

Wolf Ridge. He made a crop there, but did not like the location, so he sold out and bought land in Sivells Bend adjoining that of his brother-in-law, Dr. Pope Long.

When the federal census was taken in 1860, Cooke County's population had reached 3,760. Gainesville had several hundred inhabitants.

Reports of Negro uprisings and poisonings prevailed and incendiary fires occurred almost simultaneously at Dallas, Denton, Pilot Point, Black Jack Grove, Waxahachie, Kaufman and Gainesville. One of the worst of these fires occurred on July 8, 1860, in Dallas, where twenty-five business establishments were destroyed and many residences damaged. The blaze was believed inspired by abolitionist preachers who had been holding defiant meetings in Dallas. The abolitionists were publicly whipped and then driven out of town. Three Negroes were seized, charged with arson and hanged.

When news reached North Texas that Abraham Lincoln had been elected President, a public meeting for Cooke and Grayson counties was held at Whitesboro on November 23, 1860, "to take into consideration the present political condition of this country."

John R. Diamond presided at the meeting, and John Louis Hunter was secretary. The object of the meeting was explained by Col. James J. Diamond, and a committee of fifteen was appointed to draw resolutions.

The committee reported a resolution setting forth the belief of the gathering that the election of a Black Republican candidate for President and "an emphatic endorsement of a platform of principles in violent opposition to Southern interests and Southern institutions, afforded abundant proof that the several states of the Union cannot long live together in peace; and the self-protection and absolute duty we owe to our homes and firesides demand that we shall look to our constitutional privileges of security and safety instead of to the will of the majority of the people of the United States which has been expressed under false teachings and in the face of the constitution of same:

"Therefore, we earnestly recommend His Excellency, the Governor of the State of Texas, immediately take such steps as he may be authorized, to ascertain the will of the people on this subject by convention or otherwise, and

CHAPTER THREE

The Great Hanging

The first Masonic lodge in Cooke County was organized in Gainesville in 1858. It was named Gainesville Lodge, No. 210, A. F. & A. M. First officers were William Howeth, worshipful master; W. L. Fletcher, senior warden; and W. C. Twitty, junior warden.

In 1859, the membership list numbered thirty-four, including many men prominent in the affairs of the county at that time and in later years. They were Joshua Gorham, John R. Diamond, William Howeth, William C. Twitty, James Bourland, A. B. Manion, William Bean, Alexander Boutwell, James and William Cloud, F. N. Hackney, J. St. C. Jones, John Howeth, T. J. and J. R. Toner, M. W. Matthews, Lemuel Gooding, E. C. Peery, S. S. Lydat, A. O. Miller, J. J. Hill, J. T. Matthews, U. M. Stephens, C. B. Gould, S. S. Weaver, T. M. Sweeney, George Y. Bird, William Hudson, R. F. Bostick, M. A. Elliott, J. M. Peery, Harvey Howeth, D. W. Shrum and W. L. Fletcher.

Lodge meetings were held on the second floor of the building erected to serve the fraternity, the Methodist church and for school purposes at Red River and Main streets.

Nine years after Simon Sivells and his brother, Bill, had come to Cooke County from Kentuckytown, Grayson County, to establish a small store or trading post in the bend of Red River which received his name, a community was permanently established there.

Sivells had been forced to vacate the locality on account of frequent Indian raids. But in 1859, W. M. Midkiff, Robert Dillard, a Mr. Cohee and Mark, Sam, Lewis and Rufus Cole moved to Sivells Bend. A post office was set up in the Midkiff home with Mr. Midkiff as postmaster and justice of peace.

The same year, Dr. Samuel S. Ligon came to Cooke County from Missouri and bought 400 acres of land on

THE FIRST 100 YEARS IN COOKE COUNTY

pledge ourselves to abide that will, whatever duty it may impose upon us.

"Resolved; That we see no reason why a separation of the states from the Union may not be peaceably effected without molesting either trade or commerce, but whatever may be the result it may bring about, the necessity is no less forced upon us.

"Resolved; That we will proceed to organize and properly equip within our midst at least a company of 100 men ready and willing at any time and on the shortest notice, faithfully to carry out the purpose of this meeting (which is to do our whole duty in defending Southern interest and Southern equality in the Union or out of it) under the direction of either our State Governor, or such powers South, as may give direction to our energies."

The resolutions were debated with A. H. Latimer opposing them and Col. James J. Diamond and others sustaining them, with the result they were adopted with but four dissenting votes.

A convention of citizens of the state was held in Austin, January 28, 1861, and voted for secession, county elections being ordered by the legislature to be held February 29, 1861, and the votes forwarded to Austin for counting on or after March 2, 1861.

A state committee on public safety was appointed with James G. Thompson and J. J. Diamond representing Grayson and Cooke counties in their memberships.

A Confederate conscript law was passed on April 16, 1861, calling out men between the ages of eighteen and thirty-five years for three years or for duration of the war. The age limit later was extended to drain the country of its manpower.

William C. Young, who lived on the site of old Shawneetown on the Red River, received orders to raise 1,000 men to be composed of companies of infantry from the counties of Bowie, Red River, Titus, Lamar, Hopkins, Fannin, Hunt, Grayson, Collin, Cooke and Denton for protection of the Red River border. Troops were to furnish their own arms and were called for one year if not discharged sooner. These companies were ordered to report to Col. Young at Gainesville immediately.

The first company organized in Gainesville was Capt.

THE GREAT HANGING

W. C. Twitty's Mounted Volunteers, formed May 23, 1861. The commissioners court, then composed of County Judge I. L. Elliott and Commissioners Harvey Howeth, William Hudson and Wiley Jones, authorized \$1,200 to be spent to outfit two companies organized in Cooke County, with Capt. Twitty, E. C. Peery and Commissioner Hudson named to purchase supplies.

Members of Capt. Twitty's company were: Alexander Boutwell, first lieutenant; Samuel D. Brough, second lieutenant; Samuel H. Miller, second lieutenant; and John B. Puryear, Frank A. Howeth, Thomas D. Doyle, Matterson E. Turnbaugh, J. L. Roberson, M. H. Whaley, L. L. Bramley, W. H. Bray, William C. Willingham, S. L. Bailey, W. R. Bean, John Berry, J. W. Baird, W. A. Blake, John Blane, G. E. Bone, J. H. Brumley, B. M. Burchell, B. D. Burch, S. M. Burch, William Burden, J. C. Burns, T. B. Brumley, J. W. Clark, J. D. Clark, David Cooley, J. L. Connell, C. P. Coy, J. B. Deaves, Charles Dyer, W. H. Farley, W. L. Foursher, C. C. Glandville, S. J. Gloves, C. W. Goodson, J. B. Goodson, M. D. Harris, B. B. Harris, A. M. Hill, David Hawkins, A. M. Hodge, C. W. Holloway, C. C. Hornbuckle, J. H. Howeth, J. C. Howeth, William Hughes, G. W. Harris, J. C. Jones, M. R. Jones, W. A. Jones, W. C. Jones, W. J. Jones, G. F. Justice, J. W. Law, Thomas Ledington, James Lemuel, A. H. Looker, William Loving, J. D. Lynch, Warren Lynch, William McElhannon, W. P. Martin, Jackson Mathews, G. C. Morris, John McCalister, W. A. McCool, R. McCowen, S. M. McCowen, James McCracken, D. J. McDaniel, Barney Oferil, P. D. Ozment, S. W. Parker, J. A. Phillips, J. L. Reed, J. A. Roberson, J. T. Rowland, G. W. Rosell, H. M. Reynolds, J. B. Self, Edward Shegogg, Thomas C. Spencer, W. Smith, J. T. Strickland, R. W. Settle, J. D. Swan, Eli Tibets, L. Triples, J. A. Truelove, J. E. Tulley, Charles Ward, James Ware, A. Wesson, H. A. Whaley, J. L. Whitten, Lewis Williams, William Winger, W. J. Wisdom and J. R. Yerion.

As an army of occupation, the units organized under Col. Young were stationed at frontier forts by July, 1861. Capt. Twitty's and Capt. J. J. Diamond's companies from Cooke County were at Fort Cobb, along with Capt. Throckmorton's company from Collin County. Other companies

THE FIRST 100 YEARS IN COOKE COUNTY

from North Texas counties were stationed as follows: Fort Arbuckle, three companies from Hopkins, Fannin and Hunt counties; Fort Washita, four companies from Grayson, Titus, Collin and Red River counties.

Patrolers to protect the village of Gainesville were appointed by the commissioners court with F. M. Dougherty as captain; Robert D. Stone, first lieutenant; and J. M. Peery, W. W. Foreman, J. B. Davenport, H. Whaley, William Hudson, Rufus F. Scott, T. J. Williams and Alexander Boutwell, as patrolers.

Meanwhile, Dr. Samuel Ligon's family had arrived at Sivells Bend, May 18, 1861, and Mrs. A. Y. Gunter, daughter of Dr. Ligon, in her memoirs told of the arrival of this early-day family by wagon train: "We had seven wagons, two carriages and a buggy in our train, and the party consisted of Dr. and Mrs. Ligon; four children (Mary, James, Rosa and Elizabeth) and their eighteen Negro slaves; Dr. Long and his three children (Erskine, Ella and Alice) and five slaves; and John Brasfield, Dick Mann, Messers. Laseley, Taylor and Biggerstaff, and three other men," she wrote.

"We carried tents to sleep under, for my father had made the trip to California in '49 and knew how to travel comfortably. On our way out here we came to Whitesboro, and stopped with my uncle, W. D. Ligon, who had located there about 1858. Then we followed the old California trail to where it intersected the Sivells Bend road at the old Stewart place, coming by Callisburg but not by Gainesville.

"When we reached Sivells Bend we stopped for several days at Dr. Long's house, but as soon as the wagons were unloaded they were started at once to the pine mills near Jefferson for lumber with which to build our house, and we lived in a tent until it was finished that fall. This was the first frame house ever built north or west of Gainesville and was quite a mansion for those days, having two twenty-foot rooms on either side of a fourteen-foot hall, with shed rooms back of them, and a dining room, kitchen, meal room and back porch in an 'L' shape. There was also a long gallery across the front of a big stone-walled cellar, and it was heated by five stone fireplaces."

Mrs. Gunter also told of a "get-acquainted" party held by Charles Gooding, eldest son of Lemuel Gooding, who

THE GREAT HANGING

lived across Red River from Sivells Bend in Indian territory. This party was given during Christmas week, 1861, and people up and down the river were invited.

"Everybody in Sivells Bend went," Mrs. Gunter recalled. "The Murrells, Manions and Bourlands came from the lower bends of the river, while the Overtons, Loves, Gaines and Burneys were among those from Indian territory. There were more than 100 persons present and an elaborate supper was served."

The house was a two-room log building with a shed room and puncheon floor and Mrs. Gunter wrote that "we danced all night."

A war tax of twenty-five cents on each \$100 valuation was collected with state and county taxes in 1862 and by 1864 the tax was raised to seventy-five cents on the \$100 valuation.

In 1862, as a number of men had lost their lives and the families of the men in service became destitute, a committee was appointed to "assist families of soldiers that had gone into war, who are in distress."

Despite the fact that people were beset with the problems of the Civil War the organization of religious groups continued through the war years.

The Sister Grove Baptist Association had included Cooke, Collin, Grayson, Hunt, Fannin and Denton counties of North Texas and the Choctaw nation, but in 1862 the Shiloh Baptist Association was organized with churches in Cooke, Grayson and Denton counties represented.

Indian Creek and Clear Creek members were active in the organization of this association and were original members, the Union church joining in 1864. The following year, the association met at Union with the Rev. Asa Davis as moderator.

In 1862 a group of Cumberland Presbyterians met in the home of Jesse Sparks on Dry Elm, west of Gainesville, to organize a congregation.

The Rev. William J. Gregory, a circuit rider who came to Gainesville occasionally, had held a revival meeting in which James Peery and Gen. William Hudson had been converted.

At the initial meeting, those in attendance were Mr. and Mrs. Sparks and daughter, Almeda, Mr. and Mrs. Wil-

THE FIRST 100 YEARS IN COOKE COUNTY

liam Peery, Mrs. Bettie Peery, Miss Hettie Peery and Mrs. Nancy Fields.

James Peery went to Judge J. M. Lindsay and asked him to donate a lot for a church site, since he was owner of much property in Gainesville. The Lindsays, whose home was on Lindsay Street in what is now the 700 block, were some distance from town, which extended south only to Pecan Street. Mrs. Lindsay desired neighbors, and Judge Lindsay agreed to donate a lot for the church, providing one between his home and the town was acceptable.

This was agreeable to the church members. A lot at the corner of Dodson and Church streets was selected. And on this tract a two-room frame building was erected, with George Y. Bird and Mrs. Rufe Scott assisting Messrs. Peery and Hudson in supervising the project and raising the money. This was the first building erected in Gainesville exclusively for church purposes. It was completed in 1863.

The War Between the States was well into its second year and the Confederacy had begun the enforcement of the conscription law passed the previous year. That there was strong opposition to conscription in Cooke County as well as elsewhere in Texas was indicated in Dr. Thomas Barrett's book, *The Great Hangings in Gainesville*, which he wrote and published some twenty-five years later as an apology for his part in the action.

Dr. Barrett described the first grumblings against the law in this manner:

"The War Between the States, North and South, has existed more than a year; the war fever having risen to boiling heat; the Confederate congress passed the conscription law. This law was very offensive to many and particularly to those who were afterwards members of the organization for which they were hung.

"In riding through the country, I called at a steam mill and found about a dozen men; the mill was not running so we had a good chance to talk. Someone named the conscript law. Its effect was like a spark of lightning on powder. All was in a blaze of opposition as deep and fierce as it was possible for it to exist in the human mind was plainly manifest.

"After much talk and hard things being said, one man who seemed to be a leader, boldly declared he was ready to head a company to resist the conscript law . . . I recalled

THE GREAT HANGING

his attention to the fact that in the event he attempted to carry out his plan, he could not expect anything but an awful failure . . . this was no doubt, the entering wedge to the organization (of the conspiracy). . . .

"For some time afterwards there were strong and mysterious things said which were not understood by the great mass of people . . . I became convinced that there was some kind of organization in the country and others came to the same conclusion."

The first intimation received by military authorities in Gainesville that there was a conspiracy against the local and Confederate governments was said to have come from a mail carrier who transported mails south from Gainesville.

He said he was staying at a hotel in Gainesville when he talked to a man under the influence of an intoxicant, and the latter told the mail carrier enough about an organization he said existed in the county as to cause the carrier to report the occurrence to military authorities.

On instructions of the military, the mail carrier joined the group and received the first degree, after which he reported there was nothing in his initiation to indicate any treason toward the Confederacy. Brig. Gen. William Hudson, commander of the military district with headquarters in Gainesville, then sent a spy, identified by Cliff Gates in *Pioneer History of Wise County* as Newton Chance, who posed as a disgruntled Confederate soldier. Chance not only took the second degree, which opened his eyes to the plot, but he obtained a roster of the organization. This was its undoing.

J. E. Wheeler, who built the first two-story house east of Gainesville on Wheeler Creek, moved to town when his sons entered the Confederate army. He bought the 300 block on South Commerce Street, two blocks from the square and in close proximity to the trial of the conspirators.

In his diary he made this entry on Wednesday, October 1, 1862: "Wed. 1st. . . Plot called Treason discovered, many prisoners taken, several hundred armed men in Gainesville."

The military had acted quickly because of the fear of federal invasion through the Indian territory. The county militia was ordered mobilized, a company sent here from

THE FIRST 100 YEARS IN COOKE COUNTY

Wise, Denton and Grayson counties, and a third from Fort Washita.

Dr. Barrett wrote that he had "never witnessed such intense and unreasonable mob frenzy" as existed among the citizens of Gainesville as news of the discovery spread. Twenty men were arrested the first night, and the arrests continued for two weeks.

The church bell called the citizens to a mass meeting. A jury was selected to try the accused. Dr. Barrett says he tried to avoid jury service but was chosen. The jury selected majority rule over his objection, and the first eight men examined by the jurors were ordered hanged.

Wheeler made this entry in his diary: "Thursday, 2nd (October) . . . In Gainesville hung two men."

The jury then adopted the two-thirds rule and turned several men loose. Aroused citizens tried twice to take prisoners from the jail but without success. On Saturday, October 4, Wheeler recorded: "hung Fields and Cooper," the first mention of names in connection with the case.

The hearing continued into the next week and Wheeler wrote: "Tuesday, 7th . . . hung Locke. . . Wednesday, 8th . . . hung Morris. . . Friday, 10th . . . hung Hampton. Dr. Foster tried to break from guard and shot by Harvey Howeth."

By the end of the second week, Dr. Barrett reported most of the excitement had died down. Most of the soldiers had left and there was less threat of mob violence. Accordingly, the jury decided to recess and meet the following Saturday.

But the jury did not realize the people were still so inflamed. The crowd outside the jury room, hearing of the intention of the jurors to call a recess, demanded twenty men be released to them to be hanged, or all the men in jail would be executed. The jury acceded to the request and fourteen men were ordered hanged, Dr. Barrett reported. Three men were hanged on Sunday, October 12, and eleven the following day.

Dr. Barrett would not go to the scene of the hangings but took his seat on the porch of the hotel at California and Dixon streets and watched the death wagon go down California Street to the historic elm tree between California and Main streets on the east bank of Pecan Creek. At that time, Gainesville extended no farther east than the boundary of

THE GREAT HANGING

the original forty-acre townsite, at Red River Street, and the scene of the hangings was out in the country, beyond the sight of anyone in town. Two prisoners were in the wagon on each trip, and "men with guns on each side of the wagon, guarding to prevent escape and see that the hanging was done. This continued until late in the evening before the last was hung."

Dr. Barrett reported he could not see the scene of the hangings from the hotel porch and he gave no names of the convicted men, the officers who conducted the hangings or anyone else present for the executions.

In later years, Bob Scott, Negro slave of pre-war days, recalled that he drove the wagon carrying the condemned men to their fate. The bodies were placed in the wagon, and were driven back to the west side of the square, where they were placed in lines on the floor of a building that stood where Montgomery Ward store is now located. Some relatives came to claim their dead; others left the bodies to be buried by the county.

A score of alleged conspirators had been hanged by Thursday, October 16, when James Dickson was ambushed and slain as he was seeking to arrest suspected disloyal citizens in the brush near Gainesville. Col. W. C. Young, who had raised a regiment of 1,000 men to guard the Red River border at the beginning of the war, went to the rescue of Dickson, only to be shot down also. Young was prominent in the community, as well as a high-ranking military officer, and his death, together with the slaying of Dickson, intensified the frenzy of the villagers.

Barrett says that when the crowd gathered outside the jury room learned of the double atrocity, they stormed the jury and demanded a number of victims. The jury was helpless to refuse. The men were surrendered.

Dr. Barrett says he again took his seat on the hotel porch that Sunday, October 19, when nineteen men were hanged bringing the total to 40. Two were shot to death trying to escape.

Some sources said that the number of conspirators in Wise, Denton, Cooke and Grayson counties numbered up to 1,700, and they plotted to destroy ammunition at Sherman and Gainesville. Heavy rains for several days prevented the

THE FIRST 100 YEARS IN COOKE COUNTY

plot from being carried out, and Chance's discovery was made before a new date had been agreed upon.

But the killings were on a more modest scale in other counties. Five were said to have been hanged in Wise County. Denton had several arrests but the only man killed died at the hands of an infuriated citizen, who was tried after the war and sentenced to imprisonment. There were arrests in Grayson County, three physicians being among the accused; but if there were executions, there is no record of them.

Neither Barrett nor Wheeler gave any idea of who the leader of the alleged conspiracy might have been, but Sam Heilbrunner of Sherman, who was in Gainesville on that October 8, wrote: "The captain of the gang was hung day before yesterday. His name was J. Locke." The *Clarksville Standard* in its issue of November 1 said the leader was one "Leander Locke."

A Houston editor commented that "the organization was found to have extended to all classes of the county (Cooke), clergymen, professional men, farmers, etc. Among the number we are pained to find, the name of Dr. R. T. Lively of Sherman a member of the Masonic Grand Lodge of this state."

While the incident was at an end after the fortieth man was executed, the feeling over the hangings remained high. Dr. Barrett moved with his family to Titus County because his life was threatened by both sides for having been a member of the jury sentencing the men to die, and because there were people who thought he tried to prevent the executions as a juror. He stayed in Titus County until 1865, when he moved to Bell County.

With the end of the war, Dr. Barrett went to Mississippi and Tennessee to visit relatives, having heard federal soldiers were arresting men who had participated in the hangings. His family returned to Gainesville and on December 12, 1866, he came home, demanded a trial and was acquitted after a token hearing. But the opposition to his participation in the jury's deliberation was not ended; twenty-five years later, in 1885, he wrote his book, which he stated was intended to explain his feeling of justification for his actions, which he believed prevented much additional bloodshed.