

ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H-2009-0015

HLC DATE:

July 27, 2009

PC DATE:

September 22, 2009

APPLICANTS: David and Robin Jackson, owners

HISTORIC NAME: Gardner House

WATERSHED: Shoal Creek

ADDRESS OF PROPOSED ZONING CHANGE: 2418 Jarratt Avenue

ZONING FROM: SF-3 to SF-3-H

SUMMARY STAFF RECOMMENDATION: Staff recommends the proposed zoning change from single family residence (SF-3) district to single family residence – Historic Landmark (SF-3-H) combining district zoning.

HISTORIC LANDMARK COMMISSION ACTION: Recommended the proposed zoning change from single family residence (SF-3) district to single family residence – Historic Landmark – (SF-3-H) combining district zoning. Vote: 5-0 (Rosato absent).

PLANNING COMMISSION ACTION: Recommended the proposed zoning change from single family residence (SF-3) district to single family residence – Historic Landmark – (SF-3-H) combining district zoning. Vote: 9-0.

DEPARTMENT COMMENTS: The house is beyond the bounds of the Comprehensive Cultural Resources Survey (1984).

CITY COUNCIL DATE: October 1, 2009

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Steve Sadowsky

PHONE: 974-6454

NEIGHBORHOOD ORGANIZATION: Pemberton Heights Neighborhood Association

BASIS FOR RECOMMENDATION:

This ca. 1930 house is a good example of a Romantic Tudor Revival-styled cottage popular in the late 1920s and early 1930s in middle-class neighborhoods, and is associated with District Judge J. Harris Gardner, who pioneered the juvenile justice system in Travis County.

Architecture:

One-and-a-half story L-plan brick-veneered Tudor Revival-styled cottage with single, double, and triple 1:1 fenestration with diamond-paned screens, a “catslide” roof on the projecting front gable with false half-timbering in the tympanum of the

gable, stone porch piers, and a gabled dormer piercing the front roof; exterior stone chimney to the right of the principal block.

Historical Associations:

This house is reputed to be the first one built in Pemberton Heights, and reflects the developers' desire to create a picturesque residential neighborhood. Other early houses in Pemberton Heights have similar picturesque and Romantic styles, such as English cottages and French provincial, and the entire neighborhood was designed with the principles of the City Beautiful movement in mind, with its curving streets, exclusively residential districts, and retention of vegetation and small green areas.

This house was built ca. 1930, although the date cannot be firmly established – there are no city building or utility permits for this address. The Austin Development Company, which developed Pemberton Heights after completion of the bridge across Shoal Creek in 1927, advertised that they had “fancy cottages” costing between \$3,500 and \$4,000 range as well as mansions costing \$150,000 for sale in the new development. It appears that this house was a model house for the subdivision, and reflects a mid-range house. The deed from the Austin Development Company to J. Harris Gardner, the first owner of the house, indicates a sales price of \$10,500, suggesting the existence of the house on the site at the time of the sale in January, 1931.

J. Harris Gardner was born in 1892 in Hamilton County, Texas. After receiving his law degree from the University of Texas and military service during World War I in France, he returned to Austin to practice law in a firm with former judges Ireland Graves, Ike D. White, and Charles A. Wilcox, and Q.C. Taylor. He became a partner in the firm in 1926, and in 1927, he was elected to the Austin School Board, a position he retained for the next 13 years. He was elected judge in 1941, taking over the seat of Ralph W. Yarborough, who had won election to the U.S. Senate. He was Travis County's first juvenile court judge, and was instrumental in the establishment of a detention center for juvenile offenders. Judge Gardner was also instrumental in getting funding appropriated for Travis County's adult probation officer. He retired from the bench in 1961 and passed away in 1978. His widow continued to live in this house until she passed away. The current owners, David and Robin Jackson, purchased the house from the Gardners' heirs in 1990.

PARCEL NO.: 01150104050000

LEGAL DESCRIPTION: Lot 10 and the north 30 feet of Lot 9, Block 6, Pemberton Heights, Section 1

ANNUAL TAX ABATEMENT: \$12,850 (owner-occupied); city portion: \$2,225 (capped).

APPRAISED VALUE: \$1,004,482

PRESENT USE: Single-family residence.

CONDITION: Excellent

PRESENT OWNERS:

David E. and Robin Jackson
2418 Jarratt Avenue
Austin, Texas 78703

DATE BUILT: ca. 1930

ALTERATIONS/ADDITIONS:

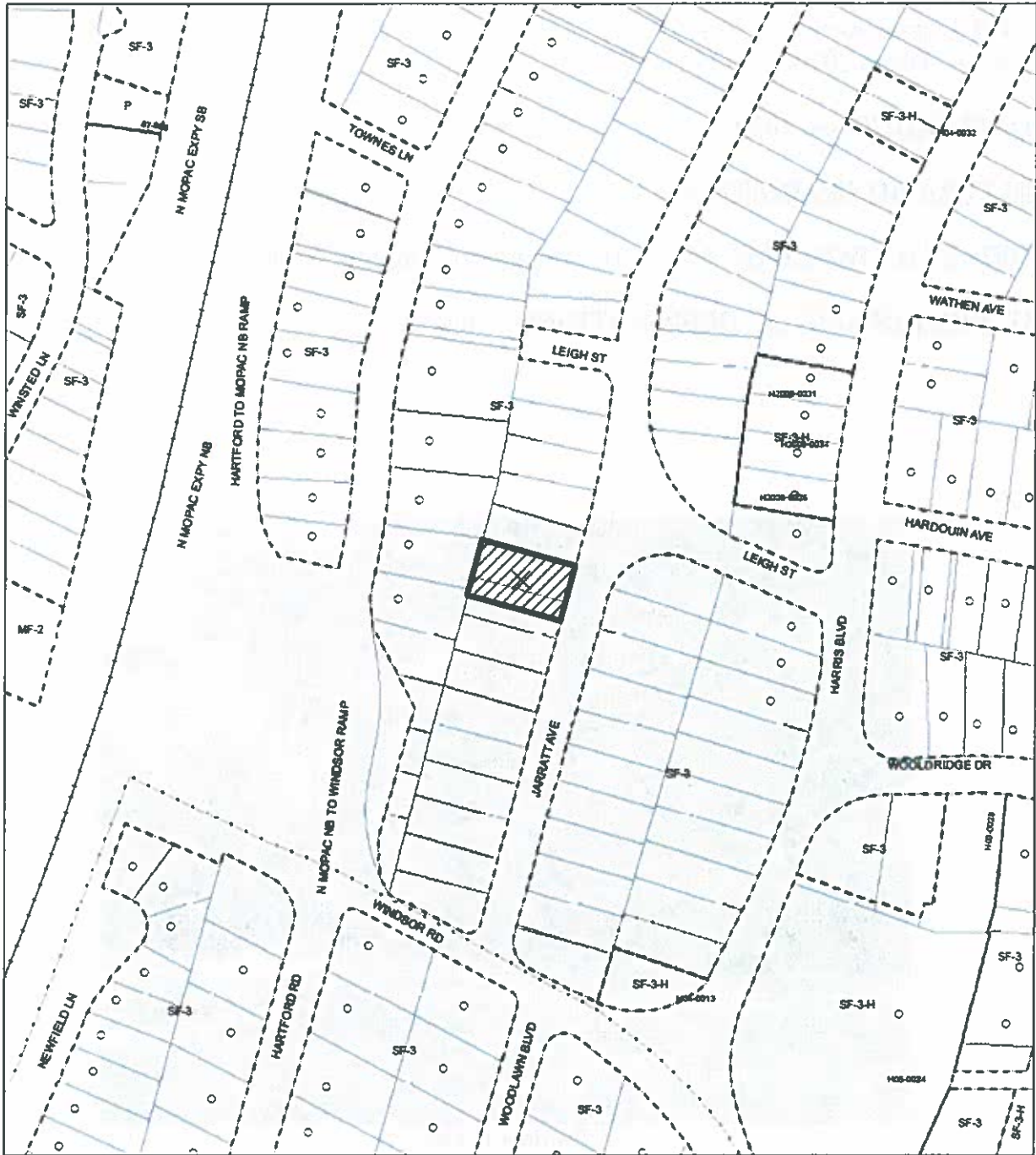
ORIGINAL OWNER(S): Austin Development Company (1930)

OTHER HISTORICAL DESIGNATIONS: None.






Gardner House
2418 Jarratt Avenue

LOCATION MAP



1" = 200'

-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

OPERATOR: S. MEEKS

HISTORIC ZONING

ZONING CASE#: C14H-2009-0015
 ADDRESS: 2418 JARRATT AVE
 SUBJECT AREA: 0.000 ACRES
 GRID: H24
 MANAGER: S. SADOWSKY



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

OK to go
SS
4-27-08

A. APPLICATION FOR HISTORIC ZONING

PROJECT INFORMATION:

#10272943

DEPARTMENTAL USE ONLY	
APPLICATION DATE: _____	FILE NUMBER(S): <u>C4H-2009-0015</u>
TENTATIVE HLC DATE: _____	
TENTATIVE PC or ZAP DATE: _____	
TENTATIVE CC DATE: _____	CITY INITIATED: YES / NO
CASE MANAGER: _____	ROLLBACK: YES/NO
APPLICATION ACCEPTED BY: _____	

BASIC PROJECT DATA:

1. OWNER'S NAME: <u>David & Robin Jackson</u>	
2. PROJECT NAME: <u>The Gardner House</u>	
3. PROJECT STREET ADDRESS (or Range): <u>2418 Jarraft Ave.</u>	
ZIP: <u>78703</u>	COUNTY: <u>Travis</u>
IF PROJECT ADDRESS CANNOT BE DEFINED ABOVE:	
LOCATED _____ FRONTAGE FEET ALONG THE <u>N. S. E. W.</u> (CIRCLE ONE) SIDE OF	
(ROAD NAME PROPERTY FRONTS ONTO), WHICH IS	
APPROXIMATELY _____	DISTANCE FROM ITS
INTERSECTION WITH _____	CROSS STREET.

AREA TO BE REZONED:

4. ACRES _____	(OR)	SQ.FT. _____
5. ZONING AND LAND USE INFORMATION:		
EXISTING ZONING <u>SF-3</u>	EXISTING USE <u>Residence</u>	TRACT# (IF MORE THAN 1) _____
_____	_____	_____
_____	_____	_____
_____	_____	_____
ACRES / SQ. FT. _____	PROPOSED USE <u>Residence</u>	PROPOSED ZONING <u>SF-3-H</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

RELATED CURRENT CASES:

6. ACTIVE ZONING CASE? (YES/NO) <u>NO</u>	FILE NUMBER: _____
7. RESTRICTIVE COVENANT? (YES/NO) <u>NO</u>	FILE NUMBER: _____
8. SUBDIVISION? (YES/NO) <u>NO</u>	FILE NUMBER: _____
9. SITE PLAN? (YES/NO) <u>NO</u>	FILE NUMBER: _____

PROPERTY DESCRIPTION (SUBDIVISION REFERENCE OR METES AND BOUNDS):

10a. SUBDIVISION REFERENCE: Name: Pemberton Heights Section 1
Block(s) 6 Lot(s) 10, 11, 30, 1st 9 Outlot(s) _____
Plat Book: _____ Page _____
Number: _____
10b. METES AND BOUNDS (Attach two copies of certified field notes if subdivision reference is not available or zoning includes partial lots)

DEED REFERENCE CONVEYING PROPERTY TO PRESENT OWNER AND TAX PARCEL I.D.:

11. VOLUME: _____ PAGE: _____ TAX PARCEL I.D. NO. 01-1501-0405-0000

OTHER PROVISIONS:

12. IS PROPERTY IN A ZONING COMBINING DISTRICT / OVERLAY ZONE? YES / NO
TYPE OF COMBINING DIST/OVERLAY ZONE (NCCD, NP, etc) _____
13. LOCATED IN A LOCAL OR NATIONAL REGISTER HISTORIC DISTRICT? YES / NO
14. IS A TIA REQUIRED? YES / NO (NOT REQUIRED IF BASE ZONING IS NOT CHANGING)
TRIPS PER DAY: _____
TRAFFIC SERIAL ZONE(S): _____

OWNERSHIP TYPE:

15. ☒ SOLE _____ COMMUNITY PROPERTY _____ PARTNERSHIP _____ CORPORATION _____ TRUST
If ownership is other than sole or community property, list individuals/partners/principals below or attach separate sheet.

OWNER INFORMATION:

16. OWNER CONTACT INFORMATION
SIGNATURE: David & Robin Jackson NAME: David & Robin Jackson
FIRM NAME: _____ TELEPHONE NUMBER: 512-225-5560
STREET ADDRESS: 2418 Jarrett
CITY: Austin STATE: Tx ZIP CODE: 78703
EMAIL ADDRESS: djackson@jacksonsjoberg.com

AGENT INFORMATION (IF APPLICABLE):

17. AGENT CONTACT INFORMATION
SIGNATURE: Suzanne Deaderick NAME: Suzanne Deaderick
FIRM NAME: Historic Research & Representation TELEPHONE NUMBER: 477-2929
STREET ADDRESS: 2418 Jarrett Ave. 2502 Harris Blvd.
CITY: Austin STATE: Tx ZIP CODE: 78703
CONTACT PERSON: Suzanne Deaderick TELEPHONE NUMBER: 477-2929
EMAIL ADDRESS: Suzanne@Grande.com.net

DEPARTMENTAL USE ONLY:

D. SUBMITTAL VERIFICATION AND INSPECTION AUTHORIZATION

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.

David Jackson 4/26/09
Signature Date

David Jackson
Name (Typed or Printed)

Firm (If applicable)

INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.

David Jackson 4/26/09
Signature Date

David Jackson
Name (Typed or Printed)

Firm (If applicable)

E. ACKNOWLEDGMENT FORM

concerning
Subdivision Plat Notes, Deed Restrictions,
Restrictive Covenants
and / or
Zoning Conditional Overlays

I, David Jackson have checked for subdivision plat notes, deed restrictions,
(Print name of applicant)

restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at

2418 Jarratt Ave.
(Address or Legal Description)

Austin, TX. 78703

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlay information which may apply to this property.

David Jackson
(Applicant's signature)

4/26/09
(Date)

TAX CERTIFICATE
Nelda Wells Spears
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

NO 1040492

ACCOUNT NUMBER: 01-1501-0405-0000

PROPERTY OWNER:

JACKSON DAVID E
2418 JARRATT AVE
AUSTIN, TX 78703-2431

PROPERTY DESCRIPTION:

LOT 10 * & N 30FT LOT 9 BLK 6 PEMBE
RTON HEIGHTS SEC 1

ACRES 0.000 MIN 0.00000 TYPE

SITUS INFORMATION: 2418 JARRATT AVE

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2008	AUSTIN ISD	*ALL PAID*
	CITY OF AUSTIN (TRAV)	*ALL PAID*
	TRAVIS COUNTY	*ALL PAID*
	TRAVIS COUNTY HEALTHCARE DISTRICT	*ALL PAID*
	ACC (TRAVIS)	*ALL PAID*

TOTAL SEQUENCE 0

ALL PAID

TOTAL TAX:
UNPAID FEES:
INTEREST ON FEES:
COMMISSION:
TOTAL DUE ==>

ALL PAID
* NONE *
* NONE *
* NONE *
ALL PAID

TAXES PAID FOR YEAR 2008 \$15,104.19

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2008 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code). Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 03/31/2009

Fee Paid: \$10.00

Nelda Wells Spears
Tax Assessor-Collector

By: 

Deed Chronology
The Gardner House
2418 Jarratt Ave.

Historical Documentation/Deed Chronology

Transaction/Date

Volume/Page

Austin Development Co.
to
J. Harris Gardner
January 30, 1931

465/75

Estate of Claire E. Gardner
to
David E. & Marianne W. Jackson
March 20, 1990

11,148/703

Chronological Listing of Owners/Occupants

The Gardner House
2418 Jarratt Avenue

<u>Year</u>	<u>Occupant Name</u>	<u>Source</u>
1927	None	City Directory
1929	Mrs. Maude Jamar	City Directory
1930-78	J.H. Gardner	City Directory
1979-89	Mrs. J. Harris Gardner	City Directory
1990-present	David Jackson	City Directory

Biography of Judge J. Harris Gardner

Judge J. Harris Gardner was a native of Hamilton county, born in 1892. He received his law degree from the University of Texas in 1921, and also studied at the Law School of the University of Paris in France. He had served in France for two years during World War I, some of that time in the legal department of the army.

In 1920, Gardner married his young war bride, Claire Emillienne Porche, a French woman whom he had met in Paris during the war. When she arrived in New York, she was not allowed off the ship because of her French citizenship.

"I finally remembered that I had a letter from Governor W. P. Hobby, who was then governor of Texas," said the judge. "I just took out that envelope with that great big gold Texas seal on it and she was off the boat in minutes. I've never seen red tape cut so quickly," he laughed.

In 1926, Gardner became a partner in the law firm White, Wilcox, Taylor and Gardner. A year later, he was elected to the Austin School Board and served for 13 years.

In 1930, the Gardners moved to their home at 2418 Jarratt Avenue. The population of Austin was 25,000, with only 3,000 at the University. Their home was the first model home in Austin, and according to their children, it was the first home built in the new Pemberton Heights subdivision.

Gardner was elected judge of the 53rd State District Court in 1941, replacing Judge Ralph W. Yarborough who became a U.S. Senator. In 1943, Gardner assumed a dual role as the county's first juvenile court judge. He convinced the city of the "desperate" need for a new juvenile detention center and became known as an expert in the field of juvenile delinquency. Gardner House, now named Gardner Betts Juvenile Justice Center, is named in the judge's honor.

During the 1950s, lawmakers in Texas established one of the nation's most modern adult probation systems, but without "one thin dime" appropriated for officers to supervise the probationers, according to Judge Gardner. The judge worked with the county's other two district judges to get funding for the new position of Adult Probation Officer.

Judge Gardner, who frequently made speeches from the bench, ran his courtroom as he saw fit. In early 1957, Gardner surprised the court when he suddenly banned smoking of cigarettes, cigars and pipes from his courtroom.

"An array of lawyers looked stunned as the ruling was announced.

Recovering quickly, cigarette smokers began making frequent trips to corridors outside Gardner's court. The problem was more complex for the cigar and pipe crowd."

Judge Gardner retired in 1961, 20 years to the day since he became judge of the 53rd Judicial District of Texas. After he retired, Judge Gardner was invited by President Eisenhower to participate in the White House Conference on Children and Youth. Judge Gardner died December 17, 1978.

Mrs. Gardner continued to live in their house on Jarratt Avenue until her death. Her children sold it to the current owners in 1990. Claire Avenue in Pemberton Heights is named in her honor.

Biographies of David and Robin Jackson

The house at 2418 Jarratt Avenue is owned by David and Robin Jackson. The house was purchased in 1990 by David and his first wife, Marianne Wilkerson Jackson, from the children of Judge J. Harris Gardner, the original owner. Marianne lived in the house until her death in 1996.

David and Robin were married in 1998, and have four children, Meg and Philip (whom Robin adopted in 2002), and twins, Ben and Becker.

David grew up in Tulsa, Oklahoma, and graduated from the University of the South, Sewanee, Tennessee in 1978 with a B.A. in History. He received a law degree from the University of Tulsa in 1981, and moved to Austin the same year. David worked as an in-house attorney for an oil company for a short period of time, and has been in the private practice of law in Austin since 1982. He was with the law firm of McGinnis, Lochridge & Kilgore from 1982 until 1995, and began his own law firm in 1995. He is currently a partner in the law firm of Jackson, Sjoberg, McCarthy & Wilson LLP.

Robin is a native of Fort Worth, Texas, and graduated from the University of Texas at Austin in 1981 with a B.S. in Natural Sciences (Interior Design).

Since 1981, she has worked in Austin as a commercial interior designer and facility manager. Until the birth of her twins, she was the owner and manager of Carter FM, a facility management and design company.

Gossip

June 24 1911

Makes First Race For Office



J. HARRIS GARDNER

THE candidacy of J. Harris Gardner, prominent Austin lawyer and civic leader, for the office of District Judge of Travis County, is drawing the warm support of many citizens in every section of Austin and the entire county. This is the place now held by Judge Ralph W. Yarborough, who is not a candidate for re-election.

Altho no one seems to show the usual interest now in political campaigns, the country needs more than ever public officers with proven ability and training, undoubted loyalty to American principles, and unselfish service to the community in times of peace as well as in war. Many have announced that they believe Mr. Gardner possesses all these qualities.

He has been trained for judicial position by study in the Law School of the University of Texas, of which he is a graduate, and also by special study in the Law School of the University of Paris, in France. To this broad background of scholarship has been added nearly twenty years experience in the general practice of law in the trial courts of Travis County, and in the Supreme Court of Texas, and he has at times served as Special Judge in the County Court and the District Court.

Two of his first law partners, Judge Ireland Graves and Judge Charles A. Wilcox, served for many years as District Judges in Travis County.

Mr. Gardner is a member of the Travis County Bar Association, the Texas State Bar Association, the American Bar Association, and is identified with the movement to liberalize and simplify the rules of procedure in the Texas Courts in order to improve the administration of justice in the courts.

He is a past president of the Travis County Bar Association, has many warm friends and supporters among the lawyers of Austin, and has won the respect and confidence of the judges before whom he has appeared.

Born on a farm in a neighboring county, the oldest in a family of eight children, Mr. Gardner knows the problems of those who struggle against difficulties. He made many friends in the University neighborhood where he washed dishes and delivered papers while studying in the Law School. His attitude toward the service of the public is demonstrated by his record of thirteen years continuous service as a member of the Austin School Board, where he devoted hundreds of hours to the public schools without pay.

Mr. Gardner is a veteran of the World War, having served nearly two years in France with the A. E. F. . . . part of the time in the Judge Advocate General's Department, the legal department of the Army. He is a member of the American Legion and the Veterans of Foreign Wars, and has supported the patriotic peace time efforts of his former comrades in arms.

He is also past president of the Austin Exchange Club, and has been a leader and worker in many civic programs in this community.

Mr. Gardner states that he has never asked for public office and is now submitting his name before the voters in response to the request of hundreds of his friends, and in an effort to render a public service for which he has had special training. He welcomes the interest, support and help of every voter of Austin and Travis County.

(Political Adv.)

J. Harris Gardner

CANDIDATE FOR
DISTRICT JUDGE
33rd JUDICIAL DISTRICT
TRAVIS COUNTY



J. HARRIS GARDNER, well known Austin attorney, has announced his candidacy for the office of Judge of the 33rd District Court of Travis County, the place now held by Judge Ralph W. Yerrough, who will not seek re-election.

Gardner has lived in Austin for the past twenty-six years, and been engaged in the general practice of law here for nineteen years in the trial courts, the Court of Civil Appeals and the Supreme Court of Texas. He was President of the Travis County Bar Association in 1931, and has at times served as Special Judge in the County and District Courts.

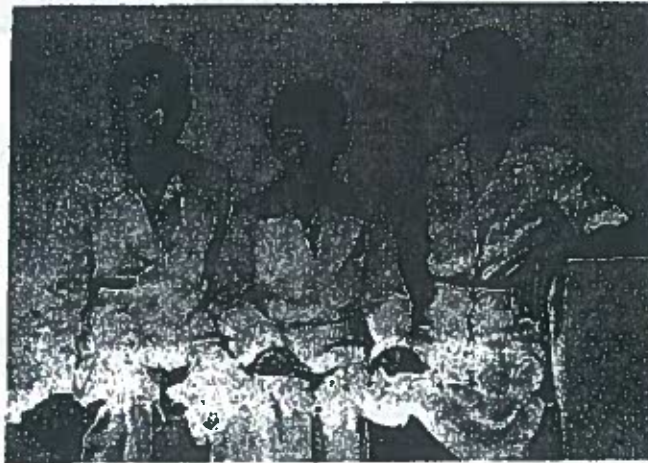
He was born in Hamilton County in 1892, and at an early age moved with his parents to Colredon, Texas, where he grew up. He came to the University of Texas in 1914 to study law, but withdrew in 1917 to enter the United States Army, with which he served two years in France during the World War. Before returning home, he studied law in the Law School of the University of Paris. He then came back to the University of Texas, where he received his law degree in 1921, and became associated with the law firm of White, Wilcox & Graves, then composed of Judges like D. White, Judge Charles A. Wilcox, Judge Ireland Graves and Q. C. Taylor. After the withdrawal of Judge Graves from the firm to become the law partner of Charles L. Black, the firm became known as White, Wilcox, Taylor & Gardner until the death of Judge Wilcox in 1931. Since that time the firm name has been White, Taylor & Gardner.

During his residence in Austin, Gardner has taken an active interest in the problems of juvenile delinquency, and has been closely identified with Boy Scout work and other civic activities of Austin and Travis County. While a student in the University, he organized Troop Three of the Austin Boy Scouts and served several years as its Scoutmaster. He is a charter member of the Austin Civic unit of the National Exchange Club. Was secretary and local member of the Austin Council of the N.R.A. Has served as a member of the Travis County Voluntary Parole Board since its organization by Governor Alfred in 1935.

In 1927 he became a member of the Board of Trustees of the Austin Public Schools and held this position for thirteen years, serving as Chairman of the Committee on Teachers. He resigned from the Board last February in order to begin his campaign for the office of District Judge.

G 6-1, 710, 29, 1940

*Mrs. Harris Gardner Formerly of Paris, France
With Her Sons Jimmy and Tommy*



—Christiansen-Leberman.

TWENTY years ago, Mrs. Gardner, nee Claire Porche, was a shy little French war bride. She came over alone on a boat from France to New York to marry the young soldier from Austin whom she had met in Nevers, France, in 1918, and who had convinced her that the best thing in all the world was to be an American citizen.

They were married in New York City June, 1920, and shortly after came to Austin where they have lived ever since. When they first met, Mr. Gardner could speak a little French, and she could speak a little English—so they managed—without too much difficulty to understand each other.

Today, in their home they speak French much of the time for the benefit of their three most interesting children, Jacqueline, eighteen, not pictured here, as she was out of town, Jimmy, thirteen, and Tommy, eleven.

This fall Jacqueline will be a second year student at the University. She is majoring in art, and is a popular member of Alpha Phi sorority. Jimmy and Tommy are going to Junior High summer school—and devoting all spare time to the building of airplanes—one of which is a "gas model" five feet long.

Mr. Gardner is one of Austin's busy lawyers and civic workers, while Mrs. Gardner is first of all an efficient housewife and mother. Her hobbies are reading and gardening—the last proven by the lovely yard at their home in Pemberton Heights.

The Gardners are all good swimmers and in warm weather pay frequent visits to Westenfield Pool. They enjoy doing things together.

Since coming to America, Mrs. Gardner has not returned to France, but she still has for it a deep love and loyalty. She was co-hostess a week or two ago with Mrs. Eugene Tips, Mrs. J. J. McDonald and Mrs. Peter Alidi for a successful tea given for the benefit of French war sufferers, at the home of Mrs. Eugene Tips.

AT 1510
GARDNER, JAMES H.

'FRAUD ON PUBLIC'

New Probation System Gets Blast From Gardner

A blast against Texas' probation system for adult criminal law offenders, which he termed "a fraud on an unsuspecting public," has been leveled at the state's lawmakers by 33rd District Court Judge J. Harris Gardner.

He scored the lawmakers for establishing one of the nation's most modern adult probation system and then failing to appropriate "one thin dime" for full time officers to supervise probationers.

Providing probation for first offenders in felony criminal cases without providing adequate supervision is a fraud on an unware public, Gardner declared.

He spoke out while empanelling a new grand jury for a long spring and summer term in his court.

The jury promptly recessed until May 30 to avoid conflict with a grand jury currently in session in

1941. 12-11-41

38th District Court. The latter jury's term ends May 28.

Gardner criticized the state probation setup only three days after Governor Allan Shivers signed into law a bill authorizing Travis County to establish its own system for supervision of adult probationers.

The bill empowers the County Commissioners Court to vote funds for a full time adult probation officer.

Gardner and the county's other two district judges announced Monday morning they had appointed a former member of the county juvenile probation department staff, Ray Williams, to the new post.

For four months Williams has been on loan from the juvenile department acting unofficially as an adult probation officer.

Noting that the commissioners court had not yet voted a salary for Williams, Gardner told the new grand jury, "I'm sure Travis County is not going to act like the State of Texas and give us a law but not a dime." The judges recommended a \$5,100 per year salary for the new post.

Gardner named A. N. McCallum Jr., 2401 Matthews Drive, foreman of the new jury. Other members: Howard W. Bull, 2213 Windsor Road; Tom W. Bradfield, 3408 Foothall Parkway; Robert L. Miller, 2401 Jarratt Avenue; Arthur L. Royster, 1171 Hargrove; Jesse Garza, 401 West Monroe; Mrs. Catherine S. Von Merz, Route 1, Leander; Mrs. William J. Murray Jr., 3400 Hillview; Otto W. Bohls, Pflugerville; Mrs. William K. Miller, 2529 Tanglewood Trail; O. H. Cummins, Star Route A; and Mrs. Charles F. Mitchell, 2202 Dancy.



6630

Am St. 1/1/61

JUDGE J. HARRIS GARDNER ... in Travis County

In Travis County...

In 20 years as a district judge, J. Harris Gardner has been one of Travis County's most consistent newsmakers.

The daily business of his 53rd District Court, from divorces important only to two people to state cases vital to thousands, kept him continually in the public view.

Yet his chief fame has come from what he himself has referred to as a side issue. It was through his work with juvenile law, in strengthening the county's juvenile program, that Gardner earned his reputation as a statewide authority on youth problems.

Combining compassion, patience and a determination to "do something about it," Gardner in his secondary role as judge of the county's Juvenile Court helped change the attitude of the law toward juvenile offenders, and the attitude of delinquent youth toward society.

On New Year's Day—20 years to the day since he became judge of the 53rd Judicial District of Texas—J. Harris Gardner will retire. His colleagues, however, know that his service to Texas youth is far from an end.

AF BIOG - GARDNER

Ralph Lauds Gardner For Youth Work

12/3/60

By ANITA BREWER

US Senator Ralph Yarborough predicted Friday night that J. Harris Gardner's greatest service to youth is still ahead.

Sen. Yarborough was the principal speaker at a testimonial dinner attended by more than 200 friends and associates of Judge Gardner at Green Pastures. Judge Gardner will retire at the end of this month.

"In his score of years on the bench in Austin," said Sen. Yarborough, "Judge Gardner has made the 53rd District Court the shield of law for delinquent youth and the torch of government enlightenment to show them the way to lawful happier lives as contributing, growing members of a growing, evolving society."

Also speaking words of praise of Judge Gardner were:

Clint Small Jr., president of the Travis County Bar Association: "He has shown that the law can be warm and human."

Attorney General Will Wilson: "He has upheld the ideals of government by law, not by men . . . entirely fair."

Herman Jones, who will succeed Judge Gardner on the 53rd District Court bench: "No man has the higher regard and affection of more people in this county than Harris Gardner."

His colleagues on the Travis County bench, Mace Thurman, Jack Roberts and Charles O. Betts, and County Judge Tom E. Johnson, praised Judge Gardner for his courage, his compassion, his industry.

Sen. Yarborough emphasized that the testimonial dinner was but an "interim tribute," that Judge Gardner would continue his work for mankind.

The dinner was sponsored by the Texas Social Welfare Association, Travis County unit.

No date



A NEW VIEW—J. Harris Gardner returned to the courtroom Monday in quite a different role from the one to which he was so long accustomed. Gardner retired last year after many

American-Statesman/GPI

years as judge of the 53rd District Court. Before his judgeship, he was a trial attorney. Monday he sat as a juror in a civil suit in County Court-at-Law.

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Scattered
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Austin, Texas, Thursday, April 11, 1957

Austin History Center



District Judge J. Harris Gardner gestures during a public hearing at City Hall Wednesday as he tells of Travis County's "desperate" need for a new juvenile detention home. Gardner referred to the city-operated TB Sanatorium as a "luxury" last week when he called on the County Commissioners Court to go before the City Council

Austin American-United Press

for a decision on its plans for the sanatorium. The judge said he found the commissioners "still waiting" for the sanatorium to be abandoned by the city, but that when he asked if the commissioners court had ever requested a council answer, it turned out that "they hadn't."



ANNIVERSARY IN WASHINGTON — Judge J. Harris Gardiner, accompanied by his wife, left Friday for Washington, D. C., where he has been invited by President Eisenhower to participate in the White House Conference on Children and Youth to be held Sunday through Saturday, April 2. Judge of the 53rd District Court for nearly 20 years, and of the Juvenile Court of

Travis County for the past 10 years, Judge Gardiner is now retired. A French war bride of World War I, Mrs. Gardiner and the Judge will observe the 40th anniversary of her arrival from France while they are in Washington. They also plan to visit friends while there, including the families of Senator Ralph Yarborough and Congressman Homer Thornberry.

Austin American-UPI

Judge and Mrs. J. Harris Gard

Fifty Years of Life Together in Austin

By ANNE DEE
Fifty years ago Monday
Judge J. Harris Gard
married Claire Emili
Parche for the third time in
as many weeks.

And they were married May 3, 1892, in New York City. At that time the present law was in effect.

"All the red tape was necessary," explained Judge Gardener. "It was the only way I could get her admitted to this country." Under French law, when a French woman marries an American, she automatically becomes an American citizen. But the United States government considered her still French.

When Claire arrived in N.Y.C. (after the first two marriages), there were more complications. She was refused to be admitted off the ship because of her French citizenship.

"I finally remembered that I had a letter from Gov. W. P. Hobby, who was then governor of Texas," said the judge. "I just took out that envelope with that great big seal and the seal was off the best to release. I've never seen red tape cut so easily," he laughed.

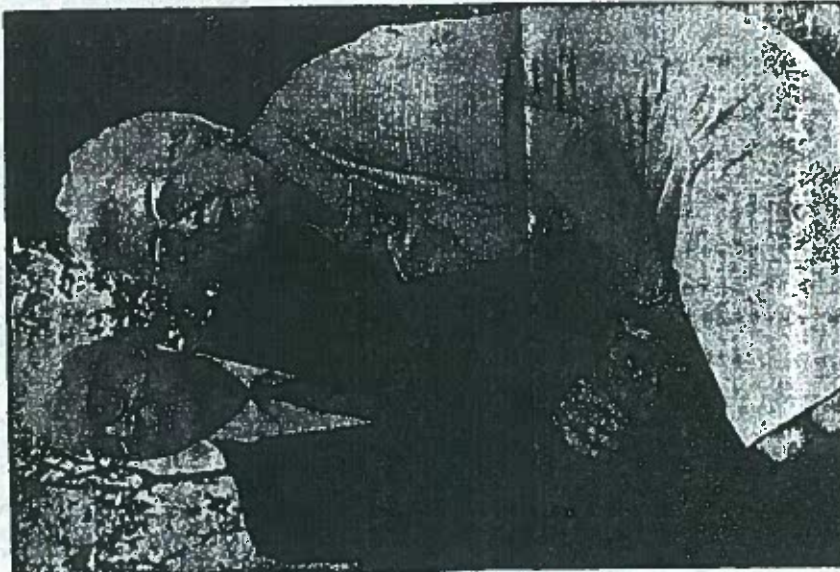
After the Gardners were married in N.Y.C., the judge took the new bride back to Texas. "As our train rolled through the green Northwestern plains, Claire kept asking if Texas were as lovely. And I kept saying 'Oh this is nothing. You just wait.'"

"But I wouldn't Texas," said the judge. "It was a dry spring that year. We crossed the Red River and the best saying 'Is it Texas yet?' I kept looking for something green to point to and say 'Look Claire, there's Texas.' But I never looked so dry and barren."

Then they reached Austin, he remembered the hills were green. "But I was so homesick for so long," said Claire.

While the judge began work in a law firm, his young bride began to get accustomed to Texas traditions and to overcome the language barrier. "She would use

AF-Biography
Gardner, James Harris, 1892-1978
Austin History Center
Austin American Attorneys, May 3, 1970.



JUDGE J. HARRIS AND CLAIRE GARDNER, IN THEIR GARDEN. They will celebrate their 50th wedding anniversary Monday.

dinner for the situation. And indeed she is. She has history at the University of Texas for one semester. He received a U.S. degree from UT in 1921.

In 1928 the judge was made a partner of the law firm White, Wilcox, Taylor and Gardner. By this time they had had the three children. If

1928, the Gardners served to their present home at 3415 Jarrett Ave., where they still live with their children — Mrs. Josephine Dickey of El Paso, Dr. James H. Gardner of Corpus Christi and Thomas E. Gardner of Austin — and their 13 grandchildren Sunday on their fifth anniversary.

"Our home was the first model home in Austin," said the judge. "But the neighborhood and the town have changed so much now. The population was about 25,000 with only 2,000 at the University; none of the streets paved and downtown was scattered. 'Yes' hadn't been to turn if you hadn't been in 5th and Congress," he laughed the judge.

From 1927 to 1929 he served as a member of the Austin School Board. On Jan. 1, 1931, he became judge of the 3rd District Court. He presided there for 25 years, becoming known as an expert in juvenile delinquency. He was one of the first judges to have a law library. The Texas Center House, the Texas County Juvenile Detention House, which is named for him.

Since the judge's retirement in 1951, he and his wife have traveled throughout Europe and the Orient. Their first trip was to Paris where they had met on Armistice Day, Nov. 11, 1917, where the judge was stationed with the American Expeditionary Force, and attending law classes at the University of Paris.

Besides traveling, Claire enjoys reading and gardening, with the judge preferring to work with his hand radio set or developing negatives and making prints of the 4,000 color travel slides he and his wife have accumulated over the years.

Monday, December 18, 1978

J. Harris Gardner, 86, 1st judge for juvenile court, dies

Judge J. Harris Gardner — a jurist who pioneered juvenile delinquency rehabilitation efforts in Travis County — died here Sunday.

The 86-year-old Gardner, a veteran of World War I and a long-time Austin lawyer, was the county's first juvenile court judge.

Gardner House, the county's juvenile detention facility at 2500 S. Congress Ave., is named in the judge's honor.

Services for Gardner will be at 1:30 p.m. Tuesday at the Episcopal Church of the Good Shepherd. Burial will be in Austin Memorial Park.

A native of Hamilton County, Gardner received his law degree from the University of Texas in 1921. He had served in France for two years during World War I.

In 1926, Gardner became associated with the law firm of White, Wilcox, Taylor and Gardner. A year later, he was elected to the Austin school board of trustees, and remained on the board until 1940.

Gardner was elected judge of the 53rd State District Court here Jan. 1, 1941, replacing former U.S. Sen. Ralph Yarborough, who had not sought reelection.

He served 20 years on the bench. In 1943, he assumed a dual role as the county's first juvenile court judge.

He was a prime mover in the development of a center for juvenile offenders, becoming known as an expert in the field of juvenile delinquency.

Survivors include his wife, Claire; two sons, Dr. James H. Gardner of Leander and Thomas R. Gardner of Austin; a daughter, Mrs. Dan Darby of El Paso; 13 grandchildren; two great-grandchildren; two brothers, W. Beverly Gardner of Austin and John Gardner of Glen Rose; and a sister, Bernice Gardner of Fort Worth.

Contributions may be made to the Gardner House.

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December 18, 1978

