JUSTICE OF THE PEACE

W.A. HICKS

by DONALD G. LESTER

Although the name of Justice of the Peace W.A. Hicks is unknown to many Broward Countians today, both the man and the office were subjects of intense controversy in the second half of the 1920s and the early 1930s, as the county experienced the roller coaster effects of boom and bust. Created in 1915 from the northern part of Dade County and the southern part of Palm Beach County, Broward County was named after Governor Napoleon Bonaparte Broward, who served from 1905 to 1909 and was closely identified with the Everglades drainage program. Fort Lauderdale, which had incorporated in 1911, was designated as the county seat, even though Dania and Pompano were older corporate entities. Fort Lauderdale owed its position as county seat to its size, its central location, and, perhaps most significantly, the leading role assumed by its officials in establishing the new county. Nevertheless, the population of both Fort Lauderdale and Broward County remained small for a number of years. The 1920 United States census listed Fort Lauderdale’s population at about 2,000 and Broward’s at approximately 5,000. The turbulent decade of the 1920s, which included both the Florida boom years and the beginnings of the Great Depression, saw the population of both city and county increase fourfold. Despite an exodus of people following the collapse of the boom and the disastrous 1926 hurricane, the 1930 census listed Fort Lauderdale’s population as 8,666 and Broward’s as 20,094.

South Florida, before the 1920s land boom, was frontier territory, a largely empty country whose various governmental districts contained huge amounts of land. Broward County, for example, was in 1915 a part of the Fourth Congressional District, which stretched down the entire east coast from Jacksonville to Key West, and included some inland counties as well. Dade, Broward, Palm Beach, St. Lucie, and Brevard counties were lumped together in the same state senatorial district. Broward was also placed in the Eleventh Judicial Circuit, along with Dade and Palm Beach counties. In 1917, Broward and Palm Beach counties were separated from Dade and comprised the newly-created Fifteenth Judicial Circuit with E.B. Donnell of West Palm Beach as judge. In 1923, C.E. Chillingworth, also of West Palm Beach, became judge of that circuit.

The Hicks murder trials of the late 1920s was perhaps Broward County’s most sensational court case, evoking strong and often contradictory opinions among longtime residents even to the present day. The strong, often abrasive, personality of the defendant, the atmosphere of scandal which surrounded the case, and the gruesome nature of the murder all contributed to this notoriety.

As this article relates, the Hicks case was closely tied to an equally divisive, though less spectacular controversy — the existence of justice of the peace courts in the county. Although mandated by state law and beneficial to the vast majority of citizens who lacked wealth or political power, the courts were bitterly opposed by many of the county’s governmental leaders.

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The position of circuit judge in Florida rested upon gubernatorial appointment, but the tradition had long been established that the governor would appoint the winner of the Democratic primary and that the appointment would be subject to the approval of the Florida Senate. The offices of state attorney and supervisor of registration followed the same procedure. The office of sheriff was an elected one, but the incumbent could be removed by the governor virtually at will. A.W. Turner became Broward’s sheriff when the county was created and remained in office until he was suspended by Governor Cary A. Hardee in 1922. Paul Bryan, a Broward pioneer and member of a family prominent in the early history and development of the county, was appointed to replace Turner. In 1923, the Florida Senate upheld Turner’s suspension, and so the former sheriff sought vindication by challenging Bryan in the 1924 Democratic primary, but the incumbent sheriff emerged victorious.

In all political contests, Florida was part of the Democratic “Solid South.” The Democratic nomination was tantamount to election, and political success depended upon victory in the white Democratic primary, with participation restricted to members of the Caucasian race. In most local contests, Republicans did not even bother to field candidates. Such was the political environment of Broward County during the remarkable career of W.A. Hicks.

William A. (Big Bill) Hicks, one of the most colorful and controversial characters in Broward history, lived in the county for only eight years, but he certainly cut a wide swath.1 He served as chief deputy under Sheriff Paul Bryan, was the first exalted ruler of the local Elks Lodge, was a large property owner in the Progresso section, served as president of the North Lauderdale Improvement Association, was a claimant to the office of justice of the peace, and the defendant in the most sensational murder trial of that era.

Born in upstate New York in 1885, Hicks became a bank messenger in Palatka, Florida, when he was fifteen years old. His bank work was followed by a term as deputy under Dade County’s legendary Sheriff Dan Hardie. World War I found Hicks working as chief of security at a New Jersey munitions plant. After the Armistice, he appeared in New Orleans, where he worked for the famous William J. Burns Detective Agency. Following a move to Memphis, he became chief of the Burns Agency office in that city. In 1922, Hicks returned to South Florida, moving to Fort Lauderdale, where
Browndown County’s illegal liquor trade came from both farm-runners and moonshiners alike as the one in this C. 1880 photo.
courts had jurisdiction over civil cases with claims of up to one hundred dollars. Juries could be had, if demanded. Justices could issue warrants for all crimes and could try criminal cases where the punishment did not exceed certain fines or certain terms of imprisonment. The justice of the peace also had the power of coroner for inquests of the dead. Payment was on the fee system, and the justice was not required to be a member of the bar. For criminal cases and inquests, fees were supposed to be paid by the county. For civil cases, fees were paid by the litigants. In addition to the justice himself, a constable was to be elected as the law enforcement officer for the justice of the peace court.

The record of the justice of the peace court in Broward County is a murky one indeed, although its history pre-dates the formation of the county. Samuel L. Drake of Fort Lauderdale held the office in 1912, when that city was still a part of Dade County. There is compelling evidence that after Broward County was created in 1915, the original county commission divided it into five justice of the peace districts, with each district covering the same territory as a county commission district. However, for reasons not fully explained, the action creating the various justice of the peace districts never appeared in the official minutes of the county commission meeting. Nevertheless, several people served as justice of the peace from time to time, including Fort Lauderdale attorney Willard M. Pope, a very prominent figure in the early history of the county. Obviously, the county commission did not take the justice of the peace office seriously, since the occupation of that office was quite sporadic, and the position was far from the public limelight.

Early in 1926, Dr. D. L. Campbell, a Fort Lauderdale veterinarian, appeared before the county commission and requested that they authorize justice of the peace districts. Ignoring evidence and claims that districts had already been established, the commission complied. However, the newly-established districts received no more attention than their predecessors. Governor John W. Martin made no initial appointments to any of the positions, and, when the qualifying deadline for the June 1926 Democratic primary was reached, no candidates had filed for justice of the peace. This was the justice of the peace situation when W. A. Hicks decided to launch his write-in campaign for the office.

Hicks worked with a number of his friends, including Henry Hutchinson, a former desk sergeant at the Fort Lauderdale Police Department, to stage the write-in effort. Hutchinson was selected to run for the office of constable. The uncontested election was for the Third District, which included Floranada, Progresso, and Fort Lauderdale. The vote count gave Hicks eighteen votes for justice of the peace and Hutchinson eighteen votes for constable.

The Fort Lauderdale Daily News, covering the election results, expressed surprise at the ballot for justice of the peace, stating that it was unaware that such a public position existed in Broward County. W. A. Hicks stated that he was surprised and gratified at the result, adding that his

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**FORMER CHIEF DEPUTY HICKS ELECTED J. P.**

**Honor Is Conferred On Ex-County Officer In Tuesday's Election**

Former Chief Deputy Sheriff William A. Hicks, whose election yesterday as Justice of the Peace for the third district was a surprise feature of the general election, today expressed his appreciation for the honor his friends had conferred on him.

Justice Hicks' election was perfected by 18 of his friends writing his name on the official ballot. Henry Hutchinson, Jr., formerly desk sergeant of the Fort Lauderdale police department, was also elected constable in the same manner.

"I feel deeply honored that my friends saw fit to write my name on the ballot and elect me Justice of the Peace for this district," Mr. Hicks said today. "The honor is all the more appreciated, because it came unsolicited and without my having been consulted. I feel that their action is a testimonial of their appreciation of my work as chief deputy sheriff, and this friendship is doubly appreciated by me."

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Fort Lauderdale Daily News article of November 3, 1926, announcing Hicks' election as justice of the peace.
votes were unsolicited. The county commission was adamant, and, despite its earlier ruling, refused to recognize the office. In spite of the various obstacles that were put in their paths by Broward County's power structure, W. A. Hicks and Henry Hutchinson claimed their respective offices. Hicks received a commission from Governor Martin which was attested to by Secretary of State H. Clay Crawford. Hutchinson also received his commission. Hicks put up the required bond and announced that he was opening his office in the Farrington Building at 223 North Andrews Avenue, adjacent to the law offices of Farrington and Lockhart, in what was then the heart of the business district. It remained the contention of the county commission that the office of justice of the peace did not exist in Broward County. However, for a nonexistent office, Hicks' quarters in the Farrington Building was the center of much activity, as lawyers from within and without the county conducted business there.

On February 3, 1927, Guy W. Brubaker, the supervisor of junior high schools in Broward County, and Mrs. D. B. Cooper, a substitute teacher, were killed at the Fourth Street Florida East Coast Railway crossing when their automobile was struck by an oncoming southbound train. Mrs. Ada Gilmore and Mrs. Jenny Davis, both substitute teachers, were also injured in the wreck. Brubaker was driving the three substitute teachers to the Davie School.

Justice of the Peace Hicks presided over the ensuing coroner's inquest. The Florida East Coast Railway was well represented by Vincent C. Giblin of Fort Lauderdale, Hugh Cinkscates of Miami, and J. L. Nixon of Fort Pierce. Carl Haassen of Fort Lauderdale represented Mrs. Gilmore, and Miller Walton of Fort Lauderdale represented Mrs. Brubaker. A number of witnesses testified.

C. H. Gilbert of the Florida East Coast freight office said that the flagman had tried to stop the Brubaker car, but had to jump out of the way for safety. Gilbert also testified that the engineer had sounded the whistle when the train approached the Fifth Street crossing and again as the train approached Fourth Street. J. B. Wilson, the flagman, deposed that he heard the train whistle at Fifth Street and had flagged down traffic to the west of the track. He said that he had made every effort to flag the Brubaker car and had shouted when the car kept coming, but that the driver had continued, forcing him to jump for safety from the path of the car curving toward him.

Roy G. Simmons, a foreman at the water works, stated that he was at the west side of the crossing and saw the flag being waved before the train came into view. The Negro fireman, John Lamb, testified that the train was not going more than fifteen to twenty miles per hour, the brakes having already been applied as the train was approaching the station. William E. Marsh, the engineer, testified that he could not see the car, but that the fireman had shouted at him to stop. The coroner's jury verdict was that the Florida East Coast Railway was not at fault. Justice Hicks announced that the verdict did not preclude any civil action and then closed the case. All accounts indicate that Hicks handled the case in a professional manner.

On January 27, 1927, the Broward County Sheriff's Department was rocked with a scandal of tremendous proportions, possibly the greatest scandal in Broward law enforcement history. Sheriff Paul Bryan and his entire deputy force were arrested by United States prohibition agents. Also taken into custody were six Fort Lauderdale city policemen, including Acting Police Chief Bert Croft. A number of private citizens were also arrested, making a total of thirty-three people taken into custody by the federal agents. The raid was conducted by eighteen agents led by R. J. Tuttle of Savannah, administrator of the Southern Prohibition District. They seized eight stills and confiscated large quantities of liquor. In addition to Sheriff Bryan, the members of the Broward sheriff's office arrested were deputies Robert Kendall, Jot Shiver, Byrne B. Baker, J. P. Martin, E. C. Grimes, and Glen Maughans. They, along with the other twenty-six individuals apprehended in the raid, were incarcerated in the Palm Beach County jail. It was later reported that William A. Hicks, angered over his abrupt dismissal by Sheriff Bryan, had tipped off the federal agents concerning the liquor situation in Broward County.

For some unexplained reason, Paul Bryan was never suspended for as much as a single day by Governor Martin. This was particularly unusual since the governor had the power to suspend local officials even if formal charges or indictments had not been lodged. The Florida Senate had to sustain such action before permanent removal could be effective, but, since the legislature met in regular session only every other year, an official could be suspended for more than a year before the senate considered his plight. Furthermore, as a matter of senatorial courtesy, the senate generally followed the wishes of the senator who represented the district where the suspended official resided. Sheriffs seemed particularly vulnerable to the whims of Florida governors. In fact, Paul Bryan owed his position as Broward sheriff to the fact that Governor Cary A. Hardee had removed Sheriff A. W. Turner in 1922 and appointed Bryan to replace him. The follow-
ing year, the Florida Senate had sustained Turner's removal. In 1933, Governor Dave Sholtz would remove Sheriff Dan Hardie of Dade County, ambiguously citing "erratic and eccentric behavior" on Hardie's part, and appoint D. C. Coleman to replace him. Since Senator John W. Watson of Dade belonged to a rival political faction to Hardie's, the Florida Senate would sustain the removal in 1935.

The removal of several other sheriffs during this period emphasized Bryan's precarious position. While Turner was removed on the rather vague basis of "nonfeasance in office," Bryan faced real criminal charges. Yet, Governor Martin made no effort to remove him. Even though he was never officially cleared of the serious charges, Bryan was able to hold on to his office for the entire term. This episode indicates how arbitrarily the governors used their powers of removal. Since Governor Martin had developed a reputation as a spoilsman, it seems obvious that Bryan had influence with the Martin administration. The Bryan prohibition conspiracy case lingered on until 1930, after both Bryan and Martin left office. After two trials before the U.S. district court in Miami, both of which ended in mistrials, the government dropped the case.

Although the prohibition conspiracy case would eventually have great repercussions on the career of W. A. Hicks, its immediate impact appears slight. At the time, Hicks was much more concerned with his battle to maintain the office of justice of the peace. He had been involved in several justice of the peace cases after the Brubaker inquest. In due time he sent his bills to the county commission for payment. The commission flatly refused to comply, repeating its contention that the office of justice of the peace did not exist in Broward County. Hicks then filed suit in circuit court to compel the county commission to honor its obligations and pay the bills. In this suit he was represented by Fort Lauderdale attorney George W. Tedder, Sr. The commission was represented by County Attorney W. M. Pope. At the time, Broward was still part of the Fifteenth Judicial Circuit, presided over by Judge C. E. Chillingworth in West Palm Beach.

Tedder based his case for Hicks on the actions of the original Broward County Commission. The four surviving members of the original commission all testified that the commission in 1915 had, in fact, divided the county into five justice of the peace districts. Tedder also stated that a number of people had held the post of justice of the peace in the ensuing twelve years, including W. M. Pope, the county attorney. This revelation was particularly ironic, since Pope was, at that moment, arguing that the justice of the peace court had never existed in Broward County. Tedder also stated that A. D. Marshall, a member of one of Fort Lauderdale's most prominent pioneer families, had served a term as constable. Pope responded by pointing out that the action creating the justice of the peace districts could not be valid since he never appeared in the minutes of the original county commission meeting. Tedder replied that the compelling evidence made it clear that the districts were created regardless of whether or not the action had been recorded in the minutes. After hearing the arguments, Judge Chillingworth announced that he was taking the case under advisement. In due time, he announced his decision, which was a total victory for the county commission. Chillingworth ruled that the minutes must be upheld, and that W. A. Hicks was not, and never had been, justice of the peace. Tedder promptly announced an appeal on behalf of Hicks to the Florida Supreme Court.

In the meantime, Broward County faced a major change in its judicial structure. The county's population had grown rapidly during the 1920s, and the Broward County Bar Association began to clamor for a separate Broward judicial circuit. These efforts bore fruit in 1927, when the Florida Legislature passed a bill creating the new Twenty-second Judicial Circuit. The bill was signed into law by Governor Martin, who then followed the recommendation of the Broward County Bar Association and appointed Fort Lauderdale attorney Vincent C. Giblin judge of the newly-created circuit. Giblin, possibly the most brilliant lawyer ever to practice in Broward courts, had been born in Mobile, Alabama, in 1895, and was a law graduate of Notre Dame University. After serving as counsel for the Florida East Coast Railway in Jacksonville, Giblin moved to Fort Lauderdale in 1925. He immediately impressed the local lawyers with the depth of his legal knowledge and was the overwhelming choice of the local bar for the judicial position. The nomination was soon ratified by the Florida Senate.

Governor Martin also followed the recommendation of the Broward County Bar Association in appointing Fort Lauderdale Municipal Judge Louis F. Maire as state attorney for the new Twenty-second Circuit. Maire had been born in New York in 1894, but grew up in Georgia. He graduated from the Detroit College of Law in 1914. After admission to both the Michigan and Georgia bars, he had moved to Fort Lauderdale in 1923 and was soon admitted to the Florida bar. An unsuccessful candidate for county judge in the June 1924 Democratic primary against Fred B. Shippey, Maire soon assumed the position of municipal judge and was serving in that post when he received the appointment. When the Florida Senate confirmed Maire's appointment, the Twenty-second Judicial Circuit was in place. Soon it would
be responsible for handling one of the most sensational murder cases in Broward County history.  

As these events unfolded, attorney George W. Tedder, Sr., representing W. A. Hicks, continued preparing his appeal of Judge Chillingworth’s decision denying Hicks the office of justice of the peace. In the appeal, as in the original suit, Tedder based his case on the assumed action of the original county commission rather than on the 1926 restatement of justice districts or on the clear wording of the Florida Constitution. But suddenly the appeal was completely derailed, as Hicks faced a far greater problem. On Thursday, July 7, 1927, he was arrested on a charge of first degree murder. 

The warrant for Hicks’ arrest had been sworn out by C. W. Barber, brother of the murdered Robert Reese Barber, whose naked, mutilated, and gunshot riddled body had been found floating in the Dania Cut-off Canal almost two years previously. Hicks was arrested in his justice of the peace office by deputies Robert Kendall and Lucian Craig. Although Judge Chillingworth had ruled emphatically that Hicks was not and never had been justice of the peace, the Fort Lauderdale Daily News apparently did not get the message. The paper constantly referred to Hicks as “the Justice of the Peace” while reporting the arrest.  

It had been nearly two years since the body later identified as Robert Reese Barber was discovered. The questions which were asked at the time, and which remain, were: “Why bring charges at this time?” and, “Why Hicks?” When Hicks was serving as chief deputy sheriff and Barber was a prisoner in the Broward County jail, Hicks had shown an unusual interest in Barber. As noted previously, Hicks was not above using prison labor to work on his large property holdings in Progresso, and Barber, a skilled carpenter, was especially suitable for such endeavors. In fact, the carpenters’ union had taken up Barber’s complaint that Hicks had refused to pay him. Reports also surfaced that evidence was being gathered to prove Hicks guilty of peonage, which was a federal offense. Despite these rumors, the Barber case had been held in abeyance for nearly two years, leading Hicks’ supporters to question why it was suddenly revived at this time. 

Defenders of Hicks claimed that Sheriff Bryan and his department, aware that Hicks had tipped off the federal prohibition agents, resulting in the recent raid and arrest of Bryan and his entire deputy force, were out for revenge and decided to charge Hicks with Barber’s murder. In other words, Hicks’ defenders claimed that the entire prosecution case was a gigantic frame-up. On the other hand, Hicks had many critics in the county who thought him perfectly capable of committing the dastardly deed. 

The ordeal of William A. Hicks lasted three years, and during that time Hicks was represented by an impressive array of lawyers. Leading the defense team was Fort Lauderdale attorney C. E. Farrington, one of the leaders of the Broward bar. Farrington had practiced law in Fort Lauderdale since 1913, and was long involved in public service. He had served on the Fort Lauderdale city council from 1916 to 1919, on the county school board from 1919 to 1921, as mayor of Fort Lauderdale from 1919 to 1921, as county school superintendent from 1918 to 1920, and as state attorney in 1920 during the brief suspension of State Attorney Edgar Thompson of West Palm Beach. Farrington was also a prominent Presbyterian layman who taught the men’s Bible class at Fort Lauderdale’s First Presbyterian Church for thirty-five years. A skilled trial lawyer, he had a statewide reputation as an advocate. 

As chief defense counsel for Hicks, Farrington was ably assisted by his partner, Thomas Lockhart, an experienced trial lawyer, and also by his associate, young G. H. Martin, who was just beginning his long and distinguished Broward career. As the case progressed, outside legal talent was also acquired by the defense. These additions to the defense team included such legal heavyweights as J. Walter Kehoe, a former longtime state attorney from the Pensacola circuit and
Two of Hicks' defense attorneys, chief counsel C.E. Farrington (left) and associate counsel G. Harold Martin (right).

former one-term congressman from the panhandle. Keohoe had moved to Miami in 1926 and had a much-deserved reputation as one of the leading trial lawyers in Florida. Also assisting the defense was R. B. Gautier, Sr., who had wide courtroom experience, was a leader of the Dade County bar, and would later serve as mayor of Miami. The Miami law firm of Price and Price, familiar figures on the legal scene since the early part of the century, was added to the defense effort, as was S. J. Hilburn of Palatka, who enjoyed a statewide reputation as a trial lawyer and a man of political importance, having served twenty years in the Florida Senate.

Of course, this vast battery of lawyers were not all working on the case at the same time. The Hicks case lasted almost three years, and different defense attorneys appeared during certain aspects of the case. Nevertheless, with such an impressive array of legal talent working for his defense, it was obvious that Hicks had money at his disposal. According to G. H. Martin, wealthy, reclusive Fort Lauderdale beach resident Hugh Taylor Birch donated $5,000 to the Hicks defense fund. Birch was grateful because Hicks, in his role as chief deputy, had successfully kept undesirables off Birch's property.

In charge of the prosecution was the newly-installed state attorney, Louis F. Maire, who was just beginning his long career as a prosecutor. Thomas Farmer of the law firm of Farmer and Grantham, an experienced and excellent trial lawyer, was hired to help the prosecution. The trial preliminaries began in the normal fashion. Bail was demanded and refused by Judge Shippey. An immediate hearing was requested, but was also turned down by the judge. Hicks was then locked up in the county jail where he had once lived as warden. His next attempt to gain his freedom came about when attorneys C. E. Farrington and Thomas Lockhart sought his release from jail through writ of habeas corpus proceedings before Circuit Judge Vincent C. Giblin on July 8, 1927. The defense attorneys claimed that Hicks was being held illegally, and presented testimony that the body for which Hicks was being held on the murder charge was never positively identified as that of Robert Reese Barber. In fact, the lawyers emphasized, many people had originally thought that the victim was store clerk Joe Juliene. Farrington and Lockhart's ploy involved an important legal point. If the body turned out to be someone other than Barber, Hicks' motive for murder would disappear. Judge Giblin denied the writ, and the case was turned over to the grand jury, which convened in special session to determine if there were sufficient grounds to hold Hicks on a true bill for the murder. On July 11, 1927, the grand jury, through foreman Fred Wertz, indicted Hicks on a charge of first degree murder, stating that "Hicks did willingly and with malice of forethought, and with premeditated design, effect Barber's death, the motive being bad blood between the former chief deputy and the jail trusty."

Judge Giblin quickly disqualified himself from hearing the case and requested that another judge be appointed to preside at the trial. Giblin explained that he was "personally prejudiced" against the defendant, another way of saying that he just did not like Hicks. Judge Lexie Parks of Tampa was appointed by Governor Martin, but soon disqualified himself when he discovered that his appointment to preside over the Hicks trial, countersigned by Secretary of State H. Clay Crawford, did not bear Martin's signature, but was instead made out by Bessie Porter, the governor's typist. It is important to note that Judge Parks' alertness saved the state from future embarrassment. If the trial had proceeded without that correction and resulted in a guilty verdict, the verdict would certainly have been reversed by the Florida Supreme Court on the grounds that an unauthorized judge had presided at the trial. When Martin signed the necessary authorization and reassigned Judge Parks to the case, the trial was ready to begin.
On July 31, 1927, Hicks' defense lawyers filed a sixteen-page application requesting a change of venue with Judge Parks. The document contained an affidavit by Hicks explaining why so many people in the county were prejudiced against him, and averred that so many potential jurors had already prejudged the case that it would be impossible to receive a fair and impartial trial in Broward County.

Hicks claimed that his vigorous enforcement of the prohibition laws had antagonized the bootlegging element which included a large portion of the electorate from which circuit court jurors were selected. The fact that women were not allowed to serve on juries at that time added validity to this claim. Hicks also claimed that Sheriff Bryan believed that the former chief deputy was responsible for the arrest of the entire sheriff's force and so conspired with county officials to 'get Hicks.' Hicks used as evidence that the county political hierarchy was antagonistic to him the fact that the county commission flatly refused to recognize the justice of the peace position to which he had been duly elected. He further stated that the commissioners took this position because they were afraid that he would use the office to crack down on corrupt law officers. Hicks also claimed that Fort Lauderdale city officials were against him because of his actions in the aftermath of the devastating September 1926 hurricane, when he had put an end to the 'illegal' martial law proclaimed by Mayor John W. Tidball. Hicks concluded his affidavit by citing the sensational coverage of his case by the Fort Lauderdale Daily News, which was read by almost every man in the county. He also charged that biased statements by Broward Circuit Judge GIBlin during the preliminary proceedings were bound to affect prospective jurors.21

Prosecuting attorneys Mair and Farmer replied to Hicks' charges by producing depositions stating that, as a law officer, Hicks had a reputation for being associated with bootleggers and had even received kickbacks from speakeasies operating along Dixie Highway. The prosecutors also denied charges that the carpenters' union had raised a slush fund for the prosecution of Hicks. Municipal officials swore that there had never been a conspiracy to do away with Hicks on a framed charge. The prosecution then read declarations signed by John Cook, mayor of Pompano; G. E. Butler, mayor of Deerfield; J. Stephens, city clerk of Deerfield; and C. C. Freeman, city manager of Hollywood, all stating that Hicks could receive a fair and impartial trial in Broward County. The reading of these lengthy declarations lasted more than an hour. When it concluded, Judge Parks denied the application for a change of venue. The trial date was set for Monday, September 5, 1927.

When the trial opened, Judge Parks illustrated his mastery of the court proceedings. During the preliminary legal skirmishes, a statement was made that sounded humorous, and some of the spectators laughed. Judge Parks banged his gavel and said in a stern voice, "The next person to laugh is going to jail." That stern rejoinder had a sobering effect on the spectators.

It soon became evident that it would be just as hard to seat a jury as it had been to seat a judge. After twelve jurors had been seated, defense attorney Lockhart challenged the entire jury panel because the list from which the men were selected had not been properly signed by the chairman of the county commission, because court clerk Charles Gordon had failed to write the names properly on a special piece of paper, and above all because the panel had been served by Sheriff Bryan and his deputies. Lockhart even put Bryan on the stand in a vain effort to make the sheriff admit that he had carried a warrant for Hicks' arrest in his pocket for two months before serving it, and that he had deliberately waited until the grand jury was in session before service was made. Judge Parks then denied Lockhart's motion to quash the entire venire.

The seating of a jury was difficult even without the legal footwork. A number of prospective jurors, when called to the jury box, had said that they disliked Hicks. Some flatly admitted that they believed Hicks to be guilty. After much wrangling, a twelve-man jury was finally seated, composed of C. A. Thorhill and A. H. Morford of Dania; Ellsworth Mains, Frank Sterling, and William Brumby of Davie; E. B. White and E. S. Mims of Deerfield; R. V. McBride of Floranada; Roy McJunkin and Oliver S. Peck of Fort Lauderdale; Charles Sands of Pompano; and H. T. Hamby of Progresso.22

As the trial proceeded, two facts became increasingly obvious. The first was the defense strategy. Farrington and his associates used the time-honored tactics of putting someone other than the defendant on trial. By stressing the shortcomings of a party other than the defendant, preferably someone with a connection to the prosecution, they hoped to attract attention away from the alleged misdeeds of the accused. In this case, Sheriff Paul Bryan and his deputies were selected to be the targets of the defense attorneys' attacks. A second factor soon emerged as well. While the prosecution's case was compelling, it was also seriously tainted. Much of the prosecution depended upon the testimony of unsavory characters. For example, Steadman Gray and Wesley Corell, both confessed bootleggers, were alleged eyewitnesses to the murder, and they both testified for the prosecution under a grant of immunity. The credibility of those two undesirable men was, of course, questioned. However, the fact remains that often in a criminal case the prosecution is faced with such a dilemma. Shady characters frequently have the most first-hand knowledge about serious crimes precisely because they are involved in them. So prosecutors often go to court with the evidence and witnesses they have and hope for the best. Sometimes this tactic works, and sometimes it does not.

The courthouse was packed to capacity on September 5, 1927, with every available seat taken one hour before the trial was scheduled to begin. The most sensational testimony came when Deputy Sheriff Jot Shiver testified that about six months after the discovery of Barber's body, Hicks, in an office conversation with Shiver, calmly told him that he had killed Barber and described how it was done. In Shiver's words, Hicks claimed "that he was forced to slash Barber's stomach when Barber did not heed warnings to leave town. With knife in hand, Hicks demonstrated how he slit Barber." This startling bit of testimony drew a vigorous response from the defense attorneys. Thomas Lockhart conducted the cross examination, asking Shiver if he had passed this shocking bit of information to Sheriff Bryan immediately. The answer was, "No." When Lockhart asked why Bryan was not informed of the damming confession, Shiver said, in effect, that he was afraid of Hicks. "When Hicks was chief deputy, he was running the sheriff's office," Shiver stated, "If I told anyone of this conversation, one night on my way home to Pompano, the same thing would happen to me that happened to Barber." Sheriff Bryan had a reputation for hiring the toughest men in the county as his deputies, and one of them had testified under oath that he was afraid of another. If not for the stern warning from Judge Parks at the beginning of the trial, no doubt Shiver's statement that he was afraid of Hicks would have caused an outburst of laughter. More than six decades after the trial, G. H. Martin, one of the defense attorneys, stated that Shiver's testimony did not square
Hicks on Stand in Defense Against Murder Charge

Rare newspaper photo of W.A. Hicks testifying in his own behalf during the trial. Numbered individuals are: 1) Hicks; 2) C.E. Farrington; 3) Thomas Lockhart; 4) G.H. Martin; 5) Louis Maire; 6) Thomas G. Farmer; 7) Judge L.L. Parks.

with common sense. Hicks was certainly highly intelligent, and would not likely have been stupid enough to make such a damaging confession to Shiver. 23

Another witness, County Judge Fred B. Shippey, testified that, three weeks after Barber's body was discovered, Hicks had asked "if the goddamn Barbers associated him with the disappearance of their brother." Judge Shippey told Hicks that he had heard rumors to that effect. Fun-

eral director Amos Griffith testified for the prosecution that he had had a jailhouse conversation with a "distraught" Hicks, who had indicated that he did not want the body found floating in the canal to be identified. Griffith said that he had told Hicks that it was not his job to identify any corpse. His job was simply to bury the body.

Throughout the proceedings, the prosecution emphasized the extraordinary in-

terest that Hicks had shown in Barber, stressing the charge that Hicks had refused to pay Barber for work done, and that the carpenters' union had taken up the case. The prosecution also stressed that, because of this incident, Hicks stood a chance of being charged with peonage, a federal offense.

The most sensational prosecution testimony came when the two alleged eye-witnesses to the murder testified. These men, confessed bootleggers Steadman Gray and Wesley Corell, had both received grants of immunity. They had arrived at the Fort Lauderdale train depot at night and were immediately placed in protective custody under armed guard. To prevent any tampering with their testimony, they were kept in seclusion in a cell at the county jail, and visitors were barred from seeing or speaking with them prior to their appearance before the grand jury. Subsequently, Gray and Corell told the grand jury that, on August 8, 1925, they had accompanied Hicks when he went to get Barber from his hotel room and saw Hicks force Barber into the car after displaying a faked warrant from Dade County. The group then drove to the southern part of Fort Lauderdale, where Barber was shot, castrated, and thrown into the canal. No doubt this testimony strongly influenced the grand jury to indict Hicks for the first degree murder of Bar-

ber.

Gray and Corell reiterated their version of the murder at the trial, and added a number of sensational details. When questioned by State Attorney Louis Maire, Gray said that he was a resident of Boston, Massachusetts, and that he had come to Fort Lauderdale at the request of a detective employed by the Broward sheriff's office in order to testify against Hicks. Gray said that he had been living in his sister's house in Boston for about three or four years, but that in 1925 he was living in Progresso in a house that Wesley Corell rented from Hicks. When asked if he could identify Hicks, Gray replied by pointing to Hicks, who was sitting in the defendant's chair. To Maire's next question, "Did you see Mr. Hicks on the eighth of August 1925?" Gray replied, "Yes sir." Maire then asked, "Do you recall the occasion of the body being found in the canal?" Gray replied in the affirmative, then elaborated by testifying that Hicks had telephoned him on the day in question to say that he needed both Gray and Corell right away. Gray said that he had told Hicks that they had to handle a load of liquor in Deefield. Then, according to Gray, Hicks replied that he wanted them to come to his residence as soon as their task was

The red brick Bryan Building on the corner of Brickell Avenue and Wall Street housed the DeSoto Hotel, from which Robert Barber was allegedly abducted before being murdered.
completed. Accordingly, they arrived at the county jail where Hicks made his home while serving as warden. According to Gray, the three men then got into Hicks' car and drove to the DeSoto Hotel on Brickell Avenue, where Robert R. Barber was residing. Displaying a fake warrant from Dade County, Hicks forced Barber into the automobile. With Steadman Gray driving, the car proceeded to the southwest section of Fort Lauderdale, where Barber was shot and mutilated.

Gray testified that Corell, who was used to seeing horrible sights, became ill at the sickening display and vomited. After the mutilation was completed, the body was thrown into the canal. Gray stated that Hicks mutilated and disposed of the body in hopes that it would never be identified.64

Steadman Gray had to withstand vigorous cross examination from Thomas Lockhart. The defense centered on Gray's criminal activity and claimed that he had agreed to testify for the prosecution in order to escape punishment for his part in the crime.

Wesley Corell testified along much of the same lines as did Gray. Corell added to the previous testimony the details that, after Hicks dumped the body into the canal, causing a loud splash, the deputy searched Barber's clothes. He removed some papers from the garments, but the only money found was a nickel. Hicks offered the coin to Gray, who refused payment, and then pocketed the proceeds. Corell also stated that he had become ill at the sight of Barber's mutilation.

Another prosecution witness was Slim Yawn, who worked at a restaurant near the DeSoto Hotel. He testified that he had seen Barber, accompanied by Hicks, leave the hotel during the night in question. When asked why he had not reported this information, the witness replied that he was afraid of Hicks.

The defense based a major part of their case on the charge that the prosecution's whole case was a tremendous frame-up. In doing so, they stressed that Sheriff Bryan and all of his deputies were hostile to Hicks because of their belief that it had been Hicks who had reported the liquor irregularities to the federal prohibition agents, resulting in the arrest of the entire sheriff's department. According to this scenario of a gruesome conspiracy, the sheriff's department decided to revive the dormant Barber case, which had been held in abeyance for nearly two years.

Glen Maughans, a former deputy who had served under Paul Bryan before turning in his badge, testified that he and others were determined to get revenge on Hicks following the raid. Hicks' brother-in-law, Frank Read, furnished the interesting testimony that Deputy Jot Shiver had told him, "We will kill Hicks with high powered rifles." A casual observer cannot help but wonder why, if that was a serious threat, Shiver would tell Hicks' brother-in-law. During the cross examinations of Steadman Gray and Wesley Corell, the two alleged eyewitnesses were questioned concerning various schemes to do away with Hicks so as to discourage other people from talking about their liquor dealings. Gray and Corell could easily have been in a position to know of such talk. In addition to being bootleggers, both had been deputized for duty following the 1926 hurricane and also during the brief opening of the Pompano horse racing track.

Throughout the whole proceedings, the defense attorneys maintained that the body found floating in the canal was never positively identified as Barber's, thereby attempting to undermine the alleged motive for the murder. They repeated that the body was first thought to be that of Fort Lauderdale store clerk Joe Juliene. The defense stated that the identification by the Barber brothers was questionable. The brothers had made the identification on the basis of a bent finger, a basis deemed unsatisfactory by the defense attorneys.

As the trial progressed, the defense attorneys took an unusual step. They decided to put William A. Hicks on the stand to testify in his own defense. Because of the provision against self incrimination in the Fifth Amendment to the United States Constitution, the defendant in a criminal case is not required to testify. However, if a defendant elects to testify under oath, he is subject to cross examination by the prosecutor. The defense attorneys were obviously certain that Hicks could handle himself during the ordeal. Hicks entered denial after denial...
to questions posed by his attorneys concerning his alleged part in the Barber murder. He stated positively that he did not commit the crime, and he gave a biographical account of his life.

Hicks then explained his business arrangement with Barber, stating that Barber was paid four dollars a day and also was given extra food above the usual prison ration in return for working on houses being built in Progresso. During cross examination, Hicks admitted that he had gone to Tallahassee to see Governor Martin because of charges that were levied against him for employing Barber, who was then a prisoner in the Broward County jail.

Hicks branded as lies testimony linking him to Barber’s death, saying that he did not even see Barber during the night in question. He further stated that, on the night of August 8, 1925, he was at his residence in the county jail attending to the needs of Mrs. Hicks, who was ill. He had summoned his niece, Mrs. Birdie Read Summers, and when Mrs. Hicks’ situation became more serious, had called in Dr. Robert Lowry. The doctor, on taking the stand, testified that he had attended Mrs. Hicks, but he could not state the night or recall if Hicks was present.

When the testimony was finally completed, Judge Parks gave his instructions to the jurors, who then retired to the jury room to begin deliberations. During the next eleven hours, the jury twice returned to the courtroom to report that a verdict could not be reached. Each time, Judge Parks refused to declare a mistrial and ordered the jury back into the jury room for further deliberations. On Sunday, September 11, the jury returned to the courtroom and reported through foreman Oliver S. Peck that a verdict had been reached. The jury found William A. Hicks guilty of murder in the first degree, but with a recommendation for mercy.

On Monday, September 19, 1927, Hicks appeared in court and read a typewritten statement. It was a bitterly worded presentation. Hicks denied that he had been given a fair and impartial trial, and said that he had fallen into disfavor with both the county and municipal power structures. He accused Sheriff Bryan and his entire department of protecting bootleggers and trumping up charges against him. Hicks declared, “I was warned before my arrest that I would be shot if I did not leave town.” He also delivered a strong verbal blast at special prosecutor Thomas Farmer, who, he claimed, had taken Steadman Gray and Wesley Corell to a barbecue near the West Dixie Highway, where, according to Hicks, “everyone was drunk.”

Hicks concluded his bitter twenty minute diatribe by saying, “I am innocent of this charge. I am not guilty.”

Afterwards, defense attorney Thomas Lockhart cited sixty-seven reasons why a new trial should be granted. Lockhart made special reference to a letter written July 23, 1927, by J.S. Blitch, superintendent at the Raiford State Penitentiary. Blitch wrote that he had learned that Joe Tracy, a member of the notorious Ashley gang and who at that time was serving a life sentence, could prove that Hicks did not commit the murder and was not even present on the night of the crime. Blitch stated that Tracy had originally told Governor Martin that he was unwilling to present this information in court, and the matter was dropped. Apparently Tracy had had a change of heart upon learning of Hicks’ conviction, and was now willing to testify in court.

Despite the efforts of the defense attorneys, Judge Parks rejected every one of the sixty-seven items listed by Lockhart and denied the motion for a new trial. Parks’ actions probably surprised no one who was knowledgeable about judicial procedure. The defense’s petition effort was just the first step in the appeals process, since it is necessary to make a new trial motion before the trial judge before an appeal can be made to the Florida Supreme Court. In most cases, the trial judge will deny the motion for the obvious reason that most of the arguments cited in the motion are based on alleged errors made by the judge during the course of the trial. If Judge Parks had agreed with any of the objections, he would have ruled differently during the trial. Consequently, the defense attorneys would

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Paul C. Bryan

ANNOUNCED his candidacy for re-election as Sheriff of Broward County, subject to the decision of the Democratic Primary of June 5th, with the conviction that during his present administration he has performed the duties of Sheriff thoroughly, efficiently and without fear or favor.

BRYAN KEPT HIS PLEDGE

When nominated in the Primary 1924 Sheriff Bryan gave his pledge to the people of Broward County that he would enforce the laws with justice and equity, yielding to the demands or influence of no factions or groups. He has kept that pledge. No one can successfully say that outsiders have dictated the policies of his office.

APPRECIATES CO-OPERATION

He has, of course, accepted the advice of friends, and, in his administration to the actions of the administration, the cooperation and encouragement of the law-abiding citizens. He is deeply grateful for their friendship. The loyal and worthy faithfulness of the citizens have made it possible for the Sheriff to carry on the duties of his office with efficiency.

STANDS ON HIS RECORD

He can be before the voters with the knowledge that his record reflects the highest standards of law enforcement. He has been, at all times, the leader of the law enforcement division, and he has been held in high regard by the citizens of the county.

FACED UNUSUAL OBSTACLES

During the course of his office he has had to deal with the so-called "bootlegging" period. He has been held in high regard by the citizens of the county, and he has been held in high regard by the citizens of the county.

Five Reasons Why You Should Re-elect Bryan

1. Because he has proven himself worthy of the trust.
2. Because he is not afraid to do his duty for fear of losing even a single vote.
3. Because he has been surpassed beyond all rival candidates in his administration.
4. Because the lives of people have been saved through his dedicated service.
5. Because the citizens have been protected.

These five reasons should be sufficient to cause any real thinking man or woman to cast their vote for Paul C. Bryan.

Sheriff Paul Bryan’s election advertisement from the June 4, 1928 Fort Lauderdale Daily News.
have been the most surprised people in the courtroom if Parks had accepted any of Lockhart’s sixty-seven items and granted a new trial. With this maneuvering completed, Judge Parks, in compliance with the jury’s recommendation for mercy, sentenced William A. Hicks to a life term at the Raiford State Peniteniary. The defense attorneys were given ninety days to appeal the verdict to the Florida Supreme Court.

With the trial over, Hicks pleaded insolvency, declaring that he was penniless and asking the state to bear the burden of transcribing the court records and the expense of filing an appeal. This request was denied. The case had cost the county slightly more than $6,000. In spite of the rejection of his insolvency request, Hicks’ defense attorneys continued with their appeal.

While in prison waiting for the results of the lengthy appeals process, Hicks suffered a severe injury. He fell on a slippery floor and fractured his skull. He never fully recovered from the injury. He spent three weeks in St. Luke’s Hospital before regaining consciousness, and for several weeks had difficulty opening his eyes and mouth. Tears formed after he talked a short time. His recovery was a very slow ordeal.

While Hicks was languishing at Raiford, a significant election was held in Broward County. The June 5, 1928, Democratic primary saw the political downfall of two of Hicks’ arch foes. Sheriff Paul Bryan, in office for six years and still facing federal liquor charges, was defeated by his old rival, former Sheriff A. W. Turner. At the same time, Judge Vincent C. Giblin, in office for one year since his appointment by Governor Martin, faced the voters for the first time and also met defeat.

The events surrounding Giblin’s electoral defeat, in particular, would have significant ramifications on the Hicks case as well as on virtually every other legal action in Broward County. The vast majority of lawyers in Broward were greatly impressed with Giblin’s ability, to the point of seeming mesmerized by his legal brilliance. Giblin turned out to be a tough, no-nonsense judge who took his duties, as well as himself, very seriously. This approach offended many people, and complaints began to surface concerning Giblin’s high-handed manner. As the 1928 elections approached, many Broward Countians felt that Giblin was due for his day of reckoning if a suitable replacement could be found. Fort Lauderdale attorney George W. Tedder, Sr., who had been Hicks’ attorney during the court battle to establish the justice of the peace court in Broward County, took up the challenge and filed against Giblin.

Born in Madison County, Florida, in 1880, Tedder had started his professional career as a schoolteacher and won his first elective office in 1904, when he was chosen superintendent of schools for his native county. Winning reelection to that office in 1908, 1912, and 1916, Tedder, in 1917, became president of the Florida Education Association. In 1920 he was elected judge of the Madison County court, a position not then requiring membership in the bar. He was admitted to the Florida bar in 1922 and re-elected Madison County judge two years later, but in 1925 re-

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Notice from the June 4, 1928 Fort Lauderdale Daily News during the bitter Giblin-Tedder judgeship campaign.
signed that position and moved to Fort Lauderdale to engage in the private practice of law.

When Tedder ran for Broward County circuit judge in 1928, two Fort Lauderdale attorneys, Dwight L. Rogers and John E. Morris, refused to go along with the wishes of the vast majority of the Broward bar, which strongly supported Giblin, and became Tedder’s campaign managers. Giblin based his campaign on his outstanding legal qualifications, while Tedder’s campaign can best be described as an old fashioned American populist effort. Tedder’s advertisements in the Fort Lauderdale Daily News referred to him as “A Man of the People,” and stated that he would be a “people’s judge and not a lawyer’s judge.”

While delivering a campaign speech in Hollywood, Giblin was confronted by one heckler, Mrs. W. A. Hicks, who was unhappy because her husband was still languishing in prison as a result of his murder conviction. Mrs. Hicks loudly blamed Giblin for her husband’s troubles. The judge replied in a very injudicious manner, saying that he did not want the support of the class attached to Hicks. "I do not care for the support of people like Hicks and his wife," he declared, adding, "If there are not enough decent people to elect me, I will accept defeat with grace." For these remarks, he received an ovation.

To the surprise of many, George W. Tedder, Sr., overcame the opposition of the vast majority of the Broward County Bar Association members and scored a resounding victory. However, due to a set of peculiar circumstances, Tedder did not take office for more than a year after the June 1928 Democratic primary. In the meantime, Judge Vincent C. Giblin remained in office long after he had been repudiated by a majority of Broward Democrats.

February 13, 1929, was a memorable day for William A. Hicks. It was his fortieth birthday, and he received a much desired and appreciated birthday present. The Florida Supreme Court reversed his murder conviction, overturning the grand jury’s indictment as a result of an unauthorized person being in the jury room. Hicks returned to Broward County on the day of his mother’s eighty-second birthday. In many ways, the second trial paralleled the first. Once again, the seating of a trial judge was a major problem. Judge Giblin was still lingering in office in spite of his rejection by the voters the previous year, and, since he had disqualified himself from the case, another circuit judge had to be found. Governor Doyle E. Carlton appointed Judge A. J. Rose of Miami to hear the case.

The original indictment being thrown out, a new indictment was returned by the grand jury on March 13, 1929. In a repetition of the indictment handed down almost two years previously, Hicks was again charged with inflicting dagger or knife wounds on Barber as well as shooting him and throwing his body in a canal, thereby causing his death. C. E. Farrington, still the chief counsel for the defense, entered a plea in abatement, charging that several of the grand jurors’ names were drawn illegally from the jury box. Then Farrington dropped a “bombshell.” He charged that one of the grand jurors, W. H. Clifton of Dania, was unqualified to serve because of his conviction in 1899 on charges of larceny of a domestic animal in Volusia County. At the time, Clifton had been sentenced to five years imprisonment and had served almost three years before being released. Farrington maintained that Clifton’s civil rights had never been restored and that he was never fully pardoned; therefore, his grand jury service was illegal. State Attorney Louis F. Maire answered the challenge to Clifton’s qualifications by arguing that, although Clifton had never received a full pardon, he had long since fulfilled the conditions of his pardon and was thus a legal member of the grand jury. Clifton, Maire pointed out, had committed no infractions since his release from jail in 1902. Judge Rose ruled in favor of the state and set the trial date for Monday, July 15, 1929. Before that date arrived, however, Rose resigned from the bench, creating yet another delay, with a continuance granted until November.31

By November, George W. Tedder, Sr., was finally seated as judge of the Twenty-second Judicial Circuit in time for the second Hicks trial to begin. The firm of Farrington and Lockhart had been dissolved since the first trial, so while Farrington remained in place as chief defense counsel, J. Walter Kehoe of Miami replaced Lockhart as the main cross examiner for the defense. The Miami firm of Price and Price also assisted with the cross examination. The defense attorneys once again entered a motion challenging the entire jury panel, this time charging that Hicks could not receive a fair and impartial trial because the county commissioners had placed in the jury box a larger proportion of names of persons residing in precincts one, two, and six, knowing that Hicks had offended many of these citizens while carrying out his duties as deputy sheriff. Once again, the defense attorneys implied that bootleggers and their customers were very numerous in those parts of the county. Judge Tedder denied the motion, and the trial proceeded.32

The prosecution again stressed the theme that Hicks showed an extraordinary interest in having Barber arrested and removed from Broward. To back up this premise, they produced a copy of a telegram which Hicks allegedly sent on July 3, 1925, to then-Dade County Sheriff H. R. Chase. In the telegram, Hicks informed Chase that Barber had admitted stealing carpenter tools in Miami, and asked him to look into the case immediately, in view of Barber’s imminent release from jail. Hicks said, “I want Barber pushed as far as you can.”33

Chief witnesses Steadman Gray and Wesley Corell testified along the same lines as they had during the first trial. During cross examination, defense attorney Will Price of Miami accused Gray and Corell of committing the murder and then agreeing to turn state’s evidence under a grant of immunity in order to avoid prosecution for their own misdemeanors. Corell, a man of immense proportions, was asked by the defense his height and weight. He replied that he stood six feet one inch tall and that he weighed 260 pounds. The burly witness was then asked if he was afraid of Hicks. The answer was, “Yes.” When asked, “How can that be, since you are larger than Hicks?”, Corell calmly stated, “I did not want to get shot.”34

Mrs. Elva Packard testified that in...
1925, before her tearoom was established, she had lived in Gray's house, which was owned by Hicks. She reported that Mrs. Hicks had told her during a conversation, "I have heard that Sted Gray is going to spill the beans. We must get hold of him and persuade him not to testify. Maybe he can get lost." When asked why she waited so long before revealing this conversation, Mrs. Packard replied, "Mrs. Hicks is a friend of mine, and I didn't want to embarrass her." During the cross examination, the defense attacked Mrs. Packard's morals, accusing her of having improper relations with Steadman Gray, a charge which she emphatically denied.36

revealed his suspicions of Hicks' guilt to Lucian Craig rather than to Sheriff Bryan, because he was afraid that Hicks would "get him."38

In a further effort to discredit the testimony of Slim Yawn, the defense called A. F. Kerley, the manager of the DeSoto Hotel, to the stand. Kerley told of a conversation that had taken place in his presence between Hicks, then chief deputy, another deputy named Grimes, then acting police chief Bert Croft, and Yawn. During the conversation, which took place in Barber's room shortly after his disappearance, Yawn told the law officers that he had seen Barber leave the hotel during the cross examination, the prosecution immediately attacked Oliff's character, charging that he had been arrested for being involved in the liquor business.39

As the trial progressed, the defense's "bag of tricks" seemed inexhaustible. The most interesting and amazing testimony came when A. L. Ray of Waycross, Georgia, took the stand. This surprise witness stated that he had seen Barber at the train depot in Waycross during May 1927, nearly two years after his disappearance. Ray even reported a brief conversation with the alleged victim, saying that he told Barber that he was going to Fort Lauderdale. According to Ray,

William Hicks on Trial For Third Time

Slim Yawn, who in 1925 had worked in a cafe located near the DeSoto Hotel, repeated his 1927 testimony that during the night in question, he saw Barber leave the hotel accompanied by three men, one of whom was Hicks. He also reiterated that he had delayed reporting the incident because he was afraid of Hicks. During cross examination, the defense attorneys attacked Yawn's character, charging that he had once worked for the city, but had been fired for being part of a city hall liquor ring.37

C. W. Barber, brother of the victim, also indicated that he was afraid of Hicks. He testified that he had recognized the body at the first viewing, and had then the night in question, but that he did not recognize any of the men with him. Yawn's explanation for this inconsistency remained that he was afraid of Hicks.

In their continued effort to dispute the assumption that the man found in the canal was indeed Robert Reese Barber, the defense made a valiant attempt to prove that the alleged victim was seen alive since that fateful night. Gordon Oliff of Statesboro, Georgia, and J. D. Wilson, a local man, each testified seeing Barber the day after the alleged abduction. During Barber's reply was, "That is a sorry town."40

In an effort to throw murder suspicion on someone other than Hicks, the defense called Frank Read, Hicks' brother-in-law, to the stand. Read told the court that he had informed Wesley Corell that Barber had uncovered Corell's liquor operation. In an effort to establish a firm alibi for Hicks, the defense called two more witnesses to the stand. Hicks' sister, Mrs.
Mabel Hicks Dagwell, testified that during the night in question she was at the Hicks residence attending to the needs of the ailing Mrs. Hicks and saw her brother in the apartment. This same testimony was repeated by a family friend, Mrs. Donna Beck.

When the testimony was finally completed and the attorneys had delivered their final summations, Judge Tedder instructed the jurors, who then retired to the jury room to begin deliberations. When the jury finally reported that their decision was hopelessly deadlocked, six to six, with no chance for an agreement, Tedder declared a mistrial. Thus, the stage was set for yet another Hicks murder trial.

This time, the defense and the state both signed a request for a change of venue, which was granted. The third trial began in Miami on Monday, April 14, 1930, with Judge A. V. Long of Palatka presiding. The prosecution again based its case on the testimony that Steadman Gray and Wesley Corel accompanied Hicks when the then chief deputy sheriff picked up Barber from his hotel room and took him for the automobile ride that resulted in his murder. The last state witness was Barber's former wife, Mrs. R. L. Woodruff of Atlanta, who told of Barber's long absences from home and testified that she had not seen him for several days before his body was found in the canal.

One of the initial witnesses for the defense was Hicks' brother-in-law, P. M. Schnorr, a Fort Lauderdale undertaker. Schnorr testified that the Barber brothers had made no attempt to identify the body when it was first discovered. In regard to the earlier testimony that the brothers had identified the corpse on the basis of a bent finger, Schnorr asserted that the body's hands had been covered. The defense then made a motion for a directed verdict of acquittal, which Judge Long denied.

The defense attorneys continued to base their case on the charge that Hicks was framed on a false charge, and a parade of witnesses provided evidence to that end. L. F. McLendon took the stand, and, after identifying himself as a bootlegger, said, 'I had been willing to put up money for a fund to get Hicks, when Hicks conducted a campaign to close liquor establishments in the county. My offer was made public at a meeting of law enforcement officers of Broward. Those present included Foster McLendon, Sheriff Paul Bryan, Chief Deputy Sheriff Robert Kendall, Jot Shiver and B. B. Baker, Assistant Chief of Police Bert Croft, and attorney J. R. Roach. The meeting took place in January 1927 following a federal raid in which those present had been arrested on charges of conspiracy to violate the federal prohibition law.' Subsequently, admitted liquor dealer L. H. Shealy testified that he had been "shaken down" for fifty dollars by Chief Deputy Sheriff Robert Kendall to help pay for Hicks' prosecution. Shealy also said, "I was told that I would be taken for a ride if I testified in defense of Hicks in the first trial and presented evidence that might incriminate Gray and Corel." Then Cecil Culver, a civil engineer, testified, "I saw three men leaving the DeSoto Hotel on the night of the killing. One of the men was Barber. Hicks was not one of the trio." The chief cross examiner for the defense changed each of the three trials. During the first trial, the duty fell to Thomas Lockhart; the second trial had J. Walter Kehoe of Miami handling that responsibility; while during the third trial the cross examination was conducted by chief defense counsel C. E. Farrington.

After the testimony was completed, and the prosecution and the defense had each given summations to the jury, Judge Long instructed the jurors, and the twelve men filed out of the courtroom and into the jury room to begin deliberations. On Sunday, April 20, 1930, the jury returned to the courtroom and announced that a verdict had been reached. Hicks' third trial resulted in an acquittal. The ordeal of William A. Hicks, which had lasted for almost three years, was finally over. Free at last, Hicks returned to Fort Lauderdale and stayed just long enough to collect his wife. He moved to Utica, New York, where he eventually became chief of police. He lasted only ten years in this new environment, dying suddenly of a heart attack in 1940, when he was in his fifty-fifth year. William A. Hicks was cleared by a unanimous vote of the Dade County jurors, but he was not cleared by the unanimous opinion of Broward County citizens. Old timers remain divided concerning the question of Hicks' guilt to this very day. More than six decades after the completion of the case, defense attorney G. H. Martin still firmly believes in Hicks' innocence, maintaining that the prosecution case was a huge frame-up. Chief defense counsel C. E. Farrington believed to the end of his life in Hicks' innocence. On the other hand, Hicks had many critics, people who were convinced of his guilt and who continued to believe that he literally got away with murder. Contrary to defense statements, a number of individuals who had nothing to do with the liquor business did not like Hicks, chiefly because his aggressive and abrasive character offended many people.

Personal opinions aside, the question remains: did Hicks receive a fair trial in Broward County? The answer is, "Possibly not." Since so many men in Broward knew Hicks personally and had personal dealings with him, it seems as though a change of venue should have been granted. However, judges are generally reluctant to grant such a motion because they want to keep as many cases as possible within the jurisdiction where the crime has been committed. Another set of questions raised by the defense concerns the identity of the murdered man. If the body found floating in the canal was not that of Robert Reese Barber, what happened to Barber? On the other hand, if the victim was indeed Barber, what became of missing Fort Lauderdale store clerk Joe Juliene? Those questions may never be answered.

The downfall of William A. Hicks as a result of the murder charge did not end the clamor for the creation of a justice of the peace court in Broward County. Among its other responsibilities, the justice court served as a means for non-affluent citizens to have an inexpensive access to the court system to settle grievances. This consideration became even more compelling as the Great Depression settled over the county and the rest of the nation.

In spite of the outcry for the creation of a justice of the peace court, the county commission remained as adamant as ever, stubbornly refusing to consider any action that would recognize such a court. As the sensational Hicks murder trial entered its final phase, W. M. Marker of Fort Lauderdale, represented by attorney Elbert B. Griffis, took up the battle which had lain dormant since Hicks had been charged with murder, and filed suit in circuit court to compel the commissioners to create the justice of the peace court in Broward. Unlike Hicks' original suit, Griffis did not base his case on the disputed actions of the first county commission. Instead, he cited Article V, Section 21 of the Florida Constitution, which stated, "The Board of County Commissioners in each county shall divide their respective counties into as many justice districts, not less than two, as they may deem necessary and as most practical. The limits of said districts shall be coextensive with the limits of one or more elected districts of respective counties." Ironical, George W. Tedder, Sr., Hicks' attorney in the previous effort to gain recognition for the justice of the peace office, had become judge of the Twenty-second Judicial Circuit and would hear the case. W. M. Pope, still serving as county attorney, would represent the commission. In
court, Griffis stressed the clear directive of the Florida Constitution. Tedder took the case under advisement and then announced his decision. He ordered the Broward County Commission to divide the county into justice of the peace districts. Pope, on behalf of the commission, announced an appeal to the Florida Supreme Court, but the high court upheld Tedder's ruling on May 17, 1930. William A. Hicks, having been acquitted of murder the previous month, appeared on the scene "to claim his office." Apparently, he had no change of plans, since he soon returned to Utica, New York.

The Broward County Commission took its defeat with as bad grace as possible, and grudgingly obeyed the supreme court directive by dividing the county into nine justice of the peace districts: one each for Deerfield, Pompano, Oakland Park, Davie, Hollywood, and Hallandale, with Fort Lauderdale divided into two districts. Since the justice of the peace court operated on a fee system, the commissioners seemed determined to make certain that no one would be able to make any money out of that office. Appointments were made by the governor to the various justice of the peace and constable positions on September 20, 1930, those appointed to serve until the election in November. The winners in November were to serve for two years. In 1932, the justice and constable positions were to revert to a partisan basis, and at that point the terms would be extended to four years.

When W. A. Hicks had claimed the justice of the peace office in 1927, it was for District Three, which covered Floranada (Oakland Park), Progresso, and Fort Lauderdale. That district was coextensive with one of the county commission districts, as was the apparent intention of the original Broward County Commission. In 1930, Fort Lauderdale was divided into two districts—District Four, comprised of Precincts Four, Six, and Seven, and District Five, composed of Precincts Five and Eight. District Four contained the northeast, northwest, and southwest portions of the city, while District Five included the central and southeast sections. Governor Doyle E. Carlton appointed Fort Lauderdale attorney Hugh Lester justice of the peace for District Four and Amos W. Desmond constable for that district. Governor Carlton also appointed J. M. Argo, a merchant, justice of the peace and A. G. Shand constable for District Five. The justices of the peace were not required to be members of the bar.

The incumbents were in office less than two months when they had to face the voters in the November special election.

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<th>STATE OF FLORIDA</th>
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<td>vs.</td>
<td>4th District, Broward County, Florida</td>
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<td>George Brown</td>
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<td>Defendant.</td>
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<td>George Brown</td>
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<td>Aggravated Assault</td>
<td>under a warrant charging him with</td>
</tr>
<tr>
<td></td>
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<tr>
<td>Whereas, you are holding in your custody the above named defendant,</td>
<td></td>
</tr>
</tbody>
</table>

|                                   | and |
|                                   |    |
| Whereas, (a preliminary hearing)  |    |
| under said warrant is to be held this day in the above named Justice of the Peace Court. |

| Chas. W. Weirick | as constable |
|                  | for said county, for the purpose of conveying said defendant to said court for said hearing or trial, and to abide the results of same, and to abide the further orders of said court. |

Given under my hand and official seal this 9th day of March, A. D. 1933,  

Hugh Lester, the Fourth District justice of the peace, defeated four opponents to retain his post, but incumbent constable Amos W. Desmond was defeated by Bert Croft, the former Fort Lauderdale assistant police chief. In District Five, Argo retained the position of justice of the peace in a close vote, but A. G. Shand was defeated for constable by C. M. Weirick, a Republican.

Despite his election victory, Argo soon lost interest in the job and resigned. Hugh Lester then petitioned the county commission to combine the two Fort Lauderdale districts into one district. The commissioners agreed to the request and placed all of Fort Lauderdale in District Four.

The fact that Broward County, as well as the rest of the state and nation, was in the grip of the Great Depression seriously affected the workings of the justice of the peace court. One holder of the office commented two decades later, "As everybody was judgement proof, people soon got tired of suing in my court for money due them."

"Judgement proof" was a term that was often used in those lean depression years. A person achieved that "status" by putting his property in someone else's name, making him judgement proof because he had no property to be attached. Because of that situation, the justice of the peace court failed to live up to expectations during that era. The civil case load slowed to a trickle. However, the criminal case docket remained very active. The Fort Lauderdale justice of the peace, because of his position as coroner, was called many nights to the northwest section of town because of the many murders that were committed there.

When the two Fort Lauderdale justices of the peace districts were consolidated after Argo's resignation, both Croft and Weirick remained in office as constables, each covering the same territory as before. In 1932, the two constables had to run in the combined district. That year, Justice of the Peace Lester was unopposed in the June Democratic primary and did not have a Republican opponent in the November general election. However, there was plenty of competition in the election for constable. In the Democratic primary, Bert Croft repeated his triumph over Amos W. Desmond. While the general election in November resulted in a devastating defeat for the Republicans on the national, state and local levels, Croft, the Democratic standard bearer for Fort Lauderdale constable, was de-
Attorney and former justice of the peace Hugh Lester, 1947.

feated by Republican C. M. Weirick. Gossip concerning Croft's personal life probably had more to do with the result than did partisan considerations.

As noted previously, the justice of the peace worked on the fee system. For civil cases, the fees were to be paid by the litigants. For other cases, such as inquests and criminal cases, the fees were supposed to be paid by the county. However, during the 1930s, Hugh Lester had almost as much trouble with the county commissioners as William A. Hicks had had with the previous commission. Because of a dispute Lester had with County Commissioner B. W. (Cap) Strickland of Fort Lauderdale, the commission, for several years, refused to honor his bills and pay his fees. After Strickland's defeat in the June 1934 Democratic primary, the fees, both back and current, were paid.49

The most high profile coroner's inquest of that era took place in July 1935, as a result of the only lynching in Broward County history. Reuben Stacey, a thirty-seven-year-old Negro accused of the attempted rape of a white woman, was being escorted by two deputies and three special deputies from the Broward County jail to the Dade County jail, which was located in the upper floors of the massive, twenty-seven story Dade County Courthouse. That Miami courthouse was then the tallest building in the state, and the jail served as the maximum security prison for all south Florida. The car with the prisoner and five deputies was intercepted by a mob west of Fort Lauderdale, and the prisoner was taken out, hung to a tree by a wire, and shot several times. The coroner's inquest was held in the county courtroom in the Broward County Courthouse. The coroner's verdict was that Stacey had met his death at the hands of persons unknown. All of the testimony claimed that all the Lynchers wore masks.50

Justice of the Peace Lester decided not to stand for re-election in 1936. Broward pioneer H. V. Calder won the Democratic primary and assumed office in January 1937. Calder was the only non-lawyer to hold the position in Fort Lauderdale during the 1932-1957 era. Bert Croft, attempting a comeback after his humiliating defeat in the November 1932 general election, won the Democratic nomination for constable. In November, Croft turned the tables on his old Republican rival, C. M. Weirick. Croft was aided by the fact that 1936 was the year of another Democratic landslide—national, state, and local. This time, party ranks held firmly enough for Croft to score a narrow victory.51

H. V. Calder was re-elected justice of the peace in 1940 and again in 1944. In 1948, Calder was defeated in the Democratic primary by Fort Lauderdale attorney Ross Mowry. In the 1952 Democratic primary, Mowry was defeated by another Fort Lauderdale lawyer, Ted Galatis.

By this time, however, interest in the justice of the peace court had waned. It was considered a rural court, and as the county became increasingly urbanized, was considered irrelevant to the new era. The justice of the peace court was abolished as a result of a referendum held on November 6, 1956. The office, which was the center of so much controversy a generation earlier, now passed from the scene without a whimper. The office went out of existence on January 8, 1957, thirty years after William A. Hicks battled for its recognition.52

Fort Lauderdale Daily News advertisements from the 1948 race for District Four justice of the peace.
ENDNOTES

1. The author is deeply indebted to Marilyn Kemper's excellent article, "On Trial: William A. (Bill) Hicks," Broward Legacy vol. 1, no. 2 (January 1977), 6-14. The author also received much needed material from the appropriate issues of the Fort Lauderdale Daily News. For a favorable opinion of Hicks, the author is indebted to Fort Lauderdale attorney G. Harold Martin, who knew Hicks well. For an unfavorable opinion of Hicks, the author is indebted to his father, Fort Lauderdale attorney Hugh Lester (1884-1957), who also knew Hicks personally. Some of the material is based on the author's personal knowledge.


4. Some "old timers," notably Philip Weidling and August Burghard in Checkered Sunshine (Gainesville, 1966), and Virginia Elliott Trenick in A History of Hollywood (Hollywood, 1966), give the impression that most Broward County residents were involved in the liquor business, either as bootleggers or customers. The author maintains that such generalizations are neither accurate nor fair. The author categorically states that his family obeyed the prohibition laws. So did many other Broward County residents. However, in spite of his disagreement with these two books concerning the sections on the prohibition era in Broward, the author believes that they are excellent accounts of the history of Fort Lauderdale and Hollywood.

5. Fort Lauderdale Daily News, August 10, 1925, ff.

6. Ibid., September 18, 1925.


8. Told to the author by his father, Fort Lauderdale attorney Hugh Lester, 1964.

9. Willard M. Pope (1885-1940), a native of Valdosta, Georgia, settled in southeast Florida shortly after the turn of the century. In 1908, while a resident of West Palm Beach, Pope made a creditable showing in the contest for supervisor of registration of Dade County. Pope led in the first primary but lost in the run-off. At that time, Dade included what are now Dade, Broward, Palm Beach, and Martin counties. Pope moved to Fort Lauderdale in 1916. During the 1920s, he, at various times, held the positions of justice of the peace for the Fort Lauderdale district, deputy clerk of the circuit court, secretary-treasurer of the Broward County Democratic Executive Committee, chairman of the Broward County Democratic Executive Committee, and, from 1925 to 1951, county attorney.


11. Ibid.

12. The commission's stubborn refusal to recognize the office is particularly striking in view of the fact that the same commission had specifically recreated it earlier in the year. No explanation for this glaring inconsistency was ever given, although personal animosity toward Hicks undoubtedly played a large part.

13. Fort Lauderdale Daily News, November 3, 1926, ff. The address changed in 1927 when Fort Lauderdale's streets were renumbered. The site is presently in the 200 block of South Andrews Avenue.


15. Ibid., January 27, 1927.


18. Author's personal knowledge.


24. Kemper, "On Trial," 11; Fort Lauderdale Daily News, September 5, 1927, ff. Hicks had appointed Steadman Gray and Wesley Corell special deputies for duty during the aftermath of the 1926 hurricane. Bryan appointed Gray and Corell special deputies for duty at the Pompano race track. All of this does not speak well for the caliber of the sheriff's department at that time.


27. Kemper, "On Trial," 12. The Ashley gang was a notorious group of outlaws that raided the lower east coast of Florida from 1912 to 1924. Four gang leaders: John Ashley, Harford Mobley, and two others were killed in a shootout (or ambush?) with law officers from several counties at the Sebastian River bridge near Vero Beach, November 1, 1924. Joe Tracy had a bad reputation of his own, so the defense was prepared to use taintestedimony. For a full account of the activities of the Ashley gang, see Alfred J. Hanna and Kathryn A. Hanna, Lake Okeechobee: Wessling of the Everglades (Indianapolis, 1948), 204-316. Also see Hix C. Stuart, The Notorious Ashley Gang (Stuart, 1928), 80. Copy in possession of the Broward County Historical Commission.


29. Ibid.

30. For a complete account of the Giblin-Tedder election and the following controversy, see Lester, "Broward Politics," 4-6.

31. After his defeat, Giblin decided that his appointment by Governor Martin had been for a six-year term. The Florida Supreme Court, because of a three to three vote, failed to resolve the dispute. Eventually, Giblin resigned and moved to Dade County, where he enjoyed a lucrative practice in criminal law. For a complete account of the Giblin-Tedder post-election dispute, see Lester, "Broward Politics," 9, 31; Kemper, "On Trial," 13.


33. Those precincts included Deerfield, Pompano, and the northwest section of Fort Lauderdale. The Negro section of Fort Lauderdale was located in the northwest part of town, but since Negroes were excluded from jury service during that era, the defense obviously had white citizens in mind.


35. Fort Lauderdale Daily News, November 12, 1929, ff.

36. Ibid.

37. Ibid.

38. Ibid.

39. Ibid.

40. Ibid.


42. It is interesting to note that McIendon included Fort Lauderdale attorney J. Roach among those arrested during the federal raid. The author has seen no evidence to support that claim. The Fort Lauderdale Daily News mentioned a G. L. Roach and, the following day, a J. L. Roach as among the thirty-three people arrested during the raid. It seems inconceivable that J. L. Roach would have been caught standing inside a still. Roach's presence at the alleged meeting may be explained by the fact that the Fort Lauderdale law firm of Roach and Hoyt represented the sheriff's department during the two federal trials.

43. Told to the author during a conversation with Fort Lauderdale attorney G. Harold Martin at a meeting sponsored by the Broward County Historical Commission, March 20, 1991.

44. Told to the author during a conversation with Farrington's son, Broward County Circuit Judge Emeritus Otis Farrington, at a meeting sponsored by the Broward County Historical Commission, March 20, 1991.

45. About two decades after the close of the Hicks case, the author asked his father, Fort Lauderdale attorney Hugh Lester, who knew Hicks personally, if he thought the former chief deputy was guilty. The reply: "He certainly was capable of it." About the same time, his father, who also knew Sheriff Paul Bryan personally, if he thought Bryan was responsible for the scandals that took place during his administration. The reply: "He asked for it. He hired a bunch of thugs as deputies."

46. The Florida Constitution of 1885.

47. Fort Lauderdale Daily News, May 17, 1930.

48. Told to the author by his father, Fort Lauderdale attorney Hugh Lester.

49. Ibid.

50. For a full account of the lynching, see Donald G. Lester, "The Darsey Case: Little Scottaboo Revisited," Broward Legacy, vol. 11, nos. 1-2 (Winter-Spring 1988), 9-10. Also see Lester, "Broward Politics," 16-17.

51. Croft was defeated in the 1940 Democratic primary by J. B. "Burt" Marshall, a brother of William H. Marshall who had been Fort Lauderdale's first mayor and the first Broward County representative in the Florida Legislature.

52. It is interesting to note that the justice of the peace court was considered too "rural" for urbanized Broward County in 1956, yet this court survived another sixteen years in Dade County before it was finally abolished in 1973. The author wishes to advance another reason for the demise of the justice court in Broward. While the decade of the 1930s marked a leftward drift in Florida politics, the decades of the 1940s and 1950s saw a distinct rightward drift. For the political climate in Florida during the 1930s, see Lester, "Broward Politics," 16-22. The justice of the peace court, aptly described by H. V. Calder as a "poorman's court," did not interest the establishment in the affluent post-war years. As the Great Depression faded into the past, concern for the plight of the working poor diminished. The concerns of the business, the developers, and other wealthy groups took center stage, and in this new political climate there was no place for the justice of the peace court.