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THREE AREA
MAPS INSIDE

ENCHANTED ROCK

MAGAZINE

VOL. 4, No.5
JULY, 1997

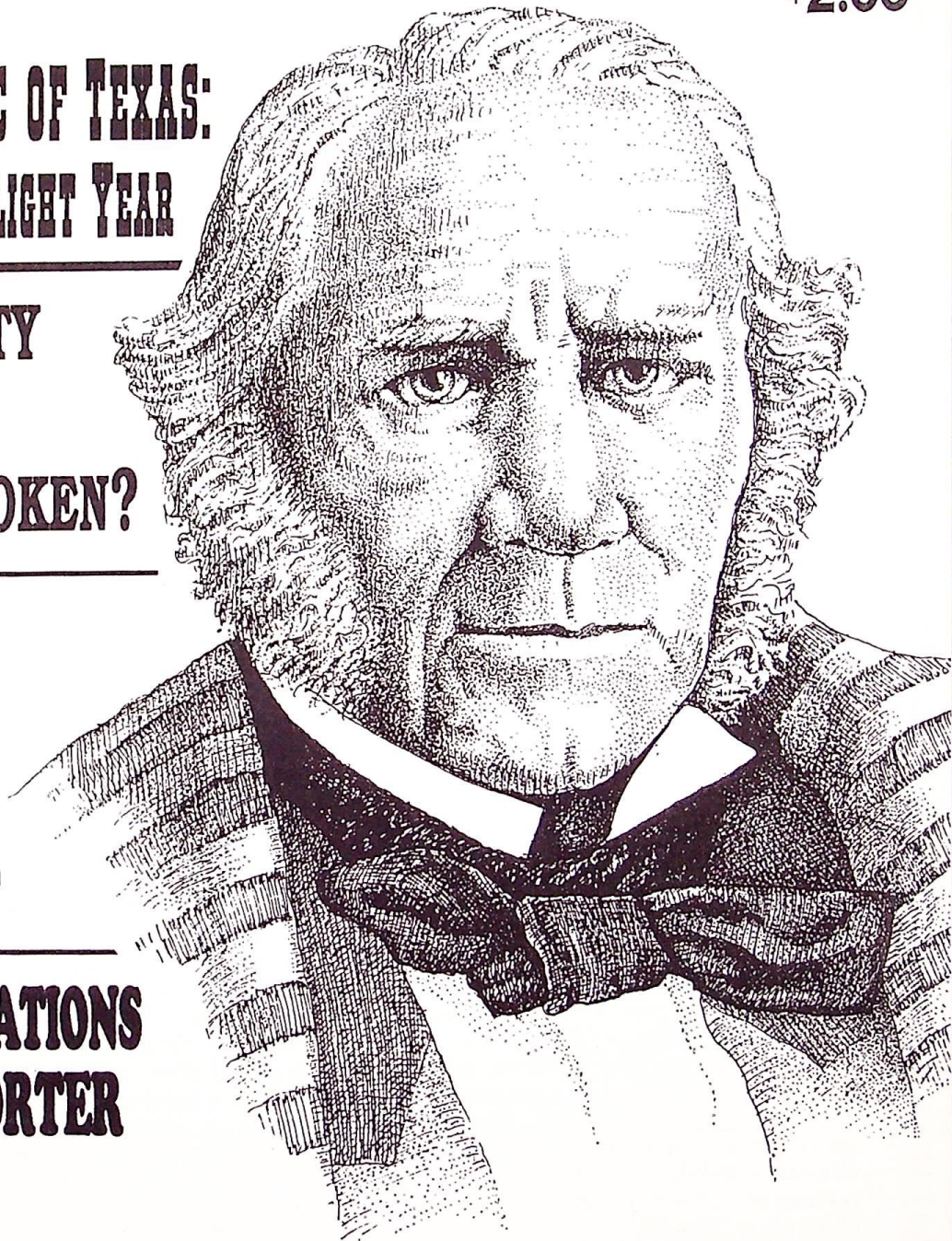
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**THE REPUBLIC OF TEXAS:
1845, THE TWILIGHT YEAR**

**THE TREATY
THAT WAS
NEVER BROKEN?**

**THE
1824
FLAG**

**THE TRIBULATIONS
OF BILL PORTER**



SAM HOUSTON
BY IRA KENNEDY



NEW KIDS ON THE BLOCK

Maybe, but not to the healthcare industry! Barbara C. Powell (B.C. Powell), CEO and Administrator for C&C Healthcare Services, Inc. has been around the block a few times when it comes to healthcare. She began her career in the home health industry in 1983 when she opened her first home health agency. Disenchanted with the operational structures and guidelines of other home health agencies in her

Crawford Home Care, Inc. is a home and community support service agency that is licensed by the state of Texas and contracts with Medicare, Medicaid, and private insurance companies to provide healthcare services; and also provides healthcare services to individuals contracting on a private basis. Crawford Home Care provides home healthcare services required by an individual in a place of residence. Nursing care, physical, occupational, speech, respirator therapy, medical social service, or service provided by unlicensed personnel under the direction of a licensed health professional can be received under the direction of a physician when a patient qualifies.

Crawford Hospice Services, Inc. is also a home and community support service agency that is licensed by the state of Texas and contracts with Medicare, Medicaid, and private insurance companies to provide healthcare service; and also provides healthcare services to indi-

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area, Ms. Powell wanted more for the patient and would not settle for anything less than continuous quality care provided by compassionate and caring employees and volunteers. She is satisfied that she has found a community in which she can provide just that.

Crawford Hospice & Home Care is the end result of many years of comprehensive training and the understanding of the clinical and administrative needs in the home health industry in order to better serve the public. Ms. Powell is committed to staff development and community education. She believes that public awareness is the key to bringing the community together as a whole.

Crawford Hospice & Home Care is managed by the team approach concept among healthcare professionals. Ms. Powell believed that together, working as a team, healthcare professionals everywhere can ensure continuous quality care for those who need it. Ms. Powell believed that professionalism, ethics, and integrity should be the primary components looked for when employing healthcare staff. With that in mind, she is working with a team of employees and volunteers that are dedicated to educating the public and ensuring that the quality of care delivered to patients is of the highest standard.

viduals contracting on a private basis. Crawford Hospice differed from Crawford Home Care in that it provides the hospice benefit, which is a comprehensive palliative care program. Palliative care is a means of alleviating pain and providing comfort measures for persons with a terminal illness, and their families. It is designed to promote physical, social, psychosocial, spiritual care, and support. Emphasis is placed upon the quality, not quantity, of life. Pain and other distressing symptoms are managed in a way that the remainder of the patient's life is spent with as much comfort, dignity, hope, and fullness as possible.

Crawford Hospice Services, Inc. and Crawford Home Care, Inc. work in conjunction with each other to provide continual care to patients who choose to stop using home care if they decide that hospice may be more appropriate. This allows the patient and their family to retain the nursing staff that they have become familiar with, therefore, not creating any added stress. Ms. Powell is utilizing the team approach concept among healthcare professionals in implementing the "bridging the gap" program. Counseling needs are available to patients and family members who choose home healthcare at no additional charge, whether they need or choose the hospice benefit.

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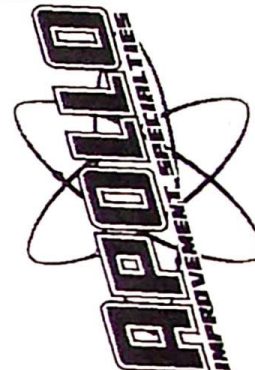
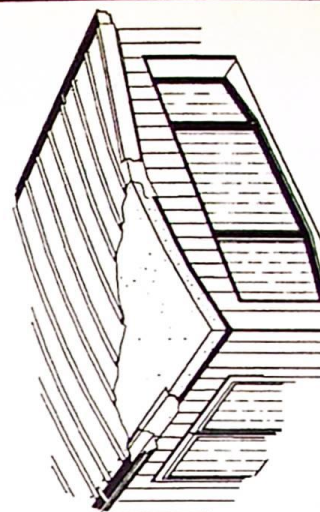
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BUCHANAN DAM

Fuzzy's Corner Hwy 29&1431

Gallery of the Hills, Page

ENCHANTED ROCK AREA

Crabapple Crossing

Country Store, Page 28

Enchanted Rock House, Page 5

FREDERICKSBURG

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INKS LAKE

Hoover Valley Country Store Pg.7

LLANO

Acme Dry Goods, Page 28

Badu House, Page 22

Cooper's Bar-B-Q, Page 39

Eva's Holtzer House, Luce St

Hungry Hunter, Page 28

Lillies, Page 27

The Old Feed Store, Page 37

Merle Norman, Page 29

Olen's Ice Box, Page 11

Pinckney's, 110 East Main

Stonewall Pizzeria, Page 6

Saphires and Petunias, Pg. 27

MARBLE FALLS

Bargain Books, Hwy 281

Blue Bonnet Cafe, Hwy 281

Buffalo Gals, Page 34

City Jewelry, Hwy 281

Joey Martin Sporting Goods Hwy 281

Main Street Emporium, Main St.

Past & Presents, Page 29

Pomegranates, Page 29

WELFARE

PoPo Family Restaurant, Page 18

WILLOW CITY

Harry's on the Loop, Page 6 & 20

SISTERDALE

Sisterdale General Store

STONEWALL

Stonewall Chili Pepper Co. Pg. 35

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FROM THE EDITOR

PROGRAM? WHAT PROGRAM?

Our First Annual Writers Rendezvous held here at our home and office on the Triple Creek Ranch—six miles northwest of Enchanted Rock as the crow flies—drew some fifty writers whose works appeared in *Enchanted Rock Magazine* since its inception. As the day approached I received numerous phone calls from our guests asking if there was a program. Well, the fact was I didn't have a clue. In the eleventh hour Waggoner Carr offered to perform his stand-up routine on the life and times of Jesse James. And it was indeed a stand-up performance which hushed an otherwise talkative group.

Warren Lewis, author of a series of stories on Slue Foot Sue and Pecos Bill read his latest piece, "Slew-Foot Sue and the Next-to-the-Last Battle of Enchanted Rock" which will appear in our August issue. It was one of the best overviews of the history of Enchanted Rock I've heard.

C.F. "Charlie" Eckhardt, a storyteller if there ever was, spun more yarns and shared literally volumes of historical stories. He is a living treasure with more knowledge of Texas than anyone I have ever met.

Dyanne Fry Cortez and her husband Javier set up their handsome tipi, providing the perfect aesthetic touch to the event. Mike McPherson cooked ribs and brisket to perfection, while Ms. Intrepid served up her ranch-style beans and potato salad.

I would like to thank, in particular, **The Badu House** for everthing from rooms for guests, to tables and table salt, **Olen's Ice Box** for their professional attention to our refreshment needs, **Stonewall Chili Pepper Company** for their award-winning salsas, **Ford Street Inn** for their gracious and excellent accommodations, and **Cooper's Bar-B-Q** for providing **Mike McPherson**, barbecue cook extraordinaire', with the best brisket and ribs around. Without their kind cooperation the event would not have been the memorable success it was.

All that said, the folks who put the event over the top were the writers themselves. At one point they all gathered around in a wide circle under the shade of a large oak swapping stories. As I sat and listened, I was taken by the common cordiality and respect they held for each other. Unlike TV talk shows, these folks listened to one and then another, shared sources and resources, and together gave a

dimension to Texas history and folklore that could never have been accomplished in any other way.

I began to notice that the discussion drifted seamlessly from theme to theme. Each topic lasting around twenty minutes. During a discussion of frontier forts I interrupted and, for the sake of anyone missing the lack of structure for the event, announced, "This is the Old Farts on Old Forts Seminar. The topic for the next one will be announced sometime in the middle of the event."

Mostly I just listened. I had never met most of the writers and, to the person, I was amazed by their dedication and understanding of Texas culture. I only wish more people, writers and non-writers, could have experienced the deep knowledge and devotion the writers expressed.

All in all, my notion that *Enchanted Rock Magazine* is providing the best in Texas history and folklore in the state was confirmed. My heartfelt gratitude to all of the writers for contributing to the success of this magazine.

IRA KENNEDY

ENCHANTED ROCK MAGAZINE

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8 The TREATY THAT WAS NEVER BROKEN?
A Closer Look at The German-Comanche
Treaty of 1847, by Ira Kennedy

12 1845, THE TWILIGHT YEAR
The Last Days of The Republic of Texas,
Part Two of Two Parts, by Ira Kennedy

17 ALL ABOARD
Take A Train Ride Into The Scenic Hill
Country—All the Details...

19 HILL COUNTRY MAPS
The Handiest Maps Available For Touring
Central Texas, by Ira Kennedy

24 THE TRIBULATIONS OF BILL PORTER
Little Known Facts About One of America's
Most Famous Writers, by C. F. Eckhardt

28 COWBOY TALES
"Half A Day To Town." Why Folks Return To
Nowhere to Live, By L. Kelly Down

29 GRANDPA
He Always Wanted To Fly, And Boy Did He
Get His Chance, by Judy Woodard

32 THE 1844 FLAG
All The Details on Six Other Flags That Flew
Over Texas, by Charles M. Yates



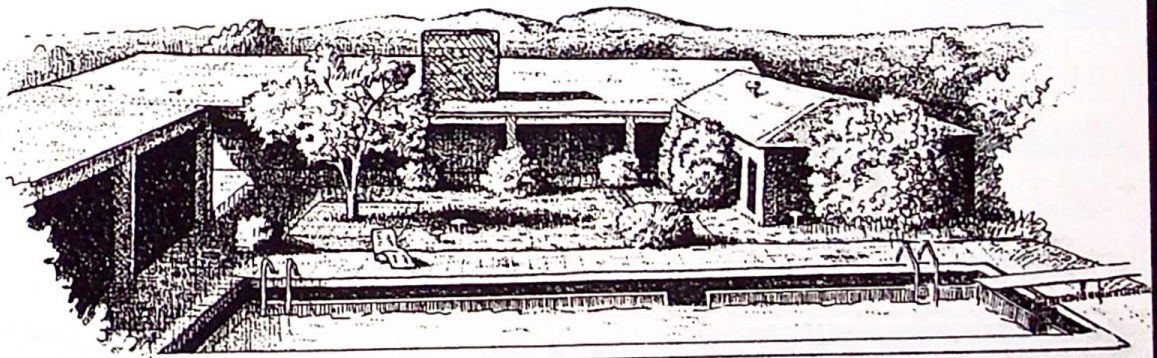
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ON THE COVER: SAM HOUSTON, by Ira Kennedy.

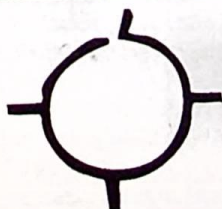
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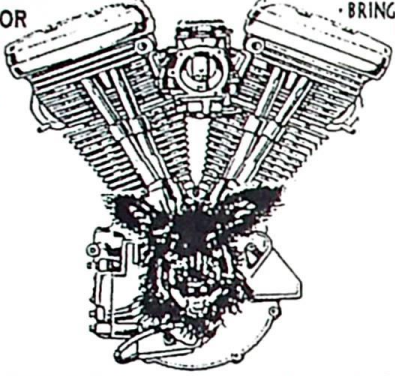
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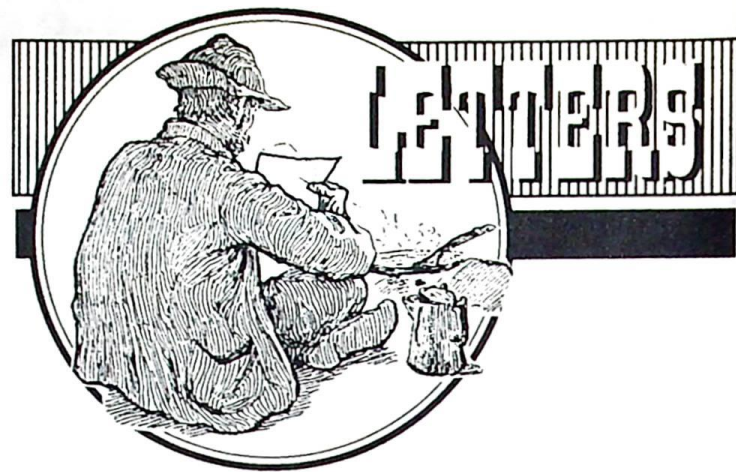
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PEACE TREATY

Thanks for a very enjoyable event at your ranch. Interesting meeting such a diverse group. Waggoner Carr's presentation was sensational.

By the way, some way or another I would like to discuss with Warren Lewis his comment about the Comanche Peace Treaty being broken in every respect. His comments were very offensive to all of us Germans from Fredericksburg. But, I must not rush to judgment because he may not realize that the 1847 Peace Treaty was between the Comanche Nation and the German settlers of Fredericksburg. The treaty was NEVER broken, as a people, by either side and was enjoyed for more than 30 years.

It was the U.S. government troops at Ft. Martin Scott in Fredericksburg and under Robert E. Lee at Ft. Mason in Mason that ignored the tenets of the Fredericksburg-Comanche Treaty, and dictated to the Comanches. Then government troops marched the last Comanches to Ft. Sill in Oklahoma in 1875. For 30 years, however, the Comanches and the citizens of Fredericksburg enjoyed active trading, and social life—Chief Santana was even given the full use of a Sunday House in Fredericksburg any time he wanted it. The Catholic priest taught art to the Indians. Indians were present almost daily in Fredericksburg.

Well, maybe Warren and I can get together. Perhaps I did not hear him correctly. Otherwise, his piece was most mystical and interesting.

Thanks again for a great time and unique event. Next time you and Holly can get over to Fritztown, please give me a call and a chance to take you out to lunch or dinner.

Sincerely,
Kenn Knopp
Fredericksburg, Texas

EDITOR'S RESPONSE:

Dear Kenn: As co-host of the event, editor, and at least one of the people that put such ideas in Warren's head, I assumed the responsibility to present the facts as I understood them in this issue. (See page 8.) It is not my intention to offend with this article; but to present another viewpoint than that now commonly held. I have attempted a fair examination of the facts. Kenn, I appreciate your concern, and respect your dedication to the preservation of the history of Fredericksburg. However, ethnic identity is, I believe, the lens through which we all view history. Being of different origins we all see the past differently. Histories, even when they are not in agreement, should be shared—and honored.

Kindest regards, Ira.

THE REST OF IT, PLEASE

When I moved to Texas from Illinois ten years ago, I began to immerse myself in Texas history and folklore. People who learned of my interest soon began sharing interesting bits of information and sources. Recently someone gave me the cover and the poetry pages of your June issue. They thought I'd enjoy your magazine. Well, I enjoyed the cover and the poetry pages.

Now I'd like to see the rest of it—but a subscription is not possible at this time. Can we compromise on a sample issue? Enclosed is a check for \$4.00, which I hope will cover postage and one copy.

I'm also enclosing a SASE in hopes that you have writer's guidelines available.

Sincerely,
Lois M. Nasados
Longview, Texas

EDITOR'S RESPONSE:

Dear Lois: Welcome to Texas! An issue of the magazine, probably this one, is in the mail. We appreciate your interest. If you write an article for us and if we publish it you will receive a subscription in lieu of payment. Writers guidelines, such as they are, will be posted ASAP.

TO GARY BROWN

I think your COLD TRAIL HOUNDS in "Enchanted Rock" magazine (Feb. 97) was the best Texas tall tale I have read since Bill Brett at his best.

Regards...
A.C. Greene

NEW SUBSCRIBERS

We extend our welcome this month to readers in St. Kilda Victoria, Australia; Mariella, GA; Anamosa, IA; Reynolds GA; and in Houston, Austin (3), Llano (5), Fredericksburg (2), Nacogdoches, Sunrise Beach, Kingsland, Dallas, San Angelo, Johnson City, Round Mountain, Valley Springs, Buda, Longview, San Antonio, Beaumont, and Castle Hills School in San Antonio.

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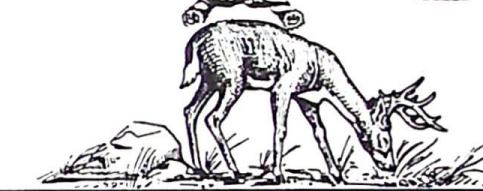
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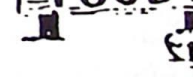
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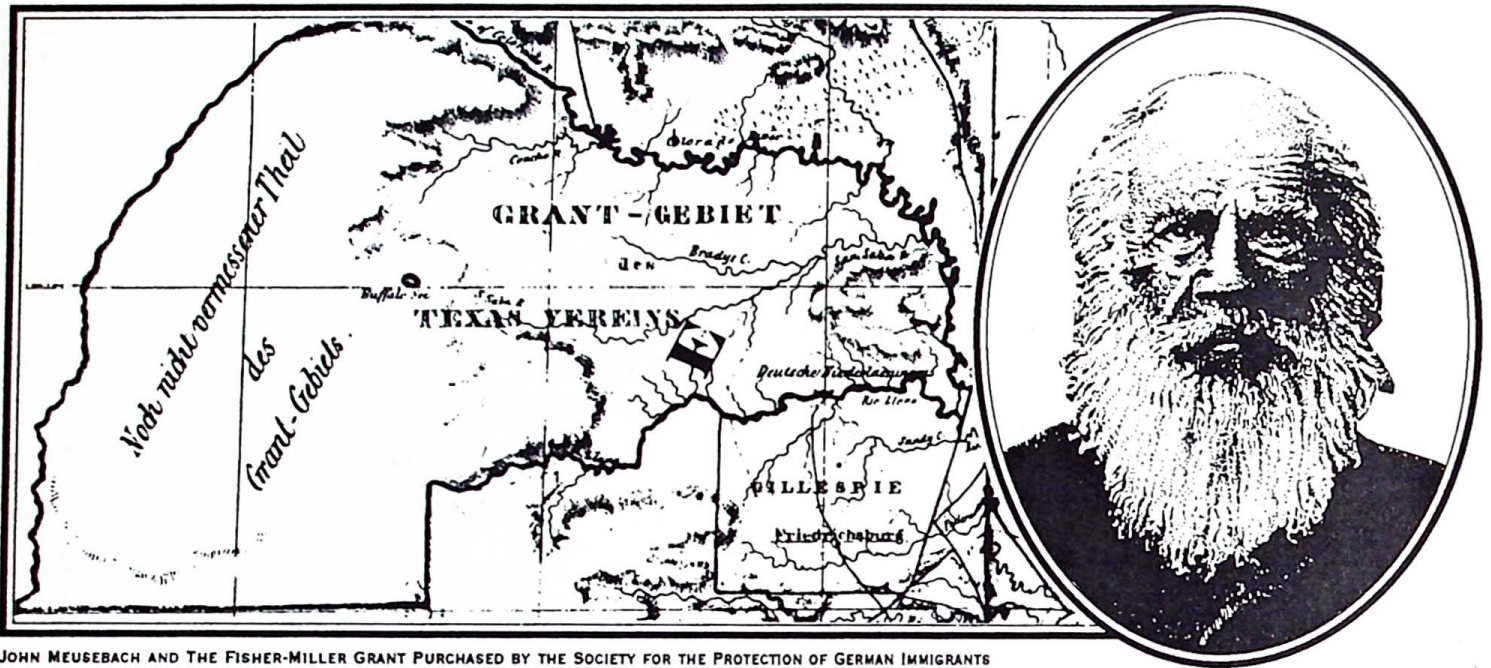
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THE TREATY THAT WAS NEVER BROKEN?



JOHN MEUSEBACH AND THE FISHER-MILLER GRANT PURCHASED BY THE SOCIETY FOR THE PROTECTION OF GERMAN IMMIGRANTS

BY IRA KENNEDY

With the buying of [The Fisher-Miller] Grant the doom of the [German Immigration] Company was sealed. They did not know what they bought. They undertook to fulfill what was impossible to fulfill. They did not have the means nor the time to fulfill it. Neither of the contracting parties nor their agents had ever seen a particle of the land in question. The territory set aside for settlement was more than three hundred miles from the coast, more than one hundred and fifty miles outside of all settlements, and in the undisturbed possession of hostile Indians. The government had promised no aid to take it out of the hands of the Indians. It had to be conquered by force or by treaty. —John Meusebach

John Meusebach was one of the most remarkable pioneers of the Texas frontier. As commissioner-general for the Society for the Protection of German Immigrants he founded the city of Fredericksburg, and the treaty he obtained with the Comanche Indian nation opened up almost four million acres for settlement. All or part of Concho, Kimble, Llano, Mason, McCulloch, Menard, San Saba, Schleicher, Sutton, and Tom Green counties were created as a result of the treaty.

Today, the German-Comanche Treaty of March, 1847, is heralded as the only treaty between the Indians and the pioneers that was never violated. Recently, one writer for *Enchanted Rock Magazine* challenged another on this point. As editor I

decided it was my responsibility to defend what I now believe to be the facts. In December 1994 (Vol. 1, No. 6) I wrote a piece entitled "Lasting Peace" covering at length Meusebach's expedition into Comanche territory, and the resulting treaty. In that article I wrote, "The treaty is generally recognized today as the only one of its kind which, excluding a few infractions on both sides, was honored by both."

After three years of researching, editing, and writing articles on the period following the treaty I am compelled to examine the contrary position. In doing so, I feel like the Grinch who stole Christmas. The desire to believe that at least one treaty with the Indians was honored by both sides has, for many of us and for some time, overwhelmed the facts.

The underlined portions in the excerpts from the works of Irene Marschall King, T.R. Fehrenbach, and the treaty have been added to provide emphasis and easy reference.

First we need to examine, geographically, exactly where the treaty was to be honored and who was under its protection. Fortunately, this has been established both by the purpose of Meusebach's mission and the treaty itself. According to the contract with the Republic of Texas, the Fisher-Miller Grant purchased by the Germans had to be settled by August 1847 or forfeit their claim. With the deadline looming on the horizon Meusebach realized the only means to achieve settlement was by securing a treaty with the Comanche. Although the Fisher-Miller Grant extended northward from the Llano River, beyond the San Saba to the Colorado, the treaty itself covered "the German people living here [Fredericksburg] and settling the country between the waters of the Llano and the San Saba." Further the treaty was to protect the German people and colonists for the Grant," and surveying parties "as far as the Concho, and even higher up... to the Colorado."

We can assume that "and colonists" was included in the treaty to protect settlers of other nationalities within the limits of the grant. As Fehrenbach noted in *Lone Star*, "Indians could not easily distinguish one Caucasian from another." And, it was impossible for them to distinguish cattle and horses owned by Germans from those which were the property of others who, in substantial numbers, settled within the grant.

Contrary to present-day belief, according to my sources, no historian has claimed that the treaty was *never* broken. In *John O. Meusebach, German Colonizer in Texas*, Irene Marschall King writes: "In the main, the treaty which Meusebach made with the Indians was observed.

"Fredericksburg and the outlying farms were exposed to Indian depredations. Some atrocities were committed, but it is believed that the number was insignificant compared to what might have been had Meusebach failed in his mission. The Indians remarked that the government seemed to use German settlements as outposts. Pioneers have stated that as long as the German settlers did not infringe on such things as hunting rights, peace with the Indians prevailed....

"Certain innate characteristics cannot be changed by the signing of a treaty. Meusebach's own experience demonstrated this fact. Shortly after his resignation from the work of the Society in July, 1847, he was living at Comanche Springs, twenty miles north of San Antonio. There the Indians came to visit him. The farm overseer came running to warn Meusebach to seek safety. Instead of doing that Meusebach said, "Prepare food for the Indians," then he went out to meet them and invite them to dinner. He ate with them at his table, set with his best linen and silver. Soon they went peacefully on their way to Austin. On their return from Austin, where their demands did not receive favorable attention, they came again to Comanche Springs. This time they helped themselves to the horses on the farm.

"Allowances for minor infringements must be made. The fact that the treaty, in the large, established a peace that was actually adhered to was confirmed by some eleven years after it had been signed, when Colonel Jack Hays, the celebrated Indian fighter, was a visitor in the Meusebach home

THE TREATY BETWEEN THE COMMISSARY GENERAL OF THE GERMAN EMIGRATION-COMPANY JOHN O. MEUSEBACH

For himself, his successors and constituents, for the benefit and in behalf of the German people living here and settling the country between the waters of the Llano and the San Saba on the one part and the Chiefs of the Comanche Nation hereunto named and subscribed for themselves and their people of the other part, the following private treaty of peace and friendship has been entered into and agreed upon:

I. The German people and colonists for the Grant between the waters of the Llano and San Saba shall be allowed to visit any part of said country and be protected by the Comanche Nation and the Chiefs thereof, in consideration of which agreement the Comanches may likewise come to the German colonies, towns and settlements and shall have no cause to fear, but shall go wherever they please—if not counselled otherwise by the especial agent of our great father—and have protection, as long as they walk in the white path.

II. In regard to the settlement on the Llano the Comanches promise not to disturb or in any way molest the German colonists, on the contrary to assist them, also to give notice, if they see bad Indians about the settlement who come to steal horses from or in any way molest the Germans—the Germans likewise promising to aid the Comanches against their enemies, should they be in danger of having their horses stolen or in any way to be injured. And both parties agree, that if there be any difficulties or any wrong done by single bad men, to bring the same before the chiefs to be finally settled and decided by the agent of our great father.

III. The Comanches and their Chiefs grant to Mr. Meusebach, his successors and constituents the privilege of surveying the country as far as the Concho, and even higher up, if he thinks proper to the Colorado and agree not to disturb or molest any men, who may have already gone up or yet to be sent up for that purpose. In consideration of which agreement the Commissary General Mr Meusebach will give them presents to the amount of One Thousand Dollars, which with the necessary provisions to be given to the Comanches during their stay at Fredericksburgh will amount to about Two Thousand Dollars worth or more.

IV. And finally both parties agree mutually to use every exertion to keep up and even enforce peace and friendship between both the German and Comanche people and all other colonists and to walk in the white path allways and for ever.

In witness whereof we have hereunto set our hands, marks and seals.

Done at Fredericksburgh on the waters of the Rio Puerdenales this the ninth day of May AD 1847.

SIGNATORIES:

J. O. Meusebach, R. T. Neighbors (Spec. agt. U.S.), F. Shubbert, v. Coll, John F. Torrey, and Felix A. von Blucher
War Chiefs of the Delaware's: Jim Shaw, and John Connor
War Chiefs of the Comanches: Santa Anna. Poch-An-Sanoch-Go, Moora-quitop, Matasane, To-shaw-wheneschke, and Nokahwhék

Back in the sixties when the Indians use to come raiding every bright moon, they had a regular route by which they always come into a community and also a like route to depart by. For instance, they would come in from the west if they were Comanches, and from the Waluppe Mts. if they were Apaches.

at Comanche Springs. The Colonel told Meusebach "that he was never molested nor lost any animals during his travel within the limits of our colony, but as soon as he had passed the line he had losses."

"This Comanche-German treaty was never broken," Fehrenbach observes in *Lone Star*, "but there was bloodshed when the Indians became embittered by other white aggressions in later years. Indians could not easily distinguish one Caucasian from another, and after 1860 much German hair adorned Comanche lodge poles."

A pologists for the treaty seem to have overlooked an enormous body of evidence to the contrary. Raids by Comanches within the limits of the grant were rampant during the Civil War. Even prior to the Civil War attacks were so common settlers lived in constant fear of the Comanches. Sarah Harkey Hall, whose father was quarter German settled in the valley of Richland Creek in San Saba County in 1853 or 1854. "My first recollection is of fear of Indians," Hall wrote in *Surviving on the Texas Frontier*, "sitting up at night listening to the whistle of the Comanches all around and shivering with fear and trembling... for it was no uncommon thing to get news of some family being massacred in the most horrible and cruel manner, with the capture of the women, and perhaps some little innocent girl being carried off with them. At the same time they would have the scalp of father and brothers to present to the captives and if they showed any grief, their torture was only increased until relieved by death." [*Enchanted Rock Magazine*, December 1996]

Jym Sloan, writing for the San Saba News in 1900 penned

"The Bloody Hand Prints of Alice Tod," which retells the capture of a young girl by the Indians. "Back in the sixties when the Indians used to come raiding every bright moon," Sloan observed, "they had a regular route by which they always come into a community and also a like route to depart by. For instance, they would come in from the west if they were Comanches... and from the Waluppe Mts. if they were Apaches." [*Enchanted Rock Magazine*, July 1996]

The Indian raids in San Saba and Llano County subsequent to the treaty are too numerous to review here. Published accounts in *Enchanted Rock Magazine* include, in the December 1995 issue, Ken Knopp's article "Indian Days in Fredericksburg," which recounts the story of Adolph "Jack" Evers, Jr., who was attacked by a roving band of Comanches near the community of Cherry Springs; and the kidnapping of Christian Leyendecker.

In April, 1996 we published the narrative of Annie Simms Walker who, with her husband, was attacked by Indians in 1860 near Enchanted Rock. In the May, 1997 issue is an account of the Comanches attacking and killing Riley Walker. And there are more.

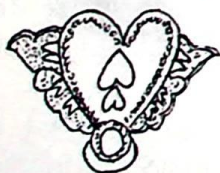
Numerous references to Indian attacks within the limits of the grant can be found in *Indian Depredations in Texas*, by J. W. Wilbarger. While it may be stated with some accuracy that not all of the attacks were by Comanche, it is certain that the Comanche were their allies. As early as 1850 the Comanche were in a confederation with the Kiowa, Apache, Arapaho, and Cheyenne. Also, during the Civil War, the U.S. Government encouraged the confederated tribes "to do all the damage they could to Texas, because Texas was at war with the United States." [James Mooney, *Calendar History of the Kiowa Indians*]

According to Mooney, however peaceable the Kiowa and Comanche may have been on the Kansas frontier during the 1860s they continued their raids into Texas.

The Comanche alliance with the Kiowa, Apache and others would seem to be a violation of Article II of the treaty.

In all fairness, while documentation of treaty violations by the Comanches are a matter of record, it must be understood that the Meusebach treaty aside, the Indians everywhere were in a struggle for survival. Further, anyone reading first-hand accounts of the Texas frontier will quickly realize how ready the settlers were to drop all their chores to hunt Indians; and outside of Gillespie County it appears from the narratives that the settlers were wholly unaware of the "protection" the treaty promised. In this atmosphere it seems unlikely that, outside of the limits of Fredericksburg and the German communities to the

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south, anyone gave a second thought to a treaty written in German. Certainly, a copy in the hands of the Comanche (and there wasn't one) would have been of little use.

Why the Comanche agreed to the treaty at all is a mystery. Were they expecting the Germans to join in raiding parties against the Texans as the treaty implied? Article II of the treaty states, "The Germans likewise promising to aid the Comanches against their enemies, should they be in danger of having their horses stolen or in any way to be injured." If so, there is no record of the Comanche making such a request, or the Germans volunteering such an effort.

Unmolested access to Fredericksburg where the Comanches could trade their goods from hunting and warfare was definitely a plus for both sides. But why would they allow surveyors total access to their winter hunting grounds in Texas? The suspicion that the surveyor's equipment stole the land was universal among the Indians of the Plains. Nevertheless, the surveyors (including Jack Hays) apparently went about their work without hindrance. In that respect, at least, it seems the treaty was honored.

According to Meusebach, the Comanches were "promised \$3,000 worth of presents, for which consideration they on their part promised and agreed not to disturb our surveyors in their work, nor to do any harm to our colonists."

The grant was undisputed Comanche territory. Fisher & Miller were paid a little over \$9,000 for land within the grant although, in Meusebach's words, "Fisher & Miller had no lands to sell at all; but only their rights in the Colonization Contract which they had with the Republic of Texas." Add to that the expense to sustain the emigrants at Galveston and Indianola ran as high as \$1,000 a day; and *one* contract Meusebach entered into to transport emigrants from Indianola to New Braunfels was \$16,000. Taking those expenses alone into consideration, \$3,000 "worth of presents" was a bargain for the German emigrants. And if there were any "presents" given, they were given in the form of land, and water, and timber, and game by the Comanches.

As likely as not, the esteem the Comanches held for Meusebach was the primary factor which induced the chiefs to sign the treaty. Incidentally, two of the names on the document, Jim Shaw and John Connor, were the Indian guides and interpreters for Meusebach, and their position as "War Chiefs" may not carry the weight the treaty implies.

Although Fredericksburg was never attacked by the Comanche after the treaty was signed, that community represents but a small portion of the lands protected by the treaty, and was never part of the Fisher-Miller Grant. As for the "minor infringements," that language is small consolation to the numerous victims and their families, or to those who sustained losses of property within the bounds of the grant itself. To say that the treaty was *never* broken is, when all of the facts are considered, little more than wishful thinking. The treaty was broken, and during the Civil War Indian attacks were so frequent many of the settlers in Llano and San Saba counties abandoned their homesteads until the late 1860s.

In June, 1875, Quanah Parker the last great war chief of the Comanche surrendered to destiny and life on the reservation. Since then, the treaty and the settlers have fared well. The fate of the Comanche is another story.



THERE MIGHT HAVE BEEN PEACE

TEN BEARS

Yamparika Comanche (1867)

I was born upon the prairie,
where the wind blew free
and there was nothing to break
the light of the sun.

I was born where there were
no enclosures and where
everything drew a free breath.

I want to die there
and not within walls.

I know every stream and every wood
between the Rio Grande
and the Arkansas.

I have hunted and lived
over that country.

I lived like my fathers before me,
and, like them,

I lived happily.

So, why do you ask us to leave
the rivers, and the sun,
and the wind, and live in houses?
Do not ask us to give up the buffalo
for the sheep.

If the Texans
had kept out of my country,
there might have been peace.

But that which you now say
we must live on is too small.

The Texans have taken away
the places where the grass
grew the thickest
and the timber was the best.

Had we kept that, we might have
done the things you ask.

But it is too late. The white man
has the country which we loved,
and we only wish to wander
on the prairie until we die.



PART TWO OF TWO PARTS
THE REPUBLIC OF TEXAS

1845, THE TWILIGHT YEAR

by IRA KENNEDY

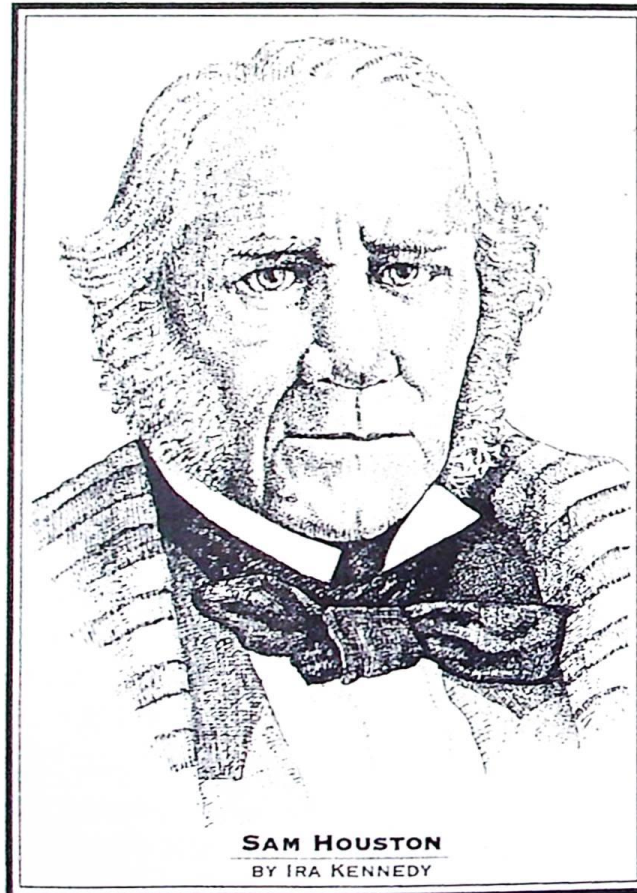
The U.S. sent an invasion force into Texas, denied her diplomatic recognition, and through both official and unofficial agents attempted to undermine the authority and character of the President of the Republic of Texas.

The intrigues and influence the U.S. brought to bear on the Convention for Annexation convened on the 4th of July, 1845 began long before the event. To appreciate the circumstances President Anson Jones was faced with, we need to examine the actions of his predecessor, Sam Houston.

On election day, September 2, 1844, President Sam Houston left for his home in Grand Cane, presumably ill. He did not occupy his office again, but left the affairs of government to Secretary of State, and President-Elect, Anson Jones. Houston's only official act after his departure was to issue to Jones an order, on September 24, to declare that Texas would accept the overtures of England and France to negotiate a treaty with Mexico, and "pledge Texas against annexation for all time to come."

Jones wrote on the back of the order, "The within order cannot be obeyed for it would either defeat Annexation altogether or lead to a War between Europe and America... Gen. Houston has furnished no explanation of his motives for this course or policy."

Jones suspected Houston had a hidden agenda with this directive. As Jones noted on another occasion, "Gen. Houston



SAM HOUSTON
BY IRA KENNEDY

was calling my attention one way, while the *game* was running another."

"I could not be willing to see every thing lost" Jones wrote in his *History of Annexation*, "...to gratify the whim of an individual [Houston] who appeared to have determined that, because I had not succeeded in consummating annexation during his administration, he would prevent me from effecting it during my own. I was not bound to commit such an act of official suicide."

Before leaving office on election day, over three months before his term had expired, Houston had been playing the U.S. and England against each other, less through diplomacy than deception. He did manage to ignite interest for annexation in the U.S.; and his speculation to U.S. officials that Mexico was about to invade Texas

resulted in the invasion of Texas by the U.S.

Although the Order of September 24 was not acted on by Jones, the news of its contents inspired extreme distrust against him. The President of the Republic was often called a traitor bought by English gold by members of the press and agents of the U. S. government. Even though Houston was painted with the same brush as Jones, he had the luxury of being out of the public eye and free of political responsibility.

General Duff Green, a U.S. agent, wrote to Anson Jones on

September 30, 1844: "I have this day written you an official note, enclosing my commission as Consul. I enclose you herein a copy of my letter to the officer commanding the naval station at Pensacola, that you may be apprised of the energy with which the [U.S.] Government is acting in your behalf.

"From my own private advices from Mexico, I have no fear of a formidable invasion by land; but I do apprehend that Santa Anna, after so much bluster, will send his steamers here, to bombard this place. Should there be any danger of this when I arrive at Vera Cruz, I will despatch the "Woodbury" to Pensacola; and, unless I am very much disappointed, our fleet, now there, will be off Galveston, prepared to forbid or punish any attempt to do so."

Providing official denyability for President Polk, Green continued, "I am not authorized to speak for the Government, but I took the liberty to make the suggestion in the proper quarter, and believe it will be acted on."

When Green arrived at Galveston he demanded from Acting Consul Stewart Newell the services of the "Woodbury."

"Mr. Green made no communication to me," Newell wrote Jones, "other than his having been appointed Consul to this port, but did not exhibit to me even a letter upon the subject; and without further communication appointed Col. E. A. Rhodes, Vice-Consul; and in forty-eight hours after his arrival, sailed again for Vera Cruz... I still retain possession; and am doing the business of Consulate, until advised by the Government of the United States if the appointment of Rhodes will be permitted; *he* having been reported by Mr. Green, deceased, to the Department."

Apart from appointing dead assistants, Green was a journalist, promoter, and "diplomat-on-special-mission." His mission, at least in part, was to inspire discontent among the Texans and distrust in their President. In newspapers of the day he spoke of his expectation "to encounter the combined influence of the British Minister, and the President of Texas, acting in concert for the purpose of defeating the wishes of a majority of the people of Texas and the United States."

Green was doing his part, along with U.S. Charge de Affairs, Andrew Jackson Donelson to defeat any other alternative than annexation. Donelson was the grandson and godson of Andrew Jackson the mentor to both President Polk and Sam Houston. When Donelson was sent to Texas by the U.S. in November, 1844 he frequently visited his old friend Houston. During his visits they stayed in adjoining bedrooms, the door remaining open so they could talk politics long into the night.

"I find my mind falling back into a channel, where the current flows in domestic peace and quiet, without one care about the affairs of Government, and only intent upon domestic happiness and prosperity," Houston wrote to Jones on Dec. 23, 1844. The correspondence held no reference whatsoever to politics.

While President Jones was busy negotiating with Mexico, so he could offer Texans a choice between annexation and independence, Donelson was overactive in his lobbying efforts to convene a Convention for Annexation.

In April, 1845 he wrote a lengthy letter to Jones recommending the Convention be held in June. He further outlined his

Green was doing his part, along with U.S. Charge de Affairs, Andrew Jackson Donelson to defeat any other alternative than annexation. Donelson was the grandson and godson of Andrew Jackson the mentor to both President Polk and Sam Houston. When Donelson was sent to Texas by the U.S. in November, 1844 he frequently visited his old friend Houston. During his visits they stayed in adjoining bedrooms, the door remaining open so they could talk politics long into the night.

recommendations for the "apportionment of the representation to the Convention," and items of business.

"I am aware of the impropriety of my becoming to any extent the organ of these feelings." Donelson concluded in his letter, "You will not, therefore, ascribe to me, in this communication, a departure from the line of conduct, which, as a representative from the United States, should keep me from all interference with the independent judgement of the Government and people of Texas on the proposals for their admission into the Union."

On May 5, Donelson wrote Jones another letter revoking his recommendation for the call of a convention. He concludes his letter noting, "It is probable I may go to New Orleans with Gen. Houston..."

Jones's note regarding this letter stated, "Major Donelson's letter of 29th May recommends the call of a convention: this revokes that recommendation. The change in Major Donelson's mind was made by Gen. Houston, whom he met at Galveston, who was opposed to the measure... I had acted in the matter, however, before Major Donelson's... letter came to hand."

Houston, a delegate at the July Convention, showed up with his wife and family in New Orleans near the end of May enroute to Tennessee. Upon his arrival in Nashville on June 8 he was notified that his old friend and mentor, Andrew Jackson was dead. Jackson was buried two days later with Houston leading the funeral cortege.

From The Hermitage, Jackson's plantation, Houston notified President Polk that their friend and mentor had died. Houston and his family stayed on at the A.J. Donelson plantation Tulip Grove, which adjoined The Hermitage.

Only ten days had elapsed between the time Houston gave a speech in New Orleans, and his arrival at The Hermitage. Following the funeral, Houston had three weeks to return to Texas before the Convention convened. Neither the Charge de Affaires for Texas in Washington, or the President of the



ANSON JONES
BY IRA KENNEDY

I knew of the storm, for I felt its blasts all around me. Demagogues, emissaries, factionists, disorganizers, and personal and political enemies, all, all united against me; and many of my friends, Sam Houston among them, quailed and stood still with very fear, or went over to the enemy.

—Anson Jones

Republic knew the whereabouts of Sam Houston.

From September 2 until after the demise of the Republic of Texas on December 15, Houston was, in Jones's words "holed up." During this time Houston's behind the scenes maneuvering further incited Jones' distrust of his one-time friend. For example, on May 5th, 1845, Jones wrote, "Gen. Houston is playing the 'snake in the grass,' but I do not intend to let him bite me." About Houston's friend Andrew Jackson Donelson, Jones wrote this:

"In the American Minister's (Donelson) letters to the Secretary of State of the United States, there is one fact disclosed, which, while it reflects unfavorably upon the fair fame of the whole country, must ever remain a source of mortification

to Texas in particular. This is that [Donelson], and the emissaries of Mr. Polk sent to act with him, had so far succeeded with the Congress of Texas and the Convention, that both those bodies were believed to be perfectly subservient to him, and that they would do his bidding in everything. The secret of this belief in his influence was the lavish promise of office to members. I have been told by very reliable authority that there was not a single member who was not thus assailed."

One of those "assailed" was Sam Houston. President Polk found a job for a Houston protege and proclaimed he would not only become a U.S. Senator from Texas, but eventually President of the United States.

Anson Jones was virtually alone in the eye of a storm holding to a course which would assure the best offer from the U.S. and Mexico for annexation and independence.

"I knew of the storm," Jones observed, "for I felt its blasts all around me. Demagogues, emissaries, factionists, disorganizers, and personal and political enemies, all, all united against me; and many of my friends, Sam Houston among them, quailed and stood still with very fear, or went over to the enemy.

Ashbel Smith looked "with admiration on the sublime calmness of Mr. Jones, who pursued the unruffled tenor of duty amidst threats, denunciations and falsehoods... amidst insidious plots to betray him into fatal measures and to overturn his administration."

With U.S. troops concentrated in Texas, its fleet offshore at Galveston, Duff Green and others plotting to have Jones ousted from office, and General Houston, at best, quietly sitting on the sidelines, it was time for the Special Convention to convene on July 4.

"Through fifty-six hot July and August days," Jones's biographer Herbert Gambrell wrote, "the delegates worked away at a constitution for the new state—and at intervals considered informally what they should do about President Jones."

Jones's mother-in-law was on her deathbed in Houston, so the President and his family went there and waited until, on July 9, she was buried. The convention, at least in regards to the Jones, was virtually a lynch mob. There was a movement to abolish the existing government of Texas and establish a provisional one. General Morehouse writing from Austin noted, "The enemies of the President are willing to sacrifice any and all, so as to reach the administration."

Francis Moore Jr., editor of the Telegraph, who generally stood against every President of Texas wrote, "I believe every motive of policy should induce the people to retain the present form of government and the nationality of Texas, until... we shall have the final assurance of merging our nationality with the great Union of North America. If we rashly and indiscreetly part with our existence as a nation we throw off the treaty-making power and cut off all our treaties now established... placing ourselves at the back and under the control of our enemies in the United States... If we retain our government and President, we can then immediately form a new treaty."

Ultimately Jones remained in office but as he noted, "From this time I had no further material control... my duties... became merely ministerial."

Virtually from the moment the convention convened, President Polk considered Texas then a part of the Union. Even the annexation of Texas, according to Jones, was a smokescreen to accomplish other goals. "It is true, the United States made the war *ostensibly* for the DEFENCE of Texas;" Jones wrote, "but, in *reality*, to consummate views of conquest which had been entertained probably for many years, and to wage which, the annexation of Texas afforded a pretext long sought and wished for. Texas never actually needed the protection of the United States after I came into office; and the *protection* so much talked about at this late period was all a trick, so far as the United States was concerned."

The Convention was still in session, the constitution had yet to be approved by the members, voted on by the general public, and ratified by the U.S. government. The U.S. presence in Texas had the dual effect of being an occupation force and an invasion force. On August 23 Jones wrote "to Gen. Zachary Taylor, (last President of the United States) in reply to a letter of his of a date shortly previous, that I had *no* intelligence of any hostile demonstrations on the part of Mexico—that I did *not* apprehend any—that her [Mexico] concentrating troops at Matamoras was in self defence, and in consequence of the United States concentrating forces at Corpus Christi, and not for the purpose of invading Texas... "

Despite the fact that Texas was still a Republic, Polk's administration, ignoring the full democratic process refused diplomatic recognition to Texas.

"I had, unofficially, made the acquaintance of Messrs. Walker, Buchanan, and President Polk, as also of Mr. Ritchie of the *Union*," Acting Charge' de Affairs William Lee wrote to Jones from Washington, "I was received cordially by these gentlemen... I was not prepared consequently for what has occurred since... On Sunday evening, 31st ult., I received the communications from the Department of State of Texas, of 2d August, covering my commission as acting Charge', with instructions... I called at 12 o'clock yesterday, and immediately on entering the office of the Secretary, was informed that the delay in answering my note arose from the President's doubt whether he ought to receive me as the representative of a foreign Government, and that the President had the matter under consideration, and it would be laid before the Cabinet to-day.

"Everything said and done here in Cabinet meetings seems to be immediately known, and I presume the public will be as well informed, and perhaps a little sooner, than I am. The Government having sent militia to Texas, they dare not now recognize a Charge' as from a foreign Government. They have now to stand to the ground taken in justification of sending militia out to Texas, and will, I think, insist that the act of 4th of July, in Convention, was the *consummation of annexation*, and, strange as this may appear, eight men out of ten here who discuss the matter take the same ground, and this is mostly the language also of the Democratic press... I have even heard such language as this:—If Texas is not now a part of the United States, the President is liable to impeachment for sending the militia there...

"Sunday Evening—I cannot detail a tittle of what has passed on conversation with Mr. Buchanan, [U.S. Secretary of State]. I told him that the powers of the Convention were defined by the proclamation; their acts must be sanctioned by a vote of the people; they can reconsider to-day what they did yesterday; and on the last day of their session annul all they had

The missions of Gov. Yell of Arkansas, Gov. Wickliffe of Kentucky, Com. Stockton and Dr. Wright of the U.S. Navy, and Andrew Jackson Donelson of Tennessee, in 1845 had but one object—that of persuading or compelling me to assist Mr. Polk in manufacturing a war with Mexico, covered up, however, under a professed zeal to accomplish annexation, which stood in no need of their aid, and of protecting Texas from Mexican invasion when there was no danger of such an invasion, except from their intrigues.

—Anson Jones

done, and adjourn; and that no power of any sort had been taken from the existing Government.

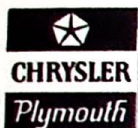
"September 8th—I am requested by the President to communicate to you the substance of a conversation I had with him this morning... After the acceptance, by the Convention of Texas, of the terms of annexation proposed by the United States, the contract was, substantially, executed, and in fact Texas is since then part of the United States. This is the ground upon which Major Donelson was recalled, and upon which rests the propriety of assembling the naval forces of the United States in the Gulf, and the appearance of her land forces on our western frontier... and the President is apprehensive, were he now to receive a diplomatic agent from Texas as formerly, it would be virtually acknowledging her separate nationality, and reanimate the Opposition."

Writing to a friend on October 5, the Charge' de Affairs David S. Kaufman expressed in his terms a similar experience to that of his compatriot Lee, "You have no doubt heard that the U. States Government refused to receive me as Charge' De Affaires—the reasons for their course are these—They had sent their troops into Texas, General Gaines certain that there was about to be a war between the United States and Mexico ordered out the Militia of Louisiana—the Whig papers then charged President Polk with having involved the United States in a war with Mexico by sending their troops into Texas, a *foreign country*—the administration organ explained that Texas was not a foreign country but already a part of the American Union. This position being once taken, of course I could not be received for that would have been saying *by acts* that Texas was in reality yet a foreign state—These are the reasons for the course taken which as you know is incompatible with the actual relations of Texas, although not with its interest."

The U.S. had put the Republic of Texas in a position which made it difficult, if not impossible, to govern. The U.S. presence in Texas exacerbated the problems and heightened the necessity for a transfer of power. On October 29, Lee wrote to Jones, "There has been a number of inquiries made of me, by Texas merchants, as to the time when the United States revenue

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laws will be extended over Texas. I answered them all, that the United States Government could not extend its laws over Texas until the time fixed by the Convention, as the people of Texas, if they adopt the Constitution, Schedule, &c. will fix the time of the organization of the State Government as the time when Texas will cease to be a republic, and as long as she is a republic the laws of the Republic of Texas will prevail..."

The turnout for the October 13 election to ratify the decision of the convention was dismal, considering the all the passionate opinions spent up to that moment. Only about 6,000 votes were cast, half the number that voted in the election the previous year. And, of the thirty six counties, only twenty reported results. On November 10, Jones declared the Constitution adopted and he set December 15 as the date for the first state election.

That Houston would be elected to the U.S. senate by the citizens of the state of Texas was a foregone conclusion. Jones hoped he would be the other:

"There is one respect in which I could be of more service to Texas in the Senate than any other person. The verbal promises made by Mr. Polk of what the U.S. would do for this country in the event of annexation were made to me only by Gov. Yell who was sent here for that express purpose. It is of infinite importance to this country that those pledges should be fulfilled. I alone know of them, & if I should be at the City of Washington, there could be no misunderstanding... & no backing out."

Jones's hopes were in vain. Thomas J. Rusk, president of the Convention of July 4, was to be the other U.S. Senator.

Formal transfer of authority from the Republic to the state, from President Anson Jones to the United States and Governor J. Pinckney Henderson occurred on February 19, 1846. Jones addressed the crowd, concluding with the words, "The final act in this great drama is now performed. the Republic of Texas is no more."

As Anson Jones lowered the banner of the Republic of Texas the pole that held it aloft for so long, broke in two.

Anson Jones, President of the Republic of Texas was never to hold public office again, despite his yearning. In early January, 1858 Jones deposited his manuscript, *Memoranda and Official Correspondence Relating to the Republic of Texas Its History and Annexation, 1836 to 1846*, in a Galveston bank. It represented a decade of labor. He informed his wife Mary of his action in a letter, "I merely mention this, for your information, in case of any accident to myself."

A few days later, he checked into a room at the Old Capitol Hotel in Houston. He wrote another letter to his wife, "for fear of accident or delay I write you today..." and he spent four days making the rounds, visiting family and friends.

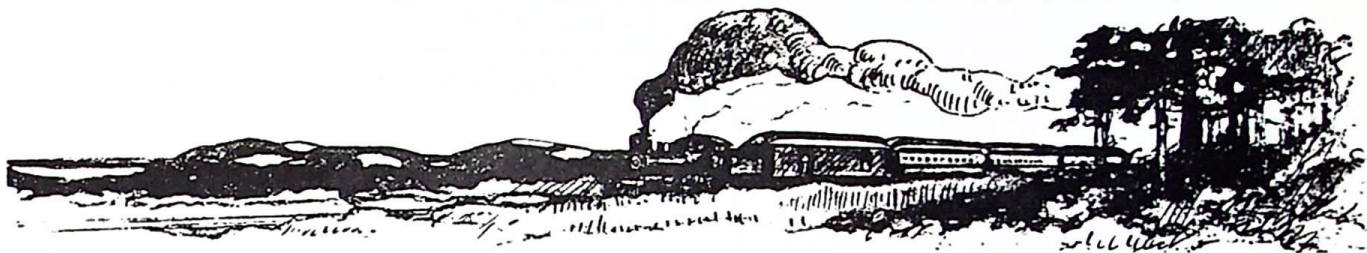
When the hotel was actually the capitol of Texas, Jones frequented its halls with other heroes of Texas independence such as Grayson, Childress, Collinworth, and Rusk. Each of them had committed suicide. On January 9, Anson Jones was found in his room in The Old Capitol Hotel with a bullet through his head.

Of all those who risked their lives and devoted their service to Texas, perhaps it was Anson Jones who gave more and received less than any other. Today, his name and his contribution is all but forgotten.



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The Hill Country Flyer's route was built in 1881 by the Austin & Northwestern Railroad to tap the Hill Country's mineral riches, including the pink granite used to build the magnificent State Capitol in Austin. It became part of the Southern Pacific before being sold to the City of Austin in 1986. Locomotive 786 was built for the SP by the American Locomotive Co. in 1916 and ran freight and passenger service before being retired to an Austin park in 1956. Restored and operated by the community-based, non-profit Austin Steam Train Association, the 786 returned to excursion service in 1992.

The Hill Country Flyer runs every Saturday and Sunday, March through December. Leaves Cedar Park at 10 a.m., arriving in Burnet at 12:30 p.m. Leaves Burnet at 3 p.m., arriving Cedar Park at 12:30 p.m. Round-trip fares: Open-window coaches, comfortable

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Upon reaching Burnet, the family can pick up some great items at the many diverse shops around the historic Courthouse square and adjacent areas. That same day, Burnet is having its "1st Annual Burnet Bargain Buys" which is a city-wide garage sale. Stop by the many sidewalk sales and hunt for treasures.

So, go ahead and mark your calendar for Saturday, July 19, 1997. That's when bicycling aficionados and their family and friends will have one of the most fun days of the summer. Official details about this "unofficial" race are available from the Burnet Chamber of Commerce—512-756-4297.

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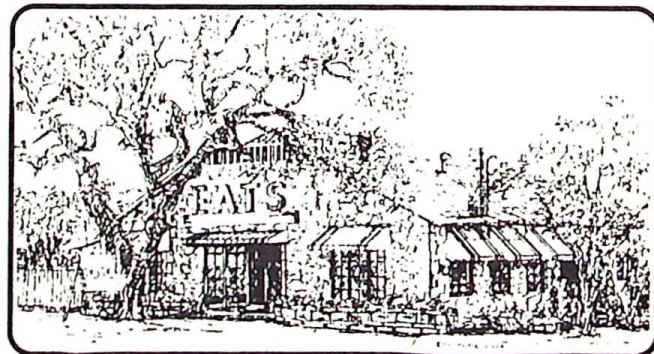
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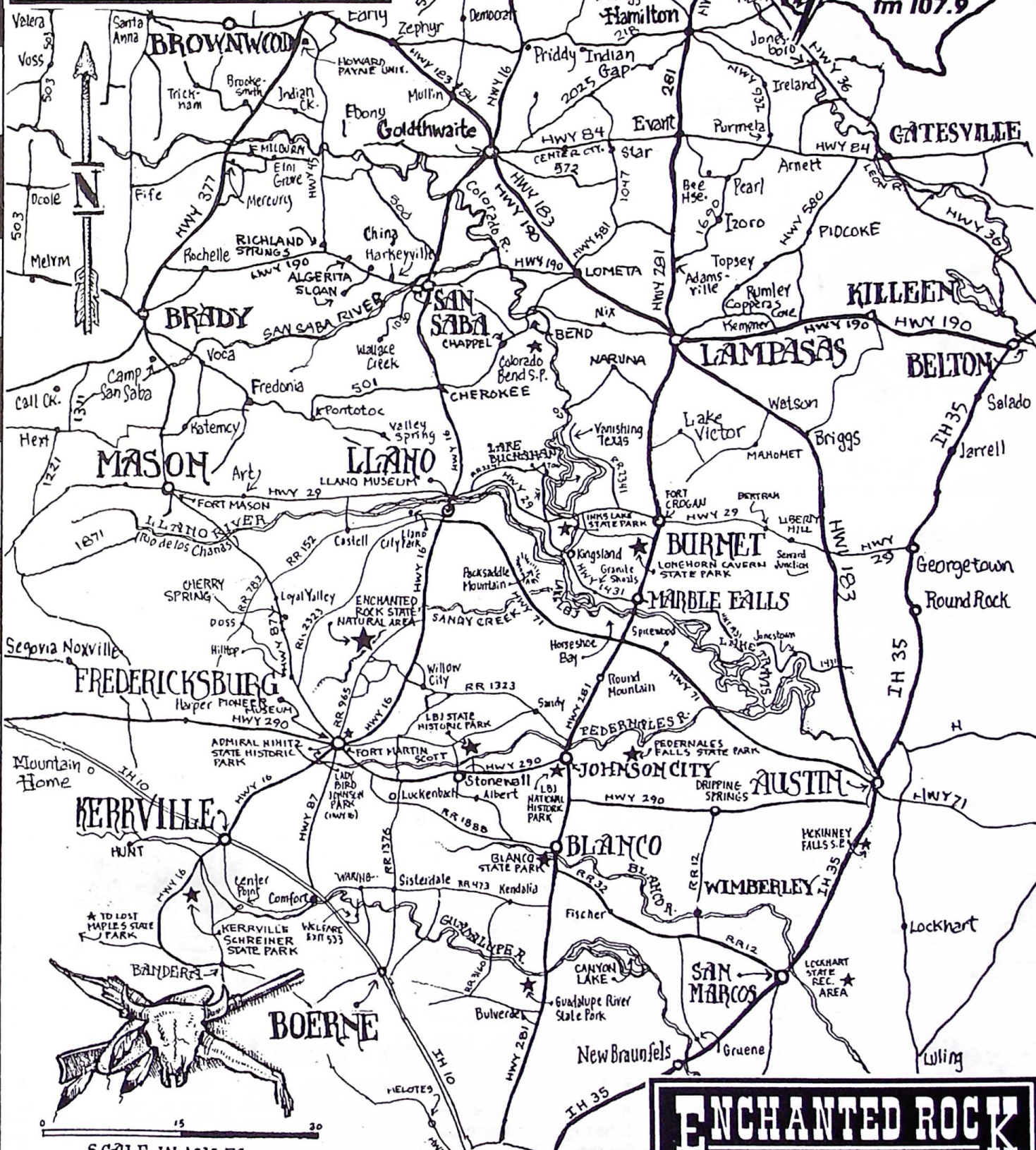
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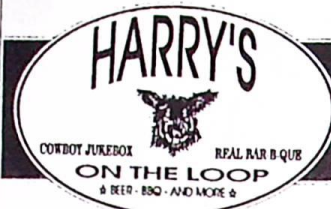
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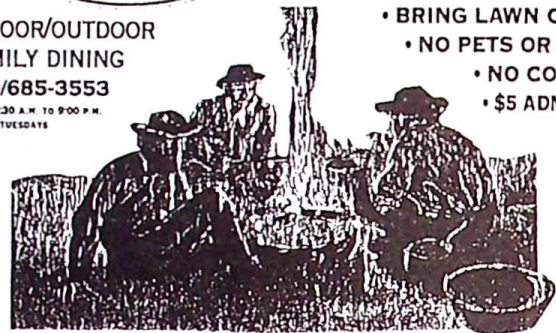
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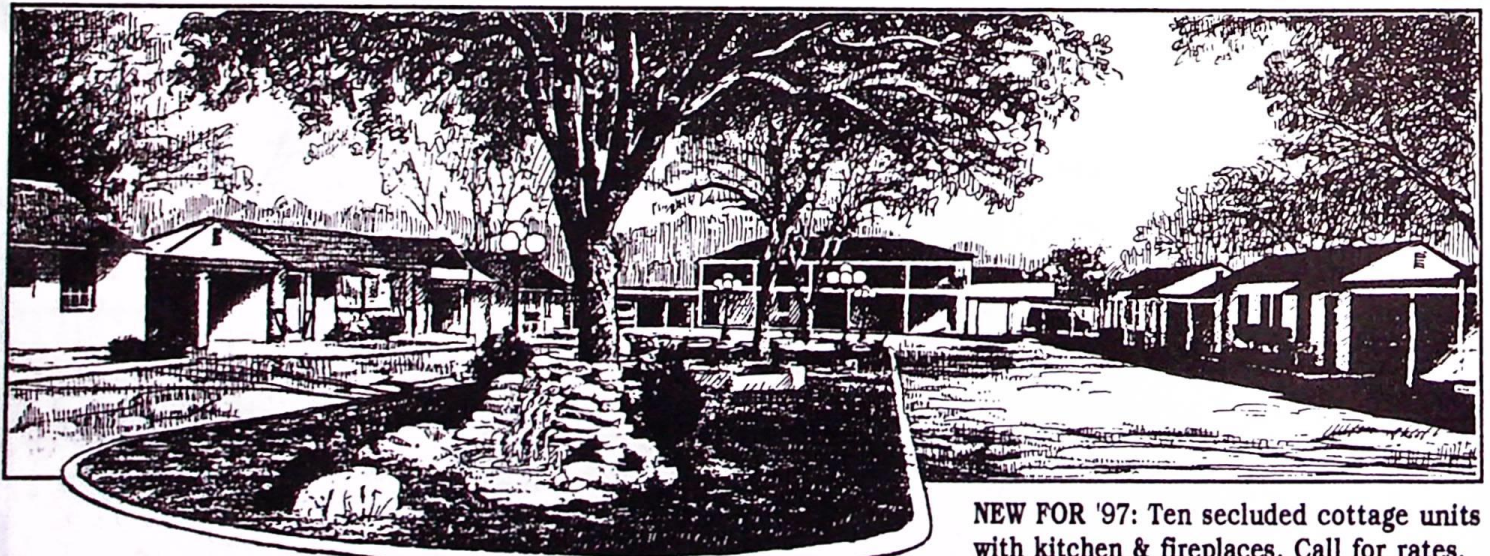


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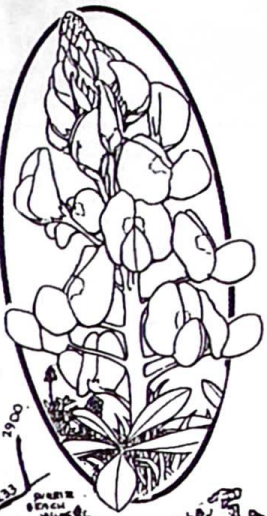
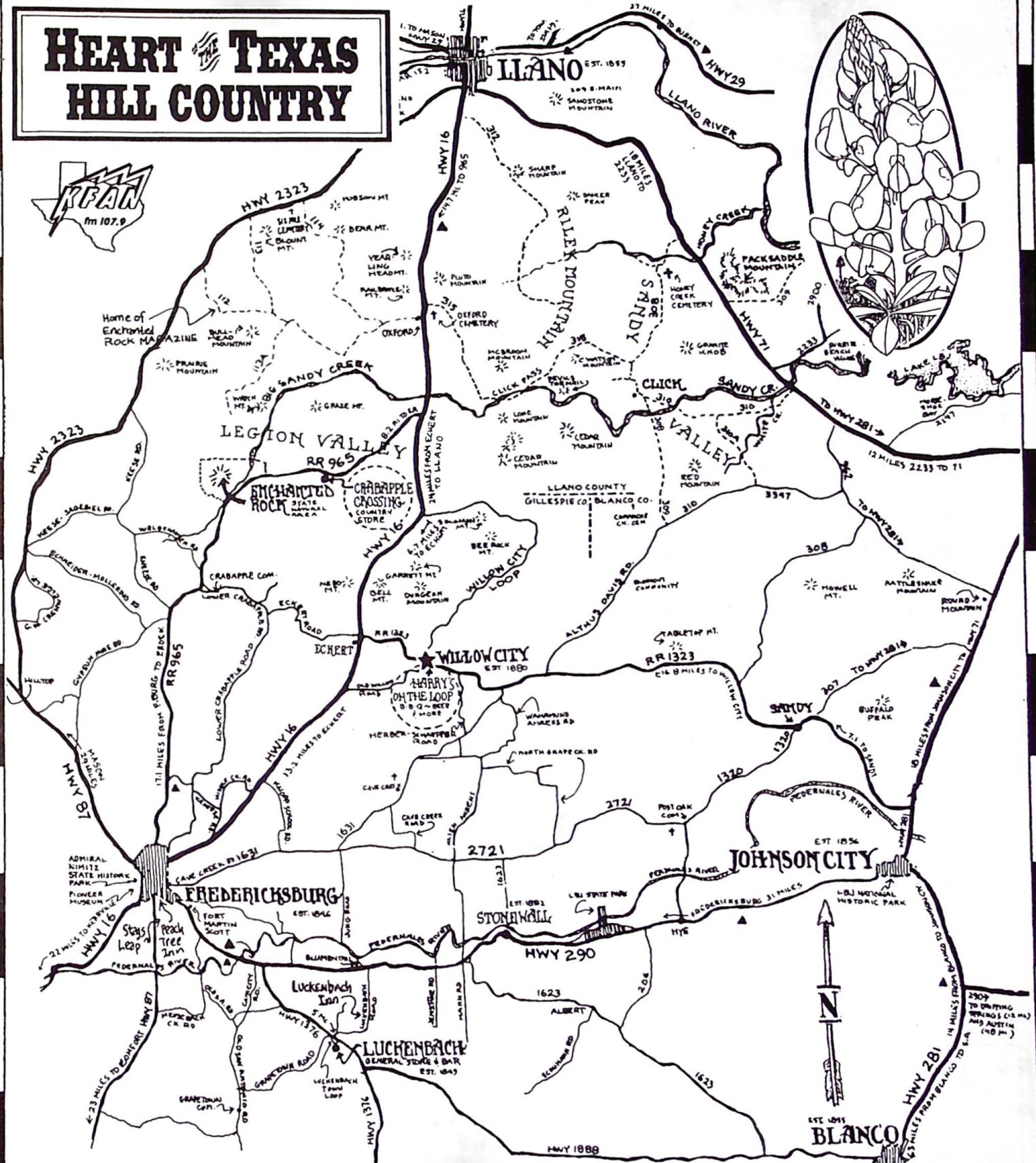
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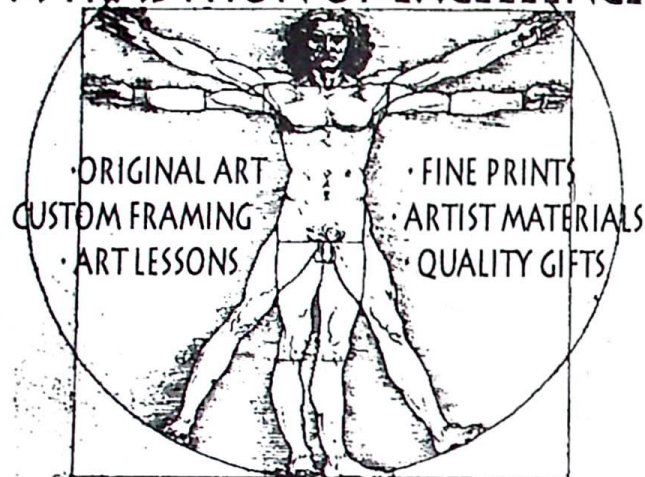
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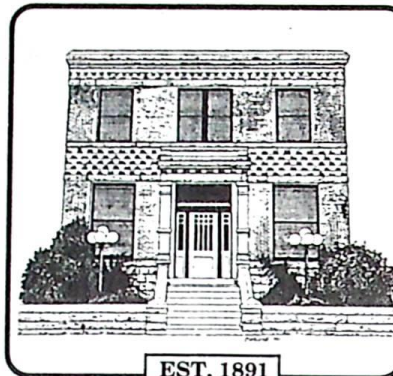
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



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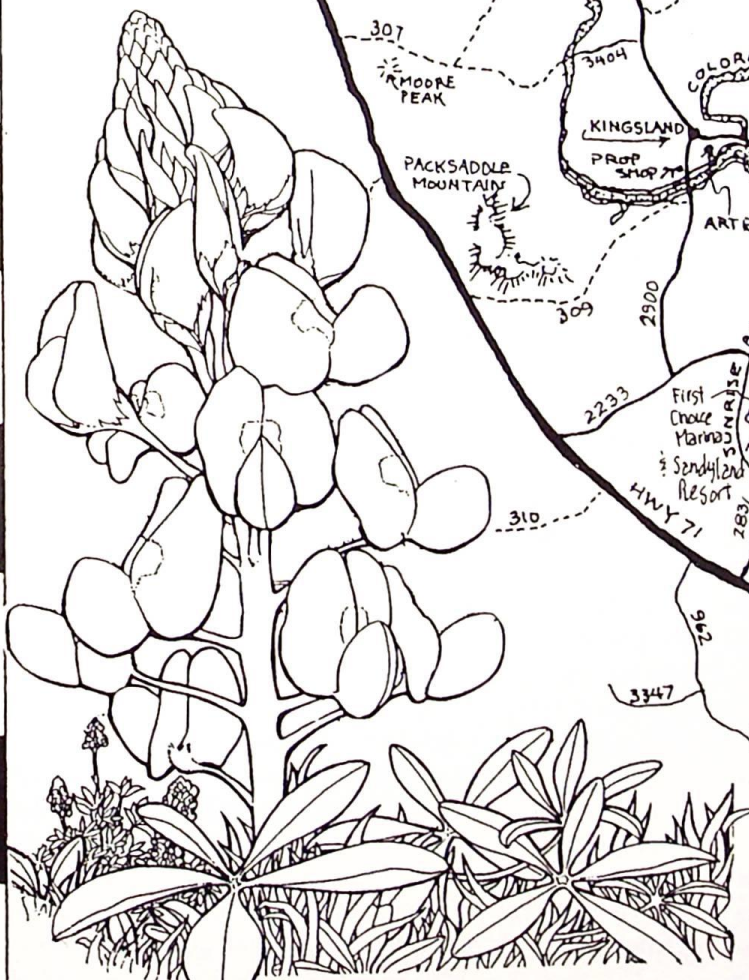
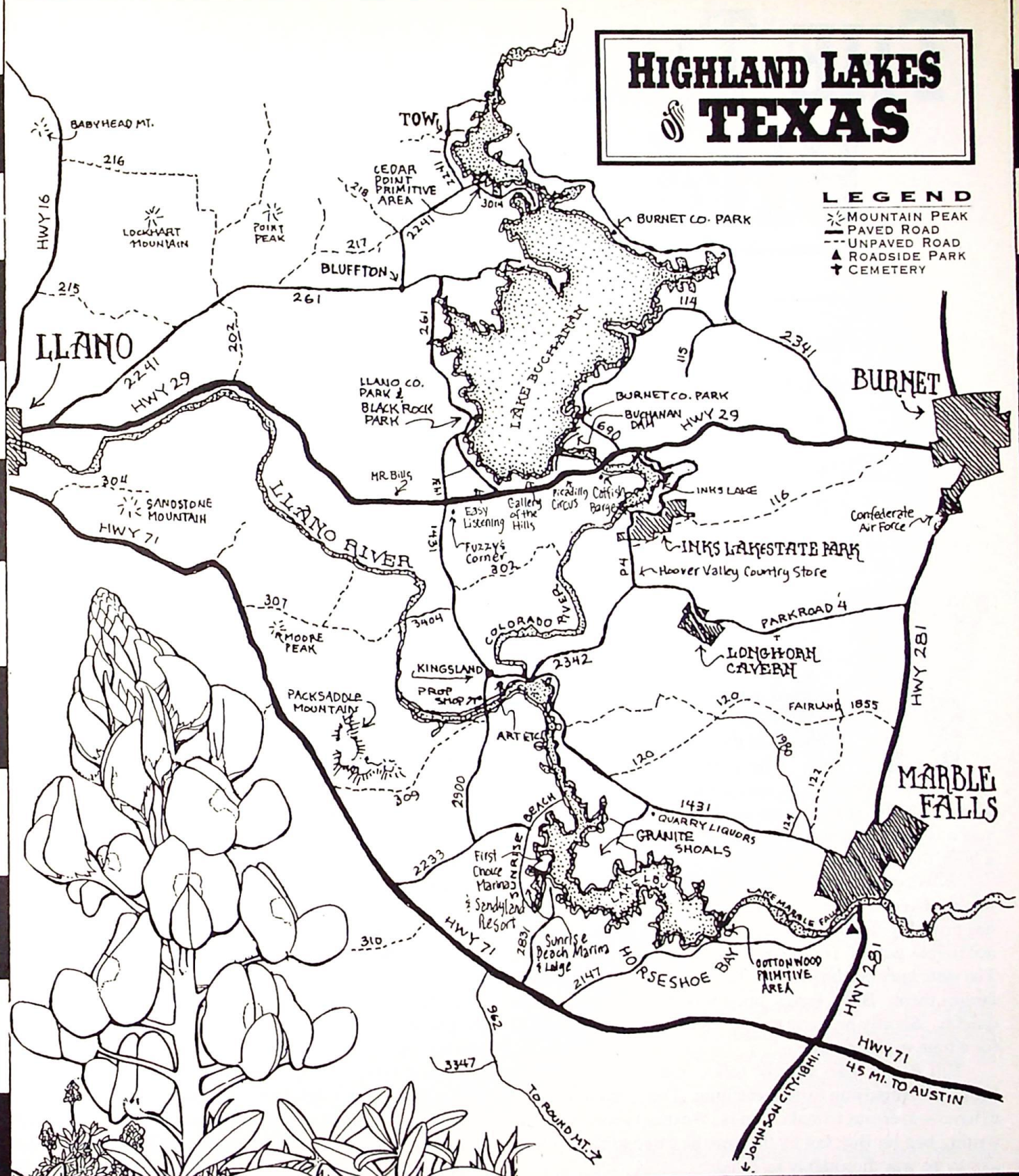
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THE TRIBULATIONS OF BILL PORTER

C. F. ECKHARDT

He lived in Kerrville, San Antonio and later in Austin where he published The Rolling Stone. He embezzled money from a bank, hid out in Guatamala, invented The Cisco Kid, and became one of the most famous writers in the world.

William Sidney Porter was born in South Carolina in the early 1860s. His father owned a drug store, and once the War was over and Bill was big enough, he worked in that drug store. While he was in his teens, Bill developed the great scourge of the 19th Century—consumption. The lung disease we know today as tuberculosis is no longer the mass killer it was before about 1940, but it's still with us. Prior to 1940, tuberculosis was a virtual death sentence with but one reprieve—more to a high, dry climate and pray a lot.

Bill Porter was sent to San Antonio, and a relative found him a job tending sheep in the hills near Kerrville. Kerrville has probably the best climate in what was, at the time, the accessible part of Texas for the treatment of tuberculosis. The state later established the Texas State Tubercular Sanitarium there. Bill's lungs, not badly damaged, recovered quickly. Shortly he came to San Antonio, where he worked for a time in a drugstore.

Bill Porter, like a lot of folks, had a monkey on his back—a compulsion to do something. The 'something' was to write—to create, to make stories. We don't know when the writing bug bit Bill, but by the time he came to San Antonio to stay he was thoroughly infected.

At the time New York was not yet the national-publication monopoly that it would become in only a few more years. There were a lot of local publications—some locally circulated, some with state-wide, regional and even national

circulation. Several of these publications—magazines and tabloids—were published in San Antonio. In addition, San Antonio's two competing newspapers, The Light and the Express, published Sunday supplement tabloids weekly, and their supplements carried fiction, much of which was locally written. Porter supplemented his meager drug store income by writing for these publications. Not all of the publications were preserved, and some of his earliest literary efforts have been lost.

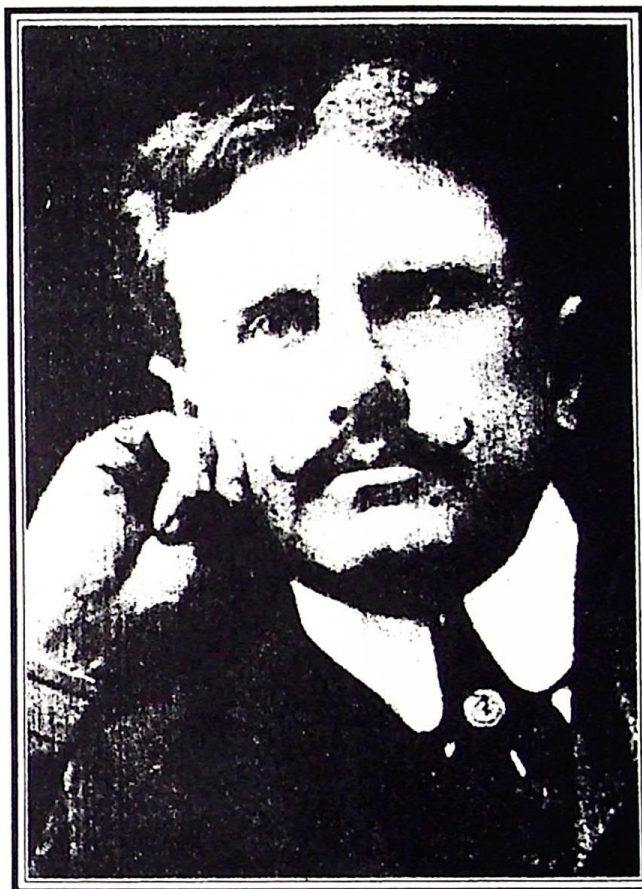
Eventually Porter landed a job with the General Land Office, which required him to move to Austin. In Austin he met a young woman named Athol Estes—who, it happened, was consumptive herself. While consumption usually made men appear prematurely aged and gaunt, in its earlier stages it sometimes enhanced a woman's natural beauty. From all reports, Athol Estes—at least by late 19th century standards—was absolutely gorgeous, and the fine-china pallor that tuberculosis added to her complexion made her all the more beautiful. Bill fell head over heels in love with the girl, and shortly they were married.

There was, of course, no Civil Service in Texas at the time—nor in the United States anywhere—and, as might be expected, all state jobs were political patronage, obtained and retained based on the political clout possessed by the employee or his family. It really didn't matter how well someone did the job—and Bill Porter seems to have been fairly competent—if someone with political connections wanted a state job, someone without clout got fired to make

room. Bill Porter, newly-wed with a consumptive wife, found himself out of a job.

Bill quickly found a job as a teller in what is not the Austin National Bank, then known informally as 'the Southern Bank' or 'Major Littlefield's bank'. Explanation: Major George Littlefield, Austin resident, Confederate veteran, cattleman, and philanthropist, started what is now the Austin National Bank. George Breckenridge, San Antonio resident, Union sympathizer, businessman, and philanthropist, started what is now the American National Bank in Austin. For several generations Austinites banked by sympathies—ex-Confederates and their families at Major Littlefield's bank; Yankees, Yankee sympathizers, and those with no loyalty one way or the other, at Breckenridge's bank. Just for the record, the two Georges cordially despised one another's innards.

At about the same time he went to work in the bank, Porter bought—pretty much for pennies—the assets of a failed tabloid called *The Texas Iconoclast* from its editor/publisher, William Cowper Brann. Porter lightened the tone of Brann's polemic ridden publication and renamed it *The Rolling Stone*, from the old adage "A rolling stone gathers no moss." From all reports the magazine—it was a tabloid—was a mild success. Porter and a number of his friends with literary inclinations wrote humor, poetry, light essays and short stories for it. One of Porter's best crafted short stories, a murder tale which he always claimed was based to some extent on fact, was published for the first time in *The Rolling Stone*. The story, entitled "Bexar Scrip #2692", is set in Austin's old General Land Office building,



and the spiral stone staircase in the building features prominently in the story.

In the meantime Athol's disease was progressing and she desperately needed treatment which neither her husband nor her family could afford. Bill began to embezzle funds from the bank, which—at least according to one who had reason to know—he bet on horse races in the hope of a big win that would allow him to replace the embezzled money before he was caught and take Athol to a healthier climate for treatment. Unfortunately, Bill was a very poor judge of horseflesh. All the horses he bet on tended to chase other

horses.

At length the bank's cashier, Wesley H. Lyons, found irregularities in Porter's accounts. An audit was ordered and Bill was found to have embezzled about \$975. That doesn't sound like much today, but in those days gold sold for \$10 per ounce. The total embezzlement, in today's dollars, was something over \$33,000.

An Austin Grand Jury indicted Porter for the crime of embezzlement. He immediately fled the US for Central America, where he hid—mostly in Guatemala—for about a year. Athol's health deteriorated drastically during the year, and he family sent him word that she was dying. Bill Porter returned to Austin to be with his wife in her final hours.

Upon his return he was arrested, tried, convicted and sentenced to prison on the embezzlement charge. Because he had already fled the country once, it was deemed advisable to put him someplace he couldn't run away from. The Ohio State Penitentiary had the reputation of being almost

Porter set stories in every place he'd ever lived. "The Halberdier Of The Little Rhineschloss" is set in what is today the Little Rhine Restaurant in San Antonio, and another story—certainly one of his lesser efforts—concerns a group of flesh eating vampires who inhabit what is now La Villita, who make chili from the flesh of nubile young women and so live forever.

escape-proof—General John Hunt Morgan, CSA, and several of his officers put the 'almost' in front of 'escape-proof' in 1864—so he was sent there.

Bill Porter was apparently a model prisoner—quite, unobtrusive, observant, and not belligerent. He had a cell mate at one time who was exactly the opposite—an Oklahoma braggart named Al Jennings. Jennings had a big mouth, and he filled Bill's ears with entirely-imaginary stories about his 'mote outlaw career' on the Texas border while the law in Texas, Arkansas, Louisiana, Missouri, Indian Territory, Oklahoma Territory, Kansas, Colorado, and New Mexico Territory searched high and low for him. Jennings' actual 'outlaw career' lasted a vast four months, during which time he manages—as a part of a gang—to rob one train and one post office, burglarize a store, steal a wagon and team of horses from a couple of Cherokee kids, and get in possibly the longest—and least fatal—gunfight in the annals of the American West. Whether or not Bill believed these windies remains to be proved, but he listened and remembered. He later took those stories, changed the central character's name to the Cisco Kid, and published them.

In prison Porter also became acquainted with an older, kindly guard whose surname was Henry, and whose employment records indicate that he used the initial "O" rather than a first name. It was from that kindly guard that William Sidney Porter took the

pseudonym by which he is known the world over—O. Henry.

Following his release from prison Bill went to New York, where he rapidly became one of the best and most prolific writers of short fiction in the history of the short story as a literary form. In almost 500 known stories—how many Porter short stories were published and lost in those 'little' magazines and tabloids in San Antonio and Austin no one knows—he established himself as the master chronicler of ordinary people and, to some extent, the inventory of the sympathetic criminal as a central character in a story. Besides inventing the Cisco Kid—with Al Jennings' help—he also created, in a story called "A Retrieved Reformation", the character of Jimmy Valentine, the safecracker who goes straight and then risks his freedom to rescue a child, and in so doing added the expression "he's a regular Jimmy Valentine" to the American vernacular, meaning an expert safecracker. His story "The Gift of the Magi" is a Christmas classic, and "The Ransom Of Red Chief" a classic of the 'incorrigible kid' genre. He became known for a distinguishing characteristic—an ironic twist at the end of the story that gives it a surprise—yet not inappropriate ending. To this day, a story with a surprise ending is known as 'an o-henry' among writers and editors.

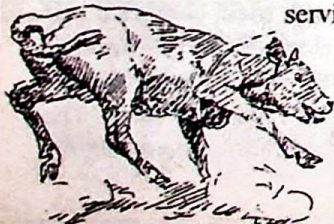
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Others are set in the Texas hills northwest of San Antonio. Some are set in Central America. Some are set in a sort of generic 'Rube country' which may be anywhere from Georgia to Colorado. Still others are set in New York, and an entire series of stories, usually collected as *The Four Million* a reference to the fact that in the early 1900s New York had four million inhabitants, is set there. Only a very few O. Henry stories are set in Austin, and none were set there after he left. Still, "Bexar Scrip #2692", which is set there, is considered one of his finest early stories.

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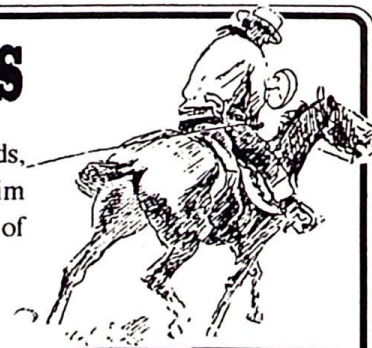
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Austin attorney Truman O'Quinn Sr. spent years—and a small fortune—trying to 'prove' that someone other than Porter embezzled the money from Major Littlefield's bank. This, over the years, infuriated a number of people whose ancestors or relatives O'Quinn implied might have been the actual embezzler. Not the least of those was my own father.

Though Porter's Austin experience was not a happy one, Austin seems to have adopted O. Henry as its own. The old Estes home is preserved as The O. Henry Museum. The 'Athol', scratched into a window glass on the hose with a pin or pocketknife, is believed to have been put there by Porter himself, and has been carefully preserved.

Nearly 40 years ago a tumbledown shack from deep east Austin was 'identified' in some way as "The O. Henry Honey-moon Cottage" and was slated for preservation, but was deliberately burned by vandals before it could be restored. In 1953, when Austin expanded its number of high schools from one to three and its junior highs from four to eight, the junior high built on the then-exclusive west side was named O. Henry. Predictably, the school's weekly newspaper was called *The Rolling Stone*.

For some reason, certain people in Austin have had a great deal of trouble accepting the proven fact that Bill Porter—O. Henry—was actually an embezzler. Austin attorney Truman O'Quinn Sr. spent years—and a small fortune—trying to 'prove' that someone other than Porter embezzled the money from Major Littlefield's bank. This, over the years, infuriated a number of people whose ancestors or relatives O'Quinn implied might have been the actual embezzler. Not the least of those was my own



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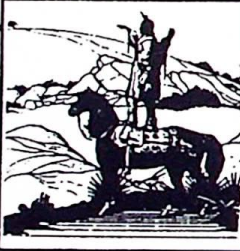
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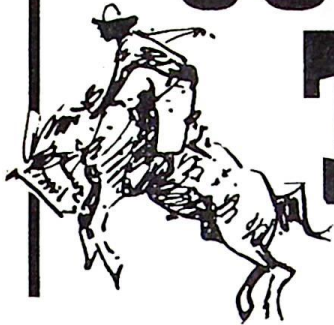
MC/V/D

father, who let O'Quinn know in no uncertain terms how little his implication that Wesley H. Lyons, the bank's cashier—and Dad's well-loved Uncle Wesley—might have been the embezzler himself, or might have been covering for the actual embezzler for a share in the stolen money, as appreciated. Dad wasn't overly fond of his aunt—his mother's sister, Mrs. Frances Rust Lane Lyons—and had no use whatever for his two cousins from that union, but he love his Uncle Wesley. Since the family knew very well that Mr. Lyons died broke and left his family impoverished, we were fully aware that Uncle Wesley wasn't involved in embezzlement.

O. Henry's known stories have been collected and republished, both as *The Complete Works Of O. Henry*, and in compilations of groups of related stories, such as *The Four Million* and *The Gentle Grafter*. Less than a half-dozen stories, all early ones, have an identifiable Austin setting. There are numerous humorous poems and essays from *The Rolling Stone* which are identifiable to Austin, including a poem concerning the proliferation of street-vendor tamales which implies that they are made of among other things, 'puppydog and kittycat', but of Austin-set short stories there are very few.

One of the very few Austin-set short stories is the previously-mentioned "Bexar Scrip #2692". Unlike most O. Henry stories, it is neither humorous nor loaded with 19th century bathos, and it is one of the few O. Henry stories that doesn't have the trademark surprise ending. It is also just about the only O. Henry story in which you can visit the almost-unaltered setting. It is set, almost in its entirety, within the Old Texas General Land Office building, which is located on the southeast corner of the Capital grounds in Austin. The building was copied, almost entirely, from an 11th century Rhenish Castle in Germany. Inside—now closed but still visible—is a spiral stone staircase. Visit the historic old building after reading "Bexar Scrip #2692"—and then peer up the darkened staircase down which the murderer dragged his victims' still bleeding body. For the record, the burial site described in the story is behind the present Louis Shanks Furniture Company on Lamar Boulevard just south of 10th Street, on the banks of Shoal Creek.

COWBOY TALES



L. KELLY DOWN

HALF A DAY TO TOWN

Yeah, I know, I know, dern it I told you boys, I know. I tried to tell Ira with the Hill Country *Enchanted Rock* that when he and Ms. Intrepid got to telling of towns that ain't no more it was going to lift the blanket and start them towns stories all over again. Why I got stopped right outside the Post Office by this here good looking red head fair lady. You know what she ask me? Sure put me back in my place, that's for sure. She just ask without no leading in talk a-tall as I looked old enough to remember them gone away towns, could I tell her of them. Naturally somebody that bold like—must have been from Dallas—I told her some amount of tales. She took to them lies I told like a cold beer gets took in August—all the way.

By the next morning, guess what? Leroy starts to tell them same tales—lies I told that lady and tried to make us think he got them by living and studying the Hill Country. Shoot a monkey! Only thing Leroy ever studied long is how to frown good by looking in his mirror. Why most of the tales had my earmark on them so plain most of the fellows just looked to me to see what I would do. I didn't do nothing. I knew Leroy. Sure enough he got the front end of one story, the middle of another, plus forgot the end to both of them. So that put a quietus on him.

Them towns that was around then was half a day ride apart on a horse. Folks could do morning chores, come to town, pick up mail—if they were lucky they had a new Sears wish book to take home. They got what they needed and rode home before time for the evening milking.

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Funny thing—about 1960 to 1980 or so all the Hill Country young folks went straight to the Big City to work. Now, same ones—bet that lady at the Post Office was the wife of a local boy who met her in Dallas—all them that left, now wants to come back.

In two shakes of a dogs tail I bet you a free breakfast of dutchoven biscuits that some of them moving back peoples will build a store where they was one say about 1890 or so. Just goes to show you, wait long enough and things grow back—if you're in the Texas Hill Country, like you pups is.

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GRANDPA

by JUDY WOODARD

Grandpa always wanted to fly—not as a bird, but inside one of those big jets he'd seen flying overhead while he was plowing his corn field. There was no place in particular that he wanted to go, he was just fascinated by the idea of searing over tree tops, getting to places without the long journeys over rough roads and fast water, in the old family buck board.

Grandpa was 98 years old. A healthy farm-life-hard-working 98. When his eyes grew dim, he took to 'feeling' he corn for ripeness. When his hearing got bad, he kept his radio on anyway—he could still feel its warmth beside his bed and its vibrations, even though he missed most of the early morning news.

Henry and I moved back to the farm after we retired, even though neither of us cared much for that life. We figured, at 98, how long can Grandpa be around to need us? We rented out our home in town on six-month leases.

We had been with Grandpa for eight months during which time he daily expressed his lack of keenness at our presence. He most particularly resented a 'stranger'—me—in his kitchen. "I've done my own carin' since Nellie's last dinner, and I aim to keep doin' my own 'til I've cooked my last meal." He could manage a stomp with his skinny leg that shook the floor of the old farm house.

We tried to persuade him. We agreed that he knew all there was to know about the farm—horses, pigs, chickens, corn and vegetables—but we were more familiar with kitchens. At last he relented, and agreed to a short trial with me as the 'vittle maker'. I've always liked to cook, and to increase my odds, I looked up some of Grandma Nellie's recipes. During hard times Nellie had been forced to modify her recipes with makeshift ingredients. Luckily for me she had penciled in her amendments in the margins.

Henry remembered some of the family's favorite dishes, and I tried them out on Grandpa. The baked corn casserole with lemon juice and rum went over quite nicely. The broiled chicken with raspberry sauce was a hit, even though Henry and I had to salve our scratches for a week after we raided the berry vine on the fence around the south field. The mock apple pie was not such a winner, and I determined to add apples to it the next time I tried that one.

Grandpa eventually thawed to our presence but never was much for conversation. He shunned company, and shuffled off to bed each evening right after dinner. When he could still hear, he listened to his radio until sleep carried him into the arms of Nellie. We surmised that Nellie was even more important to him after he couldn't hear the radio any more, and we hoped that her voice continued to soothe his dreams.

I had met Nellie on three occasions—my wedding to Henry for which Nellie grudgingly got dressed to accompany Grandpa, one visit we made with our son Tim when he was a baby, and the last time when Nellie's mother died.

Grandpa visited with us on those occasions when he was in town to buy equipment or negotiate with the bank for more land.

Grandpa gave me some concern over his habits, and twice I almost got us put out of the house. He ate peas from his knife, which would not have bothered me except that in his shaky hand, more peas landed on the floor than in his mouth. To spare Grandpa's feelings, I waited to clean up the mess until he left the room. But by then, they were often stomped into the floor and more difficult to clean up. To wean him away from the knife, I left it off the table and substituted a large soup spoon. He glared at me, the culprit trying to change his ways, then without a word, Grandpa got up, returned the spoon to the sink and took out a clean knife. Peas were his favorite vegetable, and he would not consider a substitute. He planted more peas in his garden to make up for the spillage.

Grandpa came in from the barn one day with a trickle of dry blood on his face. Horrified, I asked him what happened.

"Wall," he drawled, "that danged tooth finally got to me."

"What do you mean?" I asked.

"It never would quit hurtin', so I just pulled it out," he explained.

"Oh, my." I gasped. "Shouldn't you have gone to a dentist?"

"Naw," he relied, "the tool shed is closer and cheaper."

He had been quite a tall man in his youth—near six feet in his rubber work boots. Age brought him closer to five-seven. He kept his head up and tried to fight against the curve growing on his back. He always took pride in his full beard, and it rewarded him by holding onto a few reminiscent brown hairs. Some of his clothes were older than Henry, crudely patched when Grandpa could still see. Grandpa was a believer that money should be spent on one thing—land. Over the years he had acquired three times as much as he could care for. Something about the bad times, when they had to sell off all but the small plot around their house made him determined to get it all back—and more, just in case.

In the spring, planting was delayed by a series of weather related events. At first, flooding rains soaked the ground so that no plow could get through it. Neither would the old horse, Deb,

who once stepped on a water snake and refused to put her foot on anything but hard dry land. Later the weather was stormy—so unpredictable that it was dangerous to be outdoors using any kind of equipment.

Grandpa grew restless—agitated over the delay getting his crop set. Henry and I did what we could by hand in the vegetable garden near the barn, but neither of us was brave enough to take out the plow or the tractor. We tried to console Grandpa as best we could be leading him to the tomato vines were he could sniff and feel around, assessing their health. Along about the first of May, Grandpa began to talk about flying again. We thought it was his way of dealing with enforced idleness. He'd wonder how those danged things stayed up so high, did they have seats, were did they get food, and what happened if a body wanted to take a walk to the outhouse.

There! That gave it away. The old family farmstead still had an outhouse, a two-holer about halfway from the back door to the barn, set back a few feet off the path. It was convenient no matter where Grandpa was working.

Nellie had insisted on indoor plumbing a number of years back, and there was a make-shift bathroom in an inside closet which Grandpa never trusted. "Uses too danged much water," he complained. He continued to bathe in the galvanized tub set crosswise over the horse water trough. That way, he could pull the plug and drain his bath water into the settling pond. When it filtered through that to the stock tank in the near pasture, he'd run the water down a sluice to the vegetable garden. Grandpa wasted nothing.

Which is why we were surprised to learn he'd shifted to toilet paper in the outhouse. Henry chided him about that one night after supper, but Grandpa was in no kidding mood. "Danged Monkey Wards wanted me to pay for the dad burn catalogs," he erupted, stamping his foot in disgust. "Never heard of such a thing" he went on, "we been usin' that outfit fifty years—got all our tack and mosta our chicks from 'em. No gratitude, that's what it is." He went on grumbling down the hall to his bedroom.

During the night the weather blew up a real show—thunder, lightening, rain, hail, dark rolling clouds—the works. The house lights flickered threateningly, but didn't quite go out. We filled the kerosene lanterns and placed them handy, but this did little to prevent Henry and myself from feeling quite unprotected in the rickety, creaky old house. Grandpa ignored what the weather was doing and went about his affairs like it was an everyday occurrence. As soon as he went out to feed the chickens next morning, I turned up his radio to learn what I could from the farm bureau reports. It sounded very bad—hailstones as large as golf balls, tornado warnings, flood warnings and more tornado warnings. I was petrified. I had never been anywhere near such weather, and the unknown frightened me out of my wits.

When I looked out the front window and saw the big dark funnel heading our way, I called Henry and we made straight for the closet/bathroom—no windows. Before we shut the door, we remembered Grandpa, and Henry dashed out to look for him. Just as he got to the back door, he saw the big, black angry funnel reach down like it knew what it was looking for, pick up the outhouse and sail it clean over the barn. By the time we got out to check the damage, we found Grandpa, paper still in his hand, upside down in the toppled outhouse. It all happened so fast that his hat was still on his head, and a grimace on his face that could have been taken for pleasure or pain.

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THE 1824 FLAG

by CHARLES M. YATES

For some years the 1824 flag has floated over many camp sites and ceremonies.

It has waved from the top of the Alamo and across endless movie screens. It has become such an icon of Texas History that few people ever stop to consider the true story of the flag.



This article is a documentation of my research into the 1824 tri-color. It is not the final word on the subject, as I doubt that we will ever reach the point of empirical certainty. It can, however, be a starting point for the reader's own research into the subject and into different aspects of history in general, which I heartily encourage.

The general public has often heard the tale of how the early Texas colonists revolted against the Mexican dictator Santa Anna and how they were fighting for the restoration of the liberal Mexican Constitution of 1824. To symbolize this they took as one of their banners the Mexican green, white and red tri-color with the black numerals 1824 replacing the central Mexican eagle. Most stories recount how this banner flew over the Alamo during the battle which resulted in the massacre of Travis, Bowie, Crockett, Dickenson the 180 odd other defenders of that fortress.

As usual, the true story is not quite so simple and certainly not nearly so neat. There are things we know as facts. There are also things we may logically deduce. There are some parts of the story that are misinterpretations of previous writings and there are parts of the story that are pure mythology. Texians and Hollywood seldom allow facts to get in the way of a good story and sometimes these stories take on the guise of history.

Several banners in use at the time serve as starting points for research into this subject. The first of these is the Mexican tri-

color, itself. We are not so much concerned with the symbolism of the flag as we are its history. Since declaring its independence from Spain in 1821, there have been only two flag designs for the United States of Mexico. The first Mexican tri-color flag had a white, green and red fields that ran diagonally across the flag. In each field was a gold star. This flag is referred to as "La Bandera de los Tres Garantians" or the Flag of the Three Guarantees. This flag was used for 1821 until 1824 when Agustin de Iturbide was deposed as Emperor of Mexico and the liberal Constitution of 1824 was implemented.

The Federal flag of the United States of Mexico that was adopted in 1824 is substantially the same flag that is in use today by that country. This flag consists of green, white and red vertical fields of equal size. In the center of the white field is an eagle perched on a cactus with a snake in its mouth. With only minor modifications in the design of the eagle motif, this flag has been the National Flag of Mexico since 1824 and was the banner used during the Texas Revolution.

Another flag that plays a part in this study is the flag of the Mexican State of Coahuila y Tejas. At the time of the revolution, Texas was not a separate state in Mexico. It was joined administratively to the state of Coahuila with the capital in Saltillo, Coahuila. As a symbol of this joining the State of Coahuila y Tejas flew the green, white and red tri-color of Mexico, with two stars displayed one above the other replacing the Mexican eagle device. One star represented Coahuila; the



There are some parts of the story that are misinterpretations of previous writings and there are parts of the story that are pure mythology. Texians and Hollywood seldom allow facts to get in the way of a good story and sometimes these stories take on the guise of history.



LA BANDERA DE LAS TRES GARANTIAS

other represented Texas. Under this state flag Coahuila y Tejas the impresarios and settlers colonized Texas in the 1820's and 1830's.

During the first few months of the Revolution, many of the Texian leaders were simply trying to lend their part in the larger Federalist Revolution that was being waged against the Centralist Regime of Santa Anna in other parts of Mexico. The first reference to a banner resembling the 1824 flag is one which appears in a letter from Philip Dimmit, commanding the garrison at Goliad, to General Stephen F. Austin, Commander in Chief of the Army of the People, dated October 27th, 1835. Dimmit writes:

"I have had a flag made—the colours, and their arrangement the same as the old one—with the words and figures,



FEDERAL FLAG OF THE UNITED STATES OF MEXICO

'Constitution of 1824,' displayed on the white, in the center."

Later, Philip Dimmit left Goliad to take part in the Storming of Bexar in late 1835. I think we can safely assume that

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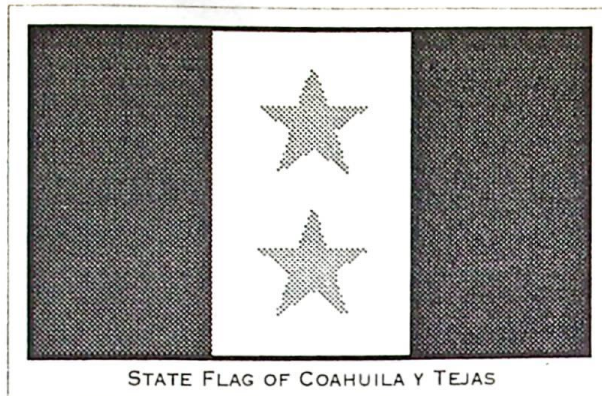
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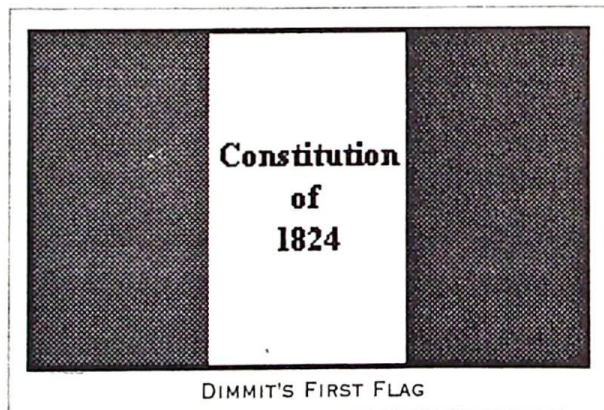


STATE FLAG OF COAHUILA Y TEJAS

he had his "Constitution of 1824" flag with him. Even during the Storming of Bexar, Dimmit was an ardent supporter of Restoration.

The next reference to an 1824 Flag can be found in the proceedings of the General Council of the Provisional Government of Texas. I believe that from the Dimmit design, evolved the design that was adopted by this General Council for the banner which was to be flown by ships bearing "Letters of Marque and Reprisal". These were privately owned and operated ships that were granted permission by the government to attack and seize enemy ships and cargo. In return for this license the government received a percentage of the value of the seized property. On November 29, 1835 the General Council passed an ordinance which reads in part:

"... Sec. 2. Be it further ordained and decreed, &c., That all vessels sailing under Licenses, as Letters of Marque and Reprisal, which have been, or may be hereafter granted by the

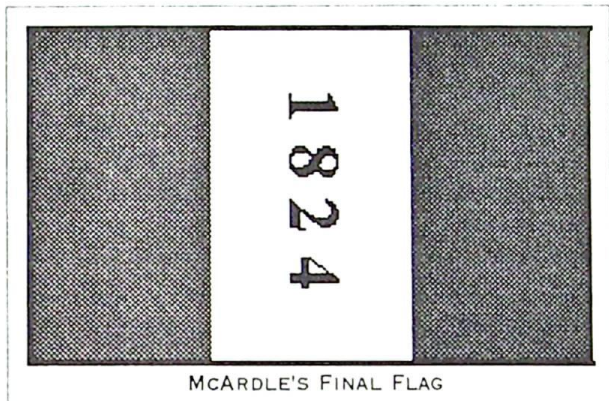


DIMMIT'S FIRST FLAG

Governor and Council, or by the Governor, as provided in this supplementary Ordinance, or under any register of license of this Government, shall carry the flag of the Republic of the United States of Mexico, and shall have the figures 1, 8, 2, 4, ciphered in large Arabics on the white ground thereof....Passed at San Felipe de Austin, Nov. 29, 1835."

According to this description, there are several designs possible for the privateer flag. The description does not specifically eliminate the eagle motif from the Mexican flag and according to the description, the numerals could have been placed above or below the eagle or could have replaced the eagle altogether. It is very clear that early in the Revolution there were several possible designs for an ensign that signified the desire to restore the Mexican Constitution of 1824, however, no original

By the time Dimmit reestablished his commandancy of Goliad he had abandoned the 1824 Flag and was using a white flag with a bloody arm holding a sword as his banner. This banner was adopted to celebrate the signing of an unsanctioned Declaration of Independence at Goliad on December 20, 1835.

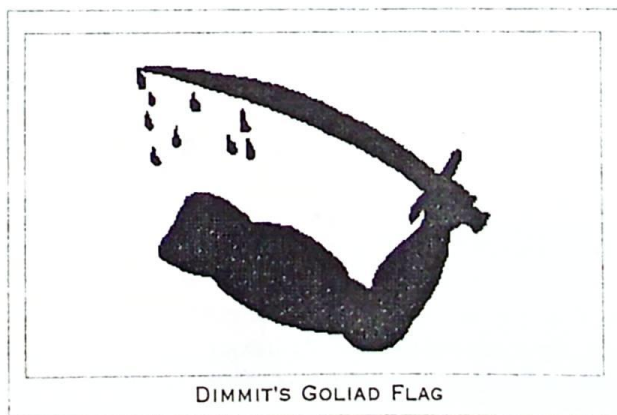


MCARDLE'S FINAL FLAG

examples of these banners exist today.

In addition, these variations were not limited to the contemporaries of the revolution. When H. A. McArdle was researching his painting "Dawn at the Alamo", which now hangs in the Texas Legislature, he did extensive research into all details of the era. In his preliminary sketch of the flag, the numerals are a gold or yellow color. His notes do not reveal where he obtained the information that the numerals were gold and the rendering of the numerals in gold may have simply been artistic license. In the original ordinance, however, no specific numeral color was mentioned. I suppose it would be equally accurate to color the numerals blue. In still another variation, in McArdle's final painting the numerals are in black and written from vertically on the white bar.

Shortly after the Storming of Bexar, Philip Dimmit was one of those who changed their mind about reconciling with Mexico and by the time he left for Goliad in early December,



DIMMIT'S GOLIAD FLAG

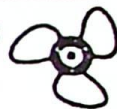
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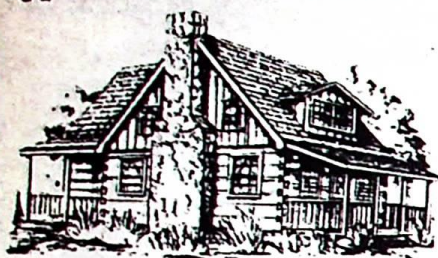
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Under sanction of the general council of, they [the Federal Volunteer army of Texas] have taken up the line of march for the country west of the Rio Grande. They march under the flag 1. 8. 2. 4, as proclaimed by the government of Texas, and have for their object the restoration of the principles of the constitution, and the extermination of the last vestige of despotism from Mexican soil.

1835, he was firmly for an independent Texas. We do not know whether he left his original flag in Bexar or took it with him to Goliad. We do know that shortly after Dimmit left Bexar, Dr. James Grant and Col. F. W. Johnson who were in Bexar at the time, started using an 1824 flag. Did Dimmit give his flag to Grant and Johnson? Probably not. The animosity between Grant and Dimmit was well known and usually quite evident. Dimmit may have abandoned the flag in Bexar to be usurped by Grant or he may have destroyed the flag on his way to Goliad. Whichever took place, by the time he reestablished his commandancy of Goliad he had abandoned the 1824 Flag and was using a white flag with a bloody arm holding a sword as his banner. This banner was adopted to celebrate the signing of an unsanctioned Declaration of Independence at Goliad on December 20, 1835. Much to the chagrin of the plodding Texas provisional government, the colonists were beginning to adopt a much more militant stance toward the established Mexican government.

There is some indication that Dimmit may have left his original 1824 flag in Bexar and that when Dr. James Grant stripped the Alamo of provisions and left Bexar on January 1, 1836, he took the flag with him. Grant, though a citizen of Coahuila, was one of the few Texian leaders who continued to fight for Restoration. Grant held large land holding in Coahuila and the only way he could keep these large estates was for the 1824 Constitution to be restored. If either Santa Anna won the war or the Texians won independence from Mexico, his very large land holdings in Coahuila would be lost forever. The only way he could keep his land would be for Santa Anna to be deposed and the Constitution of 1824 to be reinstated. To this end he stripped the Alamo of all provisions and mounted an expedition to Matamoros in an abortive attempt to link up with and rally Mexican Federalist forces there. On January 10, 1836, Col. F. W. Johnson, who helped lead the Matamoros Expedition, issued a proclamation which said in part:

"Under sanction of the general council of, they [the Federal Volunteer army of Texas] have taken up the line of march for the country west of the Rio Grande. They march under the flag 1. 8. 2. 4, as proclaimed by the government of Texas, and have for their object the restoration of the principles of the constitution, and the extermination of the last vestige of despo-

tism from Mexican soil..."

Apparently, Johnson appropriated the 1824 Flag from the privateers, placed it at the head of his volunteers and attributed the action to the General Council. The General Council never sanctioned the flag for anything except Letters of Marque and Reprisal. This detail does not seem to have been noticed either by Johnson or a great many other people since that time.


The Matamoros Expedition made it as far as San Patricio where on February 27th, General Urrea, of the Mexican Army, and his men captured or killed most of the expedition members. Johnson and three others managed to escape the Mexican's attack. Johnson, disgusted with the personalities and politics of the revolution, retired from the army and later wrote a history of Texas. When the Mexicans attacked San Patricio, Grant was away hunting horses and when the Mexicans caught up with him on March 2nd he was killed at the Battle of Agua Dulce Crossing.

It is ironic that on the very same day, March 2, 1836, both reasons for the 1824 Flag died. Dr. James Grant, the only man in Texas still fighting for the restoration of the Constitution of 1824, was killed at Agua Dulce Crossing and the Texian convention at Washington-On-The-Brazos passed the Texas Declaration of Independence.

The question still remains, however, "Did the 1824 Flag fly during the Battle of the Alamo?" Probably not, but that is a story for another time.

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INDEX TO ADVERTISERS

HELPING ENCHANTED ROCK MAGAZINE
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ANTIQUES

Buffalo Gals, Page 34
Jimmy's Antiques, Page 33
Lillie's Antiques, Page 27
Main Street Emporium, Page 29
Old Feed Store, Page 37
Past & Presents, Page 29
Pomegranites, Page 29
Saphires and Petunias, Page 27
Three Horses Traders, Page 31

ART GALLERIES & SUPPLIES

Aves Del Sol, Page 18
Gallery of the Hills, Page 22

AUTOMOTIVE

Crenwedge Motors, Fred/burg, Page 16
M & O Auto Repair, Page 31

BANKING & COMMERCIAL SVCS.

Llano National Bank, Page 37

BUILDERS & SERVICES

Apollo Improvement, Page 3
Southern Cypress Log Homes, Page 36

CAMPING & FISHING SUPPLIES

Hoover Valley Country Store, Page 7

CLOTHING

Hill Country Embroidery, Page 33

CLUBS & ENTERTAINMENT

Badu House, Page 22
Harry's on the Loop, Page 6 & 20
Luckenbach, Page 20

COMMERCIAL ART/SERVICES

Ira Kennedy, Page 34
Jim Laubhan & Associates, Page 35
Printworks, Page 22

COUNTRY STORES

Crabapple Crossing, Page 28
Hoover Valley Country Store, Page 7

FOOD & FOOD ITEMS

Badu House, Page 22
Burger Bar Cafe, Page 31
Catfish Barge, Page 39
Coopers Bar-B-Q, Page 39
Golden Fried Chicken, Page 39
Hungry Hunter, Page 28
Inman's Kitchen, Page 36
New Canaan Farms, Page 36
Pecan Street Cafe, Page 28
PoPo's Family Restaurant, Page 18
Rio Blanco Cafe, Page 7
Stonewall Chili Pepper Co., Page 35
Stonewall Pizzeria, Page 6
Wildflour Bakery, Page 37

GARDENING

Magnolia Lawn & Garden, Page 27

GIFTS & JEWELRY

Acme Dry Goods Co., Page 28
Dorer Jewelers, Page 16
Halo Jewelry, Page 11
Packsaddle Tack n Temptations, Pg. 33

INSURANCE & HOME SECURITY

Farm Bureau, Page 26

LADIES FASHIONS

Acme Dry Goods Co., Page 28

LODGING

Austin St. Retreat, Page 18
Badu House, Page 22
Enchanted Rock House, Page 5
Ford Street Inn, Page 7
Heart of the Heart Guest, Page 31
Hill Country Lodging, Page 16
Luckenbach Inn, Page 18
Peach Tree Inn, Page 20
Pecan Creek B&B, Page 37

MARINAS & BOAT SVCS.

First Choice Marina, Page 35
Prop Shop, Page 35
Sunrise Marina, Page 22

PACKAGE STORES

Olen's Ice Box, Page 11

PERSONAL CARE & SERVICES

Lanell's Hair Affair, Page 34
Merle Norman, Page 29
Carol Cromwell, Page 37

PRINTERS/PUBLISHERS

Enchanted Rock Magazine, Page 40
Printworks, Page 22

REAL ESTATE

Giesecke & Assoc., Page 36
Frosty Miller, Page 33
Jesse James Real Estate, Page 6
Jim Berry Real Estate, Page 18
Jim Inks Ranch Realty, Page 7
Lone Star Land, Page 27
Terry Wootan Real Estate, Page 39

RETIREMENT HOMES

Crawford Hospice, Page 2
Knopp Nursing & Retirement, Pg. 3

TOURS/EVENTS

Burnet Chamber of Commerce, Pg. u
Christ of the Hills Monastery, Page 42
Historic Tours of Fredericksburg, Pg. 16

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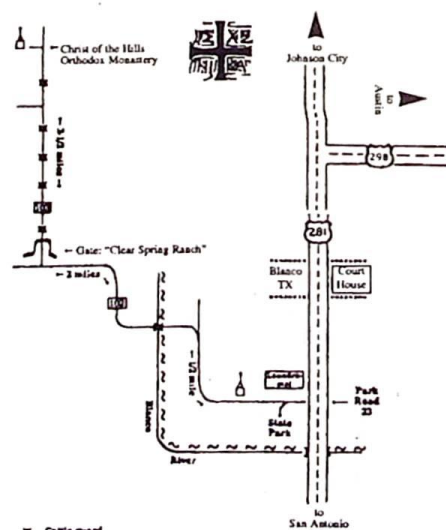
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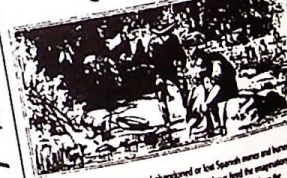
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