



ARKANSAS JUDICIARY

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Arkansas Supreme Court Historical Society

Arkansas Courts Historical Background

Originally Compiled by William B. Jones, Jr.

Introduction

These tables have been prepared for the benefit of bench and bar and for the convenience of students of Arkansas legal history. Some historical background, gleaned from various sources, may prove useful.

History

During the seventeenth and eighteenth centuries, legal authority over the area that would become the State of Arkansas was concentrated in the hands of the French Superior Council, the Spanish Secular Cabildo, or the colonial governor in New Orleans. At Arkansas Post, the judges included a feudal seigneur (Tonty); subordinates of director Jacques Levens (Ménard, Merrick, and Labro); the director of John Law's Arkansas concession (Dufresne du Demaine); and, in most instances, post commandants who exercised civil and criminal jurisdiction.

With the Louisiana Purchase of 1803, Arkansas, as a part of the District of Louisiana, was attached to the Territory of Indiana for judicial purposes. Initially, American post commandants continued the colonial practice of military supervision of local legal matters. In 1804, Indiana territorial Governor William Henry Harrison and territorial judges Davis, Griffin, and Vandenberg held court in the District capital of St. Louis and enacted laws for the region. The following year, the name of the District was changed to the Territory of Louisiana, and President Thomas Jefferson made three judicial appointments to the Superior Court.

An 1806 act of the territorial legislature created the District of Arkansas. Following the admission of the State of Louisiana in 1812, Arkansas remained a district of the newly named Territory of Missouri, and the Superior Court retained its jurisdiction. On 2 March 1819, President James Monroe approved a congressional act that established a separate Territory of Arkansas and, two days later, appointed three judges to the Arkansas Superior Court. The first sessions were held at Arkansas Post in November 1819 and January 1820. Moving with the territorial capital, the court convened in Little Rock in June 1821, sitting at a Baptist meeting house. Congress added a fourth judge to the panel in 1828.

On 15 June 1836, after an all-night congressional debate on the slavery question, President Andrew Jackson signed a bill to admit the State of Arkansas to the Union, effective the Fourth of July. Article VI, Section 1, of the Arkansas Constitution of 1836 vested the judicial power of the State "in one Supreme Court, in Circuit Courts, in County Courts and in Justices of the Peace." Section 2 declared that the Supreme Court would consist of three judges, including a Chief Justice, who would "have appellate jurisdiction only."

Although the Reconstruction Constitution of 1868 added two justices, the Constitution of 1874 negated the expansion but stipulated that when the population of the State should "amount to one million, the General Assembly may, if deemed necessary, increase the number of judges of the Supreme Court to five." Ark. Const. art. 7, § 3. That milestone was reached by the end of the next decade, and in Act 19 of 1889, the legislature authorized a total of five justices. Constitutional sanction of the enlargement came in 1924 with voter approval of Amendment 9, which also allowed for the future legislative creation of two additional judgeships. Act 205 of 1925 further increased the number of justices to seven.

Amendment 58, approved by voters in 1978, empowered the General Assembly to establish a Court of Appeals "subject to the general superintending control of the Supreme Court." Act 208 of 1979 created the appellate court and provided for six judges to be elected from districts across the state. A panel of judges appointed by Governor Bill Clinton served through 1980, when district elections were held. The court's first published opinions were delivered on 8 August 1979 and were released for publication on 29 August 1979.

In Act 1085 of 1993, the legislature provided for the doubling of the number of appellate court judges to twelve. Before the effective date arrived, however, the General Assembly, in Act 11 of the First Extraordinary Session of 1995, repealed certain sections of Act 1085 and staggered the court's expansion. Under the act, three judges were appointed effective 1 January 1996 and another three effective 1 January 1997.

Acknowledgements

Information on French and Spanish officials was obtained from Morris S. Arnold's *Colonial Arkansas, 1686-1804: A Social and Cultural History* (Fayetteville: University of Arkansas Press, 1991) and is reproduced in abridged form with the author's kind permission. Judge Arnold, of the United States Eighth Circuit Court of Appeals, also supplied names and dates for the period from 1804 to 1819, and the compiler is grateful for his generous contribution of scholarship and time.

Others who provided invaluable assistance include Justice David Newbern of the Arkansas Supreme Court; Rita Cunningham, Chief Staff Attorney of the Arkansas Court of Appeals; Jacqueline S. Wright, Librarian, and Timothy N. Holthoff and Carol Hampton, Assistant Librarians, of the Arkansas Supreme Court Library; Russell P. Baker of the Arkansas History Commission; and Ellen Bard of the Butler Center for Arkansas Studies at the Public Library, Little Rock.

The following reference works were most helpful: Morris S. Arnold, *Unequal Laws Unto a Savage Race: European Legal Traditions in Arkansas, 1686-1836* (Fayetteville: University of Arkansas Press, 1985); Steve Faris, ed., *Historical Report of the Secretary of State: Sesquicentennial Edition 1986* (Little Rock: Secretary of State, 1986); John Gould Fletcher, *Arkansas* (Fayetteville: University of Arkansas Press, 1989); Dallas T. Herndon, *Annals of*

Arkansas (Hopkinsville, Ky., and Little Rock: Historical Record Association, 1947); Dallas T. Herndon, Centennial History of Arkansas (Chicago and Little Rock: S.J. Clarke Publishing Company, 1922); C.R. Stevenson, Arkansas Territory--State and Its Highest Courts (Little Rock: Clerk, Supreme Court, 1946).

With respect to spelling, I have preferred the frenchified "Tonty" to the more familiar Italian "Tonti" because, as Judge Arnold discovered, La Salle's lieutenant consistently used that form. I have followed early volumes of the Arkansas Reports for the names "Lacy" and "Clendenin."

William B. Jones, Jr.
Reporter of Decisions (1995-2006)

Justices, Judges and Officers of the Courts

Judges of Colonial Arkansas (1686-1804) French Domination

Henri de Tonty	1686-1699
Jean-Baptiste Ménard, Martin Merrick, and Labro	1721-1722
Bertrand Dufresne, Sieur du Demaine	1722-1726
Unknown	1726-1731
First Ensign Pierre de Coulange	1731-1734
First Ensign Jean Ste. Thérèse de Langloiserie	1734
Lieutenant Joseph Louis Boucher de Grandpré	1734-1739
Lieutenant Jean-François Tisserant de Montcharvaux	1739-1748
First Ensign Louis-Xavier-Martin Delinó de Chalmette	1748-1751
Lieutenant Paul Augustin le Pelletier de La Houssaye	1751-1753
Captain Charles Marie de Reggio	1753-1757
Captain de Gamon de La Rochette	1757-1763
First Ensign de Brichet	1763
Captain Pierre Marie Caberet de Trépi	1763-1764
Ensign Le Gros de Grandcour	1764-1766

Spanish Domination

Ensign Le Gros de Grandcour	1766-1768
Captain Alexandre de Clouet	1768-1769

Captain François Demasellière	1769-1770
Lieutenant Josef Orieta	1770-1771
Captain Fernando de Leyba	1771-1774
Captain Josef Orieta	1774-1776
Sergeant Garcia	1776
Captain Balthazar de Villiers	1776-1782
Lieutenant Luis de Villars	1782-1783
Captain Jacobo Dubreuil Saint-Cyr	1783-1787
Captain Josef Bernard Vallière d'Hauterive	1787-1790
Captain Juan Ignacio Delinó de Chalmette	1790-1794
Captain Carlos Melchior de Vilemont	1794-1802
Captain Francisco Caso y Luengo	1802-1804

Judges of the Superior Court of the District of Louisiana (1804-1805)

Thomas Terry Davis	1804-1805
John Griffin	1804-1805
Henry Vandenberg	1804-1805

Judges of the Superior Court of the Territory of Louisiana (1805-1812)

Position One - Appointed

John B.C. Lucas	1805
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Position Two - Appointed

Return Jonathan Meigs, Jr.	1805
John Coburn	1806

Position Three - Appointed

Rufus Easton	1805
Otho Shrader	1806
William Sprigg	1812

Judges of the Superior Court of the Territory of Missouri (1812-1819)**Position One - Appointed**

John B.C. Lucas	con't 1812
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Position Two - Appointed

John Coburn	con't 1812
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Silas Bent	1813
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Position Three - Appointed

William Sprigg	con't 1812
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Alexander Stuart	1814
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Judges of the Superior Court of the Territory of Arkansas (1819-1836)**Position One - Appointed**

Andrew Scott	1819
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Thomas P. Eskridge	1827
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Archibald Yell	1835
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Position Two - Appointed

Charles Jouett	1819
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James Woodson Bates	1819
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Benjamin Johnson	1820
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Position Three - Appointed

Robert P. Letcher	1819
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Joseph Selden	1821
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William Trimble	1824
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Edward Cross	1830
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Position Four - Appointed

James Woodson Bates	1828
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Charles S. Bibb	1832
Alexander M. Clayton	1832
Thomas J. Lacy	1835

Clerks of the Superior Court (1819-1836)

D.E. McKinney	1819-1830
William Field	1830-1836

Justices of the Supreme Court of the State of Arkansas (1836-Present)

Position One - Chief Justice

Daniel Ringo	1836-1844
Thomas Johnson	1845-1852
George C. Watkins	1853-1854
Elbert H. English [Confederate]	1855-1864
Thomas D.W. Yonley	1864-1866
David Walker [ousted by military commander]	1866-1868
W.W. Wilshire	1868-1871
John E. McClure [Constitution of 1868; held Pos. Five]	1871-1874
Elbert H. English	1874-1884
Sterling R. Cockrill	1884-1893
Henry G. Bunn [appointed; subsequently elected]	1893-1904
Joseph M. Hill	1904-1909
Edgar A. McCulloch [appointed; subsequently elected]	1909-1927
Jesse C. Hart	1927-1933
Cecil E. Johnson	1933-1936
Griffin Smith	1937-1955
Lee Seamster [appointed]	1955-1956
Carleton Harris	1957-1980
John A. Fogleman [appointed; prev. held Position Six]	1980
Richard B. Adkisson	1980-1984
Webster Lee Hubbell [appointed]	1984

Jack Holt, Jr.	1985-1995
Bradley D. Jesson [appointed]	1995-1996
W.H. "Dub" Arnold	1997-2003
Betty Dickey [appointed]	2004
Jim Hannah [previously held Position Five]	2005-2015
Howard W. Brill [appointed]	2015-2016
John Dan Kemp	2017 -

Position Two - Associate Justice

Townsend Dickinson	1836-1842
George W. Paschal	1843
William K. Sebastian	1843-1844
Williamson S. Oldham	1845-1848
Christopher C. Scott	1848-1859
Henry M. Rector	1859-1860
Hulbert F. Fairchild	1860-1864
Albert Pike [Confederate]	1864
C.A. Harper	1864-1866
Freeman W. Compton [ousted by military commander]	1866-1868
Lafayette Gregg [Constitution of 1868]	1868-1874
David Walker	1874-1878
Jesse Turner	1878
John R. Eakin	1878-1885
Burrill B. Battle	1885-1910
William F. Kirby	1910-1916
Thomas H. Humphreys [appointed]	1916-1942
R.W. Robins	1943-1949
Robert A. Leflar [appointed]	1949-1950
Sam Robinson	1951-1965
Osro Cobb [appointed]	1965-1966
J. Fred Jones	1967-1977
Elsijane Trimble Roy [appointed]	1977
George Howard, Jr. [appointed]	1977-1978

John I. Purtle	1979-1989
Otis H. Turner [appointed]	1990
Donald L. Corbin	1991-2014
Robin F. Wynne	2015

Position Three - Associate Justice

Thomas J. Lacy	1836-1845
Edward Cross	1845-1846
William Conway	1847-1848
David Walker	1849-1855
Thomas B. Hanly	1856-1858
Felix I. Batson	1859
Freeman W. Compton [Confederate]	1859-1864
John J. Clendenin	1866-1868
Thomas M. Bowen	1868-1871
John E. Bennett	1871-1874
Freeman W. Compton [appointed]	1874
William M. Harrison	1874-1882
William W. Smith	1882-1888
Monte H. Sandels	1889-1890
William W. Mansfield	1891-1894
James E. Riddick [appointed; subsequently elected]	1894-1907
Jesse C. Hart [appointed; subsequently elected]	1907-1927
Edgar L. McHaney	1927-1948
Charles C. Wine [appointed]	1948
George Rose Smith	1949-1987
Tom Glaze	1987-2008
Elana Cunningham Wills [appointed]	2008-2010
Courtney Hudson Goodson	2011-

Position Four - Associate Justice

M.L. Stephenson [Constitution of 1868]	1873
Wilson E. Hemingway	1889-1893

Richard H. Powell [appointed]	1893
Carroll D. Wood	1893-1929
Turner Butler	1929-1938
W.R. Donham [appointed]	1938
J. Seaborn Holt	1938-1961
Neill Bohlinger [appointed]	1961-1962
J. Frank Holt	1963-1966
Hugh M. Bland [appointed]	1966
Conley Byrd	1967-1980
Richard L. Mays [appointed]	1980
Robert H. Dudley	1981-1996
Ray Thornton	1997-2004
Jim Gunter	2005-2012
Josephine L. Hart	2013-

Position Five - Associate Justice

John McClure [Constitution of 1868]	1868-1871
Elhanan J. Searle [Constitution of 1868]	1871-1873
Simon P. Hughes	1889-1904
Edgar A. McCulloch	1904-1909
Samuel Frauenthal [appointed]	1909-1912
Frank G. Smith	1912-1949
Edwin Dunaway [appointed]	1949-1950
Paul Ward	1951-1968
J. Frank Holt	1969-1983
P.A. "Les" Hollingsworth [appointed]	1984
David Newbern	1985-1998
Lavenski R. Smith [appointed]	1999-2000
Jim Hannah [elected Chief Justice]	2001-2004
Betty Dickey [appointed]	2005-2006
Paul E. Danielson	2007-2016
Shawn A. Womack	2017-

Position Six - Associate Justice

William F. Kirby	1927-1934
Basil Baker	1934-1941
Karl Greenhaw [appointed]	1941-1942
Ben Carter	1943
Robert C. Knox [appointed]	1943-1944
Minor W. Millwee	1945-1958
William J. Smith [appointed]	1958
Jim Johnson	1959-1966
Guy Amsler [appointed]	1966
John A. Fogleman [appointed Chief Justice]	1967-1980
John F. Stroud, Jr. [appointed]	1980
Steele Hays	1981-1994
Andree Layton Roaf [appointed]	1995-1996
Annabelle Clinton Imber	1997-2009
William H. Bowen [appointed]	2010
Ronald Lee Sheffield [appointed]	2010
Karen R. Baker	2011-

Position Seven - Associate Justice

James W. Mehaffy [died before assuming office]	1927
Tom M. Mehaffy [appointed; subsequently elected]	1927-1942
Ed F. McFaddin	1943-1966
Lyle Brown	1967-1975
Elsijane Trimble Roy [appointed]	1975-1977
Darrell Hickman	1977-1990
Dale Price [appointed]	1990
Robert L. Brown	1991-2012
Cliff Hoofman [appointed]	2013-2014
Rhonda K. Wood	2015

Justices, Judges and Officers of the Courts (Continued)

Judges of the Court of Appeals of the State of Arkansas (1979-Present)

Chief Judge

Ernie E. Wright	1979-1980
Melvin Mayfield	1981-1984
George K. Cracraft	1984-1986
Donald L. Corbin	1987-1990
George K. Cracraft	1991-1992
John E. Jennings	1993-1997
John B. Robbins	1997-2001
John F. Stroud, Jr.	2001-2004
John Mauzy Pittman	2005-2008
Larry D. Vaught	2009-2012
Robert J. Gladwin	2013-2016
Rita Gruber	2017-

District One, Position One ? Judge

Marian Fox Penix [<i>appointed</i>]	1979-1980
George K. Cracraft	1981-1992
John Mauzy Pittman	1993-2014
Raymond Abramson	2015

District One, Position Two ? Judge

Olly Neal [<i>appointed; subsequently elected</i>]	1996-2006
D. Price Marshall, Jr.	2007-2010
Raymond Abramson [<i>appointed</i>]	2010 -2012
Phillip Whiteaker	2013-

District Two, Position One ? Judge

Ernie E. Wright [<i>appointed</i>]	1979-1980
James R. Cooper	1981-1997
D. Franklin Arey, III [<i>appointed</i>]	1997-1998
Josephine Linker Hart	1999-2012
Bill Walmsley [<i>appointed</i>]	2013-2014
Bart Virden	2015

District Two, Position Two ? Judge

Margaret Meads [<i>appointed</i>]	1997-2001
Karen Baker	2001-2010
Cliff Hoofman [<i>appointed</i>]	2011-2012
Rhonda K. Wood	2013-2014
Cliff Hoofman [<i>appointed</i>]	2015-2016
Mike Murphy	2017-

District Three, Position One ? Judge

David Newbern [<i>appointed</i>]	1979-1980
Lawson Cloninger	1981-1986
John E. Jennings	1987-2002
Robert J. Gladwin	2003-

District Three, Position Two ? Judge

Terry Crabtree [<i>appointed; subsequently elected; died in office</i>]	1997-2007
Sarah J. Heffley [<i>appointed</i>]	2007-2008
Courtney Hudson Goodson	2009 - 2010
Doug Martin [<i>appointed</i>]	2011-2012
Kenneth Hixson	2013-

District Four, Position One ? Judge

James H. Pilkinton [<i>appointed</i>]	1979-1980
Donald L. Corbin	1981-1990
Elizabeth W. Danielson [<i>appointed</i>]	1991-1992

John B. Robbins	1993-2012
Brandon Harrison	2013-

District Four, Position Two ? Judge

John F. Stroud, Jr. [<i>appointed; subsequently elected</i>]	1996-2004
David M. Glover	2005-

District Five, Position One ? Judge

George Howard, Jr. [<i>appointed</i>]	1979-1980
Harold W. Flowers [<i>appointed</i>]	1980
Melvin Mayfield	1981-1996
Sam Bird	1997-2008
Michael Kinard [<i>appointed</i>]	2009-2010
Robin F. Wynne	2011-2014
Mike Kinard [<i>appointed</i>]	2015-2016
Mark Klappenbach	2017-

District Five, Position Two ? Judge

Andree Layton Roaf [<i>appointed; subsequently elected</i>]	1997-2006
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District Six, Position One ? Judge

Steele Hays [<i>appointed</i>]	1979-1980
Tom Glaze	1981-1986
Beth Gladden Coulson [<i>appointed</i>]	1987-1988
Judith Rogers	1989-2000
K. Max Koonce, II [<i>appointed</i>]	2000-2001
Wendell L. Griffen	2001-2008
Rita W. Gruber	2009-

District Six, Position Two ? Judge

Wendell L. Griffen [<i>appointed</i>]	1996-2000
Larry Vaught	2001-

District Seven ? Judge

Brian S. Miller [<i>appointed</i>]	2007-2008
Eugene Hunt [<i>appointed</i>]	2008
Waymond M. Brown	2009-

Officers of the Supreme Court and the Court of Appeals of the State of Arkansas (1836-Present)

Clerks of the Supreme Court (1836-Present)

Herndon Haralson	1836-1841
Luke E. Barber	1841-1868
Peyton D. English	1864-1865
Norval W. Cox	1868-1874
Luke E. Barber	1874-1886
William P. Campbell	1886-1896
Peyton D. English	1896-1915
W.P. Sadler	1915-1938
C.R. Stevenson	1938-1958
Philip N. Gowen	1958-1966
Jimmy H. Hawkins	1966-1980
Dona L. Williams	1980-1987
Leslie W. Steen	1987-2014
Stacey Pectol	2014-

Clerks of the Court of Appeals (1979-Present)

Jimmy H. Hawkins	1979-1980
Dona L. Williams	1980-1987
Leslie W. Steen	1987-2014
Stacey Pectol	2014-

**Librarians of the Supreme Court
and of the Court of Appeals (1841-Present)**

Luke E. Barber	1841-1868
Norval W. Cox	1868-1874
Luke E. Barber	1874-1886
William P. Campbell	1886-1896
Peyton D. English	1896-1915
John T. Castle	1916-1936
William J. Kirby	1936-1941
John H. Caldwell	1941-1959
Jerry Thomasson	1959-1960
Ruth Lindsey	1960-1979
Jacqueline S. Wright	1979-1998
Timothy N. Holthoff	1999-2003
Ava M. Hicks	2003-
Reporters of Decisions of the Supreme Court and of the Court of Appeals (1838-Present)	
Albert Pike [<i>Ark. Sup. Ct. Justice, 1864</i>]	1838-1845
Elbert H. English [<i>Ark. Sup. Ct. Justice, 1855-64</i>]	1845-1854
Luke E. Barber	1854-1864
U.M. Rose [<i>Confederate; appointment invalidated</i>]	1865
Luke E. Barber	1865-1868
Norval W. Cox	1868-1874
Luke E. Barber	1874-1875
John M. Moore	1875-1881
B.D. Turner	1881-1887
W.W. Mansfield [<i>Ark. Sup. Ct. Justice, 1891-94</i>]	1887-1891
Thomas D. Crawford	1891-1913
James V. Johnson	1913-1920
Thomas D. Crawford	1920-1936
John T. Castle	1936-1953
Conley F. Byrd [<i>Ark. Sup. Ct. Justice, 1967-80</i>]	1953-1960
Robert B. Hill	1960-1962
Ruth Dexter Vines	1963-1976
Clyde Dickens Calliote	1977-1987

Marlo M. Bush	1988-1995
William B. Jones, Jr.	1995-2006
Marlo B. Krueger (<i>interim</i>)	2006
Kristin A. Cordell	2006-2008
Susan P. Williams	2008-

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