Travels and Tribulations of a Young East Texas Lawyer, 1849-50

Mary S. Estill
Sunday, May 12th, 1850—Came today to Jasper. Rode over a bad road—acres of mud—high waters, etc.—about 24 miles. Stopped at a nice [?] tavern where children were predominant—scoffing old lady with most peculiarly whining enunciation—dirty table cloth—bad coffee, etc.—oh! the varieties of a Lawyer’s life in Texas.

Thus wrote twenty-two year old Franklin B. Sexton of San Augustine, Texas, a small East Texas town noted at the time for its distinguished local bar personnel. The record is neatly penciled in a hand-sized memorandum book which the young lawyer carried with him on certain of his expeditions and which served the dual purpose of account book for the listing of current expenditures and diary in which to enter intermittently, briefly and pungently both facts and comments.*

Young Sexton's memoranda throw light on East Texans of more than a hundred years ago which may easily be compared or contrasted, as the case may be, with the same area today; on prices and, perhaps, customs of dress and recreation of a fastidious young man of another day; and on the personality of an impressionable youth who was earnest as both Mason and Episcopalian. Certain entries reflect, also, the timeless sentiments of romantic youth.

Because a candidate for the legal profession in the 1840's and 1850's could not be licensed to practice law in Texas before he was twenty-one years of age, a special act of the legislature was required in 1848 to enable two twenty-year old Texans, one of them Franklin Sexton, to become lawyers after they had stood their bar examinations. The young Sexton had read law, as the custom was, in the offices of experienced lawyers; his legal apprenticeship was served with James Pinckney Henderson, Governor of Texas, 1846-1847, and with O. M. Roberts, later a governor of Texas. The two San Augustine lawyers were well known and highly regarded in the profession.

The only son of Dr. and Mrs. Samuel Sexton, Franklin had grown up in the small East Texas town where the two men practiced. At the time of the diary's composition, the elder Sexton had died, and Franklin and his mother, Emily H. Sexton, were left alone in the San Augustine home. She was herself a strong character, as the reader of her own fragmentary diary can judge—a woman who loved her flowers and who saw to it that her son secured the best education available in those parts.

Because of seasonal rains and the absence of railroads, travel across

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*This diary is in the possession of Mary S. Estill, Huntsville.
country was apparently restricted largely to horseback, at least for a man traveling alone or with a male companion. On Thursday, November 8, 1850, Sexton made this entry:

Left Crockett about 8 A.M.—16 mis. to Trinity River—found it very high—water rising—crossed at 12 M.—Passed (just over the river) a large prairie almost entirely under water—an endless succession of blue waters stretched out as far as eye could see—one of the grandest sights I ever beheld. Dined at a brook [?] made coffee for ourselves—excellent too. Passed over much poor land. Came to H.S.W. at night—Log Cabin presenting a miserable exterior but containing more comfort than one would suppose—Entertained by a fiddle played by an old negro pretty well.

Regarding a journey to New Orleans, "of what kind I hardly know—not pleasure exclusively as that term is understood by gentlemen of elegant leisure and heirs of a hundred thousand a year," Sexton says this on Monday, February 11, 1850:

After 2 ½ days ride, the last one of which was over a road composed principally of mud and water, arrived at Natchitoches, La.—a terrible place filled as was the road with mud. Stopped at a tavern infested with dogs and gamblers. Fortunately found a Free Mason Lodge in session, attended and was much pleased—Treated with much kindness and courtesy.

Tuesday 12 Feby—Horrible gloomy and rainy day. In the evening left on board S.B. J. T. Doswell [?] for N. O. Wrote to Ma and thought much concerning her. May God help and protect her. Good boat—not many passengers.

18th Wednesday night—Arrived at Alexandria—walked about a little at night—streets full of water—found 1 or 2 old acquaintances—the town is certainly revolutionized—most of my old acquaintances and I had many are either dead or removed—found and heard from my friends in N. O.—most highly wrote account of Miss K.—she is said to be a reigning Belle in the city—a very moderate lawyer, has not much to hope for from her smiles.

The boat left Alexandria "a little after 12 o'clock at night" (on Friday, February 15). On the next day, the moderate young lawyer wrote:

Read the end of a novel this morning—entitled "George St. Julian or the Prince"—pretty good—a stricture on English speculation—Passengers endeavored very philosophically to amuse themselves by solving puzzles. Passed the mouth of Red River and entered the "Father of Rivers" the mighty Mississippi—about 4 o'clock P.M. It is truly the Amazon of North America—the great connecting link—the consolidating element between the prejudices, interests, and hopes of this mighty confederacy.—It possesses more power in preserving and perpetuating "Our glorious union" than hosts of fulminating politicians or heartless and intriguing aspirants. It is the channel through which the products of industry and commerce of every part of the U. S. are taken to
market as well as the great and unfailing medium of intercommunication between her citizens. And while ever men continue to be actuated by their own interest, the desire to use freely and unmolestedly this great highway will bind faster and faster the ligaments of the federal union! But enough of political economy.

Had an elegant dinner—passed the day variously. Have a very agreeable stateroom companion (a master mason), Bro. L. R. Wolmesley—a very clever fellow, I think—weather quite cool. God direct me on my course on this trip—May it not be profitless. God help and protect my dear mother.

17th Sunday—Arrived at N. O. about 3/4 past 2 P.M. Walked over the city, etc.

Nearly three months later Sexton recorded this entry:

Thursday morning May 9th, 1850—Left home for Newton County—in company with Rev. F. Wilson. Rode over poor pine woods for nearly 25 miles—then came into a section of rich bottomland badly overflowed, the Bear Creek bottoms—rich land but difficult to cultivate— Came at night to Hickmans—large house—saw the largest woman I ever saw—great air of comfort—slept badly—bad supper.

Friday 10th May—Rode over poor pine woods land most of the day—My traveling companion is rare and smutty old genius—got some coffee in the afternoon at Mrs. S.—great familiarity of servants, etc.

Always sensitive to kindness, courtesy, and culture, Sexton continues:

Arrived at Dr. F--k's—found him absent—his lady a generous, sensible, and amiable woman—slept pleasantly.

Expenditures conscientiously listed in the little memorandum book show Sexton to be a young man who engaged in social life of the day, for he includes items of clothing and recreation necessary for the young gentleman of society when he visited New Orleans:

<table>
<thead>
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<th>Item</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Gloves</td>
<td>$1.00</td>
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<tr>
<td>Cloak</td>
<td>18.00</td>
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<tr>
<td>Hack for Mrs. H.</td>
<td>1.00</td>
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<tr>
<td>Cards</td>
<td>1.25</td>
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<tr>
<td>Cab</td>
<td>.75</td>
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<tr>
<td>2 pr. white kid gloves</td>
<td>2.00</td>
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<tr>
<td>1 fine buff vest</td>
<td>5.00</td>
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<tr>
<td>1 fine shirt</td>
<td>2.25</td>
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<tr>
<td>Bouquets (bontonieres?)</td>
<td>.20</td>
</tr>
<tr>
<td>Frock coat</td>
<td>20.00</td>
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His total expenditure for these items was a little over fifty dollars, perhaps one-fourth of their cost in 1964 money.

In his diary are entries referring to attendance on the theater in New
Orleans; probably the charms of a certain young lady enhanced his interest in drama. These theatrical evenings are noted thus:

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<tbody>
<tr>
<td>Theatre</td>
<td>$5.00</td>
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<td>Theatre</td>
<td>4.00</td>
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It is assumed that each entry accounted for two tickets. And an evening during which he went to see Placide Varieties where there was “obscene dancing” cost him, according to the notation in his expense account, $2.75. For ball tickets, when he escorted the charming and flirtatious Miss H--, he paid $5.00.

Among listed expenditures which serve as a commentary on the changing value of money are the following:

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<tr>
<td>Shaving and haircutting</td>
<td>$.40</td>
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<tr>
<td>Brushing, etc.</td>
<td>.20</td>
</tr>
<tr>
<td>Dinner at Clark's</td>
<td>.30</td>
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<tr>
<td>Shaving</td>
<td>.20</td>
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<tr>
<td>Lunch</td>
<td>.10</td>
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<tr>
<td>Washing bill</td>
<td>.50</td>
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<tr>
<td>Dinner at Restaurant</td>
<td>.25</td>
</tr>
<tr>
<td>Oranges</td>
<td>.10</td>
</tr>
<tr>
<td>Theatre</td>
<td>1.00</td>
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</tbody>
</table>

Listed are also such miscellaneous items as the steamboat fare from Natchitoches to New Orleans, $10; brandy on steamboat, $.50; crossing Sabine [presumably by ferry, perhaps historic Gaines Ferry] $.20; Omnibus $.90 and $.10 [two entries from his New Orleans visit]; “garters for Ma” $1.75; Board bill $15.00; “To Porter” $.50; Charity (Lodge) $.50.

Especially interesting to this reader of the memoranda are certain entries which identify Franklin Sexton as a devout Episcopalian even as a very young man, for this same strain of piety runs through another diary which he kept thirteen years later (1862-1863) in Richmond, Virginia, while he was serving as a Confederate Congressman.

On his coming of age, Sunday, April 29, 1849, is this entry:

This day am 21 years of age—a legal man! Would I were a perfect man in goodness and righteousness and durability and nobleness—in everything that makes man approved in the sight of God.

Oh God strengthen my resolutions to do better. Uphold me by thy grace in every good and generous and honorable undertaking—and finally bring me to the reality of eternal felicity, for Christ's sake.

Thus, Episcopal F. B. Sexton’s prayer has the devout flavor of Puritan John Milton’s desire on his “having arrived at the age of twenty-three” to live “as ever in my great Taskmaster’s eye.”

A few days later—on May 2, 1849—his entry includes this fervent petition: “Oh God make and keep me true, faithful, and worthy. Make me a good Mason. Years later, Sexton filled the highest state office in
masonry, that of Grand Commander of the Knights-Templar of Texas; and a masonic lodge in East Texas was named for him. It is not surprising, then, to find this young man, at times passionately earnest, writing: "May God direct me (for Jesus' sake) so that I may realize as much earthly happiness as is permitted human destiny."

Possibly most interesting in the little diary of serious young Sexton are sentiments regarding one or another young lady. At any rate, they are doubtless universal, regardless of time and country, in the impressionability and youthful ardor which they reflect, and his agonized uncertainties may well be appreciated by youths a hundred years later—in East Texas and elsewhere.

March 4th, 1849, Sunday—Started to Sabine Court—leaving Ma unwell and feeling much concerned about her. God protect and preserve her! Thought much of a subject that late has troubled me—marriage—would I be happy if I were to . . . Is there such a thing in the world as love? Is it all a boyish dream—a creation of ardent hope? Is it nonsense and only meant to be ridiculed by the mercenary or scorned by the philosopher? Well may it be so—(it is a pleasant delusion, however) . . .

May 15—Arrived at S. T.22 after riding some distance in the rain. Went to Maj. K's 23—saw Miss R.24—found her in elegant slovenliness just out of the garden. Wild as ever. Am much pleased with her. She has much mind—I think she has a sweet disposition. Remained at Mr. K's all through afternoon and night. It rained constantly. Hope my destiny is not to be as gloomy as the weather now is.—Can't tell much as to prospects. Hardly know what to think or how to act.

May 17th, 1849—Started to Sabine Co. on an expedition of love. Arrived at S. T., found the bird flown. Absent with Mrs.—to—some 12 or 14 miles distant—found her [Miss R, presumably] and—and—and—

Slept little at night for thought—headache—Oh God direct and govern me.

May 18th—Nonsense. All ended I reckon. I have not loved yet—when I do I think I will know it.

Apparently the words of this earnest young man were prophetic, for among later entries are these of the following year made on his excursion to New Orleans, already noted:

18 Monday [February, 1850]—Saw my friends. Went with Miss K to the Theatre. She is lovely and beautiful.

20 Wednesday—Theater at night etc. Miss Cushman25 performed a masculine character; did not like it. Saw Miss K again—more and more attractive.

22 Friday—Gala day in the city. Military show etc. Going to a Ball tonight with Miss K—nearly forced into it.—Hope I am not
doing wrong—I go more as a matter of curiosity than otherwise
—Oh God keep me in the path of prudence and piety and let me
not be led into temptation in this great city.

23rd Saturday—Theatre at night. Henry 8th. Pleased.

27th Wednesday—Very anxious to get home.—Went to K's at
night. Ice cream etc. Acted the fool most supremely.

March 1st Friday—Spent the evening and night at Mr. K's—
Said a good many things—perhaps they had as well been unsaid.

Feel decidedly smitten. Oh tis most sad that women are so often
and so deeply interested in the mushroom exhalations of pimper-
ing, butterfly genius.—Feel that there is a doubt whether my af-
fection is not unheeded.—Miss K is beautiful beyond my powers
of description—yet I fear she is disposed to harmless (?) flirta-
tion. I would not for the world be made the subject of heartless
sacrifice, but I do love her and cannot help it.—Tis strange that
when a man is in the presence of a woman he loves, he oft be-
comes utterly bereft of the power of utterance—feeling is so
powerful that expression is suppressed.

March 2nd—In the evening went by to see Miss H--- K--. Said
some more foolish things (maybe)—hope they may not prove en-
tirely so . . . I feel more and more bound to W. H. D. Senior.
. . . He is much my friend.—His daughter (But my head or heart
are not in proper mood to speak of her).

Left N.O. about 6 P.M. . . .

The conscientiousness and pious spirit of this young man of twenty-
one and twenty-two, already noted in the little diary, is found elsewhere:

March 5th, 1849—Court dull. Conversing with my friend P.—-
what disposition sometimes manifests itself to discant upon the
failings of others. It should be suppressed—"to err is human."

March 2nd, 1850—O God grant me a speedy and safe return to my
dear mother and grant that I may not incur her displeasure in
any feature of my conduct and Oh, forbid heavenly Father, that
I should incur thine! Oh, heavenly Father, help me to labor for
the time to come to make an honest living in this world and oh
keep me in a state of continual preparation for death and never-
ending felicity.

Typical of young Sexton's tendency to mingle fact and reflection are
the concluding entries in the little diary. The last one of all, very brief,
reflects the despondency which lawyers of those uncertain days in a fron-
tier-like region no doubt occasionally experienced. He must indeed have
needed the encouragement he found in his religious faith and in his ma-
sonic experiences.

Saturday, 11th May [1850]—This morning rode off to Colonel
B--k's at Burkeville, Newton28—found him quite agreeable gentle-
man—saw him with reference to my business with him—he seems
disposed to do all that he can in liquidation of his debts—but lacks the means—made some negotiations—gave his notes—made some propositions which I will submit to my client—he is melancholy illustration often result of extravagance and misguided wealth. He has been very wealthy and has enjoyed every luxury that wealth could command, but now through extravagance and probably some misfortune he is deeply involved in debts—pressed by creditors and in straitened circumstances—Oh, Lord, save me ever from debt! Entertained very hospitably and kindly during the day—Col. B. has a most beautiful residence—most tastefully and profusely decorated with shrubbery—read some interesting pieces in Graham's Magazine. 27

Tuesday 14th—Judge R 28 and bar arrived today—Times dull—as prospect of fees—deariness etc.

FOOTNOTES

1Jasper: In 1850, population of Jasper County totaled 1,767 (1,226 whites, 541 Negroes); the county was known as a plantation center. In 1840, a traveler estimated the town's population as 40; in 1857 another gave the population as 400. (Texas Almanac, 1850; 1857)

2In 1858 edition of Texas Almanac, Crockett is said to have five to six hundred buildings, mostly of wood.

3Trinity River was usually navigable and cotton was sent by steamboat to the Gulf; when not navigable, ox and mule wagons were used for transportation from Houston.

4Unknown.

5The reader is reminded of the Old County Fiddlers' convention held each year in Crockett which attracts experts from the entire area.

6Possibly from Grand Ecore, shipping point on the Sabine, by way of the Red River and the Mississippi.

7Natchitoches, La. Established about 1714 as a trading and military post, the town is the oldest town in the State and was named for a tribe of the Caddo Indians, the Natchitoches (“chinquapin,” “chestnut—or pawpaw—eaters”). In 1803, after the Louisiana Purchase, American settlers of whom there were never many, from states to the north and east, found “a quaint little French-Spanish town unconcerned with affairs outside its own small world.” Louisiana, p. 299.

8The diarist was an earnest Mason much of his life, as is evident in facts known of his later years.

9Alexandria, Louisiana, on the northern bank of the Red River, was formally laid out in 1810 by Alexander Fulton, landowner and merchant, and named for his infant daughter. It is said that the first railroad west of the Mississippi, only forty miles long, was begun in 1837 and ran from
Alexandria south to Bayou Hauffpauer, bringing cotton and sugarcane from the plantations of lower Rapides Parish to steamboats on the Red River. Through the years an extensive, lucrative business developed in transporting steamboat cargoes around the rapids (around which in the early 1850's a tramway was constructed). Between 1810 and 1820 steamboat traffic increased on the Red River and Alexandria began to thrive. *Louisiana, a Guide to the State*, American Guide Series. New York: Hastings House, 1941, pp. 240-241.

10 Miss K—unidentifiable.

11 Search for author and date of publication fruitless.

12 Pondering on the great North American river, Sexton evidently felt moved to record his reflections in rolling phrases. Would that history had not proved him a poor prophet.

13 Brother L. K. Wolmesley—unknown.

14 New Orleans in 1850: a city (116,375 inhabitants) of cultural interests and social activity, also by frequent plagues, largely caused, no doubt, by filth and mosquitoes. Gambling and theft are said to have flourished at the time. In 1840, New Orleans had become the fourth city in the United States, and was second only to New York as a port. *Louisiana*, p. 46.

15 Newton County: Probably for Burkeville, Newton County’s chief town.

16 Rev. F. Wilson: Francis Wilson, “perhaps the most remarkable man among all the early Methodist ministers in Texas” and a most colorful figure who “toiled incessantly in the establishment and maintenance of the Wesleyan College of San Augustine.” (Crockett, *Two Centuries in East Texas*, p. 276)

17 Bear Creek rises in extreme west central Sabine County and flows south to form a portion of the boundary between San Augustine and Jasper Counties. (*Handbook of Texas, I*)

18 Hickman’s—unknown.

19 Placide Varieties: “Variety”—a nineteenth century American term for “vaudeville.” As early as 1792, the team of Placide and Martin is said to have done somersaults over tables and chairs.

20 Steamboats on the rivers: “The period from 1830 to 1860 was the golden age of the steamboat [on the rivers]. Fifteen hundred ton vessels were not uncommon. Skilled chefs and fine orchestras were featured on the floating palaces whose passengers came from all walks of life.” (*Louisiana, a Guide to the State*, p. 81.)

21 Sabine Court, held at Milam, oldest town in Sabine County and its county seat, 1835-1858. An early port of entry to Texas. Later well known for two large race courses. (*Handbook of Texas, II*)

22 S. T.—Sabine Town, eight miles east of Hemphill. In the 1840’s and 1850’s, Sabinetown was a shipping and distribution center of the area. It was known as a cotton production center, and for its customhouse, whole-
sale house, clock factory, tanyard, and Indian trading post. (Handbook of Texas, II)

22Major K's—Probably Major David S. Kaufman, distinguished statesman and patriot of Texas as a republic and as a state, for whom Kaufman County was named.

24Miss R—Doubtless Miss Eliza Richardson, later Mrs. Franklin B. Sexton. Her sister married Major Kaufman.

26Miss Cushman—Charlotte Saunders Cushman, American actress, born in Boston, was on the stage from 1835 to 1858, and toured the United States, 1849-52. She was one among many noted actors who appeared in New Orleans during these years. Others were Edwin Booth, Lola Montez, Charles Keane, Charles Macready, and Fanny Eisler.

26Newton—"In 1846, Newton County's first county court met at Burkeville in the home of Mrs. Nancy Cooper, but the county seat was moved to Newton in 1853." (Handbook of Texas, I)

27Graham's Magazine—complete title: Graham's American Monthly Magazine of Literature, Art, and Fashion. Published in Philadelphia from January, 1826, through December, 1858.

28Judge R—Judge John H. Reagan, 1818-1905. Distinguished lawyer and statesman, "a man of great charm and long devotion to public service." (Handbook of Texas, II)