

Fredericksburg, Texas
During The
Civil War and Reconstruction

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PREFACE

The story of Fredericksburg, Gillespie County, Texas, during the Civil War and Reconstruction has never been fully told. Such investigations as have been made into the history of Fredericksburg usually stop at the outbreak of the war or merely mention this period in passing. The present work proposes to give an extensive account of the political, military, and lawless activities from 1860 to 1873; therefore little reference is made to social conditions and the ever-present Indian menace. The first chapter is included only as a political background for a better understanding of what follows.

Because of its unique position as a Unionist stronghold throughout and after the war, Fredericksburg has an interesting history for this period, but source material on the subject is not plentiful; however, the Texas State Library in Austin and the county courthouse in Fredericksburg contain valuable information.

I wish to acknowledge my appreciation to the following persons; Dr. Joseph Schmitz, S. M., of St. Mary's University, San Antonio, Texas, under whose able guidance the study was made; Miss Harriet Smither, archivist of the Texas State Library, for assistance in locating material; Mr. Alex Brinkmann of Comfort, Texas, for the use of his library; Miss Julia Estille and Mrs. Emil Riley of Fredericksburg for courtesies shown; and to various members of the San Antonio Historical Association for interest and assistance.

About this Printing

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I would like to dedicate this copy to my Great-Great-Grandfather John Wolfgang Braeutigam, who lived in Fredericksburg during this violent time period.

David W. Braeutigam

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CONTENTS

	Page
Preface ii	
Chapter I. Political Background	
Fredericksburg in 1850	1
Interest in politics	2
Unions	2
San Antonio Convention	2
Germans attacked by press	3
Attempt to vindicate themselves	5
Join Democratic party	5
Fredericksburg in 1860	6
Election of 1860	6
Gillespie County against secession	7
Footnotes for Chapter I	8-9
Chapter II. Military Activities	
U. S. Troop's' leave Fort Martin Scott	10
Volunteers in county	10
Kuechler's rangers	10
Volunteers at Fort Scott	11
Germans of county in Confederate service	12
Captain van der Stucken	12
Local defense companies	13
Securing arms	13
Captain Krauskopf	13
Citizens seek military exemption	13
Opposition to conscription	14
Deserters	15
Skirmish in 1865	15
Footnotes for Chapter II	16-17
Chapter III. Captain Duff and the Unionists	
Captain Duff	18
Martial law	19
Unionists arrested	19
Loyal Union League	19
Bushwhacker war	20
Unionists arrested and killed	21
Property destroyed	22
Loyal Union League disbands	22

Nueces River Massacre	23
Duff recalled	24
Duff leaves country	24
Footnotes for Chapter III	25-26
Chapter IV. Fredericksburg in War Time	
County supports own troops	28
Relief for soldier's families	28
Life during war	29
Waldrip	29
Death of Waldrip	31
Banta and Caldwell	31
Jail mobbed	32
Lawless conditions	32
Footnotes for Chapter IV	35-36
Chapter V. Reconstruction	
Sheriff in need of funds	37
Harris escapes from jail	37
Attempt on Judge Cooley's life	38
Banta and Caldwell rescued from jail	38
State Police	39
U. S. troops occupy Texas	39
County for Pease	40
Throckmorton removed	40
Kuechler elected convention delegate	41
Weakness of Democratic Party	41
Reconstruction Convention	42
County for Davis in 1869	43
Mosel and disabilities	43
Dietz vs Duecker for Inspector's position	44
County votes split ticket in 1872	45
County for Davis in 1873	46
Footnotes for Chapter V	47-49
Bibliography	50-52

Fredericksburg, Texas

During the Civil War and Reconstruction

Chapter One

Political Background

Situated six miles north of the Pedernales River on a rough, stony plain in the midst of rugged-oak covered hills,¹ the frontier village of Fredericksburg in 1850 presented an example of progress worthy of emulation by future pioneer settlements in Texas. Founded in the summer of 1846 by 120 members of a German immigration society,² it was now the county seat of the newly created Gillespie County,³ has a white population of 672,⁴ and supported a number of thriving business establishments.⁵ The total population of Gillespie County was 1,235 white persons⁶ and 5 slaves.⁷ Each of the 274 families in the county has its own home.⁸ Along with the indomitable spirit of its citizens; Fredericksburg owed part of its rapid growth and prosperity to the fact that it enjoyed the advantageous location on an important road.

Fredericksburg was located on one of the four main roads opened by the United States government to the Rio Grande valley. It lay on the so-called 'Emigrant' or 'Upper' El Paso Road, some miles beyond the junction of the two-branch roads from San Antonio and Austin. Since Fredericksburg was the last town on the 'Emigrant' road where supplies could be purchased before reaching El Paso, the storekeepers in that place did a good business.⁹

Fredericksburg could also boast of some military importance by reason of its frontier position and Fort Martin Scott, located a short distance from the village, where a hundred officers and men were stationed. The fort not only offered protection from the Indians, but aided the settlers economically by giving them an opportunity to sell their surplus agricultural products for cash.¹⁰

Seemingly the political activities of the people were mainly limited to matters concerning Fredericksburg and the county; but soon their scope broadened, and to understand this change it is necessary to survey the activities of the Germans in state politics. By 1850 the German element constituted about one-fifth of the white population of the State,¹¹ and their growing interest in politics was reflected by the increasing numbers of votes cast in the elections of 1852 and 1853, by the beginning of two newspapers, the Neu Braunfelsler Zeitung (1852) and the San Antonio Zeitung (1852), and in the organization of several Democratic Unions.¹² These Unions were more or less alike in that their general aim was "to promote social life among the members." They also fostered more pleasant associations among themselves "by the founding of a public library, where periodicals were kept," and by providing "the members with the opportunity to gain information on subjects of political, literary, and agricultural interests."¹³ The Unions were organized in various parts of the State, and

in January of 1854 two such organizations were started in Gillespie County, one on the Pedernales and the other at Live Oak Creek.¹⁴

The primary purpose of the unionism as stated above, was social; however politics entered the organizations. The occasion was the State election of 1854. The Union at San Antonio, probably more ambitious and politically minded than the other Unions, wanted to unite the Germans for several reasons; nevertheless the Sisterdale Union of Kendall County assumed the temporary leadership by issuing an invitation for a mass meeting to be held in connection with the German-Texan Gesangfest in San Antonio, May 14 and 15, 1854.¹⁵ The Neu Braunfelsler Zeitung carried the announcements:

The presidential election is the next opportunity in which we can test our strength . . . it must and shall not find us unprepared, and unorganized Let us . . . meet together in our entire strength in order to agree above all among ourselves and with our American fellow-citizens who are similarly minded. . . . We hereby urge all places in which Germans live to assemble and send delegates to San Antonio at the agreed time. We hereby urge all existing Unions to join in this invitation.¹⁶

On May 15, 200 men responded to the invitation, but not all of them were delegates. Representatives were from New Braunfels, Fredericksburg, Sisterdale, San Antonio, Coletto, Grape Creek, Pedernales, Victoria, La Grange, Seguin, Indianola, and Castroville.¹⁷ Among the officials elected were two men from Fredericksburg: William Keidel, a vice-president; and Julius Schlickum, one of the four secretaries.¹⁸ The purpose of the meeting was set forth in a speech by Edward Degener of Sisterdale, who stated that the Convention sought the united action of the German citizens to correct corrupt political practices; and that such a gathering as this was necessitated by the fact that they had experienced difficulty in participating in political meetings of English-speaking citizens.¹⁹ In order to clarify any misunderstanding that might arise in the minds of the non-German public of Texas concerning a German-speaking mass meeting, the Convention stated in its platform "we disavow every intention to form a German party and declare that our association of Germans is induced by the consideration of language alone."²⁰ But any good this declaration might have done to allay suspicion was immediately nullified when the Germans branded slavery "an evil." This part of their platform read:

Slavery is an evil, the abolition of which is a requirement of democratic principles; but as it affects only single states, we desire:

a) That the federal government abstain from all interference in the question of slavery, and that, if a state resolves upon the abolition of the evil, such a state may claim the

assistance of the general government for the purpose of carrying out such resolve.²¹

The statement was challenging in a slave state, since the slavery question was reaching the climax in national politics, and was certain to produce repercussions. The Convention might have expected some reaction to its anti-slavery platform, but it certainly did not anticipate a general flare-up of public opinion. Dr. Adolph Douai, editor of the San Antonio Zeitung, published the Convention's resolutions in his paper, and in addition he expressed his personal opinions not only in the German language, but printed his anti-slavery editorials in English so that all might become acquainted with his principles.²² As a result the public not only learned of the German attitude on slavery from Dr. Douai, but disapproved violently, and editors expressed themselves in no uncertain terms in the editorial pages of their publication. For example, an editorial in the State Gazette declared:

If the editor of the Zeitung is a free-soiler or an abolitionist, we give him the choice of two alternatives--either to desist from building up a doctrine which is to rob of us of our property or to take up his march and that quickly, out of the State of Texas.²³

A Know-Nothing paper, the State Times, editorially remarked:

It is a matter of surprise to us that the citizens of San Antonio have tolerated so long in their midst, a nuisance like that of the Zeitung. For our own part, as much as we are opposed to 'mob law,' we could find nothing to censure in the forcible removal of that paper.²⁴

The Galveston News offered this comment:

The San Antonio Zeitung has made itself notorious of late by attacking slavery. Several of the Texas papers have rapped it pretty hard. . . and some of them went so far as to suggest that a coat of tar and feathers would be a fit reward for the editor.²⁵

These hostile statements directed at the editor of the San Antonio Zeitung were also meant, of course, for those Germans who subscribed to the platform adopted by the Convention. Gradually the anger of the pro-slavery press began to subside, but the Know-Nothing party, stressing its "native American" principles, increased its antagonism and placed the Germans in a difficult position when it tried to link all the German people in Texas with the San Antonio resolutions. The State Times, in accusing the Germans with "assuming a hostile attitude towards native-born citizens and their democratic institutions," had this to say:

Who are the Germans of Texas, . . . and what are they doing? They are the escaped victims of foreign tyranny and despotism, come to us by invitation, to share the liberties of this country and to enjoy the tranquility and those natural rights of men denied them in their native land . . . Verily, the Germans have departed from every rule of propriety, and from every shadow even of the love of their adopted country by which they have been actuated, and gone astray after the teachings and bubbles held up to them by traitors and this they cannot deny. Their famous 'platform convention' of San Antonio is the first stride toward treason that came before the public eye.²⁶

The majority of the Germans were opposed to the San Antonio platform and were quick to resent and refute the accusations hurled against them by almost the entire press of the State. Through mass meetings and resolutions, they justified themselves by declaring they harbored no unfriendly feeling towards Americans and were not in sympathy with the opinions expressed by the San Antonio Zeitung. They further avowed their Southern interests by recommending the dismissal of the Zeitung's editor, and stamped his publication a free-soil paper.²⁷ One of the few papers that came to the defense of the Germans was the Western Texan of San Antonio, which, commenting on the San Antonio convention, said that the resolutions adopted there did not represent the opinion of all the Germans, that some "ultras" were responsible for the resolutions, and that it was a "mistaken idea that all Germans were abolitionists".²⁸

Jacob Waelder, representative in the State Legislature from the counties of Comal, Gillespie, and Medina, "contradicted on the floor of the House of Representatives, the statement that the Germans were abolitionists"; and he later forced the San Antonio Zeitung to admit that two of its anti-slavery articles, which incriminated the Germans in the eyes of the pro-slavery public, were written by members of the Know-Nothing party.²⁹ Although the Germans at large throughout the State had vindicated themselves, the anti-slavery stigma remained, and the bulk of them, realizing the delicacy of the situation, let matters rest; for they concluded it was "impolitic to antagonize the Americans, and to interfere in a suspected position, carefully avoided all open expression."³⁰

The outcome of the antagonism stirred up by the San Antonio convention, just when the Germans had begun to take an interest in politics, was to drive them into the ranks of the Democratic party thanks to the Know-Nothing press, which kept its attacks after the controversy had abated.³¹ As a result, on July 3, 1855, a mass meeting of Germans in San Antonio endorsed the principles of the Democratic party, pledged their support to the Democratic ticket, and "ordered the proceedings of their meetings to be published in the German, English, and Spanish papers of San Antonio."³²

The fact that the Democratic Party favored slavery little conceded the Germans as they thought it a matter for state regulation. True, they were not in sympathy with the institution of slavery, but since it existed they generally accepted it.³³ Few of them owned slaves; the majority were too poor to by any. Most of the Germans lived in the southwestern part of the State, which lent itself well to small-scale farming, and preferring to till their fields in the same intensive way in which they had cultivated them in the Fatherland, would rather do everything themselves than have it done by slaves who were less thorough and reliable.³⁴

As the Civil War approached and the questions of state-rights and Unionism became more pronounced, the Germans of Texas were loyal to the Democratic party, but they were indications of a growing trend toward Unionism principles and a drifting away from the theory of state-rights. This was especially evident in Fredericksburg during the gubernatorial election of 1859 and the presidential election of 1860. In the contest for Governor between Sam Houston, a staunch Unionist, and H. R. Runnels, and extreme state-rights man, Houston won, but in Gillespie County Runnels received 102 votes and Houston 90.³⁶

The national election of 1860 found Fredericksburg and Gillespie County materially changed since 1850. In place of the white population of 672, Fredericksburg in 1860 has a citizenry of between 1,000 and 1,200; and the county population had risen from 1,235 to 2,703.³⁷ The slave increase was small--from 5 slaves in 1850 the figure now stood at 33.³⁸ About 75 percent of the inhabitants of the county were German.³⁹

In the election of 1860 between Abraham Lincoln, Republican, and John Bell and John C. Breckenridge, candidates of a split Democratic party, the Germans, like the State, voted Democratic. But where Breckenridge carried the State on a platform calling "for the protection of slavery in all the territories."⁴⁰ Fredericksburg gave Bell a majority of 9 votes.⁴¹ Bell's platform was "no political principle other than the Constitution of the Country, the Union of the States, and the enforcement of the laws."⁴²

Again, as in the election for Governor, Fredericksburg gave evidence of an increasing preference for a solid Union. With the election of Lincoln, the smoldering controversy over secession burst into flames. In Texas the slave owners, most of the people believed that the Federal government had no right to interfere in local affairs, and all felt that the North was the transgressor in these matters.⁴³ Through the action of secessionist leaders, mass meetings were held and resolutions were passed requesting the Governor to call an extra session of the legislature to consider secession but in spite of public pressure, Houston refused to issue such a call. In December of 1860 a group of secessionists decided to take matters into their own hands by appealing to the voters of each representative district to hold an election on the 8th of January to select delegates to a secession convention, which was to meet in Austin on January 28, 1861. Houston now gave in, and called the legislature to meet one week before the convention; and when that body convened it "passed a resolution recognizing the full authority of the convention to act for the people, except that its action upon the question of secession should be submitted to a voted of the people."⁴⁴

Interest in Gillespie County in secession was not aroused until New Years' Day, when the citizens assembled at Fredericksburg and passed resolutions. Frank van der Stucken was elected president, and H. Oches and J. R. Radeleff were selected as secretaries. The meeting was addressed by N. M. Dennis, and Fred Wrede translated the speech for the benefit of those that did not understand English. The following resolution were adopted by the group:

1. Approval of Houston's action in calling a special session of the legislature.
2. Approval of a convention of slave states to consider what steps to take.
3. Approval that united action on the part of the slave states might induce the North to respect the rights of the South.
4. Approval to remain in the Union if the issues can be settled with safety and honor, and that secession and civil war be a last resort to decide matters.⁴⁵

When the Secession Convention met on the 28th of January, Gillespie County was not represented, neither were the counties of Kendall and Kerr; for with the threat of war becoming and actuality the Germans in these counties were undergoing a change of heart, and refused to send delegates to Austin.⁴⁶ The Ordinance of Secession was voted on and accepted by the people on February 23, 1861. Union sentiment was strong among the Germans of Southwest Texas, and in the "Hill County" where the German population was heavy the vote was 20 to 1 in favor of remaining in the Union.⁴⁷ In Fredericksburg the county tabulation showed 17 for and 400 against secession.⁴⁸ When the Gillespie County vote was announced in the Secession Convention in Austin, open threats were made against the "Dutch" county. As a consequence, not only the Germans of Gillespie, but also those in the adjoining counties were called traitors.⁴⁹

Why, after adopting the Democratic Party with its principles of state-rights and slavery, did the Germans reverse their former stand and vote against secession? In explaining the Gillespie County vote, Theodore Specht, a Fredericksburger, claimed the matter of local protection was involved. Federal frontier protection against the Indians was insufficient, he said, but it was better than the State could offer in case of secession. The county probably would have supported the Confederacy if the citizens had been convinced of more adequate protection.⁵⁰ The small slave population was another reason why the county was not interested in secession.⁵¹ To the Germans on the frontier it was but natural for them to align themselves with the Union. As settlers on the fringe of civilization, they had often enrolled as partisan rangers for Indian duty under the flag of the United States, and it seemed the proper thing now to range themselves under that banner again.⁵²

Nationalism and a desire for peace were also instrumental in making strong Unionists of most Germans. Many of the recent immigrants had come to Texas at a time when

the nationalistic feeling was strong in the homeland, and now, as naturalized citizens who had taken an oath of allegiance to the United States, they felt strong sense of obligation to the country that had welcomed them when they fled the persecutions and revolution of the 1848.⁵³ From their former knowledge of the Fatherland, they realized what the disruption of the Union into petty states might bring. "After years of hard toil they did not care to see their fields trampled by marching armies and their homes go up in flames. They has crossed the Atlantic to find peace, not to take up arms."⁵⁴ And finally, why the Germans of Texas voted against secession can be summed up in these words: "They wanted to preserve the Union."⁵⁵

Thus on the eve of the Civil War the Germans found themselves victims of a vicious circle. Unjustly suspected and attacked as abolitionists because of the San Antonio convention, they partially cleared themselves of this charge, joined the Democratic Party, and then, by exercising their rights as citizens on the question of secession, again discovered themselves in public disfavor.

Footnotes for Chapter 1

- ¹ Carol Fritz, "Geographic Factors in the Development of the Fredericksburg Area," *Field & Laboratory*, No.1. January 1939, pp. 2,4.
- ² R. L. Biesele, *German Settlements in Texas*, pp.139-40.
- ³ *Ibid.*, pp. 146-47.
- ⁴ Census of 1850.
- ⁵ Biesele, *op. cit.*, p. 150.
- ⁶ Census of 1850.
- ⁷ Slave Census of 1850.
- ⁸ Biesele, *op. cit.*, p. 149.
- ⁹ *Ibid.*
- ¹⁰ *Ibid.*, p. 148.
- ¹¹ Ada Maria Hall, *The Germans in State and National Politics, 1850-1865*. Ms. Master Thesis, University of Texas, June 1938, p. 1.
- ¹² *Ibid.*, p. 5.
- ¹³ *Ibid.*, pp. 6-10.
- ¹⁴ *Ibid.*, pp. 9-10. It is interesting to note that at the very time the Unions were organized the inhabitants of Gillespie County had an opportunity to join a purely political organization, and actually did so on January 14, 1854, when a branch of the Democratic Party was organized in Fredericksburg. See the *Fredericksburg Standard*, March 18, 1937.
- ¹⁵ *Ibid.*, pp. 10-11.
- ¹⁶ *Ibid.*, pp. 11-12, citing the *Neu Braunfelsler Zeitung*, May 5, 1854.
- ¹⁷ R. L. Biesele, "The Texas State Convention of Germans in 1854," *The Southwestern Historical Quarterly*, XXXIII, p. 251.
- ¹⁸ E. W. Winkler, ed. *Platforms of Political Parties in Texas*. p. 58.
- ¹⁹ Hall, *op. cit.*, p. 15.
- ²⁰ Winkler, *op. cit.*, pp. 58-60.
- ²¹ *Ibid.*, p. 60.
- ²² Sister Paul McGrath, *Political Nativism in Texas 1825-1860*, pp. 92-93.
- ²³ *Ibid.*, citing the *State Gazette*, May 12, 1855
- ²⁴ *Ibid.*, citing the *State Times*, May 19, 1855.
- ²⁵ *Ibid.*, citing the *Galveston Times*, June 12, 1855.
- ²⁶ *Ibid.*, pp. 93-94
- ²⁷ *Ibid.*
- ²⁸ Hall, *op. cit.*, p. 24, citing the *Neu Braunfelsler Zeitung*, June 16, 1854.
- ²⁹ McGrath, *op. cit.*, p. 95.
- ³⁰ Ella Lonn, *Foreigners in the Confederacy*, p. 35.
- ³¹ Winkler, *op. cit.*, p. 39; McGrath, *op. cit.*, pp. 93-95.
- ³² McGrath, *op. cit.*, p. 95.
- ³³ Hall, *op. cit.*, p. 3.
- ³⁴ Andreas Dorplean, "The German Element in the Issues of the Civil War." *The Mississippi Valley Historical Review*, XXIV, June 1943, pp. 58-59.
- ³⁵ Hall, *op. cit.*, p. 3.
- ³⁶ *The State Gazette*, September 1, 1860.

- ³⁷ Biesele, *German Settlements in Texas*, pp. 150-51; Census of 1860
- ³⁸ Ibid., p. 159; *Slave Census of 1860*.
- ³⁹ Ibid., pp. 204-05.
- ⁴⁰ John D. Hicks, *The Federal Union*, p. 599.
- ⁴¹ The State Gazette, September 1, 1860.
- ⁴² Hicks, op. cit., p. 600.
- ⁴³ E. C. Barker, *History of Texas*, pp. 471-72.
- ⁴⁴ Charles W. Ramsdell, *Reconstruction in Texas*, pp.14-16.
- ⁴⁵ Biesele, *German Settlements in Texas*, op. cit., pp. 206-08; Hall, op. cit., pp. 51-52; Lonn, op. cit., p. 50.
- ⁴⁶ Ramsdell, op. cit., p. 15; Freie Presse fur Texas, San Antonio, May 18, 1923; E. W. Winkler, ed. *Journal of the Secession Convention, 1861*, pp. 22, 405-08.
- ⁴⁷ The San Antonio Express, March 4, 1934.
- ⁴⁸ Biesele, *German Settlements in Texas*, op. cit., p. 206; Freie Presse fur Texas, May 18, 1923; Neu Braunfelser Zeitung, March 8, 1861.
- ⁴⁹ Freie Presse fur Texas, May 22, 1923.
- ⁵⁰ Hall, op. cit., p. 55.
- ⁵¹ Robert Penninger, *The History of Fredericksburg, New Braunfels, and other German Settlements in Texas*, p. 170.
- ⁵² Lonn, op. cit., p. 46.
- ⁵³ Ibid., p. 40.
- ⁵⁴ Dorplean, op. cit., p. 61.
- ⁵⁵ Biesele, *German Settlements in Texas*, op. cit., p. 207.

Chapter II

Military Activities

When the majority of Germans in Texas rejected the Ordinance of Secession, they cast their lot with the North; nevertheless they hoped to remain neutral in the war, and in order to do so tried to avoid entanglements with matters political and military.¹ As a result the Confederacy received few German volunteers from the State. The lack of enthusiasm for the Southern cause served only to focus attention on the Germans, and when some of the more outspoken expressed their satisfaction over Northern successes and Southern reverses, they were laying the foundation for an open break between German Unionists and Confederacy sympathizers.²

In Gillespie County, a Unionist stronghold, a handful of men did volunteer their services; for in spite of their loyalty to the Union they thought it safer to serve in the armed forces of the Confederacy than to remain at home and face the trouble brewing between the Unionists and Confederates.³ Hence, a short time after Texas seceded, Gillespie County was able to respond in some measure to the call to arms. The county's first not of the war, however, was not raising Confederate troops, but watching United States troops leaving their frontier stations.

On March 1, 1861, when Texas was formally admitted to the Confederacy, and the Federal troops departed from the State, the people of Fredericksburg and Gillespie County were concerned over the resultant loss of business with the frontier posts; but they were mainly concerned over the fact that the protection afforded them by the United States forces had been withdrawn.⁴ As the machinery of war began to grind, Gillespie County was called upon to contribute to the Southern cause. In accordance with an order from the Governor, the Commissioners Court in August appointed nine men to visit the settlements and parts of the county to make a descriptive list of available arms not already in the hands of volunteer companies. The lists were to be given to the chief justice within four weeks.⁵ The following month the county was able to report that additional volunteers had been raised within its borders, "who are in want of full and complete equipment."⁶ Among the volunteers may have been a smattering of patriot Confederates, eager to answer the call of their country, but the greater part were Unionists, who hoped that volunteering would keep them near home for Indian defense, and thus they would escape active military service against the Union.⁷

Just how strong the Union feeling was in the county is well illustrated by the following incident involving the organization of the first local ranger company. In February of 1862, Governor E. R. Lubbock issued a call for a regiment of mounted rangers for frontier service, and Jacob Kuechler of Gillespie County was authorized to form a company consisting of men from Gillespie and neighboring counties. Kuechler's plan was to include only good Union men in the company; and when this was

accomplished, it was understood among the members that, besides protecting the frontier, they would also protect local Unionists from over-zealous Confederates.

The ultimate aim of the ranger company was to serve as a model and inspiration for similar companies, which would at some appropriate time, unite and take action in favor of the United States. Some time later spies revealed this scheme to the Governor, and he thereupon dissolved Kuechler's rangers.⁸

The State was determined to have a ranger company in the Fredericksburg region; so an attorney by the name of Walker was sent from Austin to form another company, and he brought with him several bona fide Confederates to be the nucleus of the new organization. Many of the ex-members of the disbanded company attempted to join the new company and shape its politics, but Walker and his men refused to have them. Consequently, those who had previously signed up with Walker, knowing their plans could not succeed, resigned--they probably were Unionists and the company as initially organized consisted only of non-German Confederates. The result of this incident was to increase the distrust between the Confederate and Union sympathizers. Feeling themselves victims of discrimination, the Unionists became bolder and more free with their opinions. To counteract their opponents, the Confederates held a meeting and discussed whether certain Unionists leaders should be run out of town or merely warned to keep their sentiments to themselves. The second course was decided upon, and four prominent Unionists, Braubach, Dobbler, Radeleff, and Siemering, were warned to stop their pro-Union speech.⁹

About the time that Kuechler's company of rangers was organized, other volunteers were gathering at Fort Martin Scott, two miles from Fredericksburg. The fort was the meeting place for volunteers from several counties. Colonel J. M. Morris had orders to raise a regiment of ten companies with 100 men in each company, and Gillespie, Hays, and Kerr counties were to supply one-third of the required men. After a sufficient number of men assembled, they were marched to Fredericksburg and sworn in "hard and fast" while a "blue norther" lashed at them.¹⁰ No reason is offered for conducting a public induction in Fredericksburg, but it may have been to impress the strong Union population there.

Of the volunteers accepted at Fredericksburg, few were from Gillespie County. Attempts to raise volunteers in Gillespie and surrounding German counties were usually unsuccessful.¹¹ For example, on March 28, 1862, General Robert Bechem, in charge of the 31st Brigade, Texas Troops, with headquarters at New Braunfels, reported to Colonel J. Y. Dashiell at Austin that 54 men from Gillespie County had entered the Confederate service: seven men were in Libbey's brigade; eight teamsters were with the Government Department; and 39 had enlisted in the frontier regiment. The report concluded with the significant statement that over 450 men in Gillespie County were liable for military service.¹²

Since the counties of Gillespie, Kendall, Kerr, Mason, and Medina did not raise enough volunteers, the people feared forced conscription through the "conscript law"

of April 16, 1862.¹³ The a welcome opportunity presented itself as a way out. Confederate troops guarding the frontier were to be withdrawn and replaced by the recently organized State Rangers. The Governor authorized a merchant of Fredericksburg, Frank van der Stucken, who was known by his friends as a Union sympathizer, to organize a company of such rangers.¹⁴ On the 29th of May, General Bechem at New Braunfels wrote to his commanding officer that van der Stucken had raised a company of cavalry, 75 strong, in Gillespie County, and that he was elected Captain. "I am glad to see," added Bechem, "that something is done in said county at last."¹⁵ Van der Stucken's company was made up principally of Germans from Gillespie County, and their fond hope was that they would see service on the frontier near their homes.¹⁶ For a short time this wish was realized as the new cavalry company was ordered to guard Federal prisoners at Fort Mason in adjoining Mason County. But the Confederate Government did not know the tenor of this company. They were loyal Unionists in spirit,¹⁷ and planned to liberate the prisoners and make their way together to New Mexico and join Federal troops there, or else enter Old Mexico and sail for the United States. The plot possibly would have succeeded, but before it could be carried out, Captain van der Stucken, whose sympathies formerly were with the Union, shifted his support to the side of the Confederacy. The conspiracy to free the prisoners, therefore, met with complete failure.¹⁸

In July van der Stucken's company was employed to remove Federal prisoners from Fort Mason.¹⁹ It is not clear if these were prisoners almost rescued or whether they were another group taken to Vicksburg, but in 1862 van der Stucken's cavalry did escort to Vicksburg.²⁰

According to General H. P. Bee, the assignment should not have been given a German commander from a Unionist district. Vicksburg, the South's Gibraltar on the Mississippi, and the North's objective in the West, was not the proper place for van der Stucken's men; so General Bee suggested that the Germans "now escorting Federal prisoners to Vicksburg" be attached "to the frontier regiment."²¹ Therefore, in December, 1863, Captain van der Stucken's State Rangers became "Company E., First Regiment of Texas Cavalry, Confederate States of America."²²

One of the tasks assigned to Captain van der Stucken was arresting prominent Union sympathizers on the frontier and bringing them to San Antonio, but in this he was unsuccessful. Possibly warned of his coming, his intended victims always out-manuevered him. On one occasion the Captain and a few troopers rode up on to the home of a Unionist intending to take him by surprise. As the men advanced toward the house, the would-be victim eluded his captors, leaped upon van der Stucken's horse, and with a cry of "Hurrah for the United States," dashed away. Pursuit proved fruitless, and van der Stucken had to return to San Antonio empty-handed.²³ During the time he served with the cavalry company, van der Stucken's business was conducted for him by others and he became wealthy.²⁴

In the summer of 1864 he resigned his captaincy and returned to Belgium, the land of his birth.²⁵

It will be recalled that Captain van der Stucken's company consisted principally of Gillespie County men who expected to remain near their homes on the frontier, but instead they were combined with the regular service. This was the only Gillespie County unit in the Confederate army. Opposition was so great in the county to regular army service that individuals who supported the Confederacy and wanted to enlist did so in other counties. Several enrolled in a Comal County company, and five and a "few others" took the oath in San Antonio.²⁶ On the other hand, there was no objection to local defense companies, which meant no active service and staying home. In fact, they were very popular. There were six local defense companies in Gillespie County with the combined membership of over 300, and the individual organizations had enrollments of 40 to 69 men. The captains of these companies were Theodore Braubach, Charles Nimitz, Engelbert Krauskopf, W. J. Locke, W. Wahrmund, and Jacob Kuechler. Kuechler's company was the one dissolved by the Governor because of its Unionistic tendencies.²⁷

Enrolling men for local defense companies and supplying them with the proper weapons did not go hand in hand. Gillespie County experienced some difficulty in equipping its protectors with serviceable guns. In the spring of 1862, Fred Wrede, the ordnance officer, predicted that most of the arms to be collected "would be useless" and in need of repairing. So much so, that he asked draft exemption for the men who were to assist him in repairing the arms, stating that their services were "indispensable."²⁸ A short time later prospects were a little better. The county received 20 rifles from General Bechem in New Braunfels, and Wrede was able to report that he had secured several muskets and chances of getting more at reasonable prices were good.²⁹ But these additional arms did not solve the whole problem. So badly in need of weapons were the defense companies that one captain wrote to General Dashiell in Austin declaring his organization was willing to pay for the repairing of arms if only they could be secured.³⁰ In August, at the request of Wrede, Captain Engelbert Krauskopf, a commander of a defense company and gunsmith,³¹ was appointed ordnance officer for Gillespie County. Since Krauskopf was a gunsmith, Wrede thought the he had a better opportunity to buy and repair the few arms left in the county.³²

In Captain Krauskopf the county found the ideal ordnance officer. Not only was he able to make and repair arms, but he was also able to remedy the critical ammunition situation. The ammunition shortage was the result of the Federal blockade on the Texas coast, and the only way of getting ammunition into the State was through Mexico. The route was not dependable, and Gillespie County on the frontier was desperately in need of ammunition to procure food, for protection against the Indians, and to complete the equipment of the defense companies. Captain Krauskopf, the gunsmith, and Adolph Lungkwitz, a silversmith, met the emergency through the combined efforts of their mechanical skill and inventive genius. They developed two machines, one for rolling copper sheets, and the other for stamping out percussion caps from the thin sheet of metal. They made caps for both guns and pistols. Loading and priming the caps presented another obstacle in the lack of materials--saltpeter and quicksilver. The elements of saltpeter were secured from the bat caves around

Fredericksburg and Captain Krauskopf made a trip to Galveston to get the quicksilver. Not only kid Krauskopf and Lungkwitz save the ammunition situation in Gillespie County, but they found a ready market for their caps throughout that section of the country. Among the people who came to watch the process of making caps was Lieutenant-Colonel J. D. McAdoo, assistant adjutant general of the State Troops, then stationed at Fredericksburg.³³

As previously stated, most of the Germans in Gillespie County were opposed to service in the regular armed forces, and some of them avoided conscription by joining local defense companies. Those who did not were subject to the draft. Consequently, General Bechem received a request for certain citizens of Gillespie County asking that all the frontier counties be "entirely exempted from all services under the military laws," in order that the farmers would be able to work their fields and gather their crops, and that when some men were forced to repulse Indian attacks, there would always remain enough to protect families and homes. In return for this consideration, the requesting parties suggested that the frontier counties be "charged exclusively with the protection of the frontier." As proof of the earnestness of their petition, the citizens of the county had already established a sort of scouting system against the Indians, which, entitled them to make this last request: "[That] the inhabitants of Gillespie and Kerr Counties would be well satisfied if the [State Troops] on the frontier were to be employed somewhere else, where they might be of some benefit."³⁴

Apparently these overtones were a twofold endeavor of the Unionists to maintain their neutrality: first, to keep from being drafted; and secondly, to have the regular troops shifted from the frontier. In the latter case, as earlier stated, the troops were removed and defense companies took over their assignment, but not at the request of Gillespie County. The exemption to conscription, of course, was not granted, and as a result there was open opposition to compulsory military service. As the war was nearing the end of its second year and as more men were needed to fill the vacancies in the Confederate ranks, defiance of the draft law was boldly advocated at a meeting in Fredericksburg. On January 3, 1863, Lieutenant-Colonel H.L. Webb made the following report to Governor Lubbock:

Many inflammatory speeches were made, advising resistance to the draft the conservative portion of the persons composing the meeting were not allowed to speak. . . . About one third of the persons present were Americans. I am of the opinion that there is serious danger, that they will give us much trouble, and from all I could learn, they are determined to keep up their organizations, set at defiance the Laws of the State, and if practical join the Yanks force that may land on our soil.³⁵

Realizing the seriousness of the situation, Colonel Webb left the next morning for Galveston to lay the case before General J. B. Magruder, Confederate commander of Texas.³⁶

Opposition to conscription, however was not the only concern of Confederate official of the State. The next year opposition to serving the "Lost Cause" was shown by the increasing number of desertions by the South's "summer time" soldiers. When the military outlook appeared dark, swarms of Confederate deserters make their way to Mexico, or took refuge with Federal troops on the Island of Santiago de Brazos. In April, 1864, General Magruder said that the men at Galveston were deserting by tens and twenties every night.³⁷ "In some cases deserters banded themselves together, roamed the country, fortified themselves in the mountains, and made raids upon settlements, stealing cattle and robbing military stores. Some lived in caves. Forces had to be detached from the Confederate armies to run down such groups."³⁸ On the 13th of May, Major James Hunter of the State Troops, Third Frontier District, reported from Fredericksburg that 22 deserters, taking their horses and weapons with them, had again escaped from a camp on the San Saba River.³⁹ The following week two companies of Gillespie County's frontier defense guards were ordered to join a body of State Troops "to pursue and arrest a party of renegades and deserters, supposed to be traveling towards the Llano River." Because of their Unionist inclinations, the assignment was probably disagreeable to the county guardsmen, but the pursuit was successful, and the report on the chase concluded: "Renegades and deserters overtaken and arrested."⁴⁰ So satisfactorily were deserters dealt with in this area, that in the fall of the year a communication from Fredericksburg to the Adjutant General in Austin stated: "The bands of deserters, so long at large in this District, and defiantly committing all sorts of depredations upon the people, have been captured and driven out of the Country so effectually, that scarcely none are to be heard of now in the District."⁴¹

The last military affair in Fredericksburg took place in April 1865. It was not clear whether the incident occurred before or after General Robert E. Lee's surrender on April 9, but since Confederate troops were sent against the Unionists the date was in advance of the news of Lee's capitulation. Nevertheless, encouraged by the hopeless condition of the South, the Unionists in all likelihood became too enthusiastic, which resulted in "trouble" at Fredericksburg. Troops were sent from San Antonio, "there was some fighting," and "the Germans were easily beaten" and captured.

So ends the record of strictly military affairs in Gillespie County, but not the whole story of the war's effect in the county. One other phase of the war, the fate of the Unionists, cannot be ignored. While their account does not involve the military, it is of such a nature as to warrant special treatment aside from the military topics treated, and necessitates a separate chapter.

Footnotes for Chapter II

- ¹ Ella Lonn, *Foreigners in the Confederacy*, p. 424.
- ² Dudley G. Wooten, *A Comprehensive History of Texas*, Vol. II, p. 568.
- ³ Charles W. Ramsdell, *Reconstruction in Texas*, pp. 22-23.
- ⁴ *The Freie Presse fur Texas*, May 15, 1923. Fredericksburg and the county traded with posts as far as the Mexican border.
- ⁵ *Commissioners Court Minutes*, Vol. A., p. 247. Hereafter cited as C.C.M.
- ⁶ *Ibid.*, 249-50. Number of volunteers not stated.
- ⁷ Lonn, op. cit., p. 125; Robert Penniger, *The History of Fredericksburg, New Braunfels, and other German Settlements in Texas*, pp. 120-21; Ramsdell, op. cit., pp. 22-23.
- ⁸ Ada Maria Hall, *The Germans in State and National Politics, 1850-1865*. Ms. Master's Thesis, University of Texas, June, 1938, p. 64.
- ⁹ *The Freie Presse fur Texas*, May 29, 1923.
- ¹⁰ *The San Antonio Express*, January 13, 1918.
- ¹¹ *Ibid.*; *the Freie Presse fur Texas*, June 1, 1923.
- ¹² The Adjutant General Correspondence, State Archives. Hereafter cited as AG.C. Some Germans evaded actual service by being detailed as teamsters. Lonn, op. cit., pp. 312-13.
- ¹³ *The Freie Presse fur Texas*, June 1, 1923; Ramsdell, op. cit., p. 20
- ¹⁴ *Ibid.* (*Freie Presse*)
- ¹⁵ A.G.C.
- ¹⁶ Lonn, op. cit., p. 125; Penniger, op. cit., pp.120-21
- ¹⁷ The following occurrence well exemplifies the degree of Unionism in van der Stucken's company: "Stucken's company was to go to San Antonio at General Bee's order, as exaggerated tales of the activities of the Unionist were afloat. Lieutenant August Siemering of this company, a Unionist at heart, was entrusted with the escort of several cannon drawn by oxen. He tarried at Fredericksburg, sending the cannon ahead with [instructions] to wait for him at a certain point. He then missed the escort and cannon and came on without them to San Antonio." Lonn, op. cit., pp. 425-26
- ¹⁸ *The Freie Presse fur Texas*, June 1, 1923. This account leaves several things to be desired: an explanation of van der Stucken's sudden change to the Confederacy; the date of the near rescue; the relations between van der Stucken and his men after he foiled the rescue.
- ¹⁹ *Ibid.*
- ²⁰ *Ibid.*; Hall, op cit., pp. 63-64; War of the Rebellion, Official Records of the Union and Confederate Armies□, Ser. I, Vol. XV, p. 931. Hereafter cited as Official Records.
- ²¹ *Official Records*, Ser. I, Vol XV, p. 931.
- ²² Photostatic Copy of Co. E.'s Muster Roll. This company saw most service along the Sabine and Red Rivers. Dr. William Keidel of Fredericksburg was assistant physician to the 31st Brigade to which Co. E. was attached. Hall, op. cit., pp. 63-64.
- ²³ *The Freie Presse fur Texas*, June 1, 1923.

- ²⁴ Don Biggers, *German Pioneers in Texas*, p. 131. A mill established in 1862.
- ²⁵ *The Freie Presse fur Texas*, June 1, 1923. Photostatic copy of Co. E. shows its last muster on February 29, 1864.
- ²⁶ Hall, op. cit., pp. 63-64.
- ²⁷ Ibid.
- ²⁸ A.G.C., April 2, 1862.
- ²⁹ Ibid., May 7, 1862.
- ³⁰ Ibid., May 14, 1862.
- ³¹ "While Robert E. Lee was stationed at Fort Scott, near Fredericksburg, he sometimes came to Krauskopf's [gun]-shop. He was delighted with the guns Krauskopf made, and requested Krauskopf to make a gun for him, which [he] did." *The San Antonio Express*, February 18, 1934.
- ³² A.G.C., August 6, 1862.
- ³³ Biggers, op. cit., pp. 98-99; *The San Antonio Express*, February 18, 1934.
- ³⁴ A.G.C., May 13, 1862.
- ³⁵ Lonn, op. cit., pp. 433-34.
- ³⁶ Ibid.
- ³⁷ Ramsdell, op. cit., pp. 28-30.
- ³⁸ J. G. Randall, *The Civil War and Reconstruction*, p. 668.
- ³⁹ A.G.C.
- ⁴⁰ Ibid., May 18, 1864.
- ⁴¹ Ibid., September 15, 1864.
- ⁴² R. H. Williams, *With the Border Ruffians*, pp. 406-07.

Chapter III

Captain Duff and the Unionists

On May 30, 1862, General P O Heberatt, who was first placed in command of Texas by the Confederate Government, issued an order proclaiming martial law in the State,¹ and two weeks later General Bechem at New Braunfels had the proclamation printed in both German and English for the benefit of the German citizens in that section.²

For the Unionists in Gillespie County the proclamation foreshadowed trouble. Before the summer was over all the hardships of martial were epitomized for them in the person of one man--Captain James Duff.

By the spring of 1862 the Confederate army has drained Texas of her best men, and when the State mustered various organizations to act as home guards, it was impossible for even the best of leaders to exercise supervision over all the companies suddenly recruited. "Bullies, bandits, cut-throats" "joined up" for the purpose of loot." Chief among the latter was a man named James Duff, who secured a captaincy in the Texas Partisan Rangers. His past record was not investigated in the haste of war, but the fact that he had had military experience and was able to drill raw recruits won him his commission, as experienced men were sorely needed.³ Duff is described as a Scotsman, who had been a Federal soldier and a deserter. "[He] was captured and condemned to receive thirty-nine stripes on his bar back, but was pardoned" this punishment by his commanding officer;⁴ nevertheless Duff was court-martialed and drummed across the Plains.⁵ At the time of his entry into the State's service he was a wealthy man, the result of business speculations.⁶ As an officer, Duff's military discipline and efficiency is best told by one of his men: "No inspection today. In fact, we have had no inspection since we were under the command of Jim Duff. He keeps the men on the jump. He and his men lay in camp and drink good whiskey and smoke the best of cigars."⁷

Upon the recommendation of General Bee and Governor Lubbock, Captain James Duff was appointed provost marshal of Gillespie and surrounding counties.⁸

On May 30, 1862, Duff and his "Partisan Dragons," as he styled them, arrived in Fredericksburg, ready to carry out to the letter that section of the martial law proclamation which read: "All orders issued by the provost-marshal in the execution of their duties shall be promptly obeyed. Any disobedience of summons emanating from them, shall be dealt with summarily."⁹

He proclaimed martial law in Gillespie County and gave the inhabitants six days to report to him and take the oath of allegiance to the Confederacy. Among those taking the oath were many Unionists who did so as a matter of expediency, and consequently were Confederates in name only.¹⁰ In the meantime Duff and part of his company

called at several of the settlements and explained to the people the object of his visit to their county. Within a few days, according to Duff, people displayed more confidence in him and showed a greater desire to serve the Confederate Government.¹¹ Duff's report infers that he gained the confidence of the citizens by simply explaining the object of his visit, but subsequent developments show various degrees of duress may have been among his powers of persuasion.

During the early part of his stay in the county, Duff found it impossible to obtain forage for his horses of his company because the people favorable to the Confederacy had previously sold their corn, and those Unionists who did have corn refused to sell for Confederate paper money. F. Lochte, a wealthy Unionist merchant of Fredericksburg, had bought most of the produce of the county, and like his fellow Union sympathizers he also refused to accept Confederate paper money in trade. But a visit from Duff and one of his lieutenants convinced Lochte that it would be wise to sell for paper money, and Duff bought fifty bushels of corn for his horses.¹³

After a side trip to Medina County to arrest certain citizens, Duff returned to Fredericksburg, where, in his opinion, the few friendly to the Confederate Government lacked the courage "to give information to the provost-marshal of the sayings and doings of those unfriendly" to the Confederacy. Whereupon he, and a lieutenant, summoned and held a consultation with the Southerners and obtained affidavits in regard to four Unionists. They were, as mentioned in Duff's report, "Sheriff Braubach, Captain Kuechler (State Troops), E. W. Dobbler, grocery keeper, and Mr. F. Lochte, merchant." Dobbler was the only one immediately arrested, as the others left town. But Lochte was later arrested in Fredericksburg by Duff's men when he returned from hiding too soon, and Braubach was arrested in Austin by one of Duff's corporals. Captain Kuechler made good his escape. Duff states that of the four men he sought, Kuechler was the only one that had not taken the oath of allegiance. But Braubach, Dobbler, and Lochte were placed in the guardhouse at San Antonio, regardless of having sworn allegiance to the Confederacy. "Their absence," said Duff mistakenly, "will tend to make the people in [Gillespie County] united in favor of our Government more than anything else." He also thought "that steps should be taken to arrest Captain Kuechler," because "he is a man of great influence; a German enthusiast in politics and a dangerous man in the community."¹⁴ Just what Duff accomplished at the termination of his first expedition to Fredericksburg is stated in the words of one of his own men: "After three week's absence [from San Antonio] . . . all we had done was to bully [and arrest] a few inoffensive Germans."¹⁵

With Duff's departure, no doubt the Unionists in Gillespie County breathed easier. But he was destined to return a second time and become a scourge to any one unsympathetic to the Confederacy. His second visit was caused by the formation of the Loyal Union League among the Germans of Gillespie and adjacent counties. The League was but a natural outgrowth of the peculiar situation in which the loyal Germans found themselves.

When Kuechler's rangers were ed and his men were refused membership there was ill feeling between the German Unionists and Confederates in Fredericksburg, and as a result several prominent Union leaders were warned by Confederate sympathizers to keep quiet. The Unionists now regarded it as their duty to have a strong organization in order to counteract the aggressive policies of the Southerners, and this they did as they by organizing the Loyal Union League.¹⁶ At the initial meeting of the League only 18 persons were present, but they represented many different sections of the surrounding country. They pledged themselves not to bear arms against the United States, and each became a committee of one to persuade others to join the League; newcomers were expected to make the same promise. The 18 worked so diligently that soon notice was given to all Union sympathizers, Germans as well as Americans, to be present at a mass meeting on Bear Creek high up in the hills of Gillespie County. Here, it was felt, the meeting would be safe from spying eyes.

On July 4, 1862, several hundred Unionists met and proceeded to perfect the organization. The "object and purpose" of the League "was not to cause or encourage strife between Union and Confederate sympathizers, but to take such action as might peaceably prevent its members and theirs families from being disturbed and compelled to bear arms against the Union, and to protect their families against hostile Indians."¹⁷

The organization was to be under the command of a major and each county unit under the command of a captain. Fritz Tegener of Kerr County was elected major. The League had secret signs of recognition and all were sworn to secrecy as to what had taken place at the meeting. Any member who turned traitor would be shot on sight.¹⁸ It was not long before the rule was carried out.

In the meeting on Bear Creek was an Englishman by the name of Stewart¹⁹ who turned spy, swore out an affidavit, and revealed the plans of the Unionists. He knew by name only a few of the men who attended the meeting, but he had divulged enough to cause alarm among the Unionists belonging to the League. The League leaders immediately held a meeting and decided that the death penalty should be imposed on Stewart. By the drawing of lots, a young man from Kendall County was selected as executioner. Shortly thereafter he found an opportunity to perform his grim task. Stewart and a Negro were in the act of driving cattle from Comfort to the farm of another Englishman,²⁰ Atrill by name, and when they passed through a narrow canyon Stewart was shot. Atrill spent considerable time and money to find the assassin of his friend. He advertised in the San Antonio papers, offering a large reward for information, but his effort was unsuccessful.²¹

The assassination of Stewart signaled the opening of the "bushwhacker war," in which both Union and Confederate sympathizers were waylaid and murdered, and much property was destroyed and stolen.²² General Bee declared the counties of Gillespie, Kendall, and Kerr to be in open "rebellion" against the Confederate States of America, and ordered Duff, now a colonel, "to take such prompt and vigorous measures as in his judgment were necessary to put down" the "insurrection."²³

On July 19, 1862, two companies of Partisan Rangers under the command of Duff marched out of San Antonio for Fredericksburg, where, according to exaggerated reports, 1,500 "bushwhackers", mostly Germans, had taken to the hills, and were plundering and burning the homes of Southern loyalists. When the Rangers reached Fredericksburg they found the town peaceful, but a certain number of men had gone to the hills in the hope of avoiding conscription and joining the Federal army. With the intention of remaining in Gillespie County six weeks, Duff pitched camp on the Pedernales River at a spot fifteen miles from Fredericksburg. Again he issued a proclamation announcing his appointment as provost-marshal, but this time he gave the people only three days instead of six in which to take the oath of allegiance to the Confederacy. Those who failed to do so would be regarded as traitors and would be dealt with at the discretion of the commanding officer.²⁴

It was impossible for all the inhabitants of the county to learn of Duff's order, especially those scattered throughout the hills. Disregarding this fact, Duff sent out two wagon parties to round up the people who had not taken the oath at the expiration of the third day. His chief victims were the families of the men who had left home to hid in the hills. In four days the wagons returned full of prisoners--"four or five men, and eight women with their little ones. The latter were to sent to Fredericksburg, and the former confined to the guard tent."²⁵ These prisoners had been informed by a "Dutch" tavern-keeper in Fredericksburg. He was often seen in camp drinking with Duff, and betrayed the prisoners because of a private grudge.²⁶

A rumor in Duff's camp that he wanted no prisoners taken became a reality when it was announced that the prisoners confined to the guard tent had escaped, but actually they had been quietly taken away and hanged. One man brought in by a patrol was accused of being a Northern sympathizer, but nothing could be proved against him. That night he was released by Duff. The "next morning his body was found hanging in the woods near by, with his throat cut from ear to ear."²⁷ To murder and treachery Duff also added torture. As a means of extracting information or an admission of guilt from Unionists, Duff would hand his victims by the neck from a tree and let them down just before strangulation became final. If the answers were not satisfactory the grisly process was repeated until Duff was satisfied or death claimed the unfortunate man.²⁸

Duff is credited with having "hunted down, captured, killed, and hung" between 20 and 50 men in and around Fredericksburg.²⁹ Not only were the lives of Unionists threatened and taken, but their property was also endangered by plunder and the torch. On one occasion Duff's men almost surprised a Unionist, but warned by his wife, he escaped. The man's house, however, was ransacked, and all movable property stolen. "Other farms in the neighborhood were also searched, the families taken prisoners, and the houses burned down."³⁰

A similar scene, described by one of Duff's troopers, depicts the destruction of a Unionist's farm after he fled at the approach of Duff's marauders. First, his wife and children were made prisoners, then the crops of the well-cultivated little farm were

"trampled and destroyed," the bee-hives in front of the cabin were overturned, the living room furniture was wrecked, and the loom in the kitchen smashed. Several other homesteads in the vicinity were accorded the same treatment.³¹

Meanwhile, when Major Fritz Tegener, commander of the Loyal Union League, learned of the action taken by the Confederates to put down the local "rebellion," he called together the advisory board, and it was decided to disband the three companies composing the organization. The abrogation of the League was in line with its policy "not to create or encourage strife between Union and Confederate sympathizers,"³² and it was hoped that this action would assure the Confederate officials that no armed conflict was expected.³³

Previous to this meeting the Governor of the State had not take the oath of allegiance to leave Texas within 30 days.³⁴ To Major Tegener the Governor's proclamation was a blessing in disguise. At Tegener's suggestion, it was announced to the League by the advisory board that all Unionists unwilling to submit to Confederate rule should meet him on August 1 at the head waters of Turtle Creek in Kerr County. From there they planned to ride to the Rio Grande to join the Federal Army by way of Mexico.³⁵

On the afternoon of the schedule date, 62 men under the leadership of Major Tegener began their journey for the border, intending to cross the line at a point below the mouth of Devil's River.³⁶ According to the proclamation there was sufficient time for the party to leave Texas, and therefore they traveled leisurely, making about 15 miles a day. Feeling perfectly secure in their venture, the Unionists thought that it was unnecessary to place a scouting party at the rear of their column.³⁷ On the 9th of August the travelers camped on the banks of the Nueces River in Kinney County, about 20 miles north of Fort Clark.³⁸ The next day being Sunday, they planned to rest after their long ride, and give their horses the benefit of abundant grass and water.³⁹ Unknown to the Unionists, they were being hotly pursued by Duff and his horsemen. With utter disregard for the Governor's proclamation, Duff insisted upon putting down the so-called "rebellion" by exterminating as many Unionist as possible. There are two versions as to how Duff learned of the departure of the Unionists and the route they took, and both are typical of Duff's methods of gaining information. The first story relates that a man by the name of Burgeman, not a resident of the Unionist counties, posed as an anti-Confederate, joined the Loyal Union League, and then betrayed the necessary information to Duff. The second report says that part of Duff's company captured a League member, and "compelled" him to give the facts concerning the expedition to Mexico.⁴⁰

The first sign of pursuit was noticed by the Unionists as they camped by the Nueces River, when some of the men reported seeing two horsemen reconnoitering from a distant hill. Major Tegener announced that since they were so near their goal, they would resume their trip until they were over the Rio Grande. But their camp had been spotted, and their pursuers made arrangements for an immediate attack.⁴¹

That night the Unionists posted a guard of four men,⁴² but under the cover of night Duff's men advanced among the cedars surrounding the camp, and at one o'clock in the morning of August 10 the surprise attack opened.⁴³ The firing on both sides lasted about an hour, during which Duff's 94 men made three charges before they succeeded in dislodging the Unionists.⁴⁴

The official record of the Nueces River battle states the Unionist party "was composed of 63 Germans, one Mexican, and five Americans (the latter running the first fire)" Of the battle itself, the report concludes: "They offered the most determined resistance . . . asking no quarter whatsoever; hence I have no prisoners to report."⁴⁵ The report is incorrect in that it implies all the Unionists were killed in battle. On the contrary, 17 men escaped. Three finally made their way to Mexico,⁴⁶ and the remainder returned to the hills in the neighborhood of Fredericksburg,⁴⁷ where they again were hunted down.⁴⁸

When the report states "no prisoners to report" it is correct, but behind that statement lies a most dastardly deed, the culmination of Duff's reign of terror against the Unionists. There is no accurate record of the number killed and wounded on either side, but there were about 20 wounded Unionist capture after the fight,⁴⁹ and at Duff's command these men were shot in the head and killed.⁵⁰ Burgemann, the man who is credited with betraying the Unionists to Duff, was the chief executioner with his six-shooter.⁵¹ The fact that so many of the dead were shot in the head was later attributed to the "remarkable good marksmanship of Duff's men."⁵²

As an aftermath of the Nueces River affair, many young men in the Fredericksburg area remained in the wooded hills until a proclamation was issued stating that if they would come out of hiding voluntarily nothing would be done to them. Practically all came, and though they were not bodily harmed, they were placed in a frontier regiment until the end of the war.⁵³ Other young Germans, learning of the fate of their neighbors on the Nueces River, no longer dodged service in the Confederate army, but joined of their own accord. They did not make good soldiers, however, as most of them deserted at the first opportunity.⁵⁴

Whether an attempt was made by Duff to hush up the battle and the massacre of the wounded, or whether the Unionists of the German counties refused to talk about the matter out of fear of retaliation from Duff, is uncertain, but no contemporary account of the conflict has been found. On the other hand, evidence does show that inaccurate information was afloat after the fight, and in one case Duff and his men contributed to that inaccuracy. When he and his men returned from the Nueces River to their camp in Kerr County, the men who had remained in camp were told by the battle participants that a large number of prisoners had been taken, but later had managed to escape. The story was doubted by at least one trooper--probably there were more--but a false rumor had been launched, and like all rumors it must have spread.⁵⁵ Yet the people of Austin did not learn of the battle until after the war. A citizen of the capital city wrote: "To the northwest of Austin, a few hundred miles away, we heard the report that a serious fight had occurred between State Militia and two or three hundred Indians

But when the lying spirit of the war was over, the truth came out that those Indians were a colony of German refugees fleeing from Texas persecution to Mexico. But few of them ever reached there."⁵⁶

To the credit of the Confederate officials stationed at San Antonio, let it be said they did not sanction Duff's methods of dealing with the Unionists. When they heard of his iron-handedness in Gillespie County and learned of the Nueces River outrage, Duff was recalled to San Antonio, and in order to restore confidence in the Confederacy, Captain van der Stucken's company was sent back to Fredericksburg.⁵⁷

As to Duff himself, he ran true to type. When it became apparent that the Confederates were going to lose the war, he left Texas,⁵⁸ and in 1869 the San Antonio Express carried a report that Duff was arrested and awaiting trial in Arkansas for the murder of a Negro.⁵⁹ Duff next appeared in Denver, where he became rich and influential, but here his past caught up with him as his desertion from the Federal army and his infamous career in Texas became public knowledge. When last heard of, Duff had quit the county for London, where he was said to be telling the Englishmen that the United States was a terrible place.⁶⁰

As the tragic story of Duff and the Unionists closes, it should be remembered that the ill treatment of minorities was not peculiar to Texas only. A glance of history, or the history of a single nation, will verify this statement. Nevertheless, the persecution of dissenters is not condoned, but it is explainable, at least to some extent. Speaking of the Unionists in Texas, the late Charles Ramsdell said : "[Their} story is a painful one, but it could hardly have been otherwise. When desperate war is being waged, when the enemy is thundering at the gates, perfect tolerance can hardly be expected for expressions of sympathy with the invader. . . . the experiences of the northern 'copperhead' were often as harsh as those of the southern loyalist."⁶¹

Footnotes for Chapter III

- ¹ John Henry Brown, *History of Texas*, Vol. II, p. 408.
- ² Ella Lonn, *Foreigners in the Confederacy*, pp. 312-13.
- ³ *The Dallas Morning News*, May 5, 1929.
- ⁴ D. S. Stanley, *Personal Memoirs of Major-General D. S. Stanley*, p. 234.
- ⁵ *Dallas Morning News*, May 5, 1929.
- ⁶ *The Freie Presse fur Texas*, June 1, 1923. Concerning Duff's wealth, a soldier said of him: "Duff was rich and had everything he wanted that money could buy." *San Antonio Express*, January 13, 1918.
- ⁷ *San Antonio Express*, January 13, 1918.
- ⁸ *Ibid.*; *Official Records*, Ser II, Vol IV, p. 785.
- ⁹ Brown, *op. cit.*, p. 408; *Official Records*, Ser. II, Vol. IV, p. 758.
- ¹⁰ R. H. Williams, *With the Border Ruffians*, p. 232.
- ¹¹ *Official Records*, Ser. II, Vol. IV, p. 785.
- ¹² Dudley G. Wooten, *A Comprehensive History of Texas*, Vol. II, p. 563.
- ¹³ *Official Records*, Ser. II, Vol. IV, p. 785.
- ¹⁴ *Ibid.*, p. 786.
- ¹⁵ Williams, *op. cit.*, p. 232.
- ¹⁶ *The Freie Presse fur Texas*, May 29, 1923.
- ¹⁷ *The Frontier Times*, Vol. 20, September, 1943; *The Freie Presse fur Texas*, May 29, 1923.
- ¹⁸ *Ibid.*; Gilbert G. Benjamin, *The Germans in Texas*, p. 109.
- ¹⁹ A. G. C., April 20, 1862.
- ²⁰ *Ibid.*
- ²¹ *The Freie Presse fur Texas*, June 1, 1923; William Banta and J. W. Caldwell, *Twenty -Seven Years on the Texas Frontier*, p. 186.
- ²² *Ibid.*, p. 187. (Banta and Caldwell)
- ²³ *The Frontier Times*, Vol. 20, 1943; *Diamond Jubilee Souvenir Book of Comfort, Texas*, p. 41. Hereafter cited as *Diamond Jubilee*.
- ²⁴ Williams, *op. cit.*, pp. 235-36.
- ²⁵ *Ibid.*, pp. 236-37
- ²⁶ *Ibid.*
- ²⁷ *Ibid.*, pp. 236,258-59.
- ²⁸ *The Freie Presse fur Texas*, June 8, 1923.
- ²⁹ Banta and Caldwell, *op. cit.*, p. 186; Williams *op. cit.*, p. 259. *The San Antonio Express*, August 3, 1869, claims Duff "hung 100 loyal men in the German counties."
- ³⁰ Frank Moore, *The Rebellion Records*, Vol. VI, p. 49.
- ³¹ Williams, *op. cit.*, p. 238.
- ³² *The Frontier Times*, Vol. 20, p. 267.
- ³³ *Ibid.*, p. 268; *The San Antonio Express*, March 4, 1934.
- ³⁴ *Diamond Jubilee*, p. 36.
- ³⁵ *Ibid.*, p. 44; *The Frontier Times*, Vol. 20; *San Antonio Express*, March 4, 1934.
- ³⁶ *Diamond Jubilee*, p. 44.

- ³⁷ *Ibid.*; *The Frontier Times*, Vol. 20.
- ³⁸ *Official Records*: Ser. I, Vol. IX, p. 615; the *San Antonio Express*, March 4, 1934. According to one report, 28 men left the party here and returned to the Fredericksburg area because they feared pursuit and capture. Some of them were shot or hanged later during the war. *The Frontier Times*, Vol. 20.
- ³⁹ *Diamond Jubilee*, p. 37.
- ⁴⁰ *Ibid.*, p. 36.
- ⁴¹ *Ibid.*, p. 37.
- ⁴² *Ibid.*
- ⁴³ *Official Records*: Ser. I., Vol. IX, p. 616.
- ⁴⁴ *Ibid.*, pp. 37, 44; *The San Antonio Express*, March 4, 1935; Stanley, *op. cit.*, p. 234; Moore, *op. cit.*, p. 49; Penninger, *op. cit.*, p. 121; Ramsdell, *op. cit.*, p. 25.
- ⁴⁵ J. C. McConnell, *The Western Frontier*, p. 109. Report of Lieutenant C. D. McRae.
- ⁴⁶ *Diamond Jubilee*, pp. 37-38. They sailed from Mexico to New Orleans, enlisted in the 1st Texas (Federal) Cavalry Regiment, and were mustered out in San Antonio, 1865.
- ⁴⁷ *Ibid.*
- ⁴⁸ Moore, *op. cit.*, p. 49. According to Penninger, *op. cit.*, p. 121, there were a few wounded prisoners who were taken to White Oak Creek in Gillespie County where some were hanged and others shot.
- ⁴⁹ *Ibid.*, p. 42.
- ⁵⁰ *Ibid.*, pp. 38, 42, 45; Penninger, *op. cit.*, p. 123; Ramsdell, *op. cit.*, p. 25; Stanley, *op. cit.*, p. 234.
- ⁵¹ *Diamond Jubilee*, P. 43.
- ⁵² *Ibid.*, p. 38.
- ⁵³ Penninger, *op. cit.*, p. 122.
- ⁵⁴ *The Freie Presse fur Texas*. June 8, 1923.
- ⁵⁵ *San Antonio Express*, January 13, 1918.
- ⁵⁶ Thomas North, *Five Years in Texas*, pp. 192-93.
- ⁵⁷ *The Freie Presse fur Texas*, June 8, 1923. Van der Stucken's company is not mentioned by name, but "the company of Fredericksburgers" is noted. Since his was the only Fredericksburg unit in the Confederate service, and since his company was sent to San Antonio in the summer of 1862, it is safe to assume that van der Stucken's company is meant in this reference. See Ch. II.
- ⁵⁸ Stanley, *op. cit.*, p. 235.
- ⁵⁹ *San Antonio Express*, August 3, 1869.
- ⁶⁰ Stanley, *op. cit.*, p. 235.
- ⁶¹ Ramsdell, *op. cit.*, p. 23.

Chapter IV

Fredericksburg in War Time

Though so distant from the battlefields of the war, life in Fredericksburg and Gillespie County was far from tranquil. The military disturbances are borne out by the difficulties involved in the raising of troops, and by outrages committed by Captain Duff and his men against the Unionists. Though the people of the county had been greatly perturbed by the discordant and disgraceful military activities, they were to endure two other trying and harassing experiences, before the conflict ended: one concerned the economic welfare of the people, and the other concerned the lawless conditions of the county.

When the Civil War began, "the South had almost nothing except men," who had, "for the most part, led outdoor lives and were accustomed to the use of firearms."¹ This condition was especially true of Gillespie County. As local defense companies were organized, people soon realized "that placing men in the field was only the beginning of the support that they would be called upon to give."² The new Confederate Government was unable to fully equip its regular army, much less outfit volunteer county units; hence the task of supplying the needs of its own troops fell to the citizens of Fredericksburg and the county. Fredericksburg met this challenge by organizing a Southern Aid Society in 1861, and during the first year of the war the Society was responsible for collecting over \$5,000 worth of foodstuff and clothing within the county.³ In September of the same year, the county commissioners came to the assistance of the local volunteers to the extent of \$300, which was to be used to secure equipment. According to the court minutes, this amount was to be "raised by willing Contributions and Drafts issued by the Chief Justice to the County Treasurer."⁴

But Gillespie County's local war effort was not to be limited to supplying its soldiers. The county's general manpower contribution to the Confederate armed forces consisted of six frontier companies, Captain van der Stucken's cavalry company, which saw service outside of the county, and some volunteers who left the county to enlist elsewhere in the Confederate Army.

With these men away on active duty, many of their families were forced to seek relief. The Confederacy, which was experiencing difficulty in outfitting its troops, was unable to assume a benevolent role toward the dependents of its fighting men,⁵ and as a result the citizens of the county were forced to take over this duty themselves. In order to alleviate the condition of the needy families, money, foodstuff, blankets, and clothing were collected and distributed during the first two years of the war.⁶ In March 1863 the State Legislature aided this charitable work by passing an act "for the support and assistance of the widows, families and dependents of the officers and soldiers of Texas [who] may need the assistance of the States".⁷

According to this act, every county in the State was to contribute proportionately toward a general relief fund, and Gillespie County's share was \$3,746.54. To benefit from this money, "each family, widow or dependent" in the county was required to make a written request for help, and in turn each adult was to receive \$8.00 and each child \$2.00.⁸ To raise the funds necessary to meet the State's apportionment, the commissioners court imposed a tax of 12.5 cents on each hundred dollars value of property "for the support of soldiers' families [and] indigent persons."⁹ The following year, 1864, when money was scarce and it was impossible for the property holders to meet their relief assessments, the commissioner's court decided to accept farm produce in lieu of cash, and fixed values on goods to be received. One bushel of wheat was valued at \$1.50; one bushel of corn was appraised at \$1.00; and one pound of bacon was worth 12.5 cents.¹⁰

Just what value was placed upon Confederate money itself at the time is indicated by a controversy between Sheriff Julius Splittgerber and the commissioner's court. When the court attempted to pay that officer in Confederate bills, he refused to accept them as legal tender. The court then agreed that the bills were not legal tender and paid off the sheriff in "hard" cash.¹¹ By 1865 county script has superseded Confederate money, and the commissioners court was paying its bill through this medium exchange.¹²

In the summer of 1864 the demand for food and clothing for soldiers' families increased to such an extent that the county appointed a committee of four men, William Kook, C. Marschall, C. Wehmeyer, and C. Althaus, to investigate the possibilities of getting clothing from the State penitentiary since the inmates of that institution were engaged in making clothes for the poor. Assured by officials that the county would receive its share of prison-made clothing, the county gave notice that "all dependents of Texas soldiers entitled to further support" should "appear on July 25th for their aid." At the appointed time the indigent families assembled; however many were disappointed. The county was able to distribute food, but the clothing from the penitentiary failed to arrive.¹³ By 1865, A. Maier, chief justice of Gillespie County, reported to the State that "one hundred and seventy-six indigent persons in [the county] are entitled to relief. . . [for] soldiers' families."¹⁴ When the war-ended relief cases gradually dwindled, but as late as 1873 the commissioner's court minutes record expenses for indigent families.¹⁵

The families on relief, however, were not the only persons in the county to experience hardships during the war. Other families had similar problems to face, though of a less acute nature. For example, the wife of a soldier relates that food was not so scarce during the war, but that there was a great scarcity of money and clothing; in order to obtain clothing "she spun wool on halves for others, then sold part of her share to merchants in San Antonio." Hats for her children were made from braided wheat and rye straw, which she sewed into the proper shape. The scarcity of money and cloth and the equivalent value of both is seen in the wages offered this mother after a hard day's work. At the end of the day her employer gave her a choice of twenty-five cents in cash, or a yard of calico.¹⁶

Immediately after the war, money continued to be scarce in Gillespie County. The barter system was used, and work was paid for in goods. Returning soldiers, clad in rags, who were being fed by families of the county, were glad to work in exchange for better clothing.¹⁷

The one happy note in the economic structure of the Fredericksburg area was struck by a farmer several months after the close of the war. In a letter to the editor of the San Antonio Daily Herald he wrote:

*We mountaineers are the happiest people you ever saw. We raise our own meat and bread, tan our own leather, make our own shoes, and in almost every house you will find a wheel and loom. We raise our own wool and cotton and the females manufacture the cloth. We are self-sustained in the ways of the necessaries of life. The only thing that has perplexed us, has been the low price of beeves, this, however, I am glad to say is now removed. At present there are several parties of beef-buyers in the county, paying twelve and fifteen dollars per head in specie They all want mountain beeves, and they know we have got them.*¹⁸

Since the majority of the people of Gillespie County were farmers, perhaps this letter was a healthy indication that conditions were returning to normal. With regard to the beef mentioned in the mountaineer's letter, James W. Hunter of Fredericksburg may have been one of the beef-buyers; for in the spring of 1866 he drove over a thousand head of beef-cattle to a railroad and sold his stock in Chicago.¹⁹ These events, the reported self-sufficiency of the farmers, the demand for beef, and the cattle drive, seem to symbolize that after four years of war privations, Fredericksburg and the county were in the process of regaining their former standards of living.

During the war, when the majority of the people were concerned over their meager livelihood, the outfitting of soldiers and the care of their unfortunate families was not the only problem that required attention in Gillespie County. Taking advantage of the absence of men in the armed services, and the animosity existing between Confederate and Union sympathizers, the criminal element in and around the county became more daring, and throughout the war years crime in the Fredericksburg area reached its peak. Chief among these criminals was P. Waldrip, a resident of Gillespie County.

Before the war, Waldrip had been a "friendly neighbor and a gentleman," but at the outbreak of hostilities he became a rabid anti-Unionist and led a band of men who robbed and killed the Germans and others in the county.²⁰ Any connection that Waldrip and his men may have had with the Government is doubtful, though he claimed to have been appointed a ranger captain to keep the Indians out of the county during the war.²¹ On the other hand, his relations with the Confederacy and the frontier service is reported as "hardly probable,"²² and a contemporary of Waldrip said the outlaw and his gang never enlisted, "but ranged all over Gillespie County, committing murders."²³ At

the height of his criminal career, Waldrip headed an organization of sixty desperados.

Many of his followers had past records from other parts of the country.²⁴ The outlaw chief had an excellent spy system that kept him well informed, and any one heard criticizing his group was in danger of death.²⁵ This threatening spy system was not the only method Waldrip used to protect himself. To divert attention from his crimes, he and his men occasionally resorted to the dress and war paint of the red man, thereby laying the blame of their banditry and murder on raiding Indians.²⁶

Waldrip maintained he was a Confederate, but in one respect he was no different from the Unionists he persecuted. Many Unionists, it will be remembered, objected to being drafted into the army, and so did Waldrip and his men. In fact, he was just as violent in his objections as were some Unionists. Charles C. Nimitz, of Fredericksburg, founder of the Nimitz Hotel, was the local Confederate conscription officer, and Waldrip held him personally responsible for drafting men in Gillespie County. Probably some of Waldrip's gang had received draft notices. On one occasion Nimitz had a narrow escape from Waldrip. The bandit chief and a few of his men entered the Nimitz Hotel in search of the owner, to threaten or kill him over the draft question. Mrs. Nimitz, believing her husband to be absent from the hotel, opened the door to her husband's room to prove to the outlaws that he was not in. Nimitz, however, was present, but having heard the men approaching, he hid behind the door when his wife opened it to let Waldrip inspect the room.

Incidentally, this was not the first time Nimitz's life was in danger. Not only Waldrip, but many Unionists also held Nimitz accountable for the draft, and one he hid in his hotel a week to avoid men who threatened him.²⁷

Charles Nimitz was not the sole official to be intimidated by Waldrip, the pseudo Confederate. Captain Krauskopf, county ordnance officer, was also threatened as a result of manufacturing gun-caps. In the guise of loyal Southerners, Waldrip and his men raided the camps of bushwhackers--Confederate deserters and draft evaders--and in their plunder discovered gun-caps with the Texas star stamped on them. This was Krauskopf's way of identifying his gun-caps, and Waldrip concluded that he was selling ammunition to the bushwhackers'. Waldrip was wrong, as the bushwalkers dared not enter Fredericksburg for supplies, and when Krauskopf sold ammunition he had no way of knowing for whom it was intended. Waldrip, however, accused Krauskopf of selling to the bushwhackers, and numbered him among the men he intended to hang. Consequently, Krauskopf was forced to hide away from home for several days in order to save his life.²⁸

In 1864 Waldrip took part in a quadruple hanging at Grape Creek,²⁹ and in the killing of L. Sh_tz, a schoolteacher a local militia captain.³⁰ When the grand jury met in the fall of 1865, Waldrip was indicted with 25 others for crimes committed during the war, but he managed to escape conviction and punishment.³¹

In the spring of 1867 Waldrip, accompanied by J. W. Caldwell, a criminal who escaped from the Fredericksburg jail in 1865³² visited Fredericksburg for several days, where they amused themselves by going to stores and publicly scoffing at those persons who had been Unionists during the war. One day in front of the courthouse, Waldrip met Theodore Braubach, son-in-law of L. Sh_tz, the man Waldrip murdered. Both men drew pistols and fired, but without effect. The outlaw now tried to escape. He ran down the street toward the Nimitz Hotel pursued by Sheriff F. Young and a posse, who were attracted by the shooting. Waldrip entered the front of the hotel, dashed through, and as he emerged at the back of the hotel near the stable was killed by two shots, near a large oak tree that still stands. Since Waldrip had not been in Fredericksburg for two years, several persons were asked to identify the body of the notorious outlaw. Among the people identifying the body was the widow of one of the men murdered by Waldrip. When the sheet was removed from the corpse, the widow not only identified it as the murderer of her husband, but she partially wreaked her revenge by contemptuously spitting in the lifeless face.³³

Unfortunately for Fredericksburg, Waldrip was not the only bad men to terrorize the countryside. Two men of the frontier ranger service, Captain William Banta and Captain J. W. Caldwell,³⁴ seemed to take upon themselves the continuation of molesting the Unionists as instigated by Captain James Duff, to which they added outright murder and robbery. Both Banta and Caldwell participated in the Nueces River massacre with Duff;³⁵ Caldwell, it will be remembered, was with Waldrip at the time of his death in Fredericksburg, and the two ranger captains were also associated with Waldrip in the Grape Creek murder.

In 1864, a band of border ruffians crossed into Texas from Arkansas for the purpose of stealing cattle. These men, under the leadership of Bill Paul, were part of Charles Quantrill's Confederate guerillas.³⁶ When the band reached Gillespie County, they came in contact with Waldrip, Banta, and Caldwell; one result of their joining forces was the Grape Creek outrage. Four men living on Grape Creek were taken from their homes and hanged by the members of the combined mobs. This hanging was not the outcome of politics, but revenge for a personal grudge.³⁷

It was shortly after the hanging that Captain L. Sh_tz, a Unionist Fredericksburg,³⁸ was robbed of \$400 and other valuables, dragged from his home, and lynched three miles from town.³⁹ Waldrip was one of those held responsible for the death of Sh_tz; however there is no proof that Banta, Caldwell, or Quantrill's men took part in the murder, though some of Banta's men were suspected of complicity.⁴⁰ Quantrill's guerillas left Texas soon after their visit to Gillespie County.⁴¹

Following closely on the death of Sh_tz was the hanging of another man by the name of Cass. Cass was an outlaw and a leader among the bushwhackers and was wanted by the authorities. He was captured by Captain Banta and placed in custody, but that night was taken by a mob and hanged. Banta intimated that the crime was committed by Unionists who wanted the blame placed on the Confederate rangers who had taken Cass; there is no evidence to support this supposition.⁴² Since the bushwhackers in

the county where either deserters from the Confederate army or Unionists evading the draft, it is improbable that Union sympathizers would hang a bushwhacker.

There was other hangings in the county beside those just mentioned.⁴³ In fact, the people of Fredericksburg referred to the lawless bands that roamed the country as *Hanger Bande*, or "hanging mobs," and at times the citizens of the town would stand guard at night to protect themselves from unexpected visits by the outlaws.⁴⁴ On one occasion a gang of 30 men rode into Fredericksburg, threatened to hand the justice of the peace if he should issue warrants against them, and defied the wholtown.⁴⁵

Apparently the local law enforcement officers were unable to cope with the crime wave, and the people of Gillespie County held a mass meeting to find ways and means to end these outrages; the result was that Governor P. Murray appointed James Hunter of the county a major in the State militia and authorized him to organize a new company for the express purpose of capturing criminals and restoring law and order.⁴⁶ Major Hunter was a man of action. He arrested J. W. Caldwell for the murder of Cass, and William Banta for the Grape Creek murder, along with several of their men, and placed them in the jail at Fredericksburg⁴⁷ where they awaited trial. Banta, as in the hanging of Cass, claimed his arrest, as well as Caldwell's was a farce, the work of Union men.⁴⁸ But a news article in the *Weekly State Gazette* of Austin throws a different light on Banta's claim:

*Ten of Capt. Banta's men of the Frontier Regiment, last week deserted for Mexico. The most of them are accused of being implicated in the late outrages on that section. Capt. Banta and several of his men were arrested a few days ago by the Sheriff of Gillespie County, assisted by Major Hunter of the militia, as being implicated in the same transactions. Two citizens, formerly members of that company have turned State's evidence, and on the strength of their statements the above arrests have been made.*⁴⁹

Sentiment in the county over the arrest of Banta and Caldwell was divided. Even in Major Hunter's company of militia there was some who favored the release of the felons.⁵⁰ According to the *Gazette* the county was "in a ferment, and but a little spark would soon kindle into a blaze the inflammable material therein collected."⁵¹

After the men had been in jail for six days,⁵² the "spark" needed to "kindle a blaze" appeared in an effort to have the prisoners released on bond. Those persons who wanted the prisoners punished interpreted this move to mean that the culprits would never be brought to trial.⁵³ Accordingly, on the night of May 25, 1864, a mob assaulted the jail in an attempt to deal with the prisoners.⁵⁴ The jail was a one story stone building containing two rooms, and in the furious fight that followed, the mobsters broke down the jail door and fired their weapons into the dark cells to kill their victims. The attackers did not venture into the jail, but whenever they stepped into the doorway to shoot, the prisoners defended themselves to the best of their ability with their fists, a

pocketknife, and a canteen swung by its straps.⁵⁵ There were seven men in the jail,⁵⁶ and before they were all slain Sheriff Julius Splittgerber arrived with a posse and the mob fled.⁵⁷ The next morning the survivors of the fight were turned loose on bond and were never brought to trial.⁵⁸

In his report to the Adjutant General about the jail riot, Major Hunter wrote that the prisoners were to be sent to San Antonio, but their lawyers urged the chief justice to keep them in Fredericksburg until writs of habeas corpus could be obtained, and this, the Major adds, "caused all the delay, excitement and trouble."⁵⁹

In describing the riot itself, Hunter informed his superior that at midnight about sixty armed men came to the jail, drove off the guard of 18 men, and began shooting into the building, killing one man, H. Roberts, and wounding William Banta, William Dickson (also spelled Dixon), William Isbell (also spelled Isebell, Isabell), and R. Mebus. C. W. Caldwell and H. Hames were unhurt.⁶⁰ Because of the great excitement and unrest prevailing among the people after the riot; Major Hunter made the following suggestion to the Adjutant General:

*I advise that this portion of the Country be placed under Martial Law at once--at least until these difficulties can be settled. The excited condition of the Country at present will certainly lead to serious difficulties unless there can be a stop put to it, and this can be better done by troops disciplined and accustomed to obedience of orders, and who are in no way prejudiced.*⁶¹

Several days later Hunter wrote matters were not entirely settled in Fredericksburg, but he thought that the excitement was gradually subsiding.⁶² Ten days after he had written these lines, Brigadier General J. D. McAdoo of the State Troops arrived in Fredericksburg on June 23, and in a letter to Colonel D. B. Culberson, the Adjutant General, McAdoo, gave an over-all view of conditions in the Third Frontier District. His description is more effective in his own words:

On assuming command on the 23rd of June last, I found the entire population of a large portion of the District laboring under the greatest excitement: the people divided into hostile parties, criminating and recriminating each other; the Civil Law practically suspended; the hand of violence busy and unchecked, and indeed a bloody internecine war alarmingly imminent. Within a few months, twenty men have perished by violence. Some had been way laid and shot; others taken from their homes at the dead hour of midnight and hung, and their houses robbed; and some had been mobbed and murdered in jail and in irons. The wildest and most exciting rumors flew over the country, adding to the terror and alarm caused by these appalling facts. No man felt secure--even at

*home, and in the bosom of his family. The country was in festered with a great number of bushwhackers and deserters from the Confederate Service. Many citizens were suspected, and whole classes were openly charge with disloyalty to the Southern Cause and with harboring and feeding outlaws. All confidence seemed lost in the capacity of any authority, Civil or Military, to restore law and maintain order.*⁶³

Whatever success General McAdoo may have had in restoring law and maintaining order in such a turbulent locality was again disrupted by another jail raiding mob just before the was ended. The facts are few, but one night a band of men appeared in Fredericksburg, overpowered the jail guards, removed ten prisoners and hanged them on the live-oak trees outside the town.

Only two men were convicted of this crime. They were tried by court-martial and shot at San Antonio.⁶⁴

The termination of the war did not bring a cessation of crimes in Gillespie County. On the contrary, lawlessness continued into the Reconstruction days of Texas, and a further study of this period reveals additional activities of the outlaws as well as political activity in the county. In the struggle between Democrats and Republicans for control of the State government, Gillespie County played a small but interesting role.

Footnotes for Chapter IV

- ¹ Robert Selph Henry, *The Story of the Confederacy*, p. 39.
- ² Ada Maria Hall, *The Germans in State and National Politics, 1850-1865*. Ms. Master's Thesis, University of Texas, June, 1938, p. 76.
- ³ *Ibid.*, p. 81.
- ⁴ C.C.M., Vol. A, pp. 249-50.
- ⁵ Hall, op. cit., p. 76.
- ⁶ *Neu Braunsfelser Zeitung*, November 1 and 8, 1861; Hall, op. cit., p. 76, 78.
- ⁷ C.C.M., Vol. A, pp. 281-82.
- ⁸ *Ibid.*, p. 283.
- ⁹ *Ibid.*, pp. 283-84.
- ¹⁰ *Ibid.*, p. 296; Don Biggers, *German Pioneers in Texas*, p. 109.
- ¹¹ C.C.M., Vol. A, p. 295.
- ¹² *Ibid.*, p. 322, passim.
- ¹³ *Ibid.*, p. 302; Biggers, op. cit., p. 110.
- ¹⁴ Indigent Families, 1861-1865; Counties A-K; State Archives. Not only were the families of soldiers supported, but in March, 1865, the county secured medicine for sick soldiers and thanked Ottocar Miller, apothecar, for delivering the drugs. C.C.M., Vol. A, p. 323.
- ¹⁵ C.C.M., Vol. B., passim.
- ¹⁶ *Frontier Times*, Vol. 7, No. 11, August, 1930.
- ¹⁷ *Interview with Mrs. Emil Riley*, Fredericksburg.
- ¹⁸ *San Antonio Daily Herald*, February 5, 1866.
- ¹⁹ *Flake's Daily Galveston Bulletin*, December 11, 1866.
- ²⁰ *Fredericksburg Standard*, May 11, 1933; *Fredericksburg Wochenblatt*, June 23, 1943.
- ²¹ *Ibid.*, Biggers, op. cit., pp. 66-67.
- ²² *Biggers*, op. cit., pp. 66-67.
- ²³ *Dallas Morning News*, May 5, 1929.
- ²⁴ Biggers, op. cit., pp. 67, 69; *Dallas Morning News*, May 5, 1929.
- ²⁵ *Ibid.*
- ²⁶ *Dallas Morning News*, May 5, 1929.
- ²⁷ *Interview with Mrs. Emil Riley*, Fredericksburg.
- ²⁸ *San Antonio Express*, February 18, 1934.
- ²⁹ *The Freie Presse f_r Texas*, April 20, 1867.
- ³⁰ *Ibid.*; *The Freie Presse f_r Texas*, June 12, 1923. (Sch_tz spelled Sch_tze in the 1923 paper.)
- ³¹ Biggers, op. cit., p. 69; *the Freie Presse f_r Texas*, April 20, 1867.
- ³² William Banta and J.W. Caldwell, *Twenty-Seven Years on the Texas Frontier*, p. 219.
- ³³ *The Freie Presse f_r Texas*, April 20, 1867; *Interview with Mrs. Emil Riley*, Fredericksburg.
- ³⁴ A.G.C., May 13, 1864.

- ³⁵ Banta and Caldwell, op. cit., pp. 186-87. This book, when compared with other books and documents, contains many errors. It is strongly anti-Unionists, and attempts to justify and explain the actions of Banta and Caldwell.
- ³⁶ Kit Dalton, *Under the Black Flag*, Ch. II; Banta and Caldwell, op. cit., p. 187; *the Freie Presse f_r Texas*, June 12, 1923.
- ³⁷ Banta and Caldwell, op. cit., p. 187; Penniger, op. cit., p. 121.
- ³⁸ Ibid. (Banta and Caldwell)
- ³⁹ *The Countryman*, Bellville, Texas, April 11, 1865. Sch_tz spelled Schultze. *The Countryman* places the hanging in 1865, but all other references indicate 1864.)
- ⁴⁰ *Governor's Letters*, State Archives, October 17, 1865.
- ⁴¹ Dalton, op. cit., Ch. II.
- ⁴² Banta and Caldwell, op. cit., p. 189; Governor's Letters, October 17, 1865.
- ⁴³ *The Freie Presse f_r Texas*, June 12, 1923.
- ⁴⁴ *Fredericksburg Standard*, September 30 and October 14, 1932; *San Antonio Express*, February 18, 1934.
- ⁴⁵ *The Countryman*, Bellville, Texas, April 11, 1865. (Event seemingly occurred in 1864.)
- ⁴⁶ *The Freie Presse f_r Texas*, June 12, 1923.
- ⁴⁷ A.G.C., May 13, 1867; Governor's Letters, October 17, 1864; Banta and Caldwell, op. cit., p. 190.
- ⁴⁸ Banta and Caldwell, op. cit., pp. 190-91.
- ⁴⁹ *The Weekly Gazette*, Austin, Texas, May 11, 1864.
- ⁵⁰ Ibid.
- ⁵¹ Ibid.
- ⁵² Banta and Caldwell, op. cit., p. 192.
- ⁵³ Biggers, op. cit., 70-71.
- ⁵⁴ Ibid.; Banta and Caldwell, op. cit., pp. 192-94.
- ⁵⁵ Banta and Caldwell, op. cit., pp. 192-94.
- ⁵⁶ Ibid., p. 192.
- ⁵⁷ Ibid., p. 194.
- ⁵⁸ Ibid.
- ⁵⁹ A.G.C., May 25, 1864.
- ⁶⁰ Ibid.
- ⁶¹ A.G.C., May 25, 1864.
- ⁶² Ibid., June 3, 1864.
- ⁶³ Ibid., September 15, 1864.
- ⁶⁴ R. H. Williams, *With the Border Ruffians*, p. 408.

Chapter V

Reconstruction

The Reconstruction of Texas suggest a kaleidoscopic scene of Governor E. J. Davis' radical rule, intense interest in politics, lawless conditions, and trouble between whites and Negroes. Gillespie County, however, because of its strong Unionists population, its small number of Negroes, and its frontier position, did not experience the full effect of Reconstruction as did the once loyal Confederate parts of the State.

Nevertheless, the people took a lively interest in politics, and while this activity resulted in radical conflicts in some sections, the county was free from this particular by-product of the post war era. On the other hand, Gillespie County had its own type of disorder: the continuation of the lawlessness of the war years, encouraged by the breakdown of civil and military authority at the close of hostilities.

Six months after A. J. Hamilton had assumed the office of provisional Governor of Texas in July 1865, he received a letter from Sheriff H. P. Garrison at Fredericksburg explaining the state of affairs in Gillespie County. Garrison was one of the many officials appointed by Hamilton to set "the machinery of the law in motion," as law and order had virtually disappeared from the State in the wake of the defunct Confederate Government.¹ According to Garrison's letter, the county was enjoying peace after the recent outrages of Waldrip, Banta, and Caldwell, and his main concern was not apprehending criminals, but caring for the prisoners already on hand as well as for himself.

When he became sheriff, Garrison wrote, he inherited some prisoners, and soon there were eight in jail. With the county script worthless, the county authorities were unable to provide for the prisoners or himself; hence "unless there is some way to remedy the evil you need not be astonished if I make slow progress in preserving order or executing law Discouraged I await any orders from my superior."²

A few weeks after Sheriff Garrison had written to the Governor the quiet of the county was disturbed by a jailbreak at Fredericksburg. An associate of William Banta's, Harrison by name, who had once been arrested by Major Hunter, in 1864 and sent to Austin,³ was a prisoner in the Fredericksburg jail, and one night while the jailer's attention was occupied with the other prisoners, Harris ran from the jailhouse and escaped in the darkness.⁴

Judging from the court records, the years 1866 to the summer of 1868 were not exciting years in the criminal annals of Gillespie County,⁵ but this does not mean that crime had entirely vanished. At least the United States army did not think so, for a letter to Governor J. W. Throckmorton in July 1867 from an officer at Camp Verde, Kerr County, informed the Executive "that the escort requested has this day been furnished Mr. [Charles] Feller, assessor and collector of taxes for the counties of Gillespie and Kimball, Texas."⁶ Apparently the danger of robbery was great if the army

and not the civil authorities were called upon to supply the tax collectors with an armed guard.

In the summer of 1868 the people of Gillespie County realized that a criminal element was still active in their midst when an attempt was made on the life of Judge A. O. Cooley. A young man by the name of Nixon was the attacker. He escaped when his plan failed, but an Austin paper stated: "He was followed by the Sheriff of Gillespie County about 150 miles to his den in Fayette County, and safely delivered to the military authorities, who now have him in confinement at their post. We presume he will be tried by military commission."⁷

Aroused as the people many have been over Nixon's attempt to assassinate Judge Cooley, it remained for Banta and Caldwell to climax the county's post war disorders with another episode involving the jail at Fredericksburg. This time a mob sought the release and not the lives of the prisoners, as was the case in 1864. Banta and Caldwell claimed they were arrested and placed in jail during the administration of Governor Davis "there were orders for the arrest of all commissioned officers under the Confederate government in Texas."⁸ This statement is incorrect, as neither Governor Davis nor the Federal Government issued such orders.⁹ The truth probably is that both Banta and Caldwell were arrested for murder and robbery, as the records prove.¹⁰ After several attempts had been made to arrest them both men surrendered themselves at the jail in Fredericksburg, where, after a few days they were offered their release if they would take the amnesty oath, which they refused to do.¹¹ If according to Banta and Caldwell's story, they were arrested only because they had been Confederate officers, it would have been possible that their release from jail was contingent on taking the amnesty oath, but in view of their criminal record it is unbelievable that the county offered them liberty and pardon for swearing allegiance to the United States.

When the prisoners had been in jail a short time, there were threats made that the jail would be mobbed.¹² Possibly many of the men who had taken part in the jail riot of 1864 were determined that Banta and Caldwell should not escape punishment a second time, and they were instrumental in instigating another mob to raid the jail. Their scheme, however, failed as the prisoners received aid from an unexpected source. Dan Caldwell, brother of J. W. Caldwell, arrived in Fredericksburg one night with a gang of men to rescue the occupants of the jail. After stationing some of his men at advantageous positions in the town, he and the remainder of his men approached the jail, overpowered the 12 guards, and with the assistance of a pickaxe the door was forced open and the prisoners freed.¹³

This jail delivery was the high tide of Fredericksburg's lawlessness during the Reconstruction years, but it was not the end of crime, though violent outburst are no longer noted. For example, in 1871 Gillespie County petitioned the State for help in building a jail, and among the reasons given why the county needed support is listed the debt originating from prosecuting the criminals for crimes committed during the war and for crimes "which have not terminated." The petition also stated that very frequently "stroller and vagabonds" committed crimes and had to be placed in jail, thus adding to the county's burden. And finally, as an indication that the sheriff's office was

not idle, the petition concluded with the remark that "it has been necessary for the last few years, on account of the insufficiency of the present jail, to send criminals to other counties for safe keeping at a considerable expense to the county."¹⁴ By the spring of 1872 conditions had not improved, as the commissioners of the county were giving serious attention to the "heavy expenses consistently incurred in this County by prisoners and guards."¹⁵ By 1875 crime, however, was on the wane. So after almost ten years of sporadic lawlessness the citizens of Gillespie County could enjoy peace and security.

It should be noted that after the war Gillespie County solved its own lawlessness problems practically alone, with the exception of a little assistance from Governor Davis' State Police. The nearest police stations to Fredericksburg were located in Kendall County at Boerne and Comfort,¹⁶ and according to records only two persons were taken into custody by the police in Gillespie County. Both arrests took place in March 1871. Philip Schmidt was apprehended for stealing a horse, saddle and bridle; and a certain Whantores was booked for mischievous offenses.¹⁷

In January 1872, John Passmore of Gillespie County was shot and killed in Kimble County by a man named Jackson. It was believed that Jackson had connections with a gang of outlaws in the mountains between Fredericksburg and the Nueces River, and had fled to join these men after the killing. This case was turned over to the State Police by the sheriff of Gillespie County, and it apparently was the only major crime handled for the county by the police.¹⁸

The police did render the State much valuable service; however because of their high-handed outrages, committed under the shield of authority, plus the fact that many were often used to enforce the arbitrary will of the Governor, they became very unpopular,¹⁹ even in Gillespie County, which ordinarily supported Davis. In November 1871 State Policeman John Valentine was fined \$25.00 for "certain criminal action" by the justice court,²⁰ and in 1873 the justice of the peace, R. Radeleff, refused permission to a police officer to examine his docket in connection with a case pending between a citizen of Gillespie County and the State. Radeleff resented the police meddling in his official affairs, and in no uncertain words he voiced his objection to an official at Austin. "I do not know of any law which sanctions the interference of the State Police in the matters pertaining to the lower Courts of the County," wrote the justice, but he was willing to open his docket to the police if he received a copy of the law showing they were empowered with such authority.²¹ This incident seemingly marked the end of the State Police business in Gillespie County.

If the citizens of Gillespie County did not approve of the conduct of Davis' Police, they certainly did approve of the Governor himself. This stand in politics was to be expected since the county was Unionistic during the war, and after the war it continued that way under another name--i.e., radical or Republican. Evidence of this fact is clearly seen in the first State election held subsequent to the surrender of the Confederacy, and in all the following elections through 1873.

On June 19, 1865, General Gordon Granger, of the United States Army, took command of Texas. He proclaimed the freedom of all slaves and declared null and void all laws made by the legislature since Texas seceded.²² The next month A. J.

Hamilton, the provisional Governor appointed by President Andrew Johnson, arrived in Texas. In August Governor Hamilton issued a proclamation providing for the registration of voters who qualified to take the oath of allegiance to the United States, and in November he called for an election to choose delegates to a state convention for the purpose of amending the constitution and reorganizing the government. He fixed the date of the election as January 8, 1866, and ordered the convention to meet at Austin on February 7.²³

From Fredericksburg, a letter to the *San Antonio Daily Herald* related that in Gillespie County "the day of election passed off very quietly," and the only candidate in the field, James E. Rancke, "of course, was successful."²⁴ Rancke in all likelihood joined the radical Unionists in the convention, for all election returns from Gillespie County show that the voters almost consistently opposed the conservative or Democratic Party throughout Reconstruction. The popularity of President Johnson's plan of Reconstruction in the country is also mentioned in the same letter to the *Daily Herald* that reported the election of Rancke as delegate to the constitutional convention.²⁵

*Every person in this section of the country is satisfied that President Johnson is fully equal to the position he occupies, that he is our main support, and by giving him our hearty co-operation, he will be able to conciliate, harmonize, and dispense equal justice to all.*²⁶

Before the Convention of 1866 adjourned in April, it provided that all members of the legislature should be elected in June, and at the same time the voters were to ratify or reject the amendments to the constitution.

In the political campaign that followed James W. Throckmorton, former president of the convention, was the conservative candidate for governor, and E. M. Pease was the radical's choice for the same office. The conservatives carried the State by a wide margin in June²⁷ but in Gillespie County the opposite situation existed. Pease received 261 votes and Throckmorton only 52. The smallest vote polled by any other radical candidate in the county was 200, the largest for a conservative was Throckmorton's high of 52.²⁸

Throckmorton had not served a year before a radical Congress in March 1867 placed the South under military rule by dividing it under five military districts, with General Philip Sheridan in charge of the 5th District, comprising Texas and Louisiana.²⁹ General Charles Griffin, who had been previously sent to Texas, was placed in command of the State.³⁰ General Sheridan worked in close connection with the radicals in Congress, and he was not satisfied with the kind of cooperation he received from Governor Throckmorton.

Consequently, on July 30 he removed Throckmorton from office--Congress had invested in him invested him with this power--on the basis of reports from General Griffin. According to Sheridan, Griffin's reports showed that "J. W. Throckmorton, governor of Texas, is an impediment to the reconstruction of Texas." E. M. Pease was appointed by Sheridan to fill the vacancy.³¹

All other State officials were removed, and their places filled with those supposed to be in sympathy with the methods of Congressional Reconstruction.³²

Much to the satisfaction of the majority of Texans, General Sheridan was removed from the 5th Military District, and General W. S. Hancock was appointed in his stead. In line with the Congressional plan of Reconstruction, General Hancock in December 1867 "issued an order for an election at which the voters should decide whether a convention to draft a new constitution should be held and to name delegates to such a convention should a majority favor it." The election was to take place on the four days between February 10 and 14, 1868, at the county seat of each county.³³

On December 27, 1867, election orders from General Hancock appeared in the *San Antonio Express*. The 54th District, comprising Gillespie, Kendall, Llano and several other counties,³⁴ was allowed to elect one delegate to the convention.³⁵ As the election date neared, the *Express*, a staunch Republican paper,³⁶ was confident that District 54 would elect the "right" delegate. It declared: "The Gillespie District has not yet made her choice but the Germans are in the majority and no fears are necessary where they hold the balance of power."³⁷ The *Express* had prophesied correctly. Jacob Kuechler, of whom Captain James Duff had said, "he is a man of great influence; a German enthusiast in politics," was selected by the 54th District to be its delegate at the coming constitutional convention.³⁸ An interesting side light on the election is the Negro vote in Gillespie County. Of the 12 Negroes voting, all cast their votes for a convention.³⁹

Before discussing the Convention of 1868-1869, it is worthy of note that the Democratic party organized in Gillespie County in 1854 was still alive,⁴⁰ but in a very sorry condition. A correspondent at Fredericksburg in a letter to the *Express* described a Democratic rally, and in order not to lose any of its original sarcastic flavor it is given here in full:

You had better close up your office and sell out your press, get you a carpet-bag and be prepared to tramp. Grant and Colfax have gone up the spout, beyond a doubt, for the Democracy of this county has been out and killed a maverick and made a great feast (called a barbecue) all in honor of Seymour and Blain, and all on the sly.

None of us here knew, until it was over, what it all meant. Our curiosity was somewhat excited early in the morning on the day of the feast by seeing six or seven carry-alls and one mule wagon loaded with women and children, and now and then a man mixed in; and behind the scene came one fellow riding a jackass--all in regular Ku-Klux style of procession--going down Main street, with something hoisted on a pole resembling--a little--the United States national flag.

After inquiring around for some time it was ascertained that the Democracy was making a grand rally and was marching

to the Rio [Perdernaes] to feast in honor of Seymour and Blair.

As the thing did not take on as well as was expected, only a few persons attended, and we understand that they agreed on the point that Democracy was a 'hunk-a-dora' on the maverick question, and that they would agree to tell when they returned home that they had only been picknicking.

The meeting adjourned "sine die" by the manager announcing: 'Bully for Maverick, Seymour and Blair--

At the polls in November they'll know who we are--

There at the Radical heart we will aim our keen arrows,

*Like naughty boys shooting cock-robins and sparrows.'*⁴¹

The plight of the Democratic Party in Gillespie County was but a counterpart of the organization's general condition throughout the state. "No man could hold an office, or participate in any of the elections that were to be held, unless he could take the 'Iron-Clad Oath,' as it was called. This oath was to the effect that the person taking it had not taken part in the late Rebellion, or given aid thereto; which, of course, disfranchised nearly all the white voters of the State."⁴² Consequently, with the help of the Negro vote; the radicals were able to pack the Constitutional Convention with their own delegates.⁴³

The Constitutional or Reconstruction Convention, which was in session off and on from June 1, 1868, until February 6, 1869, set a record for wasting time and money, and its proceeding were very irregular and disorderly.⁴⁴ In disagreement over policies, the radicals split into two factions: ultras and moderates. E. J. Davis, president of the convention, led the ultra radicals, and ex-Governor A. J. Hamilton headed the moderate group. After much wrangling many members quit the convention in disgust and went home.

Finally the convention ceased to have a quorum, and on February 6, 1869, adjourned without formally completing or signing the constitution. General E. Canby, who had succeeded General Griffin as commander of the 5th Military District, ordered the new constitution turned over to General J. J. Reynolds, now in charge of the Military Department at Austin. Reynolds called for an election in July, when the people were to vote on the constitution and elect State and county officials; but President U. S. Grant postponed the election until November. In the meantime Davis and Hamilton had been nominated for the Governorship by their followers as the regular party organization in Texas. In support of Davis the administration in Washington began to remove from Federal positions in Texas supporters of Hamilton, and General Reynolds, who aspired to be a senator from Texas, put into effect a like policy with respect to State officials. Governor Pease, who favored Hamilton, now resigned, and turned the government over to the military authorities. General Reynolds was in complete charge of the State during the political campaign and the election.⁴⁵

On Tuesday, November 30, the election began, and continued for four days. There were many irregularities in the balloting, and accusations of fraud were raised in various parts of the State, but General Reynolds refused to do anything when these conditions were called to his attention.⁴⁶ On January 8, 1870, Reynolds issued the following election results:

Governor: Edmund J. Davis

Lieutenant Governor: J. W. Flanagan

Comptroller: A. Bledsoe

Treasurer: G. W. Honey

*Commissioner of General Land Office: Jacob Kuechler*⁴⁷

The radicals carried the election and the constitution was adopted.⁴⁸

In this contest Gillespie County went all out for the radical Republicans. Davis received 277 votes and Hamilton 78. Stuart, the Democratic candidate for Governor, who tallied only 380 votes in the State,⁴⁹ polled not a single vote in the county. For Lieutenant Governor, Flanagan's vote was 273, and Hamilton's running mate, A. H. Latimer, received 68. Thompson, the Democrat's choice for Lieutenant Governor, met the same fate as Stuart at the polls.⁵⁰ The new Land Commissioner, Jacob Kuechler, will be remembered as the man who had raised a Unionist volunteer company in Gillespie County in 1862, only to have it disbanded by the Governor. For congressman from the 4th Congressional District, which included Gillespie County, the county voted for E. Degener, a prominent German radical from San Antonio,⁵¹ and for the State Legislature it also selected radical candidates.⁵²

Governor Davis took the oath of office January 17, 1870, and the next day the *Houston Union*, a Republican paper, erroneously proclaimed: "Radical rule has come to an end at last."⁵³ As far as most Texans were concerned, radical rule and "Reconstruction was not to come to an end until four years later" when the Republican party was defeated at the polls.⁵⁴ In the meantime, however, the State government was provisional until Congress accepted the new constitution. This was done on March 30, 1870, and on April 26 the Twelfth Legislature met in regular session.⁵⁵ Ten days previous to the meeting of the legislature, General Reynolds ended military rule by remitting all authority to the civil officials of the State.⁵⁶

A few months after he had been inaugurated, Governor Davis received a complaint and a request from Gillespie County. J. Mosel wrote on April 7 that he had been elected Justice of the peace, but that his name did not "appear amongst the list of names approved by the President of the U.S. for the removal of Disabilities," and therefore he did not qualify to hold office. In closing his letter Mosel stated: "I most respectfully request that you will render that necessary assistance that will enable me to qualify in accordance with the late acts of the Congress of the U. States."⁵⁷ The "late acts of Congress" which Mosel mentioned had reference to the Fourteenth Amendment. This amendment, among other things, "provided that those who had engaged in insurrection or rebellion against the United States after having sworn to

support the Constitution were disqualified from holding any office, civil or military, state or Federal."⁵⁸ On May 23, Mosel sent another letter to the Governor asking that his name be removed from the disability list, and as proof that the restriction of the Fourteenth Amendment did not apply to him, he wrote that "during the last rebellion I have acted as a faithful and true man to the Union."

Besides this recommendation, Mosel also added that he was "mostly the only man . . . qualified for said office" of justice of the peace.⁵⁹

In the summer of 1871, Governor Davis was the recipient of a series of letters from Fredericksburg requesting the removal or retention of August Duecker, whom he had appointed Inspector of Hides and Animals for the county. The citizens who favored Duecker petitioned the Governor to retain the Inspector because he performed his duties faithfully, and the Governor's attention was especially called to the fact that "Mr. Duecker has been an uncompromising unionist from the incipency of the war to the present time." The opponents of Duecker in their letter (on record) to Davis did not give a reason why they wanted Duecker removed, but they did suggest for his position "Mr. John Dietz, a good and loyal citizen." The culmination of this controversy indicated that the county, which supported Davis, had also learned from him how to conduct elections. According to a letter to the Governor from Duecker, State representative Charles Fellar has entered the squabble by ordering R. Radeleff, justice of the peace, to hold a meeting for the purpose of appointing an Inspector of Hides and Animals. Instead, Radeleff called an election on short notice to be held on a Sunday. Consequently, Duecker wrote, many who would have voted for him did not know about the election, and those who did attempt to vote for him were refused the ballot. Hence he lost the election. Duecker claimed the voting was illegal, being held on Sunday, and said sufficient notice had not been given for an election. In view of the conditions presented to the Governor, Duecker asked that the election be called null and void, and that a second election be called which should have ten days notice.⁶⁰ Evidently the Governor had no time for petty county quarrels and ignored Duecker's request. The next year, however, an election was held to select an Inspector of Hides and Animals. August Duecker and John Dietz were chief candidates, and Dietz won over Duecker with a vote of 215 to 137.⁶¹

In the summer and fall of 1871, the State's interest was centered on two political events: the Tax-Payers Convention and the special Congressional election. "The unprecedented expenses of the state, "under Davis' administration, and the accompanying "abnormal tax rate," plus "the prospect of another session of legislative extravagance,"⁶² had brought Democrats and conservative Republicans together in a convention at Austin in September to protest against these and other abusive acts against the constitution and laws of the State.⁶³ When the convention adjourned, just one week before the election, the people were so aroused over its expose that "a revolution in public sentiment began to take place,"⁶⁴ which resulted in the defeat of the four Republicans congressional candidates at the polls in October.

In the Fourth Congressional District, which included Gillespie County, Edward Degener, the Republican incumbent, lost to John Hancock, the Democratic candidate. If Gillespie County could have decided the vote of the District, Degener would have

won, for in that county he was the victor by a landslide, receiving 232 votes to Hancock's 39.⁶⁵

The year 1872 was a Presidential year, and the Republicans had nominated Grant, while the Democrats, in the hope of defeating Grant, promised to support Horace Greeley, the nominee of the Liberal Republicans.⁶⁶ At this election the citizens of Texas were also to vote for congressional representatives, State legislatures, and decide on the permanent location for the State capital. The cities of Austin and Houston were the leading contenders for this honor.⁶⁷

On November 4, the day before election, the *San Antonio Express* carried an article lauding the faithfulness of the Germans in the Fourth District to the Republican Party. The article stated: "A great deal has been said about the defeat which the republican party has sustained in the fourth Congressional district We have five counties [Bexar, Comal, Gillespie, Kendall, and Medina] in the West, in which the German element prevails considerably, and in which the colored vote is quite small [Comal] is the only one . . . that has fallen away . . . the other counties all gave republican majorities."⁶⁸

The *Express'* attempt to hold the German vote to a straight radical Republican ticket was only partially successful in Gillespie County. Davis was quite anxious to carry Texas for Grant and have radical congressmen and radical State legislatures elected, but in this, of course, he was unsuccessful. Greeley received a majority in Texas, and all four Democratic congressmen were elected, and the Democrats captured both houses of the State legislature.⁶⁹ For the first time since 1866, Gillespie County voted a split ticket.

Probably many of the people were tired of the "spoils system, political corruptness, and vindictiveness toward the South"⁷⁰ in both State and national politics. When the county's returns were counted Greeley won over Grant with a small margin--215 to 184--and John Hancock, the congressional candidate who lost in 1871, also won in the county. But for the State legislature Gillespie County went Republican. On the question of locating the capital, the city of Austin was given 321 votes against Houston's 37.⁷¹

The end of Republican rule in Texas was now in sight, and F. W. Dobbler, a party member at Fredericksburg, seeing the handwriting on the wall, wrote to the Governor explaining why their organization had not been too successful in Gillespie County, and also made a suggestion for regaining lost ground. Dobbler regretted the loss of the "large republican majority." adding that "our party is very much decreased at this place." Dobbler implied that this condition was due to poor leadership, and told the Governor the county's party "leaders should be selected with more consideration who with the assistance of the administration might be able to effect a proper reorganization."⁷²

The next year, 1873, called for a general State election. At the Republican convention at Dallas in August, the administration was doing its utmost to "effect a proper reorganization" of the voters in an attempt to remain in power. Governor Davis was

nominated for reelection on a liberal platform with R. H. Taylor as Lieutenant Governor. The Democrats held their convention at Austin in September and nominated Richard Coke and R. B. Hubbard for Governor and Lieutenant Governor. "As the time of election approached the greatest excitement prevailed The [people] were determined that E. J. Davis should never rule again in Texas."⁷³ And the people were not to be denied. After the election in December the Republicans were completely routed. Coke received 85, 549 votes; only 42, 663 were cast for Davis. All the new State officials were Democrats, and the great majority of the legislatures and county officials were elected by that party.⁷⁴

In this last significant contest between Democrats and Republicans in Texas, Gillespie County as a whole remained loyal to the Republican party, but an examination of the election returns indicated about one-third of the voters favored the Democrats. The actual count for Governor and Lieutenant Governor was 344 for Davis and 304 for Taylor, and 104 for Coke and 107 for Hubbard.⁷⁵

At last, after more than four years of radical rule under Governors Pease and Davis, the government of Texas was returned to the people, and then only did this real reconstruction of the State begin. Since the administration of Davis was condemned by most Texans, perhaps a word of explanation is in order for the attitude of the people of Gillespie County during this period. Just before the war the majority of the county's inhabitants were Unionist by conviction, and because of their political principles were grossly mistreated throughout the conflict. It was but natural that after the war they should support an organization that opposed the government that antagonized them and which they had learned to hate. In comparing the political activities of the citizens of Gillespie County with those of the radicals in the State, let it be remembered that no evidence of "carpet-baggers" and "scalawags" was discovered in Gillespie County. It was a more truly Republican rather than an extremely radical county.

Footnotes for Chapter V

- ¹ Charles W. Ramsdell, *Reconstruction in Texas*, p. 59.
- ² *Governor's Letters*, December 7, 1865.
- ³ *Ibid*, October 17, 1865.
- ⁴ *San Antonio Daily Herald*, February 5, 1866.
- ⁵ *Domestic Correspondence*, State Archives, March 2, 1868.
- ⁶ *Governor's Letters*, July 26, 1867.
- ⁷ *Daily Austin Republican*, July 23, 1868; C.C.M., Vol. B, p.72.
- ⁸ William Banta and J. W. Caldwell, *Twenty-Seven Years on the Texas Frontier*, p. 218.
- ⁹ Ramsdell, op. cit., Ch. XII; J. G. Randall, *The Civil War and Reconstruction*, Ch. XXXVII.
- ¹⁰ *Governor's Letters*, August 26, 1865 (William Banta charged with murder and robbery); Domestic correspondence, State Department, April 15, 1870 (William and Jacob Banta charged with murder); Reconstruction Papers, Crimes: Fugitives from Justice, 1870 (Jacob Banta, William Caldwell and others, implicated in hanging).
- ¹¹ Banta and Caldwell, op. cit., pp. 218-19. The amnesty oath pardoned Confederates who swore to defend the U. S. and obey its laws.
- ¹² *Ibid*.
- ¹³ *Ibid.*, pp. 220-21.
- ¹⁴ *Memorials and Petitions*, State Archives, February 7, 1871.
- ¹⁵ C.C.M., Vol. B, p. 216.
- ¹⁶ *Texas Almanac*, 1871, p. 227.
- ¹⁷ William Curtis Nunn, *A Study of the State Police During the E. J. Davis Administration*. Ms. Master's Thesis, University of Texas, 1931.
- ¹⁸ *State Police Papers*, State Archives, January 8, 1872.
- ¹⁹ Ramsdell, op. cit., p. 302.
- ²⁰ C.C.M., Vol B, p. 198.
- ²¹ Miscellaneous Letters, *State Police*, State Archives, March 26, 1873.
- ²² Ramsdell, op. cit., pp. 39-40.
- ²³ Louis J. Wortham, *A History of Texas*, Vol. 5, pp. 2-3.
- ²⁴ *San Antonio Daily Herald*, February 5, 1866.
- ²⁵ John Spencer Bassett, *A Short Story of the United States*, pp. 604-05. It was not until early in 1866 that the radicals in Congress began to attack Johnson's plan.
- ²⁶ *San Antonio Daily Herald*, February 5, 1866.
- ²⁷ Eugene C. Barker, *Texas History*, p. 508.
- ²⁸ *Election Returns, Gillespie County, 1866*, State Archives. Fritz Tegener, leader of the Loyal Union League and commander of the ill-fated expedition to Mexico, was elected State representative of the 67th District. He received all votes cast. Hereafter cited as Election Returns.
- ²⁹ Bassett, op. cit., p. 609; Wortham, op. cit., p. 43.
- ³⁰ *Ibid.*, p. 44 (Wortham)
- ³¹ *Ibid.*, pp. 49-50.
- ³² Barker, op. cit., p. 509.

- ³³ Wortham, op. cit., Vol. 5, p. 51.
- ³⁴ *Texas Almanac*, 1868.
- ³⁵ *San Antonio Express*, December 27, 1867.
- ³⁶ Ramsdell, op. cit., pp. 286; 318.
- ³⁷ *San Antonio Express*, February 8, 1868; *Express*, February 23, 1870: "the Germans of the West [Texas] went almost unanimously with them [Republicans] in the last election." Gilbert Giddings Benjamin, *The Germans in Texas*, p. 110. "During the reconstruction period the Germans joined the Republican party en masse."
- ³⁸ *Texas Almanac*, 1868; Election Returns, 1868.
- ³⁹ *Election Returns, 1868*; Domestic Correspondence, State Department, State Archives: In March 1868 the county judge wrote the Secretary of State that "no freedman has been prevented from voting" in Gillespie County.
- ⁴⁰ Ch. I, p. 3 (footnote).
- ⁴¹ *San Antonio Express*, September 11, 1868.
- ⁴² Barker, op. cit., p. 509; Ramsdell, op. cit., pp. 116-17.
- ⁴³ Wortham, op. cit., Vol. 5, p. 62.
- ⁴⁴ Barker, op. cit., p. 510; Wortham, op. cit., Vol. 5, p. 54.
- ⁴⁵ Barker, op. cit., p. 510; *John Henry Brown, History of Texas*, Vol. 2, p. 450; Wortham, op. cit., Vol. 5, pp. 52-53, 59-60.
- ⁴⁶ Ramsdell, op. cit., pp. 283-85.
- ⁴⁷ *Ibid.*
- ⁴⁸ Brown, op. cit., Vol. 2, pp. 450-51; Ramsdell, op. cit., p. 285; "Hamilton and his friends always believed that he had been deliberately and fraudulently counted out by Reynolds."
- ⁴⁹ *Ibid.*, p. 286.
- ⁵⁰ *Texas Almanac*, 1869-70, pp. 194-95.
- ⁵¹ *Ibid.*, p. 196; Ramsdell, op. cit., p. 286.
- ⁵² *Ibid.*
- ⁵³ Rupert Norval Richardson, *Texas, the Lone Star State*, p. 279. Citing the Houston Times, January 18, 1870.
- ⁵⁴ *Ibid.*
- ⁵⁵ Barker, op. cit., p. 511.
- ⁵⁶ Ramsdell, op. cit., p. 292; Richardson, op. cit., p. 279.
- ⁵⁷ *Governor's Letters*, April 7, 1870.
- ⁵⁸ Randall, op. cit., p. 739. *Governor's Letters, May 23, 1870*. (It may be of interest to know that the Census of 1870 showed 3,599 inhabitants in Gillespie County, and increase of 863 since 1860.)
- ⁵⁹ *Governor's Letters*, August 1, 7; September 20, 24, 29, 1871.
- ⁶⁰ *Election Returns, November 5, 1872*. Among the many letters Davis received from Gillespie County in 1870-71, was an invitation (May 22, 1871) to attend the 25th anniversary celebration of the founding of Fredericksburg. *Governor's Letters*.
- ⁶¹ Ramsdell, op. cit., p. 308.
- ⁶² Barker, op. cit., p. 512.
- ⁶³ *Ibid.*
- ⁶⁴ *Election Returns*, October 3-6, 1871; Ramsdell, op. cit., p. 310.
- ⁶⁵ Ramsdell, op. cit., p. 312.

- ⁶⁶ Ibid., pp. 312-13; Wortham, op. cit., Vol. 5, p. 78.
- ⁶⁷ *San Antonio Express*, November 4, 1872.
- ⁶⁷ Wortham, op. cit., Vol. 5, pp. 78-79.
- ⁶⁸ Randall, op. cit., p. 823.
- ⁶⁹ *Election Returns, November 5, 12, 1872.*
- ⁷⁰ *Governor's Letters, December 12, 1872.*
- ⁷¹ Ramsdell, op. cit., pp. 314-15.
- ⁷² Ibid.
- ⁷³ *Election Returns, January 7, 1874.*

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Personal Interview

RILEY, MRS EMIL. May 6, 1944. Mrs. Emil Riley of Fredericksburg is the granddaughter of Charles H. Nimitz who served as a captain of a local defense company and as ordnance officer for Gillespie County. Mr. Nimitz also founded the Nimitz Hotel of Fredericksburg. The incidents related by Mrs. Riley were told to her by her grandfather and mother. Both Mrs. Riley's grandfather and mother lived in Fredericksburg during and after the Civil War.