

VIRGINIA JANE

By Elizabeth Weaver

Gone to Texas. They were words that held meaning, good or bad, primarily determined by a person's station in life. For some poor Southerners, Texas was a chance to escape legal or financial troubles, and the letters *GTT* hastily scrawled upon the door of an empty house signaled to all that the former residents had fled their troubles or responsibilities, or sometimes both. As time wore on the words increasingly whispered to others that Texas was a land of adventure, opportunity, and land. Regardless of whether they were running from trouble or running toward opportunity, in the early years of the Republic of Texas, they came.

It's unknown how those words resonated with Virginia Jane Edwards as she and the rest of her family made their way from Waynesboro, Tennessee, during the latter days of 1837. Being only twelve years old, Virginia was probably never asked for her opinion and given the temperament of the times, would most likely have been ignored had she offered one. Virginia's journey, though, had to have been filled with trepidation, for the land to where she was headed was where, just two years earlier, her papa had died.

In 1833, her father Thomas F. Edwards had made his way to Texas, either accompanying or following his wife's brother George W. Barnett and made plans to settle himself and his family in Bastrop County. In a letter to the government of the newly formed Republic of Texas, Barnett described how Thomas F. Edwards met his end. "After establishing himself in the Town of Bastrop, as an Atorney (sic) at Law, he Edwards left for the U.S.A. with the intention of

immediately introducing his family into Texas. On his way back between the Rivers Colorado and Brazos, he was killed by the Indians, leaving a widow and four children.”

And so, encouraged by Barnett, Virginia and her family came to Texas, bouncing along rutted trails through forests and over streams until they reached Liberty County, just east of what is now Houston. At the time of her father’s death, the family consisted of Virginia, her mother Esther, and her siblings Mark and Leonidas. Shortly afterward, Esther remarried, taking Thomas Jefferson Stockton as her husband and in 1836 produced a son. Unfortunately, Thomas Jefferson Stockton died shortly thereafter, leaving Esther to emigrate to Texas as a widow with four children.

In the early days of the Republic of Texas, the country established a system of land grants to encourage settlers to come to the new country. The land amounts were generous but were based upon the date each family arrived in Texas. In December of 1840, George Barnett petitioned the new government of the Republic to allow him to apply for a grant on behalf of his widowed sister. Esther had arrived in Texas in 1837, which was past the cutoff date for a first-class headright. Those grants were allowed to only households which arrived in Texas prior to the signing of the Texas Declaration of Independence on March 2, 1836.

By arriving at the end of 1837, Esther on her own would qualify only for a third-class headright, and the difference between the two was staggering. Early settlers in Texas qualifying for first-class headrights were usually allowed one league plus one labor of land, which totaled a little over 4,600 acres, including guaranteed acreage on a waterway to assure drinking water. Third-class headright families received only 640 acres, with no water guarantee.

In his application to the new government, Barnett asked that he be allowed to apply for the first-class headright that would have been awarded to Thomas F. Edwards, had he not been killed. Barnett's case must have been compelling because, in December of 1841, the heirs of Thomas F. Edwards were granted 1 league and 1 labor of land in Johnson County, south of Fort Worth. There's no indication that the family ever occupied the land in Johnson County but remained in the Liberty County area. It was there Virginia, at the age of 20, met and married her first husband, Oliver Perry Hurt.

Hurt was a young farmer who had come to Texas from North Carolina in 1839. As a single man, he received a third-class headright of 320 acres and proceeded to establish himself in the area. He married Virginia and by 1850 the couple had three sons. Information about Oliver Hurt is scarce, because he died in 1854, leaving Virginia a widow.

Virginia quickly remarried, this time to widower James Neely Lemond. Lemond was from North Carolina and had been widowed sometime after 1850. When they combined households, the couple had six children, three being his and three being hers. In time, they would add eight more children to the family, with the last born in 1872. The couple moved a couple of times within the area and moved in 1867 just north of Georgetown, along Berry Creek.

There is little written about the family's early years in Georgetown. Lemond purchased a tract of land north of town, in a desirable country situation with a clear-running stream and rich farmland. Adjacent to their property lived the Berry family, who owned an operated a mill just downstream. The children from the couple's previous marriages had grown and established their own households, leaving just the young children still at home. Lemond had also invested in a sizeable tract of land in town, land that was sure to be desirable for town lots as the young village grew.

Lemond was a well-respected member of the community. Bonded as an appraiser in conjunction with the school board, he also served as Justice of the Peace. The community, though, was aware that his health had been poor for several years, so his death in the spring of 1878 was a matter of sorrow but not surprise. The *Williamson County Sun* gave strong tribute to Judge Lemond and wrote favorably of him saying, "To sum up his character in a few words he was an intelligent, liberal, active Christian gentleman. Our county can ill afford to spare so good a man."

Throughout history there have been accounts of ill feelings which have festered for years, kept in check by the presence of the leader of a family. Upon the death of the leader these feelings can erupt, causing chaos and heartbreak for the family involved. Such seems to be the case for Virginia and her remaining band of children. At the time she married Lemond, he had three children from his first marriage. Of the three, the two daughters Mary and Fanny remained, their brother Robert having died many years earlier. Upon their father's death, it is apparent that Mary and Fanny decided to claim what they felt was theirs, and they did so in rather dramatic fashion.

The records of the District Court in Williamson County outline the mayhem which occurred shortly after midnight on January 1, 1879, slightly less than nine months after Lemond's death. Mary and Fanny, "with force and arms willfully, wantonly, and maleiciously (sic) broke the door of Plaintiff (Virginia's home) and entered upon and took possession...and ejected petitioner therefrom and set up a claim and possession to said land."

Virginia, forcibly thrown from her home along with her youngest children, was bound to have been outraged. In addition to being cast out of her home in the middle of the night, Mary and Fanny had seized the deeds to the property in town, lots with a value that exceeded that of

the home and its surrounding farmland. In securing the town lots, Mary and Fanny made some sort of alterations to the land, changes which Virginia determined to have lessened its value.

Virginia wasted little time fighting back through the courts. The house she knew was part of her husband's estate, and the value of that would be split among all of Lemond's children. The lots in town, though, she claimed as hers, and hers alone.

It is to Virginia's credit that she was able to secure as her attorney George W. Glasscock, Jr. The Glasscock name was legendary in Georgetown, George's father having donated the original hundred acres of land to establish the town that was named for him. The younger Glasscock was a force in his own right, having risen to the position of County Attorney by the time of the Lemond eviction. Virginia sued Mary and Fanny to recover her town lots, reasoning that the property had not been owned by her deceased husband but by her and that the lots were purchased by her late husband in trust for her, using her inheritance from her father. In addition, she asked for monetary compensation of \$1000 for the damages caused to the lots by her two step-daughters.

In pursuing the case, Glasscock outlined how the land received in the Thomas F. Edwards land grant was split among the heirs in 1856. Of that, Virginia's portion was transferred into the name of her husband, as was generally done at the time. When the family moved to Georgetown, something needed to be done with the funds to keep them safe and hopefully allow them to increase. During the last half of the 19th century, banks were not perceived as a safe option for investment, so individuals desiring to invest money usually either purchased land or loaned money to individuals at a significant interest rate. Virginia and her husband chose to purchase land and selected a group of lots within a few blocks of the town square. The lots were

purchased in the name of J. N. Lemond, but Virginia had evidence that the \$1056 purchase price had come directly from the sale of the land she inherited.

The case raged in the courts for two years, undoubtedly providing matter for speculation and discussion among the citizens of Georgetown. Finally, Virginia prevailed. The court ordered that Mary and Fanny return the town lots and pay all costs incurred by Virginia in the handling of the case. After the decision was rendered by the courts, there was a brief period of calm which was not to last. In May of 1882, the second lawsuit was filed. Once again, Virginia was headed to court to fight for her land.

Although there are no official records of the transaction, it appears that Mary and Fanny, during their time of occupation of the town lots, had sold some of them to J.C.S. Morrow, a local surveyor. Morrow claimed in his suit that he purchased some of the land at the very beginning of 1882 and had held it continuously from that time forward. His suit was to get to keep the land.

The second trial worked its way through the courts for a year until a decision was rendered by the court in February of 1883. In its decision, the judge awarded a portion of the land to Morrow and required that Virginia pay two-thirds of the court costs. Morrow got significantly less than was requested in his suit, but he did succeed in retaining a block which would eventually become four large town lots.

Following the Morrow suit, Virginia's living children from all her marriages deeded any interest they had in the town lots to Virginia. Perhaps it was an action to make it easier for Virginia to sell them as she saw fit. Perhaps it was a slap at Mary and Fanny combined with a signal to the community that they supported their mother. Over time, Virginia sold the land

which became the core of the residential area of old Georgetown, and she generously gave lots to her children.

Virginia lived the last years of her life with her daughter Cora in a house on the land she had fought so hard to keep. She died in 1908, thirty years after her husband James. Her funeral service was conducted in her daughter's home, and her body was taken to the Berry Creek cemetery to be interred alongside her husband's. The *Williamson County Sun*, in recording her death, outlined her journeys, marriages, children, and faith in Christ. Her last words were, "I'm going home."

The description of her life ended by enumerating her loving family: children – three sons and three daughters, grandchildren, and other relatives. Of Mary and Fanny, there was no mention.