

The Story of Hallettsville

John Hallet and Austin's Colony

The story of Hallettsville begins with a man by the name of John Hallet, but the story of the town was written by his wife Margaret. Listed in Stephen F. Austin's Register of Families, were John Hallet, 50 years of age, his wife Margaret, 42 years of age, and their four children, three male and one female. It states that Mr. Hallet's wife and two children are in New York and Mr. Hallet has two sons with him at Labahia. For more background information on the Hallet family, please read *The Hallet Story* by Hope Finklestein, a descendant of Margaret Hallet.

According to records at the Texas General Land Office in Austin Texas, on November 12, 1832, John Hallet applied to Miguel Arciniega for one league of land. Arciniega was a commissioner appointed by the Supreme Government of this state (Coahuila and Texas) to distribute and give possession of lands and issue titles to the new colonist in the colonization enterprise of the Empresario Citizen Stephen F. Austin.

Later in the application, Arciniega stated that Hallet had been received as a colonist in the enterprise of Empresario Stephen F. Austin on the 20th day of November 1827; was married and was in conformity with the Colonization Law of March 24, 1825. Accordingly, Hallet's application was approved and he was awarded the requested one league of land. Once the application was approved, the settler (Hallet) looked for land he wanted to own.

In 1833, John Hallet erected a log cabin on the government grant, locating it on a small rise overlooking the Lavaca River in the western precinct of Colorado County. This log cabin served as a token settlement, for Hallet left it to return to Goliad, where he had operated a store, and where, following the Texas Revolution, he died in January 29, 1834. His widow, Margaret Hallet, and family, on his death, reoccupied the cabin; and as storekeeping had been Hallet's trade since he had given up the sea, it was but natural that a store and trade developed out of his log cabin. For a complete story of the Hallet family please read *John and Margaret Hallett: American pioneers, founders of Hallettsville*.

However, there was a problem. While Hallet took physical possession of the league located on the Lavaca River, the title at the General Land Office was never completed. According to information available from the General Land Office, the unfinished titles do not state why they were not completed, but several explanations are possible. Whatever the reason, the Hallet title was never finished and it was left to Margaret Hallet to solve this problem. She needed help and she turned to Byrd Lockhart.

(Note: to this day the Hallet title is still unfinished at the Texas General Land Office)

Margaret Hallet & Byrd Lockhart

The widow Hallet tied the settlement's fortune and progress to Byrd Lockhart and his wide reputation as a surveyor. Hallet employed Lockhart to locate her headright certificate and clear out the patent from the government at Lockhart's sole expense and for which service Lockhart was to receive 580 acres of land including the town tract and **Town of Lavaca**, on the NE side of the Lavaca Creek. Lockhart performed these duties for many settlers helping them establish and file for their headrights. Hallet signed the title bond for the 580 acres on December 6, 1837. If Lockhart successfully fulfilled his contract with Hallet, she would at that point, provide him with a good and sufficient deed to the property.

First, on March 16, 1838, Margaret was granted a 1st class unconditional certificate for one labor of land (177 acres) lying in the County of Gonzales upon demonstrating by the declarations of John Thompson and Williamson Daniels that her husband, John, had resided in Texas before May 2, 1835.

It is believed that Lockhart surveyed and laid out a town site, but no official records, deeds or survey maps have been located to verify that statement.

Second, in July 1839, the Heirs of John Hallet represented by Byrd Lockhart, were granted a 1st class unconditional certificate for one league of land (4,428 acres) upon demonstrating by declaration of Williamson Daniels and John Smothers that he (John Hallet) had arrived in Texas before the Declaration of Independence was made. In the survey it was noted that a survey line intersected the Labacca at a stake bluff prairie and was said to have valuable Mill Seats (a place suitable for a water mill) on it.

The deed for this league was originally issued by the Board of Land Commissioners in Colorado County and a survey of the league, dated June 1839, was filed in the General Land Office in the City of Houston. The paperwork was again filed in the City of Austin on the 4th day of June 1841 and later in Lavaca County on the 27th day of October 1853.

In July 1839, Byrd Lockhart died in Brazoria Texas. In Lockhart's estate that was probated in Gonzales County, Mrs. Hallet is listed with thirty other individuals in an Inventory of Lands and Land Contracts. In this inventory the list states that "see her (Hallet) bond for the one undivided half the **town tract of Lavaca** of 580 acres". It wasn't until December of 1847 that the administrators of the estate of Byrd Lockhart relinquished to Margaret Hallet all title to 500 acres of land in the title bond obtained by Lockhart in 1837. The 500 acres were relinquished because "he (Lockhart) had not complied with his contract."*Note: While the penal bond filed in 1837 the amount of property was 580 acres when the estate relinquished the bond, the amount was given as 500 acres.

In 1840, Mrs. Hallet and daughter, Mary Jane, were joined by Collatinus Montague Ballard, a fellow Virginian, in operating the store. On December 21, 1843, Mary Jane married Ballard in a ceremony performed by Rev. Edward A. Clark, the pioneer priest of St. Mary Catholic Church.

In 1841, a larger and more imposing log structure was built by Ballard on the northeast corner of the town square, the corner of Second and Main Street.

The County of LaBaca

The first effort to organize the county was in 1842. At the time, the Congress of the Republic of Texas created and organized several counties in addition to those already in existence. The great increase in population and wide settlement throughout the state made these expedient. The county of La Baca was one of them.

In June, 1842, the Sixth Congress passed a joint resolution to lay out and organize the county of La Baca. President Sam Houston returned this resolution to the House of Representatives with his veto on June 12th. On June 26th, the House of Representatives reconsidered the act and passed it over the veto of the President. The Senate concurred with the House and passed the resolution. Joel Ponton, Richard Veal, James Brown, Thomas Chaudoin and John Smothers were appointed commissioners to select two eligible sites for the county seat. The permanent site was to be decided by a vote of the people. Until that time, the home of Mrs. Margaret Hallet was set as the place for holding the district and county courts.

As a town (Hallettsville), it was previously known as Ives Post Office, for early settler David Ives, according to Postal Records and also by Hidesville for the rawhide door shutter that closed the entrance to the only log store house in the village. Then in 1842, when the Hallet home was designated as the site for holding the courts under the organization of the defunct county, it was officially named La Baca.

Whether or not the organization of La Baca was ever completed is not known. The establishment of judicial counties resulted in litigation and in the lawsuits that followed the courts of the Republic vindicated the judgment of President Houston, and then they declared the acts creating these counties as unconstitutional.

Petersburg: The County Seat of Lavaca County

The Congress of the Republic of Texas, having exhausted the quota of representative counties allowed by the Constitution and having its acts creating "judicial counties" declared unconstitutional, could create no additional counties. This caused great inconveniences and serious burdens to the people who lived distances remote from the respective county seats. In 1846, the Constitution of the Republic of Texas was displaced by the Constitution of the State of Texas. The limitations above described were fortunately removed, and the first State Legislature

set about adjusting the conditions. It created thirty-two new counties. The county of Lavaca was one of them.

On March 30, 1846, the Senate passed the bill to create the county. On the same day, it passed a bill to locate temporarily the county seat. After being passed by the House and approved by the Governor, the act defined the limits of the county.

Samuel Barry, James Brown, Beverly C. Greenwood, John Clark, and Gabriel Zumwalt were appointed commissioners to locate the county seat otherwise directed by law. On July 13, 1846, an election was held at Clark's Mill to elect the officials of the newly organized county.

On August 31, 1846, the county court held its first session, and accepted the donation of 300 acres from Arthur Sherrill as the town site for the county seat. It was a wooded area on the east bank of the Lavaca River near the central portion of the county and within a quarter mile of the Zumwalt settlement. The court further ordered that the county seat, as it was styled, be called Petersburg.

Hallet and Ballard

In December 1847, Margaret P. Hallet and Mary Jane Ballard, heirs of John Hallet decd. filed a petition for the division of one league of land. On February 21, 1848, A. W. Hicks and Isaac N. Mitchell, as commissioners, and A. M. Dodd, as surveyor, appointed by the probate court, partitioned the John Hallet league, giving the north half to the widow Hallet, the south half to the only surviving child, Mary Jane Hallet Ballard.

In April 1848, Margaret P. Hallet sold 500 acres of land on the east bank of the Lavaca River out of her part of the Hallet League to her son-in-law Collentinus Ballard in consideration of \$1,000.00 spent on improvements on the premises plus \$5.00 in cash. She reserved five acres of land for her natural lifetime; the five acres from a point on the Lavaca River and running in a direction so as to pass between Ballard's new house and her house.

Ballard, as the leading merchant and town promoter, had a unique technique for bringing new businesses to his fledging community. He generally chose firms and establishments that supplemented his own business interests. His method of recruitment generally involved a financial deal whereby he would stake the new business, give him or her lot or parcel of land and then hold the deed to the property until the business was well established.

The Archives War

In November 1851, the county court appointed H.K. Judd, Spencer Townsend, and R.B. Willis, all residents of Petersburg, to petition the State legislature to make Petersburg the permanent location of the county seat. Should the Legislature, in its discretion, not enact a law designating Petersburg as the permanent site, then Willis contended in the petition, that it should embody in

the law that provisions of an Act of 1838 which required a two-thirds vote to change the site of a county seat.

The Hallett Settlement, however, contested this petition, and also made a bid for the county seat. As a town, it was first known as Ives Post Office. Then in 1842, when the Hallett home was designated as the site for holding the courts under the organization of the defunct county, it was officially named La Baca. As a town, it had been surveyed on the lands of Mrs. Hallett, and after its initial establishment, it became the favorite trading place for the settlers on the upper Lavaca. By 1851, it was definitely established and known as Hallettsville.

June 14, 1852 was selected as the Election Day for the county to select a permanent county seat. Only two towns made a bid for the site – Petersburg and Hallettsville.

What followed is what is called “The Archives War” in Lavaca County. For a complete story about this era of Lavaca County history please read Paul C. Boethel’s book *A History of Lavaca County*.

Hallettsville: The County Seat of Lavaca County

On June 21, 1852, “in consideration of the County Seat for the County of Lavaca being permanently located by the voters of said county of Lavaca in the town of Hallettsville as evidence by an election on the 14 June 1852”, Margaret P. Hallet along with her daughter and son in law, Mary Jane Ballard and Collentinus Ballard, deeded to John H. Livergood County Judge of Lavaca County 274 acres, more or less, on the east bank of the Lavaca River. The deed reserved several lots and blocks in the settlement that was already owned by individuals or had been reserved for schools or churches.

In August of 1852, Lavaca County residents, William and Cynthia Smothers, also in consideration of the County Seat for the County of Lavaca being permanently located by the voters of said county of Lavaca in the town of Hallettsville, deeded to Joshua E. Martin, County Judge of Lavaca County, 100 acres of land, in a square form that adjoined the tract of said C.K. Ham on the east.

The matter of the contested county seat election was the first item considered by the court. J. E. Martin, the newly elected and qualified Chief Justice of the county, on the affidavit of John H. Livergood made before A. W. Hicks on August 24, 1852, that the official returns of the election on August 28th, declared Hallettsville to be the legal seat of justice of Lavaca County. On August 25th, Robert A. Sanford, M. B. Bennett, Wm. Smothers and C.C. Ballard had submitted to the court an agreement to furnish in Hallettsville for the use of the county officials, offices and jury rooms free of charge until suitable buildings could be procured by the county. This proposition was accepted by the court.

But the offices and records were not moved to Hallettsville until the town in August 1852, had submitted and elected a slate of officials favorable to the change, and the town had organized a posse over one hundred strong and marched upon Petersburg and removed the records to the temporary quarters at Hallettsville supplied by Robert A. Sanford, M. B. Bennett, Wm. Smothers and C. Ballard.

The Lavaca County Courthouse: Josiah Dowling and John Kelly

The question of public buildings, that is, the courthouse and the county jail, was one that confronted the new court, and it with a busted treasury. The courthouse built in 1851 at Petersburg had exhausted all available funds; this left the court with only donations to finance the construction. Choosing sites for the buildings was an easy manner – the courthouse on the square, a block eighty varas square and the jail on fractional lots 4 & 5 in fractional block 75, north of the square.

(Note there is no Fractional Block 75 north of the square, but the deed used the number 75)

In December 1852, bids were advertised for construction of the jail, a two story, board laminated building, with an outside stairway, 16 X 18 feet. L. W. Layton's bid for the building was accepted, and the building was completed in October 1853. For his work and materials Layton received the note of M.B. Bennett and others pledged for the county seat proposal in the sum of \$620 and \$960 in county script.

At the February term of the Commissioners Court in 1853, John W. Kelly and Josiah Dowling submitted plans and bids for the courthouse. As presented, it was to be a two story structure, 24 feet by 36 feet, weather boarded, painted white, covered with cypress shingles, and painted red. Kelly and Dowling proposed to build the structure for "all the land and the proceeds thereof donated by C. Ballard and wife "except the jail house lots and the block north of Alma Academy for the Methodist Church. In an accompanying bid the two offered to divide the lower floor into four rooms with matched plank partitions, supply the doors and locks, and build a judge's stand, three room benches, and six jury benches for the one hundred acres donated by William Smothers and one hundred dollars cash.

In February of 1853, Lavaca County accepted the courthouse bid from Dowling and Kelly as well as the proposed method of payment. So N. Chambliss, A. G. Andrews and Joseph Ryan, three of the county commissioners appointed by an act of the legislature of the State of Texas and entitled by an act to locate permanently the county seat of Justice of the County of Lavaca and empowered by said act to lay out and sell and transfer lots and superintend the erection of public building did grant, bargain, sell and release the land described known as the Hallettsville Town Tract composed of the two following tracts:

Tract One being the tract deeded by Margaret P. Hallet and C. Ballard and wife to the County of Lavaca containing 274 acres more or less.

Tract Two being the tract deeded by William Smothers and wife to the County of Lavaca containing 100 acres of land in a square form.

As stated in the contract, in exchange for this property, Dowling and Kelly would build a courthouse in the town of Hallettsville for the use of said county. On October 10, 1853, it was ordered by the Court that the new courthouse be received and that Kelly and Dowling be released from their contract for the building of the same. As matters stood, the lower floor housed the county offices; the jury rooms, when not in use, were rented out by the sheriff to the highest bidder; the courthouse served the courts but was also used for public gatherings and served as the ballroom for local shindigs.

In December of 1853, the two tracts of land were released to Dowling and Kelly as per their contract with the county. In April of 1854, Josiah Dowling sold his interest the 100 acres of land, deeded to the county by the Smothers, to John W. Kelly.

Next Chapter: Hallettsville Grows Block by Block

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