

~~JAMES~~ BAXTER, MONTGOMERY. Born in Tennessee in 1818. Arrived in Texas in January, 1836, as a member of a company of volunteers from Tennessee under the command of Captain William Gilmer. On Page 116 a muster roll at the General Land Office he is shown as having enlisted in the Volunteer Auxiliary Corps at Nacagdoches January 14, 1836. It is stated on the roll that he was born in Tennessee.

Mr. Baxter joined the main army, company not known, and when the artillery company was organized under Captain Isaac N. Moreland, after the arrival in camp of the two cannons, the "Twin Sisters," he was attached to the new company and fought in it at San Jacinto.

In the Probate Records of Harris County, Book A, page 13, it is shown that James H. Price on January 11, 1838, petitioned the court to appoint him administrator of Mr. Baxter's estate. He stated that Mr. Baxter died in the hospital on Perkins Island shortly after the battle of San Jacinto. He became acquainted with Mr. Baxter, he stated, in the hospital. ~~From another source it is learned that Mr. Baxter died May 10, 1836.~~ Thomas Green, who served with Mr. Baxter at San Jacinto, stated that Mr. Baxter died at Harrisburg. From this it appears that Perkins Island was near Harrisburg.

On February 13, 1854, complying with an act of the Legislature, the Commissioner of the General Land Office issued to the heirs of Mr. Baxter a Headright Certificate for one-third of a league of land and Donation Certificate No. 10035 for 1920 acres, the latter being the amount of land allowed to the heirs of soldiers who died while in the army. Stated in this certificate that he died in army May, 10,

1836-Jan. 1 to May 10, 1836.

Following is a letter from Thomas Green, Clerk of the Supreme Court, to General Edward Burleson, a member of the Senate of the Congress of the Republic, and a petition of John A. Green, dated December 19, 1853, Both are in the Memorials and Petitions files in the Archives of the Texas State Library, Austin:

"Gen Edw. Burleson

Dear Sir

I have been so much engaged in my duties in the Supreme Court that I have not been able to attend to the enclosed claim entrusted to me by the Heirs of my old mess mate Montgomery Baxter -

Baxter was a member of the Artillery and acted very gallantly in the Battle of San Jacinto - from the excessive fatigue of that day (21 Apl 1836.) he was taken sick at the camp near the Battle ground - and died at Harrisburg perhaps a week or two after the Battle when we camped there on our way to the west. I am well acquainted with his heirs in Tennessee. They sent me out a power of attorney to attend to securing all his claims - I have received, located and got patented his bounty claims, but the time had passed for taking out headright certificates before Boards of Land Comrs and his heirs depend upon a special act of the Legislature authorizing a head right certificate to issue - you perhaps recollect the death of Baxter at our camp near Harrisburg. If you will introduce this resolution I will get you from the Adjt Genls office the evidence of his having been a soldier at San Jacinto belonging to the Artillery to lay before

the Committee if required - I am not personally interested in the claim.

Very respectfully yr obedt Sevt

Thomas Green."

The Petition of Nathaniel Baxter who is brother of the late Montgomery Baxter, deceased - in behalf of the brothers and sisters of said deceased would represent to your Honorable body that the said deceased Montgomery Baxter was one of the volunteers from Tennessee who came to the country in the winter of 1835 and 6 under the command of Capt. Gilmer - that the said Montgomery Baxter joined Gilmer - that the said Montgomery Baxter joined the Artillery Company when the same was organized on the Brazos in the Spring of 1836 - that he served in the same and fought gallantly in the Battle of San Jacinto as rammer and sponger of No 2 of said Artillery - That his said heirs have procured all his bounty and donation land claims - but before application was made for his headright to which he was entitled (one third of a league of land) the different Boards for granting head right certificates had been suspended - and the heirs of said Montgomery Baxter have never yet received his said head right claim- For the facts of this petition reference is made to Thomas Green and Thomas Plasters both of whom were in the said Battle of San Jacinto in the same company with said Baxter dec'd.

It is further stated that said Montgomery Baxter died of fever a few days after said Battle.

John A. Green  
Attry for heirs of Baxter