

Counterfeit Justice

THE JUDICIAL ODYSSEY OF
TEXAS FREEDWOMAN AZELINE HEARNE

No. _____

IN ROBERTSON COUNTY DISTRICT COURT,

No. 3069

Azeline Hearne

vs. CITATION.

H. A. Prendergast

Isyfuca Heest 188 /
Clerk D. C. R. C.
Deputy.

Came to hand on the 24th
day of December 188 1
at 9 o'clock A M., and executed on
26th day of December 188 1

DALE BAUM

Counterfeit Justice

CONFLICTING WORLDS
NEW DIMENSIONS OF THE AMERICAN CIVIL WAR
T. Michael Parrish, Series Editor

Mrs Pass Lambert

Counterfeit Justice

THE JUDICIAL ODYSSEY OF
TEXAS FREEDWOMAN AZELINE HEARNE

DALE BAUM

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To Regina Kelly,
the lead plaintiff in the ACLU's
2002 lawsuit against drug task force sweeps
targeting African Americans in Hearne, Texas.

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Acknowledgments

THIS BOOK WOULD NOT have been possible without the encouragement and help of many people. My colleague Bob Calvert convinced me that the story of what happened to a forgotten Texas freedwoman named Azeline Hearne could be written without a run of extant local newspapers—a situation that I constantly lamented. Librarian and genealogist Bill Page showed me that Azeline’s story and the history of Robertson County, in which she resided, could be reconstructed not just from materials buried in the files of the county courthouse but also with the aid of other sources that I never considered or knew existed. When I had no confidence in my ability to reassemble the chaotically filed pleadings in the major court cases in which Azeline was involved, attorney Joe Bax assembled them in order and wrote detailed outlines of what had transpired. The discussion in chapter 7 dealing with the lawsuit filed by her against her attorney draws heavily upon his summary of this extraordinary case.

I am thankful to many members of the black community in Hearne, Texas, especially Leola Malone, Glenn Arthur Mack, John H. Miles Jr., and his daughter Sherina Miles, who generously shared their recollections of countless burdens shouldered through the years by African Americans in Robertson County. I was, and will remain, haunted by their desire to know about Azeline. Their heartfelt hope for my “success” in writing about a Robertson County freedwoman, about whom they unnecessarily apologized for not being able to recall, became the passion that drove me to complete this book.

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I acknowledge ownership of all the errors of fact contained in this book, and far more importantly I claim all the mistakes in interpretation that are presented here.

Abbreviations Used in Notes

| | |
|--------|--|
| BRFAL | Bureau of Refugees, Freedmen, and Abandoned Lands |
| CAH-UT | Center for American History, The University of Texas at Austin |
| COCADT | Correspondence of the Office of Civil Affairs of the District of Texas, and the Fifth Military District, and the Department of Texas, 1867–1870 |
| CCM | Commissioners Court Minutes |
| CCM-PM | Commissioners Court Minutes–Police Minutes |
| CCO | County Clerk’s Office |
| DTH | Department of Texas Headquarters |
| GO | General Orders |
| HFMD | Headquarters, Fifth Military District |
| MDC | Minutes of the District Court |
| NA | National Archives, Washington, D.C. |
| ODC | Office of the District Clerk, Civil Cases Disposed Of |
| PF | Probate Files |

| | |
|-------------|--|
| PM | Probate Minutes |
| RCC | Records of the County Court |
| RD | Record of Deeds |
| RG | Record Group |
| SO | Special Orders |
| THC-TAMU | Texas History Collection, Texas A&M University Archives |
| <i>TNHT</i> | <i>The New Handbook of Texas</i> |
| TSL-AD | Archives Division, Texas State Library, Austin, Texas |
| WRC-RU | Woodson Research Center, Fondren Library, Rice University |

Counterfeit Justice

Introduction

It must be remembered that Assaline Hearne is an ignorant freedwoman and from her status in society is deprived of that physical protection which others possess.

—HARVEY D. PRENDERGAST, ATTORNEY FOR AZELINE HEARNE, TO
CHARLES E. MORSE, N.D.

BY THE END OF the twentieth century all recollection of Azeline Hearne had vanished in the slow eddies of time. When her name appears in surviving documents, it is usually spelled “Assaline” or “Asaline” or, less frequently, “Azalene,” and incorrectly most often as “Adaline.” Because she was born into slavery in probably a French-speaking area of Louisiana, the various spellings of her slave name are corruptions of the uncommon name “Azéline,” a surname that by the turn of the twenty-first century still remained on France’s official list of legally acceptable feminine *prénoms*. While the accent would have normally been placed on the second syllable, the recurrent appearance of her name written as “Assaline” indicates that Anglo Texans mimicked the pronunciations of former slaves, who placed the accent on the first syllable. Her name was not limited exclusively to black women. The name “Azeline” or “Asaline” was frequently used as a middle name of southern white women in the nineteenth century.¹

1. For information about the French *prénom* “Azéline,” see: www.prenoms.com/echerche/prenom.php/fiche/azeline (accessed Jan. 21, 2003). Azeline was the contemporary of a white woman whose name appears in the county courthouse records as “Assaline Dechard” (see *P. C.*