

Spring
2021

LEGACIES

A History Journal for Dallas & North Central Texas

Law
& Disorder
in Dallas
Revisited

Murder It Was: The Deaths of Two Women
Horror in Hollywood Heights
Historic Jails in Dallas
Ejected from Old Red: Black Jury Service in the Time of Jim Crow
The Man with Nine Lives: Herbert "The Cat" Noble



Copyright 1913
H. A. Overbeck.
H. A. Overbeck,
Architect, Dallas.



Dallas County Criminal
Courts and Jail Building,
Dallas.

**Legacies is a joint publication of:
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The Dallas Historical Society**

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Front cover: The Old Red Courthouse (1892) and the Criminal Courts Building (1913) are among the historic structures that saw their share of law and disorder in the twentieth century, as sites for trials and incarceration.

Back cover: The Dallas Municipal Building, which opened in 1915, included jail cells which were used until 1983, as well as courtrooms and police headquarters.



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33

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All previous issues of Legacies from 1989 through 2018 are online at the University of North Texas Portal to Texas History. The address is: <http://texashistory.unt.edu/explore/collections/LHJNT>.



The city jail occupied space in the new City Hall when it opened in 1889 at the corner of Commerce and Akard streets. By the early 1900s it was becoming overcrowded and a new jail was constructed on Ross Avenue, in what is now the West End Historic District. The City Hall itself was demolished a few years later after the land was sold to Adolphus Busch as the site for his new hotel, the Adolphus.

*F*ifteen years ago, the Annual *Legacies* Dallas History Conference was held at the new Dallas Police Headquarters on Lamar Street. In honor of the site, the theme was “Law and Disorder in Dallas,” featuring papers on jail breaks, murders, and dedicated lawmen, among other topics. Articles based on those papers were subsequently published in the spring and fall 2006 issues of *Legacies*. A year ago, the steering committee for the history conference agreed to hold the 2021 event at the Old Red Courthouse, since the county history museum that has been housed there since 2007 will be moving to new quarters by the end of the year, and this would provide a final opportunity to meet there. Given the richness of the theme, it seemed appropriate to repeat it, as “Law and Disorder in Dallas Revisited.”

What the steering committee couldn't have predicted was that the nation would go into a lockdown a month later, and that restrictions on public gatherings would remain in place a year later. The site remained Old Red, but in a virtual sense. The speakers were filmed there in December, and Evelyn Montgomery, Executive Director of the Old Red Museum of Dallas County History & Culture, recorded introductions and a behind-the-scenes tour of the historic building. But conference registrants watched the edited film online. While we all missed the face-to-face interactions that have become such a valued part of the history conference over the past twenty-two years, the virtual presentation did have some advantages. Attendees didn't need to drive downtown on a Saturday morning; they could view it from anywhere—two people watched from the United Kingdom. And the conference is safely preserved on video, which we hope to make available through a free platform in the not too distant future.

Meantime, most of the presentations, in somewhat revised forms, are now published in this issue of *Legacies*. Rene Schmidt leads off with the story of the murders of two women in the 1910s, nei-

ther of which was ever solved. Both women were from respectable backgrounds and motives for the murders were unclear. Teresa Musgrove describes a bombing that destroyed a duplex in the Hollywood Heights neighborhood on a hot summer night in 1938. The intended victim escaped, and the ensuing arrest of a suspect and his trial grabbed headlines for months. As sometimes happens in the best courtroom dramas, a single piece of evidence, introduced late in the trial, convinced the jury of the guilt of the accused.

Preservation architect Marcel Quimby examines three historic structures that served as jails for the City of Dallas and Dallas County: the old city jail in the West End, the Municipal Building on Harwood, and the Criminal Courts Building overlooking Dealey Plaza. All are still standing, and all have undergone various degrees of restoration and remodeling that have provided them with new uses.

Ralph Cousins shares the story of George Porter, an African-American educator who in 1938 courageously challenged the state's policy of excluding Blacks from jury service. He was forcibly ejected from the Old Red Courthouse by two white men, who threw him down the steps, leading to injuries that impaired his health the rest of his life. The incident led Governor James Allred to dispatch Texas Rangers to protect Porter, and it motivated the NAACP to send Thurgood Marshall to Dallas to investigate.

Peter Kurilecz closes out our look at law and disorder with the story of Herbert Noble, a kingpin of gambling in Dallas in the 1940s and early 1950s. He survived so many attempts on his life that he earned the nickname, “The Cat.” But his nine lives ran out when he was killed by a bomb planted near his mailbox in 1952.

Although the individuals whose crimes are recounted in this issue created disorder for a time, the forces of law worked diligently to restore and maintain order, allowing our civil society to function. Theirs is the legacy to remember and honor.

—Michael V. Hazel

Murder It Was

The Deaths of Two Women That Shocked Dallas in the 1910s

BY RENÉ SCHMIDT

*T*he body of Mrs. Hugh Perry—Alice, as she was known to her friends—was discovered in a lonely ravine in Trinity Heights by two boys hunting rabbits on Thanksgiving morning 1915.¹ Her body was laid out peacefully, and there was no sign of a struggle. Her arms were folded across her chest, and she was wearing the same clothes she had on ten days earlier. She was dressed in a dark tailored suit, still wearing the black turban hat she purchased downtown on that fateful day. One of her stockings was worn inside out, the same mismatch that was noticed the last time she was seen alive. Next to her body was the bag of pecans she bought that day. At her feet was a pair of lady's slippers, one dangling from her foot.²

The police were baffled. There was no sign of a struggle. Sheriff W. K. Reynolds believed it was murder. Lieutenant Detective Charles Gunning thought differently and was convinced there was no foul play. The police ordered her stomach, liver, and kidney removed to check for any poison.³ Was it a murder or a suicide?

Alice's aunt, Mrs. W. C. Padgitt, admitted that her niece had been "particularly nervous of late." Mrs. R. R. Mansfield, who lived in the same apartment building as Mrs. Perry, said that Alice "had not seemed to be altogether like herself" and blamed it on the last storm in Galveston.⁴ But no, suicide was out of the question.

Mrs. E. E. Gardner, her close friend of 23 years, said that Alice called her up the day she disappeared and invited her to go shopping with her downtown. Mrs. Gardner said she didn't have time, but she recalled that Alice "was as bright and cheerful as could be."⁵

Alice's sister-in-law, Mrs. W. L. Perry, likewise scoffed at the suicide theory. She shared a letter that Alice posted the day she disappeared. It was filled with joy at the anticipation of going on a shopping trip downtown. "I haven't bought any new clothes yet; have been waiting till after the fair. . . . Mamie and I are going down town today, because some things have been advertised . . . (and) it does no harm to look."⁶

WOMAN'S MURDER PUZZLES POLICE

BULLETIN—Police officers late this afternoon admitted they had a strong clue to the murder and were seeking a suspect, who will be in espionage for investigation. This arrest may come at any hour.

FOUNDED 1852 BY J. M. DALLAS
DALLAS
THE CITY OF THE FUTURE

THE DAILY TIMES HERALD
The ONLY Paper in Dallas with the Daily ASSOCIATED PRESS News Service.

FINAL
EDITION

VOL. XXXIX. No. 309.

DALLAS, TEXAS, THURSDAY EVENING, NOV. 25, 1915.

TWELVE PAGES

ONE CENT

VICTIM OF RABIES IN MAD SCENE

**PITTSBURG MAN BITES
SEVERAL PEOPLE;
CRAZED.**

By the Associated Press.
Pittsburg, Nov. 25.—John Bukowa, while suffering from rabies, escaped from a hospital today and ran through a crowded thoroughfare, scratching and biting at pedestrians. After a struggle in which six police officers and patrolmen were either bitten or scratched, Bukowa was returned to the hospital, where he attacked the superintendent, the physician in charge and an orderly before he was subdued. He died in a few hours. His victims will undergo the Pasteur treatment. Bukowa was bitten by a dog about two months ago.

NOTRE DAME DAME WON CHARGE MAN WITH KILLING INFANT

Woman Whose Death Is Shocking Crime



MRS. HUGH H. PERRY, 329 NORTH EWING AVENUE

OFFICERS SEEK CLUE TO KILLING

**BODY IS POSITIVELY
KNOWN TO BE THAT
OF MRS. PERRY.**

Police and detectives Thursday evening are working hard in an effort to unravel the mystery surrounding the death of Mrs. Alice B. Perry, whose body was found in a ravine near Cedar Creek, West of the Southern Texas Traction company plant in Oak Cliff Thursday morning.

Two men's handkerchiefs knotted so tightly around the woman's neck as to cut the flesh, protruding eyes and open mouth showed that she had been strangled to death. Because clothing was orderly and the hands quietly crossed over the breast officers think that the body was carried to the scene in an automobile and left in the deserted spot. Jewelry worth perhaps \$500 which the woman was wearing when she was last seen alive ten days ago is missing.

Officers Thursday afternoon are working along various lines. One theory is that Mrs. Perry was the victim of highwaymen who throttled her, took her jewelry and hid the body. Investigations are also proceeding along another line.

OFFICERS DECLARE FLATLY THE CASE OF MURDER

Whiff of a homicide and a member of the Dallas Police Department, Thursday afternoon, declared flatly that the case of the murder of Mrs. Alice B. Perry was a case of murder. He said that the police had several leads and that they were working on them. He said that the police had several leads and that they were working on them.

It happened here last night at 11 o'clock. The body was found in a ravine near Cedar Creek, West of the Southern Texas Traction company plant in Oak Cliff Thursday morning. Two men's handkerchiefs knotted so tightly around the woman's neck as to cut the flesh, protruding eyes and open mouth showed that she had been strangled to death. Because clothing was orderly and the hands quietly crossed over the breast officers think that the body was carried to the scene in an automobile and left in the deserted spot. Jewelry worth perhaps \$500 which the woman was wearing when she was last seen alive ten days ago is missing.

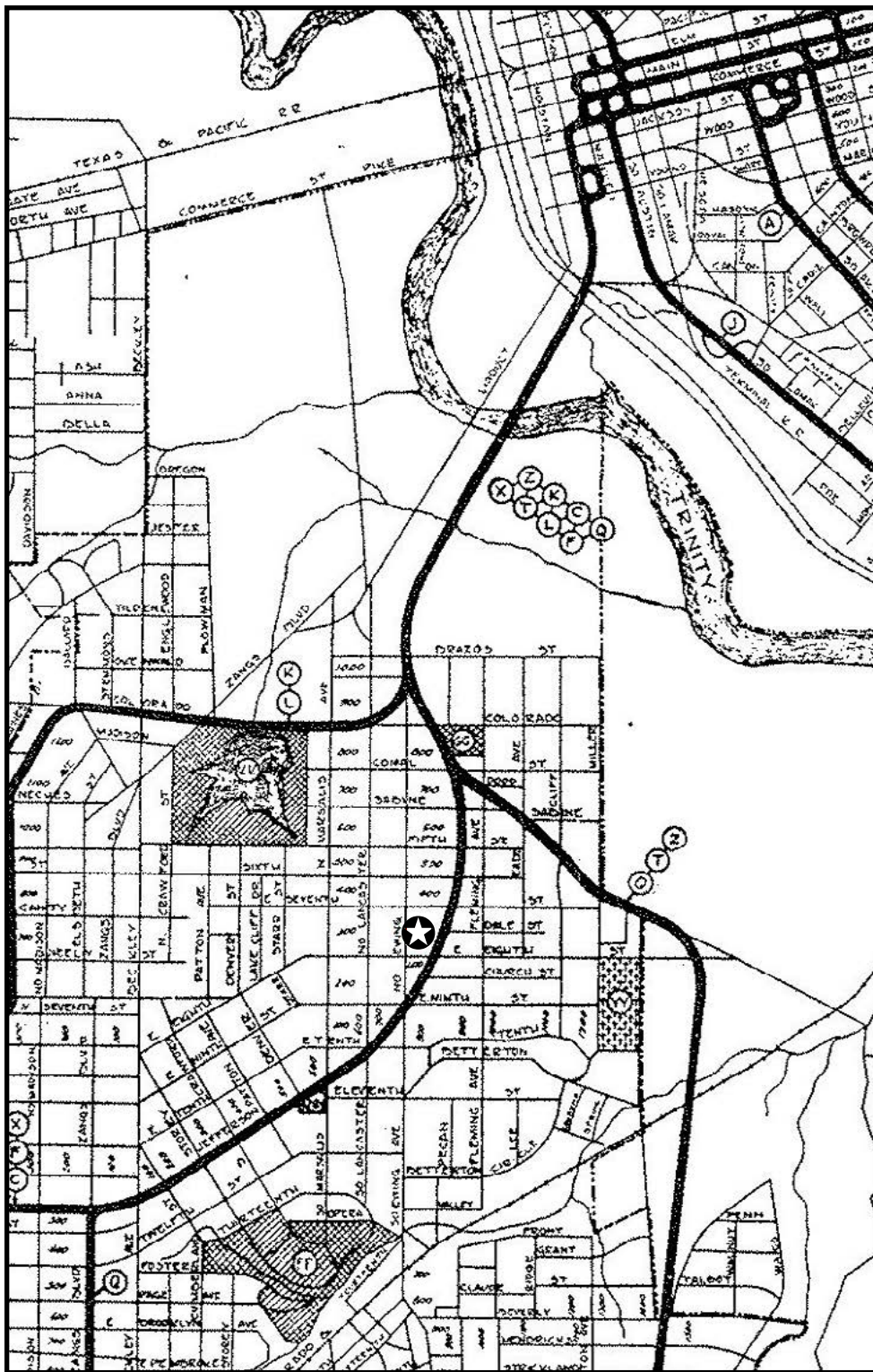
The murder of Alice Perry dominated the headlines in the local newspapers in late November 1915.

Mrs. Hugh Perry, Alice, 45 years of age, was last seen on November 15, 1915, when she went on a shopping trip to downtown with her sister-in-law, Mrs. Royal Smith. Alice lived on North Ewing Avenue in Oak Cliff and probably caught the streetcar which then ran down Jefferson Avenue, close to her house.⁷

While downtown she bought a small black turban hat and a bag of pecans.⁸ At 2:30 she excused herself from her sister-in-law, claiming she had an appointment to meet somebody. Some witnesses recalled seeing her on Elm Street about an hour later. That was the last time she was seen alive.

Her husband reported her missing the next morning. When she was found ten days later, the authorities estimated that she had been dead for two days. Analysis of her stomach showed it was empty.⁹ She hadn't eaten for some time. Where had she been for over a week? Where had she gone?

Police eventually concurred that a robbery and subsequent murder had taken place, especially after Dr. E. W. Loomis found a two-inch blood clot on the brain. He theorized this rupture was caused by a quick strangulation.¹⁰ Police later speculated that the purse, the pecans, as well as a watch and one diamond ear screw, may have been left by the killer to make it look like a suicide.



A ⓐ near the intersection of N. Ewing and Eighth Street in Oak Cliff indicates the location of Alice Perry's home. It was only one block from the streetcar line that she took to reach downtown Dallas on the day of her murder.



Elm St. Looking South, Dallas, Tex.

Witnesses recalled seeing Mrs. Perry on Elm Street not long before her disappearance. She had been shopping.

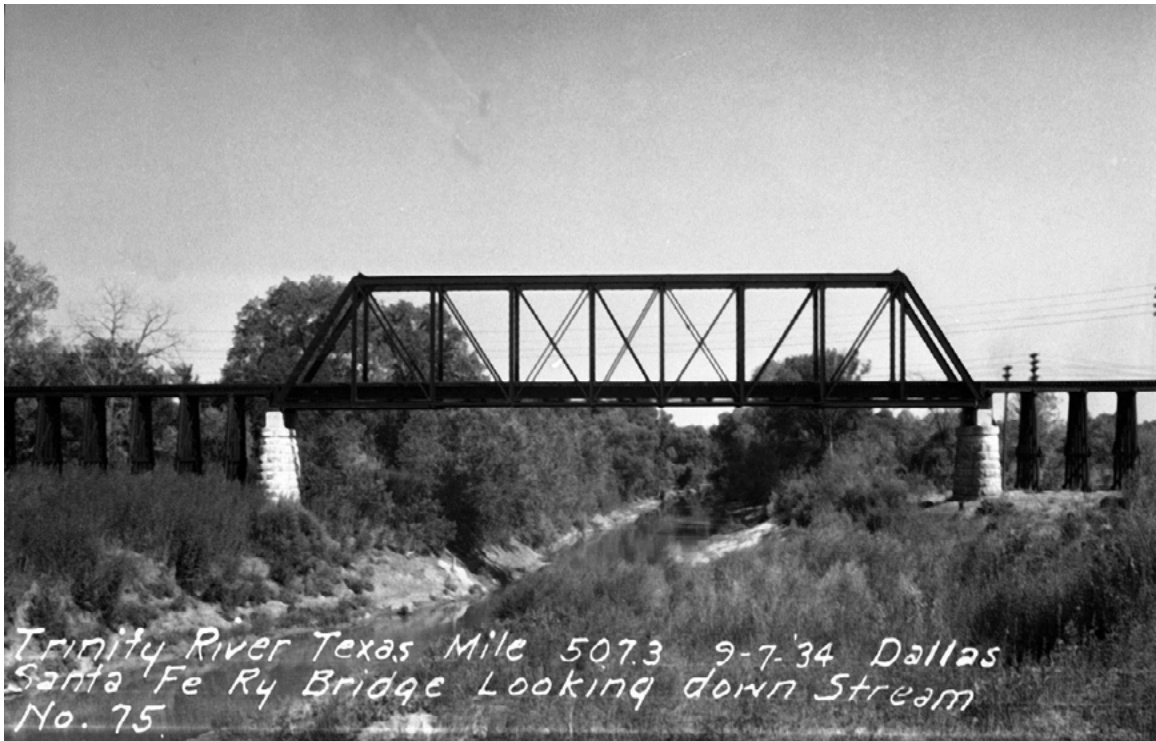
Alice was wearing a lot of expensive jewels the day she disappeared. When her body was discovered, most of the gems were gone: diamond rings, an ear screw, and a brooch. And it wasn't costume jewelry. It was worth about \$500 in 1915 currency or over \$10,000 today. She was still wearing a watch with a diamond studded monogram, but that was concealed beneath her clothing so a thief could have missed it. A small purse containing \$1.20 was by her side (about \$25 into today's currency.) There were two handkerchiefs around her neck that had an embroidered "T." There was also a smaller handkerchief with a "T" on it in her purse. The significance of the "T" was never established. Her face was scratched, and there was a bruise over her left eye.¹¹

Based on the soil samples on her shoes, police concluded she may have walked over to Trinity Heights to meet somebody in that lonely destination. A motorman for the Trinity Heights

Streetcar, Mr. L. E. Phillips, told authorities that a woman meeting the description "to a degree" of Mrs. Perry got off the streetcar between the Santa Fe and the Cedar bridges, a location about two miles from where the body was found on Tuesday, a day after she was last seen downtown. The motorman noticed her diamonds. He warned her not to get off at that location, but she was insistent.¹² However, when he was asked to identify the body, he could not definitely say it was the same woman who got off his streetcar.

The motorman and a conductor of the Waco Interurban line, T. C. and H. B. Parker, recalled a woman matching Mrs. Hugh Perry's general description. They picked her up Monday night in Waxahachie on the route to Dallas. They remembered her as being very nervous. She got off at the Monroe stop to catch the Trinity Heights car. When they were asked to identify the body, they also could not positively identify it.¹³

There were two shadowy letters that added



According to a motorman, a woman who may have been Mrs. Perry got off the streetcar between the Santa Fe and Cedar bridges, about two miles from where her body was later found.

drama to the case. An anonymous letter sent to the police in February 1916 promised that if a certain chauffeur were arrested, he could give valuable information on the murderer. As it turned out, this was a set-up, and the chauffeur knew nothing of the case.¹⁴ In April 1916, a mysterious letter was discovered folded behind the controller box of a Trinity River street car giving the name of a woman who could help solve the murder.¹⁵ That, too, was a false lead.

When Miss Zoala May Cramer was found murdered behind Oak Cliff High School in March 1916, there was speculation that the same person might have killed both women. There were similarities in both cases. Both women were neatly laid with their clothing smoothed out. Mrs. Perry's hands were placed crossing her chest and Miss Cramer's arms were one above the other, one hand in the palm of the other. Both were from Oak Cliff, and both had been strangled.¹⁶ That investigation also went nowhere.

Mrs. Hugh Perry was a "well-known worker" at Christ Church Episcopal, then located on the top of a hill close to the heart of the business district of Oak Cliff. Parishioner Dorothy Phillips Fry wrote in her dairy on November 25, 1915, "Mrs. Hugh Perry who goes to our church disappeared 10 days ago and today she was found strangled to death on a creek way out in Trinity Heights."¹⁷

Mrs. Perry's funeral was November 29, 1915, the First Sunday in Advent. Because of the intense public curiosity about her death, an anonymous reporter visited the church on Sunday morning and took copious notes. These are some of the reporter's observations:

The tragedy of Mrs. Perry's death, which envelops the whole city, is especially poignant at Christ's Church. The congregation discussed it in little groups before the sermon and Rev. Whaling's first words recalled it. . . . Rev. Whaling is tall, with gray,



Mrs. Perry's funeral was held at Christ Church Episcopal, of which she was an active member, on Nov. 29, 1915.

curly hair, and an expressive face. His voice is vibrant, though a bit nervous in his delivery, and he carries the impression of intense earnestness and complete conviction. He gestures freely and vigorously. . . . Then came the order of service for communion. During this part of the liturgy the priest chants the Ten Commandments. Between them the congregations sings: "Lord, have mercy on us and incline our hearts to keep this law." . . . A solemn hush came over the congregation when Rev. Whaling in a voice tense and vibrant chanted the sixth commandment: "Thou shalt do no murder."¹⁸

Mrs. Perry's funeral followed at 4:00 that afternoon at the church. This was one of the Rev. Whaling's last official acts at Christ Church. She was buried at the Oak Cliff Cemetery.

Police speculated the case of Mrs. Hugh Perry would end up like that of Florence Brown: a sensational unsolved murder that occurred two years earlier.¹⁹

And who was Florence Brown?

In 1953, forty years after her murder in 1913, *The Dallas Morning News* began a new Sunday Feature Page that promised to "crackle with excitement." The opening installment was advertised as featuring the "famous unsolved murder of Florence Brown."²⁰

But who really was Florence Brown? She was an active member of the McKinney Avenue Baptist Church and an energetic participant in its circles and aid societies.²¹ She also was on the Business Girls Team of the YMCA where it was thought she would participate on Sundays for club purposes such as "writing, singing . . . receiving friends, and use of the stereopticon for educational and amusement intent."²² She was the woman who made appearances at dinner parties graced with hand painted place cards, at church sponsored moonlight picnics, and lawn socials.²³ Never a bride, she was the willing personality who helped others celebrate life's milestones by volunteering for the commonplace: serving refresh-



In this 1913 view of Commerce, looking east, the dome of the Oriental Hotel is visible in the distance. Field intersects Commerce at the left. The low two-story building with white trim is 110 Field Street, where Robinson and Styron had their offices, and where Florence Brown was murdered. This is now the location of the Adolphus Hotel parking garage.

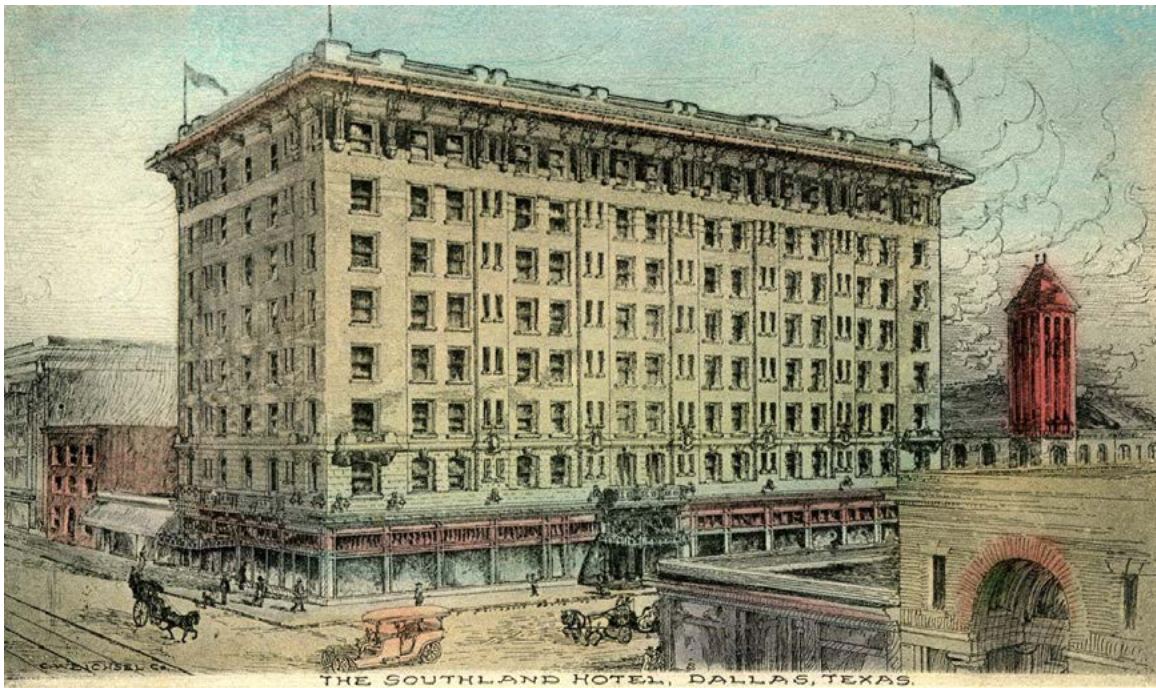
ments after weddings, hosting a bride’s dinner, being an official bridal toast mistress, or assisting at the bride’s table.²⁴ Her crowning public achievement seems to have been a stock speech she delivered nineteen days before her death at the YMCA on “What the (YMCA) Club means to me.”²⁵

In short, Florence Brown led a quiet, productive, yet unremarkable life. That is, until the day she was murdered.

Florence Brown woke the Monday morning of July 28, 1913, to a Dallas that promised temperatures in the upper 90s.²⁶ That along with the weekend’s thunderstorms that dumped an inch of rain on Dallas must have made the air particularly sultry.²⁷ The previous day, Sunday, being a handmaiden of her beloved McKinney Avenue Baptist Church, she attended services there. She undoubtedly felt pride at being a congregant and choir member there. The church had completed a major renovation three months earlier and was one of Dallas’s early mega-churches: it

seated more than 1,000 people with its soaring three stories and featured imposing columns.²⁸ It would host her funeral four days later.

On that fateful Monday morning in 1913, she was picked up for work by Mr. S. H. Cuthbertson. They both worked in her uncle’s business of Robinson & Styron, a real estate firm on Field Street. He was a salesman and she was the secretary. Her uncle, Jeff D. Robinson, was on vacation and requested that Mr. Cuthbertson give her a ride to work in the company-owned car in his absence.²⁹ He picked her up from her home on Cedar Springs, where she lived with her parents, at six minutes before 8:00. Her father, a policeman who had a beat downtown, declined the offer to ride with them, explaining later that “I was sitting on the front porch, enjoying my pipe and reading *The Dallas News*. As I had ten minutes before to go, I declined the invitation, telling them I would go down on the streetcar. Florence waved her hand to me as they left, and I waved back.”³⁰ He never saw her alive again.



A colleague of Florence Brown ran to the nearby Southland Hotel and found a doctor who examined the body and declared her dead. The Southland spanned the block from Main to Commerce, facing westward onto Murphy Street, which today is a pedestrian crosswalk. It was a very short walk from Field Street.

Florence Brown and Cuthberton reached the office around 8:10. He unlocked the front door, went to the toilet room (where the company vault was also located), and turned on the switches operating the electric fans and the lights. He then opened his desk and wrote down the lot and block number of the properties for which he needed tax statements. He told Florence Brown he was going to the courthouse, then to the city hall, and would be back in 30 to 40 minutes.³¹

When he returned 45 minutes later, he sat down at his desk and began studying his tax returns. Shortly thereafter, Mr. G. W. Swor, the firm's departmental head, tied up his horse and buggy in front of the office and walked in with Walter Styron, the junior partner of the firm. Swor went to the vault room and made a gruesome discovery. Florence Brown was lying on the floor with her face covered with blood.³² He said, "I raised Miss Brown up from the floor where she was lying and saw that her face was covered with blood and that her hair was disheveled, and her

clothing torn." He yelled out to Mr. Styron, "For heaven's sake, come here quick, Miss Florence has either cut herself or has been cut."³³

Cuthberton ran to find a doctor. Dr. Willford Hardin from the nearby Southland Hotel Drug Store was quickly located and, after examining Miss Brown, declared her dead. He estimated she had been dead for around fifteen minutes.³⁴ She had been beaten on her head with a blunt instrument, and her throat had been slit. Her right hand was cut to the bone, her hair was disheveled, and her clothing torn. Curiously, there was a bite mark on her right hand.³⁵ Two bystanders later claimed they heard a muffled scream, a "short, sharp, cry," from a "woman as if in terror or surprise" around 9:30 or 9:35.³⁶ The murderer washed his hands in the sink, took the murder weapon with him, calmly exited the building, and disappeared into the busy morning rush hour.³⁷

Florence Brown's funeral took place at McKinney Avenue Baptist Church at 4 P.M. on July 31, 1913. The body was not taken to her

MARGIN RESERVED FOR BINDING

WRITE PLAINLY, WITH UNFADING INK—THIS IS A PERMANENT RECORD

N. B.—Every item of information should be carefully supplied. AGE should be stated EXACTLY. PHYSICIANS should state EXACTLY OF DEATH, in plain terms, so that it may be properly classified. Exact statement of OCCUPATION is very important.

PERSONAL AND STATISTICAL PARTICULARS			MEDICAL PARTICULARS	
1 SEX <i>Female</i>	2 COLOR OR RACE <i>White</i>	3 SINGLE, MARRIED, WIDOWED OR DIVORCED <i>Single</i> (Write the word.)	4 DATE OF DEATH <i>July 28</i> , 191 <i>3</i> (Month) (Day) (Year)	5 I HEREBY CERTIFY, that I attended deceased from _____, 191 <i>3</i> , to _____, 191 <i>3</i> , that I last saw <i>her</i> <i>alive on 7/28</i> , 191 <i>3</i> , and that death occurred on the date stated above at _____ m.
6 DATE OF BIRTH _____, _____, 191_____ (Month) (Day) (Year)	7 AGE <i>29</i> yrs. <i>mos.</i> <i>ds.</i>	8 OCCUPATION (a) Trade, profession, or particular kind of work <i>Stenographer</i> (b) General nature of industry, business or establishment in which employed (or employer) _____	The CAUSE OF DEATH* was as follows: <i>wounds inflicted with knife or razor</i> (Duration) _____ yrs. _____ mos. _____ ds.	
9 BIRTHPLACE (State or country) <i>La</i>	10 NAME OF FATHER <i>J. P. Brown</i>	11 BIRTHPLACE OF FATHER (State or country) <i>La</i>	CONTRIBUTORY (Secondary) _____ (Duration) _____ yrs. _____ mos. _____ ds.	
12 MAIDEN NAME OF MOTHER <i>Rebecca Robinson</i>	13 BIRTHPLACE OF MOTHER (State or country) <i>Houston Tex</i>	(Signed) <i>Miss [Signature]</i> <i>7/28</i> , 191 <i>3</i> (Address) <i>Dallas</i>		
14 THE ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE (Informant) <i>J. P. Brown</i> Address <i>110 Field St. Dallas</i>			*State the DISEASE CAUSING DEATH, or, in deaths from VIOLENT CAUSES, state (1) MEANS OF INJURY, and (2) whether ACCIDENTAL, SUICIDAL or HOMICIDAL.	
15			16 LENGTH OF RESIDENCE (For Hospitals, Institutions, Transients, or Recent Residents.) In the _____ yrs. _____ mos. _____ ds. State _____ yrs. _____ mos. _____ ds. Where was disease contracted if not at place of death? Former or usual residence _____	
17			18 PLACE OF BURIAL OR REMOVAL <i>Dallas, Tex</i> DATE OF BURIAL <i>7/31</i> , 191 <i>3</i>	
19			20 UNDERTAKER <i>Chas. F. Weiland Undertaking Co. Dallas, Texas</i>	
21			22	

Florence Brown's death certificate, issued the day of her murder, described the cause of death as "wounds inflicted with a knife or razor."

parents' home for the customary wake because it was feared it would only serve to attract a "morbid" crowd.³⁸ Over 500 people thronged the church before the doors were opened. Despite the oppressive heat, more than 1,000 people crammed into the sanctuary. The pastor noted, "The beautiful life that has been dashed out of the body before us was filled with unrecorded deeds of grace." There were so many flowers that a second wagon was needed to transport them to the Oakland Cemetery.³⁹

A murder needs a motive. Either robbery or some other cause motivates the criminal to kill. Robbery was quickly ruled out. Florence Brown did have the combination to the safe, but nothing was missing when the vault was opened several days later.⁴⁰

A dragnet was thrown around North Texas, but the police had no idea who or what they were looking for. All southbound interurban trains and cars were searched, and Waxahachie police watched dirt roads leading into the city.⁴¹ The sheriff in Sherman notified his men to keep an eye on any stranger or suspicious character with the result that stray people were picked up on dubious charges.⁴² The Governor of Texas offered a reward of \$250 for the "capture and conviction" of the murderer.⁴³ The Dallas County Sheriff added another \$150.⁴⁴ That brought the total to \$400, worth about \$10,400 in today's currency.

Mr. Pagues, a detective assigned to the case said, "I feel certain that the slayer of Miss Brown was a person who knew her, and that he was not an experienced hand. . . . My belief is that Miss

Brown was taken by surprise in the toilet room of the office by her assailant. I believe that he made advances towards her which she resented, and realizing that a disclosure of the fact would mean certain ruination if not death to him, he decided it best to kill her.⁴⁵ The day after the murder, Chief of Detectives J. H. Tanner stated that he knew less than he did twenty-four hours earlier. "It might have been robbery, and it might have been something worse which prompted the cruel attack upon Miss Florence Brown. I am rather inclined to think it was not robbery. . . . It is quite apparent she was taken by surprise in the toilet room, and as there is always so much noise on the streets it is quite likely her screams were not heard even by persons across the street or in the adjoining offices. The deed may have been committed by someone who knew her, or it may have been the work of some demented person."⁴⁶

The police were stymied in their investigation. What kind of person would do such a horrible deed? A deranged person, a criminal, a jilted lover? For days, every available person in the Dallas Police Department worked on the case. Detectives went to Brownwood, Sherman, and San Antonio. The trails led nowhere.⁴⁷ When Florence's uncle, Mr. Robinson, arrived from Colorado, he was confident he knew who murdered his niece. He declined to publicly state his suspicions because the investigation was ongoing. The police were also tight-lipped.⁴⁸ Nobody was ever arrested, and we will never know who Robinson suspected. That file has disappeared. There was a marriage license issued on February 20, 1912, to a T. B. Hinkle and a Florence Brown.⁴⁹ Apparently this marriage never happened. Was this a jilted lover, a clue that Robinson refused to publicly express? Once again, we will probably never know.

So intense was the gossip (and the wish) that the murderer was about to be arrested that *The Dallas Morning News* had to issue a disclaimer that the rumors "are without foundation."⁵⁰ Nevertheless, the police kept feeding the rumor mill with an announcement that when the case was solved, the public would be astonished to learn how simple the solution was.⁵¹ The specu-

lation was that Miss Brown had been affronted, she resented it, and she was murdered so that the insult would never be discovered.⁵²

On August 7, the case seemed to break: a peddler found a knife that police believed they could connect to the murder. The blade had a finger print on it and a chemist claimed the residue was blood. The police speculated that the knife could have been used to make the three slashes across the throat of Florence Brown. Perhaps the assailant was even a woman because of the finger nail marks on her throat and hands, her disheveled hair, a missing ring, and the tooth marks on her right hand, which were perhaps "symbolic of the tactics generally pursued by women in personal encounters."⁵³ The discovery of the knife proved to be a red herring. No arrests were made.⁵⁴

Eventually, four suspects floated to the surface. Almost two months after her murder, the authorities located a man in Waxahachie who claimed he knew the identity of the murderer. He remembered playing a game of billiards in the Oriental Hotel with a man who admitted murdering Miss Brown. The Waxahachie man did not know this person, did not know where he was from, and had never seen him again.⁵⁵ Sounds tenuous? It was. Another dead end.

Another break came and there was a second suspect. On October 31, 1913, a man from the Indiana Reformatory became a person of interest. For his own protection, he was secretly taken to the Ellis County Jail before testifying in Dallas. His name was Meade Barr.⁵⁶ When he testified in front of the grand jury, reporters observed a woman crying bitterly in the witness room. Her name was Mrs. Ellie M. Lake. She lived in an apartment complex on South Haskell where Meade Barr's sister lived. Mrs. Lake and Barr had become friends but Mrs. Lake claimed that her interest in Meade Barr was only to get him to stop drinking.⁵⁷ She also rejected his advances and told him not to return unless her husband was there.⁵⁸ Meade Barr was charged with murder and Ellie Lake with complicity.⁵⁹ She was eventually released and so was Meade Barr. Barr was



Florence Brown is buried at Oakland Cemetery in South Dallas.

returned to the Indiana Penitentiary to finish out his prison sentence. He had been bored in prison, wrote a confession, and implicated his want-to-be lover, Mrs. Lake.⁶⁰ He made up a story against her to get back at her for rejecting his advances.

About a year after Florence's murder another suspect emerged. An elderly woman came to the police and claimed that her son, Shad Fanniel, had murdered five people, threatened her, and claimed to be the killer of Florence Brown. According to her tale, she and her son got on the streetcar to downtown the morning of the murder. She leased a house from Miss Brown's uncle. She gave Shad money to pay the rent at the office where Miss Brown worked. Fanniel got off the streetcar around 8:00 at Lamar at Elm Streets and then allegedly reappeared around 9:30 at a house in Munger Place where his sister was employed. He spent the rest of the day there. He was reported later to have said, "They never will find out who did it."⁶¹ Shad Fanniel was eventually found living by the State Fair grounds in February 1915. Police surrounded the house on February 21, and they had a shoot-out. Shad Fanniel was killed and Lieutenant Gunning was shot in the hand. He had to have two fingers amputated on his left hand.⁶²

Dr. Price Cheaney, the dentist who made careful plaster casts of the teeth marks on Florence Brown's arm, proclaimed that Shad Fanniel was not the murderer. His plaster teeth casts showed the person who made the attack was missing a tooth on the upper right side of the mouth. Shad Fanniel had a tooth missing on the left side, not the right, and therefore he could not be the killer. However, Chief Detective Tanner disagreed with Dr. Cheaney's assessment. He was convinced, along with Shad's relatives, that Fanniel had slain Florence Brown.⁶³ The times that Shad Fanniel was reported to be downtown and the time he arrived in Munger Place also don't match with the two witnesses who reported hearing screams around 9:30. The times are also not consistent with Mr. Cuthberton's recollection of when he returned to the office on that fateful morning. That is, unless memories were fallible or somebody was lying. Amazingly, there is no known police investigation that verified that Shad Fanniel arrived at the office to pay the rent that fateful day. A subsequent investigation by the grand jury, found no credible evidence that Shad Fanniel was the murderer.⁶⁴

The police continued to look for suspects. Four years after the murder, on June 30 1917, Felix Jones was charged with killing Florence Brown.⁶⁵ He was being held in the El Paso Jail awaiting trial for the murder of Thomas Lyons, a wealthy cattleman. Lyons was killed by being struck in the head and then cut with a knife, the same technique used on Florence Brown.⁶⁶ Damning evidence against Felix Jones rolled in. Lee J. Starling claimed he saw Florence Brown walking in downtown Dallas with a man resembling Felix Jones the evening before she was murdered.⁶⁷ A well-known woman "whose identity is being kept secret," claimed she came to the office of Robinson & Styron to see Mr. Styron the morning Miss Brown was killed. An angry stranger who was present told her Styron was not there. This anonymous woman returned to her nearby office shortly before the body of Florence Brown was discovered and later realized she may have met the murderer himself. When she was asked to go to El Paso to identify Felix Jones as the stranger, she declined because of

her poor health.⁶⁸ In September 1918, Jones was brought from El Paso to Dallas to face trial, but the District Attorney eventually dismissed the case because of the lack of evidence.⁶⁹ Among other things, the photographs of the bites on Florence Brown's arm and the knife had both disappeared.⁷⁰ When asked if there were any more suspects, Attorney Pierson replied, "The case is a great mystery to me. However, I will see to it that every grand jury makes rigid investigation and will do all in my power to apprehend the perpetrator of the dastardly deed."⁷¹

Clues kept coming, mainly from convicted criminals bored by jail time and looking for notoriety. A convict in the Texas Penitentiary announced he had slain her to cover up questionable real estate transactions in Oklahoma. Another in Huntsville, Alabama, proclaimed that he was Florence's sweetheart. He had seen the killing but was silent all these years because he had been threatened with a revolver.⁷²

As in a Shakespearean play, the dramas intensified as the sagas continued and answers were sought. Lady Justice, however, refused to display her virtues. The leads eventually dried up and despite the police's best efforts, the killers of Mrs. Hugh Perry and Miss Florence Brown were never found or identified. Their names and lives are largely forgotten today, but the questions continue: who murdered Mrs. Hugh Perry and Miss Florence Brown? Their traumatic deaths remain among the most notorious unsolved crimes of Dallas. **L**

NOTES

¹"Body of Mrs. Hugh Perry, Missing Ten Days, Found in Ravine," *Kansas City Times*, Nov. 26, 1915.

²"Woman's Murder Puzzles Police," *The Daily Times Herald*, Nov. 25, 1915; "Woman's Dead Body is Found in Ravine," *Dallas Morning News* (afterwards cited as *DMN*), Nov. 26, 1915; "Death of Mrs. Perry Remains Unexplained," *DMN*, Nov. 27, 1915.

³"Woman's Dead Body is Found in Ravine," *DMN*, Nov. 26, 1915.

⁴*Ibid.*

⁵"Mystery of Death of Mrs. Perry Unsolved," *DMN*, Nov. 29, 1915.

⁶*Ibid.*

⁷*The Dallas Morning News* has Alice living at 329 N. Ewing; "Woman's Dead Body is Found in Ravine," *DMN*,

November 26, 1915. The 1914 edition of Worley's has the Perry family at 329 N. Ewing whereas the 1915 Worley's has the family residing at 329 N. Marsalis.

⁸"Woman's Dead Body is Found in Ravine," *DMN*, Nov. 26, 1915.

⁹"Death of Mrs. Perry Remains Unexplained," *DMN*, Nov. 27, 1915.

¹⁰"Large Blood Clot on Woman's Brain," *DMN*, Nov. 28, 1915.

¹¹"Woman's Dead Body is Found in Ravine," *DMN*, Nov. 26, 1915.

¹²"Death of Mrs. Perry Remains Unexplained," *DMN*, Nov. 27, 1915.

¹³*Ibid.*

¹⁴"Murder Clues Fall Down," *DMN*, Feb. 10, 1916.

¹⁵"Letter May Solve Death," *DMN*, April 5, 1916.

¹⁶"Some Clues Develop in Murder Mystery," *DMN*, April 5, 1916.

¹⁷Diary of Dorothy Phillips Fry as quoted in E. G. Crandell, *A Century at Christ Church Dallas 1890-1990* (Privately printed) 9.

¹⁸Undated, untitled newspaper clipping in Christ Church Scrapbook I.

¹⁹"Death of Mrs. Perry Remains Unexplained," *DMN*, Nov. 27, 1915.

²⁰"An Extra Bonus Every Sunday!" *DMN*, Jan. 6, 1953.

²¹"Dallas Social News," *DMN*, July 26, 1907, Feb. 3, 1910; "An April Fool Tea," *DMN*, April 8, 1906.

²²"Y.M.C.A. Campaign Begins Tomorrow," *DMN*, Dec. 1, 1912, and "New Y.W.C.A. Building Plans Are Discussed," *DMN*, March 22, 1913.

²³"Dallas Social Affairs," *DMN*, January 4, 1909, July 26, 1907, and September 22, 1910.

²⁴"Dallas Social Affairs," *DMN*, February 3, 1910, June 29, 1913, and July 6, 1913.

²⁵"Dallas Social Affairs," *DMN*, July 9, 1913.

²⁶"Trinity River is Rising," *DMN*, July 29, 1913.

²⁷"Maximum Temperature 98," *DMN*, July 28, 1913.

²⁸"New \$75,000 Church Building is Completed," *DMN*, April 20, 1913.

²⁹Kenneth Foree, "That Fire Block Had Bigger Crowd," *DMN*, December 13, 1950.

³⁰Sam Acheson, "Florence Brown Murder Shocked City," *DMN*, January 13, 1969; "Young Lady Found Brutally Murdered," *DMN*, July 29, 1913.

³¹*Ibid.*

³²Foree, "That Fire Block," *DMN*, December 13, 1950; "Felix Jones Indicted by Grand Jury Here," *DMN*, July 1, 1917.

³³*Ibid.*

³⁴*Ibid.*

³⁵"Dragnet Stretched for Slayer of Girl," *DMN*, July 30, 1913.

³⁶"Few Developments in Murder Mystery," *DMN*, August 4, 1913.

³⁷"Dragnet Stretched for Slayer of Girl," *DMN*, July 30, 1913.

³⁸*Ibid.*

³⁹"Body of Girl is Buried," *DMN*, August 1, 1913.

⁴⁰"Clew Proves False in Murder Mystery," *DMN*, August 2, 1913.

⁴¹“Waxahachie Officers Busy,” *DMN*, July 30, 1913.
⁴²“Sherman Much Interested,” *DMN*, July 30, 1913.
⁴³“Governor Offers Reward,” *DMN*, July 31, 1913.
⁴⁴“Clew Proves False,” *DMN*, August 2, 1913.
⁴⁵*Ibid.*
⁴⁶*Ibid.*
⁴⁷*Ibid.*
⁴⁸*Ibid.*
⁴⁹“Marriage Licenses,” *DMN*, February 20, 1912.
⁵⁰“Today’s News Features,” *DMN*, August 11, 1913.
⁵¹“No Arrests Made for Brown Murder,” *DMN*, August 11, 1913.
⁵²“Believe Man-Hunt is Nearing End,” *DMN*, August 9, 1913.
⁵³“Discovery of Knife May Lead to Clew,” *DMN*, August 8, 1913.
⁵⁴“Embryo Clews Quickly Dissipate,” *DMN*, August 12, 1913.
⁵⁵“Another Clew to Brown Case,” *DMN*, September 23, 1913; “Knew Nothing of Brown Case,” *DMN*, September 24, 1913.
⁵⁶“Mysterious Auto Trip to Ellis Jail,” *DMN*, November 1, 1913; “Today’s News Features,” *DMN*, November 1, 1913; “Taken from Ellis County Jail,” *DMN*, Nov. 2, 1913; “Dallas Officers Have Returned,” *DMN*, Nov. 1, 1913;
⁵⁷“Will Seek Release of Mrs. Lake Today,” *DMN*, November 4, 1913; “Woman Being Held in the Brown Case,” *DMN*, November 2, 1913.

⁵⁸“Release of Mrs. Lake to be Sought Today,” *DMN*, November 5, 1913.
⁵⁹“Formal Affidavits Filed in Brown Case,” *DMN*, November 6, 1913.
⁶⁰“Meade Barr to be Returned,” *DMN*, January 13, 1914
⁶¹“Shad Fanniel Killed in Desperate Fight,” *DMN*, February 22, 1915.
⁶²*Ibid.*
⁶³“Shad Fanniel’s Body Positively Identified,” *DMN*, February 23, 1915.
⁶⁴“Investigation by Grand Jury,” *DMN*, March 6, 1915.
⁶⁵“Felix Jones Indicted by Grand Jury Here,” *DMN*, July 1, 1917.
⁶⁶“More Evidence Found Against Felix Jones,” *DMN*, July 3, 1917.
⁶⁷*Ibid.*
⁶⁸“Dallas Will Renew Effort to Bring Felix Jones Here,” *DMN*, July 3, 1917.
⁶⁹“Felix Jones to be Brought to Dallas This Week,” *DMN*, September 13, 1918; “Felix Jones Mystery Case is Dismissed,” *DMN*, May 7, 1919.
⁷⁰“Lively to Await Setting of Trail for Felix Jones,” *DMN*, July 4, 1917.
⁷¹“Felix Jones Mystery Case is Dismissed,” *DMN*, May 7, 1919.
⁷²“Convict Now in Penitentiary Murderer of Florence Brown, Thinks Ex-State Investigator,” *DMN*, March 12, 1938.



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First Members of the Priscilla Art Club

left to right:

Annie Jackson Ewing

Ada Mitchell Towns

Esther Juliet Pinkard Dyson

Ella Ewell Thomas Patton



Booker T. Washington High School



Moorland YMCA

1930s photographs from a scrapbook of the Priscilla Art Club, George W. Cook
Dallas/Texas Image Collection, DeGolyer Library, Southern Methodist University

Horror in Hollywood Heights

The E. R. Wyatt Trial

BY TERESA MUSGROVE

*I*t was a sweltering summer evening on July 25, 1938, in the quiet Hollywood Heights neighborhood of East Dallas. Most of the Tudor-style homes had their windows raised high to create a cooling cross-ventilation in this era before air-conditioning. As night fell, porch lights shined yellow here and there down the street. Neighbors visiting on front porches said their goodbyes and slammed screen doors behind them. Children fell asleep in their beds, listening to the buzzing songs of the locusts in the trees.

Of particular attention was a duplex at 404-406 MonteVista Drive, the second house from the end of the street, near Santa Fe Avenue. Downtown beauty shop operators Mr. and Mrs. Eric D. Napier lived in the 406 side, and Joseph Miller, a clerk at Texaco's downtown office, and his wife, Inez, resided in 404. Joseph's sister, 26-year-old teacher Mary Jo Miller, was visiting during her summer vacation. On this Monday night, Mary Jo

had gone on a date with a college acquaintance; the two spent the evening enjoying dinner and dancing at the Century Room in the Adolphus Hotel.¹

Around 1:30 in the morning, Mary Jo's friend brought her home and she walked up the steps of the duplex, unlocked the front door, and closed it behind her. She heard the young man drive away, and she began preparing to sleep on the extra mattress in the front room. As she hung up her dress, she heard a noise outside the living room window. She turned quickly as a large suitcase sailed through the open window and landed on the floor with a thump. Frightened, Mary Jo ran to the back of the duplex to waken Joseph. "Brother," she screamed, "come see what this is in the front room!"

As Joseph stood up, a deafening blast rocked the house. A piece of ceiling hit him on the head, knocking him to the floor. Mary Jo also fell to



Mary Jo Miller, shown in this 1941 photo, was the intended target of a devastating bombing on the night of July 25, 1938, at the duplex owned by her brother on Monte Vista, in the Hollywood Heights neighborhood.

the floor, and Inez, still in bed, avoided getting hit by the airborne boards and bricks of the house. The entire front room, where Mary Jo had stood moments before, was completely leveled, her mattress blown to tattered bits.²

The Napiers' living room in the adjoining side of the duplex was also demolished, but both of them escaped harm. The only Hollywood resident to sustain injuries was next door neighbor Mrs. W. S. Sanders, at 402 Monte Vista, who received a concussion when she was hit by bricks flying through her bedroom window. Airborne debris shattered windows in other houses up and down the street. The explosion was heard as far away as Fair Park. A week later, after the police and insurance companies had completed their investigations, the bombed duplex was leveled to the ground.³

Twelve hours after the blast, Nacogdoches County deputy sheriffs, acting on a tip from Dallas police detectives, arrested 35-year-old Edgar Ross

Wyatt in connection with the bombing of the Monte Vista duplex. A dynamite cap was found in Wyatt's car during a search by the Nacogdoches deputies. After learning of the arrest, three Dallas police detectives drove to Nacogdoches and took custody of Wyatt, bringing him to the Dallas jail that Tuesday evening. Wyatt, a tall man with graying hair, calmly stood as reporters asked questions. He stated that he had not been in Dallas for over a year and refused to talk about the bombing. Afterwards, Wyatt asked if he could comb his hair before posing for a jail photo taken by a *Dallas Morning News* photographer.⁴

During the next several days, a dramatic narrative unfolded in Dallas newspapers concerning Wyatt, the only suspect in the Hollywood Heights bombing, and Mary Jo Miller, the presumed target of the bombing. Who were the principal characters in this sensational story?

Edgar Ross Wyatt, a native of San Augustine, Texas, was born in 1902. He studied education



The bombed duplex was torn down a week after the bombing. Today the tranquil site offers no hint of the violence that took place there.

at Stephen F Austin State College and received teaching certifications from the University of Texas and the Peabody College in Tennessee. In July 1922, he married fellow schoolteacher Lela Davidson. Their daughter, Dorothy, was born in 1926. Wyatt taught school and athletics in several small East Texas communities. In 1931, he began a term as principal of the Brookeland School in Sabine County, located on the edge of the Sabine National Forest.⁵

In September 1931, a young teacher named Mary Jo Miller walked into the Brookeland School, seeking a position as a physical education teacher. Mary Jo, also a native of San Augustine, was born in 1912. She studied education at the State College for Women at Denton, and after graduation at the age of 19, returned to East Texas to seek employment. Wyatt was taken by the young woman's beauty and her bubbly personality. He hired her to teach and to be his secretary. After a few months, Wyatt and Miller began having an affair. Wyatt divorced his wife in

1933, opening the way for him and Miller to be more public with their relationship. The couple even traveled to Dallas together in 1936 to attend the Texas Centennial. But Miller disliked Wyatt's smothering attentions and searched for a teaching position farther away.⁶

In the summer of 1938, Wyatt was the principal-elect of the Appleby School in Appleby, Texas, a small community north of Nacogdoches. Mary Jo Miller told Dallas police detectives that when Wyatt learned she had accepted a teaching position in Chicago, he became enraged that she was leaving Texas and him. She believed that Wyatt was responsible for the dynamiting of her brother's home.⁷

While Wyatt sat in the Dallas city jail awaiting arraignment, he was visited by a trustee of the Appleby School. The trustee seized the school building's keys from Wyatt's possessions held by Dallas city jail personnel and told a reporter as he left the building that Wyatt would no longer be employed at the school.⁸



Surprise Witness Puts Defendant In Dallas Few Hours Before Blast

The bombing and subsequent trial dominated headlines in the local newspapers.

On August 4, 1938, Wyatt was arraigned and formally charged with burglary by explosives and nighttime burglary, with bond set at \$50,000. His trial was set for the Monday after Thanksgiving, November 27, 1938.⁹

But the day before Thanksgiving, Wyatt was rushed to Parkland Hospital in serious condition, suffering from pneumonia.¹⁰ The trial had to be postponed, and a new trial date was later set for April 3, 1939. That trial date was canceled due to continuances.¹¹

On May 30, 1939, Wyatt posed for *The Dallas Morning News* with the caption, "All dressed up and anxious to get out of jail on bond."¹² Wyatt's attorneys filed suit to force Sheriff Smoot Schmid to approve the new, lower \$25,000 bond for the prisoner's release. When asked by the press why he denied the bond, Sheriff Schmid said, "I just turned it down, that's all." So, Wyatt remained in jail until his next court date, now scheduled for June 19.¹³

In preparation for the trial, Wyatt's defense attorneys, San Augustine's J. R. Bogard and Dallas's Albert Baskett, subpoenaed 63 defense witnesses to provide an alibi for Wyatt's whereabouts on July 25, 1938.¹⁴ However, several of the witnesses notified Judge Grover C. Adams that they could not afford the money for a trip to Dallas from East Texas. Thirty-three of the witnesses did

appear in court on June 18, only to be turned away when the trial was postponed for the third time.¹⁵

The trial was scheduled for its fourth date on December 11, 1939. Wyatt had been a resident of Dallas County Jail for seventeen months. The charges had been upgraded to include burglary with explosives with intent to kill, and the state planned to ask the jury to sentence Wyatt to life in prison.¹⁶

A few days before the trial began, the state's star witness, Mary Jo Miller, contacted Dallas County District Attorney Andrew Patton, telling him that a man called her in Chicago several times, asking how she was traveling to Dallas, and threatening to prevent her travel. Patton arranged for Miller to fly from Chicago on a passenger plane under an assumed name, which was most unusual (and quite expensive) in that era of train travel. She stayed with her brother at the Jefferson Hotel near Union Station and the Old Red Courthouse.¹⁷

On Monday, December 11, 1939, a jury of twelve men was chosen. The trial attracted national interest, as newspaper reporters, photographers, and journalists from all over the country arrived to cover the sensational proceedings. Onlookers showed up early to claim seats in the courtroom each day, not wanting to miss a



Edgar Ross Wyatt, accused of the bombing, posed for a photographer for *The Dallas Morning News*, where the caption read, “All dressed up and anxious to get out of jail on bond.” Sheriff Smoot Schmid denied the request for release on bail.

word of riveting testimony. During lunch breaks, viewers rushed outside to grab a sandwich from street vendors and ran back inside to reclaim their seats.¹⁸

On Tuesday, December 12, 1939, at 2 P.M., testimony began in Judge Grover C. Adams’s courtroom with the state’s first two witnesses, Hollywood Heights neighbors Herbert Herndon and R. L. Sparkman, both of whom lived on Monte Vista Drive. Herndon testified that he saw Ross Wyatt at 8 P.M. the night of the bombing. Wyatt had parked his car on Monte Vista, and Herndon asked if he needed help. They chatted about the weather, and Wyatt drove away. Herndon identified a photo of the defendant’s car as the one he saw that July night.¹⁹

Sparkman testified that he saw Wyatt’s black coupe three times on July 25, driving slowly up and down the street, and later parked on Santa Fe Avenue near the Miller home. He jotted down the license plate number because of the suspicious activity. Sparkman however could not identify the man he saw in the car.²⁰

Joseph Miller next appeared on the witness stand. After describing the explosion that demolished his home, Miller recalled his dislike of Wyatt. Miller warned his sister to stay away from the schoolteacher because Wyatt had been previously married and had a child. Miller also stated that Mary Jo and Wyatt had “kept company” for about five years.²¹

On Wednesday morning, District Attorney



Defense Attorney J. R. Bogard of San Augustine, left, represented Wyatt during his trial.

Patton called Mary Jo Miller to the stand. She testified that after Wyatt hired her to teach at the Brookeland School in 1931, he “forced his attentions on her and threatened to kill any person who came between them.” Miller and Wyatt taught at the same school for three years, and then Mary Jo transferred to the Sabine School in 1934. Wyatt continued to call her and tried to see her every week. In 1937, Miller found a job in the Oak Park suburb of Chicago in order to escape Wyatt’s attentions. When Wyatt learned of her plans, Miller testified, “I had told him I had been humiliated enough and that I would tell my

brother about his attentions He told me if I did, he’d shoot my brother between the eyes.”²²

Defense attorney J. R. Bogard then cross-examined Mary Jo, and in an attempt to disparage her character, he asked, “After learning Wyatt was married and continuing to keep company with him, did you feel capable of teaching those young schoolchildren in the ways of right living?” Mary Jo boldly replied, “Listen, Mr. Bogard. . . . I didn’t go to Brookeland as a Sunday School teacher,” eliciting a roar from the courtroom spectators.²³ Next, Bogard read excerpts from letters Miller had written to Wyatt in an effort to show that she

was in love with the defendant. “You are all my dreams come true. . . . Did you write that?” asked Bogard. “Yes, if it’s in there I guess I did,” Mary Jo tearfully answered. “But my dreams blew up!”²⁴

The next witness to testify was Richard Miles, an employee of the Lee Hardware Company in Shreveport, who identified Ross Wyatt as the purchaser of 100 sticks of dynamite in March 1938. Wyatt packed the explosives into two suitcases and a briefcase. Miles testified that Wyatt asked him what would happen if he stowed a suitcase beside a house. Miles replied, “It would blow the house up.”²⁵

Other testimony heard by the jury that Wednesday included Sheriff H. M. Cook of Nacogdoches County, who removed the roll of dynamite fuse from Wyatt’s car when the defendant was arrested. Ray Bonta, Miller’s date the night of the bombing, also testified that he and Mary Jo attended North Texas State Teacher’s College in Denton in 1930, and their July date was the first time he had seen her in eight years. He said that he heard the explosion five minutes after leaving Mary Jo at the duplex.²⁶

On Thursday, December 14, nearly forty defense witnesses took the stand, most attempting to provide an alibi for Ross Wyatt during the day and time of the explosion. The long parade of witnesses included Sybil Wyatt, Ross’s sister-in-law, who testified, using her daily diary from March 1938 as evidence, that Wyatt was helping her wash clothes and could not have purchased dynamite in Shreveport. Sybil’s sister, Lillian Jones, testified that she saw Wyatt in Hemphill, Texas, (east of Lufkin) just two hours before the Dallas explosion. Rich Martin of Hemphill said that he saw and spoke to Wyatt about 10:30 P.M. the night of the bombing.²⁷

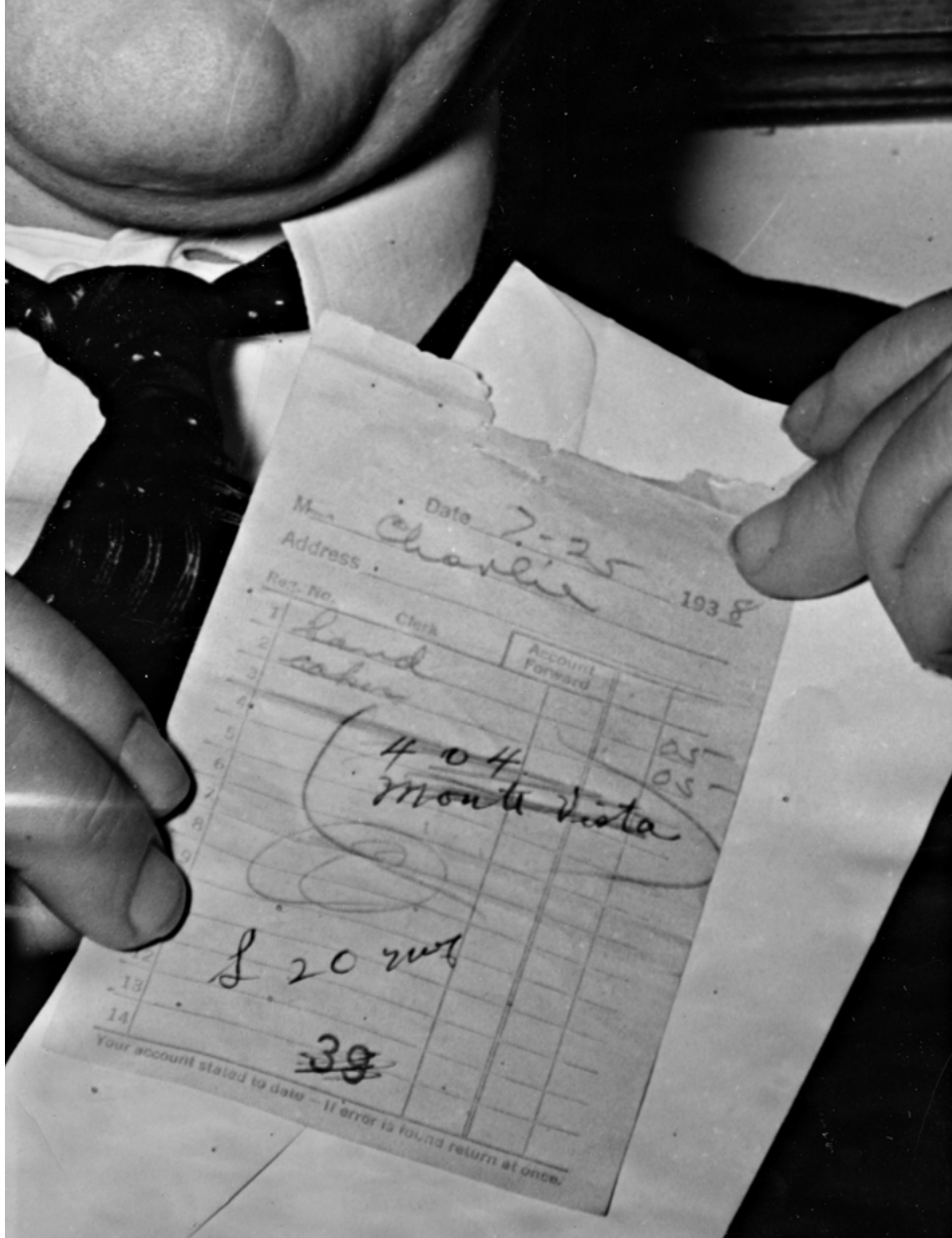
Next, the trial took a dramatic turn when Ross Wyatt’s ex-wife Lela took the stand. Lela Wyatt spoke about a confrontation she had with Miller in 1932 in which Lela accused Mary Jo of trying to steal her husband. Lela tearfully remembered saying to the younger woman, “Mary Jo, you are a thief in that you have stolen the affections of my husband and a robber, because you are

robbing my child of a home.”²⁸

Friday began with Ross Wyatt taking the stand in his own defense. During his hour and a half testimony, Wyatt denied purchasing dynamite or setting the bomb, but did admit to his relationship with Mary Jo Miller. He stated that he was in East Texas on the day of the attack, and that the dynamite fuse found in his car belonged to his deceased brother, the previous owner of the car. *The Dallas Morning News*’ coverage of the trial did not contain any direct quotes from Wyatt. *The Dallas Times Herald* reported that “[Wyatt] matched wits with District Attorney Andrew Patton. He appeared cocksure throughout and was smiling when he left the witness stand.” National newspapers reported that Wyatt gave intimate details about his relationship with Miller, but the Dallas papers did not include any of this in their coverage. The *Times Herald* stated, “The rest of his testimony . . . is unprintable.”²⁹

After Wyatt left the stand, the defense rested. Then District Attorney Patton called a surprise witness to the stand—Esther McCown, owner of the Lakewood Pharmacy, a small drug store on Abrams Road in Lakewood Heights. Mrs. McCown testified that Wyatt came into her store on the afternoon of July 25 asking to use the phone. He telephoned four different numbers asking each time for the address of J. H. Miller. McCown then presented a charge slip on which Wyatt had written “404 Monte Vista.” When asked why the defendant did not take the slip of paper when he left the store, McCown explained that she told Wyatt that “he couldn’t take that slip because it was a charge ticket.” Wyatt then wrote the address on another piece of paper. When McCown saw Wyatt’s photo in the newspaper, she recognized him and notified the police. The little charge slip became the state’s most important piece of evidence as it also contained the date of the bombing, July 25, 1938. When McCown left the stand, it was 7 P.M. and the trial was continued to Saturday morning.³⁰

On Saturday, December 16, a packed courtroom listened to the closing arguments of defense attorney Bogard, who said that the state failed to



This charge slip from the Lakewood Pharmacy, on which Wyatt had written the address of the Millers' duplex, proved to be the convincing piece of evidence in his trial.

establish a motive for the bombing and listed the state's circumstantial evidence. He was followed by District Attorney Patton, who presented his final remarks. The court recessed at 11:50 A.M. and the jury began its work. After five minutes of deliberations, the jury unanimously found Edgar Ross Wyatt guilty of all charges. The jury took a longer time to determine the sentence, going through five ballots, with some jurors in favor of a ten-year sentence and others preferring ninety-

nine years. They settled on a fifty-year sentence and the courtroom was reconvened at 1:35 P.M. for the verdict. Wyatt showed little emotion when the verdict was read, and he was quickly escorted out of the courtroom and transported to jail. District Attorney Patton said, "The verdict reflects a response to the state's plea for justice and a penalty that would confirm the credibility of the state's witnesses and serve as an adequate punishment for this defendant's crime."³¹



Wyatt showed little emotion on hearing the guilty verdict rendered by the jury on December 6, 1939. Wyatt was sentenced to 50 years, but his sentence was later commuted after 15 years.

Mary Jo Miller, who was not in court when the verdict was announced, told a *Dallas Morning News* reporter, "I've been vindicated."³²

The newspaper reported that the cost of the trial exceeded \$2,500 (\$46,000 modern equivalent). The forty witnesses from East Texas and Shreveport cost the county a total of \$938 (\$17,500) in traveling expenses, while Mary Jo Miller's expenses were just over \$150 (\$2,800).³³

Immediately following the trial, District Attorney Patton filed a motion to charge disbarred Dallas lawyer Oren Parmeter with contempt for intimidating Miller to prevent her from testifying. Parmeter had offered Miller \$500 to stay away from the trial because "she would receive unpleasant publicity." On December 18, two days after Wyatt's conviction, Oren Parmeter was sentenced by Judge Adams to three days in jail with a \$100 fine.³⁴

Because the newspapers reported the intimidation of Miller before the trial began, Wyatt's defense attorneys filed an appeal for a new trial. However, on January 9, 1941, the Court of Criminal Appeals overruled a motion for a retrial, and Ross Wyatt was transferred from the Dallas County Jail to Huntsville State Prison to serve his 50-year term.³⁵

And what became of Mary Jo Miller? She returned to Oak Park, Illinois, to teach physical education and history at the Oak Park and River Forest Township High School. On December 27, 1939, just eleven days after the end of the Wyatt trial, Mary Jo married fellow Oak Park teacher Gerald Concidine in a small ceremony in Fairfield, Iowa. She continued to teach school in Oak Park and her photo appears in the high school's 1941 yearbook. Not long after this, Mary Jo left teaching to raise her son and daughter. She worked briefly for Sears in Chicago, writing training manuals. When her children were school-aged, she went back to teaching, retiring from a Glenview, Illinois, junior high school in 1972. She passed away in 2010 at the age of 97.³⁶

Edgar Ross Wyatt began serving his 50-year prison sentence at the Huntsville State Prison in 1941. Records show that he should have been

released on January 10, 1991. However, his sentence was commuted to fifteen years, including the time served in the Dallas County Jail. He was released from Huntsville on November 11, 1952. Wyatt returned to East Texas and lived and worked in Lufkin, although not as a teacher, but as a bookkeeper. On August 6, 1972, at the age of 70, Ross Wyatt remarried his ex-wife, Lela. They spent the rest of their lives together. Wyatt passed away at the age of 89 on Christmas Eve, 1991; Lela survived him and passed away at the age of 102 on July 4, 1999. Ross and Lela are buried side by side in the Garden of Memories Cemetery in Lufkin.³⁷ A happy ending to what began with a nighttime horror in a peaceful Dallas neighborhood. **L**

NOTES

¹"Blast Wrecks Duplex Home, Woman Injured," *The Dallas Morning News* (hereafter cited as *DMN*), July 26, 1938.

²"Wyatt at Scene About Time of Bombing, Witnesses Say," *DMN*, December 13, 1939.

³"Bombed Duplex Beyond Repair, Owner Gets \$4,600 Insurance," *DMN*, August 2, 1938.

⁴"Bombing Case Suspect Says Hasn't Been Here in Year," *DMN*, July 27, 1938.

⁵*Ibid.*

⁶"Charge Filed in Dynamiting of Residence," *Dallas Times Herald* (hereafter cited as *DTH*), July 26, 1938.

⁷*Ibid.*

⁸"Bond in Bombing Set at \$25,000," *The Daily Sun* (Goose Creek, TX), August 8, 1938.

⁹"Bond Reduced, Wyatt Still Held in Jail," *DMN*, August 6, 1938.

¹⁰"Illness Strikes Bomber Suspect," *DMN*, November 24, 1938.

¹¹"Wyatt Granted Second Delay of Bomb Trial," *DMN*, April 4, 1939.

¹²"Bombing Defendant All Dressed Up, Set for Release on Bond," *DMN*, May 30, 1939.

¹³"Teacher Sues for Release on Bomb Case," *DMN*, May 30, 1939.

¹⁴"Teacher Faces Trial Monday in Bomb Case," *DMN*, June 18, 1939.

¹⁵"Witnesses Again Paid Without Testifying," *DMN*, June 20, 1939.

¹⁶"Bombing Case Set for Trial for 4th Time," *DMN*, November 26, 1939.

¹⁷"Bombed Girl Reports Effort to Prevent Her Testifying," *DMN*, December 12, 1939.

¹⁸"I'm Vindicated, Girl Declares as Jury Gives Wyatt 50 Years," *DMN*, December 17, 1939.

¹⁹“Wyatt at Scene About Time of Bombing, Witnesses Say,” *DMN*, December 13, 1939.

²⁰Ibid.

²¹Ibid.

²²“Dynamite Bought by Wyatt at Shreveport, Witness Says,” *DMN*, December 14, 1939.

²³“Teacher Bares Murder Threat in Bomb Case,” *Daily Herald* (Borger, TX), December 13, 1939.

²⁴“Dynamite Bought by Wyatt at Shreveport, Witness Says,” *DMN*, December 14, 1939.

²⁵Ibid.

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²⁷“Wyatt’s Wife Accuses Miss Miller of Stealing Husband, Ruining Home,” *DMN*, December 15, 1939.

²⁸Ibid.

²⁹“Wyatt Denies Placing Bomb in Girl’s Home,” *DTH*, December 15, 1939.

³⁰“State Asks Jury to Send Wyatt to Penitentiary for Rest of Life,” *DMN*, December 16, 1939.

³¹“I’m Vindicated, Girl Declares as Jury Gives Wyatt 50 Years,” *DMN*, December 17, 1939.

³²Ibid.

³³Ibid.

³⁴“Mary Jo to Resume Her Job; Ex-Lawyer Given Jail Term,” *DMN*, December 19, 1939.

³⁵“Dallas Bomber Must Go to Pen,” *DMN*, January 9, 1941.

³⁶Obituary, “Mary Jo Concidine,” *Chicago Tribune*, February 21, 2010.

³⁷Ancestry.com records.

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Historic Jails in Dallas

BY MARCEL QUIMBY, FAIA

As in most Texas cities in the late nineteenth and early twentieth centuries, the population of Dallas expanded rapidly, and the city's role in keeping law and order experienced significant changes. Automobiles created new opportunities for criminal behavior and travel to other places, facilities of incarceration needed to be more secure, and society demanded that prisoners be treated more humanely than in the past. These changes were reflected in city and county buildings dating from the first two decades of the twentieth century. Three of these historic buildings remain in Dallas today—the historic City of Dallas Jail, the jail within the Dallas Municipal Building, and ones within Dallas County's Criminal Courts Building. These historic buildings no longer accommodate prisoners, but they still provide glimpses into their unique histories.

The city government met in a series of rented facilities until 1872 when the first City

Hall was built—a two-story building at Main and Akard Streets, with retail at the first floor and city offices at the second. In 1881 the City moved to a new City Hall and fire station at Commerce and Lamar Streets, with the city offices on the floor above the fire station. This combined city hall and fire station was replaced in 1889 with a significantly larger City Hall at the corner of Commerce and Akard Streets; this prominent, five-story building accommodated city offices, council chambers, a 1,000-seat auditorium, and a new city jail; the jail remained in the building until 1906. This City Hall served Dallas for twenty years until the city received an offer from Adolphus Busch to buy the property and construct a new, modern hotel in its place—the Adolphus Hotel. The City accepted the offer and moved out of the building in 1910, leasing temporary offices while a new facility was being constructed on the eastern edge of downtown.

City of Dallas Jail (1906-1914)

The City Marshall was responsible for keeping the peace in the City of Dallas until 1881 when the position was replaced by a formal city Police Department; this department and its jail were located in the basement of the 1889 City Hall. While this jail was probably adequate when it opened, by the early 1900s local newspapers reported concerns about the cramped and poor conditions, and public support grew for a new jail with improved conditions.

A bond election for a new jail passed in 1905, and the city began a search for an appropriate site. After reviewing several sites, the city decided that their horse stables on Ross Avenue in the warehouse district would be the best site for the new jail, and the stable was relocated elsewhere. Dallas architect H. A. Overbeck was selected to design the new jail. The two-story red brick building with decorative stone elements was a handsome building that fit in well with other commercial and industrial buildings in the area. The new building provided the jailers' office, a courtroom for City Court (that eliminated the need to transport prisoners to a separate building, a much safer approach), judges' offices, a jury room, a jailers' quarters and kitchen, and a matron's quarters. The

jail was placed upstairs with facilities for men, women, and male and female juveniles—each with its own dayroom and access to exercise area. The jail staff included four full-time positions—jailer, matron, and separate jailers for the day and night watch.

Dallas contractor L. R. Wright received the bid to construct the new jail for \$20,972 and it opened in May 1906. This facility served the city until 1914, when the jail was relocated to the upper floor of the new Dallas Municipal Building on Harwood Street. This historic jail building remains at 705 Ross Avenue, in what is now known as the West End Historic District. The building is privately owned and after decades as a restaurant, it is currently an office building.

The historic Dallas Jail has several historic designations:

City of Dallas West End Historic District
West End National Register Historic District



Mounted Dallas police posed in front of the City Jail on Ross Avenue not long after it opened in 1906.



The old City Jail has been carefully preserved in what is now the West End Historic District. After housing a restaurant for many years, it is now home to private offices.

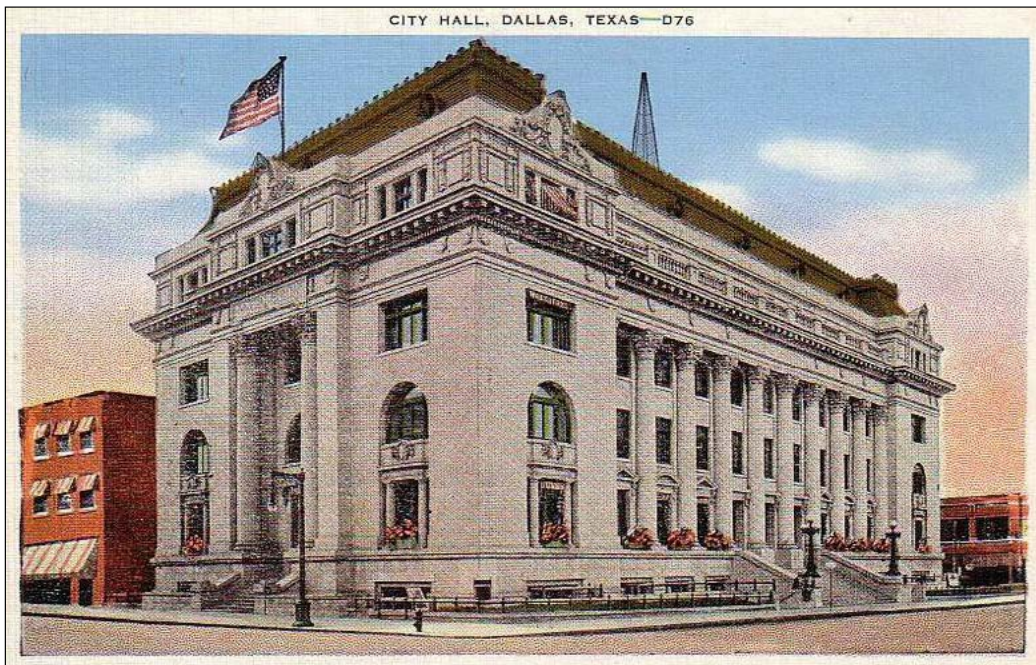
Dallas Municipal Building (1914-1978) and the Dallas City Jail (1914-1983)

The Dallas Municipal Building sits on a two-city-block site facing Harwood, between Main and Commerce Streets. This location was at the eastern edge of Dallas's downtown commercial area; surrounding areas to the east and south were largely residential. Dallas architect C. D. Hill was selected to design the new building, with Mauran, Russell, and Crowell architects from St. Louis as consulting architects.

The new five-story Classical Revival style Dallas Municipal Building provided larger accommodations for the growing municipality and accommodated all city departments as well as the City Council chambers and offices for the mayor and four elected commissioners. It also contained

courtrooms and the police department. Like the previous City Hall, there was a one-thousand seat auditorium with a large balcony on the third and fourth floors. This new municipal building was planned to accommodate the city's needs until the end of the century.

The new Dallas jail was located on the northern half of the fifth floor and accommodated prisoners in eighteen private cells, and medium and large holding areas; this was much larger than the previous jail on Ross Avenue. As was common for modern jails at the time, the jail cells were constructed of metal bars on all four sides within the completed building and located away from the exterior walls, limiting opportunities for escape.



The Municipal Building on Harwood Street was an example of the Classical Revival architecture popular for government buildings when it was constructed in the 1910s.

There was only one access to the jail, secured by a sally port (a fortified gate) and overseen by the jail staff. The jailer and the matron no longer lived within the facility.

Typically, those in the jail had been arrested for breaking City of Dallas ordinances ranging from public intoxication and minor offenses to violent crimes such as murder and were in two

categories, detainees and prisoners. Detainees had been arrested and were being detained while awaiting trial. Prisoners were those who had been arrested, convicted, and sentenced. Inmates who were serving shorter sentences or had committed minor crimes would serve their sentences in the jail. Those convicted of more serious crimes were transferred to the Dallas County Jail or to the



Lee Harvey Oswald was held in the jail at the Municipal Building following his arrest on November 22, 1963. He had to run a gauntlet of news reporters every time he was taken for questioning.

state prison system. In the ensuing decades, the auditorium was removed, and new floor space created, allowing the Dallas jail to expand into the remainder of the fifth floor.

With the city's post-World War II growth, the Municipal Building no longer accommodated all of the city's office and court needs, and a five-story addition at the rear of the building was constructed in 1956. As offices and courts moved out of the Municipal Building, the original structure was renovated the following year, including the expansion of the jail into the full fourth floor, an addition of a secure elevator from the basement to the upper floors, and exterior fire escapes from the jail.

The most notable events at the Municipal Building took place following the assassination of President John F. Kennedy. For forty-eight hours following the assassination, the Municipal Building was the center of the world's attention with journalists arriving from around the world to cover the story. Lee Harvey Oswald was apprehended at the Texas Theatre the afternoon of November 22, 1963, for suspicion of the murder of Officer J. D. Tippit in Oak Cliff. He was

brought to the jail at the Dallas Municipal Building for processing when the police realized he was also wanted as the only employee of the Texas School Book Depository who was unaccounted for. Oswald would be charged with both murders later that night. He was detained in several spaces in the Municipal Building: the basement, where he was processed in the jail's intake area; the third-floor offices of Captain Fritz with the Dallas Police Department's Homicide and Robbery Bureau, where he was interrogated on Friday, Saturday, and Sunday morning; and the jail's fifth floor, where he spent two nights. As Oswald was escorted to and from Captain Fritz's office over the weekend, the corridor was lined with journalists attempting to interview and photograph him. These scenes from Dallas's Municipal Building were transmitted around the world and illustrated television's demands for up-to-the-minute news and the corresponding impact of these events for the first time.

Oswald was being escorted to a waiting car in the basement which would take him to the Dallas County Jail when Jack Ruby emerged from the crowd of reporters and shot and killed him. Thus



The marble stairs in the lobby have been re-created as part of the recent restoration of the Municipal Building.

a fourth area in the Municipal Building joined the others in the international memory of that weekend.

By the 1970s the jail hosted participants in an annual downtown event, the Friday night street party in downtown Dallas prior to the Texas-Oklahoma football game at the Cotton Bowl during the State Fair. Fans from both teams partied hard, with the more boisterous participants arrested for drunken and/or disorderly conduct; the fans were kept in separate large holding cells with doors identified with an orange longhorn or red OU logos.

In 1978, the administrative offices, the City Council chamber, and many departments moved to the new City Hall building on Young Street. The Dallas jail closed in 1983, and those arrested for misdemeanors were brought to Dallas County's new Lew Sterrett Justice Center for intake, processing, and detaining if needed. A new Police

Department Headquarters was built on South Lamar, and the police moved there in 2003. The exterior of the old Municipal Building was restored to its 1914 appearance, including cleaning and restoring the limestone, and replacing the 1970s windows with new ones that replicated the historic. Conley Associates was the architect for this exterior restoration.

The historic Dallas Municipal Building remains the property of the City of Dallas and is leased to the University of North Texas as the home of its Law School. Many of the historic spaces in the jail were restored, including the first-floor public areas which now reflect their 1914 appearance, including reconstruction of the white marble grand staircase and marble walls, restoration of the marble floor, marble and wood trim, and decorative plaster ceilings. The City Council chamber has been restored to its original appearance and now serves as a location



The Municipal Building now houses the University of North Texas Law School, although some areas associated with Oswald have been preserved.

for the law school's moot court. Those areas associated with Lee Harvey Oswald remain in place and maintain their 1963 appearance, including Captain Fritz's office on the third floor, and the entrance to the jail and the cell where Oswald stayed at the fifth floor. The architect for the design of the Law School was Stantec; Architexas was the preservation architect.

The historic Dallas Municipal building has several historic designations:

- Harwood Historic District
- City of Dallas Landmark
- Recorded Texas Historic Landmark
- State Antiquities Landmark (Texas)
- Downtown Dallas National Register Historic District

Dallas County Criminal Courts Building (1915-2016)

Dallas County had a series of County Courthouses that housed its administration and courts during the nineteenth century before the new "Old Red" Courthouse opened in 1891. However, the Dallas County Jail, a three-story masonry building at the corner of South Houston and Jackson Streets constructed in 1882, continued to serve as the county's jail. By the early years of the twentieth century the county's growth exceeded the small jail's capacity; the county realized that a facility to accommodate both the jail and related county functions would be a more secure facility. In 1913 a 100 ft x 100 ft site (one-quarter of a

city block) to the north of the County Courthouse was purchased for this new Criminal Courts Building. Dallas architect H.A. Overbeck was selected for the project; he and the county commissioners conducted a jail inspection trip to St. Louis, Cincinnati, Cleveland, Buffalo, Syracuse, and Albany to observe their new, modern large jails. Construction began in late 1913 and was completed in mid 1915.

The impressive Criminal Courts Building was a nine-story, red brick building with buff-colored terra cotta trim and was one of Dallas's early "skyscrapers" when it opened. It was Dal-



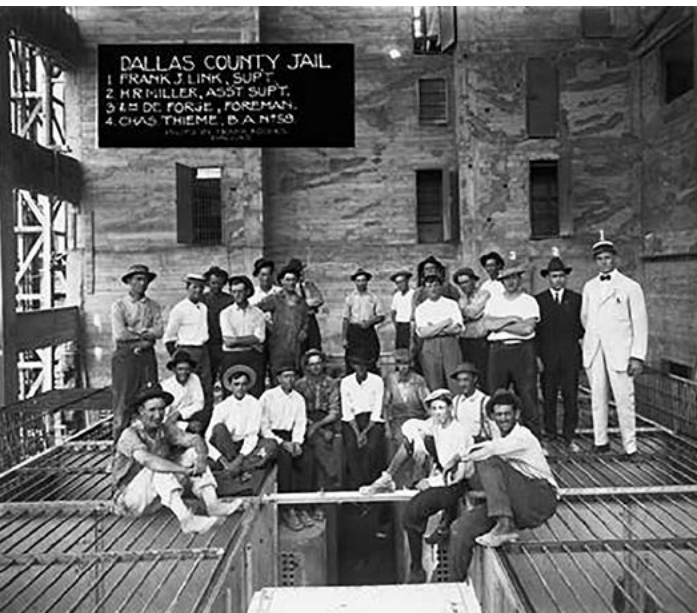
The Renaissance Revival Criminal Courts Building provided an interesting contrast to the Romanesque Old Red Courthouse across the street when it opened in 1913.

las County's first significant building since the Courthouse and consolidated the County's position at the west end of downtown. The public entrance lobby with white marble floors and walls led to the Sheriff's offices, Justice (of the Peace) Courtrooms, District Attorney's offices, and County Law Library; an ornate white marble staircase led to the second and third floors with two Criminal Courts and a judges' suite, jury dormitories, and public restrooms. These functions at the lower levels of the building provided a secure path for jailed prisoners to attend court while staying within the secure building.

Jail functions at the first floor included a small jail entrance from the alley, a jailor's office, intake and prisoner holding cells (including an "inebriate cell"), fingerprinting room, a "rogues gallery," and locker room for prisoners' clothes. The floor plan at the upper floors was U-shaped, with a light court between the two wings; the north end of the building contained stairs and an elevator. The window patterns at the upper jail floors gave the appearance of a commercial building, and it was not obvious when seen from

the public streets that these windows served a jail facility. The building's basement accommodated an engine room, boiler room, and ventilating apparatus for a central heating system, a new feature at the time.

The jail was located at the fourth through ninth floors, with the fourth floor accommodating a hospital in the west wing, and the women's and juveniles' cell blocks at the east wing. The jail matron oversaw the hospital ward and these cell blocks and had an apartment on this floor. The fifth floor contained a small jail block and storage space. The building was of unique construction with a tall void space from the sixth floor to the seventh floor filled with five floors of "stacked" jail cells constructed by a separate jail contractor; these stacks were held back several feet from the exterior wall, allowing natural light into the jail



Workers posed atop one of the steel "stacks" that held jail cells on the upper floors of the Criminal Courts Building.
Right: The stacks shortly before removal during the current renovation.



cells and also allowing jail staff to monitor the detainees and inmates. Each cell block accommodated eight cells, each capable of holding two men, and a long exercise/dayroom facing an exterior wall. These stacked jail blocks had concrete floor construction with jail bars imbedded within the slab; this construction created prisoner areas that were considered secure from escape.

The seventh floor was a tall space, and its mezzanine contained “death row” with three cells; a wooden gallows structure was placed in the adjoining space. When the building opened, executions were the responsibility of Texas counties and were by hanging; this gallows within the new building was considered an improvement over the outdoor public hangings Dallas County previously held. Five executions were held in this jail prior to the Texas legislature mandate in 1923

that all future executions be held in Huntsville at the State Prison.

The Jail had 240 cells for detainees awaiting trial, prisoners who had received shorter sentences (typically up to six months), and prisoners awaiting transfer to Texas Department of Corrections (later Texas Department of Criminal Justice). In addition to the spaces described above, other interesting spaces in the jail included:

- “Picket” and Sally port: the prisoner entry to the jail was called “Picket” and served as control station for all activity in the jail and was staffed 24/7.

- Baptistry: a storage room in the jail was converted to a baptistry for those inmates who wanted to be baptized. The inmates later obtained permission to add religious painting on the walls; these are thought to date from the 1970s based on the use of acrylic paints.



This marble stair on the fifth floor of the Criminal Courts Building was removed during the building’s renovation, but the components have been stored.

■ Jail Chapel: religious services were held in the chapel with a secure area for clergy and guests; a kneeling rail was in front of this secure barred partition. The upright piano used in the chapel was left behind when the jail later closed.

■ Gymnasium: the tall west wing at the seventh floor was used as a gymnasium and inmate educational classes; this space had previously accommodated the death row gallows.

■ Death Row, eighth floor: five men convicted in Dallas County occupied cells here prior to their execution—Walter Robertson Stephenson, 1918; Leonard A. Dodd, 1918; Will Jones aka “Webb Nickerson,” 1918; Green Hunter, aka “James Brown,, 1920; and Fred Douglas, 1920

There have been a number of notable events at the Dallas County Jail including the death of two Dallas County peace officers. In 1923 Dep-

uty Willis Glover Champion was shot and later died during an attempted jail break by two prisoners; he protected the security of the jail while being pursued by two prisoners with smuggled guns. Matron Cassie Mae Chandler was assaulted by prisoners in the jail in 1948 and incurred fatal injuries; she was the first woman Peace Officer to die in the line of duty in Texas.

Following the assassination of Lee Harvey Oswald, Jack Ruby was held in the Dallas County Jail pending trial. To protect Ruby, Dallas County accommodated him in a cell with an adjoining room on the sixth-floor mezzanine, with no contact with other prisoners. Pretrial and jury selection for the Ruby trial took place in March 1964 in Judge Joe B. Brown’s courtroom. The actual trial was held in the much larger J. Frank Wilson Criminal Courtroom in order to accommodate the large number of reporters from



This photo of the King Courtroom in the Criminal Courts Building shows the original wood trim and plaster. Some painting and other changes to the courtroom are planned during the renovation.

the national and international press. At the end of the ten-day trial, Ruby was found guilty of murder. The Court of Criminal Appeals reversed the guilty verdict in October 1966. Ruby was admitted to Parkland Hospital in late December, where doctors found that he had inoperable cancer. He died in the hospital on January 3, 1967.

The County's new Records Building (1928) occupied the property east of the Criminal Courts Building, extending from Main to Elm Street. The two buildings had separate operations and were physically separated by a public alley. A later addition to the Records Building (the Annex, 1955) was located on the last remaining quadrant of the site; this Annex connected to the Records Building at the lower three floors. The Annex's upper three stories contained a new jail that could accommodate 465 maximum security prisoners; this new jail was physically separated from the Criminal Courts jail and connected only by a corridor to shared jail elevators.

Understanding the limitations of the early twentieth-century jail, Dallas County included a replacement jail in the top two stories within its new Dallas County Government Center in 1967 (now known as the George Allen Government Center). After relocating the detainees and prisoners in the Dallas County jail to this new jail, this historic jail was closed. However, by 1975 the new jail was overcrowded and the historic jail in the Criminal Courts Building was reopened to serve as overflow as needed for the next few years. The new Lew Sterrett County Jail opened in 1983, and the Criminal Courts Jail was closed permanently. The first floor of the building remained in use as offices until 2016.

Dallas County has recognized the importance of these significant historic buildings—the Criminal Courts Building (1915), Records Buildings (1928) and its Annex (1955)—and the importance of the county's offices remaining at their historic location at the west end of downtown Dallas. The need to renovate these facilities for office environment and technology suitable for today's use was a prime consideration of the current renovation project at these buildings. Changes to the jail required the removal of the historic jail "stacks," the remarkable marble staircase in the lobby, and other modifications. New county offices will be created within what was the jail, and these buildings will be connected with floor levels that align, providing full use of these distinct buildings for the first time. Currently nearing the end of a multi-year construction effort, the completed renovation will reflect both the history of the Criminal Courts Building and its transformation for use in the twenty-first century. The architect for the project is Gensler and contractor is Manhattan | Byrne | 3i, A Joint Venture. **L**

The historic Dallas County Criminal Courts building has several historic designations:

Dealey Plaza National Historic Landmark District

West End National Register Historic District

Recorded Texas Historic Landmark

RESOURCES / FURTHER READING

City of Dallas Municipal Archives

Dallas County Records Building Renovation Project website

(www.dallascounty.org/drcb/)

Dallas Morning News Archives

Dallas Municipal Building Historic Structures Report, Marcel Quimby, 2002

Dallas Municipal Building National Register Nomination

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Ejected from Old Red Black Jury Service in the Time of Jim Crow

BY RALPH COUSINS

Courage takes many forms. For some, courage is a decision in an explosive moment to stare down risks to prevent a catastrophe or deflect an onrushing danger. For others, courage is a commitment to a life of risk and peril to right a wrong or effect change, change resisted by law, by authority and by custom. George Francis Porter's courage was of the second sort.

Although it promised to be a clear, hot late September day in 1938, George Porter tied his tie, buttoned his vest, and brushed his suit coat.¹ Porter, the Reverend Ernest Estell, and Dr. B. E. Howell all lived on Thomas Street in the State-Thomas neighborhood of North Dallas.² The others would join Porter soon to ride the streetcar to downtown. On two previous occasions Porter had responded to a jury summons. "In 1921 he served one day after Whites threatened him with lynching, and in 1936 he allowed himself to be dismissed after protesting."³ He did not believe this day would be any different.

Between the world wars, Jim Crow discriminatory statutes and ordinances (the Black Codes)

were firmly entrenched in Texas. Ordinances prohibited Blacks from sitting with Whites in public. White and black children could not share the same swimming pool. Public schools were segregated. Residential redlining blocked Blacks from living in white neighborhoods. Homes of Blacks moving into white neighborhoods were firebombed.⁴ To vote, a citizen must have paid the poll tax of \$1.50 or \$1.75, which was often a steep price for persons of color.⁵ A common obstacle for exercising citizenship was the refusal of judges to allow Blacks to serve on juries.

In 1938 George Porter was an active member of the Dallas Branch of the National Association for the Advancement of Colored People (NAACP). In fact, Porter and Ammon Scott Wells organized the first Dallas branch of the association in 1918.⁶ Prior to arriving in Dallas around 1916, Porter had been vice president of the Kansas City Branch.

He was an 1899 honor graduate of Atlanta University.⁷ W. E. B. Du Bois, an Atlanta University faculty member and an original 1909 founder



The Old Red Courthouse was George Porter's destination when he rode a streetcar to downtown Dallas on the morning on Sept. 26, 1938, in response to a jury summons.

of the NAACP, was a major influence on him. In letters, Porter commented on how Du Bois shaped his thinking. It is likely that Porter was one of Du Bois' research assistants as the academic was doing his groundbreaking research on race. They continued a sporadic correspondence into the 1920s.⁸

Born in Savannah, Georgia, in 1877, George Porter was the last of six children. His father, James Ward Porter, was free born, his mother having purchased her freedom. George gained his passion for equality and fairness at an early age. James Ward Porter was an African Methodist Episcopal Church (AME) pastor.⁹ Even before the Civil War and emancipation, the elder Porter strove for freedom. A "migrant from Charleston," James "established a music school (for black children) in Savannah upon his arrival in 1854 and openly offered lessons in violin, piano, voice and, apparently clandestinely, offered reading and writing." Although teaching blacks to read or write was a crime, Porter escaped punishment.¹⁰ He was one

of twenty black religious leaders to meet with Major General William T. Sherman and Secretary of War Edwin Stanton on January 12, 1865, to discuss "matters relating to the freedmen of the State of Georgia"¹¹ Additionally, he was a representative in the first Reconstruction Georgia Legislature that heard from the presiding officer after the first quorum roll call, "you are required to duly ratify the amendments to the Constitution proposed by the 39th Congress known as Article 14."¹² He was an ally of his fellow representative the influential AME Bishop Henry McNeal Turner. Throughout his life George Francis Porter continued his father's struggle.

Like his father, Porter had leadership traits that inspired people to trust him. He had leadership roles as an undergraduate at Atlanta University, in the Kansas City NAACP, the Colored Teachers of the Oklahoma Territory, and in the St. James AME congregation in Dallas. In 1922, about six years after arriving in Texas, he was elected to be a General Officer of the Texas Conference of the

Christian Methodist Episcopal Church (CME).¹³ George and Lillian Mae Caesar married December 26, 1906, in Kingfisher, Oklahoma Territory, while Porter was teaching at the Colored Agricultural & Normal University in Langston, Oklahoma. Seven years younger than George, Mae, as she preferred to be addressed, was likely a student. Mae had a beautiful singing voice. As George's father was a music teacher and George probably played an instrument, perhaps music was what drew them together.¹⁴

From the time the Porters arrived in Dallas until 1920 there were frequent references in the *Dallas Express* to Mae teaching music lessons, her local singing performances, and recital tours as far away as New York. She gave a recital at the home of the recently deceased Madam C. J. Walker in Irvington, New York.¹⁵ In 1920 Mae received a trademark for a logo of a seal with the words 'Seal Oil' to be placed on bottles of seal oil hair producer. The product was advertised in the *Dallas Express*. She then disappears from public records. Neither Mae nor George was recorded in the 1930 U. S. Census. By the 1940 census, George is listed as a widower.¹⁶

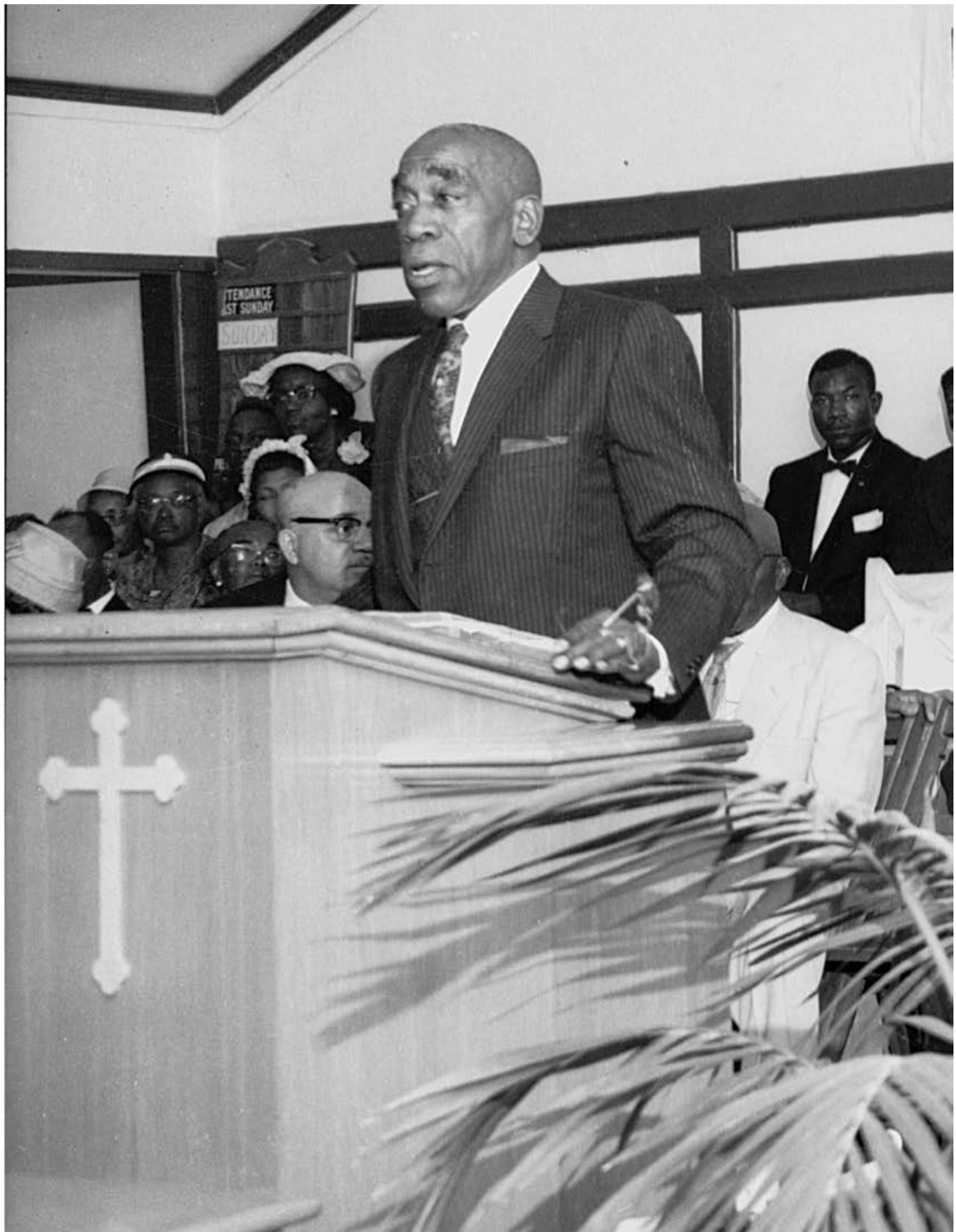
Jim Crow was an unremitting menace that perched on every black person's shoulder. From daily humiliations to major outrages and lynchings, fear of overstepping a boundary was ever present. Three Blacks were lynched in Texas in 1936. In May 1930, a black man in Sherman, sixty-five miles north of Dallas, was accused of raping an unidentified white woman. The accused was burned to death when white rioters torched the courthouse. Rioters destroyed many black businesses and homes.

Walter White, who succeeded Harlem Renaissance writer James Weldon Johnson as the National Secretary of the NAACP, spoke to a racially mixed InterRacial Commission in Dallas about the anti-lynching bill pending in Congress in the spring of 1938. Amid controversy, White's speech was moved from the Central YWCA to the African-American Moorland YWCA on Flora Street.¹⁷ Earl E. Hurt, commander of the Texas division of the Sons of Confederate Veter-

ans (SCV), wrote in a letter to *The Dallas Morning News*, "If they want to meet at a Negro joint (Moorland YWCA) that's their business and we don't care who attends. But they can't bring Negroes in here and mix them with our young white girls at our Y.W."¹⁸ (Please see endnote 18.) White's message contained the following memorable line: the anti-lynching bill was "a fight to save black men's bodies and white men's souls."¹⁹ As evidenced by letters from white citizens to *The Dallas Morning News*, his visit to Dallas caused considerable outrage. Pointing out the hypocrisy of life in Dallas, a *Dallas Morning News* editorial, sympathetic to White's presence, reminded readers of Marian Anderson's extraordinarily successful concert before a white audience at SMU's McFarlin Auditorium just months before.²⁰

Although there is no documented evidence, it is reasonable to assume that during his short stay in Dallas, Walter White and the Dallas Branch leadership discussed topics of both local and national importance. Among them must have been that the National Office was seeking incidents of racial violence and flagrant discrimination that contained the elements of a good constitutional challenge. The 13th, 14th, and 15th Amendments, known collectively as the Civil War Amendments, were designed to ensure equality for recently emancipated slaves. White leaders in the South deliberately and openly defied federal laws that sought to neutralize discriminatory state and local restrictions. One of the Jim Crow customs that vexed Blacks across the South involved service on petit and grand juries. The custom was that Blacks, seeking to exercise their rights, would be called to jury service, excused by the presiding judge, collect the per diem stipend and go home or to work.

Following Walter White's visit to Dallas, "an active program was launched" by the NAACP Dallas Branch "to protest the exclusion of Negroes from petit and grand jury service in Dallas County."²¹ NAACP members who had registered to vote were queried as to their willingness to respond to a jury summons and refuse to be excused on the basis that being forced to



Rev. Ernest Estell, a prominent pastor, accompanied Porter to act as a witness when Porter declined to be excused from jury duty.

leave would be a denial of civil rights. The basic requirements for a suit against the county required an individual willing to challenge the customary process. Such challenge would carry considerable personal risk. Credible witnesses to a denial of rights would be valuable should the NAACP initiate a civil lawsuit against the county.

A plan was developed that observers would accompany the prospective black juror. Both the prospect and the witnesses would be at risk. Porter was one of several men willing to test the system. "In August 1938, Dr. B. E. Howell, president of the branch, outlined the procedure for Blacks to follow when summoned for jury service. He urged them not to disqualify themselves voluntarily, but to take witnesses with them to court."²²

In August 1938, Dallas County District Clerk George Harwood stated that, as in previous years, all qualified voters would be placed on the potential jury rolls, including Blacks. A *Dallas Morning News* article offered, however, that Blacks might be summoned but as was the custom, they would disqualify themselves. In Texas, the list of registered voters was the pool from which a weekly list of potential jurors would be chosen at random. Blacks who had registered to vote were frequently called for jury duty. Qualifications for voting included: American citizenship, age 21 or older, ability to read and write, residence in the county, and suffering no disability or loss of civil rights by reason of a former felony conviction.²³ Felony convictions were a handy disenfranchisement tool. Deliberately creating an obstacle to voting by Blacks, "(t)he Legislature amended the (Texas) Constitution in 1902, subjecting anyone who wanted to vote to an annual poll tax of \$1.50 to \$1.75." "The poll tax was high enough to discourage people from voting, particularly African-Americans, Tejanos and poor Whites."²⁴ By chance of the lottery pool, George Porter received a jury summons to appear Monday, September 26, 1938.

A series of U. S. Supreme Court cases beginning in the early 1930s called attention to the issue of jury service as a feature of the equal protection clause of the 14th Amendment. Notoriety

of the Scottsboro Boys cases, especially *Norris v. Alabama*, opened the door for court tests under the 14th Amendment. It was one of two landmark United States Supreme Court decisions in which the court reversed the convictions of nine young black men for allegedly raping two white women on a freight train near Scottsboro, Alabama. Writing for the majority, Supreme Court Chief Justice Charles Evans Hughes said the court could find "no constitutional justification for the long-continued, unvarying, and wholesale exclusion of Negroes from jury service."²⁵ Many jurisdictions across the South simply ignored the court.

Prior to arriving in Dallas around 1916, Porter had taught in Florida at Edwin Waters College, at Paul Quinn College in Waco, Texas, at Oklahoma Colored Agricultural & Normal University, and finally in the Kansas City public school system.²⁶ At the time of his jury summons in 1938 Porter was the director of the Wiley College satellite in Dallas. In Dallas, he taught English at the Colored High School at the corner of Hall and Cochran Streets just blocks from his boarding house on Thomas Avenue.

In 1917 Porter resigned from Dallas Colored High School after Superintendent Justin Ford Kimball refused to equalize pay among all black teachers—male and female. "That would be social equality," said Superintendent Kimball. Porter quickly replied, that would not matter since colored teachers would receive equal pay.²⁷ Kimball offered Porter a higher secret salary if he would not press the issue. He refused and resigned.²⁸ After he stepped down, he spent time in Wichita Falls selling insurance.²⁹ By 1919 he was back in a Dallas classroom.³⁰

George Porter arrived at the Dallas County Courthouse on Monday, September 26, accompanied by Rev. Estell and Dr. Howell. Charles Graggs met them. Estell, Howell, and Graggs, all respected in the community, were to act as witnesses when Porter declined to be excused and remained in the Central Jury Room. Porter sat in the Central Jury Room with the other jury prospects. Deputy Sheriff Fred Army, on duty in



Porter reported for jury duty in the Central Jury Room at Old Red. This photo of one of Old Red's courtrooms was taken about the same time.



After Porter was ejected from the building and then returned to the jury room, Judge Paine Bush sent him to another court, knowing attorneys there would strike him from the jury.

the courthouse, told Porter that Jim Crow laws forbade Blacks and Whites from sitting together in public places.³¹ Despite glares and mutterings from white men, Monday passed uneventfully. All the potential jurors were men. Women could not sit on juries in Texas until 1954.³²

The *Dallas Express* noted on the previous Saturday that eight Blacks had reported for jury duty on Monday the 19th. They were “treated courteously but denied the petition to serve.” The *Express* further noted that “the local branch of the NAACP is taking affidavits this week from these persons in an effort to make a test case of the denial of Negroes of the right to serve on juries.”³³

On Tuesday Porter was back in the Central Jury Room ready to be added to a panel. As the day progressed, the tension increased. By flouting Jim Crow laws and custom, he was walking an exceptionally fine line. The thought of a black person sitting in judgment over a white person was objectionable to most Whites. He was challenging the fundamental social structure of

post-Reconstruction Texas. Legal authority and social gravity focused on disenfranchising Blacks and rendering them impotent. Porter, a slight, bespeckled, middle-aged black man was claiming that by the Constitution he had a right to be there and to be chosen for a jury. Not surprisingly, sporadic threats of harm continued through the day. Sheriff Smoot Schmid stated that he would do nothing without orders from Judge Paine Bush.³⁴

As Porter took his seat Wednesday morning, the hostility was palpable. A front page article in the morning paper could be interpreted as calling for violence. “Unless he is forcibly removed, G. F. Porter, 55, Negro college president will serve the rest of the week . . .”³⁵ His three witnesses were still observing the situation. Another witness, F. D. Jones, joined them.³⁶ Enduring verbal insults and threats, Porter remained sitting in a corner away from all others.

Early in the afternoon, waiting alone for the proceedings to begin, “two white men suddenly dragged him by the collar from the courtroom and threw him down the north steps of the building, causing permanent injuries.” Porter called out to deputy sheriff Army, the court clerk, and other court officials to protect him. They refused. Within a few moments, scores of Whites, encouraging the cruelty, gathered in the hall, on the courthouse steps, and on Main Street below as Porter struggled to stand. He slowly dusted off and straightened his clothes then pressed through the crowd and climbed the steps, pushing through onlookers seeking to obstruct his entrance. He entered the courthouse and resumed his wait in the Central Jury Room. A bystander asked Charles Graggs, Porter’s friend and volunteer witness, “What was the nigger doing?” Graggs replied, “Porter was attempting to discharge his duty as a juror.” The man then responded, “Not down here in Dallas, Texas.”³⁷

Judge Paine Bush now had several problems. As he would write just two years later, “With a few exceptions set forth in the constitution or created by legislative enactment, every citizen possessing” the proper qualifications “is subject to jury duty

Tossed Out Negro Ends His Jury Vigil



—News Staff Photo.

George Porter's ejection from the Dallas County Courthouse merited headline coverage in *The Dallas Morning News* the next day.

when summoned by a court of proper authority.”³⁸ Judge Bush had a constitutional and legal problem, the exact problem the NAACP wanted him to have. Leaving Porter in the Central Jury Room risked more violence. Judge Bush could have ordered Porter out of the courthouse. There are several but not conflicting versions of what happened next. Out of his sense of duty, he did not order Porter out of the courthouse. Instead, he told Porter that he could protest his dismissal but it was too late to serve. Porter told the judge

that, in anticipation of being dismissed, he had already filed a protest. If Bush dismissed Porter, there would be controversy and likely embarrassment to be called out publicly for violating the Fourteenth Amendment and recent Supreme Court rulings.³⁹ There is no evidence of Porter's protest.

Judge Bush's second problem was that he was elected by the voters of Dallas County. More specifically, he was elected by the white voters of the county. *Dallas Morning News* columnist



Judge Sarah T. Hughes, shown here being welcomed to her courtroom in Old Red after her appointment to the bench in 1935, counseled Porter, explaining that he would not serve on a jury, that additional violence might be ahead, and that he had made his point. Porter then left, accompanied by sheriff's deputies.

Lynn Landrum eloquently praised and summed up Judge Paine Bush's dilemma. "(He) knows that the Negro has not only the right but also the duty to serve," but "he knows full well that the majority of the white Democrats to whom he must look for renomination and re-election to the bench prefer not to have Negro jurors serve in the courthouse. He probably so prefers himself."⁴⁰

Seeking a likely peaceful way out of the

impasse, Bush sent Porter to Judge John Rawlins' court to sit on a voir dire panel, knowing that both attorneys would strike him from the jury. The court would have allowed Porter to exercise his duty, and the injured Porter, having made his point, would save face and leave. Rawlins asked Porter for his name, address, and business.⁴¹ Both attorneys did strike him. When asked a few moments later by Judge Rawlins why he did not accept his per diem and leave, Porter responded,



Walter White (center) of the NAACP asked the U. S. Justice Department to investigate the attack on Porter. NAACP attorney Thurgood Marshall (right) then traveled to Dallas, where he interviewed Judge Bush, Porter, and local NAACP leadership. At left is Roy Wilkins.

“I am here to insist on my constitutional rights, and these three Negroes are here at (*sic*) witnesses and observers to see what happens.”⁴² At that time jury service was a five-day obligation. So Porter returned to the jury room to wait again to be called. His statement to Rawlins confirms that Dr. Howell, Rev. Estell, and Graggs had quietly stayed with Porter all three days and had, no doubt, seen him dragged from the Central Jury Room earlier.

Around the noon hour, prior to the attack, the judges of the Dallas County District Courts met in Presiding Judge Dick Dixon’s chambers. As told to reporters, the topic of discussion was scheduling of vacations. It is likely, however, that the actual topic was George Porter. Possibly aware of the pending violence, they agreed that should Porter again refuse to be dismissed, then State District Judge Sarah T. Hughes would discuss the situation with him and, if necessary, sternly dismiss him.⁴³ Dallas City Council member and civil rights activist Juanita Craft later remembered Porter and this jury episode. She said that when Porter, dirty, bloodied, and disheveled, was told he was excused, he responded, “I’d rather not. I’m

not in a hurry. I’d rather serve.”⁴⁴ “Judge Sarah T. Hughes [on] Wednesday afternoon solved the problem of the past three days” by counseling Porter that he would not serve on a jury, that additional violence might be ahead, and that he had eloquently made his point.⁴⁵ He then left the courthouse protected by sheriff’s deputies.

Word of the attack on George Porter traveled fast. The Associated Negro Press Association (ANP) distributed the story nationwide. The ANP served such important black newspapers as the *Chicago Defender*, the *Baltimore Afro-American*, the *Houston Informer* and the NAACP journal, *Crisis*. When the news of the attack reached New York and the National Office of the NAACP, Walter White asked the U. S. Justice Department to investigate the Porter attack based on Section 51 of Title 18 of the United States Code regarding “conspiracy to injure persons in the exercise of their civil rights.”⁴⁶ White also wrote a letter to Texas Governor James Allred requesting an investigation. In his letter White said, “The rights and privileges of jury service are among the most fundamental rights of American citizenship.”



Governor James Allred assigned a Texas Ranger to accompany and protect Thurgood Marshall while he was in Texas.

Jurors “are entitled to the fullest protection of the laws.”⁴⁷ Allred was spurred to action by several disparate factors: the recent Supreme Court decisions regarding the Scottsboro Boys and other decisions concerning the right of Blacks to serve

on juries, the national attention generated by the attack, and state and national politics. Allred sent Texas Rangers F.W. Allbright and Royal G. Phillips, both of Dallas, and W. E. Naylor of Austin to investigate.⁴⁸

Allred was also holding his finger to the national political wind. In July 1938, just three months before the attack on George Porter, “(O)n a whistle-stop train tour of Texas, FDR announced from the back of the train that he was appointing Allred to a newly created U. S. District Court position for the Southern District of Texas. It did not matter to the President that Allred did not live in the Southern District. Nor did it matter that the President had not consulted either of Texas’s two U. S. Senators, Tom Connally and Morris Sheppard.”⁴⁹ “Allred was a liberal who followed President Franklin D. Roosevelt’s policies, but was simultaneously a Southern demagogue with implicit beliefs in white superiority that characterized most southern politicians of that age of segregation.”⁵⁰ Facing his senate confirmation hearing in January, it would damage his prospects if Connally or Sheppard were miffed by FDR’s lapse in protocol. Allred wanted to go by the book.

Walter White and the NAACP wanted to do an independent investigation to determine if the Porter incident had the requisite elements for a federal civil rights case that could serve as another nail in the Jim Crow coffin of barriers to black jury service. On October 8, ten days after the attack, a train brought NAACP attorney Thurgood Marshall to Dallas to investigate. Before Marshall even left for Texas, he received word that he would be killed if he set foot in the state. Reportedly, the Dallas police chief told his top officers that “a black lawyer from New York was coming to stir up trouble.” They were not to lay a hand on Marshall the chief ordered. Then, as Thurgood Marshall related years later to National Public Radio journalist Juan Williams, the chief said, “I will personally take him and kick the shit out of him. Personally.” Marshall sent a letter to Governor Allred requesting protection.⁵¹ Dr. Thomas H. Smith, former Executive Director of the Old Red Museum of Dallas County History and Culture, reported that in doing research for the museum he interviewed A. Maceo Smith’s widow, Fannie. He asked her about the George Porter incident and whether it



Dallas Police Chief R. L. “Bob” Jones attempted to confront Thurgood Marshall outside Old Red, but the Texas Ranger protected him.

was true that Thurgood Marshall visited Governor James V. Allred in Austin to request protection while in Dallas. Dr. Smith reported that Fannie Smith threw back her head in laughter and said, “If Thurgood went to see Allred in the Capitol, he entered through the kitchen.”⁵² Allred assigned a Texas Ranger to accompany and protect Marshall while he was in Texas.⁵³

Marshall stayed in Dallas for five days. He met with Judge Bush, George Porter, and the leadership of the Dallas NAACP Branch. In his biography of Thurgood Marshall, Juan Williams recounts an incident that speaks to the reality of Jim Crow and his request for a bodyguard. “One day, while leaving the courthouse, he was confronted by the police chief (R. L. “Bob” Jones), pistol drawn. ‘Hi, you black son of a bitch, I’ve got you,’” Marshall recalled. The Texas Ranger protecting Marshall, also with his gun drawn, stepped

between Marshall and the police chief saying, “Fella, stay just where you are.” Marshall and the Texas Ranger, with his gun still unholstered, got in the car and drove away. Shaken, Marshall returned to New York soon thereafter.⁵⁴

Two weeks after Porter was assaulted, William Ira Dickson, a shoemaker, sat in the Central Jury Room for three days seeking to serve on a jury. Dickson sent a registered letter to Sheriff Smoot Schmid reminding him of the Porter incident and requesting protection. Texas Rangers, acting on Governor James Allred’s direction, began investigating circumstances around Dickson’s insistence that he be allowed to serve on a jury. Although he “was rewarded for his persistency by glares from white jurors,” he was not molested. Dickson was called to a courtroom with twenty-nine other prospective jurors. He was interviewed but stricken by both attorneys. As a precaution, Sheriff Smoot Schmid stayed in the courtroom as the attorneys selected the jury.⁵⁵ There is no evidence that Dickson had witnesses as did George Porter. However, it is likely that, while Marshall was still in town, Dickson was either moved by Porter’s incident or he was part of the NAACP’s plan. It is also quite possible that Marshall observed Dickson’s experience. The court’s proper treatment of Dickson and a similar positive experience the week before Porter’s incident may have convinced Marshall that the Porter episode was not the civil rights suit the NAACP sought. When asked by reporters about the Porter investigation, Marshall had no comment.⁵⁶ In November, the Special Investigators (Rangers) sent by Governor Allred captured “Walter Miller the man identified as Porter’s assailant.”⁵⁷ Months later George Miller and Fred Guthrie were charged with assaulting Porter. George Miller, also involved in narcotics, was convicted and sent to Leavenworth Prison.⁵⁸

By itself, the story of the assault on George Porter by two white thugs would be an interesting glimpse into Texas Jim Crow. However, the Porter incident came at a time when the attitudes of courts and communities across the South were beginning to change. Southern states that had ignored the Civil War Amendments and Supreme

Court decisions could no longer do so in the face of dramatic cultural change. Jim Crow was entering its last days, although those last days would last another thirty years.

The fight was not over. Porter worked for employment and equal treatment of Blacks in the Post Office and the Census Bureau.⁵⁹ He struggled against the Texas bureaucracy to determine the cause of death of a black youth at the Gatesville Reformatory.⁶⁰

George Porter remained an officer and important leader in the Dallas NAACP until the late 1940s. In 1940, with a contingent of black Dallas leaders invited by Walter White, Porter testified in Washington, D.C., before a congressional committee in favor of an anti-lynching bill.⁶¹ Even as he aged and as his eyesight slipped away, he continued to challenge the white majority of Dallas. In the spring of 1941 the *Dallas Express* related that, once again, Porter was willing to kick up some dust. “Quite a stir was created in Dallas last week when G. F. Porter made formal application to fill the job of city manager during the absence of James W. Aston, who has been called for a year of service in the army.”⁶² Porter was not selected.

The nature of Porter’s injuries from the courthouse attack is not clear. What is known and documented is that Porter slowly went blind. By the late 1940s he was totally blind. Dallas civil rights activist Juanita Craft believed that the attack caused his loss of vision. She also recalled that the attack on Porter was the trigger that prompted her to join the NAACP. In an unidentified and undated clipping found in the Juanita Craft papers, probably from the *Dallas Express*, a headline reads, “G.F. Porter Fund at \$900 mark.” The article describes a community effort to raise \$2,000 to send Porter to New York for an eye operation. The article states further, “Every Dallas citizen knows Mr. Porter because of his lifelong efforts to achieve full civil rights for our people.”⁶³ There is no evidence that he ever got the operation.

Porter lived to see some of the progress he fought so hard to achieve. Within months of



Dallas County Sheriff Smoot Schmid stayed in the courtroom to insure that no violence occurred when another black man reported for jury duty two weeks after Porter.

his experience with Judges Bush, Rawlins, and Hughes, Blacks were serving in petit juries in Dallas, Tarrant, Harris, and Bexar counties, and soon across Texas. Less than six months after Porter's refusal to be dismissed in Dallas, the Texas Court of Criminal Appeals reversed the conviction of J. D. Johnson for criminal assault on a white woman. The Courts opinion stated, "We're bound to recognize the fact that the Federal Court (Supreme Court) and the laws of Congress . . . are the supreme law . . . and it is our duty to follow it and administer it fairly and impartially," a reference to the Scottsboro Boys decision.⁶⁴

There were other victories. Porter and Thurgood Marshall played a role in the consent decree that equalized teachers' salaries in the Dallas Independent School District, twenty-five years after Porter's stand-off with Superintendent Kimball.⁶⁵ In a landmark case, Heman Sweatt sued the University of Texas for refusing him admission to the law school. *Sweatt v. Painter* was a U. S. Supreme Court case that successfully challenged the "separate but equal" doctrine of racial segregation established by *Plessy v. Ferguson* in 1896. The 1950 decision was influential in the landmark case of *Brown v. Board of Education* four years later.

For decades George Porter had sought to

earn a living or supplement his income through various entrepreneurial ventures. He was, off and on, for decades, an insurance salesman. He was involved somehow in an oil and gas venture and a mortgage company.⁶⁶ In the 1920s he sold White Swan phonographs. He owned a drug store in Queen City, a neighborhood of South Dallas. In his last years, and now totally blind, Porter operated a news stand at the State Theater on Thomas Street.⁶⁷

In his poignant *Dallas Express* serial biography of Porter, F. D. Jones related that thirty minutes before his death, Porter's old friend Charles Graggs took Porter a pitcher of lemonade and bottles of soda. Porter said, "Graggs, I'm depending on you and Jones to help me with this race question."⁶⁸

George Francis Porter died August 11, 1951. He is buried in Dallas's Lincoln Memorial Park. **L**

NOTES

¹*The Dallas Morning News* (hereafter cited as *DMN*), September 30, 1938, p. 9.

²Greater Dallas City Directory, Vol. 1938, John F. Worley Directory Co.

³*Pittsburgh Courier*, October 29, 1938.

⁴*DMN*, April 10, 1941, Sec. 1, p. 1

⁵The minimum wage was \$.25 per hour. “History of Federal Minimum Wage Rates Under the Fair Labor Standards Act, 1938–2009”, www.dol.gov/agencies/whd/minimum-wage/history/chart.

⁶In 1935, when Governor Allred appointed State Representative Sarah T. Hughes to be a state district judge, Wells ran for her open seat in a special election. The Ku Klux Klan mounted an active negative campaign against him. He lost. Michael Gillette, “The NAACP in Texas, 1937 – 1957,” Dissertation, University of Texas at Austin, December 1984. Darwin Payne, *Quest for Justice, Louis A. Bedford and the Struggle for Equal Rights in Texas* (Dallas: Southern Methodist University Press, 2009), 30.

⁷*The Bulletin: Atlanta University*, no. 102 (June 1899): 2. Digital Collection of Robert W. Woodruff Library, Atlanta University Center.

⁸George F. Porter, Letter from George F. Porter to W. E. B. Du Bois, July 19, 1908. W. E. B. Du Bois Papers (MS 312). Special Collections and University Archives, University of Massachusetts Amherst Libraries.

⁹African Methodist Episcopal Church.

¹⁰*Georgia Historical Quarterly*, Vol. 64, no. 4 (Winter 1980): 425. From Robert E. Perdue, “The Negro in Savannah, 1865–1900,” Ph.D. Dissertation. University of Georgia, 1971, 124 – 125.

¹¹“Negroes of Savannah,” *New York Daily Tribune*, February 13, 1865, Consolidated Correspondence File, series 225, Central Records, Quartermaster General, Record Group 92, National Archives.

¹²Journal of the Georgia House of Representatives, Atlanta, Georgia, June 25, 1868, Headquarters Third Military District.

¹³*Dallas Express*, May 27, 1922.

¹⁴*The Bulletin: Atlanta University*, no. 170 (February 1907): 3; Marriage License, Kingfisher County, December 26, 1906.

¹⁵*Dallas Express*, September 6, 1919, p. 4.

¹⁶Official Gazette of the United States Patent Office, Volume 286, May 24, 1921, p. 812.; United States of America, Bureau of the Census, *Sixteenth Census of the United States, 1940* (Washington, D.C.: National Archives and Records Administration, 1940), T627, 4,643 rolls.

¹⁷The building (now 2700 Ann Williams Way) stands and is the home of the Dallas Black Dance Theater.

¹⁸In order to preserve historical accuracy, the word “Negro” and other offensive words will be used if documents use them. Otherwise, the words black or Black will be used.

¹⁹*DMN*, April 30, 1938, p. 6.

²⁰*DMN*, May 2, 1938, p. 4.

²¹*Dallas Express*, July 30, 1938, p. 1.

²²Gillette, “The NAACP in Texas, 1937–1957,” 12.

²³Paine Bush, *Democracy in Action* (Dallas: Mathis van Nort, Co., 1940), 171–172.

²⁴*DMN*, September 25, 2018; *DMN*, July 14, 1938, p. 13; *DMN*, August 5, 1941, p. 5.; *The Crisis*, July 1941, p.222. The state finally ended poll taxes for local and state elections

in 1966.

²⁵*Norris v. Alabama*, 294 U.S. 587 (1935).

²⁶*The Bulletin: Atlanta University*, no. 113 (November 1900): 1; no. 121, (October 1901): 1; no. 140 (November 1903): 3; no. 163 (April 1906): 3; *Wiley College Reporter*, “Catalogue Edition, Announcements, 1936–1937), Vol. 38, no. 5 (May 1, 1936): 11; Civil rights activist James Farmer, Founder of Congress of Racial Equality (CORE), graduated from Wiley College in 1938.

²⁷*Dallas Express*, August 25, 1951, p. 5.

²⁸*DMN*, October 11, 1917, Part 1, p. 6. *Dallas Express*, March 15, 1917, p. 8. In 1942, twenty-five years after Porter’s protest over equal pay for black and white teachers, with the support of the Dallas NAACP and Thurgood Marshall, plaintiff Thelma Page and Dallas teachers won a federal discrimination lawsuit. The judge’s directive was that, after a phase-in period, teachers with similar education and experience in the Dallas school system would receive equal pay. *DMN*, February 25, 1943, p.1. George W. Tompkins, Jr., “Racial Discrimination and the Equalization of Negro and White Teachers’ Salaries in the Dallas Schools,” Unpublished Master’s Thesis, North Texas University, December 1974.

²⁹*Dallas Express*, March 22, 1952, p. 2.

³⁰*Dallas Express*, September 6, 1919, p.4.

³¹*Pittsburg Courier*, October 29, 1938, *Baltimore AfroAmerican*, October 8, 1939.

³²Sarah Duckers, “The First Woman Juror in Texas,” *The Houston Lawyer*, January/February 2008, p.28. On May 18, 1953, the Texas Legislature passed House Joint Resolution 16, which proposed an amendment to the Texas Constitution providing that qualification for service on a jury should “not be denied or abridged by reason of sex.” The amendment passed by a vote of 302,850 to 224,730—only 57 percent of the voters favoring the change.

³³*Dallas Express*, September 24, 1938.

³⁴*DMN*, September 28, 1938, p. 1.

³⁵*Ibid.*

³⁶*Dallas Express*, July 5, 1952, p. 6.

³⁷Gillette, “The NAACP in Texas, 1937 – 1957,” p.13.; *Pittsburg Courier*, October 29, 1938; *Baltimore AfroAmerican*, October 8, 1939; *Dallas Express*, August 25, 1951.

³⁸Bush, *Democracy in Action*, 172.

³⁹*Dallas Times Herald* (hereafter cited as *DTH*), September 28, 1938.

⁴⁰Lynn Landrum, *DMN*, December 14, 1938, p. 6.

⁴¹*DTH*, September 28, 1938.

⁴²*Ibid.*

⁴³For decades, Sarah Hughes was a fierce advocate for women’s rights, especially jury service.

⁴⁴Juanita Craft, interview by David Stricklin and Gail Tomlinson, January 23, 1979, Dallas Public Library, 1984.

⁴⁵*DTH*, September 29, 1938, p. 17.

⁴⁶*Pittsburg Courier*, October 29, 1938.

⁴⁷*Dallas Express*, October 8, 1938.

⁴⁸*DMN*, October 13, 1938, p. 1.

⁴⁹Stephen Pate, “A Perfect Storm: FDR, Pappy O’Daniel, Huey Long’s Ghost, and the Failed Fifth Circuit

Nomination of James V Allred,” *Journal of the Supreme Court Historical Society*, Vol. 6, no. 4 (Summer 2007): 42.

⁵⁰Patricia Levee Tidwell, “James V. Allred of Texas: A Judicial Biography,” Masters Thesis, Rice University, 1991.

⁵¹Juan Williams, *Thurgood Marshall: American Revolutionary* (New York City: Three Rivers Press, 2000) 102-104.

⁵²Fannie Smith, interview by Tom Smith, March 13, 2009.

⁵³Juan Williams, *Thurgood Marshall*, 104.

⁵⁴*Ibid.*, 102-104.

⁵⁵*DMN*, October 11, 1938, p. 1; *DMN*, October 13, 1938, p. 1.

⁵⁶*Chicago Reformer*, October 22, 1938, p. 2.

⁵⁷*Houston Informer*, November 5, 1938.

⁵⁸*Dallas Express*, March 11, 1939, p.1. It is unknown if Walter and George Miller were related.

⁵⁹*Dallas Express*, May 28, 1949, p. 7.

⁶⁰*Dallas Express*, April 12, 1952.

⁶¹In the twentieth century more than 200 bills, including the long-debated Dyer Act, seeking to outlaw lynching failed to pass Congress. On February 26, 2020, the House passed a revised version, the Emmett Till Antilynching Act, by a vote of 410-4.

⁶²*Dallas Express*, April 12, 1941, p. 10.; Aston was the youngest ever city manager of Dallas. He served with dis-

tingtion in the U.S. Army Air Corps in World War II and later became Chairman and CEO of Republic National Bank of Dallas.

⁶³Oral Interview of Juanita Craft by David Strickland and Gail Tomlinson, January 23, 1979, p. 6. Juanita Jewel Craft Collection, 1939-1948, Barker Texas History Collection, Center for American History, University of Texas at Austin.

⁶⁴*DMN*, February 16, 1938.

⁶⁵See Endnote 25.

⁶⁶*Dallas Express*, March 15, 1919, p. 8, The World Wonder Oil and Gas Company; *Dallas Express*, January 24, 1920, p. 2.

⁶⁷*Dallas Express*, July 5 1952, p.5.

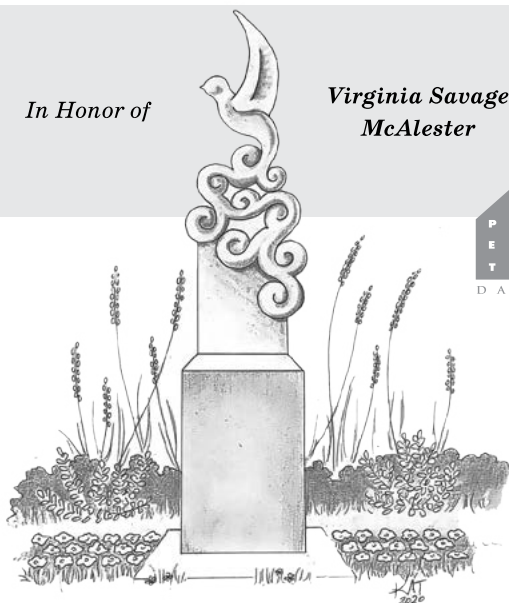
⁶⁸*Dallas Express*, July 5, 1952, p. 6.

The author gratefully acknowledges the assistance of Dr. Harry Robinson, Jr., founder and CEO of the African American Museum of Dallas, who first introduced me to George Porter, and Natalie Ring, Ph.D., Associate Professor, School of Arts and Humanities, University of Texas at Dallas, who showed me another way to see.

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The Man with Nine Lives

Herbert “*The Cat*” Noble

BY PETER KURILECZ

Who was Herbert Noble? Born in 1909, he grew up in West Dallas knowing the Barrows, the Hamiltons, and other West Dallas toughs. He remained in school until he was 16. After leaving school he went to work in the oil fields as a truck driver for Simms Refinery. He married Mildred Bowers in 1930, and a daughter, Freda, was born to the couple in 1931. At some point the family moved to West Texas, where Noble worked in the oil fields. He was mechanically adept and learned how to repair automobiles and airplanes. He also became a licensed commercial pilot. Upon returning to Dallas in 1938, he became the manager of the Santa Paula Hotel at 1710 ½ Live Oak, where he served as a pit boss for Sam Murray’s gambling games and as Murray’s bodyguard.

From the 1920s to the mid-1940s, although illegal, gambling was a well-established fixture in Dallas. Many of the games took place in hotels such as the St. George and the Southland, with the gambling occurring in large suites. Millions of

dollars changed hands weekly whether through craps, numbers, slot machines, or policy wheels.

Warren Diamond was the gambling czar of Dallas from the early 1920s until his suicide in 1932. As the czar he collected 25 percent from every other gambling operation in town. He was known as the biggest “craps fader” in town. As a “fader” he covered others bets in a craps game. One time a man came into one of Diamond’s games, tossed down a thick envelope saying to Diamond, “I’m going to make you look.” Diamond did not and said, “Pass him the dice.” The player crapped out after two rolls and left. Diamond opened the envelope to find it contained 172 one-thousand-dollar bills. Lester “Benny” Binion, a member of Diamond’s gang, learned from that incident to never turn down a bet.

In 1930 Diamond began the construction of a \$65,000 mausoleum, which eventually held his parents, his first wife, and other family members. In 1932 he was undergoing treatment for prostate



cancer at St. Paul Sanitorium. One day he left the hospital and went to his house at 4224 Armstrong Parkway, where he committed suicide. The mausoleum can be seen at Grove Hill Cemetery.

During the Depression Dallas tax receipts dropped precipitously. The city fathers came up with a plan. Each week the police would raid the gambling operations in town and count heads. The next day the operators or their attorneys would go to city hall, plead guilty, and pay a fine of \$10 per head. These “fines” totaled from \$150,000 to \$200,000 annually, making up the shortfall. Thus, began a symbiotic relationship between the gamblers such as Binion, Noble, and Sam Murray, who all saw it as a cost of doing business, and the city.

Sam Murray came to Dallas in the late 1920s and made a name for himself as a gambler, a bookmaker, and a bootlegger. By the mid-1930s he had seized control of the horse-racing wire service. By 1938, when Noble began working for him, Murray had acquired substantial political influence and started moving in on Binion’s numbers racket. After numerous warnings from Binion, Murray rarely left his ranch, and if he did, he was accompanied by his bodyguard, Herbert Noble.

On June 14, 1940, Murray and his wife left the ranch, heading to Dallas without Noble at his side. Murray had business at Dallas National Bank, while his wife went shopping at Neiman-Marcus. Binion and one of his henchman, Ivy



Herbert Noble's Airmen's Club, the primary site of his gambling operations, was located at 1710 ½ Live Oak in downtown Dallas.

Miller, left the Southland Hotel at 1200 Main and headed toward the bank, having been informed that Murray was alone. Murray approached the Commerce Street entrance to the bank, where Miller was located. Miller opened fire, shooting Murray in the stomach. He then fired an additional six shots, striking Murray in the left leg, twice in the left side, and in the back. Two Dallas policemen driving past the bank stopped and abandoned their patrol car. One went to assist Murray, the other captured Miller in the bank lobby. Binion made his way back to the Southland, knowing his rival was eliminated. Murray died before he reached the hospital. Many suspected that Noble had “dropped a dime” on Murray. Noble took over Murray’s operations.

Binion and Noble were polar opposites. Binion was born in Pilot Point, Texas, in 1904. He left home at 15, working in El Paso, where he managed cattle, traded horses, gambled, and bootlegged. He eventually returned to Dallas toward the end of World War I and apprenticed himself to Warren Diamond. In 1926 he cut his ties with Diamond and established his own craps game in Room 226 of the Southland Hotel, which eventually became the headquarters for Binion’s gang, the Southland Hotel Group. When Diamond committed suicide in 1932, Binion became the king of Dallas gambling. He was basically illiterate, but he had a mind for gambling and mathematical odds. Doug Swanson described Binion as “. . . a canny, shrewd, and pragmatic businessman,

though he could barely read or write. He either controlled his rivals or had them killed.”

Noble was the antithesis of Binion: suave, debonair, a licensed pilot, well-educated compared to Binion. After the hit on Murray, Noble took over Murray’s games, establishing the Airmen’s Club at 1710 ½ Live Oak as well as games at other locations.

The two came to loggerheads in January 1946. Binion believed that Noble was shorting him on the protection money that Noble paid him. He demanded that Noble pay not the normal 25 percent but rather 40 percent. Binion also demanded that one of his men watch the count. Noble adamantly refused. So began the war. Noble once told a reporter that Binion’s attacks on his life “were not motivated by gambling or money but by pride.” “I won’t bow down to him, and he hates me because of it,” Noble said.

Noble owned an 800-acre ranch located in what is now Flower Mound, described variously as either four miles northeast of Grapevine or seven miles north of Grapevine. On the night of January 15, 1946, Noble locked up the Airmen’s Club, got in his car, and headed out to his ranch. Not far out of town, a car started following him and quickly came up behind him. The occupants started firing at Noble, who fired back as the cars raced along at speeds up to 90 miles per hour along country roads.

About a mile from his ranch Noble’s Mercury skidded off the road and into a ditch. He scrambled out of the wreck and headed toward a farmhouse not too far from the wreck. His pursuers slid to a halt, and two got out of the car, shooting at Noble. One hit him in the back just above his left hip. Noble was able to crawl under the farmhouse. The owner of the farmhouse came out with his rifle and demanded to know what was going on. Noble’s pursuers climbed back in their car and headed back to Dallas. Noble ended up at Methodist Hospital.

In 1946 a reform group tired of the illegal gambling and other criminal activities elected a new District Attorney and County Sheriff to clean up Dallas. Binion saw the handwriting on

the wall and left for Las Vegas at the end of the year with two suitcases loaded with cash.

On his ranch Noble had cattle, turkeys, guinea hens, and two tamed deer. The ranch became his refuge. He built cabins on the property for private poker games. He would fly gamblers into the ranch landing on his private airstrip. Being out in the country, he knew when law enforcement would show up, so that the games could be shut down before the law arrived.

The next attack occurred on August 19, 1946, at Arthur Thomas’ gambling establishment at Knox and Travis in North Dallas. Noble and his partner, Jack Darby, had gone there to collect \$12,000 from Eddie Gilliland. When Noble entered, Darby, who was drunk, pulled a pistol on Noble and fired several shots at Noble’s feet threatening to kill him. Darby was disarmed. It was said that Binion had offered Darby a large money roll and a big percentage of a downtown crap game if “he would get rid of Noble.” Noble left with his \$12,000.

Things calmed down for two years. Noble still ran his gambling operation at the Airmen’s Club, but on the night of May 20, 1948, he was ambushed as he drove across the cattle guard entrance to his ranch. His right arm was riddled with buckshot, but he was able to drive to the ranch house. He destroyed the cattle guard to prevent people from driving in at that entrance to the ranch.

Almost a full year passed before there were any more attacks on Noble. On February 14, 1949, a friend noticed a man working underneath Noble’s car outside of the Airmen’s Club. He ran upstairs to warn Noble who called the police. Two Dallas Police vice officers arrived, examined the car, and determined that the individual had wired dynamite to the underside of the car.

On the night of September 7, 1949, Jack Nesbitt and Jim Thomas attacked Noble near his ranch, shooting him in the leg. Nesbitt was arrested but not indicted. Information had been received that these men had been hired by Benny Binion.

But the next attack on November 29, 1949,



Herbert Noble and his daughter, Freda, in the funeral home limousine after services for Mildred Noble, who was the victim of a car bombing in November 1949

was the most devastating and tragic attack.

Noble had been trying to ease away from gambling. On the morning of November 29, he was going to Fort Worth with two New York bankers, where they planned to close on the purchase of Hicks Field, a former World War I and

World War II military training field. Noble and his partners wanted to turn it into a private airport with aircraft maintenance and repair services. The purchase allegedly would get him out of the gambling business, escape Binion's enmity, and allow him to go legit.



After the attacks on his life, Herbert Noble began carrying a carbine in his car for protection.

His wife, Mildred, was excited about the venture. She dreaded the thought of a late-night phone call telling her that Herbert was dead. She was not involved in his gambling pursuits. Instead, she strove to create a life like that of the city's merchant class, with domestic help, luncheons, church committees, a house in town, and a country retreat. Their daughter, Freda, attended a Virginia boarding school.

Since Noble would be driving the bankers to Fort Worth, he decided to take his wife's Cadillac instead of his 1949 Mercury. As he said, the Cadillac was "a nicer ride." He drove away from his house at 311 Conrad in the Beckleywood neighborhood of Oak Cliff, arriving in Fort Worth about an hour later.

About midmorning Mildred left the house planning to go to the ranch and pick up their maid, who would help her prepare a celebratory dinner for that night. She got into the Mercury and pressed the starter. This action ignited a dynamite-nitroglycerin gel bomb hidden behind the dashboard. The explosion was heard over eight miles away. A car door was flung over two rows of houses, landing in a backyard. Mildred's body was flung from the car into the front yard. A neighbor called the police and then covered the smoking, blackened, bloody body with a sheet.

In Fort Worth, Noble had completed signing the purchase papers when he was told he had a phone call. Picking up the receiver he listened in silence then said, "Dead?" Putting down the receiver, he turned to the others saying, "The bastard killed my wife."

Noble purchased a solid bronze, two-ton casket for his wife for a reported \$15,000, said to be the most expensive one in Dallas. Seven hundred people crowded into the Lamar & Smith Funeral chapel. Another 400 people waited outside. Eleven pall bearers were needed to move the casket. One hundred cars were in the funeral procession to what is now Sparkman-Hillcrest Memorial Cemetery. Noble hired photographers to record the entire funeral.

Following his wife's murder, Noble abandoned his Oak Cliff house and retreated to his ranch house. He installed floodlights that remained on all night. He bought six Chihuahua dogs to serve as a warning system, yapping at any sounds that might be an intruder. He stayed up all night armed with a rifle and unable to sleep. When morning came, he would get in his car and drive to the cemetery to visit his wife's grave. Wherever he drove, he kept a carbine next to him on the front seat.

On New Year's Eve 1949 Noble was at his Oak Cliff home with his daughter when he decided to go to the drugstore. As he left the house at 9 P.M., he was bathed in a white light from a car's spotlight. Shots were fired and his left elbow was shattered by a round that then went through his hip and lodged near his spine. He was



Herbert Noble was photographed standing beside his Beech Stagger-Wing airplane after an explosion in March 1951. A firewall in the plane saved Noble's life.

able to crawl into the house, where his daughter called for an ambulance. Noble refused to go to the ambulance until the police arrived.

Five weeks after being shot, he was still recovering from his wounds in a private room at Methodist Hospital when at about 11 P.M. on February 6, 1950, a lone gunman standing in one of the hospital's courtyards took aim at a shadowy figure in a fourth-floor room. Noble was just coming out of the bathroom when the gunman fired. The round missed him, lodging in the ceiling. Noble dropped to the floor, crawled to the wall socket, and unplugged a lamp, turning the room dark. The gunman escaped.

While driving to Dallas from his ranch on June 13, 1950, Noble was attacked by three punks that he had cursed out in West Dallas. His car was riddled with bullets.

Noble owned several airplanes, which he used to review the ranch and see what work needed to be done. He would fly in gamblers to play high-stake poker games in the cabins he had built on

the ranch. At one time Noble, still upset over the death of his wife, and believing that Binion was responsible, decided he would use his Beech Stagger Wing to bomb Binion's Las Vegas house. Noble attached hard points to the plane's wings where he would mount two bombs, one high explosive and the other napalm. He planned to fly to a private strip in Arizona, where he would refuel and then fly to Las Vegas. Fortunately, a friend of his who worked for the Dallas Police came out to the ranch one day to visit and saw Herbert working on his plane. He asked what he was doing. Noble broke down in tears, crying that Binion got all the breaks. The officer was able to dispose of the bombs and nothing more was said.

On January 10, 1951, Noble went to start up one of his planes but it would not. He and one of his ranch hands pulled the motor from the plane only to discover that two cylinders were filled with two large chunks of nitroglycerin jelly.

In March he climbed aboard his Stagger Wing and started the motor only to have it explode on



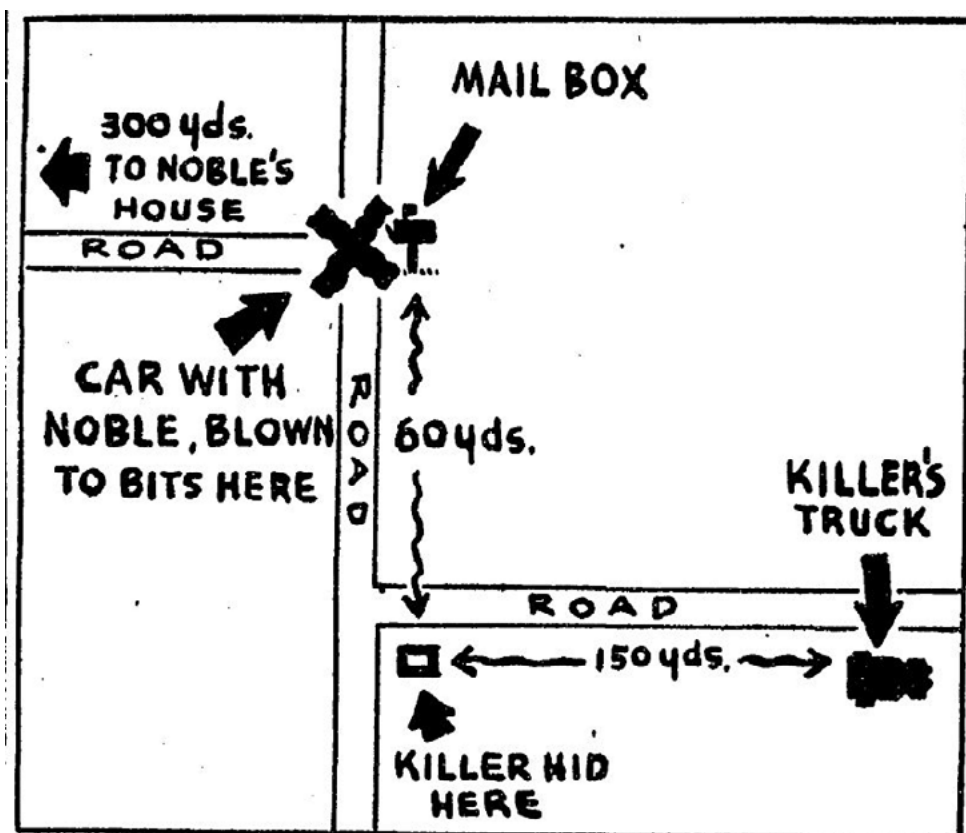
Texas Rangers and Denton County sheriff's officers inspected the scene after the bombing that killed Noble on August 7, 1951.

him. The only thing that saved him was the steel firewall.

August 1951 was a typically hot month for North Texas. For several days Noble's neighbors had seen a blue pickup truck cruise up and down the dirt roads near his ranch. No one took much notice of the three men. Then one night the men returned. They began digging a hole in front of Noble's mailbox. Into that hole they buried dynamite, blasting caps, and nitroglycerin gel. They connected the explosives with a wire to a Delco car battery buried near the mailbox. From there

they ran another wire to a hiding place 60 yards away. One man drove the truck down the road and out of sight. The other two men hid in the brush waiting for Noble to show up.

As dawn broke on August 7, Noble got up and prepared to go to town. He was still grieving the loss of his wife, and he had been drinking heavily over the years. He had become estranged from his daughter, who married a young man of whom Noble disapproved. He had written a new will leaving her only \$10 out of an estate worth close to \$1 million, which included the Airmen's



—Star-Telegram Drawing by Ronald Rhodes.

This map depicts the site where Noble was murdered as well as the location of the bombers.

Club, the 800-acre ranch, five airplanes, and 195 head of cattle.

About 11:30 A.M. he left his house, taking his carbine, \$600 in cash, and his playing cards. He enjoyed checking his mail as he received lots of letters from around the country after each attempt on his life. Noble stopped his car next to the mailbox right on top of the buried bomb. As he reached for his mailbox, the assassins touched a copper wire to the barb wire grounding the connection, causing the buried bomb to explode.

The explosion created a hole that was five feet across and four feet deep. It tore the car apart, flipping it on its back. One of Noble's legs was flung towards the killers' hideout, and the mailbox flew 75 feet. Noble's body was gone below his waist. Near the destroyed car lay some cash

and two playing cards face up, a joker and the ace of diamonds.

Ninety minutes later, George Cunningham, an area farmer, was heading home and arrived on the scene. He contacted the Denton County Sheriff's office, and lawmen from several agencies converged. In addition to the county sheriff and at least two of his deputies plus a Texas Ranger, U.S. Postal Inspectors arrived, since a mailbox had been destroyed.

Investigators could find few clues beyond the battery and the wires that connected it to the bomb. They took measurements, dusted for fingerprints, and drew maps. As Doug Swanson wrote, "... they could have put all their clues in a suitcase and had room left over for what remained of Noble."

A *Houston Press* reporter called Binion in Las Vegas to inform him of Noble's death, to which Binion responded, "I'm glad he's dead."

On August 9, 1951, Herbert Noble was laid to rest at Sparkman-Hillcrest Memorial Cemetery next to his wife Mildred. "The Cat" had run out of lives.

Epilogue

Freda Noble challenged her father's will, filing suit against her uncle, Robert Noble. Eventually she and her uncle divided the estate. Freda received a one-fourth interest in Hicks Field, the ranch, four Dallas County lots including the family home at 311 Conrad, all the ranch house furnishings, a

tractor, plow, jeep and truck, a five-gaited mare and a colt, and three saddles. She sold her one-fourth interest in Hicks Field to her uncle.

Starting in 1948 the Army Corps of Engineers began construction of Lake Grapevine, inundating 271 acres of Noble's ranch. In the mid-1980s Freda contacted Ken Hodges, a real estate developer, saying, "I'm going to bury the skeletons once and for all. If you still have an interest in this property, you better come see me." Hodges purchased the ranch from her.

Today what is left of the ranch, now known as Point Noble, is home to multi-million dollar homes. Included on that property are two of the cabins where Noble held poker games. **L**

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MISCELLANEOUS

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23rd Annual LEGACIES Dallas History Conference

Call for Proposals

The organizers of the 23rd Annual *Legacies* Dallas History Conference welcome proposals from both professional and lay historians on topics related to the theme:

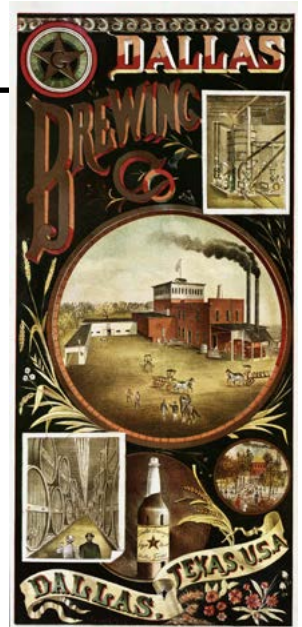
Dining & Drinking in Dallas

Nothing is more fundamental to any society than food and drink. The first settlers in North Central Texas were farmers, and agriculture remained the predominant way of life for most people for decades. Today, Dallas is known as a center for dining, with a wide variety of ethnic cuisines, farm-to-table restaurants, and creative entrepreneurs. Microbrewers continue a tradition dating to the 1870s, when German immigrants opened breweries and beer gardens.

Papers presented at the conference might focus on pioneer foodways, Texas liquor laws, food and beverages invented in Dallas or popularized at the State Fair, innovative chefs and founders of restaurants, the growth of grocery store chains, convenience stores, and fast-food outlets, or memorable restaurants and bars of the past.

All papers must be based on original research and must not have been presented or published elsewhere. The best papers will be published in a subsequent issue of *Legacies: A History Journal for Dallas and North Central Texas*. Those interested in presenting papers should submit a brief summary of their proposal by JULY 31, 2021, by email to LegaciesDHC@gmail.com. Those selected will be notified by August 31, 2021.

The 23rd Annual *Legacies* History Conference will be held on Saturday, January 29, 2022, at the Dallas History & Archives Division, on the 7th floor of the Central Library downtown. The conference is jointly sponsored by eighteen organizations: the African American Museum, the Dallas County Historical Commission, the Dallas Genealogical Society, Dallas Heritage Village, the Dallas Historical Society, the Dallas History & Archives Division of the Dallas Public Library, the Dallas Municipal Archives, the Dallas Woman's Forum, DeGolyer Library at SMU, Historic Aldredge House, the Irving Archives and Museum, the Old Red Museum of Dallas County History & Culture, the Park Cities Historic and Preservation Society, Preservation Dallas, The Sixth Floor Museum at Dealey Plaza, the Texas State Historical Association, the University of Texas at Arlington Library, and the William P. Clements Center for Southwest Studies at SMU.



BOOK REVIEW

Editor's note: In this review of a recent publication, Scott Chase revisits two older publications looking for more complete information on the subject of mural art in Texas. This is a good reminder that no work stands alone. A good scholar will look to other sources and compare viewpoints.

Barbara Hansell, *Vida Americana: Mexican Muralists Remake American Art, 1925-1945* (New Haven: Yale University Press, 2020, 264 pp., \$65.00)

Earlier this year, the Whitney Museum of American Art in New York City had an exhibit entitled "Vida Americana: Mexican Muralists Remake American Art, 1925-1945." The highlights of the exhibit were works by the renowned Mexican muralists Diego Rivera, Jose Clemente Orozco, and David Alfaro Siqueiros. The primary purpose of the exhibition was to show how American artists as diverse as Jacob Lawrence, Thomas Hart Benton, and Jackson Pollock were influenced by these Mexican artists.

The Mexican muralist movement took its inspiration from everyday cultural, social, and political issues in Mexico during the revolutionary times of

the 1910s and '20s and dramatically changed art in both Mexico and the United States.

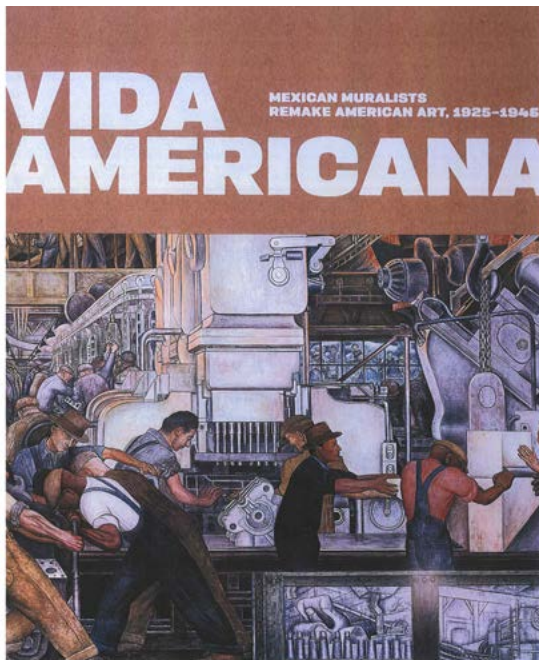
In Texas, especially during the Great Depression in the 1930s, artists took their inspirations from similar everyday cultural, social, and political issues in Texas. The genre became known as "Lone Star Regionalism," and many works throughout Texas reflect the influence of the Mexican muralists.

In particular, the Texas post office murals that were produced in the 1930s during the New Deal era of President Franklin Roosevelt, and many artworks by such Texas luminaries as Jerry Bywaters and Edmund Kinzinger were strongly influenced by Mexican artists and the muralist movement. I had hoped to tour the exhibit to see if Texas art or artists were included but, unfortunately, due to the COVID-19 crisis, the museum has temporarily closed and new dates for the exhibition have not been released.

Instead, this review is of the exhibition catalog which also includes a series of related essays by curators and art historians from the U.S., Mexico, and England, including Mark Castro from the Dallas Museum of Art. The catalog presents a cultural and historical perspective of the muralism movement in Mexico and its expansion into the United States in the 1930s and '40s. The highlights of the catalog are the color photos of many of the works in the exhibit and the essays are enlightening, but only up to a point.

Disappointingly, it seems that the essay writers only thought the Mexican muralists impacted the East and West coasts of the U.S. (and Detroit, site of Rivera's monumental mural in the city's art museum). While a few Texas artists, such as Everett Gee Jackson and Seymour Fogel, are included in the exhibit, they are not part of any discussion about Texas art of the time period. Even Jerry Bywaters, who traveled to Mexico to meet the Mexican muralists and later became the Director of the Dallas Museum of Art, was ignored, despite his clear influences from Diego Rivera himself.

My disappointment led me to re-read two books which fortunately do highlight the impact of the Mexican muralist movement on Texas art



BOOK REVIEW cont'd

particularly during the Great Depression. First, Philip Parisi, in his book, *The Texas Post Office Murals*, cites George Biddle, artist/advisor to President Franklin Roosevelt, as encouraging FDR to employ artists during the Great Depression to support New Deal objectives through powerful, visual images of hope.

Biddle, who lived for a time in Texas, believed the Mexican muralists inspired the Mexican people with hope after years of revolution and he thought American mural art could accomplish similar goals during the Great Depression. This belief led to the New Deal-era Public Works of Art Program (PWAP), which paid artists to paint murals in post offices and other federal buildings, in Texas and throughout the United States.

While the Mexican muralists frequently painted revolutionary scenes, they also painted everyday peasant life. The Texas post office murals generally do not (overtly) depict revolutionary scenes but they do depict everyday rural and industrial life in Texas at the time. Even though they were not part of the PWAP post office project, the murals in the East

Texas and West Texas rooms of the Hall of State in Fair Park epitomize mural art in Texas at that time. Those murals were painted by Texans Tom Lea and Olin Travis, among others.

An even better source for understanding the effect of Mexican muralists on Early Texas Art is Francine Carraro's book *Jerry Bywaters, A Life in Art*. Carraro points out that Bywaters traveled to Mexico in 1928, specifically to meet Rivera and other Mexican muralists. He had been impressed by their desire to look beyond European modernism and easel painting and by their focus on the culture and people of Mexico. He met Rivera and later wrote, in the *Southwest Review* that "...art... must be a reflection of life."

I wish the Whitney had recognized the impact of the Mexican muralists on 1930s Texas Art, Lone Star Regionalism and our post office murals. Works by Texas artists were based on our own unique cultural heritage, and they deserved at least a mention in the exhibition catalog. —*Scott Chase*

PHOTO CREDITS

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CONTRIBUTORS



Ralph Cousins, a Dallas native, has earned degrees in American History, International Administration and Political Philosophy. He was reading for his Humanities Ph.D. qualifying exam at the University of Texas at Dallas when cancer prompted him to withdraw. He taught in the University of Dallas Graduate School of Management for ten years. He is retired after a career in fund development and management of not-for-profit corporations.



Peter Kurilecz is a native Dallasite and is a graduate of Vanderbilt University and the University of Texas at Arlington. His interest in photographs as documentary evidence of events grew out of his work as the photographic archivist in the 1980s for the Dallas Public Library. He is a records and information management professional currently serving as the Records Management Officer for the City of Dallas. His article, “Floods, Fires, and Crashes: Documenting Disasters with Photography,” was published in the spring 2020 issue of *Legacies*.



Teresa Musgrove is a third generation Dallasite and proud Woodrow Wilson Wildcat who received both a Bachelor’s of Business Administration degree in Accounting and a Masters of Library Information Science degree from the University of Texas at Austin. Employed in Financial Aid Accounting with Dallas College, she is currently writing a book about the history of the Lakewood Shopping Center which she hopes to have completed and published in 2025. Her article, “J. L. Long: Bringing Dallas Schools into the 20th Century,” was published in the spring 2019 issue of *Legacies*.



Marcel Quimby, FAIA, is a preservation architect who leads Quimby Preservation Studio. She earned her Bachelor of Architecture degree from the University of Louisiana at Lafayette. She has served as President of Dallas AIA, Preservation Dallas, and the Dallas Architectural Foundation, and she is an Advisor Emeritus of the National Trust for Historic Preservation and a former member of the Dallas Landmark Commission. She has authored numerous national register nominations in Dallas, including the Bluitt Sanitarium, Kessler Theater, Sunset High School, Sharrock Farmstead and the Downtown Dallas National Register Historic District. Her most recent article for *Legacies* was “Dr. Benjamin Bluitt and the Bluitt Sanitarium,” for the spring 2007 issue.



Minnesota native **Rene Schmidt** received his BA from Luther College in Iowa, his Master of Music degree from SMU, and his Ph.D. in musicology from the University of North Texas. He is organist/choirmaster at Christ Episcopal Church and teaches at Dealey Montessori Academy. As President of Junius Heights, he led the effort that culminated in the creation of the Junius Heights Historic Landmark District. His article, “Road to Glory: Tenth Street Becomes Church Street,” was published in the fall 2009 issue of *Legacies*.

BOOK REVIEWER

Dallas attorney **Scott Chase** and his wife are collectors of paintings and sculpture by Texas artists from the early 1900s to today, and both are members of the Texas Art Collectors Organization and the Center for the Advancement and Study of Early Texas Art.

Dallas THEN & NOW

Central Square Park

Central Square Park was created in 1908 to serve East Dallas children for whom Fair Park was too distant. Located at the intersection of Swiss Avenue and Oak Street, the park shared a neighborhood with the 1899 Queen Anne-style home of Frederick and Henrietta Wilson, seen in the background of this post card. Although the original decorative fountain has been replaced by a gazebo, the small, tree-shaded park still serves neighborhood citizens, and the old Wilson House

has long served as the headquarters of Preservation Dallas. ---Mark Rice

