WHEN JUDGE F. H. COLLIER WAS A YOUNG LAWYER

By

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Between twenty-five and thirty years ago, a case of assault and battery was tried in the Court of Quarter Sessions of this county before Judge McClure, which attracted much attention and awakened a deep interest in the minds of all who heard it, in favor of the defendant. A young man was brought from jail, where he had been for some time confined, before the court, charged as above, on one of his employer's sons; the former being the prosecutor. As the defendant had no attorney, at the request of the court F. H. Collier, Esq., defended him. The defendant came from the prisoner's box and sat down by Mr. Collier, and they engaged in an exceedingly earnest conversation. After being thus engaged probably fifteen minutes the court called Mr. Collier's attention to the fact that he was consuming too much valuable time, and the latter announced that he was ready to proceed with the case. The testimony of the prosecutor's witnesses made out a clear case against the defendant, but, as the latter had no witnesses, Mr. Collier drew out of those for the plaintiff some facts that were of considerable importance to his client. The testimony was that the prosecutor owned a ferryboat at Elizabeth on the Monongahela River, and that defendant was employed by him; also that the plaintiff had two boys who daily heaped abuse on his client, and that on the day he committed the assault on one of them, his client was under the influence of liquor. It is not often that a lawyer gives as much earnest attention to a case when he expects no reward, as Mr. Collier did in this one. It has always been my disposition to side with the weak and oppressed, hence my sympathy was enlisted so much in favor of that prisoner that I retain a fair recollection of the substance of the speech Mr. Collier made to the jury on that occasion. He arose from his seat, turned to the jury and earnestly scanned each face and then in a voice which clearly indicated that he was much interested,
he said, “Gentlemen of the jury, I will preface the short address I propose to make to you, in behalf of my client, by relating a scrap of my early history. When I was a boy, the son of a poor Methodist preacher in lower Maryland, I had a friend, a noble-hearted boy, whom I loved with all the ardour of my young heart. In those days Methodist preachers were so poorly paid that in a sparsely settled country they barely received enough compensation for their services to keep soul and body together. My father occupied a position of the better kind, and, although I have no recollections of ever suffering for want of food, I can recall several occasions during the cold, bitter winters on the coast of being short of fuel. I can also remember that my young friend, who often visited us, was not oblivious to this fact, as he was generally on hand with a sled load, if there was snow, or his arms filled with wood from his father’s pile, when we were in need. Time passed, my father moved west and settled in this county and in his new home he received sufficient remuneration for his services to live comfortably and educate his children. Now, gentlemen of the jury, as my story is about done, as you seem to be interested, probably some of you would like to know whether or not I ever saw my young friend after I left him and moved west. I will tell you that I did, but never until within the last hour, and there he sits,” pointing to the defendant. This announcement created a profound sensation; it is my firm belief that from the stern judge to the humblest man in the lobby, there was not a bosom in which the feelings of sympathy were not stirred. Mr. Collier continued:

“Now, gentlemen of the jury, I will simply and briefly call your attention to the testimony in this case. You will remember that the witnesses for the prosecution have testified that my client has been, to say the least of it, shamefully treated, and that when he committed the assault he was under the influence of liquor, during which he forgot his dependent position and asserted his manhood. These facts, I trust, will be received by you as a palliation for the offence he has committed and recommend him so kindly to your consideration that you will reach the conclusion that the time he has been confined in jail has been a greater punishment than he deserved.”
After the prosecuting attorney had made a short speech and Judge McClure a brief change, the jury retired and acquitted the defendant on the first ballot.

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