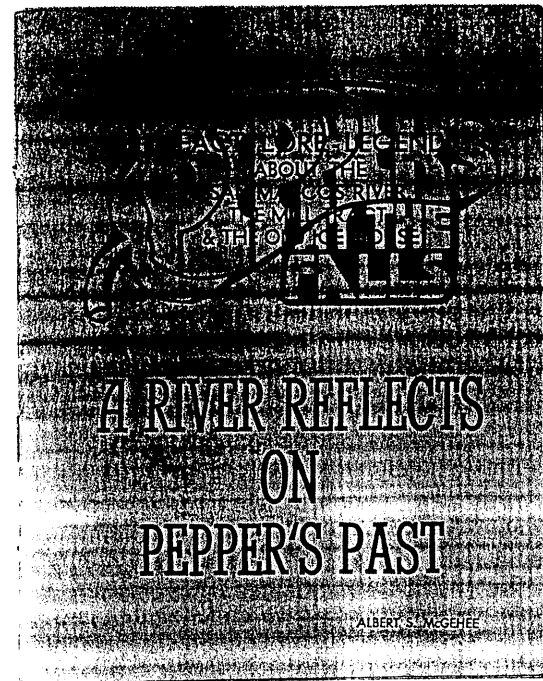


THE HISTORIC NEWARK COUNTY COURTHOUSE



SMHC

A RIVER REFLECTS ON PEPPER'S PAST

ACKNOWLEDGEMENTS

WITHOUT THE FRIENDLY ASSISTANCE AND
INFORMATION PROVIDED BY THE FOLLOWING
PERSONS THIS CHRONICLE COULD NOT
HAVE BEEN COMPLETED.

OUR SINCERE THANKS TO:

LYDELL CLAYTON, County Clerk

ZEB FITZGERALD ROY HOTZ

TOM G. OLIVER, JR. C. W. WIMBERLEY

TULA TOWNSEND WYATT (and her "Collection")

..... ALBERT S. McGEHEE

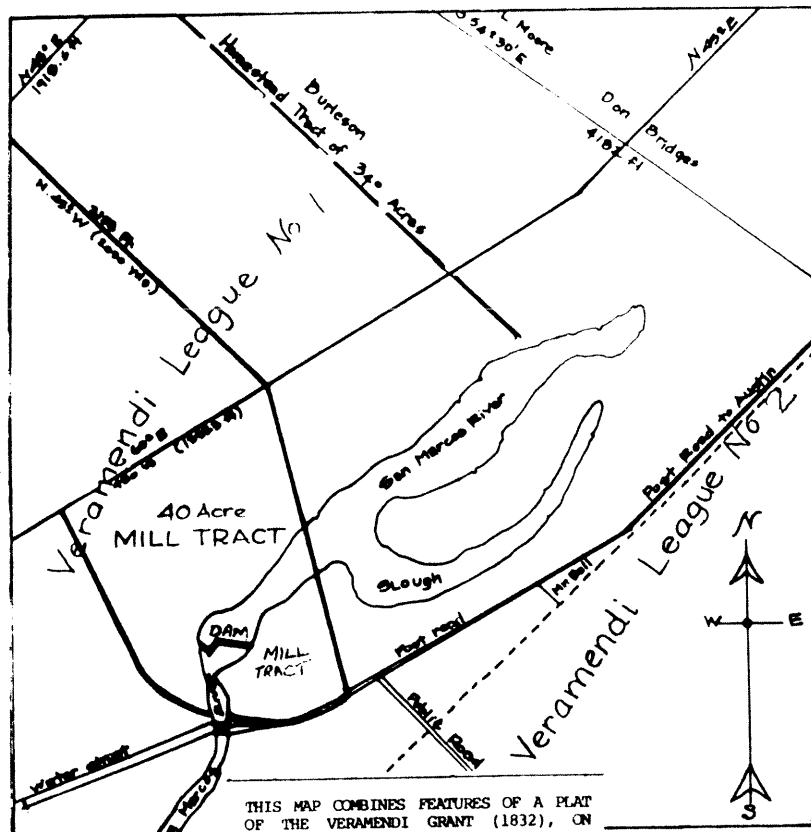
Albert S. McGehee
1982

No dissertation on the background of this building would be complete without a look at the River beside which it was built, the real estate on which it was located, and the previous structures built as well as the people involved in building and improving them. We have picked the brains of people, searched the sparse historical records, the legal records (deeds, abstracts), and listened to the lore and legend that attaches to any fact or event from generations past. Here then are the individual stories of the San Marcos River, the old Mill Tract out of the Veramendi Leagues, and the buildings and their people which preceded PEPPER'S AT THE FALLS.

the SAN MARCOS river

Rivers have beckoned and people have reacted since the dawn of civilization. . . . Recent archeological discoveries in the head-waters of the San Marcos River point back some 12,000 years to an ancient civilization. A Clovis point and other artifacts of that period, found in the River silt, tend to indicate a well developed civilization along the River's edge that was among the earliest, if not the earliest, such civilization on the North American continent.

History often eludes the intent researcher and then seems to appear as if by coincidence. In 1940, this chronicler was working in West Texas, some 175 miles from the influence of the San Marcos River. While talking with a California mineralogist, the following "River" story came up: The Californian, while searching the colonial records in Old Mexico for clues to Texas mineral deposits located by the Spaniards, found this report of an event which occurred near the head of the River in 1739. "A regiment of some 200 Spanish cavalymen stopped to rest about 300 yards below the head of the River. The day was a scorcher, the men tired, and the horses hot and thirsty. Not knowing the depth of the water, and fooled somewhat by its clarity, the soldiers drove their mounts into the River. Laden with heavy trappings and supplies, all the horses in the outfit floundered around for some



THIS MAP COMBINES FEATURES OF A PLAT OF THE VERAMENDI GRANT (1832), ON WHICH HAVE BEEN SUPERIMPOSED THE BURLINSON HOMESTEAD TRACT (1844), THE DAM (1849), AND THE MILL TRACT (1855).

minutes in the deep river hole and were drowned. All but two of the cavalrymen made it to shore. After drying out and making a meal of the little food they had left, they started out afoot toward the Colorado River, in the direction of the present city of Austin. Some 15 miles on their march from the River, they were ambushed by a band of Indians, and only two men escaped to return to the Nacogdoches settlement to tell the tale."

Then, in 1807, the establishment of the village, Villa de San Marcos de Neve, downriver several miles at the crossing of the Camino Real, was recorded. It is noted that the Spaniards abandoned the little settlement in 1812, partially because of the flood of 1808 and several subsequent Indian raids.

But the River continued to beckon And, in November, 1831, the government of the State of Coahuila and Texas granted to one Bexar citizen Juan Veramendi two leagues of land (about 8,860 acres) at the head of the San Marcos River.

Then, in 1849, right where it is today, General Edward Burleson built the first dam on the River, about one half mile below its head. Since that time, our River and its environs have seen a city and a university bloom and grow, and thousands of visitors come each year to see and enjoy And it's still beckoning!

the Mill Tract

In 1831, almost 14 years before Texas joined the Union, the State of Coahuila and Texas followed a practice of the time and awarded to citizen/impresario Juan M. de Veramendi of the Municipality of Bexar two leagues of land straddling the headwaters of the San Marcos River. In 1836 and 1839, following proceedings in the Probate Court of Bexar, the Veramendi heirs were awarded divisions of the estate, including the two leagues of land on San Marcos headwaters.

Then, in 1844, the Veramendi heirs sold a portion of their San Marcos River holdings to General Edward Burleson. This was to be the



ARTIST'S CONCEPTION OF BURLESON MILL

beginning of the piece of property later to be known as the MILL TRACT. (The deed was first filed in Travis County because Hays County had not yet been formed).

While a member of the Texas Senate in March, 1848, Gen. Burleson secured passage of a bill providing for the formation of Hays County (from Travis and Bastrop Counties) with San Marcos as its county seat. He built his home above the head of the River, and during the following year he built the first dam thereon, about a half mile downstream, to provide water power for Burleson's Mill. . . . The Mill Tract now had a mill on it!

Gen. Burleson passed away in Austin on Dec. 26, 1851 and was the first noted Texas to be buried in the State Cemetery.

The Burleson estate, in 1855, sold the saw and grist mills, cotton gin house, press and all fixtures, "together with 40 acres of land adjoining and connected." And these 40 acres became known as the MILL TRACT in this deed and henceforth in pertinent legal documents.

And there were many pertinent legal documents issued in regard to this busy piece of real estate. Between its debut as the Mill Tract in 1855, until 1899, when the then owners, San Marcos Electric Light and Power Company were released from a deed of trust, there were twenty transfers of title recorded on all or part of the tract, and a like number of deeds of trust, releases of vendor's lien and other legal transactions. Yes, indeed. A tract of land dedicated to public service businesses is always being bought, sold, traded, or title-searched for its rightful owners.

In 1883, San Marcos' first ice factory was developed on the Mill Tract, and in 1902, the tract was beautified by the planting of five cypress trees just below the dam on the west bank of the River.

New, modern ice-making equipment was installed by new owners and new management in 1894, and the Mill Tract became a busy place with the ice wagons coming and going to the merchants and residents of the growing town. At the same time, the grist mill and saw mill were in operation with the ice plant "just on the opposite side of the River

from the electric light works." (We believe the electric light plant was situated on the east bank of the River at that time).

In 1897, to obtain funds to "improve its system and to repair the dam", the Electric Light and Power Company issued \$15,000 in second mortgage "gold" bonds. These bonds were paid off in 1899 and the deed of trust was released.

The use of the Mill Tract as a public service business site was well established by the turn of the century, and the only changes were in ownership and buildings and equipment.

In 1909, the San Marcos Utilities Company bought the property from the Electric Light and Power Company. In 1925, it was sold to the Texas Public Utilities Company. In 1927, the manufacture and sale of ice became the only operating function on the Mill Tract. The Lower Colorado River Authority became the operators of the hydro electric system in 1940. In 1957, the dam (only) was sold to Paul Rogers, son of Aquarena's founder, A.B. Rogers. In 1958, Southland Ice Company purchased the ice plant from Texas Public Utilities Company. It was during the early 1960's that ice production rose to its peak of 40 to 45 tons per day. . . . then quickly dropped away. And, in 1976, the ice factory was permanently closed, the victim of electric refrigerators and party ice. In 1977, the remains of the Mill tract including the ice plant structure, was sold to Aquarena, Inc., and planning for its revival as some sort of public service enterprise began.

Juan de Veramendi and General Burleson would certainly approve of the continuing beneficial use of the property which their foresight led them to obtain and begin development of well over a hundred years ago!

the Structures
(and the people who built 'em)

The FIRST dam on the San Marcos River had a far-reaching effect

on the economy and social life of the area, and its influence is still a factor in the life of the San Marcos community. General Edward Burleson saw the need for water power and it was he who built that first dam in 1849 (on property he had purchased the year before). . . . And along with the dam, he erected and operated Burleson's Mill on the west bank of the River, very close to the spot where Pepper's restaurant building is today. The grist mill soon had the company of a saw mill, and a cotton gin followed close behind. It is possible that the cotton gin was on the River's east bank.

The dam was about 400 feet long, the eastern section crossing the channel at a right angle for two thirds of the length, the remaining portion deflecting parallel to the west bank to form a forebay. The dam was constructed of earth and piling and had a maximum height of 15 feet, developing a head that varied from eight to twelve feet.

The power unit for the mills was built by craftsmen Greenberry Ezell and William Firebaugh. The large, turbine-type water wheel was hewn from walnut, the octagon-shaped shaft of which was 15 inches in diameter and 18 feet long. This shaft, still basically sound after 80 years, was dredged from the river in 1928, by the late Rufus Wimberley.

After General Burleson's death, the Mill Tract was sold and resold, in part and in whole, but always with the water power equipment, the grist mill and saw mill, and the cotton gin included. No additional structures were added in the ensuing 34 years.

Then, in 1883, Tom Code bought a one half interest in the Mill Tract and its operations, and immediately went in hock (there was a materials lien filed against the tract later that year), to install the first ice-making equipment. It was then termed an "absorption" machine, and it would turn out a ton of ice per day -- 40 blocks weighing 25 pounds each.

The various enterprises that have flourished on the Mill Tract over the years have brought about some conjecture, because in pictures of some of these installations it is difficult to determine whether

ICE



The SAN MARCOS ICE FACTORY is now in complete running order and solicits the public patronage. Prices:

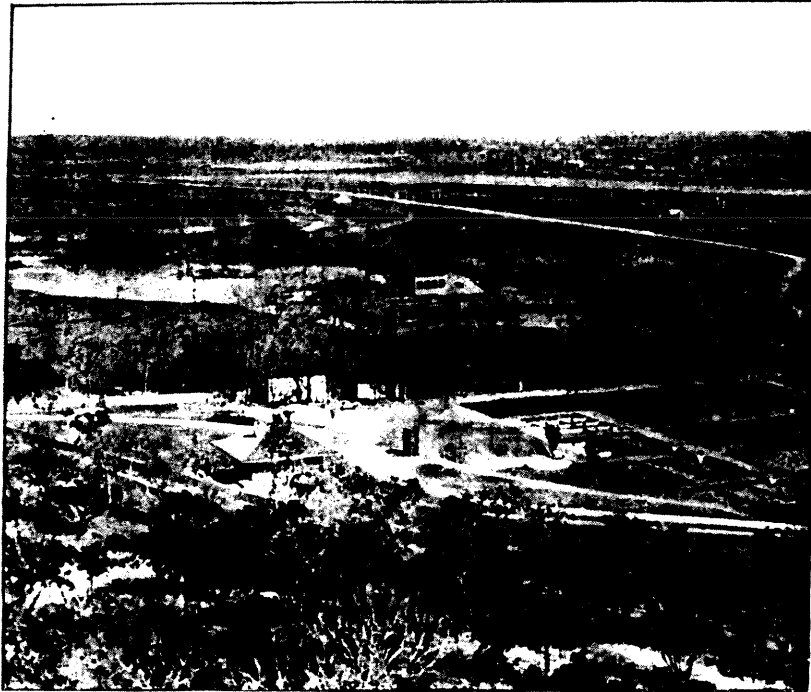
60 cents per 100 pounds.

25 pounds, and under 100, 80 cts per 100.

5 pounds and under 25, 1 cent per pound.

M. R. PETTIT, Prop.

THIS ADVERTISEMENT FIRST APPEARED IN THE FEBRUARY 13, 1894 ISSUE OF THE "HAYS COUNTY TIMES".



THE POWER PLANT ON THE MILL TRACT WAS SITUATED ON THE EAST BANK OF THE RIVER IN THIS PICTURE FROM A 1907 SOUTHWEST TEXAS NORMAL SCHOOL PUBLICATION. IN THE FOREGROUND IS PART OF THE FEDERAL FISH CULTURAL STATION, ESTABLISHED IN 1890.

they are on the east or west bank of the River. In a deed transferring an undivided one half interest in the tract from John Cooke to Ed. J. L. Green in 1889, there is mentioned the "gin house and machinery belonging thereto, on the east side of the San Marcos River."

Tom Code stuck with the operation through a spate of other partners until 1889, when he sold his final undivided one fourth interest in the Mill Tract to Ed. J. L. Green. The San Marcos Water Company bought into the tract and the improvements thereto.

This was the beginning of a busy 15-year period for the Mill Tract. Among the new developments of record, we have read from an item and an advertisement in the Hays County Times of Feb. 13, 1894, that Mr. R. M. Pettitt had taken over the installation and operation of a "new and modern" ice factory on the west bank of the River. The ice machinery came from the Hercules Ice Machine Company, in Aurora, Ill., and the water used was put through new triple-purification processes to insure a better product. The "city trade" was told of the spacious cold storage room where perishables could be stored inexpensively during the summer.

In a publication of "Water Power Reports" issued by the U.S. Geological Survey in 1904, a new structure on the Mill Tract was described. . . . "The plant belongs to the San Marcos Electric Light and Power Company, the San Marcos Water Company, and the San Marcos Ice Company. . . . They are distinct companies. . . . The Building (at least partially the same building that Pepper's occupies today) is made up of a boiler room - 32 by 36 feet, and electric light and pump room - 40 by 60 feet, an ice room- 30 by 70 feet, and a storage room - 20 by 40 feet." East of this new building, along the River below the spillway, William Green of the Electric Light and Power Company had planted the five cypress trees in 1902 or 1903.

In 1909, the San Marcos Utilities Company was formed and took control of a major portion of the Mill Tract operation. In a description of its operation it was noted that the "ice plant of the company has a capacity of 15 tons of pure crystal ice and 400 gallons

of ice cream daily. . . . An increase of 1500% over the capacity of the first ice plant just 25 years earlier!

The mills and the gin house were long gone. . . . In 1925, San Marcos Utilities sold to Texas Public Utilities two parcels of land out of the Mill Tract including the buildings and the electric system and ice plant machinery situated thereon. The water distribution operation remained the property of the San Marcos Utilities Company. Texas Public Utilities and its subsidiary, Texas Power and Light Company, were responsible for the remaining operations for many years. The electric power operation was in decline, and in 1940, the Lower Colorado River Authority took over the balance of the hydro electric operation at the tract (to phase it out) about the same time they obtained San Marcos' complete electric utility system. Texas Public Utilities, through its subsidiary, Texas Power and Light Company, continued to develop the growing ice business.

In 1957, the dam, first built in 1849, was sold to Paul Rogers, son and associate to A. B. Rogers, founder of Aquarena Springs.

During the year 1958, the Southland Ice Company bought the ice factory tract from Texas Power and Light Company (Texas Public Utilities), and under their ownership and development, ice production peaked at 40 to 45 tons per day in the early 1960's. Soon after this peak was attained, the decline began with electric refrigerators and party ice taking a heavy toll. Production dwindled to 3 tons per day, and as a result the plant was permanently closed and the building was boarded up on May 31, 1976.

With an eye toward further public service use for the Mill Tract and the spacious old ice house, Aquarena, Inc. purchased the property in 1977.

And now, in 1982, making its debut on the Mill Tract, this river-oriented restaurant, Pepper's At The Falls, nestles comfortably inside the solid, pink brick walls of the old ice house. It is a practical and tasteful tribute to the memory and vision of the people who established the dam and developed the Mill Tract as a people-serving site.



THE SAN MARCOS RIVER

"The marvel of this wonderful river, however, is not its abrupt origin or its crystal clearness, but the wealth of sub-aquatic vegetation. Its margin is not only lined with overhanging shrubs and clustering heaps of wild tresses of long and silken grass springing from its depths and floating in the current off for twenty or thirty feet, but its entire bottom is covered with an almost unbroken tissue of delicately tinted and beautifully variegated vegetation blooming beneath the surface, under whose picturesque foliage the lithe, agile fishes perform their graceful motions, and whose crystal caves the imaginative Greek would have peopled with laughing water nymphs. I doubt if any water scene of the same extent abounds with more transcended beauty. It is a genuine, original green-house. It is nature's own conservatory, where her rarest productions are preserved in amaranthine freshness, encased in a framework of rustic grandeur, and seen through surfaces of perpetual purity. . . . One must be incurably obtuse to look into this mirror of nature and not be transported with its imagery."

This description of the San Marcos River was written by a Bishop Doggett of the Methodist Church South in a letter to the Richmond, Va. Christian Advocate in the spring of 1877.

