

THE CASE OF THE PURLOINED PIG

THE BEGINNING OF OUR JUSTICE SYSTEM

Today, we work in our air-conditioned buildings in the Courthouse complex and work hard to meet the needs of the millions of people that live in Harris County. It is hard to imagine what it would have been like to be present at the founding of our system of justice, or what it was like when there was no electricity, running water, and only a handful of lawyers. Book “A” of the minutes of the 11th District Court tell the story.

Monday, March 21, 1837, was the first day that a court of the Republic of Texas met. The minutes reflect that President Sam Houston’s proclamation creating the Court, pursuant to the laws passed by the Congress of the Republic of Texas the preceding December, was read. The Judge named by the Congress, Judge Benjamin Cromwell Franklin,ⁱ called the court to order. The first thing he did was a precursor to the way every day begins today – he called the juror pool and determined who had shown up. The minutes reflect that District Clerk James Holmanⁱⁱ noted that thirty-five men (no women would be allowed on juries until 1954) were called, but that only seventeen people appeared. Some of the men were immediately named to be our first grand jury.

That day, three indictments were returned. Two of the three defendants immediately plead guilty and received fines. The third, James Adams, plead not guilty to a charge of larceny and demanded his guilt be proven. Judge Franklin, apparently being a believer in a quick trial, recessed court and announced the trial of Mr. Adams would begin the next day. And it did.

How long the trial lasted, who the witnesses were, and any details of the trial are lost to history. We are left to the names of the jurors, the fact that the juror found “the prisoner” (not the Defendant) guilty, and the specifics of the punishment assessed by the jury. A newspaper article of the time indicated that Adams was accused of stealing a pig, had given a note to the owner to attempt to pay him back, and then defaulted on the note. The jury therefore ordered the Defendant repay the owner of the pig, as well as all of the papers set forth in the indictment. They could not put the unfortunate Mr. Adams in jail since General Santa Ana had burned it down the year before and it had not yet been rebuilt. They crafted a different

punishment. They ordered that the prisoner “receive thirty-nine lashes on his bare back, and be branded on the right hand with the letter T.” This verdict reflects how valuable a pig was to a family in the Harrisburg of 1837. It was a source of protein, fat for conversion to lard, and therefore cooking fat. The skin would become leather for the shoes of the owner’s children. On Wednesday, March 23, Judge Franklin adjourned Court and went on to another county in his district. When Court reconvened in October, Franklin had resigned and Judge Shelby Corzine was the judge.

ⁱ Franklin was named after his uncle, Benjamin Franklin of Revolutionary war fame.

ⁱⁱ Holman Street in Third Ward and Midtown Houston is named after Harris County’s first District Clerk.

