

# Temple Houston: Prairie dog lawyer

**EDITORS NOTE: Caprock Chronicles is edited by Jack Becker, librarian at Texas Tech University Libraries. This week's article is by Chuck Lanehart and is about Temple Houston, son of Sam Houston and a lawyer who practiced law on the Caprock of Texas at the turn of the last century.**

*CHUCK LANEHART*



He was said to be the best shot in the West. “Old Betsy,” his white-handled Colt revolver, was always strapped to his waist. He wore beautifully tailored buckskin attire from Mexico and a handwoven sombrero with an exceedingly wide brim, a silver eagle displayed against its high crown.

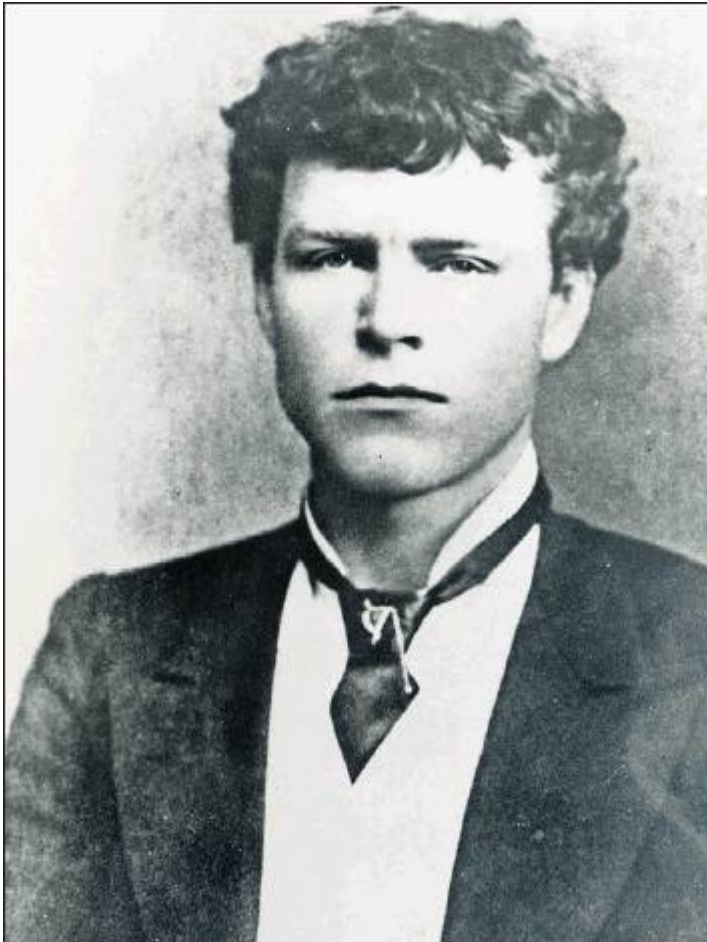
Like his father, he stood more than 6 feet tall. His auburn hair was shoulder-length, and his eyes were steely gray. His knowledge of the Bible and classical literature was encyclopedic.

When he spoke, everyone listened.

The man was not an outlaw or a gunslinger, nor a preacher. No one dared call him a dandy.



Jeffrey Hunter played Temple Houston in the 1963-64 NBC television series. [PROVIDED PHOTO]



Temple Houston is pictured at around the time he was appointed district attorney.

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He was Temple Lea Houston, the most celebrated and colorful of the Prairie Dog lawyers, pioneer advocates who chased justice on the Texas and Oklahoma plains in the late 19th century.

Born in the Texas Governor's Mansion in 1860, Temple was the youngest son of Sam Houston, iconic soldier and first President of the Republic of Texas.

He left home at age 13 to join a cattle drive and later worked on a riverboat on the Mississippi River.

After a stint as a U.S. Senate page, he graduated with honors from Baylor University, majoring in law and philosophy. At age 21, he became the youngest licensed lawyer in Texas.

Two years later, Temple was appointed the first district attorney for the Texas Panhandle, based in Mobeetie, Wheeler County. His district covered 14,000 square miles, about the size of Switzerland, but with few residents and only two other towns, Tascosa and Clarendon.

He prosecuted murder, assault, stock theft and prostitution cases. Gambling was also illegal, but Temple said, "It would have been impossible to enforce Texas' gaming statutes without arresting the entire populace."

He developed a reputation as a fierce advocate and a magnificent orator. During sessions of court, people came from throughout the area to witness the

courtroom drama, camping out for several days. It was worth the loss of time from farming or ranching to watch “Old Sam’s boy” perform.

He was elected state senator in 1884, the youngest in Texas history at age 24.

In 1888, a crowd of 50,000 heard Temple's speech dedicating the new Texas Capitol building at Austin.

By the 1890’s, Temple was a criminal defense attorney. Accounts of his courtroom performances are legendary.

In 1899, he defended Minnie Stacey, a “soiled dove” of the Oklahoma Territory.

His impromptu “Plea for a Fallen Woman” in summation is regarded as a legal classic:

“You heard with what cold cruelty the prosecution referred to the sins of this woman, as if her condition were of her own preference. The evidence has painted you a picture of her life and surroundings. Do you think that they were embraced of her own choosing? Do you think that she willingly embraced a life so revolting and horrible? Ah, no! Gentlemen, . . . Our sex wrecked her once pure life . . . and only in the friendly shelter of the grave can her betrayed and broken heart ever find the Redeemer’s promised rest.

“If the prosecutors of the woman whom you are trying had brought her before the Savior, they would have accepted His challenge and each one gathered a rock and stoned her, in the twinkling of an eye. No, Gentlemen, do as your Master did twice under the same circumstances that surround you. Tell her to go in peace.”

The all-male jury quickly acquitted Minnie Stacey.

Temple defended a man accused of murder.

During final argument, he dramatically demonstrated the terror his client felt to be threatened by an experienced gunman.

“What would any of you worthy gentlemen have done in the face of such a character? Do you have any idea how you would have fared against the lightning draw of a gun-artist—unless you had drawn first?”

“This malefactor was so adept with a six-shooter that he could place a gun in the hands of an inexperienced man, then draw and fire his own weapon before his victim could pull the trigger. Like this!”

He suddenly whipped out Old Betsy from beneath his frock coat, pointed the revolver directly at the jury, and emptied it rapidly.

The jury and everyone in the courtroom scattered. When court resumed, Temple assured the court he had fired blanks. The jury quickly returned a verdict of guilty.

Temple moved for a new trial, arguing the jurors had violated their duty to remain sequestered. The judge was obliged to follow the law and granted a new trial. Months later, Temple’s client was acquitted by a different jury.

He shot two men dead in separate Oklahoma bar fights, but Temple beat both murder cases.

In 1905, he died of natural causes at age 45.

The NBC television series Temple Houston (1963-1964), starring Jeffrey Hunter, was loosely based on Temple’s career.