

SITE OF\*\*\*

OLD LOG CABIN JAIL\*

LOCATED HERE IN 1930'S WHEN GLADEWATER OVERNIGHT  
EXPLODED INTO A CITY, AFTER OIL WAS DISCOVERED.

AN OLD LOG CABIN OWNED BY MAYOR B.F. PHILLIPS, A  
PROMINENT MERCHANT, WAS CONVERTED INTO TOWN'S FIRST  
CITY HALL AND JAIL. LOWER STORY WAS PARTITIONED INTO  
CELLS FOR MEN AND WOMEN. HANDCUFFS ON CHAINS BOLTED  
INTO THE LOG WALLS KEPT PRISONERS FROM ESCAPING.

AS IN ALL BOOMS, THE EAST TEXAS OIL DEVELOPMENT  
CREATED HIGH DEMANDS ON THE LOCAL ECONOMY. WORKERS  
FOUGHT ONE ANOTHER FOR HOUSING, GOODS AND SERVICES.  
SOMETIMES VICTIMIZED BY THE FORCES OF VICE THAT  
CAME IN ALONG WITH LEGITIMATE BUSINESSES, THEY WERE  
PROVOKED INTO BRAWLS. A TOWN FOUND IT NECESSARY TO  
CURB DISORDER, WHETHER OR NOT IT HAD A STANDARD JAIL.  
ABANDONED CHURCHES AND CHICKENHOUSES WERE "JAILS"  
IN SOME COMMUNITIES. PRISONERS WERE EVEN CHAINED  
TO POSTS OR TREES. THERE ARE MANY TALL TALES AND  
LEGENDS ABOUT HOW LAW AND ORDER WERE PRESERVED.

BOOM TOWNS LIKE GLADEWATER IN DUE TIME MET CIVIC  
RESPONSIBILITIES. WITH THE EXPANDED ECONOMY AND  
STRONG LAW ENFORCEMENT, SUCH COMMUNITIES WERE ABLE  
TO ESTABLISH HIGH STANDARDS IN PUBLIC SERVICES AND  
CULTURE. THE OLD BOOM TOWNS HAVE BECOME SOME OF THE  
FINEST CITIES IN TEXAS.\*\*

(1968)\*\*\*

\*3/4" lettering  
\*\*1/2" lettering  
\*\*\*1/4" lettering

GLADEWATER'S LOG CABIN JAIL

When the East Texas Oil Boom brought a tremendous influx of people, both law abiding and lawless, into the sleepy little town of Gladewater it was faced with a number of serious problems which had to be solved quickly. The citizens hastily incorporated and elected Mr. Ben Phillip their first Mayor. At this time Mr. "Doc" Shepperd was the County Commissioner<sup>7</sup> of the precinct and helped to solve many of the town's problems in coöperation with others. One of the major problems was where to lock up the law breakers as they, the citizens, had had no previous city law enforcement officers, and, of course, had no jail. Mr. Phillips, the new Mayor, owned an old log building near the downtown area; it was solidly built. This was converted into a jail.

A second story was added, being built of the popular "board and bat<sup>ter</sup>" construction. The lower level, the old log building, was divided into two rooms, a large one for the men and a smaller one for the women prisoners. Both were filled with crude wooden bunks for beds. Heavy chains to which the men prisoners were hand-cuffed ran along the sides of their bunks, and the end of the chains were securely bolted into the heavy logs of the wall. The up-stairs was used for offices for the law enforcement officers.

Mr. Jeff Johnson was the first Constable, also serving as Jailer. Mr. Duckworth, present Constable, helped haul material for remodeling. - This <sup>was</sup> in 1931. Old jail <sup>is</sup> now gone but site at what is now 303 S. Center St.

This data from: Mr. Duckworth, Mr. R.M. Wood, Gladewater paper, a Mr. Phillips, nephew of first Mayor, who has wood working shop next door to site of old jail. "Doc" Sheppard was John Ben's father

TEXAS STATE HISTORICAL ARCHIVES  
GLADEWATER

RECEIVED  
JUL 21 1937

MEMORANDUM:

Research materials pertaining to early jails in Texas.

William Ransom Hogan, in The Texas Republic (University of Oklahoma Press, 1946), p. 262, speaks of "the absence or insecurity of jails" in 1836, as "a state of affairs typical of frontier regions." He also quotes a newspaper version of an anecdote which was not subject to confirmation from court records, but which was current and characteristic:

"A very learned and compassionate judge in Texas, on passing sentence on one John Jones, who had been convicted of murder, concluded his remarks as follows:--

"The fact is, Jones, that the court did not intend to order you to be executed before next spring, but the weather is very cold. Our jail, unfortunately, is in a very bad condition. Much of the glass in the windows is broken. The chimneys are in such a delapidated state that no fire can be made to render your apartments comfortable; besides, owing to the great number of prisoners, not more than one blanket can be allowed to each; to sleep soundly and comfortably, therefore, will be out of the question. In consideration of these circumstances, and wishing to lessen your sufferings as much as possible, the Court, in the exercise of its humanity and compassion, do hereby order you to be executed tomorrow morning, as soon after breakfast as may be convenient to the Sheriff and agreeable to you.'" (Page 255)

Hogan describes the death sentence as a rarity during the nine and three-fourths years of the existence of the Republic, and says that "the law exacted society's most severe punishment in less than a dozen cases" in all those years. (Page 261) This in spite of the dearth and poor security of jails.

In a diligent search of the laws of the Republic and of the State of Texas (Gammel's publications) at the Legislative Reference Library, Austin, it was found that no uniform law providing for jails was in existence earlier than 1874. The legislative acts creating the individual counties made provisions for jails and courthouses, but the first act "to authorize the several County Courts in the State to build court houses and jails" is shown in The Laws of Texas, 1822-1897 (Austin: H. P. N. Gammel), Vol. III, 1898, pages(61-64), dated April 6, 1874. (See xeroxed copy attached). The Revised Statutes of Texas,... A. D. 1879 (Galveston: A. H. Belo & Co., State Printer, 1879), Title XXII, Counties and County Seats, Chapter 5, pages 114-115, further codified the legal provisions. (See xeroxed copy attached.)

Yet in spite of the fact that county courts were empowered to levy taxes and build jails, frontier counties exercised this power, usually,

only after the use of a jail had been made mandatory -- so jails were improvised. Buffalo Gap had a jail built in 1880 (after the county was organized in 1878), and in 1881 that was the jail to which Sheriff Dick Ware of Mitchell County took prisoners. (Dallas Weekly Herald, Thursday, June 23, 1881, page 1, column 4.) Prior to Sheriff Ware's election, Texas Rangers had been keeping order in Mitchell County, and their lock-up for prisoners had been a trace chain attached to a mesquite tree. (This was late 1880 and early 1881; see J. Evetts Haley, Jeff Milton: A Good Man With a Gun.)

One family that lived in Mitchell County in the winter of 1880-1881 was that of N. T. Miller, who worked for the Texas & Pacific construction crews. Prior to this time, Miller had been a Texas Ranger. According to memoirs found in the collection of Mrs. Mary Jones, University of Texas Archives, Miller quit the Rangers because of hardships entailed by his family by reason of his duties. The family lived on the frontier, and Miller went by to see his wife and small children at every opportunity. On occasion he would be conveying a prisoner to jail or to court when he went by, and would shackle the prisoner to a tree in the yard while he visited. On occasion during a storm or inclement weather it would be necessary for him to bring the shackled prisoner into the shelter of the house, and the lodging of a murderer or desperado inside the house among her small children had a very unnerving effect on Mrs. Miller -- so much so that Miller resigned from his Ranger post.

Long after the 1880's improvised arrangements for securing prisoners still existed in the western part of Texas. At Monahans during the building of the "Million Barrel" in January to March, 1928, the drunks and others who were arrested were chained to posts. (Monahans had been in existence since 1882, but it had no city jail; the county seat was Barstow, about 28 miles west.) This example was given by oldtimers in 1962.

McCamey, Texas, had an oil boom that began in 1926. It, too, had no jail (although it was the county seat) and shackled prisoners to posts. (Data given by Mr. and Mrs. Ed Sharpe, 9/17/1967)

Therefore, the Log Cabin Jail of Gladewater was not by any means the most crude example -- or the most improvised example -- of a method for securing prisoners after their arrest.

Deolece Parmelee  
September 20, 1967

approved January 16, A. D. 1843, and an act entitled "An Act supplementary to an act concerning rents," approved February 3, A. D. 1844, and an act entitled "An Act to give a lien on the crop and stock for advances to assist in making the crop," approved October 27, A. D. 1866; and the fifteenth section of an act entitled "An Act to organize the courts of justice of the peace and county courts, and to define their jurisdiction and duties," approved August 13, A. D. 1870, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved April 4, 1874.

CHAPTER XLIX.

An Act to authorize and allow the several County Courts in the State to build court houses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That when, in any county in this State, it may become necessary, in the judgment of the county court of such county that a court house should be erected, or a jail built, or other county buildings erected or purchased, or the public buildings or offices need repairs, or other improvements made necessary for the use and benefit of the county, such county courts may, at some regular term, by order duly entered on the minutes of said court, specifying in said order the building or improvements to be made, proceed to levy a special tax for the purpose of raising the means to defray the cost of such building, improvements or repairs. Such tax so levied shall, for no one year, exceed in amount on the value of the taxable property of such county, the rate of one-third of one per cent. on each one hundred dollars worth of taxable property in such county, nor more than one-tenth of the occupation license or income tax assessed by the State upon occupations, trades, professions or incomes, nor more than fifty cents on each poll in such county. Said taxes when levied shall be assessed and collected as other State and county taxes, under the general tax laws of this State in force at the time of their levy, assessment and collection.

(61)

*The Laws of Texas 1822-1897*

*Austin: H. P. N. Gammel, Vol. III, 1898.*

Sec. 2. Such special taxes shall only be collectable in money, and shall be paid into the county treasury in money, and shall only be paid out by the county treasurer upon the warrant or draft of the county court, specifying that said draft is drawn on the special improvement fund of the county, and designating the special improvement, the cost of which it is intended to defray; provided, if after the cost of the special building, improvement or repairs, to defray the cost of which such special tax was levied, has been paid and satisfied, and there should be a balance of said fund remaining in the county treasury unexpended, then the county court may, by order, appropriate such balance to general county purposes.

Sec. 3. In any county in this State having a population of eight thousand or less, the county court may, under the provisions of this act, proceed to order the erection of buildings and the making of repairs and improvements, the cost of which shall not in any one year exceed the sum of five thousand dollars. In any county in this State having a population of not less than eight thousand, nor more than ten thousand, the county court may order the erection of buildings and the making of improvements and repairs, the cost of which shall not in any one year exceed the sum of ten thousand dollars. In any county in this State having a population of not less than ten thousand nor more than fifteen thousand, the county court may order the erection of buildings, the making of improvements and repairs not to exceed in cost in any one year the sum of fifteen thousand dollars. In any county in this State having a population of not less than fifteen thousand nor more than twenty thousand, the county court may order the erection of buildings and the making of improvements and repairs not to exceed in cost in any one year the sum of twenty thousand dollars. In any county in this State having a population of not less than twenty thousand, the county court may order the erection of buildings and the making of improvements and repairs not to exceed in cost in any one year the sum of thirty thousand dollars. In no case under this act shall any county court order the erection of buildings or the making of repairs or improvements in addition to those already ordered and authorized by this act, till the buildings or repairs or improvements antecedently ordered and authorized have been fully paid for. In all cases where the county court of any county in this State have

ordered the erection of any buildings, or the making of any repairs or improvements under this act, they shall continue to levy the taxes in this act specified, or so much of the same as they may deem necessary from year to year, till the amount levied and collected shall be sufficient to defray the expense of such buildings, repairs or improvements.

Sec. 4. No district clerk, sheriff, county treasurer, justice of the peace, assessor or collector, or other officer in this State, shall take any contract, or have any interest, either directly or indirectly, in the erection of any building, repairs or improvements authorized by the county court under the provisions of this act. Should any officer have such interest, either directly or indirectly, in any contracts under the provisions of this act, for the erection of any building, or the making of any repairs or improvements ordered by the county court, he shall forfeit all rights to any pay under such contract, and he and his sureties shall be held to the completion and fulfillment of such contract.

Sec. 5. This act shall be so held and construed as not to interfere with the general powers and duties of the county courts under the general laws as they now exist or may hereafter exist, or with any contracts for the erection of county buildings, repairs or improvements, now entered into and existing, by any county court, but shall apply hereafter to the powers and duties of the several county courts of this State specially as to the erection of court houses, jails, and necessary county offices and buildings, the repair and preservation of the same, and the improvement and beautifying of court house squares and yards belonging to the several counties, and in no other particulars; and the power conferred by this act is especially limited to the matters herein specially enumerated.

Sec. 6. Where any county in this State has in a state of progress any county improvements or buildings enumerated in this act, or coming within the provisions of the same, the county court of such county is hereby authorized and empowered (provided, such court would be authorized and empowered under this act to order the erection of such building, or improvement or repairs, and to levy the taxes contemplated in this act to defray the cost of same) to levy the taxes herein specified and authorized, or so much thereof as may be necessary, to defray the cost of such building, improvements or repairs.

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Sec. 7. That the police courts of the several counties of this State shall require the county treasurer to give a bond with two or more sureties, to be approved by said court, and conditioned as treasurers' bonds in other cases, said bond to be double the amount of taxes so levied and collected.

Sec. 8. That this act shall take effect and be in force from and after its passage.

Approved April 6, 1874.

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#### CHAPTER L.

An Act supplemental to an act entitled "An Act to authorize and allow the several County Courts in this State to build court houses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same," passed at the present session of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the above recited act shall not be construed so as to allow or authorize the several county courts of the several counties in this State, in any one year, to contract for buildings, repairs or improvements, where the cost of the entire completion of such buildings, repairs or improvements will exceed the amount of the taxation such court is authorized under the provisions of said recited act, to which this is a supplement, to levy and collect in three years.

Sec. 2. That said above recited act, to which this a supplement, shall not be so construed as to authorize the several county courts of the several counties of this State to make contracts to cover the revenues to be raised under said act for a longer period than three years; nor to authorize said county courts after having made contracts covering the revenues for said term to make any other contract under the provisions of said act until said precedent contracts have been fully paid off and satisfied.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Approved April 6, 1874.



appointed to run and mark any such line shall be allowed the sum of two dollars per mile for each mile run; provided, in all instances that any line run as above directed shall be made in conformity with the existing laws creating and defining said county boundaries.

CHAPTER FIVE.

COUNTY SEATS.

NOTE.—For other provisions, as to removing and locating county seats, see chapter 76, page 34, acts 1879, which, by section 20, final title of this Code, is the law in so far as it conflicts with the provisions of this chapter. See appendix for the act in full.—L.

Article	Article		
Temporary county seat shall be selected by governor, when.....	692	Returns of election, to whom made.....	698
Governor shall order election for county seat, etc.....	693	Election may be contested.....	699
County seat within five miles of center shall not be removed, except, etc.....	694	County seat shall remain where it is until, etc.....	700
Majority vote may remove, when.....	695	When the judgment is for contestant.....	701
Center, how determined.....	696	When the judgment is for contestee.....	702
Election for removal of county seat to be ordered, when, etc.....	697	No other such election shall be held for five years.....	703
		Courts shall be held at county seat.....	704
		Court-house, jail, etc., to be provided.....	705
		Officers shall keep offices at county seat.....	706

Temporary county seat shall be selected by governor, when. (Act April 30, 1874, p. 179.) P.D. 693a.

Governor shall order election for county seat, etc. 1b.

County seat in 5 miles of center shall not be removed, except, etc. (Const., art. 9, §2.)

Majority vote may remove, when. 1b.

Center, how determined. 1b.

Election for removal of county seat to be ordered, when, etc. (Act June 3, 1873.) P.D. 1008.

Returns of election to whom made.

Election may be contested.

ARTICLE 692. Whenever any county is without a county seat, the governor, upon proper representation being made to him of such fact, shall select a temporary county seat for such county, and the place so selected shall be the county seat of such county until a permanent location of the county seat for such county has been made in accordance with law.

ART. 693. The governor shall, within one month after he has selected a temporary county seat for any county, order an election to take place in such county to permanently locate the county seat of such county.

ART. 694. No county seat situated within five miles of the geographical center of the county shall be removed except by a vote of two-thirds of all the electors voting on the subject.

ART. 695. A majority of such electors, however, voting at such election may remove a county seat from a point more than five miles from the geographical center of the county to a point within five miles of such center.

ART. 696. In either case mentioned in the two preceding articles the geographical center of the county shall be determined by a certificate from the commissioner of the general land office.

ART. 697. When a majority of the taxpayers of any county, who pay taxes upon real estate situated in said county, shall petition the commissioners' court of such county for a removal of the county seat, it shall be the duty of said court to order an election for that purpose, giving due notice thereof; which election shall be held at the same places and conducted in the same manner as elections for state and county officers, and the result of said election shall, unless set aside in accordance with law, establish the county seat of such county.

ART. 698. The returns of such election shall be made to the county judge of said county, as in the case of elections for county officers, and he shall count the votes, declare the result and enter the same of record, as in other cases.

ART. 699. The election may be contested in the same manner and under the same rules as provided for contesting an election for a county office, and an appeal from the judgment or decision of the county judge may be taken by either party to the court of appeals, as in other cases.

amended 17th  
Sep 67

The Revised Statutes of Texas adopted by Regular Session of the 16th Legislature A.D. 1879 Galveston: A. H. Belo & Co State Printers. 1879

ART. 700. Until the final adjudication of any contest for the removal of a county seat the county seat shall remain at the place antecedently fixed by law.

County seat shall remain where it is until, etc. (Act March 18, 1875, p. 90, §4.)

ART. 701. When the decision of the court upon the trial of any such contest is in favor of the contestant, the judgment shall be that the place contended for by such contestant be established as the county seat of such county, and that the same be recognized and used as such by the officers of the county, and such judgment may be enforced by the court rendering the same, by attachment, fine and imprisonment, against any county officer or officers who may disregard the same, as in other cases of contempt.

When the judgment is for contestant.

ART. 702. When the decision of the court is in favor of the contestee, the judgment shall be that the place contended for by such contestee be established as the county seat of such county, and that the same be recognized as such by the officers of the county, and such judgment may be enforced as provided in the preceding article; and the court shall further adjudge that the contestant or contestants pay all the costs incurred by such contest, and order execution therefor.

When the judgment is for contestee.

ART. 703. When an election shall have heretofore been held, or shall hereafter be held in any county for the removal of the county seat thereof, no other election for such purpose shall be held in such county for the period of five years from the date of such election.

No other such election shall be held for five years. (Act May 1, 1874.)

P. D. 60396.

ART. 704. All terms of the district, county and county commissioners' courts shall be held at the county seat.

Courts shall be held at county seat.

ART. 705. It shall be the duty of the county commissioners' court of each county, as soon as practicable after the establishment of a county seat, or after its removal from one place to another, to provide a court-house and jail for the county, and offices for county officers, at such county seat, and keep the same in good repair.

Court-house, jail, etc., to be provided.

ART. 706. The county judge, sheriff, clerks of the district and county courts, county treasurer, assessor of taxes and collector of taxes, county surveyor and county attorney of the several counties of this state, shall keep their several offices at the county seats of their respective counties.

Officers shall keep offices at county seats. (Act March 16, 1848; act May 13, 1848.) O. & W., 282, 274.