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YEARS OF TRANSITION: 
THE TEXAS INDIAN QUESTION, 1848-1853 

by R. Blake Dunnavent

The Indian problem in Texas went through many turbulent years but none were as crucial as the years between 1848 and 1853, a period of trial and error in the young state. The War with Mexico had ended and provisions emerged for protecting Mexico's borders from Indians. In addition, the old Republic's laws and treaties changed and the U.S. Army posted troops in the state. Subsequent problems arose between the Texas and United States governments regarding Indian policy, which eventually led to the failure of the state government to regulate the Indians and forced it to accept federal Indian reservations reluctantly. This article will determine what lessons state and federal authorities learned during this era.1

The Indian issue, in the 1840s and into the 1850s, was a growing concern to the United States, especially to those pioneers living on the frontier. The close proximity of whites to Indians created conflict which dominated frontier settlements, especially in Texas. Immediately following annexation, Texans, who were tormented by Indian attacks,2 demanded assistance from the federal government. To better understand the problems associated with the Indians in Texas, however, requires a brief review of the young state's days as a Republic and some of its established Indian policies.

Sam Houston, the first President of Texas, wished to implement an Indian pacification policy. He stated that "the relations with the Indians be placed upon a basis of lasting peace and friendship."3 Despite his peaceful overtures, Houston, to contend with the numerous depredations committed by the Indians, summoned the first mounted volunteers. Houston's hopes for peace faded during President Mirabeau Buonaparte Lamar's administration. Under Lamar's guidance, Texas waged war on various Indian tribes within her boundaries. Lamar, an expansionist, succeeded in driving out most of the Cherokee Indians. On November 26, 1838, the Minister Plenipotentiary of the Republic of Texas to the United States, Anson Jones, wrote to United States Secretary of State John Forsyth to request that the United States forcibly remove intruding Indians who did not reside in Texas and were the responsibility of the United States outside of the Republic. Jones hoped that this would benefit both the people of Texas and the Indians.4 Although it received little attention in Washington, the proposal influenced future Indian policy.

In 1841, when he began his second term as president, Houston again attempted peaceful relations with the Indians. He established several new positions, including superintendent of Indian Affairs, agents to the tribes, commissioners to establish treaties, and licensed trading houses. Anson Jones, elected president in 1844, also attempted friendly relations with the Indians. He wanted his policy to be humane, fairly inexpensive, appropriate to both whites and Indians, and adequate to protect the frontier.5 One year later, the

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United States admitted Texas into the Union. The Joint Resolution of Annexation stated, in part, that Texas "shall also retain all the vacant and unappropriated lands lying within its limits ... to be disposed of as said State may direct." This singular clause, granting Texas the right to retain possession of her public lands, caused many problems over the next few years.

While the United States fought the Mexican War, Indian problems in Texas were not a primary concern for the federal government. In 1847, Governor J.P. Henderson reinstated a law which Houston had established concerning white expansion into Indian lands. It stated that no Anglos could cross a designated "temporary line about thirty miles" beyond the farthest settlements. This policy failed when a large number of white settlers continued to flow into the unsettled land west of the frontier. The apparent lack of federal interest changed quickly following the cessation of hostilities with Mexico. The Treaty of Guadalupe Hidalgo contained an article concerning Indian policy. Article XI resolved that Indians who previously had resided in Mexican territory ceded to the United States would become the responsibility of the American government. The Article also stated that property stolen by the Indians should not be purchased and declared that any captives located in either country's territory would be returned to their respective governments. In reality not enough troops existed in America to enforce this act.

Once U.S. military forces returned from Mexico, Congress authorized the posting of troops in Texas to guard the frontier. In September 1848, Major General D.E. Twiggs assumed command of the First Infantry, Second Dragoons, and six companies of the Third Infantry which were assigned to Texas, now designated the Eighth Military Department of the Western Division of the Army. These troops had resided at their assigned locations for nearly three months when William Medill, Indian commissioner of the United States, asserted his position on Indian concentration, referring to it as Indian colonization. During his presentation to Congress in November 1848, Medill certified that "whites" were a superior race and with them brought all the advantages of an advanced culture. He wished "this sad and depressing tendency of things [Indian problems] be checked, and the past be at least measurably repaired by better results in the future." Medill wanted a safe, just, and tolerable policy for everyone. He hoped to colonize the American Indian beyond the white man within small portions of the country so "as the game decrease[d] and bec[a]me scarce, the adults w[ould] gradually be compelled to agriculture and other kinds of labor to obtain a subsistence." As for Texas, Medill sent Major Robert S. Neighbors as special agent to deal with the existing Indian problem.

Neighbors' duties, as outlined by Medill, included presenting the United States as friendly, to engage in discussions with the Indians, and keep the whites away from them if possible. As stated previously, the Texas government did not acknowledge the Indians' right to the land. So, on March 2, 1848, Neighbors wrote to Medill describing the situation in Texas. He said that because of special problems relating to the lack of land rights, the Indian country in Texas remained open to settlement and visitation. Besides Neigh-
bors being placed in direct contact with the Indian populations, the U.S. Army established permanent posts in Texas at strategic positions along the frontier. Finally, late in the year, the Texas legislature requested that the "Indian agents and commanders of troops [U.S. Army] confer with the Government of Texas so they could work jointly to protect the citizens and keep relations with friendly Indians."}

Early in 1849, Major Neighbors estimated the total number of Indians in Texas at 29,575, including 5,915 warriors. These Indians included such groups as the Comanche and the Mescalero. With this large population of Indians living close to settlers, Texans' hopes flourished because of the federal investment of U.S. military forces which patrolled the frontier. Brigadier General William S. Harney, temporary commander at Eighth Department headquarters in San Antonio, issued General Order Number 28 on May 25, which stipulated that if the Indians continued to attack whites within the limits of the military outposts the Army would take harsh measures. To back this statement, a U.S. military buildup began in 1849. Colonel J.W. Worth, placed in command of the Texas regiments, arrived in Texas following a cholera outbreak and, unfortunately, Worth succumbed to the disease. His replacement was Brigadier General George Mercer Brooke. Before he arrived, John Conner, a Delaware chief employed by the United States, reported that an Indian chief and a band of braves had left their encampment to attack white settlers and had stolen numerous horses and other riding animals. Conner, because of this and other Indian-related incidents, believed that many of the Indian tribes in Texas were making preparations for war.

Upon his arrival in Texas, Brooke received orders from the secretary of war informing him that if the standing troops proved inadequate to control the Indians, Brooke had authorization to ask Governor George T. Wood for volunteers. Brooke certified to Washington that all the posts in Texas would be placed on guard and that if necessary he would call out more troops. In August, three companies of Rangers were mustered for a six-month tour of duty. The Rangers brought their own horses, saddles, and weapons. Brooke decided, however, that to place the Rangers on their own and in direct contact with Indians might initiate an indiscriminate war. He claimed that the mustering of the Rangers had inspired the population to request even more Rangers. Despite his apprehensions of the Rangers' motives and their popularity, Brooke believed that they were better suited for Indian warfare than any troops in the Army.

The same year the Mexican government took steps against the Indians because of the United States' lack of protection which had been guaranteed in the Treaty of Guadalupe Hidalgo. To accomplish its goals the Mexican government employed questionable means. It hired Americans, who received $5 to $50 dollars for every Indian scalp taken, to annihilate the marauding Indians. This outraged the Indians and caused numerous deaths to whites. The policy's primary fault centered on the scalp hunters who did not distinguish between friendly and hostile Indians, consequently they killed many friendly
Indians. This policy was not the last attempt by the Mexican government to quell the tide of depredations.\textsuperscript{16}

Texas citizens became increasingly distraught with the Indian situation. By the end of 1849, 200 people had been killed or captured by hostile Indians.\textsuperscript{17} Governor-elect Peter Hansborough Bell presented the crisis before the Texas legislature. He argued that the defense of the frontier should be paramount in the minds of the legislature. Bell followed with complaints about how the United States government was handling the situation. He announced that when Texas was admitted into the Union the federal government accepted the “moral, legal and constitutional [obligation] to defend the citizens of our State against the Indian attacks and outrages.”\textsuperscript{18} Bell described what he considered an improper force to deal with the Indians; specifically, he noted that in 1849 infantry not cavalry composed the bulk of the U.S. military presence. Bell closed this section of his speech by asking the legislature to adopt measures that would allow him to cope with all problems that might arise on the frontier.\textsuperscript{19} Bell’s antagonistic attitude, along with that of many of his compatriots, demonstrates the difficulties which increased every year between the Texas and United States governments. In 1850 this attitude became even more prevalent as Texas Rangers and U.S. soldiers began working together.

Early in 1850, Indian troubles escalated all along the frontier and settlers pleaded for help. In January 1850, Bell once again went to the legislature. He declared that the people of the frontier had sought state protection because the federal authorities had withheld aid. While Indian attacks increased, the Rangers’ tours ended. Brooke, acting unilaterally, chose not to discharge them because he contended that circumstances in Texas merited the retention of the Rangers for adequate retaliatory actions against the Indians.\textsuperscript{20} Thus, according to the U.S. military, the federal government supervised the existing situations in Texas while the Rangers considered the governor in charge. Because the Rangers played an increasing role in the defense of the frontier and because they began acting under the direct control of the governor, a resentment arose between the Rangers and the Army. Each force acted under different orders, which produced distinctive roles. While the Army attempted “to police the frontier primarily by keeping the peace. The Texans rode to punish the Indians and to push them back.”\textsuperscript{21} In essence, “the [R]anger was an Indian exterminator while the Federal soldier was only a guard.”\textsuperscript{22}

Despite his misgivings about Ranger activities, in June Brooke called up an additional company of Rangers to deal with the growing crisis because he recognized their previous successes. He requested that these men remain in the field for two months or until the Indians had been subdued. He hoped with additional men that the Indians would cease to raid and plunder.\textsuperscript{23} Moreover, due to the lack of horse soldiers, he “ordered that half of each infantry company ... be equipped and mounted as cavalry.”\textsuperscript{24} He failed to recognize that infantry had not been trained in horsemanship and were ineffective as a mounted force. To explain his actions, Brooke wrote a letter to General of the Army Winfield Scott to detail his ideas for dealing with the Indian question in Texas. He surmised that, since an inadequate force existed in the state to cope
with the Indians, only two courses of action remained. He first suggested that some area be established in which the Indians might live in tranquility, such as in the Indian territory north of Texas. If an Indian reservation proved unsuccessful, Brooke contended that force should be used not merely to quell the Indians but to exterminate them.25

In 1850, Congress appointed two sub-agents “to assist the special agent assigned to Texas.”26 Unfortunately, the Mexican question surfaced again; Mexican Foreign Minister Luis La Rosa complained to Washington authorities that Article XI of the Guadalupe Hidalgo Treaty was not being honored.27 These troubles, as well as those previously mentioned, made 1850 one of the worst years for Indian problems and for Texas-federal governmental conflicts. Governor Bell wanted the Indians out of Texas and grew angry at the United States government for not acknowledging his requests. On the other hand, the federal authorities became increasingly upset that Texas citizens wanted help but remained unwilling to let the United States government have total control.

Early in 1851 tragedy struck the Eighth Military Department. General Brooke died after being sick for only two days. His temporary replacement, Brigadier General William S. Harney, proved a capable leader during his short term as commander of the Texas area. In a letter to Harney, Bell proposed that if a number of soldiers marched across land designated as off-limits to federal forces the state would not consider this an infringement of state sovereignty. Bell’s motive was to have the soldiers locate and punish marauding Indians. Seven days later, Harney authorized a large group of soldiers to advance into the Indian territory to persuade the Indians to treat with the agents and to recover captives held by the Indians. On May 1, Harney wrote to Bell to request that Mexican troops be allowed the right of way on the left bank of the Rio Grande in an effort to pacify the Indians who had committed offenses in Mexico. Although Bell gave permission for this action, a high percentage of Mexican troops deserted upon reaching the American side of the Rio Grande, thus increasing tension in United States-Mexican relations. Despite these complications, the Treaty at the Council Ground near the San Saba River represented the most promising development in 1851. John A. Rogers, a special agent for the Indians residing in Texas, coordinated the treaty which involved elements of the Comanche, Ioni, Anadarko, Caddo, Lanorha, Keechi, Tawakoni, Witchita, and Waco.28 These tribes acknowledged “themselves to be under the authority of the United States of America and no other power, state or sovereignty.”29

Because Indian problems continued into 1852, the secretary of war authorized the establishment of eight new posts in Texas. The Texas legislature approved a joint resolution concerning Indian boundaries. It contained three points for negotiators to follow. First, the sovereignty and domain of the state would be respected. Secondly, private property would be observed, and if confiscated, a just price would be awarded. Lastly, the legislature reserved the authority to ratify or reject any term of the resolution.30

In July, the citizens of the lower Rio Grande petitioned for federal protection. When federal authorities refused their request, the citizens appealed to
the governor to send Rangers for protection. In response, Bell mustered three companies of mounted volunteers to help the troops on the lower Rio Grande. The volunteers equipped themselves and offered assistance to the United States military. The Rangers received orders to communicate with the Army concerning their operations, but once again the Rangers chose not to confer with their military counterparts. Indian agents, backed by congressionally appropriated funds for the removal of non-resident Indians outside of the boundaries of Texas, managed to persuade some Indians to sign treaties agreeing to leave the state, but not many departed. George T. Howard, superintendent of Indian Affairs in Texas, certified that the office of Indian agent seemed almost useless under the present policy. By 1853, Neighbors had been appointed supervising agent over Texas and the number of U.S. Army personnel numbered 3,294. Considering the fact that the entire Army consisted of only 13,821 men, this meant that twenty-four percent of the entire Army served in Texas.

Finally, Governor Bell, frustrated with the persistent Indian dilemma, presented a message to the state legislature on November 9, 1853. In his address Bell advised granting the federal government the authority to establish a portion of Texas land as an Indian reservation. This culminated, a year later, into the first federal Indian reservation established on Texas soil.

Although the Texas Indian problems remained unsolved, the formative years, from 1848 to 1853, provided the federal government with important lessons to apply to the unique Texas situation in the future. First, the United States had to contend with an independent Texas ideology which endured from the days of the Republic. Secondly, the federal government had to adhere to the state's right of retention of public lands, especially when U.S. military forces conducted operations. In the end, an amicable Texas Indian solution emerged only with state and national cooperation.

Notes

1 Despite several articles relating to this topic, none provide substantive conclusions. Rather, they provide more synthesis instead of analysis. See George D. Harmon, "The United States Indian Policy in Texas, 1845-1860," The Mississippi Valley Historical Review XVII (December 1930), pp. 377-403; Lena Clara Koch, "The Federal Indian Policy in Texas, 1845-1860," Southwestern Historical Quarterly XXVII (January 1925), pp. 223-234; (April 1925), pp. 259-286; XXIX (July 1925), pp. 19-35; (October 1925), pp. 98-127; the only exception is W.C. Holden, "Frontier Defense, 1846-1860," West Texas Historical Association Year Book VI (June 1930), pp. 35-64. Holden views the years following 1848 as a time of congressional neglect due to its inability to interpret the situation. This premise is completely flawed.

2 For an in-depth study of the Indians in Texas, see W. W. Newcomb, The Indians of Texas: From Prehistoric to Modern Times (Austin, 1990). Initially, the frontier "extended from the northern plains, near Fort Worth, to the Rio Grande, in a fairly straight line." The frontier line changed, however, as settlers moved farther west into unoccupied land. See Mance E. Park, "Federal Forts Established in Texas 1845-1861" (M.A. thesis, Sam Houston State Teachers College, 1941); Arrie Barrett, "Western Frontier Forts of Texas 1845-1861," West Texas Historical Association Year Book, VII (June, 1931), pp. 115-139; Arrie Barrett, "Federal Military Outposts in Texas, 1846-1861" (M.A. thesis, University of Texas, 1927); for a compilation of eyewitness accounts of Indian attacks, see J.W. Wilbarger, Indian Depredations in Texas (Austin, 1890).


Congressional Globe, 28th Cong., 2d sess., 1845, p. 363.


Annual Report of the Commissioner of Indian Affairs, November 30, 1848, p. 386; Documents of United States Indian Policy, p. 78.


Babbit to _____, October 15, 1849, IOLRS, Photocopy from the NA in BTHC, CAH.


Governor to the House of Representatives, December 26, 1849, Journals of the Senate of the State of Texas, 3d sess., 1849, p. 292.

Governor to the House of Representatives, p. 293.


3Order of Brevet Major General Brooke, General Order No. 27, June 4, 1850, Records of the Governor (hereinafter cited as ROG), Texas State Archives (hereinafter cited as TSA), Austin, Texas.

4"The United States Army in Texas, 1845-1860," p. 13, WPWC, BTHC, CAH.

5Brooke to Scott, May 28, 1850, *Texas Indian Papers*, III, pp. 119-120.


8Eventually Brigadier General Persifor F. Smith became commander. He established a cordon of forts for defense and as posts to launch offensive raids against the Indians. Utley, *Frontiersmen in Blue*, pp. 73, 343-344.; *Texas State Gazette*, December 2, 1850; Bell to Harney, April 16, 1851, Deas Military Orders No. 31, April 20, 1851, Harney to Bell, May 1, 1851, ROG, TSA; Treaty Between the United States and the Comanche, Lipan, Mescalero and Other Tribes of Indians, October 28, 1851, *Texas Indian Papers*, III, pp. 149-154; Council Ground San Sabre, October 28, 1851, ROG, TSA.

9*Texas Indian Papers*, III, p. 149.

