

MONDAY, MAY 7, 1894.

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## AN OLD COURTHOUSE.

Madison County's Temple of Justice  
and Its Historical Rem-  
iniscences.

Famous Trials and Eloquent Arguments.  
Prominent Men Who Have Graced  
It—The New Structure.



4<sup>th</sup> Courthouse

Madisonville, Tex., May 1. —To The News:

In the early periods of our country's construction, when the inherent principles of man's equality with man was first making itself felt, when states were being formed, when republics were evolved out of savagery and man was hearkening his ear for the first time on this continent to the pleadings of that sentiment—the universal liberty of man—which the ecclesiastical restrictions on his conscience suggested, the unbridled wantonness of the natives encouraged and the careless, unheeded sporting of the winds and sparkling rivulets running

recklessly to the sea inspired men tempered after the manner of the Great Creator, and “the groves were their first temples.”

Even thus we find it in the formation of the counties of our republic, now the state of Texas. Madison county was organized, however, after Texas’ admission into the American union. But here where the grasses grew greenest, the waters flowed brightest and the shadows of the trees lay deepest the patriots met, and again following the example of the Divine Creator took from the side of the other counties lying near a rib of each and formed the present progressive county of Madison. That was in 1853. Many changes have occurred since then, The trees no longer serve as temples, A courthouse was built very soon after the county's organization, but as it was a wooden structure It was an easy victim to the incendiary’s torch; it went down in flames, and with it was lost all the records of the county and court.

In the latter part of the 1870s, another courthouse was constructed. The material used for the walls was a soft quality of brick, which naturally could not last very long. This old house has for a long time been considered unsafe, and at the last term of the commissioners’ court the contract was let for the erection of a new one. So the old courthouse has been torn down and removed. Its demolition is complete. A short while longer and there will be nothing left of this old house—once regarded as an ornament and the pride of the town—but a vague memory, a dream, a reminiscence revolving in the memory of those who lived when it lived to refresh or harass their recurring reflections.

This old house in many respects was a historical building, and the incidents and scenes which its walls have known, if fitly told, might serve splendidly to “point a moral or adorn a tale.” As I stood near its fast-decaying frame and watched the workmen as they vigorously and heedlessly tore the bricks from their fastening and cast them aside, I thought of the commissioners-long gone and forgotten—whose duty it was to examine the materials of the structure, and wondered why they allowed such soft, unendurable articles to be used. “As by their deeds they shall live,” I thought could have been written purposely in reference to these officers; likewise, it might be applied quite as appositely to the bricks, for their almost utter worthlessness will cause no lasting impression of them on the minds of those who knew them once

The old courthouse is nothing now but a shadow, a silhouette of memory, and it is better so. It is gone from man’s sight, but its history is not lost to the memory entirely, for no matter what the fate of the ‘building itself there are events associated with its existence that will linger in the recollection of those who knew it, and will be green oases in the desert of time so long as there is light given to the mind to reflect over the waste of the Years. Yes, “There are deeds which should not pass away, and names that must not wither.”

Since the time when the old courthouse was first used there have been 949 criminal cases disposed of, some of them rating among the most noted in the state. And those old walls have resounded to some classic eloquence, arguments clear and logical have convinced courts, while juries have been swayed by impassioned appeal; and no doubt many a criminal has gone hence unwhipped of justice. Indeed, there have been times when the people have become aroused at the too frequent escape of criminals and have taken the law into their own hands, meting out justice without the expense of courts, swiftly and decisively. But that all belongs to the past. These vindictive uprisings of the mass of good people, indignant at the delays of courts and timidity of juries and witnesses, have brought about a reaction in public sentiment at home, and have had a good effect outside of the county, where formerly it bore the appellation of “The Free State of Madison.” It is not just to thus characterize it longer, for a more peaceable, liberal minded and enlightened people cannot be found elsewhere in Texas, During the last four- or five-years district court has not been known to convene longer than ten days at a sitting, where, prior to the action of the people in mass meeting, court frequently convened three weeks and the cost of which has been reduced from a yearly minimum of \$2000 to a yearly

maximum of \$700. There are only nine cases on the criminal docket to be disposed of at the next (spring) term of the court. On the county court docket, there are just 885 cases, which have been disposed of in one way or another, belonging to the record of the old courthouse. There are only twenty-two civil cases on the docket for the next term of court.

And to that old house in days long past, the political clans would gather, and fierce and bitter have been the contests waged by opposing candidates for political supremacy. Passionate pleadings, scathing philippics, forcible, convincing arguments, and eloquence thrilling and classical have fallen from the lips of some of the most famous orators our state affords, resounding in those old walls and awakening echoes through those dim corridors that were long and harmonical. Here in time have come Roger Q. Mills, Charles Stewart, J. C. Hutcheson, Clint Giddens, Horace Chilton, Lock McDaniel, John H. Claiborne, Stump Ashby, Perdue, and others of more or less repute.

At the time of the erection of the old house, and for many years afterward, the local bar of Madisonville, in point of ability and reputation, stood second to no other in the state. There were W. M. James, at present district attorney for the Twentieth district, and a resident of Cameron; John D. Imboden, who moved several years ago to Fort Worth, the father of Senator W. M. Imboden of Rusk, recently appointed attorney of the Fourth district, who at one time practiced law here; B. E. Grace, now of Birmingham, Ala., one of the most eccentric and withal ready-witted and convincing speakers I ever heard; John P. Gillespie, whom I suppose at that time was easily the leader of the bar, but afterward moved to Dallas, and is now county attorney of Dallas county; John L. Bolling, deceased, who a few years ago was a frequent contributor to *The News*, and R. B. Mahorney, then county attorney, now holding a position in the comptroller's office at Austin. Following these, others have come and gone—some to greater prominence elsewhere, others to different avocations and less distinction.

Later on such prominent legal lights as Senator L. A. Abercrombie of Huntsville, Earl Adams of Crockett, John R. Peele of Austin, Judge Lew Hightower of Liberty, A. T. McKinney of Huntsville, Spence Ford and Judge John N. Henderson of Bryan, Major H. H. Boone of Navasota, J. J. Dotson of Jewett and Captain J. C. Hutcheson of Houston, have "held cases" at the bar of this old courthouse.

During the many years of its use, seven district judges have presided on the bench, but out of that number, only three have been elected at the polls to the position. John R. Kennard was the first to preside and was elected, but shortly afterward died, and Hon. Benton Randolph of Huntsville was appointed, who only served a short time and resigned on account of the death of his wife. Norman G. Kittrell, who was then district attorney, was appointed to serve out the unexpired term of Judge Randolph, and at the next election, and also at one following, was elected to the office, but declined a candidacy in the campaign two years ago, and resigned before his term expired, subsequently removing to Houston. J. M. Smither of Huntsville is the present incumbent. Judges Gustav Cook of San Marcos, Sam R. Perryman of Houston, and Edward Hobby, late of the civil court of appeals, have on occasions presided, owing to the disqualification of the regular judges for special cases. Such is the somewhat interesting history of the Madisonville bar. It is safe to say that no other bench in this state has been graced by abler or more widely known jurists than has ours.

And there has also been a thread of romance woven into the history of this old house, for here in days long gone by, in the absence of a more suitable place, the elite of the town have gathered, and enraptured by the "lascivious pleadings" of the violin, have worshipped at the shrine of Terpsichore; who presided at the court with greater dignity and greater éclat than any of his judicial contemporaries. And at the clerk's office, and also at the county judge's, the romantic has been mingled with the realistic routine and duties of the day, often in the years that are gone by, matrimonial contractors who fled a mother's tearful protest and a father's stern denial.

Here, too, was a tragedy enacted: T. A. McDonald, county judge, shot and killed J. A. Christmas, a farmer, in the sheriff's office during the year 1880. The judge was sentenced to a term of five years in the penitentiary, but was pardoned during Governor Ross' administration, and is a peaceable and law-abiding gentleman and citizen.

The county officers and members of the bar at the present time are all democrats, thoroughly competent and gentlemen of unquestionable integrity and reputation. The county officers are Judge J. C. Morris, County and District Clerk R. Wiley, Sheriff F. M. Black, County Attorney J. F. Griffith, Treasurer G. W. Schrier, and Tax Assessor E. L. Byers. Of the members of the bar ex-Senator M. Y. Randolph has for several years been the leader. Following in respective order in point of age and experience, there are Hon. J. F. Randolph and the firm of W. L. Dean and J. M. Brownlee; also Mr. Tom Ford, now a promising young student of law under Senator Randolph. The county commissioners are gentlemen of acknowledged ability and aptitude. They are respectively: S. H. Lindsey, P. K. Goree, A. J. Hicks and E. A. McCorquodale.

But the old courthouse of the 70s has passed away. It was not a handsome building, being a plain two-story house with four square walls and a hall running through it centrally from north to south. It is gone. Its history was varied and interesting. When it was built, Madison County only had a population of perhaps 4000, which has gradually increased to nearly 10,000 now. Texas had then about 400,000 inhabitants, but now has 2,500,000. Texas was then struggling in the throes of reconstruction into the American sisterhood of states. She is now the empire state of the south, and with her sister, New York, the empire state of the north, she is bidding for the presidency and vice presidency of the union, according to the supposition some people. Doubtless, she has many talented sons fully competent to fill either of the positions if called upon to do so.

In our old courthouse the citizens have met often and subscribed large sums to "air line" railroads; but it lived out its days a stranger to the thunderings of the locomotive, and went down in 'the dense and gloomy ignorance of the higher civilization and progress which a railroad introduces with which it was born unless— Ah, indeed, it caught from the inspired eloquence of Madisonville's railroad orators a ray of intelligence relative to the advantages and glories of such acquisitions to a town and country. Alas! Perhaps 'twas this that broke its heart [for they say it was cracked] and caused its early decay and demolition, realizing that the hope of such acquirements was all a vain dream, and the eloquence of its orators wasted and the efforts of our citizens useless. May the fate of its successor—as it is in itself more beautiful, imposing and indicative of progress—be brighter, more propitious and lasting; and long ere time sets the mark of incapacity and dissolution on its walls, may our county's capital be girded by railways and be the center of a restless, progressive and prosperous cosmopolitan people, such as will surely come to her when Madison's advantages are fully understood by the world outside.

JAMES T. DENTON.