

# The Joseph Coker Water Hole Incident

Written and Researched by Bob Battaglia

My father told me a story about **Joseph Coker** who was digging a well when this bully started throwing rocks down on him. Joseph Coker got out of the well and shot him. This was a little hard to grasp. There were other versions of this story also. The unraveling of this story came about purely by accident. In 1970 my wife and I were editors of the San Antonio Genealogical Society's quarterly publication. I was doing a series of local interest stories extracted from a local newspaper published in the 1870's - the San Antonio Herald. This article in the April 17, 1870 issue caught my eye:

\*\*\*\*\*Information Wanted\*\*\*\*\*

'Mr. **Joseph Coker**, an old citizen of Bexar Co., who was convicted of murder in the second degree and who escaped from the guard on the 13th of June, 1869 has been pardoned by **Gov. Davis**, and his return to his family is anxiously desired. When last heard from, he was in Bowie Co., TX. He is perhaps 70 years of age. The papers in Austin, and all over TX are requested to copy this notice." (Page 3, col. 2 of the San Antonio Herald dated 4/17/1870).

This article made it evident that there had to be some court records that would reveal the story. Bexar Co. district court minutes indicated that this trial was to be held in Medina Co. - Castroville was the county seat at the time. The Medina Co. District Court minutes (in Hondo, TX) gave the following account (summarizing):

Nov. 20, 1861 - Upon motion of the attorney for the defendant it was ordered that the clerk of the district court of Bexar Co. make out a more perfect transcript of the trial of the writ of habeas corpus held in Bexar Co.

Next entry is 4 years later. Obviously the Civil War caused a gap.

Nov. 15, 1865 - the trial was delayed on application of defendant.

May 16, 1866 - trial again delayed by consent.

Nov. 15, 1866 - trial delayed again.

May 1, 1867 - another delay

Oct. 29, 1867 - another delay, but now defendant requesting court to find witnesses on his behalf: **Sino Garzia, Crescencio Vargas, and Dominco y Dominces.**

April 29, 1868 - court overruled any further delay.

May 2, 1868 - all present in court. **Joseph Coker** arraigned. Charge is murder - pleaded not guilty. Jury called; evidence presented.

May 3, 1868 (at Castroville, TX) - July. **Joseph Coker** guilty of manslaughter. Punishment 2 years confinement in the penitentiary. Sentenced.

The next document of interest is located in Bexar Co. "I, **G.F. Weisselberg**, a practicing physician -City of San Antonio, do hereby certify that I have examined one **Joseph Coker**, now confined in the Co. Jail of Bexar Co., that his health is bad, as much from old age, as exposure to the hardship of life of a frontiersman and the frequent use of spirits or liquors. That from his general appearance I am of the opinion that if said **Coker** remains confined in said jail for any length of time or until the decision of the supreme court can be received, to wit: November next, his life will be endangered and that if the verdict of the jury sentencing him to two years confinement in the state penitentiary be carried into effect, it will in this case be almost if not fully equal to capitol punishment.....Dr. **G.f. Weisselberg**, May 27, 1868."

**My Comments:** It appears **Joseph Coker** was held the Bexar Co. jail from May 1868 until June 13<sup>th</sup>, 1869, when he escaped. They had probably decided to keep him in a better environment while awaiting appeals. As noted in the San Antonio Herald article of April 1870, the governor of Texas approved his

pardon while **Joseph Coker** was still missing. Also note that the 1870 Herald article stated “when last heard from he was in Bowie Co. Texas”. This indicates his family probably knew where he was. It makes sense that he could have been in Bowie County because that is where his wife’s sister, **Elizabeth Brown Shockley** lived. She was the wife of **Levi Shockley**. The **Shockleys** and **Cokers** traveled together in the journey from Laurens SC. The **Shockleys** stayed in East Texas when **Joseph Coker’s** clan moved to San Antonio about 1853. The **Shockley** family shows up in the 1870 census of Bowie Co. Texas.

**My Comments cont’d:** I think it is timely here to talk about **Joseph Jones**. In **Amos Dickens Jones** diary (written 1846/47) he often mentions his brother, Joseph, who was living with Amos. Also mentioned often is **Levi Shockley**.

**Joseph Jones** married **Levi’s daughter, Nancy**, in Talladega AL Aug 5, 1846. This indicates the **Shockleys** were still in Talladega in 1846 and may have traveled with **Amos and Joseph Jones** to Texas. There is no proof that **Joseph Coker** and his brother, **James**, traveled to Texas in 1846 – they may have arrived earlier. I will discuss this when I submit Amos’s diary to the Coker Cemetery website. **Back to Joseph Jones and Nancy Shockley’s** family. They had three children all born in Cherokee Co. TX. They were: **Mary A. (Mollie) Jones** b. 1849; **Seaborn Brown Jones** b.1852 and **Mattie Catherine Jones** b. 1855. **Nancy Shockley** appears to have died prior to 1860. **Joseph Jones** disappears before the 1870 census. The children are shown living with the **Levi Shockley** family in Bowie Co. in 1870. They probably knew **Joseph Coker** quite well. The first child of Nancy and Joseph Jones, **Mary A (Mollie)**, disappeared after 1870. **Seaborn Brown** m. **Martha (Mattie) Maltzberger** about 1895 and they lived in Saskatchewan Canada until **Seaborn Brown** died 1917. The third child, **Mattie Catherine**, married **John Wesley Gore** in Fannin Co Tx in 1878. **Martha Maltzberger’s** parents were **George Washington Maltzberger and Roxanna Jane Allen**. There are many of the **Maltzberger** family buried at Coker Cemetery.

#### **Now back to the Joseph Coker story.**

Following is a verbatim transcript of the evidence submitted with the request for pardon to **Gov. Davis** (State Archives - Austin). State of TX, case #368, **Joseph Coker** (spelled **Cocker**), all testimony from the trial in Medina Co., spring term, 1868. The testimony as written will seem disjointed. This is because the lawyer’s questions were not shown. All you see is the answer given by the witness. The following is all verbatim from the trial:

**Samuel H. Jones**, sworn on part of the State said: I and **my brother** and **John Jones Jr** went to the water hole or well on the Salado about twelve miles from San Antonio in Bexar Co. to water stock. This was on the tenth day of August 1860. We found **Mr. Coker**, the defendant at the well. **He the defendant** asked what we came there for, and **Jones, the deceased**, answered that we came to water stock. Coker, the defendant, got his bottle of whiskey or something, and asked John Jones Jr to take a drink, and John Jones Jr said he did not want to drink. Coker got his gun and cocked it and drew it on John Jones Jr and said if he moved he would kill him. A son of Coker, rode between them, until John Jones Jr got a rock and worked round the horse and got hold of and twisted the gun out of Coker's hands, when he, Jones Jr, got near enough to reach the gun, he threw down the rock and after getting the gun from Coker he threw it down, hit Coker with his fist, kicked him and told him to go home. Coker stopped under a tree about 150 yards off. John Jones Jr then picked up the gun, gave it to Coker's son, told him to take it and his father home. Coker's son gave the gun to the defendant and rode home and in about half an hour came back with another son of defendant and a mexican to the tree where defendant was. Defendant then advanced towards Jones, the deceased, who was still drawing water for the stock. When defendant had advanced 50 or 75 yards, he hallowed to deceased and told him - g-- damn you, I have come on purpose to kill you and am going to do it. Deceased asked a mexican for the loan of his pistol and mexican asked "what for?". Deceased said to protect himself as defendant had threatened his life. Mexican said no, he would try and prevent defendant. Defendant and deceased advanced toward each other and when about 27 yards apart, the mexican rode between them and defendant immediately shot deceased and jumped on his animal and run off. I had known defendant a long time. Defendant did this shooting with a single barreled shot gun. At the time they were advancing, deceased had no weapons. When defendant said he was going to kill deceased, they were about fifty yards apart. Deceased had no weapons during all the time. After defendant fired the shot, deceased said –“ boys, I am a dead man” - walked six or seven steps and fell dead. Deceased was shot in breast and left arm with ten or eleven buckshot. Deceased did not live a minute after the shot

and died from the shot given him by defendant. This all occurred between nine and eleven o'clock in the morning of the tenth day of August AD1860. Defendant did not act like a drunken man, but jumped on his horse and run off quickly. The mexican had his gun, but defendant said that if he (the mexican) did not get out of his way he would shoot him. The mexican rode out of the way and defendant immediately fired and killed deceased. I heard no threats made by defendant previous to the difficulty.

(Document continues with cross-examination of Saml H. Jones):

I am twenty-one years of age, was thirteen when the difficulty took place. **Deceased was not as large as I am. I was first cousin to him.** I suppose deceased was stronger than defendant, but don't know. Don't think defendant was drunk, for he seemed cool. He sometimes got drunk. In the first difficulty, deceased struck and kicked defendant for about twenty or twenty-five yards and I suppose he struck him five or six more licks and gave him about four or five kicks and told him to go home. It was about one half hour or more between time defendant got the gun from defendant and the next difficulty. Defendant was not drunk but had been drinking. I knew him as well as I do now. He lives about a mile and a half from the well. Deceased was about eighteen years old and weighed about one hundred and forty pounds, I suppose, and was healthy and active. Defendant was an old man and deceased was much the strongest. Defendant and deceased were going toward each other and were about twenty-seven yards apart when the shooting took place. This was August 10th, 1860. Deceased easily took the gun out of the defendant's hand. I think there was some blood on defendant's nose. Defendant might have shot deceased when he first presented the gun but did not do so.

**G.H.Jeffries**, sworn on the part of the State, said the difficulty between **Joseph Coker**, the defendant, and **John Jones Jr**, deceased, took place on the tenth day of August 1860 on the Salado in Bexar Co. about twelve miles from San Antonio. **My brother, myself and my youngest brother and Sam Jones' son** came down to water stock. As we came down to the spring, I was foremost. Defendant asked what we came for, I said we came to water stock. Deceased spoke and said he had better let the boys alone, as the water did not belong to him. Defendant pulled out his bottle of whiskey and asked the deceased to have a dram; deceased replied that he didn't care about drinking any of his whiskey. Defendant took a dram and walked to where his gun was sitting, which was nine or ten steps from the spring and presented the gun on deceased, and told him if he moved he would kill him. Deceased was drawing water at the time and at once started toward defendant, gathering up a rock. Defendant's youngest son rode between them until deceased got close enough to wrench gun out of defendant's hands. Defendant's son was on a horse. Deceased jerked the gun out of defendant's hand, threw it on the ground and gave defendant a few licks or kicks or both. After that deceased came back, picked up the gun, gave it to defendant's son and told him to take it home. Defendant's son went home, was gone sometime and came back with Leonard Coker, another son of defendant, to where defendant was standing under a tree some hundred yards or more from the well. Defendant and his two sons then started toward deceased, who was at the spring or well drawing water. Defendant had been standing under an elm tree about one hundred and fifty yards away from well while his son was gone to the house. After they had started towards deceased, defendant hallowed and told deceased he was going to kill him. This was said when defendant had got about half way from the elm tree to the well. Deceased was still drawing water when defendant hallowed to him, and then started toward defendant. They advanced toward each other until about twenty-seven steps of each other, when defendant fired and shot deceased. Deceased turned round and said – “boys, I am a dead man”, and walked six or seven steps and fell dead. Deceased name was John Jones Jr and his death was caused by this shot. I saw where the shot hit him, it was along down the breast and left arm. I don't think deceased lived a minute after he was shot and this defendant fired the shot! This shooting happened on the Salado in Bexar Co., TX. Deceased was engaged in drawing water when defendant drew his gun on him the first time and the gun was cocked. It was about half hour after the first difficulty before the defendant, with his two sons again advanced toward the deceased. Defendant's son gave him the gun before going home, and defendant kept it all the time his son was gone to the house. As soon as defendant's two sons came back to him, they all three started toward the spring. Deceased had no arms and continued drawing water until defendant hallowed and told him he was going to kill him. A mexican who came there interfered and tried to stop the defendant, asked defendant for his gun, but defendant told him if he didn't get out of the way, he would shoot him. The mexican was between defendant and deceased and got out of the way and then defendant immediately fired, jumped on his animal and run off, running his horse as far as I saw him! Defendant was

drinking a little, but was not drunk, or didn't appear drunk, got on his horse very quick, and went running off, not riding like a drunk man!

(Cross-examination of above follows):

Deceased was about eighteen years of age, was a stout made boy and hit and kicked defendant hard, I suppose. The elm tree was about one hundred and fifty yards from the well. Deceased was not in the habit of carrying a knife. The distance between the two wells is about one hundred yards. Thinks defendant was about 60 years of age at that time, and frequently got drunk.

Copies were introduced by defendant showing that he voluntarily surrendered himself to the sheriff of Bexar Co. October 13th ad1860.

**Neil b. Coker** sworn on part of the defendant said, **I am son of defendant** and was about eleven years old at the time of the killing. My father and I went to the well to water horses and oxen and had been there about ten or fifteen minutes when John Jones Jr and his crowd came down to water their stock. Our stock was not quite done drinking and father fold Jones to keep his horses back till ours got through; Jones said he had as much right to water as anybody. Father fold him he had a right to water using stock but not stock cattle. Jones said it was nothing to my father what he watered. Father went off to where his liquor was and asked Jones to take a drink. Jones said he did not want any of his liquor, that he could drink it himself. Father then went to where his gun was, Jones told him to let if alone, Jones started toward him and picked up a rock. Father presented his gun at him and I rode in between them. Jones kept turning round until he got hold of the gun and took it away from him and struck him with the gun and threw it down. Father started off and Jones followed after him striking him with his fist and kicking him for fifty or one hundred yards. Then Jones came back and gave me the gun and told me to get my father and go on home. I started after my father a little piece to an elm tree. Father told me to give him his gun and I did so. He then told me to go home after my brother-in-law and I went. My brother-in law could not come, but my brother, older than me came and a mexican came with us. We went on to the elm tree where father was and from there we went toward where Jones was. The mexican had gone towards where Jones was and returning the mexican said Jones offered him ten dollars for his six-shooter, but he would not let him have it. Jones was at the well. Father went half way from the elm tree to the spring and told Jones he asked him no odds. Jones threw off his hat, picked up a rock, cursed father and told him to shoot. When they got 25 or 30 yards of each other, father told him to stop, he kept coming on till my father shot him. John Jones's Jr two other boys came out with a rock in each hand right after the one that was shot. As soon as he was shot, he turned round, walked a little piece and fell. Father got on my mare then and went on home. Jones and all came to the well at 8 or 9 o'clock. We had been there 25 minutes watering mares and other stock. My father was drunk then. In the first difficulty, Jones hit father ten or eleven times and kicked about the same number of times. Blood was on his body and pants. Father was drunk when he first asked Jones to drink. Father's house was 3/4 or one mile from the well. Father is 68 years old maybe more or less; he was in the habit of getting drunk. I could tell he was drunk. I knew John Jones Jr, but not well. The two wells were one hundred or more yards apart.

(Cross-examination follows):

I was ten or eleven years of age when the difficulty occurred. I went to the spring on horseback; my father and brother went on foot. My father borrowed a shotgun that same morning from my brother-in-law. I don't know what he borrowed it for; I didn't hear him make any threats against the deceased. When under the elm tree he sent me home to bring my brother-in-law, but I don't know what for. When my father asked John Jones Jr to take a drink with him, my father was very friendly with him; for if he had not been friendly, he would not have asked him to take a drink. ... Father was greatly insulted when Jones wouldn't drink with him and went and got his gun.

**M.Goll**, sworn on part of the defendant said: I knew the character of defendant, have known him twelve years as a peaceable orderly man. I live within two or three miles of him and have for 12 or 14 years.

**Harrison Coker** sworn for defendant said: **I am a son of defendant** and knew his character as a peaceable orderly citizen. He is a drinking man and sometimes talks a good deal when drinking; otherwise he is a quiet man. Except for that, he was like other people, talked a good deal and was more easily excited when drinking; but was not often in difficulties.

The State of TX, Co. of Medina, file #368. the State vs **Joseph Coker**. It is hereby agreed by and between the district attorney and the attorneys for the defendant that the foregoing nine pages (note - since this is typed, it is not nine pages) contain a full statement of facts or the evidence adduced on the trial of the above entitled cause for the State. Signed at Castroville the fifth day of May ad1868.....(signed) **John R Shook**, Dist Atty.

This is to certify that the foregoing testimony is all the testimony introduced in the trial of the State of TX vs. **Joseph Coker**, accused of murder, and that said testimony has been adopted by the district attorney and the counsel of the defendant as a statement of facts in said cause. It is therefore, by reason of said agreement, signed, and sealed by the counsel, respectively received and approved as a part of the Record thereof. Witness my hand in open court at Castroville this the 6th day of May ad1868.

**G.H.Noonan, District Judge, Medina Co. TX.**

**Attorneys for defendant: Berry, Ticque & Beicherger**

*My notes here* - The petition for pardon to the governor was initiated June 5, 1868. There are over 50 signatures, Many unreadable, on this petition. The petition again outlines the dangers for a man of Joseph Coker's age being in prison, his peaceable, law-abiding character and the fact that he did not evade the law all during the time from 1860 until the 1868 trial.

The governor's pardon is dated Feb. 14, 1870. The governor's statement acknowledges the reasons put forth for pardon; but also states that **Joseph Coker** escaped from the hospital because of the fear of going back to prison which would further effect his health. Signed.....**Edward J. Davis, Governor of TX.**

At the time of this incident in **1860, the Census** shows the two households involved and they were next to each other on the Census, Page 253:

**dwelling #2139 - Joseph Coker, James Hampton and wife Melinda**, 18; daughters: Mary Jane 2 yrs old and Sarah 6 mos. **also Leonard Coker, 14 yrs and Neil B. Coker 11 yrs.** the son-in-law referred to in the testimony was obviously **James Hampton**; it was his gun that Joseph borrowed that morning.

**dwelling #2140 - John A. Jones** (no known relation to Amos Dickens Jones or Coker) age 48, Wife Mahalia age 35. **children Samuel H. (gave the testimony) age 13**, James J. Age 11, Margaret, Andrew and John L.. **The deceased, John Jones seems to have been from the Samuel Jones family.**

An interesting footnote to the above incident is contained in a letter written by **James Laurens Dial, son of Isaac M. Dial**. The letter is dated Sept 19, 1860 - about a month later. The following is contained in a "PS" dated Sept 22/1860: "**the Cokers** who live on the Salado somewhere in the vicinity of San Antonio....I have never seen one of them since I have been in the country, **except old Jack (John)**, nor indeed heard from them since I saw Jack last summer. A near neighbor who now lives on the Salado came back to see about his horses and he told me that **old Joe was guarding a hole of water (water being exceedingly scarce)** which did not belong to Joe, when a youth 18 yrs old who lived in the neighborhood came to get water. **Coker forbid him.** the young man said he had as much right to the water as Joe had, whereupon he, Joe, presented a double-barreled shot-gun. The young man immediately picked up a couple of rocks and advanced when Coker fired and killed him upon the spot. There were two or three persons present besides Joe and the murdered man, but Coker made his escape and has not been heard from since. You may think it strange, indeed I do myself, that I should live so near a batch of my relations, 23 miles, seven years and never call to see them. but let me tell you I have suffered so much by the conduct of my kinsfolk toward me that I long ago came to the conclusion that it would be to our mutual advantage and

benefit to have as little to do with one another as circumstances permit. Time has proved that I was correct....."

There are a couple of things to be mentioned here. The writer of the letter was sending it to a brother. Descendants of this **Dial** family commented that the writer was referred to by others in his family as "big-headed Jim" and therefore you can get a feel for the mood of this writer. He was considered his father's "favorite".

The other important note is that this **Dial family was related to the Cokers**. This relationship started in Laurens, SC. It could help later when we explore where our Cokers came from. The Dials have a fairly good genealogical history published: "Martin Dial and related Families" by Hastings Harrison, 1955. Our Cokers are not directly referred to, but close. In addition, I have notes written on the above letter that attempt to explain who John (Jack) Coker was - they were written by an elderly cousin of the above J.L.Dial. These notes are not completely accurate; they were written probably 50 years after the letter.

The relationship between Dial and Coker goes back **William Coker** who was a son of **Joseph and Mary Aldridge Coker of Laurens Co SC**. Joseph and Mary Aldridge Coker also had a son, their youngest child, named John. William (brother to John) had a daughter, **Nancy**, who married **Isaac M. Dial** who was the father of the above **James Laurens Dial**. If we accept this relationship, then **Nancy Coker Dial** was a niece to the above John Coker and a cousin to our John, Joseph and James. (Reference Boddie's Southside Virginia Families, pages 85-89 at San Antonio Public Library). While this is not absolute proof of the father of our John, Joseph and James, it is about as close as we may ever get due to lack of documentary evidence.

There you have the story of the Joseph Coker water-hole incident which took place Aug 10, 1861 in northern Bexar County. It should be remembered that in those days water-holes were valuable and a certain etiquette was to be maintained when using water from them. Joseph Coker was acting within these unwritten guidelines when he asked the other group to wait. Also I think I should point out that an accurately thrown rock could be as deadly as a bullet, and many of the rural youth prided themselves on being pretty good at hitting their target. I am sure Joseph felt threatened by the continued aggressiveness of John Jones and was not willing to risk further bodily injury. Joseph was a patriarch of this Coker community area and certainly expected more respect. For all we know John Jones might have had a previous history of being a bully of which Joseph was aware. As testified at the trial, Joseph had no other history of being an aggressive person. The governor's pardon was a fair ruling for Joseph Coker.