

“If We Don’t Do Anything But Have An Annual Dinner”: The Early History of the Houston Bar Association

Mark E. Steiner

The first formal bar association in Houston was formed in 1870 to elevate the standards of the bar. It soon disappeared. Prompted by public outrage over an attorney’s alleged involvement in the murder of two policemen, lawyers formed Houston’s second bar association in 1901 to “weed out” the “shysters.” This bar association also soon faded away. In 1904, Houston lawyers finally found a purpose that could sustain a bar association. The present Houston Bar Association was formed in 1904 to “cultivate a social spirit” among lawyers and to organize an annual dinner.¹

Two 1870 newspaper articles published in the *Houston Telegraph* contain everything we know about the earliest bar association. On April 24, 1870, the *Telegraph* reported that the Houston Bar Association had

Mark E. Steiner is a visiting assistant professor of legal writing at South Texas College of Law. An earlier version of this article appeared in the July-August 1988 issue of the *Houston Lawyer*, the journal of the Houston Bar Association. This article is based primarily on newspaper accounts in the *Houston Daily Post* and the *Houston Chronicle*. There are no surviving internal records of these bar associations for this period. Nor are there any available manuscript collections for any of the lawyers involved in the bar associations.

¹For useful background material on the history of Houston during this period, see David McComb, *Houston: A History* (Austin, 1981); Harold Platt, *City Building in the New South: The Growth of Public Services in Houston, Texas 1830-1910* (Philadelphia, 1983); Bruce Olson, “The Houston Light Guards: A Study of Houston’s Post-Reconstruction Militia and Its Membership, 1873-1903,” *The Houston Review* 7 (no. 3, 1985): 111-142. On general developments in the legal profession, see J. Gordon Hylton, “The Virginia Lawyer From Reconstruction to the Great Depression” (unpublished Ph.D. diss., Harvard University, 1986); Gerald W. Gawalt, ed., *The New High Priests: Lawyers in Post-Civil War America* (Westport, Conn. 1984); Gail Williams O’ Brien, *The Legal Fraternity and the Making of a New South Community, 1848-1882* (Athens, Ga., 1986). On developments in the Texas bar, see Maxwell Bloomfield, “The Texas Bar in the Nineteenth Century,” *Vanderbilt Law Review* 32 (1979): 261; William B. Carssow, “Organization and Activity in the Texas Bar Association,” *Centennial History of the Texas Bar, 1882-1982* (Burnet, Texas, 1981), 1-9. The *Houston Lawyer* published a historical issue in July 1976 that contains an article by Anthony Sheppard on law in nineteenth-century Houston and also contains a reprint of a 1912 history of Houston’s “bench and bar.”

organized by electing officers at a meeting on the previous day. Peter W. Gray was elected president, Colonel John H. Manly was elected first vice-president, and George Goldthwaite was elected second vice-president. Articles of association, now lost, were read and adopted.² In November 1870, the *Telegraph* reported that the "Houston Law Association" had met at the courthouse on Saturday afternoon. The association conducted its "usual business," and elected Captain E. P. Turner "corresponding secretary." The newspaper reported that the objects of the association were "raising the standard of the legal profession, and the purchase of a law library."³

However short-lived, the 1870 association included in its handful of members the elite of the Houston bar. The most prominent member was its president, Peter W. Gray, who was Houston's leading lawyer. Gray had served as Harris County District Attorney in the early 1840s and represented Harris County in the first state legislature and in the Senate of the fourth legislature. While a representative, Gray wrote the first practice act for Texas trial courts, which resolved procedural problems caused by Texas adopting the common law but rejecting the cumbersome system of common-law pleading. In 1854, Gray was elected judge of the 11th District Court. He was a member of the Texas secession convention and served in the Confederate Congress. After the war, Gray returned to the practice of law. In 1866, he formed a partnership with W. B. Botts and later took on a third partner, Judge James A. Baker. Gray's partnership with these two lawyers was the forerunner of the Houston law firm of Baker & Botts.⁴

²The lost articles of association were undoubtedly similar to those of the Galveston Bar Association. Among the stated objectives of the Galveston Bar Association were "to cultivate professional and social intercourse between its members" and "to exalt the profession to the highest attainable standard of learning and integrity." *Declaration, Constitution and By-Laws of the Galveston Bar Association, Organized April 11th, 1868* (pamphlet), Rosenberg Library, Galveston.

³*Houston Telegraph*, April 27, 1870; *ibid.*, November 24, 1870. Various resolutions of the bar were "spread upon the minutes" of the 11th District Court, e.g., Minutes of the 11th District Court, May 11, 1870 (resolution because of death of W. P. Hill), October 3, 1870 (motion to adjourn by "members of the Houston Bar" because of "yellow fever at Galveston and the Quarantine of Houston"), and March 27, 1871 (resolution because of death of F. H. Merriman). The Houston Bar Association is not mentioned in the Minutes of the 11th District Court for 1870 and 1871.

⁴For biographical information on Gray, see Hugh Rice Kelly, "Peter Gray," *Houston Lawyer* 13 (January 1976): 29-34; James D. Lynch, *The Bench and Bar of Texas* (St. Louis, 1885), 114-115; Andrew Forest Muir, "Peter W. Gray," *Handbook of Texas*, Walter Prescott Webb, ed., (Austin, 1952), vol. 1, 723; *History of Texas Together with a Biographical History of the Cities of Houston and Galveston* (Chicago, 1895), 599-601. On the 1846 practice act, see "Act of May 13, 1846," 1846 Tex. Gen. Laws 363, H. P. N. Gammel, *The Laws of Texas 1822-1897* (Austin, 1898), vol. 2, 1669; John Charles Townes, *Pleadings in the District and County Courts of Texas* (Austin, 1901), 75-76.

Gray may have been well respected, but evidently he was not well liked. When he died in 1874, an obituary published in the *Galveston Daily News* noted his "nervous irritability" and concluded that Gray was "sometimes quick and testy in his manners." After hearing of Gray's death, Galveston lawyer William Pitt Ballinger wrote in his diary that Gray was "the best Lawyer in Texas" but "still not a pleasant man altogether—infirmities of temper aggravated by infirmities of health." Houston lawyer Norman G. Kittrell, however, wrote in his memoirs that Gray was "sometimes irascible on the bench—but he was a Virginia gentleman—that is to say, he was the highest type of gentleman in the world."⁵

The first vice-president, Colonel Manly, had practiced law in Houston since 1859 and had been a state representative. B. H. Carroll in the *Standard History of Houston, Texas* asserts that Manly was "one of the greatest criminal lawyers who has ever practiced at the Houston Bar."⁶ Manly, for example, once defended "a number of very prominent lawyers, doctors, and business men" who had been indicted for "indulging in poker." Manly successfully argued that there was a bed in the room where the card players had gathered and a "bedroom was not a public place in the meaning of the law."⁷

George Goldthwaite, the second vice-president, was counsel for the Texas Central Railroad. A book about Texas lawyers published in 1885 identifies Goldthwaite as "one of the best corporation lawyers in the country." Judge W. P. Hamblen in a speech at the Houston Bar Association's annual dinner in 1910 declared that Goldthwaite was "so widely known for his erudition and legal acumen that he was considered competent to write a book on continuations without a ground."⁸

One of the objectives of the 1870 bar association, according to the *Telegraph*, was to raise the standards of the profession. This would not have been a lofty goal; professional standards for Texas lawyers hardly could have been lower. To become a Texas attorney, the first step was obtaining a certificate from a county court judge declaring that the applicant had resided in the state for at least six months, that he was at least 21 years old,

⁵*Galveston Daily News*, October 4, 1874; William Pitt Ballinger, *Diary*, October 5, 1874, Rosenberg Library, Galveston; Norman Goree Kittrell, *Governors Who Have Been, and Other Public Men of Texas* (Houston, 1921), 184-186.

⁶B. H. Carroll, "The Bench and Bar," *Standard History of Houston, Texas* (Knoxville, Tenn., 1912), 109-122, reprinted in *Houston Lawyer* 18 (July 1976).

⁷S. O. Young, *True Stories of Old Houston and Houstonians* (Galveston, 1913), 154. On Manly, see also *The Texas Album of the Eighth Legislature, 1860* (Austin, 1860), 126.

⁸On Goldthwaite, see Lynch, 503-504; *Biographical Encyclopedia of Texas* (New York, 1880), 49. W. P. Hamblen quoted in *Houston Daily Post*, January 21, 1910, and *Houston Daily Post*, April 24, 1897.

and that he had a good reputation for "moral character and honest deportment." This certificate would then be presented to a district or supreme court judge, who would issue a temporary license for the remainder of the court's term. To obtain a permanent license, the applicant would have to pass an oral examination by three lawyers selected by the district judge. The examination was not rigorous; one product of this system explained, "it was expected that the lawyer should acquire most of his legal education in actual practice." The would-be lawyer was not required to have any formal education, much less a law degree. These nominal standards in Texas were similar to those in effect throughout the United States. According to legal historian J. Willard Hurst, admissions to the bar had been almost uncontrolled, standards undefined, and "the lawyer simply another runner in the nineteenth-century race to get ahead."⁹

Although the purposes behind the 1870 Houston Bar Association are obscure, the formation of the association fits within the general pattern of the development of bar associations in the United States. The bar association movement was a post-Civil War phenomenon. In 1868, a group of Galveston lawyers formed the first city bar association after the Civil War. The Bar Association of the City of New York, like the Houston Bar Association, organized in 1870. Between 1870 and 1878, eight city and eight state bar associations were formed in twelve states. In 1876, the American Bar Association formed. The Texas Bar Association organized in 1882. By 1890, there were 20 state or territorial bar associations and at least 159 city or county bar associations.¹⁰

The bar association movement generally has been explained by historians as "the legal profession's efforts to come to terms with a society that was rapidly becoming industrialized, urban and middle class."¹¹ According to legal historian Kermit Hall, bar associations were part of "the push toward professionalization." Hall asserts that leaders of the bar formed associations "whose purpose was to encourage a sense of professional distinctiveness among fellow practitioners."¹² In a recent study of the legal profession in Virginia, however, J. Gordon Hylton discovered that reform-minded lawyers pushed for changes because of "the bar's desire to protect its

⁹Ralph W. Yarborough, "A History of Law Licensing in Texas," *Centennial History of the Texas Bar, 1882-1982*, 181-193; Steven K. Huber and James E. Myers, "Admission to the Practice of Law in Texas: An Analytical History," *Houston Law Review* 15 (1978): 485; J. Willard Hurst, *The Growth of American Law: The Law Makers* (Boston, 1950), 286.

¹⁰Hurst, 286-288; Bloomfield, 268-269; John A. Matzko, "'The Best Men of the Bar': The Founding of the American Bar Association," in *The New High Priests*, 75-90.

¹¹Hylton, 4-6; Robert H. Wiebe, *The Search for Order, 1877-1920* (New York, 1967), 111-132.

¹²Kermit L. Hall, *The Magic Mirror: Law in American History* (New York, 1989), 214-215.

economic power and social status from the uncertainties of a free market."¹³ There is not enough evidence to support any definite conclusions about whether the 1870 Houston Bar Association was formed because of concern over professionalism or a desire to regulate entry into law or both. Houston's elite lawyers probably were not concerned about overcrowding in the profession: Houston had 39 lawyers in 1860 and 37 in 1870.¹⁴

The insignificance and short life of the first bar association is demonstrated by the fact that Gray's bar presidency was not mentioned in any obituary or memorial when Gray died in 1874. Even a proclamation by a committee of Houston lawyers, including George Goldthwaite, failed to mention Gray's involvement with the bar association. Houston's early lack of success with a formally organized association may have been similar to that of Dallas. A group of Dallas attorneys formed a bar association in March 1876. In 1884, its retiring treasurer reported that only \$2.50 in dues had been paid in the previous seven years.¹⁵

The Honor of the Profession

The Galveston hurricane in September 1900 and the Spindletop gusher in January 1901 propelled Houston's economy to unparalleled growth and expansion. But all was not well in Boomtown. Throughout the fall of 1901, Houstonians fretted over the lawlessness of their city. The newspapers reported daily on the seeming epidemic of crime and corruption: gambling, "bunco joints," "pistol toters," and the lax enforcement of the law. For several months, the *Houston Chronicle* waged a vigorous editorial campaign against pistol toters. These editorials were applauded by several Houston attorneys. Norman G. Kittrell agreed that the carrying of concealed weapons was "an evil that must stop." W. H. Crank also criticized the open violation of the law in the "indiscriminate carrying of weapons in our community." Crank believed that Houston was "resting under a cloud."¹⁶

Many Houstonians blamed the city's crime problem on a corrupt and inefficient police force headed by an inefficient and corrupt police chief. In

¹³Hylton, 334. Hylton's focus on market entry is similar to that of sociological work on the legal profession. For example, see Richard L. Abel, "United States: The Contradictions of Professionalism," *The Common Law World*, Richard L. Abel and Philip S. C. Lewis, eds. (Berkeley, 1988), 186.

¹⁴The figure for the number of lawyers in 1860 is taken from the 1860 Census for Harris County. The 1870 figure is taken from the 1870-71 *City Directory*, which may underrepresent the number of lawyers. In any event, Houston was not overpopulated with lawyers in 1870.

¹⁵*Galveston Daily News*, October 4, 1874; Berry B. Cobb, *A History of Dallas Lawyers, 1840-1890* (Dallas, 1934), 21.

¹⁶Platt, 171; *Houston Daily Post*, October 6, 22, 1901; *Houston Chronicle*, October 21, 23, 28, and 31, 1901; *ibid.*, November 1, 8, 13, 18, and 22, 1901.

October 1901, a Houston alderman charged that members of the Houston Police Department were "acting as go betweens for criminals, and affording protection to criminals in plying their vocation." Dissatisfaction with the police and the courts led "business and professional men" to form a vigilante group, variously called the Law and Order League or the Society for the Prevention of Crime, a "secret, non-religious and non-political organization for the prevention of high crime." Its avowed purpose was to assist the police in the prosecution of "grave offenses" and to "see that all officers comply rigidly with their official oaths in the enforcement of all laws."¹⁷

In November, the *Houston Post* attacked Police Chief John G. Blackburn's "seeming indifference" and "patent lack of ability to cope with the city's lawlessness." Chief Blackburn, in turn, deflected criticism by blaming the city's law enforcement problem on lawyers. Blackburn asserted that the "shyster" lawyer was among the enemies of society, and was an "impediment to the proper administration of justice and preservation of the peace." Blackburn offered to furnish the bar with sufficient facts to undertake disbarment proceedings against "unworthy members of the legal profession." The *Post* agreed that the shyster was a curse to the community, and if his power was "superior to that of the police department, and sufficient to suspend the law and stay the arm of justice," it was time for the legal community to disbar "their unworthy brothers." The *Post* concluded that Houston lawyers hardly could ignore Blackburn's charges.¹⁸ One month later, when an attorney was implicated in the murder of two police officers, Houston lawyers were indeed forced to act.

Every fall from 1899 to 1915, thousands of visitors came to Houston for the week-long No-Tsu-Oh carnival, with its parades and grand balls. On December 10, 1901, between 50,000 and 60,000 watched a parade featuring eighteen No-Tsu-Oh floats. Another parade, the Grand Carnival Ball, and a fireworks display were scheduled for the following day. But the events of the carnival on December 11 were overshadowed by a gunfight that left two policemen and a gambler lying dead in a downtown street.¹⁹

On the afternoon of December 11, 1901, two gamblers, Sid Preacher and W. C. Woodward, were standing outside a saloon near the corner of Congress and San Jacinto. The street was full of sightseers and holiday shoppers. The two men were complaining loudly about the Houston police "making it so hard on them during carnival." A Houston police detective,

¹⁷*Houston Chronicle*, October 22, 25, and 26, 1901; *ibid.*, December 16, 17, and 21, 1901. See also Louis J. Marchiafava, *The Houston Police: 1878-1948*, Rice University Studies monograph, vol. 63, no. 2 (Houston, Spring 1977).

¹⁸*Houston Daily Post*, November 6, 10, 1901.

¹⁹McComb, 108; *Houston Daily Post*, December 11, 1901.

John C. James, approached the two men. Words were exchanged, and Preacher walked over to a buggy and took out a shotgun. He turned and shot Detective James in the stomach. James fell to his knees and rolled into the gutter. Another police officer, Herman Youngst, came upon the scene and attempted to wrest the gun from Preacher. Failing, he tried to run. Preacher shot Officer Youngst in the back. Although Youngst was fatally wounded, Preacher began clubbing him with a shotgun. Detective James, fatally wounded and barely able to rise, fired four shots at Preacher. One of the shots found its target, killing the gambler. The triple killings soon became the "talk of the town," according to the *Chronicle*. Houstonians were stunned to discover "such a tragedy" in the "heart of carnival week, when the entire city is given over to gladness and rejoicing."²⁰

Soon after the killings, "rumors thick and fast were flying to the effect" that a local attorney had instructed the gambler to shoot the next policeman who tried to arrest him without a warrant. The testimony of two police officers implicated a prominent Houston criminal defense attorney, J. B. Brockman. Officer B. W. Whittington stated that he and another policeman had arrested Preacher the day before the shootings for "running a gambling device" in a saloon. On the way to the police station, they stopped at Brockman's law office. Preacher complained to his attorney about his arrest and the police's treatment of him. Whittington asserted that Brockman replied:

It's getting to be a d--- pretty come-off that men are getting arrested every day and thrown in jail down there without a warrant . . . You arm yourself with a six-shooter and the next policeman who attempts to arrest you without a warrant for any offense, except for carrying a six-shooter, shoot his ---- belly off.

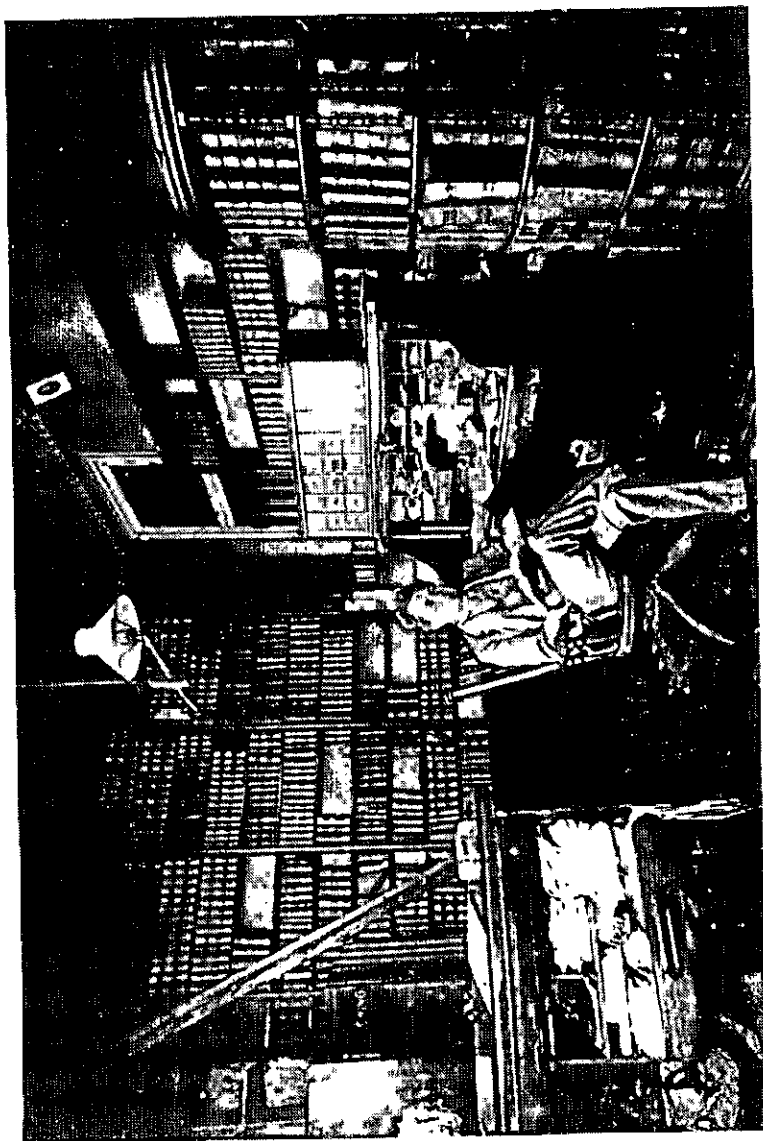
The other officer, Henry Lee, corroborated Whittington's story. On the basis of these two officers' statements, Brockman was arrested for murder.²¹

On December 12, the day after the triple killings, Houston lawyers assembled to elect a special judge for the 55th District Court because Judge W. H. Wilson was ill. J. M. Coleman asked the lawyers to "remain in session to discuss a matter that was of vital importance." Coleman told the assembled lawyers:

I wish to call the attention of the Houston Bar to a matter which seems to me extremely pertinent just at this time. Not long since Chief of Police Blackburn stated through the press that he and his force were greatly

²⁰*Houston Chronicle*, December 11, 12, 1901; *Houston Post*, December 12, 1901.

²¹*Houston Daily Post*, December 12, 1901; *Houston Chronicle*, December 12, 1901. A 1928 reference work states that Brockman was "nationally famous as one of the greatest criminal lawyers of the entire South." Marcellus E. Foster and Alfred Jones, eds., *South and Southeast Texas: A Work for Newspaper and Library Reference* (Houston, 1928), 147.



Presley K. Ewing, past president of the Texas Bar Association, was vice-president of the 1901 Harris County Bar Association. Photo courtesy of Ewing Werlein, Jr.

handicapped by the practice of certain shysters who infest our membership, and that he stood ready to furnish us with facts which would lead to their disbarment. It seems that no lawyer should be willing to live under such a general imputation. The unfortunate tragedy of yesterday renders it of extreme importance that we act now and here.

Coleman warned that it was time for Houston lawyers to either refute the charges or to get rid of the shysters that Blackburn claimed were responsible for Houston's "lawlessness." The assembled lawyers, according to the *Chronicle*, were "stirred up" and approved a motion to select a committee on permanent organization of a bar association. The bar association would be given the authority to investigate Blackburn's charges. The five lawyers named to the committee on organization were Coleman, W. H. Crank, Presley K. Ewing, H. M. Garwood, and E. P. Hamblen. Three other lawyers were selected to meet with Chief Blackburn to discuss the matter.²²

An editorial about the killings and the subsequent meeting of Houston attorneys appeared in the December 13 edition of the *Post*. The editorial asserted that the "worst feature" of the tragedy was its "alleged cause": Sid Preacher had shot the policeman on the advice of his attorney. The *Post* claimed that the killings had "awakened the bar of the city to a realization of its responsibility." The editorial applauded the meeting of the Houston bar and concluded that "every good citizen of Houston will second and hope for the success of every effort it may make to rid the city of the lawless element with which it is now afflicted."

On December 14, 1901, a group of about one hundred Houston attorneys met and formally organized the Harris County Bar Association. The lawyers were "outspoken in their views of the desirability of rooting out any and all unworthy members." The committee on permanent organization reported that it was "deeply impressed with the necessity, intensified by recent deplorable conditions, of a regularly established and organized association of the members of the Harris County bar." The purposes of the bar association would be to "promote and uphold the honor and ethical standard of the profession of the law at this bar as well as to encourage cordial social intercourse among the members." The committee submitted a proposed constitution and set of by-laws with its report. After the constitution and by-laws were read, 53 lawyers enrolled as members of the bar association. Over one-fourth of Houston's attorneys thus became charter members. The by-laws provided that a committee on admissions to the bar investigate the qualifications of prospective members of the bar and to "use every honorable means" to prevent the admission of unqualified lawyers. The committee on grievances and discipline was assigned the duty to

²²Houston *Daily Post*, December 13, 1901; Houston *Chronicle*, December 12, 14, 1901.

"diligently investigate and inquire into alleged unprofessional conduct" and, if necessary, to take proper steps to expel unethical lawyers from the bar association and to disbar them.²³

The first (and presumably last) president of the Harris County Bar Association was Colonel O. T. Holt. Holt was former counsel for the Houston and Texas Central Railroad and had been a member of the Democratic National Executive Committee for twelve years. Holt would be elected mayor of Houston the following year. Presley K. Ewing was the vice-president of the Harris County Bar Association. Ewing also was a prominent attorney and had been president of the Texas Bar Association. John B. Ashe was selected secretary and J. I. Wilson treasurer.²⁴

The chairman of the committee of investigation, J. M. Coleman, told the Houston *Chronicle* on December 14, 1901, that the committee had taken the testimony of "some eight or ten witnesses" and that some of the testimony was "very damaging to certain gentlemen." Coleman stated that the investigations would continue until the committee was ready to submit its report to the bar association. On December 19, 1901, the committee met in private session at the office of J. K. P. Gillaspie. Coleman claimed that the committee was not going to "investigate the conduct of any one man, but of every one, we are going to investigate conditions." The *Chronicle* reported that the bar association and the previously formed Law and Order League had "similar objects, and each is striving to attain that object through entirely different channels." The *Chronicle* confidently predicted that "not a stone will be left unturned by the committee."²⁵

Brockman was released on bond shortly after his arrest, and denied any involvement with the murder of the two policemen. While Brockman admitted to talking to Preacher the day before the shootings, he claimed that the two policemen misunderstood the conversation. Brockman remembered that Preacher asked him if he could kill an officer who tried to arrest him without a warrant. Brockman replied that the "law would probably acquit him, as the court of criminal appeals had decided that a man had that right."

But, I said, Sid, if you were to do that you would be murdered before you could get to the police station if you were to start there.

Brockman was only trying to "quiet the fellow and keep him out of

²³Houston *Daily Post*, December 15, 1901. The 1900-01 *City Directory* lists 189 lawyers.

²⁴*Ibid.* For biographical information on Holt, see Houston *Chronicle*, April 2, 1901; Platt, 184-188. On Ewing, see Houston Press Club, *Men of Affairs and Representative Institutions of Houston and Environs* (Houston, 1913), 118; *Handbook of Texas*, 577-578. Ewing was the uncle of the 1942 Houston Bar Association president Ewing Werlein and the great-uncle of the 1988-1989 HBA president Ewing Werlein, Jr.

²⁵Houston *Chronicle*, December 14, 19, and 17, 1901.

trouble." Two weeks later, the grand jury failed to return an indictment against Brockman. The district attorney stated that he had discovered "no evidence on which to found a prosecution," and added that "under the circumstances, it affords me great pleasure to move that the case be stricken from the docket."²⁶

The bar committee investigating Houston lawyers seems to have stopped turning over stones as soon as Brockman was cleared of murder charges. There is no record of any report by the committee. The Harris County Bar Association, like its committee on investigation, faded away, although there are occasional references to bar association meetings the following year. For example, in March 1902, the *Chronicle* reported that the bar association would be meeting to discuss "obtaining of quarters for the new federal court" because of the crowded conditions in the post office building. In December 1902, Holt appointed a committee to address the Texas legislature on the need for an additional district court in Harris County. He also selected a committee to discuss the building of a new county courthouse with the county commissioners. By 1904, however, Houston attorneys would complain that there was "no organization" established for local attorneys.²⁷

Although both the association and its investigating committee disappeared, the concern about unethical lawyers had not been entirely forgotten. In December 1903, Judge Gillaspie told the grand jury to pay "special attention" to the "illegal practice of attorneys in soliciting business and stirring up strife for the purposes of their own benefit." On the opening day of the January 1904 term of the criminal court, barratry was again condemned as "one of the violations of the law that had passed without punishment."²⁸

Meanwhile, exonerated by the court and forgotten by the investigating committee, J. B. Brockman continued his career as a criminal lawyer until he was shot to death nine years later by a "special officer" of the Houston police, J. L. Ransom. Ransom, a former Texas ranger, shot Brockman five times with a .45-caliber revolver at close range; two shots entered through his back. Brockman survived long enough to give a statement that he had encountered Ransom and another police officer outside a bar and Ransom "immediately" began firing at him. Ransom, in turn, claimed that he shot Brockman in self-defense and that he "had to kill or be killed." After

²⁶Houston, *Chronicle*, December 12, 13, 14, and 23, 1901.

²⁷*Ibid.*, March 25, 1902; *ibid.*, December 16, 1902; Houston *Daily Post*, March 27, 1904: The Harris County Bar Association was listed only once in the Houston *City Directory*, in the 1902-03 edition.

²⁸Houston *Chronicle*, December 7, 1903; *ibid.*, January 4, 1904.

Brockman's death, the bar passed a resolution eulogizing him as "conscientious and honorable in all dealings" and "kind and gentle always." The Harris County courts adjourned during Brockman's funeral.²⁹

The Houston newspapers reported that one source of animosity between Brockman and Ransom involved the murder of William Murphy, a Houston police chief. According to the *Chronicle*, Ransom had been "securing information and working hard" in the prosecution of the defendant, Earl McFarlane, and Brockman "had been engineering a stubborn and bitter fight" on the defendant's behalf. The case had been scheduled for trial in November, and Ransom killed Brockman in October.³⁰

Brockman's character, or lack thereof, soon became an issue in the case. In a habeas corpus proceeding to set bail for Ransom, several persons testified that Brockman was "looked upon as being a dangerous man, especially at night." The *Chronicle* described Ransom's subsequent murder trial as "one of the most remarkable and interesting" criminal cases in Harris County. The case's notoriety required the examination of more than three hundred potential jurors before twelve persons could be found who could claim not to have formed definite opinions about Ransom's guilt or innocence.³¹

Brockman's unsavory reputation also led to the use of unusual trial strategy. When the defense announced its intention to call more than sixty witnesses to testify about specific instances of Brockman's violent behavior, the State agreed to stipulate to Brockman's bad reputation. It stipulated that Brockman was a "man of violent and dangerous character," that he "habitually carried a pistol," and that he "was a quarrelsome man and frequently engaged in difficulties upon slight provocation and often without provocation." Additionally, there was testimony that Brockman had threatened Ransom in the weeks before their fatal encounter. After deliberating for 23 hours, the jury acquitted Ransom.³²

Cultivating a Social Spirit

The Harris County Bar Association of 1901 had failed, both in its self-assigned task of investigating and raising the standards of ethical behavior for the profession and simply continuing as a viable organization. Nonetheless, in 1904 Houston attorneys again were convinced of the need to form a bar association. This time the lawyers were not combatting an unfavorable

²⁹Houston *Daily Post*, October 27, 28, 1910; Houston *Chronicle*, October 26, 1910; Houston *Daily Post*, November 5, 1910.

³⁰Houston *Chronicle*, October 26, 1910.

³¹Houston *Daily Post*, November 5, 1910; Houston *Chronicle*, April 18, 19, 1911; Houston *Daily Post*, April 19, 1911.

³²Houston *Chronicle*, April 20, 23, 1911; Houston *Daily Post*, April 20-23, 1911.

public perception. Instead, attorneys wished to establish better "social relations" among themselves. After the Texas Bar Association chose Houston as the location for its annual meeting in 1904, a group of Houston lawyers assembled to consider arrangements for the entertainment of the visiting lawyers. Discussion about entertaining the state bar convention "gave way to the more important matter of permanently organizing the local association." Thomas H. Ball, a prominent Houston lawyer and former congressman, stated that "the bar of Houston had no organization." Ball declared that Houston lawyers

should have an organization so that we could discuss at all times matters of interest and in maintaining the high standards of ethics in our profession, and bring about social relations among the members of our profession.

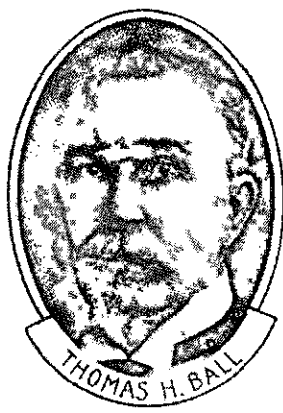
Judge E. P. Hamblen agreed with Ball on the importance of forming a bar association, stating that "we should cultivate a social spirit among ourselves." Hamblen added that a bar association "would be of special benefit to the young men of our profession," and would enable Houston lawyers to "better meet and entertain" attorneys from out of town. J. C. Matthews asserted that "the members of our profession are the most sociable people on earth and an association will help to bring us together." John Charles Harris was in favor of organizing a bar association "if we don't do anything but give an annual dinner."³³

A committee consisting of Frank Andrews, the founder of the Houston law firm now known as Andrews & Kurth, W. H. Wilson, Jonathan Lane, F. S. Burke, Lewis Bryan, Ben Campbell, and G. W. Tharp drafted the constitution of the new bar organization. The committee selected the Houston Bar Association as the name of the organization. When asked why it had not been called the Harris County Bar Association, one committee member said that he had given it little thought but "supposed it was because that, if not already, Harris County soon would be in Houston." The constitution for the bar association declared that the object of the organization was "to promote the good standing of the legal profession, and preserve its ethics, and to promote social relations between its members." After the constitution was adopted, Judge E. P. Hamblen was elected as president, J. I. Wilson as secretary, and Judge G. W. Tharp as treasurer.³⁴

The officers and members of the 1901 bar association and of the 1904

³³Houston *Daily Post*, March 27, 1904; Houston *Chronicle*, March 28, 1904. Willard Hurst concluded that most state and local bar associations during this period "originated primarily for social reasons" and "held to this character until the 1920's." Hurst, 288.

³⁴Houston *Daily Post*, March 27, 1904; Houston *Chronicle*, March 28, 1904; "Constitution and By-Laws of Houston Bar Association" (pamphlet), Bar Association Vertical File, Texas and Local History Department, Houston Public Library.



These men, among others, were prominent in the formation of the 1904 bar association.

Houston Bar Association overlapped. J. I. Wilson was the treasurer of the 1901 association and the secretary of the 1904 association. Presley K. Ewing was the vice-president of the 1901 bar and the president of the Houston Bar Association in 1912. Five lawyers who were instrumental in the formation of the 1901 bar later became presidents of the Houston Bar Association: Ewing, Hamblen, W. H. Coleman, W. H. Crank, and H. M. Garwood. Also, of the 45 charter members of the Houston Bar Association, 25 were members of the Texas Bar Association. Unlike its two predecessors, the 1904 organization was successful and grew in membership. In 1908, the group had a membership of 175.³⁵

The bar association's successful campaign for a new county courthouse was one of its earliest accomplishments. In March 1905, the association held an "enthusiastic meeting" about the need for a new courthouse. One newspaper reported that "it was impossible to hold court in the rooms of the structure exposed to the north wind" in cold weather. The president of the Houston Bar Association, Major F. Charles Hume, appointed a committee of lawyers, which included Judge Norman G. Kittrell, Frank Andrews, and O. T. Holt, to present a petition for a new courthouse to the county commissioners. The lawyers argued that the present courthouse was well known for "its discomforts, inconveniences, and manifest lack of room for the convenient and orderly dispatch of public business." The lawyers also warned that real property records were exposed to the "daily and nightly peril of loss by fire." The county commissioners agreed with the bar's request. The new courthouse opened in 1911.³⁶

By 1910, John Charles Harris's cherished annual dinner appears to have become a firmly established tradition. The *Houston Post* reported that the bar association's annual banquet on January 20, "spiked with jokes, all innocent, yet wearing a dignity which bespoke the calling of those present." Ninety lawyers attended the banquet. The *Post* noted that the banquet "was a pleasant departure from the usual order of dinners given by the association" because only one wine was served during the evening. The absence of other alcoholic beverages was the result of a petition signed by "prohibitionists" that had criticized the "abundance of drink" at such bar dinners. The shortage of alcohol did not produce a corresponding shortage

³⁵For the initial roster of the Houston Bar Association, see *Houston Daily Post*, March 27, 1904. For the 1904 membership of the Texas Bar Association, see *Proceedings of the Twenty-Third Annual Session of the Texas Bar Association* (Austin, 1904), 80-85. Early listings of the Houston Bar Association appear in the Houston city directories of 1907 and 1910-11.

³⁶*Houston Daily Post*, March 12 and 14, 1905; *Houston Chronicle*, March 13 and 15, 1905. See also Michol O'Connor and J. W. (Don) Johnson, "Harris County Courthouse: Some Historical Notes," *Houston Lawyer* 40 (November 1975): 41-49.

of speeches. Among the many speakers was Judge W. P. Hamblen, who spoke warmly about the "memorabilia of the Harris County Bar" and of Houston lawyers like Peter W. Gray who had "built up, formed and fashioned the beauties of our law."³⁷

Houston's first bar association was formed to elevate the standards of the profession. The second was a response to public criticism of a few notorious members of the early bar. Despite their lofty goals, both associations soon faded out of existence. The present Houston Bar Association, in contrast, was organized primarily "to cultivate a social spirit" among lawyers; more than eighty years later, it is still flourishing. Needless to say, its goals and activities have expanded dramatically since the early years. How the Houston Bar Association came to organize more than annual dinners is another story.³⁸

³⁷Houston Daily Post, January 21, 1910. Programs for the annual banquets of 1906, 1908, and 1909 are extant in the Bar Association Vertical File, Texas and Local History Department, Houston Public Library.

³⁸Eric L. Fredrickson, a graduate student at the University of Houston, currently is writing that story.

Fire in An Interview wi

*The most destructive fire
midnight on February 21, 18
structure near the corner of H
The cause of the fire was neve
the carelessness of tramps, r
from activities in the South
bonfire in the vicinity.*

*From that first building,
boarding houses, then to
destruction. Blown by a gus
sparks and burning timbers
skipping ahead as much as
slowed at the ship channel,
the fire from burning its v
which caught on the oppo
plant, only two years old, v
control at the plant of the H
start.*

*Heavy damage occurred
half mile wide. Twenty-f
boarding houses—were le
church and school were d
Utility poles and lines, 12
lost. The total damage was*

*During the fire people fl
and the little they could co
Those who had worked in
of employment destroyed d
was seriously injured.*

*On the night of the fire
young teenager living w
brother, and an uncle, in
who also lived with ther
Wilcox recalled the fire
Kreneck and Nancy Hadle
follows is adapted from th*