HALF A CENTURY OF THE ALLEGHENY COUNTY BAR ASSOCIATION

On March 6, 1921, the Allegheny County Bar Association celebrated its half century of existence by giving a banquet at the Hotel Schenley. The organization came into existence by virtue of the passage on February 28, 1870, by the Legislature of Pennsylvania, of the act creating it. It was originally intended to celebrate the founding of the organization on February 28, 1920, but the date of the creation of the association was overlooked and the event was not commemorated until this year. Only two of the original members, John H. Kerr and Joseph Forsythe, are alive today, and they were both present at the dinner and delivered addresses. Hon. Josiah Cohen, one of the Judges of the Court of Common Pleas of Allegheny County, and one of the oldest members of the bar of this county, was toastmaster. Rowland A. Balph*, the President of the Bar Association, called the meeting to order and in a few felicitous words introduced Judge Cohen. Judge Cohen opened the proceedings with the following address:

Emotions that can find no expression are the silent witnesses of the gratification I experience at the undeserved honor conferred upon me by your admirable presiding officer. I feel, however, that I am quite unequal to the occasion, by reason of a physical indisposition under which I have labored for the past two months.

*Mr. Balph died May 3, 1921.
I am indeed proud to function as toastmaster on this occasion, in the presence of a most—if not the most—distinguished body of jurists in this or any other state. You succeed and represent, as you are assembled here tonight, some of the greatest lawyers that have ever shone in the diadem of the judicial crown. The giants of yore have passed away. Nature, however, abhors a vacuum, and no man is so great that his sphere cannot be filled by his successors. The young men of today, in our profession, have stepped into the breach caused by death, and are nobly maintaining the reputation of those great advocates who have passed from our midst to "the undiscovered country from whose bourne no traveler returns."

Notwithstanding Judge Sharwood's remark in his Blackstone in which he says: "The fame of a lawyer, however much he may live in the public eye, and however large may seem the space he occupies in the public consideration, is nevertheless very narrow and very circumscribed. He is prominently useful in his own day and generation and among his contemporaries. He supports and defends the accused and oppressed; he maintains the cause of the poor and friendless; he assists those that are ready to perish; he counsels the ignorant, he guides and saves those who are wandering and out of the way, and when 'he has run his course and sleeps in blessings,' his bones 'have a tomb of orphans' tears wept on them.' How much untold good is done by an honest, wise, and generous man, in the full practice of this profession, which even those to whom he has consecrated his time and thoughts without the hope of adequate compensation never appreciate. How often, contrary to his own interest, does he succeed in calming the surges of passion, and leading the bitter partisan to measures of peace and compromise. How often does his beneficence possess that best and purest characteristic of the heavenly grace, that his right hand knoweth not what his left hand doeth. And yet—beyond the circle of his own profession, the student of which may occasionally meet with a few brief evidences of his learning and industry in print on the pages of some dusty-report book, and pause to spell his name and wonder who he was—yet posterity will scarcely ever hear of him, and his severest efforts, his brightest intellectual achievements will sing forever into the night of oblivion."
Remember, young men, that the genuine advocate achieves a nobler conquest, himself impressed with the truth of the cause he pleads, his conviction lends dignity to his language and force of his arguments. What he says comes from the heart and goes to the heart of his hearers. Doing the duty of neither a hireling nor a partisan, he personifies his own views, and, if these be really honorable, he cannot fail to succeed.

In the whirligig of time, what changes! "When I remember all the friends so linked together, I've seen around me fall like leaves in wintry weather", I feel

"Like one who treads alone some banquet hall deserted,
Whose lights are gone, whose garlands fled,
And all but he departed."

Yes, they are all dead and have passed away. But, after all, what is Life?

"It is the wink of an eye, the draught of the breath
From the bosm of health to the paleness of death,
From the gilded saloon to the bier and the shroud,
Then why should the spirit of mortal be proud?"

What a wonderful transformation of the bench and bar from the year 1866 to that of 1921! Mighty men have passed over our judicial stage but I cannot remember them all.

I was admitted to the bar in January, 1866, after having pursued the study of law in the offices of Kirkpatrick & Mellon, which were located in the building which stood at the southeast corner of Grant and Diamond streets, the site being now occupied by a part of the City-County Building. It subsequently was transformed into Maloney's saloon, which I have no doubt many of you remember.

Shortly after my admission that famous character, that man of wonderfully magnetic personality, Thomas M. Marshall, who was then a leading member of the bar, sent for me. I was at that time teaching school. He said, "I understand you have been admitted to the bar." I replied, "Yes, sir." "Well, why don't you go into the practice?" said he; to which I replied, "While the grass grows the horse starves."

"What do you mean," said he. "Why, I mean, I am
earning $700 a year as a teacher.” To which he responded, “Come into my office and I will pay you $1,000 a year.”

I did so. I learned much from that remarkable man, a man who, at times without system, or discipline, would rush into the trial of a case, sometimes without preparation, and overcome his antagonist by the very force of his genius, for he was indeed a perfect wilderness of talent.

Associated with him at that time, was Major A. M. Brown, the father of our present Judge Marshall Brown, and John D. Brown and Thomas Brown, distinguished members of this bar. Major Brown was a brilliant lawyer, but still more wonderful was the energy, activity, and learning that he displayed in the trial of cases. The record of the firm of Marshall & Brown will be found running through the Pennsylvania Reports from about the period of my admission to the time of its dissolution.

I found an abundance of work to do in that office, especially on Saturday afternoons, when the clients of the firm would come in by dozens inquiring into the progress of their several cases. Mr. Marshall would arrive after clients had been waiting from about one to three o’clock. Flushed and with a power worthy of a magician he would, in almost the twinkling of an eye, satisfy all of those clients and discharge them with a gentle wave of the hand, notifying them either that the papers had been lost, or that the case had been continued, or that the lawyer on the other side was sick, or that the Judge was considering his case, and make a multitude of other excuses, which enabled him to enjoy a rest on those Saturday afternoons after long days of arduous and energetic labor.

I was examined for admission to the bar by the venerable ExJustice of the Supreme Court of the United States, George Shiras, Jr., the lamented and distinguished Thomas Lazear, Judge Veach and, I believe, the elder Chas. F. Fetterman.

Among the questions propounded to me by Mr. Shiras, was the following:

“Mr. Cohen, what remedy would you employ in the case of a tenant for life who held over?”

I was stumped. I couldn’t answer that question. But in the agony of my distress I said, “I believe I would kill him.”
I remember the first petition that I presented in the Court of Common Pleas at a time when his Honor, Judge Mellon, the father of the present able Secretary of the Treasury A. W. Mellon, was sitting on the bench. He was engaged in writing, as he usually was. He lifted his eyes and said, "What did you say that petition is for?"

I said, "For a charter, your Honor, a charter for a Jewish burial ground."

"A place to bury Jews?" said he.

"Yes sir," I replied.

"With pleasure, with pleasure," responded the Judge as he signed the petition.

I oft-times at first felt strange when pursuing my duties as a lawyer, and frequently felt that I had found my way into the wrong place.

The practice of our profession has proven through the ages that "new occasions teach new duties", that "time makes ancient good uncouth," that "he must upward still and onward who would keep abreast of truth, nor attempt the future's portal with the past's blood-rusted key."

In the light of these truths legislation and judicial decisions are constantly creating new methods of procedure, until we are at last arriving at the ascertainment of substantial justice in the trial of cases with the minimum of those legal technicalities which were engrained on legal procedure—for a wise purpose, no doubt, then—but the reason for their introduction having perished the method must gradually yield to the more modern system of blending exact equity in the disposition of common law proceedings.

But it is not my province as toastmaster longer to detain you, for the eminent speakers of the evening will better be enabled to emphasize the importance of this occasion.

In conclusion I would say let us never forget that after all, we must so conduct the duties of our profession that we may be enabled to meet the great mystery of mysteries without shame for the past or terror for the future.

John H. Kerr, spoke on "The Origin and Founder of the Bar Association." He said:

"When I remember all the friends so linked together
I've seen around me fall, like leaves in wintry weather,"—
I am reminded that I am growing old, and, bereft as I am of so many of my former associates, I feel a deep sense of my loneliness this evening. Victor Hugo has given us a beautiful description of old age. In referring to his own age and experience in life, he said that when he reached the age of seventy he felt the burden of increasing years, but when he reached the age of eighty he felt the return of the buoyancy of youth, and a new zest in life and life's activities, and he, reflecting upon this, had come to the conclusion that at seventy he had entered upon the old age of youth, but at eighty he was entering upon the youth of old age. This coincides with my own experience and views of life in my early and later years.

When I returned home, in June, 1865, after serving three years in the Union Army in the Civil War, it was my good fortune to be taken as a law student into the office of John H. Hampton, one of the great lawyers of his time. John Dalzell, whom I had known as a friend of my boyhood days, had returned the same year from Yale University, with merited honors. So we began the same week our studies together. John Dalzell, by reason of earlier registration, was admitted to the bar on February 6, 1867, and I was admitted June 6, 1867. John Dalzell, the same day he was admitted, became the partner of Mr. Hampton, and achieved a reputation as a lawyer, only less lustrous than his fame as a statesman in his twenty or more years as a member of Congress.

Mr. Hampton was the founder of our Bar Association. He drafted the bill incorporating the "Pittsburgh Law Association," and as I happened to be a member of the House of Representatives of Pennsylvania in 1870, and the only lawyer in the delegation of six members from the county, he gave me the bill to introduce and have passed. As it was my first bill, I rushed it through the House, and had Senator Howard rush it through the Senate, and then I took it over to Governor John W. Geary and had him approve it on February 28, 1870. So you will see I lost no time in having it enacted into a law.

On May 6, 1882, the name of the Association was changed to the "Allegheny County Bar Association."

Out of forty-one charter members, Joseph Forsythe and I are the only survivors, and we are still in practice.
John H. Hampton was a son of Moses Hampton, President Judge of the District Court of this county, and was born on the 25th of October, 1828. He graduated from Washington College, Pennsylvania, in the class of 1847, James G. Blaine being a classmate. He was admitted to our bar on December 23, 1850. At the age of thirty he was made the Pittsburgh solicitor of the Pennsylvania Railroad and all the branches of the Pennsylvania System, and continued as such to the day of his death on April 11, 1891. Besides his railroad business he had a large general practice.

He was a great lawyer among great lawyers of his day; a brilliant orator, and the greatest cross-examiner of witnesses in Pennsylvania. He was noted for imperturbability and presence of mind in court, and nothing that arose in the trial ever disconcerted him or ruffled his temper; his self-reliance sometimes amounted to audacity, but never arrogance, as he was under all circumstances a gentleman. This I can illustrate by an accident that happened in our state Supreme Court. He had a case involving the question as to whether Caveat Venditor, the rule of the Civil Law, or Caveat Emptor, the rule of the Common Law, applied to the facts of the case. Just as he was closing his argument, Justice Sharswood asked him this question: "What is the literal meaning of caveat?" Mr. Hampton walked up close to the bench, and pointing with his finger to Justice Sharswood, uttered just one word, "Beware!" The learned Justice asked no more questions, and Mr. Hampton took his seat. Those in the court room who saw and heard Mr. Hampton, including judges, pronounced this one of the finest pieces of acting they had ever witnessed.

I remember Mr. Hampton, at the close of his work one day, coming into the room, where we students were pouring over our books, and asking what we were reading. John Dalzell replied that we were reading "Greenleaf on Evidence." Then he told us some of his rules in examining witnesses. He said: "Never assume a hostile attitude towards the witnesses of the other side, nor brow-beat them; never cross-examine the too willing witness of the other side, except in criminal cases where the prosecutor and the defendant are the only persons cognizant of the facts, and, as under the law at that time (since changed) the defendant could not be a witness for himself, then in such cases cross-examine the prosecuting witness at length. In a notable case in 1863,
Mr. Hampton kept the prosecuting witness on the stand two whole days under cross-examination, and won a verdict for the defendant on that cross-examination alone.

Among the great lawyers of our bar with whom Mr. Hampton practiced, though he was younger than most of them, yet was the peer of any, I might mention, of those practicing in the civil branch of the law: Judge Charles Shaler; Edwin M. Stanton, afterwards President Lincoln's great War Secretary; Judge Hopewell Hepburn, Hon. Thomas Williams, Hon. Andrew W. Loomis; George P. Hamilton, and his law partner, Marcus W. Acheson, afterwards Judge of the United States Court; George Shiras, Jr., afterwards Justice of the United States Supreme Court; C. B. M. Smith, Robert Woods, David D. Bruce, Hon. Samuel A. Purviance, Major A. M. Brown, and in later years, David T. Watson, of international fame. And of the criminal lawyers: Col. Samuel W. Black, Thomas M. Marshall, Sr., Marshall Swartzwelder, H. Bucher Swoope, William D. Moore and Robert M. Gibson. All of these are now dead, with the exception of Justice Shiras, retired, who is still living in his eightyninth year.

Col. Samuel W. Black was the son of the Rev. John Black, D.D.; and David D. Bruce was the son of the Rev. Robert Bruce, D.D. Dr. Black and Dr. Bruce were the founders of the Western University of Pennsylvania, now the University of Pittsburgh.

Though Mr. Hampton was a very busy man, he always took a great interest in all matters relating to our bar. In addition to being the founder of our Bar Association in 1870, he was also the founder of our Law Library in 1867. I remember that in response to his invitation to the lawyers and to his students, I was present at its opening, in the two small rooms, 15 feet by 15 feet each, on the ground floor of the building known as Tilgman Hall, which stood at the corner of Grant and Diamond streets, now covered by the end of the Bakewell Building. There were two bookcases, containing the Pennsylvania State Reports, Purdon's and Brightley's digests, and the Massachusetts State Reports with digests, some of the leading text books, and Webster's Unabridged Dictionary, making about 500 volumes in all; a hat rack and towel rack; a table and a half dozen chairs in each room completed the outfit. Mr. Hampton drafted, and had the act passed by the Legislature, entitled: "An
Act relative to the purchase of a Law Library in the County of Allegheny,” approved April 15, 1867.

By the provisions of the act a certain portion of the fines and forfeitures to which the county was entitled by existing law was set apart for the purchase of books and the maintenance of the Library. By subsequent acts of the Legislature the amount of the fund for the use and maintenance of the Library was increased from time to time.

We are admonished by Holy Writ to “Despise not the day of small things,” and from this humble beginning our Law Library has grown to 46,465 volumes, and while not the largest, it ranks second to none in the whole country as a working library. Under the efficient management and methods of Mr. J. Oscar Emrich, the Librarian, and his staff, and with the beautiful rooms in which the Library is housed, there remains nothing further to be desired.

I might turn aside here to contrast the great increase in the business of our courts at the present time with that when I was admitted to the bar on June 6, 1867; and the change in the methods and facilities which we have now as compared with those which we had in the earlier period.

In 1867 there were three judges of the Common Pleas Court, whose jurisdiction embraced all the civil and criminal cases, and all the business of the Orphans’ Court, and two judges of the District Court having concurrent jurisdiction with the Common Pleas Court over civil cases.

We have now fourteen judges of the Common Pleas Court, three judges of the Orphans’ Court, and five judges of the County Court; and the criminal business has become so great that two additional judges from adjacent counties have been called in to assist in the trials during the most of each year.

In 1867 there were about 300 attorneys practicing at our bar; now we have about 1840. In 1867 there were 200 Deed Books in the Recorder’s Office, and 75 Mortgage Books; now there are 2110 Deed Books and 1816 Mortgage Books. In 1867 there were 21 Appearance Dockets in the office of the Clerk of the Orphans’ Court; now there are 255.

From 1867 to 1873 we had no official stenographic reporters in our courts, and the judges had to write the records of the trials laboriously in longhand; some judges using a quill with which to write, and the sand box for blotter; I believe that Captain Edward Y. Breck was the first
official reporter appointed for the Court of Common Pleas, in 1873, coming from the state of New York.

The lawyers of the early days had their offices in the front rooms of the first floor of their residences. The first office building specially constructed with safes, and provided with wash-stands, etc., in each room, was one built by Mr. James I. Kuhn, about the year 1862, at the corner of Diamond Street and Scrip Alley, where the Frick Annex is now. This building was of three stories, containing 20 offices, 10 on the first floor and 10 on the second floor. Mr. Kuhn occupied the third floor as his living apartment, he being a bachelor. Such a thing as a skyscraper or an elevator was not dreamed of at this time.

Mr. Hampton, Mr. C. B. M. Smith, Capt. Samuel Harper, Mr. Alexander Miller and Mr. John M. Kennedy had offices on the first floor; and Messrs. Kuhn and Cassidy were the only lawyers who occupied the second floor, as lawyers were averse at that day to renting offices above the first floor.

Typewriters and telephones have only come into general use within the last thirty years. The improved Index System, in the Recorder's Office, has been introduced and put in full operation within the last ten years, and is just now being extended to the Prothonotary's and other offices.

When I was admitted to the bar, 53 years ago, and for some ten years thereafter, all the offices were kept open until 6:00 P. M. And, as the officers were entitled to all the fees, they were willing to remain beyond the closing hour. I have known that you could go into the Prothonotary's Office as late as 6:30 P. M. and have judgment entered by confession on a judgment note, and have execution issued, and take the writ to the Sheriff's Office and find a Deputy Sheriff who would take it and make a levy on the goods of the defendant the same night. The courts opened at 9:00 A. M., ran to 12:00 noon; adjourned for lunch to 1:00 P. M., and then ran until 6:00 P. M.

Chief Justice Daniel Agnew, in his address at the Banquet in 1878, given for him by the bar of Allegheny County, on his retiring from the Bench, spoke thus of the reciprocal relations of the Bench and Bar:

"It is often said the judiciary is the conservative branch of our government, yet few fathom the true depth of this remark. It is so, but why? Its conservation and correction are found in the bar. They make the bench what it is;
whether we regard its learning, its research, its profundity, or its love of liberty and law. What error of the bench has ever stood against the keen analysis and the united opinion of the bar? The bar leads the judiciary, while the latter in legal form conserves the state, and in its reflex action again refines the bar. They act and react upon each other, just as the images in opposite mirrors are seen in long lines of reproduction, until they fade and disappear in the distance. How much the judge owes the counsel is seldom seen in his judgment, yet, behind what is often termed the learned opinion of the court, stands the research and solid argument of counsel, like the prompter behind the scene.”

On the same occasion, Mr. John H. Hampton, my revered preceptor, paid this tribute to the bench:

“The highest judicial tribunal of a government is the embodiment of its power to maintain the legal rights, defend the property, and promote the welfare of its citizens. It represents, too, the learning, the purity, and honor of our noble profession. Many who have given their lives to its duties, live, in history, as much adorning its pages as victorious leaders of armies, or statesmen who were the glory and strength of their age. The ministers of the law wear not laurels dipped in blood, nor win renown by the wiles of diplomacy; to them comes fame by the power to clearly comprehend and firmly place on enduring foundations the great principles which support the fabric of society, and so to administer the law that it becomes a buckler and shield to him whose cause is just.

“How gratifying to all the people of Pennsylvania, that we can point with pride to its Supreme Court, as worthy of the highest commendation, as representing the majesty of the law, and a purity of judicial history that casts a fadeless lustre on the bench, and on all who have been upon it.”

Let such noble sentiments animate us in elevating still higher the standard of professional excellence, and in maintaining the purity, integrity and honor of our whole bar. Let us keep before us that ideal of JUSTICE apostrophized by Sydney Smith:

“Justice is the great interest of man on earth. Truth is its handmaid, freedom is its child, peace is its companion, safety walks in its steps, victory follows in its train; it is the brightest emanation from the Gospel; it is the attribute of God.”
My limited time will not permit me to speak at length upon the splendid war record of our bar. From the 250 members who composed it from 1861 to 1865, 106 went into the Union Army in the Civil War, or 40 per cent. of the whole number. One hundred eighty-nine of our attorneys entered the United States Army in the World War, of less than two years duration from our nation’s entry therein. I regret that I have been unable to ascertain the number that participated in the Spanish-American War.

In closing, my feelings urge me to offer a few words as my personal tribute to the patriotism and valor of those of our bar who went down to glorious death and up to deathless glory from the battlefields where they fought and died, and whose names and deeds are inscribed in never fading letters upon our Roll of Honor.

To the brave and eloquent Colonel Samuel W. Black, who served in the Mexican War as lieutenant colonel of the 2nd Pennsylvania Regiment, and who, in response to President Lincoln’s first call for volunteers, resigned as governor of Nebraska, came home and raised the 62nd Regiment of Pennsylvania Volunteers. He went to the front and fell at Gaines’ Mill, Virginia on June 27, 1862, leading his men in a gallant charge against the enemy.

To Colonel Oliver H. Rippey, who served as a private under Colonel Samuel W. Black in the Mexican War, and, like him, in response to President Lincoln’s first call for volunteers, raised the 61st Regiment of Pennsylvania Volunteers, and, at the battle of Fair Oaks, Virginia, on May 31, 1862, was killed while rallying his men against the assault of a vastly superior force.

To the youthful Lieutenant, James P. Over, who, in leading a detachment to drive out a nest of German machine gunners, met his death on July 30, 1918, at Sergy Heights, France. He was a brave son of a patriotic sire, Judge James W. Over of the Orphans’ Court, who himself had carried a saber for three years in the Civil War, and whose own death was hastened by the sad news borne to him from across the seas.

And now:

“Their good swords are rust,
Their bodies are dust,
But their souls are with their God, we trust.”
Joseph Forsythe had as his subject "Some of My Recollections of the Early Bar." After referring to his ancestors and how they had originally come from Virginia, he continued:

As they came from Virginia in 1774, I went to Virginia in 1861. Lincoln's first call for volunteers was so soon filled in Pennsylvania that Governor Curtin could not accept the "Pittsburgh Plummer Guards" of which I was a member. We went to Wheeling on June 10, 1861, Virginia having seceded in April we cast in our lot with the loyal West Virginians. When that government was organized we became G. Co. of the 2nd Loyal Virginians. When that government gave its consent to the erection of a new state, out of the territory of the Old Dominion, we became G. Co. of 2nd West Virginia Infantry. Later our company became G. Co. of the 1st West Virginia Light Artillery,—still later Horse Artillery attached to General W. W. Averell's mounted brigade. Our Captain was Chatham T. Ewing of this bar. In our company was William Shields of this bar, and Charles McClure Hays also of this bar,—he became adjutant of the 2nd Infantry when the regiment was organized. In that service, and field, I saw or met other members of this bar in various commands. I recall Captain Robert Pollock, Marshall Johnston, S. A. Johnston, Lt. Col. William Blakely, and Arch. Roward, one of Sheridan's scouts.

When I came back from the army I read law with "Glorious Old Tom," and was admitted to the bar on October 10, 1867. Thomas M. Marshall was then associated in practice with Major A. M. Brown in McTighe's Block at the southwest corner of Fifth Avenue and Grant Street. Our entrance to the 2nd story was on Fifth Avenue opposite St. Paul's Cathedral. At the head of the stairs we entered on the left. In our office Josiah Cohen had begun practicing; W. P. Miller, J. P. Johnston, Wm. Carr, Walter S. McCune and myself were students. On the right at the head of the stairway Samuel A. Purviance and his son Winfield S. Purviance had offices. With them was James W. Murray, who later took over the Legal Journal from Thomas J. Keenan. On the Grant Street front were Samuel Fulton, H. H. McCormick, John S. Robb, Chris. Snively, John Mitchell, and others. Below Cherry Alley on the other side of Fifth Avenue were F. H. Collier, later a judge of the Common Pleas Court; Jacob Miller, Archibald McBride, and a student with
them, W. D. Porter, now a judge of the Superior Court. To name everybody seems a religious duty but, as usual, I can't do it. There was Marcus W. Acheson, who assisted me in my first ejectment. I am indebted to him for many kindnesses. There was George Shiras, Jr., born in 1832 who became a justice of the United States Supreme Court and is still living in his 90th year,—the Hamiltons, Fettermans, Watsons, Robbs, Veeches, Schoyers, Woodses, Bells, Morisons, Montooths, Mellons, Reardons, W. B. Rodgers, Arch. Blakely, W. D. Moore, Stephen Geyer—I cannot name or order them. To those I omit I apologize. As the kaleidoscope turns with revolving years all changes—the town changes—I grow a stranger in it—the people change—I change. There is nothing else to do. The grandparents are gone, the grand old forests are gone, the game that fed us before we supplanted it with other games; the Iroquois, the French, the English, Virginia's claims of jurisdiction running successively through Spottsylvania, Orange, Augusta, West Augusta, to Youghioghenia—the lost county. In Pennsylvania, jurisdiction successively passed from Chester County through Lancaster, Cumberland, Bedford, Westmoreland and Washington to Allegheny since September 24, 1788.

On December 24, 1768, the Indian title was purchased. The Land Office was opened April 3, 1769. Even before the purchase there were squatters intruding on the Indians, but then began a swarming of speculators, and squatters or actual settlers. Anybody with a tomahawk, hatchet, or axe, could blaze lines about choice spots, but the squatter or settler cleared, planted, fenced, built, and lived on the premises. A fine crop of litigation was sown. But with the law came the lawyer. In 1774 James Forsythe came from Virginia, squatted, cleared, planted, built, and lived on a tract apparently vacant, but subsequently a claim of entry was made on some part of it in 1769. Under the advice of David Redick, one of the first crop of lawyers here, James Forsythe bought the claim in 1783 and through Redick purchased a warrant of survey in 1784 which was executed in 1785, the year the boundary question was adjusted with Virginia, and procured his patent in 1787 for 328 acres and allowance. A resurvey in 1789 showed the actual settlement embraced 362 acres and allowance.

The laws of nature and natures God inhere in all things
from the smallest to the largest, even in human beings, and are automatically executed. Blackstone's definition of law as a rule of conduct prescribed by a superior for an inferior, fits better to an autocracy than to a democracy, where all have equal rights to life, liberty, property and the pursuit of happiness, and governments derive their just powers from the consent of the governed. Only as a government approximates democracy is there a place, use, power, or influence for a professional class of lawyers. With the pioneers they came, were themselves pioneers in settling the land, as well as the law, until a subdivision of labor made it necessary for everybody to attend to his own particular business,—then the lawyers came to their own.

The bar is only a small part of

"Being's ceaseless tide,
Which ever flowing runs, linked like a river,
By ripple following ripple fast or slow,
The same, yet not the same, from far off fountain,
To where its waters flow into the seas.—into eternity."

Of the men of the olden time, of the individual emanations and materializations evolved by the Master Thaumaturgist, and made visible and audible in this community fifty, sixty, seventy years ago,—spirits that appeared for a little, and faded, and vanished and returned whence they came, I would I could give you pictures, as in a movie show with a phonographic annex, that you might see, and hear them as they were, and acted, and spoke. But my photographic and audiphonic records are imperfect, my pictures faded, and my records dulled with my hearing.

Like the gravedigger I might dig up skulls; like Hamlet I might say of a particular one, "Alas poor Yordick! I knew him well, Horatio. He was a fellow of infinite jest, of most excellent fancy." But I have no witchery to raise them as she of Endor did the shade of Samuel. Even the resurrectionists raise only dead bodies; and it is the living, moving, acting, and speaking men of the past I would fain place before you. In all their pride of health, strength, achievement, hope, and courage, as on the stage of life, they acted their parts heroic, comic, or tragic. Like the Cliff Dwellers—
"They were but they are not, the ages
Are dumb, but their pleasure or pain,
Are scrolled on the unwritten pages
We search for in nature in vain.
   *  *  *  *  *
They were young, they grew old. In their
fashion
They laughed, and they sighed, and they
wept.
They were eager for fame, and for riches,
Their altars with gifts were aglow,
But their ashes are heaped in the niches
And their fires flickered out long ago."

"Thou knowest 'tis common, all that live must die.
Passing through nature to eternity." Manfully they dared,
and endured the dangers and hardships of life, and with the
cheerfulness of women, and children, and inferior creatures,
approached their graves—

"Like one that wraps the drapery of his couch
about him
And lies down to pleasant dreams."

Their was the courage to live, and love, and to work,
and to fight for their loved ones and for their country.
Theirs, too, the selfishness without which life perishes, and
cannot support a family. (I will ask you here to refrain
from ill-natured reflections on bachelors.)
They were good sports and had they thought of it would
have said as some one has said:

"When I am gone,
I would not have the song birds hushed
Nor turnips cease their growth,
I would not have the earth stopped in its course
Lest too one sided baking should result
And, let the moon play round,
She'll not annoy me romping with the waves
When I am gone."

Mark Antony said, "The evil that men do lives after
them; the good is oft interred with their bones." There is
truth in that, but not the whole truth. As surely the good
influence of our dead is with us, as is that of the Barons who
from King John wrung the great charter of our liberties; as surely as is that of those who shaped and signed the Declaration of Independance, and the constitution of the United States. Just so surely is that of every one who in civil or military life lived or died for that constitution and the principles embodied in it.

In conclusion, I know this comes short of what might naturally be hoped in the way of reminiscences personal to the members of the bar whom I have seen and known in over 53 years of pleasant association with the profession,—but I am growing forgetful. Only recently, when Professor Thorp addressed you, I wanted very much to see and hear him, but I quite forgot the meeting, and I will ask you, if I shall be absent when you meet to celebrate the 100th anniversary of this association to remember my weakness.

The other speakers were the Hon. John D. Shafer, President Judge of the Court of Common Pleas of Allegheny County, and Charles A. O'Brien.