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**The Following Article was Originally Published in the  
*Texas Ranger Dispatch Magazine***

The *Texas Ranger Dispatch* was published by the Texas Ranger Hall of Fame and Museum from 2000 to 2011. It has been superseded by this online archive of Texas Ranger history.

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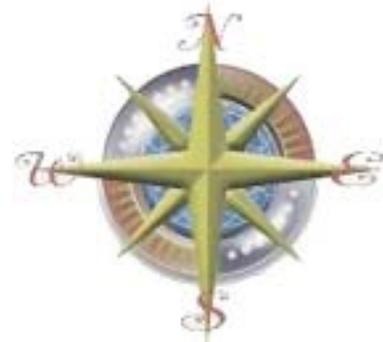


Funded in part by grants from  
the Texas Ranger Association Foundation

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Article source: Moore, Stephen L. *Savage Frontier: Rangers, Riflemen and Indian Wars in Texas, Vol. II: 1838-1839*. Denton: University of North Texas Press, 2006.



# THE SURVEYORS' FIGHT

**Stephen L. Moore**

The Texas Rangers were in danger of disappearing altogether by the spring of 1838. The service had boasted some four hundred and fifty men in four battalions as of mid-September 1836, which was the peak of Ranger strength during the early years of Texas. After President Sam Houston disbanded the last of the Ranger companies in April 1836, Major General Thomas Rusk of the Texas Militia kept the service alive by allowing small battalions of mounted Rangers to operate in between periods of crisis within his militia brigades.

Frontier violence was prevalent during 1838, and those who ventured out beyond the settlements were particularly vulnerable to Indian attacks. The duties of a land surveyor, therefore, were particularly dangerous during this period. The deadly Surveyors' Fight of October 8, 1838, in Navarro County was one grim reminder of such hazards.

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During the fall of 1838, the northernmost town between the Brazos and Trinity Rivers was a settlement known as Old Franklin, located between the present towns of Calvert and Bryan. It included a blockhouse to protect the settlers and had become the rendezvous site of choice for surveying parties of this area of Texas.<sup>1</sup>

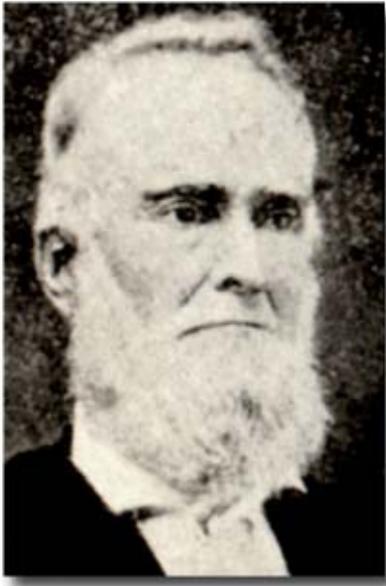
Surveying the lands near present Dallas was extremely dangerous in 1838. Several surveyors working the areas north of Fort Parker had been killed in April. The next major surveying expedition organized into this area was one led by William Fenner Henderson. Twenty-one years of age, he had arrived in Texas in 1835 and served in the Texas Army in Lieutenant James T. Sprowl's infantry company.<sup>2</sup> Originally settling in the Nacogdoches area, Henderson had also participated in Major General Rusk's August 1838 Indian campaign.

In late September, Henderson organized his surveying party of about twenty-five men at Old Franklin (also called Fort Franklin). Various sources give the total number of men as being between twenty-two and twenty-seven. At least two of the men, Samuel Allen and Joseph Jones, had served as Rangers in 1836.

The surveyors departed for what is now the southeastern part of Navarro County. After camping at the site of old Fort Parker, they passed Tehuacana Springs and proceeded up to the Richland Creek area. En route, the men passed a number of Indians in small groups and others in larger clusters. In their immediate area, there were about three hundred Kickapoo Indians engaged in supplementing their buffalo meat supply. After arriving at the desired location, Henderson's men began running survey lines without incident on the first day.<sup>3</sup>

On the second day, October 8, 1838, a compass was found to be defective and Henderson sent William Jackson and William M. Love back to Parker's Fort to secure a magnet to correct the needle. While the surveyors continued their work during the morning hours, they carelessly noted Indians moving to and fro in their vicinity, some apparently in consultation. Around 11:00 a.m., the men stopped to take a breakfast break. While they were eating, a group of about fifty Kickapoo Indians warned them that a party of about seventeen Ioni Indians was planning on attacking the whites that day. Knowing that Ionis only armed themselves with bows and arrows, Henderson's men remarked that they were not afraid of such a threat.

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1. Harry McCorry Henderson, "The Surveyors Fight," *Southwestern Historical Quarterly* 56 (July 1952): 25. Henderson's article shows a total of twenty-seven surveyors present for the fight. Henderson's grandfather was William F. Henderson, who gave his account to historian John Henry Brown (as did survivor William Smith) in the 1850s. Walter Lane wrote in 1885 that there were twenty-two surveyors "and a boy," as printed in James T. DeShields, *Border Wars of Texas*. 1912. Reprint. (Austin: State House Press, 1993), 225. John Henry Brown agrees that twenty-five surveyors set out from Franklin and that twenty-three were in the battle. See Brown, *Indian Wars and Pioneers of Texas*. 1880. Reprint. (Austin: State House Press, 1988), 47–50. The most modern account of the battle also agrees on twenty-three in the fight. For this detailed coverage see Jimmy L. Bryan Jr., "More Disastrous Than All: The Surveyors' Fight, 1838," *The East Texas Historical Journal* 38, no. 1 (2000): 3–14. The John Ingram biographical sketch of the Louis Wiltz Kemp Papers from the San Jacinto Museum of History confirms Elijah Ingram as one of the victims.
  2. Carolyn Reeves Ericson, *Nacogdoches: Gateway to Texas. Volume I. A Biographical Directory, 1773–1849* (Nacogdoches: Ericson Books, 1991), 168.
  3. Henderson, "Surveyors Fight," 26–27.



**William Fenner Henderson was one of only seven survivors of the Surveyors' Fight on Battle Creek.**

After breakfast, the men returned to running their survey lines across a stretch of prairie that paralleled a ravine. During this time, some more Indians moved close enough to them to mutter comments at them, and one even begged a piece of tobacco from San Jacinto veteran Walter P. Lane. After this Indian crossed back over the gulch, the surveyor party was immediately fired upon by forty or more Indians who had been lying concealed in the bushes growing on the banks of the ravine. Thus began the fight that became known as the Surveyors' Fight, or the Battle Creek Fight.

According to the *History of Navarro County*, command of the surveying party was given to Captain James Neil Sr., a surveyor who had settled in the present Grimes County area. As events shaped up, he would not survive to live on the land he claimed. However, his son James Neil Jr. later came to claim land that his father had surveyed in Grimes County and was involved in organizing the county seat of Corsicana. Of the accounts that were left of this fight, Lane claimed that Neil was in command of the men from the start of the expedition. Henderson later stated that the men elected Neil as commander when the Indians made their attack.

According to Lane, the Texans made an initial charge against their attackers until another one hundred Indians "showed themselves in the timber behind them."<sup>4</sup> The surveyors collected their instruments and fell back in formation to the nearest woods, about a mile distant. Captain Neil's men found Indians already occupying the timber. The Indians immediately surrounded them and fired bullets and arrows from all sides.

The surveyors then retreated to a ravine in the prairie and took up a defensive position. A lone cottonwood tree stood at the juncture of two ravines. With four- and five-foot banks dotted with small bushes along the top, the gully offered the men a chance of holding their ground. The heavy firing by this point had already wounded or killed most of the Texan horses.<sup>5</sup>

According to Henderson, Captain Neil was wounded soon after reaching the ravine, and he appointed Euclid M. Cox as captain of the men. Of the twenty-three Texans, many were injured at this point. Entrenched in the small ravine on the open prairie, the surveyors were heavily surrounded by upwards of three hundred Kickapoos, Tawakonis, Ionis, Wacos, and Caddos. The Indians obviously viewed these surveyors as breaking up territory that had traditionally been theirs. Their intent, therefore, was to kill all of their enemy.

Captain Cox's men had little chance in their predicament. The resourceful Indians climbed trees and fired down over the lip of the ravine. Little by little, more of the Texans fell wounded or

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4. Walter P. Lane to DeShields in DeShields, *Border Wars*, 226.

5. Henderson, 28.

6. DeShields, 226. Henderson, 29. The pistol later made its way into the possession of the San

dead. Seeing the necessity to remove the Indian snipers from the trees, Cox took up a position behind the lone cottonwood tree. In the course of the next hour, he reportedly killed about ten Indians on his own. While exposing himself for another shot, however, he was shot through the spine and fell back from the tree. "I ran up the bank, took him by the shoulder, and, under heavy fire dragged him to the ravine," wrote Walter Lane. Cox begged J. Button, one of his employees who was part of the party, to give his wife one of his pistols. Within two hours of being wounded, he then died. Button later honored this request and, as of 1885, the weapon was in the possession of the son of Captain Cox, Hill County Sheriff John P. Cox of Hillsboro, Texas.<sup>6</sup>

Without a leader once again, the surviving Texans decided to remain together and use discretion in their defense. Upon seeing Cox fall, the Indians sent up shouts of joy and proceeded to charge the ravine. Only a deadly fire from the surveyors' pistols and rifles kept them from being totally overrun.

At this same time, about fifty mounted Indians appeared on a ridge about two hundred and fifty yards away. They called to the surveyors, "Kickapoos good Indians, come to Kickapoos." Mr. Spikes, an old man of eighty-two years, decided to test the Kickapoos' loyalty. He mounted one of the remaining horses and rode out toward them, only to be killed by the Indians. Another wounded Texan, Richard Davis of San Augustine, mounted his horse and attempted to run the gauntlet of fire. He, too, was shot dead within sight of the other surveyors.

The Indians kept the survivors surrounded and pinned down even after dark. Finally, between 11:00 p.m. and midnight and more than twelve hours of fighting, those left decided to use the cover of darkness to make a break for the timber bordering Richland Creek. Unfortunately, there was a full moon up this night, which made the prairie very bright. According to the reports of Lane and Henderson, there were only two or three horses left alive by this time. Some time about midnight, those still alive made ready to go.

The four most seriously wounded were loaded on the horses. The ten survivors at this point were Henderson, Neil, McLaughlin, Button, Lane, Elijah Ingram, Joseph Jones, John Violet, William Smith, and Tom Barton, the latter five all being wounded. As the surveyors rose from the ravine to leave, the Indians let out a yell and charged in a half circle toward them. The Texans fired back during their slow retreat toward the timber. The Indians proceeded to shoot man after man from the horses.



**Walter Paye Lane, who escaped with a shattered leg bone, later served as a brigadier general for the Confederacy. (Image originally published in James DeShields's *Border Wars of Texas*.)**



Joseph Jones and Elijah Ingram were both shot from a horse during the early moments of the escape. Lane and a companion helped Captain Neil onto the slain men's mount, but he advanced fewer than ten steps before the Kickapoo shot him down, along with his horse. William Smith, favoring a wounded arm, raised Thomas Barton up behind him on one of the other horses. They raced only fifty yards before this final steed was shot out from under them. Smith survived, but Barton jumped up just before dying and cried out, "Lord, have Mercy on me!"<sup>7</sup>

Barton and Smith managed to escape through the timber together, eluding the Indians and ultimately reaching the Falls of the Brazos on their own. Another surveyor, a young man named McLaughlin, did not leave the ravine when the other nine made their break. He instead took up hiding in the bushes growing on the bank until the Indians departed. When the Indians pursued the main party of Texans, McLaughlin fled down the ravine and ultimately reached the settlements on the Trinity River.

In addition to Barton, Smith, and McLaughlin, four others from the main party of Texans survived after fleeing from the ravine: Henderson, Lane, Violet, and Button. Of these seven, Button, Smith, Violet, and Lane were injured, with John Violet's injury being the most severe.

Walter Lane was shot through the leg during this escape, the bullet shattering his leg bone. However, he managed to hobble on his heel and keep going. He reached the thicket with Henderson and Button, who had both escaped being wounded.

We got into a deep ravine that led to the creek. I called to Henderson to stop and tie up my leg as I was bleeding to death. He did so promptly. We went down some distance and heard the Indians following us. We climbed on the bank and lay down with our guns cocked. Twelve of them passed so close I could have touched them. We got on the creek an hour before day, and followed down till we found some muddy water. We left the creek and went on the bank till we found a log reaching to a brushy island. We crossed over it and lay hidden all day. We could hear the Indians on the bank looking for us.<sup>8</sup>

According to Henderson's account, he and his party included the badly injured John Violet. Violet suffered from a broken thigh, which prevented him from crawling any further. He was left near Richland Creek with the promise that the other three would send him help. After hiding out from passing Indians searching for survivors, the trio started for Tehuacana Hill, which was twenty-five miles distant. Three days after the fight, on October 11, Henderson, Lane, and Button ran across six Kickapoo Indians, and they told them that they had been fighting Ionis. Henderson offered one of them his Bowie knife if they would take them to water, which they did.<sup>9</sup>

After quenching their thirst, the trio was taken to the Indian camp, where they were fed. After spending a night, the Texans were anxious to leave the next morning, fearing that one of the Kickapoos from the battle would alert these Indians that these were their enemy. Henderson then offered one of the Indians his rifle to lead them to Parker's Fort and allow the wounded Walter Lane to ride a pony. Lane was forced to walk, but the Kickapoos did lead the men to Parker's Fort by the next day, October 12.

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7. Henderson, 30; Bryan, "More Disastrous Than All: The Surveyors' Fight, 1838."

8. DeShields, 227.

9. Henderson, 31–33.

The surveyors then followed the Navasota River for a mile and proceeded on foot on toward Old Franklin. On October 14, they were discovered by Love and Jackson, who had been sent to repair the compass days before. These men took the wounded on their horses on to Old Franklin, about fifteen miles away. Thereafter, a company of about fifty men was organized at Old Franklin by William Love. They went back to the scene of the battle to bury the dead. En route, they stopped at Tehuacana Springs, where they found poor John Violet with his broken thigh. He had gone six days with little food or water and had crawled more than twenty-five miles from where he had originally been left on Richland Creek.

Love's party found and buried the surveyors' bodies, which had been badly savaged by wolves in the past week. They also found considerable blood from the firing points of the Indians, evidence that the Texans had taken their share of lives.

The slain Texans were buried beneath the spreading branches of the lone tree on the embankment under which they had so desperately fought. A memorial to the Battle Creek Fight victims was erected in 1881 by Captain Euclid Cox's sons, John P. Cox and Reverend J. Fred Cox, at the site of the battle in which their father was killed. Inscribed on it are the names of the seventeen killed and five who escaped, a list now considered incomplete.

The exact number of surveyors involved in the fight varies by whose account one relies on. The number of those killed also varies between fourteen and twenty. By best count from all sources, sixteen men were killed, with a seventeenth man (Rodney Wheeler) likely. The Cox marker also lists a "James Jones" as one of those who perished.

### Chart of killed and wounded

## Surveyors' Fight on Battle Creek

October 8, 1838

<b>James Neil, Capt.</b> <sup>1</sup>	<b>William Jackson</b> <sup>3</sup>
<b>Euclid M. Cox, Capt.</b> <sup>1</sup>	<b>Joseph P. Jones</b> <sup>1</sup>
<b>Samuel Tabor Allen</b> <sup>1</sup>	<b>P. M. Jones</b> <sup>1</sup>
<b>Nathan W. Baker</b> <sup>2</sup>	<b>Walter Paye Lane</b> <sup>2</sup>
<b>Thomas Barton</b> <sup>1</sup>	<b>William M. Love</b> <sup>3</sup>
<b>J. Bulloch</b> <sup>1</sup>	<b>_____ McLaughlin</b>
<b>_____ Button</b>	<b>Asa T. Mitchell</b> <sup>1</sup>
<b>David Clark</b> <sup>1</sup>	<b>William Smith</b> <sup>2</sup>
<b>Richard Davis</b> <sup>1</sup>	<b>_____ Spikes</b> <sup>1</sup>
<b>J. Hard</b> <sup>1</sup>	<b>William Tremier</b> <sup>1</sup>
<b>William F. Henderson</b>	<b>John T. Violet</b> <sup>2</sup>
<b>Andrew Houston</b> <sup>1</sup>	<b>J. W. Williams</b> <sup>1</sup>
<b>Elijah Ingram</b> <sup>1</sup>	

<sup>1</sup> Killed in battle.

<sup>2</sup> Wounded.

<sup>3</sup> Sent to Parker's Fort; not present for battle.

*Some sources list*

*James Jones and Rodney Wheeler among those killed.*

## *Battle Creek Burial Ground*

Honoring victims and survivors  
of the Surveyors' Fight



**The victims of the Surveyors' Fight are buried near Battle Creek in this little cemetery in Navarro County, Texas, beneath a giant old cottonwood.**



**(More photos on following page)  
Photos courtesy of Robert Nieman**

One of the survivors, Walter Lane, went on to serve with the Texas Rangers during the Mexican War of the 1840s, and he rose to the rank of major. During the Civil War, Lane served as lieutenant colonel of the Third Texas Cavalry. He led his men into battle in Arkansas, Missouri, and Mississippi. In 1864, he was severely wounded at the battle of Mansfield, in Louisiana, but went on to be promoted to the rank of brigadier general in 1865.

Standing one mile west of Dawson on State Highway 31 in Navarro County is a Texas historical marker that identifies the Battle Creek Burial Ground.<sup>10</sup> Also standing as of this writing is the massive tree which provided cover for the besieged surveyors in 1838.

10. DeShields, 231–32; Groneman, *Battlefields of Texas*, 82; Henderson, 34–35.

# Battle Creek Burial Ground

Honoring victims and survivors of the Surveyors' Fight  
Dawson, Navarro County, Texas

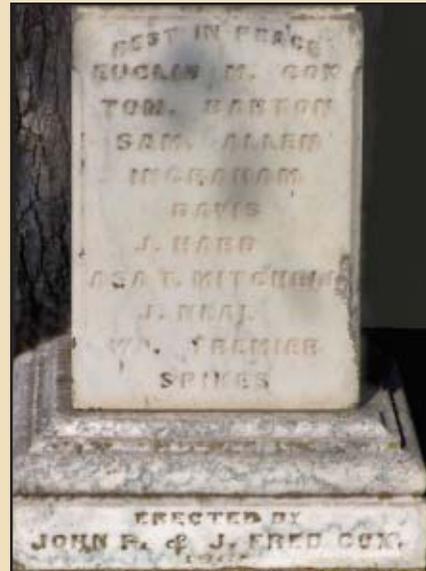
Those killed in the battle were buried in a common grave. Captain Euclid Cox's sons later erected this marble shaft in honor of the fallen men.

## East Face

(left) Inscription on the top portion begins: "Sacred to the Memory of Our Beloved Dead . . ."



(right) Bottom portion is titled "Rest in Peace" and is followed by the names of ten of the victims. At the base: "Erected by John P. & J. Fred Cox."



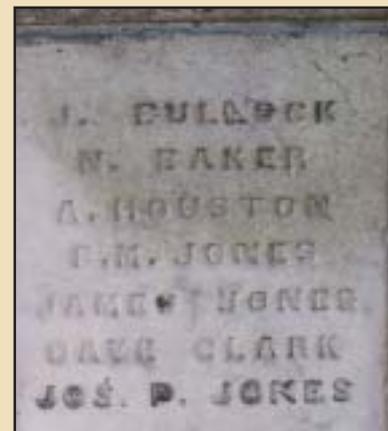
## North Face

(right) Names of the victims continue.



## South Face

(left) The heading "Those Who Escaped" is followed by the names of five of the seven survivors.



*Photos courtesy of Robert Nieman*