

James T. Mitchell, former Chief Justice
Court of
Oensylunia.

## CHAPTER VIII-Continued



## THE AUTOBIOGRAPHY of A PENNSYIVANIAN

and Stearns reached the presidency of the New Jersey Central
Railiroad. Colket once told me this tale of Franklin B. Gowen, the wonderfully able lawyer who prosecuted the "Molly Maguires" to conviction, who devised the policy as president of the corporation
which has since made the Philadelphia and Reading Railroad so which has since made the Philadelphia and Reading Railroad
prosperous, and who afterward shot himself in Washington: "He was the quickest man to make a bargain ever I knew. On
I went to see him at the office of the company about some bus ness. After it had been transacted he necompanied me to my ca
riage which stood at the curb, and as 1 opened the door, he said iage which stood at the curb, and as 1 opened the door, he said
By the bye, Coiket, what will you take for the - tract?' nam ing a tract of cooll lands I owned. 'I want for it $\$ 1,150,000$ ' was my reply. 'All right,' said Gowen, 'I will take it.' The quickest man
to make a bargain ever 1 met." he concluded with an anir which uggested that perhaps after all he might
the tract. Judge F. Carroll Brewater gave a dinner to George S. Graham
and myself, attended mainnly by lawyers The Penn Culu, in whose organization I had participated, gave me a reception, and the stu-
dents from the office of Peter Mccall, then at the bar, gave me a After the lapere of a year John G. Johspon wrote in a pub-
lished article: The opinions he has delivered have been what those who knew him expected-learned,


## Establishing a Precedent

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| Proir | d. |
| on which Washington stood when inaugurated Pre |  |
| It of the United States. The old blue ornamentation of the | ene |
| , studded with stars, had recently, with the worst of judgme | duct and listened to their stories, endeavoring to see whether I |
| en ruined by the insertion of glass knobs for lights. Erelong as called upon to preside over the Court of Quarter Sessions, wh | could find any line with which to separate them from those out- |
| in the west room on the first floor, which for nearly ten ye | ering of life leaves them. |
| had been the meeting place of the House of Representat | from the incapacity to think accurately and properly to foresee con- |
|  | ces. |
|  | able to do with their characters and the cireumstances which con- |
|  | front them. Since the beginning of the historic period, some eight |
| er. After |  |
| of a man |  |
| ted. I imposed an imprisonment of eight months in the Coun |  |
| Prison and a fine of ten dollars. Thi |  |
| ne up to me and quietly whispered: <br> "Judge, the other older Judges never impose fines in these | race. Experience has shown these attempts ile. All kinds of punishment have been tried- |
|  | hanging, wneading, burning, mutilating, disemboweling, quartering, |
| "Do they not?" 1 said | pouging out the cyes, cutting out the tongue. cropping the ears, |
| 1 had remembered that the statute made the sentence obilig. | branding, standins in the stocks, drowning, using the rack and the |
| and gave no discretion to the Judges. All through my service as | thumbscrew, and many others which ingenulty in this direction could |
| Judge these tines were imposed for such crimes, although it ver | , |
| dom happened that they could be collect | increase the numiler of offenses. Violence begets violence. The |
| ased considerable trouble to the prison authorities. The plu | gr of negroes in the South has immeasurably increased the |
| I been taken, the court officers never again ventured crit | of special crime it was intended to prevent. In Jamaica, |
| ns, and no serious trouble |  |
| causes. The life of a Judge is a reversal of the Canterbury F | old forms of punishment have been |
| mages. He sits still, while the world, with itd burden of int | ad, except that of denth for murder and incarveration fot enses. The former is an anachronism and will soon have |
| sees the strifes of the mart, the scandals of the | disappeared. It must be plain to any philoophical observer that |
| letons of the closets in all their phases. It is not, | , |
| broad a field as it otherwise would be because both bench | home. The food is plentiful and nutritious. The sentence is shortened for good behavior. I have frequently had convicts ask |
| r, together with the growth of legal learning, have followed | give thea a longer term and transfer them from the county |
| cated and involved processes of ratiocination | ern Penitentiary because in the latter institution |
| tely established principles concern the acquisition, ownership | they could get tobacco. "Tickets of leave" are now granted which |
| nsfer of property and they are, therefore, of compara | permit prisoners to be out on parole. All of which shows that the |
| portance. In the long run it is of little moment which of | cruinuly melioutel In |
| n secures the moneys in dispute. He who wins may be the | is being gradually ameliorated. In our days the pur |
|  |  |
| rm. The treasures of the carth are still within his reach. y exert as high an intellectuality and as much mental acu | when it will be recognized that the punishment of |
| playing a game of chess as Napoleon did in planning the Battle | d |
| Austerlitz, but when it is over he has only played a game. The | the |
| nights Templar are well dressed, carry short swords and march | operty or to prevent the commission of crime. If I shoot a |
| ith accuracy, but the swords never cut and the steps lead no |  |
| Decisions of questions involving the rights of property require |  |
| uch learning and skill and have their uses, but their effect up | Third. The g |
| manity is neither very deep nor very permanent. I have known | ways |
| dges who, sitting in the Quarter Sessions and regarding the work | ure time. The same kind of reasoning might |
|  | to royalty, slavery, priesteraft and other insti |
| e trials and they themselves retire into | have lost their hold upon the world, atter being long |
| ve known others who looked upon the betrayal | Perionally, 1 look aghast upon the complacency |
| ere peccadillo, and the stealing of money as the most |  |
| enses. All of these Judkes were mistaken. The most importa |  |
|  | that we do to the acquisition of property, the eval would soon |
| nal liberty. The worst of crimes are those which involve bruta |  |
| to man and beast, and the abuse of women and children. |  |
| is a satisfaction to me to remember thu |  |
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hildren. The facts occurring in the privacy of home were alway
nore or less obscure and dificult of proof. The history of th trinls, imposition and failures which lead up to the catastrophe i
often remote and seldom disclosed. In civil causes concerning the wnership of goods, the problems are carefully presented by counse and
nd the Court has the benefiem of learning what other Judgea have
hought in like matters. But the desertion cases were hurried hought in like matters. But the desertion cases were hurrie
hrough on Friday afternoons, upon a list of perraps a hundred, by samuel E. Cavin, then counsel for the Guardians of the Poor, an entirely capable and with a desire to do right, but deaf as of justice. Some of them may appear to be radical, but being the outcome of experience it may be that their presentation here may
lead to thought resulting at some future time in useful modifica-
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## Brewster, frequently mentioned Pennypacker in



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