

How the Early Day Lawyers Once Had Fun in Pendleton

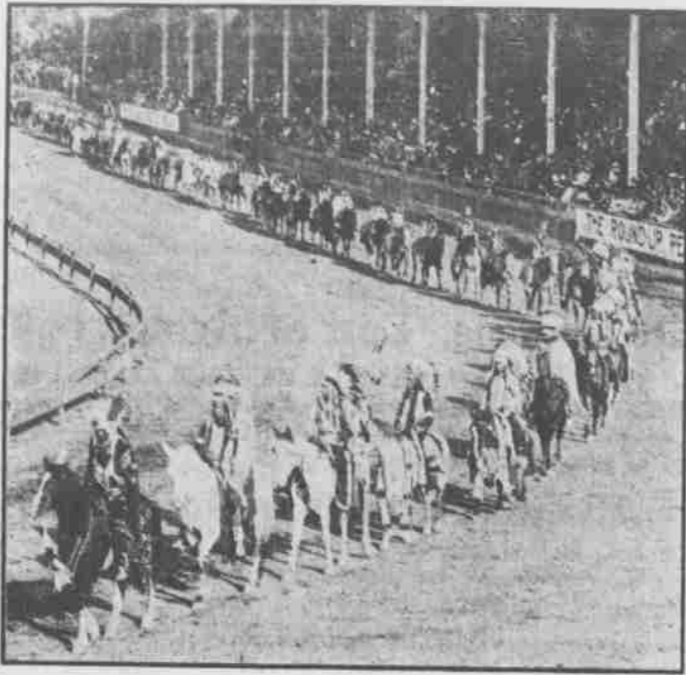
The early practice of law in Umatilla county was somewhat crude and often rather amusing. At least the court incidents of those days, as reported by old timers lingering among us still, are amusing to modern people.

Col. William Parsons tells of a typical incident that happened back to 1877. "Judge" Templeton, the justice of the peace at Meadows (now Echo) was the principal figure. Before him had been arraigned one Tom Burns, alleged horse thief and the evidence was so inconclusive that the justice felt obliged to turn the prisoner loose.

Now the justice of the peace in those days as now was paid in fees and Templeton fixed out a bill of costs and presented it to the county court. Because of some informality, it was rejected by the court.

Thereupon "Judge" Templeton came to Pendleton and retained Jim Turner, an old-time lawyer of waggish disposition, to make out a proper bill and demand payment from the court. After what he considered a sufficient lapse of time, Templeton came to Pendleton again and presented himself before his attorney with a polite request for the money. He was informed that the county court had not yet met again.

Now the good judge was of a sociable turn of mind and dropped into a convenient saloon to quench his thirst. He asked a few friends up



to the bar and they had a few rounds. Growing loquacious as the "red eye" circulated more freely, Templeton confided his troubles in collecting his bill of costs. Seeing a chance for sport, one of his companions suggested that Turner may have collected the money and failed to turn it over. The suspicion planted it soon bore fruit. Templeton became convinced that Turner was not shooting square

with him and in his indignation decided he would arrest the guilty attorney for embezzlement.

He was no visionary dreamer. He was a man of action. The old court then stood where now stands the Peoples Warehouse and Templeton at once made his way to the court room. Seating himself in the judge's chair he made out a warrant charging his attorney with embezzlement, appointed Ben Beagle special constable and ordered him to bring the accused before him. In a few moments Beagle returned with the alleged culprit who was accompanied by Judge B. B. Bishop as his counsel. No time was wasted in clearing the deck for action, Turner was arraigned and pleaded not guilty. A jury of bystanders was chosen and the trial was on.

Templeton, presiding, made a statement of alleged facts upon which the case was brought. He swore no witnesses for the state. Then Turner was placed on the witness box and duly sworn. He testified to the real facts and was then subjected to a sharp cross-questioning by Templeton. The replies not proving satisfactory to "hizoner," the latter intimated in rather plain terms that the witness was not confining himself to the truth.

At this juncture Turner fired up and called the court a "dam liar." Judge Templeton was equal to the emergency and promptly fined the defendant twenty dollars for contempt of court. Turner produced a twenty and slammed it down on the

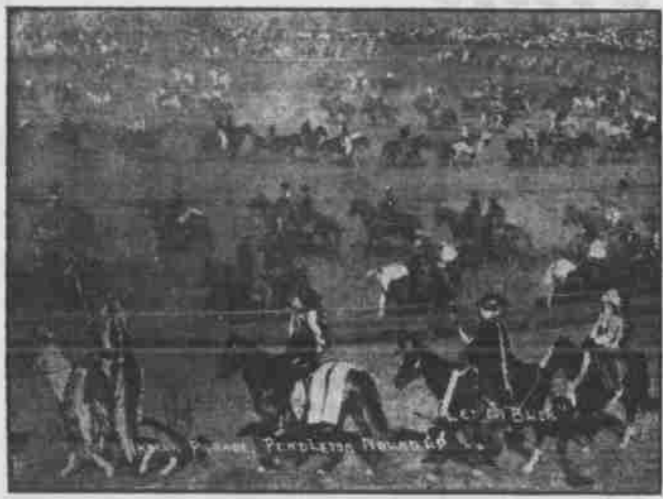
table. Judge Bishop his attorney, without hesitation picked up the coin and pocketed it, to the amazement of the court. Before Templeton could express himself, however, counsel for the defense moved for a dismissal of the case for the reason that Templeton, as justice of the peace at Meadows, had no jurisdiction in Pendleton, and thus could not try a case, much less assess a fine for contempt.

The grounds were so palpable that even Templeton was forced to admit them. "Constable Beagle," he shouted in his wrath, "adjourn this court sine die, release the prisoner and when once we get out of this blasted courtroom I'll lick the liver and lights out of him." The court was at once adjourned amid a roar of laughter from the large audience and the lawyers, jury, judge and constable crossed the street to Jacob's saloon where now stands the Judd building. Arriving there it was decided that, instead of a fight, Turner should be punished by spending the twenty dollars in Bishop's hands for drinks and other refreshments. This was finally agreed to, and the money was judiciously, if not judiciously, expended.

But the trouble did not end there. After several rounds had been served, the "barkeep," inspired for the purpose, complained that he had been robbed, ordered the doors closed and his patrons searched. Diligent search was made and, as was to be expected, a miscellaneous assortment of tumblers, silver spoons and other bar furnishings, was found in Judge Templeton's pockets.

A kangaroo court was at once organized in the saloon with S. L. Morse for judge, Jim Turner, the late defendant, for prosecuting attorney and Templeton as his own counsel. In spite of a vigorous defense, Templeton was found guilty of a jury and

it be expended for a further supply of spiritual sustenance for the court officers. The prisoner paid the fine by giving an order upon the county court for his original bill of costs. In due time this was paid.



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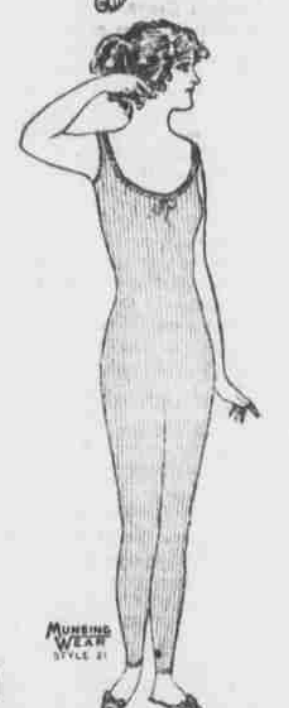
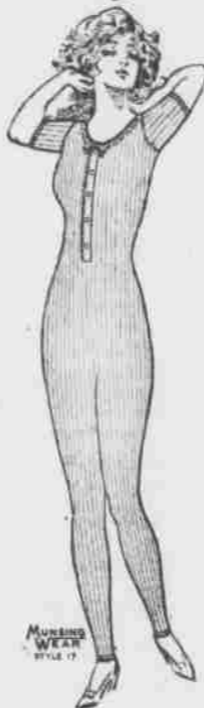
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