HISTORICAL ADDRESS

(By Justice James A. Beaver)

Delivered at the Dedication Ceremonies of the Remodeled Centre County Court House, Friday, May 19th, 1911.

Mr. Chairman, Ladies and Gentlemen:

My wish is, in the most familiar and informal way possible, to speak of some of the things which are naturally suggested by the occasion which brings us together. Although I have realized in a general way for some time that I have been the oldest in point of service of the members of the bar, it has never occurred to me before that I lead all my brethren in the matter of age, and that of those who follow me in admission to the bar prior to 1875 there remain only my brother Stitzer, admitted in 1864, my brother Fortney in 1869 and my brethren Spangler and Keichline, admitted in 1874. My brethren, the Dales, were admitted in '76, Senator Heinle in '78, brother Ray in '80 and you, Mr. Chairman, in '81. All the other members of the bar belong to a later generation. Indeed it may be said of them that they have come to the bar since I left its active practice, for, as a matter of fact, since 1882 I have had but little in the way of continuous, strenuous, general practice.

I came to Bellefonte on the 6th of September 1856, almost immediately after graduating at College, and entered the law office of Hon. H. N. McAllister as a student. The younger Judge Burnside, who was then the President Judge of the 25th Judicial District, suspended the rules relating to the admission of members of the bar who began their studies prior to the age of 21, so that I was admitted on the 24th of January 1859 and am, therefore, a little more than five years the senior of my brother Stitzer who immediately follows me in point of service, and a few days more than ten years the senior of my brother Fortney.

I make this personal reference, for the reason that it will give you some idea of the standpoint occupied, which enables me to speak from personal knowledge and experience of some of the things which concern us today.

One hundred and eleven years ago on the 13th of February last, Thomas McKean, then the Governor of Pennsylvania, by his signature, gave efficacy to an act previously passed by the General Assembly of the Commonwealth, entitled "An Act erecting parts of the counties of Mifflin, Northumberland, Lycoming and Huntingdon into a separate county." The boundaries of the new county are fully described in the first section of this act, and the name which is given to the territory therein contained is Centre county. This name was doubtless given to the new county, because it was generally central, and it was perhaps then known that the geographical center of the state was within its territorial limits. Whether that be so or not, however, it is now well known that the center of our commonwealth is found within its borders. I am not able to say whether or not its exact location has ever been definitely fixed, but it is supposed to be within—say three miles or thereabouts of the Court House.

A practical suggestion may not be out of the way, namely, that the exact point should be ascertained by some competent authority and designated by a granite marker suitably inscribed, which could be erected by the people of the county by voluntary subscriptions, and, in the arrangement of our new state roads, if the pending legislation should become law, they should be so located that one or more of them should lead to and from, and by way of, that particular point. It might be possible to have a junction of two such roads in the immediate neighborhood, so as to make the center of the state a point of some interest and prominence.

By the third section of the act referred to, it was enacted: "That the Judges of the Supreme Court, and the President of the fourth district, of which district the said Centre county is hereby declared to be a part, as well as the associate judges who shall be commissioned in and for the said Centre county, shall have like powers, jurisdictions and authorities within the same, as are warranted to, and exercised by the said judges in other counties of this Commonwealth; and that the Courts of General Quarter Sessions of the Peace, and of the Common Pleas, in and for the said Centre county shall be opened and holden on the Mondays next succeeding the general county courts held in the county of Mifflin in each year, at the house now occupied by James Dunlop, in the town of Bellefonte, in the said Centre county, until a court house shall be erected, as hereinafter directed, and shall then be held at the said court house."

The ninth section of the said act provides: "That Andrew Gregg, William Swanzey and Robert Boggs, of Bald Eagle, be, and they are hereby appointed trustees for the county aforesaid, with full authority for them, or the survivors or survivor of them, to purchase or take and receive, by grant, bargain or otherwise as well all such assurances for the payment of money and grants of land as hath been stipulated for by James Dunlop and James Harris, by their bond to the Governor of this Commonwealth, as also any moneys, bonds or other property that may hereafter to offered to them, in trust to sell and convey, or otherwise dispose of the same, to the best advantage; and to vest one moiety of the neat proceeds thereof in some productive fund, for the support of an academy or public school, in the said county; and with the other moiety of the neat proceeds of the land or lots aforesaid, and with other moneys duly assessed, levied and collected within the said Centre county for that purpose, which it is hereby declared it shall be lawful for the Commissioners thereof to do or cause to be done, to build and erect a Court House, prison and other buildings for the safe keeping of the public records of said county, on such part of the public square, laid out in the said town of Bellefonte as to them shall appear most suitable; and the said trustees shall, from time to time, render due and faithful accounts of the expenditures of the same, to the Commissioners and to the auditors of the county, who are hereby authorized to adjust and settle the same.".

We have thus given us the names of the citizens through whom, the machinery through which, and the public spirited founders of the town, through whose beneficence at least, a portion of the funds necessary for the erection of the public buildings were provided for the administration of justice and the conduct of the public business of the county.

A court of Quarter Sessions was held in November 1800 before Associate Judge S. James Potter and John Barber, when, upon motion of Jonathan Walker, Esq., attorneys Jonathan Walker, Charles Huston, Elias W. Hale, Jonathan Henderson, Robert Allison, Robert F. Stewart, William A. Patterson, John Miles, David Irvine, W. W. Laird and John W. Hunter were duly admitted as attorneys to practice at the bar of the county. These attorneys, so far as is known, were residents of the counties from which the county of Centre had been taken, some of them being well known members of the bars of Mifflin, Huntingdon and Lycoming counties respectively.

The January Sessions of 1801 were also held by Judge Potter and his associates, none of whom were learned in the law. The first regular session of the court, at which the President Judge of the Fourth District presided, was the April Sessions of 1801, when Judge James Riddle, President Judge of the Fourth Judicial District, resident in Carlisle, appeared on the bench for the first time in the county. A Grand Jury assembled at that time and the regular work of the court proceeded and seems to have been held regularly from that time forward.

Linn, in his History of Centre county, gives some particulars of a rather remarkable civil suit which was brought to the August term of 1801, and although never tried was settled several years later after repeated continuances, which was that of George McKee v. Hugh Gallagher, both plaintiff and defendant keeping tavern in Bellefonte, McKee in a stone building on the lot now occupied by Dr. Dale as a residence and office, and Gallagher in a long frame house which stood on the lot now occupied by Mrs. Bush. It is said that a wagon loaded with whiskey in barrels was left in front of McKee's tavern but that some mischievous person during the night removed the pinnings or plugs therefrom and none of the whiskey was found there in the morning. It is possible that the animus which gave rise to the lawsuit arose from this transaction, although it did not involve in any form the irregular manner in which the whiskey was disposed of. The case was one of slander, in which it was charged that Gallagher said George McKee stole Samuel Lamb's saddle bags. An action of slander usually gives an opportunity for the exercise of a great variety of legal talents and the number of counsel employd for both plaintiff and defendant called forth the exercise of the talents of the members of the bar who probably made their stopping places with McKee on the one hand and Gallagher on the other. The counsel for McKee are given as Foulke, Reed, J. Dunlop, S. Duncan, Wallace, T. Duncan, McCullogh, Thompson, Miles, McClure, Kidd, Irwin, Allison and Patterson; and for Gallagher there appeared Stewart, Walker, Henderson, Rose, Huston, Hastings, Clark, Hall, Laird, Bonham, Gemmill, Burnside, Boggs, Orbison, Cadwalader Canan, Smith, Carpenter, H. Dunlop, Dean, Hepburn and Bellas—fifteen for the plaintiff and twenty-one for the defendant. We recognize the well known names of men who played a great part in the administration of justice in all the counties from parts of which Centre county was formed—Mifflin, Huntingdon, Lycoming and Northumberland. It requires but little play of the imagination to picture the depth of feeling manifested by the principals in the hostile camps of McKee on the east side and Gallagher on the west side of Spring street and the ability and loyalty which characterized the embattled hosts around the counsel table and the hilarity which prevailed around the social board of the respective headquarters.

It is probable that the courts were held for several years in the house of James Dunlop, which if not the identical house, was upon the ground now occupied by the residence of the late Jacob Valentine, Esq., formerly owned and occupied by his fathr, George Valentine, by whom it was purchased from the estate of James Dunlop, John G. Lowry, surviving executor of James Dunlop, making a deed to George Valentine. His heirs and assigns, in trust for his minor son, Jacob D. Valentine.

Whether or not the original Court House, which stood upon the ground now occupied by the building, which we are-dedicate today, was set apart by public exercises for the purposes for which it was intended I cannot say. I find no notice of such a public occasion anywhere in Linn's History of Centre county, which gives us the best account of which I have knowledge of the early days of the affairs of the county.

It has been supposed that the Court House originally built by the Commissioners named in the act creating the county was used first in 1805 and that the present building is the direct descendant of the original one, occupying at least in part the ground occupied by it, although possibly no part of the original remains.

In endeavoring to verify the time at which the original Court House was occupied, our Prothonotary, Mr. Kimport, aided me in the examination of the early records of the county, and, in the Continuance Docket for 1806, he discovered that, on the 16th of September 1806, the Court met at the Court House and adjourned to the house of Benjamin Patton, and that on the 3rd of October of the same year the Court again met at the house of Benjamin Patton, as per adjournment. In the Docket of the Court of Quarter Sessions for the same year, it is ascertained that Benjamin Patton was recommended for a tavern license in Bellefonte, from which it appears that the Court was held that year at one of the public houses of the town. It would, therefore, seem as though the Court House was not regularly occupied prior to the November Sessions of the Court in 1806—possibly not until the early part of 1807.

About the time that the younger Judge Burnside came to the bench in 1853, by the appointment of William Bigler, the then Governor of the state, having been subsequently elected in the fall of the same year, the question of enlarging the old or building a new Court House was presented to the Grand Jury by petition of citizens at sundry times. Finally, in 1854, two successive Grand Juries recommended alterations and repairs to the Court House, in pursuance of which the Commissioners of the county undertook, in accordance with the terms of the recommendations of the jury, to alter and repair the Court House. This was done by removing the building, as it then existed, leaving the colonnade in front intact, and adding the present rectangular portico of the main building thereto, thus complying at least in letter with the recommendations of the Grand Jury but in effect building a new Court House.

This was nearly new when I came to the county and remained practically intact, although numerous so-called improvements were, from time to time, made, until our present beautiful, complete and convenient Court House, which we dedicate today, was projected and has been carried to such attractive fruition, through the efforts of our President Judge and our efficient Board of County Commissioners, in pursuance of the well considered and tasteful plans of the accomplished architects, Messrs. Newman & Harris, who have had the supervision of work in charge.

This brings me to the point at which it is most appropriate to congratulate the people of the county upon the manner in which the repairs to our now complete and beautiful structure have been carried out. All the architects of character and standing who have made a study of our Court House have been uniform in their advice: "Never touch the front of your Court House; it is one of the most beautiful buildings in Pennsylvania; its classic architecture cannot be improved." The architect selected by those who had the oversight of the improvement in hand doubtless was of this opinion.

There was evidently a wave of devotion of classic architecture in this town in the 30's. The old Presbyterian church, with a Doric colonnade, and the portico or colonnade to the Court House were evidently built about the same time, the Ionic style of architecture being carefully outlined and carried out in the latter. The third of the celebrated orders of architecture, the Corinthian, seems to have found no illustration among our public buildings, and, with the demolition of the Presbyterian church, which came in 1868, the Doric order has also been eliminated, unless it finds an illustration in the rear portico of the present building.

The first knowledge of a serious intention to add to the facilities of the Court House for the proper accommodation of our public offices and the courts which came to me was an invitation to attend an informal meeting at the residence of Judge Orvis more than a year ago. The meeting was a representative one, embracing those who are supposed to know the most as to the requirements of the business of the county. The result was the unanimous approval of the plans of the architects, with the suggestion to the Commissioners of the county that they be carried into effect as completely and as early as possible.

It is fair to the Commissioners of the county to say this, inasmuch as they were extremely anxious to discharge the duty which was incumbent upon them as public officers and yet not to go beyond what might be the wishes of the people in regard to what ought to be done in order to meet the requirements of the business of the county, present and prospective.

We have had in Pennsylvania, during the last thirty years, a variety of instructive illustrations of the manner in which the people of the several counties provided for the facilities for the discharge of the business of the public, beginning with the public buildings in Philadelphia which cost over twenty millions of dollars, followed by the Richardson Court House in Allegheny county, costing between four and five millions, the court house in Washington county, costing over half a million, that in the county of Westmoreland at Greensburg, costing over a million of dollars, and that in Luzerne county, at Wilkes-Barre, costing probably between a million and a half and two millions. I am more or less familiar with the details of these various public improvements, particularly with the quarters assigned to the Supreme and Superior Courts in Philadelphia and Pittsburg. I presume that the Court and Consultation rooms occupied by these courts in Philadelphia cost actually more than the entire amount expended by our Commissioners in overhauling, enlarging, strengthening and making safe our present comfortable, convenient and wholly appropriate Court House building, and yet in taste, facilities for convenient work for the various county officers and the administration of justice, I much doubt whether there is found anywhere in Pennsylvania a building which more fully and completely meets the requirements of taste, convenience, comfort and satisfaction. I have not seen anywhere in the Commonwealth a room which, for the purposes for which it is intended, in good taste and satisfactory accommodations, will exceed that of our present library and memorial hall in this building, in itself considered, in its furnishings and in its embellishments, as planned and already in part executed.

It is to be hoped that the splendid beginning already made for preserving the features of all the men who have presided in our courts here will be carried to a successful completion. It is possible that much difficulty will be experienced in securing the portraits of Judges Riddle, Cooper and Walker, who preceded Judge Huston upon the bench of this county. As to all of the others there ought to be no difficulty, and yet these gentlemen were so distinguished in their judicial career as well as such prominent citizens that there ought to be no insurmountable difficulty in securing portraits that would perpetuate their memory. Judge Walker especially, who was the first judge of the district resident in Bellefonte, left such distinguished children to survive him that through their descendants in some way or other his portrait ought to be secured.

The admirable little sourvenir booklet which is I presume being distributed to the citizens of the county generally, not only gives us many accurate and beautiful views of both the exterior and interior of the Court House, but it gives as well certain historcal data which are of great value, especially with reference to the president or presiding law judges of the county—rather of the several districts with which the county has been connected since its organization. A slight error, however, has crept into the page devoted to the Judges, in reference to the official character and term of Hon. John H. Orvis, who is named as President Judge from 1874 to 1883. As a matter of fact, under the provisions of the act of the 9th of April 1874, the office of additional law judge for the 25th judicial district, composed of the counties of Clearfield, Clinton and Centre, was created, and the people of the district authorized to elect such a judge at the following election. Judge Orvis was originally appointed by Gov. Hartranft to fill this position in 1874 and was elected in the same year to serve for ten years. At the extra session of the legislature in 1883, "the 49th District, composed of the counties of Centre and Huntingdon, was created, and the additional law judge of the 25th judicial district, as constituted under the act of one thousand eight hundred and seventy-four, and now residing in Centre county, was made the President Judge thereof until the expiration of his commission." Judge Orvis, however, did not occupy the place until the expiration of his commission, having resigned before the end of his term. Judge Mayer remained the President Judge of the 25th Judicial District until the 49th was created, when he continued President Judge of the 25th District, then and since composed of the counties of Clinton, Cameron and Elk.

It appears from the list of judges contained in this souvenir booklet that eighteen who were learned in the law have presided over the courts of Centre county. Until 1851, the Judges were appointed by the Governor and held their office during good behavior. Since that time, under the amendment to the constitution, they have been elected for a fixed period, the constitutional limit being ten years. It, therefore, appears that, although Judge Riddle occupied the bench but four years and Judge Cooper but two, from the organization of the county in 1800 until 1851, but six judges occupied the bench, and from the Constitutional Amendment until the present, there have been twelve judges, Judge James T. Hale having occupied the bench but a few months prior to the election in 1851.

A most interesting and inviting field for reminiscence is here opened up before me. Under the provision of the act of the 9th of April 1853, the counties of Centre, Clearfield and Clinton were created a separate judicial district, to be called the 25th, and, in pursuance of its provisions, as already intimated, Hon. James Burnside was appointed the President Judge by Govrnor Bilger, and was elected at the general election of that year to succeed himself. He was, therefore, the President Judge of the District, when I came to Centre county. I was admitted to the bar under his administration and have a distinct recollection of his urbanity and ability. The older citizens present will doubtless recall the tragic manner of his death. His sister, Mrs. Harvey Mann, was driven by her son Harvey to Judge Burnside's door with a new horse. The judge was invited to take a drive and entered the buggy but, before his nephew could follow him, his horse started and, turning the corner of High and Spring streets suddenly, one of the wheels was dished, the judge was thrown from the buggy violently upon the ground and almost instantly killed. The accident occurred on the evening of the 1st of July. Arrangements had been made for an unusually interesting celebration of the Fourth of July but, in consequence of this tragic event, it was abandoned and the community gave itself up to sincere and unfeigned sorrow for the untimely removal of one of the most prominent and highly esteemed citizens of the community.

Judge Gamble was appointed by Gov. Packer to succeed Judge Burnside and was followed, in the administration of justice in the district, by Hon. Samuel Linn, who was elected at the general election of that year.

I shall not further trespass upon your time by entering upon this field which invites my thought and attention.

From the time of my admission until my appointment upon the bench, I practiced continuously before eight of the judges who have administered the affairs of our courts in this county. I had the pleasure of trying but very few cases before Judge Love and have never appeared as an advocate before your able and thoroughly competent President Judge who was a student in my office but from whom I would have none the less gladly received his judgments and decrees as the law of the land.

Seeing around me today the members of this bar, the most of whom have become connected with it since I was transferred from the bar to the bench, I am reminded of those who constituted the bar of Centre county when it first came under my observation. Through those who were then living I came, by tradition, into relations with the original members of the bar, a number of them having been familiar with most of those who settled in Centre county, as its founders and leaders. Hon. James McManus, who was then living, and was and continued to be for many years the acknowledged father of the bar, had come here as a student prior to 1825. He studied law with the elder Judge Burnside and, of course, knew personally and well Judge Huston and other older members of the bar. Through him, therefore, rather than through those who came later and were called from this world earlier, I touched, by tradition at least, those who had gone, who had filled a large place in the community and had left such clear and distinct marks of their professional life and achievements behind them.

At no time in its history had the bar of Centre county a more distinguished group of practitioners than I found here when I came. There were four men, in the very prime of life, who taken together, constitute one of the most remarkable groups of lawyers I have ever known. Named in the order of their admission to the bar, they were James T. Hale, H. N. McAllister, A. G. Curtin and Samuel Linn. Absolutely and essentially different in their natural endowments and in their intellectual and other acquirements, each had such individual gifts and talents that, as one endeavored to analyze them, it became difficult to determine which were the most distinguished.

To Judge Hale I was personally much attached. He was one of the best all-round natural lawyers I have ever known. He was not a great student but he seemed to grasp by instinct what the law ought to be and, when confronted, as he often was, by those who were more studious and more devoted to precedents, he would turn, with a readiness and apparent preparedness that were most remarkable, and analyze and tear to pieces the precedents with which he was confronted as though he had made a study of them for years, and, with the strength and lucidity of a prepared legal opinion, he would argue to the court what, in his view, the law ought to be, pointing out with remarkable readiness and acuteness the points in which the cited precedents differed from the case in hand. Judge Hale was elected to Congress in 1853 and did not end his congressional career until after the war closed. He came home for the trial of a cause, in which he was on the opposite side from that in which our firm was interested. I sat on the one side of our counsel table next to that which he occupied at theirs. We conversed frequently during the trial and he confided in me to some extent the plans which he had outlined for his guidance in his future life. He tried the case with great readiness and spirit and apparent enjoyment, went out from it to the residence of his cousin, Dr. E. W. Hale, his family not having returned home from Washington, and was carried out of it to his grave in social temperament, in his family relations, in his professional life, in the position which he occupied in the community, in his willingness to serve the community in which he lived and in his desire to be all that he could in the way of helpfulness and uplift to his fellow men—in all that makes an ideal, all-round man, I do not think I have ever known his equal. He was not only a great lawyer, but was a business man who, in his relations with the gentlemen who composed the firm of Morgan, Hale & Co., did more than any other citizen of this region, by the construction of the Tyrone & Clearfield railroad, to open up and develop the great coal and lumber interests of the trans-Allegheny region which for fifty years and more have added so much to the wealth of Centre and Clearfield counties, established many private fortunes and added so much to the development of the entire region reached and helped by this great improvement. Making due allowance for my boyish enthusiasm, considering the fact that Judge Hale began his public career, or at least was elected as a member of Congress before I came to the bar, that I was absent from home for nearly four years, during which time I saw him but once or twice, considering also that my relations with him were no more close than those of the ordinary neighbor and friend, I do not think my estimate of his character and professional attainments is in any sense overdrawn, or that my estimate of his worth and personal qualities, is, in any sense, over-stated.

Judge Linn was an entirely different type of man. He had once been in partnership with Judge Hale and had come into close relations with Judge Huston. Indeed I think he had rendered some assistance to Judge Huston, as an amanuensis, in the preparation of his work on Land Titles in Pennsylvania. His monumental work—"An Analytical Index of Parallel Reference to the Cases Adjudged in the several Courts of Pennsylvania" was not published until the year after I came to Bellefonte, but, of course, the work upon it had been done and that, of course, gave him a knowledge of case law in Pennsylvania which I have never seen paralleled in any other person. In the trial of a case, when a new point would arise, it was not unusual to find him, on the spur of the moment, giving volume and page of the authorities, as well as the name of the case, which would bear upon the question, in a way that was practically exhaustive. Judge Linn went upon the bench before I came to the bar and my acquaintance with his legal attainments and acumen as a trial lawyer was gained after his career upon the bench had ended. You would not call him an orator, and yet he was one of the most persuasive men with a jury you are likely to meet. His illustrations were homely often, but just the kind that would appeal to a jury. Instances would be interesting, but time forbids their use.

Mr. McAllister was unlike either of these men. He was a mixture of the two. He was thoroughly grounded in the principles of the common law, and yet was such a thorough student that his knowledge of the cases, when he had the opportunity to prepare in advance, was practically exhaustive. Judge Woodward, whom he regarded as one of the best Common Pleas Judges before whom he had ever tried a case, said in the Constitutional Convention that he prepared a case better than any lawyer he ever knew. His preparation consisted not only of a knowledge of all that was involved in the case, so far as his side of it was concerned, but also a thorough investigation of the strong points in his opponent's case, so that he came to the trial of a cause with quite as careful preparation for meeting the case of his opponent as of presenting his own.

Gov. Curtin was different from them all. When I came to Bellefonte, he was the Secretary of the Commonwealth of Gov. Pollock, was home but little, except during term time, and sometimes a little in advance for preparation, but he depended more upon inspiration than preparation. He was Judge Hale's equal in geniality and he was Judge Linn's superior, if possible, in an overwhelming sense of the ludicrous and rediculous, which sometimes carried him, even in the trial of a cause, to the point where, when he could take a serious view of his client's case, he could often laugh that of the opposite side out of court. As an orator, he was the superior of all of them and reached the sensibilities as well as the risibilities of the jury in such a way as to often carry them with him, even when the facts and the law were against him. It has often occurred to me that, if the great qualities of these four men could have been combined and divided by four, the product would have been four of the most remarkable average men of any age, in all those elements of moral, mental, social and psychical force which go to make up the complete man.

There were other members of the bar, when I came here, deserving mention. James H. Rankin was District Attorney, Robert G. Durham, who succeeded him in that office, was prominent and had striking characteristics. Edmund Blanchard was the partner of Gov Curtin and William P. Wilson the partner of Judge Linn. David C. Boal was one of the most brilliant men at the bar. Ira C. Mitchell, although a late comer, had made

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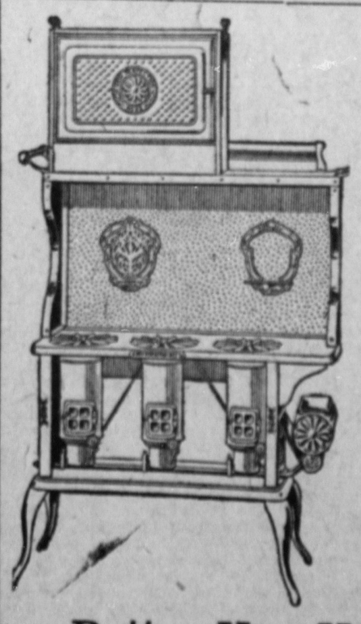

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