

HISTORY & FOLKLORE

The Seven Courthouses of Liberty County

*Prepared by
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One cannot review the history of the Town of Liberty without considering its importance as the seat of government of the Municipality of Liberty. The Mexican system of government provided for the establishment of departments which were divided into municipalities, each of which consisted of one or more towns and the surrounding territory. When Jose Francisco Madero proceeded with the election of the Ayuntamiento of the Town of Liberty in 1831, he was establishing a government for the Municipality of Liberty, the territorial jurisdiction of which extended from the Sabine River on the East to the San Jacinto River on the West and from the Southern line of the Municipality of Nacogdoches on the North to the Gulf of Mexico on the South. This area included present-day Chambers, Hardin, Jasper, Jefferson, Liberty, Newton, Orange, Polk, San Jacinto, and Tyler counties and portions of present-day Galveston, Harris, Madison, Montgomery, and Walker counties. More appropriately, it can be said that the Municipality of Liberty encompassed all of Southeast Texas in 1831. This was essentially the same area that previously was included within the limits of the Atascosito District of 1826.

In establishing the Town of Liberty, Madero designated several plazas, according to Mexican law, including a square measuring one hundred twenty varas (333.33 feet) on each side, for the Casa Consistorial (Court House).

The first courthouse on this square was erected in 1831. In Madero's report of the election of the officers of the Ayuntamiento of the Villa de la Santissima Trinidad de la Libertad, which was communicated to the Chief of the Department of Bexar in May of 1831, he refers to the "Court Room of the Town of Liberty." Also, "The Journal of a Traveller" in a Visit to Texas in 1831 reported that an election had just been held here..."in a small log building just erected for a court house."

Madero had arrived in Atascosito in the early part of 1831 and by March 30th had selected the league of land occupied by Juan M. Smith (now Liberty) and Moss's Bluff as the two places to be voted on as the seat of government. In an election on May 1, 1831, Smith's Plantation won out over Moss's Bluff.

The Municipality of Liberty was one of twenty-three municipalities established in Texas and the Town of Liberty served as the seat of government of this Municipality until after Texas won its independence from Mexico in April of 1836. By October of that year, the government of the new Republic of Texas was organized and began to function and the twenty-three Mexican municipalities became counties and Liberty became the county seat of the newly designated County of Liberty; however, it was not until December 18, 1837, that the Congress of the Republic of Texas officially defined the boundaries of the newly created County of Liberty, as follows:

BEGINNING on the Gulf of Mexico at the southwestern corner of Jefferson County;

THENCE north along the western boundary line of said County to the Big Sandy Creek;

THENCE down said Creek with said County line, to its entrance into the Neches River;

THENCE up said River to the southeastern corner of the county of Houston;

THENCE south of west along the southern boundary line of said County to the Trinity River;

THENCE across the river in the same direction to a point nine miles distance;

THENCE in a direct line to the head of Cedar Bayou;

THENCE down said Bayou to its entrance into the Gulf of Mexico;

THENCE along said Gulf with its meandering, including the Trinity Bay, to the PLACE OF BEGINNING.



1895 LIBERTY COUNTY COURTHOUSE

Within these boundaries was the territory which now constitutes all of present-day Liberty, Polk, and Tyler counties and parts of present-day Chambers, Galveston, Hardin, and San Jacinto counties.

The first courthouse for this jurisdiction, constructed in 1831, as the above accounts indicate, was in all probability the "hewed log building twenty-two feet square" which was described

frame structure, 32 feet by 40 feet, constructed of cypress and pine lumber and erected on cypress blocks two feet above the ground. The lower floor, with a fourteen foot ceiling, served as the court room. The upper floor, with a ten foot ceiling, was divided into four rooms of equal size. Although an advertisement for sealed proposals to construct such a building appeared in a Houston newspaper in May of

said building." (courthouse) In May of 1848, the trustees authorized the contractor to substitute pine lumber instead of cypress lumber for finishing the ceiling of the courthouse. From September 1848 through September 1849 the contract for the construction of this courthouse was under investigation and the Committee on Public Buildings reported to the Board of Trustees of the Town of Liberty on September 27, 1849, as follows:

That they deem it highly important that the Board take immediate action upon the unsettled business in relation to the contract for the erection and completion of a Court House, existing between Mr. Jno. S. Booth and the Corporation. Said contract seems to be of many years standing and your Committee, for want of data, and in consequence of the loose state of the books and papers belonging to the Corporation, are not prepared to report the amount that may be due on the same, or whether it has been completed with on the part of the contractor. Nor are your committee aware that the building has been completed and put in possession of the Board of Trustees by the person employed (sic) for that purpose. If not, your Committee would recommend a speedy investigation of the matter that measures may be taken to keep the house in a proper state of preservation, as it is almost constantly exposed to the weather by open doors and windows.

Finally, on October 27, 1849, the trustees accepted the courthouse as being in compliance with the contract with Booth made in December 1842 and final drafts for this work were ordered paid on February 1, 1850, thus ending a seven year period from "contract" to "completion" on Liberty County's third courthouse.

By December of 1856, it appeared necessary to build a larger and more suitable courthouse than the one then occupied and in February, 1857, the Trustees of the Town of Liberty donated all of the Town's surplus monies to the County Court to assist the county in building a brick courthouse. On May 18, 1857, the Town Trustees met in convention with the County Court and adopted a resolution authorizing the county to survey off into sections, divided into 40 acre tracts, all the unappropriated bottom lands on the West side of the Trinity River, with certain exceptions, and offer these lands to the highest bidder at public sale, providing that the minimum price would be \$2.00 per acre, and to use these funds in constructing a new courthouse.

Liberty County's fourth courthouse, its first one constructed of brick, was financed primarily from the sale of land belonging to the Town of Liberty. Its construction apparently had been completed by September 18, 1857, for on that date the Town Trustees estab-

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by David Carlton Hardee as the Liberty County Courthouse "in the latter part of the year 1840." Hardee's description is set out in a letter, one of several written by him to The Patron and Gleaner, a newspaper published in Rich Square, North Carolina, relating to his experiences while living in Texas from 1838 to 1843. Practically all of the official records of Liberty County were destroyed in fires on December 27, 1872 and on December 12, 1874; therefore, descriptions such as the one related by Hardee are relied on as the best available source of information concerning some of the early history of Liberty County.

The next known description of a Liberty County courthouse is from the pen of Jesse D. Lum. In a letter written in 1891, Lum describes the courthouse in the Summer of 1843 as being "a framed house, one story, 24 x 28 ft. studded (sic) with peeled (sic) pine poles and weatherboarded with split cypress boards." This would have been Liberty County's second courthouse, constructed sometime after the latter part of the year 1840, when Hardee saw a "hewed log" courthouse here.

Liberty County's third courthouse was a two-story

1838, no action was taken on such a project until December of 1842, at which time the Board of Trustees of the Town of Liberty entered into a contract with John S. Booth to construct a courthouse. It was not until a year later, December, 1843, that the Town Trustees appointed a committee to supervise the building of the new courthouse. At that time, the trustees empowered the committee to alter and amend the original plan of said house so as to make two additional doors in the same to open on the east and west sides; also to alter and amend the original plan to cause two pair of small stairs to run up on the inside of said house from that part of the house intended as jury boxes.

Apparently there was some delay in the commencement of the construction of this courthouse and once started there were numerous delays before it was completed. According to the action of the trustees, construction on this courthouse did not begin before the early part of 1844 or possibly as late as 1845 or early 1846. In October of 1846, the trustees empowered a committee "to make contracts for the completion of

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