

John M. 'Jack' Mildren (1875-1939)

By Jerry Long, Owensboro, Ky., 1985

April 20, 1985

Hugh K. Baude
3300 E. Virginia Ave.
Denver, Col. 80209

Dear Mr. Baude:

I have found information concerning the death of John (Jack) M. Mildren, I went to Rose Hill Cemetery, here in Owensboro, and found that they had a record of "Jack" Mildren being buried there on July 20, 1939. The only other information on the cemetery record is the name of the funeral home, James H. Davis. I found the site of his grave in Rose Hill Cemetery, and on his monument is inscribed "John M. Mildren, 1876 - 1939. His given name evidently was John but he went by the name Jack, a common nickname for John.

At the Owensboro Library I checked the Owensboro Messenger newspaper for the period surrounding July 20, 1939. Articles on four successive days, July 18 - July 21, appeared regarding the murder and burial of Jack M. Mildren, the first three being front page articles.

Jack M. Mildren was murdered on July 17, not August 17 as your information led you to believe. The location was not in Texas but in McLean County, Kentucky. He was on a business trip to McLean County, an adjoining county to Daviess County. And near the community of Rumsey in that county he was ambushed and killed by Brit Jones, age 18, whose motive was theft of his auto. Rumsey is about 18 miles southwest of Owensboro.

Enclosed are copies of the four articles appearing in the issues of July 18-19-20-21 of the Owensboro Messenger. These are negative copies and will fade if exposed to the sun or bright light, if you should want a more permanent copy I suggest making a xerox copy.

Jack M. Mildren according to his grave marker would have been either 62 or 63 years of age, the newspaper articles give his age as "about 55". He was a native of Pennsylvania. At the time of his death he resided at 704 Frederica St. in Owensboro, and had been a resident of Owensboro for about ten years. He first appears in the Owensboro City Directories in 1930, then residing at the Hotel Owensboro, his name appears as J. M. Mildren and occupation, oilman. He came to Owensboro from Cisco, Texas, possibly explaining why family information led you to believe he died in Texas. He had been in Texas during the 1920's and prior to that had been employed in eastern Kentucky in the firm of "Mildren & Keating".

If you should need a copy of Jack Mildren's death certificate you can obtain a copy by writings McLean County Health Department, Calhoun, Ky. 42327. For my research time and for the copies enclosed (\$2.00), I request \$10.00, which I hope you find reasonable. Thank you for contacting me and if I can be of any further assistance I would like to do so.

Yours truly,
Jerry Long

.....

May 14, 1985

Hugh K. Baude
3300 E. Virginia Ave.
Denver, Col, 80209

Dear Mr. Baude:

To find the information you requested about the trial of Britt Jones I had to make a trip to Calhoun, Ky. Calhoun is the county seat of Mclean County the county where the murder of John M. Mildren took place and where his murderer was subsequently indicted and tried.

In the Circuit Court office of the Mclean County courthouse I examined the portfolio of records regarding the case of the Commonwealth of Ky. vs. Britt Jones. In July 1939 Jones was indicted by the Mclean County Circuit Court and trial was set for the November term. From July to November he was housed at the Daviess County Jail at Owensboro. Britt Jones signed a confession and a plea of guilty was entered at his trial. On November 24, 1939 a verdict of guilty having been returned the Mclean County Circuit Court Judge, George Wilson, sentenced Jones to life imprisonment, to be served at the state Penitentiary at Eddyville, Ky. I

The case file contained records of the indictment and of the court judgment and orders, all dated during the year 1939. No other records were filed regarding the case until the year 1972.

On Feb. 23, 1972 Britt Jones, an inmate of Eddyville Penitentiary, addressed a letter to the Mclean County Circuit Court requesting information regarding his case. Jones was in the process of filing a motion for a new trial on the grounds that he had not had the benefit of proper counsel at his trial. In the 32 years following his conviction he had served 23 years at Eddyville. He had been paroled on five separate occasions, and each time was returned to prison for violating terms of his parole.

On June 28, 1972 Mclean County Circuit Court Judge Arthur her reviewed the case and granted a hearing of Jones' motion for a new trial, On July 3, 1972 the hearing was held at Calhoun, Ky., with Jones present, Judge her issued a judgment granting a new trial. The trial was set to be held in the October term of the Mclean County Circuit Court and bond was set at \$1000.

On July 5 at Eddyville Penitentiary the \$1000 bond was paid by Jones and he was released. No official records were filed in Mclean County after the July 5, 1972 date.

Enclosed are copies of the following records from the case file at the Mclean County Courthouse: 1). Letter by Britt Jones dated Feb. 23, 1972 2). Newspaper articles appearing in the Owensboro Messenger & Inquirer from June 29, 1972 to July 6, 1972, regarding Britt Jones' motion for a new trial. 3). Judgment and orders of the July 3, 1972 hearing granting a new trial. 4). Letter addressed Sept. 20, 1972 to Mclean County Circuit Court Judge Arthur Iler, by Carrie Miller, regarding Britt Jones' motion for a new trial, Miss Miller was a former resident of Owensboro and friend of the Mildren family. Her, address and phone number of that date are included on the letter.

To find out what happened after Britt Jones was released on bond July 5, 1972, I called Dan Cornette, Circuit Court Judge of Muhlenberg County, Ky. Judge Cornette was the state's attorney at the July 3, 1972 hearing at Calhoun, Ky. Judge Cornette said the case never came to trial after the hearing. All the parties needed for the state's prosecution were deceased and since it would thus be impossible to prove or disprove that proper defense was granted to Jones, the case was dismissed and Britt Jones was pardoned.

Also enclosed is a copy of the death certificate of John M. Mildren which I obtained from the Mclean County Health Department at Calhoun, Ky. Edgar Mildren, brother of the deceased, reported the information, According to this record John M. Mildren was born 8 April 1875 in Penn., the son of John Mildren and Alice Ropert.

I request \$20.00 for my research. This includes three hours research time, \$2.00 copying expenses, two long distance phone calls to Greenville, Ky. (Dan Cornette), and mileage for trip to Calhoun, Ky. (about 40 miles), Thank you for contacting me

Yours truly,
Jerry Long

.....

September 20, 1972

Honorable Arthur T. Iler,
Judge, McLean Circuit Court,
Calhoun, Kentucky.

Dear Judge Iler:

I was a resident of Owensboro, Kentucky, for many years and all during the time that J. M. Mildren, was brutally murdered by Britt Jones. I was a very close friend of the murdered man and the entire Mildren family. I also attended the trial of Britt Jones when he was sentenced to life imprisonment for the murder in lieu of prosecution for the death penalty.

I have just been sent clippings of the Review of Britt Jones held in McLean Court. I have sent these on to the Mildren family so that they may know, of the proceedings.

By these clippings, I see that Jones claims he had no attorney appointed for him. I see where Court-appointed Kenneth Ragland said; "Jones is saying he was convicted without benefit of council. He was 18 years old at the time and no lawyer was ever appointed for him and no lawyer was ever consulted for him."

According to the newspaper items, of which I have all the clippings from the time of the murder on through the sentencing, one paragraph stated: Jones was arraigned before Circuit Judge George S. Wilson at Calhoun, following his indictment. The court appointed J. H. Thomas, Calhoun attorney, to represent the youth. Mr. Thomas announced that he was unable to prepare a defense at this time and the court set the case for trial at the November term of the McLean circuit court."

In another paragraph in one of the newspaper clippings, it was stated; "J. H. Thomas, Calhoun attorney, was appointed by Circuit Judge, George S. Wilson, to defend the youth. An agreement was made with Commonwealth's attorney, Herman Birkhead, that Jones enter a plea of guilty, take a life sentence and agree not to ask for a parole or seek a pardon if the state did not demand death penalty for the murder.

I am sending you a complete photo copy of all these clippings, the ones in 1939, as well as those of June 1972, and think they should be incorporated in and made a part of the record of Britt Jones. I think all of the information regarding this most HORRIBLE MURDER should be studied very closely and weighed heavily in any consideration of parole or pardon for Britt Jones.

In one paragraph on June 29 Mr. Montgomery states: McLean Circuit Court records show no indication that Jones was appointed an attorney.

This article continues further: "Before announcing his decision to rule Monday, Iler said: The question before the court is not whether this man is guilty or innocent of the charges that were placed against him. It's whether his constitutional rights have been denied.

I SAY THAT HIS CONSTITUTIONAL RIGHTS HAVE NOT BEEN DENIED.

Respectfully,
(Miss) Carrie Miller

3540 N. W. 1st Street
Miami, Florida 33125
Tell 305-649-4677