

In Memoriam

JACKSON TEMPLE

[At the opening of the court in Bank on the 4th of January, 1904, Mr. John M. Burnett, on behalf of the Bar Association of San Francisco, presented the following memorial, adopted by the association on the death of Jackson Temple, late associate justice of the supreme court of California. The memorial was received by the court, which ordered it spread upon its minutes and published in the Reports.]

JACKSON TEMPLE was born on the eleventh day of August, 1827, at Heath, Franklin County, Massachusetts, and was graduated from Williams College in 1851, and from the Yale Law School in 1853, and soon after came to California.

He commenced his professional career at Santa Rosa, Sonoma County, in 1854. His ability and high sense of honor in his profession soon enabled him to acquire a large practice, and for many years he took a prominent part in the litigation of Sonoma, Marin, Solano, Mendocino, and Napa counties. His high reputation as a lawyer was soon well established, and in 1867 he removed to San Francisco, for the purpose of succeeding to the business of H. H. Haight, when he became governor, and later a partnership was formed under the firm name of Haight & Temple.

In 1869 Justice Sanderson resigned his position on the supreme bench, and the governor appointed Judge Temple as his successor. He served as associate justice until March 4, 1872, when he again took up his residence at Santa Rosa, and resumed the practice of his profession.

In 1873 he, with Judge Field and John W. Dwinelle, served as commissioner to examine the codes of California, and prepare amendments thereto.

In 1874 he became judge of the twenty-second judicial district court, and continued to hold that office until the new

constitution went into effect in January, 1880. In 1879 he was elected judge of the superior court of Sonoma County, and was again chosen to fill that position by the people of his county.

In 1886, while still judge of the superior court, he was elected to the position of associate justice of the supreme court by a large majority, to fill the unexpired term of E. M. Ross, resigned. His health having become somewhat impaired by overwork, he resigned in 1889. In 1890, having regained his health, he was appointed a commissioner of the supreme court, which position he held until 1894, when he was again elected associate justice of the supreme court, and held that office until his death on December 24, 1902.

On the 3d of June, 1869, he married Miss Hood, a daughter of William Hood, the well-known pioneer of Sonoma County, and left her and a large family to mourn his loss.

Judge Temple has taken such a prominent part in the judicial history of our state, that his name is almost a household word with the members of the profession, as well as with the people of California. The number of times he has been elected to the position of judge shows the great confidence of the community in his ability and honor. We may well say that no man has stood higher as an honest, able judge, in the opinion of the legal profession and of the people of this state, than Jackson Temple. In the acrimonious discussions which have arisen in heated political campaigns, when he was a candidate for office, his name and fame were never brought in question, and he was regarded as being "without fear and without reproach."

Judge Temple was of firm convictions and strong feelings. He sought assiduously for the right, and once his mind was made up, he was sure to follow his convictions. He believed that the law should be impartial, granting equal rights to all and special privileges to none. In his judicial career he carried out, to the fullest extent, the maxim that "all men are equal before the law." His opinions were terse and clear, and he brought to his task in deciding cases, great natural talent, aided by stores of learning drawn from the works of those distinguished jurists who are an honor to civilized man.

We have not dwelt at length upon the virtues and learning of Judge Temple. Nothing, in our opinion, would add to

a recital of the facts. His reputation rests on the cases decided by him and reported in the California reports, and they will stand as monuments to his ability, industry, and honesty long after we shall have all passed away.

We deem it fit that this brief statement of Judge Temple's life and judicial career be presented to the supreme court of this state, with a request that it be made a permanent record in the reports of that court.

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