



## **Texas Vexillological Commission**

### **Report on the Design of the Lone Star Flag**

For the Lone Star Flag's 150th anniversary in 1989, both the House of Representatives and Senate passed House Concurrent Resolution 9 (71st Legislature, Regular Session, 1989 *Texas General and Special Laws*, page 6268),[1] which stated, "This beautiful symbol of our state was designed by Dr. Charles B. Stewart, the second signer of the Texas Declaration of Independence; the design was first approved by a committee of prominent Texans including Lorenzo de Zavala, William B. Scates, Thomas Barnett, Sterling C. Robertson, Thomas J. Gazley, and Richard Ellis; and . . . the Lone Star Flag was officially adopted by the Third Congress of the Republic of Texas in Houston on January 25, 1839."

In 1992 the Legislature changed its mind after reviewing the historical record. The House of Representatives and Senate passed, and Governor Ann Richards signed, House Concurrent Resolution 9 (72nd Legislature, Fourth Called Session, 1992 *Texas General and Special Laws*, page 24),[2] which declared that because "subsequent historical research has revealed that the actual designer of the Lone Star Flag is unknown," the legislature would instead "recognize Senator William H. Wharton and Senator Oliver Jones for their efforts in adopting this abiding symbol of our state's unity." The Legislature recognized that a committee consisting of Lorenzo de Zavala, William B. Scates, Thomas Barnett, Sterling C. Robertson, Thomas J. Gazley, and Richard Ellis was appointed in March 1836 by the General Convention at Washington-on-the-Brazos to design a national flag for the newly independent Republic of Texas, but the General Convention apparently never adopted a national flag, and the 1836 committee did not review the Lone Star Flag adopted in 1839. Because the 1992 concurrent resolution acknowledged that no one knows who designed the Lone Star flag, the 1989 recognition of Dr. Stewart as the "designer of the Lone Star flag" was erroneous.

Five years later, House Concurrent Resolution 19 (75th Legislature, Regular Session)[3] was filed, recognizing Stewart as the Lone Star flag's designer without any reference to the 1992 concurrent resolution. It also stated that the Lone Star Flag's design was "approval by a committee of six signers of the Texas Declaration of Independence," the same error from the 1989 concurrent resolution that was corrected in the 1992 concurrent resolution. House Concurrent Resolution 19 was withdrawn by the author on March 20, 1997,[4] due to the conflict with the 1992 concurrent resolution, but the identical text was refiled by the same author as House Resolution 1123 on May 26, 1997. House Resolution 1123 [5] was adopted by the House of Representatives on May 30, days

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before the session adjourned on June 2. [6] As a simple resolution, it was not considered by the Senate and did not require approval by the Governor.

No primary historical evidence has yet been brought forth to support the claim that the Lone Star Flag was designed by Charles B. Stewart. In her 1898 article “The History and Evolution of the Texas Flag,” Adele Looscan is clearly skeptical that the March 1836 general convention adopted a flag, and she does not mention Stewart at all in connection with the Lone Star Flag. The Stewart claim appears to have originated in the 1920s, when Stewart’s son, Edmund B. Stewart, began publically displaying what he claimed was her father’s original drawing of the 1839 Lone Star Flag and the national great seal. In a July 7, 1922 letter, Stewart’s son claimed his father and Lorenzo de Zavala were appointed by President Lamar to a committee of three to design the Texas flag. Zavala, however, died in November 1836, two years before Lamar became president. Furthermore, the committee of three is doubtless the 1838–1839 Senate committee of which Senator Oliver Jones was the chair. Lamar, as President, would have had no role in appointing a Senate committee, and it would have been highly unusual for Stewart to serve on the committee since he was not a senator.

The chief source of the Stewart claim is in Mamie Wynne Cox’s 1936 book, *The Romantic Flags of Texas*. Cox, relying on information from Stewart’s granddaughter, Elizabeth Stewart Fling, identifies the three members of the 1838–1839 Senate committee as Senator William H. Wharton, Senator Oliver Jones, and Stewart. Cox states that Stewart personally designed the flag and drew the original art for both the flag and seal on linen, which was signed by President Lamar on January 25, 1839, the day Lamar approved the flag bill. Although Stewart’s papers were available, Cox does not cite to any of Stewart’s letters or journals to support the claim that he designed the flag.

The Stewart art for the 1839 flag and seal is reproduced as the frontispiece to Cox’s book. The Stewart art displays the flag and seal almost identical to the Krag art. The approval of President Lamar is also almost identical to the Krag art, including the fact that Lamar’s writing is upside down. One significant difference is that the signatures of Representative Hansford and Senator Burnett are absent from the Stewart art. In their place is the legend, “Original Flag—Republic of Texas.”

The Stewart claim next appears in Charles E. Gilbert, Jr.’s 1964 book, *A Concise History of Early Texas 1519 to 1861*. Gilbert relies largely on Cox for his research, but adds the claim that Stewart’s design for the Lone Star Flag was approved by a committee consisting of Lorenzo de Zavala, William B. Scates, Thomas Barnett, Sterling C. Robertson, Thomas J. Gazley, and Richard Ellis. This committee was the 1836 flag committee present at Washington-on-the-Brazos. Although Stewart was a member of the 1836 convention, Gilbert does not suggest that Stewart was an active participant in the convention’s flag debates. Gilbert’s book was republished in 1989 under the title *Flags of Texas*.

Due to the influence of Cox’s and Gilbert’s books, several other works have credited the Stewart claim in passing. A recent reference to the Stewart claim is made in his bibliographic entry in *The New Handbook of Texas* (1996), which was written by Virginia Stewart Lindley Ford. Stewart’s original entry in *The Handbook of Texas* (1952) did not refer to his designing the Lone Star Flag.

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After reviewing the existing historical records, the Commission finds that no primary evidence has been brought forth to substantiate the claim that the Lone Star Flag was designed by Charles B. Stewart. Until any such evidence is discovered, the Commission concludes that House Concurrent Resolution 9 of the 72nd Legislature, Fourth Called Session, correctly declared that “subsequent historical research has revealed that the actual designer of the Lone Star Flag is unknown.” This resolution, passed by both the House of Representatives and Senate and approved by the Governor, constitutes the opinion of the full Legislature, not the 1997 simple resolution, which was introduced only after the author abandoned an attempt to pass the identical text in a concurrent resolution.

H.P. “Pete” Van de Putte, Chairman (San Antonio)  
Hugh L. Brady (Austin)  
David Ott (Beaumont)  
Charles A. Spain (Houston)

*Adopted and filed May 4, 2013*

- [1] <http://texashistory.unt.edu/ark:/67531/metaph221813/m1/1186/?q=6268>
- [2] <http://texashistory.unt.edu/ark:/67531/metaph221818/m1/280/>
- [3] <https://perma.cc/A3DF-RZHF>
- [4] <https://perma.cc/864Y-TXFW>
- [5] <https://perma.cc/X2FK-P2YB>
- [6] <https://perma.cc/EGH2-6DAD>