

San Antonio Prisoners: The True Story of the 1842 Invasion of San Antonio and the Imprisonment of Its Citizens

By Fred Riley Jones

It is a little-known fact that the government of Mexico invaded the Republic of Texas some six years after the decisive Battle of San Jacinto. This is the true account of the Woll Invasion of San Antonio of September 1842. The invasion was named for General Adrian Woll, a French soldier of fortune handpicked by Santa Anna to raid San Antonio in order to remind the citizens of Texas that Mexico had repudiated Santa Anna's surrender and any notion of the "independence" of Texas. After a two-hour skirmish on September 11, 1842, General Woll and his force of 1600 soldiers captured 62 men, including the District Judge, the District Clerk, the City Council, the District Attorney, the Sheriff, the litigants, some of the jurors and other citizens, and all of the lawyers in attendance at the 1842 term of court, except one.

These men would eventually be known as the San Antonio Prisoners. They were forced to march to Mexico that autumn of 1842. Unbeknownst to them at the time, their ultimate destination was the ancient Castle of Perote near Vera Cruz. The eventual fates of the San Antonio Prisoners varied. Some of the prisoners were kept captive for up to two years, while others were forced into labor camps. Still others paid with their lives, but the disruption to the area's court system would last much longer. The San Antonio Prisoners endured particularly severe hardships. It has been said, "Among them were men of talent and high respectability. Many were heads of families and away from home when made prisoners. None anticipated or had prepared for the captivity into which he was dragged. They have not received the attention in the past that their case merits."¹

Background

Under the treaty signed following his defeat at San Jacinto, Santa Anna recognized Texan sovereignty and agreed to cease all hostilities toward the Texans

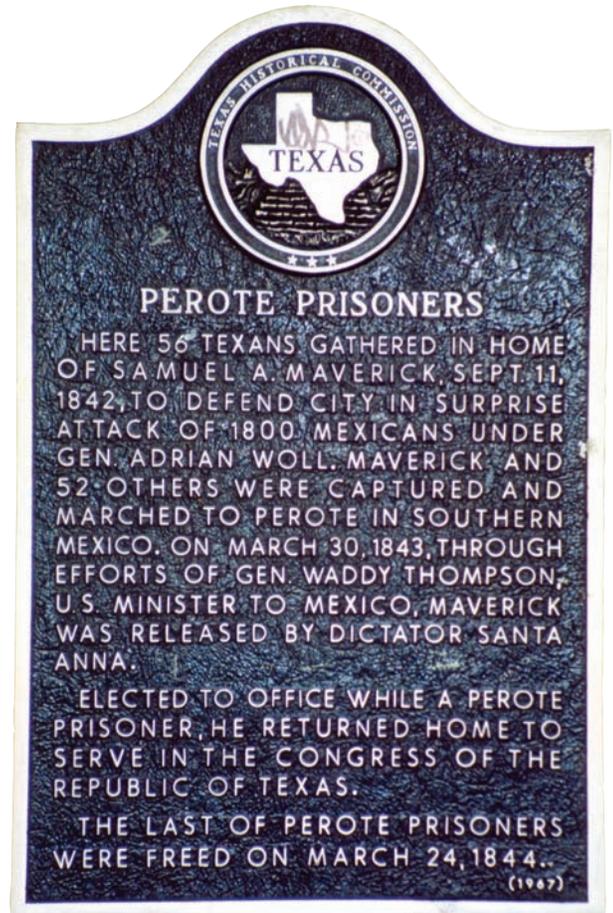
and never again take up arms against them. He additionally agreed to keep all Mexican soldiers South of the Rio Grande and to release all Texans being held as prisoners in Mexico. He agreed to work within Mexico to achieve recognition of Texas independence from the Mexican government and to secure a treaty of commerce between the nations. Finally, the Rio Grande was established as the official political boundary between Mexico and Texas.²

Santa Anna's agreements were not well received by the Republic of Mexico. The Mexican nation repudiated the treaty, arguing that Santa Anna was under duress and had no authority to sign it. The reconquest of Texas was a rallying point and a national goal for the next six years.³

Relations between the Republic of Texas and the government of Mexico continued to be difficult for several years after the 1836 Battles of the Alamo and Goliad, and Santa Anna's ignominious defeat and capture at the Battle of San Jacinto.⁴

After a period of disgrace and political exile, Santa Anna returned to a position of supreme authority in Mexico.⁵ Although both nations were financially unstable, Mexico and the Republic of Texas engaged in various conflicts between 1836 to 1842, keeping the coals of discontentment glowing, with major flare-ups from time to time.

However, as of 1842, many residents of the Republic of Texas optimistically thought the war for independence had been won, and they had begun the process of conducting civil government.



Great Britain and the United States recognized Texas as an independent nation, fully competent to manage its own affairs, and having all of the rights of other independent nations. Great Britain and the United States had repeatedly encouraged both Mexico and Texas to cease hostilities. Also, based upon past experience, the Texans felt confident that if necessary, they could again thwart any serious invasion by Mexico. They did not know that Santa Anna had other plans—not for a full-scale invasion, but rather a series of swift, retaliatory strikes meant to spark national pride, divert attention from the chaotic state of affairs in Mexico, and to discourage Anglo-American settlement in Texas. Santa Anna knew that Mexico did not have the resources to make another full-fledged invasion of Texas, but he wanted to "at least send a clear message that it was not prepared to concede defeat."⁶

The March 1842 Term of Court

Anderson Hutchinson, judge of what was then called the 4th Judicial District Court of the Republic of Texas, could have reasonably concluded that peace was inevitable, and that he could get on with the business of the Court in an uncertain legal environment. However, during the March 1842 term of the District Court, General Rafael Vasquez raided San Antonio without resistance, plundered the town, and then retreated back to Mexico. Judge Hutchinson and his family, who had migrated from Mississippi only a few years earlier, lost their piano and most of their clothing. The Vasquez raid was reportedly carried out in retaliation for the Santa Fe expedition by Texans in 1841, in an attempt to take over Santa Fe.⁷

The Vasquez raid threw Texans into panic, and there was a renewed call for retaliation, but President Sam Houston was gravely concerned about invading Mexico. Publicly, he appeared to be willing to push Texas to the brink of a full-fledged war, but given the bleak financial situation and risks involved, President Houston was content to hold his powder and ignore public demand for retaliatory action against Mexico.

The September 1842 Term of Court

On September 5, 1842, Judge Anderson Hutchinson opened the September term of Court in San Antonio. The docket call for the September 1842 term had required lawyers from San Antonio and nearby counties to attend. William Early Jones, a lawyer from Gonzales, was one of the lawyers in attendance. At the time, Jones was serving as a member of the Republic of Texas House of Representatives, and he had repeatedly expressed his strong belief that Texas

needed to demonstrate its superior military power to the Mexican government. It is probable that neither Jones nor his fellow lawyers planned to be away from their families for very long, although it was common for the lawyers in the area to follow or travel with the judge as he made his way through the counties served by the Fourth Judicial District Court. It was not every day that the circuit judge came to hold court in San Antonio, and the lawyers and their clients were anxious to test the judiciary of the Republic of Texas in its infancy.

During the Texas Revolution and for a period of years after the Battle of San Jacinto, the courts had not been available for resolution of civil and criminal disputes. It was finally time to seek redress in the courts for a variety of misdeeds which had taken place during the conflict. Later decisions by the Supreme Court of the Republic of Texas excused such delays as one of the necessary results of the struggle for independence and also excused irregularities in judicial proceedings that took place during those early years.⁸ Moreover, there was confusion because courts of the Republic had no prior decisions to offer guidance. As one author has noted, "Analogous cases from the American states or from other nations were useful, particularly because the Republic Constitution required Texas to adopt the common law of England." Although the English common law provided some guidance, the retention of features of Mexican civil law in some areas, principally in trial procedure and marital rights, resulted in an odd mixture of legal tradition. As one unsympathetic newspaper editor explained, the mixture combined "all the evils of both the civil and the Common Law, and but few of

the real virtues of either."⁹

The first jury case to be tried was filed by Dr. Shields Booker against the City of San Antonio over a fifty-peso fee promised by San Antonio Mayor Juan N. Seguin. Dr. Booker was represented by Samuel A. Maverick, a signer of the Texas Declaration of Independence, congressman-elect, and later Mayor of the City of San Antonio.

The testimony in *Shields Booker v. City of San Antonio* was in Spanish. The official court minutes, written in longhand by the District Clerk, were in Spanish, up until about September 6, 1842. While the trial was interesting, probably more interesting was the rumor of an impending invasion by Mexican troops. The rumor was discounted, however, with many people thinking that it was only a sensational report designed to prevent the convening of the court. In fact, on Monday, September 5, 1842, Judge Hutchinson opened his diary with this note: "Opened the District Court of Bexar. No invasion expected."

Four short days later, on Friday, September 9, 1842, Judge Hutchinson was advised in confidence of the approach of 1,500 to 3,000 Mexican troops. The rumor was sufficiently authenticated to induce the belief that a force of some character was advancing, but it appeared to be a party of marauders, not regular troops, who were endeavoring to create the impression that their force was much stronger than it really was.¹⁰

On Saturday, September 10, 1842, a public meeting was held, with Judge Hutchinson presiding. The rumors of an impending invasion were discussed and generally discredited. William Early Jones recalled that the whole day of the 10th "passed," strengthening the

"The local citizens and visitors in town were awakened from their slumbers by the firing of cannon, succeeded immediately by the sound of martial music and the tramp of a body of men. General Woll had surrounded the town with soldiers and posted a confidant and a band of Cherokee Indians at the passes to the Alamo."



general belief that the rumor was either a hoax, or that the character of the advancing forces had been misrepresented. The citizens appointed Jack Hays, a surveyor by trade but later to become an Indian fighter and distinguished member of the Texas Rangers, to command a group of five men to investigate the rumors. Although Hays was only 25 years old, 5'10" tall, and weighed about 160 pounds, he was nevertheless described as an intrepid leader, with black eyes flashing decision of character from beneath a full forehead and crowned with jet black hair. Hays and five other well-armed men went out as scouts. Assuming the obvious, they took to the public roads, but saw nothing and did not attempt to return to the town until it was too late.

The approaching Mexican army had left the established roads to approach the town through the hills. They came from the West, taking an old smuggler's circuitous route, cutting their road as they advanced, as they had done all the way from the Rio Grande. Since the country was not settled, no one saw General Woll's force until they were close to San Antonio. With no word from the scouts, the day passed without any preparation for an invasion, and when Hays returned to San Antonio, he found it surrounded by a force estimated at 1,300.

The Woll Invasion

Unfortunately, the size and capabilities of the advancing force had been underestimated. General Woll had under his command about 1,000 Mexican regular troops, 600 presidial troops, and a powerful artillery. General Woll was an educated man. Reportedly, he was a wandering French mercenary who had taken part in the defense of Paris against the enemies of Napoleon in 1814 but later deserted and emigrated to the United States. After moving to Mexico following independence from Spain, he joined the Mexican army.¹²

Ironically, Juan Seguin—a Tejano hero of the Battle of San Jacinto, for whom Seguin, Texas, is named—accompanied General Woll on this raid on San Antonio. Seguin had previously served as a Senator for the Republic of Texas and then as Mayor of the City of San Antonio from 1840 until April 1842 when he was forced to resign. Afterwards, Seguin moved to Mexico and was captured by Santa An-

na's forces. When Santa Anna discovered that Seguin had been captured, he "persuaded" Seguin to accompany General Woll on the San Antonio invasion in order to "prove his loyalty" to Mexico.¹³

At daylight on Sunday, General Woll advanced into Military Square (now the site of the City Hall) under a dense fog. The local citizens and visitors in town were awakened from their slumbers by the firing of cannon, succeeded immediately by the sound of martial music and the tramp of a body of men. General Woll had surrounded the town with soldiers and posted a confidant and a band of Cherokee Indians at the passes to the Alamo.

In response, a group of San Antonio defenders fired toward the music being played down the street. The fire was returned by the Mexican Army with volleys of musketry and rapid discharges from six-pound and four-pound cannon. After two hours of firing, the smoke and fog cleared, and the San Antonio defenders discovered that they were surrounded on all sides by Mexican soldiers, a regular army of superior strength. Recognizing this, a local citizen named Corasco waved a white flag, and General Woll responded with the same. The firing then ceased on both sides. Mr. Corasco later reported to the citizens of Bejar that General Woll had 2,000 soldiers and had given the citizens a mere half hour to surrender.

The local residents quickly formed a commission composed of Judge Hutchinson, Jones, Maverick, and a few others to parley with General Woll. Under the circumstances, they were not in much of a position to negotiate. It was agreed that the citizens would surrender as prisoners of war—their lives and property (except arms) to be spared and secured. General Woll said that but for the mischief done (some 30 Mexican soldiers killed or wounded, and the General's horse killed) he would have permitted them to disperse. Under the circumstances, however, he would have to take prisoners. The prisoners included almost all male Anglo citizens in the town.¹⁴ He promised that the prisoners would be treated as gentlemen. Sixty-two citizens in all were imprisoned, including Judge Hutchinson, the District Attorney, the District Clerk, the Sheriff, some of the jurors, and all lawyers attending court except one. Ten prisoners were released because of their youth, indisposition, or promises of loy-

alty to Mexico in the future.¹⁵

Maybe General Woll had read Shakespeare's *Henry VI*, in which Dick the Butcher, an anarchist, tried to disengage the last defenders of democracy and justice by suggesting that "first thing we do, let's kill all the lawyers." Then again, maybe he thought that Santa Anna would be impressed by the capture and imprisonment of the lawyers and other influential citizens of San Antonio. In any event, it is clear from his reports that he intended to "apprehend the said members of the court."¹⁶ Whatever his thoughts at the time, later events in the campaign would prove disappointing to General Woll.

The District Clerk's minutes from *Shields Booker v. City of San Antonio*, covering the September 1842 and subsequent terms of the Bexar County District, reflect that the case was continued, "the Mexican troops being in possession of this place."

Walking near the Bexar County Courthouse today, it is hard to imagine how these lawyers, along with public officials, and citizens (and especially the Sheriff) must have felt being captured while trying to conduct civil courts. Today, there are two historical markers located near the Courthouse that chronicle the Woll Invasion and the Perote Prisoners.

As a result of the capture of the judge, the clerk, and all of the lawyers in town except one, lawyers were scarce in San Antonio for a period of time. During the ensuing months, the threat of Mexican invasion prevented at least four other courts in western counties from convening. The records of the district courts in other years also show that judges occasionally failed to arrive, probably because of sickness or the difficulties of transportation.¹⁷

Texas Responds

During this time, unbeknownst to the San Antonio Prisoners, there were calls around the Republic for help. Colonel Hays and other couriers spread the word that San Antonio had again fallen, and that the district court in session there had been captured. The news of the capture of San Antonio by General Woll spread throughout the Republic and, as later described by E.W. Winkler in Volume XIII of the *Quarterly of the Texas State Historical Association*, was "a call for the gathering of companies of frontiersmen in the valleys of the Guadalupe and the Colorado."

The resulting Battle of Salado and Dawson Massacre have been the subject of many articles and books. These battles were important reminders to General Woll that he had no chance of pursuing his campaign further into Texas. Despite the heavy losses, Woll chose to claim victory and retreat to Mexico.¹⁸ These battles are chronicled on historical monuments near Austin Highway and Holbrook Road in San Antonio, where they mostly go unnoticed by the motoring public.

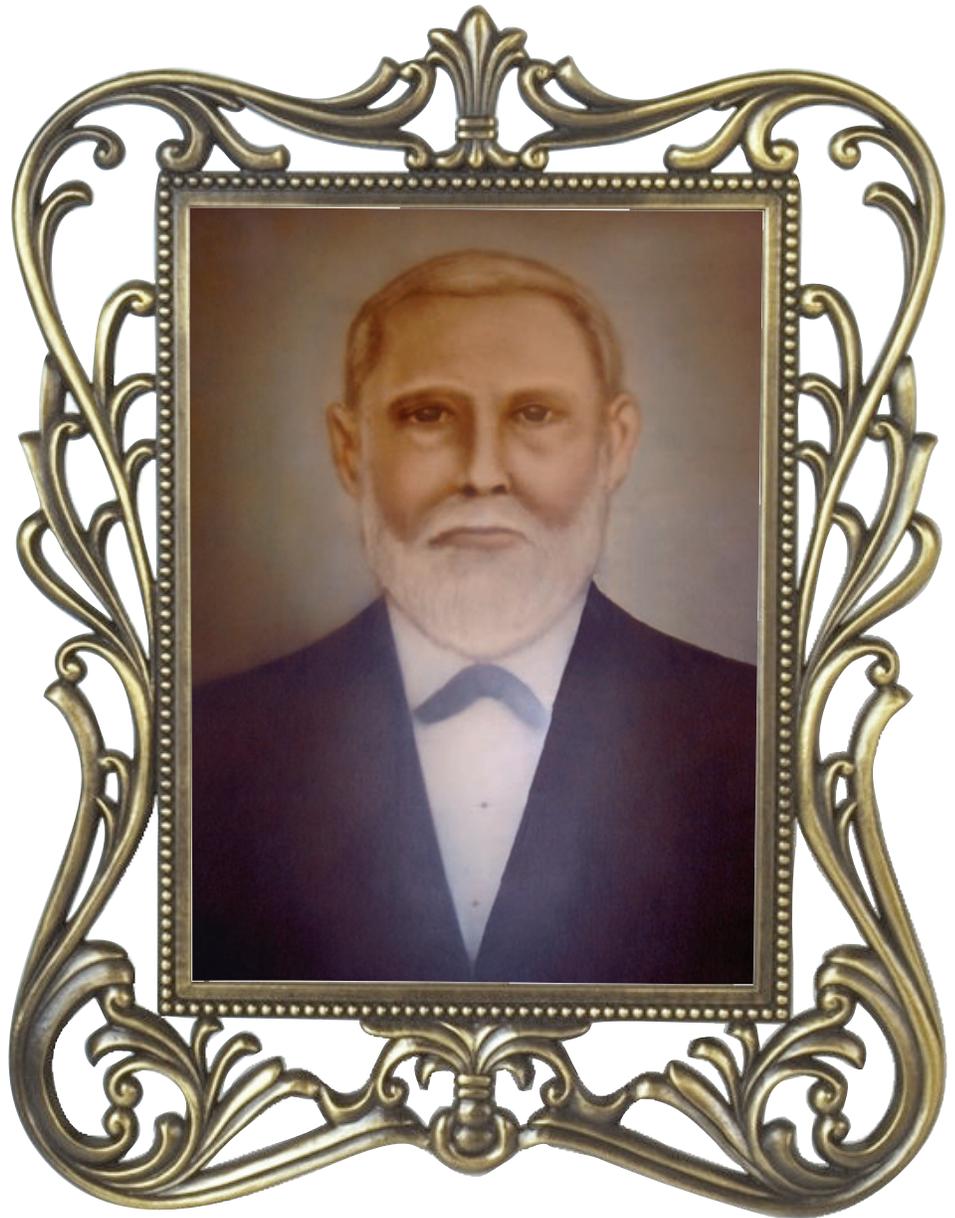
The Long Walk to Perote

After five days of imprisonment, the San Antonio Prisoners were given two-hour notice that they would be required to march to the banks of the Rio Grande, where General Woll promised that they would be set free by his superior officer, General Reyes. Although it was probably never intended, these citizens—mostly lawyers, litigants, officers of the court, and local people of prominence—were destined to become prisoners of war in a desperate attempt by Santa Anna to accomplish several goals: disrupt civil proceedings and the progress of government in Texas; demonstrate the strength of Mexico's forces; assert Mexican sovereignty; chastise the Texans; give United States annexationists and European allies reason to be concerned; and, ultimately, to redeem himself and regain the Texas lost in the battle of San Jacinto.¹⁹

It was rumored that General Woll's next target after San Antonio was Austin, hoping that a capture of the capital would be the end of Texas independence. Perhaps Santa Anna's goals were less ambitious, and the invasion was meant to simply keep the Texans in check and dissuade attempts to further advance the Texas line into Mexican territory.

After spending one night on the Medina River south of San Antonio, the prisoners continued to march under a guard of 150 men for the Rio Grande. By special favor, some of the prisoners were allowed to ride on horses or mules. After eight days, they reached the river, described by Jones as "a bold, rapid river 250 or 300 yards wide." There were no dams upstream as there are today.

Meanwhile, there was an uncoordinated and undisciplined pursuit of the San Antonio Prisoners and Woll's retreating army by survivors of the Battle of Salado and other volunteers, many



riding on untrained, borrowed horses and mules. The number of volunteers pursuing Woll's retreating army swelled from 202 to 500. General Woll's retreat had been burdened by some 200 residents of San Antonio who had tagged along because they had welcomed the raid and were justifiably concerned about reprisals if they stayed. Many of the Texan pursuers were convinced that they could overtake General Woll and secure the release of the San Antonio prisoners. However, inclement weather conditions and fear of the unknown number of General Woll's command convinced the men to abandon the rescue efforts. One of the pursuers, Reverend Z.N. Morell from Gonzales, was disgusted by the refusal of the men to pursue the San Antonio Prisoners, one of whom was his son. He lamented

that "this was certainly one of the most disgraceful affairs that ever occurred in Texas . . . the poor boys were carried to prison in chains, and we saw not their faces for two years."²⁰ Years later, Reverend Morrell was approached by one of the men who had advocated against further rescue efforts. Reverend Morrell shook the hand of the man, but when he was asked about his feelings, he replied that "faithfulness required [him] to say that there were wounds made in life that could not with safety be probed, even when they are old; and that this was one of them."

At the crossing of the Rio Grande, the San Antonio Prisoners found that they had been deceived by General Woll. They were not allowed to go free, as earlier promised. Instead, they were ordered to cross the river in two canoes,



REPUBLIC OF TEXAS.

This is to Certify, That William E. Jones has, under the Provisions of AN ACT of the LEGISLATURE OF THE STATE OF TEXAS, entitled "An Act to provide for ascertaining the Debt of the late Republic of Texas," approved 20th March, 1848, filed with the AUDITOR and COMPTROLLER a Claim for Services & Expenses sustained on the White a San Antonio

probably some of those used by Woll in crossing at the same point.²¹ Judge Hutchinson noted in his diary that Woll had spent nine days crossing the Rio Grande on his way to San Antonio. The day was spent in getting across the river, and the prisoners spent the night on the Mexican side of the river. It was there they learned of the death of John R. Cunningham, a lawyer who had been compelled to leave San Antonio sick with congestive fever, and had been left behind on the third day in one of the carts which conveyed the 30 or so Mexican soldiers wounded in the fight.

Upon reaching Presidio Rio Grande, a town somewhat smaller than San Antonio at that time, the ears of the prisoners were "pierced with the screams of the wives of the Presidiales whose husbands had fallen."²² The prisoners marched for three days to San Fernando, where they again heard the cries of grief for husbands and friends slain in battle.

After being detained for seven days at San Fernando, a "statement of facts" surrounding the invasion, the resistance, and the surrender of the detainees was prepared by Jones and signed by both Maverick and him, as the representatives of the crowd. The statement was both a tribute of respect to General Santa Anna and a protest of the conditions under which the San Antonio Prisoners were being held. The commanding Mexican Army officer promised to send the document to Santa Anna with his favorable recommendations. The prisoners were then ordered to march for Mexico City, under a mounted escort consisting of about eighty men, who rode on each side of the road while the prisoners occupied the road. General Reyes embraced Judge Hutchinson, say-

ing that he had written to Santa Anna for the release of the judge. Some members of the Mexican force shed tears at leaving the hapless judge and his fellow prisoners. Their journeys were long or short each day to suit the country through which they traveled, and some days they were forced to march from daylight until dark, making 13 to 14 leagues (39-42 miles). The prisoners were detained in Saltillo for sixteen days, closely housed up and never permitted to leave the *cuartel*.

Next, the prisoners were forced to move on to San Luis Potosi. Jones described the route from Saltillo to San Luis Potosi as being through a poor and almost unpopulated country. When the prisoners reached San Luis Potosi, they were paraded through every public street as a show, followed by an immense crowd of people. They remained in San Luis Potosi for two days, and received a visit from the Governor. From San Luis Potosi to Mexico City, the road passed many splendid estates, the entire grounds of some of which were enclosed by stone walls. Jones described one enclosure as containing 36 square miles.

When the prisoners were within 60 miles of Mexico City, they were detained for a week in a miserable prison at a place called Tulea, where they were informed that their destination was not the City of Mexico, but rather the Castle of Perote, and further, that they would not be permitted to pass through the city, only to go so far as to come within sight of it.

The San Antonio Prisoners arrived at the Castle of Perote on December 22, 1842, a trek lasting more than three months. There, they found a fortress at the foot of the extinct volcano called Confra de Perote. Upon arrival, the prisoners were

allowed to go about the castle. The castle, built in the 1770s, mounted 96 pieces of cannon and covered 26 acres inside the outer pickets. The main building itself covered an incredible ten acres. On the fifth day, the prisoners were chained in pairs and put to work, packing sandstone lime into the castle. The food for the San Antonio Prisoners consisted of "poor beef, one day in three; beans, potatoes, rice and bread—badly cooked. The rations of these articles were always small, not being sufficient for a hearty man."²³

In response to the Woll Invasion, President Houston finally approved a limited invasion of Mexico. This was known as "the Somervell Expedition," and the scope of the invasion was surrounded by controversy, then and even today. After the expedition was abandoned and the Texan volunteers were ordered to return home, an estimated 300 Texan volunteers crossed into Mexico and attacked the small village of Mier. After much bloodshed, the Texans surrendered, and many of them were sent to Perote Prison to join the San Antonio Prisoners.²⁴

Going Home

The San Antonio Prisoners were confined at Perote for various lengths of time. On March 22, 1843, Judge Hutchinson, Jones, and Maverick were ordered to travel to Mexico City. Their chains were knocked off before they left the castle, and they were allowed to ride by paying the hire of horses. They paid their own expenses, even though they were still prisoners. The journey allowed Jones and his companions to observe the "complete and perfect dominion of the military over the civil authorities." Upon their arrival at the City of Mexico,

they were paraded for a quarter of an hour, ragged and dirty, in front of the Presidential Palace, and then finally sent into the Palace, and then to prison. By this time, the United States had interceded, and after a brief time in prison, Hutchinson, Jones, and Maverick were allowed to tour the City for three days at perfect liberty. According to Jones, they endeavored to see everything to be seen in that remarkable place in such a limited period of time. At the request of General Waddy Thompson, a Congressman from the United States and then Minister to the Republic of Mexico, the trio was released for passage back to Texas. Santa Anna had released them as a personal favor to General Thompson. Reportedly, General Thompson told General Santa Anna that he had a favor to ask, and Santa Anna said that the favor would be granted before he even knew the nature of the request. Santa Anna kept his word, granting General Thompson the "favor" of allowing Hutchinson, Jones, and Maverick to return to Texas. Most of the remaining San Antonio Prisoners remained in captivity at Perote until March 23, 1844.

Jones, Hutchinson, and Maverick

Through the "favor" granted by Santa Anna to General Thompson, the Mexican government allowed Jones, Hutchinson, and Maverick to board the United States Sloop of War *Vincennes*, leaving Vera Cruz and bound for Pensacola, Florida. They reached Pensacola at sunset on April 18, 1943. The trio then proceeded by stagecoach to Mobile, where they arrived on April 20th. Jones and Maverick thereafter left for New Orleans, while Hutchinson stayed behind to borrow money and presumably deal with other personal matters. Hutchinson eventually made his way back to his home state of Mississippi, whereupon he announced that he did not intend to return to Texas. Jones and Maverick left New Orleans aboard the *New York*, heading towards Galveston. Maverick traveled on horseback to a friend of the family near La Grange, while Jones went to St. Augustine, where he delivered speeches on the cruel and barbarous conduct of the Mexican government. Maverick felt sorrow that he had left so many friends and comrades in prison, and was ashamed when he had to meet their families and friends back in the States.²⁵ Jones, on the other hand, continued to deliver speeches about the ill-treatment he and others had

received at the hands of the Mexican government, often stating that peace between Texas and Mexico could only be attained through the force of arms.²⁶

Eventually, Maverick returned to his law practice in San Antonio, and Jones resumed his office as a legislator from Gonzales County. He attended the Eighth Congress of the Republic and sought relief for his fellow San Antonio Prisoners, most of whom were still in captivity at Perote Prison.

Judge Hutchinson, on the other hand, reported that he could not safely return to his former position, and therefore, he decided to stay in Mississippi. In his diary, Judge Hutchinson wrote: "In a word, it is impossible for me to sustain in safety my family in any part of the 4th district, and being unwilling to reside in middle or eastern Texas, I am compelled to resume professional practice in Mississippi." He returned to Texas once to get his salary, to sell his Code of Texas, and to remove his library to Mississippi.²⁷ As a District Judge of the Republic, Jones was also a member of a Committee organized as the Supreme Court of the Republic of Texas. He served as the last judge of the Fourth Judicial District under the Republic.

Jones' warrant for "services and losses,"—including reparations for the loss of a horse, saddle, and bridle incurred while a "San Antonio Prisoner"—is on file in the Lamar Papers. In 1852, almost ten years after his capture and imprisonment, Jones was paid the sum of \$503 for "services and losses sustained while a San Antonio [P]risoner" as part of the debt of the Late Republic of Texas. Later, he was appointed by a unanimous vote of the Eighth Congress to be the judge of the Fourth Judicial District, replacing his former prison mate, Judge Hutchinson.

The Final Result in *Shields Booker v. City of San Antonio*

The case of *Shields Booker v. City of San Antonio* was never re-tried. Dr. Booker was shot in Perote Prison by a Mexican soldier, and died from his wounds on March 21, 1843. According to an eyewitness (spelling remaining from the original), "Dr. Booker of Bexar was shot last Sunday by a Mexican soldier some think by a axadent but I had as soon think dune on perpose as not—he hided last nite they are now bering him on the dich that encloses this Prison—to die in prison in chanes & on a blanket & by the hand of a rufian is two hard."²⁸

At the March 24, 1843, term of the District Court of Bexar, Dr. Booker's case was continued, presumably without any knowledge that Dr. Booker had been killed in captivity at Perote. Eventually, on March 6, 1844, the Court was made aware of Dr. Booker's death in Perote Prison, and the case was again continued, only to be revived in the name of the legal representatives of Dr. Booker's estate, who were at that time unknown. Finally, at the March 6, 1845, term of court, Dr. Booker's case was dismissed because "the Plaintiff . . . failed to appear and prosecute his case." The Order of Dismissal provided that the Defendant was allowed to recover costs of court from the Plaintiff. Nothing was said in the official records about why Dr. Booker's case could not proceed to trial.

Jones served as judge of the 4th Judicial District of the Republic of Texas from 1844 until Texas was annexed by the United States. After statehood, the district courts were reorganized, and he served as judge of the 2nd Judicial District of the State of Texas until 1851, at which time he resigned to pursue other interests. While he opposed the annexation of Texas into the United States, he nevertheless was also op-

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posed to secession of the State of Texas during the Civil War. Despite his opposition to secession, Jones loyally served as a Captain in the Confederate Army, and several of his sons served in the Texas Rangers. He was instrumental in drawing the boundary lines for Kendall County (the only county created during the Civil War), and he remained politically active, all while raising a family in the small community of Currie's Creek, three miles south of Kenda-lia. Jones was also the first editor of the *San Antonio Express* newspaper. Finally, after almost 20 years of practicing law, farming, and fighting Indians, he was re-appointed by Governor Davis as district judge of the 32nd Judicial District in 1870. Jones' storied life finally came to an end on April 18, 1871, after he suffered a massive stroke while sitting on the bench in Llano County.²⁹ He died with his boots on, doing what he loved to do. The following day, the bar of the 32nd Judicial District Court adopted the following resolution:

Whereas, on April 18th, 1871, the Hon. Wm. E. Jones, Judge of the 32nd Judicial District, holding his court in this county was, while engaged in his duties on the bench,

stricken with paralysis, and after an illness of only four hours, departed this life, we members of the bar from three judicial districts, in attendance on the court feeling it due to the character of the departed, to give some expression of our feelings toward him; therefore,

Resolved. 1st That we regard the great career of our esteemed brother, as a statesman, jurist and judge, as worthy of the respect and admiration of the present and all future members of the bar.

2nd That in the death of our honored head, the people of the 32nd Judicial District have lost a judge, learned, impartial and just, in whose hands justice was no less a duty than a pleasure; the State, a wise and experienced legislator; the community in which he lived, a kind and self-sacrificing neighbor; his family, an exemplary and affectionate husband and father.

3rd That we tender the family our sympathy and condolence, and assure them we unite in sharing their grief, and join in their sorrow.

4th That we attend the funeral in a body, and wear the usual badge of mourning for thirty days.

5th That Judges Peter J. Mullins, Ms. A. Blackburn, and Wm. Lewis be appointed a committee to present these resolutions to the Hon. District Court of this County, when next in session, with our recommendation the same be inserted in the minutes of the Court.

6th That a copy of these resolutions be forwarded the family, and also the newspapers in this and adjoining districts, with a request of publication.

Upon motion, the meeting adjourned, *sine die*.



Fred Riley Jones is a lawyer with the San Antonio law firm of Goode Casseb Jones Riklin Choate & Watson, P.C. He is a sixth-generation native of South Texas and a graduate of Texas A&M University (B.S. 1976) and St. Mary's School of Law (J.D. 1979). His law practice is focused on real estate, municipal, and commercial litigation. He is the great great grandson of William Early Jones.

¹ E.W. Winkler, ed., *The Bexar and Dawson Prisoners*, 13 TEX. HIST. ASS'N Q. 292 (July 1909 - April 1910).

² See DONALD W. WHISENHUT, TEXAS, A SESQUICENTENNIAL CELEBRATION 83 (Eakin Press 1984).

³ See SAM W. HAYNES, SOLDIERS OF MISFORTUNE—THE SOMERVILL AND MIER EXPEDITIONS 10 (Univ. of Tex. Press 1990).

⁴ See WILLIAM PRESTON STAPP, THE PRISONERS OF PEROTE 3-4 (Univ. of Tex. Press, Barker Tex. Hist. Ctr. Series No. 1, 1977).

⁵ See HAYNES, *supra* note 3, at 11; see also Miles S. Bennet, *Events Leading to and the Battle of Salado*, www.tamu.edu/ccbn/dewitt/aladobennet.htm (a series of articles in the *Cuero Star* and *Houston Post* in 1898 constructed from the diary and notes of Miles Squier Bennet, an eyewitness to many of the events of the day).

⁶ See HAYNES, *supra* note 3, at 11.

⁷ See WALTER PRESCOTT WEBB, THE TEXAS RANGERS, A CENTURY OF FRONTIER DEFENSE 71-72 (Univ. of Tex. Press 2d ed. 1993).

⁸ See generally J. DALLAM, OPINIONS OF THE SUPREME COURT OF TEXAS: FROM 1840 TO 1844 INCLUSIVE (1881) (reprinting part of J. DALLAM, A DIGEST OF THE LAWS OF TEXAS: CONTAINING A FULL AND COMPLETE COMPILATION OF THE LAND LAWS; TOGETHER WITH THE OPINIONS OF THE SUPREME COURT (Baltimore 1845)—a collection of laws of the Republic of Texas to which the Supreme Court of the Republic of Texas's decisions were attached).

⁹ See generally James W. Paulsen, *A Short History of the Supreme Court of the Republic of Texas*, 65 TEX. L. REV. 237 (Dec. 1986).

¹⁰ See E.W. Winkler, ed., *supra* note 1, at 320 (handwritten account of William Early Jones regarding the invasion of San Antonio and his subsequent captivity, contained in the Lamar Papers, which were purchased by Governor Campbell in 1909 and deposited in the State Library) (Jones Account).

¹¹ See Hays to Secretary of War, September 12, 1842, JS. OF THE HOUSE OF REPS. OF THE REPUBLIC OF TEX., 7th Congress, App. at 16.

¹² See General Adrian (Gaul) Woll (1795-1875), <http://www.tamu.edu/ccbn/dewitt/woll.htm>.

¹³ See JEFF LONG, DUEL OF EAGLES, THE MEXICAN AND U.S. FIGHT FOR THE ALAMO 333-34 (Wm. Morrow & Co., Inc. 1990).

¹⁴ See T.R. FEHRENBACH, LONE STAR, A HISTORY OF TEXAS AND THE TEXANS 261 (Am. Legacy Press 1983).

¹⁵ See J.M. NANCE, DARE DEVILS ALL, TEXAS MIER EXPEDITION 108 (Eakin Press 1998).

¹⁶ See *Report from Gen. Adrian Woll to the Secretary of War Concerning the Occupation of Bexar*, (September 20, 1842), <http://www.tamu.edu/ccbn/dewitt/woll.htm>.

¹⁷ See WILLIAM RANSOM HOGAN, THE TEXAS REPUBLIC, A SOCIAL AND ECONOMIC HISTORY 258 (Univ. of Tex. Press 1990).

¹⁸ See PAUL N. SPELLMAN, FORGOTTEN TEXAS LEADER, HUGH MCLEOD AND THE TEXAN SANTA FE EXPEDITION 118 (Texas A&M Univ. Press 1999).

¹⁹ See generally FEHRENBACH, *supra* note 14, at 478.

²⁰ See Rev. Z.N. Morrell *Tells of Woll's Invasion in 1842*, FRONTIER TIMES 8-14 (from FLOWERS AND FRUITS FROM THE WILDERNESS).

²¹ See E.W. Winkler, ed., *supra* note 1, at 298 (Hutchinson Diary).

²² See *id.*

²³ See E.W. Winkler, ed., *supra* note 1, at 320 (Jones Account).

²⁴ See generally NANCE, *supra* note 15; see also SPELLMAN, *supra* note 18, at 118-19.

²⁵ MEMOIRS OF MARY A. MAVERICK 71 (Rena Maverick Green, ed., Univ. of Neb. Press 1989).

²⁶ See generally NANCE, *supra* note 15, at 158-60.

²⁷ See E.W. Winkler, ed., *supra* note 1, at 311; see also HENRY S. FOOTE, THE BENCH AND BAR OF THE SOUTH AND SOUTHWEST iv, 85.

²⁸ See L.U. Spellman, ed., *Letters of the "Dawson Men" from Perote Prison, Mexico, 1842-1843*, SW. HIST. Q. 246-67.

²⁹ See *Tribute of Respect*, SAN ANTONIO DAILY EXPRESS, April 25, 1871.