

3-1999

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Recommended Citation

Murphy, Richard (1999) "Our Gunfight," *East Texas Historical Journal*: Vol. 37: Iss. 1, Article 6.

Available at: <http://scholarworks.sfasu.edu/ethj/vol37/iss1/6>

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“OUR GUNFIGHT”

by *Richard Murphy*

When I was growing up in San Augustine no one talked much about “The Gunfight” for fear, I suppose, of stirring up old hostilities. There was bad blood between the Bodines and Hortons and might be yet – if there were any Hortons left. Except for one son who moved away to Wichita Falls, Great-Great-Grandpa Alexander Horton was survived only by daughters, so his East Texas line just disappeared when he died in 1894. But there were plenty of Bodines and, although the event seemed ridiculously remote, some of them still nursed a kind of wistful resentment against the Horton devil who killed old John Bodine in that famous San Augustine “difficulty” in the long long ago.

Grandma Josie Whitton (nee Bodine) lived to be 102, and right up to her death in 1980, a hard little glint would come to her eye when someone mentioned the Hortons. My mother, who at eighty-eight still operated a beauty shop in San Augustine, shared Grandma’s disdain. In moments of pique, Mom was not above reminding my dad, a direct descendent of Alexander Horton, that “Your old granddaddy killed mine in cold blood!” Dad usually handled this accusation with the undiplomatic rejoinder: “Well, he probably needed killing.”

Why this preoccupation with ghosts?

To understand you have to know San Augustine. The past seems very close in this redlands town of 3,000. Perched on Ozarkesque hill sides among staggered cedar, pecan, and locust trees that defy time, are over thirty old houses practically unchanged from the days of the Republic. Almost everyone has a “colonel” in his family tree and the cemeteries are shrines for ancestor worship. Like an aging maiden lady clutching her hope chest, the town cleaves to yesterday. Especially the 1830s. In that decade San Augustine was an important place. As the first Anglo settlement on *El Camino Real*, the town became a major staging area for immigrants who flooded into the Mexican province of Texas during the 1820s and 1830s. Sam Houston lived there and practiced law. David Crockett and his Tennessee boys were feted on their way to San Antonio. In 1836 two companies were raised and sent to fight at San Jacinto. By 1839 the glory days were over and the town had already begun its slide into obscurity. With no more Mexicans or Indians to fight, the citizens began to feud among themselves.

Both sides of my family had their own versions of “Our Gunfight” and these versions differed sharply on all important details. Being a great-great-grandson of both principals, I never knew which story to believe. When talking with Grandma Josie or my other Bodine relatives, I would usually side with old John Bodine. At other times, especially while reading Grandpa Horton’s memoirs, my Horton blood would surge to the fore. As I grew older I developed a nagging curiosity to know what really happened. Several years ago,

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with nothing better to do, I decided to make the hundred-mile trip from Orange, Texas, where I lived, to talk to some of the San Augustine old-timers and check the records.

State Highway 96, the most direct route from the coast, slices through the heart of East Texas, bisecting the forest domain of old John Henry Kirby, the pioneer lumber king. From Orange, all the way to Kirbyville, the land is flat, but as you approach Jasper the country becomes hilly, the traffic thins out, and the forest closes in. As you approach San Augustine, there are stretches where the traveler, if in a properly nostalgic mood, can convince himself that he is going not just due north but back in time to the days of the Republic of Texas.

Wishing to sustain this delusion as long as possible, I avoided the business district and, turning right at the first caution light, drove along a narrow secondary road that meandered across the Ayish Bayou and up steep Mission Hill at the top of which stands a small granite monument marking the spot where once stood the *Mission Nuestra Senora de Dolores de Los Ais*, built by the Spanish in 1717. No sign of the old building remains where the Franciscan friars labored with so little success to instill Christianity in the Ais Indians, but archeologists have excavated the site and plans had been approved to build a state park there around a museum and a replica of the church.

I drove past the Matthew Cartwright house (built in 1838), and the Blount House (1839), looking like great white ghosts on their green hillsides. Each had a historical medallion testifying to its antiquity. With some thirty-five historic markers in the town, San Augustine, with some justification, considers itself the Williamsburg of Texas. During the Annual Tour held each June, many of these vintage mansions are opened for inspection by tourists.

I passed the Polk House (1840), the Cullen House (1839), and the Episcopal Church, founded in 1848 by the Rev. Henry Samson. At the modern elementary school, I intercepted Highway 21, alias *El Camino Real*, once the main thoroughfare for pioneers from the United States. Both the Bodine and Horton families arrived in Texas along this route in 1824.

Feeling the need to get closer to these pioneer roots, I went grave hunting. The Horton Cemetery is located two miles north of town on Highway 147 and easy to find because the State Historical Commission has erected a historical marker on the roadside in front of it.

ALEXANDER HORTON CEMETERY

Pioneer, soldier, civic leader, and State Legislator, Alexander Horton (1810-1894) came to Texas in 1824. He served as aide-de-camp to Gen. Sam Houston at the Battle of San Jacinto, April 21, 1836. This cemetery is situated on property Horton bought in 1837. His home once stood adjacent to this plot.

Alexander Horton was born in Halifax, North Carolina, the son of Julius Horton and Suzannah Purnell. Family tradition maintains that sometime around 1818 the elder Horton killed a man and was forced to flee the state, taking his wife and nine children with him. Early in the 1820s they arrived in Washington Parish, Louisiana. Julius Horton died soon afterward and his

family, now led by the oldest, Sam, and a son-in-law, James Bullock, migrated into East Texas and in 1824 settled along *El Camino Real* in what was then called the Ayish Bayou District.

Young Alexander Horton was forced to grow up fast. By the time he was twenty-two years of age, he had been involved in several military actions. In 1828 Horton joined Stephen Prather, half a dozen other white men, and about 100 Indians and ambushed the "Fredonian Army" near the Ayish, capturing the deposed *empresario* Hayden Edwards' band of freebooters and putting an end to the so-called Fredonian Rebellion.

In 1832 there was a revolution in Mexico. President Anastacio Bustamante abolished the constitutional government and set up a military dictatorship. General Santa Anna, declaring in favor of the Republican constitution of 1824, soon put a large army in the field to oppose the central power and called upon the American colonists to rally to the "standard of liberty." The large Mexican garrison stationed in Nacogdoches declared its support for Bustamante, but the Ayish settlers came out on the side of Santa Anna and demanded the Mexican garrison do likewise or leave the country. Colonel Jose de Los Piedras, commander of the Mexican forces in Nacogdoches, indignantly refused.

The Anglo settlers then organized a vigilante army and invaded Nacogdoches. Twenty-two year old Alexander Horton led a company in this "army" which, on August 2, 1832, attacked the Mexican garrison. In an all-day battle the East Texans, commanded by Colonel James Bullock, defeated a force of approximately 400 Mexican soldiers and chased them out of the old Spanish town. Horton and sixteen other settlers followed the enemy to the Angelina River where they bluffed the Mexicans into believing they were surrounded by a large American force. Colonel Piedras and his soldiers threw down their arms and surrendered to Horton and his sixteen companions.

At the age of twenty, Horton, who had earned a reputation for coolness and bravery, was appointed sheriff of the Ayish District (later San Augustine), and held the office from 1831 to 1835. While he was sheriff he met and became friendly with Sam Houston, ex-governor of Tennessee and a new arrival in Texas.

When the Texas revolution began in 1836, Horton joined the Texan army at Gonzales. He was appointed Houston's aide and served on his staff until after the Battle of San Jacinto. His descendants are proud of the fact that Grandpa Horton rode alongside General Sam in the big battle as a kind of personal bodyguard. During the fight Houston was wounded in the ankle and his horse was shot from under him. Seeing his general without a mount, Horton alighted and gave his horse to Houston.

Many years after the battle, artist J. H. McArdle recreated this incident in a painting titled "San Jacinto Is Visited Again," which hangs in the Texas Senate chamber. In the huge picture, Houston is shown standing beside his wounded mount, waving his hat in his left hand and a saber in his right while Horton approaches him leading a horse.

The family burying ground of the Bodine clan is located off the Bland Lake road beside the ruins of a tumble-down farmhouse, and is almost completely grown up in weeds and brambles. Happily, since my visit in 1992, the cemetery has been cleaned up and a fence placed around it. Several cows grazed among the tombstones and a big black bull eyed me with hostility as I waded through knee-high Johnson grass looking for my ancestor's grave.

I found scads of Bodines but no John. Some of the markers had been trampled by the cattle and the inscriptions on the older ones were too weathered to be read. Older members of the Bodine family are not even certain that John is buried in the family plot.

Driving back to town, I reviewed the few facts I had managed to dig up about Grandpa Bodine's early life. He was born in North Carolina – this I knew from an affidavit given when he applied for a Texas land grant – but in 1810 he showed up in Oglethorpe County, Georgia, where, on Christmas day, he wed Nancy Gunnels. Records show that he enlisted in the Navy in 1812 and participated in the Battle of Lake Erie under Captain Oliver Hazzard Perry. He was wounded during the battle and still had an open wound at the time of his discharge in 1814. The wound was suffered while he served as a seaman on the USS *Lawrence*. The American warship was so badly damaged and so many of her crew killed or wounded that she at one time struck her colors and prepared to surrender.

But Perry's sailors eventually got the upper hand. In the famous show-down off Put-In Bay on September 10, 1813, the young captain and his fleet destroyed or captured all the British warships, opening the way for American forces to recapture Detroit and enter Canada. A considerable amount of prize money was found aboard the six captured British vessels and Perry divided it among his men. As his share, John Bodine received \$214.89, a small fortune in 1813.

In John Hambleton's account of the distribution of prize money, Grandpa Bodine is listed as John Bordain, seaman. Several other spellings appear in the Navy Papers. In one document the name is spelled three different ways.

An important piece of information was found in the archives in Washington. A Bodine descendant, researching War of 1812 pension records, discovered a key letter from Bodine's wife to the Pension Board in Washington. It seems that Bodine, because of wounds received in the Battle of Lake Erie, was awarded an invalid's pension of \$6.00 a month, which was paid to him from 1814 to 1821. In this correspondence his name is spelled Burdeen.

For some reason the government stopped paying the pension in 1821 and most of the correspondence is from Bodine's wife or lawyer trying to get the payments reinstated. The big surprise was that this wife's name was Mary, not Nancy, and that her place of residence was Baltimore, Maryland, not Georgia or Texas. Some Bodine researchers believe that John's name was originally Burdeen and that when he married Nancy Gunnels in Georgia in 1810 he already had a wife in Baltimore. Thus when his name was misspelled as Bodine in the Texas documents in 1824, he made no effort to correct the

mistake, preferring to distance himself from his old life in Baltimore and a possible bigamy charge. In his defense, it should be remembered that divorce was difficult in Maryland at this time, and required special permission by the state legislature.

After his marriage to Nancy Gunnels, Bodine drifted south, his moves being financed, probably, by his Lake Erie prize money. He was always grateful to Captain Perry for that \$214.89 fortune and named his first son after him. Through the years, his descendants have carried on this tradition and in each subsequent generation, at least one boy has borne the name of Oliver Hazzard Perry Bodine.

For six years the Bodine family was a part of the great western surge of American frontiersmen. Lured by the promise of free land, they arrived in the Mexican province of Texas in 1824 and settled on that fateful half-league of land in the Edmund Quirk Survey, about two and a half miles north of where the town of San Augustine would be located. When Bodine applied for his grant, there was not a full league available in that area. As a married immigrant he was entitled to a league-and-labor, or 4416 acres, but he accepted the 2208 acres on Ayish Bayou. He also laid claim to an additional tract of 1600 acres that adjoined his headright on the west. Unfortunately Bodine never had anything more than a squatter's claim to this property, which later made it fair game for land hungry settlers and speculators.

Records show that Bodine was well respected in the community. He served as *alcalde* (judge) of the municipality of San Augustine during the early 1830s, and after its reorganization in 1834, as *regidor* (councilman). In 1839, the year of the trouble, he was living in a log cabin near the Ayish Bayou with his wife Nancy and his sons Oliver, aged twenty, and William R., aged sixteen. His daughters, Isabella, Elizabeth, and Jane, had married and moved away. There was also in his household a man named William Nations. Nations' relationship with the Bodines remains a mystery. He may have been a hired hand, a friend from the States, or a visiting relative.

In 1839 Alexander Horton, recently married to Elizabeth Cooper Lattin, lived a few miles south of Bodine on Moral Creek with his wife and their son, whom he had named Sam Houston Horton after his old friend and commanding officer. He, too, had accumulated considerable property. Houston had appointed him president of the Board of Land Commissioners, a post which he held for only four months. He had received a large amount of bounty land for his services in the Texas Revolution and another league as a settler before 1836. He also owned several town lots and a half interest in the Mansion House, San Augustine's best hotel.

In the summer of 1839 Horton bought a tract of land at a sheriff's sale, a part of which overlapped the western portion of the acreage which Bodine had claimed for the past fifteen years as a part of his headright. Bodine had approximately 2800 acres but faced the prospect of losing almost half of it. So when he learned about the transaction and of Horton's plan to survey his newly purchased property, the old sailor sent word that he would kill any man who

attempted to have the lines run out. When Alexander rode out to the Bodine place to establish the boundary line, he brought his rifle and three well-armed friends with him.

Now the story clouds. All that is known for sure is that on August 10, 1839, a gunfight erupted between Alexander Horton, William G. Anderson, Lew Allen Temple, and Hershel Corzine on one side, against John Bodine, his friend William Nations, and his son, Oliver Hazzard Perry Bodine, on the other. The elder Bodine and Nations were killed in the fray. Oliver ran and lived to be my great-grandfather. Horton and his three companions were indicted for murder. Grandpa Horton and his friends pleaded self defense. The Bodines said it was murder.

According to the Horton version, passed through the generations, Grandpa Horton bought the land as described and hired a man to survey it. Learning of Bodine's threat, the surveyor would not go near the Bodine place without protection, so on the day set for doing the work, Grandpa Horton, in company with Anderson, Temple, and Corzine, rode out to the tract. Apparently they were to meet the surveyor, a man named Floyd, at a certain corner, but found Bodine waiting with his son and Nations. Horton tried to reason with Bodine but the older man refused to listen, and when the surveyor was ordered to set his compass, Bodine grabbed a rifle and fired at him, but missed. Horton then fired, killing Bodine instantly. Nations was shot by Anderson. The younger Bodine threw down his gun and was not molested. Horton and Anderson rode back to town and turned themselves in.

The Bodines have several versions of the story. One claims the two men decided to settle the dispute by a fist fight in the town square, others to be with them as seconds but not to get into the fight – no guns to be allowed. Bodine brought Nations and Oliver. Horton came with three other men. The Horton party was armed and as Bodine entered the square, Horton shot him and Nations.

A slightly different version was told to me by my great-uncle Tom Bodine, grandson of John. Uncle Tom declared that the factions met to discuss the situation and agreed to a "ride-over" of the disputed land – not a true survey but just a review. Horton and his men had hidden some guns in the trees along the boundary line. A heated argument began just before the parties reached the cache of guns. As they rode under the trees, the Horton gang reached for the guns and started firing. Oliver, a young man, rode into the bayou and escaped amid a hail of bullets. The elder Bodine and Nations were gunned down. An examination showed the two were killed by a "buffalo load" rifle. Horton was the only man in town who owned one, but he swore at the trial that he did not shoot Bodine.

I heard a fourth version from an old man, not a Bodine, but a distant relation, that sounded farfetched. "You know," he said "Colonel Horton came to the homestead, got the drop on Grandpa Bodine, marched him and Grandma to the woods at gun point, sat 'em on a log and made 'em both sign a paper deeding their land to him. When William Nations came along Old Man Horton

shot the three of them like a bunch of dogs.”

One look at the records is all that is necessary to disprove this story. In 1852 Grandma Nancy Bodine was very much alive and filing lawsuits in district court.

I arrived back in town and parked in front of the courthouse. On one of the whittlers' benches under the live oaks not far from the stature of James Pinckney Henderson, the first governor of Texas, sat two old fellows who might have stepped straight out of one of the Tex Ritter or Hopalong Cassidy westerns I watched in the 1930s at the Augus Movie Theatre. They were dressed in big black hats, black pants held up by suspenders, and black, high-quarter shoes. One sported a handlebar mustache and the other a white beard streaked with tobacco juice. I introduced myself and told them of my investigation.

“So you're tryin' to solve a hundred-and-fifty year old murder, air you?” Handlebar grinned. He had heard of the Gunfight but knew no details. The bearded one claimed to know where the shooting took place. He said his grandfather had once taken him into the woods north of town and pointed out some large old trees.

“Them trees was full of lead slugs from the fracas,” he claimed. “My grandpappy used to go out there and dig 'em out of the tree trunks with his pocket knife.”

Eager to follow up on this lead, I asked him to show me the trees, at which he shook his head sadly.

“Ain't there no more,” he said. “Pulp wooders got 'em a good spell back.”

Shrugging off this setback, I paid a visit to the district clerk's office on the second floor of San Augustine's old tomb-like courthouse; surely there I would find out which of the stories was the true one. I was in for a disappointment. The young lady in charge informed me that Volume B of the District Court Minutes, which I had been told contained an account of the Bodine murder trial, was missing.

Depressed by my unproductive courthouse visit, I made a phone call to my friend Harry Noble, a local historian who writes a weekly column for the *San Augustine Tribune*. He gave my investigation new life.

“The information you're looking for isn't in Book 'B' of the Criminal Minutes,” he informed me. “It's in Book 'A.' In fact, I've been doing some research on William G. Anderson and I just made Xerox copies of about seven pages of District Court Minutes from the trial.” Harry kindly allowed me to make copies of his copies. That afternoon found me sitting at the kitchen table of my Mom's house on Highway 147, poring over the flowery handwritten account of *The Republic of Texas – Vs – William G. Anderson, et al.*

Actually there were two trials and two different juries. In the first, which began on April 2, 1840, William G. Anderson, Alexander Horton, Hershel Corzine, and Lew Allen Temple were tried for the murder of William Nations.

After only two days, a jury found the defendants not guilty.

In the second trial, which began Saturday morning, April 4, 1840, the four men were tried for the murder of John Bodine. The presiding judge was Edwin T. Branch. District Attorney James G. Hyde represented the prosecution with the assistance of George W. Terrell and David S. Kaufman, while the team of William G. Duffield, Ezekiel Cullen, and James Pinckney Henderson, who six years later became the first governor of Texas, represented the defense.

After five days of testimony and two days of argument the case was turned over to the jury. An entry by the court clerk in the Criminal Minutes, Volume A, page 310, gives the outcome of the trial.

"...The case was then taken up this morning and after argument of Mssrs. Duffield and Henderson for the defendants and Mssrs. G.W. Terrell and James G. Hyde for the Republic; thereupon came a jury of good and lawful men...and after being duly empanelled and sworn, on their oaths, returned the following verdict to-wit:

"We the Jury find that the defendants are not guilty in manner and form as alleged in the indictment."

Unfortunately, no transcripts were kept of the testimony of individual witnesses, so except for the names of the judge, lawyers, and jurors, and the verdict in each case, the district court minutes left me hanging. The district clerk told me that some of the papers from the case might be in a special San Augustine collection at the Stephen F. Austin State University Library, so that evening I drove to the campus in Nacogdoches. With the help of a research librarian, I searched their file of Miscellaneous San Augustine Courthouse Documents and found a manila folder dated 1840 and labeled "The Republic of Texas - Vs - William G. Anderson, et al." The folder contained two hand-written pages, brittle and yellowed with age. They comprised a list of questions the attorneys had asked Oliver Bodine, the only eyewitness, during the murder trial:

ATTORNEY FOR PLAINTIFF:

Oliver Bodine being sworn says:

1. State who was there at the corner of Smith's field.
2. When did this take place, Mr. Bodine?
3. In what year?
4. Was that in this county?
5. Are the four prisoners at the bar the same?
6. Did you see your father and Mr. Nations when you came back?
7. Mr. Nations was killed at the same time?
8. Both dead when you returned?
9. Did you hear Mr. Nations make any threats toward the defendants?
10. You say Mr. Nations had the gun in his hand. Did he fire it at the defendants?
11. Was Mr. Nations shot before you left?
12. How many guns were fired?
13. Did one gun kill your father and Nations?
14. Did you hear any more guns after that?
15. Was it after you heard the report of four or five guns that you turned your horse?

16. Did you see the body of Mr. Nations after that? State how many places he was hit or if he was hit in more than one.
17. On which side did the most wounds occur?
18. Did the wounds appear to have been made by bullets or shells?
19. What space of time was it before you saw Mr. Nations dead?
20. When you returned was he dead?
21. When you returned were the defendants there?
22. Did you see any of your father and Nations weapons except the guns?
23. The gun you spoke of, did you [observe] it afterwards and was it loaded?
24. Did you see what sort of guns the defendants had – whether they were rifles or shotguns?
25. Did you know there was to be any difficulty between your father, Nations and the defendants?
26. Did Nations and your father go there together?
27. Did not your father and Nations go there in a perfectly friendly manner?
28. Did you not go there with a friendly intention, Mr. Bodine?
29. Was it not the custom of Nations to take his gun along with him and nothing unusual for him to have his gun along?
30. Mr. Bodine, was not your father in very bad health and [had] been for some time previous?
31. Was he not very weak and hardly able to get about?

QUESTIONS TO OLIVER BODINE BY DEFENSE ATTORNEY:

1. Please state to the jury who it was who put his gun to his eye first?
2. Please state what Nations – what was his first name?
3. Was that the name by which he was called by his family?

.....QUESTIONS 4 THRU 29 ARE MISSING.....

30. When your father called for the gun as above stated, did not Colonel Horton say “stop” and that he wanted the difficulty settled without arms?
31. How near to Colonel Horton were you standing?
32. This Mr. Floyd you spoke of – was the surveyor, was he?
33. How long after the first shot was it before you turned your horse?
34. Did Nations hand the gun to your father at the time he asked for it – and how near were you to him?
35. At the time your father threw off his hat did Nations hold the gun towards him?
36. Who were you noticing at that time – as he threw off his hat?
37. Did Corzine keep the gun pointing at you one, or three minutes?
38. You then left and saw nothing more until you returned and saw your father and Mr. Nations dead?

A further search of the records failed to turn up Oliver Bodine’s answers to these questions – no more information at all. Back in San Augustine, I stopped to see my cousin, Lena Arnold, a Horton granddaughter who lives near Liberty Hill. Learning of my investigation, she disappeared into a back room. She returned, moments later, and handed me a moth-eaten old ledger book.

I had seen the old ledger before but had never paid much attention to it. In the 1830s Horton had operated a small mercantile store and this volume was

apparently his account book, written in his own hand. About halfway through, sandwiched between lists of merchandise bought by customers on credit, I found the following passages:

LONG TO BE REMEMBERED

March Term, 1840

I was tried for my life in company with Lew Allen Temple, Hershhal Corzine and W.G. Anderson, for having been compelled to kill Wm. Nations and John Bodine. This unfortunate occurrence was brought on by their own rashness to the great mortification of all, and has left a lasting impression on my mind which time alone can't obliterate, for tho I was justified in this, I lament so great a misfortune. Public opinion was great against us but we were honorably acquitted by the following jury after an able discussion of ten days.

JURORS: E.O. Legrand, Milton Caldwell, Mr. Crouch,
J.O. Patterson, Wm. W. Hunt, Alfred Polk,
Joseph Green, Jacob Garrett, Jr., William Daniel,
George Jones, David Wall, Presley Loggins.

My friends should ever remember the generous and kind conduct of Mr. Kimbro, Sheriff and Thomas Payne, Deputy...My friends should never forget William and John Nash who stood all with arms in their hands to fight and die with us or see us rescued in case the verdict went against us. These men did justice to themselves and country for this was a plain case of self defense.

...A. HORTON

I reread the lines about the Nash brothers and experienced a twinge of concern for the heroic image of Grandpa Horton. Was there really a gang and were they in the courtroom to intimidate jury and witnesses? With a certain apprehension, I turned the yellowed pages and soon found the following entry:

My friend Hershhal Corzine was killed on the 12th day of June, 1840 and enterrment was held on the 14th. He was cowardly assassinated without any chance to defend himself. This gallant man faught bravely throughout our revolution and may be called the bravest among the brave.

...A. HORTON

I closed the account book with a feeling of frustration. Grandpa Horton's terse comments had provided more questions than answers. Who were William and John Nash who had "waited with arms in their hands?" Who was Hershhal Corzine and how had he died? Since he was one of those on the Horton side, had he been killed by the Bodines in retaliation?

Thumbing through the Rev. George Crocket's *Two Centuries In East Texas* that night, I happened upon a paragraph which solved the mystery of Corzine's death, but cast a certain cloud upon Grandpa Horton's eulogy of him. On page 117, while discussing the residences of early settlers, Crocket wrote:

On the corner of main and Congress Streets was the home of Judge Shelby Corzine, the first district judge of this district under the Republic.

It was in front of this house that Hershall Corzine was killed by John Connor. Connor was engaged to a young lady in the town, but before their marriage was obliged to go to New Orleans on business, a trip which then required several months. After his departure, Corzine, who was in love with the same lady, contrived to have published in the papers of Alexandria, Louisiana, an account telling of the loss of the ship on which Connor sailed with all on board. He then set himself to console the lady and succeeded so well that they were married. In the meantime, Connor, whose ship had not been lost at all, finished his business and started for home with a trousseau for his bride. But alas, when he arrived he found her the bride of another! The next morning he met his rival at his gate and in the quarrel that ensued Corzine was killed.

So now I knew the fate of Corzine. But what about William G. Anderson? Further research in the Genealogical Section of the San Augustine Library revealed that Anderson was a lawyer who had a rather violent history. As a young man he had killed saloon keeper Ephraim Tally after a barroom brawl. Later he was accused of murder when he allegedly beat a female slave to death with his cane. Like Horton, he was a land speculator.

Land trading had reached a fever pitch at this time. Speculators swarmed around the recently opened land office. Foreclosures for taxes and debts, as well as other types of forced sales, were frequent. But the land office faced a near impossible task. Every day the commissioner had to wrestle with transactions involving lands claimed by virtue of old Spanish or Mexican grants, the original surveys of which frequently overlapped other surveys. Besides this overlapping there were problems with incomplete titles, fraudulent headrights, and fake land certificates. In short, the land business in East Texas was a mess. This confused situation led to countless lawsuits and occasional bloodshed during the next twenty years.

After three days of research I was convinced that I had examined all existing evidence in the case. My biggest disappointment was the failure to locate Oliver Bodine's answers to all those questions posed by the lawyers at the trial. Nevertheless, from the questions themselves and from Grandpa Horton's comments in his ledger book, several facts could be inferred:

- * The survey was to begin at the corner of Smith's field.
- * All the parties came there on horseback.
- * The Horton party was armed with rifles and shotguns.
- * William Nations was the only one in the Bodine party who brought a gun.
- * Nations was not related to the Bodines, just a friend who was staying with them.
- * Grandpa Bodine was ill on the day of the gunfight.
- * At some point during the ride-over he became angry, tossed his hat on the ground and asked for Nations' gun.
- * Oliver Bodine had ridden away, but heard the shots, turned his horse, and returned to find his father and Nations both dead. Nations was hit four or five times.
- * All guns used in the fight were rifles or shotguns. No handguns were involved.

- * The Corzine family had some interest in the disputed land. Perhaps they were to buy it jointly with Horton and Anderson.
- * Public sentiment was strongly against the defendants but the courtroom was packed with friends of Horton and Anderson, all armed to the teeth and prepared to rescue them if a guilty verdict was returned.
- * The trial lasted ten days. The defendants were found not guilty by reason of self defense.

After three days, I was sick of "Our Gunfight." I had come to San Augustine looking for easy answers, only to find myself swamped in a sea of complications, equivocations, and historical footnotes. I had not intended to make a study of the history of the region. But how can you separate a man from his setting and his time or the events that affected his state of mind?

Was it a fair fight or was it murder?

Satisfied at last that I had collected all worthwhile data, I packed up my notes, Xerox copies, and tape recordings, and started for home.

"Well, what did you find out?" my wife asked when I arrived. "Who was to blame?"

I thought about it for awhile then gave her my verdict.

"I'd like to think they were both just victims of circumstances. Grandpa Bodine was trying to hold onto land he felt was rightfully his. He was old and sick and in no mood to negotiate. And Grandpa Horton? Well, he must bear the blame of having killed two men in a dispute which the courts could have settled.

"The real cause of the trouble was the incompetent administration of the land grant program by the Mexican officials. And then there was William G. Anderson: he seemed to have a violent streak. I've got a hunch he may have precipitated the whole thing. After all, the case was styled: "The State of Texas vs. William G. Anderson, *et al.*" As to which man fired his gun first – no one will ever know."

AFTERWORD

The land in contention, that fatal 1600 acres on Ayish Bayou, lay unclaimed for more than thirty years after "Our Gunfight." John's widow Nancy lived on the original headright from 1839 to 1863 and then the property was divided into five parcels. Nancy received half and the children each received a portion of the other half.

In 1875 a resurvey of the Bodine land was ordered by the court and the disputed western portion was cut away from the original survey, reducing the Bodine headright by some 1600 acres.

Seven years after the Gunfight, the Republic of Texas granted Bodine's estate the remaining half league due him as a settler before 1836. On February 9, 1846, President Anson Jones granted to Bodine, his heirs and assigns forever, 13.5 labors of land situated in Kaufman County on the south fork of the Sabine River. This property, located near present day Terrell, was more

than 150 miles from Bodine's San Augustine land. In the document Bodine's name is spelled "Bordain."

After 1840 Alexander Horton continued to serve the Republic in various capacities. Early in the 1840s he was appointed marshal of the Republic to help put an end to the Regulator-Moderator feud in Shelby County. He participated in the fight against the Cherokee Indians which resulted in the expulsion of that tribe from East Texas. He served as a representative in the state legislature for a number of years, but continued to speculate in land and at one time owned some 30,000 acres. Early in the 1860s he made a serious error in judgment, selling most of his land and investing the money in slaves. The Civil War frustrated him financially and he died in 1894 practically penniless.

As to his three friends who participated in the gunfight: Hershel Corzine was killed by Connor as described. William G. Anderson, who weathered many lawsuits and was accused of murder at least four times, moved to Panola County, where he apparently died of natural causes. Lew Allen Temple, whose name was actually "Lewellyn," a local rancher who owned jointly with Sarah Corzine a 363 – acre tract which may have overlapped Bodine's land, died only five months after the shoot-out. Years of research have failed to turn up any information on William Nations, who must remain the mystery man of the unfortunate affair.