

Finding William W. BARTON, a Journey of Discovery

by
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I never realized how many William W. BARTON's there were in the world until I began looking for my great-great-grandfather. I must have found every William BARTON, William W. BARTON, Will BARTON and W.W. BARTON in existence between 1849 and 1926. Our William W. BARTON (Lineage I, Henry BARTON, b.1793) was born in Georgia in 1849, died in Paris, TX in 1926 and is buried in Asbury Cemetery, near Tolar in Hood Co., TX. His parents were John S. BARTON and Catherine Collins BARTON. As my search began, BARTON researchers, who were much more experienced than I, were so sure that our William W. BARTON was not part of John S. BARTON's family that they convinced me to look elsewhere. However, the information I found about our William W. BARTON kept leading me back to the John S. BARTON family.

My attitude toward the search changed when I decided that it was a waste of time to look elsewhere and started trying to prove that William was John S. BARTON's son. I re-examined the information I had and looked for new clues. When that happened, I found a goldmine...one Federal Court Record and two Chancery Court Records! Thankfully, our William was no stranger to the legal system!

One problem in finding proof was that I could never find our William W. BARTON and his family in the 1880 U.S. Census. Neither could those who preceded me in this research, which may have been the reason they thought he had died young. He disappeared from the U.S. Census because he was in Choctaw Indian Territory. Family stories described William as "brash". Perhaps that was one reason he and his family went to the Indian Territory with his cousins Nathaniel Volentine Collins and Elisha Porter Hayden Collins. Hayden Collins was the son of Zachariah Collins and nephew of Catherine Collins BARTON, John S. BARTON's wife. I finally had the proof I needed to link that family to ours and I found it in a Federal Court Record.

William W. BARTON was accused of arson for burning down the corncrib and stable of his cousin Hayden Collins on Sep. 18, 1881. William was brought to trial in Fort Smith, AR (the United States vs. William W. BARTON, National Archives, control number NRFF-21-3W51-2387, Jacket number 16). Testimony from this trial told me that Hayden and William had grown up together. Hayden thought he recognized William's footprints near his corncrib and was convinced that William had set the fire. When questioned, Hayden stated, "I think I know his tracks; I have been with him so much...I judge the size and general appearance" of the footprints. William and Hayden had been partners in a well drilling operation but had sold their respective interests to others. The cousins had had a "falling out" and were not speaking prior to the burning incident. William's luck had turned bad and he thought Hayden was to blame. He also claimed that Hayden owed him money. One witness testified that William threatened to kill one of Hayden's steers and take out what was owed in meat. Hayden, William and the witnesses all lived near Backbone Mountain, close to the Old Fort Towson Road (near what is now Pocola in LeFlore Co., OK).

Will was arrested on Sep. 20, 1881. He was delivered to the jail at Fort Smith, AR to be held throughout the duration of his trial. Glenn Shirley Law West of Fort Smith (1957) described conditions at this jail in his book: "*The basement jail...became overcrowded and vile-smelling of food, sweat, tobacco juice, and urine. Young and old, innocent and*

guilty crowded together with desperadoes and sadistic murders upon the unpitying flagstone floors. The sick slept with the well. The guards fought the odor and disease with whitewash and lime, but theirs was a losing battle. Vermin infested its precincts until its very existence was a veritable curse upon the government that harbored it and a disgrace even to the rough border town in which it existed."

The trial began on Sep. 28, 1881. Defense testimony stated that on the night of the burning, William's wife (Elizabeth MAY BARTON) was so ill that he was afraid she was going to die. He wanted to ride for a doctor but his horse had been "turned out into the field" for the night, so he walked one mile to the farm of his neighbor, Volentine Collins, to borrow a horse. Unfortunately, Volentine's horses had also been "turned out" and William couldn't chase them around the field in the dark, so he walked the mile back home. His son (my great-grandfather), David BARTON, who was 9 years old at the time, testified that William "had a chill" and went to bed as soon as he got back home.

Prosecution testimony revealed that a horse's hoof prints were followed from Hayden's farm, over Backbone Mountain to BARTON's farm, thus implicating him in the burning. A member of the tracking party stated that the horse's "left shoe was not put on straight...and would pick up the ground with his hoof." However, Defense testimony revealed the horse belonged to William's neighbor, Charles W. Walker, whose farm was on the way to the BARTON farm. Walker had used that horse to visit the BARTON farm on the Friday before the burning and when the horse was turned out, it "ranged in the direction from which the tracking party came on the morning after the burning." It could not be proven that William ever rode that horse. In addition, testimony revealed that there were others in Choctaw Indian Territory who did not like Hayden Collins and had threatened to "run him out". The trial judge was Judge Isaac C. Parker, who gained notoriety as the "hanging judge" of Fort Smith, AR. On Dec. 1, 1881, William W. BARTON was found innocent.

*We the Jury find the Defendant not
guilty as charged in the within
in Dictment*

*Jack Moody
Foreman*

We don't know what happened to William's first wife. However, we think that she died sometime between the burning on Sep. 18, 1881 and the end of the trial on Dec. 1, 1881 and that William left Indian Territory and went back to Baxter Co., AR. Sixteen months after the end of the trial, on Feb. 25, 1883, William was married to Rosana (Surname Unknown) in Baxter Co., AR. They lived together as husband and wife until Dec 1884 when he left her. He and Rosana had one child, Martha BARTON, who was born in May 1885. On Sep. 17, 1886, Rosana filed for divorce (Baxter Co., AR Chancery Book B) citing desertion of more than one year. Will was served with papers but failed to appear or contest the divorce. Therefore, the divorce was granted. At some point, Martha BARTON, the child of William and came to live with William on his farm in Independence Co., AR. Rosana came to visit the child on a regular basis and this arrangement later caused dissention between William and his third wife, Annie.

On Jul. 5, 1888, William married Ann Elizabeth (Annie) Haywood Neighbors in Independence Co., AR. At 45 years of age, Annie was older than William, who was 39 years old. She was a widow who had already raised one family and her Neighbors children were grown, with families of their own. At the time of their marriage, William's children were the following ages: Henry David Andrew at 16, May Abram at 14, William Elbert at 12, and Minnie at 11 and they welcomed Annie as their mother.

Martha, Rosana's daughter, would have only been 3 years old in 1888 and we don't know when she came to live with William but she may have come to live with him after Rosana remarried in 1889. We do know that when Rosana came to William's farm in Independence Co., AR, to visit her daughter, Annie was jealous of William's continuing relationship with her. Annie was convinced that there was more going on than a simple visit. This led to many arguments. In fact, William and Annie must have had quite a volatile relationship. A pattern developed whereby the couple would argue and Annie would leave and spend the night at a neighbor's house. William would then apologize and ask her to come back and she would return.

By August 1897, William had had enough and filed for divorce from Annie (Independence Co., AR Circuit Court, Fall Term 1897). He stated that, since their marriage in 1888, she had left him 39 different times and had sought to make his life as miserable as she could! He said Annie would "get mad at me without cause, said that I had a divorced wife, for me to go and live with her; that she did not think enough of me to live with me. She would abuse me, she would call me a liar and scandalous names, and would accuse me of being dishonest; that almost from the date of our marriage, she has almost continuously treated me with unmerited reproach, rudeness, contempt, studied neglect, open insult and hatred."

Annie denied that she had tried to make William's life miserable and claimed that he had treated her with "unmerited reproach, rudeness, contempt, studied neglect, open insult and hatred." She also accused him of drunkenness. She said that he often visited his former wife (Rosana) and had, within the past year, "settled her on his farm in Independence County."

Testimony in this trial indicated that William had not been "keeping his former wife" and that, following their divorce, she had remarried Dick Gocian in 1889. Rosana came to visit her daughter, along with her husband and stayed in an empty farmhouse on William's property, but without William's consent. He also stated that he used to "get drunk four or five times a year" but that he had not "had a drop for twelve months." William also said "when the defendant would vex me by talking scandalous to my face and to my neighbors about me, I said things that I would not have said to her under any other circumstances, and was sorry for it and apologized to her for it." William's friends and neighbors verified these statements. The divorce was granted but where was Annie to go? What was she to do? She had no income of her own and testified that she had "no means of subsistence for herself except her daily labor." She could not pay court costs, so William paid them. Apparently, the couple came to some sort of arrangement because William and Annie continued to live together. In the 1900 Census for Union Township, Independence Co., AR, they are living together with William's daughter, Martha. They continued to live together when the family moved to Hood Co., TX and they are buried next to each other in Asbury Cemetery, Hood Co., TX.



In later years, after William's wife, Ann Elizabeth, died and he sold his land in Hood County, TX. According to his grandchildren, he attached a camping rig to his one-horse wagon and traveled back and forth between Arkansas and the homes of his children in Texas. Family stories describe William as a tall man, 6'4" or taller, who seldom smiled and was very stern with his children. It was also said that William's sons, May Abram and William Elbert were similar to him in their "brashness". However, his son, Henry David Andrew was not so aggressive or impulsive. Photos of his two eldest sons may give an indication of William's physical features:

Henry
David
Andrew
BARTON



May
Abram
BARTON



At the time of his death, William was visiting his daughter Minnie in Paris, TX, so the body was transported back to Hood County for burial next to his wife, Ann Elizabeth.

In addition to the Court cases, the BARTON DNA Project provided another technique used to prove that we were part of John S. BARTON's family. Two male descendants of William W. BARTON, who were two generations apart, participated. Of course, their results were identical. But, a more important result was that they also matched other BARTON males who were descendants of John S. BARTON and his father, Henry BARTON (b. 1793 in the Pendleton District of South Carolina).

By finding our William W. BARTON, our family now has information and a history that they would not have otherwise had.

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