

The Cornerstone

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THE NEWSLETTER OF THE RICE HISTORICAL SOCIETY

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CHARLIE F. JONES:

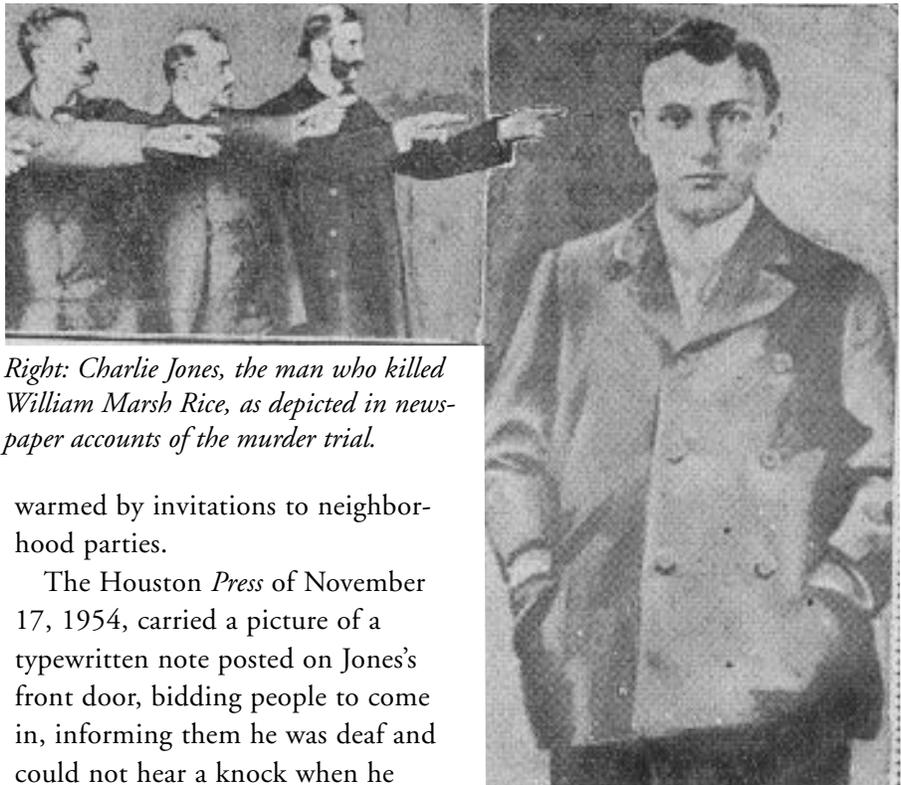
THE MAN WHO KILLED WILLIAM MARSH RICE

by Rice Aston

On November 11, 1954, at 9:35 a.m., Lester Knox stopped at 206 Travis Street in Baytown to check on his elderly neighbor, Charlie F. Jones, who had just been released from the hospital. What Knox found startled and saddened him. Jones, dressed in pajama bottoms and a sweatshirt lay face up in his bed, a bullet hole near his right ear. A .38 Colt revolver and a mirror used to aim the shot rested nearby. Jones left two letters, one sealed and probably his will. The other simply said, "I want my body to go to the Earthman Funeral Home."

No one in Baytown knew much of Jones's past. He was a familiar figure, a bent old man, neatly dressed, who hobbled with the aid of two mahogany canes. He was regarded as a wealthy man, since oil had been discovered on his property many years earlier; his estate, left to a nephew, consisted of cash, real estate, and oil leases valued at \$9,814.37.

Although Jones was not unfriendly, he made no conscious effort to cultivate friendships. W. M. Russell, a neighbor, recalled that Jones had changed from a recluse with a barbed wire fence around his yard to a man with a sunny disposition,



Right: Charlie Jones, the man who killed William Marsh Rice, as depicted in newspaper accounts of the murder trial.

warmed by invitations to neighborhood parties.

The *Houston Press* of November 17, 1954, carried a picture of a typewritten note posted on Jones's front door, bidding people to come in, informing them he was deaf and could not hear a knock when he was in the kitchen or at the back of the house. The note added that he was not afraid anyone would steal from him but warned that he was "awfully ugly."

Lester Knox knew him as a neighbor, a native of Pelly, now part of Baytown, who had left home in 1898 and returned about 1929, by which time he was an owner of some valuable oil lands and developer of Jones's subdivision, a large housing project in southwest Baytown.

A few mourned his death. Ethel Konecny, secretary to Jones's doctor, described him as the best old man she had ever known, never complaining, and always in good spirits. She recalled that after a long wait for an appointment, he said the length of the wait was only exceeded by her beauty and handed her a red rose.

As Jones's health declined, he talked to Knox and Russell about suicide because he did not want to

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NEWSLETTER DESIGN
BY ERIC HORNE

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Crime of the Century, Storm of the Century

How the great Galveston hurricane is tied to the murder of William Marsh Rice in New York
By Rice Aston

Once William Marsh Rice and his wife Elizabeth Baldwin Rice agreed to dedicate their considerable estate to the founding of the Rice Institute, Elizabeth wanted construction to begin immediately, but Rice felt too old to engage in an unfamiliar project and preferred to devote himself to accumulating funds for the school. In April of 1896 Elizabeth suffered a severe stroke and without telling her husband signed a new will that left her part of the estate to her relatives and favorite charities. When she died in July, Rice was dismayed to discover that his wife's will threatened the institute, and he filed to contest the will, contending that they were residents of New York, not Texas, where community property laws prevailed. The beneficiaries of Elizabeth Rice's will retained Albert T. Patrick, a young New York lawyer who had studied law at the University of Texas and practiced briefly in Houston. From his work on the will Patrick learned of Rice's great wealth.

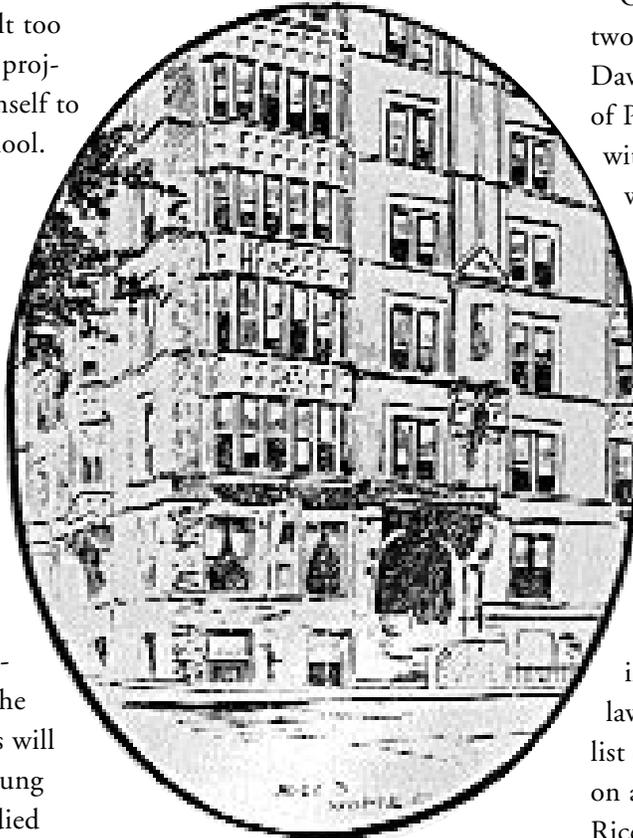
William March Rice lived at 500 Madison Avenue in New York City, attended by Charlie F. Jones, an impressionable, lonely young man from Texas. Seeing in the valet an opportunity to get acquainted with Rice, Patrick sought out and befriended Jones. Unknown to Rice, Patrick visited Jones weekly. On one occasion, while rummaging through Rice's papers in search of any documents that would support the claim

that he and his wife were residents of Texas, they came upon the 1896 will in which Rice committed the bulk of

creating resentment over the elderly gentleman's plan to give his money to a Houston institute while Jones was underpaid.

On June 30, 1900, Rice signed two business documents before David L Short, a notary and friend of Patrick's. Since the forged will with Short as one of the witnesses was signed on the same date, there would be evidence that Rice had seen Short that day. Next Patrick had to concoct a satisfactory explanation as to why Rice would leave his estate to the lawyer. This he did by forging an agreement settling the contest over Elizabeth Rice's will, which Patrick would claim won him Rice's deep appreciation. And to convey the impression that Rice sought the lawyer's advice, Patrick gave Jones a list of dates that the valet would put on a series of fabricated letters from Rice to Patrick, carbons of which Jones was to put among Rice's papers after his death.

To speed Rice's demise Patrick had Jones administer mercury pills prescribed by Patrick's physician, who soon became Rice's doctor as well, although Rice had no suspicion that the Dr. Curry that he was consulting had this connection. On August 3, 1900, Patrick forged Rice's signature on a letter stating that he wished to be cremated. In this way the poison would not be discovered. The poison, however, failed to have the desired effect, and so Patrick, learning from



Above: An artist's depiction of the New York City apartment building in which William Marsh Rice was murdered. (Taken from contemporary newspaper coverage of the murder trial.)

his property to the Rice Institute.

Out of this discovery came an ingenious scheme to forge a new will that would leave bequests to individuals as specified in the 1896 will but bequeath the rest of Rice's estate to Patrick. Patrick enlisted Jones's help by planting the idea that Rice had poisoned his wife and by

Storm of the Century, from page 3

Dr. Curry that chloroform left little trace if used in a small amount, asked Jones to send to Texas for some chloroform, since New York kept records of such purchases.

The storm of the century struck Galveston on September 8, 1900, and sealed William Marsh Rice's fate. Rice's bookkeeper in Houston telegraphed Rice: "Hurricane here last night. Roofs all your buildings destroyed and other damages. Wire bank furnish fund quick for repairs." When Rice decided to rush \$250,000 to Galveston, Patrick realized that he needed to act immediately.

Jones gave Rice larger than usual doses of mercury, which did not prove fatal; eventually Patrick urged on a reluctant Jones the application of chloroform. On September 23 he acted, placing a sponge saturated with chloroform in a towel over the sleeping Rice's face. Thirty minutes later Jones returned to the room and found his employer dead. He sent for Dr. Curry and



Above: James A. Baker, Rice's Houston attorney, who helped unravel the conspiracy behind the murder and save Rice's fortune for the Institute.

Patrick. When the undertaker arrived, Patrick informed him that Rice had wanted to be cremated immediately only to learn that it could not take place for at least twenty-four hours. Dr. Curry obligingly agreed to issue a death certificate indicating that Rice had died of natural causes.

Patrick, realizing that he might need large sums of money for a will contest, quickly had Jones fill out three checks, payable to Patrick and dated September 22, from Rice's accounts. One of the banks honored the check as presented, but the cashier at W.M. Swenson & Sons noted a discrepancy in Albert T. Patrick's name on the face of the checks and in the endorsements. He insisted on telephoning Rice and speaking to him personally. After initial excuses, Jones finally had to admit that "Mr. Rice is dead."

James A. Baker, Rice's Houston attorney, received two alarming telegrams, one from Charlie Jones informing him of Rice's death and imminent interment, the second from W.M. Swenson telling Baker that "Mr. Rice died last night under very suspicious circumstances. His body will be cremated tomorrow morning at nine o'clock."

James A. Baker, Rice's Houston attorney, received two alarming telegrams, the first informing him of Rice's death, the second that "Mr. Rice died last night under very suspicious circumstances."

Frederick A Rice, a brother, and Baker sent an order to stop the cremation.

When Baker and Fred Rice arrived in New York, Patrick presented them with not only the 1900 will, but also a general assignment, dated two days before William Marsh Rice's death, turning over Rice's property to Patrick to administer, and the fabricated correspondence. Nothing looked right to Baker, Fred Rice, or Swenson. The facts were brought to the attention of the district attorney's office, an autopsy was ordered, and Jones and Patrick were called for questioning.

The two were arrested on a forgery charge and held for the grand jury. For a time the two were in neighboring cells at the Tombs, and Patrick suggested the only way out for them was suicide. He handed Jones a knife

and offered to let him go first. Jones slashed his throat, the first of three unsuccessful attempts to kill himself. Patrick, of course, did not follow suit.

In January 1901 Patrick was bound over to the grand jury; in April the grand jury returned a true bill of murder in the first degree against him. Jones was not charged. The case went to trial on January 20, 1902. A sensational criminal trial followed, the longest in the history of New York at the time.

Petitions in favor of Patrick rained in on Governor Frank Higgins, who on December 20, 1906, commuted Patrick's sentence to life imprisonment.

Jones told the court of Patrick's forgeries of the will, the assignment, and the checks. He described the fabricated correspondence with Rice, the decision to chloroform him, and the suggestion of joint suicide. Other evidence included Patrick's prompt appearance at Rice's apartment after his death and the taking of securities, money, and watches from the apartment. Witnesses testified that Rice did not know Patrick and that Patrick and Jones had often been seen together. Three doctors gave evidence against Patrick.

Patrick, who was represented by lawyers hired by his wealthy brother-in-law John T. Milliken, did not take the stand. Dr. Curry testified in his defense, as did the men who signed as witnesses to the forged will. The case continued for ten weeks before being turned over to the jury, who after four hours of deliberation found Patrick guilty of murder. He was sentenced to die in Sing Sing's electric chair. New York law required that the execution take place within four to eight weeks after the sentencing unless suspended for an appeal. A series of legal appeals as well as efforts to influence public opinion then commenced, all instigated and paid for by Milliken, who used his wealth to employ prominent lawyers and court governors, judges, and newspaper editors and reporters.

Meanwhile, Rice's will of 1896 and the forged will of 1900 were offered for probate, with the fate of the Rice Institute hanging on the outcome. On June 6, 1902, the judge entered an order admitting the 1896 will to probate.

In November 1902 a motion for a new trial was filed,



Above: Albert T. Patrick, co-conspirator and brains behind the murder of William Marsh Rice. (Photo taken from contemporary newspaper coverage of the murder trial.)

only to be rejected the following March. Two years later an appeal was denied, and once again a judge ordered Patrick's execution.

A temporary stay of execution was issued to enable Patrick to pursue his remedies. The Patrick case was good copy and articles about it appeared in newspapers from coast to coast. The public relations tide had begun to turn in favor of Patrick by 1906, when Patrick's lawyers filed a second motion for a new trial. They came up with a generally disreputable group of witnesses, although two testified they had overheard what seemed to be a promise made to Jones by Baldwin Rice, mayor of Houston and Rice's nephew, that funds would be available to the young valet. They also produced additional medical evidence to support Patrick's claim that Rice had died of natural causes. The judge once again found the appeal unconvincing and dismissed the motion for a new trial, whereupon Patrick's lawyers persuaded a Supreme Court justice to grant a stay and to put the case on the docket for the fall of 1906.

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Storm of the Century, from page 5

Petitions in favor of Patrick rained in on Governor Frank Higgins, who on December 20, 1906, commuted Patrick's sentence to life imprisonment. He promptly applied for a full pardon, which was finally granted by Governor John A. Dix in 1912. On November 27 of that year Patrick walked out of Sing Sing Prison a free man.

In 1912, two months after the opening ceremonies of the Rice Institute, Patrick wrote his attorney that he

hoped to commence legal proceedings to vindicate his relations with William Marsh Rice but apparently soon thought better of it. In 1915 James A. Baker wrote that he had heard nothing from Patrick but was told he was in the oil business in Oklahoma.

In fact, Patrick and a new wife were living in Fort Worth, where he was general counsel for an oil company that then moved to Tulsa in 1921. Because of his conviction, Oklahoma disbarred Patrick, as did the federal

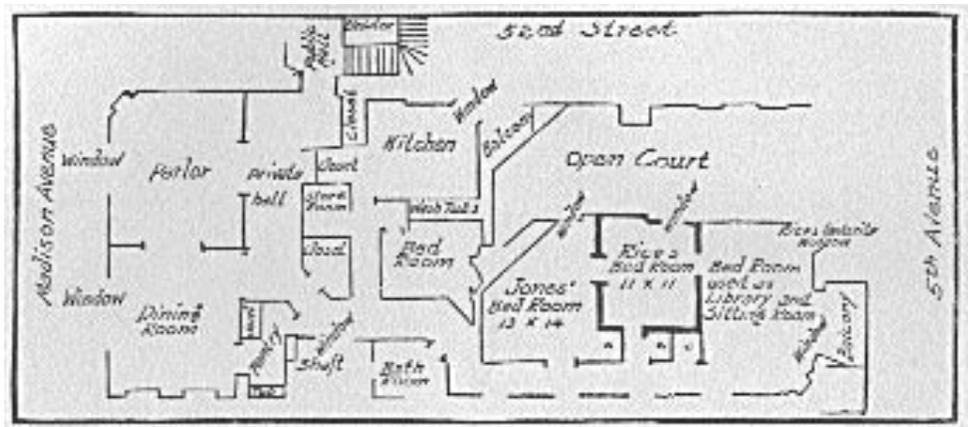
courts in 1930. Patrick and his wife moved to Wetmatuk, Oklahoma, in 1939. A year later Patrick died from the complications of surgery. His widow died in Kansas in 1965.

The clear villain of this story is Albert T. Patrick. The heroes are Rice's banker Eric Swenson, the indefatigable New York district attorney, James W. Osborne, and James A. Baker, who was everywhere doing all he could to save Rice's fortune for the Rice Institute.

Charlie Jones, from page 1

be a burden to anyone. The men urged him not to do such a thing as it would hurt everyone in the neighborhood. Friends and neighbors concluded that Jones's deteriorating health was the cause of the suicide. None suspected that fifty-four years earlier Jones killed William Marsh Rice, nor did they know that Jones escaped prosecution for a murder that he admitted committing.

We learn a considerable amount about Jones before Rice's murder from a statement he gave at the time of the trial. He was born February 23, 1875. His parents were farmers, and he lived at home until the age of eighteen, when he left school. There was little time for further education between jobs, but somehow along the way he acquired enough English and math and typewriting skills to be employed as W. M. Rice's personal assistant in 1897. In 1893 he had worked on boats plying between Galveston and Lynchburg, earning \$20-25 a month; in October 1894 he was hired as a porter at the Star Flour Mills and later promoted to assistant miller. After briefly working on a boat for his brother, a friend got him a job as a storekeeper at the Capitol Hotel in Houston for \$20 a month.



Above: The floorplan of Rice's New York City apartment, scene of the murder. (Taken from contemporary newspaper coverage of the murder trial.)

The hotel was owned by Rice.

Elizabeth Baldwin, William Marsh Rice's second wife had died in 1896, and he was in need of a "Man Friday." In April 1897 Rice asked Jones to go to New York with him. Jones agreed, and they left for New York on May 4th, arriving there on the morning of the 10th. They first lived in some rooms at 500 Madison Avenue and later moved to an apartment in the same building. Jones was paid \$25 per month and board. On January 1, 1898, his salary was increased to \$50 a month and all expenses, and one year later to \$100, excluding expenses.

His duties, as Jones described them, were "to open mail, write let-

ters, carry check deposits to the bank, go out and buy any little things he wanted. . . and attend to his wishes and wants in general." His schedule depended on the mail, which was usually opened in the presence of his employer, who either dictated or wrote out his replies, to be copied by Jones on the typewriter. Jones seems to have been allowed considerable free time.

In March 1898 Jones tired of New York and yearned to return home to join his father in farming. Rice asked Cohn to find a successor, requesting "a nice honest young man." Later that month Jones decided to stay, much to Rice's satisfaction. In a let-

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Charlie Jones, from page 6

ter to Cohn two years later Rice remarked that “it would be difficult to find a person who suits me so well. He has been with me about three years.”

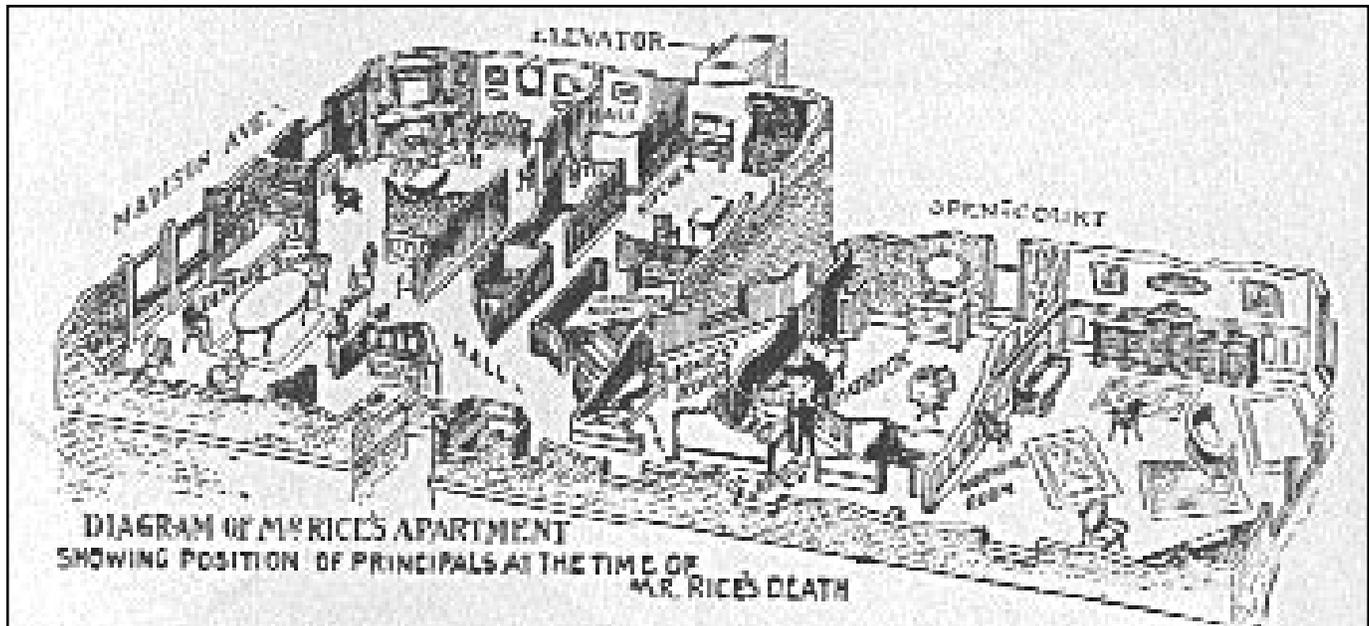
Shortly before Rice’s wife died she had made a will that attempted to leave her interest in their estate to her relatives and favorite charities rather than the Rice Institute. Rice

Rice’s name on a will that left the bulk of the estate to Patrick, part of which, the amount undetermined, was to be shared with Jones.

Jones, who had overheard Rice refuse a loan to Walter O. Weatherbee, chief clerk at Rice’s New York bank, approached Weatherbee about witnessing a new will, telling him that Jones could “get it executed, because Mr. Rice is quite old. He

were “medicines,” some prescribed by Patrick and some by his physician. They broke Rice’s health, but he survived.

Patrick decided on another course and convinced Jones to write his brother in Goose Creek, Texas, to send four ounces of chloroform and two ounces of laudanum. When asked why he could not buy them in New York, Patrick explained that it



Above: A diagram of William Marsh Rice’s New York City apartment, scene of the murder. (Taken from contemporary newspaper coverage of the murder trial.)

contested the will. Albert T. Patrick, a thirty-five-year-old lawyer, previously of Houston and more recently of New York City, was hired as counsel by the beneficiaries of Mrs. Rice’s will. In this capacity Patrick learned of Rice’s great wealth and his plans to found an educational institution in Houston.

Sometime in 1900 Patrick met Charlie F. Jones and enlisted his aid in a scheme the lawyer had developed. Patrick argued that it was unjust for Rice to leave his property to an institution in Texas. Jones agreed and with a little additional persuasion joined in a plan to forge

sleeps a good deal during the daytime and it would be easy for me to slip the last sheet of a will in with a bunch of letters and have him sign it without reading it.” Weatherbee sensibly declined to be involved.

Although Rice was eighty-four, he was in reasonably good health. Not wanting to wait, Patrick persuaded Jones to hasten Rice’s demise by poisoning him, and to mollify any qualms Jones might have, Patrick told him that Mrs. Rice had died from poison given her by her husband. Jones first gave Rice mercury in the late spring or early summer of 1900. The pills, according to Jones,

would be unwise to do so since the state required that records be kept of such purchases. On September 23, 1900, Jones placed a cone containing a chloroform-saturated sponge over Rice’s face; thirty minutes later Jones found his employer dead.

Patrick was charged with murder in the first degree. Jones was not charged and testified against Patrick, who was convicted and sentenced to death. The sentence was commuted to life imprisonment, and ten years after his conviction and many appeals a pardon was granted. Patrick died in Tulsa in 1940.

Jones returned to Texas after the

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Charlie Jones, from page 7

trial and remained until 1905, when he disappeared. Possibly Jones fled from the irate father and brother of a girl he would not marry despite her pregnancy. The New York *Tribune* of March 18, 1906, stated that Jones had gone to the Yucatan and on to South America. Sometime thereafter he returned and worked on boats traversing Galveston Bay before disappearing again. He was in Missouri, 1923-1929, and may have married there because his death certificate showed him to be a widower. Returning to Harris County after his father's death, Jones took up residence only a few yards from his birthplace and lived in dignified simplicity.

How was Jones so easily corrupted? The picture of Jones at the time is one of a decent, poorly educated, weak-minded young man with no prior criminal history, of flexible principles, ignited by the chance for a great fortune. Allegedly he was drawn into the murder, forgery and theft, all conceived by an educated attorney ten years his senior, well-versed in the ways and pleasures of New York, and determined to make Rice's millions his own. Had the plot not been discovered, Jones's life would certainly have been at risk, for Patrick, clearly capable of murder, had reason to fear that Jones in a moment of remorse, weakness, or stupidity, would reveal their dark secret. At the least Patrick would have found it inconvenient to make a division of the stolen property with Jones.

Did remorse over the murder of William Marsh Rice play a role in Jones's suicide? The barbed wire fence around his house and the note on the front door offer some



Above: A scene from a production of The Trust, a play written by Doug Killgore and inspired by the conspiracy to murder William Marsh Rice.

insight into how Jones viewed himself and others. If he had a sense of guilt, he was able to live with it for fifty-four years, but three times before he had tried to escape the consequences of his deed through suicide. Those who know his past may well conclude that as his health failed, the loneliness became more pronounced, his guilt more

The sources on which this article is based may be found at the Woodson Research Center, Rice University. In addition, in 1972 Rice University Studies published William Marsh Rice and his Institute: A Biographical Study, edited by Sylvia Stallings Morris from the research of Andrew Forest Muir. A book that focuses on the trial following Rice's murder but also includes some background information is The Death of Old Man Rice: A True Story of Criminal Justice in America by Martin L. Friedland (New York University Press, 1994).

It's a small world. . .

An interesting postscript to the Patrick-Jones story is told by Ginny Rorschach, wife of the late Harold E. Rorschach of the Physics Department. She grew up in Tulsa and recalls her parents' renting a house on their property to Samuel Patrick and his wife. As a very young girl, Ginny remembers visiting with the Patricks, who were always happy to have her stop in for cookies and conversation. Only when she and Bud came to Rice and heard about the murder of William Marsh Rice by Charlie Jones and Albert Patrick did she ask her parents about Samuel Patrick and whether he had a brother. "Oh, yes," replied her mother. "He was in the penitentiary." Upon his release from prison, Albert Patrick came to live with his brother. Ginny does not remember meeting him but is sure that her parents must have had some contact during Albert Patrick's time in Tulsa.