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"WESTWARD I GO FREE"
Some Aspects of Early East Texas Settlement

ARCHIE P. McDONALD

"Westward I Go Free."

In these feeling words Henry David Thoreau summed in personal testimony the spirit of America. This spirit—the restless, ceaseless, unquenchable desire to move west, to find a fresh start, to seize opportunity, to forget mistakes (or to have others forget them), to build a nation, to manifest an individual expression or dream that might yet be nameless or formless, or just to have something to do—is part of all the reasons for moving west. Thoreau, and America, rejected the human and geographic restraints that barred the other points of the compass, and cleaved to the west because there the restraints were at least invisible or imperceptible to the starry eyes of expectation. They were real enough, however, for hostile Indians, dust, aridity, extremes of heat and cold, snakes, poisonous plants, and sheer space are all factors of reality with which even hope and faith must grapple; and ignorance of them, man found, was no reprieve. Each in its turn, however, may be overcome by persistence, and in the cumulative victory the new Man, the American, is born.

The Texan-American experience, or super-American, as it has been termed, is but a study in miniature of the general American frontier process. Yet it has a uniqueness that makes it worthy of independent study, if sometimes questionable as a typical chapter in the process. The Texas frontier involves nature and its conquest as do other areas, but the fact that it also involves a pre-existing Spanish and then Mexican society lends to its development certain peculiarities that must be clearly understood and recognized as leavening ingredients.

Texans, like other Americans, moved west to satisfy their desire for one or more of the elements in the old, alliterative formula of "gold, glory, or gospel." For many Texans, however, this might be better or more accurately stated as either "running from" or "running to," with the object of the appropriate preposition being supplied by the individual soul. Because the limits of a topic as broad as the settlement of Texas cannot even be suggested within the confines of a single essay, arbitrary boundaries must be established at the outset to define the aims of this labor to give it a relative value. This essay shall concern itself, therefore, with some aspects of early East Texas settlement in terms that apply generally to that area and specifically to the Jasper-Newton county center. It will also trace the course of the William McMahan family, and especially William's son James, in their immigration to and early years in, eastern Texas.

In most respects the motivation of the McMahan family to come to Texas was not dissimilar from that of countless others who made the

lonesome trek. As captives of the American frontier, they were drawn by the same desires of acquisitiveness and adventure that caused the blood of thousands to race at the expectation of future wealth and opportunity. Men like the McMahons had been coming to Texas since before anyone was around to notice, for the earliest American immigration was clandestine and was in clear violation of a restrictive Spanish policy. The easiness of evasion, due primarily to the proximity of Texas to the older settled areas of western Louisiana, plus the length of the border with obvious problems of patrol, made the lure of trade, land, and adventure too powerful to resist. For years clandestine immigration and illicit trade were conducted with Indians and Mexicans with the knowledge of Spanish officials, if without their approval. That this intercourse was clandestine does not necessarily mean that it was intrinsically evil, but the nature of its execution, plus the likelihood of large profits, meant that it drew more than its share of colorful and sometimes criminal citizens.

The Spanish tried futilely to check this unwanted influx by creating a "neutral ground" along the Sabine River, but this concession merely whetted the appetite of the land-hungry Americans. The granting of permission to the Austins to legally transport settlers into Texas was therefore really an *ex post facto* recognition of an already existing condition, a condition that was likely to persist anyway.

The Austin Colony, which proved to be only the first officially recognized plantation of many that would follow, did not penetrate deeply into Mexico. San Felipe de Austin, the colony's capital, was located only about a hundred miles from the eastern border. Thus geographically as well as culturally still linked with the United States, it was inevitable that Texas settlers should cling to ties that would one day cause them to renounce the religious and political promises that many had had to make regarding fidelity to an adopted culture. Furthermore, the Mexicans were not speedily coming eastward toward them, because a wide bank of semi-arid land held them sufficiently to the west and south to prevent real cultural assimilation even when sincerely attempted, as in the case of Stephen F. Austin. The conclusion is inevitable that Texas drew Americans, and it seems equally inescapable that eventually the Americans would wish to reunite with their own kind.

There were a number of factors that facilitated the immigration process. For instance, the land of East Texas, while rolling and even hilly in some places, offered no real impediment as had the Appalachian Mountains or the Mississippi River. The virgin woods were frequently higher than they were thick, and the lack of excessive rainfall meant that land transportation, while still difficult, was not impossible. The climate of Texas is often cursed for its extremes and changeableness, but it is in reality quite moderate when compared to that of the remainder of the continent, and it offers within itself a suitable diversity for various enterprises. Since most labors were agricultural or related to rural services, Texas was ideally suited to receive and perpetuate the cotton culture and chattel slavery that a majority of its new citizens brought with them. As both institutions found an ideal environment

in Texas, their early success became a magnet that drew even more Americans to Texas.

Samuel Harman Lowrie in *Cultural Conflict in Texas, 1821-1835* has rendered to a paragraph a number of factors that contributed to the rapid growth of colonial Texas:

In summary, location and accessibility were conducive to disputes and expeditions which disseminated information as to the resources of Texas, encouraged settlement by Americans, and hindered effective control and extensive settlement by Mexicans. Location on the Gulf of Mexico made entrance by water easy, but poor harbors and shallow and raft-obstructed rivers materially lessened this advantage. Topography rendered land transportation relative easy, hindered by river crossings and mud in rainy weather. Being adapted to agriculture and cattle raising, the soil repelled Mexicans and attracted Americans, especially slaveholders. The climate and the utilization of the river bottoms encouraged the introduction of slaves, while the use of negro labor tended to differentiate the population geographically, by occupation and class. Finally, though it offered serious drawbacks, the climate was comparatively favorable to the introduction of an Anglo-American population into Mexican territory, thus laying the foundation for rivalry, antagonism, and conflict.¹

Because of such favorable conditions, the Anglo-American population soon outnumbered the Mexican. At the time of Texas' first application for statehood, a report by Henry Morfit indicated that but 3,500 Mexicans lived in the territory, as opposed by 30,000 Americans and 5,000 Negroes. Of these 35,000 Americans, probably as much as 90% or more were first generation immigrants. There have been many analyses of roster and muster rolls in the Army of the Republic, and soldiers for the period of the Revolution and for a few years beyond who are native-born are few in number. The largest number of these soldiers came from the older southern states, with lesser percentages from the central and northeastern states.

As has been widely noted, the Spanish, and later the Mexican government, maintained the Roman Catholic church as an Established institution, and when the first Americans were legally admitted, Catholicism was imposed as a condition of migration. If the applicant was not a True Believer at the time of admission, he might agree to become a Catholic, receive baptism, and be admitted. Once past this religious test, the colonists had to take an oath of allegiance to be faithful to the King and the Constitution, and it was required of Austin's colony that its citizens be honest, industrious, and either farmers or mechanics, and the empresario was held responsible for their actions. Under the Mexican succession these conditions were preserved with appropriate adjustments. Just how strictly these religious qualifications were enforced one can only speculate; however, evasion would have been a simple matter. As Henry of Navarre observed, "Paris is well worth a Mass." This might be translated by the immigrant as "Twelve and a half cent an acre land is well worth a little shower." William Red in his

Texas Colonists and Religion, 1821-1836, maintains that by a "pious fiction" toleration was really practiced. Austin admitted that many whom he excused said they were unaware that they were supposed to bring proof of their baptism. Customarily, says Red, the immigrant was asked if he believed in God, in the Holy Ghost? and in the Apostolic Church? in the evangelists? in Jesus Christ? An affirmative answer, and no intelligence was required to give what was expected, was followed by the proclamation "*Un bon Cathlique*" and the pronouncement of citizenship.² Obviously, some true Catholics and probably some true converts were involved in these proceedings, and it would be improper to overstate the aspect of evasion; however, one must suspect that the majority of the early Texas immigrants were flying false colors either from mental evasion or indifference.

In all probability few colonists paused long to muse either the secular or the eternal consequences of a false pledge. They were far more interested in the tasks at hand—the finding and claiming of land, and the making of a living. As has been previously stated, the McMahon family and Newton County will be here presented as prototypes of early East Texas settlers and settlements, with emphasis being placed on William Friend McMahon and upon his youngest son, James. Notice will of course be taken of other family members whose lives accommodate the theme of migration.

Newton County, not in legal existence when the first McMahons answered the call of the west, is in extreme southeast Texas.³ It lies just to the east of the Sabine River, which forms its eastern boundary and extends westward in varying widths averaging twenty-two miles to Jasper County. It is eighty-five miles long. The land it now occupies, which belonged successively to Spain and Mexico, was included within the colonial grant to Lorenzo de Zavala, and a part of it lay within the celebrated "Neutral Ground" between the United States and Mexico. It was the object of much unauthorized settlement, both white and Indian. Dr. John Sibley, Indian Agent for the United States in 1801, reported the presence of Alabama Coshattas in the area west of the Sabine River, and some twenty Indian families were reported by Stephen F. Austin to be living in the area in 1822, near the latter site of a settlement called Biloxi. They were probably of the Biloxi tribe from Mississippi. The earliest white settlers were in Bevil's Settlement in the northeastern corner of the present county. All such settlement, however, had as yet no legal title, and no confirmation was made of their ownership until near the end of the colonial period. Lorenzo Manuel de Zavala did receive an *empresario's* contract to settle 500 families in the area in 1829, in an area extending from modern Panola County to the Gulf of Mexico, and including the present Newton County. Zavala subsequently sold his contract in 1834 to American speculators who were capitalized as the Galveston Bay and Texas Land Company. This enterprise was more interested in the profits from its financial investment than in the settlement of colonists, but its agents did convey titles to their customers, some of whom, presumably, were in the area that became Newton County. Under the scheme of the Mexican government, this territory was in the Municipality of Nacogdoches until it passed

under the control of the Municipality of San Augustine, which was established in 1833.

With the guarantee of legal title more settlers began to come to Texas with an eye toward taking advantage of its cheaper land and growing opportunity. An existing road system including the Coushatta Trace, and a number of branches connecting the various streams and young settlements of the area facilitated their journey. Religious institutions began to spring up, and despite the Establishment of Roman Catholicism, the Reverend Henry Stephenson moved to the county in 1835 and conducted the first Protestant services in the area. A Baptist church was organized in Burkeville in 1844 at the home of Seaborn Woods.

The political organization was meanwhile moving forward in response to the stimulus of new settlement. The revolution against Mexico was successfully prosecuted and nine years later Texas was admitted to the Union. The first Texas legislature met in 1845 to organize and initiate state government. It established a number of new counties, including Newton County, which was created by dividing Jasper County approximately in half, north to south. Both counties were named for heroes of the American Revolution, Sergeant William Jasper and Corporal John Newton. There then ensued a lengthy debate concerning the location of the county seat. The legislature ordered that a survey be run and the exact center of the county be determined, and that the county seat be located on or near this exact point. The place selected was on Quicksand Creek, some four miles from the present Courthouse. However, the first meeting of the Commissioners Court was held in Burkeville, approximately fifteen miles to the northeast, in the home of Mrs. Nancy Cooper.⁴ For two years the Commissioners Court met in the home of Joseph Irvine. In 1848 the citizens of Burkeville successfully petitioned the legislature to have the county seat relocated in Burkeville on an acre donated for that purpose by John Burke, for whom the settlement was named. On July 10 the first court was held in the new courthouse. Dissension arose over the validity of title to the donated acre on which the Courthouse stood, and the seat again moved to its present site in the newly created settlement of Newton. County Clerk John Moore conducted the county's business in his home until a new courthouse could be constructed on land purchased for this purpose. Finally erected, the new courthouse was a two-story frame building. Its second floor was rented to the Masonic Lodge. Two years later the title to the new land was found invalid, and the seat of the county again oscillated back to Burkeville for one year. Here it was largely inoperative due to isolation and boycott. Finally a public election was held and Newton was declared to be the county seat by public selection.

In most of these proceedings the McMahan family figured prominently. A reading of the Commissioners Court minutes, Jury List, and Marriage Records suggests how deeply involved they became in the public business and private development of the colony, republic, and state, with particular emphasis upon the county of Newton, and the settlements of Burkeville and Newton. The first McMahan in Texas, however, came to the San Augustine and Nacogdoches area to make his initial set-

tlement. Samuel Doak McMahon and his son James B. McMahon arrived in Texas in 1831, after having migrated from Doak's Crossing, Tennessee.⁵ Although Samuel Doak McMahon is given the title of "Colonel" because of his leadership in a revolutionary action at Nacogdoches, he is best remembered as a religious rather than as a political leader. In 1832 McMahon was converted through prayer to the Methodism that was the usual affiliation of his family, and he began to seek a preacher of that denomination to immigrate to his area. The Reverend James P. Stevenson, a resident of Louisiana, made a tour of eastern Texas and preached a series of revival sermons in McMahon's home in July, 1833. These meetings are heralded as the first formal Protestant activity in Texas. Following Stevenson's departure, the group continued to meet and to study with McMahon as class leader. Today, at McMahon's Chapel in Sabine County, a modern church testifies to the faith of its fathers.

As Samuel Doak McMahon was fighting these early battles of survival, William Friend McMahon, often called Friend, Sr., was making his way to Texas. William Friend McMahon was born in Ohio County, Virginia, on October 10, 1776.⁶ His wife, Margaret Cox, was born in Nelson County Kentucky, on August 20, 1781. The McMahons raised a family of five sons—William, Isaac, David, Friend, and James—and three daughters, Margaret, Hester, and Nancy. McMahon migrated first from Nelson County, Kentucky, to West Feliciana Parish, Louisiana, beginning the long journey in November of 1808. After three years in Louisiana, the family regressed slightly by moving northward to Clark County, Arkansas, in the vicinity of Hot Springs. The year 1816 saw another move to Hempstead County, Arkansas, and in 1823 the family moved back to Louisiana, this time settling in Claiborne Parish. Finally, in January, 1836, McMahon moved his family out of the United States to Jasper County, now Newton County, Texas, in time to make a small contribution to the revolutionary movement. Not all of the McMahon children made this succession of moves; some remained in Louisiana or Arkansas for brief periods, but eventually they were reunited in their new Texas home. William, the eldest, enlisted in the Army of the Texas Republic and was soon followed by brothers Friend, and James. The latter's birthday was December 25, 1817; thus he was but nineteen when he entered the army. James was rewarded for his service by two bounty grants of 320 acres each for serving two terms of three months duration. His first enrollment was from July 15 to October 15, 1836, and the second was from January to April, 1837. Both grants, signed by Secretary of War Albert Sidney Johnston and Acting Secretary Charles Mason, indicate that James McMahon was honorably discharged.⁷ Certificate Number 38 of Jasper County further indicates that McMahon received a Headright grant of one-third of a league of land as a colonist. The certificate, which is signed by John Bevil, indicated by McMahon's testimony that he arrived in Jasper County, Texas, in February, 1836, that he was then single, and that he was entitled to the land upon payment of five dollars ". . . for each Labor of Temporal or arable land, and two dollars and forty cents for every Labor of pasture land, which may be secured to said McMahon

by this certificate." Surveyor's notes on the certificate indicate that the land was located on the southwest bank of Yellow Bayou, in the Cow Creek District of Jasper County. This headright was surveyed and proven out prior to the military bounty grants.⁸

William McMahon farmed in his last home and continued to follow his calling as a Methodist preacher. The 1860 census lists him as living with Friend, Jr., who was also a farmer, a preacher, and a public servant. This same census indicates that significant amounts of land was owned by the various McMahon sons. All were farmers, save David, who is listed as a lawyer. The 1850 census, however, had listed him as a schoolmaster.⁹

James McMahon married Sarah Scott on August 13, 1841, and took his wife to a homestead known as the "Blewett place," located between Newton and Jasper. Later they moved to a site five miles below Newton known as the "Hughes place" where they lived until McMahon died. He was destined to remake that trip across Newton County many times in the thirty years before his death, often on public service. A search in the records of Newton, Jasper, Sabine, and San Augustine Counties reveals how deeply the McMahons were involved in the development of the area. An 1838 reference in the Jasper County Deed Book records the sale of part of William, Sr.'s, Headright;¹⁰ in 1859 there is a transaction concerning the sale of a lot in Jasper County by James D. McMahon to Henry Potter of Galveston;¹¹ in several places in all counties the marriages of the various McMahon progeny is certified;¹² an Estray Book indicated that David McMahon thus acquired a Black Pony that "took up" and in like manner James B. McMahon got a yellow ox, and some years later, a mule.¹³ A Jury Book in the Newton County records lists James McMahon as an approved juror for the court terms of July and September in 1847, and for March, 1849. The same volume records his visit of July 23, 1850 when he claimed a crop and split of the right ear, and an upper half crop in the left ear as being his stock mark, and the letters "JM" as his brand. Other distinctive marks and brands are also recorded for his brothers and father.¹⁴

It is in the minutes of the Commissioner's Court that the public life and service of James and his brothers is most completely recorded. When the county was organized, Friend was elected a Justice of the Peace, and James was appointed election judge to preside over Precinct Three at Friend's house. Friend was soon county Assessor-Collector, and James was active in various capacities as road-viewer and construction overseer. His name is frequently found on the jury lists and on the rolls of road-working crews. He is also listed as a patron of the W. C. Gibbs school and is credited with a subscription of \$14.26 for its support. McMahon was assigned by the Commissioner's Court to serve in the Civilian Patrol in Precinct Three under the leadership of Captain W. C. Gilchrist. Several times during the decade of the 1850's he served as an election judge and a juror and he assisted his brothers in such labors as road construction and in the building of a new jail. His brother David during these years was a rising attorney in Newton County. David served a term as Justice of the Peace and for a time as the County

Agent for the sale of public lands. Brother Friend McMahon continued as Assessor-Collector, but he came under a cloud because of an alleged mishandling of county funds. Friend and John Alster were charged with disregarding an act of the legislature and with not being able to produce certain accounts and records. There was also a shortage of approximately \$1,200 of county revenue. Neither went to jail, and, so far as these records indicate, no criminal intent was demonstrated. Friend later served the county again in public capacities and continued to preach in the Methodist church.¹⁵

When Texas seceded from the Union to join the Confederacy, Newton County was a willing partner to the transfer of allegiance. A muster for the County indicates that twenty-two men answered the first call for conscripts while only nine claimed exemption.¹⁶ James McMahon served in Company D, Twenty-first Texas Infantry, otherwise known as Spaight's Regiment. He is listed among those exempt from military service in 1864, although no reason for his exemption is given on the roll.¹⁷ Meanwhile, as the Court Minutes record, the wife of James McMahon was issued Cotton Card Number 184 by the Military Board at Austin, worth \$12.00 the pair, as part of the state's assistance for the families of soldiers.¹⁸ David McMahon was dispatched by the county in 1864 on a mission to General Edmund Kirby-Smith, commander of the Trans-Mississippi Department, to inform him of the destitution of many in the county and to request that certain supplies be allowed to remain there instead of being shipped to the army. The purpose was to relieve the near famine that prevailed in some families. The success or failure of his mission is not revealed.¹⁹

As is recorded in his family Bible, "James McMahon departed this life on the 24th day of February AD 1873 Aged 55 years 1 month and 28 days."²⁰ His life, and that of his family, has been modestly summarized in Thomas Wilson's words: "There never was a McMahon to go to nor hold any very high office, but I do not know of any that ever went to Huntsville, except to go to Sam Houston Normal. Some of them preached, but none were great preachers."²¹ This average quality, or ordinariness, of James McMahon and his family, is what makes them so typical and central to the westward movement and to the building of this nation. It was they and numberless others like them, hero and heroine, who toiled at merely staying alive and holding on to some kind of civilization, never realizing at all that they were being heroic, that built this nation. Thus it has ever been—the restless spirit answers the siren call of the west, going freely and going anonymously, to make the glory and the power.

FOOTNOTES

¹These introductory remarks are based on a general reading of early Texas history. Those wishing to pursue the topic will find the following works helpful: Samuel Harman Lowrie, *Cultural Conflict in Texas, 1821-1835* (New York, 1932); William Stuart Red, *The Texas Colonists and Religion, 1821-1836* (Austin, Texas, 1924); Eugene C. Barker, *Mexico and Texas, 1821-1835* (Dallas, Texas, 1928); and Barnes F. Lathrop,

Migration Into East Texas, 1835-1860 A Study From the United States Census, (Austin, 1949); Mattie Austin Hatcher, *The Opening Texas to Foreign Settlement, 1801-1821* (University of Texas Bulletin, No. 2714, April, 1927).

²William Stuart Red, *The Texas Colonists and Religion, 1821-1836*, 3, 18.

³The information relative to the geography and history of Newton County was obtained from *Your County Program*, published by Newton County Program Building Committee (Newton, Texas, 1964), 7-47. Additional information was obtained from Madeline Martin (ed.), Thomas A. Wilson, *Some Early Southeast Texas Families* (Houston, Texas, 1965); from the minutes of the Commissioner's Court of Newton County, Book A, Newton County Courthouse; and from interviews with Mrs. W. N. Westbrook, Clerk of Newton County, who is here recognized for her co-operative nature and in appreciation and recommendation to other historians.

⁴The stormy early history of the location of the seat of Newton County is told in the minutes of the Commissioner's Court, Book A.

⁵For information on Colonel Samuel Doak McMahon and McMahon's Chapel, see C. A. West, "Texas' First Protestant Church" (n.p., n.d.); Olin W. Nail (ed.), *Texas Methodist Centennial Yearbook* (Elgin, Texas, 1934), 10; Nail (ed.), *History of Texas Methodism, 1900-1960* (Austin, Texas, 1961), 27-30; and Jesse Guy Smith, *Heroes of the Saddlebags* (San Antonio, 1918), 18.

⁶The biographical information on the McMahon family herein presented was obtained from Martin, *Some Early Southeast Texas Families*, 53-61. See also William McMahon, *The Texas Almanac, 1872*, (Houston, Texas), 104.

⁷The original grants, numbers 3647 and 9112, are deposited in the General Land Office, Austin, Texas. Photocopies are in the author's possession.

⁸For reference, see *Abstract of All Original Land Titles Comprising Grants and Location to August 13, 1941* (Austin, Texas, 1941), 713. A photocopy of this Headright is also in the author's possession.

⁹United States Census, 1850, and United States Census, 1860, Newton County, Texas. Microfilm copies are available in the East Texas Room, Boynton Library, Stephen F. Austin State College. Included here are entries 37, 42, and 74 from 1850, and 1, 2, 7, 19, and 53 from 1860.

¹⁰Jasper County Deed Book B, 34-35. All county records herein cited are available to the public during regular office hours at the various county seats.

¹¹Jasper County Deed Book F, 114.

¹²See Marriage records from San Augustine, Sabine, Jasper, and Newton Counties. In Newton County there is a hand-written volume containing marriages, jury lists, and cattle brands that pre-date all other records. Hereinafter cited as Marriage Record Book A.

¹³San Augustine County, Entry Book E, 20-29, 92.

¹⁴See Marriage Record Book A, and Commissioner's Court Minutes, Book A, 9.

¹⁵See Newton County Commissioner's Court Minutes, Book A, 1, 7-9, 13, 27, 36-39, 47, 60, 70, 79, 84, 96, 117-119, 176, 191, 209, 279, 328, 349, 392-395, 419, 483.

¹⁶List of Men Enrolled For Camps, 1962-1964, Newton County, 1.

¹⁷*Ibid.*, 16; See also *Index to Compiled Service Records of Confederate Soldiers from Texas*, National Archives, Microfilm S-4, M-227, Roll No. 24.

¹⁸Commissioner's Court Minutes, Book A, 392-94.

¹⁹*Ibid.*, 395.

²⁰The James McMahon Family Bible is in the possession of Mrs. M. N. Schildknecht, Port Neches, Texas. The Family Bible of Ellen Eloise ("Jimmy") McMahon Bass, eighth child of James and Sarah Scott McMahon, is in the possession of Mr. and Mrs. Craig Parsons Bass, also of Port Neches. Notarized copies of the family records from both Bibles are in the possession of the author.

²¹Martin, *Some Early Southeast Texas Families*, 61.