

## Battle of the Nueces

Was it really a battle that took place in the early morning hours of August 10, 1862 or should it be called a massacre. You, the reader, can decide for yourself. I will try not to influence your decision, despite my Confederate heritage.

In the aforementioned early hours, a small force of Confederate soldiers waded knee deep into the Nueces river in the Texas Hill Country. Their heads were covered in a white cloth for identification in the dark. They climbed the bank of the river and used the cedar brakes for cover. Across the way, another small Confederate force was making its way up a rocky ravine, trying to be as quiet as possible while slipping and sliding on the loose gravel. Both parties, silently as possible, moved into position around the enemy camp just as planned. One member of the Texas Partisan Rangers, Robert H. Williams was confident in the success of the operation. Later he would write, "The general idea seemed to be that the enemy would show but little fight. It was evident that they hadn't the slightest suspicion they were being followed. The whole force was to wait until daybreak came, and at the sound of a pistol shot from the commanding office, charge right in."

But, as the old saying goes, "the best laid plans ..." Hours before the appointed time a rifle was fired followed by shouts and shooting. Williams wrote, "Some idiot, over excited, loosed off at a sentry and instantly the camp was in a buzz, like a swarm of bees."



The enemy sleeping inside the grove of cedar trees were not Union soldiers, but a group of young German intellectuals trying to escape into Mexico. The untrained defenders were known as "Forty-Eighters" because of another civil war years before in another country and half a world away. Rather than Texas frontiersmen they were professors, scientists, clergymen and philosophers who came to America by the thousands following the failed revolution of 1848 in Germany. They all came for the same reason: freedom.

In mid-nineteenth century, Germany was boiling over with dissatisfaction in all of its principalities. The German government answered their pleas by denying the citizens the right to speak. Many clergymen, being pressured by their superiors, chose the safe way and sided with the government, leaving the people with no place to turn to.

The turmoil reached its breaking point in 1848 when German intellectuals attempted a revolt. The revolt was squashed and rather than imprisonment they chose exile and freedom. To them, that meant America and in particular Texas.

You might ask, "Why Texas?" Texas was already the home of thousands of Germans who had immigrated years before when well-meaning German noblemen attempted to build a colony on the Texas frontier. After years of disasters the noblemen gave up and returned to Germany. However, the colonists remained and thrived. With countrymen there to greet and assist them, the Forty-Eighter professionals traded "their familiar pens for the

unfamiliar spade and settled into farming life, “a free man in a free earth.” Writer and famed traveler Frederick Law Olmsted in his 1854 book *A Journey Through Texas* wrote, “You are welcomed by a figure in a blue flannel shirt and pendant beard, quoting Tacitus, having in one hand a long pipe and in the other a butcher knife; Madonnas upon long walls; coffee in tin cups upon Dresden saucers; barrels for seats, to hear a Beethoven’s symphony on the grand piano; ‘My wife made these pantaloons and my stockings grew in the field yonder;’ a bookcase half filled with the classics, half with sweet potatoes.”

The Germans were also strict abolitionists. In 1854 the Forty-Eighters issued a manifesto that stated, “Slavery is an evil whose ultimate removal is indispensable.” It goes without saying that this did nothing to endear the German people to their Texas neighbors. The two factions were quite diverse in their activities and manners and were often contemptuous toward one another. The Germans were not a political group and minded their own business and were contented with being governed. When Texas seceded in February of 1861 they lost their contentment with submission. Their oath of allegiance to the country that gave them their precious freedom was still fresh in their minds. A few scattered Germans in the Hill Country did supply the rebels with sustenance and some even enlisted in the Confederate States Army, but most were resolute in their refusal to go along with any assistance or support to the Confederate cause.

With Texas’ secession from the Union on February 1, 1861, the U.S. withdrew their forces from the frontier posts, leaving the German community in the hands of the worst Indian depredations they had heretofore seen. They were also at the mercy of Texas state troops and bands of guerillas that were professing allegiance to the Confederacy. One band especially that was operating around the Fredericksburg area was known as “Die Hangerbande,” (The Hanging Bandits), and they terrorized the Germans. Hanging didn’t always slake the thirst of blood for this band and they would sometimes torture the victims to death as wives and children looked on.

In an attempt to counter the terror and protect their families from Die Hangerbande, the Germans formed the Union Loyal League in early 1862. Several hundred men and boys from the Fredericksburg area formed this militia. They had no intention of acting against legitimate Confederate forces, but the government soon took notice of the League. Brigadier General Hamilton P. Bee, commander of the Rio Grande district, placed the entire Hill Country under martial law and dispatched a detachment of Confederate soldiers to the area. This detachment was given the objective of disbanding the Union Loyal League and convince the Germans to be disloyal to the Union by any means they deemed necessary to accomplish the task. The martial law order required all males over sixteen to register with provost marshals and take an oath of allegiance to the Confederacy.

General Bee placed an evil, bad-tempered Captain James M. Duff in command of the Confederate detachment. A worse choice could have hardly been made. Duff had previously served in the U.S. Army and once went AWOL briefly. He was sentenced to pay fines, do hard labor and was to be kicked out of the army. Apparently, several months later, Duff’s sentence was remitted, and he returned to duty. After serving five years and promoted to sergeant, he was discharged.

In his memoirs, *With the Border Ruffians*, the previously quoted Texas Partisan Ranger R. H. Williams stated, “I served under him, and found him to be not only the scheming rascal, but as cowardly, as cold-blooded a murderer as I ever met. Duff believed in hanging Union men as the best way of converting them to the true faith.” And he set out to convert the Forty-Eighters to the Confederacy.

Approximately 2,000 men and boys fled into the hills and Duff gave them three days to return and take the oath. If they didn’t return they would be declared traitors and treated as such. Only a very few took the oath, and Duff declared the whole area under rebellion and ordered dozens of men arrested and their homes burned. One farmer was discovered molding bullets and was arrested, told to run and was shot in the back. There were at least 20 other Germans suspected of being Unionist and shot to death, or as R. H. Williams said, “introduced to Judge Lynch.”

Guido Ransleben in a 1954 book entitled *A Hundred Years of Comfort in Texas*, included a letter written in 1908 from Howard Henderson to J. W. Sansom that says, in part, “I know that J. W. Duff and his company of murderers killed many of my neighbors and friends. My uncle and cousins, Schram Henderson, my wife’s father and brother, Turknette, were murdered; Duff and his gang butchered all my neighbors, Hiram Nelson, Frank

Scott and his father, Parson Johnson and old man Scott. Rocks were tied to their feet and they were thrown into Spring Creek." Their crime was failure to come in and pledge loyalty to the Confederacy within the three days.

Among those hung in this incident was Gus Tegener, brother of Fritz Tegener. Unknown "bandits" hanged the third Tegener brother, William, and threw his body over a 50-75-foot bluff into the Guadalupe River below.

In 1862, the Union Loyal League met on Bear Creek, above Comfort, Texas. Some 500 members took part in the gathering. Fritz Tegener, Kerr County Treasurer, was elected Major. All persons wanting to make a run for Mexico to escape further conscription were told to gather at Turtle Creek west of Kerrville. On August 1, 1862, sixty-eight men—sixty-three Germans, one Mexican, and four Anglos—heeded the call.

They arrived on fine horses and pack animals and were armed with six-shooters and German made muzzle loaders. They elected Fritz Tegener as their leader and they planned to ride into west Texas and cross the Rio Grande. They were going to enter into Mexico and ride eastward until they reached the coast and could find safe passage to New Orleans where they would find Union forces to join. As they started west on the night of the first, they began their journey with a huge mistake, instead of making haste to reach Mexico, they acted as though they were out on a party ride. They thought they would be safe from Duff, but the evil one had spies everywhere.

Within two days Duff had learned of their departure and dispatched Lieutenant C. D. McRae of the 2<sup>nd</sup> Mounted Rifles and a detachment of 100 men, including ranger Williams, to find and attack the fleeing Germans. Duff gave the orders to "take no prisoners."

Ranger Williams' account says the Confederates "struck the trail of the Unionists that led in a westerly direction and followed it as fast as we could over a very mountainous, rocky, thickly-timbered country for six days. On the night of August 9, McRae and the group found the Germans camped in a grove of cedar trees near the Nueces River."

One of the Unionist survivors, August Hoffman recalled that they spent the evening singing, playing games, feasting on wild game and making patriotic speeches. Later he was to say, "Little did we dream that the old superstition about a happy evening was usually to be followed by ill tidings on the morning to follow."

The rifle shot that R. H. Williams reported was about 3:00 in the morning, several hours before the planned daylight attack. Another survivor, John Sansom, recalled that "the shot that killed Bauer alarmed the camp and furious firing began between the contending parties."

The Germans were finally alert to the dangers surrounding them and began to fight with desperate determination. Tegener was badly wounded early in the fight and passed command to Emil Schreiner. "Let us sell our lives as dearly as we can," he shouted out and the Germans dug in for a fight. Williams reported, "The defenders showed a bold front and dared us to come on. They even threatened to charge out on McRae's party, some of whom were inclined to bolt."

The Confederates' surprise and superiority in numbers, weapons and position was enough to quickly overwhelm the Unionists. The survivors retreated from the camp and headed for the hills, taking with them six wounded. Nineteen dead and nine wounded were left behind. The Confederates lost 12 dead and 18 wounded, including their leader.



The Confederates occupied the Unionist camp the next morning and gave aid and comfort to the wounded enemies and moved them into the shade of the trees. Williams said, "Poor creatures, how grateful they were. They had fought a good fight and bore themselves so pluckily I felt sorry I had taken my part against them."

Late in the afternoon Williams returned to the wounded to be told they had been moved to better shade nearby. He heard rifle fire from that direction, grabbed his rifle and ran toward the scene. He met a man coming toward him and was told he was too late, they were already all dead.

It is unknown whether McRae was ever informed of the massacre, but there was no mention of it in his report. His report did say, "They offered the utmost determined resistance and fought with desperation, asking no

quarter whatever, hence I have no prisoners to report. My officers and men all behaved with the greatest coolness and gallantry.”

Within a few days the Confederates had buried their dead and left the camp. Williams says that, under orders from the officers, the victims were left in a heap for the buzzards and coyotes.

Of those Unionists who managed to survive the battle, eight were killed in October of '62 trying to cross the Rio Grande. Some survivors made it to New Orleans and joined the Union Army. There is no real consensus on the number of killed and murdered, but it seems certain that 19 were killed in the battle and the nine wounded were murdered and eight more crossing the Rio Grande.

After the war ended in 1865, some of the survivors returned to the scene and buried what bleached out bones they could find in a common grave in Comfort, Texas. On the anniversary of the deaths in 1866 a monument was erected on the spot of the burial place. It bears the name of the dead and the German motto, “Treue der Union.”



Battle or massacre? The question has been debated in the Texas Hill Country since the event occurred. Perhaps it is both. The Germans were well armed, and they were supporting and even acting as the enemy. The engagement itself can realistically be called the Battle of the Nueces. The aftermath of the battle can justifiably be called a massacre. It has been called “the blackest crime in Texas warfare.” Hard to disagree with that.

Soon after the Nueces affair, Duff was promoted to Colonel and his unit was reorganized as the Thirty-third Texas Cavalry. After the war, he was indicted in Kendall County for lynching and later arrested for murder. Duff escaped to Colorado and later fled to England where he died.

***Sources: Bloody Ground: The Incident on the Nueces, Civil War, Issue NO. 70  
October 1998, by Mary Clare***