HON. WALTER FORWARD

By Robert M. Ewing

"No purer man ever wore the judicial ermine, and Allegheny County never had a more worthy representative."

In these words the late Erasmus Wilson, "The Quiet Observer," summed up his estimate of Walter Forward, (1) and in this paper we shall endeavor to point out some of the events of his life, characteristics and public service, that appear to fully warrant the tribute thus paid to his memory.

He was born at Old Granby, near Hartford, Connecticut, now the town of East Granby on January 24th, 1786, the son of Samuel and Susannah Holcombe Forward. His great-grandfather, Samuel Forward, in the early days came from England and settled in Windsor, Connecticut. Young Walter was raised on a farm in Old Granby, and when about fourteen years of age, about 1800, his parents moved to Aurora, Ohio, a short distance southeast of Cleveland. We are told that the boy Walter drove his father's team on that long journey. In this new environment he worked on his father's farm for three years, during which time his spare moments were devoted to reading and study, and in teaching for a time a night school. (2)

He evidently had a fixed purpose to study law, and it is said that one of the books he first purchased, out of his meager earnings, was a volume of Blackstone's Commentaries. When and how his purpose to study law was implanted in him we do not know, but in furtherance of this purpose sometime in 1803 he packed up a few belongings—only scant and necessary wearing apparel—and started out on foot for Pittsburgh, then a city of less than five thousand inhabitants. He knew no one here, but had heard of Henry Baldwin, who had come to Pittsburgh from Connecticut.

His education was in a village school at Old Granby until he moved to Ohio and so far as we are informed af-
ter that time it was self acquired from such books as he was able to obtain. There is no record of his attendance at school after he left Connecticut.

He had about a dollar in his pocket when he left home, and, when he reached the ferry at Pittsburgh he is said to have been without enough money to pay for his passage across to the Pittsburgh side of the river and to have induced the ferryman to accept, for his passage, a horse-shoe which he had picked up along his journey and was carrying with him for "luck." In The Judiciary of Allegheny County, the late Judge J. W. F. White tells us that as young Forward, after crossing the river, "was walking along Market Street reading the signs to find Mr. Baldwin's office, a man mounting a horse inquired what he was looking for. On being informed of his object and purpose, the man—it was Henry Baldwin just starting to attend court at Kittanning—gave him the key to his office and told him to read Blackstone until his return. Such was the introduction of the future Secretary of the Treasury to the future Judge of the Supreme Court of the United States." (3)

About the town at this time was a young man, H. M. Brackenridge, of the same age as Forward, and destined to become in later years quite famous. In his Recollection of the West published in 1868, relating the circumstances of their first meeting and the formation of a long friendship, he says:

"Stepping into Mr. Baldwin's office while he was absent, I observed a young man with broad shoulders, long visage, and head of uncommon mould, poring over a law book. It was unnecessary to inquire whether he was a student. We soon entered into conversation and then proceeded to argument. Finding myself somewhat worsted, I became vehement and vociferous until people were drawn to the window. This was the beginning of a friendship that lasted, with no interruption, for thirty years. Yet his commencement was attended with unusual and most discouraging circumstances. This success shows what a bold adventurous spirit may accomplish and how genius can overcome difficulties which appear invincible to the common mind." (4)

Details of his first years in Pittsburgh are wanting but it is certain that he must have been a close student, with impressive personality and great energy, for in December 1805, at the age of 19 years, he became the editor
of the *Tree of Liberty*, just about two years after his unheralded arrival in Pittsburgh.

This perhaps uncouth and inexperienced country boy must have, indeed, made rapid strides under the tutorship of Henry Baldwin for an examination of the files of this paper and of those of the *Commonwealth* and the *Pittsburgh Gazette* of that period disclose that the editorship of a partisan paper, as they all were, called forth the keenest minds of the times. The *Tree of Liberty* adhered to the principles of Thomas Jefferson and was at all times in opposition to the policies of the *Gazette* and of the *Commonwealth*, published by Ephraim Pentland. Pentland, in the campaign for the Governorship between Simon Snyder and Thomas McKean, was particularly vindicative towards the *Tree of Liberty* and charged its ownership to Henry Baldwin and Tarleton Bates and that Forward was only the nominal editor. He frequently referred to "Baldwin and his Forward." Subsequent events justify the belief that Forward was never a follower but a leader.

He was admitted to the bar on November 12th, 1806, along with his young friend Brackenridge, and on January 31st, 1808, he was married to Henrietta Barclay of Greensburg, Pennsylvania, a niece of Judge Young of Somerset, the same state. Of this union there were born four daughters and two sons who grew to manhood and womanhood. There were other children who died in infancy. The daughters were Lavina, who married William F. Austin, a member of the Allegheny County Bar; Henrietta, who married Alfred Marks; Mary and Sarah, neither of whom married. The sons were Henry and Walter. Three of his grand-children, sons of Walter are now living, Walter, now aged 76 years and John D. Forward, Sr., now aged 73 years, both of whom reside in San Diego, California and James E. Forward, aged 70 years, now living in Spokane, Washington. Their sister, Henrietta Barclay Forward, who about 15 years ago became the wife of Thomas D. Keller of Pittsburgh, Pennsylvania, died on January 5th, 1924.

The first record we have of the early residence of the Forward family is given in the *Pittsburgh Directory* of
1837 as Hays Row, Penn Avenue near Pitt. In 1839 he purchased a tract of 160 acres in what was then Peebles Township, now Squirrel Hill, but then quite far in the country. The following year he built a home on this tract at what is now Shady and Forward Avenues, the latter being named in his honor, and set out with his own hands many fruit and ornamental trees. The home is still standing and many of the trees were still standing within recent years.

His grandson, John D. Forward, Sr., in a letter to the writer of this paper under date of November 18, 1924, is authority for the statement that the late Marshall Swartzwelder was associated with Walter Forward in the practice of law when he was called into public life in Washington, D. C., and frequently joked with him about his extravagant indulgence in the purchase of trees, and that he had an abundance of fruit and ornamental trees, such as could not be found in all this section of the State. (5)

The Forward homestead was the scene of much social life and of one of the greatest social events ever celebrated in suburban Pittsburgh upon the occasion of the marriage of the daughter, Lavina, to William F. Austin, at which function 400 guests attended. It appears that he also maintained a winter home in the City as at the time of his death he lived on Wylie Avenue and from this home his funeral was held. He was domestic in his tastes, devotedly attached to his home. He delighted in social enjoyments, was passionately fond of music, and played on the violin. (6)

The religious element was strong in his character and manifested itself throughout his whole career. There is nothing recorded as to his church activities other than that he was a member of the Methodist Protestant Church.

He was admired not alone for his intellectual powers but on account of his moral excellence. His powers as an orator were marked and it is said of him that on the occasion of a visit to Pittsburgh in August 1844 of Zachary Taylor and Gov. W. F. Johnston he was appointed to make the welcoming speech from the balcony of the Monongahela House, and that "Here the welcoming speech of Mr. For-
ward was delivered—one of the most eloquent ever uttered in Pittsburgh.” (7)

But, returning to his professional and public life, it was at the bar wherein he was preeminent. The leaders of the bar, when he entered his chosen profession, were such men as James Ross, Henry Baldwin, William Wilkins, John Woods, Steele Semple and Sidney Mountain, and all agree that within a very few years he was their peer in all respects and employed in most every important case. But the complexion of the bar often changes in a few years, and of this Jones Directory or booklet, published in 1826, affords an interesting commentary, it says:

"The bar at Pittsburgh in modern times presents a list of followers of the law, of considerable length; but as to talents, with few exceptions, they bear no comparison to those who flourished in those days to which we have heretofore alluded. The greater part of the members of this period are young men, the ambition of some of whom soared no higher than to have the respectable title of "attorney and counsellor at law" tacked to their natural cognomen; intending afterwards to leave the acquirement of legal knowledge which is only to be obtained by deep study and intense application to the drudgery of a fugitive practice. Among the exceptions which we make the names of Walter Forward and Richard Biddle may be mentioned. These are gentlemen of sterling talents and great legal attainments."

Mrs. Ann Royal in her well known publication of travels, published in 1828, speaking of and in estimating men, after writing of Henry Baldwin, says:

"Walter Forward is another Yankee, a second, if not equal to Mr. Baldwin at the Bar, and some say he is superior. Mr. Forward is a man of towering talents and a great pleader. He is a brother of Chauncey Forward of Somerset, Member of Congress, and is a stout middle aged man of fine appearance. His face is round and rather sallow; his eyes are full dark, keen and intelligent; his countenance open and pleasing; his manners manly, though mild and alluring and take him all in all, one of the most spirited and noble looking men in Pittsburgh."

Woman like, Mrs. Royal emphasizes his personal appearance, although not unmindful of his capabilities. That he was not only a great lawyer, but a great reader from which source he derived much that fitted him for his life work and with it all had a tendency toward the rustic life of a gentleman farmer may be gleaned not only from what we have already said but from his brilliant young friend, Brackenridge, who in his Recollections of the West, published in 1868, inserts in the appendix a letter written by
him to Forward under date of September 29th, 1817 from Washington, D. C., wherein he says:

"Nothing gives me more pleasure than to hear of your continued success in your profession. During the three years we pursued our legal studies we were inseparable, as if we were possessed of but one mind, although in two bodies. The difference now is very great; after some years of successful practice, you became attached to the soil, glebe adstrictas; became the father of a family; became deeply rooted and grew like the noble 'Green Bay Tree by the Water Side,' while I continued an unsettled wanderer without local attachments, without root, with but little weight or influence in any society. In your last letter prompted by kindly interests and also by curiosity, you put a number of questions to me relating to myself; to my habitual pursuits, to my occupations, my studies and particularly to my intercourse with books, those silent and interesting friends to whom we have been so much devoted."

Brackenridge also relates an incident of their early friendship that took place during the early years, which would not be possible at the same place in these modern days. He says "we took a walk one Saturday evening, and descended into the deep romantic glens east of Grant's Hill. We took a shower bath in my favorite cascade after which my companion washed the garment unknown to the luxury of Greeks and Romans (his shirt) and laid it in a sunny spot to dry, while seated on a rock we reasoned high of fate, foreknowledge." (8)

It appears that Brackenridge was somewhat of a wanderer, but located for a time in the general practice of law at Somerset, Pennsylvania, where, as he tells us, there were only two lawyers and that he was engaged on one side or the other of every case, and that he called upon his friend Forward to come to his aid at the first term of Court after he located there, no date being given. In speaking of the aid he received from Forward, he says, "Mr. Forward opened his case, and with his calm, self poise, deliberate and yet animated argument, made the subject plain to the understanding of the jurymen. He marked out the course, filled up the valleys, levelled the mountains, paved the way, while I drove my vehicle over it with a thundering noise."

As a trial lawyer, very few, if any, in his day or indeed since, have rivaled his fame. Boucher in his Century and a Half of Pittsburgh and Her People tells us "that he cross-examined very little, paying apparently no
attention to the testimony, unless he thought the witness was mistaken or was wilfully perverting or concealing the truth. Usually he sat quietly until a vital point or a weak place in his case, which he saw with unerring certainty from the beginning, was touched upon by his opponent. Then it was that his fiery nature was aroused and the spectator saw him soar like a warring eagle to the rescue of his endangered interests."

Judge White in his *Judiciary of Allegheny County*, says:

"His arguments to the court and jury were never long or tedious always brief but directly to the point, and masterly in their clear logic. In a celebrated case, where the opposite counsel had occupied two days in their argument, Mr. Forward spoke less than two hours, and at the conclusion of his argument, Chief Justice Gibson adjourned court with the remark that 'the law was not devoid of luxuries when the judges had an opportunity of listening to such an argument as that.' Yet the heads of that argument were written in the kitchen while his wife was preparing their meal—an incident illustrating the strong social affectations of the head, as well as the greatness of intellect."

There never was a time in his career that he was not active in public affairs. In 1817 he was a candidate for the Assembly and defeated, but, again a candidate in 1817, he was elected. It is worthy of note that in every political contest in which he was engaged he was put forward as representing some outstanding principle or policy and was never a seeker after position. The whole trend of his nature seems to indicate that a domestic life would have been his real choice. He loved the people, not as a demagogue or office seeker, but as a man and patriot. His highest ambition was to be a useful man. (9)

However that may be, upon the resignation from Congress of Henry Baldwin, Walter Forward was elected to succeed him. He was re-elected and served in all from December 2nd, 1822 to April 4, 1825. Upon taking his seat he was appointed as a member of the Committee on Manufacturers of which his predecessor had been chairman. But little is recorded of his Congressional career aside from the fact that he was noted for his strong and able advocacy of high tariff measures. That he was ever an advocate of the stimulation of the manufacturing interests of Pittsburgh is evidenced from the fact that in
January 1837, when there was an effort being made to overthrow the protection which since 1824 had fostered American industries, at a meeting in Pittsburgh, he, with Richard Biddle and William Wade, were appointed as a Committee to prepare a remonstrance to Congress against reducing duties on protected articles. At this same meeting Forward and Biddle were publicly thanked "for their able exertions in behalf of the manufacturing interests of Pittsburgh." The account adds "Mr. Forward addressed the meeting in a very happy and eloquent manner." (10)

As early as December 28, 1816, he made before a large audience of his fellow citizens in the Court House, an address in which he pointed out the rapid growth of the iron business in Pittsburgh and the prospects of its continued increase. In 1818 he was chosen to present, and did present, to the legislature of 1818-19 a petition largely signed by citizens of Western Pennsylvania praying for an appropriation for a good and substantial road from Philadelphia to Pittsburgh and, at the same session, presented another petition for an appropriation to aid in improving navigation on the Ohio from Pittsburgh to the State line.

In January 1827 he, with James Riddle and Henry Baldwin were chosen as a committee to represent the interests of Pittsburgh at Harrisburg in regard to the location of the Western portion of the Pennsylvania Canal and in August of the same year he was on a Pittsburgh Committee to memorialize the legislature to give the Baltimore and Ohio Railroad permission to extend its lines into Pittsburgh.

He was a member of the Pittsburgh Philosophical and Philological Society organized in 1827, and participated in the weekly debates, and we find him on the negative side of the question "Was Brutus Justified in taking the Life of Caesar." The conclusion is not recorded.

He was, in the year 1832, President of The Pittsburgh City Temperance Committee.

He was a member of the Congressional Caucus that nominated William H. Crawford for the Presidency in 1824, but wishing to show his dislike for such a system of nomination (and it was the last of its kind) he strongly supported Andrew Jackson.
Resuming the practice of law following his retirement from Congress, he was active in political affairs. In a triangular contest for the nomination for Congress in 1830 he was the candidate of what was called the Working-men's Party, a dissatisfied element of his own party, and, although urged to withdraw, firmly refused and was defeated though he polled a large vote. On August 27, 1830, he, with Charles Shaler, was chosen in a local convention as a delegate to the General Convention of National Republicans at Baltimore and was active in the meeting that organized the Whig Party in Pittsburgh on May 6th, 1834. (11)

He was after ten years of private life chosen as a delegate, from Allegheny County, to the Pennsylvania Constitutional Convention of 1837-1838, where his services to the State were of a high order.

Upon the organization of the convention he was named as Chairman of the Committee on Article VII, which related to the matter of providing by constitutional law for the establishment of schools throughout the State in such manner that the poor may be taught gratis. (12) He thus had a large part in the foundation of the public school system of Pennsylvania, a system that has always held an enviable place in educational matters.

A study of the proceedings of this convention by reference to its daily journal and the debates, clearly establishes that Forward was at all times active and influential in the deliberations of that body. He did not speak perhaps as frequently as some others but there was no important question under consideration to which he did not lend his voice, always in a clear concise and convincing manner. It may well be said of him that he was one of the most influential men who sat in that great convention.

In party politics as we have shown he was classified as a Whig and evidently took an active part in the campaign preceding the election of Harrison and Tyler in 1840. At this time the country was in a financial crisis and the matter of a tariff was before the Pittsburgh Board of Trade on the occasion of its fifth anniversary. (13) His address on this occasion is the only printed utterance we have been able to find that was delivered by
him as a private citizen. But it is recorded that on October 6, 1840, he was one of the eloquent speakers at a mass meeting held in Pittsburgh at which John Tyler, then candidate for vice president, was present and made an address. It appears that at this meeting the largest crowd assembled, at that time known to Pittsburgh. (14) John F. Forward, Sr., in a letter of November 18, 1924, states that “some years ago, here in San Diego, I met a very old man, Robert Brown, who recalled to me the fact that he had heard Walter Forward in the 40's advocating in a speech at Steubenville, Ohio, the election of William H. Harrison to the presidency of the United States.”

Following the election and inauguration of Harrison in March 1841, Forward was appointed by President Harrison as United States District Attorney for the Western District of Pennsylvania, but he declined the appointment only to accept a few days later, on April 6, 1841, the appointment as Comptroller of the Currency. Upon the death of President Harrison, a month later, and the assumption of the duties of the President by John Tyler, Forward on September 13, 1841, was appointed Secretary of the Treasury of the United States in which office he served until February 28, 1843, when he resigned and again resumed the practice of his profession. It is also worthy of note that Allegheny County had during that administration two representatives in the Cabinet, the other being Hon. William Wilkins as Secretary of War, and it was not until the administrations of Presidents Harding and Coolidge that with Andrew W. Mellon as Secretary of the Treasury and James J. Davis as Secretary of Labor the county again was so honored. It appears that dissension had arisen within the cabinet. Tyler was alleged to be breaking away from the Whig party so that the position of Forward was becoming more and more difficult but his resignation was withheld for some time after he desired to withdraw, through the advice and persuasion of Daniel Webster who was at that time Secretary of State, and with whom he had served as a member of Congress. (15) During his incumbency as Secretary of the Treasury the records disclose that he was at all times interested in the tariff question and was called upon by Millard Fillmore,
then chairman of the Ways and Means committee, to provide the committee with a plan for raising the necessary amount of revenue for defraying the expenses of Government by an increase of duties on imports and other means. At the same session he was called upon, by the same authority, to transmit a draft of a bill for the establishment of a Board of Exchequer at the seat of Government with agencies in several states, and, in response thereto, filed a comprehensive report and draft of the bill desired. It is an able state paper. A study of his record, as secretary of the treasury, discloses that he was capable and efficient. A paragraph from his report, in discussing duties and imports, is well worthy of a place in this connection. He uses this forcible and well chosen language:

"The state of National affairs, the disposition of the government—in which it is believed the people fully participate—to put the country into a respectable state of defense, and especially to support and strengthen the Military Marine, all appear to suggest the propriety of such increase of duties in articles carefully selected, as while the amount shall not bear hard on individuals, by limiting their customary enjoyments, nor oppress nor derange the general business of the country, shall yet supply the Treasury, not extravagantly or excessively, but yet reasonably and justly for all the great purposes of National defense. Economy, that great public virtue, which is so essentially proper to be practiced by republican Governments, would be but half exercised, if, while on the one hand it avoids all unnecessary expenditure, it does not on the other, make reasonable and judicious provisions for such expenditures as are unavoidable." (16)

In these words he has expressed in a concise form a broad principle of protecting government interests in spite of the attendant need for economy, a principle that might well be applied as clearly and forcibly in this as in his day. If space permitted we could multiply quotations that would show him to be a master of diction and a strong, clear and forceful writer and speaker.

Once again he resumed the practice of law but he was not to remain long in private life. On November 8, 1849, he was appointed Charge d'Affaires to Denmark by President Zachary Taylor and his duties called him to Copenhagen where he remained until October 10th, 1851, when he resigned to accept the position of President Judge of the District Court of Allegheny County to which he had been elected in his absence. That his reputation and attainments had singled him out as a worthy man to don
the judicial ermine is apparent from the comment of the *Commercial Journal* under date of June 10th, 1851—between his nomination and election—in these words:

"The popularity of Hon. Walter Forward is not confined to this country alone, but throughout the whole Union is he held in the highest estimation. Even before he was nominated by the Whig party of Allegheny County our exchanges began to congratulate us on the prospects of having him elected Judge."

Surrounded by his brethren of the bar his Commission as Judge was presented to the District Court, on November 8th, 1851, Hon. Walter Lourie on the Bench, and the oath of office was duly administered after which his friend Judge Shaler in appropriate remarks expressed the gratification of the bar on the occasion. Judge Forward made reply and gave assurances of a courteous and agreeable discharge of his duty both on the part of the bench and the bar. (17)

At this time he was almost sixty-six years of age, a rather old man to begin a career on the bench, but he was physically strong and rugged.

His period of service as Judge was short, but that he brought to the position the fruits of his many years of experience and was an able, just and fearless Judge comes from the lips of those who knew him and loved him.

On Monday, November 22nd, 1852, he was on the bench. He had walked in from his country home we are told. He became ill when on the bench and died on Wednesday morning. (18) Practically all of his biographers tell us that he took a chill in the Court room on Monday, November 24th, just before charging a jury, and that he died the same day before the jury had returned its verdict, and that he was carried to his city office on Fourth Avenue where he died. This is incorrect, Monday was November 22nd, and on that day he tried an ejectment case No. 72 April Term, 1851, wherein Margaret Irwin, et al were plaintiffs and James B. Todd, defendant. He died on the 24th as is clearly established by the minutes of the District Court and the files of the *Pittsburgh Gazette*. (19) This is only important as correcting a mistake that has crept into history. Thus suddenly was ended a useful life. No words of mine could approach a proper eulogy or do justice to his memory. Others must speak for me. On Thursday,
November 25th, 1852, the *Pittsburgh Gazette* in a lengthy editorial said, in part, after reciting his public career:

"Of his private life, of his rare virtues and uncommon excellences of character; of the kindly sympathies of his nature; of his incorruptible honesty, which no temptation could overcome; of his numerous acts of benevolence; of his long and heroic struggle with comparative poverty, and of his shining domestic virtues, we cannot now speak. They are written in the hearts of his children, of his friends, and fellow citizens. Through a public career of nearly fifty years, he made no enemies; no stain is attached to his character."

His friend Judge Shaler on the same day announced his death in Court, and, in the course of his remarks, used these words:

"He was a man of genius; and instead of sinking to the cause before him, he raised it by the strength of his justice and his eloquence, and presented it successfully to the Court and jury. He had the genius of a poet, and the heart of an orator. Whatever others might think, he always believed in the justice of his cause, in all its particulars and all its bearings. In his private life and in his public life he was always the same."

"His colloquial powers were not simply pleasing—they were brilliant and extraordinary. He was not a classical scholar merely, he was a classic. When you conversed with him it was not of Greeks or Romans that he spoke, but a Greek or Roman stood before you. With him you entered the Acropolis, and looked upon the glories of the past. When he spoke of philosophy, a disciple of Socrates would seem to emerge from the shades of the Academy. If he alluded to Thermopylae, Leonidas would stand before you in his immortal panoply. When he spoke of Rome, a Conscript Father would arise before you. It seemed indeed, as if the great spirit of some great and mighty man had arisen from its mausoleum."

This sounds like extravagant language, but after all its accord with the character, activities, and deeds of Walter Forward.

Judge Henry W. Williams, who was on the bench, then made reply to the announcement, in the course of which he paid this tribute:

"The speaker loved him for his greatness of heart, and for his strong sense of an overruling Providence. He did not believe that God ruled alone by general laws, but that not a sparrow falls to the ground without his notice, and that even the hairs of our head are numbered." (20)

The same day the Bar association met and adopted suitable resolution which included their re-assembling the next day at his late residence on Wylie Avenue for the funeral. From this place the body was taken for burial to the cemetery on his farm in Peebles Township, on
Friday morning the 26th. His body was later removed and now lies in Allegheny Cemetery.

Walter Forward was a great man. Posterity might well emulate his many virtues, and Erasmus Wilson undoubtedly was doing but simple justice to his memory when he said:

"No purer man ever wore the judicial ermine, and Allegheny County never had a more worthy citizen or better representative."

REFERENCES

19. *Minute Book*, District Court of Allegheny County, November 22, 1852.