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STORIES MY GRANDMOTHER TOLD ME*

HAZEL MILLER BRITAIN

2. The Days of Dog Roberts

When Texas was a Republic, most of the long road from Shelbyville to Austin led through a lonely wilderness. It must have startled the early settlers along the way to behold a tall handsome (so family stories say) man, accompanied by two colored menservants, all on horseback surrounded by a pack of yelping hounds! This would be Colonel Moses Fiske Roberts, on his way to Austin to pursue his duties as Congressman of the Republic of Texas, or returning to Shelbyville as the case might be. His nickname "Dog" was for obvious reasons.

In time he made many warm friendships among these people who, like him, had so lately left most of their relatives and friends in the United States. As they learned when to expect him, stories were told of the excitement that prevailed when someone passed along the word that someone ELSE had heard Dog's hounds baying far down the Old Spanish Trail which was his route for the most part. Often he'd judiciously declare a few days holiday; and people for miles around would join in a mammoth fox hunt, with his famous hounds leading the chase. His exuberance seems to have been contagious.

He knew just how long to linger. He also had a serious side to his nature, and it prevailed in matters relating to his duties in Austin. Texas was always to be his first love—even before his family it sometimes seemed, so before long he and his devoted companions would mount their horses and proceed to Austin.

I grew up among memories of this unusual man who was my great-great-grandfather. In my early childhood there were elderly people still living who recalled stories of his busy life with great affection and pride. No halos were given our ancestor as they related impartially incidents revealing not only his quick temper and stubbornness, but also his ability, honesty, and above all, his courage. Judge Frank Powell of Shelbyville told us that "In courage he stood out among other men."

Moses (Dog) Roberts was born July 9, 1803, in Davidson County, Tennessee. His father was Brigadier General Isaac Roberts, who served in the War of 1812 with the Militia of West Tennessee. After the Indian Massacre in August, 1813, General Roberts was put in command at Fayetteville on October 4, 1813, of the first brigade to march south with General Andrew Jackson to punish the Indians. He and General Jackson disagreed over the length of time the recruits were to serve. General Roberts said it was three months, General Jackson said it was longer and denounced him for giving the men the wrong advice. The bitter argument that followed terminated our ancestor's service with General Jackson. He died a little over two years later on February 19, 1816, and is buried near Spring Hill, Tennessee. Isaac Roberts was born in 1761 in North Carolina and was fifty-five at his death.

Isaac's wife (Moses' mother) was Mary Johnson Roberts, and was said to have been a niece of General James Robertson, one of the founders of

*This is the second part of a two-part article by Mrs. Britain.

Tennessee. Moses' sisters were Polly, married to Peter H. Vorhees; Nancy, married to Samuel Hawkins; Rachel, married to Hugh B. Porter; and Persia Leey, for whom my great-grandmother was named, was married to Gamble. One of the sisters was widowed and later married W. R. Pope. His three brothers were Mark, John, and William. Records of Maury County, Tennessee (once a part of Davidson County), show this somewhat scrappy family played a prominent part in the history of their state and nation. Nancy's son, Lieutenant Colonel Isaac Roberts Hawkins, served in the Mexican War; was a delegate to the peace conference with Mexico; and served in the Union Army during the Civil War. He was a member of Congress from 1866 to 1871. Other grandsons of Isaac and Mary Roberts distinguished themselves, but less prominently.¹

The family home was on a 5000-acre tract of land originally patented to a kinsman, Mark Robertson. It was near Spring Hill "on the Double Branch Road . . . near mouth of Clear Creek." The family home burned in 1850. The Cemetery is nearby where Mary and Isaac Roberts and some of their descendants are buried. Their land is said to now belong to a man named Brown Taylor.

Here in this still wild and somewhat sparsely settled land, so lately peopled by red men, this energetic boy grew up. Moses was taught the life of a farmer, but, schooled as he was in the same wilderness as David Crockett, he learned to love the hunt for the wildcat, the bear, deer, and fox. Particularly did he love to follow the hounds, and from boyhood he always owned a large pack of them, which accompanied him wherever he went, but his father believed in education, too, and saw to it that his children received all the education that was possible at that time. Thus the "book learning" of the Roberts children was superior to that of most people of their day.

When Moses Roberts was seventeen, he married Amanda Grant, two years younger than he. (Her birth date was March 19, 1805). Their three children were Mary, who was born April 28, 1821; William Elijah, (Lige) born February 23, 1823; and my great-grandmother, Persia Leey, born June 5, 1825.

Stories continued to come from the Mexican State of Texas; stories of oppression and injustice in the colonies of Austin, Haden Edwards,² and others. Anxiety mounted in Tennessee, where so many residents had relatives who had moved to Texas. After much persuasion Amanda consented to go with Moses to Texas.

The little family of five in a company of other settlers from Tennessee arrived on Texas soil February 19, 1836. The place was believed to have been at the town of Jefferson, Texas. They proceeded at once to Shelbyville, which was henceforth to be their home, except for a short stay in nearby San Augustine, and the community of Buena Vista north of Shelbyville.

By now Shelbyville was a thriving little town, said by some to have been a little haughty and clannish. Nevertheless the Robertses found a warm welcome in an area where so many people, like themselves, hailed from Tennessee, and it was an agreeable surprise to find the school and Methodist Church so well organized — in spite of the other problems the colonists were having. From the first, Dog Roberts seemed to have inspired confidence in these troubled people, a feeling of trust that was to last throughout his long life among them.

That he was ready to sacrifice himself for this new home is attested by the fact that on March 26, 1836, he joined Captain James Chesser's company of Jasper Volunteers at San Augustine to fight for Texas' independence. He remained in the company until June 6, 1836, when he was mustered out, due to the loss of his right eye. He had attained the rank of First Lieutenant.³

After Texas' independence was won, he joined the Texas Militia serving from 1838 to 1839. He was made a Lieutenant Colonel, another title he carried the rest of his life. To most he was known as Colonel Dog Roberts. In connection with his service in the Texas Militia, my brother, the late Vincent Miller, found two detailed expense accounts that he had presented to the Texas Government.

Exp
Exp. Account of Moses Roberts 1st Lt. T. M. Tex

Pay for wages from 20 Feb 18 to Aug 18 1839 3 mos 180 days	\$60	\$220 00
for subsistence	16	57 50
for outfit	5	11 50
for provisions	26	11 00
for horse hire	110 00	4 00
for transport	110	20
		<u>\$4 00</u>
		\$115 90

JP
 Received of B. W. Stogard, Auditor of the Texas Militia (1839)
 the sum of \$115 90 (one hundred and fifteen and 90/100)
 for the above account

Expense Account of Moses Roberts

Amanda, Mary, Lige and Leey liked their new home in Texas, but there were times when Moses was absent for long periods in performing his duties in the Texas Militia. Then they were no doubt concerned for the safety of their husband and father as he traveled through the wilderness, and their thoughts would go to those they had left in Tennessee. Family tradition gives great-grandmother Amanda a wonderful record as wife and mother, as she kept busy with her household duties lest she "pine too much for the old times." She was especially gifted as a seamstress — a quilt she made is displayed in the Old Stone Fort Museum at Nacogdoches. Though yellowed with age it is still beautiful.

On April 17, 1839, Leey was married to Frederick Hardin Miller lately from McMinnville, Tennessee. There must have been some misgivings on the part of her parents for she was only fourteen, and the couple left immediately for Marshall, which was considered a long way off in those days. The marriage turned out to be a happy one. They were the parents of my own grandfather, Frank Miller. They continued to reside in Marshall until Great Grandfather Fred Miller died in 1856.

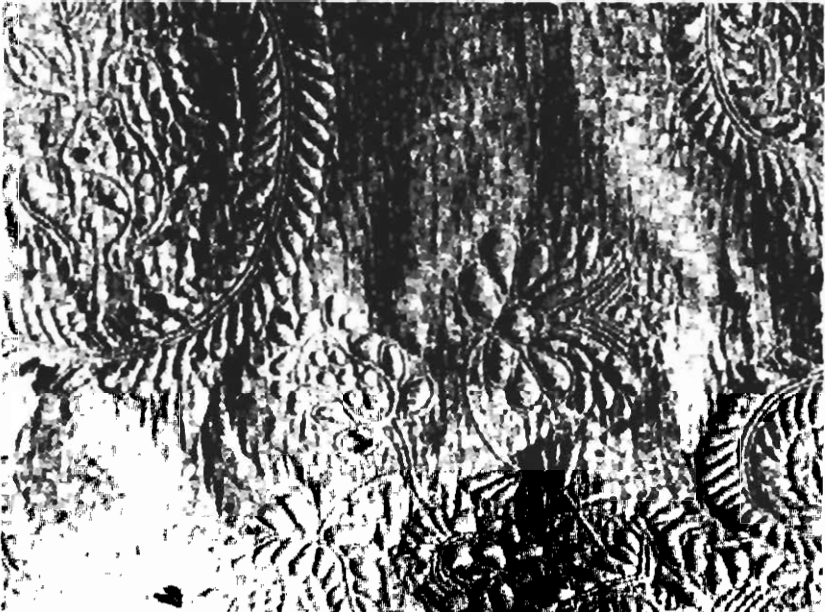
On September 13, 1839, five months after Leey's marriage, Amanda Grant Roberts passed away. This gallant daughter of old Tennessee was buried in the cemetery at Shelbyville. It is said that Moses never ceased to grieve for

Amanda. His first little daughter by his second marriage was named Amanda, and before his death fifty years later he asked to be buried beside her.

Now Moses plunged even deeper into the affairs of Texas. There were many challenges as the new nation of Texas was trying to solve her problems. And there was much confusion and misunderstanding among the people of Shelby County. Reverend Daniel Parker, a Congressman of the Republic of Texas, died in office and Moses was elected to finish his term in the Fourth Congress. He was later elected to serve in the Fifth and Sixth Congresses.⁴

Colonel Dog Roberts stayed busy in Austin. Records of Congress show him to have been on the following committees: Military Affairs, Roads and Bridges, County Boundaries, and Public Funds — and he was seldom absent since such notes are numerous: "The Honorable Moses F. Roberts presented his credentials and took his seat." In spite of his sadness, life continued to be interesting and rewarding as he worked to improve conditions in Texas. He spent as much time as possible with Mary and Lige, now about eighteen and sixteen who continued to live in the family home in Shelbyville.

Almost two years after Amanda's death, on one of his trips to Austin, Moses stopped at a roadside farm in Travis County to obtain water for himself, his servants, and horses. He soon found that pretty Nancy Murray, who owned the farm, was a widow. Their courtship began at once, and before the session of Congress was over they were married. An account of the wedding is told in the "Diary of Adolphus Sterne." The ceremony was performed in Austin on December 20, 1841, by District Judge A. W. Terrell. A Marriage Bond for \$1000 was signed by the groom and E. C. S. Robertson thought to be a kinsman from Tennessee. Nancy was thirty-one and Moses forty at this time.⁵



Amanda Roberts' Quilt

Republic of Texas }
 County of Travis }
 Know all men by
 these presents that we John F. Roberts, herein
 E. S. C. Robertson are held and firmly bound
 unto the State of Texas, County of Travis
 County, in the sum of two thousand dollars
 for the due payment of which we bind ourselves
 our heirs, assigns, and firm, by these presents
 sealed with our seals, and dated the 27th day
 of 1858

The condition of this obligation is such,
 that whereas the said Roberts, as Clerk of the
 County Court has this day issued a writ
 Roberts, deceased to marry Howard Liberty
 now of the said County, and we shall
 well and truly pay and satisfy, all costs
 and damages that may hereafter be incurred
 of him the said Roberts for issuing the aforesaid
 writ, or any person or persons serving the same,
 hereafter, then this bond to be void, otherwise
 remain in full force and effect.

Given under our hands and
 seals this 27th day of June 1858

John F. Roberts
 E. S. C. Robertson

Translation of Marriage Bond

REPUBLIC OF TEXAS

COUNTY OF TRAVIS

Know all men by these presents that we Moses F. Roberts and E. S. C. Robertson are held and firmly bound unto M. H. Beaty clerk county court of said county in the sum of an thousand dollars for the due payment of which we bind accordingly our heirs and jointly and firmly by these presents sealed with our seals and dated this 20th December, 1841.

The condition of this obligation is such that whereas the said Beaty as Clerk of the County Court has this day issued to said Roberts license to marry Nancy Murry now if the said Roberts shall well and truly pay and satisfy all costs and damages that may hereafter be recovered of him the said Beaty for issuing certain aforesaid license by any person or persons suing in the _____ hereafter _____ this bond to be said otherwise remain in full force and effect.

Given

Seals this 20th December, 1841

Nancy had one son by her first marriage, Bonerges Murray, aged seven. Nancy was remembered fondly by her grandchildren. They liked to recall stories she had told them of pioneer days, and of her exciting trip as a child on a big ship from somewhere "across the waters." There is no record that Nancy ever complained about the time she must have spent alone with her children, while Moses was away in Austin in the years that followed.

Mary and Lige didn't seem to take this marriage too kindly. At any rate, they left soon after for Spring Hill, Tennessee, where they lived for several years; Mary with the R. A. Vorhees family and Lige with the W. R. Popes. Mrs. Pope and Mrs. Vorhees were sisters and aunts of Mary and Lige. Later the relatives sent Lige to McKenzie College at Clarksville, Texas, for about two years. During this time Mary was attending an academy in or near Spring Hill, Tennessee. When their courses of study were completed, Mary and Lige returned to Shelbyville where he was appointed assistant county clerk, and she began her long career as a school teacher. They did not live with their father but according to statements recorded at the trial many years later, they "maintained a friendly relationship with their father and his second family and visited them."

The children born to Moses and Nancy were: Christopher, born in 1843; Amanda, in 1845; twins, Cynthia Jane and Littleton Fowler, in 1846; McItenny (Mack), in 1849; and Helen, in 1852. There is no record of Bonerges living with his mother and he is not listed in the 1850 census of Shelby County.⁶

One of the grievous pages of Texas history was the Regulator-Moderator War which occurred in Shelby County, though surrounding counties became involved before it was over. This feud started in 1839, ending (officially) in 1844. There was a tragic repercussion in 1848 which took the lives of 40 more persons. In all, almost two hundred people died in this quarrel.⁷

Various reasons have been given as the cause of this tragic feud. When Texas became a Republic in 1836 there were many adjustments to be made by

a stubborn people who had been ignored too long. To them it seemed unreasonable now to be told what to do by outsiders. Perhaps the greatest cause of all the trouble were land grants that had been issued by the Mexican Government, later by the Government of Texas. They often overlapped, causing much confusion. Mistakes were made, tempers flared, suspicion arose among families who had always trusted each other, as they united for protection.⁸

From here on different stories are told by different people, depending on which side his (or her) ancestors fought! I've heard both sides. Grandfather Roberts didn't actually take part in the fighting as far as I can tell, but his sympathies were with the Regulators, though the fighting seemed to have distressed him greatly.

Captain William Todd, my maternal great-great-grandfather, was a Moderator and took an active part in the fighting, as did his sons, William Jr. and Samuel. Even his daughters rode miles to the various camps of the Moderators to inform them of the activities of the Regulators. One of these daughters was Mary Todd Cannon, who told of her experiences to my mother who was her granddaughter. One of Mary's sisters who often accompanied her was Susan, widow of Joseph Goodbread, the first man to be killed in the feud. She was later to marry Captain Alfred M. Truitt, famed as hero of the Mexican War, who was also a Moderator. Their oldest brother Samuel seems to have been a controversial figure. His office in Shelbyville was responsible for the task of clearing the land titles in the county. This was a hopeless task and only succeeded in making him more enemies. It seems that this handsome and dashing young man, who had a way with the ladies, had already made a few enemies.

Sometime in the latter part of 1838, Watt (Charles Watson) Moorman, and Charles W. Jackson came to Shelbyville. Some said that they had been hiding in the old Neutral Ground, after trouble with the law in the United States.⁹ Good men have defended their actions, one of them being Grandfather Roberts. During the first years of the feud he was absent from the county much of the time and for this reason may have been a little too charitable in his judgements. And he never hesitated taking an unpopular stand if he thought he was right.

There were many who accused Moorman and Jackson of taking advantage of the confusion and misunderstanding of the troubled people of Shelby County. Joseph Goodbread had a misunderstanding with his friend and neighbor, a Mr. George, over a land title and the sale of a slave. Jackson entered the argument and sharp words followed. A few days later Jackson shot Goodbread on the streets of Shelbyville. During his trial in Marshall for the murder of Goodbread a letter was introduced in court from Congressman Roberts, stating that he considered the presiding Judge Hansford unfit to serve.¹⁰

The letter from Grandfather Roberts unnerved Judge Hansford so completely that he resigned saying, "I can't face that Jackson gang, with Dog Roberts, hounds and all!" Later as Jackson was cleared in court, citizens of Shelby County began taking sides in the dispute. Harsh words were spoken between friends who had liked both Mr. George and Uncle Joe Goodbread.¹¹

Jackson and Moorman, encouraged by the court's decision, organized a group known as Regulators, claiming to be for law and order. Sheriff Middleton approved of many of their actions at first as many known criminals were arrested and hanged. But in a few weeks things began to get out of hand.

Scores of peaceful citizens were arrested for some personal grudge or imagined slight, then, after a mock trial, hanged on the streets of Shelbyville. Many others were on the list to be hanged but were never captured. One of these was Uncle Sam Todd.

Soon an opposing band known as the Moderators was organized. It was led by Captain William Todd, Captain John M. Bradley,¹² Ed Merchant, and others whose names are not known. They too claimed to be for law and order but as the mock trials increased, killings became the order of the day. Violence flared at every cross road. The hidden rock cellar of the Latham house became a refuge for many as enemies were hunted down in the name of the law. Another hiding place was a cave near the present town of Neuville. This cave is under a large tree, and is of considerable length, with a small stream of water flowing through it. Years after the feud, a rusty blood-stained knife was found in this cave. Families left their homes and banded together for protection. Fields went unplowed, many suffered from actual hunger and from cold when homes were burned by opposing forces.

On December 23, 1841, a letter appeared in the *Austin Bulletin*, a newspaper published in Austin which contained statements damaging to the character of Captain Bradley, a Moderator, causing more bitterness among the leaders. It is thought that Congressman Roberts was instrumental in having it published, after having been given it by a man named Lightfoot from Louisiana. We must believe that our stubborn grandparent was letting the public know facts that he thought they should know, for such seems to have been his creed—he never ran from a fight. Stories indicate he was weary of the fight already, for he had friends on both sides. In some cases now they were former friends!

Others were weary, too. Women, most of whom had lost loved ones, pleaded with their menfolk to lay down their arms and return to their neglected fields. Children suffered. Little Martha Cannon whose mother had recently died suffered a fall. Due partly to improper medical attention she was crippled for life. She lived to be very old, however, and is one of the sad memories of my childhood.

Hate continued to spread like a blight across the land as each side fought with increased fury. Burnings of homes continued. A touching story is told of the wife and several children of a Regulator being ordered from their lonely cabin on a night when the weather was freezing. Her tearful pleas went unheeded as the men set fire to her house in the absence of her husband. The little family was forced to walk several miles to the nearest neighbor.¹³

The ministers were outspoken in their appeal for the madness to end. They called a spade a spade, these rugged courageous men, with their "hell fire and brimstone" sermons, making the best of the harsh times in which they were forced to live. At a tearful meeting in the Shelbyville Methodist Church, the Reverend Francis A. Wilson, in an eloquent prayer, implored God to strike dead any Regulator or Moderator who refused to lay down his arms.¹⁴ Over in Hamilton Elder William Brittain sternly admonished his flock in the log church he had helped build on his land. Reverend Littleton Fowler,¹⁵ for whom one of Roberts' son was named, and Elder Z. N. Morrell¹⁶ preached in the area. There were probably others.

Charles Jackson was waylaid and killed in 1841, and Moorman became leader of the Regulators. The fighting became, if possible, more intense. Much ruthlessness was displayed on both sides.¹⁷

Captain Bradley, ¹⁸ a controversial figure, was nonetheless a hero of the Mexican war and was revered by many, even outside his group of Moderators. He had moved to his home on Patroon Creek about ten miles from Shelbyville and was taking a less active part in the feud. One day as he stepped out of a church in San Augustine in an adjoining county, he was killed by Wat Moorman and other Regulators.

The groups began to concentrate, each several miles from Shelbyville. The wives and daughters of men on both sides often served as messengers to their menfolk. As the four Todd sisters rode the trail with information for the Moderators, they were met by other women also riding horses, bringing information to the Regulators. One of these best remembered was Elizabeth White, said to have been widowed by the feud. She is buried near Huntington, Texas.

By this time the two groups totaled several hundred men. This no doubt included many from the old Neutral Ground who had drifted across the Sabine River merely seeking adventure. In August of 1844 the Regulators and Moderators met at the end of the long wooden bridge that spanned Tenaha Creek and its bottoms, just opposite Shelbyville. This encounter had long been dreaded by many, others more irresponsible and daring began firing at once. Stories of this battle vary; the one handed down by Grandfather William Todd, who participated, described the scene as one of incredible horror. When even the outlaws who had caused part of the trouble sickened at the sight of men dying and began to withdraw, about one hundred men lay dead or wounded on the banks of the Tenaha. This was the last and largest battle of the feud. Intense grief sobered both sides for a time as funeral processions wound up to the crest of the hill overlooking the battle ground, to the cemetery where Amanda Roberts had been buried almost five years before.¹⁹

Moses Roberts, William Crawford,²⁰ and other leaders realized this was an uneasy calm that would not last so they sent urgent messages to President Sam Houston to send troops to Shelbyville. While the troops were on their way there were a few scattered encounters among the Regulators and Moderators. The last shot fired in the feud was by Charles A. Ludens, slightly wounding Captain Alfred M. Truitt, whose quick dodging behind his horse saved him a more serious injury. Thus by some strange coincidence, our Aunt Susan's first husband was slain by the first shot fired in that terrible conflict — while her second husband four years later was wounded by the last.²¹ None of her other relatives received serious injuries.

At last the laws that had seemed so burdensome to some of the citizens proved an answer to their prayers. In the latter part of August, 1844, General Travis C. Brooks arrived in Shelbyville with six hundred troops. He ordered both sides to lay down their arms. The drifters fled, but those who had established homes, for the most part stayed and gamely faced the music. Some of the leaders were arrested.

The troops were followed shortly by President Sam Houston. He ordered all the Regulators and Moderators to meet him under the huge oak tree (from which so many men had been hanged) in the public square. In that historic meeting under the tree, later known as the "peace oak," beloved "Old Sam" scolded both sides like a stern father, then pleaded with them to end the slaughter. Wisely he refrained from placing all of the blame on either side. He touched

their hearts and with tears in their eyes, these rugged frontiersmen expressed forgiveness toward persons who had killed a father, son, or brother.

The good news spread quickly through the town of Shelbyville and the surrounding countryside, giving new hope to the sorrowing womenfolk. In spite of the four unhappy years they had experienced, the grateful women insisted on honoring the visiting President in some way. It was decided to have a ball. It was held in the spacious home of Dr. Rather, and people came from far and near, dressed in their finest. It was a grand affair that seemed to have lasted all night, since no one has ever admitted that his or her great-grandmother didn't dance with the President! Two Marys in our family shared this honor, Mary Todd Cannon and Mary Roberts. Each proudly boasted of this to my parents when they were very old women.

For over three years things seemed peaceful — for Shelby County at least — but an undercurrent of bitterness still remained in the confusion over land grants that overlapped. A tragic flare up of the feud occurred in 1848 at Hamilton.²² A man named Davidson had brooded for years over a boundary dispute with the families of Spot, Bob, and Jack Sanders. As the wedding date of his daughter drew near, he planned a terrible deed, to poison all the members of the Sanders families at the wedding supper. People were invited for miles around as was the custom of that day. His diabolic scheme worked well.

One elderly man recalled the story in his great-grandmother's own words. "It was a pitiful thing," she related, "You could hear horns a-blowin', hounds a-houlin', women and children a-cryin' and screamin'." Cow horns provided the area's communication system, and three long wailing sounds meant distress. But there was no doctor in the town to answer the call. In a few cases home remedies proved effective. Spot Sanders' son Frank managed to crawl to a slop bucket and drink some of the grease that acted as an antidote to the poison. He and his father with a few members of Jack's and Bob's families were all of the Sanders that survived. Davidson's plan wasn't completely successful for descendants of the Sanders family who survived are prominent citizens of the county today.

Now again the funeral processions began, reminiscent of those sad groups who had climbed the Shelbyville hill four years before. About forty persons had died of the poisoning, most of them members of the Brittain and Sanders families, but there were others. Most were buried in the Hamilton Cemetery. Old timers have pointed out entire rows of graves, where they recalled, all of the inscriptions on the headstones, now crumbling away, had borne the same death dates, the time of the fateful wedding supper. Many of the graves of the children who died that day are so pitifully small.

After some one hundred and twenty years, no one can give the names of our family who died in the tragedy, those who grieved have been gone too long. A treasured family Bible that had belonged to Elder William Brittain, disappeared mysteriously in 1954. Their names were supposed to have been listed in this book by their grieving grandfather, who died less than two years after the tragedy. He was buried near his grandchildren, under the exact spot where he had preached his first sermon in Texas.

It is thought Davidson fled the country before he could be apprehended, but not one knows for sure. Such reports as were kept of that time were destroyed years later when the Shelby County court house burned in 1882.

Fear now spread over the country that another feud might start. Memories were still fresh regarding the Regulator-Moderator War ending four years before. No one wanted it repeated, and groups met in each tiny settlement in the county as well as the two towns, all agreed on one thing "Get a man all will respect and FEAR for Sheriff of Shelby County. No one entered the race who seemed suitable. So by a write-in vote Dog Roberts was chosen sheriff. Many are the stories handed down in our family of Grandfather Roberts riding boldly wherever there were rumors of trouble brewing. Those across the river [Sabine] stayed closer to their homes it was said. Tradition says the county was relatively peaceful after this, giving most of the credit to Dog Roberts.

I would not detract from the credit given our ancestor in restoring peace in the area, but no doubt his task was made a little easier by an occurrence some two thousand miles away. Gold was discovered in California! Word of this drifted through the woodlands like a healing breeze, and many of the trouble makers from both sides of the Sabine, left for the excitement of greener pastures in far off California. Thus old Shelby County began the last half of the century with a slightly more dignified way of life, though life was never to be without excitement for long among a people who have been called "The most Texas-of-all-Texans."

In this migration, a little later than the others, our family lost a somewhat lovable "black sheep." Handsome Uncle Sam Todd always seemed in some kind of hot water. This time he had fallen in love with the young wife of a local doctor, who returned his affection. Another story insists the husband was a lawyer. The couple left for California where they married as soon as she could divorce her husband. His parents and most of the townspeople never forgave him, and he never returned to Texas. Stories indicate Uncle Sam had been among those granted forgiveness under the "peace oak" for taking a man's life. Taking a man's WIFE, however, according to the stern code of that day was unforgivable. (On a par perhaps with horse stealing.) His brothers and sisters grieved for him, perhaps secretly. His name became legend over the years and new 'Sams' continue to grace our family tree. My Grandfather Cannon was one of these Sams.²²

As peaceful conditions continued, prosperity followed. Churches and schools improved. The first drug store at Shelbyville was owned by Dr. J. B. Bussey and John Rather. The town had a newspaper called *Jim's Paper*. Boats navigating the Sabine were larger now and more numerous. Rumors of trouble over the slavery question seemed far away and improbable. Settlers continued to come, among them my great-grandparents, the Mourees from Alabama and my husband's ancestors, the Pous from Louisiana and the Risingers from Alabama.

Other newcomers to Texas were two slaves, Augustine and her tiny daughter Margaret, a mulatto, said to have been the child of a wealthy planter of Louisiana. They had been bought at the slave market in New Orleans by members of the Rather family. The lonely pair could speak only French, a language no one in Shelbyville understood. Years later Margaret, her husband John McLelland, and their children lived on the farm of my Grandfather Cannon

whose wife died during that time. Our grandmother left five small children, including my mother Minnie Lou. This saintly woman, Margaret, and her family went far beyond mere duty as they cared for and comforted the motherless children. Ties of warm friendship still exist between our family and the McLellands.

Not too much is known about the financial condition of the Moses Roberts family. The 1850 census lists him owning six slaves.²³ It may be that times were a little harder with five children and little Helen on the way, and he began to think of an almost forgotten tract of land in Wichita County (now Clay County) that had been given him for services in the fight for Texas' Independence. Given him in 1838 this survey of wild, uninhabited land consisted of 25 labors or 4428 5/10 acres.²⁴ In 1851 he sold this land to Middleton T. Johnson for the sum of \$800.00, which Johnson was later to sell to H. W. Merrill. Moses and Nancy used this money to buy another farm for their family. It was located about ten miles from Shelbyville on the Mercer Fain and James Forsythe headrights, later known as the Moses F. Roberts headright. The farm on which I was born was part of this headright.

In the years that followed Moses was busy with community, state and county activities. He helped organize the Oakland Methodist Church near his home, and worked to improve the small one-room Oakland school. He believed in education, and his grandchildren have told of his anger when he would learn that any one of them was kept at home to work in the field. He still found time for his favorite sport. A site near his home that is today known as the "Old Boles Field" was the gathering place for fox hunters and their hounds. The woods resounded for miles to the chorus of barking dogs as each owner proudly recognized his own.

Due to the burning of the Shelby County court house in 1882, we do not have a record of our grandfather's political life in his home county, but family tradition, and the word of friends, have him always busy, often controversial, as he took the part of one he considered the underdog. Judge Frank Powell told of the time he had an argument with a man who was running for public office. Suddenly Moses exclaimed, "Why, Bob, I could beat you in this race!" He proceeded to enter the race and won. Then he refused to serve, thus handing the office back to this man who was runner-up.

He served in the Texas House of Representatives during the Fifth and Seventh Legislatures. This was roughly during the years from 1854 to 1858. About 1858 he moved his family to Buena Vista, a community in the northern part of Shelby County. We have no record of the year they returned to their farm in Oakland community.

Rumors of trouble with the Northern States became a reality and the Civil War began. Again Dog Roberts was given an opportunity to demonstrate his patriotism and fighting spirit. On October 10, 1861, he, who had attained in early life the rank of Lieutenant Colonel, enlisted as a private in the Confederate Army.²⁵ Family ties meant much to him so he must have been saddened by the fact this his sister Nancy's son, Lieutenant Colonel Isaac Roberts Hawkins, fought against him in the Union Army. Others joined in the conflict. Mary Todd Cannon's oldest son, Uncle 'Tink', went through many battles and came through all right, but somewhere along the way, he married a girl the family

refused to accept for reasons we do not know. He left with his new wife when the war ended and refused to visit the family again.

Several members of Elder William Brittain's family joined the Confederates. A grandson and namesake, William Brittain III, was killed and a son-in-law, Benjamin Henry Schooler, died in the battle of Mansfield, Louisiana. The people of Shelby County suffered hardships since nothing could be shipped into the county. Grandpa Cannon has told of going barefoot in winter, and of his mother's making coffee from parched corn. But their hardships couldn't compare with those of other Southern States.

Several grandsons of Grandfather Roberts enlisted in the army, too; one of whom, Uncle George Miller, was sixteen at the time. He served in the same company as his grandfather. He began to regret his enlistment when he became very ill with dysentery and there was no treatment available. He decided to try to make his way home in spite of his grandfather's protests. As he approached the guards, one of them called for him to halt. When he refused the guard said, "Boy, don't you know we'll have to shoot you if you don't stop?" Uncle George replied "Go ahead, I'll die if I stay here." and staggered on. Another guard said, "Ah, let him go on — don't you see he's going to die anyway?" Our uncle did go on and lived to tell us this tale, very old but very much alive at the telling although his profanity was a source of worry to our mothers as we listened to one of our favorite relatives.

Grandfather Roberts was discharged due to his age before the war ended. Times were hard and there was much confusion during the Reconstruction Period, but most of the slaves in Shelby County seemed to have been devoted to their owners and continued living near them.

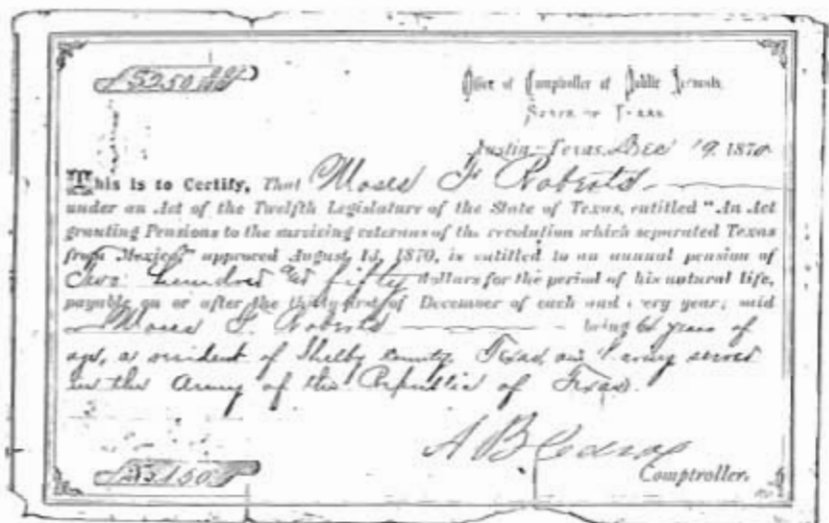
After the Civil War ended many families from other Southern states came to Texas to make a new start. Among this group were my great-grandparents, James and Elizabeth Ervin, who came from Port Gibson, Mississippi. One of their children who accompanied them was Ada, later married to Frank Miller; they were parents of my father, Henry Miller.

Since Grandfather Ervin had not approved of slavery, he made his way quickly to the Union Forces when the war broke out. Our granny never quite forgave her husband's action which necessitated their leaving Port Gibson, Mississippi, when he returned. The stories she told us describing the siege of Vicksburg and neighboring Port Gibson made present day television "shoot 'em ups" pale by comparison. After a time East Texans seemed to have accepted our Yankee great-grandfather. One of his closest friends was our other great-grandfather Monroe who had fought in the Confederate Army.

People living in the community of Center, so named because it was the center of the county, had been dissatisfied for years with the location of the county seat at Shelbyville. They began making plans to have it moved to Center. Leaders in this move were Sam Weaver and Bob Parker. They were opposed by all of the people living in the Shelbyville area. Moses Roberts was in this group, for he had by this time moved back to his farm near Shelbyville, and too, he and Bob Parker were often on opposite sides of anything. A log building was put up at Center to contain the court records, and was almost completed before the people of Shelbyville realized the use for which it was intended. Thus alerted, they placed guards day and night at the Shelbyville Courthouse.

It is said that someone in sympathy with the proposed move gave the guards too many drinks one night, while men from Center waited outside in two ox wagons. The county records were easily transferred to these after midnight and brought to Center to the new courthouse. Later that same year, 1866, two landowners with large acreage around Center conveyed fifty acres each to the Shelby County Commissioners Court to sell for business or homesites. These two donations were by Jesse A. Amason and J. C. Wilson. Thus a town came into being and Center became the county seat of Shelby County. With some of her spirit gone, proud old Shelbyville settled down to less bustling times, but for many years she was considered the educational and cultural center of the county.

On December 19, 1870, Moses Roberts was granted a pension for his service in the War for Texas Independence. The amount was for \$250.00 per year.²⁸ Almost four years later he wrote a letter regarding this pension and a medal he was to receive. The handwriting in my photo copy of this letter indicates some impairment of his vigor, but penmanship was never his best point. It was said that his health was good at this time.



150

PENSION CLAIM

of *Moses P. Roberts*
Shelbyville, Shelby Co. La.

Filed *Nov 7*" 1870

By *Belamant*

Disposition made of *Approved*

Dec 19" 1870

Amount of Pension, \$ *250.00*

Served in the Army of the
Republic of Louisiana from
March 1836, Ind. 64 years
of age

Certificate *issued*

Dec 19" 1870

rd & rem

One enclosure

Life continued to offer other challenges that he met with enjoyment. In 1878 at the age of seventy-five, he entered the race for county judge of Shelby County and was elected on November 5, 1878. I am reminded that this was three weeks before my father, Henry Miller, was born. Perhaps another great-grandson wasn't too exciting, for by this time he had acquired many descendants.

Elijah his oldest son had married and had a number of children. Leey and her first husband, Fred Miller, had six children. She had two by her second marriage to John Lodge.

Of Moses and Nancy's children, it is thought that Christopher died in childhood. The oldest daughter, Amanda, married William Martin Wilburn, grandson of Elder William Brittain. They were parents of ten children. Amanda's younger sister, Cynthia Jane, married her sister's widowed father-in-law, Elihu Tandy Wilburn, and was the mother of six children. (What a puzzle the kinship of the families must have been!) Fowler and his wife Molly Black had four children. Mack and wife, Mary Elizabeth Parker, had five children while Helen, who married Lafayette McKenzie, had four children.

Mary, the oldest daughter of Moses' first marriage, never married. She was no doubt the career type born one hundred years too soon! She was considered an outstanding teacher but a stern one. She followed that profession for about fifty years, living alone in her home in Patroon, a village about ten miles from Shelbyville. She was remembered by my parents as a handsome, intelligent woman, though strong-willed. It was she who handed down many of our family stories. Her small white house, in retrospect, seemed elegant to my father as he would recall his visits to Aunt Mary's home in his childhood. Small guests were required to stand on a little rug at her kitchen door until they had eaten the special treats she always had to give them. They were expected to mind their manners in that tidy house. Knowing her affection for them, her many nieces and nephews never seemed to have resented her stern rules.

As Aunt Mary grew older, she became even more independent and set in her ways. The story is told of a cyclone that blew over Patroon doing considerable damage to her house. As anxious neighbors hurried over, she calmly crawled from under her house,, her apron full of young geese. Her first concern was "Have you seen my other little gosling?"

When Grandfather Roberts finished his term as county judge, he quit the political field. He and Grandmother Nancy continued to be interested in the affairs of their community and county and of their many grandchildren. He never gave up his fox-hunting.

On May 4, 1880, two months before his seventy-seventh birthday, the three children of his first marriage, Mary, Elijah and Leey, brought suit to regain their mother's part of the land he had sold in Wichita County twenty-nine years before. They had long considered this action, but the trial had been postponed, due to the confusion of the courts after the Civil War. The suit, entered by Elijah, claimed that their rights had not been properly protected, and was brought during the August term of court in Henrietta, Clay County.

The suit was against E. H. Merrill who had bought the land from Middleton T. Johnson.²⁷ It was a long and bitter fight of suits and countersuits, lasting five years. Their father was angry, distressed, perhaps embarrassed, according to statements by him that were recorded during the trial. He maintained that since he had risked his life to earn this property, during the War for Texas Independence, it was his right to control the sale of it.²⁸ For Colonel Dog Roberts it must have been hard to be declared 'in the wrong' for that was the jury's decision when the dispute was finally settled.

E. H. Merrill paid the heirs a sum that was considered enormous at that time. There are different opinions now as to what the exact amount was. My grandfather, Frank Miller, received his portion after his mother Leey's death in 1889, which my father remembered as being \$500.00. Leey had eight children so her part (one third) must have been \$4000.00 making a total payment by Merrill of \$12,000.

Grandfather Roberts did not become estranged from his children. My father remembered his visits during his own childhood. However, he never ceased to reproach his children. He would sometimes, it was remembered, get impatient with his many great-grandchildren! Uncle Lige, then living at Mt. Sylvan, near Tyler, came less often and after Grandfather Roberts' death contact with his family was lost.

About two years after the trial ended, our grandparents gave up house-keeping and went to live with their two daughters, Aunt Mandy Wilburn and Aunt Cynthia Jane Wilburn, both living in the community of West Hamilton. Reports in later years that their parents had been estranged may not have been true. The fact that they lived apart may have been for the convenience of the daughters in caring for their aged parents. (Yet he was buried beside Amanda later.) We do not know the year of Nancy's death. This faithful pioneer mother is buried in the Newburn Cemetery north of Center, and over the years her grave has been lost.

The spirit of Moses Roberts was bent by the trial, and no doubt by the death of Nancy, but surely not broken. Family stories tell of his keen interest in the happenings of the day, whether it was affairs dealing with county or state. He continued to urge his grandchildren to get all the education possible.

My late father-in-law, Charles R. Brittain, pictured my great-great-grandfather to me with vivid clarity. Shortly before his death in 1889, Moses passed the Brittain home on his way to a fox hunt, riding his horse which he was urging on at a "fast clip," a tall man, slightly bent, his long white beard blowing in the wind. Behind him trailed the eager hounds. Soon after this at eighty-six, Dog Roberts was buried in the family plot beside Amanda who had died fifty years before, and beside Leey who had recently died.

This historic old cemetery is on the crest of Shelbyville Hill overlooking Tenaha Creek where the last battle was fought between the Regulators and the Moderators. Men who died in that battle are buried near Moses' grave. Sidney O. Pennington, one of the signers of the Texas Declaration of Independence, and many others lie among the oaks. Aunt Mary was laid to rest in the family plot in 1898, and not too far away lies her devoted great-nephew, my father, beside mother and my two brothers. Outside the fence are graves of Indians and of slaves, many of them now lost in the brush. Among them no doubt are

the two faithful men who, according to family tradition, joyfully shared most of the experiences of the exciting life of Dog Roberts. Years ago an aged colored woman remembered only as 'Aunt Nancy' related to my mother stories handed down in her family of the kindness of our ancestors to members of her race.



A small part of the Shelbyville cemetery. To the immediate left of the picture is the highway as it dips sharply to cross the Tenaha bridge—now a smaller iron one.

Aunt Mary's will provided for headstones to be placed at the four graves in the family plot, and for the grave of Leey's first husband in a Marshall cemetery. Apparently some indifferent workman got the inscriptions mixed, as Grandfather Roberts' tomb lists the year of his death as 1856 which should have been on the headstone of his son-in-law in Marshall. Pension records and statements of grandchildren show his death to have occurred in 1889.

Aunt Mary's furniture was divided among her relatives. Some of it, said to have been brought by her parents from Tennessee, was beautiful. Grandpa Miller inherited a walnut bureau with a marble top, and a single bed we called the lounge matched the bureau. It was a sad day in our family when the old home burned about 1912, and we lost so many old family keepsakes. There was said to have been a picture of Moses Roberts in the old album, and no other picture of him can be found.

Aunt Mary's stove was given to Aunt Cynthia Wilburn who still preferred to cook on a fireplace. Reluctantly our elderly aunt decided to use the new contraption and was baking some sweet potatoes. She decided to hurry the process by steaming them as she did on the fireplace. When she dashed a little water on the hot oven the stove popped right in two!



18, State of Mary C. Roberts to J. B. Sawyer per
 To Drafting & filing papers \$ 25.
 " drawing 4 notices to be posted 75.
 " Recording Application, Will or 250

Part of the will of Mary Roberts

Great-great-grandfather Todd and other members of his family were buried on his plantation three miles from Shelbyville. After the home was sold years later the family scattered. The graves became covered with underbrush. In recent years the land was re-settled by colored families. The leveled-down graves are now in the front yard of a little home that belonged to the late Mrs. Ada McLelland who died in 1968 in her nineties. She always said she wasn't bothered by the presence of the graves in her front yard — scorning those who believed in ghosts. What did get her "riled up" was any suggestion of small ground level markers at the graves. She was having no tombstones in HER front yard and that was that! Who could blame her?

Great-grandfather David Cannon, though a religious man, became troubled about his baptism while on his death bed. His sons made a long rectangular wooden tub, placed it beside his bed, then filled it with water. A Baptist preacher was called who baptised our Methodist grandparent, who died peacefully soon after.

Center is now a pretty and prosperous town of which even the Shelbyville folks are proud. No rivalry exists between the towns today. The old courthouse is beautiful and unusual. It was built by J. E. Gibson to resemble a castle in his native Ireland.

When steamboats could no longer navigate the Sabine, the old town of East Hamilton ceased to exist. It is hard to realize that a busy town was ever located on this lonely spot, covered by a thick forest and the waters of Toledo Lake. The State of Texas built a handsome rock wall around the historic old cemetery which is on higher ground some distance away. An aura of sadness still seems to hover where so many were buried on that day in 1848 after the poisoning.

Shelbyville is now a small village of shady streets, neat and well kept homes, a handsome new high school, and a new Baptist church. Strangers often stop by to take pictures of the old Methodist church, still beautiful with its stained glass windows. Townspeople were saddened several years ago when the old "peace oak" of Sam Houston days suddenly crashed to the ground, completely decayed inside. Shortly before this the old house was torn down where our grandmothers had danced so gaily with the President.

At the end of Tenaha Bridge is a small bronze marker, placed in remembrance of the men who died there in the Regulator - Moderator Feud.

Old Boles Field, dear to the heart of Grandfather Roberts, over the years has become famous all over the nation as the gathering place for fox hunters. Every year in October a holiday spirit prevails in Shelby County as hunters, many of them from great distances, drive in with every form of conveyance imaginable, loaded with excited hounds eager for the chase. Each hunter cherishes the hope that HIS dogs will win one of the prized trophies.

Over the horizon a new day has dawned for 'No Man's Land' as all East Texas has become a land of lakes and a recreation area. Land is selling at prices never dreamed of in the back country. Landmarks have disappeared as new highways sweep through the green hills. Water from Toledo Lake covers lowland roads where Sheriff Roberts rode boldly in his search for law breakers.

My pride in this progress is great, tempered by a slight nostalgia for another era, for ancestors I never knew, for the days of Dog Roberts that are gone!

NOTES

¹Family papers in the possession of the author. Unless otherwise stated, it is understood that the information used in this account of the Roberts and allied families is from the same source. See also William Bruce Turner, *History of Maury County, Tennessee*, (Nashville, 1955), pp. 281-283.

²Edwards had tried to establish a colony ten years earlier. See Webb and Carroll, eds., *The Handbook of Texas* (Austin, 1952), Vol. I, p. 643. When Roberts came to Texas the important empresarios were Austin, DeWitt, De Leon, Vehlein, Burnet, and Zavala, and S. C. Robertson, who was related to Roberts.

³The Jasper Volunteers met at Jasper on March 23, 1836, and elected officers. According to the muster roll, on file in the Texas State Archives, James Cheshire (also spelled Chessher) was elected captain, Andrew F. Smyth, first lieutenant, and Roberts, second lieutenant. A copy is on file in the office of the County Clerk, Jasper, Texas.

⁴*Handbook of Texas*, II, 484.

⁵Harriet Smither, ed., "The Diary of Adolphus Sterne," *Southwestern Historical Quarterly*, XXXIII, (July, 1929), p. 76. The bondsman was Elijah Sterling Clark Robertson, a son of the empresario and indeed a kinsman. See *Handbook*, II, 486.

⁶J. B. Sanders, *1850 Census of Shelby County, Texas* (Center, 1963), p. 56, Family No. 266.

⁷The exact number is uncertain. This figure may be a little high.

⁸*Handbook of Texas*, II, 458. Traffic in fraudulent land certificates was the work of unscrupulous individuals. The governments of Mexico and the Republic of Texas had nothing to do with the scandalous business but made every effort to stop it.

⁹*Ibid.*, II, 270-271. Actually the Neutral Ground came to an end in 1821 with the signing of the Adams-Onís Treaty. The United States acquired ownership of the disputed strip, but the name and some of the rascally residents lingered on.

¹⁰*Ibid.*, I, 708 and 765. Also see Levi H. Ashcroft, unpublished MS., "A History of the War of the Regulators and Moderators, 1838-1848." Dr. Ashcroft was an eye witness to many of the events of this war. In the typescript copy made by W. A. Woldert in 1925, the murder of Goodbread is described in Chapter Six, pp. 37-41. A copy of this MS. is also in the University of Texas Archives, Austin.

¹¹According to Ashcroft, the judge in whose court Jackson was cleared, was Thomas Johnson and the sheriff George, the same man involved in the original difficulty. Johnson tried the case after Hansford refused.

¹²*Handbook of Texas*, I, 204.

¹³This incident may be confused with the burning of three, not one, Moderator homes. These men, friends of Goodbread, were later murdered by the Regulators. The tragedy of the fire is described by Ashcroft in Chapter Six, pp. 42-44.

¹⁴See T. A. Wilson, *Some Early Southeast Texas Families*, (Houston, 1965), pp. 92-93 and George L. Crocket, *Two Centuries in East Texas*, a facsimile of the 1932 edition, (Dallas, 1962), pp. 277-281.

¹⁵*Handbook of Texas*, I, 639.

¹⁶*Ibid.*, II, 236.

¹⁷*Ibid.*, I, 901, and II, 232 for sketches of Jackson and Moorman.

¹⁸See 12n above. See also the Ashcroft MS., pp. 87-100.

¹⁹Asheroft gives the number killed in the worst battle as fifteen. At this time no Moderators were killed but six were wounded, all of whom recovered. A head count of those identified as killed in the feud is less than fifty.

²⁰Crawford was a signer of the Texas Declaration of Independence. See *Handbook*, I, 433. President Houston's proclamation commanding "all citizens engaged in hostilities to lay down their arms . . ." was delivered to the Moderator commander August 15, 1844. After the militia arrived leaders on both sides were arrested. Militiamen remained until December, 1844, under command of Captain L. H. Mabbitt. See Asheroft, pp. 140 et seq.

²¹See Asheroft, pp. 149-151 and Crocket, p. 201. Both authorities say Alfred Truitt was not wounded. Three years after peace was established, feeling was still so strong that in the Mexican War only Moderators enlisted in Captain James Truitt's company and only Regulators in Captain M. T. Johnson's company. See *Handbook*, II, 805 and I, 916-917.

²²Later known as East Hamilton. A descendant of Robert (B) Sanders, Mr. J. B. Sanders of Center, Texas, confirms the facts. The wife of one of the Sanders brothers and several children died in a total of forty persons.

²³The Asheroft version is somewhat different: ". . . Samuel Todd had formerly, when quite a young man, been clerk of the county court. While occupying that position he had been induced by G. V. Lusk, the chief justice of the county, to engage in the fraudulent issuance of spurious land certificates. He was a man of considerable talent, afterward studied medicine, and removed to Arkansas where he died."

²⁴See 6n above.

²⁵Since he arrived in Texas before Independence, Roberts was eligible for a grant of a league and labor of land as head of a family. It was this and not the bounty grant that was involved. The bounty grant is in Karnes County. See Thomas Lloyed Miller, *Bounty and Donation Grants of Texas* (Austin & London, 1967), p. 558. The league was acquired before the death of his first wife and thus was community property, Texas having observed this law from the time of the Spanish Empire. See Cause No. 133, District Court Records, Clay County, Texas.

²⁶Roberts was a private in Company C, First Texas Legion, also known as Whitfield's Legion and the 27th Texas Cavalry, Ross's Brigade. A copy of his record does not give the date of his discharge, stating only that he enlisted October 10, 1861, and that his name appeared on the company muster roll for "Nov. & Dec., 1862." Under Remarks is: "Discharged by reason of being over age of Conscription." At this time Roberts was fifty-nine, and his regiment had participated in the battles of Pea Ridge, Arkansas; Iuka and Corinth, Mississippi; and probably Shiloh, Tennessee. After Pea Ridge they were dismounted and sent to Mississippi.

²⁷Certificate No. 150 for this amount annually was issued at Austin, December 19, 1870, by A. Bledsoe, Comptroller of Public Accounts.

²⁸*Handbook of Texas*, II, 359.

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