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### "Newspaper Notes, a Continuation: Judiciary, Government." Chronicles of Smith County, Texas 35 no. 1 (Summer 1996): 9-14.

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# Newspaper Notes a continuation

## Gleaning Smith County happenings from area newspapers

by Vicki Betts



The loss of the backfiles of the Tyler newspapers to fire in the early twentieth century left a serious gap in primary sources for the Smith County historian. Fortunately, however, other area papers often quoted excerpts of entire articles from the Reporter, States Rights Sentinel, and other local publications, and a lively exchange between editors added to the flavor of the Civil War and Reconstruction era.

While conducting research for Smith County, Texas, in the Civil War, I compiled a file of articles from 1860 through 1865 (later expanded to 1875) which mentioned Tyler or Smith County. Sometimes tragic, often funny, and always informative, this file has proven to be a valuable source of information for one of the most interesting periods of our history. Clips on two topics, Judiciary and Government, are printed here as they appeared over one hundred years ago. Locations of microfilm copies of the newspapers consulted are listed below.

Austin Democratic Statesman .....	University of Texas at Tyler
Austin State Gazette .....	University of North Texas
Austin Weekly Southern Intelligencer .....	Texas A&M University
Clarksville Standard .....	East Texas State University
Daily Austin Republican .....	East Texas State University
Dallas Herald .....	East Texas State University
Galveston Tri-Weekly News .....	East Texas State University
Galveston Weekly News .....	East Texas State University
Galveston Flake's Bulletin .....	East Texas State University
Galveston Daily News .....	East Texas State University
Houston Tri-Weekly Telegraph .....	Texas A&M University
Marshall Harrison Flag .....	East Texas State University
Marshall Texas Republican .....	East Texas State University
San Antonio Tri-Weekly Herald .....	

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*previous installments: "religion" - 1988, "agriculture" - 1988, "crime and punishment" - Summer 1989, "transportation" - Summer 1990, "human interest" - Winter 1990, "newspapers" - Summer 1992, "businesses & communications," "marriages & deaths," - Summer 1993, "politics and elections," - Summer 1994, "Military Reconstruction" - Summer 1995, "Civil War Military" - Winter 1995.*

## JUDICIARY

AUSTIN STATE GAZETTE, July 7, 1860

The State Rights Sentinel informs us of two cases of free negroes in Tyler applying for the privilege of being enslaved by order of the District Court. One was a negro man named Isaac Gibson. He was made the slave of John L. Archer. Another was Eliza Huston and her two children. She was made the slave of J. L. Allen. What do the Black Republicans think of these things?

DALLAS HERALD, Nov. 21, 1860

The Fall Term of the Federal Court at Tyler, was not organized until Thursday, the 8th, in consequence of the sickness of Judge Duvall. The Sentinel notices a large number of persons in attendance on the court, and says that the town is full of visitors.

TEXAS BAPTIST, March 7, 1861

The State Rights Sentinel, published at Tyler, in this State, has issued a card in which they state they propose to furnish in their paper all the decisions of the Supreme Court as soon as they are delivered, instead of having the necessity of waiting several years, as now, before the bar gets them. Their competency for thus doing is certified to by the members of the local bar at Tyler, consisting of such men as Judge Roberts of the Supreme Court, R. B. Hubbard, and others. We need not speak of the great advantages that would be derived by the legal profession from the carrying out of this plan. The price of subscription is \$2.50.

CLARKSVILLE STANDARD, March 9, 1861

States Rights Sentinel to publish all court decisions in Austin, Galveston, and Tyler as they appear.

GALVESTON TRI-WEEKLY NEWS, August 27, 1861

Hon. W. P. Hill, on the 7th, at Tyler, Smith County, organized the Confederate Court of the Eastern Dist. of Texas. S. G. Smith was appointed Commissioner and John C. Fowler, Clerk, The First Mondays in April and October were appointed for the regular terms.

MARSHALL TEXAS REPUBLICAN, October 26, 1861

[Summary] Hon. H. P. Hill CSA Judge of Eastern Judicial District of Texas appointed M. A. Long of Tyler receiver under the Sequestration Act.

GALVESTON WEEKLY NEWS, October 31, 1863

The Tyler Reporter says the old Federal Courthouse was accidentally burned on the 2st [sic] inst., and also the stable belonging to the Holman House. Some soldiers quartered in the second story of the Courthouse were injured in jumping from the windows to save themselves.

GALVESTON DAILY NEWS, April 23, 1865

The Confederate Court began its Spring term here last Monday, the 3rd inst.--Hon. W. P. Hill, present and presiding. Present also, J. C. Fowler, Clerk; T. J. Jennings, District Attorney, pro tem; J. W. Mosley, Marshall, and the Receivers, except Col. Anderson.--Tyler Reporter.

HOUSTON TRI-WEEKLY TELEGRAPH, May 8, 1865

[Summary] Closing portion of the presentment of the late Confederate Grand Jury at Tyler.

SAN ANTONIO TRI-WEEKLY HERALD, September 19, 1865

The Tyler Reporter under the head of "Justice's Court" gives the following:

During the past week, we understand, two cases of theft by colored "citizens" have been brought before Esquire Matthew Wood. The proof being plain we suppose, both were sentenced--the first, we learn, to receive twenty-five lashes, and to work on the streets until Christmas; the second, to receive twenty lashes, and a like dose of street duty. The "lashes" look a little pro-slavery, but are claimed to come under the Governor's late Proclamation, in which he declared all State laws in operation before secession still in force;--we think, however, with the proviso: "except in so far as these laws may be affected by the emancipation of slaves," &c. If these gentlemen of "leisure" can be made to work, we may hope to see great improvements made on our streets soon as there will probably be many such cases to dispose of.

MARSHALL HARRISON FLAG, February 15, 1866

The District Court for Smith County was in session last week, and from what we learn from the Tyler papers, will continue in session a couple of weeks longer. The Reporter says Judge Cooper delivered a very able charge to the Grand Jury. The Journal speaks of Whitmore, the District Attorney, in the highest terms as a faithful officer.--Clipper.

MARSHALL HARRISON FLAG, November 15, 1866

We learn from the Index that the U. S. District and Circuit Courts met at Tyler on the 5th inst., Judge DuVal presiding. No business was done, as the court only remained in session three days. The next regular term will be in April.

MARSHALL TEXAS REPUBLICAN, November 17, 1866

The U. S. District Court met at Tyler on the 8th inst., Judge Du Val presiding. No business was done. The Court remained in session but three days. The next regular term will be in April.

MARSHALL HARRISON FLAG, November 29, 1866

The following named gentlemen constitute the Supreme Court of Texas:

Hon. S. P. Donley, of Smith, Associate Justice

Thomas Smith, of Smith, Clerk at Tyler

Terms of the United States District Court.--Western District.--

Tyler, 4th Monday in April and 1st Monday in November.

DALLAS HERALD, May 18, 1867

The United States Circuit and District Courts are now in session at this place--Hon. Thos. Duval, U. S. District Judge, presiding. On last Wednesday the Grand Jury was organized....As the Supreme Court is also in session, the surrounding counties are numerous and well represented by the members of the legal profession. Tyler Index.

WEEKLY AUSTIN REPUBLICAN, June 27, 1867

Statements are often found in our papers like this: "The District Court in Tyler, Smith county, had to adjourn without trying any cases, being unable to find a jury, white or black, under Order 13. A memorial signed by the members of the bar was forwarded to General Griffin, soliciting that officer to modify his jury order.

The impression sought to be conveyed is, that the execution of said order is impracticable, and that its attempted enforcement results in the suspension of the courts of justice.

A letter received direct from Smith county, and from a person well known and well informed, may throw some light on this disloyal and insincere proceeding.

The writer states that after those summoned to serve as jurors were called in, Order 13 was read [tear in page] and the question put, "Can you [hole in paper]."

It is, perhaps, sufficient to state that one of the moving spirits of this memorial was Geo. W. Chilton, now under indictment for the kidnapping and murder of Col. Montgomery, on the Rio Grande.

Our informant goes on to say that of the number examined at least fifty were willing and able, with clear consciences, to take the oath if it had been fairly explained, and the proper distinction drawn between acts of hostility and war, and those of affection and common humanity done to children, neighbors, or hungry suffering men, many [hole in paper].--Flake's Bulletin.

MARSHALL TEXAS REPUBLICAN, November 23, 1867

The Tyler Index says that the U. S. District Court is now in session at that place, and business is being rapidly disposed of. Judgment given by default in so many cases, brings a peculiar smile to the countenance of that important individual, the Register in Bankruptcy, he seeming to understand the causes. Gen. T. J. Jennings is acting District Attorney, Mr. Twiner being unable to come. The business of the State will be taken up on Monday next.

WEEKLY AUSTIN REPUBLICAN, December 11, 1867

Opinion of the Federal Court

Tyler, Nov. Term, 1867

Ex Parte M. C. Moore, charged to have been illegally arrested and imprisoned by Lieut. D. L. Montgomery, at Tyler.

Ex Parte Calvin Chancey, alleged to have been illegally arrested by Lieut. Barrett, and held in confinement at Tyler by Lieut. Col. Montgomery.

[Summary] The above are asking for writs of habeas corpus, but district judge has no authority because of the Reconstruction Act giving power to the military.

MARSHALL TEXAS REPUBLICAN, January 18, 1868

The proceedings of the Tyler Bar meeting, found elsewhere in this paper, show in what high appreciation Judge R. A. Reeves is held by the legal profession; and while the bar could not lay aside the rules of etiquette to give expression to their opinion of the military incumbent, we opine that, with the exception of those who seek Radical favor, the opinion, if expressed, would have been in no way complimentary.

The only official act of the new incumbent, Judge Earle, which has come to our notice, is the refusal to grant a writ of habeas corpus, in the case of Mr. Chancey, who has been held in military custody at this place for months, and against whom there are no charges which will justify the military in bringing him before a court martial, and against whom our grand jury, at its recent sitting, could find no testimony to found a truebill, and whose release the Post Commander has recommended, and, we understand, expressed his entire willingness to deliver him up on the issuance of the writ. This remarkable decision is sufficient commentary upon the animus of Judge Earle. It is clear that "liberty of speech and the press," "writ of habeas corpus," "trial by jury," and other terms used in the patriotic order of General Hancock, which comes like the voice of deliverance to our long suffering people, grate harshly upon his ears and awake no response of gratitude in his bosom.--Reporter.

DALLAS HERALD, May 16, 1868

Col. Crockett informs us that the Supreme Court of the State and the United States District Court were both in session at Tyler last week.

DALLAS HERALD, November 6, 1869

[Summary] Judge T. H. Duval ordered to hold federal court in Brownsville, will not hold court in Tyler, Nov. 1, 1869.--from Index.

DALLAS HERALD, November 4, 1871

The U. S. District Court.--We take the following from the Tyler Sun of the 29th ult.:

The following telegram, in relation to the holding of the Federal Court in Tyler this Fall, has been handed to us by Capt. Duval, Clerk of the court:

Austin, Texas, Oct. 24, 1871

"Judge Wood directs me to omit Tyler, and hold court at Galveston. This I shall do. (signed) T. H. Duval, U. S. District Judge."

Thus it will be seen that Judge Duval will not hold the November Term of the Federal Court at this place. Attorneys, litigants, witnesses, jurors and others can govern themselves accordingly. The next regular term of the U. S. Court will begin here on the 4th Monday in April, 1872. All business pending now will it over until that time.

DALLAS HERALD, October 26, 1872

The following letter was received in this city last Saturday, and as it is of importance to persons who are compelled to be at Tyler, we publish it entire:

Clerk's Office. U. S. Court

Western Dist. of Texas

Tyler, Texas, October 16, 1872.

R. D. Coughanour, Esq., Dallas, Texas:

Dear sir--I have just received information from the Judge of the U. S. Court that he cannot be here before the 12th of November next.

As no business can be done until he arrives, I suppose it will be unnecessary for you to come down before that time.

You will please give this information to such of your brother Attorneys and others interested, in your place.

Very truly yours,

W. C. Robards, Clerk

AUSTIN DEMOCRATIC STATESMAN, February 20, 1874

The discussion in the Senate on the location of the Supreme Court was not resumed on Thursday, as anticipated. It is believed that the Senate will decide in favor of Austin, Galveston and Tyler, while the House has already decided in favor of Austin, Galveston and Dallas, from which decision it is very generally believed it will not recede.

AUSTIN DEMOCRATIC STATESMAN, February 28, 1874

On Friday the House has under consideration the bill for locating the Supreme Court. A hard fight was made between the friends of Tyler and Dallas, which finally resulted in the selection of the former. So the Supreme Court will now be held as in former days, at Austin, Galveston and Tyler.



AUSTIN DEMOCRATIC STATESMAN, March 7, 1874

A gentleman just from Tyler informs us that the citizens of that place have gone actively to work to put the Supreme Court building in fine order. It is to be generally renovated and a mansard roof placed upon it. This is good for Tyler. The library belonging to the court is said to be well kept and in perfect condition.

DALLAS HERALD, October 10, 1874

The supreme court met at Tyler on yesterday.

DALLAS HERALD, July 17, 1875

Chief Justice O. M. Roberts has furnished the Tyler Democrat with the following synopsis of the business of the Supreme Court, from first Monday in October 1874 to 30th of June 1875, being two hundred and thirty-four working days:

Tyler....277 Cases, 247 Dec'd, 150 Op'ns, 30 Und'e'd

AUSTIN DEMOCRATIC STATESMAN, November 11, 1875

The Federal Court is making Tyler lively.

DALLAS HERALD, November 13, 1875

The Federal Court is now in session at Tyler.

## GOVERNMENT

MARSHALL TEXAS REPUBLICAN, June 14, 1862

The County Court of Smith County has provided a mode of making small change, which is an excellent one, provided the law will countenance it. Bills are issued ranging from twenty-five cents to five dollars, in exchange for Confederate money, the Confederate money being kept on hand to redeem them. In order to render this scheme perfect, and to guard the public against loss, there ought to be a safe depository established, and the parties handling the money should be placed under heavy bond.

GALVESTON TRI-WEEKLY NEWS, June 14, 1862

County Currency--The Tyler Reporter says the county court of that county has adopted the following judicious and sound basis for the issue of a currency: A large amount of bills, ranging from 25 cents to five dollars, has been issued by the Court. These bills are based on Confederate money or its equivalent, and consequently the Confederate money is always on hand for their redemption. They will pay the war tax, because they are not only backed by the integrity of the county, but dollar for dollar by Confederate Notes in the treasury of our county.

DALLAS HERALD, July 22, 1863

[Summary] New tax district, #26 Smith County

DALLAS HERALD, September 16, 1865

[Summary] Smith County in 4th tax district to "provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes."

HOUSTON TRI-WEEKLY TELEGRAPH, August 25, 1865

The Tyler Reporter furnishes the following items:

...As Judge Earle is now authorized to administer the amnesty oath, we would advise our people to come forward at once and take it in good fath [sic]. There is no use in squirming.

DALLAS HERALD, February 8, 1868

(from a letter from Kaufman, Texas, Feb. 1, 1868)

The Assessor of Internal Revenue here seized two loads of whiskey, en route for the upper country, which did not wear the evidence that the tax had been paid. The teams are also held. It is all, I learn, the property of a firm in Smith County.

DAILY AUSTIN REPUBLICAN, October 31, 1868

Probable Suicide

We find the following in the Tyler Index of October 24th. Capt. Mullins was a member of the Constitutional Convention, but was the acknowledged leader of the Conservative element. He represented the county of Cherokee in the Convention, but has been living in Smith county.

AUSTIN DEMOCRATIC STATESMAN, February 6, 1873

Mr. Gaston moved to take up out of its regular order S. B. incorporating the city of Tyler. Carried.  
On motion the bill was read the second and third time and passed by a two-thirds vote.

AUSTIN DEMOCRATIC STATESMAN, February 18, 1873

A bill to incorporate the Tyler Real Estate and Building Association. Passed.

AUSTIN DEMOCRATIC STATESMAN, March 1, 1873

Senate Bill No. 62, to incorporate the Tyler Real Estate and Building Association. Read first time and referred to the Committee on State Affairs.

AUSTIN DEMOCRATIC STATESMAN, March 13, 1873

Senate Bill No. 23, an act to amend an act entitled "An act to incorporate the city of Tyler, and to provide for the administration of its municipal affairs." approved April 26, 1871, approved February 7, 1873.

AUSTIN DEMOCRATIC STATESMAN, April 11, 1873

Sir--I am instructed by your Committee on Judiciary No. 1, to whom was referred Senate Bill No. 263, entitled "An act to incorporate the town of Zavala in the county of Smith," to report the same back to your honorable body and recommend its passage with the accompanying amendments.

Respectfully, Jno. L. Henry, Chairman

Amend section 2, lines 1 and 2, by striking out the names of "J. O. Collier, J. H. Tarbutton and A. J. Dockery," and inserting the names of "A. A. Coupland, F. D. Fitch and A. G. Tomme."

Same section, line 3, amend by inserting after the word "act," the words, "they or any two of them."

AUSTIN DEMOCRATIC STATESMAN, April 12, 1873

Senate Bill No. 267, to be entitled "An act to incorporate Tyler Chapter, No. 24, Royal Arch Masons"....Report it back to the Senate and recommend its passage.

AUSTIN DEMOCRATIC STATESMAN, May 3, 1873

House Bill No. 391, to be entitled "An act to prevent the gift or sale of intoxicating liquor within two miles of Garden Valley Seminary, in Smith County"....report it back and recommend its passage.

AUSTIN DEMOCRATIC STATESMAN, January 22, 1874

By leave, Mr. Henderson of Smith presented a petition of citizens of White House, Smith county, asking the passage of a law prohibiting the sale of liquor within two miles of White House; also a bill to prohibit the sale of any spiritous, vinous or other intoxicating liquors within certain prescribed bounds. Read first time and referred to the Committee on Education.

AUSTIN DEMOCRATIC STATESMAN, February 19, 1874

J. B. Hall, to be notary public, Smith county.

John Dean, to be notary public, Smith county.

E. Lindsey, to be notary public, Smith county.

AUSTIN DEMOCRATIC STATESMAN, March 3, 1874

Smith County.--Marshal Spain, of Tyler, has tendered his resignation as city marshal. Ira Portis is his successor.

AUSTIN DEMOCRATIC STATESMAN, January 14, 1875

Col. Marsh, sheriff at Tyler, paid over last week \$12,000 to the county court.

DALLAS HERALD, March 27, 1875

The United States revenue collector's office has been removed from Tyler, Texas. Parties having business with Mr. Malloy, the collector, should address him at Jefferson.

AUSTIN DEMOCRATIC STATESMAN, March 31, 1875

The Federal Revenue office--Col. Pat Malloy's--will be transferred to-day from Tyler to Jefferson. Tyler is not in tears nor Jefferson supremely blest. In fact Tyler has not much of a "grip" on Malloy and Jefferson may not embrace him very ardently.

DALLAS HERALD, July 3, 1875

The Tyler calaboose was destroyed by fire a few days since.