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## **Origins of Boss Rule in Starr County**

### **Preface**

The Texas history I learned in school was so glorious and so alien to me. The events and the personalities in these accounts were so much bigger than life yet so distant and surreal and this in spite of being a descendant of one of the families that settled in South Texas in 1748. Real Texans came from Tennessee and they brought with them energy, know-how and democracy while we did nothing of value. We were just here. Later, in college, history courses became more interesting with more discussions and more challenges, yet it was still alien. Some Hispanic names were mentioned, Juan Seguin who actually fought at San Jacinto, Lorenzo de Zavala, interim vice president of the Republic of Texas and a few others, but nothing really specific other than they were on the Texian side of the conflict. Some of the books even mentioned that many *Tejanos* joined the Anglos in their fight for independence, but it was more of an after thought stated to show inclusion and highlight the evilness of Santa Anna without delving into the *Tejano* motives or visions of their future. And though over half of the names of places in the state, including the name of the state itself, were in Spanish, we remained on the periphery and were not included in its history.

Between the Nueces River and the Rio Grande River, the area where my family settled, the situation, as far as being included in its history, was even worse than north of

the Nueces. We were not just on the periphery of its history; we weren't even seen. The Republic of Texas considered this land to be a "No Man's Land." From the Texas aspect this was true. This area was never considered by Spain or Mexico to be part of Texas, but of Tamaulipas. The Republic of Texas claimed it as a buffer zone and as such its inhabitants were subjected to unrelenting violence for over a century.

Almost all accounts of incidents or events of this era written in English depict the Hispanic residents as a mindless mob or, at best, exploited, ignorant peasants. This has been repeated so often for so long it has become engrained in our psychic and assumed true. Later historians, like David Montejano, have done a much better job in presenting not just a more accurate account of events but also a better analysis of the forces they came into play. Yet, I had a nagging question with no satisfying answer. In parallel settlements with settlers with very similar characteristics, why did one prosper and the other fail? Of course bias is a factor, but that is not the only reason and it may not even be the major factor in this outcome. However, this will not be a harangue on the bias of the media or even a study on the source of this bias whether it was done to justify actions of heroes or part of the baggage that comes with knowing the English language, but an effort to draw a true image of the era by filtering the known bias. Not only the account but also the tone of the account must be questioned and verified.

Neither glorious nor pathetic, this is an episode of the struggles of an all but forgotten people, remembered with a start and then with all the freshness of a recrudescing dream. No myths, no legends just the story of frontier families doing ordinary tasks under extraordinary circumstances in the forging of the Texas frontier, but it is our history and it's worth telling.

## Origins of Boss Rule in Starr County

### Introduction

On January 27, 1907, Gregorio Duffy, the unsuccessful candidate for sheriff, was gunned down in a saloon by the elected sheriff and his two deputies. This killing, the most notorious murder in the history of Rio Grande City, was far more than just a barroom fight, but a fitting culmination for an extremely violent county election that had impact far beyond its boundaries. This election that began with the murder of Judge Stanley Welch on its eve and saw the killing of four unidentified Mexicans by the Texas Rangers before the count of the ballots was complete, defined South Texas for generations. The Starr County Election of 1906 marks the violent and painful transition to Boss Rule.

The standard explanation for the development of Boss Rule in South Texas in general and in Starr County in particular is that this was the natural outcome of a long period of instability and violence on a largely peasant class already used to the *patrón* system. The American takeover of this territory was simply a change of management of an already established governing structure. A close examination shows that this explanation isn't only inadequate; it simply doesn't make sense for several reasons. Firstly, the *patrón* system, like the boss rule, requires a large, poor laboring class and this condition did not exist in the labor-short frontier. Secondly, families that settle the

frontier have strikingly similar characteristics. By the very nature of their enterprise, these families must be resourceful, self-reliant, independent and ambitious and this is true regardless of their origin. Wealthy, prosperous and contented people do not venture to the frontier. Indeed, in Starr County, a long established social order composed of independent frontier families offered considerable organized political resistance, almost to the point of insurrection, to the establishment of the Jim Wells Democratic patronage-based, political machine system.

Boss rule doesn't just happen. It is not a cultural phenomenon. It can develop only under the right economic environment: concentration of wealth in an oligarchy and a large laboring class. However poverty did come and boss rule did develop in Starr County. To understand the origins of boss rule in the county, we need to know the source that created conditions for its development.

While this study will not be the definitive work on the history of Starr County, perhaps it will present a new viewpoint and perhaps spur renewed interest in studying these pioneers.

## Early Settlers

Blas María de la Garza Falcón and forty families from Nuevo Leon already lived in the area when José de Escandón founded Camargo, the first settlement of Nuevo Santander just south of the river from present day Rio Grande City, on March 5, 1749. In 1750, simultaneously, but independently of Escandón, José Vázquez Borrego moved twenty-three families from Coahuila to found Nuestra Señora de los Dolores Hacienda close to the present day location of San Ygnacio in Zapata County. However, it was

Escandón's meticulous execution of his well thought-out plan that led to the success of one of the most ambitious colonization efforts in the New World.

Nuevo Santander encompassed the present day state of Tamaulipas, part of Nuevo Leon and the southern part of present day Texas to the Nueces River. Between 1748 and 1755, twenty-four settlements were established along the Rio Grande River with Laredo being one of the two municipalities on the north side of the river. While the major municipalities were south of the Rio Grande River, the region between the Rio Grande and the Nueces was not devoid of population. Intrepid stockmen pushed north for grazing land in spite of hostile Indians. In 1753, Garza Falcón established Carnestolendas, a *ranchería* on the north side of the river that would eventually become Rio Grande City, and an *estancia* (big ranch), Santa Petrolina "five leagues" south of Corpus Christi Bay.<sup>1</sup> In the 1820's, descendents of the founding settlers pushed north to stake their claims. By 1833 there were 356 ranches in this area.<sup>2</sup> It should be noted that Spain and later Mexico never considered the region between the Nueces and the Rio Grande to be part of Texas, but of Tamaulipas. This area was claimed by the Republic of Texas to serve as a buffer zone between itself and Mexico and later by the United States because of the navigable Rio Grande. All censuses and statistics pertaining to Texas taken prior to the Mexican War included neither the population nor the product of this region. It should also be noted that for the most part the census did not include the

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<sup>1</sup> *Handbook of Texas Online*, s.v. "," <http://www.tsha.utexas.edu/handbook/online/articles/GG/fga66.html> (accessed September 10, 2006).

<sup>2</sup> Andrés Tijerina, *Tejanos & Texas Under the Mexican Flag, 1821-1836* (College Station: Texas A&M University Press, 1994) p. 18

people who lived in ranches.<sup>3</sup> While not densely populated, this region was not vacant at the start of the Mexican War.

Escandón knew that the success of the colonization effort depended on providing a measure of security against the “barbarous” Indians and providing a way for settlers to take their product to market. This could only be done by founding a string of colonies from Laredo to the mouth of the navigable Rio Bravo<sup>4</sup> with settlers that could defend themselves--every citizen a soldier and every soldier a citizen—and close enough to help each other.<sup>5</sup> Escandón’s settlers were frontier families, most of them were families of former Spanish soldiers from Cerralvo and typically were not wealthy, but they all knew and were part of the economic system that brought them there and they were far too independent to play the part of the landless laboring class. Spanish frontier families already had a long tradition of self-reliance, self-rule and independence from central authority dating back to the time of the “*reconquista*.” The settlers on the frontier were not peasants.

Nuevo Santander prospered. By the end of the 18<sup>th</sup> Century, the colony had a population of over 30,000 persons far outpacing settlements in Texas north of the Nueces River. While there was some farming, ranching was the primary basis of the economy for Nuevo Santander reporting impressive numbers of *ganado mayor* (cattle) and *ganado*

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<sup>3</sup> Tijerina. p.17

<sup>4</sup> The Rio Grande River is known as the Rio Bravo in Mexico.

<sup>5</sup> Juan José Gallegos, “Last Drop of My Blood” *Col. Antonio Zapata: A Life and Times on Mexico’s Rio Grande Frontier*, A Master Thesis Presented to The Faculty of the Department of History University of Houston, December 2005 p. 10

*menor* (sheep and goats) and horses at the start of the 19<sup>th</sup> Century.<sup>6</sup> Little did Escandón realize that the very characteristics needed in settlers to successfully colonize the frontier would be the ones that would tear the country apart in the following century. The ranching economy that developed in the labor-short frontier was in direct conflict with the seigneurial economy that developed in the interior with its high density of peasant population. The self-reliant settlers on the frontier preferred a decentralized form of government.<sup>7</sup>

The promise that was Nuevo Santander at the start of the Nineteenth Century was not to be. Some blame Spain's lack of investment in developing ports and transportation systems on the frontier for the failure. Spain's lack in investment in its colonies is true. In fact, at that time the Spanish government was draining its colonies of its resources to offset the huge war debt it had accumulated fighting for and against Napoleon. Spain was bankrupt. While this is undoubtedly a factor, the real reason is far more basic. By that time Nuevo Santander was large enough and mature enough to continue prospering from its own momentum. These independent and resourceful settlers would have found a way to get their product to market without outside investment if things had progressed normally, but things did not progress normally. Perhaps over a hundred years of almost continuous warfare was a factor in its impediment.

## Over a Century of War

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<sup>6</sup> *Handbook of Texas Online*, s.v. "," <http://www.tsha.utexas.edu/handbook/online/articles/NN/usnue.html> (accessed September 10, 2006).

<sup>7</sup> See Attachment A for a description of local government on the frontier.

On September 16, 1810, Miguel Hidalgo, a parish priest, started Mexico on its path to independence. It was a long, destructive and disjointed struggle that culminated with a whimper of a coup rather than the bang of a decisive battle. The final result was the creation of a nation without a treasury and without a cohesive national identity.

Most historians minimize or totally deny the effect of this war on the settlers on the Texas frontier. The Mexican War of Independence had a tremendous negative impact on the Texas/Nuevo Santander frontier. Hidalgo quickly turned to the frontier for support and to seek aid from the United States. A local insurgent army rose and unseated the royalist governor followed by a local counter-insurgency army that re-instated the royalist governor. Even more destructive than the initial battles was the closely related Gutiérrez-Magee Expedition of 1812. José Bernardo Gutiérrez de Lara was in the United States seeking aid for the Revolution when Hidalgo was captured and executed. He continued to seek support and returned to Texas to establish a republic. After initial successes, the new republic was crushed at the bloodiest encounter ever fought in Texas, the Battle of Medina just south of San Antonio. Over 1200 citizen soldiers were killed that day. More were killed in this one battle than all the battles of the War for Texas Independence. Over 2000 people lost their lives in this expedition. The estimated population of Texas in 1810 was less than 5000 persons.<sup>8</sup> “Decimated” is not a strong enough word to describe this disaster. Almost half of the population was lost. The Mexican War of Independence had a huge impact on Texas. It was not just an isolated event that occurred in central Mexico; it was a maelstrom that affected the whole country

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<sup>8</sup> *Handbook of Texas Online*, s.v. "," <http://www.tsha.utexas.edu/handbook/online/articles/SS/nps1.html> (accessed July 31, 2007). This does not include the population of Nuevo Santander with its much larger population of over 30,000 people.

including those living on the periphery if not directly from the actual fighting from the creation an environment that invited invasion.

Carmargo, just south of the river from present day Rio Grande City, was the primary municipality and thus the seat of government for the region that was to become Starr County. Of course the region was cut off from its governing body when the Rio Grande River became an international boundary. On August 7, 1848, the newly formed Starr County held its first election to fill twenty offices. Of the twenty officials elected only five were Hispanic and all of those in lower positions.<sup>9</sup> The implied, but never formally established English language requirement for qualification eliminated most of the natural leaders in the community from holding office. Most of the Anglos elected to office were Mexican War veterans and adventurers who stayed behind to make their fortune and the only qualification they needed to hold office was to know English. This domination by Anglos in government in Starr County lasted for over fifty years. It was not until the beginning of the Twentieth Century that a mere majority of the office holders in Starr County were Hispanic and this in a county that is still over 95% Hispanic. Of course, many of the Anglo office holders married locally and became “Mexicanized” and even converted to Catholicism, however this did not change the aspect, especially at the beginning that this was indeed a government of occupation.

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<sup>9</sup> Election Return Report. The Texas State Archives, RG 307 Starr County, Series 84.

The *Tejanos* in Starr County were even more leery of the state government that they felt never really held jurisdiction over the region and was particularly hostile to Mexicans. The Republic of Texas had passed laws to confiscate the property of anyone that had not actively supported the Texians in the war against Santa Anna and that included those who had remained neutral. Since the region between the Nueces and the Rio Grande was not even part of Texas, the *Tejano* ranchers felt particularly vulnerable to that edict even though, in reality, they knew vengeance had been exacted quite indiscriminately from all Mexicans including Juan Seguin without the need of invoking the law. Texas also had a law that forbade ownership of land in Texas by any aliens and that meant Mexicans. This feeling of alienation gave birth to a brief separatist movement with a group proposing to form a new state out of this region totally independent from the rest of Texas. Governor Peter H. Bell, not wanting to risk having a border with a “free” state, immediately moved to show good faith to the Mexican people by forming a commission to quickly adjudicate land grants in the region. On July 15, 1850, William H. Bourland, James B. Miller and attorney Robert Jones Rivers open an office in Laredo to start validating land titles. Only after assurances by the county clerk, Hamilton P. Bee of the good intent of the commission, did a few Laredoans submit claims. However, the reception at their next stop, Rio Grande City was so hostile that Rivers resigned from the commission and Miller swore never to return to Rio Grande City. Not a single rancher from Starr County submitted a claim to the commission.<sup>10</sup> Miller had better success in Brownsville, but unfortunately the ship he took from Port Isabel to Galveston on his trip

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<sup>10</sup> Los Tejanos Website. [http://www.los-tejanos.com/images/doc\\_18xx-89/doc\\_land\\_grant\\_1852-1a.jpg](http://www.los-tejanos.com/images/doc_18xx-89/doc_land_grant_1852-1a.jpg) Though the land grant of Antonio García was registered under the authority granted by the legislature in February 1852, it was not validated until July 22, 1880 by Governor Orlan Milo Roberts.

to Austin sank. Miller was rescued, but he lost his trunk with the original titles and about \$800 in processing fees from claimants.<sup>11</sup> This loss, whether true or contrived, confirmed *Tejano* suspicion that this was indeed a government of occupation without any legitimacy.

While *Tejanos* in Starr County may have had issues with the executive side of local government, they did not have it with the judicial side. It was almost like the judicial part of government was a completely independent entity that could be trusted. No doubt that one of the factors that made the judicial system accessible was that the court was bilingual with all documents presented in both Spanish and English. And the citizens of Starr County did access the courts extensively to settle all kinds of clashes from cattle rustling to minor labor disputes.<sup>12</sup> There is even a case where a laborer, Agaton Casas sued an influential landowner, Enemecio Pérez, for redress for work done at his ranch. In the suit, he further complains that the owner “expelled him from his premises without sufficient” cause.<sup>13</sup> The Juan Garza vs. Enemecio Pérez case was a much more serious. In 1877 Juan Garza accused Enemecio Pérez of stealing cattle, goats and sheep from him. The case dragged for years and was finally settled in 1882 with the acquittal of Pérez. He then explored the possibility of recovering at least a portion of the cost of his defense. An interesting case is the Higinio Solis vs. Claudio Solis suit that was finally settled by the Texas Supreme Court in 1886. In this case the court appointed

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<sup>11</sup> *Handbook of Texas Online*, s.v. "," <http://www.tsha.utexas.edu/handbook/online/articles/MM/pqmck.html> (accessed February 27, 2007).

<sup>12</sup> *Los Tejanos* Website: <http://www.los-tejanos.com/documents.htm> Documents 18xx-1889 and Documents 1890-1899

<sup>13</sup> *Los Tejanos* Website: [http://www.los-tejanos.com/documents\\_a.htm](http://www.los-tejanos.com/documents_a.htm) doc\_23may1878-1

Enemecio Pérez to take possession and safe keep the property listed to enforce award arbitration filed in Mier, Mexico.

A far more personal and painful case for Enemecio Pérez was the lawsuit brought against him by his daughter Timotea in a dispute that had started twenty years earlier. Timotea did not elope. In 1881 she left her father's house to marry at her aunt's house (Enemecio's sister) without her father's blessing or approval. In leaving, Enemecio notes in his journal, Timotea did some damages to spite him then charged for building materials and other things without his approval. The amount of damages and unauthorized expenditures totaled to 613 pesos in Mexican money and 40 dollars in American money.<sup>14</sup> He notes, to be fair with his two other children this amount would be paid out of her share of the inheritance. In 1902, Timotea sued her father for her maternal inheritance and won. Enemecio paid his daughter through her lawyer and immediately drew a new will disinheriting his only daughter.<sup>15</sup>

These cases show that not only was the court system accessible to everyone, including women, regardless of social strata, but also that the system was not that different from what it was when the region was part of Tamaulipas rather than Texas. This is further attested by the participation of lawyers on both sides of the border in courts on both sides of the border.<sup>16</sup> It is obvious that there was no abrupt, radical change in jurisprudence even with the abrupt change in nationality. The system of laws simply evolved over a period of time.

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<sup>14</sup> *Los Tejanos* Website: [http://www.los-tejanos.com/documents\\_a.htm](http://www.los-tejanos.com/documents_a.htm) doc\_journal188X

<sup>15</sup> *Los Tejanos* Website: [http://www.los-tejanos.com/documents\\_c.htm](http://www.los-tejanos.com/documents_c.htm) Doc\_20nov1902

<sup>16</sup> *Los Tejanos* Website: [http://www.los-tejanos.com/documents\\_a.htm](http://www.los-tejanos.com/documents_a.htm) doc\_consul\_let\_1877

## Labor Shortage on the Frontier

The most vexing problem for the economic development of the frontier was the shortage of workers especially for the labor-intensive cotton industry. Personally, Austin did not like the “demoralizing influence of slavery,” but he felt it was absolutely needed for the cotton industry and the key to prosperity of the Coahuila y Texas.<sup>17</sup> In fact, he believed in the need enough that he contracted to give settlers an additional eighty acres for each bondsman they brought with them.<sup>18</sup>

Most Mexican statesmen, both liberal and conservative, opposed slavery. Upon hearing Austin’s business plan one of the statesmen is quoted as having said, “God forbid the payment of such a price for prosperity.”<sup>19</sup> It is difficult to determine if the Mexican statesmen would have kept the moral high ground on the slavery issue if the institution had been a viable solution for their labor shortages. It was for the cotton industry in east Texas and, in spite of the restrictions, the slave population in Texas grew from 443 in 1825 to around 5000 in 1836. After winning independence from Mexico, the slave population grew rapidly to 58,161 in 1850 and 182,566 in 1860, about 30% of the total population, with most of the slaves concentrated in east Texas where over 60% of the population was slave.<sup>20</sup> While not the only issue there is no doubt that the slavery

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<sup>17</sup> Tijerina, p. 115

<sup>18</sup> *Handbook of Texas Online*, s.v. "," <http://www.tsha.utexas.edu/handbook/online/articles/SS/yps1.html> (accessed September 30, 2006).

<sup>19</sup> Tijerina, p. 116

<sup>20</sup> *Handbook of Texas Online*, s.v. "," <http://www.tsha.utexas.edu/handbook/online/articles/SS/yps1.html> (accessed September 30, 2006).

question was a major factor in the Texian's decision to break away from a government bent on its abolition.

The great influx of bondsmen combined with the growing number of disenfranchised persons after Texas independence alleviated the labor shortage problem in East Texas, but in Starr County the shortage existed well into the late Nineteenth Century. In his journals Enemecio Pérez documents the numerous contracts for specific labor on his ranches.<sup>21</sup> One of these contracts was with Agaton Casas who later sued Enemecio Pérez for breach of contract. These contracts, probably with neighbors of the ranches, would not be necessary in a labor surplus environment.

The duality of purpose was never more evident than when Santa Anna was defeated at San Jacinto and thus Texas won its independence. Both the Tejanos and the Anglos who fought Santa Anna sought to establish a federal form of government, but their vision for its implementation was quite distinct. It was soon clear that Anglos, especially those who had answered the call from out of state and had volunteered to fight for freedom, had no intention of sharing the benefits of citizenship with Tejanos. Initially the wrath against Tejanos was motivated by revenge for the Alamo and Goliad with many Mexicans forced out of their homes and whole settlements, like Goliad itself were completely razed, but later, well past the heat of the moment, the purge of Tejanos became systematic and fed more by bias and avarice than passion.<sup>22</sup> This violence was not solely directed to the poorer Mexicans who were the easier target, but to wealthier

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<sup>21</sup> *Los Tejanos* Website: [www.los-tejanos.com/documents\\_a.htm](http://www.los-tejanos.com/documents_a.htm) Journal 1878-81 pages 5, 6, 8, 11, 13, 14, 15, 20, 25.

<sup>22</sup> David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986*, University of Texas Press, Austin, 1987. pp. 26-27

landowners who had more to lose. Juan Seguin, mayor of San Antonio, Captain in the Texan Army and a hero at San Jacinto, was forced to flee into Mexico in 1842 because of threats to him and his family.

The first few years after Texas independence can be defined as the period of the great land grab. Intimidation and threat of violence was openly recommended as a bargaining tool to get cheap prices for land. From 1837 to 1842, 13 American buyers had bought 1,368,574 acres from 358 Mexicans.<sup>23</sup> More significant than the number of acres bought, was the concentration of wealth into fewer hands. In these transactions 358 farms or ranches were reduced to 13 larger farms or ranches. American enterprise was creating landless peasants setting the stage for a signeural economy.

The wealthier Mexicans returned to their ranches and businesses in Mexico, the poorer ones, especially those who had been here more than a generation, lost everything and had nothing to return to in Mexico. In the 1850's Mexicans were expelled by law, from the cities of Austin and Seguin and the counties of Matagorda, Colorado and Uvalde.<sup>24</sup> A similar measure to expel Mexicans from San Antonio failed even though the Mexican population was now in the minority there, only because the German immigrants rejected the notion as undemocratic and unfair. In spite of a dramatic drop of the Mexican population in Texas, it was during this period that Mexican laborers suddenly appeared. Almost overnight there were Mexicans with their carts everywhere carrying

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<sup>23</sup> Montejano, p. 28

<sup>24</sup> Montejano. p. 28

cargo.<sup>25</sup> This is the first instance of signs of labor surplus in Texas in the form of landless Mexicans with carts for hire.

The *Tejano* cart haulers successfully built a business transporting cargo from Indianola to San Antonio and other cities in the interior doing so far more efficiently than their Anglo competitors. Anglo teamsters, resenting what they viewed as unfair competition, started a campaign of violence against their *Tejano* counterparts starting with sabotage of carts and slowly building up to the stealing of cargo and eventually murders. Local officials, reflecting the attitudes of their constituency toward Mexicans, especially those in east Texas, did not investigate these crimes very vigorously, if at all, and never apprehended anyone for any these crimes. The intensity and the frequency of violence against the carters escalated to the point that the *San Antonio Herald* and the *Austin Southern Intelligencer* warned that if the “Cart War” didn’t stop, prices on goods would climb. The *Intelligencer* further warned that if the law did not protect the “weak” race, the German immigrant would be next victim followed by another group and finally culminating in the chaos of a class war. The *Nueces Valley Weekly* of Corpus Christi expressed a more humanitarian concern for the Mexicans in spite of “the fact of their being low in the scale of intelligence.” It was not until the Mexican minister in Washington complained to Secretary of State Lewis Cass that enough pressure was put on Governor Elisha M. Pease to protect the carters with an armed escort. This was not a popular move by Governor Pease, especially in Karnes County. Most of the Anglos in East Texas viewed the Mexican as a pest and a bad moral influence on their slaves and

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<sup>25</sup> Montejano p. 29

hated seeing Mexican carters escorted by Anglo guards. The war subsided by December of 1857.<sup>26</sup>

South of the Nueces, there was a similar displacement of the Mexican population after the Mexican War, but it was not quite as universal and far more prolonged. Anglo dominance took a different form. The first Anglo settlers to this region were not really settlers, but adventurers and entrepreneurs. Most came with the United States Army during the Mexican War and remained to make their fortune. These individuals married locally and in the process became “Mexicanized,” fully adopting the culture of their new environment. The children, for most part, had Spanish given names to go along with their Anglo surnames. The more successful entrepreneurs, like Mifflin Kenedy and Henry Clay Davis, married into prominent, land owning Mexican families. Mifflin Kenedy married Petra Vela de Vidal; widow of Col. Luis Vidal and Henry Clay Davis married María Hilaria de la Garza, granddaughter of Francisco de la Garza Martinez. While both accumulated considerable land holdings they saw an opportunity not just in ranching or farming, but in the commerce afforded by the navigable Rio Grande that was now an international border.<sup>27</sup> This completely changed economic dynamics of the region. Kenedy and Richard King established a successful steamship line for trade along the Rio Grande that grew to a fleet of twenty-six ships and operated through the Civil

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<sup>26</sup> *Handbook of Texas Online*, s.v. "," <http://www.tsha.utexas.edu/handbook/online/articles/CC/jcc1.html> (accessed March 26, 2007).

<sup>27</sup> The Rio Grande was navigable by steam driven paddleboat for about 100 miles, from Brownsville to Roma, Texas.

War until 1874.<sup>28</sup> In 1847, Davis founded Davis Landing across from Camargo about a hundred miles up the river from Brownsville on the site of Rancho Carnestolendas that had been established in 1762.<sup>29</sup> Davis Landing was renamed Rio Grande City and became the county seat for Starr County in 1848.

A small, but influential set of Anglo settlers came to South Texas immediately after the Mexican War. These were lawyers who set up practice to disentangle land claims guaranteed by the Guadalupe Hidalgo Treaty. Though fluent in Spanish, these settlers, for the most part, did not fully adopt the culture of their new environment. Though James B. Wells did not move to Brownsville until 1878, he still can be considered as part of this group since he joined, as a law partner, the established Stephen Powers firm. With Wells marriage to Pauline Kleiber, Stephen Powers niece, in 1880, he joined the inner circle of leading Democratic families. Wells emerged as the regional Democratic leader with Stephen Power's death in 1882.<sup>30</sup>

This is also period when the mega land holdings like the King and Kenedy ranches begin to appear. Like in Texas north of the Nueces a decade earlier, there is a shift in wealth and power into fewer hands south of this river. The 356 ranches that existed in this region in 1833 dwindled in number drastically. The people who lived in the ranches absorbed by the super ranches were either killed, returned to Mexico or started working for the new owners. The economic environment changed and the

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<sup>28</sup> *Handbook of Texas Online*, s.v. "KENEDY, MIFFLIN," <http://www.tsha.utexas.edu/handbook/online/articles/view/KK/fke23.html> (accessed December 7, 2004).

<sup>29</sup> *Handbook of Texas Online*, s.v. "RIO GRANDE CITY, TX," <http://www.tsha.utexas.edu/handbook/online/articles/view/RR/hfr5.html> (accessed December 7, 2004).

<sup>30</sup> *Handbook of Texas Online*, s.v. "WELLS, JAMES BABBAGE, JR.," <http://www.tsha.utexas.edu/handbook/online/articles/view/WW/fwe22.html> (accessed December 7, 2004).

conditions needed for “Boss Rule” for most of South Texas set. However, the *Tejanos* in Starr County were able to keep their lands.

### **A Civil War within the Civil War**

On December 6, 1860, a number of Starr County citizens met in Rio Grande City to debate a course of action in the crisis brought on by the election of Abraham Lincoln. The arguments were well divided between the unionist and secessionists with the latter further divided between those who wanted to form an independent state and those who wanted to join the confederacy. They were not able to reach consensus on this issue, but agreed to support the state’s decision in this matter.<sup>31</sup> There was no urgency in finding a consensus. Like most people in the United States even this elite group of leaders did not grasp the gravity of the crisis nor envision the carnage that was to follow. They were probably more concerned with the Juan Nepomuceno Cortina whose army was at that moment camped out in Rio Grande City.

Angered by the pistol-whipping of a *Tejano* by Robert Shears, a Brownsville city marshal, Juan Nepomuceno Cortina shot the marshal and escaped with the prisoner. Two months later, on September 28, 1859, Cortina seized Brownsville with a band of forty to eighty angry *Tejanos*, killing five prominent citizens and the jailer. The standoff in Brownsville was finally broken through intercession of Mexican authorities in Matamoros who sent José María Carvajal to negotiate with Cortina. Cortina retreated to

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<sup>31</sup> Jerry D. Thompson and Lawrence T. Jones, III. *Civil War & Revolution on the Rio Grande Frontier: A Narrative and Photographic History*. (Austin: Texas State Historical Association 2004) p. 30

his ranch in Cameron County. On September 30, 1859, Cortina issued a proclamation demanding fairness and equality for Mexican-Americans. Tensions remained high with several military engagements with Cortina twice defeating the militia and Texas Ranger Companies. It was not until December 27, 1860 that Cortina was defeated by regular troops in Rio Grande City forcing him to flee into Mexico with the remnants of his small army. However, this was not the end of the Cortina War. In fact, the Cortina War should be viewed as the start the “Border Wars;” a war that started before the American Civil War and didn’t end until after World War I.

There was no debate in neighboring Zapata County. A few days after Christmas, Judge Isidro Vela called for a meeting of citizens, not to debate a course of action, but as a stage for a rallying cry for secession reflecting the conviction of a powerful clique headed by Henry Redmond.<sup>32</sup> The customs collector, Fenis Mussett spoke of the “felonious aggression of the Abolitionists of the North upon Southern institutions” and warned against “Black Republican rule.”<sup>33</sup> The sentiment to secede was not shared by the Hispanic majority in the county though not a single vote was registered against the ordinance for secession.<sup>34</sup> Of course, intimidation by armed poll watchers on top of Judge Vela’s orders that all pro-union voters be fined fifty cents and that all who didn’t show up to vote be arrested may have influenced the landslide outcome in favor of secession.<sup>35</sup>

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<sup>32</sup> Thompson. p. 34

<sup>33</sup> *Corpus Christi Ranchero*, Jan. 12, 1861 as quoted in Thompson. p. 30.

<sup>34</sup> *Handbook of Texas Online*, s.v. “,” <http://www.tsha.utexas.edu/handbook/online/articles/VV/fvepu.html> (accessed November 15, 2006).

<sup>35</sup> Thompson. p. 35

In Starr County there were only two votes against secession. Though the ordinance to dissolve the union and join the confederacy of slave states passed overwhelmingly throughout the state, it was approved by even a greater percentage margin in south Texas than an even in East Texas that had the heavy slave population. Obviously, in view of the incidents in Zapata County, this outcome should not be interpreted as support for secession by the Hispanic majority in south Texas, but neither should it be viewed as simply the result of intimidation. Though the population between the Nueces and the Rio Grande was overwhelmingly Hispanic, there was not one *Tejano* delegate among the 177 chosen for the state convention to consider secession.<sup>36</sup> To most *Tejanos*, the local and state government had no legitimacy. Not only did these governing bodies not protect them, they were geared to dispossess them--to do them harm. This was a government of occupation and no amount of voting was going to change that because their concerns were not being addressed as an issue on the ballot—they weren't even being considered. It truly didn't matter. Judge Vela had to threaten arrest just to have participation. On the whole, the vast majority of the *Tejanos* trusted the federal government, which by treaty, was obliged to protect their rights, over local hostile governments. It is this alienation that laid the groundwork for a long drawn, mostly latent insurgency that lasted through the first part of the Twentieth Century.

On April 12, 1861 forty armed men led by rancher Antonio Ochoa, captured Precinct Three in Zapata County and threatened to take the county seat with the objective of preventing officials from taking oath of allegiance to the Confederacy.<sup>37</sup> Judge Vela

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<sup>36</sup> Thompson. p. 31

<sup>37</sup> Thompson. p. 35 (*Corpus Christi Ranchero*. April 20,1861)

met with the dissidents and they agreed to go home, but only after his promise to send their proclamation against the Confederacy to “Old Abe, the rail splitter.” Henry Redmond, in a state of panic in his fortified ranch, spoke disparagingly of Ochoa for his ignorance in thinking that his proclamation could be delivered to Lincoln as if Washington “were just a few miles on the other side of Bexar.”<sup>38</sup> There is nothing in Ochoa’s communication with Vela that indicates such ignorance of geography and his reference to “Old Abe, the rail splitter,” signals a level of sophistication far beyond what Redmond is willing to grant him. In fact Antonio Ochoa had been politically active long before this incident. Both Ochoa and Vela were elected and qualified for the position of Justice of the Peace for Precinct 4 in 1852 and 1854 when that region was still part of Starr County.<sup>39</sup>

Concerned with the incident in Zapata and determined to crush any resistance to state authority, Captain Mathew Nolan of Laredo quickly organized a Confederate Company of twenty-two armed men and made the trip to Zapata. They camped out at Redmond Ranch and with the aid of Judge Vela and Sheriff Pedro Díaz made plans to attack Ochoa’s headquarters, Rancho Clareño. Nolan carefully deployed his troops around the ranch and, at dawn on April 14, Sheriff Díaz ordered that all step out of the bunkhouse and surrender. Surprised, outnumbered and out gunned, the ranch hands began filing out of the house and just as the last stepped out they were gunned down on orders from Nolan. Nolan stated that his order to fire was in response to gunfire though that claim was denied by one of the Confederate soldiers who stated that no shot was

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<sup>38</sup> Thompson. p. 35.

<sup>39</sup> Starr County Election Report 1852 and 1854. Texas State Archives. RG 307 Starr County Series 84.

fired in defense. All were killed, most where they stood and the others in a vain attempt to escape. Antonio Ochoa was in Guerrero at the time, but two of his close companions were killed in the massacre. Nolan later bragged that he had killed nine “Black Republicans” in battle. An investigation of border incidents by the Mexican government twelve years later found that most of the victims of the Rancho Clareño massacre were inoffensive non-combatants.<sup>40</sup>

Ochoa joined Cortina’s army that was rumored to being financed and armed by pro-union forces. Cortina did receive arms and supplies later but the rumors that he received aid this early in the conflict have never been substantiated. In May 1861, Cortina unsuccessfully attacked Carrizo, the county seat of Zapata. Confederate Captain Santos Benavides killed seven and captured eleven of Cortina’s men. The Confederate forces summarily executed the eleven prisoners. After several more incidents on both sides of the border, including a siege of the Redmond Ranch, Cortina’s resources and army were diverted to fighting the French intervention in Mexico.<sup>41</sup>

Cortina’s army was not the only Union force in south Texas. Octaviano Zapata, fearing reprisals for his close association with Ochoa, moved his family from his ranch in Zapata County and took refuge with relatives in Guerrero after the Rancho Clareño massacre.<sup>42</sup> Seeking to strike back at his enemies, Zapata struck a deal with *enganchadores*, Union agents, to form a Union force to interdict Confederate supply lines

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<sup>40</sup> Thompson, p. 37. [ *Reports of the Committee of Investigation Sent in 1873 by the Mexican Government to the Frontier of Texas*. (New York: Baker and Godwin Publishers, 1875), p. 66]

<sup>41</sup> *Handbook of Texas Online*, s.v. "," <http://www.tsha.utexas.edu/handbook/online/articles/CC/fco73.html> (accessed November 18, 2006).

<sup>42</sup> Zapata County was named after Antonio Zapata, one of the leaders of the ill-fated Republic of the Rio Grande. He was killed in battle in 1840. It is very likely that Antonio and Octaviano were related.

that had become increasingly vital to the Confederacy with the tightening Union blockade. Supplied with arms and ammunition plus enticements, Zapata built a force of sixty to eighty men. The *Zapatistas* became very effective raiders.<sup>43</sup>

The *Zapatistas* first raid was early in December 1862 on a Confederate wagon supply train near Roma, eighteen miles west of Camp Ringgold. This was followed with an attack three weeks later on a three wagon supply train guarded by five soldiers near Rancho Soledad fifteen miles east of Camp Ringgold. The Confederate soldiers were so surprised that none resisted except one who fired his revolver killing two of Zapata's men. In the subsequent battle, the *Zapatistas* killed everyone except one teamster who managed to escape to Camp Ringgold. In response to the attack, the Confederates sent a company of soldiers to Rancho Soledad. Of course the raiders were no longer there, but based on circumstantial evidence, the frustrated soldiers burned sixteen shacks of people they deemed to be sympathetic with the raiders and returned to Camp Ringgold in triumph.

Simultaneously with the raid on the train, another group of *Zapatistas* attacked Isidro Vela's ranch in Zapata County, captured the judge and hung him from a tree with a note threatening to kill anyone who removed the corpse for burial. General Hamilton P. Bee, commander of Confederate forces on the Rio Grande, complained bitterly to the governor of Tamaulipas that the raiders had crossed into Zapata County carrying the hated Yankee flag and demanded that they should be apprehended.<sup>44</sup>

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<sup>43</sup> The men were paid one hundred pesos in gold for enlisting and promised fifty acres for single recruits and one hundred fifty acres for married recruits after the war. Thompson, p. 47

<sup>44</sup> Thompson, p. 48

Confederate forces often entered Mexico in pursuit of the raiders, at times with permission of the local Mexican authorities, but often without such authorization even though Mexico had declared itself neutral in the American conflict. It was in one of these intrusions that Zapata came very close to being killed very early in his insurgent career. After losing thirty-two horses to a raid, Confederate Captain Refugio Benavides, brother of Santos Benavides, entered Mexico with his cavalry company and tracked Zapata to his encampment near Camargo. In the ensuing battle eighteen *Zapatistas* were killed and eleven captured, however Zapata with some of his men escaped to fight again. Benavides reported that the eleven captured later escaped; it more likely that they were executed.<sup>45</sup>

Early in 1863, Zapata visited New Orleans on the invitation of Union officials. He returned to Bagdad with a shipload of arms and ammunition and promises of uniforms, supplies and salaries for himself and his soldiers. The *Zapatistas* were now considered members of the First Texas Cavalry Regiment, but still an independent organization that worked on its own. With his new battle cry, “*Que Viva la Unión,*” Zapata continued the interdiction of Confederate supplies with renewed fervor.<sup>46</sup>

Though most of Zapata’s battles were with Confederate forces, he did have some major clashes with Mexican forces. While Mexico was officially neutral in the conflict, a lot of local authorities were not. This taking of sides was based more on relationships and friendships rather than ideology or nationalism. Major Santos Benavides believed Zapata was responsible for the assassination of his close friend Col. Jesús García Ramírez of the Mexican National Army. When the *Zapatistas* soundly defeated Mexican troops

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<sup>45</sup> Thompson, p. 48

<sup>46</sup> Thompson, p. 48

between Mier and Guerrero in late August 1863, Maj. Benavides crossed into Mexico with Confederate troops and tracked Zapata to his camp. At dawn on September 2<sup>nd</sup> Benavides attacked. After a long and furious struggle, Zapata and all his officers were killed.

During this period there was another exodus of people, but this time it wasn't just Hispanics, but anyone who didn't wholeheartedly support the Confederacy. Especially suspect were the German Texans who opposed slavery. Faced with conscript laws that would force military service in a cause they could not support on top of constant harassment, many German Texans decided to abandon their homes and farms in the Hill Country and seek refuge in Mexico. However, because of the very conscript laws they found objectionable, the refugees couldn't just leave, but had to avoid marauding Texas Rangers along the way and Confederate troops stationed at the border. The most notorious encounter, called "The Battle of the Traitors" by a Texas newspaper, occurred on August 10, 1862 when a company of rangers ambushed and killed sixty-five German Texan refugees.<sup>47</sup> As the war raged on, the number of refugees leaving Texas grew exponentially. There is not a good estimate of the total number of people that left Texas during this time because most of the Mexican Texan refugees returned to family or friends in throughout Mexico, but those who made their way to Matamoros numbered in the thousands by the summer of 1863.

Among the refugees in Matamoros was John L. Haynes of Rio Grande City. The Virginia born unionist first came to Texas during the Mexican War and after living on both sides of the border finally settled in Rio Grande City becoming one of its prominent

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<sup>47</sup> New York Times (1857-Current file); Feb 8, 1863; ProQuest Historical Newspapers The New York Times (1851 – 2003) pg. 3

citizens. Always a maverick, Haynes not only opposed secession, he created a controversy when he argued that Cortina had a legitimate complaint that should be addressed to attain a just society. Haynes and fellow refugee Edmond J. Davis met with President Lincoln in Washington, D.C. to convince him of the vulnerability of Brownsville to Union attack and to authorize the forming of an auxiliary military force. Haynes knew he could build a formidable force of 1300 to 1500 men just from *Tejanos* with grudges against Texians.

With the Union blockade of southern ports, the distant ports of Mexico became critically important to the Confederacy, a literal lifeline that would doom it if broken. Of these ports, the closest, but still remote, Bagdad, next to Matamoros and just south of Brownsville was the primary and most important port for the Confederacy. This made Texas cities along the border, in particular Brownsville, Rio Grande City and Laredo important gateways for keeping the lifeline viable. The remoteness of the border combined with the lack of support of a semi-hostile local population made this region very difficult to defend and hence very vulnerable. The ports would remain open for the Confederacy only as long as it made business sense and during the Civil War, the cotton trade made a lot of sense especially to speculators like Richard King, Mifflin Kenedy, William Rice and others who made fortunes even in a losing cause.<sup>48</sup> For the vast majority the infusion of prosperity brought by the cotton trade was a temporary illusion especially for the *Tejano*/Mexican teamsters who barely eked out a living hauling the cotton over hundreds of miles of hostile territory.

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<sup>48</sup> Ralph A. Wooster. *Texas and Texans in the Civil War* (Austin: Texas Eakin Press, 1995) p.120

The teamsters used long trains of wagons and ox carts to haul cotton to the border over two major overland routes. From the railroad terminal at Alleyton east of Houston, the wagons would head south to the King Ranch and then to Brownsville or head west to San Antonio and then to the King Ranch or directly to Laredo, Eagle Pass or Rio Grande City.<sup>49</sup> This was a difficult and dangerous journey especially in East Texas where the Anglos viewed the Mexican haulers with disdain. When Confederate soldiers killed some Mexican herders near the King Ranch, Confederate Gen. Hamilton P. Bee immediately ordered an investigation into the crime with full intention of prosecuting the guilty party and ordered armed escorts for the trains. He wanted to avoid any repeat of the “Cart Wars” and hence the disruption of this critical service. The killings stopped, but no one was ever apprehended for the killings.<sup>50</sup>

The journeys north of Haynes, Davis and Col. Andrew Jackson Hamilton another prominent Texas refugee who would later serve as provisional governor of Texas during Reconstruction, were well reported in the major newspapers so Confederate Gen. Hamilton Bee felt that a Union attack at Brownsville was not only inevitable, but imminent. Combined with the continuing threat from Cortina who was in Matamoros, Bee had been in heightened alert from mid summer, but there was little he could do. Not only were over half of the troops at Fort Brown sick with dysentery; the fort was built to defend an attack from the south, Mexico and not from any other direction. He had another 200 troops at Fort Ringgold a hundred miles away and in Laredo two hundred miles away, but almost no support from the predominantly Hispanic population who, if

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<sup>49</sup> Wooster. p. 119.

<sup>50</sup> Thompson. p. 44.

not indifferent were openly hostile to the Confederacy. Gen. Bee recommended that the able Col. Santos Benavides be promoted to general and placed in charge of the defending South Texas.

There was never doubt about his abilities, but trust came slowly in the case of Santos Benavides of Laredo. It was only after fighting battle after battle with courage, tenacity and intelligence did he gain enough respect and trust to become the highest-ranking *Tejano* Confederate officer. He was also the only Confederate officer whose wife accompanied him to all garrison assignments. Augustina Villarreal de Benavides was even seen accompanying her husband in some of his raids.

The wading ashore of almost 7000 Union troops on Brazos Island on November 2, 1863 was almost a relief for General Bee, who in the previous week had been wracked by a mutiny, desertion of troops and the dissolution of a militia that simply faded away. He loaded about 45 wagons with bales of cotton (6 bales per wagon) and sent the heavy, slow moving, load to safe haven. He then ordered that Fort Brown with its 8000 pounds of munitions and the remaining bales of cotton be set on fire. The fire leapt its bounds setting a block of buildings on Levee Street in Brownsville on fire. While citizens were fighting the fire, the munitions at Fort Brown went off in a series of explosion further adding to the sense of confusion and devastation to the general population and then, the looting began. About midnight on November 3, without fanfare and lamenting that he had gotten no help from the civilian population, a tired and drunk General Bee left with Brownsville ablaze and in utter chaos.<sup>51</sup>

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<sup>51</sup> Thompson. p. 60.

In the mayhem, Judge Israel Bigelow pleaded for Cortina to send troops and bring order to Brownsville. Cortina refused to intervene, but did prevent hundreds of rowdy Unionists in Matamoros from entering Brownsville and adding to the turmoil. However another Mexican bandit, José María Cobos, did take the challenge, hastily recruited about 200 men, crossed the river and quickly restored order.<sup>52</sup>

In the time being, Bee's retreat was not going well. Since no one wanted the worthless Confederate money, the wagons were in ill repair and kept breaking down under the heavy load. A series of bonfires fueled by the broken wagons and their load of cotton marked his route. Almost none of the cotton was salvaged.

On November 6, the Union Army entered Brownsville with almost not firing a shot. The few shots that were fired were toward Mexico. A few days earlier a Union gunship, mistaking the mouth of the Rio Grande for Boca Chica fired on and killed several Mexican civilians. The only casualties in this invasion were Mexican civilian citizens. It was as if the Union Army was fighting the Mexican War rather than the Confederacy. In spite of these missteps, the Union Army was welcomed with great jubilation as liberators by the local population. However, the positive feeling toward the Union Army who did not endear themselves to the local population was short-lived. It was soon clear that there was very little difference in the attitude toward Mexicans by the rank and file Anglo soldiers whether their uniform was blue or gray. It seemed as if the hatred were rooted in language rather than ideology or principles. To most of the local Hispanic population, the Union force was simply the lesser of two evils.

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<sup>52</sup> Thompson, p. 60

The moral of the cavalry units formed with enthusiastic volunteers in December with Lino Hinojosa of Starr County being one of them, was undermined as its obvious second-class status was realized.<sup>53</sup> Not only was the bounty offered for *Tejano*/Mexican volunteers one-fourth the amount offered to anyone else, the paymaster refused to pay even that amount claiming that recruitment was illegal. Regular pay for the *Tejano* units was erratic, the equipment meager, the training non-existent and the leadership poor. Except for a few officers like John Haynes most of the officers did not speak Spanish and very few of the volunteers knew English. As time worn on, the units were plagued with desertions and the public execution of one of the soldiers as a deterrent had the opposite effect. After some initial successes these units ceased to be an effective military force. The only truly effective Union *Tejano* military forces were lead by Mexican bandits.

The border was far too important a lifeline for the Confederacy to remain unchallenged. In the re-organization of the Confederate forces in Texas, Gen. John B. Magruder assigned Col. John S. Ford with the responsibility for the defense of South Texas. Ford was determined not only to retake Brownsville but to drive all Federal forces out of South Texas, but his first task, to recruit an army, was formidable. From his headquarters in San Antonio, Ford started his recruiting efforts by passionately appealing to the baser human emotions not to allow "...a mongrel force of abolitionists, Negroes, plundering Mexicans, and perfidious renegades to murder and rob us with impunity."<sup>54</sup> To further entice recruitment, he persuaded Gen. Magruder to authorize pardons for renegades, people, mainly Germans, who for the most part opposed slavery and avoided

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<sup>53</sup> Estela Pérez de Contreras Collection: [http://www.los-tejanos.com/images/doc\\_18xx-89/doc\\_10dec1863.gif](http://www.los-tejanos.com/images/doc_18xx-89/doc_10dec1863.gif) Lino Hinojosa won the election for sheriff of Starr County in 1888, but was not seated because he did not know English.

<sup>54</sup> John S. Ford. *Rip Ford's Texas*. (Austin: University of Texas Press, 1963), p. 344

conscription by taking refuge in Mexico.<sup>55</sup> This tact did not increase recruitment in a significant way. Ford had underestimated the deep-rooted hatred the “renegades” had for the Confederacy. Perhaps Ford was not aware of the “reign of terror” that had forced the renegades to abandon their homes and seek refuge in Mexico. The offer of a pardon to join an obviously lost cause that they hated was simply not a good incentive.

Ford partially equipped his raw recruits with proceeds from Confederate cotton, but guns, ammunition and food were in short supply. Besides the disruption of food production caused by the war, Texas was in the fourth year of an unprecedented drought that had converted South Texas into a virtual desert with hardly a blade of grass from El Paso to Brownsville. The determined Ford vowed he would field his army even if it had to subsist on beef jerky.<sup>56</sup>

In early 1864, the “Cavalry of the West,” which consisted of mainly teenagers and a few seasoned troops was ready to march. The estimated five thousand Federal troops in South Texas was quickly dwindling by redeployment of troops to Louisiana and desertion, however it was still far larger than Ford’s cavalry. He knew that the key to success was quick, surprise attacks and the support of the local Hispanic population. On May 12, 1864, setup his headquarters in the vacated Ringgold Barracks. Working closely with Santiago Benavides, the wily Ford began cultivating friendships on both sides of the border making a series of proclamations inviting *Tejano* refugees to return to their homes on the north bank and pursue their vocations under the protection of the Confederacy. He even discussed an agreement to return stolen goods to their rightful owners on either

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<sup>55</sup> Ford. *Rip Ford's Texas*. p. 347

<sup>56</sup> Ford. *Rip Ford's Texas*. p. 347-348

sides of the border with his friend José María García Villarreal, *alcalde* of Camargo who had provided him with much needed supplies.<sup>57</sup> Of course strict adherence to such an agreement would have forced him to convert his cavalry to infantry.

Besides the scarcity of supplies and the strength of the enemy, Ford had two other great concerns that were spawned by the situation in Mexico. The first was the fear that President Juarez would grant the Union permission to attack the Confederate posts from Mexico. To Ford, that would be tantamount to Mexico declaring war on the Confederacy and he would fight “side by side” with the French to destroy the Mexican republic. Ford did not know that President Juarez had already turned down the Union request stating that Mexico was much too small and weak a nation to fight both the French and the Confederacy.<sup>58</sup> The second concern was that the war between the imperialist and liberals turned northward and it looked like the French might soon take Matamoros. Not only would this put an unknown in charge of a critical port, it could force Ford’s nemesis, Cortina to cross the border with his army boosting moral of a dwindling Union Army plagued with desertions with an infusion of troops and leadership.

Ford’s stated opinions of Cortina do not match his actual relationship with him. To Ford, Cortina was a Mexican bandit who was not to be trusted. Ford didn’t want Cortina to enter Texas because “...he hates Americans, particularly Texans. If he should enter Brownsville he would plunder our people – something he would delight in.”<sup>59</sup> Yet Ford trusted Cortina with the safety of his own family. Early in 1864, he sent his wife

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<sup>57</sup> Thompson, p. 79

<sup>58</sup> Thompson, p. 78

<sup>59</sup> Ford. *Rip Ford's Texas*. p. 374

Addie and his daughter to live in Matamoros knowing that Cortina had jurisdiction there. His trust was well placed; Cortina greeted Ford's family with great courtesy and even offered assistance if they needed it. Ford felt that the courtesy was in response to the courtesy he had given his mother in Texas even though he grudgingly admitted that Cortina had treated all American refugees in Matamoros, even those that had been hostile to him, with dignity and respect. Of all the military leaders and law enforcement officers on all sides of this extended war zone, Cortina was the most consistent and successful in avoiding collateral damage. He went out of his way to avoid harming innocent people of all ethnic groups. Even when he seized Brownsville for two days in September of 1859, Cortina did not rob or steal. He paid for the arms and ammunition he bought for his men at Alexander Werbiski's Store.<sup>60</sup> Cortina limited his actions in Brownsville to his stated goal "...to bring justice to those who had gone unpunished for a long time." He named four of the five men killed and regretted that other culpable men had escaped.<sup>61</sup>

None of these actions are traits of a bandit, but it seems as if Ford could not, at least at the conscience level, see past the propaganda though his instincts of Cortina were right. An interesting fact is that Juan N. Cortina was an American citizen and died an American citizen in exile. Cortina was neither Mexican nor a bandit.

On July 30, 1864, the Confederates found that the Union Army had left Brownsville for Brazos Island two days earlier. Once more Brownsville had been taken without firing a shot. However, this time the retreat had been orderly. The Union troops left without setting the town ablaze or in chaos.

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<sup>60</sup> J. T. Canales, "Juan N. Cortina: Bandit or Patriot?" An Address before the Lower Rio Grande Valley Historical Society at San Benito, Texas – October 25, 1951. p. 11

<sup>61</sup> Canales, p. 11

On August 22, the French Army under the command of Captain General Tomás Mejía captured Bagdad in what was obviously the first step to taking Matamoros. Though Cortina had at the moment a larger army and could put up a vicious defense of the city, he was running low in both provisions and ammunition; his eventual defeat was assured. Without the revenue generated by the port, the future looked grim for both Cortina and the Juarez government. Ford, recognizing the dire situation for Cortina and the Mexican government, immediately sent goodwill emissaries to Bagdad to get assurances that the French would respect Confederate property and persons.

After a few failed attempts to consolidate his entire army with the Union forces at Brazos Island, Cortina turned to negotiations. He proposed to Mejía that he would lead his army out of Matamoros peaceably provided they would pay and provision them. Incredibly, Mejía accepted those terms and on September 26 the French Army triumphantly marched into Matamoros. The Confederates in Brownsville rushed over to congratulate the conquering hero and express their goodwill toward Maximilian and the Empire. Mejía graciously embraced the Confederacy. However, it was soon clear that with an armed Cortina on the perimeter, Mejía's forces could not leave the city. They were trapped. In a dispatch, General Phillip Sheridan, Commander of the Union troops on the Rio Grande, writes on this situation:

“The French authorities are very much embarrassed. Cortina drives in Mejía's pickets at pleasure, and the arrival of our heavy forces on the Rio Grande and the little irritations which I have encouraged along the river have alarmed them so much that there is a perfect exodus from Matamoros. The

French soldiers are deserting and there is a very uneasy state of affairs.”<sup>62</sup>

In another message still relating to this subject, Sheridan writes:

“Cortina holds all the roads around Matamoros. He says he could take the place if he had ammunition. He has captured considerable Rebel cotton...”<sup>63</sup>

This is the only instance I know where parties in a siege trade places through negotiations. Mejía was not a fool; he simply underestimated his opponent.

By the end of October it was obvious to almost everyone that the tide of war had turned against the Confederacy. Weary of war, Confederate soldiers were deserting in droves. General James Slaughter commented that of his dwindling army a fourth were ready to lay down their arms.<sup>64</sup> Still skirmishes and senseless killings continued unabated.

On March 11, 1865 on an initiative by Union General Lew Wallace, the future author of *Ben Hur*, General James Slaughter and Colonel John S. Ford met at Point Isabel to discuss terms of surrender. Gen. Slaughter was anxious to stop the war, end the bloodshed and halt the complete financial ruin of Texas. After a day and a half they completed a draft that would be presented to General John G. Walker. The main points of the agreement were:

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<sup>62</sup> Lyman Woodman. *Cortina: The Rogue of the Rio Grande*. As quoted in. p. 94

<sup>63</sup> Woodman. p. 95

<sup>64</sup> Thompson. p. 88

1. Confederates wishing to remain in the United States would have to take an oath of allegiance to the Union
2. Confederates were free to go abroad with their property

Slaughter and Ford also requested that a system be setup in Texas for the gradual emancipation of slaves, but agreed that any such arrangement would have to be worked out by Congress.

Gen. Walker quickly dashed any hopes for peace when he read the draft. The Confederacy would “never be reduced to the necessity of seeking an obscure corner of the Confederacy to inaugurate negotiations.”<sup>65</sup> A ranting Gen. Walker, obviously in denial, almost accused Gen. Slaughter and Col. Ford of treason.

By late April, the news of Lee’s surrender had reached Texas. On May 1, a passenger on a steamer on the Rio Grande tossed a copy of the *New Orleans Times* to Confederate soldiers at Palmito Ranch. The paper reported not only the surrender of Lee and several other Confederate generals, but also the assassination of President Lincoln at Ford Theater. The latter report led to the construction of mock Lincoln graves throughout the state.<sup>66</sup>

The last battle of the Civil War started as a “foraging” expedition by the Sixty-second U.S. Colored Infantry under the command of Lt. Col. David Branson at 9:30 p.m. on May 11, 1865. After marching all night, the Union troops setup camp in the underbrush at White’s Ranch a few miles down river from the Confederate camp at

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<sup>65</sup> Thompson. p 89

<sup>66</sup> Thompson. p. 90

Palmito Ranch. The next day, the Union troops overran the Confederate camp, captured a few prisoners and some horses, burned abandoned supplies and fell back to Palmito Hill. On orders from Col. Ford at Brownsville to keep the Federal troops engaged, Confederate Capt. Robertson renewed the fighting and pushed Lt. Col. Branson to White Ranch. The next day, May 13, 1865, Col. Barrett arrived with the Thirty-fourth Indiana Volunteer Infantry and took over command of the Union troops. With renewed vigor, the Federal troops pushed the now outnumbered Confederate force back to Palmito Ranch. In the middle of the afternoon on May 13, Col. Ford, inexplicably dressed in civilian clothes, arrived with reinforcements; three hundred men of the Second Texas Cavalry, men from Col. Santos Benavides' cavalry regiment, men from Col. Giddings' battalion and Capt. O. G. Jones's six-gun battery field artillery manned with volunteer French cannoneers. The Confederates were now poised to execute what would be the last battle of the Civil War.<sup>67</sup> To Ford this was more than just a battle, the "honor and manhood" of his men was at stake. He was not about to surrender to invading black troops.<sup>68</sup>

Around four in the afternoon, the Confederates initiated their attack with an effective artillery barrage. Without guns to counter the cannons and fearing being outflanked by the Confederates, Col. Barrett ordered a retreat. He assigned forty-six men of the Indiana regiment as skirmishers to protect the retreat. Several times some of the Colored troops and a few men of the Second Cavalry had to stop to help the Hoosier riflemen. The capture of the skirmishers transformed the confused disorderly retreat of the Thirty-fourth Indiana Regiment into a full panic run. Only the deployment of the

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<sup>67</sup> Ford. *Rip Ford's Texas*. p. 390-391

<sup>68</sup> Thompson. p. 90

better disciplined Black soldiers in a long skirmish line kept the Union force from being overrun. In was another four painful hours and in darkness before the remnants of the panicked and confused 34<sup>th</sup> Indiana Volunteer Infantry Regiment reached the safety of Brazos Island. The Confederates ceased pursuit and retired.<sup>69</sup>

The last fight of the war was a brief skirmish between scouting parties late in the following afternoon resulting in the last casualty of the Civil War. Pvt. John J. William of the 34<sup>th</sup> Indiana Regiment was the last soldier killed in a war that had ended over a month earlier. Col. Theodore Barrett claimed that the 62<sup>nd</sup> U. S. Colored Infantry fired the last volley of the Civil War at sunset on May 13, 1865. The Confederates claimed that a seventeen-year-old Confederate soldier fired the last shot with a profane curse.<sup>70</sup> Who had the dubious honor of actually firing the last shot will never be known, but it was clear that the last shot had indeed been fired. It was also clear that the Confederates won the last battle in a war it had already lost.

Col. Ford later claimed that at the time he didn't know Lee had surrendered. That is difficult to believe. Most likely Ford's decision to have this battle was simply a matter of pride, an attempt to avoid the humiliation of, as he had previously stated, surrendering to invading Black Troops though some felt that buying time to cross the large number of bales of cotton still at the King and Kenedy ranches to Mexico was a better motive.<sup>71</sup>

The defiance, the bravado and the resolution to continue the fight avowed by the Confederate troops after their victory over Union troops in battle fought a full month after

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<sup>69</sup> Thompson. p. 93-94

<sup>70</sup> Thompson. p. 94.

<sup>71</sup> Thompson. p. 90 New York Herald, July 2, 1865

Lee's surrender dissolved with the realization of its hollowness. Most of the top officers of the Confederacy in Texas abandoned their troops leaving them to their own devices while they secured their own position. Many of the troops, depressed, hungry and without pay for months, broke, at first, into Confederate armories and storerooms then proceeded to loot and steal from the general population as they made their way home, while the officers looted the treasury. By the time General Edmund Kirby Smith surrendered the Confederate Trans-Mississippi Department on May 26, there was no army. The once proud Confederate Army in Texas had melted away.<sup>72</sup>

In Brownsville someone organized a militia with local *Tejanos* and Mexican liberals to patrol the streets stopping the looting before it took hold. In the time being, General Slaughter not only looted the treasury, but also claimed all the bales of cotton that could be carried on a steamboat flying the Imperialist flag and all the armament including six cannons as his personal property. He sold the cotton on the market and the armament to Imperial Army in Matamoros. Angry fellow Confederate officers arrested Slaughter for embezzlement and forced him to share part of the loot (\$20,000) with them.<sup>73</sup>

When Union troops entered Brownsville on May 30, General Slaughter was gone. He joined Colonel Santos Benavides in Rio Grande City. There he confiscated 630 bales of cotton at Ringgold Barracks, crossed them to Camargo where he sold them for \$25 a bale and then headed south. An estimated eight to ten thousand Confederates, mostly officers and executives, fled to Mexico. Among them the refugees: Generals Joseph O.

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<sup>72</sup> Thompson. p.95

<sup>73</sup> Thompson. p.95

Shelby, Edmund Kirby Smith, John B. Magruder and Mosby Monroe Parsons; former Texas governors Edward Clark and Pendleton Murrah; high officials from Louisiana, Kentucky and Missouri.<sup>74</sup>

Not all of the Confederate leaders in Texas were scoundrels; there were exceptions. Col. Santos Benavides and his two brothers stayed with their troops effecting an orderly transition to the Union. Santos Benavides remained at Ringgold “protecting government interests and keeping soldiers from stealing,” until July when he got a polite letter asking him to sign and forward his parole papers.<sup>75</sup> He returned to Laredo as a civilian, but would, once more, heed the call to arms two years later—this time to fight the Indians.

The turmoil in south Texas didn’t even slacken; as the Civil War slowly petered out, the war in northern Mexico intensified. Cortina, who had now setup his headquarters at his mother’s ranch north of Brownsville, continued to harass Mejía who was still pinned down in Matamoros. He even stepped up the harassment a notch when he boldly captured the steamboats *Senorita* and the *Bell*. To counter *Cortinistas*, Mejía unleashed a contra-guerrilla unit under the command of Col. Charles Dupin. This unit terrorized the whole northern frontier in a manner considered vicious by even Nineteenth Century standards. The strangely costumed, *sombero* wearing, bearded Frenchman, killed and pillaged at the least provocation with all the venom a zealot could muster. The “Hyena of Tamaulipas” took pride in his viciousness as can be judged by his own words: “I am Colonel Dupin. Obey or you are dead! All resistance is futile...I protect the good but

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<sup>74</sup> Thompson. p. 97

<sup>75</sup> Thompson. p. 97

have no mercy for evil men. I kill men, I rape women, I murder children; I exterminate the enemy by fire, by steel and by blood; remember my words!”<sup>76</sup> One of his victims was Adrián Vidal, Mifflin Kenedy’s stepson. The twenty year old, who had served as a captain for both the Confederate and the Union Army and later for the Mexican Army was captured by a fourth and executed. Mifflin Kenedy was unable to intervene on his behalf. The Imperial terrorist group proved to be counterproductive creating far more enemies than it eliminated.

Officially, the United States had declared its neutrality in the Mexican conflict, even though it did not recognize the Empire as the legitimate government of Mexico and viewed the French intervention in Mexico to be in clear violation of the Monroe Doctrine. However, American officials did encourage adventurers to form armed groups to invade Mexico. Lew Wallace persuaded R. Clay Crawford to form an army and take Bagdad. Crawford came to Galveston and with a promise of fifty dollars gold a month managed to recruit one hundred and fifty men from the lowest tier of society—outcasts, criminals, deserters, riffraff—the lowest quality army money could buy and with the motley crew headed for the border for a filibustering expedition. Lew Wallace warned the army and local authorities on the border that Crawford was coming and not to investigate his activities too closely. At dawn, January 6, 1866, Crawford with cannons and guns firing attacked Bagdad catching the Imperial forces there completely by surprise. The Imperial force offered little resistance, but this did not calm the frenzy of the undisciplined crew. In the bedlam, the invading mob pulled the *alcalde* out of his headquarters and executed him on the street. Then the most thorough pillaging of a town ever committed by an American force began. Every warehouse, every store and most

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<sup>76</sup> Thompson. p. 101

residences were looted. Everything that was movable, even doors and windows were removed from buildings and crossed into the United States. One of the merchant's safe was found, blown open, on the bank on the U.S. side of the river. For days, people reported seeing trains of mules and wagons loaded with stolen goods being taken out of Brownsville. It was not until January 16, that Lt. Col. Frank J. White took three hundred soldiers of the Second Colored Troops to Bagdad and restored order. By then, the town had been completely gutted. In the American investigation that followed, the panel was reluctant to fault any of the officers involved in the raid. Crawford and most of his associates fled to New Orleans and did not testify. The net result was that very little of the stolen property was ever recovered and only a few, lower ranking soldiers were ever charged in this crime. General Gregory Weitzel probably described it best: "The whole affair was disgraceful in the extreme from beginning to end."<sup>77</sup>

The victory of the Liberal Army under General Mariano Escobedo over the Imperial Army at Santa Gertrudis on June 16, 1866 marked the obvious turning point of the conflict. On June 18, Mejía withdrew the Imperial troops from Bagdad and struck a deal with one of several self proclaimed governors of Tamaulipas, José María Jesús Carvajal, to leave Matamoros peacefully if given safe passage. Carvajal agreed. Juarez and Escobedo were furious with that agreement. Juarez declared Carvajal's action null and void, but it was too late—Mejía escaped with his army intact.<sup>78</sup>

If there were such a thing as a professional revolutionary, Carvajal would be one. His career as a revolutionary started on the federalist side in the federalist/centralist

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<sup>77</sup> Thompson. p 111

<sup>78</sup> Thompson. p.122

revolution of 1840 where he played a prominent role in the short-lived Republic of the Rio Grande. In 1851 Carvajal, this time with a lot of support from the United States, led an invasion of Mexico with the intention of carving Tamaulipas out of the Mexico and forming an independent state, the Republic of Sierra Madre. Americans, especially slave owners, found having a republic that would recognize slaves as property attractive.

There was no extradition treaty between Mexico and the United States. Mexico would not sign a treaty that required the return of runaway slaves and the United States refused to sign one without it. To Texans, this was not a trivial matter. John S. (Rip) Ford, who was one of the Americans on the Carvajal invasion, had estimated that there were about three thousand fugitive slaves living in Mexico. Later, in 1855, he revised his estimate to four thousand with a value of \$3,200,000. Carvajal promised that, if successful, he would do everything in his power to return slaves to their rightful owners.<sup>79</sup> The invasion, which started with an attack on Camargo, failed to get the local support needed to be successful.<sup>80</sup>

In the Empire/Republic struggle Carvajal whole-heartedly supported the Liberal cause. His vision for his country would never have allowed him to stay neutral in this struggle and much less support the Imperialists. Teaming up with Lew Wallace, Carvajal toured the United States and successfully solicited money, arms and resources for the Liberal cause. Undoubtedly, this aid was instrumental in turning the tide of war against the French.

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<sup>79</sup> John S. Ford. *Rip Ford's Texas*. (Austin: University of Texas Press, 1963), p. 196.

<sup>80</sup> Ford. p. 215.

Allowing Mejía to evacuate Matamoros with his army intact was a lapse in judgment, but the appointment of John S. Ford as a brigadier general in the Mexican Army in charge of an American force in Matamoros was a blunder. As a Confederate officer, Ford had a little over year previously wholly supported the Imperialist, though he had assured Carvajal that since there was no longer any benefit from such an alliance, he had had a change of heart. Still, Mexicans officials were not unaware of Confederate ambitions of conquest had they won the Civil War and were leery of Confederates in positions of power. As an American, Ford was also suspect. Most Mexicans had not yet forgotten the American/Mexican War that many had viewed as another civil war with the United States supporting one of the sides not fully realizing the implications of such an alliance. General Sheridan was also wary of the appointment of any Confederate to a position of power in Mexico for obvious reasons. Ford assured Sheridan of his loyalty to the United States and its interests.<sup>81</sup> From almost every viewpoint, this appointment was the mistake that doomed Carvajal's tenure as governor of Tamaulipas. On August 12 Col. Servando Canales forced José María Carvajal and Lew Wallace to flee Matamoros for Brownsville. Carvajal was far more popular with Americans than he was with Mexicans.

Early in 1867, Napoleon IV ordered the withdrawal of French troops from Mexico and with the execution of Maximilian on June 19, 1867 outside Querétaro the Empire ended.

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<sup>81</sup> Ford, p. 404-406

## Troubles in Starr County

After the carnage the primary byproduct of war is poverty. War, by its very nature, without need of a conspiracy, shifts wealth into fewer hands. This is true for both sides of the conflict, but is far more severe on the losing side because of the greater generation of refugees. The displacement of people not only disrupts production but also facilitates the accumulation of abandoned land by larger, wealthier neighbors. There is no doubt of Mifflin Kenedy's sincerity when he expressed the great sadness he felt when he learned of Lee's surrender and that the Confederacy had indeed lost the war, but he did profit even in a losing cause and his ranches, on both sides of the river, grew. Most of the large landowners in South Texas also had also had ranches in Tamaulipas.

This shifting of power and wealth into fewer hands occurred on both sides of the river. The large ranches simply became larger. North of the river, the shift of wealth was further aggravated by bias, with the Hispanic population being the primary victim of both war and bias. By the 1880's, after almost seventy years of almost continuous war, both foreign and domestic, the Nuevo Santander region had been transformed from a prosperous colony settled by fiercely independent pioneer families to a poverty stricken province with a population of refugees eking out a living on both sides of a very porous border. The conditions were now right for Boss Rule for most of South Texas.

In the 1870's, shortly after the collapse of Reconstruction, the Democratic Party consolidated dominance over all of Texas, though the mechanism for attaining power in South Texas was quite different from the rest of the state. For most of Texas, the ascendancy of the Democratic Party was based on the notion of White Supremacy, but in

South Texas, whose population was predominately Hispanic, the political power structure, both Republican and Democratic, was based on a patronage system closely akin to big city boss system.<sup>82</sup>

Wells excelled as a political organizer. Under Grover Cleveland, he was able to use the Customs House appointments as patronage jobs to build political machines in Cameron, Duval, Hidalgo, Starr and Webb counties powerful enough to survive subsequent Republican possession of the White House. He basically selected the party leaders for each of the counties and let them run the county without interference. He only required that they support him at state conventions and thus he would have more clout in regional, state and national affairs.<sup>83</sup>

For Starr County, Wells selected Washington Shely, a former Texas Ranger and stagecoach operator, from Rio Grande City for leadership. This was not a good choice. While the population of Starr County, like that of Cameron, Duval and Hidalgo was predominately Hispanic, the make up was not the same. In Starr County, the Hispanic ranchers, who completely distrusted the Anglos, were able to retain possession of their lands. The distrust was so deep rooted that not a single claim was submitted to the commission formed by Governor Peter Bell to adjudicate land titles when it came to Rio Grande City in 1850.<sup>84</sup> The formula of having Anglo overlords over Mexican laborers did not seat well in Starr County, especially in Rio Grande City that had a bourgeoisie bent on self-rule and self-determination and especially if the chosen leader was the

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<sup>82</sup> Evan Anders. *Boss Rule in South Texas* (Austin: University of Texas Press 1979), p. 65.

<sup>83</sup> Evan Anders. P. 43

<sup>84</sup> *Handbook of Texas Online*, s.v. "MEXICAN-AMERICAN LAND GRANT ADJUDICATION," <http://www.tsha.utexas.edu/handbook/online/articles/view/MM/pqmck.html> (accessed December 7, 2004).

antagonistic Washington Shely. But even if Shely had not been so disliked, the conditions were not right for the establishment of Boss Rule in Starr County. Well into the late 1870's, there was a still shortage of labor in Starr County.<sup>85</sup>

In May 1888, Sheriff Shely arrested Abraham Recéndez for robbery. Victor Sebree, United States Inspector of Customs, and Shely's companion, killed Recéndez in a supposedly attempt to escape. This incident led to public anger against Shely who, as a Texas Ranger had already been associated with lynching of Mexicans. Two brothers, Augustín and Silverio de la Peña of Rio Grande City hired Catarino Erasmo Garza, a topnotch journalist with a passion for justice, to mount an editorial campaign against Shely in the coming election.

The hiring of this journalist was no accident. Catarino Garza is the quintessential activist intellectual/revolutionary of that era. Garza was born near Matamoros, Tamaulipas in 1859, but was truly a citizen of the world. He was educated at San Juan College in Matamoros where, no doubt, he was imbued with some of the liberal ideas generated by the French Revolution. Between 1877 and 1892 he lived in Brownsville, Laredo, Eagle Pass, Corpus Christi, Matamoros and St. Louis. He worked many types of jobs and even did a stint as a sales representative for Singer Sewing Machine in Mexico, but his primary avocation was the publishing industry. He worked for several magazines and newspapers and later founded several newspapers. In 1887 he and Gabriel Botello founded *El Libre Pensador* (The Free Thinker) in Eagle Pass. The newspaper was

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<sup>85</sup> Enemecio Pérez: Journal – 1878-81. [http://www.los-tejanos.com/documents\\_journals.htm](http://www.los-tejanos.com/documents_journals.htm)  
Enemecio Pérez (1840-1908) was a wealthy businessman who owned several ranches in Starr County and kept meticulous records of his transactions in journals. In this journal, Enemecio Pérez made ten entries of contracts for work in one of his ranches between January 1876 and January 1880. This type of contracts would not be needed if there were a surplus of workers. An even better indication that these were not peasant workers is that one of them, Agaton Casas sued Enemecio Pérez for breach of contract.

dedicated to exposing abuses by the Mexican government of Porfirio Díaz and Coahuila governor José María Garza Galán. The Mexican government protested; Garza's press confiscated; Catarino Garza prosecuted for criminal libel and sentenced to thirty-one days in jail. After serving his jail term, Garza, fearing extradition, left Eagle Pass and settled in Corpus Christi where he and his partner founded another newspaper and continued the criticism of the Díaz government. In 1891 he launched an unsuccessful attempt to overthrow the Porfirio Díaz government. While Garza was focused on Mexico, he did not ignore the abuses *Tejanos* suffered at the hands of the American government. Garza left Texas in 1892 and after visiting several Caribbean islands settled in Costa Rica where a San José press published a pamphlet indicting the Díaz government. Garza joined the Colombian uprising and was reported killed storming the jail at Bocas del Toro, Colombia in March 1895 though there were rumors of sightings of him fighting for independence in Cuba and Ecuador.<sup>86</sup> Silverio and Augustín de la Peña hired Garza because he was the best exponent of the ideas of a region in transition and struggling to define itself.

In one of the editorials, Garza accused Sebree, a former Texas Ranger and close friend of Shely, of shooting an unarmed prisoner. This so enraged Sebree that when he encountered Garza in the streets of Rio Grande City in September, he shot and wounded the unarmed journalist. This triggered an angry response. Newspapers reported that Sebree only escaped lynching by taking refuge in Fort Ringgold where armed, angry

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<sup>86</sup> *Handbook of Texas Online*, s.v. "," <http://www.tsha.utexas.edu/handbook/online/articles/GG/fga38.html> (accessed April 17, 2007).

crowd of 200 men had pursued him.<sup>87</sup> The estimate of 200 people is highly suspect. The total population There, the post commander asked the crowd to disperse and they did. However, news stories reported that anarchy had broken out in the city and were causing havoc. News of the riot reached as far as Montana reporting of a war between white and Mexican citizens in Rio Grande. The governor got telegrams that white lives were endangered by the uncontrollable mob. The Third Calvary was sent to reinforce the troops in Fort Ringgold. Gen. David S. Stanley asked the governor to send the entire Texas Ranger force to Rio Grande City. The Governor wired the sheriffs of Cameron, Hidalgo, Zapata and Bexar counties to go to Rio Grande. He also ordered that the San Antonio Rifles, the Belknap Rifles and the Houston Light Guards be ready for mobilization.<sup>88</sup> This riot, with no injuries and no property damage, is known to this day as the Rio Grande City Riot of 1888 and is held as an example of the inability of the Hispanic population of Starr county to govern itself instead of the failure of the State of Texas to establish legitimacy for governing. Sebree was never held accountable for either the death of Abraham Recéndez or the assault on Catarino Garza and he remained U. S. Custom House Inspector.

The 1888 campaign against Shely was successful and he was defeated at the polls by the Republican candidate, Lino Hinojosa. However the county commissioners

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<sup>87</sup> *Handbook of Texas Online*, s.v. "RIO GRANDE CITY RIOT OF 1888," <http://www.tsha.utexas.edu/handbook/online/articles/view/RR/jcr3.html> (accessed December 7, 2004). I don't trust this estimate of crowd size. Two hundred seems to be reoccurring estimate of crowd size, but in this case it doesn't make sense. In 1884 Rio Grande City had a population of about 800. It seems very unlikely that you would have 200 armed men witnessing Sebree's impromptu shooting of Catarino Garza even on the main street of Rio Grande City. Even an estimate of 20, under these circumstances, seems high. Even with all the mobilization the Governor initiated only 250 men mustered to quell the non-riot.

<sup>88</sup> *Handbook of Texas Online*, s.v. "RIO GRANDE CITY RIOT OF 1888," <http://www.tsha.utexas.edu/handbook/online/articles/view/RR/jcr3.html> (accessed December 7, 2004).

overturned the results on the grounds that Lino Hinojosa, who had served in the Union army during the Civil War, did not know English.<sup>89</sup> In 1890, Shely won re-election by arresting the opposing Republican candidate on charges of conspiracy to murder him shortly before the election. The judge threw out the case as groundless after the election.<sup>90</sup>

After the Catarino Garza incident, Wells, sensing the mistake he had made in selecting Shely as leader of the Red Club<sup>91</sup> in Starr County, recruited Manual Guerra, a gregarious and well educated Roma banker and rancher who was liked and respected by the Hispanic community, for shared leadership.<sup>92</sup> Wells negotiated an uneasy alliance between Shely and Guerra with Shely serving as Sheriff and Tax Collector and Guerra controlling the more powerful commissioner's court.<sup>93</sup>

In 1900, Edward C. Lasater subdivided 60,000 acres of ranch land around Falfurrias on the northern edge of Starr County, more than eighty miles from the county seat, into small dairy farms and introduced another complication in the make up county population. Most of the settlers who bought Lasater's dairy farms were Anglos who not only distrusted but also had a complete disdain for anything Hispanic.<sup>94</sup> Lasater felt that

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<sup>89</sup> Evan Anders. p. 44

<sup>90</sup> Evan Anders. p. 46

<sup>91</sup> In all the other counties, red was color designation of the Republican Party and blue of the Democratic Party, but in Starr County, the color designations were reversed—blue for Republican Party and red for Democratic Party.

<sup>92</sup> Joe Baulch. "The Murder of Standley Welch and the 1906 Starr County Election," *The Journal of South Texas*, Volume Four, Number One (Spring 1991) p34.

<sup>93</sup> Manual Guerra was elected county commissioner in 1894, a position he kept until his death in 1915.

<sup>94</sup> Letter Hanson to Pérez, March 6, 1904  
[http://www.los-tejanos.com/images/doc\\_1900-09/doc\\_06mar1904-1.jpg](http://www.los-tejanos.com/images/doc_1900-09/doc_06mar1904-1.jpg)

property taxes were discriminatory against new comers in general and him in particular. A litany of complaints did not bring relief and consequently in joined the minority, but well organized Republican Party feeling it was more effective to bring reform from without than from within.<sup>95</sup>

The first visible crack within the Starr County political machine occurred in June 1906 when Sheriff Washington Shely tendered his resignation due to an incapacitating mental disorder. Gregorio Duffy, the ambitious Tax Collector and Deputy Sheriff, feeling he was next in line pushed to be appointed to finish Shely's term then run for the office in November, a move opposed by Manual Guerra who preferred to consolidate his power by naming his cousin, Deodoro Guerra to that office. James Wells proposed keeping the demented sheriff in office until the Democratic Party could name a suitable replacement. Duffy rejected that proposal and continued to press for the appointment. Ed Lasater, even though Duffy was a Democrat, sympathized with him and petitioned District Judge Stanley Welch, a Democrat, to remove Shely and appoint Duffy sheriff. Before the District Court could convene, County Judge John Monroe convened an emergency session and appointed H. P. Guerra, Manual Guerra's son, Tax Collector and Deodoro Guerra, Sheriff. Deodoro Guerra immediately dismissed Gregorio Duffy as Deputy Sheriff.<sup>96</sup>

With encouragement from friends, Duffy decided to run for the office of sheriff as an independent and quickly proceeded to organize the *Free Red Club* of Rio Grande

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<sup>95</sup> Evan Anders. p.67

<sup>96</sup> Joe Baulch, p. 35

City.<sup>97</sup> The Blue Club (Republican) did not have a candidate for sheriff and immediately endorsed Duffy and even put him on their ballot. (Ballots were color-coded.) The split in the Democratic Party combined with the support of the dissident faction by the well organized and well-funded Republican Party alarmed James Wells. A Republican victory in Starr County would almost certainly have an impact on the whole region. Archie Parr of Duval County declared that having Lasater control Starr County was unthinkable. Jacobo Guerra, County Treasurer and brother of Manual Guerra, called on all Democrats to “knock the Republican move in the head now and kill it so dead that it will not rise to trouble us again.”<sup>98</sup>

As County Treasurer, Jacobo Guerra executed the first move to derail the reformist movement by refusing to turn over poll tax receipts to the *Free Red Club*.<sup>99</sup> Duffy knew he could not win without the poll tax receipts consequently this denial actually pushed him into a closer alliance with the Blue Club. Though Duffy never declared himself a Republican, he openly sought their support and even accepted a patronage job with the Customs House. (Republican Theodore Roosevelt was President at this time)<sup>100</sup>

The campaign was bitter and contentious. Rumors of conspiracies and plots of assassinations were rampant. Texas Ranger W. M. Hanson, Senior Captain and former

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<sup>97</sup> Letter from Guillermo Rodriguez to Casimiro P. Alvarez. July 9, 1906.  
[http://www.los-tejanos.com/images/doc\\_1900-09/doc\\_09jul1906-1.jpg](http://www.los-tejanos.com/images/doc_1900-09/doc_09jul1906-1.jpg).

<sup>98</sup> Evan Anders. p. 48

<sup>99</sup> Though not the intent of the law, both parties would buy poll tax receipts and pass them on to their supporters who had not paid the poll tax. The night before the election, the political parties would “corral” their supporters at a location and entertain them with food, drink, music and speeches until the polls opened. Then they would be led to the polling places and given the poll tax receipt needed for voting.

<sup>100</sup> Open letter from James B. Wells to G. Duffy, 06 July 1906. Open letter from G. Duffy to James B. Wells.  
[http://www.los-tejanos.com/images/doc\\_1900-09/doc\\_06jul1906.jpg](http://www.los-tejanos.com/images/doc_1900-09/doc_06jul1906.jpg)

U. S. Marshal wrote James Wells of a conspiracy to assassinate Sheriff Shely. Fred Marks, a Customs House employee, confessed that he had been selected to kill Sheriff Shely in July, but Shely had resigned. Marks defected and told Hanson of the plot, but warned that an assassination was still possible. Wells, sensing the explosiveness of the situation asked his brother-in-law District Attorney John Kleiber and District Judge Stanley Welch to supervise the elections in Starr County at the same time warning them that they may be targets of assassination.<sup>101</sup>

Except for law enforcement personnel, the law forbade the taking of arms to polling places, however this law was largely ignored. To improve security at the polling places, the day before the election, Judge Welch, a Democrat, appointed twenty-five special deputies from a list given to him by Sheriff Guerra. Duffy, knowing that intimidation would be a factor if all the polling places were guarded by Guerra men, petitioned Judge Welch to deputize twenty-five more men from his list. Judge Welch refused stating that it would not be necessary and, besides, except for one or two, the men on Duffy's list were not of high enough moral character to be deputized.<sup>102</sup>

On the eve of the election, as had been the tradition for many years, the political parties "corralled" their supporters. In Rio Grande City, the Reds gathered in the stables of the courthouse and the Blues on the nearby property of Don Lino Hinojosa. Each party posted sentries to prevent vote stealing. Though the mood was festive for most of the participants, there was heightened tension among the organizers with rumors of all kind of plots to tilt the election. The most alarming rumor for the Republicans was the

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<sup>101</sup> Joe Baulch. p.36

<sup>102</sup> Joe Baulch. p. 37

story that Judge Welch intended to block Republican voters that did not buy their own poll tax. If true, this would guarantee a Democratic victory.<sup>103</sup> It is unlikely that Judge Welch would execute such a plan. In a letter to John Nance Garner, Wells commented that trying to stop the practice was a “two edged sword” that may not be advantageous to the Democratic Party.<sup>104</sup>

That night the political campaign became deadly. During the night Judge Welch was shot and killed as he slept in the guesthouse.<sup>105</sup> It was not until the morning that John Kleiber, who was staying in the adjacent room, discovered the grisly murder. Kleiber apparently slept soundly, heard and saw nothing that fateful night. Dr. A. M. Headley, the medical examiner and a Republican, declared that Welch had been shot at close quarters from directly over the victim and felt that Kleiber should be a suspect.<sup>106</sup>

While the Democrats were in disarray over the death of Judge Welch, Duffy took the initiative, cut the telegraph wire to Roma to prevent the call for help and with fifty men armed with rifles, drove the Reds out of the stables, took possession of the courthouse and demanded that the voting begin. When asked if the armed men were voters or poll watchers, Duffy responded, “No they are only some posts driven into the ground there for a rearguard to keep out the Democrats.”<sup>107</sup>

Some of the cooler heads in the Blue Club had second thoughts about the power play and fearing an all out violent confrontation negotiated with Democratic Chairman

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<sup>103</sup> Evan Anders. p. 49

<sup>104</sup> Baulch. p. 37

<sup>105</sup> Visiting judges and lawyers were housed in “*La Casa de Abogados*” (Guesthouse for Lawyers) during their stay in Rio Grande City.

<sup>106</sup> Joe Baulch. p. 37

<sup>107</sup> Joe Baulch. p. 39

Francis W. Seabury an agreement for a peaceful election. It was agreed that no gunman was to approach or occupy the courthouse and two officers, representing each party would supervise the balloting on the second floor of the building. However strict adherence to the agreement was doomed almost from the beginning. Later that day, Rentfro B. Creager, Brownsville attorney and Republican organizer, arrived to Rio Grande City with an additional hundred armed men.<sup>108</sup>

As soon as Wells learned of Welch's murder, he wired Governor S. W. T. Lanham asking him to send Texas Rangers to Rio Grande City to restore order. He asked that he send any Texas Ranger except William B. McDonald who was not liked by some of his Democratic associates. Governor Lanham responded by sending William B. McDonald and three of his subordinates. There was no train service to Rio Grande City at that time so the Texas Rangers took the train to Sam Fordyce and from there hired a coach to take them to Rio Grande City.<sup>109</sup> On the way to Rio Grande City from Sam Fordyce, the Texas Rangers killed four Mexicans and wounded another. The Texas Rangers identified the Mexicans as Duffy men.<sup>110</sup>

On learning about the gunfight, Governor Lanham doubled the number of Rangers assigned to Rio Grande City and sent a cavalry force of forty Texas national guardsmen under the personal supervision of Adjutant General John Hulen to maintain an uneasy peace until the ballots were tabulated.<sup>111</sup>

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<sup>108</sup> Evan Anders. p. 51 I am a bit suspicious of the number of armed men Creager could bring to Rio Grande City from Brownsville 100 miles away in an afternoon.

<sup>109</sup> Joe Baulch. p. 38

<sup>110</sup> Staff Special, "Reign of Terror," *Galveston Daily News*, June 10, 1908.

<sup>111</sup> Evan Anders. p. 52

It took several days before the final tabulation of the ballots was completed. The Republican Party did surprisingly poor winning only a few precinct level offices. Gregorio Duffy lost to Deodoro Guerra by sixty-three votes, but the biggest surprise was the Democratic victory in Falfurrias, Lasater's hometown. Apparently the murder of Judge Welch resulted in a backlash against the Republican Party.<sup>112</sup>

It took more than eight months for Lonnie Bates, a private detective hired by Wells, to develop evidence that implicated Alberto Cabrera and José Sandoval as the killers of Judge Welch. Both had moved to Mexico shortly after the elections. Sandoval was never found but Cabrera was caught and tried for the murder of Judge Welch. Cabrera was a wit and a well-known opponent of the Guerra machine, but few felt he was capable of cold-blooded murder. Republicans suspected that Cabrera was arrested because of his wit and not his crime. After arraignment, Cabrera was denied bail and given a change of venue to Cuero Texas. Rentfro B. Creager was Cabrera's defense attorney. The case against Cabrera was circumstantial and weak, but he was found guilty and sentenced to life in prison.<sup>113</sup>

The Duffy case is at once simpler and more complicated than the Welch case. If viewed as a barroom brawl, even with conflicting testimony, the explanation is fairly straightforward—drunken men get into a fight and one is killed. Determining who shot first or if the shooting was in self-defense is of no consequence except for determining the fate of the survivors. However there is credence to the theory that the killing was politically motivated. After seizing the courthouse with a group of armed men, there is

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<sup>112</sup>Evan Anders. p. 52

<sup>113</sup> Joe Baulch. p. 39 Cabrera later escaped from prison and made a successful career as an officer in the Revolutionary Army in Mexico.

no doubt that Manual Guerra considered Gregorio Duffy a very dangerous man. In addition, Duffy's new position as customs inspector in Roma could have an impact on the profitability of Guerra's smuggling trade. Then there is the testimony of Candelario Hinojosa who stated that Manual Guerra had approached him to kill Duffy.<sup>114</sup>

Other indications that there was more to the killing than just a barroom fight were in the strange behavior of some of the officials in the prosecution of the Morales brothers. When U. S. District Attorney Noah Allen, an aggressive Republican partisan asked District Judge W. B. Hopkins, Welch's successor, to participate in the prosecution of the case, the judge promptly transferred the case to Laredo without even taking a motion for a change of venue from the defense. He then dismissed the request on the grounds that the district attorney for Webb County was now in charge of the case. Then there was the sudden "loss of nerve" by Webb County District Attorney John Valls. According to Noah Allen, Valls, a Republican, not only lost his enthusiasm for the case, he was "frightened out of his wits" and hardly touched the case in the final arguments. The case against Juan Morales was strong, but the case ended in a mistrial with a hung jury.<sup>115</sup>

The stature of the defense attorneys is also an indication that there is more at stake in this trial than just the conviction of a participant in a barroom fight. Deputy Sheriff Juan Morales retained James B. Wells, Jr. and Francis Seabury as defense attorneys. The Morales brothers were eventually acquitted. Manual Guerra and Sheriff Deodoro Guerra,

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<sup>114</sup> Evan Anders. P. 54

<sup>115</sup> Evan Anders. pp 55-56.

though charged, were never tried. No one was ever charged for the armed seizure of the courthouse.<sup>116</sup>

In examining the background to the violent events associated with the Starr County Election of 1906, it becomes clear that some of the assumptions that have been accepted as explanations for the economic and political conditions in South Texas in general and in Starr County in particular need to be challenged.

The first assumption that needs to be examined is the source of the “Boss Rule” in South Texas. It is generally assumed that the Anglos who first settled in this area simply adopted an existing patronage system and placed themselves at the top. In Starr County I could not identify a “*patron*” prior to the Mexican War. There were prominent, founding families, but not one big boss with an *hacienda* type relationship. The *hacienda*, like the plantation, is a labor-intensive enterprise and could not exist in the labor short frontier. Most of the early Spanish/Mexican settlers were ranchers who worked their own ranch. Of course some owned more land than others, but there were no peasants on the frontier. There was simply no incentive to entice a peasant to the frontier. “Boss Rule” did not develop in South Texas; it was imposed on it by the conquerors.

The second assumption, which is closely related to first, is the assumption that only a very small portion of the Mexican-American citizens, an elite class, were informed and intelligently involved in politics. Casimiro Pérez Alvarez made a list of voters in Rio Grande City in 1910 identifying them by name and party affiliation. Of the 337 registered voters listed, 152 were Democrats, 142 were Republicans, 22 were independent or unknown and 21 did not vote.<sup>117</sup> In 1910 the population of Rio Grande

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<sup>116</sup> Joe Baulch. P.39

<sup>117</sup> C. P. Alvarez notebook. November 1910. [www.los-tejanos.com](http://www.los-tejanos.com)

City hovered around 2000. Assuming that half of the population is adult and half of that is female, that leaves, at most, 500 eligible voters. This means that at least 67% of eligible voters actually paid their poll tax to be registered. This looks like a very healthy participation.

Evan Anders identified the Republican Party activity in Starr County at the beginning of the Twentieth Century as a reformist movement. It may have been a reformist movement to Lasater and the new comers in the Falfurrias area, but in the south, it was more of an insurrection. The independent, landowning, politically active population in Rio Grande City objected to the “Big Boss” rule James Wells imposed on them, especially when the boss was Washington Shely.

The demise of the small rancher and the ascent of the merchant class did eventually foster the conditions that made boss rule viable and, perhaps, inevitable, but in Starr County, it was not an adaptation of an existing structure. Even though it would have been impossible for the people of that era to know the reason for the significance of the Starr County Election of 1906, they knew was the start of something. This election marked the start of the transition to Boss Rule.

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## Attachment A: Local Government on the Spanish Frontier

The local form of self-government was the *ayuntamiento* or *cabildo secular* that predated even the “*reconquista*.” The *ayuntamiento* held civil and criminal jurisdiction over the municipality. The structure was initially codified for the colonies in 1512 then formally and more completely in 1680 in *Recopilación de las leyes de los reinos de las Indias* better known as simply the *Recopilación*. The book was a compilation of Spanish laws defining governance at every level including the local *ayuntamiento*. The local governing body was roughly equivalent to the city council consisting of at least one *alcalde* (mayor/magistrate) and a number of *regidores* (councilmen). The number of the councilmen varied from four to twelve members depending on the population and the position of the municipality. Besides having the administrative duties of a mayor, the *alcalde* served as a magistrate and for this reason a city could have two *alcaldes*. Later, as the population grew, judges were elected to help off load the burden of the *alcalde*. Local people were elected for these positions, the *alcalde* for a one-year term and the *regidores* for a two-year term and they could not succeed themselves without a two-year interim period. Members of the clergy and the military were expressly forbidden to serve as elected officials. Besides the elected officials, the *ayuntamiento* appointed clerks, law enforcement officials, a prosecuting attorney and, if needed, public works supervisors. The *alcalde* had summary judgment on smaller cases limited to a fine of 25 pesos or a week in jail or public service. In more serious cases above 25 pesos but below 100 pesos, the *alcalde* would ask the parties in the dispute to select a disinterested, reputable person

(*hombre bueno*) to represent them and the case would be settled by arbitration. The parties had the right to appeal.<sup>118</sup>

This was the basic governing structure Austin used in his colony and it worked well. In a letter to Stephen F. Austin, J. F. Perry praised the Mexican system believing that it was better or equal to what he had seen in Arkansas and definitely better than what he had seen in Missouri.<sup>119</sup> Besides the desire for trial by jury, the main Anglo-American complaint against the Mexican system was the long delays in appeals, but this was a common complaint with all systems on the frontier. The Coahuila y Texas legislature authorized trial by jury in 1834, but it was not implemented before the Texas Revolution.

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<sup>118</sup> Tijerina. P. 27-28

<sup>119</sup> Tijerina. p. 42

## **Attachment B: Wars on the Texas Frontier**

### The Mexican War of Independence

This lack of national cohesiveness in purpose was evident from the start. Hidalgo pushed the revolution north not just to rally the colonists to its cause, but also with the hope of obtaining aid from the United States. The colonists, who, by their nature, were predisposed to independence, were sympathetic to the cause and on January 22, Juan Bautista de las Casas, a former militia officer, with the support of the troops garrisoning San Antonio, unseated Royalist Texas Governor Manuel Salcedo.<sup>120</sup> With the army on the frontier also on the side of the rebels, it seemed that the revolution would be successfully concluded in a matter of weeks. The revolution, which started with such promise, soon faltered. The colonists on the frontier were shocked by the reports of the rampage and extensive looting associated with the revolution in the interior. The revolution had obviously become a class war and this put it at odds with the colonists' vision of independence. The colonists wanted to cut political ties with Spain, but were not willing to reject everything Spanish. It is no wonder that it was from this quarter that the counterrevolution was initiated and gained the momentum needed quell the first phase of the revolution. In February, Gen. Joaquín de Arredondo successfully invaded Nuevo Santander. In early March, the counter-insurgents under the leadership of Juan Manuel Zambarno wrested power from Casas. Strangely, the rallying cry for the

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<sup>120</sup> *Handbook of Texas Online*, s.v. "," <http://www.tsha.utexas.edu/handbook/online/articles/MM/qdmcg.html> (accessed July 23, 2007).

counterrevolution was based on the notion that the revolution was benefiting the hated French though at that moment Napoleon Bonaparte had installed his brother, Joseph Bonaparte, as King of Spain and thus Spain and France were technically allied.

Apparently fighting with the French as allies was more damaging to the French than fighting against them. Of course this was not the first time nor will it be the last, that a war has been fought on false pretenses. Rarely are wars fought for the stated reasons.

Miguel Hidalgo was captured, defrocked and executed in March of 1811, but that did not end the unrest. The revolution continued under the able leadership of another cleric, José María Morelos. Though Morelos, who rejected the titles of “Your Highness” and “Generalissimo” preferring to be called “Servant of the Nation,” had much better organizational skills than Hidalgo, however he was never able gain support from the frontier and thus the revolution remained a class war.<sup>121</sup> The revolution simmered with occasional eruptions for another ten years. While the fighting on the frontier was not as intense or as damaging as it was in the interior, it was still disruptive and with no decisive victory on either side there was no full recovery. The march to poverty started.

## The Green Flag Republic

The invasion of Texas from Louisiana on August 12, 1812, is somewhat connected to Hidalgo’s revolution. José Bernardo Gutiérrez de Lara, a native of Revilla (Guerrero), Tamaulipas, Mexico wholeheartedly supported Hidalgo in the quest to free Mexico from Spain. He joined Hidalgo’s insurgent army and quickly rose to the rank of

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<sup>121</sup> Wikipedia. [http://en.wikipedia.org/wiki/Jos%C3%A9\\_Mar%C3%ADa\\_Morelos](http://en.wikipedia.org/wiki/Jos%C3%A9_Mar%C3%ADa_Morelos)

Lt. Colonel. In March 1811, shortly before his capture, Hidalgo sent Gutiérrez on a mission to the United States to solicit aid for the revolution.<sup>122</sup> Hidalgo's capture did not alter his plans to seek aid, but it did modify the final objective. When he crossed the Sabine, he didn't join Morelos in support of the revolution, but to establish a new, independent government, the Green Flag Republic.

Secretary of State James Monroe fully supported the filibustering expedition though the official stance of the United States was disapproval. In spite of the disapproval, Gutiérrez, José Álvarez de Toledo y Dubois, William Shaler and Augustus Magee recruited openly from Louisiana without interference.

Unable to recruit a single civilian volunteer to defend the city, the Royalist commander retreated to San Antonio allowing Gutiérrez, with his core of about 150 American volunteers, to take Nacogdoches without resistance. Gutiérrez immediately established a gazette to announce his intentions and to appeal for support from Texas residents. The Republican Army swelled with new recruits and by fall the new Republic controlled the area from the Louisiana border to the Guadalupe River. The first real test of the Republican Army took place in *La Bahía* (Goliad) where the re-instated Royalist Governor, Manuel Salcedo, decided to lay siege. The armies remained in a stalemate for weeks. The terms Augustus Magee was able to negotiate with Salcedo to end the stalemate--safe passage for Americans and handing over of Mexican insurgents--were immediately rejected not only by Gutiérrez but also the rank and file. The primary result of Augustus Magee's negotiation with Salcedo was a falling out with Gutiérrez.

Surprise. Magee took ill and died in February 1813 under mysterious circumstances. At

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<sup>122</sup> *Handbook of Texas Online*, s.v. "," <http://www.tsha.utexas.edu/handbook/online/articles/GG/fgu11.html> (accessed July 24, 2007).

this moment, when the Republican Army was the most vulnerable, for unknown reasons, Salcedo lifted the siege and the spirit of the Republican Army.

Under new leadership and renewed vigor the growing Republican Army moved toward San Antonio where it met and routed the Royalist Army in a bloody engagement at Salado Creek with over 330 Royalist soldiers killed and 60 captured. Governor Salcedo composed a plan of honorable surrender and delivered it to Col. Gutiérrez. After dinner with officers, Governor Salcedo dramatically offered his sword to an Anglo officer. The Anglo officer refused to accept it and directed Salcedo to offer the sword to the Commander, Gutiérrez. Salcedo refused and threw the sword to the ground instead, a *faux faux* that would cost him his life. Salcedo was tried by tribunal, convicted and executed.

On April 6, 1813 Gutiérrez declared the province of Texas independent of Spain and introduced the first Constitution of Texas.

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