

SMITH, MAXLIN - The compiler is responsible for the name of Maxlin Smith being omitted from the bronze plaque in the San Jacinto memorial monument on which is inscribed the names of the Texans who participated in the battle of San Jacinto. He is now (March 28, 1941) convinced that the name should be added to the list.

Maxlin Smith was a Negro slave belonging to Major Benjamin Fort Smith. His name is not shown on the San Jacinto rolls printed in 1836 but having proven that he participated in the battle he was on June 7, 1875 granted a Veterans Pension by the State of Texas of \$250 per year. At San Jacinto he was a member of Captain William H. Patton's company.

Maxlin Smith was born in Kentucky in about 1809 and although he claimed to have arrived in Texas in 1832 he, as a matter of fact, arrived in 1833 with his owner. He could not read or write and went by the name of "Mack" Smith. He was living in Travis county June 7, 1875.

Major Benjamin Fort Smith died in Grimes County, July 10, 1841. His will is recorded in Vol. 1, pages 35, 36, 37 of the Probate Minutes of Grimes County. In the will, signed June 20, 1839, he expressed a desire that due to the faithful services of his Negro man "Maxlin" he be freed if the laws of the Republic would allow that it be done.

The following was copied from the Pension Records in the Archives of the Texas State Library, Austin:

(Endorsed) No. 1092 Pension Claim of Mack Smith

Travis County Filed Decemb. 30 1870 by _____ Disposi-
tion made of Approved January 23, 1875 Amount of Pension,
\$250.00 66 years of age Native of Ky Emigrated in 1832
In Army of Republic in 1836. In Battle of San Jacinto
Certificate Issued June 7th, 1875 Recvd Certificate De-
Cordova Withers & Co

State of Texas |
 |
Guadalupe County | I, Pendleton Rector, do solemnly swear that I am
personally acquainted (sic) with Old Mack Smith Colored (who for-
merly belonged to Ben Fort Smith) and who is now a resident of
Travis County and State aforesaid, and that Mack Smith Colored was
present and participated on the Side of Texas as a Volunteer in the
Battle of San Jacinto on the 21st day of April A. D. 1836, and that
Mack Smith is about 60 years or more of Age and that I believes
him witness my had this the 13th day of March A. D. 1875.

Pendleton Rector

State of Texas |
 |
Guadalupe County | Before me the undersigned Authority personally
appeared Pendleton Rector to me well known, who in my presence
signed the foregoing instrument of writing and declared he did so for
the purposes (sic) and Considerations therein set forth and expressed.
To Certify which & hereunto sign my name and affix the impress of my
official Seal this the 13th day of March A. D. 1875.

O. H. Gregg

Notary Public

Guadalupe County

Texas

(Seal)

Office of James P. McKinney

Austin, Texas 187

State of Texas

County of Travis

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I Mack Smith (colored) upon oath, state that

I was present at the Battle of San Jacinto on the 21st day of April A. D. 1836, that I was with Capt Pattons company and took part with the Texas forces in said Battle. I am now Sixty ~~ix~~ years of age and reside in Austin Travis County Texas & make affidavit for the purpose of procuring a pension from the State of Texas I will add that during the whole of the war with Mexico I was engaged with the frees of Texas & did my duty as a soldier faithfully & to the best of my ability--I came to Texas in 1832 & was out in all the war in 1835 & 1836 I was born in State of Kentucky

Witness W. J. Hotchkiss

Mack

his
x
mark

Smith

Sworn to before this the 23rd day of Jany 1875

Steph. H. Darden

Comptroller

Office of James P. McKinney

Austin, Texas, 187

State of Texas

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County of Travis) Personally appeared before me the undersigned
authority Capt. Jesse Billingsley to me well known who upon oath
says that he knows of his own knowledge that Mack Smith a free man
of color whom he has seen in Austin today was in or with the Army
of Texas in the Spring Campaign in the ~~spring~~ (deleted) year 1836
as a soldier, that he was with and served with Capt. Pattons Com-
pany and that he always understood and verily believes (sic) that
said Mack Smith was present and participated in the Battle of San
Jacinto.

Jesse Billingsley

Sworn to and subscribed before me this 24th day of August 1874

Jas R. Johnson

Notary Public Travis Co.