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Image 31519404  
Hildebrandt, Reinhardt  
Texas  
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Image 31519408 (cover)  
Testimony of  
H. Maellenberend  
in the case of  
Reinhardt Hildebrandt

Image 31519416 (text)

At the request of Mrs. Hillebrand, wife of Mr. Reinhard Hillebrand at Rutersville, Fayette County, Texas,--I testify: that Mr. Bernhard Witte from Roedersmill, Austin County, told me when we were on the stage, going to Austin, where we were summoned as witnesses about the german meeting held at Roedersmill, Austin County, the 31<sup>st</sup> day of December, 1862,--that he would do all in his power to have a rope put on around the neck of Mr. Reinhard Hillebrand to be hung.

H. Moellenberend

Sworn to and subscribed before me

C. L. Schulze, Justice of the  
Peace in and for Fayette County, Texas

Rutersville, April 27<sup>th</sup> 1864

I, C. L. Schulze, Justice of the Peace in and for Fayette County, Texas, certify by this, that the above and foregoing is a true and correct copy of the original, now in possession of Maj. Gen. Magruder.

C. L. Schulze, J. P. F. C.

Rutersville, May 14<sup>th</sup> 1864.

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Image 31519421 (cover)  
Houston May 30<sup>th</sup> 1864

Capt. H. Cone  
Judge Advocate Genl

Enclosed papers in the case of R. Hildebrandt now in his possession—  
Says there were several other papers & petitions once in his possession which he sent to Maj Genl Magruder at Bryant's Plantation.

Image 31519429 (text)

Head Quarters Dist Texas &c.  
Houston, May 30<sup>th</sup> 1864

Brig Genl. J. E. Slaughter  
Chief of Staff

General

I send all the papers I have in relation to Hildebrand. There were some other papers and several petitions once in my possession, but they were forwarded to Genl Magruder when he was at Bryan's plantation. Hildebrand was arrested when I was in Austin, and I really do not know much about his case. All I do know is contained in the affidavits which I send.

Very Respectfully,  
Your obdt svt  
Horace Cone  
J. A. G.

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Image 31519439

The State of Texas     }  
Harris County         } Before me William Anders Notary Public in and for Harris  
County in the State of Texas this day came personally Hellmuth Ruble of Fayette County  
who having been duly sworn upon oath said: That in the month of December AD 1862  
there was a general report in Fayette and surrounding Counties that on the last day of  
December a Public meeting of the German population was to be held at or near Roeders  
mill in Austin County to take into consideration the State of the Country, and the  
grievances of the People. There was a great deal of speculation on that account: and a  
great many people were induced to go then to find out what was going on. This deponent  
also was induced to go there for that purpose. He passed the house of R. Hildebrandt on  
his way to Roedersmill, and requested Hildebrandt to go along. Hildebrandt at first  
declined and said that he would not go because he did not think that any thing good  
would result from it. But deponent and others of his neighbors urged Hildebrand and told  
him that he could and would do a great deal of good there, as he was a moderate man and  
a man of influence and could keep down excitement and excesses. Finally Hildebrandt  
consented to go and see what was going on. This deponent, Carl Fuchs, Mr. Frank, Mr.  
Kabitsh [sp?], and about ten others then met together on the Road to Roeders Mill and on  
the way they all consulted together and were determined to keep order in the meeting and  
to work and vote against

Image 31519455  
any illegal and extraordinary proceedings. We all considered Hildebrandt well capable of  
expressing our sentiments and he repeatedly and urgently declared that we must do all in  
our power not to do any unlawful acts. With this determination Hildebrandt, this  
deponent and his company went to the meeting. The meeting was composed of between  
two hundred & three hundred men, some were armed. After the people were assembled  
Mr. Runge proposed R. Hildebrandt as chair man; Hildebrandt declined but he was so  
loudly called for that he had to take the chair. The meeting was excited and irregular.  
Several speeches were made and resolutions aiming against forcible conscription were  
read. Mr. Hildebrandt after the resolutions were read spoke against them from the chair  
as [     ] protested against them as excessive and illegal and refused to put them to vote;  
which created a great excitement, many denounced Hildebrand for bogging down under  
which excitement left the chair and went away, whereupon the meeting dispersed. I have

not heard Hildebrand use any of the expressions of which he is accused: He said that the whole organization was illegal and foolish, he declared that even in 9000 men were expected to come, it would not do any good; and he tried in every way to throw cold water upon the feverish excitement and recommended that the only [ ] what they could or should do was to make a Petition to the Governor for a redress of their wrongs. I can not repeat his words, but that was the effect and purpose: he desired to persuade the people from all illegal measures and for so doing he was verbally abused and slandered.—Sworn to subscribed before me }

H. Thrall

Witness my hand Notorial  
Seal this 28 May AD 1864  
William Anders  
Notary Public H.C.

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Image 31519470

Round Top Nov 25 1863

Mr Hildebrandt Sir

at the Request of your Wife I herewith enclose ou ccopy of a letter  
which addressed to capt A J Bell

Round Top Nov 1863

Capt A J Bell Sir

My neighbor Mr Hildebrant was arested last night and has sent a mesinger to me this morning Requesting me to write a Statement of what I know of His connection with the meeting Held at Wites or Roeder mill some time Since and His views and opinions as express to me on the war and Presant State of things Generaly. at the meeting Referd to Mr Hildebrant was called on to act as President. He did so and on takeing the chair I am Reliably informed that He expressed his views and they differd so widely with the views of the meeting that they caused Him to vacate the chair the meeting then apointed a committee to draft Resolutions expressive of the Sense of the meeting and when the Resolutions were presented Mr Hildebrant oposed then told them they ware doing wrong and advised them to comply with the Laws of the country. Since the last draft some of my German neighbors that was drafted went to Him for advise. He advised them to go into the Service and comply with the law. I Have Had Several conversations with Him since the war comenced in all of them He Regreted the Present State of things But always

Image 31519465

said that it was the duty of all to comply with the laws of the country. I have never Herd Him uter a disloyal Sentiment.

Very Respectfully yours  
Joel W Robison

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Image 31519485 (cover)

Affidavit of  
A. Franke  
W. Hehr

Otto de Lasseaulx  
H. Kroll  
in the case of  
Reinhardt Hildebrandt

Image 31519488 (text)

State of Texas            }  
County of Fayette        }

This day personally appeared before me C. L. Schulze an acting Justice of the Peace in and for Fayette County,--A. Franke and W. Hehr and under oath; That they both were summoned to appear before the Supreme Court of the State of Texas as witnesses against R. Hildebrand; that after coming to Austin their evidence was not required. The undersigned further make oath that they know R. Hildebrand well and think him not capable to plot treason against the State or against the Confederate States, and that they never heard him make speeches of such a character neither in this County, nor in Austin County, on the contrary they know R. Hildebrand as a man that always advised others to stand by the laws of the Country and be governed by them and they think that the accusations against R. Hildebrand are made through personal ill feeling against R. Hildebrand by his accusers.

A. Franke  
W. Hehr

Sworn to and subscribed before me.

C. L. Schulze, J. P. F. C.

Rutersville, April 4<sup>th</sup>, A. D. 1864

At the same time appeared before me Otto de Lasseaulx and H. Krolle and made oath: That they agree in the above testimony with A. Franke and W. Hehr concerning R. Hildebrand and that all the above is true and correct to the best of their knowledge and belief.

Otto de Lasseaulx  
H. Krolle

Sworn to and subscribed before me  
Rutersville, April 4<sup>th</sup> 1864

C. L. Schulze, J. P. F. C.

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Image 31519507

Mathias Suerth being duly sworn states that on the 29<sup>th</sup> day of December 1862 George Adam told me that on the last day of December a meeting would be held in my neighborhood by the people of Washington, Fayette, Austin and other Counties—he said that the purpose of the meeting was to organise resistance to the execution of Conscript and other military laws—he said that this laws in his peculiar manner, were unlaws and that it was the duty of every honest citizen to resist them and that he and his friends were willing to resist.—On the last day of December about three to five hundred men assembled in my neighborhood partly armed partly unarmed and appointed upon motion

of Runge of New Ulm—Hillebrand of Fayette County Chairman—Hillebrand explained that the purpose of the meeting was to consider whether they should organize for active or passive resistance to the execution of the military laws. The people were addressed by several men among them G. Adam, H. Tulauff [??]

Image 31519498

Hauboldt, Hasteck, Runge Adam explained to the people that we were all tired of the war therefore they should send for the Governor and ask of him to make peace or resign his office. Hauboldt declared that six thousand Yankees had landed at Galveston who could be very easily called to help them. Mr. Hasted was willing to go into camp directly and commence hostilities directly—H. Lulauuff [Tulauff?] was for passive resistance and thought it the best way to knock down every enrolling officer or captain—A committee was appointed to draft resolutions which were read and adopted by the crowd—I do not recollect the words of the resolutions but the meaning was resistance to the execution of the military laws—Captains were appointed for several Beats to organize said resistance among them H. Neuchalkofsky [??] (now dead) for Shelby—Hasted for Felsburg, Mittank for New Ulm.

M. Suerth

Subscribed and sworn to in my presence this the 31<sup>st</sup> day of Oct AD 1863

Samuel A. Cummings  
J.P.A.C. Bt No 8

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Image 31519525

W Wiedermann being duly sworn states that on the last day of December 1862 I was at a meeting held near Roeders mill in Austin County where about four hundred persons were present about half of them were armed.—Runge addressed the meeting and stated that the meeting would have to decide whether they should offer passive or active resistance and proposed to elect Hillebrand Chairman—The motion was second and carried—Hillebrand said—For Some time we have expected help, but this far we have not got it—it had been reported that ten thousand northerners had arrived but as far as he new for certain only some nine hundred had arrived—he believed that for active resistance they were not strong enough—G. Adam stated that they were tired of the war that the war was not conducted for them and that they would depose the Governor—Hasted said their was no time for passive resistance and they should offer at once active resistance—urged the formation of companies—H Tuloff said—the Rooster is strongest on his dung pit—with this I want to say that every body is strongest in his own house—Who has no gun has

Image 31519515

certainly a pitchfork, hatchet or axe—If an enrolling officer comes in your house knock him down—that will soon thin out the mad dogs—Resolutions were drafted and read saying that if one was taken by force he should be taken back by force. Several other men spoke I do not know—I belief that Runge of New Ulm is the main leader of discontent party.

William Weidermann

Subscribed and sworn to in my presence this 31<sup>st</sup> Oct 1863

William Wideman  
Aff in ref to  
E Seeliger

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Image 31519533 (cover)

Affidavit of  
H Teichmuller as  
testimony for  
Reinhardt Hildebrandt

Image 31519543 (text)

State of Texas }  
Austin County }

A few days after a meeting held at Roeder's mill in Austin County the 30<sup>th</sup> day of December 1862, I happened to stop in Rutersville for about half an hour. There I met Mr. Reinh. Hildebrandt, whose acquaintance I had formed a few years before. I asked him, whether he had attended the above said meeting, and he having answered in the affirmative, I enquired after their proceedings. Mr. Hildebrandt told me, that many men there had been in a state of great excitement, had violently complained of the force employed to compel them to do military service, some had spoken of actual resistance, and other excessive resolutions had been proposed, but all in an irregular and excited manner. Mr. Hildebrandt told me, that he had addressed the meeting, that he had reminded them of their purpose to enquire into the nature of their grievances, whether there were any to complain of and what steps might be taken to remove them, that he had advised them to be moderate, that whatever they would undertake, they ought to remain within the limits of the law, that they ought to petition to the Governor, if they believed

Image 31519556  
themselves deprived of any of their rights, but that they ought to obey the existing Laws, and he had warned them not to take any improvident steps, whereby they might not only endanger themselves but their wives and children.

I live in New Ulm, from where several persons had gone to the said meeting. When I left Mr. Hildebrandt, he earnestly requested me, to employ all my power of persuasion to prevent the people of my neighborhood from resisting the Laws of the country or taking any imprudent steps. This is the conversation I then had with Mr. Hildebrandt, not the exact words of course, but the true tenor of sentiment, then expressed by him. Soon after Mr. Hildebrandt had been arrested, I met a Mr. Bess, a generally respected gentleman, a particular friend of mine and also of Mr. Hildebrandt, who, speaking of the latter assured me, that knew to a certainty that Mr. Hildebrandt had expressed himself moderately at the above mentioned meeting, and that he (Hildebrandt)

had always and every where rather endeavored to calm and sober down friends or strangers, whom he found excited

Image 31519565

and ripe for an imprudent act, which calmness, he asserted was essentially his character in general.

H. Teichmuller

Sworn to and subscribed before me this the 21<sup>st</sup> day of May A.D. 1864.

Robert Wagner J. P. A. C.

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Image 31519575 (cover)

F. Teichmuller

to

Affiant

Image 31519587 (text)

A short time before Christmas 1862 I went to Fayette County on a visit. Before I left, I learned that a meeting was to be held at Roeders mill, at which the people of several Counties were going to assemble for the purpose of considering what was to be done by the people in regards to the war.

Belonging to the militia, I had to report at Brenham on the 5<sup>th</sup> day of January 1863. On my way home I met Mr. Hildebrandt at Rutersville. Being anxious to know what the people had done at the Roeder's mill meeting, I enquired of him if he knew anything about the meeting. He told me that he had been there and had been appointed chairman, that he had endeavored to persuade the people to go into camp and abide by the law, if they had anything to complain of they ought to petition the Governor for relief. He said, that there had been some designing men, who had seemed inclined to induce the people to resist all attempts to conscript or draft them. When I left him he expressed the wish that the prudent people would over rule those who were in favor of incautious resistance. At Roeder's mill, I called on Mr. Tuerman to tell me of the proceedings of their meeting. What he related amounted to about the same Mr. Hildebrandt had told me. He

Image 31519595

only added, that the people in his neighborhood had come to the good conclusion to go into camps, and whatever they intended to do for their own relief they had made up their mind to do in a quiet and proper manner as the Law allows. When I was about in the distance of half a mile from the town of New Ulm, where I live, I saw about 20 or 30 men drilling, commanded by F. Mittank. I stopped a moment to look on, and upon making some remark, F. Mittank said: "You see we obey the call of the Governor for the people to organize.[" I was surprised to see several old men among the men drilling, some gray bearded men, like C. Runge, Dorbertz etc. After I had got to town, I enquired, whether the people, subject to militia duty, intended to go to camp or to stay at home. I noticed that the population of the little town was in a high state of excitement. Some said, the people were resolved to resist all attempts to force them into service, others said, they

would go. Afterwards at Brenham the muster rolls showed that many were absent, some dropped in in course of a few days, others did never come.

In regard to the drilling of those men (as stated above) I may say, that I do hardly believe they did it in consequence or obedience to the call of the Governor; but in considera[tion] of what I had heard of the proceedings

Image 31519605

of the Roeder's mill meeting. I believe myself justified in presuming that these men had rather organized for the purpose of carrying out the intended resistance. I saw among the persons drilling men subject to militia service. Some of them seemed to be men of too little education to be at all able to judge of the consequences of their present action; but the prospect of staying at home was welcome to them. Besides I saw the above mentioned old men among the men drilling, to whom the call of the Governor was not directed. I therefore had the impression, that this organization was rather in consequence of the sentiments expressed at the meeting at Roeder's mill.

H. Teichmiller

Sworn to and  
subscribed to before  
me on the 2 Nov 1863  
Samuel A. Cummings  
J. P. A. C. Bt. No 8

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Image 31519624

W. B. Witte being duly sworn states that in the year 1861 in the fall I brought complaint against Ernst Seeliger before the Vigilance Committee of Austin County and proved then by the testimony of Charles Laas, F. Fentrip, G. Doss, and Henry Ruppert that said Seeliger had been in the habit of using abusive language against the Confederate troops, that he had kept a list of all southern men to hand to the northern troops on their arrival, and that he would place himself (Seeliger) at the head of the negroes to drive off their masters.—The Vigilance Committee of which I was a member, on account of the age of Ernst Seeliger did not deem it proper to punish said Seeliger but on his promise to do better and after taking the oath of allegiance to the Confederate States, was released.—I did not meet with Ernst Seeliger in conversation but saw him on a meeting before my house on the last day of December last year—At this meeting about three hundred and fifty to five hundred persons attended said meeting—about half of them armed—Mr. Hillebrand of Fayette Co. was elected President of the meeting who declared the purpose of the meeting in the following

Image 31519636

language. He had expected more people to meet and for the purpose for which the meeting was they were hardly sufficient even if every one was a hero—that they had met here to resist conscription and draft and it was for the meeting to decide whether they should offer passive or active resistance—under active resistance he understood to take the field at once for which they were not strong enough—under passive resistance he understood that they should form an organisation to assist each other—that every body should refuse to be sworn in and if the Captain should want to swear them in, to knock



him (the Captain[]) down and should a member of their organisation be taken off by force then the others to bring them back by force—To this speech remarked E. Lu[ ] that is good and cheered lustily—Hasted of near Felsburg introduced himself as a Captain of the Militia and said that the time for passive resistance had gone by and activer esistance was essential—To all of which E. Seeliger showed his applause.

Image 31519647

H Lulauff of New Ulm now spoke—and said—The cock is strongest on his own dungpit and so men were stronger in their own house—he would tehrefore recommend passive resistance he thought that every body had a gun—or ax—hatchet, hoe or some sort of an instrument—and if any body is to take you as conscript or drafter kill him like you would kill a mad dog—that will soon thin out the mad dogs.—Several others spoke to the same purpose and intend—many others, Runge, G. Adam and others—Resolutions were afterwards reported and adopted—the words I don't recollect, they were in resistance to conscription and draft—H Nechalskofsky was appointed Captain in Shelby Beat—F. Mittank (Blacksmith from New Ulm[])—appointed Captain New Ulm.—Hillebrand remarked also that they had looked for help for some time, but as far as he knew only 950 Northern men had landed at Galveston and they might have to wait some time before more help could be expected—On the day after an other meeting was held by

Image 31519614

the people of Shelby to act in pursuance of the proceeding the day before had.—The following persons met in the Shelby Beat H Nechalhofsky and G Adam both armed—C Tuarmann—M Nowrath—and others—I went over myself and explained to the meeting that it was unlawful to assemble for such purposes and recommended them to abide by the law to which they assented and disbanded.

W. B. Witte

Sworn to and subscribed before me this 31<sup>st</sup> day of October A.D. 1863.

Samuel A. Cumings  
J. P. A. C. Bt. No. 8.

Image 31519661 (duplicate)

the people of Shelby to act in pursuance of the proceeding the day before had.—The following persons met in the Shelby Beat H Nechalhofsky and G Adam both armed—C Tuarmann—M Nowrath—and others—I went over myself and explained to the meeting that it was unlawful to assemble for such purposes and recommended them to abide by the law to which they assented and disbanded.

W. B. Witte

Sworn to and subscribed before me this 31<sup>st</sup> day of October A.D. 1863.

Samuel A. Cumings  
J. P. A. C. Bt. No. 8.

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Official Records of the War of the Rebellion, Series I, v. 15

Austin, Tex., December 4, 1862.

Capt. Edmund P. Turner,  
Assistant Adjutant-General:

Captain: I have the honor to call the attention of the commanding major-general to the fact that in certain German settlements resistance to conscription is seriously contemplated, and, if in his judgment it seems proper, I would be glad to have placed at my disposal a mounted force sufficient for the enforcement of the laws. The letter, copy herewith inclosed, is only one of several that I have received of the same tenor from enrolling officers.

I have the honor to be, captain, very respectfully, your obedient servant,  
J. P. Flewellen,  
Major and Superintendent of Conscripts.

p.887

[Inclosure.]

Enrolling Office,  
Industry, Austin County, Tex., November 28, 1862.

Maj. J. P. Flewellen,  
Superintendent of Conscripts, Austin, Tex.:

Sir: The above thirty-two names [Names omitted] are all Germans except four. They are remarkably stubborn, and I am satisfied do not intend to submit to enrollment. I shall therefore need a force to bring them in, and as the militia nearly all sympathize with them I cannot safely rely upon them, and would suggest that a military force of of at least one good company be placed under my orders, and to be well supplied with provisions or money to obtain them in the country, and to be mounted and well armed.

I deem it my duty in this connection to say that there is evidently a spirit of insubordination existing among the Germans in this region. I have it from the most reliable authority that they contemplate resistance to the conscript law as well as to the contemplated draft. Sundry meetings have been held to concert measures of resistance. Several of the meetings were held in secret, and the last a public meeting, in which they resolved to petition the Governor, asking that their families be provided for and themselves armed and clothed as a preliminary to their submitting to the laws and entering the service. These meetings were largely attended—by 400 to 500 persons. If I am furnished with force sufficient to vindicate the majesty of the law at once I think they will submit without a struggle; but there is danger in delay. If it suits your convenience I would prefer that Capt. R. W. Hargrove or Capt. J. B. McCown (both are not stationed at Hempstead, this county) be detailed for this duty.

All of which is respectfully submitted.

A. J. Bell,  
Enrolling Officer, Austin County, Texas.

p.925

Enrolling Office of Austin County,  
Industry, January 3, 1863.

Maj. J. P. Flewellen,  
Superintendent of Conscripts, Austin, Tex.:

Sir: In addition to what I have heretofore reported, of date November 28, 1862, and December 25, 1862, I have the honor in this connection to further report that the Germans of my district and of the adjoining counties are in a state of open rebellion to our Government. They are holding meetings almost every day, and held a large meeting, consisting of about 600 persons, on the 31<sup>st</sup> of December, 1862, in Shelby Prairie, the upper portion of this county, and organized by calling Mr. C. Senman to the chair, and appointed a committee to draught resolutions expressive of the sense of the meeting; whereupon the committee recommended that the following resolutions be adopted:

That the chair appoint one man in each beat to return home and call their men together, and then organize instanter into companies of infantry and cavalry, which has been done by electing captains and appointing specified times of drilling, which they have begun already; also keeping a picket guard mounted and armed, to be ready to communicate information to the officers in command.

Said meeting was represented by five counties, to wit: Austin, Washington, Fayette, Lavaca, and Colorado. They were called first by counties. Delegates answered to their names. Then they were called by beats. The following-named persons were present and delivered speeches in said meeting, all of whom were in favor of resistance to the Government and opposed to going into the service in any way: Fr. Mittanck, of New Ulm; F. Hanbold, of New Ulm; ----- Hildebrand, of Biegel settlement, Fayette County; H. Zulauf, of New Ulm; ----- Suliger, [p.926] of Industry; F. W. Dorbritz, of New Ulm; C. Rungo, of New Ulm; ----- Helams, sr., of Roeder's Mill, Austin County; ----- Lewis, of La Grange, Fayette County (an American).

There was a draft held here about the 23d of December in response to the Governor's proclamation for men. Quite a number of them were drafted and a great many were conscripts. These two combined have increased the rebellion to this pitch. The drafted men have continued to refuse to be sworn into the State service on the day appointed by the captain of Industry for the drafted men to be sworn into the service. He was assaulted and driven from the place appointed by him for said purpose; also a friend of his was actually mobbed, by being beaten with sticks, iron bars, &c.

Therefore, sir, I deem it to be my duty to ask for assistance again. Not less than one full regiment of cavalry, to be well mounted, armed, and supplied with subsistence to maintain them while so engaged, will do any good, but would meet with defeat. If there is a force sufficient to vindicate the majesty of the law at once it can be quelled without much bloodshed on our part, but if allowed to remain and mature would require a much greater sacrifice of life and property than if crushed out now at the beginning.

All of which is respectfully submitted.

A. J. Bell,  
Enrolling Officer Western District Austin County.

Hdqrs. Twenty-Second Brigade Texas State Troops,  
La Grange, Tex., January 4, 1863.

Maj. A. G. Dickinson,

Assistant Adjutant-General, &c., Houston, Tex."

Major: I feel it my duty through you to lay before Major-General Magruder the following matters; and this is rendered the more necessary on account of the delay that

must necessarily result in his hearing from the Governor, to whom last night I sent an express, and our militia laws are so faulty as not to concede authority to any one except the Governor to call out the State troops; yet should an emergency make it absolutely necessary I should assume the responsibility to do so. For several days expresses have come to me from various directions, at first giving mere rumors, but last evening more definite information. Dr. G. B. Robson came in last evening, having been sent by a number of very respectable citizens living in this county some 18 miles from here, bringing me the information that on last Wednesday from 500 to 700 men met at Roeder's Mill, just over the line of this county, in Austin County, and that they determined to resist the draft and conscription to the last extremity; that as soon as the drafted men are ordered out they mean to assemble and resist it; that the meeting was addressed by Germans and Americans; that they are organized and have their officers elected, and they mean to stir up insurrection with all of its horrors in case of conflict, and that six counties were represented. Dr. Robson states that this information was obtained from men who were at the meeting and that it is reliable. Dr. Robson is one of our most prominent citizens.

I also have reliable information that on last Tuesday night large numbers of armed men were seen to go from this (Austin) and Colorado Counties toward Roeder's Mill; one party was headed by an American and passed in the night. On Wednesday morning some 75 men, mostly armed, from this county passed through Fayetteville, a little town in this county 12 miles from here, and reported that they were going to Frelsburg, in Colorado County, but were watched and seen to leave the Frelsburg road and to take the road to Roeder's Mill.

A German, a true man, came to see me yesterday, and stated he wished to communicate something to me, but that he would not do so unless I promised to keep his name secret, and upon my doing so he told me that on Thursday the Germans of his neighborhood had met at the house of a drafted man, and there organized into a company and elected their officers to resist being taken off as drafted men, and also to resist conscription, and that they had threatened every German with destruction who would not join them; that they intended to wait until an attempt was made to force the men off, and then they would assemble and resist to the death.

Two other gentlemen of respectability (W. W. Wade and P. Clawson, of Fayetteville) came to me about midnight Friday night, and reported to me that this meeting detailed by this German was held, and that every movement indicated resistance; also, that a German blacksmith in Fayetteville was discovered to be secretly making spear-heads; also that these men had in the last few weeks provided themselves with ammunition.

I also have information of three other meetings of Germans having been held in other and different neighborhoods in this county, all secret, and also of other meetings being appointed for to-day (Sunday) and Monday.

We have a large German population in this county, and in Colorado, Austin, and Washington Counties. Many of them are true men, and if we never had had a traitor American nearly all would have been, and the seeds of disaffection have been sown by native Americans, and they now have natives collocated with the disloyal among them. These secret meetings have been holding for months, but until lately have not attracted much attention. For some two weeks past, however, my attention has been frequently

called to them, and I have labored incessantly to keep down the hot headed men upon our side, in order that we might get into the design, and also to prevent anything being done which would precipitate a civil war and place us in the aggressive. I have, however, had true men on the alert, obtaining all the information possible, but they have been so cautious that this has been very difficult, and a German who was a secessionist was kicked out of one of the meetings, it is rumored, and charged with being a spy.

In times of public excitement it is most difficult to cull out the truth from exaggerated rumor, and while I would have our distinguished commander informed of these matters I would not be instrumental in stirring up unnecessary excitement. It has been because of the true men of this county knowing of the disaffected element among us that they have declined to volunteer, being unwilling to leave their [p. 928] families at home and they away, and also determined to make an issue with the disloyal by compelling them to meet the draft. I feel satisfied that we have true men enough among us to overcome the disloyal in case of an outbreak, but they have not the arms, having given them to those gone into the Army, while most of those believed to be disloyal are well armed.

Again, if civil war really is intended, and we were even well armed, we are very much scattered and surrounded by those who are suspected, and to attempt to assemble from the different neighborhoods would but give the disloyal the same opportunity, and the families of the true men be left defenseless.

I received an order from the Governor through the Adjutant-General to send forward the three-months' men to Houston as fast as companies could be organized, but in view of the fact that the draft is not yet made in all the counties, and particularly in view of the threat of resistance whenever an attempt should be made to force off the drafted men, and to give us time to prepare, I have issued orders, fixing Monday, the 12<sup>th</sup> of this month, for the time of assembling at Columbus. This postponement will perhaps delay a conflict, and enable us to get ready, and probably prevent it altogether.

With perfect deference to our able chieftain I most respectfully suggest that if a regiment of cavalry could be sent to the disaffected region it would overawe the disaffected and prevent an outbreak, if any is intended. Perhaps even a less number would do. If this were done under cover of forming an encampment to obtain supplies it would allay suspicion, and the drafted men would see the necessity of obeying the call, and all perhaps pass off quietly.

From all I can learn the greatest disaffection is about New Ulm and Industry, in Austin County, and Round Top and Fayetteville, in this county. Neither of these places is more than 10 or 12 miles apart. If a command of cavalry were placed in Fayetteville, it would be convenient to all the other points, and could act according to circumstances. Fayetteville is about 18 miles from Alleyton, the head of the railroad, and there is plenty of corn in the neighborhood.

I have hesitated to address you because I know that the Governor is the proper officer for me to apply to, and I must make the great desire I have to prevent a conflict between our own citizens my excuse for the course taken.

If my paper and the manner in which I have written on it be against regulations let the scarcity of the article be my excuse.

William G. Webb,  
Brigadier-General, Second Brigade Texas State Troops.

P.S.—A gentleman has just come to me in hast to inform me of another meeting of Germans on yesterday on the west side of the Colorado River, in a German neighborhood, at which there were over 100 men present, and a German woman stated that their object was to resist the draft.

[January 4, 1863.]

Brig. Gen. William G. Webb, La Grange:

At a public meeting held by the citizens in Biegel Settlement, Fayette County, Texas, on January 4, 1863, the following declaration was adopted as an expression of the sentiments of said meeting:

The measures taken by the Government to protect this State against invasion are so far-reaching and serious in their consequences that they fill our minds with dread and apprehension.

[p.929]

The past has already taught us how regardlessly the Government and the county authorities have treated the families of those who have taken the field. We have been told that they would be cared for, and what up to this time has been done? They were furnished with small sums of paper money, which is almost worthless, and which has been refused by men for whose sake this war and its calamities were originated.

Last year we made tolerably good crops; the prospect for the next is not very encouraging, and we cannot look forward with indifference upon starvation, which we apprehend for our wives and children.

Although it has been said that we will not be needed for more than three months, the time for planting will then be over and our children may go begging, for the small pay which we are to receive for our services is insufficient to purchase bread for our families and pay for it. We and our families are almost destitute of clothing, and have no means of getting enough to protect us even imperfectly against the cold, from which cause sickness and epidemics result, as has been experienced in the Army, where more men have fallen victims of disease than by the sword of the enemy.

Last autumn we applied to procure cloth from the penitentiary, but up to this time we have not been able to obtain any, whereas negro-holders, whom we could name, can get such things and fetch them home. For these reasons we sympathize with all the unfortunate who have to provide for their own maintenance, and hope that our authorities will look upon us as men and not as chattels. With what spirit and what courage can we so situated fight, and that, moreover, for principles so far removed from us?

Besides the duty of defending one's country there is a higher and more sacred one—the duty of maintaining the families. What benefit is there in preserving the county, while the families and inhabitants of the same, nay, even the Army, are bound to perish in misery and starvation?

In view of the foregoing we take the liberty hereby jointly to declare that unless the Army and we obtain a guarantee that our families will be protected not only against misery and starvation, but also against vexations from itinerant bands, we shall not be able to answer the call, and the consequences must be attributed to those who caused them.

Furthermore, we decline taking the army oath (as prescribed) to the Confederate States, as we know of no law which compels Texas troops, who are designed for this State, to take the same.

It is the unanimous wish of those assembled in this meeting to apply to Brig. Gen. W. G. Webb to use all of his influence to the effect that the men now drafted for militia service be permitted to stay at home until they have finished planting.

By authorization and in the name of about one hundred and twenty citizens.

C. Amberg.  
H. Bauch.  
R. Hildebrand.  
H. Krale.  
H. Hasse.

I do hereby certify the above and foregoing to be a true and correct copy of the original (translation).

James Paul,  
Private Secretary.

p.955

Alleyton, January 21, 1863.

Maj. Edmund P. Turner,  
Assistant Adjutant-General:

Sir: The Germans and others who had been in rebellion have all quietly submitted to the draft and all have come to the different rendezvous and been enrolled as soldiers. Those who were not drafted and are at home profess to be loyal and promise to submit cheerfully to the laws of the State and Confederacy. I shall soon hear from all the disaffected portions of the country, and will advise you if the favorable reports are true.

...

I wish you would inclose me a few printed copies of General Orders, No. 39, issued January 8, 1863, ordering martial law in Colorado, Fayette, and Austin Counties. I have only one copy. None has reached me by letter.

After consultation with Lieutenant-Colonel Hardeman and others I recommend the following-named gentlemen to be appointed provost-marshals, viz: Capt. William I. Hebert, for Colorado County; P. J. Shaver, esq., for Fayette County, and A. J. Bill, esq., for Austin County.

You will please inform me if the commanding general will appoint the military commissioners.

...

Henry L. Webb,  
Lieutenant-Colonel and Adjutant-General.

[Inclosure.]

Special order, issued at Columbus, Colorado County, Tex., January 21, 1863.

Complaints having been made to these headquarters that the soldiers composing the Arizona Brigade, under the command of Lieutenant-Colonel Hardeman, encamped near this place, have been committing, and continue to commit, depredations upon the peaceable citizens of the county:

It is hereby ordered that the soldiers be encamped in military order, and regular guards and sentinels posted as in the Army of the Confederate States, and no officer, non-commissioned officer, or private soldier will be permitted to pass the sentinels in the day or night without permission from the officer in command, and at no time will more than two men from any company be allowed leave of absence at the same time, and no furlough will be granted under any circumstances.

The officers of the different companies will be answerable and held to strict accountability for any and all depredations committed by their men.

By order of Maj. Gen. J. Bankhead Magruder, commanding Texas and Arizona and New Mexico:

Henry L. Webb,  
Lieutenant-Colonel and Assistant Adjutant-General.

p.981

Alleyton, [Tex.], February 18, 1863.

Capt. Edmund P. Turner,

Assistant Adjutant-General:

Sir: I anticipated the commanding general's order on the petition of the women of Austin County, which I only received this day. It was left at the hotel at Columbus, at which place I received it. I visited the town of New Ulm and called on most of the persons who made the affidavits, and I find their statements to me differ materially from their statements to the general. They all say the injuries they received [p.982] were inflicted by two men named MacElroy, two named Henderson, and one other, a straggling soldier belonging, it is believed, to General Sibley's brigade, whose name I have not learned; but Lieutenant Stone, who commanded the detachment, says he thinks he can get it and will inform me. From what I have already learned it appears Lieutenant Stone called on the MacElroys and Hendersons to lead him during the night to the houses of the disaffected Germans. The men he employed were enemies of the Germans generally, and no doubt took him to the houses of innocent persons. He divided his command into two squads, went with one himself and sent the other under a non-commissioned officer, so as to make all the arrests at about the same time, and he says he knew nothing of the outrages being committed until some time after he had removed the prisoners and the persons who committed the crimes had left him. He denies having struck a woman with the hilt of his sword. He is apparently a mild, good man, but unfit to command, not enforcing subordination and discipline. I have no doubt but the soldiers behaved badly by pushing the women away from their husbands and some bruises were inflicted, but they all say the serious injuries were inflicted by the guides employed by Lieutenant Stone. The lieutenant says he would have arrested these men and brought them prisoners to Columbus if he had known in time that they had committed these outrages on the women and children. I told him the officer in command was answerable for the conduct of his men and for all persons he employs.

Colonel Hardeman intended making all the arrests himself; started out for that purpose, was taken sick, and was compelled to return without accomplishing his object, and then sent out Lieutenant Stone (as he assured me to-day), having the greatest confidence in his discretion.



I will carry out the order of the generally fully. I go to the counties of Austin and Fayette in the morning, and will see all the parties complaining and look into the matter closely, and have the arrests made of all I can get hold of who were concerned, and report to the general through you on Tuesday next. I assured all the citizens of the county whom I saw that the commanding general would pursue the very course he has, by ordering the arrest and punishment of all persons who trespassed on the rights and privileges of the people, and that he was the last man who would suffer violence to be used toward persons arrested or to their families.

...  
I have the honor to be, very respectfully, your obedient servant,  
Henry L. Webb,  
Lieutenant-Colonel and Assistant Adjutant-General.

P.S.—I will have the affidavits taken anew before a disinterested justice, and get a good and reliable interpreter, as none of these persons speak English. I will endeavor to have justice done all parties.



Texas State Library  
Governor's Papers. Pendleton Murrah. 1863-1865

Folder 7, Governor's papers, Nov. 1863, Box 301-44

[Nov 22, '63]  
To His Excellency Governor Murrah,

Austin.

You will excuse a wife in applying to Your Excellency for protection of her husband and her home.

As will appear from the within affidavit, a number of armed men arrested my husband, Reinhard Hillebrand, on the night of the 13<sup>th</sup> inst. and after searching every room and corner in the house, carried him off next morning, acting, as they said, under order of General Magruder.

This is the second time that he was taken in such an alarming manner, though in spite of all inquiries, no charge whatever could be brought against him, and, I am confident, because he never was guilty of any illegal act.

But this my application intends only to pray Your Excellency, by virtue of the prominent authority vested in you, to cause, that my said husband be delivered to the civil authorities, and tried in the regular way as the Constitution and the laws of the land prescribe.

Your Excellency's  
Most obedt. servt.  
L Hillebrand

Rutersville P. O., Fayette Co.  
Nov. 22d 1863.

[Nov 22 '63]

State of Texas.}  
County of Fayette }

This day personally appeared before me C. L. Schulze, an acting Justice of the Peace in and for Fayette County,--Mrs. Louisa Hillebrand and made oath: That on the night of the 18<sup>th</sup> inst about 9 o'clock 11 soldiers appeared at the house of her husband R. Hillebrand and told him, that he was a prisoner by order of Maj. Gen. Magruder. After the arrest of the undersigned's husband said soldiers commenced searching all over the house for papers thought to be in the possession of said R. Hillebrand, even compelling the undersigned to open drawers when she told them that they were for her own private use. Said soldiers told the undersigned that her husband R. Hillebrand would be taken to Houston before Maj. Gen. Magruder.

L Hillebrand.

Sworn to and subscribed before me.

C. L. Schulze, J. P. F. C.

Rutersville, November 22th [sic] 1863.

folder 9

[Dec 19 '63]

To His Excellency Governor Murrah, Austin.

In your favor of Nov 23th [sic] 1863 you advised me to apply to the courts of the county for a remedy against the wrongful arrest of my husband. This has been done by taking out a Writ of Habeas Corpus at the District Court of Bexar County. But as yet the Military Commander of San Antonio under whose guard my husband is at present imprisoned [sic], refused to deliver the prisoners to the Judge saying he had no authority to do so.

I am therefore compelled most respectfully to apply again to your Excellency as the Executive Authority for assistance and relief. I remain respectfully

Your most obedient servant

Louisa Hillebrand

Rutersville Dec. 19, 1863

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THE RANCHERO [Corpus Christi, TX], February 26, 1863, p. 2, c. 5  
The True Issue says the drafted Militia from the county of Fayette, after repairing to Houston in obedience to orders, have been furloughed and sent home; also, that Col. J. W. Dancy has been appointed Provost Marshal, for the same county, by Gen. Magruder. . . The True Issue has the following: "A report was brought to town on last Sunday morning, that a body of men, amounting to 30 or 40 in number, went to the house of a Mr. Hildebrand, a citizen of Fayette county, late in the night of Saturday, aroused him from his bed, and took him off, the reporter knew not whither, nor for what purpose. The Provost Marshal promptly dispatched the sheriff of the county to enquire into the matter, with instructions to ascertain whether he had been apprehended under any civil process, or military order, and if he was so apprehended, not to interfere. But if he had been taken off by a mob, to summon a *posse cometatis* and rescue him if he could be found."

[LAGRANGE, TX] TRUE ISSUE, February 12, 1863, p. 1, c. 1

The case of Mr. Hildebrand, alluded to in our last Issue, turned out to be an arrest by Military authority from Head Quarters. It appears that six or eight others, from this and

Austin county, were arrested about the same time, and all were taken to Columbus, where a part of the military force is stationed, to be dealt with by military law. Upon investigation of the matter, however, by the Military Chief of this department, no charges nor specifications were made against the parties arrested; and by his order, they have been delivered over to the civil authorities to answer whatever charges may be brought against them in that forum. And it would be improper in this place and at this time to make any comments in relation to the matter, we suspend all judgement [sic] in their cases; till they shall have been acted upon by the courts of the country.

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From: “‘Unwhipped of Justice:’ The Conflict between John Bankhead Magruder and the Texas Supreme Court,” an unpublished paper by Randy Gilbert.

[Deals with military vs. civilian authority, suspension of the writ of habeas corpus in Texas, and the definition of treason. The first part of the paper covers both the meetings and resolutions passed in Austin and Fayette Counties, and the publishing of “Common Sense,” an anti-war pamphlet attributed to David Baldwin and Richard Peebles, and printed by O. F. Zinke.]

Magruder was again quick to act on this perceived seditious publication, and by October 11, 1863 had arrested Baldwin, Peebles and Zinke. Peebles had been arrested and jailed in Houston, and Baldwin and Zinke supposedly fleeing to Mexico had been intercepted “on the road.” Two more arrests followed in short order. Ernst Seeliger of Industry in Washington County was arrested, as was Reinhard Hildebrand who had been one of the signers of the 1862 anti draft declaration, and was surely a familiar name to Magruder. All of the detainees were forwarded under military guard to San Antonio. . . .

The arrests caused some public concern. William B. McClellan, editor of the *LaGrange Patriot*, was preparing an article urging that the military turn the culprits over to the civil authorities when he also was arrested by a provost guard on October 28. Five other Fayette county men were arrested at the same time, including G.W. Sinks, F.W. Grasmeyer, George D. Harwell, August Jungbecker and L. Lindsay. . . . The men were not informed of the reason for their arrest, and their offices and homes were completely searched and then the detainees were literally marched off to Houston. Only the intervention of friends who provided conveyances prevented them from doing the hundred miles on foot. They were released on October 31 with an incomplete explanation by Major Hyllestead of Magruder’s staff that an anonymous informer had related to the authorities that he had heard the group making disloyal statements. McClellan was back in time to finish his uncompleted typesetting and get out an expanded issue of the *Patriot* by November 5. . . .

. . . Reinhard Hildebrand, fifty-three emigrated from Prussia about 1850 and by 1860 was living in Rutersville in Fayette county. He was married with seven children and had \$4,000 in real estate and \$1,830 in personalty. . . .

On March 14, the prisoners were brought to Austin and delivered to the Supreme Court by Captain Ruiz, Provost Marshal of San Antonio. They were placed in the Travis County Jail which was located at the southwest corner of Fourth and Guadalupe Streets, behind the Travis County Courthouse. On the same day Lt. Sneed had received Special Order Number 74 from Magruder to take all necessary steps to guard the prisoners

against an attack or forcible seizure of them by an “irrepressible mob” until they should be returned by the Supreme Court. . . .

[after a major court battle in Austin] For some reason, Magruder decided he did not want to continue to hold the prisoners at Houston. On April 7 a communication was sent to Captain W. S. Good at Anderson, Grimes County, Texas to insure that the county jail there was secure as the political prisoners were to be sent there. The jail at Anderson was a pit in the ground secured by a trap door, with a log building on top of it. By April 13, everything was ready for the reception of the prisoners, and the provost Marshall of Houston was ordered to deliver them to Capt. W. G. Webb, who would transport them by rail and stage to Anderson.

The prisoners promptly became ill, with Peebles and one other contracting typhus. Peebles lost the sight in one eye, and by May 19 had to be taken out of the jail because of his health. A suggestion had been made that the prisoners be chained to the floor to allow the trap door to be opened for ventilation, but Magruder thought that the structure was well enough guarded that the chains were not necessary. Reinhardt Hildebrand’s wife Louise sent a plaintive letter to Governor Murrah on May 15, begging for his assistance. She asserted that he was ill, and had never committed any treason. She had been promised evidence by Horace Cone, but had never received it, and stated that seven of the witnesses who had been summoned by Cone for the hearing [who were never called to testify] had given affidavits that her husband had done nothing. She concluded her letter with “In the name of humanity, can nothing be done to the relief of the innocent to prevent the ruin of himself, his wife, and children?” . . . A similar letter on behalf of Peebles, was sent by his daughter Maggie on April 30, with an endorsement by Captain M. M. McClain of San Antonio as to the loyalty of Miss Peebles. Miss Peebles also indicated that her father was to be sent to Tyler. It can only be assumed that the military authorities were contemplating placing him at Camp Ford. Governor Murrah forwarded the letters to Smith, and in his note to Smith stated that “Hildebrand is an old man and you will judge of the propriety of having his case investigated. I would be pleased to hear your determination.” . . .

By the early summer, it was apparent that the prisoners were becoming an embarrassment and a liability. On June 5, 1864, Smith ordered Magruder to re-examine their cases. The Suspension Act would expire on August 1, and at that time they would be free to file for a new writ. Smith was concerned that the men would suffer violence from a mob, or “under the protection of the law which had screened them from punishment hatch new treason.” Magruder was instructed to consider sending them “beyond our lines.” If they would do no harm they should be sent to the union blockading fleet or to Mexico. If their release to the United States would result in some form of security compromise, he suggested exiling them to the Indian Territory! In a second wire to Magruder on June 5, Smith stated that if Magruder did decide to send them outside the lines, that it be done with complete secrecy. The men’s families could be sent later, and that he should inform Governor Murrah of his decision. On June 9, Cone and jurist John Sayles, also serving as Magruder’s Assistant Adjutant General had recommended to Magruder that the prisoners be sent outside the lines, because as long as they were held, they would be “a constant source of irritation.” In a damning statement Sayles concluded, “Upon the evidence which has been developed against them these men cannot be convicted before the civil courts. But the moral evidences of their guilt are

so strong that all good men would concur in the propriety of sending them without our lines.” It was apparent that Magruder had ignored the requirement of the Suspension Act that officers were to investigate cases “in order for them to be released if improperly detained.”

A significant part of the Texas citizenry was still inflamed over the prisoners. On June 4<sup>th</sup>, a mob of about a hundred armed men had gathered near Anderson with the avowed intent to overwhelm the guard and hang the prisoners. Only prompt action by Lt. C. P. Smith in command at Anderson prevented this from happening. The situation became so volatile in Anderson that Magruder decided to move the prisoners to Houston, and on the 19<sup>th</sup> had dispatched a provost squad under Captain Pool to go to Anderson to bring the men to Houston.

A second mob gathered on the evening of June 20, again threatening to lynch the prisoners. On the same evening, Captain Pool arrived with five men and with the orders to take the prisoners to Houston. Lt. Smith was obviously rattled by what was going on, and had concerns over the validity of the Order and the identity of Capt. Pool. He refused to turn the prisoners over to Pool until he received telegraphic verification of the order and of Pool’s identity on the morning of June 21. The prisoners arrived in Houston on June 22. . . .

The secrecy that Smith had urged upon Magruder had not been observed, as on the day the prisoners arrived at Houston, a telegram was sent to Kirby Smith signed by “many citizens” of Houston that the news that Peebles was being sent outside the lines had created an uproar. They demanded that they be continued to be held. The situation was apparently so volatile in Houston, that Magruder was compelled to move them again. He ordered that they be taken back to Anderson, unless Col. C.C. Gillespie, commander of the prisoner of war camp at Hempstead was prepared to receive them. Gillespie declined and the prisoners arrived back at Anderson on the evening of June 30.

The mood at Anderson had not improved. Captain William G. Webb reported that the mob was still active and threatening. He had one company that was charged with guarding the prisoners, four other posts in the county, as well as Ordnance Stores at Washington. Webb was concerned that he did not have the manpower to resist a determined assault, but he was “resolved to defend the prisoners to the very last extremity, and whatever may be the turpitude of their conduct, this I regard as my imperative duty.” He recommended that the prisoners be moved to Camp Groce, as Gillespie had sufficient men to overawe the mob.

At this point, Magruder had enough, and on July 20 he ordered Peebles, Baldwin and Zinke to be exiled from the Confederacy. Under cavalry escort, they were taken in secrecy to Eagle Pass and put across the river to Mexico. They traveled to Matamoros, and thence to New Orleans. After a visit to his family in Ohio, Baldwin went to New Orleans where he remained until the end of the war. . . .

Hildebrand and Seeliger were simply released and went home. Hildebrand was still living in Fayette county in 1880. Peeble’s health prevented him from returning to the practice of medicine, and by 1880 had lost most of his fortune. Peebles was an active Republican, and during Reconstruction an attempt was made to name what became Waller county “Peebles county” in his honor. He died in 1893 at the age of 83. Baldwin, Zinke, and Seeliger disappear from history. . . .

