

CHAPTER IV

ORGANIZATION AND EARLY POLITICAL DEVELOPMENT

After its declaration of independence on March 2, 1836 and its victory in the war with Mexico, the newly declared Republic of Texas set about the task of organizing its government and breaking down its large domain of municipalities into smaller workable units. For some time Texas had been divided into two departments, Nacogdoches and Bexar, which in turn were subdivided into municipalities. Prior to the declaration of independence, however, another department was created, the department of Brazos, which extended from the Lavaca River to the watershed between the San Jacinto and the Trinity.¹ All three of these departments were divided into twenty-three municipalities and by the formal adoption of the Constitution of the Republic of Texas the twenty-three municipalities became counties with a new legal status, and their creation was, therefore, uniformly dated March 17, 1836.²

One of the new counties formed by the act of March 17, 1836,

¹ Louis J. Wortham, A History of Texas (Fort Worth: Wortham-Molyneaux Company, 1924), Vol. II, p. 132.

² T. C. Richardson, editor, East Texas: Its History and Its Makers (New York: Lewis Historical Publishing Company, 1940), Vol. II, p. 787.

was the county of Washington which had been a municipality in the department of Brazos. The newly created county of Washington comprised a vast extent of country on both sides of the Brazos below the old San Antonio road. The county seat was located at the city of Washington, and due to the vastness of its boundaries and the sparsely distributed population of certain sections of its domain, it was inconvenient for the citizens who lived on the east side of the Brazos to meet their obligations toward their government; therefore, soon after the county was organized the citizens east of the Brazos River began to petition the government to form a new county.

The first indication that a new county would be created from Washington County appeared in the Telegraph and Texas Register, July 8, 1837, advertising the sale of lots in the newly organized town of Montgomery. The article was written at Montgomery on the fourth of July, 1837, by W. W. Shepperd stating that, "It is expected that a new county will be organized, at the next session of congress, embracing this section of country. . . ." ³

The first congress of the new republic convened at Columbia, but due to its instability and also the threats of the Mexican army, the government adjourned and moved its seat from Columbia to Houston. Growing impatient, some of the citizens from Washington

³ Telegraph and Texas Register (Houston), July 8, 1837.

County who resided east of the Brazos River petitioned the called session of Congress in Houston on October 13, 1837 to create a new county. The petition to congress from the Washington County citizens ran as follows:

We your petitioners, citizens of Washington County East of the Brazos River, being desirous for a division of said county do hereby petition your honorable body to make the Brazos River the dividing line between said new county so as to throw our new county seat out in the high healthy prairies; as for the arrangments of the new county after that is done we are willing to abide the justice of Congress in the honesty of our own citizens in fixing the other lines and locating the seat of justice. ⁴

More than a month elapsed before Congress got around to considering the petition of the Washington County citizens. The First Congress commenced its regular session at Houston on November 6, 1837, and it was not until November 23 that the bill to create Montgomery County appeared on its agenda. Mosely Baker, representative from Austin County, and William W. Hill and W. W. Grant, representatives from Washington County, took the most interest in the Montgomery bill. The introduction and progress of the bill through both of the houses of congress was as follows:

Thursday, 10 o'clock, Nov. 23, 1837.

.....
Mr. Baker, Chairman of the Committee on County

- - - - -
⁴ Memorial Petitions, October 13, 1837, in Texas State Archives, Number 10.

Boundaries, reported a bill accompanied by the petition of sundry citizens of Washington County for the creation of a new county to be called Montgomery County: read a first time.⁵

Then on Thursday, November 30, 1837 the bill creating the county of Montgomery was taken up on its second reading in the House and then passed on to the Senate chamber.⁶ While the bill was in the Senate chamber the Senate saw fit to make some changes concerning the seat of justice and the lower boundary line; therefore on Thursday at one o'clock, December 7, a message was received to the House from the Senate informing the representatives that they had amended the bill creating the county of Montgomery.⁷ At three o'clock on the same day the Senate read the amended bill and, " . . . the rule being suspended, it was read a third time and passed."⁸ The bill went back to the House for the necessary changes and on Friday, December 8, the bill was reconsidered by the House as follows:

⁵ Journal of the House of Representatives of The Republic of Texas, called session of September 25, 1837, and regular session commencing November 6, 1837 (Houston: National Banner Office-Hiles and Company), p. 176.

⁶ Ibid., p. 207

⁷ Ibid., p. 235

⁸ Journal of The Senate of The Republic of Texas, first congress and second session (Houston: Telegraph Office, 1838), p. 102.

The bill creating the county of Montgomery, as amended by the Senate, was taken up, and on motion of Mr. Hill, the amendment relating to the Seat of Justice, was disagreed to, and the amendment relating to the lower line concurred in.⁹

When the House had threshed out its disagreement about the location of the seat of justice the bill passed back to the Senate for its reconsideration, and on Saturday at ten o'clock, December 9, a message from the Senate was received in the House informing its members that the Senate had concurred in ". . . the bill creating the county of Montgomery, with amendments, and request the House to concur therein. . . ." ¹⁰ The House concurred on the bill and on Tuesday, December 12, it made the following report:

Mr. Baker, from the Committee on Enrolled Bills, reported the following bills as having been examined and found correctly enrolled, viz.:

.....
 "An Act creating the county of Montgomery." ¹¹

When the bill had been signed by Joseph Rowe, the Speaker of the House of Representatives, and Mirabeau B. Lamar, the President of the Senate, it went to Sam Houston, the President, for his signature. On December 14, 1837,¹² just twenty-one days

⁹ Journal of the House of Representatives, op. cit., p. 236.

¹⁰ Ibid., p. 240

¹¹ Ibid., p. 251

¹² H. P. N. Gammel, The Laws of Texas, 1822-1897 (Austin: the Gammel Book Company, 1898), Vol. I, p. 1357.

from the time the bill was introduced in the First Congress of the Republic, Sam Houston signed the act creating Montgomery County.

The bill in part is as follows:

AN ACT Creating the county of Montgomery.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That all that part of the county of Washington lying east of the Brazos, and southeast of the Navasota rivers, shall constitute and form a new county to be known and designated by the name of Montgomery county.

.....

SEC. 3. Be it further enacted, That James Mitchell, Pleasant Gray, William Robinson, Elijah Collard, Charles Garnett, Joseph L. Bennet, B. B. Goodrich, D. D. Dunham, and Henry Fanthrop, be, and they are hereby appointed commissioners, with power and authority (any five of them concurring) to select a proper place for the seat of justice for said county, and to obtain by purchase upon the faith and credit of the county, or receive by donation such quantity of land as will be sufficient for the erection of public buildings, and for defraying such other expenses of said county as said commissioners may deem expedient and that the land so purchased or donated shall be under the superintendance and control of the board of commissioners of said county.

SEC. 4. Be it further enacted, That the said county of Montgomery, shall be entitled to one representative in congress, and that the counties of Washington and Montgomery shall constitute a senatorial district.

SEC. 6. Be it further enacted, That the lower line of the county of Montgomery shall commence at the mouth of Lake Creek, thence in a direct line to the head of Pond Creek, and thence in a direct line to the mouth of Deason's Creek, thence up the Brazos river to the mouth

ot the Navasota river. ¹³

Another petition that Congress seriously considered along with the Montgomery petition, was a petition from Washington County citizens wanting the new county to be called Travis.

Congress seriously considered this petition, as is verified in the following congressional report:

An act to form a new County to be named Travis.

The committee on County boundaries have had under consideration the petition of sundry inhabitants of Washington County residing on the East side of the Brazos River praying to be formed into a New County to be named "Travis" ask leave to report the following Bill:

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled:

That that part of Washington County lying on the East side of the Brazos River and bounded as follows, to wit:

Beginning at the place where the San Antonio road crosses the Navasoto thence with said road eastward to where the said road crosses the Trinity River thence with down the said Trinity River to the Colette village of Coshatee Indians thence on a straight line to the Brazos River to the mouth of the Pond Creek, thence up the Brazos River to the mouth of the Navasoto thence up the Navasoto to the place of beginning to be formed into a New County to be called "Travis." ¹⁴

¹³Loc. cit.

¹⁴ Bills of the First Congress, December 1837, in Texas State Archives. Number 900.

The bill was engrossed in December, 1837, the same month that the Montgomery bill was passed, and it was signed by Jesse Grimes, Chairman, R. A. Iron, and J.S. Lester; therefore, Montgomery County was almost named Travis County.¹⁵

Montgomery County was the third county created by the Republic of Texas, with Houston County and Fannin County preceding it. Although it ranked third in the order created by the Republic, it ranked twenty-sixth when added to the twenty-three original counties plus Houston and Fannin Counties.

The county of Montgomery took its name from the town of the same name, because the town was named before the county was created, as is shown in the following article dated July 4, 1837:

MONTGOMERY

Situated in the county of Washington, sixty miles northwest of the city of Houston, thirty five miles east of the town of Washington, and six miles west of the San Jacinto River, in the center of a high, beautiful and undulating district of country, distinguished for health, good water, and soil.

It is expected that a new county will be organized, at the next session of congress, embracing this section of country, in which event, the town of Montgomery from its central position, must be selected as the seat of justice.

The San Jacinto affords an excellent keel boat navigation to this point. The most direct route from the city of

¹⁵Loc. cit.

of Houston to Robertson's colony and Red River settlements, and from Bevil's settlement to Washington, pass through this town. The great extent of good land lying contiguous, and its increasing and enterprising agricultural population, cannot fail of making this one of the most flourishing inland towns in this republic.

Sale of lots at auction will take place in the town of Montgomery, on the first Monday in September ensuing, and continue for three days.

Terms of sale, six, and twelve months credit. Notes with approved security will be required. Good titles will be made upon the payment of the first notes. ¹⁶

Due to the above article stating that ". . . a new county is expected to be created . . .", and also due to the fact that have previously been stated, that Montgomery County might have been named Travis, one might conclude that the citizens of the new county did not know in advance what the county would be called; therefore, the county must have taken the town's name.

There is still difference of opinion concerning the origin of the name of the town. Some of the citizens and historians contend that Montgomery got its name from a Richard Montgomery, who was born in Ireland, and settled at King's Bridge, New York, in 1773. He served as a delegate to represent Dutchess County, New York in the first New York Provisional Assembly in 1775, and in the same year he appointed Brigadier General. He was killed in a battle at

¹⁶Telegraph and Texas Register, op. cit.

Quebec December 31, 1775.¹⁷

It is the more popular belief by the citizens and old timers, however, that the town of Montgomery was named from the family name of Margaret (Margret, Margart, or Margit) Montgomery Shannon, wife of Owen Shannon. Owen Shannon and Jacob Shannon, his son, came to Texas in November 1821 and settled near San Augustine. They stayed there nine years before they were accepted in Austin's fourth colony, and in 1830 they moved to Montgomery County.¹³ Both father and son got a grant of land from the Mexican government. Jacob's grant of land was located where present day Dobbin now stands. He established a trading post on his grant which became known as Shannon's and its locality known as Shannon's Prairie.

Owen Shannon and his wife, Margaret, settled on their grant of land which was located northeast of the present town of Montgomery. They likewise set up a trading post to trade with the Indians and settlers in that area. This trading post was established on a creek, later known as Town Creek, and since his son Jacob had named his post Shannon's, Owen named his store from his Wife's maiden name, Montgomery.¹⁹

¹⁷ S. T. Fulmore, History and Geography of Texas, As Told in County Names. (Austin: The Steck Company, 1935), p. 64

¹⁸ Letter of Col. Jacob Shannon to Messrs. Gray and Henderson, Treasury and Secretary of the Texas Historical Society, October 13, 1870, in Addison Collection.

¹⁹ Personal interview of the author with Lulu Shannon, Dobbin, Texas, June 10, 1952.

Owen did not live long to operate his Montgomery trading post, for it is known that he died in late 1833 or early part of 1834.²⁰ Jacob Shannon became the executor of his father's will and estate, and for some time he continued running his father's trading post; but probably due to the expense of keeping two trading posts going, he abandoned the Montgomery post and kept his own at Shannon's Prairie.

When the new town of Montgomery was plotted by W. W. Sheppard and C. B. Stewart, its organizers, the site chosen was located about one-half of a mile from the banks of the creek where the post had been, to its present site, a higher and more healthy location.

Another local story has it that Montgomery took its name from William Montgomery, a surveyor and widower, who came to Texas in 1822 with his sons, John, Andrew, and Eddy Montgomery. In 1830 he settled some seven miles southwest of the town of Montgomery in what is present day Grimes County. Later two of his sons, John and Andrew, enlisted in Captain James Gillaspie's Company in 1836 and fought in the battle of San Jacinto. It is claimed by the descendants of these two brothers that the county was

²⁰ - - - - -
 Montgomery County Courthouse Records, Deeds, Vol. B,
 p. 321.

named for the surveyor William Montgomery.²¹

It is the belief of Mrs. A. W. Fowlkes, a local genealogist, that the families of Margaret Montgomery and the families of William Montgomery are direct descendants of Richard Montgomery.

Since the act creating Montgomery County had authorized commissioners to select a seat of justice, the citizens of Montgomery County, on December 30, 1837, petitioned the newly appointed commissioners court to build a jail and courthouse in the town of Montgomery by subscription; but due to the time required for building a courthouse, immediate need for a building, and probable lack of finances, the commissioners declared the petition void.²²

At a meeting of the commissioners held on March 1, 1838, Martin P. Clark proposed that a committee be appointed to let contracts for purchasing or erecting the necessary public buildings needed for the county business. He further proposed that the courthouse and jail should not exceed the cost of one thousand dollars each.²³ The court then appointed B. B. Goodrich, William Rankin, and William

²¹ Personal interview of the author with J. L. Montgomery, Richards, Texas, July 20, 1951.

²² Montgomery County Courthouse, Minutes of the Commissioners Court 1838-1845, p. 78

²³ Ibid., p. 3

C. Clark on the committee, and in turn this committee proposed that one Lemuel Smith, draftsman and mechanic, be requested to draft a plan for the public buildings.

The commissioners did not wait for Smith's plans because, pressed for the immediate need for a courthouse, they obtained a dwelling from W. W. Shepperd. In obtaining this house from Shepperd, the commissioners were to have paid him the sum of eight hundred dollars, provided that the commissioners kept the house permanently; but if they decided to move within the year, they agreed to pay Shepperd a reasonable rent for the time the building was occupied as a courthouse. These facts are recorded in the commissioners' minutes as follows:

. . . The House purchased by the commissioners on the part of the county for a Court House in the Town of Montgomery for the sum of eight hundred dollars shall not be paid for as per contract within one year from the date hereof, then and in that case the house shall revert to W. W. Shepperd and that he shall be entitled to reasonable rent for the same for the time it shall have been occupied as a Court House.²⁴

In the next commissioners court meeting which was held on April 4, 1838, the committee, having already obtained a courthouse, proceeded as follows on a motion concerning the construction of a jail:

²⁴ Ibid., p. 19

On motion, Resolved that the Committee heretofore appointed for that purpose be and they are hereby authorized to contract for building a Jail, provided that amount shall not exceed the proceeds of the Sale of Public lots in the Town of Montgomery, after deducting the amount appropriated for building the courthouse, and further provided that the expense of building the Jail shall not exceed the sum of Two thousand five hundred dollars which was adopted. . . .²⁵

In the October term of court the commissioners proceeded to pay Lemuel Smith two hundred dollars for his work in renovating the house into a courthouse. The commissioners court records stated Smith had made a ". . . bar, judges seat, jury boxes, et cetera as per contract with the commissioners appointed for that purpose at the March term" ²⁶

This was the first permanently established courthouse and jail that Montgomery County had, and their location was about three-fourths of a mile north of the present community center site. At the time of their establishment the main portion of the population of the town of Montgomery lived on the north side of Town Creek; therefore, the courthouse and jail were placed in that area. It was not until the new section of town--the present site of Montgomery--was bought from W. W. Shepperd and developed by James McCown, that the

²⁵ Ibid., p. 15

²⁶ Ibid., p. 18

courthouse was moved.²⁷

On October 21, 1839, William W. Shepperd and his wife, Mary Steptoe Shepperd, sold to James Alexander McCown, for eight thousand dollars, their interest in the town of Montgomery.²⁸ To develop the new part of the town, which was south of Town Creek and on a hill, James McCown persuaded the Commissioners Court to move the courthouse to that section, as the following quotation shows:

Ordered by the Court that the proposals and contract of James Alexander McCown, agent for the proprietors of the town of Montgomery to move the Court House to the hill and to erect offices for county purposes. . . .²⁹

The necessary government buildings were procured by McCown for the new site, and on April 3, 1843. James McCown re-deeded to Montgomery County the public square -- the one previously deeded to the county by W. W. Shepperd -- with the public buildings intact as shown:

. . . I James McCown of the Republic and County aforesaid in consideration of a donation made by the court of county commissioners of the county aforesaid to one hundred acres of land being the same which William W. Shepperd of the county aforesaid donated as a site for the county Seat of said county of Montgomery,

²⁷Commissioners Court Minutes, op. cit., p. 76

²⁸Montgomery County Courthouse, Deeds, Book E, p. 184.

²⁹Commissioners Court Minutes, loc. cit.

do hereby relinquish all my right title, claim and interest in and to the following described tracts of Land (viz) one tract of three English acres for a public square . . . together with the Court House and two offices one for the county clerk - the other for the district clerk. Situated thereon, with all the furniture and appurtenances thereunto belonging - also one half acre of land . . . for a jail. . . .³⁰

Apparently this courthouse and other buildings, that McCown had erected, were temporary, for on May 24, 1845, a contract was let to Joseph Rhodes by Lemuel G. Clepper and Richard Willis to construct a new courthouse of a more detailed nature. The description of the new building as it was to be constructed is as follows:

. . . That the said Joseph Rhodes shall and will within the space of seven months from the date thereof, in good and workman like manner, build and finish a Court House in the Town of Montgomery on the Public square, of the dimension and the following to wit: Said Court House to be thirty feet long and twenty feet wide, two stories high, the lower story to be nine feet high, the upper seven feet in the clear, to have folding doors at one end and three steps to the same, the doors to be seven feet six inches by four feet, and sunk panelled, to have six windows with shutters on each side, three above and three below, and four windows with shutters at one end, two above and two below, the doors and windows to be faced, whitened and beaded, the doors to have good inside locks and bolts, the shutters to have each a short bolt on the inside. In the lower story to be a Judges bench pannelled and a Clerks Desk pannelled, in front of said Clerk two jury boxes on the left hand side of the Bench, large enough to contain six people each, and corresponding seats on the right hand side of said Bench for Witness seats and a table for Lawyers, and a railing extending the width of the House, so as to include

³⁰ Deeds, op. cit., Book F., p. 602

the bar, with a grate in the middle, also a stair case with a hand rail attached, and a hand rail on the top of the stairs, the upper flooring to be tongued and grooved, the lower to be, "to be" squared, the plank the usual width and thickness, all the scantling to be sawed, all the heavy timber to be of oak, all the balance of pine, the House to be weather boarded with sawed stuff to be on the outside. . . .³¹

The agreement included, also, the description of the roof, type of singles, block, corner post, sills, sleepers, et cetera. For payment for the work done Joseph Rhodes agreed to the following:

. . . In consideration whereof the said Joseph Rhodes is to receive the subscription to be paid either in Money or property as now subscribed to the amount of four hundred twenty four and one-half dollars, and one hundred seventy-five and one half dollars in par funds, to be paid at the completion of the building. . . .³²

Joseph Rhodes soon finished construction on the courthouse and the deed records of the county show that:

. . . On the 1st of September 1846 the said L. G. Clepper and Richard S. Willis as trustees appointed by a meeting of the subscribers for the purpose of building a Court House in the town of Montgomery did certify that they had on the day, 1st Sept. 1846, received the Court House of Joseph Rhodes, the contractor and undertaker of said Court House. . . .³³

In January, 1848, this courthouse had to be remodeled because it was insufficient for the safe keeping of the county records. The

31 Ibid, Book K, p. 230

32 Loc. cit.

33 Ibid., Book L, p. 398

lower room was divided into three partitioned rooms for office space, and the upstairs was used for the courtroom.³⁴

By February 22, 1853, the citizens of the county were asking for a new courthouse to be built. They petitioned the commissioners court and the court consented to build the house. Their sanctioned report is as follows:

On this day was presented to the Court the petitions of divers citizens praying the erection of a new court house with suitable offices etc.
 On motion resolved that the county of Montgomery aided by voluntary private subscription will build a Court House, on the public square in the town of Montgomery in said county two stores high with suitable offices in Lower story and the sum of three thousand dollars, shall be . . . appropriated. . . .³⁵

Before the new building was begun the commissioners had to call a special meeting March 30, 1853, for reasons explained in the following:

. . . The present Building heretofore used as a Court House of this (Montgomery) County is unsafe and otherwise not suitable for the remainder of the present session of the Hon. District Court, now in session for said county. . . It is therefore considered ordered adjudged, decreed, and declared that the Baptist Church in the Town and County of Montgomery be and the same is for the time being the Court House of the County of Montgomery. . . .³⁶

This article also stated that the commissioners got the consent

34 Minutes of the Commissioners Court 1845-1848, p. 195.

35 Ibid., 1848-1854, p. 156.

36 Ibid., p. 160

from the Baptist Church trustees to use the church as a courthouse, provided that they would pay for the damages done, and also for cleaning and scrubbing the chapel. This church was used as a courthouse for almost two years while the construction was under way on a new building.

Since the old courthouse was so dilapidated, Montgomery County was once again in need of a government building; so, the county commenced construction on a new house. This house was a two story building like its predecessor, and it was also considerably larger. Its dimensions and description was given as follows:

. . . 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 main hall or Court Room. All ceiled and weatherboarded with plain Box finish. . . .³⁷

This new courthouse was almost finished by February, 1855, because one of the citizens of the town in a letter to his wife explained, ". . . I have just returned from dinner via the court house, it is same except some extra fixing on the top; a very pretty house and quite snug. . . ."³⁸ This was the last courthouse that the town of Mont-

³⁷ Memorial Petitions, 1873, in Texas State Archives, Number 194.

³⁸ Letter of Nat Hart Davis to Betty Davis, February 11, 1855, in Addison Collection.

gomery built. It was used until April 1889, when the seat of government was voted to be moved to the town of Conroe.

Soon after the act creating Montgomery County was passed, an election was held with the following people elected to occupy their respective offices. They were: G. B. Barnet, Senator; Joseph L. Bennett, Representative; Jesse Grimes, Chief Justice; Joshua Robbins, Sheriff; Abraham Suber, District Clerk; and Gwyn Morrison, County Clerk.³⁹

Not long after the selection of the county seat, many of the citizens discovered that the town of Montgomery was a great distance from the places where they resided; therefore they began to petition congress to break Montgomery down into other counties. One of the first petitions to form a new county from Montgomery that was received by Congress was signed not long after the county of Montgomery was organized. On January 18, 1838 the people asked congress to form a new county to be called Bowie, and for it to be bounded as follows:

. . . Beginning at the junction of Kickapoo Creek with the Trinity River, Thence a Direct course to the Mouth of Big Sandy Creek on the San Jacinto thence to the mouth of Little Sandy on the West Side of San Jacinto hence up the little Sandy to its head, Thence North 30 degrees west to the Old La Bahia road thence

- - - - -
Election Register 1836-1840, in Texas State Archives, Number 225, p. 365

along said road to the Trinity River including Mrs. Robbin's House; from thence down the Trinity to the beginning. . . . This will free some of them from the trouble and expense of traveling near eighty miles to attend court at the present seat of justice for this county.⁴⁰

These dimensions included the northern portions of present day Walker and San Jacinto Counties. Congress did not consider this proposal, because it was not until 1842 that congress saw fit to make a division of the county, but congress did pass an act on January 25, 1840 to define the boundaries of Montgomery County, which are as follows:

. . . . Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, the boundaries of the county of Montgomery shall be as follows, viz: Beginning at the mouth of Beesair's Creek; thence to a point now established at the head of Pond Creek; thence to the head of Spring Creek; thence with its meanders, to San Jacinto; thence north fifty degrees east to the western line of Liberty county; thence along said line to the northwestern line of Liverty county; thence along said line to the northwest corner of said county; thence, eastwardly with said northern line of the same, to the Trinity River; thence up said river, on its right bank, to the crossing of the old San Antonio Road; thence, westwardly with said road to the Navasota; thence, down the Navasota, on its left bank, to its mouth; thence down the Brazos, on its left bank, to the place of beginning.⁴¹

⁴⁰ Memorial Petitions, January 18, 1838, in Texas State Archives, Number 17.

⁴¹ Gammel, op. cit., Vol. II, p. 396.

By these limits, Montgomery County extended east and west from the Trinity River to the Brazos River and north and south from the city of Madisonville to Spring Creek. This included the territory of the present day counties of Grimes, Walker, San Jacinto, and a portion of Madison and Waller Counties.

In an act dated February 2, 1842 and passed by the Sixth Congress at Austin, the first portion of territory of Montgomery County was cut off to form a part of Madison County.⁴² The boundary for Madison County encompassed all of the portion of land which had belonged to Montgomery east of the San Jacinto River. The line of the boundary extended from the Harris County line, north up the San Jacinto River to its source. Later Madison County was recreated to its present bounds, and Montgomery County again got possession of the territory east of the San Jacinto River.

The next division of the county took effect on April 6, 1846, and in the acts that were passed by the First Legislature at Austin two counties were formed consecutively. They were Grimes County and Walker County. Grimes County composed of the following boundaries:

. . . . All that portion of the territory of the county

⁴² Ibid., p. 763.

of Montgomery, comprised within the following limits, shall be known by the name of, and styled the county of Grimes, to wit: Beginning at the southwest corner of the county of Walker; thence, in a southwardly direction to the north-east corner of a league of land granted to W. Montgomery; thence, to the southeast corner of the same; thence, due south to the Harris county line; thence, with said Harris county line, to the head of Spring Creek, and from the head of Spring Creek to the head of Pond Creek; thence, by a straight line to the mouth of the Navasoto, and up the Navasoto to the crossing of the San Antonio road; thence, with said road to the north-western boundary line of Walker county, and down the said Walker county line to the place of beginning.⁴³

The boundary of Walker County was established as follows:

. . . That a new county be established to be known and distinguished by the name of Walker, the boundaries of which shall be as follows: Beginning at Robbins' ferry on the Trinity, where the San Antonio road crosses the same; thence, with the said road to the north-east corner of a survey of land in the name of L. G. Clepper; thence, in a straight line to the South Bedai Creek, to a point where the La Bahia road crosses the same; thence, in a straight line to the north-west corner of a survey of two-thirds of a league of land in the name of J. H. Collard; thence, in a straight line to a point on San Jacinto River, three miles below the mouth of East Sandy Creek; thence, east to the line of a new county to be called Polk; thence, with the lines of said county to the Trinity River; thence, up the middle of said river to the place of beginning.⁴⁴

These two counties cut off the western and northern sections of Montgomery County. As each new county was formed each was

⁴³ Ibid., p. 1356.

⁴⁴ Ibid., p. 1357.

required to pay its portion of the debt of the mother county. At the same time in which they were organized, an act was passed requiring Grimes and Walker to pay to Montgomery such proportion of the debt due, and the debt was to be apportioned in a manner which the county courts of the respective counties should determine. The Grimes County line was not surveyed until February 1855. In a letter to his wife a prominent citizen of Montgomery writes, "The line dividing this and Grimes County was run by Joe Brown, received and approved by the Court; we get Austin's settlement. . . .⁴⁵

No other counties were cut off from Montgomery County until after the Civil War. In January 1869, the county of San Jacinto, which was in the original bounds of Montgomery County was established. The new county was created by a declaration of the Constitutional Convention which was held in Austin for the purpose of drafting a new constitution. The declaration which established San Jacinto County reads as follows:

Be it declared by the representatives of the people of Texas, in Convention assembled, That the territory comprised within the following boundaries be, and the same is hereby erected, into a new county, to be called the county of San Jacinto.

. . . . Beginning in the channel of Trinity river, at a point opposite the mouth of Carolina Creek, in Walker

- - - - -
⁴⁵ Letter of Nat Hart Davis to Betty Davis, February 18, 1855, in Addison Collection.

county, running in a due line from thence to the head of the east branch of Peach Creek, in Montgomery county, thence down the channel of said Peach Creek to a point parallel with the thirtieth parallel and twenty minutes north latitude, in said Montgomery county; thence on a due line through same point where the present southern line of Polk county crosses the channel of said Trinity river; from thence up the channel to said Trinity River with its meanderings to the place of beginning.⁴⁶

The last county to obtain a portion of territory from Montgomery County was Waller County. In April, 1873, the Thirteenth Legislature passed an act to create a new county from portions of Montgomery, Grimes, Austin and Harris Counties.⁴⁷

After the counties of Madison, Grimes, Walker, San Jacinto, and Waller were cut off from the original county of Montgomery, the remaining part of the county encompassed a total area of 1,017 square miles.⁴⁸

⁴⁶Gammel, op. cit., Vol. VI, p. 78.

⁴⁷Ibid., Vol. VII, p. 501

⁴⁸Richardson, op.cit., Vol. III, p. 1125.