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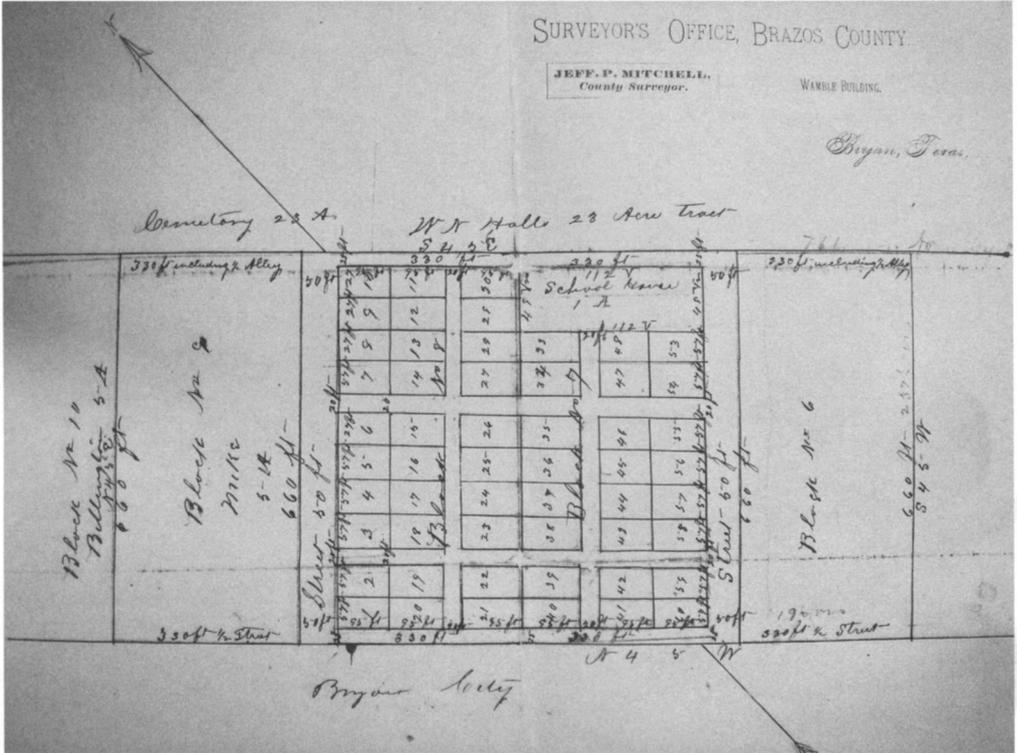
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Undated, hand-drawn "Map of Freedman Town" by Brazos County Surveyor Jeff P. (Jefferson Paley) Mitchell showing lot numbers and the Freedmen's Bureau school. North Bryan's Freedman Town was home to many of Brazos County's ex-slaves following the Civil War. For most, it was their first chance at land and home ownership—a chance that many were deprived of by unscrupulous legal maneuverings. From the local history collection of the Carnegie Center of Brazos Valley History, Bryan Public Library, Bryan, Texas.

Burdens of Landholding in a Freed Slave Settlement: The Case of Brazos County's "Hall's Town"

BY DALE BAUM*

IN AN ECONOMICALLY DEPRESSED NEIGHBORHOOD IN BRYAN, TEXAS, ON a sweltering summer day in 2006, the Brazos Valley African American Museum officially opened its doors to visitors. Amid the tributes at the ribbon-cutting ceremony, speakers frequently noted the powerful symbolism of building a center dedicated to educating future generations about black history and heritage on the former site of the city's segregated high school. Others invoked the larger significance of the museum's location near the center of what after the Civil War had been the area where newly freed slaves first had an opportunity to occupy, rent, or purchase town lots along the outskirts of the original Bryan city limits—a vicinity that once had been referred to, at least in notations in the Brazos County courthouse records and in polite conversation during the last half of the nineteenth century, as "Hall's Town."¹

Those who wish, perhaps understandably, to remember only positive accomplishments rather than tribulations may not care to delve into the full history of the formation of Hall's Town, which became a part of what was subsequently known for generations as Bryan's "Freedman Town." Nevertheless, most historians of African-American history understand the need to recover the stories of the victimization of voiceless and marginalized ex-slaves in the Reconstruction-era South, an endeavor that includes the largely forgotten origins of the first-settled section of Bryan's Freedman Town and the story of how its landowners acquired property but

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¹ Hunter Sauls, "African-American Museum Opens," *The Battalion* (College Station), July 24, 2006; John William Diem, "The Place-Names of Brazos County, Texas, 1821 to 1880" (M.S. thesis, Texas A&M University, 1981), 64 (quotation).



The Brazos Valley African American Museum (BVAAM), built in 2006. The BVAAM is located on East Pruitt Street (originally East Clay Street) between Preston and Houston streets in what used to be Bryan's Lower Freedmantown. Images used by permission of the Brazos Valley African American Museum.

either did not appear in the records or could not hold on to it. In this microcosm of the postwar South, their stories expose the limits of what was possible for those in freedom's first generation struggling to secure just treatment and fair play.

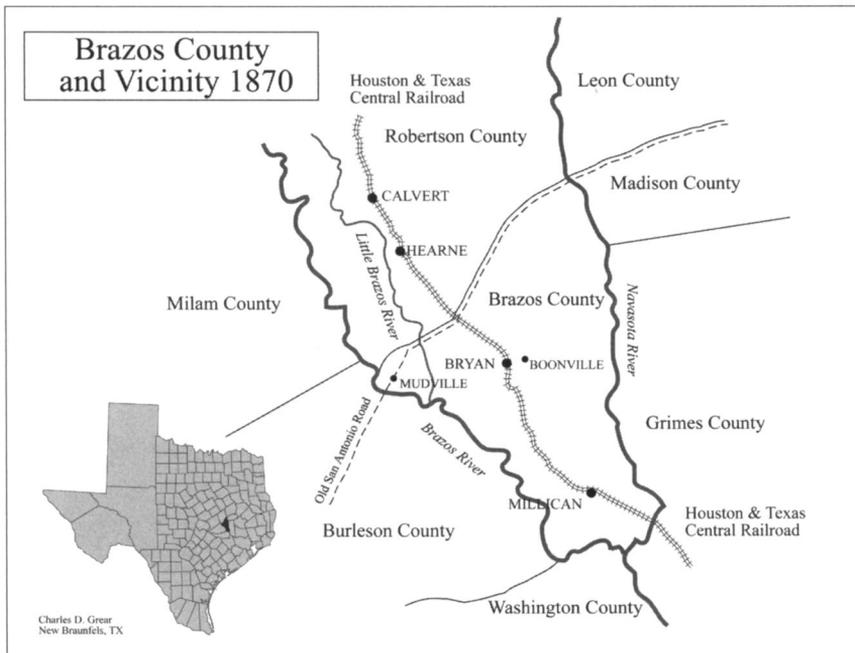
In few places in the immediate postwar South did the process of Reconstruction begin more wretchedly than in Brazos County. Arriving in late June 1865 at Millican, the northern terminus of the Houston and Texas Central Railroad (H&TC), the 114th Ohio Volunteer Infantry encountered "hot-headed" hostility from the overwhelming majority of the town's white residents. The occupying bluecoats, who were tangible confirmation of the Confederacy's defeat, considered themselves under siege when a group of local men annoyed at the arrest of a former rebel soldier for ripping down the United States flag hanging outside the encampment's headquarters, threatened to "kill every officer if they have to pick them off one by one." In disgust with the dreadful relations with the townspeople, the unit's regimental surgeon wrote home to his mother that life in Millican, which he called "a miserable cut throat hole," seemed "very little like times of peace," and concluded with the wish that the army "had gone through the entire state, and laid it to waste."²

² George Jackson's diary entry for June 25, 1865, quoted in Jonathan A. Beall, "Won't We Never

At some point soon thereafter a contingent of the soldiers stationed in Millican rode into the Brazos River bottomlands stretching along the southwestern side of Brazos County. They stopped at each plantation and ordered the freedpeople to be assembled. Former slaves dressed in gunnysacks faced the mounted soldiers, one of whom moved to the forefront with a piece of paper from which he read loudly and clearly. The document contained Gen. Gordon Granger's declaration, first read on June 19th in Galveston, which legally ended the buying and selling of slaves in Texas. Many in attendance did not immediately comprehend his words. Years later elderly eyewitnesses recalled only what the soldier said when he finished reading: "[H]im says 'Yous am free, an' citizens ob de United States. Dat means yous can go whar yous lak'." Unfortunately, however, the ex-slaves were neither citizens nor able to do as they pleased.³

Get Out of this State?': Western Soldiers in Post-Civil War Texas, 1865–1866" (M.A. Thesis, Texas A&M University, 2004), 65 (1st quotation); John C. Gill to "My dear Mother," July 7, 1865, quoted in Harry F. Lupold, ed., "A Union Medical Officer Views the 'Texians'," *Southwestern Historical Quarterly* 77 (April 1974): 485 (3rd quotation), 486 (2nd and 4th quotations).

³ Statements of Hattie Cole in George P. Rawick, ed., *The American Slave: A Composite Autobiography* (19 vols., Westport, Conn.: Greenwood Press, 1979), III, 779 (quotation).



Brazos County and Vicinity in 1870. The Houston and Texas Central Railroad can be seen in the middle of the map running through the communities of Millican, Bryan, Hearne, and Calvert.

In 1865 the law of the land was still the 1857 Supreme Court decision in the Dred Scott case (the passage of the Fourteenth Amendment did not come until 1868), which barred blacks from holding United States citizenship, and when gangs of white ruffians cropped up to control and regulate the labor and behavior of the freedpeople, military authorities found themselves powerless to protect them from violence or guarantee them fair treatment. Under President Andrew Johnson's undemanding Reconstruction policies, former secessionists and ex-Confederates found themselves being restored to power with no federal commitment to prevent a restoration of slavery in all but name. As a result, an uncontrollable wave of violence swept over the ex-slaves during 1865 and 1866. In areas where the army had been unable to establish order beyond the limits of the county seats, one Freedmen's Bureau official reported, blacks were "frequently beaten unmercifully, and shot down like wild beasts, without any provocation, followed by hounds, and maltreated in every way." The bureau agent added that it was "the same old story of cruelty," only that there was "more of it in Texas than any southern state" that he had visited.⁴

The appointment of Dr. William H. Farner as the first Freedmen's Bureau agent in Brazos County and surrounding areas failed to stem the mistreatment and exploitation of the ex-slaves. Dr. Farner, an Iowa Free Soiler and Republican before the Civil War, had enlisted at the war's outset—for reasons lost to history—as a surgeon in a Confederate regiment. After being captured and paroled by federal soldiers, he took twenty slaves from Louisiana to Brazos County to prevent them from being liberated by advancing Union troops. In the latter part of 1865 he finagled an appointment with military authorities to become a subassistant commissioner at Millican. His purported addiction to whiskey, unlawful confiscation of guns and pistols belonging to freedmen, and participation in punishing them for minor violations of their work contracts by stringing them up by their thumbs "in military style," resulted in his dishonorable removal. Ordered to clean up the mess that Farner had created, one of his replacements, finding the position in Millican to be "insufferable," pleaded for reassignment. Against the twin backdrop of bureau blunders and white resolve to enforce the iniquitous state "Black Codes," a series of labor, vagrancy, and apprentice laws designed to vitiate the standard labor contracts routinely approved by the bureau, Brazos County underwent a dramatic transformation as the H&TC Railroad resumed its northward expansion.⁵

⁴ Inspector General William E. Strong quoted in *Freedmen's Bureau. Speech of Hon. Thomas D. Eliot, of Massachusetts, in the House of Representatives, May 23, 1866* (Washington, D.C.: Congressional Globe Office, n.d.), p. 7; Gregg Cantrell, "Racial Violence and Reconstruction Politics in Texas, 1867–1868," *Southwestern Historical Quarterly* 93 (January 1990): 333–334.

⁵ William H. Farner to Joshua L. Randall, Aug. 14, 1867, folder 6, Box 56, Governor's Papers: Elisha

On the eve of the Civil War the H&TC had graded a route eighteen miles to the northwest from Millican to a town site platted on a square-mile grid of lots donated by William Joel Bryan, a nephew of Stephen F. Austin. In anticipation of "Bryan City" becoming the next end-of-the-line of the railroad, many residents of Millican, the wartime rail terminus, and Boonville, the original county seat, began moving to the new town. By 1866 Bryan had obtained a post office, and that same year the citizens of Brazos County voted to replace Boonville with Bryan as the county seat. During the fall of the following year excitement peaked when the railroad tracks and telegraph service reached the rapidly growing community. Like a magnet, the new town attracted hundreds of transients, including "gamblers, rowdies," and "desperate characters" who allegedly made it unsafe for merchants to leave their stores unattended after dark. The biggest problem confronting Brazos County became how to deal with the unwanted accompaniments of rapid growth, including the vices of a large transitory population—the overwhelming majority of whom were white.⁶

In hopes of dealing more effectively with the problems arising from Bryan's growth, its citizens voted to incorporate and elect city officials in the spring of 1867 only to have their actions subsequently voided by military authorities. In the absence of a mayor, aldermen, and a constable who could take the required loyalty oath, soldiers stationed at the post of Bryan redoubled efforts, albeit with mixed results, to maintain law and order. Not until May of 1868 did military-appointed Governor Elisha M. Pease recognize the city's incorporation and appoint a full slate of city officials. By the fall of 1869 during the cotton harvest, Bryan's busy and hectic but now more reputable downtown streets were clogged with people, horses, and wagons. "All is life and energy—no drones, no sluggards here," wrote one observer. Back in Millican, in the wake of an incident of

M. Pease, RG 301 (Archives Division, Texas State Library, Austin; hereafter cited as AD-TSL), Dale Baum, "Slaves Taken to Texas for Safekeeping during the Civil War," in *The Fate of Texas: The Civil War and the Lone Star State*, ed. Charles D. Grear (Fayetteville: University of Arkansas Press, 2008), 98; William L. Richter, *Overreached on All Sides: The Freedmen's Bureau Administrators in Texas, 1865-1868* (College Station: Texas A&M University Press, 1991), 51-52, 65 (1st quotation), 137, and 159 (2nd quotation); William H. Sinclair to Samuel C. Sloan, July 30, 1866, vol. 1: p. 296, Reel #1, Records of the Assistant Commissioner for the State of Texas, Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1869, RG 105, M821 (1973) (microfilm: National Archives, Washington, D.C.; hereafter cited as BRFAL); Barry A. Crouch, "All the Vile Passions': The Texas Black Codes of 1866," *Southwestern Historical Quarterly* 97 (July 1993): 13-34.

⁶ "Bryan, Texas," *The Handbook of Texas Online* [accessed July 26, 2002]; J. P. Wilson, Mayor of Bryan City, May 27, 1867, Register of Letters Received, 1865-69, vol. 1: p. 675, Reel #3, RG 105, M821 (microfilm: BRFAL [1st quotation]); Thomas H. Norton to Charles E. Morse, June 13, 1867, Reel #9, Correspondence of the Office of Civil Affairs of the District of Texas, the Fifth Military District, and the Department of Texas, 1867-70, RG 393, M1188 (1981) (microfilm: National Archives, Washington, D.C.; hereafter cited as COCADT [2nd quotation]); Richard Leek to Joseph J. Reynolds, Dec. 22, 1867, folder 12, Box 862, Adjutant General Reconstruction Reports, RG 401 (AD-TSL [3rd quotation]).

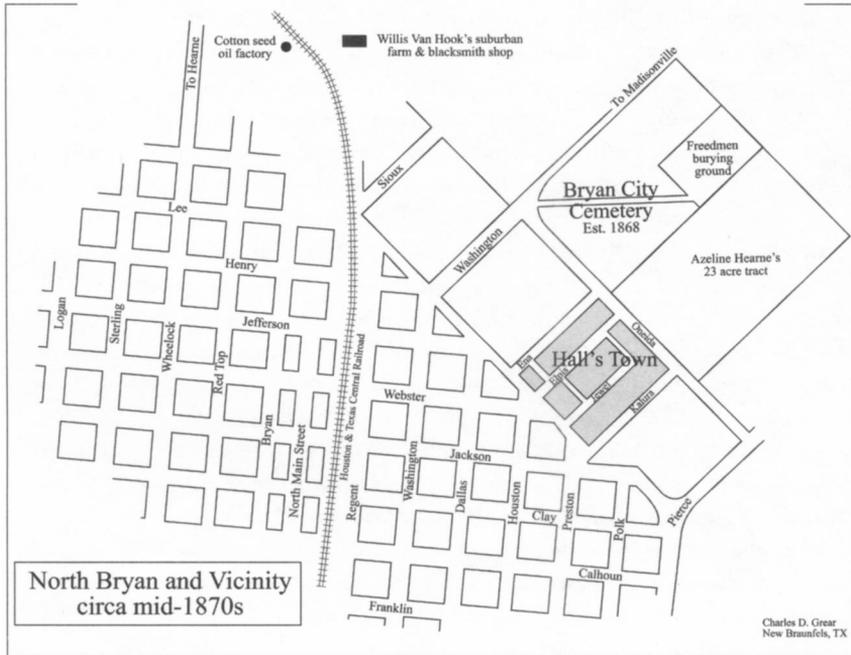
Ku Klux Klan violence unmatched elsewhere in the state, elderly carpetbagger Reverend Richard Sloan, who was in charge of the town's African Methodist Episcopal Church (A.M.E. Church), lamented that "mostly all the Freedmen belonging to our church and forming our school, will move to Bryan, or near there, where they are buying land and settling." Reverend Sloan's qualification of "near there" was accurate, because the specific place to which he referred was Hall's Town—a tract of land adjacent to the northeastern edge of the square-mile grid of streets comprising the city's original boundaries. In contrast to the unincorporated "freedom colonies" in remote rural areas that often remained undetectable in courthouse records, Hall's Town began as a platted section of lots adjacent to a railroad-created town located on the edge of some of the finest cotton plantations in the state.⁷

Hall's Town originated with sales of land to ex-slaves by members of Bryan's well-known scalawag Hall family. As early as the summer of 1866 the freedpeople might have been welcomed to settle on a forty-acre tract that William N. Hall had purchased from William Joel Bryan. William Hall was the oldest of the ten sons of Thomas Jefferson Hall, the family patriarch who had fought in the Texas Revolution, had been an anti-secessionist slaveholder before the Civil War, a steadfast Unionist during it, and a successful inventor after it who held military appointments as the treasurer of Brazos County and an alderman in Bryan. In the early twentieth century his second wife and youngest son, Edward, played prominent roles in the city's history. By then, however, the Hall family's radical Republican Party antecedents had been either graciously forgiven or conveniently forgotten.⁸

What is known for certain is that, during the fall of 1867, when Bryan's population was rapidly growing, Hannibal R. Hall made the first recorded conveyances to ex-slaves of lots referred to in his deeds as "near the town of Bryan [and] laid down and designated in my map or plat." Hannibal's associations with Bryan's small group of scalawags and carpetbaggers

⁷ J. P. Wilson to Charles Griffin, May 27, 1867, and J. P. Wilson to H. Prime, June 9, 1867, Reel #8, RG 393, M1188 (microfilm: COCADT); *Texas Countryman* (Bellville), June 10, 1868; *The News* (Galveston), Nov. 17, 1869 (1st quotation); Carl H. Moneyhon, *Texas after the Civil War: The Struggle of Reconstruction* (College Station: Texas A&M University Press, 2004), 95; Richard Sloan, "Report of August, 1869" (2nd quotation), Reel #15, Records of the Superintendent of Education for the State of Texas, 1865–70, RG 105, M822 (1973) (microfilm: BRFAL); Thad Sitton and James H. Conrad, *Freedom Colonies: Independent Black Texans in the Time of Jim Crow* (Austin: University of Texas Press, 2005), 2–3 (3rd quotation).

⁸ Title Bond, William J. Bryan to William N. Hall, Aug. 22, 1866, Book H: pp. 88–89, Brazos County Deed Records, County Clerk's Office, Brazos County Courthouse, Bryan, Texas (hereafter cited as BCDR); Ernest Emory Bailey, comp. and ed., *Texas Historical and Biographical Record: With a Genealogical Study of Historical Family Records* (Austin: [n.p.], 1900), 310–313; Glenna Fourman Brundidge, ed., *Brazos County History: Rich Past—Bright Future* (Bryan, Tex.: Family History Foundation, 1986), 100; U.S. Department of Interior, Patent Office, *Annual Report of the Commissioner of Patents for the Year 1869*, 41st Cong., 2nd Sess., House Executive Document 102, vol. 1 Serial 1420 (Washington, D.C., 1869); "Death of Mrs. Sarah Hall," *Weekly Eagle* (Bryan), Apr. 23, 1903; Edward Hall obituary, *Weekly Eagle* (Bryan), Apr. 16, 1931.



Map of North Bryan and Vicinity, mid-1870s, showing Reverend Foster's lots in Freedman Town and Minister Van Hook's and Freedwoman Hearne's nearby suburban lands.

make him almost certainly a relative of William Jefferson Hall, although evidence corroborating his kinship in the historical records cannot be found. Vacant lots in Hall's Town sold for as low as \$12.50, a sum equivalent to what in the town's construction boom a skilled white worker could make in one week or an unskilled black laborer could make in a month. The H&TC solidified the location of the new community when its agents decided to sell ex-slaves quitclaim deeds, which renounced the railroad's legal claims but did not guarantee good and clear titles, to lots in designated city blocks extending alongside suburban Hall's Town. This stretch of blocks was called "Lower Freedmantown" and was located within a mile from the downtown passenger depot and centered to the east of the tracks as they left the northern part of the city. It also ran along the northern edge of the houses in middle-class and well-to-do white neighborhoods that were then expanding eastward from the center of downtown.⁹

⁹ Quitclaim Deed, H. R. Hall to Evaline Cipres, Nov. 25, 1867, Book H: p. 653 (quotation), BCDR. The first sales made by Hannibal R. Hall to ex-slaves were lots 15 & 16 in block 6 [8?] for \$35.00 to Mack Nolan, "a man of color," and lots 9, 10, & 12 in block 3 [8?] for \$37.50 to Thomas Bryan, "a man of color"; see deeds dated Nov. 1, 1867, in Book I: pp. 81 and 86, BCDR. Reference to "Lower Freedmantown" is found in Brundidge, ed., *Brazos County History*, pp. 151–152. The tendency for men in the extended

Lower Freedmantown initially referred to the city blocks on either side of and to the north of Jackson Street (subsequently East 19th Street and present-day Martin Luther King Jr. Street). The disreputable and saloon-infested north end of Bryan's elongated business district bordered the expanding black community that by the mid-1870s spread westward across the H&TC tracks into the northern tip of the city's original grid of streets. Like the eastside's Lower Freedmantown, the newer westside area, which apparently lacked a specific name, bordered expanding white neighborhoods that by the mid-1880s contained the stately residences of some of the county's wealthiest planters. By the mid-1890s the westside became the home of more relatively well-off black Bryanites, including ministers, teachers, physicians, and the owners of saloons, barbershops, and other small businesses at the end of North Main Street, or "Rat Row," as it was derisively called by whites. By then, references made, at least in the local newspaper, to "Hall's Town" and "Lower Freedmantown" became infrequent, and were subsumed by mention merely to "Freedman Town." Land records and maps, however, continued to refer to Hall's Town, albeit transmogrified after its annexation as "Hall's Addition" or, less frequently, "Hall's Survey" within "the town of Bryan & known as Freedman Town."¹⁰

Hall's Town was the home of Bryan's first black school, known as "the government schoolhouse," built in 1868 by the Freedmen's Bureau. Reverend Charles B. Foster, an Alabama-born former slave who had arrived during the previous year with his wife Lettie, was its first teacher. During the 1870s the area also became home to the first Texas lodge of the "Colored Odd Fellows" and the city's first three major black churches: Reverend Foster's A.M.E. Church; the African Baptist Church (present-day Shiloh Baptist Church); and the Methodist Episcopal Church (Lee Chapel United Methodist Church) established by Reverend Willis Van Hook along with drayman James Russell and washerwoman Dorthulia Minor. The name of Reverend Van Hook's church reflected the fact that many of his congregants found the word "African" in church titles controversial because it represented competing self-identifications among the ex-slaves. The Methodist Episcopal and Baptist churches were located in Lower Freedmantown, whereas the A.M.E. congregation and their pastor, Reverend Foster, worshipped at the government schoolhouse.¹¹

Hall family to transpose their first and middle names makes Thomas Jefferson Hall's third oldest son, Robert H. Hall a possible match for Hannibal R. Hall. See "Generation Three" and "Generation Four" in "Excerpts from a book entitled *Life and Times of Leonard Hall*," <<http://homepages.rootsweb.ancestry.com/~unab22/lhall.htm#id1287>> [accessed Dec. 14, 2008].

¹⁰ Cynthia Skove Nevels, *Lynching to Belong: Claiming Whiteness through Racial Violence* (College Station: Texas A&M University Press, 2007), 96–97; Warranty Deed, Guy M. Bryan to Charles F. Moore, n.d., Book N, p. 276b, BCDR (1st and 3rd quotations); Warranty Deed, Maria Adams to H. C. Robinson, July 20, 1885, Book 1: pp. 390 (2nd quotation) and 391, BCDR.

¹¹ Brundidge, ed., *Brazos County History*, pp. 151–152 (1st quotation); *Daily Union* (Houston), July 30,

In the summer of 1870 the federal census enumerator for Brazos County visited at least 32 dwellings containing 125 occupants described as black or mulatto in what was likely Hall's Town or its immediate vicinity. The most frequent occupation recorded for males was "laborer," whereas for women twice as many were listed as "washerwoman" than those described as "keeping house" and only two were listed as "domestic servant," suggesting that women overall, by remaining at home to take care of household chores or to do other people's washing as a way to earn money, enjoyed a greater degree of freedom from daily supervision by whites than their male counterparts. Perhaps even more autonomous or independent was the group of eight females recorded as heads of households, comprising a teacher, a domestic servant, and six washerwomen. Among the six who took in washing, two were implicated in courthouse records for prostitution.¹²

Federal troops stationed at Bryan routinely visited the area's saloons, gaming tables, and houses of prostitution. In the spring of 1868, a grand jury handed down an indictment against Hannibal Hall, along with his freedwoman tenant, for "keeping [a] disorderly house." The accusation infuriated Hannibal. Demanding and getting a severance from his tenant, he was nevertheless found guilty of the charge in a district court jury trial. While he was being held by the sheriff until he paid his \$250 fine, Hall's Town witnessed an outbreak of violence. A disgruntled group of soldiers, who had failed to gain reassignment with most of their comrades to another post, started drinking, provoked the black residents, and sexually

1870; "Fifty Years of Odd Fellowship in Texas," *Informer* (Houston), March 9, 1929 (2nd quotation); and H. T. Kealing, *History of African Methodism in Texas* (Waco: C. F. Blanks, 1885), 138–141. On October 14, 1868, William Joel Bryan, who had bought back seventeen of the forty acres in the fall of 1867 that he sold in 1866 to William Neal Hall, sold an acre of land to the trustees of the Bryan Freedmen's School (see Book I: p. 359, BCDR). According to the deed, the land was located on the northeastern corner of Hall's Town, consisting of lots 32, 33, 49, 50, 51, and 52, in block 7. The schools established in the late 1860s in Millican and Hall's Town by the Freedmen's Bureau were the first educational institutions established for blacks in Brazos County, and not the "Bryan Public School for Colored," which was established in 1885 (see the mistaken claim on the 1975 historical marker, *Black Education in Bryan*, located in front of the Brazos Valley African American Museum on East Pruitt Street). In the fall of 1870, the H&TC Railroad sold lots 1 and 2 for \$1.00 in block 57 located on the northeastern corner of Jackson and Houston streets in Lower Freedmantown to the trustees of the African Baptist Church of Bryan (Deed, W. R. Baker and A. Groesbeck, trustees for the H&TC Railway Co., to Frederick Light, Silas Mitchell, Boveir Ambrooster, I. Beall, and F. M. Law, Sept. 5, 1870, Book L: p. 263, BCDR). In 1868 the H&TC deeded lot 1 in block 34 on the northeastern corner of Webster and Washington streets in Lower Freedmantown to an unnamed Methodist church (Deed, W. R. Baker and A. Groesbeck, trustees for the H&TC Railway Co., to S. M. Kingston, Willis Van Hook, and H. T. Downard, trustees, Mar. 22, 1868, Book M: p. 253, BCDR). Early in 1879 the cornerstone of the A.M.E. Church was laid on lots 1 and 2 of block 54 on the northeastern corner of Franklin and Houston streets in Lower Freedmantown. See *Daily News* (Galveston), Feb. 16, 1879; Deed, G. W. Green to C. W. Porter, Truly White[head], Jeff Henry, Geo. Stern[e], and Edmund Johnson, trustees of the A.M.E. Church, Oct. 8, 1879, Book U: p. 190, BCDR.

¹² Mary Collie-Cooper (comp.), "Brazos County Texas 1870 Census" (typescript), 41–44, Sterling C. Evans Library, Texas A&M University, College Station (quotations); *The State of Texas v. Hannibal R. Hall and Mary Wood (fvc)*, Case #400, Civil Minutes of the District Court, Office of the District Court, Brazos County Courthouse, Bryan, Texas (hereafter cited as ODC–BC).

assaulted a few freedwomen. When blacks armed with shotguns and rifles started shooting at them, the soldiers returned the fire. The terrifying and ultimately deadly disturbance continued for nearly an hour. Former Freedmen's Bureau agent Dr. Farner defended the actions taken by the freedmen and denounced the "outrages" committed by the soldiers.¹³

The November 1869 election of scalawag Edmund J. Davis to the Texas governorship, and a sweep by the radical "Davis ticket" of the most important local offices in Brazos County, rivaled emancipation as a most dramatic event in the lives of the inhabitants of Hall's Town. Voters elected ex-slave John Mitchell to represent Brazos County in the state legislature. Ministers Foster and Van Hook would soon be appointed by Governor Davis to Bryan's board of aldermen, and W. Phidello ("Fidella") Hall, who was Thomas Jefferson Hall's second oldest son and a close confidant of Davis, was elected to the Texas Senate from a neighboring district. Just five years earlier, as enslaved men and women, the residents of Bryan's fledging black community had been subjected to their masters' whims to decide virtually every aspect of their lives. A walk through their neighborhood, in which they had shaped their future by renting or buying land, building houses, and organizing churches and fraternal associations, confirmed the remarkable on-going revolution occurring in their lives.¹⁴

Hall's Town's distinctive street names, Kalura (present-day North Preston Avenue), Jewell (Orleans Street), Elpis (North Houston Avenue) and Ena (Justine Street), were a testament to the substantial number of lots sold from 1867 through 1870 to freedwomen in their names only. These pioneer female landowners, presumably more than their male counterparts, cared about identifying for others where their homes were located and thus named the streets that neither Hannibal Hall nor the city—at least not during the remainder of the nineteenth century—bothered to name. In addition to Hannibal's surveyed lots, in early 1870 freedwoman Azeline Hearne purchased from William Hall twenty-three acres adjoining the northeastern boundary of Hall's Town along Oneida Street (present-day Military Drive) on which the government schoolhouse was located. By the mid-1870s women constituted more than 40 percent of the freedpeo-

¹³ *The State of Texas v. Hannibal R. Hall and Mary Wood (fwc)* Cases #399 and #400, ODC-BC (first quotation); Deed, Mary Wood to Brazos Co. Sheriff John H. Neill, May 2, 1868, Book H: pp. 110-111, BCDR; *Daily News* (Galveston), Apr. 24, 1868, and May 3, 1868 (2nd quotation, letter from Dr. William H. Farner). The charge against Hannibal apparently also angered his wife. She filed for a divorce. See *Nancy E. Hall v. H. R. Hall*, Case #465, ODC-BC.

¹⁴ General Order No. 19, "Tabular Statement, Showing the Number of Votes Cast in Each County For and Against the Constitution, and for State Officers, and Tabular Statement, Showing Number Votes Cast in Each County for Members of Congress. Tabular Statement, Showing the Votes Cast in Each District for Senators and Representatives, and Statement, Showing Vote by Counties for Clerks of District Courts, Sheriffs, and Justices of the Peace," (Feb. 1, 1870), U.S. Army, Fifth Military District, State of Texas, 1-46, AD-TSL; Alwyn Barr, "Black Legislators of Reconstruction Texas," *Civil War History* 32 (December 1986): 340-52; *Daily Union* (Houston), July 30, 1870.

ple listed as paying annual taxes on lots in Hall's Town. Yet a further look at deed records and tax rolls display evidence of problems and irregularities regarding the titles to many of their lots.¹⁵

Some lot owners purchased their property twice or had it sold out from under them. Most of these regrettable developments can be traced to Hannibal Hall's having sold them quitclaim deeds to lots encumbered by mortgages or loans. When Hannibal defaulted on his debts, or (as in a couple of instances) apparently sold lots for which he had no ownership rights whatsoever, the freedpeople holding his quitclaim deeds were legally divested of their land. Those with warranty deeds at least possessed a right to sue him in order to recover their monetary damages. Hiring an attorney, however, would have cost more than what they had paid for their lots. As a consequence, some buyers lost their ownership rights or repurchased their lots from the new owners.¹⁶

A few blacks, as might be expected, lost their land due to overdue annual property-tax assessments. In the mid-1870s the county deed records began listing sales of lots in Freedman Town at public auction for nonpayment of taxes. Titles held by speculators or realtors who purchased the lots for the respective amounts in arrears were subject to the rights of the potentially divested owners to buy back their lots within two years. The actual percentage of lots redeemed by black landowners who found themselves in this particular situation is difficult to gauge, but a cursory search for their names on subsequent tax rolls suggests that recoveries far exceeded forfeitures.¹⁷

¹⁵ The street names in Hall's Town are shown on the June 1912 map for Bryan, Texas, in *Sanborn Fire Insurance Maps* (Teaneck, N.J.: Chadwyck-Healey, 1990). By the beginning of the twenty-first century, the names had long since been changed to reflect the awkward meshing of the streets running at forty-five degree angles into the original Bryan grid. For deeds to the first twelve freedwomen lot owners in Hall's Town, see Book H: p. 653; Book I: pp. 61, 65, 76, 197, 422, and 449; Book K: p. 148a; Book L: p. 98; Book M: pp. 67 and 222; and Book P: p. 449, BCDR. See also Brazos County Tax Rolls for 1876, County Real and Personal Tax Rolls, Records of the Comptroller of Public Accounts, Ad Valorem Tax Division, AD-TSL. The deed from William N. Hall to "Assaline Hearne" was dated January 4, 1870, but not filed for record until January 26, 1874. See Book O: pp. 286-287, BCDR. Because Hearne was born probably in a French-speaking area of Louisiana, the various spellings of her name were corruptions of the uncommon name "Azéline."

¹⁶ Bill Page (comp.), "Property in Freedman Town, also Known as Hall's Addition, Bryan, Texas" (typescript, n.d.), Brazos Valley African American Museum, Bryan, Texas; Deed of Trust, Hannibal R. Hall to Samuel P. Hollingsworth, Nov. 13, 1867, Book H: p. 541, BCDR; Deed, C. G. Baxter to H. R. Hall, Nov. 13, 1867, Book H: p. 540, BCDR; Deed, H. R. Hall to Morgan Canton, Apr. 1, 1868, Book I: p. 76, BCDR; Deed, W. J. Bryan to Morgan Canton, Mar. 2, 1869, Book L: 215, BCDR; Deed, H. R. Hall to Mack Nolan, Nov. 1, 1867, Book I: p. 81, BCDR; Deed, Guy M. Bryan Jr. to Hannah Nolan, Apr. 1, 1874, Book P: p. 155, BCDR; Deed, H. R. Hall to Thomas Bryan, Nov. 1, 1867, Book I: p. 86, BCDR; Quitclaim Deed, H. R. Hall to Evaline Cipres, May 5, 1868, Book I: p. 137, BCDR; Quitclaim Deed, W. J. Bryan to Sallie Davis, Nov. 1, 1867, Book P: p. 449, BCDR. The dates on Hall's deeds to Mack Nolan and Thomas Bryan precede the date when Hall gained a legal interest in the lots that he sold them. Baxter subsequently gave Hall releases for twelve of the fifty-four lots that he had sold Hall in November 1867: See Deed, C. G. Baxter to H. R. Hall, Dec. 20, 1867, Book H: p. 622; and Deed, C. G. Baxter to H. R. Hall, March 20, 1868, Book I: p. 52, BCDR.

¹⁷ Clayton Woods had two years to redeem his lots 27 and 28 in Hall's Addition after the county sheriff

More than a few ex-slaves indicated to the 1870 federal census enumerator that they owned lots in Freedman Town, but their names do not appear in the indices to the deed records. Such circumstances were most likely caused by their failure to take their deeds to the courthouse to be duly recorded. Their oversight did not necessarily invalidate their titles, but nevertheless exposed them to potentially unnecessary legal problems regarding their ownership rights. Most blacks listed in the census as owning lots, however, appeared at the courthouse to pay their annual property taxes.¹⁸

Finally, in Brazos County at-large from the fall of 1866, when the first recorded sale of land occurred to an ex-slave, through 1870, black landowners, in comparison with white landowners, do not exhibit a parallel regularity in having their deeds filed for record in the county clerk's office, paying their yearly property taxes, and reporting to the federal census enumerator the value of their real estate holdings. For example, throughout the county none of the twenty-one ex-slaves who paid taxes in 1868 on real property appears among the thirty of their race listed as landowners in the manuscript census reports, whereas out of a selection of twenty-one whites who in 1868 paid taxes on real property all but two could be found in the census as landowners.¹⁹

Many inconsistencies can be accounted for by under-enumeration problems with the 1870 census: misspellings of surnames (both in the census and in tax and deed records), failure to report to the census enumerator the dollar value of land owned, and the safekeeping of deeds held by owners who failed to have them transcribed into the courthouse records. In response to the high frequency of unrecorded deeds, atypical notations by courthouse clerks in the 1880s appear periodically next to names of black taxpayers indicating whether they had in their possession the deeds to their lots. For example, tax roll notations for "Battice, Charity," listed her as "Have deed [for lots 3 and 4];" for "Brown, Frank," as

sold them to Hiram Morrison for nonpayment of back taxes. See deed to Hiram Morrison, June 15, 1878, Book U: p. 318, BCDR. Woods's neighbors, Bill Johnson and Charles McDaniel, also had their lots, 29 and 30, sold to satisfy unpaid taxes. See deeds to Guy M. Bryan, May 14, 1877, Book R: p. 379; and Apr. 2, 1878, Book S: pp. 195-196, BCDR. Woods, Johnson and McDaniel subsequently redeemed their property; see Brazos County Tax Rolls for 1884, County Real and Personal Tax Rolls, Records of the Comptroller of Public Accounts, Ad Valorem Tax Division, AD-TSL.

¹⁸ Freedpeople listed in the 1870 federal census as owning real property valued between \$100 and \$300 in Hall's Town but not found in the deed index records include R. Cockran, V. Walker, Tom Wilson, and Geo. Strother. See Collie-Cooper (comp.), *Brazos County Texas 1870 Census*, 3, 13-14, 38, 41-43, 59, 61, 69-70, 92, 103 and 149. Cockran, Walker, Wilson, and Strother do appear, however, on the property tax rolls from 1868 through 1876.

¹⁹ Warranty Deed, John Collins and M. A. Collins to Charles Shelton ("a freedman") Oct. 30, 1866, Book H: p. 626, BCDR; Collie-Cooper (comp.), *Brazos County Texas 1870 Census*, Brazos County Tax Rolls for 1868 through 1877, County Real and Personal Tax Rolls, Records of the Comptroller of Public Accounts, Ad Valorem Tax Division, AD-TSL.

"Perhaps have deed [for lot 21];" and for "Johnson, Wm." as "Have deed for 29 [but not for lot 30]." Virtually no comparable notations appear after the names of white taxpayers.²⁰

To reconstruct additional perplexities that occurred in the often tangled web of Freedman Town's real estate transactions during its first decade of existence, one must probe far beyond deed records, tax rolls, and census data. In particular, the predicaments, trials, and divestures of ministers Van Hook and Foster and freedwoman Azeline Hearne, who in the early 1870s were among the most widely known ex-slaves among all residents of Bryan, reveal the difficulties experienced by the city's first generation of African-American property owners.

Reverend Foster arrived in Bryan in 1867 to organize black Methodists. The A.M.E. Church, which had been introduced into Texas at the Civil War's end, had assigned him to its "Bryan City Mission." During 1868 he worked untiringly to raise money to remodel the Oneida Street government schoolhouse. His blueprints envisioned a building suitable to accommodate both a school and a church, but whether he obtained the necessary funding or finished the renovations according to his original specifications is not known. Foster's purchase in the spring of 1870 of three adjoining lots on Ena Street suggests a new possible location where his congregation planned to build a church. However, only his house existed on these lots during the summer when an estimated "500–600 persons" reportedly attended a successful jamboree on the schoolhouse grounds for the exclusive benefit of his A.M.E Church.²¹

While serving in 1872 as a city alderman, school teacher, and minister and trustee of his church, Foster was indicted for bigamy in Harrison County (Marshall) and the request for his arrest and conveyance to stand trial was entered into the records of the Brazos County District Court. He fled from Bryan at a time when blacks would have been in the jury box in either county and thus in a position to protect him, given the nature of the jury system, from a wrongful conviction. On the lam in Navarro County (Corsicana) in early 1873 he conveyed his Ena Street lots to his wife Lettie for one dollar. Later in the year, in an apparent show of support for

²⁰ Brazos County Tax Rolls for 1884, County Real and Personal Tax Rolls, Records of the Comptroller of Public Accounts, Ad Valorem Tax Division, AD-TSL. Comparisons between white and black taxpayers in the 1880s can be made only by uncovering racial identifications from earlier postwar tax and deed records in which ex-slaves were routinely indentified as such.

²¹ Kealing, *History of African Methodism in Texas*, 3 (1st quotation); Page (comp.), "Property in Freedman Town, also Known as Hall's Addition, Bryan, Texas"; *Tri-Weekly News* (Galveston), Aug. 19, 1870 (2nd quotation). Shortly after the jamboree, Foster's A.M.E Church purchased lot 1 in block 56 in Lower Freedman Town (at the corner of Houston Avenue and East Clay Street). See Deed, W. R. Baker and A. Groesbeck to J. Adams, H. Hagwood, J. Stewart, S. Cramer, Hubbard A. Cramer, J. Durham, and Charles Foster, trustees of the African Methodist Episcopal Church, Aug. 31, 1870, Book L: p. 244, BCDR. There is no record, however, of a church having being built at this location, on which the Bryan Public School for Colored was subsequently built in 1885.

him, the Brazos County Republicans nominated him as their candidate for justice of the peace for the Bryan precinct, an office that would have placed him on the powerful commissioners' court that was the center of politics in every Texas county. Foster polled in absentia a respectable 884 votes in a losing cause to his Democratic opponent, who won by a margin of 205 votes. Five years later in 1878 his name appeared in a book listing fugitives from justice compiled by the Texas Adjutant General for distribution to the Texas Rangers. Thereafter, he disappeared from the historical records, as did his wife Lettie who, given the impossibility of tracing her in the available records, probably remarried.²²

The accusation of being simultaneously twice married was often a mean-spirited tactic used by Democrats to discredit prominent ex-slaves. Foster had to have been aware of the politically trumped up bigamy charge leveled in 1871 against state senator Matthew Gaines, the most outspoken black Republican officeholder in the Texas legislature. Lending further credence to the likelihood that the charge against Foster was specious was the remarkable coincidence that Van Hook, who owned land nearby in the outskirts of Bryan but lived primarily throughout his life in Freedman Town, and Hearne, who owned but never resided or paid taxes on her large tract of land immediately behind Hall's Town, were also indicted on separate charges of criminal misconduct. Van Hook's efforts to clear his name cost him a sizeable part of his real and personal property, and the allegations against Hearne were entangled in her seemingly endless legal troubles.²³

While serving as a city alderman and as a minister and trustee of the Methodist Episcopal Church, Van Hook was charged with theft and ordered to appear for trial during the November 1873 term of the district court. His business partner, ex-slave Charley Averhart, mortgaged his land, including his blacksmith shop and tools, to allow Van Hook to cover the cost of posting his appearance bond. During the same week, in order to pay for the legal services of a prominent white attorney, Van Hook and his wife sold or mortgaged their suburban tract of land located a half mile to the north from Freedman Town and on the eastern side of the H&TC

²² *The State of Texas v. Charles B. Foster*, Case #945, July 30, 1874, Book E: p. 195, ODC-BC; Deed, Charles Foster to Lettie Foster, Feb. 17, 1873, Book R: p. 26, BCDR; *Daily News* (Galveston), Dec. 11, 1873; Entry for "Foster, Chas. B.—Bigamy, indicted '72. A Negro preacher, dark complexion. In Louisiana or Eastern Texas," in James B. Gillett, *Fugitives from Justice: The Notebook of Texas Ranger Sergeant James B. Gillett* (Austin: State House Press, 1997), 158. In the summer of 1875 Lettie sued Charles, presumably for divorce (the actual case file has been lost or misplaced). She subsequently asked the court to dismiss her lawsuit. See *Lettie Foster v. Charles B. Foster*, Case #1325½, Aug. 26, 1875, Book E: p. 278, ODC-BC.

²³ Christopher Waldrep and Donald G. Nieman, *Local Matters: Race, Crime, and Justice in the Nineteenth-Century South* (Athens: University of Georgia Press, 2001), 209; *Mathew [sic.] Gaines v. The State*, [No Number in Original], Supreme Court of Texas, 39 Tex. 606, 1873 Tex LEXIS 448, Decided 1873.

tracks directly across from the Bryan Manufacturing Company's cottonseed oil mill and factory.²⁴

Van Hook was either acquitted of wrongdoing or the charges against him were dismissed, but criminal and civil proceedings plagued him throughout the remainder of the 1870s. In the spring of 1876 city policemen interrupted a religious service to arrest him in front of his parishioners for stealing "five gallons of whiskey," an accusation requiring him to once again sell or mortgage a tract of his suburban land, including his "black smith shop tools & horses, mules, cows, [and] buggy wagon," to another well-known white attorney. Although by this time the fifty-six-year old Van Hook was no longer as active in local Republican Party politics as he had been before the loss to the straight-out Democrats of all but one county office in the 1873 election, he remained an extremely influential leader in Bryan's back community. He had overcome years of enslavement and illiteracy to become a well-respected preacher, officeholder, landowner, and successful blacksmith. At his death in 1907 he was living in recent retirement on part of the land still owned by him and his wife near the old cottonseed oil factory. In his obituary the local newspaper, which usually limited its coverage of blacks to those who committed crimes or were victims of accidents, acknowledged his "good reputation," "many friends," and pioneering leadership in Bryan's early Freedman Town.²⁵

The indictment of Azeline Hearne on perjury charges in neighboring Robertson County (to the north of Brazos County) was the least of her legal difficulties. During slavery Azeline had been the concubine of her unmarried master Samuel ("Sam") R. Hearne. Because of his embarrassing liaison with her, his well-to-do white kinfolk had been on bad terms with him for at least three years before his death in late 1866. Triggering a scandalous and long-standing public drama, Sam bequeathed his entire estate, which included a large Brazos River cotton plantation, to his and Azeline's mulatto son. A predictable blitz of legal maneuvers by Sam's relatives in the probate and district courts designed to annul the will caused the Freedmen's Bureau in the summer of 1867 to uphold its validity, ban any further action in the civil courts in regard to claims on the estate, and take over its administration, which included managing the Bra-

²⁴ Charley Averhart and his wife Hannah to Willis Van Hook, Sept. 29, 1873, Book O: p. 203a; Willis Van Hook and his wife Elvira to Andrew Graves, Oct. 6, 1873, Book O: p. 205 a-b, BCRD; *Daily News* (Galveston), Jan. 21, 1873. Regarding the disposition of Van Hook's 1873 case, along with another criminal case filed in 1874 against his son, Book 1 of the Criminal Minutes of the District Court for the 1870s is missing from the Brazos County Courthouse storage archives.

²⁵ *Daily News* (Galveston), Apr. 23, 1876, (1st quotation); Willis Vanhook, United States Eleventh Census (1870), Brazos County, Texas, Population Schedules [Ancestry.com, accessed May 27, 2009]; Deed, Willis Van Hook and Elmira Van Hook to M. W. McGraw, Apr. 15, 1876, Book Q: pp. 383-384 (2nd quotation), BCDR; "Parson Van Hook" (obituary), *Weekly Eagle* (Bryan), Oct. 3, 1907 (3rd and 4th quotations).

zos River plantation. The government agents placed in charge, however, never made any proper accountings, never vested the title to the plantation in Sam's son, and never paid off the estate's debts out of the proceeds received from the sale of the cotton crop. In short, the bureau's goal of administering the estate for the benefit of Sam's son was, as privately confessed by one bureau agent, "defeated by the corruption and malfeasance of the subordinate officials of Gen'l [Charles] Griffin," the commander of the Military District of Texas and Freedmen's Bureau of Texas.²⁶

When Sam Hearne's son died in early 1868, a legatee clause in the will making Azeline her son's solitary heir vested ownership in her. After the Freedmen's Bureau shut down its operations, Sam's estate became beleaguered by lawsuits challenging the title to the Brazos River plantation with claims based on bogus chains of titles to old Spanish land grants or otherwise laying claims to the estate to satisfy debts that it allegedly incurred. Sam's court-appointed administrator, annoyed with Azeline's pretense to owning more wealth than most whites could ever hope to acquire, decided to collude with false claimants to the plantation's title and allow their groundless lawsuit to obtain a court judgment against her. When predatory lawyers rushed in to appeal the decision, at the cost to her of half her land or trespassed onto her plantation under cover of legal trickery in order to misappropriate its cotton crop, she turned in desperation for help to Reverend Sloan. Sloan was then serving as the military-appointed Brazos County precinct commissioner for Millican, and he set in motion her reckless participation in a dangerous succession of activities regarding powers of attorney and real property deeds.²⁷

In the fall of 1869 Azeline decided to leave Robertson County and move to Bryan's Freedman Town where her sister's family lived. In order

²⁶ *The State of Texas v. Assaline Hearne*, Case #832, Book K: p. 438, Minutes of the District Court, Robertson County Courthouse, Franklin, Texas; Will of Samuel R. Hearne, Sept. 17, 1866 (filed for record Nov. 28, 1866), Probate Minutes, Volume O: pp. 302–304, County Clerk's Office, Robertson County Courthouse, Franklin, Texas (hereafter cited as RCPM); Joshua L. Randall to Joel T. Kirkman, June 8, 1867, Volume 155, Reel #26, Records of the Field Offices for the State of Texas, RG 105 M1912 (2005) (microfilm: BRFAL); Alfred L. Briganee to Charles Griffin, Aug. 30, 1867, Reel #10, and Joshua L. Randall to J. P. Richardson, Nov. 4, 1867, Reel #14, RG 105, M821 (1971) (microfilm: BRFAL); Unsigned confidential letter written by Joshua L. Randall for Horatio R. Hearne, Feb. 11, 1868 (quotation), Reel #39, RG 393, M1188 (microfilm: COCADT).

²⁷ Will of Samuel R. Hearne, Sept. 17, 1866 (filed for record Nov. 28, 1866), RCPM; "B[enjamin] Brown Petition for Administration," June 10, 1868, in *Re: Estate of Samuel R. Hearne*, Docket #134, Probate File, County Clerk's Office, Robertson County Courthouse, Franklin, Texas; Horatio R. Hearne to Thomas H. Norton, [undated], and S. P. Hollingsworth and A. S. Broaddus, to Thomas H. Norton, Nov. 5, 1869, Reel #39, RG 393, M1188 (1981) (microfilm: COCADT); Bond, Assaline Hearne to Harvey D. Prendergast, July 22, 1869, Book Q: p. 496, Robertson County Deed Records, County Clerk's Office, Robertson County Courthouse, Franklin, Texas (hereafter cited as RCDR); *Thomas P. Aycock v. Assaline Hearne*, Case #1113, Office of the District Court, Robertson County Courthouse (hereafter cited as ODC-RC); *Eliza Cornelia Willett (Reynolds) v. Charles Lewis, et al.*, Case #662, ODC-RC, "Brief for the appellant filed by Ballinger, Jack, and Mott," Mar. 9, 1870, *Assaline Hearne v. Cayton Erhard and others*, Case file M-5761, Texas Supreme Court Records, RG 201, AD-TSL.

to get some money to buy a lot and build a house, she made Sloan, then eighty one years old and suspected by many townspeople to be senile, her lawful agent with broad powers to act on her behalf. Shortly thereafter when rumors reached Azeline about Sloan's neglect of his duties as precinct commissioner and his misappropriation of county funds, she, like many other former slaves in the Brazos bottomlands, ignored the warning signs of his mental deterioration. In early January 1870 while under investigation by the sheriff, Sloan, acting under his power of attorney from Azeline, sold to Francis ("Frank") M. Hall her ownerships rights to her plantation.²⁸

The purchase price for Azeline's rights to her plantation consisted of Frank's note for about \$1,200, some goods out of his store, and William's deed to her for the twenty-three acres of land lying along Oneida Street behind Hall's Town. The discounted price reflected the Hall brothers' knowledge of encumbrances on her title and her wish to sell it before losing it in the pending litigation against her. Nevertheless, Frank, who was about to be appointed sheriff of Robertson County due to the death of the winning radical candidate in the recent election, received from her not a mere quitclaim deed, but rather a general warranty deed that he filed for record almost before the ink on it had dried. The news of the transaction rapidly reached those with claims against Azeline's plantation who, in turn, became annoyed at Sloan for having placed an obstacle in their own legal paths to plundering her inheritance. They convinced Azeline that, by putting her trust in Sloan, she had made a serious mistake. Within a month of selling her plantation, she revoked the powers of attorney that she had given him.²⁹

In the summer of 1870 the publicly disgraced Sloan absentmindedly still followed his signature with "P.C.B.C"—the acronym for "precinct commissioner Brazos County"—an office from which he had been ignominiously removed for malfeasance. Worse yet, Sloan, now acting without Azeline's legal authorization, but knowing that she had decided to remain on her plantation as a tenant-at-will of those litigating to win the

²⁸ Power of Attorney, Asaline Hearne to Richard Sloan, Sept. 27, 1869, Book K: p. 251, BCDR; Power of Attorney, Assaline Hearne to Richard Sloan, Oct. 8, 1869, Book Q: p. 566, RCDR; "Answers to Interrogatories and Cross Interrogatories made by William J. Pierce," Oct. 14, 1872, in *F. M. Hall v. Asaline Hearne*, Case #1639, ODC-RC; Henry Lee Lewis to Harvey D. Prendergast, Jan. 29, 1885, in *Assaline Hearne v. H. D. Prendergast*, Case #3069, ODC-RC; "Petition by civil officers of Brazos Co. requesting removal of Richard Sloan (Co. Commissioner) for malfeasance in office," signed by Hiram T. Downard, Thomas J. Hall, W. L. Neall, W. B. Forman, Charles F. Moore, Benjamin F. Boldridge, William J. Pierce, Robert T. Mills, William Haverman, and Henry Mordecai, Mar. 24, 1870 (quotation), Reel #29, RG 393, M1188 (1981) (microfilm: COCADT).

²⁹ Warranty Deed, Asaline Hearne to F. M. Hall, Jan. 4, 1870, Book Q: p. 563, RCDR; "Answers to Interrogatories and Cross Interrogatories made by George I. Goodwin," Oct. 14, 1872, and "Answers [to Interrogatories] of Assaline Hearne," Feb. 19, 1873, in *F. M. Hall v. Asaline Hearne*, Case #1639, ODC-RC; Revocation of Power of Attorney, Jan. 25, 1870, Book Q: p. 579, RCDR.

right to evict her, sold away her twenty-three acres to an illiterate white mother of six children. Then in the spring of 1871, Sloan compounded his wrongdoing by selling again the same land to another naïve individual, a hardscrabble white farmer named Douglas Dionycious Burkhalter. In both instances Sloan could not get these two worthless deeds notarized in either Brazos or Robertson counties, where nobody was willing to authenticate any document that involved his act or deed.³⁰

In the summer of 1871 Sloan expanded his misdeeds by engineering Burkhalter's purchase of the worthless rights to the twenty-three acres held by the first defrauded buyer. In early 1874, after Sloan had died or moved away, Burkhalter appeared in the downtown Bryan office of carpetbagger Charles F. Moore, the former radical Republican clerk of the Brazos County District Court who had been elected in 1869 and defeated for re-election in 1873. Burkhalter brought with him three deeds referencing Azeline's twenty-three acres that, for no discernible reason, had not yet been filed for record: the deed from William Hall to Azeline; the deed from her to himself; and the deed he received from the first buyer. Instead of telling Burkhalter to return to Azeline the valid deed to her from William that was part of the consideration she received four years earlier for selling her Brazos River plantation, Moore perpetrated and enlarged the fraudulent transactions. First, he filed for record the three deeds in Burkhalter's possession and drafted a deed conveying from himself to Burkhalter half of a city block in north Bryan. Moore then drafted another deed to himself from Burkhalter for Azeline's twenty-three acres now described as the tract of land sold by William Joel Bryan to William Hall, then conveyed by him to Azeline, and by her via her agent, Sloan, to the first buyer, and then by the first buyer to Burkhalter, "all of which," Moore wrote in this last deed, "will appear of Record" in the Brazos County Courthouse files.³¹

In short, Moore made a trade with Burkhalter, who in exchange for his worthless rights to the twenty-three acres got in return a valid title to the south half a city block (on Lee Street between Wheelock and Sterling)

³⁰ To "Senators and Rep[resentatives]: [Recommended] Municipal Officers for Millican, Brazos Co., July 12, 1870, folder 76, Box 65, Governors' Papers: Edmund J. Davis, AD-TSL (quotation); Special Orders No. 69, Mar. 29, 1870, Headquarters Fifth Military District, State of Texas, Austin, Adjutant General Reconstruction Records, AD-TSL; Warranty Deed, Asaline Hearne to Mary A. Moore, July 15, 1870, Book M: p. 109, BCDR; Deed, Asaline Hearne to D. D. Burkhalter, Apr. 12, 1871, Book O: p. 286, BCDR; Collie-Cooper (comp.), *Brazos County Texas 1870 Census*, 96.

³¹ *Daily News* (Galveston), Dec. 11, 1873; Warranty Deed, C. F. Moore to D. D. Burkhalter, Jan. 30, 1874, Book Q: p. 126, BCDR; Deed, D. D. Burkhalter to C. F. Moore, Jan. 30, 1874, Book O: p. 328, BCDR (quotations). Charles F. Moore was the brother of Bryan postmaster Horatio A. Moore, who was one of the owners of the local pro-Republican *Brazos Eagle*. See *Daily State Journal* (Austin), Feb. 1, 1871. When Charles F. Moore's wealthy widow died in 1935, her extensive obituary made no mention of the carpetbagger Moore family's past identification with Republican Party politics. See "Funeral Services for Mrs. Moore This Afternoon," *Daily Eagle* (Bryan), Nov. 20, 1935.

of nearly equal value in Bryan's expanding Freedman Town. Moore, in turn, sold his worthless interest in the twenty-three acres to the Bryan Real Estate and Building Association, a heavily bankrolled enterprise holding, buying and selling property that he had helped to establish a few years earlier. He, however, cautiously placed his deed to the real estate association in a desk drawer for two years before filing it for record in 1876, when he sensed that there would be no danger of anyone inquiring on Azeline's behalf into his transactions regarding her twenty-three acres. Moore had, albeit unbeknown to him at the time, effectively laundered a bogus chain of title to the land that became the southeastern half of the city cemetery in the early twentieth century.³²

As for Azeline, who was effectively cheated out of her land behind Hall's Town, she became by the late 1870s a reclusive, sickly, and impoverished woman wandering from place to place in the Brazos River bottomlands in Robertson County where she did housework for her network of black neighbors who, in turn, provided her with food, clothing, and shelter. In the 1880s she was still occasionally visiting Bryan's Freedman Town to visit her deceased sister's children. Money for one of these trips was given her by Henry Lee Lewis, the son of one of Sam Hearne's wealthy cousins, who by 1884 had succeeded in defrauding Azeline, with the connivance of another who acted as her attorney and as Sam's administrator, out of her Brazos River plantation as well as her remaining interest in the estate. As a tenant-at-will of the Lewis family, Azeline, who for a brief moment had been one of the wealthiest ex-slaves in the former Confederacy, was most likely buried alongside Sam's unmarked grave near the ruins of his old plantation's original manor house.³³

At the beginning of the 1870s, a time when white sentiment ran strongly against those of their race who sold, gave, or bequeathed land to ex-slaves, less than 1 percent of blacks throughout the Lone Star State owned land. In spite of the equal protection clause of the Fourteenth Amendment, blacks were at a disadvantage in avoiding all but the most dependent of relationships. Whites believed that the ex-slaves were incapable of sharing in the rewards of a market-driven economy, and thus the best possible arrangement was to give them no more than the opportunity to come and go as they pleased and reap the benefit of their own labor. Blacks would thus constitute a permanent, subordinate, and uneducated class of paid, albeit closely controlled and thus dependable, hired hands or sharecrop-

³² Warranty Deed, C. F. Moore to Bryan Real Estate and Building Association, Mar. 13, 1874, Book O: p. 367, BCDR.

³³ "First Supplemental Petition," Feb. 7, 1882, *Asaline Hearne v. H. D. Prendergast*, Case #3069, ODC-RC; Dale Baum, *Counterfeit Justice: The Judicial Odyssey of Texas Freedwoman Azeline Hearne* (Baton Rouge: Louisiana State University Press, 2009), 252 and 255.

pers. In regard to the entrepreneurial, legal, and property rights of the former slaves, most whites viewed these as favors or special privileges and not matters guaranteed by either law or common sense.³⁴

In the wake of the successful counterrevolution of “Redeemer” Democrats against the accomplishments of the Davis administration and the Republican-controlled legislature, hundreds of black Texans by the end of the 1870s lost hope of ever achieving political justice, economic prosperity, and freedom from violence. With dreams of owning land and with advantages of a fresh start, many left the state. During the winter of 1879–80 the so-called Kansas Fever, known as the “Exoduster” movement, broke out along the entire line of the H&TC Railroad, including Robertson and Brazos counties, a region comprising the heart of eleven counties with the heaviest concentration of lynchings of blacks in the state during the sixty years after the end of the Civil War.³⁵

In retrospect, when thousands of former slaves in the central Brazos River valley walked into freedom in the summer of 1865, often possessing nothing more than the clothes on their backs, the odds were slim that within a few years they would successfully establish claims to formal land ownership. Their managing to legally acquire land was thus a remarkable achievement. The experience of the pioneer settlers in Bryan’s original Freedman Town would have been cruelly restricted had it not been for the brief semblance of justice that they enjoyed during Congressional Reconstruction and the years of the Davis administration. The injustices that occurred to them at the hands of Freedmen’s Bureau officials, occupying army troops, the scalawag Hall brothers, and carpetbaggers Sloan and Moore—all of whom were vilified by the pro-Democratic press for having ushered in, as the *Austin State Gazette* expressed it, “the reign of niggerdom”—reveal not only how black landholders dealt with considerable burdens which would never have afflicted their white counterparts, but also underscores the limits to what possibly could have occurred in securing full and impartial treatment to the ex-slaves during one of the most revolutionary and turbulent periods in Texas history.³⁶

³⁴ Sitton and Conrad, *Freedom Colonies*, 12.

³⁵ Letter by W. L. Molloy from Bryan, Texas, Nov. 26, 1879, in *Southwestern Christian Advocate*, Dec. 4, 1879; *Daily News* (Galveston), July 5, 1879; Robert G. Athearn, *In Search of Canaan: Black Migration to Kansas, 1879–80* (Lawrence: Regents Press of Kansas, 1978), 197; Nevels, *Lynching to Belong*, 2. In the fall of 1875 the Brazos County Grand Jury expressed its inability “to fix the responsibility” for the white men “numbering some hundred” who at midnight took seven black prisoners from the county jail and executed them—an event that was most likely Brazos County’s largest lynching ever. See “Grand Jury Report,” Nov. 7, 1874, Book E: p. 223, ODC-BC.

³⁶ *Tri-Weekly State Gazette* (Austin), June 29, 1868 (quotation).