

Talking History of Abilene Series
Interview of the Honorable J. R. Black
Interviewed by Don Wilson
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Don Wilson: How do you do, ladies and gentlemen. My name is Don Wilson. I'm speaking to you from the studios of radio station KNIT, in Abilene, Texas. In the studio with me is a man whose name has become synonymous with the legal history of Abilene and the Big Country. His name is the Honorable J. R. Black, judge of the 42nd Judicial District Court of the state of Texas. We are going to visit with Judge Black in just a few moments and get some of the background on this man and the legal history of Abilene and the Big Country. And this project, which has been sponsored by the Abilene and Taylor County Legal Secretaries Association.

Judge Black, let's go back to the background of you and your family. First let me ask you how old a man are you, sir?

Judge Black: Seventy-seven years old.

Don Wilson: This is rather a unique experience for me in getting to cross examine or examine a district judge, usually, the shoe is on the other foot with the judge asking the lawyers questions. So I have a rather unique experience. Where were you born, Judge?

Judge Black: I was born in Callahan County on the west side of the Spring Gap Mountain about five miles southwest of where the town of Admiral later was established.

Don Wilson: And would you tell us who your parents were?

Judge Black: George W. Black and Mattie Black, mother and father.

Don Wilson: And were you one of several children, Judge?

Judge Black: Two children, I had a younger brother.

Don Wilson: And where did your parents come from originally?

Judge Black: My father came from East Texas. During the Civil War, his family was dispersed in some manner, he doesn't know how, and a family took him and brought him to West Texas.

Don Wilson: And your mother's family where do they come from?

Judge Black: More of the majority of her people lives in Arkansas, but her father and mother came from Mississippi.

Don Wilson: And what occupation was your father engaged in at the time of your birth?

Judge Black: Farming.

Don Wilson: And did you assist your father; you and your brother assist him in the farming operations when you were young?

Judge Black: Yeah, by the time we was able to get to the cotton patch, we went to the cotton patch.

Don Wilson: And what about your schooling, Judge, where did you start into school?

Judge Black: I went to school, it's a little county school called, later called Admiral. Then I went to school in Scranton. At that time, they had a boarding school in Scranton, and I went and attended that school.

Don Wilson: When you first started there at the little school you mentioned in Admiral, was this a one room school house?

Judge Black: A one room school house all time I went to it.

Don Wilson: And about how many grades did they have in that one room school house?

Judge Black: Oh, they finally, later, had eight or nine, up to eight or nine grades.

Don Wilson: They had just the one teacher for all nine grades.

Judge Black: One teacher.

Don Wilson: Then when you went to school there in Scranton, was this also a one room school house?

Judge Black: No, it was, they had to build a school there and they had two boarding houses there at that time for students.

Don Wilson: Now, I understand there used to be a college too down around Belle Plain. Is that correct?

Judge Black: That's right.

Don Wilson: And Belle Plain used to be a rather thriving community.

Judge Black: Yes, it was the county seat and the main town in the county.

Don Wilson: Belle Plain was the county seat then of Callahan County?

Judge Black: Callahan County.

Don Wilson: Do you remember when that was moved to Baird?

Judge Black: No, I don't remember exactly. It was before my day.

Don Wilson: All right. Judge, did you attend college at any time after you finished your schooling there in Callahan County?

Judge Black: I went to Cumberland University Law School in Lebanon, Tennessee. I went there in fall of 1909, and remained there until my money gave up, and then I came home.

Don Wilson: And did you continue to study law after you left Cumberland?

Judge Black: I did.

Don Wilson: And where did you do your studying on that?

Judge Black: Just at home. Well, I had a correspondence case to help me some.

Don Wilson: And during this period of time were you doing any kind of work while you were studying?

Judge Black: Yeah, I carried the mail from Admiral on the Star Route. I believe three times a week using a cart and a horse. And the horse was gentle, so I could read the law as I drove along the road.

Don Wilson: That's wonderful. Now as I understand it back in the particular time a great many people who were interested in the study of law did their studying at home or in a law office, rather than going through some type of formal education. Is that correct?

Judge Black: That's correct.

Don Wilson: And how did you receive your license to practice law, Judge, after you had studied for a period of time?

Judge Black: At that time the Court of Civil Appeals had a Board of Examiners, and I went to Dallas, Dallas district and took examination, written examination there in the courthouse at Dallas.

Don Wilson: About how long was that examination?

Judge Black: Two days.

Don Wilson: And did you find out that you had passed as soon as you had finished the examination or was it some time thereafter?

Judge Black: Oh, it was probably 30 days before I found out.

Don Wilson: And how then did you receive your license? Did they mail it to you or did you have to be sworn in or what was the procedure at that time?

Judge Black: They mailed it to me. I called them before hearing and I called them. They said I made a good grade, and my license would be coming fairly soon. They mailed it to me. I took an oath, just like lawyers do now, before someone who could administer oaths.

Don Wilson: Do you remember who administered the oath to you?

Judge Black: No sir, I do not.

Don Wilson: Now after you received your license did you immediately begin in the practice of law?

Judge Black: No, I didn't, wasn't able to start practicing law. So in fall, I picked some cotton and started practicing law to get money to start in Baird.

Don Wilson: Now why did you need some money to start to practice law back then?

Judge Black: Well, I had to have a typewriter and some books and things.

Don Wilson: And do you remember where you got your first books?

Judge Black: I imagine West Books & Company, I don't know.

Don Wilson: Did you buy them new?

Judge Black: Yeah, what few I did. [*Don Wilson: All right, sir.*] Bought some on credit.

Don Wilson: Do remember what books a lawyer needed back then to start practicing law?

Judge Black: No, I don't remember. Didn't need many. Needed a form book and, of course, I had *Blackstone* I took with me, we read that then you know, basics.

Don Wilson: You had bought some law books during the time that you were studying law...

Judge Black: That's right, I had some law books.

Don Wilson: But you did need a form book?

Judge Black: I needed a form book.

Don Wilson: Still need those today, don't we?

Judge Black: Yeah, sure do.

Don Wilson: Judge, how long did you practice law then after you received your license before you decided to enter public office?

Judge Black: Well, I went, wasn't very long. I first went as District Clerk for a short time. Made the race for that and elected, and then I resigned and became county attorney, Callahan County.

Don Wilson: And how long did you serve as county attorney for Callahan County?

Judge Black: Until 1916.

Don Wilson: And then did you take some other office there, Judge?

Judge Black: Not at that time. In 1918, I ran for county judge, was elected county judge and served as county judge of Callahan until 1922.

Don Wilson: Between 1916 and 1918, those were the years of World War I, Judge, did you practice law then?

Judge Black: I did.

Don Wilson: And that was in Callahan County.

Judge Black: Callahan County.

Don Wilson: Did you have an office in Baird or where was it?

Judge Black: In Baird.

Don Wilson: Now in 1918, you stated that you became, ran for county judge and was elected and you served until 1922. Was that just one term?

Judge Black: That was two terms. It was two year terms at that time.

Don Wilson: All right, did you have an opponent during that period of time?

Judge Black: I did when I ran the first time. I didn't, of course, on my second time.

Don Wilson: After the first time that you ran, you didn't have an opponent?

Judge Black: Didn't have.

Don Wilson: In 1922, then, Judge did you go back into the practice of law or what happened then?

Judge Black: I went and practiced law.

Don Wilson: And that was back at Baird?

Judge Black: Back at Baird.

Don Wilson: And how long did you, were you engaged in the private practice of law?

Judge Black: 'Til February 1927.

Don Wilson: That was approximately five years, is that right?

Judge Black: That's right.

Don Wilson: And during that period of time, what type of practice did you engage in?

Judge Black: All types, mostly criminal, I did mostly criminal work in that town at that time.

Don Wilson: Was there quite bit of criminal activity or criminal practice in Baird in Callahan County?

Judge Black: Well, quite a little bit. Some bootlegging and other things.

Don Wilson: And was this area generally what we consider a dry area back then too?

Judge Black: It was and this was a felony offense then to sell liquor.

Don Wilson: All right. In other words, a felony offense would be one in which a person could be sentenced to the penitentiary. Is that right?

Judge Black: That's right, the penitentiary or nothing at that time.

Don Wilson: You couldn't just get jail time or a fine?

Judge Black: That's right.

Don Wilson: Now in 1927, did you go back into public office again?

Judge Black: I was appointed this time by Governor Dan Moody.

Don Wilson: That was in 1927?

Judge Black: February 1927. February the 7th.

Don Wilson: And was this to fill an unexpired term?

Judge Black: It was. Judge Long resigned to become district judge, and Judge Ely went, at that time, upon a highway commission.

Don Wilson: That's judge....?

Judge Black: W. R. Ely

Don Wilson: All right, he had been district judge at that time?

Judge Black: Correct.

Don Wilson: And Judge Long was the district attorney and so they moved up one step. Is that correct?

Judge Black: That's correct.

Don Wilson: After you had been appointed district attorney for the 42nd Judicial District, at that time what counties were encompassed in that district?

Judge Black: Callahan, Taylor, and Shackelford.

Don Wilson: All right. And you served as the prosecutor of all criminal activities in these three counties then beginning in 1927?

Judge Black: That's right.

Don Wilson: After you were appointed, how many times did you run for the office of district attorney?

Judge Black: I run every two years as long as I held office. It was a two year term.

Don Wilson: Did you ever have an opponent?

Judge Black: Never did.

Don Wilson: And how long did you serve as district attorney?

Judge Black: I served until December 31st, 1943, 1944.

Don Wilson: 1944

Judge Black: That's right.

Don Wilson: Now in 1944, what did you do then? Did you...

Judge Black: I ran for district judge.

Don Wilson: And did you have an opponent at that time.

Judge Black: I did not.

Don Wilson: You ran unopposed. Have you ever had an opponent for district judge?

Judge Black: Never have.

Don Wilson: And you are still serving in that capacity today as District Judge of the 42nd District Court?

Judge Black: Serving my last term.

Don Wilson: This is your last term.

Judge Black: That's right.

Don Wilson: You do not intend to run again. [*Judge Black: No.*] Judge, if my memory serves correctly then the only time that you have ever had an opponent for any public office was back when you first ran for the office of county judge. Is that correct?

Judge Black: Yeah.

Don Wilson: That's a wonderful and remarkable experience. Let's go back just a moment, Judge, to the times when you were district attorney and first began. That would be back about 1927. And this is the first time that you were actually prosecuting cases here in Abilene I would presume. Is that correct?

Judge Black: That's right.

Don Wilson: During that period of time can you tell us some of the sensational cases that may have come up, either as a prosecutor or as a district judge in the way of a criminal case here in Abilene and Taylor County?

Judge Black: Well, there have been so many cases I wouldn't know what you call...

Don Wilson: Well, let's just take it back a little farther. Let me be more specific. Judge, have you ever, as a district attorney, asked for and received, as a jury verdict, the death penalty in a case?

Judge Black: I have several times.

Don Wilson: And have any of those death penalties actually ever been carried out and the defendant executed.

Judge Black: Two were executed.

Don Wilson: Do you remember, can you tell us anything about those?

Judge Black: Well, one was a case transferred from Stephens County to Baird, Callahan County, Joe Arnold, for killing his wife. And he received the death penalty in Callahan County and was executed, was electrocuted.

Don Wilson: And do you remember about what year that was?

Judge Black: No sir, I do not. I forget. It's along in the middle thirties, somewhere in the early thirties. Your present U.S. Judge, Joe Brewster, had an interesting case some [unclear]. He was a young attorney and he came out there to be with me and assist with in the prosecution of that case.

Don Wilson: The United States District Judge, here now, assisted you in the prosecution of that case. Is that correct?

Judge Black: That's correct.

Don Wilson: Well, that's very interesting. What was the other case, Judge that you said...?

Judge Black: The other case was a, as I recall, I don't recall his name right now. He killed Wade Willis, deputy sheriff in the jail, and they transferred it to Fisher County, and Judge Walters was district attorney of that county. And he assisted in the prosecution over there, or I assisted him, either way you put it.

Don Wilson: This was Judge Walter, you're speaking of, is Judge Eskell Walter of the Eastland Court of Civil Appeals, is that right?

Judge Black: That's right.

Don Wilson: And he, at that time, was district attorney in the 104th District Court.

Judge Black: That's correct.

Don Wilson: All right, where did this actually take place? Was the crime committed in Fisher County?

Judge Black: No, the crime was committed in the Taylor County jail.

Don Wilson: I see.

Judge Black: Wade Willis was the jailer, and he went up to tend to the prisoner some way, and the prisoner killed him anyway. I don't know just now how it happened.

Don Wilson: Now both of these cases happened when you were prosecuting as a district attorney. During the time...

Judge Black: I received some more death penalties, but they weren't carried out.

Don Wilson: I see, for one reason or the other...

Judge Black: Yeah, went to Eastland County and secured the death penalty, helped secure the death penalty, and it wasn't carried out.

Don Wilson: Do you remember which one of these, the first time that you ever asked for the death penalty, Judge?

Judge Black: Well, I've asked several times, but I didn't get it. I've tried several cases. When the first district attorney West Texas around Odessa and through there was opening up oil field and didn't have many courts. And Judge Long was young and active and willing to work. And he agreed to transfer several murder cases down here, which were tried. But the life term was the most we were able to secure in any of those cases. We tried three, four, five of them and tried to get the death penalty, but didn't secure it.

Don Wilson: During the tenure of now office as district judge, have you ever been or had the occasion to sentence a person to death upon a jury verdict?

Judge Black: I have not.

Don Wilson: That's been quite a long time. That's since 1944.

Judge Black: That's right.

Don Wilson: This is now 1966, on September the first that would be some 22 years.

Judge Black: That's correct.

Don Wilson: Judge, during this period of time in your long tenure as both a prosecutor and a district judge has your attitude on the death penalty changed any at all?

Judge Black: Not any at all.

Don Wilson: All right. It wouldn't bother you a bit in the world now to have to assess a death penalty, is that correct?

Judge Black: No sir, no I believe in it because if it doesn't do anything else it gets rid of that one criminal.

Don Wilson: I see. Judge, can you tell us any more about some of the ways that our courts were run or operated back then as the [unclear word] as they are now? Let's take, for example, the court reporting, did you find any difference in that?

Judge Black: Well, some difference, not too much important because when I, well when I started practicing law I had a typewriter and everything, like they do now, but didn't have the machinery to record the work and would have to depend entirely upon the notes.

Don Wilson: Of course, almost everyone in this particular area is well acquainted with your court reporter, Mr. Harvey Brown. How long has Mr. Brown been the official court reporter for the 42nd Judicial Court?

Judge Black: He's in his 50th year.

Don Wilson: He was the court reporter long then before you actually became the district judge.

Judge Black: That's correct.

Don Wilson: And was he the court reporter when you became district attorney?

Judge Black: That's right, and had been several years then.

Don Wilson: How many district judges has Mr. Brown served under?

Judge Black: Well, he served under, I believe, Judge Blanton, and Judge Ely, and Judge Harry Tom King, and Judge Joe Barkett [spelling of names?]

Don Wilson: That should be around four, five, six judges that he's actually been serving under. [*Judge Black: That's right.*] About the practice of law when you first started practicing, Judge, say the civil practice, how would it compare with the work load that the courts have now as compared with what they had back then?

Judge Black: Well, there wasn't any comparison hardly then as they are now.

Don Wilson: Can you give me some idea about how many cases, say civil cases, were filed in your court here in Abilene or Taylor County in say the month of July?

Judge Black: Eighty-five civil cases and one divorce case. I believe three or four adoption cases. Course that was unusually heavy, but that was the July filing.

Don Wilson: Normally back when you first started practicing, back there in Baird after you got your license, about how many cases would be filed say in Taylor County or in Baird during the period of a month's time?

Judge Black: Oh, I don't think it would be very many at that time.

Don Wilson: Well, do you think it would be as many as ten a month?

Judge Black: I doubt it. Of course, they just had one court in Taylor County then, when I was, at that time when I was practicing. [*Don Wilson: We now have...*] We have two courts now.

Don Wilson: Two courts now. [*Judge Black: Yeah.*] And in the past few years, of course, the jurisdiction of your court has been reduced in size. You no longer have Shackelford County. Is that correct?

Judge Black: That's correct.

Don Wilson: And the 42nd Court just has Taylor County and Jones County, I mean, and Callahan County. The 104th District Court has Jones County and Taylor County. Now, Judge, when did the 104th District Court actually come into being?

Judge Black: It was along about the time I won district attorney, along about '27 or '28.

Don Wilson: And it has been in operation since that time.

Judge Black: That's right.

Don Wilson: All right. I'll ask you one more thing if I can, if you can remember. Do you remember when we used to have public hangings in the state of Texas?

Judge Black: Yeah, I don't know when it was stopped. I remember when they had them back there.

Don Wilson: Do you specifically remember any that occurred in this area?

Judge Black: Yeah, I remember one in Callahan County in Baird.

Don Wilson: Do you remember about when that was?

Judge Black: It was along about 1906, '07. Sheriff Hal Laren [*spelling?*] was sheriff of Callahan County, as I recall, seems like.

Don Wilson: And where did they have this hanging?

Judge Black: They had it on the courthouse lawn.

Don Wilson: Did they actually build a platform and everything like that?

Judge Black: They did.

Don Wilson: Was there any difference in the way that we see them in the movies and television now about the way they hold these hangings?

Judge Black: Well, this was legal, of course, there's some difference. They'd build the platform and [mumbles] defendant to stand up on and, of course, they had a trap door they could throw.

Don Wilson: Did many people come out to view these hangings?

Judge Black: As far as I remember, there was quite a crowd down there.

Don Wilson: And were they held out in the open where everybody could actually see the defendant drop through the floor?

Judge Black: They could see the defendant and hear him talk and then before they pull the, sprung the trap, they'd pull the curtain in front of the defendant where you couldn't see him when he fell. Then, below, they had the bottom covered with blocks and planks, but didn't have strips on them, so kids, we could run up there and kind of look through the crack, you know, and see some things. [*Don Wilson: Oh.*] I was about, oh, sixteen or seventeen years, seventeen, sixteen, seventeen, I guess.

Don Wilson: I've heard that the last public hanging here in Abilene was some time around the turn of the century, about 1900. Would you remember anything about that?

Judge Black: I don't remember anything about that.

Don Wilson: Later on they dropped the public hangings and all of those were carried out down at the penitentiary in Huntsville. Is that correct?

Judge Black: That's correct.

Don Wilson: Is that when they changed over from hanging to electrocution?

Judge Black: That's when they changed over then to electrocution.

Don Wilson: Judge, have you ever had any trials in your court where anyone has ever attempted to pull a gun or anything like the stories that we've heard about the early day West?

Judge Black: No, I don't recall where they attempted to; I recall I helped defend a murder case that was transferred from Snyder down there. And they searched everybody before they went on the courthouse lawn. And the day they was to try the case, it was postponed suddenly, and on the route back home they had a killing in Sweetwater. Some of the parties met in Sweetwater and had a shooting and killing. Course then later they tried the case and they let no one get on the courthouse lawn unless he was searched. They found one car with several guns in it at that time, a whole arsenal it looked like. Then nothing happened inside, and I don't recall any gun play in the courtroom or around the courtroom.

Don Wilson: This public hanging that you mentioned a few moments ago down in Baird about 1906, '07, do you happen to remember who the attorney was who defended that man.

Judge Black: Judge Dallas Scarborough, one of his first cases; he was appointed to defend him.

Don Wilson: Dallas Scarborough.

Judge Black: Dallas Scarborough.

Don Wilson: And he's deceased now.

Judge Black: That's right.

Don Wilson: And that was one of his first cases?

Judge Black: I understand that was one of his first cases.

Don Wilson: From what I've heard, I've heard that is the only defendant that Judge Dallas Scarborough ever lost to an execution, is that correct?

Judge Black: As far as I've heard, now as far as I know that is correct.

Don Wilson: Judge, it's been wonderful visiting with you today. I didn't go into your family background or your own family. Judge, you are a married man?

Judge Black: That's right.

Don Wilson: And how many children do you have?

Judge Black: I have six, seven boys.

Don Wilson: And any girls?

Judge Black: No girls.

Don Wilson: All boys, and have any of those boys pursued the practice of law and followed in your footsteps?

Judge Black: J. R. Black, Jr., the oldest boy.

Don Wilson: And he is associated with the law firm here of Scarborough, Black, Tarpley, and Scarborough at the present time.

Judge Black: That's correct.

Don Wilson: Fine, Judge, thank you very much for visiting with us, and ladies and gentleman we hope that this little visit with Judge J.R. Black of the 42nd Judicial District Court has been helpful in bringing some of the highlights and anecdotes of the early day legal history of Abilene, Taylor County, and the Big County. Thank you and good morning.

Judge Black: All right.