



Chronicles: Lawyers were part of Lubbock's early development

By Chuck Lanehart

Posted Jan 20, 2018 at 7:00 AM

EDITOR'S NOTE: The Caprock Chronicles article this week is written by Chuck Lanehart, attorney and historian of Lubbock. It covers some of the more successful lawyers during the first years of Lubbock's development.

When the village of Lubbock was settled in the 1890s, there was no shortage of lawyers. In a community of less than 300 residents, Lubbock County was home to as many as nine lawyers, three percent of the population.

If the same percentage held true today, Lubbock lawyers would number 8,000. We have about 800.

Despite the abundance of attorneys in Lubbock's early years, few lawsuits were filed. Ten civil actions were filed in county court between 1891 and 1900. Without legal secretaries, lawyers were obliged to write all pleadings in longhand. No typewritten documents appeared before 1900 in Lubbock court records.

The district judge's job was tough. By 1891, Lubbock County was part of the 13-county 50th judicial district, stretching from Seymour to New Mexico.

Judge W.R. McGill traveled from courthouse to courthouse in a wagon, with three dogs for company. One day, he tired of two lawyers and their poor legal arguments. He sat a dog on the bench and the judge moved to the gallery. One of the lawyers continued to address the judge in the gallery, but the lawyer who addressed the dog won the case.

Itinerant trial lawyers who followed the judge from town to town became known as "prairie dog lawyers." They often had no formal offices, practicing law from the flatbed of a buggy or out of the back room of a saloon.

Three lawyers practiced in Lubbock County at the time of its organization: Connie Henderson, Will Hendrix and Robert E. Lee Rogers. Henderson is considered the first plaintiff's lawyer — he filed the first lawsuit in county court and four of the first 10 filed in district court.

Henderson represented the first person tried in Lubbock County for a felony crime. The defendant was Jim Vance, accused of horse theft in June of 1891. Vance told the jury he took the mare but left a note to the horse owner, stating, "They are after me for killing two Mexicans. My horse broke down, and I think you would let me have yours if you was here. I will send her back or give you \$60." Vance apparently never paid for the horse or brought her back, but he was acquitted.

Hendrix, the first Lubbock County Attorney, handled the first lawsuit filed in district court, a suit for debt. It seems the defendant had not paid the plaintiff for building a one and one-half story hotel. The price contracted for building the hotel was \$114.50.

Rogers, the second county attorney, published the first newspaper, the Lubbock Leader. The short-lived paper carried advertising for Henderson and Hendrix. Like today's lawyers, those in the 1890s were not shy about promoting themselves.

Henderson touted himself as an "attorney at law, notary public, collection agent, abstractor, creator of surveys promptly and accurately made on short notice — prices reasonable." Hendrix represented himself as "attorney at law and insurance agent, Lubbock, Texas. Has for sale and lease 25 sections of land on easy terms."

These early Lubbock lawyers were of the wandering prairie dog type. They didn't stick around very long. The second generation began their practices about the turn of the century, as Lubbock was about to become a boom town.

The new lawyers stayed and prospered. In 1902, W. D. Benson arrived with his family in a covered wagon. As a young man, Benson was a cowboy. He was given a used copy of "Blackstone's Commentaries," and with the aid of a dictionary, studied law when not punching cows. After a period of study, he appeared before the district judge, ready to be given his oral bar exam.

The judge admitted he had never given a bar exam, and didn't know the proper questions. Finally, the judge improvised a question: "Mr. Benson, give me the definition of *habeas corpus*."

Benson apologized and told the judge he didn't know the meaning of *habeas corpus*. With that, the judge declared Benson a duly qualified attorney. "Mr. Benson, I can't honestly say that I understand what it means either, so I guess you pass."

Benson established what was considered Lubbock's first modern law office on the block where the federal building now stands. He employed the first stenographer, used the first typewriter and maintained the first law library in Lubbock.

John J. Dillard, later justice of the peace, in 1900 co-founded, published and edited the Lubbock Avalanche, predecessor of the Lubbock Avalanche-Journal.

In 1893, George R. Bean came to Lubbock as a teenager with his family and lived at first in a dugout. Licensed as an attorney in 1901, Bean founded what eventually became Jones, Flygare, Brown and Wharton — Lubbock's oldest law firm.

Benson, Dillard and Bean each had sons who practiced law in Lubbock well into the 20th century. Benson's grandson Dan was an esteemed Texas Tech law professor until his death in 2011.