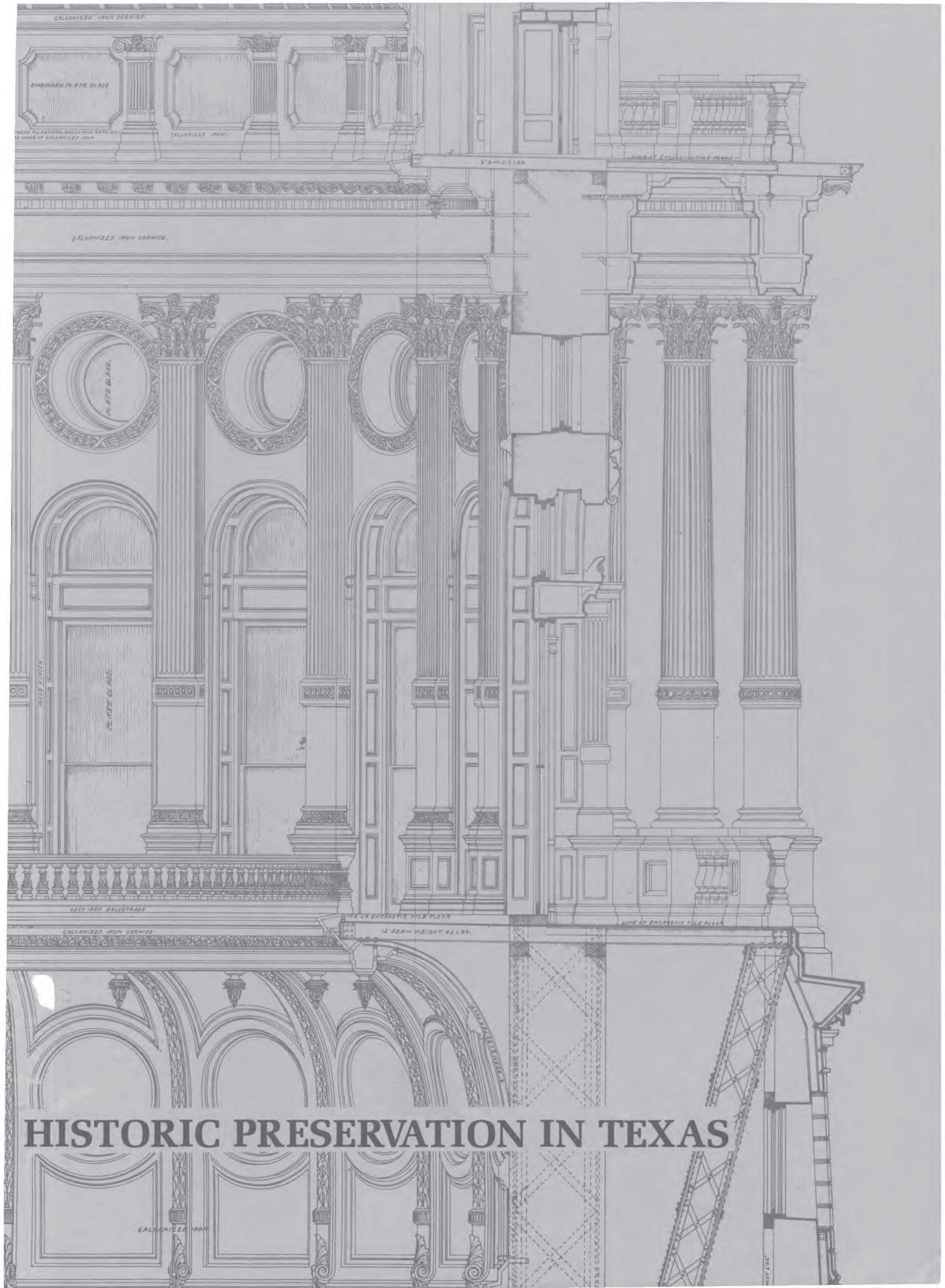
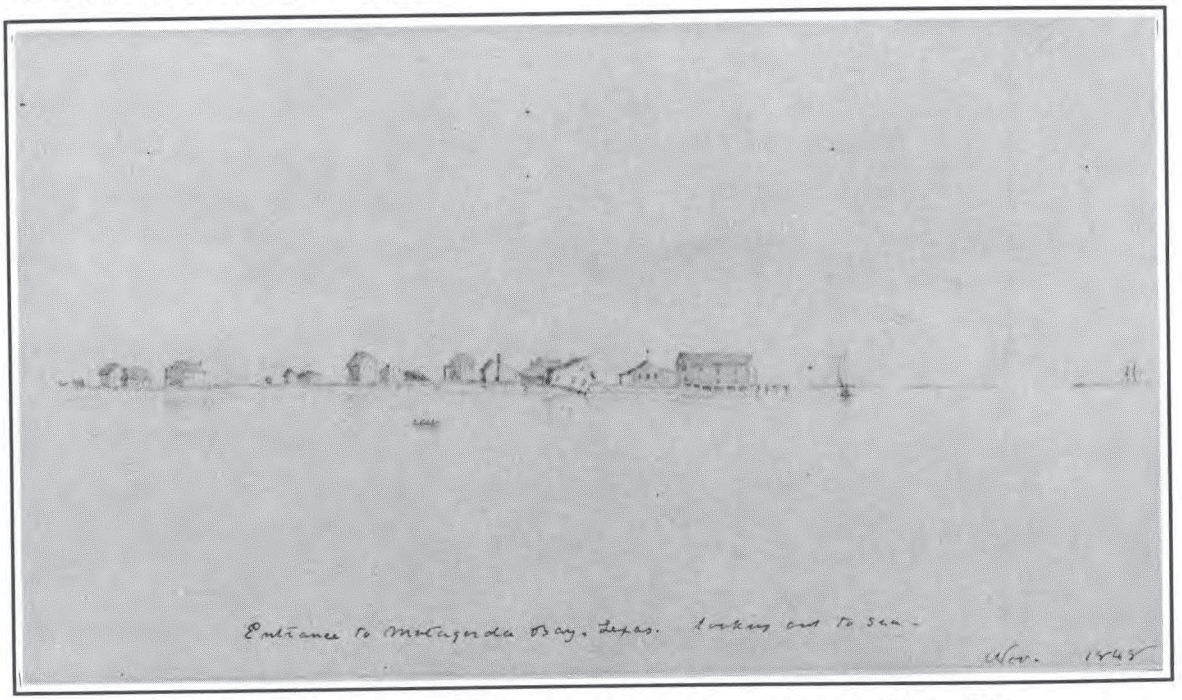


HISTORIC PRESERVATION IN TEXAS

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Historic Preservation in Texas

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Seth Eastman. Entrance to Matagorda Bay, Texas. Looking out to sea. Nov. 1848.

NOTE: THE SIZE OF THE SETH EASTMAN DRAWINGS REPRODUCED HERE IS EXACTLY THAT OF THE ORIGINAL SKETCHES.

HISTORIC PRESERVATION IN TEXAS

The Comprehensive Statewide Historic Preservation Plan for Texas

Volume I

Published jointly by the Texas Historical Commission
And the Office of Archeology and Historic Preservation,
A division of the U.S. Department of the Interior
1973

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Texas Historical Commission
Box 12276, Capitol Station, Austin, Texas 78711
Truett Latimer
Executive Director

The Honorable Rogers Morton
Secretary of the Interior
U. S. Department of the Interior
Washington, D. C. 20240

Dear Mr. Secretary:

On behalf of the Texas Historical Commission it is my pleasure to submit for your approval "Historic Preservation in Texas," volumes I and II, the comprehensive statewide historic preservation plan for Texas.

Since 1968 this agency has been administering the National Register programs for the state of Texas and preparing a comprehensive statewide historic sites inventory. Much has been accomplished in three years toward compiling a well-documented index to those historic places which have nationwide significance. We sincerely hope that our work, represented by this preservation plan, will help fortify the cause of historic preservation in Texas.

Sincerely,

Truett Latimer

Truett Latimer
State Historic Preservation
Officer and Executive Director,
Texas Historical Commission

Board and Staff Members

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Preface

HISTORIC PRESERVATION IN TEXAS is the comprehensive statewide historic preservation plan for Texas. It is the purpose of this document to analyze the historic patrimony of the state, inventory those architectural, historical and archeological properties which are the tangible links with the state's heritage, and make this information available to the public so that through planning and preservation, that heritage can be permanently safeguarded.

The future of Texas is clearly linked to its past. What the state is—the outlooks and attitudes which characterize it—and what it will become in the future are the logical development from its roots and traditions. Historic preservation in Texas is an important part of the growing public awareness of and concern for our total environment. The state's historic patrimony is one of Texas' vital resources, equally as important as other natural and human resources. This preservation plan has been developed for the people of Texas as a most important guide in the protection and development of this resource.

In the preparation of this plan we have been most fortunate in the help and assistance extended to us. Dr. William Goetzmann, chairman, American Studies Department, University of Texas at Austin; D. B. Alexander, professor of architecture, School of Architecture, University of Texas at Austin; and Curtis Tunnell, state archeologist, Texas Historical Commission, have graciously provided the signed articles appearing in the section on the state's historical background. Beaumont attorney A. D. Moore, Jr., chairman, State Bar Committee on the Legal Aspects of Historic Preservation and Special Environmental Studies, and the School of Law, Texas Tech University, Lubbock, provided assistance in preparing the section on preservation law in Texas. Fred Pass, editor of the *Texas Almanac*, generously gave permission to reproduce the *Almanac's* section on the history of Texas.

Dorman Winfrey, director and librarian, Texas State Library, allowed the reproduction of early Texas maps from the State Archives. Robert H. Ryan, editor, *Texas Business Review,* provided the population density map. The cover illustration, a section of the 1887 drawing of the Texas Capitol dome, was provided through the courtesy of the State Building Commission. A remarkable collection of early Texas views drawn by Seth Eastman in 1848 and 1849 appear opposite the opening pages of the various sections. Their reproduction was made possible through the gracious permission of Alice C. Simkins, registrar, Marion Koogler McNay Art Institute, San Antonio.

From the collection of the Marion Koogler McNay Art Institute, San Antonio. Gift of the Pearl Brewing Company. Reproduced by permission.



Seth Eastman. Live Oaks. At Sequin, Texas. Looking south. Nov. 19, 1848.

Texas: A Crossroad of Cultures

William H. Goetzmann
Chairman, American Studies Department, University of Texas at Austin

TEXAS HAS ALWAYS BEEN A CROSSROAD OF CULTURES. Early Pleistocene people hunted woolly mammoths and miniature horses across its frozen plains nearly ten thousand years ago. Finely wrought flint spearpoints, giant stone heads, grotesque cave paintings in Palo Duro Canyon, and thousands of cooking middens are today the only memorials of what must have been an extensive horizon of archaic life—the only memorial save one, Midland "Man," America's oldest woman some eleven thousand years old. And after early man passed from the scene, the Indians came. They moved into Texas from all directions: Apaches from the West, Cohuiltecans from the South, Kiowas and Comanches from the North, Caddoes from the East. Certain moundbuilders, deriving from the early Mississippian stock, may also have come from the sea. No one knows the origins of the cannibal Karankawa who haunted the shores of the Gulf Coast. All of these tribes pushed into Texas and competed for its vast spaces. Even before they acquired the horse, they were mobile. They met, traded, and clashed with one another, leaving countless evidences of their everyday life. Their triumphs and their tragedies are faintly traceable through burial sites, arrowhead factories, battlegrounds, hunting camps, and even townsites. Fort Worth, Texas, stands today on a major Indian townsite, as does the city of Waco.

After the Indians came the Spanish. The shipwrecked Spaniard Cabeza de Vaca was the first European to cross Texas, struggling all the way from the Gulf Coast to a slave-hunter's camp in present Sinaloa, Mexico. Coronado, in quest of the Seven Cities of Cibola, crossed what is now the Panhandle of the state and sighted for the first time a buffalo—that strange carryover from the archaic past. Like Cabeza de Vaca, he also met numerous Indians as the Old World made contact with the New on the plains of Texas. The Conquistador and his men called the Indians they met "Tejas," which meant "friends" or more practically speaking, "allies"; and so eventually the state received its name. It is significant that the word was a Spanish corruption of an Indian term, because both cultures, trying to make contact with one another, missed the nuance of language ever so slightly.

France

In the seventeenth century, France entered Texas via an ill-fated expedition led by the chevalier de la Salle, explorer of the Mississippi. La Salle established a colony and fort at Matagorda Bay on the Gulf Coast in 1685 but then he marched away to his death, and by 1690 nothing was left of his fort or his colony save a stockade and a few rotting skeletons, plus half a dozen terrified refugees living with the Indians. Spanish officials, jealous of France's invasion

of their vast North Mexican province, so utterly destroyed La Salle's fort that only in very recent times has any evidence been found to mark its exact location—and even this is in some dispute.

La Salle's abortive entre' into Texas marked the extension of Spanish-French imperial rivalry into the far Southwest, as Saint Denis and others confronted Spanish officials at such unlikely places as Nacogdoches, a trading post and early mission near the Sabine River. Gradually Spain managed to limit the expansion of Louisiana to the Sabine River on the East and the Red River on the North. At the same time officials and clergy in Mexico, alerted to the possible loss of Texas, suddenly turned their attention to it, and in the eighteenth century built a series of missions in San Antonio, plus the San Saba Mission and the South Texas mission and presidio at Goliad. And while Spanish officials were constructing a corridor across Texas linked by a Camino Real, or Royal Road, other Spanish adventurers such as Juan de Ugalde were exploring the plains and the rugged Devil's River and Pecos country of arid Southwest Texas. In effect the whole province had become a border between two great imperial nations—a border territory held largely at the pleasure of warlike Apache and Comanche Indians.

The early experiences of colonial Texas were not limited to the land alone, however. In 1553 or 1554 a large Spanish treasure fleet from Mexico went down in a storm off Padre Island near present-day Corpus Christi. No one knows who, if anyone, survived and only recently has the site of the disaster been explored by professional marine archeologists, who followed only slightly behind amateur treasure hunters. Indeed, as offshore exploration by qualified archeologists continues, it becomes apparent that the great disaster of the 1550s was not the only such occurrence. Many more Spanish ships and possibly English and French vessels may lie beneath the shallow waters off the Gulf Coast of Texas. Perhaps even the wreckage of Cabeza de Vaca's craft may one day be found. The whole maritime history of Texas remains to be written, for it was not only picturesque galleons that coasted Texas shores, but the pirate vessels of Laffite, coastal steamers of the paddle-wheel era, ships bringing immigrants to Texas, vessels of the Texas, Confederate and Union navies and a host of other craft as well. In 1886 Indianola, one of Texas' major ports and the main entrepôt for the German immigrants to Texas, disappeared in a hurricane and, like Jamaica's fabulous sunken city of Port Royal, vanished into the sea. From the mouth of the Rio Grande to the Sabine, the Gulf Coast of Texas lies open as practically virgin territory for the historian and the underwater archeologist, who must perforce cooperate if America is to restore the memory of this rich and colorful shore.

War For Independence

Much of the writing of Texas history has, of course, been devoted to the story of the Texas War for Independence and the period of the Republic of Texas. This is properly so, for who could neglect the inherent drama of the cultural clash between Anglo settlers and Mexican soldiery. The stirring battles at the Alamo and San Jacinto have been suitably researched and their locations

so well marked as to be unforgettable. Likewise the sad massacre at Goliad stands marked and guarded by two restored Spanish missions and the only completely restored presidio in the West. Such other important sites as Anahuac, the scene of one of the earliest skirmishes in the War for Independence, and the tiny capitol at Washington-on-the-Brazos, where Texas declared for independence from Mexico, are also prominent historical sites in Texas. All of these have a unique importance to American history because, unlike any other state, Texas existed for ten years as an independent Republic modeled after the United States, having its own Founding Fathers (especially Stephen F. Austin and the towering Sam Houston) and joining the Union by treaty under peculiar and special circumstances.

Furthermore, the Texas War for Independence in 1836 and the Mexican War that followed in 1846 served to underscore the importance of the Spanish heritage in Texas. The clash of arms, the battlefields—Palo Alto, Resaca de la Palma, and Fort Brown—merely brought to dramatic attention the fact that Texas, though rapidly filling with Anglo settlers, had a rich and deep Spanish culture that could never really be erased. Today much historical research, following lines laid out by Herbert E. Bolton and Carlos Castañeda, is devoted to recovering as fully as possible that lost horizon of Spanish culture in Texas. These researches have been greatly aided by the preservation of the Bexar Archives, the Laredo Archives, and the Catholic Archives of Texas.

Almost forgotten until recent times was the colorful period of military exploration and military-aided settlement in Texas in the period between the Mexican War and the Civil War. During this time Major William H. Emory mapped the whole southwestern border of the United States from the mouth of the Rio Grande to San Diego. Besides establishing the official boundary between the United States and Mexico, he dramatized the necessity of securing a transcontinental railroad route across the southern United States. The subsequent story of railroad building across the vast silurian spaces of West Texas is one of the most colorful and often neglected aspects of Texas history.

Roads Charted

Also in this period, "between the wars," the United States Army Topographical Engineers laid out a series of road networks across West Texas that enabled thousands of emigrants to take the southern trail to California. Some of the roads have become the beds of major highways; others need to be rediscovered and, along with General Zachary Taylor's line of march across South Texas to Matamoros, need to be clearly marked and called to the attention of the public. Beyond this, in an effort to protect the thousands of immigrants pouring into Texas after the Mexican War, the United States Army erected a series of frontier forts in West Texas—Phantom Hill, Lancaster, Concho, Griffin and Fort Davis in the Davis Mountains. These colorful centers of frontier life are only now beginning to be fully restored, and their restoration has brought to light new and important insights into the way the West was won. Fort Davis, for example, was the headquarters for Colonel John Grierson's hard-riding regiment of Black cavalry, and earlier it had been the scene of Jefferson Davis'

experiments with camels as beasts of burden in the arid West. Indeed, it was partially as a result of the experiences of these frontier outposts in West Texas that the whole problem of the arid lands of the United States came to the fore. This was poignantly dramatized by Captain John Pope, who drilled five years for water on the Staked Plains with no results except dry holes.

Even in the era before the Civil War, Texas' enormously varied geography began to have an apparent effect upon patterns of settlement in the state. East Texas was an extension of the Old South. Red River cotton plantations and slavery spread westward and governed the style of life in the opening region. Dog-run cabins and porticoed plantations reflected the migration of Southerners into Texas as far as the Brazos River bottoms, which remain today a rich center of Negro culture. To the West, German and Czech immigrants in settlements like Fredericksburg and New Braunfels faced the Comanches, Mexican raiders and unpromising soil as they sought to re-create on the hard edge of the frontier the farming community life and culture they left behind in Europe. In all, during the nineteenth century some twenty-six different ethnic groups settled in Texas in significant numbers, and the folk-art remains of their experiences provide rich material for the social historian.

Mexican-American Heritage

In hot, dry South Texas, Spanish culture still prevailed; and though the Mexican-American has recently come in for increased attention, his historic experience in Texas between the Mexican War and World War II forms almost a forgotten century of his heritage. For most people the Rio Grande country is memorable only because it has received so much notice from the intrepid Texas Rangers and because it once seemed to be a haven for hard-bitten gunmen and desperadoes heading as fast as possible for Old Mexico with a posse at their heels. In most of these events the Mexican-American was, historically speaking, a silent spectator whose way of life is only now beginning to be known.

West Texas, due to its extreme aridity, seemed almost deserted except for the U.S. Cavalry, the Comanches who by moonlight swept down on raids across the Chisos Mountains of the Big Bend into northern Mexico, and Judge Roy Bean. The latter gentleman summed up the vast emptiness of the area when he proclaimed himself the "Law West of the Pecos" from his picturesque shanty at Langtry, where the massive red canyon of the Pecos met the Rio Grande and where only the Mexican eagle found a true home. The Butterfield stagecoach line to California with its relay stations that became little towns was the only outside agent which really penetrated far West Texas in those days.

It was not until after the Civil War, when returning veterans began rounding up vast herds of stray cattle and staking out giant ranches that the arid High Plains of Texas became the home of the cattleman and the cowboy became a hero. At that point a whole new way of life arose in the region, centered in the cattleman's empire—a cross between the antebellum plantation dream and the life style of the Mexican grandee. Almost without realizing it the

vaquero became the buckaroo, and cattle barons like Shanghai Pierce and Charles Goodnight created a crossbred culture that partook of both Old South grandioseness and Mexican ranchero customs. But it is a cultural story lost in the dust of violence and periodic range wars, for only the inherent drama of the long drive to the railheads in Kansas has commanded the thorough attention that West Texas range life really deserves. While the Chisholm and Goodnight-Loving trails in their many splintered courses are largely preserved and marked, many a West Texas ranch house or other relic of life in those days has crumbled or will crumble and disappear without greater attention from historians. And despite the sudden, almost explosive, increase in irrigated High Plains farming and latter day oil booms, ranching remained the dominant way of life in the region until after World War II. Thus structures of the first decades of the twentieth century, while hardly antique by any reasonable standard, nonetheless deserve attention and preservation because they represent a period of delayed cultural advance and are an authentic link with the past.

Burgeoning of Progress

The years after the Civil War seemed dominated first by the bitter feelings of Reconstruction, then by the sudden burgeoning of progress. The railroad crossed the state, though Jay Gould abandoned his Union Pacific line in a pique at Jefferson, leaving behind the Litchfield of Texas—an architectural festival of Steamboat Classicism that forms the backdrop for his long-empty private rococo railroad car. In the same region timber barons began to tap the Piney Woods as far south as the impenetrable Big Thicket. Cattlemen turned their herds away from Kansas to Fort Worth, where it came to be said "the West began," and stockyards and leather tanneries went up where a military outpost once stood. Cotton bloomed again in the Brazos bottoms and the people of Central Texas discovered, of all things, goats—and thus towns like Kerrville were on the way to becoming the Mohair Center of the World. Meanwhile, around the turn of the century, Midwesterners found the orange groves of the Rio Grande and the rich harvest of pearl-button shells to be had in South Texas. That picturesque Spanish region suddenly became a very small Los Angeles, though except for a certain evangelical overtone and the proximity of the river, it hardly possessed the same flamboyance. Still, however, Texas once again became a crossroad where the Mexican and the Texan met the Iowa entrepreneur.

In 1901 at Spindletop, near Beaumont, the famous Lucas oil gusher burst into the air and, as a prolonged economic boom began, once again the face of the land was changed. One after another, oil fields were discovered in East Texas, then South Texas, then—of all places—West Texas. Towns like Ranger, Snyder, Cisco, Liberty, Humble, Conroe, Palestine, and Longview rose to sudden wealth and prominence. Largely the product of a transient population of oil-field workers, these towns too formed a crossroad where the itinerant worker sometimes shocked the sensibilities of the sober farmer in whose backyard or camp-meeting arbor a wildcat well had been discovered. Ranchers, unless they were clever, suddenly found themselves displaced as community leaders by oil

tycoons whose fortunes flowed out of the ground and who were subject neither to the vicissitudes of weather nor prudence and "hoss sense." With oil came transportation, refineries, petro-chemicals, and great cities with cosmopolitan people and diversified industries.

Cityscapes Often Sterile

In comparison to those of many regions of the United States, Texas cities seem quite new, their buildings almost prefabricated and their architects and planners unknown—somehow lost in a Martian-like landscape of cracking industrial plants and speed-oriented shopping centers. It is sometimes hard to picture Warren Ferris, a veteran mountain man, as the first city surveyor of Dallas or to recall that the first fully air-conditioned building went up in San Antonio only a few years after Theodore Roosevelt rounded up his Rough Riders in the bar at the beautiful Menger Hotel, which looks out on the Alamo. It is even hard to remember that Spanish architecture persists in that city, or that some towns in Texas still feature Haitian plantation-style houses, H. H. Richardson shingle-style houses, Frank Lloyd Wright prairie houses (or Henry Troost imitations of the master). When one thinks of Houston—the mighty ship channel (largest man-made inland harbor in the world) or the Astrodome (surely a landmark in engineering)—it is hard to turn one's attention to Ralph Adams Cram's neo-Baroque masterpiece at Rice University, Mies van der Rohe's Wing of the Houston Museum of Fine Arts, even the stately Southern tradition represented by Bayou Bend. And yet within the great cities as well as in the countryside one finds diversity—stylistic diversity and cultural diversity—layer upon layer and horizon upon horizon, historically speaking. Buildings, streets, promenades, and historical sites in these fast-changing cities need to be preserved, and soon, lest they fall to what the Southern historian C. Vann Woodward has called "the bulldozer revolution." Texas, a crossroad of cultures—Black, Chicano, Spanish, Anglo, rural, urban, folk, and modern—stands today at a crossroad. Should we fail to preserve these fast-disappearing evidences of our past, we will have little but written, linear records upon which to depend. And without the concrete, that sense of "the place where" that so fascinated the Romantic historian Francis Parkman and gave his work resonance, we shall have only one-dimensional history. And one-dimensional history makes for a one-dimensional sense of the past, and hence a one-dimensional cultural identity.

Texas State Archives



"The Mexican Kingdom, or New Spain, Louisiana, New England, Carolina, Virginia, and Pennsylvania, and also the islands of the Mexican Archipelago in North America. Accurate map drawn by Johannes Baptista Humannus." 1725.

Texas State Archives

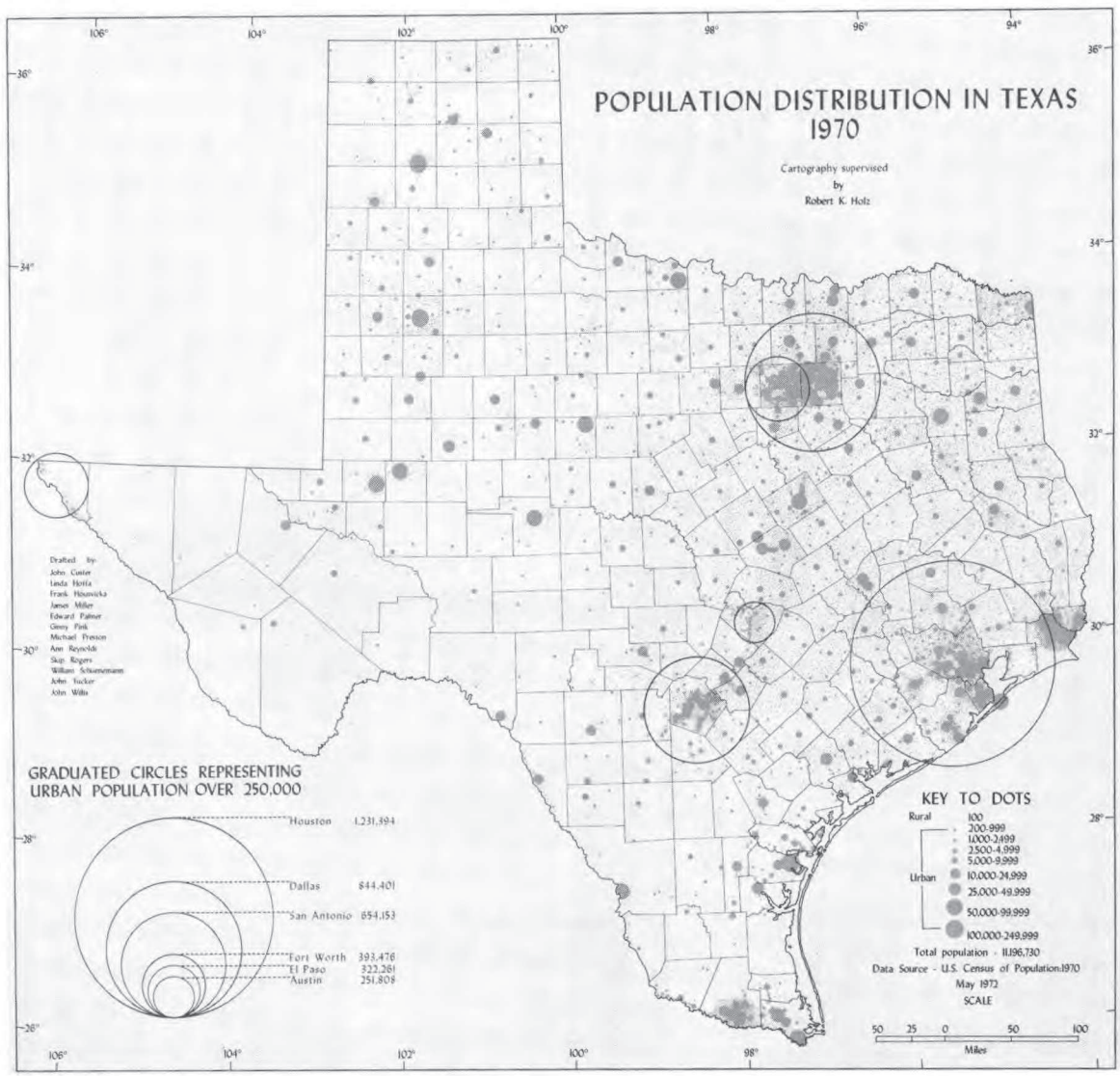


"Map of the Republic of Texas, showing its division into counties and latest improvements. 1837."

Texas State Archives



"No 13. Map of the State of Texas, engraved to illustrate Mitchell's School and Family Geography."



"Population Distribution in Texas 1970."

An Outline of Texas History

TEXAS' GEOGRAPHY MADE IT A CROSSROADS—first for plants, animals and the natives of the North American Continent and later for the Spanish, French and other European explorers. When Moses Austin and his son Stephen F. started the Anglo-American settlements, they initiated a chain of events that made Texas the southernmost outpost of the English-oriented United States, and the Rio Grande the boundary between Anglo-America and Latin America.

These facts give to Texas history a significance extending far beyond its boundaries. Without the victory of Sam Houston and the little band of Texans at San Jacinto, most of the western half of the United States probably would have been Latin American. Confined to the eastern portion of North America and limited in resources and room for development, the United States might have been a second-rate power.

Long before the first Europeans arrived, perhaps as many as 40,000 years ago, prehistoric man left their cultural relics on the land that now is Texas. W. W. Newcomb Jr., in his definitive book, *The Indians of Texas*, wrote: "At present the earliest published date for man in America comes from a site near Lewisville in Denton County, Texas."

Historic Periods

Historians customarily divide Texas history into the periods:

Indian Era: This period extends from the earliest archaeological evidences of man to the arrival of the Europeans in 1519.

Conquest And Colonization: This era of about three centuries may be subdivided into: (1) Early explorations and missionaries (1519-1690); (2) mission period and Spanish domination (1690-1793); (3) Spanish decline and filibustering era (1793-1821); and (4) Mexican era and Anglo-American colonization (1821-35).

Revolution And Republic: This decade includes the revolutionary years of 1835-36 and the life of the Republic of Texas (1836-45).

Texas In The U.S.: Major subdivisions are: (1) Pre-Civil War (1845-61); (2) a Confederate state (1861-65); (3) Reconstruction (1855-74); (4) early economic development (1874-99) and (5) industrialization and urbanization (1899 to date).

Indian Era

While archaeologists remain undecided as to the age of the prehistoric artifacts constantly being found in Texas, there is no doubt that primitive

Reprinted, by permission, from the *Texas Almanac, 1972-1973*, © 1971 by the A. H. Belo Corporation.

men hunted mammoths and other now-vanished beasts many thousands of years ago.

Culture began to show diversification by the beginning of the Archaic Stage, some 4,000 years B.C. Many of the earlier animals were becoming extinct and the hunters turned to plant foods to supplement their fare of bison, deer and antelope. Their grinding tools and other crude implements left behind in "rock middens" or "kitchen middens" are evidence of this.

The Neo-American Stage began at different times in different parts of Texas. It is recognized by the presence of agriculture, pottery-making and bows and arrows as seen through the appearance of very small, thin, light stone points. In East Texas, agriculture, pottery-making and styles of arrow points are closely connected with the Mississippi Valley tribes and the Southeast United States in general. In North Central Texas and most of the Panhandle, these influences reached Texas from the southern Great Plains. In some parts of the Panhandle and the Trans-Pecos, they came from the great Pueblo culture of New Mexico.

One Indian mound on the Neches River west of Alto, Cherokee County, yielded 96,000 potsherds, numerous other artifacts and the remains of thirty-four pole-and-thatch buildings. These evidence a meeting in East Texas of the prehistoric cultures of Middle America and those of the temple-mound builders in the Eastern United States.

In the caves of the Trans-Pecos region in the Guadalupe, Davis, Hueco, Chisos and other mountain ranges are evidences of cultures related to the Basket-Maker and Pueblo cultures of New Mexico and Arizona.

The Historic Stage witnessed a general breakdown in native Indian culture when European colonization was undertaken seriously. Not only did European diseases wreak terrible havoc, but the Indian tribes were pitted against one another, and native crafts were rapidly abandoned.

Members of the Caddo tribes of East, Northeast and North Texas were the largest groups of Indians when Europeans arrived. Caddoes were subdivided into: (1) The Hasinai confederacy in the lower half of the Texas Pine Belt and extending across the Sabine into Louisiana; (2) the Caddo proper group living in Northeast Texas and the adjacent sections of Arkansas, Louisiana and Oklahoma, and (3) the Wichita group dwelling in the Middle Red River Valley, on the Trinity headwaters and on the Middle Brazos.

The Hasinai confederacy included the Nacogdoches, Nasoni, Neche, Heinal, Nadoco and other tribal subclassifications. They were rather advanced culturally, living in permanent homes and cultivating the soil.

The tribal groups usually referred to as the Caddoes proper included the Grand Caddoes, Little Caddoes, Nachitoches, Adaes, Natsoos and other tribes. They dwelt in permanent abodes, tilled the soil and maintained a rather high cultural state.

The third Caddo group consisted of the Wichita confederacy along both sides of the Upper Red River, extending southward into the upper valley of the Brazos as far as the vicinity of Waco. Subclassifications included the Wichitas proper, Taovayos, Tawakanis (or Tehuacanas), the Yscanis and others.

Coastal Tribes

Along the Gulf Coast were tribes with a seafood economy and culture. From the Sabine to Galveston bay were the Attacapas the Deadoses and the Arkokisas on the coastal prairie and in the southern fringe of the Big Thicket. To the north and west were the Bidais. From Galveston Bay to San Antonio Bay were the Karankawas including the Cujanes, Coapites and other subtribes. They were described by Cabeza de Vaca as vicious and undependable. Many early reports said they were cannibals.

Indians of the Rio Grande Plain

Between the Gulf Coast and the Rio Grande and south of San Antonio were the Coahuiltecan tribes. They were not bound in confederacies as were the Caddoes. They may have been related to the Karankawas; some ethnologists place both groups in the Pakawa family. In the area south of San Antonio and extending into Mexico were a number of small Coahuiltecan subtribes, including the Pajalates, Orejones, Tilijayos, Alasapas and others. The Coahuiltecans were generally considered as of rather low cultural status, but under training of the early missionaries they showed themselves capable of appreciable advancement. It was among this group that the San Antonio missions were most successful in their Christianizing and civilizing effort. Most of them had migrated across the Rio Grande into Mexico before the coming of the Anglo-Americans.

Central Texas Tribes

Northwest of the Karankawas along the lower and middle course of the Guadalupe River were several small tribes, including the Tamique, the Xaraname and possibly others. North of these, and sandwiched between the Caddoes on the east and the Lipan Apaches on the west, were the Tonkawa tribes.

Lipan Apaches

During the early mission period, in Western Texas from the vicinity of San Antonio as far north probably as the Panhandle and westward across the Trans-Pecos, the warlike Lipan Apaches held sway. They were cousins of even more warlike true Apaches of New Mexico, Arizona and northern Mexico.

The Migratory Comanches

To the north of the Lipan Apaches lay the Comanches. During the early mission period apparently the Comanches, who were an offshoot of the Shoshoni, occupied no more of Texas than the Upper Panhandle. They advanced rapidly southward, however, in sharp conflict with the Apaches, as well as eastward against the Wichitas. By 1740 they had established themselves as far east as the Blackland Prairies and as far south as San Antonio, driving the Lipan Apaches southwestward and westward across the Rio Grande and Pecos River. These fierce Indians played the leading role in the conflict between red and white men.

This situation quickly changed after colonization began about 1821. Some tribes were driven southward, while others were pressed westward by Indians from states to the east, displaced by white settlers.

Indians in Texas numbered 30,000 to 40,000 when the white men arrived, in all probability, though estimates run as high as 130,000. The remainder of this historical discussion mentions some Indian tribes as they are involved in the events described. Subsequent history of Indians is summarized under the heading "Decline of the Indians."

Trans-Pecos Tribes

A few other tribes, related to those in New Mexico and Arizona, were found west of the Pecos River. Tiguas, a tribe that came to Texas in 1682 from New Mexico, have some survivors today.

Nine years after Pineda first mapped the Texas coast, Alvar Nunez Cabeza de Vaca and three other members of the Panfilo de Narvaez expedition were shipwrecked, probably on an island near Galveston. Cabeza de Vaca wrote: "There we made fire, parched some of the maize we brought and found some rainwater . . . The day on which we arrived was the sixth of November (1528)." After many hardships and a remarkable journey with various Indians, the survivors of the shipwreck reached a Spanish settlement. From there they went to Mexico City.

Cabeza de Vaca's repetition of Indian tales of the rich Seven Cities of Cibola aroused interest in exploring the area. The viceroy sent Francisco Vasquez de Coronado with an expedition which found no wealthy cities, but crossed much of New Mexico, the High Plains of West Texas and went as far north as Kansas.

Coronado's failure to find wealth did not keep other Spaniards from exploring the region. In 1605, Santa Fe was established in New Mexico, the second oldest settlement in the United States.

Antonio de Espejo headed one of the expeditions that crossed Texas, exploring the Big Bend-Pecos area in 1582.

The first real effort to establish missions among Indians came with Coronado. Fra Juan Padilla, one of several missionaries on the expedition, remained behind with the Indians and was killed.

Luis Moscoso de Alvarado commanded a group of followers of Hernando de Soto who crossed East Central Texas after De Soto's death in Mississippi in 1542. After reaching the Brazos River, they returned to the Mississippi.

No permanent development resulted from those expeditions. It was not until the fear of the French activity to the east aroused them that the Spaniards renewed efforts to settle Texas.

La Salle and the French

The second flag to fly over Texas, that of France, came with Rene Robert Cavelier, Sieur de la Salle, in 1685. The announced purpose of La Salle's expedition was to establish a French settlement at the mouth of the Mississippi.

Possibly La Salle was driven on the Texas coast by storms. There is also evidence that he sailed past the mouth of the Mississippi deliberately in order to establish a French outpost to strike the Spaniards in Mexico.

Landing at the head of Lavaca Bay, La Salle established Fort Saint Louis from which he made a number of expeditions, some to the west, apparently in search of the gold and silver mines of the Spaniards, and later to the east in search of the Mississippi. La Salle was killed by one of his own men in 1687. The place of his death is usually fixed at a site near Navasota. Fort Saint Louis was soon destroyed by disease and the Indians. The establishment of this colony alarmed the Spaniards in Mexico and made them establish settlements north of the Rio Grande.

East Texas Missions

In 1689 an expedition of Capt. Alonso de Leon, governor of Coahuila, set out to destroy Fort Saint Louis. The expedition was accompanied by Father Massanet, whose purpose was to establish a mission in Texas. The abandoned Fort Saint Louis was discovered in 1690, and the expedition of De Leon proceeded eastward as far as the Neches River.

The first East Texas Mission, San Francisco de los Tejas, was established near the Neches, probably near the present town of Weches, in northeastern Houston County, in 1690. A replica of this mission is in a state park there. The mission Santisimo Nombre de Maria was established nearby in 1690.

After fear of the French subsided these East Texas missions were abandoned. One permanent result, however, was adoption of the name of Texas for the area. During the expedition of Captain de Leon, an Indian was asked the name of his tribe to which he replied, "Tejas." Apparently the word, meaning "friends" or "allies," was meant by the Indian to be applied to an intertribal group of Caddoes. It came to be applied by Spaniards to the land between the Rio Grande and the Red River known today as Texas.

Saint Denis Rearouses Spanish Fear

Spanish complacency about their claim to Texas was jolted again in 1714 by the sudden appearance of the French explorer and trader Louis Juchereau de Saint Denis, at San Juan Bautista on the Rio Grande near present-day Eagle Pass. The Frenchman, who had traversed Texas without attracting the attention of Spanish authorities, said his purpose was to establish trade. However, he was arrested and sent to Mexico City to explain his intentions to the viceroy. The result was a Spanish expedition to Texas to establish missions and settlements. Capt. Domingo Ramon was sent out from San Juan Bautista.

Later East Texas Missions

The expedition of Captain Ramon was accompanied by Father Francisco Hidalgo, who had been working to have missions established among the Texas Indians. Near the old San Francisco de los Tejas mission, a new mission called San Francisco de los Neches was established in 1776. Nuestra Senora de Guadalupe was established at the present site of Nacagdoches, and the

Mission Nuestra Senora de los Dolores was placed near the site of present San Augustine. Two other missions, La Purisima Concepcion and San Jose de los Nazonis, were located in this vicinity. Another mission, San Miguel de Linares, was across the Sabine in Louisiana.

Oldest Texas Town, Mission

East Texas missions were not the first in Texas. The oldest Texas town and mission were in the extreme western part. In 1682 Indians in the Upper Rio Grande Valley in New Mexico revolted, killing many Spaniards and driving others southward. Refugees from the upper Rio Grande towns of Ysleta and Socorro sought protection at the presidio of El Paso Del Norte (now Juarez, Mexico) and later settled on the right (Mexican) bank of the river, naming their new towns, Ysleta del Sur (south) and Socorro del Sur for their old homes. Both places were settled in 1682, but Ysleta was founded a little earlier than Socorro, and it is today the oldest town in Texas. A third town, San Elizario, was established in the same vicinity a little later. These were on the right (Mexican) bank of the Rio Grande bu. later a change in the channel of the river left them on the Texas side.

Shortly after, the mission San Antonio de las Tiguas was established nearby, later known as Nuestra Senora del Carmen, and a little later still Mission San Miguel del Socorro was established near Socorro.

Founding of San Antonio

In 1718 the viceroy wanted a halfway post between the East Texas missions and the Spanish presidios in northern Mexico. A mission and presidio were started at San Pedro Springs, laying the foundation for the present city of San Antonio. This mission was called San Antonio de Valero and the accompanying presidio was called San Antonio de Bexar. San Antonio de Valero is usually accepted as the predecessor of the Alamo; but, the present structure of the Alamo was not erected until about 1754, nor was the original De Valero on the present site of the Alamo. In fact, the present Alamo was not a mission building itself, but a chapel attached to San Antonio de Valero and possibly to other missions. The word, "alamo," means poplar, or cottonwood. There is one legend that the name of the Alamo came from a grove of cottonwoods nearby. However, during Mexico's war for independence from Spain a company of soldiers from Alamo del Parras was quartered in the Alamo. This may be the origin.

In 1720 Mission San Jose de Aguayo was established at San Antonio. In succession came the founding of the missions La Purisima Concepcion de Acuna, San Juan Capistrano and San Francisco de la Espada. Three of these missions at San Antonio were re-establishments of the abandoned East Texas missions. They were San Francisco, Concepcion and San Juan Capistrano, the latter succeeding San Jose de los Nazonis, the name being changed because of the prior founding at San Antonio of San Jose de Aguayo.

This era of mission building marks also the beginning of Texas statehood.

It had been officially declared a Spanish dominion and Domingo Teran de los Rios had been named governor in 1691. However, after an expedition across Texas by De Los Rios, political authority was relaxed and little attention was given Texas until the administration of Martin de Alarcon, governor of Coahuila-Texas, who founded the mission of San Antonio de Valero and the presidio of San Antonio de Bexar in 1718.

Los Adaes, Early Texas Capital

In 1721-22 the dominion of Spain was definitely established between the Rio Grande and the Red River by the expedition of Marquis de Aguayo. At the site of the Mission San Miguel de Linares, established a few years earlier, he established the presidio of Los Adaes as his headquarters. This place, where the present-day town of Robeline, La., stands, was the Spanish capital of Texas until the seat of government was removed to San Antonio in 1772.

To strengthen Spanish authority, colonizing Texas with Spaniards was started. This included establishment of fifteen families from the Canary Islands at San Antonio, 1731. Results were limited but Canary Island families and their descendants played a large part in Texas history.

Escandon

While the missionary effort was progressing in East and South Central Texas, several settlements were made along the Rio Grande between San Juan Bautista (near present-day Eagle Pass) and the mouth of the river. Reynosa and Camargo were established on the south bank in 1749 by Jose de Escandon, governor of the Mexican state of Nuevo Santander. In 1750, Dolores was established on the north bank in present Webb County where the Arroyo Dolores empties into the Rio Grande. In 1755 Laredo was established. Reynosa, Camargo and Laredo became permanent settlements. Dolores was destroyed by Indians about 1850.

Later Missions

Three missions—San Francisco Xavier, San Ildefonso and Candelaria—were established about 1746 in Williamson and/or Milam Counties on the San Xavier River (now called San Gabriel River). Later these were relocated in Hays County and still later in Menard County.

Mission La Bahia del Espirtu [*sic*] Santo was established at the present site which is near Goliad in 1749. It had earlier been near the site of old Fort Saint Louis on Espiritu Santo Bay and was moved once or twice before being permanently located at Goliad.

At the request of Lipan Apaches, harassed by Comanches, a mission and a presidio were established on the San Saba River in 1757, near the present town of Menard. The San Saba Mission was destroyed by the Comanches. Missions were established also on the Nueces, but failed.

The last mission, Our Lady of Refuge, was established on Mission Bay in Calhoun County in 1793 but, with one intermediate relocation, moved to the site of the present-day Refugio in 1795.

Nacogdoches Founded

When the East Texas missions were abandoned the second time, in 1776, the white population was removed to San Antonio. In 1779, however, a number of these settlers returned under the leadership of Antonio Gil Y'Barbo and settled around old Mission Guadalupe, permanently establishing what is today Nacogdoches, which also has some claim to having been founded in 1716, year of the building of the old Guadalupe Mission.

Some of these missions have disappeared completely; others are no more than ruins. Some still stand much as they were originally constructed—notably those at San Antonio.

The purposes of the missions were: (1) To Christianize the Indian, and (2) to extend frontiers of Spanish dominion and aid in establishing civil law. The missionaries in Texas were faced with a peculiarly difficult problem because the Indians, except the Caddoes, were nomadic.

Missionaries did succeed in Christianizing some of the Indians and introducing European animals, agricultural implements and practices. Their indirect influence by introducing the culture of their homeland cannot be measured. Without the missions, there might not have been the nucleus of culture which attracted Anglo-American settlers.

In 1793, all Texas missions were transferred from ecclesiastical to civil authority except the missions at Goliad and Refugio. Their secularization was in 1830.

Spanish influence in Texas reached a low point after 1811, when Hidalgo led a Mexican revolt against Spain. That revolt was suppressed, but Mexico gained independence in 1821.

Filibustering

French sale of Louisiana to the U.S. in 1803 increased interest in Texas from the east. Spanish fear of American designs was increased by the 1805-07 Aaron Burr conspiracy.

The Arroyo Hondo, east of the Sabine, had been temporarily designated as the eastern boundary of Texas in 1736. But boundary disputes continued and the area between Arroyo Hondo and the Sabine became a lawless no-man's land. The first two decades of the century were a period of freebooters, privateers and filibustering expeditions.

One adventurer, Phil Nolan, led an expedition into Texas in 1800-01. The capture of wild horses was his stated purpose, but he fell under Spanish suspicion because of alleged connection with the Aaron Burr conspiracy. Nolan was killed and his little force of about 20 men was defeated in a fight with the Spanish near present Waco. Nine survivors were taken to Mexico. One of them, Ephraim Blackburn, was hanged in 1807. Only one, Peter Ellis Bean, is known to have regained freedom.

Augustus Magee, an officer of the United States Army in Louisiana, became intrigued by the plans of Bernardo Gutierrez, a Mexican who had been an adherent of Father Miguel Hidalgo y Costilla in his unsuccessful attempt to free Mexico in 1810-11. Magee resigned from the United States Army and,

with Gutierrez, collected a force of venturesome men.

The Magee-Gutierrez expedition marched westward, 1812-1813, capturing Nacogdoches, Goliad and San Antonio. Magee mysteriously died at Goliad.

This Republican Army of the North marched under the Green Flag, which is recognized by some authorities as having a legitimate claim to a place among the sovereign flags of Texas. Admission of this claim would raise the customarily recognized six flags to seven flags. No recognition was ever given by any government to the new state, although in the spring and summer of 1813, Spanish sovereignty in Texas was completely deposed, a formal declaration of independence issued and a constitution written. Capital of the new state was San Antonio.

The Republican Army of the North finally met defeat at the Battle of Medina on the Medina River, southwest of San Antonio, Aug. 18, 1813. Most of the thousand members of the expedition were massacred.

Dr. James Long of Natchez, Miss., led an expedition into Texas in 1819 and captured Nacogdoches. His forces were defeated while he was at Galveston seeking the aid of the pirate, Jean Lafitte. He led a second expedition in 1821, from Point Bolivar, near Galveston, capturing Goliad, but was later defeated and captured. He was killed after having been sent to Mexico as a prisoner and paroled.

Mrs. James (Jane Herbert Wilkinson) Long worked valiantly for her husband's cause. A marker at her old home near Richmond, Texas, proclaims her the "pioneer of Anglo-American women in Texas."

During this period the Texas Gulf Coast, notably Galveston Island, harbored pirates. Luis Aury, who had been an adherent of Hidalgo, established himself on Galveston Island and did a successful privateering business in 1816, eventually sailing away on an expedition against Spain in Mexico, where he met defeat.

He was succeeded by Jean Lafitte who had operated his ships prior to the War of 1812 out of headquarters off the mouth of the Mississippi. Lafitte's enterprise at Galveston thrived from 1817 until 1821, privateering against the Spanish commerce in the Gulf. In 1821, however, some of his men attacked vessels flying the U.S. flag and his Galveston base was closed by the U.S. Navy.

Anglo-American Colonization

White population of Texas was 7,000 or less, and had been declining; by 1821, Goliad, San Antonio and Nacogdoches were the only towns of any size.

There also were scattered settlements along the Red River as early as 1812-1815, and a Methodist circuit rider, William Stevenson from Missouri, in 1815 preached what is believed to have been the first Protestant sermon on soil now in Texas.

But Moses Austin, a native of Connecticut who had mined lead in Virginia and Missouri, visited San Antonio in 1820, seeking permission to colonize Americans in Texas. Baron de Bastrop befriended him, helping secure permis-

sion to make the application to the Viceroy of Mexico. Returning to Missouri, Austin soon died but made a dying request that his son, Stephen F. Austin, carry out his plans which had been approved by the Spanish.

Stephen F. Austin, college educated, was practicing law in New Orleans. He visited San Antonio, making an agreement for the colonization with Gov. Martinez in August, 1821. He received permission to settle 300 families. Columbus on the Colorado and Washington-on-the-Brazos were the first sites settled late in 1821.

Mexico's independence forced Austin to visit Mexico City to get his grant reaffirmed by the new government. A new law provided that agents, or empresarios, must introduce at least 200 families of colonists. The agent was given wide authority over his colonists in establishing commercial centers, maintaining militia and administering justice. Under this empresario system colonization of Texas made extraordinary strides for a decade.

Austin's colony grew rapidly and San Felipe de Austin (in present Austin County) was laid out on the Brazos as the colony's seat of government.

Austin's first grant was for 300 families. This quota—known as "the Old Three Hundred," and having a place in Texas history somewhat similar to that of the Jamestown and Plymouth settlers in United States history—was soon filled. More than 1,000 land titles were issued to Austin in the next decade and population of his colony exceeded 5,000.

Other Colonies

Some other empresarios were fairly successful. Green DeWitt, also of Missouri, introduced several hundred families west of the Colorado, founding Gonzales in 1825. Another empresario was Hayden Edwards who received a grant for settling 800 families around Nacogdoches. Other American empresarios were Benjamin Milam, Gen. James Wilkinson, Sterling Clack Robertson, Joseph Vehlin, Robert Leftwich, David Burnet and the firms of McMullen and McGloin, and Power and Hewitson. Mexican empresarios included Martin de Leon who settled a number of families on the Guadalupe, founding Guadalupe-Victoria, the present Victoria, and Lorenzo de Zavala, who was to play an important part in later history.

There was sufficient success to bring a constant stream of settlers to Texas, principally from the United States. Between 1821 and 1836 the population grew from about 7,000 to 35,000-50,000.

Texas Gains Independence

Many factors caused difficulties between the Anglo-American settlers and the Mexican government. There were differences in language, cultures and religion. Mexico City was far away and revolutions made government unstable. Commercial and cultural ties were stronger with the U.S. and access easier by land or water. In spite of this, and the fact that some of the new settlers hoped U.S. boundaries would be extended to Texas, there is no evidence that the majority of settlers did not intend to become citizens of Mexico. Had any of the Mexican rulers made nominal efforts to govern the Anglo-Americans properly, there might not have been a revolt.

However, trouble between American and Mexican settlers developed as early as 1826 at Nacogdoches. Hayden Edwards had been given a grant at Nacogdoches, where Gil Y'Barbo and his followers had lived for several decades. A conflict arose and Mexican authorities at San Antonio decided in favor of the Mexican settlers. Edwards organized the Republic of Fredonia and declared Texas independent of Mexico. Though Edwards was quickly driven out, his action worried Mexican officials.

Law of 1830

The Mexican Congress enacted the Law of 1830, forbidding further settlement of Americans in Texas except in two colonies, providing for establishment of Mexican convict colonies, and levying duties on all imports. It was intended to lessen Anglo-American population, increase Mexican population and break up the increasing trade with the U.S.

The Law of 1830 increased the Texans' dissatisfaction with some provisions of Mexican constitutional law. Neither the National Constitution of 1824 nor the Constitution of the State of Coahuila-Texas of 1827 granted certain rights accepted as inalienable by the Anglo-Americans, notably trial by jury and the right of bail. Furthermore, particularly obnoxious was the requirement that settlers in the colonies be Catholics. Most of the American settlers were Protestants.

Battle of Anahuac

Typical was the trouble that arose at Anahuac. Mexican Col. John D. Bradburn, former American, was charged with interfering with an attempt of some colonists to perfect their land titles. Several colonists, including William Barret Travis, were arrested and a small force of Texans attacked Bradburn, July 13, 1832. After a short skirmish he promised to release the prisoners.

He did not do so, but the Texans decided to await reinforcements. In the meantime in their camp on Turtle Bayou they adopted the Turtle Bayou Resolutions declaring that they were not in revolt against Mexico but fighting for Gen. Lopez de Santa Anna who was then leading a revolution against President Bustamente. Santa Anna then was posing as a liberal in opposition to the dictatorial methods of Bustamente. Before the attack could be resumed, Colonel Piedras arrived from Nacogdoches and released the prisoners.

Battle of Velasco

Anahuac was the first actual engagement in the growing Texan-Mexican controversy. A detachment bringing two cannons from Brazoria to Anahuac via the Brazos was refused passage by the Mexican commander at Velasco. In the brief Battle of Velasco, June 26, the Texans captured Col. Domingo de Ugartechea and his command.

San Felipe Convention

A convention was held at San Felipe de Austin Oct. 1, 1832. Stephen

F. Austin was elected chairman and a memorial was addressed to both federal and state governments, asking repeal of the Law of 1830, urging settlement of certain land titles in East Texas, seeking the right to use the English language in public business, the privilege of organizing a militia, separation of Texas from the state of Coahuila and certain other things.

Austin Imprisoned

When Santa Anna became president in 1833 the Second Convention at San Felipe was called, meeting April 1. This convention adopted resolutions similar to those of the first assembly and, in addition, drew up a proposed State Constitution which was drafted by a committee headed by Sam Houston. Stephen F. Austin headed a commission elected to carry the new Constitution and petition for reforms to Mexico City.

After several months of waiting in Mexico City, Austin received some promises from President Santa Anna and started home. However, he was arrested and imprisoned when a letter he had previously written fell into Mexican hands. Impatient over his long stay in Mexico City, he had advised Texans to organize a state separate from Coahuila.

Early in 1835, Santa Anna sent a company of soldiers to Anahuac to assist in the collection of duties. Colonists led by William Barret Travis marched on the town and forced the Mexicans to surrender and leave for San Antonio. As a result, Gen. Martin Prefect de Cos, brother-in-law of Santa Anna and commander of northern Mexico, ordered the arrest of Travis and others. At this time Austin returned from Mexico and announced that he had become convinced that war was Texas' only recourse.

A military force was established over Texas-Coahuila by President Santa Anna, under command of Col. Domingo de Ugartechea at San Antonio.

Gonzales, First Battle

Ugartechea sent a company to Gonzales to take possession of a cannon, but the Mexicans were defeated by the Texans, Oct. 2, 1835. The news of this battle spread and volunteers poured into Gonzales. Texans used the famous flag bearing the words, "Come and Take It," referring to the cannon which the Mexicans had demanded. Despite earlier skirmishes, the Battle of Gonzales is usually considered the first battle of the Texas Revolution.

It was decided to march from Gonzales against San Antonio. Stephen F. Austin was elected commander-in-chief. A detachment of Austin's army had a light engagement with the Mexican cavalry at Mission Concepcion, Oct. 28. On Nov. 26 the "grass fight" occurred south of San Antonio. This skirmish was started by the rumor that an approaching burro train carried silver for the pay of the Mexican garrison at San Antonio, but when captured the burros' burden proved to be hay for Ugartechea's cavalry horses. A gathering force of Texans besieged San Antonio.

Provisional Government Formed

A provisional Texas government was formed at San Felipe beginning Nov.

3, 1835. This did not declare Texas independent of Mexico, but declared for the Constitution of 1824, which Santa Anna had set aside.

Stephen F. Austin, Branch T. Archer and William H. Wharton were chosen to go to Washington to ask aid of the United States. This withdrew Austin from command of the army which was besieging San Antonio. Gen. Edward Burleson was placed in command there by an election. Henry Smith was elected provisional governor of Texas and a council was organized. While Burleson had been chosen to lead the army at San Antonio, Gen. Sam Houston was named by the group at San Felipe as commander-in-chief to succeed Austin.

Capture of San Antonio

At San Antonio the siege dragged and preparations were being made to abandon it. Col. Ben Milam asked for volunteers to attack the fort, organized about 300 men and, after fighting from Dec. 5 to Dec. 9, 1835, forced General Cos, who had arrived from Mexico and taken command, to surrender. Agreement was that he was to return with his entire force to Mexico. Milam was one of the two Texans killed.

Battle of the Alamo

The defeat of Cos alarmed President Santa Anna, dictator of Mexico. In command of the Mexican Army, he marched north, arriving at San Antonio, Feb. 23, 1836. The Texas forces had dwindled to about 157 men commanded by Col. William Barret Travis.

Travis appealed for aid, but the provisional government was at odds with itself, the council being arrayed against the governor. Little provision had been made for meeting the oncoming enemy.

About 30 men from Gonzales led by Capt. Albert Martin broke through Santa Anna's lines March 1, raising the force at the Alamo to approximately 187. This little band held the Alamo against overwhelming odds for five more days in one of the most heroic struggles in history.

Travis' Letter From The Alamo.—On Feb. 24, 1836, 11 days before the final storming of the Alamo, Colonel Travis dispatched an appeal for aid which, while failing to bring support to the little band at the Alamo because of slow communications, did much to rally Texans to the cause of freedom. Seemingly, Travis wrote several copies and dispatched them by courier to different points. An original in Travis' handwriting is in the State Library, Austin. This letter, among the most heroic of all historic documents, is printed below with boldface type designating those parts of the letter that were underscored by Travis for emphasis:

Text of Letter

Commander of the Alamo
Bejar, Feby. 24th, 1836

To the People of Texas & all Americans in the world—
Fellow citizens & compatriots—

I am besieged, by a thousand or more of the Mexicans under Santa Anna—I have sustained continual Bombardment & cannonade for 24 hours & have not lost a man—The enemy has

demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken—I have answered the demand with a cannon shot, & our flag still waves proudly from the walls—**I shall never surrender or retreat.** Then, I call on you in the name of Liberty, of patriotism & everything dear to the American character, to come to our aid, with all despatch—The enemy is receiving reinforcements daily & will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible & die like a soldier who never forgets what is due to his own honor & that of his country—**Victory or Death.**

William Barret Travis.
Lt. Col. Comdt.

P.S. The Lord is on our side—When the enemy appeared in sight we had not three bushels of corn—We have since found in deserted houses 80 or 90 bushels and got into the walls 20 or 30 head of Beeves.

TRAVIS

One of the enduring legends of the Alamo is that Col. Travis drew a line with his sword and asked all who would die with him to cross the line. The original source of this story was a letter written by W. P. Zuber and published in the 1873 Texas Almanac. Zuber described the incident as he remembered hearing it told by Moses Rose, who did not cross the line but fled from the Alamo. More details of the account will be found of Page 82 of the 1970-71 Texas Almanac, or in the 1873 edition.

On March 6, 4,000 to 5,000 Mexicans charged the Alamo to the strains of the "Deguello," signifying no quarter to the defenders. Their great number enabled the Mexicans to enter the Alamo and surrounding buildings. The Texans died fighting to the last man. The only survivors were Mrs. Almeron Dickenson, whose husband was killed in the battle, and a few children, slaves and Mexicans in the service of the Texans. Among those who died were William Barret Travis, James Bowie, David Crockett and James B. Bonham.

Instead of rescuing those in the Alamo, the Provisional Council authorized an expedition against Matamoros. It was headed by Col. J. W. Fannin, Col. Francis W. Johnson and Dr. James Grant. Fannin, in command of the main body, marched to Goliad. Colonel Johnson, with a small force, continued on toward Matamoros, but was met near San Patricio by a Mexican force under Colonel Urrea and defeated, Feb. 27, 1836. All except Johnson and a few of his men were killed or captured.

On March 2, Grant with another small force was intercepted by Mexicans near Agua Dulce and practically wiped out. At Goliad Fannin started for the Alamo but turned back when he learned that it was surrounded.

Battle of Coleto, Goliad Massacre

Fannin was ordered to retreat from Goliad after the fall of the Alamo but delayed because he had sent a detachment to defend Refugio against a force of Mexicans. He began his retreat March 19, but found himself surrounded by Mexicans, and gave battle on Coleto Creek. The outnumbered Texans surrendered, under honorable terms, but returned to Goliad and on March 27, were slaughtered under orders from Santa Anna.

Defeat at Refugio

Colonel Fannin had sent about 150 men under Lt. Col. William Ward

to Refugio. A scouting detachment under Capt. Amos B. King was surprised by the Mexicans March 4, and all but a few were killed or captured. Colonel Ward defended Refugio March 14, but, greatly outnumbered, withdrew toward Victoria. Some of Ward's group escaped but many were killed. Those captured were sent to Goliad and slain.

Declaration of Independence

Despite the reverses, Texans showed a growing spirit of resistance. Several assemblies had declared Texas an independent state, notably one at Goliad, Dec. 20, 1835.

When it became apparent that the provisional government had failed, a convention met at Washington-on-the-Brazos March 1, 1836. Here on March 2 it declared Texas independent. A Constitution was adopted.

David G. Burnet was named provisional president. Sam Houston was again chosen as commander-in-chief of the Army. This took place during the battle of the Alamo.

President Burnet set up his government at Harrisburg. Houston started for San Antonio, but at Gonzales, on March 13, learned of the fate of the Alamo. At Gonzales he had found something fewer than 400 men. He sent orders to Fannin to retreat from Goliad and himself fell back beyond the Colorado above Columbus. He intended to make a stand here; his force was strengthened by the arrival of volunteers and he spent several days drilling his men. Hearing of the loss of Fannin's force, however, he retreated across the Brazos at San Felipe and marched to Hempstead.

The "Runaway Scrape"

The successive tragedies at San Antonio, San Patricio, Agua Dulce, Goliad, Refugio and Victoria, and the retreat of the Texas Army created panic. The flight of the colonists from the path of the oncoming Mexican Army came to be known as the "Runaway Scrape." It created confusion in military as well as civil population. Houston had difficulty holding men whose families had been left west of the Brazos.

Santa Anna swept eastward with his army, thinking that the war was over. As he approached Harrisburg, President Burnet with his staff moved to Galveston Island.

Houston's army, which had been by-passed and left in the rear of the Mexican Army, moved southeastward and on April 20, took a position opposite Santa Anna's camp at the junction of the San Jacinto River and Buffalo Bayou.

Battle of San Jacinto

The arrival of General Cos with 400 Mexicans on the following day increased Santa Anna's force to about 1,600. Houston had under his command between 700 and 800.*

The Texans attacked suddenly during the afternoon of April 21 while

* Total number of men recruited in the army of the Texas Republic was about 2,000, with an additional 1,000 available, according to the records of the General Land Office of Texas.

the "Napoleon of the West," as Santa Anna called himself, took his siesta. The Texans charged to the music of "Won't You Come to the Bower" and with the battle cry, "Remember the Alamo; Remember Goliad."

The Mexicans were routed with a loss according to Houston's report of 630 killed, 280 wounded and 730 captured. Practically the entire Mexican force was killed, wounded or taken prisoner. Texans sustained a loss of nine killed or mortally wounded and 30 less seriously wounded. Santa Anna fled but was captured the next day.

Few battles have had greater historic effect than that of San Jacinto. It led to the independence of Texas and its later annexation to the United States. The Mexican War which followed resulted in acquisition of most of the United States' present Rocky Mountain and Pacific Coast area.

Treaty of Velasco

On May 14 the Treaty of Velasco was signed at that temporary capital of the Republic. The Mexicans agreed to retreat beyond the Rio Grande and Santa Anna was to be released on promise to return to Mexico and intercede with his government on behalf of Texas independence. President Burnet was unable to release the dictator because of popular sentiment against Santa Anna, and the Mexican president was held prisoner for about six months. After the signing of the treaty the capital was removed to Columbia, and still later to Houston.

Texas Navy

Four small vessels, the Invincible, the Brutus, the Independence and the Liberty, were the Texas Navy. It harassed Mexican commerce and made partly ineffective the Mexicans' attempt to blockade Texas ports and prevent the receipt of supplies from the United States. The Independence was captured and two others ships were wrecked shortly after the revolution.

A threat to blockade Texas by Mexico's navy after the founding of the Texas Republic caused the Republic to buy six vessels from the United States to harass the Mexican coast and prey on its commerce. Under the command of Commodore Edwin W. Moore, a former officer in the United States Navy, the navy attacked and captured several Mexican coastal towns.

The navy operated until 1843 when it returned to Galveston. It had kept open Texas ports, operating partly under orders and part of the time so flagrantly in disobedience of orders that President Houston threatened to disown the fleet.

Commodore Moore usually vindicated himself by his daring and genius as a naval commander, and the net results of the operations of the Texas Navy were of great benefit to the new Republic. Three or four of the vessels were in sufficiently good condition to be incorporated into the U.S. Navy when Texas was annexed.

An Independent Nation, 1836-45

Mexico refused to abide by the Treaty of Velasco and threatened invasion. but the Republic of Texas was soon recognized by the U.S., Belgium, France, Great Britain, Holland and some German states.

Hostile Indians were a major problem, although Houston's understanding and tact held them in restraint during the Revolution and the first two years of the Republic. The westward push of settlers into Comanche country fomented troubles.

Burnet's Administration

The chief issue of Burnet's administration after the Battle of San Jacinto was the Treaty of Velasco and disposition of General Santa Anna. Many Texans wished to turn him over to the army for court-martial.

An unruly army refused to accept Mirabeau B. Lamar as major general and elected Gen. Felix Huston. The army had grown to about 2,500 following the Battle of San Jacinto. It governed itself in boisterous fashion for several months but civil authorities, fearing invasion from Mexico, were afraid to do anything.

Houston's First Term

Houston was elected president in the first national election in September, 1836, defeating Stephen F. Austin and Henry Smith. Mirabeau B. Lamar was elected vice-president.

The first Congress of the Republic met at Columbia in October, 1836. At this first election the Constitution, which had been adopted by the convention of 1836, was ratified. Austin was named secretary of state by Houston, but the man who is called the Father of Texas died Dec. 27, 1836.

Houston sought to relieve the financial situation by increasing the population on, and the value of, Texas' vast public domain. The General Land Office was established in 1837 to handle land problems, including surveying the domain, distributing land bounties that had been promised those who had taken part in the Revolution, and formulating policies of colonization and settlement under the laws of the Republic.

One of the lasting results of efforts to induce rapid settlement was the "Homestead Law" of the first Congress, which provided that a homestead could not be taken for debt other than debt contracted in payment for the homestead. The homestead law exists today.

Widespread frauds developed in Texas and the United States in connection with the practice of issuing land scrip. Much forged paper was found in circulation.

Colonization Under the Republic

The Republic encouraged colonization, following the empresario system, and a number of large land grants were made. Henri Castro brought 600 Alsatian families to a grant west of San Antonio. Castroville, which he founded, with its quaint architecture, remains one of the outstanding landmarks of Texas today. Another important colonization venture was that of W. S. Peters for the settlement of families around present Dallas.

Several colonies, including that of Castro, established in Texas during this period were socialistic experiments. In 1849 followers of the French Social-

ist Etienne Cabet established the Icarian Colony in Southwest Denton County near present-day Justin. It broke up the following year, most of the colonists going to Nauvoo, Ill. Another early socialistic attempt at colonization was La Reunion, an area now in metropolitan Dallas, established in 1855 by followers of Victor Prosper Considerant, French Socialist. It, too, proved unsuccessful. The German communist colony of Bettina was established on the Llano River near the present town of Llano in 1847 composed of scholars from the Universities of Heidelberg and Geissen. John O. Meusebach and Prince Carl of Solms-Braunfels aided this project, but it was short-lived, breaking up in 1848.

A large grant of land was made to Henry Francis Fisher, Buchard Miller and Joseph Baker, lying between the Colorado and Llano Rivers—known as the Fisher and Miller grant. They were to be allowed to settle 1,000 German, Dutch, Swiss, Danish, Swedish and Norwegian families. Ultimately the grant included more than 3,000,000 acres and permission to settle 6,000 families and single men. A number of settlements were made along the Llano of which Castell and Leiningen survived. Later the empresarios of this enterprise sold their grant to the Adelsverein or Association of Noblemen (also called Meinzer Verein), which was organized by a group of German noblemen at Biebrick on the Rhine April 20, 1842, "for the purpose of purchasing land in the free State of Texas." Count Victor von Leiningen and Count Joseph Boos Waldeck came to Texas representing the organization. In 1844 the purpose of the association was changed to be "the protection of German immigrants in Texas." In connection with the settlement of Prince Carl of Solms-Braunfels and other enterprises, this organization aided in the settlement of more than 7,000 Germans in Texas. It went bankrupt in 1847.

Republic of Texas population increased rapidly. In 1836, it was estimated at 35,000 to 50,000 by most authorities; in 1845, at annexation, estimates were 125,000 to 150,000. The first U.S. Census in Texas showed 212,592 in 1850.

Lamar's Policies

The second national election, Sept. 3, 1838, resulted in the election of President Mirabeau B. Lamar. His administration was distinguished for two policies—his interest in education and his aggressive military policy against Indians and Mexico.

In public education, Lamar played an important and constructive role. Largely because of his influence Congress passed an act in 1839 providing three leagues of land for each county's school fund in addition to a grant of 50 leagues for two universities for the Republic. Subsequently an additional league for each county's school fund was granted.

Lamar's phrase, contained in his first message to Congress in 1838, "The cultivated mind is the guardian genius of democracy and, while guided and controlled by virtue, is the noblest attribute of man," has become the slogan of Texas advocates of public education. Lamar is known as the Father of Education in Texas.

Lamar supported the Texas Navy in its harassment of the Mexican coast and its alliance with rebels in Yucatan. In 1841 he tried to establish jurisdiction

over New Mexico by sending out an expedition under Gen. Hugh McLeod. The results of the Santa Fe Expedition were disastrous, the expedition encountering many difficulties on the way to New Mexico only to be captured upon arrival. The survivors of the expedition were marched to Mexico City for trial, and eventually were released only through friendly intervention by the United States. The principal result was to antagonize Mexico.

Houston's Second Term

In September 1841, Sam Houston was elected to another term as president, assuming office on Dec. 13. One of his first actions was a more friendly policy toward Indians.

In March, 1842, a Mexican expeditionary force suddenly seized San Antonio, Victoria, Goliad, Refugio and some other places. Before repelling forces could be assembled the Mexican army retired across the Rio Grande.

In September the Mexicans struck again with 1,500 soldiers under Gen. Adrian Woll, capturing San Antonio. They retreated toward the Rio Grande a few days later. A detachment of Woll's army was defeated by a small company of Texans. However, a company of 55 from La Grange under command of Capt. Nicholas Mosby Dawson, while endeavoring to join the Texas forces at San Antonio, was surrounded and 33 were slain, including Captain Dawson. Most of the remaining men who surrendered were either slain or died in captivity in Mexico.

Mier Expedition

There was wide public sentiment for an expedition against Mexico. A force marched to the Rio Grande under command of Gen. Alexander Somervell, but turned back under government orders. However, an independent expedition of about 300 was organized under Col. W. S. Fisher. Crossing the Rio Grande it attacked Mier, a strategic point with a strong garrison. After a bloody battle the Texans were defeated and captured.

The prisoners marched toward Mexico City. At Salado they escaped, were recaptured and every tenth man executed as the result of the famous drawing of the black beans. Capt. Ewen Cameron was also executed for having headed the break for liberty. The others were marched to Mexico City and imprisoned in the Castle of Perote. Thirty-five were eventually released.

Site of New Capital Selected

A site on the Colorado was selected as the future capital of Texas by the Capital Commission in 1839. Its selection was confirmed by Congress in 1840, naming the city in honor of Stephen F. Austin. The government was moved here from Houston.

When the Mexicans invaded Texas in 1842, President Houston ordered the government moved back to Houston. This caused the comic-opera Archive War. Fearing that Houston would be partial to the city that bore his name, citizens of Austin seized state papers and held them. In December, 1842, Hous-

ton sent a small company to seize the archives, but this force was driven from the city after partially loading their wagons, pursued and forced to return.

A few shots were fired during the encounter. Houston had ordered the archives sent to Washington-on-the-Brazos and the seat of government was maintained there briefly, but returned to Austin under President Anson Jones in 1844.

Regulators and Moderators

A serious disturbance broke out in East Texas in 1842 over charges of land fraud. Shelby County, which then included a large portion of East Texas, became two armed camps known as the "Regulators" and the "Moderators." In about two years some 50 men were slain and courts ceased to function. President Houston quieted the disturbance in 1844, but bitterness lasted for many years.

Another military project during the second Houston administration was the Snively expedition in the early part of 1843. They marched into New Mexico to seize a Mexican wagon train on the Santa Fe trail. The Texans were successful but were capured in turn a few days later by a United States detachment which charged that they were within the United States.

Anson Jones, Last President

Anson Jones was elected the last president of the Republic, Sept. 2, 1844, winning over Gen. Edward Burleson. Jones had opposed annexation, but most of his administration was devoted to the annexation agreement and winding up the affairs of the Republic.

Most Texans believed the future development of the country would be greater under United States sovereignty. Furthermore, Texas' financial difficulties had increased. The Republic began with a public debt of more than $1,000,000 which grew to nearly $8,000,000 in 10 years. Lamar's military policy greatly increased the public debt. Texas paper money depreciated quickly and the money of the United States was more acceptable.

Though Texas had obtained recognition by a number of leading world powers, no treaty with Mexico was ever signed. An armistice was signed in 1844, but this was annulled by Mexico in 1845 after annexation.

Decline of the Indian

A brief account of Indian troubles during the Republic and early statehood follows.

About 1819, Cherokees began to move into East Texas from Oklahoma and areas to the east, where their original home had been. By 1822, their Chief Fields was in Mexico to obtain title to land in East Texas on which they had settled.

The Cherokees were given squatters' rights by Mexican authorities, but continued to seek a written treaty. During the Texas Revolution, the Cherokees reached an agreement with the temporary Texas government. By an 1835 agreement Cherokees were to receive the land north of the Old San Antonio Road

and lying generally in the basins of the Sabine, Angelina and Neches Rivers. After independence the Senate of the new Republic refused to ratify this treaty.

This angered the Cherokees. In 1839, three companies of white settlers invaded the Cherokee grounds and drove them out, the tribe migrating northward across the Red River. It was in this conflict, known as the Cherokee War, that the courageous old Chief Bowles (or Bowl) was shot to death. This attack was during the administration of President Lamar, who had little patience with the red man. Sam Houston, who had once lived with the Cherokees in Arkansas, bitterly denounced the repudiation of the treaty with the Cherokees and their expulsion.

The Cherokees did not relinquish their claim to the East Texas lands. As late as the 1960s they were seeking compensation for more than a million acres.

Some Other Tribes

Kickapoos and Delawares also drifted into Texas most of them settling with the Cherokees, and going north with them after the Cherokee War. Some Seminoles migrated to Texas and settled among the Cherokees, but others drifted westward to Kinney County. They lived on a small reservation maintained for a number of years near Fort Clark at Brackettville. When this was abandoned some settled in that county while others drifted across the Rio Grande.

The once-powerful Caddoes were rapidly thinned by war and pestilence and a small remaining number finally settled on a reservation in Indian Territory.

The Karankawas and Coahuiltecan tribes retreated across the Rio Grande as did the Lipan Apaches. The Tonkawas of Central Texas were fairly numerous until after the middle of the nineteenth century.

In 1852, the state Legislature established two reservations from the public domain. A tract of 37,000 acres was set aside near Fort Belknap on the main channel of the Brazos. (Near present Graham, Texas.) A somewhat smaller reservation was established on the Clear Fork of the Brazos about 40 miles above. Comanches were gathered on the latter. The larger reservation was allotted to the Tonkawas, Caddoes, Delawares and other tribes. Difficulty arose between whites and the Indians on the two reservations resulting in the Indians being transferred to federal reservations north of the Red River. This was during Governor Runnels' administration, 1857-1859.

Comanche Battles

Comanches fought many of the fiercest battles, not only with settlers but also with other tribes. Before and after tribes in the eastern half of Texas were peaceful (most of them during Houston's second administration as president), Comanches savagely opposed the white man as he moved westward. Even after the War Between the States, this tribe was a menace. Only a few of their fights can be mentioned here.

During the Lamar administration the Comanches raided in the vicinity

of San Antonio. They were asked to a meeting with the whites, March 19, 1840. Prisoners were to have been exchanged, but when the Comanches appeared with only one prisoner the whites determined to hold 30 to 40 assembled warriors as hostages. A fight ensued in which the Indians were killed with one or two exceptions. This was known as the Council House Fight.

About 1,000 incensed Comanches appeared in the Guadalupe Valley, Aug. 3, 1840, and swept to the coast killing many persons, especially in the Cuero and Victoria communities. They sacked Linnville, while its residents sought safety in boats on the bay.

After several days of raiding and with 1,500 or more stolen horses and much merchandise taken at Linnville, the Indians started their retreat. They were overtaken and decisively defeated in the Battle of Plum Creek.

Indian Wore Stovepipe Hat

A Comanche chief wore a stovepipe hat, slightly askew, as he rode in full gallop. Another Indian had a swallow-tailed coat on backward, which flapped in the wind; and 10 feet of red ribbon adorned his horse's tail.

Not even Hollywood would be so absurd. But the Texans didn't have time to laugh at the Battle of Plum Creek in Caldwell County on Aug. 12, 1840. The Comanches and Kiowas were after their scalps.

They didn't succeed. Two hundred Texans, led by Maj. Gen. Felix Huston, routed the Indians in a decisive battle. This marked the Comanches' deepest penetration into "civilized" Texas and forced them to adopt guerrilla tactics for the remainder of the state's Indian wars.

Between 1845 and the outbreak of the Civil War, Indian troubles diminished. This was largely because of the establishment of U.S. forts. But military control disappeared after 1860 and Indians resumed their raids.

In 1868 General Sheridan concentrated Comanches, Kiowas and Apaches at Fort Sill reservation in Indian Territory (now Oklahoma), but the Indians continued to make raids into Texas. In 1871, Gen. William Tecumseh Sherman visited Texas, marching with a small detachment from San Antonio along the line of western posts to Fort Belknap. He ordered an investigation at Fort Sill and Satank, Satanta and Big Tree, chieftains, were arrested, charged with a wagon-train raid and ordered to Jacksboro, Texas, for civil trial. Satank was killed en route trying to escape, but Satanta and Big Tree were given the death penalty, later commuted by Governor Davis to life imprisonment. The Indians were confined at Huntsville penitentiary. They were released in 1873 on promises of good behavior. Subsequently Satanta was rearrested and returned to the penitentiary, where he killed himself in 1876.

The two Battles of Adobe Walls, Nov. 26, 1864, and June 27, 1874, did much to weaken Indian power in Northwest Texas. They were fought near the ruins of an 1843 fort in Hutchinson County a short distance north of the Canadian River. Another Panhandle battle of this period was the Buffalo Wallow fight, Sept. 12, 1874, in Wheeler County.

Gen. R. S. Mackenzie of the U.S. Army was commissioned to round up the Indians of Northwest Texas and return them to the Indian Territory reserva-

tions. This he did in an aggressive campaign which ended when Mackenzie's forces trapped the main body of the Comanches and Kiowas near the junction of the Tule and Palo Duro Canyons after their horses had been stampeded by a surprise night attack. This campaign, which ended in 1874, first year of Coke's administration, marked the end of Indian hostilities in Texas except for minor incidents.

Today's Tribes

Only Tiguas, Alabamas and Coushattas have Texas homes today. The Alabama-Coushattas settled along the Neches early in the nineteenth century. In 1854, Sam Houston succeeded in having two sections of land, 1,280 acres, appropriated to them. Here they lived in the midst of the Big Thicket until their impoverished condition attracted attention in 1927 when a congressional appropriation provided money for the purchase of an additional 3,000 acres. The state also rendered some assistance, improving the living conditions.

A 3-member Commission for Indian Affairs, created in 1965, aids tribal councils in development of resources and supervises the Alabama-Coushatta reservation and the group of Tiguas in El Paso.

Pre-Civil War Statehood

Texas voters approved annexation by the United States in September, 1836, their first election after independence. But opposition to slavery delayed annexation until the Democrat James K. Polk, a proponent, defeated annexation opponent, Whig Henry Clay, in 1844. President John Tyler secured congressional passage of an annexation resolution before Polk's inauguration.

The Texas Congress, in a special session, approved annexation on June 21, 1845. Delegates convened at Washington-on-the-Brazos, adopted an annexation ordinance on July 4, and adopted a State Constitution approved by popular vote on Oct. 13. Texas reserved its ownership of public domain (see Public Lands and Tidelands).

The U.S. Congress accepted the Texas State Constitution on Dec. 29, 1845—the legal date of annexation by U.S. Supreme Court decree. However, President Jones continued in office until Feb. 19, 1846, when he was succeeded by J. Pinckney Henderson who had been elected the first governor. On this inauguration date the Lone Star Flag was lowered and the Stars and Stripes raised over the capitol. Texas became the twenty-eighth state.

The administration of Governor Henderson (Feb. 19, 1846-Dec. 21, 1847), and that of Gov. George T. Wood (Dec. 21, 1847-Dec. 21, 1849), were given, aside from the interruption by the events of the Mexican War, to the organization of civil government.

Mexican War

Annexation of Texas precipitated the Mexican War. Mexico broke off diplomatic relations with the United States. Gen. Zachary Taylor was sent to the disputed area between the Nueces and the Rio Grande.

The first encounter was at Palo Alto, near Brownsville, May 8, 1846. The following day another engagement was fought nearby at Resaca de la Palma. Thereafter Mexican forces withdrew from Texas and no more engagements were fought north of the Rio Grande. Enlistment in the United States Army from Texas was heavy. The progress of Generals Winfield Scott and Taylor was rapid and Mexico City fell Sept. 14, 1847. By the Treaty of Guadalupe Hidalgo, Feb. 2, 1848, Mexico's claim to Texas including the area below the Nueces was relinquished. That part of the present United States west of Texas and the Louisiana Purchase and south of Oregon was ceded to the United States which paid Mexico $15,000,000.

Boundary Adjusted

The first of Texas' many boundary problems was settled during the administration of Gov. Peter H. Bell (Dec. 21, 1849-Nov. 23, 1853). Texas claimed all territory north and east of the Rio Grande, from its mouth on the Gulf of Mexico to its source in southern Colorado.

By the Compromise of 1850 Texas accepted $10,000,000 for its claim to all land north and west of the present boundary lines. This settled definitely the claim of Texas to half of what is today New Mexico, as well as certain portions of Colorado, Wyoming, Oklahoma and Kansas. Texas needed the money because of a debt of more than $5,000,000 (large in that day).

Bell resigned to become congressman. He was succeeded by Lieut. Gov. J. W. Henderson, who served Nov. 23, 1853-Dec. 21, 1853.

The Texas permanent school fund was established during the two-term administration of Gov. Elisha M. Pease, (Dec. 21, 1853-Dec. 21, 1857), by the appropriation to this purpose of $2,000,000 of the $10,000,000 received in the boundary adjustment.

Pease's administration also was featured by the passing of the first law granting lands to railroads to encourage building in Texas, the so-called Cart War in 1857 between Texas and Mexican teamsters on the freight route between San Antonio and the Gulf ports, and the attainment of politial importance in Texas of the Know-Nothing party. For his second term Pease ran in opposition to the Know-Knothing party, defeating its candidate, D. C. Dickson.

Arguments over slavery and secession clouded the administration of Hardin R. Runnels, (Dec. 21, 1857-Dec. 21, 1859).

Runnels was defeated in 1859 by Sam Houston who, while senator, had run unsuccessfully against Governor Runnels in 1857. Houston and Thomas J. Rusk had been named the first United States Senators in 1846. Houston, after re-election to a second term, left his Senate seat in March, 1859. In his victory in 1859, Houston was aided materially by support of the Know-Nothing party. This party, which opposed foreign immigration, had as its slogan, "America for the Americans." It was destined to play a significant role in Texas for a few years.

Civil War

Texas seceded from the Union and joined the Confederacy by action of a convention, Jan. 28, 1861, ratified Feb. 23 by statewide vote. Governor Houston, who had strongly opposed secession, was deposed and succeeded by Lt. Gov. Edward Clark. Serving from March 16 to Nov. 7, Governor Clark supervised military organization of the state under the Confederacy.

Clark was defeated for re-election by Frank R. Lubbock. Lubbock's administration (Nov. 7, 1861-Nov. 5, 1863) covered much of the period of the Confederacy. Military activity in Texas included an expedition under Gen. H. H. Sibley early in 1862 which captured Santa Fe, N.M., and surrounding territory. However, this proved unsuccessful because of the arrival of superior numbers of United States soldiers and the difficulties of operating far from base of supplies.

While not much of the War Between the States was fought on Texas soil, Texans contributed much to Confederate strength. A notable organization was Hood's Texas Brigade. It was organized at Richmond, Va., in 1861, with Gen. Louis T. Wigfall in command. In 1862, Gen. John B. Hood succeeded in command, later becoming commander of the division in which the brigade was incorporated. The brigade became famous for its valor in almost constant action in Virginia, North Carolina, Tennessee and Georgia.

Another notable unit, Terry's Texas Rangers, was organized at Houston in 1861 as the 8th Texas Cavalry, C.S.A., and derived its name from the brilliant leadership of Benjamin Franklin Terry. Terry's Texas Rangers distinguished themselves in Kentucky and Tennessee. Terry was killed near Woodsonville, Ky., in 1861.

The most important Texas engagements were the capture and recapture of Galveston, the principal port. The Texas coast was blockaded from the beginning of the war, and on Oct. 4, 1862, Galveston was captured by U.S. forces. On Jan. 1, 1863, however, Confederate forces under Gen. John B. Magruder recaptured Galveston, attacking by land and sea. The Confederates held Galveston until the end of the war.

In September, 1863, Sabine Pass was attacked by gunboats of the U.S. Navy convoying a force of 5,000 soldiers to invade Southeast Texas. A force at Sabine Pass under Lieut. Dick Dowling repulsed the federal attack, causing heavy losses. There was also U.S. Army activity along the Mexican border in the Rio Grande Valley where a lucrative business had grown up in the export of cotton which was in great demand because of the federal blockade.

The last major effort to invade Texas was repulsed in the Battle of Mansfield about 40 miles south of Shreveport, La., where federals commanded by Gen. Nathaniel P. Banks were defeated by Confederates under Gen. Richard Taylor, April 8, 1864. The battle of Pleasant Hill, near Natchitoches, La., a few days later ended invasion attempts.

The last shot of the War Between the States was at Palmito Ranch near Brownsville, May 13, 1865. A Confederate force under Col. John S. Ford captured about 800 federal soldiers, learning from their captives that General Lee had surrendered on April 9.

Pendleton Murrah succeeded Lubbock and served Nov. 5, 1863-June 17, 1865, when he fled to Mexico with the fall of the Confederacy. Gen. E. Kirby Smith, who commanded the Confederate department including Texas, surrendered May 30. After the departure of Governor Murrah for Mexico, Lieut. Gov. Fletcher S. Stockdale performed some acts as governor, but Gen. Gordon Granger of the United States Army had been placed in command of Texas and A. J. Hamilton was appointed governor by President Andrew Johnson.

There is a question as to whether Stockdale actually became governor before Governor Hamilton was appointed. Some historians think that he should not be included among those who served in this office.

During that disorderly time the State Treasury was robbed, June 11, 1865, by a band of about 40 outlaws. They obtained $17,000 before being driven off by hastily organized Austin citizens. There was about $100,000 in gold and silver in the Treasury.

On landing at Galveston, June 19, 1865, General Granger issued a general order that "in accordance with a proclamation by the executive of the United States all Negroes are free." This date, June 19, has usually been celebrated by Texas Negroes as Emancipation Day. It is popularly called Juneteenth.

Reconstruction to End of Century

Military rule lasted only briefly. But even after constitutional government was set up the "ironclad oath" barred from elections practically everyone who had controlled state policies prior to the War Between the States. Texas was flooded with fortune seekers and adventurers from the North, known as Carpetbaggers because it was said they came with all their possessions in a single carpetbag. Southerners who joined in the Reconstruction, as members of the Republican party, were called Scalawags.

Governor Hamilton served June 17, 1865-Aug. 9, 1866. A Reconstruction convention, to which Unionist citizens selected delegates, met in Austin Feb. 10, 1866, and declared acts of the secession convention void. A Constitution was adopted harmonizing with the U.S. Constitution and an election ordered in July, at which J. W. Throckmorton was elected governor.

Pease Administration

Governor Throckmorton served Aug. 9, 1866-Aug. 8, 1867. After much conflict in the U.S. Congress, however, Texas, with the remainder of the South, was placed under military rule. Gen. Philip H. Sheridan commanded the district which included Texas. Throckmorton and Sheridan could not agree on policy and the governor was removed. Elisha M. Pease, who had been governor from 1854 to 1857, was appointed governor and served from Aug. 8, 1867, until Sept. 30, 1869.

Constitution of 1869

A constitutional convention was convened in Austin June 1, 1868, but after much bitter wrangling recessed, meeting again in December, 1868, and

in February, 1869. The convention, which had included only extreme Unionist citizens and had been constantly under military domination, did not finish its work. The document was finished by the secretary of state, under military orders, and adopted by popular ballot (of those who could vote) on Nov. 30, 1869.

Governor Pease, a Unionist but Texas patriot, became discouraged and resigned Sept. 30. For several months there was no head of the Texas civil government. In the November election at which the Constitution was ratified, Edmund J. Davis was elected governor. Davis did not officially become governor until Jan. 8, 1870. Governor Davis was Texas' only Republican governor.

Two Republican Senators, Morgan C. Hamilton and James W. Flanagan, were elected in this era. They were the only Republican Senators from Texas until John G. Tower was elected in 1961. . .

The Union Leagues had sprung up in Texas. Dominated by white Unionists, they held power largely through the Negro vote. The secret, oath-bound Ku Klux Klan was active in Texas, and throughout the South, and exerted an influence in opposition to the Union Leagues until removal of requirement of the "ironclad oath" permitted the former dominant political element to regain control.

Bitter controversy marked the administration of Governor Davis (Jan. 8, 1870-Jan. 15, 1874). Davis' newly organized State Police force was unpopular. In his favor were his efforts to improve the school system.

Texas Re-enters Union

Texas was readmitted to the Union, March 30, 1870, after ratifying the Thirteenth, Fourteenth and Fifteenth Amendments to the federal Constitution. The "ironclad oath" was removed and the radical, or Carpetbag, element lost control of Legislature during the second biennium of Davis' administration (a 4-year term under the Constitution of 1869).

Texas' civic and economic development rapidly revived after Reconstruction.

Reconstruction and Carpetbag rule finally ended in 1873, with the defeat of Davis, Republican, by Richard Coke, Democrat, by a vote of 85,549 to 42,633.

Davis contested the election and was sustained by the courts, but the newly elected Democratic Legislature went ahead with organization, canvassed the vote and declared Coke elected. For a brief time, part of the capitol was held by Coke and the Legislature while part was held by Davis and an armed guard. The clash ended when President Grant refused to sustain Governor Davis.

The Carpetbag Constitution of 1869 remained. Coke's administration (Jan. 15, 1874-Dec. 1, 1876) was devoted to reforms and writing a new Constitution. This was written by a convention which met at Austin, Sept. 6-Nov. 4, 1875, and was ratified by the people Feb. 15, 1876. It is the present state Constitution, although many amendments have been added.

Coke's administration saw the opening of the Agricultural and Mechanical College, Oct. 4, 1876. Coke was elected to a second term under the new Constitu-

tion in 1876, and thereafter elected to the U.S. Senate. He resigned to enter the Senate, Dec. 1, 1876.

Texas Rangers

Throughout the early troubled years the Texas Rangers played an effective, valiant role. The Ranger force changed in organization and policy under varying conditions, demands for service and political administrations, and it has not been of entirely unbroken continuity. However, it has existed almost continuously since colonization.

Stephen F. Austin employed a small body of Rangers as early as 1823 to protect the frontier colonies. On Oct. 17, 1835, on the eve of the Texas War of Independence, the council of the revolutionists formally authorized the employment of Rangers to guard the frontiers. The Rangers protected the settlements against the incursions of Indians while Sam Houston and his ragged army defeated the troops of Santa Anna.

During the Republic, the Ranger organization was enlarged and used to patrol the frontier and guard against Indian raiders, freebooters on the Rio Grande and threats of invasion by Mexican troops.

When Texas was annexed, the United States government assumed responsibility for protecting the frontier and the Ranger organization virtually was dropped. However, the federal troops, largely infantry, were so unaccustomed to the border and Indian warfare that the Rangers were reorganized. In the Mexican War, Texas Rangers served as scouts for the invading American armies and took part in the fighting.

The period between the Mexican War and the War Between the States was marked by numerous bloody conflicts with Indians. Rangers were required also to end the depredations of outlaws along the Rio Grande.

The most formidable band of raiders was led by Juan N. Cortinas. Many South Texas ranchers suffered from the depredations of Cortinas and his men in the early part of 1860. In 1859, he and 100 of his men had taken possession of Brownsville for a short time, terrorizing the citizens and killing three Americans. Texas Rangers invaded Mexico and put the Cortinas band to flight.

During the War Between the States, the Ranger organization was neglected. Many enlisted in Terry's Texas Rangers, a Confederate unit. In the Reconstruction period, the Rangers were reorganized as the State Police by Gov. E. J. Davis, and were used to enforce Carpetbagger laws, many of which were unpopular with Texas citizens. The State Police was abandoned with the overthrow of the Reconstruction government.

In 1874, there were two organizations of Rangers. One, known as the Special Force of Rangers, put down banditry on the Rio Grande. A larger body, officially called for some time the Frontier Battalion, was made up of mobile companies used wherever needed.

In 1877, the Rangers restored order in the westernmost part of Texas after the Salt War—resulting from a dispute over the removal of salt from salt lakes near the Guadalupe Mountains—had led to the killing of a number of citizens. One celebrated exploit of the Rangers came the following year, with the killing of Sam Bass and several members of his robber band at Round Rock.

Passing of Frontier

As the frontier disappeared, Ranger activities were redirected toward law enforcement among the settlers. This reduced the popularity of the force among some of its members and some Texans, as did enforcement of liquor prohibition after World War I. The Ranger force was allowed to dwindle and often was politically influenced. In 1935, however, the Rangers were reorganized and, with the State Highway Patrol, were placed under a new Department of Public Safety. Provision was made for the adoption of modern methods.

Texas Rangers today are a division of the State Department of Public Safety. Their duties include enforcement of the law in instances of major crimes, mob violence, and occasionally in assisting local officers when they are unable to enforce the law.

Richard B. Hubbard, lieutenant governor, became governor (Dec. 1, 1876-Jan. 21, 1879), when Coke resigned to become U.S. Senator. Strengthened border defense, reorganization of the penal system, suppression of land frauds and further reduction of the state debt were achievements of his administration.

Gov. Oran M. Roberts (Jan. 21, 1879-Jan. 16, 1883), inaugurated his pay-as-you-go policy to end a state government deficit. His two terms were distinguished also for educational legislation. An act provided for a University of Texas in compliance with constitutional mandate, and the Sam Houston and Prairie View schools for white and Negro students, respectively, were established.

After his retirement as governor, Roberts joined the law school faculty at the University of Texas where he was known as the Old Alcalde.

The administration of Gov. John Ireland (Jan. 16, 1883-Jan. 18, 1887), was characterized by continued improvement of the educational system. In 1883 the University of Texas was opened at Austin.

Fence cutting in West Texas brought a threat of civil war. Barbed wire, invented in 1873, was first used in Texas about 1879 and spread throughout the range by 1883. Conflict arose between cattlemen who continued to depend on the open range and those who were buying and fencing land, also between the big rancher and the little farmer who sometimes found his holdings fenced within a big ranch. Strife arose also among big ranchers.

Fence cutting became general. Millions of dollars of damage was done. A special session of Legislature, called by Governor Ireland in 1884, made fence cutting a felony but required that gates be placed every three miles and made it a felony to fence unowned land. This act, with efforts of Rangers and local officers, ended the strife.

Cattle raising entered a new era with the fencing of the range. Cattle breeding and ranch improvement became practicable. The search for underground water was increased. The windmill came into use.

Antitrust Movement

Texas' first antitrust law was passed during the administration of Gov. L. S. Ross (Jan. 18, 1887-Jan. 20, 1891). It came from popular reaction to the growing industrialization of state and nation. There had been an increasing

agitation against "foreign corporations," that is, corporations with headquarters in other states.

It was accompanied by the rise of the People's (Populist) party which was active in Texas politics during the last thirty years of the century.

The eleemosynary institutions were improved. Taxes were reduced, largely through a payment of $1,000,000 by the federal government to Texas in return for state expenditures for border protection. The disastrous drouth of 1887 and dedication of the present State Capitol in May, 1888, were events of Ross' administration.

The Jaybird-Woodpecker War, 1888-90, was a feud between factions seeking political control of Fort Bend County. Jaybirds were the regular Democrats seeking to end rule by Negro-dominated Republicans who still controlled the county (called Woodpeckers). Fights and killings resulted, and the Texas Rangers were called in. Late in 1889 Jaybirds gained control and the Jaybird Democratic Organization of Fort Bend County ruled in politics for many years afterward.

Gov. James Stephen Hogg (Jan. 20, 1891-Jan. 15, 1895) was elected on a platform demanding monopoly regulation, especially of railroads. Hogg was the first native Texan to be governor. The Railroad Commission of Texas was established in 1891.

Other legislation included that providing separate coaches for Negroes on railroads, reduction of legal maximum rate of interest, the alien land law forbidding ownership of land by aliens, with certain exceptions, a law requiring the issuance of stocks and bonds and protecting investors and an act establishing the Board of Pardon Advisers.

Hogg's policies aroused strong support and bitter opposition. Democrats opposing Hogg nominated George W. Clark, and the Hogg-Clark campaign of 1892 was one of the hottest in Texas history. The vote was Hogg (Dem.), 190,486; Clark (Dem.), 133,395; T.L. Nugent (Populist), 108,483.

People's Party at Peak

The People's (Populist) party reached its peak strength in 1894 and 1896, but failed to get control of the state government. Charles A. Culberson (Dem.) defeated T. L. Nugent (Populist) by 207,167 to 152,731 in 1894. In 1896 he defeated J. C. Kearby (Populist) by 298,528 to 238,692.

Antitrust laws were strengthened during Culberson's administration (Jan. 15, 1895-Jan. 17, 1899). It was notable also for the collection of delinquent taxes, enactment of a law for arbitration of employer-employe disputes and reduction of excessive fees to public officials. In 1895, Culberson called a special session of Legislature to prevent prize fights, preventing a scheduled bout in Dallas between James J. Corbett and Robert P. Fitzsimmons.

The first of the famous ouster suits against the Waters-Pierce Oil Co. was brought by Atty. Gen. M. M. Crane during this administration. It charged that this company had obtained a practical monopoly on the oil market of Texas, and sought to bar it from operation in the state. The state won, carrying the suit to the United States Supreme Court. A reorganized Waters-Pierce Oil Co. was sued in 1906, under the Lanham administration, by Atty. Gen. R. V. David-

son. The state again won its ouster suit with a fine of $1,623,000.

The last year of the Culberson administration, and the first year of the following Sayers administration, witnessed the Spanish-American War. Texas sent about 10,000 soldiers to the front. The famous Rough Riders, commanded by Col. Leonard Wood and Lieut. Col. Theodore Roosevelt, were organized at San Antonio.

First Quarter of Twentieth Century

As the Twentieth Century began, about 3 million persons lived in Texas. More than 2.5 million lived in rural areas, or 82.9 per cent of the total. Agriculture strongly dominated the economy; neither minerals nor manufacturing had become significant. The Texas Almanac then was filled with advertisements of farm lands and its text rightfully concentrated on agricultural information.

But revolutionary changes soon came. Near Beaumont, in 1901, Spindletop well was the state's first great gusher, though not its first oil discovery. This was the forerunner of many huge oil fields and of associated industries.

Two large meat-packing plants were built in the same year at Fort Worth, launching large-scale processing of one of the state's principal raw materials. Other agricultural processing industries developed rapidly.

Gov. Joseph D. Sayers (Jan. 17, 1899-Jan. 20, 1903) was confronted by two great disasters during his two-term administration. They were the Brazos flood of June, 1899, and the Galveston hurricane and flood of Sept. 8-9, 1900, which took a toll of lives that has never been accurately computed but has been estimated at up to 8,000. The property damage amounted to about $40 million, most of the total wealth of the city.

Primary Election Law

The administration of Gov. S. W. T. Lanham (Jan. 20, 1903-Jan. 15, 1907) was distinguished by the adoption of the Terrell election law and the inauguration of the popular primary. This law, named for Judge A. W. Terrell, author of the bill while serving in Legislature, did away with the convention system of nominating candidates for political parties having more than a scattering support.

Thomas M. Campbell (Jan. 15, 1907-Jan. 17, 1911) was the first governor elected under the new law. The popular primary-convention combination was required for his nomination over three opponents—M. M. Brooks, O. B. Colquitt and Charles K. Bell. He was elected in the general election with small opposition. Campbell was nominated for his second term over R. R. Williams.

Although the two terms of Governor Campbell witnessed the panic of 1907 and its following bad effects, there was rapid economic development.

Prohibition was the major question before the public during the administration of Gov. O. B. Colquitt (Jan. 17, 1911-Jan. 19, 1915).

A constitutional amendment for statewide prohibition submitted at an election Aug. 4, 1887, lost by a vote of 220,637 to 120,270. However, prohibition sentiment spread rapidly as evidenced by the success of the "drys" in local option elections.

In the Democratic primary, July 25, 1908, the question of submitting a prohibition amendment to the Constitution had been offered for popular vote—a procedure that arose from legislative reluctance to assume any responsibility in the bitter controversy. It carried by 145,530 to 141,441, but the following Legislature failed to submit the amendment to the people.

Colquitt's administration was notable for economy in state financial affairs, reform in the penal system, prompt steps to protect the border along the Rio Grande, which was menaced by revolution and lack of stable government in Mexico, and by passage of the first eight-hour labor law, the first law regulating number of hours of women laborers, a child labor law, workmen's compensation act, home rule act for cities of more than 5,000 and judicial reforms.

Fergusonism

Prohibition was again the leading issue in 1914 when James E. Ferguson defeated Thomas H. Ball, 237,062 to 191,558, in the Democratic primary. But Ferguson's personality and policies, which came to be known as "Fergusonism," became the issue before the end of his administration (Jan. 19, 1915-Aug. 25, 1917) and remained a leading issue in Texas politics until Mrs. Ferguson's defeat in the primaries of 1940.

In addition to opposing prohibition, Ferguson carried in his platform demands for greater protection of farm tenants against landlords, a state warehouse system and other farm measures. Ferguson's platform, which appealed to small and tenant farmers, was partly enacted and partly nullified in courts. For 20 years, it was the basis of popularity known as the "Ferguson vest-pocket vote."

Ferguson defeated Charles H. Morris by 240,561 to 174,611 in the 1916 election. Shortly after the beginning of his second term, however, stiff opposition arose to Ferguson policies and impeachment charges were preferred against him in a special session, called by Governor Ferguson himself, in August, 1917. Tried before the Senate, the governor was found guilty on 10 of 21 charges and removed from office.

Lieut. Gov. William P. Hobby took the chair. Hobby's administration (Aug. 25, 1917-Jan. 18, 1921) continued through the remainder of that term and the following term to which Hobby was elected. Although legally barred from holding office, Ferguson ran against Hobby in 1918, but was defeated 461,479 to 217,012.

Texans in World War I

Almost from the beginning of participation of the United States in World War I, in April, 1917, Texas played a leading role in training men for military service.

Texas and Texans came into the limelight during the Wilson administration. Col. E. M. House became the trusted adviser of the President. Two other Texans, Albert S. Burleson and Thomas W. Gregory, were Postmaster General and Attorney General, respectively. David F. Houston, a former Texan and ex-president of the University of Texas, went from Missouri to serve, first as Secretary of Agriculture and later as Secretary of the Treasury.

More than 200,000 Texans saw service during World War I. The mild winters and dry climate brought Texas some of the principal training camps including Camp Travis at San Antonio, Camp Bowie at Fort Worth, Camp McArthur at Waco, and Camp Logan at Houston. Texas was also a center of training for army aviation, with Kelly Field at San Antonio, Love Field at Dallas, Ellington Field at Houston, and several other smaller fields. The Thirty-sixth and Ninetieth, Texas divisions, saw service at the front and there were several Texas companies in the Forty-second. Fort Sam Houston at San Antonio and Fort Bliss at El Paso were large military centers.

Under Governor Hobby the compulsory school attendance law was strengthened, free textbooks for public schools were provided, aid for rural schools was increased and the general scholastic apportionment was raised from $7.50 to $14.50, a new high in state support of schools. An act of Legislature, upheld by the Supreme Court, made woman suffrage legal. Texas women voted first in 1918, prior to adoption of the Nineteenth (Woman Suffrage) Amendment to the United States Constitution.

Middle West Texas suffered bad drouths in 1917-1918. Governor Hobby was instrumental in obtaining loans for the farmers. The law establishing the State Board of Control, the so-called "open port law," aimed at violence in longshoremen's strikes in port cities, and the law establishing a quarantine against pink bollworm (a cotton pest) and providing funds to pay farmers who suffered damage, were among laws passed.

Prohibition

A prohibition amendment to the State Constitution was submitted by the Thirty-sixth Legislature and adopted at an election May 24, 1919, in which the vote was 148,982 for and 130,907 against. In the meantime, however, the national prohibition amendment had been submitted, and ratified by the Legislature of Texas, Feb. 28, 1918.

Gov. Pat M. Neff (Jan. 18, 1921-Jan. 20, 1925) won the Democratic primaries of 1920 in a heated race with Joseph Weldon Bailey, Robert E. Thomason and Ben F. Looney. Bailey, who had come out of retirement to private life after his resignation from the United States Senate in 1913, led Neff by 2,522 votes in the first primary. However, the election law required a second primary between the two leading contestants in the first primary where no clear majority was obtained. Neff defeated Bailey in the second primary, 264,075 to 184,702. Neff defeated Fred S. Rogers, 318,000 to 195,941, for re-election in 1922.

Neff's administration was notable for its educational and prison surveys, and the creation of a prison advisory welfare commission. He originated the state parks movement and appointed the first State Parks Board after it was established by the Legislature. He also issued the first official program for a Texas State Centennial to be held in 1936. He declared martial law to suppress crime and to handle a railroad strike stiuation. He reversed the former liberal pardon policy.

1925 to World War II

Texas elected its first, and to date only, woman governor as the second quarter of the 20th Century began. Mrs. Miriam A. Ferguson ran because impeachment barred her husband, James E. Ferguson, from running again. He dominated her two, nonconsecutive terms (Jan. 20, 1925-Jan. 17, 1927 and Jan. 17, 1933-Jan. 15, 1935).

Her opposition to the secret Ku Klux Klan was the dominant issue of "Ma" Ferguson's first campaign. Named for, but unlike, the Reconstruction organization, the Ku Klux Klan was powerful in the 1920s, supporting Felix D. Robertson in the 1925 governor's race. Mrs. Ferguson won. Her administration featured economy, and a record number of pardons for convicts.

A crusading young attorney general, Dan Moody, defeated Mrs. Ferguson's bid for re-election. His term (Jan. 17, 1927-Jan. 20, 1931) featured prohibition enforcement, education and highway improvement.

Gov. Ross S. Sterling (Jan. 20, 1931-Jan. 17, 1933) had served as Moody's Highway Commission chairman. The State Highway Commission of Texas had been established in 1917 and, intermittently, had done effective work. However, it was under the chairmanship of Sterling that a really effective and consistent highway program was established. Sterling followed Moody's policy of non-political appointments to the commission.

For his first term Sterling had defeated Mrs. Ferguson in first and second primaries. In 1932, Mrs. Ferguson ran again and, after leading in the first primary, defeated Sterling in the second by 477,644 to 473,846.

Mrs. Miriam A. Ferguson's second administration (Jan. 17, 1933-Jan. 15, 1935) began during a depression. The state's financial affairs were improved despite the growing pressure for expenditures due to the depression. However, a new precedent was set by an amendment authorizing $20,000,000 of "bread bonds" to feed the hungry. This was the first state bond issue under the present Constitution. The first of two amendments repealing liquor prohibition was adopted during Mrs. Ferguson's administration, permitting sales of 3.2 per cent alcohol beer and wines. Full repeal was provided by another amendment during the next administration.

Mrs. Ferguson did not seek re-election, thus closing a 20-year chapter in Texas politics, during which "Fergusonism" was an almost constant issue. Mrs. Ferguson re-entered politics in 1940 but was fourth among eight candidates. The two Governor Fergusons, husband and wife, participated in 12 primary and four general elections for the governorship and one race by Gov. J. E. Ferguson for United States Senate.

James V. Allred (Jan. 15, 1935-Jan. 17, 1939), in the election of 1934 led a field of six opponents in the first primary and defeated Tom F. Hunter of Wichita Falls in the second primary by 497,808-457,785. His administration sought to restore economic prosperity, and remedy evils believed responsible for the depression. During his first administration the old-age pension amendment to the Constitution was adopted. It was followed by other social security efforts, including an amendment providing for a retirement fund for school and college teachers and employes. Other important amendments to the Con-

stitution under the Allred administration were those reorganizing the old Board of Pardons into the Board of Pardons and Paroles, instituting workmen's compensation for state employes and raising the salaries of Governor, Secretary of State, Attorney General, Comptroller of Public Accounts, Treasurer and Commissioner of the General Land Office. Raising the salary of the governor from $4,000 to $12,000 a year ended a long-time political issue.

Allred won in the 1936 primaries over Tom F. Hunter, F. W. Fischer and two other candidates in the first primary. Near the close of his second term he was appointed judge of the South Texas Federal District Court but served out his term.

Texas Centennial

During 1936, there was a statewide celebration of the centennial of Texas independence. The major exposition was held in Dallas on the grounds of the State Fair of Texas. The Hall of State was erected there at that time and is still maintained.

The site of the Battle of San Jacinto near Houston was marked by the 570-foot San Jacinto Monument. . .
The height of this monument is 15 feet greater than that of the Washington Monument.

Gonzales, Goliad, San Antonio and other historic places have buildings, monuments and other markers. Many libraries have "Monuments Commemorating the Centenary of Texas Independence," an official publication describing these 1936 buildings and markers.

One of Texas' biggest political surprises gave the Democratic primary of 1938 to Gov. W. Lee O'Daniel (Jan. 17, 1939-Aug. 4, 1941). A flour salesman with a radio hillbilly band, he defeated 12 opponents, including prominent candidates, without a run-off and had little opposition in the general election.

Governor O'Daniel's first term is remembered primarily for the long legislative controversy over taxation to provide old-age pensions and other social security funds. The general revenue fund accumulated a larger deficit during the first O'Daniel term.

Governor O'Daniel won again in 1940, but resigned after he won a special election, June 28, 1941, to fill a United States Senate place vacated by the death of Sen. Morris Sheppard.

World War II

Gov. Coke Stevenson (Aug. 4, 1941-Jan. 21, 1947), lieutenant governor, succeeded O'Daniel. Governor Stevenson was elected to a full term in 1942 and again in 1944, serving during World War II.

A principal achievement of Governor Stevenson's administration was the elimination of the deficit in the state's general fund. This was accomplished without the issuance of state bonds that had been authorized by constitutional amendment.

Bonds were authorized in conjunction with an amendment putting the state on a pay-as-you-go basis by requiring the State Comptroller of Public

Accounts to disapprove appropriation bills when they exceeded prospective state revenues.

Texas was a major military center in World War II. An estimated 1,250,000 members of all branches trained here. The U.S. Army had 15 posts and camps and 21 prisoner-of-war centers. Eighth Service Command headquarters in Dallas directed operations throughout the Southwest. Third Army Headquarters was in San Antonio until early 1944, when it was succeeded by the Fourth. Army Airforce Training Command was in Fort Worth. Largest Navy installation was the Air Training Base at Corpus Christi.

An estimated 750,000 Texans were in the service. By birth or long residence, Texas claimed 155 Army generals and 12 admirals. Highest ranking were Gen. Dwight D. Eisenhower, born in Denison, and Fleet Adm. Chester W. Nimitz of Fredericksburg.

25 Postwar Years

The quarter-century since World War II was dominated by urban population growth and general prosperity in Texas, in spite of the longest drouth on record from 1950 through 1956. . .

Gov. Beauford H. Jester (Jan. 21, 1947-July 11, 1949) was elected governor after a heated campaign in which he defeated Dr. Homer P. Rainey, who had been removed as president of the University of Texas. Governor Jester was re-elected in 1948, but died suddenly on July 11, 1949, and was succeeded by Lt. Gov. Allan Shivers.

During the Jester administration several major constitutional amendments were adopted. Also, one of Texas' greatest tragedies occurred on April 16, 1947, when the French SS Grandcamp exploded at Texas City. This caused 4,000 injuries, with 398 identified dead, 63 unidentified dead and 115 missing. Property damage exceeded $67,000,000.

The feature of the 1948 election was the victory of U.S. Rep. Lyndon B. Johnson as U.S. Senator over former Gov. Coke Stevenson by a margin of 87 votes in the second Democratic primary.

An educational landmark was the enactment of the Gilmer-Aikin law, reorganizing the public school system. This was done by the Fifty-first Legislature which also made history by having the longest regular session, from Jan. 11, 1949 to July 6, a total of 177 days. (Later, the Fifty-seventh Legislature met for a total of 205 days in regular and special sessions, 1961-62. In 1960 the Fifty-sixth Legislature submitted an amendment, which was adopted, limiting regular sessions to a maximum of 140 days.)

After completing the term of Governor Jester, Governor Shivers was re-elected in 1950, 1952 and 1954, serving from July 11, 1949 to Jan. 15, 1957.

(Governor Shivers served longer than any other Texas governor and was the first to be elected to three full terms; but Gov. Price Daniel, in 1956, 1958 and 1960, and Gov. John Connally, in 1962, 1964 and 1966, also were elected for three full terms.)

Settlement of a lengthy dispute between the U.S. and Texas over ownership of the offshore tidelands, valuable for minerals, was a feature of the 1950s. . . .

Rapid population growth and urbanization have brought demands for increased government services and have caused state costs to rise. To meet changing conditions, the Legislature submitted 124 amendments to the Texas Constitution between 1950 and 1970.

One of the most destructive tornadoes in Texas history struck Waco, May 11, 1953, killing 114, injuring 597, and doing $41,150,000 property damage. On the same day, a San Angelo tornado killed 11, injured 159 and did $3,239,000 property damage.

During 1954 charges of irregularity in the General Land Office were made in connection with the handling of veterans' land loans. Land Commissioner Bascom Giles, who had been re-elected in 1954, declined to qualify for the new term. Later he was convicted in connection with the charges.

U.S. Sen. Price Daniel was elected governor in 1956, defeating Ralph Yarborough in the second primary; but Yarborough was elected U.S. Senator in a special election, April 2, 1957.

The Fifty-fifth Legislature, convening Jan. 8, 1957, submitted 12 proposed constitutional amendments. The State Board of Insurance Commissioners also was reorganized, following earlier failures of several insurance companies.

Integration of schools became a continuing issue during the 1950s and 1960s, with legislative and court actions resulting. By the late 1960s, practically all institutions of higher education were integrated in Texas and most of the public schools below the college level had started or completed integration.

Frequent raises for schoolteachers and higher budgets for education, generally, also featured legislation. Many new junior (or community) colleges developed. . . .

Gov. Price Daniel was elected to his second term in 1958. In the first Democratic primary he polled 799,107 votes against his two leading opponents, Henry B. Gonzales of San Antonio, 245,969; and W. Lee O'Daniel, Dallas, 238,767.

Finances were the chief problem of the Fifty-sixth Legislature which met in January, 1959. A deficit of about $60,000,000 had accumulated in the state's general fund. The state was on a constitutional pay-as-you-go financial policy under an amendment adopted during the Stevenson administration. An abrupt decline in tax revenues from oil was the principal reason for the deficit.

Three called sessions, in addition to the regular session, kept the Fifty-sixth Legislature at work until it appropriated a record state budget.

The next Legislature, the Fifty-seventh, in 1961 enacted Texas' first sales tax in order to finance increasing costs. Hurricane Carla, in September, 1961, ranked among the worst storms, but timely warnings minimized loss of lives and property.

The resignation of Sen. Lyndon B. Johnson, following his 1960 election as Vice-President of the United States, brought a 1961 special election in which John Tower became the first Texas Republican U.S. Senator since Reconstruction. Seventy-one candidates sought the office in this election.

The 1962 election sent eight Republican Representatives to the Texas House and Rep. Ed Foreman, an Odessa Republican, to the U.S. House to join Bruce Alger of Dallas, the only other Texas Republican U.S. Representative.

Democrats, however, won the other 1962 races, led by John B. Connally as governor. A pari-mutuel betting referendum submitted in both Democratic and Republican primaries was defeated that year, as a similar referendum was again in 1968. (Texas had authorized pari-mutuel gambling in 1933, then outlawed it in 1937.)

Governor Connally's three terms, from 1962 through 1968, saw government costs, especially for education, rising. Special study groups analyzed educational needs and sought to improve the coordination and quality of public education. In 1965 another raise for schoolteachers was financed through a 3-cent increase in cigarette taxes.

A number of court decisions during these years forced redistricting of the Texas Legislature to conform to Supreme Court policies known as the 1-man, 1-vote rule.

Among other historic events in Texas during the 1960s were these:

Harris County was chosen as the site for the U.S. Manned Spacecraft Center (NASA's center for space flight).

On Nov. 22, 1963, President John Kennedy was assassinated on a motor trip through downtown Dallas. Vice-President Lyndon B. Johnson of Texas was sworn in as President in ceremonies on the presidential plane at Dallas Love Field the same day.

On Nov. 24, Lee Harvey Oswald, the alleged assassin of President Kennedy, was killed by Jack Ruby, a Dallas nightclub operator. Extensive investigation, including that of the official Warren Commission, and worldwide publicity followed. After sanity hearings and trial, Ruby died in the Dallas County Jail on Jan. 3, 1967. His death resulted from cancer.

A boundary dispute with Mexico over an El Paso area called the "Chamizal" was settled during the Johnson administration.

In March, 1966, Mrs. Lera Thomas of Houston became the first Texas woman to serve in the U.S. Congress, completing the term of her deceased husband.

The 1966 elections brought victory for Gov. John Connally and many of his supporters. A number of Negroes and Republicans were elected to Texas offices that fall. Fifteen of 16 amendments to the Texas Constitution were approved. The poll tax was abolished and annual registration of voters legalized.

. . .

Highlights of 1967 included adoption of a 1-year, rather than the customary 2-year, state budget, which made necessary a special legislative session in 1968 to make appropriations for fiscal 1968-69. Also, the Sixtieth Legislature redistricted Congressional and Texas House of Representatives districts in conformance with court orders, raised salaries of teachers and state officials, revised the criminal code, authorized a city sales tax of 1 per cent on a local option basis and authorized creation of Guadalupe Mountains National Park. Gov. John Connally announced he would not run for a fourth term. Reaching the mouth of the Rio Grande Sept. 20, Hurricane Beulah did extensive damage. All six amendments to the Texas Constitution submitted were approved.

In 1968, a special legislative session appropriated a record high 1-year budget of $2.6 billion for fiscal 1969. Voter registration was at a high of

4,073,576. Lt. Gov. Preston Smith was elected governor, and House Speaker Ben Barnes became lieutenant governor. The U.S. Supreme Court required Midland County to redistrict to conform to the 1-man, 1-vote formula; this ruling affected other local governments. Rainfall was the heaviest in a decade, averaging 34.54 inches for the state. HemisFair '68, San Antonio's 250th birthday celebration, was attended by more than six million.

Influences in Texas Architecture

D. B. Alexander, Professor of Architecture, University of Texas at Austin

THE OLDEST BUILDINGS of architectural significance in Texas are the Franciscan missions built in the eighteenth century. From these earliest structures down to the present, six architectural periods can be distinguished: Spanish Colonial, Pioneer Settlement, Greek Revival, Victorian, Eclectic Revival, and Twentieth Century Modern.

Spanish Colonial

In the early eighteenth century Spain sent soldiers and monks into Texas to build forts and missions with the dual intention of reinforcing Spain's claim to the territory and Christianizing the Indians. The architecture which these two groups produced was quite naturally the architecture of their mother country modified by the conditions of the frontier and by the changes which were introduced earlier in Mexico. The architecture of Spain was late Renaissance or Baroque in style, and the churches which the Franciscan fathers built at their missions were as close to the Spanish Baroque churches of Mexico and Spain as they could achieve at outpost missions such as these. Each of the Texas missions displays features of the style, but the beautiful carved portal of mission San Jose in San Antonio is certainly one of the finest examples of Baroque architectural detail outside of Spain. Other missions which are representative of the style are Concepcion, Espada, and San Antonio de Valero, better known as the Alamo.

Pioneer Settlement: 1820-1870

After the decline of the Spanish outposts, the first serious colonizing efforts were made by the Anglo-American settlers who began to come into Texas in the 1820s. The steady stream of settlers from the United States was swelled by the emigrants from Europe who arrived in the 40s and 50s. The American settlers brought with them the architecture of the American frontier, the log cabin and the frame house. The log cabin, the very symbol of the frontier, was the natural solution to the housing needs of the pioneers as long as they were in wooded regions. The European emigrants, predominantly Germans but including French, Swedes, Alsatians, and Czechs, brought their native building traditions also. Their structures were made primarily of masonry and timber. Especially characteristic of this European influence are the houses built of a heavy timber frame with wall infill of sticks and clay, a medieval structural system which the Germans call *Fachwerk*. Fine examples of these traditional masonry and timber buildings can be seen even today in Fredericksburg, New Braunfels, Mason and La Grange.

Greek Revival: 1840-1870

As the settlers became established on their farms and plantations or in the new Texas towns, their desire for larger homes more in keeping with what they thought a home should be caused them to turn to the style they remembered from childhood. The popular style in the United States since 1820 had been the Greek Revival, and that is what the settlers yearned for and attempted to reproduce. The Greek Revival style takes its name from the fact that its principal feature was derived from the classic temple form of ancient Greece, the temple portico or porch with a roof supported by a row of columns. This style is formal in character with the building arranged symmetrically about a central axis, usually the hall, which is flanked by rooms on each side. These rooms are of the same width in order to give the desired balance. This internal symmetry is expressed on the exterior by the door, flanked by an equal number of windows on each side. Centered on the front of the house is a porch which features columns of one of the classic orders, usually either Doric or Ionic.

From 1840 to 1870, the Greek Revival style dominated Texas architecture. Often erroneously called Southern Colonial, the style is neither Southern nor Colonial since it first appeared in the East in the early nineteenth century. It was, however, well suited to the climate and culture of the South, and it was primarily from the states of the Old South that it was introduced. The more sophisticated styles of the Eastern states were slow in reaching the newly settled regions west of the Mississippi, and as Texas in the early nineteenth century was a frontier state, it was not until 1840 that the Greek Revival arrived. Galveston and San Augustine were the first centers of the style.

While the simple frame house of the Anglo-American settlers continued to be the principal house type built in Texas until the Civil War, these frame houses were often given a few classic details such as a cornice, capped posts on the porches, and multi-paned sash windows, thereby gaining a resemblance to the larger Greek Revival houses. Being the farthest westward extension of the Old South, Texas possesses some of the last examples of the Greek Revival style. These can be seen in San Antonio, Austin, Waco, Jefferson, and San Augustine. The Governor's Mansion in Austin, built by Abner Cook, is one of the most representative of the Greek Revival houses; while the most outstanding public building in the style is the Old Customs House in Galveston, built in 1861 by a U. S. Treasury Department architect.

Victorian: 1870-1900

Following the Civil War, from 1870 to 1900, Texas caught up with the mainstream of American architectural fashion. This was the Victorian era, so called for the lack of a better name to encompass the multitude of stylistic expressions of this complex period. The exuberance of the Victorian style reflects a period of rapid expansion and new fortunes.

Turreted mansions and towered courthouses sprang up in cities and towns all over the state. In contrast to the restrained classicism of the Greek Revival,

the Victorian style was rich in variety, exceedingly ornate, and strove for a romantic and picturesque effect. The buildings were seldom symmetrical, the builders now preferring the off-center tower and projecting bay to a central, balanced composition. Many materials were available and were often combined to achieve greater richness. Sawmills had become widespread, and the frame houses were given elaborate gingerbread trim made possible by the jig-saw. Architectural motifs from many historic styles were combined in an eclectic fashion with the Medieval, Romanesque, and Gothic vying with the Renaissance for popularity. Civic and commercial architecture now became important, and many handsome courthouses, banks, opera houses and hotels were constructed. The most significant building of this period was the state capitol. Built in 1882 and designed by Elisha Meyers of Detroit, Michigan, this impressive red granite structure was designed in the Renaissance Revival style. Inspired by the national Capitol in Washington, the building was originally intended to be of limestone. After discovering that there was not a sufficient supply of the quality required to be found in Texas, granite was used. The ruggedness of the granite gives the building a unique character, and the tall cast iron dome adds a fine symbolic form to the state's most important building. In appropriate order, the county courthouses were second only to the State Capitol in their architectural significance, and reflected the pride of the people in their counties, which were the most significant political, economic, and social units at that time. Many churches were built during the last two decades of the nineteenth century, with the Medieval styles—Romanesque and Gothic—being favored. Richard Upjohn, the architect of Trinity Church in New York and the leading Gothic Revival architect in America, designed the Gothic Revival Saint Marks Episcopal Church in San Antonio. His son, Richard M. Upjohn, designed Saint James Episcopal Church in LaGrange, a charming example of the Queen Anne style. Of all the cities in Texas, Galveston is undoubtedly the richest in its collection of Victorian architecture. One of the state's first professional architects, Nicholas Clayton, practiced there and added many fine buildings to its roster including the Gresham house, known today as the Bishop's Palace.

Eclectic Revival: 1900-1940

The architecture of the first half of the twentieth century reflects the growing unity of architectural expression throughout the United States. Regional characteristics rapidly disappeared as a result of the spread of popular taste and the uniformity of architectural fashion. During the first thirty years of the twentieth century eclecticism was the accepted form of architectural expression. Among the past styles revived by the architects were: Colonial, Georgian, Spanish Renaissance, Italian Renaissance, and Tudor. This was a period influenced by the World's Columbian Exposition in Chicago in 1893 and the work of the leading firm of New York architects, McKim, Mead and White, who are represented in Texas by the Sealy House in Galveston. Other outstanding examples of eclecticism are the Old Library Building, now Battle Hall, of the University of Texas at Austin by Cass Gilbert, and the Main Building of Rice University at Houston by Cram, Goodhue and Ferguson.

Twentieth Century Modern: 1950-1973

Soon after World War II, the more practical and more appropriate ideas of the leading modern architects were adopted by Texas architects, who were encouraged in this direction by the high cost of eclectic ornamentation and by the new directions being taught in the schools of architecture throughout the state. The influence of the Bauhaus and the International Style is clearly evident in the post-war architecture. Many examples of the work of the nation's leading architects are to be found in Texas today; for example, the Kalita Humphreys Theater in Dallas by Frank Lloyd Wright, the Amon Carter Museum of Western Art in Fort Worth by Philip Johnson, the Cullinan Wing of the Houston Museum of Fine Arts by Mies van der Rohe, the Kimbell Museum in Fort Worth by Louis Kahn, Number One Shell Plaza in Houston and the Lyndon B. Johnson Library in Austin, both by Skidmore, Owings and Merrill. Texas architects have been recognized for such outstanding designs as the Trinity University campus in San Antonio by O'Neil Ford, and the Jesse H. Jones Hall in Houston by Caudill, Rowlett and Scott.

Juanita Herff Chipman Collection, San Antonio



Mission Concepcion, a National Historical Landmark, San Antonio. An excellent example of Spanish Colonial architecture showing Baroque influences. Photograph taken around turn of the century.

Texas Historical Commission



Roberta Smith House, Fredericksburg. Included in Fredericksburg Historic District, 1970. Representative of pioneer German Fachwerk *construction.*

Texas Historical Commission



Ezekiel Cullen House, San Augustine. Entered on National Register, 1971. An outstanding example of a Greek Revivial residence, with a temple portico.

Texas Historical Commission



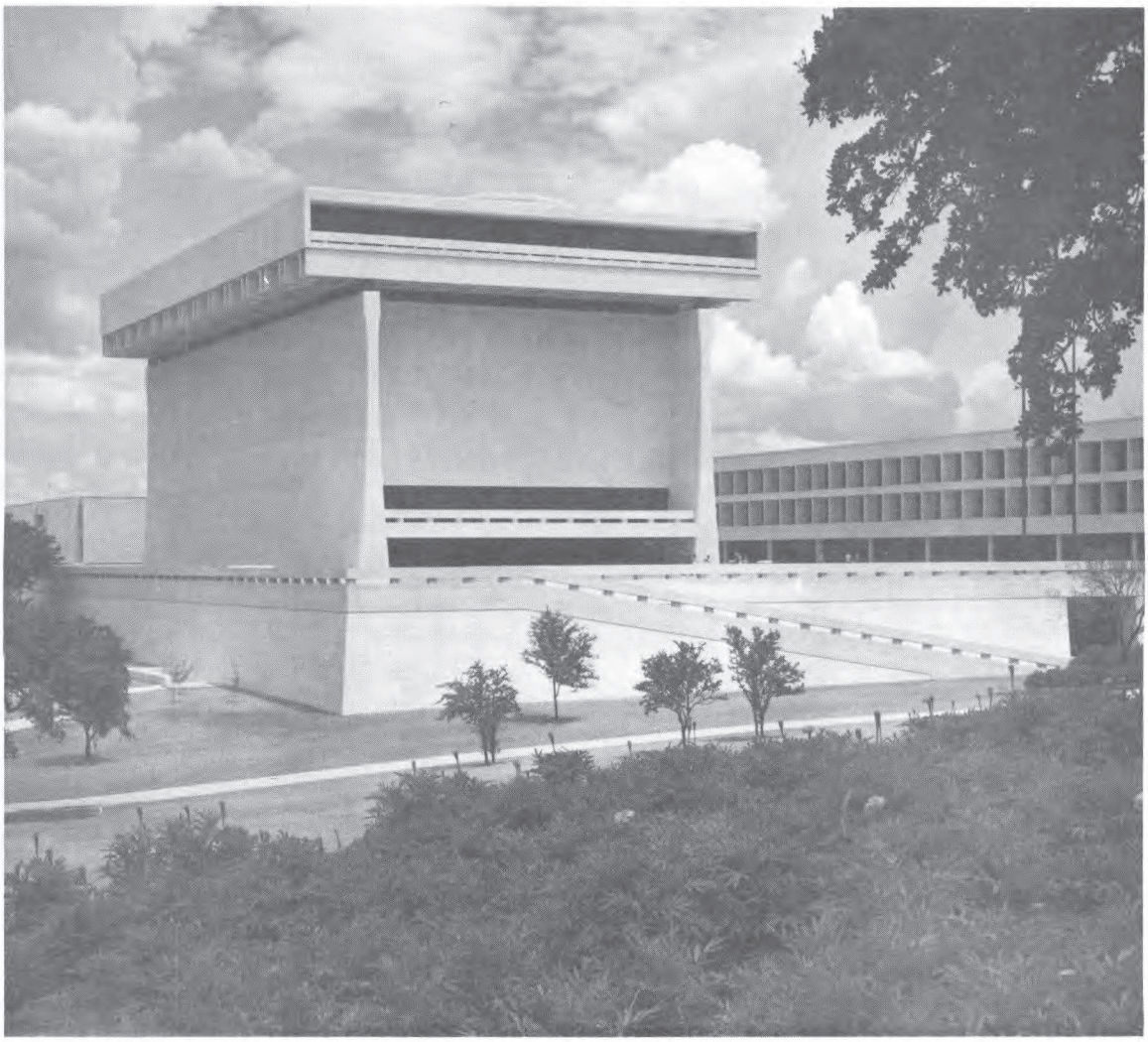
John Bremond House, Austin. Included in Bremond Block Historic District, 1970. A Second Empire mansion with a Mansard roof and outstanding cast iron decorative detail.

Texas Historical Commission



Battle Hall, formerly Barker Texas History Center, University of Texas at Austin. Entered on National Register, 1970. A noteworthy example of the Eclectic Revival period.

Texas Historical Commission



Lyndon B. Johnson Library, University of Texas at Austin. Designed by the firm of Skidmore, Owings, and Merrill; an example of monumental twentieth century architecture.

Archeology in Texas

Curtis Tunnell, State Archeologist, Texas Historical Commission

INVESTIGATION OF THE ARCHEOLOGICAL RESOURCES of Texas has stretched from the era of amateurs in Model T Fords to modern scientists using space-age technology. The early archeologist used a spade, a broom, and a note pad; today's archeologist is equally adept with a magnetometer, a binocular microscope, and radiocarbon dating techniques.

Early Archeological Projects

The discovery of stone projectile points unquestionably associated with the ten-thousand-year-old bones of an extinct form of bison near Folsom, New Mexico, in 1926, set off a flurry of interest throughout the United States concerning our prehistoric heritage. Largely as a result of that discovery, a group of interested laymen met in Abilene in 1928 and formed the Texas Archeological Society. The society has published an annual bulletin of archeological findings since 1929, and currently boasts a membership of approximately one thousand persons, including dozens of professional archeologists as well as people from virtually every trade and profession throughout the state. Some of the early archeological projects in Texas included the following: (1) an initial attempt at a statewide survey, published by E. B. Sayles in 1935; (2) work by University of Texas archeologists J. E. Pearce and A. T. Jackson in the dry caves along the Rio Grande and the Lower Pecos River (Pearce and Jackson 1933) and the completion of an early river basin salvage project in advance of the building of Lake Buchanan on the Colorado River above Austin (Pearce and Jackson 1938); (3) excavations by George C. Martin of the Witte Museum, San Antonio, in shell middens along the Texas coast and in the dry caves of the Rio Grande (Martin 1930, 1933); and (4) expeditions from the Heye Foundation (Coffin 1932) and the Smithsonian Institution (Setzler 1932, 1933), which resulted in the removal of antiquities from caves in several areas of West Texas. Amateur Archeologists who actively carried out investigations and reported them in the *Bulletin of the Texas Archeological Society* during this early period included Cyrus N. Ray of Abilene, W. C. Holden of Lubbock, Floyd V. Studer of Amarillo, Forrest Kirkland and R. King Harris of Dallas, Frank Watt of Waco, and Col. M. L. Crimmins of San Antonio. In the late 1930s, large-scale WPA archeological investigations were carried out at several historical sites in Texas, including Fort Griffin, Presidio San Saba, and Missions Espiritu Santo and Rosario near Goliad. All this activity motivated the State Legislature to pass a series of laws during the 1930s (Articles 147a, 147b, *Vernon's Annotated Texas Penal Code*) designed to protect archeological resources in Texas. These laws proved to be inadequate and were superseded by the recent Antiquities Code of Texas.

Large archeological excavations were carried out during the 1940s at several Caddoan villages with mounds in East Texas (Krieger 1946, and Newell and Krieger 1949). J. Charles Kelley excavated sites along the Rio Grande and in

Central Texas (Kelley 1939, 1947). During the 1950s an extensive river basin salvage program was established in Texas by Alex Krieger, Edward B. Jelks, and Bob Stephenson. This program led to hundreds of archeological sites being recorded and tested prior to their destruction in planned reservoir areas. A monograph on *Early Man in America* was completed in 1952 by E. H. Sellards. T. N. Campbell's *A Bibliographic Guide to the Archaeology of Texas* (689 citations) was published in Austin in 1952, and in 1954 the Texas Archeological Society printed its "Handbook of Texas Archeology" (Suhm, Krieger, and Jelks 1954), a landmark publication. "A Review of Texas Archeology" (edited by Jelks, Davis, and Sturgis) was published by the society in 1960.

Growing Professionalism

During the decade of the 1960s, most of the larger museums and academic institutions in Texas added professional archeologists to their staffs and there was an overall improvement in the quality of fieldwork, laboratory techniques, interpretation of data, and publications. A listing of significant projects completed in recent years is beyond the scope of this brief summary. Under the administration of Governor John Connally, several legislative acts aimed at historical and archeological preservation were passed, and the state began taking an active role in the development of Texas' archeological resources. During the Second Called Session of the Sixty-first Legislature in 1969, Governor Preston Smith signed into law the new Antiquities Code (Article 6145-9, *Vernon's Annotated Texas Civil Statutes*) designed to preserve and investigate archeological and historical sites on state-owned land including the Tidelands. Currently the Texas Historical Commission and the Texas Antiquities Committee carry the primary responsibility for preserving the state's archeological resources, but archeological projects are also supported by the State Building Commission, the Texas Parks and Wildlife Department, the Texas Highway Department, and the Texas Water Development Board.

The four decades of activity summarized briefly above have produced a great body of knowledge concerning almost twelve thousand years of prehistory in Texas. We now have at least a dim view of a wide variety of dynamic cultural patterns which have existed in Texas. When we briefly survey these patterns, we see that (1) nomadic big-game hunters were in balance with their environment and successfully hunted the bison for at least ten thousand years without depleting the herds; (2) hunters and gatherers in the dry caves along the Rio Grande decorated the walls of their shelters with artistic murals and in these secure niches their culture evolved slowly through the milennia; (3) some Indian groups learned to survive hurricanes and floods in order to utilize the rich coastal lowlands and littoral; (4) sedentary agriculturists throughout East Texas built permanent villages and grew crops, including corn, beans, squash, and tobacco, with agricultural surpluses enabling these successful villagers to build elaborate ceremonial temples, large earthen mounds and to make fine pottery vessels; and (5) along the Canadian River and the Rio Grande above Presidio, Indian agriculturalists carried out successful irrigated farming and established secure fortified villages.

Benefits Accrue to Many Fields

In addition to accumulating evidence concerning the prehistoric cultures of Texas, archeologists in recent years have investigated many historical sites, including Spanish presidios and missions, frontier federal forts and battlegrounds, sites of pioneer cabins and early industries, and historic shipwrecks in the bays and on the Tidelands. These investigations have significantly supplemented our knowledge of Texas history. Precisely dated data from archeological sites have also added to our knowledge in other fields such as climatology, recent geology, soils and sedimentation, palynology, and studies of recent changes in the flora and fauna of Texas.

In closing, I would like to leave the reader with not only an impression of what has been accomplished, but also with a feeling for what remains to be done in Texas archeology. Probably less than 1 per cent of the archeological sites in Texas have been properly recorded and investigated. Many counties have no recorded archeological sites at the present time. Probably at least 30 per cent (and perhaps as many as 60 per cent) of the archeological sites in the state have been severely damaged or completely destroyed by urban and industrial expansion; agricultural activities; highway, pipeline, and reservoir construction; and vandalism. Therefore, it is imperative that those institutions, societies, and private citizens concerned with preservation of knowledge about the past intensify their efforts for the conservation of our archeological resources. There must be a continuation of recording and investigation of sites throughout the state. A sample of the most outstanding concentrations of archeological sites should be acquired by the state for preservation and interpretation to the public. We are all stewards of the past, and each of us must make sure that we neither condone nor perpetrate unnecessary destruction of our rich heritage.

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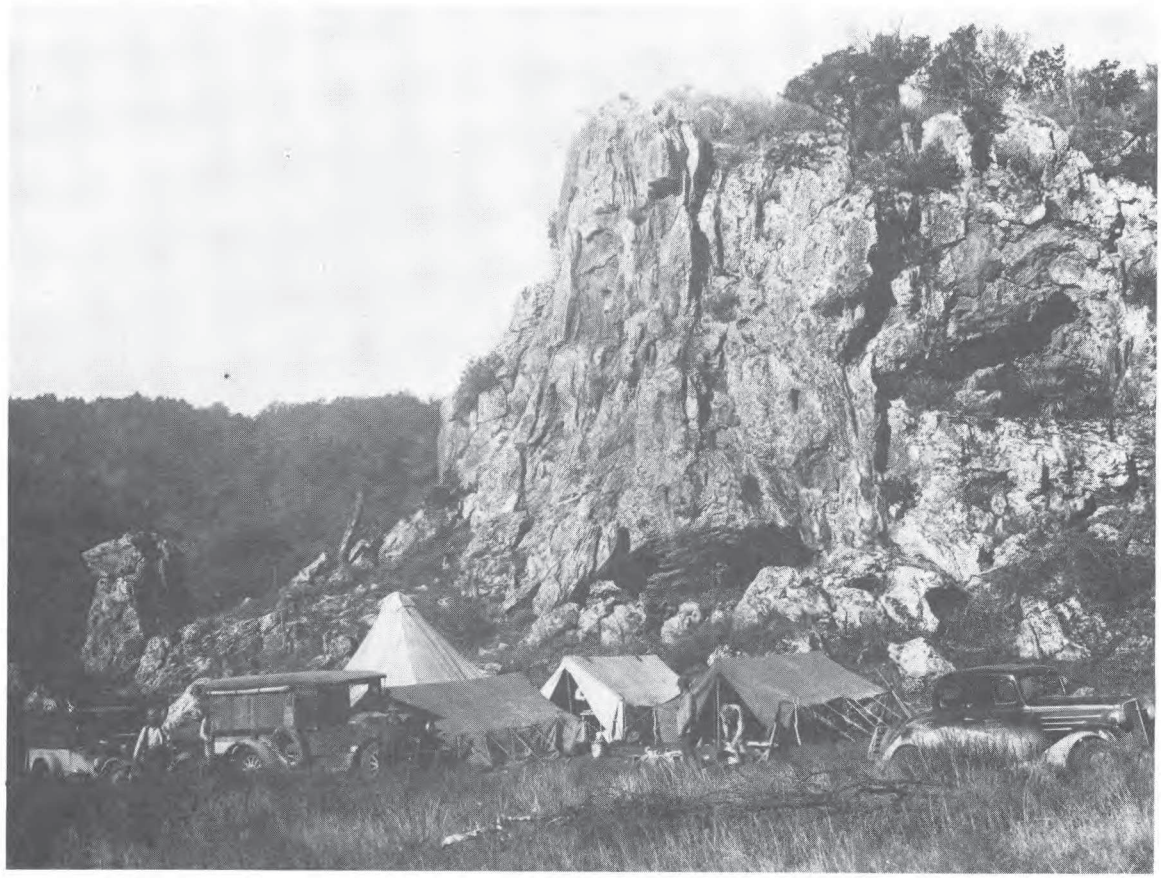
Vernon's Annotated Texas Statutes
Articles 147a, 147b, *Vernon's Annotated Texas Penal Code*
Article 6145-9, *Vernon's Annotated Texas Civil Statutes*

Texas Archeological Salvage Project



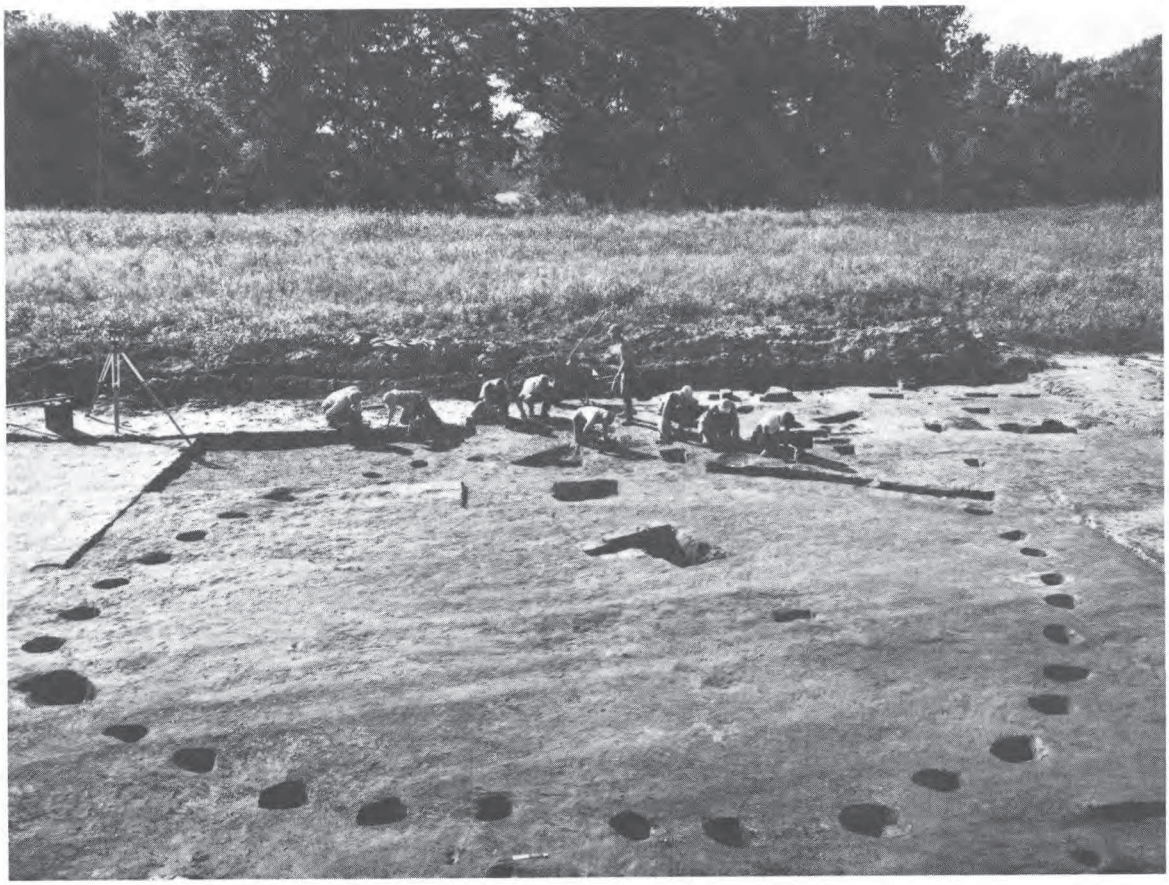
E. B. Sayles (right) prepares to depart on his archeological survey of Texas. Abilene, 1931.

Texas Archeological Salvage Project



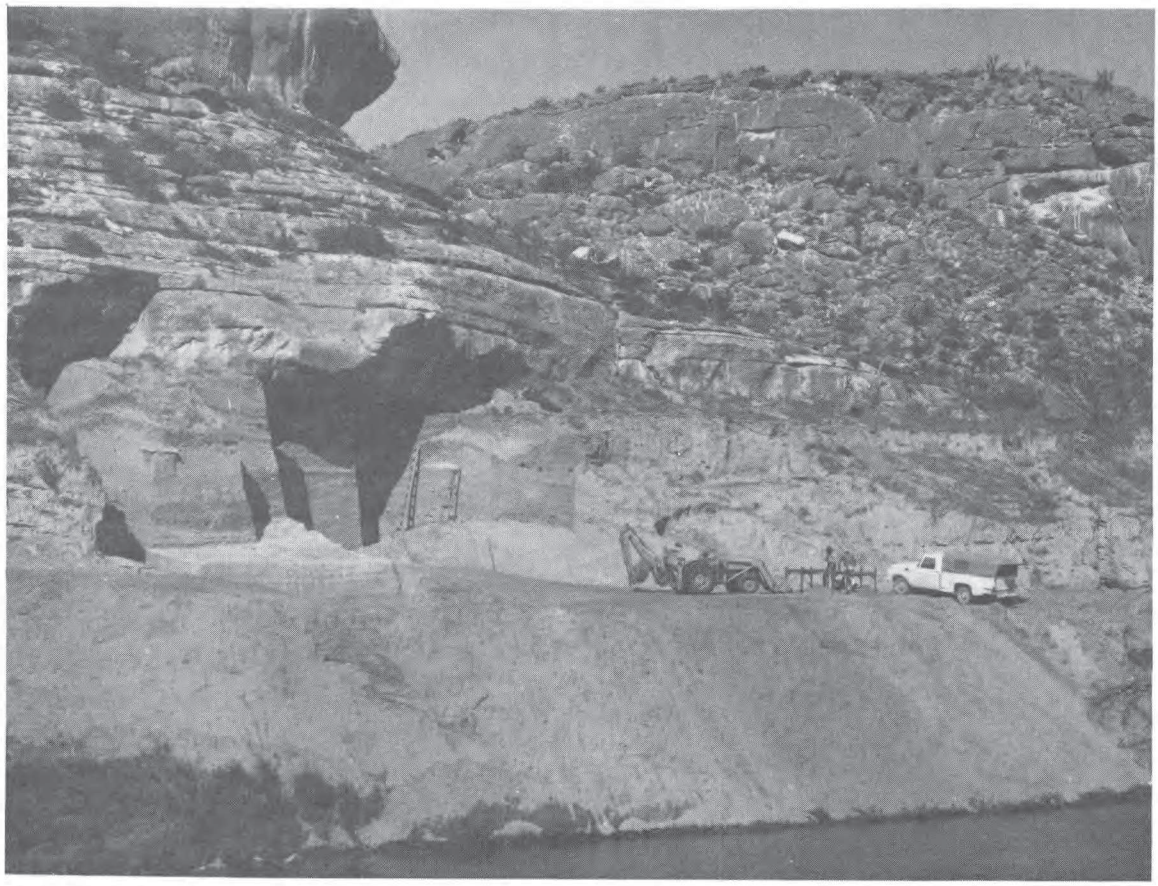
A University of Texas field crew camps near caves while working at Buchanan Reservoir about 1937.

Texas Archeological Salvage Project



The post holes of a circular Caddoan house are exposed by a University of Texas field crew at the George C. Davis site, near Nacogdoches, in 1970.

Texas Archeological Salvage Project



The Texas Archeological Salvage Project carried out excavations at a deeply stratified site near the mouth of the Pecos River in 1967. The site has since been covered by the waters of Amistad Reservoir.

Texas Historical Commission



Excavations were conducted in 1964 at the site of Independence Hall at Washington-on-the-Brazos.

Texas Historical Commission



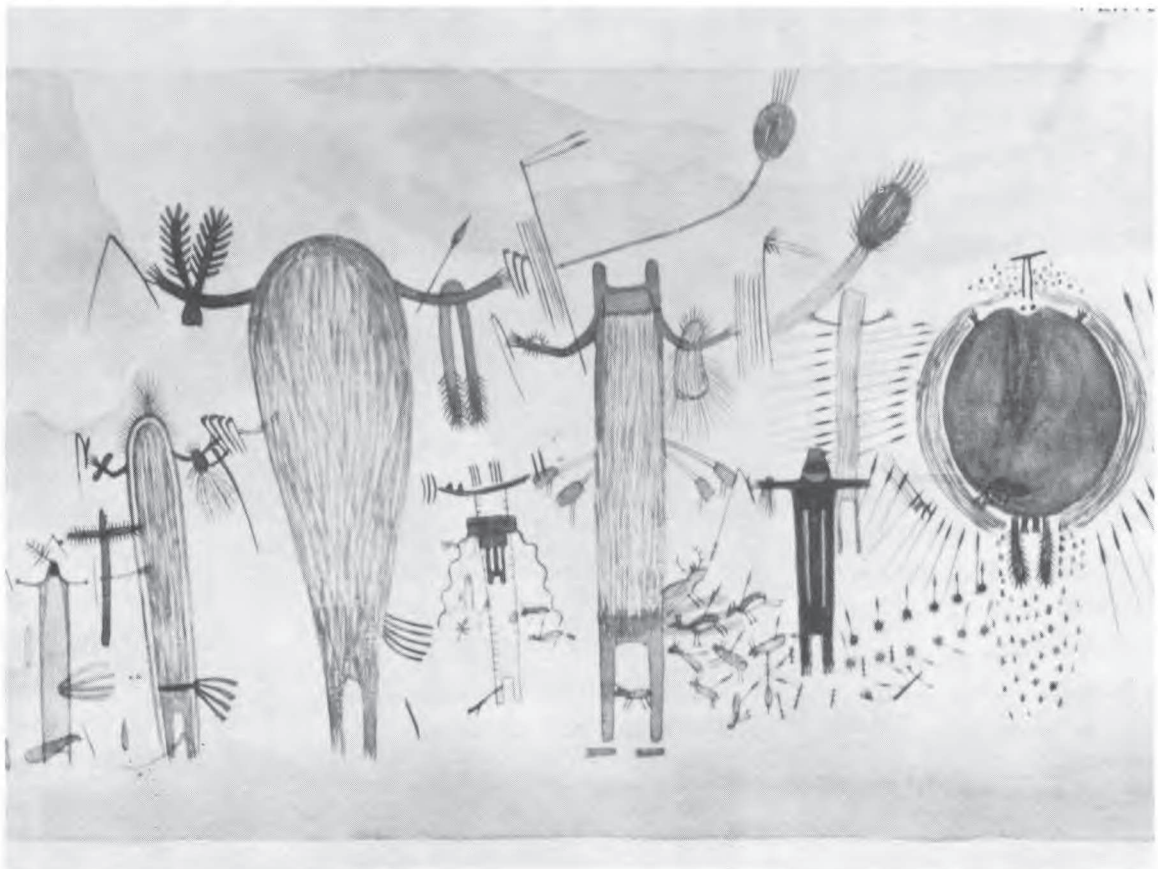
Sixteenth century Spanish shipwrecks which sank in Gulf coastal waters near Port Mansfield were investigated by divers of the Texas Antiquities Committee in 1972.

Texas Historical Commission



A crew from the Texas Historical Commission excavates in the quadrangle of Mission Concepcion in San Antonio in 1972.

Texas Historical Commission



Artist Forrest Kirkland sketched this prehistoric Indian pictograph from the original located in Panther Cave on the Rio Grande in West Texas.

From the collection of the Marion Koogler McNay Art Institute, San Antonio. Gift of the Pearl Brewing Company. Reproduced by permission.



Seth Eastman. San Antonio, Texas, from near the old Watch Tower, looking north. Nov. 22, 1848.

A Review of Preservation Efforts in Texas

IN TEXAS, HISTORIC PRESERVATION was recognized quite early as an interest of the state.

Public Sector

In the 1876 Constitution, Article XVI, Section 39, defines the state's concern as follows:

> The Legislature may, from time to time, make appropriations for preserving and perpetuating memorials of the history of Texas, by means of monuments, statues, paintings and documents of historical value.

While this provision does authorize the Legislature to make special appropriations for preserving memorials of Texas history, it was not a broad-based act to further the state's preservation of public landmarks.

With isolated exceptions, such as the purchase of the Alamo and adjacent property, little direct action was taken in the field of historic preservation until the establishment of the Texas Centennial Board of One Hundred, which was created on February 12, 1924. A temporary Texas Centennial Commission was appointed on December 28, 1931, and in 1932 a Constitutional amendment authorizing a Centennial celebration and instructing the Legislature to make adequate financial provisions for it was proposed. The amendment passed, and a permanent Texas Centennial Commission was appointed in June, 1934.

In addition to sponsoring pageants, fairs, and festive celebrations, the Commission of Control for the Texas Centennial worked with the Advisory Board of Texas Historians, the Works Progress Administration, and the Texas Highway Department to coordinate programs and to give permanence to the Centennial observance through the erection of buildings, monuments, statues, and grave markers. More than a dozen permanent historical museums were created, selected historic buildings and forts were restored, and statues were erected to more than twenty Texas heroes. The Centennial Exposition at Dallas occupied fifty buildings in the State Fair Park and featured a "Calvalcade of Texas," a historical spectacle presenting four centuries of Texas history.

The 1936 Centennial Celebration was the first systematic, statewide move toward a preservation program for the state's historic patrimony. It was the first flurry of publicly sponsored preservation activity and, although somewhat sporadic, it accomplished much commendable work in the field of surveying, marking, and restoring historic sites.

Texas Historical Commission

Seventeen years after the Texas Centennial, the Legislature recognized a growing need for a statewide program to carry on the work started by the Centennial Commission. Thus it acted to establish a committee—the Texas

State Historical Survey Committee, renamed the Texas Historical Commission in 1973—for the study of the existing historical organizations of the state and their functions and effectiveness. Ultimately the Commission came to have permanent status and state funding and was designated to lead, coordinate, and sponsor projects relating to historical preservation. It was also intended to serve as a clearing house and information center to survey, record, preserve, restore, and mark all phases of Texas history by working with state, regional, and local groups and with individuals.

The Commission is composed of eighteen members, appointed for six-year terms by the Governor with the advice and consent of the Senate. The members are citizens of Texas who have demonstrated an interest in the preservation of the state's historical heritage, and in making appointments, the Governor attempts to have each geographical section of the state represented on the Commission as nearly as possible. One third of the members are appointed every two years. A professional and clerical staff of approximately thirty persons conducts the day-to-day affairs of the agency.

State law authorizes county judges and commissioners courts to appoint county historical survey committees. In the 254 counties in Texas there are approximately 240 active county historical survey committees, which makes it possible for the Texas Historical Commission to coordinate local and regional preservation activities throughout the state. Although the members of county committees serve voluntarily and without compensation, state law also allows county commissioners courts to appropriate money from county funds to finance their activities, to erect historical markers and acquire objects of historical significance. In addition, cities and counties are authorized to spend funds to operate historical museums.

In 1966, the Commission established two special awards—The Texas Restoration Award and the Texas Preservation Award—to recognize individuals, groups or organizations for completing significant restoration or preservation projects. The Ruth Lester Award for Meritorious Service in Historic Preservation, instituted in 1961, honors highly significant, long-term contributions to historic preservation. An award is also presented by the Survey Committee for the Best Publication of the Year on Local or Regional Texas History.

Since 1968 the scope of Commission activities has mushroomed, and the agency is now composed of several distinct branches.

Research Department

The Research Department is in charge of evaluating all applications for Official Texas Historical Markers and supervising the writing of the inscription of each marker that is erected in the state. This involves carrying out a substantial amount of historical research, the results of which are kept on permanent file at the Commission headquarters or, after the passage of a certain period of time, at the State Archives. The agency maintains a file on each marker as well as general resource files on each county in the state and on other topics, such as the Signers of the Texas Declaration of Independence. In addition, the basic data on each marker has been categorized and recorded on computer tape for ready and systematic retrieval.

From 1964 through 1969 the state carried out an intensive marking program, during which time five thousand historical markers were erected. The marking effort has subsequently lessened, with approximately 250 markers being erected each year since that time. Altogether there are approximately 6,500 historical markers in the state of Texas.

The range of topics covered by official markers is broad, for it includes structures; archeological finds; mountain passes; old trails; Indian camp and burial grounds and sites of battles and skirmishes; Texas Ranger dugout camps and battlegrounds; old ferry landings; sites related to important events in cattle, agricultural and petroleum industries; unique weather sites; old health resorts; irrigation landmarks, river crossings; early railroads; sites of train and bank robberies; famous gunfights; disasters; political debates; famous trails; early businesses and educational institutions; birthplaces or homes of outstanding statesmen, scholars, sports figures; writers, musicians and actors; and the date of founding, origin of name and history of many towns and counties, and towns that no longer exist.

Museum Services Department

The Office of the State Museum Consultant (now the Museum Services Department) was created in 1969, and exists primarily to upgrade the quality of small museums throughout the state by providing them with free professional advice and literature which they might not otherwise be able to obtain. For the last several years the number of museums in the state has stood at about three hundred, with numerous others being planned or organized. The vast majority of these are small, nonprofessional institutions which are in great need of the type of information which the Museum Services Department can provide.

The museum consultant dispenses his information primarily through personal visitation with museum personnel, at their request. As a result, he travels several thousand miles a year journeying among the many institutions which invite him to inspect and comment on their facilities.

The Museum Services Department also sponsors two educational endeavors: The Winedale Museum Workshop and a series of six museum seminars in different regions of the state. These serve as educational and training programs to bring general information on museum management to a larger number of people than could be reached by individual consultation alone. Those programs plus two others also designed to upgrade the quality of small museums in the state were funded in February 1973 with a $34,500 grant from the Moody Foundation of Galveston. Supplementary grants of $5,500 previously received from the National Museum Act will help underwrite two of the endeavors. The other two programs are a visiting specialists program, which will enable outstanding museum professionals to visit twenty-five to thirty small museums a year to aid staff members in solving specific problems and to improve inter-museum communication; and the reprinting of the *Texas Museums Directory*. Last published in 1970, the *Texas Museums Directory* contains an annotated list of every museum in the state and has proved valuable in increasing public awareness of museums and in facilitating communication among museums.

At the end of fiscal year 1973 all four of the programs will be evaluated and permanent state funding for the most successful ones will be requested from the Texas Legislature.

National Register Programs Department

The Historical Commission was designated by Governor John Connally in January 1967 to administer National Register of Historic Places programs for the state of Texas, and since 1968 the agency has been carrying out this responsibility and also preparing a comprehensive statewide preservation plan.

The National Register, administered for the nation as a whole by the National Park Service, is a continuing inventory of both the structures and sites which reflect the heritage of this nation. The National Register was established by the National Historic Preservation Act of 1966 and constitutes not only a catalog but also a means of protecting registered properties from summary destruction by federally licensed and/or financed projects.

In essence, the task of the National Register Programs Department is to inventory and photograph every important historic and archeological site in Texas. From the information thereby obtained, the agency nominates the most outstanding of these places for listing in the National Register. The impact of this federal program is far-reaching, for not only does it actually help save historic and prehistoric sites in some instances, but it also encourages state and city governments to formulate local preservation programs. It is anticipated that from the files accumulated during the National Register survey, a Texas Register of Historic Places can eventually be compiled.

Basic information on the approximately three thousand historic sites in Texas inventoried so far (plus data on every building which has received an Official Texas Building Medallion) has been computerized, and data thus obtained is presented in volume 2 of this report.

To date, approximately one hundred and fifty historical and archeological sites in Texas have been accepted for listing on the National Register. In 1972 a booklet entitled *The National Register in Texas: 1968-1971* was published by the agency with a matching grant from the Office of Archeology and Historic Preservation. It includes an index and an architectural description of each registered property in Texas as of December 1971. Supplements to this first volume are anticipated as a regular occurrence.

The National Register Programs Department also administers the preservation grants-in-aid program funded by the U. S. Department of the Interior, dispensing the monies provided to individual historic restoration and/or property acquisition projects. For fiscal years 1971, 1972, and 1973, fourteen preservation projects were funded (out of a total of forty-three applications) for an expenditure of $225,264.31 in federal matching funds.

State Archeologist's Office

The State Archeologist's Office became part of the Historical Commission in 1969 (transferring from the State Building Commission). The primary function of this branch of the agency is to carry out a program of surveying and

excavating archeological sites around the state, with special efforts being made to study and salvage those sites in imminent danger of being destroyed. In cooperation with the Texas Water Development Board, the Archeologist's Office also surveys and reports on the archeological resources of each geographical area due to be inundated by the construction of a dam and reservoir.

The results of the surveys and excavations are published in a monograph series and distributed to libraries and professional archeologists in qualified organizations. In addition, the Archeologist's Office publishes another monograph series on both Prehistoric and Historic archeological studies conducted by personnel not associated with the office. Thus the agency contributes to the general fund of scholarly knowledge about Texas' archeological sites.

Besides carrying out research on archeological locales aboveground, the Archeologist's Office has cooperated since 1970 with the Texas Antiquities Committee in conducting a survey of sixteenth century Spanish shipwrecks located in Gulf coastal waters off Padre Island. During the summers of 1972 and 1973 the State Underwater Archeologist supervised a program to investigate several ships from the fleet of Spanish vessels which lie at the bottom of the Gulf of Mexico. Reports on the findings will be published and further on-site investigations will be carried out in future summers.

Subsequent Legislative acts have materially strengthened the agency and the total historical marking, preservation, museum and archeological programs in Texas. This has, basically, been accomplished in three pieces of legislation: the Antiquities Code; the historic courthouse act, and the recently passed legislation to consolidate the powers, responsibilities, and organization of the agency and to redesignate it as the Texas Historical Commission. (Copies of these acts are included in the Appendix.)

The Antiquities Code, enacted in 1969, protects and preserves valuable archeological and historic sites and artifacts within the state of Texas. Under the code, all public lands in the state are automatically protected and therefore designated as State Archeological Landmarks. These fall into two categories: (1) state-owned lands such as state parks and forests, lands controlled by state agencies, colleges, and universities, and the Texas Tidelands, and (2) all lands belonging to any county, city, or political subdivision of the state. Also protected are those private lands which have, with the consent of the owner, been designated State Archeological Landmarks.

The historic courthouse act of 1971 (part of the legislation defining the Texas Historical Commission) provides that no county may demolish or impair the historical or architectural integrity of its courthouse without first giving six months notice to the Texas Historical Commission. Provision is made for arbitration, if necessary, between the county and the Commission so that any changes made in the courthouse will be compatible with its historic nature.

The last bill consolidates, strengthens, and updates the various provisions setting forth the duties of the Historical Commission and its main departments (Research, Museum Services, National Register Programs, and Archeology). It specifically broadens the application of the historic courthouse act to cover the preservation of *past* as well as present county courthouses; it provides that structures which have been designated as Recorded Texas Historic Landmarks

(i.e., which have been awarded Official Texas Historic Building Medallions) may not be altered or damaged without sixty days' notice first being given to the Historical Commission; and it would give to the Commission the authority to certify to other state agencies the worthiness of preservation of any historic districts, sites, structures, or objects significant in Texas and American history, architecture, archeology, and culture. Finally, it changes the name of the agency from the Texas State Historical Survey Committee to the Texas Historical Commission.

AGENCY BIENNIAL REPORT, 1971-1972

The accomplishments and programs of the Commission (the Texas State Historical Survey Committee prior to August 27, 1973) have expanded appreciably during recent years. To illustrate this expansion, excerpts of the agency's 1971-1972 *Biennial Report* are included. This report, which discusses each of the departments and associated agency functions, shows the evolution of the agency from an organization whose primary responsibility was to make Texans aware of their heritage through marking historic sites and events, to a multi-department organization which is able to provide leadership in all areas of history and historic preservation. The report follows.

"In accordance with Section 14, S.B. No. 426, Acts of the Fifty-fifth Legislature (Article 6145, *Texas Revised Civil Statutes*) as amended by S.B. No. 240, Acts of the Fifty-eighth Legislature, which states: "The Committee shall make a report of its activities to the Governor and to the Legislature by December 1st prior to the regular meeting of the Legislature," the agency submits herewith the prescribed report.

Cooperation With Speaker's Special Committee on Historic Preservation

The Speaker's Special Committee—created in August 1970 and chaired by Rep. R. B. McAlister of Lubbock—called upon the resources of TSHSC personnel during 1971 in order to draw up recommendations that would augment existing state historical preservation programs. On Jan. 6, 1971, the 15-member study group proposed 17 recommendations ranging from a plan for protecting the heritage of the State Capitol Complex to a plan for the preservation of Indian pictographs in West Texas. TSHSC was suggested as the administrator for a number of the projects. As a direct or indirect result of the special committee's efforts, three major preservation bills were enacted by the Sixty-second Legislature. The policies of other state agencies involved in historical preservation—notably the Parks and Wildlife Department—were also positively affected as a result of the special committee's efforts. (See following sections for further details.)

Legislation

(See section on 'The Current Status of Preservation Law in Texas,' below.)

Parks and Wildlife Department Historic Sites Development

In a major policy statement Jan. 21, 1972, TSHSC asked the Parks and Wildlife Commission to earmark approximately $7 million to add historic and archeological sites to the states parks system during fiscal 1972-73. A list of 42 top-priority sites was submitted to the commission for study. The TSHSC statement pointed out that $25 million in state revenue was expected to accrue in fiscal 1972-73 from Parks Fund No. 31 (created by the one-cent-a-pack cigarette tax).

TSHSC Resolutions and Policy Statements

At its regular quarterly meeting on July 21, 1972, the Historical Survey Committee passed a resolution opposing the possible destruction of three historic buildings in Austin.

As it had done in 1969, the Survey Committee in 1971 passed a resolution opposing proposed legislation which would have deleted the requirement that students at state-supported universities and colleges pass courses in Texas and American history and government in order to graduate.

Tours of Historic America

In both 1971 and 1972 the American Heritage Society offered a series of 11 seven-day Tours of Historic America. The tour of Texas was planned with the detailed assistance of the Historical Survey Committee staff and also utilized the services of members of county historical survey committees in various sections of the state. American Heritage reported great success with the tours.

Texas Historical Foundation-Funded Activities

With the financial assistance of the Texas Historical Foundation—a private, nonprofit, educational corporation—TSHSC was able to initiate three new grass-roots historical programs in 1972. In the first of these, 15 county historical survey committees were selected to conduct pilot oral histories of early settlers and events in their localities.

In the second project, 10 historical survey committees were chosen to make color slides and written narratives of outstanding historical events and sites in their respective counties. The slides were to be made into flim strips and the narratives recorded on tape to make film-and-tape histories that could then be distributed to local schools, civic organizations, the county archives, and the State Archives.

In the third project, the Texas Historical Foundation provided funds for the conducting of six workshops on museum management in different geographical regions of the state. (More information on this effort may be obtained by reading the report of the Museum Services Department.)

RESEARCH DEPARTMENT

DEOLECE M. PARMELEE, DIRECTOR

The Research Department of the Survey Committee, which was the first division of the agency to be formed, has the primary function of evaluating and validating applications for Official Texas Historical Markers and of then preparing the inscriptions to be placed upon them. In carrying out this responsibility, the Research Department accumulates much heretofore uncollected primary research material, which is placed on permanent file in the TSHSC state office. The department also provides advice and consultation on historical topics to private citizens and organizations which request such assistance.

Marking

In historical marking (an activity that was anticipated to level off after the "five thousand markers in five years" campaign terminated in 1969) momentum was the outstanding characteristic. In 1971-72, there were 638 marker inscriptions written by the Research Department.

State-level advisories had seemed to indicate that except for some neglected areas, most of Texas had sought out and marked its outstanding historic sites.

The neglected areas were concentrated upon during 1971-72, but alongside this special emphasis there grew an awareness that especially in the realm of social institutions there still remained much 19th-century Texas culture that was neglected. Even in the old counties of Stephen F. Austin's Colony (where much marking had been done in the past) sites of churches, schools, and cemeteries were not yet properly researched and marked. The rural-to-urban population shifts that left old churches and cemeteries in cul-de-sacs so far as present living patterns are concerned had also banished the memory of these former influences, in many cases. Dedicated local historians, with the help of the state office, have unearthed and marked the histories of innumerable almost-forgotten communities and institutions that helped form the state of Texas and its current culture.

Consultation

The Research Department in the 1971-72 biennium had the interesting role of mentor for dozens of centennial events. This circumstance arose from the fact that in the 1870s Texas was recovering from the trauma of the Civil War, beginning to build railroads, and convert an almost purely agrarian economy to one of diversity. In such East Texas counties as Houston and Walker, celebrations proliferated as the towns founded by railroad promoters marked their first hundred years of existence. Some now would almost qualify as ghost towns, but many flourish because of historic modifications that rendered them answerable to changes invoked by the downfall of railroad transportation.

The biennium also marked the attainment of even older age by communities settled in 1821 and 1822 by the "Old Three Hundred" colonists of Stephen F. Austin. Some of the Austin Colony communities asked for professional consultations while planning 150th anniversary celebrations. As an outgrowth of such consultations, the Research Department staff prepared and distributed on request a manual of suggestions and guidelines for communities planning 50th, 100th, or 150th anniversary celebrations.

Guide to Official Texas Historical Markers

In 1971 the Research Department compiled an extensively revised and corrected edition of the *Guide to Official Texas Historical Markers*—a catalog which lists by city each of the 6,500 state-approved markers in Texas. This constituted the fifth edition of the *Guide*, previous editions having been published in 1964, 1965, 1967, and 1969. The current edition was made possible through the financial assistance of the Texas Historical Foundation. Twenty-five thousand copies were printed and distributed free of charge through the agency and the various tourist information centers operated by the Texas Highway Department.

Other Activities

The marker department cooperates with local groups in furnishing data from files in Austin, in order that news and feature stories as well as high school enrichment studies may center about the topic of commemoration. Enlargement of any given topic may be achieved through the use of the 90 percent of the history which never appears on a marker per se. Continuing emphasis on local attention to historic sites—especially those marked by the state—has resulted in some very fine local pilgrimages and festivals valued by citizens and visitors.

FIELD SERVICES DEPARTMENT

BOB WATSON, DIRECTOR

The purpose of the Field Services Department is to offer advice and consultation to county historical survey committees in the carrying out of their programs. It also organizes the various educational meetings and award competitions that help to take the state preservation program to the local and regional levels.

Regional Meetings

From March 30 to April 30, 1971, regional training meetings were held in eleven different geographical parts of the state for the benefit of county historical survey committees. The program faculty consisted of members of the TSHSC staff and the sessions covered the topics of historical research, museum, techniques, the National Register program in Texas, federal grants-in-aid for historical preservation, recording county history on film and tape, oral history techniques, and marker applications. One hundred and thirty-eight counties were represented by the 639 county committee members who attended the meetings.

Annual Meetings

The 1971 annual meeting of TSHSC was held in Del Rio on Oct. 29 and 30. Participants consisted of approximately 450 county committee members and other interested individuals, who viewed a "festival" of films on various preservation and environmental topics and heard speeches on a variety of aspects of historic preservation.

Mrs. Jo Stewart Randel of Panhandle, Texas, was named winner of the **Ruth Lester Award for Meritorious Service in Historic Preservation.** Mrs. Randel is chairman of the Carson County Historical Survey Committee and chairman of the board of the Square House Museum. The Ruth Lester Award is given annually by the Survey Committee and recognizes an individual who has made an outstanding and highly significant contribution toward preserving the heritage of Texas. It is the highest preservation award given by the state.

The 1972 annual meeting of TSHSC was held in Austin on Oct. 27 and 28. Approximately 350 persons attended. The primary emphasis of the talks delivered at this meeting was oral history, with experts in the field from around the country being brought in to address the delegates. Thirty-six county committees won the Distinguished Service Award and prizes were given in the same areas of competition among county survey committees as in previous years. In 1972, Dr. Rupert N. Richardson, the Dean of Texas Historians, was named winner of the **Ruth Lester Award.** Dr. Richardson is president emeritus of Hardin-Simmons University and a widely recognized and published Texas historian and teacher. He is also a former member and past president of the Survey Committee.

Best Publication of the Year on Local or Regional Texas History

Each year TSHSC sponsors a contest to select the best local or regional history book from among those published both privately and commercially. The purpose of the competition is to stimulate and commend the compilation of history at the grassroots level. The 1970 award (bestowed in 1971) was for *Runnels Is My County* by Mrs. Charlsie Poe. The 1971 award (bestowed in 1972) went to *A History of Robertson County, Texas* by J. W. Baker.

Restoration Award

In order to give recognition to outstanding and historically accurate renovations of old and important properties, TSHSC gives from time to time a Restoration Award to an individual who has employed very high standards in the restoration of a structure and has thereby set valuable precedents for other restorers to follow. During the 1971-72 biennium, Walter Mathis of San Antonio was given this award (bestowed on Oct. 31, 1972) for his work on the Norton-Polk-Mathis House, a Resaissance Revival structure dating from the 1880s.

Preservation Award

Distinct from both the Ruth Lester Award and the Restoration Award, the Preservation Award is given from time to time by the Historical Survey Committee and serves to honor individuals or institutions who have encouraged, either directly or indirectly, the preservation of an historic property or properties. On June 24, 1971, the Preservation Award was given to Watt Matthews of Albany for the numerous restorations which he has encouraged and/or carried out in the environs of Shackelford County.

NATIONAL REGISTER PROGRAMS DEPARTMENT

M. WAYNE BELL, DIRECTOR, SEPTEMBER 1968-JULY 1972
GARY L. HUME, DIRECTOR, AUGUST 1972—

Comprehensive Survey

The National Register Programs Department has been, since its establishment in September 1968, engaged in compiling a comprehensive statewide inventory of all extant tangible historic resources in Texas. By the end of 1972, survey work had been conducted in 235 of the 254 counties in Texas. Survey work performed by the Texas State Historical Survey Committee includes, first, a review of all known structures recorded in previous surveys and documentary materials or designated as Recorded Texas Historic Landmarks; and secondly, an on-site inspection and photographic recording of the most significant urban and rural buildings in each community of every county.

National Register Nominations

Those inventoried properties which are sufficiently significant in American history, architecture, archeology, or culture are nominated to the National Register of Historic Places. The National Register was established by the 1966 National Historic Preservation Act, and its stated purpose is to serve as "a roll call of the tangible reminders of the history of the United States." At the present time, Texas has nominated 158 historic properties to the National Register. Of this number, 114 are historic sites, 35 are archeological sites, and 9 are historic districts. It is anticipated that Texas will have approximately 1,000 properties on the National Register of Historic Places by 1976.

State Preservation Plan

Aside from the entering of Texas properties on the National Register, the comprehensive survey will result in the compilation of the state preservation plan in 1973. This document, which has been in preparation during 1971 and

1972, will consist of two volumes, the first an historic, architectural, and archeological overview of the state and its preservation efforts, and the second volume a county-by-county listing of the most significant historic properties in Texas together with a categorization of those properties into chronological and disciplinary (or "thematic") lists.

Grants-in-Aid

In 1971, the Texas State Historical Survey Committee participated in the first nationwide grant-in-aid assistance program to historic preservation administered by the Office of Archeology and Historic Preservation, a subdivision of the Department of the Interior. This annual grant-in-aid program to National Register properties is administered for Texas by the National Register Programs Department.

In fiscal 1971, the sum of $111,902 was awarded to Texas, and preservation assistance was given for restoration of the Carrington-Covert House in Austin; site development at the Carrington-Covert House and the Gethsemane Church in Austin; restoration of the Hammond House in Calvert; and archeological investigations at the following state-owned forts: McKavett, Griffin, Lancaster, and Richardson.

In fiscal 1972, the sum of $33,862 was awarded to Texas. This money was divided among three projects: the acquisition of the dormitory building of the Ursuline Academy in San Antonio; the restoration of Ashton Villa in Galveston; and an archeological investigation at Mission Concepcion in San Antonio.

Restoration Projects

During 1971 and 1972, the National Register Programs Department has undertaken the restoration of two outstanding state-owned properties: the Carrington-Covert House in Austin, and the Sam Rayburn House in Bonham. The Carrington-Covert House, an architecturally noteworthy *ca. 1856* stone structure located near the State Capitol, will serve as the headquarters of the Texas State Historical Survey Committee by January 1973. The building was given to the agency by the 61st Texas Legislature and an appropriation of $80,000 was provided for its restoration. This money, together with $58,000 received in federal assistance through the Office of Archeology and Historic Preservation, provided the necessary funds for restoring the structure and adapting it for use as offices.

Winedale Workshop

Together with the University of Texas Winedale Inn Properties, this agency co-sponsored in 1971 and 1972 the annual Winedale Workshop, a conference on the principles of architectural preservation and restoration.

The National Register in Texas: 1968-1971

In 1972 the department published a 28-page illustrated booklet entitled *The National Register in Texas: 1968-1971*. Financed with state and federal matching funds, the booklet contained a descriptive listing of the 115 properties in Texas which were entered on the National Register of Historic Places from September 1968 through December 1971. Also included were articles on "Preservation Through Historic Districts," "W. C. Dodson," and "A Review of Selected Texas Archeological Sites."

STATE MUSEUM CONSULTANT'S DEPARTMENT

DIANA FILES, S.M.C., JANUARY 1969-JULY 1971
DANIEL J. TRAVERSO, S.M.C., SEPTEMBER 1971—

In 1971-72, the Museum Consultant's Department broadened its services to the growing ranks of history, science, art and general museums throughout Texas.

Consultation

One of the prime functions of the department is to assist groups and individuals with specific problems pertaining to museums. On-site visits; distributing technical literature from an extensive file of books, pamphlets, and other materials; and custom research dispensed by mail are three important means by which this assistance is provided. In fiscal 1971, the state museum consultant paid 54 consultation visits to groups in 46 counties, distributing approximately 150 pieces of technical literature. In fiscal 1972 the consultant and one parttime assistant visited 85 museum groups in 64 counties, dispensed approximately 100 pieces of technical literature, and answered some 70 inquiries involving special research. The information so supplied spanned such topics as museum planning and construction, placement of specific artifacts with appropriate museums, exhibit design, taxes, fund-raising, and personnel management.

Educational Programs

Two ways in which the Museum Consultant's Department works to upgrade Texas museums are by providing museum personnel with opportunities to improve their skills and by stimulating contact among members of the state's museum profession. Workshops, seminars, publications, and participation in professional associations are facets of this effort.

The Winedale Museum Workshop is an annual eight-day program to give in-depth training to a select group of highly motivated individuals from institutions across Texas. Fifteen faculty members from museums in several states and field trips to Texas museums provided instruction for 15 participants in 1971 and 11 in 1972.

To give basic museum knowledge to a much broader segment of the state's museum workers, six one-day Museum Seminars were held in 1972 in widely separated geographical locations. Seminars by a four-man faculty in Huntsville, Brownwood, Tyler, Fort Stockton, Lubbock and San Antonio drew 603 participants from 91 institutions. In 1971 the department submitted a grant application to the federal government under the National Museum Act (administered by the Smithsonian Institution). This request has been funded and will allow for expansion in 1973 of both the Winedale Workshop and Museum Seminars. Transcripts of talks given at the 1972 seminars are in preparation.

The Museum Consultant's Department publishes the *Texas Museums Directory* for the dual purpose of making the general public more aware of museums' existence and increasing inter-museum contact. In 1971-72, all twenty thousand copies of the 1970 directory were distributed, and requests continued to come in. An updated edition is planned for 1973.

In 1971-72 the department continued to support the Texas Museums Associa-

tion, which it had been active in founding in 1970, and in 1972 the Survey Committee hosted the TMA annual convention.

Sam Rayburn House

At the start of fiscal 1971 former U.S. Speaker of the House Sam Rayburn's "home place" in Bonham, together with five acres of land, was deeded to the state of Texas. A $96,500 appropriation was granted to the Survey Committee, as administrator of the property, for restoring the house and developing it into a museum. Architects—Envirodynamics, Inc., of Dallas—were chosen to draw plans and oversee the restoration work.

Gethsemane Church

Built by the first Lutheran congregation in Travis County in 1883, Gethsemane Church (now the property of the state of Texas) was restored by the Survey Committee in 1970 and officially opened March 14, 1971. In 1971-72, in addition to housing the Museum Consultant's Department offices, the structure was used by the agency for exhibits, lectures, and special programs and was made available to service clubs and other organizations for meetings and special events.

Two photographic exhibits—"Texas Homes of the 19th Century" and "The Park Environment"—were displayed at the church in 1971. These were followed by an exhibit of tombstone rubbings and a show featuring the paintings of Texas artist Ancel Nunn. The latter exhibit illustrated 19th-century farm life by putting artifacts and old photographs of the Reuben Gaines Farm near Palestine, Texas, next to paintings of the same subject by Nunn.

Museums in Texas

The number of museums in Texas continues to grow at a rapid rate. Whereas in 1964 there were only 82 museums in the state, at the end of fiscal 1972 there were 304, with approximately 30 new museums opening each year.

ARCHEOLOGICAL DEPARTMENT

CURTIS TUNNELL, STATE ARCHEOLOGIST

During the past two years the Archeological Department has continued to carry out a comprehensive statewide program designed to record, preserve, and salvage Texas' archeological and historical resources generated over some twelve thousand years by man's occupational and cultural activities.

Investigation of Sites

Along these lines, several hundred prehistoric and historic sites have been investigated and recorded throughout the various counties in every region of the state. In several instances an entire complex of sites has been recorded and investigated, such as the Caddoan cultural occupations in the upper Sabine River in parts of Van Zandt, Rains, and Wood counties. Other reconnaissance and testing has involved individual sites which are single reflections of the culture of the peoples of the state over several thousand years. These include studies and excavations from the times of Early Man (such as the prehistoric game hunter at the Steadman Site in Fisher County), through Spanish Colonial days at Mission Concepcion in San Antonio, to the 19th-century Anglo-American utility ceramics and lime kiln sites widely located about the state. Often the sites must be investigated on an emergency basis and recommenda-

tions made for immediate salvage work, in view of pending inundation, facility construction, vandalism, or some other form of potential destruction.

Detailed recording through maps, photographs, investigation of records and collections of antiquities has been carried out at the sites and results are now available for study at state archeological and preservation laboratories.

Advice and Consultation

Many responses have been provided to requests for information and comments on the environmental consequences of various types of construction projects, including pipelines, shell dredging, highway building, and reservoir construction. In this connection a study of the archeological resources of the Colorado River Basin was made for the Office of the Governor. The Archeological Department, in cooperation with the other offices of the Texas Historical Survey Committee and the Antiquities Committee, has considerably expanded coordinating activities designed to provide other agencies and institutions with guidance on the undertaking of archeological preservation and salvage operations.

Investigations and Publications

Other major investigations and publications of the past two years include:

1. *Interim Report for Mission Concepcion (Archeological Excavations)* for the Office of Archeology and Historic Preservation, National Park Service, U.S. Department of Interior.
2. Maintenance and Preservation Master Plan for the Four Spanish Missions of San Antonio: Concepcion, San Juan, Espada and San Jose.
3. *Archeological Survey for Shipwreck Sites in Northwestern Matagorda Bay,* June 1-12, 1971, in conjuction with the Institute for Underwater Research, Inc.
4. *Ingram Reservoir,* Survey Report 9 of the joint Texas Water Development Board-Texas Historical Survey Committee Program.
5. *Archeological Reconnaissance at Proposed Mineola Reservoir,* Survey Report 10 of the joint Texas Water Development Board-Texas Historical Survey Committee Program.
6. *A Study of the Function and Technology of Certain Bifacial Tools from Southern Texas,* THSC Report 20.
7. *Historical Archeology of the Neches Saline, Smith County, Texas,* THSC Report 21.
8. *An Ethnohistorical Survey of Texas Indians,* by Lydia Lowndes Maury *Skeels,* THSC Report 22.
9. *Archeological Resources in the Texas Coastal Lowlands and Littoral,* joint Texas Water Development Board-Texas Historical Survey Committee Program Special Report.

These reports are distributed widely to educational institutions and libraries throughout Texas and have been requested by libraries in many other parts of the United States. Along with the numerous illustrated lectures and discussions held during the past two years throughout the state for various organizations, agencies and private groups, the dissemination of these publications constitutes one of the more useful educational tools provided by the Archeological Department.

Projected Publications

In addition many other projects implemented during the 1971-72 biennium are expected to be completed during coming months. These include the following publications:

1. Translation of selected significant 18th- and 19th-century Spanish language documents of the Franciscan Order, prominent in early Texas history through its widespread missionary and other activities.
2. A biographical dictionary of Spanish missionaries in Texas.
3. An archeological report on the Garcitas Creek Site.
4. An archeological survey report on proposed Palmetto Bend Reservoir.
5. An historical archeological report on Kirbee Kiln, a 19th-century Texas utility pottery kiln site and an example of an early Anglo-American industry in Texas.
6. An historical archeological report on the Carrington-Covert House, a 19th-century plantation house and the former residence of a prominent Austin merchant. Preservation and restoration of the structure, which is to serve as the offices of the THSC, is to be completed in January 1973.

TEXAS ANTIQUITIES COMMITTEE

CARL J. CLAUSEN, STATE UNDERWATER ARCHEOLOGIST

The Texas Antiquities Committee is a seven-member regulatory agency created by the Texas Legislature in 1969. As set forth in the enabling legislation (S.B. 58; Article 6145-9, *Texas Revised Civil Statutes*), the Antiquities Committee is separate and distinct from the Texas State Historical Survey Committee; but inasmuch as the act states that "Employees of the Antiquities Committee shall be deemed to be employees of the Texas State Historical Survey Committee," a resume of the activities of the former body is contained in the present report.

Institute for Underwater Reserach, Inc.-Sponsored Activities

In 1971 — prior to the creation of a permanent underwater archeological program in the state of Texas — the Texas Antiquities Committee carried out limited surveys with the aid of the Institute for Underwater Research, Inc. This private, nonprofit, educational organization funded an investigation of several mid-16th-century Spanish shipwrecks lying in the waters just off Padre Island. These vessels, thought to have foundered in a storm in 1553, have been well publicized in Texas since 1967, when valuable artifacts from one of them were salvaged, and temporarily removed from Texas, by a Gary, Indiana, treasure-hunting firm known as Platoro Limited. The IUR-funded survey resulted in the publication of a report, *Archeological Survey for Shipwreck Sites in Northwestern Matagorda Bay,* June 1-12, 1971.

State-Sponsored Activities

On March 1, 1972, the Antiquities Committee employed Carl J. Clausen as the first underwater archeologist for the state of Texas. Clausen proceeded to develop a marine archeology program, and in the summer of 1972 the first state-sponsored and state-funded underwater archeological program in the nation was conducted off the Texas coast. Extensive excavations were carried out on one of the shipwrecks previously surveyed.

The work was pursued during a two-and-a-half-month field season in the late summer on a shipwreck lying just north of Port Mansfield cut. The vessel, designated as 41 KN 10 UW in the nationwide system of archeological site classification, is believed to be the earliest shipwreck so far located in the Western Hemisphere.

In the process of the investigation, some 6,000 pounds of artifacts were recovered, including at least half a dozen rare breech blocks from early "hoop barrel" type cannon, two anchors, a number of silver disks, a lead sounding weight, and numerous large concretions containing encrusted objects which cannot be identified until separated at the preservation laboratory. A section of the ship's hull was also uncovered but was not removed from the site.

The artifacts recovered in 1972 have been deposited at the Antiquities Conservation Facility of the Texas Archeological Research Laboratory of the University of Texas, located at the Balcones Research Center in Austin. There the artifacts are being cleaned, preserved, and analyzed.

To gain further background information on the shipwrecks, the Antiquities Committee voted on Nov. 16, 1972, to allocate $7,000 for researching the Spanish archives in Madrid and Seville for material relative to the ships, their personnel, and cargo. The work is to be carried out in the summer of 1973.

Lawsuits

During the 1971-72 biennium two lawsuits relative to the Antiquities Code of Texas were in litigation. The first of these—involving the ownership of the Spanish shipwreck artifacts recovered by Platoro in 1967—was ruled upon on Aug. 18, 1971, by U.S. District Court Judge Reynaldo Garza of Brownsville. In his decision, Judge Garza divided the treasure equally between Platoro and the state of Texas. The state has appealed the decision to the U.S. Circuit Court of Appeals in New Orleans, but the case had not been scheduled for trial by the end of 1972.

The second case centered upon a supposed $10 million worth of gold alleged to be buried on Pelican Island. The case, now pending in Judge Herman Jones' 53rd District Court at Austin, will test the constitutionality of Section 6 of the Antiquities Code. This section makes the Antiquities Committee the sole agent empowered to authorize archeological investigations on Texas public land, including land lying in political subdivisions of the state. This power has been challenged by the city of Galveston, which claims that the right rests with the political subdivision itself.

Memorandum of Understanding With Texas Highway Department

On Jan. 5, 1972, the Antiquities Committee and the Texas Highway Department signed a memorandum of understanding which provided for the regular surveying and investigation of archeological sites lying on proposed and existing highway rights-of-way. This very important agreement made it the responsibility of the Highway Department to provide the services of a professional archeologist to study, and arrange for the emergency excavation if necessary, any and all archeological sites involved in the locations, construction, and improvements of state highways.

Issuance of Permits for Investigation of Archeological Sites

From January 1971 through December 1972, eighteen permits for the investig-

ation of archeoloigcal sites were granted to various institutions, organizations, and persons by the Antiquities Committee.

PUBLICATIONS DEPARTMENT
PATRICIA S. MORRISON, DIRECTOR

The primary function of the Publications Department is the preparation of the agency newsletter, the *Medallion*. During 1971-72, volumes 8 and 9 of the *Medallion* were published. The newsletter is unusual in that it is issued in two distinct formats at different times of the year. The four major issues (January, April, July, and October) are published as a four-page, tabloid-sized newspaper and contain general news and photographs on preservation activities around the state. These issues are mailed free of charge to historical organizations, county committee members, museums, libraries, legislators, chambers of commerce, history-related agencies and groups, and interested individuals. Since publication in this format was inaugurated in 1970, the circulation of the newsletter has increased from approximately 6,700 to 7,000.

The other five yearly issues of the *Medallion* are mailed only to county committee chairmen and a few other selected individuals. Circulation is approximately 400. These issues concentrate on the internal activities of the agency and county historical survey commibtees. The format of this publication is a four-page, 8½" x 11¼" newsletter.

Regular features of the *Medallion* which have proved of value to its readers are a Calendar of Events (i.e., history-related events), a Directory of Texas Historical Organizations (published once a year), and a regular column entitled "Endangered Species: Historic Buildings."

In addition to publishing the newsletter, the Publications Department prepares approximately 24 news releases on major agency activities each year, edits the agency biennial report, and consults with other departments on matters of editing and design for their booklets, brochures, and other printed materials. The two major consultation projects undertaken in 1971-72 concerned the booklet *The National Register in Texas: 1968-1971* and the brochure *Guide to Official Texas Historical Markers*."

Private Sector

IN 1903 CLARA DRISCOLL bought a thirty-day option on the Alamo and held control of that shrine of Texas history sufficiently long to preserve it from destruction and win for her the epithet of Savior of the Alamo. This was certainly the most dramatic and perhaps the singularly most important action by a private individual, organization, or foundation to safeguard a Texas historic site.

The efforts of individuals, organizations, and foundations have been of vital importance in the historic preservation movement in Texas. As a result of quick, responsible action and financial underwriting, the private sector has saved monuments, sites, rivers, and even entire historic sections of Texas cities.

In the last decade of the nineteenth century and the early decades of the twentieth century, a number of private organizations were formed which have given direction and leadership to preservation in the state. In 1891 the Daughters

of the Republic of Texas was founded. The Texas Division of the United Daughters of the Confederacy was also formed in the 1890s, as was the Texas Society of the Daughters of the American Revolution. The Texas State Historical Association was founded in 1897, the general objectives of the organization including the promotion of historical studies and particularly the discovery, collection, preservation, and publication of historical material pertaining to Texas. The association began publishing its *Quarterly* in 1897. In 1912-1913, the name of the journal was changed to the *Southwestern Historical Quarterly* and it has become today the most prestigious publication in the field of Texas history.

In addition to the above mentioned organizations, which are statewide in their membership and interest, numerous local and regional organizations were founded in the early decades of the twentieth century for the purpose of saving and safeguarding the historic character of towns and communities. Fortunately for the present and future generations, a number of these organizations have had considerable success. Among the outstanding private, local organizations are the San Antonio Conservation Society—the oldest organization of this type—which was founded in 1924; others are the Galveston Historical Foundation, the Historic Waco Foundation, the Jefferson Historical Society, and the Magnolia Homes Tour, Inc., of Columbus. A complete list of the private organizations and foundations which were active in historic preservation in 1973 is attached at the end of this section.

DIRECTORY OF TEXAS HISTORICAL ORGANIZATIONS

The following is a list of the major historical and preservation organizations in the state as of June 1973. The number in parentheses indicates the number of members in the group. N.A. stands for "not applicable," N.R. for "no response." An asterisk indicates the data was taken from the 1972 Directory and may not still be current.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION OF TEXAS. Sam Kinch, Sr., chairman, P.O. Box 12366, Austin 78711; Mrs. Gene Riddle Brownrigg, associate director, same address. (N.A.)

ARCHEOLOGICAL SOCIETY, TEXAS, Dr. E. Mott Davis, president, Southern Methodist University, P.O. Box 165, Dallas 75222. (850)*

AUSTIN HERITAGE FOUNDATION COMMITTEE, Philip D. Creer, chairman, P.O. Box 2113, Austin 78767; Mrs. Elaine Mayo, secretary, same address. Offices in Old Driskill Hotel Building, 6th & Brazos, Austin. (14)

BARBED WIRE COLLECTORS ASSOCIATION, TEXAS, Sidney A. Brintle, president, 1019 Cedar Trail, Cedar Hill 75104. (234)*

BEAUMONT HERITAGE SOCIETY, Mrs. Will E. Wilson, president, P.O. Box 7001, Beaumont 77706. (316)

BURNET COUNTY HISTORICAL SOCIETY, Mrs. Ealy Dorbandt, president, c/o Fort Croghan Restoration, Burnet 78611. (N.R.)

CENTRE ON THE STRAND, Paul V. Peck, president, 4015 Ave. Q, Galveston. (158)*

CHAPPELL HILL HISTORICAL SOCIETY, Mrs. Robert E. Smith, president, P.O. Box 35, Chappell Hill 77426. (104)

CHEROKEE COUNTY HERITAGE ASSOCIATION, c/o Mrs. Emmett H. Whitehead, P.O. Box 475, Rusk 75785. (N.R.)

CHURCH HISTORICAL SOCIETY, The Rev. Massey H. Shepherd, Ph.D., president, P.O. Box 2247, Austin 78767; V. Nelle Bellamy, Ph.D., Archivist, same address. (1,224)

CIVIL WAR ROUND TABLE OF TEXAS, D. Stafford, president, 2221 Huntington Lane, Fort Worth 76110. (75)*

COLLECTORS' INSTITUTE, Jenkins Garrett, president, Sid Richardson Hall 2/306, University of Texas, Austin 78712; Kenneth Ragsdale, executive director, same address. (200)

CONSERVATION FOUNDATION, TEXAS, Ralph D. Churchill, chairman, 2020 Live Oak, Suite 720, Dallas 75201; Clayton Garrison, secretary, Texas Parks and Wildlife Department, Austin 78701. (12)

COOKE COUNTY HERITAGE SOCIETY, T. L. Gaston, president, P.O. Box 150, Gainesville 76240; Margaret P. Hays, executive director, same address. (120)*

COWBOY REUNION ASSOCIATION, TEXAS, Doyle Newcomb, president, P.O. Box 445, Stamford 79553; Mrs. Frank Cannon, secretary, same address. (400)*

CUERO FAIR AND TURKEY TROT ASSOCIATION, Paul Gathings, president, Cuero 77954. (N.R.)

DALLAS HISTORICAL SOCIETY, Henry C. Coke, Jr., president, P.O. Box 26038, Dallas 75226; Mrs. Virginia Gambrell, executive director, same address. (1,550)*

DALLAS COUNTY HERITAGE SOCIETY, Mrs. Reuben Adams, president, 4312 Beverly Dr., Dallas 75205. (N.R.)

DALLAS LOCAL HISTORY AND GENEALOGICAL SOCIETY, Dr. Ben L. Smith, Jr., president, c/o Dallas Public Library, 1954 Commerce St., Dallas 75201. (307)*

DAUGHTERS OF THE AMERICAN REVOLUTION, TEXAS SOCIETY, Mrs. Ford Hubbard, state regent, 2425 Pine Valley, Houston 77019. (12,000)*

DAUGHTERS OF THE REPUBLIC OF TEXAS, Mrs. George P. Red, president general, 5537 Russett Dr., Houston 77027; Mrs. J. B. Golden, chairman of museum, 112 East 11th Austin 78701. (5,000)

DENISON HISTORICAL SOCIETY, Sidney C. Johnson, president, 631 W. Woodard, Denison 75020. (31)*

DUBLIN HISTORICAL SOCIETY, 113 E. Blackjack, Dublin 76446. (N.R.)*

EAST TEXAS HISTORICAL ASSOCIATION, Ralph Goodwin, East Texas State University, Commerce 75428; Archie P. McDonald, editor, P.O. Box 6223, Nacogdoches 75961. (450)

EDWARDS PLATEAU HISTORICAL ASSOCIATION, George Stoepler, president, P.O. Box 745, Eden 76837. (60)*

EL PASO COUNTY HISTORICAL SOCIETY, Leon C. Metz, president, P.O. Box 28, El Paso 79940. (850)*

FORT BELKNAP SOCIETY, Mrs. Ben G. Oneal, president, Stephen F. Austin Hotel, Austin 78701. (150)

FORT DAVIS HISTORICAL SOCIETY, Harold Schaafsma, president, Fort Davis 79734. (50)*

FORT STOCKTON HISTORICAL SOCIETY, Frank F. Fulk, president, P.O. Box 581, Fort Stockton 79735; Hart Johnson, executive director, P.O. Box 1687, Fort Stockton 79735. (125)

GALVESTON HISTORICAL FOUNDATION, INC. Dr. E. Burke Evans, president, P.O. Box 302, Galveston 77550. (655)

GENEALOGICAL SOCIETY, TEXAS STATE, Mrs. Edna Perry Deckler, president, 2528 University Drive South, Fort Worth 76109. (N.R.)*

GULF COAST CHAPTER OF NATIONAL RAILWAY HISTORICAL SOCIETY, Wade Fielder, president, P.O. Box 457, Houston 77001. (113)*

GULF HISTORICAL SOCIETY, TEXAS, Gilbert T. Adams, president, P.O. Box 1621, Beaumont 77704. Co-executive directors are Dr. John Ellis Gray, 4400 Port Arthur Rd., Beaumont 77705; Joseph Roger Omohundro, 2345 Calder Ave., Beaumont 77702; and Dr. Ralph Ancil Wooster, 855 Chatwood Dr., Beaumont 77706. (120)

HARRIS COUNTY HERITAGE SOCIETY, Mrs. Ronald G. Merrett, president, 1100 Bagby, Houston 77002; Peter M. Rippe, executive director, 7806 Meadowcroft, Houston 77042. (3,500)

HARRIS COUNTY HISTORICAL SOCIETY, Edgar E. Lackner, president, 2114 Bolsover Rd., Houston 77005. (75)*

HARRISON COUNTY HISTORICAL SOCIETY, James K. Abney, president, 1 Wanda Court, Marshall 75670; Mrs. Solon G. Hughes, director of museum, c/o Old Courthouse, Marshall 75670. (250)*

HERITAGE SOCIETY OF AUSTIN, INC., J. Roy White, president, P.O. Box 2113, Austin 78767; Mrs. Elaine Mayo, secretary, same address. Offices in Old Driskill Hotel Building, 6th & Brazos, Austin. (2,000)

HERITAGE SOCIETY OF WASHINGTON COUNTY, Mrs. W. J. Embrey, secretary, P.O. Box 1123, Brenham 77833. (223)*

HISTORIC FORT WORTH, INC., W. Beeman Fisher, president, P.O. Box 970, Fort Worth 76101. (N.R.)*

HISTORIC PRESERVATION LEAGUE, INC., Mrs. Anne Courtin, president, P.O. Box 9766, Dallas 75214. (N.R.)

HISTORIC WACO FOUNDATION, INC., Charles T. Easley, president, P.O. Box 3222, Waco 76707. (600)*

HISTORICAL ASSOCIATION, TEXAS STATE, Mrs. Anne Brindley, president, 4306 Sherman, Galveston 77550; Dr. Joe B. Frantz, executive director, Sid Richardson Hall 2/306, Austin 78712. (3,600)

HISTORICAL COMMISSION, TEXAS (formerly Texas State Historical Survey Committee), Clifton Caldwell, president, Fort Griffin Route, Albany 76430; Truett Latimer, executive director, P.O. Box 12276, Austin 78711. (3,500)

HISTORICAL FOUNDATION, TEXAS, Cecil E. Burney, president, P.O. Box 2487, Corpus Christi 78403; Truett Latimer, executive director, P.O. Box 12243, Austin 78711. (450)

HOOD'S TEXAS BRIGADE ASSOCIATION, Tom Jones, president, 1307 N. DeLeon, Victoria 77901. (625)*

INSTITUTE OF TEXAN CULTURES (University of Texas at San Antonio), R. Henderson Shuffler, executive director, P.O. Box 1226, San Antonio 78294. (N.A.)

JEFFERSON HISTORICAL SOCIETY AND MUSEUM, Col. King Sain, president, 404 N. Market, Jefferson 75657. (225)*

LIBRARY AND HISTORICAL COMMISSION, TEXAS, Frank Horlock, chairman, c/o Lorenzo de Zavala Archives and Library Building, P.O. Box 12927, Austin 78711; Dorman H. Winfrey, director and librarian, same address. (6)

MAGNOLIA HOMES TOUR, INC., P.O. Box 817, Columbus 78934. (N.R.)

MASON COUNTY HISTORICAL SOCIETY, William R. Grosse, president, P.O. Box 621, Mason 76856 (200)*

MENARD COUNTY HISTORICAL SOCIETY, William F. Volkmann, president, Menard 76859. (50)*

MIRANDO CITY HISTORICAL COMMITTEE, F. Michael Black, president, P.O. Box 421, Mirando City 78369. (30)

NATIONAL SOCIETY OF COLONIAL DAMES (Texas Chapter), Mrs. Albert Fay, president, 99 N. Post Oak Lane, Houston 77024. (N.R.)

OLD MISSIONS AND FORTS RESTORATION ASSOCIATION, TEXAS, Henrietta Henry, president, 524 N. 22nd, Waco 76707. (150)

NAVY, TEXAS, Stephen L. Walter, chief of naval operations, P.O. Box 125, Galveston 77550. (3,000)

PANHANDLE PLAINS HISTORICAL SOCIETY, Virgil P. Patterson, president, c/o First National Bank, Amarillo; C. Boone McClure, executive director, P.O. Box 786, West Texas Sta., Canyon (1,000)*

PERMIAN HISTORICAL SOCIETY, John Dunagan, president, Drawer 1, Monahans 79756; Dick Chappell, executive director, U.T.P.B. Campus, Odessa 79762. (250)

PIONEER HERITAGE PRESERVATION SOCIETY, 616 Arkansas St., South Houston 77587. (25)*

RANGER COMMEMORATIVE COMMISSION, TEXAS, Capt. Clint Peoples, chairman, P.O. Box 1370, Waco 76703. (10)

RED RIVER COUNTY HISTORICAL SOCIETY, Mrs. Furd Love, president, Route 4, Clarksville 75426. (110)*

REFUGIO COUNTY HISTORICAL SOCIETY, Alvin Stanchos, Jr., president, P.O. Box 278, Refugio 78377. (N.R.)*

RIO GRANDE VALLEY HISTORICAL SOCIETY, Hoyt Hager, Jr., president, P.O. Box 5, Weslaco 78596. (100)*

SAN ANTONIO CONSERVATION SOCIETY, Mrs. Robert E. Blount, president, 511 Paseo de La Villita, San Antonio 78205; Conrad True, administrative assistant, same address. (2,000)

SAN ANTONIO HISTORICAL ASSOCIATION, Luther Hill, president, 415 Lamonte, San Antonio 78209. (90)

SAN AUGUSTINE COUNTY HISTORICAL SOCIETY AND FOUNDATION, Mrs. C. T. Dorsey, president, Route 3, Box 280, San Augustine. (100)*

SEGUIN CONSERVATION SOCIETY, Mrs. Viola Baker, president, 428 N. Travis, Seguin 78155; Mrs. Leonie Pape, executive director, 425 N. River St., Seguin 78155. (210)*

SHELBY COUNTY HISTORICAL SOCIETY, T. Julian Taylor, president, P.O. Box 563, Center 75935. (100)*

SOCIETY OF ARCHITECTS, TEXAS, Preston M. Geren, Jr., president, 904 Perry-Brooks Building, Austin 78701; Don Edward Legge, executive director, same address. (1,875)*

SOCIETY OF ARCHITECTURAL HISTORIANS (Texas chapter), Willard Robinson, president, School of Architecture, Texas Tech University, Lubbock 79409. (50)

SONS OF THE REPUBLIC OF TEXAS, Gordon Wiley, president general, 2426 Watts Rd., Houston 77025. (1,000)*

SOUTHWEST TEXAS GENEALOGICAL AND HISTORICAL SOCIETY, A. Louis Mann, president, 2870 Driftwood Lane, Beaumont 77703. (150)*

SOUTHWEST RAILROAD HISTORICAL SOCIETY, Martin Ashburn, president; Charles M. Mizell, Jr., editor; 6623 Santa Fe Ave., Dallas 75223. (150)*

STATE ASSOCIATION OF TEXAS PIONEERS, Elton R. Cude, president, 305 Bexar County Courthouse, San Antonio 78204. (250)*

TARRANT COUNTY HISTORICAL SOCIETY, Mrs. Joe A. Clarke, president, 3605 Bellaire Drive South, Fort Worth 76109. (230)*

TEXAS CITY HERITAGE ASSOCIATION, Mrs. Meriworth Mabry, acting chairman, 8632 Twelve Oaks Dr., Texas City 77590; Jack Lindsay, agent, 1112 Fifteenth Avenue North, Texas City 77590. (25)*

TOM GREEN COUNTY HISTORICAL SOCIETY, Robert E. Byrns, president, 2624 Parkview Dr., San Angelo 76901; Miss Susan Miles, executive director, 112 N. Irving, San Angelo 76901. (87)*

UNITED DAUGHTERS OF THE CONFEDERACY (Texas Division), Mrs. Hall Etter, president, 2202 Sunset Blvd., Houston 77005; Mrs. L. J. Gittinger, chairman of museum, 121 W. Ridge Wood Court, San Antonio 78212. (N.R.)

WEST TEXAS HISTORICAL ASSOCIATION, T. R. Havens, president, 1812 Fourth St., Brownwood 76801; Mrs. Joseph Grba, secretary, P.O. Box 152, Hardin-Simmons University, Abilene 79601. (300)*

WEST TEXAS HISTORICAL AND SCIENTIFIC SOCIETY, Joe Graham, president, P.O. Box C2, Sul Ross State University, Alpine 79830. (55)*

WINEDALE STAGECOACH INN (historical restoration), Lonn Taylor, director, P.O. Box 11, Round Top 78954. (N.A.)

WISE COUNTY HISTORICAL SOCIETY, Mrs. T. L. Dodson, president, 1602 S. College, Decatur 76234; Mrs. Rosalie Gregg, executive director, same address. (304)

Note: This information is taken from the July 1973 issue of the *Medallion*, newsletter of the Texas Historical Commission.

Current Status of Preservation Law in Texas

As is usually the case in a movement initiated by the people in seeking the application of a basic truth, the history of such a movement is reflected in the jurisprudence.
Jacob H. Morrison, *Preservation Law*, p. 53

DURING 1972 the School of Law at Texas Tech University, in Lubbock, conducted a major research project which compiled all existing statutes in the state of Texas dealing with historic preservation. This project was undertaken at the request of the State Bar Committee on the Legal Aspects of Historic Preservation and Special Environmental Studies, of which A. D. Moore, Jr., of Beaumont was chairman. (A complete bibliography of these statutes with their listing according to *Texas Revised Civil Statutes* is included at the end of this section.) The titles of the various parts reflect the possible future classification of the statutes into a comprehensive preservation code for Texas.

The discussion in this chapter is intended to highlight some of the more important legislative acts which enable historic preservation activities to be conducted, and to mention certain salient features of these acts. In no way is this brief summary intended to explain each of these statutes. The complete text of each statute can be found as noted in the Texas Constitution; the *Texas Penal Code, Annotated;* or the *Texas Revised Civil Statutes, Annotated.*

Part I: State Historic Preservation Agency

This study categorizes all existing preservation-related statutes in Texas into nine parts. Part I contains a list of those statutes dealing with the establishment and operation of various state agencies which perform functions in the historic preservation field. Included in Part I is the Antiquities Code of Texas, which is the most important public policy statement on archeological and historical sites and items in Texas. Section 2 of the Antiquities Code states as follows:

> It is hereby declared to be the public policy and in the public interest of the State of Texas to locate, protect, and preserve all sites, objects, buildings, pre-twentieth century shipwrecks, and locations of historical, archeological, educational, or scientific interest.

In addition, the first part of the Texas Tech study contains a listing of all those enabling statutes which establish the agencies and commissions having responsibilities and jurisdiction over various preservation and conservation activities in the state.

Subsequent subsections deal with the administrative provisions of the agencies, the establishment of the State Review Board for Historic Properties, the powers and duties of the agencies, powers of enforcement, and the funding of the agencies with historic preservation responsibilities.

Parts II and III: The Conservation of Archeological Resources and the Protection And Salvage of Underwater Historic Properties

Texas has long recognized the necessity of a strong archeological program as an integral part of the state's efforts in the field of historic preservation. Article 6145-6 of *Texas Revised Civil Statutes* (1970) places the office of State Archeologist under the authority of the Texas Historical Commission. This office is charged with the responsibility of engaging in, and coordinating with other institutions and agencies, a comprehensive statewide program designed to record, preserve, salvage, and disseminate information on Texas' dwindling, nonrenewable archeological and historical resources.

The Antiquities Code of Texas was enacted in 1969 to protect and preserve valuable archeological artifacts within the state of Texas. Examples of things which are protected are prehistoric American dwellings and rock art, pre-twentieth century shipwrecks, buried treasures, artifacts relating to the Spanish exploration of Texas, historic battlegrounds, and fort sites.

The Antiquities Code is administered by a seven-member state regulatory body known as the Texas Antiquities Committee, whose primary responsibility is to determine and designate State Archeological Landmarks. They also issue permits and contracts for the salvage of archeological and historical sites. In addition, the committee serves as legal custodian for all items recovered from such investigations, keeps an inventory of those items, and determines their ultimate disposition.

The Antiquities Code automatically protects all public lands and designates them as State Archeological Landmarks. These lands fall into two categories: (1) state-owned property such as state parks and forests, lands controlled by state agencies, colleges, and universities, and the Texas Tidelands, and (2) all lands belonging to any county, city or political subdivision of the state.

Also protected are those private lands which have, with the consent of the owner, been designated State Archeological Landmarks. An individual property holder can receive legal protection for an archeological site on his land by applying to the Antiquities Committee. If they determine that the site is of genuine value, they formally declare it to be a State Archeological Landmark. The site then is posted at five-acre intervals with markers indicating its protected status.

The Antiquities Code is enforced by law officers and agencies, both state and local. Violators may be punished by a fine of $50 to $1,000 and/or a jail sentence of up to thirty days. Each continued day of violation constitutes a separately punishable offense.

Part IV: State Advisory Council on Historic Preservation

To encourage the best utilization of historic resources in Texas, the Historical Resources Development Council was established in 1971 to solicit and consider suggestions from state officials, private citizens and private promotional and historical organizations in Texas for improving the methods employed to develop and publicize the historical resources of the state.

The Historical Resources Development Council consists of the following ex officio members: the executive director of the Texas Historical Commission, the director and librarian of the Texas State Library, the executive director of the Texas Tourist Development Agency, the director of Travel and Information Division of the Texas Highway Department, the director of the Park Services Division of the Texas Parks and Wildlife Department, and the chairman of the Texas Antiquities Committee. The act designates the executive director of the Texas Historical Commission as the chairman of the council, and the director and librarian of the Texas State Library as the secretary.

A primary function of the council is to establish communication between the Historical Commission, the State Library and Historical Commission, the Tourist Development Agency, the Highway Department, the Parks and Wildlife Department, and the Antiquities Committee in order to coordinate the efforts of these agencies, which are all concerned with the historical resources of this state.

The council is also instructed to formulate recommendations for dealing with the state's historic resources and submit a detailed report twice each calendar year to the governor and the Texas Legislative Council.

Part V: State Historical Trust

In 1970, the Texas Legislature established a state historical trust entitled the Texas Conservation Foundation (see *Texas Revised Civil Statutes, Annotated,* Article 6145-7 & 1). Organized on April 16, 1970, the foundation is authorized under state law to receive gifts of real or personal property and to purchase any desirable property in behalf of the state's system of parks, refuges, and scientific, historic or recreational areas.

The Texas Conservation Foundation was set up by the Sixty-first Legislature as a charitable, nonprofit corporation, and any income or property received or owned by it, and all transactions relating to such income or property, are exempt from all forms of taxation. The foundation board is composed of nine interested citizens plus the executive directors of the Texas Historical Commission and the Texas Parks and Wildlife Department, and the chairman of the Parks and Wildlife Commission.

The purpose of the foundation is to act when natural, scenic, historic, scientific, and educational properties are threatened, and to acquire and hold such properties until they can be turned over to the state for development and protection. The foundation is also authorized to accept donations from individuals and organizations to assist in this work, having the advantage of being able to act quickly to save important areas when the state is unable to act because of either the time involved or the lack of money available, or both.

The enabling act defines the foundation's interest in real property as including, among other things, easements or other measures for the preservation, conservation, protection, or enhancement of such property by and for the public.

Parts VI and VII: Enabling Legislation for Local Preservation Activities and Preservation Procedures To Guide State Agencies

In 1931, an act of the Forty-second Legislature was passed to allow cities and counties to acquire historical museums, buildings, sites and landmarks,

and sites of archeological or paleontological interest. This act, which was amended in 1963 (Article 1011 a-j, *Texas Revised Civil Statutes, Annotated*) and in 1972, provides that any county or any incorporated city in Texas may acquire by gift, devise, purchase, or by condemnation proceedings, lands and buildings of statewide historical or prehistoric interest.

This statute confers upon cities and counties the right of imminent domain over historical sites, buildings, and structures, although this right may be exercised only when necessary to prevent the destruction or deterioration of the property concerned.

Section 2 of the statute allows for the purchase and/or improvement (i.e. restoration) of buildings, lands, or historically significant objects by means of city or county bond issues. In addition, the cities or counties are empowered to levy a tax not exceeding 10 cents per $100 valuation of taxable property to finance the acquisition of historic or prehistoric properties.

Subsequent legislation (see the attached list for exact references) authorizes the establishment of county historical survey committees, which are empowered to establish an historical preservation program by instituting and carrying out a continuing survey of their respective counties to determine the existence of historical buildings and other historical sites, private collections of historical memorabilia, or other historical features within the county and to report the data collected both to the commissioners court and to the Texas Historical Commission.

Part VIII: Incentives

Various statutes have provided specific tax relief for historic properties owned by nonprofit organizations or corporations. Of particular importance is Article 7150, Section 20 (1955) of the *Texas Revised Civil Statutes, Annotated;* which provides a tax exemption for nonprofit organizations chartered or incorporated for the purpose of preserving historical buildings, sites and landmarks. This section was the subject of an important decision of the Texas Supreme Court—*San Antonio Conservation Society, Inc.* v. *City of San Antonio, et al.,* (1970). It was the court's ruling that by preserving the house of a native Texas hero (Jose Antonio Navarro), the San Antonio Conservation Society (a nonprofit organization chartered for preserving historical buildings and sites) assumed, to a material extent, a task which otherwise might become an obligation of the community or state. Therefore, the organization was entitled to tax relief, as were other groups similarly engaged.

Part IX: Miscellaneous

Part IX of this compilation of preservation-related statutes contains a miscellaneous collection of laws, most of which were enacted to deal with one particular historic site or a particular history-oriented commemoration. These statutes, while specific in nature, nonetheless reflect the amount of concern and support in the state for historic properties.

This discussion and, more importantly, the attached list of statutes, serve as a comparatively accurate indicator of the extent of legal backing for historic preservation in the state of Texas. As mentioned in the opening quotation, any movement initiated by the people to apply a basic truth to their society will undoubtedly be reflected in the laws concerned with that truth.

CLASSIFICATION OF TEXAS PRESERVATION LAWS

I. STATE HISTORIC PRESERVATION AGENCY

A. Declaration of Legislative Intent

Tex. Rev. Civ. Stat. Ann. art. 6145-9, § 2 (1970) (Antiquities Code).

B. Definitions

None

C. Establishment of the Agency

Tex. Const. art. 3, § 51-b(a) (State Building Commission).

Tex. Penal Code Ann. art. 978f-3a, § 1 (a) (Supp. 1972) (Parks and Wildlife Dept.).

Tex. Rev. Civ. Stat. Ann. art. 678m, § 1 (1964) (State Building Commission)

Tex. Rev. Civ. Stat. Ann. art. 5434 (Supp. 1972) (Library and Historical Commission).

Tex. Rev. Civ. Stat. Ann. art. 6144f, § 1 (1970) (Texas Tourist Development Agency).

Tex. Rev. Civ. Stat. Ann. art. 6144g, § 1-2 (1970), *as amended*, (Supp. 1972) (Commission on Arts and Humanities).

Tex Rev. Civ. Stat. Ann. art. 6145-9, § 3 (1970) (Antiquities Committee).

D. Administrative Provisions

Tex. Const. art. 3, § 51-b(a) (State Building Commission).

Tex. Penal Code Ann. art. 978f-3a, § 1-3 (Supp. 1972) (Parks and Wildlife Dept.)

Tex. Rev. Civ. Stat. Ann. art. 678m, § 2, 4 (1964) (State Building Commission).

Tex. Rev. Civ. Stat. Ann. arts. 5434-35 (Supp. 1972), 5445 (1958) (Library and Historical Commission).

Tex. Rev. Civ. Stat. Ann. art. 6144f, § 3 (1970) (Texas Tourist Development Agency).

Tex. Rev. Civ. Stat. Ann. art. 6144g, § 4g (1970) (Texas Fine Arts Commission).

Tex. Rev. Civ. Stat. Ann. art. 6145-9, § 3 (1970) (Antiquities Committee).

E. Establishment of a State Review Board

Texas Board for Review of Historic Properties.

F. Powers and Duties of the Agency

Tex. Const. art. 3, § 51-b(c) (State Building Commission).

Tex. Penal Code Ann. art. 978f-3a, § 5, art. 978f-3d, § 1, art. 978f-4a, art. 978f-5d, § 2 (Supp. 1972) (Parks and Wildlife Dept.).

Tex. Rev. Civ. Stat. Ann. art. 256 (1959) (Historical archives—State Library).

Tex. Rev. Civ. Stat. Ann. arts. 665, 666a, 669-76 (1964) (State Board of Control).

Tex. Rev. Civ. Stat. Ann. art. 678m, §§ 3, 5-9, 15-16A, 24 (1964) (State Building Commission).

Tex. Rev. Civ. Stat. Ann. art. 3264c (1968) (Condemnation of historical sites—Commission of Control for Texas Centennial Celebrations).

Tex. Rev. Civ. Stat. Ann. art. 5240 (1962) (mode of acquisition of land by State for public use).

Tex. Rev. Civ. Stat. Ann. arts. 5435-36, 5438-38c, 5439, 5441(3), 5441a, b, 5442b (1958), *as amended*, (Supp. 1972) (Library and Historical Commission).

Tex. Rev. Civ. Stat. Ann. arts. 6067a-6070b, 6070d-h, 6081s (1970), *as amended*, (Supp. 1972), 6081s-1 (Supp. 1972) (Parks and Wildlife Dept.).

Tex. Rev. Civ. Stat. Ann. art. 6144e (1970) (Advertising resources of Texas).

Tex. Rev. Civ. Stat. Ann. art. 6144f, §§ 2-4 (1970) (Texas Tourist Development Agency).

Tex. Rev. Civ. Stat. Ann. art. 6144g, §§ 3-8 (1970), as amended, (Supp. 1972) (Commission on the Arts and Humanities).

Tex. Rev. Civ. Stat. Ann. art. 6145-9, § 4 (1970), § 4A (Supp. 1972) (Antiquities Code).

G. Enforcement

(1) Injunctive relief

Tex. Rev. Civ. Stat. Ann. art. 6145-9, § 18 (1970) (Antiquities Code).

(2) Criminal penalties

Tex. Penal Code Ann. arts. 698c-d (Supp. 1972) (water and air pollution).

Tex. Penal Code Ann. arts. 859-60 (1961) (public building).

Tex. Penal Code Ann. art. 862 (1961) (public grounds).

Tex. Penal Code Ann. art. 827g, § 2 (Supp. 1972) (littering).

Tex. Penal Code Ann. art. 978f-5d, § 1 (Supp. 1972) (hunting within historic site).

Tex. Rev. Civ. Stat. Ann. art. 678e, §§ 1, 9 (1964) (state buildings and grounds).

Tex. Rev. Civ. Stat. Ann. art. 6145-9, §§ 14-17, 20 (1970) (Antiquities Code).

H. Funding

Tex. Const. art. 3, § 51-b(b), (d) (State Building Commission).

Tex. Const. art. 16, § 39 (appropriations for historic memorials).

Tex. Penal Code Ann. art. 978f-3a, § 5 (Supp. 1972) (Parks and Wildlife Dept.).

Tex. Rev. Civ. Stat. Ann. art. 678m, §§ 20-21 (1964) (State Building Commission).

Tex. Rev. Civ. Stat. Ann. art. 6070a, § 2 (1970) (State Parks Fund).

Tex. Rev. Civ. Stat. Ann. arts. 6070f, h (1970) (State Park Improvement Bonds and Texas Park Development Fund).

Tex. Tax.-Gen. Ann. art. 7.06(3)(a) (Supp. 1972) (cigarette tax—Texas Parks Fund).

II. CONSERVATION OF ARCHEOLOGICAL RESOURCES

A. Declaration of Legislative Intent

Tex. Rev. Civ. Stat. Ann. art. 6145-9, § 2 (1970) (Antiquities Code).

B. Definitions

None

C. Designation of a State Archeologist

Tex. Rev. Civ. Stat. Ann. art. 6145-6 (1970) (State Archeologist under Texas Historical Survey Committee).

D. Declaration of Title To Archeological Resources

Tex. Rev. Civ. Stat. Ann. art. 6145-9, § 6 (1970) (Antiquities Code).

E. State Archeological Survey

Tex. Rev. Civ. Stat. Ann. art. 6145-6, §§ 2-3 (1970) (under State Archeologist).

F. Permit System for State Lands

Tex. Rev. Civ. Stat. Ann. art. 6145-9, §§ 9-12 (1970) (Antiquities Code).

G. Designation of State Archeological Landmarks

**Tex. Rev. Civ. Stat. Ann. art. 6145-9, §§ 5-8 (1970) (Antiquities Code).

H. Use Restrictions on Lands Transferred by the State

None

I. Cooperation of State Agencies to Protect Archeological Resources

Tex. Rev. Civ. Stat. Ann. art. 6145-9, § 19 (1970) (Antiquities Code).

J. Discouragement of Field Archeology on Private Lands

None

K. Criminal Penalties

**Tex. Rev. Civ. Stat. Ann. art. 6145-9, §§ 14-17, 20 (1970) (Antiquities Code).

III. PROTECTION AND SALVAGE OF UNDERWATER HISTORIC PROPERTIES

A. Declaration of Legislative Intent

Tex. Rev. Civ. Stat. Ann. art. 6145-9, § 2 (1970) (Antiquities Code).

B. Definitions

None

C. Declaration of Title to Underwater Historic Properties

****Tex. Rev. Civ. Stat. Ann.* art. 6145-9, § 5 (1970) (Antiquities Code).

D. Preservation Agency as Custodian

****Tex. Rev. Civ. Stat. Ann.* art. 6145-9, §§ 4, 11 (1970) (Antiquities Code).

E. Permit System for Exploration and Salvage

****Tex. Rev. Civ. Stat. Ann.* art. 6145-9, §§ 9-12 (1970) (Antiquities Code).

F. Penalties for Violations

****Tex. Rev. Civ. Stat. Ann.* art. 6145-9, § 17 (1970) (Antiquities Code).

IV. STATE ADVISORY COUNCIL ON HISTORIC PRESERVATION

A. Declaration of Legislative Intent

Tex. Rev. Civ. Stat. Ann. art. 6145, §§ 1, 12 (1970) (Texas Historical Survey Committee).

Tex. Rev. Civ. Stat. Ann. art. 6145-10, § 1 (Supp. 1972) (Historical Resources Development Council).

B. Establishment of the Council

Tex. Rev. Civ. Stat. Ann. art. 6145, §§ 1-6 (1970) (Texas Historical Survey Committee).

Tex. Rev. Civ. Stat. Ann. art. 6145-10, §§ 1-3, 5 (Supp. 1972) (Historical Resources Development Council).

C. Powers and Duties of the Council

Tex. Rev. Civ. Stat. Ann. art. 6145, §§ 7-14 (1970), *as amended*, (Supp. 1972) (Texas Historical Survey Committee).

Tex. Rev. Civ. Stat. Ann. art. 6145-10, § 4 (Supp. 1972) (Historical Resources Development Council).

V. STATE HISTORICAL TRUST

A. Establishment of the Trust

Tex. Rev. Civ. Stat. Ann. art. 6145-7, §§ 1 (1970) (Texas Conservation Foundation).

B. Administration of the Trust

Tex. Rev. Civ. Stat. Ann. art. 6145-7, §§ 2-3 (1970) (Texas Conservation Foundation).

C. Purposes and Powers of the Trust

Tex. Rev. Civ. Stat. Ann. art. 6145-7, §§ 1, 4-13 (1970) (Texas Conservation Foundation).

D. Exemption from Taxation

Tex. Rev. Civ. Stat. Ann. art. 6145-7, § 10 (1970) (Texas Conservation Foundation).

VI. ENABLING LEGISLATION FOR LOCAL PRESERVATION ACTIVITIES

A. Declaration of Legislative Intent

Tex. Rev. Civ. Stat. Ann. art. 1011c (1963) (cities, towns and villages).

B. Authority To Establish a Local Historical Commission

See generally Tex. Rev. Civ. Stat. Ann. arts. 6081e (1970), 6081g-1 (Supp. 1972) (city parks).

Tex. Rev. Civ. Stat. Ann. art. 6145.1 (Supp. 1972) (County Historical Survey Committee).

C. Authority To Establish Historic Districts

Tex. Rev. Civ. Stat. Ann. arts. 1011a-j (1963), *as amended*, (Supp. 1972) (cities, towns and villages)

Tex. Rev. Civ. Stat. Ann. art. 1011m (Supp. 1972) (Regional Planning Commissions).

D. Authority To Control Use of Adjacent Properties

Tex. Rev. Civ. Stat. Ann. arts. 1011a-b (1963) (cities, towns and villages).

E. Authority To Obtain Preservation Easements

None

F. Authority To Delay Demolition of Historic Properties

Tex. Rev. Civ. Stat. Ann. arts. 1011a-b (1963) (cities, towns and villages).

G. Authority To Enact an Anti-Neglect Ordinance

Tex. Rev. Civ. Stat. Ann. arts. 1011a-b (1963) (cities, towns, and villages).

H. Authority To Modify Health and Building Codes

Tex. Rev. Civ. Stat. Ann. arts. 1011a-b, g (1963) (cities, towns and villages).

I. Power To Authorize the Transfer of Development Rights

None

J. Authority To Levy Taxes and Issue Bonds, Funding

See generally Tex. Rev. Civ. Stat. Ann. arts. 1015a, 1015c, 1017 (1963) (cities, towns and villages).

Tex. Rev. Civ. Stat. Ann. art. 6081e, §§ 2-2b (1970), art. 6081g-1, § 7 (Supp. 1972) (bonds and taxes for historical preservation purposes).

K. Miscellaneous

Tex. Rev. Civ. Stat. Ann. arts. 2372 r to r-1 (1971), *as amended*, (Supp. 1972) (Commissioners courts—power to appropriate funds for historical markers, preservation, etc.).

Tex. Rev. Civ. Stat. Ann. arts. 6078 to 6079f-1 (1970) (co. parks).

Tex. Rev. Civ. Stat. Ann. arts. 6080-6081j (1970), *as amended*, (Supp. 1972) (city parks).

VII. PRESERVATION PROCEDURES TO GUIDE STATE AGENCIES

A. Declaration of Legislative Intent

None

B. Responsibilities of State and Local Agencies

Tex. Rev. Civ. Stat. Ann. art. 5421q (Supp. 1972) (taking of historic sites for other public use).

Tex. Rev. Civ. Stat. Ann. art. 6145-9, § 19 (1970) (Antiquities Code).

VIII. INCENTIVES

(1) Tax

Tex. Const. art. 8, § 2 (public property used for public purposes).

Tex. Const. art. 11, § 9 (property of counties, cities and towns).

Tex. Rev. Civ. Stat. Ann. art. 6070h, § 6 (1970) (exemption of Texas Park Development Fund bonds).

Tex. Rev. Civ. Stat. Ann. art. 7150, § 9 (1960) (public grounds).

Tex. Rev. Civ. Stat. Ann. art. 7150, §§ 20 (1960), 22-22a (Supp. 1972) (property owned by nonprofit corporations).

IX. MISCELLANEOUS

Tex. Const. art. 1, § 17 (Taking property for public use).

Tex. Const. art. 1, § 19 (Due course of law).

Tex. Rev. Civ. Stat. Ann. art. 666a-2 (1964) (Texas Hall of State Building).

Tex. Rev. Civ. Stat. Ann. art. 678b (1964) (French Embassy building).

Tex. Rev. Civ. Stat. Ann. art. 1269j-4.1 (Supp. 1972) (cities of 8,500 or more—museums).

Tex. Rev. Civ. Stat. Ann. art. 1396 (1962), *as amended*, (Supp. 1972) (Non-Profit Corporations)

Tex. Rev. Civ. Stat. Ann. art. 2372d-5 (1971) (Museums; joint venture by co. with city or town).

Tex. Rev. Civ. Stat. Ann. art. 23721 (1971) (zoning of Padre Island).

Tex. Rev. Civ. Stat. Ann. art. 23721-1 (Supp. 1972) (zoning of Amistad Recreation area).

Tex. Rev. Civ. Stat. Ann. art. 5438d (1958) (Admission fees; state property under control of Daughters of Confederacy and Daughters of Republic).

Tex. Rev. Civ. Stat. Ann. arts. 6070c to 6070c-1, 6071a-6077u (1970), *as amended*, (Supp. 1972) (various state parks).

Tex. Rev. Civ. Stat. Ann. art. 61.44a (1970) (Texas Week).

Tex. Rev. Civ. Stat. Ann. art. 6144d (1970) (Texas Conservation and Beautification Week).

Tex. Rev. Civ. Stat. Ann. arts. 6145-1 to -5 (1970), *as amended*, (Supp. 1972) (Various memorials and preservation sites).

Tex. Rev. Civ. Stat. Ann. art. 6145-8 (1970) (American Revolution Bicentennial Commission).

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Seth Eastman. Front view of the Alamo, Texas. Nov 1848.

Growth of Preservation Philosophy in Texas

WHAT A CULTURE PRESERVES, be it worthless or worthwhile, depends upon a preservation philosophy. This philosophy is a set of guiding principles to be used in identifying and evaluating those elements of our visible and tangible environment which form a link with our past and are an essential inheritance for the future.

It is our objective in working toward—and working out—a preservation philosophy to identify and preserve the visual aspects and qualities relating to our history. It is not our purpose to safeguard abstract ideas or merely isolated monuments, but rather significant, related sections of our urban and rural landscapes. In such a manner, the character and spirit of our heritage can remain viable. It is this character, whether it be perceived visually or apprehended intellectually and emotionally, which distinguishes a particular state, region, town, or community from its neighbors and which makes a statement about the ideas, people, and events that have interacted over the years to produce the tangible, visual remains of a past and continuing portion of an American culture.

The "Patriotic" Phase

Perhaps the earliest legal statement with regard to a philosophy of preservation in Texas was made in the Constitution of 1876. Article XVI, Section 39, of this document recognizes the state's interest in historic preservation by authorizing the Legislature to,

> from time to time, make appropriations for preserving and perpetuating memorials to the history of Texas, by means of monuments, statues, paintings and documents of historical value.

This is one of the first official statements indicating an awareness of the need for developing certain guiding principles for preservation. The early stage of the movement—based primarily upon an emotional response toward the persons and events of the state's early history—might be characterized by the phrase "a reverence for things past."

Much of our basic preservation work was accomplished, in fact, by acknowledging certain places as state historic shrines. It was in 1877 that the earliest attempt to save that most hallowed Texas shrine, the Alamo, was instigated. The first restorations on the structure were carried out in 1878, and in 1883 the Alamo Church property was purchased by the state. In 1905 state legislation delivered the building to the care of the Daughters of the Republic of Texas. Another shrine, the old State Land Office (a unique structure in the German *Rundbogen* style) was set aside as a museum by the Legislature in 1917, again administered by the Daughters of the Republic of Texas.

This early "patriotic" or "reverential" phase of the state's evolving preservation philosophy was given impetus in the late nineteenth and early twentieth

centuries by the formation of several organizations which provided the principal leadership for the movement in Texas. On November 6, 1891, the Daughters of the Republic of Texas (mentioned previously) was founded. The objectives of the association included

> the perpetuation of the memory and spirit of those who achieved and maintained the independence of Texas, the preservation of historic documents and relics, and marking of historic spots.[1]

The Texas Division of the United Daughters of the Confederacy was also formed in the 1890s. The Texas Society of the Daughters of the American Revolution was organized in 1899, their motivating philosophy being expressed in their intention to perpetuate the memory and spirit of the men and women who achieved American independence and to foster true patriotism and love of country.[2]

The "Educational" Phase

From this fervent emotional beginning, preservation philosophy in Texas gradually moved into a more detached, intellectual realm to encompass the preservation of historic properties *per se* as well as the memory of the persons who made them historic. This changing ideal may be illustrated by comparing the stated goals of the San Antonio Conservation Society, organized in 1924, with the purposes of the patriotic groups previously quoted.

> The purpose for which it (the San Antonio Conservation Society) is formed is to preserve and to encourage the preservation of historic buildings, objects, and places relating to the history of Texas, its natural beauty and all that is admirably distinctive to our state; and by such physical preservation to keep the history of Texas legible and intact to educate the public, especially the youth of today and tomorrow, with knowledge of our inherited regional values.[3]

Three things stand out when this statement of purpose is set side by side with those of the DRT or DAR: First, the primary emphasis has shifted from historic persons to historic "buildings, objects and places"; second, the goal is not primarily to instill patriotism but to "educate"; and third, the geographic scope of the organization has narrowed from the state to the "region." Thus the general thrust of the preservation movement has become more abstract and general and more diversified geographically as time passed and the memory of seminal events in early Texas history faded into the past.

This concept of preservation, which remained the dominant concept well past the middle of the twentieth century, was responsible for the salvation of hundreds of historic houses and buildings representing a remarkable cross-section of the state's architectural history. Many of these were preserved for private use, but numerous others were turned into museums of local and regional history. By the 1970s there were more than three hundred museums in Texas, all of them filled with the memorabilia of the past, many of them located in structures that were themselves once part of the past.

The "Ecological" Phase

With the birth of ecological awareness in this country in the late 1960s, the concept of historic preservation underwent yet another change, evolving

into a still more broadly based movement than before. To put it simply, preservation came to be seen not only as an exercise in patriotism and as an adjunct to the teaching of Texas history, but also as a part of the nationwide crusade to save and reclaim the environment. One realizes, of course, that preservation cannot stop pollution or overpopulation, but in the sense that it contributes to the character of the esthetic environment, it may truly be regarded as part of the ecology movement.

In the ever expanding evaluation of the state's historic patrimony, preservation has greatly increased its original scope. No longer are we as Texans content only to save individual historic shrines, erect commemorative monuments, or multiply house museums, for these too often become isolated in hostile locales and therefore lose meaning because their original settings have been removed. The salvation of such solitary milestones of our history has come to be increasingly futile as the environs in which they are situated become urbanized, industrialized, and dehumanized.

It is thus the purpose of the Texas Historical Commission—which is charged with the administration of the National Historic Preservation Act for Texas—to save not only individual examples of past architectural styles, representative archeological sites, and prominent historic places, but to save whole sections of our historic urban and rural environment. Furthermore, we do not wish to save these links with our past as historic curiosities, but to save them for the continuing and future use of our citizens. Our geographic focus is at once more specific and more diversified than before, for our broadened efforts center upon preservation at the community level, not just at the regional or statewide level.

Cultural patterns and the groupings of structures into agricultural settlements, industrial complexes, residential neighborhoods, or commercial districts are both important elements to be considered and analyzed in planning for historic preservation. Through such planning, we envision that zoning ordinances and, in the near future, historic easements will enable property of historic value to remain a viable and productive part of its neighborhood. This, coupled with continued or adaptive usages, will permit historic properties to become economically productive parts of their communities without the loss of their historic integrity.

By conserving a broad range of the remaining physical elements from all eras of our history, we will make preservation a movement which can touch the lives of nearly all Texans. It would be a notable achievement to help bring all the people of Texas together, uniting them by showing the common elements of their heritage which transcend their differing origins and backgrounds.

References

[1]*Walter Prescott Webb, ed., The Handbook of Texas,* 2 vols. (Austin: Texas State Historical Association, 1952), 1:467.

[2]Ibid, 1:466.

[3]San Antonio Conservation Society, *Year Book 1971-1972* (San Antonio: San Antonio Conservation Society, n.d.), p. 1.

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Seth Eastman. Church in the Plaza at San Antonio, Texas. March 1849.

Relation of Preservation Planning To Other State Planning

THE PRESERVATION PLAN FOR TEXAS is primarily an inventory of the historic resources of the state of Texas and, secondly, a planning document for the continued use and preservation of those properties listed on the National Register and in the historic sites inventory. The plan establishes a basis for present and future participation in historic preservation activities conducted within the state. It is designed to coordinate with federal government branches including the Office of the National Register of Historic Places, the National Park Service, the Bureau of Outdoor Recreation, and all other agencies interested in the esthetic aspects of the environment. The state plan will identify those districts, structures, and sites of historic importance which can be used as a focus in the planning operations of all affected federal and state governmental agencies. Historic preservation is specifically cited as a concern of the Environmental Protection Agency. The Department of Housing and Urban Development, the General Services Administration, the Veterans Administration, and the Army Corps of Engineers have begun to use the information collected by the National Register survey, which, in turn, has initiated action by supplying these agencies with information on certain significant structures.

Historical Research and Public Information

By establishing thematic lists of sites, the survey can be of value to scholarly research in such fields as the history of transportation, education, religion, military activity, agricultural development, ethnic studies, and, of course, architecture. Anniversary celebration committees, such as the American Revolution Bicentennial Commission of Texas, can find a ready source of information in such a list. One national periodical has already sought information from the National Register Programs Department in Texas.

The publication in 1972 of the booklet *The National Register in Texas: 1968-1971* met with considerable success. In addition to presenting information and opinions on various aspects of historic preservation, the booklet has been effective in reaching a wide segment of the population and informing them of the activities of National Register programs in Texas.

Texas Parks and Wildlife Department

The state plan will also become an integral part of the Statewide Comprehensive Outdoor Recreation Plan. An eight-county ecological study by the Texas Parks and Wildlife Department has already made use of available survey material. The historic sites inventory is used as a basis for compliance with the President's Executive Order 11593 and the *Environmental Quality Act*, as well as for comment in environmental impact statements on proposed federally licensed projects. Many of the twenty-four Area Councils of Government in Texas have also used survey and inventory materials as a basis for area-wide planning, including long-range projections for recreational facilities which encompass historic sites. In this manner the state plan expands upon and

complements many other state preservation activities.

In connection with the above, an advisory list of historic sites identified in the statewide comprehensive survey has been prepared by the Texas Historical Commission at the request of the Texas Parks and Wildlife Department. The Parks and Wildlife Department plans to undertake a vigorous acquisition program for *purely* historic and prehistoric sites (that is, sites exclusive of recreational development), so that a representative sampling of the state's historic properties can be preserved as parks for future generations. At the present time, Texas owns and operates a large number of historic sites and associated interpretative centers but the preponderance of these sites are forts, missions and battlefields. The acquisition of additional types of properties identified by the Historical Commission will, it is hoped, produce a collection of historic properties in state ownership which is truly reflective of the state's wide and diversified patrimony.

Museums and Historic Houses

The state operates several museums and, through the University of Texas, is active in history and preservation efforts through the operation of the Institute of Texan Cultures, Winedale Inn Properties, and the Texas Archeological Salvage Project. The University of Texas owns four architecturally significant historic structures in the city of Austin: Battle Hall, the Littlefield House, and two handsome former U. S. Post Office buildings. Other state institutions also maintain historic buildings on their campuses. The total number of museums open in Texas is over three hundred; approximately fifty additional museums are in the planning or building stage. Besides governmentally associated museums, there are numerous private museums and organizations such as the Gresham House (Bishop's Palace) in Galveston, historic houses in Waco and many other communities, Sam Houston Park in Houston, the Alamo in San Antonio, the Old Land Office Building in Austin, the Bayou Bend complex of the Houston Museum of Fine Arts, and the French Legation in Austin.

Texas Historical Foundation

At the state level the Texas Historical Commission works closely with the Texas Historical Foundation, a nonprofit, educational corporation financed entirely by the contributions of public-spirited individuals and organizations. In fact, from 1954 to 1959 the foundation provided the sole means of support for the Commission. Since that time, when the agency first received state funding, the foundation has undertaken independent preservation projects while continuing to support the Commission's work in various ways. As of 1973, the foundation had assets of more than $151,000, and a yearly operating budget of approximately $70,000. The foundation leases and protects several archeological sites in Val Verde County, anticipating their eventual ownership and operation by the National Park Service. The foundation makes available funds for conferences, restoration and preservation, and museum seminars organized and carried out by the Commission.

Other Organizations

There are also a number of active historical and conservation-related organizations in the state which play an important role in implementing an historic preservation philosophy and program for Texas. A representative listing includes the following organizations: the Texas Historical Association, which publishes a learned journal, the *Southwestern Historical Quarterly,* and administers research grants in various areas of Texas history; the Texas Conservation Foundation, a gubernatorially appointed agency empowered to acquire and hold potential park land and historically related sites until appropriate state, federal, or municipal agencies can be found to develop them; and the Texas Antiquities Committee, created in 1969 primarily to protect state-owned archeological properties and to control the investigation of State Archeological Landmarks. The executive director of the Texas Historical Commission is a statutory member of this seven-member body and the employees of the Antiquities Committee are deemed, by law, employees of the Commission.

Historical organizations such as the above have involved the public in the historic preservation movement through a number of programs. Among these programs have been history appreciation observances and educational seminars.

A number of cities and communities have historical dramas, pilgrimages, and festivals. These include the pageant "Texas," presented in Palo Duro Canyon State Park, the "Fort Griffin Fandangle" at Albany, pilgrimages in Jefferson, Columbus, Austin, Montgomery, San Augustine, San Antonio, and Waco, "Frontier Days" in Round Rock, the Washington Birthday celebration at Laredo, "Fiesta" in San Antonio, and the "Cinco de Mayo" festival at Del Rio. There are history appreciation observances in many counties, most of them conducted by county historical survey committees. Historically oriented seminars and conferences are conducted at the University of Texas Winedale Inn Properties; among these are the Winedale Workshop on the Principles of Historic Preservation, the Winedale Museum Workshop, and an archeological field school, all cosponsored by the Texas Historical Commission. There are, in addition, the activities of the Texas Architectural Survey and the American Institute of Architects, and various private philanthropic foundations: the San Antonio Conservation Society, the Heritage Society of Austin, the Galveston Historical Foundation, El Paso Historical Society, and the Historic Waco Foundation, among others. Many of the above have already begun to anticipate the results of the present survey.

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Dutch Church at Fredericksburg, Texas. 70 miles north of San Antonio. January 24th, 1849.

Preservation Problems

TWO OF THE MAIN PROBLEMS—economics and vandalism—which hamper the preservation movement in Texas are problems which exist almost everywhere, but a third—geographic size—is shared by Texas and relatively few other states.

Economic Problems

Frequently historic buildings of merit in Texas are found, ironically, in areas of urban decline. Thus areas worthy of designation as historic districts are sometimes accidentally preserved because of depressed economic conditions in communities where economic growth was slowed by over-riding competition from neighboring cities, in towns bypassed by railroads, or in towns which have lost their positions as county seats. These older districts and buildings can be made attractive retreats from the monotony of the cityscape, although it is sometimes difficult to instill a sense of pride about them. Where local awareness generates this pride, communities find an economic asset in buildings formerly considered unfashionable by recognizing their tourist value, their potential as attractive marketplaces, and the welcome relief to contemporary business areas which they provide. The development of such an attitude takes sustained effort and encouragement from citizens and groups influential in the community. Professional advice and aid can stimulate the awareness, but the citizens themselves must ultimately implement the idea. One or two attractive restored buildings (but preferably not historic house museums) can sometimes spark the needed understanding and interest in an older neighborhood.

In larger cities a second economic problem exists in retaining fine, older residential areas located close to downtown commercial centers. Inflated land values cause resale prices for houses within the areas to be substantially higher than their actual value as residences would merit. It thus becomes exceedingly expensive to purchase such a house for residential use, especially when maintenance and restoration costs must also be considered. Property taxes can also be a deterrent to making a major investment in historic property within the inner city. Most municipal governments are in a financial position such that expenditures exceed income; consequently they are sometimes eager to revaluate and increase the tax base on restored and rehabilitated property.

Depressed Conditions

In addition, residences located in the inner city of large urban areas suffer from the very economic depression which caused them to be preserved in the first place. Besides the obvious fact that an older house in such an area will probably deteriorate markedly over a period of years, there is the negative influence exerted upon it by its incongruous location. In the extremely large cities these problems may be summed up in the word "ghetto," before which the problems of historic preservation begin to pale and fade. So pressing, in such areas, are the immediate problems of crime control and improvement of living conditions that historic preservation comes to seem a dilettantish

pastime. This attitude in itself—unfortunately pervasive among planners of urban renewal—constitutes a problem which needs to be met by public information programs and cooperation with city planners.

In Texas, however, the problem of historic houses located within ghettos is, luckily, small. At most, about a half dozen cities could be said to suffer the typical ills caused by extensive slum areas, and even in these the issue has not reached the unmanageable proportions which it has in the Eastern United States. More widespread in this state are the difficulties of preserving historic houses located in medium-sized and small cities and towns. In these locales some older houses suffer because of their setting in predominantly urban, commercial areas. If they exist among buildings which are used either only during the day (such as stores and offices) or only at night (such as clubs and other places of entertainment) their desirability as family dwellings diminishes, for quite obvious reasons. Furthermore they may be rather widely separated from schools, churches, libraries, parks and other residences, which further decreases their potential for residential use.

A desirable solution to the problem of isolated residences would be to introduce restaurants and other businesses that are patronized at night as well as the day and to encourage civic and educational groups to use churches and, perhaps, commercial facilities for evening meetings and classes.

If, however, a downtown residential area becomes large enough and dense enough to sustain itself as a neighborhood, the drawbacks of its location become negligible. Once again, it takes personal incentive and persistence to regenerate an older residential area, particularly in light of the initial cost of purchasing such property. Tax relief for historic buildings is a partial solution, but not yet a reality in Texas.

Land Value a Hindrance

The third economic problem is closely related to these discussed above. The land value of individual building sites in areas of urban growth makes the preservation of historic structures difficult unless lucrative uses can be recommended to, and accepted by, the individual purchasers. Foundations, universities, federal, state and city governments, community organizations, and even, on occasion, large commercial companies have saved many jeopardized buildings by absorbing the financial loss as a contribution to the public good. Nonetheless the problem still remains. There are few effective laws that can save architecturally significant older structures unless they can be made economically self-sustaining. Ultimately the preservation of historic architecture must be done privately and voluntarily. Governmental bodies and charitable organizations cannot be expected to bear the financial burden indefinitely.

Public Vandalism of Archeological Sites

A problem has been created by the growing public interest in archeological relics and a resultant need to protect archeological sites from indiscriminate collecting (pot hunting and arrowhead hunting) and occasional vandalism.

A combination of two factors—increased leisure time and the availability

of sport vehicles and boats—has now given access to vast areas of lands which were formerly protected by their remoteness. Recreational waterways and man-made lakes have made certain priceless aboriginal pictograph sites in West Texas easily accessible by boat. In addition to being exposed to possible vandalism and defacement, these sites could suffer incalculable damage from exposure to humidity caused by the recently formed lakes in formerly arid areas.

There is a great need to educate the public about the value of Texas' numerous archeological sites, some of which contain over ten thousand years of history. The public needs to be made aware of important discoveries so that there will be continued support for archeological research. More publicity on the necessity of professional handling of archeological investigations is also imperative. In addition, funds for protecting state-owned sites and for purchasing valuable sites on private lands are urgently needed.

Size of Texas

A major problem for preservation continues to be the size of the state. Texas has 254 counties, is 267,339 square miles in area, and contains 7 percent of the total water and land area of the United States. This problem of size, as well as being an actual problem of distance, is also psychological. Areas such as the extreme western portion of the state feel isolated from Austin-based state agencies, not only because of their remoteness but also because they lie in a different time zone. Thus it is difficult for this office to stay in contact with all projects, both those in progress and those contemplated. Consequently some projects are being handled privately without adequate professional guidance or assistance, causing many archeological sites and historic houses to be irrevocably damaged through lack of communication and information.

In addition to its vast geographical size Texas also has a comparatively large population, with over 11 million citizens, approximately 75 percent of whom live in 23 metropolitan areas.

Directly related to geographical extent and size of population is the difficulty of coordinating those restoration projects throughout the state which have been funded by federal offices other than the Office of Archeology and Historic Preservation (OAHP). Housing and Urban Development (HUD) funding under the Open Space program, and the Model Cities program and others have, during the last several fiscal years, been far more generous than the OAHP grants-in-aid program. This abundance of projects dealing with National Register properties produces an implicit responsibility at the federal level to see that federal grants-in-aid projects do not damage, alter or destroy National Register properties or their integrity. It is recommended that guidelines for a more realistic coordination of federally funded preservation programs be established.

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Seth Eastman. Dutch House in Fredericksburg, Texas, residence of the parson. January 28, 1849.

Historical Survey: Methods and Results

WHEN THE NATIONAL REGISTER program for Texas was first funded and staffed by the state in September 1968, program personnel were fortunate in finding themselves set up as a department of the Texas Historical Commission. As part of this state agency, they could draw upon one of the most extensive files on historic properties in Texas—the records accumulated in the historical marking program, which had, by that time, commemorated more than five thousand sites associated with Texas history.

As the first phase in conducting a statewide survey of historic resources and the development of a historic sites archives or inventory, the staff of three (including one secretary) began acquiring copies of the most important information which had been generated on historic sites throughout the state. This included material on markers erected during the 1936 Texas Centennial (on file at the Texas Historical Commission offices); drawings, data books, and photographic files from the Historic American Buildings Survey (original photographs located at the Barker History Center, University of Texas at Austin); data from the Texas Architectural Survey of 1965-1966, sponsored jointly by the Amon Carter Museum of Western Art and the University of Texas (original material on file at the University of Texas at Austin); information from the Texas Archeological Salvage Project of the University of Texas; the Texas Archeological Research Laboratory of the University of Texas at Austin; the files of the Texas Archeological Society (located at Southern Methodist University, Dallas); and, of course, the files of Official Texas Historical Markers erected since the creation of the Texas Historical Commission in 1953. From this compilation of material, a master file of all historic resources which had appeared in a prior inventory or in a major work on Texas architecture, archeology, or history was assembled.

County Survey Committees

It was also during this first phase of the inventory that initial contact was made with the network of county historical survey committees throughout the state. These local, grassroots organizations of volunteer history buffs are active in approximately 240 of the 254 counties in Texas. Each local survey committee is appointed by the county judge or commissioners court and is charged with (among other duties) the responsibility of carrying out a survey of its respective county to determine the location of historical buildings, sites, private collections of historical memorabilia, and other historical features within the county. The interest and professionalism of the members of county historical survey committees vary greatly; however, they provide the National Register Programs Department with a local contact in nearly every county and, in many instances, the survey committees have fulfilled their charge so well that they are major repositories of information.

The second phase of the statewide historic sites inventory consists of the "consensus sites survey," which is still under way. One of two methods being employed to make the inventory, the consensus survey is a review of

potential state register and National Register properties about which there exists some documentary evidence in historical, architectural, or archeological books or journals or in the various data files previously mentioned. The consensus sites survey has been completed for all of the 254 counties in the state.

Data Recorded

Once listed, the properties are inspected and photographed by staff members of the National Register Programs Department. Information on the physical aspects of each property is recorded in field books based on town plats, or county maps for rural areas, of a given region, and their exact location is given according to block and lot numbers. A plot plan (sketch of the roof plan of the structure and its environs) records its relationship to adjacent properties. Finally, all available information concerning address, acreage, ownership, legal description, geographic location, use and condition of property is recorded. At this point local historians, libraries and other depositories, city planning offices, title companies, and city and county tax offices are frequently consulted. When the occasion warrants, various planning agencies such as Model Cities, the Department of Housing and Urban Development, the Urban Renewal Agency, and the local Area Councils of Governments, among other federal, state and local offices, may also be consulted. This information, which is gathered for all inventoried properties, is recorded on standard data sheets and placed in files at the office.

The third phase of the historic sites inventory is the "comprehensive survey," which involves the same procedures used in the consensus survey except that it includes an on-site inspection and evaluation by a professional staff member of every street in the city concerned. This method is reserved for those cities which have unusually rich and lengthy histories, such as San Antonio or El Paso. The use of the consensus and comprehensive survey methods together insures that no property important to the architectural history of the state—individual structures as well as neighborhoods and districts which have remained intact but which have not been associated with outstanding historic events—will be overlooked.

Office Staff

The office staff which carries out these surveys and the associated research consists of an architectural historian, anthropological historian, cultural historian, grants-in-aid coordinator, and an architectural draftsman. In addition, two or more photographer-researchers work each summer to document each site which has been identified by the full-time staff as having potential architectural, historical, or archeological interest. Besides photographing the sites, the photographer-researchers also compile the basic statistical data and research material on them. This system has proved to be a most successful way of dealing with the vast geographical area and the large number of potential state register and National Register properties which exist throughout Texas.

Because of the size of the state and the quantity of historic resources in Texas, it is anticipated that the statewide comprehensive survey will be substan-

tially completed by the national Bicentennial year—1976. By that time more than ten thousand historic sites will probably have been inventoried, of which approximately one thousand sites will be eligible for submission to the National Register of Historic Places.

Besides the usual research projects generated by the comprehensive survey, several special research efforts have been undertaken to examine the cultural, economic, and historic resources of the state. One of these was a survey of sculptors, painters, writers, and other artists active in Texas in the nineteenth and early twentieth centuries; foremost among the artists surveyed is one of the outstanding sculptresses of the late nineteenth century—Elisabet Ney—whose studio is located in Austin. This research project, which supplements other architectural and historical data compiled in the course of the statewide comprehensive survey,will provide an outline of the artistic movements and personalities which comprise a major portion of the state's cultural heritage.

Railroads Surveyed

In addition, an architecturally oriented survey of the railroads—their beginnings, expansion and effect on the settlement of the state—has been undertaken. As a result of this study, a representative number of railroad-associated sites and structures which clearly portray this vital part of the history and development of Texas will be nominated for inclusion on the National Register.

A comprehensive survey of the entire metropolitan area of San Antonio, defined by a circumferencial freeway, has also been completed in cooperation with the city of San Antonio, the Alamo Area Council of Governments, the San Antonio Conservation Society, and the Bexar County Historical Survey Committee. The purpose of this massive undertaking in a city of nearly one million people was to produce as complete a listing as possible of the historic resources of the city. This listing and accompanying maps showing the location of each structure were distributed to the above-mentioned organizations so that the immediate, as well as the long-range, historic preservation planning of these organizations may be coordinated to safeguard the history and unique character of the city.

Appendix

ACT CREATING TEXAS HISTORICAL COMMISSION

Article 6145
Vernon's Texas Civil Statutes

AN ACT

creating a permanent historical commission to be known as the Texas Historical Commission; providing powers, duties, and organization, and term of office of the Texas Historical Commission; providing that the present members of the Texas State Historical Survey Committee shall continue to serve as members of the Commission; providing method of filling vacancies; making other provisions relating to the Executive Director and the Texas Historical Commission; transferring certain responsibilities to the General Land Office; providing a severability clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes) is amended to read hereafter as follows:

"*Section 1.* There is hereby created a permanent historical commission of eighteen members to be known as the Texas Historical Commission and is hereby declared to be a state agency for the purpose of providing leadership and coordinating services in the field of historical preservation.

Section 2. The term of office of the members of the Texas Historical Commission shall be six years. One-third of the members shall be appointed every two years by the Governor with the advice and consent of the Senate. Provided, however, that the present eighteen members now constituting the Texas State Historical Survey Committee, hereafter referred to as the Commission, shall continue to serve as members of the Commission for the term of office to which they were appointed. One-third of the membership of the Commission shall serve for a term of office to expire January 1, 1975; one-third of the membership shall serve for a term to expire January 1, 1977; one-third of the membership shall serve for a term to expire January 1, 1979. All vacancies occurring on the Commission shall be filled by the Governor with the advice and consent of the Senate for the unexpired term of office. The members of the Commission shall be citizens of Texas, who have demonstrated an interest in the preservation of our historical heritage, and in making appointments, the Governor shall seek to have each geographical section of the state represented on the Commission as nearly as possible.

Section 3. The Commission shall hold regular meetings in January, April, July, and October of each year. On the first scheduled meeting after the effective date of this Act, the Commission shall select a chairman, vice-chairman and secretary from its members, who shall serve until the January 1975 meeting and thereafter the Commission shall select a chairman, vice-chairman, and secretary from its membership at each January 1 meeting in odd numbered years. The Commission may hold such other meetings at such other times and places as shalt be scheduled by it in formal sessions and as shall be called by the chairman of the Commission. The Commission shall have authority to promulgate such rules and regulations as it shall deem proper for the effective administration of the provisions of this Act.

Section 4. A majority of the membership of the Commission shall constitute a quorum authorized to transact business of the Commission.

Section 5. Members of the Commission shall serve without pay, but shall be reimbursed for their actual expenses incurred in attending meetings of the Commission.

Section 6. The Commission shall employ a citizen of Texas as Executive Director of the Texas Historical Commission. He shall be a person of ability in organization, administration, and coordination of organizational work, with particular qualities for carrying out the purposes of the Commission. The Executive Director may employ such professional and clerical personnel as may be deemed necessary. The number of employees, their compensation, and other expenditures shall be in accordance with appropriations to the Commission by the Legislature.

Section 7. The Commission shall furnish leadership, coordination, and services to County Historical Survey Committees, Historical Societies, and the organizations, agencies, institutions, museums, and individuals of Texas with an interest in the preservation of historical heritage and shall act as a clearing house and information center for such work in Texas.

Section 8. The Commission shall furnish professional consultant services to museums and to agencies, individuals, and organizations interested in the preservation and restoration of historical houses, sites, and landmarks.

Section 9. The Commission is hereby designated to administer the 'National Historic Preservation Act of 1966' and any amendments thereto and is authorized and empowered to prepare, maintain, and keep up to date a Statewide Comprehensive Historic Preservation Plan.

Section 10. The Governor shall designate the Executive Director as the State Liaison Officer and he shall act in that capacity for the conduct of relations with the representatives of the Federal Government and the respective states with regard to matters of historic preservation.

Section 11. The Commission is authorized to apply to any appropriate agency or officer of the United States for participation in any federal program pertaining to historic preservation.

Section 12. (1) The Commission shall give direction and coordination to the state historical marker program and shall have the responsibility for marking districts, sites, individuals, events, structures, and objects significant in Texas and American history, architecture, archeology, and culture, and shall keep a register thereof. To assure a degree of uniformity and quality of historical markers, monuments, and medallions within the State of Texas, the Commission shall review, pass on, or reject the final form, dimensions, text, or illustrations on any marker, monument, or medallion before its fabrication by the state, or any county, county historical survey committee, incorporated city, individual, or organization within this state. The markers so approved shall be designated by the Commission as Official Texas Historical Markers. Structures receiving the Official Texas Historical Building Medallion shall be designated by the Commission as Recorded Texas Historic Landmarks which are deemed worthy of preservation because of their history, culture, or architecture, or a combination thereof.

(2) No person may damage the historical or architectural integrity of any structure which has been designated by the Commission as a Recorded Texas Historic Landmark, without first giving 60 days' notice to the Texas Historical Commission.

Section 13. The Commission, through the State Archeologist, shall direct the state archeological program. The program shall include a continuing inventory of nonrenewable archeological resources; evaluation of known sites through testing and excavation; maintenance of extensive field and laboratory data to include collections of antiquities; consultation with state agencies and organizations and local groups concerning archeological and historical problems; and publication of the results of the program through various sources including a regular series of reports.

Section 14. (1) No county may demolish, sell, lease, or damage the historical or architectural integrity of any courthouse of the county,

present or past, without first giving six months notice to the Texas Historical Commission.

(2) If, after notice, the Commission determines that a courthouse has historical significance worthy of preservation the Commission shall notify the commissioners court of the county within 30 days after receiving notice from the county. A county may not demolish, sell, lease, or damage the historical or architectural integrity of any such courthouse for 180 days after receiving notice from the Commission. The Commission shall cooperate with interested persons during the 180-day period to preserve the historical integrity of any such courthouse.

(3) A county may carry out ordinary maintenance and repairs without notice to the Commission.

Section 15. The Texas Historical Commission is hereby authorized to certify the worthiness of preservation to other state agencies of any historic districts, sites, structures, or objects significant in Texas and American history, architecture, archeology, and culture.

Section 16. The facilities and leadership of the Commission shall be used to stimulate the development of historical resources in every locality of Texas. Emphasis shall be upon responsibility and privilege of local effort except where the project or problem is one that clearly demands a broader approach.

Section 17. The Commission is authorized to conduct educational programs, seminars, and workshops throughout the state covering all phases of historic preservation.

Section 18. It shall not be the purpose of this program to duplicate or replace existing historical heritage organizations and activities, but it is the purpose to give leadership, coordination, and service where it is needed and where it is desired.

Section 19. The Commission shall continue cooperative studies and surveys of the various aspects of historical heritage.

Section 20. The Commission shall make a report of its activities to the Governor and to the Legislature by December 1 prior to each regular session of the Legislature.

Section 21. The Commission is authorized to enter into contracts with other state agencies or institutions and with qualified private institutions to carry out the purposes of this Act.

Section 22. The Commission is authorized and empowered to accept gifts, grants, devises, and bequests of money, securities, or property to carry out the purposes of this Act.

Section 23. The responsibility for naming natural geographic features as set out in Section 9b, Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes), is transferred from the Texas State Historical Survey Committee to the General Land Office of the State of Texas.

Section 24. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 25. Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes), is repealed."

Section 26. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

ANTIQUITIES CODE OF TEXAS

Article 6145-9
Vernon's Texas Civil Statutes

AN ACT

establishing and adopting an Antiquities Code for the State of Texas; setting forth the public policy of the state with respect to archeological and historical sites and items; creating an Antiquities Committee of seven members; providing for the organization, compensation, duties, powers, and procedures of the Antiquities Committee; empowering the Antiquities Committee to enter into contracts for research and salvage activities on State Archeological Landmarks; creating and defining State Archeological Landmarks; providing for the designation of certain sites on private lands as State Archeological Landmarks with the consent of the owner thereof; providing that the Antiquities Committee may declare a State Archeological Landmark of no further historical, archeological, educational or scientific value; providing for a system of permits and contracts for the salvage of treasures imbedded in the earth and the excavation or study of archeological and historical sites and objects; providing the Antiquities Committee with the power to promulgate reasonable rules and regulations concerning salvage and other study of State Archeological Landmarks; empowering the Antiquities Committee to determine the disposition and repository of objects and artifacts recovered by such salvage and study operations; providing for a means of fair compensation to the salvager operating under permit from the Antiquities Committee; empowering the Antiquities Committee to accept gifts, devises, and bequests, and to otherwise purchase and acquire from the permittee objects deemed by the Antiquities Committee to be important enough to remain the property of the State of Texas; making it unlawful to forge or duplicate an archeological artifact or object with intent to deceive or to offer said object for sale; making it unlawful to intentionally deface aboriginal or Indian rock art; making it unlawful to enter the enclosed lands of another without permission and intentionally take, damage, or destroy any archeological or historical site, structure, or monument on private lands; providing a penalty for violations of this Act; providing injunctive relief for violation of this Act and providing for venue thereof; defining personnel to enforce this Act; making it unlawful for any person not the owner and without authority to injure or destroy any historical structure, monument, marker, medallion, or artifact; providing a savings clause; repealing laws in conflict and designated prior laws; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1: This Act shall be known, and may be cited, as the "Antiquities Code of Texas."

Section 2. It is hereby declared to be the public policy and in the public interest of the State of Texas to locate, protect, and preserve all sites, objects, buildings, pre-twentieth century shipwrecks, and locations of historical, archeological, educational, or scientific interest, including but not limited to prehistoric and historical American Indian or aboriginal campsites, dwellings, and habitation sites, archeological sites of every character, treasure imbedded in the earth, sunken or abandoned ships and wrecks of the sea or any part of the contents thereof, maps, records, documents, books, artifacts, and implements of culture in any way related to the inhabitants, prehistory, history, natural history, government, or culture in, on or under any of the lands in the State of Texas, including the tidelands, submerged lands, and the bed of the sea within the jurisdiction of the State of Texas.

Section 3. There is hereby created a committee known as the Antiquities Committee, to be composed of seven (7) members, namely: The Director of the State Historical Survey Committee, the Director of the State Parks and Wildlife Department, the Commissioner of the General Land Office, the State Archeologist, and the following citizen members, to wit: one professional archeologist from a recognized museum or institution of higher learning in

Texas, one professional historian with expertise in Texas history and culture, and the Director of the Texas Memorial Museum of The University of Texas; each citizen member to be a resident of the State of Texas and to be appointed by the Governor with the advice and consent of the Senate, who shall serve for a term coexistent with the Governor appointing him and until his successor shall have been appointed and qualified. Each citizen member of the Antiquities Committee is entitled to receive a per diem allowance for each day spent in performance of his duties and reimbursement for actual and necessary travel expenses incurred in the performance of his duties, as provided by the General Appropriations Act. The Antiquities Committee shall select one of its members as the Chairman. The Antiquities Committee may employ such personnel as are necessary to perform the duties imposed upon such Committee, to the extent such employment is provided for by the General Appropriations Act.

Employees of the Antiquities Committee shall be deemed to be employees of the Texas State Historical Survey Committee. The Antiquities Committee shall keep a record of its proceedings which shall be subject to inspection by any citizen of Texas desiring to make an examination in the presence of a member of the Antiquities Committee or an authorized employee of such Antiquities Committee. Four members of the Antiquities Committee shall constitute a quorum for the conducting of business.

Section 4. The duties of the Antiquities Committee shall be to determine the site of, and to designate, State Archeological Landmarks and to remove from such designation certain of such sites as hereinafter provided, to contract or otherwise provide for the discovery and salvage operation herein covered and to consider the requests for, and issue the permits hereinafter provided for, and to protect and preserve the archeological resources of Texas. The Antiquities Committee shall be the legal custodian of all items hereinafter described which have been recovered and retained by the State of Texas and shall maintain an inventory of such items showing the description and depository thereof.

Section 5. All sunken or abandoned pre-twentieth century ships and wrecks of the sea and any part or the contents thereof and all treasure imbedded in the earth, located in, on or under the surface of lands belonging to the State of Texas, including its tidelands, submerged lands and the beds of its rivers and the sea within the jurisdiction of the State of Texas are hereby declared to be State Archeological Landmarks and are the sole property of the State of Texas and may not be taken, altered, damaged, destroyed, salvaged or excavated without a contract or permit of the Antiquities Committee.

Section 6. All other sites, objects, buildings, artifacts, implements, and locations of historical, archeological, scientific, or educational interest, including but expressly not limited to, those pertaining to prehistoric and historical American Indian or aboriginal campsites, dwellings, and habitation sites, their artifacts and implements of culture, as well as archeological sites of every character that are located in, on or under the surface of any lands belonging to the State of Texas or by any county, city, or political subdivision of the state are hereby declared to be State Archeological Landmarks and are the sole property of the State of Texas and all such sites or items located on private lands within the State of Texas in areas that have been designated as a "State Archeological Landmark" as hereinafter provided, may not be taken, altered, damaged, destroyed, salvaged, or excavated without a permit from, or in violation of the terms of such permit of, the Antiquities Committee.

Section 7. Any site located upon private lands which is determined by majority vote of the Antiquities Committee to be of sufficient archeological, scientific or historical significance to scientific study, interest or public representation of the aboriginal or historical past of Texas may be designated by the Antiquities Committee as a "State Archeological Landmark." It is specifically provided, however, that no such site shall be so designated upon private land without the written consent of the landowner or landowners in recordable form sufficiently describing the site so that it may be located upon the ground. Upon such designation the consent of the landowner shall be recorded in the deed records of the county

in which the land is located. Any such site upon private land shall be marked by at least one marker bearing the words "State Archeological Landmark" for each five (5) acres of area.

Section 8. Upon majority vote of the Antiquities Committee any State Archeological Landmark, on public or private land, may be determined to be of no further historical, archeological, educational, or scientific value or not of sufficient value to warrant its further classification as such; and upon such determination it may be removed from such designation and in the case of sites located on private land that have theretofore been designated by instrument of record, the Antiquities Committee is authorized to cause to be executed and recorded in the deed records of the county where such site is located an instrument setting out such determination and releasing the site from the provisions hereof.

Section 9. The Antiquities Committee shall be authorized to enter into contracts with other state agencies or institutions and with qualified private institutions, corporations, or individuals for the discovery and salvage of treasure imbedded in the earth, sunken or abandoned ships or wrecks of the sea, parts thereof and their contents. Such contracts to be on forms approved by the Attorney General. The contracts may provide for fair compensation to the salvager in terms of a percentage of the reasonable cash value of the objects recovered, or at the discretion of the Antiquities Committee, of a fair share of the objects recovered; the amount constituting a fair share to be determined by the Antiquities Committee taking into consideration the circumstances of each such operation, and the reasonable cash value may be determined by contract provision providing for appraisal by qualified experts or by representatives of the contracting parties and their representative or representatives. Such contract shall provide for the termination of any right in the salvager or permittee thereunder upon the violation of any of the terms thereof. Superior title to all objects recovered to be retained by the State of Texas unless and until they are released to the salvager or permittee by the Antiquities Committee. No person, firm, or corporation may conduct such salvage or recovery operation herein described without first obtaining such contract. All such contracts and permits shall specifically provide for the location, nature of the activity, and the time period covered thereby, and when executed are to be recorded by the person, firm, or corporation obtaining such contract in the office of the County Clerk in the county or counties where such operations are to be conducted prior to the commencement of such operation.

Section 10. The Antiquities Committee shall be authorized to issue permits to other state agencies or institutions and to qualified private institutions, companies, or individuals for the taking, salvaging, excavating, restoring, or the conducting of scientific or educational studies at, in, or on State Archeological Landmarks as in the opinion of the Antiquities Committee would be in the best interest of the State of Texas. Such permits may provide for the retaining by the permittee of a portion of any recovery as set out for contracting parties under Section 9 hereof. Such permit shall provide for the termination of any rights in the permittee thereunder upon the violation of any of the terms thereof and to be drafted in compliance with forms approved by the Attorney General. All such permits shall specifically provide for the location, nature of the activity, and time period covered thereby. No person, firm, or corporation shall conduct any such operations on any State Archeological Landmark herein described without first obtaining and having in his or its possession such permit at the site of such operation, or conduct such operations in violation of the provisions of such permit.

Section 11. All salvage or recovery operations described under Section 9 hereof and all operations conducted under permits or contracts set out in Section 10 hereof must be carried out under the general supervision of the Antiquities Committee and in accordance with reasonable rules and regulations adopted by the Antiquities Committee and in such manner that the maximum amount of historic, scientific, archeological, and educational information may be recovered and preserved in addition to the physical recovery of items. The Antiquities Committee shall be the legal custodian of all antiquities recovered, and is specifically authorized and empowered to promulgate such rules and regulations and to require such contract or permit conditions as

to reasonably affect the purposes of this Act.

Section 12. The Antiquities Committee is hereby authorized to expend such sums, from any appropriations hereafter made for such purposes, as it may deem advisable to purchase from the salvager or permittee of such salvager's or permittee's share, or portion thereof, of items recovered which in the opinion of the Antiquities Committee should remain the property of the State of Texas. The Antiquities Committee is authorized and empowered to accept gifts, grants, devises, and bequests of money, securities, or property to be used in the purchase of such items from the salvager or permittee. Further, in this respect, the Antiquities Committee may enter into contracts or agreements with such persons, firms, corporations, or institutions, as it might choose, whereby such persons, firms, corporations, or institutions, for the privilege of retaining temporary possession of such items, may advance to the Antiquities Committee the money necessary to procure from the salvager or permittee such items as the Antiquities Committee might determine should remain the property of the State of Texas upon the condition that at any time the Antiquities Committee may choose to repay to such person, firm, corporation, or institution such sum so advanced, without interest or additional charge of any kind, it may do so and may recover possession of such items; and provided, further, that during the time the said items are in the possession of the person, firm, corporation, or institution advancing the money for the purchase thereof they shall be available for viewing by the general public without charge or at no more than a nominal admission fee, and that such items may not be removed from the State of Texas except upon the express authorization of the Antiquities Committee for appraisal, exhibition, or restorative purposes.

Section 13. The restoration of antiquities for private parties is authorized and shall be under the rules and regulations promulgated by the Antiquities Committee, and all costs incurred in such restoration, both real and administrative, shall be paid by the private party.

Section 14. No person shall intentionally reproduce, replicate, retouch, rework, or forge any archeological or other object which derives value from its antiquity, with intent to represent the same to be original or genuine and with intent to deceive or offer any such object for sale or exchange.

Section 15. No person shall intentionally and knowingly deface any American Indian or aboriginal paintings, hieroglyphics, or other marks or carvings on rock or elsewhere which pertain to early American Indian or aboriginal habitation of the country.

Section 16. No person, not being the owner thereof, and without the consent of the owner, proprietor, lessee, or person in charge thereof, shall enter or attempt to enter upon the enclosed lands of another and intentionally injure, disfigure, remove, excavate, damage, take, dig into, or destroy any historical structure, monument, marker, medallion, or artifact, or any prehistoric or historic archeological site, American Indian or aboriginal campsite, artifact, burial, ruin, or other archeological remains located in, on or under any private lands within the State of Texas.

Section 17. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Fifty Dollars ($50.00) and not more than One Thousand Dollars ($1,000.00) or by confinement in jail for not more than thirty (30) days, or by both such fine and confinement. Each day of continued violation of any provision of this Act shall constitute a distinct and separate offense for which the offender may be punished.

Section 18. In addition to, and without limiting the other powers of the Attorney General of the State of Texas, and without altering or waiving any criminal penalty provision of this Act, the Attorney General of the State of Texas shall have the power to bring an action in the name of the State of Texas in any court of competent jurisdiction for restraining orders and injunctive relief to restrain and enjoin violations or threatened violations of this Act, and for the return of items taken in violation of the provisions hereof, and the venue of such actions shall lie either in Travis County or in the county in which the activity sought to be restrained is alleged to be taking place or from

which the items were taken. Any citizen in the State of Texas shall have the power to bring an action in any court of competent jurisdiction for restraining orders and injunctive relief to restrain and enjoin violations or threatened violations of the Act, and for the return of items taken in violation of the provisions hereof, and the venue of such actions shall lie in the county in which the activity sought to be restrained is alleged to be taking place or from which the items were taken.

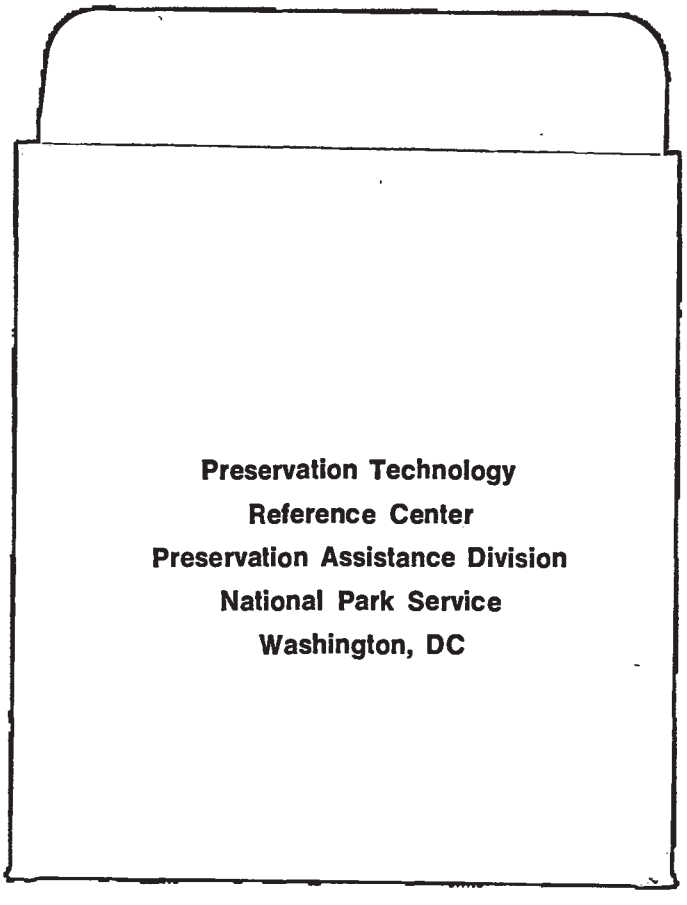
Section 19. The chief administrative officers of all state agencies are authorized and directed to cooperate and assist the Antiquities Committee and the Attorney General in carrying out the intent of this Act. All law enforcement agencies and officers, state and local, are authorized and directed to assist in enforcing this Act and in carrying out the intent hereof.

Section 20. It shall be unlawful for any person, not being the owner thereof, and without lawful authority, to wilfully injure, disfigure, remove or destroy any historical structure, monument, marker, medallion, or artifact.

Section 21. The Sections of this Act and each provision and part thereof are hereby declared to be severable and independent of each other, and the holding of a Section, or part thereof, or the application thereof to any person or circumstance, to be invalid, ineffective or unconstitutional shall not affect any other Section, provision or part thereof, or the application of any Section, provision, or part thereof, to any other person and circumstance.

Section 22. All laws in conflict herewith and laws codified as Chapter 32, Acts of the 42nd Legislature, 1st Called Session, 1931 (Article 147a, Vernon's Texas Penal Code); Chapter 1, General Laws, page 60, Acts of the 46th Legislature, Regular Session, 1939 (Article 147b, Vernon's Texas Penal Code); Chapter 153, Acts of the 58th Legislature, 1963 (Article 147b-1, Vernon's Texas Penal Code); Chapter 193, Acts of the 58th Legislature, 1963 (Article 147b-2, Vernon's Texas Penal Code), are hereby repealed.

Section 23. The fact that irreparable damage and harm is rapidly being done to the archeological and historical heritage of the State of Texas and its citizens, and that historical and archeological sites, and treasures on public lands are without adequate legal protection and supervision and are being destroyed and damaged without lawful authority, creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and this Act shall take effect and be in force from and after the date of its passage, and it is so enacted.

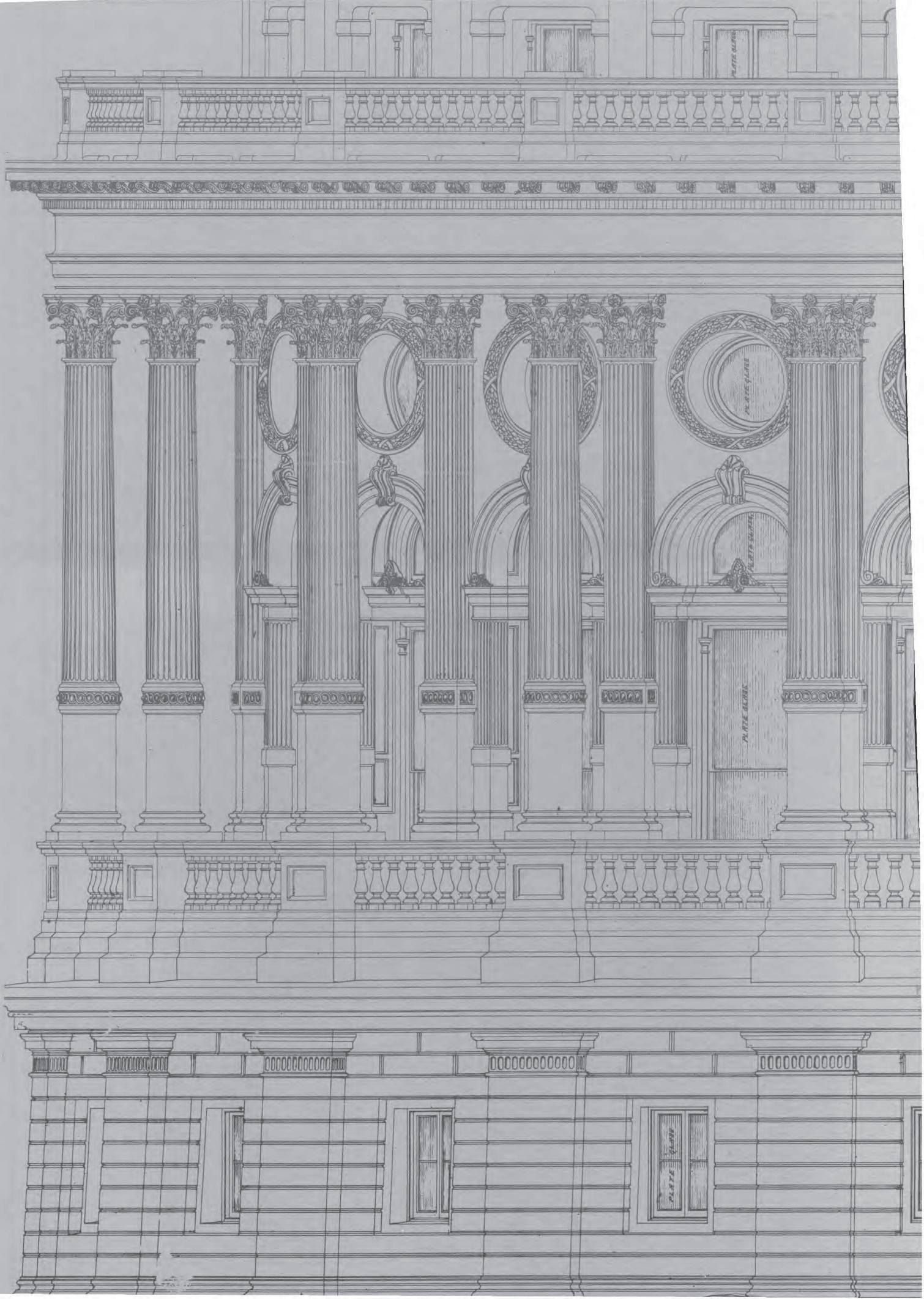

Preservation Technology
Reference Center
Preservation Assistance Division
National Park Service
Washington, DC

Historic Preservation in Texas
The Comprehensive Statewide Historic Preservation Plan for Texas
Volume I

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