

SURRENDER OF FANNIN From *Refugio* by Hobart Huson

Many of the Texian accounts state that after the Mexican army got its artillery into position and fired one or two rounds of chain shot into Fannin's camp, the Mexicans themselves first put up a white flag, and almost immediately took it down. [*Duval*, 47; *Shackelford, Foote, II*, 237; *Spohn Lamar Papers, I*, 430-435; *Colonel James Woods, The Texan War, Goliad Advance Guard, Match, 1929*] Urrea does not mention any such incident, but it is possible that the Mexicans showed the white flag for the purpose of suggesting the idea to the Texians. Field states that "almost simultaneously, a white flag was raised upon both sides. [*Field*, 51] Duval says,

"After firing several rounds from their nine-pounders, an officer, accompanied by a soldier bearing a white flag, rode towards us, and by sign gave to us to understand that he desired a `parley'." [*Duval*, 47]

Colonel Holzinger states,

"General Urrea received next morning two pieces of artillery which were placed in a favorable position, but were not to fire unless the enemy made a movement. On learning from one of our outposts that the enemy was moving, orders were given to attack him with the artillery but when on the third time of firing we perceived that he did not return it, ours was suspended and 1/4 hour afterwards he was seen to hang out a white flag." [*Holzinger, Lamar Papers, I*, 397; *Barnard, Journal*, 20-21]

Irrespective of who raised the white flag first, the Texians had been discussing the idea of surrender from the time they first saw the enemy artillery. It was realized that they were doomed to eventual destruction if they remained where they then were and that their only hope of saving a remnant of their force lay in a determined rush through the enemy lines for the timber ahead. This, however, necessitated the abandonment of their badly wounded, who numbered 50 to 70 men; and it was felt that the enemy would promptly butcher the wounded if they were left. The Texian officers consulted together and then submitted the question to their respective companies. The proposition was coolly discussed pro and con. It was considered that if the enemy would agree to a formal capitulation, there would be some chance of their adhering to it and thus saving the wounded men. [*Washington--WLM*]

Dr. Shackelford resolutely declared that he would not agree to any alternative course that involved an abandonment of his wounded men. It was finally agreed that the Texians would surrender if an honorable capitulation would be granted, but not otherwise,

"preferring to fight it out to the last man, in our ditches, rather than put ourselves in the power of such faithless wretches, without some assurance that our lives would be respected. These, as understood, were the sentiments generally of the party. When the matter was first proposed to Colonel Fannin, he was for holding out longer, saying, `We whipped them off yesterday and we can do so again today.' But the necessity of the measure soon became obvious. He inquired if the sentiment was unanimous, and finding that all, or nearly all, had made up their minds, he ordered a white flag to be hoisted. This was done and was promptly answered by one from the enemy." [*Barnard*, 20-21]

Major Wallace was then sent out together with one or two others who spoke the Mexican language. Captain Desanque, Captain Benjamin H. Holland and an ensign were among them. [*Shackelford, Foote, II*, 238; *Barnard, Journal*, 21, *Holland, Huson, Reporting Texas*, 30; *Bancroft North Mexican States, II*, 233; *Urrea, Diario, Castaneda*, 228] The Mexicans sent with their flag, Colonels Mariano Salas and Juan Morales, Lieutenant Colonel John Joseph Holzinger, and Adjutant Jose de la Luz Gonzales. [] The flags met halfway between the two armies; [*Shackelford, Foote, II*, 238] but when the Mexicans found that Colonel Fannin was not present, they stated that their general would treat only with the Texian commander. The Texians thereupon returned to their trenches and imparted this information to Colonel Fannin.

General Urrea states that upon the meeting of the two flags, Colonel Morales returned to him with the information that the Texians desired to capitulate.

"My reply restricted itself to stating that I could not accept any terms except an unconditional surrender. Señores Morales and Salas proceeded to tell this to the commissioner of the enemy who had already come out from their trenches. Several communications passed between us; and, desirous of putting an end to the negotiations, I went over to the enemy's camp and explained to their leader the impossibility in which I found myself of granting other terms than an unconditional surrender as proposed, in view of which fact I refused to subscribe to the capitulation submitted consisting of three articles. Addressing myself to Fannin and companions in the presence of Messrs. Morales, Salas, Holzinger and others I said conclusively, 'If you gentlemen wish to surrender at discretion, the matter is ended, otherwise I shall return to my camp and renew the attack.' In spite of the regret I felt in making such a reply and in spite of my great desire of offering them guarantees as humanity dictated, this was beyond my authority." [*Urrea, Diario, Castaneda, 228*]

Urrea had reference to a decree promulgated by the Mexican Congress, in December, 1835. The Mexican Minister at Washington had prepared and published in most of newspapers of the United States a circular notifying the public of the decree and the intention of the Mexican government to enforce it to the letter.

Because of the slowness of communications in those days, publicity of this stern decree was not given in the United States until February and March and long after Fannin's men had reached Texas. The terms of Fannin's surrender have been a matter of controversy for over a century, all Texian authorities contending that Fannin capitulated on the agreement of Urrea that he and his men were to be treated as prisoners of war and should be sent back to the United States as soon as transportation was available, while the Mexican authorities claim that Fannin surrendered at discretion, or unconditionally. Of course, all of the records belonging to Fannin's regiment passed into the hands of the Mexicans at the surrender, and Fannin's copy of the terms of surrender also passed into their hands after he was shot, else became destroyed. The Mexican's copy of the treaty was published shortly after the revolution had closed, but its genuineness was always questioned by Texans. A few years ago Dr. E. C. Barker discovered the original of the Spanish copy of the capitulation, and a facsimile is reproduced in Castaneda's *Mexican Side of the Texas Revolution*.

There is no evidence whatever that Urrea's notation was contained on Fannin's copy of the treaty, nor that Fannin or any other Texian knew that Urrea had added the foregoing postscript to his own retained copy of the agreement. The document was ambiguous, but Urrea's unilateral interpretation and explanation left no room for doubt as to the construction to be given it by Santa Anna, when same came to his hands for decision. Colonel Holzinger, one of Urrea's commissioners, has left the following account of the transaction.

Captain Benjamin H. Holland, the only Texian witness to the negotiations to survive and leave an account of them, wrote in April, 1836.

"It was accordingly decided that we should send a flag of truce to the enemy, and if possible obtain a treaty, if upon fair and honorable terms; accordingly Capt. F. J. Desanque (the bearer of the express from Gen. Houston), Capt. B. H. Holland of the artillery, and an ensign were dispatched with a flag of truce; the flags met midway between the two armies, and it was decided that the two commanders should meet to decide the matter in pursuance of which Col. Fannin was conveyed out and met Gen. Urrea, Governor of Durango, commander of the Mexican forces, and the following treaty was concluded upon, and solemnly ratified, a copy of it in Spanish was retained by Gen. Urrea, and one in English by Col. Fannin. Seeing the Texian army entirely overpowered by a far superior force, and to avoid the effusion of blood, we surrendered ourselves prisoners of war under the following terms:

ARTICLE 1ST That we should be received and treated as prisoners of war, according to the usages of civilized nations.

ARTICLE 2ND That the officers should be paroled immediately upon their arrival at La Bahia, and the other

prisoners should be sent to Copano, within eight days, there to await shipping to convey them to the United States, so soon as it was practicable to procure it; no more to take up arms .against Mexico until exchanged. ARTICLE 3RD That all private property should be respected, and officers swords should be returned on parole or release.

ARTICLE 4TH That our men should receive every comfort and be fed as well as their own men.

Signed GEN. URREA, COL. MORALES, COL. HOLZINGER, on the part of the enemy; and on our part by COL. FANNIN, MAJ. WALLACE

The officers were then called upon to deliver their side arms, which were boxed up, with their names placed by a ticket upon each, and a label upon the box stating that they should soon have the honor of returning them and that it was their principle to meet us now as friends, not as enemies." [Capt. B. H. Holland's account Frankfort (Ky.) Commonwealth, June 1, 1836, Huson, Reporting Texas, 30-31]

As has been before stated, all Texian accounts agree that the officers and men were told by Colonel Fannin and others that an honorable capitulation had been agreed upon. Dr. Barnard states that Urrea and Fannin met between the lines, and that

"after some parley a capitulation with General Urrea was agreed upon, the terms of which were that we should lay down our arms and surrender ourselves as prisoners of war. That we should be treated as such, according to the usage of civilized nations. That our wounded men should be taken back to Goliad and properly attended to, and that all private property should be respected. These were the terms that Col. Fannin distinctly told his men, on his return, had been agreed upon, and which was confirmed by Major Wallace and Captain Dusanque, the interpreter. I saw Col. Fannin and his adjutant, Mr. Chadwick, get out his writing desk and paper and proceed to writing. Two or three Mexican soldiers came within our lines, and were with Col. Fannin and Chadwick, until the writing was finished. We were told that articles of capitulation were reduced to writing and signed by the commanders on both sides, and one or two of their principal officers, that the writings were in duplicate and each commander retained a copy. I am thus particular and minute in regard to all the incidents of this capitulation and especially what fell under my personal observation, because Santa Anna and Urrea, both, subsequently denied that any capitulation had been made, but that. we surrendered at discretion. We were also told, though I cannot vouch for the authority, that as soon as possible, we should be sent to New Orleans, under parole, not to serve any more against Mexico, during the war in Texas; but it seemed to be confirmed by an observation of the Mexican Colonel Holzinger, who was to superintend the receiving of our arms, as we delivered them up, he exclaimed:. `Well, gentlemen, in ten days, liberty and home.' . . . We now surrendered our arms, artillery, ammunitions, etc., to the Mexicans, who took immediate possession. Our officers were called to put theirs by themselves, which we did, in a box that was nailed up in our presence, with an assurance that they should be safely returned to us on our release, which they flattered us would shortly take place." [Barnard, Journal, 21; Linn, Reminiscences, 162-163. Spohn, Lamar Papers, 1, 430-431. Shackelford, Foote, 11, 238-239]

Captain Shackelford confirms Colonel Holzinger's statement, as quoted by Dr. Barnard, and also gives his understanding of the articles of capitulation in almost identical language as used by Captain Holland.

[Shackelford, Foote, II, 238-239]

Dr. Field states that

"When the two commanders met at a proper distance from their respective armies, the Mexican General Urrea embraced Col. Fannin and said, `Yesterday we fought; but today, we are friends.' Articles of capitulation were soon agreed upon by the two commanders, and committed to writing with the necessary, signatures and formalities. The articles were that in consideration of our surrendering, our lives would be ensured, our personal property restored, and we were to be treated, in all respects, prisoners of war are treated among enlightened nations. We also received a verbal promise to be sent, in eight days, to the nearest port to be transported to the United States." [Field, Three Years in Texas, 51-52]

Ehrenberg, Boyle, Kennedy [Kennedy, Texas, 573], Morgan [Ramsdell, Spanish Goliad, 70-71], Duval all agree with the other Texian accounts which have been quoted. After the `capitulation' had been signed, the Texian troops were formally notified through their officers; Captain Shackelford appears to have been the officer assigned to this duty. [*Kennedy, Texas, 573*] Colonel Holzinger was the officer charged with supervising the details incident to the surrender. [*Barnard, journal, 21; Linn, Reminiscences, 162-163*] At his direction the Texian soldiers marched some little distance from their camp and laid their muskets and government property in one pile, then marched a little further and put their private property, which included their pistols and dirks, in another pile. Abel Morgan, because of his loss of teeth, was permitted to retain his dirk. [*Morgan, An Account of the Battle of Goliad*] The Texian officers were directed to deposit their arms and military equipment separately from the enlisted men, as these articles were the officers' individual property. These items were tagged and nailed up in a box in the presence of the officers. [*Barnard, Journal, 21; Linn, Reminiscences, 162-163; Spohn, Lamar Papers, 1, 430-431*] Colonel Fannin alone retained his sword, which he handed to General Urrea, who had advanced to receive it. [*Kennedy, Texas, 573*]

But few of the Texian accounts dwell upon the reaction of Fannin's troops after the surrender had become completed. Most of the men had realized the helplessness and hopelessness of their previous situation and having been informed by their own officers that the terms of surrender were honorable, and with prospects of liberty and home, appear to have been relieved. A minority, they being principally from the New Orleans Greys and the Red Rovers, are pictured by Ehrenberg as being disgruntled and dissatisfied and as having cast reproachful glances towards Fannin and the officers who had arranged the surrender. [*Bartholomae, Ehrenberg, 166-167*] Spohn states that the great majority of the men were discontented with the terms of surrender. [*Spohn, Lamar Papers, 1, 430*] Ehrenberg gives a dramatic account of one of the Greys (Johnson), who was so outraged over the surrender that he threw a lighted cigar into the powder magazine and blew it and himself, as well as some Mexican soldiers who were visiting the camp, into Kingdom Come. [*Bartholomae, Ehrenberg, 166-167*]

After the surrender, all accounts agree, Mexican soldiers and officers, singly or in groups, came over to the Texian square, to gratify their curiosity. They mingled freely with the Texians and were very friendly. They were particularly interested in the artillery, which the day before had wrought havoc in their ranks but now stood in gloomy silence. It would seem that both Texians and Mexicans were generally smoking Havana cigars; and every account coincides that a lighted cigar was accidentally thrown by someone near a quantity of live ammunition and that the explosion occurred. Several men were killed and several injured by the explosion. Morgan states that a Mexican soldier threw down the lighted cigar, but most accounts state that a Texian was responsible for the accident. [*Morgan; Kennedy, Texas, 573; Bartholomae, Ehrenberg, 166-167*] One sight which attracted curiosity and inquiry after battle was a number of deep, large round holes in the center of the square. At the time of the battle Fannin had with him 12 to 15 Mexican prisoners, most of whom had been captured at the San Carlos ranch. As soon as the square had been formed, these prisoners "got bayonets and began to dig holes in the ground and soon let themselves down under ground and so escaped being hurt." [*Morgan; Duval, Early Times, 44*]

After the arms had been given up, the surgeons began giving attention to the wounded of both armies. Preparations were made for all prisoners who were not disabled by wounds or were not needed on the battlefield to march to Goliad. At least ten Texians had been killed or had died of wounds during the battle of the 19th. These men Alfred Dorsey, Conrad Eigenauer, John Jackson, John Kelly (Westover's company), William H. Mann, George McKnight (Westover's company), William F. Savage, and Archibald Swords, H. Francis Petruszewicz, and William Quinn (Westover's company) were buried by their comrades in the entrenchments which they so gallantly defended. [*Davenport, Men of Goliad, 43, Q, 33*]