Nicholas Trammell's Difficulties in Mexican Texas

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Nick Trammell’s “difficulties” on the western frontier preceded his arrival in Mexican Texas and began in the settlements along the White River of Arkansas. Concerning the Indians of the region, the historical record is contradictory as to Nick’s role among them. The Cherokees, a number of whom had moved westward from their Tennessee homes and relocated on the White River, complained to the governor of Missouri Territory in 1813 that bad white men were stealing horses from them and trying to get the tribe to stir up trouble with “honest” whites. At the top of their list were Nick Trammell and his half-brother Morton “Mote” Askins, specifically charged with the theft of twenty Indian ponies, which they intended to sell in Nacogdoches, Texas. This is rather unlikely, for horses were about the only thing that the Spaniards of Texas had to sell in 1813, and there was not much of a market for horses imported into the province. Nick’s and Mote’s partners in crime were named as John Wells, Joseph Carnes, Robert Armstrong, John, Dennis, and Ignatious Chisholm, John Williams, Robert and William Trimble, John Lafferty, Ace Music, and Joseph Pain. As the Dawsons note, these men accused with Nick Trammell of horse theft were all prominent leaders in the West, “judges, justices of the peace, and trailblazers of good reputation.”

The Cherokees, on the other hand, especially the White River band under Chief Bowl, were notorious for stealing horses from white settlers. In his 1819 journal, Thomas Nuttall called them “renegades” from tribal authority, and it seems likely that Bowl’s decision to move his people to Mexican Texas was prompted by his Anglo neighbors’ unwillingness to tolerate Indian thefts of their horses along the White River of Arkansas. Nick’s Trace approached Nacogdoches through lands that Bowl’s Cherokees were soon trying to obtain from the Mexican government, though he blazed it prior to their arrival. Nonetheless, for a number of years he used his road to smuggle Texas mustangs back to Arkansas and for this purpose had erected holding pens at convenient points along Trammell’s Trace. To use these corrals and the road itself for a traffic in horses after the Cherokees’ migration to Texas in the winter of 1819-1820, Nick must have reached an understanding with Chief Bowl. Otherwise, Bowl’s warriors would have preyed on these drives and made them unprofitable.2

Nick in the 1815-1819 period maintained his residence in Arkansas, where his wife and children stayed during his activities along the Texas frontier. He is listed in the tax records of old Lawrence County, Missouri, in 1815, just prior to the area’s absorption into Arkansas Territory. He was there in 1816, along with several of his “Asky” relatives, including half-brother Mote. Because Nick already had cut his trace into Texas by this time, it is apparent that he attended to this dangerous task unencumbered by a family. Such was usually the case with frontiersmen; rarely did they haul their family along on treks and hunts through the wilderness, only bringing them there when a cabin had been built and enough other men were willing to move so

Jack Jackson is an illustrator in Austin, Texas.
that the new settlement would have a measure of defense and protection from the surrounding Indians. This was particularly applicable in Texas with its host of Indians, none of them wanting whites to encroach on their lands. While it is true that the Caddos were weakened by disease and were forced from their traditional homeland on the Great Bend of the Red River by the powerful Osages at this time, they still had warriors capable of doing considerable mischief to small parties of frontiersmen such as Nick Trammell might lead across their hunting grounds. Northeast Texas was also the realm of numerous tribes of the Wichita Confederacy, plus the Comanches and other plains warriors to the West. Indian Agent John Sibley actively lured all these tribes to Natchitoches after the Louisiana Purchase, so that he might make them allies of the United States rather than of Spain.

Although it is difficult to know exactly when Nick Trammell cut his Trace from the Red River's Great Bend to Nacogdoches, two events seem to have been determining factors: lawless conditions in the Neutral Ground and the massive earthquake that struck New Madrid in 1811. The first made commerce hazardous between Nacogdoches and Natchitoches after 1806, and trade across this zone virtually came to a halt once the rebel army of Augustus Magee and Bernardo Gutiérrez de Lara was defeated by the royalists in 1813. Not until the United States and Spain agreed on the Sabine River as a boundary and Fort Jesup was built in 1822 did any kind of authority exist for the Strip; even then, bandit gangs continued to operate between Natchitoches and the Sabine border, making convoys of animals, goods, or specie risky ventures. Thus, a new route that would bypass these dangers and permit trade to flow in and out of Texas in its weakened condition was needed. The Spanish residents constantly petitioned the military authorities for a resumption of trade to Louisiana, saying that they could not otherwise avoid starvation. Such permission was always denied, forcing the inhabitants to engage in clandestine trade with foreigners such as Nick Trammell.

The second event that propelled movement down the Southwest Trail toward Texas was the New Madrid earthquake of 1811, which devastated the Mississippi Valley from the mouth of the Ohio River some 300 miles down into the upper region of Arkansas. This convulsion was of a magnitude since unvisited on the United States, and mercifully so. In response to this disaster, Congress passed a law for the relief of those who had suffered the loss of their land and possessions. This "land-float" legislation amounted to the issuance of new titles to land wherever the recipients might choose to locate them. The confusion that resulted from the traffic in these "floating" certificates reached scandalous proportions, but the result was to spur the movement of people westward toward Texas. With them came the associated problems of land fraud when these certificates were used to claim prime lands on the border because no one knew where the "border" actually ran, and authorities in Arkansas claimed jurisdiction to a large section of present-day Texas located west of the Great Bend between the Red River and its Sulphur Fork. It was called Miller County, and this "county" extended into Oklahoma before it was given to the Indians as compensation for their lands east of the Mississippi – which the U.S. government demanded they vacate. The Trammells moved with this exodus, and it was not until after the earthquake in 1811 that the Southwest Trail was extended to the Ouachita River.

In terms of the movement of settlers down the Southwest Trail to
Miller County, many came armed with New Madrid land claims and located them where they pleased—some even below the Red River. As noted, the boundary was uncertain and remained so for years. It was with such a claim, bought from the bank of St. Louis, that Stephen F. Austin and his brother-in-law James Bryan joined friends from Arkansas in establishing themselves at the new town of Fulton near the Red River below Washington. But the surrounding country was all a wilderness, Washington itself not being "founded" until 1819. This was the same year that Arkansas Territory was organized and John English's log cabin on Ozan Creek denominated as the "seat of Justice" for newly formed Hempstead County. In his attempt to sell lots in Fulton, Austin placed advertisements in the *Arkansas Gazette* in December 1819 that called Trammell's Trace the most direct route for migration from Missouri and the eastern states to Texas, running as it did through his aspiring community of Fulton. Austin and Bryan had trading posts in Fulton and on the "Long Prairie," from which points they hoped to supply emigrants en route to Texas. Austin was appointed judge of the circuit court for this district in 1820. By this we know that Nick's Trace was already a recognized route while Texas was ruled by Spain and that Stephen F. Austin, the "Father of Texas," was aware of the route's value before he actually set foot in Texas itself.7

So when did Nick Trammell first cut his extension of the Southwest Trail down to Nacogdoches? I would venture that 1814 or 1815 are probable dates, if not earlier; the Dawsons suggest a date of 1813.8 Regardless of the precise date, it should be recognized that Trammell's Trace was an extension of the lower end of the Southwest Trail, which itself was probably an ancient pathway used by the Indians in their trade network with tribes on the Mississippi. Anglo frontiersmen such as the Trammells were quick to recognize the utility of these Indian traces and adopt them to their own purposes.

Past Fulton, Nick's Trace crossed the Red River just below its Great Bend and ran southwesterly, taking advantage of the highest ground available in the floodplain. It skirted Lake Comfort on the south and crossed McKinney Bayou, where it left the bottomlands and continued on a westerly course. The present Texas-Arkansas line was crossed about three and a half miles north of Texarkana. Then the Trace bears southwesterly again, crossing Highway 82 and a railroad track about half a mile west of Nash; Trammell once had a camp and stockade corral there. Bypassing the towns of Redwater and Maud, it intersected Highway 8 about one and a half miles south of the latter (own. Thence, in a gradual curve to the southwest, the Trace crossed Sulphur River at what became known as Epperson's Ferry, once Mark Epperson erected one here sometime in the 1830s. Texarkana Dam has left the site of the old crossing under water.

From Epperson's ferry site, Nick's Trace continued on southwesterly and passed into the Latimer survey about one-quarter mile south of present Bryan's Mill. Seven miles beyond, it entered the Barecraft survey and swung sharply to the south. Within this survey (the names given because the original plat maps show the course of the Trace), another trail joined Nick's route. It was called "Spanish Trace" and led northwesterly to Stephenson's Ferry on the Sulphur River some five miles distant. From there it continued in the same direction to Jonesborough on the Red River, and a fork in the road connected to Pecan Point downstream. Trammell certainly used this "Spanish Trace," and there is some evidence that he blazed it, once settlers of these communities decided to move
south into the interior of Texas. The ghost town of Unionville, once in Davis (now Cass) County, was near the junction of these two trails.

From this point the Trace ran almost due south for fifteen miles, passed just east of Hughes Springs, and continued on a gradual curve to a crossing of Big Cypress Bayou about four and one-half miles west of Jefferson. Tradition says that Nick had a stockade corral on the north side of the crossing. Beyond, the location of the Trace is well established by maps associated with the organization of Harrison County (1839), and it also was the dividing line between Rusk and Panola counties. From the Jefferson area it forded Little Cypress near the train crossing to Dallas. About three and one-half miles east of Marshall, it intersected Highway 80 and continued southeasterly to Hagerty Creek. Then it went through a long southwestern arc to the Sabine River, crossing it about two miles below the mouth of Cherokee Bayou at what some old maps call the “Cherokee Crossing” and others call “Ramsdale’s Ferry.”

Here the Trace left Harrison County and meandered in a southerly direction for about twenty-five miles, forming the Rusk-Panola boundary. It crossed Highways 43 and 149 at Tatum and ran southward some thirteen and one-half miles east of Henderson, where the State of Texas erected a monument to Nicholas “Trammel” and his Trace in 1936. From approximately midway between Henderson and Carthage, the trail veered slightly southeasterly to Mount Enterprise and then due south about twenty-six miles to Nacogdoches. According to Hunt and Randel’s Map of Texas (1839), this final stretch ran near the present highway between these two towns. The overall length of Trammell’s Trace was 180 miles, and the Dawsons note that this length is sustained by the “record.”

Besides the Centennial monument and a plaque erected above Texarkana later on, another such marker was placed on Highway 149 near Tatum in 1976, which spelled the name wrong and gave some suspect information. It is stated that Nick surveyed the route in 1813 “for the U.S.” I have never seen any evidence that he cut the Trace under authority of the U.S. government, for this was Spanish territory. Also, the United States was in an awkward position concerning its neutrality with Spain and was under criticism for allowing armed expeditions, such as the Magee-Gutiérrez “Green Flag” republican army, to leave American soil and overthrow Spanish rule in Texas. I believe that Nick “surveyed” this route to exploit the smuggling possibilities offered by a Texas on the brink of slipping its chains of colonial rule. His intent was to traffic in hides, horses, cattle, and slaves—obtained in any manner possible. There were many rough-and-ready individuals on the frontier at this time, men more than eager to assist Nick’s private schemes for a piece of the action. According to the reports of later Mexican officials, Nick Trammell’s associates included men of this type—“criminals” of the worst sort.

THE RED RIVER SETTLEMENTS

The two predominantly Anglo settlements above the Great Bend of the Red River—Pecan Point and Jonesborough—are cases in point, and we know that many of the settlers there were people with whom the Trammells had been associated on their move West. The first wave may have been a wilder sort, but they were frontiersmen and they probably had much in common with Nick Trammell. Dr. John Sibley, the federal government’s eyes and ears at Natchitoches, did not think much of these people. Writing on December 31,
1811, he described them as follows:

“There is a party of Bad Men, fugitives from the different jails in the United States, who have settled themselves at the Pecan Point on Red River about 500 miles by water from this Town. The names of those I have heard of, are Glover, Colton, Parkham, Armstrong, Coots, Harper, Gibbons, Kelly, Fouts, Turner, Rogers, Patton, Lucas, Williams, Dixon, Knowlton, Spears, & some Spaniards & Runaway Negroes. These people are Enemies to all law & good order, and most of them would have been hanged if they had remained in the United States. The Indians have killed one of them by the name of Dixon. They have imposed upon the Indians by forged passports; they are all murderers, thieves & robbers, and doing all the mischief they can amongst the Indians. Their party is augmenting and will give us trouble before long, if they are not broken up. They are planting corn, etc & appear as though they intended to settle themselves permanently, which will be an Assylum for Runaway Negroes & all Bad People.”

If Indian Agent Sibley’s information was correct, this was the class of men with whom Nick Trammell would have had to deal in using his Trace, for it ran just eastward of the Pecan Point settlement. There is hardly anything available to document their activities, much less to say whether Nick enlisted them in his smuggling enterprises. From Sibley’s description, they resemble the lawless characters who inhabited the Neutral Ground—the type of people who sought the fringes of society throughout westward expansion to keep at arm’s length the restrictions that “civilization” invariably imposed on its wilder types, men who wished to live by their wits and their physical prowess. Hunters, trappers, and Indian traders fell into this category. To Sibley, they were beyond the pale, and two characteristics doomed them in his estimation: they bothered his Indians and they sheltered runaway slaves. From what we shall shortly learn about Nick Trammell and slaves, it is extremely unlikely that he would have blended into such a community—unless to collar and take these runaways to the nearest market.

A better class of people soon learned about the agricultural prospects of this region and moved there after Nick had blazed his Trace to Nacogdoches. One was Claiborne Wright and his family, who arrived in 1815. He had helped Nick’s Uncle Phillip at his salt works in Shawneeetown, Illinois, prior to this latest move, and one suspects that he learned of the prospects of the country from Nick’s relatives. Wright named his third homesite “Shawneetown” in memory of his friend Phillip Trammell; it was situated above the river and established in 1820, after U.S. troops sent from Fort Smith had made the settlers vacate their homes north of the river. Once the troops left, many of them moved back, but others remained on the south bank. They did so at their own peril, because Mexico considered them squatters and their settlements illegal. The Indians were troublesome as well, especially the Choctaws, who had been promised a reservation on the north side of the Red River.

About sixty Choctaws settled at Pecan Point, on the south side of the river, in 1822. These warriors were said to be outlaws from their own tribe, and they acted as intermediaries in the traffic in stolen horses being carried on by white men between Nacogdoches and Arkansas. Nick Trammell was supposedly the main instigator and participant in this horse-running. If so, the Indians committed the actual thefts. George Wright wrote in his memoir that in 1820-1821 the Choctaws “made frequent inroads upon the sparsely settled
portions and succeeded in stealing almost all the horses that were in the country and left the people to make corn with the hoes entirely..."14 Such problems increased when other immigrant tribes such as the Shawnee, Delaware, and Kickapoo streamed into the area in the 1820s—all of them fond of horses left to graze in the open, especially horses without alert and well-armed owners around to protect them.

A letter written by William Rabb in the summer of 1821 to the governor of Texas from "Jonesborough, south side of Red River," captures the mood of the settlers in this contested border zone. Rabb, a resident of three years, said it was the opinion of most "intelligent" men that their section of country fell into the Province of Texas. Their settlement contained about eighty families, all of which, "with the exception of a few," were honorable and industrious people, but recent events were ruining them. The north side had been sold to the Choctaws, and the U.S. government no longer provided protection to settlers in the region. In the absence of recognized authority, all residents of the area were obliged to pay "enormous contributions to maintain a bunch of public grafters" and were "almost daily forced to submit to the most terrible insults and injuries, without hope of seeing the end of our misfortunes." Worse, the settlers on the river's north side were carrying on a "direct trade with the Comanches, furnishing them with all the munitions of war and receiving in exchange a great number of horses, many of which bear the Spanish brand." Rabb thought that this "selfish and illegal traffic" would prove "very injurious" and urged the governor to extend protection to the area's residents. Otherwise, he and other respectable citizens would be forced to return to the United States or move down to Austin's colony because of the "oppressive hands of these miserable rascals, who have no compassion, and who—without any reason whatever—destroy our peace and devour our sustenance."15

From this letter and the foregoing account it is easy to see that considerable opportunity for a profitable horse traffic existed along Trammell's Trace during this era. Whether Nick was one of the "miserable rascals" about which Rabb complained is unknown, but his association with many of the settlement's honorable people suggests not. When the Daniel Davis family moved to the area in 1818, they likely were brought by Nick Trammell—who also moved his family to Pecan Point around this time.16 Daniel had grown to manhood in the Duck River settlement of Tennessee, his father John being closely connected with the Trammells and following the migration to Missouri. Daniel was a trapper and bear and buffalo hunter; Sam Houston visited his house en route to Texas in 1832. His son Andrew, born in Jonesborough, remembered Nick Trammell favorably in his memoir and also the Trace that the family had used when moving to the interior of Texas:

"Soon after the death of my mother [in January 1833], on account of Indian troubles, my father moved to what is now Shelby County. The move from Jonesborough to the settlements in Eastern Texas, the region of Nacogdoches and San Augustine, had to be made by the use of pack horses, with the Mexican ciax, a large saddlebag made of rawhide... .There had never been a road made for any kind of wheeled conveyance across this country. Some years before, Mr. Tramel cut a bridle-way from Jonesborough to Nacogdoches and moved his family and a considerable amount of stock [emphasis added]. My father [Daniel] use the Tramel trail, or Tramel trace, as it was generally called. He moved about one hundred head of cattle and about fifty head of horses."17
This spur of Trammell's Trace was called "Spanish Trace" on old maps and on early petitions for the formation of new counties in northeastern Texas. It was made to serve the families in Jonesborough and Pecan Point who had grown weary of contending with Indians and the uncertain political jurisdiction of the Red River counties and wished to try their luck in the interior of Texas. Along with the family of Daniel Davis, Trammell had moved his family from White River, Arkansas, to Red River, Texas, by 1818. Shortly thereafter, Nick took his family down the Trace to Nacogdoches, with a "considerable amount of stock." Outlaws and rascals do not usually have their families along with them, and certainly not if they are running guns to Comanches for stolen horses with Spanish brands. This is not to say that Nick was innocent of such things; he probably cut his Trace for these reasons, and buyers of his horses did not care what kind of brands they wore, Spanish or otherwise. Nick Trammell was only doing what Philip Nolan had done several decades earlier, and what many other Texians would do for decades afterwards with livestock having Spanish fierros emblazoned on their flanks.

The timetable given in Andrew Davis' memoir coincides with Nick's firming up his square mile of land back in Arkansas on the White River in 1817, because he could not get anything for it unless the title was "proved." This land was sold in 1821, after Nick had moved his family to the Red River settlement. He, like many other men with families in the area, probably heard of the new prospects around Nacogdoches now that Mexico had achieved its independence and Anglo empresarios were empowered to make liberal grants to immigrants who were married men. Nick just happened to go down his Trace with his family a little earlier than most of his neighbors in the Pecan Point and Jonesborough settlements. As evidence in the Nacogdoches Archives (NA) will show, he had not entirely "cleaned up his act" when he decided to move again, but neither were the authorities without fault in the troubles that ensued for him in the Piney Woods. In fact, it seems that he was as much sinned against as a sinner himself, for Nick fell victim in Texas to a political situation not of his making.

INTO MEXICAN TEXAS

Andrew Davis confirms that "A Mr. Nicholas Tramel was the first man to move his family from the Red River Country prior to 1825 to Nacogdoches." He described how Nick had opened a road from Jonesborough-Pecan Point to the "East" with chopping axes and hatchets so pack horses could pass over it. Whether he meant the spur that ran southeastward and connected to the Trace at Old Unionville, or another route directly east that connected these settlements to Long Prairie and Fulton, is unknown, but such a route existed and was called the "Ridge Road." It seems likely that Nick would have cut such a path for those not traveling by boat to the settlements upriver. Another such "detour" linked these settlements to the outside world during the rainy season. It ran from the Southwest Trail at Washington on a westerly course through Mound Prairie and Fort Towson, reaching the old Red River ford at Jonesborough below the mouth of the Kiamichi River. Because the upper part of Trammell's Trace was subject to overflow from the Red River, travelers to Texas also used this route. It is uncertain if Nick blazed it or not, but from Jonesborough they could use the "Spanish Trace" spur to connect with his Trace to Nacogdoches. This spur from the upper towns we know he blazed, according to Andrew Davis.
Davis provides a good idea of the gear that frontiersmen such as Trammell used to transport their goods on these rude trails. It was Spanish in origin, a pack saddle with things stuffed not in little bags but into two large packs attached on each side to the saddle framework itself. These “Mexican ciaxes” came equipped with a large rawhide flap to protect cargo from the rain. “You could carry a feather bed in one of them. These were used by Nicholas Tramel, in fact everybody used them in that early day.” Such pack saddles had been used on the mule trains that traversed Spanish Texas for a century. As with other Spanish horse gear and equipment found upon their arrival, the Anglos were quick to adopt them—a procedure that had started with Philip Nolan’s mustangling forays in the 1790s. Thus, the lasso, horned saddles, and even the Spaniard’s type of pack saddles passed into the Anglo sphere.

Where Nick stayed with his family in the Nacogdoches jurisdiction is unknown, but he was there by January 16, 1824. On that day Alcalde Juan Seguin (different than the Seguin who fought at San Jacinto years later), ordered Trammell to answer “a plea of Debt brought before me by John York.” From this, it is even difficult to say who owed the debt—York or Trammell—but one assumes that Nick owed York money and the latter was trying to collect through the municipal court system. So, with this scrap of paper from the Nacogdoches Archives, it is safe to say that Nick Trammell was residing in the vicinity of Nacogdoches sometime before 1824. Even though his Trace goes back at least a decade, and his presence in Texas as well, here is the sort of “proof” that historians must have to validate oral accounts sometimes dismissed as folklore.

Nick next appears in the record in February, when he, William Boyce, and Aden Bunch notified Alcalde Seguin that a man named Romano was in confinement for a crime of which he was not guilty—or so they had “good Reasons to believe.” Romano’s offense was not specified, and the details of this case, like so many others recorded in the NA, are not set forth. In most instances we only get a glimpse of the proceedings and are left to wonder how the matters were resolved. Many of Nick Trammell’s difficulties in Nacogdoches fall into this category; we know he was up to mischief, but not much else.

On June 14, 1824, Ellis P. Bean authorized John R. Foster to act as sheriff and take Aden Bunch into custody, holding him in this condition “until dismissed agreeable to the laws of the Mexican Nation.” The reason? Nicholas “Tramel” swore under oath that Bunch had murdered a man named Young three days before. Foster got his man the next day, returning him to “Juscite” on June 17. Nick then gave a deposition, stating that on Monday morning of June 7 he saw Bunch ride up to the camp of Young. This happened more than ten minutes after he had noticed Young and a “molatto”—the first of whom was now presumably dead and the second missing. Nick’s statement was endorsed by Francis Adams (“& Co.”), John York, and his son, Nathaniel Trammell.

On June 17, probably just after Sheriff Foster put the culprit in jail, Nick gave a more detailed statement of the Bunch-Young incident to Seguin and Bean, both of whom were magistrates in Nacogdoches. He said he saw a Negro and a white man (understood to be named “Young”) at a campsite but moved about 150 yards away from them. Aden Bunch rode up to the camp, but Nick did not see what took place between them. Then he heard a “lick.” After
about fifteen minutes, Bunch came back in view with one horse following him; they disappeared, so Nick waited another quarter-hour before taking up their trail. About one and a half miles into the pursuit, he caught sight of the Negro and kept after him. Getting closer, Nick recognized Aden Bunch in front of the Negro, who was driving a jack and two horses toward the “Angholeen” (Angelina) River. This testimony, one suspects, implicated the pair in some foul play and kept Aden Bunch in the calaboose for a while.25

Was Nick Trammell only an innocent bystander to these events? It is difficult to say, considering that earlier in the year he and Bunch had made a joint testimony about a man (“Romano”) being in jail for a crime that he did not commit. Obviously they knew one another. Yet Nick implicated Bunch in a dastardly deed. The “lick” was a gunshot that had put poor Young in his grave, Bunch and the Negro making off with his animals. I have not learned how this case was resolved or whether suspicion was cast on Trammell for being so close when the incident took place.

Nick’s fourteen-year-old son Phillip appears in the NA in August 1824, concerning a horse race between him and another individual for the prize of a gilt sow. Although Phillip won the race, the results were contested because another man, Elison York, claimed the sow was his property and did not belong to William “Homes,” whose horse young Trammell had twice beaten in the “race.” Later that month Nick was mentioned because of the purchase of a Negro, said to have been a free man sold to him by John G. Jackson. The alcalde in “Aish Bayou” (present San Augustine) alerted Stephen F. Austin to Jackson’s appearance in his district, where he had arrived about two months previously from Alexandria on the Red River. Jackson, a “large man, of genteel appearance about 25 years old,” had with him two horses and two Negroes. Alcalde John Sprowl bought one of the horses, only to learn later that it had been stolen from Esquire Stokes of Rapides. Then Jackson sold one of the Negroes “Stated to be a free man...to Nicolas Trammal near Nacogdoches.” Sprowl was passing the word to Austin, lest the smooth-talking Jackson show up in his colony and try to sell the other horse and Negro to some unsuspecting buyer like himself. I have no idea how Nick came out of this business, or what his rights were even if the Negro could have proved to the authorities that he was a free man and not a slave.26

After a lapse of seven months Nick again appears in the record, and it was not a happy circumstance for him. There had been a suit, the circumstances of which remain unknown, between him and Mrs. François Villon, with Patricio Torres being the officiating alcalde. Evidently Nick lost the case, and several articles of his property were auctioned to pay court costs. Then, as now, the loser had to pay these costs, and it must have been a double humiliation for Nick to watch others take his property in a public auction. Nick’s black horse brought $15, Joseph Durst being the high bidder, and his rifle fetched $9, Leonard “Dubay” now its new owner. Dubois continued to be a thorn in Nick’s side, as we shall see. The auction of Nick’s property came on March 16, 1825, and no frontiersman wanted to lose his horse and “rifle Gun,” the latter probably of the Kentucky variety and a prized possession. Such weapons were difficult to obtain in Mexican Texas, much harder to replace than a horse—even a good one.27

That Nick was suspected often of having slaves of dubious title in his
possession is suggested by the next incident. It came on May 13, 1825, when John P. Coles replied to a letter from Stephen F. Austin that had been delivered to him by Leonard Dubois. He wrote Austin:

"I am not able to get any proof here of Hall's bringing the Negro to the colony which Mr. Dubois is claiming. Report says that Hall did assist in bringing the Negro; he [Hall] was at Trammel's as I understood at the time the Negro was Brote. I know nothing of the circumstances myself, nor neither doo I know any person who does know any thing about it. The Negro is either at Randon's near Groce's [plantation] or at Price's or at Hall's, if he has not been secreted. I think it would be well to send Mr. Dubois and an officer to Randon's immediately and sirch for the Negro, also to Price's. I believe they are all concerned with Tramcl."

From this letter we may make several inferences about Nick Trammell and what he was doing in Texas in 1825. First, he was associated with men suspected of stealing slaves and probably was trafficking in the slaves so obtained, either up his Trace or to buyers in other parts of Texas. While this traffic was semi-legitimate in the early days of the Trace—with men such as Jean Laffite, from his enclave of pirates on Galveston Island, supplying Negroes to the Bowie brothers on a per-pound basis—by the mid-1820s it was a matter of great concern to the more prosperous class of colonists. Jared E. Groce was the largest slaveholder in Texas. On his ten-league grant on the east bank of the Brazos above San Felipe de Austin, Groce worked over 100 slaves, and he would have been agitated about Negro-stealers operating in his neighborhood. So would other owners in the vicinity, for cotton was already the Austin colony's main cash crop and slave labor made instant wealth possible. On the other hand, Nick could have had Dubois' Negro at his place, if the "Report" was true, to spite this Frenchman for getting his favorite rifle at auction several months previously and refusing to let him buy it back. Certain it is that Dubois felt powerless to recover his Negro from Trammell and was soliciting assistance from other prominent men in the colony.

More on this affair comes from a deposition before Austin by William Pryor, who had been summoned to testify by Dubois. Pryor stated that the previous January Nick had been at the deponent's house on the Brazos, and Trammell had told him that the Negro named Gabriel—who was in dispute between him and María Louise "Veillon" at Nacogdoches—was then in his possession "at his House on the Angelina." Pryor added that he had not seen this Negro since the lawsuit took place in Nacogdoches between Trammell and Mrs. Villon about the ownership of Gabriel, nor did he know how the Negro had been brought to Austin's colony. From this we may gather that Nick had lost the case—his horse and gun as well—but he or his friends had later gotten Gabriel back. The undated document in The Austin Papers is titled "Deposition Concerning Stolen Slave." One suspects that Leonard Dubois either had bought the slave from Madame Dubois or was representing her in her attempt to regain property that Alcalde Torres had decreed was hers and not Trammell's. Interestingly, we learn that Nick in January 1825 was living on the Angelina River, probably west of Nacogdoches near the crossing of the Camino Real. He was not a town dweller, nor would we expect him to be. Later that year, Nick moved farther west to where the King's Highway crossed the Trinity River. It was at this place that we have a wealth of information on him and the events that resulted in the Fredonian Rebellion—the high point (or
rather, the low point) of his experiences in Mexican Texas, if one does not count the blazing of the Trace that bears his name.

But Nick was not yet finished with annoyances of a more petty nature. One involved a horse that a Mr. Brown thought was his. The document in question, dated July 27, 1825, is written in such ambiguous language that it is hard to tell if the horse was “Brown” or was being claimed by a man of that name; a horse’s color was always capitalized in these records, being the main way of identifying an animal unless it wore a brand. At any rate, “Nukles Tramel” that day appeared before district commander Luis Procela and swore that he “never sold nor Contracted Said Brown [Brown’s?] horse the said Tramel Pirched [purchased?] from him.” Nick could not write and affixed “his mark” to the sworn oath that bears a garbled spelling of his name. Mexican magistrates were notorious for mangling Anglo names on such documents—almost as bad as Anglo officials later performed with their spelling of Mexican names. In support of Trammell, Alexander Calhoun and William Luce appeared before Procela and swore that they knew the horse. It was the one that Nick had purchased from “Jurst,” probably either John or Joseph Durst, both prominent citizens of Nacogdoches, and he had “Neavar forfit nor sold Said Hors within their nolleadge.” Thus, Nick was within his rights in having this “Brown” horse in his possession, and possibly was becoming annoyed by all the legalistic aspects of life in Texas. If so, the worst was yet to come.

**EVICTION FROM THE TRINITY CROSSING**

It is necessary to explain the political situation in Nacogdoches in 1825, for it has great bearing on Nick’s predicament. Nacogdoches was a settlement that dated back to 1779 and had suffered greatly in recent times. It was practically depopulated during the revolutionary period, because many of its old-time citizens sympathized with Hidalgo’s movement for freedom and fled to Louisiana when royalists regained control of the province in 1813. Then Dr. James Long used the town to stage his revolution in 1819, but he had to evacuate the premises hastily when a Spanish army marched against him. He fled to the Neutral Ground east of the Sabine, along with those residents who had joined his cause, and there he plotted another attempt. Nacogdoches became a virtual ghost town and remained in this condition until Mexico gained its independence in 1821. Only then did the old inhabitants begin to trickle back, Mexicans as well as a few Anglos who had lived in the vicinity since Philip Nolan’s demise in 1801. Most of these Anglo “old-timers” were involved in the Indian trade—the House of Barr and Davenport having dominated this trade under Spanish rule—or they smuggled horses and cattle into Louisiana as their chief means of livelihood. Some had managed to acquire land around Nacogdoches which they used as a base for smuggling operations. Nick Trammell was by no means alone in such activities; he just founded a new route over which to conduct horses to a different market in Arkansas.

The old settlers of Nacogdoches held their land mostly by some commandant’s say-so. Even if these grants had been committed to paper, often the titles were lost or destroyed during the revolutionary period. The descendants of the first settlers knew, of course, the extent of their lands, whether a piece of paper authorizing the grant had survived or not. In many cases title could only be established on the testimony of their neighbors.
friends, or kinsmen who remembered exactly how the grant had been marked out and could attest to a prior occupancy by the family. This system worked for awhile, but as new settlers swarmed into Texas—all anxious to own the real estate around Nacogdoches—such oral testimony led a strained existence and squabbles over who owned this or that piece of land proliferated. Usually the people who retained control over vast tracts of land were those who learned to work the system, and quite a few of these were Anglos. They were either descendants of the first wave of settlers in Spanish Texas or those who had arrived since then and obtained not the best of titles from descendants of the original grantees.32

While Stephen F. Austin received *empresario* status in 1821 and began an orderly issuance of land titles, the district of Nacogdoches lay northeast of Austin’s colony and was not subject to such a smooth procedure. Nor were its civil leaders as educated as Austin. Most were ignorant Anglo and Mexican frontiersmen, with some equally unsuited Frenchmen from the Natchitoches jurisdiction also in the mix. Few of these community leaders were literate, nor did they know much law. When General Mier y Terán made Nacogdoches the headquarters for his boundary inspection team in 1828, one of his main complaints was the low caliber of Mexican citizens who occupied positions in local government. They were all petty tyrants, in his opinion, who saw the holding of public office as a means of extracting fees from those unfortunate enough to be brought before the bar of justice in what Mier y Terán regarded as an important frontier post. This situation went uncorrected on the municipal level.33

But 1825 saw a dramatic change for Nacogdoches and its environs. In April Mexico gave Haden Edwards the authority to bring 800 families to the jurisdiction from the United States, and his grant included most of present East Texas. Son-in-law Frost Thorn was also made an *empresario* the same year, his grant extending northward above that of Edwards to the twenty-league buffer zone along the Red River frontier. In administering his huge grant, Edwards was obliged to respect the pre-existing land claims made by old settlers, and it was this requirement that proved fatal to his speculatory nature. Born in Stafford County, Virginia, in 1771, Edwards moved with his father John Edwards and family to Bourbon County, Kentucky, when nine years old, it still being a part of Virginia at the time. It is likely that John Edwards knew Nick’s grandfather, Phillip Trammell, or other members of the clan who were in the same area until they also moved across the border into Kentucky. John’s sons Haden and Benjamin removed to Mississippi and became plantation owners before catching “Texas Fever” and deciding to seek a grant such as Stephen’s father, Moses Austin, had received from the authorities. After years of frustrating and expensive delay, they received permission in 1825 and were anxious to make up for lost time as no-holds-barred real estate agents in the Promised Land.34

Unfortunately, the Edwards brothers could not get rich as quickly as they hoped because their area had more “pre-existing” land claims than any other area that Mexico had opened to Anglo colonization. One of Haden Edwards’ first acts was to post a notice that all potential claimants must come forward with proof of their titles or he would consider the land his to sell on a first-come basis. This decree angered the old settlers, Hispanic and Anglo alike, for few of them had any hard proof of ownership to the land they occupied. Late in the year Edwards became involved in an election dispute with
representatives of the old settlers, led by Samuel Norris. In the race for alcalde (mayor, or chief magistrate of the entire district), Norris was pitted against Chichester Chaplin—the latter being another of Edwards' sons-in-law. When Empresario Edwards certified Chaplin as the winner, Norris protested to Political Chief José Antonio Saucedo in San Antonio that the election had been rigged by the newcomers. Saucedo upheld Norris, but the empresario's son-in-law stayed in office until Norris appealed to the local militia to sustain him. Thus, shortly after taking over the coveted role of an empresario in East Texas, Haden Edwards had brought his jurisdiction close to armed confrontation. It was into this hornet's nest that Nick Trammell stuck his hand, aiming to become a landowner. He had owned land throughout his westward migration, from the time he came of age and inherited his father's land bounties as a soldier of the Revolution and a defender of Nashboro (later Nashville), Tennessee. Nick's father, also named Nicholas Trammell, was slain by Indians in his role as a ranger. The international political situation on the Red River was too disorganized for obtaining clear title to a 4,000-acre league of land, but here in Nacogdoches it was possible—or so he thought.

The old-timers' grumbles notwithstanding, Edwards proceeded with the business of selling land to those who could afford to buy. He authorized John H. Cummins to run surveys along the west side of the Trinity, commencing at the San Antonio Road crossing. The plan was to lay out tracts with one-half league river frontage, going two leagues back, all the way down to Miller's crossing. But at the crossing of the San Antonio Road—which was the main artery across Texas—he instructed Cummins to use the ferry crossing as the center of the survey and mark off one-quarter league on each side, the tracts also extending two leagues behind the river. As Edwards no doubt realized, the land around this ferry crossing was prime acreage and would bring top dollar. It seems that he had found a buyer, because on November 26, 1825, the empresario signed a receipt in which Nathaniel Trammell gave him $120 as a down payment for the league of land at the Trinity River, "1/2 on each side to include the ferry, balance to be paid in two & three years." "Judge" James Tate acted as character witness for the purchaser(s), because Mexican law required that prospective landowners be men of good character. Nathaniel, Nick's eldest son, was only eighteen years old in 1825, so we may be fairly certain that his father was the actual buyer. Perhaps Nick's legal troubles at Nacogdoches lay behind the family decision to have the transaction recorded in Nathaniel's name. If Nick's own application to buy the land had been turned down for lack of a suitable character witness, it does not survive in the NA. When Cummins received his $30 fee for surveying a half-league of land at the Trinity crossing on March 3, 1826, it was Nathaniel who paid him. This land was described as lying on the river's east side and included the ferry "at the St. Antone crossing." Evidently the Trammells already had paid the survey fee for the half-league to the west, because later documents show that "Nathaniel" owned a full league with the road/ferry crossing in the middle. Such documents also show that Nick, and perhaps the entire family, resided at this place, having moved there from his "House" on the Angelina.

Trammell's location on the Trinity River at the ferry crossing where Highway 21 now crosses the river, or near it, quickly became a controversial matter when Ignacio "Sartuche" (Zertuche), a native of Saltillo who does not seem to have been in Texas long, claimed that he—a native Mexican—should
enjoy preference over a foreigner to this desirable site. However long his
residence—Austin said he was there in April 1825—Zertuche seems to have
been living at the Trinity crossing when Nick's eldest son bought it from
Edwards. Prior occupancy counted for something in those days, but not to
Edwards; as far as he was concerned, the Trammells now owned the league
of land on the Trinity. They had paid him money, while all Zertuche could do was
claim that the place belonged to him without any title whatsoever. Thus, who
owned the Trinity crossing became a "test case" for the empresario who was
trying to assert his authority over the colony's land affairs and the old-timers
who resisted Edwards' despotic rule over them. Because Zertuche was a
native-born Mexican and Trammell was an interloping foreigner, the case had
an added dimension: was Texas to be populated by Gringos, and, if so, were
Mexicans expected to buckle under to them? This issue was political dynamite
at the time, because many thoughtful Mexicans questioned the wisdom of their
government's having invited these Americans to Texas in the first place.

Luis Procela placed the Trammell-Zertuche land dispute in its larger
context. On January 1, 1826, the Nacogdoches magistrate wrote the political
chief in San Antonio about how Edwards had overthrown the results of the
race for alcalde. All the locals had voted for Samuel Norris, but his opponent
Chaplin managed to secure the votes of all the foreigners living on the Attoyac
and Sabine rivers; Chaplin's father-in-law, Edwards, had then proclaimed him
the winner. Moreover, they had removed the archives from Procela's
possession despite his protests and the dissent of the citizens. If that was not
bad enough, this was: "It has been but a few days since the Empresario went
to the Trinity River and gave to a certain Tramel the land of the Citizen,
Ignacio Sartuche, notwithstanding the decree of Don Gaspar Flores [which
says that Mexican land claimants should be preferred to foreigners], and thus
the Empresario will continue in this manner, taking and disposing of lands
belonging to our citizens." Procela predicted that he and his fellow citizens
would become Empresario Edwards' "slaves" if they yielded, for these
foreigners neither respected them nor the laws
of Mexico. Under these
alarming circumstances, they were sending José Antonio Sepúlveda as a
commissioner to San Antonio to obtain official copies of their land titles. Only
in this way would the citizens feel "secure in the possession of their property"
against the empresario's mercenary intrigues.

This was effective rhetoric, and it achieved the desired goal, but it is
possible that Zertuche did not even apply for the league of land on the Trinity
until after its sale to the Trammells in November 1825. True, he had built a
house there, close to the Loma del Toro ("Bull's Hill"), and was living at the
place with his family in the hope of possessing the site where the Royal Road
crossed the river. This petition bears the date of February 13, 1826, and
Zertuche went to San Antonio in person to make his "X" on the document in
which he depicted himself as a poor, honest, hardworking Mexican who had
expended the greatest labor in building his house and opening a field. But the
empresario had taken his field away from him, with the rest of his land, selling
it "to an American called Trammel" and telling him that he must get off the
property, for it now belonged to this foreigner. Zertuche begged Political Chief
Saucedo—"in the name of our Mexican Republic"—to make Edwards and
Trammell see that he should be the preferred one, according to the
Colonization Law's wise provisions.
To bolster his case, Zertuche submitted an undated petition for the land, in which he claimed that he was a native of Nacogdoches and with his family and a few possessions by which he maintained himself had resided on the west side of the river near Bull’s Hill for three years. This petition, which was passed along to higher-ups at San Antonio by Alcalde Patricio Torres (again without a date appearing), could well have been written after-the-fact. Zertuche three years later told General Mier y Terán that he was a native of Saltillo (not Nacogdoches) who had only come to this desolate place in 1823. Also submitted was a copy of Bexar Alcalde Gaspar Flores’ December 10, 1824, instructions to the alcalde of Nacogdoches (Torres?) for the distribution of lands—evidently pursuant to the national Colonization Law, for the state of Coahuila y Texas did not pass its own Law until March 24, 1825. Thus, Zertuche’s first (undated) petition for the Trinity league could have been submitted in 1825, at or very close to the time that Trammell bought the property in good faith from Empresario Haden Edwards.

Certain aspects of the file suggest that Zertuche did submit his first petition late in 1824 instead of late in 1825. On the verso of the sheet, Patricio Torres endorsed the appeal for land and signed as alcalde of Nacogdoches. Alcalde Juan Seguín died in August 1824, whereupon Torres was elected and served until the end of the year; Pedro Procela held the post from the beginning of 1825 and, upon his death, was followed by his son Luis. Also, Gaspar Flores’ response—which is dated December 10, 1824—commences just below Torres’ endorsement. All of this indicates that Flores was not just writing general instructions about how land should be awarded in the jurisdiction but also was specifically ordering these rules applied to Zertuche’s petition. That being the case, Zertuche was justified in believing that the Trinity crossing site belonged to him, and Edwards had no right to sell it to someone else—especially a foreigner such as Trammell.

Whether or not Zertuche had been able to meet Flores’ schedule of fees is doubtful, as he was admittedly a poor man with few resources. Also, there is the larger question of whether Gaspar Flores had the power to grant land at the time, a question which was later considered by the Texas Supreme Court under similar circumstances relating to some of the Baron de Bastrop’s early land dealings. The ruling handed down was that Political Chief Saucedo did not have the power to determine land affairs prior to the enactment of the state Colonization Law in 1825. Thus, Flores—a mere alcalde—was acting beyond his authority by granting Zertuche’s land petition in 1824, and it is for that reason that the file is designated “invalid” at the General Land Office today. In other words, if Haden Edwards was illegally disposing of the league to Trammell, so was Gaspar Flores (and subsequently Saucedo) in awarding it to Zertuche.

The Trammell-Zertuche dispute has been garbled from the beginning, and it grew more confusing as time passed. In his History of Texas (1855), Henderson Yoakum states correctly that Trammell came from Pecan Point to Nacogdoches prior to the time that Edwards secured his contract. Without citing his source, Yoakum says that Trammell agreed to maintain a ferry at the Trinity crossing because Governor Trespalacious had ordered the Nacogdoches alcalde to place one there. If this is accurate, Trammell must have been in business between August 17, 1822, and April 17, 1823, the dates that Trespalacious assumed office and resigned as governor of Texas. Then, says Yoakum, Trammell sold his operation to another individual who kept up
the ferry. This unnamed person took pity on “Sertuche” and his starving family at nearby Spanish Bluff and invited them to move to the ferry site and supplied them with food. But the Mexican, “finding the situation pleasant and profitable, managed to dispossess the occupant.” Edwards then took steps to place the “true occupant” in possession but was overruled by the political chief. “The only reason given by Saucedo for this arbitrary act, was that Sertuche was a Mexican, and entitled to the preference.”

This account of events at the Trinity crossing was substantially repeated by Louis J. Wortham in his *A History of Texas From Wilderness to Commonwealth* (1924), but Eugene C. Barker gave a different interpretation in his influential *The Life of Stephen F. Austin*. Rather than having Trammell’s legitimate successor the victim of Zertuche’s machinations, which was incorrect, as Trammell was still at the ferry, Barker paints Edwards and Trammell as the villainous offenders. *Empresario* Edwards, says Barker, took “at least one claim from a Mexican (Ignacio Sertuche) who could not produce his deed, . . . selling it to an American [Nathaniel Trammell].” In his note Barker states, “This was Sertuche’s claim,” and he goes on to say that Trammell, “contrary to Yoakum’s account, was trying to oust Sertuche.” Barker thought that Yoakum had drawn his telling of the story from “oral tradition” since he cited no authority for it.

From this bit of corrective revisionism later writers have gone so far as to declare that Zertuche was obviously being rook ed out of his land in something of a Manifest Destiny context. The thesis done in 1977 by Jordan Holt, while easily the best study of Haden Edwards and his empresarial grant, is an example. He discusses the “legendary Trinity Ferry dispute” and casts it as an almost racist dispossession by Edwards of “an impoverished, illiterate, and not too enterprising Spanish farmer who operated the ferry at the San Antonio Road crossing of the Trinity River.” Though Zertuche might resemble a squatter in every way, “he was in fact the rightful owner of the ferry and the immediate acreage.” Holt concludes that Zertuche’s petition for ownership had been validly granted in December 1824 by the *alcalde* in San Antonio, Gaspar Flores—without questioning Flores’ right to make such assignments or following through on what transpired at the crossing, other than saying that the Trammells were evicted. This is clearly excessive revisionism, for Holt did not explore the legalities involved or learn if Zertuche actually operated a ferry at the site of his residence or how he happened to relocate at the crossing from the defunct settlement of Trinidad de Salcedo. From what we have seen about Zertuche, it is obvious that he was something of a newcomer himself and was using his “Mexican” status to win out over any competition for the ferry site. Certainly his claim to the Trinity crossing was not as well founded as most of the claims that other old-timers advanced in the Nacogdoches vicinity on grants of land held and occupied by their family for generations.

These outraged citizens with their talk of foreigners taking over Nacogdoches and how a revolution against Mexico was brewing impressed the political chief in San Antonio, José Antonio Saucedo. On February 15, 1826, he scribbled the following note on the bottom of Zertuche’s plea for justice and petition for land: “Pass this petition to the *Alcalde* of Nacogdoches, in order that he may put in possession, without loss of time, the interested party [Zertuche], of the territory that was taken away from him by the *Empresario*, don Haden Edwards, and transferred in sale to the foreigner.
Trammel, who will be obliged to withdraw from it."48 Edwards was to understand that he had no authority to sell the land, or even to purchase land in his colony, according to the Colonization Law that dictated his rights as an empresario. So, this ruling was not only a major setback for Nick Trammell and his family but for the wheeling-and-dealing Haden Edwards as well. Getting rich off the sale of Texas land was going to be more difficult than the empresario had expected when wasting years in Mexico lobbying politicians and sinking $50,000 into this mad scheme. For Edwards the ruling represented a loss of prestige and earning power, but for Trammell the loss was more immediate; Saucedo wanted him off Zertuche's property "without loss of time," and there was no mention of a refund of his money.

But the wheels turned slowly in Texas, and Nick soon had more immediate problems. One involved some "companeros" of his, specified as a mulatto called Drake and the notorious Edmund McLocklin, who had stolen a slave in Martín de León's colony on the Guadalupe River. McLocklin was known for his scandalous band of rogues who terrorized all of North Texas from Pecan Point to the margins of the Sabine. And the people who had received the slave were friends of William English and Nicholas Trammell of the Nacogdoches district. "men who had been refused entry into this colony [Austin's?] because of the infamy of their character, and all the world proclaims them as criminals and bad men." This indictment is dated March 18, 1826, in San Felipe, but is unsigned. Sent to Saucedo in San Antonio, it probably convinced him that he had made the correct decision regarding the foreigner Trammell the month before. Nicholas or Nathaniel, it was all the same to him; they had to go.49

Meanwhile, Samuel Norris had retaken the office of alcalde from Edwards' son-in-law Chichester Chaplin, and it soon becomes obvious that he was no friend of Nick's. On April 3, Daniel O'Quinn came before Norris and stated that he had seen the Negro, Gabriel, at Trammell's place on the Trinity. Though this Negro called himself "John," O'Quinn recognized him as Gabriel—the same black man brought to this country by one Cochran and the same which Leonard Dubois claimed by power of attorney from Madame Louisa Villon. Gabriel had been given to Dubois ("Duboy") by the authorities of Nacogdoches but either ran away or was stolen and "so fell into said Trammell's hands." The Negro told O'Quinn that Dubois had him chained but Trammell cut him loose. Afterwards, Trammell told him that "there was too much truth in what the negro said, and furthermore this Deponent [O'Quinn] sayeth not."50

Norris, twenty days later, acted on the "representation" that Leonard Dubois had made against Trammell for the crime of stealing his Negro, Gabriel. Constable Baptiste Porrier was ordered to take four men from the civic militia and bring Trammell before his tribunal of justice. Should they not find Trammell, they were to seize all of his property and place it in the care of the "good Mexican citizens that are settled on the Trinity." If Trammell was there and resisted the alcalde's order to submit, with weapon in hand, then the militiamen were to use "the arms of the Federation" to apprehend him.51

We do not know the outcome of this foray, but it is likely that these poor fellows rode to the Trinity with reluctance and Nick Trammell was nowhere around once they got there—nor was Gabriel. Despite Dubois' unceasing efforts to recover his property, it seems fairly obvious that Gabriel preferred to
stay with Trammell, unchained. than return to his court-decreed owner. What
this says about Nick's treatment of slaves, I'm not sure. Maybe Gabriel was a
special case, and Nick kept him around just to aggravate the Frenchman who
bought his gun and who was too much of a coward to come fetch the Negro
himself. It is possible that Gabriel had made his own escape before "falling"
into Trammell's hands and liked his situation on the Trinity well enough not to
make another escape attempt. But Nick was digging himself deeper in a hole,
for Samuel Norris wanted him run out of Texas. If the constable and his four
militiamen couldn't get the job done, then he would gladly attend it himself.

Norris was the son of Edmund Norris, who had moved his family from
Natchez to Texas in 1803. They were one of the earliest Anglo families in the
Nacogdoches district, settling on the Rancho Naconichi near Attoyac Bayou.
There, Edmund was frequently in trouble with the Spanish authorities, who
suspected him of smuggling horses into Louisiana and other unlawful
activities. But Edmund's fortunes revived under the Mexican regime, and he
had just obtained title to four leagues of land on the Naconichi from an earlier
grantee. The government had recognized his purchase the year before Edwards
arrived to dispute such things, and Old Edmund could not have been on good
terms with him. His son Samuel was born in Maryland in 1783 (slightly
younger than Nick, who was born in 1780) and seems to have been a "go­
ahead" sort of man with little education and no training for the important
office of chief magistrate. Samuel's brother-in-law, James Gaines, was the
head of a self-appointed group called the "Regulators" who loved to intimidate
newcomers in the Edwards camp. Although Saucedo—in the heat of Edwards'
challenge—put Norris back into the alcalde's chair, he later realized that he
was unfit for office and replaced him with someone more acceptable to the
warring factions at Nacogdoches. Unfortunately, Norris' removal came too
late to do Nick Trammell any good.

Nick must have eluded Norris' posse without gunplay, because such
incidents were reported in the official record without fail, and I can find
nothing more about it. In August, Norris again summoned Nick to appear
before him, this time to explain his acquisition of a horse now in the
possession of Isaac Rose. Joseph Burton raised the issue, but it is uncertain if
Rose had bought the horse from Nick unaware of whatever Burton knew about
its rightful ownership, or if Rose was simply holding the animal until Nick
could prove that he had come by it lawfully. As seen, Nick had defended
himself successfully from such horse-ownership questions in the past, but he
was obviously getting a bad reputation around Nacogdoches. Too many
missing slaves, horses, and such seemed to end up in his possession, and the
crowd he ran with left something to be desired. Peter Ellis Bean had the same
problem, because Alcalde John Sprowl claimed that he associated with the
worst characters in the Ayish district, men whom his civic militia were
constantly trying to chase back across the Sabine.3 In any case, Nick's horse
business was the least of his problems in September 1826.

On September 29, Norris issued a curt order as follows: "Mr. Trammel,
you are hereby ordered to quit the plantation of Mr. Sartuche without any
molestation to him or anything that is his. If you are not out in fourteen days
from this date, I will send the militia and put you off at your own expense." Norris reported the results of this eviction process to Political Chief Saucedo
on October 31, 1826. Captain José Antonio Sepúlveda and ten militiamen had
ridden out on October 20 "to arrest some American foreigners who were living
at the crossing of the Trinity, molesting the inhabitants and stealing their
cattle." The "principal man" among them was Nicholas Trammell, but as soon
as he saw the troops coming, he left for Pecan Point with several "bad men."
Two other individuals were arrested; they, however, subsequently "escaped" to
the other side of the Sabine. Norris then went to the Trinity on October 24 and
put Citizen Zertuche in possession of the river crossing, justice having been
served to an honest Mexican. The alcalde noted that this expedition had been
in the field ten days, and the men had to supply their own horses, arms,
ammunition, and provisions. He urged that some system of compensation be
devised for such expeditions to "distant points," because the men were in a
destitute condition and they might serve in the future with a little more
"alacrity" if paid for their trouble. 37

So Nicholas Trammell was run out of Texas and the family's right to its
league of land on the Trinity River was brushed aside as a matter of no
consequence. They had bought it in good faith from the empresario of the
colony who thought he was within his rights to sell it, or so he maintained to
the world. To sharp men such as Haden Edwards, that was what empresarios
did—sell land to the 800 families he had been authorized by the Mexican
government to introduce to Texas. The fine points of the Colonization Law he
either bent to his interpretation or ignored in his desire to obtain the premium
lands that he as empresario would only get upon the fulfillment of his contract.
It took time to lure that many families to Texas, and a man had to support
himself in the interim.

The "old-timers" around Nacogdoches claimed that they already owned
the best lands. They paid nothing to him in fees, nor could their choice tracts
of land be offered to those who would pay—the people he had been appointed
to bring here. Nicholas Trammell was one such man who had brought his
family to plant roots in the Edwards colony and who had cash money to buy
that tract at the Trinity crossing of the San Antonio Road. But Trammell had
been forced to run for his life, and he would certainly spread the word at Pecan
Point about how rotten things were in Nacogdoches, where not even the
empresario himself could sell the land that he presided over. This would do
nothing for Edwards' prospects, if hardy frontiersmen were unwelcome in his
colony. Men such as Nick were needed to deal with the many Indians flocking
into East Texas, to protect the settlements, and to keep supply lines open to the
outside world. The very road that people used to reach his colony from
Missouri and Arkansas had been blazed by this man. It bore Nick Trammell's
name, and Edwards' arch-enemy, Samuel Norris, had just driven him back up
that Trace. These Anglos in Nacogdoches were acting more like "Mexicans"
than "Americans," and something had to be done about them or he stood to
lose his substantial investment.

Norris, no doubt in a mood of triumph, carried out the formal ritual of
possession to the Trinity-crossing league of land on October 24, 1826. Upon
arriving at the new house built by the foreigner Trammell, where Zertuche
now lived, the alcalde ran 5,000-vara lines to the cardinal directions. One
measurement was noted as running to a little creek "behind the house which
the said Trammel had built on the said King's Highway." Then Zertuche was
allowed to drive stakes in the corners of his tract, pull up weeds, and "make
other demonstrations of legal and true possession, which I delivered to him in
the name of Our Mexican Federation." Actually, Ignacio Zertuche had already cooked up a deal with Juan Tovar whereby Tovar got "the field that formerly in this same year the foreigner, Nicholas Trammel, sowed." Tovar also got rights to operate the ferryboat for three years and withhold a third of the proceeds for himself, the other two-thirds evidently going to the crossing's new owner, Señor Zertuche. Being a landowner had wind-fall benefits, and it is easy to see why earlier historians such as Yoakum and Wortham interpreted Zertuche's motives as anything but pure. This contract was witnessed by Norris three days later.59

But Norris' activities on the Trinity River in October 1826 were about to explode in his face. The next month outraged settlers—mostly of the new variety—staged a revolution which the Edwards brothers soon controlled. This "Fredonian Rebellion" is a complicated scenario, but it had been precipitated by the government's cancellation of Edwards' colonization contract at mid-year and Norris' eviction of Nick Trammell some months later, as well as other high-handed activities by the old-settler faction. Many of the newcomers saw these events as placing their own rights in jeopardy and rose to the occasion. Haden and Benjamin Edwards, desperate for support, tried to enlist Austin's colonists in their revolution. Failing at this, they offered to split Texas in half if the Cherokees and their allied immigrant tribes would join the struggle for independence. The Indians would get everything above the San Antonio Road where most of them lived, and the whites would take the land south of the road. It was a promising scheme, but it fizzled when Ellis P. Bean arrived from Mexico and convinced the important Cherokee chiefs Bowl and Big Mush not to take part in the rebellion. Austin also arrayed his colonists in opposition to the Fredonians. Thus, Edwards and his few supporters fled back to Louisiana, where they remained until the more successful Revolution a decade later.60

Before his action took place, mayor Norris and militia commander Sepúlveda were arrested and "impeached" from office on a number of charges. During the testimony taken to establish their guilt—and the impeccable behavior of the empresario—his son-in-law, Frost Thorn (also an empresario himself), commented on the ouster of the Trammells. This was in context of Edwards not having interfered with old Spanish claims and his recognition that government-appointed land commissioners had the final say in claim determination; his actions in "selling" land were strictly preliminary in nature and subject to later approval, as the testimony emphasized. Thorn said that when "young Trammel" applied to Colonel Edwards for land, he was told that it could be granted only upon condition of having a statement as to his good character, a Colonization Law requirement. This was given by "Judge Tate," an individual who soon comes into the picture again.61

Some two or three months after the Trammells had settled on the Trinity crossing, Thorn said that Edwards visited them "and found Sattuche living at his old residence and supplied with provisions entirely by [Nathaniel] Trammel." This is important, because it shows that the "foreigner" Trammell was not intent upon ousting Zertuche from the land—as has been claimed by Barker in his Life of Stephen F. Austin and other writers who followed his lead. On the contrary, Nick and Nathaniel were willing to let him remain at his residence and even helped him feed his family. Thus, Zertuche was not entirely truthful about the injuries he had sustained at the hands of Empresario Edwards and the Trammell family in his petition to the political chief in
February 1826, and I suspect that Zertuche was being used by the Nacogdoches old-settler faction as a pawn in their bigger game. In his summary of the Trammell eviction from the Trinity crossing that sparked the Fredonian Rebellion, Yoakum, it appears, is closer to the mark than Barker. Though Yoakum was perhaps off a little on his chronology of events, he is correct in saying that Zertuche “dispossessed the occupant” of the ferry crossing and was sustained by the political chief, rather than having the Trammells in this unsavory role. Moreover, Yoakum recognizes that “Trammel” had settled at the Trinity crossing in good faith and that “Sertuche” was the aggressor in the situation, having seen the gleam of coins that changed hands as Trammell’s ferry shuttled passengers back and forth across the river.

Ignacio Zertuche, as noted, had hardly been given possession of the league before he allowed Juan Tovar to have the field that the Trammells had sowed and rights to operate their ferryboat—concessions no doubt granted for a price. Then, on March 13, 1827, just after the smoke had cleared from Haden Edwards’ unsuccessful Fredonian Rebellion, Zertuche came before Alcalde Norris with James Tate—the aforementioned “Judge”—and they divided the Trinity league between themselves. Tate’s half-league was on the north and Zertuche’s on the south, neither of them to obstruct use of the road or the river crossing on their respective properties. To secure his rights beyond question, Tate then bought from Nathaniel Trammell, “for value received” but left unstated, his title to the league of land earlier obtained from Empresario Edwards. This sale is dated October 24, 1828, and was witnessed by J.H. Cummins, probably the same man who had surveyed the tracts along the riverbank and to whom Nathaniel paid his survey fee early in 1826.

So Tate now resided at the Trinity crossing and not the Trammells. His was probably the family of foreigners there when General Mier y Terán visited the crossing in May 1828 and wrote these remarks in his diary: “Sartucho is an old man from Saltillo who settled on these banks five years ago. His wife and another woman of the family died, and he has remained alone with a boy of five or six years who, judging by Sartucho’s sickly appearance, will suffer the desolation of becoming the sole inhabitant of this rancheria [little ranch]; 300 paces away is another family from the north [United States].” Sublieutenant José María Sánchez, another diarist of the expedition, said that this Anglo family had been at the crossing two years and had established themselves “without permission from the authorities.” However, one of Nick’s acquaintances from Pecan Point, Nathaniel Robbins, also claimed residence at the Trinity crossing from 1828, so his may have been the family there when Mier y Terán’s boundary inspection team came through. Robbins applied for the league and secured it from the Mexican government in 1834; the crossing was thereafter known as “Robbins Ferry.” Mier y Terán was right about Zertuche’s “sickly” condition; he died in 1831 and his minor son, José, four years later. What happened to James Tate is unknown, as Robbins obtained the land not from him but directly from the State of Coahuila y Texas.

It is uncertain where the Trammell family maintained its residence after losing the league of land in the Edwards colony. This colony was soon distributed to new empresarios, none of whom were able to introduce enough families to fulfill their contracts. Bean, though he came close to being an empresario, lost out to others because of his messy marital status. He had returned to Texas from Mexico, where he had a wife, to find his other wife
married to Martin Parmer, one of the principal figures in the rebellion. Shortly before this, in October 1826—when the Trinity River eviction was in progress—Parmer had shot and killed Nick's half-brother "Motin" (Mote) Askins, an offense for which he was never tried, owing to the instability of the times. Nick probably remained at Pecan Point for a few years, but by 1830 he was enumerated on the census of Lafayette County, Arkansas, and his son Nathaniel appears in Chicot County in the southeastern corner of the territory. Lafayette County was formed in 1827 out of what once had been Hempstead County, which sprawled over the southwestern portion of the territory and adjoined old Miller County beyond the Great Bend of the Red River. This was where Trammell's Trace had its origin, and the family probably straddled the border in these years, living at a number of places close to their kinsmen and old friends. Family tradition says that Nick moved back to Arkansas because his wife Sarah was ill and did not want to die in Texas, far from her loved ones. Nick's frustrating and bitter experience in Texas probably did little to make him resist her wishes. Besides the land fiasco, he was close to his half-brother, Morton "Mote" Askins, whose children now had to be provided for.

Trammell went into the tavern business near Camden, where his secretive nature gave rise to many dark legends about why he always seemed to have money while never working for it. According to a family Bible, now in the hands of Trammell descendants, Nick's wife Sarah died on September 28, 1841. Several years later, on May 21, 1843, Nick wed his final wife, Mary Sadberry (or possibly Sedberry). This marriage took place in Hempstead County, with Jacob Whiteside joining them in the "Holy Bonds of Matrimony." They had two children, in addition to Nick's first set of grown and already married children. When the Mexican-American War broke out in 1846, Washington—the Hempstead County seat—became a major rendezvous point for troops marching to the seat of war. Who knew the way through Texas better than Old Nick Trammell? So this "notorious highwayman" was sent for, and he led the assembled Arkansas volunteers down the Southwest Trail, since renamed the "Military Road" after brush was hacked away to widen the trail in the 1830s, and along his Trace to Nacogdoches. Some accounts say that Nick did not ride all the way, but returned home after making sure they were headed in the right direction. By 1846 his Trace would have been hard to miss; people had been moving down it for the past three decades. He was sixty-six years old when he "guided" the troops southward. Nick Trammell and many of his kinsmen moved to Gonzales County early in the 1850s, and the old trailblazer died there in April 1856.

NOTES

1James and Mary Dawson, "Texas Trammel's Trace," unpublished typescript, paginated by hand, in the Center for American History (CAH), University of Texas at Austin, p. 24. It is the most thorough study available on the Trace that Nick Trammell cut through Texas.

2Dawson, "Texas Trammel's Trace," p. 25; Thomas Nuttall, Journal of Travels into the Arkansas Territory, during the year 1819... (1821), pp. 124, 159-161. On the move of Chief Bowl's band to Texas, see Dianna Everett, The Texas Cherokees: A People Between Two Fires, 1819-1840 (Norman, 1990), pp. 3-23.

3For Nick's half-brother and their movements in this period, see Betty Trammell Snyder, Antebellum Arkansas: Trammell Families (Lubbock, 1994), pp. 9-14, 20. Her chapter on this branch of the family should be used with caution, especially concerning Nick's years in Texas.
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4Dawson, “Texas Trammel’s Trace,” pp. 7, 28, citing the *Gazette*, December 11, 1819.

5This summary of the route is entirely based on the years of research conducted by James and Mary Dawson. In addition to their CAH typescript cited above, they placed all their findings on Trammell’s Trace in the Southwest Arkansas Regional Archives in Washington. Besides the Dawsons, only Rex W. Strickland has devoted attention to the significance of Trammell’s Trace as an avenue of travel through northern Texas. See “Miller County,” pp. 17-18, and his “Anglo-American Activities in Northeastern Texas, 1803-1845” (MA thesis, University of Texas at Austin, 1937), p. 93. Maps are contained in all the above works, and I have based my sketch on them—primarily that by civil engineer Dawson, done in 1944.

6See the photograph of the marker in *Southern Living* (March 1981), which ran with the article “Legend Left a Trace of Silver,” kindly brought to my attention by Linda Flores.


9On these two settlements see Skipper Steely, *Six Months From Tennessee* (Wolfe City, Tex., 1983).


12Dawson, “Texas Trammel’s Trace,” pp. 20, 34-35, n52, in which it is speculated that these families were related by marriage, as were many who made the migration together.


17“Folk Life in Early Texas,” pp. 161, 323.

18Robert Bruce Blake, unpublished research collection of typescripts and translations (93 vols. in a “Red” and “Green” series; hereinafter cited as Blake), CAH, Red X, p. 330.

19Blake, Red X, p. 331. Because NA originals are now so difficult to access in the Texas State Archives, I will give these items as they appear in Blake’s collection. The reader is cautioned that different sets often have varying pagination, and sometimes two stamped numbers appear on the same page. Even so, this is a valuable research tool concerning affairs in early East Texas.


21Blake, Red X, p. 362. Curiously, Bean signed his name “Ellis H.” instead of “Ellis P.” Soon after, he started going by “Peter Ellis” Bean, and the Mexicans referred to him as Pedro Elias. At the time that he wrote his memoir (published by Yoakum), he still used Ellis P.

22Declaration sworn before Alcalde Bean, August 7 and 12, 1824, NA, from the original; Sprowl to Austin, August 18, 1824, in Eugene C. Barker, ed., *The Austin Papers*, II, p. 876 (hereinafter AP).
See the sources in note 11 and J. Villasana Haggard, "The House of Barr and Davenport," *SWHQ* XLIV (July 1945), pp. 66-68.

On land affairs and ranching operations around Nacogdoches during this transitional period, see Jack Jackson, *Los Mestesos: Spanish Ranching in Texas, 1721-1821* (College Station, 1986), pp. 491-503.

Jack Jackson and John Wheat, ed. and trans., *Texas by Teran: The Diary Kept by General Manuel de Mier y Teran on His 1828 Inspection of Texas* (Austin, 2000). This work also includes letters written by Mier y Teran while at Nacogdoches, and they all condemn the civil servants who were administering local affairs as unqualified and inept.

For an excellent study see Jordan Holt, "The Edwards Empresarial Grant and the Fredonian Rebellion" (MA thesis, Stephen F. Austin State University, 1977). Because of its usefulness concerning the Edwards colony, this work deserves to be published.

General Mier y Terán was one of them, and he advised the Mexican government to shut off American immigration as early as 1828. See Letter 1 in Jackson and Wheat, *Texas by Terán*, p. 38, from the Berlandier collection at Yale.

*Fully translated in Winnie Allen, "The History of Nacogdoches. 1691-1830" (MA thesis, University of Texas at Austin, 1925), pp. 113-114, from NA.*

Translations of this and the following documents concerning Zertuche's claim to the Trinity crossing are in Blake, Red LXI, pp. 368-375. The GLO has another in-house translation of the file, as well as the original Spanish documents.

The documents referred to are in Blake, Red LXI, pp. 370-373.

Examination of the GLO original file, assisted by archivist Galen Greaser.

I must thank archivist Greaser at the GLO for alerting me to this case, Jones v Garza, found in *Reports of Cases Argued and Decided in the Supreme Court of Texas during Austin Term, 1853, and Galveston Term. 1854*, XI, pp. 186-210.


Blake, Red LXI, p. 369.


Blake, Red XI, p. 142.

Blake, Red XI, p. 331.

In fairness to Leonard Dubois, I should note that James Dill killed his brother Carlos in May 1825. Because Dill had been an *alcalde* and militia chief and was well thought of around Nacogdoches, a jury of his peers found him not guilty. Saucedo overruled the decision, since trial by jury was illegal in Mexico, and Dill fled to Natchitoches. Leonard was still petitioning the authorities for justice against Dill in September, and his inability to obtain it no doubt agitated his mind. On this affair see Allen, "The History of Nacogdoches," pp. 111-112, and Ron Tyler et al., eds., *The New Handbook of Texas* (6 vols., Austin, 1996), 2, p. 643.
Blake, Red LIX, pp. 290-362, being two versions of Lois Foster Blount's study called "The Norris Family in Early Nacogdoches."

Blake, Red XI, p. 28.

Blake, Red XI, p. 88.

Blake, Red XI, p. 246.

Blake, Red XI, p. 269.

Blake, Red LXI, pp. 373-374.

Blake, Red XI, pp. 61-62.


These "Impeachment Proceedings" are in AP, I (pt. 2), pp. 1511-1523. Norris and Sepúlveda were found "worthy of death" but instead were punished by being forever barred from holding public office. Martin Parmer presided over the "Court Martial" in November 1826.

AP, I (pt. 2), pp. 1516-1517.

Blake, Red LXI, pp. 374-375.

Blake, Red XV, p. 166.

These events are more fully treated in Jackson and Wheat, Texas by Terán, pp. 224-26, 258.


On Nick's half-brother see Snyder, Antebellum Arkansas, pp. 9, 12, 19.

Bible kept by Julia Ann Thurmond, wife of Nick's son Henry Trammell, information communicated to me on December 21, 1999, by Betty Thorp of Houston; Snyder, Antebellum Arkansas, chapter 1; Medearis, Washington, Arkansas, pp. 17, 30-31.

The Dawsons ("Texas Trammel's Trace," p. 37) mistakenly say that Nick died at La Grange, Fayette County in 1853; this was his grandson, Nicholas A. Trammell (son of Phillip of the "rake"), who had moved back to Texas with Nathaniel's family. Although Nick did not leave a will, there are extensive probate records of his estate at the Gonzales County Courthouse. I am a sixth-generation descendant of Nicholas Trammell through my mother's side of the family, so the reader must pardon any "bias" evident in this study of him.