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THE ELUSIVE EAST TEXAS BORDER

by

Thomas F. Ruffin

During its short life, the Republic of Texas was plagued with boundary problems with Mexico and also with the United States. One of the most troublesome spots was the north-south line that ran – or to be more accurate, supposedly ran – between the Red and Sabine Rivers in East Texas. In 1838, the Texas Secretary of State complained:

The country through which the line will pass is now rapidly settling by an active and enterprising population, whose condition is rendered unpleasant and embarrassing (sic) by the uncertainty which exists in regard to the true boundary. While such a state of things continues this Government cannot enforce its revenue laws, neither can it make suitable preparations for the defence of that frontier...¹

Confusion prevailed. Settlers, and even entire communities, had no way of determining whether they were in the United States or in the Republic of Texas. Red River County, Texas was caught in the turmoil, exercising jurisdiction over territory claimed by Miller County, Arkansas and Caddo Parish, Louisiana.

Only a joint survey of the boundary line by the two nations would resolve the many problems, but such was not forthcoming until 1841. In the meantime, the United States, on its own, surveyed the frontier extensively, claiming the area as American soil. But this only served to complicate matters. Many of those living on the surveyed lands continued to owe their allegiance to Texas, and one resident became a member of the Texas Congress.

Tempers flared occasionally, but only one military encounter developed. In November, 1838, the Texas Militia, under Major General Thomas J. Rusk, crossed the border into Caddo Parish while pursuing a band of Indians. Briefly "occupying" Shreveport, the Texans almost precipitated a break in relations between the two nations.²

When the 1841 joint survey finally settled the boundary dispute, the Republic of Texas was the clear winner. Caddo Parish, Louisiana gave up over 450 square miles while Arkansas lost an entire county.

The boundary difficulties were not a recent development. Going back to the 1700's there had never been a clearly defined line separating Spanish Texas and French Louisiana. Later, when Texas and Louisiana were both under Spanish control, no boundary was necessary. When Louisiana reacquired Louisiana, it was to "the same extent that it now has in the hands of Spain, and that it had when France possessed it..."³ The line was just as vague in 1803, when the United States purchased Louisiana.⁴

In 1804, the Louisiana Purchase was divided into two regions. That part north of the thirty-third parallel (which approximates the present Louisiana-Arkansas state line) became the Louisiana District; that part to the south, the Orleans Territory. The latter was "to extend west to the western boundary of said cession..." a description which

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provided little clarification.⁵ Hostilities appeared imminent along the border in 1806, but were averted when General James B. Wilkinson, the ranking officer in the American Army, and Lieutenant Colonel Simon De Herrera, in the service of the Spanish king, agreed on a "neutral zone" between the Rio (or Arroyo) Hondo – a short, non-descript stream near Natchitoches – and the Sabine River.⁶

The boundary question remained far from solution when the Orleans Territory became the State of Louisiana in 1812. Nevertheless, the new state proceeded to describe its western boundary as running along the *Middle* of the Sabine River "to the thirty-second degree of north latitude – thence due north..."⁷ Although two Congressional Acts – the Enabling Act⁸ and the Act of Admission⁹ – acknowledged these same western limits, the United States continued to observe the neutral zone.

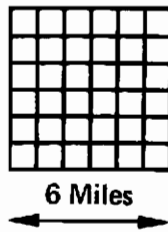
It was not until 1819 that Spain and the United States signed a treaty establishing the boundary. The line was to run along the *Western* bank of the Sabine River "to the 32d degree of latitude; thence, by a line due north to the degree of latitude where it strikes the Rio Roxo, of Natchitoches, or *Red River*..."¹⁰ As this new line was to run due north from the point where the thirty-second parallel hit the western bank rather than where it hit the middle of the Sabine River, it was relocated a few feet west of the boundary line originally claimed by the state of Louisiana. Moving an unmarked line, however, had little effect. Although the two nations had reached an agreement relative to this stretch of international boundary, a joint Spanish-American survey would be required to mark the actual line. A seemingly easy task, it was still not forthcoming.

The United States finally ratified the Treaty in 1821. The following year, the Americans established an army outpost, Cantonment Jesup, in the old neutral zone and began issuing land grants to settlers in the area. Before any steps could be taken toward marking the boundary line, however, the Mexicans had overthrown the Spaniards, setting up a republic of their own. This necessitated new negotiations and a new treaty. In 1828, the Mexican-American treaty was signed, recognizing the boundary of 1819, but once again, ratification of the treaty was delayed, this time until 1832.¹¹ Before Mexico and the United States got around to surveying the line, the Americans acquired a new neighbor to the west – the Republic of Texas. Once more it was back to the negotiating table.

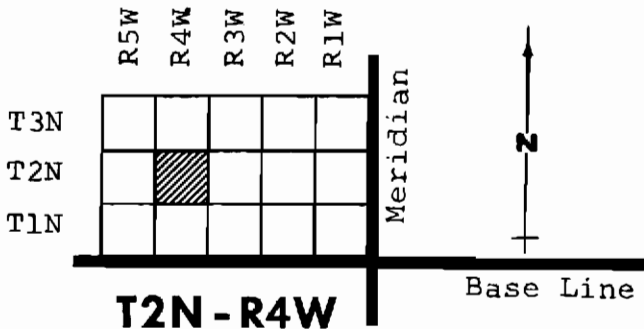
In 1838, the United States and Texas held a Boundary Convention. The border established previously by Spain and the United States was again recognized. More important, however, definite steps were taken to survey the line.¹² By early 1840, the resulting Joint Commission had reached the mouth of the Sabine to begin its work. Their efforts were hampered by Martin Van Buren's contention that the "Sabine River" referred to in the treaties was, in reality, the Neches River that likewise flowed into Sabine Lake. Once this and other differences were reconciled, the Commission proceeded north, surveying the western bank of the Sabine River. Reaching Logan's Ferry (today's Logansport), then in Caddo Parish, later that year, they decided to delay further surveying temporarily because of unfavorable climatic conditions.¹³

Before reviewing the results of this joint survey, it might be well to take a brief look at earlier American attempts to plot the region.

The United States retained title to all vacant lands in the Louisiana Purchase. So that this acreage could be properly identified before being sold or given away, it had to be properly surveyed. A novel and rather simple method was developed by Thomas Hutchins, Geographer to the United States. First used in Ohio in 1785, it has since been used in all public-land states and has been adopted by several foreign countries.¹⁴ His system consisted of laying out square townships, six miles to a side. Wherever possible, the townships were then subdivided into 36 sections, each one mile square and containing 640 acres:



The townships were laid out in grid fashion, beginning at the intersection of an east-west Base Line and a north-south Meridian. The townships would then be identified according to their location; the number of Townships north (or south) of the Base Line; the number of Ranges east (or west) of the Meridian. Thus, the shaded township below would be referred to as Township 2 North, Range 4 West – or more simply, T2N, R4W:



By 1807, the United States Government had extended the existing St. Stephens Base Line along the thirty-first parallel. At the same time, the Louisiana Meridian was laid out, intersecting the Base Line about 18 miles south of Alexandria. It was from this point that the surveying of townships began in the Territory of Orleans.¹⁵

Surveying progressed rapidly in the southern part of the Territory, even before Louisiana attained statehood in 1812. Very little could take place in the northwestern section until after the Treaty of 1819 had been ratified in 1821. Before that time, the United States had no true idea of their western limits. Afterwards, the surveyors knew exactly how far west they could go – at least, south of the thirty-second parallel, where the Sabine River served as the border. All of the old neutral zone ended up as American soil. By November 1824, the Register and Receiver of the United States Land Office in Opelousas was able to report to the Secretary of the Treasury on some 280 claims. These were filed by settlers “in the late neutral territory” and were based on “habitation, occupancy, and cultivation on and previous to the 22nd of February, 1819.”¹⁶ All except 69 of the claims were recommended for approval, most for 640 acres.¹⁷ In order that these grants could be readily identified, much of the area between the Rio Hondo and the Sabine River was surveyed by 1830.¹⁸

The extreme northwestern corner of Louisiana still faced other difficulties. North of the thirty-second parallel, the border no longer followed the Sabine. Rather, it followed a line that had yet to be drawn. In addition, this section was

the private domain of the Caddo Indians. As such, it was not occupied by whites. All of this changed in 1835 when the Caddoes conveyed their lands¹⁹ to the United States. As for the vague western boundary, it was described in the treaty as "the north and south line which separates the United States from Mexico, wheresoever the same shall be defined and acknowledged by the two governments."²⁰

The Caddo's old lands were very desirable. With the removable of the Great Raft on Red River, the area also became quite accessible. By 1837, the Shreve Town Company began selling town lots in the new community of Shreveport. The following year, sufficient people had moved into the region to justify the creation of a new parish, Caddo. Caddo Parish's western limits were to pursue "the boundary line of the United States and Louisiana - and to acquire the accompanying problems.

The settlers continued to arrive and so did the surveyors, who were soon subdividing Caddo Parish into townships and sections. However, they were faced with an immediate problem. With an unmarked boundary line, they had to decide how far west to go. It was soon resolved that the United States would survey to the western line of Range 17 West.

Between January, 1837, and January, 1838, H.T. Williams, the federal government's Surveyor General of Louisiana, signed contracts calling for surveys of all townships in the two westernmost ranges, 16 West and 17 West. By the end of 1839, all work on both township and section lines had been completed.²² The United States assumed jurisdiction over the area, if only by implication, as did Louisiana and Caddo Parish. Just how effective such control may have been remains doubtful. There were many settlers who felt that they lived in Texas no matter where the Americans placed the line. Among these was the outspoken Colonel Robert Potter, whose home on Potter's Point was located in Township 20 North, Range 17 West²³ - at least, according to the United States survey teams. Undaunted, he ran for, and was elected to, the Congress of the Republic of Texas.²⁴

There were other settlers, it might be added, who took full advantage of the vague boundary by showing no loyalty to either country.

Although a number of colonists lived along the frontier, the surveyors indicated only a handful of cultivated fields in Ranges 16 and 17 West. On what would later become Texas soil, they noted a mere dozen or so, identifying most of them.²⁵ In contrast, they found five Indian villages in the two ranges. One was south of Greenwood;²⁶ two, just north of today's Waskom, and two more near Potter's Point.²⁷ Although Texas was plagued with Indian trouble, the close proximity of the red man had little effect on life along the border.

The surveyors resolved the fate of one community, Port Caddo. Shown on some earlier maps as being in Louisiana,²⁸ it ended up just west of Range 17 west and thus beyond the limits of the American survey. The future of Greenwood in Range 16 West, however, remained hazy. Passing through the latter community in late 1840, traveller Adolphus Sterne recorded in his diary: "the place is in a Languid state, in consequence of the belief that the place will be in the Limits of Texas, in fact all inhabitants are *fearfull* they will be in Texas after the line is run..."²⁹ Another village that later cropped up in the surveyed area was Smithland.³⁰

Whatever the Americans hoped to gain from a unilateral survey of the Louisiana-Texas frontier, they failed to accomplish it. Confusion spread as more and more settlers arrived in the area. It became increasingly urgent to establish the border line by a bilateral survey, thereby removing all doubts as to its true location. Meanwhile, in Arkansas, federal surveyors were running into similar

problems along the frontier.

Arkansas was part of the original Louisiana District, which was renamed the Louisiana Territory, and later, the Missouri Territory. Then, in 1819, an area approximating the present states of Oklahoma (minus the panhandle) and Arkansas became the Arkansas (sic) Territory. With cessions to the Indians, Congress kept moving Arkansas' western boundary eastward until it reached its current location in 1828. Except for a minor adjustment near Fort Smith several years later, the line North of the Red River had been resolved.³¹ South of the river, however, the story was different. Although the boundary description had been spelled out by Congress in 1828,³² the line's exact location still remained locally in doubt when Arkansas attained statehood in 1836.³³

This created many problems for Texans, particularly those living in Red River County in the northeastern corner of the Republic. The county would soon encounter difficulties with Louisiana because of the poorly defined border, but this proved to be minor in comparison with its troubles with Arkansas. The Texas Congress, when creating Red River county in 1837, used this description:

Beginning at the mouth of the Bois d'Arc, running up that stream to Carter Cliffs, crossing thence south to a point west to the head of Bid (Big) Cypress, east to its head, down that to Sodo Lake, thence east to the line of the United States, with that line to Red River, up that to the beginning.³⁴

The conflict was with old Miller County, a fascinating carry-over from the Territory to the State of Arkansas.³⁵ Originally covering much of today's southern Oklahoma, the county had to move as its lands were ceded to the Choctaws. Thus, during the mid-twenties, Miller County reluctantly relocated south of the Red River, claiming this area:

Beginning at the south bank of the Red River, at a point due south of mouth of the Cositot; thence due south to the thirty-third degree of north latitude; thence due west with the thirty-third degree of north latitude to a point south of the Faux-ouachita (the False Ouachita, or Washita, in today's Oklahoma), thence to Red River; thence down and with said river to the place of beginning.³⁶

Not only did Red River County, Texas and Miller County, Arkansas overlap, they virtually claimed the same territory. Even their county seats, Clarksville and Jonesborough, were a mere 25 miles apart. Neighbors, and even friends and relatives, had divided loyalties. The resulting situation was quite chaotic.³⁷

Although the State of Arkansas may have envisioned a western empire, the United States surveyors failed to share their enthusiasm. They never got around to surveying Miller County.

Federal surveying in Arkansas began in 1815 when the Fifth Principal Meridian and Base Line were established, intersecting about 25 miles west of Helena. It was from this point that much of what was then the Missouri Territory was surveyed.³⁸ In southern Arkansas, the surveyors reached the Red River in the mid 1820's, but were reluctant to cross it - and did not do so until years later.³⁹ In fact, it was not until 1840 that David Fultin, the federal government's Surveyor of Public Lands in Arkansas, reported to the Commissioner General of the U.S. Land Office that he "had sent out three efficient surveyors, one of whom has taken a contract

to survey exteriors (i.e., the township lines as opposed to the section lines) south of the Red River. . . The Survey of *ten townships* there, will. . . be completed during the winter."⁴⁰

Along with his report, Fulton included a map showing the progress of surveys in Arkansas up to that time. The region southwest of Red River, devoid of any surveying activity, was designated "Disputed Territory." He drew a line, however, south along the range line between Ranges 30 and 31 West, labeling it the "Supposed line between the United States and Texas"⁴¹ - Which was a long way east of Jonesborough and the center of Miller County activity. By design or coincidence, his line struck the thirty-third parallel about five miles west of the western limits assumed by the federal surveyors in Louisiana.⁴²

The approach of the surveyors in the two states was quite different. In Louisiana, they expressed little doubt as to the probable location of the boundary and quickly surveyed to that point, completing their work by 1839. In contrast, their counterparts in Arkansas moved quite cautiously, never surveying as far west as the Louisiana surveyors. As it developed, the Arkansas surveyors did not even begin work in Range 28 West until late 1840. By early 1841, they substantially completed their work in three townships - 14, 15 and 16 South - in that Range as well as a small portion of Township 14 South, Range 29 West that ended up in a bend of the river.⁴³ As events would prove later that year, the Arkansas surveyors had barely reached the border.

It was mid-February, 1841, when the members of the Joint Commission returned to their encampment near Logan's Ferry. The Texans were headed by their commissioner, Memucan Hunt; the Americans by their commissioner, John H. Overton. High water and other difficulties hampered the party considerably. In fact, two months elapsed before they were able to pin-point the exact spot at which the thirty-second parallel crossed the Western bank of the Sabine River. Even then, they were unable to mark the location. So, on April 23, the party erected a granite marker on the boundary meridian two miles, 1988.5 feet north of the parallel.⁴⁴ From there, the group moved northward, covering one, two, and sometimes more miles per day. At each mile, they built a dirt mound five feet high.⁴⁵

Crossing section lines marked off earlier by the federal surveyors, the Joint Commission readily realized that they were east of the western limits of the United States survey. Near the fifth mound, they found out just how far. Their "boundary line (was) 3,763 feet east of the range line dividing the 16 and 17th ranges" - or about 6- $\frac{3}{4}$ miles east of the western line of Range 17 West.⁴⁶ In other words, one entire range (17 West) plus a small slice of another (16 West) had been incorrectly assumed to be a part of the United States. On subsequent checks south of Caddo Lake, the distances varied somewhat, but always exceeded 6- $\frac{1}{2}$ miles.⁴⁷ North of the lake, the range lines are one mile further to the west. Hence the boundary line between the lake and the thirty-third parallel was about 1 $\frac{1}{2}$ miles east of the range line between Ranges 16 and 17 West - and about 7 $\frac{1}{2}$ miles east of the point to which the United States had originally surveyed in 1837-39.⁴⁸

For the first time settlers knew on which side of the line they lived. Some found themselves in Louisiana. Others, such as Robert Potter, found that they were indeed Texans. And Potter could continue serving in the Texas Congress until his untimely death (in the Regulators-Moderators War) the following year.⁴⁹ Smithland discovered that it was in Texas; Greenwood, in Louisiana. Caddo Parish - and at the same time, Louisiana and the United States - lost a strip 70 miles long and from 6 $\frac{1}{2}$ to 7 $\frac{1}{2}$ miles wide to the Republic of Texas.

Paradoxically, as one boundary dispute was settled, another was created. On June 5, 1841, the Joint Commission marked the location of the thirty-third parallel

- 1,692 feet north of the 69th mound - and erected a marker there.⁵⁰ Unfortunately this parallel, which separated Arkansas from Louisiana, had previously been placed about 3,205 feet further north - or just south of where the 70th mound was erected.⁵¹ This new border problem was not resolved until 1895, when the western six miles of the Arkansas-Louisiana border was surveyed along the original line.⁵²

Proceeding north into Arkansas, the Joint Commission was hit by illness - but they continued to push through "an almost unpenetratable undergrowth of young oaks and hickory." The group found that the first few miles had not yet been covered by the United States surveyors. It was not until they reached the 90th mound that the party encountered the first township line of the Arkansas survey - the south line of Township 16 South, Range 28 West. Their new boundary was only 1,984 feet east of the range line that served as the western limits of the Arkansas survey southwest of Red River.⁵³ This was, however, about 12½ miles east of the unmarked "Supposed line between the United States and Texas" that appeared in David Fulton's 1840 map.

Arkansas townships were laid out at a slight angle from true north. Thus the range line and the new boundary line closed in on each other as they stretched northward. By the time the two lines reached the Red River, they were a mere 162 feet apart.⁵⁴ In contrast to the large amount of surveyed lands lost in Louisiana, Arkansas (and Lafayette County) lost very little - just a narrow strip 18 miles long with an average width of about 1,073 feet. Worse though, no part of Miller County ended up within the State of Arkansas. The entire county found itself within the boundaries of Texas. In 1844, it was attached administratively to Red River County, Texas.⁵⁵ And old Miller County's short, illustrious history came to an abrupt end.⁵⁶

As to the effects on the colonists in the area, United States Commissioner John H. Overton made these observations in his report to the Secretary of State, Daniel Webster:

As defined and marked, it leaves the western bank of the Sabine River, according to the first measurement I was enabled to have made in connection with the survey of public lands in the State of Louisiana, north of the 32nd parallel, 3,763 feet east of the line dividing ranges 16 and 17, at lake Soda, or Ferry Lake, 46 miles north, 2,840 feet east, and at its termination on the Red River, 162 feet east of the dividing line between ranges 28 and 29 of the United States survey in the State of Arkansas.

Although about half of the western range of sections in the 16th range of townships, and the entire seventeenth range of townships in the State of Louisiana, have fallen, by the determination of the boundary, within the limits of the republic of Texas, yet the interests of the settler, with a few exceptions, have not been prejudiced. The fostering policy of the neighboring Government had, in anticipation of such a result, liberly provided for, by donations of land to the actual settler and cultivator. The exceptions alluded to are not numerous. They are those claiming under purchase from the United States, whose improvements have been severed by the course of the line, thereby rendering measurably valueless the portion left them. The reimbursement of the purchase money, as in ordinary cases, would not, I am

induced to believe, indemnify them for the loss they have sustained, and I therefore, *at their earnest solicitation*, beg leave, through your Department, to present to the President the consideration of their cases.

The limits of the State of Arkansas, between the 33rd degree of latitude and the Red River, had no other determinate bounds, I believe; than those recognised and temporarily secured by the provisions of the convention; and her jurisdiction west of the established boundry, like that of Louisiana over the 17th range of townships, had been recent, and generally considered of doubtful title. Hence, the inhabitants, along the whole extent of this frontier, evidenced neither disappointment nor dissatisfaction in the change of relations produced by the settlement of the limits. As a neighboring class of population, identical in language, manners, and institutions, and more than ordinarily distinguished for intelligence, enterprise, and industry, they will more than counterbalance for any loss of territory, in the mutual protection and safety they will assuredly afford to those frontiers, by the conynuous cultivation of those friendly relations which have heretofore existed.⁵⁷

After Texas joined the Union in 1845, the new line no longer remained an international boundary. During the years that followed, the line has served as the border between Texas on the west and Arkansas and Louisiana on the east - as sister states in both the United States and the Confederacy. The line's location remains unchanged, although there has been at least one attempt to tamper with it. In 1941, Bascom Giles, Commissioner of the General Land Office of Texas, suggested that the line might be moved 150 feet to the east.⁵⁸ But so far, no serious steps have been taken toward accomplishing this end.⁵⁹

Texas almost became a public-land state with the federal government's holding title to all public land.⁶⁰ Had this been done, Texas would have utilized the same "township and range" surveying system used by Louisiana, Arkansas, and other western states. As it developed, Texas was permitted to retain all public lands within its borders.⁶¹ Over the years, millions of these acres were granted to Texas war veterans, immigrants, and others. Once a warrant was issued by the government, the holder would select his allotted acreage from any vacant, unappropriated lands.⁶² By necessity, many of the resulting grants were odd-shaped,

Many grants were for 640 acres,⁶³ the number of acres included in a section surveyed by the United States government. When Texas was able to claim additional land along the Louisiana border in 1841, it had already been laid out in townships and sections by the Americans. If there was ever a tailor-made situation, this was it: unappropriated public land already marked off with the exact number of acres, just waiting to be selected by a claimant.

Many took advantage of these circumstances, particularly in Harrison County. Here a large number of 640 acre grants were made of the same dimensions and in the same location as the sections previously surveyed by the Americans.⁶⁴ There are still further instances of different size grants, where one or more sides utilized the old section lines.⁶⁵ Even Robert Potter, in his will and in an 1842 deed, found it expedient to use descriptions based on the United States survey.⁶⁶

Rather than having one uniform survey prepared by government surveyors, East Texas relied on many independent surveyors whose work had to be pieced

together like a jigsaw puzzle. One notable exception to this patch-work quilt effect is in this area acquired from Louisiana.⁶⁷ Here, based on the earlier American surveys, the north-south and east-west property lines still prevail.

NOTES

¹Letter from Dr Robert A. Irion to Hon. Alcee LaBranch, Charge d'Affaires of the U.S., February 13, 1838. George Pierce Garrison (ed.), *Diplomatic Correspondence of the Republic of Texas*, in *Annual Report of the American Historical Association for the Year 1907*, (2 Vols., Washington, D.C., 1908), II, Part I, 291-296.

²Thomas F. Ruffin, "Invasion of Caddo Parish by General Thomas Jefferson Rusk's Republic of Texas Army, 1838," *North Louisiana Historical Association Journal*, II (Spring 1971), 71-83.

³Treaty of San Ildefonso, signed October 1, 1800, quoted from Louisiana Purchase Treaty, 8 *U.S. Statutes at Large*, 200.

⁴Treaty between the United States of America and the French Republic (often referred to as the Louisiana Purchase Treaty); signed April 30, 1803, proclaimed October 21, 1803, 8 *Stat.* 200.

52 *Stat.* 283; Proclaimed March 26, 1804.

⁶"The Neutral Ground Agreement" in Ernest Wallace and David M. Vigness (eds.), *Documents of Texas History* (Austin, Texas, 1963), 37-38.

⁷Preamble to *The Constitution of the State of Louisiana*, 1812.

82 *Stat.* 641; proclaimed February 20, 1811.

⁹2 *Stat.* 701; proclaimed April 8, 1812. Limits of the state were enlarged a few days later with the addition of the "Florida Parishes," but this did not affect Louisiana's western border.

¹⁰Treaty of Amity, Settlement, and Limits, between the United States of America and His Catholic Majesty (often referred to as the Treaty of 1819 or the Adams-Onis Treaty), signed February 22, 1819, proclaimed February 19, 1821; 8 *Stat.* 252.

¹¹Treaty of Limits between the United States and the Republic of Texas signed January 12, 1828, proclaimed April 5, 1832; 8 *Stat.* 372.

¹²Boundary Convention between the United States and the Republic of Texas; signed April 5, 1832, proclaimed October 13, 1838; 8 *Stat.* 511.

¹³Thomas Maitland Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841* (Berkeley, Calif., 1914), 225-238.

¹⁴Hilde Heun Kagan, et al (eds.), *The American Heritage Pictorial Atlas of the United States* (New York, 1966) 126. Franklin K. Van Zandt, *Boundaries of the United States and the Several States*, Geological Survey Bulletin 1212 (Washington, D.C., 1966), 129.

¹⁵At least west of the Mississippi River. The same Base Line, but another

(the St. Helena Meridian) was used for the Orleans Territory east of the river.

¹⁶Quoted from print affidavit forms used for filing "Rio Hondo" claims. Originals on file at the Louisiana State Land Office, Baton Rouge, La. February 22, 1819 represents the date that the treaty of 1819 was signed.

¹⁷U.S., 19th Congress, 1st Session, House Document 50.

¹⁸U.S. Government Township Plats for townships in Sabine, Natchitoches, and De Soto parishes; originals on file at Louisiana State Land Office.

¹⁹The Caddo lands approximated present-day Miller County, Ark. and Caddo Parish, La.

²⁰Caddo Indian Treaty; signed May 30, 1835, proclaimed January 26, 1836; U.S. 27th Congress, 2d Session, House Rep. No. 1035, 73-78.

²¹Act No. 67 of 1838: "to create and establish the parish of Cado (sic) and for other purposes," approved January 18, 1838, *Louisiana Legislative Acts, 1838*, 11-13.

²²U.S. Government Township Plat, townships in Ranges 16 and 17 West (La. Mer.). Originals on file at Louisiana State Library; photostats on file at Texas State Library, Austin, Texas. T12N, R17W was surveyed, but never plated.

²³U.S. Government Township Plat, T20N, R17W (La. Mer.). Original on file at Louisiana State Land Office.

²⁴For an account of Robert Potter, his wife and family, see the historical novel by Edith Hamilton Kirkland, *Life Is a Wild Assault* (New York, 1959). Potter, it might be added, had previously served as Secretary of the Navy for Texas and had been instrumental in the preparation of both the Texas Declaration of Independence and the Texas Constitution. Also see: *The History of Harriet A. Ames during the Early Days of Texas. Written by Herself at the Age of Eighty-Three*. Gencalogy Collection, Shreve Memorial Library, Shreveport, Louisiana.

²⁵In addition to Col. Potter, the surveyors mentioned Moore, Davis, Johnson, (Amos) Johnson, (Thomas S.) Wilson, (Vashti) Gibbs, Warmack, and Shad Owen (undoubtedly James Shandoin). U.S. Government Township Plats, townships in Range 17 West (La. Mar.); originals on file at Louisiana State Land Office. Probable first names from Texas General Land Office *Map of Harrison County*, *Map of Panola County*, and *Map of the Marion County*; originals on file at the Texas General Land Office, Austin, Texas.

²⁶U.S. Government Township Plat, T16N, R16W (La. Mer.); original on file at Louisiana State Land Office.

²⁷U.S. Government Township Plats, T17N, R17W; T20N, R20W, and T21N, R17W (La. Mer.); originals on file at Louisiana State Land Office. Kirkland, *Life Is a Wild Assault* described relations with nearby Indians.

28 One such map was the "Map of Texas compiled from surveys recorded in the Land Office of the Republic of Texas and other official surveys," by John Arrowsmith (London, England, 1841); original at Texas State Library, file No. 438.

29 Harriet Smith (ed.) "Diary of Adophus Sterne" in *Southwestern Historical Quarterly*, XXXI (July 1927), 76-77.

30 Another traveller visiting the frontier was Josiah Gregg in 1841. He found Smithland "unhealthy," but Greenwood "Healthful." Maurice Garland Fultin (ed.), Josiah Gregg, *Diary & Letters of Josiah Gregg*, (2 Vols; Norman, Okla., 1941), I, 87,118.

31 Van Zandt, *Boundaries of the United States and the Several States*, 191-194.

32 . . . running due west on that (33rd) parallel of latitude, to where a line running due north from latitude thirty-two degrees north, on the Sabine River, will intersect with the same. . ." 4 *Stat.* 276.

33 The enabling act for Arkansas statehood, proclaimed June 15, 1836, described the line in this area as "bounded on the south side of Red River by the Mexican boundary line to the northwest corner of the State of Louisiana 5 *Stat.* 50.

34 "An act to define the boundaries of the county of Red River," approved December 18, 1837; H. P. N. Gammel, *The Laws of Texas, 1822-1897* (Austin, Texas, 1898), II, 89-90. The description "Sado Lake" was often used interchangeably with "Caddo Lake" or "Ferry Lake," and undoubtedly was in this instance. Sodo Lake was entirely within the boundaries of Louisiana, while Caddo, or Ferry, Lake straddled the border line.

36 Miller County, Arkansas Territory was created April 1, 1820 from Hempstead County; Dallas T. Herndon (ed.), *Annals of Arkansas*, (Hopkinsville, Ky., 1947), 699. Old Miller County should not be confused with the present Miller County, which was not established until many years later.

37 The history of old Miller County is a fascinating one, but too long to be adequately covered here. See John Hugh Reynolds, "The Western Boundary of Arkansas" in *Arkansas Historical Association Publications* II (1908), 211-236; Rex W. Strickland, "Miller County, Arkansas Territory: The Frontier That Men Forgot" in *Chronicles of Oklahoma*, XVIII (March 1940), 12-14, and (June 1940), 154-170; XIX (March 1941) 37-54; and Tom Ruffin, "Lost County of the Ark-La-Tex" in *Shreveport Magazine*, XXV (September 1970), 22 ff.

38 A Marker near the site indicates that it was the point "from which the lands of the Louisiana Purchase were surveyed." Much of the Purchase - four complete states and parts of two others - were surveyed from the 5th Principal Meridian and this Base Line. The balance of the Louisiana Purchase, including the State of Louisiana, used other Meridians and Base Lines.

39 T20S, R26W (5th Pr. Mer.) east of Red River was surveyed in 1823; that part of the township west of the river was not surveyed until 1841. *U.S. Government Township Plat*, T20S, R26W (5th Pr. Mer.); original on file at the Arkansas Land Office, Little Rock, Arkansas.

⁴⁰U.S., *26th Congress 2d Session, Senate Document 61*, 110.

⁴¹*Ibid.*, map opposite p. 112.

⁴²The Fifth Principal Meridian was established independently of the Louisiana Meridian. Thus the Arkansas and Louisiana Range numbers do not correspond. For example, R26W in Arkansas almost aligns itself with R14W in Louisiana.

⁴³U.S. *Government Township Plats, T14S, R28W & R29W; T15S; R28W; and T16S, R28W (5th Pr Mer.)*; original on file at Arkansas Land Office.

⁴⁴"Journal of the Joint Commission" in U.S., *27th Congress, 2d Session, House Document 51*, 68-71. The marker was engraved "meridian boundary, established A.D. 1841" on the south side; "U.S." on the east side; and "R.T." on the west side.

⁴⁵"Journal of the Joint Commission," *Ibid.*, 72-73, 72n. The "Journal" also appeared in U.S., *27th Congress, 2d Session, Senate Document 199*, but all quotations and page numbers used here are from the House version. For background, see Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1941*, 225-241.

⁴⁶"Journal of the Joint Commission," 72.

⁴⁷Other measurements taken near the 10th, 20th, 38th, and 45th mounds. *Ibid.*, 73-75.

⁴⁸One mile plus 2,635 feet near the 52nd mound; one mile plus 2,574 feet near the 55th mound; *Ibid.*, 75.

⁴⁹Potter died on March 2, 1842 – on the sixth anniversary of the signing of the Texas Declaration of Independence. He served the area in the fifth and sixth congresses.

⁵⁰"Journal of the joint Commission," 76.

⁵¹U.S. *Government Township Plat, T20S, R28W (5th Pr. Mer.)* shows the original Arkansas-Louisiana boundary line to be 5.80 chains (or 382.8 feet) south of the 70th mound. Original on file at Arkansas Land Office.

⁵²Van Zandt, *Boundaries of the United States and the Several States*, 173. Also see: *Diagram in T23N, R16W (La. Mer.)* dated 9/12/91; *Diagram in T23N, R16W (La. Mer.)* dated 12/31/95; and *Diagram in T23N, R15W (La. Mer.)* dated 12/31/95; originals on file in Louisiana State Land Office.

⁵³"Journal of the Joint Commission," 76-77.

⁵⁴The distance between the range line (the western line of R28W) and the new boundary was 1,150 feet near the 90th mound, 820 feet near the 100th mound; *Ibid.*, 77-78.

⁵⁵Gammel, *The Laws of Texas*, I:83 (Approved February 3, 1844).

⁵⁶In 1874, a new Miller County was created; this time entirely within the boundaries of Arkansas. It covers that part of the state south and west of Red River.

⁵⁷Letter from John J. Overton to Hon. Daniel Webster, Secretary of State of the U.S., August 10, 1841; U.S., *27th Congress, 2d Session, House Document 51*, 59-60.

⁵⁸Letter from Bascom Giles to Hon. Sam Jones, Governor of Louisiana, November 25, 1941; *Reply Brief, Texas vs. Louisiana*, No. 36 Original in the Supreme Court of the United States (October Term 1970), 96-101. The 150 feet represents the distance between a line drawn north from where the thirty-second parallel hits the western bank of the Sabine and a line drawn north from where that parallel hits the center of the river.

⁵⁹The suit recently filed by Texas against Louisiana - No. 36 Original in the Supreme Court of the United States (October Term 1970) - involved only the disputed ownership of the western half of the Sabine River. The land portion of the boundary north of the thirty-second parallel was not included.

⁶⁰A Texas-U.S. treaty, signed April 12, 1844 but rejected by the U.S. Senate, provided in Article IV: "The public lands hereby ceded shall be subject to laws regulating public lands in other territories of the United States. . ."; Wallace and Vigness, *Documents of Texas*, 143-144.

⁶¹The U.S. Senate Resolution authorizing the annexation of Texas (*5 Stat.* 797, proclaimed March 1, 1845) provided that the new state "shall also retain all vacant and unappropriate lands lying within its limits."

⁶²The generally accepted figure for headright, bounty, and donation grants is 36,876,492 acres, but this is far from accurate. Thomas L. Miller, "Texas Bounty Land Grants, 1835-1888" in *Southwestern Historical Quarterly*, LXVI (October 1962), 222.

⁶³John Burlage and J.E. Hollingsworth, *Abstract of Valid Land Claims, Compiled from the Records of the General Land Office and Court of Claims, of the State of Texas* (Austin, Texas, 1859), III-VIII, lists in simplified form the types of certificates issued, and the acreage generally involved.

⁶⁴*Harrison County Survey Record Books*, Clerk of Court's Office, Harrison County Court House, Marshall, Texas. The American surveyors used a chain of 66.00 feet for measurement, 80.00 being required per mile. Early Texas surveyors, on the other hand, relied on a vara of 33-1/3 inches, 1900.8 required per mile. In the United States survey, very few sections ended up measuring 80.00 chains, or one mile, per side. Yet, most of the Texas plats for these same 640 acres plots indicated four equal sides of exactly 1900 varas each - with no variation. It would appear that the early East Texas surveyors utilized the survey stakes placed by the Americans, without taking the time or the trouble to remeasure and verify the true distances.

⁶⁵Comparison of the *U.S. Government Township Plats*, townships in Range 17 (La. Mer.) West with the Texas General Land Office *Map of Harrison County*, and various ownership maps.

⁶⁶Kirkland, *Life Is a Wild Assault*, 445-448, quotes both the will and the deed.

⁶⁷It might be pointed out that Texas later used a somewhat similar method when surveying railroad lands in West Texas. The sections (or lots) were one mile square, but the number of sections per township (or block) was usually 48 (6 wide x 8 high), but this varied. For examples, see the Texas General Land Office *Map of Culbertson County*; original on file at Texas General Land Office.