Critical Race Theory: Counter-Storytelling the Case of ‘Old Frank’ and the Daniel Family Cemetery

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CRITICAL RACE THEORY: COUNTER-STORYTELLING THE CASE OF ‘OLD FRANK’ AND THE DANIEL FAMILY CEMETERY

Mark C. Grafenreed

ABSTRACT

The Texas Historical Commission (“THC”), a legislatively enacted agency of the State of Texas, has erected and disseminated nearly 17,000 historical markers across the state’s vast 268,596 square miles and 254 counties with one express purpose: “To protect and preserve the state’s historic and prehistoric resources for the use, education, enjoyment, and economic benefit of present and future generations.” Unfortunately, the histories of both the United States and Texas are under siege. Politically charged and fear driven constituents have fully devoted their collective time, energy, and financial resources to destroying the perceived new boogeyman, Critical Race Theory (“CRT”). Since January 2021, all but six states have considered legislation concerning CRT in public schools. Currently, eighteen states, including Texas, have passed legislation banning CRT to eradicate altogether or offer a redacted historicity. Despite their intent, the THC, through its application and review processes, actively participates in erecting memorials that obscure aspects of Texas history, especially those pertaining to race and racism. Conversely, CRT advocates, through one of its key tenets of counter-storytelling, aim to reveal all history. The specific case of “Old Frank” illuminates the intersectionality between CRT, the State of Texas, and Southern Methodist University’s histories. Located two blocks north of the campus in University Park, Texas, “Old Frank,” a family slave, inaugurated The Daniel Family Cemetery in 1850 and has been buried there with other “unknown” slaves in unmarked graves for nearly two centuries. “Old Frank’s”
untold or “undertold” story both illuminate CRT’s necessity and stymies the THC’s ability to fulfill its motto of “Real Places Telling Real Stories.”

INTRODUCTION

“The terrain, slavery, was formidable and pathless. To invite readers (and myself) into the repellant landscape (hidden, but not completely; deliberately buried, but not forgotten) was to pitch a tent in a cemetery inhabited by highly vocal ghosts.”

“When your children ask their fathers in time to come, saying, ‘What are these stones?’ then you shall let your children know . . . .”

The New York Times recently reported, “More than six million people died while enslaved within the boundaries of today’s United States . . . . Yet only a tiny fraction of their graves can be found today . . . .” Despite this attempted physical, psychological, and historical erasure of lives, the cacophonous echoes of African ancestors now become the disembodied “highly vocal ghosts” that Toni Morrison writes of in Beloved. In the biblical narrative, God provides instructions to the nation of Israel through Joshua, Moses’s successor. God commands the nation of Israel to consecrate themselves in preparation to receive the covenantal promise God made four generations prior to Abraham. The Israelites were finally primed to enter the Promised Land of Canaan after their miraculous exodus through the Red Sea, liberation from four centuries of Egyptian slavery and bondage under Pharaoh, and forty years of wandering in the wilderness. God commands them to erect memorial stones to serve as existential reminders of God’s continuous action and intervention not only in Israelite history but also for its future generations. Essentially, Israel receives an anamnestic order: to remember to never forget!

The State of Texas similarly erects memorials (stones) to preserve its history for future generations. This history is preserved in a plethora of shapes and forms, including museums like the Buffalo Soldiers National Museum in Houston; memorials like the John F. Kennedy Memorial Plaza in Dallas; war monuments like The Alamo in San Antonio; municipal buildings like the Texas

2. Joshua 4:21–22 (New King James). I am grateful for Dr. Theodore Walker, Jr., Associate Professor of Ethics and Society at Perkins School of Theology at Southern Methodist University in Dallas, Texas, for planting the seeds that birthed the wellspring for this project.
4. Morrison, supra note 1, at xvii.
5. See Joshua 4:2–24 (New King James).
6. See id.
7. See id.
8. See id.
9. See id. This anamnesis also serves as the basis for the Christian Eucharist. I am indebted to Dr. D. Stephen Long, Cary M. Maguire University Professor of Ethics at Southern Methodist University in Dallas, Texas, for this valuable insight.
State Capitol in Austin, and more. Texas, priding itself on preserving its history, enlists its government. The Texas State Historical Survey Committee, a state agency founded in 1953 and later named the Texas Historical Commission in 1973, is dedicated to historic preservation within Texas. Currently, there are nearly 17,000 historical markers disseminated across the state’s vast 268,596 square miles and 254 counties. These historical markers serve as constant and present reminders of the past, prompting those who see them to ask, “What are these stones?”

Unfortunately, the histories of the United States and Texas are under siege. Rather than serving as means of preserving memory, literal and figurative stones are being removed. Since January 2021, all but six states have introduced bills or taken other steps restricting CRT or limiting how educators can discuss racism. Eighteen states have imposed CRT bans in K-12 education. These states include New Hampshire, Montana, Utah, Idaho, North Dakota, South Dakota, Iowa, Oklahoma, Arkansas, Kentucky, Tennessee, Virginia, Mississippi, Georgia, Florida, Alabama, Texas, and South Carolina. Nine of these eighteen states were part of the former Confederacy, and most have predominantly voted along Republican political lines in recent decades. Significantly, the political divide demonstrates CRT’s powerful effects. At its core, CRT seeks to excavate the United States’ history to expose “institutional

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11. Id.
13. See id.
15. Id.
Critical Race Theory: Counter-Storytelling

racism” and, most importantly, prompt it to be a better nation. For example, in Texas public schools, history teachers seldom discuss, or skip altogether, that when Texas was admitted to the Union as the twenty-eighth state on December 29, 1845, it was a slave state. CRT bans are particularly troubling in states like Texas where slavery, Jim and Jane Crow laws, de jure and de facto segregation, and racism were legally authorized, openly sanctioned, and brutally enforced. If successful, CRT antagonists will effectively cast away stones that should be memorialized while concomitantly erasing or substantially revising history in the process.

This Article argues that despite their intent, some of the memorials the THC has erected have obscured rather than illuminated aspects of Texas history, especially those pertaining to race and racism. Conversely, CRT advocates aim to reveal all history. This Article highlights one specific case involving the interplay between CRT and Texas history: Texas Historical Marker 6626, The Daniel Family Cemetery in University Park, Texas. First, this Article offers a roadmap for the polemics that follow by providing a succinct overview of CRT, recognizing that a full history of CRT would consume volumes. Second, this Article examines how the THC’s role in the historical marker application process exposes historical gaps, biases, and prejudices that argue in favor of CRT’s necessity. Finally, this Article serves as a long-overdue obituary, eulogy, and memorial stone that not only seeks to honor, humanize, and offer a sense of dignity to “Old Frank,” Kitty, Rose, Wash, Mariah, and the “unknowns”—all family slaves buried in unmarked graves at The Daniel Family Cemetery, but also to the African ancestors, who suffered through the generational violence and trauma of the mid-Atlantic slave trade and North American slavery. The lives of Kitty, Rose, Wash, Mariah, and the unknown slaves are equally valuable and deserving of appropriate attention. However, Old Frank’s untold story is only highlighted here because his death in 1850 inaugurated The Daniel Family Cemetery. His story also joins the chronicles of countless examples that demonstrate the devastating effects of a redacted history or, as Lolita Buckner Inniss argues, “a constrained version of the history of slavery. . .”

22. Inniss & Arbuckle, supra note 19, at 739.
DEMystifying CRITICAL RACE THEORY

Prominent nineteenth-century French literary figure Charles Baudelaire famously said, “the cleverest ruse of the Devil is to persuade you he does not exist!” More than a century later, Keyser Söze, a mythical character created in the mind of Roger “Verbal” Kint and played by actor Kevin Spacey, uttered similar words in the 1995 suspense thriller, The Usual Suspects. Kint, a con artist who suffers from severe gait abnormalities and a withered hand, is one of five suspects arrested and interrogated in federal custody about his potential involvement in an explosion of a tanker in a San Pedro, California port that killed twenty-seven people. Kint invents Söze’s character, whom no one has ever seen but whose orders everyone unflinchingly follows. Söze seeks retribution against the four other suspects who have previously double-crossed him in personal or business deals. In exchange for immunity, Kint sells federal authorities on the story of how Söze masterminded the tanker explosion. In the end, a lone survivor recovering in a local hospital from massive third-degree burns from the explosion assists in creating a criminal sketch that ultimately reveals that Kint is Söze, but it is too late because Kint disappears after being released from custody.

Baudelaire’s quote becomes crucially instructive when discussing CRT. Opponents of CRT are fully committed to pulling off a great trick: convincing the United States that certain annals in its long, and often dark, history do not exist. In addition to the previously mentioned eighteen states, twenty-six other states will have considered legislation banning CRT. It is unconscionable to consider that a substantial geographic portion of the United States could outlaw CRT soon. If successful, then CRT’s opponents will have duplicated the devil’s greatest trick.

Villains are indispensable in both the horror movie genre and in revolutionary mass movements. Villains, whether ethereal or corporeal, embody evil, threaten the natural order, and incite feelings of fear, shock, terror, dread, and anxiety. Great mass movements in U.S. history have garnered similar emotions as villains, such as the Black Power Movement, Black Panther Movement, Nation of Islam, Civil Rights Movement, and Equal Rights Movement. But these

26. Id.
27. Id.
28. Id.
29. Id.
30. Id.
31. See BAUDELAIRE, supra note 24, at 61.
32. See Greene, supra note 16.
33. Id.
34. Each of these movements attracted the attention of a J. Edgar Hoover-led FBI and were treated as public enemies or threats to American democracy. See Amna Toor, Note, “Our Identity Is Often What’s Triggering Surveillance”: How Government Surveillance of #BlackLivesMatter
movements were (are) not! So, why is there such a palpable fear sweeping the United States within the political and educational systems? One reason is obvious: movements by marginalized and oppressed people themselves are inherently acts of resistance. Whenever the oppressed rise like a phoenix to challenge the “archdefender of the status quo,” then revolutions not only become probable, but they are inevitable. These movements, however, are “justice projects” indispensabley associated with self-amending humanity, dignity, and self-determination. Opponents of CRT argue its purpose is to villainize the United States as unpatriotic and instill guilt, divisiveness, and fear into the impressionable young minds of children. Rather than learning of the White Lion, a ship that arrived in North America on August 20, 1619, with its “momentous cargo” of “20 and odd Negroes,” CRT’s antagonists would rather children learn that North American history began with Christopher Columbus sailing the ocean blue in 1492 or in 1620 with the Mayflower and pilgrims. CRT is deemed the new boogeyman, the hated villain.

CRT is not a boogeyman. Rather, it is a theory that forces the United States to interrogate itself and address what is revealed. Not simply a theory, CRT is an intellectual and scholarly endeavor originating at Harvard Law School in the 1970s under Professor Derrick A. Bell, Jr. and some of his prominent law students, Mari Matsuda and Kimberlé Crenshaw. Widely credited for coining the phrase in 1989, Crenshaw claims CRT is a verb rather than a noun.

Crenshaw notes:

It is a way of seeing, attending to, accounting for, tracing and analyzing the ways that race is produced, the ways that racial inequality is facilitated, and the ways that our history has created these inequalities that now can be
almost effortlessly reproduced unless we attend to the existence of these inequalities.\textsuperscript{42}

CRT seeks to understand why and how racial inequality remains persistent in the United States despite the legal victories of the 1960s Civil Rights Movement.\textsuperscript{43}

Rejecting notions of a “colorblind” society and challenging traditional views that racial subordination is solely an affront to the liberal legal idea, CRT recasts how the United States’ legal system conspires, aids, and abets in upholding racial, gender, class, sexual orientation, and other hierarchies.\textsuperscript{44} CRT dares to examine and “challenges the ways in which race and racial power are constructed and represented in American legal culture and ... in American society as a whole.”\textsuperscript{45} It asserts that racism is deeply interwoven and embedded in the North American legal system and government policy as opposed to being only a matter of individual prejudice.\textsuperscript{46} Its aim is to “reexamine the terms by which race and racism have been negotiated in American consciousness, and to recover and revitalize the radical tradition of race-consciousness among African-Americans and other people of color.”\textsuperscript{47} CRT offers an approach that may be utilized to theorize, examine, and challenge social and institutional structures, practices, policies, and systems wherever they are found.

Richard Delgado and Jean Stefancic, pioneers in the field, outlined CRT’s basic tenets.\textsuperscript{48} Unlike the elements of a crime outlined in a penal code, each of which must be proven by a prosecuting district attorney, CRT’s tenets are disjunctive and not conjunctive.\textsuperscript{49} In other words, all five tenets need not be proven to have a prima facie CRT claim.\textsuperscript{50} The presence of one or more of the following tenets alone is sufficient to establish the presence of systemic racism and, thus, falls within the purview of CRT.\textsuperscript{51}

First, “racism is ordinary, not aberrational—’normal science,’ the usual way society does business.”\textsuperscript{52} In other words, CRT makes the bold claim that racism is a domestic product, “Made in America.”\textsuperscript{53}

\begin{thebibliography}{9}
\bibitem{42} Id.
\bibitem{43} See id.
\bibitem{45} CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT, supra note 39, at xiii.
\bibitem{46} See id. at xxix.
\bibitem{47} Id. at xiv.
\bibitem{49} See id. at 6–7.
\bibitem{50} See id.
\bibitem{51} See id.
\bibitem{52} Id. at 7.
\bibitem{53} See id.
\end{thebibliography}
Interest conversion is the second feature. As Delgado and Stefancic observe, “Because racism advances the interests of both white elites (materially) and working-class people (psychically), large segments of society have little incentive to eradicate it.” For example, with African American soldiers valiantly fighting for democracy in foreign theaters of war in World War II, Korea, and Vietnam, it did not serve the interests of democracy to tarnish the image of the United States abroad by portraying those same African Americans being brutalized, lynched, murdered, and subjected to police brutality and Ku Klux Klan violence on domestic soil in the world press. Thus, the interests of whites converged with the interests of blacks.

The third tenet, “social construction,” maintains that “race and races are products of social thought and relations.” Notably, however, race alone has no intrinsic meaning. Race only has meaning when people assign a meaning to it. Whites socially, legally, and politically constructed an assigned meaning of race and “racial Otherness.”

The fourth tenet, anti-essentialism and intersectionality, arises because the dominant society (white) racializes identities of different groups at different times. Explained further, individuals are not monolithic and often embody more than a singular identity. However, this “differential racialization” does not account for the potential of “conflicting, overlapping identities, loyalties, and allegiances.”

The final tenet involves having a “unique voice of color.” Storytelling and counter-storytelling, which are deployed here, become critical when attempting to invert the narratives and normative gazes imposed upon individuals in minority groups. The epigraph to this Article is a biblical exemplar demonstrating the purpose and power of storytelling. When younger generations ask their elders about the “stones,” it serves as an opportunity to maintain historical continuity and preserve individuals in solidarity within that community for generations.

Kwame Ture seems to have described CRT even before its inception and growth in the 1970s and 1980s:

The whole question of race is one that America would much rather not face honestly and squarely. To some, it is embarrassing; to others, it is inconvenient; to still others it is confusing. But for black Americans, to

54. Id.
55. Id.
56. Id. at 19.
57. Id.
58. Id. at 7.
59. Id.
60. Id.
62. DELGADO & STEFANCIC, supra note 48, at 8–9.
63. See id. at 9.
64. Id. at 8–9.
65. Id. at 9.
66. Id.
know it and tell it like it is and then to act on that knowledge should be neither embarrassing nor inconvenient nor confusing.67

CRT’s trajectory, however, moves beyond the black and white racial binaries. It recognizes that racism has impacted the experiences of various marginalized and oppressed people of color, such as Latinx, Native Americans, Womanists, Feminists, Asian Americans, and more. CRT acknowledges the legacy of slavery and segregation while challenging white privilege and society’s imposition of second-class citizenship on African Americans and other people of color. These are factors that continuously permeate the social and institutional fabric of the United States. Institutions like the THC, intentionally or unintentionally, willingly or unwittingly, figure prominently in the narrative of Texas history as we currently know it that advocates of CRT criticize for paying insufficient attention to the factor of race.

“REAL PLACES TELLING REAL STORIES”

The Texas State Legislature founded the Texas Historical Survey Committee in 1953.68 Renamed the Texas Historical Commission in 1973, its mission is the following: “To protect and preserve the state’s historic and prehistoric resources for the use, education, enjoyment, and economic benefit of present and future generations.”69 Ironically, the THC clearly and expressly recognizes education as one of the purposes for which it seeks to preserve this history.70 With the preservation of history for “present and future generations” as its driving force,71 the THC would seem to be aligned with the goals of proponents of CRT in public education. Yet, while both desire to preserve history, they represent antithetical visions of history and what history should be preserved. Skyler N. Arbuckle shares her experiences of these diverging visions of Texas history she learned in high school.72 Arbuckle recounts:

Texas’s education system teaches students about how triumphant and extraordinary of a state Texas is. We’re taught Texas “won” its independence from Mexico and dared anyone who protested the contrary to “come and take it.” We’re taught Texas stands on its own in excellence as a “Lone Star.” And we’re taught Texas is a state you just “don’t mess”

67. TURE & HAMILTON, supra note 18, at xvi–xvii.
69. Id.
70. See id.
71. See id.
72. Skyler N. Arbuckle is a native Texan and alum of SMU’s Dedman School of Law. Arbuckle, who graduated in May 2022, is the co-author of Slavery and the Postbellum University: The Case of SMU. She is the direct descendant of slaves owned by the William Barr Caruth and the Caruth family—founders and benefactors of Southern Methodist University. Arbuckle’s descendants worked most of the land donated by the Caruth family, primarily for cotton, dairy, and cattle, upon which SMU is currently built. See Inniss & Arbuckle, supra note 19, at 723, 735.
with. Texas’s history as a slave state, however, is history that is seldom ever taught or talked about.73

When considering the THC’s work, such historical redactions become extremely problematic. History must be kept in context. When the text is taken out of context, people are left with the “con” and will be deceived. Additionally, history’s essence is lost at worst and diluted at best when not contextualized. Thus, historical preservation, in its totality, should not be limited to Texas only, but the United States in general.

In Texas, any individual or entity is eligible to apply for a historical marker.74 However, the application process is not initiated on the state level. Sponsors must first receive approval at the county level through the County Historical Commission (“CHC”).75 There are more than 200 active CHCs in Texas.76 The CHCs act as the first referees of the application’s worthiness and contribution to Texas history.77 Assuming a sponsor passes CHC’s muster, then the THC reviews the application.78 The THC’s basic application requirements are as follows: (1) a 5–10-page historical narrative giving the history of the subject, (2) permission of the current property owner for placement of the marker, (3) proof of ownership, and (4) a $100 application fee.79

Age, Historical Significance, and Architectural Significance are among the factors the THC considers when reviewing applications.80 The THC employs a unique scoring system ranging from 5–15 points based on specific criteria.81 For example, Historical Significance has a maximum value of 10 points while contributions to an “undertold or untold aspect of Texas history” carries a maximum of 15 points.82 However, the application reviewers play a critical role in determining how little or much of the historical narrative is told. Most of THC’s employees identify as white (78%) and female (53%).83 This fact is particularly compelling when the same demographic, also known as “suburban moms,” is a conservative base leading the ban on CRT.84

73. See id. at 739.
75. See id.
78. See id.
80. See id.
81. See id.
82. See id.
The Texas government actively participates in deciding exactly what and how Texas history is written while economically benefitting—one of its missional purposes—from its redacted history. Consider the nearly 17,000 markers in existence for a nominal fee of $100 to review the application. This equates to $1.7 million in application fees alone and does not include rejected applications. If the THC accepts the application, then more revenue is generated from the costs of the actual historical markers, which can range from $6.8 million to $31.9 million. This figure is based on the least and most expensive historical markers, at $400 to $1,875, respectively. As illustrated in the case of “Old Frank”—a family slave buried in The Daniel Family Cemetery—despite its own criteria, the THC is complicit in presenting a version of history in which the stories of persons of color remain “untold,” or, at best, “undertold.”

“OLD FRANK”

The Daniel Family Cemetery became Texas Historical Marker 6626 on January 27, 1988. The congratulatory letter thanks the sponsors for their “efforts to record and preserve Texas history.” The resulting marker’s inscription states:

Frances Sims Daniel (1796-1853) moved to Dallas County with her family in 1849 and purchased land in what is now University Park. An orchard planted near the Daniel Home became the site of a family cemetery in 1850 when “Old Frank”, a family slave for over forty years, was buried there. The gravestone of Isabella Harwood (1836-1851), daughter of Frances Sims Daniel, is believed to be one of the oldest in Dallas County. Interred here are Daniel family members, family slaves, and Daniel descendants, including veterans of four wars.

But who was “Old Frank?” His real name and birthplace are not fully known, but his condition as a family slave is publicly known on account of the historical marker just north of the campus of Southern Methodist University in University Park, Texas. However, the narrative in the application reveals more. The relevant part of the application states:

85. See infra Appendix A; THC Fact Sheet, supra note 10.
86. See infra Appendix A.
87. See infra Appendix B (reprinting Application Form for Official Texas Historical Marker: Daniel Family Cemetery #37587, submitted to Tex. Hist. Comm’n (June 25, 1987)).
88. See id.
89. See id.
90. See id.
91. Id.
93. See id.
Old Frank, one of the longtime family slaves, died in 1850 and was buried in the northwest corner of the new orchard, thus beginning the family cemetery. He had been given to Mrs. Daniel in her father’s Will of 1813, probated in 1814, in Maury County, Tennessee, by name, along with Kitty and Rose, when Mrs. Daniel was still a girl and not yet married. Thus, he had belonged to Mrs. Daniel for 36 years, and with the family before that. One can easily surmise that he had come to Tennessee in 1807 with the family from Hanover County, Virginia, and had been born in Virginia even as Mrs. Daniel and her sister, Mrs. Harlan. He was definitely “family.”

This brief narrative reveals several key insights. First, the THC review committee emphasizes and highlights certain sentences in every application narrative. In the case of “Old Frank,” the THC focused on two sentences. The first states, “Old Frank, one of the longtime family slaves, died in 1850 and was buried in the northwest corner of the new orchard, thus beginning the family cemetery.” This sentence highlights “Old Frank’s” chattel status as a slave no matter what adjective preceded it (i.e., family). The second sentence states, “he had belonged to Mrs. Daniel for 36 years . . .” The import of this fact is the longevity of slavery, usually unto death, and the transfer of enslaved black bodies as property, which is discussed further below. The THC placed a modified portion of the first sentence on the marker inscription and completely omitted the second.

Second, the lack of information on enslaved, black bodies is consistent with systemic slavery. The only information provided about “Old Frank” is that his roots may lie in Virginia and Tennessee. Slavery’s attempt to erase “Old Frank” is consistent with the life of Frederick Douglass, whose erasure began at an early age and is captured in his narrative’s opening lines. Douglass recounts, “I have no accurate knowledge of my age, never having seen any authentic record containing it.” Today, this would be a stunning breach of duty given North American hospitals’ obligation to authenticate (i.e., issue a birth certificate for) each child’s birth. Douglass’s inability to trace his lineage reflects one of the greatest tragedies of slavery: that slaves were severed from their own history.

Third, Kitty and Rose were bequests to Mrs. Daniel. Presumably, these were black female slaves. It is unknown whether they had any familial ties with Frank, but it is quite possible. To the extent these women bore any children, the children would have shared the mother’s status. Southern legislatures promulgated acts stating “that all children shall be bond or free, according to the condition of their mothers.”

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94. See infra Appendix B.
95. See id.
96. Id.
97. Id.
98. Id.
100. An Act Concerning Servants and Slaves, in THE STATUTES AT LARGE: BEING A COLLECTION OF ALL THE LAWS OF VIRGINIA FROM THE FIRST SESSION OF THE LEGISLATURE 447,
slave population into perpetuity. Mrs. Daniel subsequently bequeathed “Rose” in her will, but the THC application states it is “doubtless the same as named in her father’s Will of 1814 as given to her . . . .” 101 There can be little room for doubt here given the laws and William Sims’s will, discussed further below. Rose is specifically mentioned in Sims’s will, but her name is absent from the Wills and Settlements Recap Report.102

Fourth, “Old Frank’s” arrival in Tennessee was probably an involuntary process. Since slaves were viewed as chattel property, the commodification of their black bodies occurred as household products or goods.103 Anthony Pinn calls the exchange of black bodies “peddling flesh.”104 With legal property rights to slaves, slaveholders were given carte blanche, unfettered rights to deal with their “articles of property” as they deemed fit.105 White slaveholders could literally and unflinchingly invoke a distorted eucharistic profession: “Hoc est enim corpus meum (This is my body).”106 One may surmise that “Old Frank’s” experience of slavery included involuntary separation from his parents, echoing the experience of Douglass.107 As Douglass observed, “My mother and I were separated when I was but an infant–before I knew her as my mother. It is a common custom . . . to part children from their mothers at a very early age.”108

Fifth, “Old Frank’s” enslavement would have been completely consistent with the ethos of the Methodist Episcopal Church, South (“MECS”) at the time. According to the narrative accompanying the application, Mrs. Daniel’s deceased husband, the Reverend John M. Daniel, was a “Methodist preacher” who died in 1848 in Tuscaloosa, Alabama.109 In 1844, the Methodist Episcopal Church (“MEC”) officially split into two churches (MEC and MECS) over the matter of whether bishops of the church could own slaves, even if bequeathed to them.110 The Southern Church, MECS, affirmed pro-slavery and pro-segregation positions, while the Northern Church, MEC, largely championed the opposite positions, though slavery and segregation existed there.111 Rev. Daniel’s


101. See infra Appendix B.

102. See infra Appendix C (reprinting William Sims, Wills and Settlements Recap Report #W-02951, MAURY COUNTY LOOSE RECORDS PROJECT (Mar. 14, 1812)).


108. Id.

109. See infra Appendix B.


111. See Lawrence, supra note 110, at 2–3.
description is not entirely accurate in the narrative. Additionally, the Methodist Church was not formed until the MEC, MECS, the Methodist Protestant Church merged in 1939. Thus, while a Methodist preacher, Rev. Daniel was more accurately a MECS preacher.

Sixth, “Old Frank’s” being referred to as “family” perpetuates paternalistic antebellum traditions. One cannot question that the treatment of slaves ranged the spectrum from kindness to cruelty and varied from plantation to plantation. However, white southerners still justified their need to control black bodies. Casting this paternalistic vision, as depicted in Gone with the Wind, enabled slaveholders to convince themselves that their slaves were “happy” and well-cared-for despite slave conditions. This vision does not account for the horrors, violence, brutality, pain, and hidden transcripts of slavery. Furthermore, true families do not enslave other family members.

Seventh, “Old Frank” was given the Daniels’ last name. Thus, his full name was Frank Daniel. It was common for slave owners to provide surnames tied to the plantation or the family name. Providing “Old Frank” the Daniel name may have perpetuated paternalistic antebellum traditions and psyches, to the extent that he was even deemed to be family. Curiously, the THC application makes no such references to Frank Daniel.

Eighth, five other unknown slaves were buried at The Daniel Family Cemetery. These slaves may have included Kitty, Rose, and Mariah. Another slave, named “Wash” was listed in Mrs. Daniel’s will. Again, one can surmise that Wash would have been bequeathed to Mrs. Daniel’s heirs just as her father had bequeathed slaves to her. Wash gained his freedom after the Civil War and took the family’s last name, presumably Wash Daniel. One can also surmise that Wash’s freedom came on or after June 19, 1865, also known as “Juneteenth.” This is the day slaves in Texas first learned they had been freed by the Emancipation Proclamation more than two years prior on January 1, 1863. Wash remained with the Daniel family as one of the “help,” but little else is known about his fate.

112. See infra Appendix B.
114. See id. at 5.
115. See GONE WITH THE WIND (Selznick International Pictures 1939).
118. See infra Appendix B.
119. See id.
120. Id.
121. Id.
123. See Nix, supra note 122.
124. See infra Appendix B.
Finally, there is undetectable, yet critical, information in the narrative as well. Mrs. Daniel’s father, William Sims, owned forty slaves. None of the listed slaves have last names, which is consistent with the invisibility and dehumanization of slavery. In his 1814 will that was probated in Maury County, Tennessee, Sims sold his land in Hanover County, Virginia, and “one Negro Man George” to settle his “just debts.” Sims bequeathed at least two “Negroes” (slaves), including “their increase” to each of his heirs. In each bequest, Sims bequeathed slaves for his heirs to guarantee slavery in perpetuity. Mrs. Daniel’s bequest of “Rose” is illustrative of these generational family bequests. Sims wrote, “And at the death of my 3rd daughter I give said Negroes to her lawful issue with their increase therein. . .”

Honoring the “Say Their Name Memorials” movement that was inaugurated on Juneteenth 2020 in Portland, Oregon, Sims’s roster of slaves is named here:

Abram; Absolom; Aggy; Alla; Amy; Anderson; Ben; Betsy; Billy; Cate; Charlotte; Ciller; Cintha; David; Dilsy; Dina; Edmund; Frank; George; Jack; James; James; Jesse; Kitty; Lucy; Lucy; Mastin; Moll; Ned; Nelson; Patsy; Phillis; Ron; Sally; Saok; Sarah; Sophia; Tamer; Temese; and Toney.

“Old Frank” only became known in Texas history because of his death in 1850. His death inaugurated The Daniel Family Cemetery which has now become a Texas Historical Marker. Unfortunately, “Old Frank” joins a long list of Black bodies, known only in death, and not in life, including contemporary examples such as the following:

Eric Garner; John Crawford, III; Michael Brown; Ezell Ford; Dante Parker; Michelle Cusseaux; Laquan McDonald; Tanisha Anderson; Akai Gurley; Tamir Rice; Rumain Brisbon; Jerame Reid; George Mann; Matthew Ajibade; Frank Smart; Natasha McKenna; Tony Robinson; Anthony Hill; Mya Hall; Phillip White; Eric Harris; Walter Scott; William Chapman, II; Alexia Christian; Brendon Glenn; Victor Manuel LaRosa; Jonathan Sanders; Freddie Gray; Joseph Mann; Salvado Ellswood; Sandra Bland; Albert Joseph Davis; Darrius Stewart; Billy Ray Davis; Samuel DuBose; Michael Sabbie; Brian Keith Day; Christian Taylor; Troy Robinson; Asshams Pharaoh Manley; Felix Kumi; Keith Harrison McCleod; Junior Prosper; Lamontez Jones; Paterson Brown; Dominic Hutchinson; Anthony Ashford; Alonzo Smith; Tyree Crawford; India Kager; La’Vante Biggs; Michael Lee Marshall; Jamar Clark; Richard Perkins; Nathaniel Harris Pickett; Benni Lee Tignor; Miguel Pinales; Michael Noel; Kevin Matthews; Bettie Jones; Quintonio LeGrier; Keith Childress, Jr.; Randy

125. See Sims, supra note 102, at 1–3.
126. Id.
127. Id.
128. See id.
129. Id.
130. Id.
131. See infra Appendix B.
132. See id.
Critical Race Theory: Counter-Storytelling

Nelson; Antronie Scott; Wendell Celestine; David Joseph; Calin Roquemore; Dyzhawn Perkins; Christopher Davis; Marco Loud; Peter Gaines; Torrey Robinson; Darius Robinson; Kevin Hicks; Demarcus Semer; Willie Tillman; Terrill Thomas; Sylvile Smith; Alton Sterling; Philando Castile; Terence Crutcher; Paul O’Neal; Alteria Woods; Jordan Edwards; Aaron Bailey; Ronell Foster; Stephon Clark; Antwon Rose, II; Botham Jean; Pamela Turner; Dominique Clayton; Atatiana Jefferson; Christopher Whitfield; Christopher McCorvey; Eric Reason; Michael Lorenzo Dean; Daniel Prude; Breonna Taylor; Ahmaud Arbery; George Floyd; Jacob Blake; Aaron Salter Jr.; Celestine Chaney; Roberta A. Drury; Andre Mackniel; Katherine Massey; Margus D. Morrison; Heyward Patterson; Geraldine Talley; Ruth Whitfield; Pearl Young; Sharonda Coleman Singleton; Cynthia Graham Hurd; Susie Jackson; Ethel Lance; DePayne Middleton Doctor; Clementa Pinckney; Tywanza Sanders; Daniel Simmons Sr.; Myra Thompson; Ta’Kiyia Young; Alexia Christian; Cynthia Fields and, sadly, the list goes on.133

CONCLUSION

When #BlackLivesMatter re-emerged in the aftermath of Trayvon Martin’s murder in July 2013,134 few could imagine how it would evolve as a movement. While some view it as polarizing and offensive, African American mothers of the #BlackLivesMatter movement have found it a platform for “talking about the ways in which Black lives are deprived of our basic human rights and dignity.”135 Similarly, in so many ways, the “Crits” who originated Critical Race Theory in the early 1970s, could not have imagined its emergence onto the national stage as a nightly news fixture.136 “Crits” simply want to restore the rights and dignity afforded to America’s oppressed and marginalized citizenry by exposing its systemically oppressive systems. Both movements have been unfairly demonized and villainized. These movements should be seen as attempting to offer a form of dignity to those who have often been marginalized in North American history. Yet, teachers, principals, and other school


administrators are losing their jobs for simply uttering the dreaded phrases of BLM or CRT.137

“Old Frank” and the other “five slaves” have been deprived of their basic humanity and dignity by being interred in unmarked graves or, as Karen Baker-Fletcher comments, “disremembered graves,” on this historical site.138 Former SMU Professor William Jennings Bryan, III, a Daniel family descendant, was buried in The Daniel Family Cemetery in 2017. Prior to his death, Bryan had hoped “to mark their [Frank, Kitty, Rose, Mariah, and Wash] final resting place and find their descendants.”139 Attempts to bring dignity to their names have been recently foreclosed. SMU launched an interactive map of the campus during the Fall of 2021. One of its features allows for the placement of markers on the map to signify historic buildings and other landmarks. Requests to add information about “Old Frank” at The Daniel Family Cemetery were denied because the cemetery’s location was just beyond the metes and bounds of SMU’s campus. Ironically, the campus sits on the “northern strip” of property owned by the Daniel family.140 However, the possibility of extending this interactive map with historical overlays in the future remains open.

The THC, while preserving history, also has legal agency to make decisions that erase or ignore history. In fairness, no 5–10 page narrative can fit on a 27” x 42” Large Recorded Texas Historic Landmark Marker; 18” x 28” Small Recorded Texas Historic Landmark Marker; 12” x 16” Recorded Texas Historic Landmark - Medallion & Plaque; or 12” x 6” Supplemental Plaque for existing markers.141 Yet, the THC has made hundreds of these critical decisions annually, cherry-picking history for nearly seven decades. One prescriptive measure for addressing Buckner Innis’s concerns about a “constrained version of history” is digitization. The THC should invest in adding hyperlinks to its website, complete with the corresponding application materials, for each of its past and future historical markers. Website visitors will be empowered to consider all historical data rather than fragmentary information. Digitizing these files also


140. See infra Appendix B.

141. Id.
narrates the disparity between the materials the THC considers and the factual inscription on final markers. Twenty-first-century technological advances and internet capabilities are practical and eliminate or mitigate any potential justifications to avoid performing this critical work. Digitization may also reduce the need and expense for physical storage and archival space.

The revenue historical marker applications generated for the State of Texas is an economic incentive that cannot be ignored. One of the many legacies of slavery is the erasure of the history, humanity, and heritage of black people. The “want of information concerning my own,” as Douglass noted, cannot be overstated.\textsuperscript{142} Memory is the tool that helps regain and reconstruct the past and history. According to Emilie M. Townes, “Sites of memory are places where memory ‘crystallizes and secretes itself.’”\textsuperscript{143} They naturally lead to collective memory, which “endures and draws strength from individuals as group members who are drawing on the cultural and sociopolitical contexts of the group to remember.”\textsuperscript{144} Memory can present a significant impediment to black people’s ability to share their history. This became particularly problematic when large segments of the black community were forced to translate and transfer their history through orality since Slave Codes criminalized reading and writing for slaves. Oral tradition can be a death knell when seeking to meet the THC requirements of providing evidentiary documentation, source materials, and bibliographic data. The potential impact is high in restricting access to applications for historical markers for people of color, particularly black people. Considering The Daniel Family Cemetery application, its highlights, its omissions, and its inclusions present a compelling case for the need to include the insights offered by CRT in the composition of our history.

This Article has argued that one must at least acknowledge the intersections and possibilities created by highlighting the “untold” and “undertold” stories that are all too often obscured by the history told by historical monuments. This Article has also attempted to answer the questions of the Israelite children in a contemporary context: “What are these stones?” Despite nearly 17,000 historical markers spread across the vastness of Texas, with ever more markers being erected, people will continue to pass by The Daniel Family Cemetery and never know or care to know exactly where “Old Frank,” aka Frank Daniel, and the “five slaves” (Kitty, Rose, Wash, and Mariah) lay because no stones are marking their graves. This Article seeks to serve as an honorary obituary and memorial stone for each of them by offering to dignify their humanity. These “highly vocal ghosts” and their blood are “cries out to Me from the ground.”\textsuperscript{145} The siege upon and resistance to CRT reveals that the United States is only comfortable lying on its “protective pillows” that reinforce the centrality and universalism of whiteness and preserving the patriotic and glorious aspects of its history while

\textsuperscript{142} See DOUGLASS, supra note 99, at 1.

\textsuperscript{143} EMILIE M. TOWNES, WOMANIST ETHICS AND THE CULTURAL PRODUCTION OF EVIL 14 (2006).

\textsuperscript{144} Id. at 16.

\textsuperscript{145} Genesis 4:10 (New King James).
casting away gloomier or darker stones. Unfortunately, this stance stymies our nation’s and the THC’s ability to fulfill the motto of the latter, “Real Places Telling Real Stories.”

146. Robin DiAngelo, White Fragility, 3 INT’L J. OF CRITICAL PEDAGOGY 54, 55.
Appendix A

2022 THC Subject Marker Application
Appendix A

SUBJECT MARKERS:
2022 Official Texas Historical
COVERSHEET

Complete the form and send to markers@thc.texas.gov
Valid March 1 – 2 p.m. CDT, May 16, 2022, only

This form constitutes a request for the Texas Historical Commission (THC) to consider approval of an Official Texas Historical Marker for the topic noted in this application. The THC will review the request and make its determination based on rules and procedures of the program. Filing of the application for sponsorship is for the purpose of providing basic information to be used in the evaluation process. The final determination of eligibility and approval for a state marker will be made by the THC. This form is to be used for subject marker requests only. Please see separate forms for either Historic Texas Cemeteries or Recorded Texas Historic Landmarks (buildings and structures).

APPROVAL BY COUNTY HISTORICAL COMMISSION (required)

As chair or duly appointed marker chair, I certify the following:
☐ The topic qualifies for an Official Texas Historical Marker according to marker policies on the THC website. Representatives of the CHC have talked with the potential marker sponsor and discussed the marker program policies on the THC website. The application has been filled out correctly. The narrative history and documentation have been reviewed for accuracy.

CHC comments or concerns about this application (required):

Name of CHC contact (chair or marker chair):
Mailing address: City, Zip:
Daytime phone: Email address:

CHECKLIST APPROVAL (required)

☐ The topic meets age requirements
  • Most topics must date back at least 50 years
  • Historic events may be marked after 30 years
  • Individuals of historic significance may be marked or mentioned in marker text after they have been deceased 50 years
☐ Permission of current property owner for marker placement and proof of ownership (deed or tax appraisal) has been obtained (Attachment A; unless marker will be placed on TxDOT right-of-way)
☐ Invoice for application fee is complete, printed and ready to be mailed to THC along with $100 check (Attachment B)

Note: Resubmissions will no longer have their application fees waived.

Sponsor Name: Date:
PROPOSED MARKER INFORMATION

Proposed marker topic (required):
County:
Town (nearest town in same county on current state highway map): Street address of marker site or directions from town noted above:
Marker Coordinates, if you know the location coordinates of the proposed marker site, enter them in one of the formats below:
UTM Zone Fasting Northing Lat: Long: (deg, min, sec or decimal degrees)

Precise verbal description of placement of marker (e.g. northwest corner of 3rd and Elm, or FM 1411, 2.6 miles east of Post Oak Creek):

Will the marker be placed at the actual site of the topic being marked? □ Yes □ No
If the answer is no, provide the distance and directions to the actual location from the marker (i.e. 100 yards east).

SPONSOR CONTACT INFORMATION:

Marker sponsor (may be individual or organization):
Contact person (if applicable):
Mailing address: City, zip:
Phone:
Email address (required):

SHIPPING ADDRESS:

Will the marker be placed on right-of-way maintained by the Texas Department of Transportation (TxDOT)? □ Yes □ No
If yes, then no shipping address or proof of ownership of property is needed.

Organization (may be blank if individual):
Contact Name:
Street address: City, zip:
Daytime phone (required):
Email (required):

TYPE AND SIZE OF SUBJECT MARKER

The sponsor/CHC prefers the following size marker. Note: Prices will be given at a later date.
□ 27" x 42" Subject marker □ with post □ without post*
□ 18" x 28" Subject marker □ with post □ without post*

*For a Subject marker without post, indicate to □ wood □ masonry □ metal what surface material it will be mounted:
□ other (specify)
SUBJECT MARKERS

Purpose
Subject markers are educational in nature and reveal aspects of local history important to a community or region. These markers honor topics such as schools, communities, businesses, events and individuals. Subject markers are placed at sites that have historical associations with the topics, but no legal restriction is placed on the use of the property or site, although the THC must be notified if the marker is ever to be relocated.

Criteria
1. **Age**: Most topics marked with subject markers must date back at least 50 years, although historic events may be marked after 30 years, and individuals of historic importance may be marked, or may be mentioned in a historical marker text, after they have been deceased 10 years. The THC may waive age requirements for topics of overwhelming state or national importance, although exceptions are rarely granted and the burden of proof for all claims and documentation is the responsibility of the narrative author.

2. **Historical significance**: A topic is considered to have historical significance if it had influence, effect or impact on the course of history or cultural development; age alone does not determine significance.

APPLICATION PROCEDURES
Any individual, group or county historical commission (CHC) may apply to the THC to request an Official Texas Historical Marker for what it deems a worthy topic. Only complete marker applications that contain all the required elements can be accepted or processed by the THC. For subject markers, the required elements are sponsorship application form, 5-10 page narrative history and documentation.

- Completed applications must be duly reviewed, verified and approved by the CHC in the county in which the marker will be placed.
- The sponsorship application form, 5-10 page narrative history and documentation must be in the form of Microsoft Word or Word-compatible documents and submitted by email attachments to the THC from the CHC no later than 2 p.m. CDT, May 16, 2022. Paper copies of applications, whether mailed or delivered in person, cannot be accepted in lieu of the electronic version. THC email accepts mail no larger than 10 MB. You may split the application and materials into separate emails. Please note this in the email subject line. (Ex. Post Oak Co., Smith House, Email 1 of 3, etc.)
- Proposed marker topic must be given on the application. The THC will determine the official title should the application be approved.
- For markers without posts, the CHC must receive prior approval from the THC for the planned placement. Such prior approval is based on the following:
  - Submittal of a detailed plan for where the marker will be mounted, including the surface to which it will be placed (masonry, metal, wood); and
  - A statement of why a marker with a post is not feasible or preferred.
- Required font style and type size are a Times variant and 12 point.
- Narrative histories must be 5-10 pages typed in a double-spaced (or 1.5-spaced) format and include separate sections on context, overview and significance. Approved marker topics
have their inscriptions written based on the narrative submitted. The majority of the narrative must be solely about the marker topic.

- The narrative history must include documentation in the form of reference notes, which can be either footnotes, endnotes or parenthetical citations. Documentation associated with applications should be broad-based and demonstrate a survey of available resources, both primary and secondary.
- The THC or Marker Chair will forward the application and 5-10 page narrative history to markers@thc.texas.gov. An email confirming receipt of your application will be sent to both the THC and the Sponsor listed on the application. Be sure to check your junk mail box. If you do not receive confirmation from the THC Marker Team within five business days of sending your application, please contact our office.
- Once the THC sends in the application, the sponsor mails the Marker Application Fee Invoice (Attachment B) and a $100 payment to the THC mailing address noted on the Sponsor Fee Invoice postmarked by 2 p.m. CDT, May 16, 2022. Payment of the application fee does not guarantee approval of the historical marker and this fee is non-refundable.
- A copy or scan of proof of current ownership is required to verify the property owner information listed on the application (Attachment A), due by 2 p.m. CDT, May 16, 2022, unless the marker will be placed on a TxDOT right-of-way. You may access this information through county appraisal or tax records.
- Marker application and supplemental materials must be submitted between March 1st and 2 p.m. CDT May 16th. Applications will not be considered for approval if received before or after the open marker application period of March 1 – 2 p.m. CDT, May 16, 2022.

Once marker applications have passed preliminary review and the application fee and signed proof of property ownership have been received by THC, the application will be scored to determine whether the marker will be submitted to the Commissioners of the THC for final approval.

**SCORING CRITERIA**

(1) 5 pts. max. Age;
(2) 10 pts. max. Historical Significance/Architectural Significance;
(3) 10 pts. max. State of Repair/Integrity;
(4) 10 pts. max. Diversity of topic for addressing gaps in historical marker program;
(5) 15 pts. max. Value of topic as an undertold or untold aspect of Texas history;
(6) 10 pts. max. Endangerment level of property, site or topic;
(7) 10 pts. max. Available documentation and resources;
(8) 10 pts. max. Diversity among this group of candidates;
(9) 5 pts. max. Relevance to other commission programs; and
(10) 15 pts. max. Relevance to the commission’s current thematic priorities.

**SPONSORSHIP PAYMENT INFORMATION**

Prospective sponsors please note the following:

- Topics approved as Official Texas Historical Markers will require payment of the full marker amount within 45 days of the official approval notice. Payment must be received in full, accompanied by the THC payment form, postmarked by 5 p.m. CDT, September 16, 2022.
- Due to possible increases in shipping and material costs, marker prices are subject to change.
Marker sponsors are responsible for paying the full cost of the historical marker and will be notified via invoice with a 45-day payment deadline should marker prices increase. Sponsors may choose to withdraw from the marker process at any time before a marker is ordered, and will be refunded payment, not including the application fee.

- The THC is unable to process partial payments or to delay payment due to processing procedures of the sponsor. Applications not paid in the time frame required may, at the sole discretion of the THC, be cancelled or postponed.
- Payment does not constitute ownership of a marker; Official Texas Historical Markers are the property of the State of Texas.
- If at any time during the marker process sponsorship is withdrawn, a refund can be processed, but the THC will retain the application fee of $100.
- The Official Texas Historical Marker Program provides no means of recognizing sponsors through marker text, incising or supplemental plaques.

SHIPPING INSTRUCTIONS
If the proposed marker site is on TxDOT right-of-way, the marker will be shipped directly to the district highway engineer for placement, with consultation from the THC. If the marker will go on property other than TxDOT right-of-way, provide information in the space below. In order to facilitate marker delivery, residence addresses, post office box numbers and rural route numbers are not permitted. To avoid additional shipping charges or delays, use a business street address (open 8 a.m. - 5 p.m., Monday through Friday). THC is not responsible for additional shipping charges if multiple delivery attempts are made.

RECORDS RETENTION BY THC:
The THC must retain hard copies of the application, as well as an electronic version, at least for the duration of the marker process. The THC is not responsible for lost applications, incomplete applications or applications not properly filed according to the program requirements. For additional information about any aspect of the Official Texas Historical Marker Program, visit the Markers page on the THC website (http://www.thc.texas.gov/markers).

IMPORTANT DATES TO KNOW:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event description</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 1 – 2 pm CDT May 16th</td>
<td>CHC submits marker application and supporting documentation via email to: <a href="mailto:markers@thc.texas.gov">markers@thc.texas.gov</a></td>
</tr>
<tr>
<td>March 1 - May 16, 2022</td>
<td>Sponsor must mail $100 application fee (postmarked by May 16th) to: Markers Program P.O. Box 12276 Austin, TX 78711 2276</td>
</tr>
<tr>
<td>After THC July Quarterly Meeting, by August 2, 2022</td>
<td>Staff send out notifications via email to sponsor &amp; THC Chair or Marker Chair. If approved, an invoice for the marker fee will be attached with a postmarked due date of September 16th.</td>
</tr>
<tr>
<td>September 16, 2022</td>
<td>Marker Fee due (postmarked by September 16th)</td>
</tr>
</tbody>
</table>
ATTACHMENT A

SUBJECT MARKERS: PERMISSION OF PROPERTY OWNER FOR MARKER PLACEMENT

Please fill out this attachment, print, and sign. Return completed form along with proof of ownership (in form of deed or tax appraisal records) to our offices via email (markers@thc.texas.gov), fax, or mail postmarked by 2 p.m. CDT, May 16, 2022.

Proposed marker topic:  

Will the marker be placed on right-of-way maintained by the Texas Department of Transportation (TxDOT)?

☐ Yes ☐ No

If the answer is yes, the THC will secure the necessary permission from TxDOT, and no other information is required. If the answer is no, please provide the following information for the person or group who owns the property.

Property owner:  

Address:  

City, State, Zip:

Phone:  

Email address:

I, ____________________________, certify that I am the legal owner or authorized representative of the property owner noted herein, and further certify that I have read the information regarding Official Texas Historical Markers and that I voluntarily seek the marker for the property described herein, and proof of ownership is attached to this form. I further certify that I will comply with the policies and procedures of the Official Texas Historical Marker Program.

Signature: ____________________________

NOTICE: The property owner will not receive copies of correspondence from the THC. All procedural correspondence (notice of receipt, requests for additional information, inscription, shipping notice, etc.) will be sent by email to the THC representative, who is encouraged to share the information with all interested parties as necessary.

Texas Historical Commission History Programs Division  
P.O. Box 12276, Austin, TX 78711-2276  
Phone 512/463-5853  
markers@thc.texas.gov
ATTACHMENT B

OFFICIAL TEXAS HISTORICAL MARKER
Sponsorship Fee Invoice

Please fill out this attachment, print, and sign. Return to our offices via mail postmarked by 2 p.m. CDT, May 16, 2022, along with a $100 check or payment information noted below. Do not send this form via email.

Proposed Marker Topic: County:

Note:
• We will not accept multiple payments for one marker, only one form of payment please.
• If overnighting mail, please send by UPS or FedEx to: 1511 Colonnade St. Austin, TX 78701.
• Note that the $100 application fee will not be waived for resubmissions from previous years.

Please fill out the information below for billing purposes, even if paying by check:

Name of sponsor(s):
Address: City, State, Zip:
Phone: Email address:
Payment enclosed (make check payable to Texas Historical Commission):
OR
Bill to credit card (only VISA or MC accepted): ☐ Visa ☐ MasterCard Card number:
Exp. Date Security Code Name (as it appears on card):

***THC Staff Services will run credit card payments in batches using a state approved payment processing program “THC Virtual Austin” will show as the Merchant Name on your credit card statement once the payment has been processed.

Signature:____________________________________

Texas Historical Commission
History Programs Division
P.O. Box 12576, Austin, TX 78711-2576
Phone 512/463-5853
Texas Historical Commission Staff (CJB), 4/1/88, revised 5/25/88

18" x 28" Official Texas Historical Marker without post, for attachment to concrete
dallas County (Order #37587)
Location: 6700 block, Airline Road, Dallas

Daniel Family Cemetery

Frances Sims Daniel (1796-1853)

Moved to Dallas County with
her family in 1849 and purchased
land in what is now University Park, an orchard planted near
the Daniel home became the
site of a family cemetery in
1850 when "Old Frank", a family
slave for over forty years, was
buried there, the gravestone of
Isabella Harwood (1836-1851),
daughter of Frances Sims Daniel,
is believed to be one of the
oldest in Dallas County, interred
here are Daniel family mem-
bers, family slaves, and Daniel
descendants, including veterans
of four wars. **

(1980) ***

*1/2 inch lettering to contrast with text
**1/2 inch lettering
***1/4 inch lettering

[Reproduced with permission by the Texas Historical Commission]
APPLICATION FORM FOR OFFICIAL TEXAS HISTORICAL MARKER
Texas Historical Commission
History Division
P.O. Box 12276, Austin, Texas 78711

6/25/87

Title of Marker
(DANIEL FAMILY
CEMETARY)

County
DALLAS

Marker Location
6700 BLOCK AIRLINE ROAD (AT GATE)
UNIVERSITY PARK, TX 75205

Owner of Marker
WILSON W. EREK, JR.

Sponsor of Marker
DALLAS CITIES HISTORICAL SOCIETY

Address
3500 CATHEDRAL BLVD.

Signature of County Chairman
Betty C. Gaye

Person to whom marker is to be shipped
WILSON W. EREK, JR.

Address
3500 CATHEDRAL BLVD.

NOTE: Freight companies cannot ship to note or box numbers. If street address is available, please provide a phone number. If marker is to be placed on highway right-of-way, it will be shipped to your district highway engineer.

Please consult the back of this page for specifications of the markers available. Check the items desired below. Approval of the application and narrative must be obtained from the County Historical Commission, as indicated by the county chairman's signature on this form, before forwarding the material to the Texas Historical Commission. Please do not submit any. This MUST be added to the order, except if purchased by a tax-exempt organization. Applicants may order markers with a socket attached to their own post. However, the cost is the same as a marker furnished with a foundry post.

SUBJECT MARKERS

Not Applicable

D 16" x 12" pour marker (comes with mounting rod). 
$215 $280.78
D 24" x 24" Historical Monuments (Cyma signs) 
$40 $504.96
D 24" x 24" Aug. II Monument (Cyma signs) 
$40 $504.96
These will be shipped in and placed on your own posts.

D 16" x 12" building marker (wire) 
$215 $280.78
D 16" x 20" building marker (wire) 
$300 $374.76

Please indicate quantity desired and give location on form above.

D 16" x 12" building marker without post 
$195 $239.76

OTHER

D National Register plaque 
$30 $31.86
D 12" x 4" supplemental plaque 
$140 $163.68
D 16" x 12" building marker only 
$25 $27.14

D 12" x 20" building marker, etc. 
$100 $113.46
D Replacement clauses (new policy) 
$120 $137.76
D Base casts for replacement on 1930 granite markers 
$25 $27.14
D Bronze wreaths (for replacement) 
$50 $58.46
D Bronze wreaths for replacement on 1930 granite markers 
$25 $27.14
D Bronze wreaths for replacement on 1860 granite markers 
$50 $58.46
D Condition of commemoration

D Reproduction (with permission by Texas Historical Commission)
$185 $208.52

D Reproductions of markers: 5% each

D Reproduction (with permission by Texas Historical Commission)
$185 $208.52

D Reproduction of markers: 5% each
The Daniel Cemetery, a plot of slightly more than an acre, is a legacy of Mrs. Frances Sims Daniel, a pioneer settler and one of...if not the...earliest documented residents of what would become the City of University Park, Texas. It is the only cemetery in the "Park Cities" (University Park and Highland Park) and one of the very oldest in Dallas County, still preserved and operating for the family descendants. Located at the southeast corner of the intersection of the 6700 block of Airline Road and the 3100 block of Milton Street, in this "island suburb" of Metropolitan Dallas, the entrance faces west onto Airline. One of the two concrete gate pillars bears a bronze plaque with the name and date of 1850.  

Mrs. Daniel was the widow of the Rev. John M. Daniel, a Methodist preacher, who died in 1848 in Tuscaloosa, Alabama. One of their sons, William L., had migrated to Texas earlier and located in one of the settlements along Red River. Soon after her husband died, Mrs. Daniel decided to undertake the trek herself. Traveling in wagons with her two other married sons and their young families, her four remaining unmarried children, her widowed sister, Mrs. Nancy Harlan, and a number of family slaves, the group arrived on February 2, 1849.  

The 1850 U.S. Census for Dallas County, apparently taken
after May 5 and before July 9 (based on known birthdates of children vs. their ages given in the lists), records Mrs. Daniel with John F., Thomas B., Isabella O., and Margaret S. in her household. Sons Francis R. Daniel, his wife, and three young children...and Jesse L. Daniel, his wife, and two young children...are shown as separate households. Mrs. Harlan is listed as living in the household of Francis A. Winn, that of her son-in-law and daughter Avarilla. Interestingly, Jesse's little son, John W.B., age 4, is shown as born in Alabama; the baby daughter, Nancy K., age 9/12, is shown as born in Mississippi...perhaps on the way to Texas? Son Francis' youngest child, Frances A., age 2/12, is listed as born in Texas, obviously after the family's arrival. (His older children, ages 4 and 2, are both shown as born in Alabama.)

The second oldest son, William L., above, stayed in Tennessee when the family moved to Alabama ca. 1839 or after, and thence to Texas, separately. Daughter Eliza, married to Levi Windham, stayed in Alabama with her husband.

Mrs. Daniel's first purchase of land was a 640-acre section, roughly bounded today by Lover's Lane on the north, Turtle Creek (at western edge of present Curtis Park) on the west, Haynie Street on the south, and eastward towards North Central Expressway and Greenville Road. This includes a northern strip of the present Southern Methodist University campus, as an extension of Haynie Street eastward to Airline.

DANIEL CEMETERY, Page 2 of 13

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Road. The present north boundary of SMU is Daniel Avenue (named for the family), and the cemetery is one and a half blocks north of Daniel Avenue, up Airline Road. Family tradition states that Mrs. Daniel's original house was a short distance north of the cemetery, which began as a newly-planted orchard near the house.

320 acres of this land was deeded to Mrs. Daniel, of Dallas County record April 8, 1850, by one Nathan Screech, it having been issued to him by Col. Thomas W. Ward, Commissioner of the Peters Colony, to Screech as a colonist. A single man's Headright Certificate No. 39 in the First Volume of the Peters Colony. Closing wording of this deed is interesting...

"by virtue of the Certificate of aforesaid as soon as a Patent to the same shall issue from the General Land Office of the State of Texas...." It was later issued as of May 11, 1854 and signed by then-Governor E.M. Pease, after even Mrs. Daniel herself had died. Part of the Jefferson Tilly Survey No. 1480.

Although Mrs. Daniel's Estate was filed by the Court-appointed appraisers as including a total of 2,100 acres in the July Term of 1854, the cemetery and her original homestead were in the 320 acres described above.

Old Frank, one of the longtime family slaves, died in 1850 and was buried in the northwest corner of the new orchard, thus beginning the family cemetery. He had been given to Mrs. Daniel in her father's Will of 1813, probated 1814, in Maury

DANIEL CEMETERY, Page 3 of 13
County, Tennessee, by name, along with Kitty and Rose, when Mrs. Daniel was still a girl and not yet married.\textsuperscript{8}

Thus, he had belonged to Mrs. Daniel for 36 years, and with the family before that. One can easily surmise that he had come to Tennessee in 1807 with the family from Hanover County, Virginia, and had been born in Virginia even as Mrs. Daniel and her sister, Mrs. Harlan. He was definitely "family".

The next burial was daughter Isabella O., ca. age 16, who had married Alexander Harwood here in Texas. She apparently died in or as a result of childbirth of her little daughter in 1851. Annie Belle Harwood later died in 1860 and was buried next to her mother, Isabella, still at home and unmarried at the time, obviously married Harwood after the 1850 Census, when he is shown as living under the household of Thomas Crutcher, "Innkeeper," along with a number of other people of various professions and without households of their own.\textsuperscript{4} Alexander Harwood was then Deputy Clerk for young Dallas County, and Harwood Street in downtown Dallas today was named for him in later years.

Isabella was buried in the opposite, southeast, corner of the orchard, and her stone is one of the oldest extant in Dallas County.\textsuperscript{9} Later that same year, 1851, the older sister Mrs. Harlan (age 68 in 1850 Census) also died and was buried in the orchard. Then in 1853, Mrs. Daniel herself died and joined the others. Her stone reads, "Our Mother. Frances Daniel, DANIEL CEMETERY, Page 4 of 13

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wife of Rev. John M. Daniel, born Jan. 19, 1796. Departed this life Oct. 29, 1853, aged 57 y's, 9 m's, & 10 d's. In God We Trust.\textsuperscript{10}

In all, 87 members of the family, including spouses of a number of the descendants, and 5 slaves have been buried there to date. A list of the burials is appended.\textsuperscript{11}

According to family tradition, the large bois d'arc trees that still outline a north-south rectangle of the eastern part of the grounds, ca. 40% of the present total east-west extent of the cemetery today, and where all the earliest graves are placed, were planted by Mrs. Daniel herself. This may well be correct, in a sense, as the trees are very large and old. But undoubtedly they were first planted as bois d'arc hedge/"fence" as was so popular in early-day North Texas, before the invention and widespread used of barbed-wire. (Indeed, it is known that the Caruth family, landowners north and east of the Daniels from 1854-on, were promoters of bois d'arc "fences".) As the years pass, the stronger and more precocious members of such a hedge/fence grow into trees, and remain as lines of trees long after the thick and stickery hedges have disappeared. These certainly preserve a former enclosure different from the present larger cemetery boundaries.

Among those buried in the cemetery are two Methodist preachers like their father, both Mrs. Daniel's sons, John F. and Jesse L., and a number of War Veterans: Joshua Lafayette Daniel.

Daniel Cemetery, Page 5 of 13

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Smith, husband of Mrs. Daniel's youngest daughter, Margaret Sims Daniel, served in the Mexican War, and later was a Captain, CSA, of a Dallas Company in the Civil War. Other Confederate Veterans include two of the sons, John F. Daniel and Thomas B. Daniel; and Edward H. Hunt and John L. Harvey, sons-in-laws. Gus L. Ford, husband of Mrs. Daniel's great-granddaughter, Anne Johnston, was a Lieutenant in World War I. Rhea C. Daniel, great-great-grandson, served in the China-Burma-India Theater of World War II.  

As with nearly everyone of that early date in newly-settled country, the sons were all farmers, as well as other professions. A grandson, Wilton L., operated a well-known dairy. And in modern times three generations have maintained the Daniel Cleaners & Laundry on the "Drag" across from SMU... grandfather Max A. Daniel and great-uncle Rhea C. Daniel, son Max A. Daniel, Jr., and grandson Mark Daniel.

Care of the cemetery evolved as follows: Mrs. Daniel’s youngest daughter, Margaret Daniel Smith, had a fence built outlining the entire present cemetery in 1897, after May I, Daniel, unmarried granddaughter of Mrs. Frances Sims Daniel, put together 1-1/10 acres from herself and her brother, C.C. Daniel, comprising the present grounds, and deeded it as a cemetery to the heirs and descendants of Frances S. Daniel "in perpetuity", of Dallas County record 1896.  

Mrs. Smith's younger daughter, Mrs. Frances Smith

DANIEL CEMETERY, Page 6 of 13

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Johnston, "Aunt Fan" to the family, moved to 3412 Haynie in 1916 and assumed the upkeep. In Mrs. Daniel's Will, one of the slaves was named Wash. After his freedom, following the Civil War, Wash took the family name Daniel (as many ex-slaves did at the time), and later was Mrs. Johnston's biggest help in picking up bois d'arc, applying, trimming hedges, and mowing.

Her only daughter, Mrs. Anne Johnston Ford, "Cousin Anne", took over the responsibilities even before her mother's death. It was Sam Daniel, son of Wash, who helped her.

When it became apparent in the 1950's that Mrs. Ford's only daughter, Frances Ford (Mrs. C.L.) Keithley, presently of Green Valley, Arizona would not be living in Texas, she organized the Daniel Cemetery Association at the then First National Bank of Dallas (later, InterFirst Bank; now First Republic Bank) for perpetual upkeep. Co-signers on this Fund were Wilton J. Daniel, Max A. Daniel, Rhea C. Daniel, Joe M. Daniel, Alvah H. Daniel, Francis H. Daniel, Margaret Doggett Crow, and Trammell Crow.14

Contributions, variously, from members of the descendants, and proceeds from the Trust, maintain the area inside the fences. The City of University Park maintains the hedges, trees, and borders outside the fences. The grounds are well kept, and the quiet and peaceful condition is good. Every Spring the old purple "flags" (iris) bulbs planted long ago still bloom.

Daniel Cemetery, Page 7 of 13

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Frances Sims Daniel was the daughter and youngest child of William Sims and Judith Cross of Hanover County, Virginia. Her father was born May 7, 1757 in Hanover County to Bruster/Brewster Sims and Mary Green, and married Judith Cross August 16, 1773. He served in the Revolutionary War in the Militia of Hanover County, and is of National Archives Pension Record. As a result, Frances Sims Daniel, his youngest daughter, qualifies as a "Real" Daughter of the American Revolution, and in 1942 members of the Jané Douglas Chapter of the Daughters of the American Revolution placed a marker on her grave in the Daniel Cemetery as "A Daughter of the American Revolution". Photo appended. This marker was a gift of the Nancy Anderson Chapter, DAR, Lubbock, Texas, which was organized by her great-granddaughter, Mrs. Gus L. Ford in 1926. Regular DAR member markers have also been placed on the graves of Frances Smith Johnston, Maidie Daniel Robinson, Lillian Smith Doggett, and Anne Johnston Ford.

William Sims removed with his family and slaves in wagons to Tennessee in 1807, stopping along the way to raise a crop from time to time and for four of his children to marry en route, especially in Eastern Tennessee, before finally settling near Mt. Pleasant in Maury County, in 1810. He and his wife are buried in the family cemetery several miles out of Mt. Pleasant. The Sims family (Simms/Symes, etc., in early spellings)
traces back via early St. Paul's Parish in New Kent/Hanover County, Virginia, and Edward Sims, father of Brewster Sims, to George Sims and his wife Dorothy Everard who moved to Virginia from Antigua, British West Indies, and thence back to County Gloucester in England.¹⁹

Frances Sims Daniel married John M. Daniel in Maury County, Tennessee, July 11, 1816. Their children were as follows:¹⁵

<table>
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<tr>
<th>Name</th>
<th>Birth-Death</th>
<th>Spouse</th>
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<tbody>
<tr>
<td>Jesse L.</td>
<td>1819-1902</td>
<td>m. Ann Purvis</td>
</tr>
<tr>
<td>William L.</td>
<td>1820-</td>
<td>m. Mary Chandler</td>
</tr>
<tr>
<td>Francis R.</td>
<td>1821-1903</td>
<td>m. Mary F. Robinson</td>
</tr>
<tr>
<td>John F.</td>
<td>1823-1871</td>
<td>m. Mary Harvey</td>
</tr>
<tr>
<td>Wesley W.</td>
<td>1825-1826</td>
<td></td>
</tr>
<tr>
<td>Eliza A.</td>
<td>1828-</td>
<td>m. Levi Windham</td>
</tr>
<tr>
<td>Thomas B.</td>
<td>1832-</td>
<td></td>
</tr>
<tr>
<td>Nancy Isabella O.</td>
<td>1836-1851</td>
<td>m. Alexander Harwood</td>
</tr>
<tr>
<td>Margaret Sims</td>
<td>1837-1905</td>
<td>m. Joshua Lafayette Smith</td>
</tr>
</tbody>
</table>

In the 1854 Estate Appraisal for Mrs. Frances Sims Daniel, it is of interest that Rose is still listed by name as one of the slaves, doubtless the same as named in her father's Will of 1814 as given to her, even as Old Frank of earlier mention. A number of descendants of the Daniel family slaves still live in East Texas.

Records of the Daniel family and cemetery are kept by Max A. Daniel at his office in the Daniel Cleaning & Laundry, 6031 DANIEL CEMETERY, Page 9 of 13

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Hillcrest, just seven blocks from the cemetery. He also has the keys to the entrance gate, which are always available to Cub Scouts, grade school student historical tours, and the like. A complete file copy of the records is also stored in the Archives of the Park Cities Historical Society. Sparkman-Hillcrest Funeral Homes & Cemetery, Northwest Highway, handles modern burials in the cemetery.

Sam Street's Map of Dallas County, Texas, of 1900 shows the earliest depiction of the cemetery in its proper location as "grave yard". Also shown on the map are locations of the houses of W.L. Daniel, W.T. Johnston, F.R. Daniel, and J.L. Daniel in the vicinity. The annotation of "J. Tilley Survey 1880" is also shown on the map immediately below the graveyard.20

# # # # #

Wilson W. Crook, Jr.
1st Vice-President, Historian
Park Cities Historical Society
May 20, 1987

3208 Caruth Boulevard
Dallas (University Park)
Texas 75225
REFERENCES TO FOOTNOTES

1. Marked page map, 1986 Dallas MAPSCO
2. Photograph of Gate Plaque
3. Family tradition
4. Page copies from 1932 Transcript of 1850 U.S. Census for Dallas County, Texas
5. Transcript and also copy of original Dallas County Deed of 1850, Book B, pages 279-280.
7. Copy from Dallas County Court Records 1985, Volume 3, page 73.
8. Transcript from Maury County, Tennessee, Will probated 1814, Volume A, page 86.
9. Photograph of grave stone
10. Photograph of grave stone
11. List of Cemetery Burials
12. Copies of old Dallas area newspaper clippings, and family tradition.
15. Excerpts from Daniel Family Bible

DANIEL CEMETERY, Page 11 of 13

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Auditor's Office, Richmond, Virginia; Hanover County, Virginia, Military Records

17. Photograph of DAR Marker

18. Copy of Dallas newspaper story clipping


20. Copy of portion of Sam Street's Map of Dallas County, Texas, 1900 (Original in Library of Congress)
BIBLIOGRAPHY


Dallas Times Herald. February 7, 1926.


History of Antiqua, by Oliver. (as quoted in Sims, above.)


MAPSCO, Dallas, TX. Map 35, Book Page 1049.

Park Cities News, Dallas, TX. September 3, 1953.


DANIEL CEMETERY, Page 13 of 13

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**MARKER WORKSHEET**

**TITLE**: Daniel Cemetery  
**ADDRESS**: 6700 block of Airlane Road  
**TOWN**: Dallas  
**COUNTY**: Dallas  

**SUBJECT**: Cy  
**DATE**: 1987  
**RTML**:  
**SIZE**: 5 w/o post for concrete

**ARCHITECTURAL EVALUATION**:

**HISTORICAL EVALUATION**:  
Mrs. Frances Sime Daniel, widow of a Methodist clergyman, moved to Texas in 1849, along with her children, in-laws, grandchildren, and family slaves. She purchased land in what is now the "Park Cities" area of Dallas, and built a home. An orchard planted near the home became a cemetery upon the death of a family slave, "Old Frank", in 1850. A daughter of Mrs. Daniel was buried there the following year, and the plot became a family graveyard. Members of the Daniel family and descendants have maintained the cemetery over the years, and descendants are still buried there. The cemetery currently contains 97 graves. The marker will be placed on the gate at the entrance on Airlane Road.

**RECOMMENDATION**: subject marker  
**EVALUATED BY**:  
**RECOMMENDATION OF SMC MEMBER**:  
**SIGNATURE**:  
**COMMENTS**:  

**MARKER GUIDE INFO**:

[Reproduced with permission by the Texas Historical Commission]
January 27, 1988

Betty Agee
100 S. Houston St., Suite 304
Dallas, Texas 75202

RE: DARIEL CEMETERY
18 x 24 subject marker without post (Job #37557)

Dear Betty:

This letter is to notify you that the State Marker Committee has reviewed
and approved the above-referenced topic for an Official Texas Historical
Marker.

At this time, payment for the marker is due. A check, in the amount of
$324.00 ($300.00 if paid for by a tax-exempt organization), should be made
payable to the Texas Historical Commission and sent to the letterhead
address at your earliest convenience.

Once payment is received, the application will be placed in line to have
the marker inscription written. The inscription will not be written until
after funds have been received. When the text is prepared, a copy will be
sent to you and any parties listed below for review and approval.

The Texas Historical Commission wishes to congratulate you for your efforts
to record and preserve Texas history.

Sincerely,

Frances Rickard
Frances Rickard, Director
State Marker Program

CC: Wilson M. Crook, Jr.

[Reproduced with permission by the Texas Historical Commission]

The State Agency for Historic Preservation.
Have you checked with other parties involved to make sure all the necessary cards are mailed in?

We have no objections to Wilson Crook's suggestion of 6/8/88. Please send us a copy of the final inscription.

Have you checked with other parties involved to make sure all the necessary cards are mailed in?
June 17, 1988

Mr. Bill Southwell
The Southwell Company
P.O. Box 299
San Antonio, TX 78291

RE: JOB NO. 17587

County     Dallas

Title      DANIEL FAMILY CEMETARY

Dear Mr. Southwell:

The Texas Historical Commission wishes to place an order with you for the following items:

- 16" x 12" Grave Marker
- 27" x 42" Subject Marker with Post
- 27" x 42" Subject Marker without Post for attachment to concrete
- 18" x 28" Subject Marker without Post for attachment to concrete
- Medallion No. _______ and 16" x 12" Plate without Post for attachment to concrete
- Aluminum National Register Plaque for attachment to concrete
- Plastic Paperweight Replica of Job No. _______ County
- Other

Please provide us with a rubbing of the inscription as appropriate.

We appreciate your prompt attention to this order.

Sincerely,

[Signature]

STATE MARKER PROGRAM
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711
512/463-6100

SHIPPING INFORMATION

Wilson W. Crook, Jr.
2008 Cauch Blvd
University Park, TX 75225
214/368-7349

[Reproduced with permission by the Texas Historical Commission]
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THC # 006320
$195.00 Rec'd 9-29-88
Appendix C

Wills and Settlements Recap Report, Maury County Loose Records Project, Columbia, Tennessee
WILLS AND SETTLEMENTS RECAP REPORT

Information about Testator:
Type of Will: Ordinary
Will Number: W-62951

Fuller of Testator: SIMS, William

Date Written: 02-FEB-1813
Minute Book No
Date Probated
Minute Book Pg
Date Proved
Minute Book Date
Creation Information: 2nd Will Dated 14 MARCH 1812
Number of pages in file: 8

Information about Other Persons Mentioned in Will:

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This report contains information abstracted from documents in the original files located in the Maury Co. Arc

[Courtesy of Maury County Archives]
State of Missouri, in the County of Maury, on the 15th day of June, 1818, before
the proper Court of Session for the purpose of taking testimony according to Law, the
said Court for the session of June, 1818, sitting at the Courthouse
in Columbia, this 15th day of June, 1818, and then and there to take
and subscribe to the Declaration of the Amendments of the Constitution of the
State of Missouri, for the purpose of establishing the Constitution of the State
in the said Court, under the fourth Provision for the
in the said Court, under the fourth Provision for the
establishment of the Constitution of the State of Missouri, for the purpose of
establishing the Constitution of the State of Missouri,
the 15th day of June, 1818.

[Signature]

Joseph B. Binns, Sheriff

June 1818

[Copyright of Maury County Archives]
In the name of God Amen. I William Sims of the County of Lancaster and State of South Carolina, being of sound mind, body and memory do make this my last will and testament, to be faithfully carried out.

In pursuance of my will and desire that all my goods by me lastly bought and acquired by me, shall be disposed of in the manner hereinafter set forth.

I give and bequeath to my wife, Judith, my horse and my saddle, which I give her absolutely for her maintenance during her life or widowhood.

The following slaves (not compelled to labor) James, Sally, Lucy, Ben, Charles, and their issue.

Item, I give and bequeath to my daughter, Jenny, a negro woman named Sarah, who is married to the negro man named Caleb Aiken. I also give her all my household goods.

Item, I give and bequeath to my son, John Sims, a negro man named Edmund, unto him at my death, I also give him the negro woman named Sally, who is married to the negro man named William. The said Sally, who is married to the negro man named William, shall, at her death, I also give to my daughter, Catherine, a negro woman named Polly. I also give to my daughter, Mary, a negro woman named Polly, and to my daughter, Betty, a negro woman named Polly. I also give to my daughter, Susan, a negro woman named Polly. I also give to my daughter, Ann, a negro woman named Polly. I also give to my daughter, Mary, a negro woman named Polly. I also give to my daughter, Sally, a negro woman named Polly.

My will is that all my slaves and property be divided among my children in equal shares.
To my beloved wife, Mary Jane, I leave my homestead with its
lands, woods, and slave labor. My estate is valued at$5000.

To my son, John, I leave the plantation house and all its
contents.

To my daughter, Jane, I leave my personal effects.

To my son, William, I leave the plantation lands.

To my daughter, Mary, I leave my patents and
grants.

To my other daughter, Eliza, I leave my personal
possessions.

To my nephew, Robert, I leave my library and
books.

To my nieces, Sarah and Emily, I leave my jewels
and silver.

To my other nieces, Ann and Mary, I leave my
personal effects.

To my cousins, John and Jane, I leave my
miscellaneous items.

To my friends, Thomas and Sarah, I leave my
charity funds.

To my neighbors, Thomas and Mary, I leave my
favorable references.

To my servants, Tom and Jane, I leave my
patronage.

To my family, I leave my love and blessings.

[Signature]

[Date]

[Witness]

[Place]
Here I do will unto my daughter Sarah Clark, two hundred dollars. Here I do will unto my daughter Mary Clark, two hundred dollars. Here I do will unto my daughter Elizabeth Clark, two hundred dollars. Here I do will unto my daughter Ann Clark, two hundred dollars. Here I do will unto my daughter Sarah Clark, two hundred dollars. Here I do will unto my daughter Frances Clark, two hundred dollars. Here I do will unto my daughter Frances Clark, two hundred dollars. Here I do will unto my daughter Frances Clark, two hundred dollars. Here I do will unto my daughter Frances Clark, two hundred dollars. Here I do will unto my daughter Frances Clark, two hundred dollars. Here I do will unto my daughter Frances Clark, two hundred dollars. Here I do will unto my daughter Frances Clark, two hundred dollars. Here I do will unto my daughter Frances Clark, two hundred dollars.

As to my children, I hereby give unto my son William Clark, Jr., one quarter of my personal estate. As to my children, I hereby give unto my daughter Sarah Clark, one quarter of my personal estate. As to my children, I hereby give unto my daughter Mary Clark, one quarter of my personal estate. As to my children, I hereby give unto my daughter Elizabeth Clark, one quarter of my personal estate. As to my children, I hereby give unto my daughter Ann Clark, one quarter of my personal estate. As to my children, I hereby give unto my daughter Sarah Clark, one quarter of my personal estate. As to my children, I hereby give unto my daughter Frances Clark, one quarter of my personal estate. As to my children, I hereby give unto my daughter Frances Clark, one quarter of my personal estate. As to my children, I hereby give unto my daughter Frances Clark, one quarter of my personal estate. As to my children, I hereby give unto my daughter Frances Clark, one quarter of my personal estate. As to my children, I hereby give unto my daughter Frances Clark, one quarter of my personal estate. As to my children, I hereby give unto my daughter Frances Clark, one quarter of my personal estate. As to my children, I hereby give unto my daughter Frances Clark, one quarter of my personal estate. As to my children, I hereby give unto my daughter Frances Clark, one quarter of my personal estate. As to my children, I hereby give unto my daughter Frances Clark, one quarter of my personal estate.
This is a historical document written in the 18th century. The text appears to be a legal or testamentary document, discussing the division of property and inheritance among children. The handwriting is ornate and typical of the period, with terms like "executor," "executor," and "executor." The document includes signatures and dates, indicating it was formally executed and witnessed. The text is focused on ensuring that the property is divided fairly among the children and that the will is carried out according to the deceased's wishes.

(Courtesy of Maury County Archives)
Bears set to do by their own will. I testify that I have two sons, who are both under the age of twenty years. My farm is situated in this town, but near the town limits. It is about two hundred acres of land. The land is being sold for want of life employment. Two hundred and sixty acres of land are being sold, and a part of an acre of land is being sold for want of life employment. The land is being sold for want of life employment.

[Courtesy of Maury County Archives]
to this use of farming lands for any uses &
remarried children in my last will. I hereby
null & void this last will & testament. This gift
annulling the very purpose for which that was
intended. I hereby lend administrate
and distribute unto such of my children as
may have been or may hereafter be
unfortunately as they require that it
give them in my last will.

Meaning that I never have died & others
may die, I do hereby give & grant so
much money & tacts of my estate as may
make them sufficient to those children which have not yet a year
provided for them the more as land & services
rents thereby to intermingle. Where they
may intertace to my lands & services in
Year the 29th of February 1713.

[Signature]

[Signature]