The Philosophical Society of Texas

PROCEEDINGS

1941

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OF THE ANNUAL MEETING

OF

The Philosophical Society of Texas

AUSTIN

DECEMBER 5, 1941

Dallas

The Philosophical Society of Texas

1942

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ANNUAL MEETING

ONE hundred and seven members and guests of The Philosophical Society of Texas met in Austin on December 5, 1941, to observe the one hundred and fourth anniversary of the founding of the Society.

At the invitation of the Hon. Tom Miller, mayor of Austin, members of the Society were privileged to visit the points of major historical interest in and around the city, including the State Cemetery, with its notable monuments, the studio where the sculptor Elisabet Ney worked, and Mount Bonnell (named for one of the founders of the Society) at whose foot Stephen F. Austin hoped to spend his last days. They also, on the invitation of President Homer Price Rainey, visited the Main Building of the University of Texas (in which is housed the University Library, which bears the name of Mirabeau B. Lamar, founder and first president of the Society and second President of the Republic of Texas), and the Texas Memorial Museum, of which Professor E. H. Sellards is director.

At seven by the clock the formal dinner was held in the Georgian Room of the Clubhouse of the Texas Federation of Women's Clubs. There, President Battle and

the local committees on arrangements had recreated to a remarkable degree the physical atmosphere of a social gathering of the days of the Republic of Texas, and had arranged a "sumptuous repast" such as the original members might have eaten at their last recorded meeting, held in Austin on January 29, 1840. The menu follows:

Oyster Soup

Beaten Biscuits and Butter

Turkey *Ham*

Wild Plum Jam *Pickles* *Grape Jelly*

Sweet Potatoes

Turnips *Turnip Greens* *Hot Biscuits*

Corn Bread *Corn Meal Dumplings*

Coffee *Tea* *Milk*

Ambrosia *Syllabub* *Pound Cake*

Sweet Meats

Pecans *Raisins*

Cigarettes *Cigars*

Members of the Society present were: Mrs. Baker, Miss DeZavala, Mrs. Farnsworth, Miss Gearing, Miss Hockaday, Miss Ideson, Mrs. Perry, Miss Smither; Messrs. Acheson, Alexander, Aynesworth, Bantel, Barker, Battle, Bobbitt, Boner, Briggs, Brogan, Castañeda, Chrestman, Clark, Clyce, Currie, Dealey, Dobie, Drought, Ellis, Ettlinger, Gambrell, Gilchrist, Haley, Harper, Holden, Hutcheson, Kemp, King, Law, Lomax, McCormick, Pittenger, Potts, Rainey, Ramsdell, Randall, Sellards, Stayton, Stumberg, Trantham, Walker, Watkin, Webb, Williams, and Wrather.

Guests at the dinner included Mrs. James P. Alexander, Miss Winnie Allen, Mr. Thomas E. Baker, Mr. and Mrs. F. T. Baldwin, Mrs. E. C. H. Bantel, Mrs. Eugene C. Barker, Professor and Mrs. Chase Baromeo, Mrs. George Waverley Briggs, Mrs. A. P. Brogan, Mrs. Carlos E. Castañeda, Mrs. M. N. Chrestman, Miss Ruth Coit, Miss Margaret M. Corbin, Miss Mary DeZavala, Mrs. H. P. Drought, Mrs. H. J. Ettlinger, Mr. O. M. Farnsworth, Mrs. Herbert Gambrell, Mrs. George P. Garrison, Mrs. Gibb Gilchrist, Mr. and Mrs. DeWitt C. Greer, the Rev. William Havey, Mr. W. R. Hogan, Mrs. W. C. Holden, Mrs. J. C. Hutcheson, Jr., Mrs. L. W. Kemp, Mrs. Frank H. King, Mrs. F. M. Law, Mr. and Mrs. W. W. Littell, Mrs. Charles T. McCormick, Mr. Howard C. Marshall, Mr. J. M. Moroney, Jr., Mrs. E. R. Pedigo, Mrs. B. F. Pittenger, Mrs. C. S. Potts, Mrs. Homer P. Rainey, Mrs. Edward Randall, Mrs. E. H. Sellards, Mrs. Alex W. Spence, Mrs. George Wilfred Stumberg, Mrs. J. Lewis Thompson, Mr. and Mrs. W. M. Thornton, Mrs. A. W. Walker, Jr., Mrs. W. P. Webb, Mrs. Roger J. Williams, Mr. Roger J. Williams, Jr., Mrs. W. E. Wrather, Professor and Mrs. A. D. Zanzig.

Professor Battle, president of the Society, presided. The invocation was given by the Reverend William Havey, vice-president of Saint Edward's University.

Dinner over, the president made the following introductory remarks:

Introductory Remarks by the President

Members of the Society, Ladies and Gentlemen:

IN PLANNING for the meeting to celebrate the one hundred and fourth anniversary of the Philosophical Society of Texas, it seemed to the Directors that it would be appropriate to the situation of our country today, isolated and threatened with war, to recall the days of the Republic of Texas, perilous and full of hardship but in the end triumphant through the heroism of her people. Obviously the place of the celebration should be Austin, named after the Father of Texas, the place which he selected as the home of his declining years, though he was not fated to realize his hope. For the chief speaker we were unanimous in the choice of the biographer of Austin, the man who of all the historians of Texas is best qualified to picture to us the life of the Republic.

It fell to me as your president to arrange the program. In doing so the effort has been made to bring back the life of the Republic in every practicable way.

The banquet hall has been decorated with festoons and the tables with bouquets such as were in vogue under the Republic, and each of you has received a posy such as used to be popular.

Around the walls hang flags that were flown then: the 1835 flag that demanded the Mexican Constitution of 1824, the 1835 Come and Take It flag of Gonzales, the San Jacinto flag brought by volunteers from Kentucky, several company flags borne in the army of the Republic, the flag of the Republic adopted in 1839 that became the

flag of the State of Texas, and the flag of the United States.

The tables are set with old-time china, glass and silver. The food, such food as the Fathers ate, lay before you, to choose as you would; not served in courses as we serve it now. I hope you have enjoyed it, and it looks as if you did, for there is not much of it left.

Better yet, we shall sing some of the songs the Fathers loved to sing, as revealed by the researches of Mrs. Lota M. Spell in her *Music in Texas* (Austin, 1936) and her unpublished collections to which she generously gave me access. Some they brought with them from their old homes and these for the most part show a higher standard both as to words and airs than popular songs do today. Some they wrote themselves, to nerve their courage, or celebrate their victories, or mourn the sufferings of prisoners in Mexico. They are not great poetry but at least one is worthy of honor today—"The Hymn of the Alamo", by an author who signed himself P., published October 4, 1836. As leader in our songs we shall have Professor Augustus D. Zanzig, Director of Community Singing in the University of Texas. As soloists we are happy to have Professor Chase Baromeo, lately of the Metropolitan Opera, and Miss Margaret M. Corbin, both now members of the University College of Fine Arts, with Mrs. Baromeo at the piano. Let us sing as the Fathers sang, with our hearts as well as our voices.

And then will come Doctor Barker's address on Life in the Republic of Texas. Modest man that he is, he insisted that I read it and see if it could not be shortened somewhat. I did read it and I told him that if he left out a word I should haunt him the rest of his life!

After Doctor Barker's address we shall have our business meeting. Then we shall sing "The Star-Spangled Banner" and "Auld Lang Syne". And then, good night.

Appreciation and thanks are due a number of friends who have helped in restoring the atmosphere of the Republic: first of all to Miss Winnie Allen, Archivist at the University, rich in ideas and untiring in her efforts; to Miss Fannie M. Andrews, Miss Ima Hogg, Miss Julia Ideson, Miss Leonora O'Neil, Mrs. Hally Bryan Perry, Mrs. Charles Ramsdell, Jr., Dr. E. H. Sellards, Miss Josephine Theis, and Mrs. W. P. Webb in connection with the china, glass, and silver; to Mrs. Ben Edwards, President of the Daughters of the Republic of Texas, and Mrs. Fred Cloud, Curator of the Daughters' Museum, for the loan of the flags.

It is a pleasure to present letters of welcome from the Mayor of Austin and the President of the University. The tours which they suggested were most successfully carried out, the one under the auspices of the Austin Chamber of Commerce, the other with Professor Charles W. Ramsdell as guide.

LIFE IN THE REPUBLIC OF TEXAS

EUGENE C. BARKER

THE SUBJECT of this discussion is not of my choosing. It was suggested to me with such an array of specious, flattering argument that I had no way of escape. And yet, since I must speak, I was grateful for the suggestion—any suggestion—because the two fundamental obstacles that I always have to overcome when somebody asks me to make a speech are, first, to find a subject; and, second, to learn something to say about it. In this instance, I was relieved of the first difficulty.

At the outset, I have encountered three embarrassing reflections. In the first place, no historian that I know has the requisite imagination to apprehend or the literary artistry to describe the varied conditions and the infinitely complex physical activities and mental processes that make up the life of human beings. Therefore, I am foredoomed to failure. In the second place, the obvious, superficial manifestations of "life" in the Republic of Texas do not differ characteristically from similar conditions and manifestations of the same period in the United States. And, finally—and I confess that this occurred to me with some surprise—"life", as it was developing in Texas between 1835 and 1845, did not differ essentially from that which is known today to the experience and observation of men and women whose memories cover a span of forty years of their own living.

In consequence, one might plausibly argue that I am discussing a subject that does not exist. But let's not split dialectical hairs.

Of course, I am aware that inventions and scientific discoveries introduced miraculous changes into world conditions between 1845 and 1900; but the point is that survivals of earlier conditions and earlier processes were so numerous and so pervasive down to the end of the nineteenth century that the vast majority of the American people outside large towns and cities experienced the changes only indirectly. It was the automobile, I think, that marked the broad boundary between the unhurried simplicity that our grandparents knew and the hectic complexity of present-day living; and I am inclined to shorten the period of retrospect to 1908 and say that Henry Ford's Model T loosened the bonds of the somber past and introduced the era of self-expression and joyous life.

I could illustrate the persistence of frontier ways of living from my own memories; but time, if not taste, forbids. I have been assured by one who has addressed this Society that the endurance of its members after their annual dinner is unlimited; but I shall not strain their politeness by recounting reminiscences of life in East Texas in the mid-eighties.

Immigration into Texas

Legal immigration of Anglo-Americans into the land that became the Republic of Texas began at the very end of 1821. There were already a few squatters west of the Sabine, but their total probably did not exceed a dozen families. Though we have some formal census reports for 1828-1830 and some conflicting estimates for 1833 and 1834, the number of inhabitants at the beginning

of the Republic is hard to determine. The guesses range as high as 70,000. I came to the reasoned opinion a good many years ago that men, women, and children did not exceed 30,000; and I have seen no reason to change my mind. The state census of 1847 found 142,000, including 39,000 Negroes. Thus, during the nine years of independence about 100,000 people came into Texas.

No very satisfactory analysis of the origins of this immigration can be made. The federal census of 1850, the first that covered Texas, found 43,000 native white Texans, 92,000 born in other states of the Union, and some 8,000 people of German birth. The largest contributions to the non-Texan element came from Tennessee, Alabama, Georgia, and Mississippi; while the two Carolinas, Kentucky, Missouri, Arkansas, and Louisiana had each four to five thousand representatives.[1] With the non-native population outnumbering the native-born more than 2 to 1, it is obvious that life in the Republic could have differed only in minor circumstance from that in the adjacent region of the United States.

The motives which brought immigrants to Texas were essentially the same as those which carried the Westward Movement from the Atlantic to the Pacific Ocean—namely the desire for economic and social improvement, with a dash of the spirit of adventure. The minimum price of public land in the United States was $1.25 an acre. In Texas, the Republic continued without substantial change the free land policy inaugurated by Mexico. Men could obtain liberal grants upon condition of settle-

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[1]J. D. B. DeBow, *Statistical View of the United States . . . Compendium of the Seventh Census* (1850), 45, 116-117. The unsatisfactory character of this analysis of origins lies in the fact that we have little information about the previous movements of the parents of the non-native population.

ment and nominal improvement, and could augment their holdings by military-ranger service, for as short a term as three months.[2] At a time when the ownership of land was regarded as the indispensable condition to prosperity, no further incentive was necessary to carry people to Texas.

It seems significant, moreover, that the panic of 1819 and its consequent years of depression saw the beginning of the Anglo-American colonization of Texas and that the depression following the panic of 1837 extended over most of the life-span of the Republic. No doubt, also, the promise of security offered by the Texas homestead laws of 1829 and 1839 was a minor incentive to immigration.[3]

Colonists might come to Texas by land or sea. Transportation was never so uniform either in method or season as was the emigration to Oregon. Immigrants who came by sea landed usually at Galveston or Matagorda—by far the larger number at Galveston, which included the mouth of the Brazos. Study of the custom house records for the period of the Republic is not sufficiently complete to enable us to say how many came by ship. Seven quarterly reports scattered from June, 1838, to June, 1843, account for 4,641 arrivals, including slaves.[4]

Regardless of the number who came by water, I feel

[2]For a good brief sketch of the land policies of the Republic, see Reuben McKitrick, *The Public Land System of Texas, 1823-1910*, pages 25-52, 76.

[3]For the homestead law of 1829 and its Spanish antecedents, see Eugene C. Barker, *The Life of Stephen F. Austin*, 221-227; and for the law of 1839, C. W. Raines, "Enduring Laws of the Republic of Texas", in *Quarterly of the Texas State Historical Association,* I, 101-107, and A. E. Wilkinson, "The Author of the Texas Homestead Exemption Law", in *The Southwestern Historical Quarterly,* XX, 35-40.

[4]The customs reports of the Republic are in the Texas State Library. I have taken these figures from an unpublished master's thesis in the Library of the University of Texas, written by Robert E. L. Crane. Figures in *The Galveston City Directory, 1884-1885,* are much higher. Figures for the arrival of ships at the ports of the Republic have not been compiled and analyzed with sufficent care to enable one to speak positively. Apparently the average number of entries annually during 1838-1845 was about 154, including all classes of ships.

sure that many more came wholly or partly by land. Two principal roads entered Texas from the United States during the early period of the Republic. One passed through Natchitoches, San Augustine, and Nacogdoches to San Antonio. The other, called the Opelousas Road, crossed the Sabine River some miles above the present city of Orange, passed the site of Beaumont to Liberty, and led thence to San Felipe and Goliad. With progress of settlement, other routes developed, one of them crossing Red River as far west as Fannin County.

The most famous route was the Natchitoches-Nacogdoches-Bexar Road (the Old San Antonio Road to us). Moses Austin entered Texas by this road in 1820—the lone rider of destiny so dramatically portrayed by Mr. Peter Molyneaux in his introduction to Wortham's *History of Texas.* Stephen Austin followed it to San Antonio in 1821; and over it certainly traveled a large proportion of his colonists.

It is a rather curious fact, considering the great number of immigrants who must have come to Texas by land, that we have few descriptions of their method of travel. Many undoubtedly came on horseback, particularly unmarried men. Some married men brought their families and all their household goods on two or three pack animals. Wagons drawn by horses, mules, or oxen must have been the principal means of transportation, but there are no descriptions of covered wagon trains such as crossed the plains to Oregon. Perhaps it was because geographical conditions permitted more individualistic migration.

The Character of the People

Much has been written about the character of the immigrants who settled Texas—much of it derogatory, and

a good deal of that no doubt true. A prospective colonist wrote Austin in 1829, inquiring about the country, and saying that the inhabitants of western Louisiana had a "desperate opinion" of the settlers who were going to Texas. Austin replied that his colonists would compare favorably with the inhabitants of the older sections, and that they were superior to those that he had known on any other frontier. A Mexican historian declared that Austin settled Texas as Romulus settled Rome, by making it a refuge for vagabonds and criminals from all over the world; but, aside from the questionable validity of all general indictments, this statement is subject to further discount from the fact that its author was the general who succeeded to the command of the Mexican army after Santa Anna was captured at San Jacinto. His experience had not prepared him to make an objective judgment of the Texans. We have all heard of the significance of the initials G. T. T. with which creditors wrote off the debts of those who had "gone to Texas". No doubt, emigration was a common expedient for squaring accounts with the "economic royalists" who lent money or credit in the forties; but the grim satisfaction with which one of Austin's old neighbors in Missouri thwarted creditors indicates that all who stayed at home were not actuated by a consuming determination to pay their debts. His letter has long been a joy to me, because it is such a naive illustration of the immutable quality of human nature. He wants to come to Texas, he says, because

> "I can do nothing here more than Live. If there is the Least appearance of my making money, directly there Is an Execution and Disconsirts all my plans, so that I have Intirely quit Trying for anything more than to Make What I Can comfortably Live on—all the Inginuity that has been made use of against me has

> Not Deprived me of Living tollerable well and I hope will Not. My Boys are got to be able to Carry on the farm very well now and to Do business in their own Names So that they Cannot take Every thing as they have done before."[5]

The misrelated pronoun refers, of course, to his exigent creditors.

Indeed, there was at least the possibility that those who prospered in Texas might pay as fully as those who remained subject to court jurisdiction in the United States. This idea was emphasized by Austin in his advocacy of the homestead exemption law of 1829; and it was suggested in a letter which my great, great grandfather wrote in 1842 to his son-in-law, my great grandfather: "Your removal [to Texas, he wrote] involves no principle of moral turpitude . . . provided your debts are paid in the future with interest." In other words, the standard of financial honesty among the inhabitants of Texas was probably about the same as that of the communities from which they migrated.

It was a period of "rampant individualism", however, as one of my graduate students has characterized it; and study of surviving court records, even of the oldest counties of the Republic, discloses shocking prevalence of violence and disorder. Of the indictments returned in fourteen counties during 1838-1846, there were 205 for gambling, 186 for assault and battery, 182 for murder or for being accessory thereto, 120 for affray, 72 for assault with intent to kill, 60 for theft over $20, 16 for riot, and 11 for perjury. Less common indictments included theft of horses and cattle, forgery, robbery, manslaughter, arson,

[5]Barker (ed.), *The Austin Papers*, I, 900-904. Hawkins to Austin, September 21, 1824.

counterfeiting, passing counterfeit money, bigamy, altering a brand, and so on.[6] How many escaped indictment, we do not know.

A British colonial official, after a somewhat formal visit to Galveston, wrote in 1840:

> "Murder and every other crime is of great frequency in Texas and the prepetrators escape with the greatest impunity.
>
> "Many murders were committed in the Island of Galveston and in the country during my stay on the coast, and I could never learn that one offender was brought to justice. It is considered unsafe to walk through the streets of the principal cities without being armed.
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> "The Bowie knife is a weapon most in vogue, and it may not be uninteresting here to state that the greater number of these weapons are manufactured in Sheffield and Birmingham and brought over in British ships as a profitable speculation. I have seen one . . . the blade of which was 18 inches long and ornamented in beautiful tracery on the steel as 'The Genuine Arkansas Tooth Pick,' and I have been offered another for sale, also of English make, the vender of which hinted that I ought to pay him a dollar more than he demanded, as he could assure me it had tasted blood."[7]

Patriotic Texans may feel inclined to dismiss this description as the picturesque exaggeration of a credulous English tourist; but it has strong confirmation in the Diary of Adolphus Sterne, that East Texas Pepys who yielded to none in his loyalty to Texas. Here are some typical entries scattered through the Diary during several months of 1841.

[6]William R. Hogan tabulates the indictments returned in Austin, Brazoria, Colorado, Fannin, Fayette, Fort Bend, Galveston, Harris, Harrison, Jefferson, Matagorda, Montgomery, Red River, and San Augustine Counties. See his "Social and Economic History of the Republic of Texas" (MS.) a doctor's thesis in the Library of The University of Texas.

[7]*The Southwestern Historical Quarterly*, XV, 221. Francis C. Sheridan, the writer, was colonial secretary of the Windward Islands.

On June 3, 1841, Sterne traveled from his home in Nacogdoches to Crockett, where he was a witness in the trial of a defendant named McKeever for the killing of Joseph Shanks, "which I sincerely believe he was justifiable in doing". He testified on June 5 that Shanks, the deceased, was "good when sober; foolish crazy, bad, insulting and dangerous when drunk". On the same day, he was "present at an affray which took place between Mr. Teague, Mr. Givens, and Mr. Key, who, in trying to shoot Givens, came within an inch of killing me". The case against McKeever resulted in a mistrial, but two months later he was killed "in an affray", and Sterne expressed gratification at the acquital of the man who killed him. This word "affray" was a convenient euphemism that covered a multitude of violent occurences.

On July 1, on the way to Shelbyville, Sterne met 15 men, waiting for General Rusk, who was to defend them in a suit brought to put them under a peace bond. Rusk was successful, and the case against them was dismissed.

The entry for July 5 reads: "Many persons in town today—about the hanging of Willis. Came near a fuss, but did not get into it. . . . Many angry expressions escaped men on both sides—to wit regulators and law abiding men. Some call them the honest and some the rogue party. God knows how it is. I want to see the rogues punished—but should like to see it done by law if it can be done by Law".

On July 7, the sheriff brought into court all the men accused of hanging a horsethief. Evidently trial was postponed, but they were all acquitted on November 19.

The entry for July 8 refers to a trial for murder, the

killing of an unnamed man by one Lewis, and the settlement of a case brought by the prominent Durst family against an unnamed person for slander. The case ended in a retraction by the defendant, who "acknowledged that all the Dursts were innocent as regards the knowledge of the stealing in their neighborhood."

July 21: "Everybody in Town drunk. Idleness root of all evils. The whole family of Hyde's got poisoned this morning by having the seeds of Jameson weed thrown into coffee." The crime was confessed by a negro woman, presumably the cook, and by William Goyens' man Jake. Goyens, I might interpolate, was a well-to-do and highly respected free negro. His man Jake was duly tried, convicted and hanged. Change of venue was obtained for the woman, and she passed from the Diary.

August 11 was a day of unusual entertainment. Jake was sentenced to be hanged; two men had a fight; two others "had nearly a fight," as the Diary cryptically expresses it; and Sterne "cudgeled" a man for disturbing his family. Contrary to the submissive habits attributed to the Semitic race, Sterne seemed ready enough to defend his rights by physical force. The entry for September 23 records: "had a quarrel with Jno. R. Clute, about his claiming my land—was about cudgeling him, if he had not denied his interference with my land."

Entries for November 10 and 12, 1841, suggest that Sterne was approaching resignation, if not hopelessness: "Court in session, the criminal docket goes off *easy*, nobody found guilty, and if found guilty, escapes punishment. . . . Grand jury discharged, many indictments found

against many individuals of this county, all fudge in my opinion."[8]

Glimpses of other sections of Texas suggest that the turbulence that Sterne describes was not confined to East Texas. Generally, however, it must be remembered that a contemporary observer records the unusual and bizarre occurrences of his community and ignores the law-abiding masses. Their decency is normal, and nothing need be said about it. They must suffer unusual misfortune or break into the criminal class to earn individual historical attention.

Agriculture and Commerce

Naturally, all except a very few of the people dug their living from the soil, and lived, in fact, very largely upon the products of their own making. The potential agricultural products of early Texas were listed comprehensively, and truly, in a paper that Stephen F. Austin wrote in 1831 to attract European colonists after the Law of April 6, 1830, had all but closed the door to colonists from the United States.

> "The staple articles of Texas [he wrote] will be long and short staple cottons of fine silky texture and very superior quality, sugar, indigo, tobacco, wine, olives, wheat, flour, maize, rice, beans, peas, potatoes and vegetables of various kinds, beef, pork, bacon, butter, cheese, horses, mules, hides, tallow, fine and coarse wool, and lumber. Some experiments have been made of hemp, flax, wheat, rye, oats and barley, which have succeeded very well in the undulating country back from the coast. The fruits will be peaches, oranges, limes, lemons, figs, etc., near the coast, and apples, peaches, pears, grapes, etc., in the interior. . . . The natural pasturage for horses, cattle, sheep, goats, hogs, etc., is

[8]These statements from "The Diary of Adolphus Sterne", Harriet Smither, editor, are taken from *The Southwestern Historical Quarterly*, volume XXII.

> beyond description luxuriant and sufficient to support large droves of those animals winter and summer without any other expense than herding, so as to prevent their scattering."[9]

In an official letter to his government in 1840, an Englishman wrote: "To the best of my belief Texas may challenge the world to show richer and more productive soil than is to be found in her territory." Cotton, corn, and sugar cane were the proved products of the coastal area, but the writer believed—as was the truth—that wheat and other small grain would yield well in the interior.[10]

A large volume of contemporary quotations could be compiled, all attesting the rich agricultural possibilities of Texas; but the point need not be elaborated. Statistical records preserved by the treasury department[11] during the period of the Republic show that the standard exports were ginned cotton and peltry, while manufactured, or processed, goods made up the bulk of the imports. Advertisements in the newspapers furnish incidentally a breakdown of the imports and indicate what people bought from the stores.

McKinney and Williams, wholesalers in Galveston, listed in 1838: 20 crates and 6 casks of assorted earthenware, 4 cases of superior tea; 8 half pipes of cognac brandy; 9 cases of summer clothing; 200 barrels of superior wine biscuit; 18 casks of assorted tinware; 100 sacks of coffee; 16 kegs of mackerel; 50 boxes of cider; 25 boxes of refined sugar; 25 dozen chains; 50 boxes of

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[9]This paragraph is quoted from *The Southwestern Historical Quarterly*, XXVIII, 104.

[10]See *Ibid.*, XV, 219.

[11]R. E. L. Crane has made some study of these records in his master's thesis (MS.), "Administration of the Customs Service of the Republic of Texas", 226-231, The University of Texas.

Saunders superior tobacco; 60 cases and 20 bales of assorted dry goods; 8 large cases of assorted saddlery (including "saddles for gentlemen and ladies, bridles, martingales, and whips"); 150 cases of boots, shoes, slippers, and pumps; 20 barrels of superior Albany ale; Mahogany furniture; and 3,000 pounds of iron castings, including ovens, spiders, kettles, pots, waffle irons, skillets, griddles, teakettles, etc.

A retail store in the interior village of Independence offered in 1842: English and American prints, cloths and "cassimeres," Kentucky jeans, cotton drilling, bleached sheeting, brown and bleached shirting, red and white flannels, white cotton hose, black worsted hose, suspenders, boots and shoes, Kentucky bagging and rope, New Orleans sugar, Havana and Rio coffee, teas, coarse and fine salt, side bacon, James River tobacco, spices and pepper, indigo, writing paper, crockery, drugs and medicines, tinware, and Spanish saddle trees.

From other advertisements these lists can be enlarged indefinitely: for example a Houston store in 1838 offered "suits of dress and frock coats, new style, black and fancy cassimere and cloth pantaloons and superfine vests"; also Indian corn, cornmeal, yellow soap, sperm candles, champagne, goshen butter, blankets, table cloths, and white counterpanes. Another had smoked herring, codfish, mackerel, nails and an assortment of hardware. Tools commonly offered by the stores included hatchets, axes, broadaxes, shovels, and saws. No doubt one could buy plows and wagons, but they could also be made locally by blacksmiths and wheel-wrights.[12]

It is probable that merchants who offered these goods,

[12]These illustrative lists are taken at random from *The Telegraph and Texas Register* (Houston), for 1838-1842.

nearly all of which were imported, had to accept products of the farm in exchange. Perhaps the agricultural foodstuffs listed in the advertisements represent such exchange. There was very little foreign coin in the country, Texas never had a mint, and the paper of the Republic was an extremely hazardous medium of exchange for the vender. Rural trade was carried on almost wholly by barter.

Noah Smithwick, who at the age of ninety, published his recollections of life in early Texas, described the monetary system that developed at Webberville, near Austin:

> "Coin [he says] there was absolutely none, and the constantly downward tendency of the commonwealth paper kept it moving lively. . . . People would almost rather have anything else than the commonwealth paper. Under those circumstances we established a currency of our own. . . . Horses were generally considered legal tender; but, owing to the constant drain on the public treasury by the horse-loving Indian, that kind of currency became scarce, so we settled on the cow as the least liable to fluctuation. Mrs. H., a widow living near me, having need of merchandise, for which the cash was not on hand, offered a cow and calf in lieu thereof, a cow and calf being rated at ten dollars. The tender was accepted, Mrs. H. reserving the use of the cow during the milking season. The bill of sale being made out, the merchant paid off a debt with it, and the creditor likewise passed it on. That bit of paper passed from hand to hand, always with the original reservation, till it paid about one hundred dollars; when the widow made a deal and bought the cow back again before it went dry. That was a fair illustration of the potency of confidence."[13]

Such financial jugglery has a bromidic flavor today; but since Smithwick's book was published in 1900, the details are probably authentic.

Many of the early settlers lived close to the margin of

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[13]Noah Smithwick, *The Evolution of a State,* 234.

destitution; some actually lived beyond it. And on the successive frontiers as settlement moved westward, there were, of course, always early settlers. Cornbread was a luxury, and flour was not to be thought of. It was not uncommon for a family to arrive during the winter and be without bread until the following summer, when corn ripened. A panegyric written by a pioneer of Travis county leaves nothing to add in praise of this wonderful grain, the production of which is now limited by benevolent government regulation.

> "Of all grain [he wrote], it is, beyond question, best adapted to the conditions of pioneer settlements. . . . The pith of the matured stalk is succulent and nutritious; from it the article known as 'cornstalk molasses' is made. . . . When the ear is formed, and on the stalk, in a milk state, it may be roasted or boiled or fried, and makes a healthy and nutritious diet. When hardened, and before ready for grinding into meal, it may be grated, and, in this form, furnishes a sweet bread. The grain boiled any way, either whole or broken in a mortar, or roasted in ashes, or popped in an oven, is well relished. If it is wished to convert the grain into meal, a simple steelmill, or tub-mill answers the purpose. These answer best, for meal when least perfectly ground is far preferable and more agreeable to the palate. . . . Boiled in water, it furnishes the excellent dish called mush, which, eaten with milk, is palatable, healthful, and easily digested. It may be eaten with honey, molasses, butter, or gravy. Mixed with pure cold water, it is, with a little salt, ready for the cooking process. Covered with hot ashes, the result is the old-fashioned ashcake. . . . The batter placed upon a piece of clapboard, and placed near the coals, forms the . . . "johnny" cake. If placed the same way on a helveless hoe, it forms the hoecake. Placed in an oven and covered with a heated lid, it is called a pone or loaf—if in small quantities, dodgers. It has the advantage over all other flour that it requires in its preparation fewer culinary utensils. Neither sugar, yeast, eggs, spices, soda, potash, or other ingredients are absolutely necessary to qualify

> or perfect the bread. These may be used to advantage, however, if in proper quantities. Pot-liquor in the batter is a good addition, and improves the flavor. And it may be said that bread prepared from Indian meal, in any of the ways suggested, is not only the cheapest and most palatable, but is beyond comparison the most wholesome and nutritious food. The largest, healthiest, and most robust people on earth have lived upon it almost exclusively. It formed the only bread of the robust men and women that colonized this country. . . . It was indeed the staff of life."[14]

Though this poetic appreciation was written long after the passage of the Republic of Texas, the author evidently "knew his corn." Perhaps, after all, ancestors with an abundance of this simple and potent food need no sympathy from degenerate descendants. Even when corn was lacking, they made out very well on venison, wild turkeys, wild honey, and other bounties of nature. Diarists and travelers rarely failed to record their impressions of food, and, from such records, it is plain that diet ranged from abundance, variety, and excellence to scarcity, monotony, and unsavoryness.

Transportation and Communication

Most of the actual hardships of the pioneers were due fundamentally to difficulties of transportation and communication. These may be left largely to the imagination, though there is no lack of contemporary description. Whenever it was possible, people made use of natural waterways, as they had done through all prior American history. Steamboats intermittently navigated the Brazos, Trinity, and Red rivers; and fairly regular service was developed between Houston and Galveston on Buffalo Bayou and Galveston Bay. There was considerable coast-

[14]Frank Brown, "Annals of Travis County" (MS.), in The University of Texas Library. I have quoted from W. R. Hogan, "A Social and Economic History of the Republic of Texas" (MS.), 111-112.

ing trade, and an intercoastal canal was talked about. Even at the time of the Texas revolution, however, few of the colonists had direct access to water transportation, and nearly all of the immigrants who settled during the period of the Republic had to travel and ship goods by land.

In an official report based upon observations made in 1834, Colonel Juan N. Almonte described the roads of Texas as "generally good in the summer and bad in the winter, because of the mud holes . . . and when the rivers overflow, it is necessary at times to travel three, and even four leagues in a canoe."[15] The number and length of the roads increased during the next ten years, but the reports of travelers give little indication that they improved. Writing to the Foreign Office in November, 1842, Captain Charles Elliot, the British *chargé d'affaires* in Texas, said that there was no way of getting from Houston to Washington on the Brazos, then capital of the Republic, "except in an ox train, or on a bat-horse"; and, after making the journey, he declared that "at least 50 miles of the way was through a quick-sandy bog."[16] Professor Potts is my authority for the statement that the cost of transporting freight averaged one dollar a hundred weight for each hundred miles.[17]

The determination of routes and construction of roads was under the jurisdiction of the county courts, or of road commissioners; and all white men from 18 to 45 years old and all negro men from 16 to 50 were subject to call for road work for a certain number of days each year.

[15]"Almonté's Statistical Report on Texas", translated by Carlos E. Castañeda, *The Southwestern Historical Quarterly,* XXVIII, 205.

[16]Adams (ed.), "British Correspondence Concerning Texas", *The Southwestern Historical Quarterly,* XVI, 77, 86.

[17]C. S. Potts, *Railroad Transportation in Texas* (1909), 17.

This survival of the feudal *corvée* continued in parts of Texas throughout the nineteenth century; and one of my childhood recollections is of the sketchy nature of the repairs made by neighborhood draftees who were summoned "to work the road"—that is, I remember the sort of repairs that were made, and I know now that they were sketchy.

Naturally, mail service was worse than the roads, because it suffered also from accidents, the vagaries of Texas weather, and the unreliability of animal and human agents. In July, 1840, *The Telegraph and Texas Register* published a notice that the mule carrying the mail from Houston to Austin had escaped on the way, and that "those who sent letters in this mail must write again." On the western routes carriers were still sometimes chased by Indians. For a vivid impression of the perversity of weather and man Sterne's Diary is a priceless mirror.

Among his numerous other occupations, Sterne was postmaster at Nacogdoches. He discovered it to be an expensive and thankless service.

On March 2, 1841, he wrote that the mail rider was reported to be under arrest at Crockett "on an accusation of having stolen Judge Hart's MONAY— . . . all this is rumor; however, something must be wrong, or else the mail would have been here before this time."

May 21, 1842: "We are now six weeks without a mail from Galveston and Houston."

August 1, 1842: "Have serious idea of resigning my Postmastership. It is a loss to me every day, and the Government is so destitute of means that the establishment cannot be kept up as it ought to be." A few months

before, the chief clerk of the postoffice department had drawn on him for $470. "I owe nothing to the department, which is acknowledged in the letter; but, poor devils, it was their only chance."

On November 17, 1842, he did not send off the mail—"was afraid the little mail rider would freeze."

December 8, 1842: "The western mail arrived last night . . . nothing but a few letters (apparently such) . . . but the boy having rode two days in the rain the whole contents were so mangled and mixed up that it looked more like mush than anything else, so that nothing can be read to find out to whom the documents belong, or where they came from." . . .

December 11, 1842, because of high water, the carrier returned without going to Marshall, his destination.

On March 15, 1843, Sterne wrote that the weather changed from the climate of Italy in the morning to that of Siberia in the afternoon. "The western mail was made up . . . but would not have turned a common curr dog out of doors."

August 8, 1843: "The mail did not arrive from the East, the horse got sick and could not travel."

There is plenty of evidence—though none so sprightly—that Sterne's experiences and observations could be truthfully matched in all sections of the Republic.[18]

Probably no feature of pioneer life is harder for our present generation to reconstruct in imagination than the

[18]William R. Hogan's unpublished "Social and Economic History of the Republic of Texas", Chapter IV, describes the postal service in comprehensive detail. The administrative organization is covered satisfactorily by W. L. Newsom, "The Postal System of the Republic of Texas", *The Southwestern Historical Quarterly*, XX, 103-131.

slow and uncertain processes of transportation and communication. Letters carried by chance travelers were the surest and quickest means of communication—as they had been through two centuries of American history. I fancy that this fact influenced the habits of people long after the conditions changed. I seem to remember that until quite recently house-guests were rarely allowed to depart without a packet of affectionate letters to relatives and friends who could be reached surely and promptly by regular mail.

Amusements

One's first impression of a list of pioneer amusements is not exciting. They included houseraising, housewarming, logrolling, hunting, racing, billiards, and gambling. Happily, dances, balls, and parties can be added. References to dancing occur in scores of contemporary records. Apparently nearly everybody danced. It was almost the only form of amusement which brought together both sexes and all ages; and it was likely to form the conclusion of nearly every gathering. Sometimes it was combined with other entertainment. In reminiscences of her childhood near Harrisburg, before Houston was founded, Mrs. Dilue Harris wrote:

> "The fourth of July [1834] was a fine day. The barbecue was near Mr. Dyer's house, and the quilting and ball were at the house. The ladies spent the day in conversation and work, the young people dancing in the yard, children playing under the trees, and the men talking politics. . . . The music was two fiddles played turn about by three negro men. One negro man got an iron pin and clevis . . . and beat time with the fiddles. Another man beat a tin pan. . . . The young people danced to that music from three o'clock in the evening till next morning. Mother went home with her family before day. Every body else

> stayed all night. We ate barbecued meat, all sorts of vegetables, coffee, fowls, potatoes, honey, and corn bread, but no cakes, as there was no flour in the country. The whiskey gave out early in the evening, and there was no fussing and quarreling."[19]

In October, 1835, Henry Austin wrote of "a grand dinner and ball" at Brazoria to celebrate the return of Stephen F. Austin from his long detention in Mexico: "The only thing I did not like was $7 a head for ball and supper and 30 more for a decent suit of clothes which I had not and could have done without. There were 60 covers, and, despite the short notice the table was three times filled by men alone. In the evening the long room was filled to a jam—at least 60 or 80 ladies, who danced the sun up, and the Oyster Creek girls would not have quit then had not the room been wanted for breakfast."[20]

Entries liberally sprinkled through Sterne's Diary indicate that life in Nacogdoches and East Texas was far from monotonous, if not actually gay. In one period of ten days—or nights—he noted callers who spent the evening in music and song; house guests from San Augustine; and four dancing parties which lasted until "near morning." In another period of little more than a month he mentioned a party for the children, who were still dancing when he went to bed at 12 o'clock; three or four large social gatherings in his home, one of which, at least, "danced till 3 a. m."; a picnic and dance; a wedding, where there was certainly dancing; and a ball given by General Rusk—"the whole world invited."

There were political speakings; public dinners, fol-

[19]"Reminiscences of Mrs. Dilue Harris", *Quarterly of the Texas State Historical Association*, IV, 110.

[20]Henry Austin to Mary Austin Holley, October 10, 1835, in Barker (ed.), *The Austin Papers*, III, 120.

lowed by toasts, in which each guest delivered a patriotic or a complimentary sentiment in a single sentence; and, in the towns, occasional theatrical performances by amateurs or professionals. One form of entertainment which all enjoyed was conversation. Where two or three were gathered together, dullness vanished.

EDUCATION AND CULTURE

Interest of the early Texans in public education is attested by many noble declarations. We have Lamar's eloquent statement that "cultivated mind, properly guided, is the noblest attribute of man"; and Houston's testimony that "the diffusion of education is essential to the preservation of a free government." Austin, who really believed in education and tried to do something about it, wrote into a tentative draft for a Mexican constitution in 1823: "A nation can only be free, happy, and great in proportion to the virtue and intelligence of the people; the dissemination of useful knowledge and of the arts and sciences is therefore of primary importance to national liberty and prosperity." The indictment of the Mexican government in the Texan declaration of independence for its failure to establish a system of public education is unfair; and in the implication that the government made no effort to encourage education, it is untrue. Essentially, however, its inclusion in the list of grievances is testimony to the existence of popular recognition of the importance of public education.

It must be admitted, though, that public education made little perceptible progress during the nine years immediately following the declaration of independence. Congress, in 1839 and 1840, set aside grants of land for the

establishment of county schools and for two colleges or universities; but land was not a ready resource for raising capital when every individual could obtain more than he could use merely on condition of settlement and improvement, or in compensation for military service. Newspapers carried a good many announcements of private schools, for both boarding and day pupils; but little is known about them beyond their moderate rates and the ambitious programs set forth in the advertisements. Several colleges and academies, established after 1840, were only a little more firmly rooted.[21]

A recent study reveals the fact that something like 70 newspapers were issued for longer or shorter runs during the period of the Republic.[22] Geographically, they covered the territory from Clarksville to Corpus Christi and from Austin to the Gulf. *The Telegraph and Texas Register*, *The Civilian and Galveston Gazette*, *The Galveston News*, the Clarksville *Northern Standard*, and the *Austin City Gazette* were ably edited, and were probably more influential educational agents than a good many more pretentious papers are today.

There are no means of guessing the degree of illiteracy that may have prevailed in the Republic. My impression, gained casually from extensive examination of public records, is that most adult whites could at least write their names. I remember very few documents signed with a mark. Some who were deficient in spelling and grammar wrote with astonishing clearness and vigor. Few of us, viewing our annual riot of wild flowers, could express

[21]For a brief sketch of these ventures in higher education, see Frederick Eby, *The Development of Education in Texas*, 94-101. (The Macmillan Company, 1925.)

[22]Joe B. Frantz, "The Newspapers of the Republic of Texas" (MS.), The University of Texas Library.

appreciation with more spontaneous feeling than did one of Stephen F. Austin's correspondents at the end of a long business report: "I will only add," he said, "that no place on earth can exceed this for beauty. The Elisian fields of the Mehometan Paradise never was so delightsome as the Prairies."[23] The union of Greek mythology and Arab religion only strengthen the simile.

There was no dearth of education among the leaders of the Republic of Texas. Professor Eby says in his *Development of Education in Texas,* that "rarely, if ever, indeed, have the leaders of any pioneer republic counted so large a proportion of highly educated men." Perhaps this statement is not susceptible of statistical proof; but there is much inferential evidence to support it. Professor Geiser's painstaking biographical studies give us an amazing list of first class scientists who worked in Texas during the period of the Republic.[24] Professor Gambrell has analyzed the high attainments of the men who founded this society in 1837.[25] I myself venture the assertion that the diplomatic correspondence and other state papers of those who carried on the government of the Republic do not suffer in comparison with similar documents of other countries and periods—and they possess the additional distinction of having been written by the men who signed them. In short, when judged in relation to time and circumstance—as all historical conditions must be judged—Texans need feel no sense of apology for the level of education in the Republic.

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[23]James Kerr to Austin—"Early in the morning—on tide water of the Labacca", August 18, 1826, in Barker (ed.), *The Austin Papers,* I, 1426.

[24]Samuel Wood Geiser, *Naturalists of the Frontier* (Southern Methodist University, 1937).

[25]Herbert Pickens Gambrell, "Founders of the Society", *Proceedings of the Philosophical Society of Texas* (1937).

And now I come to the end of this paper with anticipated feelings of dissatisfaction and frustration. With all of its inordinate length, it does not bring to your minds the living presence of the people.[38] It omits numerous topics that belong to any comprehensive effort to reconstruct life in the Republic of Texas. Even if they were included, however, the impression might be no clearer. Words are feeble media with which to paint the colors of life.

One picture, however, I would like for you to see clearly, a picture of ever-increasing throngs of men and women pouring into this beautiful land of promise; many of them—even by the poor standards of their time—suffering extreme privation, but buoyed by hope and asking no bounty from the government beyond the gift of the land they settled on; all confident of ability, by their own industry, to make their future happier than their past.

Partly by their labor, we enjoy material comfort today exceeding their wildest imaginings. Are we, in our impatience to continue to reap where we have not sown and spend what we have not earned, selling the fine gold of their self-reliance and personal independence for the tinsel pleasure of self-indulgence and the deceptive promise of collective ease by government decree? I believe that the pioneers who made the Republic of Texas would answer, yes.

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[38]For a much more comprehensive study, I must refer again to William R. Hogan's Ph.D. thesis, entitled, "A Social and Economic History of the Republic of Texas", unpublished, in the Library of The University of Texas. There is also a wholly excellent master's thesis in the Library by Louise Cezeaux, *Social Life in the Republic of Texas, 1836-1845*. It, too, is in manuscript.

Business Period

President Battle: It is my happy privilege to announce the election of the following distinguished Texans to membership in The Philosophical Society of Texas:

Nathan Adams, of Dallas
Robert Lee Bobbitt, of San Antonio
Charles Paul Boner, of Austin
Marion Nelson Chrestman, of Dallas
Thomas Stone Clyce, of Sherman
Thomas White Currie, of Austin
Harbert Davenport, of Brownsville
Clyde Eagleton, of New York
Mary Edna Gearing, of Austin
John Lawton McCarty, of Amarillo
Mrs. Hally Bryan Perry, of Houston
Benjamin Floyd Pittenger, of Austin
John Thaddeus Scott, of Houston
Tom D. Spies, of Cincinnati
Robert Weldon Stayton, of Austin
George Wilfred Stumberg, of Austin
William Buckhout Tuttle, of San Antonio
Agesilaus Wilson Walker, Jr., of Austin
Alonzo Wasson, of Austin
Roger John Williams, of Austin

The Society is delighted to welcome all of them into its good fellowship. We are especially glad that Judge Bobbitt, Professor Boner, Judge Chrestman, Dr. Clyce, Dr. Currie, Miss Gearing, Mrs. Perry, Dean Pittenger, Judge Stayton, Professor Stumberg, Professor Walker and Professor Williams can be with us this evening.

Since the last Annual Meeting, the Society has lost by death eleven of its valued members:

Captain James A. Baker, of Houston
Professor Meyer Bodansky, of Galveston
Mr. Gutzon Borglum, of Keystone, South Dakota
Miss Emma Kyle Burleson, of Austin
The Rev. Dr. Paul J. Foik, of Austin
Mr. Malcolm Kintner Graham, of Graham
Dr. Robert T. Hill, of Dallas
General Andrew Jackson Houston, of La Porte
Professor W. A. Rhea, of Dallas
Senator Morris Sheppard, of Texarkana
Mr. Clarence R. Wharton, of Houston

With your consent, the chair will appoint Miss DeZavala, Rabbi Cohen, Judge Hutcheson, Mr. Law, President Lee, Monsignor O'Donohoe, Dean Potts, Professor Ramsdell, Professor Watkin and Dr. Wrather to prepare for inclusion in the *Proceedings* suitable notices of our departed members.

For the Nominating Committee Mr. George Waverley Briggs presented the following report, which was adopted by a unanimous vote:

Your Committee on Nominations for officers and directors of The Philosophical Society of Texas for the year 1942 begs leave to submit the following report:

For President: George Alfred Hill, Jr., of Houston

For Vice-Presidents:

Chief Justice James Wooten McClendon, of Austin
General John Augustus Hulen, of Fort Worth
Miss Adina DeZavala, of San Antonio

DEAN HENRY WINSTON HARPER, of Austin
ADMIRAL JAMES OTTO RICHARDSON, of Paris

For Corresponding Secretary:
HERBERT PICKENS GAMBRELL, of Dallas

For Recording Secretary:
SAM HANNA ACHESON, of Dallas

For Treasurer: JOHN ELZY OWENS, of Dallas

For Librarian: WILLIAM EMBRY WRATHER, of Dallas

For Directors: WALTER PRESCOTT WEBB, of Austin
HERBERT PICKENS GAMBRELL, of Dallas
ROBERT LEE BLAFFER, of Houston
FRANCIS MARION LAW, of Houston

and, adhering to the policy of the Society to retain the active services of its past Presidents on its Board of Directors:

WILLIAM JAMES BATTLE, of Austin
EDGAR ODELL LOVETT, of Houston
GEORGE BANNERMAN DEALEY, of Dallas
CHARLES SHIRLEY POTTS, of Dallas
IRA KENDRICK STEPHENS, of Dallas
GEORGE WAVERLEY BRIGGS, of Dallas

The meeting then adjourned.

NECROLOGY

JAMES ADDISON BAKER

1857-1941

James Addison Baker was born in Huntsville, Texas, January 10, 1857. Educated in the public schools there and at Texas Military Institute in Austin, he was admitted to the bar in 1880. From that year until his death on August 2, 1941, sixty-one years later, he practiced law in Houston as an associate, a member, and, for the greater part of the time, the head, of one of the great law firms of the country.

He was too young to have had part either in the war or in the reconstruction, but he came to his maturity and to the bar just after Texas had rid herself of the rule of the carpetbagger and the scalawag and, under the Constitution of 1876, was re-establishing herself as a sovereign state; and he found here a rich field for his talents. For Captain Baker, a hardworking, methodical, exact and thorough lawyer, with little taste for forensics, but yet essentially the advocate who made his client's cause his own, the situation was made to order.

Pre-eminently a conservator, his great talents as organizer, counsellor, curator, advocate, and adviser, were exercised to the fullest in imparting security and stability to the legal institutions he founded, fostered and advised, and the property on which their lives and functioning depended.

Combining a strong intuitive sense of the power of organization and of co-operative effort, with a profound realization of the need, in his native state, of capital and credit from outside of it, he was as well-known and respected in the financial and professional centers of the country as he was at home, where he early attained, and through his long and active life held, a great place. Taking the fullest advantage of the opportunity afforded by the nucleus of his father's firm, and bringing to it energy and imagination and the vigor and strength of a fine mind and balanced judgment, he went to work with a will to make it and the business of its clients an integral and essential part of the life of the community in which he lived.

The same instinct for curatorship, the same efficient management which characterized his business and professional career, were manifested with the same effect in all his relations with the cultural, educational and religious life of the community.

But the greatest single interest of his life and perhaps its outstanding achievement was The Rice Institute. Working with William M. Rice, as his lawyer and counsellor on the plan for the founding of The Rice Institute, he was made first Chairman of the Board in 1891. From that time until the Institute opened in 1911, his was the great task of organizing, conserving, protecting and increasing the properties and income of the Institute, to insure its establishment and maintenance on a sound and permanent foundation. Continuing as Chairman until his death in 1941, he lived to see the Institute brought, under his guiding hand, to full fruition, a vital cultural force in the community and the state. It was his unwillingness to found it on a small and petty scale which gave and guaranteed its high and enduring character and quality. It was his unwillingness to fall short of the standard at which he aimed for it, that has given it its ever-increasing influence for good. It is the legacy of his life of service to it, which will prove its most priceless possession.

But enough of his achievements; we must say something of the intensely human being that he was. No superman, but a man of like passions and tempted in all parts like as we are, he had his full share of human faults and weaknesses and of the loveable and charming graces and qualities which go with them. Of a very fine presence with the good manners and the fine instincts of the true Southerner that he was, he was straightforward, honorable and trustworthy in all his dealings. A very manly man, he would not, under any circumstances act in a small or mean way, or if he could avoid it honorably, wound or hurt the feelings of any one. But a firm and resolute man, uncompromising in his convictions and beliefs, he did not hesitate, when he felt he should, to express them vigorously and stand to them firmly, though he might hurt feelings and make enemies in doing so. But he never held a grudge and was always more than willing to forget and to forgive. No recluse, he was by nature, affable, courteous, genial and of a convivial spirit.

In his passing Houston, Texas, the Southwest, have lost a pillar of strength, the shadow of whose constructive influence will be long felt. J. C. H.

MEYER BODANSKY

1896-1941

The death of Professor Meyer Bodansky, M. D., Ph.D., a member of The Philosophical Society of Texas, on June 14, 1941, is a distinct loss to the medical fraternity and to bio-chemistry in its broadest sense. If his publications are his lengthened shadow, his silhouette must have been incomparably large! In his *vita* in The *American Journal of Clinical Pathology* (October, 1941), of which he was a member of the Advisory Editorial Board—whose co-editor avers that "the *Journal* suffered a severe loss"—there are listed three voluminous text-books, two in the fourth edition and one in the second (1940) and eighty-four brochures published between 1919 and 1941; besides material for nine completed pamphlets, several in collaboration with names familiar to medical students. Since Bodansky's demise, a large number of medical publications and general magazines have chronicled his life's work. We particularly lay under contribution *Who's Who in America* (1941), *American Journal of Clinical Pathology* (October, 1941), *Texas State Journal of Medicine* (September, 1941) and *Surgery* (St. Louis, September, 1941) touching upon his bio-chemical and pathological studies, his scholastic honors, his varied literary interests and his outstanding personality.

Bodansky was born in Russia, August 30, 1896, and was brought by his parents to the United States in 1907. He was graduated A. B., Cornell, 1918, Ph. D., 1923; M. A., University of Texas, 1922; M. D., University of Chicago, 1935. In 1925 he married Eleanore Abbott; they had two children. During world War I, he served in the Laboratory Division of the Medical Corps. He was instructor and Adjunct Professor of Biological Chemistry in the University of Texas from 1919 to 1925, taught at Leland Stanford University 1925-26; returned to the University of Texas in 1926, where, from 1930 until his death, he was Professor of Pathological Chemistry, except for one year (1932-1933) as visiting Professor at the American University

at Beirut, Syria. He also served as Director of the Laboratories of the John Sealy Hospital and John Sealy Research Laboratory.

It was said of him (and the writer of this brief sketch can corroborate it): "He was kind and sympathetic, was genuinely respected and beloved by his colleagues and by all who knew him, and was inordinately admired by scientists of the medical profession everywhere." His general knowledge of world affairs caused him to be sought by his fellow-citizens, from the man-in-the street to the clergy in his surroundings, and his encouragement to his pupils was particularly noteworthy. As the esteemed President of the religious congregation to which he belonged, he was a tower of strength, and he bore the burdens of the general community uncomplainingly, thus engendering the ardent attachment of his compatriots of all creeds and classes. Modest and retiring to an extreme, his fine social instincts were unmistakable and his home life was exemplary. In more than one relationship his passing was catastrophic, and for many years he will be held in loving memory. A memorial service in Galveston is planned in his honor. H. C.

JOHN GUTZON DE LA MOTHE BORGLUM

1867-1941

John Gutzon de la Mothe Borglum was born on March 25, 1867, in the State of Idaho. His father was a Danish wood carver who sought the virile life of the pioneer in the far west. From this background both Gutzon and his brother Solon found vision of vigorous creative careers in the field of sculpture.

Gutzon Borglum after his early education in the central and later the far west reached the Ecole des Beaux-Arts in Paris at the age of twenty-three, and rapidly thereafter, first in California and later in London, developed a dynamic quality in work. From the inspiration of the work of Rodin he sought in his sculpture a strong technique by which he could record ideals with forceful realism.

Borglum will be known by the colossal Mount Rushmore National Memorial where in the granite of the Black Hills of South Dakota

he sought to exceed the ancient reliefs of Deir-el-Bahari in Egypt. The Mount Rushmore Memorial presents the faces of four great American presidents, Washington, Jefferson, Lincoln, and Theodore Roosevelt. The vast work was nearing completion at the time of the sculptor's death.

By his zeal he persisted through many difficulties and with ceaseless vitality in his devotion to his ideal: that he might express the majesty of America and American Statesmen, in figures of gigantic scale, such as would endure throughout the ages.

With his death on March 6, 1941, at the age of seventy there passed from our national stage a bold and sincere figure whose life was ever one of intense and dynamic interest and whose work nobly expresses his personality. W. W. W.

EMMA KYLE BURLESON

1869-1941

Miss Emma Kyle Burleson, who passed to her eternal reward on June 16, 1941, was a member of two well-known pioneer families of Texas. Her father, Edward Burleson, Jr., became a Major in the Confederate army, and her grandfather, General Edward Burleson, succeeded Stephen F. Austin in command of the Texas army about San Antonio in 1835; he was at San Jacinto and took part in many other engagements during the days of the Republic of Texas, of which he was Vice-President, 1841-1844. Miss Burleson's maternal grandfather, Claiborne Kyle, served as Colonel in the army of the Confederacy.

Emma's mother, who was Emma Kyle, died February 5, 1877, when little Emma was only seven and one-half years old. The Hon. Tom Sneed, a brother-in-law of Emma's father, took charge of the estate and became guardian of the children. He placed Emma in school at St. Mary's Academy, Austin, where she acquired her education.

After the State's purchase, in 1905, of the main building of the Alamo Fort, where the majority of the Alamo heroes were slaughtered

in March, 1836, Miss Burleson became interested in the Daughters of the Republic of Texas and joined that organization in the summer of 1906. Her kinsman, the Hon. Ferg Kyle, with the Hon. Clarence Martin and others, had introduced the bill for the purchase of the part of the Alamo Fort still remaining, at the request of the De-Zavala Chapter, of San Antonio, who wrote the bill. DeZavala Chapter for some time had been endeavoring to raise the money for the purchase of this part of the Alamo. They had expended about $10,000. They decided to donate this amount on the purchase price and ask the State to pay the balance, and take title to the property. This was done. Miss Burleson, soon after her affiliation with the Daughters of the Republic of Texas, became one of the committee for the management of Alamo affairs. She was also a member of the Daughters of the American Revolution, and the United Daughters of the Confederacy. She also did war work during the first World War. During Texas Centennial year, she was Chairman of the Historical Contest sponsored by the Historical Exhibits Department of the Texas Centennial Central Exposition. For many years she was Chairman of the Texas State Library and Historical Commission.

She was interested in political affairs, and was quite a traveler. She was an active member of the Texas Fine Arts Association, and her hobby was the collection of antiques, making her home a sort of museum.

The Philosophical Society of Texas was happy to enroll her as a member and her passing is a distinct loss. A. DEZ.

PAUL JOSEPH FOIK

1880-1941

The Reverend Paul J. Foik, Dean of the College of Arts and Letters, and Librarian at St. Edward's University, died on March 1, 1941, at Austin, Texas. Born in Stratford, Ontario, Canada, August 14, 1880, Father Foik came to the United States in 1900, entered the Congregation of Holy Cross, and received the degrees of Ph.B. from the University of Notre Dame and his S.T.B. and Ph.D. from the Catholic University of America. He was ordained to the priesthood in 1911.

While at Notre Dame from 1912 to 1924, Father Foik was Librarian-in-Chief, head of the Department of Library Sciences, and Archivist of the Catholic Archives of America. Since 1924 he was a member of the Faculty of St. Edward's University, serving at various times as Professor of American History, German, and head of the Department of Foreign Languages. He organized the Student Forum and developed some of the best debating teams of the Southwest. He was an active member of the American Catholic Education Association, the American Catholic Historical Association, the Indiana Library Association, the Institute of American Catholic History, the Inter-American Bibliography Association, the National Geographic Society, the Philosophical Society of Texas, the Committee for the Restoration of the Library of the University of Louvain, the Advisory Board of Texas Historians for the Texas Centennial Commission of Control; corresponding member, with diploma and double insignia, of the *Institut Historique et Heraldique de France,* and honorary corresponding member with diploma and insignia of the *Sociedad Mexicana de Geografia y Estadistica.* He was founder of the Library Section of the National Catholic Educational Association, of the Irish National Library Foundation, of the Catholic Laymen's Library Aid Society; he was founder and president of the Texas Catholic Historical Society, co-founder of the Catholic Library Association, chairman of the editorial board of the Catholic Periodical Index, chairman of the Texas Knights of Columbus Historical Commission, associate editor of *Mid-America,* library editor of *Catholic School Interests,* and editor of *Our Catholic Heritage in Texas.*

This zealous priest and educator gave to Texas seventeen noble years of his life. With energy and determination he devoted himself to resurrecting the buried glories of Texas history and to inspiring younger generations to a true appreciation of them. His co-workers recognized his ability as an organizer and his inflexibility of purpose; the public knew him as one of the leading historians of the Southwest. His priestly zeal, deep faith, and countless acts of kindness and of love endeared him to his intimates. Unsparing of himself in his many religious and educational duties, he yet gave abundantly of his time and energy to direct those seeking his well-considered and fatherly advice. Greater than his success in making books were his efforts to develop students.

He contributed to the *Dictionary of American Biography* and to many Catholic publications. Among his writings are: "The First Catholic Newspaper", "the Catholic Press in America" in the *Encyclopedia Americana,* "Pioneer Catholic Journalism", "Fray Juan De Padilla", "Martyrs of the Southwest", and "Early Catholic Explorers of the Southwest." He edited many "Preliminary Studies of the Texas Catholic Historical Society" and four volumes of *Our Catholic Heritage in Texas.* J. G. O'D.

MALCOLM KINTNER GRAHAM
1872-1941

On July 12, 1941, Malcolm Kintner Graham, economist and capitalist, died at the age of sixty-nine at his home in Graham, Texas. He was a son of Colonel Edwin S. Graham, a Kentuckian who founded the town in 1872 and who began the modern development of Young County, a work which was continued by his sons.

After studying at the United States Military Academy at West Point, Mr. Graham returned to Texas to engage in large land and oil developments. He was largely instrumental in opening the oil pools of Young County and participated in practically all major business ventures of the region. His leadership and heavy financial contributions in 1902 brought the first railroads through the county and resulted in the breaking up of the large ranches into prosperous farms.

Mr. Graham was a generous contributor to schools, hospitals and churches. The Graham Memorial Auditorium and Library, the Graham Hospital, and the land for the golf course and airport in Graham are evidences of his generosity to the community in which he lived. Other benefactions were given to Southern Methodist University and the Methodist Hospital at Fort Worth, of which institutions he was trustee.

During the last twenty years of his life he turned his keen analytical mind to the study of subtle problems of economics and and finance. The subject of money first attracted his attention and in 1925 he published his first monograph, *Gold,* in which he pointed out the generally unrecognized degree in which the value of that commodity

fluctuated, with consequent effects upon the value of money. In his treatment of the problem of monetary standards, Mr. Graham stood somewhat apart from professional economists on the one hand, and business men on the other. His detached position enabled him to see economic and financial problems in broad perspective and he was at times impatient with both the economists and the men of affairs who failed to see the problems as clearly as he did. He supported the reforms of the New Deal for several years, but eventually became convinced that the remedy might become more harmful than the disease it proposed to cure.

Long a student of Adam Smith's *The Wealth of Nations*, Mr. Graham determined, in the thirties, to rewrite it, "leaving out the non-essentials and adding what seems desirable". His *Synthetic Wealth of Nations* was published in 1937 and was widely circulated.

His thinking on economic and financial problems is best summarized in his *Continuous Prosperity* (1932). It deals with standards of value, the cause of business cycles, and the influence of excessive bank credit on the economic system. In 1938 he published his *Handbook of Monetary Theory*. His last published work was *Graham's Gibbon*, a rewriting (for "those who seek their liberal education with less exertion") of *The Decline and Fall of the Roman Empire*, "using much verbatim, but condensing much and omitting more, with some occasional reflections of my own". A copy of this was given to every important library in the United States.

In 1930 he served as president of the Southwestern Social Science Association, of which he was a life member. Southern Methodist University conferred on him the honorary degree of Doctor of Laws. He was a modest gentleman, an industrious student, and a fine type of civic leader, whose passing is a loss to the State. H. G.

ROBERT THOMAS HILL

1858-1941

The death of Dr. Robert Thomas Hill on July 28, 1941, brought to a close the career of Texas' most widely acclaimed geologist. Born in Nashville, Tenn., on August 11, 1858, he was orphaned at the age

of five and spent his childhood and early youth in the midst of the confusion and deprivation of the Civil War and Reconstruction. He welcomed the opportunity to escape to Texas, where at the age of sixteen he joined an elder brother, a printer, at Comanche. Here he spent the next seven years in the welter of frontier life, engaged variously as printer's devil in the office of the Comanche *Chief*, as assistant on land surveying parties in the wild, unsettled portions of West Texas, as cowboy with the Holmsley herds en route from Southwest Texas to Dodge City.

On solitary rambles through the country adjacent to Comanche he developed a keen interest in natural history, especially in fossils, which abound in all the rocks of that region. His native interest in geology inspired him to correspondence with distant sources of information and resulted eventually in contact with Andrew D. White, president of Cornell University. Dr. White became interested in his case and invited him to come to Cornell, where, despite the deficiencies in his early education, he completed a course in geology in three years.

From Cornell he went to Washington to join the staff of the National Museum, and soon thereafter transferred to the newly-established Geological Survey. Major Powell, director of the Survey, was at the time interested in securing the establishment throughout the country of state geological surveys. He sent Hill to Texas to promote this idea in Austin. The contacts made at this time led to a proposal that Hill establish a chair of geology at the University of Texas, which he accepted with alacrity. The professorship lasted only two years. The sedentary pursuit of teaching gave too scant outlet for his restlessness and abounding vitality, and he resigned to return to the Geological Survey in 1890.

His knowledge of the Southwest and his keen attachment to the region led to his assignment to various geological investigations in the southwestern states, notably Texas. The excellent work done there in succeeding years firmly established for all time his reputation as a geologist. He made an arrangement whereby the long summer seasons were spent in Texas for the Geological Survey, and the winters in the Caribbean, where he worked under the direction of Professor Alex-

ander Agassiz in an investigation of the geology of the West Indies and Central America.

In 1902 restlessness again gained the upper hand and he resigned from the Survey to pursue mining geology for the next ten years throughout the Southwest and Mexico. This experience proved unfortunate in many respects and was financially disastrous. It served to convince Hill that his chief interest lay in the field of science; and thereafter, with the exception of various consulting assignments in dam construction, oil geology and water resources, he devoted his time to scientific investigation with scant thought of monetary compensation.

Next followed eighteen years residence in California, attached to the staff of the Museum of the City of Los Angeles; teaching in the University of California, Los Angeles Branch; studying the geology of Southern California and its related earthquake problem. His contacts with Texas were renewed when he returned during the Ranger oil boom to do consulting work in oil geology, and he longed thereafter to again take up his residence in the old, familiar scene among old friends.

This wish was fulfilled when he joined the staff of the Dallas *News* in the spring of 1931, to write articles on the geology and oil development of the Southwest. He gradually extended the scope of his *News* contributions to include geographic studies of the early exploration of the region, personal reminiscences, various phases of natural history and collateral science, comment on social and political questions of the day. His avid, catholic, interest in everything about him gave his writings a pungency which appealed to a wide reading public. He came to be regarded by a host of admirers, most of whom had never seen him, as the arbiter and oracle of all things pertaining to Texas, despite the fact that so much of his life had been lived outside the state. Previously he had been widely known and respected in scientific circles. In his later years he developed through his *News* articles into a Texas institution. Seldom is it given to an individual to so indelibly impress himself on the consciousness of a region as broad as the state of Texas.

In addition to his monographic geologic studies published by the

U. S. Geological Survey and the several volumes on the geology of the Caribbean area, he wrote a book of a more popular nature on *Cuba and the West Indies* and another on the earthquake problem of California. His contributions to scientific journals throughout his long life have seldom been equalled in number or in variety of subject matter. Meanwhile he contributed innumerable articles to the popular press and to newspapers throughout the United States. His wide recognition was evidenced by membership in scores of scientific, fraternal and social organizations both national and local.

His autobiography, contributed intermittently to the *News*, has the distinct flavor of Horatio Alger at his best, with the added merit of being true. His life covered the wide social span from the raw frontier to the elite social and scientific circles of the national capital. It exemplifies the typical American tradition that industry, perseverance and native ability, fortified by a robust, healthy constitution, can eventually triumph over handicaps, such as lack of formal education and money, to win just recognition and reward. Texas may well mourn the loss of one of her superior leaders and take pride in his accomplishments.

Dr. Hill was twice married, first to Miss Justina Robinson of Ware, Mass., second to Miss Margaret McDermott of New York City. He is survived by one daughter of each marriage—Dr. Justina Hill of Johns Hopkins University Medical School, a distinguished bacteriologist in her own right; and Mrs. Jean Hill Guttormsen of Los Angeles, California. W. E. W.

ANDREW JACKSON HOUSTON

1854-1941

Andrew Jackson Houston, United States Senator from Texas, died in a hospital in Baltimore on the evening of June 26, 1941. He was born at Independence, Texas, June 21, 1854, the second son of General Sam and Margaret Lea Houston. His father's death when the boy was only nine years old imposed his training upon the mother. His formal education was acquired at Baylor University, Bastrop Military Academy, Texas Military Institute, Salado College and the United

States Military Academy. Though his training was largely military and he never lost interest in military affairs, he early turned to the law for a profession. After studying in an office in Tyler and attending lectures by Judge O. M. Roberts, he was admitted to the bar on April 21, 1876, the fortieth anniversary of San Jacinto. Except for ten years when he was Clerk of the United States District Court for the Northern District of Texas, he practiced his profession at Tyler, Dallas and Beaumont until 1902. From 1902 to 1910 he was, by appointment of President Theodore Roosevelt, Marshal for the Eastern District of Texas. In 1910 and again in 1912 he was the Prohibition Party candidate for Governor of Texas; then and later he was an ardent advocate of suffrage for women. Throughout most of his mature life he had been an active officer in the Texas Volunteer Guard and had become a colonel in 1888. He was influential in improving the organization and instruction of the Volunteer Guard and was an early advocate of its transformation into the National Guard. He was active in other civic enterprises, especially those for the promotion of public interest in music and art.

In 1917, having come into the possession of some of his father's papers, he retired to his sea-side home near La Porte to study and write a history of the Texas Revolution. In 1925 he published a pamphlet, *The San Jacinto Campaign,* as the first installment of a larger work to be called *The Independence of Texas,* which was never completed. Meanwhile he had been made Superintendent of the nearby San Jacinto Battlefield Park, a position which gave him great satisfaction. In October, 1939, Governor O'Daniel named him an honorary brigadier-general in the National Guard and on April 21, 1941, appointed him United States Senator to fill the vacancy caused by the recent death of Senator Morris Sheppard. Although nearly eighty-seven years old and in feeble health, he insisted upon going to Washington where he was sworn in on June 2—the oldest man, it is said, ever to enter the Senate. The excitement and strain were too much, however, and he died just twenty-four days later. He is survived by three daughters.

General Houston was a man of high ideals, generous disposition, genial manner and very positive convictions. He was becomingly proud of his father's career (he always referred to him as "General

Houston"), but displayed a surprising tolerance for his father's critics. Something of his charitable breadth of view is revealed in the simple statement in his Centennial address in 1936 that the Mexican, as well as the Texan, soldiers of San Jacinto should have a monument.

C. W. R.

WILLIAM ALEXANDER RHEA

1874-1941

William Alexander Rhea, director of the Philosophical Society of Texas, died in Dallas on June 2, 1941, at the age of sixty-seven years.

Member of a pioneer Collin County family, he was born at Rhea's Mills on February 14, 1874, a son of Captain William Alexander Rhea, C. S. A., and Ella Foote Rhea. He was graduated with B. A. degree from McKinney College in 1892 and prepared himself at the University of Texas for a distinguished career as a lawyer and teacher of lawyers. Before he was admitted to the bar at the age of twenty-one, he had received the LL.B. degree, and, in 1895, following a year of graduate study, the LL.M.

After twenty-four years of private practice in Dallas, first as a partner of Rhodes S. Baker, then of Marshall Thomas, and finally as an associate of Leslie Waggener, he was elected in 1919, upon nomination of President R. E. Vinson, to a professorship of law in the University of Texas. In 1925 he returned to Dallas where he organized the newly-established School of Law of Southern Methodist University, of which he was senior professor and librarian at the time of his death. He also served as visiting professor at the University of Colorado and visiting research professor in the Columbia University School of Law.

In 1896, soon after beginning his professional career in Dallas, he married Miss Mary Herndon of McKinney. He is survived by her and by their two children, Alexa Rhea, now the wife of Professor Ben F. Wright, of Harvard University, and Lawrence Herndon Rhea, a practicing attorney of Dallas.

By nature a scholar and a bibliophile, he became an authority upon legal literature and Texana, as the law library of Southern Methodist

University and his own Texana collection attest. He became a member of the Texas State Historical Association at its founding in 1897, and during the last decade of his life he served as a trustee of the Dallas Historical Society. As one of the ten men who revived the Philosophical Society of Texas in 1935, he drafted the charter and characteristically insisted upon the privilege of paying the charter fee. He served continuously as a member of the board of directors until his death.

It is not given to many men to attract and hold, as he did, the friendship of men in all walks of life. Equally at home among learned counsel, university professors, Canadian fishermen, children, and men of affairs, he used to say that he never met a man who didn't teach him something. He might have added that he never met a man who didn't learn something from his catholic store of learning and wisdom.

As the Dallas *News* remarked editorially on his passing: "An able instructor whose personal charm was carried into his class work, the veteran barrister has left an imprint on the academic as well as the professional life of Dallas that endears his memory to all who have come in contact with him." H. G., C. S. P.

MORRIS SHEPPARD

1875-1941

The Senior United States Senator from Texas and dean of the Congress died at his post of duty in Washington on April 9, 1941. Born in Morris County, Texas, May 28, 1875, Senator Sheppard was a son of the Hon. John L. Sheppard, whom he succeeded as Member of Congress from the First Texas District in 1902. He prepared for a career at the bar at the University of Texas and Yale University, where he received his LL.M. degree in 1898, and, after brief practice at Pittsburg, established his permanent home at Texarkana. There he was married, in 1909, to Miss Lucille Sanderson.

His continuous service in the Congress of the United States began on November 15, 1902, when he was elected to the House of Representatives to fill the unexpired term of his father, who had died in office. He served in the House during the Fifty-Seventh, Fifty-Eighth,

Fifty-Ninth, Sixtieth, Sixty-First and Sixty-Second Congresses. In 1912 he was elected to succeed Joseph Weldon Bailey in the Senate and was re-elected, without serious opposition, in 1918, 1924, 1930, and 1936.

Senator Sheppard was best known for his labor in behalf of prohibition. He was the author of the Eighteenth Amendment to the Constitution, and on January 16 of each year since its repeal in 1933 he addressed the Senate, calling for a return to national prohibition. He was a leader in the fight for equal suffrage and co-author of legislation aimed to reduce maternity mortality. At the time of his death he was a member of the Senate committees on commerce, manufactures, irrigation and reclamation, and, since 1932, had been chairman of the military affairs committee. He presided over the hearings on the selective service bill and guided that measure, as well as other important defense legislation, to final passage. Exhaustion from overwork was a primary cause of his death.

President Roosevelt voiced the feeling of Texans when he said: "The nation joins with Texas in mourning the loss of Senator Sheppard. It is not chiefly because he served close upon forty years in Congress that he achieved distinction, but because of the high character of the service he contributed to national councils.

"Steadfast in conviction, he stood firmly by principle and conscience. In the work of the national defense, as chairman of the great committee on military affairs, he was a tower of strength.

"Courteous, kindly, he had, besides superb courage, enthusiasm and great charm of manner. He was a gentleman. Unsparing of himself, he refused to heed all warnings of friends that he was overtaxing his physical resources and he has gone to his account with every obligation to duty fulfilled." H. G.

CLARENCE RAY WHARTON

1873-1941

This lawyer, historian, patriot was born in Tarrant County, Texas, on October 5, 1873, and died in Houston on May 1, 1941. From his

youth he came up the hard way and arose to eminence given to few men to attain.

As a lawyer Mr. Wharton was profound and brilliant. A devoted lover of justice, he scorned smallness or subterfuge. His reputation as a trial lawyer was more than state-wide. The bench and bar alike held him in the greatest esteem because of his high ethics and of his unfailing devotion to lofty ideals. For forty years he was a member of one of the great law firms of the South and devoted himself assiduously to the interests of his many clients. In his appearance before the jury he was direct, forceful and eloquent. No lawyer of his generation in this state perhaps was more effective before a jury. Throughout his life he took particular interest in young lawyers and was quick to recognize their talents and to advise them as to their advancement.

But he was not a great lawyer to the exclusion of other things. His hobby was the history of Texas. For many years a deep student, he became a prolific writer of history pertaining to his native state. His contributions to history have been widely recognized and many of them were based upon materials not previously published.

During the many years he lived in Houston he was never too busy to give of his talents freely to public enterprises. His closest friends were never able to understand how he accomplished so much in so many different fields of endeavor.

He was a man of superb faith and of unfailing courage. Possessed of strong convictions, he knew no fear in upholding them.

As all great men do, he loved his family dearly and was unselfishly devoted to their welfare.

Later in the month in which Mr. Wharton died, the Supreme Court of Texas sat to hear resolutions and addresses on the life of this distinguished patriot. On that occasion Associate Justice Critz said: "In life, Clarence Wharton was a shining example of what a really great lawyer is and ought to be; in death, he stands a living and majestic influence for that which is good."

The passing of Clarence R. Wharton grieved thousands of people throughout Texas, all of whom realized the loss of a great mind and heart.

F. M. L.

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