

The Murder of William Riley Seaboalt, Jr. (1851-1874)

by

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INTRODUCTION

I was born in Rankin, Ellis County, Texas in 1934 during the depths of the Great Depression. I was the third generation in three of my four grandparent's lines to be born in Ellis County, my ancestors having arrived here over the 12-year period between 1874 and 1886. My mother, Kathryn Falsom Wolverton was born in Rankin on June 6, 1915 to Daniel Hubert Wolverton (1892-1957) and Mary Jane Seaboalt (1889-1973). She graduated from Rankin High School in June 1933 and in October of that year she married my father, Elliott Owen Gorman, also of Rankin. He was born in Rankin on August 1, 1911 to Arthur William Gorman (1880-1958) and Texas Penina Owen (1889-1981). He attended Bardwell High School where he played on their 1932 State Semifinal Basketball Team. Two of my four grandparent's lines came from Newton County, Arkansas...the Seaboalts and the Owens. My Wolverton line was from Springfield in Limestone County, Texas where my ggg-grandfather, Tilman Wolverton settled in the spring of 1843 and was one of the 13 families who organized Limestone County. My Gorman line is of Irish-Canadian origin, with my great-grandfather, James Arthur Gorman coming to Texas from Ontario, Canada about 1875. He was engaged in hunting buffalo out of Fort Griffin in West Texas before he married my great-grandmother, Frances Catharine Hines of Waco in 1878 and settled near Telico in eastern Ellis County. Now, all of this background information being well and good...however, this story deals specifically and only with my Seaboalt ancestors in general and my gg-uncle, William Riley Seaboalt, Jr. in particular.

I first became interested in genealogy in the early 1980's while taking a tour of Maloney and Elm Branch Cemeteries with my mother and father and trying to get straight all the people buried there who my mother told me were "this" or "that" kind of relative. Later, while going through the contents of my grandmother Mary Jane Seaboalt's trunk that had been stored away for 20 years since her death in 1973, I discovered an old leather, multi-compartment wallet which apparently belonged to my gg-grandfather, William Riley Seaboalt (1831-1905). Calling this a wallet may be misleading because it was really too large to carry inside a coat or pants pocket. It was about 4 inches wide by 9 inches long and one inch thick with about 6 to 8 compartments. Inside this wallet were all kinds of papers, including the birth certificate of his father John Seaboalt (aka Sibolt/Sebold) who was born in Berks County, PA on August 11, 1785 (That is another story unto itself). Also inside the wallet were receipts from the Treasurer of the State of Arkansas dated in 1865 and 1866 made out William Riley Seaboalt, Sheriff of Newton County, Arkansas for real estate taxes he had collected from residents of that county those years. Finally, and most importantly for this story, was a letter written to him by John F. Simpson, US Marshall in Eufaula, Indian Territory relating to the upcoming trial at Fort Smith, Arkansas in May 1875 of one Daniel Evans for the murder of his oldest son, William Riley Seaboalt, Jr.



William Riley Seaboalt, Sr.

Now, as a youth, I had heard stories told to me by my great-grandfather, Stephen Roland Seaboalt (1855-1944), about his brother Riley who had been killed by "highway men" a long time ago. This was just one of the many bedtime stories told to me by my g-grandfather including stories of his youth in the Ozark hills of Arkansas and how he hunted deer, bobcats and raccoons. I had stored these stories all away in my youthful mind and had never given much more thought about them...as I had my own growing up to experience. But, now I was intrigued by this letter and wanted to know more...and a lot more I did find, including many stories about this murder and trial

in newspapers, magazines and books...including even the Time-Life series of books on The Old West. Each publication told a slightly different story of the event and appeared, for the sake of just plain storytelling, to make up parts where they had no supporting source information. This letter from John Simpson to my gg-grandfather was an important missing link that none of these publications had access to and this letter told a much different story about some of the circumstances relating to his appearance at the trial. So, about 10 years ago I wrote my account of this story after I researched all of these later day publications as well as contemporary accounts of the trial from the Fort Smith newspaper and the extensive account of the story by S. W. Harmon in his classic 1898 book "Hell on the Border: He hanged 88 men", a book about the 20-year reign of Judge Isaac Parker on the bench of the Federal Court at Fort Smith, Arkansas. The trial and hanging of Daniel Evans was important from an historical perspective because Evans' was the first trial held before Judge Isaac Parker after he assumed his duties on the bench of the US Federal District Court at Fort Smith, Arkansas. This story should be of interest to historians in Ellis County because William Riley Seaboalt was living in Ellis County at the time of the murder and trial and was the point of demarcation by his son William Riley Jr. when he made that fateful trip in the fall of 1874 back to Arkansas through the Indian Territory.

SEABOALT ORIGINS

William Riley Seaboalt, Jr. was the oldest son of William Riley Seaboalt and Sarah Jane Rowland. He was known as "Riley" to members of his family. He was married to July Elizabeth Holt in Newton County, Arkansas on March 3, 1867 when he was 17 and she was 14 years of age. They were divorced in February 1870 after Riley brought suit against her for "just cause" in Newton County Court at Law. His emigrant ancestor was Johannes Seyboldt, a Palintate (from the Bavarian area of Germany) who arrived in the Port of Philadelphia on October 21, 1754 aboard the "Friendship" from Rotterdam, Netherlands....last out of Gosport, England under the command of Captain C. Ross. He married and lived in Philadelphia where the local Lutheran Church baptismal records reflect the names and birth dates of his children. One son, also named Johannes was born there on October 14, 1759. He married Maria Hauer and moved to Windsor Township in Berks County, Pennsylvania (Pennsylvania Dutch country) where records of Saint Paul's Lutheran Church recorded his name as Johannes Sebold. Also, in the baptismal records of Saint Paul's Church was the baptism of his son Johaimer Sebold who was born on August 11, 1785. Johaimer grew up to be known as John Sebold within his family and John Seabolt in official marriage, tax and census records. As was a custom among the Pennsylvania Dutch in those days, he was given a very ornamental (but unofficial) document or "birth certificate" by his father when he left home and headed to eastern Tennessee in 1808. On this document his name was given as John Sibolt. (This is the document I found in William Riley Seaboalt's wallet). Marriage bonds for Wilson County, Tennessee show that John Seabolt married Mahaly Kelly there in 1810. He served in the Tennessee militia during the Creek Indian War and for his service was awarded a land bounty in Henry County in western Tennessee. He moved his family there and lived in Henry County between 1824 and 1836 when he moved again to Jackson Township, Carroll (later Newton) County, Arkansas. His son, William Riley Seaboalt was born in Henry County, Tennessee on July 30, 1831.

William Riley married Sarah Jane Rowland in Newton County, Arkansas about 1849. He, along with a majority of Newton County men, served the Union cause during the Civil War where he was a member of the 1st Arkansas Infantry Volunteer Regiment. After the war, he was Sheriff of Newton County for one two-year term. About 1871 he moved to near Edom in Van Zandt County, Texas and then in 1873 to Hill County, Texas. He lived in Hill County during the winter of 1873 while he was having a house built on the 320 acre farm he bought 2-1/2 miles south east of Avalon in Ellis County. He finally moved into his new house in Ellis County in the spring of 1874 and began the process of clearing land and planting cotton crops.

THE FATEFUL TRIP BACK TO ARKANSAS

After bringing in their first crops in Ellis County in the fall of 1874, Riley (the son) decided to go back to Arkansas for a visit with relatives and friends (he had two aunts and many cousins who lived near Clarksville in Johnson County, AR). Wearing a new pair of fancy high-heel boots and riding a fine white mare, he set out for Arkansas in November of 1874. His planned route carried him through Dallas, McKinney, and Denison, Texas before crossing the Red River into Indian Territory where he would follow a trail through the Creek Nation to Fort

Smith, Arkansas. Sometime before reaching the Red River he met another traveler, Daniel Evans, who was returning to Oklahoma after visiting relatives in Bosque County, near Waco, Texas. They rode along together as they crossed the Red River and entered the Indian Territory.

Unknown to Riley, Daniel Evans was a member of one of the most notorious outlaw gangs of the "Old West". Two years earlier Evans had assisted Jim Reed (husband of Belle Starr) and W. D. Wilder in the torture and robbery of \$30,000 from old Matt Grayson in the Oklahoma Territory. Evans was present when Reed was later shot and killed by a U.S. marshal while resisting arrest in North Texas. During the melee, Evans jumped on Reed's horse and escaped (or "loped" in the words of Evans, himself, during a newspaper interview he gave during his incarceration in the jail basement "Hell on the Border" of the old Fort Smith Courthouse).



The Ft. Smith Court House

had seen riding with him prior to the murder. Simpson tracked Evans to his brother's house near Eufaula and arrested him without incident and bound him over to Fort Smith, Arkansas for trial. Other than the name of SEABOALT found in the pocket book, Simpson was unable to determine the identity or location of his family.

Evans was given a quick trial at Fort Smith (probably in late December 1874 or early January 1875). After a hung jury could not agree on a verdict, Evans was returned to his jail cell in the basement of the Fort Smith courthouse to await a new trial. William Riley Sr. learned of his son's death from a story in the Dallas Morning News and wrote to Simpson in Eufaula on 22 January 1875 to inquire about his son's burial and to regain possession of his horse and saddle (see footnote). Apparently the letter was mislaid for some time and Simpson was not aware of its existence until sometime in March. On April 9 Simpson responded to the father's request, informing him that the saddle was at Eufaula but could not be shipped to him right then because of a lack of an express company office there. The horse apparently was recovered at Fort Smith from Evans attorney and sent back to Texas; Simpson asked in his letter if the horse had been received. Simpson went on to say that Evans' trial was set for early May with Col. W. H. Clayton, U. S. District Attorney for Fort Smith, acting as the prosecutor. It was suggested that the father get in touch with Col. Clayton at once since he might be an important witness.

John F. Simpson, U.S. Marshal in Eufaula, Creek Nation, received word that a local Indian had discovered the body of a young white man at a campsite along the North Canadian river not too far from town. Upon investigating, Simpson found the body to be wearing socks, but no boots, lying face down with a bullet hole in the back of the head. The body had a black patch over the left eye and carried a pocket book with the name "SEABOALT" inscribed within. Further investigation nearby uncovered a pair of freshly discarded worn-out shoes, obviously left by the killer who had taken young Riley's boots, horse and saddle and left his on old items. Further detective work by Simpson found witnesses who provided descriptions of Riley's horse and the man they

Eufaula Okla. April 9/75
Wm. Riley Sr.
Eufaula, Okla.
Dear Sir, Your favor of
23rd Jan. came to hand some time ago
& was mislaid. This will account for
my seeming neglect. Major Cummins
& Mr. Caywood left here a few days ago
you let them fail to do any thing. I
have consulted with your brother as far
as I can. The saddle is here but there
is no express office at this point.
Evans' trial will come off
early in May. Col. W. H. Clayton is
the U.S. District Atty. at Fort Smith
You had better communicate with him
at once. I have to go to Ft. Smith as
a witness, and any assistance I can
be of to you, will be cheerfully given.
Did you get possession of your horse?
Let me know
Yours Very Truly
J. F. Simpson

Marshall Simpson's Letter

JUDGE ISSAC PARKER TAKES CONTROL

The Intercourse Act of 1837 provided that the U.S. District Court for the Territory of Arkansas be given jurisdiction to hear, try and punish all crimes committed within the Indian country, which included Oklahoma and other Indian territories to north and west. By the 1870s, this court was designated as the Court of the United States for the Western District of Arkansas with specific authority to dispense justice over the Indian territories. The judge sitting on the bench of this court was said to have "absolute" power of life and death over the largest single jurisdiction in U. S. history. Because of the territorial status of this jurisdiction, there was no appeal process from the judge's decisions other than directly to the President of the United States. To bring law and order to the frontier, Isaac Parker was assigned to this judgeship in the spring of 1875 and given a budget to hire 200 U. S. marshals to patrol the district and to provide bounty awards for bringing in the felons.

EVANS IS TRIED BEFORE JUDGE PARKER

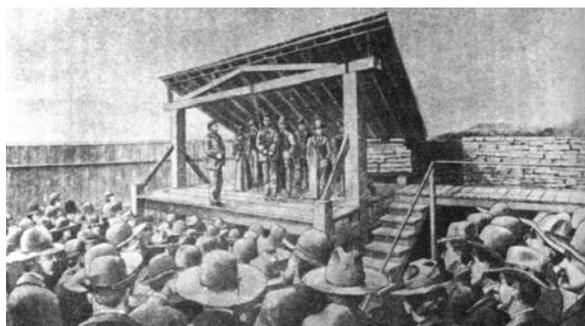
Evans re-trial came off on May 10, 1875, just 10 days after the arrival of Judge Isaac C. Parker, "The Hanging Judge", in Fort Smith. At the trial, William Riley Sr. took the witness stand and testified that Evans, sitting in the defendant's chair, was still wearing the very pair of boots which he had given his son. He said that at the time he purchased the boots for his son, he had a similar pair made for himself. Where upon, he raised his pants leg revealing the boots he was wearing to be identical to those on the defendant. When challenged by the defense attorney to prove that Evans boots were indeed the same pair of boots he had given to his son, William explained that "shortly after receiving his son's boots, a heel had come off of the left boot and he had used three horseshoe nails to drive it back on". Col. Clayton asked the bailiff to have Evans remove his left boot and sure enough, the three horseshoe nails were revealed to the jury. Evans was found guilty and sentenced to be hanged from the gallows on September 3, along with seven others of the first eighteen outlaws tried by Judge Parker during his first session on the Fort Smith bench. Before the hanging, one of the eight was shot and killed while trying to escape. Another, because of his youth, had his sentence commuted to life imprisonment.



Judge Isaac Parker

THE FORT SMITH BIG EVENT..." HANG 'EM HIGH"

The hanging of the remaining six called the attention of the world to The Court and its Judge. Newspapermen came from Little Rock, St. Louis, and Kansas City. Many of the great Eastern and Northern daily newspapers sent representatives to cover the event. Even strangers from abroad, reading the announcement of the unusual "attraction", began filtering into the city a week before the execution. On the morning of September 3, men and their



Judge Parker's Gallows at Fort Smith

families living within forty to fifty miles of Fort Smith, began pouring into the city. More than five thousand packed the jail yard and clung from the tops of the old fort's stone walls to view the event. The gallows had been especially built to Judge Parker's specifications. The sturdy platform was six feet above the ground, constructed of six-inch timbers with two-inch planking. A twelve-by-twelve inch overhead beam supported the noose ropes. There was sufficient trapdoor space and beam width to hang twelve men at one time! To ensure that hangings could come off on schedule, even in bad weather, a wall protected the north side of the gallows stand from cold winds and a slanted roof was placed immediately above in case of rain

After the condemned felons were led to the stand, Judge Parker commented briefly on each case and then addressed them as a group saying: "Farewell forever until the court and you and all here today shall meet together in the general resurrection." When asked if he had any last words to say, the handsome blue-eyed Daniel Evans stared defiantly at the marshal and shook his curly brown head. One of the condemned men, William Whittington, had a long and touching pre-written speech read by a minister in which he confessed his sins and evil ways, and blamed his failed life on liquor and an un-religious father. When the preliminaries were over, there were prayers and the singing of hymns and farewells. Then the six felons were lined up on the scaffold with their feet across the crack where the planks forming the death trap came together. Their arms were bound securely, the black hoods pulled over their faces shut out the light from their eyes forever, and George Maledon, the hangman, adjusted the nooses about their necks.

"Jesus save me!" cried William Whittington.

The trap door fell, and the six men met their maker at the end of the hangman's ropes. This event was enacted, with some amount of Hollywood freedom, in the Clint Eastwood movie, "Hang'em High". According to John Edgar SEABOLT, his Aunt Evie (1892, niece of W. R. Jr.) learned to ride as a young girl on a colt produced by W.R. Jr.'s white mare.

REFERENCES

- 1) "Law West of Fort Smith", by Glenn Shirley, University of Nebraska Press, 1968, pp 36-40.
- 2) Personal papers and correspondence of William Riley Seaboalt, Sr.
- 3) Stories told to me about 1943 by my great-grandfather, Stephen Roland Seaboalt
- 4) "Hell on the Border: He Hanged 88 Men", by S. W. Harman, 1898.

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