Hill, Robert Andrews [1]

Hill, Robert Andrews

by Clara Hamlett Robertson Flannagan, 1988

25 Mar. 1811–2 July 1900

Robert Andrews Hill, jurist, was born in Iredell County [2], the son of David and Rhoda Andrews Hill. In 1816 his family moved to Tennessee, settling in Williamson County where he managed to acquire a good education. He taught school in 1832 and 1833, and was elected constable the next year. From 1836 to 1844 he served as justice of the peace, studying law in his spare time. After beginning a practice in Waynesboro, he was elected by the legislature in 1847 for two terms as district attorney general. Moving to Mississippi in 1855, he practiced law in Jacinto, Tishomingo County. He was elected probate judge in 1858 and served until the end of the Civil War [3]. During the hostilities he maintained a neutral position because of his opposition to secession [4].

Afterwards, when Mississippi's duly elected national representatives were not seated, Judge Hill spent many months in Washington, D.C., arranging for pardons and the reimbursement to citizens for property seized by the army, as well as pleading successfully for the suspension of the direct land tax. Recognizing his farsightedness, the people of his county elected Hill by an overwhelming majority as delegate to the constitutional convention of 1865 [5], and Provisional Governor Sharkey appointed him chancellor of the district. In 1866 President Andrew Johnson [6] appointed Hill federal district judge, a position he held for twenty-five years.

During the two-year period of military occupation and the subsequent years of readjustment and recovery, Hill's leadership and advice were sought and followed by southerners and northerners alike. For example, the 1866 national legislation giving civil rights [7] and privileges to African-Americans was at variance with Mississippi's newly enacted freedmen's laws; the state laws were repealed to avert conflict. The Reconstruction Act of 1867 declaring all state jurisdictions to be without authority over acts of the military was interpreted by Hill to be constitutional, but he held that the constitutional rights of citizens remained in effect and that the military courts should be used only in certain offenses. The act of 1870, prompted by Ku Klux Klan [8] activity, allowed the suspension of the writ of habeas corpus and the institution of military law. Hill believed that the matter could be better dealt with in the civil court and so ruled in the first case tried under the act in 1871. He maintained jurisdiction over the defendants, allowed them to agree to a guilty verdict from the jury, and fined and released all but four of the twenty-eight defendants on bond, subject to their own recognizance to keep the peace for two years.

Hill's judicial responsibilities during this period and for much of his professional life in Mississippi were made difficult because of the lack of a superior or adviser for the most part. Because the new national and state laws had not been passed on by a Superior Court, Hill of necessity had the responsibility of construing them. His loyalty to the Union was never questioned nor were his interpretations challenged. His legal reasoning was sound and had been from his early years as justice of the peace in Tennessee where, with many litigated cases, only one of his decisions was appealed and that was upheld by a higher court. In 1868, at the time of the Mississippi constitutional convention, Hill—although not a delegate—prepared the article establishing the judicial system of the state, including the Supreme Court, setting up the appointive method of choosing judges and chancellors and establishing separate common law and equity courts. In a letter to the judicial committee of the 1900 state constitutional convention just completed, Hill spoke with pride of his earlier work which the convention had sustained more than thirty years later.

At age eighty, he retired to his home in Oxford with his wife of fifty-eight years, the former Mary Lucky Andrews. He was interested to the last in many things but especially the judiciary; his church, the Cumberland Presbyterian Church; and higher education. Hill had served as a longtime trustee and law lecturer at the University of Mississippi. He died at age eighty-nine and was buried in St. Peters Cemetery, Oxford.

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Judges [17]
Lawyers [18]
Authors:
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Origin - location:
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Oxford [21]
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1 January 1988 | Flannagan, Clara H. R.

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