

A Courthouse and Jail: Lavaca County, Josiah Dowling and John W. Kelly

Josiah Dowling

Josiah Dowling was born on January 18, 1814 in Pennsylvania. He moved to Texas and was living in Lavaca County in 1846 when the country was created. He served as the first Lavaca County Clerk from 1846 to 1864 and again from 1865 to 1869. On April 12, 1847, the county purchased from Josiah Dowling, a log house on Lot 3 Block 16 in Petersburg for the sum of \$45.00 for a temporary courthouse. The County Clerk's and District Clerk's offices were housed in the home of Josiah Dowling from 1847 – 1851.

He married Temperance Jane Veal on September 22, 1853 in Hallettsville. The couple had eight children. Dowling was also a member of the local Masonic Lodge and the Petersburg agent for the Texian Advocate from Victoria, Texas.

Dowling died on July 16, 1874.

John W. Kelly

John W. Kelly was born in 1814.

John W. Kelly, second only to Collatinus Ballard in promoting the town's progress and an active sponsor of many civic projects, had his storehouses on the east ½ of Block 5 on the N side of the square. He dealt primarily in dry goods and carried a large stock of ready clothing, hats, boots, shoe and dress goods, but he also stocked stoneware, saddles, stationary and school supplies.

Kelly was a member of the local Masonic Lodge, the Lavaca County Treasurer from 1854 to 1865 and was appointed the postmaster of Hallettsville on October 1, 1857.

With the collapse of the Confederacy, Kelly's fortune changed. On May 26, 1865, a mob of thirty men in full view of many other merchants stormed the storehouse of John W. Kelly in Hallettsville with force and firearms and took a large quantity of goods valued at nine thousand dollars.

Kelly and his wife Lycity had one daughter Ann Elizabeth Foster Speakermann Byerly.

Kelly, like Ballard, when bankrupt in 1866 and by February of that year he was living in Brazos County, Texas. He filed a deed of trust to two local attorneys, R.M. Tevis and T.H. Streich, giving them permission to sell all of his property to pay off his debts.

J.W. Kelly moved to the home of his daughter, Mrs. Speakermann, of Hallettsville. on January 31, 1895. Kelly died on May 10, 1895.

The question of public buildings, that is a courthouse and a county jail, was one of the problems that confronted the new court and its busted treasury. A courthouse built in 1851 had exhausted all available funds; this left the court with only donations and contributions for the construction of the new public buildings.

In the October 2, 1852 edition of the *Texas State Gazette* was a notice that “There will be a public sale of lots in the town of Hallettsville, the new county seat of Lavaca County, on the 12th instant.” At this point, the county officials must have felt the way to raise the funds for the needed public buildings was to offer up lots in town, that the county now owned, for a public sale to raise money. For whatever reason, the sale did not take place.

Lavaca County, however, did find creative ways to build a needed jail and replace an outdated courthouse.

Lavaca County Jail: Block 14 Lot 1

In December 1852, bids were advertised by Lavaca County for the construction of the jail, a two story board laminated building, 16 feet by 18 feet, with an outside stairway. The location of the jail was Lot 1 on Block 14. L.W. Layton’s bid for the building was accepted.

On October 10, 1853, the County Court commissioners agreed to give Layton until the 24th of November for the completion of the jail and that he is allowed to dispense with a partition by lining one of the rooms, floors and walls, with town inch oak plank and that he is allowed for the same the sum of sixty dollars.

For his work and materials, Layton received the note of Dr. M.B. Bennett and others pledged for the county seat proposal in the sum of \$620.00 and \$960.00 in county script.

**Free State of Lavaca p. 159-160*

**Hallettsville Tribune Jan. 4, 1974*

**Lavaca County Police Minutes Vol. B*

Lavaca County Courthouse: Block 6

The 1851 courthouse had become obsolete and dangerous due to its poor physical condition. In February of 1853, two enterprising Hallettsville businessmen Josiah Dowling and John W. Kelly presented the county with an answer to their building fund problem.

In the February 21, 1853 Police Minutes of Lavaca County, Kelly and Dowling's proposition for the building of a courthouse in the town of Hallettsville was examined, approved and received by the Court.

An article of agreement was made and entered into on the 26th day of February 1853 between N. Chambliss, A.G. Anderson and Joseph Lawrence, three of the commissioners appointed by an act of the Legislature of the State of Texas. This act empowered the Court to lay out, sell and transfer lots and superintend the carrying out of such propositions to permanently located the county seat of Justice of the County of Lavaca.

This agreement was that Dowling and Kelly would build a courthouse in the town of Hallettsville and in return, the pair would receive \$100.00 cash and two tracts of land. The first being the one hundred acres donated by William Smothers and wife to the Chief Justice of Lavaca County on the 30th day of August 1853. Second was that tract of land of two hundred and seventy five acres more or less known as the Hallettsville Town Tract donated by Margaret Hallet and Collatinus Ballard and wife to the Chief Justice of Lavaca County on the 21st of June 1852, with the exceptions of the reservations made by said Hallet and Ballards on the deed (B/207) to the county plus a reservation made by said court of the courthouse square and two lots where the jail stands.

If Dowling and Kelly defaulted and did not fulfill the terms of the agreement with said court, then this contract would be forfeited and annulled.

The deed to the two tracts was signed on the 29th of December 1853 and filed on the 31st of December of 1853.

The Courthouse Plan

A plan of a courthouse was 24 by 36 feet, the sills to be ten inches square one running through the center and set on rock, eight pillars two feet square eight feet apart settled on the clay, the corner posts to be eight inches square rabbited the studding two by four inches to be set eighteen inches apart, the height of the first story to be nine feet and second to be twelve feet, two four panel doors in the first story and – doors in second story, twelve fifteen light 10 + 12 glass windows in the first story and eight fifteen 10 + 12 glass in second story, the height from the bottom of the sills to the eve 23 ½ feet, the flooring eight inches dressed and matched, the weather boarding not to exceed seven inches dressed the joist to be 2 X 10 inches and the girder joist to the 2 X 6 inches to be suitable to the building and braced the first plates to be 4 X 8 inches to the top plates to be 4 X 6 inches sawed lathing or sheeting with two center posts and forty braces and two girders in the center and to be covered with asphalt shingles with eight or ten boxing and to be painted with two good coats of white lead the roof to be painted red with good and substantial locks to each door – all of the above timbers to be pine excepting sills, sleeper corner and center post stair case and leading to the second floor inside the opposite area of Judges stand. As an addition, the lower story would be divided into four rooms.

The lower floor housed the county offices; the jury rooms, when not in use, were rented out by the sheriff to the highest bidder; the court room served the courts but was used for public gatherings and served as a ball room for the local events.

On the 10th day of October 1853, the County Court of Lavaca County ordered that the new courthouse be received and that Josiah Dowling and John W. Kelly be released from their contract for the building. The Court then ordered that they (Dowling and Kelly) enter into bond and security in the sum of \$500.00 for the painting as per original contract. The deed was then recorded on the 20th of March 1854.

**Hallettsville Tribune Jan. 8, 1974*

**Lavaca County Deed C/30*

**Lavaca County Police Minutes Vol. B*

**Article of Agreement: County commissioners and Dowling/Kelly*