EVENING PUBLIC LEDGER-PHILADELPHIA, MONDAY, DECEMBER 3, 1917

THE AUTOBIOGRAPHY of A PENNSYLVANIAN By Samuel W. Pennypacker Pennsylvanias Most Zealous M. O.S.

and Energetic Governor

CHAPTER V (Continued)

TT HAD cost my grandfather for my legal education, extending through two years and a half, in the midst of the high prices of the war, including \$200 paid to my preceptor and \$360 paid to the university professors, and including board and clothing, exactly \$1260. This sum he later forgave and probably never expected to reclaim. It ought to be added, however, that while I was a student the discovery of oil in Venango County led to tremendous speculation and the organization of oil companies in all directions. Robert R. Chrisman and other persons whom I happened to know secured some land, a charter for the Providence Oil Company, and proceeded to bore for oil and to sell their stock. They engaged me, for two hours a day at \$12 a week, to keep their books, and I remained with them four months and until the balance in the treasury had fallen to \$3.67. I did some other work which helped my resources slightly.

At this time I frequently saw flourishing about the town a young man called "Coal Oil Johnnie." He came of a poor and uneducated family, in the western part of the State, who for generations had wrung a scanty subsistence from an infertile soil. Suddenly oil in quantities was found under their feet and he became rich to profusion. He came to the city to scatter his wealth, gave out ten-dollar bills and disdained to take the change, bought a team of horses and, tiring of them, gave them to his hostler, and built an opera house in Cincinnati. Erelong he carned a livelihood by acting as doorkeeper for this opera house.

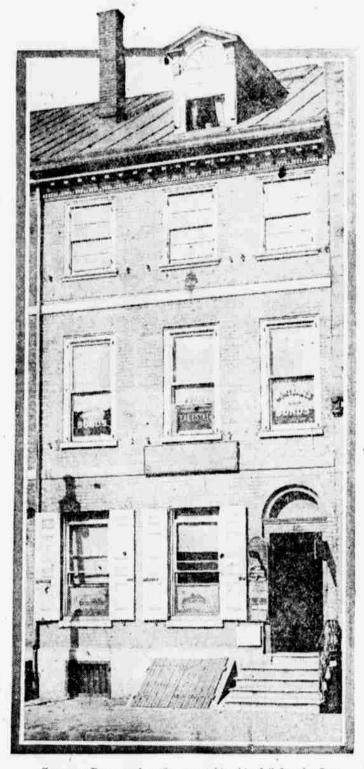
The First Office

The bruit of my successful examination spreading around to some extent, I was offered a position in three different offices-those of E. Spencer Miller, Daniel Dougherty and Frederick Heyer-at a salary which varied from \$600 to \$800 a year, but I concluded it was better to depend upon my own exertions and I rented the front room at 705 Walnut street from George L. Crawford. His clients passed through my office and I had the great pleasure of seeing them daily go by me in numbers. He was a competent lawyer. He had a little bronchial cough, and he prepared and tried the cases which came to Benjamin Harris Brewster. The latter, at that time, was one of the remarkable characters at the bar. He had been badly burned in childhood and the accident left his face not only ugly but repulsive, since the eyeball was exposed, the lids reddened, the face distorted and the lips thickened into rolls. If this condition of countenance made him sensitive he gave, in manner, no indication of the fact. I have heard women say that, when they listened to his words and voice, they forgot all about his features, and he was twice married, the last time to a daughter of Robert J. Walker, once Secretary of the Treasury. He wore a velvet coat, a light vest, a stock, and ruffles at the end of his shirt sleeves. Late in life he became Attorney General of the United States. He had a gift of oratory and a touch of charlatanry, and once was taken in to argue before me as master, and knowing nothing whatever about the circumstances of the cause he occupied an hour or two in talking about the solemnity of a seal to a deed. He always maintained a hostile attitude toward his brother, Judge F. Carroll Brewster, who, more able and less candid, was Attorney General of Pennsylvania.

While sitting in my office, one day, I heard an unusual noise in Crawford's room. When I hastened inside I saw a very thin man wildly ejaculating in front of a table and whacking away with his cane at the head of Crawford, who struggied to arise from a chair on the other side. Approaching from the rear I caught the intruder around the waist, lifted him from his feet, carried him through my room to the street, and there deposited him on the front door step. He turned out to be Major S. B. Wylie Mitchell, the founder of the Loyal Legion.

When I entered the Law Academy a bright, vigorous young man, who had taken an active part in its affairs, named John G. Johnson, a few years older than myself, was about leaving it to meet the broader requirements of life. The son of a blacksmith, without means, he held no college diploma, and he began his career with no advantages of any kind to give him help. Save that he would occasionally go to see a game of baseball and that he developed a taste for and acquired a knowledge of paintings in oil and made an important collection, he has devoted himself exclusively to the ractice of the law, permitting nothing to tempt him aside. did indeed once write a historical pamphlet on what was then called "The Wars of the Grandfathers," being a controversy between George Bancroft and the descendants of several of the generals of the Revolution over the respective merits of these officers, but he has ever kept silence upon the subject and the fact is not generally known. It is universally conceded that he is today the leader of the Philadelphia bar and one of the foremost lawyers of the United States. He has acquired a large fortune, having expended, according to reports, over a million dollars for his pictures. From the meetings, dinners and clubs of the profession he is always absent, and he takes no part in the bar associations or even in those efforts intended for professional advancement and improvement. His success at the bar has been due to physical and mental power rather than to cultivation. There is a little of coarseness, a little of hardness in his fiber, and he is not much given to sentiment in any direction, but he works at the law from early in the morning until late at night, and when he arises to argue or to try a case the court, the jury, the lawyers and the tipstaves all give attention.

I took my part in the arguments at the Law Academy, was elected secretary for the year 1866, and then discovered that I had taken the wrong road for advancement. I have found as I have gone through life that the "rings," for which we blame the politicians, arise naturally and are to be found everywhere. A little clique of cultivated men conducted the affairs of the Law Academy. From time whereof the memory of man runneth not to the contrary an unbroken custom has decreed that he who had filled the office of prothonotary for one year should, if he so desired, he elected the president for the following year. At this time J. Vaughan Darling, in the office of Richard C. McMurtrie, who later went to Wilkes-Barre and there won success and died, held the position of prothonotary and superintended the serious labor of preparing all of the cases to be argued during the winter's sessions. Very innocently, with an inborn sense of personal superiority, I endeavored to take a part in the management and found myself against a stone wall, One evening in the course of a speech I used the word "gentleman." Darling, in a supercilious way in reply, said that "Mr. Pennypacker will find that his ideas and ours of what constitutes a gentleman are quite different." The remark cost him the presidency. The membership of the Academy had felt such things before, were ready for revolt, and only needed a leader. I organized a rebellion which proved to be a revolution. William White Wiltbank, a great-grandson of Bishop White, who had been out in the war and who had written a paper for the Atlantic Monthly, who years later sat on the bench with me, and who, for some reason, was a "persona non grata," helped me in the movement. We selected as a candidate for the presidency James Lanman Harmar, a very able man, a grandson of General Josiah Harmar, of the Revolutionary army, and I ran with him for the vice presidency. Samuel S. hollingsworth made the



speeches and I led the opposing forces. Harman was elected over Darling, but was drowned at Bar Harbor before he had taken his seat, and I became the president, a reward which ordinar ..., would have gone, and cught to have gone, to Darling.

Hollingsworth and I became fast friends. Of Quaker ancestry, with dark eyes and stocky build, combative in temperament, with the power to think accurately, he never flinched in a struggle, and he was one of those few men who never say anything but the truth, even though it be uncomplimentary and said in the presence of the person concerned. He went into Councils and did good service in the improvement of affairs, moving around with the boys while at the same time retaining his association with the gentry. A few years later, as a trustee of the University of Pennsylvania, it was my fortune to aid in selecting him for a professorship in that institution. It was his hope to reach the Supreme Court of the United States, but in the very prime of life, while rugged as an oak, he died of typhoid fever. Since experience only comes with long exercise of the faculties and since in a dull world time is required to gain an appreciation of merit, the gift of long life is one of the essentials of any real success.

Some Interesting Personalities

When I came to the bar Horace Binney would occasionally be seen upon the street, but he had long retired from practice. William M. Meredith could be heard at rare intervals in the courts. George M. Wharton, a small, wiry and acute man, had a good clientele. Henry Wharton, round and robust, gave opinions upon real estate titles, there being then no real estate title companies. Eli K. Price, in his canny way, was heaping up a fortune. David Paul Brown, trim, in a blue coat with brass buttons, rather fluent than wise, seldom appeared. The real leaders of the bar were George W. Biddle, to whom I have before referred, and Richard C. McMurtrie. Mc-Murtrie, pure and sincere, perhaps excelled in case learning any other lawyer at the bar. In temperament he had the simplicity of a child and in his mental conduct he suggested an overgrown boy. Whatever thought came to his head found its way to his tongue. He really felt that no one else knew much about the subject and he gave utterance to the thought. Once we had a case together and he inquired in which Common Pleas Court it had been docketed. When I named the court he said: "Oh those poor, helpless creatures!" At another time he said to me: "If I raise some shellbark trees for you will you plant them?" I promised to take care of them, and some time later he brought them in a basket to my office. He once told Judge Fell that a certain lawyer was a fool. Some days later he came in a penitent mood to say: "Judge, do you know it is I who was the fool." He was a most unsafe advisor, for the reason that he was ever constructing theories to which the affairs of the world refused to conform, but he was a lovable character and his steadfast adherence to the truth aided him much in the trial of causes.

At the criminal bar Lewis C. Cassidy and William B. Mann stood foremost until succeeded by James H. Heverin and Charles W. Brooke. When the Republicans were successful William B. Mann prosecuted the causes and Cassidy defended them, and when the Democrats were successful the situation was exactly reversed. Cassidy, a tail, dark, handsome man, possessed real eloquence. I believe he never had a client convicted of murder in the first degree, a fact which can probably be explained by his refusal to take a desperate case likely to result in that way. When the Independent Republicans refused to vote for General James A. Beaver for Governor and caused the election of the Democrat, Robert E. Pattison, that gentleman made Cassidy his Attorney General.

For Mann I had almost a sense of horror. He had a burly frame, a furtive cyc and great political power. My feeling toward him arose in this way: A man named George W. Winnemore, a spiritualistic dreamer, killed, in a barbarous manner, a woman who was a spiritualistic medium. He was a stranger in the city without a friend and had only \$2 in his pocket. He constituted a good subject with which to establish a reputation for energy and activity in the performance of public duty, and he was hurried to the gallows. Being without counsel and penniless, the court appointed Damon Y. Kilgore, the only man at the bar who believed in spiritualism, to defend him. Kilgore had just been admitted to the bar. knew nothing about handling a cause, and besides, although Winnemore had been an epileptic from childhood, he had neither time nor means for getting evidence together. The trial came off the following week, ending in prompt conviction and the public comment of "well done." Mann had the reputation of being generous among his friends and good to the poor. Brooke, better known as "Charlie," came to the bar from the office of a banker. He wore a huge black mustache and drank to excess, but could make a speech and had capacity. He later went to New York, where he established a great reputation as a criminal lawyer, and finally died, leaving three families and a fortune of a thousand dollars.



This group shows Governor Pennypacker about the time he was admitted to the bar. Note the young lawyer, scated at the right, is wearing boots, a hobby which stuck to him through most of his life. At the left is his brother, Henry C. Pennypacker, and standing is Singleton M. Ashenfelter.

After accepting an invitation to make a speech at the dinner given to Benjamin H. Brewster, when appointed Attorney General of the United States, he failed to appear. Perhaps conscious of strength he disdained to seek for opportunity and reputation and waited for the world to see for itself. He was a Democrat in a Republican city, but so was Pattison. Whatever be the cause, certain it is that many lesser men have gone much further.

Famous Trials

I saw Anton Probst, a little, light-colored, dull-looking German, as they brought him in the van to the Court House at Sixth and Chestnut streets to be tried. Employed by a farmer named Deering, down near the junction of the two rivers in the region called "The Neck," he killed the father, mother and a family of children, one a mere infant, in order to secure a small sum of money. Driven through the crowd, who jeered and threatened, he seemed like some hunted animal. He still retains the distinction of being the most atrocious murderer in our annals.

I attended the trial of George S. Twitchell. An old lady, the mother of Twitchell's wife, lived in the house with them. She lay on the sofa in the sitting room with a roll of money in her bosom, and, while there, some one beat her to death by repeated blows over the head. The blood flew in curved streams over the paper of the wall. The next morning her body was found in the yard where it had been thrown from a window; alongside of it lay the long, bloody poker with which the detectives concluded she had been stricken. Twitchell was accused of the crime. Henry S. Hagert and Furman Sheppard represented the Commonwealth and William B. Mann and John O'Byrne, an eloquent Irishman, who had been a hatter, who went to Delaware afterward in an effort to reach the Senate, and who, failing, closed his career in New York, represented the defendant. The Commonwealth contended that Twitchell, in financial straits, quarreled with his mother-in-law over money. The defense contended that a robber found his way into the house from the street, and they had some evidence to support the theory. Mann spent most of his time in an effort to convince the jury that the poker could not have produced those curves of blood-drops on the wall, and he illustrated his argument with all sorts of weapons-some l and stiff like a poker and some made of leather and twine to be limber and swinging. As I listened I did a piece of analytical work and reached the conclusion that Twitchell had killed the woman and that he had not done it with the poker. Mann would not have spent so much effort upon what, after all, was a mere detail unless he had been sure beyond doubt that in this respect the case of the Commonwealth was at fault and he could only be so sure because of information from his client. Twitchell was convicted, and years afterward it was told that Mann and O'Byrne had gone to the house and secured from its hiding place the "billy" with which he did the deed. Mrs. Twitchell mortgaged the house to counsel to pay their fees. A friend of Twitchell stood by him faithfully at the dock through the whole trial, and when the sheriff went to hang him he was found dead in his cell from poison which no one knew how he had secured.

Governor Pennypacker "hung out his shingle" for the first time at 705 Walnut street. His office was in the front room of the ground floor.

Theodore Cuyler, the counsel of the Pennsylvania Railroad, suave and subtle man, is perhaps best described by the epigram of Samuel Dickson, who said of him that "He had every quality of an advocate; he could persuade a jury to render a verdict contrary to the facts and the Supreme Court to render a decision contrary to

the law." An abler man than any of these I have mentioned was Furman Sheppard, robust in frame and in intellect. I have known many men in the various phases of life-presidents, professors and preachersand I am inclined to think he was the ablest of them all. He never achieved a work or attained a reputation at all commensurate with his power. The utilization of the forces of nature is subject to much vicissitude and the momentum of the ocean beats upon the shore in vain. He had some practice and when he had tried a case it had been exhausted. He once filled the office of District Attorney for the county and he had neither predecessor nor successor. He had read widely, not only in the philosophy of the law, but in literature and theology, and he comprehended their full significance. Perhaps he was a little inert. Perhaps he did not fully realize his own capacity.

During the first year of my practice I received in fees \$800, and the annual returns slowly increased.

(CONTINUED TOMORROW)

RAINBOW'S By REX BEACH A novel of love, hidden treasure and rebellion in beautiful, mys-EN × X × A. terious Cuba during the exciting days of the revolt against Spain. tilers." "The Barrier." "Heart of the Sunset.

CHAPTER XXII (Continued)

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IN O'REILLY'S party there were three men besides himself-the ever-faithful Jacket, wrinkled old Camagueyan who knew the bridle trails of his province as a fox knows the tracks to its hair, and a silent guajiro from farther west, detailed to accompany the expedition because of his wide ac-quaintance with the devastated districts. Both guides, having crossed the trocha more than once, affected to scorn its ter-rors and their saw confidence reassured o'Relliv in spite of Esteban's parting ad-

"Jacket" Joins the Party

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his composure with suspicious suddenness and raced away to triumph over his beloved O'Relly.

The composure with suspicious suddenness and raced away to triumph over his beloved O'Reilly.
Fifty miles of hard riding brought the party to the trecha; they neared it on the second morning after leaving Cubitas, and raced away to reconnoiter. He returned at twilight, but volunteered no report of what he had discovered. After an insistent cross-examination O'Reilly wrung from him the reluctant admission that the old many volution of the second morning spot. Later in the day Hinrio, the old Camagueyan, slipped away to reconnoiter. He returned at twilight, but volunteered no report of what he had discovered. After an insistent cross-examination O'Reilly wrung from him the reluctant admission that everything seemed favorable for a crossing some time that night, and that he had selected a promising point. Beyond that the oit man would say nothing. Johnnie how really due to apprehension rather than to sullenness. Whatever the cause, it was not really due to apprehension faither than to sullenness. Whatever the cause, it was not really due to apprehension faither than to sullenness. Whatever the cause, it was not really due to apprehension faither than to sullenness. Whatever the cause, it was not really due to apprehension faither than to sullenness. Whatever the cause, it was not really due to apprehension faither than to sullenness. Whatever the cause, it was not really due to apprehension for the second of the followed a long, dispiriting wait, for a gibbeus moon rode high in the sugnet of the second there. It was a sull might; in the jungle no air was stirring, and dark ness brought forth a torment of mosquitoes. As day uied, the woods awoke to as and of bird and insect life; strange, raucous calls pealed forth a sense familiar, others strange and unaccustomed. There were thin whistlings, hearse grunts and harsh caked allow and the subter as the rustie and stir of unseen creatures is udden disputations were followed by startled silences. Sitting therrin the what the ack bedeviled by a peet of insects,

followed by startled silences. Sitting ther-in the dark, bedeviled by a pest of insects, mocked at by these mysterious volces, and locking forward to a hazardcus enterprise. O'Relly began to curse his vivid imagina-tion and to envy the impassiveness of hir companions. Even Jacket, he noted, en-dured the strain better; the boy was cheer ful, philosophical, quite unimpressed by his unroundings. When the measuritos became unroundings, when the measuritos became unroundings. When the measuritos became unroundings, when the measuritos became unroundings. When the measuritos became unroundings, between and the creation of the more hew was upon the point of ordering a start, but he reflected that the radiance out in the open must be far greater than it is med here under the dense tropical foll-age. After a time he began to wonder if be guides were as loyal as they should be of millences, by apprebrasion, or by some-ving a start but a reflected that the radiance out in guides were an loyal as they should be of millences, by apprebrasion, or by some-ving a start but a reflected the men

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clipping and careful way: the sharp barbs had to feel their way: the sharp barbs brought blood and muttered profanity at every step. None of the four ever knew what gave the alarm. Their first inlimation of dis-covery came with a startling "Quien vive". hurled at them from somewhere at their hurled at the from somewhere at their hurled at the from somewhere at the from some here at the some the from some here at the from some here at the some the some the from some here at the some the some the from some here at the some t

hacks. An instant and the challenge was followed by a Mauser shot. Other reports rang out as the sentry emptied his rifie in their di-"So? They are shooting-bats," Hilario srunted. Antonio swung around and cocked his Remington, but the other spoke sharpy, "Fool: If you shoot they will see the fire

"What's the matter?" Johnnie inquired. "Look! Behold me!" walled the here. "I have left the half of my beautiful trousers on that barbed wire!" Antonio swung a leg over his saddle, saying: "Come along, amigos; we have fifty leagues ahead of us. The war will be over while we stand here gossiping."

CHAPTER XXIII

INTO THE CITY OF DEATH

O'REILLY'S adventures on his swift ride

through Las Villas have no part in this <text> story. It is only necessary to say that they

and riddle us. A curse on the spider that spun this web?" It was a test of courage to crouch among the charred stumps, enmeshed in that cruch tangle of wire, while the night was stabled by daggers of fire and while the trochs awoke to the wild sharm. From somewhere in the distance came a should command and the sound of running feet, suddenly putting an end to further inaction. Antonio began to hack victously with his machete, in an effort to aid Hilario's labors. The sound of his sturdy blows betrayed the party's whereabout so clearly that finally the older man could restrain himself no longer. longer ionger. "Give it to them, compadres; it is a game that we can play." O'Reilly had been gripping his rifle tense-ly, his heart in his throat, his pulses pound-ing. As near a panle as he had ever been, because addly scough, that the users act

O'Reilly had been gripping his rife tense-iy, his heart in his threat, his pulses pound-ing. As near a panle as he had ever been, he found, oddly enough, that the mere act of threwing his weapon to his shoulder and firing it calmed him. The kick of the gun subdued his excitement and cleared his brain. He surprised himself by directing Jacket in a cool authoritative voice, to shoot low. When he had emptied the maga-zine he led two of the horses forward. Then, grasping his own machete, he joined in clearing a pathway. It seemed an interminable time ere they extricated themselves from the trap, but finally they succeeded and gained the wel-come shelter of the woods, pausing inside its shelter to cut the numfles from their horses' feet. By this time the defenders of the trocha were pouring volley after volley at random into the night. Hilarlo sucked the cuts in his horny palms and spat forth the blood. "If Gomez hid the ammunition these fools are wasting he would free Cuba in no time."