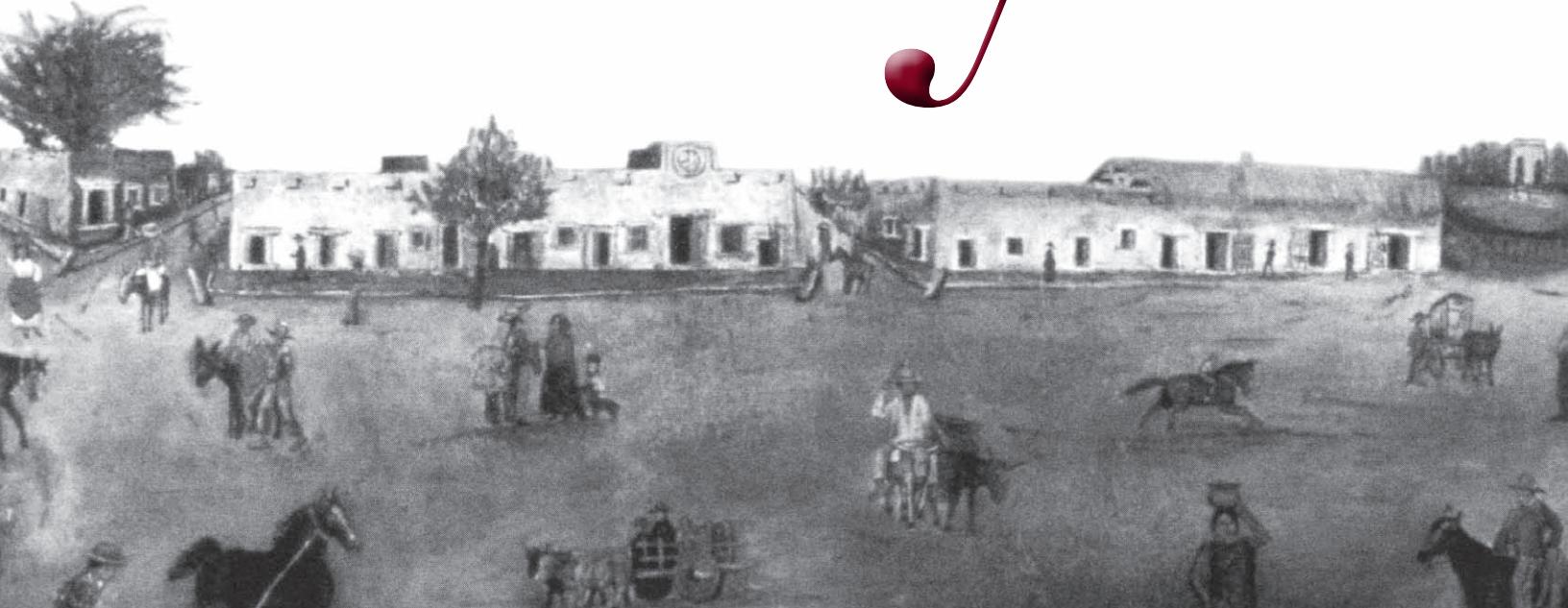
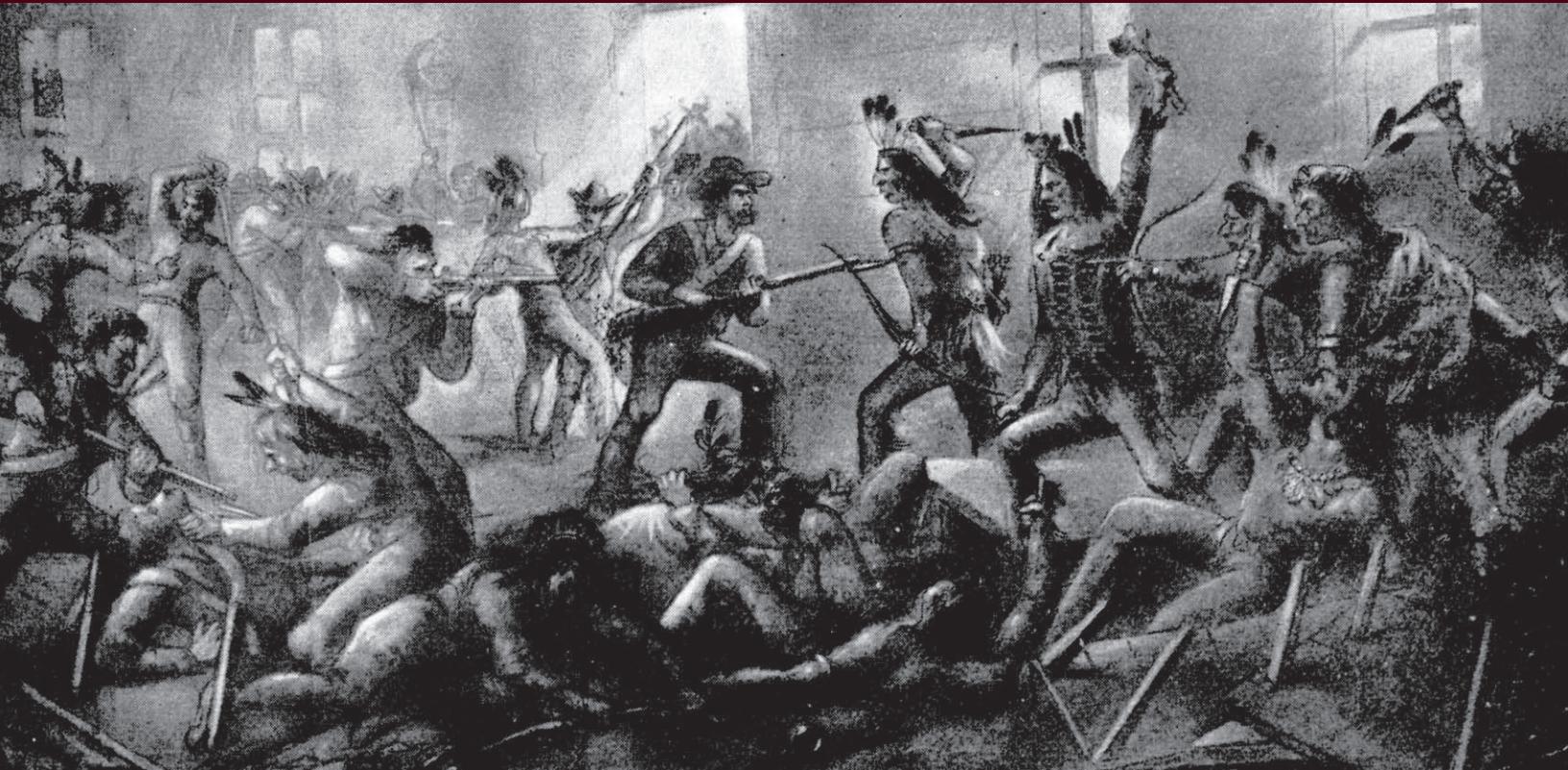


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San Antonio Lawyer



The San Antonio Council House Fight “A Day of Horrors – Fruitful of Blood”



The San Antonio Council House Fight “A Day of Horrors — Fruitful of Blood”



An early artist's rendering of the deadly fight with Comanche chiefs inside San Antonio's Council House on March 19, 1840. Originally published in 1912 in DeShield's *Border Wars of Texas*.

By Fred Riley Jones

Introduction

San Antonio has had many days of infamy. Most of them are already widely known. Some, including this true story, are not.

One of the most important battles between Comanche Indians and early Texans occurred across the street from the Bexar County Courthouse. This is the story of what happened at the March 19, 1840, treaty meeting between the Comanches and Texan officials (including the District Judge, District Attorney, and Sheriff) that turned into a full-scale armed battle in the courtroom. This was the third treaty attempt between the Comanches and the Texans. Many of the participants were lawyers, waiting for their season to be able to practice law in more peaceful times. In her memoirs, Mary

Maverick, an early settler of San Antonio with her husband Samuel, described this “*dia de San Jose*” as “A Day of Horrors.”¹ In later years, the battle fought that day at the *Casa Reales* became known as the *Council House Fight*. The fight started out as what modern-day lawyers might call a form of alternative dispute resolution — but was then called a “council” to discuss a possible peace treaty. When the early discussions went poorly, the Council quickly turned into mortal combat in the courtroom. One author has commented that “[t]he fight was nothing less than Homeric.”² Another author described it as “perhaps the most unusual ‘Court House Fight’ ever waged; its title implies a contest very different from the reality.”³

The Council House Fight marked

the beginning of the end of the Comanche way of life in Central Texas, and the events of 1840 significantly affected the transition of Texas from a wild frontier to a republic.

Background

After four years of independence, Texas was truly a multi-sided frontier, with a clash of cultures among Texan settlers, Mexicans, and the Native Americans — the Comanche, Apache, Wichita tribes, and the more friendly Tonkawa, Pawnee, and Waco tribes. Mexico was still fuming over the alleged independence of Texas and was secretly working with Indian tribes in an effort to reverse what happened at San Jacinto. The Indian tribes felt that the white men were invading the territory the Indians had occupied for more than a century.

¹ This is how Mary Maverick, the 22-year-old wife of Samuel Maverick, described the events of the day in her memoirs. *Dia de San Jose* — the day of celebration, first class feasts, and fiestas for St. Joseph. March 19th has been dedicated to St. Joseph on Western calendars since the 10th Century. Mrs. Maverick witnessed many of the events of the day in great personal danger, describing herself as being “endowed with a fair share of curiosity.” MEMOIRS OF MARY A. MAVERICK xv, 25 (Rena Maverick Green, ed., Alamo Printing Co. 1921); RENA MAVERICK GREEN, SAMUEL MAVERICK, TEXAN 110 (self-published 1952). Mary Maverick made efforts to make sure that the pioneer past was not forgotten and also helped promote the annual Battle of Flowers celebration. *Id.*

² WILLIAM CORNER, SAN ANTONIO DE BEAR, A GUIDE AND HISTORY 99 (Bainbridge & Corner 1890).

³ PEARSON NEWCOMB, THE ALAMO CITY 16 (Standard Printing Co. Press 1926).



Mirabeau B. Lamar, second president of the Texas Republic, overturned Sam Houston's more lenient Indian policy with a more forceful one, aimed at expelling all tribes from Texas. Photo from *Mirabeau B. Lamar, Second President of Texas* by Judy Alter.

The Comanches were exceptional horsemen and had been raiding, killing, and capturing Indians from other tribes for decades. The word "Comanche" was derived from the Ute word Komantcia, meaning "enemy" or, literally, "anyone who wants to fight me all the time." They called *themselves* "Nurmemuh" or "the People."⁴ They also had conflicts with the Spanish and Mexican explorers and settlers. The Spaniards gave up fighting the Comanches and entered into peace treaties, but the raids continued. Then, the Comanches were faced with Anglos coming to Texas from the United States and elsewhere. The Anglos, like their predecessors from Europe, were searching for new territories, fame, fortune, and — in some cases — escape from creditors. Like their European predecessors, the Texans also brought diseases (most notably smallpox and cholera) unknown to Indian culture and medicine. The Texans also brought new repeating pistols and methods of warfare. As some say, "He with the best weapons wins."

As President of the Texas Republic following the Texas Revolution, Sam Houston had negotiated a peace treaty of sorts with various Native

American tribes. Houston had a deep understanding of the Indian culture, having lived for a time with the Cherokees and having learned to speak their language. However, Presidents of the Republic could not serve successive terms, and there was a dramatic change in attitude and approach with the 1838 election of Mirabeau Lamar as President. For years, there were political conflicts between factions in Texas government, with Houston advocating a peaceful co-existence with Native Americans and President Lamar advocating their complete expulsion or extermination.

By 1840, President Lamar was determined to finally deal with the seemingly endless conflicts with Native Americans, and particularly the Comanches. He boldly declared that "if peace can be obtained only by the sword, let the sword do its work." Lamar "hated Indians and he hated Sam Houston, not necessarily in that order."⁵ He disavowed the policy of appeasement, much like Churchill did in the years leading up to World War II.

The "problem" with the tribes in East Texas had been solved for the most part, leading to a more peaceful existence for the Texan settlers.⁶ There were still some tribes in the middle part of the State, but "all of these were not as formidable as the wild Comanches who dwelt farther out and whose courage and ferocity were unsurpassed by red or white anywhere."⁷ There had been numerous conflicts, and the atrocities and results of many of those conflicts are unmentionable.

The "problem" with the Comanches became acute. In treaty meetings, the Comanches argued that they had inherited this territory from their fathers. Lamar dismissed those claims, saying that the Comanches had no "deeds" to any property, and that the Republic of Texas had acquired the territory — *by conquest*. Lamar likely thought that this was a simple case of Comanches complaining that the Anglos were trying to steal what

the Comanches had already stolen.

In this clash of cultures, the Comanches would usually kill all adult male Texans and Latinos and take the women and children into their tribes as "civilian captives," often adopting them into the society. The Comanches made little distinction between members of the tribe who had been "born" Comanche and those who had been adopted into the culture. However, that was not always true. Many young Anglo captives grew up and embraced the Comanche culture and had no desire to leave. On the other hand, the Texans were inexperienced with the nature of the atrocities committed, and they were equally unfamiliar with seeing Indian women and children fighting in raids and battles. The Texans viewed the Comanches as wild beasts and, as a consequence, would many times kill *all* inhabitants of the Indian villages — men, women (who were often dressed like men), and children.

Many Texas officials, with the notable exception of Sam Houston, did not understand that the Comanche people were *not* a unified nation like those found in other cultures, including other Native American tribes. There were at least twelve divisions of the Comanche, with as many as thirty-five independent roaming bands. Although bound together culturally and politically in some ways, the bands

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Sketch of Henry Wax Karnes by McArdle

⁴ Carol A. Lipscomb, *Comanche Indians*, HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/bmc72) (last visited May 19, 2013).

⁵ T.R. FEHRENBACH, *LONE STAR 453* (Am. Legacy Press 1968).

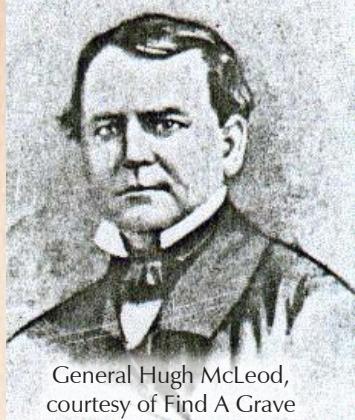
⁶ WALTER PRESCOTT WEBB, *THE TEXAS RANGERS 55* (Univ. of Tex. Press 1982).

⁷ *Id.*

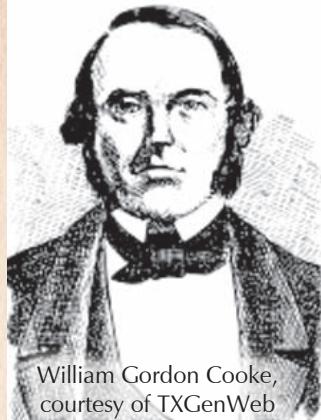
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were under no formalized unified authority. No single band of Comanches could bind other bands to any agreements.

There had to be an end to the bloodshed, and all sides knew it. In 1840, the Penateka Comanches ("the Honey Eaters") sent emissaries to the Texans, requesting peace talks. Three Comanche chiefs rode by horseback to San Antonio, seeking a meeting with Colonel Henry Wax Karnes, a twenty-eight-year-old Texas Ranger.⁸ They offered up an Anglo boy as a show of their "sincerity." By then, Karnes had fought at the battle of Concepcion, the Siege of Bexar, and San Jacinto. He was the first to reach Sam Houston at San Jacinto with news that the Alamo had fallen. He and his cavalry company pursued fugitives from the Mexican Army. Later, he raised eight companies of Texas Rangers.⁹ He consistently fought with great success with smaller forces against Mexican soldiers and Comanches. In one battle, he commanded only 21 Rangers in a fight against an estimated 200 Comanches. Karnes and his company were completely victorious, but he received an arrow wound, from which he never fully recovered.¹⁰ Karnes had a distinguished military career and had been imprisoned in Mexico. After formulating how the Texans must handle the negotiations at the Council House, he was not personally involved. It turns out that he was dying of yellow fever at the



General Hugh McLeod,
courtesy of Find A Grave



William Gordon Cooke,
courtesy of TXGenWeb

age of twenty-eight, and his remarkable life was near the end. Karnes City and Karnes County are named in his honor.

The Comanches said that the tribe had held a council, and that they had agreed to seek peace. Karnes replied that there would be no peace unless the Comanches brought in *all* of their white prisoners. The Comanches said that they had agreed to do just that, and that they and their principal chiefs would return with the prisoners in twenty days and sign a treaty.¹¹ Secretly, Muk-wah-ruh (sometimes called "Muguara") — the Chief second in command of the Penateka Comanches — had convinced the leaders of the other Comanche bands that the captives should be offered up one by one, with hard bargaining.¹² Other chiefs, such as Buffalo Hump, warned that the whites could not be trusted.¹³

Lamar also wanted peace, but on his terms. The Comanches were driven by the fear of continued attacks by the Cheyenne and Arapaho tribes along the Northern frontier of Comanche territory, losses in several smallpox epidemics, and the successes of the Texas Rangers,

who were recently armed with Colt 5-shot revolvers. The Comanches viewed these weapons as "bad medicine," and for good reason. The Texans were weary of perpetual warfare, frontier violence, and fear, while trying to subsist as best they could under chaotic conditions.¹⁴

A truce was declared, and arrangements were made for a meeting. Lamar appointed special commissioners — including William Cooke the Quartermaster-General, and Hugh McLeod the Adjutant General — to attend the Council and negotiate with the Comanches.¹⁵ Cooke was familiar with San Antonio, and Main Plaza in particular. Cooke had previously led the party of volunteers that captured the priest's house on Main Plaza in 1835, forcing the capitulation by the Mexicans at the Siege of Bexar. He received the flag of surrender.¹⁶ Cooke had also distinguished himself at San Jacinto, being in charge of the guard on the prisoners, and prevented the summary execution of Santa Anna. Cooke County was named in his honor.¹⁷

McLeod has been called a "forgotten Texas leader" and was said to have had a "hand and heart ever open to the necessities of his friends." One of the leading newspapers of the day said this about McLeod:

. . . none was more brave than McLeod. He was seen alternately in every part of the field dashing

⁸ Mary Maverick described Karnes as a "short, thick-set man with bright red hair. While he was uneducated, he was modest, generous and devoted to his friends. He was brave and untiring and a terror to the Indians. They called him 'Capitan Colorado' (Red Captain) and spoke of him as 'Muy Wapo' (very brave.) Four or five years before he died, he was taken prisoner by the Comanches, and the squaws so greatly admired his hair of 'fire' that they felt it and washed it to see if it would fade; and, when they found the color held fast, they would not be satisfied until each had a lock." MEMOIRS OF MARY A. MAVERICK 35 (Rena Maverick Green, ed., Alamo Printing Co. 1921).

⁹ Thomas W. Cutrer, Karnes, Henry Wax, HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/fka01) (last visited May 4, 2013).

¹⁰ *Id.*

¹¹ WALTER PRESCOTT WEBB, THE TEXAS RANGERS 55 (Univ. of Tex. Press 1982).

¹² T.R. FEHRENBACH, COMANCHES, THE DESTRUCTION OF A PEOPLE 325 (Alfred A. Knopf, Inc. 1974).

¹³ Buffalo Hump was also a celebrated war chief of the Peneteka Comanche. E.W. Henderson, *Buffalo Hump, A Comanche Diplomat*, W. TEX. HIST. ASSN. YEARBOOK 35 (1959).

¹⁴ T.R. FEHRENBACH, COMANCHES, THE DESTRUCTION OF A PEOPLE 322 (Alfred A. Knopf, Inc. 1974).

¹⁵ McLeod graduated last in his class of 56 students at West Point. PAUL N. SPELLMAN, FORGOTTEN TEXAS LEADER 6 (Tex. A&M Press 1999). After resigning his United States Army commission, he migrated to Texas and joined the Army of the Republic of Texas. McLeod advanced rapidly in rank, becoming Adjutant General in the Army of the Republic of Texas in December 1837 and Adjutant and Inspector General in 1840. He served against the Caddos and Kickapoos in 1838, fought the Cherokees in 1839, and was wounded at the battle of the Nueces. *Id.* at 6-8. McLeod made a detailed, official report on the Council House Fight to the Texas Congress. See *Journal of the Fifth Legislature of the Republic of Texas*.

¹⁶ Steven A. Brownrigg, Cooke, William Gordon, HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/fcobv) (last visited May 18, 2013).

¹⁷ *Id.*

from rank to rank, like a meteor glancing through the murky clouds of battle, as heedless of the balls that were flying around him as if it were the mere pattering of rain.¹⁸

The Comanches sought recognition of the boundaries of the Comancheria, their homeland, with an agreement that recognized that these lands were the sovereign and permanent land of the Comanche. The Texans wanted the release of Texan and Mexican captives held by the Comanches and additional concessions.

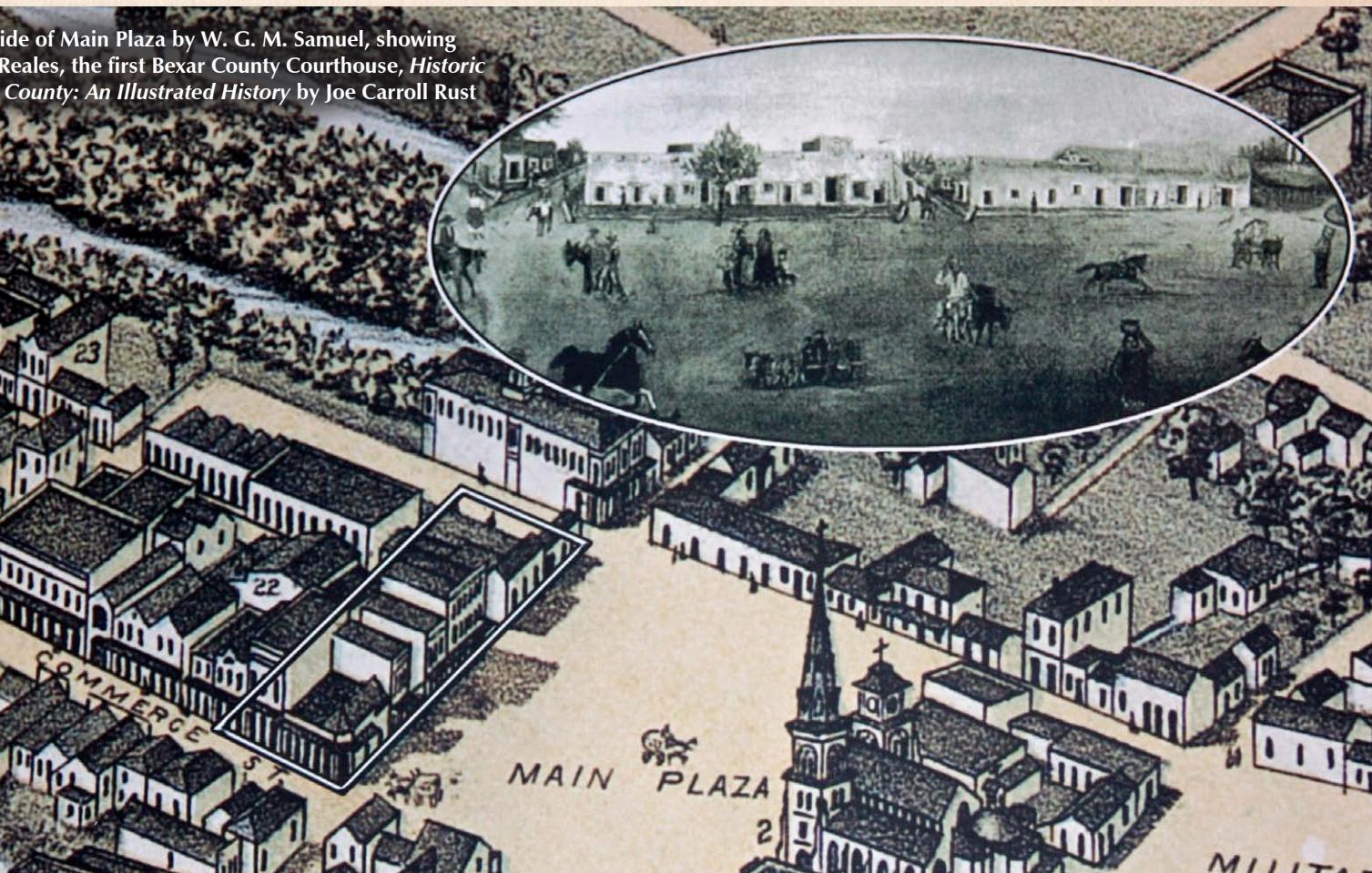
Colonel William Fisher, a veteran of the San Jacinto and the Texan War for

Independence, was the new commander of the First Regiment of the Texan Army.¹⁹ In 1840, he was the #2 man in the Texas Army, after having served a year as Secretary of War. New Secretary of War Colonel Albert Sidney Johnston²⁰ ordered Fisher to go to San Antonio to deal with the Comanches. Fisher was given very specific orders, based on intelligence from Karnes and others. The Comanches would have to bring in all “American Captives,” or *they themselves would be held as captives*. There would be no promises that would compromise the Republic’s ability to deal with the Comanches — and no “presents,” as

was the custom in prior treaty meetings.

Fisher communicated with the Comanches in February and emphasized that they should not come to San Antonio without *all* of the Texan captives. The Comanches responded with a promise that they would comply.²¹ Fisher sent more than 175 soldiers to San Antonio to be ready for the Council with the Comanches. Some of the Texan soldiers had just recently received new Colt repeating pistols. Thirty-three chiefs and warriors, accompanied by thirty-two other Comanches, including women and children, arrived in San Antonio on March 19, 1840, for the negotiations.

East side of Main Plaza by W. G. M. Samuel, showing Casa Reales, the first Bexar County Courthouse, *Historic Bexar County: An Illustrated History* by Joe Carroll Rust

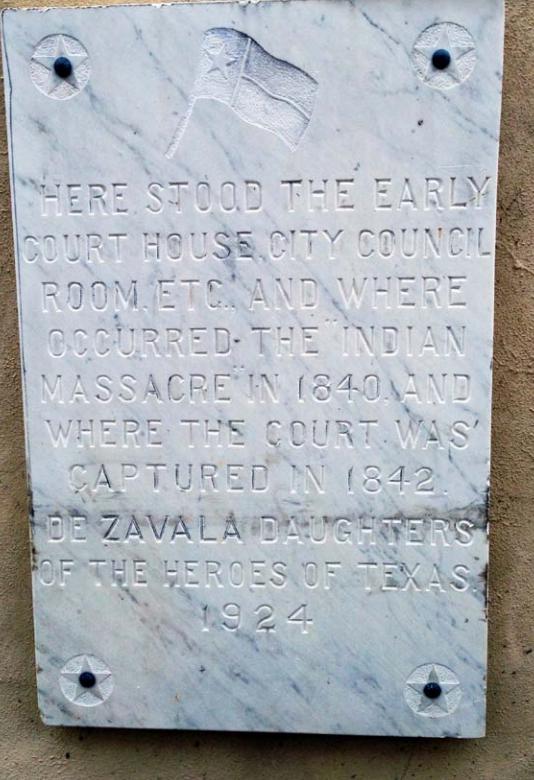


¹⁸ *Id.*; HOUSTON TELEGRAPH & TEX. REGISTER, July 28, 1841.

¹⁹ STEPHEN MOORE, SAVAGE FRONTIER, VOL. 3 at 10 (Univ. of N. Tex. Press 2007).

²⁰ Johnston moved from Kentucky to Texas and enlisted as a private in the Texas Army. He quickly moved up in rank and became Adjutant General and then Senior Brigadier General in command of the Army, to replace Felix Huston. Huston—a lawyer who had emigrated from Natchez, Mississippi, and had also distinguished himself as a military officer—took offense and challenged Johnston to a duel. Johnston was wounded by a shot to the hip, but was later appointed Secretary of War. By the time of the Council House Fight, Johnston had returned to Kentucky. Johnston and his new wife returned to Texas in time for him to fight in the Mexican War. Later, Jefferson Davis appointed Johnston as a general in the Confederate Army. He was killed in 1862 at the battle of Shiloh. Huston had a volatile temper and decidedly aggressive intentions toward Mexico. He commanded the Texan troops at Plum Creek, scored a major victory against the Comanches, and then formed a successful law partnership in New Orleans. Jeanette H. Flachmeier, *Johnston, Albert Sidney*, HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/fjo32) (last visited May 18, 2013).

²¹ *Id.*



The Council House

The Council was held in what was then known as the *Casa Reales* — the official public meeting place, municipal hall, courthouse, and adjacent jail. It was a one-story stone building directly to the east of *Plaza de Yslas*, now known as Main Plaza, and directly Northeast of the current Bexar County Courthouse. The official address was 114 Main Plaza.²² In recent years, the building at this address has been known as the Pauline Bookstore. The names and locations of the streets have changed over the decades, but then, the only adjacent street to the South of the Council House was known as *Calle del Calabozo* (Street of the Jail) — the present-day Market Street. The exact location was probably just north of, or in a part of, present-day Market Street (after re-alignments over the years) just south of the current location of the

meeting house in San Antonio. It was built in 1742, and had dirt floors and a cactus for a flagpole. The official City Clock was above the doorway.²⁴ A whipping post was conveniently located near the front door. Convicted lawbreakers were tied to the post to receive lashes assessed by the Court and handed out by the Sheriff or his deputies. *Casa Reales* "remained the oldest capitol, city hall, and courthouse in Texas until about 1850, when it was finally abandoned."²⁵ The 1924 historic marker on the north side of the building currently on the property where the Council House stood is obscure and probably not noticed by very many people. This is sacred ground.

The "Council"

The Comanches arrived in San

Portal de San Fernando Park.

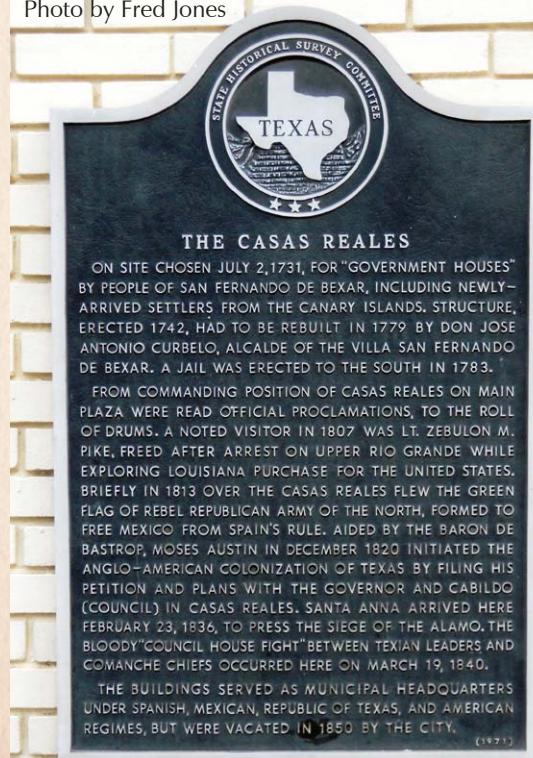
Those familiar with the history of the San Antonio River will recall that before the 1920s, the "cut-off" flood channel did not exist, so the *quartel* or "Market" for which the street was named was directly to the east of the Council House. At that time, the San Antonio River was several blocks to the east. *Calle del Calabozo* and Dolorosa/Market Street ran in more straight and direct lines back then. At some point, Dolorosa/Market Street was re-aligned to the north and overtook what was *Calle del Calabozo*. At least some of what was *Casa Reales* was eliminated when the "overflow" or cutoff channel was constructed for flood control in the mid-1920s.²³

Casa Reales was the first official courthouse/public

Antonio on March 19, 1840. Expecting a Council of peace, the twelve chiefs brought women and children, as well as warriors. The prominent and powerful Penateka Comanche Chief Muk-wah-ruh headed the Comanche delegation. They were dressed in the Comanche finery of the day, with their faces painted in bright colors. During the Council, the Comanche warriors sat on the floor, as was their custom, while the Texans sat on chairs on a platform facing them. An interpreter was present to translate the discussions. The Comanches spoke no English, and the Texans did not speak the language of the Comanche, although both groups by that time knew some Spanish.²⁶ District Judge John Hemphill, District Attorney John Dabney Morris, and Joseph Hood, the first-elected Sheriff of Bexar County, attended the Council with the Texas Commissioners.

The Comanche chiefs had brought along one white captive and several Mexican children who had been captured separately.²⁷ The only Texan captive was Matilda Lockhart, a sixteen-year-old girl who had been held as a captive for over a year and a half. Matilda told the Texan officials that she had been beaten and raped, and had suffered burns to her body. Her face was severely disfigured, with the flesh on her nose completely burned away. Mary Maverick, who witnessed

Photo by Fred Jones



²² SAM & BESS WOOLFORD, THE SAN ANTONIO STORY 56 (Steck Co. 1950).

²³ LEWIS F. FISHER, SAVING SAN ANTONIO 209-10 (Tex. Tech Univ. Press 1996); *New River Channel Blots Out Site of Council-House Fight*, SAN ANTONIO EXPRESS-NEWS, Jan. 5, 1930, at 1-D.

²⁴ SYLVIA ANN SANTOS, COURTHOUSES OF BEXAR COUNTY, 1731-1978 1 (www.bexar.org/Historicalcommission/courthouse.html).

²⁵ *Id.*

²⁶ H.W. BRANDS, LONE STAR NATION 488 (Doubleday 2004).

²⁷ Matilda Lockhart, a niece of Texas Ranger Captain Byrd Lockhart, was taken captive by Comanche Indians near the Guadalupe River in the fall of 1838, along with four children of Mitchell Putnam. The present-day City of Lockhart is named after Captain Byrd Lockhart.

the events of the day and helped to bathe and dress Matilda Lockhart after she was returned, found that the young child had been badly tortured and burned, was utterly degraded, and could not hold up her head. Her head, arms, and face were full of bruises and sores, and her nose was actually burnt off to the bone. According to Maverick, young Matilda told a harrowing tale of how badly the Comanches had treated her—including beatings and sexual assaults—and how they had wakened her from her sleep by sticking a chunk of fire to her flesh, especially to her nose.²⁸

During her two years with the Comanches, Matilda had come to understand enough of the Comanches' tongue to reveal to the Texan authorities that the Comanches still held thirteen other captives, and that they planned to see how high a price they could get for her and then bring in the remaining captives one at a time and bargain for each captive in exchange for ammunition, blankets, and other supplies.

Texan officials demanded the return of all captives held by the Comanches. They also demanded that settlers were not to be interfered with, and that the Comanches would not ever again enter any white settlement.²⁹ The Texan Commissioners demanded to know where the other captives were, and why they had not been released.

Burning the soles of Matilda Lockhart's feet to prevent her escape. Nineteenth-century woodcut engraving by T.J. Owen (a pseudonym for the author known as O'Henry) as shown in Wilbarger, 1889.

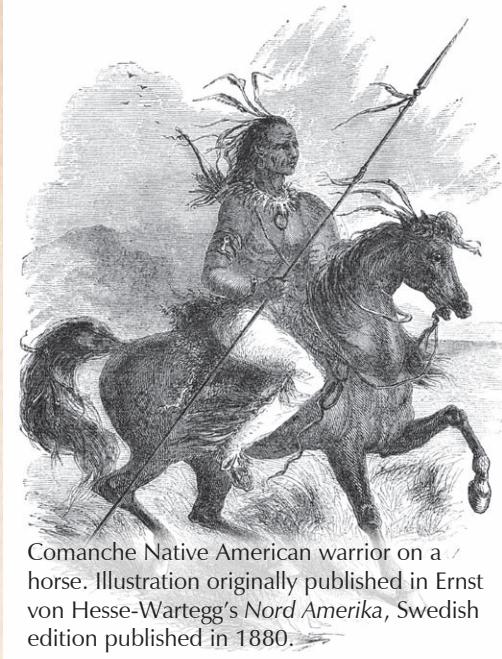


Chief Muk-wah-ruh said that he could not deliver more captives because he had no such authority. Whether this was the truth is still a subject of debate among historians. Some call it a "palpable lie," while others insist that the different bands of Comanches had sole authority over the captives held by their tribes, and that the chiefs and bands not in attendance were under no obligation to release anyone and had not agreed to anything.

Chief Muk-wah-ruh suggested that a ransom be sent to the main camp of the tribe, to pay for the rest of the Anglo prisoners. He said that he was sure that the other captives could be ransomed in exchange for supplies, including ammunition and blankets. This had been done before and Texans had been killed—the Indians believing that the traders had made the smallpox to kill them.³⁰ Muk-wah-ruh then asked, "How do you like our answer?"³¹

The Texan officials concluded that the Comanches had not honored their promises and had a brief discussion. Fisher replied that he did *not* like the answer. After further parleying about an exchange of prisoners, Colonel W.G. Cooke, acting Secretary of War, thought it proper to take hostages for the safe return of the American captives. The Texan soldiers under Colonel Fisher's command were ordered to get ready. One

company of the Texan soldiers was ordered to march into the room and the other to the rear of the building where the Comanche warriors were assembled. Fisher signaled for a company of soldiers to be brought into the courtroom, where-upon they took position at the door and the windows. The Texans



Comanche Native American warrior on a horse. Illustration originally published in Ernst von Hesse-Wartegg's *Nord Amerika*, Swedish edition published in 1880.

were boiling with anger about Matilda Lockhart's abuse, and they considered the Comanches to be arrogant in their attitude and demands. Fisher, with his eyes never leaving Muk-wah-ruh, carried out his orders, and instructed the interpreter to tell the Comanches:

We will, according to a former agreement, keep four or five of your chiefs, whilst the others of your people go to your nation and bring all the captives, and then we will pay all you ask for them. Meanwhile, these chiefs we hold we will treat as brothers and "not one hair of their heads shall be injured." This we have determined, and, if you try to fight, our soldiers will shoot you down.³²

The interpreter, a former captive of the Comanches, was utterly horrified, turned pale, and said, "No, I will not say that—they will fight to the death!"³³ He was again ordered by the Texan officials to tell the Comanche chiefs and warriors exactly

²⁸ T.R. FEHRENBACH, *LONE STAR* 458 (Am. Legacy Press 1968). Matilda was returned to her family but never recovered from her experience and died two or three years later.

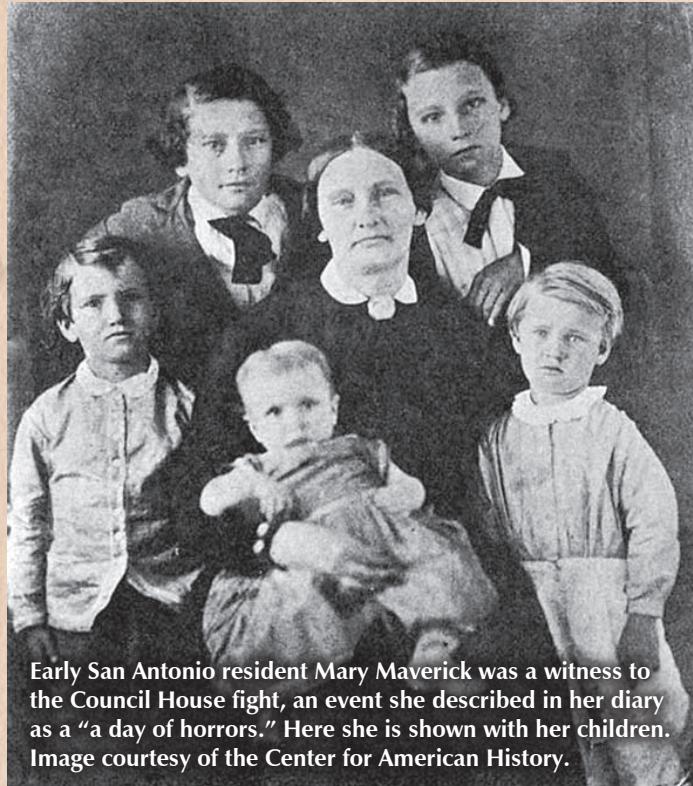
²⁹ *Id.*

³⁰ SAM & BESS WOOLFORD, *THE SAN ANTONIO STORY* 57 (Steck Co. 1950).

³¹ T.R. FEHRENBACH, *LONE STAR* 458 (Am. Legacy Press 1968).

³² MEMOIRS OF MARY A. MAVERICK 107 (Rena Maverick Green, ed., Alamo Printing Co. 1921). Others have said that the Texan officials said that *all* of the chiefs would be held prisoner. T.R. FEHRENBACH, *LONE STAR* 458-59 (Am. Legacy Press 1968).

³³ T.R. FEHRENBACH, *LONE STAR* 458 (Am. Legacy Press 1968).



Early San Antonio resident Mary Maverick was a witness to the Council House fight, an event she described in her diary as a "a day of horrors." Here she is shown with her children. Image courtesy of the Center for American History.

what they had said. As he began making his way toward the only exit from the courtroom, he made the announcement, *then safely fled from the courtroom*.

When his announcement was made, the Texan officers descended from the platform. The chiefs immediately followed and screamed that they had been betrayed.³⁴ They made a loud war "whoop" and attempted to escape. They began preparing for a fight to the death, and the Texans were ready to oblige. The Comanches preferred a fight and certain death to the disgrace of captivity under any circumstances.³⁵ The Comanches rushed toward the door, stabbing soldiers along their way.

Instant mayhem ensued in the courtroom. One chief headed toward the exit and plunged his knife into the sentinel. Fisher ordered, "Fire, if they do

not desist!"³⁶ Soldiers fired with their rifles, with both Texans and Comanches being hit or killed. Muk-wah-wuh stabbed a Ranger captain and was immediately shot to death. In the resulting melee, the courtroom was filled with shots and screams, and reeked of hot blood and powder smoke.³⁷ Within moments, all twelve Penateka Comanche chiefs were killed, by being stabbed or shot to death at close range.³⁸

As McLeod said in his official report to Governor Lamar:

The Indians rushed on, attacking us desperately, and a general order to fire became necessary. After a short but desperate struggle, every one of the twelve chiefs and captains in the council lay dead upon the floor, but not until, in the hand to hand struggle, they had wounded a number of persons.

Captain Redd, whose company was formed in the rear of the building, was attacked in the yard by the warriors who fought like wild beasts. The Indians took refuge in some stone buildings from which they kept up a galling fire with bows and arrows and a few rifles. Their arrows, wherever they struck one of our men, were *driven to the feathers*. A small number of Indians escaped across the river, but they were pursued by Col. Wells with a few

mounted men, and all were killed.

In such an action—so unexpected, so sudden and terrible — it was impossible at times to distinguish between the sexes and three squaws were killed. The short struggle was *fruitful in blood*. By request of the prisoners an old squaw was released, mounted, provisioned and allowed to go to her people and say to them that the prisoners would be released whenever the Texas prisoners held by the Indians were brought in.

Outside, the Comanche women and children heard the commotion and immediately turned their "toy" bows and arrows toward every Texan they saw. The Comanches strung their bows and took aim at any Texan or Mexican in sight. Some of the arrows missed their mark and struck adobe buildings in the area, *piercing the walls to the edge of the feathers on the arrows*.³⁹

The general melee that began in the courtroom spread through the streets of San Antonio. The Texan soldiers opened fire, killing and wounding both Comanches and Texans. The Indians were driven into nearby houses, where "they kept up a galling fire with their bows and rifles." As Mary Maverick reported in her memoirs, "I ran in the north room and saw my husband and brother Andrew sitting calmly at a table inspecting some plats of surveys — they had heard nothing. I soon gave them the alarm, and hurried on to look for my boys. Mr. Maverick and Andrew seized their arms, always ready, Mr. Maverick rushed into the street, and Andrew into the back yard where I was shouting at the top of my voice 'Here are Indians!' 'Here are Indians!'"⁴⁰ Samuel Maverick, Jr.,⁴¹ the son of Samuel and Mary Maverick was saved by the family's Black cook,

³⁴ CHARLES RAMSDELL, SAN ANTONIO, A HISTORICAL AND PICTORIAL GUIDE 105 (Univ. of Tex. Press 1968).

³⁵ NOAH SMITHWICK, THE EVOLUTION OF A STATE OR RECOLLECTIONS OF OLD TEXAS DAYS 184 (Univ. of Tex. Press 1994).

³⁶ PAUL N. SPELLMAN, FORGOTTEN TEXAS LEADER 48 (Tex. A&M Press 1999).

³⁷ T.R. FEHRENBACH, COMANCHES, THE DESTRUCTION OF A PEOPLE 327 (Alfred A. Knopf, Inc. 1974).

³⁸ STEPHEN MOORE, SAVAGE FRONTIER, VOL. 3 at 27 (Univ. of N. Tex. Press 2007).

³⁹ www tsl.state.tx.us/exhibits/indianwar/mcleod-mar1840-1.html.

⁴⁰ Samuel Augustus Maverick was a land speculator, lawyer, and legislator, and he served two terms as Mayor of San Antonio. At the time of his death in 1870, he and his family owned over 300,000 acres of land in Texas. Maverick County was named in his honor. RENA MAVERICK GREEN, SAMUEL MAVERICK, TEXAN 399-400 (self-published 1952).

⁴¹ Sam, Jr., the first of the Mavericks' six surviving children, passed the Bar Examination in 1867 and later was part of founding Maverick-Clark, a printing company that morphed into a check-printing company. He was an intrepid soldier in the Civil War, swimming through the icy Cumberland River to ignite a Yankee gunboat padded with bales of hay. He donated Maverick Park to the City of San Antonio. He and his wife Sallie Frost had six children. He died in February 1936 at the age of 98. Anne Leslie Flachmeier, *Samuel Maverick, Jr.*, HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/fmabh) (last visited Feb. 22, 2014).

who held a large rock above her head. She cried out, "If you don't go 'way from here, I'll mash your head with this rock!"⁴² The Comanche retreated, apparently not wanting to experience how that would feel.

District Judge John Hemphill was in attendance at the Council House. He had only recently been appointed as Judge of the Fourth Judicial District Court. He adjourned court that day so that the courtroom could be used for the Council.⁴³ He became embroiled in the melee, suffered a minor wound, and killed one of the Comanche combatants with his Bowie knife.⁴⁴ Fighting Indians was nothing new for Judge Hemphill. In 1836, he fought in the Second Seminole War. Later the same year, the Congress elected him as the fourth Chief Justice of the Supreme Court, the only state-wide judicial office. He later joined several campaigns against the Comanches.

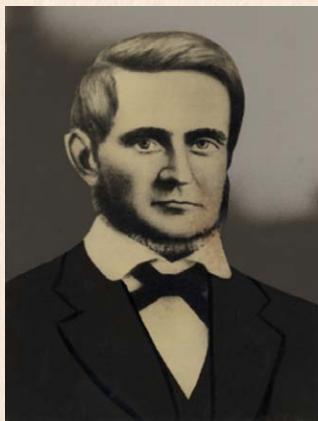
After the annexation of Texas in 1845, Hemphill was appointed to be the first Chief Justice of the Supreme Court of the State of Texas, a position he held until 1858. He took a particular interest in cases involving Spanish and Mexican law. He was described as a brilliant jurist. Through his decisions while on the Supreme Court, Judge Hemphill managed to preserve some of the more liberal aspects of the civil law. He has been referred to as the "John Marshall of Texas" for his significant role as a

Texas jurist. Hemphill later succeeded Sam Houston in the United States Senate. He supported the movement for secession and was expelled from the United States Senate in 1861 after the outbreak of the Civil War. From 1860-62, he was a member of the Congress of the Confederate States of America. He died in Virginia in 1862, and his body was returned to Austin for burial in the State Cemetery. Never married, Hemphill was characterized as a private and reserved, yet generous, individual. Hemphill County was named in his honor.

Other visiting or former judges, including Judge James Robinson, also attended the Council. Robinson migrated to Texas sometime between 1824 and 1833. Although he was chosen Lieutenant Governor for the Provisional Government of the Republic in 1835, he served as a private at San Jacinto. In 1836, he was elected by the Congress as the first judge of the Fourth Judicial District, which included Bexar County, automatically making him a member of the Supreme Court of the Republic of Texas. He resigned under threat of impeachment just weeks before the Council House Fight and opened a law practice in Austin. For unknown reasons, he was at the Council House on that fateful day and was wounded in the battle. As fortune would have it, he was back in court at the Council House in 1842, was captured with the other lawyers and court staff, and was forced to march to Perote Prison near Vera Cruz, Mexico.⁴⁵ In 1850, he moved to San Diego, California, where he served as District Attorney until 1855.⁴⁶

Judge Thompson from South Carolina was in town visiting with his relatives, including one of the Texan officers. Judge Thompson was outside in the yard amusing himself by setting up coins and paper money on a fence for the little Comanches to knock down with their arrows.⁴⁷ Several witnesses noted the remarkable accuracy of the Comanche children with their arrows. When the fight started, "he was killed by an arrow

Judge John Hemphill,
courtesy of
the University of Texas
Tarlton Law
Texas Jurists
Collection,
Rare Books
& Special
Collections —
Library Digital
Collections.



⁴² MEMOIRS OF MARY A. MAVERICK 27 (Rena Maverick Green, ed., Alamo Printing Co. 1921).

⁴³ JAMES HALEY, THE TEXAS SUPREME COURT, A NARRATIVE HISTORY 1836-1986 26 (Univ. of Tex. Press 2013).

⁴⁴ *Id.*

⁴⁵ Jones, Fred Riley, *San Antonio Prisoners: The True Story of the 1842 Invasion of San Antonio and the Imprisonment of Its Citizens*, SAN ANTONIO LAWYER (March-April 2008).

⁴⁶ L.W. Kemp, Robinson, James W., HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/fro37) (last visited Feb. 22, 2013).

⁴⁷ PAUL N. SPELLMAN, FORGOTTEN TEXAN LEADER 47 (Tex. A&M Univ. Press 1999).

before he even suspected danger."

John Dabney Morris became the first district attorney of the Fourth Judicial District at the age of twenty-one. He was reappointed by President Lamar in 1839 and again in 1840. At the Council House Fight, he saved the life of Mathew "Old Paint" Caldwell by shooting a Comanche who was taking aim at the unarmed man.⁴⁸ As one commentator reported, "Old Paint was attacked by a powerful Indian, and being unarmed, was forced to defend himself with rocks until a bullet . . . laid the Indian low."

Caldwell was born in Kentucky and settled in Texas in 1831. He was a signer of the Texas Declaration of Independence and a soldier in the Texas army. He is sometimes referred to as "the Paul Revere of the Texas Revolution," calling for men to help at the Battle of Gonzales.⁴⁹ Mary Maverick recalled in her memoirs that Old Paint was, at that time, a guest of the family from Gonzales, "an old and famous Indian fighter." Maverick reported, "[Caldwell] had gone from our house to the Council Hall unarmed. But when the fight began, he wrenched a gun from an

Indian and killed him with it, and beat another to death with the butt end of the gun. He was shot through the right leg, wounded as he thought by the first volley of the soldiers. After breaking the gun, he then fought with rocks, with his back to the Court House wall."⁵⁰ Later, Caldwell led a company at the battle of Plum Creek, and in the 1842 invasion of San Antonio by General Woll and the Mexican forces, he commanded a force of two hundred men who met and defeated the Mexican Army at the battle of Salado Creek. Caldwell County was named in his honor.⁵¹

District Attorney Morris was armed with a pistol, and he obliged Caldwell's request that he shoot the Comanche, straight through the heart.⁵² Caldwell was assisted back to the Maverick residence. Dr. Weidemann cut off Caldwell's boot and found the bullet had gone entirely through the leg and lodged in the boot, where it was discovered. Mrs. Maverick said that "the wound . . . was very painful, but the doughty Captain recovered rapidly and in a few days walked about with the aid of a stick."⁵³

Joseph Hood, the first elected Sheriff of Bexar County, was also in attendance. He came to Texas in 1829 and described himself as Catholic, unmarried, and a schoolteacher.⁵⁴ He was elected Sheriff of Bexar County in 1837 and reelected in 1839. He was killed by Comanche warriors as he walked out onto the porch of the Council House — the first

⁴⁸ Morris was later elected to the Texas House of Representatives and then distinguished himself in the Texas Militia and later the United States Army during the Mexican War. Thomas W. Cutrer, Morris, John Dabney, HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/fmo59) (last visited April 6, 2013).

⁴⁹ L.W. Kemp, Caldwell, Mathew, HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/fca12) (last visited May 18, 2013).

⁵⁰ PAUL N. SPELLMAN, FORGOTTEN TEXAN LEADER 49 (Tex. A&M Univ. Press 1999).

⁵¹ L.W. Kemp, Caldwell, Mathew, HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/fca12) (last visited May 18, 2013).

⁵² STEPHEN MOORE, SAVAGE FRONTIER, VOL. 3 at 29 (Univ. of N. Tex. Press 2007).

⁵³ MEMOIRS OF MARY A. MAVERICK 110 (Rena Maverick Green, ed., Alamo Printing Co. 1921).

⁵⁴ John L. Sims, Hood, Joseph L., HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/fca12) (last visited May 18, 2013).



Republic of Texas from Stanley Siegal, a Political History of the Texas Republic, 1836-1945, 1956

Texas Sheriff known to be killed in the line of duty.

Outside the Council House, Lieutenant William M. Dunnington was shot by an arrow from the bow of a Comanche squaw. Not knowing her gender, he shot her — the bullet hitting her in the head. He exclaimed, "I have killed him, but I believe *he* has killed me too." The Ranger died twenty minutes later.⁵⁵

Armed citizens joined the battle but shot at all of the Comanches, claiming they could not always distinguish between warriors and women and children since all of the Comanches were fighting. As an eyewitness to the debacle, Mary Maverick said that "the Indian women dressed and fought like the men, and could not be told apart."⁵⁶ This report was later contradicted by one historian, speculating that this "confusion" was

a convenient way to explain the killing of all of the Comanches, including women and children.⁵⁷ This historian's speculation was repudiated by Mary Maverick, who said that "many of them were repeatedly summoned to surrender, but numbers refused and were killed. All had a chance to surrender, and everyone who offered or agreed to give up was taken prisoner and protected."⁵⁸

The bloody battle that had begun in the courtroom and then led down to the streets of San Antonio, private homes and other buildings, and the San Antonio River resulted in twelve Penateka Comanche leaders and warriors being killed in the courtroom, and an additional twenty-three warriors, five women, and some Indian children being killed in the streets and along the River. The chase finally led to Bowen's

Bend, the future site of the Plaza Hotel, and now the site of a retirement home.⁵⁹

Thirty Indians were taken captive and made prisoners. Seven Texans were killed during the melee,⁶⁰ including George W. Cayce,⁶¹ Lt. Dunnington,⁶² Pvt. Kaminske, Judge Thompson, Mr. Casey (of Matagorda County), Pvt. Whitney, and an unidentified Hispanic Texan. Eight Texans were wounded, three receiving serious wounds. One of the wounded Texans included twenty-four-year-old Captain George Howard, who distinguished himself in the service of the Texas Army for many years and was Sheriff of Bexar County from 1843-45. He later distinguished himself for bravery in battle and exemplary leadership during the Mexican War.⁶³

The Texans killed every Comanche who did not surrender, without regard

⁵⁵ John Holland Jenkins III, *RECOLLECTIONS OF EARLY TEXAS — THE MEMOIRS OF JOHN HOLLAND JENKINS* 83 (Univ. of Tex. Press 1997).

⁵⁶ *Id.*

⁵⁷ GARY ANDERSON, *THE CONQUEST OF TEXAS: ETHNIC CLEANSING IN THE PROMISED LAND 1820-1875* (Univ. of Okla. Press 2005).

⁵⁸ *MEMOIRS OF MARY A. MAVERICK* 29-30 (Rena Maverick Green, ed., Alamo Printing Co. 1921).

⁵⁹ SAM & BESS WOOLFORD, *THE SAN ANTONIO STORY* 57 (Steck Co. 1950).

⁶⁰ EDWARD W. HEUSINGER, *A CHRONOLOGY OF EVENTS IN SAN ANTONIO* 20 (Standard Printing Co. 1951).

⁶¹ George Washington Cayce and his brother Henry Petty Cayce came to Texas in December 1829 from Tennessee. Mary Maverick said that George Cayce "was a very pleasant and handsome young man. . . ." She said that she saw George standing in the front door of the Courthouse as he was shot and instantly killed at the beginning of the fight. George fell by the side of Captain Caldwell. Maverick also reported that George's brother Henry afterwards told her that George had left home with premonition of his death being very near. *MEMOIRS OF MARY A. MAVERICK* 29 (Rena Maverick Green, ed., Alamo Printing Co. 1921). Henry distinguished himself as a lawyer and through five wars as a Texan soldier. He became wealthy but lost everything during Reconstruction.

⁶² Kenney's Fort in Williamson County was re-named Fort Dunnington in honor of the soldier killed at the Council House Fight. The name "Kenney's Fort" was later restored. Clara Stearns Scarborough, *Kenney's Fort*, HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/uek02) (last visited May 18, 2013).

⁶³ Howard Lackman, *Howard, George Thomas*, HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/fho77) (last visited May 18, 2013).



for age or gender.⁶⁴ The Texans acquired an estimated 100 Comanche horses and a great number of buffalo hides. According to the official report by Colonel McLeod,⁶⁵ thirty-five Comanches were killed (thirty adult males, three women, and two children), and twenty-nine were taken prisoner (twenty-seven women and children, and two old men). The Council House Fight ended the chance for peace and led to years of hostility and war.

McLeod's storied life came to an end when he died of pneumonia at the age of forty-seven. He had participated in many of the eventful days in early Texas, including the *Santa Fe Expedition* and the Civil War. Ironically, his body was sent back to Texas from Richmond, Virginia — where he led a brigade of Confederate soldiers under harsh conditions against Union troops — on the same train with the body of fellow Texan Chief Justice Hemphill.⁶⁶ They were both laid to rest in the State Cemetery on February 1, 1861.⁶⁷

Aftermath: Captives, Unintended Consequences, and Retaliation

The day after the fight, a single Comanche widow of one of the Comanche chiefs was released to return to her camp and tell the other Comanches that the prisoners held by the Texans in San Antonio would be released if the Comanches released the fifteen Americans and several Mexicans

who were known to be captives. The Texan officials told the Comanche widow that there would be a twelve-day truce, and that the Anglo captives would have to be returned in that time, or the Texans would know that the Comanches had killed their "captive friends and relatives" and would kill the prisoners held in San Antonio.

Dr. Edmund Weidemann, a local surgeon of Russian descent, helped to treat the citizens who had been wounded in the fight. Apparently, Weidemann was one of very few doctors in San Antonio at the time and was an eccentric character. He was a Russian scholar and a naturalist, and he had been assigned by the Czar of Russia to make scientific observations about Texas and its inhabitants. An excellent doctor and surgeon, Weidemann was a highly cultivated man who spoke several languages. He took an active role in the fight and performed admirable service on his fine horse. After the fight, he spent the entire night taking care of the wounded Texans.

Dr. Weidemann also had an agenda. He wanted the bodies of two of the dead Comanches as specimens for scientific research. That night, he stewed the bodies of two Comanches in a soap boiler, and when the flesh was completely dessicated, he dumped the cauldron into the Acequia. This

ditch ran in branches from present-day Brackenridge Park to the Alamo and along present-day Main Street. It furnished the drinking water for the town, while the San Antonio River and San Pedro Creek could be used for bathing and washing.

A city ordinance in effect since the early 1800s prohibited any activity that would defile or pollute the Acequia. It occurred to the dwellers along the ditch that Dr. Weidemann had defiled the drinking water, and they quickly gathered in indignation, and a mob rushed City Hall. The men talked in loud and excited tones, and the women shrieked, cried, and rolled their eyes in horror. They were convinced that they had been poisoned. Dr. Weidemann was arrested and brought to trial. Angry residents verbally abused him, calling him "diablo," "demonio," and "sin verguenza."⁶⁸ He pled guilty, calmly paid his fine, and walked away laughing. After other unusual behavior, no Tejano passed Weidemann without crossing himself, for they firmly believed he was in league with the Devil. He later drowned while trying to swim Peach Creek near Gonzales.⁶⁹

The Comanches were in disarray with the loss of so many of their chiefs and leaders, but they continued to taunt the Texans during the twelve-day "truce." Two days after the Council House Fight, a band of Comanches returned to San Antonio. Leaving the bulk of the warriors outside the city, Chief Isimanica ("Chief that Hears the Wolf" or "Howling Wolf") rode into San Antonio with an estimated 250 Comanche warriors and yelled insults. He was rising up in his stirrups, had worked himself into a rage, and was half naked in full Comanche regalia and war paint. He was shaking his fists, raving and foaming at the mouth, challenging all.⁷⁰ The citizens told him to go find the soldiers if he wanted a fight.

⁶⁴ T.R. FEHRENBACH, COMANCHES, THE DESTRUCTION OF A PEOPLE 328 (Alfred A. Knopf, Inc. 1974).

⁶⁵ Gen. H. D. McLeod, *Comanche Fight at San Antonio, A TEXAS SCRAPBOOK MADE UP OF THE HISTORY, BIOGRAPHY, AND MISCELLANY OF TEXAS AND ITS PEOPLE* 154-55 (D.W.C. Baker, ed.-1875, reprinted by the Tex. State Hist. Ass'n Austin 1991); see also www.tsl.state.tx.us/exhibits/indian/war/mcleod-mar1840-1.html.

⁶⁶ PAUL N. SPELLMAN, FORGOTTEN TEXAN LEADER 179-80 (Tex. A&M Univ. Press 1999).

⁶⁷ *Id.* at 180.

⁶⁸ WILLIAM CORNER, SAN ANTONIO DE BEXAR, A GUIDE AND HISTORY 105-06 (Bainbridge & Corner 1890).

⁶⁹ *Id.*

⁷⁰ ELTON R. CUDE, THE FREE AND WILD DUKEDOM OF BEXAR 4 (Munguia Printers 1978); CHARLES RAMSDELL, SAN ANTONIO, A HISTORICAL AND PICTORIAL GUIDE 105 (Univ. of Tex. Press 1968).

Captain Redd, a lawyer by profession but now the garrison commander, told the young Chief Isimanica, “[W]e burn to fight you, but we are going to honor the 12-day truce.”⁷¹ He invited the Indians to come back in three days. The young chief never returned.⁷²

Colonel Wells reprimanded Captain Redd and called him a “dastardly coward” for refusing to fight. Wells went so far as to accuse Redd of refusing to fight because of his “inappropriate” relationship with a young woman sharing his quarters, and *not* because he wanted to honor the truce. Since those were fighting words, Redd challenged the officer to mortal combat. A duel was arranged at 6:00 a.m. at what later became Ursuline Academy (present-day Southwest School of Art). Facing each other, Redd coolly remarked to Wells: “I aim for your heart.” Wells replied: “I aim for your brains.”⁷³ The Texan officers fired at each other. Redd sprang into the air and fell dead with a bullet lodged in his brain. In the pocket of his jacket was a duly-recorded license proving his marriage to the young lady with whom he was sharing quarters. As Mary Maverick later reported, “Wells, too, in fulfillment of their fearful repartee, was shot very near the heart; he, however, lived a fortnight in great agony, begging every one near him to dispatch him or furnish him with a pistol to kill himself.”⁷⁴ This event was further evidence of the tensions running high in the Texas Army in the aftermath of the Council House Fight. This duel ended the lives of two young officers who had served with valor and distinction at San Jacinto.⁷⁵

Once the Comanche widow reached the village and told her story, the other Comanches were outraged

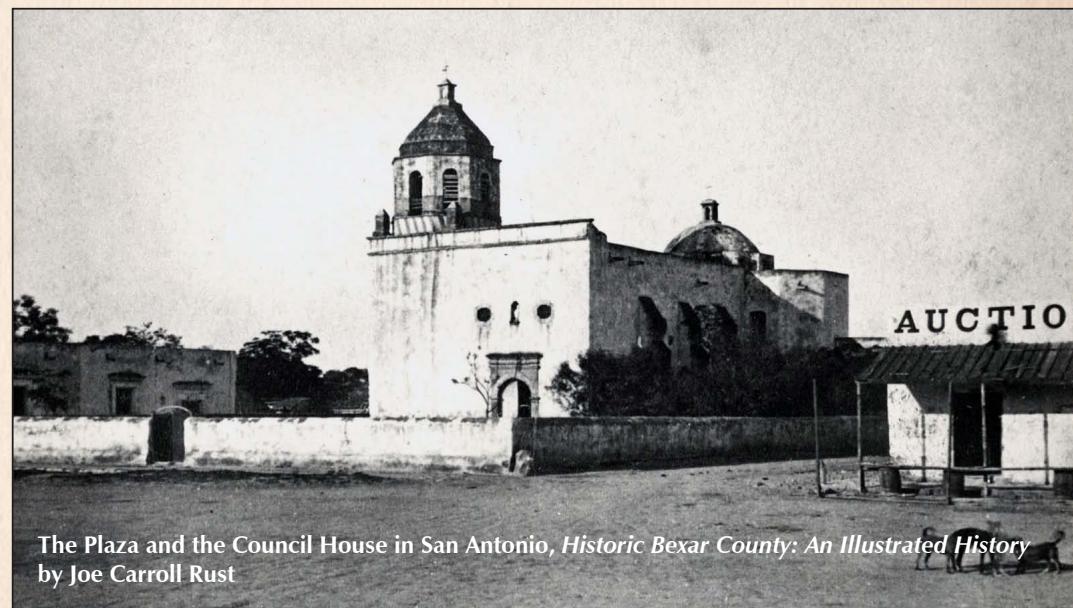
and proceeded to brutally torture and murder thirteen of the sixteen remaining Texan and Mexican hostages, including Matilda Lockhart’s six-year-old sister. They suffered unspeakable cruelties and tortures. Only three Texan captives were spared, having been adopted into the tribe. By Comanche custom, they were truly part of the tribe. This torture and murder of the remaining Texan hostages was only a part of the Comanche “answer” to what they considered the Texans’ breaking of the truce.

The Texans did not retaliate on the captives they held. Instead, the captives were put into the calaboose, where the people in San Antonio went to see them. “The Indians expected to be killed, and they did not understand nor trust the kindness which was shown them and the great pity manifested toward them. They were first removed to San Jose Mission, where a company of soldiers was stationed, and afterwards were taken to Camp Cook, at the head of the river, and strictly guarded for a time. Later, the strictness was relaxed, and gradually all escaped and returned to their tribe except for a few who were exchanged. They were kindly treated,

and two or three of them were taken into families as domestics, . . . but they too, at last, silently stole away to their ancient freedom.”⁷⁶

The Council House Fight outraged both the Texans and the Comanches. It was a classic and tragic failure of two diverse cultures to communicate and understand each other. The Comanches would not agree to settle down and become farmers. In the words of Muk-wah-ruh, “the Indians were not made to work. If they build houses and try to live like white men, they will all die. We have set up our lodges in these groves and swung our children from these boughs since time immemorial. When game beats away from us we pull down our lodges and move away, leaving no trace to frighten it, and in a little while it comes back. But the white man comes and cuts down the trees, building houses and fences, and the buffaloes get frightened and leave and never come back, and the Indians are left to starve, or, if we follow the game, we trespass on the hunting ground of other tribes and war ensues.”⁷⁷

The Comanches’ proposed solution? “If the white men would draw



The Plaza and the Council House in San Antonio, *Historic Bexar County: An Illustrated History* by Joe Carroll Rust

⁷¹ SAM & BESS WOOLFORD, *THE SAN ANTONIO STORY* 57 (Steck Co. 1950).

⁷² *Id.*

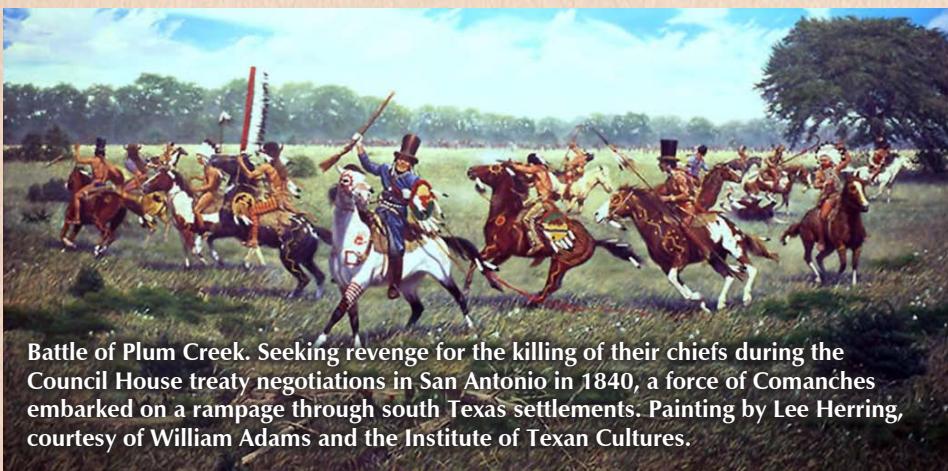
⁷³ *MEMOIRS OF MARY A. MAVERICK* 37 (Rena Maverick Green, ed., Alamo Printing Co. 1921).

⁷⁴ William E. Bard, *Redd, William Davis*, HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/fre11) (last visited May 18, 2013).

⁷⁵ *MEMOIRS OF MARY A. MAVERICK* 37 (Rena Maverick Green, ed., Alamo Printing Co. 1921).

⁷⁶ *MEMOIRS OF MARY A. MAVERICK* 31 (Rena Maverick Green, ed., Alamo Printing Co. 1921).

⁷⁷ H.W. BRANDS, *LONE STAR NATION* 490 (New York 2004).



Battle of Plum Creek. Seeking revenge for the killing of their chiefs during the Council House treaty negotiations in San Antonio in 1840, a force of Comanches embarked on a rampage through south Texas settlements. Painting by Lee Herring, courtesy of William Adams and the Institute of Texan Cultures.

a line defining their claims and keep on their side of it, the red men would not molest them.”⁷⁸ The Comanches considered their chiefs and warriors to be ambassadors of a sort — immune from deadly force. The Texans considered the Comanche chiefs and warriors to be in control of their various tribes, and they failed to comprehend that many of the “captives” wanted to remain with the Comanches and had no desire to return to the life of a frontiersman.

Although sympathetic, President Houston knew that if he could not convince the legislature to accept a treaty with the Cherokees, he would never be able to convince them to accept a treaty with the Comanches. He said, “[I]f I could build a wall from the Red River to the Rio Grande, so high that no Indian could scale it, the white people would go crazy trying to devise means to get beyond it.”⁷⁹

Meanwhile, in the ordinary administration of the criminal justice system, there were many whippings that month for felony indictments but only one resulting in branding. The two defendants were found guilty of grand larceny and sentenced to thirty-nine lashes on the bare back, and then a few days later had the letter “T” branded on their right hands to designate “thief.”⁸⁰

Retaliatory Raids

As much as the Texans were shocked by Indian depredations, kidnapping, torture, and other atrocities, the Comanches were equally shocked and disgusted by the actions of the Texans at the Council House Fight. They had successfully negotiated with the Spanish and Mexican governments for ransoms for kidnapped citizens, and they always got away with offering them up one by one. This was different. They viewed the Council and white flag as sacred, and believed that the terms of the Council had been violated — an unthinkable and unforgivable insult.⁸¹ The Texan officers believed that they were the ones who had been misled, but they had given considerable forethought to what would happen if all of the captives were not delivered. Some have called it a serious tactical error for Muk-wahruh to lead the chiefs, warriors, women, and children into San Antonio without knowing that he and his fellow chiefs and warriors might have to fight 200+ armed soldiers to the death.

The Council House Fight sparked a series of reciprocal raids ravaging the towns of the Texans and the camps of the Comanches, resulting in many deaths on both sides. In addition to the torture and murder of the remaining Texan hostages, Chief Buffalo Hump

launched the “Great Raid of 1840,” leading an estimated 500+ Comanche warriors (and their families) on raids against Texan villages throughout the Guadalupe River Valley. They sacked the town of Victoria and then sacked and burned the town of Linnville to the ground, killing at least twenty-three Texans in the process, with many others being taken prisoner. Caught with no arms and no defenses, the people of the town took to the water and swam to nearby sailboats and a steamer.⁸² There, they watched the burning, destruction, and looting of their town. The town was never rebuilt, and most of the remaining citizens moved to present-day Port Lavaca.⁸³

Ironically, in the sacking of Linnville, the Mavericks lost many household effects that were *en route* on a ship from New Orleans. Among other things lost was a set of law books for Mr. Maverick. The law books were tacked to the Comanches’ saddle-bows and then used as cigarette papers. As William Corner has said, “This shows how little respect the Indians had for Blackstone and the law.”⁸⁴

The Texan militia responded with help from the friendly Tonkawas, leading to the Battle of Plum Creek, near Lockhart. On August 11, 1840, the Comanches, outnumbering the Texans and Tonkawas more than three to one, were decisively defeated. The Comanches sported war paint and clothing stolen from Linnville. Some of the warriors were described as looking “ludicrous — with stove hats, stolen shoes and coats worn backward.”⁸⁵ The Comanche dead numbered about 80, while there was not a single loss of life by the Texan soldiers or the Tonkawas, who were helping the Texans. There were only a few Texans wounded, all of whom recovered.⁸⁶ The Comanches killed several of their Victoria and Linnville captives, tying them to trees and shooting them with arrows. One of the women captives who survived did so because

⁷⁸ H.W. BRANDS, LONE STAR NATION 490 (New York 2004).

⁷⁹ *Id.*

⁸⁰ ELTON R. CUDE, THE FREE AND WILD DUKEDOM OF BEXAR 6 (Munguia Printers 1978).

⁸¹ STANLEY NOYES, LOS COMANCHES: THE HORSE PEOPLE 1751-1845 (Univ. of N. M. Press 1994).

⁸² STEPHEN MOORE, SAVAGE FRONTIER, VOL. 3 at 88 (Univ. of N. Tex. Press 2007).

⁸³ JUDY ALTER, MIRABEAU B. LAMAR, SECOND PRESIDENT OF TEXAS 48 (Abilene 2005).

⁸⁴ WILLIAM CORNER, SAN ANTONIO DE BEXAR, A GUIDE AND HISTORY 104 (Bainbridge & Corner 1890).

⁸⁵ STEPHEN MOORE, SAVAGE FRONTIER, VOL. 3 (Univ. of N. Tex. Press 2007).

⁸⁶ NOAH SMITHWICK, THE EVOLUTION OF A STATE OR RECOLLECTIONS OF OLD TEXAS DAYS 184 (Univ. of Tex. Press 1994).

she was wearing a whalebone corset. Unable to figure out how to get her out of the corset, the Comanches fastened her to a tree and shot her with an arrow at close range. The corset blunted the arrow that was intended to kill her.⁸⁷

Reverend Zachariah Morrell marveled at some of the participants in the hand-to-hand combat, the shootout, and the talk around the campfires that night:

Men and boys of every variety of character composed that noisy crowd, that was busily engaged all night long talking of the transactions of the previous eventful days. Here were three Baptist preachers . . . , all in the fight, with doctors, lawyers, merchants and farmers.⁸⁸

The defeat at Plum Creek was disastrous for the Comanches, with many chiefs and warriors killed and so few Texans wounded. Two thousand horses and mules were captured. After much debate, the Comanches were pursued into Indian Territory. The Texan forces caught up with the Comanches near the Red Fork of the Colorado River, close to present-day Colorado City. This time, the Texans were assisted by the Lipan Indians. Over 140 warriors and chiefs were killed, and 34 were captured.⁸⁹ Two Texans were slightly wounded and were able to make the 300-mile trek back to Austin. The Southern Comanche Nation was essentially decimated, never again to bring a serious threat to the Texans, although they did make occasional raids on Mexican settlers.

At Red Fork, the Comanches were caught by surprise. Some 130 Comanches were killed, and again, no effort was made to distinguish between age or gender. The Comanches had spared neither in their raids.⁹⁰ Thirty-four women and children were taken prisoner.⁹¹ With this "victory," President Lamar was satisfied,

and that year the Penateka Comanches would make no more raids on the Texan settlements.⁹²

The power of the Southern Comanches was broken, with Lamar spending \$2.5 million the Republic did not have, and the Indian "problem" was mostly over.⁹³ Occasional raids by small groups of Comanches were met by Texas Ranger Jack Hays. Hays and his Rangers also scouted the Hill Country for Comanches who led raids on towns. In one such battle in Kendall County, Hays and 14 Rangers encountered 200 Comanches led by Yellow Wolf. At what became known as the Battle of Walker's Creek, the fifteen-member company of Rangers routed the Comanches. This was the first time an entire company of Rangers used Colt repeating revolvers in combat. A Comanche who took part in the battle complained that the Rangers "had a shot for every finger on the hand."⁹⁴

While the 5-shot Colt was highly effective, Hays sent fellow ranger Samuel Walker to personally meet with Samuel Colt to make some suggestions about the pistols then in use. Colt began selling a new improved Colt pistol — the Colt "Walker" brand of pistol — a 6-shooter easier to reload while on horseback. The results were devastating for the Comanches. After one encounter, Hays recounted that "the Indians . . . fought at great disadvantage but continued to struggle to the last, keeping up with their war songs until all were hushed in death."⁹⁵ In describing Hays, a Lipan chief remarked, "Me and Red Wing not afraid to go to Hell together. Captain Jack heap brave — not afraid to go to hell by himself."⁹⁶

The lesson was learned. The Comanches learned that fighting against the Texans, especially Texas Rangers armed with Colt revolvers, was bad medicine. The Comanche raids slowed



In response to the Council House Fight events, Chief Buffalo Hump led a retaliatory attack down the Guadalupe valley east and south of Gonzales. Photo courtesy of Huffman, Miles, Mont.

dramatically, with fewer raids and capture of hostages.⁹⁷ However, Buffalo Hump continued to fight against Texan settlement of Comanche hunting grounds and began negotiations with Sam Houston, re-elected as President of the Republic in 1841, for a treaty. Both sides were absolutely exhausted by the continued war. Buffalo Hump had several personal meetings with President Houston, who knew that neither the Texas Legislature nor the settlers in Texas would agree to stay away from the areas that the Comanches claimed as their ancient hunting grounds. As a result, the Comanches and Texans continued their sporadic, reciprocal attacks on each other.

After Texas achieved statehood in 1845, Buffalo Hump continued

⁸⁷ T.R. FEHRENBACH, LONE STAR 462 (Am. Legacy Press 1968).

⁸⁸ Z.N. MORRELL, FLOWERS AND FRUITS OF THE WILDERNESS 66 (Eakin Press 1999).

⁸⁹ STEPHEN MOORE, SAVAGE FRONTIER, VOL. 3 at 154 (Univ. of N. Tex. Press 2007).

⁹⁰ T.R. FEHRENBACH, LONE STAR 463 (Am. Legacy Press 1968).

⁹¹ W.W. NEWCOMB, JR., THE INDIANS OF TEXAS 350 (Univ. of Tex. Press 1961).

⁹² T.R. FEHRENBACH, COMANCHES, THE DESTRUCTION OF A PEOPLE 348 (Alfred A. Knopf, Inc. 1974).

⁹³ T.R. FEHRENBACH, LONE STAR 464 (Am. Legacy Press 1968).

⁹⁴ Thomas W. Cutrer, *Walker's Creek, Battle Of*, HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/btw02) (last visited May 18, 2013).

⁹⁵ WALTER PRESCOTT WEBB, THE TEXAS RANGERS 65 (Univ. of Tex. Press 1982).

⁹⁶ *Id.*

⁹⁷ GREGORY & SUSAN MICHNO, A FATE WORSE THAN DEATH: INDIAN CAPTIVITIES IN THE WEST, 1830-1885 (Claxton Press 2007).

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negotiations with the United States, which "inherited" the Indian problem after annexation. He personally met again with Sam Houston, who was then the United States Senator from Texas, but without success. In response to continued raids by the Comanches, the Texas Rangers continued to strike at Penateka camps. The Comanches remained defiant. Another treaty was reached in May 1846, at which Buffalo Hump led a Comanche delegation at Tehuacana Creek (also called Council Springs, near present-day Mexia in Limestone County), and signed a treaty with the United States.⁹⁸ This had been the site of previous treaty meetings, resulting in treaties not honored by either side. Buffalo Hump finally concluded that it would be better for his people if they dealt peacefully with what was by then the United States government.

Ravaged again by smallpox and cholera in 1848, the Comanches signed another treaty with the United States. By 1850, the Southern Comanches were considered to be a defeated people, no longer the strong, proud warriors they had been. Reservations were set aside for the Comanches and other tribes, but this would not last long. Raids continued through 1858. In 1859, Buffalo Hump moved with his remaining followers to the Kiowa-Comanche reservation near Fort Cobb in Indian Territory. He humbly asked for and received a house and farmland so that he could set an example for his people, although it was vastly different from the traditional life of the Comanche.⁹⁹ Most Comanches and other tribes were relocated to Indian Territory near Fort

Cobb, under escort by the United States Cavalry and Infantry. It was not until 1875 that most of the conflicts ended.¹⁰⁰

After 1846, there were periods of time of uneasy peace between the Texans and the various bands of Indian tribes, but there were also times of bloody chaos. The Northern bands of Comanche (most notably the Quahadis) on the Llano Estacado and high Texas Plains remained defiant and the most warlike of the tribes. Buffalo hunters were moving in, and the tribes eventually entered into treaties as a result of hunger and relentless pressure from the United States Cavalry. As recounted in S.C. Gwynne's book *Empire of the Summer Moon* (Scribner 2010), Quanah Parker — whose father was a noted war chief of the Naconi band of the Comanches, and whose mother was Cynthia Parker, an Anglo girl captured by Comanches in about 1836 at the age of about twelve — was instrumental in finally reaching peace accords with the United States.



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⁹⁸ W.W. NEWCOMB, JR., THE INDIANS OF TEXAS FROM PREHISTORIC TO MODERN TIMES 352 (Univ. of Tex. Press 1961).

⁹⁹ Jodye Lynn Dickson Schilz, *Buffalo Hump*, HANDBOOK OF TEXAS ONLINE (www.tshaonline.org/handbook/online/articles/fbu12) (last visited May 18, 2013).

¹⁰⁰ W.W. NEWCOMB, JR., THE INDIANS OF TEXAS FROM PREHISTORIC TO MODERN TIMES 361-62 (Univ. of Tex. Press 1961).

