An Application for a Harris County Historical Marker for

Baytown's Historic Oak Tree

612 West Texas Avenue, Baytown, Texas

Presented to the Harris County Historical Commission
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CONTEXT

Trees in general have had symbolic value to humans, probably from the dawn of civilization. The cedars of Lebanon are prominent in ancient literature of multiple cultures as were fig and olive trees. For European cultures, the oak symbolizes strength and long life. In the American South, especially along the Gulf Coast, the live oak is, perhaps, our most magnificent tree. It typically has a thick trunk and has long gnarly branches that often touch the ground. Many are so massive that people assume individual specimens to be centuries older than they actually are.

Despite our society's love of trees, we have ruthlessly exploited them because of their value as lumber, furniture, and fuel, and have cleared entire forests to make room for fields, pastures, and subdivisions. And it is the rare specimen that survives being in the way of a road. Virtually all of the virgin forests that our ancestors encountered when they settled North America are gone. Nevertheless, from time to time and in place to place, people have set aside individual trees and copses[8] for preservation, almost as totems. This is the story of the one live oak tree that the leaders and people of Baytown selected to be emblematic of their community.

OVERVIEW

The Texas Avenue Oak Tree has been a city symbol and a historical site in the eyes of most of the Baytown area's citizens. It has given "silent witness" to passing time and history. Its years have recorded the stories of citizens and events. Time and many attempts to destroy it have taken their toll; yet it still stands. It is a testament to the pioneer Pruett family that the avenue and the town of Goose Creek[9] grew up around the oak tree, as did folklore of the tree itself. The tree still has an influence on Baytown history.

The still-stately oak stands just off center, dividing the traffic on Texas Avenue, the main street in the city. Its once magnificent horizontal branches spread almost across the entire thoroughfare. The lower limbs that once almost swept the ground have been knocked off or pruned. Acorns from the oak tree are periodically gathered and seedlings started, being distributed by the Baytown Parks Department on Arbor Day.[10] When the tree is pruned, some wood is saved and turned into pens that are sold by BHPA to fund historical projects.[11]

In 1972, Wanda Orton, then Associate Managing Editor of *The Baytown Sun*, described the passion that long-time Baytonians have for their historic tree.

> "I think that I shall never see, An efficient, well organized channelization of concrete traffic patterns . . . As lovely as a tree." That's how I feel about the majestic live oak tree in the middle of Texas Avenue. The thought of removing the big tree for improvement of traffic flow is, to most oldtimers here, near blasphemy. It is a landmark, an emblem, a symbol of old Goose Creek.
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> And no one loves that old tree any more than our former Mayor R. H. Pruett,[12] who has done more than any single individual in town to preserve it. The big tree's life was in danger back in 1950 when it was being eaten away by termites.
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> Through Luther Stark in Orange, Pruett hired a tree surgeon who stripped away two inches of bark, exterminated the termites and gave the dying "patient" a life-saving "hypo." A curb and gutter were built around the tree. Also 12 to 15 cubic yards of dirt that had no food value were dug out, Pruett recalls, and replaced with good soil. The tree surgeon informed Pruett then that posters should not be tacked onto the tree because insects accumulate behind them. To this day, when Pruett sees a poster nailed on the tree, he quickly takes it away. The tree, like all of the downtown area, was originally located on the Pruett homestead.
>
> How old is it? According to the tree surgeon's estimate, the tree could be as old as 1,000 years. Live oak trees grow slowly Pruett pointed out, and back in 1902 it was as big then as it is now. Termites were not the only danger encountered by the big oak tree. Back in about 1949, Pruett recalls that the Baytown City Council actually voted to cut it down. Pruett persuaded them to not do it, promising he would take charge of having it cared for and preserved.
>
> Later, when Pruett was mayor he was pleased to see a city budget cover decorated with a picture of the big oak tree. And he points with pride to the fact that the Baytown city employes' (sic) service pins are decorated with a big oak tree emblem.
>
> Further evidence that the big oak tree is a widely accepted emblem of Goose Creek was found some years ago way up in Colorado. Bill Strickler, who was running a service station in the Rocky Mountains, posted signs designating the number of miles to New York, San Francisco, Chicago and -- to "the big oak tree in Goose Creek."
>
> And have you ever noticed that picture of the tree above our Around Town column on Page 1 of The Sun every day? That's the tree, all right.[13]

Myths, Folklore, and Urban Legends

(1) Many published accounts, such as the one above, have repeated the story that Baytown's old oak tree may be 1000 years old.[14] Some have even claimed that it is 2000 or 3000 years old.[15] The 1000-year estimate is stated frequently. However, it is more likely to be 300-400 years old, and that could possibly be a stretch. Its life has spanned the history of Baytown from Pre-Republic times until the present.

In an effort to establish a more accurate age of "The Baytown Oak," the Baytown Historical Preservation Association (BHPA) enlisted the help of the Houston Archeological Society. Louis Aulbach and Linda Gorski performed the task with a 30-ft cloth tape measure in 2017 (see Appendix, page 1). Three measurements of the tree trunk were made and each one came in around 14 feet and two-plus inches in circumference, or a diameter of about 54 inches. Using the method from the Hunker.com website[16] yields an estimated age of 346 years. However, it is unclear how accurate that method is in this locale.[17]

A spokesman for the Houston Area Urban Forestry Council observed, "Unfortunately there are too many variables to determine the exact age of a tree (while still alive), such as climate, soils, species, water availability, etc. … I think live oaks in general, when trying to determine age, often get overestimated. It may be better to give a range or say it's over 100 years old ... could be over 300."[18]

(2) In addition to the disputed age of the tree, a persistent, and oft refuted, story is that a black man was lynched from this tree in 1917. However, the inquest,[19] death certificates,[20] newspapers,[21] and eyewitness accounts[22] show that the lynching of Burl Smith (also reported as Berl, Birl, Birt, Bert, and Burke Smith) took place on Friday, September 21, 1917 at an ash tree (not an oak), "back of Methodist Tabernacle in Middle Town of Goose Creek," "40 yards from the main street at Middletown," and within view of the Wiesenthal Drug Store on West Main Street. All of these descriptions place the event in the Middle Town section of the then-unincorporated Goose Creek area,[23] about a mile south of the jail and the Big Oak Tree. The Wiesenthal Drug Store (later Leggett's) was on the northeast corner of what is now Edna and West Main, just east of the site where the Pelly City Hall and Harris County Library (still extant) was built about a decade later. The Methodist Tabernacle, which was dedicated in March or April 1917,[24] is believed to have been two blocks east of the drugstore, on the southwest corner of what is now West Main and Thibodeaux. The new First Methodist Church was dedicated[25] in

October 1924 on the adjacent lot to the south (northwest corner of Bolster and Thibodeaux, where it appears on the 1926 Sanborn Fire Insurance Map.[26] It is believed that the ash tree was on the then-vacant lot where the later church was built. See map in the Appendix, page 7.

(3) Another legend has it that General Sam Houston and the Texian Army camped underneath under the big oak just before meeting Santa Anna's army at San Jacinto.[27] Given that the tree is about six miles *east* of the battleground, and that the army was traveling from the *west*, camping at Harrisburg on April 18 and at San Jacinto on April 20,[28] it's not possible that the Army could have crossed the San Jacinto River (twice!) to rest under this tree before the battle.

Origins of Oak Tree and Texas Avenue

Dr. Harvey Whiting (1794-1853)[29] arrived in Texas in 1833. On February 9, 1838, he received a one-league land grant in what is now Baytown.[30] In a 2010 tribute to Price Pruett, Wanda Orton stated,

> "At the age of 26 in 1898, Pruett established a ranch in the middle of present-day Baytown, acquiring land from the heirs of Harvey Whiting, a physician who came here when Texas was still part of Mexico."[31]

However, the Harris County Deed Index shows no deeds to Price Pruett prior to 1902, and the land where the oak tree stands had sold multiple times between Whiting's death in 1853 and Pruett's purchase nearly half a century later.[32] An older brother, Henry Pruett, had acquired land in the adjacent William Scott land grant in 1895, so perhaps Price joined him there before buying 293 acres in the Whiting league in 1902.[33]

Harris County deed records show that Harvey Whiting deeded several portions of this grant to his children and others in January 1841, including a 400-acre parcel to his daughter Francis Jane, wife of Gilbert Brooks.[34] Jane died in February 1850,[35] and Gilbert Brooks married her younger sister, Melissa Peck Whiting, in 1855.[36] In February 1863, Gilbert and Melissa Brooks sold 293 acres out of the 400 acres that he had inherited from Jane to Thomas Chubb,[37] and Chubb sold the 293 acres to John E. Franks (or Franck) in August 1865.[38] John Franks died in April 1868,[39] leaving the 293 acres to his wife Sarah A. Franks, who sold it to Price Pruett in September 1902.[40]

The tree, a Live Oak (*quercus virginiana*) native to the area, was already a landmark when newlyweds Price Pruett and his wife Georgie Estelle Lawrence[41] purchased the 293 acres

out of the Whiting survey in 1902. Price Pruett (1871-1941) was the son of Beasley Pruett, Jr. (1816-1874), and the grandson of rancher Beasley Pruett, Sr. (1740-1835), who emigrated from Rapides Parish, Louisiana to what is now Liberty County in 1825.[42] Price and Georgie Pruett built a comfortable house east of the old Whiting home near the giant oak tree that stood in their front yard where children played and climbed on its branches.[43]

The first oil well in the Goose Creek Oil Field was discovered on June 12, 1908, and activity continued for many years. An informal tent city soon sprang up next to the oil field. Late in 1916 when a gusher broke up the community,[44] many citizens scattered. Ross Sterling, one of the founders of Humble Oil and Refining Co., purchased land for the building of what would become known as the Baytown Refinery of the company. According to Mark Alford in *Baytown Vignettes*,

> Intermittently, Sterling's company established settlements for the workers and their families. Sterling saw a distinct need for a central community – a town. In 1917 he purchased three-fourths of a square mile from Price Pruett to build that town. Sterling and Pruett laid out the entire city and called it Goose Creek.[45]

However, Harris County deed records do not support these details. The statement that Sterling and Pruett laid out the entire city appears in the obituary of Price Pruett's widow in 1955,[46] but the names Pruett and Sterling do not appear on the maps and plats for the townsite. In fact, the only deed from Pruett to Sterling in 1917 is 10 acres for a railroad and its station.[47] Price Pruett might have at various times owned a total of three-fourths of a square mile in several different land grants, but the 293-acre parcel in the Whiting grant is less than half a square mile, and most of that was not sold in 1917; rather, it was developed gradually over many years.

The early deeds and maps of the town of Goose Creek were executed by the Goose Creek Realty Company, whose incorporation charter was filed on September 22, 1917, by W. T. Terry, H. E. Dunseth, and G. A. Dutton.[48] About half of the original area of the town of Goose Creek was out of the Pruett tract in the Whiting grant; the rest was out of the Wright tract in the adjacent William Scott grant. What is today North Main Street in Baytown was then a county road called Goose Creek Street, which is also the boundary between the Whiting (A-840) and Scott (A-65) grants. A map filed by the Goose Creek Realty Company on November 5, 1917 shows that about 65 acres of the Price Pruett tract had been platted as the western part of the town of Goose Creek, the western boundary being at Jones Street, 10 acres of which was set aside for the new railroad.[49] A later map, filed on May 27, 1918, expands that to about 95 acres

for the town and 10 acres for the railroad.[50] The western boundary of that 105-acre parcel was 115 feet west of Whiting Street and 50 yards east of the Old Oak Tree. The eastern boundary on both maps was Goose Creek Street (now North Main).

On June 21, 1917, Price Pruett and his wife Georgie had entered into a contract with W. T. Terry, H. E. Dunseth, and G. A. Dutton to sell 95 acres out of the 293-acre Pruett tract to the three of them, and 10 acres to R. S. Sterling for the railroad, subject to several conditions.[51] The contract was modified on July 10, 1917 to transfer the 10-acre and 55-acre parcels while waiting for certain conditions to be fulfilled allowing the remaining 40 acres to be sold.[52] The remaining 40 acres was deeded to the Goose Creek Realty Company on February 16, 1918.[53]

The eastern portion of the town of Goose Creek, a total of about 100 acres, was purchased from Thomas Wright and his family and platted in three transactions in 1916-1918.[54] Also, back on September 18, 1917, Terry et al had deeded to the Goose Creek Realty Company the property that they had previously acquired from Wright and Pruett, but since the company incorporation was not yet final, that transaction was recorded again on October 4, 1917.[55]

When Goose Creek was incorporated on February 17, 1919,[56] the total area within the city limits was about 139 acres – less than 22% of a square mile – including about 83 acres out of the Pruett tract (about 1/8 of a square mile) and about 56 acres out of the Wright tract (see maps in the Appendix, pages 4 and 5). On August 13, 1923, the Board of Commissioners of the town of Goose Creek expanded the town boundaries in all directions, more than tripling the area, from about 139 acres to about 500 acres, or a bit more than three-fourths of a square mile, and about half of that area was out of Pruett's 293 acres (see Chuck Chandler's map in the Appendix, page 6). The Oak Tree, which had been just outside the town limits, was now within the town limits.[57]

Oak Tree Threatened by New Road

When the town site of Goose Creek was laid out in 1918, the tree was 150 feet outside the town limits, and Texas Avenue, then 70 feet wide, ended at the tree. In 1919, when Sterling had his fledging refinery going, a road was needed past the tree to the refinery. Apparently the road was not extended in 1919, but more like 1927. There might have been a trail there before that, but the official county road did not happen until 1927.[58]

Engineers from Goose Creek Realty Company and Harris County were running the line for the new road west of the tree on Texas Avenue and plans called for the tree to be cut down. It

was Sterling, who was later elected Governor of Texas, who saved the tree from the ax. "It required many years for nature to produce such a beautiful thing like that and we must save it," he said. Sterling instructed the engineers to bend the road slightly to the south.[59] Price Pruett,[60] who owned the land where the tree stood, and who had given the right-of way for the road, made an agreement with Harris County Commissioner Charlie Massey[61] that the tree would be allowed to stand until it died of natural causes.[62]

The new road to the refinery curved a little south of the tree and the Pruett livestock still grazed to its edges. The Pruett children still played beneath the tree's heavy branches and cooled their feet on hot summer days in a small stream that ran just east of the tree and was covered on Texas Avenue with a bridge. To the west and farther away the land unrolled into Goose Creek stream.

It seems that all trails went by "the Big Oak." It was a rendezvous point for horse riders, picnickers, courting couples, and workers from town who took their sack lunches each noon to eat in its shade. Holiday parades formed there, and at its base travelers used it as a mileage measurement point.[63] The tree was decorated for Christmas for many years, a tradition that began in the 1920s and ended about 1985, except when the lighting was banned under coastal dim-out regulations during World War II.[64] It was also used as the starting or ending point for the grand parades that opened the annual Baytown Fair, the Shiners parade, and others.[65] For example, in 1949, the Fair was heralded with a seven-column headline on page 1 of *The Baytown Sun*.[66]

As automobiles came more into use, there was talk of how dangerous the tree was with no guard rails or lights to warn drivers. On October 26, 1929, refinery worker Thomas Marvin Epperson, 22, was killed when the jitney [taxi] he was riding in to work the midnight shift at the refinery, hit the tree; apparently, the driver had been blinded by oncoming traffic.[67] He is the only fatality on record caused by the tree.

In the 1930s, the town grew rapidly. New businesses formed and old businesses moved from their original sites to relocate along Texas Avenue. The canopy of the tree was much larger then and traffic was still routed on the south side in 1935, but sometimes trucks went on the north side to avoid low hanging limbs.

From 1928 to 1950, Home Lumber Company (later the site of Culpepper Furniture Store) was located at the tip of the tree's northernmost branches and used "By the Big Oak Tree" as its address on its letterhead and in advertisements.[68]

City Council Votes to Cut Down Oak Tree

In 1950, the second big crisis in the life of the tree arose. Not only was it being called a traffic hazard, but the tree seemed to be sick and dying. Price Pruett's son Rolland Henry "Red" Pruett, then a Baytown city councilman, was out of the city the night the council voted 6-0 to cut down the tree.[69] On his return, Pruett persuaded the mayor and four of the other councilmen to reverse their votes and allow him time to try to save the tree. It was also reported at this time that Pruett had "an agreement signed by the county commissioner when his father dedicated the land to the county that the tree would not be cut down as long as it lived."[70]

Pruett soon advised the Council that he had talked to a tree expert who said that the tree could be saved. Because the cure was expensive, and the city did not have the money for it, Pruett paid the cost in memory of his father and Charlie Massey. Pruett promised that steps would be taken to keep the tree alive and that warning lights and a curb would be placed around it to avoid accidents, adding, "though I've always believed that anyone that can't see and avoid an object that big has no business driving anyway."[71]

The tree experts said one of the problems with the tree was the hundreds of posters that had been nailed to the trunk. Insects were attracted to the nail holes and were under the tree's bark. When pieces of the bark were removed, quarts of termites fell out. Portions of the trunk were scraped, holes filled in and medicated and dead limbs pruned. A crew dug out all the rock and shell around the tree's roots and a dozen yards of topsoil and fertilizer were hauled in and put around the base. The concrete curb was installed to allow the rainwater to run in.[72] All of this cost Pruett more than $1,000.[73]

More Threats to the Venerable Oak Tree

Over the years the Texas Highway Department made suggestions to the City of Baytown for improving traffic flow on Texas Avenue, most of which involved cutting down the tree. During a presentation to the Downtown Merchants Association on July 11, 1972, the traffic engineer stated that Texas Avenue was massively overloaded, and recommended several changes, none of which mentioned the tree. Someone else suggested chopping down "that cotton picking tree" but he was very quickly reminded about the agreement between Price Pruett and Charles Massey, and former Mayor R. H. Pruett confirmed that verbal agreement to the newspaper.[74] Wanda Orton's ardent defense of the oak tree (see page 2) followed two days later.

In the fall of 1989, an unknown person poisoned the oak with herbicide,[75] nearly killing it. After treatment with horse manure, which contains an enzyme that Du Pont – the sole maker of Velpar – said may help break down the poison, it rebounded a year later. It was never proven whether the poisoning was deliberate or accidental.[76]

Two vehicles collided with the tree in May and June of 2006, leaving scars but no major damage.[77] However, city workers inspecting the tree after the second crash discovered that it had a much more serious problem: Formosan termites, which are more dangerous than native termites because they prey on live wood.[78] After treatment, much of it donated, the tree was declared free of termites in July 2007.[79]

At the time of the collision in May 2006, Baytown City Councilman Scott Sheley floated an idea to create enhanced landscaping and lighting around the tree, giving it greater visibility, while also serving as part of a greater effort to enhance Texas Avenue.[80] Two years later, after it was clear that the oak tree had survived the Formosan termites, the $300,000 project came to fruition. Enhancements included replacing the pavement around the tree, doubling the size of the median, and making improvements to the drainage system.[81]

The tree is under the care of Baytown Parks and Recreation Department, Scott Johnson, Parks Director.

Oak Tree as City Emblem, Insignia, Landmark, Seal, and Symbol

The earliest known documented reference to the Texas Avenue Oak Tree being used on City of Baytown vehicles is in 1963. Bob Easley was hired as Baytown's city cartographer in January 1963, with his primary job being to map records of city blocks. In September of that year he was pictured in *The Baytown Sun* with the new city insignia that he had designed. The photo caption states that "the new city seal … has been placed on city vehicles and consists of the words City of Baytown with the big oak tree on West Texas Avenue."[82] A sharper picture of it appears in *Baytown Vignettes*.[83] See Appendix, page 3.

On December 14, 1965, *The Baytown Sun* changed the image at the top of the daily front page column "Around Town" to the Oak Tree, and displayed it there every day until late in February 1982, when the column heading was simplified to have no image.[84]

In October 1966, *The Baytown Sun* referred to the tree as "the symbol of Baytown," and noted that "its picture is etched on every city employe's (sic) 10 year service button … and it is a symbol, an observer and the delight of Baytonians."[85]

For Baytown's 25th Anniversary in January 1973, *The Baytown Sun* published a special anniversary section. Under the headline, "It Wouldn't Be Baytown Without The Big Oak Tree," the paper recited the history of the tree, noting that "former mayor R. H. (Red) Pruett still personally tends to it, feeding it every spring … Because of his concern, Baytonians can stil1 enjoy the tree as a city landmark."[86]

In June 1975, under a headline that stretched all the way across the top of the front page, *The Baytown Sun* wrote, "In the center of the 600 block of West Texas stands the most ancient landmark in the City of Baytown, one of the most recognized symbols of the city – Baytown's giant oak tree.[87]

A decade later, the Goose Creek Chapter, National Society Daughters of the American Revolution (NSDAR), researched the history of the tree and placed a bronze historical plaque on the ground next to it (see Appendix, page 2). The new plaque, unveiled by former Mayor R. H. "Red" Pruett and his grandson, Sammy Price Pruett, on Saturday, May 17, 1986, reads,[88]

> **TEXAS AVENUE OAK**.
>
> THIS TREE SERVED AS AN EARLY TEXAS LANDMARK IN THE HARVEY WHITING SURVEY AND BECAME KNOWN AS A MILEAGE MEASURING POINT FOR PIONEER TRAVELERS. PRICE PRUETT MOVED HIS FAMILY TO THE 290 ACRES SURROUNDING IT IN 1902. BY 1919 THE TREE FOUND ITSELF LOCATED IN THE CENTER OF TEXAS AVENUE, THE MAIN STREET IN GOOSE CREEK. SAVED FROM THE AX AND TERMITES BY R. H. PRUETT, SON OF THE FORMER OWNER, THIS TREASURED LIVE OAK IS NURTURED BY PRUETT WHO PROVIDED FOR ITS PERPETUAL CARE. ESTIMATED AGE 300 YEARS, DWINDLING HEIGHT 50 FEET, DIAMETER 3 FEET. NO VISIBLE GROWTH IN 60 YEARS.
>
> MARKED BY GOOSE CREEK CHAPTER (NSDAR) 1986

Unfortunately, the chapter no longer has the research notes used to develop the marker inscription. Although the plaque states that former Baytown Mayor R. H. "Red" Pruett, who saved the tree from disease and the actions of the city council at his own expense in 1951, "provided for its perpetual care," it is unclear how that was done, if it was done at all. This statement is supported by a 1976 newspaper article, which states, "Red Pruett has provided for

continued care of the tree in his will."[89] And that may have been true when the plaque was placed in 1986. But the only bequests in his 16-page will, which is dated May 5, 1988, are to members of his family,[90] and the City of Baytown is not aware of such a provision.[91] Perhaps he was simply relying on his family to look after the tree. A month after the plaque was placed, he was quoted as saying, "As long as there is any Pruett blood left, somebody will care for that tree. My son will do it after me and his son after him. I think the oak tree's troubles are all behind it now. It can go on and live forever."[92] (But just three years later, the tree was poisoned with herbicide.)

There is also some question about whether the tree was really only three feet in diameter in 1986 and had not grown in 60 years, in light of it being 4½ feet in diameter just 31 years later (2017). The situation is further muddled by a 1972 newspaper story, which stated, "Pruett maintains that a driver who cannot see a tree with a four- or five-foot diameter 'has no business driving anyway.'"[93] Further, he was also quoted in 1982, four years before he unveiled the plaque, as saying, "if a person (drunk or sober) couldn't see a five-foot round, fifty-foot high tree in front of them, well, they have no business driving anyway."[94] Newspapers in the 1930s described it as being between 66 and 75 feet tall, with a canopy spread of up to 85 feet.[95]

Less than a month after the new historical plaque was dedicated, the Baytown City Council formally designated the "Old Oak Tree" as the Official Symbol of the City of Baytown at a regular meeting on June 12, 1986. Councilman Jimmy Johnson requested the designation, and Councilman Rolland Jack Pruett,[96] son of former Mayor R. H. "Red" Pruett, seconded the motion. *The Baytown Sun* observed, "The oak tree … has been the city's informal symbol for many years. It has survived disease, car wrecks, termites and periodic movements to cut it down."[97]

Two years later, the city adopted a revised logo featuring the Old Oak Tree, in which the tree was slightly larger and the text "City of Baytown" was a bit smaller, with the overall effect being to improve readability and visibility at night.[98] See Appendix, page 3.

As the city expanded, with most new construction far from the city center, various citizen committees and consultants were engaged to create strategic plans for future growth.[99] Amid the emphasis in those plans on the "water element" of the community, City Clerk Gary Smith explained in 2004 that a marketing logo was developed in 1999 "depicting a stylized waterfowl in a wetlands setting" but "the oak tree remains the city's symbol."[100] A city flag that was

proposed in 2003 incorporated several symbols of Baytown, including the Old Oak Tree, Fred Hartman Bridge, Houston Ship Channel, an oil derrick, and a ferry, as well as the new marketing logo featuring an egret.[101]

Popular sentiment for the Old Oak Tree remains strong, and there are many later references to the tree as "the symbol" of Baytown. For example:

2001: "The tree now is Baytown's symbol and is pictured on city vehicles and stationery.[102]

2006: "Baytown's most venerable symbol, the Old Oak Tree, has survived many threats to its survival in its more than 300-year lifespan."[103]

2008: When Baytown celebrated its 60th anniversary in January, the Honorable Ted Poe acknowledged the city's history, saying, "There are two well-known landmarks in Baytown, a giant live oak tree and the Fred Hartman Bridge. One landmark illustrates the rich history of the city's past and the other symbolizes its promising future."[104] The entire text of his remarks appears on page 15.

2008: "District 2 Councilman Scott Sheley is excited about what this project will do for Texas Avenue, specifically the area surrounding the Old Oak Tree. 'It's going to be the start of a magnificent setting that will not only service the symbol of Baytown, the Oak Tree, but it will also serve as a venue for concert gatherings,' Sheley said." [105]

2014: "While Baytown continues expanding northward to I-10 and beyond, a grand symbol of the city remains proudly rooted about five miles south. The Texas Avenue oak tree, … has weathered its share of storms, termites, poison, drought and vehicle fenders, … [T]he live oak's sturdy trunk and leafy green branches still represent the long, rich history of this area and provide a special sense of pride to many residents."[106]

2015: "The industrial complex that sits along Decker Drive has become as much a part of a symbol of Baytown as the old oak tree on Texas Avenue."[107]

SIGNIFICANCE

Believed to be about 300 to 400 years old, the Texas Avenue Oak Tree has awed and inspired the residents of Baytown throughout the 20th century and now into the 21st century. Its documented history begins in 1902 when Price Pruett bought the land where it stands. In 1927, Pruett and future governor Ross Sterling saved the tree from being felled during a road expansion. Rolland Henry "Red" Pruett, son of Price Pruett, again saved it from being cut down in 1951 and nursed it back to health at his personal expense while he was serving on the Baytown City Council; he ultimately served four years as a city councilman (1949-1953) and eight years as mayor (1953-1961). Red Pruett's only child, Rolland Jack Pruett, was a city councilman when the tree was formally designated as the "official" symbol of Baytown in 1986; he served 11 years as a councilman (1986-1997).

In the meantime, the tree has become a cherished landmark. It was decorated every Christmas for many years, numerous parades began there, and businesses were advertised as "By the Big Oak Tree." Its image began appearing on city vehicles in 1963, and in 1986 the Baytown City Council made it the official symbol of Baytown. It has survived many threats – disease, car wrecks, termites, poison, and several proposals to cut it down. All have taken their toll on this grand old tree; yet it still stands.

"Baytown's Big Oak" lives and thrives — and stirs memories for Baytonians of all ages across the years and throughout their subsequent moves to other states and countries. It has witnessed the birth of a booming downtown to its near demise, and now proudly stands watch over its rebirth. This old oak tree represents the distinctive character of Baytown and has been a source of local pride over the years. And so, it is a historic landmark and a legacy for future generations.

PROPOSED MARKER TEXT

TEXAS AVENUE OAK TREE

More than a century before the Battle of San Jacinto, an acorn took root here, becoming the venerable live oak tree (*Quercus virginiana*) that now stands in the middle of Texas Avenue, in the heart of Baytown. In 1902, Price Pruett purchased 293 acres surrounding the tree and raised his family there. When half of the Town of Goose Creek was laid out on his land in 1917, Texas Avenue ended at the city limits, 50 yards east of the oak tree. Years later, engineers planned to cut down the tree to extend the road to the new Humble Oil refinery, but Pruett and Humble Oil's founder, Ross Sterling, insisted that it be saved. In 1927 Pruett agreed to donate the land to Harris County to route the street around the tree, after assurance from Harris County Commissioner Charles Massey that the tree would be allowed to stand until it died of natural causes.

As the city grew, the tree became a cherished landmark. It was decorated every Christmas, numerous parades began there, and businesses were advertised as "By the Big Oak Tree." But late in 1950, the tree appeared to be dying and it was thought to be a traffic hazard, so the city council voted 6-0 to cut it down, on a night when Baytown City Councilman Rolland H. "Red" Pruett, son of Price Pruett, was absent. Upon his return, Pruett and other Baytown citizens persuaded the councilmen to rescind the vote and he personally funded treatment of the tree. Three years later, he became the mayor of Baytown.

The oak tree began appearing on city vehicles and stationery in 1963 and it was formally designated as the "official symbol of the City of Baytown" on June 12, 1986, while Rolland J. Pruett, a son of former Mayor Pruett, was a City Councilman. It has withstood the storms of life, both natural and man-made, and is an integral part of Baytown's heritage.

HARRIS COUNTY HISTORICAL COMMISSION – 2019

[Congressional Record (Bound Edition), Volume 154 (2008), Part 1]
[Extensions of Remarks] [Page 760] [From the U.S. Government Publishing Office, www.gpo.gov]

BAYTOWN, TEXAS

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HON. TED POE OF TEXAS
in the HOUSE OF REPRESENTATIVES
Wednesday, January 23, 2008

Mr. POE. Madam Speaker, the city of Baytown, Texas will celebrate its 60th anniversary on January 24, 2008. Baytown's rich history of rugged Texas pioneers, oil boom settlements and economic contributions to Texas span more than 150 years.

Some of the first settlers to the area included Nathaniel Lynch who set up a ferry crossing in 1822 at the junction of the San Jacinto River and Buffalo Bayou. The crossing, now known as the Lynchburg Ferry, continues in operation today by Harris County. William Scott, one of Stephen F. Austin's Old Three Hundred families, received a land grant in 1824. A settlement grew near his home on San Jacinto Bay which included a small store and a sawmill. This settlement became known as Bay Town.

The story of the present Baytown also encompasses the cities of Goose Creek and Pelly. The discovery of oil was the common thread that wove the three cities' history together. In 1916, the Goose Creek oilfield became famous as the first offshore drilling operation in Texas. Both of the towns of Pelly and Goose Creek developed around the oil field. Ross S. Sterling and his business associates built a refinery near Goose Creek in 1917 and founded the Humble Oil and Refining Company which later became Exxon Company U.S.A. Humble Oil purchased 2,200 acres in the area and called it Baytown. The town grew up around the refinery as the company built streets, sold lots, provided utilities and offered financing for workers to purchase a home. Each city operated independently for several years but talks began to arise among residents of consolidating the three cities after World War I. After several failed attempts at consolidation, the cities reached an agreement in 1947. On January 24, 1948, the city of Baytown was officially established.

Today, Baytown continues to live up to its rich legacy of industry and community spirit. Exxon is still a major part of the city's petroleum industry along with several other major oil companies. Baytown is now also home to Goose Creek Consolidated ISD and Lee College which provide outstanding educational opportunities for students. The future of Baytown shines bright as a great city in which to live, work and play.

There are two well-known landmarks in Baytown, a giant live oak tree and the Fred Hartman Bridge. One landmark illustrates the rich history of the city's past and the other symbolizes its promising future. The live oak tree, estimated to be more than 1,000 years old, grows in the center of West Texas Avenue. It has lived since Native Americans roamed the coastal plains, the battles of the Texas Revolution were fought and the Texas oil field discoveries were made. The 440-foot tall Fred Hartman Bridge, a steel cable bridge that spans across the Houston Ship Channel, is Baytown's symbol of modern engineering and Texas-sized strength.

It is an honor to represent a part of Baytown as a portion of the Second Congressional District. My fellow colleague and friend, Gene Green represents the other part of Baytown in the United States Congress. Congressman Green and I are proud to have worked with Baytown Mayor Stephen DonCarlos and the city council on numerous projects concerning the city. They are commended for their leadership in helping Baytown grow. I look forward to seeing Baytown prosper in the future and wish the city Happy Birthday as it celebrates its 60th anniversary.

And that's just the way it is.

BIBLIOGRAPHY

A number of published works have been used for this manuscript, but excerpts from the "Old Oak Tree" from the book, *The Making of a City: Baytown, Texas, since consolidation, 1948-1998*, by Buck Young,[108] well-known Baytown local historian and author, have been used extensively. Young used both historical accounts and oral history and is the most accurate and complete history of the old tree that also tells history of the City and people as they relate to the old tree. A second extensive work is that of Mark Alford's "Baytown's Big Oak Tree" from *Baytown Vignettes: One Hundred and Fifty Years in the History of a Texas Gulf Coast Community*. Through the years *The Baytown Sun* has published numerous articles regarding the old oak.

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Articles from *The Houston Chronicle.* Accessed via Houston Public Library, NewsBank.com.

DOCUMENTATION

[1] © October 2019. Trevia Wooster Beverly, 17535 Bryce Manor Lane, Humble, Texas 77346-5216, 281-318-7962, treviawbeverly@comcast.net. Member of the Harris County Historical Commission since 1995. Charter Member and Chairman, Advisory Council for the Baytown Historical Preservation Association (BHPA).

[2] President of the Baytown Historical Preservation Association.

[3] Member of the Harris County Historical Commission since 2007.

[4] Member of the Harris County Historical Commission since 2001, HCHC Chair since 2011.

[5] Member of the Harris County Historical Commission since 1989, Marker Chair for many years.

[6] Vice President of the Baytown Historical Preservation Association.

[7] Mailing address: Baytown Historical Preservation Association, P. O. Box 1244, Baytown, Texas 77522-1244. Physical Address: Republic of Texas Plaza Park, 5117 North Main Street, Baytown. Telephone: 281-421-2099 Email: info@baytownhistory.org Website: http://www.baytownhistory.org/

[8] "A copse is a relatively small group of trees, smaller than a forest. The term would include orchards, thickets (if of trees), etc. In the Gulf Coast Prairie, they are/were also called islands, i.e. an island of trees in the prairie. The one I know best is Eagle Island in Brazoria County, home of William and Sarah Wharton and their family." Paul Scott, Marker Chair, Harris County Historical Commission.

[9] One of the "Tri Cities" of Goose Creek, Pelly, and Baytown that consolidated into the City of Baytown in 1948.

[10] David Berkowitz, "Descendants of Texas Ave. Oak Find Good Homes," *The Baytown Sun*, 25 April 2014, pp. 1 & 10. https://newspaperarchive.com/baytown-sun-apr-25-2014-p-1/ "Each year, the city's Arbor Day tree giveaway includes a healthy selection of gallon-size trees that trace their roots to small acorns from the big oak. … 'There's still a lot of significance attached to the oak tree. It's a symbol of Baytown,' said Borowiak, a horticulturist who is a 37-year city employee. 'It's not surprising that so many people want an offspring of that tree.'"

[11] Trevia Wooster Beverly, "Historical preservation group selling pens made from Texas Ave. Oak Tree branches," *The Baytown Sun*, Sunday, 23 September 2018, pp. 1A & 10A. (Unfortunately, there was a calculation error in the information supplied to the writer of this article. The formula used to calculate the age of the tree actually gives an age of 346 years, but that's only an average, and may not be accurate for the specific conditions that this tree has experienced.)

[12] Rolland Henry "Red" Pruett (21 Dec 1911 - 9 Apr 1994) served as mayor, without pay, from 1953 to 1961. Mike Blackman, "Red Pruett, The Fastest Moving Mayor in Texas," *The Baytown Sun*, Tuesday, 23 January 1968, pg. 16. https://www.newspapers.com/newspage/9077513/ https://www.findagrave.com/memorial/54664830/rolland-henry-pruett

[13] Wanda Orton, "Wandering," *The Baytown Sun*, Friday, 14 July 1972, pg. 6. https://www.newspapers.com/newspage/23827170/

[14] Peggy Florida, "Verbal Agreement Saves Baytown's Old Oak," *The Baytown Sun*, 2 October 1966, pg. 2. "The old oak tree, located in the middle of West Texas Avenue, an aged surveyor of Baytown activities, is judged to be **almost 1,000 years old** by an eminent tree authority." https://www.newspapers.com/newspage/6603791/

"It Wouldn't Be Baytown Without The Big Oak Tree," *The Baytown Sun*, Silver Anniversary Edition, 18 January 1973, pg. B8. https://newspaperarchive.com/baytown-sun-jan-18-1973-p-26/ "Red [Pruett] does not know how old the tree is, but he guesses it may be **1,000 years old**." (Former Baytown Mayor R. H. "Red" Pruett, the younger son of Price Pruett.)

Lynn Hughes, "Beautiful, Historic, Gorgeous ... A Tradition, A Landmark – The Big Oak Tree, Much in Favor Among the People of Baytown," *The Baytown Sun*, Wednesday, 25 June 1975, pg. 1 & pg. 2. "The beautiful tree, estimated by some tree experts to be **more than 1,000 years old,** has survived the ravages of time and progress and several aborted attempts to have it cut down." https://www.newspapers.com/newspage/23960331

"HISTORIC OCCASION," *The Baytown Sun*, Monday, 19 May 1986, pg. 2 c.1-2. "THE BIG OAK tree on Texas Avenue was the center of attention Saturday during the ceremony in which a historic tablet was dedicated. …

Estimated to be **300-years-old**, the tree has been a longtime symbol of Baytown."
https://www.newspapers.com/newspage/8263966/

[15] "Councilman wants tree made symbol," *The Baytown Sun*, Saturday, 25 May 1986, pg. 1. "The 50-foot high oak tree, growing right smack dab in the middle of Texas Avenue, is estimated to be anywhere from **200 to 2,000 years old**." https://www.newspapers.com/newspage/8267752/

"Oak tree now city's official symbol," *The Baytown Sun*, Friday, 13 June 1986, pg. 1. "The oak tree, estimated to be anywhere **from 200 to 2,000 years old**, has been the city's informal symbol for many years."
https://www.newspapers.com/newspage/6356202

Rachael Seeley, "Termites attack historic oak," *The Baytown Sun*, Sunday, 2 July 2006, pg. 1. "The … historic Baytown Oak Tree … stands in the middle of Texas Avenue and could be up to **3,000 years old**."
https://newspaperarchive.com/baytown-sun-jul-02-2006-p-1/ rachael.seeley@baytownsun.com

[16] https://www.hunker.com/12542585/how-to-age-a-live-oak-tree

[17] The Cemetery Oak at Glenwood Cemetery in Houston, said to be the fourth-largest live oak tree in Harris County, is 73" in diameter, yielding an age of 460 years by this formula. However, cemetery records of interments that are now under its trunk suggest that the tree is closer to 130 years old. Admittedly, the Baytown tree has been subjected to harsher conditions than the Glenwood tree, but that only serves to highlight the pitfalls in relying on a one-size-fits-all formula that provides a single number result for the age, based on solely on trunk size. Determining the age and size is further complicated by the DAR plaque placed in 1986, which states that the trunk was then 36" in diameter and had had no visible growth in the previous 60 years. That the diameter then increased by 50% (36" to 54") in just 31 years seems surprising.

[18] Email from Houston Area Urban Forestry Council to Bernice Mistrot, 11 September 2019.

[19] Inquest over "**Birl Smith**, colored, age 27 years 9 months … Hung by a mob at Goose Creek, Houston, Texas, Sept. 21, 1917. … Body was hanging on East side of Ash Tree Back of Methodist Tabernacle in Middle Town of Goose Creek, Texas." 4 pages. Archived in Harris County District Court, Closed Records (indexed as **Bill Smith**).

[20] Death certificates (4): **Birl/Birl/Birt/____ Smith**, negro, married, cook, born 13 Dec 1890 (sic) at Atkins, LA, age 27 yr. 9 mo. (sic), father Dan/Don Smith, died 21 Sep 1917 at Middle Town, Harris County, TX, residence Goose Creek, choked by hanging, hung by mob, resident 3 yr. in Texas and 2 mo. in Goose Creek.

World War I draft card: **Burl Smith**, age 27 years; born 14 Dec 1889 at Shreveport, LA; race: Ethiopian, single, cook; res. Damon, Brazoria, TX; one dependent daughter, signed, "***Burl Smith***." (Atkins, LA is 22 miles from Shreveport.)

[21] At least 21 local newspaper articles were written about this event in the first 30 days: ten in the *Houston Chronicle*, eight in the *Houston Post*, and three in the *Galveston Daily News*. In addition, a two-sentence version of the first *Houston Chronicle* story (the only local story that says there were "over 800" in the mob) was picked up by the national press, and appeared in newspapers coast to coast. A selection of the local articles follows.

"Negro Lynched for Alleged Assault," *The Houston Post*, Saturday, 22 September 1917, pg. 11. "**Bert Smith,** negro cook, who worked for an oil driller in the Goose Creek field, was lynched at about 1 o'clock Friday afternoon by Goose Creek oil workers. The lynching was the result of an alleged assault made on Mrs. Cowart, wife of an oil driller, Thursday night. … About 10 o'clock a mob began to gather at the jail, increasing until between 300 and 400 men surrounded it. … The negro was taken to a tree about 40 yards from the main street at "Middletown" … a crowd of about 500 gathered around the tree where the negro's body hung."

"Eleven Complaints in Negro Lynching," *The Houston Post*, Sunday, September 23, 1917, p24 c6. "They are being held in connection with the lynching of **Bert Smith**, a negro, at Goose Creek, early Friday afternoon. Smith's body is still being held by the Sid Westheimer company awaiting a claimant, Sheriff Hammond said."

"Negro is Lynched by Mob of Goose Creek Workers," *Galveston Daily News*, Saturday, September 22, 1917, p2 c6. "Goose Creek, Tex., Sept. 21.–**Burke Smith**, a negro cook employed by Robert Lyons, an oil contractor at Goose Creek, was taken from the Goose Creek Jail Friday afternoon about 1:30 o'clock by citizens of this place and hanged to a tree in a wood near the jail."

"Eleven Men Held Under $1000 Bail. Examining Trial of Negro Lynchers Held Monday Afternoon," *The Houston Post*, 25 September 1917, pp. 1 & 5. "… lynching of **Berl Smith**, a negro, at Goose Creek last Friday afternoon

…" At the examining trial of the lynchers, Deputy Sheriff Bert Veale testified, "They [the mob] had me pinned in such a way that I could not move. As soon as I got loose, I tried to head off the auto they had the prisoner in, but they reached Middletown and strung the Negro up to a tree before I could get to the place."

"More Arrested for Lynching," *The Houston Post*, 27 September 1917, pg. 5. "Three more were arrested at Goose Creek Wednesday … and charged with murder … in connection with the lynching of **Berl Smith**, a negro … "

"Grand Jury No Bills 15 Goose Creek Men," *The Houston Post*, Sunday, October 14, 1917, pg. 6. " 'No bills' have been returned by the grand Jury in the cases of 15 Goose Creek men arrested in connection with the lynching of **Burl Smith**, a negro, at Goose Greek on September 21. The men had been held to that body by Justice J. M. Ray after an examining trial, in the sum of $1000 each. The negro was taken from jail there on the day following his arrest for an attempted assault on Mrs. Marvin Cowart and lynched.

"15 Men Held on Lynching Charge Exonerated, *Houston Chronicle*, Sunday, October 14, 1917, pg. 44. "Fifteen men of Goose Creek, who were charged with having been members of the mob that lynched **Berl Smith**, a negro, there on September 21, were yesterday no-billed by the Harris County grand jury. … The mob overpowered the three officers who were guarding the jail and hanged the negro to a tree about a mile from the jail. There has been a great deal of doubt in the minds of officers as to whether or not the victim was guilty. … As none of the officers had seen the actual lynching, it was impossible to get evidence that would support the charges."

[22] Interview with Garrett R. Herring (1893-1984), a resident of Baytown, Texas since 1916. Topics include his early life in Humble and his subsequent arrival in 1916 to Middletown (Pelly), an account of the growth of the town, a lynching, origin of street names in Goose Creek, and the Herring Drug Store. Audio recording is part of the collection entitled Lee College Oral Histories and was provided to The Portal to Texas History by the Lee College.
Outline: https://texashistory.unt.edu/ark:/67531/metapth845103
Recording: https://texashistory.unt.edu/ark:/67531/metapth845088/m1/#track/2

Mr. Herring stated, "I stood on the front steps of the drug store watching them hang this man. . . . I had never seen a mob before." The drug store, located on West Main Street in Pelly, was called Wiesenthal Drug Store (it eventually became Leggett's Drug Store and was owned by Eddie Cleveland, mayor of Pelly), and Garrett Herring was part owner. He and Wiesenthal later opened a second drug store on Texas Avenue. Herring bought out Wiesenthal and changed the name to Herring Drug Store.

Display Ad," *The Baytown Sun*, Silver Anniversary Edition, 18 January 1973, pg. B9. https://newspaperarchive.com/baytown-sun-jan-18-1973-p-27/ "Leggett's Drug Store, 514 W. Main, 56 Years of Filling Accurate Prescriptions for the People of Greater Baytown."

[23] Historical Marker Narrative for *The Baytown Sun*, pg. 1, October 2015. "New Town incorporated as Goose Creek on January 28, 1919. A year later, on January 19, 1920, Middle Town incorporated as Pelly, named for its first mayor and principal landowner, Fred T. Pelly." Note: Goose Creek was actually incorporated on **February 17, 1919**, by action of Harris County Commissioners Court (Minutes, vol. T, pg. 556). The election was on January 28, 1919. Pelly was actually incorporated on **December 29, 1919**, by action of Harris County Commissioners Court (Minutes, vol. U, pg. 46). The election for incorporation was on December 6, 1919, and the election of mayor and aldermen was on January 17, 1920 (Minutes, vol. U, pg. 53).

[24] "New Methodist Church for Goose Creek," *Houston Daily Post*, Monday, 5 March 1917, pg. 9. "Cedar Bayou, Texas, March 4. The new church in Middletown, Goose Creek, was completed this week. I. B. Manley, the pastor, is elated over such early success in getting a church to house the people. [Irvin B. Manly in other sources.] It will be known as 'The Methodist Tabernacle.' The building is a gift by Charles Tucker and wife. The Sunday school that had to move with the town two months ago, will be comfortably housed and in session next Sunday one week."

"Flag Floats from New Church," *Houston Daily Post*, 11 April 1917, pg. 7. "The new Methodist tabernacle at Goose Creek was dedicated Sunday afternoon by the pastor. A large audience was present. A national flag floats above the building."

[25] "Dedicate New Methodist Church at Goose Creek," *Houston Chronicle*, Sunday, 26 October 1924, pg. 46. "With the completion and dedication of the First Methodist Church at Goose Creek, October 12, the members announced the realization of an ambition which had its beginning 30 years ago. In the year 1894, Goose Creek was a very small town, … In 1917 one of the leading men of Goose Creek, seeing the need of a comfortable building for this

growing congregation, gave the people a temporary structure, which was dedicated March 17, 1917 and called the Methodist Tabernacle. … "

[26] Sanborn Fire Insurance Map, Goose Creek, Texas, 1926, Sheet 10, Perry–Castañeda Library Map Collection, The University of Texas at Austin
http://legacy.lib.utexas.edu/maps/sanborn/g-i/txu-sanborn-goose_creek-1926-10.jpg

[27] Ken Fountain, "Oak Tree Victim of Hit-and-Run; Councilman Sheley Hopes New Landscaping Will Help," *The Baytown Sun*, 11 May 2006, pp. 1A & 8A.
http://baytownsun.com/news/article_0e2ecff0-cc24-11e3-817d-001a4bcf887a.html
https://newspaperarchive.com/baytown-sun-may-11-2006-p-1/

[28] C. David Pomeroy, Jr., San Jacinto Campaign of the Texas Revolution in 1836. The route and campsites from Gonzales to San Jacinto. http://www.earlytexashistory.com/Tx1836/campsites.html Note: This web page will terminate in 2022. It has been my pleasure to share this history with you but it is time for me to make room in my life for new adventures. I will continue to upload information until 2022. If there is anything you wish to keep, please download it since that information will not be available after 2022.

[29] The earliest known medical doctor in Baytown was Dr. Harvey (or Hervey) Whiting, who opened his medical practice in what is now Baytown when Texas was still part of Mexico. His home and medical office were located on Market near the present-day Bicentennial Park. Numerous descendants of Whiting still live in Baytown. The streets Harvey and Whiting are named after him. Although the street is named Harvey, his given name was recorded as Hervey or Hervy in numerous documents, including the 1834 character certificate, the 1838 land grant, the 1850 census, his 1852 second marriage, and several deeds.

Per a public family tree posted on Ancestry,* Dr. Whiting was born in Darien, Fairfield, Connecticut in 1794; he died January 12, 1853 in Goose Creek, Harris, Texas. He married Abigail Quinby in New York on March 10, 1817; she died in 1851. No source is provided for either death date. Source for first marriage: Purchase, Westchester Co., N.Y.: Tombstone Inscriptions in the Quaker Burying Ground and Minutes of Monthly Meetings, etc.
https://www.ancestry.com/interactive/19538/dvm_LocHist006145-00102-1/189
* https://www.ancestry.com/family-tree/person/tree/11292806/person/982313269/facts

Dr. Whiting married a widow with several children less than a year before his death.
Texas, Select County Marriage Records, 1837-2015: Hervey Whiting m. Mrs. Christiana White, 17 June 1852
https://www.ancestry.com/interactive/9168/45607_b298978-00446?pid=926216084

Dr. Whiting's death date is given as 1852 by Henson, who also notes that he died six months after his second marriage. She adds, "The Whiting property was divided among family members … The fenced Whiting family cemetery just off Market Street was dismantled sometime after the 1930s."

[30] Texas General Land Office, Survey No. A840, Certificate No. 245 issued to Hervey/Harvey Whiting, 9 Feb 1838. Patent issued to his son, Lewis Whiting, 24 Sep 1856. File includes maps and surveys, dated 1854 to 1856.
http://www.glo.texas.gov/ncu/SCANDOCS/archives_webfiles/arcmaps/webfiles/landgrants/PDFs/2/3/3/233519.pdf

Texas General Land Office, Character Certificate: "2179. Jurisdiction of Liberty, 28 Dec 1834, WHITING, HERVEY, a native of Connecticut, with wife and six children."
https://www.ancestry.com/interactive/48419/LandOfficeTX-001313-194

[31] Wanda Orton, "Legacy of Price Pruett," *The Baytown Sun*, Saturday, 16 January 2010, pp. B1, B2.
https://newspaperarchive.com/baytown-sun-jan-16-2010-p-9/

[32] Sarah A Franks (1823-1906), widow of John E. Franks (1815-1868), sold the 293 acres in the Whiting survey to Price Pruett on 15 September 1902 (H.C.D.R. vol. 142, pg. 558) The deed states, " … being the same land deeded to Thomas Chubb by Gilbert Brooks and Melissa P. Brooks his wife on the 19th day of Feb. 1863 and recorded in deed records of Harris County, Texas in Book Z page 637 and by said Chubb deeded to John E. Franks."

[33] 1900 census: Justice Precinct 3, Harris, Texas, page 181B. Henry Pruett (with wife Bessie and young children Beulah, Price, and Ursal) appears on the 1900 census adjacent to Ann Wright and her adult sons Thomas, George, and William, who collectively owned the Wright tract that was first platted for the Townsite of Goose Creek in September 1916 (H.C.D.R. vol. 370, pg. 116-117). Price Pruett, still single, is not with them, and his residence location in 1900 is unknown.

[34] Harvey Whiting to Jane Brooks, 400 acres in Whiting survey, 1 January 1841, H.C.D.R. Book G, pg. 197.

[35] 1850 Mortality Schedule, Harris Co, TX: Jane Brooks, 33, born CT, married, died in Feb of abscess, ill 5 mos. http://us-census.org/pub/usgenweb/census/tx/harris/1850/mortality.txt

[36] Texas, County Marriage Index, 1837-1977 (all in Harris County)
Gilbert Brooks m. Francis Jane Whiting, 28 Sep 1837
Gilbert Brooks m. Mrs. Caroline Chamberlin, 18 May 1850
Melissa Whiting m. John H. Bauer, 11 Apr 1846
Gilbert Brooks m. Mrs. Melissa P. Bauer, 21 Apr 1855
Hervey Whiting m. Mrs. Christiana White, 17 Jun 1852

[37] Gilbert Brooks and wife Melissa to Thomas Chubb, 293 acres in Whiting survey, 19 February 1863, H.C.D.R. Book Z, pg. 637.

[38] Thomas Chubb and wife Phebe to John E. Franck, 293 acres in Whiting survey, 1 August 1865, H.C.D.R. Book 2, pg. 255.

[39] The original burial records of Glenwood Cemetery in Houston show that Mrs. Sarah Francks bought Lot C5-207 in March 1873. The handwritten burial record states that John E. Francks was "removed to Glenwood" on April 16, 1885. The year 1868 is penciled in above 1885. It is believed that he died in April 1868 near Goose Creek, based on the two newspapers cited below. Nearly 100 years later, the lot ownership was transferred to Sarah's sister's grandchildren. findagrave.com/memorial/133107860/john-e-franks

Galveston Daily News, Wednesday, 29 April 1868, pg. 2. :"Mr. J. P. Franck, an enterprising citizen near Goose creek, died there a short time since." www.newspapers.com/image/20688145/?terms=franck

His wife's obituary in 1906 also mentions that he died in 1868. "Mrs. S. A. Franks," *Galveston Daily News*, Sunday, 18 November 1906, pg. 4. newspaperarchive.com/galveston-daily-news-nov-18-1906-p-4/

[40] S. A. Franks (femme sole) to Price Pruett, 293 acres in Whiting survey, general warranty deed, 15 September 1902, H.C.D.R. Book 142, pg. 558. HCHC Chair Janet Wagner researched the title chain in the Henry Whiting Survey A840, and reported that it was very involved and full of lots of deeds, wills, patents, lawsuits, affidavits, releases, plats, deeds of trust, right of way deeds everywhere, and leases, and was more than 100 pages.

[41] Price Pruett married Georgie Estelle Lawrence, daughter of Soloman Freeman Lawrence and Julia A. Rhea of Cedar Bayou, in Harris County, on 17 November 1901. Harris County Marriage Records, Book R pg., 154.

[42] Texas General Land Office, Liberty County, Clerk Returns 000002, Pruett, Beasly, imm. 1825, patented 1838.

[43] "It Wouldn't Be Baytown Without The Big Oak Tree," *The Baytown Sun*, 18 January 1973, pg. B8. "The young Pruett children had played in the native live oak tree, and the tree's acorns seeded many of the trees on the Sterling Library property and on the property now owned by First American Bank, according to Red Pruett."

[44] "Blazing Gasser at Goose Creek Lights Up Country. Roar of Paraffine-Humble Well Can Be Heard for Two Miles. Consuming Gas at Rate Estimated at About 10,000,000 Cubic Feet Daily." *The Houston Post*, Wednesday, November 8, 1916, pg. 1.

[45] "Baytown's Big Oak Tree," 1983 essay by Mark Alford, included in *Baytown Vignettes*, John Britt & Muriel Tyssen (Baytown, Lee College, 1992, pp. 15, 16.
https://docs.wixstatic.com/ugd/ee3ce8_03a1347167ea4dee8e45954ef0801a58.pdf

[46] "Mayor Pruett's Mother Dies In Houston Hospital," *The Baytown Sun*, Monday, 22 August 1955, pg. 1. "Mrs. Georgia Estelle Pruett, mother of Baytown's mayor and widow of the man who helped to lay out the original Goose Creek townsite, was dead Monday at the age of 80. ... She was the widow of the late Price Pruett, who with R. S. Sterling laid out the original townsite of Goose Creek, now part of Baytown."
https://www.newspapers.com/image/7581630/

[47] H.C.D.R. vol. 385, pg. 465, 10 July 1917, Price Pruett to R. S. Sterling, 10 acres out of Whiting survey, parallel to the county road, for a railroad.

[48] "Corporations Chartered," *The Houston Post*, Sunday, 23 September 1917, pg. 23. "AUSTIN, Texas, Sept. 22. Charters filed Saturday: Goose Creek Realty company, Goose Creek; capital stock, $10,000. Incorporators: W. T.

Terry, H. E. Dunseth and G. A. Dutton. https://www.newspapers.com/image/94924399/ (Coincidentally, this filing occurred on the day after the lynching of Burl Smith.)

[49] Harris County Map Records, vol. 5, pg. 57, dated 5 November 1917. The map is signed by Hilton E. Dunseth, President and G. A. Dutton, Secretary.

[50] Harris County Map Records, vol. 5, pg. 59, dated 24 May 1918. The map is also signed by Dunseth and Dutton.

[51] H.C.D.R. vol. 392, pp. 29-31, 21 June 1917, contract between (a) Price and Georgie Pruett, (b) W. T. Terry, H. E. Dunseth, and G. A. Dutton, and (c) R. S. Sterling, for sale of 95 acres to Terry et al, and 10 acres to Sterling.

[52] H.C.D.R. vol. 392, pp. 32-33, 21 June 1917, contract between (a) Price and Georgie Pruett, (b) W. T. Terry, H. E. Dunseth, and G. A. Dutton, and (c) R. S. Sterling, for sale of 55 acres to Terry et al, and 10 acres to Sterling.

[53] H.C.D.R. vol. 402, pg. 44, 16 February 1918, Price Pruett et al to Goose Creek Realty Company.

[54] 26 September 1916, Thomas Wright et al, Map of Goose Creek Townsite, Blocks 1-12, being 20 acres out of the Wright Tract in the Lower William Scott League, H.C.D.R. Book 370, pg. 116.

9 February 1917, Thomas Wright et al, Map of Goose Creek Townsite, Blocks 13-24, being 20 acres out of the Wright Tract in the Lower William Scott League, H.C.D.R. Book 377, pg. 233.

5 November 1917, Goose Creek Realty Co., Map of Goose Creek, including about 60 acres in the Wm. Scott league, Harris County Map Records, vol. 5, pg. 57.

[55] H.C.D.R. vol. 390, pg. 364, 4 October 1917, W. T. Terry, H. E. Dunseth, and G. A. Dutton to Goose Creek Realty Company.

[56] "Goose Creek Citizens Vote to Incorporate; Officials Are Elected," *The Houston Post*, Thursday, 30 January 1919, pg. 7. "Citizens of Goose Creek at an election Tuesday voted to incorporate the town. W. E. Bussey was elected mayor and K. C. Slaughter commissioner. Goose Creek has a population of 1200. A sanitary sewer system and water plant has just been completed." https://www.newspapers.com/image/94980107/

Harris County Commissioners Court Minutes, 19 February 1919, Book T, pp. 527-528, 553-556. An election was held on January 28, 1919, at which there were 37 voters out of an estimated population of 900. The vote was 35-0 in favor of incorporation. Harris County Judge Chester H. Bryan declared the Town of Goose Creek to be incorporated on February 17, 1919. The area called out in the metes and bounds description encompasses about 83 acres out of the Pruett tract (Whiting league) and about 56 acres out of the Wright tract (Scott league).

[57] Harris County Map Records, vol. 60, pg. 41 and 41A, Map of Goose Creek, Texas after annexation, dated 13 August 1923. The map is dated 27 June 1923, but the annexation ordinance printed on it was adopted by the mayor and town Board of Commissioners on 13 August 1923.

[58] Price Pruett Quit Claim Deed to Harris County, for a road 60 feet wide beginning in the center line of Texas Avenue 855.8 feet west of the city limits of Goose Creek, for continuation of Texas Avenue, 27 Aug. 1927, H.C.D.R. vol. 931, pg. 442. Total length of the donated right of way for the road, from the oak tree to the west bank of Goose Creek, on the line between the Whiting and Scott surveys, is about 3200 feet, or six-tenths of a mile. This parcel was sold to Harris County for one dollar, whereas other sales by Pruett were for $500 and up, supporting the contention that he "donated" this one. The date corresponds to Charles Massey's first year on Harris County Commissioners Court.

[59] Betsy Webber, "It Was Sterling Who Spared Our Big Oak," *The Baytown Sun*, 4 July 1976, pg. B5. https://texashistory.unt.edu/ark:/67531/metapth1061261/m1/30/zoom/

[60] Price Pruett (1871-1941) "Donated land for construction of Texas Avenue, which became a major thoroughfare through Baytown. The avenue splits around a huge oak tree that remained in place over the years because Price Pruett stipulated that it not be cut down. The tree now is Baytown's symbol and is pictured on city vehicles and stationery." Created by: Al Howell, 8 Jul 2010 https://www.findagrave.com/memorial/54664829/price-pruett

[61] Charles D. "Charlie" Massey served as Harris County Commissioner in Precinct 2 from 1927 until his death in March 1935, at which time Beatrice Massey was selected to succeed her husband and served for the remainder of his term. Massey ran for, and won election to the office in 1936. She continued to serve as Precinct 2 commissioner until her defeat in 1938. Harris County, Texas Archives' Manuscript Collection: MC037

[62] Peggy Florida, "Verbal Agreement Saves Baytown's Old Oak," *The Baytown Sun*, 02 October 1966, pg. 2. https://www.newspapers.com/image/?spot=12228792, https://www.newspapers.com/newspage/6603791/ "Never under-estimate the power of a verbal agreement. It has served the symbol of Baytown not just once, but at least three times according to record. … It has had its life in jeopardy at least four times due to the progress of man. It all started back when Goose Creek was a comfortable little cow town and Price Pruett owned the acreage down by the city dump, then the end of Texas Avenue, at the base of the old tree. He and Charlie Massey, County Commissioner of Precinct Two at the time, got together when it was discovered that the complacent old tree was smack in the middle of the right-of-way needed for the new stretch of street to old Baytown. Right then and there Pruett started what was to become a major bone of contention; he said, "Charlie, I'll give you the land for the right-of-way if you'll promise to leave my oak standing till it dies of natural causes" ... or something similar. Everything was roses, … well, acorns …, until 1950, when the council opined that the old oak had to go. It was slowly meeting an untimely death. The paving surrounding its base seemed to limit its food and was a real shock to its nervous system. R. H. (Red) Pruett's nervous system got upset, too ... he made a business call on the city council, asking for permission to have a tree surgeon look at the old tree and see if it could be saved . . . and reminding them of that long-standing verbal agreement. They agreed, and an expert was called in to examine the poor, old rheumatic oak. It was pretty bad. Some of its branches were dead and the rest were drooping. It had termites in its anatomy and crystals in its soil. The doctor lopped off the dead branches, got rid of the termites and advised Red to dig out about 12 yards of old dirt and add top soil and fertilizer. He added more than love. For five years he fed the tree and fought having it removed. Now the oak is in the pink of condition and Pruett erected curbing and reflectors so that the possibility of accidents would be eliminated. He erected these items and attended to the nourishment of the tree at his own expense. The hassle has stopped. The City Manager, the Police Department, the people quickly state that this tree is absolutely no traffic hazard."

[63] Buck A. Young, *The Making of a City: Baytown, Texas, Since Consolidation, 1948-1998* (Baytown, Texas: Lee College in cooperation with BayCoast Medical Center (1997).

[64] "Goose Creek Plans 'Tree of Light' for Christmas Holidays," *The Houston Chronicle*, 14 December 1928, pg. 25. "Goose Creek is to have a "Tree of Light" through the holidays. The large oak tree at the end of Texas Avenue, giving a spirit of Christmas cheer to persons entering Goose Creek. (sic) After the holidays the tree again will be lighted for the celebration of the opening of the Market Street Road about the middle of January."

"Trees Decorated in East Harris County," *The Houston Chronicle*, 18 December 1934, pg. 9. "East Harris County is dotted with colored lights as Christmas trees are turned on for the holidays. The largest is at the foot of West Texas Avenue, in Goose Creek. A great oak tree, which spreads over the highway, about 75 feet tall, has been decorated with lights by the Tri-Cities Lions Club."

"Goose Creek Tree to be Lit for Holiday," *The Houston Chronicle*, 2 December 1936, pg. 6. "Goose Creek's big oak tree at the city limits on West Texas Avenue will be lighted as East Harris County's" Tree of Light" by the Tri-Cities Lions Club. ... The tree has a spread of more than 85 feet and is about 66 feet high."

"Goose Creek Begins Downtown Playing of Christmas Music," *The Houston Chronicle*, 17 December 1942, pg. 2.

[65] "Huge Parade Opens 4-Day Baytown Fair Celebration," *The Baytown Sun*, Wednesday, 1 November 1950, pg. 1. "The Baytown Fair was off to a … start today when the huge eight-section parade rolled down Texas Avenue from the Oak Tree to Highway 146." https://www.newspapers.com/newspage/6591773

"1954 Fair Will Open Next Wednesday," *The Baytown Sun*, Saturday, 2 October 1954, pgs. 1 & 2. "The parade will start at the beginning of Texas avenue, in front of the old oak tree, and wind up at the fair grounds, just outside the city limits on North Main. The rodeo will get started Thursday night and run the two following nights." Pg. 1 https://www.newspapers.com/newspage/6472612/ Pg. 2 https://www.newspapers.com/newspage/6472666/

[66] "Bands, Floats in Fair Parade," *The Baytown Sun*, Wednesday, 9 November 1949, pgs. 1 & 2. "Downtown Baytown will look like Washington's Pennsylvania Avenue on inauguration day tomorrow when thousands of East Harris and West Chambers residents will be treated to a display of military might and high-stepping school bands in the giant parade officially opening the Baytown Fair at 4:30 p.m. The seven-section parade down Texas Avenue, expected to be one of the most spectacular in Baytown's history, will include a crack battalion of soldiers and practically every high school, band and pep squad in the area. … all units of the parade must report at the starting point, near the old oak tree on West Texas, at 4 p.m." Pg. 1 https://www.newspapers.com/newspage/8313203 Pg. 2 https://www.newspapers.com/newspage/8313238/

[67] "Funeral for Pelly Man Killed in Crash to be Held Tonight," *The Houston Chronicle*, Monday, 28 October 1929, pg. 22. Epperson was survived by his wife, Marguerite Mitchell Epperson, and two-year-old daughter, Jean La Delle Epperson.

[68] Full-page advertisement for Girl Scouts, sponsored by 56 local merchants. Most gave their street address, for example, "Kelley's Food Store, 305 W. Texas, Baytown," and "Moore's Shoe Store, 213 W. Texas, Baytown." The building supply stores were "Temple Lumber Co., Gulf at Commerce," and **"Home Lumber Co., By the Big Oak Tree, Baytown."** *The Baytown Sun*, 31 October 1949, pg. 10. https://www.newspapers.com/newspage/8310839/

[69] Minutes of the Regular Meeting of the City Council of Baytown - December 12, 1950, page 3 (pg. 330). "Oak Tree. Councilman Campbell moved to instruct the City Manager to have the Oak Tree on West Texas cut down. If the Baytown Chamber of Commerce is planning on decorating the tree for Christmas the tree will be allowed to stand until after the first of the coming year. Councilman Reeves seconded the motion. The roll call vote was as follows: Roll Call: Ayes: Mayor Ward, Councilmen Bergeron, Buelow, Campbell, Reeves, and Williams. Nays: None." (Councilman Pruett was absent.)

"City Fathers Doom Baytown's Old Oak," *The Baytown Sun*, Wednesday, 13 December 1950, pg. 1. "Take a last look. The Old Oak Tree on West Texas, long a Baytown landmark, will be chopped down to eliminate a traffic hazard, Baytown's City Council decided last night. … There was very little discussion of the issue. … There were no dissenting votes." https://www.newspapers.com/newspage/6606808

[70] "Oak Causes City Fathers More Worry," *The Baytown Sun*, Thursday, 21 December 1950, pg. 1. "The cutting down of the Oak Tree on Texas Avenue will come up at the regular meeting of the City Council December 26. ... The mayor and five members of the Council voted unanimously to destroy the tree. Councilman R. H. Pruett was not at the meeting. Pruett told the group at a meeting recently that he did not want to stand in the way of progress, but the tree has a sentimental value to many Baytonians. He has an agreement signed by the county commissioner when his father dedicated the land to the county that the tree would not be cut down as long as it lived." https://www.newspapers.com/image/6609741/

[71] Minutes of the Regular Meeting of the City Council of Baytown - December 26, 1950, page 1 (pg. 333). "Oak Tree - West Texas Avenue. Mayor pro tem Pruett expressed a desire for the Council to reconsider its decision on the distruction (sic) of the Oak Tree on West Texas Avenue. Owing to personal sentimental reasons he asked that the tree be allowed to stand until nature takes its toll. He will place a curb around the tree and erect blinker lights to prevent any accidents. Action was postponed until the Mayor could be present."

"Action on Tree, Fire Truck, Awaits Return of Mayor," *The Baytown Sun*, Wednesday, 27 December 1950, pg. 2. "Pruett recited the history of the tree and told the councilmen that members of his family were willing to do anything necessary to keep the tree alive, if the council would permit it. He … said he hoped it would be possible to avoid cutting down the tree. Pruett proposed that the council give him permission to widen the hole in the pavement around the tree and get a tree expert to prescribe for it. 'We could put a curb around it and a warning light on each side,' he said, 'though I've always believed that anyone that can't see and avoid an object that big has no business driving anyway.' Final decision on the tree was finally tabled until the return of the mayor." (This page is incorrectly indexed as 26 Dec pg. 8, because 26 Dec pg. 8 and 27 Dec. pg. 1 are missing) https://www.newspapers.com/newspage/6614314/

Minutes of a Special Meeting of the City Council of Baytown – January 5, 1951, page 1 (pg. 337). "Rescind Action Oak Tree. Councilman Bergeron moved to rescind the action of the Council relative to cutting down the Oak Tree on West Texas Avenue. Councilman Pruett seconded the motion. The roll call vote was as follows: Roll Call: Ayes: Mayor Ward, Councilmen Bergeron, Campbell, Pruett, and Williams. Nays: Councilman Buelow." (Councilman Reeves was absent.)

"Old Oak Gets Last-Minute Reprieve," *The Baytown Sun*, Saturday, 6 January 1951, pg. 1. "Five members of the City Council have changed their minds and decided to leave the Old Oak Tree in the middle of West Texas Avenue. Councilman. E. W. Buelow was the only holdout at last night's meeting. Councilman R. H. Pruett, who was absent when the other councilmen decided to have the tree cut down, voted with Mayor J. A. Ward and Councilmen Rufus Bergeron, M. L. Campbell and W. C. Williams to rescind the order. Pruett promised that steps would be taken to keep the tree alive and that warning lights and a curb would be placed around it to avoid accidents." https://www.newspapers.com/newspage/9076086/

[72] "Sick Oak Slated For Doctoring," *The Baytown Sun*, Thursday, 5 April 1951, pg. 1. "The Old Oak Tree, Baytown's sickest landmark, will get some doctoring soon. M. G. Edwards, Baytown horticulturist and tree surgeon, notified R. H. Pruett of what would be needed to save the tree. Pruett heirs have agreed to pay for any work necessary to save the tree. They will also pay for a curb around the tree and adequate marking. Pipe will be driven into the ground to aid the 'breathing' of the tree and dirt will be taken from around the roots and new 'vitaminized' loam put in." https://www.newspapers.com/newspage/8631671/

[73] Wanda Orton, "People Love That Old Tree," *The Baytown Sun*, Wednesday, 20 January 2010, pg. 4. https://newspaperarchive.com/baytown-sun-jan-20-2010-p-4/ Also, *Baytown Vignettes*, pp. 22, 23.

[74] "Cut Tree on Texas? No Siree," and Wanda Orton, "Merchants OK Plan to Upgrade Texas Avenue; Lane Cut, Left Turn Ban Set," *The Baytown Sun*, Wednesday, July 12, 1972, pp. 1 & 3.
Page 1: https://texashistory.unt.edu/ark:/67531/metapth1104227/m1/1/zoom/
Page 3: https://texashistory.unt.edu/ark:/67531/metapth1104227/m1/3/zoom/

[75] Per Scott Johnson: "The interesting fact about that is the herbicide was invented by a Baytonian that worked at Du Pont. We worked with a Du Pont scientist on a solution to save the tree. Hexazinone (Velpar) was the same herbicide that was used to [attempt to] kill the Treaty Oak in Austin six months earlier."

[76] Cindy Horswell, "Baytown struggles to save tree estimated to be 300 years old," *Houston Chronicle*, Sunday, 5 November 1989, pg. 2C, cols. 1-3.

Cindy Horswell, "Same poison used in damaging Austin, Baytown trees," *Houston Chronicle*, Tuesday, 5 December 1989, pg. 22A, cols. 2-6.

Cindy Horswell, "Baytown still puzzled by tree poisoning," *Houston Chronicle*, Saturday, 23 December 1989, pg. 19A, col. 1.

Cindy Horswell, "Poisoned oak tree may be succumbing," *Houston Chronicle*, Friday, 16 February 1990, pg. 25A, col. 1-2; pg. 32A cols. 4-6. "Residents are hoping for the best, saying they don't know what else to do to save their town's symbol. "I hate it, but there's nothing we can do but watch to see what happens," said Jean Shepherd, a city history buff. "Who would want to do this to a tree that never hurt anybody?" The spreading live oak, believed to be at least 300 years old, has stood in the middle of Texas Avenue throughout the city's history. Its picture graces city cars and stationery. It has also served the community as a traveler's landmark, bulletin board and Christmas tree. The city has doused the tree with water and fed it horse manure, which contains an enzyme that Du Pont – the sole maker of Velpar – says may help break down the poison. Yet what continues to baffle city officials is how it happened. Repeated testing has been no help in determining where the poison, detected in the leaves, was introduced to the tree. No herbicide residue has been found in soil beneath the tree, cracks in the street or nearby sewer lines. Also, testing of adjoining business property has turned up nothing. The city's own herbicide spraying equipment was checked for traces of Velpar, but none was found. "I hope the recent heavy rains have flushed away the poison, wherever it is," Johnson said. The freeze may also have helped delay the chemical's action during the tree's dormant growing period, he speculated. Whether the herbicide was deliberately applied to Baytown's oak as it was to Austin's Treaty Oak last year, no one has determined. The Treaty Oak was deliberately poisoned by a drifter, who was "following some kind of witchcraft" that said poisoning the tree would help him get a girlfriend, Johnson said. "Who would have ever guessed that?" he asked. "We have no clue as to whether this was a copycat or what." He said he has considered offering a reward to help solve the mystery."

Cindy Horswell, "Baytown's ailing oak improves, now given 80% survival chance," *Houston Chronicle*, Saturday, 7 April 1990, pg. 32A, cols. 1-3.

[77] Ken Fountain, "Oak Tree victim of hit-and-run," *The Baytown Sun*, Thursday, 11 May 2006, pp. 1 & 8. https://newspaperarchive.com/baytown-sun-may-11-2006-p-1/

Ken Fountain, "Historic Old Oak Tree hit again; Councilman hopes landscaping will preserve landmark," *The Baytown Sun*, Thursday, 8 June 2006, pp. 1 & 7. https://newspaperarchive.com/baytown-sun-jun-08-2006-p-1/

[78] Rachael Seeley, "Termites attack historic oak," *The Baytown Sun*, Sunday, 2 July 2006, pg. 1. "The health of the historic Baytown Oak Tree is threatened again. This time, it's from the inside. Tiny Formosan termites have infested the tree, which is still recovering from two recent automobile crashes. If left untreated, the aggressive bugs could

cause extensive damage to the tree, which stands in the middle of Texas Avenue and could be up to 3,000 years old." https://newspaperarchive.com/baytown-sun-jul-02-2006-p-1/

[79] Kari Griffin, "Baytown's historic oak tree healthy & termite-free, city says," *The Baytown Sun,* Sunday,15 July 2007, pg. 1. "Then in the summer of 2006, the tree was the victim of two hit-and-runs only one month apart. Ironically, the impacts that split the tree might have been responsible for saving the oak from a foe fiercer than the automobiles – termites. At the end of June 2006, city employees inspecting the amount of dam age suffered by the minor crashes discovered Formosan termites eating away at the landmark. But the tree's most recent problem was solved with bait traps donated by Dow Agro Sciences and installed by Coastal Exterminating at no charge." https://newspaperarchive.com/baytown-sun-jul-15-2007-p-2/

[80] Ken Fountain, "Oak Tree victim of hit-and-run." "Sheley said whoever hit the tree had 'an ethical responsibility' to the city to report it. '1 have a high reverence of this tree,' he said, adding that he hopes that the proposed landscaping, which might include lighting during some nighttime hours, would help direct traffic away from the tree in the future. Sheley said the idea, which is still in its very early stages, would be to construct a wider median that would create a larger 'buffer zone' between the tree and traffic lanes. Early 20th Century-style lighting could accentuate the new landscaping, giving it a more 'majestic' look he said."

Jessica Robertson, "Some sprucing up in store for Baytown," *The Baytown Sun,* 17 March 2007. "Baytown's oldest and perhaps most recognizable landmark has survived attacks from both drivers and termites in the last year. Now, city officials are moving forward on plans to spruce up the Historic Oak Tree on Texas Avenue." http://baytownsun.com/news/article_f6fa5659-7ddc-5375-8c19-1c745cc6cc4b.html https://newspaperarchive.com/baytown-sun-mar-17-2007-p-1/

Kari Griffin, "Doughnuts benefitting oak tree," *The Baytown Sun,* Wednesday, 16 May 2007, pg. 3. "One small business is trying to make a difference on Texas Avenue, one doughnut at a time. Star-shaped doughnuts aren't the new norm yet, but as far as West Coast Donut owner Sophan Som is concerned, the unique pastries are here to stay, indefinitely. Since Som began the project in February, more than 2,000 have been sold to benefit a project to enhance the look of Baytown historic oak tree, earning the Baytown Downtown Association $100, one nickel at a time." https://newspaperarchive.com/baytown-sun-may-16-2007-p-3.pdf

[81] Kari Griffin, "City to expand oak tree buffer," *The Baytown Sun,* Sunday, 17 February 2008, pg. 3. "The Old Oak Tree will receive pavement thanks to a 5-to-l Baytown City Council vote in favor of a $300,000 median, paving and drainage project at the site. Deputy city manager said the project involves no landscaping. One-third of it involves drainage improvements. The rest will replace the pavement around the tree, and double the side (sic) of the median." https://newspaperarchive.com/baytown-sun-feb-17-2008-p-3.pdf

"Texas Avenue oak tree median expansion to begin Thursday," *The Baytown Sun,* Wednesday, 5 March 2008, pg. 3. "Construction will consist of repaving approximately a block of Texas Avenue, replacing the drainage system across Texas Avenue, and enlarging the island around the oak tree. Texas Avenue will be closed from Felton to Pruett during construction." https://newspaperarchive.com/baytown-sun-mar-05-2008-p-3.pdf

Tara Sullivan, "Oak tree roadwork nears finish," *The Baytown Sun,* Sunday, April 13, 2008, pg. 1. "City officials said work around the Old Oak Tree is ahead of schedule and almost finished. … Enhancements included replacing the pavement around the tree, doubling the size of the median and making improvements to the drainage system. … The project involved careful planning and execution, calling for hand removal of pavement so as not to damage the tree's root system." https://newspaperarchive.com/baytown-sun-apr-13-2008-p-2/

[82] Rick Hurst, "Meet Bob Easley – City Of Baytown Has Own Map Maker," *The Baytown Sun,* Sunday, 22 September 1963, pg. 2. "BOB EASLEY, Baytown cartographer, displays the new city seal which he designed. This seal has been placed on city vehicles and consists of the words City of Baytown with the big: oak tree on West Texas Avenue." https://newspaperarchive.com/baytown-sun-sep-22-1963-p-2/

[83] *Baytown Vignettes,* pg. 22.

[84] "Around Town," *The Baytown Sun,* pg. 1. https://newspaperarchive.com/baytown-sun-dec-14-1965-p-1/ It was still in use until February 25, 1982. The next day it was replaced by a stylized sun, but three days later, the format was simplified to replace the image with just the words "Around Town."

[85] Peggy Florida, "Verbal Agreement Saves Baytown's Old Oak," *The Baytown Sun*, 2 October 1966, pg. 2. "Never under-estimate the power of a verbal agreement. It has served the symbol of Baytown not just once, but at least three

times according to record. … Besides, its picture is etched on every city employe's (sic) 10 year service button, and it is a symbol, an observer and the delight of Baytonians." https://www.newspapers.com/newspage/6603791/

[86] "It Wouldn't Be Baytown Without The Big Oak Tree," *The Baytown Sun*, 18 January 1973, pg. B8

[87] Lynn Hughes, "Beautiful, Historic, Gorgeous ... A Tradition, A Landmark – The Big Oak Tree, Much in Favor Among the People of Baytown," *The Baytown Sun*, Wednesday, 25 June 1975, pg. 1 & pg. 2.

[88] "OAK TREE TABLET," *The Baytown Sun*, Monday, 19 May 1986, p1 c2-3. "FORMER MAYOR R. H. "Red" Pruett and his grandson, Sammy Price Pruett, unveil the historic tablet at the big oak tree on Texas Avenue. Presented by the Goose Creek Chapter, Daughters of the American Revolution, the tablet was dedicated Saturday in a ceremony attended by some 100 people. Sammy Price Pruett is the son of Baytown City Councilman Rolland and Joan Pruett. The boy's great-grandfather, Price Pruett, settled on the land where the tree is located. (Sun staff photo by Angle Bracey)" https://www.newspapers.com/newspage/8263927/

"HISTORIC OCCASION," *The Baytown Sun*, Monday, 19 May 1986, p2 c1-2. "THE BIG OAK tree on Texas Avenue was the center of attention Saturday during the ceremony in which a historic tablet was dedicated. The Goose Creek Chapter, Daughters of the American Revolution, donated the tablet marking the historic significance of the tree. Estimated to be 300-years-old, the tree has been a longtime symbol of Baytown. (Sun staff photo by Angie Bracey)" https://www.newspapers.com/newspage/8263966/

[89] Betsy Webber, "It Was Sterling Who Spared Our Big Oak," *The Baytown Sun*, 4 July 1976, pg. B5. "The tree lives and thrives. Besides paying costs of rejuvenating the tree in 1950, Red Pruett has provided for continued care of the tree in his will."

[90] Will of Rolland Henry Pruett, dated May 5, 1988. Probate Case 270646, Pruett, Rolland Henry, Deceased, filed October 21, 1994, film code numbers 625-61-3360 through 625-61-3375.

[91] Private correspondence between Trevia Beverly and both Parks Director Scott Johnson and City Clerk Leticia Brysch, 2018-2019.

[92] Cindy Horswell, "Baytown Oak Well-Rooted in the Heart of Ex-Mayor; 300-year-old live oak made Baytown symbol," *Houston Chronicle*, Sunday, 22 June 1986, sec. 3, pg. 1 cols. 1-4, and pg. 4 cols. 3-4.

[93] "Cut Tree on Texas? No Siree," *The Baytown Sun*, Wednesday, July 12, 1972, pp. 1 & 3. "Because the street widens in the vicinity of the tree, Pruett says there is no problem about traffic flow. And as far as a traffic hazard is concerned, Pruett maintains that a driver who cannot see a tree with a four- or five-foot diameter 'has no business driving anyway.' "

[94] *Baytown Vignettes*, pp. 23, 195.

[95] "Trees Decorated in East Harris County," *The Houston Chronicle*, 18 December 1934, pg. 9. "The largest is at the foot of West Texas Avenue, in Goose Creek. A great oak tree, which spreads over the highway, about 75 feet tall, has been decorated with lights by the Tri-Cities Lions Club."

"Goose Creek Tree to be Lit for Holiday," *The Houston Chronicle*, 2 December 1936, pg. 6. "Goose Creek's big oak tree at the city limits on West Texas Avenue. ... has a spread of more than 85 feet and is about 66 feet high."

[96] "Deaths: Rolland J. Pruett, 70, ex-Baytown councilman," *The Baytown Sun*, Thursday, 2 August 2001. "Born on Feb. 13, 1931, in Baytown, Pruett was the son of R. H. "Red" Pruett, who served 12 years (sic) as mayor. He was the grandson of Price Pruett, a rancher who donated land for construction of Texas Avenue, which became a major thoroughfare through Baytown. The avenue splits around a huge oak tree that remained in place over the years because Price Pruett stipulated that it not be cut down. The tree now is Baytown's symbol and is pictured on city vehicles and stationery. Rolland Pruett served on the City Council from 1986 to 1997, first in an at-large position and later representing District 2. He also ran a commercial construction business that was begun by his father. https://www.chron.com/news/houston-deaths/article/Deaths-Rolland-J-Pruett-70-ex-Baytown-2026024.php

[97] "Councilman wants tree made symbol," *The Baytown Sun*, 25 May 1986, pg. 1. "Baytown City Councilman Jimmy Johnson wants the old oak tree on Texas Avenue designated as the official symbol of the city of Baytown. … The oak tree symbol currently graces Baytown city vehicles. Johnson said the oak tree has been the informal symbol of the city for years. He now thinks it's time to make it official. The 50-foot high oak tree, growing right smack dab

in the middle of Texas Avenue, is estimated to be anywhere from 200 to 2,000 years old. It has survived disease, car wrecks and attempts to cut it down." https://www.newspapers.com/newspage/8267752/

Minutes of the Regular Meeting of the City Council of Baytown - June 12, 1986, page 13 (60612-13). "Consider Declaring the "Old Oak Tree" as the Official Symbol of the City of Baytown. Councilman Johnson stated that he had requested that this item be placed on the agenda. He felt that it would be a very nice gesture to officially make the oak tree the symbol of Baytown, and he moved accordingly. Councilman Pruett seconded the motion. Council discussed the fact that this action would cause the official letterhead of the city to be changed, along with the decals on City of Baytown automobiles. Mr. Lanham mentioned that the decals are already in place; however, he felt that the decal should be reworked to make some improvements by adding some color. Council had no objection. The vote follows: Ayes: Council members Johnson, Embry, Fuller and Pruett, Mayor Hutto. Nays: None."

"Oak tree now city's official symbol," *The Baytown Sun*, Friday, 13 June 1986, pg. 1. "The old oak tree on Texas Avenue is now **the official symbol of the city of Baytown**. City Councilmen Thursday unanimously approved a proposal, making the tree the city's official symbol. The oak tree, estimated to be anywhere from 200 to 2,000 years old, has been the city's informal symbol for many years. It has survived disease, car wrecks, termites and periodic movements to cut it down. An official historic tablet was placed at the tree recently by the Goose Creek Chapter of the Daughters of the American Revolution." https://www.newspapers.com/newspage/6356202

[98] "New Baytown Logo," *The Baytown Sun*, 4 February 1988, pg. 1. "Jim Sanders, assistant director of planning and traffic for the city, designed a new Baytown logo (right) which he contrasts with the old. The new logo, on white reflective material, will be more readable and more visible at night, Sanders says. The new logo will be phased onto city trucks. https://texashistory.unt.edu/ark:/67531/metapth1052926/m1/1/

[99] "Report of the Regional/Urban Design Assistance Team (RUDAT) visit to Baytown, Texas on June 7-11, 1990. Created in 1967, the AIA's R/UDAT program pioneered the modern charrette process by combining multi-disciplinary teams in dynamic, multi-day grassroots processes to produce community visions, action plans and recommendations." https://www.brikbase.org/content/aia-rudat-baytown-tx-1990

[100] "Who's in Charge?" *The Baytown Sun*, Monday, May 31, 2004, pp. 1 & 5.
http://baytownsun.com/news/article_3f281507-275d-51fb-b1f5-13382ccaabd8.html
Question: When was the City of Baytown logo changed from the historic oak tree to a cow bird overlooking an oil slick with an Exxon flare in the background? I have talked to many people including several city employees that cannot answer this question. When you change something as historic as the old oak tree to something that one or two people have input on, that is not right. It should be voted on just as any other changes the city makes.

Answer: On June 12, 1986, the City Council made the oak tree the symbol of Baytown. This action has not been changed. **The oak tree remains the city's symbol, and you continue to see it on decals of city vehicles, on mayoral proclamations, etc.** Over the years, several citizen committees and consultants (dating back to RUDAT in the early 1990s and including Baytown 2020) have recommended that we accentuate the water element of our community. In line with these recommendations, the Goose Creek Stream emblem, depicting a stylized waterfowl in a wetlands setting, was modified in 1999 for use on certain graphic presentations such as letterheads, business cards, signs, and publications. On Feb. 12 of this year, City Council approved the use of the emblem on the West Main and James Street water towers. Gary Smith, City spokesman.

[101] Timothy Williams, "The Civic Pride. Resident designed Baytown flag, wants it official," *The Baytown Sun*, Sunday, 9 March 2003, pp. 1 & 6. "BAYTOWN — Calvin Evans designed a flag for Baytown that flies on fewer poles than he'd like. Named The Civic Pride, the flag depicts six symbols known to Baytonians and significant in the area's history. The flag is built on a field of red, white and blue, and has a star on the left side. Pictured on the flag are the Old Oak, Fred Hartman Bridge, Houston Ship Channel, an oil derrick, and a ferry that are situated between the five points of star (sic). The Baytown emblem is in the star. … Evans said the flag is a (sic) primarily a collection of symbols. ... the Old Oak located on Texas Avenue is pictured between the left and bottom left point of the star. 'It represents people who have lived here a long time and are concerned with the health and welfare of the community,' Evans said. 'It represents life.' … The city emblem, an Egret standing in a (sic) wetlands, is placed in the center of the star." https://newspaperarchive.com/baytown-sun-mar-09-2003-p-1/
https://newspaperarchive.com/baytown-sun-mar-09-2003-p-6/

"We're still the home of Lee College," *The Baytown Sun*, Tuesday, 5 March 2013 (photo caption) Two workers ... paint around the top of a water tower along Baker Road last week in Baytown. The new look, which shows the city

of Baytown emblem, replaces the rusted one that read "Baytown Home of Lee College" and had been in place for years.

[102] "Deaths: Rolland J. Pruett, 70, ex-Baytown councilman," *The Baytown Sun*, Thursday, 2 August 2001. "The **tree now is Baytown's symbol** and is pictured on city vehicles and stationery. https://www.chron.com/news/houston-deaths/article/Deaths-Rolland-J-Pruett-70-ex-Baytown-2026024.php

[103] Ken Fountain, "Oak Tree victim of hit-and-run," *The Baytown Sun*, Thursday, 11 May 2006, pg. 1. "**Baytown's most venerable symbol, the Old Oak Tree**, has survived many threats to its survival in its more than 300-year lifespan." ken.fountain@baytownsun.com. https://newspaperarchive.com/baytown-sun-may-11-2006-p-1/

[104] Congressional Record (Bound Edition), Volume 154 (2008), Part 1, Page 760, BAYTOWN, TEXAS, by HON. TED POE of Texas, in the House of Representatives, Wednesday, January 23, 2008 https://www.gpo.gov/fdsys/pkg/CRECB-2008-pt1/html/CRECB-2008-pt1-Pg760-2.htm See page 12.

[105] Kari Griffin, "City to expand oak tree buffer", *The Baytown Sun*, 17 February 2008, pg. 3A. "District 2 Councilman Scott Sheley is excited about what this project will do for Texas Avenue, specifically the area surrounding the Old Oak Tree. It's going to be the start of a magnificent setting that will not only service **the symbol of Baytown, the Oak Tree**, but it will also serve as a venue for concert gatherings,' Sheley said." https://newspaperarchive.com/baytown-sun-feb-17-2008-p-3/

[106] David Berkowitz, "Adopting History: Descendants of Texas Ave. Oak Find Good Homes," *The Baytown Sun*, 25 April 2014, pp. 1 & 10. "While Baytown continues expanding northward to 1-10 and beyond**, a grand symbol of the city** remains proudly rooted about five miles south. **The Texas Avenue oak tree,** estimated to be more than 300 years old, stands a little off center and divides the traffic on Baytown's old main drag. In the last century alone, the majestic oak has weathered its share of storms, termites, poison, drought and vehicle fenders, to name a few. Today, as spring is in full swing, the live oak's sturdy trunk and leafy green branches still represent the long, rich history' of this area and provide a special sense of pride to many residents." https://newspaperarchive.com/baytown-sun-apr-25-2014-p-1/

[107] Matt Hollis, "95 and Counting; Baytown refinery celebrates anniversary," *The Baytown Sun*, Sunday, 25 October 2015, pg. 1. (Opening sentence of the article): "The industrial complex that sits along Decker Drive has become as much a part of **a symbol of Baytown as the old oak tree on Texas Avenue**." http://baytownsun.com/news/article_35d8327c-7acd-11e5-b572-2fc0b75ba270.html https://newspaperarchive.com/baytown-sun-oct-25-2015-p-1/ matt.hollis@baytownsun.com

[108] Major Buck Alton Young, USAF (Ret) died Friday, June 24, 2016, in Baytown, Texas, at the age of 83. He was born August 28, 1932 in Pelly, Texas to Alfred Lafayette and Ethel Ruth Young, the fifth of seven children. Buck served his country for 20 years and was honorably discharged from the United States Air Force. He is preceded in death by his parents; his wife, Claire Patton Young; and son, James Morris Young. Buck is survived by his daughters, Lila, Debra and Ginger; son, Neil young; seven grandchildren, Mary, Katherine, Amanda, Jeremy, Sarah, Evan and Rebecca; eleven great grandchildren. He was a part time columnist for the Baytown Sun for several years and also had articles published in several historical journals and in the Handbook of Texas. … Funeral services will be held on Thursday, June 30, 2016, 10 am at Sterling-White with burial following with military honors at Sterling-White Cemetery.

Baytown's Historic Oak Tree

612 West Texas Avenue, Baytown, Texas

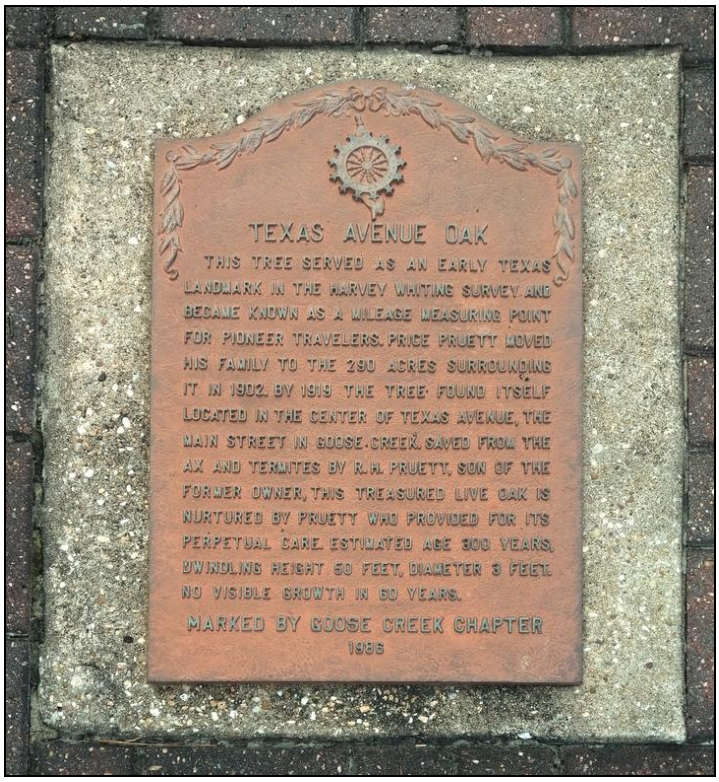
APPENDIX

Texas Avenue Oak Tree, looking east

Louis Aulbach and Linda Gorski of the Houston Archeological Society

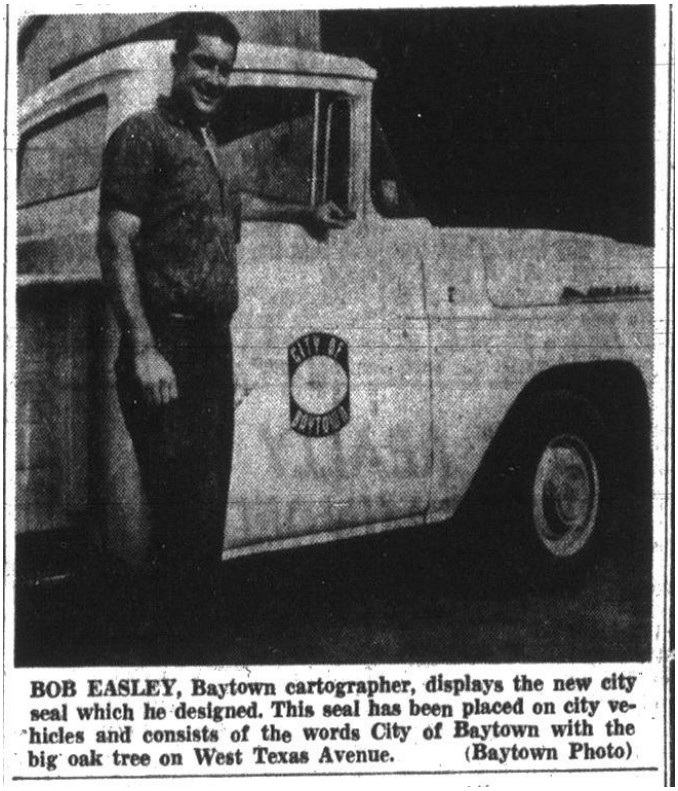
Louis Aulbach with Chuck Chandler, Vice President of the Baytown Historical Preservation Association, measuring tree for age, 2017

Texas Avenue Oak Tree, looking west



All photos on this page by Wybra Holland, 2019

City of Baytown Symbol (1963, 1988), and Marketing Logo (1999)



BOB EASLEY, Baytown cartographer, displays the new city seal which he designed. This seal has been placed on city vehicles and consists of the words City of Baytown with the big oak tree on West Texas Avenue. (Baytown Photo)

"Meet Bob Easley – City Of Baytown Has Own Map Maker,"
The Baytown Sun, Sunday, 22 September 22, 1963, pg. 2

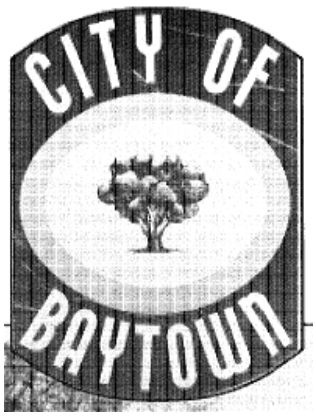
Telephone Number: 422-8302 Thursday, February 4, 1988

NEW BAYTOWN LOGO

JIM SANDERS, assistant director of planning and traffic for the city, designed a new Baytown logo (right) which he contrasts with the old. The new logo, on white reflective material, will be more readable and more visible at night, Sanders says. The new logo will be phased onto city trucks.

(Sun staff photo by Angie Bracey)

The Baytown Sun, Thursday, February 4, 1988, pg. 1



1963 Baytown City Seal
Baytown Vignettes, 1992, pg. 22

1988 Baytown City Logo

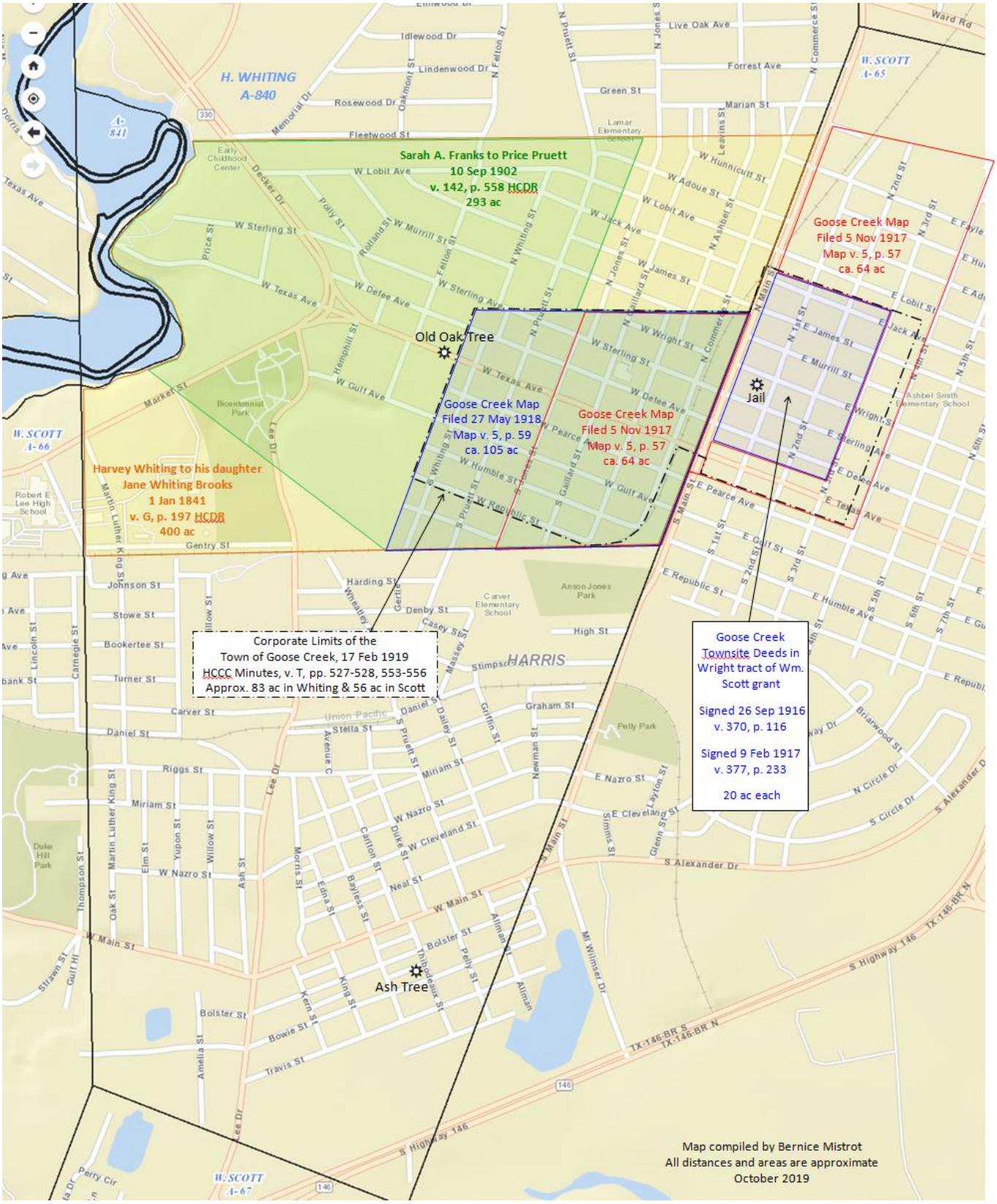
1999 Baytown Marketing Logo

Described by a detractor as "a cow bird overlooking an oil slick with an Exxon flare in the background."

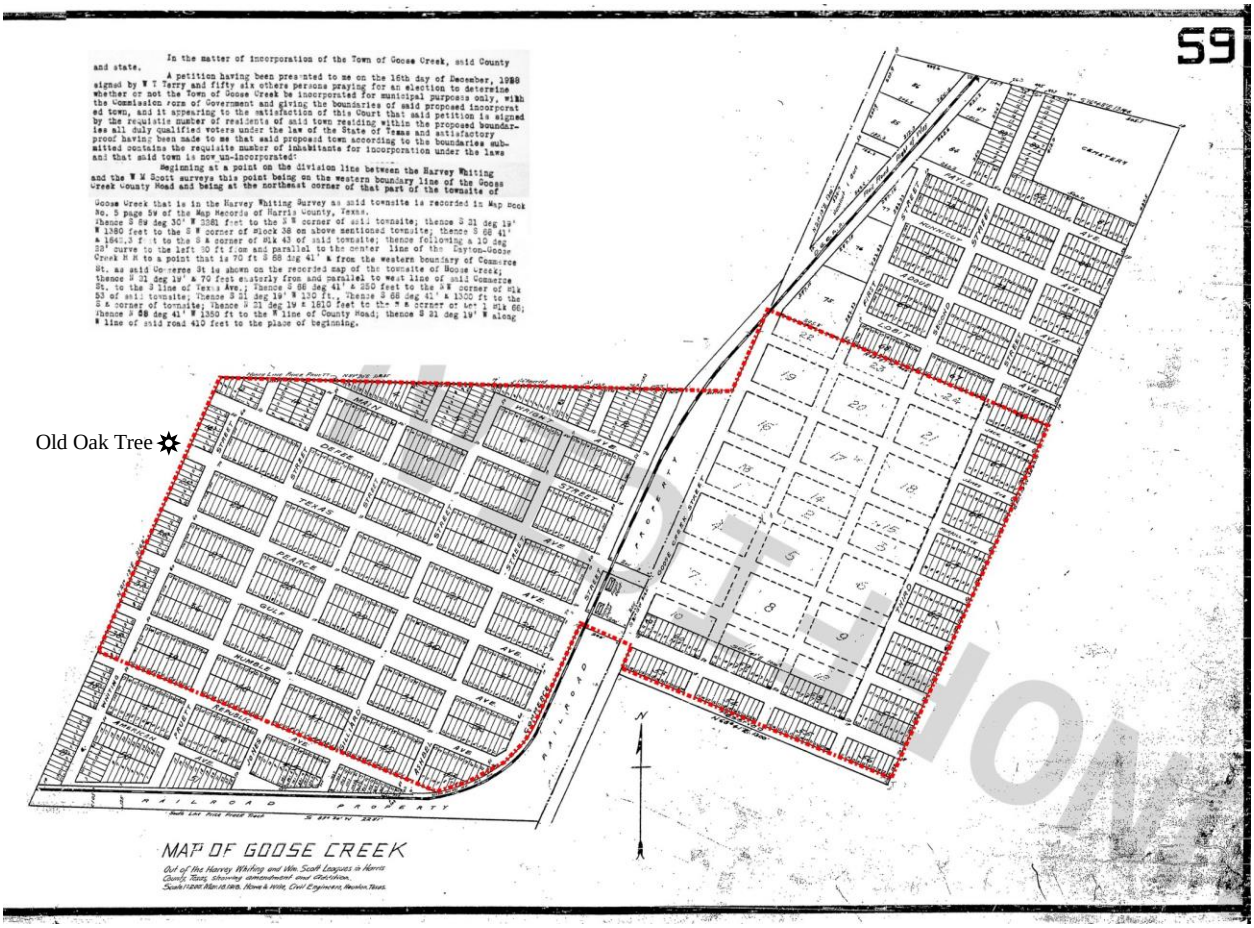
Official Description: "a stylized waterfowl in a wetlands setting."

The Baytown Sun,
Monday, May 31, 2004, pp. 1 & 5

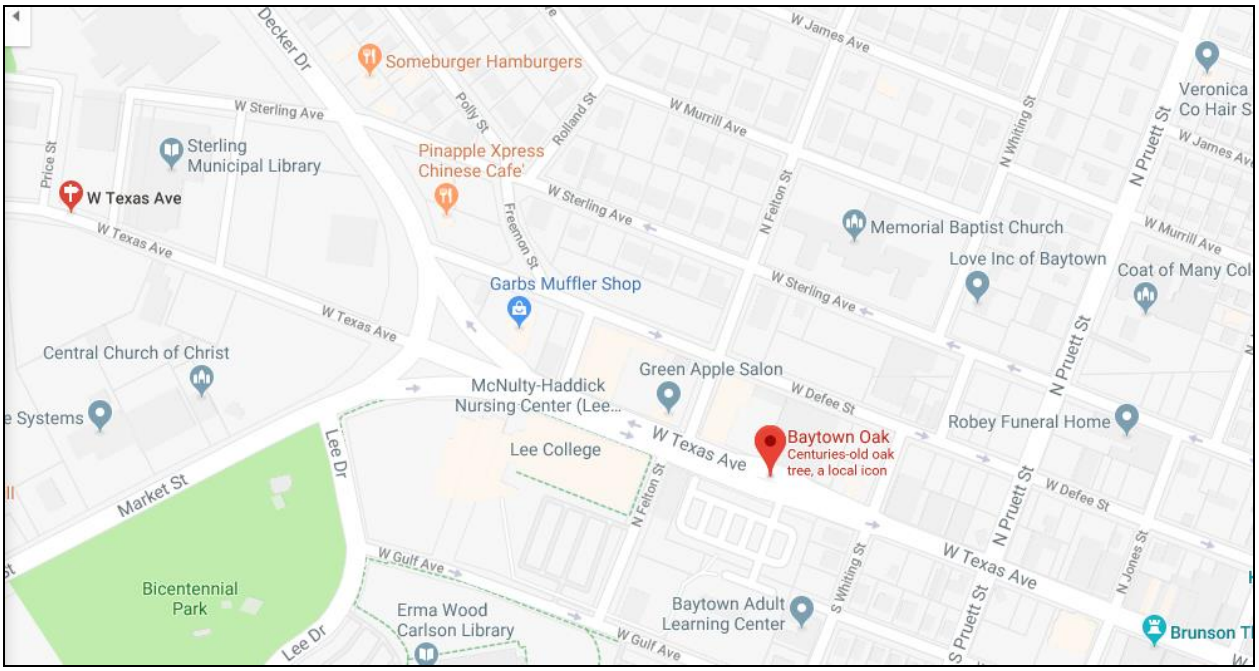
H. Whiting Survey A-840
W. Scott Surveys A-065, A-066, A-067

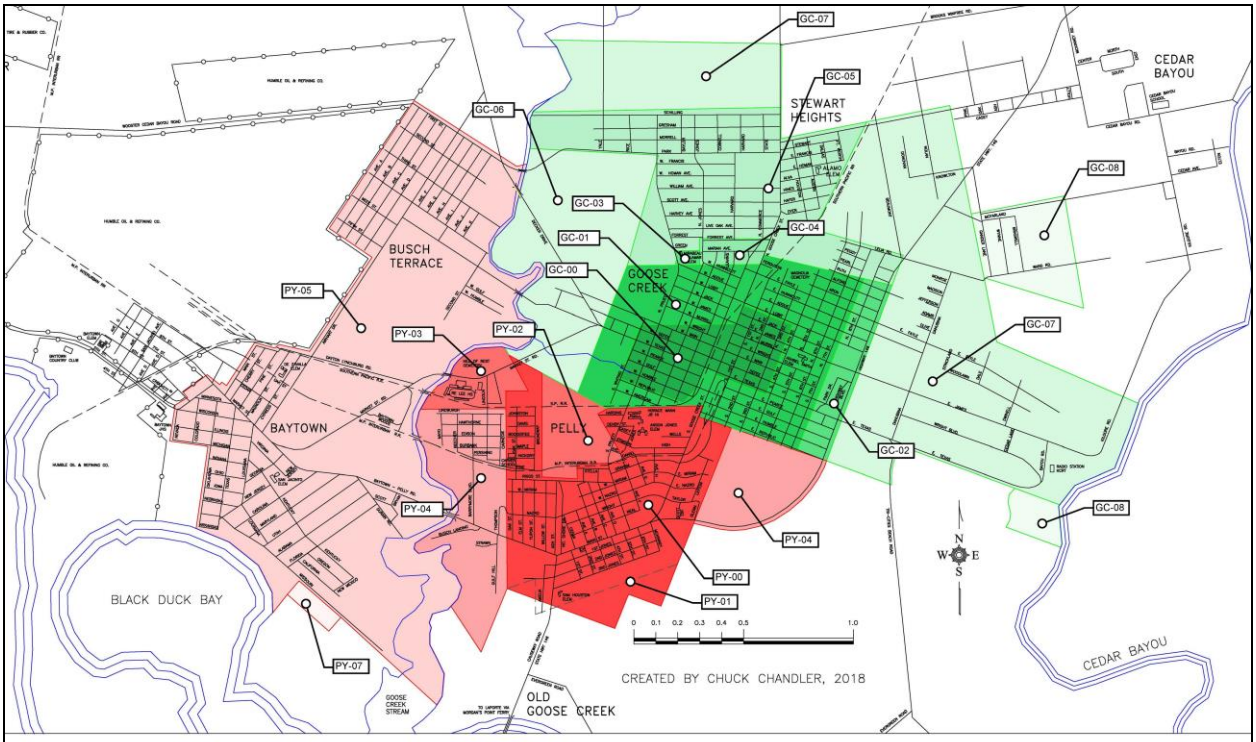


Town of Goose Creek as incorporated on February 17, 1919
after the election of January 28, 1919 and recorded in
Harris County Commissioners Court Minutes vol. T, pp. 527-528, 553-556



Town of Goose Creek Boundary by Chuck Chandler, October 2019





TRI CITIES, TEXAS

THIS MAP SHOWS PELLY, TEXAS ON MARCH 6, 1948, THE DAY BEFORE THE NEW CITY CHARTER CHANGED THE NAME TO BAYTOWN.
STREETS BUILT AFTER THAT DATE ARE NOT SHOWN. STREET NAMES SHOWN ARE PRIOR TO THE 1948 RENAMING.
ALL ANNEXATIONS BY PELLY AND GOOSE CREEK FROM THE BEGINNING ARE SHOWN.

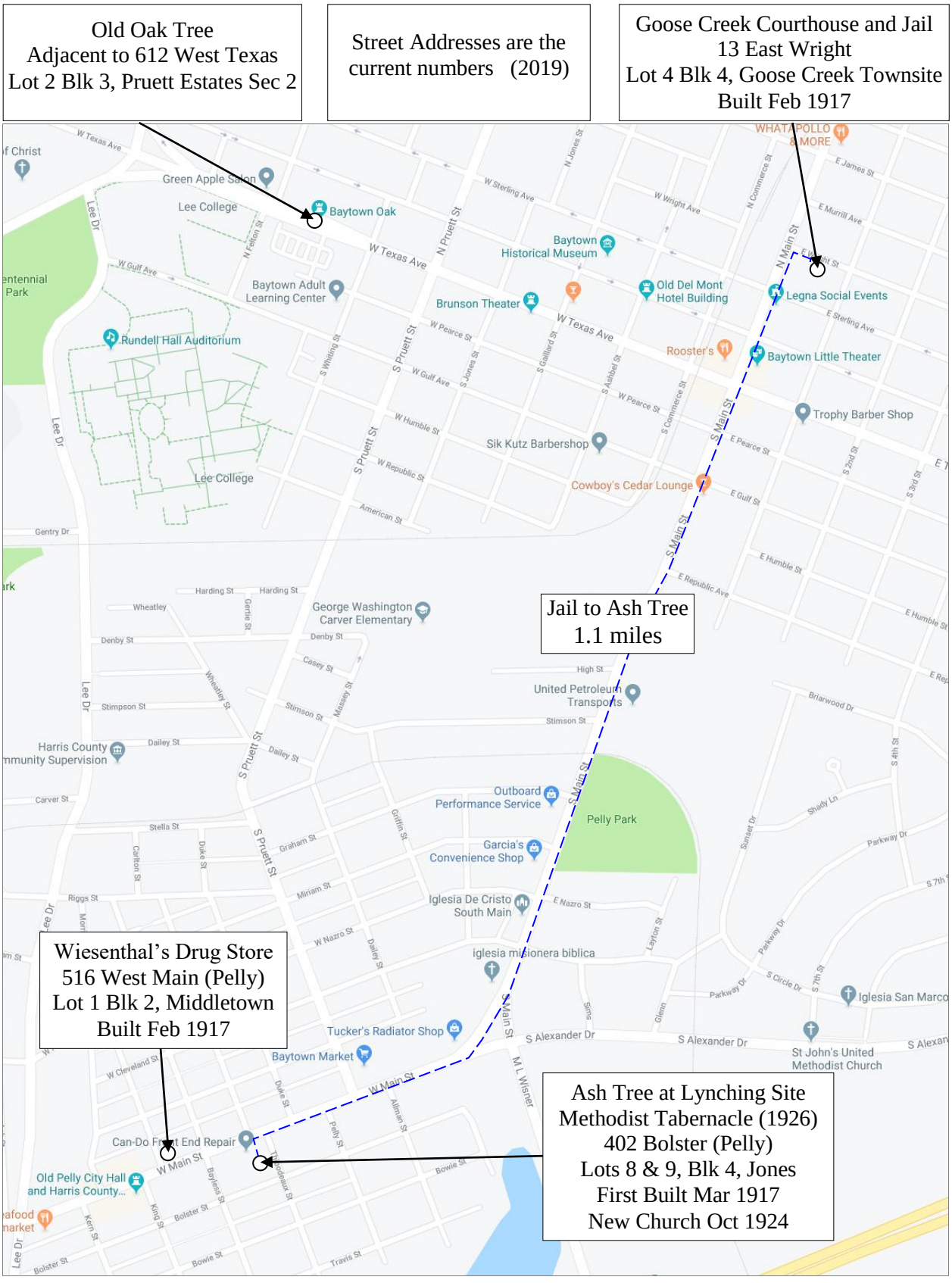
PELLY ANNEXATIONS

NO.	DATE	AREA
PY-00	1919-12-29	INCORPORATION
PY-01	1925-04-03	REDREW SOUTH LINE
PY-02	1928-03-24	PRODUCERS AND ASHBEL SMITH OIL CO
PY-03	1928-06-06	CEMETERY, HIGH SCHOOL
PY-04	1946-07-27	LEE HEIGHTS, GULF HILL, HUNTER TRACT
PY-05	1946-11-30	UNINCORPORATED BAYTOWN & BUSCH TERRACE
PY-06	1947-02-15	CONSOLIDATION WITH GOOSE CREEK
PY-07	1947-04-23	ISENHOUR BAYSHORE

REFERENCES: GOOSE CREEK AND PELLY CITY COUNCIL MINUTES
SANBORN FIRE INSURANCE MAPS, 1926, 1931, 1938 & 1948
HARRIS COUNTY COMMISSIONERS COURT MINUTES
1948 BAYTOWN CHAMBER OF COMMERCE MAP
GOOSE CREEK DAILY SUN NEWSPAPERS
HARRIS COUNTY APPRAISAL DISTRICT
1948 BAYTOWN CITY DIRECTORY
HARRIS COUNTY DEED BOOKS

GOOSE CREEK ANNEXATIONS

NO.	DATE	AREA
GC-00	1919-02-17	INCORPORATION
GC-01	1923-06-27	EXPANDED BOUNDARY
GC-02	Before 1929	EAST TO TENTH STREET
GC-03	1934-12-03	LAMAR SCHOOL TRACT
GC-04	1939-11-08	LEAVINS ADDITION
GC-05	1940-11-12	MORRELL PARK & STEWART HEIGHTS
GC-06	1945-01-05	WEST TO GOOSE CREEK STREAM
GC-07	1946-01-01	EAST TO CEDAR BAYOU
GC-08	1947-01-13	ROSALAND PARK, WYNNE TRACT



Lynching of Burl Smith, September 21, 1917, in Middle Town of Goose Creek, Texas