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SLAVERY IN THE ECONOMY OF CHEROKEE COUNTY, TEXAS

1846-1860



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SLAVERY IN THE ECONOMY OF CHEROKEE COUNTY, TEXAS

1846-1860

By

Irene Paezatta Hunter

A Thesis in History Submitted in Partial Fulfillment
of the Requirements for the Degree of

Master of Arts

In The

Graduate Division

of

Prairie View Agricultural and Mechanical College
Prairie View, Texas

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Studies in History

History of Slavery in Texas and the
Southwest

Number 8

Irene Paezetta Hunter

SLAVERY IN THE ECONOMY OF CHEROKEE COUNTY, TEXAS

APPROVAL SIGNATURE

APPROVED:

Date

Signature

Field Represented

8/10/54

History

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To

My father and mother,
 Mr. and Mrs. Albert A. Henderson
 my husband, Benjamin F. Hunter
 and
 my daughter, Alma Joyce Hunter

| | |
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College, Tyler, Texas, where she received her Bachelor's Degree.

She entered Prairie View Agricultural and Mechanical College, Prairie View, Texas, in 1951, and majored in History.

CHAPTER I

INTRODUCTION

BIOGRAPHY

The writer was born in Cherokee County, Texas.

Her elementary education was completed in the public school of her home community. She did her high school work at Jacksonville, Texas.

Being desirous of higher education, she attended Texas College, Tyler, Texas, where she received her Bachelor's Degree.

She entered Prairie View Agricultural and Mechanical College, Prairie View, Texas, in 1951, and majored in History.

CHAPTER I

INTRODUCTION

In writing the history slavery in the economy of Cherokee County, Texas, the writer is confronted with the problem of conflicting theories, that have been the contention of learned writers of history. Many of these theories were created as a result of inadequate documentation or misinterpretation, as to what was the economic value of the slave in the economy of the south?

The writer has assumed the task of searching all authentic county sources that relate almost exclusively to the economic value of the slave. The writer has also given the notes in full and the reader must form his own opinion.

Problem

The problem of this study arises out of a conflict of opinion upon the ever prominent slave question as to what was the economic value of the slave in the plantation economy of the south? The writer finds that most historical writers on slavery refer to the existence of slavery in the following categories: Labor, Investment, Consumptive Production, Stationary Capital, and Social Prestige. Accordingly such students as Bancroft, Phillips, Flanders, Gray,

Simpkins, Rupert, Kirkland, Wiley, and Olmsted appear to be among the most prominent advocates of these theories. Therefore, being activated by the principles of the "Labor Theory" Phillips contends, "That the economic virtue of slavery lies wholly in making labor regular, secure, and mobile."¹ Flanders points out that "Slaves were not only great capital; they were also labor, herein lies the weak point of the whole system."² Gray stated that from the standpoint of the employer, slavery provided a stable labor supply. Barring ordinary accidents and sickness the laborers' service was always available, which was an important advantage in large scale farming. There was also possible a certain degree of economic inelasticity in the supply of labor particularly at harvest time when there was little surplus labor except children slave labor. He further pointed out "that slave labor flowed less readily to the type of employment promising greatest economic opportunity due partly to the difficulties in transforming the capital value of the slave labor."³

Wiley emphasized a position taken by many leading

-
1. Ulrich B. Phillips, American Negro Slavery (Peter Smith Company, New York, 1932,) p. 213.
 2. Ralph B. Flanders, Plantation Slavery in Georgia (The University of North Carolina Press, Chapel Hill, 1933) pp. 213-14.
 3. Lewis Cecil Gray, History of Agriculture in the Southern United States to 1860, Vol. I (Peter Smith, New York, 1941) p. 556.

Southerners before 1861, "that the Negro slave properly directed was adaptable to diversified agriculture and to a varied industrial program."⁴ Olmsted, who didn't believe slavery was profitable in most sections of the south made the following generalizations concerning Mississippi: "It is plain notwithstanding all the drawbacks attending the employment of forced price of slaves that slave labor is employed profitably by the large planters in Mississippi and in certain other parts of the south in the culture of cotton."⁵

In the South where masters were moving to the fertile soils of the southwest, ever extending their landholdings and ever buying more slaves, large financial outlays were required. Such historians as Bancroft, Rupert and Govan concluded by supporting the Investment Theory: that slaves were used wholly for investment. Bancroft pointed out that plantation owners were not hesitant to "mortgage their crops to buy more slaves to make more cotton to buy more slaves."⁶ Flanders points out that slave owners were confronted with many problems of self-sustenance. He

4. Belle J. Wiley, Southern Negro (Yale University Press, New Haven, 1938) p. 24.

5. Fredrick L. Olmsted, A Journey in the Back Country, (Knickerbocker Press, New York, 1904) p. 50.

6. Fredrick G. Bancroft, Slave Trading in the Old South (J. H. Hurst Company, Baltimore, 1951) p. 547.

concluded by stating further that in addition to the problem of self-sustenance for the plantation, "there was the problem of slave labor."⁷ There is no doubt that slave labor was expensive. In the first place it was forced, which was not conducive to its efficiency. Again the capital of a planter was stationary; large amounts were tied up in this form of property. Rupert concluded with the statement that good hands could be hired out for about \$200 or \$275 for the year. There were some enthusiasts who concluded that "a good field hand could pay for himself within a year."⁸

In the discussion of slavery by Govan, the question arises as to the economic value of slavery. His claim is that it is an old argument and that all evidence has been destroyed. He stated that the key to the argument is giving the answer to these two questions; as to whether planters could do better with slaves or free labor? A second question, as to whether the plantation owner was making money? He concluded by stating that after careful observation it was profitable because census reports and plantation record that were available proved that it was.⁹

7. Flanders, op. cit., pp. 213-214.

8. Rupert Novel Richardson, Texas The Lone Star State (Prentice-Hall, Inc., New York, 1943) p. 220.

9. Thomas E. Govan, "Was Plantation Slavery Profitable?" Journal of Southern History, Vol. 8, No. 4, (November, 1943) pp. 513-535.

As time went on many historians became more and more convinced of "the validity of Consumptive-Productive Theory of Slavery" on the basis that a slave produced more than he consumed. Therefore, Smith contended that the wide difference between what the slaves consumed and what they produced is what made slave holding profitable before the war. A majority of slave holders had not invested a great amount of money in slaves. He further pointed out that many slaves were acquired through inheritance, or through natural increase. Others were purchased by planters in the East. He concluded that "by an examination of the system from a strictly economic point of view, excluding political and humanitarian consideration, slave economy was operating in the south on a strictly economic efficient basis."¹⁰

It was the contention of some writers, as Kirkland, in support of the fixed capital theory, that after slave raising for the market developed into a highly profitable business. Slavery in this respect tied up so much capital in slaves that there was nothing left to invest in other enterprises. Since firms dealt in slaves as a business, purchasing agents journeyed through the country with an eye for Negroes between 10 and 30 years, purchasing slaves and

10. Robert Worthington Smith, "Was Slavery Profitable in the Ante Bellum South?" Agricultural History, Vol. 20, No. 1, (January, 1946) pp. 62-64.

moving them South.¹¹

It is the general opinion of some historians that due to the prices paid for slaves on the basis of the qualification there were slave holders who were not able to operate their establishments upon a businesslike basis. Therefore, in support of the prestige theory, Kirkland states that "the scale of slave holding was in some degree a measure of social rank and men were constrained by uneconomic motives to increase their train of retainers."¹²

As indicated in the above statement, there was a general confusion as to the actual value of the slave in the economy of the south. This confusion is difficult for the writer to understand. If the ownership of the slave constituted a burden and responsibility to the extent as to provoke comment, then why would the slave owner cling to a social and economic system despised, and which seemed to them unprofitable?

This question leads the writer to believe that there is a more logical theory, which previous writers overlooked, that would more definitely interpret the economic value of the slave in the Southern economy.

11. Edward C. Kirkland, A History of American Economic Life (F. S. Croft and Company, New York, 1941) p. 182.

12. Ibid., p. 176.

Purpose

The purpose of this study is to provide a comprehensive clarification as to the role of the Negro slave in the plantation economy of Cherokee County and the extent to which the slave penetrated the socio-economic life of the county. This study will endeavor to give the reader an unbiased opinion as to what was the economic value of the slave in the plantation economy of the county by applying the scientific method to the following questions:

1. What were the commercial laws regulating the handling of slaves?
2. How was slavery introduced into the territory that is now Cherokee County?
3. What was the role of the slave in the original acquisition of land?
4. What was the most reliable source of liquid capital for the plantation owner in events of emergency?
5. What was the actual value of the slave in relation to age and sex?
6. What was the actual value of the slave in comparison to the value and price of land, rendering of taxes, and other property?
7. How did the slave penetrate the socio-economic life of the county?
8. Why was there a continued manifestation of interest in the maintenance of slavery despite contentions that slavery was non-profitable?

Scope

The scope of this study begins in 1846, because this is the date marking the creation and organization of Cherokee County. Since the date of organization, the county has kept a concise and detailed record of all documents and records.

The culminating date for this study is 1860, because this shows the date when slavery began to assume proportions which threatened the security of the southern plantation owner.

Method

For the purpose of clarity, unity, preciseness, and coherence in the development of this study, the topical method is used. Because in the process of assortment for classification the material tended to classify itself, there was eliminated the possibility of overlapping in the development of the investigation.

Source

The material is compiled, from what is conceded to be authentic and reliable documents; records from Cherokee County archives, personal collections, original documents preserved by descendents of pioneers of the county, news-

papers from Cherokee County printing office, and Cherokee County Farm Agents' office. Material was also taken from general histories, special histories, and personal interviews. Material was also taken from the Barker Library, Austin, Texas.

Definition

"Slavery" is defined as "state of entire subjection of one person to the will of another." The term implies the relation of two persons in the character of master and slave, the former being defined as one who has another under his immediate control, a lord paramount or employer of slave and the latter as a person who is chattel or property of another and is wholly subject to his will; a bond servant; a servant.

Probate--Offered as proof of the last will and testimony of a person deceased.

Deed-- A sealed instrument in writing, duly executed and delivered concerning said transfer.

Quit Claim--deed protecting the buyer from the seller only.

Headright--A land certificate entitling the head of a family to one league of land under colonization law.

Mortgage--A conveyance of property upon conditions and security for a payment of debt.

Bill of Sale--A formal instrument for the conveyance or transfer of goods or chattel.

Gift--Anything given as a present.

Will--The written instrument, legally executed by which a person makes disposition of his estate, after death.

Promissory Note--A written promises to pay on demand at some future date a certain sum of money.

Property--That to which a person has legal title.

Auction--A public sale of property to the highest bidder.

Inventory--A catalogue or schedule of the property of a person or estate.

Liquid Capital--is capital which has a great possibility of raising cash upon by selling it, or by pledging it as security for an indebtedness.

Appraisal--is an official valuation.

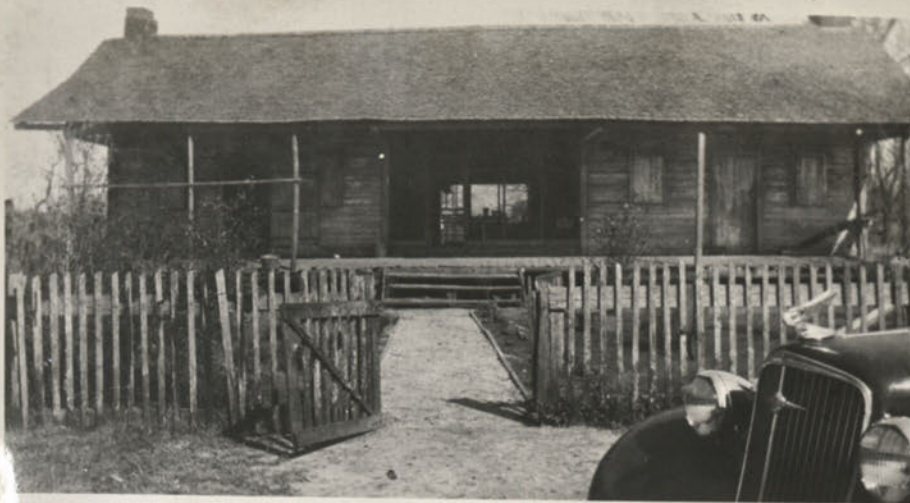
Penal Code--is a code defining crimes and prescribing the method and degree of punishment.

Hypothesis

This writer agrees in part with the decisions of other students of the institutions of slavery that the economic importance of the slave lay in the fact that he was a source of labor, and a channel of investment, which when combined tended to elevate the social prestige of the plantation.

capitalist. However, the writer, after a thorough investigation, of the records pertaining to slavery in Cherokee County suggests that there might be an additional and far more significant economic role which other students may not have considered to be of any value.

Therefore the writer in formulating opinions believes that the slave was a primary source of liquid capital. Since during this era, such property as land and cattle were of little value, and could not readily be transferred into liquid capital, and staple crops were also quite risky. The slave being of the highest negotiable value in all forms of business transactions, constituted a valuable economic asset not heretofore recognized.



Roark Home Built in 1835

The ancient log building still stands; sturdy and strong in spite of the 119 years of its existence. Portholes, near the roof, served as a "look-out" or as a place to rest the gun when the Indians menaced the settlers in the early days. On the right side of the fireplace was a hitching ring, to which runaway slaves were fastened until reclaimed by their masters.



Below is the original Bill of Sale of Eda, a slave, pictured at left.

State of Texas County of Cherokee

Know all men by these presents, that I, James Carter, of the State and County aforesaid, for and in consideration of seven hundred and fifty dollars, to me in hand paid in cash, have this day bargained and sold and by these presents do bargain and sell unto William Roark of the County and State aforesaid, the three following named slaves to-wit: Eda, a girl, age 8 years, James, a boy, age about 5 years, and John, also a boy age about 2 years, which I, the said James Carter, do hereby warrant to be sound in body and mind, and slaves for life, hereby warranting the title of the same against their lawful claims whatever.

Given under my hand and seal, using a scroll this 8th. day of Nov. A. D. 1851.

James Carter

Seal

CHAPTER II

HISTORICAL BACKGROUND

In studying the history of Cherokee County, the writer feels it is necessary to give a brief description of the Nacogdoches County, because Cherokee County was created and organized from Nacogdoches County. Before the writer continues with methods as planned for the development of this paper, let us go back to the beginning of the Indian story which forms a prologue to the history of the Anglo-American achievement in Cherokee County.

Cherokee County is a part of the Hasinai Confederacy which was a large group of intelligent Indians. They were rather far advanced culturally, living in permanent homes and cultivating the soil, raising beans, maize, gourds, and sunflowers.

To the Hasinai village in what is now Indian Mound Prairie, two and one-half miles east of the Neches, came the French explorer, Robert de LaSalle, in 1686.

Retracing his course on his last expedition from his newly established fort, St. Louis on Matagorda Bay, he again reached the Hasinai country in 1687.

Although the first effort of the French to gain a foothold on Texas soil ended with LaSalle, who met with a tragic death, continued French claims aroused the Spaniards to send

an expedition from Mexico in search of the French Fort. Thus the Spaniards also met the Hasinai and called them Tejas, the name afterwards applied to the Spanish Province and to our State. Seeing in the Tejas valuable allies the Spaniards began building missions which served as centers of their efforts to christianize the Indians.

With the decrease of danger from the French, Spanish interest also declined and her garrison and mission were finally withdrawn from East Texas. The Tejas reduced in number by the ravages of diseases which they contracted from the white man, readily gave place to the next settlers on their soil--the Cherokee Indians.

The westward movement of the Cherokee had begun at the close of the American Revolution. Through the years, as the area of American civilization was extended, one dissatisfied band after another followed the westward trail. In the winter of 1819-20 about the time Moses Austin was journeying to San Antonio to obtain a grant of land for his proposed colony, the Cherokee found refuge in Texas. By 1822, when the Indian Chief Bowls led his band into Nacogdoches County, the Mexican governor reported one hundred warriors and two hundred women and children within Texas borders. New bands continued to join their kinsmen until the tribe occupied the land north of the Old San Antonio road (now Kings Highway), between the Neches River on the West and

the Angelina River on the East territory, now comprising Cherokee and Smith counties and parts of Gregg, Rusk, and Van Zandt counties.

Until the Texas Revolution, they peacefully engaged in a primitive agriculture to which the rich red soil was well adapted.¹

At this point the destiny of Texas pivoted on the decision of a single man. Moses Austin of Missouri, native of Connecticut, who had been interested in lead mining in Virginia and Missouri, came upon hard times and decided to cast his lot with Texas. He traveled from his home in Missouri in 1820, to San Antonio, to seek permission to establish a colony of America in Texas.

At San Antonio, through the intercession of Baron de Bastrop, he was permitted to file a formal application with Viceroy of Mexico. He returned to Missouri overland, dying from hardships suffered during the trip soon after reaching his home. His dying request was that his son, Stephen F. Austin, carry out his plans to establish a colony in Texas. Austin had received word just before his death that his request of the Spanish Government had been granted.

Stephen F. Austin was well qualified for his adventure.

1. Hattie Joplin Roach, History of Cherokee County, (Southwest Press, Dallas, Texas, 1934), pp. 1-2.

A native of Virginia, he had received a college education and had joined his father in the frontier territory in Missouri. At the time of his father's death, he was in New Orleans studying law. Stephen F. Austin traveled to San Antonio and came to an agreement with Governor Martinez, relative to the establishing of the colony.² On his return trip, to the United States, he traveled through the territory lying between the Colorado and Brazos, below the San Antonio road and chose this area as the site of his colony.

He had been given permission to settle 300 families and the terms were that "each head of a family and each single man would be granted 640 acres of land, with 320 additional acres allowed for a wife and 160 acres allowed for each child and 80 acres for each slave."³ Austin was to receive 12 1/2 cents an acre for each settler, with which he was to attend to the details of surveying, perfecting titles and advertising the enterprises of the United States.

In the meantime the separation of Mexico from Spain, deprived the project of legal status and Austin made a hurried trip to Mexico to close a new deal with the New Central Government. There he found little but confusion. Besides the struggle between the adherents of Republicans and Monarchal

2. Ibid., p. 3.

3. Texas Almanac and State Industrial Guide, Dallas Morning News, 1953. pp. 41-42.

forms of government, he found the National Congress deadlocked over the establishment of a general Colonization Policy. It was soon after this act was passed January, 1823, that he was able to come to a new agreement which confirmed his grant.⁴

The enactment of the Imperial Colonization Act, especially provided a basis for validating Austin's Grant. By the terms of this Act, only Catholics were to share in the privileges. For the purpose of distribution, land was divided into grazing land and farming land. Heads of families engaged in farming would receive a labor (177 1/2) acres of land, those who raised cattle a sitio or a league (4,428 1/2) acres of land and those who followed both occupations as all farmers did--a labor and a sitio (4,605 1/2) acres.

The government might contract with an agent or contractor to introduce not less than 200 families and settle them within specified limits. The contractor was to receive a premium of three haciendas (66,426) acres and two laborers (355) acres for each 200 families up to a maximum of nine haciendas and six laborers (a total of 200,340 acres) for six hundred families. The sale and purchase of slaves were forbidden, and children born of slaves in the empire were to

4. Ibid., p. 42.

be freed at the age of fourteen.

The Congress of the Mexican Republic next enacted another law known as General Colonization Law of 1824, which retained most of the liberal principles of the Imperial Act.⁵

After Mexico became independent of Spain, on March 24, 1825, the Legislature of Coahuila enacted a Colonization Law in conformity with the Federal Enactment. In the state Colonization Law of 1825, the terms under which a settler could acquire land were substantially the same as under the Imperial Colonization Act of 1823.⁶ Instead of the grant of 66,778 acres allowed under the previous law to the impresario or contractor, he was now to receive a premium, or compensation of five leagues (23,142 acres) of grazing land and five laborers (885.6 acres) of farming land for each one hundred families settled by him, but he could not obtain the premium for more than eight hundred families (a total of 184,224.8 acres). The contract must be completed within six years or else it became null and void. In respect to the introduction of slaves, the law somewhat vaguely declared" the new settlers shall subject themselves to the laws that are now, and shall be hereafter established on

5. Lewis W. Newton and Herbert P. Gambrell, Texas Yesterday and Today, With the Constitution, (Turner Company, Dallas, 1949) p. 75.

6. Ibid., p. 77.

the subject.

Besides Austin's several grants, eighteen Colonial Contracts were granted by the government of Coahuila and Texas between 1825-32. There is scarcely a home in Texas today east of the Guadalupe River that is not situated upon land that was marked off on the map and assigned to some person or group of persons who agreed to introduce one hundred or more families. Among the crowd of impresarios who speculated in the business of colonizing Texas, none were wholly successful in carrying out his contract except Austin and Dewitt. Of the others, only Burnet, Zavala, Vehlein, Robertson Milam, McMullen and McGloin, Hewetson, Power, and DeLeon partially fulfilled their contracts.⁷

If an Anglo-American population may be said to have rained into Austin's colony, it had but showered upon the others. By 1832 there was a slight sprinkling of settlers extending as far north as the San Antonio Road, as far east as the Sabine and as far west as the San Antonio River.

7. In December, 1826, David G. Burnet, formerly of New Jersey and Joseph Vehlein, a German merchant, in Mexico City, were each authorized to establish three hundred families within designated territory adjacent to the Vehlein Contract. Lack of a capitol and reports of revolution in Mexican territory, hampered the fulfilment of these contracts. After futile efforts to secure the necessary Colonists, the three impresarios transferred their contracts to the Galveston Bay and Texas Land Company, October 16, 1830, which immediately staged a sensational campaign, directed from its New York office, for "selling Texas" immigrants. The Mexican Government refused to recognize the new company and actual settlements were delayed until governmental restrictions were removed in 1824.

These Americans had not changed their habits by migrating into Mexican territory. They introduced their slaves without questioning very closely whether or not the Mexican laws permitted it. The first official Census taken in the fall of 1825, showed 1,800 persons of whom 443 were slaves.⁸

Adventurous Americans took root on Cherokee soil long before the Indians were driven beyond its borders. One early settler in Cherokee County, Solomon Wolfe, was instrumental in the expulsion of the Indians from the county. Wolfe was given a grant of 10,000 acres of land west of the Angelina River along the San Antonio Road, by the Government of Mexico, to induce him to come into this area, later became known as Cherokee County. Stephen F. Austin, advertising for his three hundred Colonists, followed by the passage of the National and State Colonization laws of 1824-25, which removed the danger of dispossession by the government, gave an impetus to immigration which led to the relatively rapid settlement of the Nacogdoches district.

The State of Coahuila and Texas granted a total of fifty-six titles to sixty-five and one-half league of land within the present boundaries of Cherokee county. Only a part of the interesting story of these grants can be related here. Although, not patented until 1832 and then

8. Gambrell, op. cit., p. 79.

MAP OF PLANTATION OWNERS IN CHEROKEE COUNTY



KEY TO MAP

Numbers below Indicate Location of Plantations on Map

- | | |
|------------------------------|---------------------|
| 1. John Taughun | 19. Jas. Hamilton |
| 2. Thos. Timmins | 20. J. Engeldow |
| 3. Uriah Moore | 21. Isac Reed |
| 4. A. Gibson | 22. T. J. Rusk |
| 5. Wm. S. Box | 23. C. Blanett |
| 6. J. L. Lokenbulk | 24. Jose Pineda |
| 7. St. Burnham | 25. Beverly Pool |
| 8. George Ruddle | 26. Wm. Bartee |
| 9. P. E. Bean | 27. K. Otom |
| 10. Heirs of Waller Campbell | 28. Joseph T. Cooke |
| 11. Joseph Bowman | 29. Jessie T. Jones |
| 12. Jaun N. Boden | 30. Levi Jordan |
| 13. John Durst | 31. Zacheus Gibbs |
| 14. Helena Kimble | 32. Martin Lacy |
| 15. Jas. Cook | 33. Tillman Watters |
| 16. Mary Able | 34. Hose Maria Mora |
| 17. Maelas Santos | 35. Joseph T. Cooke |
| 18. J. M. Procela | 36. E. D. Cooke |

by another government to another man, the first grant referred to ideals as the Barr and Davenport grant, bordering the Angelina River south of the San Antonio Road, was made by the Spanish government in 1798, Citizen and Trader Samuel Davenport.⁹

Among the first Americans to risk life in Texas, were wealthy planters and partners in a large trading post for furs and pelts in Nacogdoches. William Barr, an Irishman by birth, came to Texas to get stock to carry to his Pittsburg home found the climate so delightful that he settled at Nacogdoches. The Commandant soon appointed him official Indian trader. In 1801, he was a volunteer in the expedition sent to capture Philip Nolan. A few years later the Spanish government granted him permission to establish a settlement at the abandoned Presidio of Oreoquisac near the Angelina River.

Samuel Davenport, left his Pennsylvania home an orphan of sixteen, soon settled in the Spanish Province of Louisiana and found employment in a trading company. Later he entered the trading business for himself. In 1794, he moved his headquarters to Nacogdoches. Five years later he was permitted, because of his good conduct, to become a partner of William Barr, the accredited Indian Agent.¹⁰

9. Roach, op. cit., p. 34.

10. Ibid., p. 16.

Before all the intricate steps necessary to the perfection of a Spanish title had been taken, Spain was overthrown by the Mexican revolutionists, Barr and Davenport died and, in some manner, the Davenport heirs acquired the grant. In 1829, they used the property to settle a debt to the attorney of the Barr and Davenport firm. Thus, on May 9, 1832, Constitutional Alcalde Encarnacion Chirino, acting for the Supreme Government of the State of Coahuila and Texas, patented the vast tract of nine leagues to John Durst. The six and one-quarter leagues located within Cherokee County are now subdivided into hundreds of farms.¹¹

Colonel John Durst, member of the Texas and Coahuila legislature in 1835 and one of the most prominent of East Texas pioneers, settled with an older brother Joseph, soon after the death of their parents. Reward for various official services, including invaluable work as an interpreter in the Mexican government's negotiations with the Indians, took the form of land grants. In time he became one of the most extensive of East Texas landholders.

Although not the first for which petition was made, the James Dill, or Helena Kimble, great bears the earliest patented date. Lured by reports of riches in trade, the Dills--Captain James, his wife and four children left their Baltimore home to establish themselves first in the Spanish

11. Roach, op. cit., p. 16.

province of Louisiana and in Nacogdoches, in 1800. As a trader in Nacogdoches, he soon gained high favor with the Spanish authorities. One of the family heirlooms, now in the possession of James Dill Berryman, Jr. of Alto, is an intricately carved sword presented by the government in recognition of his fair commercial dealings. He died about 1825.

After removal to the Texas frontier for commercial gain, the Dills found another source of wealth which might be theirs for the asking--Spanish land grants. In 1802, Captain Dill "with the greatest submission and humility" petitioned the Nacogdoches Commandant, Don Miguel Musques, for four leagues of land lying west of the Angelina River and north of the Old San Antonio Road, now the King's Highway. Despite the approval of the Commandant, the favorable report of the surveyor and the consent of the owners of adjacent leagues, 1810 found the petitioner still without formal title to the land.¹²

By 1810 the struggle for Mexican independence from Spain claimed the entire official attention, and pending land grants were forgotten. During the course of the revolution, Nacogdoches and the surrounding settlements were depopulated; the Dills taking refuge at Fort Jessup, Louisiana.

12. Newton and Gambrel, op. cit., p. 17.

The death of Captain Dill left his widow, according to Spanish custom designated by her maiden name, Helena Kimble, the task of obtaining recognition of her claims from the newly established Mexican government under the terms of the Colonization Law of 1825.¹³ So Helena Kimble once more "prayed for" her home. Official records furnish the following reports of the formal transfer made by Constitutional Alcalde Jose More Acosta, July 26, 1828: "I did put Helena Kimble in formal possession," ... saying to her in a loud and audible voice, "In the name of the Supreme Government of the State of Coahuila and Texas, by virtue of the commission conferred upon me for the purpose by the Chief of this Department, I put you in possession of all tracts of land contained in the lines just drawn under the boundaries specified in these proceedings. . ."¹⁴ They said Helena Kimble took quiet and peaceful possession of the said tract of land, speaking aloud, and throwing stones, pulling weeds, driving stakes and landmarks in token of lawful and true dominion acquired of her over said tract of land, for which she was notified she must pay the treasurer of the state the fee of \$30 for each of the leagues granted her in the terms specified by the Colonization Law.

In 1830, she began a division of the grant, her

13. Ibid., p. 17.

14. Ibid.

daughters receiving leagues instead of acres for inheritance. To one daughter Deliliah, went the southeast of the four leagues. Deliliah had married Joseph Dursts, Indian trader for the Nacogdoches firm of Barr and Davenport and a political figure. He was also one of the signers of the Houston-Fobes' treaty with the Cherokees in 1836. For a number of years the Joseph Dursts lived within the present boundaries of Cherokee County at a beautiful plantation home, called Linwood, just west of the Angelina River and north of the King's Highway, now known as the old Terrell home.

One night in 1824 at an officers' ball a dashing young lieutenant, Henry Berryman of Virginia, spied charming Helena. Again and again they danced together. Three days later Lieutenant Berryman offered her his heart and hand. Very quickly youthful Helena was initiated into the ever-changing life of an army man's wife.

Ill health forced Captain Berryman's retirement. They came to take possession of Helena's inheritance in the newly organized Cherokee County, some five miles northeast of the present Alto. Soon slaves were felling trees for what was intended to be a temporary dwelling--Forest Hill.

Another early settler was Peter Ellis Bean, also known as Ellis P. Bean. Many a Cherokee boy, thrilled by Bean's adventures during long long years of Mexican imprisonment, is unaware that their hero once lived in Cherokee County, making his dramatic entrance into Texas in 1801, as a member

of the ill-fated Philip Nolan's expedition to hunt for wild horses. The young Tennessee soldier was captured and sent to Mexico.¹⁵

Another early Cherokee County settlement was on what is now known as Box's Creek. In 1826, as a colonist under the David G. Burnet's contract, John M. Box of Alabama petitioned the Mexican Government for a league of land in what now known as Houston County. The title was issued June 11, 1835. Thus, one of the most distinguished of the present Cherokee County families settled in Texas. Their train soon crossed the Neches River. On September 12, 1835, Rowland W. Box, one of the five sons of John M. Box, purchased one-third of a league which had just been granted to Stephen Burnham. Here on an elevation west of the creek, which now bears the Box name and about half a mile from the southwest corner of the present Zaccheus Gibbs' survey, was built a log fort afterwards known as Box's Fort, which became the center of a settlement, including the father and brothers of Roland Box.¹⁶

In October, 1835, William S. Box, one of the five brothers, was granted a league of Cherokee County land some seven miles northwest of Box's Fort. Samuel and William Box were members of the Commission appointed to locate the County seat.¹⁷

15. Newton and Gambrell, op. cit., p. 49.

16. Roach, op. cit., p. 23.

17. Ibid., p. 24.

In addition to Helena Kimble, two other women, Sarah Ann Duncan and Barbara C. Lewis, were included in the fifty-six grants made prior to 1839. Each received one league in 1835, the year in which the majority of the grants were made to members of David G. Burnet and Joseph Vehlein Colonies.

Another prominent Colonist of this early period was William Roark, armed with two letters of recommendation; one from a Tennessee surveyor under whom he had served for seven years, the other signed by his sheriff and twenty-eight fellow citizens, and their church letter. The Roarks started for the province of Texas in the fall of 1834. Settling on the John Durst grant, Roark was soon appointed surveyor for the colonies on the David G. Burnet, Lorenza de Zavala and Joseph Vehlien grants. After the organization of Nacogdoches County which at first included Cherokee County, he served in various official capacities. For some years he was a partner in the Mt. Sterling firm of Durst Mitchell and Company. As a commissioner to locate the County seat, as one of the first County Commissioners and as a surveyor, he continued to play an important role in Cherokee County affairs until his death in 1862.¹⁸

Daniel Rawls, another planter on the Durst Survey in

18. Ibid., p. 26.

1837, continued to live in the county until his death in 1853. He was a partner of Ira R. Lewis of Matagorda County to whom Colonel Durst made the first sale of the division of his vast grant.

In 1835 Brooks Williams, a soldier under Colonel Peter Ellis Bean in the Fredonia Rebellion, was granted a league near the Neches River on which to settle his wife and seven children.

In 1834, Absolmon Gibson, who subsequently surveyed much of Cherokee County land, was granted a league in Burnet's Colony in the northwest part of the present county.

Joseph T. Cook, an emigrant from North Carolina who had settled in San Augustine County in the early 30's and later moved to Nacogdoches, employed a military company under the command of Captain Black to build a fort on the Joseph T. Cook league three miles southeast of Rusk, known as Cook's Fort. Part of the original grant, including the site of the fort, is still owned by Cook's descendants.¹⁹

George Whitfield Terrell, founder of the Cherokee County branch of Terrell family, was one of the most distinguished citizens of the Texas Republic. Born in Kentucky, the son of Colonel James Terrell, who was a favorite officer of General Andrew Jackson, he was admitted to the bar in Tennessee where he held high political office until his removal to Texas in 1830. After a short stay in San Augustine, he

19. Ibid., p. 28.

settled near Linwood, in Cherokee County, on the Old San Antonio Road.²⁰

The Republic of Texas was quick to recognize Terrell's talent, as the first district Judge in East Texas, as Attorney General in President Houston's Cabinet, as Indian Commissioner and as special minister to England, France and Spain for the purpose of securing recognition of the Republic of Texas. He served the newly adopted government in many ways. When annexation made it no longer necessary to have a minister, he returned to Texas and was again appointed as Indian Commissioner. He died while on a business trip to Austin in May, 1846. The Masonic Lodge at Alto Terrell Lodge No. 83, was named in his honor. His great-grandson, Lewis Terrell, still owns the land that was first owned by the distinguished George Whitfield Terrell. The Terrells owned many slaves, who helped with all the work on the plantation.

Greenberry Jenkins, one of the original settlers of Cherokee County, came from Tennessee and settled south of the present site of Rusk, County seat of Cherokee County. The Jenkins, being unable to find water, decided to move farther north. After going about 10 miles they were able to find a spring under an oak tree. There the family unloaded their possessions. The slaves hewed out logs from which the home

20. Ibid., p. 30.

was built. The house still stands and is occupied by one of the grandsons of Greenbery Jenkins, in the Gallatin community also the present home of the writer. After the slaves were freed, they bought homes in the community with their former master.

Origin and Creation of County

The expulsion of the Indians marks a new era in Cherokee County history. The trickle of immigration grew to a steady stream; pioneers who had first built homes in the San Augustine and Nacogdoches country, eager homeseekers from the old states-- especially Alabama, Georgia, Tennessee and Mississippi. Sometimes they traveled along routes blazed only by tree hacks; by ox-wagon and by horseback, some with household goods and many without.

The act of Congress, January 27, 1844, validating the titles of all property obtained under the Mexican laws and declaring vacant land subject to entry and location, followed by the admission of Texas into the Union in 1845, gave added impetus to immigration.²¹ In the late '40's and early '50's travelers were seldom out of sight of other covered wagons.

As a result the legislature, in accordance with its policy of forming new counties out of the vast territory embraced in Nacogdoches County as soon as the population

21. Ibid., p. 32.

warranted so doing, authorized the cutting off of another section, and comprising 1,049 square miles lying between the Neches and Angelina Rivers, to be known as Cherokee County.²² The new country was named for the Cherokee Indians who lived in the area until the Cherokee War, 1833.

The act authorizing the organization of the county, approved April 11, 1846, also provided for a commission, composed of Elisha Mosley, John H. Irby, Colonel Parks, Nathaniel Killough, William Roark, N. Y. Lacy, Samuel L. Box and William S. Box to select a site for the County seat, within three miles of the geographical center, provided such radius afforded proper elevation and water facilities, otherwise within five miles.²³ After due deliberation including the consideration of Cook's Fort, the locating committee selected one hundred acres on the west half of the John Hundley headright which had been purchased by James F. Timmons in 1839.

The legislative act creating the county, named the county seat in the honor of the distinguished soldier, jurist and statesman Thomas J. Rusk.²⁴

The first Commissioners Court met October 12, 1846, to begin its task in providing roads and road overseers,

22. Ibid., p. 32.

23. Ibid., p. 33.

24. Ibid., p. 33.

granting permits for ferries approving applications for land grants and finding some means of meeting expenses.

Fords and ferries usually served as bridges. The first ferry permit was granted by the Commissioners Court to John Stinson, November, 1846, authorizing him to establish a ferry on the Neches River at Mathews Bluff, the crossing of the Rusk-Crocket road.

The first courthouse, build of logs with open halls furnished wandering sheep with sleeping quarters, was begun in 1846. In July, 1847, the court called for bids for flooring it, lining the cracks for the door and window, a judge's seat and an attorney bar. In April of the same year a contract was let for the consideration of a jail.

Joseph T. Cook, Jr. and Ann Mosley, daughter of one of the members of the locating commission, were the first Cherokee County bride and groom. William Daughtry, Probate Judge performed the ceremony, August 19, 1846.

The first district court met October 2, 1846, with Judge William Ochiltree presiding. Examination of the criminal docket from 1852, shows that out of two hundred and fifteen cases was card playing, in eleven permitting cards to be played in the house in thirty-two gaming; in two passing counterfeit money; in one, cruelty to slaves; the verdict being not guilty.

Settlement of Territory

Early settlers found the country

much more open than it is today. On many a prairie, now timbered, grass grew from knee high to waist high. Alto residents could see deer grazing at the head of Larrison Creek as late as 1860. Game was present in abundance--deer, wild turkey, prairie chicken, quail, raccoon, wolf wildcat, panther, fox and even bear. In 1877 Dallas hunters reported bagging sixty-one deer in Cherokee County. The streams abounded with fish. In addition to the two rivers watering its borders, the County has an abundance of perpetual streams and springs, some of which have mineral waters with curative powers.

The new county was bountifully endowed by nature--healthful climate, plenty of wood, good water fertile soil, and unsurpassed beauty. Many planters moved into Cherokee County from nearby counties, also a considerable number came from other states, Georgia, Alabama, Tennessee, Pennsylvania, Kentucky, and many other states. Most of the settlers engaged in farming or ranching or both.

In some instances the settlers received grants of land from either the Mexican Government or the Government of Texas and Coahuila. Others were able to purchase the land for a very small charge per acre.

Features Conducive to Slave Economy

The principal soil of Cherokee County belongs to the great soil group known as the Forested and Gulf Coastal Plains.²⁵ They have been

25. Texas Almanac, 1952-53, p. 527.

formed chiefly unconsolidated sands and clays, or shales and under a cover of pine and mixed hardwood forest. The development of these soils occurred under climatic conditions, where rainfall was high and freezing weather occurred for only a short period of each year.

The Neches and Angelina Rivers and the creeks which have their heads in the area of sandy lands, have bottom lands composed of sandy soils. When well-drained these soils are very desirable for cultivated crops. ²⁶

When the soils are maturely weathered they are, as a whole, low in organic matter, in lime, being very acid or sour, phosphates and, generally, in available plant food. They are high in iron often giving the subsoil a general coloration of red to light yellow depending upon the mother soil material and just how tight compact or loose the soil. Due to materials, these soils are developed from, they were infertile or fairly unproductive in their native state, however, they were of such development that they responded readily to proper treatment and have become more fertile after years of cultivation due to the following of proper soil conservation practices. ²⁷

Advent of Slavery into County

Census figures for 1850 show the population was 6,673, including 1,283 slaves. ²⁸

26. Ibid., p. 527.

27. C. Metz Heald, County Agent, Cherokee County.

28. Roach, op. cit., p. 34.

Of this total only twenty-four persons were foreign born. Many of the early settlers owned slaves. Some of the largest slave holders were Joseph T. Cook, with five hundred and Solomon Wolfe, who owned one hundred three. Slaves were used for doing farm work, as servants in and around the home.

The population quickly doubled. The majority of the earliest immigrants were small farmers either entirely with or without slaves or owning only a few with whom they worked in the fields of the later pioneers. Many were extensive slave holders, who had money with which to build substantial houses and finance their farming operation despite the drought of the 1850's it was a decade of prosperity.

According to the 1850 Census, 454 farms containing 19,133 acres of Cherokee land had been improved.²⁹ Investigation of the crop report shows King Cotton had not yet come to power. The average production of corn on the 454 farms was 500 bushels. Wheat was grown in abundance and was converted into excellent flour, with oxen turning the mill wheels. Three grades of flour was ground, white flour, middling, and shorts. If the white flour gave out before the next crop, the family used the middling. The shorts were used chiefly for the slaves.

In 1863, a bumper wheat crop resulted in paying tithes

29. Ibid., p. 40.

to the Confederacy in wheat. In 1850, only 1,083 bales of cotton were made. Poor roads and slow travel made gins much closer together than they are today. Rusk and Larissa both advertised gin factories.

The autoist of today the shipper who at will imports or exports his goods, by rail or truck can scarcely imagine early trade handicaps. Shreveport, Louisiana, was the principal market. The distance, however, precluded frequent trips in ox-wagons, the chief vehicle of the day. No farmer could carry his cotton, wools, and hides more than twice a year "over the one hundred and thirty miles or more through sand and mud over ungraded hills across treacherous hills, fords, and rickety ferries."³⁰ Not even the much desired sugar and coffee could make up for greater loss of time.

Had the efforts to navigate her bordering rivers met with success, Cherokee County's marketing problem would have been solved. Old timers still point out Green's Ruin on the Neches, wherein antebellum days a certain Green watched his flatboat sink.

The Texas Esquiver, January 7, 1860, reported the completion of a flatboat with 150 bale capacity at the San Antonio Road crossing the Neches, observing that cotton could now be sent to Galveston for \$5.00 and to New Orleans for \$6.00 per bale via the Neches, less than the cost of taking it to Shreveport.³¹

30. Ibid., p. 40.

31. Ibid., p. 41.

Although the paper stated that the Neches was navigable to this point six months in the year, the venture was unsuccessful. During the Civil War Captain C. C. Bell started from Linwood with a flat boat loaded with cotton. The boat and cargo sank. Attempts at Angelina navigation was abandoned.

The establishment of a shipping center at Magnolia, Anderson County, proved the greatest boom to Cherokee County Planters. Despite irregular boat schedule, the reduced freight rate resulted in increased cotton production. Much Cherokee cotton was marketed via the Trinity.

Many citizens found profitable employment as freighters. An old receipt shows Randal Odom was paid ninety dollars for two trips to Shreveport. With labor provided by slaves, and a more reasonable rate for shipping; planters soon increased their cotton acreage and made considerable profits therefrom.

Development of Schools in Cherokee County

Cherokee pioneers would not allow their removal to a frontier country to prevent their children from receiving the benefits of an education. In 1850, Cherokee County ranked first in the state in the number of children who had attended school. In 1854, Cherokee County again headed the list reporting 2,400 children.³²

In some cases tutors were brought with the family from

32. Ibid., p. 42.

the old states, but the majority of the children attended community schools. Free schools had not been provided; and most parents gladly paid tuition. For large families the fees were reduced. When a patron was short of money, the tuition bills were often paid in produce. Cows and quilts were accepted on such accounts.

As the population increased, log school houses were replaced by frame buildings, usually erected by some lodge or church which permitted their use for such.

The Legislative Act of 1854, which authorized the creation of County school districts and the use of state school funds in payment of teachers' salaries in districts where substantial school buildings had been locally provided, marked a new era in Cherokee's educational progress.³³

In accordance with this law the Commissioners Court laid out forty-four districts and ordered the election of trustees. Although designated as "free public schools" a district's quota of the public school funds was usually inadequate and the patrons of the school had to pro rate the balance.

In 1853, George W. McKnight, F. C. Williams, and W. K. Marshall were appointed as Cherokee County board of school examiners and a "certificate of qualification" became a prerequisite to drawing public school money.³⁴ This was

33. Ibid., p. 43.

34. Ibid., p. 44.

somewhat of a blow to the dignity of the university graduates. Poor means of transportation promoted the early establishment of boarding schools. Students within the proverbial stone's throw, as modern language goes, often boarded from Monday to Friday.

The real center of higher education in Cherokee County's Antebellum days, however, was Larissa College, the mother of Trinity University.

About 1848, through the efforts of Reverend T. N. McKee and Mrs. S. R. Erwin, two Cherokee settlers from Lebanon, Tennessee, a school was opened in a little log cabin near Larissa under the management of Trinity Presbytery of the Cumberland Presbyterian Church, with Mrs. Erwin as the first teacher. So rapid was its growth that, in February, 1856, largely through the initiative of Thomas H. McKee and Nathaniel Killough, it was chartered as a college under the direction of the Brazos Synod. After three men had served short terms, Dr. F. L. Yoakum, a brother of the historian, was elected president.³⁵

The catalogue of 1859-60, offered courses in Latin, Greek, French, Spanish, Natural Philosophy, Chemistry, Physics, Geology, mineralogy, astronomy, botany, animal physiology, moral science, mental science, rhetoric, logic, and mathematics. Special attention was called to its

35. Ibid., p. 44.

physics and chemistry laboratory equipment, its microscopes, its herbarium and its powerful telescope, more than three times stronger than the Yale telescope. Tuition ranged from \$10.00 to \$20.00 per session of five months. In addition to dormitory accommodations, board was advertised in private families at from \$8.00 to \$10.00 per month.

The session of 1859-60, with one hundred and twenty four students enrolled marked the turning point in the history of the institution. The Civil War suspended the classes.

Early Development of Churches in Cherokee County

Churches also antedate the county organization. In 1844 the Mt. Olive Baptist Church was organized.³⁶ Although its exact location is now known, it was apparently near the Old San Antonio Road west of the Angelina River. Probably as early as 1845, and certainly not later than 1847 a group of settlers met at the home of B. F. Selman and organized another church, called Palestine for a Mississippi church to which some of the members had belonged. Distinguished by a weatherboard covering, the house still stands almost in front of the Linwood stores on the King's Highway.

In many cases the early deeds which record donations of church sites, specify that the church building be also used for a neighborhood school. For example:

John Slaton for one dollar paid by Sam Nelson William Hammett and William Matthews, trustees for the M. E. Church, sold one acre "for church and educational purposes to be free to all orthodox Christians to preach in and to the neighbor-

36. Ibid., p. 46.

hood for a schoolhouse, and educational purposes all the time they wish to use it."³⁷

The Rocky Springs Baptist Church, one and one-half miles west of Dialville, has passed its one hundredth birthday. The Mt. Zion and Shiloh Methodist churches, near Alto, and the Myrtle Springs Baptist Church, afterwards moved to Ponta, the Rusk and Jacksonville Methodists churches and the Rusk Presbyterian Church existed prior to 1850, the Shiloh Church doubtless being the oldest of the group. The Pine Springs Baptist Church existed as early as 1853.

Pioneer deacons and elders were stern disciplinarians who tolerated no trifling with church rules. The annual camp meeting was a red-letter event on the religious calendar. After crops were laid by, pioneer kitchens witnessed an orgy of cooking, prelude to the entire family's going to meeting. On the appointed day heavily loaded wagons from every direction creaked into the camping ground. Amidst eager interchange of friendly greetings and help, a canvas village swiftly sprang to life. Even while housekeepers' arrangements held older folk apart for a few hours, lots of younger folk were happily flittering from tent, exchanging confidences, sharing experiences since last they met. Dusk came, and the grounds were bright with torches of blazing pine, securely fastened in dirt-floored scaffolds. The blask of a horn signal for evening service, hushed the babble of voices.

As the years passed the various denominations formed the habit of holding their own evangelistic campaigns in their own churches and the camp meetings lost their favor.³⁸

Among the prominent pioneer ministers serving these rural churches were George Slover, Samuel C. Box, John A. Box, J. B. Harris, Preston B. Hobbs, D. M. Stovall, S. K. Stovall, John B. Renfro, T. N. McKee and J. A. Kimball.

38. Ibid., p. 49.

CHAPTER III

SLAVES AND THE LAW

Slavery existed in the territory that is now Texas before the Independence was declared and the Constitution of the Republic was adopted. It continued as a special institution down to the time of the adoption of the Thirteenth Amendment to the United States Constitution in 1865.

This report contains numerous cases dealing with phases of the law as applied to slaves and elucidating the principles applicable to chattel property.¹

Slavery is defined as "the state of entire subjection of one person to the will of another." The term implies the relation as of two persons in the character of master and slave; the former being defined as one who has another under his immediate control, a lord paramount or employer of slaves, and the latter as a person who is the chattel or property of another and is wholly subject to his will a bond servant, a serf.² Our American law of African slavery was a system of customary laws; that is, of rule and principles, applicable to the institution, at first introduced and

1. William M. McKinney, Texas Jurisprudence, Vol. 38, (Bancroft-Whitney Company, San Francisco, 1935).

2. William Mack and Donald J. Kiser, Corpus Juris, Vol. 58, Section 1-2. (American Law Book Company, New York, 1932, p. 745.

observed by the people in their practical dealings with the subject, and subsequently recognized by the courts as grounds of judicial decisions. Very few of those principles were the results of written law, but had been developed from time to time by the actual working of the system, in the several slave states, and successively adopted by the courts, as they had been found by experience to be proper and effective, in making the institution answer the purpose for which it existed;³ and, could legally exist without any positive law authorizing it, its very existence; in fact, being presumptive evidence of its legality.⁴

Slaves, born in states of Coahuila and Texas before the Constitution or introduced into the state within six months after that time, could be held as slaves,⁵ and under Texas Constitution section 9, providing that all persons who were slaves before their immigration to Texas, and who "are now held in bondage shall remain in the state of servitude" that relations, where it existed defacto at the time of adoption of the Constitution was recognized and continued.⁶ The Negroes in this state were prima ficio slave, and where held

3. Douglas V. Ritchio, Missouri. 24. p. 177.

4. Charlotte V. Chateau, Missouri. 25. p. 405.

5. Clapp V. Walters. 2 Texas, 130.

6. Guess V. Lubbock, 5 Texas, 535.

as such, they were slaves de facto whether so de jure or not.⁷ But in Texas, none but Africans could legally be slaves.⁸

The writer will now proceed to give an abstract of some of the laws in regard to slavery. All laws were not available because some of these laws were not the results of written laws, but were a system of customary laws, that were the rules and principles developed and observed by the people and their practical dealings with the slave as property. These laws were recognized by the courts in judicial decisions and adopted by the courts as they were found proper and effective in making the institution answer the purpose for which it existed in the several slave states including Texas.

Hiring and Loan

Under the fundamental laws of Texas, provisions were made that slaves were legal property. Therefore, slaves could be loaned or hired or pledged for debt as security and like other chattels, the hiring might be rescinded or terminated.

The writers of the code were conscious of the fact that due to the vast size of many plantations the hirer of

7. Bulware V. Hendricks 23 Texas, 211.

8. Gains V Ann, 17 Texas 211.

the slave may not at all times be present. Many times slaves were left under the supervision of an overseer, and under such circumstances inhuman treatments might be inflicted upon the slaves; therefore, the law provided that the overseer must give the slave the same human treatment as his master and return him in good condition. The borrower or hirer was responsible for loss or conversion of the slave, or for wrongfully chastising, injuring, killing, or causing the death of the slave; the hirer was responsible for the hire of the slave and for breach of contract of hiring, in like manner as in any other cases of hiring chattels; unless his conditions had become deteriorated without the default of the hirer.⁹ Another section of this body of law placed a serious restraint upon the hirer by providing that if the slave was lost to the master because of a wrongful act of the hirer the hirer pays the master for the value of the slave.¹⁰ This section of the law provided that if a slave is shot by an overseer while making off and does not stop the overseer must pay for the injury,¹¹ and in like manner, provided that if a slave is killed by an overseer; the overseer is subject to the penal code as is and

9. Mims V. Mitchell, 1 Texas 443.

10. Hedgepath V. Robertson, 18 Texas, 111.

11. Brody V. Price, 19 Texas 190.
Kelly V. Wallace, 6 Florida 690.
Jones V. Fort, 36 Alabama 449.

before adopted.¹²

Provisions were also made that if the slave is injured intentionally on the job, the owner must be compensated to the extent of the injury.¹³

It was provided by law that if the owner of a slave was unlawfully detained, the owner was entitled to recover his value in addition to damage equal to the value of his service from the time of demand up to the time of trial.¹⁴ But the owner, must not receive compensation for loss of service of a slave when proof has indications of remoteness or tendencies toward speculation.¹⁵ By law concealing of a slave was considered for all a law of larceny.¹⁶

As a protection against loss on the part of the hirer; if a slave was hired out for a year and before the expiration of the period dies without any default or neglect on the part of the hirer the latter is entitled to an abatement of the hire corresponding to the unexpired term.¹⁷ Like manner, the hirer is responsible for medical care and

12. Callahan V. Johnson, 22, Texas, 596.

13. Phillips V. Wheeler, 10, Texas, 536.
Harvey V. Skipwith, 16; Gratt, 57; Virginia, 393.

14. Fridgen V. Strickland, Texas 427; 58, American December, 394.

15. Hope V. Ally, 9, Texas, 394.

16. Martin V. State, 16, Texas, 240.

17. McGee V. Currie, 4, Texas, 217.

not the owner unless the physician was employed by the owner.¹⁸

Sales

Periodical slave auctions and sales seemed to have been held. On this occasion and the slaves were stationed in the market place and the one whose turn it was to be sold mounted a table where he exhibited himself and was knocked down by the best bidder.

The auctioneer or slave broker was answerable at law if the quality of the slave did not correspond with the description given of them in the advertisement. In time of sales, legal valuations of slaves were warranted; soundness of body and mind and slave for life. Therefore, recognized weaknesses at the time of sales, by the purchaser could not be used to prove unsoundness.¹⁹ That is, if the slave had some permanent disease at the time of the sale which would reduce his value, such disease would make him unsound for commercial purposes.²⁰

The law provided that if a slave was sold and his weakness resulted in death the buyer had to be repaid the price of the slave and the value of his service;²¹ but death

18. Townsend V. Hill, 18, Texas, 422.

19. Nations V. State, 20, Texas, 300.

20. Wade V. Dewitt, 20, Texas 398.

21. Scranton V. Filly, 16, Texas, 183.

resulting from easily corrected causes could not be considered a proof of unsoundness.²²

Rights of Property

Prior to the abolition of slavery in the United States the courts of the free states recognized contracts as to the transfer of slaves when made in slave states. Because slavery was still recognized by the law of the nation, slaves could be sold under some statutes by and delivery without "Bills of Sales."²³

The law provided that a bill of sale is not necessary in order to vest the title of a slave in the purchaser, though the seller agrees to give one; a bill was not necessary to pass the title to a slave.²⁴ But the law provides that if a bill of sale is executed as between the parties, actual delivery is not essential to the validity of a sale of a slave. The sale is complete on completion of the contract; and the right of property and of possession vest in the purchaser upon payment of the price and delivery of a bill of sale.²⁵

Transfer of Slaves by Will or Gift

Slaves could be transferred by will or by gift which

22. Gasleman V. Sharry, 42, Texas, 459.

23. McKinney V. Fort, 10, Texas, 220.

24. Davis V. Loftin, 6, Texas, 489.

25. Griffin V. Chubb, 7, Texas, 603; 58 American, December, 85.

under some statutes and in some instances must be in writing and recorded or accompanied with actual delivery. A will being a legal document filed in the deed records in the office of the County Clerk, to have effect against a third person; but not as between the parties and the general rule governing warranties. The will according to law was void as between donor and donee unless in writing or accompanied by actual possession.²⁶

Mortgage

Under statutes slaves could be mortgaged, to borrow money, accompanied by a deed which was recorded as a legal document. The mortgage being a pledge as security may be negotiated when money is loaned or property is sold on credit, securing the lender for the indebtedness, plus interest.²⁷ The pawnee or mortgagee of a slave could make or assign his claim but could not either at the civil or common law, make an absolute sale of the slave without observance of certain prescribed conditions.²⁸

26. Jones Admer V. Thurmond Heirs, 5, Texas, 318.
Patterson V. Franklin, 7, Length, 34

27. Brighten V. Ward, 37, Texas, 310.

28. Jones Admer V. Thurmond Meirs.

CHAPTER IV

SLAVERY AND BUSINESS

To what extent did the slave penetrate into the business aspect of the county, as a reliable source of liquid capital for the plantation owner in cases of emergency?

Cherokee County was located in a purely agricultural section, with the main source of capital coming in only once or twice a year. Shreveport, Louisiana was the principal market. The farmers were handicapped, due to the distance of over 130 miles to the principal market. There were also many trade barriers, such as slow means of transportation and communication and poor roads.¹ No farmer could carry his cotton, or other commodities to the market, in Shreveport, Louisiana, more than twice a year. The farmer was dependent upon the old-time credit system for financing his farming operations. Of the latter pioneers, however, a large percentage was extensive slave holders, who had money with which to finance their farming operations and build substantial homes.

There being no banks established at this time in the county, various receptacles from sugar bowls to old stock-

1. Hattie Joplin Roach, History of Cherokee County (Southwest Press, 1934) p. 32.

ings served as chief depositories for Cherokee County's wealth. Thousands of dollars were cared for in Cherokee County homes. Merchants doing extensive business kept large sums in deposit with Shreveport and Galveston firms, on which they could draw for loans and the paying of any indebtedness.² Gradually plantation owners developed the habit of depositing their money with local merchants.³

Therefore individuals desirous of obtaining capital were forced to rely upon administrators of large estates as a source of liquid capital.⁴

In securing loans of any type, the borrower must put up some kind of property that tended to retain its value or every increase over a period of time. "In the sense of the economic value of the slave it tends to perpetuate itself, by the evidence revealed in the records of Cherokee County.⁵ The slave was involved in most business transactions. Livestock and slaves alike were sold. There is, however, no doubt that the slave was the greatest source of liquid capital in the county.⁶ In support of the evidence of his

2. Ibid., p. 33.

3. Ibid., p. 33.

4. Cherokee County, Deed Record, Vol. N, p. 605.

5. Deed Record, Vol. J. p. 327; Vol. H, p. 365.

6. Probate Record, Vol. E, p. 191.

value, we find that as collateral, the slave excelled any other property.⁷

The mortgage is one type of business transaction requiring property as security, which, as a rule, involved the slave. Since all business transactions of this type seemed to follow a general pattern, the writer will enter a copy of a mortgage as an example.

The writer points out the legal procedure, such as the document being recorded in the county seat, signature and seal.

The following is a copy of a mortgage:

Know all men by these presents, that I, A. C. Walters, of the County of Cherokee State of Texas, have this day for and in consideration of \$1241 to me in hand paid by Alexander M. Craft, Administrator of the estate of John W. Craft, Deceased the receipt of which is hereby acknowledged bargained, sold, transferred, aliened and conveyed unto said A. M. Craft, his heirs and assigns. A certain Negro man slave of black complexion, age about 28 years by the name Hartwell, to have and to hold said slave to said Craft, his heirs and assigns forever. The condition of the above conveyance is such that whereas, I am indebted to said Craft as administrator for the sum of \$1241, to secure the said payment of which I made assigned and delivered to said Craft my certain promissory note dated the first day of March, 1853, due after twelve months with John Findly, I. P. Henry and T. C. Arrington as security, now if I should pay off and discharge said note at the maturity thereof then this conveyance to be void otherwise to remain in full force and effect.

7. Ibid., p. 32.

Given under my hand and seal this 3rd day
 of March A. D. 1853
 Wm. J. Ragsdale A. C. Walters⁸
 J. C. Maples (Seal)

Usually these Negroes were mortgaged for small sums of money as well as large sums. Transactions were made by the Administrator, which was one of his major duties, being appointed as such over the estate of the deceased owner.⁹ In this type of transaction a time element was involved. In most instances 12 months were allowed for the large transactions, and for the smaller ones sometimes four months were the limit.¹⁰

For the purpose of assured approval against loss on the part of the estate, where property mortgaged had possibilities of not being properly protected against injury, two additional securities were required to sign the transaction.

In some cases slaves were purchased on credit. Then, just as today, when property of extensive value is purchased on credit, the property maintains its mortgage value for the purchasing price of itself.¹¹

As an example a 5 year old boy was purchased for \$616,

8. Deed Record, Vol. H, p. 200.

9. Probate Record, Vol. E., p. 201; E., p. 191.

10. Ibid., p. 485.

11. Deed Record, Vol. H., p. 605.

payment due in 12 months, with a mortgage on the boy for the purchasing price of himself.¹² Legal provisions were made stipulating that, if the debtor did not discharge obligations at maturity the administrator would take charge of the slave, and after advertising him in the local newspapers posted at the courthouse door and two other public places, auction it off to the highest bidder for cash and discharge the expense.¹³

Sometimes these sales were under the direction of the Commissioners Court or the Sheriff of the county. There seemed to be no relative value in the mortgage of the slave in Cherokee County as to color, however, color was always indicated. The age and physical conditions were, as in other transactions, a determining factor in mortgage value. One Negro named Jack, age 35; had a mortgage value of \$1,800.¹⁴

A lien was given on a ten year old girl for the payment of a note for \$154.¹⁵

Auction

Slave auctions were another means of securing liquid capital in cases of emergency.¹⁶ Slave auctions seemed to

12. Ibid., p. 607.

13. Probate Record, Vol. E, p. 175.

14. Probate Minute, Vol. E, p. 150.

15. Ibid., p. 214.

16. Probate Minutes, Vol. E, p. 42.

have occurred periodically. On a certain day in each month the Justice of the Peace, who made up the County Court, conducted "Special Sessions" of the court, known as the "Business Session" of the Court.¹⁷

The slave masters, mistresses, speculators in human species, other men and women were assembled at the market place. Slaves were assembled around an auction block. The one whose turn it was mounted the block exhibited himself and was sold to the highest bidder.

The records reveal that this type of sale gave the small farmer an opportunity to assume an enviable position in society as being known as slave owner.¹⁸ This was due to the fact that the price of the highest bidder of the property was within the reach of the small farmer, mechanic or country store owner. As an example, a boy, age not stated, was sold to the highest bidder for the sum of \$65, on credit, with twelve months to pay by giving a Promissory note with two approved securities.¹⁹

It was required that prior to the auction of the slave that a written notice be placed at the courthouse door and at two other public places.²⁰

17. Ibid., p. 43.

18. Deed Record, B., p. 219.

19. Ibid., p. 220.

20. Ibid., K., p. 58.

The notices were posted for at least twenty days before sales were made, stipulating credit, time limit with securities and a mortgage on the slaves.²¹

Slaves sold at an auction January, 1860, brought the following prices:

| | |
|--------------------|------------|
| An 18 year old boy | \$2,006 |
| A 15 year old girl | \$1,555 |
| A 53 year old man | \$ 921. 22 |

Hiring

Closely related to transactions involving purchases or sale of slaves is that which was a transfer of their service for a stipulated time.

Two methods were used in the hire of slaves. Many owners did not care to hire the slave privately. Therefore, the slaves were placed in the hands of the "Business Court"²³ and auctioned off to the highest bidder. Another method was by the private hire, where it was the preference of the owner to give the slaves an opportunity to select their own homes.²⁴ Or for their choice from a humanitarian point of view. Whether the slave was hired from the "Auction block, "

21. Ibid., p. 54.

22. Roach, op. cit., p. 50.

23. Probate Record, Vol. F., p. 12.

24. Ibid., p. 12.

or privately, "rent papers" were usually drawn up in the form of Promissory notes, which stated the length of the lease, the consideration and stipulation for clothes, food and medical attention.²⁵ Another point which was emphasized was that of good treatment, sometimes stating their reason; as desire for protection, for the purpose of future usefulness or "market value."²⁶

As an example the Guardian of an estate hired three Negroes, Pleasant, Mary, and Claiborn, at the customary price giving the Negroes an opportunity to select their own home in order that they be treated humanly, and in such manner as not to injure their future usefulness or "market value."²⁷ The customary price paid by persons who hired slaves; for men was from \$225 to \$255 per year, for common field hands, \$170 a year for women.²⁸

Children were also hired out. As an example the property of Isham Medford (deceased) was hired out as follows:

Levi Medford for Negro girl and children \$66.00 per year;

Levi Medford for Negro boy wain \$27.00.

Rebecca Medford for girl Centha \$10.00.

Jas. Bivaught for boy George \$100.00.²⁹

25. Probate Record, Vol. F, p. 14; Deed Record, Vol. J, p. 326.

26. Probate Record, Vol. E, p. 100.

27. Ibid., p. 263.

28. Ibid., p. 264.

29. Ibid., p. 265.

Probate records reveal there were various reasons for the hiring of slaves of an estate, namely, for the benefit of orphans of an estate; hiring served as a means of handling surplus property attached to an estate pending settlement; for slaves whose service had decreased due to advanced age.³⁰ In many cases of advanced age, slaves were hired for their meager upkeep.

Another legal procedure the writer would like to call attention to, in the hiring of slaves, is that of an appraisal of the values.³¹ Hired from the estate of a minor New Orleans Campbell, the appraised value of a Negro by the name of Simon \$1,700, Henderson, \$1,000 and June, \$800.³²

According to law, after these Negroes were hired privately or to the highest bidder, they were taken with security and bond for delivery of the property at the expiration of the year.³³ These agreements were all taken under oath.³⁴

Bill of Sales

Of the number of transactions examined throughout this study, the writer finds the "Bill of Sale" the most interest-

30. Probate Record E, p. 267.

31. Ibid., p. 267.

32. Probate Record, Vol. F, p. 191.

33. Ibid., p. 191.

34. Ibid.

BILL OF SALE

W. W. MILLER'S PATENT
OLD-DEERFIELD BOND
50% COTTON CONTENT

Handwritten text, likely a signature or date, is present but illegible due to fading.

The State of Texas } Do it Known and Remembred
County of Cherokee } that on this twenty fifth

day of June In the year of Our
Lord one thousand eight hundred and Fifty
five that I Ephraim B. Dennis of the
County and State aforesaid. in and for the
Consideration and Sum of One Thousand
Dollars to me in hand paid, that I
Ephraim B. Dennis have hereby Bargain
sell Transfer Convey and deliver unto
The said Solomon Wolfe all my right
title interest and Claim in and to a
Certain negro boy named Miles of yellow
Complexion aged 14 years a Slave for life
and warranted Sound of body and mind
and the said Vendor hereby warrants the
title to said Slave Miles against him-
self his heirs and assigns unto said
purchaser his heirs and assigns, to have
and to hold said Slave together with
all the rights, uses and Privileges unto
the same in any manner belonging
or pertaining Herein.

In Testimony of all which I have hereunto
set my hand and subscribed my name in
selling Transferring Conveying and acci-
pting in the presence of John Rhodes
John W. Steel both of Cherokee County com-
petent and subscribing witnesses on this the
day and date herein first written.

Witnesses,

John Rhodes }
John W Steel }

E B Dennis

ing. It is the opinion of the writer, that "Slavery" in the economic sphere of Cherokee County is best revealed in Bills of Sale.³⁵

The writer has examined many documents of this type. The examination of the Court records shows that Negroes were sold to satisfy debts.³⁶

In addition to such involuntary sales forced upon the owner by legal process, and economic pressure exerted in other ways; compelled many masters to sell Negroes.³⁷

Just as real estate is used today to expedite poor management and misfortune due from crop failures, resulting from unavoidable causes of its owner, it was so in former days of Cherokee County, when slaves were sold publicly or privately for the same reasons. Many times, if the planter escaped selling the slave to relieve financial embarrassment, financial reverses were attended by a mortgager and most planters were in debt most of the time.³⁸

Many sales were made for speculative purposes. However, of the enormous number of sales on record shows that many of the slaves were sold for means of obtaining ready cash.

35. Deed Record, Vol. J, p. 326.

36. Ibid., p. 326.

37. Roach, op. cit., p. 41.

38. Probate Record, Vol. E, p. 234; N., p. 78.

As an example, many sales instruments read as follows:

I, Francis H. Thompson gained by my husband Thomas S. Thompson in consideration of \$1,200 to me in hand paid by Barnett Posey for a Negro man named Ellexas, age 18 years slave for life.³⁹

For further demonstration as to economic value of the slave, the writer would like to call attention to an unusual sale.

In the year of 1858, a sale was made for a Negro woman and child of four months by the pound, the weight of the woman stated as 80 lbs., at 8 cents per lb.⁴⁰

The slave market like all other markets was under the jurisdiction of the laws which made many regulations respecting the sale of slaves. The character of the slave was always considered. The vendor was bound to announce the warranty to the purchaser and state all the defects of the slave. If false statements were made, the vendor had to take the slave back and refund the purchase price. The chief points which he had to warrant was the health of the slave especially soundness of body and mind.⁴¹

A number of cases hinged upon warrant guarantee made at the time of the sale. In private sales the vendor gave a

39. Deed Record, Vol. N, p. 529.

40. Probate Record, Vol. H, D, and L, p. 186.

41. Deed Record, Vol. N, p. 529; K, p. 114; E, p. 140; N, p. 608; E, p. 286; I, p. 135; B, pp. 224, 291; G, p. 570; D, p. 347.

warrant of mental and physical soundness, especially freedom from epilepsy or some other chronic disease, he had not a tendency of thieving, running away or committing suicide; as well as good title though the former could waiver by written agreement.⁴²

There seemed to be some humanitarian influence, governing the sale of "human chattels." There seemed to have been a tendency to discourage the separation of families.⁴³ However, there is no question that in many instances families were separated. Instances bought singly, in two's and even higher numbers most of them were young children. Records also reveal many advertisements listed together, the mother and each child by name,⁴⁴ father not included or listed in distant parts of the advertisement, which is a direct indication of separation of families.

One of the determining factors in sales was the effect of the business cycle which caused the prices of the slave to fluctuate, but regardless of the fluctuation of prices of slaves from one business cycle to another, there were always certain factors a purchaser considered.

42. Probate Record E, pp. 219-20.

43. Deed Record A, p. 178.

44. Deed Record B, p. 293.

The age was one factor, because as he advanced in years his capacity to work decreased. Most purchasers refrained buying slaves whose age kept him from doing more work than the cost of his upkeep. Neither would an individual buy a slave who was within a few years of that age.

As an example of such transaction,

Samuel Cook bought from the Estate of Joseph E. Cook

Peter a negro man age 26 at \$650
 Negro woman Hannah age 58 at \$150
 Silvy a negro woman and child \$350
 Nelly a negro girl age 13 yrs \$350
 Harriet a negro girl age 11 yrs \$325
 Bitter a negro girl age 10 yrs \$100. 45

The average purchases preferred slaves ranging from 20 to 30 years old. A large portion of local sales were made by the Sheriff or a trustee rather than the owner, after ample notice had been given through the local press.

As an example:

It was ordered by the courts that publications be made in the "Cherokee Sentinal," a newspaper published once a week, in the town of Rusk, once a week for four consecutive weeks, notifying all interested in the sale to appear at the courthouse door the last Monday in November 1854. 46

Records reveal that many times sales were made privately by bargaining with the neighbor for a slave. There were two

45. Deed Record E, p. 36.

46. Ibid., p. 94.

advantages of local slave labor. Slaves were sold without separation of families or into accustomed surroundings. Such a sale served both economic and humanity.⁴⁷

Color seemed to have little or no bearing on the market value of the slave; however color was always stated. It is the opinion of some that there was not a great demand for mulattoes.

What was the actual market value of the slave in relation to sex and age?

The material assets of Cherokee County, during the period from its organization in 1846 to 1860, were exceedingly great. A careful analysis of the transactions as recorded in the Deed Records of Cherokee County, reveals to the writer that wealth of the County was largely in the form of slave property.⁴⁸ The value of slaves varied according to age and sex. The average male ages (14-26) was valued at approximately \$1,000; females of corresponding ages, approximately \$700; while boys from (6-14) years of age would reach a \$375-\$500 valuation; girls of corresponding ages \$225-\$400.⁴⁹ Very young children (from birth to eight or ten years of age) were usually assessed and sold with their mothers or

47. Probate Record, P, p. 401.

48. Cherokee County Deed Record, Vol. E, p. 286; Vol. N, p. 608.

49. Cherokee County, Probate Record, Vol. E, p. 361; F, p. 201.

in some instances with the entire family, the price ranging from \$100 to \$325.

The slaves tended to depreciate rapidly in value after reaching 30-35 years of age.⁵⁰ The female declined in value more rapidly than males. The writer agrees, with Simkins,⁵¹ that the male slave had a greater market value than the female slave; and the boys' ages, 6-14 years of age were more valuable than girls of the same age. Documentary evidence, from both the Deed Records and the Probate Record of Cherokee County substantiate that fact.

Here are some comparative values of different kinds of property that a planter owned, showing instances where the slave was the most valuable property: boys 6-14, \$375-\$500; girls of the same age, \$225-\$400; cattle at \$3 per head, a horse \$25, hogs \$2 each, corn 25¢ per bushel and land 25¢ to 70¢ per acre.

In considering the prices of land, cattle, hogs, corn and Negroes, it can be seen very clearly that the Negro slave was far ahead of other property, in value, in Cherokee County. In analyzing all instruments and documents where slaves were concerned, it is evident that the slave stands supreme

50. Cherokee County, Deed Record, Vol. K, pp. 473, 114; Vol. I, p. 135.

51. Francis Butler Simkins, The South Old and New, (Alfred A. Knoff, New York, 1949), p. 50.

in the hierarchy of value in the "Plantation Economy." The average planter often found his income relatively low from the sale of farm products and livestock; but this deficit could be made up from speculation on slaves, because of the high market value existing at the time.

It is easy to understand that slavery proved very profitable in Cherokee County as well as the south in general during this era. The economy of a county or state was based on the market value of the slaves. Larger plantations yielded a larger return in proportion to the investment than the small farms, due to the fact that one overseer could supervise fifty Negroes about as well as he could five, thereby economizing on the salary paid to overseers. Negroes on larger plantations could be trained for more specialized tasks.⁵²

Having pointed out the actual market value of slaves according to age and sex, the writer wishes to indicate from authentic sources of "The Comparative Values of Slaves to other Property." The solving or answering the following question, places the slave in a class to himself, at the top of Plantation economy in Cherokee County.

What is the Actual Value of the Slave as Compared to Land and other Property?

52. Cherokee County, Probate Record, Vol. E, p. 175; E, p. 361; Vol. I, p. 136; Vol. N, p. 78; K, p. 114.

In the hierarchy of taxable property of Cherokee County, and relative values of each kind of property, it is revealed in the Probate Records that the value of a slave was significantly greater than land, horses, cattle, hogs, etc., and in many instances one slave had a greater market value than the total value of the combined aggregate of the possessions of the plantation owner.⁵³

"According to early County Assessment books, long forgotten which was unearthed, when repairs were being made to the courthouse basement," the following information appeared in the Rusk Cherokeean, October 11, 1935; that 2280 slaves were rendered for taxation in the year, 1855. In that year 95 citizens in Cherokee County owned one slave each, 242 had farm 2 to ten slaves each; 31 owned from 21 to 30 and only six persons owned more than 30 slaves.⁵⁴

The maximum number owned by one person was 66.

In that year the minimum value placed on a slave was \$1,000; while in 1850, single slaves were rendered for as much as \$1,500. In 1855, the records show that only 25 oxen were rendered for taxation, at a value of \$16.25 each; but, in 1860, 120 oxen were carried on the tax roll. "Money at interest" is an item that appeared on renditions, the

53. Probate Record, E, p. 195; p. 13; F, p. 192; E, p. 201.

54. The Rusk Cherokeean, October 11, 1935.

amounts varying from \$10 to more than \$4,000. Books, silver plates, iron safes and other similar items were on the 1860 roll, but not 1855.⁵⁵

The Barker Library, of the University of Texas, reveals the following information concerning the renditions of slaves for taxation in Cherokee County.

In 1857, 2286 slaves were assessed at a value of \$1,058,480.00

In 1858, 2329 slaves were assessed at a value of \$1,070,440.00

In 1859, 2755 slaves were assessed at a value of \$1,515,950.00

In 1860, 2706 slaves were assessed at a value of \$1,966,755.00

The average assessed valuation on slaves in Cherokee County increased from \$463 each in 1857 to \$726 each in 1860.⁵⁶

From the Inventories recorded in Probate Record, in Cherokee County, the relative value of slaves and other property is revealed.

Inventory of the Minor heirs of John Foster, December, 1849.⁵⁷

| | |
|---|----------|
| Cash loaned at 12 per cent interest \$490.00 for 12 months -- | |
| ----- | \$548.80 |
| Harriet, a mulatto slave 8 years old ----- | 250.00 |

55. Ibid.

56. Texas Almanac, 1953.

57. Probate Record, E, p. 201.

| | |
|---|----------|
| Harriet, a black slave 8 years old ----- | \$250.00 |
| Matilda, a mulatto slave 6 years old ----- | 200.00 |
| Hando, a negro boy, mulatto slave 2 years old ----- | 150.00 |
| 1 bay horse ----- | 45.00 |
| 2 feather beds \$12.50 each ----- | 25.00 |
| 1 gun \$4.00, one headright Certificate for 640 | |
| acres \$65 ----- | 69.00 |
| The amount of the sale of stock and other property, on a 12 months credit in Bastrop County and not yet collected ----- | 483.66 |
| Cash left in hands of wife ----- | 150.00 |
| Burial expense--Dost Bell received \$15.00 for making coffin ----- | 15.00 |
| Mare and filly ----- | 61.17 |
| Thomas Blair's Acct. ----- | 15.00 |

58

The writer, by carefully analyzing both the proceeding and forthcoming documents, inventories and appraisals, set forth the following facts or points to substantiate the stand taken by her, that during the scope of this report, the market value of slaves was far greater than any other property. In most instances slaves were used in transactions, when property of value was involved.

Listed here are some relative values of slaves compared with other property. An eight year old girl slave was equal

in value to 2,500 acres of land, 125 hogs, 1,000 bushels of corn, 6 horses or 3 wagons and yokes of oxen.

It can be seen beyond a doubt, that the slaves were the most valuable property in the "Plantation Economy" in Cherokee County.

The Inventory of the Estate of Harmon Roberson--August 5, 1849, recorded in Probate E, p. 175 Cherokee County, Rusk, Texas.

This document, like other documents and instruments, indicates the importance of slaves, when considering property of value.

| | |
|---|------------------------|
| Harry, a negro man appraised to ----- | \$600.00 |
| Twenty head of cattle ----- | 60.00 |
| 1 bay horse appraised to ----- | 25.00 |
| 1 wagon and yoke of oxen ----- | 87.50 |
| 700 bushels of corn ----- | 175.00 |
| 50 head of hogs ----- | 100.00 |
| 2 Bedstids ----- | 4.00 |
| 1 lot of farming tools ----- | 30.00 |
| 1 sorrel horse ----- | 40.00 |
| Total value of all other property ----- | \$521.50 ⁵⁹ |
| Value of negro man slave ----- | 600.00 |

From a computation of the above figures, it is revealed

59. Ibid.

that the value of all other property combined is 83.5 per cent of the value of the male slave.

To get a more vivid picture of the relative values of slaves compared with other property, the writer has carefully analyzed documents and all evidence found clearly indicated that slaves were the most valuable of all property, and therefore a sound investment. Because of their high market value, slaves were used in many instances as collateral in securing loans.

An appraisalment of the property of Isham Medford, Cherokee County, shows the following comparative values of various kinds of property.

1. A negro man, slave had a market value equaled to twelve mules.
2. A negro boy was equal in value to thirty-seven five-year old steers.
3. One negro girl had a market value equal to the value of eight horses.
4. One negro woman had a value comparative with one hundred two-year old steers.

The complete Appraisalment of the Property of Isham Medford, in accordance with an order of the Probate Court, May Term 1849 gives another excellent example of comparative value.

| | |
|---|----------|
| 1 negro named Lewis age 31 years ----- | \$650.00 |
| 1 negro named George age 19 years ----- | 650.00 |
| 1 negro girl named Fanny age 22 years ----- | 500.00 |
| 1 negro boy named Maim ----- | 450.00 |
| 2 five-year old steers ----- | 24.00 |
| 9 three-year old steers ----- | 63.00 |
| 6 two-year old steers ----- | 30.00 |
| 6 one-year old steers ----- | 18.00 |
| 1 bay horse ----- | 70.00 |
| 1 Chestnut sorrel mare ----- | 42.50 |
| 1 mule ----- | 55.00 |
| 1 mule ----- | 37.50 |
| 1 mule baby ----- | 45.00 |
| 3 pairs of bracers, hames back ----- | 6.00 |
| 2 singletrees and clevices ----- | 2.00 |
| Farming utensils ----- | 12.50 |

In filing the property of an Estate for Probate, everything of value was appraised and placed in the records. In each case it was revealed that a slave had an exceedingly high market value as compared with other property.⁶⁰

The writer herewith cites the following comparison of slaves with other property. When a Negro boy had a market value equal to five hundred twenty acres of land and a Negro

60. Cherokee County, Probate Record, Vol. E, p. 13.

girl appraised at a price the equivalent of forty head of cattle, there is little doubt that Negro property inevitably played a major role in the Plantation economy of Cherokee County.

Finally the Inventory of the Estate of R. G. Hall, filed in Transcribed Probate, Vo., E, p. 13, in Cherokee County strengthens the conclusion by proving that in every document or instrument mentioned, the slave was supreme in Plantation economy in the said County.

Inventory of the Estate of R. G. Hall

| | |
|--|--------------|
| 1 negro boy named Rubin appraised at ----- | \$400.00 |
| 1 negro girl named Jane appraised at ----- | 200.00 |
| 840 acres of land ----- | 600.00 |
| 2 yoke of oxen ----- | 65.00 |
| 2 horses ----- | 60.00 |
| 15 head of cattle ----- | <u>78.00</u> |
| Total ----- | \$1,403.00 |

From a critical analysis of the Literature, Deed Records and Probate Records of Cherokee County, the writer is thoroughly convinced that the slave was the most valuable of all property and the total economy was calculated from the total value of slaves.

GIFT DEEDS

FOR CONTENT

AND DEERFIELD BOND

THESE PARTS

The State of Texas
County of Cherokee I know all men by their
present that we Samuel B. Hicks and Olivia E.
Hicks wife of the said Samuel B. Citizens of
the County of Cherokee State of Texas have this day
for and in consideration of and in consequence of
the Natural Love and Affection which we
have and bear to our relative Laura E. Lang
of the State and County aforesaid the wife of J. E.
Lang Given granted released and conveyed and
do hereby and by these presents Give grant release
and fully convey to the said Laura E. Lang solely
and separately her heirs and assigns a certain
Copper Colored Negro Man a slave for life named
Tom, who is about twenty five years of age. The
said Laura E. Lang to have and to hold the
said Negro Man Tom above described and hereby
conveyed as her separate and individual property
unto herself her heirs and assigns forever

And we the said Samuel B. Hicks and Olivia E.
Hicks do hereby and by these presents bind our
selves our heirs executors and administrators
to warrant and forever defend the title to
the said Negro Man Tom hereby conveyed or attempt-
ed to be conveyed against all claimants

whosoever claiming by through or under us,
In witness and testimony whereof we the said
Samuel B. Hicks and Olivia Hicks have
hereunto set our hands and seals using seals
for seals. This the 10th day of December
AD 1854.

Signed sealed and delivered
in presence of

S. B. Hicks & (seal)
Olivia E. Hicks. (seal)

Gifts

We now append to our investigation of the economic value of the slave in Cherokee County this question: To what Extent did the Slave Penetrate the Socio-Economic Life of the County?

From dates revealed in the Court records, soon after the organization of the County, it has become apparent, that the institution of slavery was deeply entrenched in the socio-economic life of the County. Doubtless few pioneers realized as they accepted slavery to provide additional labor, to build homes and to fell the trees, they were introducing an economic and social factor that would go far to shape and mold the County's agricultural system and to determine the texture and tendencies of her society.

At the top of socio-economic structure of the Anti-Bellum South were the plantation owners. Wealth was displayed not so much by luxurious surroundings, but the number of slaves which a family possessed was a factor which rapidly assumed a pronounced social significance. There were imposing mansions with Grecian pillars and other adornments scattered throughout the south, but the average planter's home was a modest house of ten or twelve rooms, commodious in a rumbling way but with no great distinction without and perhaps no great luxuries within. The concentration of wealth rested with those who owned the type of property that

would accumulate more wealth. As a result slaves were a species of property of this type. In the estimation of the public, slaves were a source of wealth to which the highest hope of social advancement was attached.

Substantiating this fact, the slave was the most frequent used as a gift.⁶¹ When there was a desire to give something of extensive value to a loved one or a friend, a slave or slaves were given.

This species of property as a gift, being very significant, involved a legal transaction and was recorded in the Court's records at the County seat.⁶² Records revealed, after a careful examination, the desire for which the gift was made. Most gifts of slaves were given by parents to children or from children to parents. For the purposes of legalizing the conveyance, a small sum of money was paid cash by the receiver; \$1.00 was sufficient; however, larger amounts were sometimes paid.⁶³ Deed Records of the County gave very vividly an unmistakable description of the desire and manifestation of the interest of the giver. All records examined emphasized the point: for and in consideration of "love and affection for which I have."⁶⁴ Another point was

61. Deed Record, Vol., K, p. 282.

62. Deed Record, Vol., H, p. 131; Vol., E, p. 359.

63. Deed Record, Vol., E, p. 353.

64. Deed Record, Vol., F, p. 294.

that, in the conveyance of the title, it was stipulated that the gift was to be maintained during the "natural life of the receiver," with all the future increase, "during natural life;" after death the slave property was to be passed to the heirs of the body of the receiver.⁶⁵

This stipulation reveals descriptions, showing inclinations of the passage of the most productive and indication of future speculations, based on the calculation of increase. From the enormous number of records examined, young women ranging from the age of 20 to 30 years were predominant. Slaves above the age of 40, were seldom given unless accompanied by younger slaves or other property. A very large number of female children were given, also, ranging from the age of 4 months to 15 years, with males ranging from the age of 1 year to 17 years predominating the pattern.⁶⁶

The opinion of other writers on the slavery question seems to vary as to the relative values considered in the mulatto and black slave. In the Gift Deeds, of Cherokee County, there does not seem to have been a great difference of consideration given in the value, as a gift based on color. However, the color was always stipulated.⁶⁷

It is the opinion of the writer that the age of the

65. Deed Record, Vol., F, p. 31.

66. Deed Record, Vol., E, p. 359.

67. Ibid., Vol., E, p. 359; K, p. 282; H, p. 131; E, p. 359.

slave was an added value. In the case of young women, their capabilities of probable increase, if properly cared for and with good fortune made them valuable gifts. The children and grand children and other receiving slaves as gifts, especially female slaves, when cared for properly, would prove to be the most profitable to the owner, and in time create an estate of considerable size, thus elevating the social prestige of the owner.

For the purpose of clarification, the writer will give an example of some of the desired motives as stipulated in legal transactions of the Gift Deed.

For and in consideration of the love and affection for which Sarah Smith had for her daughter, Nancy and for the better maintenance and performance. The daughter was given a negro girl, named Harriet age about 5 years, with her future increase; and that after the death of her daughter, Nancy, the negro, Harriet, with her increase were to pass to heirs of the daughter, Nancy.⁶⁸

Education

Parents in those days just as today, being gravely concerned over the welfare of their children, made many sacrifices, for education and better maintenance.

The writer will enter a different type of Gift Deed, though it follows the general pattern. This document is for re-emphasis of the role of the slave in socio-economic

68. Cherokee County, Deed Record, Vol., B, p. 320.

life of the County.

James F. Timmins and Mary Timmins for the "education" and "better support" and on the account of divers and other good causes gave the following negroes to their six children. Margaret a negro girl, age about 12 years, Sarah a negro woman age about 28 years, Fillis, a girl age about 15 years, Mary Jane, a girl about 9 years, Anna, a negro mulatto girl age about 6 years, Harrison, a negro boy age about 1 year old. ⁶⁹

Divorce Case

The value of the slave, in the social life of the county can be demonstrated further in the question of family desolutions. The case involves that of a divorce suit. The conditions of the case state that: Elizabeth C. Tennison, wife of Josiah Tennison, for divorce and alimony, five negro slaves were attached. These negroes were placed in the custody of the sheriff of Cherokee County. Wherein the wife, Elizabeth, agreed to relinquish all her claims to alimony and her interest in the property of Josiah Tennison, but to maintain and continue her suit, as far as it related to the obtainment of the divorce; on the condition that the husband gives her three negroes as follows:

Mary, a woman age about 18 years, yellow complezion, Martha, a woman age about 25 years and her son, Crocket, age about 5 years, stipulating all slaves for life. The husband in

69. Cherokee County, Deed Record, p. 29.

addition to giving the wife the three slaves, paid her the sum of \$100.00.⁷⁰

It is very significant to note that the wife was willing to surrender all her rights to alimony and interest in other property; for the three negro slaves, which is unmistakable evidence of the extent to which ownership of slaves influence this aspect of social life in the County.

Wills

Let us now turn our attention to evidence in support of the economic value of the slave as revealed in Court records in "Wills" made to the heirs of plantation owners.

Wills, as other legal transactions, followed a set pattern. First, the document asserted reasons for the execution being made. The legater, especially those of an advanced age, always stated their physical conditions, and referred to the age and mental conditions.⁷¹

The document further requested that all just and pending debts be paid including funeral expense. The oldest son was usually appointed executor or an old trusted friend, and sometimes women members of the family were appointed. The will provided for all concerned a democratic and fair share

70. Cherokee County, Deed Record, Vol., N, p. 354.

71. Cherokee County, Probate Record, Vol, E, pp. 851-853.

of the property, including slaves and land. Perhaps this was due to the fact that in many instances in the old South, the oldest child monopolized the inheritance. Therefore to prohibit such unfair practices, the document stipulated the exact share for each legatus of the estate, including of course the slave.⁷²

In a will executed by Jessie Perkins of Cherokee County, the wife was to receive five negroes, all plantation equipment and household furniture that she may stand in need of. The remainder of the estate was passed to the children in equal shares. The children of a deceased daughter were to receive an equal share, to be divided among them.

The death of a planter was often followed by a public sale of his property, including his slaves. Though the slaves were sometimes divided among the heirs, sometimes they were sold to pay the debts of the deceased. If it was impossible to equally divide an estate of slaves, especially if they were few in number, they were sold and the money was divided among the heirs.

Separate Property of Women

The writer wishes, at this point to refer to a somewhat different type of socio-economic status dealing with legal

72. Deed Record, Vol., 0, p. 223.

documents, called Separate Property of women.⁷³ In Cherokee County, women enjoyed this new advancement in this approach, which had a tendency to place women in somewhat the same economic and legal status as men.

Records from Cherokee County Archives support the following statement. Women were permitted to maintain their separate property as in many other legal transactions, at the top of the list of separate property were the negro slave because of the high market value, also the fact that the female slave produced an enormous increase. Many women became very wealthy from this type of property.⁷⁴

In some instances women owned property at the time of their marriage. Legal documents were filed, protecting her in the ownership of the said property.⁷⁵ There are cases in which women were given property especially slaves, which retained or increased in value.

If a woman's separate property was to be used in any transaction by her husband, she must sign legal documents giving the proper authorization. Before taking the marriage vows, a contract was drawn up between the man and woman concerning the property that was brought into the union. This

73. Deed Record, M, p. 513.

74. Ibid., p. 513.

75. Deed Record, Vol. E, p. 151; G, p. 569; M, p. 513; E, p. 129.

contract reads about the same as all others "for natural love and affection," "the separate property to have and hold for the life of the slave." This document protected the wife in case of separation and added to the social and economic prestige of the families involved. In Gift Deeds, involving slaves they were stipulated in the deed as separate property of the wife and children. These slaves were valuable investments.⁷⁶

An example of the Separate Property of Women is illustrated in the document given here, known as Power of Attorney:

Know all men by these presents that I Emily A. Stone, wife of William F. Stone a citizen of the County of Cherokee and State of Texas, aforesaid have this day nominated and appointed William F. Stone my attorney in fact for me and pin my name to sell and convey by Bill of Sale to any person or persons their heirs or assigns with a general warranty a certain negro girl named Fanny age about fourteen years of Dark Complexion and a slave for life. I do hereby ratify and confirm anything that my said Attorney may lawfully do. I hereby set my hand and affix my Seal this 11th day of January A. D. 1853.

Emily Ann Stone.⁷⁷

Another example of Separate Property of Women is cited in the Gift Deed recorded here.

A mother in Travis County gave to her daughter living in Cherokee County six negro slaves; Edmund and Malinda his wife and their children Green and Betsy Ann; Temple and Penny to have and to hold as her separate property.

76. Deed Record, Vol. E, pp. 129-30.

77. Deed Record, Vol. G, p. 569. E, p. 129.

SUMMARY AND CONCLUSION

It is revealed from this study that the perpetuation of the slavery institution in Cherokee County, as elsewhere in the nation, rested upon assests resulting from ownership of the Negro slave.

The problem of this study arose out of the conflict of opinion of theories given by historians as to the role played by the slave in the plantation economy of the South.

The theories that were investigated by the writer were: Labor, Investment, Consumptive-Productive, Stationary Capital and Social Prestiege. These theories as an interpretation of the role of the slave, as expressed by learned writers in the field are in part sound. To deny this, would, refute the writer in contending that this is an investigation which follows the rule of scientific historical research. But, this writer found that these theories must be relegated to secondary significance when a more basic theory concerning the actual role of the Negro slave in Cherokee County is elaborated. It is revealed from authentic sources such as the Court Record. From the evidence found, it is revealed that money invested in the purchase of a slave brought not only the solution of the owners labor problem, but that much of the business of financing the operation. Of all aspects of the plantation system would have been impossible had it

not been for the use of the slave as collateral or merchandise. In support of this conclusion, the writer found that the planters of Cherokee County used the slave as security for his loan when money was needed in any transaction. It was also found that the planter often hired his slave out to other planters to get needed money. It was found that the slave was accepted as relinquishing interest in community property and alimony in divorce cases. It was also found that slaves were given for the education and better maintenance of the owners' children and other dependent relatives. This seems to indicate that the helpless children or, other dependents were given a type of property which was easily, convertible to cash or collateral useful in affecting a loan. Records of wills revealed that in instances the heirs or children received their share in the family holdings in the form of one or more slaves, which leaves the writer no other choice than to state that these gifts consisted of cash or its nearest equivalent. In support of the previous statements, daughters who were married were given one or more slaves, as separate property.

Inventories revealed that the slave value was far greater than other items appearing on the listing of property of the planter. The slave was also highly valued as taxable property. It was also found in Cherokee County that the prices of males were higher than that of females. However,

it was found that most gifts contained females rather than males.

In the face of these findings, in a strictly agrarian economy, that in the absence of corporate securities, where the land was had for the asking, where the value of livestock was nearer nothing than other quotations and the slave was the only piece of property that could be relied upon to hold its own in the commercial market, it is revealed from the investigation that money invested in the purchase of slaves not only brought the solution of the owners labor problem but others. If a planter had a force of slaves equal to the needs of his plantation not only his labor problems were solved but his financial problems were solved also; and that it required only a moderate investment in slaves for self-perpetuation.

Therefore in the light of the evidence found the writer feel justified in confirming that the Negro was used primarily as a source of liquid capital in Cherokee County.

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Exhibit A

Guardianship of Geo. W. Cannon, of R. Cannon (deceased)
 An report filed and November 1851.

The State of Texas County of Cherokee

In County Court pertaining to estate of deceased person.

To the Honorable Chief Justice of the County of Cherokee,

James Gibson who is

APPENDIX

person and estate of the minor George W. Cannon would respectfully

fully present below his annual exhibit of the condition of

the estate of the said minor and states that on the 22nd

day of March in the year of 1851 in the district court of

Anderson County State of Texas in a certain cause where in

Joseph Shivers as Guardian of Robert Cannon was plaintiff

and James Gibson, Administrator, as bonds man of the estate

of Benjamin Cannon, deceased was defendant judgment was

rendered against said defendant as administrator alone and

for the following named negroes slaves mentioned in his

additional inventory of the estate of his said ward made on

the 31st day December 1851. To-wit, Malinda of ("Miss")

Anthony, Harriett, Malona, Alfred, and a boy George, who

has never come into the possession of your reporter, and

the value of the said slave to-wit \$2,500.00

less the sum of \$130.99

| |
|------------|
| \$2,500.00 |
| 130.99 |
| \$2,369.01 |

Exhibit A

Guardainship of Geo. W. Cannon, of B. Cannon (deceased)

An reoport filed 2nd November 1854

The State of Texas County of Cherokee

In County Court pertaining to estate of deceased person.

To the Honorable Chief Justice of the County of Cherokee,

Jesse Gibson who is Guardain of the person and estate of the person and estate of the minor George W. Cannon would respect-

fully present below his annual exhibit of the condition of

the estate of the said minor and states that on the 25th

day of March in the year of 1854 in the district court of

Anderson County State of Texas in a certain couse where in

Joseph Shovers as Guardain of Robert Cannon was plaintiff

and Jesse Gibson, Administrator, de bonds now of the estate

of Benjamin Cannon, deceased was defendant Judgement was

rendered against said defendant as administrator afore said

for the following named negroes slaves mentioned in his

additional inventory of the estate of his said ward made on

the 31st day December 1853. towit, Malinda of ("Linda")

Anthony, Harrison, Maloma, Alfred, and a boy Ceasar, who

has never come into the possession of your reporter, or

the value of the said slave to wit \$4,400.00

Less the sum of \$130.99

130.99

\$4,269.01

| | |
|--------------------------------|-----------|
| Plaintiff entered remainder of | |
| of half the value of Caesar | \$500.00 |
| Further sum and cost | 384.25 |
| For further sum of (for hire) | 975.00 |
| | <hr/> |
| Total amount of Judgment | \$5128.26 |

for which his wards estate is bound Reporter paid on said judgment by delivering up said negroes in his possession as stated \$3769.01 leaving balance due on said judgment \$1359.28 and also the tract of land known as the Nash tract of 320 acres of land mentioned in Guardain,s additional inventory filed 27th April 1853 was recovered by said vogus as administrator of estate of Benjamin Cannon from which administrator appealed to Supreme Court and judgement was affirmed. Leaving Wards estate found by cost of both District and Supreme Court, costs of courts not ascertained. Guardain has recieved by means of collection and otherwise the following amounts due his Wards Estate.

Amounts collected of Jasper Starr on \$36.50 his bond heretofore returned in exhibit. 1853 amount collected on Wiley Caldwell (bond) \$11.00 Amount due him as exhibit files.

| | |
|---|----------|
| 3rd November 1853 | \$212.37 |
| Amount Taxes on slave and land 1853 | 18.00 |
| December 26, 1853 paid County Clerk Anderson County | \$13.85. |
| Expense for removing slaves to Cherokee County from Anderson County | \$23.45 |
| December 28, 1853 medical bill on slaves for | |

1953-1953. \$55.75.

January 3, 1854 clothes for negroes \$17.85

Administrator further reports that he has rented out the homestead place in Anderson County for \$250.00 and that he is keeping the Ferry known as Cannon,s Ferry himself and will account for the proceeds of said ferry when further recieved that above reporter. He is also keeping the negroes belonging to his Wards estate and will account for their service when crops of this year is sold. Slaves neither diminish nor increase in number.

I, Jepe Gibson do solemly swear that the above report is full and in all things correct

Sworn to Subscribers before me this 2nd day of November
 A. D. 1854 O. G. Woodall Clerk. County
 Court Cherokee Co.

Exhibit B

Dallas Morning News

May 1, 1936

One hundred years old Today. This letter referred to May 1, 1836 news of victory took over year to cover Texas. Log cabin Revolutionary Day Reflected in Letters Obtained Fair.

May 1, 1836

"I can,t see how you can be pleased where you are oprest with sickness, and surround by enemies" wrote Lucinda Rorark, Holly Spring, Mississippi, Chickasow Nation May 1, 1836. Her brother William Roark at Nacogdoches, Republic of Texas received this letter.

This letter and many others were placed in the hands of Herbert Gambrell Centennial Historical Director Thursday, by Miss Jessie Boone, Rusk, Texas, granddaughter of the Texas pioneer.

Roark migrated to Texas in 1834. In 1836 he obtained a land grant from John Durst contemporary empreatario to Stephen F. Austin. Durst, like Austin received his original grant from the Spanish Government. As soon as title was gained to this land Roark built a house and moved in. The house stands today inhabited by a new owner just as it was

when Roark erected it 100 years ago. On the old Spanish Trail between Alto and Angelina River, Cherokee County. The house stands as a land mark to one of the first settlements of the Republic of Texas.

"I have no doubt but that it will be a and happy government," the sister continued. Right then Texas was free but the news had not seeped through to the Chickasow Nation and Mississippi. Rorark and the Roark family believed that Texas was still fighting for its freedom.

Rorark came to Texas to acquire land and to engage in the slave trade. He wanted big acreage, and plenty of slaves to till the soil. These he acquired and became prosperous and influential. On the grant he reared his family. In 1862 he dies.

Exhibit C

An Outstanding Settler of Cherokee County

Prior to time when Texas obtained its Independence from Mexico, there was a war-like tribe of Indians (Cherokee) occupying the territory West of the Angelina River, along the Old San Antonio Road.

Because of his ability to fight and arbitrate with Indians; Solomon Wolfe, of Yazoo County Mississippi, was induced to come to Texas and defend this area against this tribe. The Governor of Mexico gave Wolfe a 10,000 acre grant of land, lying west of the Angelina River in Cherokee County. To clear this land and cultivate the same, he resorted to slave trade. At the time of Emancipation, he owned 103 slaves.

To help them make adjustment from slavery to freedom, he gave each a mule and a load of corn.