EAST TEXAS HISTORICAL JOURNAL

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When Andrew Farney Smyth completed his training in surveying at the small Presbyterian academy in Moulton, Alabama, he gave his future serious consideration. A close inspection of Moulton and the neighboring towns yielded few, if any, openings for an ambitious young man of seventeen. Most of the people in north Alabama were farmers, and a number of Andrew's friends would undoubtedly work on their fathers' land, which would someday be theirs. But this was not the case with Andrew. Since he could remember, his father had operated a small log gristmill on Big Nance Creek, north of Moulton toward the Rocky Shoals of the Tennessee River. The mill did well to supply family necessities and schooling for the children; in it was no future for Andrew.

Andrew's brother, George Washington Smyth, had faced a similar problem, and in 1830 had gone to Texas. In the five years since, George had written home glowing reports of the Mexican land, commenting at one time that "Cattle require no feeding. . . Hogs require only to be kept gentle. And Horses require feeding only when in actual service." Society, he said, was a "badly organized" mixture of many classes, but time would surely see this difficulty overcome.1 George had settled in East Texas in Bevil's Settlement, a place of 140 scattered inhabitants, most of whom were from the southern United States. Nacogdoches was some sixty miles to the north, and the settlement was situated in a forty mile area between the Sabine and Angelina rivers.2 Having married Frances Grigsby, a wealthy settler's daughter, George was, in 1835, occupied with farming and with his growing interest in the politics of this remote end of Mexico.

George's experiences had interested the entire Smyth family, not least of all Andrew. When Andrew's various attempts at getting work failed, he wrote his brother on April 12, 1835: "i wood receive a few lines [from] you with great pleasure i should like you to tell me what would be the prospect for a youth to make a living in that part of the country for it is but a slim chance here."3 As a matter of fact, Andrew was desperate. His mother had died the previous December, and he saw quickly that his absence from the mill would simplify matters for his father. Perhaps it was the outbreak of hostilities in Texas that postponed his departure through the summer. At any rate, by autumn he was only one of many Americans pondering the trip to Texas; Texas had become a popular topic of conversation in his locality, for it seemed inevitable that a revolution against the Mexicans would break out soon. Here and there, young Alabamans prepared to join the Texas forces. At Courtland, on the Rocky Shoals fourteen miles from Moulton, seventy men had banded together, calling themselves the Red Rovers, anticipating an adventure in Texas.
The Red Rovers did not leave Courtland for a month. In the meantime they camped on the town square, displaying to the whole vicinity their gaudy red jeans and the splendid rifles which had been loaned the company by the State of Alabama.\footnote{4}

Andrew and seven of his friends were among the Red Rovers' most ardent admirers—seeing the Courtland company leave only made them regret that they had not gone too. After thinking it over further for several weeks, the eight young men announced to their families that they also intended to go to Texas and fight Mexicans.\footnote{5} In December, 1835, they reached the Natchez Trace, and in all probability followed the Trace to Natchez. Then they must have gone west to Natchitoches. From Natchitoches they could have followed the El Camino Real to Nacogdoches, where they arrived in January, 1836.

Andrew's companions were evidently interested only in adventure, for none of them planned to remain in Texas. With Andrew it was a different matter. Before leaving Moulton he had gotten a letter of recommendation from his schoolmaster, and upon his arrival in Texas, probably because he intended to become a permanent resident, he decided to contact his brother before joining a military company.\footnote{6} At Nacogdoches the Alabamans heard that the Red Rovers had landed on the coast and were on route to join Colonel James W. Fannin at a place called Goliad. One of Andrew's comrades, James Ellis, decided that he would ride ahead to meet the Red Rovers; Ellis headed toward Goliad, and the remaining seven turned south of Bevil's Settlement.

Andrew was a boy of twelve when his brother left home for Texas. Now, a few months before his eighteenth birthday, he stood a little taller than most, and his lanky frame suggested that he might grow even more. His dark, reddish hair hung almost to his shoulders, framing the ruddy complexion of his face. In their blue eyes and chiseled features the brothers were alike, although George was darker and taller.

Andrew could not have been disappointed in George's situation at Bevil's Settlement. Besides owning a farm, George had been granted the office of Land Commissioner of the Nacogdoches District, which included the settlement, recently renamed Jasper, and there was talk of his being elected to the convention scheduled to meet March 1, 1836, at Washington on the Brazos. Shortly after Andrew arrived, George made a trip to Nacogdoches to bring the land office records to Jasper for protection. Destruction of the land records would dissolve the settlers' claims to their property—hence no precaution was too great. While George was in Nacogdoches he and Dr. Stephen H. Everett were elected delegates from Jasper to the convention. Andrew agreed to remain with George's wife and child while the convention was in session.

George Smyth was among those who signed the Declaration of Independence, although he had previously endorsed a policy of conciliation with Mexico. On March 6 he took time to write Andrew from Washington on the Brazos:

An express arrived this morning from Bexar from Col Travis dated 3rd. Inst, the most important features of which are, that the
Mexican Army under General Seizma [Sesma], were variously estimated at from 1500 to 6,000 men—that reinforcement estimated at 1000 men had just then arrived & from the rejoicings which were at that moment heard in the city, He judged Santa Anna himself had arrived—the Mexican Army had invested the fort (Alimo) [sic] and were entrenching at every point—The enemy [sic] kept up a constant bombardment—200 bombs had fallen in the fort without injury to any—Our whole force in the Alimo [sic] amount only to 150 effective men—they have twenty days provisions for their present number—but ammunition scarce—Col Travis says a blood red banner waves from the Church—and Camp in token of the kind of warfare which they intend to carry on against us—he expresses his full determination to hold out to the last and sell his life as dearly as possible—

A select Committee have been busily engaged in drafting a constitution which will be reported tomorrow—there has been some degree of confusion in consequence of the situation of our brave friends in the Alimo [sic] A motion was this morning made to break up the convention and adjourn to Bexar, but was rejected I hope our session will be short—

Had George known the happenings of the day, his worries would have deepened, for on that very morning the Alamo had fallen before the Mexican attack.

George returned home late in the month. Andrew and his friends were among the Jasper Volunteers who prepared to join Sam Houston's forces in early April. Andrew was made First Lieutenant of the company, and on March 27, Palm Sunday, he was on the march, unaware that James Ellis and the Red Rovers were dead at Goliad.

General Houston confirmed the fall of the Alamo to the convention meeting at Washington on the Brazos, and after deserters from Gonzales appeared in Washington several of the delegates left for their homes on the Louisiana border. As Houston retreated eastward news of the retreat reached the settlements and created widespread fear. Settlers loaded their wagons, or whatever conveyances were available, with their belongings and set out toward Louisiana in the hope of reaching the border ahead of the Mexican Army. Before this so-called "run away scrape" got under way George Smyth from his home in Jasper wrote his father saying: "Texas can extricate herself from her enemies if she will do her duty but unfortunately many are disposed to fly from the country rather than defend it." However, when a rumor circulated that a Mexican Army was headed toward Nacogdoches, George joined the refugees across the Sabine. The Jasper Volunteers, hearing the same rumor, turned and rode to Nacogdoches, there to wait for the action which did not come. The volunteers disbanded one month after the Texas victory at San Jacinto; bidding his Moulton friends goodbye, Andrew rode to his brother's farmhouse near Jasper.

Since Andrew arrived in Texas he had been busy getting ready to fight Mexicans, hence had had little time before San Jacinto to consider seriously where he would establish his home. George's success at Jasper and the
fact he had served in a military company there and had made acquaintances surely influenced Andrew to select Jasper as a place of residence. Then he liked the country. He had seen the magnolia and dogwood blooming white in the dark pine thickets; he had walked in the hills and drunk from cool springs. If this was the promised land for others, why should it not be for him as well?

In the Constitution of the Republic, provisions were made for granting land to people as a reward for services or long residence in Texas. For his service in the Jasper Volunteers Andrew was given 320 acres northeast of the Angelina River town of Bevilport, and George claimed a league and labor—4,605 acres—of land down the Neches from Bevilport. Since George had the larger grant, along with two slaves and a little capital to begin with, Andrew set to work helping him to establish his new farm. For the remainder of 1836 and well into 1837 they labored at clearing fields and raising a two-story house of squared logs near Walnut Run Creek. To lend a little elegance to his house, George placed a brass sundial in the front yard.

When the Municipality of Jasper readied itself to become a county, qualified surveyors were invited to apply for the job of boundary-making. Andrew stepped forward with his schoolmaster's letter, and the commissioners gave him the job. The tedious project was completed by the end of the year when President Houston signed the bill which created Jasper County. The town of Jasper was made county seat, and Bevil was renamed Bevilport—both towns were within easy riding distance of the Walnut Run farm. Having accumulated excellent recommendations, Andrew accepted the position of county surveyor in Jefferson County, but on March 10, 1838, he submitted his resignation and returned upriver to establish a claim upon an available one-third league of land in Liberty County. Somewhat more promising than his previous grant, this property was not far from George's farm on the opposite side of the Neches.

George had busied himself with domestic responsibilities since the Revolution; with Andrew's help, he seems to have turned the Walnut Run place into an excellent farm, acquiring more slaves and land as he went along. But George's heart was not in farming. When, in spring 1839, President Lamar offered him the job of surveying the boundary between Texas and Louisiana, he readily accepted. In his brother's absence, Andrew became overseer of George's farms and at the same time managed his own two farms. From this rather secure position he investigated the possibilities for making money in East Texas.

Jasper County, and in fact the whole region, was isolated from Texas trade centers and markets. Even in the most prosperous homes few luxuries could be found; such things were simply not available. A German passing through in 1839 was greeted by a Negro who warned that "... only bad whiskey was to be had in Jasper," which about summed up the situation. The problem stemmed from inadequate transportation, particularly on the rivers, since bad roads were common all over Texas. Not having "store-bought" goods was bad enough, but more serious was the difficulty farmers had getting their crops to market. Crops were usually sold to an agent from a Galveston, Sabine Pass, or New Orleans mercantile house. Delivering the crop to market was the farmer's own problem, and the
coastal merchants paid only upon receipt of the commodity. As an overseer, Andrew realized that transportation was one of the conspicuous shortcomings of the new land.

George's official duties were over in the summer of 1841. He returned to Jasper County determined to be a farmer in name only, preferring land speculation and politics as actual occupations. It was not difficult to convince Andrew to remain as overseer of all the farms.

When it was time for spring planting in 1844, Andrew could consider himself overseer of some of the finest farms in the region. He was ready now to get out on his own. Seeing the obvious need for improved transportation facilities, he went to his Liberty County land and built a flatboat, which he towed up the river to Bevilport. As overseer he had doubtless made many connections among the farmers who were willing to give him their business. For one dollar a bale, Andrew would transport cotton safely to Sabine Pass, and if necessary, arrange for having it shipped elsewhere. The farmers' money, minus shipping costs, would be delivered to them as soon as Andrew was home again.

Bevilport, on the Angelina, was the terminal for the flat-nosed, raft-like boat. Andrew and his workers, two slaves hired from local farmers, had to keep their eyes open; the river was full of snags, and mudbanks, which were 'eternal menace to flatboats. Using long poles, they guided the craft on its lazy way. At night the boat was tied to the riverbank, and the men took turns keeping watch. When the flatboat came into Sabine Lake, Andrew engaged a steamer to tow it across to Sabine Pass. He attended to the necessary business with the merchants, and after selling the flatboat for its lumber, he began the overland trip back to Jasper; sometimes on horseback, sometimes on foot, always cautious to protect the money he carried. This necessitated the building of a new flatboat each spring.

If Andrew had not hit a gold mine, he had at least found a good way to make money. George and his wife Frances were happy with Andrew's business venture but were becoming concerned over his private life. A man of twenty-seven, they said, should have a wife. Andrew might well have known that his brother and sister-in-law had plans for him; they did, and by May 1845 their plans were successful, for Andrew was on his way to Kentucky, where he would visit Miss Emily Allen, Frances Grigsby Smyth's niece.

Emily was eighteen, having spent all her life in a modest clapboard farmhouse on Green River near Owensboro. She was not beautiful, although there was a certain strength in her small, sharp features. She stood scarcely over five feet tall; her dark, thin hair accentuated deep set eyes and white skin, freckled enough to suggest her distaste for sunbonnets. Andrew probably thought he cut a dashing figure in his new Galveston finery, and if Emily was polite, she tried not to let him believe anything else. Andrew left the Allens in late June to visit his father in Moulton. Returning to Kentucky, he proposed to Emily, and they were married in July. For a wedding present, Emily's father gave her a horse, a mule, a cow, and a twelve-year-old slave girl. Andrew, with his bride and her dowry, headed overland for the Republic of Texas.
Andrew and Emily lived with George's family until Andrew could acquire what he considered suitable property on which to establish his home. For Emily there were a great many things to become accustomed to; life in Texas was wilder, more adjusted to the tempo of the land. Andrew became interested in a 1,060 acre tract adjoining Bevilport, and in January 1846 he purchased it, arranging for long term payments. Extending along the Angelina River, this property was not the best in the county, but it had the advantage of a good location, as well as having the last miles of Indian Creek, a clear, strong body of water emptying into the river. At the mouth of Indian Creek Andrew built a cabin and outbuildings. Emily moved in during the month of February; her first child would be born in the summer. It was in that same February that Anson Jones, raising the American Flag, dramatically proclaimed that the Republic of Texas was no more.

Andrew continued his flatboat business, making a profit on each trip. Now he rented the labor of four "Congo Negroes" [slaves] to assist him with building and loading the vessels. So regular had his shipment of flatboats become, at least during the cotton season, that people began to give him lists of drygoods which they hoped he would purchase for them with their cotton money and bring upriver. Andrew quickly saw the commercial possibilities in these requests from his clients. He decided that a dependable keelboat connection between Bevilport and the coast would be a profitable enterprise. Before the summer, Andrew had decided to build such a boat.

A keelboat was more difficult to construct than a flatboat. A keelboat resembled a long oval, pointed at either end; there was a hold and a small cabin above the deck level. A keelboat had other advantages for the sharp bow sliced the river current far more successfully than had the blunt nose of the flatboat, and the rudder made the keelboat more maneuverable. Although some keelboats had sails, it is unlikely that Andrew's did, for the narrow and crooked rivers and thick forests permitted little wind. Hiring four Negro slaves and a white man named Holland, Andrew prepared the lumber and built his boat which he named the Jasper and was ready for loading on June 7. To have finished construction so quickly Andrew obviously had given little time to domestic matters—excepting perhaps the birth of his daughter Nancy in May.

On the first trip the Jasper took downriver, Andrew was laden with orders for drygoods and household articles. His keelboat and a flatboat were packed primarily with cotton, tobacco, and corn. The downriver trip on a keelboat was not difficult, for unless there was an emergency, only one man was needed, and he stood at the big, awkward rudder. In Sabine Pass, Andrew turned the cargo over to the merchants, sold the flatboat, and began filling his orders at the various stores, always keeping a detailed account of what he bought. If a trip to the market in Galveston was needed, he took the beach coach, dividing his expenses among those who had made the journey necessary. These trips usually required five days.

When the keelboat was loaded, the tedious upriver struggle began. It was a battle against the current. One man stayed ashore holding a rope taut between himself or a tree and the boat, so that progress would not
be lost; the rest of the crew, keeping the boat near the riverbank, pushed with poles, gaining very slowly on their way. At dark they tied up and slept—by dawn they were hard at work again. To reach home would take many weeks.16

In his shipping business Andrew came in contact with many river men. River men were seldom a gentle, hearth-loving lot; and on sprees in port they sometimes made every effort to turn a town upside down. Rowdy tales and songs were yelled from flatboat to keelboat as they met on the river, and as often were traded in Gulf Coast saloons over tumblers of “rot-gut” whiskey. One of these songs particularly amused Andrew, and he pencilled it on the back of his account book:

1st—My friend is the cause of a great separation
   Concerning the part of a favorite one
   Besides the vexation and a great tribulation
   And they—I all be sorry for what they have done

2nd—Farewell to East Texas I am bound for to leave you
   My fortune to try in some foreign land
   My bottles my glasses to my greatest pleasure
   And when we do meet we will join hand in hand.

3rd—I'll drink and be jolly and as melancholy
   I will drownd it away in a bottle of wine
   I'll drownd it away in a full flowing gourd
   And play on the fiddle to pass away time.

4th—There is gold they do say in the rest of our country
   And money is a thing that ladies adore
   I have money enough to bear my life
   And when it is gone I know how to get more.

5th—So fare well to my friends and kind old neighbors
   Like wise to the girl I never more shall see
   This world it is wide and I'll spend it in pleasure
   And I don't care for no one who don't care for me

6th—When death come for me I'll freely go with him
   I'll pay my last tax and go with him without scorn
   No wife to weep for me no children to suffer
   No one left behind but my friends for to mourn.

7th—I'll be honest and just in all my transactions
   What ere I do promise it all shall be so
   And here is a health to all sound hearted ladies
   For it is hard to find one that is constant as snow.17

Finally docking the Jasper at Bevilport, Andrew would meet his clients and pay them their cotton and other produce money, less the expenses of the trip and purchases made. It was not an easy life, but Andrew, it seemed, anticipated a good future on the river.

Andrew and Emily could not complain of their lives under the Lone Star. They were doing better than Andrew’s sister Sarah, for instance,
who had settled with her husband in Cherokee County. Sarah's husband was threatening to return to Alabama, and in 1846, Sarah wrote to her brother:

My health is very badly but my troubles are worse. Separation from friends by death and distance proves almost too much for me. I have lost my dear little Calcomb; he died the 27th July after a painful illness of six days. His dear little body lies food for worms in the wild woods of Texas. Without some alteration I shall soon follow him.18

Jasper County, on the other hand, seems to have been prosperous. In 1846 the eastern half of the county was partitioned off and named Newton County; apparently the people along the Sabine and those who lived in the Neches and Angelina valleys could not see eye to eye. In the new Jasper County there were by 1850, 1,235 white residents and 542 slaves.19

On his trips to Sabine Pass, Andrew noticed how readily his flatboats sold for lumber on the bald coastal prairies. There was there a need for building materials which the backwoods could supply. After giving the matter much consideration, and after securing a loan from William A. Ferguson, he built a small sawmill on his land at a point where the current of Indian Creek was particularly rapid. By summer 1847 the mill was in operation. Ferguson had close ties with Charles Alexander, a Sabine Pass merchant who provided Andrew with a ready market. With each trip the keelboat made down the Neches Andrew would have at least one flatboat loaded with lumber for market on the coast. For each trip the lumber sales averaged $175, and the mill did a thriving business locally; so busy was Andrew in the following months that he refused to join the newly organized Jasper Volunteers when they left for the Rio Grande to participate in the Mexican War.

Life for Emily at the cabin was probably lonely. Even when Andrew was at home, except for an occasional "preaching" or a visit from a woman whose husband had come to see Andrew on business, she, her slave, and Nancy had few contacts with neighbors, and there were endless domestic duties. In August 1847 another daughter, Susannah, was born and Emily began to worry about rearing a family so far out in the woods. In later years she recalled that if Andrew was working late she would wait until the children were asleep, and then have the Negroes haul her loom to the mill. By torchlight he would work in the mill and she would weave, thus she attempted to escape the unbearable loneliness of the cabin. Occasionally she managed to visit her aunt at the Walnut Run place, but as her duties multiplied these trips became less frequent. Since George was made General Land Commissioner of Texas in 1848 and was away most of the time, Frances' responsibilities kept her from visiting Emily regularly. By 1849 Emily was determined to build a new house on the property at a place nearer Bevilport and farther back from the hazardous river. Emily had more than once written her mother about the dangerous river and had just as often anticipated the time when they could live on "dry ground." It was not hard to convince Andrew that a new house was needed. Emily selected a level place half way between Bevilport and the Indian Creek Baptist Church, and work began in December 1849. As the new place would be a farm as well as a residence, orchards were planted and out-
buildings built. Andrew allowed his business to prevent him from giving much time to the building of the new home. In July 1850 a son, George, was born, and by the following summer the house was still no further along than the foundation.

During the spring rise of 1852 Emily heard cries from the whirlpool where Indian Creek flowed into the river. Running to the spot she discovered that little George had fallen into the whirlpool; quickly she plunged into the water and pulled him to safety. Ignoring Andrew's protests, Emily loaded her household goods and children into a wagon, and by nightfall the Smyths were settled in a smokehouse, not twenty feet from the foundation of their new house. Andrew now lost no time in readying the house for occupancy. The interior was not finished when he moved his family in, but by Christmas 1852 she was happy in her new home. 20

Through the 1850's Andrew and Emily participated actively in the social life of the county. Jasper and Bevilport, with their plain white frame buildings and latticed "piazzas," offered the pleasures of town society, while the Smyths now and then held a ball or barbecue at their big dog trot house in the country. Three more children—Araminta, Frances, and Andrew Constantine—were born during the 1850's. Andrew noted many such events in his account books, perhaps because he was proud of these good years, or perhaps for no real reason at all.

The sawmill was the main source of income during the 1850's. Steamboats had made his keelboat an antique overnight, and the lumber from the Jasper had been used in building the new house. Andrew bought another slave, hoping to lessen his labor expenses. When his slave fled to Indiana, aided by an "abolition scamp," Andrew decided to operate his business with hired workers. 21 His three remaining slaves were assigned to domestic duties. Although steamboats had replaced the Jasper, flatboats were still regularly sent from Bevilport to Sabine Pass loaded with lumber; cotton was rarely aboard. Even though the lumber mill prospered, Andrew was restless to try something new. In late 1855 he built a store at Bevilport. The Sabine Pass firm of William A. Ferguson and C. F. Alexander agreed to stock for Andrew on a commission basis.

Ferguson, early in 1856, made a trip to New Orleans and New York to buy for the new store and ordered some $7,000 worth of goods. When the shipment arrived at Bevilport Andrew discovered rather than the usual calico, flour, and other staples, a wide assortment of liquors, bolts of silk, anvils, barrels of mackerel, and countless other items not suited to ready sale nor the tastes of backwoods Texans. Worst of all, the goods were billed to "Ferguson, Smyth and Company," a firm which did not exist. Infuriated, Andrew refused to accept the shipment.

The matter was not heard of again until December 1858, when Andrew was advised that the New Orleans and New York firms had filed suit against Ferguson and Smyth. In Jasper on January 10, 1859, Ferguson issued a statement saying that a firm of Ferguson and Smyth had never existed, and that Andrew had not been legally responsible for the shipment. Ferguson agreed to make the statement only if Andrew would assume a part of the debt. Advised by George to accept this offer, Andrew
undertook to pay $3,000 of the debt as his, and Ferguson signed over some of his Sabine Pass town lots, which he swore were easily worth as much as $3,000. To his eastern creditors Andrew wrote: "I can assure you that it is an unpleasant thought for me seeing what little I have sacrificed under the hammer to pay intrinsically another man's debt." Fortunately Andrew would soon receive an appointment to estimate the cost of improving the Angelina and Neches rivers. His salary from this project dissolved the bulk of his debt, and the income from the mill had never been better.

Soon after coming to terms with the New Orleans and New York wholesale houses the Smyths were faced with the problem of secession. Neither Andrew or George favored secession, but in the Civil War when the Jasper Volunteer Company rode toward San Antonio, Andrew was again its first lieutenant. George was too old, they said, and by the time the volunteers reached Crockett, Andrew was discharged because of his age, forty-five. He returned home, where, in 1864, he was elected chief justice of Jasper County by a "large majority." In the final months of the war, the people of the vicinity seem to have been gripped by rumor of a Negro uprising. Andrew, as judge, knew of this fear. Valentine Weiss wrote to him from Weiss' Bluff:

Allow me to introduce to you a matter which needs EARLY ATTENTION. There is at this place about Thirty or Forty grown Negro men—apart of which are in my charge in the employ of the Gov'nt—And as you are well aware the Negroes at this time are not kept under strict discipline—on acct of so many of the citizens being in the army. . . . I therefore hope, that by furnishing you the names of the citizens & soldiers who are at present here on Detail, that you will immediately send us necessary papers for a Patroll—so that we may keep the negroes in discipline,—or otherwise it may come to a bad end.24

For the most part, the war years were uneventful for the Smyths. At the end of the war President Johnson asked each southern state to call a convention for the purpose of changing the state constitution so that it would guarantee the war objectives of the United States Government. A convention was called in Texas for January, 1866. George W. Smyth was elected a delegate from Jasper to the Texas Convention. On February 21, 1867, he was found dead in his Austin hotel room. The convention adjourned February 22 to attend the funeral. George's death was unexpected and the Andrew Smyths did not learn of it until after the funeral. Andrew was made the executor of his brother's estate.

In the spring of 1866 Andrew was re-elected to the post of chief justice of the county. His sawmill was no longer as productive as it had been for a steam mill had been built at Ford's Mill (now Evadale) near the best market; and water that Andrew depended on for power was not always dependable, hence he found it difficult to compete with the new mill. At Bevilport and Jasper, however, there was a growing need for merchandise for both citizens and stores. Steamers had almost disappeared from the river, because most of them had been destroyed in Confederate service during the war. Rather quickly, it seems, Andrew became interested again in steamboat trade on the Neches.
When his term of office as judge ended in 1868, Andrew did not seek re-election. Rather, he joined a nearby neighbor Major Elias Seale, and a Mr. Hadnot from Magnolia Springs on a trip to Galveston to investigate the possibilities of buying a steamer. What they returned with was the Camargo, a dilapidated square nosed stern-wheeler, which had cost them $3,000. The vessel was in battered condition, but she was thought to be a bargain at the price. Andrew was to be her captain.

Besides Bevilport, home port, the Camargo stopped at all the landings along the river, freighting cotton under the same arrangements as the flatboats had done. With farm produce and passengers to take downriver, the venture was for a time successful for the upriver trip, too, could be made to reap a profit, for there would be merchandise aboard, as well as passengers. The Camargo paid for herself within two years, and the owners had no complaints.

By 1871 the Camargo was becoming troublesome. Normally she went completely out of control at least once on every trip, often running into the riverbank, spilling bales of cotton and barrels of produce at random. Passengers continually complained of the dirty cabin with its uncomfortable wooden furniture and openly indicated that if a better boat came along they would patronize her. This was a safe threat. In midautumn 1871 the Camargo took her final plunge into the riverbank—final, that is, as far as her career with Captain Andrew Smyth was concerned, for he announced calmly that he had cursed her for the last time. If his partners, he announced, did not agree to join him in buying a new boat, he would find new partners.

At Bevilport, Andrew, Major Seale, Colonels P. F. Renfro and C. R. Beaty, James Lee, and Reverend James Bean formed a new partnership. Supplying Andrew with $9,000 in the form of a letter of credit from Hobby and Post and Company of Galveston, they sent him to look for a boat. The docks at Galveston yielded nothing, nor did those at New Orleans, so Andrew headed up the Mississippi; Major Seale and Mr. Hadnot were meanwhile selling the Camargo.

On November 1 at Evansville, Indiana, Andrew saw what he wanted. Her price was too high, but there was no other suitable boat to be had. She was 115 feet long, and had a thirty-two foot beam. Her two levels of decks were well made, and gleamed with a coat of white paint. The upper deck was a line of green doors which led to the passengers' cabins and the saloon. She was a stern-wheeler, and on each side in big letters was painted the name LAURA. The cabins were tiny. Down the center of the second level extended the saloon, which was crowded with chairs, sofas, mirrors, tables, and a great mahogany sideboard which served as a bar. The walls were white and green, corresponding to the scheme on the outside of the boat. An uncovered staircase led from the second deck to the spacious cargo deck below. Andrew admired the freight decks and the modern forty-horsepower engine. She was indeed a boat built for the Angelina and Neches, and to be sure, too tempting to pass up. Hobby and Post agreed by mail to finance "anything Judge Smyth elects to purchase." The Bevilport investors were not informed at the time of purchase that they had paid $11,000 for their new steamer.

Andrew hired a crew of eleven, and loaded the Laura with Texas-bound
shipments of furniture, and on November 20 left for home. The partners were aghast at the price of the Laura, but the boat proved to be so popular that they soon forgot their worries. She paid for herself by the summer of 1874. From then on the partners enjoyed huge dividends.

As captain of the Laura Andrew reaped more than profit. To people near the Angelina or Neches and to many people in Sabine Pass and Galveston, he was the Laura. On the Mississippi the Laura would have looked silly and small, but on these East Texas rivers she was called “the queen.” There were days when the river was still, and the Laura slid forward full steam, looking clean and white against the brown water and the lush green of the woods on either side. At other times rain fell so hard that the river could hardly be seen before the bow, and the Laura would have to tie up. Andrew loved the Laura, the river and the countryside and for the first time in his life he was completely contented.

Andrew continued as captain of the Laura until his death in 1879. Surviving him by twenty-eight years, Emily remained at the unfinished house near Bevilport. Today Bevilport is gone, and the Smyth house is one of the few remaining from the old days. At George’s Walnut Run farm there is nothing but a historical monument to hint of what was there. The brass sundial lay for years in a clump of weeds only to disappear in recent years. Jasper, the Angelina, and the Neches are different now. Very little remains of the world of Andrew Smyth, but in his letters and papers may still be found fascinating glimpses of what that far-away but fast changing world was like.

FOOTNOTES

1George W. Smyth to Andrew Smyth, Nacogdoches, April 14, 1833. George W. Smyth Papers, Texas State Archives.

2Bevilport was incorporated by the Texas Congress on June 5, 1837. For many years maps of Texas listed Bevilport or Bevil Port which was located on the Angelina River a short distance before its confluence with the Neches. Jasper was some ten miles east of Bevilport.


4Ralph Steen, The Texas Story (Austin, 1961), 122. The loaning of state rifles to the Red Rovers illustrates the interest the state of Alabama had in the Texas cause.

5James Edmund Saunders, Early Settlers of Alabama (New Orleans, 1899), 66.


7George W. Smyth to Andrew F. Smyth, Washington, Texas, March 6, 1836. George W. Smyth Papers.

8George W. Smyth Papers.

9George W. Smyth to Andrew Smyth, Bevil’s Settlement, March 27, 1836. George W. Smyth Papers.
10 L. W. Kemp, *Signers of the Texas Declaration of Independence* (Houston, 1944), 323.

11 The municipality of Bevil was changed to the municipality of Jasper, December 1, 1835. H. P. N. Gammei, *Laws of Texas*, I. 946.

12 Fragments of the field notes from this survey are in the Andrew F. Smyth Papers.

13 Andrew F. Smyth to the County Commissioners of Jefferson County, March 10, 1838. Andrew F. Smyth Papers. Liberty County extended east to the Neches in 1836.


15 Account books and business notes from the Andrew F. Smyth Papers. Hereafter, unless otherwise cited, the information on Smyth's business life comes from the 1842-1879 papers.


17 Ibid.

18 Sarah Wallace to Emily Allen Smyth and Andrew Smyth, Cherokee County, Texas, July 14, 1846. Andrew F. Smyth Papers.

19 *Seventh Census of the United States* (1850), Jasper County, Texas.

20 Emily Allen Smyth to Nancy Allen, Jasper County, January 20, 1850. Andrew F. Smyth Papers.


23 Judge Goode to Andrew F. Smyth, Jasper, August 1, 1864. Andrew F. Smyth Papers.


HISTORICAL ASPECTS OF LINGUISTIC RESEARCH
IN EAST TEXAS

FRED A. TARPLEY

For the past five years, I have been asking East Texans what they call illegitimate children, the part of the day just before supper, worthless dogs, and food made from hogs' intestines.

Wherever I travel I make inquiry about epitaphs in local cemeteries and origins of such geographical names as Mud Dig, Poetry, Sweat Box, Scrouge Out, Elysian Fields, and Shake Rag. These questions are all part of grass roots research done by linguists who are interested in regional language patterns.

What the natives call illegitimate children, worthless dogs, and other lexical concepts will determine the local spoken dialect. How epitaphs have been composed and spelled on tombstones from one generation to the next will reflect the steady evolution of the written language. Origins of map names for towns, streams, hills, and streets will reveal significant information about pioneer family names, foreign language influence, natural features of the land, and word corruptions.

In each of these three fields of linguistic research—regional dialect, cemetery epitaphs, and geographical place names—I have been unable to confine my work or my interest strictly to the discipline of language study. Often I have trespassed with delight and reward into the domain of history, folklore, sociology, economics, geography, religion, architecture, psychology, and related fields.

The purpose of the following discussion is to outline certain historical aspects that cannot and should not be avoided when linguistic research is conducted in East Texas.

My first field of linguistic research—regional dialect—resulted in a doctoral dissertation at Louisiana State University entitled *A Word Atlas of Northeast Texas*. For this study, I interviewed two hundred native informants in twenty-six counties in the northeast corner of Texas and recorded their answers to 127 dialect questions. This area covers the counties bounded on the north by Red River, the east by Arkansas and Louisiana, the west by a line halfway between Dallas and Fort Worth, and the south by an arbitrary line including Ellis, Kaufman, Van Zandt, Smith, Gregg, and Harrison Counties.

A major chapter in the dialect study was devoted to a consideration of the people and historical background of Northeast Texas. The most valuable single volume written about the settlement of the area is an unpublished doctoral dissertation at the University of Texas by Rex W. Strickland, entitled *Anglo-American Activities in Northeastern Texas, 1803-45*. Professor Strickland, a native of Fannin County, now teaches history at Texas Western College.
The earliest recorded white settlement in Northeast Texas is reported by H. Yoakum in his History of Texas, published in 1856. According to Yoakum, a trading-company under the direction of M. Francois Hervey came from Natchitoches, Louisiana, in 1750 to settle eventually in an ancient Caddo village on the Red River in what is now Red River County. Several French families prospered there, growing corn, tobacco, and garden vegetables. But in 1770 after Louisiana had passed into the hands of Spain and no attention was paid to the French settlers on the upper Red River, the colony returned to the vicinity of Natchitoches to provide educational and social benefits for the children.

After 1770, Northeast Texas was left to roving Indian tribes and to white fugitives from justice. A spur of Trammel's Trace was laid out by horse thieves who needed a route to Nacogdoches to sell animals stolen in Missouri. In 1815 law-abiding settlers began to arrive at Pecan Point, near the buffalo crossing on the Red River in present-day Red River County. This important center of early settlement in Northeast Texas was the destination of many Southern mountaineers, whose boats carried them down the Cumberland River to its mouth, down the Ohio to the Mississippi, to the mouth of the Red River and then to Natchitoches and beyond.

For many years, inhabitants of the Red River settlements were perplexed by the anomalous legal status. They regarded themselves as citizens of the United States, and they were justified in this claim because of the ill-defined boundary line between Spanish Texas and the American territory of Arkansas. At the same time, had the area south of Red River actually been considered within the boundaries of the United States, the residents were encroaching upon unsurveyed public domain.

The Texas Revolution of 1836 strangely enough secured the independence of Northeast Texas, not from Mexico, but from the United States. Had the battle of San Jacinto been lost, the Americans would almost certainly have held on to Miller County, Arkansas, but with San Jacinto won, westerners let the long disputed area between the Red River and the Sabine slip by default into the Republic of Texas.

A study of population sources also casts light on dialects in Northeast Texas. The states which sent early settlers into East Texas may be discovered in the tables of statistics prepared by Barnes F. Lathrop in his valuable study, Migration into East Texas, 1835-1860. It may be concluded from Mr. Lathrop's statistics, taken from ante-bellum census records, that the typical Northeast Texan came from English and Scotch-Irish stock, in greatest numbers from Southern mountain areas and in second greatest numbers from Southern plantation areas.

In the case of my study, the historian's reports on migrations were very helpful in suggesting the kinds of dialects that settlers would have brought into the area with them. When records of the former homes of immigrants are not available, the results of the dialect study can often lead the historian to a hypothesis regarding migrations by tracing the dialects found in an area to their geographical sources. Thus history and dialectology are closely allied.
In my *Word Atlas of Northeast Texas*, I was able to draw several major conclusions, some of them with historical implications:

The first conclusion is that the vocabulary within the region of Northeast Texas is highly homogeneous. Geographical factors are less important in word distribution than the age, sex, and education of the native speaker and the size of the community in which he lives.

Significant geographical distribution of Northeast Texas vocabulary is summarized in the following list:

1. Artificial watering place for livestock  
   tank (western counties; among younger informants)  
   pool (central counties)  
   pond (eastern counties; especially southeastern area)

2. Insect with a double set of transparent wings seen flying over water  
   dragon fly (standard educated usage)  
   snake doctor  
   mosquito hawk (eastern counties)  
   skiter hawk (eastern counties)

3. Large sack made of burlap  
   tow sack  
   croker sack (southeastern counties)

4. Clavicle of chicken that children play a game with  
   pulley bone  
   wishbone (southeastern counties)

5. Milk that is beginning to turn sour  
   blinky  
   blue john (southeastern counties)  
   blinky john (Upshur County)

6. A small scarlet insect that bores into the skin  
   chigger  
   redbug (eastern counties)

7. Bird that makes holes in trees with its bill  
   peckerwood, red head (eastern counties)  
   woodpecker

8. Motherless calf  
   maverick (western counties)  
   orphan

9. Block of land in the center of a business district  
   square  
   plaza (Lamar County and adjoining area)

10. Little boy's weapon made of rubber strips on a forked stick  
    sling shot or nigger shooter  
    nigger flipper, bean flip (Red River County)  
    nigger killer (eastern Hopkins County, western Titus County)
Second, both the vocabulary and pronunciation of Northeast Texans may be closely aligned with Southern mountain speech more than with any other dialect area in the Eastern United States.

Third, special patterns of vocabulary and pronunciation separate the southeastern corner of Northeast Texas from the rest of the region and indicate that Marion, Harrison, and adjoining counties have more Southern Plantation qualities than the other counties.

Fourth, not until linguistic atlases have been made available for all parts of the United States will the complete dialectal position of Northeast Texas be known.

My second field of linguistic research is cemetery epitaphs. Too often cemeteries are neglected archives for local history, legends, superstitions, and folkways. Egyptian pyramids, Roman tombs, and American Indian burial mounds have proved invaluable in interpreting past civilizations; but beyond the listing of foreboding Puritan epitaphs in New England and the compiling of genealogies, few serious studies have been made of cemeteries in the United States.

Cemeteries are equally important in linguistic and literary research. The changing language may be detected in the grammatical usage and spelling carved into tombstones by other generations. Graveyard poets find their inspiration in country churchyards amid the melancholy of what Thomas Gray's fine “Elegy” calls the “uncouth rhymes and shapeless sculpture.” Epitaphs form a part of our literature, and epitaph-writing has become the literary domain of the artless masses as well as master poets. In older cemeteries, epitaphs preserve in stone the primary sources of folk fact and sentiment. In gestures of temporary immortality, chiseled letters spell out declarations of faith, love, and sorrow; favorite quotations; original verse; epigrams; and catalogs of terrestrial achievements and celestial goals. Cemetery architecture and burial customs mirror the artistic, social and religious patterns of the locality. Legends and superstitions that become the lore of the living are often originated and perpetuated in our communities of the dead.

Cemetery art recently became fashionable when a Ford Foundation grant was given two young artists who have transferred Early American stone sculpture from tombstones by rubbing a pencil over rice paper placed against the stone.

In East Texas, vague variations of a graveyard legend border between history and folk literature. Most tellings of the story agree that a woman sticks a sharp object—usually a knife—into a grave at night and in so doing catches her garment and dies of fright. At this point the similarities end. I first heard the story from my high school English teacher in Bowie County who said she had been told of a girl in her hometown many years before who had pierced the edge of her apron while sticking her late boyfriend's favorite jack knife into his grave. According to the version handed down to some of my own students, a girl spending the night with a girl friend was dared to go to a nearby cemetery and stick a pitchfork into a fresh grave. One of the prongs caught her gown as she plunged the fork into the grave, and she died of fright.
The account given by Louise Hathcock in her book, *Legends of East Texas*, sets the story on a Colonel Stuart's plantation in southeastern Panola County during the Civil War. After the colonel's fourteen-year-old son died, the Negroes refused to plow within a half-mile radius of the cemetery where he was buried because they had seen ghosts hovering about his grave in the moonlight. The colonel offered a $5 gold piece to Aunt Dorah, his late son's colored nurse, if she would take a butcher knife from her kitchen and drive it into the grave as proof she had visited the cemetery without fear during the night. When she was found dead at the grave the next morning, the colonel explained to the Negroes that she had probably driven the knife through her apron and trying to leave, thought a ghost was reaching for her from the grave. He said their ghost was only moonlight on the cobwebs.

Grammarians who take up epitaph reading are apt to be haunted by the gross errors they find carved permanently in stone. An English professor at East Texas State College is often tempted to red pencil the grammatical flaws on the tombstone of her great-grandparents. Their epitaph reads:

Tis but the caskets that lies here
The gems that filled them sparkles yet

What appears at first glance to be a mistake may actually be the historically standard usage for another generation. “Here lies the remains...” gives a first impression of having an error in verb agreement, but consistent use of “remains” as a singular noun will be found in 19th century epitaphs, indicating this was considered correct usage at that time. Changes in spelling may also be observed, as in council, the spelling of a century ago for the word we now spell counsel.

Transient styles in Christian names may be reviewed in the epitaphs of different generations. Would any space-age East Texas parents dare give their offspring any of the following names of the past century: Temperance, Saphronia, Arminta, Cicero, Ucala, Narcissus, Ludie, Electra, Lular, Obediah, Singletary, or Edmonia?

A historical oddity in the Klondike community graveyard in Delta County is a tombstone facing westward. A local monument dealer recalls this is the grave of a man who killed his brother, was hanged, and denied the Christian tradition of being buried looking toward the east. This added punishment for condemned men seems to have been widespread.

The tradition, “Do not speak evil of the dead,” is sometimes exaggerated in East Texas cemeteries. A striking example of kind words for the deceased may be seen at the grave of Bonnie Parker, the noted gun moll of Clyde Barrow during the 1930's. Their days of crime ended violently in an ambush in northern Louisiana. Friends laid Bonnie to rest near Dallas in Fishtrap Cemetery, a burial ground first used by citizens of LaReunion, a short-lived utopian colony of Frenchmen settled in 1855. The gun moll's epitaph reads: “The life she lived will make this world better off.”

When the owner of a grist mill died in Cooper, Texas, his family closed the business and used the mill stone to mark his grave.
Stories of lost cemeteries abound in Northeast Texas where some farmers still avoid plowing near groves of bois d'arc trees. According to tradition, bois d'arc trees were often planted as living fences encircling now forgotten graveyards.

In Southeast Texas and Southern Louisiana, tombstones frequently disappear as they sink into the soggy ground, but in East Texas, I discovered one that disappeared under other circumstances. A two-hour search for an original epitaph written by an eccentric citizen in a Northeast Texas town puzzled my guides who swore they had seen the stone not long before. The mystery of the missing monument was solved by the local marble dealer who remembered he had repossessed it and sandblasted the original verse after the family got behind in payments. This shrewd businessman outlined for me his trade-in plan, whereby old tombstones are accepted as down payments for new ones. He said the national trend in memorials is away from elaborate stones and epitaphs. "I used to put anything my customers wanted on the stones for free," he explained, "but some of 'em wanted the whole Dallas News put on, so I started charging fifty cents a letter, and that discouraged 'em."

In Farmersville is the grave of Sam Harris, known as the world's heaviest man, who weighed 691 pounds when he died of pneumonia in October, 1924, after swimming across a lake in Ballinger. One hundred miles east of Farmersville in Mt. Pleasant is the grave of Colonel Henry C. Thruston, whose height of 7 feet, 7½ inches gave him claim to the title of tallest man in the United States.

This sampling of my experiences growing out of epitaph collecting suggests the unclaimed wealth of history and folklore in the stone archives of East Texas cemeteries. A stroll through a graveyard or a chat with a caretaker in any part of the United States may introduce us to material available from no other source. The cemetery of the future, we are told, will bear the stamp of perpetually-endowed conformity and will be less colorful, but the cemetery of the past continues to be a neglected research center for linguists, historians, and folklorists.

My third field of linguistic interest in East Texas is geographical place names. From the types of names given may often be surmised the time of settlement and local characteristics of an earlier period.

With the help of students at East Texas State College, I have surveyed seventy-five Texas counties—most of them in East Texas—attempting to find the derivation of each geographical name. The basic list of names is taken from official county maps prepared by the Texas Highway Department.

The origins of East Texas place names may be conveniently sorted into nine categories, each of which reflects the history of the region.

In the first category are the names of people—either local citizens or non-local celebrities. Many local pioneer families, civic leaders, postmasters, railroad officials, ministers, and land developers have been honored by having places named for them.

In a second category are names referring to a geographic description
of the countryside, its terrain, vegetation, minerals, animals or some other characteristic. Some of the descriptions are objective as in Lone Oak, Caney Creek, Squash Hollow, Red Oak, Pecan Gap, Mesquite, Hick Grove, Sulphur Springs, East Mountain, and Dry Creek. Others are imaginatively subjective, as in Godly Prairie, Elysian Fields, Mount Joy, Good Springs, Mud Dig, Sweat Box, Paradise, and Mount Pleasant.

Names derived from nearby or distant places form a third category. Immigrants were especially fond of naming East Texas towns for former homes in other states or countries. You will find namesakes for Genoa, Italy, in Harris County; Kildare, Ireland, in Cass County; Manchester, England, in Red River County; Naples, Italy, in Morris County; Nome, Alaska, in Jefferson County; Paris, France, in Lamar County, and Malakoff, Russia, in Henderson County.

A fourth category of names may be traced to the Bible, to literature, or to mythology, as in Zion, Macedonia, Ebenezer, Mars Hill, and Ivanhoe.

Names attributed to foreign language influence constitute a fifth group. American Indians provided Kiomatia, Kickapoo Creek, Caddo Mills, Lake Tawakoni, Cherokee County, and Chicota. From French came LaReunion; from Spanish came Golondrina Creek and Ladonia.

A sixth source of names is the miscellaneous blending of two or more words: Texarkana combines the names of three adjoining states. Mabank in Kaufman County takes Ma- from Dodge Mason and -bank from Tom Eubanks, both early settlers. Enon in Upshur County represents the first letter in the last names of four settlers, Eason, McNight, Olive, and Norris. Talco was derived from the name of the Texas, Arkansas and Louisiana Candy Co.

Backward spellings fall into a seventh group, with Reklaw (Walker spelled backwards) in Cherokee County and Sacul (Lucas spelled backwards) in Nacogdoches County.

Misunderstandings and misreadings—an eighth type of derivation—are exemplified by Bogata in Red River County and Warsaw in Kaufman County. Bogata was named for Bogota, Colombia, but the illegible penmanship in the application to the postal department was interpreted as Bogata. The spelling remained Bogata, the pronunciation Bogota.

White men in Kaufman County heard Indians talking about a place, calling it what sounded like Warsaw, when the Indians were trying to pronounce water.

In the ninth and most fascinating group of name derivations are those related to events or anecdotes.

Jot ’em Down in Delta County was a name a traveling salesman—who was a Lum and Abner fan—gave to a community where a new general store was being built.

Scrouge Out in Fannin County was a name given first to a school then to the surrounding rural community because students who did not arrive early at school had to scrouge out a seat on the benches.

Razor in Lamar County was named for a popular brand of tobacco.
Alba in Wood County and Snow Hill in Morris County are names referring to the color white, because the communities were intended for whites only.

Redwater in Bowie County was first called Ingersoll, after the famous atheist, because there were so many ungodly people there. The residents of Ingersoll did not object to the name until they got religion during a great revival during the 1880's. Then they changed the name to Redwater, referring to the red clay coloring of the water.

Coffeeville in Upshur County was a name which originated when the Civil War produced a scarcity of coffee. Settlers began to use parched corn, okra and other substitutes. A merchant from this area went to Jefferson and brought back a supply of green coffee. Folks from miles around came to his store in the community, which became known as Coffeeville.

Ginger in Kaufman County was first named Spicer for the Spicer Tie Yard, but railroad officials were afraid of confusing the post office and the spur track stop. "If you insist on a spicy name," a Katy railroad official said, "why don't you name the place Ginger?" So they did.

Also in Kaufman County is Poetry, which was named not by a poet but by a stranger, for a malnourished dog he called poor Tray.

Hog Eye in Gregg County was named for a hog thief who had a good eye for pigs.

Into a tenth category must fall many names whose origins are unknown. Some of the explanations have been lost forever; others are yet to be found in county histories, newspapers, memoirs, or in interviews with oldtimers.

Sometimes more than one explanation will be given. Some folks in Shake Rag, a nickname for Pleasant Grove in Rusk County, say Shake Rag originated because wives signaled to their husbands to come to dinner by shaking an apron. Others say a teacher threatened to spank a student so hard he wouldn't have anything but rags to shake.

Of tremendous influence in providing and inspiring East Texas place names was the railroad, for wherever the railroad stopped, a new name was needed. The U. S. Postal Department also had a far reaching effect on name giving, because applications for post office names were rejected if another Texas town had already been given the same name.

In each of the categories of place name origins—as well as in investigations of cemetery epitaphs and regional dialect—the linguist will encounter fascinating segments of East Texas history.
CIVIL LAW AND COMMON LAW IN EARLY TEXAS

J. E. ERICSON and MARY P. WINSTON

Some of the most significant developments in Texas legal history occurred during the period of the Republic of Texas. One of them, the blending of the civil law systems of Spain and France with the common law system of Anglo-America, produced a unique legal system peculiar to Texas. The Spanish civil law evolved from the grafting of Roman law, principally the Justinian Code, upon the customs and usages of the Visigoths as codified in the *Codex Euricii*. This draft, the Visigothic Code (*Fuero Juzgo*), issued in Castilian form in 693, withstood seven centuries of Moorish rule and six revisions, the latest in 1805 (*the Novisima Recopilación*). It remained the law of the Spanish world through the middle ages and, in large measure, to the time of Spanish colonization of Texas in the Seventeenth Century.1 It was transmitted to Texas during more than a century of Spanish colonial government and administration under the general direction of the *Leyes de los Reinos de las Indias*,2 and more than a decade of Mexican rule.

The French civil law also evolved from the Roman codes, principally the *Institutes* of Gaius and Justinian; from the glosses of such French commentators as Domat, Pothier, and D'Aquesseau; from Frankish customs and usages, especially those of the north of France; and from decisions of the *parlement* of Paris. From those sources a Napoleonic commission promulgated the Code Civil in 1814; and from those same sources French settlers in Louisiana evolved their civil codes.3 After the Louisiana Purchase the United States generously allowed the people of Louisiana to retain their codes, and as a result many Texans, immigrants from the Louisiana territory, were thoroughly familiar with their contents.

The English common law developed from custom and usage through the work of the common law courts of Exchequer, Common Pleas, and King's Bench. Though influenced slightly by Roman law from time to time, it was never codified; but in later times it was supplemented by legislation enacted by the British Parliament. The common law was brought to the United States by British settlers, primarily in the form of Blackstone's *Commentaries*. It was transmitted to Texas after 1820 through the agency of lawyers trained in its precepts in the American states of the Old Southwest.4

Since it is almost universally conceded that private rights of individuals under the law of a previous sovereignty remain unchanged and unaffected unless they are abrogated or altered by positive action of the new sovereignty,5 the preservation of the civil law in Texas did not depend upon a positive statement to that effect by the new governments created after the Revolution. The Consultation of 1835, however, resolved all doubts on November 7 by a vote to retain the existing legal system.6 Moreover, the Ordinance Establishing a Provisional Government provided that judges of Texas had jurisdiction over all crimes and misdemeanors recognized and known to the common law of England, that they could issue writs of habeas
corpus under the common law of England, that they could issue writs of sequestrations, attachment, or arrest in all cases established by the Civil Code and the Code of Practice of the State of Louisiana, and that they should follow the proceedings of the common law in criminal cases. Thus, as early as 1835, Texans began the arduous attempt to blend the two basic legal systems into a coherent whole suited to Texas circumstances.

The Constitutional Convention of 1836, although composed almost exclusively of Anglo-Americans, recognized the necessity of continuing some elements of the old system; for the Constitution of 1836 provided that all elements of the civil law were to be retained except those in conflict with the constitution, but the English common law should be introduced by statute as early as practicable. As a former President of the State Bar of Texas has shrewdly observed:

It is significant that the idea of ultimately adopting the common law of England was qualified as to time and as to extent. It was to be introduced when practicable and with modifications appropriate to the conditions of the people of Texas.

After the formation of the government of the Republic of Texas, there continued to be two parties in the controversy, one composed of recent immigrants from the common law states of the United States who favored that system, and the other composed of native Texans (those born in Texas), earlier immigrants from the United States, persons of European extraction, and immigrants from Louisiana who favored the civil law system. The First Congress of the Republic essayed a beginning to the settlement of the controversy on December 20, 1836, by providing that the common law of England as it applied to juries and evidence should be followed by the courts of the Republic. The common law used in those courts, however, could not be inconsistent with any of the laws of Congress. This 1836 statute obviously did not completely exclude the civil law, for all previous Texas law was based on the statutes of the State of Coahuila and Texas, which were colored by the Spanish civil law and many of which were still in force. The complete exclusion of the civil law at this point would have caused conflicts and inconveniences in such matters as descent and inheritance, land tenures, and marital rights. Consequently, the Texas Supreme Court ruled in a case involving title to the San Jose Mission lands that the former system of laws and rights survived whole subject only to later constitutional or statutory changes.

Conflicting legal provisions that applied to Texans, drawn from both civil and common law systems, continued to plague the courts, and on December 18, 1837, the Congress attempted further clarification. It provided that nothing in the several acts establishing courts of justice should be interpreted so as to take away the rights of either party to propose interrogations to his adversary to be answered on oath according to law and practice heretofore existing. At the same time President M. B. Lamar admonished Congress that:

Unfortunately for the country, we have now in force many portions of two systems different in their origin, discordant in their provisions, and calculated to lead to the most conflicting decisions.

Of the cases that presented themselves before the courts, many are
included in neither code, many are differently provided for by both, leaving the parties without remedy in the first instance, and often wholly uncertain as to the proper remedy in the second.\textsuperscript{13}

As a solution President Lamar urged Congress to enact a strong code of laws for the entire Republic.

Congress responded to Lamar’s plea by appointing a committee composed of William H. Jack and D. S. Kaufman to compile a code of laws for the Republic.\textsuperscript{14} Edward L. Holmes, Chairman of the House Judiciary Committee, counterproposed that a committee of ten be appointed to examine as many codes of the several states as could be procured and that those codes be used as the basis for the Texas code. Holmes’ proposal, however, was defeated largely as a result of the determined opposition of D. S. Kaufman.\textsuperscript{15}

Kaufman, in a report to the House on January 11, 1839, stated that his committee was not able to compile a code of laws as instructed for two fundamental reasons. First, it was necessary to have a translation of all legislation enacted by the State of Coahuila and Texas from its inception down to May, 1835. He alleged that such a translation was not available. Second, the committee had not been instructed by the House whether the new code should be based upon the civil law or the common law. Without instructions the committee hesitated to embark upon the codification because of the strong differences of opinion regarding the two systems.\textsuperscript{16}

Finally, on January 20, 1840, Congress enacted a statute that had been introduced on November 23, 1839, which was destined to provide a basis for settlement of the controversy. It provided that the common law of England, so far as it was not inconsistent with the Constitution of the Republic and acts of Congress then in force, should be the rule of decision in all courts of the Republic. The statute further provided:

\ldots that all laws in force in this Republic, prior to the first of September, 1836 (except the laws of the Consultation and Provisiional Government now in force, and except such laws as relate exclusive \textit{sic} to grants and the colonization of lands in the state of Coahuila and Texas, and also such laws as relate to the reservation of Islands and lands, and also of salt-lakes, licks, and salt springs, mines and minerals of every description; made by the General and State government) be and the same are hereby repealed.\textsuperscript{17}

This act was prospective and applied only to cases arising after its effective date. Therefore, the Texas courts had to apply civil law doctrines so far as they were able in cases which arose or in which rights accrued prior to January 20, 1840.\textsuperscript{18} Furthermore, the act, sweeping as its provisions were, did not abolish every vestige of civil law in Texas, for civil law principles still governed prior land grants and many other civil law concepts were already incorporated into Texas statutory law. In fact, the same statute enacted the essential features of the Spanish community property system,\textsuperscript{19} by which upon marriage, unless otherwise agreed, the husband and wife became partners as to subsequent gains, with the profits of the partnership equally divided upon its dissolution and with the husband
as temporary manager of the partnership. Each spouse could maintain separate property, and as a general rule property owned at marriage and property acquired after marriage by inheritance or by gift remained separate property.

A supplementary statute of February 5, 1840, declared that the adoption of the common law would not be interpreted to require that system of pleading. The proceedings in all civil suits must continue the civil law method of petition and answer involving as many issues of law and fact as the parties might choose to rely upon. Texas courts continued to be combined courts of law and equity as civil law had never developed that distinction. Thus a mixed system in which the civil law governs the pleadings while the common law furnishes the rule of decision was introduced in Texas.

A complete list of civil law doctrines that have been incorporated in the Texas legal system is probably not possible at this time nor is it pertinent to this study. But in addition to community property, pleadings by petition and answer, and combined courts of law and equity, already alluded to, it is possible to delineate some other important civil law contributions. It is generally conceded that the greatest Spanish influence in the Texas laws of today is in the field of property rights. One of these, the homestead exemption, based on a policy of the Mexican state of Coahuila and Texas, was specifically established after the Revolution by a statute of Congress on January 26, 1839. It provided that a married man was entitled to have his homestead exempt from debts except repairs on his home and taxes. It further safeguarded his livestock and some rural acreage so that he might continue to earn a livelihood for his family.

A recent study of the Spanish influence on the law of water rights demonstrated that the civil law doctrines concerning riparian rights has been of tremendous importance in making irrigation an important source of wealth in Texas. The Spanish system was one whereby water was divided by a process of taking turns as the supply afforded from a ditch which was owned by the community.

Spanish and Mexican grants created property ownership rights over some twenty-seven million acres of Texas land. According to the express statutory terms of 1840 every land transaction made prior to that time must be measured by the laws of the prior sovereigns. Those prior sovereigns followed the Royal Mining Ordinance promulgated in 1783 by Charles III of Spain which vested in the sovereign title to all minerals. Texas succeeded to the title to those rights from Mexico as the prior sovereign, and it was not until 1866 by specific constitutional authorization that the state relinquished title to all minerals beneath the surface of Texas land.

Another significant area of civil law influence on the Texas legal system centered on paternal-filial relations. The English common law recognized a system of guardian and ward for those children whose parents were deceased, but it did not permit legal adoption. No direct action of the Republic of Texas voided the contrary child adoption system in effect in Spanish-Mexican Texas under the civil law, so under the terms of the Constitution of 1836 it carried forward. The common law likewise permitted the
parent to will his estate to one of his heirs, usually the first-born son, leaving all others without any inheritance from his estate. Long before the Texas Revolution, Spanish law had abolished the practice, and Texas law retained the civil law view by specific provision in the Constitution of 1836. 28

The approach of early Texans to the development of a system of law appears in retrospect as a pragmatic one. They were aware of the principles of at least three legal systems: the civil law of Spain and Mexico, the civil law of France and Louisiana, and the common law of England and the rest of the United States. From those sources the virile Texas frontiersmen of the Republic of Texas fashioned a legal system that discarded whenever possible intricate technical procedures and retained those elements that appealed most to their sense of justice.

FOOTNOTES


7Ibid., I, 1074.

8Art. IV, Secs. 13, 16; General Provisions, Secs. 7, 10; Schedule, Sec. 1.


10Gammel, Laws of Texas, I, 1216.

11McMullen v. Hodge, 5 Texas 34 (1841).

12Gammel, Laws of Texas, I, 1437.

13Telegraph and Texas Register (Houston, Texas), December 26, 1838.

14Gammel, Laws of Texas, I, 1445.

15Telegraph and Texas Register (Houston, Texas), January 12, 1839.

16Ibid., January 16, 1839.

17Gammel, Laws of Texas, II, 177-178.


21Ibid., 220-221.

22Ibid., 347.


26Wallace Hawkins, El Sal del Rey (Austin, 1947).


28Bufford v. Holliman, 10 Texas 560 (1853).
WILLIAM MARSH RICE, HOUSTONIAN*

ANDREW FOREST MUIR

William Marsh Rice the man has been overshadowed in the twentieth century by William Marsh Rice the victim of an intricate murder plot and by William Marsh Rice the founder and endower of Rice University. This paper proposes to examine Rice in a domestic light, as a resident of the city of Houston between February, 1839, when he arrived as a poor young man of twenty-two, and December, 1863, when he left Houston as a middle-aged widower worth almost a million dollars.

Rice was of the small group of men who discerned, during the late 1830's and the early 1840's, Houston's critical geographic location. The city was then, as it is now, the most interior point of dependable navigation in all of Texas. Not only that, it was also a funnel of the mesopotamian region between the Trinity and Brazos rivers that had already begun to be a great cotton-raising area. Bringing with him from his native Massachusetts no more than youth, sturdy health, Yankee canniness, a brief apprenticeship as both clerk in and proprietor of a general store, and a determination to get ahead in a new and burgeoning community, Rice started a general store on the east side of Main Street between Congress and Franklin avenues. Though his firm name changed from time to time—at first Rice & Haskill, later Rice & Nichols, and finally Wm. M. Rice & Co.—and though his partners changed also—Barnabas Haskill, Ebenezer B. Nichols, Abraham Groesbeeck, and his youngest brother, Frederick Allyn Rice—the location of his store remained the same as long as he operated in Houston. Over a period of years Rice became the most important commission merchant and cotton factor in all of Texas. Plodding oxen brought cotton to his warehouse from as far away as Dallas and returned home with manufactured goods that Rice stocked on his shelves or supplied on individual order. In addition, as banks were illegal and nonexistent in Texas, he, like other merchants, provided all manner of banking services except the issuance of currency.

Concerned as he was with transporting a bulky commodity, Rice early became a champion of improvement in both overland transportation and river navigation. As liquid wealth existed in Texas in no more than dribbles and also as railroad construction was expensive, the first realistic attempt to improve overland transportation was directed to plank roads that had had some initial success in and around Syracuse, New York. In 1850 Rice was associated with the Houston Plank Road Co., which received a charter to build a plank road from Houston northwestward to the Brazos bottoms. Soon afterwards, though, the state of Texas agreed to reward railroad construction with land grants and to lend the Permanent School Fund in sufficient sums to cover the cost of railroad iron. There was, then, an immediate railroad boom. Rice showed his interest in railroads by serv-

*Read at the dedication of the Nichols-Rice-Cherry house in Sam Houston Historical Park, Houston, October 9, 1962.
ing as an incorporator of both the Buffalo Bayou, Brazos and Colorado Railways, built during the 1850's from Harrisburg to Alleyton, and the Houston Tap and Brazoria Railway Company, built at the same time from Houston to Columbia; but the railroad attracting his determined support was the Houston and Texas Central Railway, designed to run to Red River through the area his firm was already serving. No sooner had the track of the H. & T. C. pushed out of the Buffalo Bayou timber on to the gumbo prairie through which runs the present highway to Hempstead than freight began rolling into Houston on iron tracks. When the iron finally reached Hempstead and turned northward to Millican, at which the railhead remained for the duration of the Civil War, the road had tapped the rich cotton lands of the Brazos bottoms, and the flood of staple into Houston rose sharply year by year until the disruption of the Union and the blockade of Southern ports put an end to the normal flow of cotton. In the H. & T. C. Company, Rice became stockholder, director, bondholder, trustee, and, for a short time during a critical period in the company's operations, general manager. Rice was also a director of the Washington County Railroad that connected with the H. & T. C. at Hempstead.

At the same time he was lending his capital and executive talents to the development of overland transportation, Rice was also active in projects directed to the improvement of Buffalo Bayou and Galveston Bay and the establishment of an efficient and frequent packet service between Houston and Galveston. In 1851 Rice joined a number of his fellow Houston commission merchants and three steamboat captains in organizing the Houston and Galveston Navigation Company. This firm, continuing as a limited partnership under the name of Houston Navigation Company, owned seven steamboats in 1858 that alternated in making daily runs between the two cities. The craft were kept busy carrying cotton down the bayou and bringing manufactured goods up. With the increase of the cotton traffic, Wm. M. Rice & Co. and four other firms organized the Houston Cotton Press, and, in addition, Rice was an incorporator of the Houston Insurance Company, organized to write insurance on carriers and their freights.

The success of Rice's activities can be measured by the figures he gave in census years to the assistant United States marshals engaged in enumerating the population of Houston. In 1850 he estimated his wealth at $25,000. Ten years later he estimated it at $750,000. Unlike other wealthy Texans, Rice had an estate consisting largely of personalty and not of the deceptive assets so dear to the hearts of most Southerners—land and slaves. At the outbreak of the Civil War Rice closed his firm. A unionist, who did not, however, make a nuisance of himself during the secession crisis and the unhappy days of the Confederate States of America, Rice had no incentive to deplete his exchequer by purchasing Confederate paper. Throughout the war he had a substantial hand in moving Texas cotton out of Mexico, especially Bagdad, the seaport of Matamoros, Tamaulipas. Shortly after the death of his first wife in 1863, he went to Matamoros and later to Havana, Cuba. So extensive were his wartime cotton activities that a former employee of his, Archibald St. Clair Ruthven, returned to his native Scotland to handle the European end of the business. Immediately after Appomattox, Rice told a nephew of his that he was a millionaire. His fortune had come unscathed through the collapse of the Confederacy and indeed had been augmented by profits from the
services he had rendered the Confederacy in selling the great money crop of the South for gold during a critical period.

But not all of Rice's talents, during the course of his residence in Houston, were devoted to business. He was in every respect a responsible citizen and an ornament to the limited social life that commercial Houston offered. In 1842, during the season of two Mexican invasions of San Antonio, Rice did his stint as a private in a militia company commanded by Captain Sidney Sherman. As the invasions quickly proved to be mere incursions rather than sustained occupations and, also, as President Sam Houston was, at the time, more perturbed by a crowd of Texan expansionist militiamen than he was by the hasty sorties of a handful of Mexican soldiers, the troops from the Houston area got no farther west than Columbus, at which point the President disbanded them and ordered them to return home. Rice laid down his arms and never again took them up. On occasions during the quarter century of his residence in Houston, he did his duty as a citizen in sitting upon both petit juries and the Harris County grand jury and in serving in the slave patrol, and he was also a member of a volunteer fire company, Liberty Fire Company No. 2. In addition, during the three years 1855-1857 he represented his vicinage, Ward 2 of the city of Houston, as alderman in the city council.

Although his parents had been among the founders and pillars of the Methodist Episcopal Church in western Massachusetts and he himself had been christened a Methodist at the age of four, Rice was during his Houston residence and afterwards a member, and presumably a communicant, of the Episcopal Church. Perhaps Rice's early partner, Ebenezer B. Nichols, a staunch churchman, with the aid of the Rev. Charles Gillett, who became rector of Christ Church, Houston, in 1843, induced Rice to switch ecclesiastical allegiances. From time to time he stood as godfather for the children of his close friends, and in 1845-1849 and again in 1852-1857 he was a vestryman of the parish. He also was generous in contributing to the rectors' salaries, the building and maintenance of the church, the support of music for divine services, and the decoration of the chancel for the great double first-class festivals of the church's calendar.

Rice exchanged vows with his two successive wives in Christ Church. On June 30, 1850, the Rev. Benjamin Eaton solemnized his marriage to Margaret C., daughter of Paul Bremond, who was then only beginning to promote the Houston and Texas Central Railway that was to make both his own and his son-in-law's fortunes. The first Mrs. Rice bore no children. A year after the marriage, Rice purchased a tract of land on Congress Avenue, between Fannin and San Jacinto streets, across from the courthouse, and to this plot from another lot in the same block he moved a sturdily built and tastefully decorated two-story dwelling—this house—that his partner, Ebenezer B. Nichols, had begun building shortly before he changed his residence to Galveston. Rice and his wife occupied this house for twelve years, during which from time to time they dispensed hospitality to Sam Houston. In the two connecting parlors on the ground floor, Mrs. Rice spread her festive Christmas board the entire length of the house, and from its front porch, in 1860, she presented an ornate banner to the Houston Hook and Ladder Company No. 1. In the house, also, Mrs. Rice, aged thirty, died on August 15, 1863, and from its parlors on the
following day her remains were taken for burial in the Episcopal Cemetery. Although often in Houston between 1865 and 1867, Rice never again lived in the house. Certainly his second wife, Julia Elizabeth, daughter of sometime Mayor Horace Baldwin and widow of John H. Brown, never resided in it. On the morning of June 26, 1867, Rice and she exchanged their vows in Christ Church before the Rev. Joseph Cross, and during the course of the same day they left for New York, where they were to remain as residents until Mrs. Rice’s death in 1896 and Rice’s death in 1900.

Although childless, Rice had an abiding interest in education. He may have come by this interest naturally, as his father had been, during the son’s childhood, a trustee of a common school district, a high school district, and a Methodist academy. Rice may also have been influenced by a close friend, the Rev. Charles Gillett, who was active during the 1840’s and 1850’s in furthering the cause of education by establishing and operating schools, by galvanizing opinion in support of a public school system, and by urging the establishment of the University of Texas. Certainly, during the course of his last decade in Houston, Rice served as a trustee of the Houston Educational Society and of three schools: the Houston Academy, the Texas Medical College, and the Second Ward Free School.

Although there is no evidence that Rice was gregarious, as a young man he joined a number of fraternal organizations. Early in his Houston career he was a member of Lone Star Lodge No. 1 and, somewhat later, a charter member of Ridgely Lodge No. 4, I. O. O. F. Still later, possibly under the influence of his partner, Ebenezer B. Nichols, a staunch Free-mason, he became a member of Holland Lodge No. 1, A. F. & A. M., of Washington Chapter No. 2, R. A. M., and of Ruthven Commandery No. 2, K. T. Of these Masonic bodies he was still a member at the time of his death.

These, then, are the simple annals of a poor man grown rich in early Houston.

FOOTNOTES


3Rice arrived in Texas and in Houston during the first twelve days of February, 1839. See Harrisburg County Third Class Certificate No. 1294, February 12, 1839, in Fannin 3d Class (General Land Office of Texas, Austin), file 182.

4Rice's testimony, August 2-15, 1898, pp. 2-3, in William M. Rice vs. Oran T. Holt, executor of the last will of Elizabeth B. Rice, deceased, Circuit Court of the United States for the Eastern District of Texas, Equity, file 339, certified copy, Rice Litigation Papers accumulated by the law firm of Baker, Botts, Baker and Lovett of Houston (Fondren Library, Rice University). The original papers of the case were destroyed by fire when the United States courthouse in Houston burned in 1910.

5Deed Records of Harris County, Texas (County Clerk's office, Houston), 1, 398-99; K, 81-82; S, 204-205; Deed Records of Austin County, Texas (County Clerk's office, Bellville), IJ, 503-505; Houston Morning Star, November 18, 1841; December 24, 1844; Houston Weekly Telegraph, August 12, 1853; April 7, 1858.


7Ibid., 1455-59; IV, 449-55, 897-901, 929-30.

8Ibid., III, 632-36.

9Ibid., IV, 808-16.

10Deed Records of Grimes County, Texas (County Clerk's office, Anderson), B-2, 761; Deed Records of Harris County, S, 252-53, 262-65; V, 207-11; W, 105-10; Houston Democratic Telegraph and Texas Register, October 15, 1852; Houston Weekly Telegraph, May 12, 1857; Galveston Weekly News, May 12, 1857; Houston Republic, July 4, 1857; Wm. M. Rice to J. W. Latimer, Houston, March 26, 1859, in Dallas Herald, April 6, 1859. The H. & T. C. had a locomotive named Wm. M. Rice. G. M. Best, Locomotives of the Southern Pacific Company (Boston: Railway and Locomotive Historical Society, 1941), 45-56.

11Houston Weekly Telegraph, October 29, 1856; Gammel (comp.), Laws of Texas, IV, 347-51.

12Deed Records of Harris County, O, 518-20.

13Ibid., X, 78-81.

14Gammel (comp.), Laws of Texas, IV, 1259-62; V, 1649-52; Houston Daily Telegraph, June 8, 1867.

151850 Census, Texas, Schedule 1 (National Archives, Washington, D. C.), Harris County, p. 8.
16 1860 Census, Texas, Schedule 1 (National Archives), Harris County, p. 105.

17 The last instrument relating to Rice's firm the writer has found is dated December 3, 1861. Deed Records of Harris County, Y, 594-95.

18 Rice did, however, use Confederate money to pay his debts whenever possible. Rice's testimony, August 2-15, 1898, p. 108.

19 W. M. Rice to James A. Baker, Jr., New York, September 26, 1896, in New York Supreme Court, Appellate Division—First Department in the Matter of Proving the Last Will and Testament of William M. Rice, Deceased . . . , Brief for Respondent . . . (New York: C. G. Burgoyne, 1903), 65. See also answers of Charlotte S. McKee (Rice's sister), March 31, April 6, 1904, to cross-interrogatories, Adele Baldwin and another, as administratrix, etc., of Elizabeth B. Rice, deceased, v. William M. Rice and others, executors, etc., of William M. Rice, deceased, in Rice Litigation Papers accumulated by the law firm of Hornblower, Byrne, Miller and Potter, of New York (Fondren Library, Rice University); Houston Tri-Weekly Telegraph, November 18, 1864; New York Herald, September 31, 1900. The Deed Records of Harris County contain no instruments to or by Rice between December 24, 1862, and September 14, 1865.

20 Ruthven (ca. 1814-July 24, 1865) had worked for Rice & Nichols, and he was in Scotland during the Civil War on cotton business. J. C. Kidd (comp.), History of the Grand Commandery, Knights Templar, of Texas . . . (Houston: Dealy & Baker, 1899), pt. 4, p. 4; Register Book of Deaths for the District of Govan in the County of Lanark (General Registry Office, Edinburgh, Scotland), 1865, No. 303; Glasgow Herald, July 25, 1865.

21 Interview with William A. Rice (Rice's nephew), reported in Re Mr. Clark's Trip to Springfield, Mass., Feb. 19-20, 1904, in Rice Litigation Papers accumulated by Hornblower, Byrne, Miller and Potter.

22 Public Debt Papers (Archives Division, Texas State Library, Austin), file Wm. M. Rice.

23 Minutes of the 11th District Court (Harris County District Clerk's office, Houston), C, 1; D, 142, 479; Minutes of the Harris County Commissioners Court (County Clerk's office, Houston), A, pt. 2, 106, 220; Houston Weekly Telegraph, May 30, 1859.

24 Charles D. Green, Fire Fighters of Houston, 1838-1915 (Houston: no pub., 1915), 18-19, 41.


27 Rice was baptized on June 3, 1820. Register of the Methodist Society,
Springfield, from 1815-1838 (pastor's office, Asbury First Methodist Church), 83.

28 Of Charles Gillette League, on November 10, 1846; William Rice Groesbeeck, on April 5, 1849; and Williametta Rice Stiles, on February 12, 1852. Register of Christ Church, Houston, 1843-1873 (Christ Church Cathedral office, Houston).

29 Minutes of the Vestry of Christ Church, Houston, 1839-1875 (Christ Church Cathedral office, Houston), passim.

30 Melodeon Subscription, undated; Subscription List to pay Debts to Apr. 1st 1848; List of names of persons who contributed to defray the expenses [sic] to decorate the Church for the Christmas holly days [sic] 1849; Subscription List for repairs of Christ Church Decr 1853; Rectory Subscription 1857; W. H. Eliot Treas a/c for 1862 (Christ Church Cathedral office, Houston).

31 Houston Democratic Telegraph and Texas Register, July 4, 1850; Marriage Records of Harris County (County Clerk’s office, Houston), B, 255.

32 Deed Records of Harris County, P, 133. See also ibid., 378, 586; S, 310; vol. 2, pp. 490-91; vol. 6, p. 224; vol. 8, pp. 273-74; vol. 29, pp. 632-33.

33 Writers’ Program of the Works Projects Administration (comp.), Houston, a History and Guide (Houston: Anson Jones Press, 1942), 321.

34 Bernhardt Wall and Amelia Williams, Following General Sam Houston from 1793 to 1863 (Austin: Steck Company, c1935), 233. For other materials on the relationship of Rice and Houston, see Houston Telegraph and Texas Register, November 12, 1845; Houston Weekly Telegraph, November 20, December 4, 1860; and B. H. Carroll, Jr., Standard History of Houston, Texas, from a Study of the Original Sources (Knoxville: Published by H. W. Crew & Co., 1912), 196-97.

35 Sallyport (Houston), March, 1952, p. 5.

36 Houston Weekly Telegraph, May 8, 1860.

37 Register of Christ Church, Houston, 1843-1873. Later the remains were removed to lot 28, section F, Glenwood Cemetery, Houston, where there is a stone recording Mrs. Rice’s terminal dates (September 28, 1832—August 15, 1863).

38 Houston Daily Telegraph, June 27, 1867; Marriage Records of Harris County, E, 362; Register of Christ Church, Houston, 1843-1873.


40 Deed Records of Harris County, S, 770-71.

41 Gammel (comp.), Laws of Texas, IV, 733.

42 Houston Weekly Telegraph, April 24, 1860.

43 Ibid., May 22, 1860.
44 W. H. Walker, Odd Fellowship in America and Texas (Dallas: no pub., 1912), 127, 145.


46 For the subsequent history of Rice's long life, see Muir, "Murder on Madison Avenue: The Rice Case Revisited," Southwest Review, XLIV (Winter, 1959), 1-9.
JEAN LAFITTE
AND
THE KARANKAWA INDIANS

DAVID B. GRACY, II

Galveston Island, lying only a short distance from the Texas mainland, was the scene of one of the least known events of Texas history. There Jean Lafitte, the noted buccaneer, and the Karankawa Indians are supposed to have fought one another over one or more kidnapped Indian women. The conflict occupied two or three days, but which two or three is rather vague since it can be narrowed down only to within a period of some 783 days.

Early in the nineteenth century, the thirty mile long and two mile wide island was still the home of a large number of deer and birds that fed on the thick marsh and prairie grass. The principal landmark was a cluster of trees called the “Three Trees,” known today as “Lafitte’s Grove.” Since “Three Trees” stood in a grove, chronicles do not agree as to how many trees there actually were. These trees were somewhere between the center and the west end of the island on a ridge which stood about twelve feet above the surrounding marshes. As this ridge was not frequented by the many snakes on the island, it was the favorite camping area of the Karankawa Indians.

The Karankawas observed the encroachments of white men on their island hunting ground with mixed emotions. Undoubtedly, the red men were not happy to have intruders on their ancestral land, but at the same time, much of the material culture of the foreigners was alluring. The Indians kept “their sharp jet eyes ... peeled for opportunities to pick up something of value through beggary, barter, or theft.”

Jean Lafitte, born in France about 1780, was in New Orleans, Louisiana, with his brother, Pierre, by 1804, and smuggled from Barataria Island until the United States Government intervened in 1814. In January, 1815, the Baratarians rendered distinguished service to the young Republic at the Battle of New Orleans. With letters of Marque and Reprisal from Venezuela against Spain, Lafitte had landed on Galveston Island by April, 1817, where he set up a government officially loyal to Mexico. By the end of the year, there were some one thousand men and women living in his village of Campeche on the eastern end of the island.

From the beginning Lafitte and his men got along well with the Karankawas and the Indians came to be familiar figures in the town. The buccaneer “observed with curious interest the big greasy red men who loitered about the corsair commune on the lookout for tobacco, rum or other gifts or trades.” Noted for his wit, Lafitte enjoyed kidding the Indians around his house, Maison Rouge, but his jests were rarely comprehended by the Indians. The privateer was also acclaimed for his hospitality which probably was a big reason for the amiable relations.
That the natives and the intruders were friendly toward each other is attested by the fact that there were two marriages between the whites and the Indians. In one of these, “Estelle, a griff of French and Negro blood who posed as an Egyptian princess and sorceress and professionally solaced the lonely buccaneers,” was wed to Ka, a shaman with a popular practice in Campeche. Following the Karankawa custom of giving a party for the bride’s clan and since nearly all, if not all, of the several hundred white men claimed this woman, the bridegroom gave a party for the whole pirate camp. Although it must have taxed his resourcefulness, Ka's festivity was a success, particularly for the Indians who danced, sang, ate, and drank. The marriage, however, did not last long for Estelle returned to the island after about a month among the Indians—discouraged with them and their diet. The feeling about food was mutual as the red men did not care for highly spiced French cuisine.

The second marriage, somewhat more successful, was contracted between Or-ta (Girl with Long Hair) and Nikolai, a Greek. Although at first neither could speak the other's language, their vows lasted until 1821, when Nikolai sailed away with Lafitte. The Greek later returned, but he never took his wife back.

A final recorded instance of the amiable relations occurred in September of 1818. After a hurricane devastated Campeche, the Indians “contributed a great deal in the way of repairing the damages...” For their assistance, Lafitte “exchanged cooking utensils, powder, and muskets with them.”

This was not the first time that the French buccaneer had given presents to the Indians. He often did so for the purpose of preserving good will. While the Indians would steal when the opportunity presented itself, “They learned to earn gifts by entertaining the buccaneers with feats of skill and strength.” Wrestling matches and displays of bow and arrow marksmanship seem to have been quite popular. As time passed and latent tensions eased, the Karankawas grew more overt in their thievery. Lafitte finally determined to put an end to it, and he ordered the Indians out of his community. Sullenly, they retreated to their camp at “Three Trees.”

A day or so later a party of Lafitte's men went out to hunt deer and stumbled upon the Karankawa camp. The whites invited themselves in and committed an act of atrocity that led to the expulsion of Indians from the island. The buccaneers kidnapped either one woman or one woman each. At any rate, the Karankawas were too aroused to quibble over numbers.

The Indians determined to get revenge and their woman or women back. The first party of whites that the Indians met were hunting. They waited in ambush and fired upon the hunters. The attack on his men was too much for Lafitte. He mustered about two hundred men, two pieces of artillery, and set out to punish the savages.

The buccaneers met the Indian force, which consisted of some three hundred men, on the ridge of “Three Trees.” The Karankawas were soon driven from their position but instead of retreating from the island, they scattered and fought a guerrilla action for two or three more days.
It is claimed that during this time the Indians even communicated between themselves with smoke signals.²²

The buccaneers finally managed to round up their red foe and hastened their departure from the island by firing volley after volley until the Indians had paddled their canoes safely out of range. The place where the Karankawas had left their canoes and from which they speedily departed is known as "Caronkaway Point."²³ After the victory there was a great celebration in Campeche."²⁴

There is no record of what happened to the abducted woman or women.²⁵

It is of interest to note that in spite of the diversity of accounts of the battle, most seem to reach some agreement on numbers and losses. Lafitte brought two hundred men into the battle against some three hundred Karankawas. The Indians' loss centers around the number thirty. Some claim thirty killed;²⁶ some say about thirty killed and wounded;²⁷ and others propose about thirty killed and about thirty wounded.²⁸ It is agreed that several of Lafitte's men were wounded, but there is no consensus as to whether or not he suffered any killed.²⁹ Apparently there was no quarter given.

Joseph O. Dyer, however, in The Early History of Galveston denies that there was such a battle and insists that the tales "like the finding of his [Lafitte's] treasure, his acts of piracy, his battles with the Carancahua Indians, and his love affairs" are legends.³⁰ This author states that the Battle of the Trees was fought by General James Long on February 20, 1821.³¹

Dyer is not alone, however, in stating that the battle occurred in 1821, for the marker erected by the State of Texas at "Lafitte's Grove" on Galveston Island, while crediting the action to Lafitte, also contends that it occurred in February, 1821. Agreement ends here since both Albert S. Gatschet in The Karankawa Indians and Jean Lafitte in his Journal state definitely that the battle took place in 1818, while Homer S. Thrall in his History of Texas claims that the hostilities broke out in 1819.³²

The Karankawas returned to the island in force only once while Lafitte remained there, but retreated without a fight.³³ This was probably the time that Lafitte went out in search of some of his men missing on a hunting trip. The search party came upon a white man literally running for his life, closely pursued by about fifty Indians. This third party (one previous expedition had never returned) rescued the running man, Juan Perez, the village carpenter. Perez asserted that the Indians were about to make a feast of his comrade and himself when he had escaped. Directed by Perez, Lafitte and his men went to the place and found what they believed to be charred human remains.³⁴

On February 25, 1821, not long before Lafitte left Galveston Island under United States orders, he "suggested to all those who were staying on to decorate the graves of those who had died in the battle against the Carancahua Indians. . . . They accepted the proposition I made to reduce two bars of gold into powder and scatter it over the graves."³⁵

The hostile affair between Jean Lafitte and the Karankawa Indians
was one in a string of events that led to the extinction of the natives. After their first, and not unpleasant, contact with white men (Cabeza de Vaca in 1528), these coastal Indians, to their mind, were mistreated by the white invaders, but every time the red men resisted, their meagre numbers were reduced. The experience with Lafitte only nourished the Karankawas' hostile attitude so that their relations with the Anglo-American settlers were anything but cordial. The Anglo-Americans hated the Karankawas because of their reported cannibalism, and it was only a matter of time before their complete annihilation.

FOOTNOTES


2Hollon and Butler (eds.), Bollaert’s Texas, 14, says the trees were in the center of the island while Harbert Davenport and Joseph K. Wells, “The First Europeans in Texas, 1528-1536,” Southwestern Historical Quarterly, XXII, 138, says the trees were near the west end of the island; other sources for this description of the island are: John H. Brown, History of Texas from 1685-1892 (2 vols.; St. Louis, 1892), I, 67; William M. Jones, Texas History Carved in Stone (Austin, 1958), 73; Joseph O. Dyer, The Early History of Galveston (Galveston, 1916), 3.

3Kilman, Cannibal Coast, 169, 174.

4Brown, History of Texas, I, 69; Dyer, History of Galveston, 6, says Lafitte did not arrive on Galveston until early May; Rupert N. Richárdson, Texas, The Lone Star State (New York, 1943), 53.

5Brown, History of Texas, I, 70; Henderson Yoakum, History of Texas from its First Settlement in 1685 to its Annexation to the United States in 1846 (2 vols.; Austin, 1932), I, 194; Homer S. Thrall, History of Texas (St. Louis, 1876), 132.

6Kilman, Cannibal Coast, 175.

7Ibid., 176; Thrall, History of Texas, 132.

8Kilman, Cannibal Coast, 178.

9Ibid., 178-179.

10J. O. Dyer in ibid., 261.

11Ibid., 179; J. O. Dyer, The Lake Charles Atakapas (Cannibals) Period of 1817 to 1820 (Galveston, 1917), 4. In the last named source, Dyer recorded Nikolai’s reminiscences of the Karankawa Indians and their habits.

12Jean Lafitte, The Journal of Jean Lafitte (New York, 1958), 103, 101. Since this journal was written between 1845 and 1850, if the reader holds with the school that says that Lafitte died in Yucatan in 1826, he is forced to doubt the authenticity of the work.

13Ibid., 103.

14Kilman, Cannibal Coast, 177.

15Ibid., 180-181.
Lyle Saxon, *Lafitte the Pirate* (New York, 1930), 220, gives the number in the party as four.


Kilman, *Cannibal Coast*, 181, indicates that the Indians were on the island at the time of the kidnapping and that they ambushed a later party of hunters, but inflicted no damage; Arthur, *Jean Lafitte*, 174, and Brown, *History of Texas*, I, 70, both contend that four of the party were killed; and both Brown, *History of Texas*, I, 70, and Yoakum, *History of Texas*, I, 197, insist that the Indians came over from the mainland to ambush the hunting party.


This number seems excessively high even though all sources agree on it.

Kilman, *Cannibal Coast*, 182.


Kilman, *Cannibal Coast*, 183. This is the only source that mentions this lack of knowledge.


Kilman, *Cannibal Coast*, 182; Saxon, *Lafitte*, 220; Lafitte, *Journal*, I, 71, all agree that Lafitte had some men killed; Brown, *History of Texas*, I, 71, says that he suffered only some wounded.


Ibid., 9.


Captain Kearney’s [the man who delivered the United States order for Lafitte to evacuate Galveston Island] Report in the *United States Magazine and Democratic Review*, July, 1839, in Kilman, *Cannibal Coast*, 183-184. Jesse A. Ziegler, *Wave of the Gulf* (San Antonio, 1938), 17, says that the Karankawas made a meal of some six of Lafitte’s men. This is probably an exaggeration because the Karankawas ate only certain portions of human flesh and they did it only for ceremonial reasons.

Lafitte, *Journal*, 118.

EAST TEXAS

By the Editor

On November 14, 1963, the Harrison County Historical Society and the Harrison County Historical Survey Committee held a Civil War Centennial observance commemorating the establishment of the Confederate Capitol of Missouri by Governor Thomas C. Reynolds early in November, 1863.

Approximately 200 persons attending a luncheon addressed by Byron Tunnell, Speaker of the Texas House of Representatives, heard a review of recent legislative achievements concerning historical preservation in Texas. Following the luncheon, the Marshall High School Band entertained with a concert which included, among other numbers, the "Missouri Waltz" and "Dixie," and the Dixie Drill Team of Fair Park High School, Shreveport, Louisiana, performed precision drills.

The remainder of the program occurred near the site of the Confederate Capitol of Missouri at the corner of South Bolivar and East Crockett Streets, where James E. Moss, Associate Editor of the Missouri Historical Review and the official representative of the Missouri Governor delivered an address and Mrs. L. E. Dudley of Abilene, representing the Texas State Historical Survey Committee, described achievements and objectives of the current historical marker program of the State of Texas.

Finally, a large granite marker, such as those about which Mrs. Dudley spoke, was unveiled by Mr. Moss bearing the following inscription:

Confederate Capitol of Missouri
On this site a one-story frame house served as headquarters of the Civil War State Government of Missouri in exile. From Marshall, Governor Thomas C. Reynolds and his staff directed the civil and military affairs of Confederate Missourians from November, 1863, until June, 1865. The Governor's mansion was in a one-story frame cottage then located directly west across the street.

A memorial to Texans
Who served in the Confederacy
Erected by the state of Texas 1963.

The full day's program was the climax of a week-long emphasis on the roles of Marshall, Harrison County, and East Texas in the Civil War led by the Harrison County Historical Society and its President, Colonel Chesley Adams, assisted by the Harrison County Historical Survey Committee, the Rotary Club and interested civic leaders. The Marshall News Messenger contributed to the observance by publishing a special historical edition on November 10, and the historical society republished an article by William R. Giese titled, Missouri's Confederate Capital at Marshall, Texas.

In the spring of 1864 General N. P. Banks began the Red River Campaign in an effort to crush the Confederates in Louisiana, southern Arkan-
sas, and eastern Texas. A Confederate Army under General Richard Taylor was assembled at Shreveport which consisted of troops from Louisiana, Arkansas, Missouri, and Texas. The Texas troops under General Taylor were General John G. Walker's division of Texas infantry and General Tom Green's brigade of Texas cavalry. General Taylor decided to make a stand at Mansfield and the Battle of Mansfield was fought on April 8, 1864.

The Texas State Historical Survey Committee, headed by John Ben Sheppard, is cooperating with the Mansfield Battle Centennial Committee in a joint commemoration program on April 4 and 5 honoring those who fought in the Red River Campaign.*

Texas is planning a muster of the descendants of the Texas troops who fought in this campaign on the court house square in Center Saturday morning, April 4. There will be a pancake breakfast beginning at 7:30 followed by a period for registration.

The registration will be followed by a program at which Allan Shivers of Austin will give the principal address. Byron Tunnell will serve as master of ceremonies. While at Center the Texans will elect a "Texas Rebel Yell Champion" to contest a Louisiana champion elected at Mansfield.

At eleven the Texans will leave for Mansfield and arrive in time to participate in a parade at noon. At two o'clock a memorial program will be given at the Mansfield Battle Park. The principal speaker will be Dr. Jay Taylor, President of Louisiana Polytechnic Institute.

Other Texans taking part in the program include the Fairfield High School Band, the Rebel Guard of the Robert E. Lee High School of Tyler, and a drill unit from the Sons of Confederate Veterans of Houston. A group from Freestone County will bring a Valverde cannon part of a battery of that name, which participated in the battle one hundred years ago.

The Shelby County Historical Society was organized some one and one-half years ago with two hundred and forty charter members and has well over one hundred members at the present time. Malcom Weaver was the organizing president, and Bennie Nix is the 1963-1964 president. The membership dues are five dollars annually.

The Shelby County Historical Society has several projects: it has established a museum which is kept open three days a week and admission is free; the society has registered fifty cemeteries in the county, and has secured some fifteen markers for Confederate soldiers, and one marker for a Union soldier; genealogy records are sought and preserved; the society along with the county survey committee has secured two medallions for historical homes, a medallion for the old court house in Center, and two medallions for old Methodist churches; local funds have made possible a large marker at the home of O. M. Roberts on Patroon Creek; a current effort is being made to secure local funds to designate the old county court-

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*April 4 is the nearest week-end to the actual date of the battle, April 8.
The Toledo Bend Dam Reservoir will inundate the site of Pendleton Crossing on the Sabine River where Texas Highway 21 joins Louisiana Highway 6. These two state highways follow, in a general way, the El Camino Real or the Old San Antonio Road, which is the oldest road in Texas. The Toledo Bend Association, because the present Pendleton Crossing will be under water, has asked the Louisiana and Texas Highway Departments for cost surveys of raising the present bridge and the highway leading to Pendleton and for a new route which would require a bridge over the lake at Sabinetown which is several miles down the river from Pendleton Crossing.

The San Augustine Historical Association, under the leadership of President Steve C. Kardell, is protesting the suggestion of a change in the location of the Sabine crossing. President Kardell says, "It, therefore, behooves all citizens of Texas and Louisiana in our march for progress, not to let a possible small savings [the cost of the two routes has not been definitely established] in construction cost, destroy or lose sight of an historical location so significant to the heritages of both Texas and Louisiana. While it is not our aim to stand in the way of progress, we feel that we must, at all cost, preserve not only the memory of historical events, but also the historical sites that have and will continue to reward and give us the will to progress. Granted, since there is to be a lake, the site of Pendleton must be inundated, but we can at least let future travelers have as their first sight of Texas and Louisiana the original route of El Camino Real."

The Rusk County Historical Society is also functioning as the historical survey committee for the county. Regular monthly meetings, open to the public, are held in the courthouse.

The committee is locating and marking graves of Confederate soldiers. Thirty-four Confederate graves were marked before the beginning of the Civil War Centennial, and four markers are now on order.

Perhaps the most interesting and gratifying project of the society is a weekly thirty minute radio program, "History Over the Coffee Cups," given each Friday morning at 8:30. This program emanates from a large round table in a corner of the Courthouse Coffee Shop and is given over Station KGRI in Henderson. Mrs. Carl Jaggers has been serving as moderator and the regular panelists are Mrs. Mary Frank Dunn, Mrs. Gordon Brown, and Judge C. M. Langford.

These programs have concerned old settlers, old cemeteries, Trammell's Trace, Texas regiments in the Civil War, with emphasis on Rusk County companies, old Millville and its empresario, Jesse Walling, early schools, old community names, and the Regulator and Moderator War. The third
grade from Central Elementary School gave the program in September. Each child told something about Rusk County or about Henderson.

Mrs. Carl Jaggers is secretary of the Committee.

The Gregg County Historical and Genealogical Society has functioned also as the Gregg County Historical Survey Committee. The officers of the Gregg County Society are: Mrs. Paul B. Belding, President; Miss Dolly Northcutt, Vice-President; Mrs. Frances Brestow, Secretary and Treasurer; and Eddie Woods and Mrs. Mildred Thompson, Publicity Chairmen. The society membership has been divided into several committees: Archives and Artifacts; Gregg County History; Personal Interview; Publication; and Publicity.

The society has been successful in collecting interesting material concerning Gregg County families and the history of the county.

The following is a small part of the society's inventory:

1 Copy Family Story of James and Sarah Elder Holloway, by Mrs. T. W. Swiley

Incomplete Folders On:
1. Gregg County, Texas
2. Longview, Texas
3. Early Schools in Gregg County
4. Social Life
5. Clubs
6. Miscellaneous Pictures
7. Elderville
8. Peatown
9. Danville
10. Robbery of the Clemons Bank 1894

The annual Jefferson historical pilgrimage, which each year turns the clock back to the day when this small city was a glamorous city of stern-
wheelers and wagon trains, will be held this year on April 10, 11, and 12.

The pilgrimage is sponsored by the Jessie Allen Wise Garden Club and is considered second only to the Natchez pilgrimage in historical interest in the Deep South.

This year’s three-day event will feature visits to stately homes reflecting back to the time Jefferson was the fifth largest city in Texas. There will be two tour tickets with five homes on each ticket. The price of each is three dollars plus tax. Students coming in groups will be admitted for half price.

Spectators may visit the Historical Museum, and the old Excelsior House where President Ulysses S. Grant and other notables once stayed overnight. The onetime private railroad car of rail king Jay Gould will be open to the public. Again this year there will be five performances of the Diamond Bessie Murder Trial play.

Jefferson was a major inland port city in the years following the Civil War but faded from prominence when the water level of the Red River dropped and steamboats were unable to journey up Big Cypress Bayou.

The days of glory and prestige of this old town are relived, however, each spring when thousands of visitors, during the historical pilgrimage, tour the old homes and landmarks.

The James Haggard Chapter of the Colonial Dames of the XVII Century in Nacogdoches awards a scholarship annually to an outstanding history student at Stephen F. Austin State College. The scholarship is based on need, character, and professional promise. The chapter finances its projects by a tour which includes Nacogdoches homes, some modern and some historical, and historical places in and around Nacogdoches.

The 1964 tour will be on May 2 beginning at nine-thirty in the morning. The five homes included in this year’s tour are Colonel and Mrs. W. B. Bates’ country home, the Gingerbread House of Mr. and Mrs. Ashford Jones, and the homes of Mr. and Mrs. A. T. Mast, Sr., Mrs. Clarence Thompson, and Dr. and Mrs. Walter B. Allen.

A colonial tea will be given from two to five P.M. at the old Nacogdoches University Building which is located on Nacogdoches High School Campus. This building, constructed in 1858, has been restored, and is being furnished with furniture of the period.

The Old Stone Fort museum, on the campus of Stephen F. Austin State College, along with the Hoya Memorial Library will also be open to visitors, as will Oak Grove Cemetery.

A tour ticket is three dollars, and includes the Colonial Tea at the Old Nacogdoches University Building.

For advanced tickets or information one should write Mrs. E. R. Bates, 1020 Mound Street, Nacogdoches.
Through the efforts of the Walker County Historical Survey Committee and the Walker County Historical Society a Medallion was recently presented to Gibbs Bros. and Company of Huntsville. Gibbs Bros. and Company is probably the oldest continuous business in Texas and was started in 1841. The company, in the more than one hundred years of its existence, has remained in the hands of the same family and the main offices are located in the original site of the business.

WALKER COUNTY HISTORICAL COMMITTEES

County Chairman: James E. Farris

Co-Chairman: Mrs. A. E. Cunningham

Secretary-Treasurer: Mrs. C. R. Hackney

Medallion Committee
Dr. Mac Woodward, Chairman
Dr. Joe Clark
Mrs. Alton Farris
Mr. Gibbs Vinson, deceased
Mrs. Bill Fitzgerald
Miss Mary Estill
Mrs. A. E. Cunningham

Mrs. Minney Fisher Cunningham
Mr. T. E. Humphrey

Legislative Committee
Dr. Ferol Robinson, Chairman
Mrs. W. T. Robinson
Mr. Gibbs Vinson, deceased
Mrs. Earl Huffor

Finance Committee
Mrs. L. B. Baldwin, Chairman
Dr. Mac Woodward
Mrs. Clyde Hall
Mrs. A. E. Cunningham
Mr. E. R. Berry

Mrs. Thomas F. Richardson,
Chairman
Mr. Gibbs Vinson, deceased
Mrs. Joe Kirk
Mrs. Clyde Hall
Mrs. A. E. Cunningham

Historical Grave Markers Committee
Mrs. Alton Farris, Chairman
Mrs. C. R. Hackney
Mrs. Bill Fitzgerald
Mrs. Joe Kirk

Mrs. Alton Farris, Chairman
Mrs. C. R. Hackney
Mrs. Bill Fitzgerald
Mrs. Joe Kirk

Publicity Committee
Dr. Ferol Robinson
Mr. T. E. Humphrey
Mrs. C. R. Hackney

The spring session of the East Texas Historical Association will meet in Huntsville on March 21, 1964.
AUSTIN COLLEGE BUILDING  
(Austin Hall)

Austin College Building—Oldest building still in continuous use for education west of the Mississippi

Austin College Building once housed Austin College and included classrooms, a chapel, and a library donated by Smithsonian Institution. The Masonic Lodge of Huntsville laid the cornerstone on June 24, 1851. The building was used by Austin College from 1851 to 1876, by a private academy from 1876 to 1879, and has been in continuous use by Sam Houston State Teachers College since 1879. This is the oldest building still in continuous use for educational purposes west of the Mississippi River.

It is built of brick, two stories, and originally supported a small cupola in which hung a bell that summoned the students to class exercises. After the State of Texas acquired the building the bell was sent to Austin College which had moved to Sherman in 1876.

The building is now used as a faculty social center (first floor) and as headquarters for ROTC (second floor).
HOME OF GENERAL SAM HOUSTON

The home of General Sam Houston was built in 1847. The home is a story-and-a-half, "dog run" structure. Houston sold the property in 1853 but acquired it again in 1855. When Houston entered the governor's race in 1857, he sold the property in order to raise funds to finance the campaign. When he retired from public life, Houston was unable to purchase the old home place. The graduating class of 1910-1911 at Sam Houston State Teachers College purchased the residence. Funds for the restoration and beautification of the home and grounds were provided by the Texas Legislature in 1928.
SAM HOUSTON MEMORIAL MUSEUM

Sam Houston Memorial Museum is located just across the street from Sam Houston State Teachers College. The first unit of this building was constructed with funds ($15,000) provided by the Texas Centennial Commission and was dedicated and presented to the State of Texas on March 2, 1937. The building is a beautiful brick structure and is crowned with a massive copper dome. Four magnificent columns support the entrance to the museum. The museum contains many displays, collections, and exhibits which are of great significance to those who are interested in Sam Houston and the history of Texas.
THE STEAMBOAT HOUSE

The Steamboat House is one of the buildings which make up the Sam Houston Shrine. It was constructed in 1858 by Dr. Rufus Bailey, President of Austin College and friend of Sam Houston. The house was modeled after the famous Mississippi steamboat. When Houston retired from public life, he returned to Huntsville and leased the Steamboat House. It was here that Houston died on July 26, 1863. J. E. Josey of Houston purchased the Steamboat House in 1933 and presented it to the State of Texas on March 2, 1936, the one hundredth anniversary of the signing of the Texas Declaration of Independence. In 1936 the house was moved to its present location.
The first annual meeting of the East Texas Historical Association was held in Nacogdoches on October 5, 1963. Professor Frank B. Jackson of East Texas State College arranged the program. Three papers were read at the morning sessions: "Civil Law and Common Law in Early Texas," by Joe E. Ericson of Stephen F. Austin State College; "Red River County, Texas in the 1920's," by Neal A. Baker, Jr. of Kilgore Junior College; and "Historical Aspects of Linguistic Research in East Texas," by Fred Tarp­ley, of East Texas State College.

President F. Lee Lawrence, of Tyler, presided over the luncheon at which Fletcher Warren, of Greenville, and former United States Ambassa­dor to Turkey, read a paper, "Early Beginnings in East Texas." A busi­ness session followed.

At one-thirty, a panel discussion: "Civil War in East Texas" was par­ticipated in by Ralph Goodwin, of East Texas State College, moderator; James L. Nichols, Stephen F. Austin State College; Cooper K. Ragan, of Houston, and Allan C. Ashcraft, of Texas A & M University.

A tour of historical sites in Nacogdoches was conducted by F. I. Tucker.
BOOK REVIEWS


In the past two decades historians of the American West have shown increased interest in the development of frontier business institutions. This concern has resulted in a number of first rate studies of the American fur trade, transportation, and more recently, land companies. The volume under review is a valuable contribution to an understanding of a major business institution of the Texas Panhandle, the Francklyn Land and Cattle Company.

The Francklyn Land and Cattle Company was organized in 1882 under the laws of New Jersey with a capital stock of $3,000,000 with Charles G. Francklyn of New York, who held extensive mining and railroad interests in the Southwest, as president. In November of that year the Francklyn Company purchased over half a million acres of land in Hutchinson, Roberts, Carson, and Gray Counties north of the Palo Duro canyon. These grazing lands, known as the White Deer lands, were actually held by the Francklyn Company for only four years, passing into the hands of British bondholders in 1886 after the collapse of the Francklyn enterprises. For the next sixty years these lands were held and operated under the supervision of the British holders, chief of whom was Lord Roseberry, one of the wealthiest men in the world.

This volume is the first thorough study of the White Deer Lands and the men involved in the Francklyn Land and Cattle Company and its successors. The author, Professor Lester F. Sheffy of West Texas State College, was for eighteen years editor of the Panhandle Plains Historical Review and is perhaps the best known chronicler of the Panhandle saga. The complete files of the Francklyn Company were recently donated to the Panhandle-Plains Historical Museum at Canyon and Professor Sheffy has made full use of these records in tracing the development of the White Deer Lands.

In many ways this is a story of hardship, discouragement, and failure. Droughts, fires, floods, Texas fever, blizzards, and unsettled business conditions in the cattle market plagued Colonel B. B. Groom, Texas agent for Francklyn, and led to the failure of the company.

This is an impressive study and will be a vital source book for students of Texas and Western history. One does regret, however, that Professor Sheffy limited himself so exclusively to the role of narrator and presented little analysis or interpretation. Too, the lengthy and rather numerous direct quotations will discourage many general readers while the lack of specific footnote citations and formal bibliography will annoy scholars.

RALPH A. WOOSTER
Lamar State College of Technology

Ben H. Procter, a professor of history at Texas Christian University has written the only definitive biography of John H. Reagan, the great public servant of the Lone Star State from Palestine, to date.

This is the edited version of Procter’s doctoral dissertation at Harvard. It does both the subject and the author credit.

Procter won a Phi Beta Kappa key and played football while at Texas University. He has produced a book dependable as to historical fact, interesting as to content, and gap-filling in the literature of Texas history. As printed, the book is handsomely attractive, and, costwise, none too dear.

Reagan, the “Old Roman” of Texas politics, served his people as justice of the peace, district judge, Congressman, secession conventioneer, Confederate Congressman, Confederate cabinet member, Texas constitutional convention chairman, Congressman again, U. S. Senator, and chairman of the Texas Railroad Commission.

He lived and labored in the Republic, Texas as a state in the Union and Confederacy, the Confederacy and the United States. He even went to prison with Jefferson Davis. Years later he resigned from the U. S. Senate to become chairman of the Railroad Commission, to be appointed three times and elected once.

Procter has delineated the life and times of Reagan thoroughly and well. The adroit, adept TCU professor writes with clarity and preciseness, and his sources appear reliable. His reporting is trustworthy in almost every instance.

Historians, students (especially on the college level), and general readers interested in the stirring story of this outstanding lover and servant of Texas, will trust, like and enjoy “Not Without Honor.”

Edwin W. Rice
Northwestern State College (La.)
IN MEMORIAM

ROBERT PATTON

Robert Patton died in Jasper, January 29, 1964. Mr. Patton assisted in the organization of the East Texas Historical Association in October, 1961, and served the organization in its first year as Vice-President. He was interested in the history of Jasper County and of East Texas.

Mr. Patton served his community and his country with distinction. He became an army lieutenant in World War I, and was cited for outstanding service by the American Red Cross during World War II. He also served as a member of the Selective Service Board. He was a member of the Texas Legislature from 1953 to 1957, and was appointed acting postmaster in Jasper in 1961 and served two years.

Mr. Patton was a Mason; a member of the State Democratic Executive Committee; the American Legion; Jasper County Historical Survey Committee; Texas Forestry Association; and a member of the First Baptist Church of Jasper.

The Jasper News-Boy's editorial stated: "Bob Patton was a good man. And he was good for the people around him. He liked people, and they liked him. He had an enthusiasm for the glory of the past, for the joy of the present and for the promise of the future."

Mr. Patton received a bachelor of arts degree from Rice University in 1920.

The following resolution was adopted at a called meeting of the Directors and Editorial Board of the East Texas Historical Association:

Be it resolved by the Board of Directors and the Editorial Board of the East Texas Historical Association, in meeting assembled that we express this sorrowful memorial of our deceased Charter Member and Vice-President of this association, Robert Patton. We mourn his passing and loss of his services for it was his unflagging interest in this association and his zeal in securing members that gave our association its initial impetus. He will be sadly missed from our roster and we direct that this resolution of our sorrow be described in the minutes of this association and published in the Journal as a memorial to his contribution unanimously done on this the 8th of February, 1964.
CONTRIBUTORS TO THIS ISSUE

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