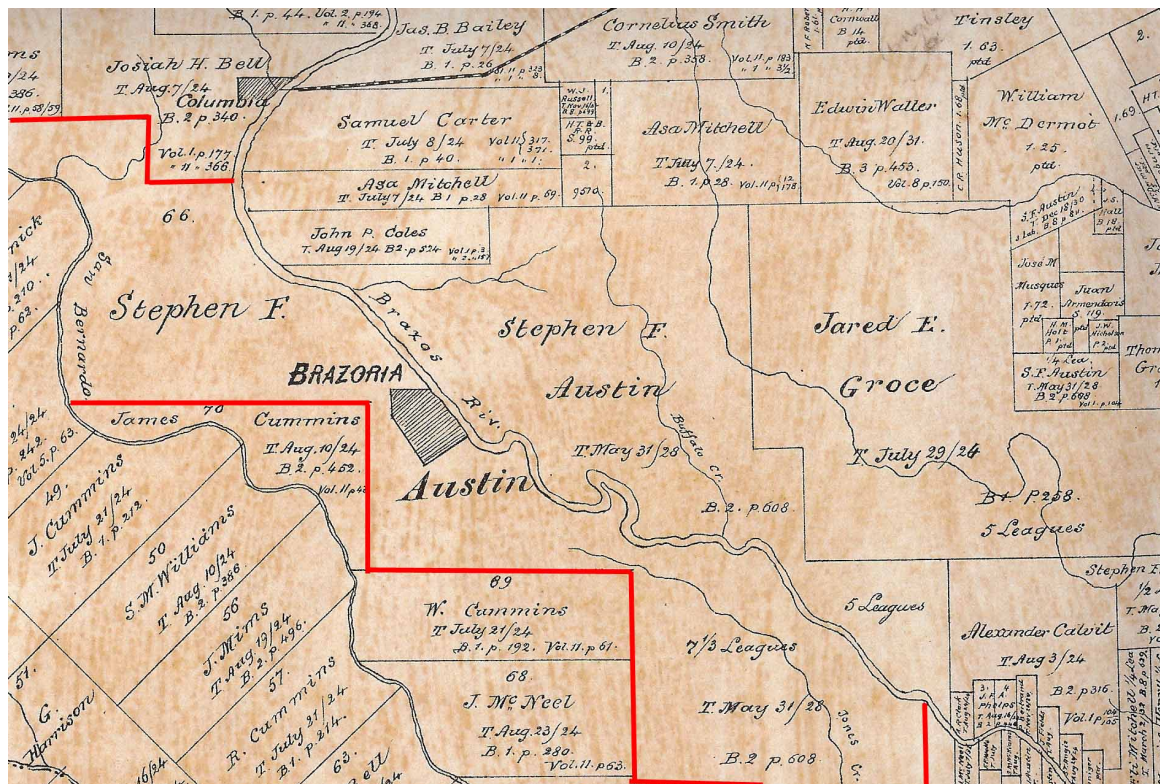


Captain Joel Spencer Plantation Brazosport Archaeological Society

According to his wife Mary Boatner Spencer, plantation owner and Steamboat Captain Andrew Joel Spencer abandoned her and their children in Louisiana leaving scandal behind and moved to Texas in March 1839 with his oldest son Winfield S. Spencer. Spencer first purchased property with a dwelling near Industry in Austin County. He produced two small crops in Austin County in 1839 & 1840. In December 1840 Spencer purchased land two miles south of Brazoria on the west side of the road from Brazoria to Gulf Prairie in the Stephen F. Austin 7 1/3 League tract to build his plantation. While Captain Spencer and his wife Mary never reconciled, some of his children did move to Texas and reside at his plantation at later dates. By 1860 he had developed his holdings into a well established cotton plantation with over 100 slaves. After the Civil War Captain Joel Spencer continued to operate the plantation until his death in 1868. In 1874 his property was finally partitioned among his five surviving children. Mrs. Louisa J. Millican, his daughter, inherited his homestead. The Millican family owned the property until after the turn of the century when financial difficulties forced them to sell the plantation to Dr. Mason L. Weems Jr. By 1907 George E. Badge gained control of the property and it remained in ownership of the Badge family for most of the 1900's. A small portion of the plantation site is now owned by the Brazoria Cemetery Association with the bulk of the old homestead owned by Spencer Plantation Investments, LTD.



Stephen F. Austin 7 1/3 League Tract Map West of the Brazos River
1879 Texas General Land Office

Captain Andrew Joel Spencer was a steamboat captain and plantation owner from East Feliciana Parish, Louisiana. Born in South Carolina in 1795 he may have risen to the rank of corporal in Youngblood's Regiment of the South Carolina Militia during the War of 1812. In 1819 he married Mary Boatner, daughter of Elias Boatner in Amite County, Mississippi. In 1821 he moved to East Feliciana Parish, Louisiana. He was successful and steadily increasing his property until the Financial Crisis of 1837 and downturn in 1838. After twenty years of marriage and nine children the separation of Captain Spence and his wife Mary climaxed in a heated battle of scandalous proportions. When Captain Spencer made a sudden departure on his steamboat, *Texian*, for New Orleans, Mary pursued in a chartered steamboat, taking their nine children, friends, servants, lawyers, and a sheriff. While the two boats lay docked bow to stern at New Orleans, attorneys worked out an agreement which permitted Spencer to proceed to Texas. Mary and the children moved temporarily from Clinton to Jackson, Louisiana.¹

Mary Spencer in her petition for separation dated March 16, 1838 stated that she had "always conducted herself toward her said husband as an affectionate and loving wife. But that his conduct toward her and her children has not been such as a husband and father should have been. That he has been long intemperate and dissolute in his habits of permitting with and introducing into his house such individuals as have a direct influence in rendering her miserable & contaminating the morals of their children. That he has been in the habit of making abusive language toward her and her said children, and has been guilty of defaming her, and has permitted and consented of her being abused by other persons, and that he introduced into the house and common dwelling of himself and family, and kept as a concubine publicly a mulatto woman, the slave of your petitioner, and raised by her, and caused said mulatto slave to disobey and disregard the lawful authority of your petitioner and to openly and constantly to insult her and her said children. That the conduct of her said husband becoming so outrageous, intolerable, and offensive that she could no longer endure it, but still unwilling to expose her husband & her children, and with the intention of educating said children, she with the consent of her said husband, removed herself and her said children to Jackson where she has resided for the last ? years, sending her said children to school, hoping thereby to shield them from the influence of bad practices at home...That he almost altogether neglects her & her said children and ill treats and abuses her and them, and has of late refused to supply her with the necessities of life and directed the merchants of Jackson and other places...not to let her have them...that her said husband is now determined that she and her said children shall return to the plantation and again live with him his said concubine as heretofore and refuses to give up said concubine or to send her off (although petitioner has often expressed her willingness to return, if he would do so) and she has reason to believe that he will compel her and the children to return, and endure the degradation, which they heretofore found so intolerable and which now if possible would be more from their increased age and more cultivatable unless he is prevented from doing so by a decree from your Honor..."²

It didn't long for the Honorable Judge Morgan to render his verdict in favor of Mary Spencer. Joel Spencer was prohibited from disposing of any of his property and had to post a five thousand dollar bond while Mary was given custody for all the children. The house in Jackson was assigned as her domicile while the suit took place. She also retained the use of her house servants while there. Joel Spencer was required to provide \$50 per month for her maintenance and that of her children during the pursuance of the suit.³

Joel Spencer continued on to Texas with his oldest son Winfield S. Spencer. He first purchased property with a dwelling near Industry in Austin County in May or June 1839. According to Spencer he wrote to his wife requesting her to come to Texas and reside with him which she refused to do. In July or August 1839 he returned to Louisiana and remained there

¹ <http://www.boatners.com> This is second hand reference. Need to locate original *The Descendants of Elias Boatner and Jane Boatner through their daughter Mary Boatner Spencer*, Alva A. DeLee, 1980

² Mary Spencer Petition for Divorce, Probate Case 886, Brazoria County Clerk's Office, Angleton, Texas

³ Ibid.

until January 1840. During this time he tried to induce his wife to drop her suit against him and move to Texas. Mary Spencer went ahead with her suit.

Returning to Texas Joel Spencer produced two small crops in Austin County in 1839 & 1840. In December 1840 he purchased 459 acres from Robert Mills for \$7000 although the deed was not officially made until 1856.⁴

This land was part of the Stephen F. Austin 7 1/3 League grant. In recognition of his financial backing and crucial aid, Stephen F. Austin had agreed to reserve land in his colony for Joseph H. and George Anne Hawkins of New Orleans.⁵ Both Joseph Hawkins and his wife died of yellow fever in New Orleans before they were able to come to Texas.⁶ However, Austin did deed a portion of his 7 1/3 league tract and other lands amounting to over forty thousand acres over to the Hawkins' heirs in 1832. Edmund St. John Hawkins sold 459 acres to John Paine in March 1835.⁷ John Paine resided on Lot 11 near the town of Brazoria on the west side of the Brazos River when he sold two lots to Robert Mills in 1839 for \$3500.⁸

There were only about 50 acres cleared and ready for cultivation when Joel Spencer arrived. He only made a small crop in 1841 and on account of the oppressive wet weather during the years 1842 & 1843 the crops were not sufficient to pay the expenses of the plantation and he was forced to borrow money for 1843 and 1844. In 1844 he made a fair cotton crop and 1845 was excellent enabling him to pay off Messrs. Mills and some debts in Louisiana.⁹

It appears the Joel Spencer made it to Texas with part of the slaves belonging to his wife (Woman Becky aged 39 years and her children, Tom and Bob aged about 28 years and Silvy aged about 27 years) and a final divorce was not decreed as Mary Spencer filed suit once again on August 29, 1843:

THIRD DISTRICT COURT
Parish of East Feliciana, Louisiana

Mary Spencer
Vs
Joel Spencer

No. 2953

The defendant in this case having answered by his Attorney at law and in fact, and having admitted the justness of the demand, the case was assigned for trial, when the plaintiff proceeded to exhibit proof of the demand, when it appeared to the satisfaction of the Court that the plaintiff received as a donation from her father, Elias Boatner, the Slaves specified in the petition, worth, at the time eighteen hundred dollars; and it further appearing that the defendant has removed to Texas, with the most of his property, and that his affairs are in an embarrassed condition, and that the plaintiff is in danger of losing her separate and paraphernal rights; and it further appearing to the Court that the plaintiff received said Slaves in the year 1821: *It is therefore Ordered, Adjudged and Decreed*, that the plaintiff, Mary Spencer, be separated in property from her husband, Joel Spencer, and that she have the entire and free control of her property. *And it is further Ordered and Decreed*, That the plaintiff recover from Joel Spencer, her husband, the sum of eighteen hundred dollars, and that she have a privilege and mortgage on the property of her said husband, to bear from date 1821—that this mortgage, however, is not to operate on the land once owned by her said husband in the Parish of East Feliciana; and it is further ordered that the plaintiff recover her costs. It is further

⁴ BCDR: K 59/60

⁵ Cantrell, Gregg, Stephen F. Austin Empresario of Texas, Yale University Press, New Haven and London, 1999, pp.80-84.

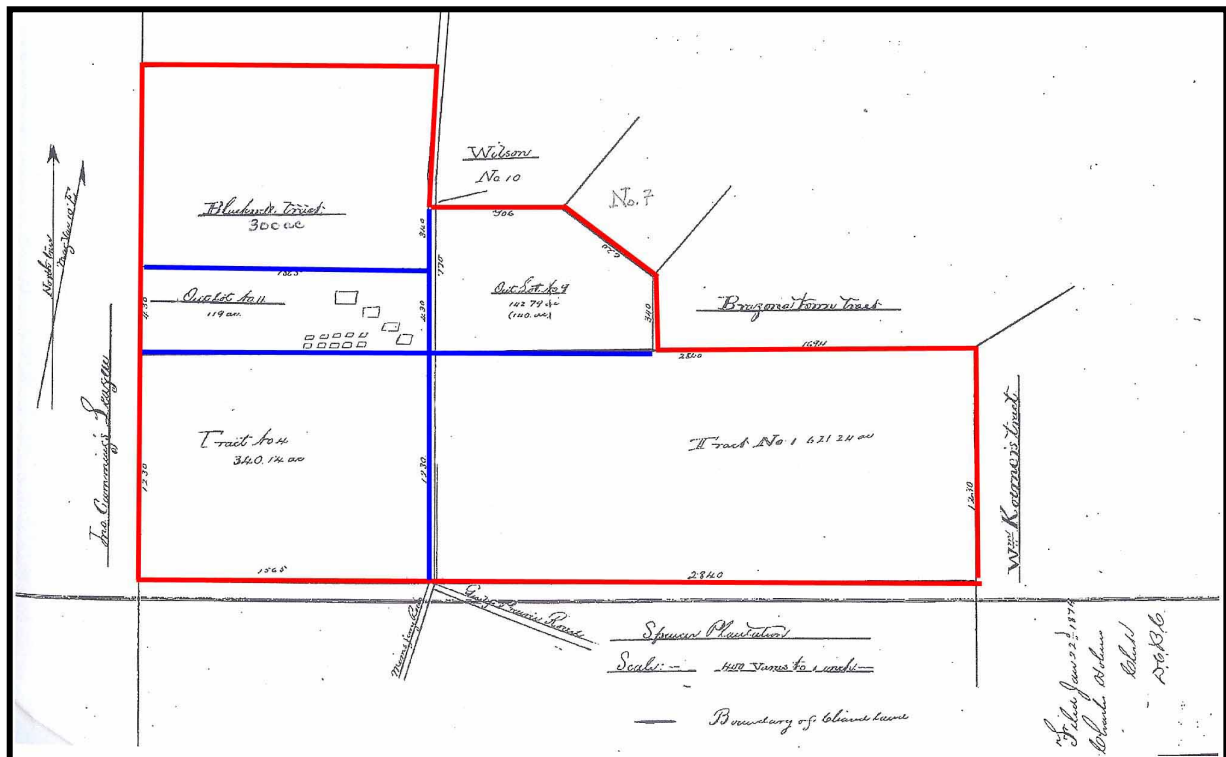
⁶ Joseph H. Hawkins died 1823 and George Anne Hawkins died 1829.

⁷ BCDR: A 90/91

⁸ BCDR: C 380/81

⁹ *Mary Spencer vs Joel Spencer*, Civil Case 2744, Brazoria County Clerk's Office, Angleton, Texas

In addition to the 200 acre tract purchased in 1842 Joel Spencer purchased an additional $\frac{1}{4}$ league of land in the Shipman & Charles League in the western part of Brazoria County from William T. Charles in 1850.¹⁵ Previously in 1847 he had purchased 300 acres just north of his plantation from Thomas and Sally Blackwell¹⁶ for \$2100.¹⁷ To the east of his plantation and across the road to Gulf Prairie he purchased two tracts of 143 and 621 acres from Joseph Thomas Hawkins for \$1910 in 1849.¹⁸



1850 Joel Spencer Plantation¹⁹

From 1845 to 1847 Joel Spencer's slave population increased from 38 to 50, and from 1851 to 1852 it increased from 60 to 76, and from 1854 to 1855 it increased from 76 to 95. There aren't any deed records showing any large slave purchases at these dates, while there is a significant increase in manpower. By 1860 according to the 1860 Agricultural Census he had 650 acres improved and the value of the plantation was \$20,000 with \$2000 worth of farm machinery. Livestock listed were 75 horses, 75 mules, 5 milch cows, 20 oxen, 300 head of cattle, and 300 swine. For the 1859 crop he produced 700 bushels of corn, 20 bushels of Irish potatoes, 3000 bushels sweet potatoes, 25 pounds of butter, 5 tons of hay, and 175 bales of cotton. The 1860 Slave Census lists 102 slaves and 25 slave dwellings.

¹⁵ BCDR: E 516/17 This property was later sold James T. Sims in 1853 at a handsome profit for \$1800. BCDR: F 475/76

¹⁶ Early residents of Brazoria they later divorced after Thomas Blackwell discovered his son was actually the son of Sterling McNeel, a local planter on the San Bernard River.

¹⁷ BCDR: D 488/89

¹⁸ BCDR: E 276/77

¹⁹ 1874 Plat from Record of Wills Vol. E 532 modified to show 1850 land tracts 1522 acres.

During 1851 and 1852 two of Joel's Spencer's daughters, Louisa and Mary Ellen, came to Texas to stay with him and he bought a nice carriage from New York City at a cost of \$400 for them to use while they were at his plantation.²⁰

The 1860 Census lists Joel Spencer's household:

Joel Spencer (Planter)	65 M	South Carolina
Louisa Banton	30 F	Louisiana
W. S. Spencer	37 M	Mississippi
Ben Hughes (Overseer)	50 M	Virginia
Glover Banton	4 M	Texas

Louisa J. Spencer married Glover W. Banton Jr. February 13, 1855 in Louisiana. A short year thereafter her husband passed away. When her husband died her father sent Winfield S. Spencer to Huntsville, Texas with money to take care of her expenses and to bring her back to the Spencer Plantation;²¹ where her son Glover W. Banton III²² may have been born ~1856. She owned six slaves, given to her by her father, which also came to reside at the Spencer Plantation.

According to Abner Strobel the Spencer Plantation was "a fine cotton plantation, with a good frame residence, gin house and good frame houses for the slaves."²³

Sallie McNeill²⁴, who lived at the Levi Jordan Plantation west of the San Bernard, recorded in her diary her meeting of Captain Joel Spencer indicating that some of his past was common knowledge in the neighborhood:

8/30/1860

...Capt. Spencer called yesterday. I'm a little afraid of him, and dislike his character. I like to have the good will of all; and knowing his partiality for our family on account of Pa's memory, I came down. He shook my hand cordially and remarked. "how like her mother and father too." Praised, the appearance of my brothers: "They don't look like fools" etc. Said he didn't care so much for Grandpa, as he had for my father, (in Grandpa's presence)...Poor old man, he abandoned his wife & children, twenty years ago in La., and came off to Texas, where all runaways then, and often now, find a refuge!...²⁵

Sallie McNeill also recorded a visit from Mrs. Louisa J. Banton and her beau Christopher Columbus Millican soon followed in December 1860: "Mr. Millican was here before breakfast, to see Mrs. B. we divined immediately. Trying to tease her, I scribbled some nonsense, not expecting him to see it. However, she showed it. I was considerably plagued, as he is almost a stranger to me."²⁶ Christopher C. Millican and Mrs. Louisa J. Banton would be married June 20, 1861.

Winfield S. Spencer had on several occasions during the early 1840's & 1850's had disagreements that resulted in charges being filed against him. On June 21, 1845 Henry Ahrens

²⁰ *Mary Spencer vs Joel Spencer*, Civil Case 2744, Brazoria County Clerk's Office, Angleton, Texas

²¹ *Louisa J. Millican vs Joel Spencer*, Civil Case 2542, District Clerk's Office, Brazoria County Courthouse, Angleton, Texas

²² Died 1860-1868.

²³ Strobel, Abner J., *The Old Plantations and Their Owners of Brazoria County Texas*, 1930, p. 14.

²⁴ Sallie McNeill was the oldest child of James C. McNeill and Emily Jordan McNeill.

²⁵ Raska, Ginny McNeill and Mary Lynne Gasaway Hill, *The Uncompromising Diary of Sallie McNeill 1858-1867*, Texas A & M University Press, College Station, Texas, 2009. p. 85.

²⁶ *Ibid.*, p. 91.

was beaten and shot in the right arm by Winfield S. Spencer.²⁷ January 1, 1852 he assaulted Charles Leonard hitting him in the head with a bell with both hands. Being found guilty he was fined \$10.00.²⁸ Winfield was charged with “assault with intent to kill” in an altercation in which he beat and stabbed Samuel A. Cummings December 11, 1852.²⁹ The jury found him only guilty of aggravated assault and fined him \$150. Both cases give indications to the temperament of Winfield S. Spencer.³⁰

With the beginning of the Civil War Captain Joel Spencer pledged ½ his crop for 1861 to the Confederacy.³¹ Neither Winfield S. Spencer nor C. C. Millican appears to have enlisted in the Confederacy. During the Civil War according to Abner Strobel, Hiram Mansur³² known to be a Union man, who had married Joel Spencer’s daughter, Mary Eleanor, hastily brought his slaves to Texas from Louisiana and sold them. He tried to get Joel Spencer to do the same but Joel would not. General Banks burned Hiram Mansur’s plantation in Louisiana, but the Federal Government in after years paid him full value. Result, Mr. Mansur came out of the war rich while his father-in-law was impoverished by the loss of his slaves. Mansur in later life told of “peddling” his slaves in Texas at anything he could get for them when he became convinced that the South would lose the war.³³ His daughter Elvira Carman and her children lived at the plantation from 1862 until the summer of 1865.³⁴

After the Civil War C. C. Millican became a thorn in the side of Joel Spencer. About July 1, 1865 both C. C. Millican and Winfield S. Spencer were accused of taking a colored boy out of town, tying him to a tree and giving him two or three hundred lashes with a heavy leather strap. On July 26, 1865 Winfield S. Spencer was accused of inflicting several severe blows with the iron butt end of a heavy whip on the head of a mulatto woman named Adelaide, cutting her to the bone. The said W. S. Spencer then in company with C. C. Millican then tied her hands together pulled up her clothes over her hips, bucked her³⁵ and gave her about two hundred lashes with a heavy leather strap, supposed to be a trace. Joel Spencer, who had previously owned Adelaide, reported this incident.³⁶

C. C. Millican was charged with “assault with intent to kill and murder”. His testimony before the Provost Marshal Capt. A. M. Cochran concerning the incident is revealing in that it

²⁷ *Republic of Texas vs Winfield S. Spencer*, Criminal Case 119, District Clerk’s Office, Brazoria County Courthouse, Angleton, Texas

²⁸ *State of Texas vs Winfield S. Spencer*, Criminal Case 276, District Clerk’s Office, Brazoria County Courthouse, Angleton, Texas

²⁹ *State of Texas vs Winfield S. Spencer*, Criminal Case 287, District Clerk’s Office, Brazoria County Courthouse, Angleton, Texas

³⁰ Winfield Spencer’s brother may have been in Texas in 1845 as an assault charge was filed against a Daniel Spencer for Samuel C. Lyons on February 3, 1845, Criminal Case 109 *State of Texas vs Daniel Spencer*, also a letter from Mary Spencer May 10, 1845 in Civil Case 2744 *Mary Spencer vs Joel Spencer* relates that Daniel Spencer was in Texas in 1845, District Clerk’s Office, Brazoria County Courthouse, Angleton, Texas..

³¹ *Democrat and Planter*, Columbia, Texas, page 1 column 2, August 13, 1861.

³² See Appendix A.

³³ Strobel, Abner J., *The Old Plantations and Their Owners of Brazoria County Texas*, 1930, p. 14.

³⁴ *Mary Spencer vs Joel Spencer*, Civil Case 2744, District Clerk’s Office, Brazoria County Courthouse, Angleton, Texas

³⁵ “Bucked her” would mean that her undergarments would have been removed and her “ass bared”.

³⁶ Records of the Assistant Commissioner for the State of Texas Bureau of Refugees, Freedmen and Abandoned Lands, 1865-1869, National Archives Microfilm Publication M821 Roll 32, “Miscellaneous Records Relating to Murders and Other Criminal Offenses Committed in Texas 1865-1868”, Freedman’s Bureau OnLine, freedmensbureau.com/texas/index.htm

hints to those family secrets which were meant to be kept hidden from the public and contradicts statements by his father-in-law Joel Spencer:

...The girl Adelaide is a member of a yellow family on Capt. Spencer's Plantation, who for the past twenty years have been a favorite family of Negroes and as such have been highly favored by him, which fact has had a tendency to make them insolent & overbearing. This girl has for some time past been in the habit of insulting my wife...Adelaide is a loose character (having three children no two by the same father)...On the 26th day of July past, I was on my farm³⁷ attending to my business—when my wife came to me and said that unless she could be protected from the insults of Adelaide she would be compelled to remain at home, for her conduct toward herself on the public highway was insufferable...My father-in-law Capt. Spencer is the bitterest enemy I have on earth & is also very much opposed to my wife and her brother W. S. Spencer. This being the case I knew it would be a difficult matter to adjust with him...for the reason that he would discredit everything his own daughter would say and give full faith to everything Adelaide would state...Adelaide came riding by my house. I concluded I would go out and give her a talk and see if it was possible to persuade her to behave herself and cease to molest my family. As I walked up to her I spoke to her in a mild tone of voice, at the same time taking hold of her bridle rein—she in a very angry tone told me to let go the bridle at the same time trying to jerk it out of my hand failing to loosen the rein from my grip she then attempted to rein the horse around and to ride over me, as she did this I caught her by the arm & in the scuffle which ensued her saddle turned and she came to the ground, fighting me as she fell; seeing that she was obstinate and believing she was determined to persevere in her course of conduct and at the same time being somewhat excited by the scuffle, I determined to take her into my yard and to punish her. For this purpose I commenced pushing her toward my gate which was a few yards distant she resisting all she could, when within a few feet of the gate my brother-in-law W. S. Spencer who had just ridden into my yard, seeing the difficulty, came to where we were, we were outside of the fence, he stepped on the inside of the fence resting his arms on the top of the fence. When he came up he spoke to the girl about her conduct and at this moment I jerked his quirt or riding whip from his hand and with it gave the girl two or three blows over the head. The blows may have been more severe than I intended them, but I cannot believe they were near as severe as she pretends they were, upon my striking them she gave up and I then led her into my yard and punished her. I inflicted such punishment upon her as was usually inflicted by the people of the South upon reproaching or insulting Negroes, but it was not cruel, unusual or brutal. When I thought she was sufficiently punished to insure my wife against further insult I released her and she went home.

...I knew if this matter were submitted to my father-in-law that he would side against my family—and my chief desire is not to come in collision with the old gentleman. I know him to be a man of violent temper and strong prejudices...

I will merely add that W. S. Spencer had nothing to do with the matter whatsoever, he was standing by when I unexpectedly went to him jerked his whip from his hand, and he took no part whatever in the subsequent transactions. The whole difficulty is mine and if a wrong has been perpetrated I did it and upon me alone let the blame rest...³⁸

While Adelaide³⁹ did not testify in this case, C. C. Millican was found guilty of aggravated assault and fined \$100 for this incident. Some of the bad feelings between Millican

³⁷ C. C. Millican and his wife lived on the Blackwell tract just north of Joel Spencer's home west of the road from Brazoria to Gulf Prairie.

³⁸ *The State of Texas vs C. C. Millican*, Criminal Court Case 610, District Clerk's Office, Brazoria County Courthouse, Angleton, Texas

³⁹ Adelaide Spencer was charged with "Fornication" in 1867. In 1867 William P. Churchill was managing the plantation for Joel Spencer. Previous to that time in 1865 Adelaide was seen in William P. Churchill's house on the San Bernard by C. R. Cox. William P. Churchill supposedly had told C. R. Cox that he had visited Adelaide on several occasions at night. Joel Spencer testified that they knew of no relationship between the two while Churchill was managing the plantation. Joel Spencer put up a \$300 bond for Adelaide to appear at trial. She was found guilty and fined \$100. *State of Texas vs Adelaide Spencer*, Criminal Case 587, District Clerk's Office, Brazoria County

and his father-in-law Joel Spencer may have started with a lawsuit filed by Louisa J. Millican against her father for the use of her slaves which had been brought from Huntsville, Texas after the death of her first husband. She was awarded \$1386.90 by the courts.⁴⁰

Shortly after the incident with Adelaide, Joel Spencer sued C. C. Millican over his use of 50 acres out of the Blackwell tract trying to force him off the property claiming \$1750 debt owed.⁴¹ Joel Spencer had given this property over to his daughter, Elvira M. Carman in 1863 with the stipulation that he retained control until his death.⁴² C. C. Millican and wife had lived on 50 acres of the land which included a dwelling house, servant houses and out houses from 1862-December 1865. Millican had often stated to Elvira M. Carman, his wife's sister, that she and her children could live with them or that he would leave the premises if she wished him to but not by the order of Joel Spencer. Millican declared that he had made improvements on the property by building a good corn crib and out houses and cleared several acres of land and kept the fields in a good state of cultivation. While the jury found in Millican's favor, Millican and his wife Louisa shortly thereafter moved to Wharton County.⁴³

Joel Spencer had visited Louisiana in January 1861 and tried to once again persuade Mary Spencer to come to Texas. In July 1866 his son A. Joel Spencer visited his father at his plantation and in December 1866 Joel returned to Louisiana to plead with his wife to come live on his plantation. Mary Spencer refused to see him.⁴⁴ Instead Mary Spencer came to Texas to live with her daughter, Louisa J. Millican. In January 1867 she again brought suit against Joel Spencer. In her petition her declarations become even more pointed and since they had never been actually divorced she claimed her half of the community property in Texas:

...AD 1839 the said Joel Spencer left without her knowledge and consent and with the intention of abandoning her and took with him all the Negro property which they had acquired in their marriage together with some slaves she had inherited after her said marriage and which were her separate property and came to the state of Texas. That he left her with nine children and no property to support them. That his creditors had the plantation and other property sold to satisfy their demands and left her almost in destitute circumstances...That the said Joel Spencer never gave her one dollar or assisted her in anyway in the support & education of said children, but abandoned her & them and left her to do as she best could...

She would also represent that when he abandoned her, he took up & lived with a Negro woman named Sylva⁴⁵ with whom he has lived ever since and by whom he has raised a family of

Courthouse, Angleton, Texas. This verdict was reversed by the Texas Supreme Court. By the 1870 Census Adelaide and William P. Churchill are listed in the same household and had a 1 year old child named William and three other children in the household. William P. Churchill was the son of Andrew and Margaret Churchill aged 40 in the 1870 Census. Andrew Churchill ran Churchill's Ferry on the San Bernard River ~ 6-8 miles below Brazoria.

⁴⁰ *C. C. Millican & Louisa J. Millican vs Joel Spencer*, Civil Court Case 2542, District Clerk's Office, Brazoria County Courthouse, Angleton, Texas

⁴¹ *Joel Spencer vs C. C. Millican*, Civil Court Case 2555, District Clerk's Office, Brazoria County Courthouse, Angleton, Texas

⁴² BCDR: K 369/70

⁴³ *Joel Spencer vs C. C. Millican*, Civil Case 2555, District Clerk's Office, Brazoria County Courthouse, Angleton, Texas

⁴⁴ *Mary Spencer vs Joel Spencer*, Civil Case 2744, Brazoria County Clerk's Office, Angleton, Texas

⁴⁵ In the 1870 Census: Household Sylva Spencer aged 55 F Mulatto born Louisiana, Mat aged 25 M Mulatto, Sallie aged 22 F Mulatto, Jackson aged 17 M Mulatto, Simian aged 16 M Mulatto all children born in Texas. In the household of Ambrose Spencer aged 70 M Black is Mary age 8 F Mulatto and Shephard age 6 M Mulatto both born in Texas and both with Spencer family names. The daughter of Sylva, Adelaide would be aged 29 F Mulatto born in Texas living with William P. Churchill in an adjacent household to her mother. On July 16, 1870 Adelaide's brother Matt Spencer shot William P. Churchill to death with a shotgun. He left the county and was never tried. Criminal

children. That he so lived with the said Sylva in the County of Brazoria State of Texas, and that the said Joel Spencer Sylva & their children now live together on the same plantation where they have lived together nearly ever since he the said Joel Spencer abandoned your petitioner...

Joel Spencer denied all allegations by his wife and enumerated the number times that he had sent money to her and how he had over the years given considerable property and slaves to several of the children, also how he had financed the medical education of his youngest son A. Joel Spencer. Mary Spencer was once again given \$50/ month for her maintenance while the suit progressed.⁴⁶

The relationship between C. C. Millican and Winfield S. Spencer also began to deteriorate after this time. Winfield S. Spencer had been accused of murdering Doctor Freedman. In Brazoria on June 5, 1866 in Brazoria Winfield stabbed the doctor between the short ribs on his left side and Freedman died the next day so Millican knew the potential of Spencer's ire.⁴⁷ The two had business dealings with each other that were causing constant conflict between the two. According to John Hodges, Spencer had appeared at Millican's home in 1867 and said that he "would cut that damned rascals ears off" (meaning Millican). Winfield's mother who was at the home at the time came to Hodges and said she also feared that there might be difficulties between the two men. John Hodges testified that he knew Winfield S. Spencer "a man of violent and turbulent disposition...quick to take an insult..." Col. Brook warned C. C. Millican that he was apprehensive that Millican might be killed on sight if he came in contact with Spencer. April 2, 1868 C. C. Millican traveled to Brazoria for business and a confrontation occurred between the two men. Millican shot and killed Winfield S. Spencer⁴⁸ at extremely close range with a shot gun. The trial took several years to complete but on June 13, 1871 he was found not guilty of murder and that he had acted in self defense.⁴⁹

April 1868 Mary Spencer also died and that fall Joel Spencer passed away. His estate which mainly consisted of the plantation, livestock, and farming equipment was valued at ~\$16,000 with an additional \$6000 due him on his account with R. & D. G. Mills of Galveston.

His son A. Joel Spencer administered the estate but not to the satisfaction of some of his sisters. They filed a petition October 13, 1870 stating that rents were insufficient as compared to their expenses and that the fences & houses were out of repair.⁵⁰ At this time there were five surviving siblings, A. Joel Spencer, Mrs. Elvira Carman, Mrs. Louisa Millican, Mrs. Eleanor

Case 807, Brazoria County Courthouse, Angleton, Texas. In 1867 William P. Churchill sold Churchill's Ferry and 200 acres of land on the west side of the San Bernard River to Adelaide for \$500 to be hers for her life and to revert back to him if she died before him. BCDR: L 381 Adelaide was sued by the children of William P. Churchill's sister for her share of their parents land. Adelaide had to buy back part of the property for \$1600 at auction May 1874. BCDR: O 289/90 Lewis T. Bennett bought the ferry and 200 acres from Adelaide in September 1875 for \$2000 and in turn Adelaide bought from Bennett and his wife his home and lots 1, 2, and 3 Block 21 in Brazoria for \$725 BCDR: p 20/24 & P 25/26. In this deed Adelaide signed her name which was unusual for a freedwoman of her day. After this time no other information was found for Adelaide or her mother Sylva.

⁴⁶ *Mary Spencer vs Joel Spencer*, Civil Case 2744, District Clerk's Office, Brazoria County Courthouse, Angleton, Texas

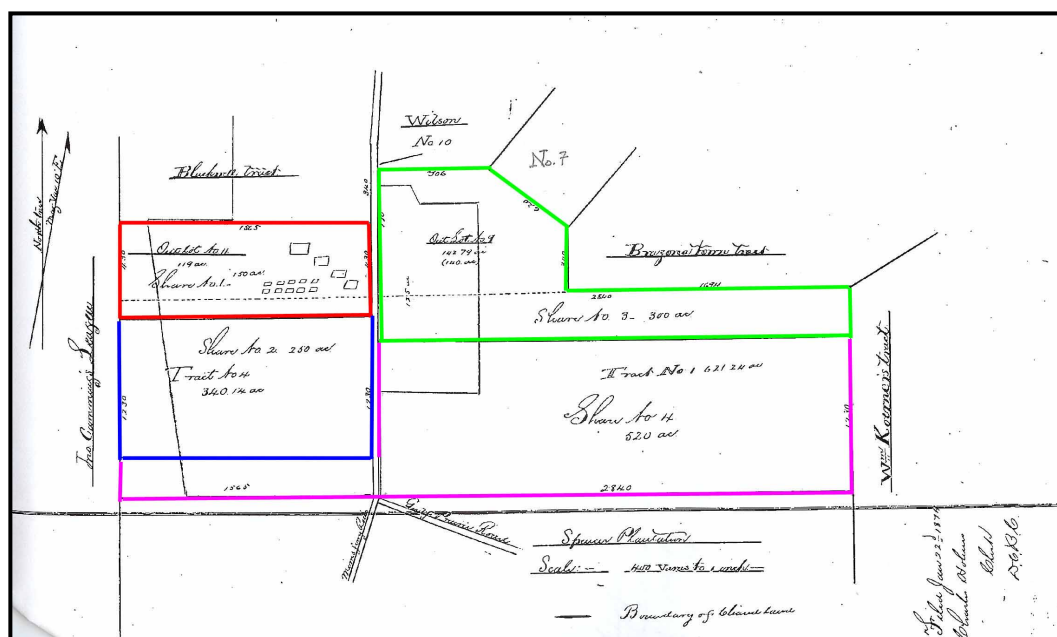
⁴⁷ *State of Texas vs Winfield S. Spencer*, Criminal Case 599, District Clerk's Office, Brazoria County Courthouse, Angleton, Texas

⁴⁸ In the Will of Winfield S. Spencer made in May 1864 he left \$500 for the maintenance of Tom and Malinda his wife, two slaves at his father's plantation from his mother's estate. The rest of his property he willed to Mrs. Mary Jenn and her daughter Louisa. Record of Wills: D 347/48.

⁴⁹ *State of Texas vs Christopher C. Millican*, Criminal Case 646, District Clerk's Office, Brazoria County Courthouse, Angleton, Texas

⁵⁰ Record of Wills: E 76/77

Mansur, and Mrs. Hannah DeLee. Eleanor Mansur and E. Hannah DeLee brought suit against their siblings for a partition of their father's land. In 1874 lots were drawn by four of the siblings, each with a value of \$3000. Mrs. Elvira M. Carman had already been deeded the Blackwell tract containing 370 acres before her father's death. Mrs. Eleanor Mansur received Share 4 containing 520 acres, E. Hannah DeLee Share 3 containing 300 acres, Mrs. Louisa J. Millican Share 1 containing 150 acres, and A. Joel Spencer Share 2 containing 250 acres.⁵¹ Louisa J. Millican received the land that contained the dwelling and all the out buildings.



Plat Partition of Joel Spencer Plantation 1874

Hiram and Mary Eleanor Mansur promptly sold their 520 acre tract to Louisa J. Millican for \$4500 March 1874.⁵² By 1879 the Mansur's had to foreclose on Louisa J. Millican and they bought their property back at a sheriff's auction.⁵³ Louisa J. Millican was particular in that she listed her property separate from her husband in order to insulate her property from the business dealings of Christopher C. Millican.⁵⁴ Millican continued to farm the property during their ownership. The 1880 Census lists his household:

Christopher C. Millican	W M	53	Tennessee
Louisa J.	W F	53	Louisiana
Lillian	W F	17	Texas
Andrew	W M	16	Texas
Walter	W M	13	Texas

⁵¹ Record of Wills: E 528/32

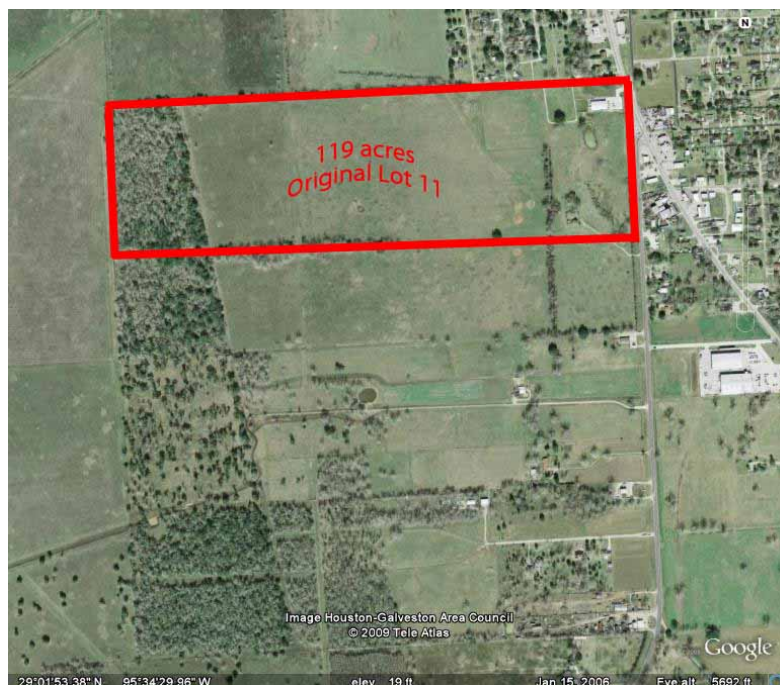
⁵² BCDR O 273/74 & O 274/75

⁵³ BCDR: S 168/69

⁵⁴ BCDR: X 39/40

February 1898 C. C. & Louisa Millican gave the homestead totaling 212 acres to their son Walter Millican.⁵⁵ Due to financial problems Walter lost the property to Mason L. Weems, Jr. in December 1904.⁵⁶ The Weems continued to farm the property selling the land to James Austin in 1907 reserving the 1907 crop.⁵⁷ That same year George E. Badge (April 16, 1868-September 13, 1944) acquired the property.⁵⁸ George Edward Badge came to Brazoria from Seaforth, Ontario, Canada as a civil engineer and worked on the bridge over the Brazos River at Freeport. After the bridge was built he remained in Brazoria. He built and operated a feed & grain store in Brazoria.⁵⁹ George E. and Mary Jane Badge gave the Spencer homestead (212 acres) to their son George G. Badge (July 5, 1900-October 20, 1966) in 1944.⁶⁰ It is not known exactly which structures on the plantation were still standing but in an affidavit George E. testified the property was under fence with houses thereon at the time of his purchase. The Badge family had a home on W. Alabama Street and has owned the original Spencer homestead for most of the 1900's. A small portion of the plantation site is now owned by the Brazoria Cemetery Association with the bulk of the old homestead owned by Spencer Plantation Investments, LTD.

There are several cisterns located on the property owned by the Brazoria Cemetery Association which may indicate the home site. For safety reasons two have been filled in. See Appendix C. There are indications of a lane leading from the home site area to the slave quarter area. It must be assumed that Joel Spencer, his son Winfield S. Spencer, and his grandson Glover W. Banton may be buried on the property. Also a slave cemetery would be in the area. In the Blackwell tract just north of the Spencer homestead should be another homesite owned by John Paine, Thomas Blackwell, and then Joel Spencer before he gave it to Elvira Spencer Carman.



⁵⁵ BCDR: 43/604/06

⁵⁶ BCDR: 65 124/29, 66 117/22, & 66 135/39

⁵⁷ BCDR: 71 155/57

⁵⁸ BCDR: 76 310/13

⁵⁹ Correspondence Doris Setzer August 5, 2009

⁶⁰ BCDR: 386 395/96

Appendix A Spencer Family Genealogy

Andrew Joel Spencer b. 1795 South Carolina (Shepherd Spencer 1770-1853 & Hannah Presnell 1772-1828)

d. Before December 3, 1868 Brazoria, Texas

m. 1819 Amite County, Mississippi

Mary Boatner b. 1799 South Carolina (Elias Boatner 1755-1835 & Jane Black)

d. April 1868

1. Winfield Scott Spencer b. 1823 Mississippi

d. April 2, 1868 Brazoria, Texas (Shot by his brother-in-law
C. C. Millican)

2. Daniel Boatner Spencer b. 1826

d. 1869

3. Elvira Spencer b. 1827 Louisiana

d.

m.

Robert Clark Carman b. 1816

d. 1852 Louisiana

a. Robert C. Carman

b. Mary Carman b. 1846

c. Julian Carman b. 1848

4. Louisa J. Spencer b. ~1827-1828 Louisiana

d.

m. 1st February 13, 1855 East Feliciana Parish, Louisiana

Glover W. Banton, Jr. b. 1828

d. February 13, 1856

a. Glover W. Banton III b. 1856 Texas d. <1868

m. 2nd June 20, 1861

Christopher Columbus Millican b. December 27, 1827 Nashville, Tennessee

d. July 29, 1902 Brazoria, Texas

a. Lillian Millican b. 1863 Texas d. 1927

b. Andrew H. Millican b. 1864 Texas

c. Walter Millican b. Dec 1867 Texas

5. Shepherd Spencer b. 1828 Louisiana

d. 1863

6. Hannah Elizabeth Spencer b. September 6, 1830 East Feliciana Parish, Louisiana

d. June 8, 1906 East Feliciana Parish, Louisiana

m. September 7, 1848

- Augustus William DeLee b. 1821 East Feliciana Parish, Louisiana
 d. February 18, 1859 Baton Rouge, Louisiana
 a. John DeLee b. 1849 d. 1937
 b. Joel Spencer DeLee b. 1851 d. 1942
 c. Augustus Newton DeLee b. 1853
 d. Alex William DeLee b. 1858 d. 1913
7. Charles Spencer b. 1832 Louisiana (Robert W. in Divorce Petition)
 d.
8. Mary Eleanor Spencer b. 1834 Louisiana
 d. August 9, 1884, Magnolia Plantation, Louisiana
 m.
 Hiram Mansur b. August 8, 1812 Maine
 d. October 2, 1879 Magnolia Plantation, Louisiana
 a. Joel S. Mansur b. 1855 Texas
 b. Hiram Mansur b. November 28, 1858 Baton Rouge d. January 15, 1859 La.
 c. Mary Mansur b. ~1860 Louisiana
9. Augustus Joel Spencer b. 1838 Louisiana (In Brazoria County 1880 Physician)
 d. 1893 Bexar Co., Texas
 m. January 27, 1870 Brazoria Co., Texas
 Ellenor A. Russell b. 1850 Texas
 a. Eliza b. 1873 Texas
 b. Alma A. b. 1875 Texas
 c. Ethie b. 1879 Texas

Appendix B Spencer Plantation Deed Records

GRANTORS	GRANTEES	Kind of Instrument	Book	Page	Month	Day	Year	Acres	Description
Mexican Government	Stephen F. Austin	Deed	B	608	May	31	1828		Stephen F. Austin 7 1/3 League Tract
Stephen F. Austin	Edmund St. John Hawkins	Deed							Partition of property to Hawkins Heirs
Edward St. John Hawkins	John Paine	Deed	A	90/91	March	4	1835	459	\$918.70 2 Tracts Lot 11 118 acres & Tract 3 340 acres
John Paine	Robert Mills	Deed	C	380/81	July	23	1839	459	\$3500 2 Tracts Lot 11 118 acres on which he lives & Tract 3 340 acres
Robert Mills	Joel Spencer	Deed	K	59/60	June	27	1856	459	\$7000 both tracts according to his testimony he purchased in Dec 1840.
Samuel K. Lewis	Joel Spencer	Deed	B	146	June	24	1842	200	\$2000 East side San Bernard Samuel May Williams League excepting crop being made by Thomas Early
Thomas & Sally Blackwell	Joel Spencer	Deed	D	488/89	Nov	7	1847	300	\$2100 Just north of Spencer's Plantation
Joseph Thomas Hawkins	Joel Spencer	Deed	E	276/77	Sept	1	1849	764	\$1910 Lot 9 143 acres & Lot 1 621 acres adjoining Spencer Plantation
William T. Charles	Joel Spencer	Deed	E	516/17	Sept	30	1850	1107	\$300 1/4 of Shipman & Charles League west of San Bernard River
Joel Spencer	James T. Sims	Deed	F	475/76	March	16	1853	1107	\$1800 1/4 Shipman & Charles League
Sterling McNeel	Joel Spencer	Deed	F	25	Jan	28	1857	70	\$1300 tract on which Wm. Stanger now lives Blackwell property
Joel Spencer	Joel Spencer Louisiana	Deed	J	309/10	June	7	1856	200	Gift to son out of Samuel May Williams League
William L. & Anna E. Reed	Joel Spencer	Deed	K	106	April	26	1861		\$25 Lot 4 Block 45 Brazoria
Joel Spencer	Elvira Mary Carman Louisiana	Deed	K	369/70	June	18	1863	370	Gift to daughter Paine Place/ Blackwell tracts reserves control of acreage with improvements until death
Hiram & Mary E. Mansur	Louisa J. Millican	Deed	O	273/74	March	6	1874	529	\$4000 460 acres east of road to Gulf Prairie to her sister
Hiram & Mary E. Mansur	Louisa J. Millican	Deed	O	274/75	March	6	1874	59	\$500 on west side of Gulf Prairie Road
Louisa J. Millican & C. C. Millican	A. J. Spencer	Deed	O	276/77	June	1	1874	59	Same to her brother
A. J. Spencer	Louisa J. Millican	Deed	O	284	June	15	1874	50	\$500 50 acres out of 250 he inherited + interest in the Blackwell tract
C. C. Millican	A. J. Spencer adm.	Mortgage	Q	324/25	Oct	29	1877		All cotton and corn crop on plantation to pay 2 notes
Sheriff W. H. Sharp	Mary Ellen Mansur	Deed	S	168/69	June	4	1879	461	\$100 Foreclosure sale on C. C. Millican et al.
C. C. Millican	Louisa J. Millican	Deed	U	396	Aug	1	1882		All his cattle, horses mares and colts for her separate use

Louisa J. Millican		Affidavit	X	39/40	Oct	11	1884		Lists all her land and livestock separate from her husband
C. C. & Louisa J. Millican	Walter Millican	Deed	43	604/06	Feb	10	1898	212	Gift of their homestead to their son original Spencer Plantation
Walter Millican	W. C. Carpenter Trustee	DT	12	421/23	March	28	1898	212	\$800 Gold note to Michael O'Connell
Louis J. Wilson Trustee	M.L. Weems Jr.	Deed	65	124/29	Dec	7	1904	212	3 Tracts 150, 59, 3 acres Millican Place
L. J. Millican by Sheriff F. M. Harvin	M. L. Weems Jr.	Deed	66	117/22	Dec	7	1904	212	Her interest for \$544.55
Walter Millican	M. L. Weems Jr.	Deed	66	135/39	Jan	9	1905	212	His interest for \$272.59
M. L. & Nettie Weems	James Austin	Deed	71	155/57	March	30	1907	212	\$5500 Millican Place reserving 1907 crop
James Austin	George E. Badge	Deed	76	310/13	Dec	17	1907	212	
George E. Badge		Affidavit	126	96/97	Dec	26	1913		
A. B. Krause		Affidavit	126	97/998	Dec	26	1913		
George E. & Mary Badge	L. J. Wilson	DT	159	470/73	March	15	1920	212	\$3600 note
Mrs. Maggie B. Badge (widow)	George G. Badge	Deed	386	395/96	Oct	6	1944	212	Gift to son
George E. & George G. Badge	Alfred J. Proesbtle	Deed	333	610				3	
Alfred J. Proesbtle	Brazoria Cemetery Association	Deed			June	15	1942	1	1 Acre out of 3 Ten more acres have been purchased
Blackwell Tract									
Elvira M. Carman	David Overton	Lease	L	658			1869		\$200 lease property for the year 1869
Elvira M. Carman	M. A. Carman	Deed	X	656/67	Sept	19	1885	370	Gift to her daughter Mrs. M. A. Russell
Mary A. Carman	Henry Creacy	Lease	49	242/44	Jan	6	1900		\$294/mo for 1900-1903
Mary A. Carman	Spencer Russell	Deed	87	603/04	July	8	1909	350	Gift to her son

Appendix C

An Estimated Inventory of the Property Belonging to the Estate of Joel Spencer Decd.

Acres of land including the Plantation & improvements on which land is situated in Brazoria County, Texas near the town of Brazoria & it being the place on which resides at the time of his death.

	Valued at	\$12000.00
26 Mules		1690.00
13 Horses, Mares, & Colts		260.00
100 Head of Cattle		200.00
35 “ “ Hogs		50.00
35 Jacks & Jennies		100.00
2 Mule Wagons		100.00
1 Ox Wagon		100.00
1 Log Carrier		50.00
2 Small Carts		20.00
3 Kegs of Nails		18.00
40 Plows		100.00
3 Cultivators		12.00
1 Planter		75.00
Lot of Farming Utensils		100.00
Including Shovels, hoes, Gears & c.		
1 Iron Safe		100.00
Lot of Household & Kitchen Furniture		100.00
Lot of Blacksmith Tools & c.		150.00
1 Turning Lathe		50.00
1 Buggy & Harness old		50.00
4000 Bundles of Foder		<u>160.00</u>
		\$15480.00
2 Shot guns		25.00
2000 Ft. Lumber		52.00
1 Saddle		10.00
4000 Bushels Corn		120.00
640 acres of land in Bosque County		
Originally granted to Joel Spencer		320.00
Account against R. & D. G. Mills		<u>6907.00</u>
	Total	\$22377.00

3rd Day of December 1868

Record of Wills: D 402/03

Appendix D



Looking South to Cistern



Looking North to Brazoria Cemetery

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