East Texas Historical Journal

Volume 42 | Issue 2 Article 6

10-2004

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WILLING MISTRESS OR DEVOTED WIFE: HARRIET A. AMES IN THE EARLY DAYS OF THE REPUBLIC OF TEXAS

By Sharon Orleans Lawrence

In 1875, the Chief Justice of the Supreme Court of Texas handed down a decision that dramatically affected the life of Harriet A. Moore Page Potter Ames.[1] a woman who was once known as the "bravest woman in Texas." Refusing to recognize her marriage to her second husband, Robert Potter, the Court branded her Potter's "willing mistress," stigmatized the children she bore Potter with illegitimacy, and dispossessed her of her Caddo Lake home. Harriet had lived on and worked the land known as Potter's Point for nearly four decades.[2] In 1842, while living as a husband to Harriet, Potter bequeathed the bulk of his property at Potter's Point to two other women; one of the bequests led to the lawsuit, *Lewis & McGinnis v Ames*. The lawsuit dragged on for eighteen years and, due to the prominence of the parties involved, touched off a notorious scandal throughout Texas. Harriet believed she was entering into a legal marriage with Potter when the two exchanged vows late in 1836 or early in 1837. While she may not have been Potter's legal wife under the laws of the Republic or the State of Texas, the Texas Supreme Court ignored her moral right to the land as Potter's common-law wife and the mother of his children, and unfairly denied her the possession of her home.

First-person accounts of life in the wilds of Northeast Texas during the mid-nineteenth century are rare. Rarer still are first-person accounts of pioneer life on Caddo Lake. However, historians universally quote one extensive first-person narrative: "The History of Harriet A. Ames during the early days of Texas, Written by herself at the age of eighty-three." Penned more than forty years after the actual events, "The History" is an apology, written, according to Ames, in order to "let the truth be known about much that has been falsified and misrepresented."[3] Ames' need to present her version of the truth and thus reconstruct her reputation, was, of course, a direct result of the Texas Supreme Court decision.

Harriet provides few dates in "The History." She married her first husband, Solomon Page, in Tennessee "in 1828 or 1829" and described herself as young in 1836.[4] Thus, logic indicates she was in her late teens at the time of her marriage to Page, which would place her date of birth at approximately 1810. Assuming Harriet was eighteen when she married, and she wrote "The History" at age eighty-three, the manuscript would then have been written in approximately 1893. The bulk of "The History" recounts the events of her life between1830 and 1843.

According to "The History," Harriet's mother died when Harriett was ten years of age. Her father, Dr. Francis Moore, married a woman who resented Harriet's claims upon her father's attention and finances. After moving to

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Tennessee with her family, Harriet married Solomon Page. Dr. Moore failed to scrutinize his potential son-in-law's character carefully, since Page proved to be a compulsive gambler and unrepentant scoundrel.

The couple moved to New Orleans in approximately 1830. Harriet started a business selling ladies' hats, buttons, and other notions when she could not depend on Page to support her and their two children.[5] Reluctantly, she closed her successful business in about 1835 to accompany her husband to Texas and take advantage of land being offered to settlers by the Mexican government.[6] Promising Harriet a new life in Brazoria, Page vowed to forsake gambling and go to work, and Harriet wrote that "a new life was dawning... for us; a life with fewer lonely hours, fewer heartaches and disappointments."[7] Her father lived "just five miles from Brazoria on one of his ranches."[8] The family set sail from the port of New Orleans, and arrived in Brazoria on the eve of the War for Texas Independence.

Within days, Page lost all of the family's possessions in a card game. Dr. Moore urged Harriet to leave her husband, and her angry brother declared, "...if you are going to live with that man... I feel as if I did not want to speak to you again."[9] Stubbornly, Harriet left with Page rather than remain in a house with a stepmother "so stingy that she did not take proper care of her own."[10] Dr. Moore offered his daughter 320 acres of land and twenty cows; however, when her stepmother objected to the gift, Harriet proudly refused her father's offer. This was a decision she later regretted. "I forgot," she wrote, "that I was alone in a wilderness with a cruelly indifferent husband, two helpless children and no visible means of support."[11]

Furious that Harriet had declined her father's offer, Page took the family to Austin Bayou, two days from Brazoria by wagon. He left them without food or transportation "twenty miles away from the nearest settler ... on the great wide lonely prairie" and volunteered for the army. "I hope that the first bullet that is fired will pierce your heart," Harriet declared as he left, "and just leave you time enough to think of the wife and children that you left to die of starvation in this wilderness." They did nearly starve before they were rescued by a minister and returned to civilization, "leaving behind us in the lonely little house sorrow and loneliness, hunger and despair."[12]

Harriet opened a ladies' notions business in the Brazoria settlement, just before the Norton Panic began. The Norton Panic was part of the Runaway Scrape, a widespread exodus of settlers fleeing the advancing army of Mexican General Antonio López de Santa Anna.[13] The terrified settlers believed "the Mexicans were ... burning and murdering as they came."[14] Harriet was on foot, carrying one of her two young children, when Colonel Robert Potter and another officer rode up and ordered the panicked settlers to go to Velasco, where a ship would take them to Galveston, out of harm's way.[15]

Harriet immediately attracted Colonel Potter's notice. She was young, very pretty, and inappropriately dressed in New Orleans finery, "a black silk, somewhat the worse for wear after my forced march over Texas prairies ...

and a black velvet hat with trimmings of white satin ribbon and feathers," which she had been wearing to pay a formal call on a neighbor at the time The Panic began. She wrote that Potter, "in a gentle and courtley [sic] manner offered me a seat behind him on his horse, saying that his servant would carry my two children." Alone among strangers and embarrassed by the rude stares of the other refugees, who were clad in simple homespun, Harriet accepted Potter's offer "with a very thankful and relieved heart." She wrote: "So we began our eventful ride that changed the whole course of my life."[16]

Harriet had no idea of the kind of man to whom she was entrusting the lives of herself and her children. She knew only that the dashing officer was saving them from the hardship of the Runaway Scrape. Providing quarters for the small family onboard ship at Galveston, Potter continued to ingratiate himself with Harriet. She wrote:

> Never was a woman treated in a more kind and thoughtful manner than was I by Col. Potter. Himself a perfect gentleman, he treated me with all the deference due to a queen, and I began to look up to him as a protector; somehow he heard that I had said I would never again live with my husband, Mr Page, and from the time he learned this incident of my life he was most kind and attentive to my little boy, until I thought that there was nobody like the Colonel.[17]

While both Harriet and Potter were staying onboard ship, Harriet's baby girl sickened and died, weakened by "loneliness and hunger, fright and exposure." Page appeared, begging Harriet to return to him. She refused and explained: "He had left his innocent, helpless little babies and young wife to perish with starvation. No, never, never, would I trust myself nor them to his mercy again."[18]

After the Battle of San Jacinto on April 21, 1836, Colonel Potter offered to convey Harriet to her grandmother in Kentucky. He took her, instead, on a circuitous journey to New Orleans, Alexandria, and Shreveport, Louisiana, and then to the Sabine River in Northeast Texas. More than five decades later, Harriet recognized Potter's machinations to put her in a position of dependency on him, saying, "he was weaving a net around me that it would be impossible to break ... all the changes and disappointments of our trip had been planned by him."[19]

Harriet writes that Potter repeatedly proposed marriage, but she refused, because she was still married to Page. However, Potter insisted that under the laws of Mexican Texas, Harriet was not legally married to Page, because the union had not been solemnized by a priest. "Therefore, you are just as free," he declared, "according to the laws of Texas, as if you had never married." Harriet concluded, "He loved me very devotedly, and the more I thought about it the better way it seemed out of my difficulties."[20]

Harriet agreed to marry her "protector" by bond, or contract, since no clergy was available. "So one evening," she writes, "according to the custom of the country, the little assembly gathered to see us wedded; the ceremony

was a very simple one in those days in that country, but it was just as binding as if judge and clergy were present."[21]

Harriet lived happily on the Sabine River for a year, though she was threatened by hostile Indians and a murderous runaway slave while Potter was three days' ride away, overseeing the construction of a house at Potter's Point. The couple's homes on the Sabine and at Potter's Point lay in the Neutral Ground, a thirty-mile wide, nearly 200-mile-long strip along the Sabine River from the Gulf of Mexico northward. Embroiled in a boundary dispute between the United States and Spain after the Louisiana Purchase of 1803, the territory was unfettered by any recognized legal authority.[22] In 1837 Harriet and Potter moved to Potter's Point, where Harriet "lived for a year without seeing a white woman, in a country filled with Indians."[23] She bore their first child alone, "as Col. Potter had gone to Shreveport on business taking the hands with him."[24]

Harriet loved Potter's Point, writing that "Nature had spared no pains to make complete the beauty of this spot, and I felt that at last I must be happy."[25] However, one month after Harriet wed Potter, a neighbor related "the North Carolina tragedy" to her, and Harriet writes:

> It seems that while a member of Congress in Washington, Col. Potter became infatuated with a beautiful heiress in that city, and finally became engaged to her. How to get rid of his wife, in order to marry the heiress was then the paramount question in his mind. When he returned to North Carolina, he found a "Protracted meeting," or as some call it, a church revival, in session. His own wife was one of the converts, and hearing that a young minister had been praying with her, he seized upon this to attempt to create a scandal about her, that might lead to a legal separation. But he only succeeded in bringing distress and misery into several homes and political trouble and imprisonment upon himself.
>
> His wife's relatives became such bitter enemies, that . . . he found his only peace and safety lay in going to Texas, then engaged in a struggle for freedom.[26]

To quell Harriet's questions, Potter gave her a book he had written about the incident. Harriet read the book and concluded his wife had been innocent. "I learned in after years that he had grown tired of her," Harriet writes, "and I thought that perhaps he might have tired me."[27]

In 1840, Potter was elected senator from Red River County to the legislature of the Republic of Texas.[28] At the same time, a war was raging in the Neutral Ground between two factions, the Moderators and the Regulators. According to Harriet, "the former believed in administering justice in a legal way and the latter in dealing it out in arbitrary and usually quite sudden fashion."[29] Potter, a Moderator, became a bitter enemy of "Old Rose," a murderous Regulator who terrorized the region.[30] After a particularly violent incident, Potter persuaded President Sam Houston "to issue a proclamation calling on all good citizens to aid him" in bringing Rose to justice. In March 1842 Potter returned from the legislature in Austin with the proclamation and a warrant for Rose's arrest.[31]

Eluding Potter's posse, Rose and his men surrounded Potter's Point under cover of darkness. Harriet discovered the marauders at first light. With an arsenal including a cannon and several loaded firearms, she urged Potter to stand and fight with her, vowing to stand by him as long as they lived. Instead, Potter bolted. He jumped the fence surrounding their house, raced down the hill and dove into the lake. One of Rose's men seized the gun Potter had leaned against a tree, and when Potter surfaced, shot him in the back of the head.[32]

The grieving widow worked strenuously to have Rose and his men brought to justice. They were arrested, but after many legal maneuvers, the case was dismissed for lack of evidence.[33] In the interim, Harriet discovered Potter had not died intestate as she had thought, but had left a will bequeathing most of Potter's Point to another woman. Harriet was heartbroken.

> I thought of the will made in Austin which gave my home to a strange woman, if I submitted to it, and of my husband's unfaithfulness to me, when he would write me every week long, affectionate letters full of love for his children and myself, and yet he would be riding about Austin with a married woman. I remembered the home which he ruined there and the sorrow I must suffer because of it, and decided that I would let the case drop and cease to prosecute his murderers.[34]

Harriet returned to Potter's Point from the aborted trial to find that Lakean, the daughter she bore to Potter, had been scalded to death. She blamed the three-year-old's death on the same man who had killed her husband, writing cryptically, "the neighbors knew that he had planned the deed, but dared not give expression to their thought." Harriet writes that Rose and his gang began to persecute her, and she married one of Potter's friends, Charles Ames. "After my marriage with him a life of peace and safety began for me," she writes, "and our union was a most happy one."[35]

Charles and Harriet lived at Potter's Point, working the land. Harriet expected to end her days in peace, but her ownership of the land at Potter's Point was contested, and Ames died in 1866. Nine years later the Texas Supreme Court reversed the lower court's decision and denied her claim to Potter's Point. Defeated after nearly two decades of fighting, Harriet, "a helpless old woman ... left Texas and went to New Orleans to live."[36]

At the time Harriet instituted proceedings to settle Potter's estate, she had no doubt that the land on Caddo Lake belonged to her. The estate was virtually settled when she learned Potter had made a will in February 1842, less than one month before his death. To Harriet's bewilderment, Potter left the bulk of his property to two women whose friendship he had enjoyed in Austin: Mary Chalmers, wife of John Chalmers, secretary of the treasury under President Lamar; and Sophia Mayfield, wife of Colonel James Mayfield, Lamar's secretary of state.[37]

The second article of the will was devastating to Harriet, personally and financially:

> As testimony of my deep sense of the personal worth of Mrs. Sophia Ann Mayfield my gratitude for her friendship and the happiness I have derived from her converse I give and bequeath to her all that Part of my Estate on Fairy Lake known and described upon the map of the Survey made by authority of the United States in Range Seventeen west Township twenty as Sections twelve, thirteen and twenty-four, the latter being a fractional section fronting on said Lake and being the Place of my residence.[38]

The third article was also a staggering blow to Harriet, bequeathing Sections seven, eight and nineteen to Chalmers as "a testimony of the deep sense of the Personal worth of Mrs. Mary W. Chalmers my gratitude for her friendship and the happiness I have derived from her converse."[39] Potter biographer Ernest Fischer tallied the extent of the bequest to Sophia Mayfield. "In other words," he writes, "three sections of 640 acres each, a total of 1,920 acres, went to one of Potter's women friends. This included the home place, upon which Mrs. Page Potter Ames was living at the time the will was probated January 10, 1843 ... ."[40] Chalmers received approximately 1,500 acres; thus, more than half of Potter's property on Caddo Lake went to other women. Moreover, Potter set apart 1,000 acres of Harriet's bequest for her brother, John D. Moore. He did not mention the two living children he had sired with her at all.[41]

Sophia Mayfield never attempted to claim her inheritance during her lifetime; the administrator of her estate sold the property for the benefit of her children, and the purchasers filed suit to assume possession on July 4, 1857, in Cass County, now Marion County. It was a "trespass to try title ... to recover three sections of land now in Marion County, a part of the league and labor surveyed and patented to Robert Potter ... ."[42]

In April 1872 the lawsuit was tried before District Judge J. D. McAdoo, who awarded Lewis and McGinnis one section of land Potter had conveyed by deed to Mrs. Mayfield in addition to leaving it to her in his will, and awarded the other two sections in question to Harriet.[43] The plaintiffs appealed the decision to the Supreme Court of Texas, and Chief Justice Oran M. Roberts reversed the lower court's decision, finding that the deed and will were "in proper form, and stand unimpeached."[44] As a matter of record, Harriet never challenged the validity of the will.

In the final analysis, the court's reversal of the lower court's decision hinged on one central issue: "Was Mrs. Harriet A. Ames legally the wife of Robert Potter, so as to acquire a community interest in the land sued for, or a homestead interest therein, and as to make his and her children his surviving widow and heirs in reference thereto?" Throughout the court testimony, as well as in "The History," Harriet adamantly maintained that she was Potter's legal wife. Justice Roberts decided she was not, citing fundamental problems with the marriage's legality.[45]

First, the court found that Harriet was legally married to Solomon Page and was not divorced from him when she entered into the bond marriage with Potter in 1836. Second, the court found Harriet's bond marriage itself was invalid.[46]

Historian Mark M. Carroll writes that contractual matrimony was introduced into Mexican Texas in 1824 by Stephen F. Austin, who led the first Anglo colonies into Texas, "as a temporary expedient to create at least respectable unions in the absence of priests capable of performing ceremonial marriages."[47] However, James McReynolds, in his Ph.D. dissertation on family life in the early history of Nacogdoches, Texas, observes that "Marriages contracted in Mexican Texas posed problems of legality and heirship to the officials of the Republic of Texas."[48]

As a result, early in the formation of the Republic of Texas, then again in 1837 when the Republic was better organized, the legislature passed laws recognizing bond marriages and legitimizing the children of the unions, provided that a legal marriage ceremony was performed within six months of the passage of the law. The legislature passed a similar law in 1841. Harriet and Potter never remarried under these laws. To compound Harriet's problem, the Republic of Texas passed laws against polygamy in 1836 and 1837. Solomon Page was still alive and living in Southeast Texas, where he had acquired a head right for a league and labor of land as the head of a family. Harriet and he had co-habited after their arrival in Mexican Texas; therefore, Harriet was effectively a bigamist until Page divorced her in 1840.[49]

Justice Roberts assessed Harriet's testimony. "She rebuts the presumption of a legal marriage having been celebrated in fact after that time by her own evidence," he wrote, "wherein she states that she and Potter were never married otherwise than by bond."[50] In other words, Justice Roberts asserted that if Harriet had, indeed, entered into the marriage in good faith with Potter, they would have remarried and legitimized the union, and, thereby, their children, when the opportunity arose. He further noted that they did not remarry even after Page divorced Harriet in 1840.

Third, Justice Roberts explored the issue of character. He cited "Mrs. Page's condition" as a polygamist and the testimony of witnesses who contradicted the existence of an actual marriage versus a convenient living arrangement between Harriet and Robert Potter. Further, he pointed out that Harriet was "a married woman with two children, having a father for a protector, in the absence of her husband, who was in the army under General Houston," and noted that she nonetheless submitted "to the protection of Colonel Potter in an illicit association with him," and that she thus went "off with him into a remote part of the country."[51]

Justice Roberts also reflected on Potter's character, particularly his imprisonment in North Carolina "for the commission of an offense of an extraordinary character against two persons, which throughout the whole Southern States, made him notorious and gave to the newly coined word 'Potterizing' a terrible significance." He pointedly noted that Potter referred to Harriet in his will as "Mrs. Harriet A. Page."[52]

The Chief Justice declared: "when all these things, with many others tending to the same conclusion, are maturely considered, it can hardly be held that it has been clearly shown that a real marriage in good faith has been

established ... ." In Roberts' conclusion, he notes:

> "there are many subjects incidently involved that have not been referred to.... It may be said that if the facts, and those only, of each distinct defense had been distinctly and separately presented . . . instead of an oft-repeated running history of events ... the case might be tried with much more certainty of arriving at correct results ... especially in a case requiring, as this does, nearly four hundred pages of writing to contain the pleadings, evidence, exceptions and judgments.[53]

> Justice Roberts disdained "the many subjects incidentally involved" in *Lewis & McGinnis v Ames*. However, the good faith of the parties cannot be properly assessed without considering those subjects; and in choosing to ignore them, the Chief Justice could not help but arrive at the mistaken conclusion that Harriet did not marry Potter in good faith. "The History" is, in effect, a presentation of the "many subjects incidentally involved."

Many subjects weighed heavily on Harriet's and Potter's behavior, and with hindsight, virtually predicted it. Harriet was a lady; her father was a Harvard-educated physician, and she came from a refined background.[54] Less than one year before she met Potter, her milieu had been a fashionable ladies' shop in New Orleans. She had been thrown precipitously into the hardship and violence of pioneer life without preparation; and when the recently declared Republic was on the brink of losing its war of independence, Harriet was caught up in the terror of the Runaway Scrape. Noah Smithwick, who participated in the Runaway Scrape as a soldier in Houston's Army, described the situation: "The Alamo had fallen and its brave defenders been put to the sword. Houston was in retreat and families fleeing for their lives."[55]

Harriet could have turned to her father or her brothers, John and Francis, Jr., but she did not. Instead, proud and headstrong, she made plans to go to her grandmother in Kentucky. She testified in the lower court that she had lived alternately with her father and brother after her rescue from Austin Bayou, a humiliating circumstance, particularly since she had not heeded their appeals to leave Page.[56] Flattered by Potter's attention, Harriet no doubt found his company preferable to returning to a second-class position in the home of one of her male family members.

After the Runaway Scrape, Harriet's account never mentions her family in Brazoria again, though her father, Dr. Francis Moore, was one of the early Anglo settlers of Texas. Her older brother, Dr. Francis Moore, Jr., was the legendary crusading editor of Houston's first newspaper, *The Telegraph and Texas Register,* as well as a three-term mayor of Houston, state geologist of Texas, and a senator of the Republic.[57] Harriet may have been ashamed that he was an "ardent Unionist and went North at the outbreak of the War."[58] On the other hand, Francis, Jr. was a dedicated Presbyterian given to writing fiery editorials pointing out the evils around him; it may be that he did not approve of Harriet's life with Potter in the Neutral Ground.[59]

Harriet does refer to her brother John, perhaps because he was the kind of man to whom she had become accustomed. Robert Sanders Sr., a settler in Nacogdoches, Texas, wrote to his son in 1841 and described John

Moore with feeling:

> John D. Moore, I am anxious should be regulated, and will try to have him a benefit given, and Matilda taken from him, he lied so very bad, and conducted himself so badly in this county; he ran away and carried all he had to Potters 150 Miles from here, I seldom hear from Matilda, she had a very severe spell of sickness last summer, which caused an abortion she was very near dying, and was in bad health the last account I had from her; poor Woman when Moore carried her away he pretended he was going to take her to see Spotswood: Moore has never been divorced, and his first wife is living in Houston . . [60]

Robert Potter embodied in his person the best and worst of human character, having left a trail of both accomplishment and bloodshed behind him. James Norvell wrote that "perhaps no more violent and contradictory man than Potter ever appeared upon the Texas scene."[61] Potter's biographer, Ernest Shearer, noted that "Sam Houston characterized Potter as the 'notorious Robert Potter ... whose infamy was wider than the world, and deeper than perdition.'"[62] In 1829 and 1831, he was elected to the U.S. Congress from North Carolina; late in 1831 he was jailed for committing a heinous crime so infamous that his first wife not only divorced him 1834, but also changed her and their children's last name.[63]

In 1835 Potter arrived in Texas on the eve of the Texas War of Independence, mysteriously endowed with the title, "Colonel," his only military service having been as a U.S. Navy midshipman during his younger years.[64] He was a signer of the Texas Declaration of Independence and, on his meager record of naval service and his charisma, he was appointed ad-interim secretary of the navy of the Republic of Texas.[65]

When Potter headed for Texas, leaving behind him the wreckage of broken lives and hearts resulting from "the North Carolina tragedy," he was just the kind of man to whom the legendary architect and mid-nineteenth century journal-writer Frederick Law Olmstead referred when he wrote, "G.T.T.," (gone to Texas,) was the slang appendage ... to every man's name who had disappeared before the discovery of some rascality. Did a man emigrate thither, every one was on the watch for the discreditable reason to turn up."[66]

A gifted orator, Potter was elected to the senate of the Republic of Texas.[67] Mildred Mays McClung notes that he was "called a cheater at cards, a defamer of character, a libertine, and a home wrecker."[68] Potter biographer Fischer described him as being "of lusty, reckless, and dashing temperament ... destined to meet trouble again and again.[69]

Manipulative and brilliant, Potter was a charismatic womanizer determined to possess the naive young Harriet. Harriet was powerless against him, grief-stricken at the death of her daughter and without means of protecting or supporting herself and her son. It hardly seems just that Justice Roberts did not consider this contrast in weighing "good faith."

At the outset, romance and need combined with fear and fatigue to blind Harriet to Potter's self-serving arguments and explanations. However, as time

passed, the intelligent young woman from an educated family could not have continued to remain unaware of the kind of man she had "married," unless, of course, she chose to remain ignorant. Harriet had learned one valuable lesson from her wilderness experience on Austin Bayou: never let pride stand in the way of survival. The remainder of her life was conducted with an acute awareness of her own vulnerability. Potter methodically exacerbated her vulnerability by leading her farther away from her family and civilized life, deep into the wilds of Northeast Texas and the Neutral Ground.

The Neutral Ground was infamous. "One of the most troublesome spots" in the Republic of Texas' boundary problems with Mexico and the United States, it was the "north-south line that ran – or to be more accurate, supposedly ran – between the Red and Sabine Rivers in East Texas."[70] The Neutral Ground was, as Potter historian Fischer notes, "a haven for criminals, ranging from slave traders on the coast, to political feudists northward."[71]

Long-time student of Caddo Lake history and society, Wyatt Moore, notes that "Outlaws, renegades, thieves, cutthroats, swindlers, dealers in fraudulent land certificates all came to the Badlands, for here they were outside the bounds of any nation and no law could touch them."[72] This area and era was experienced by Frederick Law Olmstead in 1857 and described without romance, "Probably a more reckless and vicious crew was seldom gathered than that which peopled some parts of Eastern Texas at the time of its first resistance to the Mexican government."[73] The violence reached an even higher pitch with the Regulator-Moderator War, which lasted from 1839 until 1844.[74]

Life at Potter's Point was fraught with all the perils of pioneer life plus the terrors of the Neutral Ground, particularly since Harriet and Potter "were the first white settlers on Caddo Lake."[75] Harriet viewed the area through the romantic filter of Potter's charms and promises as well as her own gratitude for having a place she could call "home." Home, even in a country filled with Indians, was a gift she well-appreciated and never took for granted. Four decades later, though clearly aware of Potter's infidelities and other betrayals, after enduring the humiliations of the trial and the Supreme Court decision, and after the painful expulsion from her home, she still describes Potter's Point in glowing terms: "A place more beautiful than Potter's Point it would be impossible to imagine. Our house ... overlooked the most romantically beautiful lake that I've ever beheld."[76] It is difficult to comprehend that she is describing the same lawless territory as Ruffin, Olmstead, Moore, or Fischer.

Harriet found it nearly impossible, more than a half-century after his death, to speak ill of Robert Potter. She reluctantly acknowledged his betrayals. Referring to "the North Carolina tragedy," she recalled: "These incidents in the life of my husband, were not known by me until after his death, except the highly colored story which my inconsiderate neighbor had told me."[77] Her husband neglected to tell her he was guilty of maiming two human beings, that he served time in prison, or that he was divorced and had fathered two other children, yet, Harriet called the neighbor woman inconsiderate. In

another instance, Harriet casually remarked that during her first year at Potter's Point, she had a baby, "alone at the time as Col. Potter had gone to Shreveport on business taking the hands with him."[78] Harriet, even decades later, exhibited no indignation at Potter's callousness. Her faith and trust in Potter is further evident in her testimony concerning the arrival of divorce documents from Page. She testified that Potter told her he had received the divorce papers, but ". . . he advised her to give herself no trouble about the matter but leave it with him and he would attend to it."[79] She left it to him.

In contrast to her narrative in "The History," Harriet's court testimony revealed she felt free to marry Potter because she believed Page had been killed in the war. One of the witnesses for the plaintiffs in *Lewis & McGinnis v Ames*, S. R. Perry, recalled that Potter said he had lied to Harriet about Solomon Page, testifying that he heard "Potter say that he had made false representations to said Harriett about the death of her husband Page, that he had told her said Page was dead and induced her to live with him but that Page still lived."[80] Harriet discovered that Potter had misled her about Page's death when the divorce papers arrived, if she had not discovered the deception earlier, and Perry's testimony at the trial presented her with the full depth of Potter's treachery. Yet, she never mentions this additional betrayal in "The History."

Furthermore, testimony during the trial of *Lewis and McGinnis v Ames* showed that the union between Potter and Harriet, legal or not, was not the romantic ideal she described in "The History." Their relationship was tempestuous, as would be expected between two proud, passionate, temperamental human beings. One witness, David Burton, said Potter had not only told him Harriet was not his wife, but

> ... Potter said that it was his object to get rid of her. . . . They did not live together on such terms as man and wife should. I have known her to lie out in the woods on several occasions – a niger [sic] woman carried provision to her. She finally would return to Potter's house.[81]

S.R. Perry testified that he heard "Potter say that said Harriett A. was not his wife. . . . that said Potter borrowed money on one occasion as he said to send said Harriett off."[82]

In making his decision regarding the good faith of the parties, Justice Roberts cited conflicting testimony regarding whether Potter referred to Harriet as "Mrs. Page" or "Mrs. Potter." Potter certainly referred to her as "Mrs. Page" in his will, and, apparently, he called her "Mrs. Page" in front of witnesses, since several people testified that he did.[83] Thomas W. Clark, an attorney from Illinois who visited with the Potters on Caddo Lake, said he heard Potter say "he never intended to marry any woman, that women were treacherous and uncertain creatures."[84]

On the other hand, one item of evidence, a letter, clearly corroborates Harriet's version of the private relationship between the man and woman living at Potter's Point. From Robert Potter to "Mrs. Harriet A. Potter, Mulberry Shore, Red River County, Texas" and dated "Austin Jan'y 18th, 1841," the let-

ter begins: "My Dear Harriet." In the body of the letter, Potter discusses the work he is doing in the legislature in Austin, then tells her: "You may well conceive how anxious I am to get home again and once more behold you and my dear Joe [Harriet's son by Page] and Little Lake." In closing, he says, "... you may be well assured I shall lose no time in getting home" and ends the letter, "Yours affectionately, Dear Harriet, Rob Potter."[85] This letter alone should have been enough to convince Supreme Court Justice that the attitude Potter displayed to Harriet was that of an affectionate husband to his wife, regardless of how he might have represented their relationship to others.

This dichotomy is central to understanding Harriet and Potter's relationship and is, of course, an issue of Potter's character. Potter may not have dealt with Harriet in good faith, but he wanted her to believe he did, and with regard to her financial, social, and domestic security, and that of her children, it behooved Harriet to believe he did.

The indignities Harriet was willing to suffer in order to remain under the guardianship of a male protector became clearer after Potter's death, when she was said to have humbled herself to the contemptible Solomon Page. Robert J. W. Reel, a friend of Solomon Page's, testified:

> I saw a letter from the said Harriet A. Page written to her said husband Solomon C. Page in which she wished him to come for her, and in which she then promised to live with him, and she signed it Harriet A. Page; this was after the death of said Col. Robert Potter.[86]

Whether Page declined to retrieve her, or she was made a better offer by that "noble and good man, Chas. Ames," is unknown.[87] She did marry Ames in Nacogdoches in September 1842, less than six months after Potter's death.[88] This quick remarriage was not unusual in pioneer days, and did not mean she was not devoted to Robert Potter.

Harriet was proud and a trifle self-righteous; she was not a woman who would have been content with the status of "willing mistress." With gratitude and genuine romantic love, she entered into the marital relationship with Potter in good faith. She continued to believe in him even after the proof of his betrayals was irrefutable, declaring:

> Col. Potter was always a very devoted husband to me, and never did anything to distress me until the time when he made his will in Austin; and I have always believed that he thought I would never hear of his action then, because the first thing he told me on his return was that he had introduced a bill into the Senate making all marriages like ours legal.[89]

This passage clearly demonstrates that Harriet knew problems existed with the legality of the marriage, had discussed it with Potter, and that he was making an effort to allay her concern. As a practical consideration, and apart from her love for Potter, Harriet continued their arrangement in light of the status and security afforded her as his wife or "wife." She never imagined the possibility of his precipitate demise or dreamed a challenge could arise to her claim on his estate.

It is significant that of the forty-six pages of "The History," Harriet

devotes ten pages to the events of her marriage to her first husband, a few paragraphs to her third husband, and the remainder to her relationship with Robert Potter and its aftermath. Harriet never refers to Potter with anger. She expresses regret when she says, "Oh, how he had deceived me; and I could not forget it."[90] She is defensive, when she twice declares her certainty that Potter never intended for the detestable will to stand or that she should learn of its existence.[91] She is undeniably proud, as she describes all she and Potter accomplished during their marriage.

Harriet loved and respected Robert Potter. "The History" shows that she still loved him and believed in him at age eighty-three, even after suffering the unspeakable humiliations visited on her as a result of his betrayals. The "bravest woman in Texas," Harriet A. Moore Page Potter Ames, married Potter in good faith and was, therefore, his lawful wife and entitled to "a community interest in the land sued for, or a homestead interest therein, and as to make his and her children . . . heirs in reference thereto."[92] Writing of Justice Roberts' decision, Harriet appropriated the final word on the subject for herself. "I could never understand why the Judge could grant such a claim," she says. "The property was surely mine, for I had lived upon it for forty years. None but the blackest heart could have done what that man did."[93]

NOTES

[1]Harriet A. Ames, "The History of Harriet A. Ames during the early days of Texas, written by herself at age eighty-three." unpublished, photocopy in the possession of the researcher identical to a typed carbon copy housed in the Shreveport Memorial Library Genealogical Collection, Shreveport, Louisiana. The manuscript notes that the first page of the original document was lost. Consequently, any date of the writing of the document that may have been noted on that first page is also lost. The manuscript was transcribed from the original handwritten "History," the whereabouts of which is not known, during the 1930s in Jefferson, Texas, at the request of the heirs of Harriet Ames. Mrs. Ames' first name is spelled variously throughout the literature with one "t" or two; for the purposes of this paper, other than in direct quotations, one "t" will be employed, since one "t" is used in "The History."

[2]*Lewis & McGinnis v Harriet A. Ames*, 44 Tex. 319; 1875 Tex. LEXIS 208, Supreme Court of Texas.

[3]Ames, "The History," p. 46.

[4]*Samuel K. Lewis and Edmund McGinnis, Plaintiffs, v Charles Ames and his wife, Harriet Ames, Defendants,* 1857; Ames, "The History," p. 13.

[5]Ames, "The History," p. 1.

[6]Ames. "The History," 2; (Villamae Williams, ed.), Stephen F. Austin, *Stephen F. Austin's Register of Families*, (Austin,1989), p. ix.

[7]Ames, "The History," p. 2.

[8]Ames, "The History," p. 2; Austin, *Stephen F. Austin's Register*, p. 46.

[9]Ames, "The History," p. 4; S. W. Geiser, "Notes on Dr. Francis Moore (1808-1864)," *Southwestern Historical Quarterly* 47 (April 1944), p. 420. The brother was probably John Moore.

[10]Ames, "The History," p. 4.

[11]Ames, "The History," p. 5.

[12]Ames, "The History," p. 5-10.

[13]Ames, "The History," p.11; Carolyn Callaway Covington, "Runaway Scrape." *The*

Handbook of Texas Online, http://www.tsha.utexas.edu/handbook/online/articles/view/RR/pfr1.html (October11, 2002).

[14]Ames, "The History," p. 11.

[15]Ames, "The History," p. 12.

[16]Ames, "The History," pp. 12-13.

[17]Ames, "The History," p. 13.

[18]Ames, "The History," pp. 13-14.

[19]Ames, "The History," p. 16.

[20]Ames, "The History," pp. 16-17.

[21]Ames, "The History," p. 17.

[22]Ernest G. Fischer, *Robert Potter: founder of the Texas Navy* (Gretna, Louisiana, 1976), p. 212; Fred Tarpley, *Jefferson, Riverport to the Southwest* (Wolfe City, Texas, 1983), pp.14, 19.

[23]Ames, "The History," p. 21.

[24]Ames, "The History," p. 21.

[25]Ames, "The History," p. 23.

[26]Ames, "The History," pp. 23-24. Potter accused his wife of adultery and castrated the minister and another young man.

[27]Ames, "The History," p. 24.

[28]Ames, "The History," p. 27; Ernest C. Shearer, *Robert Potter, Remarkable North Carolinian and Texan* (Houston, 1951), p. 84. At the time, Red River County included an area that would become all or part of more than thirty counties, and encompassed Caddo Lake.

[29]Ames, "The History," p. 31.

[30]Ames, "The History," pp. 29-30.

[31]Ames, "The History," p. 31.

[32]Ames, "The History," pp. 31-36.

[33]Fischer, *Robert Potter: founder of the Texas Navy*, p. 218.

[34]Ames, "The History," p. 41.

[35]Ames, "The History," pp. 42-44.

[36]Ames, "The History," p. 44.

[37]Robert Potter Last Will and Testament, Paschal County, Texas, February 11, 1842; Land Deed Book D-302 Red River County Clerk of Court, Clarksville, Texas.

[38]Potter, Last Will.

[39]Potter, Last Will.

[40]Fischer, *Robert Potter: founder of the Texas Navy*, p. 220.

[41]Potter, Last Will; *Lewis & McGinnis v Ames*, 1875.

[42]*Lewis & McGinnis v Ames*, 1875.

[43]*Lewis & McGinnis v Ames*, 1875; Norvell, James R., "The Ames Case Revisited," *Southwestern Historical Quarterly* 63 (July 1959), pp. 65-67.

[44]*Lewis & McGinnis v Ames*, 1875.

[45]*Lewis & McGinnis v Ames*, 1875.

[46]*Lewis & McGinnis v Ames*, 1875.

[47]Mark M. Carroll, *Homesteads Ungovernable, Families, Sex, Race and the Law in Frontier Texas, 1823-1860* (Austin, 2001), p. 113. Although an excellent resource concerning domestic arrangements in frontier Texas, the text incorrectly states that Harriet's marriages to both Page and Potter were bond marriages, then draws conclusions based on this erroneous assertion.

[48]James M. McReynolds, "Family Life In A Borderland Community: Nacogdoches, Texas, 1779-1861" (Ph.D. dissertation, Texas Tech University, 1978), p. 139.

[49]*Lewis & McGinnis v Ames*, 1875.

[50]*Lewis & McGinnis v Ames*, 1875.

[51]*Lewis & McGinnis v Ames*, 1875.

[52]*Lewis & McGinnis v Ames*, 1875.

[53]*Lewis & McGinnis v Ames*, 1875.

[54]Ames, "The History," p. 13; Geiser, "Notes on Dr. Francis Moore," p. 420.

[55]Noah Smithwick, *The Evolution of a State, or Recollections of Old Texas Days*, Southwestern Classics On-Line: Lone Star Junction, 1997, chapter IX, p. 1. http://site17585.dell-host.com/lsj/olbooks/smithwic/bio.htm. (October 8, 2002).

[56]*Lewis and McGinnis v Ames*, 1857; Ames, "The History," pp. 4-5.

[57]James E. Buchanan, comp., *Houston, A Chronological and Documentary History 1519-1970* (Austin, 1975), pp. 3-8; Austin, *Stephen F. Austin's Register*, p. 46; Geiser, "Notes on Dr. Frances Moore," pp. 420-422.

[58]Geiser, "Notes on Dr. Frances Moore," p. 421. The reference is to the Civil War.

[59]David McComb, *Houston, the Bayou City* (Austin, 1969), pp. 66-69.

[60]Robert Sanders, Sr. to his son, Nacogdoches, November 25, 1841, Vol XXXIV, Robert B. Blake Collection, p. 267. East Texas Research Center, Ralph W. Steen Library, Stephen F. Austin State University.

[61]Norvell, "The Ames Case Revisited," p. 70.

[62]Shearer, *Robert Potter, Remarkable North Carolinian and Texan*, p. x.

[63]Fischer, *Robert Potter: Founder of the Texas Navy*, p. 26

[64]*Lewis & McGinnis v Ames*, 1875.

[65]Shearer, *Robert Potter, Remarkable North Carolinian and Texan*, p. 106.

[66]Frederick Law Olmstead, *A Journey Through Texas or, A Saddletrip on the Southwestern Frontier with a statistical appendix* (New York, 1969), p. 124.

[67]Shearer, *Robert Potter, Remarkable North Carolinian and Texan*, p. 106.

[68]Mildred Mays McClung, *Caddo Lake, Mysterious Swampland* (Copyright: Mildred Mays McClung, 1974), p. 91.

[69]Fischer, *Robert Potter: Founder of the Texas Navy*, p. 7.

[70]Thomas F. Ruffin, "The Elusive East Texas Border," *Eastern Texas History, Selections from the East Texas Historical Journal*, Archie P. McDonald, ed., (Austin, 1978), p. 58.

[71]Fischer, *Robert Potter: Founder of the Texas Navy*, p. 213.

[72]Wyatt Moore, *Every Sun That Rises, Wyatt Moore of Caddo Lake*. Thad Sitton and James H. Conrad, eds., (Austin, 1985), p. 14.

[73]Olmstead, *A Journey Through Texas*, p. 124.

[74]Fred Tarpley, *Jefferson: Riverport*, p. 21.

[75]Bagur, *A History of Navigation on Cypress Bayou and the Lakes* (Denton, 2001), p. 129.

[76]Ames, "The History," pp. 21-22.

[77]Ames, "The History," pp. 23-24.

[78]Ames, "The History," p. 21.

[79]*Lewis & McGinnis v Ames*, 1857.

[80]*Lewis & McGinnis v Ames*, 1857, answer to interrogatories of S. R. Perry, September 29, 1859, Cass County, Texas.

[81]*Lewis & McGinnis v Ames*, 1857, answer to interrogatories of David Burton, May 24, 1867, Titus County, Texas.

[82]*Lewis & McGinnis v Ames*, 1857, answer to interrogatories of S. R. Perry.

[83]*Lewis & McGinnis v Ames*, 1857.

[84]*Lewis & McGinnis v Ames*, 1857, answer to interrogatories of Thomas W. Clark, September 15, 1859, Marshall, Texas.

[85]Robert Potter to Harriet A. Potter, Austin, Texas January 1841, *Lewis and McGinnis v. Ames*, 1857.

[86]*Lewis and McGinnis v Ames*, Marion County, 1857, deposition of Robert J. W. Reel, September 23, 1858, Brazoria County.

[87]Ames, "The History," p. 44.

[88]*Lewis and McGinnis v Ames*, 1857.

[89]Ames, "The History," p. 17.

[90]Ames, "The History," p. 41.

[91]Ames, "The History," pp. 31, 41.

[92]*Lewis & McGinnis v Ames*, 1857.

[93]Ames, "The History," p. 44.