

WEDNESDAY
JUNE 7, 1989

EDITORIALS

Treaty Oak poisoning a sick act

Treaty Oak, a 600-year-old tree that is also an Austin landmark, is in danger from deliberate poisoning. Only a sick person would perform such a senselessly destructive act.

City and state authorities say the tree was intentionally poisoned with a herbicide that is designed specifically to kill trees. Forestry experts are not sure the tree will survive.

The Treaty Oak, with a branch spread of more than 100 feet, was a landmark and popular spot for picnics before the city grew around it, according to the *Handbook of Texas*, published by the State Historical Association.

The tree takes its name from a story that Stephen F. Austin signed a treaty with the Indians under its branches, though the *Handbook* says there is little authentic evidence of this. But it's the kind of historical legend that Texas is made of, and that story has helped make the majestic tree a landmark. In 1927, the tree was admitted to the American Forestry Association's Hall of Fame.

The poisoning was senseless and shameful. And it is ironic that among a generation of Austin residents strongly concerned about the environment, there is someone who deliberately tried to kill a tree that has endured 600 years.

Austin American-Statesman

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CITY & STATE

Wednesday, June 7, 1989 Austin American-Statesman

Poison used on Treaty Oak is identified

By Reggie Rivers
American-Statesman Staff

A herbicide named Velpar — a chemical usually available only by special order and designed specifically to kill trees and brush — was used to poison the 600-year-old Treaty Oak, a spokesman for the Texas Agriculture Department said Tuesday.

Velpar, a chemical produced by DuPont, is normally used in forestry or to control heavy brush growth

along highways or railroad tracks, said Max Woodfin, executive assistant to Jim Hightower, Texas agriculture commissioner.

"It's not something that you can go to the hardware store or the garden store and purchase," Woodfin said.

The Treaty Oak, at Baylor Street between Fifth and Sixth streets, was once named the most perfect tree in North America. The Austin landmark suffered a severe chemical burn around its base, and

has begun to lose its leaves.

City and agricultural officials have been studying the issue, and Woodfin said there is hope that the mighty oak will be saved.

"We don't know that it will die," he said. "We have no way of predicting whether it will make it, but it has a real good chance."

He said Velpar is not a restricted chemical and anyone can purchase it, but "you usually have to get it through an agricultural or chemical

distributor, and it's usually sold only in a place where people who have legitimate needs for it will purchase it."

He said the discovery that Velpar was used in the poisoning does not give city officials any clues as to who may have poisoned the tree with the deadly substance, "but it narrows the places that we have to look."

Velpar is a chemical which can be purchased as a liquid, a soluble powder and soluble granules.

AUSTIN Weekly

June 7-13, 1989

FREE



EVERY WEDNESDAY

As with any historic landmark, the attack on Treaty Oak is reprehensible. That someone would take the time and trouble for an attempt to kill this beautiful tree in Austin is wholly out of character with how we view ourselves.

Hopefully, the experts in the Parks and Recreation Department will find a way to rescue the landmark from the vandalism, as well as oak wilt.

Many myths surround Treaty Oak, few of them verifiable. One, that Stephen F. Austin signed a treaty beneath its branches makes a good story, but there is no confirming

record. Of course, it was an imposing tree of the day and would have been a natural place to meet and bargain.

Another story that it was selected as "the most perfect example of an oak" and its picture was hung in Washington is also without foundation. In fact, it was denied by D.C. officials.

But for all that, it is a beautiful tree and deserves all of the myths about its history.

And with John Giedraitis' care, it will be around for the enjoyment of future generations.

Glenn Coates, Editor

CITY & STATE

Tuesday, June 6, 1989, Austin American-Statesman

Officials call oak poisoning intentional

By Jim Phillips
American-Statesman Staff

The Treaty Oak was intentionally poisoned by someone using a chemical specifically formulated to kill trees, officials said Monday.

"It's obviously not an accident," said John Giedraitis, a city forester who has been directing efforts to save the 600-year-old live oak, an Austin landmark since the city was founded.

The Texas Department of Agriculture, which is investigating the incident, said the exact chemical used would not be known until today, but initial test results showed it was a tree-killing herbicide.

"They did find something, and it's pretty nasty," said Giedraitis, who said last week the tree might not survive. "This chemical is used to kill trees. It's not used to kill weeds. They knew what they were doing."

"It's something I have a very hard time comprehending. It's a pretty senseless act."

Officials said last week, when the damage to the tree was discovered, that they hoped the incident was an accident, possibly caused by someone using too much of a chemical designed to kill weeds or grass. The treatment last week consisted of replacing contaminated soil and injecting activated charcoal and bacteria into the ground to neutralize the effects of the chemical.

The Treaty Oak, off Baylor Street between Fifth and Sixth streets, was purchased to be included in a city park in 1937. It was once named the most perfect specimen of a tree in North America, and a photograph of the tree, which has a limb span of more than 100 feet, hangs in a tree Hall of Fame in Washington, D.C.

Giedraitis said no new treatment is planned unless the tree starts losing its second set of leaves. The Treaty Oak is putting out a new set leaves in response to the loss of most of its spring leaves to the deadly herbicide.

"We're in a wait-and-see mode right now," he said.

'It's something I have a very hard time comprehending. It's a pretty senseless act.'

**— John Giedraitis,
a city forester**



Staff file photo by Karen Warren

A chemical formulated to kill trees was used on the Treaty Oak, says the Austin forester directing efforts to save the 600-year-old tree.

Oak From B1

"It could go either way."

The chemical, which inhibits photosynthesis, was identified at an agriculture department lab in Brenham.

Max Woodfin of the department said that if the person responsible could be found, the agency could impose civil fines of up to \$1,000 and could file a Class C misdemeanor criminal charge, punishable by a fine of up to \$200.

"Our laws don't cover things such as destruction of historical sites or monuments," Woodfin said.

Apparently, a large quantity of the herbicide was used, Woodfin said. The chemical is thought to have been applied at least three months ago, and officials were not sure traces of the poison would still be found in soil samples.

"There was quite a bit used," Woodfin said. "It was a considerable amount, but whether that was a few gallons or a bunch of gallons, I don't think we'll ever know unless we find the person who did it."

Officials have come up with no

possible motives for the incident. However, one city official said last week that it was conceivable someone was mad at the city and saw this as a way to take revenge.

Paul Roberts, a city environmental specialist, added, "It's not our tree. It's everybody's tree."

Meanwhile, officials said there is little more to do to try to save the Treaty Oak.

"We've really, really got our fingers crossed and are saying our prayers for the tree, because that's all we can do right now," Giedraitis said.



Staff photo by Larry Kolvaord

More visitors than usual Saturday came to check on the condition of Treaty Oak. The tree has been damaged by chemical poisoning.

Visitors wish Treaty Oak a speedy recovery

By Morgan Montalvo
American-Statesman Staff

A steady stream of well-wishers drove to a small West Austin park Friday to visit the ailing Treaty Oak, a 600-year-old landmark that authorities say may have been intentionally poisoned.

The majestic live oak, located on Baylor Street between Fifth and Sixth streets, has sustained a severe chemical burn and is losing its leaves. Forestry experts are not sure the tree — which was once named the perfect tree in North America — will survive.

"We were just talking about another oak tree at our apartment complex in South Austin," said Mark Phillips, who stood with his wife, Shirley, at the edge of the tree's shade line and peered up at its foliage Saturday afternoon.

"I just can't understand why — why," he said angrily.

Kavin Kelp, a dentist who said he drives along Baylor Street daily to and from work, said he began noticing people gathering near the tree Friday.

"I've always been interested in these kinds of things," he said, pointing to the oak's outstretched, slightly downturned branches.

"I just hope this thing lives," he said. "It's a major part of history."

Kelp said many people were probably visiting the tree for the first time.

"People who didn't know where it was before will realize that these kinds of things aren't forever."

News of the tree's poisoning brought Saturday's outpouring of concern by scores of visitors.

Charles Mayes, owner of the Treaty Oaks Cafe, said the number of people visiting the tree had skyrocketed this weekend. The pesticide poisoning was the topic of most of his customers' conversations.

"It seems to be a top-of-the-line concern," he said. "We've seen a number of people — five to six dozen — just coming out to look at the tree. It evidently is a more significant landmark than anyone in Austin thought. We have a number of customers who were married at the tree."

"We don't consider ourselves the primary source of information, but we're receiving reports from customers daily," Mayes said.

Among those to visit the ailing tree was City Council Member Max Nofziger, who visited the tree Saturday morning.

Some of the visitors brought their children. Others toted cameras.

Ed Bustin, a retired Army warrant officer who lives across the street from the oak, said he has noticed new leaves sprouting from the tree's branches.

"I'd like to think all of this was an accident," he said, gesturing to an oblong patch of freshly replaced soil where tree technicians injected activated charcoal near the root system to arrest the damage.

"I think they caught it in time," he said.

Bustin, an Austin native who said he was one of thousands of Texas school children who raised money in 1936 to purchase the tree, said he believes the landmark will survive the poisoning.

As Bustin spoke, motorists on Baylor Street slowed and stared at the tree.

Outrage over poison damage to state's historic Treaty Oak

By Mary Lenz

POST-AUSTIN BUREAU

AUSTIN — Austin's Treaty Oak, one of the oldest, largest and most famous trees in Texas, is fighting for its life and may have been intentionally poisoned, city officials said Friday.

"It's terrible. Until we find out what kind of chemical it was, we don't know what to do," said Paul Roberts, an environmental specialist with the city of Austin.

Roberts said soil from around the 500-year-old oak tree is being tested by experts at Texas A&M University and the Texas Department of Agriculture. But so far no one knows what kind of herbicide is turning its leaves a dingy brown, or whether the tree will survive.

"Why would somebody want to do something like that to a defenseless tree?" said Austin City Council member and former street corner flower salesman Max Nofziger.

"The Treaty Oak survived all these years and all these natural catastrophes — floods, tornado, hail — the works. Then somebody in our enlightened age just goes out and poisons it. It's just staggering."

The Treaty Oak was once surrounded by a grove of 14 massive live oaks, called the Council Oaks, where Indians gathered for ceremonies and dances. Legend has it that Stephen F. Austin stood beneath the tree when he signed the first treaty between Indians and settlers from the United States.

Today the tree, which is more than three stories high and has a 128-foot canopy of branches, stands in a small city park near West Sixth Street, an area of boutiques, bakeries, condos and restaurants.

"I feel pretty bad about it," said Ron Atkinson, a manager at the Treaty Oak Cafe near the park. "I don't know why anybody would

Please see OAK, A-12

The Houston Post

Houston owned, Texas proud

SATURDAY, June 3, 1989

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OAK: Damage to historic tree stirs outrage

From A-1

vandalize that beautiful tree."

Women in a nearby store speculated that damage could have been done by developers with an eye on the property.

But Nofziger and others said that idea is far-fetched.

"I can't imagine any developer would be in that bad shape. But on the other hand, I can't imagine why anybody would do it at all," said Nofziger.

"They'd never get to build on this. This is a city park," said Glenn Crider, Austin's supervisor of forestry.

"I can't imagine anyone in the neighborhood having any kind of grudge against that tree. It's a real mystery," said DeDe Armentrout, regional vice president for the National Audubon Society. "I don't think the tree is standing in the way of any prospective development."

Austin Parks & Recreation Department officials have been investigating the incident since Wednesday, when someone telephoned to report there appeared to be something wrong with the tree. Roberts said the Treaty Oak's leaves show definite chemical damage.

"This is not oak wilt. That's my specialty," said Roberts, who was hired by the city to fight the disease that has killed 10,000 Austin live

"I can't imagine anyone in the neighborhood having any kind of grudge against that tree. It's a real mystery."

— DeDe Armentrout, National Audubon Society

Roberts said leaf burn and defoliation often result when someone uses weed killer too near a tree or dumps chemicals used to clean out swimming pools on the ground. The Austin City Parks and Recreation Department, which maintains the park, uses no chemicals or herbicides anywhere near the tree.

"I don't think at this point you could say it was intentionally done," said Roberts. But he said grass in a 2- to 3-foot circle directly at the base of the tree was dead or dying. The rest of the grass, as well as other trees and shrubs in the park, show no signs of harm.

"That's what kind of makes you wonder," said Roberts.

Roberts said when a tree loses leaves, whether from natural

buds. Normally, leaf loss happens only once a year. When a tree is poisoned, it loses leaves, sprouts replacements, loses new leaves and sprouts again repeatedly. And the tree grows weaker and weaker each time.

"It's in stress. It's like dying of pneumonia," Roberts said. He said in this state, other kinds of blight or tree disease could come in and finish it off.

Contaminated soil from around the base of the tree has been removed, and crews Friday were applying charcoal to the ground, which officials said should absorb additional amounts of the chemical. They said the chemical could have been applied to the tree as long ago as December.

Armentrout said while some people suspect vandalism, the vandal would have to be relatively sophisticated "or just lucky" to have picked the right kind of herbicide to poison an oak.

"It seems like an improbable act. It's easier to believe that somebody found something in their garage and just poured it out," said Armentrout. But she said the tree "is showing significant damage. It's in trouble."

Crider was asked whether the tree would survive.

"It will either flush it out or it will die," he said. "You can look at the new leaves and they are just



AP photo

Poison assaults Treaty Oak

Experts fight for historic tree's life after chemical burn

By Jim Phillips
American-Statesman Staff

The Treaty Oak, an Austin landmark that was a century old before Columbus sailed, is fighting for its life after someone apparently poured a deadly chemical around the base of the tree.

The massive live oak, thought to be 600 years old and once named the most perfect tree in North America, has sustained a severe chemical burn and is losing thousands of leaves. The tree's defense mechanisms already have kicked in, and a new set of leaves is being produced, but experts are not sure it will survive.

The Treaty Oak site, located on Baylor Street between Fifth and Sixth streets, has been a city park for 52 years.

Officials stop short of saying the poisoning was intentional, but are at a loss to explain ei-

ther how the damage could have been inflicted accidentally, or how anyone could have done it on purpose.

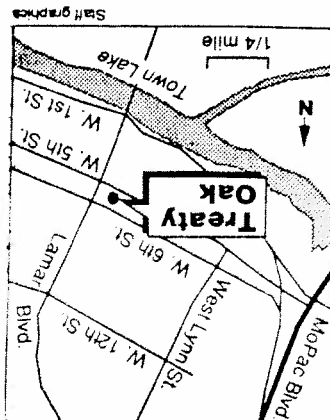
Glenn Crider, a City of Austin forester, said, "We've asked ourselves why in the world would anyone do that. We can't come up with any good reasons, except why does anyone do anything crazy these days?"

Ed Bustin, who for 60 years has lived across the street from the Treaty Oak, said, "I sit on the porch out there quite often, working, thinking or just relaxing."

"It's not unusual to see three groups of schoolchildren here in one week. They always try to reach around the tree, and see how many it takes."

"Half of the politicians and half the outlaws have climbed this tree when they were kids. Every kid in West Austin climbed it. There's been

See Treaty, A5



Some samples of contaminated soil could go either way. "It could enable it to survive," but added, "it could go either way."

Giedraitis said he hopes the treatment being used on the Treaty Oak, and its natural defenses, will enable it to survive.

While waiting for the lab results, city officials decided to dig out all the contaminated soil around the tree to a depth of about six inches. Then, activated charcoal, which will attract and bind with the poison, was injected into the ground with high-pressure water. Finally, bacteria that breaks down and eats chemicals was also injected into the soil.

The next wedding under the Treaty Oak was to take place June 17, when John Kropek and Sharon Swedlow plan to marry.

The couple, who came by the park on their lunch break Friday to assess the damage, had a picnic under the tree last year. "It's just so beautiful. It's sort of symbolic," said Swedlow, explaining why they chose the park for their wedding.

Treaty

at least two dozen, possibly three dozen weddings over here.

In the dawn of Austin, the tree marked the western edge of safe territory for the new white settlers. past that point Indians reigned. It has been said that Stephen F. Austin signed the first treaty in the state between white men and Indians under the tree.

Some believers in the occult still attribute mystical power to the tree, while others look on it simply as living history, or a gentle reminder of the permanence of nature in a time when nothing seems permanent.

Scores of families grew up and passed on in Austin with the Treaty Oak as a bridge between generations; they climbed it as children and picnicked under it on holidays. More than 50 years ago, during the Texas Centennial celebration, schoolchildren and Campfire Girls rallied support to buy the tree, holding poetry contests and other events to raise money.

John Giedraitis, a city forester, said that on historical or aesthetic grounds, the Treaty Oak would rank among the top 25 trees in the nation.

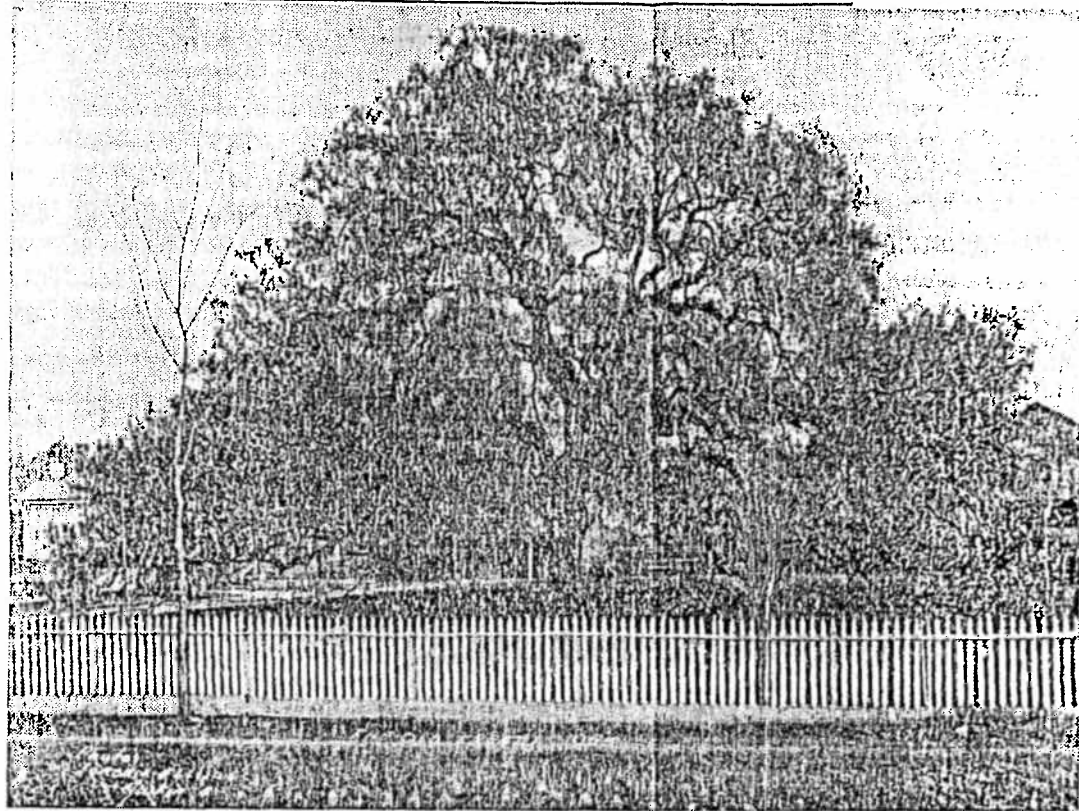
"It's not just a locally important tree. It's a nationally important tree. The Treaty Oak is irreplaceable."

Giedraitis said the tree was checked Tuesday, after a citizen called to report the damaged, browning leaves, suspecting as will. "It became real obvious as soon as we started poking around that it had a severe chemical burn and was losing most of its leaves," he said.

After the Treaty Oak's leaves were damaged, "The tree responded by putting out a whole new set of leaves over the whole tree," he said. "To make the second crop, it had to use some of its energy re-sources." If the second set also dies, the tree will produce a new crop, and continue to do so. But at the



Staff photo by Karen Warren
Forestry technician Bruce O'Neill injects poison-fighting bacteria around the oak.



LEGENDARY TREATY OAK WHICH WAS PURCHASED BY THE CITY IN 1937

Legend says that Stephen F. Austin signed an historic treaty under the tree

City's Treaty Oak topic of legends

By AUDRAY BATEMAN

Almost every natural beauty spot in Austin is steeped in legend. There are myths about an Indian princess who plunged to her death from Mount Bonnell; stories of hidden treasure along Shoal Creek; stories of the pacing white stallion at Onion Creek, but there are probably more legends about the Treaty Oak than any other landmark.

The beautiful tree is located on Baylor Street, just south of West Sixth Street. Its limbs spread across 127 feet and is estimated to be more than 500 years old.

According to legend, Stephen F. Austin signed the first boundary line agreement between the Indians and whites under the branches of the great oak. Other stories tell that the tree was originally part of a cluster of trees known as the "Council Oaks" and that the Indians met at the spot to smoke the peace pipe, have tribal ceremonies and plan war campaigns. It was also said that the acorns from the tree had special powers. Tejas Indians believed that brew from the acorns mixed with wild honey brought back the lovers to the maidens who drank the potion.

The first owner of the tree and land surrounding was James H. Raymond, who was treasurer of the State of Texas in the 1840s. Judge

waterloo scrapbook

John Ireland was the next owner, and in 1882 the property was sold to W.H. Caldwell. In the late 1920, the hallowed ground where the tree is located was offered for sale with the possibility of the tree being cut down, and the cry to save the Treaty Oak was heard across Texas. Women's organizations took up the cause and tried to interest the state in purchasing the land. To further the interest, a prize was offered by an Oklahoma man for the best poem written about the tree. Finally, in 1937, the City of Austin brought the land on which the tree stands. The contract of sale stipulated that the Treaty Oak should not be destroyed.

The legends may not be true, but no one will deny that the Treaty Oak is a beautiful sight to behold. According to the *Austin Statesman* of Nov. 9, 1955: "Treaty Oak in Austin, Texas, was selected by the American Forest Association as the most perfect specimen of a tree in the United States."

Audray Bateman is Curator of the Austin Travis County Collection, Austin Public Library.

AUSTIN · A HISTORICAL PORTRAIT Larry Willoughby

it indicated a precarious future for the young city.

Life on the American frontier demanded optimism, and Austin's first citizens possessed an abundance of that resource. By the spring of 1840 government buildings were bustling with activity, and businesses were rapidly opening to serve the needs of the expanding population. Two newspapers, the *City Gazette* and the *Sentinel*, began operations and served as watchdogs for the public interest. Real estate dominated the economic scene, with the average city lot selling for about \$400. Pine was shipped in from Bastrop to fill those lots with houses and businesses. Two churches, a Baptist and a Presbyterian, were constructed as well as six gambling casinos. The first census, taken in 1840, listed a total of 856 inhabitants, 711 white and 145 slave. In little over a year the population had increased from about 10 to nearly 1,000. Despite the apparent progress and prosperity, events in 1841 and 1842 not only destroyed Austin's optimism but also threatened its very existence.

→ [Since Austin lay on the western edge of the Texas frontier, Indian raids against life and property were common. The continuing Comanche threat made it unsafe for anyone to travel outside the city's general vicinity unless protected by armed escort. This point was made dramatically in 1841 when Travis County's first county judge, James Smith, was killed by a Comanche raiding party. Judge Smith crossed Shoal Creek to search for stray cattle and ventured too far west of Treaty Oak, the symbolic dividing line between Anglo and Indian territory. As the Indian uprisings grew more frequent and more severe, legislators from the more populous East Texas and Gulf Coast regions complained bitterly about the dangers surrounding Austin. Led by the hero of the Texas Revolution, Sam Houston, critics repeatedly demanded that the capital be removed to safer quarters.

When Mexican troops under General Vasquez marched into San Antonio in March of 1842, many residents of the Colorado River valley panicked and evacuated the area. Those expressing anti-Austin sentiment now exploited the fear of the Mexican forces as well as that of the Indians in order to demonstrate the inadequacies of Austin's defenses. Sam Houston was now president of the Republic, and the tide of events supported his claim that Austin was too far out on the frontier to be a suitable capital. Under the continuing threat of Mexican attack, President Houston ordered the seat of government transferred back to Houston, presumably to protect the government archives from capture or destruction. This led to the so-called Archive War, a non-violent confrontation in which Austin citizens refused to let Houston's representatives remove the archives. Even though the archives remained in Austin, Congress met at Washington-on-the-Brazos and at Houston for the next three years.

Following the removal of governmental operations in March of 1842, Austin experienced the low point in its young history. The population steadily declined, and the vacant houses and businesses created the image of a ghost town. The boom-town atmosphere that was prevalent just three years earlier was non-existent. With the continual threat of Indian and Mexican attack, there was little reason to believe that Austin would survive. But the struggling town, kept alive by a few determined citizens and a primitive barter economy, did survive. In July of 1845, the new president of the Republic of Texas, Anson Jones, convened a Constitutional Convention in Austin. This convention fulfilled the requirements for Texas to be admitted as the twenty-eighth state of the United States of America. The future of Austin was once again a bright one, now as a state capital rather than a national one.

TREATY OAK

When T. J. (Tom) Caldwell, former Houston banker, state senator and now a rancher in Bastrop, sold the land on which Treaty Oak stands, he stipulated that the city of Austin should not destroy the tree or use the land for any other purpose as long as the tree remained alive.

That was thirteen years ago, August 11, 1937. Today, the site on Baylor Street just off West Sixth is known as the Caldwell Treaty Oak Park. The fabulously old oak tree, steeped in legend, shades more than a quarter acre of lawn, spreads its limbs across 127 feet, and attracts tourists from all over the world.

The aged Mexican caretaker who waters and cuts the grass once a week for the city says people from Houston, Dallas, San Antonio, New York, other cities and even foreign countries often stop by to gaze at the tree, one of Austin's outstanding landmarks. They sometimes spread picnic lunches under the shade and sit on the ground like the Indians who according to legend, held council there more than 100 years ago.

Scientists have estimated the life of the mighty oak at from 500 to 600 years, and though some minor patches and repairs have been made on the tree, it still appears healthy and has promise of even longer life. A picture of Treaty Oak now hangs in the Hall of Fame of Forestry in Washington, D. C., where it has been termed one of the most perfect specimens of a tree in North America.

According to legend, Stephen F. Austin, "the father of Texas," signed the first boundary line agreement between Indians and whites under the canopy of the great oak's branches. Other stories tell of Indian lovers who made their tryst here when the land beyond was all forest, prairie, and undammed rivers. The tree originally was a member of a group of trees known as "The Council Oaks." It is said that Indians in the old days met under Treaty Oak to smoke the peace pipe, plan war campaigns, and carry on tribal ceremonies.

There may be a great deal of truth in the legends, or they may originate in that mist of dreams which natural beauty evokes in all of us. A reliable historian told the writer that around the year 1839 when Austin was founded, the Indians carried off and massacred a small boy and girl found wandering alone near Shoal Creek, which runs through West Austin. After the affair and its subsequent battles, the Indians and whites met to make a treaty; and it was decided that



This huge tree, famed in legend, shades Treaty Oak Park in Austin.

the whites would keep to the territory east of Shoal Creek, reserving the lands west for the redskins. Exactly where the treaty meeting was held is not known. The great Treaty Oak, not far from Shoal Creek, would have been a likely place.

W. H. Folts, president of the Austin

National Bank, whose home is near the tree, said he and the Caldwell brothers, Tom and Walter, used to play under the oak and among its limbs when they were boys. And the tree, older than the State of Texas and the United States, will very likely shade many more generations. ■

From
"Famous Trees of Texas"
Texas Forest Service

The Treaty Oak

IN A SMALL CITY PARK IN AUSTIN, NEAR THE EAST BANK OF the Colorado River, stands a stately live oak tree known as the Treaty Oak. For centuries, its spreading branches have observed Indian war councils and dances, religious ceremonies, important conferences, and the signings of pacts and treaties.

The tree is the only survivor of a group of live oaks known as the "Council Oaks," under which Stephen F. Austin, the "father" of Texas, is reputed to have signed the first boundry-line agreement between the Indians and the whites. An imaginary line running north and south through the heart of this group of oaks divided the territory and remained inviolate for years.

Long before the white man came, Tejas, Apache, and Comanche Indians regarded the tree with superstitious reverence.

One of the many legends associated with this tree speaks of Indian maidens who brewed a "love tea" of its tender leaves. If they drank the tea while gazing at a full moon, their lovers would be true forever. If they performed the ritual while the tribe was at war, their warriors would return home safely.

Believed to be more than 500 years old, the tree was nominated in 1927 to the American Forestry Association's Hall of Fame for Trees, in Washington, D. C., where it was pronounced the most perfect specimen of a North American tree.

In 1937, the tree was in danger of being removed by its owner. Through the efforts of interested persons, it was purchased by the City of Austin and its site dedicated as a city park. One of the first contributors to a fund to save this tree was a group of Campfire Girls in Port Arthur, Texas.

The Treaty Oak is in a small Austin city park on the east side of Baylor Avenue, between Fifth and Sixth Streets. A marker is erected in front of the tree.

FAMOUS TREES OF TEXAS



(Photo by Boone's, Austin)

On the west bank of the Colorado river within the city limits of Austin stands a mammoth live-oak tree beloved by history loving Texans as "The Treaty Oak."

The Treaty Oak has played an important and romantic part in the history of the Lone Star State. Battles have been planned, pacts signed, important conferences planned, feasts and religious ceremonies celebrated beneath its mighty branches.

Stephen F. Austin, known as the father of Texas, is reputed to have signed the first boundary line agreement between Indians and whites under the canopy of the great oak's branches.

The Treaty Oak's age is estimated as between 500 and 600 years old. Its branches have a spread of 127 feet. A picture of this tree hangs in the hall of fame of forestry at Washington where it has been pronounced the most perfect specimen of a tree in North America.

Can you tell us about a famous, unusual or especially big tree in your locality? For instance, who knows where there is a huge mesquite?

One Billion Cross Ties Used By U. S. Railroads

About one billion cross ties are in use by American railroads. These are being replaced at the rate of fifty million a year at a cost of about \$3 per railroad tie.

Extending the life of railroad ties only one year means an annual saving conservatively estimated to run \$7.5 million. A railroad using one million ties can save \$150,000 by increasing the life of its ties one year.

Southern railroad engineers say that wear accounts for the removal from track of 60 to 90 per cent of the ties.

Handy Booklet Contains Texas Forest Fire Laws

The Texas forest fire laws have been brought up to date in a recently revised circular. They were printed in a handy eight-page booklet and given free distribution by the Texas Forest Service.

The "Texas Forest Fire Laws" booklet contains the most recent enactment of the 50th legislature in Austin during its 1947 session. In this amended article, the legislature set up more stringent penalties for willful and negligent setting of fires. The minimum penalty is now a \$100 fine and/or 30 days in jail, the maximum a \$1,000 fine and/or one year in jail.

Following The Foresters

Fiscal Clerk At Lufkin Leaves Forest Service

Woodrow Hill, fiscal clerk at the Lufkin headquarters for the past five years, has severed his employment by the Texas Forest Service to enter a private accounting business in Lufkin. The girl employes in that department will carry on under the supervision of Assistant Division Chief M. V. Dunmire.

C. L. Rich, Visual Aids Specialist, Has A Son

C. L. Rich, Texas Forest Service visual aids specialist at A. & M. College, became the father of a new baby boy Dec. 23. The child, who weighed 9 pounds, 9 ounces, has been named Herman Charles.

Miss Kelley Joins TFS; Mrs. Cavender Resigns

Miss Alice (Bert) Kelley joined the Texas Forest Service stenographic staff at A. & M. College as of Jan. 3. Mrs. Joyce Cavender, whose husband graduates at mid-term, resigned Jan. 15, and the duties of three stenographers were shifted within the department at that time.

Mrs. McAlpine Compiles Research Records Now

Mrs. Carolyn McAlpine joined the Texas Forest Service as of Nov. 1 as compilation clerk for Silviculturist Chief D. A. Anderson. Mrs. McAlpine replaced Mrs. Dean McCaldin whose husband will graduate from A. & M. College in January.

2 Changes In Lufkin's Stenographic Staff

The stenographic staff at the Division of Forest Protection has undergone two changes recently. Mrs. Theima Hensley and Miss Bernice Blakeway have tendered their resignations. The vacancies have been filled by Miss Juanita Parker and Miss Jerry Jean Dunkin.

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THE TREATY OAK

MRS. W. L. STONER

No state has been more richly endowed by nature than was Texas, the state of wide open spaces, of flower-covered prairies, of rich valleys, or virgin forests. Perhaps nothing in Texas is more typical of the richness of this endowment than the great historic trees that have been preserved here and there over the state—the graceful mesquites, the lordly pecans, the towering pines and wide-spreading oaks.

It is generally conceded that the Treaty Oak is the oldest living thing in Texas, being more than 500 years of age according to the leading Texas botanists. Its venerableness and its beauty, with all that it typifies of tradition and history make it a "glory among trees," a veritable monarch of the Texas prairies.

The Treaty Oak stands in silent majesty on the bank of the Colorado River, near West Sixth St., in Austin, Texas. With an outline almost perfectly rounded, it covers something like a quarter of an acre and is more than 120 ft. across (200 ft. as stated in the last issue, was an error in transcribing). Its picture has been placed in the hall of famous trees in Washington by the American Forestry Association, which regards it as the most perfect specimen of tree in the United States, so beautiful is it in its symmetry.

Many fables are told in connection with it of Indian maidens who made a sauce from the acorns which, if taken by their warrior lovers on the eve of battle, would bring them back unharmed. Too, it was regarded as an elixir which would save from unrequited love. Tradition has it that Stephen F. Austin arranged and signed under this tree, a

"All trees are beautiful—but O, this one
Drips poetry and music from each
bough;

Along its branches golden legends run,
Of ancient passion—burning even now:
The lifting up of wild beseeching
hands—

The sound of footsteps—softly moc-
casined—

The tribal prayers—and thus the great
oak stands—

An old reiterated song upon the wind."
—Grace Noll Crowell.



treaty with the Indians which helped to fix the boundary for his colony. It is also said to have been regarded as a Tree-God, a temple of worship for the Comanches and the Tejas, who held their councils under its spreading branches.

The present owner, Mrs. W. H. Caldwell, has proved herself a patriot by preserving this tree since 1892. Formerly, this plot had been the property of Jas. H. Raymond, first state treasurer and of Judge Ireland. She feels now that it is necessary to dispose of the land, valued at from \$6000 to \$7000, yet she loves the tree and hopes that it may be saved to the people of Texas whose lordly

heritage it really is.

Many patriotic individuals have interested themselves in its preservation, notably, Mrs. Mary Fitzgerald, Mrs. E. O. Hill, Senator Margie Neal and the Poets' Scroll. Various plans have been suggested; that of appealing to the school children, raising money by subscription through the Texas Federation, and seeking an appropriation from the Legislature. It is now the plan to introduce a bill in the next Legislature providing for the purchase of the tree and its maintenance as a state shrine.

The Texas Federation of Women's Clubs is asked to mother this bill and aid in its passage.

We await your answer, both as groups and as individuals.

No massive building, no marble shaft erected by man could ever compare in beauty of grandeur with this natural, living monument planted by our Maker himself and no hand should ever cause it to be brought low except the hand of Him who gave it. This mighty oak should be a tree of peace to all Texans and the tender sacred sentiments that it

arouses should inspire all posterity.
"For I am Texas' oldest pioneer,

Have weathered all her changes in
this hour,

Have watched her travail and her victory,

Her urgent growth from poverty to
power.

And have I known the last sweet Texas
spring?

No more the green beneath, the blue
above?

Oh children for whose hour I watched
in hope,

Let me cling longer to the soil I love.

Prize Poem by Margaret Belle Huxley



