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The End of a Noble Life.

Hon. William Elwell, for Twenty-six Years President Judge of the Twenty-sixth Judicial District, Expired on Tuesday Morning.

BELOVED, HONORED AND REVERED;

He Leaves a Noble Record of a Well Spent Life



The saddest duty that has ever fallen to the editor of this paper, is forced upon him this week. It is to make the announcement of the death of his beloved, honored and aged father, Hon. William Elwell. On Tuesday morning at 3:45 o'clock, he fell asleep so quietly, peacefully and painlessly that the members of his family who surrounded him scarcely knew when they ceased to look upon the form of a living husband and father, and saw only the earthly habitation of his immortal soul which had taken its flight heavenward. His age was 87 years and 6 days.

The funeral services will be held at St. Paul's Church on Friday morning at nine o'clock, conducted by the rector, Rev. D. N. Kirkby. The remains will be taken on the 10:49 train to Towanda, for interment in the family plot in Riverside Cemetery.

William Elwell was born in Athens, Bradford Co., Pa. on October 9th, 1808. His father, Dan Elwell, was a native of Massachusetts, and his mother, *nee* Nancy Prentice, of Connecticut.

They were of English extraction, and their lineage is traceable back to the time of Cromwell. Capt. Thos. Prentice, the sixth great grandfather of Judge Elwell, was a soldier in Cromwell's army. He came to this country and settled at Newton, Mass. in 1620. Dan Elwell was a carpenter and builder and a mathematician of considerable note. He was an active promoter of the cause of education in the community in which he lived, his own children having the best advantages which the common schools and an academy of high standing afforded. He married Nancy Prentice at Athens in 1800. She was a daughter of Dr. Amos Prentice, a surgeon in the army of the Revolution. Dr. Prentice suffered great loss at Groton, Conn., by the destruction of property by the soldiers of Benedict Arnold, the traitor, he and his family barely escaping with their lives. He afterwards moved to Athens, Pa., where he died in 1805. The old homestead erected by him is still standing, and is known as "Elm Cottage." One of his sons, William, after whom the deceased was named, was a lawyer, whose books and papers fell into the hands of Dan Elwell. It was the perusal of these that inspired the young mind of the future jurist with the idea of becoming a lawyer. Dan Elwell died in 1868 at the age of 94 years, and his wife died in 1858 at the age of eighty-three years. They had eight children, William being the fourth child and third son. Two of the sons were clergymen, John an Episcopalian, and King a Methodist. The youngest son Edward, was a lawyer, and also became a Judge in Wisconsin. All are now dead.

William received a good academic education and continued his studies years after his school days. He began

teaching school when but seventeen years of age, and taught for several years. In 1827, having previously acquired a knowledge of surveying, he was employed with the corps of engineers under Chief Engineer John Randall, engaged under the authority of the State in running advance or exploring lines on both sides of the North Branch of the Susquehanna River from the State line south, for the canal proposed to be constructed from the State line to tide water. The use of the compass and other practical knowledge acquired during the progress of that survey was afterward very beneficial to him in preparing ejectment cases for trial. In September, 1830, he commenced the study of law in the office and under the preceptorship of Hon. Horace Williston, a lawyer of the old school well versed in the principles of the common law. He came to the bar in the State of New York, and was familiar with equity practice and principles administered by the courts of that State, under the administration of Chancellor Kent and other eminent judges of that day. On the 13th of February, 1833, Judge Elwell was admitted to the bar of Bradford county. He at once became the partner of his preceptor on equal terms, opened an office at Towanda and for the next sixteen years the firm continued in practice in the northern tier of counties.

In 1849 the senior partner was appointed judge of the district. From that time until 1862 the junior continued the practice alone, retaining all the business of the old firm. In 1841 Judge Elwell was elected to the House of Representatives for 1842 from Bradford county. He was chairman of the judiciary committee of that session. That committee was composed of men of mark. Four of its members were afterward president judges, one became chief justice of the Supreme Court of the State, one was Thaddeus Stevens, afterward known in Congress as the great commoner, and one of them was subsequently minister to a foreign government.

In the course of his practice Judge Elwell had been often employed to procure the release of persons who had been committed for the non-payment of debts. Impressed with the barbarity of the law which permitted arrest and imprisonment for such a cause, he, without a petition requesting it, and without any public agitation upon the subject, prepared, introduced and reported from his committee a bill to abolish imprisonment for debt and punish fraudulent debtors. The bill as it came from his hands, containing many sections, was passed and became a law on the 12th day of July, 1842, and stands upon the statute book to-day intact. The prison doors were at once thrown open and the poor debtor set free amid general rejoicing that a relic of barbarism had

been swept away. The Judge was elected to the House for 1843, and served as chairman of the committee on ways and means, then the most important committee, owing to the depressed condition of the finances of the State.

In April, 1871, after a general and protracted strike of miners and other employees in the anthracite coal regions and all attempts at settlement or compromise had failed, he was unanimously chosen by a joint committee, representing both the operators and the miners as umpire to decide between them. He heard the parties for two days and rendered his decision in writing, which was acquiesced in by both sides. The strike was ended. Work was resumed—the rulings on all hands were considered eminently just, both as to control of the works and wages to be paid.

Judge Elwell resided in Bradford county, when, in 1862, he was elected president judge of the district composed of Columbia, Wyoming and Sullivan. In 1874 Columbia and Montour counties were made a separate district, of which he was continued the judge.

In 1862, A. Peckham, Esq., of Tunkhannock, was appointed by Gov. Curtin as judge to fill the vacancy caused by the resignation of Judge Warren J. Woodward, and was nominated by the republicans against Judge Elwell. In 1872, the latter was again elected, without opposition, and in 1882, he was nominated by Democrats, Republicans and Greenbackers, and unanimously elected.

He had been, it is believed, more frequently called to hold special courts in other districts than any other judge in the state. His decisions, which have undergone review in the Supreme Court, have with few exceptions been affirmed. In the criminal courts no case was reversed. In equity and the Orphans' Court but three decrees were either reversed or modified. Among the cases tried before him were some of the most celebrated of the time, to-wit: The Williamsport bond case, amount involved more than half a million dollars; the city of Philadelphia against Fisher, involving title to 12,000 acres of land; the Cameron will case; the trial and conviction of the three Mollie Maguires for murder, whose execution, in connection with convictions in other counties, broke up the most desperate gang of murderers and outlaws that ever existed in this country.

The Judge was for 13 years president of the board of trustees of the State Normal School, of Bloomsburg, an institution in the prosperity of which he took a deep interest.

He was twice married; in 1832 to Clamanna Shaw, daughter of Loren Shaw, Esq., of what is now Waverly, N. Y. By this wife he had four children one of whom survive their mother, who died October 5, 1840, to-wit: Clamanna E., widow of P. H. Smith, who was State Senator from the Sheboygan Wisconsin District. Two died in infancy, and William, the oldest son, moved to Wisconsin, where he died a few years ago. He held the office of Mayor of the city of Sheboygan for several terms, was once nominated by the Democrats for Congress, and held many other offices of public trust and confidence.

On the 19th day of September, 1844, the Judge married Mary Louise Thayer, daughter of Col. E. Thayer, of Watkins, Schuyler Co., N. Y. Six children have been born of this marriage, four of whom are living: Ephraim W., agent of the Lehigh Valley Railroad at Towanda; George E., attorney at law, editor of the COLUMBIAN; Mary L., married to N. U. Funk, attorney at law, and Charles P., professor of music.

In November, 1837, Judge Elwell caught a heavy cold while holding court in Danville, and his illness dates from that time. He spent the following winter in Florida, seeking renewed health, but without avail, and on July 31st, 1838, he tendered his resignation to the Governor.

A meeting of the Bar was held and arranged for a banquet to be tendered him, which was held at the Exchange Hotel on Friday, October 19th 1888. At that time there were gathered together a greater number of distinguished men than have ever assembled in the state, before or since, on a similar occasion. There were present: Hon. W. T. Davies, Lieutenant Governor; Judges J. B. McCollum, of Montrose; P. D. Morrow, of Towanda, C. L. Pershing and D. B. Green, of Pottsville; E. Albright, of Allentown; C. E. Rice, Wilkes-Barre; R. W. Archbald, Scranton; F. B. Gowen, Philadelphia; H. W. Palmer, ex-Attorney General, of Wilkes-Barre; H. B. Payne, of Wilkes-Barre; J. B. Storm, Stroudsburg; Geo. R. Kaercher, Pottsville; E. M. Dunham, Laporte; Judge

Edward Elwell, of Beaver Dam, Wis., and many others.

Col. Freeze, acting as toast-master, proposed the following toast:

OUR GUEST.—Closing a Judicial life fruitful with judicial learning, adorned with virtue, a true citizen, a steadfast friend, a benevolent man, we tender our retiring Presiding Judge this tribute to his character and worth.

In his opening remarks the Col. said, among other things:

"I have seen as advocates before him in our Court, the most distinguished lawyers of the state. I may be allowed to name on this occasion: Judge Jeremiah S. Black, Judge George W. Woodward, Judge John W. Maynard, Hon. Franklin B. Gowen, Gov. Henry M. Hoyt, Judge Edward Owen Parry, Judge F. Carroll Brewster, Hon. Francis W. Hughes, Mr. Atty. Genl. Palmer, with many other gifted and able men.

If I were to attempt a sketch of the Honorable William Elwell I should go back almost fifty years, and say that as a legislator, he is the author of the statute abolishing imprisonment for debt—as a lawyer, that more than a hundred cases in the books attest to his forensic contests before the Supreme Court—as a Judge, that he presided at the trial of the most important criminal and civil causes, which, during his incumbency, have been before the Courts of this State."

In closing his response to "The Judiciary" Judge C. L. Pershing paid this beautiful tribute to Judge Elwell:

"We have met in honor of the guest of the evening, and the occasion has suggested to me a grand historical scene which transpired many centuries ago, when a great judge was about to lay aside his robes of office. We are told that Samuel gathered the people at Gilgal, and standing in their presence said, "I am old and gray headed, Behold, here I am; witness against me before the Lord. Whose ox have I taken? or whose ass have I taken? whom have I defrauded? or whom have I oppressed? Of whose hands have I received any bribe to blind mine eyes therewith?" And no man in all that vast assembly stood up to accuse him. I do not believe that the line of able and incorruptible judges ended with Samuel. We all know that could the people of this judicial district be gathered in one great assemblage, that Judge Elwell could proudly stand before them and say, "I am now old and gray-headed," and then challenge them as Samuel challenged the people in his day, and that every voice would respond as was responded to Samuel, "Thou hast not defrauded us, nor oppressed us, neither has't thou taken aught of any mans hand."

Judge Elwell's reputation as a jurist is known throughout the State, and beyond its borders. He has not waited for posterity to build him a monument. It is one of John Ruskin's thoughts, that we should so act our parts on the stage of life, that careless of what monuments may be erected by others over our graves, each should build his own as he passes through the world; monuments by which men may be taught to remember, not where we died but where we lived. Judge Elwell has obeyed this injunction. He has built his own monument. In my county of Schuylkill, where he has in times past tried important cases in her Courts, he commands universal love and respect. It will ever be spoken to his honor, and to the honor of his children, and of the people to whom he was so long the minister of Justice, that after more than twenty-five years of able and conspicuous service, he voluntarily laid aside the judicial ermine as pure and unspotted as it was the day on which he put it on."

Lieut. Governor Davies said:

"I first knew Judge Elwell when he was in the prime and vigor of life, in full practice at the Bar of Bradford county, in the year 1856. He was associated then with men who were considered giants in their day and time: Wilmot, Mercur, Overton, Adams, Watkins, Patrick, Pierce and others, all of them distinguished members of the Bar. Some of them acquired State and National fame. All of them have crossed the silent river. Not one of Judge Elwell's contemporaries of an early date are now living.

I entered his law office in the year 1859 for the study of law. He was at that period King of our Bar. As he appeared then before the bench in advocacy of his client's claims, he was a grand specimen of true physical and intellectual manhood, and was distinguished for the force and simplicity of his words and manner. He left us, and for twenty-six years he has been here amongst you, and during that time has borne the commission, with the broad seal of the Commonwealth, as Judge of your District.

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Bradford county, however, has never surrendered Judge Elwell entirely to you, for her people always remembered that he was born on her soil, reared in her schools, his youth, early and middle life spent amongst them. His children were nearly all borne there; some of them lie buried in the Riverside Cemetery, on the banks of your own loved Susquehanna, near his old home.

Columbia county now rightfully claims him as one of her citizens. Bradford county also before and since he has left us, ever will claim him as her own, for among all creeds and classes of men with us, he has ever been looked upon with admiration and love."

Judge Morrow, of Towanda, himself then in failing health, closed his remarks with these words:

"It is said that 'sailors on a voyage drink to friends astern until half way across, and then, it is to 'friends ahead.'" With your distinguished guest, and with some others here, it is 'friends ahead.'" It is toward evening with some of us. The lights on the other shore are almost in sight. "It shall come to pass that at evening time it shall be light"—and shall I not add—"Lead, kindly Light?"

He saw the "lights on the other shore" some year ago.

Many other excellent speeches were made and letters were received from Hons. Wayne MacVeagh, F. Carroll Brewster, Judges Rockefeller, Woodward, Bucher, Walker, Furst, Harding, Ingham, Drescher and others.

During the past eight years Judge Elwell has been an invalid. In all that time no word of complaint has passed his lips. The beautiful traits of his christian character have shone out resplendent, and he has been patiently waiting to be gathered to his fathers. He was a pure, honest and incorruptible judge, a devoted husband, an indulgent and loving father and guide, a noble citizen, a saintly, godly man. He was a member of the Episcopal Church, and a regular attendant until his hearing failed.

The following minute was made in the records of the court on Tuesday:

In behalf of the Members of the Bar of this Judicial District and the sorrowing friends generally of the Hon. William Elwell it is announced: That we have heard with deep regret of his death.

This is not the time or place to do

justice to his virtues as a man, or his merits as a lawyer and a Judge. As our friend we mourn his death. At a public meeting of the Bar to be held in the Court House, in Bloomsburg, on Friday the 18th inst. at 9 o'clock a. m., justice will be done to his memory. From there we will attend his funeral.

The clerk will inscribe the foregoing upon the records of the Court and send a copy of the same to his family with whom we sincerely sympathize in their affliction.

E. R. IKELER, P. J.
JOHN G. FREEZE,
Pres. Bar Association.
Bloomsburg, Pa., Oct. 15, 1895.

Resolutions Passed by the Town Council Upon the Death of Hon. William Elwell.

At a meeting of the Town Council held last Tuesday evening, the President of the Council announced the fact of the death of Hon. William Elwell, and with appropriate words, spoke of his high character as a fellow townsman, and an eminent Judge; and closed by calling the attention of Council to a suitable expression of the regard in which the Judge was held by his fellow citizens.

Whereupon, on motion of Mr. Gorrey, seconded by Messrs. Lockard, Kester and Wilson, the following resolution was passed and directed to be entered upon the minutes:—

We have learned with great regret of the death of Hon. William Elwell. As a citizen among us, he was interested in the cause of the education of our youth; the welfare of our Town; a kind, considerate and trusted neighbor.

As a Legislator, he sought and achieved through his labors, the good of the people of the commonwealth.

As Judge, he was dignified, impartial and just.

He was a good man. He was a just Judge.

The citizens of this Town, hold his memory in grateful remembrance.

We recommend that the various places of business in the Town be closed during the hour of the funeral on Friday next.

That this action of Council be published in the local newspapers; and that the Secretary send a copy of the same to the family of the deceased.

Passed unanimously.
Attest. R. H. RINGLER, Sec'y.