

# The Columbian.

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## SOME MORE HISTORY.

"We are now less than six months from the time of holding the primaries at which a successor to Judge Ikeler will be nominated."

"Prior to 1888 the people of this judicial district did not know what a contest for Judge meant. Up to that time the Judges were selected by the bar of the district, generally by selecting a strong lawyer who lived outside, inviting him to become a candidate. The Democrats always endorsed the selection made by the bar, and as a result of that practice, we were blessed with Judges that were an ornament to the legal profession, an honor to the bench and a credit to our Party that was responsible for their election."

—Sentinel, Dec. 31, 1897.

"Lewis, Donnel, Anthony, Pollock and Conyngham, were all able men, and ranked with the ablest judges in this state, and it was not necessary to have a self appointed committee of the bar other than those days of the district would have resented the insult, and the people who had to foot the bills would have repudiated their action."

"We must take issue with the 'Columbian' when it says that 'neither Conyngham, Woodward nor Elwell were office seekers.' Conyngham was able to take care of himself with the politicians at any time. When Governor Johnston appointed Judge Jessup to succeed Judge Conyngham, it was this same Judge Conyngham, who, in order to defeat his successor, drew the bill to make the judiciary elective which was passed in 1851, and this Judge Conyngham whom the 'Columbian' says was 'one of the best judges the state ever had,' succeeded in having himself nominated and elected and forced Jessup off the bench, even though it was necessary to wipe out by legislative enactment, our then system of choosing judges. Among all the men who have brought dignity and honor to the bench of this state, Judge Conyngham was the one man who knew how to get on the bench, and when on, how to stay there."

Judge Woodward was brought into this district by influences that was anything but creditable to the local bar. What these influences were we may state in the future. When in 1862, Judge Elwell was invited in the same selfish interests prevailed, but it will be noticed that no effort was made along that line ten years ago, and only because it did not suit the convenience or interest of the prime mover in the schemes of getting Woodward and Elwell in the district. Now the same old influence is at work, but that it has run up against a wall there is no question."

Judge Elwell may or may not have known the motives of the schemer who succeeded in getting him on the ticket, and finally on the bench of this district. But that he was ambitious for political and judicial preferment, all know. This was no discredit to him. In 1866, while on the bench, he was our candidate for Congress, and actually canvassed for votes. In 1874, he, as well as Judge Woodward, was a candidate for Judge of our Supreme Court, and expected the assistance of a supposed friend here at home, to assist him in his ambition. But Judge Elwell then learned that the support of the tricky politician was a weak staff to lean on in time of need. Woodward was the nominee, and Judge Elwell and his friends bit their tongues in their disappointment. In the face of all these facts, the 'Columbian' says, 'neither Conyngham nor Woodward nor Elwell were office seekers. The office sought them, etc.' This is history and we know that the editor of the 'Columbian' is familiar with some of the facts. To say that all of these men were not keenly alive to the main chance, when it came to advancement would be false, and that they all did not realize their fondest hopes was no fault of theirs."—Sentinel, Aug. 5, 1898.

The foregoing extracts from the Sentinel are reproduced here, first, to show that only six months ago that paper strongly endorsed the custom of making the selection of a Judge from outside the district; and secondly to refute some of the allegations contained in the second extract.

The Sentinel does not seem to agree with itself. If it was right in December last, when it said that the bar of the district up to 1888 selected strong lawyers from outside, and "that under this practice we were blessed with Judges that were an ornament to the legal profession, an honor to the bench and a credit to our party that was responsible for their election," it must be wrong now when it says that these Judges were selected by a self-appointed committee, and that Judge Conyngham sneaked himself on the bench by a bill drawn by himself in the legislature, and that "Judge Woodward was brought into the district by influences that was anything but creditable to the local bar," and that "Judge Elwell was invited

here by the same selfish interests."

But it is not true that Judge Conyngham "drew the bill to make the Judiciary elective which was passed in 1851." The Judiciary were made elective by a constitutional amendment which was adopted by a vote of the people in 1850, and carried by a large majority. The change was made by the people of the whole state, and therefore could not have been made for the benefit of Judge Conyngham alone, as the Sentinel would have it understood.

In 1849 the Luzerne Representatives in the House at Harrisburg were Henry M. Fuller and Thomas Gillespy; in 1850, John N. Conyngham and Andrew Beaumont, and in 1851, James W. Rhoads and S. S. Benedict.

Judge Conyngham, therefore, was not a member of the Legislature when the Joint Resolution of 1849, proposing an amendment to make judges elective by the people instead of appointable by the Governor, (by and with Senatorial approval), was introduced and passed, nor was he a member when this Act of 15th April 1851, (P. Laws 651), for dividing this state into judicial districts was enacted into law.

A second passage of the Constitutional Amendment Resolution at the session of 1850, was a matter of course, being supported by public opinion and not strongly opposed, while a submission of the amendment to a vote of the people, the fall following, as provided for at that session, was required by the constitution and the sworn duty of all the members.

It will be seen from this statement how false are the imputations upon Judge Conyngham, as made by the Sentinel writer, "that the judge drew this bill to make the judiciary elective," in order to defeat Judge Jessup; that such bill was passed in 1851, "and that this Judge Conyngham succeeded in having himself nominated and forced Judge Jessup off the bench even though it was necessary to wipe out by legislative enactment our then system of choosing judges."

To all which we answer:—Judge Conyngham drew no such bill and no such bill ever existed; he was not in the Legislature in 1851 to draw or pass any bill whatever; the bill or act of 1851, referred to, was not an act to change the manner of appointing judges but for reforming judicial districts and did not change injuriously to him the home district of Judge Jessup; and lastly, the vacation of Judge Jessup's commission was not by virtue of any statute, but of the constitutional change decreed by the people the year before. The act of 1851 made Susquehanna, Bradford and Sullivan the 13th Judicial District but in the fall of that year Judge Jessup did not choose to be a candidate for election therein. He became one of the candidates of his party for a judgeship in the Supreme Court, but failed of an election.

It seems like a useless expenditure of time to say anything in contradiction of the allegation that "Conyngham, Woodward and Elwell were all office seekers." That it is utterly false is known by everybody who is old enough to remember the men, and honest enough to admit an established fact. Judge Conyngham was first appointed in 1839, at the request of his friends, irrespective of party, and was elected and re-elected.

Judge Woodward was appointed by Governor Pollock in 1856, upon the recommendation of the members of the bar of the several counties in the district, and in the fall of the same year was elected without opposition.

Freeze's History says: "Judge Woodward was never a candidate for political office, in the ordinary sense of that term, but by devotion to his profession of the law, he qualified himself for high judicial positions, and obtained them without personal solicitation or effort."

When, in 1861, Judge Woodward was offered the nomination for Judge of Berks county, without solicitation or effort on his part, his resignation here was objected to by the bar, and he suggested the name of William Elwell of Bradford county, as a fit successor to himself. This suggestion was at once accepted by the bar, and Judge Woodward wrote to Judge Elwell, asking him

if he would accept an appointment from the governor, if it was tendered. This was the first intimation Judge Elwell had of the matter. He had never been in Columbia county except to pass through in travel, but once in his life, and that was when he was a law student many years before. The next time he stopped here was in December 1862, when he came to hold court after his election.

In September 1861, a committee appointed by the bar of Columbia county, not a "self constituted committee," went to Laporte to see William Elwell who was then engaged in court in the trial of causes. That committee consisted of Robert F. Clark, a Republican, Col. J. G. Freeze, and Wesley Wirt. They had a paper signed by all the members of the bar of this county, asking him to consent to be a candidate for Judge. They sent for him to come to their room at the hotel, but he, guessing what their mission was from the letter received from Judge Woodward, declined to go, but sent word that they could come to his room if they desired to see him. He had had time to consider the matter before hand, and had decided to accept the appointment, and if at the end of a year he did not like the position, he could decline to accept the nomination.

This was early in the war, and the salary of the Judges was then only two thousand dollars a year. His practice was worth several times that sum, and he therefore hesitated about accepting, but not knowing how the war would affect business, he concluded that a certain salary, even though small, was better than uncertain fees, and he determined to give it a trial. Therefore two days later he wrote the following letter, the original of which was found a few years ago among the papers of Robert F. Clark, and handed to the editor of this paper.

LAPORTE, Sept. 25, 1861.

GENTLEMEN,  
Your letter of the 23 inst. desiring my consent to become the successor of Hon. W. J. Woodward, President Judge of this judicial district, in the event of his resignation, is received.

The assurance which you give, that my appointment will be well received by the people without distinction of party—the unanimity of the bar in the district upon the subject, and the fact that the district is one of the most pleasant and desirable in the state all combine to control my decision in favour of accepting the appointment should it be tendered to me. Whether your present excellent Judge shall resign or not, be assured gentlemen, that the kind expressions of confidence contained in your letter are to me very gratifying.

Yours Truly,

WILLIAM ELWELL.

To Robert F. Clark Esq., and other members of the bar of Columbia Co.

Judge Woodward resigned, but the war feeling was so high at that time that Governor Curtin refused to appoint a Democrat, and so appointed A. K. Peckham, a Republican. In 1862 the Democratic county convention of every county in the district unanimously nominated William Elwell for Judge. There was no other candidate, and no one else had been mentioned for the place. Judge Peckham declined to be the Republican candidate, and Judge Elwell was unanimously elected.

In 1872, without any solicitation on his part, he was nominated by both Democrats and Republicans, and received every vote cast in the district but four.

In 1882, the following correspondence took place:

HON. WILLIAM ELWELL,  
Bloomsburg, Pa.

DEAR SIR:

The undersigned members of the Bar of Columbia County, in view of the approaching end of your Second Term, as the President Judge of the 26th Judicial District, hereby request that you will consent to be a candidate for re-election to your present office.

May 1882:  
John G. Freeze, Samuel Knorr, E. R. Ikeler, C. B. Brockway, B. Frank Zarr, Hervey E. Smith, Wm. Chrisman, Paul E. Wirt, C. C. Peacock, L. S. Wintersteen, W. L. Eyerly, A. C. Smith, J. H. Maize, L. T. Thompson, Robt. S. Howell, W. J. Buckalew, Guy Jacoby, Wm.

H. Snyder, C. R. Buckalew, E. H. Little, C. W. Miller, Chas. G. Barkley, W. H. Rhawn, Wm. Bryson, R. Buckingham, A. L. Fritz, John C. Yocum, H. V. White, L. E. Waller, J. B. Robison, Robt. R. Little, T. J. Vanderslice, C. B. Jackson, Frank P. Billmeyer, John M. Clark, F. Stewart, A. K. Oswald.

We, the undersigned members of the Bar of Montour County, join in the foregoing request of the members of the bar of Columbia County.

Edward H. Baldy, William J. Baldy, Joshua W. Comly, B. K. Rhodes, Wm. C. Johnston, Frank C. Angle, Geo. D. Butler, Henry Vincent, H. M. Hinckley, Jno. C. Montgomery, L. K. Mowrer, I. X. Grier, James Scarlet, Edward S. Gearhart.

Judge Elwell accepted in the following language:

To the Bar of the 26th Judicial District.

GENTLEMEN,

In complying with your unanimous request, that I will consent to be a candidate for re-election to the office of President Judge, I cannot refrain from expressing the gratification which this token of confidence and regard has inspired. If it shall please the people to ratify your choice, it will be my pleasure to serve them to the best of my ability.

Your Obt. Servant,  
Bloomsburg, May 15, 1882.

WILLIAM ELWELL.

He was again nominated by both parties, and elected. He never announced his name as a candidate for office, and never asked a man to vote for him in his life.

Judge Elwell was nominated for Congress in 1866. The district consisted of Bradford, Wyoming, Columbia, Sullivan and Montour. Ulysses Mercur was the Republican candidate and had beaten Piollet in 1864 by over a thousand majority. Letters from every county were received by Judge Elwell urging him to accept the nomination, but he had no congressional aspirations, and he declined until so much pressure was brought to bear that he reluctantly consented. He was asked to give up an office that would continue for six years, and probably all his life, to accept a nomination in a strong Republican district, for a two year term, if elected, and he said that he did not want to relinquish a position that he liked and was fitted for, for one that he did not want, and which would keep him from home half the time. But yielding to strong solicitations he at last consented, and was defeated, much to his own satisfaction. The extent of his canvass consisted in making three speeches in Bradford county, because the party leaders demanded it. He did not make a single speech within his judicial district, and the allegation that he "solicited votes" is absolutely false.

Again, it is said that Judge Elwell was a candidate for the Supreme bench, and when he did not succeed "he and his friends bit their tongues in their disappointment." This too is false, and the man who wrote it knows that it is false.

That he was frequently mentioned by the papers of the state as a fit person for that position, is true. Having indulged somewhat in the habit of keeping a scrap book, we could fill this sheet with extracts from newspapers concerning his fitness for that office, and letters by the score can be produced showing that he was urged to allow his name to come before the state convention whenever there was a Supreme Judge to be elected. But he uniformly declined, and his reasons were that he would be away from home most of the time, living in hotels; that the additional pay would not compensate for the additional expense and labor, and he was entirely satisfied with the position he was holding. In 1872, he received a paper signed by all the members of the Wyoming county bar and others, asking him to be a candidate. This was accompanied by a letter from W. E. Little Esq., saying:

"A careful review of the field convinces me that there is a reasonable certainty of your election if nominated, and a certainty of nomination if you will permit us to use your name in time." This was declined.

The Wyoming Democrat of May 8, 1872, says: "The name of Judge Elwell has been favorably mentioned by Democratic papers in different parts of the state, in con-

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nection with the candidacy for Judge of the Supreme Court."

THE COLUMBIAN of May 1, 1872, then edited by H. L. Dieffenbach, announced by authority that Judge Elwell would not consent to be a candidate for that office.

In 1873, his name was presented before the Democratic state convention at Wilkes-Barre for the Supreme bench, against his wishes, and without his consent, and notwithstanding this his vote was next to the highest among a number of names.

In 1874 there were two Judges of the Supreme Court to be elected, which made the election of the Democratic candidate sure. Senator Buckalew went to Judge Elwell and urged him to accept the nomination. Letters from Philadelphia, Pittsburg, Wilkes-Barre, and from nearly every county in the state were received, urging him to be a candidate. Mr. Buckalew assured him that he was his first choice, and that he would do all in his power to secure the nomination. After considering the matter a few days Judge Elwell told Mr. Buckalew that he positively declined to go before the convention, and then it was that Mr. Buckalew turned his attention to Judge Woodward, and the latter was elected. The allegation that Mr. Buckalew betrayed Judge Elwell is utterly without foundation.

In 1877 Judge Elwell was nominated for Supreme Judge by the Union Labor Party at Harrisburg, without his previous knowledge, and he promptly declined.

This is the record of a man known to the people of this county for thirty-two years, who relinquished his office voluntarily ten years ago, and who has been in his grave for nearly three years, and who now for the first time during his life or since, is said to have held the honorable position which he filled so long, because he was an "office seeker."

We are charitable enough to believe that the object of the writer of the Sentinel article was not so much intended to besmirch the memory of dead men as it was to help a living one. While there is no disgrace connected with office seeking when properly and honorably

pursued, the people of this district have not yet become accustomed to that method of filling the Judgeship. They believe that for forty years the office sought the man, and they know that "as a result of that practice we were blessed with Judges that were an ornament to the legal profession, an honor to the bench, and a credit to our party."

To charge now that Conyngham, Woodward and Elwell were selected by discreditable and selfish influences, by a "schemer," is a gross insult to the bar which unanimously participated in those selections, and it is a greater insult to the people of the district to accuse them of being hoodwinked and deceived into supporting without opposition for so many years, men who were foisted upon them by a "schemer" or by a "self constituted" committee.

We must apologize for having taken so much space for a matter that may seem like one of only personal interest to the writer, but it must be remembered that the records of these distinguished jurists belong to all the people of the district, and not alone to the immediate families, and an attack upon their memories is an attack upon the people who placed them in high position and kept them there so long, and for this reason we have now for the first time given the public some facts that have never appeared in print before, but every one of which is capable of proof by reliable living witnesses, as well as by the records of that period.

Beside the race meet of the Bloomsburg Wheelmen to be held in the afternoon of Saturday August 20th, there will be a game of baseball in the forenoon between Berwick and a club to be culled from Bloomsburg's best material. Berwick has a great record this season, winning nearly every game, and a close and exciting contest is anticipated.

Ent Post No. 250 G. A. R. will hold its annual camp fire on Friday and Saturday evenings of next week, in the Tabernacle on Market Street. Music for the occasion will be furnished by the Bloomsburg Band. A good time is promised all who attend.