

Brawl between lawyers interrupts court case

Apart from libraries and hospitals, the courtroom is supposed to be the place where dignity and decorum reign. Some of the cases heard therein are the result of violence, and the courtroom is considered a place of sanity.

Not so in Monroe County in the winter of 1895. The case being considered is of no importance now. It could have been a property line dispute or a nice quiet divorce.

Whatever the cause, it was not the litigant or the plaintiff or the defendant who started the trouble. It was, instead, the lawyers involved.

Actually, the thing happened on Dec. 29, 1895, but *The (Bloomington) World* didn't get around to mentioning the incident until Jan. 3. The front-page article began, "On the 29th day of last December attorneys James F. Morgan and W.H. East were engaged in trying a trivial law suit in Justice John W. Dixon's court. During the course of the trial the opposing (attorneys got into) a quarrel."

It is conceivable that lawyers get emotionally involved in a case or because of the welfare of a particular client. It is incon-



Looking back

By Rose McIlveen

ceivable that they lose control of their temper.

But that is exactly what happened on Dec. 29. Continued the *World*, "The trouble terminated in Morgan dealing W.H. East a heavy blow over the left eye and knocking him down. Such a course of proceedings in a court of justice caused a stampede or the part of the usual crowd of spectators who sought the open air..."

Apparently everyone, including the justice, was, as the saying goes, flabbergasted. "...Judge Dixon was so surprised that he failed to impose the usual contempt punishment made and provided for by law."

There was no further violence in the courtroom, since friends of the two attorneys stepped between them. The trial re-

sumed.

Neither of the lawyers had a reputation for being hot-headed or ill-mannered. Morgan was born in Harrodsburg of long-time Monroe County settlers. (His grandparents came here in 1818.) The eldest son in a family of nine children, Morgan taught school so he could save enough money to study law.

He got his knowledge of the law in the office of attorneys Buskirk & Duncan and was appointed deputy prosecuting attorney. That was in the early 1880s. Later he had his own law practice in Bloomington. The History of Morgan, Monroe and Brown counties, says that Morgan also represented "several of the most prominent insurance companies in the world." He also dabbled in real estate.

East was born three years earlier, also in Indian Creek Township. He worked for a printer for a time, but didn't like it and tried teaching and farming for a living. Eventually East studied law with his brother, J.R. East, and they formed a partnership.

So the lives of the two attorneys had been

roughly parallel. And it is likely that they had known each other from childhood.

The World didn't spare very many inches of type on the story of the courtroom fight. Concluded the article, "Yesterday Mr. East through his attorneys Duncan & Batman, Fulk & Carr and Judge A.M. Cuning, instituted suit for \$3,000 damages against Morgan, alleging that he has suffered much physical pain by reason of being assaulted and has been humiliated to the extent of the amount sued for. Morgan is also under arrest for assault and battery and will have his trial before Mayor Buskirk this morning."

That was not entirely true, since there were ahead several days of legal maneuvering. Judge Robert W. Miers presided.

On March 7, the court recorder put into the record the following notation:

"Come again the parties and this cause is dismissed by agreement of the parties herein, at defendant's cost. It is therefore considered and adjudged by the court that the plaintiff recover of the defense his costs and charges in and about this suit laid out and expended."

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