

Early Law Enforcement in Bryan - 1869

compiled by Bill Page

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The early history of law enforcement by the City of Bryan is unclear, in large measure due to the destruction of the earliest town records in two fires. Surviving documents provide some insight into the history of crime fighting. In addition to city officials, during Reconstruction Bryan also was home to federal troops who exercised police authority, as well as Texas state police.

The City of Bryan was first served by a city constable. By 1869 that office had become the city marshal. By the late 1870s the city marshal was also serving as the city tax collector and assessor.

The Bryan police force was established by 1869. Police also served as the town's animal control officers. For Bryan's first few decades, Bryan had both white and African American officers. Most likely the African American officers were expected only to arrest members of their own race.

The precise relationship between the city marshal's office and the town's police force is not clear.

For more about the history of Brazos County law enforcement, see: HAMILTON, George, "Lawmen and Outlaws," Brazos County History: Rich Past, Bright Future (1986), pp.267-301

State of Texas, Brazos County. I, David McINTOSH Clerk of the County Court of said County do hereby certify that at an election held on the 2nd day of last March in the town of Bryan a majority of the citizens of said town voted in favor of the incorporation of said town to be known by the name of "Bryan City," to be included within the bounds specified in an order entered of record in the minutes of the police court of said county on the 25th day of last March. I further certify that at an election subsequently held for corporation officers L.J. WILSON was elected mayor and Spencer FORD, Calvin McCORMICK, W.B. EAVES and John BARCLAY, were elected aldermen and S.M. YELVERTON, city marshal of the City of Bryan. Witness my hand and the seal of the County Court of Brazos County at Office in the town of Bryan this 9th day of November A.D. 1867. David McINTOSH C.C.B.C. (Texas State Archives, Gov. PEASE Papers 301-56-21). [Bryan citizens' first attempt to incorporate the city was apparently ruled illegal, and these men apparently never took office.]

Bryan City, Dec. 25th, 1867. To His Excellency Gov. PEASE. Dear Sir: At the request of many Citizens of this City I write you to learn if any thing can be done to organize this City, by the appointment of a mayor who could who could appoint a common council and police to protect the city against all manner of depridations committed during the dark

hours of the night, and thereby rendering night hideous by shooting, etc. A few nights since a few drunken fellows attacked my own house ordering me to get up or they would shoot into my house, soon after they left one tried to raise the window to steal some clothing nearby. You wrote me some time since that some legislation was necessary before you could act in the matter, but I think under the circumstances a temporary appointment might be made until legislative action can be had. We have now full five thousand of a population in this City, and you may reasonably infer that many came here knowing the insufficiency of the law to put a stop to their base conduct. Many of the citizens have requested me to take hold, and regulate the matter, and if not inconsistent with my official duties, and you will see proper to confer upon me the mayoralty I will at once put the city in proper training, and I think in a short time bring about order, and full security for life and property. Yours most truly, Alex. ANDERSON. (Texas State Archives, Gov. Pease Papers, call number 301-57, folder 2).

Military appointments – W.J. PEARCE to be county surveyor, vice John GNATY, who failed to qualify ... municipal officers of the town of Bryan -- J.W. PEARCE, to be alderman, vice Lemuel PRESTON, resigned; J. McGUIRE, to be alderman, vice A.B. BOWMAN, who has left the county; J. ERWIN, to be constable, to fill an original vacancy. Houston Daily Times, 13 Sept. 1868, p. 4.

We learn that a row occurred on Tuesday on Main Street, between gamblers. Chief of Police HILL, in making an arrest was resisted and he struck the party over the head with his pistol; the party was then rescued by his friends, which necessitated the calling out of the troops and the party was re-arrested. The next of these rowdies and gamblers is increasing here every day. Flake's Bulletin (Galveston), 20 January 1869, p.4

[communicated]

Bryan, Jan. 14, 1869.

To the Editors of the Houston Times:

Gentlemen:

In the name of justice we beg through your columns to reply to your correspondent "D.H." from Bryan, under date of Jan. 13th, and published in your issue of same date.

We hope you will promptly correct the error committed by the above referred to correspondent, by publishing the following true statement.

There was no row among gamblers, nor did a gambler get his "frontspiece caved in." That the gamblers got unruly as charged by said "D.H." is untrue. There were two or three drinking and driving. Marshal HILL, proprietor of the "HILL House," and the Marshal of the city by appointment, did arrest a gentleman and a gambler, and without opposition took from the prisoner his only weapon a six-shooter. No sooner getting it in his possession, than he struck the defenceless young man over the head with the six-shooter, not quite caving in the frontspiece, but inflicting a very painful wound to both head and pride. The young man though then defenceless, of course, resisted, when ye gallant Marshal struck him the second time. En route to the jail the young man got possession of another six-shooter – walked out into the street and asked ye gallant Marshal, to come out and give him satisfaction for his

unofficer-like and brutal conduct. Then it was ye gallant Marshal disappeared with two six-shooters in hand – and when next seen was marching in the rear of a squad of eight or ten soldiers, to arrest the young man, who was then having his wounds dressed.

The foregoing statement is literally true. The voice of an indignant community, and ye chief actors in the premises, declare this wrong. In a few hours afterwards, the young man was released without bail and by order of the chief.

The next morning, “ye chief” sent an officer, tendering his “Mr. HILL’s) home to the young man during confinement with his wounds – by so doing “adding insult to injury.” If the arrest was right, and ye chief actors justifiable, why this release without prosecution? Why this dread of legal investigation? Why this conciliatory conduct of ye chief? While we admit that the gamblers did drink and drive, we suspect that whisky drank by ye chief was the great cause of the *row*. We suggest that “D.H.” has been misinformed. Now, Mr. Editor, we think justice demands that we should be heard, and beg the above to be published.

Respectfully,
Gamblers.

Houston Daily Times, 20 January 1869, p.1

From the *Bryan News-Letter*, Jan. 23d.

Our city throngs with midnight thieves, highway robbers, petty pickpockets and burglars and incendaries. They have come hither to ply their avocation, and we have daily demonstrations of what they can do, and what they will do if they are not checked and expelled from among us. Our city authorities are giving daily evidences of their inability to correct the evils. We must act for ourselves or we will be ruined.

We learn that a young man named M.D. RISOR was most beautifully taken in on Tuesday last by two of the light-fingered gentry. He was sent to Bryan by his father in charge of some cotton to sell it. After having procured his money and invested all but about \$175 gold, in groceries and other supplies, he was wandering about the streets, when he was beckoned by a man standing at the door of a house on Railroad Street; answering the call, he stepped into the door, when it was closed, the key turned, and the unsuspecting youth behld another man walking toward him, the two taking him by the shoulders, with a pistol presented at his breast, told him that he had some money that they were much in need of, and the he must fork. The young man tried to remonstrate, but was finally robbed of all his money.

This piece of highway robbery occurred in broad day-light between the hours of 12 and 3 o’clock. The young man, intimidated by threats of the thieves, could not be persuaded to tell the house in which the outrage was committed, but mounted his horse and left to the disgust of his comrades, who were willing and anxious to aid in avenging his wrong.

We learn that on Tuesday last an old gentleman from Northern Texas, was inveigled into a den on Main Street by two pretended acquaintances, and robbed of over \$500 in gold, the proceeds of some seven or eight bales of cotton.

We understand that one JOHNSON, accused of the ANDREWS' robbery, was released from jail, on Monday last by bail, given we understand, by the City Marshal. Strange things happen in these "piping times of peace."

A gambler known as Three-Leg Jack, stabbed a man named McGEE on Tuesday night last, near DAY's livery stable. McGEE is supposed to be mortally wounded.
Flake's Bulletin (Galveston), 27 January 1869, p.8

We took the following from the [Bryan] *News-Letter*: Quite a little skirmish occurred in the vicinity of our office last Sunday night, between some Federal cavalry and our city police. Several shots were exchanged, but nobody hurt. Galveston Daily News, 7 March 1869, p. 2.

Military appointments ...City of Bryan – George W. FARROW to be constable, vice L. ERWIN, who failed to qualify Flake's Bulletin (Galveston), 22 May 1869, p.7

Bryan, June 3, 1869. Capt. ORR, arrested and held in prison two days by the military, under charge of conspiring to release a prisoner, (on account of a difficulty with the Deputy Sheriff; who has prisoner in charge) was to-day released on bail of \$500 for simple assault.
Houston Daily Times, 3 June 1869, p.2

Bryan ... There has been an interesting case progressing here for the last two days. One of our best citizens, Capt. ORR, of the well known firm of HANNA and ORR, was arrested and confined in the military camp for forty- eight hours, on the sworn affidavitt of a certain BOULDRIDGE – recently appointed deputy sheriff – who charged the Captain with being at the head of a conspiracy to release a prominent Jefferson prisoner. The examination shows that some time since this man BOULDRIDGE obtained the sum of thirty dollars from Capt. ORR as an advance on cotton which he promised to deliver, but never shipped ... [article continues at length]. Houston Daily Times, 4 June 1869, p. 2.

Bryan has two Negro policemen, whose duty it is to arrest offenders of their own color. One of them, Geo. GREEN, has engaged in severe cruelty on several occasions, while making arrests, cursing, abusing and striking prisoners over the head with a pistol. The *News-Letter* thinks George needs a plaster, in the shape of a black-jack application, applied to the back to draw the brute from him. (Hempstead) Texas Countryman, 2 July 1869, p.1 col.1

Decidely the most refreshing, well ordered and cleanly institution in Bryan, is the camp of Major NORTON, commander of the Post. It is located in a picturesque part of the town, the tents are arranged in line with precision, the grounds are swept clean daily, and every thing works with the regularity and order of machinery. There are thirteen prisoners confined here in a stockade located in the tops of a cluster of trees. Among the

prisoners is the famous Ben BROWN, the supposed ring leader in the murder of Dr. MAXWELL. BROWN looks more like a sanctimonious Methodist minister than an outlaw and ruffian. He and others concerned in the murder were taken up to Calvert yesterday, for trial before a military commission. Charles WALLIS, the well known actor, is also confined here, awaiting his trial for the murder of BURNS at Hearne Station. The balance of the prisoners are awaiting trial on various charges, principally murder. Houston Union, 5 August 1869, p.1

Military appointments ...

Brazos County – W.B. FORMAN, sheriff; vice G.W. FARROW, removed.

Town of Bryan – W.B. FORMAN, constable, vice G.W. FARROW, removed.

Flake's Bulletin (Galveston), 20 November 1869, p.7

R.B. HUNT and Dr. FARNER were arrested by a file of soldiers at Bryan on the evening of the 1st inst., and lodged in jail. The Bryan Appeal says: What offences these gentlemen had been guilty of we were unable to learn precisely. We understood, however, that HUNT had hurraed for Jack HAMILTON – was, perhaps, accused of firing his pistol. Dr. FARNER was incarcerated for merely saying that the jail could be torn down. Galveston Daily News, 4 December 1869, p.3, col.4