

*THE MARSHALL GUARDIAN*



**IN MEMROSY**

Dedicated to the memory of the **Sergeant William Williston Heartsill** Company F 2nd Texas Cavalry, C.S.A.

**Next Meeting...**

**Tuesday,  
February 15<sup>th</sup>, 2022  
6:30 P.M.**

**SPEAKER**

**Dr. Jerry Hopkins,  
retired ETBU professor  
and historian.**

**Dinner Belle Restaurant**

**4803 East End Blvd.  
South**

**Marshall, TX 75672**

**Phone:**

**903-923-9678**

**Bring a Friend**



**W. W. Heartsill**



**Compatriots:**

Our Camp was honored to have our Past Commander in Chief come and pay us a visit and present the program for our Camp. Compatriot Daryl Ware worked at Marshall Cemetery completing an inventory of those buried there in one row near the center. It took longer than he thought to record tombstone info. I did some more digging at the research library. We found an alphabetic listing of 584 named buried there from the 1960's and also a 1963 listing of all plots tombstones listed by lots and sections conducted by a couple young ladies from ETBU working on their history project. Of course 59 years later some of the stones or markers are gone. I also found the story of the white crosses and the CSA footstones all in the info in this article on Marshall Cemetery. We also found another building or business of W. W. Heartsill's still standing since 1887.

Dr. Jerry Hopkins will be our speaker. He has an article every Thursday in the Marshall News Messenger. Please pray for the Late David Weir brother and nephew of Donnie & James Weir of our Camp. I hope to see you at the Camp meeting.

**Bill Elliott, Commander**



## Our January Meeting: Thanks to Albert Colvin for the pictures.



We had a very informative meeting on Jan. 18<sup>th</sup>. We had 20 brothers and sisters in attendance to hear Past Commander in Chief Paul Gramling info us on his 3 years journey to have Gen. and Lady Mary Forrest re-interred at the SCV Headquarters. TX DV 1<sup>st</sup> Lt. Commander Mike Hurley reminded us all to be informed voters for the upcoming March 1<sup>st</sup> Texas Primary. We also had the Carthage Camp Adjutant Dave and Lady Fleming join our meeting. And as always we were honored to have our Past CinC and Lady Linda attend our Camp meeting.

## **The Marshall Cemetery: From a program given to the Marshall History Society Jan. 17, 1974.**

In 1849 ten prominent men petitioned the 3<sup>rd</sup> State Legislature of Texas to incorporate the Marshall Cemetery Company. They were: Samuel Friou, George Lane, James Hawley, George Young, Jonus Simpson, F.H. Miller, W.R. D. Ward, W.S. Taylor, T.A. Harris and William Evans.

This petition was approved on Dec. 12, 1849, but the oldest grave-stone is Feb. 18, 1844, for Margaret Evans, who also has the earliest date of birth recorded as Jan. 21, 1774. On June 21, 1856, Mr. Allen Dale Burress and his wife, Evelyn Burress, transferred six acres of land for a cemetery for the sum of \$50 per acre; but we have 44 tombstones recording dates before 1856—the oldest 1844, 12 years before the purchase from Mr. Burress.

On Sept. 2, 1949, 100 years later, the Marshall News Messenger published in their column “Yester Years” the following: “One of the oldest organizations in Marshall, the Marshall Cemetery Company, is now winding out its 100<sup>th</sup> year of existence. This Association was organized for the purpose of keeping the old Marshall Cemetery, located in the 200 block of East Grand. This is the oldest cemetery located in Marshall and many of Marshall’s first citizens and pioneers of the town are buried there. According to the deed on file in the Court House, six acres of land was purchased for the sum of \$50 per acre from the Burress Family in the year 1847 or 1848 (deed recorded 1856).

It was announced in 1877 that Mr. George W. Rains (Rains & Herndon Undertakers) Sexton of the Marshall Cemetery has opened a new grave yard out on the Old Van Zandt place, northwest of town. (Greenwood). The first cemetery was opened 30 years ago and is full, as it holds not only the dead of Marshall, but a large scope of the country surrounding.

As to the Marshall Cemetery being full in 1877, in the first recorded Minutes, April 21, 1879, the Marshall Cemetery Company, by Secretary, Mr. W.W. Heartsill, quote: “On motion Knight & Heartsill were appointed a special committee to have the Sexton, G.W. Rains, to have prepared a map of the cemetery containing a complete list of the “whom sold to and if paid for or not”. At a meeting on June 18, 1879, the map ordered was presented by Mr. G. W. Rains. A copy of this map is recorded in the “Good Minutes Book”, with 320 lots laid out. There is also recorded the names of those who bought lots and those paid for and those not paid for. This “Good Minutes Book”, which we have by the good care of Mr. Mercer Rains, of Rains & Herndon Funeral Home, was ordered bought in 1879.

There is no mention of a re-organization in 1879 but we do have the “Good Minute Book” with records of meetings of “The Marshall Cemetery Co.” from April 21<sup>st</sup> and subsequently 15 meetings until Nov. 3, 1888, when the report is made of the death of Dr. E.P.M. Johnson, who appears to have been the guiding light for this period, with also the resignation of Mr. W. W. Heartsill, the efficient recording secretary. The recorded 10 members of the organization in 1888 were.

Dr. E.P.M. Johnson, Pres., W.W. Heartsill, Sec., T.A. Elgin, Sam J. Richardson, Rueben Knight, E.J. Fry, George Lane, S.G. Alexander, Joe Lake, Edmund Key, Albert Van Hook. (7 of these 10 were Confederate Vets). The minutes recorded that on July 16<sup>th</sup>, 1879, it was moved and passed that 26 lots be laid out in the avenues, numbered from A to Z and advertised as for sale by the Company (You will remember that in 1877 the cemetery was published as full). On Sept. 22<sup>nd</sup>, 1879, a meeting was called, quote, “for the purpose of considering the injunction lately gotten out by W.N. Kennedy and others restricting the Company from selling lots recently laid out in the avenues and walks.

## **The Lawsuit: 1879- 1882.**

So what brought this on? 1877 it was published that the New Greenwood Cemetery was opening and it stated Marshall Cemetery was full? The Company had it resurveyed and the list of who bought which lots and if they were paid for or just spoken for with no payment in full? Well to come back in 1879 and changing the design and making 26 more or new lots available did not set well for some who had bought lots.

The map that the Company had made by Sexton George Rains states that the cemetery is roughly 189 feet east to west and 237 ft north to south. The lots were to be 12ft x 24ft and the alleys were 6ft. x 8ft. The way it was laid out there was one North-South carriage road and two East - West carriage roads. Selling lots in one of the East – West carriage way was what brought on the lawsuit. We know today there is 1 North - South and 1 East-West roadways. All the maps we have seen show 320 lots with number 320 being the Southwest corner.

### **From an article of Yester – Years in the MNM: Court Suits Grew from Cemetery Lots on Drives**

A case involving sale of lots in the carriageway of the Marshall Cemetery was once appealed to the Texas Supreme Court, where a decision was returned against the cemetery. The intend of how the cemetery was laid out was with the 1 north south and 2 east west carriageways would have the cemetery in 6 more or less equal lots. The doing away with one of the east west alleys allowed 26 more lots for sale.

However before any alterations could be made to the grounds, a group of the residents of the city including W.N. Kennedy, W.H. Dial, John R. Mahone, Ann C. Bunch and John W. Bunch, asked for and were granted by the district court an injunction to restrain the trustees for disposing of any of the lots or permitting burials on them. Four days later the trustees met to retain counsel and to plan their defense. It was decided to ask the law firm of Pope and Pope for the terms on which they would defend the suit. The cost would be \$80 for uncontested and \$130 for contested suit in district court and a fee of \$130 to \$200 to take it to the Texas Supreme Court.

Trial of the district court suit resulted in an adverse decision, and it is recorded in the Company's July 6<sup>th</sup>, 1880 meeting that A. Pope one of the lawyers advised them to appeal to the Supreme Court. In a 4-2 vote they decided to proceed. Also at that meeting a resolution of the Board stated "felling aggrieved that our motives and intentions are assailed and our rights taken from us, we as a body are willing to resign and give way to other citizens who may fell that they can improve and render more substantial assistance to the cemetery." This offer was not accepted by the plaintiffs in the injunction suit, to whom it obviously was directed, for the same trustees' names appear subsequently in the minutes.

At a meeting on June 15, 1882, almost two years later, it is noted that W.H. Pope, attorney for the cemetery, attended the meeting and advised the board that the appeal to the Supreme Court had been decided against the Company. Drafts were ordered to be drafted to repay all or any who had bought any of the new 26 lots. Those refunded: James F. Starr, Joseph Starr, George Merzbacher, Dr. Charles Brook, Milton Lothrop, Rueben Knight, E.J. Fry and Charles M. Raquet, 2 lots.



## Further Highlights over the years:

1930: Mr. Dolph Hudson was thanked for the blue-print map he had made, which is still in the hands of the Research Library.

March 29, 1932: A **permanent upkeep fund** was incorporated and turned over to the 1<sup>st</sup> National Bank to maintain.

1934: It was brought up how 16 lots on the north side could be sold. It was agreed to sell them at \$25 each and apply the funds to the PUF.

1936: It was discussed and decided to sell lots in the avenues and walks (remember the 1879 injunction? This time there were no repercussions to sell these lots)

April 10, 1938: The 10 required board members position were filled, all position held by women. Also in 1938 the board asked the city for the alleyway on the west side to open a street there.

April 26, 1951: Agreed to convey the cemetery to the City of Marshall for the up-keep of avenue and walks but to retain in Trust with the FNB the PUF account. There were no more minutes in the book other than the legal paperwork conveying the cemetery to the City.

In 1966 a movement and interest fired the Board up again to make repairs and improvements. As part of the new interest brought about driveway repairs and lighting in the cemetery. The County black-topped the main drive. In 1967 the Cemetery received a Texas Historical Marker.

## Information I have found in the records at the Research Library

Marshall Cemetery Association News Bulletin Fall of 1966

- (1) **Unmarked graves:** if there are such graves on your family plot and you can identify them. Please send the information to the Association so names can be added to the records.
- (4) **Grave Markers:** If you have relatives buried in Marshall Cemetery whose graves are unmarked, we hope you will consider purchasing a simple marker. The Marshall Marble & Granite Works has offered a special discount price on two sizes: (a) 24" x 12" x 6" installed \$61.20. (b) 16" x 8" x 6", installed \$40.80

**We believe there are many monuments to men who were Confederate Veterans but this fact in not noted on the gravestone. It is hoped that you will purchase a footstone with CSA on it 8" x 4". The cost is only \$5.00.**

Note: if you wish to purchase any of the three type marker listed above, your order must place through the Marshall Cemetery Association. Use the below order form.

The Marshall Cemetery Association New Letter: Feb. 1975

**"There are about 400 unidentified graves in the cemetery. We have placed white iron crosses on almost 200 of them in 1974. We plan to mark the others as soon as funds become available. We spent \$2.20 per cross or about \$440.00."**

## Marshall Cemetery & the Bonfoey Incident

**Davis Brainerd Bonfoey** was born in Nov. of 1811 in Haddam, Middlesex Conn. And he died at his home on Oct. 10, 1867, 24 hours after collapsing at the grave of his wife at Marshall Cemetery.

**Emily Warner “Emma” Powers Bonfoey:** was born in 1822 in Holyoke, Mass. And she died on Sept. 1, 1867, at her home at 401 West Burlison. She operated a girl’s seminary in Marshall for several years.

**Davis B. Bonfoey** was a Yankee and a Republican but he must have been well respected. The records show he was the Mayor in Marshall in 1861 while other records show he served as Mayor from 1861 to 1864. He was appointed District Judge in 1865 and then was appointed United States Collector of Internal Revenue for the Fourth District of Texas, headquartered in Marshall. The appointment was made in the autumn of 1865 after the surrender of Gen. Kirby Smith. Bonfoey lived in Marshall for almost 20 years with his wife Emily Warner Powers Bonfoey who prior to her marriage had been a school-teacher. About 1847 she established and operated a seminary for young ladies in Marshall for several years. In additions to her educational work Mrs. Bonfoey had made profitable investments in cotton. Her personal assets of some \$13,000 were kept separated from the Federal tax collections in the Bonfoey home located on a block size lot bounded by West Burlison, North Grove, West Grand, and North Fulton Streets, facing Burlison. At night, the large grounds seemed isolated as there were no street lights to illuminate the property.

For about two years all went well with the Bonfoey in his new job until the summer of 1867 when trouble brewed between the collector and one of his deputy collectors in Jefferson named W.H. Fowler. Concerning collection of taxes from planters and cotton dealers of that section. Threats and counter threats took place when Bonfoey faced Fowler in Fowlers office in Jefferson. Fowler was guilty of putting up jobs with traders and others and pocketing the money received from them instead of turning the money into the government. When Bonfoey who had ordered the deputy to report to the office with his accounts and ledgers. When he turned over the ledgers he pulled his pistol on Bonfoey and Fowler demanded that Bonfoey give him a receipt in full for all the money he had collected. Bonfoey produced a receipt, signed it and passed it on to Fowler to review and sign. While Fowler was distracted Bonfoey pulled his pistol and shot and killed Fowler. Bonfoey was hurried off to jail and a strong guard was placed about the building to prevent lynching. Word about Bonfoey reached Marshall and Mrs. Bonfoey asked the military to guard their home because the safe with the government money and her own personal funds. A figure of \$47,000 was in the safe. Guards in the form of 2 Yankee soldiers were placed to guard the home as no one was sure when and if Davis Bonfoey would be cleared and release from the stockade in Jefferson. The events that occurred next were investigated as far up the line to the Senate in Washington. All of this fell on the martial law government that was in place in Marshall and Jefferson. U.S. Soldiers were sent to guard the home. It was a bright moonlight night and Mrs. Bonfoey was sleeping on a sofa in the front parlor on the first floor, could be plainly seen by the two guards in their march up and down the veranda.

The guards knew that the government funds were kept in a safe in this room and they also knew that the Bonfoey's themselves had considerable money there also. Shortly after midnight they broke the window sash, entered the room and they put a bullet in the sleeping women's head. They made many unsuccessful attempts break into the safe. There are other reports that they did get in the safe and \$13,000 in cash that was Mrs. Bonfoey's and along with \$34, 337.25 in funds collected for the IRS were taken. The attack took place on August 23, 1867 and Mrs. Bonfoey survived for 4 days before her passing from her injuries. The two soldiers were immediately suspected of the crime. Rumors also were spread throughout the town that maybe the White Citizens Party had a part in this since Bonfoey was a Republican and Yankee who was profiting off the Reconstruction Era policies. The two soldiers were arrested charged and placed in the County jail. Despite this prompt and justifiable action by the civil authorities, the two soldiers were later released from custody by military order, placed on a train, and sent away from the scene, never to return. The Senate report states that their commander Lieutenant Hawley, is alleged to have used his military authority to release them, and it is suggested that he was instrumental in having them sent away beyond the reach of the civil authorities. Why?

A sequel to the crime was the death shortly afterward of Mr. Bonfoey, who was admitted to bail at Jefferson, with a ruling his actions were self-defense, probably about Oct. 9<sup>th</sup> 1867. The strain of the events through which he had passed since confronting W. H. Fowler with evidence of malfeasance had undoubtedly unnerved him, and it is probable that the family tragedy induced a condition bordering on collapse. He went immediately to his wife's grave on arriving in Marshall, and there fell unconscious. Removed to his home he died 24 hours later on Oct. 10<sup>th</sup>, 1867. Justice was not served and 2 residents of Marshall lost their lives and 2 children lost their parents. This goes to show all that the Federal Government of the time was no better than the Union soldiers who stole and destroyed all in their paths during the War. This event went on for another 20 years with the Senate investigation taken place in 1892. No one was ever held responsible.







**Cast Iron doorway thresholds**



**600 North Alamo. The corner of Alamo & Greenwood Ave.**

**I ran across this last week through a in-law descendant of W. W. Heartsill. I do not know if Heartsill just owned and rented this building or had a store there. The tax rolls show it is owned by Porter's Cleaners out of Bossier City and shows an 1890 date. In my time it was a warehouse for Marshall Tire, Bread Store, Porter Cleaner's area shipping warehouse and lastly 3R Construction. It location could tell a lot of stories as it was on Railroad Street that the employees of the T&P went by everyday walking, riding horses, wagons and later cars going to the employee parking lot just South of the main tracks. Could have been a lot of walk in business, coming or going to work at the rail yards. It would make a great headquarters for the W. W. Heartsill Camp #2042 ??????**



# In Memory of the Confederate Companies from Harrison County, Texas

2nd Texas Cavalry Co. F “Walter P. Lane Rangers”	Captain Sam J. Richardson
3rd Texas Cavalry Co A “The Texas Hunters”	Captain T. W. Winston
1st Texas Infantry Co. E “The Marshall Guards”	Captain F. S. Bass
7th Texas Infantry Co. D “Bass Greys”	Captain K M Van Zandt
7th Texas Infantry Co. H “Texas Invincibles”	Captain W. B. Hill
17th Texas Cavalry Co. E “Hendricks Company”	Captain S. B. Hendricks
17th Texas Cavalry Co. K “Clough Rangers”	Captain Gil McKay
14th Texas Infantry Co. B “Clough and Hill Avengers”	Captain W. L. Pickens
14th Texas Infantry Co A. “Marshall Mechanics”	Captain N. S. Allen
14th Texas Infantry Co. H “Cypress Tigers”	Captain John Miller
28th Texas Cavalry Co. F “Harrison County Lancers”	Captain Phil Brown
1st Cavalry Regiment Partisans Rangers	Captain Hec McKay
1st Cavalry Regiment Partisans Rangers	Captain S. W. Webb





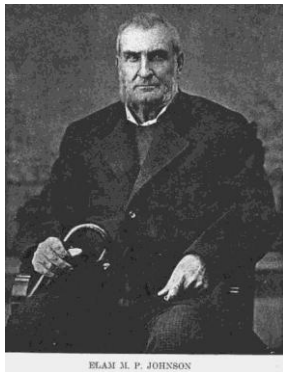
**Upcoming National and Texas Division Reunions.**

**SCV Homecoming. May 7<sup>th</sup> at Elm Springs, Columbia, TN.**

**2022 Texas Division Reunion: June 3-5, 2022 at McKinney Texas. Info can be found on the Texas Division Website SCV TX Div.**

**2022 SCV 127<sup>th</sup> Annual Reunion: July 21-23 at Cartersville GA.**

**We will be passing the Bucket at our meetings for the Flag replacement fund as they will need changing soon.**



**Dr. E.P.M. Johnston: 1819-1885. Pvt. Co. D, 7<sup>th</sup> TX Inf. Regt. Bass Grays, Capt. K.M. Van Zandt. Buried at Marshall Cemetery.**

**2022 Camp Leadership**

**Bill Elliott**  
**Camp Commander**  
(903) 263-9092  
Email: etaia@att.net

**Pete Craig**  
**1st Lt Commander**  
(903) 926-9990  
Email:petecraig@shreve.net

**Robb McMahan**  
**2<sup>nd</sup> Lt. Commander**  
(310) 490-4341  
robb@lastrebel.net

**Frank Crisp**  
**Adjutant**  
3478 Strickland Springs Road  
Marshall, TX 75672  
(903) 687-3221  
Email: ftc\_785@hotmail.com

**Dick Brassell**  
**Chaplain**  
479-544-3717  
Pennyb2@hotmail.com

**T.J. Henigan**  
**Sgt. at Arms**  
(903) 407-2185

**How Do I Join The Sons of Confederate Veterans?**

The SCV is the direct heir of the United Confederate Veterans. Organized at Richmond, Virginia in 1896, the SCV continues to serve as a historical, patriotic, and non-political organization dedicated to ensuring that a true history of the 1861-1865 period is preserved. Membership in the Sons of Confederate Veterans is open to all male descendants of any veteran who served honorably in the Confederate armed forces. Membership can be obtained through either lineal or collateral family lines and kinship to a veteran must be documented genealogically. The minimum age for full membership is 12, but there is no minimum for Cadet Membership.