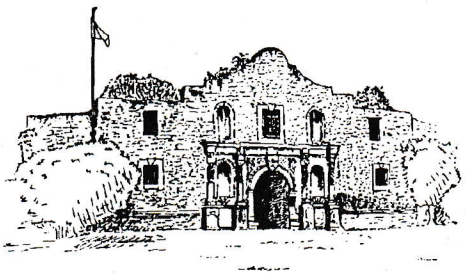
THE GRIGSBYS SETTLE IN DALLAS

By Margaret Mottley



When you come to Dallas in October for the Triennial Reunion, at least some of that time you will probably be on land which is part of a Grigsby land grant issued in 1835. The land was later surveyed for John Grigsby in 1842 and patented by Sam Houston. There are two abutting Grigsby surveys, one for John's son William's headright, one for his son Crawford. Crawford received additional bounty land for his service at the Battle of San Jacinto. His name appears on the monument at the San Jacinto Battle Grounds, although the booklet there incorrectly lists him as "John Crawford Grigsby." He is listed on at least three Muster Rolls in Hayden Arnold's Company, and all three show him as Crawford Grigsby, as well as tax assessment lists made by his father, and his signature on his will.

Old John arrived in Texas from Illinois in Oct 1834. He brought with him his second wife, Louisa Thompson Grigsby and their son Benjamin, five months old, and his seven children by his first wife, Hester Sharp Grigsby. These seven children were Crawford, William, Elizabeth, John, Ruth Ann, James, and Robert Hinds, ranging in age from 16 to 3 years old. Hester had died soon after giving birth to Robert Hinds Grigsby (my great-grandfather), who was born in 1831 in Crawford County, IL. After their move to Texas, John and Louisa T. Grigsby had two children, Emeline and Daniel Britt Grigsby. Benjamin, listed above, apparently died young, since this is the only mention of him in records.

John was a farmer and apparently the lure of large amounts of cheap land made him leave Illinois and bring this large family on such a difficult trip. He was following in the path of neighbors from Illinois, who had come earlier with Elder Daniel Parker and his group which made up the Pilgrim Predestinarian Baptist Church. John later served as clerk of the church at its meetings. He was a tax assessor for Houston County after the Texas Revolution. We have copies of his assessment records for 1838 and 1839, for which he asked the state to pay him "...in good money."

John never saw his Dallas land. His land and that of his sons was surveyed after his death, in the area of Dallas County where three streams come together to form the Trinity River. He and his family settled in what is

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now Anderson County.

John died in 1841, leaving Louisa and nine children. Of course, by then the older ones were grown. Crawford never married. Elizabeth married Marcus Mead. In 1846 John Jr. married Margaret Catherine Moore and William married Elizabeth Bennett in Anderson County. That was the year Anderson County was formed from Houston County. John Jr. was the first County Clerk and he recorded their marriages as the first two in the book. The Mead, Bennett, and Edens families were all neighbors there in Anderson County, in the Elkhart, Ioni Village, and Augusta area (Houston County).

John Grigsby died in March of 1841, leaving no will. His son, Crawford, was appointed Administrator of the estate. On 1 Mar 1842, Louisa T. Grigsby married Balis Edens. In their household they had Louisa and her two children, Emeline and Daniel Britt plus some of John's first family, including Ruth Ann, James, and Robert Hinds.

On 13 Jun 1843, Louisa T. Grigsby Edens died after giving birth to Maria Louisa Edens. This left Balis with the above family of five children, plus an infant of his own. Crawford Grigsby died in 1843 and Balis Edens became administrator of John Grigsby's estate in Jul 1843. Then he had himself appointed guardian of Emeline and Daniel Britt Grigsby, children of his deceased wife Louisa by John Grigsby.

Three months after Louisa's death, John married Ruth Ann Grigsby (daughter of John) on 10 Sep 1843. Ruth Ann was 17 and Balis was 40. But it was a successful marriage and a solution to many problems for each of them. The marriage lasted 30 years and they had eight children of their own.

Crawford had the land in Dallas County surveyed in 1842, but it was 1847 before Balis Edens asked the Houston County Probate Court to partition the land. He summarized the heirs as seven children from John's first marriage; two children from Louisa's marriage to John; and one child from Louisa's marriage to Balis Edens.

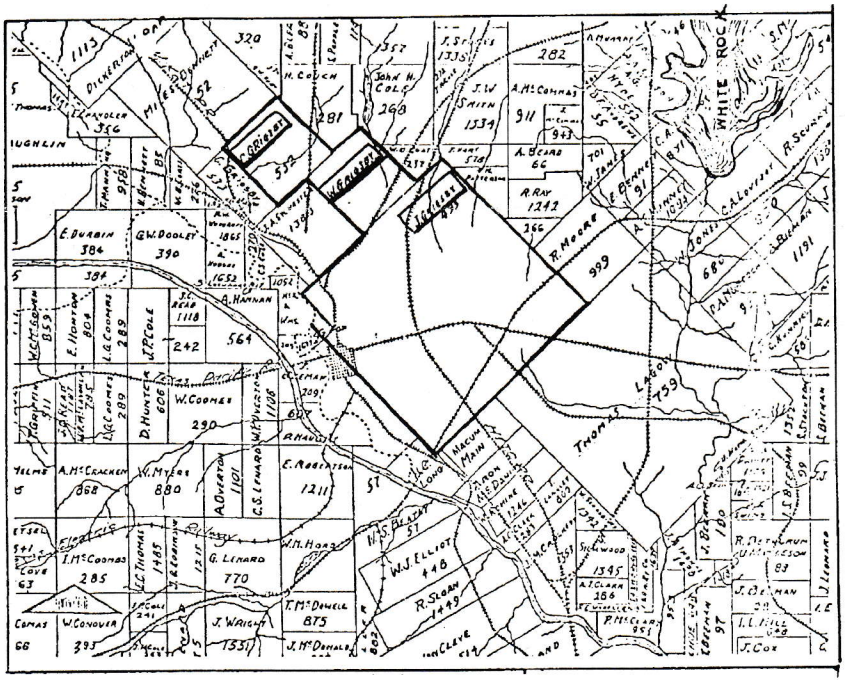
Balis felt that by "Louisiana Law," which was used in Texas at that time, the estate should be divided first between John and Louisa and then among their children. Therefore, John and Louisa each owned one-half of the estate.

John's half should be divided between his seven children by Hester and his two children by Louisa, nine shares total, or 1/18th to each child (1/9 x 1/2).

Louisa's half should be divided between Louisa's two children by John and one child by Balis Edens, three shares total, or 3/18th to each child (3/9 x 1/2).

Instead of suing, the older children asked to remove the partitioning to Anderson County, which had been created from Houston County in 1846. The surviving children now lived in Anderson County, so removal could not be denied. The records were ordered transferred on 17 Dec 1847. John Grigsby, Jr., County Clerk of Anderson County, received the records at Palestine on 31 Jan 1848. The Probate Judge was John B. Mallard, who did not agree with Balis' argument. He ordered the partitioning in Mar 1848, the estate to be divided equally among John's nine children, regardless of who their mother was. No one else was to share in the estate.

The Dallas land was divided into nine lots that varied in size depending on the commissioner's opinion of the quality of the land. The land consisted of 3,966 acres total, including bounty land John had bought from Sylvester adjoining his own headright. The surveyor's report was notarized by - of all people - John Neely Bryant. He had come to Dallas and first set up on land that he later found had been claimed by John Grigsby. The division of the land is too much to go into and not all that exciting to read about. (If anyone is interested, I'll be happy to send a more detailed account.) Of course, the area was not cleared, still had some Indians around, and none



Plat of Dallas, Texas, showing Grigsby surveys

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of the children took up residence there. They all stayed in Anderson and Houston Counties.

In 1888, when the land was becoming more valuable, Louisa's children came back to challenge the 1848 partition. Her daughter Emeline Grigsby, had married L. B. Aspley and their son, Robert F. Aspley, challenged the settlement. He began issuing quit claim deeds to property owners in Dallas, who apparently settled out of court to clear the titles of their land in the John Grigsby survey.

Robert was joined by Daniel Britt Grigsby, son of John and Louisa, and C. C. Swindle, who had married Maria Louisa, daughter of John and Louisa.

The case, a trial of trespass to try title and partition between the plaintiffs and over defendants, was heard in Dallas County and the records can be found there. It was a jury trial and lasted only one day. The jury found for the plaintiffs and awarded them 7/18ths of the property at issue, most of downtown Dallas. A commission was picked to partition the property, but the case was appealed. It went to the Texas Supreme Court and the U. S. Supreme Court. Decisions consistently favored the plaintiffs and final settlement came in 1892, with the Supreme Court upholding the community estate laws of Texas. There have been several articles in Dallas newspapers over the years about this lawsuit because of its complexity and the number of land titles involved. None of us who are descendants of John ended up with any of this land. Of course, just as today, the main people who profited from this were the lawyers and the later sellers of the property, probably by the square foot instead of by the acre.

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