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LEGEND & STORY FORM
WORKS PROGRESS ADMINISTRATION
Indian-Pioneer History Project for Oklahoma

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Field worker's name Linnaeus E. Ranck

This report made on (date) October 2, 1937 1937

Information secured from: John W. White, Shattuck, Oklahoma.

1. This legend was E. G. Gray, Higgins, Texas, L. E. Moyer, Gage, Oklahoma, Chas. Ferchau, Gage, Oklahoma.
secured from (name) _____

Address _____

This person is (male or female) White, Negro, Indian,

If Indian, give tribe _____

2. Origin and history of legend or story _____

3. Write out the legend or story as completely as possible. Use blank sheets and attach firmly to this form. Number of sheets attached _____

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Linnaeus B. Ranck,
Interviewer,
October 2, 1937.

An Interview with Mr. L.E. Moyer,
Gage, Oklahoma.

Temple Houston was a notable and distinguished attorney of the entire southwest during his later years in active law practice. In an important murder case at Cheyenne in the early day Houston appeared as defense attorney. I am told on good authority that because of his remarkable ability as a criminal lawyer- more especially on the side of the defense- which was the side of a criminal case on which he almost always appeared- two able lawyers came from far away New York State to assist in the prosecution at the behest of relatives of the man who was murdered. These New York lawyers declared upon reaching Cheyenne that though they had never been in the Southwest before they nevertheless knew the measure of Temple Houston as a defense lawyer in a criminal case because of the reputation as a criminal lawyer which he bore in their state of New York. Temple Houston came to Woodward after the Strip opened from

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Canadian, Texas, where he had been a practicing attorney for several years prior to his move to Woodward. Before taking up his residence at Canadian he was located at Mobeetie, Texas, then riproaring cow-town of a wild frontier country. At Mobeetie and at Canadian, Houston distinguished himself as a "great jury lawyer". When the Strip opened and the town of Woodward was built Houston took up his residence there and entered into the practice of law or at least, what law there was in this country at that time. At Woodward and in the country tributary to Woodward there were soon more people than in the section which Houston had left and, of course, that meant more clients. However, Temple left a good clientele and this with the distinguished reputation which he left behind him in Texas served to keep "his pockets lined" after he located at Woodward. At Woodward, however, he was to reach the zenith of his professional career and gain his greatest laurels.

The foregoing paragraphs are incidental to the event in Houston's life which it is the purpose of the writer to

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elaborate upon and in so doing it is not intended to detract from the remarkable capabilities and brilliancy of the famous man. It is not intended either to make this a "blood and thunder" story. Nevertheless, Temple Houston was a principal in a celebrated murder case of early day Woodward history, the case and event becoming celebrated mainly because of the prominence of those implicated. At the time of this tragic occurrence, or rather following it the press of the greater part of the Nation commented at length on it and it was fertile subject matter for many publications of that day and time. But as is not uncommon in such subjects, the picture of the affair painted for the reading public was somewhat of a distortion of the truth and did not square with the true facts in the case as given by those who have a right to and should know as much concerning the matter as anyone and more than those removed from the locality of the tragedy or those who purposely gave prejudiced accounts of it. Houston was a part of the early day history of this country. This section was his

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"work-shop", as it were. There still are many old pioneers in these parts who knew Temple well and for that matter knew all the principals of the Houston-Love-Jennings tragic shooting fray at Woodward. All the old timers of this section of the country actually revered Temple Houston more or less and feared him more or less too. The early day lawyers and veteran members of the bar of this western country are of one mind in declaring Houston to have been a dangerous man to oppose in a law suit, regardless of its nature. E. C. Gray, a veteran attorney of Higgins, Texas, who practiced in many courts of the early days in which Temple had legal matters to attend to pronounced him the most "ingenious fixer" as a lawyer with whom, he Mr. Gray, ever came in contact in his nearly forty-five years of practice. Professionally, Houston bore the reputation of "doing anything that appeared necessary to win a lawsuit" and his batting average was high.

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In Woodward during its early history there lived a family of Jennings. There were several boys. Three of the sons were lawyers, Ed, John and Al. Their father was an attorney, too, and served as County Judge of Woodward County for a few years. An old cowboy of the west and one of the Cherokee Strip Country, Tom Word, and Jack Love, who later gained distinction in Oklahoma as Chairman of its first Corporation Commission, held joint and partnership control of considerable cattle range in the country to the north of Woodward. In the course of time Word and Love saw fit to dissolve their partnership of ranch interests. Trouble incident to the dissolution of the partnership developed and finally the question was taken to the county court of Woodward County for adjudication. Temple Houston represented Jack Love and Ed Jennings appeared in behalf of Tom Word, the case being tried in the Court of Judge Jennings, ^{who} the father of Ed represented one of the litigants. However, this was not the first case which Houston had tried in the court of Judge Jennings with one of the Judge's sons opposing

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him. He had had several cases and had come to feel that he was not receiving fair treatment at the bar of Judge Jennings. At this period in Woodward's history there were many saloons there. I can remember that about 1904 after ten years growth Woodward still had as many or more saloons than any other one kind of business establishment. One of Woodward's many saloons was owned by Jack Garvey. Garvey's saloon was one of the largest and best in Woodward. In the rear of this saloon a right good orchestra was usually retained to furnish music for the customers who were drinkers and gamblers. At Jack Garvey's, Ed Jennings was wont to visit, especially in the evening when he would have the orchestra render for him his favorite selections. The orchestra in Garvey's saloon consisted of a cornet, Italian harp, clarinet and piano, etc., with a man of the name of Charley Harson at the piano and as leader of the orchestra. The case of Love vs Word came on for trial and after a stormy turbulent session in trying the case a decision at the end of the day in court was rendered by Judge Jennings in favor of

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Word and the Judge's son, Ed Jennings. Houston raged with anger and indignation and I have been told that he became so tempestuous and unruly before the trial ended that some feared he might commit a rash act in the court room. At any rate, the medicine of old Judge Jennings was too bitter for Temple and Jack Love to swallow without apparently swearing vengeance on Ed Jennings.

The evening following the day of this lawsuit, Ed Jennings visited Jack Garvey's saloon and with him was his brother John Jennings and it is thought they feared trouble with Houston and Love. In the course of time the same night, though early in the night, Temple and Jack Love came into Garvey's saloon looking for Ed Jennings. They found him in the rear sitting at a card table listening to the orchestra's music. Houston approached Ed Jennings and asked him to step out on the street in front of the saloon with him. This Ed Jennings declined to do. In the rear end of the saloon at this time were a few other men besides those of the orchestra including Chas. Ferchau who was a regular saloon customer,

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Charles Ferchau who now lives here in Gage. When Ed Jennings declined to go out in front of the saloon with Houston the latter insisted that Jennings step out the back door and behind the saloon with him. This request of Temple's, Ed Jennings also refused to comply with in spite of urging on Houston's part. Ed Jennings sought to reason with Houston and told him that anything he, Houston, had to discuss with him, Jennings, could, so far as Jennings was concerned, be talked over inside and in the presence and within the hearing of those in the back end of the saloon since, and is said to have remarked, "all these boys are my friends." Evidently Temple Houston was intent on his design, and Jack Love was also and their design was to kill Ed Jennings that evening, in Garvey's saloon, if they could not induce him to step outside. It is believed by those who claim to know the fact and circumstances and should know them, especially by Mr. Ferchau, that Ed Jennings had forebodings of Houston's purpose which was the reason he declined to leave the saloon with Temple and Jack Love. And the same old timers believe that Houston and Love had a very decided and manifest

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purpose in mind in seeking to get Jennings out of the Garvey saloon. At any rate, when Houston and Love finally came to trial for shooting Ed Jennings they both pleaded self-defense. But was their defense well-founded in truth and in fact? Mr. Ferchau, who claims to have been one of the eye witnesses to the whole affair declares emphatically to the contrary.

Thwarted in his design and effort to get Jennings out of the saloon, Temple Houston slowly and deliberately drew his revolver, which ^{he} almost invariably carried on his person and leveled it at Ed Jennings' head. Jennings was armed, too, and thereupon, according to Mr. Ferchau, he made an effort to draw his pistol but in the act of drawing it the hammer caught in his suspender and like a flash, Temple pulled the trigger of his gun and shot Ed Jennings in the head just behind his ear. Almost simultaneously with Houston's shot, Jack Love, who was also armed, shot Jennings on the other side of his head and Ed fell from his chair to the floor. Mr. Ferchau says that Ed Jennings did not die for

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nearly an hour after both Love and Houston shot him. Houston, however, fired several shots but only one struck Jennings. Ferchau's account of this affair is that only he and Charley Harson remained to be actual eye witnesses to the encounter from start to finish excepting that Ed Jennings' brother, John, took refuge behind a large cast iron stove in the door of the partition between the front and rear of the saloon. From the cover of this stove John Jennings fired several shots at Houston one of which barely drew blood on the side of Temple's face. However, John Jennings rushed out the front door of the saloon to avoid a further encounter with Houston and Love after they had shot his brother Ed.

In the course of time a grand jury in Woodward County indicted both Houston and Love on a charge of first degree manslaughter. In the meantime, however, and before the time when they were to stand trial, Ferchau and Harson were approached with a request to leave the country and as a special inducement to leave they were each offered \$50.00 in cash

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and a railroad ticket to any point in the United States they would care to go and the farther away from Woodward the better. Ferchau and Harson both refused to leave and threats concerning their safety in remaining were rumored. Mr. Ferchau, being somewhat of a draftsman, was employed by the prosecution at a fee of \$50.00 to draw a print of the actual killing as nearly as he could remember.

After much delay and bickering in court the case came to trial. Ferchau as well as others claims that Houston and Love had about twenty-five witnesses who claimed to have seen the shooting fray and most of whom testified that Houston and Love shot Ed Jennings clearly in self-defense. Ferchau declares that not ⁶ one of them saw any part of the shooting and that several of those who appeared as witnesses for the defense were not even in Woodward at the time the shooting occurred. Strangely, indeed, to Ferchau and Harson neither of them was ever called as a witness for either prosecution or defense and Houston and Love were acquitted.

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In the estimation of Woodward pioneers Temple Houston was as vicious and desperate in pressing an encounter as he was brilliant. They say that he used to brandish his gun, occasionally in open court when a lawsuit he was trying took a trend contrary to his wishes and interests in the case and by such unruly and rash conduct he would browbeat and intimidate a court or jury into a submissive mind. He bore the reputation of being a most intemperate drinker and by nature a moody, tempestuous minded man. His raging angry manner in many instances in the trial of a case quite demoralized court proceedings.

Houston's professional work took him to many courts far distant from Woodward. The old timers tell me that when away from Woodward he would seldom lodge at a hotel if a cow-camp or ranch dwelling was within reasonable distance of the place where he might be temporarily sojourning. He seemed to delight in being with the early day cowpunchers and in loitering around cow-camps. In riding over the country from court town to court town he was prone to visit

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every cow-camp for awhile, if there happened to be any along his route. If in a town when night came he usually would decline lodging for the night at the town's hotel if there was a cow-camp reasonably close. In case there was a cow-camp at a reasonable distance, he would ride to it, probably for supper and would often sleep the night away on his saddle and slicker. Temple was often referred to as Senator Houston. He had served in the State Senate of Texas before coming to Woodward. He was a member of the Texas Senate at the time he lived at Mobeetie, Texas. Temple Houston's widow is still living in Woodward.
