

THE SAN ANTONIO COUNCIL HOUSE FIGHT *"A Day of Horrors-Fruitful of Blood"*

Introduction

San Antonio has had many days of infamy. Most of them are well known, while some are not.

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

In her memoirs, Mary Maverick, an early settler of San Antonio with her husband Samuel, described this "*dia de San Jose*" as "*A Day of Horrors*."¹ In later years, the battle fought that day at the *Casa Reales* became known as the "*Council House Fight*." It was the beginning of the end of the Comanche way of life in Central Texas.

The Council House Fight started out as what modern-day lawyers might call a form of alternative dispute resolution -- but was then called a "council" to discuss a possible treaty of peace. When the early discussions went poorly, it quickly turned into mortal combat in the courtroom. One author has commented that "[t]he fight was nothing less than Homeric."² Another author described it as "perhaps the most unusual 'Court House Fight' ever waged; its title implies a contest very different from the reality."³

Background

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

The Comanches were exceptional horsemen, and had been raiding, killing and capturing Indians from other tribes for decades. The word "Comanche" was derived from the Ute word Komantcia, meaning "enemy" or, literally, "anyone who wants to fight me all the time." They called *themselves* "Nurmemuh", or "the People."⁴ They also had conflicts with the Spanish and Mexican explorers and settlers. The Spaniards gave up fighting the Comanches, and entered into

peace treaties, but the raids continued. Now the Comanches were faced with Anglos coming to Texas from the United States and elsewhere. The Anglos, like their predecessors from Europe, were searching for new territories, fame, fortune and in some cases, escape from creditors. Like their European predecessors, the Texans also brought diseases (most notably smallpox and cholera) unknown to Indian culture and medicine. The Texans also brought new repeating pistols and methods of warfare. As some say, "he with the best weapons usually wins."

As President of the Texas Republic following the Texas Revolution, Sam Houston had negotiated a treaty of peace of sorts with various Native American tribes. Well before becoming President of the Republic, he had come to have a deep understanding of the Indian culture, having lived for a time with the Cherokees [^^where? ^^when?] He spoke the Cherokee language. However, Presidents of the Republic could not serve successive terms, and there was a dramatic change in attitude and approach with the 1838 election of Mirabeau Lamar as President. For years, there were political conflicts between factions in Texas government, with Houston advocating a peaceful co-existence with Native Americans, and President Lamar advocating their complete expulsion or extermination.

By 1840, President Lamar was determined to finally deal with the seemingly endless conflicts with Native Americans, and particularly the Comanches. He boldly declared that "if peace can be obtained only by the sword, let the sword do its work." ^^ cite. He disavowed the policy of appeasement, much like Churchill did in the years leading up to World War II.

"Lamar hated Indians and he hated Sam Houston, not necessarily in that order."⁵ The "problem" with the tribes in East Texas had been solved for the most part, leading to a more peaceful existence for the Texan settlers.⁶ There were still some tribes in the middle part of the State, but "all of these were not as formidable as the wild Comanches who dwelt farther out and whose courage and ferocity were unsurpassed by red or white anywhere."⁷ There had been numerous conflicts. The atrocities and results of many of the conflicts are unmentionable.

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

In this clash of cultures, the Comanches would usually kill all adult male Texans and Latinos, taking the women and children into their tribes as "civilian captives," often adopting them into the society. The Comanche made little distinction between members of the tribe who had been "born" Comanche and those who had been adopted into the culture. However, that was not always true. Many young Anglo captives grew up and embraced the Comanche culture, and had no desire to leave. On the other hand, the Texans were inexperienced with the nature of the atrocities committed, and they were equally unfamiliar with seeing Indian women and children

fighting in raids and battles. The Texans viewed the Comanches as wild beasts, and as a consequence, would many times kill *all* inhabitants of the Indian villages – men, women (who were often dressed like men) and children.

Many Texas officials, with the notable exception of Sam Houston, did not understand that the Comanche people were *not* a unified nation like those found in other cultures, including other Native American tribes. There were at least 12 divisions of the Comanche, with as many as 35 independent roaming bands. Although bound together culturally and politically in some ways, the bands were under no formalized, unified authority. No single band of Comanches could bind other bands to any agreements.

There had to be an end to the bloodshed, and all sides knew it. In 1840, the Penateka Comanches (“the Honey Eaters”) sent emissaries to the Texans, requesting peace talks. Three Comanche chiefs rode by horseback to San Antonio, seeking a meeting with Colonel Henry Wax Karnes, a 28 year old Texas Ranger.⁸ They offered up an Anglo boy as a show of their “sincerity.” By then, Karnes had fought at the battle of Concepcion, the Siege of Bexar, and San Jacinto. He was the first to reach Sam Houston at San Jacinto with news that the Alamo had fallen. He and his calvary company pursued fugitives from the Mexican Army. Later, he raised eight companies of Texas rangers.⁹ He consistently fought with great success with smaller forces against Mexican soldiers and Comanches. In one battle, he commanded only twenty-one rangers in a fight against an estimated 200 Comanches. Karnes and his company were completely victorious, but he received a wound from an arrow from which he never fully recovered.¹⁰ Karnes had a distinguished military career, and had been imprisoned in Mexico. [^^year? Or age??] After formulating how the Texans must handle the negotiations at the Council House, he was not personally involved. It turns out that he was dying of yellow fever at the age of 28, and his remarkable life was near the end. Karnes City and Karnes County are named in his honor.

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

Insert photo or image of Karnes, if available

Lamar also wanted peace, but on *his* terms. The Comanches were driven by the fear of continued attacks by the Cheyenne and Arapaho tribes along the Northern frontier of Comanche territory, losses in several smallpox epidemics, and the successes of Texas Rangers, recently armed with Colt revolvers. The Comanches viewed these weapons as “bad medicine,” and for

good reason. The Texans were weary of perpetual warfare, frontier violence and fear, while trying to make a subsistence as best they could.¹³

A truce was declared, and arrangements were made for a meeting. Lamar appointed special commissioners to attend the Council and negotiate with the Comanches, including William Cooke, the Quartermaster-General, and Hugh McLeod, Adjutant General.¹⁴ Cooke was familiar with San Antonio, and Main Plaza in particular. Cooke had previously led the party of volunteers that captured the priest's house on Main Plaza in 1835, forcing the capitulation by the Mexicans at the Siege of Bexar. He received the flag of surrender.¹⁵ Cooke also distinguished himself at San Jacinto, being in charge of the guard on the prisoners, and prevented the summary execution of Santa Anna. Cooke County was named in his honor.¹⁶

McLeod has been called a "forgotten Texas leader" and described as having a "hand and heart ever open to the necessities of his friends."¹⁷ One of the leading newspapers of the day said this about McLeod:

.... none was more brave than McLeod. He was seen alternately in every part of the field dashing from rank to rank, like a meteor glancing through the murky clouds of battle, as heedless of the balls that were flying around him as if it were the mere pattering of rain.¹⁸

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

Colonel William Fisher, a veteran of the Battle of San Jacinto and the Texan War for Independence, was the new commander of the First Regiment of the Texan Army.¹⁹ In

1840, he was the number two man in the Texas Army, after serving a year as Secretary of War. New Secretary of War Colonel Albert Sidney Johnston²⁰ ordered Fisher to go to San Antonio to deal with the Comanches. Fisher was given very specific orders, based on intelligence from Karnes and others. The Comanches must bring in all "American Captives," or *they themselves would be held as captives*. There would be no promises that would compromise the republic's ability to deal with the Comanches, and no "presents," as was the custom in prior treaty meetings.

Insert photo or image of Cooke, McLeod and Fisher, if available

Fisher communicated with the Comanches in February, and emphasized they should not come to San Antonio without *all* of the Texan captives. The Comanches responded with a promise that they would comply.²¹ Fisher sent more than 175 soldiers to San Antonio to be ready

for the Council with the Comanches. Some of the Texan soldiers had just recently received new Colt repeating pistols.

Thirty-three chiefs and warriors, accompanied by thirty-two other Comanches, including women and children, arrived in San Antonio on March 19, 1840 for the negotiations.

The Council House

The council was held in what was then known as the "*Casa Reales*"— the official public meeting place, municipal hall, courthouse and adjacent jail.

Insert drawing of *Casa Reales* circa 1849, and/or drawing from p. 5 of Cude, *The Free and Wild Dukedom of Bexar*.

It was a one-story stone building directly to the East of *Plaza de Yslas*, now known as Main Plaza, and directly Northeast of the current Bexar County Courthouse. The official address was 114 Main Plaza.²² In

Insert map of location from William Corner's 1890 Book, *San Antonio de Bexar* (maps & illustrations between pages 16 & 17

recent years, the building at this address has been known as "Pauline's Bookstore." The names and locations of the streets have changed over the decades, but then, the only adjacent street to the South of the Council House was known as *Calle del Calabozo* (Street of the Jail) – present-day Market Street. The exact location was probably just North of, or *in* a part of present-day Market Street (after re-alignments over the years), just South of the current location of the *Portal de San Fernando Park*. Those familiar with the history of the San Antonio River will recall that before the 1920's, the "cut-off" flood channel did not exist, so the *quartel* or "Market" for which the street was named was directly to the East of the Council House. At that time, the San Antonio River was several blocks to the East.

Calle del Calabozo, and Dolorosa/Market Street ran in more straight and direct lines back then. At some point, Dolorosa/Market Street was re-aligned to the North and overtook what was *Calle del Calabozo*. At least some of what was *Casa Reales* was eliminated when the "overflow" or cutoff channel was constructed for flood control in the mid-1920's.²³

Casa Reales was the first official courthouse/public meeting house in San Antonio. It was built in 1742, had dirt floors, and a cactus for a flagpole. The official City clock was above the doorway.²⁴ A whipping post was conveniently located near the front door. Convicted lawbreakers were tied to the post to receive lashes assessed by the Court and handed out by the Sheriff or his deputies. *Casa Reales* "remained the oldest capitol, city hall, and courthouse in Texas until approximately about 1850, when it was finally abandoned."²⁵

The 1924 historic marker on the North side of the building currently on the property

Insert photos of current building and old and new historical markers located on the North and South sides of "Pauline's Bookstore"

where the Council House stood is obscure, and probably not noticed by very many people. This is sacred ground.

The "Council"

The Comanches arrived in San Antonio on March 19, 1840. Expecting a council of peace, the 12 chiefs brought women and children as well as warriors. The prominent and powerful Penateka Comanche chief Muk-wah-ruh headed the Comanche delegation. They were dressed in Comanche finery of the day, with their faces painted in bright colors.

Insert photo of Muk-wah-ruh, or typical Comanche if photo or image Muk-wah-ruh is not available

During the Council, the Comanche warriors sat on the floor, as was their custom, while the Texans sat on chairs on a platform facing them. An interpreter was present to translate the discussions. The Comanches spoke no English, and the Texans did not speak the language of the Comanche, although both groups by that time knew some Spanish.²⁶

District Judge John Hemphill, District Attorney John Dabney Morris and Joseph Hood, the first elected Sheriff of Bexar County, attended the Council with the Texas Commissioners.

Insert photos of Morris, Hood, if available.

The Comanche chiefs had brought along one white captive, and several Mexican children who had been captured separately.²⁷ The only Texan captive was Matilda Lockhart, a 16-year-old girl who had been held as a captive for over a year and a half. Matilda told the Texan officials that she had been beaten, raped and suffered burns to her body.

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

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

Texan officers demanded the return of all captives held by the Comanches. They also demanded that settlers were not to be interfered with, and that the Comanches not ever again enter any white settlement.²⁹ The Texan commissioners demanded to know where the other captives were, and why they had not been released. Chief Muk-wah-ruh said that he could not deliver more captives, because he had no such authority. Whether this was the truth is still a subject of debate among historians. Some call it a "palpable lie" while others insist that the different bands of Comanches had sole authority over the captives held by their tribes, and that the Chiefs and Bands not in attendance were under no obligation to release anyone, and had not agreed to anything.

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

Muk-wah-ruh then asked, "how do you like our answer?"

The Texan Officials concluded that the Comanches had not honored their promises, and had a brief discussion. Fisher replied that he did *not* like the answer. After further parleying about an exchange of prisoners, Col. W. G. Cooke, acting Secretary of War, thought it proper to take hostages for the safe return of the American captives. The Texan soldiers under Col. Fisher's command were ordered to get ready. One company of the Texan soldiers was ready to march into the courtroom and the other company marched to the rear of the building where the Comanche warriors were assembled.

Fisher signaled for a company of soldiers to be brought into the courtroom, whereupon they took position at the door and the windows. The Texans were angry about Matilda Lockhart's abuse, and they considered the Comanches to be arrogant in their attitude and demands. Fisher, with his eyes never leaving Muk-wah-ruh, carried out his orders, and instructed the interpreter to tell the Comanches:

We will, according to a former agreement, keep four or five of your chiefs, whilst the others of your people go to your nation and bring all the captives, and then we will pay all you ask for them. Meanwhile, these chiefs we hold we will treat as brothers and 'not one hair of their heads shall be injured.' This we have determined, and, if you try to fight, our soldiers will shoot you down.³¹

The interpreter, a former captive of the Comanches, was utterly horrified, turned pale, and said "No, I will not say that—they will fight to the death!" He was again ordered by the Texan Officers to tell the Comanche chiefs and warriors exactly what they had said. As he began making his way toward the only exit from the courtroom, he made the announcement, *then safely fled from the courtroom.*

When his announcement was made, the Texan officers descended from the platform. The chiefs immediately followed, and screamed that they had been betrayed.³² They made a loud war "whoop" and attempted to escape. They began preparation for a fight to the death, and the Texans were ready to oblige. The Comanches preferred a fight and certain death to the disgrace of captivity under any circumstances.³³ The Comanches rushed toward the door, stabbing soldiers along their way.

Instant mayhem ensued in the courtroom. One chief headed toward the exit and plunged his knife into the Texan sentinel. Fisher ordered "Fire, if they do not desist!" Soldiers fired with their rifles, with both Texans and Comanches being hit or killed. A rush was made to the door. Captain Howard collared Chief Muk-wah-ruh and received a severe stab wound in the side. Captain Howard ordered the sentinel to fire upon him, which he immediately did, and the Indian fell dead.³⁴ In the resulting melee, the Courtroom was filled with shots and screams, and reeked of hot blood and powder smoke.³⁵ Within moments, all twelve Penateka Comanche chiefs were killed, by being stabbed or shot to death at close range.³⁶

As McLeod said in his official report to Governor Lamar³⁷,

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

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

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

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

The general melee that began in the Courtroom spread through the streets of San Antonio. The Texan soldiers opened fire, killing and wounding both Comanches and Texans.

The Indians were driven into nearby houses, where they kept up a galling fire with their bows and rifles. As Mary Maverick reported in her memoirs, "I ran in the north room and saw my husband and brother Andrew sitting calmly at a table inspecting some plats of surveys – they had heard nothing. I soon gave them the alarm, and hurried on to look for my boys. Mr. Maverick and Andrew seized their arms, always ready, Mr. Maverick rushed into the street, and Andrew into the back yard where I was shouting at the top of my voice "Here are Indians!" "Here are Indians!"³⁸

Samuel Maverick, Jr.,³⁹ the son of Samuel and Mary Maverick was saved by the family's black cook, who held a large rock above her head and threatened to use it to crush a Comanche's head.⁴⁰ The Comanche retreated, apparently not wanting to experience how that would feel.

District Judge John Hemphill was in attendance at the Council House. He had only recently been appointed as Judge of the 4th Judicial District Court. He adjourned court that day so that the Courtroom could be used for the Council.⁴¹ He became embroiled in the melee, suffered a minor wound, and

Insert portrait of Judge John Hemphill, with credit to the University of Texas Tarlton Law Texas Jurists Collection, Rare Books & Special Collections-Library Digital Collections.

killed one of the Comanche combatants with his Bowie knife.⁴² Fighting Indians was nothing new for Judge Hemphill. In 1836, he fought in the Second Seminole War. Later the same year, the Texas Congress elected him as the fourth chief justice of the republic's Supreme Court, the only state-wide judicial office. He later joined several campaigns against the Comanches.

After annexation in 1845, Hemphill was appointed to be the first Chief Justice of the Supreme Court of the State of Texas, a position he held until 1858. He took a particular interest in cases involving Spanish and Mexican law. He was described as a brilliant jurist. Through his decisions while on the Supreme Court, Judge Hemphill managed to preserve some of the more liberal aspects of the civil law. He has been referred to as the "John Marshall of Texas" for his significant role as a Texas jurist. Hemphill later succeeded Sam Houston in the United States Senate. He supported the movement for secession, and was expelled from the United States Senate in 1861 after the outbreak of the Civil War. From 1860-1862, he was a member of the Congress of the Confederate States of America. He died in Virginia in 1862, and his body was returned to Austin for burial in the State Cemetery. Never married, Hemphill was characterized as a private and reserved yet generous individual. Hemphill County was named in his honor.

Other visiting or former judges, including Judge James Robinson, also attended the Council. Robinson migrated to Texas sometime between 1824 and 1833. Although he was chosen Lt. Governor for the Provisional Government of the Republic in 1835, he served as a private at San Jacinto. In 1836 he was elected by Congress as the first judge of the Fourth

Judicial District, which included Bexar County, automatically making him a member of the Supreme Court of the Republic of Texas. He resigned under threat of impeachment just weeks before the Council House Fight, and opened a law practice in Austin. For unknown reasons, he was at the Council House on that fateful day, and was wounded in the battle. As fortune would have it, he was back in Court at the Council House in 1842, was captured with the other lawyers and court staff, and forced to march to Perote Prison near Vera Cruz, Mexico.⁴³ In 1850, he moved to San Diego, California, where he served as a District Attorney until 1855.⁴⁴

Judge Thompson from South Carolina was in town visiting with his relatives, including one of the Texan officers. Judge Thompson was outside in the yard amusing himself setting up coins and paper money on a fence for the little Comanches to knock down with their arrows.⁴⁵ Several witnesses noted the remarkable accuracy of the Comanche children with their arrows. When the fight started, "he was killed by an arrow before he even suspected danger." ^^ Cite [Mary Maverick or McCleod's report??]

John Dabney Morris became the first district attorney of the 4th Judicial District at the age of 21. He was reappointed by President Lamar in 1839 and again in 1840. At the Council House Fight, he saved the life of Mathew "Old Paint" Caldwell by shooting a Comanche who was taking aim at the unarmed man.⁴⁶

"Old Paint was attacked by a powerful Indian, and being unarmed, was forced to defend himself with rocks until a bullet ... laid the Indian low."

Caldwell was born in Kentucky and settled in Texas in 1831. He was a signer of the Texas Declaration of Independence and a soldier in the Texas army. He is sometimes referred to as "the Paul Revere of the Texas Revolution," calling for men to help at the Battle of Gonzales.⁴⁷ Mary Maverick recalled in her memoirs that Old Paint was at that time a guest of the family from Gonzales. As Mary Maverick said, "Caldwell was an old and famous Indian fighter. He had gone from our house to the Council Hall unarmed. But when the fight began, he wrenched a gun from an Indian and killed him with it, and beat another to death with the butt end of the gun. He was shot through the right leg, wounded as he thought by the first volley of the soldiers. After breaking the gun, he then fought with rocks, with his back to the Court House wall."⁴⁸

Later, Caldwell led a company at the battle of Plum Creek, and in the 1842 invasion of San Antonio by Gen. Woll and the Mexican forces, he commanded a force of 200 men who met and defeated the Mexican Army at the battle of Salado Creek. Caldwell County was named in his honor.⁴⁹

District Attorney Morris was armed with a pistol, and he obliged Caldwell's request that he shoot the Comanche, straight through the heart.⁵⁰ Caldwell was assisted back to the Maverick residence. Dr. Weidemann cut off Caldwell's boot, where he found that the bullet had gone entirely through the leg, and lodged in the boot. Mrs. Maverick said that "the wound ... was very

painful, but the doughty Captain recovered rapidly and in a few days walked about with the aid of a stick."⁵¹

Joseph Hood, the first elected Sheriff of Bexar County, was also in attendance. He came to Texas in 1829 and described himself as Catholic, unmarried, and a schoolteacher.⁵² He was elected Sheriff of Bexar County in 1837 and reelected in 1839. He was killed by Comanche warriors as he walked out onto the porch of the Council House – the first Texas Sheriff known to be killed in the line of duty.

Outside the Council House, Lt. William M. Dunnington was shot by an arrow from the bow of a Comanche squaw. Not knowing her gender, because she was dressed like a man, he shot her, with the bullet hitting her in the head. He exclaimed "I have killed *him*, but I believe *he* has killed me too." The lieutenant died 20 minutes later.⁵³

Armed citizens joined the battle, but, claiming they could not always distinguish between warriors and women and children, since all of the Comanches were fighting, shot at all of the Comanches. As an eyewitness to the debacle, Mary Maverick said that "the Indian women dressed and fought like the men, and could not be told apart." Mary Maverick said that "many of them were repeatedly summoned to surrender, but numbers refused and were killed. All had a chance to surrender, and every one who offered or agreed to give up was taken prisoner and protected." The Comanche women dressed like men and they fought like men.⁵⁴

The bloody battle that began in the Courtroom and then led down to the streets of San Antonio, private homes and other buildings, and the San Antonio River resulted in twelve Penateka Comanche leaders and warriors killed in the Courtroom, and an additional twenty-three warriors, five women and some Indian children killed in the streets and along the River. The chase finally led to Bowen's Bend, the future site of the Plaza Hotel, and now the site of a retirement home.⁵⁵ Thirty Indians were taken captive and made prisoners. Seven Texans were killed during the melee.⁵⁶ George W. Cayce,⁵⁷ Lt. Dunnington,⁵⁸ Pvt. Kaminske, Judge Thompson, Mr. Casey (of Matagorda County), Pvt. Whitney, and an unidentified Hispanic Texan. Eight Texans were wounded, three receiving serious wounds. One of the wounded included 24-year-old Captain George Howard, who distinguished himself in the service of the Texas Army for many years, and was Sheriff of Bexar County from 1843-1845. He later distinguished himself for bravery in battle and exemplary leadership during the Mexican War.⁵⁹

The Texans killed every Comanche who did not surrender, without regard to age or gender.⁶⁰ The Texans also acquired an estimated 100 of the Comanches' horses and a great number of buffalo hides.

According to the official report by Col. McLeod,⁶¹ thirty-five Comanche were killed (30 adult males, 3 women, and 2 children), twenty-nine were taken prisoner (27 women and children, and 2 old men). McLeod's storied life came to an end when he died of pneumonia at the age of 47. He had participated in many of the eventful days in early Texas, including the *Santa Fe*

Expedition and the Civil War. Ironically, his body was sent back to Texas from Richmond, Virginia on the same train with the body of fellow Texan Chief Justice Hemphill.⁶² They were both laid to rest in the State Cemetery on February 1, 1861.⁶³

The Council House Fight ended the chance for peace and led to years of hostility and war.

Aftermath: Captives, Unintended Consequences and Retaliation

The day after the fight, a single Comanche widow of one of the Comanche chiefs was released to return to her camp, with instructions to tell the other Comanches that the prisoners held in San Antonio would be released if the Comanches released the fifteen Americans and several Mexicans who were known to be captives. The Texan officials told her that there would be a twelve day truce, and the Comanches must return the Anglo captives, or the prisoners would be killed, "for we will know you have killed our captive friends and relatives."

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

Dr. Weidemann wanted the bodies of two of the dead Comanches as specimens for scientific research. That night, he stewed the bodies of two Comanches in a soap boiler, and when the flesh was completely dessicated, dumped the cauldron into the Acequia. This ditch ran in branches from present-day Brackenridge Park to the Alamo and along present-day Main Street. It furnished the drinking water for the town, while the San Antonio River and San Pedro Creek could be used for bathing and washing. A City Ordinance in effect since the early 1800's prohibited any activity that would defile or pollute the Acequia.

It occurred to the dwellers along the ditch that Dr. Weidemann had defiled the drinking water, and they quickly gathered in indignation and a mob rushed City Hall. The men talked in loud and excited tones, the women shrieked and cried, and rolled their eyes in horror. They were convinced that they had been poisoned. Dr. Weidemann was arrested and brought to trial. Angry residents verbally abused him, calling him "diablo," "demonio," and "sin verguenza." He pled guilty, calmly paid his fine, and walked away laughing. After other unusual behavior, no Tejano passed Weidemann without crossing himself, for they firmly believed he was in league with the Devil. He later drowned while trying to swim Peach Creek near Gonzales.⁶⁴

The Comanches were in disarray with the loss of so many of their chiefs and leaders, and continued to taunt the Texans during the 12 day "truce." Two days after the Council House

Fight, a band of Comanches returned to San Antonio. Leaving the bulk of the warriors outside the city, Chief Isimanica ("Chief that Hears the Wolf" or "Howling Wolf") rode into San Antonio with an estimated 250 Comanche warriors, and yelled insults. He was rising up in his stirrups, had worked himself into a rage, and was half naked in full Comanche regalia and war paint. He was shaking his fists, raving and foaming at the mouth, challenging all.⁶⁵ The citizens told him to go find the soldiers if he wanted a fight.

Captain Redd, a lawyer by profession but now the garrison commander, told the young chief that "we burn to fight you, but we are going to honor the 12-day truce." He invited the Indians to come back in three days. The young chief never returned.⁶⁶

Colonel Wells reprimanded Captain Redd and called him a "dastardly coward" for refusing to fight. Wells went so far as to accuse Redd of refusing to fight not to honor the truce but because of his "inappropriate" relationship with a young woman sharing his quarters. Since those were fighting words, Redd challenged the officer to mortal combat. A duel was arranged at 6:00 a.m. at what later became Ursuline Academy (present day Southwest Craft Center). Facing each other, Redd coolly remarked: "I aim for your heart." Wells replied: "I aim for your brains." The Texan Officers fired at each other. Redd sprang into the air, and fell dead with a bullet lodged in his brain. In the pocket of his jacket was a duly-recorded license proving his marriage to the young lady with whom he was sharing quarters. As Mary Maverick later reported, "Wells, too, in fulfillment of their fearful repartee, was shot very near the heart; he, however, lived a fortnight in great agony, begging every one near him to dispatch him or furnish him with a pistol to kill himself."⁶⁷

This event was further evidence of the tensions running high in the Texas Army in the aftermath of the Council House Fight. This duel ended the lives of two young officers who had served with valor and distinction at San Jacinto.⁶⁸

When the chief's widow dispatched as a messenger reached the Comanche village and told her story, the Comanches were outraged, and proceeded to brutally torture and murder thirteen of the sixteen remaining Texan and Mexican hostages. These included Matilda Lockhart's six-year old sister. They suffered unspeakable cruelties and tortures. Only three Texan captives were spared, having been adopted into the tribe. By Comanche custom, they were truly part of the tribe.

This torture and murder of the remaining Texan hostages was only a part of the Comanche "answer" to what they considered the breaking of a truce.

The Texans did not retaliate on the captives they held. The captives were put into the calaboose, where the people in San Antonio went to see them. As Mary Maverick recounted, "the Indians expected to be killed, and they did not understand nor trust the kindness which was shown them and the great pity manifested toward them. They were first removed to San Jose Mission, where a company of soldiers was stationed, and afterwards taken to Camp Cook, at the

head of the river, and strictly guarded for a time. But afterwards the strictness was relaxed, and they gradually all, except a few, who were exchanged, escaped and returned to their tribe. They were kindly treated and two or three of them were taken into families as domestics, ... but they too, at last, silently stole away to their ancient freedom."⁶⁹

The Council House Fight outraged both the Texans and the Comanches. It was a classic and tragic failure of two diverse cultures to communicate and understand each other. The Comanches would not agree to settle down and become farmers. In the words of Muk-wah-ruh, "the Indians were not made to work. If they build houses and try to live like white men, they will all die. We have set up our lodges in these groves and swung our children from these boughs since time immemorial. When game beats away from us we pull down our lodges and move away, leaving no trace to frighten it, and in a little while it comes back. But the white man comes and cuts down the trees, building houses and fences, and the buffaloes get frightened and leave and never come back, and the Indians are left to starve, or, if we follow the game, we trespass on the hunting ground of other tribes and war ensues."⁷⁰

The Comanches' proposed solution? "If the white men would draw a line defining their claims and keep on their side of it, the red men would not molest them."⁷¹ The Comanches considered their chiefs and warriors—ambassadors of a sort—immune from deadly force. The Texans considered the Comanche chiefs and warriors to be in control of their various tribes, and they failed to comprehend that many of the "captives" wanted to remain with the Comanches and had no desire to return to the life of a frontiersman.

Although sympathetic, President Houston knew that if he could not convince the legislature to accept a treaty with the Cherokees, he would never be able to convince them to accept a treaty with the Comanches. He said "if I could build a wall from the Red River to the Rio Grande, so high that no Indian could scale it, the white people would go crazy trying to devise means to get beyond it."⁷²

Meanwhile, in the ordinary administration of the criminal justice system, there were many whippings that month for felony indictments but only one resulting in branding. The two defendants were found guilty of grand larceny and sentenced to 39 lashes on the bare back and then a few days later had the letter "T" branded on their right hands to designate "thief."⁷³

Retaliatory Raids

The Comanches were shocked and disgusted by the actions of the Texans. They had successfully negotiated with the Spanish and Mexican governments for ransoms for kidnapped citizens, and they always got away with offering them up one by one. This was different. They viewed the council and white flag as sacred, and believed that the terms of the Council had been violated — an unthinkable and an unforgivable insult.⁷⁴ The Texan officers believed that they were the ones who had been misled, but they had given considerable forethought to what would happen if all of the captives were not delivered. Some have called it a serious tactical error for

Muk-wah-ruh to lead the chiefs, warriors, women and children into San Antonio without knowing that he and his fellow chiefs and warriors might have to fight 200+ armed soldiers to the death.

The Council House Fight sparked a series of reciprocal raids ravaging the towns of the Texans and the camps of the Comanches, resulting in many deaths on both sides.

In addition to the torture and murder of the remaining Texan hostages, Chief Buffalo Hump launched the "Great Raid of 1840," leading an estimated 500+ Comanche warriors (and their families) on raids against Texan villages throughout the Guadalupe River Valley. They sacked the town of Victoria and then sacked and burned the town of Linnville to the ground, killing at least 23 Texans in the process, with many others being taken prisoner. Caught with no arms and no defenses, the people of the town took to the water and swam to nearby sailboats and a steamer.⁷⁵ There they watched the burning, destruction and looting of their town. The town was never rebuilt, and most of the remaining citizens moved to present-day Pt. Lavaca.⁷⁶

Ironically, in the sacking of Linnville, the Mavericks lost many household effects that were *en route* on a ship from New Orleans. Among other things lost was a set of law books for Mr. Maverick. The law books were tacked to the Comanches' saddle-bows and then used as cigarette papers. As William Corner has said, "This shows how little respect the Indians had for Blackstone and the law."⁷⁷

The Texan militia responded, leading to the Battle of Plum Creek, near Lockhart. On August 11, 1840, the Comanches, outnumbering the Texans more than three to one, were decisively defeated. The Comanches sported war paint and clothing stolen from Linnville. Some of the warriors were described as looking "ludicrous—with stove hats, stolen shoes and shirts worn backward."⁷⁸ The Comanche dead was about 80, while there was not a single loss of life by the Texans soldiers or the Tonkawas who were without any horses but helping the Texans. There were only a few Texans wounded, all of whom recovered.⁷⁹ The Comanches failed in their efforts to kill their Victoria and Linnville captives. One of the women captives who survived did so because she was wearing a whalebone corset. Unable to figure out how to get her out of the corset, the Comanches fastened her to a tree and shot her with an arrow at close range. The corset blunted the arrow that was intended to kill her.⁸⁰

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

Men and boys of every variety of character composed that noisy crowd, that was busily engaged all night long talking of the transactions of the previous eventful days. Here were three Baptist preachers ..., all in the fight, with doctors, lawyers, merchants and farmers.⁸¹

The defeat at Plum Creek was disastrous for the Comanches, with many chiefs and warriors killed and so few Texans killed. After much debate, the Comanches were pursued into Indian Territory. The Texan forces caught up with the Comanches near the Red Fork of the Colorado River, close to present-day Colorado City. This time, the Texans were assisted by the Lipan Indians. Over 140 warriors and chiefs were killed, and 34 were captured, along with over 500 horses.⁸² Two Texans were slightly wounded, and were able to make the 300 mile trek back to Austin. The Comanche Nation was essentially decimated, never again to bring a serious threat to the Texans, although they did make occasional raids on Mexican settlers. At Red Fork, the Comanches were caught by surprise, some 130 Comanches were killed, and again, no effort was made to distinguish between age or gender. The Comanches had spared neither in their raids.⁸³ This time, the Texan officers made no effort to burden themselves with prisoners.⁸⁴ With this "victory," President Lamar was satisfied, and that year the Penateka Comanches would make no more raids on the Texan settlements.⁸⁵

The power of the Southern Comanches was broken, with Lamar spending \$2.5 million the Republic did not have, and the Indian "problem" was mostly over.⁸⁶ Occasional raids by small groups of Comanches were met by Texas Ranger Jack Hays. Hays and his Rangers also scouted the Hill Country for Comanches who led raids on towns. In one such battle in Kendall County, Hays and 14 Rangers encountered 200 Comanches led by Yellow Wolf. At what became known as the Battle of Walker's Creek, the 15 member company of Rangers routed the Comanches. This was the first time an entire company of Rangers used Colt revolvers in combat. A Comanche who took part in the battle complained that the Rangers "had a shot for every finger on the hand."⁸⁷

While the 5-shot Colt was highly effective, Hays sent fellow ranger Samuel Walker to personally meet with Samuel Colt to make some suggestions about the pistols then in use. A month later, Colt began selling a new improved Colt pistol – the Colt "Walker" brand of pistol – easier to reload while on horseback. The results were devastating for the Comanches. After one encounter, Hays recounted that "the Indians ... fought at great disadvantage but continued to struggle to the last, keeping up with their war songs until all were hushed in death."⁸⁸ In describing Hays, a Lipan chief remarked, "Me and Red Wing not afraid to go to Hell together. Captain Jack heap brave—not afraid to go to hell by himself."⁸⁹

The lesson was learned. The Comanches learned that fighting against the Texans, especially Texas Rangers armed with Colt revolvers, was bad medicine. The Comanche raids slowed dramatically, with fewer raids and capture of hostages.⁹⁰

However, Buffalo Hump continued to fight against Texan settlement of Comanche hunting grounds, and began negotiations with newly re-elected President Sam Houston for a treaty. Both sides were absolutely exhausted by the continued war. Buffalo Hump had several personal meetings with President Houston. Houston knew that neither the Texas Legislature nor the settlers in Texas would agree to stay away from the areas that the Comanches claimed as their

ancient hunting grounds. As a result, the Comanches and Texans continued their sporadic, reciprocal attacks on each other.

Buffalo Hump continued negotiations with the United States, which “inherited” the Indian problem after annexation. He personally met again with Sam Houston, who was now the U.S. Senator from Texas, but without success. In response to continued raids by the Comanches, Texas Rangers continued to strike at Penateka camps. The Comanches remained defiant. Another treaty was reached in May 1846, at which Buffalo Hump led a Comanche delegation at Tehuacana Creek (also called Council Springs, near present day Mexia in Limestone County), and signed a treaty with the United States.⁹¹ This had been the site of previous treaty meetings, resulting in treaties that were not honored by either side. Buffalo Hump finally concluded that it would be better for his people if they dealt peacefully with what was now the United States government.

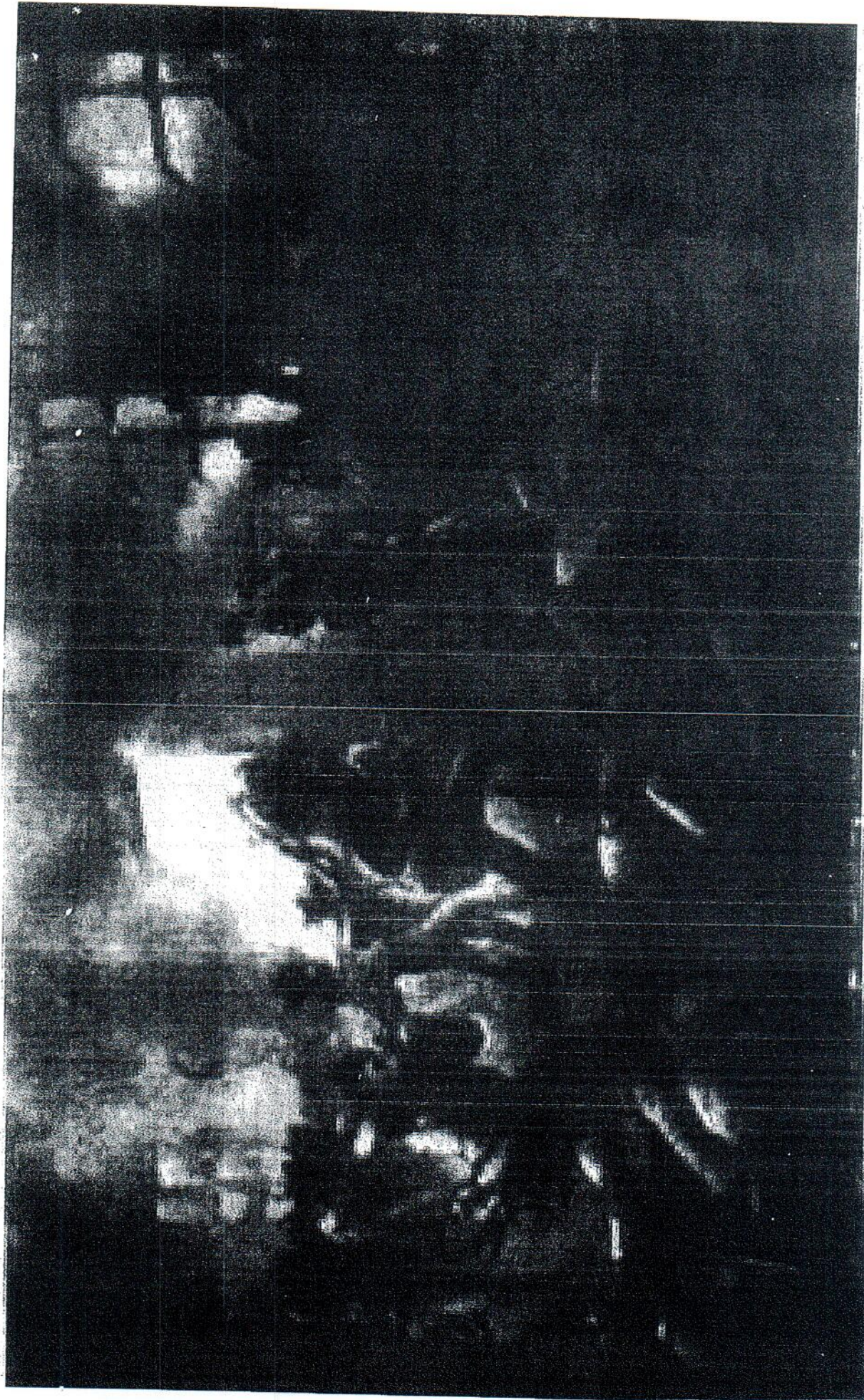
Ravaged again by smallpox and cholera in 1848, the Comanches signed another treaty with the United States. By 1850, the Comanches were considered to be a defeated people, no longer the strong, proud warriors they had been. Reservations were set aside for the Comanches and other tribes, but this would not last long. Raids continued through 1858. In 1859, Buffalo Hump moved with his remaining followers to the Kiowa-Comanche reservation near Fort Cobb in Indian Territory. He humbly asked for and received a house and farmland so that he could set an example for his people, although it was vastly different from the traditional life of the Comanche.⁹² He died in 1870.

Raids resumed during the Civil War. After more crushing defeats, most Comanches and other tribes were relocated to Indian Territory near Ft. Cobb, under escort by the United States cavalry and infantry. It was not until 1875 that most of the conflicts ended.⁹³

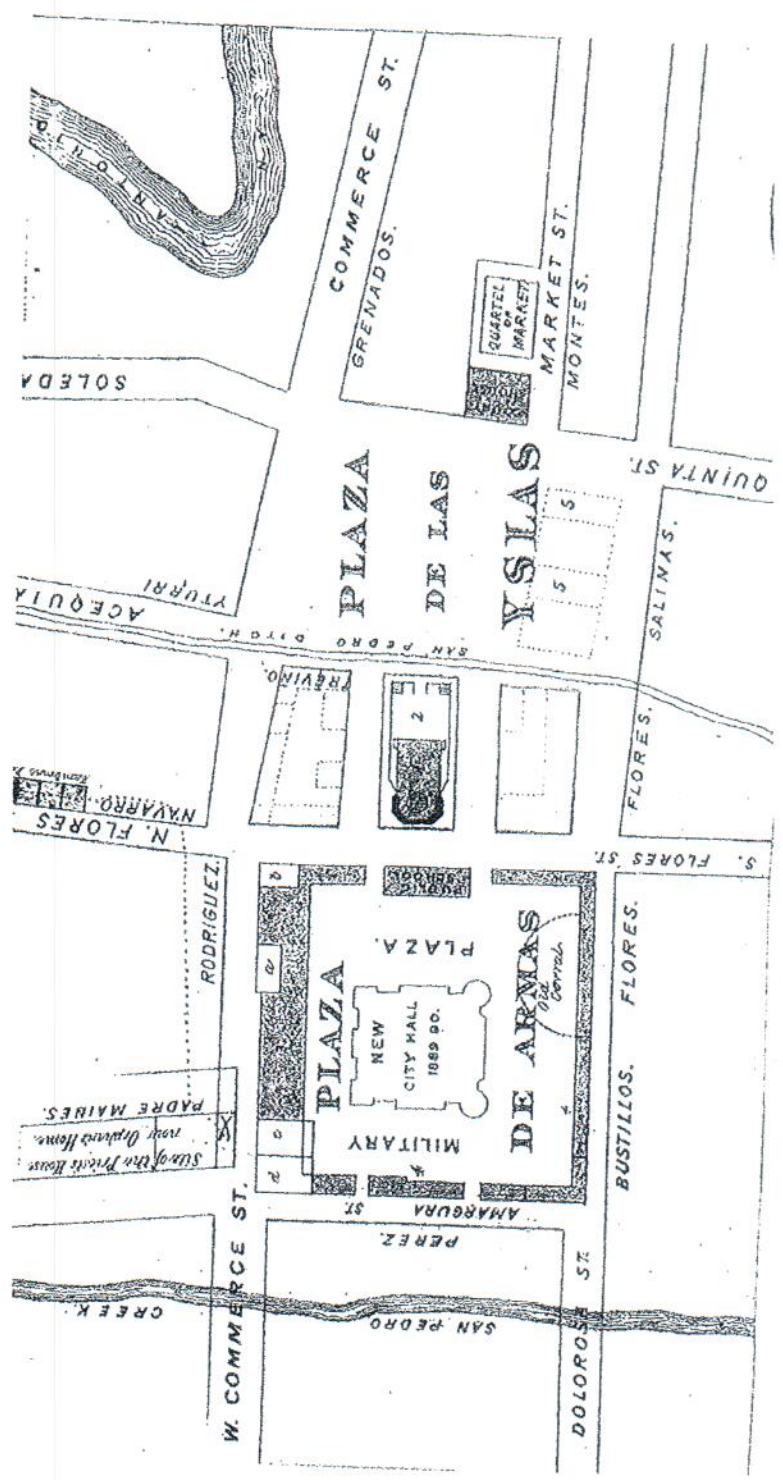
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About the author: Fred Riley Jones is a lawyer with the San Antonio law firm of Goode, Casseb Jones, Riklin Choate & Watson, P.C. He is a sixth generation native of South Texas, a graduate of Texas A&M University (B.S. 1976) and St. Mary's School of Law (J.D. 1979). The author gratefully acknowledges the assistance of San Antonio Historians Ann McGlone and Clint McKenzie.

1. This is how Mary Maverick, the 22-year old wife of Samuel Maverick, described the events of the day in her memoirs. *Dia de San Jose* – the day of celebration, first class feasts and fiestas for St. Joseph. March 19th has been dedicated to St. Joseph on Western calendars since the 10th Century. Mrs. Maverick witnessed many of the events of the day in great personal danger, describing herself as being “endowed with a fair share of curiosity.” *Memoirs of Mary*



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



W. COMMERCE ST.
COMMERCE ST.
DOLOROS ST.

COMMERCE ST.
GRENADOS.
MARKET ST.
MONTES.

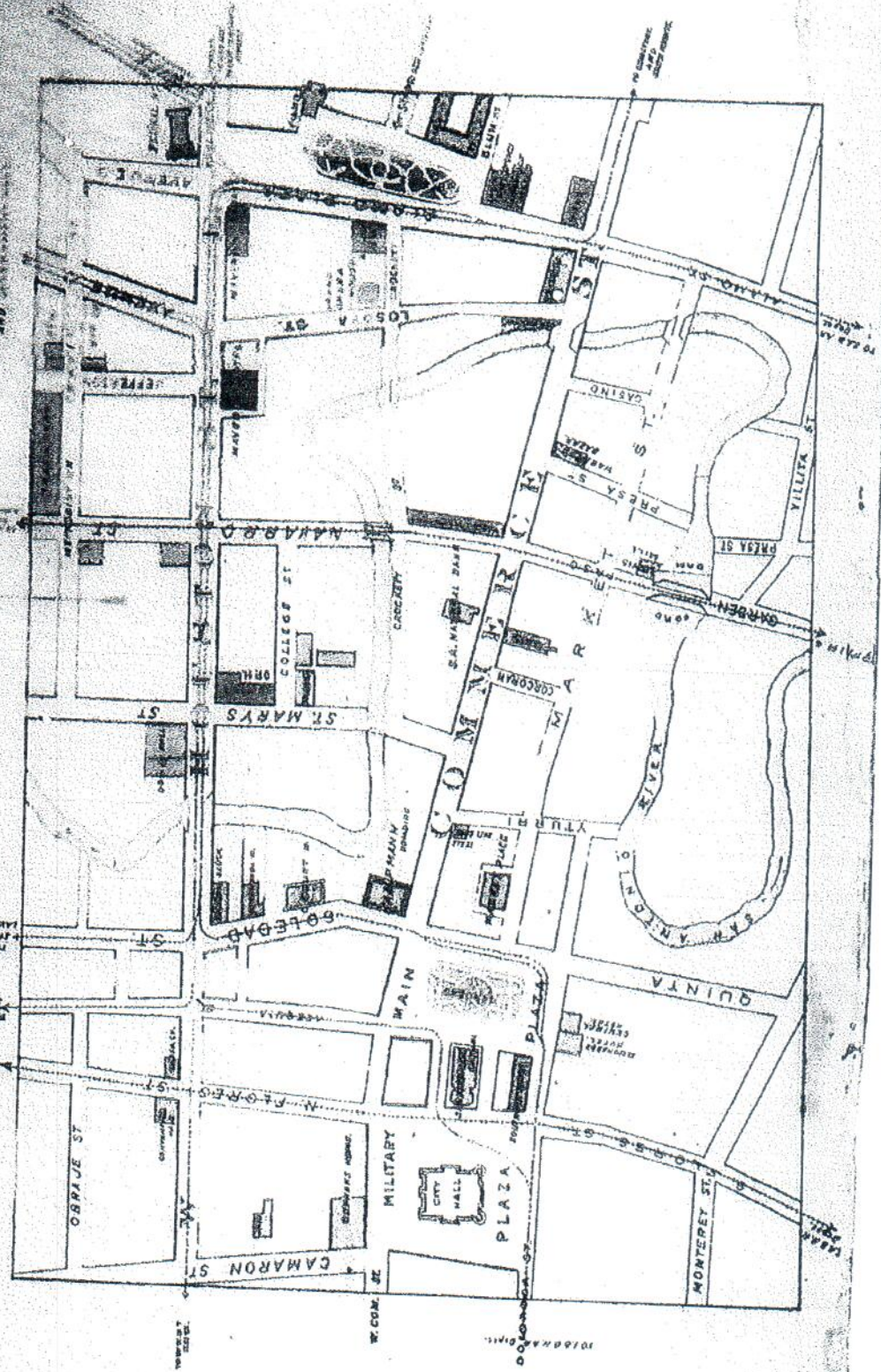
ACEQUIA
Y TURRI
PLAZA DE LAS YSLAS
QUINTA ST.
SALINAS.

NAVARRO.
N. FLORES
FLORES.
S. FLORES ST.

RODRIGUEZ
PADRE MAIRES.
PLAZA DE ARMAS
NEW CITY HALL
1889 GO.
MILITARY
AMARGURA ST.
BUSTILLOS. FLORES.

W. COMMERCE ST.
SAN PEDRO CREEK
PEREZ
DOLOROS ST.

MAP OF THE CENTRAL PORTION OF THE CITY OF SAN ANTONIO.





THE CASAS REALES

ON SITE CHOSEN JULY 2, 1731, FOR "GOVERNMENT HOUSES" BY PEOPLE OF SAN FERNANDO DE BEXAR, INCLUDING NEWLY ARRIVED SETTLERS FROM THE CANARY ISLANDS. STRUCTURE, ERECTED 1742, HAD TO BE REBUILT IN 1779 BY DON JOSE ANTONIO CURBELO, ALCALDE OF THE VILLA SAN FERNANDO DE BEXAR. A JAIL WAS ERECTED TO THE SOUTH IN 1783.

FROM COMMANDING POSITION OF CASAS REALES ON MAIN PLAZA WERE READ OFFICIAL PROCLAMATIONS, TO THE ROLL OF DRUMS, A NOTED VISITOR IN 1807 WAS LT. ZEPHORUS W.

PIKE, FREED AFTER ARREST ON UPPER RIO GRANDE WHILE EXPLORING LOUISIANA PURCHASE FOR THE UNITED STATES.




BRIEFLY IN 1836 OVER THE CASAS REALES FLEW THE GREEN FLAG OF REBEL REPUBLICAN ARMY OF THE NORTH, TO DRIVE THE MEXICAN FROM SPAIN'S RULE, AIDED BY THE MEXICAN OF

BASTIEN, MOSES AUSTIN IN DECEMBER 1835, AND THE ANGLO-AMERICAN ORGANIZATION OF THE MEXICAN REPUBLIC.

FEELING IN CONCORD WITH THE MEXICAN GOVERNMENT (COUNCIL) OF CASAS REALES, SAN FERNANDO DE BEXAR, FEBRUARY 24, 1836, TO PRESS THE MEXICAN GOVERNMENT TO



BE NEUTRAL TO ANY HOUSE FIGHT BETWEEN THE MEXICAN GOVERNMENT AND THE TEXAS GOVERNMENT. THE TEXAS GOVERNMENT SERVED AS A

INTERMEDIARY BETWEEN THE MEXICAN GOVERNMENT AND THE TEXAS GOVERNMENT. THE TEXAS GOVERNMENT WAS VACATED

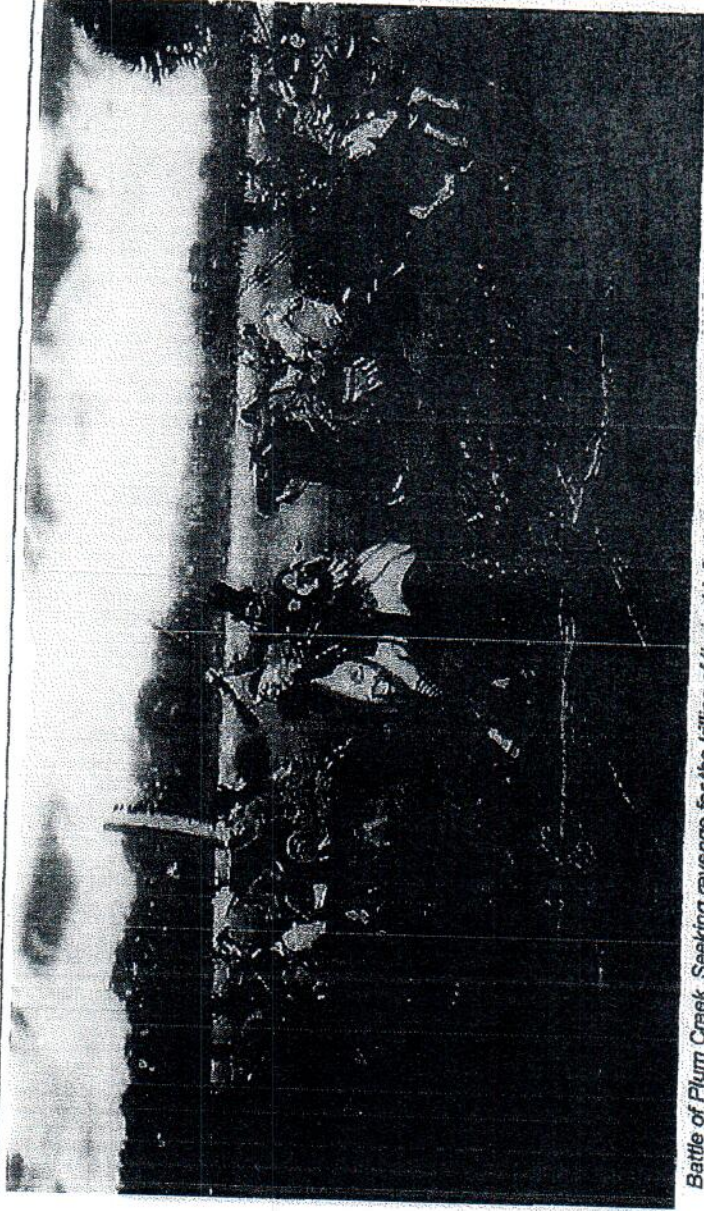


HERE STOOD THE EARLY
COURT HOUSE, CITY COUNCIL
ROOM, ETC., AND WHERE
OCCURRED THE "INDIAN
MASSACRE" IN 1840, AND
WHERE THE COURT WAS
CAPTURED IN 1842.

DE ZAVALA DAUGHTERS
OF THE HEROES OF TEXAS.
1924



THE DIE IS CAST



Battle of Plum Creek. Seeking revenge for the killing of their chiefs during the Council House treaty negotiations in San Antonio in 1840, a force of Comanches embarked on a rampage through south Texas settlements. Returning to Plum Creek prairie near Austin, the Indians, decked out in stolen Anglo hats and clothing, were ultimately halted by a party of Texan volunteers, rangers, and militia. Painting by Lee Hering, courtesy of William Adams and the Institute of Texan Cultures.