



# Constables, Sheriffs and the Law In Early Garland



Dallas Sheriff Dan Harston poses on the steps of the Dallas County Old Red Courthouse ca. 1920 with department employees, including H. C. Brite and S. D. Smith of Garland. In these times phoning the sheriff's office from Garland required a long-distance toll call. Consequently, satellite communities like Garland depended heavily on county lawmen to enforce the peace. The deputies' Harley-Davidson bikes represented America's largest selling motorcycle brand at that time.  
*Garland Landmark Society Archives*

Even after WWI Garland and other Dallas County satellite communities relied heavily upon county constables and the Sheriff's Department to enforce law and order. Calling the sheriff's Dallas office involved manual switchboards and carried long-distance charges. Consequently, constables and 'special' sheriff's deputies often lived in or near their priority communities.

Daniel Simeon Harston, Dallas County's Sheriff from 1918-1924, was a Kentucky native raised in Grand Prairie. He had worked as a farmer, rural mail carrier and assistant postmaster before moving to Dallas, where he pursued general merchandise and drug retailing. As did almost every other elected Texas

official of the day, Sheriff Harston ran as a Democrat. Success in the Democratic primary was tantamount to election.

An ardent prohibitionist, Harston enthusiastically enforced fresh 18th Amendment statutes against manufacture and sale of alcoholic beverages. He also prohibited female department employees from smoking and tried to prohibit everyone from spitting on county government floors.

It was early in Harston's term that Bill Decker, legendary Dallas sheriff of the latter 20th century, began his county career as an elevator operator. After Women's Suffrage began in 1920, Emma Peek,



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Send your stories to:

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Dallas County Sheriff Dan Harston (from group photo)

Garland Landmark Society Archives

wife of jailer Boone Peek, became the first woman to vote in Dallas County. The Peeks resided on the 5th floor of the jail building.

Membership in the Ku Klux Klan, which included Sheriff Harston, had swelled during the early '20s, and Klansmen had gained both local and state political prominence. So it was that the sheriff and fellow Klan

member Shelby Cox, Dallas District Attorney, saluted those present at Garland's Women of the Klan march in August of 1923. News reports estimated the flag-waving, hymn-singing crowd downtown to be as large as 6,000. Critical of Klan activities, *The Dallas Morning News* demeaned Dan Harston as "a bed-sheet sheriff" and Cox as "a river-bottom advocate."

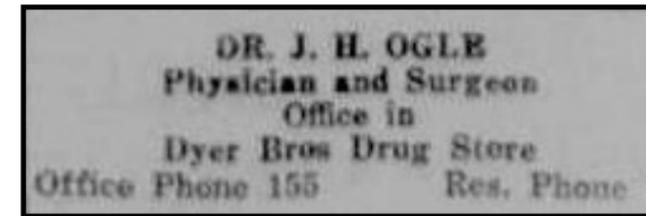
As sheriff, Harston officially presided over two hangings of convicted felons, the last of whom to die in the Dallas County Jail. The jail's gallows were dismantled in 1923 and the liberated space devoted to storage. Texas executions shifted to Huntsville, where the condemned met their maker in the electrified wooden chair affectionately known by others as "Old Sparky."

But Terry Baker's *Hangings and Lynchings in Dallas County, Texas, 1853 to 1920* details how Sheriff Harston also saved three accused men from lynch mobs. The last of these was Frank Fennell, a black



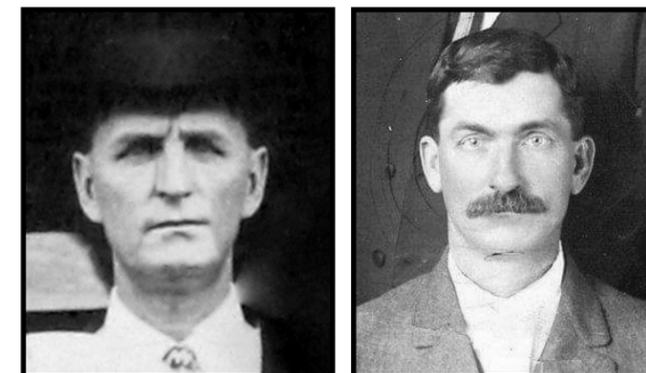
Dyer Bros. drug store, corner of Sixth and State Streets. Garland Landmark Society Archives

man accused of fatally shooting Jack Kendall, a white farmer and partner in Garland's Pace and Kendall livery business. Kendall had reportedly approached Fennell about sums owed. The attack occurred on Saturday evening, June 14, 1924. As Fennell fled, Kendall was quickly moved to Dyer's Drug Store at the northwest corner of the Garland square, where Dr. J. H. Ogle pronounced him dead. The body was then transferred to Williams Funeral Home on the square's southwest corner.



Dr. J.H. Ogle pronounced Jack Kendall dead at Dyer's Drug Store. Physicians in this day occasionally maintained offices inside local drug stores, as well as in their homes.

Meanwhile, a search for Fennell was organized by Garland Sheriff's Deputy H. C. 'Hickey' Brite and E. J. 'Lige' Harris, the Garland constable who would be shot and killed on duty less than three months later. Assisting were Garland possemen Boone Cooper and S. D. Smith. They worked alongside Dallas Deputies Walter Taylor and Hal Hood, himself a future sheriff. Taylor and Hood arrested Fennel at 5 a.m. the next morning on the C. A. 'Lum' Weaver farm about a mile north of Garland. In the suspect's pocket deputies found the .38 caliber revolver allegedly used to kill Kendall.



Special Sheriff's Deputy H.C. 'Hickey' Brite (from group photo, left) and Constable E.J. 'Lige' Harris (right) both lived in Garland. Garland Landmark Society Archives



Special Sheriff's Deputy S.D. 'Dave' Smith lived in Garland, where he was formerly a partner in the Garland Fair Park and Training Track. This image appeared during his campaign to unseat Sheriff Harston in an eight-way democratic primary contest in 1924. Both lost. Garland Landmark Society Archives

News of the arrest spread quickly, and an angry mob began forming before officers could arrive with their prisoner in Garland. Threatening to lynch Fennell, pursuers mounted a car chase as deputies sped instead toward the Dallas County Jail. By the time the assemblage arrived in Dallas, Harston had fortified both the Criminal Courts Building and Jail with armed deputies, and the confrontation cooled without serious incident.

By the fall of 1924, Klan fortunes had begun to falter, both state-wide and locally. With the influence of Dallas' Klan No. 66 on the wane, Dan Harston lost the election of 1924 against a field including seven other Democratic candidates, at least one of whom helped split the Klan vote. The new sheriff was 29-year-old Schuyler Marshall, a former dairy farmer from Mesquite. In a 1979 interview Marshall claimed he immediately fired all or most of Harston's crew, since he was convinced he couldn't trust anybody that hadn't voted for him.

Michael R. Hayslip