

Those inclined to lawlessness were certainly not deterred by the possibility of having their offence brought before an efficient jury, and having a competent judge pronounce sentence, after a thorough analysis of the case.⁷³ Courts of this type were extremely rare, if they existed at all. A fair idea of the lack of dignity and decorum that usually was witnessed in a court room may be gathered from this description of a court setting:

There was a very gentlemanly man as Judge—Morriss. The District Attorney as prosecution for the Republic [was] opposed by half dozen lawyers—ready of speech and loads of references—from Magna Charter upwards—The Court was over a crockery store used on Sunday for a Methodist Chapel—the Judge [was] chewing his quid—thrown back in his chair—his legs thrown up on his desk—the District Attorney [was] chewing and smoking.

The Counsel for the Prisoner D° D° & [there was] a small quantity of whittling...I saw the weed in the mouth of some of the lookers on—order was kept in the Court—but ever and anon [there was] a squirt of Tobacco juice on the floor...⁷⁴

However even courts of this kind were capable of dispensing speedy justice—and of doing so without much formality. This point is well illustrated by reading several entries in the diary of J. H. Herndon, a Kentucky citizen who made a trip through Texas in 1837-38. Herndon was particularly interested in a case that was before the Houston Bar, and wrote the highlights of the case in his diary. A faithful reproduction of the diary tells the story:

⁷³ cf. Bollaert's analysis of 3 cases submitted to the courts. Manuscript, 190-192.

⁷⁴ Bollaert, Manuscript, 191.

March 22/1838 Fine day—4 criminals whipl [sic] at the post—Jones convicted of murder. A plainer case than which has seldom been submitted to a jury.

March 23/1838 Quick convicted of Murder— a case similar to Jones's—Killed Mandord Wood, a Bro of Ferdinando and Benj. Wood N. Y.— Quick a savage bloodthirsty, malicious looking devil. Grand Jury dischg'd. After having presented 270 Inditments [sic]. 4 for Murder 4 treason 8 arson 40 Larceny—The Bar gave a supper to the Grand jury—high meeting, some gloriously drunk—

March 24/38 Judge Robertson sentenced John Quick and James Jones to be hung on Wednesday next between the hours of 10 8 2 P. M.— An excellent sentence—

March 25/38— All peacable—a decided reform in the morals of Houston.

25th Jones the convict attempted to kill himself by shooting but shot over his head.

28th A delightful day, worthy of other deeds—140 men order'd out to guard the Criminals to the gallows—a concourse of from 2000 to 3000 persons on the ground and among the whole not a single sympathetic tear was dropped—Quick addressed the crowd in a stern composed & hardened manner entirely unmoved up to the moment of swinging off the cart—Jones seemed frightened altho' as hardened in crime as Quick—They swung off at 2 o'clock P. M. and were cut down in 35 minutes not having made the slightest struggle.⁷⁵

⁷⁵ T. H. Herndon. Diary.