

Pat Morrison
18"x28" Official Texas Historical Marker
Hamilton County (State Matching Fund)
On Courthouse lawn in Hamilton.

HAMILTON COUNTY COURTHOUSE*

BEFORE ERA OF THIS IMPRESSIVE COURTHOUSE, HAMILTON COUNTY'S GOVERNMENT WAS HOUSED IN STORES, A RUSTIC SCHOOL, A FORMER LIVERY STABLE, A 2-STORY BUILDING WITH TOP FLOOR ESPECIALLY DESIGNED FOR A COURTROOM, AND BRIEFLY IN A SALOON. FIRE RAZED TWO OF THE EARLY, IMPROVISED COURTHOUSES. FIRST PERMANENT ONE, BUILT 1878, ALSO BURNED IN 1886. IN THOSE DAYS OUTLAWS WERE SO NUMEROUS THAT GUARDS WERE HIRED TO PROTECT VISITING JUDGES. THIS 1887 STRUCTURE OF NATIVE LIMESTONE, QUARRIED NEAR PRESENT CITY DUMP, REMAINED UNCHANGED UNTIL IT WAS REMODELED IN 1931.**(1967)***

*3/4" CONDENSED LETTERING
**1/2" LETTERING
***1/4" LETTERING

HISTORY OF THE HAMILTON COUNTY COURTHOUSE

Anyone old to know that the present Hamilton County Courthouse was constructed in 1887 and has undergone only one major remodeling of its overall structure and one of its district courtrooms in the 80 years since it was first constructed, might reasonably jump to the conclusion that there is not much history connected with the buildings that have housed the County government in Hamilton. Such a conclusion appears especially logical when considered in light of the fact that Hamilton County was not organized until 1858, only 29 years before the central part of the present courthouse was erected.

The truth is it would be a big mistake ascribe the un-eventfulness of the eight decades of the present courthouse to the structures serving the same purpose during the first three decades of Hamilton County. Those were the days of the County's founding, the days of the Civil War, the days of Indian Raids and outlaws. Ann Whitney died at the hands of renegade Indians during those days, and there were so many outlaws roaming the country that the Hamilton County Commissioners Court hired an escort to protect visiting judges from the time they crossed the County line coming in until the time they crossed the line going out.

The buildings housing county offices and containing the rooms where court was held were burned on three occasions. At least one of these burnings was caused by an arsonist. The Commissioners deplored it so strongly that they posted a \$500 reward for the arrest and conviction of the person or persons responsible. The buildings that housed

the Hamilton County government and offices in the first 30 years were not out of the same mould as the present stately structure nor, for that matter, of the same gawky clock-towered style of most Texas courthouses built late in the nineteenth century.

Before the County got around to building its own first courthouse in 1878, the local government was housed in a converted livery stable, a couple of stores, a rustic school house, a two story commercial structure that was specially designed with a top floor for use as a courthouse, and a saloon. In an article written for the Hamilton Herald Record in 1931, the late F.C. (Uncle Cad) Williams stated that the first Hamilton Courthouse was a livery stable the County purchased from Levi Terry. Dates and exact site were not given, but indications are that this first Courthouse was located somewhere near the present Hamilton square. This area has always been the hub of Hamilton and Hamilton has always been the county seat, ever since the creation of the County in 1858.

One reason that it is so difficult to trace the story of the first days of the County and its courthouse is that the livery stable courthouse and all its records burned to the ground in September 1863. Cause of the fire is unknown but the fact of the fire and knowledge that it destroyed all the early papers are both clearly established in a number of later records including a sworn statement by Isaac H. Steen that a certain certificate was destroyed in the fire. Several similar sworn statements pertaining to wills were later recorded. A new set of records was originated; some of which have survived two subsequent fires. Book 1 of the minutes of the Commissioners Court in Hamilton is one such record. On page 11 of Book 1 under date of Sept. 28, 1863, is the entry: "Ordered by the court that the County Court be held at the store house of J.M Rice until further arrangements can be made about a courthouse." Since a dictionary definition of a courthouse is "a building used for the regular holding of a court, or a building that houses the offices of a county government," the Rice storehouse is properly listed as the second Hamilton County courthouse.

During the period the courthouse was the Rice building, various orders were issued by the Commissioner's Court for procurement of records from Austin to replace documents destroyed by fire. A town plot, maps of Hamilton County surveys, and duplicate deeds to county school lands were among the documents sought in Austin. On the first of April 1867, the Court ordered that G.W. Loyd be allowed the sum of two dollars for the use of the "Jones store house" as a courthouse. This arrangement apparently lasted two years.

The next entry in the Commissioners Court minutes pertaining to a courthouse is dated April 5, 1869. It records the authorization to use the schoolhouse in the town of Hamilton as the place for holding the district court "until other arrangements can be made for a house." Presumably, the schoolhouse then served as the courthouse. What type of building it was is long since forgotten.

On June 12, 1871, the County sold to F.M Graves and Company a certain described lot for the sum of \$30 with the agreement that Graves and Company would erect a stone house on the property, "with upper rooms finished off in a style suitable to be used as a courthouse and offices for clerk and sheriff to be rented to Hamilton County as long as said County sees proper to rent same." That the County had been thinking about building its own courthouse is indicated by a court order of June 15, 1871 directing that "special taxes that have been assessed by the County Court for the purposed of building a

courthouse in Hamilton County be appropriated to the building of a jail in the town of Hamilton.”

Those were the days when outlaws and cutthroats almost took over the county government. Escorts were hired to protect visiting judges from the moment they entered the County until they departed. A special tax of four cents per \$100 worth of property was levied to pay for transcribing county records that had been stolen and damaged. Apparently someone had raided the courthouse. A four-percent levy would produce \$100, a large amount of money in the economics of those days. It would indicate that there were many records to be transcribed that the records were seriously damaged, and it would hint of laborious nature of transcribing in longhand. A twelve-cent tax was passed at the same time to pay rent on the courthouse, which came to \$300 a year. The county continued to pay this amount of rent to F.M. Graves and Co. until May of 1876, when it went on a \$30 a month basis. On March 17, 1877 Graves & Co. and most county records were destroyed by fire. Three days later the Court posted a reward of \$500 for the arrest and conviction of the person or persons that burned the courthouse. There is nothing to indicate that the crime was ever solved.

Within a month the Commissioners Court held a special meeting “to consider the propriety of building a courthouse and jail.” That same day, April 5, 1877 the Court ordered that the County rent from G.H. Goodson the south room in the house known as the Crescent Saloon. They would pay \$5 a month for this temporary courthouse in this unlikely place. The Court contracted for a jail to be built by E. Northcroft and they accepted a proposition, apparently already in hand, for Mason, Martin, Johnson and Byrnes to build a courthouse for Hamilton County. The agreed price was \$11,559 and the site was to be in the middle of the square where the present courthouse is located. The contractors were to be allowed eight months to complete the native stone structure. In February of 1878, the Commissioners found it necessary to place a deadline on the contracting firm, now styled as Martin, Byrnes and Johnson. If the building were not completed by the second Monday in March, the county attorney was to bring suit against their bond. On March 11, 1878 the Court inspected the structure and found it completed except for some minor details, which the contractors agreed to do. The court thereupon agreed to receive the ill-fated building.

In late spring, 1883 the Court paid \$989.50 for a plank fence, 190 feet square, around the courthouse, specifying that it be painted with “strictly” pure white lead and oil. Before the end of the summer a chain was installed around the perimeter of the fence. Old-timers say this was done for hitching horses because horses hitched to the planks had often pulled them loose from the fence.

The courthouse constructed in 1878 was showing signs of serious deterioration by 1885. That year one contract was let in the amount of \$75 for a new roof on the structure. Another contract was agreed to for removing plastering and lathing from both ceilings of the courthouse and several expenditures were listed for “bagging” the ceilings. The Court also paid for painting various areas of the courthouse that summer. The repairs were not much more than completed before the courthouse was destroyed by fire, the third such disaster in the County’s short history.

The story is told in the following clipping from the Dallas Morning News, issue of Feb. 3., 1886: “Hamilton, Feb. 2—The Courthouse was consumed by fire at 4 o’clock this morning. The records of the Sheriff and Surveyor’s office were saved, but those of the

County Judge's office were destroyed. The records of the clerk's offices are in a vault, but are supposed to be in great danger of destruction. Three thousand dollars of county funds are in an iron safe, which is supposed to be fire proof. The origin of the fire is unknown."

Origin of the fire is still unknown, but friends of the late C.W. Cotton, County Judge at the time, used to tease him because he worked late the night before the fire and his records were destroyed while records of other offices were saved. Judge Cotton was above suspicion, but his good humor made him the butt of much teasing. Mrs. W.T. Bolding of Hamilton remembers the 1886 fire although she does not recall the date. She was six years of age at the time.

The iron safe mentioned in the Dallas News account was apparently saved. On Feb. 11, 1886 a man was paid \$5 for painting the safe. Thomas Turney was paid \$10 a month over a several month period for guarding county records.

The County immediately began making plans for replacing the burned courthouse. An agreement was made with F.M. Graves again to furnish rent property as a place to hold court while a new courthouse was being erected. It is thought that the room rented by the County this time was the upstairs room on the northwest corner of the square now being used as a meeting by the I.O.O.F.

Apparently pleased with the work of the firm that built the previous courthouse—Martin, Byrnes and Johnson—the County accepted its proposition to draw up two sets of plans. Bidding was to be accepted on these plans in May 1886. While this was going on, the County ran into an unexpected problem. Some citizens of the southwestern portion of the County presented a petition calling for an election to determine whether the county seat should be moved from Hamilton to a site eight miles southwest of Hamilton being offered for the purpose by one J.D. Hunt. The election was held May 4, 1886 and it was surprisingly close. Court records show the tally to have been: "For Hamilton, 878 votes; for J.D. Hunt's location, 689; Pigtown, 3 votes."

Just one week later May 11, 1886 bids for construction of a new courthouse in Hamilton were opened, and the contract was awarded to a Brownwood firm styled as Lovell, Hood & McLeod (Thomas Lovell, William Hood and Angus McLeod). The bid was \$29,700. Before the building was completed the following year, however, changes in the plans resulted in the County paying the firm an extra \$1,000. E.D. Williams of Mitchell County was employed by the County to superintend the construction.

The building was constructed of native limestone, most of which was probably quarried in the vicinity of the present City dump grounds. The style of the courthouse was much like those of Coryell, Erath, Somerville and Hood counties, all of which are still being used. Atop the center of the building was a tall clock tower. The courthouse built in 1886-87 comprises the central portion of the Hamilton County courthouse as it exists today. It endured, almost unchanged, for 45 years from its completion date February 22, 1887 until additions and remodeling were begun in 1931.

The late P.M. Rice was County Judge then. He and his court were of the opinion that the courthouse, which had served so well since 1887, had become inadequate to house the growing number of officers and rapidly expanding record files. They sought the advice of a 23-member citizens committee. From these initial discussions came a petition for an election on whether the entire structure should be overhauled and wings and basements should be added to the north and south ends of the building. A \$65,000 bond question

was placed before the voters of the County on February 28, 1931. Of 1,406 votes cast, 992 were in favor of issuing the bonds and 414 were opposed.

The Commissioners Court had already started digging the basements at each end of the courthouse, paying for the work by issuing warrants. Obviously aware of the effects of the depression, the Commissioners decreed that local workers be hired whenever possible, that men with dependents be given job preference, and that the work be divided among as many of the applicants as possible. Ten bidders submitted offers in an attempt to gain the contract. In due time, the contract was awarded to the low bidder, J.C. Ray (then of Dallas) who submitted a bid of \$55,754. He was given 160 days to complete the job.

While the work was going on the Court designated several different locations as "the courthouse". One place would be available for a few weeks, then another. The Court felt the necessity to officially designate places for the posting of bills. During these months, Hamilton's courthouse was at one time or another in a movie house, an office building, and a former barbershop, and upstairs over a drug store. Quite a list to add to the former "courthouses" such as the livery stable, the saloon, the store buildings and the school. The work went off according to schedule and, after an opening ceremony, the present courthouse was officially occupied by all officers on June 13, 1932.

Most of the new stone came from the City Dump area, just as in 1887. The soft stone used as trim for doors, windows and corners was quarried in the Indian Gap area of Hamilton County. The rock from the City Dump was hauled in horse drawn wagons and was paid for at the rate of \$1 for each 3,000-pound load. For a time, Hamilton County had the newest and most modern courthouse in Texas. A complete rebuilding of the district courtroom in 1965 is the only major thing that has been done to it in 35 years. Although the structure is beginning to show signs of wear, it is still a very adequate facility. Tourists passing through Hamilton often stop and openly admire the simple, straight-lined beauty of this County's seat of government.

General James Hamilton

Hamilton County, Texas is named for a citizen of South Carolina, James Hamilton, who became interested in Texas during the Texas Revolution and later worked at his own expense to induce major governments to recognize Texas as an independent nation. Hamilton had a distinguished background and career. He was born in Charleston, South Carolina in 1786 to James and Elizabeth Lynch Hamilton. His father fought in the American Revolution and his brother, Thomas Lynch, was a signer of the Declaration of Independence.

Educated in Massachusetts and Rhode Island, young Hamilton studied law in Charleston and was admitted to the bar in South Carolina. During the War of 1812, he fought on the Canadian Border and attained the rank of major. In 1813, he married Elizabeth Hayward. Returning to Charleston, he practiced law, became mayor of Charleston, was elected to the State Legislature, and served in Congress from 1822 to 1829.

While in Congress, Hamilton became an admirer of General Andrew Jackson and an advocate of states' rights and free trade. He joined with other southerners who believed a state had a right to nullify an act of the Congress if they believed that act was unconstitutional. They opposed high protective tariffs which Congress passed in 1820 and in 1828. The planters exported their raw materials to Europe in exchange for manufactured goods, and they believed a high tariff on manufactured goods was not to their economic advantage. When the high Tariff of 1828 was passed, the South opposed it and four southern states including South Carolina adopted resolutions in which the protective tariff was termed unconstitutional and unjust.

Hamilton, believing in the right of a state to nullify an act of Congress, assisted in organizing the Nullification Party in South Carolina, and he was elected governor of the state by this party in 1830. In November, 1832, South Carolina called a convention which adopted the Ordinance Nullification which declared the tariff acts of 1828 and 1832 "null, void, and no law", and threatened secession if the tariff laws were enforced.

In 1832, Robert Y. Hayne succeeded Hamilton as governor. As the people of South Carolina were in earnest in their effort to resist the tariff, an army was created to enforce the Nullification Act. Hayne appointed Hamilton to head the troops. Congress began working on a law to reform the tariff, and in 1833, the Compromise Tariff was passed. Under this law, the tariff would be lowered so much each year for the next ten at which time the tariff would be reduced to the 1816 level. The South was satisfied with the law, and South Carolina repealed the Nullification Ordinance.

Hamilton lost interest in politics, and his attention was turned to business. He engaged in banking, railroad building, and manufacturing. His interest in the Texas fight for independence led him to give financial aid to the Texas army. After the war, he invested heavily in Texas lands for speculative purposes. In 1845, he was patented six sections of land which lie in present Hamilton County, but Hamilton never set foot on this land.

It was during the Lamar administration that Hamilton benefited Texas. President Lamar appointed him commissioner to negotiate a five million-dollar loan for the Republic of Texas. As diplomatic agent, he worked for recognition of the independence of Texas believing that this was necessary before he could convince possible lenders to invest their money in Texas bonds.

He succeeded in obtaining favorable treaties of commerce and navigation with England and the Netherlands. As Hamilton was completing his arrangements for loans from England and France, Lamar's term of office ended and Sam Houston returned to the presidency of Texas. Disapproving of Lamar's policies, Houston introduced a program of strict economy and had the law authorizing the loan repealed. Hamilton's help was no longer needed. Hamilton had sacrificed much of his personal fortune in rendering his services to Texas. In all Texas owed him \$210,000.00 in gold and the government made no effort to pay his debt. While in Washington in 1857, Hamilton learned that Texas was willing to make an adjustment. He set out for New Orleans where he secured passage for Galveston. On November 15, 1857 the ship on which he sailed was wrecked and James Hamilton was drowned after giving his life preserver to a woman and her child.

Although Texas had made no attempt to pay Hamilton for his valuable assistance, his friends wanted to give him public recognition for his efforts. In 1842, when the Congress of the Republic voted to divide Houston and Montgomery Counties and create two additional counties for judicial purposes, one of these was named Hamilton in honor of the Texas benefactor, but the honor was short lived, because the Texas Supreme in its spring session declared the act creating these counties unconstitutional.

Friends of Hamilton were still determined that his name should be honored in Texas. One year after his death on January 22, 1858, the state Legislature passed an act creating eight counties. One of these counties was named Hamilton and the act also stated the county seat should bear the name of Hamilton. AT last enduring honor was given James Hamilton who served Texas so unselfishly.