

In the same year, 1839, there was a great exodus from the old states into the Republic of Texas. People came in their covered wagons seeking health, wealth, and in some instances, hiding places. The majority of these were home-seekers, and the Republic encouraged this type of pioneer by offering to them grants of land. The court records of Nacogdoches for this year therefore show a great number of appeals for this land, each request calling generally for one league and one labor of land.

As is ever the rule among thrifty, well meaning people, the bad element presented itself. The most common form of law-breaker in those days was the horse thief. The manner of dealing with him was very effective, as in the case of John Welch, who was accused of this crime and found guilty. He was fined \$10.00, given thirty-nine lashes on his bare back, and branded with letter "T" on his right arm.

The divorce evil seems to have entered into the courts of Texas in the year 1840. The first petition for divorce on record in Nacogdoches was that Susan Calenelly, alias Susan Johnson v. Y. C. Johnson. This was an unusual procedure, owing to the fact that divorces in that time were practically unheard of. For many years this was the only suit of the kind on record, because persons resorting to the courts to settle their domestic affairs were socially ostracised. How different from the present, when too little is thought of such things and records of such cases occupy shelf after shelf!

One evil leads to another and following closely on the heels of the first divorce came several instances of women committing homicide. The first in Nacogdoches was of one Nancy Van Dyke and her slave Nancy Bean, who, charged with the murder of Mrs. Van Dyke's husband, were found guilty and in the following words the sentence was pronounced by the judge:

It is indeed shocking for a female to have raised her arm against one whom she had promised to "love, cherish, and obey" and with whom she had passed the greater part of her life. Those who come after will read in the court records how you were found guilty by a jury of willingly, maliciously, and feloniously, murdering your husband. Friday next you shall be taken to the County of Rusk and the sheriff of said County of Rusk shall hang you by the neck until dead, and may God have mercy on your soul.<sup>2</sup>

But Mrs. Van Dyke did not hang, for Sam Houston, then President of the Republic, pardoned her, saying that when all the men in Texas that needed hanging were hanged, then it would be time enough to start inflicting that punishment on women.

There are scores of other interesting cases too numerous to tell in detail, but reading the originals would be well worth one's time.

<sup>2</sup>Court proceedings of Nacogdoches County, Book E, p. 86