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Investigator  
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Interview with  
Judge C. W. Herod  
Woodward, Oklahoma

SOME SIDE LIGHTS ON THE LIFE AND  
PROFESSIONAL CAREER OF TEMPLE HOUSTON,  
EARLY DAY LAWYER OF WOODWARD, OKLAHOMA.

I located in Woodward, September 12, 1893, four days previous to the opening of the Strip. I have been a continuous resident of Woodward and a practicing attorney there throughout the many intervening years. Of the distinguished Temple Houston I am probably the best qualified man in Woodward and in this section of the country to tell. My location in Woodward antedates Houston's. And from the time that Temple came to Woodward until his untimely death in 1905, I was in more or less daily contact and association with him.

The late Fall or early Winter of 1893, Temple Houston came from Canadian, Texas, and located in Woodward where he opened a law office. His family did not move to Woodward till the Summer of 1894.

The first Probate or County judge of Woodward County was, of course, appointed by the Territorial Governor. His name was Jennings, Father of Al Jennings, who became notorious in Oklahoma during Territorial days as an outlaw. Judge Jennings had several boys besides Al and all of them made Woodward their headquarters. Al, John and Ed Jennings at one time all

practiced law in Woodward--in fact, while their father was County Judge. Temple Houston, it seems, became much dissatisfied with litigating in the court of Judge Jennings. Finally, he took all the cases he had pending in Jennings's court either to the District Court of Woodward County or to a Justice of the Peace Court.

The following was the irritating experience which Temple Houston had in Judge Jennings's court which caused him to litigate no more cases in the county court of Woodward County so long as Jennings was presiding officer thereof.

Temple Houston had brought suit in the County Court of Woodward County for the recovery of a horse which had been sold to John Jennings. At the time the horse was sold it was covered by a valid and unsatisfied chattel mortgage. The case was heard and Judge Jennings ruled in favor of Houston's client. But John Jennings still had the horse and his father, Judge Jennings, would not make an order restoring the horse to its rightful owner. In other words, his ruling in the case was that John Jennings legally was not entitled to the horse but nevertheless he would not take the necessary legal step to take the horse away from his son John.

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Some time following the above incident Houston was trying a case in the Justice Court of Woodward with Ed Jennings as opposing counsel. About the middle of the afternoon Houston and Jennings became involved in a very serious dispute and controversy in the court room. Ed Jennings slapped Temple Houston's face while court was in session. Guns were drawn. But others present in the court room interfered and most likely a bloody shooting affray was thus avoided right there and then. Court immediately adjourned to reconvene the next day. About ten o'clock of the night following there occurred the fatal meeting between Temple Houston and Jack Love and Ed and John Jennings, in which Ed Jennings was shot and killed by Houston.

During the evening following the court room incident in which Ed Jennings slapped the face of Temple Houston, the latter and Jack Love, Houston's close friend, and the Jennings boys milled about Woodward, going from saloon to saloon drinking and beyond a doubt preparing for more serious trouble which all of them anticipated would follow sooner or later. Jack Love came to me that evening asking me for my revolver. I declined at first to let Love have the gun but finally told

Jack to go to my room in the Cattle King Hotel and get it. I fully expected that a clash between Houston and Ed Jennings would come that night.

Love, Houston and the Jennings it seems frequented the Woodward saloons that evening and night till all of them were more or less under the influence of liquor. Toward the hour of ten o'clock that night Love and Temple Houston stepped into the saloon of Jack Garvey on the north side of Main Street in Woodward. They drank, loitered about the bar a few moments, then retired to the gambling room in the rear of the saloon. Presently Ed and John Jennings came into the same saloon and drank at the bar. While these things were happening I was lounging in the lobby of the nearby Cattle King Hotel playing cards.

The Jennings boys, Ed and John, loitered about the bar at Garvey's saloon, too, for a short time. They observed Temple Houston and Jack Love in the back room. While at the bar the Jennings boys, each armed with a revolver, drew their guns from concealment on their persons and swung them from their waistlines in plain view. Houston and Love claimed that they saw the Jennings boys thus juggle their guns by their reflections in the bar mirror. Finally the

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Jennings boys stepped back into the rear room of the saloon where Houston and Love were.

The Garvey saloon was on the north side of the street and faced the south. The gambling room of the saloon was in its north end. In the northeast corner of this rear room was a card table at which Love and Houston sat when the Jennings boys entered the saloon and where they still sat when Ed and John Jennings retired to the rear room of the saloon. In the north wall and near the northwest corner of the gambling room was the door to the outside. Along the east side of this room stood a large stove and a long-like table used for dice games, the dice table to the northeast corner and the stove rather to the southeast corner of the room. When Ed and John Jennings retired from the bar to the rear room of the saloon, Ed stepped in between the dice table and the east wall and John stopped between the large stove and the east wall. In such positions respectively they loitered for a few minutes, their guns in plain view on their persons. There was a piano in this room too and the man who played it sat at the piano. Houston and Jack Love continued sitting at the card table. Houston,

however, so he claimed, got so nervous in the midst of such an untoward situation that he could not restrain himself longer and got up. He stepped toward the outside door and at the same time addressed Ed Jennings thus:

"Ed- I want to see you a minute." Ed Jennings then was standing behind the dice table near the northeast corner of the room. Ed replied to Houston, "See me here and now.... ..!" Jennings reply to Temple was punctuated with abusive profanity and upon his reply to Houston Temple drew his gun quick as a flash and fired at Ed Jennings. The first shot or two put out the lights in the saloon because of such great concussion. More shooting followed by Ed Jennings and by his brother John from a position behind the stove. Love opened fire, too--on John Jennings. Houston emptied his gun and then threw it in the direction of the Jennings boys, bared his breast to them and ejaculated, "Shoot--Shoot.!" Darkness, of course, enveloped everything in the saloon.

Jack Love shot John Jennings once, the bullet striking John in the chest at such an angle that it inflicted only a flesh wound in his chest but did shatter severely the bones in his left arm between the shoulder and elbow. John

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ran from the saloon and Love pursued him, shooting at Jennings once more as John dashed south across the street. The shot missed him and lodged in a frame store building.

Temple Houston's first shot at Ed Jennings struck Ed behind the right ear and only took away a piece of the skull bone. Its effect apparently only addled Ed Jennings but did not cause him to fall. He continued shooting at Houston but because the room was dark none of his shots took effect.

The blast of the sudden shooting was plainly heard by the people in the nearby Cattle King Hotel, including myself, and the instant I heard the shooting, numerous shots in rapid succession, I was satisfied of what had happened--that Temple, Love and the Jennings were attempting to settle their differences in a manner not uncommon to that day and time.

Another man and I dashed out of the hotel for the saloon where the shooting had taken place. We met John Jennings on the way, stumbling up the street with his left arm limp and profusely bleeding. He told my companion and me what had just happened--that Houston had shot his brother Ed and that Jack Love had shot Houston's arm off. The party with me and I rushed on to the saloon and just as we entered



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the bar the bartender had gotten a light or two on again. John Jennings went on home and reported the tragedy to his father.

When my companion and I entered the saloon the bartender and the dying Ed Jennings were the only people in the house. The man at the piano had dashed out and away after the shooting started and afterward was unable to tell just how he ever got out because he was so extremely frightened at the time he departed. The man with me and I found Ed Jennings prone on the floor in the rear of the saloon lying face downward in a pool of blood and more blood oozing from his nose and mouth as he breathed his last. He lay near the center of the room with his head toward the northwest corner of the room and his feet toward the southeast corner. It appeared that he had tried to work out from behind the dice table and had fallen facing his antagonist, Temple Houston. He collapsed, still clenching his gun which he still grasped firmly when a few minutes later we found him dying.

I turned Ed Jennings over on his back, wiped the blood from his face with my own handkerchief and the man with me took off his own hat to place it under Ed Jennings's head. Soon Judge Jennings arrived at the saloon, and kneeling over the

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body of his dying son exclaimed, "I murdered my own boy."

The only interpretation I can give to this remark by Judge Jennings was that Ed Jennings' father felt that indirectly he had contributed to the murder because of the wrong treatment which Temple Houston had received in Judge Jennings' court.

Upon examination it was found that Ed Jennings had been shot in the back of the left side of his head, the bullet entering from the back of his head and lodging just behind the skull of his forehead.

In the course of the shooting Temple Houston emptied his gun and Ed Jennings did likewise. John Jennings discharged all the cartridges in his gun, too. Jack Love, however, only shot twice. All shots from the gun of Houston were found and accounted for and so, too, was Ed Jennings' gun. The two shots fired by Jack Love were accounted for, one shattering John Jennings' left arm and the other going wild and lodging in a frame store building. But only four shots from the gun of John Jennings were accounted for.

I verily believe to this day that it was the shot from John Jennings' gun that killed Ed, his brother. Ed fell

facing Houston and the bullet that unmistakably killed him struck him from behind. Darkness enveloped everything in the room and the shooting--after the first shot or two--was done in utter darkness. However, Temple Houston took full responsibility for killing Ed Jennings. In the course of time after the murder Temple stood trial on a manslaughter charge, plead self-defense and was acquitted of the charge.

I credited Temple Houston with being one of the greatest and most skilful jury lawyers of his day and time anywhere in the United States. Houston's eloquence before a jury or court was peerless, masterly and effective. In this particular phase of his profession I regarded Temple Houston as a man as gifted and talented as I ever saw perform in a court room. Houston's strength as a lawyer was in the practice of criminal law. He handled comparatively little civil practice and was very ordinary in civil litigation. Houston's partners took care of that class of their professional business and did about all of the paper work. In the court room, however, Temple usually took the forefront. His canny judgment of men and human nature was acute and most remarkable. And he possessed the faculty of mind which enabled him to play upon the emotions and minds of men as a master artist.

Temple Houston's falling and his ruination was excessive drinking. Many, many old timers who knew Temple well are of one mind and opinion in saying the same thing of the remarkable man. When Houston was under the influence of liquor he was "a very dangerous man" and nearly always carried a revolver concealed on his person. Temple was an eccentric fellow and a man of unusually keen sensibilities. He was a very temperamental man and most polite, gallant and courtly of manner.

Money seemed nothing to Houston. His professional fees were numerous and as a rule large. He made vast sums of money and usually was in financial distress because of his extravagant spending. When he went to a saloon to drink it was quite the custom of Temple Houston to insist that every man in the house drink at his expense regardless of the number. Notwithstanding Temple Houston's vast earnings, he died in abject poverty.

On a certain occasion during early days in Woodward Temple Houston and a lawyer friend were out riding one day in a one-horse buggy. Probably the two men were "celebrating" a little. Somehow or other some prankster managed to put a quantity of High Life on the horse they were driving. The

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animal became uncontrollable by the men and ran away. The men were thrown from the buggy and the vehicle and the horse's harness were scattered in bits over the countryside. Temple walked back to town and I happened to see him as he entered his office. I stepped over to Houston's office and inquired where the man was who had gone riding with him. Houston replied that he was out endeavoring to salvage some of the wreckage. I was invited into the office by Houston and we visited for a few moments. On this occasion Mr. Houston was visibly under the influence of liquor but suggested that he and I go to a nearby saloon and get a drink to which I agreed. Temple was wearing a frock-tailed coat at the time. He got up and reached in his trouser pockets for money, searched other pockets of his clothing too for money he thought he had but found none. He turned around again and again feeling for money and each time he turned he remarked to me, "When you came in, Herod, I had some money," and appeared very nervous and slightly angry. Finally, however, he felt for his money in a small pocket of his coat and there found it, some silver coin. What followed was indeed touching as Temple Houston immediately burst into tears upon finding this money, advanced to me affectionately

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embraced me and kissed me on the forehead. With sobs and great feeling Temple told me that he was on the verge of accusing me of picking his pockets and taking his money after my coming into his office. Tears streamed down Houston's face as he stood before me and made a most elegant apology.

In the court room in the trial of a case Houston sometimes became arrogant, occasionally even to the point of being abusive. It was commonly known that he usually was armed with an unusually large revolver. When his demeanor became rather unruly and it appeared that he was more or less under the influence of drink, rash action on his part was occasionally feared.

On a certain occasion a rather important civil case was to be tried in the District Court at Woodward. Temple Houston was one of the attorneys in the case. Judge John H. Burford was presiding judge. Burford knew Houston well and also knew that the case had already engendered some bitter feelings. When the case was called for trial Judge Burford addressed all present in the court room to the effect that he was confident that almost everyone was armed and that before proceeding further with the case he was

ordering a recess of thirty minutes and he ordered that during the recess the sheriff and his deputies should search every man in the court room and disarm those found with guns on their persons and that anyone returning to the court room armed should be immediately committed to jail.

In complying with the court's order the officers escorted every man present out and away to the back room of the building of the Livestock Inspector, an early-day Woodward newspaper, and there searched them one by one. There were at least a bushel basket of guns taken from the men including the guns taken from Temple Houston, so many that a man was designated by the sheriff to number and tag the guns with the name of each individual owner for future identification. After this inspection was concluded, the trial was resumed.