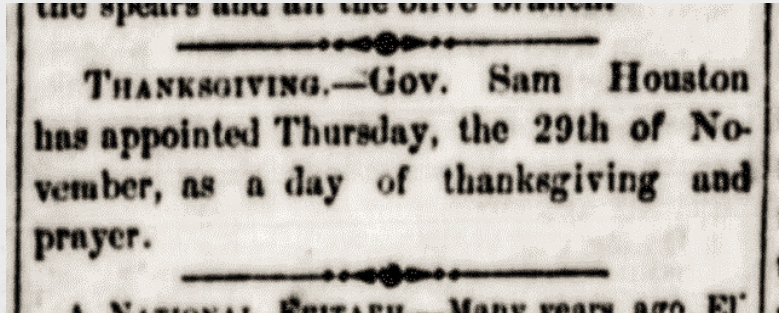


# Case of the Month:

## The judge that declared Thanksgiving Day in Harris County

By Judge Mark Davidson



This newspaper clip makes reference to Governor Houston's proclamation of November 29 being Thanksgiving Day in Texas.

Photo of Texas Governor Sam Houston, by Matthew Brady

The origin of the Thanksgiving holiday in Harris County goes back to 1860. Texas Governor Sam Houston signed a proclamation stating that November 29 of that year was to be a day of thanksgiving and prayer. Houston was trying to show leadership at a time in which many Texans were in despair over the results of the Presidential election. Abraham Lincoln had been elected earlier that month in a campaign in which he opposed the institution of slavery. Talk of secession from the Union by the Southern states was in the air. Houston opposed secession, and was trying to keep tempers from flaring.

Governor Houston's noble attempt at keeping the peace was unsuccessful. By February 1, Texas had left the Union. On March 2, 1861, Houston resigned rather than take an oath of allegiance to the Confederacy. In so doing, he showed himself to be a statesman and a patriot.

Thanksgiving Day was then not observed during the Civil War. The next time anyone would honor the day occurred in 1866 in, of all places, the Eleventh District Court of Harris County. Previously, the year 1863 was undoubtedly the turning point of the civil war. The first week of July saw the Union victorious at Gettysburg and Vicksburg. The outcome of the battle of Gettysburg stopped the last incursion of Confederate soldiers into the North. The battle of Vicksburg led to the western Confederacy being cut off from the eastern states. Both were of immense military significance.

On October 3, 1863, President Abraham Lincoln signed a proclamation ordering the fourth Thursday in November as a Day of Thanksgiving to be honored by "my fellow citizens in every part of the United States... as a day of Thanksgiving and Praise to our beneficent Father who dwelleth in the Heavens" (i). The tradition of an annual National Day of Thanksgiving continued for a number of years by Presidential proclamation until it was declared a national holiday by an Act of Congress in 1941.



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Thanksgiving as a holiday was a little slow to catch on as a tradition in the South. Most Southerners saw very little to be thankful about in 1863, or in the years following the war. After the war, almost any proclamation made by Lincoln was unpopular with the ex-Confederates. There is no record of any celebration of Thanksgiving in 1865, even though the South had surrendered.

In April of that year, the Union government had imposed martial law over the land. The first public record of a commemoration of Thanksgiving Day in Houston came on Thursday, November 29, 1866. It appears in the minutes of the Eleventh District Court. Judge John Kennard was scheduled to begin the Fall term of Court on Monday, November 26.

He did not appear in court that day, apparently to the consternation of the lawyers who came to take advantage of the second of his two one-month terms in Harris County. The Court minutes indicate that the sheriff called court to order and adjourned it three straight days, awaiting Judge Kennard's arrival in Houston.

On Thursday, Judge Kennard appeared and began the term of court by determining that only ten men had appeared for jury duty, which obviously was an insufficient number of jurors. He immediately fined all of the absent jurors 50 dollars, and ordered the sheriff to select fourteen individuals and summon them for jury duty the next morning.

Having a docket of jury trials and no jurors, Kennard immediately decided that a day of Thanksgiving was in order and adjourned court. The minutes reflect that the Judge said: "It is ordered, in observance of the day, it being set apart as a national Day of Thanksgiving by the President, that Court adjourn tomorrow morning at 9 o'clock." How many of the ten jurors that reported celebrated the rest of their day is unknown. It appears from the court records that the next day the twenty-four jurors that honored the amended call of the court sat in three jury trials, and stayed on to perform their civic duty in seven more trials the next week. One suspects that they looked back on Houston's first Thanksgiving with little relish, let alone cranberry sauce.

The Case of the Month project wishes all a tasty and happy Thanksgiving, secure in the knowledge that no jury trials will start the day after Thanksgiving this year!