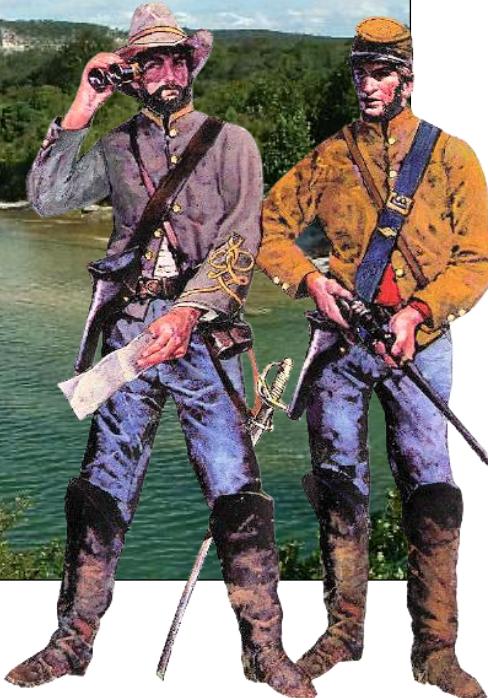


# VICTORY WITHOUT HEROES ON THE NUECES RIVER



*By Dominique De Cleer*

Adapted into English by Gerald Hawkins



Since 1847, a wind of liberal revolution had been sweeping through most countries of Western Europe. Switzerland was on the brink of a civil war. The want of popular sovereignty led to the victory of the Swiss radicals in ten cantons<sup>1</sup>, seven of them of Catholic obedience. The republicans and socialists of the neighboring countries were closely following the events of the Swiss Confederation. Neither was Germany safe from widespread uprising. In March 1848, barricades were erected in Berlin, and Prussia went to war with Denmark. Victorious, the Prussians were however forced to retire under the pressure of the Russian government that supported Denmark.

That same year, Arnold Duckwitz founded the first regular maritime line between Europe and the New World. The *Hamburg-Amerika Linie* played an important role in the German emigration and the transportation of mail to the American States. The paddle steamer *Washington* provided this service to the United States from Hamburg, crossing the Atlantic Ocean in eighteen days.

Two years earlier, the Texas government had ratified the resolution to incorporate the young republic into the United States of America. On July 4, 1846, Texas became the 28th state of the Union. By now, many native Americans were leaving the east and north-eastern states and moving west while an increasing number of adventurers and outlaws from Tennessee and Kentucky were rallying Texas. The defense of the

<sup>1</sup> District

Alamo and the victory of the Texans at San Jacinto were still fresh in people's minds. Those acts of bravery had propagated throughout the country like a trail of burning powder, thereby exalting the Mexican province that had won its independence nearly a decade ago. Land there cost only a few cents an acre and a lifestyle synonymous with liberty attracted immigrants from all over the world.

The unrest in Europe drove many German immigrants to Texas. Very few had ever heard of this remote part of the American continent, but most were lured by widespread tales of golden opportunities and unbelievable promises from unscrupulous real estate promoters. A small German community settled about sixty miles to the north of San Antonio and thirty miles west of Austin. The city they founded there was named Fredericksburg. In no time this Germanic society became one of the most important foreign communities of Texas, its "territory" spreading outwards from the center of the State. The Germans lived in isolation. They spoke little or no English and didn't mingle with Texans of dissimilar origin. Whereas Texas was favorable to slavery, the Germanic community opposed it radically, refusing to tolerate that a state where one lived freely reduced its black population to servitude. What finally split Germans and Anglos into warring factions was military conscription, the very reason many Germans had fled their homelands to come to Texas. In April 1862, the Southern States ratified the Confederate Conscription Law, which stated that all males between the ages of eighteen and thirty-five were required to pledge allegiance to and serve in the Confederate States army. The law was unpopular throughout the South and particularly repugnant in Texas because, first, all men who really wanted to fight had already volunteered and, most critically, it left little or no manpower to defend the long frontier against the ever-raiding Comanches, Kiowas, Jicarillas and Mescalero Apache.

The protests by neutral and pro-Unionists grew ugly and even violent, the Germans being the noisiest. In June 1861, eighteen representatives of the Germanic counties that were ardent defenders of the Union met in Bear Creek near Fredericksburg. Here they secretly organized the Union Loyal League and ratified the resolution never to bear arms against the North. Some pretend that the League's mission was to maintain equilibrium between pro and anti-Union sentiments, but the League's real purpose was to thwart Confederate conscription and attempt to maintain Union loyalty within the German communities. Furthermore, every member of the League was compelled to recruit new affiliates. Although a certain number of Germans joined the ranks of the Confederate army, the majority definitely did not.

If the Germans managed to take control of central Texas, they would no doubt side with the Northerners and this would ease the invasion of Texas by the Union troops of Kansas and Missouri. The Southern forces of Texas would then be cut off from the rest of the Confederacy, implying that the Rebels would have to face the Yankees on an additional front in the West. In the beginning of summer 1862, the Texan government considered the Germans as traitors. Indeed, these were leaving Texas in large numbers to rally the Northern Army, thereby sabotaging the efforts of war undertaken by their State of adoption.

The majority of Texans protested so loudly and militantly against forced enlistment that, on May 30, 1862, General Paul Octave Hebert, commander of the Confederate Military Department of Texas, instituted martial law throughout the entire territory and appointed provost marshals to administer conscription. Before this order came into effect, the chief officers of battalions and their units were sent to the most conspicuous areas to

deliver the new directive and enforce its application. The administration of the law became ruthless, and the power of the provosts was soon expanded to include the confiscation of personal property deemed necessary for the welfare of the Confederate States. It was during these events that James Duff, captain of a company of Texas Partisan Rangers, turned up in Fredericksburg.

Coming from San Antonio, Duff informed the local population of the proclamation of martial law. He urged the men at least 16 years of age to take the oath of allegiance to the government of Texas and the Confederacy. Those who declined were considered traitors, arrested and handed over to the military commander of the district. Key League member Jacob Kuechler was appointed to serve as “enrollment officer” for the Confederate army. Many Germans signed the submission act. However, others refused and left the city, taking refuge to the hills rather than give in. A few days later, Duff’s riders occupied all the Germanic counties to ensure that the martial law was not transgressed. The Rangers relentlessly hunted down the disloyal Germans and those arrested were imprisoned. On June 21, Duff returned to San Antonio, reporting in his diary that his mission had been a real success.

Of Scottish origin, Duff had joined the US army before the beginning of the war but had been dishonorably discharged for a serious offence. After his arrival in San Antonio, he became a tradesman. He raised a company of Texas Rangers at the start of the conflict and received a captain’s commission. He declared himself Provost Marshall, stating that *“the God damn Dutchmen are Unionists to a man ... I will hang all I suspect of being anti-Confederates”*. After the war, one of his men, W.H. Williams, did not mince his words when asked to describe him .... *“I served under his orders and didn’t only consider him as a scoundrel but also as a coward and the worse assassin that I have yet to see, ... even during those dark hours of the ‘War in Kansas’... he exercised such a power on his superiors, that they could not punish him for the atrocities that he committed”*.

Instead of subduing the Germans, the martial law had the opposite effect of reinforcing their attachment to Washington. On July 4, 1862, the Union Loyal League met again in Bear Creek. This time, it was not 18 but 500 members who took part in the rally. They raised three companies of “supposed” Confederate volunteers under the orders of Jacob Kuechler, E. Kramer and Henry Hartman. Fritz Tegener was elected major and took command of the battalion. The same day, the officers and some civilian notables set up a consultative council. They voted to leave Texas to join the Federal Army. In the meantime, the leaders of the League had discovered that one of their members, a certain Stewart, was in fact a spy working for the Rebels. He was found murdered on the following day.

The assassination of a Confederate forced General Hamilton P. Bee, commander of the military district of the Rio Grande, to proclaim that the German counties of central Texas were “in a state of Rebellion”. On June 19, 1862, the Partisan Rangers were sent to Fredericksburg where it was reported that 1,500 “Bushwhackers”, mostly Germans, were attacking the ranches of Southern loyalists. Captain Duff was appointed Provost Marshall and given full powers to deal with the situation. On reaching the area they found that all was quiet although a number of Germans had taken to the mountains en route to join the Federals. The remainder of the population of nearly 800 people was almost all pro-Unionist Germans. Martial law was declared, and the inhabitants of the county given three days to take an oath of allegiance to the Confederacy, or be treated as traitors. Those who opposed Duff’s methods were rarely sent out on patrol, only his henchmen were and they never came back with any male prisoners, only women and

children who were brought in after their homes had been destroyed. Many murdered men were boys, fathers of families and old men. They had not been taken with arms in their hands, there was no enemy force in the region and there were no similar acts by local Yankees to avenge. A number of Duff's men were not happy with what they regarded as the bullying and hanging of a few inoffensive Germans, especially when they learned that their commander had given orders to some selected men that no prisoners were to be taken. Some refused to obey his orders and would later declare not having participated in any of his raids. It was however later discovered that Duff's Rifles did burn countless harvests and dwellings in addition to lynching twenty Germans.

Through smart bureaucratic maneuvering the League had managed so far to maintain their companies in Texas, as "home guard" units. But Duff sniffed out the ruse, arrested the League's key officials and had them thrown in a San Antonio jail. Kuechler barely avoided capture. Major Tegener then immediately convened an emergency consultative council and decided to disband the three "Confederate" companies. This dislocation would give the Rebels the impression that no hostile action was to be feared from the Germans. He also got word to the members that all those refusing to submit to Confederate ruling and wanting to make a run for Mexico to escape further conscription should gather at Turtle Creek in Kerr County. On August 1, 1862, 68 men of which 63 Germans, one Mexican, and four Anglos, responded to the call and gathered at the appointed place and time fixed by their commander. The group consisted of old men and a few young boys from Mason, Kendall, Kerr, and Gillespie Counties, all of them targeted conscripts. Fritz Tegener was elected their commander and Henry Joseph Schwethelm second-in-command. They decided to leave Texas for Mexico from where they planned to move on to New Orleans and join the ranks of the Federal Army.

Sixty men, guided by an Anglo named John W. Sansom, left Turtle Creek in the afternoon, intending to cross the border at a place where the Devil River meets the Rio Grande. Though they moved with much secrecy and felt no apprehension of danger, they were betrayed by one of their followers named Charles Bergmann who, captured by the Rangers, was forced to betray his friends in order to save his own life. In Fredericksburg, Duff received word of the conscripts' flight and became enraged. In his mind, the Germans were simply deserters, and for deserters there was but one fate. He contacted Lieutenant C.D. McRae in San Antonio and instructed him to intercept the Germans by forced march, at any cost. On August 3, McRae drove a squadron of one hundred men into the mountains to find the supposed "Bushwhackers" and attack them. Under his orders was Lt. Harbour, "*a good sort of fellow and a number-one Indian fighter*". Still, the Germans should have reached Mexico without incident. Even after Duff became aware of their plans, they had at least a three-day head start on any pursuit, they were mounted on horseback and traveled light without wagons or carts. Unaware that they were being chased, Tegener and his men advanced at a lazy pace, progressing only 15 miles a day. On August 8, four Anglos and a Mexican joined the column on their way to Mexico.

On August 5, McRae had ordered his wagon drivers to head back since they were considerably slowing down the advance of his detachment. The following day, the pursuers came across a camp abandoned by the runaways. The Confederates estimated the enemy at one hundred fifty men and eighty packhorses. On the 8th, smoldering ashes indicated that the Germans had stopped for the night. By the evening of August 9, 1862, the "deserters" had traveled about ninety miles to the southwest and Tegener decided to

encamp near some cedar brakes on the west fork of the Nueces River in Kinney County, not far from the Rio Grande and a day's march from the Mexican border. Many questioned the need for such a halt since they were so close to their objective, but Tegener reassured them, explaining that their departure had gone unnoticed and no one knew the route they had followed. He thus decided to remain close to the river for the night and gave the order to set up camp.

In late afternoon, a group of men back from a hunt reported that they had come across some unidentified riders. Another group returning to camp a while later reassured them by asserting to be the riders in question. A third group that had also seen the horsemen made not report of the incident. Seated around campfires, the Germans were leisurely talking of their homeland, some disclosing their homesickness or openly lamenting on their flight. Others were debating on the conditions of the refugees in Mexico, the issues of the States Rights and the Civil War events. It was at this point that McRae's riders discovered the runaways and reported back to their commander. Tegener had committed a tactical blunder in choosing his campsite: the location was certainly pretty and shady, but the open depression offered little or no defensive possibilities. He was also far from suspecting that the Southerners were finalizing their plan of attack.

At nightfall, Sansom felt uneasy and went to see the major. He described his fears and explained that he was not convinced that the riders seen by the first group were really Germans. Sansom then requested the permission to go on picket duty. Tegener at first refused, arguing that a sufficient number of sentries were in place, but on the guide's insistence, he finally agreed. Sansom thanked his superior and added that if the commander wished, the convoy could be on the move within thirty minutes; the night was clear, and the mild temperature was ideal to pursue the journey. Although Tegener was convinced by the Anglo's arguments, he nevertheless called for the opinion of two of his officers. These turned out to be in favor of a pause along the Nueces River but made clear that there should be no more breaks until reaching the Mexican border.

At the time the Germans were spotted, Lieutenant McRae and his riders were entrenched in a canyon located two and a half miles from the river. Accompanied by three of his officers he went to reconnoiter the enemy position. Upon his return, he issued his ultimate instructions for a surprise attack : the assault would take place at dawn, the men should remain silent during the approach and the guards should be captured without firing a shot. At one o'clock in the morning, the Confederates departed, all armed with Sharps carbines. They removed their hat and bound a handkerchief around their head to avoid any confusion at daybreak. Approximately half a mile away from their destination, the raiders separated in two groups. The first, under the orders of Lieutenant Homsley, took position to the right, a mere 200 feet from the German camp. The second, commanded by McRae, moved to the left, some 150 feet from the enemy. Then they patiently waited for the sun to rise.

Sansom was fast asleep when a sentry, Leopold Bauer, woke him up at three p.m. Together, they took a walk through a dense grove. Sansom was a few feet behind Bauer when suddenly the latter stumbled blindly onto Lieutenant Harbour. The Confederate officer immediately opened fire, killing the sentry instantly. Sansom drew his revolver and returned fire while retreating toward the camp. The shots woke up the Germans who hurriedly grasped their weapons while trying to take cover. Ernest Beseler, the second sentry, thinking he was alerting his friends realized his mistake when the Rebels took him in their sights and shot him. The heavy fire from the Germans prevented the Rangers from assaulting the camp. A counterattack also failed. Besides the two guards, Tegener and

two of his men had been severely wounded while only one Confederate had been injured so far. Seven Texans attempted once more to seize the German position. Four of them were cut down by Jaeger bullets; the three survivors beat in retreat.

While Sansom was trying to get back to his lines, he was fired at by the Germans who mistook him for a Ranger. Despite his wounds, he decided to infiltrate the Confederates to gather information on their firepower. He removed his hat, tied his bandana around the head and mixed with the Southerners. Sufficiently informed on the enemy's strength, Sansom returned to his camp, once again under a hail of bullets from his German friends. He lost no time in reporting to Tegener that retreat was the only way out. The major agreed but a young lieutenant strongly objected: "*Retreat? Never! Two of our guards have been killed. Major Tegener and two other men have been wounded. If we retreat, they will take our horses and supplies. I prefer to fight until the last man is killed rather than to meander*". Sansom insisted that they must withdraw since the Confederate Rangers strongly outgunned them. He was convinced that in the confusion of the retreat, they would be able to steal many needed horses from the Rebels. At daybreak, he jumped onto his saddle and accompanied by five Anglos, left the camp through a gap where lay the body of Bauer. Arriving at the spot where the enemy horses were tied, they took five of them, leaving the others to the Germans who would follow shortly.

The six fugitives then rode around the enemy's flank to attempt an assault from the rear. Just when they were about to fire, their revolvers jammed. At this very moment, the Rangers tried to break through the Germans lines. They were about to beat a retreat when Lieutenant Harbour rallied the men around him, shouting "*Forward boys! They are going to surrender. Charge!*" This was echoed by the yell of Ernest Schreiner, then commanding the Germans : "*Laszt uns unser Leben so teuer wie möglich verkaufen!*" (Let us sell our lives as dearly as possible !). Later, a veteran of the battle would report that during the charge, someone in the Confederate ranks shouted : "*Charge them boys! Charge! Send them to hell!*" The defenders were quickly reduced to six valid men. In their flight, they helped the injured that could walk and took refuge close to Sycamore Creek, half a mile away from the camp. Seeing Tegener and some of his men mount the horses that he had left for them, Sansom cut through the Confederate lines and crossed the Nueces. He then tried to rally the Germans in his direction, but they rode away, thinking he was a Ranger. From the summit of a nearby hill, Sansom took a final look at the camp that had fallen into hostile hands and at 10 AM, realizing that nothing more could be done, he decided to flee.

**T**he German losses amounted to nineteen killed including a Mexican, and nine injured. On the Confederate side, twelve men lost their lives and eight were wounded, five of which died later. Immediately after the battle, the Rangers rushed into the German camp. The Anglo named Williams tried to save an injured German, whose clothes were on fire, but he was too late, and the poor man died. His companions helped the other injured the best they could and tried to ease their suffering by giving them water, moving them in the shade and dressing up their wounds. Lieutenant McRae even sent for doctors at Strong Clark, twenty miles away.

The following morning Williams assisted in rounding up the Germans' horses and when he returned to camp in the afternoon, he found that the wounded German prisoners were missing. He was told that they had been asked if they would like to be moved into a better shade, to which they had willingly agreed and even thanked their captors for their kindness. He then suddenly heard firing. At first, he thought that the dead were

being buried with honors of war, but the shots did not sound right and, fearing that it might be an attack, he grabbed his carbine and ran towards the firing. On the way he met a man coming towards him who, when he saw Williams running, said, “*You needn’t be in a hurry, it’s all done; they’ve shot the poor devils and finished them off*”. Williams could not believe his ears and replied: “*They have not killed the prisoners in cold blood, have they?*”. “*Oh yes!*” replied the man, “*they are all dead, a well-done job !*”. In disbelief, Williams rushed to the site where the shots had originated and came across the bodies of the nine prisoners. All had been executed by a bullet in the head.

Williams claimed that Lieutenant Luck, acting under Duff’s orders, was responsible for the murders. The Rangers’ commander, Lieutenant Cole McRae had been wounded in the fight and was unaware of the incident. It is however surprising that the commanding officer of such a small unit was not kept informed of what went on. In his report, McRae pointed out that the Germans had fought like lions and not asked for any quarter, hence the reason why no prisoners had been taken. On the other hand, his men had fought with much bravery and it would have been insulting to declare that they had not behaved in a chivalrous or glorious manner. The Confederate wounded were placed on litters, each carried by four men from Williams’ company, and the party set out for Fort Clark on the Los Moros River.

Before evacuating the field of battle, the Rangers buried their own dead, leaving the enemy as prey for the buzzards. Confederate troops barred everyone, families, wives, children and friends alike, from the area until the Civil War ended. Their bodies would remain there until the beginning of August 1865. After Robert E. Lee’s final surrender, Schwethelm, a survivor of the massacre returned to Comfort, about fifty miles northwest of San Antonio. On August 10, 1865, exactly three years after the Nueces affair, he led a group to the battle site to retrieve the bodies of his fallen comrades. Wild animals had devoured their remains and scattered the bones in all directions, but Schwethelm’s group collected what they could find, brought the bones back to Comfort and buried them in a mass grave on a small hill in the middle of the town. A monument to their memory was erected the following year and carries the mention “*Treue der Union*” (Faithful to the Union). It lists thirty-five names, but the exact number killed and how they died will obviously never be known.

The thirty-nine survivors of the battle of the Nueces didn’t go far. Nine were hunted down and killed shortly after. On October 8, 1862, eight others were shot by a Confederate patrol while attempting to cross the Rio Grande into Mexico. John Sansom, after helping many cross the river, reached New Orleans with twenty German survivors from the Nueces battle. He was named captain in the 1st Texas Cavalry Regiment until his demobilization on September 26, 1864. The other fighters of the Nueces emigrated west of Texas, to California and Mexico.

**W**hen news of the Nueces massacre, or “The Battle of the Nueces” as it is called, reached San Antonio and the German settlements, new waves of rioting broke out. Duff dispatched a second force that rounded up about fifty men, including some of the twenty-eight who had fled the camp before the battle and were now hiding in the hills. More lifeless German bodies were soon hanging from trees and scaffolds hastily erected by Confederate troops.

Reportedly Duff hanged more than 150 men and boys when he “ruled as a master” in that part of troubled Texas, but this never deterred the Germans from challenging his military authority. Duff nor any other Confederate was ever condemned for those brutal

acts that would qualify today as war crimes. He later became colonel and commander of the 2nd Brigade of the 1st Division of the Texas State Troops. The 33rd Texas State Militia Cavalry, Duff's old boys, received new orders : to hunt down and arrest the Confederate deserters running west from the bloody Virginia battlefields, those bound for home ...

## Bibliography

- Chronique de l'Humanité - Editions Elsevier.
- *Defying the State of Texas, the Battle of the Nueces* - P. Rutherford - CWTI, April 1979.
- *Texas in the War* - M. J. Wright, Brig Gen CSA - H.B. Simpson Press.
- *Texas in the Confederacy* - B. Winsor - Hill Jr. College Press.
- *With the Border Ruffians 1852-1868* - edit. E.W. Williams, Toronto, 1919.