

## CHAPTER VI

### IMPORTANT EVENTS, ISSUES, AND PEOPLE

Montgomery County contributed her share of participants in the early struggle for the independence of Texas. In November, 1835, the municipality of Washington, along with the municipalities of Austin, Columbia, Matagordia, Harrisburg, Mina, Gonzales, Viesca, Nacogdoches, San Augustine, Bevil, and Liberty, sent seven delegates to the Consultation Convention for the purpose of forming a provisional government.<sup>1</sup> Three of the delegates from Washington, Jesse Grimes, Elijah Collard, and William Shepperd, later became citizens of Montgomery County.

As for the Consultation, Montgomery County was well represented by the future citizens at the writing and signing of the Declaration of Independence of March 2, 1836. Four of her prospective citizens, namely, Charles B. Stewart, Jesse Grimes, George W. Barnett, and B. B. Goodrich signed the document. Charles B. Stewart had the honor of being the first signer of the famous document. Stewart had, in 1834, served as Secretary of the Supreme Court of Mexican Texas; in 1835 he had served as Executive Secretary and Clerk of Enrollment of the permanent council of the provisional

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<sup>1</sup> Louis J. Wortham, A History of Texas (Fort Worth: Wortham-Molyneaux Company, 1924), Vol. II, p. 403

government which was held at San Felipe.<sup>2</sup>

In the spring of 1836, after the signing of the declaration of independence, the newly appointed commander-in-chief of the army, Sam Houston, sounded his call for the men of the Republic to rally together to repulse the advancing army of the Mexican President-General Antonio Lopez de Santa Anna. Montgomery County's citizens were among the first men to answer Houston's summons. They joined his army and followed his leadership to and through the battle of San Jacinto.

Some of the men who were in Houston's army and had fought at the battle of San Jacinto, and who later became citizens of Montgomery County, participated in practically every category of his army. Serving in the artillery corps were John M. Wade, Joseph Floyd, George Cumberland, and Seneca Legg. John M. Wade had the honor of helping fire the famous Twin Sister cannon. It was Wade's gun which carried away the water bucket of the Mexican's long-nine.<sup>3</sup>

The men from Montgomery county who served in the

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<sup>2</sup> W. M. Martin, "A History of Montgomery," (unpublished Master's thesis, Sam Houston State Teachers College, Huntsville, Texas 1950), p. 79.

<sup>3</sup> Texas Almanac for 1872 (Galveston:Richardson and Company, 1873), p. 99.

cavalry corps under Mirabeau B. Lamar were Benjamin Fort Smith, Hugh Henderson, William S. Taylor, and George W. Mason.<sup>4</sup> Matthew W. Cartwright served under Lamar in the cavalry corps until his horse was killed under him in a skirmish with the Mexicans the day before the main battle. He then joined the company that had organized from Montgomery County, led by Captain William Ware.<sup>5</sup>

In the First Regiment, Texas Volunteers, commanded by Colonel Edward Burleson, the men who served from Montgomery County were William H. Wood, Captain of Company A, James Greenwood, James R. Pinchback, and Joseph Rhodes, privates.<sup>6</sup>

Enlisted in Company C of the same regiment were privates Jefferson Barton and Thomas P. Davy, and in Company K, privates James Connor and E. B. Halstead from Montgomery County.<sup>7</sup>

All of the Second Company of the Second Regiment, Texas Volunteers were from Montgomery County. Joseph L. Bennett was Lieutenant-Colonel; William Ware, Captain; Jacob S. Collard, First Lieutenant; George A. Lamb, Second Lieutenant; Albert Gallatin,

4 Wortham, op. cit., Vol. III, pp. 437-440.

5 Texas Almanac 1872, loc. cit.

6 Wortham, op. cit., p. 441.

7 Ibid., pp. 441-443.

First Sergeant; William C. Winters, Second Sargeant; John F. Winters, James W. Winters, Cristoval Edenburg, Lewis Cox, Matthew W. Cartwright, G. W. Robinson, G. W. Lawrence, William Cartwright, John Sadler, James Wilson, James Deritt, Matthew Moss, and Jesse Thomas were privates in the Second Company.<sup>8</sup>

H. R. Williams and Edward Gallager served as privates in the Third and Fourth Companies of the Second Regiment, respectively.<sup>9</sup>

The men in the Sixth Company, Second Regiment from Montgomery County were James Gillaspie, Captain; Matthew Finch, First Lieutenant; John Montgomery, Andrew Montgomery, Alphonzo Steele, Robert Henry, and Elijah Votaw, privates.<sup>10</sup>

James Collard, Jonathan Collard, Ben C. Franklin, Phillip C. Martin, and James Powell from Montgomery County were in unidentified companies.<sup>11</sup>

Soon after Montgomery County was created congress took into consideration the need for a permanent location for the seat

<sup>8</sup> Ibid., pp. 444-445.

<sup>9</sup> Ibid., pp. 445-446.

<sup>10</sup> Ibid., p. 447.

<sup>11</sup> Ibid., p. 448.

of government. On Wednesday May 9, 1838 in an adjourned session of the Second Congress which had met at Houston, the president of the Senate appointed William J. Russell, J. D. Rains, and Albert C. Horton on a committee to inform the House of Representative that the Senate would meet them in the representative hall that evening at half past three o'clock in compliance with their resolution for the purpose of selecting a suitable site for a permanent location of the seat of government.<sup>12</sup> After the committee from the Senate informed the House the Senate proceeded, at the time agreed upon, to the hall of the representatives and went into a joint session with the House to select a site for the future seat of government.

When the question was put before the meeting, motions were in order for the suggestions and the procedure began. George Sutherland suggested Eblin's League on the Colorado River.<sup>13</sup> J. W. Burleson suggested the town of Bastrop on the Colorado River. Robert Wilson suggested Black's Place in Montgomery County. Thomas J. Gazley suggested the city of Houston in Harrisburg County. Anson Jones of Austin County suggested the town of

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<sup>12</sup> Journals of the Senate of The Republic of Texas, Adjourned Session of the Second Congress (Houston: Telegraph Power Press, 1838) p. 52.

<sup>13</sup> Ibid., p. 53.

San Felipe on the Brazos River. John Boyd suggested the town of Nacogdoches in Nacogdoches County. Robert Wilson suggested Groce's Retreat in Montgomery County. S. H. Everitt suggested the town of Comanche on the Colorado. Anson Jones suggested the Mound League in Washington County. Thomas J. Gazley withdrew his suggestion for the city of Houston. <sup>14</sup>

After the suggestions had ceased a vote was taken to determine the choice for the capital site. When the ballots were counted it was found that Eblin's League on the Colorado River was first with nineteen votes and Black's Place in Montgomery County was second with five votes. The rest of the votes were scattered for the other suggestions. The whole number of votes cast were forty-three, but the necessary majority for a selection had to be twenty-two. <sup>15</sup>

The speaker declared that Eblin's League did not have a majority of votes, so he declared that there was no choice and the two houses proceeded to a second vote. At the end of the second count Eblin's League was first again with twenty-seven votes and Black's Place second with ten votes. <sup>16</sup> Eblin's League on the Colorado River had the majority; therefore it was selected over

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<sup>14</sup>Loc. cit.

<sup>15</sup>Loc. cit.

<sup>16</sup>Loc. cit.

Black's Place in Montgomery County. The speaker announced that Eblin's League was duly chosen as the site for the future location of the seat of government.<sup>17</sup>

The political importance of Montgomery County was indicated the fact that two places from Montgomery County were suggested for the capital site, one of which ranked second in the voting. It is also noteworthy that Montgomery County had one of the most thickly populated areas in the Republic at this time.

Another important event that Montgomery County took part in was the expedition against General Adrian Woll in 1842. Mexican forces had been giving the new Republic of Texas considerable trouble ever since Texas had won her independence. Previous to Woll's invasion, a father from Alabama, in 1840, wrote to his son at Montgomery and expressed gladness that Mexican depredations had ceased for that year. He also asked for information concerning Texas. Part of his letter is quoted as follows:

. . . I am glad to find as your health improves, the Rawhead and Bloody bones in Texas vanish, and I shall not be surprised if in your next letter you say, "Pa come ahead and don't wait 12 months longer as here is a fine prospect for you to make your fortune and enjoy your health and better, far better society

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<sup>17</sup>Loc. cit.

for intelligence at least than can be found around Pond Mountain."

. . . Self government by our recent example is fully guaranteed to Texas and thousands of our most virulous and honorable citizens will soon find their way into that most inviting Republic. By this time you ought to know what counties are increasing fastest in wealth and population and where I would have the best chance to school my children. I am induced to think La Grange in Fayette County will be a thrifty town.

. . . Read the Constitution of Texas carefully and compare it with our U. S. or Alabama constitution and say if it smells of Liberty as it should, or whether the land monopolists will have sufficient influence to convert it into an African Colony as our own unfortunate states are. GOD FORBID. Suffer none but bonifide emigrants to bring in slaves and it will be the happiest country under the sun. The profits of capital would soon be invested in railroads, manufactories, and the creation of towns, the invariable symbols of wealth and independence. In your next speak of the towns at the mouth of each of the three principal rivers and how far boats can and run up each of them. I must live the balance of my time near some lively trading town where I can get papers to read and men, not fools to talk with . . . Everybody is giving Texas the preference over all other new countries. . . .<sup>18</sup>

The "rawhead and bloody bones" had not disappeared entirely, for within the next two years the Mexicans dealt Texas a lot of trouble. Things came to a head, however, when on September 11, 1842, while the district court was in session at San Antonio,

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<sup>18</sup> Letter of Nathaniel Davis to Nat Hart Davis, November 15, 1940, in Addison Collection.

General Adrian Woll and a force of infantry, cavalry, and artillery, about fourteen hundred strong, appeared before the town and demanded its surrender.<sup>19</sup> News of the intrusion soon reached the executive, Sam Houston, and orders were issued by him to the Texas militia west of the Brazos River to repair to the point of attack and to the militia east of that river to hold themselves in readiness until further instructions. Brigadier-General A. Somervell, the senior officer of the western militia was ordered to report to the frontier and take the command.<sup>20</sup>

On October 13, while the Mexicans still stayed in Texas, a further and special order was issued to General Somervell directing him to select an eligible point for a rendezvous, and proceed to the organization and drill of all such volunteers as should report to him. He was further directed to establish his camp some distance from San Antonio and if necessary to cross the Rio Grande to pursue the Mexicans.<sup>21</sup>

To increase the army for this expedition to Mexico, President Houston ordered out two regiments of militia east of the Brazos River. One regiment from Montgomery County was under

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<sup>19</sup>Wortham, op. cit., Vol. IV, p. 96.

<sup>20</sup>H. Yoakum, History of Texas (New York: J. H. Redfield Company, 1855), Vol. II, p. 364.

<sup>21</sup>Ibid., p. 367.

Colonel Joseph L. Bennett, who had been in the battle of San Jacinto, and another from Washington County was under Colonel Jesse B. McCrocklin. Both groups in due time proceeded to Gonzales, the rendezvous point.<sup>22</sup>

The order calling out the Montgomery County militia is quoted as follows.

3rd. Regiment Attention !!!

Head Quarters, East Bank Guadalupe  
Gonzales, October 15, 1842

Additional Order

Maj. R. Smithers:

Dear Sir: - You are hereby commanded to order into service the remainder of the 1st and 2nd classes of the Regiment of Montgomery County forthwith, to join my command now rendezvoused one mile north-west of Gonzales, but will march in a few days for some other point west. You will take command of, and march the troops in haste. You will get such supplies of beef as the hospitality of the good citizens will furnish, and receipt for the same.

Every confidence is assured me that the expedition will be carried on with that discipline and subordination so anxiously wished for, and recommended by his Excellency Sam Houston, to remunerate the tried patriotism and promptness of the citizens of Texas.

Ammunition will be furnished--news from every quarter of the country assures us that the enemy is collecting rapidly on the waters of the Nueces, and that spies

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J. H. Brown, History of Texas (St. Louis: Becktold and Company, 1893), Vol. II, p. 233.

under Woll's command have lately been recognized in the town of San Antonio.

To be successful it will require a force of 1800 or 2500 men. The citizens of this section of the country are kind and hospitable and rejoice on our arrival, Beef in abundance. We shall take up the line of march in 12 days for the enemy.

Dispatches of an earnest character have already been delivered to the counties of the West and South of Montgomery; and be assured that the law with all my influence will rest on the shoulders of all the defaulters. I am fully satisfied there is a formidable enemy East of the Rio Grande.

You will be required to report to me immediately on your arrival at Headquarters--and particularly all deserters. On your arrival at the town of Montgomery E. W. Cawthorn, who is acting and aiding the march of the 3rd Regiment yet in the rear, under my order of 23rd of Sept., 1842, will report to you the number forwarded, those sick and wholly unable to bear arms and the No. of the Beat of their present residence.

You will require all to furnish themselves with 5 days provisions, and 100 rounds of ammunition if possible.

J. L. Bennett, Col. Commanding,  
3rd. Reg. 2nd Brig., Texas M.

Endorsed: Sam Houston  
Washington, 18th October, 1842.

The remainder of the troops of the 1st and 2nd classes of the 3rd Regiment, Montgomery County, are hereby commanded to report at Whiteside's near the Brazos, and be ready to march from that point for the West, on Thursday morning, the 27th inst. in accordance

with the above order.

R. Smithers, Major,  
3rd Reg. 2nd Brig. Texas M  
Montgomery Cty., Texas, Oct. 19, 1842.<sup>23</sup>

The men from Montgomery County under Major Smithers reported to Colonel Bennett at the place which had been designated. After reporting the men had to wait some time before the other companies arrived. Due to waiting for the other volunteer companies, getting them organized into a regiment, and electing of regimental officers, there was considerable delay. Many of the men grew impatient and the militia regiment of McCrocklin, and the greater portion of Bennett's militiamen, under various excuses and pretenses, returned home.<sup>24</sup>

The command to march was finally given by General Somervell, and Colonel Bennett along with the men left from Montgomery County, proceeded to the Rio Grande in chase of the Mexican forces. They reached the Rio Grande and after much dalliance on the part of General Somervell, many of the men became disgusted with Somervell's leadership, and contention ran high to go home. Somervell felt the dissatisfaction among his men, so on December 11 the

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<sup>23</sup> Original order of Colonel J. L. Bennett to Major R. Smithers, commander of Third Regiment of Montgomery County, Texas Militia, October 15, 1842, in Sam Houston Memorial Museum.

<sup>24</sup> Brown, op. cit., p, 234.

following actions were taken:

. . . Next morning Somervell paraded the men and said, all who desired to return home could honorably do so; but that he desired all who were willing to follow him down the river and that he would cross below and chastise the enemy who had so devastated our frontier. The result was, no one having much faith, that Col. Bennett and a few men yet following his lead with Captains Jerome E. and E. S. C. Robertson, with their companies, in all about two hundred men, returned home via San Patricio and Victoria, . . .<sup>25</sup>

The regiments from Montgomery County returned home; therefore they did not suffer what befell the men who stayed and fought at the battle of Mier.

Montgomery County took an active part in the annexation issue of 1845. Early in the year the town of Montgomery held a mass meeting for the purpose of annexing Texas to the United States. An outline of the meeting follows:

Montgomery, Texas, May 10, 1845.

Dr. E. J. Arnold presided at a mass meeting held here to annex Texas to the United States.

J. M. Wade acted as secretary; Dr. Charles B. Stewart delivered the principal address.

On the resolution committee were: Ben Rigby, N. H. Davis, H. McGuffin, G. W. Mason, J. M. Lewis, Willis Landrum, B. J. Rankin, Charles B. Stewart, and Raleigh Rogers.<sup>26</sup>

<sup>25</sup> Ibid., p. 238.

<sup>26</sup> Newspaper clipping, May 10, 1845, in Addison Collection.

The annexation resolution passed the United States Congress and the notice of this action was received by President Anson Jones of Texas. On May 15, 1845 Jones called a convention of sixty-one delegates to meet at Austin on July 4 to decide what response the people of Texas should make concerning annexation and a new constitution.<sup>27</sup>

The number of delegates sent from each county was based upon the number of votes cast in the recent election. Each county was entitled to at least one delegate. The counties entitled to more than two delegates were: Montgomery four, Harris three, Nacogdoches three, Red River three, Harrison three, and Washington three.<sup>28</sup>

The convention met on July 4 and remained in session until August 27, during which time it framed a new constitution for the State of Texas and accepted the terms of annexation offered by the United States.<sup>29</sup> One of the four delegates sent to the annexation convention by Montgomery County was Charles B. Stewart.<sup>30</sup>

While the necessary procedures for annexation were being

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<sup>27</sup> Dudley G. Wooten, History of Texas (Dallas: Texas History Company, 1899), p. 305.

<sup>28</sup> T. C. Richardson, East Texas: Its History and Its Makers (New York; Lewis Historical Publishing Company, 1940), Vol. I, p. 139.

<sup>29</sup> Wooten, loc. cit.

<sup>30</sup> Louis W. Kemp, The Signers of the Texas Declaration of Independence (Houston: The Anson Jones Press, 1944), p. 334.

carried out, Sam Houston, a great advocate for statehood, was busy lobbying and scouring about the different states while making speeches for annexation. In Greensboro, North Carolina, Sam Houston made a speech and a brother of one of Montgomery's citizens described the speech in a letter. The letter was delivered to Montgomery by Sam Houston, himself, and is quoted as follows:

A favorable opportunity presents of writing you by Gen. Houston. He has this day made a speech here on the subject of Texas. He is a happy speaker and impressed us all very favorably of his talents and also of his motives on the annexation of Texas. I am a strong believer now in annexation, at least so far as feeling is concerned. If there be such a thing as destiny and coming events cast their shadows before, me thinks that state will be my abdicating place. Several gentlemen of this neighborhood speak of visiting Texas this winter. If the company is made I think I shall join them. I am not fit by situation to get along by the side of wealthy men who will buy the best lands at big prices, thus excludes me who have not the cash and who wont run in debt. . . . Heard Gen. Houston today and he is enthusiastic for Texas. . . .

P. S. I recd. your letter of Aug. John McDaniel wants to know if you know anything of Douglass who ran from this country with property and leaving debts minus some hundreds and is since reported dead. How long after a man moves to Texas before he can be compelled to pay debts to foreigners? <sup>31</sup>

On October 13, 1845, the voters of Texas approved both the terms of annexation and the state constitution. The constitution was accepted by the United States Congress, and President Polk on

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<sup>31</sup> Letter of Stephen Davis to Nat Hart Davis, September 17, 1845, in Addison Collection.

December 29, 1845, signed the act that made Texas one of the United States of America.<sup>32</sup>

Shortly after the reconstruction period, following the Civil War, a feud between the town of Montgomery and Willis occurred, which lasted sixteen years. The issue grew out of an attempt on the part of Willis to get the county seat moved from Montgomery to its site. Willis had newly become a railroad town with a rapid increase in population. It had mushroomed up over night by taking the business of the near by town of Danville and many of those from Montgomery. Since Willis had increased in population so much many of its civic minded citizens thought that if the county seat could be moved to Willis it would be in a short while the leading town in the county. Another reason given was the claim by the people of Willis that Montgomery was not near enough to the center of the county to make it convenient for the citizens on the east side of the county to transact county business. Montgomery looked upon Willis' efforts to get the county seat as a radical reconstruction movement, a rape of an institution which had been her birthright, and a plain front for a few to get rich by the business that a county seat would bring.<sup>33</sup>

<sup>32</sup> Wooten, op. cit., p. 306

<sup>33</sup> Personal interview of the author with Mrs. J. B. Addison, Montgomery, Texas, July 8, 1952.

The beginning of the feud was in 1873 when the citizens of Willis petitioned the governor regarding the removal of the county seat to the town of Willis. The petition sent by the people to the governor read as follows:

. . . We reply further that the present court house is about 50 feet by 50 feet with a 15 feet hall and 4 rooms on the basement story 25 by 17 feet, 2 rooms on each side of Hall and on 2nd story one mail hall or Court Room. All ceiled and weatherboarded with plain Box finish--has been erected near 20 years--and is much worn.

The jail is only about 5 years old. A complete failure, insecure as we are ready to prove. Every criminal who expects to be hung or go to the penitentiary, unless closely guarded, goes out, to wit: Alexander Baugh for murder and Brunnan for murder and others. The protestants say \$25,000 or \$30,000 will be needed to remove Court house and jail, archives etc. from Montgomery to Willis, The great object of this is to inflame the mind of the People on the subject of taxation and expense and the financial ruin of the county.

We answer further, that the Town of Willis has 2 blocks donated by the Houston and Great Northern Rail Road, a beautiful location and for which Blocks said company could readily realize the sum of \$2,000. . .<sup>34</sup>

By the middle of the next year the matter had become serious for the people of Montgomery because the citizens of Willis petitioned the Commissioners Court in July for an election to be held to determine if the courthouse should stay in Montgomery or be moved to Willis. The court considered the petition and announced that an

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<sup>34</sup> Memorial Petitions, 1873, in Texas State Archives, Number 194.

election would be held on August 25, 1874.<sup>35</sup> When the election was held and the returns counted by E. A. Linton, the presiding justice, he found that there had been six hundred forty-six votes cast for Montgomery and seven hundred eighty-eight votes cast for Willis.<sup>36</sup> Linton declared that Willis did not have the two-thirds majority necessary to carry the election; therefore, he certified that the county seat remained at Montgomery.

When the opposite side heard of this clever maneuver by those supporting the cause of Montgomery, they immediately claimed that a two-thirds majority was not needed but merely a majority, so they acted accordingly:

That on the return day of said election and after the Presiding Justice, Linton, had fairly inspected, estimated, counted, recorded, determined, and declared the result of the election, and given the certificate in favor of the town of Montgomery, one A. Richards, D. A. Wiggins, and B. H. Nash being three other justices of said county, without warrants of law and without said Presiding Justice, illegally assumed and pretended to meet together as a County Court, and issued a pretended certificate in favor of the town of Willis, and issued an order for the removal of the county seat of said county from the town of Montgomery to Willis, together with the records, etc., by the 14th of September, 1874. . . .<sup>37</sup>

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<sup>35</sup> Montgomery County Courthouse Records, Commissioners Court Minutes, Book A, p. 45.

<sup>36</sup> Montgomery v. s. Willis in the Supreme Court at Galveston, January term, 1875, booklet owned by T. W. Crawford, Conroe, Texas, p

<sup>37</sup> Loc. cit.

The citizens of Montgomery protested bitterly over the methods used by the unauthorized presiding justices. They considered that the election was a fraud and decided to let the courts determine the outcome; so the citizens filed charges against Willis. The case finally went to the Texas Supreme court which had convened in Galveston.

Willis disregarded this procedure and went ahead to make plans to transfer the county records and to select a courthouse site. By September 30, 1874 some of the county officials, those who were citizens of Willis, were meeting at the new location. The commissioners court met without the records, because Montgomery had refused to give them up, and made plans to select a site in Willis for the courthouse. The following action was recorded in the minutes:

Whereas, it having come to the knowledge of the County Court of Montgomery County now in session in the Town of Willis the County Seat of said County through Mr. J. E. George Attorney for the I & G. N. R. R. Co. that said Co. proposed and agreed in event of the County Seat of Montgomery County being removed to the town of Willis to donate and convey to said County certain Blocks or parcels of land within the corporate limits of the Town of Willis (to wit) Blocks 21 & 22 and such other lots as said Co. may see proper to convey for their purpose of erecting Public buildings, etc. <sup>38</sup>

Enough of the records were stolen from Montgomery to carry on the County's business in Willis, and by October the commissioners

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<sup>38</sup> Commissioners Court Minutes, op. cit., p. 6.

made plans for constructing a courthouse. They authorized the pro tempore presiding justice, A. Richards, to receive plans, proposals, and estimates for the building of a courthouse in the town of Willis to be not less than fifty feet square and two stories high. <sup>39</sup>

Matters had become so involved by the end of the year that the Texas State Legislature had to pass a special act to designate where the district court would be held for the coming year. The act that the Legislature passed is as follows:

Whereas, Litigation is now going on to determine whether the town of Montgomery, or of Willis, is the county site of Montgomery county; and Whereas, The records of said county have been moved from the town of Montgomery, heretofore the county site of said county, to Willis; and Whereas, It is proper to remove all doubts about the validity of judicial proceedings, had in said county during the pendency of the litigation or controversy about the county site thereof; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the sheriff of Montgomery county is authorized and required, and it is made his duty, to immediately move or cause to be moved, all the records of said county from Willis to the town of Montgomery, and to deliver, or to cause them to be delivered to the proper and legal custody of the officers entitled to them.

Sec. 2. That the terms of the district and county courts of said county shall be held at, and all officers (offices) required to be kept at, and all sales required to be made at county sites, shall be made at the town of Montgomery, until it is legally determined that some other place is the county site of said county.

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 Approved January 29, 1875.

In compliance with the act, on April 15 the records were moved back to Montgomery, and the Willis paper reported the incident as follows:

The County Records were moved from Willis back to Montgomery, on Monday last. Judge Masterson, dissolved the injunction, restraining the Officers from removing the records in accordance with an act of doubtful constitutionality worded through the Legislature by Dr. C. B. Stewart, just before that body adjourned; notwithstanding the matter was pending before the Supreme Court.<sup>41</sup>

In May 1875 the court had disregarded the act and continued to hold its session in Willis, for, E. A. Linton, Chief Justice, filed a protest against the court being held in Willis.<sup>42</sup> The feud went on through the years 1876 and 1877, each town insisting that it had the right to be considered the county seat. The county records were changed back and forth so often that some of the officials got them and guarded them in their homes.<sup>43</sup>

The case which had been pending in the Supreme Court was finally reached on its agenda and the decision was decided in

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<sup>40</sup> H. P. N. Gammel, The Laws of Texas, 1822-1897 (Austin: The Gammel Book Company, 1898), Vol. VIII, p. 605.

<sup>41</sup> Willis Observer, April 20, 1875.

<sup>42</sup> Commissioners Court Minutes, op. cit., p. 81.

<sup>43</sup> Addison, loc. cit.

Montgomery's favor. The people of Willis immediately circulated another petition for another election.

One of the Willisites who held the office of the County Judge wrote a friend concerning the controversy and pending election. The letter is quoted as follows:

. . . As to the subject matter of your letter I think you have been misinformed.

1st. I know of no probable candidates (democratic) for any important county office, and if there is any such beast in existence I know not what trail it will follow in this courthouse matter. I have no political affiliation with that party, nor ever expect to and then for I am in the dark as to any of their ultimate designs, except as to those in your delictable little village and there as I have been informed, will cling, in all events, to their bulldozing tactics.

2nd. Mr. Harrell and myself are not hoping anything, at least I am not. When this movement began we both agreed that if we took any active part in the matter the damned, infernal, disgraceful old war-whoop of the Montgomery bulldozers would be shouted forth over the country "down with it, it is a d----d radical trick etc. etc." And so I have done nothing so far except to sign the petition for an election and perhaps casually converse with a friend in quiet manner about the subject.

Of course an election will be had at no distant day, but as I am not one of the managers I have made no calculations in figures as to the probable results, nor do I know what those are which may have been made by gentlemen who can speak of the matter with more impurity than I can. If the colored people of your precinct and the white Greenbackers unite and vote together for the B. S. i. e., Montgomery, it will be a clear race, or if the mass of the colored people either stay at home and not vote at all, or go and poll their ballots for right and justice, then Willis will have an easy go of it. But

how all this will be when the time comes to test it I know not. I could canvass your precinct and Willis precinct in 3 or 4 days and come pretty near guessing the result, but oh my God! I have no idea of such an adventure; I would just as soon undertake to canvass the hunting grounds of the Ute Indians.

Yourself, Lintons, Dan Womack, John Ferguson, Dave Garrol and friends that you may be able to gather around you will, which ever way you go, if you work together and are active, in my opinion, control the result, for that will be taut amount to an absolute consolidation of the colored vote west of the San Jacinto river and give the mud hole another five years lease of rascality unwhipped.

To be candid with you, the center has been and is now my individual preference and I would readily untie with any party in an effort to get the county seat there. 1st. it is the place where, is justice to all the people of the county and the county seat ought to be. 2nd. and therefore no reasonable person could object to it. 3rd. I would put an ever lasting quietus on this disagreeable and unprofitable contentiousness between Montgomery and Willis, and would not we be glad of that? 4th. the necessary buildings could be erected at less cost etc; and many others.

But nothing can be done in that direction without cooperation with Montgomery.

However, one thing is certain that, whoever has any aspirations to any county office at the next election, had better keep his eyes open, and damned wide at that, for if every county convention which may be held this year "aint" chock full of bolters it will surprise me. Another thing is certain, if the Greenbackers stick together with this special motto "Fair election-no intimidation" they can easily elect their entire ticket. Division on any subject will render reorganization impossible. . . . 44

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 44 Letter of J. M. Lewis to J. R. Davis, January 5, 1880, in Addison Collection.

The petition was considered by the court and an election was called to be held on April 2, 1880. Both towns solicited every possible vote and all methods known to politics and politicians were used in an endeavor to win the election. Many non-resident voters were brought in by both towns from other counties to ensure victory. When the votes were counted they were watched closely by the officials from both towns. To the chagrin of Willis, at the end of the enumeration of the ballots Montgomery had 1,308 votes and Willis had 1,243 votes.<sup>45</sup> Montgomery had a majority of sixty-five votes which again enabled her to snatch the county seat away from Willis.

Willis did not give up the fight, however, for she waited anxiously for nine more years before she again saw her chance to get even with her old rival, Montgomery. By 1889 there was a new town in the county which was becoming rather important. The railroad-sawmill town of Conroe, like Willis, wished for the county seat. Through the instigation of Willis, Conroe circulated a petition for an election. On May 6, 1889 an election was held and with the combined vote of Conroe, Willis, and Leonidas; Conroe won the election by a majority of sixty-two votes.

Willis did not get the county seat but her vengeance was

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Commissioners Court Minutes, op. cit., p. 366.

satisfied in that Montgomery did not keep it. Today there is still a feeling of contention between the old residents of both towns, each side claiming that the other used illegitimate tactics in the elections.

### BIOGRAPHICAL SKETCHES

Most of the following biographical sketches of men of Montgomery County represent veterans of the Battle of San Jacinto. It is to be regretted that numerous individuals who played a prominent part in the history of this section had to be omitted for many could not be included due to limitations imposed by the scope of this thesis. Those

H. Richard Williams who lived near Danville was a native of Georgia. He came to Texas about 1834 and was in the whole of the Bexar campaign in 1835. He was in Captain John M. Bradley's company, and was severely wounded by a canister shot which struck a pistol at his side, thus saving his life. His accident occurred in what is known as the Grass Fight which happened just in sight of San Antonio, near the old grave yard west of the city. William remained until the city was taken, and he was ready for duty again by the time of the battle of San Jacinto. He fought in

the third company of the second regiment while in the San Jacinto battle. He was also in another campaign subsequent to the battle of San Jacinto.

In 1842 he marched with volunteers from Montgomery against Adrian Woll's Mexican forces, but due to a severe attack of sickness he was delayed along the way and therefore escaped the fate that fell to the Mier prisoners.<sup>46</sup>

Jonathan, Jacob, and James Collard came to Texas in 1834 and settled near Danville. They were born in Missouri, and Jonathan was the oldest son of Colonel Elijah Collard, who was a member of the Consultation that convened in San Felipe in 1835. Jonathan, Jacob, and James served in campaigns prior and subsequent to the San Jacinto battle.<sup>47</sup>

Matthew Cartwright was a native of Alabama, and removed with his father and family to Texas about the year 1833. He was, for a time, a mess mate of J. H. Shepperd in the campaign at Bexar in 1835 while serving in Captain Joe L. Bennett's company. The army at Bexar was under the command of General Austin. When the call was made for volunteers to make a reconnaissance up river, and look out a place for the troops to encamp nearer the enemy, Cartwright turned out and was one of eighty-two raw

<sup>47</sup> Loc. cit.

Texans who, under Bowie and Fannin, severely drubbed the Mexican infantry and cavalry by killing and wounding a hundred and twenty and inflicting a defeat that dampened Mexican courage for the remainder of that campaign. Cartwright was compelled to return home before Bexar fell, and his next service was in Captain J. M. Wade's company in 1836 until that company was incorporated with others before the battle of San Jacinto. He joined the cavalry which was commanded by Lamar and in an engagement on the evening before the battle of San Jacinto he had his horse killed from under him. He joined the second company which was made up of Montgomery County men and fought in the battle as an infantry-  
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 man.

John Marshall Wade was born in New York in 1815. His mother was a blood cousin to the renowned Irish orator, Henry Grattan. Wade came to Texas in 1835 and resided at Montgomery until the call was made for volunteers to meet the invaders under Santa Anna. Wade immediately got up a small company in Montgomery and joined Sam Houston at Gonzales. Most of his men disbanded, or were incorporated with other commands, but he continued with Houston's army during the retreat. He joined the artillery and with kindred spirits worked one of the Twin Sister

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 48 Loc. cit.

cannon at San Jacinto. It was his gun that carried away the water bucket of the Mexican long-nine and did other damage.

John Wade came home a few weeks after the battle, but he again got up a company around Montgomery and joined the Texas army, then under Rusk, at Victoria. After the Mexican army had made its exit from Texas, Wade returned home ready to respond to the call of his adopted country. He turned out again in 1842 against Woll, but fortunately he did not cross the Rio Grande.<sup>49</sup>

In the 1872 Texas Almanac John Marshall Wade gave the following account of himself:

I came to Texas in 1835 from the Western Creek Nation, being advised so to do by Gen. Houston. I came when he made his second trip to Texas, on the 11th of October, 1835. I joined troops going from Nacogdoches to Bexas, (Rusk's company), was taken sick and remained in San Felipe, and the present site of Montgomery, until the meeting of the Convention at Washington, when I joined Capt. Ware's Company; heard of the fall of the Alamo and hastened to the Colorado; was under Sherman at the upper encampment until the retreat; Gen. Sherman will remember me. At Groce's I was detailed, by Gen. Houston, with Dick Scurry, Ben McCulloch, Tom Green, T. O. Harris, and others to man the Twin Sisters, which the lamented J. N. Moreland was appointed to command; staid with the Twin Sisters till after the battle of San Jacinto; rejoined Ware's company, and was discharged on the 11th of June, 1836.

Gen. Rusk hearing the Mexicans were rallying on the

Rio Grande, called for men. I was elected captain of a company on the 4th of July, 1836; reported to Rush at Victoria; was assigned to duty with my company in the regiment of Col. Ed. Morehouse; served three months, the term of enrollment, and discharged my company. I then went to Columbia and worked as a compositor on the Telegraph; came around to Houston with Cruger & Moore, opening of the Land Office in 1838. I then returned to Montgomery and was appointed to the office of Deputy Surveyor; elected Surveyor when that office became elective by the people, and was elected Colonel of Militia at its first organization. I started the Montgomery Patriot in 1845, moved it to Huntsville, and with the assistance of George Robinson published it one year and sold out. I returned again to Montgomery in 1854, and have been Surveyor until displaced by Gov. Davis.

Matthew Cartwright, R. Martin and myself, are the only survivors of the battle of San Jacinto, in this county.

I am a native of the city of New York, and 56 years old; have set type beside Horace Greeley and George Kindall when a mere boy.<sup>50</sup>

J. H. Shepperd was a native of North Carolina and he came to Texas in 1831. He first stopped in Austin's colony, twenty miles above San Felipe at Colonel Jared Groce's settlement. In 1832 he made his first campaign as a lieutenant in Captain Abner Kuykendall's second company when the colonists rose to relieve W. B. Travis and P. H. Jack from the clutches of the tyrant, John Blackburn, at Anahuac. His next campaign was at Bexar in 1835, when he was

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 50 Loc. cit.

in all the battles and skirmishes around there. The Powder House Fight, Grass Fight, and Concepcion were some of these, and he stayed at Bexar till the place surrendered.

He was first lieutenant in J. L. Bennett's company, and when the latter disbanded, Shepperd joined another company. He was not in the battle of San Jacinto for the reason that on the day the army crossed the Brazos River at Groce's, Sam Houston sent him with an express to the Coshattie Indians who lived on the Trinity River near where Swartwout was located. Sam Houston had heard this tribe of Indians would come to his aid with a hundred warriors, but Shepperd told him they would not take part in the contest on the side of Texas, and the result of this mission confirmed Shepperd's assertion, for, after endeavoring for several days to get the chiefs to hold a council, he had to return to his home at Montgomery. He was thus deprived of the honor of participating in the battle of San Jacinto. In the campaign after the battle of San Jacinto he was stationed at Southerland's on the Navidad as a bearer of expresses from headquarters at Victoria to the seat of government at Columbia. It was he who bore the dispatch from Sam Houston, then in eastern Texas, countermanding the taking of Santa Anna to the army, as per vote and determination of the army.

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The following is a biographical sketch from L. W. Kemp's book, The Signers of the Declaration of Independence, of C. B. Stewart who was one of Montgomery's most prominent citizens.

Kemp wrote:

Charles Bellinger Stewart was born in Charleston, South Carolina, February 18, 1806, son of Charles and Adrianna (Bull) Stewart. In 1827 he resided in Columbus, Georgia, and owned an interest in a drug store. For a few months in 1828 he conducted a business in Cuba. Later he was commission merchant in New Orleans. He came to Texas in 1830 and ran a drug store in the town of Brazoria. In June, 1832, he entered Francis W. Johnson's command, raised to attack in Mexican fort at Anahuac. Although he was not a member of it, the first Convention of Texas at San Felipe, on October 5, 1832, appointed him, John Austin, Charles D. Sayre, George B. McKinstry, and Warren D. C. Hall members of a subcommittee to Safety and Vigilance for the District of Victoria (Brazoria). Their duties were to keep up a regular and stated correspondence "on all subjects relation to the tranquility of the interior." On November 21, 1834, Judge Thomas J. Chambers appointed Ira R. Lewis prosecuting attorney and Stewart secretary of the judicial district of Brazos.

Stewart moved to San Felipe prior to July 17, 1835. On that date he was secretary of the delegation from the jurisdiction of Austin, composed of Wyly Martin, president, Alexander Somervell, John R. Jones, and Jesse Bartlett, which met at San Felipe with delegates from the jurisdictions of Columbia and Mina, "to take into consideration the state of the country and the alleged outrages against Mexico, 'namely William B. Travis' capture of twenty Mexican soldiers under Captain Tenorio at Anahuac'." The Committee of Safety and Correspondence for the Jurisdiction of Columbia of which Dr. Branch T. Archer was chairman, and William T. Austin secretary, at Velasco on August 19, 1835, wrote to Stewart that they, reposing the fullest

confidence in his seal, energy, fidelity, and ability, had appointed him as confidential Agent to act within the Jurisdiction of San Felipe for the purpose of obtaining a Consultation of all Texas through her representatives, conformably to the plan contained in the address of the committee which is herewith forwarded to you.

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 On October 11, 1835, Stewart was elected secretary of the Permanent Council, a body organized to conduct matters of state until the meeting of the Consultation. Upon the recommendation of Governor Smith who had been elected November 12. the General Council, on November 18, appointed Stewart secretary to the executive and enrollment clerk. . . . .

On February 1, 1836, Stewart, Thomas Barnett, and Randal Jones were elected to represent Austin Municipality at the Constitutional Convention. Stewart and Barnett were seated March 1. Jones did not attend. In Washington, Stewart had business additional to the Convention. On March 8, James Hall, Primary Judge of Washington Municipality, authorized "W. W. Sheppard of Lake Creek to celebrat a contract of Marriage between Chas. B. Stewart and Julia Sheppard and to give to it the said contract the necessary formality before attesting witnesses." The ceremony was performed March 11.

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 Following the Revolution, Stewart moved to the town of Montgomery, formerly seat of Montgomery County, where he practiced medicine. On March 5, 1840, Judge A. B. Shelby appointed him district attorney pro tem of the county, and on May 11, 1841, President Lamar appointed him notary public. He represented Montgomery County at the Constitutional Convention which convened at Austin, July 4, 1845, and at the First, Fourth, and Fourteenth Legislatures. While serving in the Fourteenth Legislature in 1874-75, his address was Danville, Montgomery County, and he represented Montgomery and Harris Counties.

Toward the end of his life Dr. Stewart became almost totally deaf. His letters to Moses Austin Bryan indicate he was a profound believer in spiritualism. In a post-script to a letter dated August, 1883, he predicted that he

would die in about seven years. He passed away, however, in less than two years, on July 28, 1885. He is buried in a marked grave in the cemetery at Montgomery. In 1936 the Commissioner of Control for Texas Centennial Celebrations erected a marker at the site of his former home one mile from the town of Montgomery.<sup>52</sup>

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<sup>52</sup> Kemp, *op. cit.*, pp. 330-335.