

SMHC

SCOTT McGEHEE  
PRESIDENT/GENERAL MANAGER

January 30, 1986

Ms. Frances Rickard, Historian  
Research and Markers  
Texas Historical Commission  
P.O. BOX 12276  
Austin, Texas 78711

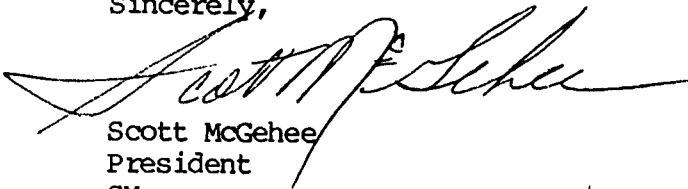
Dear Ms. Rickard,

We are pleased to re-submit our Marker Application for the San Marcos Mill Tract along with additional information in answer to the questions you raised in your letter of December 10, 1985. The narrative section has been amended and re-constituted, beginning on page 4. Additional footnotes and bibliography have been provided and some reference material appended to support the narrative.

Again, our apologies for the delay in responding to your request for additional information. We look forward to finalizing this project with another event to enhance San Marcos' Sesquicentennial celebration.

Thank you for your attention and consideration.

Sincerely,



Scott McGehee  
President  
SM:gg  
Enclosure



CURTIS TUNNELL  
EXECUTIVE DIRECTOR

# TEXAS HISTORICAL COMMISSION

P.O. BOX 12276

AUSTIN, TEXAS 78711

(512) 475-3092

December 10, 1985

Mrs. W. A. Wyatt  
P.O. Box 447  
San Marcos, TX 78666

Dear Mrs. Wyatt:

Our staff has made a preliminary review of the marker application for the San Marcos Mill Tract. While it appears that the site may be eligible for a marker, we need some additional information from you in order to be able to complete our evaluation. Any assistance you can give us with regard to the following will be appreciated.

We need additional information on the grist mill, the saw mill, the cotton gin, the water supply system, and the electric power generating plant. Is there any documentation to support the claim that these were all "firsts" for San Marcos? Most of the narrative history was devoted to a very good presentation of General Burleson's relationship to the early years of San Marcos, but the section devoted to the mill site was primarily a record of the chain of title. The State Marker Committee will need to know the history of the businesses on the tract of land in order to assess what made this particular piece of property significant and unique to the community.

Please let me know if you have any questions. We look forward to hearing from you at your earliest convenience.

Sincerely,

*Frances Rickard*

Frances Rickard  
Historian  
Research and Markers

cc: Scott McGehee

*The State Agency for Historic Preservation*



CURTIS TUNNELL  
EXECUTIVE DIRECTOR

# TEXAS HISTORICAL COMMISSION

P.O. BOX 12276

September 9, 1985

AUSTIN, TEXAS 78711

(512) 475-3092

Mrs. W.A. Wyatt  
Box 447  
San Marcos, TX 78666

RE: SAN MARCOS' MILL TRACT  
27" x 42" Subject Marker with Post

Dear Mrs. Wyatt:

This letter is to notify you that we have received the above referenced marker application.

The application first will be reviewed and evaluated by the Texas Historical Commission staff. Should additional information be needed, you will be contacted. After any deficiencies have been corrected, copies of the application will be sent to the members of the State Marker Committee, who will make the final determination of the topic's acceptability for marking.

You will be notified as soon as the committee makes its decision. If the topic is approved for marking we will request payment at the time of notification. If not approved, the application will be returned along with a letter of explanation.

Because of the variables involved in the marker process and because we must coordinate our orders with the schedule of a contracting foundry, we would ask that the dedication dates not be set until you have received notice that the marker has been shipped.

We appreciate your interest in preserving the history of Texas.

Sincerely,

Dan K. Utley, Director  
Research and Markers

DKU/cy

cc: Aquarena Springs, Inc.  
Scott McGehee

*The State Agency for Historic Preservation*

### San Marcos' Mill Tract

Here, in 1849, Texas patriot, soldier and colonizer, General Edward Burleson (1793-1851) built the first dam on this San Marcos River, to provide power for his grist mill and saw mill. Before his death, he added a cotton gin to this growing "industrial park"...Also the site of San Marcos' first ice factory, water works and electric power generation system, the Mill Tract has served the community continuously until the third and last ice factory built here was closed in 1976.

(Suggested Narrative for Plaque)

## San Marcos' "Mill Tract"

by Albert Scott McGehee II

The small grist mill that gave the tract its name and pointed in the enterprising direction of its continuing use, is no more. But the tract has stood the test of time, and its use today is a salute to the Texas pioneers whose public-spirited enterprise brought the Mill Tract into being.

The destiny of the Mill Tract was foreordained 30 million years ago in that geological era of upheaval that fractured the Balcones Escarpment, forming the caves two miles to the southwest, and releasing to the surface the clear, cool water stored in the porous limestone strata beneath the foothills. Here was water to slake the thirst of animals and man, who came much later to settle, to colonize near the riverhead. The river, and the settlement, Villa de San Marcos de Neve, got their names on St. Mark's Day, early in the 19th century (1807).<sup>1</sup>

On November 18, 1831, impressario Juan M. de Veramendi of San Antonio de Bejar was granted (by the State of Coahuila and Texas) two leagues of land (about 8,860 acres) straddling the headwaters of the San Marcos River, and including the "Mill Tract".<sup>2</sup>

It was left for an Indian fighter, soldier, Texas patriot, and colonizer named Edward Burlèson to establish the tract and to provide its purpose.

Edward Burleson was born in Buncombe County, North Carolina, in 1793. The son of James Burleson, an early colonizer of the

San Marcos' "Mill Tract" -- 2

Bastrop settlements on the Colorado River, Edward moved with his family to Tennessee, Alabama, Missouri, Tennessee again, and in 1831, the family took up headrights of land in Texas in what is now Bastrop County.<sup>3</sup>

In the time span of only 20 years, Burleson etched his name into the turbulent history of this Mexican colony, this Republic, this State of Texas, through his protection of frontier settlers, his continuing zeal in the defense of his adopted homeland, and through his countless civic endeavors.

"No portion of Texas suffered more from Indian outrages than that part now known as Bastrop County, and on no part of her long-suffering frontier were their forays repelled with more constant valor and firmness. Burleson, by his activity, promptness and courage, soon rose to be acknowledged a leader, while his plain and unpretending deportment and natural dignity won friends as fast as he made acquaintances."<sup>4</sup>

Burleson's report as Commander in Chief of the Volunteer Army to Provisional Governor Henry Smith, dated Dec. 14, 1835, was quick to heap praise on all his officers and men. Leaving the garrison in San Antonio and disbanding his army, he returned to his home on the Colorado River to receive the plaudits of his neighbors. There he stayed until news of Santa Anna's approach brought him to the defense of Texas.<sup>5</sup>

Although Edward Burleson's literary education was negligible, his common sense was unimpeachable. . . . His election to positions of responsibility in government was a natural sequence to his leadership on the field of battle.<sup>6</sup>

In 1837, he was elected to the house of representatives of the Texas Congress. He served on the committees of Post Offices and Post Roads, and also the committees on Military and Indian Affairs.

He took an active part in the deliberations, particularly in the areas of military pensions, taxes, the site selection for the seat of government, and numerous matters of organization.<sup>7</sup>

Elected to the Senate in 1838, again serving in matters of Military and Indian Affairs, banking, and improved education, he participated actively in all the work of the Senate.<sup>8</sup>

Burleson resigned his place in the Senate on Jan. 21, 1839 to fill an important place in President Lamar's plans for border defense.<sup>9</sup>

He ran for the office of vice president only at the urging of friends, and drew his support from friends of both Houston and Burnet.<sup>10</sup> He was elected by the sizeable majority of 6,141 votes to Hunt's 4,336. He carried 30 of Texas' 36 counties.<sup>11</sup>

It was during Burleson's unsuccessful campaign for the Presidency in 1844 that he started a settlement in what is now Hays County.<sup>12</sup>



In an enterprise of colonization, associated with Merriman and Lindsey, he bought a large tract of land in the fertile valley of the San Marcos River. . . In 1848, General Burleson moved his family to a newly-built log and lumber cabin, located upon a hill 200 yards northwest of the San Marcos Springs.<sup>13</sup>

In 1849, Burleson built the first dam to be constructed on the San Marcos River, and there at the damsite, a grist mill. He quickly extended his operation to include a saw mill, thereby enabling the settlers in San Marcos and environs to obtain cheap lumber with which to build their homes, and grist or meal to supplement their diets.<sup>14</sup>

And, also in 1849, he helped lay out the town of San Marcos, and was one-third owner of the plot of land set aside for the townsite.<sup>15</sup>

On March 1, 1848, while a Senator in the Third Texas Legislature, General Burleson secured the passage of a bill incorporating the county of his new home from portions of Travis and Bastrop Counties. He succeeded in getting it designated as Hays County out of respect and admiration for Captain Jack Hays, one of his friends of the Mexican War.<sup>16</sup> The first county election was held on Aug. 7, 1848, and Caton Erhard was elected County Clerk.<sup>17</sup>

Another of his contributions to his community was the first school house to be constructed in San Marcos' environs, built on another hill near his home. It was moved some months later to a site in the town proper, in order to provide a safer learning

environment for the students. The school house was built of planks sawed at Burleson's own saw mill.<sup>18</sup>

Edward Burleson's career was ended by death on Dec. 26, 1851, at the home of N.C. Raymond in Austin. He was the first to be buried in the now-famous cemetery of Texas heroes in Austin, the land for which he had donated to the State of Texas.<sup>19</sup>

And so it came about in the administration of General Burleson's estate, as the Records of Probate were set down, that the "Mill Tract" got its lasting designation.<sup>20</sup>

At this point, the researcher would like to digress from this recitation of facts and dates to point up the use of legal instruments as a source for a number of references that follow. We have at hand the complete Abstract of Title for the Mill Tract, wherein not only dates, but descriptions of structures, usage and repairs, additions made to buildings, loans, liens against equipment, all tell the story and history of the Mill Tract during a period when other references are far from exact, or plentiful. (This Abstract has been excerpted, and various pages thereon are appended hereto for partial verification.)

It is certainly to his credit that General Burleson foresaw the industrial potential of the Mill Tract. His enterprise in the construction of the first dam to afford direct water power for his grist mill and saw mill paved the way for the continuing utilization of the tract as San Marcos' first "industrial park". A cotton gin, three successive ice factories, water works, and the electric light and power plant, each contributed to the history of the Mill

Tract and the economy of San Marcos and environs over the ensuing 121 years (until the last ice factory was permanently closed in 1976).

To re-establish a reference of beginning of this early entrepreneurship, we quote from the book, "Historical Markers In Hays County 1907-76" by Tula T. Wyatt (Chairman of the Hays County Historical Commission):

"In 1848, General Burleson moved his family to San Marcos and built his log cabin on the hill overlooking the beautiful springs and valley of the San Marcos River. . . . He built the first dam across the river in 1849 to obtain power to operate a grist mill and a saw mill."<sup>21 22 23</sup>

In 1850, the little San Marcos settlement, just a few hundred yards downriver from the Mill Tract, boasted two stores and a tavern and some half dozen dwellings scattered around the square.<sup>24</sup>

The Hays County census for 1850 listed 387 settlers, representing 259 persons among 41 families, plus 128 slaves.<sup>25</sup>

This researcher's great grandfather, Thomas Gilmer McGehee, had moved to the San Marcos River from Bastrop in 1846 to settle on his headright league of land and become the first farmer in the area which became Hays County in 1848. (He is listed in the above-mentioned census.) He served as a County Commissioner from Precinct 2 1850-1852.<sup>26</sup> Along with Shadrack Dixon and C.R. Johns, he was appointed by the Probate Court as a Commissioner to Make Partition and Distribution of the Edward Burleson Estate.<sup>27</sup>

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The growing of cotton (in Hays County) began with the first white settlement. Small areas of River valley lands were cultivated to this crop as early as 1847.<sup>28</sup>

The cotton gin on the Mill Tract was installed during General Burleson's last years. It is first mentioned in the Probate of the Estate of General Burleson. . . First, in the petition of Mrs. Burleson and her son to sell the Mill site and cotton gin and 40 acres of land; and second, the account of sale of the saw and grist mills, cotton gin house, press and all fixtures, etc. together with 40 acres of land adjoining and connected . . . and all the water power connected with the said mills and the cotton gin house. . . .<sup>29</sup>

One discussion of early settlers included this reference to a gin: "Those first pioneers (in Hays County) clustered their cabins close to the River. The stage line stopped there on the way to San Antonio -- an 18-hour trip from Austin. Major C.R. Johns is another who was there in 1847. (He was one of the Commissioners to Make Partition and Distribution of General Burleson's Estate). . . Edward Burleson built a saw mill . . . . and a cotton gin."<sup>30</sup>

In a "Bond for Title" of the Mill Tract, filed for record October 29, 1860, the Rectors of Hays County sold to Thomas Mooney and part of the consideration was to be paid in cotton (at 10¢ per pound), to be delivered at the gin . . . whenever called for.<sup>31</sup>

The first Chief Justice (Judge) of Hays County was Henry Cheatham. He was born in Virginia in 1798 and migrated with his family to Texas (via Arkansas) in 1847, settling near the point of

confluence of the Blanco and San Marcos Rivers. He grew cotton, corn and hay on his vast acreage and exchanged them for sugar, molasses and flour.<sup>32</sup> Thomas Gilmer McGehee also farmed an extensive acreage of cotton on his headright league of San Marcos River valley land in the same general area.<sup>33</sup>

The final reference found to the Mill Tract gin was made on June 1, 1889, when Ed. J.L. Green bought one-half interest in the Tract from John Cooke . . . "including  $\frac{1}{2}$  of all improvements and machinery thereon or thereto belonging, except the gin house and machinery belonging thereto, on the east side of the San Marcos River."<sup>34</sup>

Continuing enterprise on the Mill Tract brought about numerous changes in title between 1855 and 1883 . . . One change of interest was noted in a general warranty deed on March 5, 1872, when Joseph A. Smith of Jefferson County sold an undivided one-half interest to S.L. Peques of Hays County.<sup>35</sup> Today, a street through part of the original tract still bears the Peques name.

Lack of street lighting was a topic discussed in 1880, when the entire system consisted of four kerosene lamps (around the town square), two cared for by the town marshal, and two by the commissioners court. In 1889, San Marcos took its first step toward making an attractive town of itself. In that year, the San Marcos Electric Light and Power Company received a right-of-way.<sup>36</sup>

Within the time frame of the 1880's, the Mill Tract was a busy place. . . In April, 1883, a company was organized to establish a perfect system of water works for San Marcos. Work commenced in

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July, 1883, under the management of Mr. Holmes. The project cost \$30,000.<sup>37</sup>

At this same time, plans for the first ice factory were being made as Tom Code of Guadalupe County purchased an undivided  $\frac{1}{2}$  interest in the Mill Tract.<sup>38</sup> Code came to San Marcos as Miller for the grist mill and to build the ice plant. This first ice plant, completed in 1884, had as its equipment an "absorption" machine, which turned out a ton of ice a day in 25-pound blocks.<sup>39</sup>

On the River, above the dam near the ice factory, Code kept rowboats to use to show visitors the beauties of the San Marcos River. He promoted the location from Canada to Mexico.<sup>40</sup>

In 1884, Tom Code sold half of his  $\frac{1}{2}$  interest in the Mill Tract to Edward Code in order to help pay expenses of construction of the building, the water wheel, and to make repairs to the dam.<sup>41</sup>

And, in that same year, the name of the newly-chartered San Marcos Water Works was used in conjunction with a contract and agreement mentioning renting and leasing among the owners of the Mill Tract.<sup>42</sup> It was not until 1888 that the San Marcos Water Company actually "bought in" to the Tract, and also the ice factory or ice machine and attachments.<sup>43 44</sup>

"In 1889, Ed. J.L. Green, president of the First National Bank, and his associates, put in an electric light plant, acquiring the power at the dam where they located the light outfit. The plant was shut down every night at midnight, starting up again at four in the morning.<sup>45</sup>

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On June 12, 1889, Tom Code contracted with Dr. John Cooke to "furnish and place in the mill at the head of the San Marcos River on the Mill Tract a water wheel and all other machinery necessary, buildings, appliances, etc. to furnish water power required for running an electric light plant in San Marcos.<sup>46</sup>

Big news in 1894 was the new ice making machinery-being installed in the ice factory of the Mill Tract by R.M. Pettitt. Pettitt had taken over the installation and operation of the new ice equipment and the grist mill. The machinery came from the Hercules Ice Machine Company in Aurora, Ill., and the water was put through new triple purification processes to insure a better product. A large cold storage room was installed where the "city trade" could store their perishables.<sup>47</sup>

"The ice factory was a white wooden building with the name in black. The fuel used to run the boiler was wood, now they use oil. This factory stood where the present one stands now. The machinery could make up to three 100-pound bars of ice at a time and could be adjusted upward to a capacity of four bars. Ice sold for 60¢ per 100 pounds. They had three wagons".<sup>48</sup> 49 50

There was an interesting Deed of Trust filed for record on August 13, 1897, involving the Mill Tract. On behalf of the Electric Light and Power Company, Ed. J.L. Green (its President) and William Green (its Secretary) arranged to issue \$15,000 in Second Mortgage Gold Bonds "to improve it system and to repair the dam across the San Marcos River."<sup>51</sup>

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That was the same William Green who, in 1902 or 1903, beautified the Mill Tract<sup>and</sup> some of his other holdings by planting trees such as the five cypress trees just below the Mill Tract dam, on the west bank of the River.<sup>52</sup>

The third and last ice plant was built in 1903 when the San Marcos Electric Light and Power Company, the San Marcos Water Company and the San Marcos Ice Company all operated from the Mill Tract location. The 30 x 70 foot ice room, the 32 x 36 foot boiler room and the 20 x 40 foot storage room made up the ice factory which turned out 200-pound, then 300-pound bars at the rate of 15 to 20 tons per day.<sup>53 54</sup>

On June 5, 1903, William Green, president of the San Marcos Ice Company called attention to the newly-upgraded ice operation in an attention-getting ad in the Hays County Times and Farmer's Journal.<sup>55</sup>

Hard times for the San Marcos Water Company brought about the forced sale of its assets including "an undivided 7/16 interest in an to a tract of 40 acres of land situated . . . in the County of Hays, in the State of Texas, known as the Mill Tract". This sale includes the buildings, pumps, machinery, reservoir site and reservoir, all the water mains, laterals and service pipes now or heretofore laid . . . in San Marcos. The sale was held at the courthouse door on June 8, 1909, and the property described above was bought for cash by the trustee for the San Marcos Utilities Company.<sup>56</sup>



The charter for the San Marcos Utilities Company was endorsed and filed in the office of the Secretary of State on July 20, 1909. Its purposes were: the construction or purchase and maintenance of mills and gins, the manufacture and supply to the public by any means of ice, gas, lights, heat, water and electric motor power, or either, in connection with such mills or gins, or either, the harvesting of grain, or the harvesting and thrashing of grain.<sup>57</sup>

In a description of the operation of the newly-formed San Marcos Utilities Company, it was noted that "the ice plant of the company has a capacity of 15 tons of pure, crystal ice and 400 gallons of ice cream daily."<sup>58</sup>

The Mill Tract had evolved in 1849 from General Burleson's damsite holding to the site for grist and saw mills, cotton gin, ice factory, water supply system, and now a combined utility operation including generation, manufacture, and distribution.

Until July 6, 1925, when San Marcos Utilities Company conveyed by General Warranty Deed to Texas Public Utilities Company two tracts or parcels of land situated in the County of Hays, State of Texas, out of the J.M. Veramendi League #1: one being a portion of the 40-acre Mill Tract, and the other a part of the adjoining original Burleson Homestead Tract. This sale to Texas Public Utilities Company included all operations and rights except "Grantor's water works pumping and distribution system in the City of San Marcos".<sup>59</sup>

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By General Warranty Deed dated May 19, 1926, San Marcos Utilities Company transferred the dam (and damsite area) built by General Burleson in 1849 to A.B. Rogers of Hays County, Texas, the property conveyed herein being a part of what is known as the Old Mill Tract. Rogers had earlier purchased (in March, 1926) the adjoining 125-acre tract where he built the Springlake Golf Course and Rogers Spring Lake Park Hotel.<sup>60</sup>

On April 13, 1928, Mrs. G. A. Rogers wrote a story about the beginnings of San Marcos for the Kyle News -- Quarter Century Edition: "General Edward Burleson had the first dam on the River built to run a grist mill and a saw mill. It was in the neighborhood of where the present power plant now stands."<sup>61</sup>

On August 6, 1949, by General Warranty Deed, A.B. Rogers and Mrs. Rogers conveyed to their only son, Paul Rogers, numerous parcels and tracts of land in Hays County, including a part of the 40-acre Old Mill Tract.<sup>62</sup>

In 1958, the ice operation on the Mill Tract (first established in 1883/84 by Tom Code, as improved in 1894 by R.M. Pettitt, described and advertised in the February 13, 1894 issue of the Hays County Times and Farmer's Journal, was sold by the Texas Power and Light Company (Texas Public Utilities) to the Southland Ice Company.<sup>63</sup> Under their ownership and development, ice production peaked at 40 to 45 tons a day in the early 1960's. Soon after this peak was attained, the decline began, with electric refrigerators and party ice taking a heavy toll. Production slowly dwindled to three tons per day. The plant was permanently closed and the

San Marcos' "Mill Tract" -- 14 -

building boarded up on May 31, 1976.<sup>63</sup> This last parcel of property left of the original Mill Tract was sold to Aquarena, Inc. in 1977. And, in 1982, continuing in an enterprise of public service, nestled comfortably inside the solid, pink brick walls of the old 1903 ice house, a pleasant restaurant was born.

There then is the chronicle, the story of the Mill Tract, the story of General Burleson's vision and enterprise that saw the establishment and continuing development of San Marcos' first industrial park.

# FOOTNOTES

- <sup>1</sup>Dobie, A History of Hays County (Master's Thesis), University of Texas, 1932
- <sup>2</sup>Spanish Land Grant, Nov. 10, 1831, certified copy. Filed for record Feb. 14, 1898, Vol. 37, pp 161-71 Hays County Deed Records.
- <sup>3</sup>Yarbrough, The Life and Career of Edward Burleson (Master's Thesis), University of Texas, 1936.
- <sup>4</sup>Willbarger, Indian Depredations in Texas, p 34.
- <sup>5</sup>Idem, The Life and Career of Edward Burleson, pp 26-28.
- <sup>6</sup>Brown, (MS) Annals of Travis County, IV, p 50.
- <sup>7</sup>House Journal, II Congress, pp 8-10.
- <sup>8</sup>Senate Journal, III Congress, p 12.
- <sup>9</sup>Ibid, p 120.
- <sup>10</sup>Texas Sentinel, Jul. 1, 1841
- <sup>11</sup>Thrall, A Pictorial History of Texas, p 318.
- <sup>12</sup>Telegraph & Texas Register, May 29, 1844.
- <sup>13</sup>San Marcos Record, Jul. 8, 1932.
- <sup>14</sup>Austin American, Jul. 3, 1932.
- <sup>15</sup>Idem, A History of Hays County, p 4.
- <sup>16</sup>Hays County Historical & Genealogical Society Files, Vols. I, II, III.
- <sup>17</sup>Hall, A History of Hays County, (Thesis), University of Colorado, 1935
- <sup>18</sup>Idem, Hays County Historical & Genealogical Society Files, Vol. IV.
- <sup>19</sup>State Gazette, Dec. 27, 1851.
- <sup>20</sup>Probate Records of Hays County, Record Book A & Minute Book B, 1852-62.
- <sup>21</sup>Wyatt, Historical Markers In Hays County, 1907-1976.
- <sup>22</sup>Irrigation Records of Hays County, "Water File", Vol A, pp 1-5. (Abstract pp 101-05, appended)

San Marcos' "Mill Tract" Footnotes -- 2

- <sup>23</sup>Stovall, General Burleson Chose To Settle By The Springs (Article), San Marcos Record, Apr. 29, 1979.
- <sup>24</sup>Erhard, Letter to the Free Press, 1873 (as reproduced in Hays County Citizen, Nov. 21, 1974).
- <sup>25</sup>Judd, 1850 Census of Hays County (as recorded in and for the San Marcos Record, Sep. 20, 1962.
- <sup>26</sup>Idem, A History of Hays County (Hall)
- <sup>27</sup>Idem, Probate Records of Hays County (Abstract p 27 appended)
- <sup>28</sup>Idem, A History of Hays County (Hall)
- <sup>29</sup>Idem, Probate Records of Hays County (Abstract p 30A appended)
- <sup>30</sup>Barkley, A History of Central Texas, 1970
- <sup>31</sup>Hays County Deed Records, Vol. D pp 226-27
- <sup>32</sup>Zimmerman, Historical Designation of First Courthouse Site, (Article), San Marcos Record, Feb. 29, 1968
- <sup>33</sup>McGehee Family Papers, 1968
- <sup>34</sup>Idem, Hays County Deed Records, Vol. Y pp 302-04.
- <sup>35</sup>Ibid, Vol. G pp 576-77.
- <sup>36</sup>"San Marcos In Its First Years", (Article) San Marcos Record, Sep. 9, 1962.
- <sup>37</sup>San Marcos Cresset, Aug. 11, 1885.
- <sup>38</sup>Idem, Hays County Deed Records, Vol. Q pp 341-44.
- <sup>39</sup>Rogers Family Papers, 1970-date.
- <sup>40</sup>Idem, San Marcos Record, Sep. 9, 1962.
- <sup>41</sup>Idem, Hays County Deed Records, Vol. S pp 219-22.
- <sup>42</sup>Ibid, Vol. S pp 409-10.
- <sup>43</sup>Idem, A History of Hays County (Hall)
- <sup>44</sup>Idem, Hays County Deed Records, Vol. W pp 493-95.

San Marcos' "Mill Tract" Footnotes -- 3

- <sup>45</sup>Harwell, Article in the Kyle News, Apr. 13, 1928.
- <sup>46</sup>Idem, Hays County Deed Records, Vol. X pp 372-74.
- <sup>47</sup>Hays County Times, Article and Advertisement, Feb. 13, 1894.
- <sup>48</sup>Idem, Rogers Family Papers, 1970-date.
- <sup>49</sup>Idem, Hays County Times, Feb. 13, 1894 (copy of Advertisement appended)
- <sup>50</sup>Early San Marcos Newspaper, Picture Ice Factory 1884 and 1903 (advertisement) (copy appended)
- <sup>51</sup>Hays County Deed of Trust Records, Vol. J pp 148-52.
- <sup>52</sup>McGehee, A River Reflects on Pepper's Past, 1982
- <sup>53</sup>U.S. Bureau of Interior, "Water Powers of Texas #105", 1904.
- <sup>54</sup>Idem, Rogers Family Papers, 1970-date.
- <sup>55</sup>Hays County Times & Farmers' Journal, June 5, 1903, (copy of Advertisement appended)
- <sup>56</sup>Idem, Hays County Deed Records, Vol. 55 p 400.
- <sup>57</sup>Ibid, Vol. 75, p 599; filed for record Nov. 7, 1919. (Copy appended)
- <sup>58</sup>Idem, A History of Hays County (Hall)
- <sup>59</sup>Idem, Hays County Deed Records, Vol. 90 pp 173-76.
- <sup>60</sup>San Marcos Record, Mar 12, 1926.
- <sup>61</sup>Rogers, Kyle News, Apr. 13, 1928. (Article)
- <sup>62</sup>Idem, Hays County Deed Records, Vol. 143.
- <sup>63</sup>Idem, A River Reflects on Pepper's Past, 1982
- <sup>64</sup>Ibid.

## BIBLIOGRAPHY

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- Thrall, H.S.: A Pictorial History of Texas, St. Louis (N.D. Thompson & Co.), 1870.
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- Wyatt, Tula T.: Historical Markers In Hays County 1907-76, (MS), San Marcos.
- Yarbrough, Yancy P.: The Life and Career of Edward Burleson (Master's Thesis, Univ. of Texas), 1936.

### II. Newspapers

- Austin American, 1932.
- Hays County Free Press, 1873.
- Hays County Times, 1894.
- Hays County Times & Farmer's Journal, 1903
- Kyle News, 1928.
- San Marcos Cresset, 1885.
- San Marcos Record, 1926, 1932, 1962, 1968, 1979.
- State Gazette, Austin, 1851.
- Telegraph & Texas Register, Houston, 1844.
- Texas Sentinel, Austin, 1841.

San Marcos' "Mill Tract" Bibliography -- 2

III. Public Records

Hays County Deed Records

Hays County Deed of Trust Records

Hays County Probate Records

Hays County Historical & Genealogical Society Files

House Journal, II Congress

Irrigation Records of Hays County

Senate Journal, III Congress

Spanish Grant (Certified Copy) by State of Coahuila and Texas to Juan M. de Veramendi of San Antonio de Bejar, Nov. 10, 1831. (Recorded Feb. 14, 1898, Hays County Deed Records).

Water Powers of Texas #105, U.S. Bureau of Interior, 1904.

IV. Family Records

of the Thomas Gilmer McGehee

and

Arthur B. Rogers

families



# APPLICATION FORM FOR OFFICIAL TEXAS HISTORICAL MARKER

Texas Historical Commission  
Research and Markers Department  
P.O. Box 12276, Austin, Texas 78711

Title of marker (subject to revision by THC staff)		
Marker location (street address or highway number; include name of cemetery, building, park, etc., if applicable; if on highway right-of-way or in a small community, briefly explain how to get there from the nearest town)		
City or nearest city shown on Texas Highway Department road map	County	
Distance and direction of subject from marker site For example, "Subject is 1/2 mile SW of marker site."	Surface to which marker will be attached (if not on post)	
Owner of marker site	Address	City, Zip Code
Sponsor of marker	Address	City, Zip Code
Person to whom marker is to be shipped	Address	City, Zip Code
<i>NOTE: Freight companies cannot ship to route or box numbers. If street address is unavailable, please provide a phone number. If marker is to be placed on highway right-of-way, it will be shipped to your district highway engineer.</i>		

Signature of County Chairman	Address	City, Zip Code
"I have reviewed the narrative for this marker and attest to its accuracy." <i>Don Lula L. Wyatt Box 47 Lumberton, TX. 78666</i>		

Please consult the back of this page for specifications of the markers available. Check the items desired below. Approval of the application and narrative history *must* be obtained from the county historical commission, as indicated by the county chairman's signature on this form, before forwarding the material to the Texas Historical Commission. Please *do not* send payment if ordering subject or building markers; funds will be requested once the application has been approved by the State Marker Committee.

5% state sales tax must be added to the price, except if purchased by a tax-exempt organization.

## SUBJECT MARKERS

- |  |       |                   |
|--|-------|-------------------|
| <input type="checkbox"/> 16" x 12" grave marker (comes with mounting bar) .... | \$175 | With tax \$183.75 |
| <input type="checkbox"/> 27" x 42" subject marker with post .....              | \$575 | \$603.75          |
| <input type="checkbox"/> 27" x 42" subject marker without post .....           | \$525 | \$551.25          |
| <input type="checkbox"/> 18" x 28" subject marker with post .....              | \$325 | \$341.25          |
| <input type="checkbox"/> 18" x 28" subject marker without post .....           | \$250 | \$262.50          |

☐ I(We) request RTHL designation be considered for this marker.

## BUILDING MARKERS

- |   |       |                   |
|---|-------|-------------------|
| <input type="checkbox"/> 16" x 12" building marker with post .....    | \$225 | With tax \$236.25 |
| <input type="checkbox"/> 16" x 12" building marker without post ..... | \$175 | \$183.75          |

Applications for building markers will automatically be considered for the RTHL designation. Please read carefully Texas Marker Policies 11 through 15, and indicate that you have done so by signing below.

Signature of owner \_\_\_\_\_

## PAPERWEIGHTS

Please indicate quantity desired.

- |   |   |
|---|---|
| _____ 3" x 4" plastic paperweight<br>mounted with replica of marker .....       | With tax<br>\$75 \$78.75  |
| <i>Allow 2 months from completion of marker<br/>for receipt of paperweight.</i> |   |
| _____ Medallion paperweight.....  | \$25 \$26.25<br><i>Allows four lines of engraving; please indicate desired wording.</i> |

## DIRECTIONAL SIGNS

Please indicate quantity desired and give location(s) on form above:

- |   |                          |
|---|--------------------------|
| 24" x 24" Historical Markers In City sign .....   | With tax<br>\$65 \$68.25 |
| <i>These will be shipped to and placed on your town's city<br/>limits signs by the District Highway Engineer.</i> |                          |

- \_\_\_\_\_ Black and White (for farm-to-market roads, State and U.S. highways)
- \_\_\_\_\_ Green and White (for interstate highways)

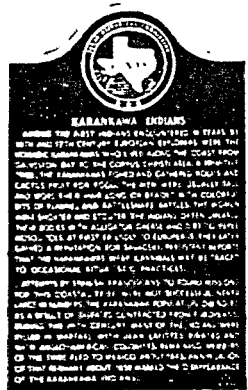
- |  |              |
|--|--------------|
| 18" x 22" Historical Marker directional sign .....         | \$65 \$68.25 |
| <i>In black and white only. For city and county roads.</i> |              |

*Applicant must supply post and be responsible for placement.*

- \_\_\_\_\_ With arrow pointing straight ahead
- \_\_\_\_\_ With arrow pointing left
- \_\_\_\_\_ With arrow pointing right

## OTHER

- |   |  |
|---|--|
| <input type="checkbox"/> National Register plaque .....<br><input type="checkbox"/> 12" x 6" supplemental plate .....<br><input type="checkbox"/> 16" x 12" building marker plate only (see policy 11) ....<br><input type="checkbox"/> Replacement medallion (see policy 11) .....<br><input type="checkbox"/> Bronze stars (for replacement on 1936 granite markers) .....<br><input type="checkbox"/> Bronze wreaths (for replacement on 1936 granite markers) .....<br><input type="checkbox"/> Bronze seals (for replacement on 1936 granite markers) .....<br><input type="checkbox"/> Bronze plates (for replacement on 1936 granite markers) .....<br><input type="checkbox"/> Certificates of commendation ..... | With tax<br>\$ 35 \$ 36.75<br>\$ 65 \$ 68.25<br>\$110 \$115.50<br>\$ 65 \$ 68.25<br>\$ 10 \$ 10.50<br>\$ 10 \$ 10.50<br>\$ 50 \$ 52.50<br>\$135 \$141.75<br>50c each |
|---|--|



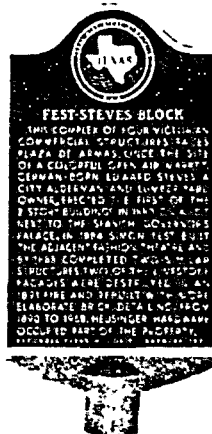
**SUBJECT MARKER**  
(27" x 42")

**SUBJECT MARKER (27" x 42")** allows up to 24 lines of text using 1/2" lettering. Marker with post, \$575; marker without post, \$525.

**BUILDING MARKER (medallion and 16" x 12" plate)** allows up to 14 lines of text using 3/8" lettering. Marker with post, \$225; without post, \$175.



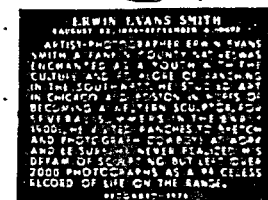
**BUILDING MARKER**



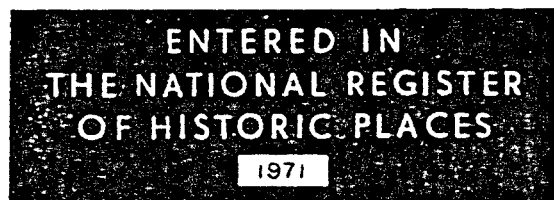
**SUBJECT MARKER**  
(18" x 28")

**SUBJECT MARKER (18" x 28")** allows up to 18 lines of text using 1/2" lettering. Marker with post, \$325; without post, \$275.

**GRAVE MARKER (small medallion and 16" x 12" plate)** allows up to 14 lines of text using 3/8" lettering. Marker including mounting bar, \$175.



**GRAVE MARKER**



**NATIONAL REGISTER PLAQUE**



**MEDALLION PAPERWEIGHT**



**HISTORICAL MARKER  
DIRECTIONAL SIGNS**

**NATIONAL REGISTER PLAQUE** is available for structures that are individually listed on the National Register of Historic Places or that are contributing members of a National Register Historic District, \$35.

**HISTORICAL MARKERS IN CITY (24" x 24")** to be placed on city limit signs by the State Dept. of Highways and Public Transportation.

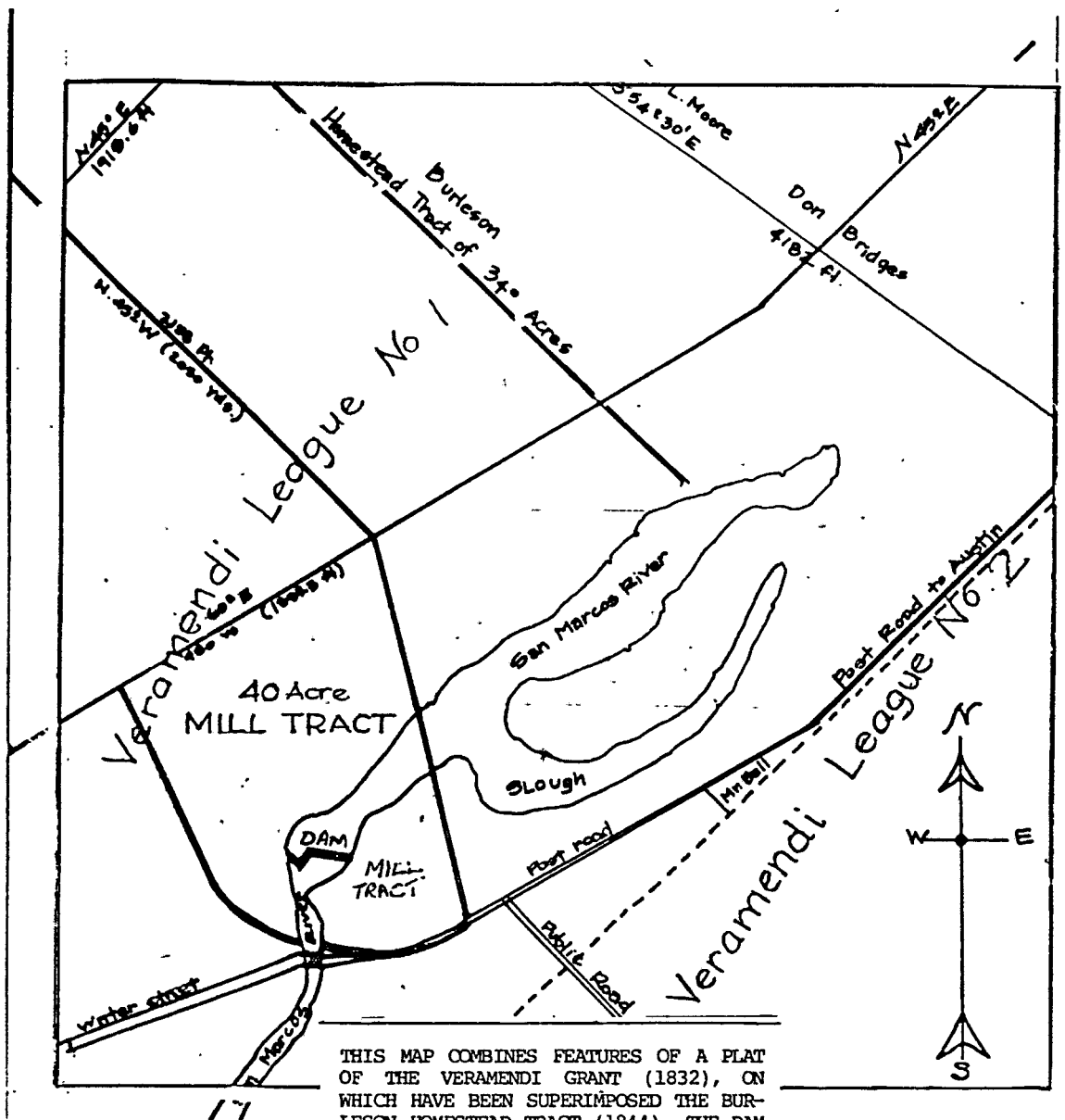
**HISTORICAL MARKER (18" x 22")** with directional arrow to be placed on city streets and county roads.



**PLASTIC PAPERWEIGHT**

**MEDALLION PAPERWEIGHT** cast in aluminum, the medallion measures 4" in diameter with a 3 1/4" x 1 1/4" plate, allows four lines of engraving, \$25.

**PLASTIC PAPERWEIGHT**, a miniature replica of a marker mounted on a 3" x 4 1/8" x 1/2" black acrylic base, can be ordered when the marker application is made. Allow four months for delivery, \$75.



THIS MAP COMBINES FEATURES OF A PLAT OF THE VERAMENDI GRANT (1832), ON WHICH HAVE BEEN SUPERIMPOSED THE BURLESON HOMESTEAD TRACT (1844), THE DAM (1849), AND THE MILL TRACT (1855).

San Marcos Water Company  
by Eugene Green, Secy.

and

Ed. J. L. Green, Tenants  
in common.

WATER FILE.

Dated Sept. 4, 1895.

Filed for record Sept. 4, 1895.

Recorded in Vol. "A" pages 1-5,  
Irrigation Record of Hays County.

The State of Texas,  
County of Hays.

Know all men by these presents, That we, The San Marcos Water Company, a corporation duly chartered under the laws of the State of Texas, the principal office of which is located in the town of San Marcos in said county of Hays, acting herein by Eugene as Secretary and by Ed. J. L. Green, a resident citizen of said county and state, being associated together and owning as tenants in common between them the following described tract of land situated in said county, viz: the land known as the San Marcos Mill Tract, for a more particular description whereof reference is hereby made to the descriptive field notes thereof contained in the record of a deed conveying an interest in said tract and describing the same executed by S. L. Pegues and wife to Thomas Code and dated the 1st day of March, 1883, and recorded on pages 341-4, Book 0, Hays County Deed Records. The interest of the said San Marcos Water Co. in said tract of land being an undivided 7/10 and the interest of the said Ed. J. L. Green therein being an undivided 9/16 and said parties being also the owners of like interests in common in and to a certain dam across San Marcos River about one hundred yards above the point at which the most Southern or lower boundary line of said tract of land strikes the river, do, as such tenants in common, associated together hereby express their desire and intention to avert themselves of the provisions of an act of the 24th Legislature of the State of Texas, known as Chapter 21, of the Session Acts of said Legislature, and do hereby make the following file upon and appropriation of the unappropriated waters of the ordinary flow and under flow of the said San Marcos River for the purpose of holding and storing the same above said dam in the lake and reservoir formed thereby and existing naturally which said dam so built and constructed by said tenants in common as an association of persons and those under whom they claim, for the purpose of utilizing said water for the purposes of milling and the construction and maintainance of water works for supplying water to the said city of San Marcos, and by this file and appropriation do declare their purpose to divest such waters for milling and supplying water by means of said water works to the citizens of the said city of San Marcos, and for the purpose of effecting such appropriation as required by the provisions of the law above referred to, the said tenants in common as such association do make and subscribe the following statement under oath, viz:

1st.

As stated above the purpose of this file and appropriation is for milling and the construction of water works and no land is intended to be irrigated therefrom by means of any ditch or canal.

2nd.

The point at which the head gates to be used in utilizing the power of said water are constructed in the face and body of the dam.

3rd.

As stated above, the name of the stream from which said water is taken is the San Marcos River.

4th.

The time when the work was commenced in the construction of a dam across said river at or about the same place where the present dam is located was about the year 1849, and the same has been maintained by repairs and the construction of new dams from time to time continuously until the present time.

5th.

The names of the owners of said dam and mill tract of land are the San Marcos Water Company and the said Ed. J. L. Green, as tenants in common, whose interests therein are, and shall be as hereinbefore set out.

6th.

The sketch hereto annexed, marked Exhibit A, and made a part hereof, shows the outline of said lake or reservoir and the appropriate location of said dam, and as no ditch or canal is contemplated in connection therewith, none is delineated on said sketch.

7th.

The locality of said dam is across the said San Marcos River about one hundred yards above the lower line of said mill tract and the same forms the lower limit of the said reservoir or lake, which is formed by beginning at the west end of said dam and running up the West bank of the said San Marcos River following the water level of the top of said dam to and around the head of the said river. Thence down the East bank of said river on said water level to the mouth of the slough forming the outlet of Sink Spring Hollow. Thence up said Slough following the North or West bank thereof on said water level to Sink Spring. Thence down the East or South bank of said Slough

on said water level to the East bank of said San Marcos River. Thence down the East bank of said river on said water level to the East end of said dam.

8th.

The said lake and reservoir is located upon the bed of said San Marcos River between and upon the J. M. Veramendi League No. One and the J. M. Veramendi League No. Two, and upon the T. J. Chambers league, all in Hays County.

9th.

The holding capacity of said lake and reservoir is about thirteen million cubic feet of water, and the average and surface feet of land covered thereby is about thirty acres, or about one million three hundred and six thousand square feet, and the limits of such lake, reservoir and dam is as hereinabove set forth in paragraph 7 hereof.

To the truth of the foregoing statement, the said Eugene Green for the said San Marcos Water Company, and the said Ed. J. L. Green for himself, do make oath on this the fourth day of September, A. D. 1895.

Eugene Green,  
Ed. J. L. Green.

Sworn to and subscribed before me by Eugene Green and Ed. J. L. Green, this the 4th day of September, A. D. 1895.

(L. S.)

Jas. G. Storey,  
Clerk County Court of Hays County,  
Texas.

"See Exhibit A on next page.  
Clerk."

"Exhibit A"

San Marcos River

San Marcos Austin Road

Mile

Bridge

I + G N R R

San Marcos Spring

N



No. 6.

PROCEEDINGS IN PROBATE COURT,

Estate of Edward  
Burleson, deceased.

HAYS COUNTY, TEXAS.

The Probate Records of Hays County show proceedings in the above estate at great length, extending over a period of something over 10 years. So much thereof as is thought necessary will be hereinafter shown. The proceedings are of record in Record Book "A" and Minute Book "B" as follows:

1---- At page 4 of Book "B" is the following order:

"No. 6.

Estate of Edward Burleson, deceased. Sarah G. and Joseph R. Burleson made oath and gave bond and previously having given notice as required by law, it was ordered by the court that Letters of Administration be granted to them as Administrators of the estate of E. Burleson, deceased. It was also ordered and decreed that William Lindsey, Henry Chestam and C. Kyle be appointed appraisers of the estate of Edward Burleson, deceased."

This order is entered at the February Term, 1852, but not otherwise dated.

2----- In Book "A" at page 41, is the following:

"State of Texas, )  
County of Hays. (

COUNTY COURT, February Term, 1852.

Know all men by these presents, that whereas, Sarah G. and Joseph R. Burleson having petitioned in the form of law for letters of administration on the estate of Edward Burleson, deceased, and having taken the oath and given such bond as the law requires, I, Clement R. Johns, Chief Justice of Hays County, do constitute and appoint Sarah G. and Joseph R. Burleson, Administrators of the estate of Edward Burleson, deceased.

Witness my hand and the seal of the County Court, this the 27th day of February, A. D. 1852.

C.R. Johns, Chief Justice."

This is certified to by the County Clerk as being a true copy of the original Letters of Administration.

3-----At page 42 of Book "A" is oath of office of Sarah G. and Joseph R. Burleson as Administrators and also their bond as such in the sum of \$20,000.00 with William Lindsey and U.A. Young as sureties

4-----At page 43-4 of Book "A" is order directing the filing of the Inventory and also setting apart a homestead for the benefit of the widow and children.



5----- At page 45-51 in Book "A" is recorded the inventory dated March 29, 1852, sworn to on the same date by Kyle, Chestam and Lindsey as appraisers. It is also sworn to by Joseph R. and Sarah G. Burleson on same date. This Inventory shows among a large number of other items, the following lands, viz:

200 acres of land at San Marcos Springs, being the part of League No. 2, East of San Marcos granted originally to M. Veremanda lying N.E. of San Marcos Spring.

1450 acres of land, lying Northwest of the original Grant of two Leagues of land in the name of Juan M. Veremanda, and adjoining and connecting with the North-east of said Two League Grant.

(For said 200 acres see page No. 22 hereof and for the 1450 acres see page No. 13 Abstract).

It appearing to the court that due and legal notice had been given of said application, and that notice by process of citation had been personally served on each one of the heirs and distributors entitled to a share of said estate.

It is ordered that writ of Partition issue in accordance with law, It therefore appearing to the court that Sarah G. Burleson, surviving widow of said Edward Burleson, Sen. Dec'd Mary Jane Stephenson, Edward Burleson, Jr., Joseph Burleson, Gracia Kyle, wife of Felix Kyle, David Crockett Burleson and Elizabeth S. Burleson, the last two of whom are minors, are all the heirs and distributors of the said Edward Burleson, Sen. dec'd., and all citizens of the County of Hays, in the State of Texas."

The order then sets out at length various advancements that had been made to these parties by Edward Burleson, Sen. in his lifetime, and it then proceeds, "all of which was advanced to each one of the distributors by said Ed. Burleson, Sen. dec'd. And it further appearing to the Court that the following property, real, personal and mixed is the property of the estate of Ed. Burleson, Sr., Dec'd., subject to partition and distribution of said Ed. Burleson, Sr., deceased, viz: Here follows various tracts of land, including the following:

Lots Nos. 1, 2, 3 & 4 in Block No. 24 in the City of San Marcos, Hays County, Texas. Then follows other property, real and personal, and the order then proceeds:

"Therefore it is ordered, adjudged and decreed Thos.G. Mc-Gehee, Clement R. Johns and Shadrack Dixon be and they are hereby appointed Commissioners to make partition and distribution of all said property and money among the heirs and distributors of Edward Burleson, Sen. dec'd., hereinafter named, viz:

To Sarah G. Burleson, surviving widow of Edward Burleson, Sr., deceased, and to each of the six children, viz: Mary Jane Stephenson, wife of James C. Stephenson, Edward Burleson, Jr., Joseph R. Burleson, Gracia Kyle, wife of Felix Kyle, David Crockett Burleson, a minor, and Elizabeth S. Burleson, a minor, they will set apart one-seventh portion of said property and money to each, taking into consideration the value of the property advanced to them respectively. The said Sarah G. Burleson surviving widow, having released all her other right in the estate of her heirs. And the last two distributees being minors, it is ordered and decreed that Henry Cheatham be and he is hereby appointed Guardian Ad litem of the said David Crockett and Elizabeth S. Burleson, Minors, to attend to their interest in said partition.

It is further ordered and decreed that the writ of partition do issue, commanding the said Commissioners to proceed forthwith to make said partition and distribution in accordance with this decree, also commanding them to make due return of the same.

8----At page I69-77, Book "A", is report of the Commissioners of Partition, dated February 15th, 1855, sworn to on the same day. This recites that these Commissioners were appointed at the January term 1855, of said County Court, as Commissioners to make partition and distribution of the property belonging to the estate of Gen. Edward Burleson, Sen. dec'd. same being set forth and described in the decree: that they proceeded on the \_\_\_ day of February, 1855, to make such partition and distribution, and they report to the court the following partition and distribution. There then appears a list of property set forth to each of said distributees, including the following:

"We give and set apart in partition to David Crockett Burleson, a minor, represented by Henry Cheatham, Guardian ad litem:  
23 1/2 acres of land, No. 2 on the annexed plat, x x x x  
78 acres of land, (Cedar) No. 7 x x x x x x

Here follows a long list of town property including the following:

Lot No. 1 in Block No. 24, valued at,	\$25.00
" " 2 " " 24 " "	20.00
" " 3 " " 24 " "	20.00

All in said town of San Marcos, Hays County, Texas.

"We give and set apart in partition to Mrs. Sarah G. Burleson, surviving widow of Gen. Ed. Burleson, Sr. dec'd., the following property of said estate:

340 acres of land, part of and including the homestead. being lot No. 1 on the annexed plat, marked "A", the said Sarah G. Burleson having executed her obligation to Elizabeth S. Burleson, one of the distributors for the sum of \$1254.00. And the said Sarah G. Burleson as surviving widow of Edward Burleson, Sr., dec'd. having executed a release and assignment under seal of her legal rights and interest in said estate of Edward Burleson, Sr. dec'd. to the heirs and distributors thereof.

9----Following the report of the Commissioners of partition is an order entered at the February Term, 1855, and shown at page 178 of Book "A", same as entered in this estate, and reads thus:

"And now at this term of the court the report of the Commissioners appointed by this court at the January term, 1855, for making partition and distribution of the estate of said Ed. Burleson, Sr., dec'd. among the heirs of the said Ed. Burleson, Sen. dec'd. duly subscribed and sworn to as required by law and filed, and coming on for examination, and approved of this court; and it appearing to the court that the partition & distribution made by said Commissioners is just and is in every particular in accordance with law, it is therefore ordered and decreed by the court that said report be & is in all things ratified and confirmed, and be entered on the minutes of the court."

This same order is of record at page 166 said Book "A".

10----At page 180 of said Book "A" is an instrument as follows:

"The State of Texas,  
County of Hays.

For causes and considerations to myself sufficient and satisfactory, I, Sarah G. Burleson, the surviving widow of Edward Burleson, Senr. dec'd. on this the 15th day of February, A. D. 1855, by these present grant, release assign, make over unto the legal heirs of the said Edward Burleson, Sen. dec'd. all the title, right & interest legal & equitable which I now have or ever had to the estate, real, personal & mixed, of the said Edw. Burleson, dec'd. excepting oneseventh part thereof which I hereby claim & reserve for myself, in absolute fee & interest forever.

In testimony whereof, I hereby set my hand & seal on this the 15th day of Feby. A. D. 1855.

In presence of:

Henry Cheatham,  
Ed. Burleson, Jr.

her  
Sarah X Burleson.  
Mark

The State of Texas,  
County of Hays.

On this the 15th day of February, A. D. 1855, personally appeared Sarah G. Burleson, to me well known to be the person mentioned in and who executed the above instrument or release & acknowledged that she voluntarily executed

the same for the uses and purposes therein set forth and contained.

Given under my hand and seal on the day & year above stated.

A. G. Campbell, a Notary Public,  
Hays County, Texas."

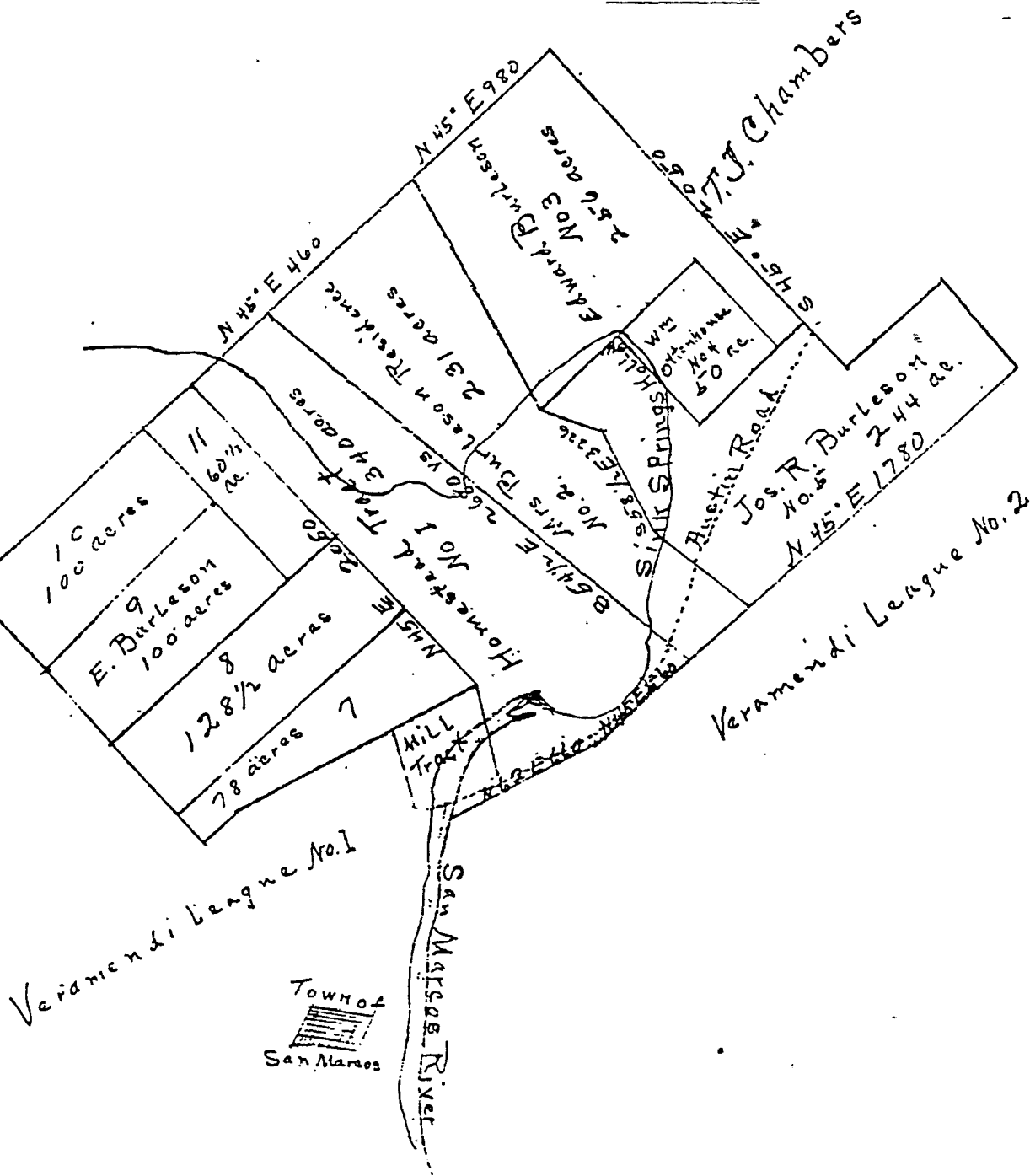
Subsequent orders in this estate do not affect the property being abstracted.

The final order closing the estate and discharging the administrator was entered on July 26th, 1862, and is recorded in Minute Book "B" at page 125.

NOTE: The above conveyance or transfer from Sarah Burleson to the legal heirs of Edward Burleson, Sen. Deceased, also appears of record in Deed Records B, page 545, Hays County Deed Records.

-Abstracters.

W. J. Chambers



In connection with the deed to Fielding L. Rector from the estate of Ed. Burleson, Sr., deceased, dated May 3, 1855, shown at page No. \_\_\_\_\_ hereof, we find recorded in Vol. "A" of the Probate Minutes the following orders of Court concerning same, to-wit:

(1). At page 162 is order of court at December Term, 1854, setting out in substance that Joseph R. & Sarah B. Burleson presented their petition in form of law, praying for the sale of the Mill Site and cotton gin, and 40 acres of land described as follows: (Here follows field notes same as in said deed to Rector, above mentioned).

Therefore, it is ordered, adjudged and decreed that said Administrator and Administratrix proceed to sell said property on the first Tuesday in April, 1855, at the Court House door of Hays County on a credit of 1, 2 and 3 years, with interest at 10% per annum from the day of sale.

(2). At page 183 is an entry made at April Term, 1855, to the effect that Sarah G. & Joseph R. Burleson returned and filed in Court an account of sales of the Mills (Saw and Grist Mill), cotton gin house, press and all fixtures, etc., together with 40 acres of land adjoining and connected, described in the order of sale, and all the water power connected with the said Mills and cotton gin house. And the Court having fully inspected said Acct. of sales, and being fully satisfied that said sale was in all things fairly made and in accordance with law.

The court orders and decrees that said account of sales be and the same is in all things received, ratified and confirmed and ordered recorded; the Administratrix and Administrator are directed to deliver to the purchaser, titles in conformity with law.

# ICE



The SAN MARCOS ICE FACTORY is now in complete running order and solicits the public patronage. Prices:

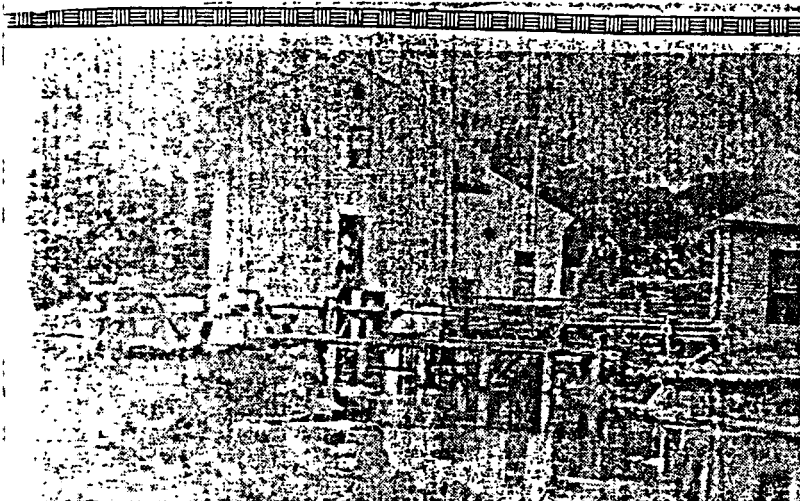
60 cents per 100 pounds.

25 pounds, and under 100, 80 cts per 100.

5 pounds and under 25, 1 cent per pound.

M. R. PETTIT, Prop.

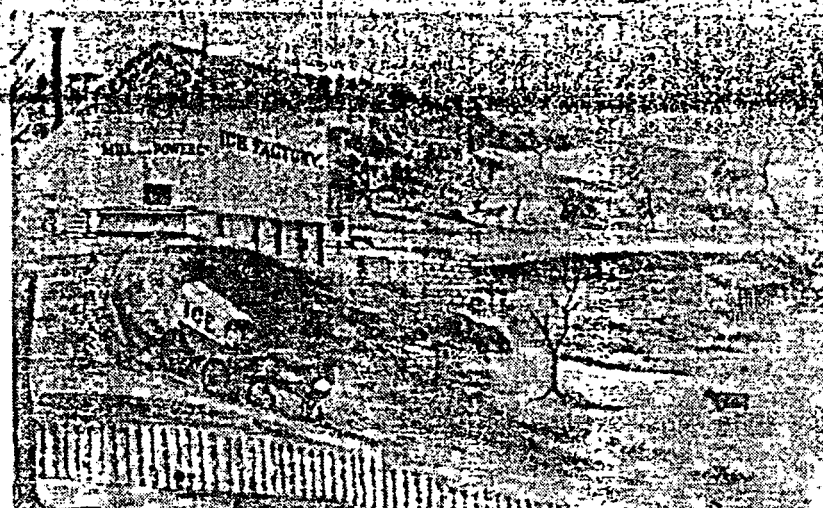
THIS ADVERTISEMENT FIRST APPEARED IN  
THE FEBRUARY 13, 1894 ISSUE OF THE  
"HAYS COUNTY TIMES".



**WE HAVE SERVED . . .**  
 at the head of the  
 river way back in  
 1885.

**AND SERVED . . .**

with our ice wagon  
 in the early 1900's.





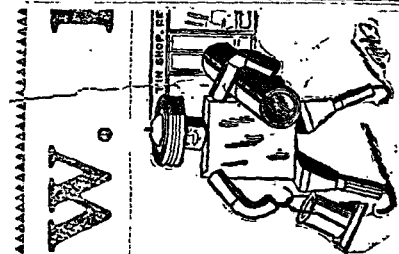
# The Hays County Times

Glover National Bank  
Of San Marcos.  
Capital paid up, \$50,000.  
Authorized Capital, \$150,000.

AND  
FARMERS' JOURNAL.

FRIDAY, JUNE 5, 1903. SAN MARCOS, TEXAS.

R. W. ADAMS,  
Real Estate Bought and Sold.  
Fire, Life and Accident  
Insurance.



East side  
Square.

**Organ Voluntary.**  
Sunday, May 3rd, 1903.  
Doxology.  
Anthem—“Jesus, My Saviour Look on Me.”  
College Choir.  
Hymn, Ceneration.  
Prayer.  
Trilo, Ave Maria. Misses Ivel, Pritchett, I. wands.  
Reading of the Letters.  
Hymn.  
Sermon, Rev. New Harris.  
Solo, Mrs. Chase.  
Prayer, Rev. Mr. Kimberley.  
Postlude.  
The Institute was fortunate in securing Rev. New Harris, the resident minister of the Methodist church, to deliver the commencement sermon.  
It was a scholarly discourse, delivered with a spirit so earnest that his helpful truths must go echoing through the years, bearing fruit in higher conceptions of life and its duties.  
The little people are always attracted but when on their gay day's frolic, the curtain is laid in place, the last ribbon tied, and they step forth in their little dress-up frocks and manners, they are irresistible.  
The program gave ample opportunity for affording the innocent accomplishments to an entertaining and appreciative and well-filled house.  
The recitations were interesting and amusing and well delivered: the children's orchestra reflected much credit on themselves and the careful training of their teachers, Misses Bailey and Harpison. The piano selections were beautifully executed and once more suggested the work of careful teachers. In this instance, Messrs. Wood and Harrison.  
The Letter Book and Flag drill was one of the features of the occasion, and brought forth a hearty round of applause.  
The primary work done throughout the school year was on exhibition, and showed a neatness in execution and a wise direction of childish energies that could only have been accomplished through the efforts of such an able teacher as Miss Matthews.  
The elocutionary prize contest is one of the most interesting features of commencement. The principles of expression as taught by Miss Helton are intended to develop imagination, concentration and continuity of thought, to free all avenues of expression so that thought and emotion may express themselves directly and distinctly, and so cultivate

## To The Public:

We began to deliver **ICE** Monday morning, May 18th  
We will appreciate your business, be it much or little.

**OUR WAGONS WILL GO EVERYWHERE.**

Please leave your orders and directions at our office or call our number, 24; either 'Phone.

**THE SAN MARCOS ICE COMPANY,**

By WILLIAM GREEN, President.

CHARTER OF THE SAN MARCOS UTILITIES COMPANY.

Name: San Marcos Utilities Company.

PURPOSES: The purpose set forth in Article 640a Revised Civil Statutes of Texas. (Chapter CXXXVIII, p. 227, Laws 1903) as follows:

The construction or purchase and maintenance of mills and gins, the manufacture and supply to the public by any means of ice, gas, light, heat, water and electric motor power, or either, in connection with such mills or gins, or either, the harvesting of grain, or the harvesting and thrashing of grain.

PLACE OF BUSINESS: San Marcos, Texas

TERM: This corporation shall exist for fifty years.

DIRECTORS: There shall be three directors, and the directors for the first year are as follows: V. L. Brooks, R. L. Batts and Jas. H. Hart, all of Austin, Texas.

CAPITAL STOCK: The capital stock shall be two hundred thousand dollars, (\$200,000.) divided into 200,000 shares at one dollar each.

Austin, Texas July 19, 1909.

V. L. Brooks.  
R. L. Batts.  
J. H. Hart.

(Here follows statutory acknowledgment of said V.L. Brooks, R.L. Batts and J.H. Hart, before W.L. Dechner, Notary Public, Travis County, Texas, July 19, 1909.)

ENDORSED. FILED in the office of the Secretary of State, this 20<sup>th</sup> day of July, 1909,

W. B. Townsend,  
Secretary of State.

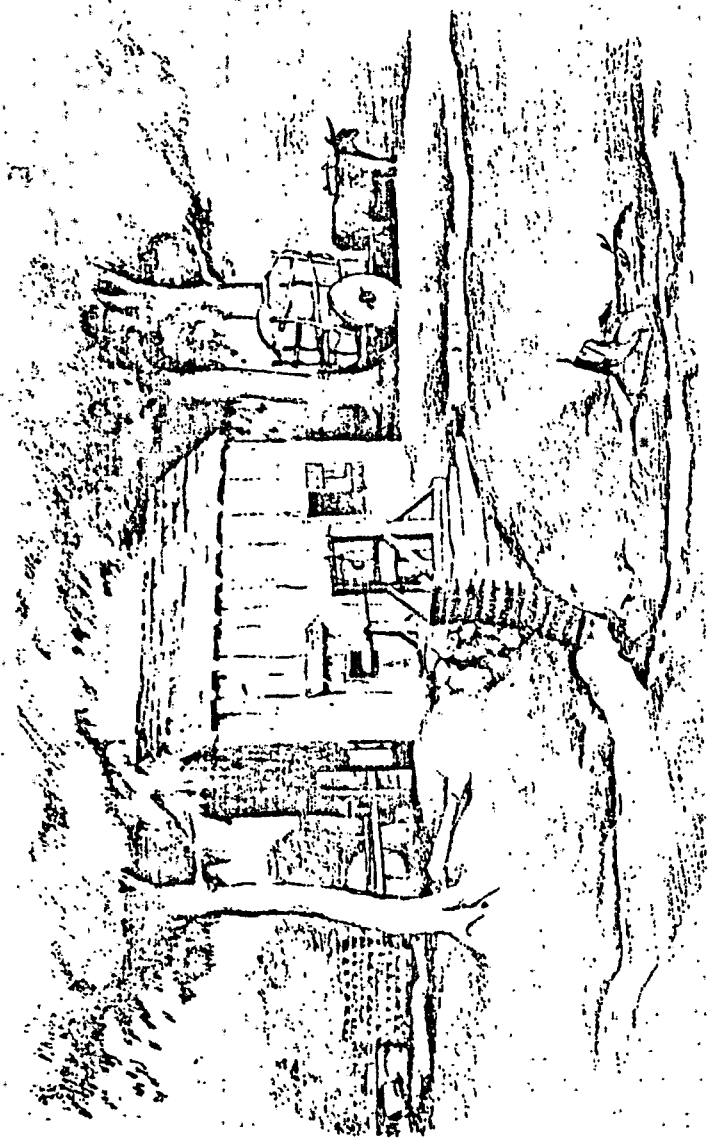
DEPARTMENT OF STATE.

I, W. B. Townsend, Secretary of the State of Texas, do hereby certify that the foregoing is a true copy of the charter of San Marcos Utilities Company, with the endorsements thereon, as now appears of record in this Department. In Testimony whereof I have hereto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, Texas, this the 28<sup>th</sup> day of July, A.D. 1909.

(SEAL)

W. B. Townsend,  
Secretary of State.

The foregoing was filed for record in Hays County Nov. 7, 1919, and recorded in the Deed Records thereof in Vol. 75, page 599.



ARTIST'S CONCEPTION OF BURLESON MILL

After the Texas Revolution, General Edward Burleson made his home at the head of the San Marcos River. A short distance down-stream he had a dam erected to provide power for his gristmill and-sawmill. The power unit used at this site was a lasting credit to the craftsmanship of the builders, Greenberry Ezell and William Firebaugh, for the large turbine-type water wheel was made of hewn walnut timber with only a limited use of iron in the construction. While dredging the river in the summer of 1928, my father, Rufus Wimberley, uncovered the remains of the ten-foot-by-ten-foot penstock of this old turbine. An octagon-shaped walnut shaft eighteen feet long and fifteen inches in diameter, with slotted joining surfaces on either end, was recovered from the silt. After nearly a century beneath the water, this wooden shaft was sound but the heavy metal parts bolted to it were nearly rusted away. Built about 1847, the Burleson Mill is now the oldest of five abandoned mill sites within the city limits of San Marcos.<sup>2</sup>

Near Aquarena, the Federal Fish Hatchery was originally furnished water by the use of a large paddle-type water wheel-pump. This was the first Federal Fish Hatchery established (1890) west of the Mississippi, and was accomplished largely through the efforts of Mr. Mark Riley, who became its first superintendent. This hatchery was only a part of his life's work in the field of game preservation. Many of today's fishermen hereabouts are indebted to Mark Riley for their catch.

The early German colonists came to Texas bringing with them skilled craftsmen of all the essential trades needed to establish a self-sufficient economic unit upon the frontier. Across Texas these master bakers and millers had wide influence in the early development of those trades. Near Fredericksburg, the old Lange mill still stands as a monument to the pioneering trade, while at New

<sup>2</sup>Data on the Burleson Mill was confirmed through conversation with Aunt Mary Dailey in 1928. At that time she was the oldest living member of a pioneering family in this area. From her memories she could recall the days when ox carts loaded with grain came for miles to this mill.



## History

### PEPPER'S LOCATION A POPULAR SPOT OVER LAST 150 YEARS

Since Juan M. de Veramendi gained title to his promised two leagues of land on the headwaters of the San Marcos River in November, 1831, from the State of Coahuila and Texas, there has been a continuing interest and activity in and on this well-situated land.

General Edward Burleson bought the tract in 1844 (where Pepper's stands), and in 1849 the first dam and Burleson's Mill (grist mill) were built. After Gen. Burleson's death (Dec. 26, 1851), his heirs sold the tract along with the grist mill, saw mill, cotton gin house and press, and other equipment to F. L. Rector in 1855. The property has been referred to in deeds and other documents as the "Mill Tract" since that time.

Although undivided portions changed hands regularly over the ensuing years, it was not until 1883 that the milling, ginning and water power enterprises were enhanced by San Marcos' first ice factory. Tom Code bought and installed this first ice-making equipment, an absorption type machine, which could turn out a ton of 25-pound ice blocks per day. A succession of partners bought into the business, and in October, 1888, the San Marcos Water Company purchased the ice factory.

While there were no obvious property transfers at the time, the opening of the "new and modern" ice factory in February, 1894 by R. M. Pettitt and his associates, brought praise from the editor of the Hays County Times. An advertisement in the same paper quoted ice prices at 1c per pound or 60c per hundred.

The first major landscaping improvement to the tract came in 1902 when William Green planted the five cypress trees on the west bank of the River just below the dam (and the ice factory). Green was also responsible for other agricultural irrigation and landscaping improvements along the headwaters extending north along the Sink Springs and Lime Kiln Road in a development called Riverhead Farm.

As San Marcos grew, so did the Ice Factory . . . In 1909, the San Marcos Utilities Co. ice plant was described as follows: "The ice plant has a capacity of 15 tons of PURE CRYSTAL ICE and 400 gallons of ice cream daily. . . The electric plant has a capacity of 100 kilowatt hours." San Marcos Utilities sold the Mill Tract to Texas Power & Light Co. in 1927, and the ice and power facilities were operated by it and its subsidiary, Texas Public Utilities Corp. In 1940, the hydro electric operation was turned over to the Lower Colorado River Authority.

In 1958, the ice factory was purchased by the Southland Corporation. It reached its peak production during the early 1960's—40 to 45 tons per day, but began a sharp decline four or five years later as electric refrigerators and party ice steadily eroded the block ice business.

The ice plant was closed in May, 1976 after a public service business had operated constantly at that location since 1849. Purchased by Aquarena, Inc. in 1977, the venerable building has been remodeled and refurbished as a modern restaurant—Pepper's At The Falls. We, the owners and operators, take justifiable pride in serving the public at this historic location.

Aquarena, Inc. & Pepper's At The Falls

*(We are indeed grateful to Tula Townsend Wyatt for offering her collection of historical data as a major source of the fiber from which this story is woven.) . . . Albert Scott McGehee - 1982*