruction when they charged into a "false breastwork that had been set up as a decoy." Walking into this ambush, against only slight opposition, more than 600 of the Americans were killed at one spot, with only 93 finally managing to escape the wrath of the Spaniards and make their way to the free and happy land along the west bank of the Sabine. Colonel Perry was one of them, but did defeat discourage him? Apparently not, because no sooner did he find himself driven out of Texas than he began to make plans to get back in there again. His first effort almost landed him in prison. Going to New Orleans, a town which even to this day is not sure of its own nationality, and playing a lone hand as the only American in the conspiracy, Perry collaborated with a group of alleged Mexican patriots who were planning to launch a new revolution within Mexico. It was a bold movement: too bold, and too open a violation of American neutrality laws as the conspirators discovered when the United States authorities swooped suddenly down upon their *junta* headquarters and arrested every member of the group except one man. That one man was Colonel Perry. He dived through a window and, with its sash still hanging around his neck, managed to escape. Fleeing hastily on horseback, he returned once more to the Neutral Ground. In a short time he managed to raise an "army" of fifty good, willing, competent cutthroats who agreed to follow him in another invasion of Texas. But this time it was to be a limited invasion.

Down on Galveston Island, where Negroes, regardless of age or sex, were selling at a dollar a pound on the hoof to Mississippi, Louisiana, and Alabama planters, two very colorful citizens of the world, "Admiral" Louis Aury, a successful pirate of those days, and "General" Xavier Mina, an equally successful soldier of fortune, had built up for themselves a profitable business. The business was easily conducted since all the partners had to do to keep their pens full of dusky live stock was to patrol the seas, intercept all slaving ships bound for Mobile, Charleston, or New Orleans, and persuade their New England skippers—who either obeyed orders or walked the plank—to alter their courses and discharge their cargoes at the new Texas port. But slavers, of course, were not the only ships that Aury and Mina were interested in. As impartial robbers they captured every vessel they could overhaul, the result being that they and their 500 followers, secure in the island retreat they had seized, led such free, happy, and luxurious lives that Colonel Perry decided to wish himself in on it. He accordingly did so. Appearing off Galveston Island early in the year 1816, probably in a stolen ship, he volunteered his services and those of his fifty men to the holy cause already so ably represented by Aury and Mina. As a refusal would have meant a fight, the offer was accepted. Thereafter, as something of a cross between a pirate and a slave trader, Colonel Perry became a partner in all of the activities of Galveston Island. It was a splendid setup but unfortunately ambition destroyed it.

In March, 1817, one of Aury's privateers who had been cruising the Gulf in search of prizes came in with the word that Soto la Marina, a thriving old Spanish town only a few leagues north of Tampico, was entirely undefended. That was enough. Instantly the three leaders saw the door of Opportunity opening before them. They would capture the unprotected town, loot it, and afterward, with it as a base, march on into the interior of Mexico. And then what? They didn't know and apparently they didn't care because it was right at this point that dreams of conquest seem to have inflamed their imaginations. With only 600 men Cortes had conquered the entire country. They could certainly do likewise, and thus, with that colossal project in mind, they piped their followers aboard their ships, sailed south, captured Soto la Marina without the firing of a shot. Then they quarreled. Perry started the trouble by disclaiming the authority of Admiral Aury on the ground that he was a pirate, not a military man. He placed himself and his men under the sole command of General Mina. Enraged at this "insubordination of his co-ordinate chiefs," as he called it, Aury ordered his 300 men back to his ships, hoisted his sails, and disappeared into the mists of the Gulf of Mexico. Thus were Mina and Perry and their men abandoned to their fate on the mainland. For

Colonel Perry, who at once opened up a quarrel with General Mina, it turned out to be a very bitter fate.

With only 300 men left, Mina wanted to march right on into Mexico: even down to Mexico City itself. But for Perry, who had had previous disastrous experiences with the Spaniards, Texas, apparently, was big enough. Therefore, after telling Mina that an invasion of southern Mexico could lead only to sure death for all of them, he took his fifty men and set out on the long road that led to San Antonio. It was a terrific undertaking, but Perry almost made it. After more than two months of struggle, cutting his way foot by foot through the tropical jungle of the east coast of Mexico and, although he didn't even suspect it, with the Spaniards taking careful note of his daily progress, he finally reached La Bahia, the town where Magee had died and in which he himself, as one of Magee's men, had withstood siege for eighty-two days. The place looked like home to him. He was just on the point of concluding arrangements with its terrified civil authorities to take peaceable possession of it when the detachment of Royalist cavalry, that had been trailing him for weeks, rode up in his rear. The shooting began at once. It was a hopeless fight. Attacked from the front by the small La Bahia garrison, and from the rear by the cavalry, and thus battling an enemy that outnumbered them by at least five to one, every one of the Neutral Grounders met his death. Perry met his at his own hand. He fought, according to the Spanish account of the engagement, until practically all his men had been killed, and then, when asked to surrender, replied by blowing out his own brains. This adventure brought the number of Americans who had died in Texas up to that time, and yet had not really conquered a foot of it, to approximately eight hundred.

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3. *More Freebooters and a Few Pirates*

THE next American to try to take Texas, and to pay for his ambition with his life, was Dr. James Long, a rather comical character of Natchez, Mississippi. Obviously, though, the idea was not his own. Instead it came from Andrew Jackson, under whom the little doctor had served both at the siege of New Orleans and in the Florida campaign against the Spaniards and the Seminoles. From Jackson also he had unavoidably absorbed some very dishonest and belligerent opinions regarding Texas. What those opinions were is important because the old Tennessee fire-eater, more than any other individual, was responsible for the ultimate conquest of the state.

Andrew Jackson—and for this sterling quality he is annually toasted by the leaders of both the New Deal and the Democratic parties—was a wily man possessed of an obliging and convenient conscience. Laws, for example, framed for the protection of the weak, and treaties entered into by his own government for the same purpose meant absolutely nothing to him.

"That may be the law," he shouted, "but, by God, let's see John Marshall enforce it!"

As President that had been Andrew Jackson's only comment when he was told that the Chief Justice had declared illegal his ruthless and cruel methods of removing Indians. His attitude regarding Texas was precisely the same. He knew the status of the case of the United States against Spain; he knew that this country had no just claim whatever to the Province of Texas, but to hell with justice. That was the way he really felt about it, and yet, as one of the most splendid examples of hypocrisy in our history, Andrew Jackson was, at the time of which we are writing, publicly proclaiming that Truth and Justice had to prevail and that therefore we had to give up all our wicked ideas regarding the acquisition of

Texas. At the time of the Louisiana Purchase, which he was well aware was a swindle, he had openly advocated enlarging that swindle by making it take in all of Texas. He had even said, "By God, I'll fight for it," and at one time had gone so far as to try to organize an expedition with which to do so. Nevertheless, sixteen years later, in 1819, we find him calmly conceding that the Sabine, not the Rio Grande, was the legal boundary between the United States and Mexico.

For this remarkable change of front the future President of the United States had a good alibi. He feigned honesty only because he was convinced that the only way, short of doing it with bullets, to persuade Spain to cede Florida to the United States was for the United States ostensibly to abandon its claim to Texas. The United States did this, in a formal treaty signed on February 22, 1819; but Andrew Jackson did not. He could understand, of course, that it was smart business to avoid a shooting war by trading off a fraudulent claim to Texas for actual possession of Florida, but did that in any way alter the fact that the Rio Grande, from the Gulf of Mexico to the Rocky Mountains, should have been, in his avaricious opinion, the southern and western boundary of the Louisiana Swindle? Certainly it didn't, and as the line along the Sabine had been agreed to by a lot of spineless politicians, to avoid bloodshed, the only way, now that Florida had been acquired, for the United States to acquire Texas was for freebooting, gut-splitting Americans to go in, seize the province, set up a government for it in violation of all neutrality laws, and then turn it over to this country. This course of action was an appealing one. Texas was a rich country: rich enough in immediately available plunder to render the invasion of it both pleasant and profitable. So, when Dr. James Long, who had imbibed his ideas of conquest direct from the fountainhead, started out to organize an army of conquerors, he had no trouble in securing plenty of followers.

And what a splendid following that was, and what a population from which to assemble it! Natchez, where Dr. Long lived, was not merely one town; it was two: the town on the bluff, the town down under the hill, and both were tough. Tough, however, is hardly a tough enough word for them. "In those days," writes the historian, "the vice of the two towns of Natchez was proverbial throughout America. In the town on the bluff, where the rapid acquisition of wealth was unavoidable, and where dwelt many

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rich planters, land speculators, steamboat owners, merchants, slave-traders, and cotton factors, men strolled, drawled, fought duels, drank perpetually, gambled wildly and associated openly with the beautiful girls in the town's lavishly equipped fancy houses. Here, in this part of Natchez, vice wore the thin veil of respectability which the possession of money, and the assumption of aristocracy, always gives it." *

In the town down under the hill, though, there was no such glittering hypocrisy. Down there, in a maze of narrow streets flanked on both sides with cheap, wooden shacks, life and everything that pertains to it was raw and wide open. Murders were frequent and of no consequence; saloons and gambling hells overflowed into the roadways, while half-naked girls, standing in their open doors and calling and beckoning to customers to enter their dim, dingy, dirty rooms, sold themselves dozens of times daily to passing strangers all of whom were river pirates, highwaymen from the famous Natchez trace, counterfeiters, smugglers, or slave stealers.

Obviously from the vivid assortment of rascals to be found in these two towns Dr. Long was able to get together an army exactly suited to the lawlessness of his designs. But—and, as she was second in command of his expedition, this is a leading question—did his army meet with the approval of his wife? Apparently it did, in the beginning at any rate. Incidentally one naturally wonders if Jim Bowie, the inventor of the knife, and one of the most deeply venerated of all Texas heroes, really was one of her followers. It is authoritatively stated that he was, that "he stormed his way into Texas with Long's filibusters." If so, it is only fair to him to assume that he was not recruited from the upper, hypocritical levels of Natchez society. He couldn't have been; he would have been out of character in such surroundings. His own brother describes him as a man who loved his liquor, who roped and rode alligators for a pastime, and who once matched himself in a duel with knives against three opponents, killed two of them, and forever ruined the third. But it isn't impossible to imagine him as an active participant in the seething sin of the town under the hill. It was an atmosphere he liked, an atmosphere filled with excitement, with a free and open wickedness, and with a spirit of adventure into which he fitted as snugly as booze into a bottle. It was also an atmosphere in which, although women were perhaps mere chattels, men cer-

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* Robert Coates, *Outlaw Years* (New York: The Macaulay Co., 1930).

tainly were men. They had to be or they didn't last long. As it was from this atmosphere that Dr. Long and his wife drew most of their original following of perhaps 150 men, it goes almost without saying that, after a march of about 200 miles, when they approached Nacogdoches and its gallant Spanish defenders took one look at what they were up against, they hastily hoisted the white flag and surrendered their town to the invaders without even arguing about it.

Following this easy triumph, which his thirsty followers celebrated in the usual fashion, Dr. Long lost no time in organizing a government for Texas. It was the gesture of a conquerer. Changing his own title to that of "General," he issued a Declaration of Independence and set up a Supreme Council which, under his direction, with greater speed even than a New Deal Brain Trust, enacted legislation covering everything from currency, cow brands, and slavery to compulsory Catholicism and the punishment of horse thieves. With these details attended to, the new self-made General turned his genius in the direction of matters military. He established garrisoned outposts at five points, all strategically located so far away from his capital city of Nacogdoches as to be of no possible protective value to him. But why think of such a trifle as that? Why worry about protection, when Texas, of which he occupied only a few square miles, would be a regular push-over? General Long knew it would, and would have bet his new sword on it, because all he now had to do to make victory certain was to enlist under his banner another very warm, very belligerent, and very powerful friend of Andrew Jackson. And who can say, at this late date, that the suggestion had not come directly from Mr. Jackson himself!

This friend was the great pirate, Jean Lafitte, a man whose every act during a brilliant, scintillating, and jovially wicked career had tended to endear him to that other great and daring leader who then lived in the Hermitage. To begin with, Lafitte had killed a man in a duel in Charleston, over a girl, of course, and then, having thus vindicated her honor, and having forthwith abandoned the lady, he had sailed away to become a sea rover who captured everything he could train his guns on.

Lafitte's success as a pirate was phenomenal, so phenomenal that in 1810, as commander of a fleet of a dozen ships and some six or seven hundred men, gathered from all corners of the globe, he took over the island of La Gran Terre, close to the mouth of the Mis-

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sissippi. There he built a shanty town that he used as headquarters for carrying out one of the sweetest schemes ever conceived in the agile brain of a buccaneer. This scheme called for blockading New Orleans by intercepting all vessels bound up the river for that port and holding them until his two brothers, Pierre and Antoine, his agents in the metropolis, could arrange for an "import duty" from the merchants to whom the cargoes were consigned. It worked out exactly as Lafitte had expected. So adroitly did he and his brothers manage their business that within a short time "many of the most important merchants and traders in New Orleans had become practically his partners, all to the end that the honest men and the fair dealers in the city were greatly injured and the public morale so corrupted that the State of Louisiana was well nigh disgraced." *

At least that was what Governor Claiborne thought about it, and therefore, on the fifteenth of March, 1813, he issued a proclamation ordering the pirates to cease, desist, and disperse. But they didn't; instead, they laughed at him, whereupon the enraged executive produced another proclamation in which he offered a reward of $500 for the head of Jean Lafitte. To this cheapening insult Admiral Lafitte, whose hat band alone, made of gold braid and set with jewels, was worth far more than the price placed on his whole head, retaliated by issuing a proclamation of his own in which he offered a prize of $5,000 to anyone who would bring him the head of the Governor. In those times this was real money, and hence it is highly probable that Lafitte would soon have had to pay it out, in return for a bloody bundle delivered to him in a gunny sack, had it not been that almost immediately another and a far greater insult was offered him.

This insult came from the British and was delivered by Captain Lockyer, commander of the man-of-war *Sophia*, who came ashore at La Gran Terre on September 3, 1814, and calling upon Lafitte offered him the rank of captain in the British Navy, the command of a frigate, and 30,000 good hard English pounds in cash, if he would join with His Majesty's forces in an attempt to capture the city of New Orleans.

Quick action followed this offer. Apologizing, probably, to Captain Lockyer for his lack of piratical courtesy in not immediately hanging him for making it, Lafitte nevertheless kicked the officer clear off the island. Then, with apparently no loss of time whatsoever, he sent word to General Andrew Jackson, American commander at New Orleans, that if he (Lafitte) and all his men were guaranteed presidential pardons for all their past crimes they would come in and help defend the city. General Jackson, whose sympathetic attitude toward sin and sinners was surely his most Christian characteristic, made the promise. So it came about that, in the Battle of New Orleans, which was fought several months after peace had been signed between Great Britain and the United States, Lafitte and his men stood shoulder to shoulder with Jackson and his men behind the rampart of cotton bales. Not long after the victory had been won, and New Orleans had been saved, and he and Jackson had stood side by side as guests of honor at a banquet tendered them by the grateful citizens of the Crescent City, Jean Lafitte, gorgeously rigged out in his three-cornered hat, his gold-braided uniform, his scarlet sash, his shining cutlass, and his twirling mustachios, called upon President Madison in the White House in Washington to collect his sheaf of pardons. He got them, but not solely on the basis of the promise that had been made by Andrew Jackson. The situation developed in this fashion: The United States at that time, with its acquisitive eye even then set on securing possession of everything clear out to the Pacific Coast, was carrying on an undeclared, unilateral war, as you might call it, against Spain. It was a nuisance war, calculated to make the Spaniards on this continent as unhappy as possible. Consequently before he signed Lafitte's batch of pardons for him, President Madison made the pirate promise that in carrying on his future operations in the Gulf of Mexico, which were taken for granted, he would not molest any ships sailing under the American flag. No hint could have been broader than this one. The Spanish shipping was his meat if he wanted it; that was the real gist of the understanding. As he obviously did want it, Lafitte no sooner had his pardons in his pocket than he returned to New Orleans, reassembled his men and his ships, and set sail for Galveston Island, which, as he undoubtedly knew, had been abandoned by Aury and Mina only a short time before.

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* Yoakum, *History of Texas*.

Lafitte reached Galveston on April 15, 1817, landed his men, and within half an hour did two remarkable things. First, before a trembling, overawed group of Mexican patriots, who were in hiding on the Island, he swore allegiance to the then nonexistent Republic of Mexico, and second, within less than fifteen minutes, declared himself to be and swore himself in as Mexican Governor of the

Province of Texas. This action, which undoubtedly constitutes an all-time speed record for transforming a foreigner into a chief executive, had but one motive behind it. With the emphasis upon Spanish shipping and slave-carrying vessels, Lafitte intended to use Galveston Island as a base from which to prey upon all seaborne commerce in the Gulf of Mexico except that of the United States. He did this and, running true to form, built for himself a town the fame of whose wickedness spread so rapidly that within just a few months the city of Galveston housed a population of about 1,500 assorted scoundrels of both sexes over whom the jovial Admiral ruled with impartial, piratical justice. He was the law; there was none other. Therefore, toward the close of his first year in authority, when one of his commanders, a cutthroat named Brown, in violation of his pledge to President Madison, sacked and sunk an American ship in Sabine Pass, Lafitte very promptly honored the offender by hanging him to a gibbet erected for his benefit in the center of the city. But fortunately for the humor that sometimes creeps into the bleak pages of history, this did not end the incident.

On the day following the hanging of Mr. Brown, in fact, while he was still hanging and swinging in the wind, a strange warship, with its cannon ominously protruding from its portholes, anchored close inshore. It was the U. S. gunboat *Lynx* whose young commander, Captain Madison, had received orders to proceed to Galveston, and, as punishment to Lafitte for the sinking of the ship in Sabine Pass, to blow his town clear off the map. But he didn't because instead of shooting first and explaining later, as he might well have done under his orders, Captain Madison chose the reverse method, thereby giving Lafitte the opportunity to compose one of the most amazing notes in American history. In that note Captain Madison of the United States Navy was officially informed that Galveston was a legally established port of entry of the Republic of Texas; that Admiral Jean Lafitte was its legally installed governor; and that if the United States of America had any just demands to make upon either the town, the Governor, or the Republic they would be promptly attended to. But, said Admiral Lafitte, in effect, what are those demands? Explain them, shoot, or shove off!

In the face of so bewildering a communication, one in which the name "Republic of Texas" was used with intimidating force, what was the commander of the *Lynx* to do? He had never before heard of the Republic of Texas—nor had anyone else—and as his instructions, to destroy a pirates' nest, covered nothing so large as the starting of a war with a free, sovereign, and independent nation, the befuddled officer promptly rolled in his guns, closed his portholes, and shoved off, to the end that thereafter, for slightly more than a year and a half, except that it probably chuckled every time a Spanish galleon went down, the Government of the United States paid no attention whatever to the government of Jean Lafitte.

Consequently all was peaceful on Galveston Island when, at the end of this year and a half, a certain Colonel Gaines, ragged and dirty but fully equipped with bombastic credentials as the authorized representative of General James Long, commander in chief of the Revolutionary Army of Texas, appeared in Galveston to invite Admiral Lafitte and his men to participate with General Long and his men in the glorious project of invading and conquering Texas. Admiral Lafitte, however, was not interested. For two reasons he was not. In the first place he was a seafaring man who preferred the luxury of his flagship to the hardships of a land campaign, while in the second, as he bluntly told Colonel Gaines, he felt that the fates of Nolan, Magee, Perry, and Mina should be a warning to everyone not to attempt any operations against the Spaniards except at the head of a large and well-equipped army. So would General Long please excuse him?

But General Long would not. He was in fact so stubborn about it that no sooner did he receive Lafitte's reply than, leaving his wife in command of his widely scattered forces, he himself set out for Galveston to see if he couldn't personally persuade the pirate to change his mind. Whether or not he could have done this will never be known because, owing to an unfortunate twist of fate, he had no chance to try.

Another American ship had been sunk somewhere in the Gulf, but was Lafitte responsible for it? He declared not, and was probably telling the truth, but of what use was his denial in the face of a verdict of "Guilty" brought in against him by a Senate investigating committee which had undoubtedly based its conclusions not on evidence but on the fact that Spain, which had ample reason to look upon the great pirate as a public nuisance, was perpetually urging the United States to use its navy to abate him. If it didn't Spain would, and as it was not deemed desirable by the senatorial pacifists to have Spanish warships sailing around in the waters off our southern coast, the government in Washington, regretfully perhaps, ordered Lieutenant Kearney, commander of the *Enterprise*, to proceed to the Gulf of Mexico and "break up the piratical establishment on Galveston Island."

Lafitte, whose agents both in the national capital and New Orleans kept him well posted, knew all about this, and therefore, since he was a conservative man who had no desire to go to war with the United States, he went out to meet the *Enterprise* as soon as she appeared in the offing, boarded her, and politely asked Lieutenant Kearney what he had come for. The Lieutenant quoted his orders, whereupon Admiral Lafitte, bowing gravely to the representative of the government of which he had for some time been an ally in an undeclared war, stated that there would be no need for any shooting as he would immediately make arrangements to depart forever from the shores of the United States.

Lafitte kept that promise to the letter. He returned to his island, paid off his men, plus large cash bonuses, gave them leave to disperse, and was already aboard his favorite vessel, *The Pride*, and was weighing anchor when General Long, who had done some hard riding to get there, reached Galveston. This must indeed have been a hard hour for the ambitious general. All his hope for success in his grandiose scheme of making a conquest of Texas lay in Lafitte, and now as he stood there on shore, and watched that hope vanish as the rising tide lifted *The Pride* over the bar, and the freshening breeze carried her away into the haze that hung over the Gulf, he certainly must have felt that his luck had deserted him. And clearly it had, because only a day later, while he was still in Galveston, a bedraggled courier rode in with word from his wife that her men, under and including Captain Cook, were all too drunk to defend his capital of Nacogdoches against the Spaniards who were then approaching the town. Therefore she was preparing to abandon the place and retire to the east side of the Sabine. She did this; General Long's strongest force of fighting men was thus lost to him, and thereafter, in quick succession, and with most of the men in their garrisons killed, his five outposts were also lost.

But even these accumulated disasters did not destroy General Long's unshakable faith in himself as a preordained conqueror. Despite Lafitte's warning he still believed he could take Texas. He allied himself with a Mexican patriot, Don Felix Trespalacios, who, for his health's sake, was sojourning at the time on Galveston Island, and recruited another army, assembled probably from the ranks of the dispersed pirates. He marched inland at its head on the road to La Bahia, the town where the two aspirants for glory, Magee and Perry, had both ended their journeys.

With General Long history repeated itself almost to the letter. He entered La Bahia with practically no opposition, held the town for a few days, and then, finding the place surrounded by a large force of Spaniards, whose commanding officer rudely declined to settle the question of Texas ownership in single combat, negotiated an honorable surrender. Under its terms he was to be taken to Mexico City to be legally tried for his crimes against Spain. This was duly done, and it is worthy of note that, after a slow, two or three months' journey as a prisoner, the little general once again arrived at his destination at a supreme moment in the history of Texas. He had reached Galveston just in time to see Jean Lafitte abandon his government, and now, far down in Mexico City, he was on hand to witness the ceremonies that marked the passing of the power of Spain and the setting up of an independent government for Mexico with Augustus Iturbide as Provisional President.

Dr. Long not only witnessed these ceremonies but actively and honorably participated in them. He should have done so, in the opinion of the Mexicans, because, having fought against the Spanish Royalists in the distant Province of Texas, it was clear to all of them that he was a true and loyal son of their new Republic. Accordingly he was released from prison, he was showered with honors, and then within a very short time, at the instigation of his Galveston ally and *amigo*, Don Felix Trespalacios, was coldly, boldly, and publicly assassinated. He was killed as Caesar was, because he was ambitious.

Even to this day it is basic in Mexican politics that the surest and most satisfactory way to dispose of a political rival is with a bullet or a knife; consequently Señor Trespalacios, who had been appointed Provisional Governor of Texas, had them both used on General Long merely because he knew that if the General were permitted to live he would, later on, try to secure the permanent appointment for himself.

4. *Moses and Stephen Austin*

IN JANUARY, 1821, while General James Long, with his dream of empire well shattered for him, was traveling slowly through Mexico as a prisoner, another American crossed the Sabine from Texas into Louisiana and found shelter in the cabin of a settler named McGuffin. The man was sick, tired, and hungry, but was he crazy also? From his unbelievable story of having ridden alone clear across to San Antonio and back again, of interviews he had had with the Spanish governor, and of the amazing things that would soon come about as a result of these interviews, the man's host quickly came to the conclusion that his uninvited guest was actually insane. But he was mistaken. The gleam in the stranger's eyes was not one of madness but of triumph, and was rightfully there because with no aid from anyone, and without the shedding of a drop of blood, the lone stranger had achieved more in the way of conquering Texas than had been accomplished through the combined efforts of Nolan, Magee, Perry, Long, and all of the hundreds of their followers who already lay dead in the Province.

Obviously then this fellow, who gave his name as Moses Austin (from up Missouri-way somewhere, he said, and in a hell of a hurry to get back there), must have been a good deal of a man. He was. He was a really great man; the frontier has produced entirely too few like him. Yet, strangely enough, he has suffered grievously at the hands of Texas historians. Too often relatives, descendants, beneficiaries, or others have a personal, a political, or a religious interest in shaping the character of a great man nearer to their heart's desire. In fashioning a great man's biography they invariably obscure his real worth from the world by wrapping him up in a lot of assumed, hypocritical, unmanly virtues that he never had and, in all truth, never wanted. George Washington is a splendid example of that type of martyr. For more than a century, school-book historians, laboring under the delusion that it was their duty to scrub him whiter than snow, have conspired to transform our first president from a man into a milksop. Unfortunately, for almost as long, the chroniclers of Texas have been playing the same low, mean trick on Moses Austin, and also, as we shall see later, on his son Stephen.

Judged by what has been written about him, Moses Austin emerges as a gentle, God-fearing soul: a prohibitionist, a man who blessed his meals, who said darn for damn, and who, at no matter what cost to himself, had dedicated his life to humble service in behalf of his fellow citizens. This is nonsense. He was not that kind of man at all. Instead he was an intelligent, probably very hard-boiled businessman who devoted all of his tremendous energy to making his own life a personal success. His record proves it.

Moses Austin had been moved at an early age from Connecticut, where he was born in 1761, and thus escaped the handicap that might have followed him throughout his career in the South of being known as a Connecticut Yankee. He spent his earliest years in Philadelphia. At the age of twenty-one, after he had married Miss Maria Brown of New Jersey, he became a partner in the importing firm, established by his brother, of Stephen Austin and Company.

Philadelphia, however, did not hold him long. He was ambitious; he wanted to spread out, to go it alone, and therefore within a few years he moved to Richmond, Virginia, opened up a mercantile establishment of his own, and did so well with it that in a short time he was able to purchase the Chisel Lead Mines on New River in Wythe County. These mines turned into a bonanza for him. They were so successful that he was able to bring lead miners and refiners from England and to turn out shot and sheet lead in the first lead manufactory ever set up in the United States. "Firsts" at that time seem to have been running in his family. His brother Elijah, for example, who was "well known as a daring speculator in commercial circles in New York and New Jersey," during the same period equipped and sent out, under a Captain Green, the first American vessel that ever made a sealing voyage around Cape Horn to the northwest coast of North America and returned by way of India, thus "developing a source of commerce that has since been greatly extended." * But the lead business of Moses Austin was also very soon greatly extended.

In 1796, finding that his mines on New River were not producing

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* *Memorandum of Stephen F. Austin* (Quintana, Texas: Guy M. Bryan, 1895).

enough good ore to suit him and hearing that there were large deposits of lead somewhere in Upper Louisiana, Moses Austin made up his mind to go in search of them. This was one of the boldest, most daring decisions ever made by an early American businessman. Between his own town of Austinville, at his lead mines, and the Mississippi, beyond which were the Spanish possessions he planned to explore, lay a virtually trackless wilderness made up of what is now Kentucky, Indiana, and Illinois. He had to find a way to traverse it with men and supplies. In line with his family tradition Moses Austin solved the problem by producing another "first." He built flatboats, launched them in the New River, and, as the first American to attempt such a thing from that section of the country, floated himself and his miners first into the Kanawha River, then into the Ohio, and finally into the Mississippi, which he ascended for some distance before crossing it and landing on the foreign soil on the other side. And then where was he? He didn't know. So far as he was aware he was in a part of Louisiana that had never before been visited by a white man. With nothing to guide him but a compass, and with much of his time taken up in doing battle with the indignant, resentful Osage Indians, he set out to search the vast area of the present states of Missouri, Arkansas, and Oklahoma for a rumored lead mine. Incredibly, he found what he was looking for. In Washington County, Missouri, about two hundred miles southwest of a straggling, disorderly French settlement called St. Louis, he discovered enormous lead deposits. Since they were located in territory belonging to a foreign power, how could be gain possession of them? That was easy. Being a sane and courageous businessman, rather than a confused, timid politician, Moses Austin got what he wanted by going directly to the Spanish Governor in New Orleans and asking for it. In return for an agreement that he would become a Spanish subject and would abide by Spanish law, he was given a concession to operate the mines he had discovered, and, be it noted, from that time on he had no trouble whatever with the Spaniards.

With the Indians, however, it was different. They turned out to be such an annoyance to him that for two years, throughout 1797 and 1798, although he managed to do development work on his mines, he was unable to build homes for himself and his workmen and thus begin a permanent settlement. Finally, though, with the aid of a stockade he erected and a number of imported threepounders, he succeeded in putting so much of the fear of the white men into the hearts of the red ones as to enable him to set up a town—the present town of Potosi, to which he brought not only his own family but also the families of his miners. This was in 1799, and from that time on, he mined and smelted his lead in the town he had created for himself in the middle of a vast wilderness. Thus, sending his refined metal out on pack mules to St. Louis, 200 miles away, Moses Austin began the accumulation of a fortune, and, in 1803, when, as the result of the Louisiana Purchase, he again became, automatically, an American citizen, his chances for turning his moderate fortune into an immense one looked very bright. At the end of only a few years, finding that he had acquired far more cash than he could use in expanding his mining business, Moses Austin became one of the organizers and heaviest investors in the Bank of St. Louis. This venture, which had to be carried on under the then impromptu banking laws of the United States, finally ruined him. It was an unavoidable disaster. In 1811 the Bank of the United States, the "old regulator," which controlled the operations of some 168 wildcat state banks throughout the country, went out of existence, or, to be really truthful about it, was murdered by limitation. Since it had been incorporated in 1791 for only twenty years, the bank had to have its charter renewed in 1811. But it didn't get it renewed. Crooked, speculative state bankers who wanted to flood the country with their own homemade currency, by putting the heat on their representatives in Congress, saw that it didn't, thereby bringing on a financial unheaval that had a direct and important bearing on the future of Texas.

Regarding that upheaval, all we need here say of it is that after weathering the storm for ten years the Bank of St. Louis finally went broke, and along with it, because as an honest man he paid off to the last dollar of his ability, so did Moses Austin. And apparently this one experience with American high finance was enough for a man of Mr. Austin's intelligence. He had accumulated a fortune as a Spanish subject under Spanish law, and then, as an American citizen, had been robbed of it by American speculators operating under protection of American law. It was natural for him to feel that if he wanted to build up a second fortune for himself, and keep it, the prudent thing would be once again to transfer his allegiance to the Spanish Crown. Fortunately this was easy, because right at his own doorstep lay the vast Province of Texas. The thought of going into Texas was not entirely new to him. Apparently he and his son Stephen, who had been born in Austinville, Virginia, and was twenty-six years old at the time of the bank failure, had frequently looked across the Red River, not the Sabine, at the lush country that lay beyond it and had been unable to escape its lure. It contained everything that fearless, industrious, pioneering men and women who wanted to build homes and communities for themselves in a new land could possibly desire. The acreage was unlimited, the soil was fertile, the climate was caressing, game was plentiful, wild cattle and wild horses roamed everywhere, there was an abundance of timber. On top of all this, to complete a picture that was already perfect (except for the inconsequential presence of hostile red men who would, of course, have to be exterminated as the need to do so arose), it was *not* a part of the United States of America. As he discussed his colonization scheme with his son Stephen, Moses Austin did not suggest stealing it from Spain and making it a part of this country. He was too smart for that. From his past experience in bringing his miners and their families into Louisiana, and developing his properties in so-called "enemy territory," he knew Spanish officials could be satisfactorily dealt with. He was so sure of himself that he began extensive preparations to move hundreds of American families into Texas without even notifying the Spanish authorities of his intention.

In April, 1819, as the first step in his father's colonization scheme, Stephen Austin moved men and equipment clear across the Arkansas wilderness to the bank of the Red River. At Grand Prairie he set up a farm for use in the future as a gathering point and jumping-off place from which settlers could enter the Promised Land. To this job, strictly a pioneering one, the young man devoted almost two years. During that period he not only became one of Arkansas' circuit judges but also located and named the town of Little Rock.

And then, in Stephen's own words: "In the fall of 1820 my father came down from Missouri to consult me and from there proceeded to visit the Spanish authorities at Bexar [San Antonio] the capital of Texas, while I went to New Orleans to make such arrangements as circumstances might require or permit.

"My father after a fatiguing journey on horseback of more than eight hundred miles reached Bexar in November. His reception by the Governor was discouraging. Antonio Martinez, the Governor of Texas, was a European Spaniard by birth, and as he had received rigid instructions from Arredondo, the military commander-general, not to permit foreigners, and particularly North Americans, to enter Texas, my father, at his first interview, received a peremptory order to leave the Province immediately. He endeavored to palliate this and give a favorable turn to matters by entering into a genial conversation with the Governor in French which they both understood. But this effort was fruitless, as became clear when the Governor not only refused to read the papers my father presented as evidence of his having formerly been a Spanish subject in Louisiana, but even repeated the order, with much asperity and even some passion, that he leave Texas immediately.

"There was no alternative and he left the government house to prepare to retrace his course through the wilderness back to Nachitoches.

"In crossing the public square he accidentally met the Baron de Bastrop. They had seen each other once before in the United States, having met at a tavern when they were travelling many years previous. The Baron invited my father to his room where he lived in great poverty, although his influence with the Government was considerable, and was indeed very great with the inhabitants of Bexar, who loved him for the universal benevolence of his disposition. He was a man of education, talents, experience, and was thoroughly initiated into all the mysteries of the government house.

"In the Baron's dwelling the object of my father's visit to the capital of Texas was explained; his papers were examined and the prospects for success for a new colony were discussed. The difficulties that would have to be met and overcome were stated and answered, while the advantages to result from it were brought forth in all their phases. The benefits that would accrue from the contemplated colony were apparent to Baron de Bastrop at the very first view.

"As my father was really unwell from the fatigue and exposure of his trip, the Baron reported him to the Governor as being too sick to travel without endangering his life and thus a suspension of the order for his immediate departure was obtained.

"And at the end of a week, during which the Baron spent a great deal of his time at the government house, the Governor and the *ayuntamiento* of Bexar united in recommending a petition from my father to the *Ex'mo deputacion provincional de las Provincias internales orientales*, at Monterey, asking for permission to introduce and settle three hundred families from the United States of America at any point in Texas which my father might select.

"Thus a mere accident had prevented the total failure of the first preliminary step. If the Baron de Bastrop had been absent from Bexar, or if he had been ignorant of my father's character and standing, or if he had been indifferent to the success or failure of the scheme, the entire project would have been defeated, because when my father met him in the square on leaving the government house he was determined to quit the place in an hour, being much disgusted and irritated at his reception by the Governor.

"My father left Bexar previous to the confirmation of the grant and after a tedious and distressing journey reached the settlements on the Sabine River. His provisions having failed, and the powder he had provided himself with being so damaged that he could kill none of the game with which the country abounded, he was compelled to travel the last eight days of his return with no other nourishment save the roots and acorns he could gather in the woods.

"The hardships and privations of his return in the midst of winter were so severe that he was taken with the fever and confined to his bed for three weeks at the home of Mr. Hugh McGuffin on the east side of the Sabine River. There he was found by his nephew, Elias Bates, who left Herculaneum, Missouri, some time in December in search of him, and as soon as he could travel he started with Bates for Nachitoches, where he arrived in January 1821, very unwell and greatly afflicted with a pain in his breast caused by a severe cold he had contracted from exposure and privation.

"He returned to Missouri by water and had the happiness of being once more in the bosom of his family, now reduced to my mother and my sister Emily, my brother James being still in Kentucky at school, and I in New Orleans. My father never recovered. His illness changed to pneumonia and he died at the home of his son-in-law James Bryan, in Missouri, on June 10th, 1821." *

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* *Memorandum of Stephen F. Austin.*

Only eight days after this date, Stephen Austin down in New Orleans, who had had no word from his father for months and of course knew nothing of his death, received a message that caused him to hasten to the river front, board a steamboat and head up the Mississippi, then up the Red River to Nachitoches where, so the message informed him, a Spanish commission that had been sent from San Antonio with documentary confirmation of the grant was awaiting the arrival of his father. The elated young man reached Nachitoches and met the members of the commission. But where was Moses Austin? No one knew, but as he would surely soon turn up from somewhere, and as the grant was all in good, legal form, Stephen at once started back to San Antonio with the commissioners. He reached settler McGuffin's cabin at the Sabine crossing and heard there that his father had been very ill. Next day he was overtaken by a messenger from Missouri, who brought the word that Moses Austin was dead and that with almost his last breath he had left instructions that his son, abandoning everything else, was to carry on the colonization project.

Stephen Austin did carry on with it, and in so doing managed to erect for his father and for himself a magnificent monument: that monument is the State of Texas!

5. *Austin's First Colonists*

STEPHEN AUSTIN was neither a "man of destiny" nor a theatrical swashbuckler. He was a man of such prompt and direct action that there at McGuffin's cabin, where he learned of his father's death and received his dying command to carry on with the colonization of Texas, he immediately went into a one-man conference with himself and made up his own mind what to do first. In accord with that decision he mounted his horse, rode hurriedly on to San Antonio, interviewed the Governor, and had the grant transferred to him as his father's heir. Then he headed back in the direction of New Orleans. Through the dangerous country he had to traverse he pursued a devious course in search of a location for his first settlement. He found one, between the Brazos and Colorado Rivers, explored it, liked it, decided upon it, and then rode on to the Crescent City to sign up his first group of colonists. This was a job to which the young man paid very careful attention. To him colonists meant honest, industrious men, not looters, ravishers, robbers, and would-be empire builders. It follows that he religiously avoided enrolling recruits from among the Neutral Grounders, from the swaggerers of Natchez on top of the hill, or from the throat-cutting, blood-letting murderers of the town below.

Stephen Austin had sound reasons for preferring to invade Texas with men of peace rather than men of war. Knowing that the way to make a lasting conquest of the country was to conquer its soil first and, should it became necessary, its government later, he picked followers who would do the task for him in exactly that way. They would go into the new country with their own farm implements, their own seed, and their own women. They would develop their land, establish homes for themselves, and build up their own communities. Thus, if they ever had it to do, they would have something of their own to fight for rather than something they had stolen from somebody else.

This Puritan plan for creating a future empire by seeding it with a basic stock of nonbellicose, peaceful, and industrious men and women, although it sounds strangely like it, was in no way similar to the plan behind the colonization of New England. Between the two there was a great, fundamental difference.

The Pilgrims who landed at Plymouth Rock were a pious, mild-mannered, hymn-singing, inoffensive lot. They were fleeing religious persecution and at the same time seeking some small measure of civil liberty, and no sooner had they landed on these shores than they knelt and in unison thanked God that they were at last in a land where they could worship Him in accord with the dictates of their own consciences, and could also set up laws of their own to govern their own worldly behavior. Thus, if we can place our faith in the tradition that has become permanently embalmed in the Constitution of the United States of America, religious and civil liberty meant more to the original New Englanders than anything else. But it was not so with the original Texans. To Stephen Austin and his colonists religious and civil liberties, which could only be enjoyed under the protection of a central government, were ideal concepts of such little value in comparison with the benefits to be derived from living in Texas that they cheerfully abandoned them by signing up as citizens of Spanish-owned Mexico. In Mexico, theoretically, there was no individual liberty whatsoever, and but one God: the God of the Catholics, to Whom they were compelled to declare fealty and Whose congregation they were forced to join. What these determined men and women were after was land—land in Texas, which they could live on here in this life. If to get it they had to turn over to the priests of the Catholics the welfare of their souls, of which they were perhaps as careless then as their descendants are now, they were only too glad to make the trade. They did make it: all of them, from Stephen F. Austin down, and yet it is entirely safe to say that in doing so not one out of twenty gave up his or her individual right to believe, inwardly, exactly as he or she damn well pleased. They had the same profane feeling regarding their declared loyalty to Spain. To hell with it; their oath of fealty meant nothing to them, and neither did they shed tears at the thought that in becoming Spanish subjects they had thrown away the glorious liberties and the splendid freedoms that had, presumably, been guaranteed to them under the American Constitution. That too, in their opinion and in Stephen Austin's as well, was a lot of nonsense. They were not conquistadores who were out to steal the lands and invade the rights of a friendly, alien people; instead they were pioneers, frontiersmen, who had come peacefully and lawfully into a new country, where the only guarantee to personal liberty they needed was the one they could individually provide for themselves with their own shooting irons.

As to any transactions that they might be compelled to have with Spain, or with any other ruling power to which they might become subject, that again was a thing to which the colonists paid little mind. Their idea was to let Stephen do it; he was their *empresario* and therefore it was up to him to handle their government. And Stephen Austin did handle it! He handled everything; in fact, the total of his labors in behalf of his colonists approaches the incredible. In a day when all traveling had to be done either afoot or on horseback he dealt directly with a central government 1,200 miles away in Mexico City as well as with a state government 500 miles distant at Saltillo, both of which were always corrupt, slow, inexpert, and constantly changing.* Nevertheless in fifteen years of dealing as the representative of his colonists, first with the Spaniards and then with the Mexicans, Stephen Austin never lost an important bet. This in itself stands as an achievement in Mexican-American diplomacy unequaled since his day. Furthermore, this young man from Missouri, who has been described as "a delicate soul whose love of the amenities of cultured society rendered the struggle in the wilderness distasteful to him," † had many other duties forced upon him. He dealt with and pacified, or kicked out, those among his colonists whom hardship had disheartened and who had become distrustful. He became the military and civilian chief of all his settlers. He was their banker, broker, merchant, adviser, and messenger. He led them in battle against their enemies, the Indians and the marauding white men, as well as in prayer at their buryings. He surveyed their lands, issued titles, established legal jurisdictions, framed and administered the law, and finally as the result of his prodigious efforts succeeded in setting up a well-ordered, prosperous state which in course of time was to become the State of Texas. In the middle of a vast wilderness he created a strong, virile civilization whose children, even unto this day, have rewarded him for his great work by according him a place in their list of heroes far below that occupied by many other men. Trailing after him and hooking their tiny cars of conquest, only too often alcoholically propelled, to the tail end of his car of progress, these worthies at last managed to cut and shoot and drink and shout their way into the very topmost brackets of the Texas Hall of Fame. So much for ingratitude; it's the commonest commodity in the world, and now back to the record.

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* Marquis James, *The Raven* (New York: Bobbs-Merrill Co., 1929).
† *Ibid.*

Austin's first attempt to move settlers into Texas met with disaster. It was worse than disaster; it was a terrible human tragedy of which the details are unknown because no soul survived to tell the story of it.

Back in New Orleans, where he had already arranged with a friend, Joseph Hawkins, to provide him with funds in return for a share in the great Texas Adventure, Austin purchased two small vessels, loaded them with a heavy cargo of supplies and farm implements, along with thirty-five or forty chosen colonists and their families, and on November 21, 1821, sent them off on a journey down the Mississippi and across the Gulf of Mexico to an appointed rendezvous with him at the mouth of the Brazos River in Texas. Stephen Austin never saw those two tiny vessels again. Somewhere in the Gulf a storm struck. The *Lively* went to the bottom, and the other ship was driven ashore on the Texas coast, where waves beat her to pieces and Indians, it is supposed, captured and killed the few of its passengers who managed to get to land.

Stephen Austin meanwhile had gone up the Mississippi and up the Red River, probably to his farm, and from there, at the head of another group of carefully chosen men, had come down overland. When he arrived at the mouth of the Brazos he found no ships and no supplies awaiting him. Since he and his colonists had traveled light in anticipation of meeting the ships at the appointed place, they were now compelled to live off the country until their own heavily laden, leisurely moving oxcarts, driven mostly by their women folks, could finally reach them. To these sturdy citizens, however, and even to their "delicately disposed" leader this was no hardship. If the Indians could thrive in this, the richest region in all Texas, so could they. They actually did thrive, and, despite all the drivel that has been written about them and the perils that now beset them, it is probably quite safe to say that during the weeks that intervened between their arrival at the Brazos and the arrival of their wives and oxcarts these first Austin colonists had a thoroughly good time of it. And why not? They were hard men; juicy venison and fat, wild turkey are not hard to take, and if it so happened, as it often did, that in shooting down their food these intruders from the Red River country were tempted to demolish an Indian or two, this certainly was nothing for anybody to regret. In reality it was the other way round. A couple of dead savages today means only two less to be attended to tomorrow. That was Stephen Austin's own sentiment. His followers quickly acquired a nonchalant proficiency in the fine art of red-men slaughter that made them a greater menace to the Texas aborigines than the aborigines ever were to them.

But aside from killing game and red men, eating the game and allowing the red men to ripen where they lay, these newcomers into a new country had plenty of other work to do. Their colony land, on the lush uplands of the Brazos River, which embraced an elastic area of from five to seven hundred square miles, according to the number of settlers who might move into it, had to be explored and individual allotments made to each of them already there. All this was done, roughly perhaps but so efficiently that at the end of a month Stephen Austin decided to take time out to go to San Antonio for a talk with his Excellency the Governor. He knew that the mouth-to-mouth and newspaper advertising campaign he had launched in Missouri, Louisiana, and Arkansas was having its effect, and that many more desirable settlers were already loading their wagons and preparing to leave the United States and join his people in Texas. How many would come he could not tell, but he was convinced there would be far more than he could accommodate with land under the existing arrangements. Therefore, his chief object in calling on the Governor was to secure a practically unlimited enlargement of his rights under the grant. Since he anticipated no trouble in this connection, he left Josiah Bell temporarily in charge of the colony and rode away, assuring his unsettled settlers he would be back in about two months. He didn't ride back again for almost two years.

When Stephen Austin had first visited San Antonio, following his father's death, he had heard it whispered that Spanish rule on this continent had been overthrown and that Mexico had already become an independent republic. But he hadn't believed it; it was impossible, he thought, for the Mexican Revolution to have been successful. Therefore it was a staggering blow to him to learn, when he reached the Texas capital for the second time, that a new government actually was in control of the country; that consequently his grant was invalid; and that the only way to revive it was for him to go to Mexico City and present his case to the newborn authorities. This was clearly a calamity of the first magnitude. Everything Austin possessed, including his ambition for the future, as well as everything of the colonists who were already in Texas and of those who were on their way there, was tied up in the validity of his grant. Would the Mexican Republic recognize his rights under it? He didn't know, and neither did the current Mexican governor, who at that moment was busy negotiating a treaty with the Cherokees. This treaty was heavily loaded with delayed-action dynamite, in that those Indians who had just been brutally booted out of their homes by Andrew Jackson were to be cordially received in the northeastern corner of Texas.

The only thing Stephen Austin could do was go to Mexico City. Today the City of Mexico is only an easy tourist's jump from the city of San Antonio. A traveler merely hops a plane in the shadow of the Alamo and in a few hours unloads himself in the shade of the sycamores in the park of Chapultepec. Or boards a Pullman and lands luxuriously at his destination in thirty-six hours. Or, riding on balloon tires and curled hair cushions, and slipping slickly along over a magnificent highway, he accomplishes his journey in only two days. In 1822, Stephen Austin was faced with no such pleasant prospect. In those days, in order to get from the capital of Texas to the capital of the stormy republic of which it had become so suddenly a part, a man had to ride horseback across more than 1,200 miles of rough, tough, and very turbulent country. This meant 2,500 miles for the round trip, or, in terms of time, four months in the saddle. Such was the pleasant outlook when Stephen Austin took to the road. He had a most interesting journey. About a hundred miles from San Antonio, being unable to outrun them, he was overtaken by a band of fifty-four evilly disposed Comanches who, after they had robbed him of everything he had except his boots, his pants, and his shirt, turned him loose, afoot, in the brush country. They confidently hoped he would soon starve to death. Instead he somehow managed to catch another horse for himself, a wild one probably, which he rode bareback to Monterrey. There he accidently scraped up an acquaintance with Captain Lorenzo Christie, a vivid adventurer who had been a freebooter on Galveston Island under General Xavier Mina, and later on had followed that

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same resplendent leader in his attempt to invade Mexico. To this daredevil Texas owes a monument because without him as guide and traveling companion it is entirely probable that Stephen Austin would never have reached the City of Mexico. They disguised themselves in ragged uniforms and tattered blankets and posed as poor men on their way to the capital to petition for pay for their services to the revolution. Whenever necessary they identified themselves with forged passports, forged by Austin himself, and finally the pair reached their destination. This was in April, 1822.

Empresario Austin scrubbed the dirt from his hide and extracted his cash and his credentials from his boot linings. Since the Mexican Congress was in session, he optimistically felt that all he would have to do to secure validation of his grant would be to present his papers and his request to the proper authorities. But he was badly mistaken. Mexico at that moment was in labor. To replace a president who was not yet dry behind the ears it was about to give birth to an emperor. On the night of the eighteenth of May, with the seven hundred bells of the city pealing forth paeans of joy from the steeples of monasteries, convents, and churches, and with cannon and musketry fire shooting down the people in the streets, a wild rabble of soldiers, headed by sergeants and corporals, proclaimed Iturbide Emperor of Mexico.

This change in the form of government of his adopted country made no difference to Stephen Austin. On the theory that he could deal more satisfactorily with a one-man authority than with the authority of a turbulent, ignorant gang of congressmen, he probably welcomed it. With but one annoying delay it turned out that he was right. Instead of immediately taking over as a beneficent dictator of Mexico, as Austin had hoped he would, Iturbide convened a new Congress. As that Congress used up a month or two in getting itself organized, much wasted time had to elapse before Austin's petition could even be considered. And then, finally, when it was considered a new and unexpected obstacle arose. Others besides Stephen Austin, notably Green DeWitt, Hayden Edwards, and General James Wilkinson of so much unsavory fame, as well as representatives of the Cherokee Indians, were in Mexico to ask for permission to colonize in Texas. Consequently the Mexican Congress, coming logically to the conclusion that the proper procedure would be to pass a general colonization law covering all these requests, began to argue about the adoption of that kind of meas-

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ure. To this method Stephen Austin, who had now been away from his settlers for more than a year, entered a wide and comprehensive objection. His case, he claimed, was entirely outside the jurisdiction of any new law. His grant had already been issued; many of his colonists were already in Texas; many more were already on their way there, and hence all that was necessary was for Emperor Iturbide himself to validate that grant and enlarge his powers under it. With that contention, when it was brought to his notice, Iturbide agreed. On February 18, 1823, he issued a decree so entirely satisfactory to Stephen Austin that, with a copy of the document in his pocket and joy in his heart, he packed his saddlebags and was all ready to start back to Texas. Just five days later, on February 23, word reached him that Iturbide would be deposed, the Empire destroyed, and the Republic rejuvenated. With kaleidoscopic swiftness this all happened. Waiting in Mexico City, Stephen Austin saw it happen. To a man as impatient as he was, it must have been highly exasperating, although, to a man of his intelligence, it must also have been highly amusing.

To meet the army of the approaching Republicans, Emperor Iturbide in person marched out of Mexico City at the head of all the troops he could muster and formed for battle about five leagues away on the road to Puebla. The enemy drew near, whereupon the Emperor, finding that the force against him was being rapidly increased by deserters from his own army, proposed that, rather than embark on a bloody and purposeless war, since he was willing to quit anyhow, they declare a recess in hostilities, appoint commissioners and talk the thing over. They did this, and as the commissioners decided to revive the Republic, and retire Iturbide to Italy on a pension of $25,000 a year for life, he was immediately sent out of the country. Unfortunately for him, he didn't stay out. Ambitious again to wear the purple, Iturbide sneaked back to Mexico, landed in disguise at Soto la Marina on July 14, 1824, and on July 18, at six o'clock in the morning, having been recognized and captured, he was forcibly persuaded to stand up between an adobe wall and a firing squad and was thus disposed of.

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6. *The Comical Republic of Fredonia*

FOLLOWING Iturbide's downfall about the first thing the revived Mexican Republic did was to declare all the edicts of the banished Emperor null, void, and illegal. This meant that after a year in Mexico City the impatient young *empresario* was exactly where he had been on the day of his arrival. His grant had been invalid then; it was invalid now. Yet, as he was a man gifted with the ability to profit by experience, he was soon able again to get everything fixed to suit him. In the first instance he had by-passed Iturbide's congress by asserting that his grant, owing to its Spanish origin, was outside the jurisdiction of any general colonization law. So he now by-passed the Republican Congress in identically the same way, thus landing his request squarely in the lap of the three-man commission which was temporarily in charge of the new government. Stephen Austin so successfully argued his case that when he again packed his saddlebags and hit the trail back to Texas he had with him a much enlarged grant that allowed him to bring in six hundred instead of three hundred families. He was also empowered to set up and administer a code of laws of his own making and to organize a militia at whose head, with the rank of lieutenant colonel, he was to carry on a war against the Indians. No government could have been more generous. Austin knew this and was grateful that an important exception had been made in his favor. His grant, the only one of its kind, was a direct federal grant which did not have to be, and never was, confirmed by the local authorities of the Mexican state in which his lands were located. This fact rendered him independent of the Texas government, and the civil and military powers specifically given him made him the supreme boss in his own colony. When he finally got back to his settlement on the Brazos, late in the summer of 1823, he was both a very tired and a very triumphant man.

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Satisfaction in his own achievements, however, was not the only source of the triumph of Stephen Austin. One look at his colony told him that his highest hopes were already being more than fulfilled and that Texas was on its way. During his absence many new settlers of the sturdy variety he had insisted upon, many more in reality than he had dared count on, had arrived, had taken up land, and had gone to work. They were scattered about everywhere. Out in the flat country, and down in the river bottoms, over an area of more than a thousand square miles, their cabins rose up in the middle of their clearings. The Indians, as they slipped along through the brush, looking for something to steal, somebody to scalp, or some white woman to ravish, saw fires glowing on the hearthstones of these strangers who, they thought, had come into their country to destroy them. But they were only partially right in coming to that conclusion.

Stephen Austin was not bloodthirsty, but he was stubborn. As a practical, modest leader, who had no desire to flaunt himself to the world all rigged out in beaded moccasins, fringed buckskin pants, and a gaudy blanket, and with feathers in his hair, he chose a policy that later became the fixed policy of the State of Texas. This was that the God-damned redskins had to get out of his colony, and stay out of it, or else. It was up to the Indians to write their own tickets. If disaster befell them it would be their own fault, and for almost two years, small disasters, in retaliation for the killing of a settler, or the burning of a cabin now and then, had been befalling them. This piecemeal manner of dealing with the Indian problem, though, came to an abrupt ending almost immediately after Stephen Austin's return from Mexico. Two young settlers, mere boys they were, who were going down the Brazos with a boatload of corn were captured and killed by the Indians. That settled it. For this deed they all had to get out. Making use of his newly acquired military authority, Lieutenant Colonel Austin organized his militia and sent out a detachment, under Captain Randall Jones, after the Indians. Nor was there anything foolish or ambiguous about the Captain's order. He was to shoot first and parley later. He did this, and was so convincing about it that after he one day destroyed nineteen out of a gang of twenty paint-bedaubed warriors that he accidentally ran into, with no casualties at all to his own side except an arrow through his own hat, the big chief of the Carankawaes sent in word that he would like to

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meet Colonel Austin and make a treaty with him. The chief's wishes regarding a meeting were gratified but no treaty was made. An ultimatum took the place of it. In plain, unfrilled language Colonel Austin told the Indians to move far away to the west side of the San Antonio River and to stay there. They went, and never again did they come across the stream to annoy the Austin colonists.

With the Indians thus permanently disposed of, the next elements of discord that had to be cleaned up were the bad men. They were bad, too, and although in the years to follow many of these guntotin' gents were destined to become glorified citizens of their local communities, Stephen Austin, unsympathetic with their kind as he was, would have no truck with any of them. He was even narrow-minded about it. What was good enough for the Indians was good enough for them; so, like the Indians, they had their own option in the premises. They could get out, and stay out, or else ... and just to impress upon the minds of these undesirables that he meant business Colonel Austin instructed his militiamen to catch 'em, strip 'em, and flog 'em. But, as this humane treatment had no effect other than to stimulate the recipients to more and better deeds of devilment, the orders were soon changed to read: catch 'em, decapitate 'em, and stick their heads up on stakes at the crossings of the Brazos. That treatment worked. It was, in fact, so efficacious that only one dose was necessary. Just one head, that of the leading bad man of the district, went up atop a pole alongside the main highway leading to Austin's colony. That ended the scourge. After that men whose activities were all on the sinful side gave the settlement on the Brazos a wide berth.

In all these bloody efforts, about which so much has been written, but which were, after all, simply sporadic forays for the public welfare, Austin himself took no belligerent part. He was too busy doing other things that were of immediate importance. He had to ride over a thousand square miles of territory, visit all his people, listen to their complaints, fix up their finances for them, advise them what to plant, and tell of the plans he had made to market their crops after they had been harvested. Besides all this, he laid out and built up his capital, San Felipe de Austin, a frontier town which, although nothing more than a collection of unimpressive, one-story log houses, quickly assumed its place in history as the source of the first real law ever administered in Texas as well as the source of supplies for the first real Texans ever to settle in the state.

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By the end of the year 1825 all of Stephen Austin's colonists, numbering approximately four thousand souls, all good Mexican citizens and all glad of it, were prosperous, peaceful, and happy. Elsewhere in Texas, though, conditions were otherwise.

Of the other men besides Austin who had gone to the City of Mexico to ask permission to bring colonists into Texas, Green DeWitt and Hayden Edwards had been granted permits under the general colonization law, and of this pair Hayden Edwards was the first to get down to work, but not to hard work. Apparently he was not that kind of man. Unlike Stephen Austin, *empresario* Edwards, the site for whose colony lay along the Louisiana border and included the old Neutral Ground, was a pompous gentleman who wore starched shirts and white collars and looked down disdainfully not only upon labor but also upon the authority of the Mexican Government. Consequently, in October, 1825, when he crossed the Sabine into Texas to assume control of his chosen territory, he didn't bother to comply with the law by going on to San Antonio to have the state authorities confirm his grant. This oversight placed him in a rather shaky position. Under his federal permit he was legally in Mexico, but, owing to his own negligence, he was illegally in Texas. For this reason the Mexican Governor, feeling that he had been deliberately ignored by this newly arrived, high-stepping Americano, at once sent him an invitation to vacate the state and to do so immediately. That invitation, however, was not accepted. Instead, by going to San Antonio and being contritely polite, Edwards succeeded in having the suggestion grudgingly withdrawn. When he returned to his colony he at once started to stir up some real trouble for himself. It was trouble of a kind he should have anticipated.

Much of the land Edwards had selected, and he must have known this, was already occupied by a very dubious class of settlers, of both Spanish and American origin, all of whom, obviously, had to be dispossessed. But they couldn't be, not without a considerable amount of either lawing or shooting, because when they were told to move practically every one of them produced beautifully engrossed, suspiciously new parchment documents indicating that the land they occupied had been granted to their fathers by his Majesty the King of Spain, and that therefore they were the legal owners of it.

That these documents were the products of a forgery mill was

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very clear. It was also clear that the Mexican citizen who owned the mill was the same man who at that time was a candidate for the high office of *Alcalde* of the town and district of Nacogdoches. It occurred to *empresario* Edwards that the easy way to handle the situation would be, first, to defeat the man in the election, and then, afterward, complain about him to the Texas authorities. He tried both of these ways and failed in both. Despite all Edwards could do with both his cash and his eloquence the Mexican forgery expert was almost unanimously chosen as *Alcalde* of Nacogdoches. Soon thereafter, when the Governor in San Antonio received two letters of complaint in the same mail, it didn't take him long to decide what to do about it. One of these letters, from Edwards complaining about the *Alcalde*, went at once into the official wastebasket, but the other, from the *Alcalde* complaining about *empresario* Edwards, did not. On the contrary, it was read carefully, and its main suggestion, which was that *el señor* Edwards again be invited to leave Texas, was immediately acted upon. The astounding result was that *el señor* Edwards at once declared war upon Mexico.

It was a comical war whose instigator even had a comical name for it. He called it the Fredonian Rebellion. In stirring language he described it as the struggle for freedom, liberty, and independence of the oppressed people of the Republic of Fredonia. The oppressor, of course, was the Republic of Mexico, but what was the Republic of Fredonia? Where was it, and who, and of what race, breed, and color were its poor, downtrodden people? To these questions, important to the Mexican Government, which didn't feel that it should be called upon to go to war with a myth, Mr. Hayden Edwards, after a hurried conference with the chiefs of the Cherokees who had established themselves in his neighborhood, made the following reply. The Republic of Fredonia, divided into two parts by a line running from Nacogdoches due west to infinity, took in all of Texas and then some. All of its white people and all of its red people were its oppressed people, and after victory had been won, according to the agreement made and entered into with the Cherokee chieftains, all the land north of the dividing line was to belong to the Indians and all the land south of it to the Americans. That was all there was to it. It was just another scheme, and a highly ludicrous one, to steal Texas. The promoter had deluded himself into believing that all he had to do was wave his banner and all of Austin's colonists would flock to it and throw in with

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him. But they didn't. They were too busy clearing land, building cabins, and laying out roads to be bothered by any such nonsense as a war for freedom. All Stephen Austin did about it was to send a couple of good solid settlers over to the Sabine to argue with the Fredonians and point out to them the error of their ways. It was a wasted effort. With a plume in his hat, spurs on his heels, a sword at his middle, a vision in his mind, and forty or fifty reckless ruffians at his rear, "General" Hayden Edwards was in no mood to pay attention to any talk of peace. He was out for war; he was bound to have war; all who were not for him were against him, and....

And so far as Stephen Austin was concerned that settled it. He was no trifler. He and his people were loyal Mexican citizens, and if General Edwards was lusting for a war with their country they'd be only too happy to gratify him. He wouldn't have to come for it, either; they'd take it to him. In line with that determination the following manifesto was at once issued. It was blunt and to the point.

> "To the Inhabitants of the Colony:
>
> "The men who were sent to offer peace to the madmen of Nacogdoches have returned ... returned without having accomplished anything. The olive branch has been insultingly returned and they have announced massacre and desolation to this country. They are trying to incite all the northern Indians to murder and plunder ... and have no incentive other than to ruin and to rob.
>
> "To arms then, my friends, and hasten to the standard. The first hundred men will march on the 26th. Necessary orders for mustering will be issued to commanding officers.
>
> "UNION AND MEXICO.
>
> "S. F. Austin.
>
> "San Felipe de Austin, January 22, 1827."

That proclamation, reinforced by the defection of the Cherokees, who, without notice, abandoned Edwards and joined the Mexicans, brought such quick sanity to the madmen that they, in a wild scramble for safety, fled hastily to the far side of the Sabine River. Fortunately they didn't all stay there. Despite an order forbidding him ever to do so, Hayden Edwards himself came back to Texas and there raised a family of thirteen children, who in their turn raised innumerable grandchildren, one of whom, to the glory of the entire tribe, turned out to be one of the best and most resource-

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ful semi-professional baseball players ever to start a riot on a diamond.

This grandson's name was Peyton J. Edwards and he was good! He was, in fact, very good, as is clearly shown by the following bit culled from a piece about him that appeared in the *New York Times* in 1925.

"The trouble," says the sedate *Times*, "started in the last half of the ninth inning when the score stood 2 to 1 in El Paso's favor, and when the visiting team managed to get a man on third and then one on first. Naturally, on the next pitch the man on first started for second, whereupon catcher Edwards, who always did his work behind the bat with a peeled apple stuck away under his chest protector, attempted to throw him out. Attempted was all; he threw wild, the ball went twelve feet over the second baseman's head and the audience groaned while the visitor on third started to trot for home. When he got there, though, he was welcomed by the official pill which had never left the catcher's hands. The wily Edwards had thrown the apple instead, with the result that when the umpire called the stranger out something closely resembling hell in a high wind broke loose all over the lot."

There ends the quotation, but speaking with authority, because he was there and was the major casualty of the battle that ensued, this writer makes bold to add the following comment. It was a great day, a gory day, a day that Grandpa Edwards would surely have been proud of because in just a few brief moments more blood was shed . . . most of it mine . . . than was shed during the entire course of his own comparatively calm and completely collapsed Fredonian Rebellion.

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7. *Trouble with Mexico*

THE Rise and Fall of the Fredonian Republic, although it evoked a copious flow of impetuous, high-sounding language from both Hayden Edwards and his brother B. W., had no dampening effect whatsoever upon the determination of good, sound American citizens to move into Texas. Throughout the entire course of the comic rebellion they continued to arrive, and in such numbers that by the end of 1827 more than 1,400 families had found homes for themselves within the ever expanding limits of Stephen Austin's colony. With varying degrees of success other colonizers were also busy. On the Colorado, for example, with the famous little town of Gonzales as his capital, and with 300 families as a starter, Green DeWitt had laid the foundation for a fine, successful, and progressive settlement. Farther up the Colorado, however, and between it and the Guadalupe, where a huge grant of land had been made to Ben Milam, a grand old Texan after whom the tallest building in San Antonio is today named, no such rapid progress was in evidence. The reason for this lay not in lack of settlers but in the fact that instead of being a great colonizer Ben Milam was a great adventurer. Nothing daunted him. As a mere boy he had shouldered his musket and marched away from his birthplace in Kentucky to fight against the British in the War of 1812. He had been in the Battle of New Orleans, under Andrew Jackson, and had probably even known Lafitte at that time. When that episode was over, and there was nothing else for him to do, he had shipped as supercargo on a merchant vessel bound for South America. But he never got there. His ship went down, and somewhere on the Mexican coast he was washed ashore. Fifteen months later, although there is no record of how he managed it, he was again back in New Orleans. This was in 1817, and as Texas at that time, owing to the exploits of Perry, Aury, and Mina, was very much in the news, Milam decided to go there. Traveling alone, Ben Milam went as far west as the site of the present city of Austin.

While in that locality, trading and living with the wild Comanches, he unexpectedly ran into another lone, adventurous white man named David G. Burnet, who was earning his livelihood in the same risky fashion. The pair bunked together, and years later, after he had become the first president of the Republic of Texas, Burnet wrote: "I knew Ben Milam as early as 1818. I have camped with him many nights on the headwaters of the Colorado with the starry heavens for a canopy and the earth, covered by a buffalo robe, for a couch. He was naturally calm, but never so calm as when in the midst of danger. His mind displayed its energies in a passionate fondness for adventure and enterprise." * This was true; wherever any excitement was uncovered Ben Milam was in the middle of it. Following his return to Louisiana, after his first trip to Texas, he immediately turned around and went back to Texas again. But not alone. This time, along with Don Felix Trespalacios who, as we have already seen, instigated the assassination of Dr. James Long, and Lorenzo Christie, the young daredevil who later on helped Stephen Austin to get to Mexico City, Milam went first to Galveston Island and then to Bolivar Point to offer his services to the unlucky doctor in his second attempt to conquer Texas. The essentials of this story, including Dr. Long's defeat and capture at La Bahia, and his subsequent death, have already been told. The part that Milam and Christie played in the tragedy, however, is also worth telling.

Instead of going with Long to La Bahia, these two men, with Trespalacios, sailed down the Gulf Coast and disembarked in the neighborhood of Tampico, where they were to raise a force of Mexican volunteers and march north into Texas. Except that it didn't work, presumably because Trespalacios sabotaged it, there is no record of what happened to that plan. But it is recorded that when Dr. Long reached Mexico City as a prisoner, and was released, showered with honors, and then murdered, Milam and Christie at once came to the conclusion that Trespalacios had engineered the assassination of their friend, and that they, in a spirit of just retaliation, would engineer his. But their plot misfired; they talked too much, with the result that they were arrested and thrown into prison. There they remained until, ten months later, they were freed at the request of the United States Government. Following his release Milam was officially delivered, aboard an American gunboat, to Norfolk, Virginia, where he remained only long enough to buy

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* John H. Brown, *History of Texas* (St. Louis: L. E. Daniell, 1892).

a horse. He immediately set out to return to Mexico City. He arrived safely, and in some way soon had himself so well re-established in the good graces of the Mexican Government that he was not only accepted as a citizen of the Republic but was even presented with the huge grant of land above referred to, one that took in an area of more than three thousand square miles!

To most men this tremendous gift would have been an incentive to go to work. But Ben Milam was not built that way. He liked money, but not well enough to work for it. Therefore, without attempting to place even one settler on it, he sold out his grant, for $100,000, to a group of English speculators, thus earning for himself the fame of being the first American to pick up a quick fortune through the handling of Texas real estate. Naturally other men who had procured grants in the new country, but were no more anxious than Milam to undertake the tremendous job of colonizing them, now began to follow his example by selling out to land corporations organized by both English and American capitalists. Apparently this was easy to do. For fifteen years Texas had been constantly in the spotlight. According to the grumblings that were perpetually emanating from both Tennessee and Washington, it would inevitably become a part of the United States. On top of that, as a thoroughly convincing sales talk to make it attractive to speculators, was the sensational success of Stephen Austin.

As just one more example of what was happening in Texas, following the collapse of Hayden Edwards' dream of a Fredonian Republic, when his grant was declared forfeited and hence was open to recapture, it was immediately gobbled up by three new *empresarios*, David G. Burnet, Joseph Vehlein, and Lorenzo de Zavala, who agreed to settle it with a total of 1,200 families. But apparently they didn't even attempt to. Instead, just as Milam had done, they sold out to a colonizing concern: a New York outfit called The Galveston Bay and Texas Land Company, which at once went into the business, not of colonizing Texas, but of flooding the rest of the world, wherever gullible purchasers could be found, with a lot of worthless land script. Other *empresarios* sold out to other land companies which did the same thing. Thus Texas came to have, even at that early date, the shady reputation, which it still nourishes, of being the best sucker-plucking region in America, while at the same time such a mix-up in land titles was created that for many years afterward lawyers made handsome livings out of it.

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The failure of the *empresarios* and the land companies to comply with their contracts did not impede the rapid settlement of the country. It went on anyhow. By the end of 1826 it had become so well known that between the Sabine and the Rio Grande lay a land of rich promise that from practically every state in the American Union here came the people. They came independently, they crossed the international boundary line with no hindrance whatever from the Mexican Government, and after that, once they were in Texas, they traveled on and on, with their loaded wagons and their creaking oxcarts, until they found a location they liked. That ended their journey. They stopped, pitched their camps, hobbled their stock, and the next day went to work clearing their land and putting up their cabins. It was a primitive but a mighty movement.

Some of these settlers, becoming Texans of their own accord, located themselves within the limits of Austin's grant, or of Green DeWitt's, and thus became members of those colonies. But most of them didn't. During 1827, 1828, and 1829 most of the colonists merely arrived, found land that suited them and proceeded to occupy it. But they were not squatters because, such was the generosity of the Mexican Government, all any of them had to do to acquire title to a large slice of very rich land was to become a citizen of the country and a member of the Catholic Church. They all did this gladly. Despite the slight inconvenience occasioned by an Indian war that broke out in 1828, and, with heavy casualties to the red men, lasted for thirty-one days, they spread themselves out over a vast stretch of Texas territory. How much territory can be imagined by remembering that under the liberal Mexican law it was possible for an individual settler who wished to qualify as both a farmer and a stock raiser to take up as much as ninety-nine *square miles* of land which, presumably, he would some day pay for at the ridiculously low price of $30.00 per *square league*. However, as stock raising in Texas at that time was of no particular interest to anybody, few if any of these original colonists took up anything like so much land. On the other hand, since few took up less than what amounted in their measurements to about three square miles, it follows as a matter of simple arithmetic that by the end of 1828, when 3,000 of them are said to have arrived, Americans were occupying approximately 9,000 square miles of Texas territory.

Furthermore, they were happily occupying it, because not only were they exempt from taxation but also, by virtue of a couple

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of decrees issued especially for their benefit, they were virtually exempt from payment of their debts. The manner in which this satisfactory situation was achieved is worthy of explanation.

The Mexican authorities failed utterly to realize the threat to both their soil and their sovereignty of allowing any large number of Americans to settle in Texas. Since they wanted the colonists to begin to make money as soon as possible so that they could pay for their lands, they started in to be helpful by forgiving them all taxes for a period of twelve years. This was a good beginning but, as was soon discovered, it didn't go far enough. Even in Austin's colony many of the colonists had left large unpaid bills behind them in the United States. Their indignant creditors began to annoy them with demands for payment, some even going so far as to file suits against them in the Mexican courts. Naturally, as the payment of their debts would deprive them of their working capital, this had to be stopped. The Mexican Government obliged by issuing a decree declaring that no legal action could be maintained against a colonist for the collection of a debt owed abroad. But again, as the relief it afforded turned out to be only temporary, this wasn't enough. Creditors are determined creatures; they want their money, or a part of it at any rate. No sooner were the bankers and merchants back in the United States deprived of *their* right to sue in the Mexican courts than they began to salvage all they could out of their claims by selling them to Mexican lawyers, who, by virtue of their Mexican citizenship, could file suits. As the lawyers invariably directed their claims against the equities which the colonists had acquired in their lands, another decree for the protection of the Mexican Government, which owned the lands in reversion, was absolutely necessary. It was instantly forthcoming and this time it covered everything. In clear legal language it stated that the headlands, the lands, that is, that had been taken up by a colonist in his own name as well as in the names of the various members of his family, including his slaves, could never become subject to the payment of any debt that he owed anywhere on earth, except his one debt to the Mexican Government.

Could anything have been any sweeter than that, or more of a stimulus to Americans to move to Texas? Just think of it. A man with a large family (the more family he had the more headland he could acquire) and large debts could go into the new country and, while laughing at his creditors, become immediately wealthy

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by taking up for himself and his wife and children large tracts of fine farm and grazing land. But were many of the settlers who came in at and around the time these decrees were issued prompted by any such base and wicked motives? Probably not; it is unjust perhaps even to suggest such a thing, and yet so obvious were the advantages of a law which rendered a man's real estate impervious to attacks by his creditors that years later, after it had become a member of the American Union, one of the very first things Texas did was to enact for itself an almost identical statute. This was the famous Homestead Law under whose benign protection a man could let a contract for a house, move into it in the dark of the moon without paying for it, and forever afterward tell the poor bewildered builder to go to hell for his money. This, of course, was an utterly dishonest procedure, but it was entirely legal, and Texas, to this day, is dotted all over with homes, some of them very handsome homes, too, which were built in accord with that arrangement.

The settlers, however—the men who were plowing and planting, and throwing cabins together, and building roads, and thus in a hundred ways putting a good, sound bottom beneath Stephen Austin's plan of progress—were not the only Americans to receive exceptionally favorable treatment at the hands of the Mexican Government. There were also businessmen who had their own ideas regarding Texas development, and as they also had cash with which to pay for what they wanted it is easy to understand how a certain Mexican governor of that period could afford to serve without pay during his entire term in office. The Governor, of course, said that his only motive was patriotism, that he drew no salary because there was no money in his state treasury. But doubt becomes pardonable in the face of the record. While he was on the job John Woodbury and John Cameron were given the exclusive right to mine coal and iron anywhere within Texas for a period of twenty years; John Brandburn and Stephen Staples were presented with a similarly exclusive right to run steamboats on the Rio Grande; a certain Mr. Alemy, for reasons known only to himself and the Governor, was handed a monopoly on the drilling of artesian wells; finally, last but not least, another American, named James Bowie, whose greatest speculation, according to his brother Rezin, had been in handling slaves for Jean Lafitte on Galveston Island, but who had reformed and had had the foresight to marry the daughter

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of Verimendi, the lieutenant governor, and to become both a Catholic and a Mexican citizen, was given a concession to operate both a salt refinery and a woolen and cotton manufactory in the town of Saltillo.

From all this it is clear that Americans who earnestly wanted to make the best of their opportunities by developing the natural resources of Texas had no reason to be dissatisfied with the treatment accorded them by the Mexican Government. On the contrary, in contrast with that of 95 per cent of the Mexicans themselves, whose homes were hovels, whose clothes were mere rags, whose perpetual diet was *frijoles* and *tortillas,* and 75 per cent of whose meager earnings were dutifully turned over to their priests, the lot of these strangers was indeed Utopian. It was Utopian even in comparison with what most of them had left behind in the United States, and yet in strict accord with the character of their kind it was inevitable that the drones, the idlers, and the politicians, who had merely followed the crowd into Texas, should begin to look around for something to kick about. And, although it was of no importance whatever, except as an outlet for a lot of tall talk, they soon found it.

In 1825 Texas lost its individual identity as a federally controlled province by being made a part of the huge Mexican state of Coahuila and Texas. So far as Stephen Austin was concerned the change made no difference except that the longer distance to the new capital at Saltillo rendered communication with the governing authorities slow and difficult. To the politicians, however, who set a precedent, still followed by many of their successors, of pickling the problem in alcohol and then studying it, the situation was one that literally reeked with menace to the liberty of all the Americans in Texas. It was this. The setup of the state of Coahuila and Texas called for the election of twelve representatives to a state legislature with only two allotted to Texas. Was this unfair? That depended upon the basis of representation. If it was to be determined by counting jack rabbits, coyotes, redskins, and rattlesnakes it obviously was, since Texas far outdistanced Coahuila in its possession of those valuable assets. But if it was based on the count of Mexican citizens, far more of whom lived in Coahuila than in Texas, it wasn't. That, apparently, was the way Stephen Austin looked at it. He and his colonists were all Mexican citizens, and although they had certainly been granted exceptional privileges, there was no reason he

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could see why they should now be given any overwhelming favoritism in the matter of representation. Consequently he kept his mouth shut, but the politicians didn't. They raved, ranted, resoluted, and, of course, accomplished nothing save call the attention of the Mexican Government to the fact that a turbulent, undesirable element, far noisier than it was numerous, had infiltrated itself into Texas along with the hard-working settlers.

And then again, while the politicians worked themselves up into a lather of rage about it, Stephen Austin paid no attention whatever to a second change in the status of Texas that was brought about by its union with Coahuila. This change was in connection with the explosive question of slavery. Many of Austin's colonists not only owned slaves but had acquired additional lands by reason of such ownership. Yet when the newly created state, in its constitution, declared that it was a "free" state, wherein all traffic in slaves was forbidden and all children born of slave parents were automatically emancipated at the age of fourteen, neither he nor any of his people uttered one word of protest. But why not? How can anyone account for such spineless acquiescence? The answer is characteristic of the people of Texas even unto this day. If they don't like a law they repeal it—by universally disobeying it. They are doing it now, in regard to drinking and gambling, and in Stephen Austin's time, aided and abetted by the *empresario* himself, they did it in regard to slavery. It was very easy. Owing to the wide powers that had been conferred upon him by the Mexican Government, Austin was the law unto his own people. He was *all* the law; he was their military leader; he was their chief magistrate. He was, in fact, practically the only official of their government with whom they came in contact. Therefore when he blessed the method by ignoring their adoption of it, they at once proceeded to repeal the antislavery clause in their constitution by importing slaves as "servants," and when they sold any of them they wrote the transaction down on their books as a deal in livestock rather than in human beings.

The antislavery matter having been satisfactorily attended to, the next disagreeable law the settlers felt called upon to repeal by disobedience was a tariff act obviously intended to force them to buy all their goods and supplies in Mexico. A prohibitive duty on all foreign-made merchandise was a hardship that the colonists could not and would not endure. And they didn't; instead they all became smugglers and made a profitable business out of it, with practically all the contraband coming in through a port of entry which was under Stephen Austin's own control at the mouth of the Brazos.

Thus with no difficulties in their path that they couldn't flatten out in their own way, the really industrious Americans went calmly ahead with their work of development. They moved rapidly. The Indians had been run out of their section of the country—a gory task that the Spaniards and Mexicans had been unable to accomplish in two centuries of possession. This step achieved, these Americans, or to begin now to call them by their true name, these Texans went steadily at the job of digging themselves in on their own soil. They meant it; they had come to stay. From the way, especially in Austin's and DeWitt's colonies, in which they expanded their farms, and improved their buildings, and laid out roads, and established towns wherein the beginnings of industry began to appear, it was clear that they intended their occupancy of their part of Texas to be permanent.

On the other hand it was equally clear that despite their permanency the Texans had no intention whatever of becoming "Mexicans" in any other than the purely legal sense of the word. Except in isolated cases where shiftless Americans went native and descended to the level of the Mexican way of life, or where ambitious Mexicans, usually of Spanish blood, adopted the American way, there was practically no mingling of the two races. There couldn't have been; there was too wide a cultural gap between the two peoples for an equality of association to have been possible, and yet neither in 1830, the year we are now approaching, or even later, when it actually happened, was Stephen Austin in favor of separating Texas from Mexico. His ambition, based on the very cultural gap above mentioned, had been completely otherwise. From the beginning he had felt that in a country owned by a people who were lazy, indifferent, and ignorant it would be comparatively easy for Americans who were industrious, intelligent, and aggressive to become dominant and build up for themselves their own homes, their own communities, and their own civilization.

Obviously this program did not call for a war of conquest. Instead, it called for conquest by peaceful development, and such was the character of the conquest that was under way when, on April 6, 1830, President Bustamente of Mexico issued a decree forbidding people of the United States to settle as colonists in Texas and suspending all colony contracts conflicting with this prohibition.

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8. *Andrew Jackson and Sam Houston*

ALTHOUGH the Texans did not know it at the time, and did not find out about it until several years later, the reason for the issuance of the decree barring further American immigration into Texas was that President Bustamente had suddenly become suspicious of the intentions of the United States. His suspicions were justified because back in 1825 the argument about the boundary line, which presumably had been settled by the treaty of 1819, had been suddenly revived. But who revived it? There is no documentary evidence to prove it, but as Andrew Jackson went to the U. S. Senate in 1825 it is perhaps no mere coincidence that it was in that year that the American Minister in Mexico City was instructed to insult the Mexican Government by offering a paltry million dollars for the entire state of Texas. The offer was refused, of course, but the mere mention of such a trivial sum was enough to put Mexico on notice that the United States did not consider itself very rigidly bound by the original treaty. So Mexico became insistent that a new one be entered into. Consequently, after two other offers by the United States to buy parts of Texas had been scornfully rejected, a new treaty ratifying the old one was drawn up and signed.

Two men in the United States, Andrew Jackson and Sam Houston, looked upon this treaty, which went into effect in January, 1828, from very different angles. To Andrew Jackson, already esteemed in Washington as a tall, tough, and ugly statesman, it was as irritating as a bunion in a new boot. Through the lack of courage of Henry Clay and his spineless following, because it was Clay who had instigated the insulting offers to Mexico, Texas was slipping out of the clutches of this country. Give Mr. Jackson time, though, and regardless of treaties he'd fix it. He was sure of it because, despite his own stated estimate of himself, that he was neither good enough nor big enough for the job, he had made up his mind to become President of the United States. And then what?

Well, he would do many things; he would destroy his enemies, vindicate himself for his social blunders, sacrifice patriotism to partisanship by placing the welfare of his political party above that of his country, and finally, as probably his greatest ambition, he would bring Texas into the American Union by moving the boundary line down to the Rio Grande where he had always said it belonged. Such was Andrew Jackson's idea of how he would use his presidency, and yet for anyone else to adopt such an attitude would have been the acme of wickedness. He had said so.

"The chief executive of a great and powerful nation," declared Mr. Jackson in a letter of congratulation to President-elect Monroe, "should never indulge in party feelings. His conduct should be liberal and disinterested, always bearing in mind that he acts for the whole and not a part of the community. Consult no party in your choices, and thus acquire for yourself a name as imperishable as monumental marble." *

For someone else that was Andrew Jackson's recipe for greatness; for himself he had an entirely different one.

On the other hand, to Sam Houston, ex-governor of Tennessee, who perhaps paid no attention to the document until after he had recovered from the combined ill effects of an unfortunate marriage and a protracted spree among the Cherokee Indians, the new boundary treaty was entirely satisfactory. He had had nothing to do with the making of it, but as he was in dire need of a ladder on which he could scramble back to greatness, and as the United States had at last formally relinquished its claim to Texas, he could see no reason why he shouldn't assert a private one of his own. Consequently he began to do so. Throughout most of the year 1829, no matter in what company he found himself, either in Tennessee or Washington, Sam Houston invariably brought up the subject of Texas as an independent country with himself at the head of it as king, emperor, or president. He talked convincingly about it. He made men believe in him because, apparently, he believed in himself. But did he? He must have, because in Nashville when an artist asked him if he would pose for a portrait he replied: "Yes, paint me as Marius." As Marius it was done, and as Marius, barefooted, bareshouldered, bareheaded, draped in a black toga and standing among the broken columns and the fallen arches of Car-

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* Gerald W. Johnson, *Andrew Jackson: An Epic in Homespun* (New York: Minton, Balch and Co., 1937).

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thage, Sam Houston hangs today upon the wall of the Senate Chamber in Austin. Some unkind critics have referred to this picture, which is certainly no masterpiece, as a caricature of greatness.

The ordering of that portrait was obviously Sam Houston's declaration to the world that he was a Man of Destiny, and as he had previously made it known to many people, including John A. and William H. Wharton of Tennessee, that Texas was to be his seat of empire, it is necessary that we now begin to examine his activities.

Just how Houston planned to take Texas, a country he had never seen, was then known only to himself and his God. But today it is; today as we follow him along the trails he traveled we can see his whole scheme of conquest unroll. It was not a noble one. To begin with, after suddenly disappearing from the haunts of white men, with whom he had said he was through forever, he unexpectedly turns up at Fort Smith, Arkansas. From this point, after he had made a dicker with a whisky runner for an adequate supply of liquor, he plunged dangerously into the Indian country and into Indian politics. It was a risky venture but highly successful. The Indians liked him to such a degree that the National Council of the Cherokee Nation conferred citizenship upon him. We next find him working almost alone, and very rapidly, to prevent the outbreak of a general Indian war that would have involved the Cherokees, the Choctaws, the Creeks, and the Seminoles, and would have been incredibly bloody and of long duration. At the successful conclusion of that effort we find him standing as a white chief at the head of a potential army of as many as ten thousand red warriors. This was the consummation, up to that time, that Sam Houston had hoped for.

People in those days saw Sam Houston do this strange thing and wondered at the meaning of it. It was then said by many, and is still believed in some quarters, that he worked among the Indians merely to further the effort of the federal government to move the redmen to the West, thus leaving the East exclusively the property of the whites. To accept this view is to misunderstand Sam Houston. Houston, who cared not a snap of his finger for the welfare of the white man, favored and aided the removal of the Indians only because it brought more and more of them into the West and in this way placed more and more power in his hands. The details of *all* that he planned to do with this power, once it was completely his, will never be known. Nevertheless, among the many schemes, dreams, and fantasies that constantly tormented him, and that he frequently talked about, there was one vision that was never absent from his mind. This was the vision of Texas.

Some day, with the aid of his Indians, Texas would become his, and so, filled to the brim with the illusion of his own future grandeur, we next discover him, as ambassador to the United States from the Cherokee Nation, creating a tremendous political and social unheaval in the city of Washington. That he did is not to be wondered at. Washington was used to many things but not to opening its doors to a discredited governor, garbed in the gorgeous raiment of the Indian wigwam, and bearing the credentials of an ambassador. The doubts of Washington as to whether it should receive him were of no importance to Sam Houston. What really mattered was that with a different colored blanket for every occasion, and a fresh set of feathers for his hair, he was creating a sensation. That was his desire; in that respect everything was proceeding according to plan. When his old friend Andrew Jackson decided his social status for him by inviting him to a function at the White House his cup of happiness was full to the last drop. Perhaps no one ever knew how much that invitation meant to the Ambassador of the Cherokees. It was sweet to him in that it was his revenge upon the people of Tennessee whose notions of the honor of a gentleman in regard to the manner in which he had treated his wife were not exactly in accord with his own. The notions of the President of the United States, however, were in accord, and hence his conduct from that time forward had to be applauded by everyone. That not everyone did applaud is shown by the fact that later on, to cries of "female purity," he was booed out of a theater in Cincinnati, but as it soothed him to think so, Houston himself was well pleased with the result of his reception by Andrew Jackson.

Although the Ambassador's activities in Washington had no bearing whatever on his plans for Texas, one feature of them is worth recording. Apparently, and entirely apart from the ceremonial function of conveying the respects of the Cherokees to the Great White Father, Sam Houston's principal reason for visiting the capital was that he hoped to persuade his friend, Andrew Jackson, to give him, personally, a contract to provide all the Indians in the West with their rations of beef. And that he didn't actually get away with it seems to have been entirely due to the disagreeable interference of an inquiring reporter.

It happened this way. President Jackson and his Secretary of War, John Eaton, another tough and ugly Tennessean, were just on the verge of presenting Sam with the desired contract when in walked the reporter, to whom the Secretary explained the situation. "The present beef ration," he said, "is costing the government twenty-three cents per day per Indian. Sam here is willing to provide it at eighteen cents, which means a saving of ten thousand dollars a day to the taxpayers. Pretty nice, isn't it?"

The newspaper man, however, didn't think so. Beef was cheap, very cheap; eighteen cents was far too much for it. Before he got through airing the story, bids at seventeen, sixteen, and fifteen cents had begun to come in. Countering with bids submitted in another name, Houston dropped to fourteen, thirteen, and even twelve cents. Then he quit. But others didn't. Bids went as low as eight cents and yet no one got the contract. Why? It is all surmise, but the probable reason was that if Andrew Jackson couldn't favor his friend Houston he would not favor anyone. The welfare of the Indians, and the taxpayers, of course, was of no importance.

If Houston was disappointed at his failure to make his fortune as an Indian contractor he didn't show it. He probably was, but as Washington was a town in which sorrows were easily drowned, and as Sam himself was already an adept in that art, no one heard him utter a word of complaint. But many men at that time did hear him dilate largely on his dream regarding his Texas empire. Some of his listeners even made records of his remarks!

Leaving Washington and stopping at many places, both to talk to people and do a good deal of shopping, Houston returned by easy stages to the Indian country where, at Cantonment Gibson, he presented the following remarkable document to the commanding officer, Colonel Arbuckle.

> SIR:
>
> I have the honor to inform you of the arrival of my boat with an assortment of goods which I will proceed to make sale of as soon as convenient. You are the only public officer in this country to whom I will, or could, report. My situation is peculiar. I am a citizen of the Cherokee Nation and as such I contend that the intercourse laws have no bearing upon me or my circumstances. [By which he meant to say two things, first, that he was no longer

a citizen of the United States, and second, that he did not have to have a license to trade with his own people, the Cherokees. And then he went on.]

I ordered to this point for my own use five barrels of whisky, one barrel of cognac, one of brandy, one of gin, one of rum and one of wine. The whisky, excepting one barrel, will be stored with the sutler subject to your orders, and not one drop of it will be sold to soldiers or Indians.

I have the honor to be

Respectfully
SAM HOUSTON *

This skillfully written letter, as its writer had known it would, and wanted it to do, stirred up a good deal of commotion. Could a man by declaring that he was a citizen of a treaty tribe of Indians absolve himself of his allegiance to the United States? That was the substance of the question it presented and as this was far too complicated a problem for Colonel Arbuckle to solve he forwarded the communication posthaste to Washington. In the capital the War Department received it, considered it very seriously, and temporarily side-stepped the main issue by replying as follows:

"The right contended for by Mr. Houston to carry on trade with the Indians without being licensed would, if admitted, tend to overthrow the whole system of Indian trade as established by Congress. Mr. Houston will therefore be required to give bond and obtain a license from the Indian agent."

That part being disposed of, the sympathetic War Department then added this consoling paragraph:

"Indian traders," it said, thereby implying that if Sam Houston secured a license he would come under that heading, "will not be allowed to take spirits into the Indian country, but Mr. Houston may be permitted to take his nine barrels of liquor to his own residence and keep them there for his own private use." †

But even this concession regarding his liquor did not satisfy Houston. He wanted more than that. He was playing a very deep game. Since he wanted the United States officially to recognize him as a Cherokee citizen, he declined the invitation of the War Department to apply for a trader's license. To have accepted it would have amounted to an admission that the action of the Cherokees in naturalizing him had been void, and that therefore

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* Files of the U. S. Indian Bureau.

† *Ibid.*

they had no community powers as a nation under their treaty with their Uncle Sam. Looking upon himself as their future white chief, the head to be of a great, warlike nation of redmen, Houston contended that they did have. He was sincere about it, and it meant so much to him in the fulfillment of his ambitions that when the Supreme Court in Washington overruled him he flew to his liquor trove and put on a spree of such splendid scope and extended duration that before he was through with it his Indian brethren had conferred a new title upon him. But they did it lovingly. They sympathized with him as with a soul in torment, and hence there was nothing either unkind or contemptuous in it when they began to refer to him as the Big Drunk.

There was also another excuse, in case he needed one, for Houston at this time to seek solace in the flowing bowl. He had talked too much. Both in Tennessee and Washington he had told too many people of his plan to take Texas at the head of a great army of Indians and turn it into an independent country with himself as its ruler. One man in Washington in whom he had been very careful not to confide was Andrew Jackson. To have done that would have been fatal to his own personal ambitions. And Houston knew it. Jackson, of course, wanted Texas, but only in one way. He wanted it as part of the United States, whereas Sam Houston, who had renounced his United States citizenship, according to the story which reached Jackson's ears, would conquer it at the head of a horde of savages, would make it his own personal property . . . and what would be the result?

Andrew Jackson shuddered even to think about it. He liked Sam Houston, he even admired him, but when he recalled the gaudily barbaric manner in which the Cherokee Ambassador had invaded Washington, and then pictured the man as he would certainly appear if he should ever become an Indian monarch in his own right, it was too much for him. Something had to be done about it. To cap the climax, he received a letter from a man who had talked to Houston, and who informed him that Sam had widened his horizon and now planned to conquer all of Mexico. At this President Andrew Jackson went into action. It was direct action. To begin with, through army offices and officials of the Indian Service he had Houston spied on, had his mail intercepted and read; and as the evidence thus accumulated clearly indicated that Sam was, or at least had been, planning devilment on a large scale, the President sat down at his desk and in his own hand wrote his dear friend a letter. It was an astute letter that Sam Houston could answer in only one way.

In this letter, after pointing out the brilliant future that had once been open to him as the governor of his state, as the husband of a beautiful young lady, and as a man who had a secure hold on the affections of the people, Jackson suddenly switched his tone by referring to the fact that Houston had become an exile from his country, and then in cold, direct words he concluded:

"It has been communicated to me that you had the illegal enterprise in view of conquering Texas; that you had declared that you would, in less than two years, be emperor of that country by conquest. I must really have thought you deranged to have believed you had so wild a scheme in contemplation, and particularly when it was communicated that the physical force to be employed was the Cherokee Indians. Indeed, my dear sir, I cannot believe you have any such chimerical, visionary scheme in view. Your pledge of honor to the contrary is a sufficient guarantee that you will never engage in any enterprise injurious to your country that would tarnish your fame." *

Houston gave the pledge. He had to, for he was on the spot. The United States Army which read his mail had its eyes on him, and, moreover, as the friendship of Andrew Jackson was worth more than that of any other man in America, he found himself unable to make satisfactory replies to letters from both Tennessee and Texas asking what his immediate plans were, and what "the passage of time would bring about." This question worried him; since he didn't know, he could send no answers to his friends, and as a release from his troubles he continued to take comfort from his bottle.

Just how long this grand spree of Houston's lasted is unknown, but we do know exactly when it ended. In August of 1831 a letter from Tennessee reached him in his wigwam. It sobered him. It was a call to come back to his home, to the bedside of his dying mother. He took to the road instantly, reached Tennessee barely in time to receive his mother's last blessing, and then, in October, he was again back in his wigwam with his Indian wife Tiana. But he was a changed man. He was no longer the Big Drunk. He never again would be. Sam Houston was never a teetotaler, nor even an abstainer, but never again in his life did liquor get the best of him.

Two months later, in December, 1831, along with a delegation

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* Yoakum, *History of Texas.*

of Cherokees who had a petition to present to the President, Houston again visited Washington. But since he was not a member of the delegation, what was his business there? Again we can only speculate, because, obviously, no written records of the several conversations he is known to have had with Andrew Jackson at this time were made. Nevertheless we do know what the two men talked about. They discussed Texas; we can be certain about that, because otherwise, and without Jackson's consent, Houston would not have gone on to New York to try to raise funds with which to foment some kind of trouble down on the Mexican border. He went, he tried, and he was not successful. He made the trip only to discover that Eastern financiers who already had large sums invested in *empresario* lands in Texas would think about it a long, long time before they would agree to finance a rebellion. Thus when Houston got back to Washington the question of even his own expense budget was unsettled. Personally he was practically without money; he never had had a great deal, and it is impossible to say what would have happened at this juncture, not only to Sam Houston but also to Texas, had it not been that Andrew Jackson provided the visionary adventurer with $500 taken from his own presidential pocket.

Nor was this all that Andrew Jackson did. Without in any way releasing Houston from his pledge not to do anything to injure his country, or to tarnish his own fame, the President, who had just provided the funds for the journey, equipped his friend with a United States passport and sent him off on a confidential mission to Texas.

In this way, as the result of an obviously secret understanding between himself and the President of the United States, Sam Houston at last set out on his real road to greatness. He knew he was finally traveling it. His confidence in himself was again supreme. "Yes, yes," he cried to a group of friends with whom he was spending a convivial evening on his way back to his wigwam, "I am made to revel in the Halls of the Montezumas." And then again, while he was en route from his wigwam to Texas, he brought great comfort to the heart of a man who had presented him with a razor by saying, magnificently: "I accept your gift, my friend, and mark my words, if I have any luck this blade will some day shave the chin of the president of a republic." *

* James, *The Raven.*

9. *Sam Houston Reaches Texas*

AS IT had taken him some time to straighten out his affairs both in Washington and the Indian country, it was not until December 1, 1832, that Sam Houston took his first look at Texas. He saw it, as the Austins had seen it, across the Red River, and he entered it as they had done by fording that stream. Having done this, having wet his coattails thoroughly in the process, and then having searched his pockets to see that his credentials as official representative of the United States were still safe, he rode on and on, day after day, until he finally reached San Felipe, Austin's capital on the Brazos. Austin was not there, but fortunately another eminent and loyal citizen of the Mexican Republic was on hand to greet the stranger. This was Don Santiago (James) Bowie, son-in-law, as we have already seen, of the Lieutenant Governor of Texas. He and Houston had met once before up in Little Rock, and as they had at least one manly accomplishment in common, they were soon able, by repairing to the tavern, to revive their acquaintance. The revival was a success, so complete that at the end of only one session Bowie rode on with Houston to San Antonio, where he at once introduced him into official society.

With this as a start it took Houston but a few weeks to get his eyes fully opened as to what was going on in the country he had planned to invade. What he saw must have astonished him. In his mind he had conceived a plan of conquest (which Jackson had described as "the effusion of a distempered brain" *). Now he must have realized how impossible of completion this would have been. It would have failed utterly because the overwhelming majority of the Americans in Texas, being completely loyal to Mexico, would have been the first to resist him. Houston saw this clearly. From talking with Bowie, with many citizens of San Antonio, and later on with Stephen Austin and with many of the colonists, he could have come to no other legitimate conclusion. And yet, after his confidential survey was completed and he was again back in the United

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* Andrew Jackson's Notebook, May 21, 1829, Library of Congress.

States, from an inn in Nachitoches, Louisiana, on February 13, 1833, he wrote the following letter to Andrew Jackson:

> GENERAL JACKSON:—
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> DEAR SIR: Having been so far as Bexar, in the province of Texas, I am in possession of some information that may be calculated to forward your views, if you should entertain any, touching the acquisition of Texas by the United States.
>
> That such a measure is desired by nineteen-twentieths of the population I cannot doubt. Mexico is involved in civil war. The people of Texas are determined to form a state government, and to separate from Coahuila, and unless Mexico is soon restored to order Texas will remain separate from the Confederacy of Mexico. She has already beaten and repelled all the troops of Mexico from her soil. She can defend herself against the whole power of Mexico, for really Mexico is powerless and penniless. Her want of money, taken in connection with the course which Texas must and will adopt, will render a transfer of Texas to some power inevitable.
>
> Now is a very important crisis for Texas. England is pressing her suit for it, but its citizens will resist if any transfer should be made of them to any power but the United States. My opinion is that Texas, by her members in convention, will, by first of April, declare all that country (north of the Rio Grande) as Texas proper, and form a State Constitution. I expect to be present at that convention and will apprise you of the course adopted. I may make Texas my abiding place but I will never forget the country of my birth.
>
> I will notify, from this point, the Commissioners of the Indians at Fort Gibson of my success, which will reach you through the War Department.
>
> Your friend and obedient servant
>
> SAM HOUSTON *

The one significant feature of that letter was its utter inaccuracy. Separation from Coahuila was desired but not from Mexico. On the contrary perhaps nineteen-twentieths of the Texans, except on two slightly annoying counts, were well satisfied with their situation just as it stood. As we have already seen they had every reason to be satisfied. They owned large tracts of rich land, they were prosperous, they paid no taxes, and, at least in Austin's colony, they named their own law administrators.

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* James, *The Raven.*

Again, either by design or because he had been misinformed, Houston misstated the facts when he said that the Texans had already beaten and repelled all the troops of Mexico from their soil. Nothing like that had happened, although for the brave purpose that he and Jackson had in view, it was perhaps convenient for Houston to believe it. Briefly, the real situation, which had a somewhat ludicrous ending, was as follows:

In 1828, to enforce the decree against the importation of foreign-made goods, Mexico had sent a number of soldiers into Texas and had garrisoned them at various ports of entry under the command of an expatriated Kentuckian named Colonel Juan Bradburn. Being an excitable man, Bradburn at once started trouble by arresting William B. Travis and several other Americans on what the Texans said were "trivial charges" and locking them up in jail at Brazoria. However, he released them hastily when 160 armed colonists who meant business, and had already killed a number of his Mexican soldiers and had captured all the rest, demanded that he do so. In return for the release of Travis the Texans marched the captured Mexicans back to the Rio Grande and turned them loose on parole.

This trifling incident had a large result. Travis, a war-loving, fighting man from Georgia, whose ideas regarding Texas were so advanced that he had for several years been corresponding with Houston about them, had not been improperly arrested. He had had it coming to him. The colonists knew this, and therefore after the shooting had died down and they could think it over they came to the conclusion that they had probably got themselves onto a bad spot by arming and going to his rescue. However, with Austin's knowledge of Mexican psychology as their guide, they saw a way whereby they could actually profit by their own predicament.

General Antonio Lopez de Santa Anna was at that time leading a successful revolt against President Bustamente; Colonel Juan Bradburn was a Bustamente supporter, wherefore the cunning Texans at once held a meeting and adopted a set of resolutions in which, after praising Santa Anna in some very stately language, they solemnly declared that their action in arming themselves, and capturing Bradburn's soldiers, had all been in support of his (Santa Anna's) revolt against the tyrant. This bit of deception earned its just reward. Copies of the resolutions, beautifully engrossed, were sent to General Santa Anna, who was so pleased with them that one by one the garrisoned troops in Texas were ordered to pack their knapsacks and move back to the land below the Rio Grande. So it was not by force, as Sam Houston had stated in his letter to Jackson, but by a clever bit of Austin diplomacy that the military forces of Mexico had been "repelled" from the soil of Texas.

Not even in regard to the convention which he planned to attend did Houston give his sponsor in the White House entirely accurate information. Had he done so he would have said that the meeting was to be a follow-up of a previous one at which the decrees against importation of American goods and immigration of American citizens into Texas had been discussed. However, as nothing had come of this first meeting, a second one, for the purpose of drawing up petitions to the Mexican Government asking for repeal of these two decrees, as well as for a divorce from Coahuila, had been called. That was all there was to it, and thus there was not, as Houston's letter must have led Jackson to believe, anything that even remotely resembled the spirit of revolt in the attitude of the bona fide settlers. Especially was this true among Stephen Austin's people, who were looked upon by the Mexican Government as so loyal that the decree against further immigration of Americans into Texas had already been declared inoperative against his colony, thus permitting him, if he wanted to, to bring in more settlers.

In other words Mexico had divided the Americans in Texas into two distinct parties: the peace party, which included probably three-fourths of them and was headed by Stephen Austin, and the war party, which had its headquarters at Nacogdoches and was led by the Wharton brothers of Tennessee, old friends of Sam Houston who had for two years been urging him to hurry up and get on down there and do something.

In these circumstances, with courtesy and policy both demanding it, Sam Houston decided to make his home in Nacogdoches rather than San Felipe or San Antonio. He did this by securing a domicile, joining the Catholic Church (without religious conviction, although he did throw a large party in celebration of the event), and finally by hanging out a shingle announcing that he was an attorney practicing under the laws of the Republic of Mexico. As a lawyer Houston had three clients; two were land companies, one of which, apparently a bogus concern, dealt in land script while the other dealt in actual land. He, himself, was his third client in whose behalf the first thing he did was to file a claim against the United States War Department for $3,500 covering expenses incurred in connection with a confidential investigation of the Indian situation in Texas. This claim, incidentally, was never paid, probably because the War Department had no recollection of having hired him.

With no pressing legal matters to hinder his investigations the new Nacogdoches attorney now had plenty of time on his hands in which to make a study of the actual state of affairs in Texas. Presuming that he did this, and was impartial about it, he now got a clear understanding of the attitude of the Mexican Government toward the Americans in Texas. On the whole it was a friendly attitude, and yet, as Houston undoubtedly discovered if he talked with responsible Mexican officials, the formal request for the repeal of the obnoxious decrees that the colonists were planning to make at the forthcoming convention would certainly be very bluntly and positively refused. But why? The answer, if it could have come directly from Mexico City, would have been about as follows:

The refusal would not be based on any dislike of the real American settlers who were actually at work in Texas, or on any desire to oppress them. On the contrary, the Mexican Government liked these settlers, was glad to see them prosper, and would continue to aid them to do so by granting them special privileges such as exemption from taxation and immunity from annoyance by their creditors throughout the years to come. Nevertheless, as loyal Mexican citizens, there was this fact that the colonists must take into consideration: They must be continuously aware that the United States of America lay immediately to the north and east of them; that it had its avaricious eye upon everything that they owned; and that even at that very moment its President, Andrew Jackson, was sulking in his home in the White House because of Mexico's discovery that in his zeal to get possession of their state he had endeavored, with filthy American cash, to debauch the honor of their own officials in their own capital of Mexico City.

From the Mexican point of view, that a president is responsible for the acts of his minister, this was the truth. But had Houston had any previous knowledge of it? Perhaps not. In all probability until now he had never heard that although Jackson had been furious with Henry Clay for trying to buy Texas for a million dollars he, nevertheless, with characteristic inconsistency, had tried to do the same thing himself, except that he had raised the ante to four million. As it properly should have done, Mexico had rejected this offer as scornfully as it had rejected Henry Clay's, whereupon Jackson's minister, a thoroughbred crook by the name of Anthony Butler, of whose slimy transactions more will be said in a succeeding chapter, had attempted to use United States funds with which to bribe a few high Mexican officials. That settled it. By some queer turn of fortune Butler approached perhaps the only two or three honest politicians in Mexico with the result that these highly insulted gentlemen raised an unstinted amount of unshirted hell in the Mexican Congress by telling of the assault made upon their honor by President Andrew Jackson of the United States.

All of which, of course, not only tended to increase Mexico's suspicions regarding the honesty of American intentions but also made the Mexican Government more determined than ever to prevent nonworking settlers, who brought no equipment with them except their artillery, from crossing the Sabine into Texas to add their strength to that of the Wharton brothers' war party.

Having learned this much regarding Mexico's attitude, and it was his own fault if he hadn't learned it, Sam Houston next, simply by putting his ear to the ground, could easily have discovered that although *all* the people of Texas were resentful they were by no means all resentful for the same reason. In the region where he lived, the old Neutral Ground which had always been a hot spot for hatching trouble, the Wharton brothers and their followers, few but furious, were whooping it up and working overtime to create in the hearts of the people a universal hatred of Mexico. Down in the Brazos bottom, however, and on the fertile uplands of the Colorado it was very different. Over in those sections, where men plowed and planted and reaped and raised stock and sent their children to school in schoolhouses they themselves had built, the resentment, and it was a very strong resentment, was against the United States. If Uncle Sam, they said, and of course at the moment they meant Andrew Jackson, would only get the hell out of their way and quit meddling with their affairs and stay out of politics in Mexico City, they could get along very nicely with their own Mexican Government. It had always been good to them; they liked it and were perfectly willing to stick to it.

Thus, with Texas pictured in his mind as a country wherein a very large number of peaceful colonists were being urged into a war against their government, and against their will also, by a very small number of reckless agitators, Houston took his seat as a delegate to the convention at San Felipe. The majority of the other delegates, who favored peace and had been hearing tales about his ambitions regarding Texas for a year or more, did not heartily approve of this new member. He belonged to the war party; he had been elected as a delegate from the belligerent Nacogdoches district through the influence of the Wharton brothers; and furthermore it was a matter of public knowledge that he was a close friend of Andrew Jackson. He would certainly bear watching. Accordingly they did watch him and he astonished them.

Unfortunately the general minutes of that convention, held in April, 1833, were destroyed by fire during the later war with Mexico; so no detailed, authentic record of the proceedings was ever available to Texas historians. Nevertheless it is known that Sam Houston, despite his flamboyancy and his irresistible desire to strut, began right there to show that he understood the problem of the Texans and was prepared to help solve it in a common-sense, sane fashion. War might come, of course; it was perhaps inevitable, but as nothing could be gained by imprudent and hasty action he showed where he stood by voting with Austin for a resolution denouncing the activities of the United States and declaring that the Texans were, and would continue to be, loyal to Mexico. He did even more than this. The most important business before the convention, as he had written Jackson would be the case, was the writing of a constitution for the State of Texas to be submitted to the Mexican Government along with a petition asking for separation from Coahuila. Sam Houston himself, as an indication of the degree of leadership at once accorded him even my Stephen Austin, wrote that constitution and also, probably, had a large hand in preparing the petition that went with it.

The further proceedings of the convention, covering the drawing of a petition for the repeal of the two objectionable decrees already often alluded to, were quickly concluded, with Stephen Austin and two other members of the convention named as a committee to proceed to Mexico City and lay the requests of the Texans before the Mexican Government. Thus again it was upon Austin that the burden was laid, and, as usual, it was he alone who bore it. The two other committeemen, Dr. James B. Miller of San Felipe, and Don Erasmo Seguin of San Antonio, for some reason finally declined to go, so that once more Austin set out on a long solitary horseback ride to the City of Mexico. It turned out to be the most eventful journey of his entire career.

10. Stephen Austin in a Mexican Jail

WHEN Austin reached Mexico City, after a long delay on the road due to an almost fatal attack of cholera, he found everything in a state of confusion and turmoil. There were two reasons for this. Politically the country was in chaos because, having first overthrown Bustamente and succeeded him as president, Santa Anna was now directing a coup against his own government to the end that he might emerge from this new smoke screen wearing the toga of a dictator. A cholera epidemic was then raging throughout Mexico, which had destroyed thousands of useful *peons,* but, unfortunately, it had failed to rid the world of his Excellency, Anthony Butler, the American minister whose survival rendered the Texas situation constantly more precarious than it otherwise would have been.

According to one of Austin's accredited biographers, whose claim that he had documents to prove his statements seems never to have been disputed, Butler's activities were as follows: "Working by direction of autographic letters from President Andrew Jackson for the purchase of Texas," he was also, as a personal sideline, "acting in behalf of a private company of Americans and English to buy Texas. He was instructed by this company to bid as high as ten million dollars for all land east of the Rio Grande, but with the understanding that no titles were to be respected except those in Austin's colonies. After purchase cession of jurisdiction would be made to the United States," with the agreement, however, that when its flag went up "all the lands in Texas except those legally titled in Austin's colonies would belong to the company." *

To bring this about Anthony Butler and his associates had worked out a clever scheme. To begin with, they offered Mexico six million dollars more for Texas than Jackson had offered, but with one proviso added. Before the deal was closed they wanted Mexico to separate Texas from Coahuila and organize it into a territory identical with the territories in the United States. The object, of course, was to give the Federal Government of the United States control of all land titles except those in Austin's colonies. But why the exception in Austin's favor? The answer is fundamental. Austin had so much influence, both in Mexico and Texas, that without his aid nothing could be done, and therefore no sooner had he reached Mexico, and heard of it, and voiced his disapproval of the crooked scheme, than he "was called on by friends of the measure and offered a million dollars for his Texas interests and his withdrawal of his opposition to the territorial bill. He indignantly refused, saying that he would never desert the interests of his colonists and Texas." *

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* Guy M. Bryan. *Sketches* (Quintana, Texas: Guy M. Bryan, 1895).

Now can this story, which does not involve Andrew Jackson but certainly does involve his minister, be true? As we will see in a moment there is good reason to believe that it is.

Owing to the uncertainty as to who was who in the Mexican Government, it was not only impossible but actually inadvisable for Austin to press for action on the petitions of the Texans. Had he done so and been given an answer, even a satisfactory one, it would have been of no advantage because, certainly, no stable government could be set up for Texas until after a stable one had been organized for Mexico itself. And when would that be? There was no way of knowing. As time wore on with no apparent improvement in the situation, Austin at last lost patience and sat down and wrote a letter to a presumably trusted friend in San Antonio in which he said, in effect, that if something didn't soon happen in Mexico the Texans might be forced to take matters into their own hands and settle their affairs in their own way. Then, unexpectedly, it did happen. Suddenly assuming complete power, Santa Anna sent for Austin with whom he said he was now ready to discuss the Texas petitions. The interview lasted for several hours and when it was over Austin knew exactly where Santa Anna stood, and where Texas stood also.

The pompous little Mexican dictator announced that he looked with favor upon the request for the annulment of the decree against American immigration into Texas and if no serious objections were presented would give it his sanction. This much was highly favor-

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* *Ibid.*

able, but it was totally discounted by what followed. Continuing his remarks Santa Anna blandly stated that he looked upon the genuine colonists, of whom there were then 25,000 in Texas "who were carrying on a foreign trade of $1,650,000 a year,"* as loyal Mexican citizens. He was, in fact, very proud of their progress, and just to prove it he would immediately send 5,000 troops to San Antonio and would also scatter garrisons around elsewhere to protect them against the plotting of the warlike elements from the United States that were intruding themselves into the country. That matter, which meant war, as Austin knew, having been thus briefly disposed of, Santa Anna next referred to the petition of the Texans for a divorce from Coahuila. It could not be granted. Texas was not yet ready, said the Mexican, to become a separate state and therefore, without argument, the request was denied.

Then, as a clear indication that Anthony Butler, the American minister, had been at work in high places, and had even made some progress, because the Texans had never considered the matter, Santa Anna brought up the territorial bill by stating that "if the inhabitants demanded it Texas might be allowed to form a territory, although as there was no provision in the Mexican law for such a thing he would not know how to proceed."†

Was this statement, "if the inhabitants demanded it Texas might be allowed to form a territory," a last-minute invitation to Stephen Austin to use his influence with his people in behalf of the Butler conspiracy? Perhaps it was; in any event it easily could have been, as there was a chance there for Santa Anna, who was by no means above participating in the profits of the plot, to have picked up a few millions for himself. However, as it would clearly have meant selling out Texas to private interests, Stephen Austin ignored it, backed his way out of the conference room, packed his bags, mounted his horse and again headed for Texas. He did so with a heavy heart. After months of waiting he had gained nothing for his colonists, and when he got back could tell them nothing, with any certainty, except that if they wanted peace with Mexico they could have it on one condition. A condition that he, himself, would not approve. He would fight first. Santa Anna had made up his mind to drive out of Texas, or to exterminate, all the agitators who had come into it from the United States since 1830. He was sending troops across the Rio Grande for that purpose and would expect the colonists, as loyal Mexican citizens, not to hinder those troops in the carrying out of their bloody assignment. But even this gloomy message was not to be delivered. Austin had been betrayed. The friend to whom he had written, saying that the Texans might have to take matters into their own hands, had turned the letter over to the Mexican authorities with the result that at Saltillo Austin was arrested and immediately sent back to Mexico City where he was kept a prisoner, in a filthy jail, for more than a year.

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* Bryan, *Sketches.*
† *Ibid.*

As Austin was eventually released without trial, because no court in Mexico, not even a military tribunal, could find that he had committed any crime over which it had jurisdiction, it is clear that he was kept in jail because someone wanted him there. Two men did want him there. One was Santa Anna, who looked upon him as a fine hostage to guarantee the good behavior of the Texans, while the other, it is said, was Anthony Butler, who revengefully connived with the Mexican dictator to keep the man who had defeated his schemes locked up for an indefinite period. That the Wharton brothers, as has been frequently charged, used their influence to have Austin detained in Mexico is highly improbable. They wouldn't have done it; they were not that kind of men. Even if they had been, since they themselves were on Santa Anna's preferred list of those who must be driven out of Texas or destroyed, it is inconceivable that they could have had any influence harmful to Austin.

Regardless of how or why Austin was detained in Mexico, the fact that he was so detained was highly helpful to Santa Anna. It delayed the ultimate explosion in the land north of the Rio Grande for more than a year. It was an unavoidable delay, with even the most rabid of the agitators agreeing that with Austin in jail in Mexico almost any concession that would save him from the vengeance of Santa Anna was not only justifiable but actually a duty. Consequently a concession to peace, although it could hardly be called a concession to Santa Anna, was made.

In 1834, in dutiful compliance with the law, the Texans, on the specified election day, elected their three representatives to the legislature of the joint state of Coahuila and Texas. Stephen Austin, still a prisoner in Mexico, was one of those representatives. In contrast with this obedient action on the part of the American colonists, the people of Coahuila held no election at all and hence elected no representatives whatsoever, thus leaving the Texans stripped of any form of local state government. This was enough. So startling a development made it clear, even to the most conservative of the colonists, that if Texas was ever to have any voice in the management of its own affairs it must be separated from Coahuila. Henry Smith, who later became first provisional governor of Texas, was asked to give his advice on the subject. It was a dangerous job. Owing to Austin's predicament, any suggestions offered the Texans had to be made up of about equal parts of conciliation and boldness, and therefore it was on that basis that Smith, in October, 1834, issued a printed address to the people at large.

After diplomatically assuming that by the revolutionary acts of Coahuila which had not obeyed the law, Texas had been honorably relieved of her enforced subordination to the partnership state, the governor-to-be went on to say that she (Texas) now had the legal right, in an orderly manner, to assure her own preservation by assembling a convention through which a state government could be formed under the principles of the Mexican Federal Constitution, to which the central government in Mexico when so moved could give its sanction. In this proposal there was nothing that even savored of rebellion. It was in fact an almost verbatim redrafting of a plan that Austin himself had sent up from his cell in the Mexican jail and which, therefore, must have been read by the Mexican authorities. Nevertheless, so fearful were the colonists that if they met in a convention it would be looked upon by Santa Anna as a revolutionary action that they refused to do anything about it.

Back in Nacogdoches, where he had been spending most of his time writing love letters and composing sonnets to the eyebrows of a seventeen-year-old girl, Sam Houston studied the situation of Texas as above outlined and could find but one answer to it. It meant war, but by no means such a war as he had once planned it would be. He had planned a war for Texas that would have been a dishonest war of conquest, whereas the conflict now approaching was of a totally different character. It was to be an honest, straightforward fight waged by the colonsts in support of their right to self-government, and where then did Sam Houston fit into it? Obviously nowhere. It was not his war at all. He had had nothing whatever to do with creating the conditions that were provoking it and yet he had to make it his. He had to do more than that. He had to become the leader of it. Back in the United States, especially in Tennessee, Washington, Ohio, and New York, he had billed himself as the chief actor in the great Texas drama and he had to go through with it. It was imperative; the American public would demand it of him. Therefore in the fall of 1834, with Austin in jail and Texas impotent because of it, Houston went quietly back to Washington to make a confidential report to his friend, the Man in the White House.

Once again all we can do is indulge in surmise. But it's plausible surmise. With Texas a reality to him, no longer a mere dream, Sam Houston could now think about it with his mind, which was an uncommonly good mind, rather than his imagination, which was notoriously erratic and irresponsible. We can therefore depend upon it that in the numerous talks he now had with President Jackson he presented the old fire-eater with a vivid picture of some twenty-five thousand American colonists who right then were on the verge of being forced into a war against a tyrannical dictator. No matter how highly this picture may have been colored, and Houston certainly did not tone it down, it was basically true. How then did Andrew Jackson react to it? Naturally, as President of the United States, even though, personally, he had already advanced the first slim sinews for a war against Mexico from his own pocket, he wrote no letters, and initialed no memoranda, to indicate that he openly encouraged the violation of the neutrality laws of his own country. But he must have done so, because week after week, as he came directly from his conferences in the White House, and with more assurance than ever before, Houston again began to talk to his friends about Texas as an independent country, and about himself as its ruler. Nor was the national capital the only town in which he did this. To New York and Boston he betook himself on some mysterious mission; he allowed rumors of his coming activities to become widely circulated; and finally, when he was definitely on his way back to his love making and his law office in Nacogdoches, he stopped over in New Orleans long enough to do two very significant things. As conclusive proof that he, personally, had no fear whatever of the American neutrality laws, he first bought for himself a uniform, with stars on the collar, and then, having donned it he let it be known that he, General Sam Houston, was ready to accept the services of volunteers to fight with the Texans in their war for freedom.

He was even prepared to pay for those services. In his call to men to come to Texas and bring their guns with them he stated that those who responded would receive "liberal grants of land." But in whose name, his own, Andrew Jackson's, or that of the yet unborn Republic of Texas was Sam Houston making that offer? He didn't know. But as it had a very noble sound to it he lost no sleep worrying about the ethics of his action. Except for the possibility that if things didn't go right a few more snatches might be torn from the hide of his already badly damaged reputation, he had absolutely nothing to lose. On the other hand, as he undoubtedly realized when he read a letter that was awaiting him in Nacogdoches, he had everything to win: even a kingdom perhaps.

The letter was from Samuel Swartout, an intimate friend of Andrew Jackson's, collector of the Port of New York, and a crook of such eminence that, in the vernacular of the metropolis "to swartout a man" meant to swindle him. It read as follows:

> MY DEAR HOUSTON:—
>
> Your letter has set everyone crazy. Price is ready to abandon the District Attorney's Office for the newly discovered paradise. Ogden Grosvenor and Dr. ——— are mad to go there, and damn me if I wouldn't like to myself. By the way, eleven leagues of land is due me for my sufferings in that old Burr scrape. You need not say anything about it to the Mexicans but I'm damned if I don't think they owe me a plantation for what I suffered in that expedition.
>
> If I mistake not Texas will belong to the United States in five years, or be an independent kingdom when you will be a king.
>
> Ever yours
>
> SAMUEL SWARTOUT.
>
> P.S. I am glad to hear that you think of remaining sober for a while. Until you get my land for me, I hope. I long to have a bottle of Madeira with you.*

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* James, *The Raven.*

11. Austin Returns:
"War is Our Only Recourse"

IN July, 1835, 500 Mexican soldiers, the first installment of a large army said to be on the way, marched in and occupied the town of San Antonio. This was ominous. Apparently Santa Anna was about to fulfill his promise to expel or exterminate all the agitators who had come into Texas since the decree of 1830, and naturally something now had to be done to meet the threat. But what could be done? Stephen Austin was still a hostage in the hands of the Mexican tyrant, and his safety, except to perhaps a half-dozen jealous members of the war party, was paramount to everything else. So all that happened was that a committee of safety, made up of fifteen belligerent citizens from as many communities, was chosen, while at the same time the proposal for a convention of all the people began again to be discussed. But nothing came of these actions. The Texans were divided into two parties. In the face of a crisis a headless, irresponsible, and numerically negligible war party was dragging an equally headless, but numerically powerful peace party into an unwanted war. The result was chaotic differences of opinion from which there sprouted nothing at all, except advantages for Santa Anna.

Obviously, what Texas now needed was a leader: a real leader. But where was one; where, for instance, at this highly critical hour, was Sam Houston? At this point history completely fails us. It says nothing about him. It doesn't name him as one of the fifteen members of the Committee of Safety; it doesn't even report him as having taken part in the local war talks of his own district, and certainly it nowhere quotes him as having said anything at all regarding the calling of a popular convention. In fact, the only mention made of him during this really acute period is that when he got back from New Orleans, wearing his new uniform probably, he had been elected commander of the Forces of Nacogdoches, an outfit made up of about twenty-five armed citizens whose sworn duty it was *to support the principles of the Mexican Constitution of 1824*. Note those italics. They are important because later on, in a moment of high decision, Sam Houston stood firmly by that oath.

Thus, knowing that it wouldn't be long now until the shooting started, but with no concerted preparation made for it, the Texans were without a leader until on September 1, when a small sailing vessel hove to off the port of Brazoria, put a small boat over the side and in it sent a lone passenger ashore. That passenger was Stephen Austin. He had been away for twenty-eight months; during most of that time he had been in jail, but now, having finally been released by Santa Anna, who had held him as long as it suited his wicked purposes to do so, he had made his way, by sea via New Orleans, back to his colonists. He was ill and weak, yet, despite his physical condition and the fact that during his long absence many attempts had been made to undermine it, his power in Texas on the day he landed at Brazoria was greater than it had ever been. Even the most rabid members of the war party knew that it was. They knew that until Austin spoke there would be no unity among the Texans. He had brought them into the country, he had worked for them, he had suffered for them, he was their leader, and in the face of the present crisis what would his answer be: war or peace? The response came quickly. "War," said Stephen Austin as soon as he got back to San Felipe, "is in the end our only recourse." In venturing into the war he advised fairness. History would some day pass its judgment upon the actions of the Texans, and that judgment must be based upon the facts. Those facts were clear. Mexico, on the whole, had been very good to the American colonists. It had given them huge tracts of rich land, it had extended favors to them that were denied to its own nationals, it had quartered no troops upon them, had demanded no military service of them, and under these conditions they had become far more prosperous, probably, than if they had remained in the United States. However, due to no fault of the colonists, these conditions had undergone a change. The right of the Texans to a voice in their own state government had been denied them, troops with a definite mission of carnage to fulfill had already entered their state, and therefore Stephen Austin's advice to his people was that before the shooting started they clear themselves of the blame for it by carrying out their plan for a public convention at which they could make their position known to the entire world.

This suggestion was immediately acted upon. October 16 was set as the day for a convention to be held at San Felipe; October 5 was named as the date on which all communities were to elect their delegates to this convention, and then, on October 1, as an entirely unexpected development in a chain of great events, along came the first battle in the war of Texas against Mexico. It was a small battle brought about by a total lack of politeness on the part of the citizens of Green DeWitt's town of Gonzales.

About seven years earlier these citizens, having need of a cannon with which to spread civilization among the Indians, had "borrowed the loan" of a tiny brass one from the authorities in San Antonio. They had never returned it; they had never intended to, and, of course, they still didn't when, late in September, they received a request from the military commander in San Antonio that they do so at once. "To hell with you," they replied. "If you want that gun you send for it." The Mexican general did send for it, and when his delegation of 150 soldiers reached Gonzales the little brass cannon, loaded to the muzzle with bolts, nuts, broken horseshoes and all kinds of assorted hardware, let go with an explosion that not only destroyed quite a number of Mexicans, but also at the same moment instantaneously awoke every member of the war party in Texas. This was it. They knew it. Their prayers had been answered; for more than two years they had been hoping for war. Now it had at last got itself going, and as it was primarily their war, rather than the war of the colonists, they lost not even so much as a split second in saddling their horses, grabbing their guns, and heading headlong for the seat of trouble.

To illustrate: Only six days after the little brass cannon had spoken its piece at Gonzales, a group of fifty-two men from Matagorda, riding hard and fast, had already more than passed the halfway mark in their journey when, just after dusk, a man hidden in the brush by the roadside hailed them to ask who they were. "American volunteers," they answered, "on our way to the fightin'. Who are you?"

"Ben Milam," came the response from the bushes, "and if you ain't got no objection to it, and have got a horse you can lend me I'll be ridin' along with you." A shrill Texas yell greeted this statement. It was a yell of welcome. Old Ben Milam had been missing for a year; for six months he had been given up for dead, and now here he was, ragged, dirty, and hungry, crawling out of a hiding place in the brush, mounting a horse and riding along in pursuit of just one more adventure. "Where you been, Ben?" they asked him. He chuckled and replied: "In jail mostly." Then he added: "You see, something more a year ago I reckon it was, I went down into Coahuila to get into a bit of fightin' that was goin' on in there against Santa Anna. But we didn't do much; they whipped us, and then when I was trying to get out of the country they caught me and put me in the prison at Monterey where I been ever since until about three weeks ago when I broke out and started back to Texas. Been a hell of a trip too. More'n 400 miles of it, on foot all the way, travelin' at night, hidin' out in the day time, and you fellers are the first white men I've run into in all that distance. That's my story and now what's yours? Where we goin', what's all the hurry about, and what we fightin' for?" * They told him, and so it came about that Colonel Ben Milam rode on to Gonzales as a private in the ranks with the men from Matagorda. But they didn't go there directly. Instead, pausing briefly en route, they captured Goliad (La Bahia) for the fifth time in its harried history, neutralized its garrison, and then went on to their destination, where they arrived just in time to vote unanimously, along with some two hundred other Texans already assembled, to make Stephen Austin commander in chief of the First Army of Texas. This was on October 11, but in the meanwhile, since the first of the month, a number of things had already happened. General Cos with 900 additional troops had reached San Antonio, and on the fourth, from San Felipe, Stephen Austin had again declared, "War is our only recourse. There is no other remedy. Nothing but the ruin of Texas can come from conciliatory measures. We must defend our right and our country by force of arms. We must unite. The delegates of the people must meet in a general consultation, arrange a system of defense, and give organization to the country so as to produce concert." †

As an echo of Austin's declaration, up in Nacogdoches, Sam Houston, signing himself "General-in-Chief of Department," issued a proclamation of his own. It rang with belligerence. "The priesthood of Mexico, and the Mexican army," said Houston, "are to

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* Brown, *History of Texas.*
† Yoakum, *History of Texas.*

mete out the measure of our wretchedness. War is our only alternative. War in defense of our rights, must be our motto.

"Volunteers are invited to our standard. Liberal bounties of land will be granted to all who join us with a good rifle, and one hundred rounds of ammunition." *

Nor was this all that Houston did. He wanted volunteers, as many as he could get, and so, in addition to issuing his proclamation, he wrote to recruiting agents with whom he had made previous arrangements, in New Orleans and Georgia, telling them to round their men up, organize them into companies of fifty, and send them with all speed to Refugio on the Gulf where they were to place themselves under the command of a mysterious character, who had attended West Point under the name of Walker, but had come to Texas as a slave runner operating under the name of J. W. Fannin.

Having done these things, without authority but with the clear intent of providing himself with his own military command, General Houston now donned his uniform, stuck his plume in his hat, buckled on his sword, swung himself in his saddle and was off, not for the battle front but for San Felipe to attend the convention that had been set for the sixteenth. But as there was no quorum present there was no convention. After a few days of rest and recreation, Houston rode on to join the army, which by that time had gone into camp on the outskirts of San Antonio. It was a disorganized, dissatisfied army made up of between six and seven hundred men, mostly adventurers, who wanted to take the fighting right on into the town and get it over with. But their leader didn't. Could 700 undisciplined fighting men storm and capture a city defended by 1,400 trained and fully equipped troops? General Stephen F. Austin did not know. He said so frankly, and admitting with equal frankness that he was no military man he offered then and there to turn the command of the Texas Army over to Sam Houston, who was wearing the only uniform in the entire outfit and at least looked like a real soldier. Houston refused it. San Antonio, he said, could not be taken without artillery, and anyhow, before any real shooting started, the important thing was for the Texans to hold the convention and state their case so that they themselves, as well as the entire world, could know what they were fighting for. This suggestion started an argument. The war party felt that the dele-

* James, *The Raven.*

gates should stay at San Antonio and fight. Stephen Austin felt that they shouldn't, that they should go back to San Felipe and legislate, and as was always the case, after he had addressed the men, and taken a vote in the field, it was found that he had won his point almost unanimously.

Consequently on November 3, 1835, the convention at last met at San Felipe, but as General Austin had remained with the army, the meeting was called to order by Dr. Branch T. Archer of Brazoria. Disorder would have been a better word for it. According to an observer who wrote down his impressions on the spot, although "there were some good men present" he felt "sick at the prospect." Jim Bowie, he said, "was dead drunk." "Houston's appearance was anything but respectable,"* yet it was Houston who finally took control and successfully handled a dangerous situation. No man present had a larger ambition for Texas than his own. His heart was set on seeing it a free country with himself as its ruler, and yet he it was, to their utter amazement probably, who led the fight against the Whartons who, as heads of the war party, demanded that the convention adopt an immediate and outright declaration of independence. This wouldn't do. Houston, now beginning to show symptoms of a good deal of common sense, knew that it wouldn't. It would be premature; Austin would not yet approve of it, nor would the colonists, and therefore the only thing to be done at this time was to declare that the Texans, without separation from Mexico, were merely fighting for the rights that had been guaranteed to them under the Mexican Constitution of 1824. This was Sam Houston's "high decision" previously mentioned; and after a hot fight he persuaded the convention to act in accord with it by adopting a state constitution and organizing a state government with Henry Smith as governor and James W. Robinson as lieutenant governor. A general council, as a legislative body, was also created; Stephen Austin, W. H. Wharton, and Dr. Archer were named as a borrowing committee to try to float a loan for a million dollars in the United States, while Sam Houston, in complete justification of his uniform, which he now donned officially, was chosen as commander in chief of the Army of Texas.

But where was that army and what was it? So far as it existed at all it was made up of a fluctuating number of volunteers who encamped around San Antonio, came and went as they wanted to, and, as we have already seen, were committed to the policy of not attacking the town. This was fine. General Houston, who liked to have his wars conducted according to the book, by men trained to salute, and present arms, and keep their shoes polished, welcomed the inaction as it would give him time to perfect an organization compatible both with his dignity and the dignity of the cause of Texas. He therefore did this by devoting the better part of three weeks to the task of providing Texas, on paper, with an ornamental army which, under him as the top-ranking commander, was to be officered by one major general, one adjutant general, two colonels, three lieutenant colonels, three majors, one second major, twenty-six captains, fifty-six lieutenants, and two cornets. That much being accomplished General Houston then thought of something else. It was his friends, the Cherokees. Living on their own land, granted to them by Mexico, they were numerous in Texas; they would fight for him, he was sure of it. For their benefit he dispatched an order to a New Orleans hardware dealer to send him at once one thousand butcher knives and one thousand tomahawks. This order went out on December 5, a memorable date because on that same day the memorable cry: "Who'll follow old Ben Milam into town?" rang through the camp at San Antonio.

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* James, *The Raven.*

That call was the call that really set Texas off on its road to independence. Out of more than 600 volunteers, then under General Edward Burleson who had assumed command when Stephen Austin left on his mission to the United States, only 301 went to town with Ben Milam. But they went fighting. Nothing exactly like it has ever taken place anywhere else on this continent. Outnumbered by five to one, and in the face of heavy artillery fire, these three hundred Americans stormed into town, reached the first buildings and began, literally, to dig their way on to victory. It was the only possible way to get there. Tunneling through the adobe walls of the dwellings, cutting, slashing, shooting from room to room, and from house to house, they gradually approached first the Alamo, where they silenced its batteries, and finally the Plaza where, after capturing its artillery, they accepted the surrender of all that was left of the Mexican Army. Old Ben Milam, though, was not there to dictate the terms of it. He had been killed by a Mexican bullet on the third day of the battle. So it was Frank Johnson, a man who had been a surveyor for Stephen Austin for several years, and had taken over the leadership when Milam fell, who received the sword of General Martin Perfecto de Cos and who sent him and all his troops under a parole of honor back across the Rio Grande.

This was indeed a great victory and Texas went wild over it. But Sam Houston didn't. The splendid triumph of the volunteers meant disaster to him. As the result of just one battle there wasn't even one armed enemy soldier lift in Texas, and Houston hadn't had anything to do with it. It was the other way round. He had advised against storming San Antonio. In fact, only a few days before the attack he had written the commanders of several groups of volunteers telling them to retire to La Bahia and stay there, drilling and organizing their men until artillery could be procured and a real campaign started. These letters, which the officers who received them probably used as pipe lighters, were completely ignored, and, after the victory, so was Sam Houston. To him, as commander in chief of the Army of Texas, no official report of the engagement was ever made, though one was made to Governor Smith. As this open slight was clearly an indication that he was now a general without honor in his own army, Houston was perhaps prepared for the next shock, which came when the jubilant fighting men down at San Antonio in a field election unanimously chose Frank Johnson as their own supreme general. Houston paid no attention to this "act of mutiny." Until he was removed by the General Council, and the Governor, he was still the legal commander of the armed forces of Texas, and therefore, to increase those forces, he sent out a call to the colonists to rally to the flag, bring their guns with them, and get in the war. But what war? There wasn't any. It was all over; there were no enemy soldiers in Texas; hence there was no response whatever from the busy colonists. Down in San Antonio, however, where some five hundred victorious Americans were still enjoying the freedom of the town, an entirely different feeling prevailed. Intoxicated with victory, and other things, these men were ready to go anywhere and fight anybody. They were that kind; they were adventurers; and consequently, late in December when Dr. James Grant, a Scotchman who had financial reasons of his own for wanting to go there, jumped on a cannon mount and shouted, "How many of you fellows will follow me into Mexico?", more than two hundred hats were instantly pitched into the ring. That settled it. Under Dr. Grant, who at once styled himself Commander in Chief of Volunteers, the Texas war now took on an entirely new aspect. Instead of being a war for freedom it became a war of conquest, and as the soldiers were to be paid out of "the first spoils taken from the enemy" preparations for a march against Matamoras, a rich old town 400 miles away at the mouth of the Rio Grande, were immediately begun. Those preparations had tragic consequences. With "General" Frank Johnson's consent, "General" James Grant stripped the men who had elected to remain in San Antonio, including eighty wounded, of everything in the way of war equipment that they had. He took horses, cannon, wagons, provisions, ammunition, even medicine, and on December 23 began his march. On December 25 Sam Houston heard of it, and after an unavoidable delay of more than a week, set out to intercept the expedition and try to halt it. If he couldn't halt it, and depose Dr. Grant, he might be able, he thought, to reap the glory of invading Mexico for himself, by getting to Matamoras first with an army of his own. The question was, did he have an army? He had received word that many of the volunteers to whom he had sent orders to proceed to Refugio and place themselves under the command of J. W. Fannin had already landed there. Thus if he needed it he would have a force with which he could outstrip Grant in a race to Matamoras, and therefore, accompanied by but one man, but sustained by his confidence in himself as a man of destiny, he mounted his horse and set out to overtake the Scotch doctor. He caught up with him at Goliad. As he rode into the camp not a cheer greeted him, not even a salute. He understood that perfectly; he had suggested caution to a mob of freebooters who did not even know the meaning of the word and hence did not look upon him as their kind of leader. Neither did General Grant; he said so, and yet when Houston learned that the expedition was heading for Refugio, where lay his own hope of success, he wisely refrained from entering into an argument as to who was in command of the outfit and rode quietly along with it.

Before leaving Goliad, though, Houston exercised his authority in one direction. While there word reached him that Santa Anna with 7,000 men had already reached the Rio Grande, and as it was certain that he would march directly on San Antonio, Houston sent orders to Captain W. B. Travis, then in command there, to abandon the town, blow up the Alamo and move back to Goliad with all his supplies and all the wounded. Those orders, which were delivered to Travis by Jim Bowie, never were carried out. They couldn't be. Johnson and Grant had so completely stripped the men in San Antonio of horses and wagons that there was no chance for the well ones, who could themselves have escaped on foot, to carry the wounded away with them. Consequently, doomed men destined to write a chapter in the history of warfare that will never be forgotten, they all stayed there.

When Sam Houston, as an unwelcome fellow traveler with Grant's men, reached Refugio, a blow to destroy him that had been in preparation for some weeks fell upon him. The volunteers from Georgia and New Orleans were not there. But they had been. They had arrived some days before, and had place themselves under the command of J. W. Fannin who, in direct disobedience of Houston's orders, had marched away with them. But where had they gone? Houston didn't know and had scant time to inquire because almost at once "General" Frank Johnson rode triumphantly into the camp of the freebooters bringing with him an order from the General Council stripping Houston of his rank as commander in chief and in his place naming J. W. Fannin, the man in whom he placed his deepest confidence!

This was the supreme moment in Sam Houston's life; it was his time of trial. For years he had been living in a dream: a beautiful, fantastic dream in which, garbed sometimes in a Roman toga, sometimes in the gorgeous panoply of an Indian chief, and sometimes in the impressive uniform of an American general, he had seen himself as a conquering hero marching on at the head of a great army to a great personal triumph. He had even, he thought, been on the verge of bringing that dream to a triumphant fulfillment. The war he had prayed for, although not exactly as he had planned it, was well under way; the title of commander in chief that he had coveted had been conferred upon him, and now, as suddenly as if he had been struck by lightning, he found that he had been rubbed completely out of the picture. Hitherto, save in his own conceit, Sam Houston had never shown any real strength of character. As a loud-talking, hard-drinking son of the Tennessee hills, he had won some degree of prominence in that state as a politician. Again, as an eloquent braggart, able to speak glowingly of the magnificence of his own destiny as a king and a conqueror, he had managed to build up for himself a certain kind of warlike following. At Refugio he stood face to face with a sample of that following. Without authority he had issued a call for men to come to Texas and join him in a fight for liberty. Those who had responded had come to fight for loot, and as Sam Houston had none to offer them, they all, including his friend Fannin, had deserted him.

Twice in his life, and with so much sincerity that it had made him famous, Sam Houston had met calamity with whisky. This time he didn't. Here at Refugio, standing alone in the midst of his enemies, and confronted with the disturbing thought that all his gilded prophecies regarding both himself and Texas would come completely to naught unless he did something about it, Sam Houston went into action. It was intelligent action. Instead of quarreling with Grant and Johnson he simply mounted his horse and rode rapidly back to Washington-on-the-Brazos, a dreary, muddy, uninspiring, newly built log-cabin town, from which point he sent Governor Smith, who incidentally had also been deposed by the order of the Council, a lengthy report on the situation in Texas. It was a well-written, fearless, devastatingly truthful document. Grant, Fannin, Johnson, and along with them ten or a dozen members of the Council, were, Houston stated, all guilty of treason. They were using the armed forces of Texas not in defense of liberty but to carry out a private, "piratical and predatory" conquest of their own. With promises that they would be paid out of the first fruits of the pillaging of Matamoras, they had deceived many good men into joining them and thus had left Texas defenseless in the face of an advancing enemy. Speaking for himself, Houston went on to say that, as he did not consider the Council a constitutional body, or its acts lawful, he was not prepared to violate his oath by yielding obedience to orders manifestly illegal and unauthorized. In other words, in his own opinion he was still the commander in chief of the army of Texas and was ready, as he boldly declared, to trust his fate to the turn of events and abide by the judgment of the people. Nor would that judgment be long delayed. A call for a second convention to be held in Washington-on-the-Brazos on March 1 had already been sent out. Would the delegates to that meeting uphold Houston in the charges he had made against the Council and the three alleged generals? He didn't know, but now that he had become a man of action who had real business to attend to elsewhere, he wasted no time worrying about it. Instead, accompanied by a man named Forbes, he rode off into the Indian country far to the northeast to smoke a pipe or two and have a powwow with his old friends, the chiefs of the Cherokees. But not a war talk. Less than two months before he had been ordering butcher knives and tomahawks for the Indians to use in fighting against the Mexicans, whereas now, as an indication of the change that had come over him, all that Houston asked of the chiefs was that they keep their people completely out of the struggle. He was very earnest about it. To persuade them to comply with his request he entered into a treaty with them—which was later on dishonestly repudiated by the Texas Congress—whereby they, the Cherokees, were to be given complete title to the lands which had already been allotted to them by the Mexican Government. After signing the treaty, Houston returned hurriedly to Washington-on-the-Brazos, where he arrived, in a terrific downpour of rain, late in the afternoon of February 29, 1836. He was hungry, muddy, and tired, but he was on time, ready to take his seat in the convention which was to assemble in the morning.

12. A Fifty-day War. Independence

THE story of the actual war for Texas independence, which lasted less than sixty days, has been told too often and too well to be repeated here. This much, however, must be said of it. Seldom have so few men done so much and paid so heavy a price for victory.

At the Alamo in San Antonio, where, according to Santa Anna, "the Americans were so stubborn that not one of them would surrender," * every man of the 181 defenders of the old church died fighting. American history records nothing exactly like it. Carved deeply into the stone of the monument erected to the memory of these heroes is one simple, brave, eloquent line that tells the entire story. "Thermopylae had its messenger of defeat. The Alamo had none."

Then came the Goliad massacre. Fannin and the men under him, 257 in all, who in direct disobedience of a command from Sam Houston had remained in Goliad, had been forced to surrender, and had been imprisoned in a church. On the twenty-seventh of March, on Palm Sunday, "as if the one triumphant day of the Redeemer on earth was a fitting one for treachery and murder," † they were marched out in four divisions, formed into lines, and shot down in cold blood. With the aid of a noble Mexican woman, Señora Alvarez, wife of a Mexican officer, twenty-seven of the Goliad prisoners managed to escape death. About a dozen of them finally enjoyed the sweet revenge of the Battle of San Jacinto, where 783 Americans, with a loss of only 6 killed and 24 wounded, defeated a Mexican army of 1,568 men, of whom 530 were killed, 208 wounded, and the rest, 730, taken prisoners.

This San Jacinto victory ended the war, and now, not because we are interested in dimming the luster of the campaign of 1836, but rather from a desire to study the situation from a non-hero-worshiping angle, we will take a comprehensive glance at Texas in the year one of its existence as a self-governing republic.

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* Bryan, *Sketches.*

† Brown, *History of Texas.*

That year began officially on March 2, 1836, with a declaration of independence, the organization of a provisional government, and the reappointment of Sam Houston to the post of commander in chief. That Houston's appointment was unpopular was apparent to everyone. Especially was it apparent to Houston himself, who knew the reason for it. Texas at that time contained a population of approximately 30,000 Americans as against a Mexican population of not more than 2,500, nearly all of whom, living blissfully in ignorance, idleness, and poverty, were congregated in and around San Antonio. Thus the Americans, who were universally prosperous, were ideally situated. By mere force of numbers they literally owned Texas. It was theirs; their land titles were good, they paid no taxes, and neither did they pay much attention to the laws promulgated by their federal government. What then could independence give them that they didn't already have? What indeed, except force upon them the responsibility of supporting an *ad interim* government that would be run for them by a lot of politicians until such time as a marriage between their country and the United States of America could be arranged. All the colonists in Texas were well aware that this was the case. They knew that no matter which way the war went their Utopian way of life was doomed to destruction. If Mexico won they would thereafter, with troops quartered upon them, be ruled by a military dictatorship. On the other hand, if Mexico lost, the sad fate of having to vote and pay taxes and talk politics would be visited upon them. Forced to choose between two evils, the colonists halfheartedly chose the latter.

But was it the lesser? The colonists were by no means sure about that, but as it was certain that the power of the United States would eventually prevail they astutely rendered lip service to the cause they knew would win. But lip service was practically all the colonists did render. When the call to arms came they did not leave their plows rusting in the field, and, abandoning their flocks, their herds, and their families, go forth like a horde of heroes to fight as one man for Freedom. Not a bit of it. They were not interested to that extent in the freedom that was being offered to them. The war for freedom was not their war; it was the war party's war; it was Sam Houston's war. As they knew nothing about Houston, except that he was Andrew Jackson's man, that he was a sincere drinker, and that he had not as yet shown that he possessed any great ability as a military leader, it was not the colonists who rallied to his standard and as his followers won independence for Texas. The men who did it were volunteers newly arrived from the United States along with the adventurers already on hand, who had been trying to stir up trouble for several years. The records prove it. Most of the men who died in the Alamo and at Goliad, as well as the large majority of those who took part in the battle of San Jacinto, were men whose only interest in Texas was a fighting interest. Houston knew this and, unable to understand the apathy of men in defense of whose liberties the war was being fought, complained bitterly about it. His complaints were justified.

Following his reappointment as commander in chief, and after word had come to him of the desperate situation of the men in the Alamo, Houston left the convention at Washington-on-the-Brazos and hurried on to Gonzales to take command of the Army of Texas. It was a pitiful army. Only 230 men, mostly nonsettlers, had responded to the appeal to fight for freedom. As it was clear that with this force it would be useless to try to relieve the men in San Antonio, Houston, with military organization always in his mind, began drilling his recruits. This course in shoulder arms and squads right was a brief one. It lasted less than a week. On March 11 the entire country around Gonzales was thrown into a panic with the news that the Alamo had fallen and that Santa Anna's army, 7,000 strong, was on its way east with the Sabine as its ultimate destination. Obviously, with less than 300 men the only thing Houston could do was retreat. He did so, back to the east bank of the Colorado, where he not only announced to his army that right there he would fight the enemy but even went so far as to advise the Government that "if only three hundred men remain with me on this side of the Brazos I will die with them or conquer." *

These bold words brought immediate and temporarily gratifying results. Hearing them, the colonists in that section, who were ready then and there to face the Mexicans, but would never flee from them, arrived in such numbers that within three days Houston had an army behind him of almost 1,600 men. Colonel Tarleton, a Kentucky volunteer, stated that the force was even larger than that. He said: "General Houston's army was at least 1,800 men the morning he ordered the *retreat* from the Colorado. The next morning not more than 600 were left, for every man who had a wife or mother or children deserted the army to place his family beyond the reach of the enemy." * In other words the colonists, although they were ready to fight the Mexicans in actual defense of their homes, were not willing to leave their own vicinity to fight for the independence of Texas! Houston, himself, substantially stated this. Basing his calculation on an estimate of 25,000 settlers, he said that he should have had an army of at least 4,000 men whereas when he retreated from the Colorado he had only 638. He also said it in another way.

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* *Texas Almanac*, 1860.

A few days later when he retreated across the Brazos, on the west side of which he had boldly declared he would either die or conquer, he informed the Government that he had but one army, that he could fight but one battle with it, and that that battle had to end in victory or Texas was lost. Those statements admit of but one interpretation. In Sam Houston's opinion the American settlers of Texas were not taking any interest in their own war for freedom. A mere handful of bold, daring, spirited men, however, did take an interest in it. Such an interest that when Sam Houston, after he had maneuvered the Mexicans into a position that suited him, and had cut off their only way of escape, finally gave the order to charge, they went in, shouting, "Remember the Alamo," "Remember Goliad," and with clubbed rifles and bowie knives won one of the most complete and bloodiest victories on record.

But it was not merely the winning of the Battle of San Jacinto that won independence for Texas and immortal glory for Sam Houston. Luck had a great deal to do with it. In the afternoon of the day following the battle General Houston, who had always dreamed of a totally different kind of a triumph for himself—one with trumpets blowing and flags flying and corks popping—was lying on the bare ground beneath a huge live-oak tree, cursing and nursing a shattered ankle, and gnawing corn off a cob. A trembling prisoner who had just been taken was brought before him. He was Luck's contribution to victory. He was Santa Anna himself; he was dressed in the ragged, dirty uniform of a Mexican private, plus diamond shirt buttons and a pair of carpet slippers. When it began to dawn upon him that he would probably be hung if he didn't, the little dictator gladly agreed to the terms of an armistice in which he recognized the independence of Texas with the Rio Grande to

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* "Wiliam T. Austin," *Texas Almanac*, 1860.

be forever and ever the boundary between it and Mexico. As this agreement was made under duress, in imminent fear of death and without the sanction of what was left of the Mexican Congress, it probably lacked even the slightest taint of legality, but what of it? It ended the war; it launched a new and interesting Republic upon its way; and at the same time it gave Sam Houston the opportunity to write two notes. In one of these notes, which was signed "Thine, Houston," and addressed to his eighteen-year-old girl friend in Nacogdoches, and in which was enclosed a dainty wreath woven from oak leaves, he said, "These are the laurels which I send you from the battlefield of San Jacinto." * The other note, which was carried in hot haste all the way to Washington by a special messenger, was addressed to President Andrew Jackson, who instantly wrote a letter in reply. After jubilantly congratulating his friend on his great victory, he showed where he stood in the matter of the neutrality laws by bluntly stating that money had been raised in Washington for Texas and that his contribution had been as much as he could spare. The President went even a little further than that. He immediately had a conversation with his slippery friend, Mr. Sam Swartout, as a result of which Houston received another letter which read in part: "The old chief encourages us to believe that you are not abandoned.... We think your independence will soon be recognized.... We shall press hard for annexation.... My noble General, you have erected in a single day a monument that will outlive the proudest monarchies of the Old World.... We have entertained your name in a proper manner, over the bottle, by coupling it and your achievements with those of Washington and Jackson." †

Houston received these letters and they were very soothing to him. But what of the future? Would his actions in the years immediately to follow continue to elicit the applause of Andrew Jackson and his circle of intimate associates? Houston perhaps doubted it. Prior to San Jacinto, with the outcome of the war decidedly doubtful, and with no conceivable purpose except that of providing Andrew Jackson with an excuse for dragging the United States into the conflict, Houston had suggested to the Provisional Government that it declare Texas to be a part of Louisiana under the old, original Louisiana Purchase Act. However, now that Texas had become an

* James, *The Raven.*

† *Ibid.*

independent nation and that Houston himself had become the virtual ruler of a new Republic considerably larger and vastly richer than the original Thirteen Colonies, he was able to view the situation from an entirely different angle. It was no longer necessary for him to appease anybody. Especially in regard to annexation his path lay straight before him. It was Jackson's highest ambition to bring Texas into the American Union. On the other hand it was Houston's duty, as a one hundred per cent Texan which he had now become, if the United States wanted Texas to make the United States pay a very handsome price for it. And before he concluded the deal he certainly did so.

13. A Fighting Republic. The Rangers

BEFORE Texas was a year old its real Texans, the colonists, that is, who had not enthusiastically fought for it, had nevertheless become keenly aware of the meaning of independence. It meant that from president on down to spittoon washer they now had a fully staffed and neatly salaried government; that they had a new capital in the hell-raising, muddy, log-cabin town of Houston, on Buffalo Bayou, and that also, as a really vital adjunct to their new freedom, they had in their service a highly efficient fighting force known as the Texas Rangers.

These luxuries, of course, all had to be paid for, but what with? Whenever the tax collector demanded of a colonist that he come across with his taxes, this was the inquiry with which he was invariably met. He couldn't answer it, and neither could the politicos, whose own currency, produced by printing presses, was of so little value that, except as a medium of exchange in their own private poker games, they couldn't even use it themselves. In fact cash that was worth anything was so scarce in Texas in those days that, pending the completion of a $5,000,000 loan which he optimistically hoped to make, President Houston was authorized by his Congress, if he could get it, to borrow $20,000 from private sources at 30 per cent interest.

This financial problem, though, in whose solution Texas acquired a national debt for itself of more than $7,000,000 in less than three years, was of very little importance to the hard-working, solid citizens of the Republic. They were immune to it because out of their own resources they had created for themselves a currency that served nicely in all trades between themselves and their storekeepers, but with which, as its supreme advantage, they could not pay their taxes. Their currency was livestock. Under their system a full-grown horse or a cow had a standard value of ten dollars; a yearling of either species was worth five; calves and colts represented a dollar each, with pigs, sheep, turkeys, and chickens providing handy change down to as small a piece of money as a dime. This arrangement, in addition to serving the needs of commerce, had one other interesting result. Up to that time wild Texas longhorns, slaughtered for their hides only, had not been worth much. However, now that they represented wealth on the hoof, many men who became known as cowboys went into the business of rounding them up and reducing them to ownership. It was an exciting occupation. In the region between the Nueces and the Rio Grande immense herds of wild cattle roamed at will so that it was possible for groups of five or six cowboys working together to gather herds of from six to eight hundred head. Taming the beasts, though, was something different and "could only be accomplished by keeping them on a continual run without water for forty-eight hours,"* at the end of which time they would be so exhausted that they could be corralled and handled somewhat like domesticated cattle. Goliad, previously the scene of so much fighting and bloodshed, but now an abandoned settlement, became the first place in Texas in which pens for corralling cattle were set up.

Another of the blessings that independence brought to the Texans was that it placed upon them the obligation of immediately going to work on their enemies. They had two, the Mexicans, who for eleven years continued to raid the territory of the new Republic from below the Rio Grande, and the Indians, of all denominations, who at once went on the warpath with more vigor than ever before. But why, in view of the warm sympathy that existed between them and President Houston, should the red men have acted in so unseemly and unchristian a manner? The answer is easy. Houston may have loved the Indians, but the colonists didn't. From the very beginning they had looked upon red men of all breeds as a menace to the prosperity and peace of their country. One of the first acts of the first Texas Congress was to reject with a snort of scorn the treaty that Sam Houston, just prior to the outbreak of the war with Mexico, had made with his friends the Cherokees and also, it seems, with the Comanches. That settled it. Under Mexican rule the Indians had had certain land rights in Texas. Now, under the rule of the Texans, they were to have none. For this good reason they promptly daubed on the war paint, ground new edges on their tomahawks and scalping knives, and started a war. It was a very long war. In all its ramifications it lasted fifty-four years. But its first ten years were the hardest, and it was during that time, when they were fighting two wars at once, that the Texans acquired the reputation of being the most belligerent humans on this planet. To this decade we will now turn our attention. It will be an interesting exercise in psychology.

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* Brown, *History of Texas.*

To fight in behalf of a cause he believes in is characteristic of a man; to fight without such a belief is characteristic of a bully. That designation accurately describes the colonists who were the first real Texans. The vast majority of them, unconvinced about independence, had not fought for it and, therefore, had been a great disappointment to Sam Houston. But, now that independence had been thrust upon them, and along with it the job of defending their homes and their families against both the Mexicans and the Indians, a dual cause that they did believe in, they made a remarkable record for themselves. They did this by voluntarily serving in their own Ranger force, whose first and greatest captain, Jack Hays, a twenty-one-year-old youngster, unexpectedly showed up in the capital on Buffalo Bayou late in 1837 and applied for the job. He got it, and it is interesting to note that when Sam Houston signed the young man's commission for him, he was dealing with a youth who was, but in a different way, much closer to Andrew Jackson than he was himself.

Jack Hays came of a really fighting family. His father and grandfather had both fought in the Indian wars under Jackson, and although history does not directly say so, it is highly probable that Jack himself was actually born in the Hermitage. At any rate he could have been because it is recorded that the old mansion, originally built by the Hays family, was sold by Jack's grandfather to General Jackson, and that thereafter the boy, as a mere matter of course, had the privilege of acquiring not only a love of violence but also a splendid vocabulary, direct from the old master fire-eater himself. But this intimacy didn't last long. It ended abruptly when Jack at fifteen suddenly decided to go to Mississippi and become a surveyor. There for four years he fought malaria, mosquitoes, Indians, and land squatters, and then hearing that something really exciting was taking place in Texas he smuggled himself into that country to see about it. He was not disappointed; Texas was exciting, and as his activities were identical with those of hundreds of other men it naturally follows that his story, magnified many times, is the story of Texas itself throughout the first few years of its independent existence.

When Jack Hays, barely nineteen, finally reached the Brazos and enlisted in the Texas Army, the Alamo had fallen, San Jacinto had been won, and Texas was already on its way. But that didn't mean that peace had arrived, or that there was any immediate happiness ahead for the colonists. On the contrary, there were years of frontier war because, although the Texans had officially won their freedom from Mexico, they still had to attend to the extermination of numerous bands of unofficial banditti who were perpetually raising "Hell on the Border." And they had to wrest more than half of their vast territory from the Indians.

Into this situation Jack Hays, who had served for about a year as a scout in the alleged Texas Army, fitted exactly. He was not a gun-fighter, a braggart, a rum-swigger or anything of that kind. He had never had a barroom battle, wrecked a saloon, or come to the rescue of a dance-hall damsel in distress. He was a modest, quiet young man with a clear eye, a clear conscience, an intense personality, and a marked ability to make other men do as he told them. It is not to be assumed that he at all underestimated himself, for, when the Texas Army was disbanded because of lack of funds with which to pay off its soldiers, he asked for and was given a captain's commission in the force of volunteer Rangers then being organized.

It is a bit hard to imagine that a mere lad of twenty-one could take over the command of a hundred as hard-riding, hard-shooting, and hard-looking men as ever lived, and get by with it. But Jack Hays got by. He did it splendidly; more than any other man of that period he cleaned up the frontier, and did it because he never in his life gave the command "Charge" to the men under him. He always said, "Follow me, men." He always led the way in, and he never ordered any of his Rangers to take a risk he wouldn't take himself.

For example, once when Captain Hays and twelve of his Rangers were out on a scout they sighted an equal number of Indians on a similar mission. Each party was looking for the other one. The Rangers, however, were within a hundred yards before the redskins discovered them and fled to the shelter of a dense thicket. Hays dismounted his men, stationed nine of them around the thicket to prevent the escape of the Indians, and with the other two dived into the brush. The first round was all in favor of the Indians. The boys on the outside heard a lot of shooting followed by yells of triumph, after which out came Captain Hays carrying one of his men, who had been badly wounded, on his back. The other man had been killed and Hays himself was shot in the hand. Saying, "To hell with it," he dropped his man, grabbed up an extra rifle, and went back again—alone! This time it was different. The men on guard heard three quick shots, and then—silence. Another shot or two and silence again. This kept up for some time: a shot and then a long silence, and the Rangers out in the open were just beginning to get a bit uneasy when suddenly a solitary Indian appeared. He was in a hurry to get somewhere but he didn't make it. One of the Rangers dropped him as he headed across the prairie. A moment later, when the entire detachment went into the thicket in response to his call, they found Captain Hays taking stock of a bag of eleven very dead Indians. He had killed three when he ran into them in a bunch and then, when they scattered, he had hunted them out and knocked them over one at a time. Is it any wonder that this man was a leader who set a precedent that all of the Ranger captains of those early days were proud to follow?

For a captain, Jack Hays had another very uncaptainlike habit. He enjoyed solitary scouting, which was a dangerous business, as he one day discovered when he looked behind him and saw ten or fifteen Comanches riding hard on his trail. There was but one thing to do: to outrun the savages if he could, and Captain Jack tried it. But it was no use. He was in real Indian country; no matter which direction he went redskins popped up like prairie dogs. Before he had ridden three miles he had fifty instead of fifteen of them riding after him. In the vicinity—and Jack Hays knew his geography—there was a small hill surmounted with what has been called ever since that day the Enchanted Rock. Hays headed for it, reached it three jumps ahead of a dozen tomahawks, fell off his horse, slapped the animal on the hip, and then scrambled to the top of it. From up there, as Hays later related, the view was beautiful, but the Comanches, who wanted his scalp and were in a hurry for it, didn't give him any time to enjoy it. They stormed the rock and started to climb. The higher they got the harder they fell. Hays waited until one after another they got as close to him as he felt was healthy and then tumbled them over. This kept up for more than an hour, with the number of widowed squaws and fatherless papooses steadily increasing, when far off in the distance Jack Hays saw a cloud of dust. It was rapidly approaching. It was the Rangers. Captain Jack's horse had gone straight back to camp; the boys had followed its trail straight back to the rock. And here they came! That broke up the party. The Comanches fled, leaving fifteen of their number behind them for coyote bait, and Jack Hays came down from his perch. He was mad. "Why the hell," he said, "did you fellers come so damn quick? I was having more fun than I ever had before in my life."

The fortunes of their Indian wars, though, as shown by the story of the five-shooters, did not always favor the Texans. That story is as follows: On one of his visits to the capital Captain Jack Hays ran across a new engine of death. It was the Colt five-shooter, a large number of which had been purchased for the Texas Navy, but never issued, and were rusting away in the archives. Hays, liking the looks of these guns, confiscated a few cases of them, carried them away and when he reached camp presented each member of his company with two pieces of the newfangled artillery. A few days later, while out with but fifteen of his men, Hays sighted a bunch of Indians. Concluding that there were not more than a score of them, he decided that this would be a good time to try out the new weapons. He dropped his men down into the protection of an arroyo, rode in a wide circle, and at last, crying, "Follow me," charged directly at the enemy. But he had made a mistake. Instead of twenty, he ran into more than eighty Indians. As this made the odds about six to one, he discreetly withdrew to the shelter of a willow thicket where he held a council of war. It was one in which there was division of opinion. Regardless of the odds against them, Hays's men, anxious to test their new toys, wanted to go right out and start the shooting. But their captain was cautious. Fighting Indians on horseback, and in the open, was not generally looked upon as being technically correct, but as the men were all rarin' to go, Hays finally yielded. "All right," he said, "leave your rifles behind, 'cause they ain't any good anyhow when you're a-ridin', and—follow me!" That was the word the men wanted. They charged: fifteen Rangers armed with strange guns against six times their number of Indians armed with everything from tomahawks and spears to muzzle-loading shotguns and Sharps rifles, and great was the collision thereof. Two Rangers and six Indians were killed at the first impact and then the fight started in earnest. It was the first fight in America in which revolvers were used against Indians and it was a distinct disappointment from the homicidal angle. The guns, of the old cap-and-ball variety, which had to be hand loaded after each round, would shoot fast enough but not far enough nor hard enough. That was the trouble. Before a Ranger could fatally puncture an Indian he had to get so close to him that if he missed it meant a hand-to-hand fight. This battle developed into just that kind of fracas. Eight Rangers were killed; every man in the outfit except Hays himself was more or less wounded; Captain June Walker, who lived through this engagement and then later fought through the entire Mexican War, had a lance thrust completely through his body. It was a bad situation which the Texans met by forming themselves into a ring with their horses' tails turned inward and their heads outward, and thus fighting off a circling band of shouting, exultant savages. This lasted for a couple of hours, ammunition was about exhausted, and it looked as though it were all over except the scalping when Hays noticed that one of his men, named Gillespie, in violation of orders, had a rifle strapped to his saddle. "Is that gun loaded?" he asked.

"Yes, sir."

"Then dismount, be careful about it, and kill that damned chief."

Gillespie obeyed instruction to the last detail. Using his gunstick for a rest he took prayerful aim, squeezed the trigger and put an ounce of lead squarely in between the shoulder blades of old Yellow Hammer or whatever the brave's name was, whereupon the rest of the red men declared the meeting adjourned. They had had enough; including their chief they had lost thirty-one of their best warriors. Down in Texas, even to this day, men who are judges of such things will tell you that, considering everything—the odds, the fight in the open, and the navy pistols—this was about the best-fought small battle in the history of Indian warfare.

The activities of Hays's Rangers, however, were by no means confined to the destruction of the redskins. Concurrently with that job they had to deal with the Mexican bandits who came up from below the Rio Grande. These gentlemen were hard to handle, but they were always well armed. As arms were something the Texans badly needed but couldn't buy because they had no money, they were always welcome.

On one occasion when Hays's detachment was a bit short on equipment he deliberately led a few of his men across into Mexico and calmly made camp on the outskirts of a Mexican village. The strategy was successful. The *jefe* in charge of the Mexican town immediately blew boots and saddles, and sixty swarthy *caballeros*, armed to the teeth with the best of weapons, and mounted on the best of horses, swarmed forth to take in the Texans, who fled at once. A wild chase followed; the Rio Grande was reached and crossed by both parties, and then, when the Rangers found themselves back on their home grounds, something happened. Most of it happened to the Mexicans. Captain Hays wheeled his men and back they came, shooting at every jump. In this encounter the Rangers didn't lose a man, but the Mexicans lost a good many, and also, which was what Hays was really after, all of their horses and equipment.

Again, when a fight between Hays's Texans and a gang of some seventy-five or eighty Mexican marauders had come to a deadlock, with the enemy securely entrenched in a small village, the young captain broke it up by adopting the good old Latin custom of challenging the Mexican leader to meet him in single combat. The foolish man accepted; Hays knocked him out of his saddle with his first bullet; and once more an acceptable amount of secondhand war gear passed into the possession of the impoverished Republic.

In 1842, as a sort of a prelude to the war of 1846 between the United States and Mexico, came General Woll's invasion of Texas. This comic-opera French soldier at the head of 2,000 Mexicans and Indians, fully equipped with artillery and all the necessary trimmings, crossed the Rio Grande, marched north and took San Antonio. It was a bloodless capture, but slightly humorous in that it caused Captain Hays, who was in the town on a holiday, and who if caught would have been joyously hung by the Mexicans, to flee hastily to the brush. For a week or more then, while General Woll and his men enjoyed the freedom of the city, Hays busied himself in mobilizing his Rangers and in sending out word to the settlers to join him in repelling the invaders. Also, every day during this period, the Ranger captain, disguised as a Mexican, barefooted, wearing a greasy blanket and a big hat, went in and out of the town and discovered the exact strength of the enemy. Finally, when he had about 200 men, which made the average about right, one Texan to ten Mexicans, he went into action. He led his army to within a few miles of San Antonio, ambushed it in the brush bordering

Salado Creek, and then with but a few companions, including a high-talking Methodist parson who prayed over every shot he took, rode to the edge of the town, made a hostile demonstration, and dared the entire Mexican Army to come out and fight. He got a quick, but only a partial, response. Some fifty or sixty enemy cavalrymen accepted the challenge and the Texans fled. The Mexicans pursued them, gained ground, lost it, dug their spurs deeper into their horses and were again gaining—in fact were almost on top of the fleeing Rangers—when suddenly, from behind the harmless-looking bushes on the creek bank, came the fire of the concealed Texans. The damage to the Mexicans, however, was slight. Only a few of them were wounded, but how insulted they were! Especially General Woll, who, declaring loudly that the Texans couldn't play any such trick on him, got out his entire army, artillery and everything, and like a tidal wave rolled it onward to engulf the two hundred men under Captain Hays. But they refused to be ungulfed! Beneath the shelving banks of the Salado they waited until the Mexicans were within fifteen paces, and then they let go. The slaughter was immense and gratifying. One volley followed another. General Woll's artillerymen were picked off faster than they could man their cannon, while the remainder of his outfit, with each man using his individual discretion, began sniping at the Texans. In this pastime, however, they were no match for the Rangers and settlers, who in addition to being better shots were also much better located.

This fight, famous in Texas history as the Battle of Salado Creek, in which three hundred Mexicans were reported killed to but *one* Texan, didn't last long, but while it did last some characteristic incidents had to happen. Two did happen. An Indian sharpshooter was shooting too close for comfort. Every time he fired he almost got somebody. So Hays decided to abate him personally. He borrowed a loaded rifle from one of his men, watched carefully, located his target and fired once. That ended that Indian, and then a few minutes later as the Captain was moving around among his men he came upon one who, although he was getting a Mexican every time his gun cracked, was obviously unhappy. As time and again this man peeped across the sights of his gun there was a sort of dissatisfied look in his eyes. Something was lacking. At last he found it and slowly a wide grin spread itself over his broad countenance. He loaded his gun, laid its barrel tenderly in the crotch of his gunstick and affectionately snuggled his cheek alongside the stock. Just as he was about to pull the trigger Captain Hays spoke to him. But Big Foot Wallace, for such was this celebrated character's name, knew him not. He didn't even look up. "Don't bother me now, Cap," he said, " 'cause ever since this damn cat-hop opened I been lookin' them fellers over to find one big enough so's I can wear his pants. I see one now and I got to have them breeches." Bang. He got them; he got two dollars and six bits out of their pockets, and then, immediately thereafter, he had the pleasure along with the rest of the Texans in Captain Hays's command of pursuing the fleeing General Woll back to the border and incidentally killing off another three hundred of his men.

Unfortunately this victory of Jack Hays and his Rangers over General Woll and his army did not close the incident. Texas had been insulted; the sanctity of its soil had been violated by a vile enemy, and . . . We must have revenge . . . the blemish upon our honor must be expunged, and it must be with blood! Coming from a very small number of noisy citizens, belonging to the class known even unto this day as professional Texans, this was the wail that went up from various sections of the country. It wasn't a loud wail, and the hard-working men and women who were building homes, roads, schoolhouses, and churches paid no attention to it. But it was so shrill and sustained that President Houston, who had no intention whatever of taking part in the enterprise himself, issued a call for armed volunteers to assemble at San Antonio for an invasion of Mexico. Within a short time, straggling in in groups of five to twenty men, here they came. They were a motley lot, adventurers only, and when they had all arrived the Army of Texas, with which it was proposed to conquer Mexico, numbered slightly more than 700 men. But what of it? One Texan, according to previously compiled and trustworthy battle statistics, was good at any time for ten Mexicans. So, under the command of General Alexander Somerville, another nebulous hero, the spelling of whose name is in doubt, the expedition set forth.

It had a queerly unmilitary appearance. It had no artillery and, as the Republic of Texas had no money with which to buy wagons, all of its supplies, except its beef ration, which went along under its own steam in the shape of 300 head of longhorn cattle, were carried on pack mules. The story of what happened in the first few weeks, except that it leads up to the famous episode of the Black Beans, could well be eliminated as it is of no credit whatever to the Texans, and least of all to their leader, General Somerville.

Just why General Somerville, upon leaving San Antonio and heading south for the border, abandoned the highway that led to Laredo and took to the trackless wilderness of the open brush country has never been explained. But he did it. He and his entire army left the road, marched boldly out into the wide open spaces of nowhere, and got completely lost. Then the rains came. And how it rained! The entire country was turned into a swamp; the pack mules bogged down until only their wide packsaddles kept them from going completely under and had to be rescued by hand. The beef cattle, which couldn't be rescued, perished where they were. But the Texans, refusing to perish, kept struggling on until finally, on the first day that the sun had shone on them for more than a week, they reached the Rio Grande, crossed it into Mexico, made camp and spread out their equipment to dry. That night the rains came again; a cold norther came with them and at midnight a general stampede of all the livestock took place. It was a fearful time; black as pitch, with a thousand frightened horses and mules rushing blindly, furiously, over the men. But only one casualty resulted. It was that of Patrick Henry's grandson, Rev. Edward L. Fontaine, an Episcopal minister, who sought safety by diving head first into a prickly pear which welcomed him so warmly that for days thereafter the Surgeon General of Texas put in most of his spare hours pulling thorns out of him.

The next morning, under clear skies once more, and with Laredo, its first war objective, now only sixty miles distant, the Texas Army again took up its march. Nothing hindered its progress; not an enemy appeared, and even when Laredo was reached and the invaders marched in, there was nothing for them to shoot at as not a single soldier was anywhere to be seen. Instead the streets were lined with welcoming citizens, who, from the Alcalde and the leading dons on down to the lowliest of the peons, doffed their hats and greeted their visitors with shouts of "*Buenos dias, caballeros. Nosotros somos amigos de los Americanos.*" (Good morning, gentlemen. We are all friends of the Americans.)

It was an embarrassing moment. Obviously there was to be no fighting; without fighting there could be no looting, and without looting how could the Texans eat? For three days now they had been practically without food, most of them were also without blankets, and therefore a demand was made by the men that General

Somerville levy upon the town for provisions and other necessary articles. The General did so, but was so feeble about it that not even food enough for one meal was secured, the result being that that night many of his soldiers, taking matters into their own hands, went out on their own personal foraging expeditions. They were successful, but only temporarily so, because in the morning, when General Somerville gazed upon the great pile of loot that had been accumulated, he went into a rhetorical rage, declared that such wicked thievery was a stigma upon the fair name of Texas, and ordered that all the stolen property be at once returned to its owners.

As far as a good many of the Texans were concerned that order ended their interest in the invasion of Mexico. If they couldn't loot there was no point in going any further with it. Some 200 of them, under Colonel Joseph L. Bennett, a veteran of San Jacinto, mounted their horses, swam the Rio Grande and returned to their homes.

With only 500 men in his command what was General Somerville to do? He apparently didn't know, but as it was clear that he couldn't stay where he was, with no food, he first marched his men across the river, back into Texas, and then down the stream until, on December 14, he reached a point opposite the Mexican town of Guerrero where he rounded up and slaughtered a herd of goats and went into camp. Since there were no tents to pitch, it was a quickly made camp, and as General Somerville's bed was of the Cherokee pattern wherein a man slept on his stomach and covered himself with his stern, it provided no protection whatever from the elements. That night when the rains came again, they so dampened his ardor for conquest that at daybreak he ordered his entire army to saddle up and follow him back to San Antonio. Three hundred men refused to obey the command. They had a reason for it. What they wanted, what they lusted for, was loot, liquor, and ladies, plus plenty of bloodshed, of course, and therefore, while General Somerville led the more docile section of the Army of Texas directly away from trouble, these 300 mutineers, under command of Colonel William S. Fisher, marched so boldly into it that the tale of their doings, as it has been related in connection with the adventures of Big Foot Wallace, has become one of the most famous yarns in all Texas history. Whether or not it is true in all its details—because much that is considered history is not true—is of no importance. It's a good story anyhow, and here it is.

Headed by Colonel Fisher the mutineers traveled on down the

Rio Grande, crossed it at the Mexican town of Mier, and shortly after nightfall on Christmas Eve, 1842, started to enter the place. Just at the edge of the town, jogging along close to the rear of the column, Big Foot heard the crack of a rifle; a bullet fanned his cheek, and a groan came from behind him. He looked back; Jones, one of his companions, had slipped from his horse, dead, and in that instant hell broke loose.

From the houses on both sides of the road out swarmed the Mexicans, intent on stripping the body of the fallen Texan. Equally intent on preventing it, Big Foot and two or three other men slid from their horses. Right there one of the finest unchronicled hand-to-hand combats of all time took place. It was grim, gory, and gratifying. At least to Big Foot it must have been, for when he and his fellow fighters at last wiped off their bowie knives on their shirt fronts and hurried along to the town plaza, they left Jones, their comrade in arms, honorably buried beneath the bodies of twenty slain Mexicans.

At the head of the column the situation was very different. When Big Foot and his companions, happy over their achievement, got there they found the rest of the command, from within the houses surrounding the plaza, fighting against a number of small but industrious Mexican cannon. For forty-eight hours—a feverish period during which Big Foot by carefully calculated firing satisfactorily disposed of fifteen members of the opposition—the men from Texas kept up their battle. They killed, so they claim, more than 600 Mexicans right there in the streets of Mier, but when 2,000 fresh troops arrived to reinforce the enemy and they were almost our of ammunition, they surrendered.

Chained together and marching along in single file, some two hundred of the Texans who had started out to conquer the Republic of Mexico now started out on foot from Mier to Monterrey. They reached that town in good shape, were given a disagreeable reception by the public, and then went on to Saltillo. Here they were again met with jeers and filth hurled at them by the populace. On they journeyed one hundred miles farther to the prison at Salado. After being locked up here for a week they made their comeback. With the aid of two Americans who were in this same *juscado* (hoosegow) when they arrived, and had been for a year, and hence knew their way around in it, the Texans made a wild break for liberty. Barehanded they assaulted their guards and wrested their arms from them. Big Foot secured a rifle but as it was not loaded he threw it away, all but the bayonet with which he did noble and bloody work until he was told by Captain Cameron not to stick 'em any more but just to hit 'em over the head with it.

In this jail break 193 of the Texans escaped and rode away on the horses and mules belonging to the Mexican garrison. Almost immediately they found themselves inextricably lost in the wilderness of a hostile country. For days they wandered aimlessly around; they separated into small bands, ran out of food, and were without water.

Big Foot Wallace, Captain Ewing Cameron, and one other man hung together. Big Foot had a mule, once the prized property of a Mexican officer. They killed the mule, drank its blood, ate some of its meat; Big Foot "jerked" some in the sun and they moved on. They didn't know whither they were bound, but for five days they kept on their feet. That was as much as they could do; they gave up, sank down by the side of a sand hill in the great desert of northern Mexico and passed out. When they opened their eyes a Mexican cavalryman was sprinkling water, which he had brought from a water hole less than a hundred and fifty yards away, in their faces.

Within a week or two 176 of the escaped Texans had been rounded up and reconducted to Salado, where for their express benefit the Mexican Government inaugurated the most famous lottery in the annals of gambling. There were 176 Texans and 176 beans, 17 of which were black, were put into a jar which was passed down the line. With his free hand, because his other was cuffed to a long chain, each man drew and when it was all over seventeen Texans faced the firing squad.

Big Foot was not one of the seventeen. Some of his contemporary admirers said of him that when he drew his white bean he magnanimously offered to trade it off for any other man's black one. But that, according to Big Foot himself, was just plain nonsense. "No, sir," he said, when he heard about it years later, "I didn't do nothin' of the sort. That was one time when I warn't lookin' for no distinction, and so when I drawed I just shoved my hand in, grabbed a couple of beans, felt to see which was the biggest and kept the other one. It was white and I was damn glad of it."

Eighteen months later, all rigged out in a policeman's uniform, Big Foot Wallace was doing patrol duty along Canal Street in the city of New Orleans. How did he get there? He hardly knew himself, but to the best of his recollection it was this way:

Following the bean lottery he was moved, along with the rest of the surviving Texans, first to Mexico City and then on to Perote. In the filthy dungeons of Perote, where the men got so desperate for food that they ate rats, forty of the prisoners died. Big Foot himself went crazy and was tied down for weeks, but finally came out of it. In August, 1845, he and three other men, through the intercession of influential Mexican friends, were given their liberty. A short time later, at the request of Santa Anna's wife, who perhaps remembered that her husband had not been tortured to death by them, all of the Texans were released. Thus, because things had changed somewhat since the days of Cortes, ended the attempt by the Republic of Texas to make a new conquest of Mexico. Nevertheless a new conquest was on the way. In 1845 came the annexation of Texas, followed in 1846 by the war between the United States and Mexico. However, before we take up the tale of that conflict we must go back to Sam Houston and note the peculiarly interesting way in which, outwitting everybody, even his friend Andrew Jackson, he managed to secure for his bankrupt, defenseless Republic a preferred position among the states of the great American Union.

14. Annexation

AS THE citizens of Texas all knew from its very beginning, their Republic was a downright fraud. It meant nothing except as a step forward in the plan of Andrew Jackson and Sam Houston to divorce their country from Mexico and then marry the gal, whether she liked it or not, to the United States of America.

Under these conditions it did seem, after San Jacinto had been won and Santa Anna had signed a treaty recognizing the independence of the Sam Houston Republic, that all that remained was for the conspiring matchmakers to call in the parson and have him perform the ceremony. But two obstacles now arose that caused wily Andrew, on watch in the White House, to stop, look, and listen. One was the opposition of the North to the extension of slavery—and Texas would certainly be a slave state—while the other was the certainty that annexation would mean war with Mexico. Consequently, the first thing President Jackson did was to send a message to Congress suggesting emphatically that it not even recognize the existence of the new nation. Was he sincere in this? Of course not. It was merely a political subterfuge rendered necessary, as he explained to William H. Wharton, who opportunely happened to be in Washington at the time, by his unwillingness, just as his term was to expire, either to stir up a fight in Congress over the slavery question or to rib up a real shooting war with Mexico.

Was there no way out of this predicament? Certainly there was, and President Jackson outlined it. Just let the annexationists in Congress devise some way in which Texas could be recognized without recognizing it and the President would be only too happy to participate in the deception. That hint was enough for W. H. Wharton, who acted upon it immediately by having some of Houston's friends in the House of Representatives slip a harmless little phrase into the Diplomatic Appropriations Bill. This was a provision for "the expenses of a Minister to Texas whenever the President shall receive satisfactory evidence that it is an independent power."*

That scheme for hoodwinking the people, by doing something without doing it, actually worked. The Appropriations Bill, as Wharton had had it doctored up, was passed on February 28, 1837, and on March 3, the last day of his term, President Jackson, who in four days had accumulated the "satisfactory evidence" required of him, sent to the Senate the name of a man to be minister to the Republic of Texas. The nomination was confirmed instantly, and immediately afterward, in a final, private talk with him, Jackson told Wharton that "Texas must now claim the Californias in order to paralyze the opposition to annexation in the North and East."† What a cynical, conniving, cunning old rascal he was! In his mind there was no doubt that eventually the sordid commercial interests of the abolitionists would overcome their high-minded, holy antagonism to the institution of human slavery, and as far as he was concerned, for the sake of peace and the preservation of the American Union, he was content to await such a change of heart.

But down in Texas Sam Houston wasn't content. He wouldn't wait. He had complied with his agreement with Jackson. He had taken Texas from Mexico; he had her all dolled up in the most beautiful of wedding garments; and therefore, about three months later, when the United States Senate rejected her by voting down his request for annexation, the President of the new Republic blew up. He did it splendidly. To hell with the United States; he was through fooling with it. No nation, not even one run by Andrew Jackson himself, could insult him and humiliate Texas and get away with it. Not a second time anyhow, and hence "the request for annexation is withdrawn and will never be renewed."‡ That was the way Sam Houston expressed himself; he was decidedly emphatic about it, and yet the desire for annexation was always the thing that lay closest to his heart. Texas had to have it, and eventually would have it, but, after this first rebuff, Texas would accept only on its own terms, and the offer must come directly from the United States. It finally did come and the manner in which it was engineered represents a diplomatic triumph for Sam Houston in comparison with which his victory at San Jacinto fades into insignificance.

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* James, *The Raven.*

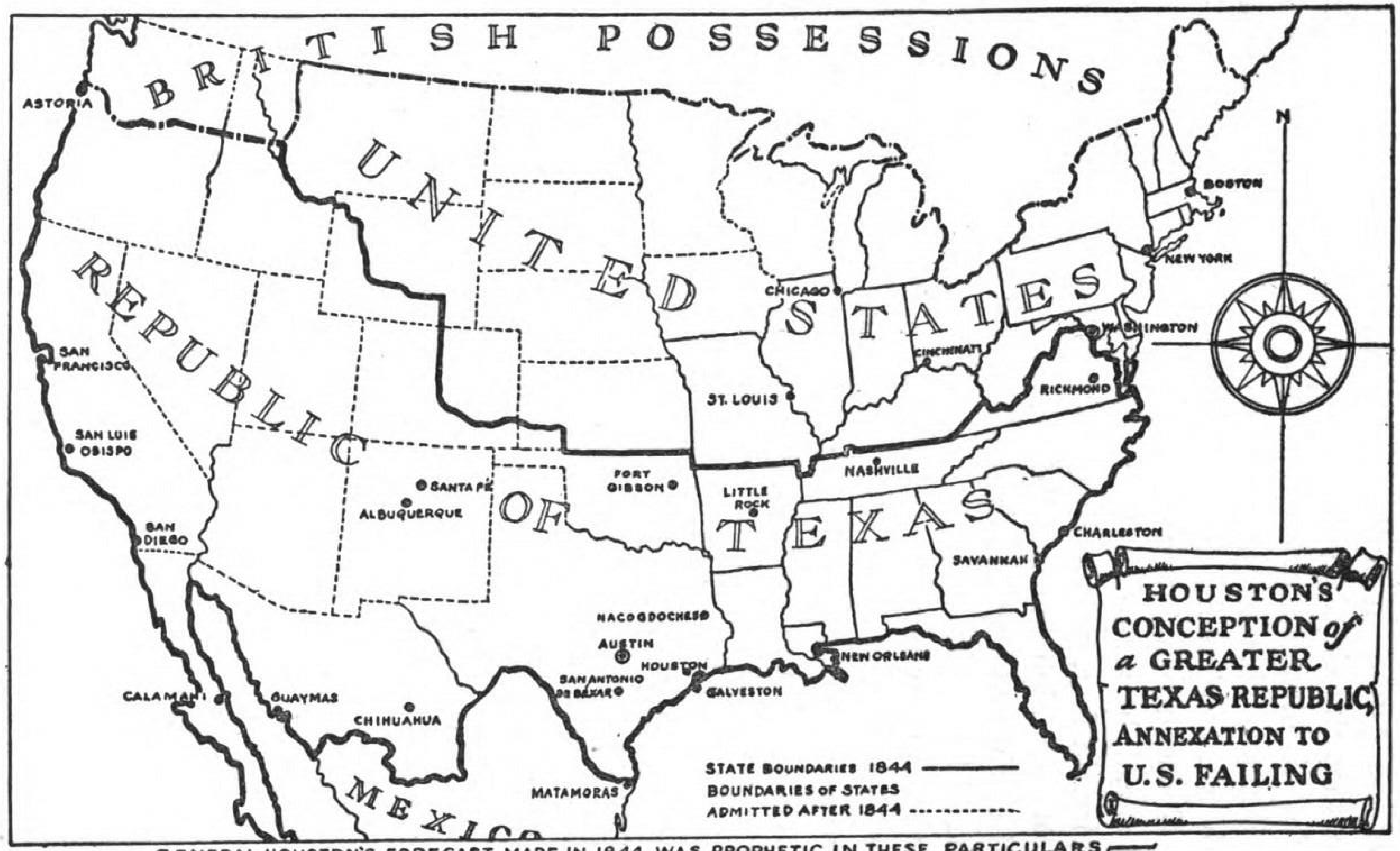
† Yoakum, *History of Texas.*

‡ James, *The Raven.*

Knowing that cupidity played a large part in the calculations of all English and American diplomats, Houston came to the wicked conclusion that the simplest way to bring about an advantageous wedding for his blushing bride was to equip her with a large and attractive dowry. That to do this would entail a large-scale theft, along with a considerable amount of bloodshed, was of no importance. Consequently, with his imagination once again driving full speed ahead, he set to work to contrive for himself an addition to his empire. In fact, he contrived two additions, for the complete visualization of which he actually drew two maps: one to arouse lust, and the other to inspire fear in the hearts of statesmen on both sides of the Atlantic Ocean.

Houston's map number one included all of Texas plus all of what is now the United States west of the Louisiana Purchase, except the State of Oregon, plus also a large chunk, including Lower California, to be chiseled off northern Mexico. This vast domain was Sam Houston's conception of the Lesser Republic of Texas which he could easily deliver to the United States whenever it chose to humble itself and ask him for annexation.

But if annexation failed, then what? This was where map number two came in. Map number two was identical with map number one except that going eastward across the Sabine and northward across the Red River it took in *all the states that later on were to secede from the American Union.* In other words, according to this map which was for Houston's Greater Republic, Texas, stretching from the Potomac to the Pacific, and from the tip of Florida to the mouth of the Columbia River, almost completely encircled the United States, which, with but a short bit of Atlantic coast line, dwindled away into a second-rate power. Nor was this scheme, as Jackson had said of one of Houston's earlier ones, the "product of a disordered brain." On the contrary, there is ample reason to believe that it could have been carried out. For several years the sedate abolitionists in the North, screaming against slavery and remembering with horror the barbarous spectacle Houston had presented when, arrayed as a Cherokee chieftain, he had invaded Washington, had been fearful that he would attempt its accomplishment. On the other hand, in the South, from almost the very day of his victory at San Jacinto, the most hotheaded of his admirers had


BRITISH POSSESSIONS
UNITED STATES
REPUBLIC OF TEXAS
MEXICO
N
HOUSTON'S CONCEPTION of a GREATER TEXAS REPUBLIC, ANNEXATION TO U.S. FAILING
ASTORIA
SAN FRANCISCO
SAN LUIS OBISPO
SAN DIEGO
CALAMAN
GUAYMAS
CHIHUAHUA
MATAMORAS
SANTA FE
ALBUQUERQUE
FORT GIBSON
NACOGDOCHES
AUSTIN
HOUSTON
SAN ANTONIO DE BEXAR
GALVESTON
LITTLE ROCK
ST. LOUIS
CHICAGO
CINCINNATI
NASHVILLE
NEW ORLEANS
SAVANNAH
CHARLESTON
RICHMOND
WASHINGTON
NEW YORK
BOSTON
STATE BOUNDARIES 1844
BOUNDARIES OF STATES ADMITTED AFTER 1844

GENERAL HOUSTON'S FORECAST MADE IN 1844 WAS PROPHETIC IN THESE PARTICULARS—
1-ACQUISITION OF OREGON 2-CONQUEST OF NORTHERN MEXICO 3-SOUTHERN SECESSION

Courtesy of The Bobbs-Merrill Company

From *The Raven*, by Marquis James. Copyright 1929.

been fearful that he wouldn't. The annexation of Texas thus became an issue of such vital importance to the welfare of the United States that it decided the election of two presidents and kept the country in a political uproar for more than seven years.

And what did Sam Houston have to say about all this? Nothing, not a word from which either side to the controversy that was raging within the U.S.A. could derive any comfort. Annexation, so far as he was concerned, as he wrote his "venerated friend," Andrew Jackson, was a closed issue. Texas no longer sought it, and therefore, as he bluntly stated, it was up to the United States to save itself from crushing disaster by making humble and apologetic overtures to his (Houston's) Republic, struggling and bankrupt though it was. When he said this Houston was not bluffing and Jackson knew it. He knew that with the aid of Great Britain, then violently opposed to any territorial extension by the United States, and with that of the secessionists in the South, his former friend and pupil could, in all probability, turn his fantastic map for the Greater Republic of Texas into a devastating reality. But would he? Jackson couldn't tell about that. No man, not even Sam Houston himself, could accurately read the mind of the President of Texas. It was a mind that operated alone. Stephen Austin, who had been named by Houston as his secretary of state, and with whom he certainly would have consulted, had died after a few months in office. And as there was no one else associated with him in whom he had as much confidence as he had in himself, it followed that he alone became the maker of destiny for his country. He actually became more than that. Because of the value of the prize be held in his hands, he became the maker of destiny for this continent. Andrew Jackson, although then out of office, realized this. In reply to the "venerated friend" letter which he had received, he wrote one addressed to "My dear General" in which he pathetically pleaded with Sam Houston not to do anything to disrupt the American Union. Then he set himself the task of devising some way by which he could reconcile the bitterly conflicting opinions on the subject and finally succeed in bringing Texas into his fold.

It was a tough problem. In New England the abolitionists, whose slogan read, "All who sympathize with that pseudo Republic hate Liberty and would dethrone God," were vigorously declaring that Texas never should enter the Union. In the South, where to many people the idea of the Greater Republic was far more appealing than the preservation of the Union, the sentiment in favor of annexation was, to say the most for it, barely lukewarm.

To any man less cynical than Andrew Jackson the situation would have looked hopeless. To him it didn't. Since, some years before, he had inferred that the avarice of the abolitionists would overcome their scruples against slavery, now if ever was the time for him to put the theory to the test. If he was right the North would abandon its opposition to annexation as soon as it could be shown that it would be financially profitable to do so. Provided, of course, the voters were given some kind of excuse, no matter how flimsy, with which they could salve their consciences. That was easy. Jackson quickly provided the necessary salve by bringing about the nomination of James K. Polk for the presidency on a platform that called not for the annexation of Texas but for its *reannexation.* It was a sly subterfuge.

By going clear back to 1803 and reviving his old idea that Texas, as an integral part of the original Louisiana Swindle, belonged to the United States anyhow, Jackson gave the abolitionists the opportunity to vote for annexation without placing too much of a strain upon their antislavery consciences. The scheme worked; Polk was elected by a large majority over Henry Clay, and at once in Washington, in deep secrecy, a plan for taking Texas into the Union was drawn up and a copy of it sent to Sam Houston for his approval. Whether he would approve it was anyone's guess. Tentatively, however, he did. Without enthusiasm he advised the annexationists in Washington that their invitation had been received and that *if* a treaty under its terms was approved by the United States Senate and offered to Texas, Texas would *perhaps* ratify it. Note those two words, if and perhaps. Houston was unconvinced. He had no faith in Andrew Jackson's ability to put the treaty across in the U. S. Senate. He did have plenty of faith in his own ability to do it. He knew how easy it was to make a man do as you told him to when you stuck a gun in his belly. So he loaded one that he could use for that purpose. He did it very quietly. The same messenger that carried the communication to the annexationists in Washington also carried a confidential letter to a friend in the Capitol who would, and Houston knew this, make proper use of it if the necessity arose. It did arise. In complete vindication of Houston's judgment, the lame-duck Senate which was still in office under President Tyler rejected the Annexation Treaty, whereupon the friend immediately let go with the contents of the confidential letter. It was a veritable four-ton block-buster.

The failure of the treaty, Houston wrote, would be no hardship on Texas. On the contrary immeasurable advantages would flow to the new Republic if it did fail. The South would secede, Texas would reach out and grab everything west to the Californias, and, with ports on both oceans, would become the power to fulfill the destiny of the English-speaking people in this hemisphere. Texas, not the United States, would gain absolute control of the North American Continent. But that wasn't all of it. As if the foregoing wasn't enough to cause Washington to cringe with fear, Houston finished the job by inserting a few lines obviously intended for British consumption. It was easy for the diplomats of that nation to infer that Texas was now saying farewell forever to the United States and that therefore they might come around and begin to do their own courting.

What a splendid storm that confidential letter stirred up! It was terrific. "Sam Houston," shrieked the enraged Senators shaking their fists at him across two thousand miles of distance, "you can't do this to us. We won't let you; we won't have it, we... we... we...." All of this, however, was just so much bunk, bluster, and oratory. The fighting Senators were not going to do anything except—and Houston, who kept chuckling to himself, knew it—except calm down and take another vote on the treaty. They did so, and this time, with Sam Houston's gun tickling them in their midsections, they approved the treaty. It went at once to President Tyler, who signed it on March 1, 1845, only three days before he went out of office. However, as Sam Houston now had the British diplomats on the hook and was playing them with a long line just to increase the anxiety of the powers in Washington, he was in no hurry to ratify it. Instead, he was so deliberate about it that it was not until February 16, 1846, that the Lone Star flag came down and the Stars and Stripes went up over the capitol building of the newest, the biggest, the richest, the freest, and the most tempestuous state in the American Union. This was a great day in the life of Sam Houston. The razor that had been given him so many years before had, as he predicted it would, shaved the chin of the president of a republic. Now, as the flag of that republic came down, he received it affectionately in his arms, folded it gently, and carried it away with him.

15. The Mexican War

ANY doubt as to how well Sam Houston had protected the interests of the Republic of Texas can be dispelled by looking at the terms under which he brought it into the American Union. Except for the thirteen colonies, most of the states not only have had to serve long apprenticeship as territories but also have been required to give up much of their land and many of their powers to the Federal Government. Not Texas. It yielded nothing, either in land or power. On the other hand, it gained much, first through the protection afforded it by the United States, and second through an agreement, which it still uses for the intimidation of Northern politicians, whereby it can, whenever it wants to, divide itself, like a one-celled amoeba, into five separate states, each having equal powers with all other states of the Union.

For these special privileges Texas had to produce something special. Everyone connected with the transaction of annexation knew in advance what the premium was to be. At the outset of the negotiations Andrew Jackson had told W. H. Wharton that to establish itself under the Stars and Stripes over the opposition of the abolitionists Texas would have to claim the Californias. In the map of his Lesser Republic Sam Houston had done exactly that thing; therefore, to justify him as a cartographer, the United States had to rib up some kind of excuse for seizing the territory in question. The excuse was easy to find. Throughout history it has always been easy for powerful aggressor nations to apologize to themselves for crimes committed against weaker ones.

After annexation Mexico claimed that it still owned a small piece of territory on the Texas side of the Rio Grande down near the mouth of that much discussed river. It was a small controversy that could have been quickly settled with a small bit of cash. But no, war was preferable, and here was a pretext for it. With their eyes on the Californias, people all over the United States, even the abolitionists, as Jackson had prophesied they would do, began to clamor so loudly for hostilities to begin that General Taylor with an army of regulars was sent hurriedly to Texas to occupy the disputed few square miles of land. Human nature being what it is, the desired result followed. The Mexicans, whose claim was perhaps just, so resented the presence of the American soldiers that they killed a few and captured a few, whereupon General Taylor, closely following the prepared blueprint of the wicked plan, electrified his countrymen by announcing that Mexico had committed the first overt act and that the shooting was on.

In Texas, where the prospect of the coming conflict created probably less excitement than in any other state in the Union, the immediate result of General Taylor's announcement was that volunteers to fight against the Mexicans were again called for. The Texans responded with their customary lack of alacrity. By this time the state contained a population of about 150,000 Americans, and yet when Jack Hays, who had been made a colonel and told to attend to the job, finished his roundup he had in his command only one regiment: only 1,000 men. But that was enough. Hays had recruited his followers from among his old Rangers, so that what he lacked in numbers he made up for in toughness and shooting ability. He knew their qualities and apparently General Taylor shared his knowledge. After Hays had marched his men across the Rio Grande and reported at headquarters, he and his regiment were at once assigned to "advance scouting duty."

Thus with the Texans at its head the United States Army moved on to Monterrey. At the outskirts of the town it came to a pause when a regiment of Mexican cavalry came out to meet Colonel Hays and his cavalry. It was only a brief pause. Moving out in advance of his halted men Colonel Hays went forward toward the Mexican lines from which the Mexican colonel rode out to meet him. At the proper distance the two men stopped, removed their hats, and bowed simultaneously, in the accepted way of duels on the battlefield. Two pistols instantly cracked, the Mexican officer fell from his saddle, and with the Texans leading the assault the Battle of Monterrey was begun. The Bishop's Palace, "a terrible stronghold, well fortified," * was the key to the situation. Colonel Hays was ordered to capture it. "Follow me, men," he shouted, and when it was all over General Worth, who had been watching the action

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* *Jack Hays: The Intrepid Texas Ranger* (Bandera, Texas: *Frontier Times*, 1902).

through his spyglasses, was heard to mutter: "By God, Hays and those men of his are the best light troops in the world." A newspaperman who was reporting the battle wrote: "The Texas Rangers are the most desperate set of men in a fight that I have ever seen." *

It was that way throughout the entire war. The Texans were more feared by the Mexicans than the rest of the United States Army combined. Even to this day, in unconscious tribute to the memory of Jack Hays, most Mexicans still believe that if Texas could be removed from the map Mexico could whip the rest of the United States without any trouble.

After Monterrey, where they had served under General Taylor, Hays and his Rangers were ordered to proceed to the City of Mexico for duty under General Scott. The story of their entry into the Capital of the Moctezumas (wherein, so he had once said, Sam Houston had been born to revel), as written by a lady who was there and saw it all, is worthy of reproduction.

"There reached here recently," wrote this good woman, "the greatest American curiosity that had yet come to this city. They were the observed of all observers and created as much lively interest as if President Polk and the American Congress had all set themselves down in front of the Palace. Crowds of men flocked to look at them (from a respectful distance) while women, affrighted, rushed screaming from their balconies into their houses. Perhaps you would like to know who these terrifying beings are. Well, they are nothing more or less than Jack Hays and his Texas Rangers, with their old-fashioned, maple-stock rifles lying across their saddles, the butts of two large pistols sticking out of their holsters, and a pair of these new Colts revolvers belted around their waists, making *only* fifteen shots to the man. Do you think this was anything to be scared at? There are only a thousand men in the regiment so they have only fifteen thousand shots which they can discharge in from eight to ten minutes when on a charge!

"The Mexicans believe the Texans are only semi-civilized, half man and half devil, along with a slight mixture of lion and snapping turtle, and have a more holy horror of them than they have of the evil saint himself. I have been asked several times by peaceful inhabitants here if the Texans will be allowed to go into the streets without having a guard placed over them." †

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* *Jack Hays: The Intrepid Texas Ranger.*

† *Ibid.*

The Texans, however, needed no guards. They got along very nicely without any; they attended fandangos, made love to the señoritas, drank pulque and tequila, kept their shootin' eyes keen by killing an *hombre* every now and then, all to the end that one morning, after two Mexicans who had thrown rocks at the Rangers had been destroyed for their impudence, General Scott sent for Colonel Hays and told him that his boys were getting to be too damn tough.

"But," responded Colonel Hays, "they were acting under my orders. The Texas Rangers if they are insulted must resent it, and I, sir, am willing to be held personally responsible for this affair." For the moment that settled that. At the time nothing more was said about the destruction of the two rock tossers, but a few days later the citizens of the city breathed easier when they heard that the Texans were being sent out into the surrounding territory to do a job on which they could really release their energy.

For several months Jack Hays and his men, just for the hell of it, rendered the same service to the Mexican Government that they had for so many years rendered to Texas. When the Rangers were sent out of the town, the hills in the vicinity of the City of Mexico were literally alive with bandits. But when they went back to the States, all that was left of those bandits was a large number of newly made graves, each decorated, as all graves in Mexico are, regardless of who occupies them, with a small, handmade cross.

After peace was declared and he was back in Texas where, in contrast to the lives of many historically "famous" citizens, his life had been a perpetual contribution to the public welfare, Jack Hays had but one desire. He wanted to quit serving an ungrateful government, which was some three years behind with his wages, and go back to his old business as a surveyor. He was not permitted to. As a gesture of friendliness the United States wanted to open up commercial relations with defeated Mexico, and Colonal Hays was ordered to go out into the wilderness to the west and locate a highway route from San Antonio to Chihuahua. He did so, breaking through about four hundred miles of wild country never before traveled by a white man. He had plenty of trouble on the way, and also made plenty for the Indians who annoyed him, but he finally reached the Rio Grande at a point opposite the old Mexican town of Ojinaga. Since this was the end of his assignment, he went no farther, but before leaving the place he drove a heavy stake into the ground, on the American side of the river, to indicate that right there an American town was to be established which was to be called Presidio. But why that name? The answer involves an unsolved mystery. The word *presidio* means fort, and strangely enough only a few miles distant from where Hays drove his stake a fort was already in existence. It was a huge one, six hundred feet square, with walls three feet thick and twelve feet high, and enough rooms and stable space inside the enclosure to house a regiment. This enormous structure, which still stands and will continue to stand for some centuries, had been erected some thirty or forty years prior to the time Hays arrived in the neighborhood by a mysterious Englishman named Leaton. But who Leaton was, why and how he had penetrated into that wilderness, why he had built his fort, and how he had managed to force the large number of Mexicans and Indians that must have been employed in its construction to work for him are all questions that have never been answered. There are, in fact, only two stories told about him. One is that he maintained a large and carefully selected harem within the walls of his commodious mansion. According to the other, soon after the highway to San Antonio was opened, when he was very old, he gave a large sack of gold to a passing stranger, and with it his daughter, with the request that the girl be taken to San Antonio and from there sent to some school where she could be becomingly and fittingly educated, as a lady of her standing should be. Was this request ever carried out?

Two months after starting on his return journey, starved, ragged, barefooted, short several of his men who had proved less durable than he was, also short his doctor who had gone crazy and run away and joined the Indians, Jack Hays finally got back to San Antonio. He swore vigorously that this time he was through, that never again would he render a public service of any kind. And again he was frustrated because once more he had to go to work for Texas. In a way it was his own fault. He had located a trade route over which a tremendous amount of caravan traffic was destined to move within the next thirty years. However, at the time it was of no value, since his friends the Indians, whom he had once driven out of that part of the country, had taken advantage of his absence in Mexico and moved back into it. Consequently something had to be done about them. Taking 250 of his old hard-shooting men with him, Jack Hays attended to it. This time he did a complete job. In a running, bloody fight that lasted more than a week he drove about 1,500 painted braves, who were taking all their dogs, squaws, and papooses with them, so far to the west that they never again ventured back into the territory from which they were now ousted. Then, after accomplishing this feat, Jack Hays, riding in a covered wagon, purchased with the last few dollars he had on earth, disappeared entirely from the history of Texas. But not from the history of California. He went out to that state, took up surveying again, did a bit of gold mining on the side, and became so rich that, because he liked the town, he presented the city of Oakland with the sites which are now occupied by its parks and most of its public buildings. Into the deed of gift, though, he wrote one stipulation. It was that if the city of Oakland should ever try to sell any of this property it would revert automatically to his heirs. That stipulation still stands, although Jack Hays's heirs, at least two of them, have never had any need or desire to benefit by it. One of those heirs was John Hays Hammond, the most famous of all American mining engineers, who developed the tremendous gold fields of South Africa, who was the first man in the world ever to draw a salary of a million a year, and who, as a true descendant of his fighting Texas uncle, took a leading part in the Boer War which finally resulted in bringing the Union of South Africa into the British Empire. The other heir was John Coffee Hays, who, as a member of the great Stone & Webster organization, became one of the leading power engineers of the United States. So much for Jack Hays, the most completely forgotten of the truly great men of Texas. As a humorous footnote to history let us refer to the fact that, after Hays left the state, the Indians, in a new part of it however, continued to make trouble for the Texans for a number of years. But the Texans were not to blame. If they had been let alone they would very quickly have solved the problem of the red men by liquidating 'em. Now that Texas had become a state they couldn't do that. The Indians, instead of being legitimate targets, were now wards of a sappy-minded old idiot named Uncle Sam; he didn't want any of them damaged. For their protection he had set up a couple of reservations in the beautiful Brazos Valley and had quartered there some five hundred warriors who, along with their numerous wives and children and their huge herds of livestock, were to be cared for at the expense of the national government. And they were also to be guarded! Just think of it! The Texans did think of it and, having come to the conclusion it was all damn nonsense, finally took action in the matter.

To guard these "Reserve Indians" against "unauthorized attack" by the bloodthirsty Texans, Uncle Sam stationed several companies of his infantry on the reservations. But this move only aggravated the annoyance. The Texans, with the exception of Sam Houston, who was now in the United States Senate, didn't like Indians under any circumstances, and certainly, now that they couldn't shoot at 'em, they liked them far less than ever before. Consequently the arrival of the United States soldiers meant the arrival of trouble.

In its reports the United States Army fails to glorify itself in any way for the part it took in the episode of the Reserve Indians in Texas. The reason is obvious; here it is. After having suggested to its leaders that both the Army and its Indians get the hell out of Texas, and after having had that request ignored, a large number of anonymous, unidentified Texans attended to the matter in their own way. There was some shooting, of course; there had to be to make the transaction a thoroughly legal one. Naturally, since the Texans were not using slingshots, quite a number of casualties in the way of dead Indians and crippled infantrymen resulted. But who cared? Not the Texans, certainly. All they were after was to run the red men across the Red River into the Indian Territory. Having achieved this, they went contentedly back to their regular business of raising corn, cattle, cotton, and children.

Again, as a second hilarious footnote to history comes the story of another transaction with the Texans, carried out soon after annexation, in regard to which the United States Government has never been heard to do any loud talking.

At the conclusion of the Mexican War of aggression the end desired by the United States was finally accomplished with the signing of the Treaty of Guadalupe-Hidalgo. By its terms this country, by paying Mexico the pitiful sum of $15,000,000, became the owner of everything, except Lower California, that lies between Texas and the Pacific Ocean. So far as Mexico was concerned that ended the real-estate deal. But what about Texas? Remember that as a republic it had built up quite a neat little national debt for itself, and remember also that its Mexican boundary, as agreed to by Santa Anna, was the Rio Grande from the Gulf of Mexico clear up to the source of the stream in the Colorado Rockies. Since this was the boundary called for in the Annexation Treaty with the United States, Texas owned the entire eastern half of what is now the State of New Mexico. There was no doubt of it, nor was there any doubt that at that time that piece of land, occupied as it then was by nothing save Apache Indians, coyotes, jack rabbits, and rattlesnakes, was not worth as much as five cents a square mile. Nevertheless, when the United States began cutting up the land it had stolen from Mexico into territories for its own future consumption and wanted to get a hold on that eastern half of New Mexico, the value of the ground instantly skyrocketed to what in those days was an astronomical figure. But don't forget the identity of the contracting parties. The United States was no longer dealing with Mexico; it was dealing with Texas. Texas owed it a bill, and if it knew itself, and it reckoned it did, it would come out of that New Mexico trade not only out of debt but with a little something left over. So it came about. Regardless of the uprightness of the proceedings that probably preceded the deal, and were carried on in back rooms in Washington, it is nonetheless true, and they should be honored for it, that those wily Texans sold their Uncle Sam just one worthless half of New Mexico for the staggering sum of $10,000,000. In other words, they got two-thirds as much for only half of New Mexico as Mexico had received for all the vast and rich empire that lies between the Rio Grande and the Pacific.

16. Texas Goes to Work

EVEN after Sam Houston had bludgeoned the United States into admitting Texas into the Union on its own terms, and then with the aid of other great Lone Star politicos had buncoed poor old Uncle Sam out of the cash with which to pay off the national debt of the dead Republic, the Texans themselves continued to pay very little attention to the conduct of their government. They had too many other things to attend to.

Back there, say around 1852, only nine short decades ago, the Texans had about as big a job on their hands as any comparatively small group of men has ever tackled. They had made a good start, but they still had the job ahead of them of turning a wild, wide, and stubborn wilderness into a glorious country in which their children for generations to come could live in ease and happiness. It was a job that from the very nature of it forced each and every individual to establish for himself his own rights and his own liberties in his own way. Texas was too big, and the Texans lived too far apart from one another (the density of population being less than one person to the square mile), for community effort to amount to very much. Consequently, with each man compelled to attend to his own business of wresting his own support from the natural resources of his own soil, the Texans asked little of their neighbors and even less of their government. They knew they had a government, of course, but they knew themselves also. They knew they were the toughest, luckiest, fightingest, wealthiest, and most un-God-fearing lot of men and women on the face of the continent. They knew furthermore that their way of living, with each man's horizon his fence line, was the handsomest and most spacious way of life that had ever been devised, and also that their economic system, which gave every man willing to work for it a plentiful present and a secure future, was the system that the world had long been waiting for.

If you had told a Texan in those days that anyone, anywhere, had a firmer toe hold on the earth than he had, or was as fully entitled to it, he would simply have laughed at you, shot the heels off your boots maybe, and gone right ahead with his work.

Who and what the Texans were never bothered them any; they were not fussy about pedigrees. Any man who was a real man could become one of them. Where he originated, or what he had been before he left there, or why he left, were matters of no importance. Once he reached Texas, Texas would attend to him. If he could stand the treatment the state gave him he automatically became a Texan; if he couldn't, and didn't leave in a hurry, he might very easily become a corpse. The world knew this. It knew that Texas was a land of opportunity, but of opportunity for men only. There was no place in it, in those sturdy days, for ribbon salesmen, tenor singers, and dudes. Some came, of course, but they didn't last long. The men who did last, who came from everywhere and of whom no questions were asked, were men belonging to the aristocracy of courageous enterprise: an aristocracy made up of self-declared, self-created individualists who were able to cope with a raw, hard country, tame it, and reduce it to civilization.

They were the kind of men that Stephen Austin had originally chosen, and they were the real Texans. They made Texas. They set up sawmills, built cabins, plowed up thousands of square miles of rich dirt, planted corn, cotton, and wheat. They got rid of their natural enemies, the Indians and the bandits, and if they didn't respond with enthusiasm to the demand that they fight the Mexicans, it was only because they had nothing against them. They built schoolhouses, to which they sent their children, and churches, to which their wives went—but they didn't, very often. They went into the cow business, and they laid out roads along which they gradually expanded their frontiers until finally, from the comparatively small area they had occupied at the time they became citizens of a republic, they had taken in everything from the Sabine to El Paso and from the mouth of the Rio Grande to the northwestern tip of the Panhandle. This was a tremendous achievement. They had conquered an area approximately four times the size of the combined areas of the thirteen colonies, and yet the activities of the men who actually accomplished it have been studiously neglected by history in favor of the activities of the politicians who have more often succeeded in making Texas appear ridiculous than in making it appear great.

It took many, many thousands of Texans of the type we have just described many years to do all these things. Jack Hays was only one of them, and soon after he had disappeared to the west, along came another self-declared Texan, traveling along the very trail he had blazed.

This other, who appeared in 1854, was a Virginian named Milton Favor. Just why he was riding west he, perhaps, couldn't have told you. There was a reason for it that he didn't realize. It was the lure of Texas—the lure of a land that got bigger and bigger, and emptier and emptier the farther he went—that kept pulling him forward. He reached the Horsehead Crossing on the Rio Pecos, forded the stream, and then taking the left-hand fork of the road followed it to the southwest, into the grim grandeur of the Big Bend district of Texas: the toughest, the ruggedest, and the most inspiring section of the Mexican border.

To most men just one glimpse of this country, taken in connection with its general record for cussedness, would have been enough. They would have looked briefly, turned around, and gone happily home again. But Milton Favor was not of that breed. He was only twenty-five, he had a vivid imagination, and he longed for adventure. When he was within some twenty-five miles of the yet unbuilt town of Presidio, as he gazed out over a vast expanse of wonderful grassland, hemmed in by tall mountains cut through by splendid canyons, he made up his mind that right there in that locality he was going to go into the cattle business. As the young man thus decided his future for himself, he did not take into serious consideration such minor details as: first, that he had no seed cattle with which to begin to stock a range; second, that if he did stock a range and his herds increased, as they surely would, there was no market at hand at which he could sell his stuff; and third, that the Big Bend was so full of hostile Indians, mostly Apaches, that if he tried to live in it he would have to thank God every morning for his scalp when he woke up and found he still had one.

No, these things did not worry Milton Favor. To begin with, he knew he didn't have to buy seed cattle from the men who owned them, over in Mexico, in order to acquire title to them. Just induce enough of the animals to swim the Rio Grande under their own steam, slap a brand on them as soon as their hoofs hit Texas soil, and a quick start could easily be made in the stock-raising business. As for a market, this was a detail that wouldn't have to be considered for two or three years anyhow, and by that time God would provide. The Indians he would attend to personally, whenever any of them came in line with the peep sights of his old, long-barreled, cap-and-ball rifle.

Everything progressed according to plan. A substantial number of "wet back" cattle were "acquired"; wearing an F brand they at first roamed the hills and canyons adjacent to the spot where Favor had established his headquarters, and then as the seasons went on and their numbers increased they drifted out into the rolling grass country and across it to the winter shelter of other mountain ranges far away to the north, east and west. This is the way in which Milton Favor became a cattle king: one of the first and one of the greatest in Texas, because no matter where his animals went his sovereignty, as represented by his brand burned deep into their hides, went also. And once a year, regardless of where a cow dropped her calf, be it on the King's doorstep or a hundred and fifty miles away from it, she could expect to be rounded up and made to stand by while her bawling offspring was dubbed his by His Majesty's *vaqueros.*

As to Favor himself, to whose memory there are still many monuments down in the Big Bend country, he was never idle. In addition to riding his far-flung ranges to see that his cowboys were properly combing the draws, and were putting his brand and not their own on the annual calf crop, he had many other details to attend to. The construction of his royal residence was one of them.

In general aspect Milton Favor's castle was not unlike the strongholds of most of the early Texas cow monarchs. It was a flat-roofed structure, large enough to accommodate a small army of retainers who, like the King himself, slept on goatskins on the floor and were always on hand for the manning of a tower, pierced with loopholes, erected for the benefit of any prowling Indians who might be so unwise as to come within shooting distance. Only a few years ago the tower was still standing, but when this writer last visited the place he didn't enter, since it was under lease at the moment to a lady skunk, with a family of little ones, who had hung a sign on the door, "Please do not disturb." She need not have used the word "please," as her wishes for privacy would have been respected anyhow.

The main building stood in one corner of a huge, adobe-walled enclosure about half of which was given over to a peach orchard.

Can you imagine that! A peach orchard on a cow ranch in the Big Bend country, and yet there it was. But to the riddle of where the trees came from the legend of Milton Favor furnishes no answer. Every year he met the emergency of the harvest by dumping the luscious fruit into a big, two-hundred-gallon copper still which he had had made in Chihuahua, and which for more than thirty years produced a high-power brandy in glorification of whose merits many of the deathless Big Bend octogenarians are still chanting hymns of praise.

From all this it is easy to see that Milton Favor was not an ordinary man. You bet he wasn't. Like all successful Texas pioneers he was not only an extraordinary man but also a man of vision.

For example, when he figured that when he had any cattle to sell there would be a market for them he was not calculating blindly. As he saw it the soldiers that Secretary of War Jefferson Davis was planning to send west of the Pecos to subdue the Indians would have to be fed. Moreover, as fast as the Indians were subdued and penned up on the New Mexico reservations they would have to be fed also. It turned out exactly that way. Favor went into the Big Bend in 1854, and by 1858 Uncle Sam was buying huge quantities of beef for both his blue-clad warriors and his red-skinned wards and for it was paying the far-seeing Virginian a handsome annual tribute.

But within a few years—and right here, if we are to keep the tale of this one typical Texan straight, we must jump somewhat ahead of our main story about Texas—to put an end to this happy arrangement, along came the Civil War, which meant that the soldiers were withdrawn from the area, leaving the Indians free to swarm into it and help themselves liberally to Milton Favor's cattle. But not for long. He had them all driven in from his distant ranges to the vicinity of his personal stronghold, from which he sent word to the savages that if they now wanted any of his beef they should come and get it. The invitation was not accepted, and until the war was over and federal soldiers were again sent into west Texas to control the Indians, Don Militon, as the Mexicans now called him, was at liberty to sit at home and absorb as much peach brandy every day as his hide could hold. He is said to have done this, and then, in the golden period that followed, between 1866 and 1884, when he sent his longhorns on foot over the long trail to the Kansas markets in Abilene, Hays, and Dodge City, he became so rich that he couldn't get rid of his money fast enough. But, like all other big Texas cow men, he tried; we must give him credit for that. Sometimes, maybe, Milton Favor went with his herds to market, but as a rule he didn't. The ten-day spree at the end of the sixty- or ninety-day drive, although it represented life to his cowboys, meant practically nothing to him. As a monarch it was his privilege to enjoy himself whenever and wherever he wanted to.

Chihuahua, San Antonio, and El Paso, where vivid entertainment was always to be had, knew Milton Favor well. They knew he was no piker. He could lose a fortune in Ben Dowell's gambling house in El Paso, which had been established in 1849, or win one in the Buck Horn in San Antonio and never bat an eye. He was all things to all men. He called no man a liar unless he was ready to shoot quick and prove it. He shot up barrooms and dance halls, went around and paid up the damages the next day, and then forgot about it. He saw no contradiction in such casual destruction on the one hand, and, on the other, the enrichment of ragged Mexican beggars by showering them with gold pieces. The perfect prototype of Texas itself, he was both terribly tough and overwhelmingly tender. In its proper place the queer story of what finally came of Milton Favor's endeavors, and of what happened to the Big Bend's last longhorns, will be duly told. In the meantime, since the longhorns elsewhere in Texas were creating other cattle kings, we now turn our attention to what has been going on down near the mouth of the Rio Grande.

In 1847 a little stern-wheel steamer chugged noisily back and forth in the lower reaches of the Rio Grande. The hearts of the two men who operated this craft, Richard King and Mifflin Kenedy, were filled with hope. Having secured a contract to transport supplies for General Taylor's army, then about to invade Mexico, they could see nothing ahead of them except very handsome profits. But that dream faded out; the Mexican War was too brief for anybody to make any real money out of it. Within a few months Captains King and Kenedy, their hearts now filled with despair, found themselves in possession of a boat that was practically useless except as a moving habitation in which they could convey themselves leisurely and luxuriously up and down the Rio Grande. That they did this, idling along, tying up wherever they felt like it, and making extended excursions into the wild country on the Texas side of the river, is amply evidenced by the fact that the great King

Ranch, the largest ranch in America, and the Walled Kingdom of Kenedy County, the finest ranch in America, were the two huge legacies that this pair of river pilots left to their descendants, who even unto this day are still enjoying them. In other words, when the steamboat business went on the shoals Captains King and Kenedy, having nothing else to do, began branding wild cattle in the brush country and then turning them loose with the result that by 1861 they didn't know either how many cattle they had or where most of them were. But they didn't care, because by the end of that same year they were again treading their quarter-deck, again braving the perils of navigation on the stormy Rio Grande, and again carrying cargo. This time they were making money, plenty of money.

The Civil War was on, federal gunboats were blockading the mouth of the Rio Grande, and yet right under the muzzles of their cannon the little river steamer was boldly unloading cargo after cargo of Texas-grown cotton into the holds of British merchantmen come to carry it back across the Atlantic. It was ridiculously simple. By merely staying in Mexican-owned waters, on the Mexican side of the harbor at Matamoras, Captains King and Kenedy, throughout the entire war, were able to carry on an uninterrupted commerce with European cotton buyers. And in the meantime what of their neglected cattle business? We will look into that later.

17. The Civil War. The Longhorns

IN 1857 Sam Houston, still in the United States Senate, took time out from his official duties in Washington to come back to Texas and run for governor. He was defeated but was neither surprised nor disappointed. He had expected to be beaten and had made the race only for the purpose of building up a following with which he could win two years later. His motive was clear. Houston was a Union man, he knew that sooner or later the question of secession would have to be dealt with, and he felt that if he were governor at the time he might be able to prevent the split. Consequently in 1859 he was again a candidate and this time he was elected. It was, however, a personal rather than a political triumph, in that the people voted for him and not for the principle that he represented. He ran on a straight platform of "The Union Forever." He won, yet when the question of secession finally came up his leadership was almost unanimously repudiated. Nevertheless he fought to the last ditch in defense of his beliefs.

In December, 1860, South Carolina seceded, several other states followed its lead and a wave of belligerent fervor swept the South. When it reached Texas, a demand was made that Governor Houston at once call a special session of the legislatures for the purpose of taking Texas out of the Union. He refused, whereupon the secessionists issued a call for a convention to which all the counties were to send delegates. That convention met on February 1, 1861, and by a vote of 167 to 7 decided to submit the question of secession to the people, who were to vote on it on February 23. Sam Houston had twenty-three days in which to talk to the Texans. He took full advantage of them. Despite the fact that wherever he appeared he faced an angry mob, and that his life was frequently threatened, Houston made speech after speech begging and pleading with the Texans not to break with the American Union. But the Texans, who had never displayed any universal enthusiasm whatever about seceding from Mexico, went wild over the idea of secession from the

United States. They voted three to one in favor of it. That vote, however, was not entirely legitimate. The vote from El Paso County, the most westerly county in the state, certainly wasn't, and as the story of it deals with the activities of another unknown, unacclaimed benefactor of Texas we will turn briefly aside to relate it.

In 1858 a young fellow named Anson Mills showed up in El Paso. Like Jack Hays he was a surveyor, and so full of energy that within a very short time he had accomplished two major feats. First, after he had surveyed the area, then covered with nothing but mesquite thickets, he had drawn a map of what is now the business district of the city of El Paso. Second, he had been so emphatic about declaring that he was a Union man that he had been denounced as a damn black Republican by the town's most rabid rebels, who even posted a notice telling the young man that he could either get out of the community or get killed. But he didn't: He stuck around and as election day approached he was actually bold enough to assert that when it arrived he would vote against secession. "Yes, damn you," he was told, "and if you do you'll sure as hell die for it."

The day came, the ballot box (guarded by Judge Gillock, a colorful old drunkard from Missouri) was placed on the bar in Ben Dowell's saloon, and the voting started. It shouldn't have taken long to finish, since there were not more than fifteen qualified voters in the entire county, then larger than the state of Massachusetts. But it did. It took all day, because so anxious were the El Paso secessionists to make a good showing for their district that for twelve hours, from dawn to dusk they worked hard bringing Mexican citizens from the Mexican town across the river into the saloon, throwing drinks into them and then handing them ballots which the obliging foreigners forthwith stuffed in the box. The late afternoon approached and Anson Mills, closely watched by half a dozen of El Paso's most dangerous citizens, hadn't yet voted. "Skeered to, I reckon," said Vincent St. Vrain, who had come into that part of the country as a trapper with Kit Carson.

But Mills wasn't "skeered"; he was merely amused, that was all, and when he was ready to vote he did so by taking a large sheet of paper from his pocket, unfolding it, holding it up so that every man in the barroom could see written on it the words: "No Separation. Anson Mills," and then sticking it in the box. In this way El Paso County, with a legal voting population of less than a score, voted 357 to 1 for secession with no one taking even so much as a single shot at the man who had cast that lone ballot in favor of the Union. Instead they stood silently by as Mills bowed to them, walked out of the saloon, mounted his horse and started away on the long journey to the North where he joined the United States Army.

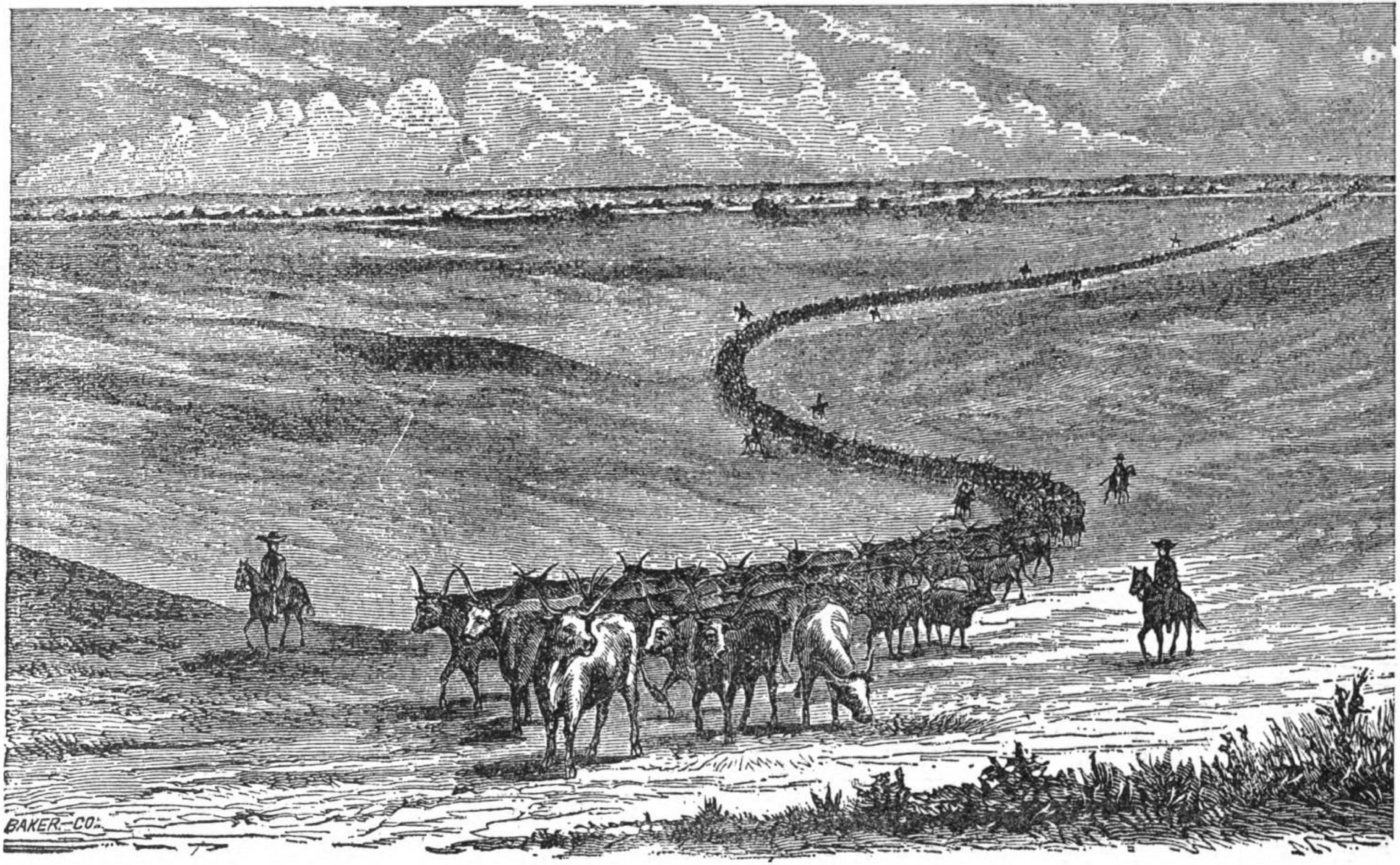
Mills served through the entire war, came out of it a colonel, returned to El Paso, added "Mills Addition" to his map of the city, and in course of time made a fortune out of it. It was a small fortune, though, in comparison to another that he picked up right there in that same part of Texas. Down in the Big Bend district, only twenty-four miles from where Jack Hays had located the town of Presidio and only four from the headquarters ranch established by Milton Favor, some soldiers located a silver prospect. Mills bought their claim, developed it, and turned it into one of the most profitable mining properties in the United States. Today, owned by the Guggenheim interests, and with more than fifty miles of underground tunneling in it, that mine is still producing silver in paying quantities. But the young man, Anson Mills, who had developed it, and who had made his start in El Paso, didn't stop there. He became the head of the United States Boundary Commission set up to determine disputes arising in connection with the line between this country and Mexico. With the small change from his mining profits he built the huge Mills Building in Washington and rented it to the Federal Government, which has used it for many years as a War Department annex. Finally, as a little item out of which he made a few more millions, he patented and manufactured the Mills cartridge belt, a belt woven in one piece, with no seams, which is still used not only by the United States Army but by practically all the armies of the world.

Having made this digression in behalf of a Texas pioneer who did much for Texas, and a great deal for himself also, we will now go back to Austin and attend a session of the State Legislature that is under way. It is a dramatic session. The vote of February 23 has been canvassed. Texas has seceded from the American Union, and all that now remains to be done is for the higher officials of the state to take the oath of allegiance to the Southern Confederacy. For that purpose the clerk calls the roll. "Governor Sam Houston." There is no response. He calls again: "Governor Sam Houston," and as there is still no response the legislature of Texas declares the office of governor as vacant and calls upon Lieutenant Governor

Edward Clark to assume it. Mr. Clark did so, and at the very time that he was being sworn in as governor, and then was taking the oath of allegiance to the Confederate States of America, Sam Houston, in the Executive Chamber in the capitol, was penning what were substantially his last words to the people of Texas. He wrote:

> Fellow citizens, in the name of your rights and liberties which I believe have been trampled upon, I refuse to take this oath. In the name of my own conscience and my own manhood I refuse to take this oath. I love Texas too well to bring strife and bloodshed upon her, and can make no effort to maintain my authority as Chief Executive of this State except by peaceful exercise of my functions. When I can no longer do this I will calmly withdraw, leaving the government in the hands of those who have usurped my authority, but still claiming that I am its chief executive.
>
> It is, perhaps, meet that my career should close thus. I have seen patriots and statesmen of my youth one by one gathered to their fathers, and the government which they have reared rent in twain. I stand the last almost of my race: stricken down because I will not yield those principles which I have fought for. The severest pang is that the blow comes in the name of the State of Texas.

In comparison with many sections of the South Texas suffered so little material damage from the Civil War that we shall not here concern ourselves with it. No major battles took place within its borders, it suffered no invasion, and there was no devastation. Yet dislocation of life within Texas was very severe. This was due to the enthusiasm with which the Texans rushed into the conflict. Why they were so rabid about fighting against their own countrymen when they had always been so apathetic about fighting the Mexicans is inexplicable. But they were, and to such an extent that more of them fought under the Stars and Bars than from any other state in the Confederacy except Virginia. For the duration Texas was thus so completely drained of manpower that everything came almost to a dead stop. One thing, however, with which manpower, obviously, had nothing to do didn't stop. This was love on the range. Regardless of everything it went on, and to such an amazing extent that when the Texans, tougher and uglier than they had ever before been, got back from the battle fronts they were disgusted to find that their entire country was literally overrun with wild



THE TEXAS CATTLE TRAIL, 1867

longhorns and wild horses. It was a discouraging outlook. Their fences were down, and their crops, which their women folks had been trying to raise with the aid of hired Mexican help—the Texans owned few slaves—were being trampled into the ground. Consequently they were all broke, and it was all the fault of the (deleted by the postal authorities) longhorns.

The Texans, however, were not broke. They were rich; they were potentially very rich, and it wasn't so long before they found out about it. In 1867 Joseph McCoy, a long Scotchman with very long whiskers, unloaded himself from the back of a buckskin pony in front of Tim Hershey's cabin at the forty-mile post on the Kansas & Pacific Railroad, and with a sweep of his arm that took in both poles and both oceans wanted to know who owned all that spread of territory.

"I reckon I do," drawled Mr. Hershey, "but what about it, stranger?"

McCoy quickly explained. Down in Texas, where he had just come from, millions of longhorn cattle were ready for a market and couldn't find one. In the East and North millions of people were hungry for beefsteak and couldn't get it. The chance to build up a tremendous livestock business was perfect. Tim Hershey's land lay there like an answer to prayer. It was on the railroad that was then feeling its way west; there was enough of it for stockyards, loading chutes, switches, and a townsite; around it lay millions of acres of good grazing land, and . . . But that was enough. Hershey got the idea and got it so vividly that before dark the hell-raising town of Abilene, Kansas (home town of General Ike Eisenhower; and so named, sacrilegiously perhaps, after the Abilene mentioned in the Gospel of St. Luke 3: 1) had been laid out on paper, and a plan of action, that was to have more effect on the prosperity of Texas for the next thirty years than the plans of all its politicians combined, had been adopted by the two men. No circus advance agents ever worked faster or turned in more astonishing results than this pair now did.

On June 1, 1867, when McCoy and Hershey first met, there wasn't a Texas longhorn within four hundred miles of their imaginary shipping yards, nor was there then in existence a trail across Kansas along which any of them had ever been driven. But by October 1, in less than five months, just to show how fast on their feet the Texans were, 35,000 head of their wild cattle had been eased along a new trail to the new market and had already been sold. Furthermore, and as a further tribute to the energy of the Texans, Abilene's new boot-hill burying ground had already acquired a small but permanent population of defunct cowboys, enriched, however, with the corpses of a couple of town marshals. And Texas Street, a glowing thoroughfare which led directly from the dreariness of the open prairies straight into the delights of hell itself, had already won world-wide recognition as the most complete highway of sin to be found anywhere on the globe.

Thus in one year the Texans had not done so badly by the cow town they had built for themselves up in Kansas. But look at the other years. In each successive one, for the five years that Abilene survived, everything in it, from the number of Texas cows and cowboys that arrived, on up to the length of Texas Street, the populations of the tenderloin district and the cemetery, the hilarity of the dance halls, the serving capacity of the saloons, and the take of the gamblers, practically doubled. The cattle figures provide an index to all of it. In 1867, as already stated, 35,000 longhorns reached the new market; in 1868 75,000 arrived; in 1869 the number jumped to 150,000; in 1870 to 300,000; and finally, in 1871, Abilene's last year of glory, 600,000 head was the tally. That was a lot of cattle. In the opinion of the pious Kansans it was a lot too many, and therefore, since they didn't approve of the way the huge herds of unruly Texans, who came to town with their huge herds of unruly livestock, drank whisky, and burned powder, and gambled and cavorted wickedly with the damsels in the dance halls and other places, they at last persuaded their legislature to pass a law abolishing Abilene as a shipping center.

But no law, no legislature, could abolish the town's memories, which as a monument to the Texans still live, and still rankle, in the minds of the citizens of the clean, progressive, and uninterestingly nice little town of Abilene, Kansas. Clearly then the story of that town, which might well be entitled Vice vs. Virtue, or Texas against Kansas, is worth looking into. Here it is.

The first thing Joe McCoy and Tim Hershey did after deciding to create a Texas Gehenna in the middle of the Kansas prairies was to start an advertising campaign. It was an unqualified success. Heading south with a couple of assistants to help him lay out a trail across Kansas (the trail across the Indian Territory was already known) and then on to Texas, where he spread the word that a market for longhorns had been opened at Abilene, Hershey had no difficulty in getting a number of quickly gathered herds strung out and on the move. Going north, where he told the cattle buyers that plenty of cattle would soon be waiting for them at the shipping yards already under construction, McCoy had equally good luck, the total result being that in that first year more longhorns than had ever before come out of Texas arrived and were sold in Abilene. But the cattle were not the only commodity to come to the new market. Whisky and women arrived also, both by the carload. Gamblers, bartenders, and fiddlers likewise appeared in quantity, all to the end that before Abilene was six months old its main thoroughfare, Texas Street, only a few blocks long, already provided frontage for twenty saloons, twenty gambling houses, and ten dance halls, as against only three legitimate eating establishments and one large general store. Was this progress? The Texans said yes, and so did some other men. The celebrated Wyatt Earp, for example, who was there, in a frame shanty, piously endeavoring to short-card the poor, unprotected cowboys out of their hard-earned cash before the gals could get their hands on it, felt and said that Abilene was a fine town because there was so much easy money in it, so much sin, and so little law.

With this coarse view, however, neither Joe McCoy nor the Kansans, who were trying to be merchants, farmers, and honest men all at the same time, were in accord. If the saloon keepers, the gamblers, and the girls (who, poor things, having no houses, had to ply their vocations in the alleys behind the dance halls) were going to run things the town would soon blow up. In the fall of 1868, after the cowboys had gone back to Texas, McCoy and the Kansans got together, elected T. C. Henry, a twenty-eight-year-old farmer, as the town's mayor, built a stone jail, and organized a citizens committee whose duty it would be throughout the coming season not only to preserve order but actually to promote morality along Texas Street. The colossal gall of that proposal does not seem to have struck the twenty-five or thirty sanctified citizens, unarmed save with righteousness, and uninspired, as the Texans always were, by liquor and women, who were planning to reform Abilene! When summer came, and the Texans who came with it were informed that *their* town now had a mayor and a jail, and that they couldn't pop off their pistols whenever they felt like it, and also that they couldn't do several other things they always wanted to do, they responded to the insult by shooting half a dozen saloons almost entirely apart and completely demolishing the new jail.

This was discouraging to Mayor Henry, but within a week he had not only reconstructed his calaboose but had actually supplied it with an occupant. This was too much for the Texans to endure: reform in their town was going entirely too far. The occupant of the jail, just a nigger cook from one of the cow camps, didn't amount to much, but look at the principle of the thing! That was what riled 'em and got 'em going. In every barroom along Texas Street all that one heard on that historic evening was: "Huh, if these damn Kansans can lock up a Texas nigger it won't be long now until they'll be locking up a Texas white man," and so—down with the Bastille! Down it came. In a perfect frenzy of alcoholic emotion the Texans, some two hundred of them, repaired to the jail, smashed in its door, rescued their nigger, and closed up the entire town by shooting it shut. They were on their way back to their bed grounds in the cow camps, where they slept with their longhorns, when they stopped by at the Mayor's home and did him the honor of almost destroying his establishment with volley after volley of Texas lead fired from Texas six-shooters.

This meant war. The Kansans recognized that it did, armed themselves with everything they had, from old muskets to brush hooks, and headed for the cow camp to recapture their prisoner. But they didn't get him. They didn't even try hard. All they did was circulate around on the prairie for a few hours, look fierce, and then go back home without firing a single shot. This was lovely: lovely, that is, for the victorious Texans, who for that entire year turned Abilene into a livelier and more hilarious town than they had ever dared hope they could.

But to do this the Texans had to have help, female help, and they got it in the form of about as giddy and accommodating a lot of girls as the most ancient of all trades has ever produced anywhere on this earth. The girls came mostly from Memphis and St. Louis; they brought their wardrobes with them; what wardrobes they were, and in what a setting! Imagine a picture of it. Mayor Henry's son, writing about the Abilene of the Texans, in its second year, has drawn one for us in substantially the following words:

Texas Street, six inches deep in dust, is crowded with people. Most of them are men, and most of these men, visibly drunk, are Texans in the cattle trade. There are some Kansans, though, farmers probably, and some Kansas wives who are doing the daily marketing. These wives, with their stringy hair, weather-beaten faces, horny hands, cheap calico dresses, and heavy shoes, are by no means specimens of female loveliness calculated to upset the sanity of the opposite sex. But now look. It's four in the afternoon: the zero hour when the girls from Hattie's Hot House and Saleratus Sal's Sink of Sin are due to parade. Here they come in batches of two to half a dozen head each. They are fearfully and wonderfully made. They have to be to compare with the gorgeousness of the shiny boots, the loud shirts, the flaming bandanas, and the wide-brimmed, silver-trimmed sombreros of the Texas cowboys who are both their victims and their customers. The girls are gorgeous for another reason also. *Godey's Lady's Book* demands that all women of fashion have fourteen-inch waists and wear two-foot bustles, skin-tight bodices that will display the development in that section, five brilliant petticoats, and flowered hats which explode into brilliant bursts of color in every direction.

Suddenly, in front of the splendid Alamo saloon, all the men, even the devout Kansans, stop, line the edge of the plank sidewalk and prepare to take a look. Three or four of the girls are about to cross the street, and as they step into the dust of the highway they reach down with their jeweled fingers and yank their skirts along with accumulated layers of petticoats beneath them, knee high. Ye gods, was a spectacle! But not a modern one. No, no silk-clad ankles appear. It's just boots: beautiful, highly polished, handmade kid boots, fringed with tassels, with a red Lone Star at their tops, and protruding conveniently out of the right one the butt of a pearl-handled six-shooter. That was the custom: The right boot was the arsenal, the left one the treasury, which, owing to the generosity of the Texans, was always filled with cash.*

The open disapproval of the Mayor to such displays as these, as well as to their general conduct, only served to stimulate the girls and their friends and admirers, the Texans, into devising more and better ways in which to do more and better hell-raising. They were quite ingenious about it and as it is proverbial, even to this day, that wherever Texans and women and whisky and six-shooters are gathered together there will homicide be found also, quite a few of the cowboys managed to get themselves killed. Now just why Mayor Henry should have objected to this, with the Texans destroying one another, is not clear. Nevertheless he did object to it, and to prevent murder from becoming epidemic in Abilene he decided to provide his town with another marshal. This was his fifth effort. In the beginning he had provided it with two who were now in the cemetery. Then two more had been imported; ex-army officers these were, but as they had resigned after but one night on duty, Abilene for two years had remained entirely in the hands of the Texans. Under these conditions where could Mayor Henry find a new marshal? There were no applicants for the job; no one wanted it until, early in 1870, while there was still frost in the air, and before the gals, the gamblers, the cattle and the cowboys had begun to arrive in quantity, along came Tom Smith.

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* Stuart Henry, *Conquering Our Great American Plains* (New York: E. P. Dutton and Co., Inc., 1930).

Tom Smith, otherwise known as Bear River Smith, had given up a quiet job on the New York police force and gone west in search of excitement. Abilene, although Texas Street was comparatively quiet when he first saw it, seemed to have large possibilities. He took one long look down it, drew one deep breath of satisfaction, stepped into the first saloon he came to, inhaled several long drinks of good cow-town whisky, and in just a few moments, in response to their influence he began his western career by heaving a bottle at the bartender and a big, iron cuspidor at the mirror. Apparently Tom Smith wanted everybody to believe in him, and everybody soon did, including Mayor Henry, who, on his second day in town, asked the ex-New York cop how he would like to be marshal of Abilene. "I'd like it fine," replied Tom. "I'll go to work tomorrow."

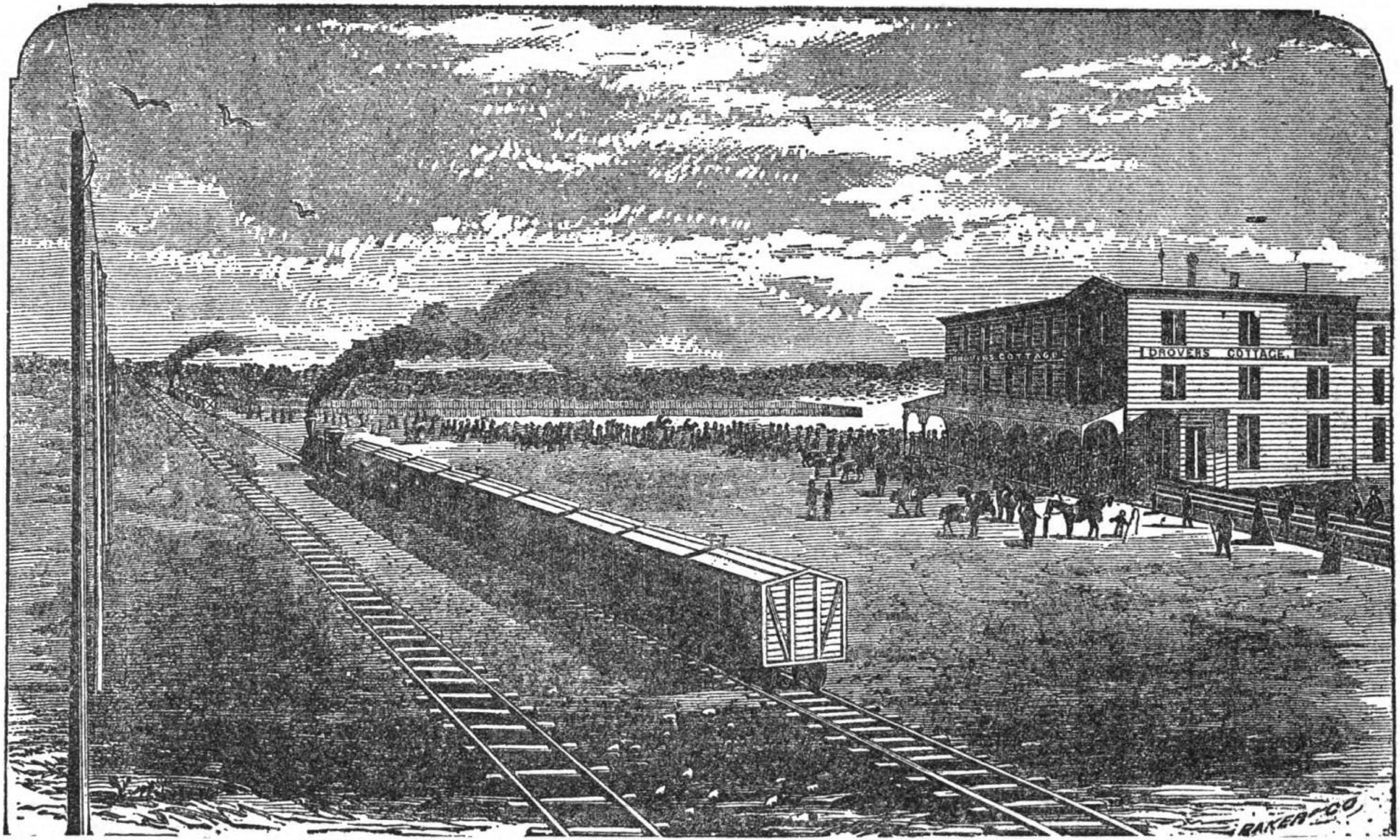
The morrow came and before midnight a half-dozen rootin', tootin', shootin' Texans, who had arrived early and had boldly declared that no damned New York policeman could take their guns off them, had changed their minds about it. They had done it admiringly, after Mr. Smith had proved to them that he wasn't the kind of a marshal they could bluff or intimidate. He did this by knocking four of them down with his fists and personally relieving them of their artillery, and as the Texans liked his kind of man Tom Smith had very little trouble with them. When he said they had to check their guns with the bartenders before they could start drinking, they obeyed him. The girls did also. Not so willingly as the men, perhaps, but they did it anyhow, because no sooner had the new marshal converted the cowboys to the idea of disarmament than he ruthlessly invaded the mansions of the soiled doves, searched their boots, ransacked their dressers, ran his hand around under their pillows, and came away, according to the official report of Mayor Henry, with a full wheelbarrow load of pearl-handled pistols.

But of course all this didn't mean that Tom Smith was endeavoring to reform Abilene. Not a bit of it. All he was after was to reduce the homicide rate, and after he had done that it was none of his business how swiftly, or along what route any or even all of the people of his town went straight to hell. Consequently, except for a total lack of killings, life in Abilene under Tom Smith was freer, happier, wickeder, and more hilarious than it ever had been. This was all very much to the good and the Texans liked it. They liked Tom Smith also. He could bend his gun over a feller's head without hurting him much and without havin' any hard feelin's about it either, and therefore, after they had spent the winter of 1870 back home gathering cows, they were truly grieved when they returned to Abilene in the spring to learn that Tom Smith had been killed. And they were wild with rage when they were told the manner of it. No Texan would have done it in such a fashion. They shoot their men, whereas Tom Smith, who was, according to the legend on a monument which the Texans helped erect to his memory, "A Fearless Hero of Frontier Days Who in Cowboy Chaos Established the Supremacy of the Law," was murdered by a pair of pious Kansans who, having previously destroyed a neighbor with pitchforks, used an ax on the marshal!

But without Tom Smith could the supremacy of the law continue to be upheld? There was no answer to this. The Texans were entirely too unpredictable for anyone even to venture a guess as to what they would do next. Therefore it must have been by inspiration only that Joe McCoy was chosen by the sedate citizens of Abilene as their second mayor. Being a cowman himself, and not averse to doing a bit of celebrating on his own account when he felt like it, McCoy knew that what he needed was a marshal who was a first-class fighting man. He got one in the person of a man already nationally famous as the best two-handed pistol shot on the continent. This man's real name was James Butler Hickok; he was a professional gambler, and when he landed in Abilene his only ambition was to run a monte game in the gorgeously equipped Alamo saloon. Probably that is all he would have done had not Mayor McCoy suggested that he also take on the job of town marshal. Clearly, from Wild Bill's angle, because that was the name by which this very celebrated character was known to the world, there was a lot of merit in that idea. If he was himself the law then the law couldn't disturb him. With the understanding that he was to have two deputies to patrol the town for him, but that he would come a-runnin' himself in cases of emergency, he took over Tom Smith's job and under far tougher conditions made an equally good record. Before we examine that record, though, let us take a final look at Abilene.

Surrounding the town, in the spring of 1871, the Texas longhorns covered the landscape to an unbelievable distance. In herds of from three to five thousand head they crowded upon each other as they were moved as rapidly as possible to the loading chutes of the stockyards. It was an impressive and imposing show of the wealth, the power, and the glory of Texas! This represented the day scene; at night the glory of Texas took on another aspect. After dark Texas Street blazed with light, illuminating the names of the saloons, all of which were glaringly of Texas origin. The Alamo, The Lone Star, The Bull's Head, The Longhorn, The Trail were all there, and of these the most magnificent was The Alamo. There was a saloon that was a saloon! Its doors never closed; its bartenders never grew weary, neither did its gamblers, neither did its beautiful nude women who, adorning its walls and relaxing in seductive postures, in imitation of the great masters, made their constant, perpetual appeal to the wicked instincts of the wild cowboys. The green gambling tables, around which constantly moved groups of Texans, stood in the spacious quarters facing the bar, while from a platform behind them an orchestra kept up a continuous racket for twenty-four hours a day and seven days in the week. No other institution in America has ever, even unto this day, provided its customers with as unceasing, as unbroken a diet of music as did The Alamo.

After it became known that Wild Bill, with his headquarters in The Alamo, had become the town marshal, the sensation that Abilene created in the nation was so great, according to ex-Mayor Henry, that "it drew to it connoisseurs of the diabolic," who must have been fully satisfied with all that they saw and all they bought and paid for. The town's nightly program, so Mr. Henry asserts, was a gaudy panjandrum that was seemingly being staged for observers at a price. The bandit apparel of the steer-whacking, hell-busting Texans, their fancy ponies and saddles, their six-shooters, their


DROVERS COTTAGE
DROVERS COTTAGE
BAKER & CO

ABILENE

bowie knives gleaming like carnivorous teeth seeking to be buried in bloody flesh, their alcoholic liveliness, all went into the making of a huge Lone Star show in which Spanish *magnificos*, Mexican *caballeros*, and painted Comanches were grudgingly permitted to act their parts.

Over all of this, seated quietly at his monte table, raking in and paying off bets, Wild Bill was the boss. The world knew that he was. In the hope that they might see him in action, might see him shoot down an enemy with one hand while with the other he went calmly on flipping his cards, many curiosity seekers, some from as far away even as the Atlantic coast, journeyed to The Alamo to take a look at him. At the same time, headed for the same destination, up from Texas came a horde of small-time, but ambitious assassins, who had an entirely different object in view. What these thugs wanted was not to see Wild Bill kill somebody else but to kill him. Each one of them wanted to do the job personally. It was the psychology of the gunman. Wild Bill was the quickest and straightest shot in the West; to bump him off would add greatly to the prestige of any man who could get away with it, and hence they came, converging on The Alamo. Theirs was an impressive list of names, including as it did such eminent members of society as Ben Thompson, Billy Thompson, John Wesley Hardin, Bud Cotton, and at least three members of the Clements family, all of whom were making the trip for the sole purpose, and they all said so, of destroying Mr. James Butler Hickok. But they didn't do it. Instead, and the record on this is all perfectly clear, as rapidly as these murderers, coming in alone or two or three in a bunch, reached Abilene, liquored themselves up, and demanded that they be granted personal interviews with Wild Bill, they were immediately accommodated. Invariably then the conversation would be as follows: "Sure," Wild Bill would say, rising up behind his monte layout, "sure I'm glad to see you, damn glad, but hand me those guns!" And without exception they handed them over; they couldn't help it; they were afraid not to. All of this is historically regrettable, because if they hadn't Mr. Hickok would undoubtedly have demolished them then and there, thus saving Texas the trouble of attending to a number of filthy jobs later on.

Throughout the entire shipping season of 1871 Wild Bill kept the bad men of Texas entirely and completely under his personal control. This irritated them, because how would they look when they got back home and had to tell their barroom audiences in Dallas, Fort Worth, Austin, San Antonio, and Waco that after a whole year of it Mr. Hickok still lived and was still marshal of Abilene. It wouldn't do; it would be a stain on their honor; and so, on October 2, after most of the cattle had been shipped and most of the cowboys had gone to Texas, Mr. Phil Coe, a disreputable Texan who ran The Bull's Head Saloon, decided to get rid of the marshal. Since his plan was simple and there was no risk in it for him, he at once put it into execution. Early in the afternoon Mr. Coe began to ladle out free liquor to the cowboys. Along with each drink went the suggestion that they all get drunk, that they shoot the town up, and that when Wild Bill appeared to call a halt on the proceedings they shoot him up also.

Except for one detail everything worked out according to plan. The boys got drunk, started their shooting bee, and out of The Alamo came Wild Bill. But he didn't even look at the boys, speak to them or draw a gun. He was too smart to make any such mistake as that. He knew his cowboys; he knew they were more mischievous than wicked and that all that had now happened to them was that they had been badly influenced. He wanted the influencer and he got him. When Wild Bill got within twenty feet of The Bull's Head, Coe, standing in the doorway, took a shot at him. Coe missed but Wild Bill didn't. He got his man with his first bullet, and then with his second, mistaking him for an enemy, he killed one of his own deputies who had come rushing to the scene with a gun in his hand. That ended Abilene. As the result of that one mild fracas the Kansas legislature passed a law forbidding the Texans ever again to use the quiet little "Village of the Plains" as a shipping center for their long-horned, tick-laden cattle. No law, however, and certainly not one passed by Kansas, could either deter or discourage the men from Texas. They had cattle to sell; they'd sell 'em, and in Kansas, whether Kansas liked it or not. Therefore by the following spring they had built for themselves another shack town at Hays, to which in one season they drove almost a million head of their stuff. After that they moved to Dodge City, where they finally established permanent headquarters.

18. The Cow Business and the Sin Business

FOLLOWING the Civil War, Texas, which had suffered little from the war itself, now suffered, in comparison with the other states of the Confederacy, little from the horrors of the reconstruction period. There was a sound reason for this. From Virginia to Mississippi the culture prevailing throughout the South was a plantation culture. Based on slavery, which promoted idleness and fostered luxury among the slave owners, this plantation culture had provided the South with a splendid, picturesque, and intellectual aristocracy. As the aristocrats had always been rich, had looked upon work as degrading, and hence had never done any of it, they were unable for several years to cope with the situation that confronted them after the war.

The Texans had no such handicaps to overcome. They owned few slaves; there were no plantations worthy of the name within their state; they were possessed of no culture of which they were at all conscious; and, except for a few harmless individuals among them who based their claims to distinction upon what they had been elsewhere, they were not afflicted with anything that could truthfully be called an aristocracy. However, both a Texas culture and a Texas aristocracy were on the horizon; they were approaching rapidly—almost as rapidly as a Texas norther when it sweeps down over the Panhandle—and as these were destined, inexorably and inevitably, to have a permanently lasting effect on the character of the state they must be investigated.

By the end of 1869, although there was still a good deal of farming going on, and some railroad building was getting started, only two lines of industry were of any real importance in Texas. One was the cow business, the other was the sin business, and both were booming, one on an export, the other on an import basis. Throughout the entire decade of the seventies Texas exported, via the trails, about a million head of cattle and around two hundred thousand head of horses a year, in part payment for which it imported annually a large number of interesting, hospitable, and very undesirable citizens. These new citizens were the gals, the gamblers, and the saloon men, who had moved first to Abilene to pick the small change from the pockets of the rollicking cowboys but were now following the stream of wealth to its source. In every populated center in Texas they were opening up flamboyant establishments devoted exclusively to providing the males of the state with the wicked and alluring entertainment for which their souls panted and for which, with their easily gotten cow money, they were well able to pay.

To say that these purveyors of sin were unwelcome in Texas would be to commit willful perjury. On the contrary, the grand openings which the landladies of the fancy houses and the saloon men staged for their institutions were always attended by the best men in the communities, who were always proud to be there. In short, the wilder, the wetter, and the wickeder a town was, and the quicker it could get itself that way, the better it was. The cowmen said so, and as they were the fellows who were bringing the money in, and spending it, their will became the law of the land. To such an extent was this true that in practically every organized town in the state vice was legalized by being licensed. The license fees, in such progressive centers of iniquity as Fort Worth, San Antonio, and Austin, amounted to more than enough to pay all the expenses of the several city governments. This was fine, since it shifted the tax burden from the shoulders of the Christians, if there were any in Texas at that time, to the shoulders of the sinners. Thus everybody was all in favor of the system.

Throughout the entire decade of the seventies, Texas, under the undisputed reign of the cowmen, presented an exhilarating and exciting picture. It is easily visualized by merely enlarging to tremendous proportions the portrait that has already been drawn of the defunct town of Abilene, Kansas. In the towns, life, high life, lived to the tune of the fiddles in the dance halls and the orchestras in the barrooms, and punctuated by the popping of the pistols and the yip-yip-yipping of the cowboys and the squealing of the girls, was gay, happy, careless, and wicked. It took hard men in a relaxed mood to take life that way and to enjoy that kind of society. At the same time, it took these same hard men in another mood—wearing high boots, gleaming spurs, and swinging wide loops—to create for Texas a characteristic culture which it still possesses and an aristocracy of its own of which it is still justly proud.

Let no man belittle the achievements of the cowmen of the seventies. They had to be tough men because they had a tough assignment ahead of them. Their longhorns, created by God, especially for them and largely in their own image, had to be conquered before they could be cashed. That meant something. Like the Texans themselves, the cattle were long, lean, lanky, and as full of fight as a bundle of bobcats. Every one of the millions of them, from the wickedest of the older bulls who wore horns with a six-foot sweep, and used them, on down to the yearlings, who were only less dangerous because they weighed less, had to be roped, thrown, and road-branded before they could be strung out on the trail and driven to the Kansas market. It is obvious then that the men who were building an aristocracy for Texas were not building one based on idleness. It was based on work: hard, dirty, dangerous work. Their crests were their cattle brands, while their culture, born on the range and nurtured at the tails of their chuck wagons and around their campfires, had a salty, free, outdoor odor to it, even an uncouth odor, reminiscent of bad whisky and burning gunpowder. This tangy origin has rendered it immune, even to this day, to the enervating influences of the softer civilization which has grievously sapped so many of the people of this nation of the toughness of their fiber and the independence of their spirit.

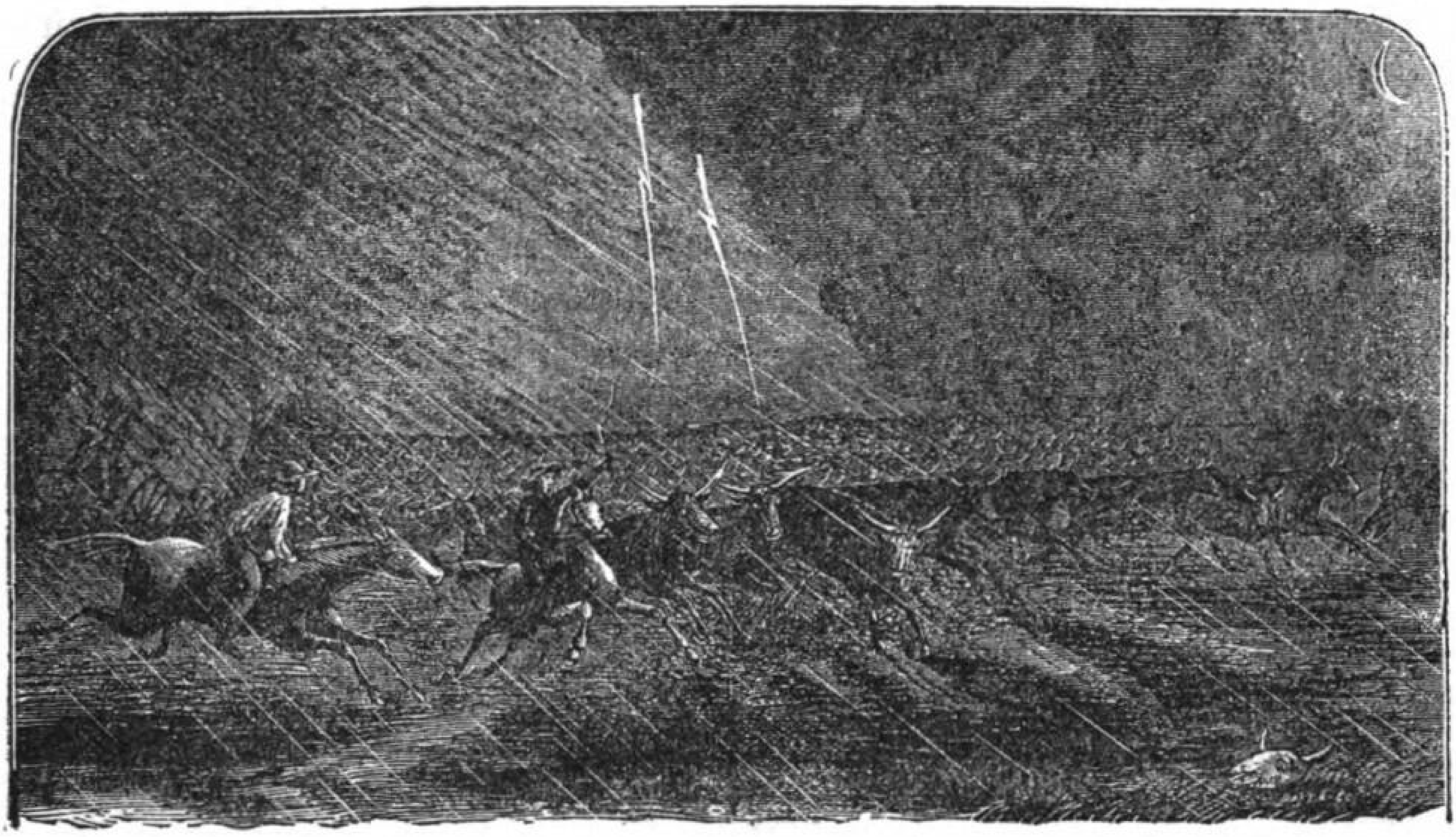
Behind the activity of the cowmen, and as a more potent incentive even than their enthusiasm for sin and their love of excitement, lay something else. This was the profit motive. Practically all over the state, except in the land west of the Pecos, which was still in the hands of the Indians, longhorns could be had for an average of about $3.00 a head. For another dollar they could be gathered, road-branded, and driven to the Kansas market. There they could be sold for from $10 to $14. This was tremendous. From their cattle the Texans averaged almost 200 per cent profit in a season. They did even better on their horses. At home their wild range horses, which had never smelled leather, and didn't like it when they did smell it, were worth only $10 a head; for $5.00 more, with this risky job being handled by professional bronc-busters, they could be "saddle-broke" which sketchy process added so much to their value that when they reached Kansas along with the longhorns they could easily and quickly be sold at from $40 to $60 a round.

With all this easy cash in sight is it any wonder that Captains King and Kenedy, down in the brush country of the lower Rio Grande, where there were more longhorns and mustangs to the square mile than in any other corner of the state, should have conceived the colossal idea of a mammoth trail, three miles wide and a thousand miles long, from Brownsville on the Gulf to Dodge City on the Union Pacific, over which could be driven, for many years to come, vast herds of Texas livestock?

As to width, and operation under organized management, this grand trail never came into being. But as to length, the vast herds of livestock that moved over it, and the number of those herds, it did. Nothing like it has ever been seen anywhere on earth, nor anywhere on earth have men in pursuit of wealth displayed any more patience in their quest than did these high-strung Texans. They had to be patient because the dumb beasts with which they dealt had to be eased rather than driven along the trail. It was a trying business. Divided into herds of three or four thousand head each, with each herd strung out for a distance of several miles, the longhorns had to be allowed to graze as they traveled; whenever they came to water they had to be allowed to stop; before dark they had to be gently rounded up on the bed ground; and then, after they were all down, the night-hawkers had to keep riding around them and singing to them to keep them quiet until dawn appeared. Twelve miles a day was good average going. Therefore, depending on where a herd started from, the trail it traveled could be anywhere from forty to a hundred and twenty days long.

But short or long, despite all the patience of the cowboys and all the care they took to prevent it, there was always the danger of a stampede. Most stampedes were caused by summer storms, because those storms, out in the Texas flat country, where ball lightning rolled along the face of the prairie, and flashes of it popped from the horns of the cattle, were truly terrifying things to which the cattle themselves responded in a truly terrifying manner. These stampedes have been described by many writers; they have been frequently pictured in the movies; they have been made the subject of many pathetic ballads; and yet the worst feature of them, the one most dreaded by the cowmen, has rarely been mentioned.

At the peak of the season it was not at all unusual for six or eight herds of three or four thousand animals each, each owned by a different man, to be moving along so close to one another that only a couple of miles separated the "drag" of each herd from the "point" of the one behind it. In nice, calm weather there was a sociability about this arrangement that was quite comfortable, for it enabled the cowboys of the various outfits to get together once in a while, to swap lies, grub, and whisky, and thus to vary the monotony of their long and tedious journey. But when a storm hit and stirred up a stampede, instantly hell popped and friendship ceased, because the stampeding herds always mingled and formed one mighty, bellowing mass from which each owner, with his cowboys, would have to sort out his stuff. This job was done according to road-brands, and as these brands were none too legible, being burnt through the hair only and not deep into the hide, it was not unusual for the disputed ownership of just one lone steer to be settled with a six-shooter. Thus at least one poor cowboy who had been lying awake with his head on his saddle for weeks, looking up at the stars and thinking about the rip-snorting good time he was going to have when he reached Dodge, would never get there. But his comrades would. Tired, dirty, and dry, their pockets bulging with the pay they hadn't been able to spend for perhaps three or four months, they would ease their herds up to



STAMPEDE

the bank of the Arkansas on the far side of which lay the Mecca of their dreams: Dodge City, The Cowboy Capital; The Bibulous Babylon; The Toughest Town in the World. And then what would they do?

Ninety-nine per cent of the Texas cowboys wouldn't do anything except go to town, buy a lot of new riggin', liquor up, and then, as long as their cash lasted, have a fine time allowing the gamblers on Front Street, and the girls over in the tenderloin, across the railroad, to take it away from them. Sometimes they would stage a mass celebration, as they did, for instance, in the case of Eddie Foy. This was all Eddie's own fault. The "damn little dude" should have known something would sure happen to him if he tried to poke fun at Texas. It sure-as-hell did, too. The cowboys mobbed him; a special detail held the famous comedian under in a horse trough until he was almost drowned; the others gave emphatic expression to their indignation by wrecking his theater and running away with all his scantily clad beer slingers and chorus girls. No matter how much fictional nonsense has been written about the wildness of the Texans in Dodge City, this was easily the giddiest night the town ever had. In all the twelve years that The Bibulous Babylon was under their management the Texans never once shot it up, as they had so often done to Abilene. Nevertheless, there were individuals among them who under the spiritual inspiration of the place did manage to win for themselves permanent positions in the Cowtown's Hall of Fame.

For example, there was the young man from the brush country—not just a mere cowhand, mind you, but a real longhorn aristocrat—who happened to drift in to the toniest barroom on Front Street just when Dora Hand, beautiful, sweet, gracious, lovely, and faithless, was about to sing. And could Dora sing! Listen to her. As she nods to the professor at the piano that she is ready to go, an expectant silence settles down over everything. The rattle of the poker chips, the whir of the roulette wheels, the chanting of the crap shooters, all come to an abrupt stop. Men at the bar pause, their liquor poised in mid-air. As Dora cuts loose with "Home, Sweet Home" or some other tender ballad calculated to soothe the savage beasts, even the most hardened of the bartenders and the toughest of the buffalo hunters are not ashamed to weep.

Many men always loved Dora Hand, but as this particular season wore on only two remained in the running. One was Mr. Dog

Kelly, the mayor of Dodge, who was also owner of the saloon in which Dora worked; the other was the young aristocrat from the brush country whose crest, incidentally, was identical with that of a huge ranch that today takes up all of Kenedy County in Texas, and has a fence around it, and is known as the Walled Kingdom. This was a bad situation. It meant blood on the moon, with hard luck for somebody, and it came unexpectedly when the young Texan, brooding alone over his loneliness for just one night, loaded up his Winchester, strolled over to the frame residence of his rival, and pumped sixteen .44-caliber bullets through the wall of the bedroom. The outcome was embarrassing. The Mayor of Dodge City was undamaged, but Dora wasn't; she was killed. Then what happened? Nothing. Why should it? The boy from the brush country had not been gunning for his girl; he had been after Dog Kelly. Therefore Dora's death was marked up as entirely accidental, the accident, of course, being that she had just happened to be in the wrong place at the wrong time.

The splendid seventies also marked the beginnings of the bad men, another contribution of the cow business to the stirring panorama that was then Texas. They were of two types, either open outlaws who were wickedly courageous, or just plain killers who were essentially cowards. Both types not only produced heroes who became public idols, but also did their best to provide all Texans with hard reputations that even yet are of great value to them when they go traveling. To begin with, we will take a specimen of the wickedly courageous type and will note his progress from obscurity to fame, which is interesting because it marks another step in the progress of the longhorns.

In 1875 the Texans found a new and extensive market for their cattle. Up to that year, practically all the stuff that had been driven to Kansas had been shipped east in cattle cars to provide the people of the Atlantic seaboard with stringy steaks and tough roasts. But when Dodge City became the Cowboy Capital, a new line of customers appeared who wanted to buy longhorns in tremendous numbers. These purchasers were themselves ranchmen who were after range cattle with which to stock the vast grazing areas of the Northwest. From Dodge they drove the cattle to the green pastures of Nebraska, Wyoming, Colorado, Utah, Montana, Dakota, and even across the Rockies to northern California. However, the custom of buying in Dodge didn't last long because it didn't pay. In that market the competition of Eastern beef buyers had to be met; so in 1877 these stockmen began making contracts in Texas for herds of longhorns to be delivered directly to them on their northwestern ranges. In that year Mr. Joel Collins of San Antonio, having gathered a herd and recruited a gang of husky young cowboys to handle it for him, started out over the long road to Deadwood in the Dakotas. The trip took five months, and no sooner had the cattle been delivered and paid for, and the cowboys paid off, than the entire crew, with the boss in the lead and the famous town of Deadwood as a background for it, went on a lovely bender. It lasted for a week or more and was so successful that at the end of it not a man in the outfit had so much as the price of a round of drinks left in his pockets. This was bad; the situation had to be remedied, and was, when the youngest man in the gang, Sam Bass of Denton County, had an inspiration. Up to that time robbing the Deadwood Coach, a pastime since made famous by Western fictioneers, had not been looked upon as a healthy sport, but these Texans made it one. They held up the coach whenever they felt like it. For several months they had been living comfortably off the proceeds, when Sam Bass, with ambition gnawing at his vitals, had another idea. It was adopted; they robbed a train, and with true Texas luck they got away with a total of $120,000 in twenty-dollar gold pieces. This was not only the biggest train robbery the country had ever heard of, but the queerest also, for within ten days everybody in the land knew not only the names of the six men who had pulled the job but also that they were Texas cowboys. And was Texas proud of them! You bet it was. It prayed nightly for their safety; hence there was deep sorrow throughout the entire state when word came that Joel Collins and Bill Hefferidge, on their way back to San Antonio, had been overtaken and killed by federal officers. For the time being, though, the rest of the boys got happily away with it. With their share of the cash, $40,000, Jim Berry and John Underwood simply vanished and, perhaps, under assumed names, lived nice lives in Texas for the rest of their days. But Sam Bass didn't vanish. After an uneventful trip made in a buckboard so rickety that they had to keep it tied together with strips of rawhide, he and his partner Jack Davis finally showed up in Denton where they at once gave out interviews to the press in which they made their plans publicly known. Davis, it was announced, with his loot, and a bride on his arm, would go to South America and reform.

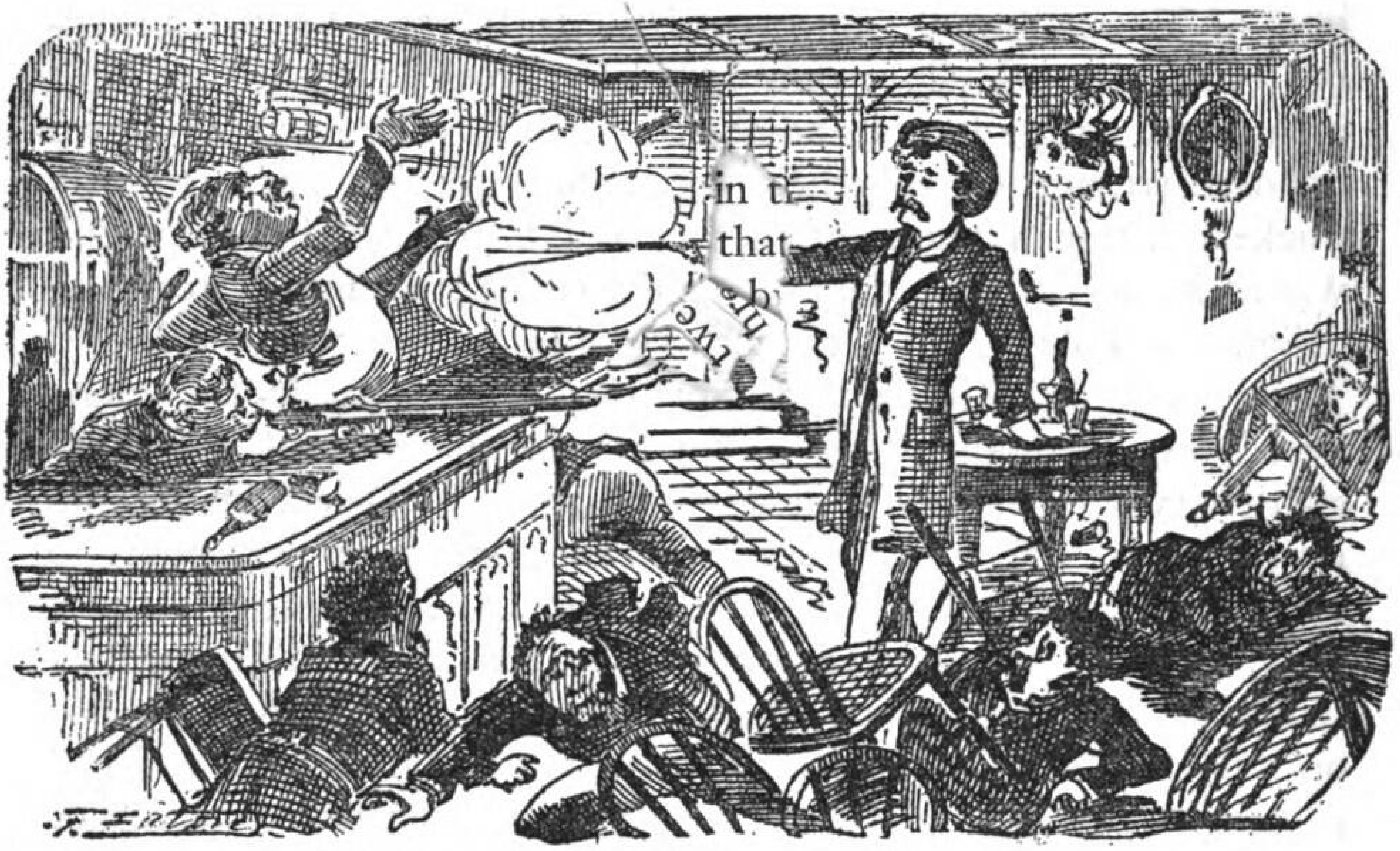
But Sam Bass wouldn't. He owed an unpaid debt to the traditions of Texas; he would pay it, he said, by becoming a professional train robber, and would any of the hometown boys like to throw in with him! They would; there was no doubt of it. Within less than three weeks, despite the fact that Denton County literally swarmed with sleuths attracted to the chase by the size of the reward offered for his capture, the young Texan rode boldly into Fort Worth and there purchased complete outfits, including good horses and good guns, for every man in his new organization. He next put on a nice two-day spree for himself and then, with the eyes of Texas all upon him, went back to Denton. From his headquarters in Cove Hollow, only four miles from town, he sent forth a challenge to the Law to come and get him. The Law came, two hundred strong; it combed Denton County; it shot up all the elm thickets within a radius of twenty miles. Just when the pursuit was at its hottest, Sam Bass threw the entire state into a frenzy of delight by holding up a train at the first station west of Dallas. Three weeks later, in another effort to please his public, the young man held up another train at the first station east of Dallas. In another two weeks, at the first station south of Dallas, he held up a third train. This was enough: No man could have done more to endear himself to his people. In the opinion of the Texans, a part of whose religion it is to admire courage, Sam Bass had shown himself to be a truly great citizen, so great that right then, if he had only chosen to abandon his high calling as a highwayman and had descended into politics, he could easily have been elected governor of his state. But he made no such choice. Instead, he decided he would do one more nice job in Texas; he would rob a bank, and then go to Mexico and retire. He set out for Round Rock, where the bank was, to put the plan into execution. It was Sam's last journey. A friend betrayed him: to the Rangers, who beat him to Round Rock, met him when he arrived, and that settled him for good.

Today in Round Rock there is a small monument which bears this simple inscription:

SAMUEL BASS
Born July 21st 1851
Died July 21st 1878
A Brave Man Reposes in Death Here.
Why Was He Not True?

This gravestone, however, is not of the first edition. It's the third one; and it also is rapidly being carried away in small pieces by hero-worshiping Texans who still visit the shrine to pay homage to the memory of the young cowboy of the seventies who really was wickedly courageous.

On the other hand, in contrast with Sam Bass, the equally famous Ben Thompson, who died with his boots on in a gun battle in San Antonio, was not at all courageous. He was low, cowardly, and contemptible; yet, since he too had thousands of followers among the Texans, he also deserves a place in this record. Before he was twenty he had already killed three men in "self-defense" and was even then recognized as the best marked-card manipulator in the city of Austin. There was no doubt in anyone's mind but that a gay and brilliant future lay ahead of him. Ben proved it when the Civil War came along by enlisting in the Confederate Army where he made so much money as a gambler that when the fighting was over he was able to become a full half-owner with Phil Coe of The Bull's Head Saloon in Abilene. After Coe had been killed and Abilene closed up, he still had enough cash on hand to open up his own famous Iron Front Saloon in his home town of Austin.



BEN THOMPSON endearing himself to the people of Austin

From this point on the career of Ben Thompson is too complicated and disorderly to be followed in detail. However, as what he did, and got away with, shows clearly what life was like at that time in the capital city of the great state of Texas, a few extracts from Ben's biography, as written for him by the Honorable W. M. Walton, an eminent attorney of those days, should be recorded.

One day, writes the biographer, a trio from San Saba County drifted into the Iron Front and demanded a Yankee to eat—preferably raw. Standing in front of the bar Ben began to talk with a Boston accent. One of the trio knocked his hat off. Ben put it on again. The man knocked it off again and kicked it, whereupon, in good Texas language, Mr. Thompson told the stranger just what he thought of him. The man pulled a gun, fired, missed, and jumped behind a post. An ear stuck out. Ben shot a hole in it, the man ran, Ben put a bullet in his arm, and then, turning on the other two, smoked them out of his saloon and up The Avenue at record-breaking speed.

As the Austin populace cheered this exploit to the echo, Ben at once pulled another one. Down the street a few doors from his own place of business was a variety theater whose juicy performers were so attractive to him that Ben was one of the dive's most constant patrons. He just happened to be there on an historic night when a disgusted customer barged to the stage, fell upon the owner of the joint, and smeared his face with lampblack. The police were called, and as they were taking the offender off to jail, Ben stopped them. "Don't lock the feller up," he said. "He was just having a good time. Turn him loose and I'll be responsible for him."

"Tend to your own business, Ben," said the besmirched theater man.

"I am," retorted Ben. "I'm protecting a friend."

"You'll be a damn sight better off protecting yourself," answered the other fellow as he stepped back of his bar and picked up a shotgun. Ben, who was fast with a pistol, at once killed him. Since the man's bartender also had his gun out, he went down also.

For this double killing Ben Thompson was, of course, acquitted with full Texas honors, but so penitent was he that soon thereafter, to the dismay and consternation of the entire town of Austin, he announced he had sold his saloon, had reformed, and would never drink nor gamble again. Also he informed the people that he was now a candidate for city marshal and would they please elect him. They would not, and on election day they were so emphatic about it that Mr. Thompson, just to rebuke them, just to show them what they had missed, decided to regulate their town for them anyhow. He went at it in his own way. Forgetting his pledge, he liquored up, belted his guns on, and went forth to spread devastation in his path. He shot up the Iron Front that he had sold only a few weeks before; shot up a keno hall across the street from it; shot up a half a dozen sporting houses down on the line; shot the internal arrangements out of an Italian's hand organ; shot up the office of the *Austin Statesman;* shot up the police force; and then, realizing that tomorrow would be another day and that he wouldn't want to meet it—not in Austin at any rate—he went to the railroad station, mounted himself astride the cowcatcher of the northbound Katy Flyer, and was seen no more in Texas for two years.

But he was frequently heard from. He killed a man or two up in Kansas; came unscathed out of a large-sized shooting affray in Denver; won a hatful of money, so he said, in the town of Pueblo, and in this fashion so enriched his record that when he finally did return to Austin and again asked the people to elect him to the job of city marshal, they did so by a very comfortable majority. It was impossible, however, for Ben Thompson to remain decent; it irked him to behave himself. After he had been in office about a year he boarded the train and went to San Antonio for the purpose of putting on a mild drunk. It turned out to be a very fancy one. Unable to resist the attractions of variety theaters, he visited one, killed its proprietor, a man named Harris, and for that small crime, which would have been winked at in Austin, he was thrown in jail by the unsympathetic San Antonio authorities, and kept there, without bail, for six months. Then came the great triumph of his life: He was tried and acquitted, and when he got back to Austin was met at the station by almost the entire population of the capital city. A band was in attendance, speeches were made, flowers were presented; and finally, the horses having been unhooked from the carriage, the returned hero was drawn up The Avenue by the citizens themselves. It was a touching tribute to a great personage. No governor of Texas has ever yet, even to this day, been welcomed into his capital in any such fashion, and, of course, Mr. Thompson had to show some appreciation of it. He did so, by going right back to his old line of gambling and drinking and, as usual, becoming successful in both. And perhaps he would have continued to be successful had not King Fisher, "the most noted desperado on the Rio Grande frontier," * one day dropped in to see him.

Fisher and Ben Thompson were old friends, and, as they had much in common, including their thirsts, the reunion was a rather wet one. It developed into a spree at the height of which they went over to San Antonio, where, still unable to resist the lure of the flesh, Ben insisted that they visit the variety theater in which, not many months before, he had killed Mr. Harris. What there happened is wrapped in the obscurity of gun smoke. All that is known is that there was a bit of shooting and when it was all over Ben Thompson and King Fisher were both very dead. Ben Thompson had been shot nine times, and King Fisher thirteen, thus justifying the San Antonio reporter's description of the scene, which read: "There they lay, side by side, weltering in their own blood, with their hair and faces carmined with their own life fluid. The stairs leading up to this place of horror were as slippery as ice, the walls were stained, and the floor was tracked with bloody footprints, while dissolute women, with blanched faces, crowded around with exclamations, and amid broken sobs demanded to know, 'Which is Ben?' 'Show me Ben.' 'Is that Ben?', so that even in death the grim reputation of the man stood forth as strong as ever."

Ben Thompson's grim reputation, however, was of no value to him before the coroner's jury, which brought in a verdict declaring that his killing was justifiable and had been done in self-defense by J. C. Foster and Jacob S. Coy.

Was this a true verdict? The entire press of Texas got into an argument about it, a hot one that was truly typical of the state of public morals at that time. For example: after stating that "the killing of Ben Thompson is the *leading sensation in all the history* of Texas," and then labeling the editor of the *San Antonio Express* "an unutterable cod's head" for having referred to the destruction of Mr. Thompson as "A Good Night's Work," the editor of the eminent *Austin Daily Statesman* then turned his attention to the city of San Antonio itself. It was the most evil city in the world. Within its portals the incomparable Ben, instead of being allowed to die honorably, in an honest gun fight with his own pistols blazing defiance at his enemies, had been led into a trap and treacherously murdered. For the murder of this eminent citizen San Antonio was responsible, and although it was not true, as the aforementioned "unutterable cod's head" seemed to fear, that a thousand indignant and armed men from the capital were on their way over to remove San Antonio completely from the face of the earth, it was true that they should be.

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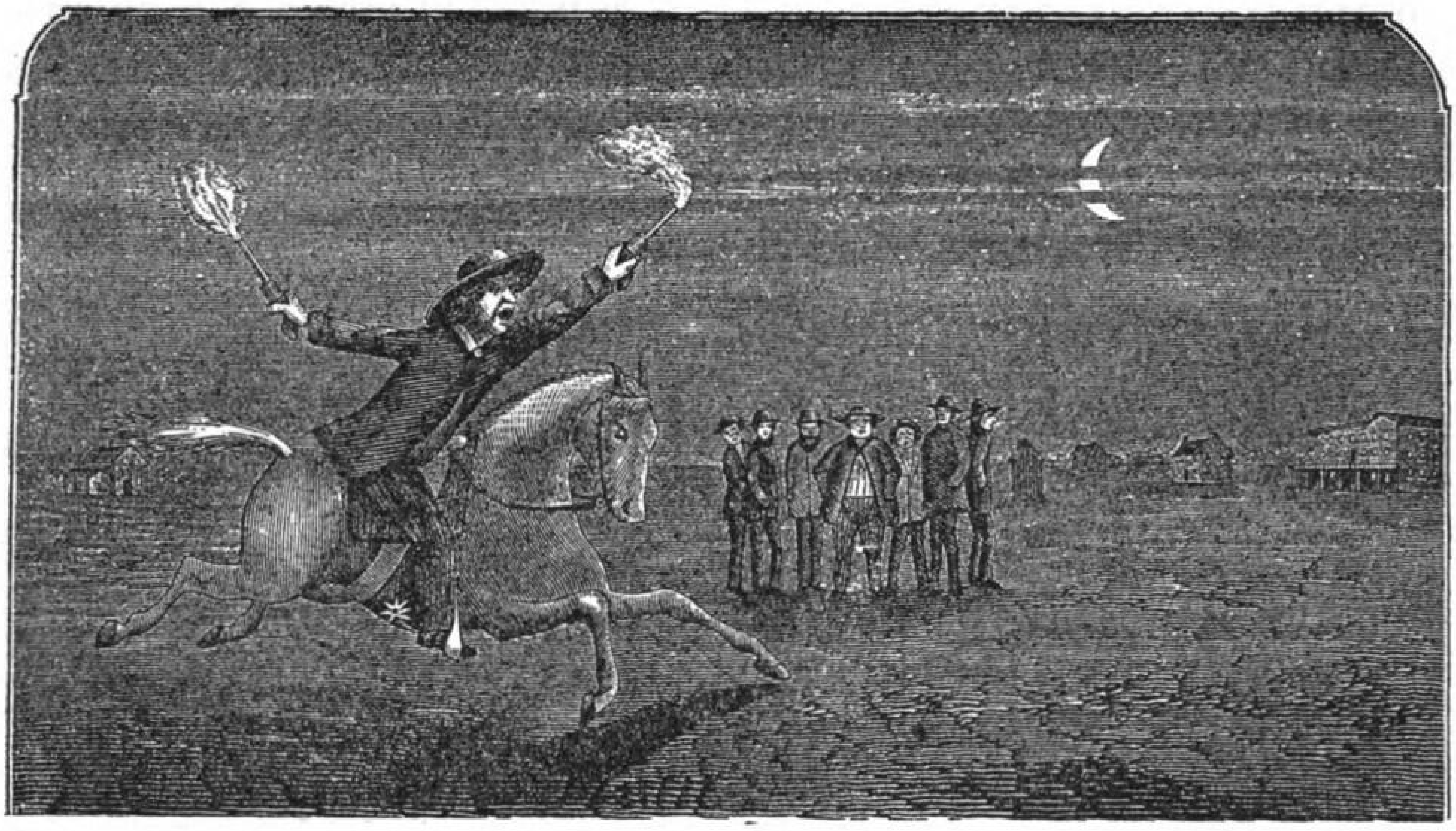
* W. M. Walton, *Life of Ben Thompson* (Austin, Texas, 1884).

"Ben Thompson," the Austin editor went on to say, "was murdered in San Antonio and that city is welcome to all the glory of such a brutal and cowardly assassination. We have read in history that it was common in Italy and Spain to hire men to commit assassinations, but it has been left to San Antonio to inaugurate this hellish business in this country. We hope never to hear anything again said about the lawlessness in Austin. There never was, and



DRUNKEN COWBOY ON THE WARPATH after an evening in Bibulous Babylon.

never will be, such a cowardly and brutal act committed in this city. San Antonio alone in this great country is the only town where hired assassination is endured and approved of by the people and the press. It is welcome to its fame. No other city in Texas has a human slaughter house like its den of hell: its vaudeville theater, or a press that palliates and sustains such an infamous place."

That is a sample of the controversy that was stirred up by the death of Ben Thompson. Everywhere, for weeks, the killing of the man was the main topic of discussion, with only an occasional newspaper attempting to place the blame for the fact that Mr.

Thompson had not been destroyed many years sooner exactly where it belonged. Of these courageous sheets the *Galveston News* was the most outspoken. It said:

"Let society answer: society with its appliances for the punishment of guilt and the prevention of crime. Had society, as it has the power to do, sternly forced this man to pay the penalty for his first transgressions his subsequent life might have been far different. Had society done its duty to itself, Ben Thompson instead of dying the death of a desperado might have become a useful citizen. The San Antonio tragedy, therefore, should point a moral for any young man who thinks of entering on the life that led Ben Thompson to his ruin. But will the moral be read aright and turned to profit? It certainly will not unless Texas society purges itself of the complicity and indulgence which have so largely nurtured and developed the desperadoism in men. A man does not become a desperado at one bound. His is a slow growth and it is Texas society which encourages that growth by holding out the hope to him of achieving both fame and fortune in a career of murderous violence and professional terrorism."

19. *Barbed Wire and Reform*

IN 1884, the year Ben Thompson was killed, society in Texas, according to the editor of the *Galveston News*, was, as we have seen, in a pretty bad way. According to the cattlemen it wasn't. They liked it as it was, and why not? Under their management it was so wet that they could swim their horses in whisky all the way around the great circle route which took in Houston, San Antonio, Austin, Waco, Fort Worth, and Dallas. As they could also stop over at any of these stations and relax, and raise hell and put blocks under it, there was no reason they could see to change any of it. Nevertheless, in this very year, they themselves were adopting practices that were soon to cause wave after wave of reform to sweep over the entire state. But they didn't know this. In 1884 when the cattlemen began to change Texas from an open-range country into one of huge enclosed ranches, by leasing their land from the state and fencing it in with barbed wire, they had no idea of the tremendous change that would inevitably result. Big Foot Wallace, however, who was still hanging around in the vicinity of San Antonio, did have an idea of it. "This God-damn barb wire," he said, "is sure startin' in to play hell with Texas."

Big Foot was right, in some respects, but to understand why we must provide ourselves with a little background. Texas had started out to be an agricultural country. From the days of the Austin colonists to the end of the Civil War, raising crops had been the fundamental basis of prosperity, with the longhorns and the mustangs, who trampled down those crops, more of a curse than a blessing to the people. The trail drives to Kansas completely reversed the picture. Longhorns and wild horses became the dominating feature of the economic life of Texas, while the men who handled them, and brought a constant stream of money into the state, became the real lords of creation. Kings they were—belted kings, with six-shooters attached, in whose eyes the sod-busters, who ruined good grassland by plowing it up and planting it to corn and cotton, were mere worms without human rights. And for seventeen years they had not been given any. From 1867 to 1884 the cowmen of Texas, knowing that a straight line is the shortest distance between two points, drove their herds directly across any cultivated lands that happened to lie in their path. There just wasn't anything, except possibly get shot if he put up a kick, that a farmer could do about it. Actually there was no law on the books to protect him. Texas was an open-range country. Cattle and horses could wander whither they listed, and their owners could go and get them, no matter whose cornfield they tore to pieces or whose cotton patch they ruined. Yet, in proof of the saying that farmers are the stubbornest beings on God's footstool, quite a number of them, despised of all men for all these years, continued to carry on in Texas. They made no money, though, and, of course, since they were mild creatures, temperate and law-abiding, they pulled no weight in a society that encouraged young men to believe they could achieve fame and fortune in careers of murderous violence and professional terrorism. If the farmers were ever to be rescued from their low state and restored to their previous proud status as human beings, it would have to be done by some force other than their own. It was—by the force of their oppressors, the cattle kings.

In 1884, after Mr. John W. Gates, who made so much money out of barbed wire that he became known as Betcha-a-million Gates, had demonstrated to the really big cowmen of Texas that they could build fences with the stuff that would be horse-high, bull-proof and hog-tight, they lost no time in leasing land from the state in chunks as large as half a million acres and fencing them in. The reason for this was both obvious and ominous. The big cowmen wanted to get the little cowmen entirely out of their way. They could do this, they figured, by fencing in not only tremendous areas of the best grazing land in the state, but also all of the best, long-established watering places. They bought carload after carload of barbed wire and strung thousands of miles of it four strands high, hither and yon all over Texas. Immediately, as they had anticipated, hell broke loose on them from all four directions.

It was real hell, raised by the lesser stockmen, who objected to being deprived of grass and water that had been forever theirs and who now expressed themselves by cutting their way out of their dilemma. They did this literally, with long-handled wire cutters, and sometimes destroyed hundreds of miles of fence in only a few days.

As they also often drove away with them many head of fancy cattle belonging to the big fellows, it followed that the big fellows began to get sore. But—and this was where the bread they had been casting upon the waters for seventeen years began to drift back to them—what could they do about it? Fence cutting was not a crime in Texas! It never had been! On the contrary, it had always been looked upon by the cattlemen themselves as a hilarious prank to be freely indulged in at the expense of the farmers. Therefore, since they were without legal relief, the haughty monarchs of the range took the law in their own hands and, with their cowboys at their backs, declared open war on the wire cutters.

It was a shooting war, an "epidemic of the prairies," which was characterized by much sudden death from acute lead poisoning. There is no telling how many men died of it during the time it raged. They just died, that was all there was to it, and were forgotten, while in the meantime a rather humorous situation was being developed in Austin. "Oxcart John" Ireland, so called because he preferred oxcarts to railroads and had been elected on that platform, was then governor. With the big cowmen urging him to produce a law to protect them, and the little fellows shouting, "Free grass and no favoritism," he was in a tight spot. Clearly, Oxcart John, whose sympathy for the downtrodden extended even unto the farmers, was against passing any law for the benefit of the rich. But since the epidemic of the prairies was spreading faster than a grass fire, he finally caved in and called a special session of the legislature, which did a hasty job on it by making fence cutting a criminal offense. Oxcart John was still up against it. There stood the law; he was the executive, and he had to enforce it. Regretfully he did so by ordering the Rangers to move into the battle areas and stop the slaughter. They obeyed, very efficiently, and brought the war of barbed wire vs. freedom to a quick close, with victory going definitely to the barbed wire.

Protected by law, wire fences immediately began to do amazing things in Texas. For example: In the very early eighties, Milton Favor, who still lived in his Big Bend stronghold and whose "F" cattle still roamed over approximately ten thousand square miles of open range, didn't know and didn't care how many of those cattle he had. Neither did he care when men with leases in their pockets came along and began to fence in not only large chunks of free grassland, but also large numbers of his "F" cattle. In this way these men, not a few of whom became very wealthy, got their start in the cow business; but what of it? Milton Favor paid no attention to them. A bit old, and comfortably "sot in his ways," the only ambition the first of the Texas cattle kings now had was to keep his personal capacity for peach brandy up to the production capacity of his copper still. He failed. He died trying, though, and at his death the ownership of his famous "F" brand passed to his widow, an estimable Mexican lady, whose only grief, after the loss of her *querido esposo*, was that she was too fat to attract to herself a successor to him. An assuager for this sorrow, however, soon appeared in the person of Santa Teresa, a beautiful young girl, a faith healer. Arrayed in white robes and riding in a yellow chariot drawn by black horses, Santa Teresa was making a professional tour of the Big Bend district, which then was, and is yet, inhabited almost entirely by Mexicans. The girl was a marvelous miracle maker. With the aid of prayer, and a few fixings, she could do anything. She could even pick up needles, tacks, and horseshoe nails with a small piece of iron. The Mexicans all saw her do it. She solemnly assured the King's widow that it would be easy for her to reduce the bereaved lady to where she would once again be lithe, slim and seductive.

Just what staggering sum the faith healer asked for this service is not known, but as Señora Favor was determined to get thin, and damn the expense, she sent for one of the new cowmen, who lived only a hundred miles away and had already fenced in a lot of her late husband's cattle. When he arrived, she asked him what he would pay for the remnant of the "F" brand. "Horses too?" he asked. "*Si, señor*" was the answer. The man named his price, and it was accepted. Years later this writer had the privilege of meeting both the widow who sold the remnant of the "F" brand and the cowman who bought it.

The widow, still fat, single and unhappy, was running a restaurant in a small town on the Mexican border, while the cowman, still at his old headquarters, clung tenaciously to some of the interesting habits of his earlier days. He never wore a necktie, for example; a necktie would have obscured the brilliance of the two-carat diamond in his gold collar button. Nor did he allow loneliness to settle down upon his life in his big ranch house. He avoided that by always having his "niece" with him. Sometimes she was blonde and sometimes she was brunette, but as she was always his niece, and always beautiful, the old man was openly envied by all his male visitors.

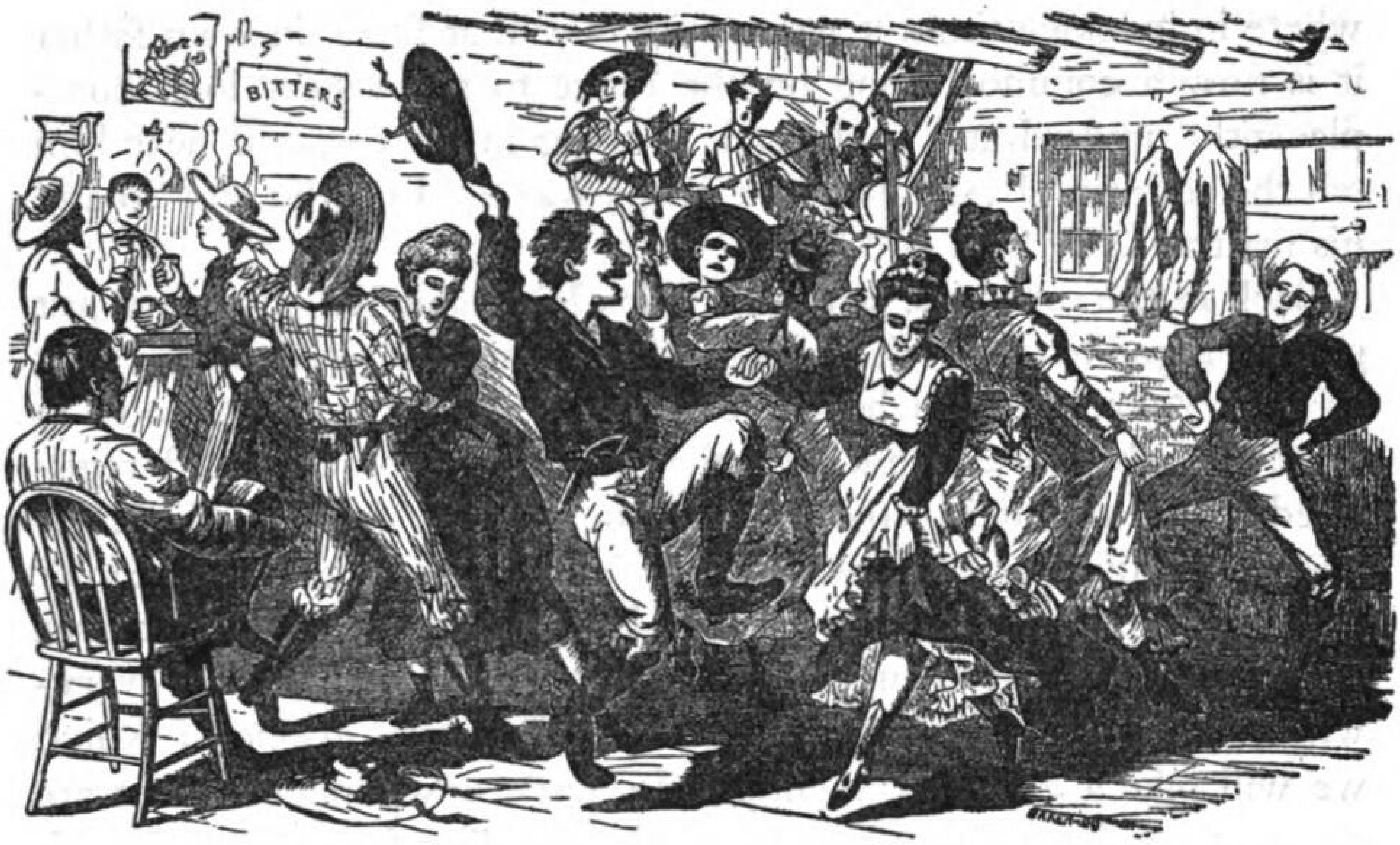
When asked for details of the purchase of the "F" remnant, he came readily across with them. "Sure, I bought it," he said. "I paid Señora Favor nine thousand dollars for the brand, includin' horses. Between here and the river I rounded up fourteen thousand head of cattle which I sold in Dodge for ten dollars a round. On top of that, my ranch records show that up to last year, from the increase of those 'F' horses which I kept here for breedin', I'd sold a little better'n sixty-eight thousand dollars' worth of 'em. Them sure was damn good horses." And they still are: They are the famous Figure 2 horses, branded on the left cheek, and there are no better cow ponies anywhere in any man's cow country.

The story of the "F" brand, however, is merely an isolated incident, not at all typical of the great change barbed wire wrought not only in the appearance but also in the morals of both the Texas cattle and the Texas cattle kings. That tale, in its over-all implication, is one of the upward degeneration of both man and beast, and can therefore be absorbed by the reader either with deep regret or cheering approval as best suits his or her own judgment.

The original cattle kings, unprotected by barbed-wire entanglements, were all regular fellows. They were the natural product of the hard environment in which they lived and the hard business in which they were engaged. They won crowns for themselves but they wore them lightly. Their wealth, vast in those days, made them in no way superior to their fellow men. Their marksmanship, at times, gained for them some degree of pre-eminence, but their wealth never. They didn't want it to. Association with their own kind satisfied them; millionaires though they were, they esteemed it a privilege to sit on their heels at the tails of their own chuck wagons or in the shade of the adobe saloons, along with their own cowboys.

Today what are they like? Look at them! Having yielded to the uplifting pressure of commercialism, and the restriction of barbed wire, these Texas cattle kings, who were once admirable for their personal hardness, their likable wickedness, their openhanded generosity, and their utter indifference to the comforts of civilization, have allowed themselves to be prodded heavenward into secure positions in the high Christian society of their great state.

In other words, those fine old-timers who used to come to town for a hell of a time, and have it when they got there, who played poker, monte, and faro bank with the far and beautiful North Star as the limit, who took cold unless they carried a six-shooter and a Winchester, who slept better on the ground than they did on a mattress, who "rolled their own" and drank whisky out of tin dippers, and who held no enmity in their hearts for anyone in the world, except Indians and cow thieves, have now entirely disappeared from the face of Texas.



DANCE HOUSE. Dance hall at any way station, where they could relax and raise hell.

In their place Texas now has as its cattle kings a line of sleek, well-fed, complacent bank directors who wear wrist watches in place of six-shooters, carry golf sticks, and resent insults with foreclosure proceedings; who play bridge for a quarter of a cent, and poker for two bits; who proudly bear a general sartorial resemblance to the advertising pages of *The Saturday Evening Post;* who love nobody, have their nails manicured, sleep under eiderdown quilts, visit their ranches in eight-cylinder automobiles, and devilishly imbibe Coca-Cola diluted with about 40 per cent of Baptist-made, bootleg whisky.

This is but half the story. The same change that has overtaken the fenced-in cattle king has overtaken his cattle.

In the old days before barbed wire came along to interfere with their travels, the Texas cattle, like their masters, were free-roaming, free-loving animals, tough to eat and tougher to handle. Today what are they? They have changed greatly. Civilization, including eugenics, has produced its devastating effects, and—they still resemble their owners. Today the cattle of Texas are sleek, well-fed, and not open to insult; they are as free from horns almost as a frog is from feathers; where they used to be tall, rangy, and built for speed, they are now squat, heavy, and built for beef. And, saddest of all, where in by-gone times it was a wise cow that knew its own father it is now a common thing on the range to see a steer look complacently upward and backward, at a tag in his ear, and hear him tell the admiring bystanders that his pa was the Lord So and So and his ma the Lady Sich and Such.

Back in the seventies, when Captains King and Kenedy were just getting a good start in their business, any such behavior on the part of their animals would have created a riot. In fact, if anybody in those days had told those men that short-horn, white-faced registered cattle would in time to come be running around over their unexplored dominions, they would probably have locked the dreamer up in their privately owned jail and kept him there till he got over it. But exactly that change has come about. Barbed wire is everywhere! Texas is cut up into thousands of pastures in one of which we will take a look at the antics of a dude cowpuncher—there are no more cowboys—from the East who is "riding fence" armed with a hammer in place of a six-shooter, and with his saddle pockets filled with staples in place of whisky. He gets off and nails up a fallen wire; he gets on, rides a mile or so, gets off, and does it again. The obese cattle pay no attention to him. They know that he couldn't rope, throw, and tie one of them in a week. One of Captain King's old hands would have done it in thirty seconds and thought that slow time. When his day's work is over the puncher rides back to a regular house, takes a bath, changes his clothes, eats his grub off a tablecloth, jumps into an automobile, and goes in to a picture show. He is certainly a young hellion! Once a year, maybe, he gets mildly drunk and begs the cook not to mention it to the boss.

Several times a year the boss, the modern cattle king, who lives in a town house six or eight sizes too big for him, visits his ranch in his Cadillac. Like his animals he is fat and pudgy—you can stick your fingers in him most anywhere—and he can't ride a cow horse. Perhaps never did. This cattle king, who is merely a businessman, and a Rotarian also, rides around in his car and looks his place over, checks up his books, and maybe, if he can spare the time from his social entanglements in the city, stays around long enough to see a few hundred choice beeves, now topping the market, driven tamely aboard the cars for shipment. This done, he goes back to his oversized mansion, dons his dinner jacket, and drives out to dine with the bon ton of his community. Sometimes he pulls a house party on his ranch. This is as near as he ever comes to going on a dabauch. But gosh! Those house parties are sometimes something awful—when he serves highballs, for example, and actually allows his guests, *on Sunday*, to go out and play golf on his own private links.

That marks the end. Encircled by barbed wire, the rugged old cowmen of Texas have entirely disappeared from the scene, but what of the farmers to whom the barbed wire brought emancipation? It was an emancipation that meant something. Texas needed it. The soil was the state's great permanent asset. Since it had not come under control of the white man until 1836, agricultural development in Texas was at least a hundred and fifty years behind that of all the so-called civilized states of the Union lying east of the Mississippi. This time element, though, was only one of the obstacles that had stood in the way of the farmers. From the very day that Stephen Austin had brought in his first colonists the Texans had been at war. Fighting had been their perpetual pastime. For their first forty years they had fought Indians, Mexicans, and each other. They had next fought the damn Yankees, and then, when something that resembled peace had arrived and the sod-busters felt they could at last settle down and do something, they discovered to their dismay and disgust that the cowmen were the kings of creation while they themselves were looked upon, even by their state government, as the lowest form of animal life to be found on the planet. But they knew that they were the most important people in Texas. All they needed to bring their state up to the level of the other states in the Union was to be given room to expand.

But when could they start; when would their day arrive? They had no idea. Up to 1883 the government of Texas had been run, so far as the farmers could see, for the exclusive benefit of those two allied industries: the cattle business and the sin business. Nor were the twin laws, the land-leasing act and the fence-cutting law, which emancipated them, measures that had been adopted in their behalf. They knew this; they knew it was all a blunder; but as they were not nearly so dumb as their legislators, who apparently hadn't looked very far ahead of themselves, they proceeded to take advantage of it by plowing up section after section of land they had previously not dared venture into. They worked rapidly. Planting and harvesting as they went, they pushed the cultivated areas of Texas farther and farther to the west. Always as they moved on, they did something the cattlemen, who preferred the hilarity of the larger towns, had never done. They built up for their own use their own small communities, and above the one-story sky lines white church steeples in large numbers began to raise their prophetic heads.

This was the opening of the period in which Texas realtors began to advertise Texas soil as so rich that if a man hilled up a whisky bottle he could harvest a congressman. There may have been some slight exaggeration to this, but it produced results. From everywhere in the United States, and from Europe also, men who had the urge to work in virgin soil began heading for Texas; and they brought with them the self-sufficiency and stubbornness that have always made farmers the despair of the politicians. They arrived, they went to work, they prospered, and although the history books contain many sad chapters about the hard times of that era, chapters cooked up by the politicos for campaign purposes, they made Texas prosper with them. But not in the way the cowmen had made it prosper. In the opinion of the farmers the prosperity promoted by the livestock business had been neither morally nor economically healthy. Theirs was both, so they thought; and they were entirely right about it.

Cultivating a huge, constantly expanding acreage, they produced tremendous crops for whose profitable handling they needed many things the cattlemen had not only not wanted but had actually discouraged. They needed wagon roads and railroads, cotton gins and cotton compresses, sawmills, rice mills, sugar mills, and flour mills, along with all those other innumerable industries which are essential to an agricultural civilization. They got them, and because they were of an entirely different breed from the lazy and luxurious plantation farmers of the Deep South, they got them so rapidly that, in or about the year 1890, finding their economic health in good shape, they paused, drew in a deep breath, and looked all around themselves to see what their Texas now looked like. The view they got, as described by their talented fellow Texan, Charles Finger, was indeed marvelous.*

Nearly all business was conducted with one foot on the rail, with helpful calculations being made on the bar in spilled liquor, and with a large free lunch on hand to sustain men in their commercial activities. A lad named Leonard Doughty, of the small town of Goldthwaite, whose impressive verses have since been set to music by Nevin, was being hailed by a discerning few as a great poet. The son of the author of *David Harum* was having his horses' hoofs polished for him every morning by the hotel bootblack and raising hell every night in San Angelo. From one Sunday-school class in Knickerbocker came a whole covey of outlaws who, headed by Black Jack and Barry Ketchum, were finally all hanged in Clayton, New Mexico. The state had also turned out Miss Laura Bullion, a pretty schoolteacher who became eminent as a burglar, as well as a talented gentleman who for the first time in history held up a train single-handed.

The dramatic event of the year throughout most of the state was the coming of Molly Bailey's Show. Molly's exhibition was exhilarating because neither she nor any of her artists had any prejudices against mingling with the customers, picking their pockets, using the ring horses for draft animals, putting up and taking down the tent, or doing anything else to make their show outshine those of their competitors, the medicine men and the traveling mesmerists, who were also touring Texas in those days. But it was in its concerts that Molly's show, with Molly herself as the prima donna, outdistanced all rivals. For Molly was irresistible in her tragic power when she sang:

George Collins rode home one cold winter night,
George Collins rode home so fine,
George Collins rode home one cold winter night
And taken sick and died.

With her appropriate body motions, plus a faint trombone obbligato, by a player concealed, usually, in the Chick Sales establishment, she was able to make it very soothing to the ear of Texas although a bit baffling to those who wanted to know what any of it was about. Sometimes it would come to pass that Molly, who always accepted the slightest noise as homage to the delicacy of her performance, would reappear and with elaborate bows and curtsys would sweep into a thirty-stanza ballad about Jeff Davis, commencing:

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* Charles J. Finger, *A Note on Texas* (Austin, Texas: John S. Mayfield, 1927).

Jeff Davis built a wagon and on it put his name,
And Beauregard was driver and Secession was the same.
The horses they got hungry, as horses always do,
They had to keep the collars tight to stop them getting through.

The ballad would be interrupted every third or fourth verse by great volumes of sound, which might be either ironic or patriotic, or might spring from true dramatic perspicacity, or even sheer alcoholic lightheartedness.

Men everywhere were talking about Clay McGonegal, who broke the steer-roping record (and was lionized for it by Joaquin Miller, the poet of the Sierras), and of Booger Red, who grew rich as the promotion *empresario* of Dick, the Demon Negro, who traveled all over the state throwing steers with his teeth.

This was a Texas in which men trusted each other, when the affair of Nick Hughes and Loop Reed caused no comment. Reed was a drifting herder with some four thousand sheep, Hughes a fellow of no occupation who happened to wander into the Devils River country looking for a job. As Reed had finished sheep shearing and had sold his wool, he hired the stranger to take charge of his Mexican herder, his sheep, and his chuck wagon, and told him to drift west to Pecos City where in six weeks he proposed to meet him. Reed had planned a highhearted time for himself up in Chicago with his wool money. So Hughes drifted, made the Pecos and went up and down the river as long as he dared—expecting Reed all the time—until at last it became a nice question whether it was safe for him to drift thereabouts any longer because of the objections made by the cattlemen. He drifted up to the Peñasco, then south over to Guadalupe County, leaving messages everywhere for Reed; then down to the Rio Grande country, then to Maxon Springs; north from there to Fort Stockton, and east to Menardville, lambing and shearing in season, selling the wool and banking the money until three seasons had passed with no sign of Reed, and with Hughes, the landless shepherd, still tied to his flocks. Then Hughes met a man named Stanton, owner of a merry-go-round—one of the old-fashioned sort, the motive power of which was furnished by energetic boys who made ten complete circuits pushing the contrivance for five cents. He told the sad tale of how he had the responsibility of a lot of property for which he didn't care a damn; Stanton set before him the advantages of the ownership of the merry-go-round and further told him there was unexplored field for such a contraption in South America. A vision then and there appeared unto Hughes so that he made a rough and ready exchange, accepting the merry-go-round for himself and delivering the herds and flocks unto Stanton. Both men entered Mexico, crossing the border at Fort Hancock, and what further became of them Mr. Finger, who has told the story, does not say.

In the upper Rio Grande valley men were talking of how Jim Gillett, a young Texas Ranger, had ridden alone into Mexico, and without benefit of extradition papers had kidnaped Raco, a much-wanted murderer, right out of the bosom of his gang, and had brought him back to this country and seen him comfortably hanged. In El Paso, Dallas Stoudenmire had killed the town marshal, stripped him of his badge, put it on his own chest, and become the town marshal himself. Likewise in El Paso a great epidemic of typhoid fever broke out, and more people died of it than of lead poison; no one knew the source of it until this chronicler's own father, assisted in his investigation by the above-mentioned Jim Gillett, made the interesting discovery that some months before a disconsolate Chinaman, in haste to return to the bosom of Confucius, had drowned himself in the city's drinking water, which was kept in a small reservoir on a high hill west of the town.

Also, this was the period when all men believed—but kept their mouths shut about it for fear the rumor might trickle back to Yankeeland—that a saloonkeeper in Glen Rose Mills was John Wilkes Booth and patronized him accordingly. On the other hand, this was the time in Texas when the most popular ballad, sung by thousands of bad girls in hundreds of variety theaters and tony fancy houses all over the state, was a pathetic ditty the chorus of which ran:

Take back the ring you gave me:
Take it back, Jack, I pray.
Wearing it would de-prave me,
More than I am today.
To make me your wife would wrong you,
Grief to your heart would bring—
So, please take it back, I beg of you, Jack.
Take back the engage-a-ment ring.

Finally it was a Texas, a tremendously busy Texas, wherein no man dreamed of automobiles but whose streets and roads were crowded with buggies, buckboards, and freight wagons, hacks and surreys, saddle horses and burros, and even with a strange, new kind of contrivance called a bicycle, astride of which, in such immoral jurisdictions as Dallas, Fort Worth, and Houston, rode whole droves of a novel, shocking, horrifying creation known as the Bloomer Girl. But not in El Paso, where a saintly city council composed mostly of saloonkeepers and gamblers, who had pious ideas regarding women's legs, hastily passed a law forbidding females to wear pants, britches, trousers, or any derivation thereof anywhere in public.

All of this was what the farmers saw when they looked at their Texas some ten years before the turn of the century. It did and it didn't please them. When they checked on their earthly bank accounts they felt well satisfied with what they had done, but when they glanced heavenward and remembered there was a bookkeeper up there also, real shivers of apprehension began to go up and down their collective spinal column. Texas was prosperous, all right, but it was headed for hell, going for it at a high lope, and it was their duty to head it off. Where should they start?

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20. *Prohibition. Land West of the Pecos*

REFORMATION must start with booze, of course. Booze was the root of all evil, but as it was also the root of much joy, as well as the inspiration of the legislators, who passed more laws at the bar in the Iron Front saloon than in the State House, nobody had ever tried to do anything about it. Except once, back in 1880, when Governor Oran M. Roberts, who had borrowed four bits from a bartender to pay for the telegram with which he accepted his nomination for the job, secured the passage of a law calculated to make Texas a partner in the profits of the whisky business through a tax to be collected on each and every drink sold in every saloon in the state. This was known as the "bell-punch law" from the fact that bartenders were required to ring up each drink sold on a contraption very much like the one now used to keep the conductors honest on Dallas streetcars. But the law didn't work; it was impractical as the state couldn't replace the registers, which made excellent targets, as fast as the gun-totin' Texans could shoot them to pieces.

The Texas farmers, though, when they began to come into power, took an entirely different view of the liquor traffic. Dern the profit in it! They didn't want to have any truck whatsoever with the vile trade; so in the very next year following the passage of the fence-cutting emancipation act, they got the question of a state-wide prohibition amendment submitted to the people. They got licked, too, by a hundred thousand votes, primarily through the splendid oratory of Senator Roger Q. Mills, leader of the wets, who, traveling in a buckboard, kept telling the people that hell was so full of preachers like the Reverend B. H. Carroll, leader of the drys, that their legs and arms were sticking out of all its doors and windows.

That statement, incapable of proof though it was, nevertheless had its effect. It had two effects. It won for the wets, but also deep in

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the heart of Texas it left scars which still, even to this day, become inflamed with every change of political weather in the state. The first intimation that these scars were beginning to itch came in a short time, when a few drab spots marring the perfect symmetry of the gorgeous whole made their appearance on isolated sections of the huge Texas anatomy. This was bad. It was horrifying, because as all good drinkers well knew these drab spots were dry areas: warning symptoms of the breaking out of the dreadful disease known as the Local Option Rash. This was the beginning of Reform in Texas, and as there was nothing the wickedly inclined could do about it, short of massacring the reformers, it was not long until the whole great commonwealth was freckled all over with small communities wherein no man, not on good terms with the local bootlegger, could find the wherewithal to uplift his soul or wet his whistle.

However, it is not to be assumed that the hardened drinkers of the state, who still clung tenaciously to the old-time religious belief of Sam Houston, Jim Bowie, and many another great hero of the earlier days, that there could be no freedom without the free consumption of whisky, took it on the chin and said nothing. They certainly didn't; they said a lot.

As time wore on, for example, W. C. Brann, the famous "Apostle," who climaxed his career by pinning the badge of illegitimate fatherhood on the coattails of a Baptist theologian, and getting shot so full of holes for doing it that he couldn't have held a drink if he had had one, got so worked up over the situation that he described the dry towns of Texas as "veritable hotbeds of sanctificationists who have conceived the idea that they have been divinely ordained to drag the millennium in by the ears with the aid of the secular law. They have concluded that men can be made healthy, wealthy, and wise by compelling them to take their liquor out of a jug in the sacred seclusion of the smoke-house, instead of absorbing it from cut glass with seltzer on the side and a free lunch for lagniappe. They have solemnly decided that it is their duty as Christians and Americans to sit at the muzzles of all their fellow citizens and say how they shall load themselves." *

This was all literally true. Before the wets had realized what was happening, the noble art of drinking in about one-third of the smaller towns of Texas had been transformed from an open ceremony

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* W. C. Brann, *The Iconoclast* (New York: Brann Publishers, Inc., 1919).

openly indulged in into an occult rite to be practiced in a back alley or, if at home, only after a man had pulled down the shades, plugged up the keyhole, and notified the snake charmer. To illustrate: From Marfa, a temporarily purified town in Presidio County, comes the duly authenticated story of a thirsty traveling salesman from the East, who when approached by a church deacon (denomination not given) with the proposal that if he had a dollar on him he (the deacon) could get him a pint, at once produced the dollar. Within ten minutes he had the bottle, within ten seconds he had its cork out of it, and within two more some of its contents were flowing merrily downward in the general direction of his gizzard. Suddenly his eyes bulged out for a full inch, and, just as a cat's does, his hair rose up so straight and so stiff that it knocked his hat off and clear out the window. The man took the flagon from his lips, gasped a few times, and then, being a determined individual, he tackled it again. This time he got a full report. His Adam's apple worked fiercely up and down as he swallowed; then, as the first drink by this time had apparently hit bottom, he hastily sat down on the floor and pulled his shoes off. The liquor was a success; little streaks of blue fire and quite a lot of smoke were coming out from between his toes. Just at that moment a purple horned toad with yellow eyes happened to canter up beside him; he jumped aboard, tickled it in the flanks, and with a wild whoop of triumph left those parts and was never again seen in Texas.

Thus, under this first phase of Reform, Texas is said to have lost many good citizens because of the character of the coffin paint they had to drink or go thirsty, the result being that beer, hitherto looked upon as beneath the dignity of a Lone Star statesman, began to grow in popularity. Like everything else does in Texas, it grew rapidly, so rapidly that by 1890, despite the prayers and the wails of the prohibitionists, two huge breweries, one in San Antonio and one in Dallas, had been set up and were doing a tremendous business in both wet and dry territory. This beer business eventually had a more sensational effect on Texas than even barbed wire had had.

But we must pause in our narrative and turn our attention to a section of the state which has been almost entirely neglected by us for two centuries. The neglect has not been inadvertent, but intentional, because in this section, which lies between San Antonio and El Paso, and is so large that the state of New York can be dropped down almost anywhere in it and be completely lost, nothing has

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been going on, except in the Big Bend district, that has had anything to do with either the history or the progress of Texas.

It was, to be sure, in the vicinity of El Paso that Oñate, in 1598, crossed the Rio Grande and presented the original El Pasoans with a longhorn which they ate raw, but from that date on, clear up to 1881, that part of the state was as remote from the rest of Texas as if it had been located in another world. Nevertheless, it did have its own history, a thrilling and explosive history that centered around its one metropolis, El Paso.

In 1849, not because of any interest in west Texas, but entirely owing to the supposed need for a southern route to the California gold fields, a stagecoach service was inaugurated from San Antonio to the Pacific coast with El Paso as a way station. The first run over the San Antonio–El Paso division was in 1850, and the initial trip was made in a Concord coach drawn by six mules and guarded by sixteen mounted Indian fighters under the command of our old friend, Big Foot Wallace. This trip took thirty days. Thereafter, for the next fifteen years—although the mail contract called for three deliveries a week—an average of only about two stages a month managed to complete the journey. They started oftener but, owing to the activities of the Apaches, most of them failed to get through. When the first stage, in 1850, finally arrived in El Paso, what did the passengers see? They were probably greatly astonished. For their first three hundred miles they had traveled a flat or rolling country with plenty of grass and water. They had then forded the Pecos River at the Horsehead crossing and from that point had rolled over a rough, broken, practically waterless area for another two hundred until they had come to Guadalupe Peak, the highest mountain that far east in the United States. From their stop at the foot of the Peak they could see great salt flats, like beds of snow, lying to the south of them, and then, from there on for the next hundred miles or so they traversed a mountainous desert with no moisture whatever until they got to Hueco Tanks, where sometimes water was to be found in great, natural holes in the rocks, but where almost always the Indians were sure to be. From Hueco Tanks their road stretched straight across the flat sandy surface of an almost totally bald mesa as desolate and dreary as the great Sahara. Then with startling suddenness the whole picture changed. Their trail swung to the southwest, to the edge of the mesa; their mules went into a gallop when they hit the steep decline, and four miles farther along they came to

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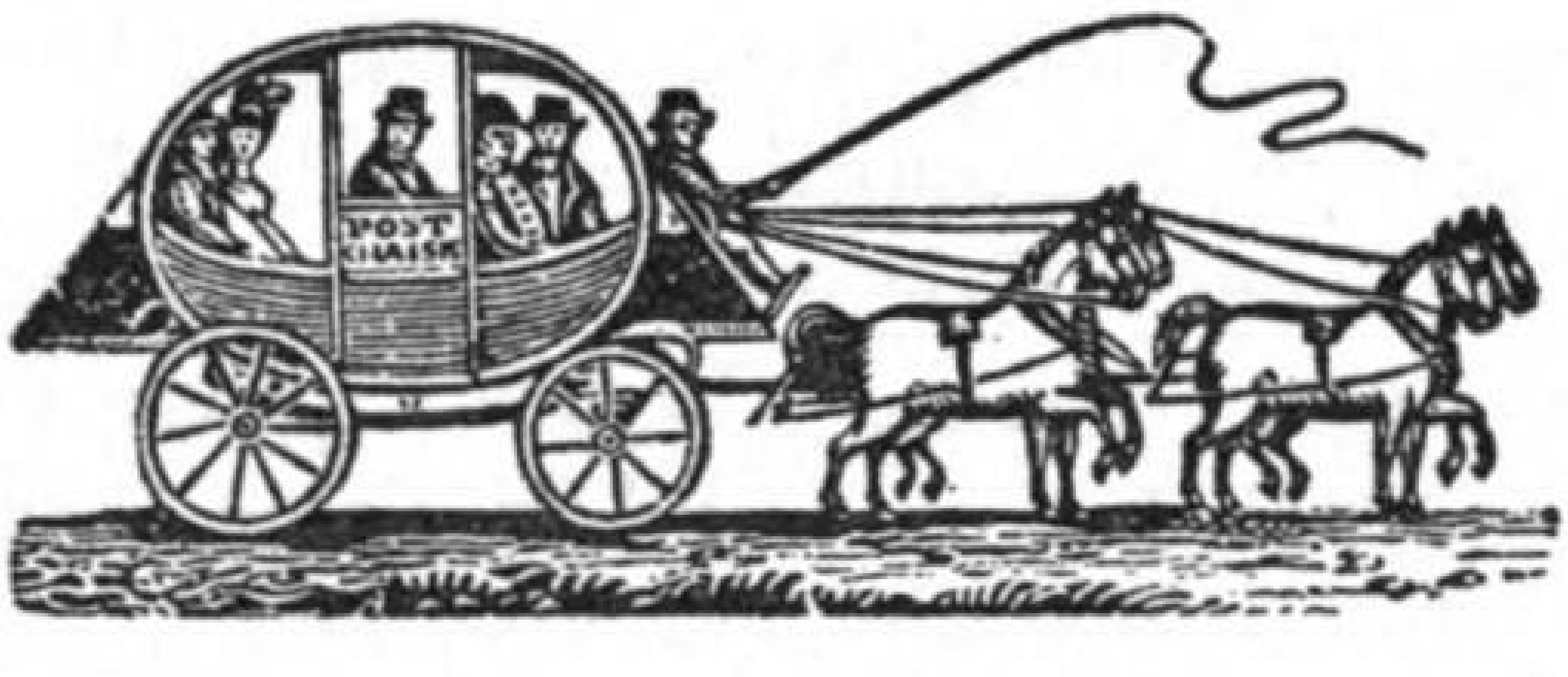
OVERLAND TO THE PACIFIC.



The San Antonio and San Diego Mail-Line.

THIS Line, which has been in successful operation since July, 1857, is ticketing PASSENGERS through to San Diego and San Francisco, and also to all intermediate stations. Passengers and Express matter forwarded in NEW COACHES, drawn by six mules, over the entire length of our Line, excepting the Colorado Desert of one hundred miles, which we cross on mule-back. Passengers GUARANTEED in their tickets to ride in Coaches, excepting the one hundred miles above stated.

Passengers ticketed through, from NEW-ORLEANS, to the following points, via SAN ANTONIO:

To Fort	Clark,	Fare,	$52.	To	Fort Bliss,	Fare,	$100.
"	Hudson,	"	60.	"	La Mesilla,	"	105.
"	Port Lancaster,	"	70.	"	Fort Fillmore,	"	105.
"	Davis,	"	90.	"	Tucson,	"	135.
"	Quitman,	"	100.	"	Fort Yuma,	"	162.
"	Birchville,	"	100.	"	San Diego,	"	190.
"	San Elizario,	"	100.	"	Los Angelos,	"	190.
"	El Paso,	"	100.	"	San Francisco,	"	200.

The Coaches of our Line leave semi-monthly from each end, on the 9th and 24th of each month, at 6 o'clock A.M.

An armed escort travels through the Indian country with each mail train, for the protection of the mails and passengers.

Passengers are provided with provisions during the trip, except where the Coach stops at Public Houses along the Line, at which each Passenger will pay for his own meal.

Each Passenger is allowed thirty pounds of personal baggage, exclusive of blankets and arms.

Passengers coming to San Antonio can take the line of mail-steamers from New-Orleans five times a week to Indianola. From the latter place there is a daily line of four-horse mail-coaches direct to this place.

On the Pacific side, the California Steam Navigation Company are running a first-class steamer, semi-monthly, to and from San Francisco and San Diego.

Extra Baggage, *when carried,* 40 cents per pound to El Paso, and $1 per pound to San Diego.

Passengers can obtain all necessary outfits in San Antonio.

For further information, and for the purchase of tickets, apply at the office of C. G. WAYNE, 61 Camp Street, New-Orleans, or at the Company's Office, in San Antonio.

G. H. GIDDINGS, } Proprietors.
R. E. DOYLE, }

FROM THE TEXAS ALMANAC OF 1860.

a sliding stop in the middle of fairyland. That was El Paso, and nowhere else in Texas had the weary travelers ever seen anything like it. There wasn't anything like it.

Clustered around the long, low, rambling adobe structure at whose door the stage had stopped, were perhaps two dozen other smaller, flat-roofed houses. That was the city; to the south lay vineyards, hundreds of acres of sturdy, luxuriant grapevines; there were also cornfields and patches of chile and frijoles, and running through all of them were the *acequias*, the irrigation ditches, in whose waters were naked Mexican children swimming and paddling around, and along with them a number of equally naked Mexican men and women. There were also huge cottonwoods and gigantic pear trees, obviously centuries old, in whose shade slumbered men and women and dogs and burros, as calmly and peacefully as if they too had been there for centuries.

In the small piece of paradise which was to become El Paso there lived at that time, together with some three hundred Mexicans who raised the grapes and made the wine and did all the heavy work, a mere half-dozen American men. Ben Dowell ran the saloon. Franklin Coonts, who was Ben's steadiest customer, and James Magoffin, whose father was governor of Kentucky, were landed aristocrats who lived off the labor of the vine growers. Simeon Hart, with the free aid of the Rio Grande, was the operator of a small flour mill, while a man named Stevenson raised sheep, goats, and cattle, and had a very hard time of it, owing to a shortage of good pasture land as well as an overage of Indians who were always stealing his stuff from him.

How these few Americans had ever happened to come to El Paso is of no material importance. Suffice it to say that there they were; that they were entirely contented with their lot; that they had absolutely no interest in Texas, and that of all of them Ben Dowell was the most far-seeing and imaginative. Ben had read a book and he had ideas. Years before, the great Baron von Humboldt, who had driven from Mexico City to Santa Fé in a carriage, had predicted that some day a large city would be built where the Rio Grande turns north and cuts a pass through a spur of the Rocky Mountains. That, Ben Dowell figured, meant El Paso. He could stand in the door of his saloon, and, looking to the north and south, allow his gaze to wander along a trail—the oldest in the United States—which wended its adventurous way through the two thousand miles of perils that

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separated Santa Fé in New Mexico from the City of Mexico, down in the old country. Looking in the other direction, to the east and west, he could see the Butterfield stage route, which ran from San Antonio to the Pacific Ocean. He guessed that his town stood exactly at the future crossroads of two great streams of continental traffic. But as this was a long-range view, and as Ben was leading a very contented life, he was contented to wait. The years passed, the Civil War came along, El Paso's white population by that time had increased to fifteen, but when the conflict was over it was again down to less than a dozen, with no immediate reason, that Ben could see, for it to get much bigger. El Paso's irrigated area, although highly productive, was too small for it to become an agricultural settlement. It was too dry for a cattle country; so it did not benefit in any way by the traffic in longhorns. There were no mines of any importance within a hundred and fifty miles to make it a mining center. Yet, according to an eminent journalist who visited it at that period, the males of the tiny community did possess two assets: its beautiful señoritas, at least one of whom was an essential part of every American's "outfit," and its delicious wine, of which he was very envious. Perhaps the publicity given these two assets accounts for the fact that by 1873 El Paso had a population of forty-four Americans, and was so proud of itself that it held an election at which Ben Dowell was chosen mayor.

Thus for the first time since God had made it, organized law came into the great land west of the Pecos. It came, and in Ordinance Number One of the City of El Paso it wrought the deed of shame by saying to the citizens: Thou shalt not, any of you, young or old, brown or white, married, single, or in between, under pain of great punishment, ever again bathe naked in the waters of any irrigation ditch within the corporate limits of this now pious metropolis! That settled it; since Texans are like that, raw bathing was now indulged in more enthusiastically than ever before. And so it was, as rapidly as they were legislated against, with all other immoral practices. El Paso, therefore, with sin now rendered doubly sweet, got along very happily until 1879, when the thrilling word came that four great railroad trunk lines had simultaneously begun to build feverishly in the direction of the crossroads at the door of Ben Dowell's saloon.

This was indeed news, and when it became nationally known that El Paso was to become an important railroad center, men from all

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over the United States began to hasten to it. But they were not Western heroes, nor were their women frontier heroines. They were parasites coming in to prey on the railroad payrolls. At first these people came in rather slowly, but as the railheads gradually drew nearer and nearer to the town their influx increased until by the middle of 1880 they were arriving at the rate of hundreds a day. They came in all sorts of vehicles, ate anything, drank anything, slept with anybody, worked during the day throwing shacks together in which to live and carry on their professions, and caroused joyously throughout most of the night.

In short, after two centuries of drowsy happiness, El Paso suddenly awoke to find itself in the middle of a boom such as had never before hit any part of Texas. This was splendid; their town would soon catch up with such stirring places as San Antonio and Dallas, and so in happy anticipation of the final arrival of the railroads El Paso's original founders downed many a *copita* with one another at Ben Dowell's bar. Their optimism was justified. Fully a year before the first train drew in, their town, although it still lacked considerable in size, had not only caught up with but had actually outstripped every other community in Texas in downright wickedness. The old-timers didn't like this. Ordinary sin was all right because they knew how to deal with it. They could handle the regular run of gun-toters who dropped in once in a while and got drunk and happy; and Mexican bandits; and quiet brown-skinned señoritas to whom love was an honest livelihood. But when it came to managing the new element that was now flocking in, made up principally of crooks and thugs from the civilized East, they were stumped. Too many men were getting themselves unnecessarily bumped off, and there was too much robbery going on in the town. Consequently Joseph Magoffin, who had succeeded Ben Dowell as mayor, provided El Paso with a police force. It was composed of a chief named Campbell and his lone deputy, a talented drunkard named Bill Johnson. Since Chief Campbell seemed to feel it his duty to protect the crooks rather than the public, things got rapidly worse until Mayor Magoffin finally fired Campbell and promoted Bill Johnson to his job. Thus it was left to one man to keep order in a town that had grown in four months from one short street and two saloons into a howling hell of two long streets, twenty-five saloons and gambling halls, one row of cribs, two tony fancy houses, half a dozen Chinese restaurants, several dance halls, and two variety theaters, one of which, the

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Coliseum, owned by the Manning brothers, was the largest in the West.

Over all the social activity generated in these joints Bill Johnson was supposed to exercise a restraining influence. But, as free liquor everywhere was a perquisite of his office, he never did so. His only recorded official act was that he started El Paso off on a spree that lasted for three weeks and finally wound up with ex-Marshal Campbell, assisted by his friends, carrying out a plan for restoring himself to his lost position. Shorn of detail, this plan was to shoot up the town so thoroughly that the mayor would be scared into hiring him again at his own figure.

Accordingly at two o'clock one morning when all communal festivities were at their height, when love looked love to eyes that spoke invitation, when the gamblers on the graveyard shift were ready to take their places, and when the girls in the variety shows were most actively a-hoof, the word was given and hell was let loose. In every saloon, dance hall, and Chink restaurant, and in both theaters it was the same. No place was spared. Every light in El Paso went out under a fusillade of shots and in the ensuing darkness many deviltries were engaged in. All decent citizens headed for home, with six-shooter bullets kicking up the dust behind them. Nowhere in the West was the shooting-up process ever carried out with more thoroughness. When dawn came, so Mr. Campbell thought, the mayor would just have to send for him and put him to work again.

But Mr. Campbell was mistaken. Instead of sending for him the mayor sent for the Rangers, who arrived, went into camp, and, pending the swearing in of a new town marshal, kept El Paso as quiet as a Sunday school. But who was the new marshal to be? Mayor Magoffin prayed for an answer to that problem and got one in the person of Dallas Stoudenmire, a giant six feet four inches tall, who came into town wearing two six-shooters, and accompanied by his brother-in-law, Doc Cummins, and asked for the job. He got it and immediately asserted himself by hunting up Bill Johnson, tearing the man's badge from his coat, pinning it on his own, and telling everybody within sound of his voice that he was now town marshal and that he meant business. For a day or two after this all was serene. Then, when Stoudenmire was not around to take part in the fray, his brother-in-law was killed in a gun fight with the Manning brothers. For this killing, which had really been done by his bartender and not by him, Jim Manning was immediately tried by the coroner and

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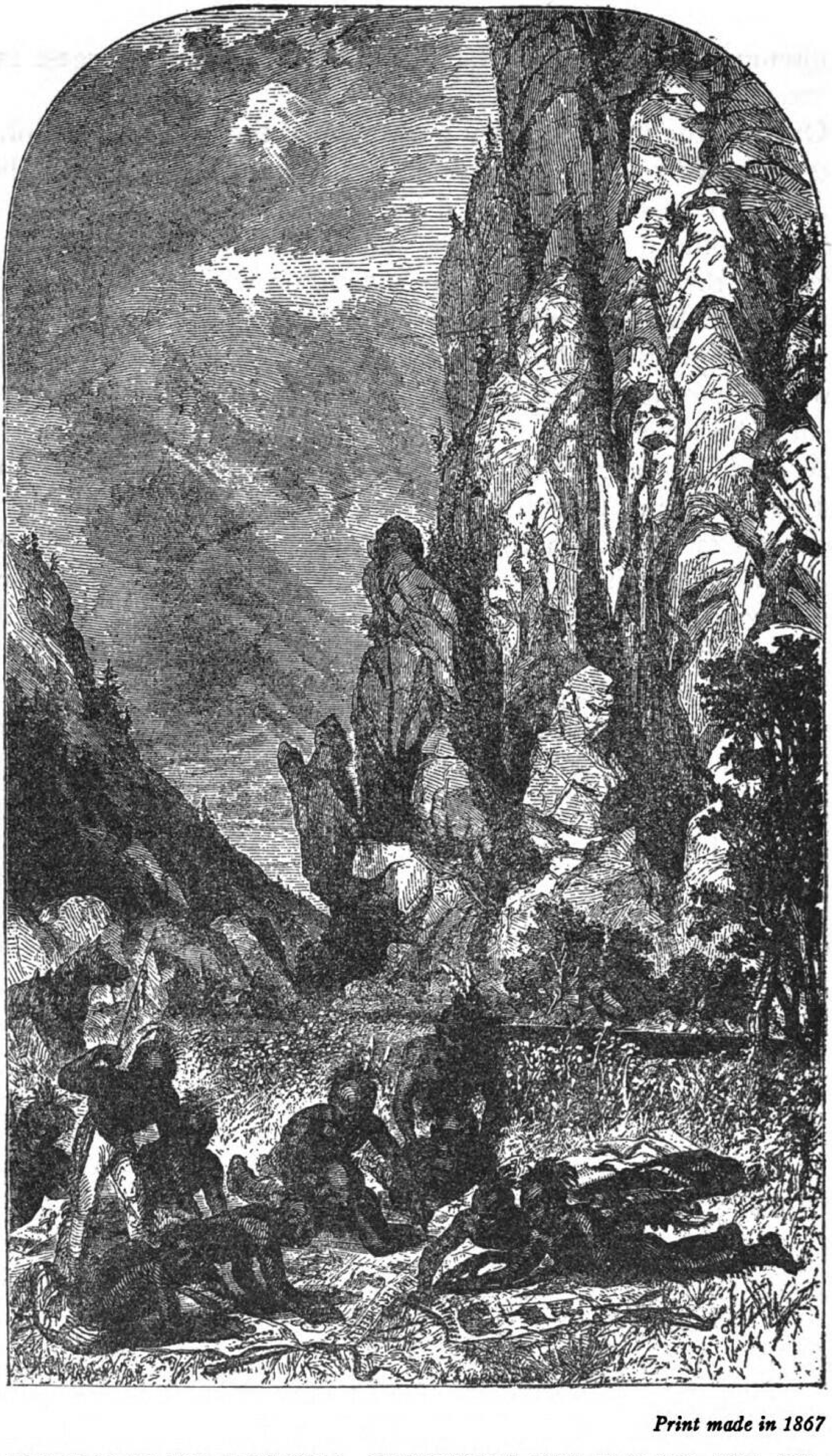

Print made in 1867

INDIANS IN LYMPIA CANYON ON ROAD TO EL PASO surprised by Rangers as they were looking at illustrated papers taken from stage they had just held up.

acquitted on a plea of self-defense. After this flicker of excitement there followed three more days of quiet.

One morning the carcasses of two recently murdered strangers were found on the edge of town. Normally this wouldn't have amounted to much, but at the conclusion of the inquest a quarrel arose between Johnny Hale, a close friend of the Manning brothers, and Gus Krempkau, in the course of which Hale, who was probably in a hurry to get somewhere, pulled his gun and shot Krempkau dead. Instantly Stoudenmire, who had come up and joined the crowd, went into action. With his first shot he killed a Mexican who was pulling a gun; with his second he killed Johnny Hale; and then, turning around just in time to see ex-Marshal Campbell reaching for his pistol, he killed him also.

This spectacular masterpiece at once established Stoudenmire's reputation. Three men with three shots constituted an almost perfect score, and thereafter—except that twice he had to shoot his way out of assassination plots against him—the lone marshal held imperial sway over El Paso. He kept order, sometimes by shooting his man, sometimes by merely bending his gun over the offender's head. Unluckily, however, the big fellow had one great, but very common fault. He would occasionally get tight and become so dangerous, even to his friends, that after more than a year of fine service, in which he wrote his name with blood upon the imperishable records of El Paso, he was asked to resign and Captain James B. Gillett of the Texas Rangers was given his job.

In 1881 the first railroad reached El Paso. Immediately the entire physical aspect of the place began to change. Before the trains came there had been but one brick building, not a single board floor, and only two panes of window glass (so it has been stated) in the entire town, while such Babylonish luxuries as mahogany bar fixtures in the saloons and pianos in the dance halls were unknown. But within less than a year all these deficiencies, as well as some others of which the old-timers had been happily ignorant, had been supplied. Brick buildings began to take the place of adobe ones, ornate bar equipment replaced the makeshift devices formerly in use; men who had never tripped the light fantastic on anything but Mother Earth could now listen to the tapping of their own boot heels, and a new element, a peroxided, hand-decorated female one, recruited in the East and shipped in by the carload, came in to supplant the black-eyed, dusky-haired Mexican girls of the day before. Night life in

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El Paso now became more alluring than it had ever been. A wonderful prosperity was about to come to far western Texas and Vice, knowing that the pickings would be good, garbed itself becomingly for the harvest. The blonde women wore beautiful gowns—cut too low and too high, but beautiful none the less; the bartenders discarded their flannel shirts and donned white jackets and thousand-dollar diamond shirt studs; while the gambling fraternity blossomed out in all the glory of imported tailor-made garments, red-wheeled road wagons, and kept women.

On the other hand, along with the blondes and the bar fixtures, into El Paso came a large number of men desirous of embarking in legitimate business. These men became just as busy as the sports. They set about making the town as good for trade as the gals and the gamblers had already made it for entertainment, and they succeeded. El Paso grew faster than any town in Texas had ever grown. It grew so rapidly that long before its citizens even began to think about building schoolhouses they had actually built two streetcar lines. Everybody made money and everybody was happy. The town kept on growing; the sporting element continued to prosper; the derby hat and the white collar became tolerated articles of male attire; marriage licenses began to be issued with some degree of regularity; schoolhouses finally were built; ministers of the gospel made their appearance; church spires pierced the heavens, and thus, this far-distant section having at last caught up with the rest of the state, the movement for the total reformation of Texas that the farmers had started was finally able to take in the whole of the great commonwealth.

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21. *Jim Hogg to Jim Ferguson*

IT WAS in no way arranged; it was merely a coincidence that, just when the people of Texas were becoming aware of the peril that threatened their souls, they were rudely awakened to the fact that their total economic welfare was also in grave danger. Up to about 1890 the real owners of Texas, the sod-busters in the rural areas, hadn't paid much attention to what went on in Austin. They hadn't had the time to waste. They had known, of course, that just a few years back Governor Oran M. Roberts, the most heavily bewhiskered chief executive they had ever had, had proclaimed the doctrine that "conservation of natural resources for the benefit of future generations is a long distance benevolence that is sheer damn nonsense," * and that on that basis he and his successors had recklessly given away millions of acres of good land, together with all it contained, to railroad companies and other foreign corporations. But what they hadn't known was that these foreign corporations, encouraged by the favors showered upon them by the politicians, and perhaps paid for, had secured, through the organization of trusts and monopolies, the watering of stocks, and the sale of blue sky to innocent purchasers, almost as tight a grip on the financial and political well-being of Texas as Satan had upon its soul.

This was bad; something had to be done about it, and as the corporations, like Satan, had their headquarters in the cities, the fight against them that now developed was essentially one between the urban and rural populations. It was a historic battle, and when James S. Hogg took it up he became the first man in Texas, almost the first in the entire nation, to tackle the tough problem of controlling common carriers and public utility corporations, as well as all types of corporations chartered under the laws of one state but operating in another. Hogg's theory was that if Texas didn't rule the corporations the corporations would rule and ruin Texas, and on that simple

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* James T. De Shields, *They Sat in High Places* (San Antonio, Texas: The Naylor Co., 1940).

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basis he announced himself as a candidate for governor. Opposed to Jim Hogg in his first campaign, in 1890, was the honorable Webster Flannagan, an able citizen whose private platform, "What are we here for if not the spoils?" was so appealing that he had behind him every newspaper, every corporation, every capitalist, every large merchant and practically every banker in Texas. Nevertheless, with the unanimous support of the farmers, Jim Hogg beat him by 175,000 votes. The real significance of the victory was that for the first time in their history the people of Texas had wrested control of their government from the old-line politicians. For Governor Hogg, however, it was not an easy control. He was a pioneer, blazing his way into unexplored fields of legislation, against whom were ranged some of the most powerful financial interests in the United States. But he didn't flinch. He filed suit after suit against the corporations, and, as was often the case, when it was pointed out to him that there was no law to fit the offense charged, he would grin slyly and proceed to make one. He knew how. He would draw the statute himself and tell his farmers to put the heat on their legislators; and his bill would become a law.

Governor Hogg's laws were strong laws; they had teeth in them, and as they were all designed to correct the wicked habits of foreign corporate management, it was not long until he was being assailed by men of high finance in all parts of the United States. He was, these men said, a demagogue, an anarchist, and an enemy of capital and enterprise who was out to destroy the rights of private ownership. Consequently, when he ran for office a second time, the effort to defeat him was almost national in character. The money interests from everywhere threw in their weight against him, thus making the campaign of 1892 the hottest Texas had ever known. And again Hogg won. With the farmers supporting him he had never doubted that he would win. "You may turn the entire city vote against me," he said, "and I may lose every city in the state but I will carry the country vote and be elected." * He was. The farmers sent Jim Hogg, their man, back to Austin for a second term, thereby giving him the opportunity to complete for himself one of the most splendid individual legislative monuments in existence in this country. Very few men have achieved anything like it. Against tremendous opposition he set a pattern for the control of corporations that within a few years was to be followed, almost to the letter, by the national

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* *Ibid.*

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government, and by so doing he not only corrected the mistakes of the many Texas governors who had preceded him but also provided those to come with a firm foundation upon which they could continue to build. Some of them have used it, and some haven't, but in any event, James S. Hogg stands head and shoulders above any of them as a great reformer and the best governor Texas has ever had.

At precisely this same time, in 1893, while Governor Hogg was so successfully putting the fear of Texas into the hearts of the corporations, along came another great reformer to put the fear of the Lord into the souls of the people. This man's name was Sam Jones; as a reclaimed drunkard who had turned evangelist he was easily Satan's number one enemy on this continent, and therefore when word reached Dallas that he would shortly show up in that city, for the purpose of spreading purification a foot thick all over it, two very definite reactions were created. The professional sinners trembled in their boots, as they thought of the wrath to come, whereas the professional Christians, complacent in their faith in themselves, at once got very busy and erected a special tabernacle in which the Reverend Mr. Jones was to do his preaching when he arrived. Finally he did arrive and what happened? Nothing. In startling contrast to the receptions accorded Ben Thompson on several occasions by the people of Austin, the good people of Dallas sent only one newspaper reporter to the station to greet the great evangelist who had come to their town to save them. Such lack of politeness on the part of the pious folks of the great Texas metropolis, however, does not seem to have worried Mr. Jones even a little bit. What did worry him, though, was their lack of Christian virtue. In his opinion they didn't possess even a plugged nickel's worth of it, and therefore, according to the stories in the Dallas newspapers which made headline stuff of it, during the entire time Mr. Jones was in their city he worked on only one theme. Not once did he inflate the egos of the nice citizens of Dallas by breathing words of fiery condemnation against men who openly sold honest whisky or against girls who openly sold themselves. By inference these unfortunates to whom sin was a livelihood were not nearly so wicked as the church members who condoned the vice traffic and profited by it. Hence it was upon their heads that he uncorked the vials of his wrath. Nor did he overlook the preachers.

"If I had been preaching on the banks of the Trinity for six months," he said to the ministers in his congregation, "and hadn't

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caught any more fish than you fellows have in Dallas I'd change my bait or hunt up another hole. And what you've caught ain't any good anyhow. Listen to that church member over yonder talking about going to heaven when he knows he ain't living right! He's just a fool. If all the church members in this town get to heaven the real people up there will have to sleep with their britches under their pillows to keep from getting robbed.

"And settin' over there," Mr. Jones went relentlessly on, "there's another one. Another old no-count member of the church who thinks when he dies the angels will come for his soul and yank it straight to heaven. Huh! Goin' across the river to rest, he thinks he is. His idea of heaven is an old slick stump that he can sit on, and spit.

"And take your old sister members. Why, the other day one of 'em says to me: 'Brother Jones, I take a little whisky for my digestion. Is that sinful?' 'Whisky,' I answered, 'is a good thing in its place and its place is hell, and if I wanted to go to hell I'd go sober.' "

It was when Sam was talking about the Dallas society women—not the girls in the red-light district—that he really spread himself. "Too nice to come and hear me preach, they are," he shouted. "I'm too vulgar for 'em. When a woman is vulgar enough to cut her dresses low-necked she's not liable to get shocked at anything I say. I'm down on the whole business. Women ought to be leaders of modesty. Take the average society woman and scan her form. It's no more the shape God gave her than if a Chinaman had whittled it out of soft pine. I'm talkin' good hard sense and religion. Take one of these society girls who cares nothing about the Bible but does care a lot for one of these spider-legged dudes and a whirl in a ballroom. She touches the law of God at about the same altitude that a pig does rooting his snout in a trough full of buttermilk. She gets married and what happens? She gets a husband but her man doesn't get a wife, and when he dies the only person who'll regret his death will be the poor sap who marries his widow."

It was in this way that revival religion as the forerunner of moral reform made its grand entry into Texas. It was a diplomatic entry. For the Reverend Sam, and for other sin-killers who came after him for the next decade, to condemn erring members of the church for giving card parties, or taking solace from their jugs in the seclusion of their smokehouses, was very easy and very diverting to their congregations. They could do these things and get away with them

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but had they launched their attacks against Beelzebub's really active agents, the men and women who ran saloons, gambling houses, brothels, and dance halls, and who therefore kept rents at a high level and money in circulation, it would have been a tactical blunder of the first magnitude. In other words it was all right with the businessmen for the evangelists to reform the morals, if any, of those who already recognized the authority of the Lord, but for them to have interfered with sin as an entrenched and basic industry would have made them and all their works, at this particular time in Texas, very unpopular.

All over the state the situation was essentially the same. From far back in the days of the Republic Texas had been universally looked upon as a land wherein men could bet, drink, and love higher, harder, and oftener than anywhere else in America. This reputation was an asset not to be sneezed at. The state and all the towns in it were growing rapidly, and although the old-timers, by the middle of the gay nineties, were pretty well fed up on dissipation, the majority of the incoming homeseekers, most of whom were strong, virile young bachelors, were not so satiated. What these boys wanted, in addition to the opportunity to make money, was the right to enjoy forms of relaxation entirely unlike those they had been used to in the Christianized regions east of the Mississippi River. When they reached Texas they would have felt cheated if they hadn't been able to slip off the bridle, step out, and kick high. Most of them did this, and never did the Lone Star businessmen of this splendid epoch point out to these innocents the error of their ways. On the contrary, the sinners within their gates were of so much value that until the turn of the century there was hardly a fair-sized town in Texas that didn't honor its card sharps and saloonkeepers by always electing one or more of them to its city council. This was, of course, an open admission by hardheaded businessmen that commercialized vice was actually worth something, but, even in Texas, the condition was one that could not endure indefinitely.

Eventually—and everyone knew this, including the sinners themselves—the day must come when the glittering strongholds of vice, through whose potent influence so many good citizens had been attracted to the state, must be swept out of *visible* existence. That day finally came, but when it did, much to their sorrow, it was not the professional reformers who wielded the broom. Unlike the war on the corporations, the war on vice was not waged over the entire

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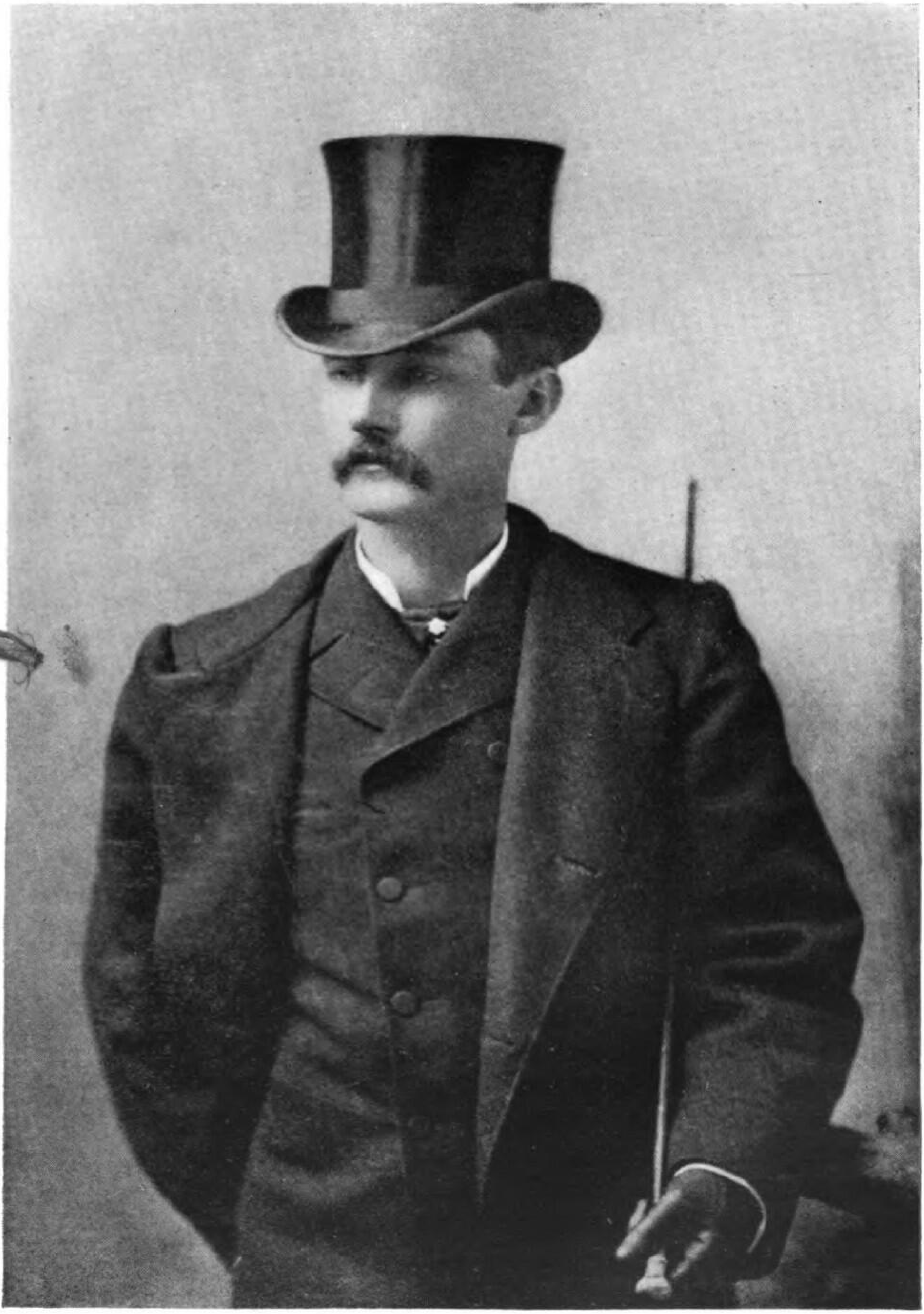
state at one and the same time. It couldn't have been; Texas was too big, conditions in it too varied. So this is what happened, over a period of about fifteen years: The farmers, who were opposed to vice, even though they were not exposed to it except when they went to town, had their docile legislators write laws on the statute books which, if the local businessmen and politicians of the cities chose to enforce them, would enable them to clean up their communities. Therein lay the difficulty. Even to this day the enforcement in Texas of any law that restricts the individual from going to hell in any way he or she sees fit is a very tough job. Forty or fifty years ago it was even tougher, and therefore the closing up of the gambling houses and the saloons and the wiping out of the red-light districts progressed slowly, county by county and city by city. Incidentally, it led to some of the niftiest bits of gun fighting in the history of the state. For example, take the case of Mr. Luke Short, the best dresser, the best gambler, and the best shot in Fort Worth.

How Mr. Short managed to achieve so much eminence in so many directions is worth recording. By the time he was twenty-two, although he had neglected to learn to read and write, he had accumulated a nest egg of about $60,000 through peddling Pine Top whisky to Kansas and Nebraska Indians. With this stake, plus six nicks on his gun butt (representing customers who had reacted belligerently to the tonic he had sold them), he went to Leadville, Colorado, to become a gambler. He became a good one, so good that at the tender age of twenty-nine, and with two more notches on his pistol, one in memory of an unknown in Leadville, the other in honor of Mr. Charlie Storms of Tombstone, he appears in the history of Dodge City as the sole owner of the noisiest and most profitable drinking and gambling establishment in the town. But apparently Luke didn't like Dodge. Fundamentally he was a man of peace. His eight victims were not; they had been trouble hunters, and Dodge was full of wicked characters of the same ilk. Since they were constantly inviting him to destroy them, he was only too glad, when the opportunity offered, to sell out his business at a high figure and move to Fort Worth. There he opened the White Elephant, the finest and fanciest resort in the town.

From the day of its grand opening the White Elephant was a money maker. The affability of its proprietor and the character of its service guaranteed its success. At Luke's bar his patrons could



LUKE SHORT, best dresser, best shot, and best gambler in Fort Worth in the early eighties.

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get anything that could be had at any other bar in America. "But nary a drop," was his order to his bartenders, "to a kid or to a man who can't tote it." Luke Short was the same about gambling. He tolerated no crooked cards, no phony faro boxes, no brakes on roulette wheels, no one-way dice. Yet if some stranger, from New York maybe, drifted in with a plethoric bankroll in his pocket and the urge for a big game in his soul, all he had to do was to ask for Mr. Short and he would be instantly accommodated. Luke would come a-runnin'; the bridle would be yanked off; the stars would become the limit. And somebody would take a hell of a lickin'. But no matter which way it went it would be a square lickin'.

Thus the gambling in the White Elephant was clean gambling; the drinking was clean drinking. Then, about 1888, along came local Reform with an edict against all games of chance. Luke was about to obey the edict and close up, when suddenly it occurred to him that Reform might be what we today call a racket. He had better wait and see what his competitors would do. He soon found out. Instead of running with wide open doors they ran behind closed ones. Naturally, so did Luke.

It was not long before Luke found out he had been right on his first guess. The chief perquisite of Reform in Fort Worth was blackmail. Every gambling-house proprietor in the town, except one, was being shaken down; Luke Short was that one. "Get the hell out-a here," he told the pay-off man. "Not a cent of my money sweetens the kitty for them crooks. I'm a gambler but I'm no crook. They are; tell 'em Luke Short said so. Git!"

Now at that time the chief collector for the Fort Worth purity league was an assassin by the name of Courtright. "I kill 'em for cash" was his profession, and he was good at it. For several years in the mining camps and cow country adjacent to El Paso, he had bumped off, at so much per head, perhaps a dozen unarmed claim jumpers and unoffending nesters. In that section he was rated as a cheap murderer. For the intimidation of the gamblers, not many of whom were fighters, anyhow, this thug was exactly the kind of man the Fort Worth reformers needed in their shake-down game. He even thought so himself. On the day after Luke sent his message to the "crooks," he appeared in front of the White Elephant and began to boast to a curbstone audience about what he was going to do to its proprietor. As this kind of news travels fast, Luke Short was quickly told of his approaching doom. He stepped outside to meet it.

Courtright saw him and blustered: "Don't you draw a gun on me."

Luke laughed. "I haven't got one," he said. "Look!" And as it was then the fashion in Fort Worth for men to carry their pistols stuck in the front of their pants, he pulled up his vest to show that he was unarmed. Instantly Courtright, who preferred his victims served him that way, pulled his own gun. Thus Mr. Short was forced to materialize a weapon from nowhere and shoot his thumb off. But that wasn't enough; Courtright switched his pistol to his other hand. Then Luke had to finish him. It was so neat and constructive a job, so fitting a capstone to his career that Mr. Short returned his pistol to his hip pocket, where he had always carried it, and never again pulled a trigger. There was no need. He was never again molested by the reformers; after just one lesson, they were content to allow him to run his business to suit himself. He did so, for four more years, and then he died, at the age of thirty-nine, in bed, in peace and with not a scar on his body.

In several other Texas towns, with El Paso probably at the top of the list, the reform movement promoted considerable bloodshed. Yet the inevitable finally happened; by about 1910, as near as anyone can figure it, the entire state had assumed what was to its businessmen a satisfying appearance of piety. It was only an appearance; all it meant was that the bad girls, having been forced to move off the "line," had moved into cheap hotels and rooming houses; that liquor was sold by bootleggers instead of bartenders; and that gambling had transferred itself to a hideout either in the cellar or upstairs. Nevertheless, it all represented progress. Dallas, Houston, San Antonio, and Austin were soon able to point with as much pride to their churches, their "Y's," and their recreational parks as they had formerly done to their saloons, their gambling halls, and their reservations. They all began to look very smug and express themselves as well pleased with their accomplishments.

For the sixteen years between 1895, when Governor Hogg went out of office, and 1911, the people of Texas were too busy plowing up a few additional million acres of land, building highways and high buildings, and losing their minds about oil which had been struck at Beaumont, to pay much attention to the behavior of the four governors who served them during that period. Their behavior, however, didn't demand much attention. The only outstanding event, for example, of Charley Culberson's administration was when the "young Christian Governor," to prevent Bob Fitzsimmons and Peter Maher from battling for the heavyweight championship at El Paso, called a special session of the legislature and had it enact a law making prize fighting a felony in Texas. For this splendid achievement—although the fight came off anyhow and Fitzsimmons won it—the Texans exiled Mr. Culberson to the United States Senate, where he made so excellent a record that they kept him there for twenty-four years.

After Culberson came Joseph D. Sayres, during whose administration the only interesting happenings, in addition to the spending of a million and a half on education, the enlargement of the penitentiary, and the transfer of twelve hundred lunatics from county jails to asylums, were a flood in the Brazos Bottom, a drought elsewhere, and the arrival from Mexico of the pink boll worm, which so enjoyed Texas cotton that it ate up the entire crop in several sections of the state. Nevertheless, Texas prospered, and for the next four years, from 1903 to 1907, under Governor Sam Lanham, it continued to prosper, although the Governor himself, who didn't like his job, doesn't seem to have had anything to do with it.

"I made a great mistake," he said, "when I became Governor of Texas. I was very happy for years and years serving the people of my district as their congressional representative. Then I became Governor. Office seekers, pardon seekers, and concession seekers have overwhelmed me. They have broken my health, and when a man finds his health gone his spirit is gone also. Yes, I could have remained in Washington until death called me. Now I shall return to my Weatherford home. My office-holding days are over." *

The next forgotten man to sit in the executive office in the huge, red granite State House in Austin, which, incidentally, had been paid for years earlier with three million acres of Texas land in place of cash, was Thomas M. Campbell. During his four years, which represented the calm before the storm, Texas was so quiet that the only thing he is remembered for is that he procured the passage of a law, universally ignored by speculators, forbidding gambling in futures and bucket-shop transactions.

Campbell passed on; he had had a hard time keping himself awake as governor, and then to succeed him in 1910 came Oscar B. Colquitt and the volcano. It was an inevitable eruption brought on by the

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* De Shields, *They Sat in High Places.*

entry of the professional reformers into politics, with the quarrel, of course, being about liquor. Now liquor, no matter whether it is dispensed in barrooms, peddled by bootleggers, or discussed by preachers, always has had an exhilarating effect upon the Texans, and as it was handled from all three sources during Colquitt's campaign the total effect was something terrific. Candidate Colquitt, however, was in no way dismayed by the fight that lay ahead of him. The drys, under the leadership of a coalition of temperance organizations, crusading women, and fanatical ministers, were again trying to bring about state-wide prohibition, and would probably have done it if they had had a weakling or an appeaser to deal with. But Oscar Colquitt was neither. Despite the fact that he wore white lawn cravats, like an undertaker, he turned out to be one of the niftiest fence builders and smoothest politicians that ever ran for office in Texas. Avoiding the cities, wherein lurked the corruption money of the reformers, he headed for the creek bottoms and the cow camps. From there he spread the word that he favored the continuation of local option in Texas. That single announcement, and Colquitt knew it, was enough to gain for him the support of all the bootleggers in the state and of all their customers; so from the outset of his campaign he felt sure that he had with him the overwhelming majority of the voters. But his opponents were not so sure of it, and therefore, clinging to the forlorn hope—and it's still forlorn—that Texas would outlaw alcohol, they attacked Colquitt with more venom and damnation than had ever before been hurled at any candidate in the state. It availed them nothing, as the thirst of Texas again triumphed over its virtue by a very large and satisfactory number of votes.

Following this victory over the reformers, Governor Colquitt had easy going clear through to the end of his second term. Easy, that is, except for a couple of minor conflicts that the women folks dragged him into. The first of these was a row with the Daughters of the Confederacy, who demanded office space, rent free, in the Capitol and didn't get it. The other, of equal importance, was a head-on collision with the Daughters of the Republic of Texas, as to who should be guardian of the battlefield shrines in the state. Who won in this conflict is not recorded, but what of it? What difference did it make who stood watch over the ancient glories of a dubious republic that had already been dead for three-quarters of a century? After the comparative serenity of the Colquitt regime, suddenly, to succeed him and restore Texas to its former eminence as an astonishing country in which anything could be expected to happen, along came Jim Ferguson.

In 1914 if there was any man in Texas who knew the exact meaning of the phrase practical politics, it was Mr. James E. Ferguson. His record proves it. He was elected governor; he was re-elected; he was impeached and barred from ever again holding public office in the state. But this didn't discourage him. He held it anyhow, by persuading his wife to run for him, twice electing her, and thus for two additional terms, by virtue of her inaugural oath, presiding over Texas as its irresponsible, unaccountable proxy-governor. This is unique; there is nothing else like it in the annals of American politics, and as Jim's success, under the trade name of Fergusonism, was responsible for providing Texas for the next twenty-two years with the most inexplicable line of governors that it has ever had, the whole question must be looked into.

Just why lawyer James E. Ferguson, forty-three years old and already the owner of a bank, an abstract company, a good farm, a dutiful wife, and a large breeding ranch, should have wanted to add the rest of Texas to his list of possessions has never been officially explained. But he did, and so, early in 1914, without consulting anyone, he assembled himself in a one-man convention, addressed the meeting on the subject of his own merits, and unanimously adopted the following resolution:

"Whereas, I, James E. Ferguson, am as well qualified to be Governor of Texas as any damn man in it; and, Whereas, I am against prohibition and always will be; and, Whereas, I am in favor of a square deal for tenant farmers: Therefore Be It Resolved that I will be elected."

That was all there was to it. On that simple platform, and without the backing of any group, or even of a single really prominent citizen, "Farmer Jim," as he now labeled himself, set out to win the democratic nomination from Colonel Thomas H. Ball, a seasoned campaigner whose war cry was that he would drive the brewers, the bartenders, the bootleggers, and all their customers clear out of the state. And Farmer Jim won! How? It was quite simple. Following the examples of both Hogg and Colquitt he headed for the country districts where, as a suspender-snapping, tobacco-chewing son of the soil, he made but two promises. "If I am elected," he said, for the benefit of the Texas Liquor Dealers' Association, "I will veto any bill that has to do with the liquor business no matter from what source it comes." And then for the comfort of the tenant farmers he asserted that he would procure the passage of a bill limiting the landlord's share of the crop to one-fourth of the cotton and one-third of the grain. These two pledges were enough; backed by the farmers, who didn't know that the promise in their behalf was impossible of fulfillment, because such a law would be entirely unconstitutional, and by the beer and whisky people, who were ready to spend any amount of cash to send the political preachers back to their pulpits, Farmer Jim beat Colonel Ball out of the Democratic nomination by 65,000 votes, and then in the general election snowed his Republican opponent so completely under that that gentleman's name is today entirely forgotten. Following his victory, in January, 1915, came the inauguration. It defies comparison. Standing on the platform and gazing out over the vast sea of upturned, sunburned farmers' faces before him, Jim Ferguson said, in a voice choked with emotion but ringing with truth:

If you love me as I love you
No knife can cut our love in two.

This is a fact, and with that lowly utterance on his lips the new governor took over a job that was for the first two years, as he put it, "not just one damn thing after another but one damn thing all the time." Job seekers, pardon seekers, contract seekers, and a small-sized revolution down in the Free State of Hidalgo probably did take up a large part of Governor Jim's time but not so much as to prevent him from carrying out his two campaign promises. By repeating his threat to veto any liquor legislation that might be passed he prevented any from even being offered, thus keeping the brewers intact behind him, and did the same thing with the farmers by securing for them the passage of their bill. That the Supreme Court at once knocked it over, as Jim had known it would, made no difference. The farmers stuck to him anyhow, with the result that when he ran again, in 1916, he was again handsomely victorious.

It was right at the beginning of Governor Jim's second term that the shooting started and that the martyrdom of impeachment was thrust upon him. It was a great show. Early in 1917 the Governor, who had always told his creek-bottom followers that he believed in spending more money on red schoolhouses for their kids, than on the University for the youngsters of the high-toned rich folks, vetoed the University Appropriation Bill and with the veto sent in a message that was a real sizzler. The President of the University, said Governor Jim, should be fired because he was a sectarian minister; other members of the faculty were liars and crooks; others were mere payroll padders, while yet others . . . But that was enough. This was fighting talk, and with real fighting fervor the students of the University walked into the battle. They didn't care what kind of weapons they used either. They mobbed the Governor both in his office and in the seclusion of his home in the Mansion; they jeered him, they made faces at him, and thus in a general way let him know that although the politicians of Texas might be willing to overlook some of his antics they were not. They had their suspicions and, by heck, they were going to find out about them. They did. They raised such a howl that they finally forced an investigation, in the course of which many interesting facts were developed. For example, and to cite only one, it was shown that Governor Jim, having got himself into a financial tangle, had loaned himself practically all the money in his bank at Temple, and that thereafter he had applied to the breweries for aid. They had responded nobly, with $156,000 in currency, $30,000 of which lay unguarded for weeks in a drawer in a wooden desk in the Capitol. This had a decidedly shady look. So did ten other charges on which he was found guilty by the Senate. On September 24, 1917, he was pitched headlong out of office and forever disqualified from holding any office of honor or profit under the State of Texas. The momentous happenings of World War I, into which Texas had agreed to enter along with the rest of the United States, somewhat dimmed his passing, but thus it was that Governor Ferguson moved for the time being out of the picture.

22. *War, Liquor, Oil, Politics*

FROM the shooting angle World War I didn't amount to a great deal to the soldiers from Texas. "Hell," drawled one of them over in France in 1918, "this kind o' fightin's just a relaxation to me; I'm from San Angelo." Back on that boy's home front, though, it was very different; there was no relaxation there, because for the first time in their lives the Texans had a market for everything they could produce and they didn't have to go after it. It came after them, they fed it, and the result was bigger than Texas had ever hoped for. Every farmer in the state expanded his acreage; every stockman expanded his smile; every industry increased its capacity. Out of the state went trainload after trainload, shipload after shipload of all kinds of commodities, while back into it rolled carload after carload of cash . . . and what could the Texans do with all that money? The Texans are not thrifty folks; they are spenders, as shown by the dressing habits of the men, who still lean, as they used to back in the days of Dodge City, to boots at forty dollars a pair and hats at twenty a head. But even so they couldn't, with so much of it to handle, solve the problem of how to keep their money in circulation. It worried them; they prayed over it, and their prayers were answered, temporarily anyhow, when along came national prohibition. This was indeed an event. In no state in the Union was the great reform movement welcomed so enthusiastically as in Texas. There was a sound reason for this. Under home rule the state had been partially dry; under national rule it became wholly wet. Bootleggers were now everywhere; liquor was worse and higher priced than it ever had been, but as its illegality made it taste better, and as there was plenty of it, even the Dallas deacons gave thanks to the Most High for having provided them with a way in which they could get rid of their surplus money. They certainly did it; they enjoyed themselves; they had a perfectly grand time. In all circles of society they drank toasts, thousands of toasts, in the vilest whisky imaginable, to their grand old Senator, Morris Sheppard, who had achieved the miracle of restoring their state to its former condition of perpetual alcoholic happiness. Suddenly, however, and just when the Texans had practically struck a balance between their drinking capacity and their buying capacity, and were all contented again, a second great disaster befell them and their joy evaporated. It was terrible. They struck oil; they struck it in four or five places at about the same time, so that once more a flood of money poured in and inundated the Texans. And once again what could they do about it? They were stumped, but as is everywhere well remembered they put up an heroic struggle. By turning every hotel room into a barroom and every bellhop into a bootlegger they did their damnedest to dispose of their incomes. But they couldn't make it; their greatest efforts were of no avail, and a deep melancholy was already settling down over the entire state when some genius, to whom a monument should be erected, happened to remember that gambling, especially in bucketshops, was against the law in Texas and hence would automatically be popular with the people. The one idea was enough. The genius opened a "stock exchange" for handling oil stocks; hundreds of other men immediately did likewise; dozens of printing presses were put on overtime work turning out stock certificates, all to the end that the Texans had no further cause to worry about their money. They could now gamble with it, and they did. Not even in the gaudiest of the good old days had so many eminent Texans openly and brazenly bucked the tiger. Naturally, though, they had another name for it. They called it oil promotion, and under that dignified alias fine, upright gentlemen, who would have been shocked beyond words at the mere thought of "settin' in" at an honest poker, or roulette, or monte game, gladly joined hands with one another in putting over on an excited public swindles so rank that even the crookedest of the old tinhorns would have been ashamed to have fathered them.

These good men operated all over the state. No pocketbook was immune to their efforts, and no section safe, as indicated by just one case: that of a pious lawyer whose home town was located at least four hundred miles from the nearest oil well. But it did have a stock exchange, and as everybody, from schoolteachers to bank presidents, gambled on it, the devout lawyer hatched out an idea for himself and executed it. He leased a lone acre of land in Eastland County where oil had been struck, divided it into quarters, and, with just one of those quarters as a basis, organized a local oil company for the exclusive benefit of the home folks, and began to sell stock. As he was very prominent, this was easy, and as it was also easy for him to sell off one of his other quarter acres for a fat sum and use part of that cash to pay small dividends to his first stock purchasers, he established a local reputation as a successful oil operator. He hadn't ever drilled a well, but he soon would. That's what he said; so, when he organized a second company much larger than his first, and put its stock on the market, he was able to sell it almost as rapidly as he could get it printed. He then disappeared, and along with him went about a half a million dollars belonging to the home folks. But the home folks put up not one word of complaint about what had happened to them. Nowhere did anybody complain. For more than two years, with Texas on a grand boom, the Texans, on a grand gambling spree, put at least ten times as much money into oil promotion as they could ever reasonably have expected, at that time, to get out of actual oil, but who cared? They didn't. They are real sports. Having asked for it, and having got it, the Texans have long since pocketed the enormous losses they suffered between 1919 and 1923 and forgotten all about it.

The oil business of that period, however, was not all a loss to Texas. Where real oil was produced, and where honest promotion was indulged in, it was an amazing success, as the story of what happened to the State University clearly illustrates. This is a bit of history that should not be forgotten because God seems to have had something to do with it.

For as far back as its history went the University of Texas had been land poor. At its birth the Fathers of the Republic, having no cash but plenty of acres, had endowed their national seat of learning with immense tracts of grassy prairie land up in the Panhandle. Never having heard of oil, though, they had hampered the University by writing into the deed of gift the queer stipulation that for the erection of buildings and the making of permanent improvements it could use only the interest from a sinking fund which would accumulate from renting out its lands for grazing purposes. Nor could the University sell any of its land.

Thus from the days of the Republic clear on up to the year of which we are now writing, 1923, the poor old college, although it owned millions of acres of land, had had to live upon the pennies which it could wring from the taxpayers, a great many of whom were "agin" higher education. Consequently, in place of looking like a first-class college the University of Texas looked like a second-rate dairy farm. From the center of the enormous campus there arose one rather pretentious building, around which, radiating in all directions, were numerous wooden shacks, like those used for barracks in war cantonments, in which 5,500 students were seeking knowledge. They were finding it, too, because despite its dilapidated appearance the University of Texas was a fine school: a school upon which Luck was about to shower down with a lavish hand.

In 1916 a very intelligent gentleman wrote a letter to the University Board of Regents in which he discussed in a learned way the possibility of finding certain minerals on some of the university lands. He was not interested in oil. He didn't even mention it, in fact, except by indirectly referring, by volume, number, and page, to two or three geological reports that had been made by somebody some years before. That was all there was to that. The Regents of 1916 entirely ignored the man's letter, and so did everyone else, until, in 1922, the original communication in some way fell into the hands of an El Paso dry-goods merchant, a fine man who for years had been in the habit of giving away free coal to the poor every winter. This man read the letter, studied the geological reports referred to, and for some unaccountable reason, because it's a long jump from a dry-goods counter to an oil field, became deeply interested. He investigated; he talked with geologists, and having finally induced a few friends to join with him in a rather small venture, he negotiated a lease with the University for its lands in Reagan County.

As soon as this lease was signed, this man, whose name was Haymon Krupp, went to work. He hired high-priced oil experts to survey the field and locate a place for him to drill a well. After that had been done he still had to raise the money with which to do the actual drilling. Oil drilling is expensive, money raising for a legitimate proposition was slow, and hence the date on which Krupp's lease would automatically expire for failure to begin work was already dangerously near when he finally took the road with three trucks loaded with drilling equipment and started for his location, which was many, many miles from a railroad.

And this is where God intervened! When Krupp was still a good many miles from his precious stake, which had cost him several thousand dollars to have driven in the ground, and when he had only two days left in which to begin work and prevent forfeiture of his lease, one of his trucks broke completely down and—there he was! In the circumstances there was but one thing he could do. He could save his lease by drilling exactly where he was. So, with Providence, not the geologists, having selected his site for him, he set up his rig and went to work. This was in March. On June 4, 1923, in the middle of a vast area of loneliness where there wasn't even a sheepherder's shack within twenty miles, Mr. Krupp experienced the thrill that came with having a 10,000-barrel gusher knock the top clear off his derrick. In the nature of it this was a very sudden event; and with almost equal suddenness, out there in the open prairie, up popped the oil town of Texon; around it rose a dozen more derricks and down went a dozen more drills, all operating on land owned by the University of Texas, which would get one-eighth of all the oil the wells produced. And they produced it! Within less than eighteen months the University's income from the lands wished on it by the founders of the Republic had jumped from less than $1,000 a month to more than $2,000 a day! But this was only a small part of it. All of this income was being derived from only 2,000 acres of land; the University owned more than 2,000,000 acres. When it was all prospected and developed what would the answer be? Apparently the old land-poor college was on the way to becoming one of the richest educational institutions on earth. For this reason, in 1924, the politicians of Texas began to take a deep and abiding interest in it. But was it an educational interest? Later on we will look into that.

For the seven years following Jim Ferguson's ejection from office, politics in Texas had been more of an amusement feature than anything else. The people had elected two governors, but who were they? Unless the election records are consulted, because their deeds built no monuments for them, no one remembers that the Honorable W. P. Hobby served as chief executive of the great Lone Star Commonwealth from 1917 to 1921, and that, following him, and still in office at the time of which we are writing, came Professor Pat Neff, a pedagogue, who became governor only to satisfy an ambition that he had cherished since childhood. In contrast with the obscurity enjoyed by these gentlemen, Mr. James E. Ferguson had managed to keep himself perpetually in the limelight. Despite his impeachment he had been perpetually running for office. He had again run for governor and been defeated; he had run for the United States Senate and been defeated, and, as the candidate of the American Party, which he organized, he had even run for the presidency of the United States and had been defeated. None of his defeats, though, had left a bad taste in his mouth. In each of his campaigns he had polled better than 220,000 votes, and that meant something. It meant that he had a bigger, ready-made following than any other man in the state, and so, although there was considerable doubt as to whether he could serve if elected, he decided that he would again run for governor in 1924. But this time he was headed off before he even got started. At the behest of the politicians, who lived in daily fear of him, the Supreme Court issued an injunction forbidding any political party from carrying the name of James E. Ferguson on its ballot.

And that settled it. As a candidate Jim Ferguson was now forever dead, and ... but, as no one had been able to foresee that a baggage truck would be standing at the Lometa station for Jim to sit and ponder on, that was a premature conclusion. It was on that truck that Ma Ferguson as a political personage was suddenly born. Jim had just come from delivering a speech at a county fair where the reception accorded him had been so warm, and he was still feeling so good about it, that all of a sudden he said to his companion, T. H. McGregor—with the seismograph at Columbia University recording the upheaval—"Mac, what would you think about my wife runnin' for governor?"

"It could be done," replied McGregor. "I've heard of a man running a grocery store in his wife's name; so why not run Texas that way?"

Jim said no more; he just thought, and shortly afterward not only Texas but practically the entire nation broke out in a broad grin when Ma Ferguson came out with the announcement of her campaign for the vindication of her husband.

There were six candidates that year for the Democratic nomination. Five of them were fighting each other but none were fighting Ma because none took her seriously. She fooled them. With Jim's 220,000 followers voting solidly for her she came in second and was therefore matched for the final heat against Judge Felix Robertson. The big issue in the race quickly came out. It was the Ku Klux Klan, and as Judge Robertson, from sheet to pillowcase, was the Klan candidate, the situation was a ready-made one for a man of Jim Ferguson's linguistic ability. He went after his wife's opponent with all the vocabulary there was in him. Standing shoulder to shoulder with him, urging the voters to send Ma to the Mansion, was that glorious and vociferous young crusader, Mr. Dan Moody! Together these two men, closer than brothers, turned the trick for Ma, who in January, 1925, was duly inaugurated as governor of Texas.

Not since the funeral of Ben Thompson had the city of Austin seen anything like the inauguration of Mrs. Ferguson. And not since those bygone, hilarious times had so many drunks wandered waveringly along its broad Avenue, or so many gun-toters stalked its streets. Unfortunately, this was not an indication that with Ma's election the dead glories of its splendid past were being returned to Texas. It was the exact reverse. The drunkards were prohibition drunkards, who purchased their nectar from the bellhops, many of whom, it is stated on good authority, were able to retire at the end of the week of celebration. But who were the six-shooter men? As a native Texan this writer shrinks from answering the question. But he must do it; he must admit, *sic transit gloria mundi*, that those men dressed in big white hats, and giddy shirts, and cute little cutaway jackets, and, of all things, embroidered boots, represented the remnants of that once glorious body of fighters known as the Texas Rangers. And what were they doing? The reply is indeed horrifying; they were going around slapping the boys on the hips and the girls on their bustles to see if they were doing any flask toting! It was such a disgrace to Texas traditions, such an open insult to the memory of men who had fought Indians, and hung horse thieves, and destroyed bad men that when the shocked *New York Times* heard about it, it sent a correspondent to Austin with orders to investigate the situation and wire in a three-thousand-word story about it. The man did so: In his report he wept copiously over the remains of the once famous Texas Ranger force, and then, because the entire nation was interested in Ma's election and Pa's vindication, he sent in a story about that also. In this story he ventured the prophecy that during Ma's reign no one would be allowed to steal the gold-plated figure of Justice from atop the dome of the State House and sell it for junk. And no one did steal it, but perhaps no one thought of it.

Ma Ferguson's inauguration speech was a good one because it was so simple. In it she said that what Texas needed was a long pull, a strong pull, and a pull all together. She said it, and this writer heard her, in a way that was remarkable only for its directness, in a way that any woman would say it who after many years as a wife and mother found herself called upon to turn away from the pleasures of a home to take up a role on the outskirts of the intricate mysteries of Texas politics. For that was all her government would amount to. Having unbounded faith in Pa, and an unshaken confidence in his ability to vindicate himself, she was willing to occupy an unpleasant position in the public eye in order that he might have his great opportunity. It was a fine thing for Mrs. Ferguson to have done, and she is admired and respected for it. But what about Pa, how did he respond, how did he proceed to vindicate himself? We shall soon see about that.

Ma's term opened both auspiciously and inauspiciously. A friendly legislature immediately passed an amnesty bill restoring Pa to his full rights as a citizen of Texas, while almost concurrently the friends of the University introduced a bill calculated to give that institution the right to spend its current income, which was now becoming rather unwieldy, in any way it wanted to. Instantly an uproar arose.

Living in the wide sweeps of the *Llano Estacado*, and in the central and southern farming sections, were many Texans; Jim's 220,000 regulars they were, who couldn't see that a knowledge of classical English, organic chemistry, or higher mathematics would be of any use to folks who were only interested in raising corn, cotton, and cattle. Consequently, from these precincts there came a long, loud, and sustained wail of protest. But it was in the legislature itself that the spectacle was really disgusting. Old Oxcart John Ireland would have been delighted with it. In both the Texas Senate and the Texas House many of the lawmakers rose right up on their hind legs and, shouting that their people didn't want any such dern foolishness as higher larnin' in their families, launched such a bitter fight on the University that even after the bill had passed, and they had been defeated, they wouldn't give up. But why should they give up? Jim hated the University for having had him impeached; so all that was now necessary was to have him instruct Ma to veto the bill and that would settle it. Ma fooled them, though; she fooled them all, even Dan Moody, who, as her attorney general, showed his coalition with the gang as well as his friendship for the University by turning in an opinion in which he stated that it would be illegal for it to spend its own money for its own better-ment. Ma laughed at him; Dan's opinion, in her opinion, was no good anyhow. Besides, she added, as she signed the bill, she was tired of looking at a campus covered with a lot of sway-backed, broken-down hay barns when it ought to be the site of a lot of fine college buildings.

Thus when to an act of God, which caused a truck to break down at an appointed spot, is added Ma's act of rebellion, which caused her to disagree with the Texas politicians, the total result is that the University of Texas is today one of the wealthiest, most progressive, and finest colleges in America.

After the University squabble, in which Jim took his licking and said nothing, all was quiet on the Texas political front until his paper, *The Ferguson Forum*, began to carry a good deal of advertising paid for by highway contractors. An investigation which someone set on foot showed that this advertising was not so much solicited as commandeered by the *Forum's* agent, who would simply notify the contractors that they had better call on him in his room at the hotel. This had the appearance of evil but nothing came of it until one of the "highwaymen" who had secured a contract started in to do his work with machinery bearing the insignia of the state.

That was too much. Public confidence in Pa hadn't ever been any too strong anyhow, and now everybody got excited. Everybody, that is, except Jim, who remained very calm and politely told the curious people who wanted to inspect the records of the Highway Department to get the hell out of there, and to stay out. But they didn't; with the aid of Attorney General Moody, a bit sore at Ma probably for what she had said about his legal opinions, the records were at last investigated, with the result that a number of shady contracts were immediately cancelled, while more than a million dollars which had already been siphoned out of the treasury was poured back into it. How much of this wholesale robbery was going on? No one knew. All through Ma's two years in office it was the same way. If Pa wasn't being accused of doing one thing he was being accused of doing another: of selling pardons, of selling jobs, of shaking down contractors, and even of hiring out the state convicts and putting the money in his own pocket. Was he guilty? Who knows? He was never indicted for anything, but when Ma's first term was ended and he put her forward again as a candidate against Dan Moody, who based his campaign on Pa's general record for thievery, she got such a trimming that Jim Ferguson's enemies all over the state heaved deep sighs of relief and said he was at last forever through.

Possibly he would have been if throughout the next six years conditions within Texas had undergone any improvement. But they didn't. Having acquired the habit under the tolerant administration of Governor Jim—and, incidentally, the first thing the newly elected legislators did was to repeal the act extending amnesty to him—certain gangs of frisky Texans continued to carry on with just as much plain and fancy grafting as ever before. In one section of the state they even went in for vastly more of it.

Down in Hidalgo County, the Free State of Hidalgo on the lower Rio Grande, a gang of political hijackers, who held office under the leadership of the sheriff by virtue of their six-shooters and who lived in splendid homes that looked like overstuffed country clubs, managed to get away with some thirteen million dollars of the taxpayers' money in less than three years. It was a spectacular piece of graft; nothing that Jim Ferguson had ever done could even begin to compare with it; yet, because it would be "bad publicity for Texas" a correspondent of an Eastern magazine was urged by the highest authorities in Austin not to write an exposure article about it. But he did, the happy result being that after a sensational libel suit against the correspondent and his magazine, which they brought and lost, the frightened gang scattered like a bunch of quail, with the sheriff himself escaping the penitentiary only by dying very suddenly.

But did he really die? Probably yes, although a great many people who knew him well are convinced that he didn't; that he merely killed a Mexican of about his own heft and had him buried in style, in an $800 coffin, while he himself, with an automobile full of money, moved across into Mexico and is still living there. This, of course, is a weird story, typical of the tall tales that can originate on the Texas-Mexico border, but nevertheless, for what it is worth, there is this much to substantiate it. Four years after the sheriff's death, a Texas Ranger offered to take this writer across the Rio Grande and reintroduce him to the presumably deceased officer.

"Come on and go," said the Ranger, "he'll sure be glad to see you again."

"I don't doubt it," I replied, "but for the sake of my health, which is pretty good just now, I reckon maybe I'd better stay right here on this side of the river." Which, after all, was good judgment, because I was the correspondent who wrote up Hidalgo County, and the sheriff, even if he was only a ghost, would probably have shot me on sight and felt justified in doing it.

23. *More Oil.*
War with the United States

THE next thing to happen to Texas came off in a section where time didn't mean much, and neither did politics nor money. It was in that quiet peaceful region around Marshall and Longview and Tyler, where barefooted men, who had never worn shoes in their lives and were agin paving because it burned their feet in the summertime, drove their razorback hogs over dirt roads to market and sauntered casually back home again when they got ready. Occasionally, to the envy of half the countryside and the horror of the other half, an erring brother might buy a pint of corn or a bottle of lemon extract to comfort him on his return journey and arrive well lit. However, in this green and shady land, over which Sam Houston and his hollow-legged followers had once cavorted so gaily, this was about as far as dissipation ever went. It was truly one of the loveliest and most comfortable parts of the state. No one in it ever hurried, no one was really poor, none was really rich; so all were happy. It was a positive kind of happiness enjoyed by an easy-going people who paid little if any attention to what went on in Austin and Dallas, Washington and New York, simply because the doings in those centers of politics and finance and culture had no effect whatever on the course of their quiet lives. And, of course, Austin and Dallas and New York and Washington paid no attention to what these people were doing, never had paid any, and consequently were entirely unprepared for it when something was touched off in the little town of Kilgore, in October, 1930, that blew the economic lid almost completely off of everything there was in the country.

It all came about in the calm and lazy way in which these people of East Texas were in the habit of doing things. For a number of years the old-timers had been saying to one another that there was oil in their country, while for exactly the same number of years the geologists of the major oil companies had been saying that there wasn't. As the geologists, however, were "book-larnin' " fellows, the old-timers, or at least two of them, took no stock in their opinion.

"Oil," said Dad Joiner, "is where you find it, and, generally speakin', Brother Crim, the likeliest place to sink a drill is precisely where these high-priced, horn-rimmed petroleum professors tell you there ain't none. What do you think?"

"Well, Dad," replied Deacon Malcolm Crim, as he shifted his quid and unerringly destroyed a yellow jacket three paces away, "I reckon you're right. Leastways I have noticed that about all these college geologists gets paid for is for makin' mistakes, and right now because they've been recommendin' my land pretty high to me by telling me there ain't no oil under it, derned if I ain't a-goin' to drill it and find out."

"Same here, Brother Crim, same here," answered Dad Joiner. "For ten years these fellows have been condemnin' Joinerville, but I know better. I ain't been a-walkin' over that ground around there for forty years without gettin' the feel of what's under my feet. It's oil; there's oil in that there dirt and I'll get 'er too."

Dad Joiner did get 'er and so did Brother Crim. Slapping down a couple of holes ten miles apart the two old wild catters drove their bits through into a colossal buried reservoir 123,000 acres in extent, and containing, by government calculation, 6,000,000,000 barrels of oil. This was the most tremendous aggregation of potential wealth and potential energy ever discovered on one spot on this planet, and yet it didn't belong to the two men who had found it. Dad Joiner and Deacon Crim didn't own it. Who did then? Nobody.

Under the Texas law oil is fugacious, wild. Like a bird or a trout it belongs to whoever captures it, no matter whose land it underlies, and therefore the immediate result of the discoveries made by the two old doubters was that an open season was declared on the flowing gold and everybody went after it. What had previously happened in Reagan County, or anywhere else in the state, was tame in comparison with what now happened in East Texas.

"When you punch a hole in the ground and oil pops out of it," wrote a Texas editor, "so does Hades. And the more oil the more Hades." East Texas proved that editor's case for him. The petroleum industry, although it had seen much, never saw anything like this. To get at the wealth in that huge underground reservoir derricks went up, drills went down, gushers gushed, oil poured out, money poured in, and Texas went crazy. As an example, look at the little village of Kilgore. Prior to the discovery, Kilgore was a saintly little town, with three hundred people in it and three churches, in which a bootlegger would have starved slowly to death. Six weeks after, though, it was an incorporated Gehenna with a population of four thousand souls divided into two equal groups: one which had come to get oil and rich out of it, and another which had come to get rich in any way possible.

Needless to say, the new town was a very tough town. It was so tough that the Rangers had to be sent for to clean it up. Every church in it, all of which had been broken into and used for all kinds of purposes by wickedly disposed riffraff of both sexes, had to be fumigated and deloused before they could again accommodate their congregations. One of them, with a Ranger dishing out punishment from the altar, and the choir loft housing prisoners, had been transformed for the period of the emergency into a combined courthouse and jail. In half a dozen other small, demoralized villages the same wicked situation prevailed. But not for long.

"This," said Ranger Hickman, as he bent his gun over the head of a bootlegger in Longview, "is going to be one oil field in which there is going to be some law." Captain Hickman was right; in one week he and his company of eight men drove 1,685 undesirables out of the district. The number is highly significant because if just one oil field, in less than two months, could attract so many vultures, it must really be some field. It was. Without doubt it was the largest oil field in the world, although not its size alone gave it its greatest importance. It was its ownership. It belonged to small operators, 90 per cent of them Texans, rather than to the giants of the petroleum industry, who stayed out of it because their geologists, even after a hundred gushers had proved them to be wrong, kept telling their employers that there was no substantial amount of oil there. The field was thus left to the "independents," who in an incredibly short time had drilled so many wells that they were not only producing more oil than the entire world had any use for, but were also setting the scenes for one of the most titanic business wars this country has ever seen. It was a war of Texas against both the United States of America and the major oil companies, and as Texas won it—although not very gloriously—it is a war that should be written about in the history books along with the War for Independence, the War against Mexico, and the war with the Devil.

What made this war interesting and violent from the very outset was that the major oil companies, who owned all the pipe lines, all the tankers, all the tank cars, all the gasoline trucks, and all the filling stations, as well as a great many highly placed public officials, some of whom, of course, lived in Texas, would not buy oil from the independent operators who owned the East Texas oil field. Why should they buy it? They had plenty of oil of their own, much of which was produced abroad from their own wells and brought to this country in their own tankers where it was put safely away in their own storage tanks. Consequently, as far as these big companies were concerned, the independent Texans could take their oil and heat hell with it.

But the Texans were not interested in that kind of proposal. Hell, so they thought, was already hot enough, wherefore they took their oil and with it proceeded to put the heat on the major companies. They made them sizzle, too, and with proper justice because here's what was going on. The major companies were *importing* at least sixty million barrels of oil a year at a cost of about two dollars a barrel. East Texas without trying could produce seven or eight times that much at a cost of thirty cents a barrel, or less, and yet, because the big fellows wouldn't buy from them, the wells of the Texans were all either producing nothing at all, or were running on such a stingy allowable, *imposed on them by their own state oil authority*, that a man who owned potential production of as much as thirty thousand barrels a day didn't have enough cash in his pocket to buy a ticket from Longview to Marshall.

This was a situation that the Texans could not tolerate, especially as it was clear to every one of them that what the major companies were after was, with the aid of some Texas officials, to break all the independents so that they themselves could walk in and buy up the entire East Texas field at their own price. It was a very charitable scheme, but it didn't work. However, the plan of retaliation the Texans devised did work. It began working at Fort Worth. At a meeting in that town attended by independent oil men from Texas, Oklahoma, Louisiana, and New Mexico, one of the Texas delegates got up and, in substance, made the following pithy statement:

"Boys," he said, "we're here to talk about proration. What the big fellows want is proration for us, but so far they haven't said a lot about prorating their own oil that they bring in from foreign countries. Now that's what I'm interested in. I'll go further than that. I'm interested in putting a complete embargo on all foreign oil. Congress has been asked to do that and has refused. Maybe Congress was right, because maybe it would be a violation of treaty obligations. But listen, fellows, Texas, Oklahoma, and the rest of us haven't got any treaty obligations. We have got the right, though, to run things in our own states in our own way and let's do it. Let's pour the oil on the Standard and all the rest of 'em, and then touch it off in this way. We'll ask the President to ask the major companies, in a very polite fashion, to cut their oil imports to not more than sixty million barrels a year—which will allow us to open up a lot of our wells—and then, just to make sure that they won't say no to the suggestion, we'll get busy right away in our own states and mix up a little medicine of our own. It'll be this kind of a dose. We'll just pass laws providing that if any oil company doing business in our states violates an importation agreement, a receiver will be appointed to close it up, sell all its assets within our borders and distribute the proceeds among the stockholders. I guess that'll fetch 'em."

That did fetch 'em. Faced with the possible loss of all their distribution facilities in half a dozen states, including California, knowing that Texas meant business, and without even waiting for the request to come from the President, the major oil companies began wiring to Governor Ross Sterling in Austin, assuring him that they would be only too happy, voluntarily, to agree to curtail oil importations. "Voluntarily, hell!" remarked Governor Alfalfa Bill Murray of Oklahoma when he heard about those messages. "They're afraid not to agree to it; those damn Texans have got 'em scared to death, but anyhow, so we'll not disappoint any of 'em, we'll go right ahead and pass our receivership acts for the benefit of any of 'em who don't want to behave."

So much for the beginning of the great Texas oil war. As so far related it doesn't seem to have created a great deal of disturbance. But it did. For a time, so violent was the opposition to the Railroad Commission's proration order that the entire field, with the State Militia in charge, had been under martial law; and after that, when the end came with the heavyweights knuckling under to Governor Sterling, it almost needed martial law again because of the enthusiasm and hilarity of the celebration that ensued. About that celebration, though, there was something that was almost pathetic. East Texas is that part of Texas, if there is one, which resembles the Old South in habits, manner, and culture, and the excitement was not at all good for it. Never before had its drowsy, dreamy inhabitants seen or even thought about so much money as was now being poured in on them. It hit all classes. Everybody was getting a benefit. A young fellow who had started life as a professional pool-shooter, had married a dizzy blonde, and with her help had run a dance hall for a while, suddenly discovering that he had a gift for trading in oil leases, made more than two million dollars in two months. An old Negro landowner, every one of whose pockets was bulging with money, replied to a questioner by saying: "All us niggers done been leased up and escrowed about a dozen times apiece."

An attorney said of his business: "It's booming. We've got all we can do, and then some, straightening out land titles. Many of these families here have been living on the same piece of ground since before the Civil War and, of course, haven't got any deeds to their properties. Didn't ever worry about that, though, because the land was so worthless that many of the heirs have just walked away from it never expecting to come back to it again. But now they're doing it, in flocks, by train, by bus, and on foot, and all with their hands out, looking for a cut-in on the new family fortune. They're getting it, too. For instance, there's an old fellow back here in the pines, an old bachelor, who's been living on his place for forty-five years. Naturally he's been feeling pretty good believing that he owned all his oil rights all by himself. Maybe he doesn't, though, because all of a sudden a couple of his sins have come home to roost on him in the form of a couple of sons borne to him by a wife he hadn't thought of for more than thirty years. It's too bad, of course, and pretty tough on the old man, but anyhow here in this oil field it's things like that that are making business mighty good for the lawyers."

And then there were the big, old-fashioned country houses of the well-to-do people! These houses presented a sad spectacle. Built fifty or sixty years earlier, with big, wide verandas around three sides, they sat far back from the road, and only a short time before, merely to pass by and look at them was to get the feeling of a comfortable, lazy, carefree way of life. Then suddenly it was all gone and it will never come back. It can't, because the front yards of these noble old houses are cluttered up with trucks and automobiles and drilling machinery; the great trees that surrounded them have come down to make way for oil derricks; even their wide verandas have been boarded up and partitioned off into rooms which can be rented out, in shifts, to oil-field workers—drillers, tool sharpeners, engineers, grease monkeys, and even lease speculators.

The same unhappy changes that oil brought to the rural sections of East Texas it brought to the towns. Tyler, Marshall, Longview, Henderson, all lovely little places that had successfully resisted progress for half a century, now seethed with it. They seethed also with traffic. Forced to brave the perils of travel in their own streets, life-long Baptists who had never before even known how to swear quickly became masters of the art. All in all, the situation carried with it a tinge of pathos. A pleasant way of existence that had endured for generations had been completely wiped out, and as one worried old gentlemen wrote to his Longview newspaper: "Is there enough money in the world to pay us for what we have lost?" To that old gentleman, who in the sunset of his life was becoming burdened with great wealth—and didn't like it—of course there was no compensation. But what of his children and his children's children? That was different. Those two generations were getting a great kick out of the whole thing. They were buying automobiles and dinner jackets, evening gowns and expensive lingerie, and were beginning to become well known for their extravagance in the hot spots of Dallas, San Antonio, Houston, and Austin. However, this was not all they were doing. In the back of their heads these newer Texans, confident they were sitting on top of one of the world's greatest stores of wealth, were already making up their minds that they were going to turn what was then just a big oil boom into a solid, substantial permanent prosperity, and, as we know when we look at Texas today, they finally did that. However, since this was not an entirely peaceful process, we will return now to our story of the great oil war.

Having won the first round of their struggle, that is, the round against the major oil companies, the Texans now prepared for an even bigger fight that they could see in the offing. This was to be a fight to determine who actually owned all the gas and all the oil that underlay their huge commonwealth. Did they own these things or did the nation own them? According to the Texas theory, all the natural resources of the state, no matter what they are—oil, gas, topsoil, timber, and what have you—belong to the Texans. You can bet on that proposition, and you can also bet (and Texas will go as far with you as you want it to on that gamble) that any benefits the rest of the United States gets out of what it thinks it owns are going to be well paid for.

Furthermore, as regards ownership, the tremendous wealth of Texas belongs not to its future generations of citizens but always to the current crop, whose privilege it is to spend it in as handsome and as extravagant a manner as possible. This extravagant spending habit, which the Texans look upon as one of their noblest characteristics, is in reality a matter of political tradition. Way back in 1879, as will be remembered, Governor Oran Roberts had declared that "conservation of the state's natural resources is a long distance benevolence that is sheer damn nonsense." A little more than a half century later, after oil and gas had been discovered in their state in such quantities as to stagger the imagination of the world, the Texans gave spectacular proof of their stanch adherence to that doctrine. It was a shocking demonstration.

The Federal Government at this particular time, which was the last year of Governor Sterling's administration, was trying to find ways to prevent all waste of natural resources and when it got around to Texas, in line with that effort, a three-judge federal court, after deeply regretting the inability of the national government to enforce conservation in the state, went on to say that the so-called proration orders issued by Texas "were not designed to have any relation to the public necessity for conserving oil, but rather, under a thinly veiled pretense in that direction, had been put out by the state Railroad Commission in co-operation with persons interested in raising and holding up the price of oil and its refined products."

But that was not all the federal court said. It went much further when, in discussing physical waste, it stated: "The East Texas oil field is estimated to contain six billion barrels of oil, but under present conditions and production methods less than fifty per cent of it, probably not more than thirty-five or forty per cent is recoverable." In other words: Through wasteful production methods, fostered by a Texas Railroad Commision which was working in cahoots with men interested in raising prices, more than three billion barrels of oil were on the verge of being forever lost to the people of the rest of the country. Therefore the Washington authorities set out to prepare measures to prevent it. On the other hand, in quick retaliation, the Texans set out to prepare measures to outwit any measures that might be taken against them. They were mad; they had been accused by the United States of being crooks and wasters, and to hell with the United States! What did it think it was that it could tell them what to do with their oil! It was theirs, every drop of it, and they would do exactly as they pleased with it. They did, they bootlegged it, and despite every effort of the Federal Government to stop them they flooded the entire country with "hot oil" to such a depth that every oil company, every filling-station operator, and every automobile driver from Maine to California was affected by it. In fact, with the Texans bootlegging three hundred thousand barrels of their illicit stuff every day, and making money out of it, it soon became clear that the Federal Government itself would have to try drastic action to prevent the collapse of the entire national petroleum industry. The situation was complicated by the state of politics in Texas itself.

To be frank about it, Texas was politically rotten. No other word can describe it, and perhaps no administration could have prevented the graft that existed. Bootlegging cannot be carried on successfully without graft, and as the East Texans were conducting the biggest traffic of that nature in the history of the country it goes without saying that they were paying for it. They were paying plenty. Every voter in the state knew it. They knew that state oil inspectors, whose duty it was to keep the valves on the East Texas oil wells tightly closed, but didn't when they found hundred-dollar bills tied to them, were daily becoming richer and richer. They knew that other dignified citizens in the higher brackets of political life, who had previously pointed with pride to their own poverty as proof of their unselfish service to the public, had suddenly and mysteriously become wealthy. And they even suspected, and talked openly about it, that some of their judges, who had the power, not to be sneezed at in the circumstances, of compelling pipe lines and railroads to accept hot oil for transportation in interstate commerce, were not at all averse to accepting something substantial for themselves for doing so.

And knowing and suspecting these things, what did the voters of Texas do about it? The answer is amusing. It had been six years since Jim Ferguson, the impeached, vindicated, proxy-governor of Texas had moved out of the Executive Office in the big capitol building. Since that day his seat in that office, or Ma's, if anyone cares to get technical about it, had been occupied for four years by Dan Moody and then for two by Ross Sterling, neither one of whom had done anything to correct the evils of which they had both so loudly complained while running for office. In reality, and due entirely to conditions beyond their control, there had been more political corruption under either one of them than under either of the Fergusons, and therefore, with this statement as his campaign war cry, Pa set out in 1932 to re-elect Ma to the governorship. He did it. For the fourth time, two of them since his impeachment, the people of Texas indicated by their ballots that they wanted Jim Ferguson as their governor, the result being that hardly had Ma got herself settled in the Mansion again, with Pa busily at work attending to his task of job distribution, than she received an almost peremptory order from the newly elected Franklin D. Roosevelt, instructing her to attend a conference of the governors from all the oil-producing states that was to be held in Washington, D. C.

As there was an ominous ring to that invitation, something in the tone of it which gave rise to the fear that that conference would be no place for a lady, Ma did not obey it in person. She sent as representative instead a man named McGregor, he of the baggage-truck incident, who took along with him, as personal retainers, not only a large group of East Texas independents, alias hot-oil runners, but also a member of the besmirched Railroad Commission who was out to shed blood in defense of his honor and that of his maligned associates.

In Washington all the Texans had to do for two days was listen to the New Dealers, who, flag-waving for conservation, tried to make them feel low and mean and wicked by telling them what a lot of wasters they were. But this didn't have the desired effect. Instead of deflating the Texans it inflated them. They were delighted, for example, when they were informed that they owned 27 per cent of all the oil and gas on the continent, and were also very happy to learn, from a very high authority, that if their East Texas field could only be purchased from them, for a cool billion dollars maybe, and closed down completely, the whole country would profit by the transaction. That was the kind of big language the Texans could understand and appreciate. They bossed the situation; everybody admitted it; everybody was afraid of them, and therefore when it was suggested on the third day of the conference that a proration program, handled by the Federal Government, be set up to control all oil production, everywhere, all eyes were turned in the direction of Mr. Baggage-truck McGregor of Texas to see what he'd have to say about it. Mr. McGregor's remarks were brief and to the point. Only once in Texas history had any Texan said more in fewer words. Stephen Austin had declared, "War is our only recourse," and now, ninety-eight years later, in a second declaration of independence, Ma Ferguson's representative expressed her opinion for her by saying, in substance: "Until hell freezes over Texas will resist any effort on the part of the United States to interfere with its oil business."

Those were hard words, too hard for the New Deal to endure in silence. The Texans, apparently, were rebels, pirates, outlaws, whose ears must be at once knocked down for them, for which purpose Secretary of the Interior Ickes made a speech to the conference. It was a complete flop, in that no one, least of all the hot-oil gang, paid any attention to its threats of punishment. President Roosevelt himself now took a hand in the proceedings. He also flopped, and badly. In his statement Mr. Roosevelt told the assembly that although the national government could not actually control production of individually owned wells within the states it did have the power, and proposed to exercise it, to seize all the pipe lines and railroads and bar hot oil from transportation in interstate commerce. And then, and in that event, he triumphantly concluded, what will you Texans do about it!

The Texans showed him what they would do. They showed him, not with flowers, but with oil. Without uttering one word in response to the President's challenge they replied to it by sending a wire to the managers in the East Texas field instructing them to open up a certain number of wells, let them flow at full tilt for six hours, and report the result. The receipt of that report broke up the conference in the city of Washington. In six hours six hundred thousand barrels of hot oil had been produced and the price of crude throughout the entire country had dropped thirty cents a barrel, thus enabling the exulting Texans to go back home and report to Ma that Texas was still a free country and that she and Pa still ruled it.

But with the hatching out of the Blue Eagle that freedom was soon challenged. Under the auspices of that ridiculous bird all industries went under codes administered by innumerable little czars, all of whom were under the control of one big one: General Hugh

Johnson, alias Old Iron Pants. Secretary Ickes looked at this setup, had himself named as czar of the oil industry to enforce a code that had been adopted in Chicago, and snarled happily that now he'd "take those Texans, pop their God-damn heads together, and make 'em behave." Those were his exact words, but for some reason that he couldn't fathom they didn't frighten the Texans even a little bit. On the contrary, no sooner had the code which was intended to restrict them in their oil production been signed by General Johnson than they celebrated the event by turning out so much bootleg that the price of it went down to ten cents a barrel, thereby enabling Japan, which was even then conserving its own supplies for the future, to buy tanker after tanker of it, carry it away and put it in storage.

How, though, in the face of the code of which he was the administrator, could the Texans continue to do this and get away with it? Unable to understand it, Mr. Ickes sent a flock of young lawyers, fresh out of college, down to the East Texas oil field with instructions that they put caps on the wells and put the bootleggers in jail. But when these bright young men from Yale and Harvard got there, and got all tangled up with Texas lawyers from Longview, Marshall, and Kilgore, they found out they couldn't do it. There was something wrong, and, as evidence of one of the most astonishing of the New Deal's ineptitudes, it was months before either they or Secretary Ickes found out what it was. They had had no trouble, though, in finding out about something else. For almost eighteen months now the New Deal, in the name of conservation, had been doing its best to control the flow of hot oil from Texas; within Texas Ma Ferguson and her government had been doing their best to promote it and they had won. That in winning they had wasted a tremendous amount of oil was of no importance. They had maintained their freedom; they had not yielded so much as one inch to pressure from the United States Government, and that they intended to continue that policy was indicated when, in 1934, the Democrats provided James V. Allred, their next candidate for the throne of the Fergusons, with a platform containing the following very significant plank:

"We—the Democrats of Texas—oppose the abdication or surrender of the state's power to control its own natural resources. We likewise oppose any federal encroachment upon the exclusive power of this state to control the production of oil and gas. We oppose any plan that results in the arbitrary, compulsory unitization of oil fields."

That was enough. There could be no reconciling of that plank with the conservation plans of the Federal Government; so, after Jimmy Allred was elected, the oil war between the United States and Texas was waged with more fury than ever before. On their part the Texans now waged it very craftily. To begin with, for the complete obfuscation of Mr. Ickes and his corps of young lawyers, they passed a second allocation law of their own putting an allowable on every oil well in the state. As before that meant that no matter how large its capacity no well could legally produce more, let us say, than a hundred barrels a day and therefore the law had the appearance of being very hard on the well owners. But it wasn't; it was a godsend to them, and to the state also, which had passed the law merely for the purpose of cutting itself in on the profits of the bootlegging business. It worked very simply. Legally a man could produce only a small amount of oil every day, but illegally he could produce all he wished, provided he paid the state a fine of a thousand dollars a day for running his well. That was easy. By paying the state a thousand dollars a man could produce ten thousand dollars' worth of hot oil, at which point the state law at once came to his rescue by declaring that all oil upon which the fine had been paid thereby became blessed, legalized, and purified, and that the Railroad Commission must accept it for transportation in interstate commerce. It was a racket, of course, from which the state of Texas derived a large income. For example, in one day that this writer knows of, Texas collected $84,000 in fines from its own hot-oil boys, and yet the United States Government, still not knowing why, was unable to prevent the stuff from getting into the pipe lines and tank cars and being sold all over the country.

The Texans, including Governor Allred, did know why this was, and had always known it. When the petroleum industry met in Chicago to adopt its code of fair practice, its chief aim was to include in the document a clause which would enable the Federal Government to deal hotly with the hot-oil gang. But a voice had been raised in opposition. It was the voice of Texas, that of a prominent Houston attorney, who said right out in meetin' that the clause might just as well be omitted because not even with the whole U. S. Army behind it could the Federal Government ever come into his state and regulate oil production. Nevertheless, Texas lost the argument; a week or two later when the finished oil code was presented to President Roosevelt for his approval it contained a paragraph giving the United States all the power and authority that the Texas lawyer had said it should never have. Hope, however, was not lost. The code could not become the *law* until it had been signed by General Hugh Johnson, administrator of the National Industrial Recovery Act, and right there was where someone, obviously a spiritual descendant of Sam Houston himself, got in some very fine work. On its way from President Roosevelt's desk to that of General Johnson the code was intercepted by some skillful surgeon, who rendered it impotent by completely removing from it the obnoxious paragraph to which Texas so strenuously objected. Consequently the code that Old Iron Pants signed, and thus transformed into law, was not the fearsome document that the unsuspecting Mr. Ickes for almost a year thought it was.

But the Texans were not in the dark about it. They knew what had happened. They knew that in its legalized form the code did not deter them from doing anything they wanted to do with their oil. Much to the amazement of Secretary Ickes, who could not understand why his brilliant young agents were not jailing the villains by the hundreds, the hot-oil gang kept right on producing and peddling vast quantities of their bootleg product. It was a fine thing for Texas. In a very substantial way it was a repetition of history. Back yonder in the years following the Civil War, when the rest of the states were wallowing in poverty, the Texas cattle kings had brought sin, happiness, and prosperity to their state by driving out of it, and selling abroad, millions of longhorns. The East Texas hot-oil men were now doing the same thing. While the rest of the country sold apples on the street corners and stood in bread lines, Texas boomed. It boomed on bootleg, and although there may have been one or two conscientious citizens in the state who regretted that their prosperity had had to be conceived in sin and born in corruption, they kept their mouths very tightly closed about it. They did so for patriotic reasons. Texas was fighting for its independence; its governor, its Railroad Commission, its judges, its state oil inspectors and its bootleggers were its soldiers in the front line of the struggle and were all entitled to the protection of silence. They certainly got it, and so effectively that although many charges were filed against them not a single one of the East Texas hot-oil gang was ever punished for any of his evil practices.

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And when Mr. Ickes, who even to this day refuses to discuss the castration of the code with the reporters, finally found out why the Texans were immune to punishment it was too late for him to do anything about it. The Supreme Court, declaring the silly bird unconstitutional, had beheaded the Blue Eagle, thus putting the hot-oil business back exactly where it had been at the beginning, with the Texans still in complete control. They still are in control of it, although to win their final, total victory they were forced once again to use their customary strong-arm methods on both President Roosevelt and Secretary Ickes. This fight also was very comical.

Immediately upon the death of the Blue Eagle the New Deal prepared an administration oil bill which it sent to both the Senate and the House with the demand that it be passed at once. It ran into a snag, though, and it wasn't passed. It was never even voted on. In the House, where Mr. Sam Rayburn, as chairman of some committee or other, got his clutches on it, the measure was pigeonholed until after Mr. Roosevelt had personally called the Texan up three times and asked him to report it out. Even that did no good. Mr. Rayburn had had his orders from home and in compliance with them, instead of reporting the bill out for a vote, he introduced a resolution asking for an investigation to determine whether any oil legislation of any kind was really necessary. In this way Mr. Rayburn did his duty by Texas.

In the Senate the bill went a bit further but died an even more ignominious death. In that body it was reported on favorably but was never voted upon because Mr. John Garner sent word to the President that it could never pass since the Louisiana Kingfish, Mr. Huey Long, always a stanch ally of the Texans, was all set and ready to filibuster it to death. Did Mr. Roosevelt believe that yarn? Probably not, but as he did know what was behind it and was not prepared to do any further battle with the Texans, he withdrew his measure and allowed them to introduce one of their own. It passed; its name, the Connally Hot Oil Bill, accurately describes it, and under its provisions, which permit them to "bless" all the hot oil they want to, and bootleg it, the Texans, as far as their oil business is concerned, have ever since remained a free and independent people.

24. Natural Gas: W. Lee O'Daniel

THROUGHOUT 1937 and 1938, the years comprising Governor Allred's last term, Texas was in a condition of completely contradictory pandemonium. No other words can describe it. It was both drunk and sober, wicked and virtuous, rich and poor, honest and dishonest, noisier in some spots than it had been since the yip-yip-yipping days of the cowboys, and so quiet in others that no man dared kiss his wife out loud, or some other man's, for fear the sound of the smack might wake up the neighborhood. On the whole, however, this was an indication of state-wide bliss. Men and women everywhere were behaving as human beings should behave; they were doing exactly as they wanted to do, for which privilege, although most of them failed to realize it, they were indebted to their governor.

Jimmy Allred was far indeed from being a great governor, but he was a very good one because he was a very good politician. He knew his way around; he knew his Texans; he knew they were never as happy as when they were doing those things which they ought not to do, and therefore, to make that easy for them, he provided them with plenty of law but no enforcement. Look at his attitude toward liquor. For political reasons Mr. Allred had always been a dry, but when he first ran for governor, immediately after the repeal of the Eighteenth Amendment, when there was a loud wail going up from the sound-thinking, sound-drinking element in Texas, which wanted the state's dry law repealed also, he was up against it. But not for long. Remembering Jim Ferguson's technique he adopted it. In his first campaign Pa had landed the governorship by promising to do something for the tenant farmers that he knew very well he couldn't do, but they didn't. That was the secret of it: the voters didn't know, and so, although Jimmy Allred did know that as governor he would be absolutely without power to permit the people to vote on the repeal of the liquor law, he nevertheless promised that if elected he would give them the chance to do so.

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It was a sweet straddle; it got 'em both ways; both the pros and the antis voted for him so that he was almost unanimously elected. But remember, this was not a decision by the Texans as to whether they wanted to be wet or dry. They already knew all about that. Never in all their history—as a survey of the drinking habits of their lawyers, doctors, legislators, deacons, and elders, and in more recent years of their wives, their flapper daughters, and their adolescent sons, readily discloses—never had the Texans wanted to be anything but wet. There was, though, this question involved which, after his election, Governor Allred had to settle for himself. Did his people want their liquor to have a legal or an illegal flavor to it? The answer was inherent in the character of Texas, and therefore, with a wide grin on his face, he finally signed a bill forbidding the establishment of saloons anywhere in the state and thereafter merely allowed Texas nature to take its course.

Thus under good Governor Allred, so far as liquor was concerned, the Texans had all the freedom of the old days, prior even to local-option times, restored to them. They could get what they wanted and get it anywhere. For those who preferred it, there was plenty of good stuff to be had, smuggled in from Mexico; for the majority who didn't, whose tastes had been corrupted by prohibition, there were veritable cascades of coffin paint, as well as of chock-beer, a high-potency beverage manufactured in large quantities in the cellars, woodsheds, and garages of the dry deacons of Dallas.

With freedom of liquor as the First Freedom, there of course came other freedoms. The freedom to gamble, for example. Under Governor Allred this Second Freedom, clearly against the law though it was, was almost as widespread as the freedom to breathe. It was the same everywhere, but take San Antonio for an illustration. As an old-timer who cheerfully admits to many bouts with the tiger in the Alamo City's old-time gambling houses, this writer can bear witness to the fact that the old-time establishments could, in elegance, in no way compare with the gilded halls of chance that ran openly in that town under the benign reign of the incomprehensible Jimmy. Atop the tallest office building in the very center of the city was one of them. It was a dandy. No introduction was necessary; no credentials, save cash, were required of the customers; no charge was made for drinks; and, what was considerable of a shock to an old-fashioned rounder, there was no objection to eighteen- and twenty-year-old youngsters of both sexes losing their shirttails at the games if they wanted to.

There was also a Third Freedom—that of practicing the oldest profession on earth—which we will not here discuss, as well as a fourth one and a fifth one. The Fourth Freedom permitted the Texans under Governor Allred, which has already been faintly alluded to in connection with oil, was the freedom to graft; while the Fifth Freedom, not yet discussed, but which now rose unchecked to such tremendous volume that it permanently affected the welfare of all the people of this country, was the freedom to waste!

Up in the Panhandle was a huge natural gas field—the use of the past tense is intentional—whose history is very interesting. In 1918 an oil prospector in that region struck a gas well, one that produced a mere 5,000,000 cubic feet a day, and was so disgusted that he capped his pipe and walked off and left it. The stuff was no good; there was no market for it; so why fool with it? Within the next two years several other wildcatters had the same hard luck. Plenty of good natural gas but no oil. Finally there was a slight change. In 1925 a 200-barrel well was brought in, but as this wasn't enough oil to be worth anything its discoverer, cussing everything in the Panhandle until he made the grass wither, plugged his hole up and took his departure. Two years later the regulation miracle happened. For some unknown reason this last man came back, uncorked his pipe, dropped a string of tools down it and started to drill again. But that was all; he just started, because before he had gone down four feet his bit, and everything else in the hole, came shooting back up at him on top of a 3,000-barrel gusher. This was not, to be sure, a great deal of oil, but as East Texas had not yet been discovered, it was enough to attract many drillers to the district with the result that in a short time it was being whispered around that within the neighborhood of that first well lay the largest gas field in the world. It was so big that even astronomers gasped. Seventeen trillion (17,000,000,000,000) cubic feet of gas, it was estimated, underlay 1,350,000 acres of grassland! Could that be possible? Most experts laughed at it as a fantastic dream. But it wasn't; it was a fact, the gas was there, and was so easy to get, and so cheap, that by 1932 four of the largest compressor stations ever built were busily engaged in shooting light and heat through twenty-four-inch pipe lines to more than seven million household con-

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sumers outside of Texas, including a large number who lived 950 miles away in the cold city of Chicago. Obviously this meant that the four big corporations which had put in the compressors, and laid the pipe lines, and drilled the gas wells, had a lot of money tied up in their enterprise. Four hundred million was the approximate figure, and naturally they hadn't invested such a sum without having carefully calculated the life expectancy of the gas field. Their studies had satisfied them. If the gas in the Panhandle was used with discretion and economy there was enough of it to supply all the households of Texas, as well as about twelve million householders elsewhere, with all the domestic light and fuel they would need for the next 127 years. Those were the figures on the strength of which the four corporations leased 61 per cent of the field's acreage from its owners—paying them so much per cubic foot for their gas—invested their millions in the facilities mentioned, and went to work confident that in the course of time they would get their money back with a legitimate profit.

In this way the Panhandle gas was benefiting not only everybody in Texas but also millions of people throughout the United States. From a bleak, wind-swept area, previously so worthless that it took thirty acres of it to support one cow, was coming a commodity that not only provided everyone with a lot of ease and comfort but also poured a lot of income into the pockets of a good many landowners, as well as into the treasury of the state in the form of both production and corporation taxes. Any normal people would have been very happy about it. But the Texans were not. They are not built that way, and as it was not in accord with their theory of national independence for a bunch of damned foreigners to be taking that gas and peddling it at a profit to their natural enemies, the people of the United States who couldn't even speak the language of the cow country, it at once became their patriotic duty to take away from the pipe-line companies the rich prize that had become theirs through the leasing of the land. How could they do this? To find out, the people of Texas, through their Railroad Commission, filed four separate suits in the federal courts against the hated foreign corporations charging them with all kinds of frauds, crimes, and misdemeanors. They lost all of them, but as had been the case in the oil war, they didn't lose hope. They didn't need to, because in the end they had two aces up their sleeve which they could play and win: one was their tremendous wealth while the other was the complete complaisance of their lawmakers. In playing those two cards then, when the Texas Railroad Commission found that it couldn't whip the pipe lines in any other way, it went to its own legislature with the request that it be allowed to wage a war of waste against the invaders. It got that permission in the shape of a law authorizing it to use its own "discretion" in controlling the production of natural gas in the state. Now watch it go to work. It's an uplifting spectacle because what Texas now did in its effort to conquer, or blackmail, four foreign corporations is without parallel in the history of human extravagance.

Three thousand cubic feet of natural gas, which for domestic purposes was worth $1.95 right there in Texas, contains one gallon of gasoline then worth, in Texas, exactly three cents. The cost of "stripping" the gasoline, a process accomplished by merely letting the gas blow out of the ground against a series of baffles, is practically nothing, and therefore the method adopted by the Texas Railroad Commission for whipping the pipe lines was the simple one of allowing any native who wished to put up a stripping plant. To the Texans who advocated victory through waste the results were highly gratifying. To the foreigners who owned the pipe lines, however, and who advocated economy and conservation, they were utterly terrifying. According to the Railroad Commission's own figures, issued within less than a year after it began to use its own discretion, the stripping plants were "popping off" into the air, and forever wasting, four times as much gas every day as the pipe lines, which never wasted an inch of it, were selling to domestic consumers. In other words, every day 2,000,000,000 cubic feet of gas, worth $1,900,000 in the country's cook stoves, was being recklessly thrown away for the purpose, so the Commission said, of allowing the strippers to extract from it a mere $20,000 worth of gasoline!

But that was not the truth. The real motives back of this orgy of waste were, first, the dogged determination of the Texans to do whatever they wanted to with heir own natural resources, and, second, the desire on the part of some of them to shake down the pipe lines, as they had the oil companies, by threatening to break them. Moreover, the chance to do this was obviously at hand. At the rate the gas was being wasted the Panhandle field instead of being good for 127 years would be exhausted in 30, and as the pipe lines couldn't any more than get their original investment back in that time it was widely rumored throughout the state that certain

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gentlemen who had no gas to sell, but plenty of political influence, were on the payrolls of the foreign corporations. This may have been true, or it may not, but in any event when Jimmy Allred had served his two terms in office, and was ready to quit—because no man, except Jim Ferguson, who was elected four times, has ever been elected more than twice in Texas—there was something so desirable about his job that eleven candidates for it immediately appeared. This was a record, even for Texas, but why such a flock of them? They had their own explanation. Without exception each one of the aspiring eleven said that he wanted the job because there was so much graft in Texas, and that he'd stop it! That he'd put an end not only to the pernicious traffic in jobs, pardons, and indulgences to saloonkeepers, gamblers, and prostitutes, but also to the wicked shakedown racket that was booming along so merrily both in the East Texas oil field and the Panhandle gas field.

Altogether—and in the face of so much authority this writer dare not deny it—Texas, in 1938, was pictured by these eleven candidates as a land so corrupt that no real Christian should even want to live in it. And after April 21, which is San Jacinto Day, and the day on which all gubernatorial campaigns are opened, none did. It was awful. Texas oratory, even in the United States Senate, has never been looked upon as especially high-grade, but the Senate is no place to judge it on its real merits. For a proper appreciation, the Texas speakers must be heard at home, where the wide open spaces, which God must have created partially for that purpose, give them room really to spread themselves, and where tradition demands that a candidate search his vocabulary for sulphurous words with which to demolish his adversary and destroy their characters back even unto the days of their great-great-grandfathers. Imagine then what the atmosphere of Texas was after these eleven orators got going and managed to get their remarks on the radio. Awful is too weak a word; it was damn-awful, and also confusing. Because, with each one of the eleven calling himself an honest man and the other ten thieves, and with the prevailing platform odds thus being ten to one against any of them being honest, how could the conscientious voters make up their minds whom to support? They couldn't, but it didn't make much difference because most of them didn't care which one of these starters came the winner. Four years of Dan Moody, two of Ross Sterling, and four of Jimmy Allred, although not one of this trio had made a crooked dime out of his governorship, had served to deprive the mass of the Texans of any real interest in politics. To them one politician was just as good as another for their governor; everything in Austin was cut and dried anyhow. For about six weeks, except that they got a lot of amusement out of the platform profanity and name-calling of the many candidates, they paid but scant attention to the campaign being so fiercely waged in their state.

Then on June 10, and without any signs having appeared in the heavens to warn the battling eleven of the disaster in store for them, the greatest of all Texas miracles came suddenly to pass. On that date, riding on the roof of a red circus wagon, singing his own songs to the accompaniment of a hillbilly band, and supported by his three children, Pat, Mike, and Molly, eighteen, seventeen, and sixteen, Mr. W. Lee O'Daniel appeared in Waco with the announcement that he too was a candidate for the governorship. Being a busy man, he hadn't, he declared, had time to write a platform and so had borrowed one; from Moses! It was the Ten Commandments; he was running on it, and for the benefit of his numerous adversaries, who had probably never heard of it, he was placing special emphasis on its fifth plank, which read: "Thou shalt not steal."

To those numerous adversaries this seemed to be tremendously funny. They were all glad, they shouted, to welcome O'Daniel into the contest because he would give the necessary comic relief to the grave and serious problems which they were discussing. To this chronicler, however, who was in New York at the time, there was nothing funny about it. It was ominous. No man yet had ever been able to forecast what the Texans would do when they got riled up to it, and as it now seemed likely that on July 23, primary day, they might take it into their heads to scatter the corpses of eleven of their niftiest Democratic politicians hither and yon all over their state, he boarded a train and headed for Houston to analyze the situation.

At Houston (and please pardon the personal pronoun for a few pages) I was met with a problem in veracity. Where was Candidate O'Daniel? Both of the great dailies of that great city—he had refused to advertise with them, you understand—said they didn't know the whereabouts of the man who at that moment was tearing Texas wide open. However, as Houston did have telephones, their padlock on the news about O'Daniel was soon picked. He had left Brownsville that morning with his circus outfit. Away I went on a wild

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350-mile ride across the King Ranch country to intercept him. At Raymondsville the people had barricaded the highway so that he couldn't get by without speaking to them, and when I arrived he was doing it. This was fine, as it gave me the opportunity to sneak up on a group of about a thousand Texans and see what effect the platform of the Decalogue was having upon them. It was amazing. They were fascinated. It was a typical summer day in the hottest part of Texas and there they stood, dripping sweat and drinking in the words of the twelfth candidate. Next to me—and all this is written from notes taken at the time, not from imagination or memory—stood a young mother with her baby in her arms and her eyes glued to the face of the speaker. The baby squalled; she opened her dress and put the child to her breast without even looking at it. Every member of that outdoor congregation was equally attentive. O'Daniel spoke for more than an hour; he and his hillbilly boys and girls sang a couple of songs of his own composition; and then at the conclusion of the services, as the top marvel of all, when he announced that his three youngsters, Pat, Mike, and Molly, "will now pass among you and take up a collection to help pay the expenses of this campaign for honest government in Texas," the crowd did not silently steal away. On the contrary it stayed and it paid. Everybody who had it chipped in something, and as I watched I wondered: What is this, what's going on here, are the Texans slipping? It certainly looked like it, but to make sure I buttonholed Mr. O'Daniel as he came down from his circus wagon and went off to eat dinner with him at Jack's Cafe. During that meal, and after it until three in the morning, because I rode all the way back to Houston with him, he replied satisfactorily to every one of my questions. I was trying to find out why the Texans were according him such tremendous ovations everywhere he went, and he explained it to me. However, as the Texans themselves gave me their own explanation of it a few days later, at a meeting at Goose Creek which Mr. O'Daniel advised me to attend if I wanted to "see something," I'll now switch to that point.

Goose Creek, fifty miles from Houston, is a small betwixt-and-between town, part farm and part factory, at which none of the other candidates would have deigned to speak. But O'Daniel was different. Goose Creek suited his purposes perfectly. He wanted a large audience from a large spread of country; if people come fifty or a hundred miles to hear a man speak they vote for him, and Goose Creek was to be a test.

Well, there hadn't been anything like it in that part of Texas since the second hanging of Bill Longley away back in the seventies. The first hanging hadn't been a success, as the rope broke and Bill got away, but the second, attended by thousands who had traveled long distances in wagons and on horseback to attend the ceremony, certainly was. So was Mr. O'Daniel's meeting at Goose Creek. As he had advised me to do, I went early. The meeting was not to start until seven, but I got there at four, and already, three hours ahead of time and hotter than Hades, the crowd was assembling. It was a happy crowd. In the middle of the narrow street two cars wearing "O'Daniel for Governor" stickers and filled with country folks and fruit jars filled with ice water got all tangled up with each other, got pried apart . . . and without one word of profanity! It was marvelous; it was those stickers. A man in a blue shirt stuck the nose of his old car, which wore four of them, up against the curb, stepped out, wiped a gallon of sweat off his face, and said, in answer to my question, "Sure I'm goin' to vote for him," and then, from inside the car, from his wife, a cute little thing with rivers of perspiration ruining her complexion faster than she could repair it, came the echo: "You bet he's goin' to vote for him. Everybody is."

"Why?"

"Because he's honest, mister, and because he ain't no politician."

"Perhaps," I said, "but how do you know it?"

"Huh. Know it! Why, we all been knowin' it for years, because for years he's been talkin' to us on the radio. Not about politics though. Until right lately he never mentioned politics. No, sir, until now he's just been tellin' us things we like to hear because listenin' to 'em makes it seem easier to us to be pore folks."

I asked an old carpenter, with a union card in his pocket, why he was going to vote for O'Daniel and he replied: "Because he's honest, he's a Christian, he's got men on his own payroll, and he ain't no part of a politician."

Next was a young mechanic who worked in the big Hughes Tool Factory in Houston and had driven fifty miles to the meeting. In that factory 3,500 men were employed, "And," said the young mechanic, "if there's a guy in it who ain't goin' to vote for O'Daniel, who's an honest man, he better be keepin' damn quiet about it."

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Again when I asked a prosperous-looking citizen who had driven all the way from Dallas (six hundred miles for the round trip) to attend this meeting, why he was so keen for O'Daniel, he had answered: "I'm supporting this fellow, songs and everything, because he's the only damn man that's run for governor since I can remember that I can vote for and not be ashamed of it."

And so it went. Rich Texans in big cars, poor Texans in little ones, all said they were for O'Daniel and all for the same reason. He was an honest man, he was not a politician, and, when O'Daniel delivered his speech that evening at Goose Creek to more than eighteen thousand people, he admitted both charges. No matter where he spoke he always admitted them as he always made the same speech: one that was entirely unorthodox because in it, not even once during his entire campaign, did he mention the name of a single one of his adversaries, or discuss politics. He wouldn't do the former because he didn't believe in giving the opposition that much free advertising; he couldn't do the latter because he didn't know anything about politics, but he could and did tell the Texans why he was a candidate for governor. Invariably he would say:

"Yes, folks, I'm Lee O'Daniel. You all know me and you all know all about me. For ten years I've been working hard trying to make an honest living as a flour peddler in Texas, and now look at me! I'm running for governor; but you folks did it. It's your fault. Every two years, whenever there's been an election, some of you have written in asking me to do this. But until this year I never paid any attention to you. This time it was different; there were more letters, they were more urgent, and so one morning on a six-forty-five program, I just told you all about those letters, told you that what I needed was your advice, that I'd wait two weeks to hear from you, and that then, if enough of you had asked me to, I'd make the race for governor. But two weeks was too long. Right away the letters began to come in so fast that when I'd counted up to 54,499 I quit. That settled it. Most of you who wrote in asking me to be your candidate are poor people. If there's anything on earth that poor people have got plenty of its relatives, and so I said to myself: 'If 54,499 poor people in Texas and all their relatives want me to run for governor, I reckon I've got to do it.' And so I am doing it."

He really was running and so fast that, back in Houston, the Rice Hotel, where the other eleven had all established their headquarters, had suddenly assumed the aspect of a very large and thriving mortuary establishment. And why not? In it, a week ahead of the election, preparations were already well under way for the interment of the political ambitions of eleven of the state's most eminent politicians, including the Chairman of the Railroad Commission himself. The atmosphere of the place was so thick with gloom that I could almost float right up to my room on it without using the elevator. Altogether it was one of the saddest spectacles I had ever witnessed. In all previous Texas campaigns, no matter what candidate's door a journalist knocked on he would invariably be admitted by a man with a glass and a bottle. But not this time. The man on the circus wagon had done too good a job for that. I don't know whether or not O'Daniel was a prohibitionist; I never heard him say anything about it, but no matter what he was he had so completely destroyed their interest in life for them that none of his opponents had anything on hand to hand out to visitors. Or if they did have it they were saving it for themselves—for July 23, the day when they were all pretty thoroughly convinced they would be needing it the most. Up to the last moment there remained some hope, especially around the headquarters of the Railroad Commissioner, where some optimist almost uncorked a flagon, that O'Daniel might not be able to poll more votes than all of them put together. But he did; he swept the state; he carried everything: cities, towns, villages, creek bottoms, cow camps, and cotton patches; and what did it mean? There was but one answer. The Texans were tired, through, done, fed-up, disgusted with the kind of government they had had for so long, and they were now getting rid of it. At least they hoped so. For forty years their state had been held in the clutches of just one gang of political freebooters after another. The results, as they could easily see, had been inconceivably bad. Texas was producing more oil, more gas, more cattle, more sheep, more horses, more cotton, and more of a dozen other things than any other state in the Union. It was producing more sulphur than all the rest of the world put together and collecting a huge production tax on it. In short, for many years it had led all the states in the production of stuff for export, and under efficient and honest government it certainly should have had a full treasury. Instead, at the time of O'Daniel's election, it had such an empty one, according to a financial statement published at the time, that when the House of Representatives was in session its members had to sit at their desks with their umbrellas hoisted because there wasn't enough cash in the till to pay for repairing the roof of the Capitol!

Could Governor O'Daniel remedy such a situation as that? In electing him the Texans had very clearly repudiated the old order, but had they acted wisely in doing so? Mr. O'Daniel was a truly good man, who trusted in the guidance of God more than anything else, but he was a rank amateur in politics, he knew nothing whatever of the science of finance, or of government, he was not at all tough, and, as he would surely have plenty of tough hombres to deal with, Time alone could tell what the result of his election would be.

25. *World War II. Texas an Ally of the U. S. A.*

THROUGHOUT all of W. Lee O'Daniel's administration Texas continued to be a mass of contradictions, the most marked of all being the contrast between the glittering prosperity of the resource wasters and the groveling poverty of those who, by hard work, had made it the first state in the Union in agricultural production. There was where the Texans, in their fight for freedom from the dominance of the New Deal, had fallen down on their job. In 1933 Ma had said, and Jimmy Allred had later repeated it, that until hell froze over Texas would resist any interference by the Federal Government in the matter of its oil production. But they hadn't said anything of the kind in regard to agricultural production, as they probably would have done if they had only recalled what had happened away back yonder during Jim Hogg's administration.

Back in those days, being very anxious to increase the nation's sugar crop, the Federal Government had come out with a proposal to pay bounties to all sugar planters. Every state in the South, with one exception, reached for the ready cash. Texas alone didn't. Jim Hogg would have none of it. To accept the bounty, he said, under the restrictions imposed by the United States, would amount to a surrender by Texas of its independence and sovereignty, and so not one dime of the filthy lucre should enter his state. Compare that stand with the stand of the Texans in regard to the New Deal's plan to create farm prosperity by creating farm scarcity. Under this plan, as they would be paid for what their lands did not produce, the Texas *landowners* literally leaped for the money. They got plenty of it. Having more acres not to plow, more cattle, sheep, and hogs not to market, and more different kinds of crops not to harvest than anybody else, the Texans must have received more from this Treasury grab than the people of any other state. But the Texans who got it, the landowners, were not the ones who needed it and were entitled to it. More than half the farmers of Texas are tenant farmers, share croppers, or renters, and as the New Deal reduction plan called for the abandonment of hundreds of thousands of acres of land, which meant thousands of small farms, it naturally followed that a great many tenants, broke and in debt to their landlords, were kicked out of their homes.

Thus, in 1939, according to reliable figures, there were 76,000 homeless farm families in Texas! It was appalling. These people were itinerant wanderers, and, as there was no money in their looted state treasury to care for them, the only reason a great many of them didn't actually starve to death is that the poor can always care for the poor. They did this. Roaming all over the state, in all sorts of ramshackle conveyances, camping in groups where they could, and avoiding the cities, which offered them no comfort save that of their jailhouses, these miserable people shared what they had, shared what they could beg, or steal, or earn, and in this way they managed to exist, but no more than exist, for two years.

In comparison with these tenant farmers who, as helpless victims of an idiotic experiment, represented the only widespread poverty Texas has ever known, the people in the cities were rich! In Dallas—and in Houston, San Antonio, Austin, and Fort Worth, the figures were approximately the same—the annual income of the average family was $3,600, which meant that it could spend more in a month than its counterpart in Mississippi, Georgia, or Alabama could spend in a year. No cities in the Untied States, except Washington and New York, which are not normal cities, could boast family purchasing power equal to these big Texas towns. Consequently, it is clear that the people who lived in them had nothing to kick about.

Nor were they kicking. They had weathered both the internationally created Hoover depression and the homemade Roosevelt recession in fine shape; their nonpolitical governor had not yet deprived them of any of their five precious freedoms, and therefore, with as much energy as ever, they continued to exercise them. Furthermore, despite all the exhortations of the New Deal, these well-to-do Texans continued to look upon the United States of America as a foreign country, created only as a market for their goods and a background for their own development. In their opinion Texas never has been and never will be a really co-operating member of the American Union. They scoff at the thought of such a thing. They can't imagine their state working in the same harness with a lot of pygmies such as Rhode Island, Delaware, and New Jersey, or for that matter with such artificially inflated giants as New York and Pennsylvania.

Specifically, although there are several others, there is one outstanding reason for this feeling. More than once, President Roosevelt, in advertising the merits of the New Deal, has told the people of the United States that there are no longer any frontiers in their country and that therefore the only answer to their problem of survival is national planning. To the Texans that is just sheer bunk. The people of the United States may not have any frontiers to expand and explore but they have. Theirs are almost unlimited. Texas is as large as prewar Germany and more productive. Germany supports a population of more than sixty million people, Texas less than seven million; and in the face of that fact the Texans, using their native tongue, say that nobody but a plain damn fool would have the gall to say that the future of their state, like that of the exhausted commonwealths of the North, lies behind it. It doesn't; it lies ahead. Both in their minds and on paper they have blueprinted it, and as those prints call for a self-sufficient, industrialized empire which will no longer ship its raw materials to the United States but will process them itself under its own power, it is not surprising that when a famous journalist, in 1940, visited Texas for the first time he was completely astounded at the spirit of its people.

In most of the states of this Union where patterns have long been set and defined, "mental whiskers," this man wrote, "are an indispensable element of success." In Texas, where there are as yet no patterns, he found no whiskers. To him it was a land of ever-expanding opportunity where he felt as if he were being blown along by the sheer exuberance and joyous animal energy of a people who had never known defeat. A land of plenty of elbow room and imperial vastness, entirely unlike some parts of the United States which he spoke of as "settled, formalized, weary, and, for all their apparent strength, weak at the core and bowed down by the weight of problems which they are unable to solve alone." But Texas, as he saw it, and felt it, was still fluid. Its pains were all growing pains, while its frontiers, inexhaustible of promise, were only in the initial stages of exploitation!

In this man's eyes Texas also assumed other strange and different aspects. He discovered, for example, that its founders had been men of the "half hoss and half alligator variety," who, having "fit and drunk and cussed and died" only a short century ago, had left behind them a line of descendants who can still pass the bottle, and can still cuss with an artistic vigor calculated to make even old Sam Houston himself very proud of them. Again he noted that the Texans dress their women up better and more expensively, and buy them more jewelry, than any other men on the continent. They can afford it, and even away out on lonely ranches, where obese cattle graze lazily on luscious grasses and munch juicy mesquite beans, he was amazed to find the ladies of the establishments slim, perfectly manicured, beautifully hair-doed, and blazing with diamonds, going about "clad in Bianchini silk subtly scented with the perfumes of Paris." And then, having got an eyeful of Texas, he next got an earful.

"The Texas atmosphere," he declared, "is now filled day and night with the howlings of primitive preachers who make sinners jump through hoops of fire as they sit before their radios. More even than the Georgians or the Mississippians—no mean competitors in this field of self-punishment—the Texans are given to religious orgiasticism, hydrophobic fever, Sodom and Gomorrah sermons. Hosts of holy men, working frantically in round-the-clock shifts, are constantly beating off the hosts of Satan." *

This final comment was all too true. In 1940 Texas, going through just another one of its horrifying paroxysms of soul-saving, was indeed noisy, although only mildly so in comparison with what it became soon after our traveler took his leave, which he did hastily when he was told that, because of its bad whisky and worse women, more men of his profession lost their jobs in Dallas than in any other city in the country.

Another election day was approaching and where two years before just one man who was wafting himself into office on the wings of song had been enough to upset the serenity of the great commonwealth it now had a whole flock of them to deal with. Backed up by hillbilly bands half a dozen O'Daniels—one real and five bogus—now toured the state in red circus wagons from whose rooftops they poured forth veritable streams of melody and torrents of promises. In days past Texas had endured much from its

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* David L. Cohn, "Dallas, Capital of the New South," *Atlantic Monthly*, October, 1940.

candidates but never anything like this. It was hideous, and yet, owing probably to the terrifying threats of the preachers, who kept all gaps in the political uproar constantly filled with their own messages of damnation, nobody destroyed any of the singers. That is, nobody except Mr. O'Daniel. He got his bag, which included all of them, and thus, with the pelts of sixteen Texas politicians now nailed to his fence, he was again inaugurated as governor of the state. But this time only for a short shift.

At his first inauguration Governor O'Daniel had told a worshiping crowd of 70,000 Texans that his government would not be one of "me and God," but rather one of "God, the people, and me." This was a nice phrase that ran trippingly from the tongue; he therefore used it again at his second inaugural; and then, suddenly, he ran out on both his partners by sending himself to the United States Senate to try to fill the post left vacant by the death of that really eminent Texan, Morris Sheppard.

For their part the people of Texas stood up very well under the impact of the O'Daniel defection. The bulk of them, in fact, really welcomed it, because when "God, the people, and me" moved out of the executive offices in Austin, and Lieutenant Governor Coke Stevenson, untrammeled as he is by any political alliance with the Deity, moved into them, their state automatically went back to the kind of government it has always had and has always agreed with it. It is government of Texas, for Texans, by a Texan, and the Texans like it. Coke Stevenson is their kind of a man. He wears the state costume, speaks the state language, with facility and emphasis, has packed a gun in his day, and although he doesn't look like it the capital correspondents do say that when he gets going good on the subject of the Washington bureaucracies he really does seem to be of the half hoss and half alligator variety. He's a man, they add, who'll fight if he has to, or just for fun if he doesn't, and hence in their opinion, the Almighty actually was interfering in the internal affairs of Texas when He brought Coke Stevenson into power at the time He did.

It was a time of heated argument and high differences of opinion throughout the United States, but not in Texas. Up in New York, where timorous politicians seemed unable to draw a distinction between free speech and rank treason, Nazi bundists, screaming for bloodshed, were holding open meetings wherever they wanted to, while at the same time Madison Square Garden and Carnegie Hall were packing themselves full of American pacifists gathered together to listen to the appeals of American appeasers. It was a sorry picture of which no one is today proud, and of which, be it said to their glory, there was no replica among the Texans to whom freedom is not just a mere word but a reality. It's something their forefathers fought for; they intend to keep it, too, and therefore, without arguing the matter, they simply hung Hitler in effigy, over and over again, combed the draws of their country for fifth columnists so that they might hang them also, in person, honed up their bowie knives, bit their cartridges, and began to talk war. They not only talked war but actually went into it on the side of the Allies with their raw-material production. It was a paying business. Shipload after shipload of Texas beef, Texas oil, Texas cotton, Texas sulphur, and many other Texas items without which Britain could not have survived left Texas ports, with the gratifying result, as one of them expressed it, that the poor wandering farmers who previously had had no pots now had plenty of them and also plenty of windows to throw them out of.

But it was not until the United States, having discarded its leather spectacles, began to stretch its muscles, and expand its army and navy, and call for lend-lease production on an unlimited scale, that Texas began to show its real strength. It takes room and resources to gird America for war. As Texas has more of both than any other state, it at once took the lead in this huge effort. It fed and quartered hundreds of thousands of men, provided them with plenty of both sky and ground space in which to learn to fly and maneuver tanks and artillery, while also, as its own private contribution to the basic training of good soldiers, it gave each one of the boys from such narrow, civilized sections of the United States as Indiana, Ohio, and West Virginia a slight injection of a wild, wide spirit of freedom they had never before known anything about. Texas did these things and thought nothing of them, and neither, except that it had to stretch its pockets so that they could hold its profits, did it in any way strain itself in furnishing the country with millions and millions of tons of essential war materials.

Then came Pearl Harbor; the shooting started, and into it, along with the boys from the United States, went the boys from Texas! They had a tough job ahead of them and they knew it. They still know it. Unlike the boys from any other state those from Texas wear a social brand that carries with it the obligation to uphold a tradition. They are Texans, true fighting men, born of a breed that keeps going until it gets there, or gets cut down, either by a bullet or a knife! This is their heritage, and as Texas believes that each one of its sons is better than three men from any other country, it claims with much pride that it is sending more real fighting power into the hell and turmoil of this war than any other state in the Union. Nor are those sons letting them down. If it's a tough job let Texas do it! That's their motto and on all the battle fronts of this tremendous conflict they are living up to it.

The fact that the boys from Texas have now been fighting for three years in foreign lands shoulder to shoulder with the boys from the United States has in no way altered the relations between their mother countries here on the home continent. Between these countries a state of war still exists, with Governor Coke Stevenson, so it is said, already having signs painted, "United States Keep Out," which are to be placed across every highway entering Texas just the minute the Axis is defeated. The reason for this—and it is believed the order will be enforced by the Rangers—is obvious to all thinking Texans. In three years of war, with funds derived principally from the treasury of its enemy, Texas has done more to carry out its blueprint for its own future than it could possibly have done in twenty years of peace. What it has thus gained it is not going to give up. It is today industrialized; it intends to remain so, and because of the tremendous advantages over them which it possesses, in the way of raw material, cheap power, and a home market for its own manufactured goods, it is more convinced than ever that it doesn't belong in the same team with those tired, weary states of this Union which, for all their apparent strength, are unable to bear up under the weight of problems they cannot solve alone. But Texas can solve them alone. It has no doubt of it, and therefore, unlike the government in Washington, its government in Austin does not have the fantods every time it thinks about the demobilization of the Army and the reconversion of industry. Instead, it welcomes the job that faces it after Texas, and its Allies, have whipped the Axis. It will have plenty of room and plenty of jobs for all its people, including its veterans, and hence the only thing that might keep everybody in the state from enjoying a wide and handsome prosperity would be federal interference. But that will not happen; the Texans will never stand for it.

There was a time, and the Texans well remember it, back in the

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gas-wasting and hot-oil days, when "states' rights" was a smoke screen behind which some of their politicians and other high-class citizens bluffed out the New Deal and blackmailed the corporations. That period has passed. States' rights today, as most Texans, including Governor Stevenson, see it, is a blunt two-word warning to Washington not to meddle with the big, broad, beautiful country that lies between the Red and the Sabine Rivers and the Rio Grande. That country belongs to the people who inhabit it. They are a distinct race: tough, alien, unconquerable, and unassimilable. But they are not uncivilized. On the contrary, despite a few weaknesses, such as periodically saving their own souls so that they may enjoy going to hell again, and electing their governors to music (a habit, by the way, of which Coke Stevenson, who has twice been elected without benefit of a band, is trying to cure them), they are the best civilized people on this continent. They should be because when they accepted civilization at all they did it with reservations in favor of their right to continue to be human beings. It began in 1887. Up to that time the Texans, uninterruptedly at war for more than half a century, had been too busy conquering Mexicans and Indians, and fighting the United States, and then feeding it with their beef cattle, to pay any attention to the demands of polite society. In 1887, though, the last year of the trail drives, when the triumphant Texans, who had made a hundred million dollars out of their longhorns, came home and sobered up, and for the first time since they had acquired it made a real check-up of their empire, they were disgusted with their own accomplishment. Impelled by their own energy, they had so thoroughly cleaned their country of livestock that, for the time being, all they had left on their hands was a lot of land that they would have to go to work on to develop. They shuddered at the prospect because that meant civilization, and would civilization agree with them? They didn't know; they had never had any, but were willing to try it provided they didn't have to give up their hats or their boots, fumigate their language, alter their drinking habits, refrain from philandering, love their neighbors, or learn to fear God. This then is the kind of civilization that the Texans adopted for their own use and that is still current in their country. It suits them; it is not a vertical civilization, like that of the United States, which demands that the practitioners of it be always aspiring to higher things, but a perfectly horizontal one designed for immediate consumption over a tremendous spread of territory, and cunningly calculated to make the people keep both their eyes and their feet on the ground, where all their wealth comes from. The Texans do this; it gives them a toehold on the earth that is unbreakable and that of their own accord they will never loosen. Although some day they will probably expand it—when they annex the United States!

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