

THE

JUDICIARY OF ALLEGHENY COUNTY.

BY

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The English system of Jurisprudence prevailed in Pennsylvania during the Proprietary Government. It was slightly modified by the Constitution of 1776, and radically changed by the Constitution of 1790. To understand our early courts, we must have some knowledge of the Provincial system.

The Act of 22 May, 1722, which continued in force, with slight amendments and some interruptions, until after the Revolution, established and regulated the courts. Each county had a court of "General Quarter Sessions of the Peace and Gaol Delivery," for criminal offences, and a court of "Common Pleas," for the trial of civil causes, each court required to hold four terms in the year. The Governor was authorized to appoint and commission "a competent number of Justices of the Peace" for each county; and they, or any three of them, could hold the Court of Quarter Sessions. He was also authorized to appoint and commission "a competent number of persons" to hold the Common Pleas. At first, the same persons were appointed and commissioned for both courts. But the Act of 9 Sept. 1759, prohibited the Justices of the Quarter Sessions from holding commissions as Judges of the Common Pleas. That Act required "five persons of the best discretion, capacity, judgment, and integrity" to be commissioned for the Common Pleas, any three of whom could hold the court. These justices and judges were appointed for life or during good behavior. The Constitution of 1776 limited them to a term of seven years, but the Constitution of 1790 restored the old rule of appointment for life or good behavior.

The Orphans' Court was established by Act of 29 March, 1713, to be held by the Justices of the Quarter Sessions. But

*By Charles H. Hays, Esq.*

the Act of 1759 changed this, and made the Judges of the Common Pleas the Judges of the Orphans' Court.

The Act of 1722 established a Supreme Court of three Judges, afterwards increased to four, who reviewed, on writs of error, the proceedings in the county courts, and were also Judges of the Court of Oyer and Terminer, for the trial of all capital felonies, for which purpose they visited each county twice a year. The Act of 31 May, 1718, made the following offences punishable with death: treason, misprision of treason, murder, manslaughter, sodomy, rape, robbery, mayhem, arson, burglary, witchcraft, and concealing the birth of a bastard child.

On the night of Nov. 24, 1758, the French blew up, destroyed, and deserted Fort Duquesne; the next day General Forbes took possession of the ruins, and commenced Fort Pitt. Ten years thereafter, by the treaty of Fort Stanwix (Nov. 5, 1768), the Indian title to all lands south of the Ohio and Monongahela, and up the Allegheny as far as Kittanning, was ceded to the Penns, and four months later (March 27, 1769), the "Manor of Pittsburgh" was surveyed. At that time all north of the Ohio and Allegheny was Indian Territory. In October, 1770, George Washington visited Pittsburgh and estimated the number of houses at about twenty, which, counting six persons to a house, would give a total population of one hundred and twenty, of men, women, and children.

All this region of the State was then in Cumberland County. Bedford County was erected by Act of 9 March, 1771, and all west of the mountains was included in it. Our courts were then held at Bedford. The first court held there was April 16, 1771. The scattered settlers of the West were represented by George Wilson, Wm. Crawford, Thomas Gist, and Dorsey Pentecost, who were Justices of the Peace and Judges of the Court. The court divided the county into townships. *Pitt* Township (including Pittsburgh) embraced the greater part of the present county of Allegheny, and portions of Beaver, Washington, and Westmoreland, and had fifty-two land-owners, twenty tenants, and thirteen single freemen.

Westmoreland County was formed out of Bedford by Act of 26 Feb. 1773, and embraced all of the Province west of the mountains. The act directed the courts to be held at the house of Robert Hanna, until a court-house should be built. Robert Hanna lived in a log house about three miles north-east of where Greensburg now stands.

Five trustees were named in the act to locate the county seat and erect the public buildings. Robert Hanna and Joseph Erwin were two of them; Hanna rented his house to Erwin to be kept as a tavern, and got the majority of the trustees to recommend his place—where a few other cabins were speedily erected, and the place named *Hannastown*—for the county seat. Gen. Arthur St. Clair and a minority of the trustees recommended Pittsburgh. This difference of opinion, and the unsettled condition of affairs during the Revolution, delayed the matter until 1787, when the county seat was fixed at Greensburg. In 1775 Hannastown had twenty-five or thirty cabins, having about as many houses and inhabitants as Pittsburgh. Now its site is scarcely known. The town was burnt by the Indians in July, 1782, but the house of Hanna, being adjacent to the fort, escaped, and the courts continued to be held at his house until October, 1786; the first at Greensburg was in January, 1787.

#### THE HANNASTOWN COURTS.

During all the time the courts were held at Hannastown, Pittsburgh was in Westmoreland County. The first court was held April 6, 1773. William Crawford was the first presiding justice. He resided on the Youghiogheny, opposite where Connellsville now stands. He had been a Justice of the Peace while the territory was in Cumberland County, and afterwards when it was in Bedford County. In 1775 he took sides with Virginia in the border contest, and was removed. He was the Col. Crawford who conducted the unfortunate expedition against the Indians on the Sandusky, and suffered such a cruel death at their hands. Col. Wm. Crawford was a gentleman of the old school, intelligent, ac-

complished, brave, patriotic. He was the personal friend of Washington, and served with him under Genl. Braddock. His death cast a cloud of sorrow and gloom over all the settlements west of the mountains.

Under the Provincial system the Justices selected their own president. By Act of 28 Jan. 1777, the President and Executive Council (under the Constitution of 1776) appointed and commissioned one as presiding justice. Among the first, thus regularly appointed and commissioned, was John Moor.

JOHN MOOR was born in Lancaster County in 1738. His father died when he was a small boy, and about the year 1757 his mother, with her family, moved west of the mountains. At the breaking out of the Revolution, in 1775, he lived on a farm of 400 acres, on Crabtree Run, in Westmoreland County, which he was clearing and on which he had erected a stone house for his residence, indicating that he was one of the most intelligent and enterprising farmers of his day. He was a member of the Convention that met in Philadelphia, July 15, 1776, to frame a Constitution for the State; took an active part in the Convention, and was appointed one of the "Council of Safety" in the early part of the war. In 1777 he was commissioned a Justice of the Peace of Westmoreland County; in 1779 a Judge of the Common Pleas; and in 1785 President Judge. Not being a lawyer, he could not hold that position after the adoption of the Constitution of 1790. In 1792 he was elected to the State Senate from the district composed of Allegheny and Westmoreland counties. He died in 1812, leaving two sons and four daughters. One son was county surveyor of Westmoreland County; the other was a civil engineer, and died in Kentucky. The daughters were respectively married to Major John Kirkpatrick, a merchant of Greensburg; John M. Snowden, afterwards Associate Judge of Allegheny County; Rev. Francis Laird, D.D.; and James McJunkin, a farmer of Westmoreland County.

At the first court held at Hannastown the "Rates for Tavern Keepers in Westmoreland County" were fixed, and among the rates were these:—

Whiskey, per gill . . . . .	4d.
West India Rum, per gill . . . . .	6d.
Toddy, per gill . . . . .	1s.
A bowl of West India Rum Toddy, containing one-half pint, with loaf sugar . . . . .	1s. 6d.
Cyder, per quart . . . . .	1s.
Strong beer, per quart . . . . .	8d.

At the same sessions a jail was ordered to be erected. It was made of round, unhewn logs, one story high, and had but one small room, where men and women, whites, blacks, and Indians were confined together. The jail was mainly to confine the prisoners until trial, for imprisonment was not generally a part of the sentence after conviction. Punishments were fines, whipping, standing in the pillory or stocks, cropping the ears, and branding. The whipping post, which stood in front of the jail, was a stout sapling placed firmly in the ground, with a crosspiece above the head, to which the hands of the culprit were tied, while the lashes were inflicted by the sheriff on his bare back. The pillory consisted of a low platform on which the culprit stood, with uprights supporting a frame with openings in it through which his head and hands projected. At common law every passer by might cast one stone at the projecting head. The stocks were also a rude framework on which the culprit sat, his legs projecting through openings in front. When no regular stocks were at hand, the custom was to lift the corner of a rail fence and thrust the legs between the two lower rails.

At the October sessions of 1773 James Brigland was convicted on two indictments for larceny; on the first, sentenced to pay a fine of twenty shillings, and receive ten lashes at the whipping-post; and on the second, twenty lashes. Luke Picket, for larceny, twenty-one lashes, and Patrick J. Masterson, for the same offence, fifteen lashes. At the January session, 1774, Wm. Howard, for a felony, was sentenced to receive thirty lashes on the bare back, well laid on, and afterwards stand one hour in the pillory. This was the first sentence to the pillory. At every succeeding term of court numerous parties received punishments by whipping,

standing in the pillory, branding, etc. At the October sessions, 1775, Elizabeth Smith admitted she had stolen some small articles from James Kincaid to whom she was indentured. She was sentenced to pay a fine, and receive fifteen lashes on the bare back. But Mr. Kincaid complained that he had lost her services for the four days she was in jail, and had been at some expense in prosecuting her; whereupon the court ordered her, to make up said loss, to serve her said master and his assigns two years after the expiration of her indentures. At the April sessions, 1782, James McGill was sentenced to be whipped, stand in the pillory, have his right ear cropt, and be branded in the forehead. At the April sessions, 1783, John Smith, for a felony, was sentenced to pay a fine of twenty pounds, receive thirty-nine lashes on his back, well laid on, stand in the pillory one hour, and have his ears cut off and nailed to the pillory. At the July sessions, 1788, Jane Adamson, a servant of Samuel Sample, had one year added to her indenture for having a bastard child.

✓ The first person convicted of murder, and hung, west of the mountains, was an Indian of the Delaware tribe, by the name of Mamachtaga. In 1785, in a drunken spree at Pittsburgh, he crossed the river to the Allegheny side, nearly opposite Killbuck Island, and killed a white man by the name of Smith. He was tried at Hannastown in the fall of that year, before Chief-Justice McKean. Hugh H. Brackenridge was his counsel. When brought into court, he refused, at first, to plead "not guilty;" for that, he said, would be a lie; he did kill Smith, but said he was drunk at the time, and did not know what he was doing. The Chief Justice, however, held that drunkenness was no excuse for murder. After his conviction and sentence to death, a little daughter of the jailor fell dangerously ill. He said if they would let him go to the woods he could get some roots that would cure her. He went, got the roots, and they cured her. The day before his execution he asked permission to go to the woods to get some roots to paint his face red, that he might die like a warrior. The jailor went with him, he got the roots, re-

turned to jail, and the next day was executed, painted as a brave warrior. The gallows was a rude structure, with a ladder leading up to the crossbeam, from which the rope was suspended. The sheriff and prisoner ascended the ladder, the rope was tied about his neck, and then the sheriff shoved him off the ladder. The first time the rope broke. The poor Indian, strangled and bewildered, supposed that that was all, and he would then be let go. But the sheriff procured another rope, and he was again compelled to ascend the ladder. This time the majesty of the white man's law was vindicated by the death of the red man, for a crime committed in a frenzy fit, occasioned by whiskey the white man had given him.

During the trial the Chief Justice and his associate Judge were arrayed in scarlet robes, as was the custom in those days. The grave demeanor and glittering robes of the Judges deeply impressed the poor unlettered son of the forest. He could not believe they were mortals, but regarded them as some divine personages.

As there was no court-house at Hannastown, the courts were always held in the house of Robert Hanna. Parties, jurors, witnesses, and lawyers were crowded together in a small room, nearly all standing. The Judges occupied common hickory chairs raised on a clapboard bench at one side.

During the Revolutionary War, while the courts met regularly, but little business was transacted, and the laws were not rigidly enforced. At the October sessions, 1781, only one constable attended, and he was from Pittsburgh.

#### VIRGINIA COURTS IN PITTSBURGH.

The first courts held in Pittsburgh were Virginia Courts, administering the laws of Virginia. They were held under authority of Lord Dunmore, Governor of Virginia. The first court was held Feb. 21, 1775.

As soon as the country west of the mountains began to be settled, a controversy sprang up between Pennsylvania and Virginia as to which owned the territory. The charter

of Charles II. to Wm. Penn was dated March 4, 1681, and created the *Province* of Pennsylvania. Virginia was an older colony. A royal charter had been granted to a company in 1609, with very indefinite boundaries for their territory. But the charter was dissolved in 1624, and thereafter Virginia became a *crown colony*, that is, under the control and government of the King of England, and not under a *proprietary* government, like that of Pennsylvania under Wm. Penn, or Maryland under Lord Baltimore. These were called *provinces*, not *colonies*. The controversy between Wm. Penn and Lord Baltimore, as to the line between their provinces, was settled in 1767 by two surveyors chosen for the purpose, Charles Mason and Jeremiah Dixon, and the line was thereafter known as Mason and Dixon's line. But that line extended only as far as Maryland, and did not fix the boundary between Pennsylvania and Virginia. Virginia claimed, in a general way, all west of the mountains, but more especially all lying between the Monongahela and Ohio rivers. She surveyed, sold, and granted patents to numerous tracts of land lying within the present counties of Allegheny and Washington. The organization of Westmoreland County, in 1773, roused Virginia to an active assertion of her claim. Lord Dunmore appointed Dr. John Connolly, then residing at Pittsburgh, as his agent and representative, to enforce the claims of Virginia. On the 1st of Jan. 1774, he published a manifesto, as "Captain and Commandant of the Militia of Pittsburgh and its Dependencies," assuring the settlers "on the Western Waters" of his protection, and commanding them to meet him for conference on the 25th of the same month at Pittsburgh.

Arthur St. Clair, a Justice of the Peace of Westmoreland County, issued a warrant against Connolly, on which he was arrested and imprisoned for a short time. After he got out of jail, he obtained from Lord Dunmore a commission as a Justice of the Peace for Augusta County, Va., this being then considered a part of that county. Connolly then issued warrants on which Justices of the Peace of Westmoreland County were arrested and imprisoned.

The controversy between the two State jurisdictions continued in this irregular way for a year. The settlers generally sided with Virginia, for the price of lands under the Virginia laws was considerably less than under the Pennsylvania laws.

The Governor of Virginia and his agent Connolly enforced their pretensions by holding regular courts in Pittsburgh. The first court was held 21 Feb. 1775. The Justices of the Peace of Augusta County, who held this court, were Geo. Croghan, John Campbell, John Connolly, Dorsey Pentecost, Thomas Smallman, and John Gibson. John Gibson was an uncle of Chief-Justice Gibson. The court continued in session four days, and then adjourned to Staunton, Va. Courts were also held in May and September of that year. Connolly attended the court in May, but soon after that the Revolutionary War broke out, when he and Lord Dunmore fled to the British camp never to return.

The regular Virginia Courts continued to be held at Pittsburgh, for West Augusta County, as it was then called, until Nov. 30, 1776. The territory was then divided into three counties called Ohio, Yohogania, and Monongalia. Pittsburgh was in Yohogania County, which embraced the greater portions of the present counties of Allegheny and Washington. The courts of this county were held regularly until the 28th of August, 1780. They were sometimes held in Pittsburgh, sometimes in or near the present town of Washington, but the greater portion of time on the farm of Andrew Heath, on the Monongahela River, near the present line between Allegheny and Washington County, where a log court-house and jail were erected.

At the October session of 1773, of the court of Westmoreland County, at Hannastown, a true bill for a misdemeanor was found by the grand jury against the notorious Simon Girty. Process was issued for his arrest, but he escaped. On the second day of the Virginia Court, at Pittsburgh, 22 Feb. 1775, he took the oath of allegiance to Virginia, and had a commission as lieutenant of the militia of Pittsburgh. On the same day Robert Hanna was brought into court, and,

refusing to take the oath, was bound with two sureties in a thousand pounds to keep the peace for a year towards Virginia. On the same day the sheriff was ordered to employ workmen to build a *ducking-stool* at the confluence of the Ohio with the Monongahela River. The ducking-stool was the favorite old English method of punishing scolding wives. It was constructed on the "see-saw" principle. On one end of the plank was a chair firmly fastened, in which the scolding dame was tied, and her fiery temper cooled by repeated dips in the cold water.

At the May Court, 1775, Wm. Crawford, who presided at the first court at Hamastown, took the oath of allegiance to Virginia. At the April Court, 1776, Daniel Leet took the oath of allegiance. And so at every term of the court numerous persons gave in their allegiance to Virginia. On the 27th June, 1777, the sheriff was ordered to have erected a pair of stocks and a whipping-post in the court-house yard. This, no doubt, was at the court-house on Andrew Heath's farm, for no court-house was erected at Pittsburgh during the Virginia *régime*. On the same day (June 27, 1777) James Johnson was thrice fined for profanity. The record reads: "Upon information of Zachariah Connell," he was convicted of "two profane oaths, and two profane curses," fined twenty shillings. Upon information of Isaac Cox, he was convicted "of three profane oaths, and one profane curse," fined twenty shillings. And upon information of James Campbell he was convicted "of four profane oaths," and fined one pound.

On 22 Dec. 1777, it was ordered by the court "that the ordinary keepers (tavern keepers) within this county be allowed to sell at the following rates," viz. :—

One-half pint Whiskey . . . . .	1s.
The same made into Tody . . . . .	1s. 6d.
Beer per quart . . . . .	1s.
For hot breakfast . . . . .	1s. 6d.
" cold " . . . . .	1s.
" dinner . . . . .	2s.
" supper . . . . .	1s. 6d.
" Lodging, with clean sheets, per night . . . . .	6d.

April 29, 1778, it was "ordered that a pair of stocks, whipping-post, and pillory be erected in the court-house yard by next term." June 26, 1780, "ordered that Paul Matthews be allowed \$2000 for erecting whipping-post, stocks, and pillory." This is among the last records of the Virginia Courts. The whipping-post, stocks, and pillory were, no doubt, very rude, inexpensive structures, and the amount allowed for them seems extravagant. But that was during the Revolutionary War, when the only currency was Continental money, not worth two cents on the dollar.

For five years, from 1775 to 1780, the jurisdiction of Virginia over Pittsburgh and all the territory across the Monongahela and Ohio was supreme, and almost undisturbed. Taxes were levied and collected, and all county offices filled by Virginia authority. Courts for the trial of all civil causes, and criminal offences, for laying out roads, granting chartered privileges, settling the estates of decedents, etc. etc., were regularly held.

Negotiations had been going on for several years between the two States for settling the boundary question. Terms were finally agreed upon, 23 Sept. 1780. Commissioners were appointed to extend Mason and Dixon's line, which thus became the southern boundary of Pennsylvania, and to fix the western corner, according to the terms agreed upon. The jurisdiction of Virginia was withdrawn, and that of Pennsylvania extended over the territory.

#### ALLEGHENY COUNTY COURTS.

Washington County was erected by Act of 28 March, 1781. It embraced all that part of the State lying west of the Monongahela and south of the Ohio. But Pittsburgh remained in Westmoreland County. Fayette County was formed Feb. 17, 1784.

Allegheny County was established by Act of 24 Sept. 1788. It embraced portions of Westmoreland and Washington counties, and all the territory north of the Ohio and west of the Allegheny, from which were afterwards formed the coun-

ties of Armstrong, Beaver, Butler, Crawford, Erie, Lawrence, Mercer, Venango, and Warren, and parts of Indiana and Clarion.

The Act appointed trustees to select lots in the reserved tract opposite to Pittsburgh, on which to erect a court-house. But that was changed by the Act of 13 April, 1791, which directed the public buildings to be erected in Pittsburgh.

The first court—Quarter Sessions—was held 16 Dec. 1788, by George Wallace, President, and Joseph Scott, John Wilkins, and John Johnson, Associates. A letter was read from Mr. Bradford, Attorney-General, appointing Robert Galbraith, Esq., his deputy, who was sworn in; and on his motion the following persons were admitted as members of the bar, viz: Hugh H. Brackenridge, John Woods, James Ross, George Thompson, Alexander Addison, Daniel Bradford, James Carson, David St. Clair, and Michael Huffnagle, Esqs.

The first term of the Common Pleas was held 14 March, 1789. The Appearance Docket contained fifty-six cases. The brief minute says the court was held "before George Wallace and his Associates," without naming them. The same minute is made for the June and September Terms of that year. After that no name is given. The old minutes of the court and other records and papers of the early courts were in an upper room of the court-house and were destroyed in the fire of May, 1882.

The Constitution of Sept. 2, 1790, and the Act of Assembly following it, April 13, 1791, made radical changes in the judicial system of the State. Justices of the Peace were no longer Judges of the courts. The State was divided into Circuits or Judicial Districts composed of not less than three nor more than six counties. A President Judge was appointed by the Governor for each district, and Associate Judges, not less than three nor more than four, for each county. The Associate Judges could hold the Quarter Sessions and Common Pleas. All Judges were commissioned for life or during good behavior. The Constitution did not require any of the Judges to be "learned in the law," but, no

doubt, it was understood that the Judges of the Supreme Court, and the President Judges of the Districts, were to be experienced lawyers. By Act of 24 Feb. 1806, the Associate Judges of each county were reduced to two.

The State was divided into five Circuits or Districts. The counties of Westmoreland, Fayette, Washington, and Allegheny composed the fifth District. The new judicial system went into operation Sept. 1, 1791.

The first Judges commissioned for Allegheny County, their commissions bearing date Oct. 9, 1788, were George Wallace, President, and John Metzgar, Michael Hillman, and Robert Ritchie, Associates. They were the Judges until the re-organization under the Constitution of 1790.

George Wallace was not a lawyer but had been a Justice of the Peace since 1784, and was a man of good education. He owned the tract of land known as "Braddock's Fields," where he lived in comfortable circumstances, and where he died.

Upon the re-organization of the courts under the Constitution of 1790, Alexander Addison was appointed President Judge of the fifth District, his commission bearing date Aug. 17, 1791. His Associates for Allegheny County, commissioned the same day, were George Wallace, John Wilkins, Jr., John McDowell, and John Gibson.

ALEXANDER ADDISON was the first Law Judge of Allegheny County. He was born in Scotland in 1759, educated at ~~Edinburgh~~, and licensed to preach by the Presbytery of Aberlowe. He emigrated to Pennsylvania in early life, and on the 20th of Dec. 1785, applied to the Presbytery of Redstone (Brownsville) to be admitted. He was not regularly received into the Presbytery, but was authorized to preach within its bounds. He preached for a short time at Washington, but read law and was admitted to the bar of that county in 1787.

"He was a man of culture, erudition, correct principles, and thoroughly imbued with love for the good of society. These characteristics are seen in his letters, essays, charges to grand juries, and reports of his judicial decisions. They

embrace a scope of thought and strength of logic, marking a fine intellect and extensive knowledge; and they exhibit a patriotism of the purest lustre, set in a bright constellation of virtues.

“Judge Addison lived and executed his functions among a sturdy people, amid the troubles, excitements, dangers, and factions, which followed the adoption of the Federal Constitution of 1787, and attended the enforcement of the excise law of the United States, which culminated in the Whiskey Insurrection of 1794. His patriotic instincts and love of the public welfare led him, by means of charges to the grand juries, to discuss frequently the underlying principles of government, the supremacy of the laws, and the necessity of due subordination to rightful authority, a duty which he felt urgently incumbent upon him in the disturbed condition of affairs. Though, at the time, controverted by partisanship and hatred of authority, owing to the peculiar hardships of the early settlers, these efforts are this day among the best expositions of the principles of free government, the necessity of order and obedience to law. No one can read his charge to the grand jury of Allegheny County, Sept. 1, 1794, without feeling himself in the presence of and listening with uncovered head to a great man, whose virtues of heart equalled his qualities of head.”<sup>1</sup>

Judge Addison was a Federalist in politics; a warm supporter of the administrations of Washington and John Adams. During Washington's administration the French Revolution broke out. As France had assisted us in our revolutionary struggle against England, there was in this country a strong feeling of sympathy with France, and some leading men and newspapers clamorously demanded that our government should aid France in her war with England. But Washington maintained a position of strict neutrality; so did John Adams. The country was filled with French emissaries, and secret political societies were formed similar

<sup>1</sup> Address of Hon. D. Agnew at Centennial Celebration in Washington County.

to the Jacobin Clubs of France. The Alien and Sedition laws, passed by Congress during Adams's administration, to counteract the efforts of these emissaries and secret clubs, served only to increase the excitement, and culminated in a political revolution. Jefferson was elected President over Adams, in 1800, and the same party carried Pennsylvania, electing Thomas McKean Governor in 1799.

Judge Addison's bold, manly, and patriotic stand in favor of the Federal Government during the Whiskey Insurrection, and his equally bold, manly, and patriotic stand against French emissaries and secret political societies, caused him many enemies. H. H. Brackenridge was bitter and unrelenting in his hostility. As soon as the new political party got into power, Judge Addison was a doomed man. John B. C. Lucas was appointed Associate Judge of Allegheny County, July 17, 1800. He was a Frenchman, and intensely hostile to Judge Addison. As soon as he took his seat on the bench, he commenced to annoy and provoke Judge Addison. Although a layman, he would frequently differ with the Judge on points of law, and actually charged petit juries in opposition to the views of the President Judge. He also insisted on reading a written harangue to a grand jury, in opposition to some views expressed by Judge Addison to a previous grand jury. Judge Addison and Judge McDowell, who constituted a majority of the Court on that occasion, remonstrated against such conduct on the part of Lucas, and stopped him.

That gave a pretext for legal proceedings against Judge Addison. The first movement was an application to the Supreme Court to file an information, in the nature of an indictment, against him for a misdemeanor in office. The Supreme Court dismissed it, saying that the papers did not show an indictable offence (4 Dallas, R. 225). The next step was to have him impeached by the Legislature. The House ordered the impeachment, and the Senate tried and convicted him. The articles of impeachment contained nothing but the two charges: (1) That when Lucas charged the petit jury Judge Addison told them they should not regard what

he said, because it had nothing to do with the case; and (2) Preventing him from charging the grand jury, as above stated.

No person can read the report of the trial without feeling that it was a legal farce; that gross injustice was done Judge Addison from the beginning to the end, and that the whole proceeding was a disgrace to the State. The trial took place at Lancaster, where the Legislature sat. The House and Senate refused to give him copies of certain papers, or to give assistance in procuring witnesses from Pittsburgh for his defence. The speeches of counsel against him, and the rulings of the Senate on questions raised in the progress of the trial, were characterized by intense partisan feeling. It was not a judicial trial, but a partisan scheme to turn out a political opponent. It resulted in deposing one of the purest, best, and ablest Judges that ever sat on the bench in Pennsylvania.

The sentence was pronounced by the Senate, 27 Jan. 1803, removing him as President Judge from the 5th District, and declaring him forever disqualified for holding a judicial office in the State.

Judge Addison presided in our courts for twelve years. The volume of reports he published in 1800 shows his legal ability, and the great variety and number of new, intricate, and important causes tried by him.

He died at Pittsburgh Nov. 27, 1807, leaving a widow, three sons, and four daughters.<sup>1</sup>

SAMUEL ROBERTS succeeded Judge Addison, was commissioned 30 April, 1803, and held the office until his death in 1820.

Judge Roberts was born in Philadelphia 8 Sept. 1763, was educated and studied law in that city, and was admitted to

<sup>1</sup> His eldest son, John, died without issue; Alexander read law, was admitted to the bar in 1820, and was accidentally killed in 1822; William first read law, then medicine, and became an eminent physician of Pittsburgh. Of the daughters, Eliza married Dr. Peter Mowry; Mary m. Samuel H. Fitzhugh; Jane m., first, Alexander Johnston, and, after his death, Benjamin Darlington; Ann died unmarried.

the bar in 1793. He was married the same year to Miss Maria Heath, of York, Pa. After his marriage he moved to Lancaster, and commenced the practice of law, but soon moved to Sunbury, where he was practising at the time he was appointed Judge of this district.

Judge Roberts was a good lawyer, and a very worthy, upright man. He had the respect and confidence of the bar, but it is said he was so indulgent to the lawyers, that the business of the court was rather retarded. He built for himself a fine residence, a mile or so out of town at that time, but now in the compact part of the city, near the present Roberts Street, in the 11th Ward, where he died 13 Dec. 1820. He left eight children, five sons and three daughters.<sup>1</sup>

While Judge Roberts was on the bench, he published a Digest of the British Statutes in force, in whole or in part, in Pennsylvania, with notes and illustrations, which has been the standard work on the subject ever since. This volume, and the Supreme Court reports of cases he tried, prove that he was a most industrious and conscientious Judge.

The first person convicted of murder and executed in this county was Thomas Dunning. He was tried before Judge Addison, and hung on Boyd's Hill, Jan. 23, 1793. James Ewalt was then sheriff.

The next was John Tiernan, convicted of the murder of Patrick Campbell, Dec. 7, 1817. He was tried Jan. 12, 1818, before Judge Roberts, with Francis McClure, Associate. Campbell was a contractor on the Pittsburgh and Greensburg Turnpike. Tiernan was a laborer on the turnpike, living in a cabin on the hill this side of Turtle Creek, and Campbell boarded with him. At night, when asleep in his bed, Tiernan killed him with an axe, robbed his body, and

<sup>1</sup> His sons, Samuel, Edward J., Henry, Horatio, and Morgan. Henry was a physician in Brownsville, Pa. Edward J. was paymaster in the army in 1812, afterwards Clerk of the United States District Court at Pittsburgh, and died, leaving three sons, Gen. Richard Biddle, Edward J., and John H. One daughter married Oldham Craig, and one was lately living in Michigan.

fled, riding off on Campbell's horse. A few days after he appeared in the streets of Pittsburgh with the horse, and was arrested. Wm. Wilkins and Richard Biddle appeared for the Commonwealth, and Walter Forward, Charles Shaler, and Samuel Kingston for the prisoner. He was hung at the foot of Boyd's Hill. The event became an epoch in our history, from which witnesses in court, and others, would fix the date of occurrences, being so many years before or after the hanging of Tiernan.

WILLIAM WILKINS succeeded Judge Roberts. Judge Roberts had been sick for some time, and, in anticipation of his death, the friends of Mr. Wilkins had arranged for his appointment. Wilkins had been a warm supporter of Gov. Wm. Findlay, who was beaten by Jos. Hiester, in the hotly contested election in the fall of 1820. Findlay's term would expire Dec. 18th. Roberts died on the night of Dec. 13th. There were no railroads or telegraphs then. ~~Simon~~ Small, *Wm* an old stage driver, was dispatched as a special messenger to Harrisburg, with letters for Wilkins's appointment. He rode on horseback, and by relays at the stage offices succeeded in reaching Harrisburg late at night, the last night of Gov. Findlay's term. The Governor was aroused from sleep, and, between 11 and 12 o'clock, the commission of Wilkins was signed. An hour or two's delay in the ride would have resulted in another Judge, for the next day Gov. Hiester was inaugurated.

Wm. Wilkins was born Dec. 20, 1779. His father moved to Pittsburgh in 1786. He was educated at Dickinson College, and read law with Judge Watt, at Carlisle. He was admitted to the bar in Pittsburgh, 1801. He was appointed President Judge of the Fifth District, Dec. 18, 1820; resigned May 25, 1824, when appointed Judge of the District Court of the United States for Western Pennsylvania. In 1828, when on the bench of the United States District Court, he was elected a member of Congress, but, before taking his seat, resigned, giving as a reason that his pecuniary circumstances were such, he could not give up the Judgeship to accept a seat in Congress. But in 1831 he was elected to

the Senate of the United States for the full term of six years, and resigned the Judgeship. He was an ardent friend and supporter of Gen. Jackson in opposition to John C. Calhoun and his nullification doctrines. As chairman of the Senate Committee he reported the bill which passed Congress, authorizing the President to use the army and navy to enforce the collection of revenue, and suppress the nullification movement.

In 1834 he was appointed Minister to Russia, and remained one year at the Court of St. Petersburg. When a member of the Senate, and just before leaving for Russia, it is said, he was in very straitened pecuniary circumstances. His property was covered with mortgages to its full value, and some of his creditors were so clamorous that he had to exercise great circumspection, as imprisonment for debt had not then been abolished. When he returned from Russia he was a wealthy man. The great and sudden boom in the price of real estate enabled him to sell his homestead, where the Monongahela House now stands, for ten times its value three years before, which, with what he managed to get and save while abroad, gave him the means to pay all his debts, and have considerable left.

In 1842 he was again elected to the House of Representatives of Congress. After the explosion of the monster gun on the Princeton, Feb. 28, 1844, which killed Mr. Upshur, Secretary of State, and Mr. Gilmer, Secretary of War, Mr. Wilkins was appointed, by President Tyler, Secretary of War, which office he held until March, 1845.

In 1855 he was elected to the State Senate from this county, for one term.

Although over 80 years of age when the war of the Rebellion broke out, and a staunch Democrat the greater part of his life, Mr. Wilkins took an active part in support of the government and rousing the patriotic spirit of the country. As Major-General of the Home Guards, he appeared, mounted and in full uniform, at the grand review on West Common. His dress, age, and venerable form added greatly to the interest and *éclat* of the occasion.

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Judge Wilkins was one of Pittsburgh's most enterprising men of the olden times. It was through his efforts, mainly, that the first bridge over the Monongahela was erected, the Pittsburgh and Greensburgh Turnpike, and the Pittsburgh and Steubenville Turnpike built, and the charter for the old Bank of Pittsburgh obtained. He was president of the first company organized to foster and encourage our home manufactures, the "Pittsburgh Manufacturing Co." It was in 1811, when money was exceedingly scarce. The company was organized to aid mechanics and manufacturers, by receiving their products, such as hoes, shovels, sickles, etc., for which certificates were issued, payable when the articles were sold, and these certificates circulated like paper money. This manufacturing company was changed into the Bank of Pittsburgh in 1814, the stockholders being nearly the same, and Wm. Wilkins the first president.

Judge Wilkins had fine natural abilities, and great aptitude for the dispatch of business, which made him popular as a man and Judge. But his quick, impulsive nature, his disinclination to close and continued study, and his lack of patience in the mastery of details, unfitted him for a high degree of eminence on the bench.

Judge Wilkins was twice married. His first wife died within a year, leaving no children. His second wife was Miss Matilda Dallas, sister of Trevanion B. Dallas, afterwards Judge in this county, and of Geo. M. Dallas, Vice-President during President Polk's administration. By her he had three sons and four daughters. His son Charles was a brilliant young lawyer of California, but died early; Dallas died when a boy; Richard Biddle died shortly after his father. One daughter married Capt. John Sanders, of the U. S. Army; one Mr. Overton Carr, of the U. S. Navy; one Mr. Jas. A. Hutchinson, and one never married. None of his descendants now live in this county, except one grandson.

Judge Wilkins died at his residence, at Homewood, June 23, 1865, in his 86th year.

CHARLES SHALER succeeded Wm. Wilkins as Judge of the county courts. He was born in Connecticut in 1788, and

educated at Yale. His father was one of the commissioners to lay off the Western Reserve in Ohio, and purchased a large tract of land, known as Shalersville, near Ravenna, Ohio. His son, Charles Shaler, went to Ravenna in 1809 to attend to the lands, and was admitted to the bar there. He moved to Pittsburgh, and was admitted to the bar here in 1813. He was Recorder of the Mayor's Court of Pittsburgh from 1818 to 1821. June 5, 1824, he was commissioned Judge of Common Pleas; occupied the bench eleven years, resigning May 4, 1835. He was appointed Associate Judge of the District Court of the county May 6, 1841, and held that office three years, resigning May 20, 1844.

In 1853, he was appointed by President Pierce U. S. District Attorney for the Western District of Pennsylvania.

In early life Judge Shaler was a Federalist, but for the last fifty years of his life was a staunch Democrat, taking an active part in politics, always willing to enter the contest, and be the standard bearer of his party, notwithstanding the prospect was certain defeat. He was never elected to a political office, and perhaps never desired one. Politics were to him merely as an excitement and relaxation from the laborious duties of his profession. He had fine legal abilities, was an able advocate, close student, and most industrious lawyer. He was an early riser, and nearly every morning could be seen on the streets, taking his morning walk, long before the shops and stores were opened. He had a quick, fiery temper, which frequently flashed forth in sudden outbursts of passion; but, like the outbursts in all men of impulsive natures, they soon passed away. Within that impassioned breast was one of the warmest, tenderest, and most generous hearts that ever beat in sympathy with human frailties or misfortunes. And Charles Shaler was the very soul of honor.

The sense of honor is absolutely essential to true manhood. Without it man is a brute or hypocrite. It is quite distinct from the moral or religious sense. Many a man leads a moral life from selfish considerations, the fear of the law, or public opinion. Many a church member is exemplary in all

his religious duties, but at heart excessively mean. He does not hesitate to prevaricate, or do a mean act, to escape from a hard bargain. The man of a high sense of honor scorns to do a mean act or indulge a mean thought; he knows no prevarication; his word shall stand, though the heavens fall. Such a man was Charles Shaler. He never attempted to deceive the Court. His plighted word to a brother of the bar was as sacred and inviolable as the decree of Olympic Jove.

As an illustration of his sense of honor, two incidents may be mentioned. He applied for a cadetship for his son at West Point, but, learning that a friend desired the appointment for his son, he withdrew his application. In 1846 he went to Washington City, to urge the appointment of Robert C. Grier to the U. S. Supreme Court. He was offered the appointment himself, but refused it because he had gone on as the friend of Judge Grier.

Although Judge Shaler for many years had perhaps the most extensive and lucrative practice at the Pittsburgh bar, his generous habits were such that he acquired but little property, and he died comparatively poor. He died at the residence of his son-in-law, Rev. D. H. Hodges, at Newark, N. J., March 5, 1869, in the 81st year of his age.

He was twice married. His first wife was a daughter of Major Kirkpatrick, by whom he had two sons and three daughters. One of his daughters, a beautiful and accomplished young lady, while out riding with Samuel W. Black, was thrown from her horse and killed. His second wife was a daughter of James Riddle, Associate Judge of the county from 1818 to 1838, by whom he had several children.

TREVANION BARLOW DALLAS succeeded Judge Shaler on the Common Pleas bench. He was commissioned May 15, 1835.

Mr. Dallas was of Scotch descent. His great-grandfather was George Dallas, an eminent lawyer and author of Scotland. His grandfather was Robert Dallas, M.D., of Dallas Castle, Jamaica, whither he had emigrated in early life. His father, Alexander James Dallas, was born in Jamaica,

educated in England, admitted to the bar in Jamaica, but came to Philadelphia in 1783; he was an eminent American statesman and author, and honorably filled several high official stations. His eldest son was commodore in the U. S. Navy; his second, George M. Dallas, was Vice-President; and the youngest, the subject of this sketch.

Trevanion Barlow Dallas was born in Philadelphia, Feb. 23, 1801, and educated at Princeton. He commenced reading law with his brother George M., but came to Pittsburgh about 1820, and finished his studies with his brother-in-law, William Wilkins. He was admitted to the bar in 1822. Previous to his appointment as Judge, he had been Deputy Attorney-General for the county. He remained on the Common Pleas bench from 1835 to June 24, 1839, when he resigned to accept the position of Associate Judge with Judge Grier, in the District Court of the county, which position he held until his death, April 7, 1841.

Judge Dallas was a comparatively young man when he died, only 40 years old. But, as Prosecuting Attorney, member of the bar, and Judge in the Common Pleas and District Court, he won an enviable reputation. He was regarded as one of the best lawyers at the bar, and, during his seven years on the bench, gave promise of becoming one of the ablest jurists of the State. His pleasing manners and gentlemanly bearing, on and off the bench, made him very popular with the people and bar. The members of the bar erected a monument to his memory in Trinity Churchyard of this city, which is still standing.

Judge Dallas, in 1822, married Jane S., a daughter of Gen. John Wilkins, a brother of Wm. Wilkins, both sons of John Wilkins, who was an Associate Judge of the county in 1791. By her he had four sons and five daughters. His widow survives still, at a good old age, residing in Philadelphia. Only one of his sons survives, Geo. M. Dallas, Esq., a leading member of the Philadelphia bar. One of his daughters married James O'Hara Denny; two are still living.

BENJAMIN PATTON succeeded Judge Dallas. He was com-

missioned July 1, 1839, and resigned in January, 1850. He was born in Bellefonte, Pa., July 21, 1810. His ancestors were among the first settlers on the Juniata and in Huntingdon County. His maternal grandfather was a lieutenant under Washington at Braddock's Defeat, and a granduncle, Benjamin Patton, a signer of the Declaration of Independence. He graduated at Dickinson College in 1829, and commenced the study of law with Andrew Carothers, at Carlisle. Shortly thereafter he became Secretary to Commodore Elliott, and sailed with the Commodore and his naval squadron to the Gulf of Mexico. At Vera Cruz the American Consul had been insulted; American citizens had been imprisoned, and their property confiscated by the Mexican authorities. After repeated demands for their release, the fiery Commodore was about to resort to force, when his young secretary gave cooler advice, which resulted in the release of the prisoners, and saved us from a war with Mexico.

After being absent a year with the Commodore—pursuing his studies, however, all the time—he returned to Carlisle, completed the course of study, and was admitted to the bar in 1831. He went to Nashville, Tenn., and opened an office, but within a year returned to Pennsylvania. While in Nashville, he formed the acquaintance of Jas. K. Polk and other prominent Southerners, which ripened into close friendship in after years. On his return he commenced practice in Mifflin County, and was appointed District Attorney for the county. Shortly thereafter, when only twenty-two years old, he was appointed by President Jackson U. S. District Attorney for the Western District of Pennsylvania. The Pittsburgh bar at that time embraced such men as Wm. Wilkins, Thos. H. Baird, John Galbraith, John H. Walker, Charles Shaler, Walter Forward, Richard Biddle, etc., giants of the olden times; yet the young District Attorney bravely took his stand among them, and maintained it with great credit until he was promoted to the Common Pleas Bench of the county, when only twenty-eight years of age—the youngest Judge that ever sat on a bench in this State.

Young Patton was an ardent Democrat and active politician. He was present at the inauguration of Gen. Jackson as President, in 1829, when he was only nineteen years old, and from that time on was a warm admirer and personal friend of "Old Hickory." But while on the bench he took no part in politics or political controversies.

During the ten and a half years Judge Patton was on the bench, he had to transact all the business of the Orphans' Court, of the Quarter Sessions and Oyer and Terminer, and a large amount of Common Pleas business. It was rather a stormy period in the history of our county, and some very important cases were tried by him. One was an indictment for conspiracy against some of the leading men of the city, engaged in shipping on the canal. They had formed an association for regulating the rates of transportation, binding each other by oaths and penalties to maintain certain prices. They had money and powerful friends. They were convicted; the Judge fined and imprisoned them, and thus broke down the conspiracy, to the great rejoicing of shippers and the public generally. Another case arose out of the "Factory Riots." Some trouble had arisen between the owners of the cotton mills and the factory girls, about wages and the hours of labor. Some of the girls, aided by a mob, broke into the factories, drove out the girls at work, and destroyed property and machinery. They were indicted for riot and convicted. These two cases illustrated the firmness and impartiality of the Judge. Another case was the indictment against Joe Barker. He was in the habit of gathering crowds of the lower classes at the market-house and on the streets, and haranguing them in vulgar and abusive language against the Catholic Church and its institutions. He was tried, convicted, and sentenced to jail. While in jail, the rabble set him up as a candidate for Mayor of the city, in opposition to the regular Whig and Democratic candidates. He got the votes of the lower classes, of some Whigs, for fear a Democrat would be elected, and of some respectable people, through mistaken sympathy. He was elected by a plurality vote. But all classes soon had occasion to regret their folly.

Judge Patton also had the misfortune to try several libel suits between editors of city papers. As usual, in such cases, he incurred the enmity of both parties, who kept up a running fire on him for years. But he maintained his dignity as a Judge by never condescending to notice them, and waited his time for a full and complete vindication, which came. He had it in the public esteem when he left the bench, confirmed years afterwards when he visited the city. In 1871, on a casual visit, he was invited by the entire bench and nearly the entire bar to a social entertainment. In the letter of invitation this language was used: "On retiring from the bench you carried with you an untarnished reputation, and the respect of the whole community, who remember you as one who had ably vindicated the supremacy of the laws, and maintained the cause of law and order."

On his retirement from the bench, Judge Patton moved to Northumberland County, where he was engaged in business for a few years. In 1858 he was appointed by Judge Grier Clerk of the U. S. Circuit Court, and U. S. Commissioner, at Philadelphia, which positions he retained until Judge Grier retired from the bench in 1870, when he resigned and moved to Hicksville, Defiance Co., Ohio, where he is now residing. In 1880 and 1881, he was a member of the Legislature of Ohio, and gained considerable celebrity by his speeches, especially one on "The Reserved Rights of the States."

Judge Patton possesses fine social qualities, is good company and fond of company, and has always been noted for his kindness of heart and generous hospitality. He is a devout disciple of Izaak Walton. With his friend Judge Grier he spent the summer vacations, for more than a quarter of a century, on the trout streams of Pennsylvania; and now, when over threescore years and ten, he spends a portion of each summer trouting in Michigan.

Judge Patton was married in 1834 to Matilda Helfenstein, then of Dayton, Ohio, formerly of Carlisle, Pa., by whom he has surviving two sons and two daughters. His wife died in 1880.

WILLIAM B. McCLURE succeeded Judge Patton. He was

appointed and commissioned by the Governor, Jan. 31, 1850. That year a constitutional amendment was adopted, making the judiciary elective. The first election under it was in October of 1851. Judge McClure was elected and commissioned Nov. 6, 1851, for ten years from Dec. 1, 1851, the first Judge elected in this county. He was re-elected in 1861, and commissioned for another period of ten years, but died Dec. 27, 1861, and was succeeded by J. P. Sterrett.

Judge McClure was born in April, 1807, at Willow Grove, near Carlisle, Pa. He graduated at Dickinson College in 1827. He read law in Pittsburgh with John Kennedy, afterwards a Justice of the Supreme Court, and was admitted to the bar in 1829. He was married in 1833 to Lydia S. Collins, by whom he had three daughters, Sarah C., Valeria, married to J. Q. A. Sullivan, of Butler, Pa., and Rebecca B., married to C. E. Flandran, of St. Paul, Minn. His widow is still living.

For many years preceding his elevation to the bench, he was in partnership, in the practice of law, with his brother-in-law, Wilson McCandless, Esq., and the firm of McCandless & McClure was widely known throughout the western part of the State, and had a most extensive practice.

From 1850 to 1859 Judge McClure was the only law Judge in the Common Pleas, Orphans' Court, Quarter Sessions, and Oyer and Terminer, of the county. The amount of business was enormous for one man. He had scarcely a day's rest or vacation. He was a most laborious Judge, frequently sitting on the bench from eight to ten hours a day. No man ever presided in a court more thoroughly in earnest or conscientious in the performance of his duties. The close confinement in the impure air of the criminal court-room, and the excessive labors of his office, gradually exhausted the vital energies of a naturally vigorous constitution, and carried him to the grave when only fifty-four years of age.

During the twelve years Judge McClure sat on the bench, he tried more criminal cases and more homicides than any other Judge in the State. His fame as a criminal jurist became almost national. Spotlessly pure in his own character, in-

tensely anxious for the public welfare, and profoundly impressed with the responsibilities of his office, he bent all his energies to the suppression of crime, and the just punishment of criminals. Naturally kind-hearted, he sympathized with the poor and unfortunate; conscientious in the highest degree, he was carefully watchful that no innocent man should suffer; but woe to the hardened criminal that came before him! He was justly a terror to evil doers.

The great increase of business in the Criminal Court of the county led to the Act of May 26, 1859, adding an Assistant Law Judge to the court. It also enlarged the jurisdiction of the Common Pleas to all cases where the sum in controversy did not exceed the sum of three hundred dollars. This was followed by the Act of April 11, 1862, adding a second Associate Law Judge, abolishing the office of Associate Lay Judge, and extending the jurisdiction, making it concurrent with the District Court, without reference to the amount in controversy.

This Act wiped out of existence, so far as Allegheny County is concerned, an institution that had existed in England for many centuries, and was brought over by our ancestors at the settlement of this country. On bidding farewell to our Associate Lay Judges, justice requires a passing tribute to their memories.

#### ASSOCIATE LAY JUDGES.

Until the constitutional amendment of 1850, all Judges were appointed by the Governor, with the consent of the Senate, and held their commissions for life or during good behavior. The history of our county and State Judiciary does not prove that the election of Judges by a popular vote was a wise change. It has not secured better or abler Judges, while all must admit it tends to destroy the independence of the Judiciary, so essential to an impartial administration of the laws. Short terms mean frequent changes, and popular elections the selection of politicians. While this remark applies to all Judges, it is more strikingly illustrated in the

Associate Lay Judges, whose terms by the amendment were limited to five years.

The earlier Lay Judges were among the most prominent men of the county, and their long experience on the bench added greatly to their usefulness. George Wallace was on the bench from 1788 to 1814; John McDowell from 1791 to 1812; Francis McClure from 1812 to 1838; James Riddle from 1818 to 1838. These were all men of mark and distinction. So also were Samuel Jones, Richard Butler, John Wilkins, John Gibson, George Thompson, and Hugh Davis. Among the later Judges should be mentioned Thomas L. McMillan, Gabriel Adams, and John E. Parke. Let one, of whom we have fuller information than of the others, stand as a fitting representative of the class.

JOHN M. SNOWDEN was of Welsh extraction, and his paternal ancestors came to the neighborhood of Philadelphia previous to the arrival of Wm. Penn. He was born in Philadelphia in 1776. His father was a sea captain, entered the service of the Continental Congress at the beginning of the Revolution, was captured by the British, and died in the "Sugar House" prison, New York. His mother was a woman of marked character, great intelligence and energy, and devotedly attached to the American cause. She was the trusted friend of General Washington, and through her he received, from time to time, important information respecting the British forces while they held Philadelphia.

In early life John M. Snowden was apprenticed to the celebrated Matthew Carey to learn "the art and mystery of printing." His first venture on his own account was the establishment of a newspaper in Chambersburg, Pa., in company with his brother-in-law, Mr. McCorkle. But in 1798 he removed to Greensburg, Westmoreland County, and established the *Farmer's Register*, the first newspaper in the West, after the Pittsburgh *Gazette*. Here he united with the Presbyterian Church, of which Rev. Wm. Speer, father of Dr. James R. Speer, was pastor, and married Elizabeth Moor, daughter of Judge John Moor.

In 1811 he moved to Pittsburgh, purchased the *Common-*

*wealth* from Ephraim Pentland, and changed its name to *The Mercury*, the office of which was at first on Market Street, between Third and Fourth, and afterwards on Liberty Street, near the head of Wood. He also published a number of valuable works, and had a large bookstore. By means of the press, his bookstore, his energy, and social position, he became widely known as one of the leading citizens of the State. He was an elder in the Presbyterian Church, Mayor of the city in 1825, '26, and '27, a Director of the Bank of Pittsburgh, Recorder of Deeds, etc.

In 1840 he was appointed Associate Judge, with Hon. Benj. Patton, which position he held for six years. His intelligence, business habits, varied experience, and broad common sense eminently fitted him for the position. He exhibited also remarkable knowledge of the law. On more than one occasion, he differed with the President Judge as to the law, and so expressed himself to the jury, as he had an undoubted right to do. He had the entire respect and confidence of the bar. The counsel concerned in one of the most difficult and important cases ever tried in this county agreed that it should be tried before him as Associate Judge. During the progress of the trial a member of the bar remarked to Mr. Walter Forward: "Strange sight to see an Associate Judge trying such an important case!" "Ah!" replied Mr. Forward, "that layman knows twice as much law, and has three times as much sense, as some President Law Judges."

Mr. Snowden was in high favor with Gen. Jackson, when President. He had recommended to the President an applicant for appointment to an important office. Another applicant for the office said to the President that the person Mr. Snowden had recommended was utterly unfit for it. This roused Old Hickory, and with eyes flashing fire, he thundered out, "How dare you say that! Do you think John M. Snowden would recommend a man unfit for the position? No! never, by the Eternal!" Mr. Snowden's man got the office.

Mr. Snowden died suddenly, April 2, 1845, at his residence, Elm Cottage, South Avenue, Allegheny City.

## ASSOCIATE LAW JUDGES.

JOHN WESLEY MAYNARD was the first Assistant Law Judge of the Common Pleas ; appointed by the Governor, April 16, 1859, and commissioned until the first Monday of December following. He was of Puritan stock, his grandfather, Lemuel Maynard, born in Massachusetts, in 1739, his father, Lemuel Maynard, in 1773. His mother's maiden name was Hepzibah Wright, a relative of Hon. Silas Wright, of New York. Their son, John Wesley, was born in Springfield, Vermont, May 18, 1806. His father was a prominent Methodist preacher, and his mother a gifted and devoted Christian woman. The boyhood of John Wesley was spent on a farm; he attended Hamilton Academy in New York one year, but never had a collegiate education. He was admitted to the bar in Tioga County, Pennsylvania, in 1831, and practised his profession in that and the adjoining counties until 1840, when he moved to Williamsport in Lycoming County, where he has resided ever since, except six years at Easton. In 1862 he was elected President Judge of the Third Judicial District, composed of Northampton and Lehigh Counties. In 1867 he resigned, in consequence of ill health, and returned to Williamsport. When leaving the Third District, the bar complimented him in this language: "In point of executive talent, and the correct dispatch of business, he is second to none in the State; for strict integrity and impartiality in the administration of justice, he has no superior; while his judicial decisions for clearness, legal accuracy, and logical force, entitle him to first honors as a jurist. His courteous dignity, urbane bearing, and generous sympathies, moreover, characterize him as a gentleman of great moral worth." Although only nine months on the bench in Allegheny County, he made many friends, and won the respect and confidence of all, both as a man and judge. Judge Maynard was married in 1830 to Miss Sarah Ann Mather, a descendant of Cotton Mather, of Massachusetts, who died in 1832, leaving one daughter. His second wife was a Miss De Pui, by whom he had four sons and three daughters; one of the daughters married Peter Herdic, Esq.

DAVID RITCHIE was the first Associate Law Judge appointed under the Act of April 11, 1862. He was appointed by Governor Curtin, May 22, 1862, and commissioned until the first Monday of December following, when he was succeeded by E. H. Stowe, elected for ten years.

Judge Ritchie was born in Washington County, Pennsylvania, August 19, 1812; graduated at Jefferson College in 1829; came to Pittsburgh about 1833; read law with Walter Forward, and was admitted to the bar in 1835. Immediately after his admission he went to Europe and entered the University at Heidelberg, where he remained some two years, and received the degree of Doctor of Laws. Returning to the United States in the fall of 1837, he commenced the practice of law in Pittsburgh, and soon rose to distinction in a lucrative and successful practice. In 1852 he was elected to Congress, and twice re-elected, serving in the 33d, 34th, and 35th Congresses, during President Pierce's administration, and half of President Buchanan's. He died January 24, 1867, unmarried.

Judge Ritchie was a man of marked character. Besides being learned in his profession, he was an accomplished scholar. He was a brilliant conversationalist, witty, entertaining, and instructive. He was honest to the core, and entirely fearless in the discharge of duty. Although but a few months on the bench, he was there long enough to exhibit excellent qualifications for the position.

#### DISTRICT COURT OF ALLEGHENY COUNTY.

The District Court of the county was established by Act of 8 April, 1833, with one Judge, having the same jurisdiction as the Common Pleas, except limited to cases where the sum in controversy exceeded one hundred dollars. It was limited to a period of seven years. But by Act of 12 June, 1839, it was continued until abolished by law, and an Associate Judge was added. By this act the jurisdiction of the Common Pleas was limited to cases where the sum in controversy did not exceed one hundred dollars.

• ROBERT COOPER GRIER was the first Judge of the District

Court. He was appointed by the Governor and commissioned May 2, 1833. He resigned Aug. 8, 1846, when appointed by President Polk an Associate Justice of the Supreme Court of the United States.

Judge Grier was born in Cumberland County, Pennsylvania, March 5, 1794. His father was the Rev. Isaac Grier, who moved to Lycoming County when Robert was a small boy, preached and taught a grammar school there, and afterwards moved to Northumberland County, where he taught an academy, and died in 1815. Robert was the oldest of the family, and, after his father's death, supported his mother and educated his ten brothers and sisters. He graduated at Dickinson College in 1812, taught one year in the college, then was principal of his father's academy for three or four years, was admitted to the bar in 1817, and commenced practice in Bloomsburg, but soon moved to Danville, where he was residing when appointed Judge. He moved to Allegheny City in 1833, where he resided till 1848, and then moved to Philadelphia. He resigned as Judge of the Supreme Court, January 31, 1870, and died September 25, of the same year.

Judge Grier was a fine classical scholar and most able jurist, but rather abrupt and brusque in his manners. He was a man of quick perceptions, decided convictions, and positive opinions, and, like all men of that cast, inclined to be arbitrary and dictatorial. In the trial of a cause, when he believed injustice was attempted, he was most emphatic in his charge, not unfrequently arguing the cause to the jury as an advocate. His contempt for hypocrisy and cant, his love of the right and hatred of the wrong, with his stern, decided character, made him sometimes appear on the District bench despotic. But he was seldom wrong in his convictions or opinions. Men of great intellectual abilities are generally headstrong and determined; weak men are the trimmers and seekers after popular favor.

On one occasion, on the trial of an ejectment suit, when the jury brought in a verdict contrary to his charge, he remarked to them that it took thirteen men to steal a man's

farm, and immediately set aside the verdict. Wm. M. Darlington, Esq., has furnished me the following anecdote:—

One Saturday morning, in 1840, he was present in Judge Grier's court, when there came up for argument a case in which the great showman, P. T. Barnum, was a party. Barnum and one Lindsay had been partners in the show business, but quarrelled and separated. Lindsay had got a negro boy, which he called "Master Diamond," and represented him as a perfect prodigy in dancing and singing. He had posted up flaming hand-bills through the country, describing his prodigy and announcing the evenings for his performances. Barnum got a smart white boy, blacked him, and went along Lindsay's route a few days in advance, exhibiting the "genuine" Master Diamond, thus reaping the fruits of Lindsay's labors, without any expense for advertising. Lindsay met him in Pittsburgh, sued him for ten thousand dollars damages, and had him arrested on a *capias*, and thrown into jail. The argument before Judge Grier was on the rule for his discharge from prison on common bail. John D. Mahon was attorney for Lindsay, and George F. Gilmore for Barnum. After Gilmore had read the plaintiff's affidavit, and was proceeding to read that of the defendant, the Judge exclaimed, "Stop, I've heard enough! such a case! What does it amount to? One vagabond gets a live bear" (drawing out the word), "goes about the country gathering all the idlers and gaping idiots to pay their money to see a bear dance. Another vagabond procures a bear's skin, stuffs it with straw, and tramps about exhibiting it. Vagabond No. 1 says to vagabond No. 2, 'you have no right to do that, the harvest is mine, for I was first in the field to gather all the fools' money!' And because vagabond No. 2 got the money, vagabond No. 1 sues him for ten thousand dollars' damages! Rule absolute; prisoner discharged; cryer, adjourn the Court!" And as the Judge walked down the steps, he remarked to Mr. Darlington, "Did you ever hear of such a case? I'll teach Mahon not to bring such a suit in *my* Court."

HOPEWELL HEPBURN succeeded Charles Shaler as Associate

Judge, and R. C. Grier as President Judge, of the District Court. He was born in Northumberland County, Pa., Oct. 28, 1799. In his youth he attended the Academy taught by Mr. Grier, where their acquaintance began, which probably led to his appointment as Judge Grier's Associate. He graduated at Princeton College; read law with his brother, Samuel Hepburn, at Milton, Pa., and was admitted to the bar at Easton in 1822 or 1823. He practised law at Easton until appointed Associate Judge of the District Court, Sept. 17, 1844. When Judge Grier was advanced to the Supreme Court of the United States, he was commissioned as President Judge, August 13, 1846. He held that position until November 3, 1851, when he resigned.

The first election of Judges in this State was in October, 1851, under the amended Constitution of 1850. Judge Hepburn had been on the bench of the District Court for seven years. He had given entire satisfaction to the people and bar by his promptness in the dispatch of business, his fidelity to duty, his integrity, learning, and legal ability. His qualifications and fitness for the position were acknowledged by all. But he was a Democrat. The office had become elective. Party leaders immediately drew party lines. The Democrats nominated Hepburn, the Whigs Walter Forward; and the Whigs, having a majority, elected Forward. The inevitable tendency to carry politics into an elective judiciary was seen also in the case of Chief Justice Gibson. He had been thirty-seven years on the bench of the Supreme Court, eleven years as Associate Justice, and twenty-six years as Chief-Justice, and was universally acknowledged to be a jurist of transcendent ability. Yet he could not get the nomination of the Whig party of the State.

After Judge Hepburn retired from the bench, he practised law at Pittsburgh for a few years, then withdrew from the practice, accepting the Presidency of the Allegheny Bank, which he held for three years, but his health failing, he removed to Philadelphia, and died there February 14, 1863.

WALTER FORWARD succeeded Judge Hepburn, and was the first President Judge of the District Court elected by the

people. He was commissioned November 7, 1851, and held the office till his death, November 24, 1852.

Walter Forward was born in Connecticut in 1786. When he was fourteen years of age his father moved to the then far West, located on a tract of land in Ohio, and began to clear the forest and erect a log cabin. He worked with his father three years on the farm, the last year teaching a night school, by which he got the means to purchase a few books, among them an old copy of Blackstone, that started in his mind the notion of being a lawyer. In the spring of 1803, at the age of seventeen, he told his father he was going to Pittsburgh to read law. He started on foot, with a small bundle of clothes hung on a stick over his shoulder, and only a dollar or so in his pocket. On the road he picked up a horseshoe and put it in his bundle. When he arrived in Allegheny he had no money to pay his ferriage across the river, but the ferryman took the horseshoe in payment. He knew no person or lawyer in Pittsburgh, but had heard of Henry Baldwin. Walking along Market Street, reading the signs to find Mr. Baldwin's office, a man, in the act of 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 of his office, and told him to occupy it and read Blackstone till his return. Such was the introduction of the future Secretary of the Treasury to the future Judge of the Supreme Court.

While the young, uncouth stranger was thus sitting and reading in the office alone, a well-dressed, well-educated, and talented young man entered and tackled the rustic stranger in argument, but was soon worsted, as he afterwards candidly admitted. It was H. M. Brackenridge. The acquaintance thus formed ripened into a life-long intimacy. As a further illustration of young Forward's straitened circumstances at that time, Mr. Brackenridge says: "We took a walk one Saturday afternoon, and descended into the deep romantic glens east of Grant's Hill. We took a shower bath under 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.'"<sup>1</sup>

Mr. Baldwin at that time was interested in a Republican newspaper called the *Tree of Liberty*, of which Mr. Forward became the editor in 1806, when nineteen years of age. What he received for his services as contributor and editor of that paper supported him till he was admitted to the bar in 1808. He soon rose to distinction at the bar as a man of rare intellectual endowments and an eloquent advocate. In 1822 he was elected to Congress, and again in 1824. In 1824 and 1828 he supported John Quincy Adams for President in opposition to General Jackson. In 1837 he was a member of the State Constitutional Convention, and bore a conspicuous part in its deliberations; in 1841 was appointed by President Harrison first Controller of the Treasury; in September of that year was appointed by President Tyler Secretary of the Treasury; retiring from that office in March, 1845, he resumed the practice of law in Pittsburgh; in 1849 was appointed by President Taylor Chargé d'Affaires to the Court of Denmark; and resigned in 1851 when elected President Judge of the District Court.

Judge Forward came to the bar when such men as James Ross, Henry Baldwin, Wm. Wilkins, John Woods, Steele Sample, Sidney Mountain, were the leaders; yet in a few years he stood their peer in all respects, and was employed in every important cause. His arguments to the court or jury were never long or tedious; always brief, but directly to the point, and masterly in their clear logic and forcible presentation. In a celebrated case, where the opposite counsel had occupied days in their argument, Mr. Forward spoke less than two hours, and at the conclusion of his argument Chief-Justice Gibson adjourned the 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

<sup>1</sup> Brackenridge's *Recollections of the West*, p. 82.

the strong social affections of the heart, as well as the greatness of intellect.<sup>1</sup>

Judge Forward was a great man intellectually, morally, and socially. And, like all truly great men, he was modest and unassuming, candid and sincere, not envious or jealous, rejoicing at the success of others, and always ready to give a kind word or helping hand to those starting in life. The religious element was strong in his character, resulting in a life remarkably exemplary, pure, and spotless. He was exceptionally domestic in his habits, devotedly attached to his home, and delighted in social enjoyments. His conversational powers were of the highest order. Like Chief-Justice Marshall and Chief-Justice Gibson, he was passionately fond of music, and was a good performer on the violin. His "bump" of order, however, was not largely developed. His office was filled with books and papers, lying about on tables and chairs mingled with letters, essays, music, and musical instruments, while the corners of the room were stacked with guns, hunting accoutrements, and farming implements, covered with dust; for he would scarcely allow a servant to "put things to rights," for fear he could not lay his hand on what he wanted.

Judge Forward was on the bench only one year. Like Lord Eldon, he was sometimes called the "doubter," because he was slow in deciding an important question. Weak men jump to a conclusion, for their vision cannot reach beyond the case in hand. A great man looks beyond, to see how the principle will apply to other cases. He is careful that a hasty decision shall not establish a precedent to work injustice in the future. The last case Judge Forward tried was an important will case which took several days. He walked in from his country home to the court-house, on Monday, Nov. 24, 1852. It was a cold, damp day. The court-room was very uncomfortable, and he had a chill just before charging the jury. The jury retired in the afternoon, and he went to

<sup>1</sup> I am indebted to Marshall Swartzwelder, Esq., for many interesting facts concerning Mr. Forward. He was a law partner of Mr. F. for several years.

his lodgings. Before the jury had agreed upon their verdict Walter Forward was dead. Perhaps no man ever died in the county more sincerely lamented, or more beloved and esteemed by the people. He was admired for his great intellectual abilities, and loved for his great moral excellence. And Walter Forward 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*.

PETER C. SHANNON succeeded Judge Forward. He was appointed by Governor Bigler, Nov. 27, 1852, until the first Monday of December, 1853. Mr. Shannon was born in Ireland, came to this country when quite young, read law, and was admitted to the bar in Pittsburgh in 1846. He was quite young when appointed Judge, but during the year he was on the bench acquitted himself very creditably. He was the Democratic candidate for Judge in the fall of 1853, but was defeated by Moses Hampton. After retiring from the bench he practised law in Pittsburgh until 1869, when he was appointed Judge of the United States Court in Dakota, and moved to that Territory, where he has continued to reside.

Judge Shannon was a man of fine literary taste, of good social qualities, and personally quite popular. He was a most effective campaign speaker, and on two occasions the Democratic candidate for Congress. During the war of the Rebellion he took a decided stand and active part in supporting the Government.

MOSES HAMPTON succeeded P. C. Shannon. He was elected in October, 1853; commissioned November 19, 1853, for ten years from first Monday of December, 1853; was re-elected, for a second term of ten years, in October, 1863; served the full term, and died June 24, 1878.

Judge Hampton was born in Beaver County, Pa., October 28, 1803. In 1812 his father moved to Trumbull County, Ohio, and commenced farming, living in a log cabin, and carrying on his trade of a blacksmith. In his boyhood, the Judge helped his father on the farm and also in the blacksmith shop. At the age of seventeen he entered an academy in

Burton, Ohio, where he spent a year, acquiring a knowledge of the English branches, and commencing the study of Greek and Latin, supporting himself by his own labor. He then started for Washington College, travelling on foot from his home in Ohio to Washington, Pa., and prosecuted his studies under the direction of Rev. Dr. Wylie, graduating in 1826. He then accepted the situation as Principal of La Fayette Academy, Uniontown, Pa., where he remained two years, in the mean time reading law with John M. Austin, and was admitted to the bar in 1829. He went from Uniontown to Somerset, where he commenced practising law. He was appointed Prothonotary of the county by Governor Ritner, and held the office one year, but resigned the office, and, in 1838, moved to Pittsburgh. He at once entered the front rank of the profession, and very soon acquired a large practice. In 1846 he was elected to Congress, and was re-elected in 1848. During his terms in Congress he maintained a high standing, and was placed on two of the most important committees. It was through his efforts that a marine hospital was established at Pittsburgh, and an appropriation obtained for a new post-office. And after his election to the bench it was through his influence and efforts that the county workhouse was established.

In his younger days Judge Hampton was an ardent Whig, taking an active part in the election of Governor Ritner in 1835; of President Harrison in 1840, and in the Presidential campaigns of 1844 and 1848. As a campaign speaker he was immensely popular, having few equals in the State. As a Judge he was distinguished for his propriety and dignity on the bench, for close attention to the business of the court, for eminent fairness to suitors and counsel, for a high sense of honor and justice, for quick and clear perceptions, calmness of judgment, an extensive knowledge of the law, and the clearness and logical force of his opinions. Quiet, reserved, and gentlemanly in his manners; tender in his feelings; kind and benevolent in all the impulses of his heart; and an exemplary Christian in public and private life. He joined the Presbyterian Church when seventeen years of age,

lived nearly threescore years in her communion, and at the time of his decease was one of the oldest ruling Elders of the denomination.

ASSOCIATE JUDGES OF THE DISTRICT COURT.

Trevanion B. Dallas was appointed June 22, 1839; died 1841. Charles Shaler, May 6, 1841; resigned May 20, 1844. Hopewell Hepburn, September 17, 1844; appointed President Judge in 1846.

WALTER H. LOWRIE was appointed Associate Judge August 20, 1846, and held the office until the fall of 1851, when he was elected one of the Judges of the Supreme Court. The five Judges elected at that time were required, by the law putting in operation the elective judiciary, to cast lots for their terms, to serve, respectively, three, six, nine, twelve, and fifteen years. Judge Lowrie drew the twelve-year term, which expired in 1863. After retiring from the Supreme Bench he practised law in Pittsburgh for a few years, and then moved to Philadelphia. While living there, in 1870, he was elected President Judge of Crawford County, and moved to Meadville. He died suddenly of heart disease, November 14, 1876, was brought to Pittsburgh, and interred in Allegheny Cemetery.

Judge Lowrie was the son of Matthew B. Lowrie, Esq., of Pittsburgh; was born in 1806, educated at the Western University, and admitted to the bar Aug. 4, 1829. Before his elevation to the bench he had acquired quite an extensive practice. He never took an active part in politics, but devoted himself to his profession and literary pursuits. He was a good Greek, Latin, and Hebrew scholar. His reading was extensive, especially in the fields of theology and metaphysics. He became a member of the Presbyterian Church in early life, and in 1835 was ordained an Elder of the Second Presbyterian Church of Pittsburgh. Nearly all his life he was a teacher in the Sabbath-school, teaching Bible classes, generally of adults. He was devoted to that work, always preparing his lessons most thoroughly. He was also quite a voluminous

writer of moral essays, "Sunday Readings," and "Lay Sermons" for the daily and weekly newspapers, and more elaborate articles for the quarterlies, the *Princeton Review*, and others.

Judge Lowrie was married in 1829 to Rachel Thompson, by whom he had three children, two sons and one daughter. His widow is still living, residing with her son, Rev. Samuel T. Lowrie, D.D., of Trenton, N. J. The other son, James A. Lowrie, Esq., is practising law in Denver, Colorado.

HENRY W. WILLIAMS was elected Assistant Judge of the District Court in October, 1851, and commissioned November 7, 1851, for ten years, re-elected in 1861, and resigned October 28, 1868, when elected to the Supreme Court. He died February 19, 1877.

Judge Williams was born in New London County, Conn., January 21, 1816. He was of the old New England stock, being a lineal descendant of Robert Williams, who came from England and settled in Roxbury, Mass., in 1632. After the usual common school and academic courses, he entered Amherst College in the fall of 1833, and graduated in 1837. In his college days he took high rank as a scholar and debater. After graduation he was Principal of Southwick Academy for two years; then started West, intending to make St. Louis his home. In February, 1839, he arrived in Pittsburgh, and meeting his classmate, the late C. B. M. Smith, Esq., who was then conducting a select school, he was induced to stay here. He taught the classics in the school, and also read law with Walter H. Lowrie. He was admitted to the bar in 1841, and his preceptor immediately took him into partnership, as the law firm of Lowrie & Williams. When Mr. Lowrie was appointed Judge, in 1845, he formed a partnership with Wm. M. Shinn, as Williams & Shinn, which continued until the fall of 1851, when Mr. Williams was elected Associate Judge of the District Court. In 1867 he was the Republican candidate for the Supreme Bench, and was defeated by Judge Sharswood, but the next year was appointed to fill the vacancy occasioned by the resignation of Judge Strong, and was elected, in 1869, for a term of fifteen years, running several thousand votes ahead of his ticket.

Judge Williams united with the third Presbyterian Church of Pittsburgh in 1840 ; was ordained an elder in 1858 ; was a member of the General Assembly in 1859, 1865, 1866, 1867 ; was elected a corporate member of the Board for Foreign Missions in 1869, and was a member of the Committee for the union of the Old and New Schools in 1870. In 1852 Amherst College conferred upon him the degree of A.M., and in 1866 the degree of LL.D. He was married in 1846 to Lucy J. Stone, of Salem, N. J., and at his decease left her surviving, with five children, three sons and two daughters.

Judge Williams had a clear, logical mind, a breadth and grasp of intellect that could seize and master the most complicated case in all its details. As a lawyer he always prepared his cases most thoroughly, and hence, at the trial, was never surprised by any sudden move of his adversary. He was remarkably careful and accurate. He would spend half a day going over an intricate calculation, or a long, complicated account, to correct an error of two cents. As a Judge, his strong, vigorous intellect grappled at once with the main features of the case and the principles of law involved. Wisely cautious in forming a judgment, when the conclusion was reached he expressed it in plain, direct language, sustained by a force of logic and authority which seldom left any doubt of its correctness.

#### UNITED STATES DISTRICT COURT.

The United States District Court for the Western District of Pennsylvania was established by Act of Congress of 20th May, 1818, and JONATHAN HOGE WALKER was appointed Judge by President Monroe. He held the first Court at Pittsburgh, December 7, 1818.

Judge Walker was born in East Pennsboro' Township, Cumberland County, Pa., in 1756. He was of English descent. His grandfather, William Walker, was a Captain under the Duke of Marlborough in Queen Anne's wars. His mother was a daughter of John Hoge, of Hogestown, in Cumberland County. He graduated at Dickinson College in

1787, read law with Stephen Duncan, whose daughter he married, and moved to Northumberland County. March 1, 1806, he was appointed President Judge of the Fourth Judicial District, composed of Centre, Huntingdon, Mifflin, and Bedford counties, and presided in those courts for twelve years. In 1810 he moved to Bedford; in 1819, to Pittsburgh. He died in January, 1824, in Natchez, Mississippi, while on a visit to his eldest son, Duncan S. Walker, who was residing there.

While Judge Walker was on the Bench of the United States District Court, his second son read law, and commenced practice in Pittsburgh in 1821. After his father's death, in 1826, he moved to Natchez. This was Robert J. Walker, who subsequently became a distinguished statesman and politician.

Judge Walker was a very large man, considerably over six feet high; a good scholar and able Judge. On his leaving the Fourth Judicial District in 1818, he published a farewell address to the people of the district, abounding with the kindest feelings and with excellent thoughts on the duties and responsibilities of a Judge. He was a soldier in the Revolutionary War, and in several expeditions against the Indians in Western Pennsylvania and west of the Ohio. This was one reason he gave for desiring to move west of the mountains.

Judge Walker was succeeded by William Wilkins, who held the office until 1831, when he resigned, being elected to the United States Senate.

THOMAS IRWIN succeeded Judge Wilkins. He was appointed, in 1831, by President Jackson, and held the office until 1859, when he resigned and retired to private life. He was born in Philadelphia, February 22, 1784. His father, Col. Matthew Irwin, was a distinguished soldier of the Revolutionary War, and one of the Philadelphia patriots of that trying period who brought relief to the famishing army at Valley Forge, subscribing himself \$5000 for that purpose. His mother was a daughter of Benjamin Mifflin, whose ancestor came to Pennsylvania at an early period. Thomas Mifflin,

the first elected Governor of Pennsylvania, was a relative of Judge Irwin, after whom he was named. The Mifflins were known as the "Fighting Quakers," from the active part they took in the Revolutionary War.

Judge Irwin received a fair education at Franklin College, Lancaster, but, in consequence of his father having become deeply involved by endorsements for friends, he was compelled to quit college, at the age of nineteen, to aid in supporting his mother, who was left without means, a widow, with six children.

In 1808, he moved to Louisiana, and commenced the practice of law, but ill-health caused him to return to Pennsylvania in 1811. He then located in Uniontown, Fayette County, and devoted himself to the practice of his profession. He was elected to the State Legislature from that county in 1824 and 1826, and was elected to Congress in 1828. He was the Jackson candidate for re-election in 1830, but was defeated. When Judge Wilkins resigned the judgeship in 1831, President Jackson appointed him as Wilkins's successor.

Judge Irwin was married in 1812 to Miss Walker, of Uniontown, by whom he had twelve children; only four, however, lived to their majority. His eldest daughter was married to Col. Samuel W. Black. He died at his residence in Allegheny City, May 14, 1870, in his eighty-seventh year. His widow survived him eight years. Both now sleep, side by side, in Allegheny Cemetery.

Judge Irwin was an active Democrat, but, after his elevation to the bench, took no part in politics.

During his long period on the bench, twenty-eight years, he discharged his official duties with promptness and fidelity. His numerous written opinions exhibit ability and great industry. One of his opinions, on a question arising under the Fugitive Slave Law of 1850, excited wide-spread interest, and gave him a national reputation.

WILSON McCANDLESS succeeded Judge Irwin; appointed by President Buchanan February 8, 1859. He resigned, and retired to private life, July 24, 1876, and died at his residence in Pittsburgh June 30, 1882.

Judge McCandless was born at Noblestown, in Allegheny County, July 10, 1810; was educated at the Western University, read law with George Selden, Esq., and was admitted to the bar June 19, 1831. He was in partnership in the practice of law, for some time, with W. W. Fetterman, and afterwards, for many years, with his brother-in-law, Wm. B. McClure. He was married, in 1834, to Sarah Collins, and had three children, one son and two daughters; one daughter, Margaret D., was married to R. H. Emerson, and died in 1872; his son, Stephen C., is Clerk of the United States District Court.

Judge McCandless was a remarkable man. He was a natural orator; with a robust form and commanding *personnel*, he had a clear, musical voice, and fine flow of language, quick, brilliant, witty, and admirable in repartee. He was often called on by his fellow citizens as the speaker for great public occasions, and on such occasions his addresses sparkled with the rarest gems of oratory. Few men equalled him in power before a jury in a criminal case. As the champion of the Democracy of Western Pennsylvania, his voice was always heard in the thickest of the fight, cheering his comrades on to victory, or rallying them in defeat for another battle. He never held a political office, but was frequently in State and National Conventions, helping to choose the standard bearers of his party, and then entered the campaign with all his energies to secure their election. In private life, he was genial, sympathetic, sprightly, witty, and humorous. On the bench he maintained the dignity of his station with such unaffected urbanity that all the bar respected and loved him.

WINTHROP W. KETCHAM succeeded Judge McCandless. He was born in Wilkesbarre, Pa., June 29, 1820. His father was a painter and cabinet-maker, and in his boyhood young Ketcham assisted his father in these occupations, but generally carried a book in his pocket, and spent most of the dinner-hour reading. His evenings were devoted to improving his education, reciting to a friend, who took a lively interest in him. When Wyoming Seminary was started in 1843, he became a teacher in it, and continued there until 1847. In

1848 and 1849 he was a teacher in Girard College, Phila. Jan. 8, 1850, he was admitted to the bar in Wilkesbarre. In 1855 elected Prothonotary of Luzerne County for three years. In 1858 elected to the Legislature, and in 1859 elected State Senator for three years. In 1864 appointed by President Lincoln Solicitor of the U. S. Court of Claims, and resigned in 1866. Was a delegate to the National Republican Convention at Chicago in 1860, at Baltimore in 1864, and a Presidential elector in 1868. Elected to Congress in 1874, and in July, 1876, appointed Judge to succeed Judge McCandless. On Saturday, Dec. 6, 1879, he held court in this city, in his usual good health, and returned to his room at the St. Charles hotel. At 5 P. M. he was stricken with apoplexy, and died at 11.50 P. M., his wife and only son at his bedside, with the physicians and friends who had been hastily summoned. He died universally lamented and respected.

Judge Ketcham was a man of far more than ordinary ability. He worked his way up from the common walks of life to a most honorable position, by his own efforts, unaided by wealth or influential friends. He was a self-made man. At every step in his upward career he multiplied his friends without ever losing one. In every station he proved himself a true, honest, upright man, and acquitted himself with honor.

Judge Ketcham was succeeded by Marcus W. Acheson, the present incumbent.

#### MAYOR'S COURT OF PITTSBURGH.

The borough of Pittsburgh was incorporated as a city, by Act of 18 March, 1816. The Act created a Mayor's Court, composed of the Mayor, a Recorder, and twelve Aldermen. The Recorder and Aldermen were appointed by the Governor during good behavior, and the Mayor to be elected annually by the City Councils from the Aldermen. The Mayor's Court had jurisdiction to try forgeries, perjuries, larcenies, assaults and batteries, riots, routs, and unlawful assemblies, and generally all offences committed in the city, cognizable in a Court of Quarter Sessions; besides all violations of city ordinances.

The causes were regularly tried before a jury. The Mayor presided in the court, but the Recorder was the law judge or legal officer of the court. The Mayor or Recorder and any three of the Aldermen could hold the court. The Recorder was also vested with civil jurisdiction, the same as the Aldermen. He was to receive a salary to be paid by the city.

Charles Wilkins, son of Gen. John Wilkins, was the first Recorder. He was admitted to the bar in 1807, appointed Recorder in 1816, and died in 1818. Charles Shaler was Recorder from 1818 to 1821. He was succeeded by Ephraim Pentland, who was Prothonotary of the county from 1807 to 1821. Pentland came to Pittsburgh in 1801 or 1802; he had been a printer and editor; he was a short, heavy-set man, very fond of jokes, and a noted character. He died in 1839. He was succeeded by H. H. Van Amringe, who was admitted to the bar in 1837, and appointed Recorder in 1839. He held the office only a few months, for the Mayor's Court was abolished by Act of 12 June, 1839. Van Amringe came here from Chester County. He was an excellent lawyer and courteous gentleman, but erratic in his religious notions.

#### LIST OF JUDGES.

*Judges of the Common Pleas, Quarter Sessions, and Orphans' Court,  
prior to the Constitution of 1790.*

When appointed.

1788, Oct.	9.	GEO. WALLACE, President.
"	"	JOHN METZGAR, Associate.
"	"	MICHAEL HILLMAN, Associate.
"	"	ROBERT RITCHIE, Associate.

These were the Judges until August 17, 1791, when the courts were reorganized under the Constitution of 1790.

The following were the Justices of the Peace, entitled to sit in the Quarter Sessions, but not in the Common Pleas or Orphans' Court.

When appointed.

- 1788, Sept. 26. JAMES BRYSON.
- “ “ 27. SAMUEL JONES.
- “ Nov. 21. JOHN JOHNSON.
- “ “ “ ABRAHAM KIRKPATRICK.
- “ “ “ RICHARD BUTLER.
- “ “ “ WILLIAM TILTON.
- “ “ 25. JOHN WILKINS, father of John, Jr., and William.
- 1789, May 21. HENRY NESBY.

*Associate Judges, under the Constitution of 1790.*

Laymen appointed during good behavior, until 1851, and then elected for a term of five years.

When appointed.

- 1791, Aug. 17. GEO. WALLACE. Resigned in 1798, and reappointed.
- “ “ JOHN WILKINS, Jr. Resigned Feb. 26, 1796.
- “ “ JOHN McDOWELL. Died in 1812.
- “ “ JOHN GIBSON. Died in 1800.
- 1796, Feb. 26. GEO. THOMPSON. In place of John Wilkins, Jr.
- 1800, July 17. JOHN B. C. LUCAS. In place of Gen. John Gibson.
- 1812, July 24. FRANCIS MCCLURE. Resigned Dec. 22, 1838.
- 1814, June 3. GEO. ROBINSON. Died in 1818.
- 1818, Sept. 2. JAMES RIDDLE. Resigned Dec. 25, 1838.
- 1838, Dec. 27. WILLIAM HAYS. Resigned April 11, 1840.
- “ “ 31. HUGH DAVIS. Resigned in 1840.
- 1840, Mar. 20. WM. PORTER. Commission annulled by decision of S. Ct., and reappointed Feb. 17, 1843.
- “ April 16. JOHN M. SNOWDEN. Recommissioned March 31, 1841.
- 1845, “ 9. JOHN ANDERSON. Declined.
- “ “ 17. WM. G. HAWKINS. Declined.
- “ May 8. WM. KERR. Recommissioned March 14, 1846.
- 1848, Feb. 28. SAMUEL JONES. Resigned May 12, 1851.
- 1851, Mar. 18. WM. BOGGS. Recommissioned Nov. 10, 1851.
- “ June 10. THOMAS L. McMILLAN. Recommissioned Nov. 10, 1851. Died 1852.
- 1852, April 27. PATRICK McKENNA. Until Dec. 1, 1852.
- “ Nov. 29. GABRIEL ADAMS. Commissioned for five years.
- 1856, “ 12. JOHN E. PARKE. “ “ “
- 1857, “ 17. GABRIEL ADAMS. “ “ “
- 1861, “ 13. JOHN BROWN. “ “ “

John Brown was the last layman commissioned as Judge. The law was changed, requiring two Associate Law Judges to be elected.

*President Judges of the Common Pleas, etc.*

Appointed by the Governor, during good behavior, until after the Constitutional Amendment of 1850; then elected for a term of ten years.

When appointed.

- 1791, Aug. 17. ALEXANDER ADDISON. Impeached and removed 1803.  
 1803, April 30. SAMUEL ROBERTS. Died Dec. 13, 1820.  
 1820, Dec. 18. WILLIAM WILKINS. Resigned May 25, 1824.  
 1824, June 5. CHARLES SHALER. Resigned May 4, 1835.  
 1835, May 15. TREVANION B. DALLAS. Resigned June 24, 1839.  
 1839, July 1. BENJAMIN PATTON, Jr. Resigned in 1850.  
 1850, Jan. 31. WM. B. McCLURE. Elected in 1851, and commissioned for ten years. Re-elected in 1861, and commissioned for ten years. Died in 1861.  
 1862, " 4. JAMES P. STERRETT. Appointed in place of W. B. McClure, deceased. Elected in 1862, and commissioned Nov. 4, 1862, for ten years. Re-elected in 1872, and commissioned Nov. 10, 1872, for ten years. Resigned in 1877, when appointed to the Supreme Court. E. H. Stowe then became President Judge, and was re-elected in 1882 for ten years.

*Associate Law Judges of the Common Pleas.*

When appointed.

- 1859, April 16. JOHN W. MAYNARD. Until first Monday of December, 1859.  
 " Nov. 8. THOS MELLON. Elected and commissioned for ten years.  
 1862, May 22. DAVID RITCHIE. Commissioned until first Monday in December, 1862.  
 " Nov. 4. EDWIN H. STOWE. Elected and commissioned for ten years.  
 1869, " 26. FREDERICK H. COLLIER. Elected and commissioned for ten years.  
 1872, " 6. E. H. STOWE. Re-elected and commissioned for ten years.  
 1877, March. CHARLES S. FETTERMAN. Appointed until first Monday in December, 1877.  
 1877, Nov. JOHN H. BAILEY. Elected and commissioned for ten years.  
 1879, Nov. FRED. H. COLLIER. Re-elected and commissioned for ten years.

*President Judges of the District Court.*

When appointed.

- 1833, May 2. ROBERT C. GRIER. Resigned Aug. 8, 1846.  
1846, Aug. 13. HOPEWELL HEPBURN. Re-commissioned Feb. 17, 1847.  
Resigned Nov. 3, 1851.  
1851, Nov. 3. WALTER FORWARD. Elected and commissioned for ten  
years. Died in 1852.  
1852, " 27. P. C. SHANNON. Appointed till first Monday in December,  
1853.  
1853, " 19. MOSES HAMPTON. Elected and commissioned for ten years.  
1863, " 3. " " Re-elected " " "  
1873, " THOMAS EWING. Elected and commissioned for ten years.

*Associate Law Judges of the District Court.*

When appointed.

- 1839, June 22. TREVANION B. DALLAS. Died 1841.  
1841, May 6. CHARLES SHALER. Resigned May 20, 1844.  
1844, Sept. 17. HOPEWELL HEPBURN. Appointed President in 1846.  
1846, Aug. 20. WALTER H. LOWRIE. Re-commissioned April 17, 1847.  
Elected to the Supreme Court in 1851.  
1851, Nov. 7. HENRY W. WILLIAMS. Re-elected in 1861. Elected to  
Supreme Court in 1868. Died 1877.  
1868, " 10. JOHN M. KIRKPATRICK. Appointed till first Monday of  
December, 1869, and elected and commissioned Nov. 23,  
1869, for ten years. Re-elected in 1879, and commissioned  
for ten years.  
1873, " J. W. F. WHITE. Elected and commissioned for ten years.

By the Constitution of 1873 the District Court was abolished, and be-  
came Common Pleas No. 2.

