

3-2000

## "More Disastrous than all:" The Surveyors' Fight, 1838

Jimmy L. Bryan Jr

Follow this and additional works at: <https://scholarworks.sfasu.edu/ethj>



Part of the [United States History Commons](#)

[Tell us](#) how this article helped you.

---

### Recommended Citation

Bryan, Jimmy L. Jr (2000) ""More Disastrous than all:" The Surveyors' Fight, 1838," *East Texas Historical Journal*: Vol. 38 : Iss. 1 , Article 6.

Available at: <https://scholarworks.sfasu.edu/ethj/vol38/iss1/6>

This Article is brought to you for free and open access by SFA ScholarWorks. It has been accepted for inclusion in East Texas Historical Journal by an authorized editor of SFA ScholarWorks. For more information, please contact [cdsscholarworks@sfasu.edu](mailto:cdsscholarworks@sfasu.edu).

**“MORE DISASTROUS THAN ALL:”  
THE SURVEYORS’ FIGHT, 1838**

*by Jimmy L. Bryan, Jr.*

In January 1838, nearly two years after the Texans defeated Santa Anna at San Jacinto, the General Land Office opened in Houston. As early as 1835, the provisional government of Texas had issued a decree to pay its soldiers with land: by the time the land office opened, the Republic teemed with veterans, locators, and speculators anxious to make their claims. As a result, numerous surveying parties surged onto the frontier during the spring and summer of 1838. The Native Americans were not ignorant of what the surveyor’s transit represented, and they made a deliberate effort to hinder these expeditions. This discord resulted in several clashes of which the Surveyors’ Fight, or the Battle Creek Fight, was the most celebrated.<sup>1</sup>

The Texas Congress established land districts for each existing county to administer. For each district, the president appointed a county surveyor who hired deputy surveyors. These deputies did most of the field work and fitted surveying parties from their own salaries.<sup>2</sup> The problem of expense arose when it became evident that the Indians did not welcome these expeditions on their hunting grounds. George B. Erath, deputy surveyor from Milam County, explained:

The surveyor himself was precluded by heavy penalties from taking interest in lands he surveyed or receiving extra pay. It was also customary to allow hands pay from the time they started till they returned, the surveyor paying for all the traveling and time wasted watching Indians. Thus it can easily be seen that the business was not very profitable.<sup>3</sup>

To remedy this situation, surveyors such as Erath organized companies of Texas army veterans and land locators. These men provided their own horses and weapons and worked at their own expense. The veterans had a personal interest in locating their own lands while the locators received pay through contracts with scrip holders either by shares of land or by cash wages.<sup>4</sup>

Surveying on the Texas frontier was perilous business in 1838. President Sam Houston claimed to have “used every endeavor within his power to prevent” expeditions onto Indian hunting grounds, but few heeded his warning. On the Guadalupe River north of San Antonio, Indians attacked a group who ventured from Bastrop. All nine men perished anonymously save for one named Beatty who managed to scratch his name on a tree before dying. During the spring and summer of 1838, Indians attacked at least seven surveying parties and killed eighteen men. These battles were “not confined to any particular section of [our frontiers],” Houston explained, “but is carried out more or less from the Rio Frio to the Red River.” To meet this danger, many surveyors doubled as Indian fighters. Texans such as Erath, John C. Hays, John S. Ford, and Benjamin and Henry E. McCulloch made their living surveying but made their reputations combating Indians.<sup>5</sup>

In March 1838 William F. Henderson, deputy surveyor of the Robertson

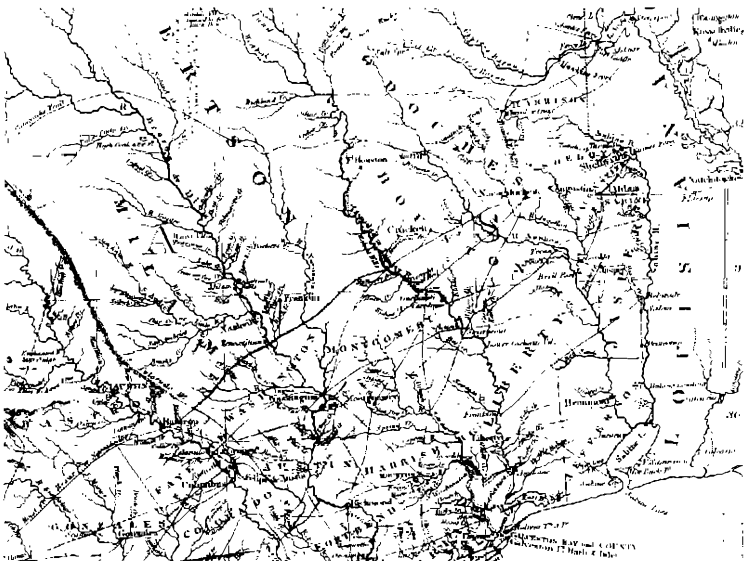
Land District, attempted one of these hazardous expeditions. Departing from Franklin, he planned to meet a party from Fort Houston to make surveys on the headwaters of the Navasota River. He never made the connection. Kickapoo Indians attacked both groups, killing three men. "These annoyances from the Indians continued for a long time," Henderson recalled, but he refused to quit, "although our plans were frustrated after the result of these expeditions we did not give up but in the fall made another attempt which proved more disastrous than all."<sup>6</sup>

Henderson teamed up with a land locator named William M. Love and issued a call for men to rendezvous at Franklin, seat of Robertson County and headquarters of the Robertson Land District. Love, who likely participated in Henderson's first venture, recruited men at San Augustine, including Samuel T. Allen, who had served in the Consultation of 1835 and in the First Texas Congress. The company also included Walter P. Lane, Richard Davis, and William M. Jackson, who had just completed a tour under Henry W. Augustine during the "Cordova Rebellion." Lane, a native of Ireland, had fought at San Jacinto and had sailed on the privateer *Thomas Toby*, and Richard Davis served with Thomas Robbins' company during the Revolution. Jackson came to Texas in July 1836, serving six months in the Texas army at Fort Houston.<sup>7</sup>

Love's company joined others in Franklin. Thomas Barton, hailing from Robertson County, came to Texas late in 1836 as an officer in George W. Jewell's Tennessee company. From Milam County came Joseph P. Jones and William Smith.



Walter P. Lane



Detail of John Arrowsmith, "Map of Texas" (1841).

As a member of Robertson's Colony, Jones came to Texas in 1833 and served with Thomas H. Barron's rangers in 1836 and 1837. Smith, known as "Camel-back" for his stooped shoulders, came to Texas in 1834 and served during the Revolution. Euclid M. Cox, of Washington County, came to Austin's Colony in 1832 and fought at Concepción and during the siege of Béxar. Cox brought his farmhands William Trimmier and a Mr. Button. Other men gathered at Franklin, a formidable band of locators, soldiers, and frontiersmen.<sup>8</sup>

The company elected a Mr. Neill captain, but when this election occurred remains uncertain. Walter Lane remembered that they chose Neill while in Franklin, but according to another account, the company did not make Neill captain until they reached Richland Creek and that when they left Franklin "there was no commander but all went along either as chain bearers or locators and for mutual protection."<sup>9</sup>

Early in September<sup>10</sup> the expedition of about twenty-five mounted men<sup>11</sup> left Franklin and tracked due north. On the second day, they encamped at the abandoned Fort Parker approximately forty miles north of Franklin. The next day they rode fifteen miles north to Tehuacana Springs and from there began a northwest track down the Tehuacana Hills. After another fifteen miles, the company reached Richland Creek in present day Navarro County. During the third day's journey, the band encountered numerous groups of Indians. The Indians greeted the Texans cordially while they continued to slaughter buffalo for their winter stores. The company located their base camp and settled down amidst several hundred Indians. Their tribal identities varied, but most appeared to be Kickapoo.<sup>12</sup>

These Kickapoo were no more native to central Texas than were the surveyors. As Algonquians, the Kickapoo originated from the western shores of Lake Michigan. When the French began trading with the Algonquians early in the seventeenth century, the Kickapoo resisted and maintained a tradition of defiance through the next two centuries. They migrated into the Illinois and Wabash River valleys early in the eighteenth century and became the first Algonquians to master the horse. In the 1760s, the Kickapoo were confederates of Pontiac and later of Tecumseh and the Prophet. Some of the tribe fought with the Prophet when William H. Harrison defeated him at Tippecanoe in 1811.<sup>13</sup>

With the incursion of the European Americans into the Old Northwest, many Kickapoo bands began to migrate south. As early as 1805, members of the tribe settled in Texas just west of the Angelina River in accordance with a Spanish policy to populate East Texas as a bulwark against the French and the Comanche. Other refugee Indians settled in this trans-Angelina region of Texas, forming a loose confederacy under the nominal leadership of Chief Bowles and his Cherokee. During the Texas Revolution, the provisional government sent a delegation led by Sam Houston to the trans-Angelina Indians to secure their goodwill, permitting the Texans to concentrate on their war with Mexico. The resulting treaty signed on February 23, 1836, recognized the Cherokee association as a single community, guaranteed them title to their lands, and specified a boundary. Texas authorities balked at ratifying the agreement, so that in 1838, Houston, then president, still struggled with the Congress to establish a "line between the whites and the

Indians." This policy, Houston warned, "alone can save Eastern Texas from ruin, and the country generally from imminent danger."<sup>14</sup>

By 1838, the Texas Kickapoo numbered approximately 1200 people, the most numerous of the allied tribes in the trans-Angelina. The Kickapoo followed the elderly Chief Pacana and the young Wapanahkah, or Captain Benito, as the Mexicans christened him. Benito was the son of Black Buffalo, who attained renown resisting Anglo-American settlement in Missouri during the 1810s. Benito was an ally of the Mexican insurgents Vicente Cordova and Juan Flores and was no friend of the Anglo-Texans despite the friendly disposition of his people in the Richland Creek bottoms.<sup>15</sup>

The surveyors worked without incident for two days. They arose early in the morning and returned to the same camp in the evening. On the second day Henderson concluded that his compass was faulty and sent Love and Jackson back to Franklin to replace the magnet. This reduced the company to about twenty-three – twenty-two men and a boy.<sup>16</sup>

Early on the third day, the party picked up their line along a spring branch, and at about 9:00 a.m., they stopped for breakfast. A Kickapoo chief and a group of warriors entered the camp to warn the Texans that the Ioni Indians were planning to attack them. "We thanked them for the information," recalled Lane, "but said we were not afraid of the Ionies, and said if they attacked us we would clean them out." The chief was unimpressed with the Texans' confidence and urged the men to leave, fearing that if the Ioni killed them, the Kickapoo would get the blame. "They begged us feelingly to go," Lane recalled, "but as we would not, they planned a little surprise for us."<sup>17</sup>

The company returned to their work while several Indians followed, distracting the surveyors. "One of them stuck to me like a leech," complained Lane, "and succeeded in begging a piece of tobacco from me." Henderson experienced the same irritation as he tried to continue his work. Two Indians insisted on asking annoying questions. "Is that a mile?" one queried while another pointed at the compass and asked, "Is that God's eye?" but the Indians all "looked displeased."<sup>18</sup>

Indeed they were. After a century of defying European American incursions along the Illinois and Wabash rivers, the Kickapoo finally gave way but not to military force. They lost no great battle. The end came when surveyors arrived and cut up the Indians' land. The Kickapoo knew well the bane of "God's eye," and they were not eager to yield to it again.<sup>19</sup>

The surveyors came upon a dry creek, and the Indian annoying Lane shook hands and dashed away. As the company passed, a band of Kickapoo rose from the creek and opened fire. Captain Neill rallied his company and ordered a charge. The mounted Texans routed the Indians from the ravine and pursued them into a stand of timber about a mile distant. From that timber a larger force appeared and countered the Texans' charge: a third group of mounted men swept down from the prairie. As the Kickapoo encircled their quarry, the Texans leapt into a washout and hugged its sides for protection. Accounts variously estimated the total Kickapoo force between 200 and 250.<sup>20</sup>

The "ravine" was scarcely five feet deep. A few bushes scattered about its edge and a cottonwood tree standing at its head provided the defenders their only breastwork. The Kickapoo placed a group of warriors just beyond gunshot to keep the company in place while another group went below the gully and killed most of the surveyor's horses. Surrounded by some 250 hostile Indians, with no water and only a few horses, the surveyors were in trouble indeed. The Texans employed the customary strategy in frontier defense of holding up and praying that the Indians would lose interest. Texans wielding long rifles and deployed behind cover presented a formidable deterrent to any foe. Euclid Cox had witnessed the effectiveness of the Texas sharpshooter at Concepción during the Revolution, and William Smith employed this tactic the previous winter when Comanche attacked his cabin in the Brazos valley. Unable to dislodge the Smiths after several hours, the Indians retired from the fray. As one veteran explained, "The Indians would not pursue even one man into cover, nor were they rash about charging on a small party so long as they stood with guns presented."<sup>21</sup>

The Texans of that day armed themselves with cumbersome muzzle loading, single-shot firearms. The Kickapoo were armed with their traditional weapons as well as the same firearms the Texans wielded, obtained from merchants at San Augustine and Nacogdoches. On Richland Creek, facing an enemy supplied by their fellow Texans, the surveyors decided that holding out until the Kickapoo tired of battle was their best option. If the Kickapoo insisted on a fight, however, the company resolved to wait until nightfall and try to escape under cover of twilight.<sup>22</sup>

The battle continued throughout the day. "Whenever one of our men would put up his head to shoot, twenty-five Indians would pull down on him." Lane recalled. "The Indians had climbed up in these cottonwood trees in order to shoot over into the creek." The combatants exchanged fire into the afternoon. Captain Neill fell wounded and requested that Euclid Cox take over as commander. The company agreed, and the new captain climbed the bank and took position behind the lone cottonwood. He shot at the Kickapoo in the trees below the creek and maintained his post for several hours before taking a bullet through the spine. Under heavy fire, Lane rushed up to Captain Cox and drug him back into the gully. The company did not elect a replacement.<sup>23</sup>

The Kickapoo, heartened by Cox's fall, mounted an assault on the ravine, but the surveyors drove them back. The Indians continued to test the surveyors' defenses throughout the day but never could move them from their position. A company of Kickapoo gathered on a nearby hill and gestured to the embattled Texans, offering safe passage. Old Man Spikes, reportedly eighty years old, opted to accept their offer. He took a horse and rode out to the friendly Indians, but someone killed him. The surveyors could not determine if these Indians betrayed Spikes or if the other Kickapoo caught him in the open. The desperately wounded Richard Davis grew impatient. He mounted his fleet horse and tried to outrun the Indians, but they gunned him down.<sup>24</sup>

As night enveloped the central Texas prairie as many as twelve surveyors

managed to stay alive. They had hoped that if they could make it until dark they might be able to steal away, but to the company's dismay, a September moon illuminated the prairie. They waited until midnight, hoping for the moon to cloud over, but it never did. The surveyors concluded to attempt an escape. They reasoned that despite the odds some of their number might succeed. The severity of Cox's wounds prevented him from joining his comrades, and Button, one of his employees, offered to stay with him. Cox refused and gave Button one of his pistols, keeping one with which to defend himself. He asked Button to deliver the pistol to his family. Button accepted this charge and returned to the others preparing for the flight.<sup>25</sup>

The able men placed the wounded upon the remaining horses and led them onto the open, moonlit prairie determined to reach the timbered bottoms a quarter mile away. The Kickapoo immediately attacked. "All rushed around us in a half circle pouring hot shot into us," Lane remembered. "We retreated in a walk, wheeling and firing as we went, and keeping them at bay." The mounted men made easy targets despite being placed atop the horses to facilitate their escape. Joseph Jones and others fell, picked off their mounts. As one spot emptied, those on the ground lifted another man into his place. Lane and a companion helped Captain Neill onto a horse. They scarcely made ten steps before the Kickapoo shot down the rider and his mount. "Camel-back" Smith, sporting an injured arm, raised Thomas Barton behind him. After racing fifty yards, their horse was shot from under them. Barton "jumped up before he died and said Lord Have Mercy on [me]." Mr. Violet flew upon his "race mare," but in the unreliable light of the moon, he and his steed tumbled headlong into a gully, snapping his thigh.<sup>26</sup>

Having escaped the day's fight unharmed, Lane took a bullet in the same volley that killed Captain Neill. "I was shot through the calf of the leg, splintering the bone and severing the 'leaders' that connected with my toes." He managed to reach this second gully and with Henderson, Button, and Violet hid in the brush. These men were fortunate, for the prediction proved accurate. Most of the casualties sustained in the battle occurred during this retreat. Out of the twenty-three engaged in the battle, only three others survived. William Smith and a man named Baker escaped by way of the Brazos falls. The young McLaughlin remained hidden on the battlefield until the Indians left to pursue the other survivors. He then made his escape.<sup>27</sup>

Henderson hastened to Lane's side and quickly bandaged the wound. As he worked, some fifty Indians entered the ravine and finished off one of the wounded. Clearly, they intended to track down all the survivors to ensure that no one could charge their tribe with the deaths. The warriors searched the creek toward Henderson and Lane. The two men crawled out and lay quietly on their bellies. Lane recalled, "[We] laid down on our faces, with our guns cocked ready to give them one parting salute if they discovered us. They passed us by, so closely that I could have put my hands on any of their heads," but from the prairie a conch shell blew, a signal for the Indians to regroup.<sup>28</sup>

Henderson and Lane re-entered the dry wash and followed it down to Richland Creek where they found a puddle of water. Lane "pitched headfore-

most" into the muddy pool and drank greedily. They found Button and Violet and determined to rest a moment, but realizing that they had only few hours of darkness left, the men elected to get as far as they could before sunrise. Violet, suffering a broken thigh, could only crawl and pleaded with Lane to stay with him, but the Irishman refused, determined "to make the connection" with Franklin. After tending to Violet's injury and promising to return with help, Henderson and Button with Lane in tow began the trek back to Franklin.<sup>29</sup>

Armed with four guns and a Bowie knife, the trio followed Richland Creek for the remainder of the night. As dawn approached, they came to a brush covered island in the creek. They "cooned" over on a log to conceal their tracks and hid in the thick grass. Through the next day, the men rested as the Kickapoo searched for them. When night fell, the three men followed a series of buffalo trails hoping to find water but only became lost. On the third day after the battle, they at last reached the Tehuacana Hills atop which flowed the Tehuacana Springs. As they neared the spring, a party of Kickapoo rode up to them. The battered men soon determined that these Indians were not aware of the recent battle, and they prudently explained that they had fought the Ioni. Convinced, the Kickapoo helped the men to the water and from there took the men to their camp. The amiable Indians dressed the surveyors' injuries, fed their bellies, and gave them quarter for the night.<sup>30</sup>

Back on Richland Creek, a discouraged Violet held out for three days eating "green haws and plums," as Lane reported. He determined that he could no longer wait for his friends, and decided to make an effort to return to the settlements himself. Violet splinted his broken thigh and sat out on the arduous journey crawling upon his hands and knees.<sup>31</sup>

The next morning, Henderson, Lane and Button left the Kickapoo camp anxious to get as far away as possible lest the Indians discover the truth of the battle. They did not travel far before they met another party of Indians. Fortunately, they merely wished to trade for the Texans' rifle. Lane recalled, "We soon found out it was trade or fight, so we swapped" with the understanding that one of them would guide the trio to Parker's Fort, allowing Lane to ride his mount.<sup>32</sup>

The Indian guide fulfilled his charge, bringing the three men to the abandoned outpost on the morning of the fifth day after the battle. They waded down the nearby Navasota River to cover their tracks and then walked several miles onto the prairie and slept. They traveled through the next day and into the night, having found the road to Franklin. They arose before dawn the next morning, the eighth day after the battle. As they walked down the path, a voice called out and ordered them to halt and to identify themselves. "I looked up, and saw two men, with their guns leveled on us." Lane waved the men off, claiming, "We are friends — white men!" As the armed men approached, the trio recognized them as Love and Jackson, the two that Henderson had sent to replace the defective magnet before the fight. They placed the exhausted trio on their horses and led them the remaining fifteen miles to Franklin. The alarm spread through the community, and Love mustered fifty men to ride to the battlefield and aid any survivors.<sup>33</sup>



While his comrades reached Franklin, Violet incredibly crawled the twenty-five miles to Tehuacana Spring. He discovered a bull frog in the pool and endeavored to eat him. "Failing to capture him, he concluded to shoot him," Lane reported. "He pulled down on him with a holster pistol, loaded with twelve buckshot and the proportionate amount of powder." The resulting recoil knocked Violet unconscious. When he awoke, he searched the spring for the frog and found only "one hindquarter floating around, the balance having been shot to flinders. Being very hungry, he made short work of that."<sup>34</sup>

Late that day, Love's party arrived at the spring. Violet excitedly hallooted them and "came near stampeding the whole party, they thinking it was an Indian ambushade," Lane reported. Both were grateful for finding each other, and Love provided Violet with food and made him as comfortable as possible before continuing to the battlefield. The company hoped to find more survivors, but when they reached the grizzly scene, they found a field strewn with bodies from which the wolves had eaten the flesh. The men gathered the remains and placed them in a common grave beneath a pair of oak trees that had grown together. They covered the bodies with a sheet, perhaps to prevent the wolves from further desecrating the grave, and then completed the burial. Before the company left the grave site, Love drove a nail into the tree to mark the ground. Their task complete, the company returned to Violet and carried him back to Franklin.<sup>35</sup>

Henderson and Button parted with Lane at Franklin, and Button returned to Washington County, delivering Cox's pistol as promised.<sup>36</sup> Lane recuperated at James Dunn's for two months, "kindly nursed and attended by sympathetic ladies." Violet, too, remained in Franklin until properly recovered. The ordeal was finally over, but the sorrow traveled far and deep. Sixteen men were dead.<sup>37</sup> Samuel Allen, Euclid Cox, Joseph Jones, and probably others left widows and children. Illustrating the sadness felt by many, Thomas Barton's brother-in-law, James Taylor, wrote back to Tennessee to inform the family of the tragedy. "I have again taken my pen in hand to give you some painful news,"<sup>38</sup> he began, and then concluded:

Mother you should not grieve more than you could possibly help about Thomas for the last words he was heard to speak was in calling upon his God to have mercy on him and that gives us strong hopes that he is gone home to enjoy the realities of a better world.<sup>39</sup>

In the aftermath of the rash of battles between surveyors and Indians during the spring and summer of 1838, President Sam Houston addressed the Texas Congress in November and blamed these "calamities" on the surveyors themselves. He explained:

The great anxiety of our citizens to acquire land induced them to adventure into Indian hunting grounds, in numbers not sufficient for self protection, and in as much as they met with no serious opposition in the commencement of their surveying, they were thrown off their vigilance, which afforded the Indians an opportunity of taking them by surprise, and hence they became victims to their own indiscretion and temerity.<sup>40</sup>

Lane echoed the explanation of intruding upon Indian hunting grounds but was less critical of himself and his comrades. Houston further stated, "[T]he system

which has been pursued relative to surveying and locating lands, has involved the country in the calamities which have heretofore, and still continue to visit our frontiers." The president refused to support the use of public funds to protect these private ventures and recommended that in the future "restrictions should be laid upon all surveying beyond the limits of the settlements."<sup>41</sup>

The irony of the Surveyors' Fight was that the Kickapoo gained no advantage from their victory. They retired to their village in present day Anderson County. Responding to rumors that the Mexicans planned to incite the Indians to raid white settlements, General Thomas J. Rusk attacked and routed the Kickapoo and Mexicans from their village on October 15. Many of the Kickapoo retreated north of the Red River. The rest remained with the Cherokee, but any consideration that association might have received from a sympathetic Sam Houston vanished with the inauguration of Mirabeau B. Lamar as president in December. In a message to Congress on December 21, Lamar denounced his predecessor's "moderation" and "mercy" toward "the wild cannibals of the woods" and recommended a policy "of an exterminating war upon [the Indian] warriors, which will admit of no compromise and have no termination except in their total extinction or total expulsion." Lamar directed much of this language toward the Cherokee association and within seven months of this address, the Texans routed Chief Bowles' confederacy at the Battle of the Neches on July 15, 1839. The allied tribes scattered and with them the remainder of the Kickapoo from Texas.<sup>42</sup>

The citizens at Franklin continued to suffer from the conflict with the Indians. Another battle took place near the Brazos falls on January 16, 1839, in which thirteen were slain, including Hale Barton, brother of Thomas Barton. The twenty families that remained at Franklin sent a plea to President Lamar on February 6. They claimed that Indian depredations made fifteen widows and prevented the farmers from making a crop; therefore, they were without supplies. The citizens requested assistance and advice on whether they should abandon their town. One observer lamented, "The frontier in this section is in miserable condition. [The settlements] have been and are now on the eve of breaking up."<sup>43</sup>

President Lamar's response was less than encouraging. On February 22, he wrote:

I continue to learn with deep regret, the dangers and embarrassments by which you are daily surrounded in consequence of the hostile incursions and depredations [sic] of the Indians; and this regret is heightened [sic] by the reflection, that I have not the requisite means at command, of affording you speedy and entire relief.<sup>44</sup>

Lamar recommended that the settlers "assemble your own militia – build Block Houses for the security of your families; and living as compactly as possible, keep yourselves at all times in a state of preparation to repel [sic] any attack."<sup>45</sup>

Robertson County survived the trials of 1838 and 1839, and Franklin thrived until the county seat was moved to Wheelock in 1850. Anglo-Texan settlers continued to move into the disputed country. William F. Henderson, three years after two thwarted expeditions to Richland Creek, succeeded in

locating a patent in the area on October 18, 1841. He was active in the creation of Navarro County in 1846, established a law practice at Corsicana, and died there in 1890. William M. Love also settled in Navarro County, locating his patent at the confluence of Pin Oak and Richland creeks less than fifteen miles from the battlefield. He was murdered near his home in 1873. Other settlers moved into the county which by 1850, twelve years after the fight, boasted a population of over 2,000.<sup>46</sup>

#### NOTES

<sup>1</sup>The author wishes to thank Sam W. Haynes, Gerald D. Saxon, and Richard V. Francaviglia of the University of Texas at Arlington for their valuable comments on this article. See *The Land Commissioners of Texas: 150 Years of the General Land Office* (Austin, 1986), p. 13; Thomas Lloyd Miller, *The Public Lands of Texas, 1519-1970* (Norman, 1972), pp. 45, 48-49.

<sup>2</sup>*Land Commissioners*, pp. 9-10.

<sup>3</sup>George Bernard Erath, *Memoirs of Major George Bernard Erath*, Lucy A. Erath, ed. (1923 reprint, Waco, 1956), p. 55.

<sup>4</sup>Erath, *Memoirs*, pp. 54-57.

<sup>5</sup>Erath, *Memoirs*, p. 56; *Houston Telegraph and Texas Register*, September 15, 1838, April 18, 25, May 2, June 2, 1838; John Salmon Ford, *Rip Ford's Texas*, Stephen B. Oates, ed. (Austin, 1963), pp. 25-27; Annie Carpenter Love, *History of Navarro County* (Dallas, 1933), pp. 29-34; Ron Tyler, ed., *The New Handbook of Texas*, (6 vols., Austin, 1996), II, p. 880, III, p. 519, IV, pp. 72, 384-386; J.W. Wilbarger, *Indian Depredations in Texas* (1889, reprint Austin, 1935), pp. 179-183, 262-263; Amelia W. Williams and Eugene C. Barker, eds., *The Writings of Sam Houston, 1813-1863* (8 vols., Austin, 1938-1943; hereinafter cited as WSH), II, p. 301 (1st and 3d quotations).

<sup>6</sup>Love, *Navarro County*, p. 34 (quotation), pp. 29-34; *Houston Telegraph and Texas Register*, April, 18. 25, May 2, 1838.

<sup>7</sup>William M. Love to William R. Reding, March 2, 1838, in Walter Clay Dixon, *Richland Crossing: A Portrait of Texas Pioneers* (Everman, Tx., 1994), p. 126; *New Handbook*, I, pp. 114-115, II, pp. 324-325, IV, pp. 62-63, V, pp. 621-622; Malcolm D. McLean, comp., ed., *Papers Concerning the Robertson Colony in Texas* (19 vols., Fort Worth, 1974-1974; Arlington, 1977-1993; hereinafter cited as PCRC), VII, pp. 462-463, IX, pp. 49, 63-66; T. J. Allen to C.J. Allen, November 13, 1839, Samuel Tabor Allen Family Papers (Austin: Barker Texas History Center, University of Texas at Austin; hereinafter cited as SAFFP); Walter P. Lane, *Adventures and Recollections of Gen. Walter P. Lane, a San Jacinto Veteran, with Sketches of the Texan, Mexican and Late Wars with Several Indian Fights Thrown in* (1887, reprint Austin, 1970; cited hereinafter as AR), p. 30; *Muster Rolls of the Texas Revolution* (Austin, 1986), p. 72; "A Muster and Final Roll of Capt. H. W. Augustine's Company of Mounted Volunteers in the August Campaign 1838 against the Mexicans," Republic of Texas Muster Rolls, Adjutant General Record Group (Austin: Archives Division, Texas State Library); William M. Jackson to G. R. Dunlap, January 4, 1839, *Texas Treasury Papers: Letters Received in the Treasury Department of the Republic of Texas, 1836-1846*, James M. Day, ed. (4 vols., Austin, 1955-1956), I, pp. 176-177; William M. Jackson file, Audited Military Claims (Austin: Texas State Library, Archives Division; hereinafter cited AMC).

<sup>8</sup>Taylor to Barton, [November 1838], Barton Family Papers. Henry R. Adams, transcriber (Arlington: Special Collections Division, University of Texas at Arlington Libraries; cited hereinafter as BFP); Thomas Barton to William Barton, October 15, 1836, BFP; Family Group Sheets, BFP; John Henry Brow, *Indian Wars and Pioneers of Texas* ([1890]), reprint Easley, SC, 1978), pp. 43, 45-46, 50; McLean, PCRC, VIII, pp. 505, 520; Muster Rolls, pp. 43, 151, 222; *New Handbook*, III, p. 997; Joseph P. Jones file, AMC; John Henry Brown, "Surveyor's Fight," *Farm and Ranch*, (March 1, 1886), p. 6; J.M. Carroll, *A History of Texas Baptists* (Dallas, 1923), p. 73; John P. Cox to James T. DeShields, February 14, 1899, in James T. DeShields, *Border Wars of Texas: Being an Authentic Account in Chronological Order of the Long and Bitter Conflict Waged between Savage Indian Tribes and the Pioneer Settlers of Texas*, Matt Bradley, ed. (Toga, 1912; cited hereinafter as BWT), pp. 254-255; Euclid M. Cox file, AMC; A.Y. Kirkpatrick, *Early Settlers Life in Texas and the Organization of Hill County* (n.d.), reprint Waco, 1963), pp. 23-26; Joyce Martin Murray, *Washington County, Texas, Deed Abstracts, 1834-1841, Republic of Texas and State of Coahuila and Texas* (Mexico) (Dallas, 1986), p. 81; Villamae Williams, *Stephen F. Austin's Register of Families* (n.p.), 1984), p. 1-28.

<sup>9</sup>Lanc, AR, p. 30; Love, *Navarro County*, pp. 38 (quotation). Annie Carpenter Love erro-

neously attributed the version of the Surveyor's Fight found in her *History of Navarro County* [p. 37-45] to William F. Henderson. Harry M. Henderson, a grandson of the surveyor, repeated this mistake in his 1952 article. In fact, John Henry Brown wrote this account in the mid to late 1850s after interviewing the elder Henderson. It appeared in the *Navarro Express* on May 12, 1860, and may have been the same article that Brown wrote for the Galveston *Civilian* in 1855 for which he also interviewed William Smith. The 1855 account has not survived. This article cites the 1860 version. John Henry Brown, "Battle Creek-Surveyor's Defeat in 1838," *Navarro Express*, May 12, 1860; Brown, "Surveyor's Fight," p. 6; [John Henry Brown], "Fight at Battle Creek," *A Memorial and Biographical History of Navarro, Henderson, Anderson, Limestone, Freestone, and Leon Counties, Texas* (Chicago, 1894), p. 90; Harry McCorry Henderson, "The Surveyor's Fight," *Southwestern Historical Quarterly*, LVI (July 1952), pp. 25-35.

<sup>16</sup>The accepted date of the Surveyor's Fight, October 8, 1838, may be inaccurate. No primary source places the battle in October. Walter P. Lane recalled a September 8 date. In a letter written in November 1838, James Taylor placed the battle on September 2, and Euclid Cox's probate filed on October 29, 1838, stated that he "departed this life on or about the Tenth of September." Tyler, ed., *New Handbook*, I, p. 49; Walter P. Lane to James T. DeShields, May 18 1885, BWT, p. 247; Elizabeth and James R. Taylor to Joshua Barton, [November 1838], BFP; Washington County Probate Minutes Book A, Texas Local Records (Austin: Archives Division, Texas State Library; hereinafter cited as TLR), p. 410 (quotation in note), pp. 410-411.

<sup>17</sup>The most consistent number reported for the party in primary accounts was twenty-two, probably neglecting to include the boy McLaughlin, for a total of twenty-three. Adding Love and Jackson, who were absent from the battle, the company that left Franklin likely numbered twenty-five. No account, primary or otherwise, supports Harry M. Henderson's finding of twenty-seven surveyors in his 1952 *Quarterly* article. Allen to Allen, November 13, 1839, SAFF; Taylor to Barton [November 1838], BFP; John S. Berry to John Henry Brown, May 19, 1886, John Henry Brown Family Papers (Austin: Barker Texas History Center, University of Texas at Austin; hereinafter cited JHBFP); Brown, "Battle Creek," May 12, 1860; Brown "Surveyor's Fight," p. 6; Henderson, "Surveyor's Fight," pp. 34-35; Lane, AR, p. 30; Jackson to Dunlap, January 4, 1839, *Texas Treasury Papers*, I, p. 177.

<sup>18</sup>Brown, "Battle Creek," May 12, 1860; Lane to DeShields, May 18, 1885, BWT, p. 247; Lane, AR, p. 30; *Houston Telegraph and Texas Register*, October 20, 1838.

<sup>19</sup>A.M. Gibson, *The Kickapoos: Lords of the Middle Border* (Norman, 1963), pp. 3-5, 25-26, 41, 57-63, 98.

<sup>20</sup>Gibson, *Kickapoos*, pp. 41-51, 144, 153-154; Williams and Barker, ed., *Writings of... Houston*, II, pp. 299 (1st quotation), 301 (2d quotation); *Documents on Indian Affairs, Submitted to Congress by the President* (Houston, 1838), pp. 21-23; Diana Everett, *The Texas Cherokee: A People between Two Fires* (Norman, 1990), pp. 14-15, 24-25.

<sup>21</sup>Everett, *Texas Cherokee*, pp. 14-15, 24-25; Gibson, *Kickapoo*, pp. 91-103, 153-154; [George W. Bonnell], *Report of G. W. Bonnell, Commissioner, Indian Affairs* (Houston, 1838), p. 12.

<sup>22</sup>Brown, "Battle Creek," May 12, 1860; Lane, AR, 30-31. Love reportedly warned the surveyors against continuing their work before he left. He also may have suggested that they drive off the buffalo herd believing that the Indians would follow. J. Eliot, "Indian Fights in Navarro County," *The Texas Almanac for 1868* (Galveston, [1867]), p. 52.

<sup>23</sup>Brown, "Battle Creek," May 12, 1860; Everett, *Texas Cherokees*, pp. 20-21, 71; Lane, AR, pp. 30-31 (quotation); *New Handbook*, III, pp. 499-500.

<sup>24</sup>Brown, "Battle Creek," May 12, 1860; (2d, 3d, and 4th quotations); Lane, AR, p. 31 (1st quotation).

<sup>25</sup>Gibson, *Kickapoos*, pp. 78-80, 154.

<sup>26</sup>The reported number of Indians engaged may be accurate. G. W. Bonnell estimated that the Kickapoo community in Texas should be able to field a force of 240. According to Brown's 1860 account, the party became alarmed before the ambush and decided to gather their equipment and meet the assault in a stand of timber and that the Indians attacked "[b]efore this movement began." Lane, however, recalled a surprise. [Bonnell], *Report*, p. 12; Brown, "Battle Creek," May 12, 1860 (quotation in note); Lane to DeShields, May 18, 1885, BWT, p. 248; Lane, AR, p. 31.

<sup>27</sup>Brown, "Battle Creek," May 12, 1860; Brown, *Indian Wars*, p. 50; J. H. S. Stribling to John Henry Brown, March 9, 1886, JHBFP; Lane to DeShields, May 18, 1885, BWT, p. 248; Lane, AR, pp. 31-32; Stephen L. Hardin, *Texian Iliad: A Military History of the Texas Revolution* (Austin, 1994), pp. 30-35; Noah Smithwick, *The Evolution of a State or Recollections of Old Texas Days* (1900, reprint Austin, 1983), p. 167 (quotation); McLean, ed., PCRC, XIV, pp. 352-416.

<sup>28</sup>Hardin, *Texian Iliad*, pp. xii, 12-13; Petition from the Citizens of Robertson County, [May

1838], PCRC, XVI, p. 452.

<sup>21</sup>Lane to DeShields, May 18, 1885, BWT, p. 248 (quotation); Brown, "Battle Creek," May 12, 1860; Lane, AR, p. 32.

<sup>22</sup>One account suggests that Davis' flight occurred after nightfall and was an attempt to draw the enemy away when the others began their escape. Brown, "Battle Creek," May 12, 1860; DeShields, BWT, p. 252; Lane to DeShields, May 18, 1885, BWT, p. 249; Kirkpatrick, *Early Settlers*, p. 23.

<sup>23</sup>Brown, "Battle Creek," May 12, 1860; Lane to DeShields, May 18, 1885, BWT, pp. 248-249; Kirkpatrick, *Early Settlers*, p. 23; Lane, AR, pp. 32-33.

<sup>24</sup>Violet was probably the John T. Violet who came to Texas with Charles Colerick's Ohio Volunteers. Taylor to Barton, [November 1838], BFP, (2d quotation); Brown, "Battle Creek," May 12, 1860; Lane to DeShields, May 18, 1885, BWT, pp. 248-249; Lane, AR, p. 32 (1st quotation), pp. 32-33; *Muster Rolls*, pp. 192-193; John T. Violet file, AMC; Rogers, "Jones Prairie," pp. 283-284; *History Together with a Biographical History of Milam, Williamson, Bastrop, Travis, Lee and Bell Counties* (Chicago, 1893), pp. 387-388.

<sup>25</sup>Smith settled in Bell County and died in 1877. Baker remains unidentified. Brown, "Battle Creek," May 12, 1860; Lane, AR, p. 33 (quotation); Carroll, *Texas Baptists*, 73.

<sup>26</sup>Lane, AR, pp. 33 (quotation), 33-34.

<sup>27</sup>Lane, AR, p. 34.

<sup>28</sup>Lane, AR, pp. 35 (quotation), 34-36; Brown, "Battle Creek," May 12, 1860.

<sup>29</sup>Brown, "Battle Creek," May 12, 1860; Lane to DeShields, May 18, 1885, BWT, p. 250; Lane, AR, p. 39 (quotation).

<sup>30</sup>Brown, "Battle Creek," May 12, 1860; Lane, AR, pp. 36-37 (quotation).

<sup>31</sup>On their return to the surveyors' camp, Love and Jackson reportedly thwarted an attempt by the Kickapoo to ambush the three survivors. Neither Lane, Brown, nor Jackson recalled this incident. Jackson died in Franklin in 1839. Eliot, "Indian Fights," p. 53; Lane, AR, pp. 37 (quotation), 37-38; DeShields, BWT, p. 253; Jackson to Dunlap, January 4, 1839, *Texas Treasury Papers*, I, p. 177; Robertson County Probate Records, TLR, 50.

<sup>32</sup>Lane, AR, p. 39 (quotation).

<sup>33</sup>Lane, AR, pp. 38 (quotation), 38-39; Taylor to Barton, [November 1838], BFP; W. H. Wagley to John Henry Brown, April 20, [1886], JHBFP; Love, *Navarro County*, p. 45; Eliot, "Indian Fights," p. 52.

<sup>34</sup>The San Jacinto Museum of History presently owns this pistol. Brian Butcher to author, July 28, 1995, author's file.

<sup>35</sup>A great deal of confusion exists regarding the number and identity of the casualties. Apart from those men already noted, the following men are also possible dead: N. Baker, J. Bullock, Dave Clark, Mr. Earl J. Hard, A. Houston, Mr. Ingram, Asa T. Mitchell and Rodney Wheeler. Brown, "Battle Creek," May 12, 1860; Henderson, "Surveyor's Fight," pp. 34-35; Nancy Timmons Samuels and Barbara Roach Knox, *Old Northwest Texas, Historical-Statistical-Biographical*, (1 vol., Fort Worth, 1980), I, pp. 719-720; Lane, AR, p. 38 (quotation).

<sup>36</sup>Lane later fought in the Mexican and Civil Wars, becoming a brigadier general, and died in Marshall, Texas, in 1892. Violet may have returned to Ohio. Taylor to Barton, [November 1838], BFP, (quotation); Allen to Allen, November 13, 1839, SAFFP; Lane, AR, pp. 39-40; Kirkpatrick, *Early Settlers*, p. 23; Robertson County Probate Minutes, TLR, p. 6; *New Handbook*, IV, 62-63.

<sup>37</sup>Taylor to Barton, [November 1838], BFP.

<sup>38</sup>Houston to Congress, November 19, 1838, WSH, II, pp. 301.

<sup>39</sup>Houston to Congress, November 19, 1838, WSH, II, pp. 302 (1st and 2nd quotations), 299-304; Lane, AR, p. 32.

<sup>40</sup>Gibson, *Kickapoos*, 155-158; Mirabeau B. Lamar, Message, December 21, 1838, *The Papers of Mirabeau Buonaparte Lamar* (4 vols., Austin, [1920]-1924; hereinafter cited as PMBL), Charles Adams Gulick, Jr., ed., II, pp. 352-353 (quotations).

<sup>41</sup>Family Group Sheets, BFP; Ethan Melton, Circular Letter, January 16, 1839, PMBL, II, p. 420; Citizens of Franklin to Lamar, February 6, 1839, PMBL, II, pp. 436-437; J. A. Greer to J. C. Watrous, March 2, 1839, PMBL, II, pp. 477-478 (quotation).

<sup>42</sup>Lamar to Citizens, February 22, 1839, PMBL, II, pp. 462-463.

<sup>43</sup>Lamar to Citizens, February 22, 1839, PMBL, II, p. 463.

<sup>44</sup>Settlers named the "ravine" Battle Creek. In 1885 the children of Euclid Cox erected a monument over the grave. Joseph P. Jones' name was added in 1977. Brown, *Indian Wars*, p. 50; Samuels and Knox, *Old Northwest*, I, pp. 452, 502; *New Handbook*, III, pp. 555-556, IV, p. 957, V, p. 621-622; *The Texas Almanac and State Industrial Guide: The Encyclopedia of Texas* (Dallas, 1936), pp. 141, 434; "Battle Creek Fight Recalled," *Waco Tribune Herald*, May 23, 1977.