THE DIAMOND ANNIVERSARY HISTORY
of the
PENNSYLVANIA BAR ASSOCIATION
by
HENRY THOMAS DOLAN
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About the cover: Pictured is the main entrance to the PENNSYLVANIA BAR ASSOCIATION headquarters building at 401 North Front Street, Harrisburg.

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FOREWORD

The 75th year History of this Association from the “Great Yesterday” of 1895 to the “Yeasty Ferment” of 1970 is not simply an historical summation of a convocation of lawyers meeting from time to time. In large part it is also an historical summation of the Commonwealth of Pennsylvania during the years this Association has functioned. Public issues, not bread and butter issues, were the hallmark of the Pennsylvania lawyer. History which so concludes, must also acknowledge then that the lawyer has fulfilled his professional responsibility to society.

All this has now been appropriately memorialized by a great lawyer historian—Henry T. Dolan of Philadelphia, who brings to the Diamond Jubilee Anniversary volume his own interpretation of the personalities, events, struggles, debates and decisions. As one continues to read this history, it creates vivid flashes of identical matters within one’s own personal span of Association involvement. It induces similar emotional, thoughtful, personal reactions, the only difference being those of names, times, places, and dress.

What of the next 30 years? What of Pennsylvania and the United States of America in the year 2000?

I would stress two areas: The institutions of the law and the lawyer’s role in service to those institutions.

Lincoln said, “Now we are engaged in a great civil war, testing whether that nation or any nation, so conceived and so dedicated, can long endure.” No one could reasonably have read into those words the connotation that our democratic form of government might not be a suitable form. The issue was more to the question of whether North and South could live together in the same family—quite different from whether this nation as a people could continue to exist by the rules of democracy.

This question of the competence of law and legal institutions is the overpowering issue of our day. By the year 2000, unless it be adequately answered, the opportunity may be forever gone.

The burning issue is whether this longest experiment in democracy—the rule of law—can survive the onslaughts of both the extreme right and the extreme left; or whether this government “of the people, by the people, for the people” is capable of responding to demands of adjustment and accommodation required in the face of the space age, the civil rights movement, the “hippie” generation, the fortress city.

Why will this issue reach a climax by the year 2000? The answers are several.
There is the significant fact that already 50% of the population of this country are 25 years of age or younger—and no documentation is needed to support the premise that youth will be heard. Other compelling factors are the rapid changes in our society, its growth, increasing mobility, vastly improved communications, instant awareness of events and happenings, greater literacy, the increased accessibility of higher education, plus the overwhelming influence of contemporary urban problems.

Most of the burden of this surfacing iceberg will confront the law and legal institutions. They constitute either the gateway or the barricade to their own inexorable advance. If our laws and legal institutions can demonstrate flexible relevance to sincere needs of today’s supplicants, they will have justified their continued respect. Otherwise, they will be cast out as brittle, unbending, archaic—an experiment which failed.

My experience as a lawyer, my faith in democracy, my optimistic anticipation in the maturing and sobering judgment of today’s clamorous youth, and my confidence in the recognition of the need for law and the adaptability of law and its institutions, all convince me the outcome will be a completely relevant response, one to prove beyond any doubt the wisdom of our founding fathers. I predict that the year 2000 will find us enjoying our democratic form of government, with its checks and balances, and with its inalienable rights, albeit with significantly varying enforce-

ment through statutory, decisional or constitutional changes designed to adjust to our explosive pinpricks. But this result will not just happen; it must be caused. And we have no time to lose.

Predicting, as I do, the maintenance with modifications of our basic democratic institutions, what is the lawyer’s role as we approach the 21st Century, the year 2000? The corollary to that question has been posed most often this year and is the one most vital to answer: How do we improve the “Image of the Lawyer?”

It may seem strange for me to suggest that like most resolutions of complicated issues, the answer, once determined, is simple, only the execution complex.

Let me be blunt—seventy-five years ago the typical lawyer was much more his own man than most of us are today. He was not nearly so much the prisoner of his clients. He was rarely, if ever, simply a scrivener for legal matters, except for formal deeds. He was consulted and respected and his clients accepted his advice. No client and no client’s interests stifled his independence. He said what he thought on every issue. He was looked up to in his community because he had character and courage, and because he valued his independence more than his income. Put to the choice, he chose quickly and he chose the right, no matter what the cost to himself. He was the popular champion, and frequently the only champion, standing beside the poor, the despised and the persecuted. He was envisioned as a
Knight of the Round Table, sallying out on a great white horse, doing battle against evil, replacing armor and sword with voice and reason.

If you say that we are doing all these things as well as we can in the complex society of our day—I say not enough of us are doing it, and the total effort being exerted is inadequate. And the things requiring real courage and real sacrifice of personal interests are in large part not being done in a personal way, but only through the organized bar and government-supported agencies.

This is all to the credit of the national, state and local bar associations and the lawyers involved. And that effort in accelerated tempo must continue. But it does not say much for the rest of us as individual lawyers, especially for the large majority not so involved. This is especially true when we face the sad fact that the organized bar’s belated but growing concern for the poor, the disadvantaged, the young, the unpopular, can never really satisfy the need, at least not in the cities. To the extent that it fails to do so, our system of law, indeed our system of government, is vulnerable and the finger of fault can properly be pointed towards many of us in the legal profession. We must show increased personal concern, personal commitment and personal activity if the rule of law as we have known it, is to prove adequate for our times.

The cost of more and direct personal involvement to each lawyer, to each firm, may be great—but I suggest that the price of continuing to leave it all to the organized bar and to the government may be infinitely greater. Those two sources cannot possibly find and pay for enough legal and para-legal personnel to do the job effectively. The private bar can, if we are willing to pay the price.

I suggest that we must, voluntarily and soon, throw the doors of our offices open wide enough to meet the legal needs of those who cannot afford to hire us. Let each lawyer, each firm, agree to assume an active role, perhaps with the help of the ever eager law students—not in seeking out doubtful complaints to assert but to help those in genuine need of legal protection for their jobs, their property, their right to an education, their liberty and, indeed, their lives, to fulfill our self-acclaimed standard for each and every individual: “Life, liberty and the pursuit of happiness.”

In this way, we may return to the role of the lawyer—a fearless, independent, community-conscious advocate; a role which was fulfilled so well by some of our predecessors in their own times, while simultaneously faithfully serving the Association, as delineated in this Anniversary volume. That is the lawyer’s role—to insure the continuance of our Law and Legal Institutions and thus to improve the Image of the Lawyer—for the next century and beyond.

Marvin Comisky
President
Pennsylvania Bar Association
THE DIAMOND ANNIVERSARY HISTORY OF THE PENNSYLVANIA BAR ASSOCIATION

I.
GREAT YESTERDAY

"I have eaten dinner with a man who in his youth had eaten dinner with a man who had seen George Washington and Benjamin Franklin talking together on the steps of Independence Hall." So wrote F. Lyman Windolph, a Lancaster County member of this Association since 1915, in his minor classic of twenty years ago, *Leviathan and the Natural Law.* If a living lawyer can thus span the hundred eighty-odd years since the founding of this republic with a bridge of only three human lifetimes, what are we to say of the mere seventy-five years since 1895, and the founding of the Pennsylvania Bar Association? It was only yesterday.

Dramatic as these comparisons may be, they are illusory. The human lifetime is not the right unit by which to measure history. We are farther by many an eon from 1895 than 1895 was from 1787. The unit we have to fashion for ourselves and apply is some vaguely discerned one of social change, made up of many components of technological and scientific advances, ease and speed of travel and communication, and readiness of access to more than elementary education.

In 1895 the internal combustion engine was scarcely off the drawing-boards, a stray automobile here or abroad a curiosity. Streets and houses in cities and towns were gas-lit at best. In the larger cities, electricity was manufactured by individual entrepreneurs and sold privately over areas of three or four square blocks to business establishments, as if it were a tangible commodity like coal or feed for horses. September of 1895 saw the last of the Philadelphia Common Pleas Courts quitting its rooms in Old Congress Hall, next to Independence Hall, for its new quarters in City Hall, with ceremonies that included the reading of eyewitness accounts of events for which the old structure had been the stage, Washington’s Second Inaugural, Adams’s Inaugural, and the delivery of Washington’s Farewell Address.

There were sixty-seven counties in Pennsylvania, composing fifty-one judicial districts, in 1895. But population was growing, and its trends shifting, so that in only 1896 the judicial districts numbered fifty-four. Jefferson, Mifflin, and Fayette Counties in just that year had won their way to independent judicial status.

Today the judicial districts come to fifty-nine. The number tells us
nearly nothing, however; a deeper difference is what concerns us, one so deep as to be functional. In the fifty-one, or fifty-four judicial districts of 1895, or 1896, there were virtually fifty-one or fifty-four different sets of rules of court. There were fifty-one or fifty-four standards for admission to the Bar, applied absolutely independently by local Boards of Examiners. Some set written examinations, some oral, some searching, some perfunctory, or even in the same county, today one, tomorrow the other, as the weathervane of freshly appointed Board members might veer. The perambulating lawyer who had the hardihood to practice in a county other than his home heath suddenly found his foot fast in the jaws of a nasty legal trap: the rule at home gave him sixteen days to file exceptions, but to his utter amazement, confusion, and dismay, he learned, too late, that for no reason other than arbitrary, the rule in the county on whose unfamiliar ground he had ventured limited him to four.

The practice of law in Pennsylvania was Balkanized, in short. Sixty-seven little temporalities, like the multitudinous small states of the Germany and Italy of a century previous, administered the mechanics of practice before their courts, and their standards of professional discipline, with more than a touch of vigorous independence. The attitudes were a hold-over, undoubtedly, from a day not much earlier, when the moun-

tain and forest barriers of Pennsylvania's rugged terrain were penetrable only to the determined traveller with an urgent errand impelling him. But the barriers were making their last stand.

There were thirty-nine county bar associations, none of the profession state-wide. For most local associations, the chief object and indeed only activity other than social was the maintenance of a common law library. Then, in 1895, events threatened on a scale no county bar association could deal with. There were proposed in the General Assembly of 1895 just a few less than one hundred bills looking to the reform of laws governing forms of action, service of process, and practice before the Courts. The profession stood to arms; the barbarians were hammering at the gates of the citadel.

The position taken by the working bar throughout the Commonwealth was simple and utterly reasonable: reform was needed and perhaps even overdue, through neglect, but if the whole law on the practice of law was to be overhauled bodily, then it was the practicing lawyer whose view, as the most informed one, ought to be primarily consulted. The call that went out Nov. 1, 1894 inviting attendance at a meeting in Harrisburg in January, 1895, was signed by seven hundred lawyers, from every one of the judicial districts.

To Harrisburg they came, not quite sure what course they ought to take, and very few knowing any outside his own small local delega-
tion. They were in something of a quandary whether they should make immediate remonstrances to the Legislature, then take some months to form an association, or to devote the intervening months to the work of organizing, and reserve their protest so as to be able to utter it with an undoubtedly single voice. On the evidence of their own minutes, however, these were men who knew how to think clearly, and to speak to the point, with no small skill in the proper use of a public meeting in exploration of opinion and arriving at a common basis of action. In one day, they moved on both objectives, they authorized the formal steps for organization of the Association, and without taking any frontal posture of hostility to the pending legislation, appointed a committee of twenty-one, requesting that any measures of the kind proposed be first referred to the committee.

It was enough. The news that lawyers from one end of the Commonwealth to the other were flocking to a single rallying-point and forming a permanent society would make any legislator or other office-holder decide to go on tip-toe.

They were virtual strangers, one to another, and seeing each other for the first time. Some who were vigorous in the debate were not known even to the Chairman or the reporter, recognized by each of those functionaries only as "Mr. . . . ." "Mr. . . . ." may have been one or several, for all we can tell, and his home county is the reader’s guess. Hard to put down, though, he was, or they, he kept calling for a roll-call, which he never got, and he tirelessly whipped the meeting along toward organization, then and there, with no marking time for six months until a perfect design had been wrought forth. Mr. Anonymous from Enigma County, he must remain. A shame, he was a practical and a determined man.

Looking each other over for the first time, they seem to have liked what they saw. Not all from the cities, by any means, some were from the farmland counties and tall timber, Blair, Crawford, Clearfield, Fayette. But they saw and recognized in each other men who had come up through the same training and experience, accustomed to shaping their thoughts with the same tools, and exchanging their ideas in a common coin, metal refined by the same processes. Sophisticated cosmopolite or rugged half-woodsman, neither met the other with either condescension or deference, only with recognition of ability and mutual respect.

By the time they came to Bedford Springs for their first stated meeting, July 10 and 11, 1895, they had a charter dated July 1, 1895, from Dauphin County Common Pleas Court, with 592 names recited as those of charter members. They had also, inscribed in Section 2 of the charter, a statement of purpose:

"To advance the science of jurisprudence; to promote the administration of justice; to secure proper legislation; to
encourage a thorough legal education; to uphold the honor and dignity of the Bar; to cultivate cordial intercourse among the lawyers of Pennsylvania; and to perpetuate the history of the profession and the memory of its members."

By July it was becoming quite clear in which directions the Association would be moving toward these objectives. Through a permanent Committee on Legal Education there was to be a determined effort toward raising and making uniform the requirements of a candidate’s general education, toward a uniform state-wide examination for the Bar, and for a State Board of Law Examiners impartial and independent of any local county vagaries. A standing Committee on Legislation was to serve as watchdog on what went into the General Assembly hopper touching the practice of law or the courts, and this committee even in July, 1895 was able to report it had offered thought and advice to the Legislature on the enabling act for the creation of the Superior Court. A Committee on Law Reform would have the continuing duty, year by year, to draft and report on proposed reform of the law. And the Association was to mount a sustained drive toward uniform state-wide rules of court.

This was no mean, or halting, or timorous program for an infant entity. Certain Stentors of the bar today have been known to pronounce it an absolute disgrace for a lawyer to be told by a court to speak up a little louder, as in fact sometimes occurs. The reverse is entirely pardonable, to be cautioned to modulate his thunder, but to have to be requested by the judge to give his argument a trifle more voice is almost to be charged with being miscast as a lawyer. On this standard the neophyte Pennsylvania Bar Association cannot be faulted. Its voice was full and firm from the first. It was a lusty child.

The reason is not far to seek, nor hard to identify. The local associations sent their fine flower to both assemblies, January and July. Names already distinguished and names that went on to professional honor run all through the pages; Orlady of Huntingdon, Kirkpatrick of Northampton, Amelam and Warren of Lackawanna, Samuel Dickson, Hampton L. Carson, George Wharton Pepper, Alex Simpson, Jr., and J. B. Colahan of Philadelphia, all took prominent part. Interested and active in the debates were a remarkable number of judges, Reeder of Northampton, Church of Crawford, White of Indiana, Noyes of Warren, Boyer and Savidge of Northumberland, Beaver of Centre, Krebs of Clearfield, Henderson of Cumberland, Meade of Armstrong, Simonton and McPherson of Dauphin. “Greater than the tread of mighty armies is an idea whose time has come,” Victor Hugo wrote. The events of 1895 are an example.

It did not happen by accident, it did not happen simply under the stress of the challenge in the 1895 legislature. The seed of the idea
had been sown years before and at the conscious level forgotten, but in the powerful workings of the subconscious had been sleeping and germinating. In 1880 the Centre County Bar Association had written lawyers in every county of the state to propose a State Bar Association. Three hundred twenty replies had been forwarded, but the effort faltered and the correspondence was filed away. The dragon's teeth broke ground as warriors in battle dress fifteen years later.

Judge Simonton cast the mold for future meetings of the Association by delivering a learned address on Pennsylvania jurisprudence. The invited speaker, J. Newton Fiero, Esq., Dean of Albany (N. Y.) Law School urged the body to undertake continuing revision of the law, and sub-headed a principal part of his address with the words, "A Plea against Conservatism." To find an 1895 keynote address sounding in such accents disabuses a modern reader of his notion that everything in 1895 can be safely classified as hide-bound, Edwardian, mission oak nailed down. That a leader of the bar in 1895, asked to give direction to an august professional body at its organization, should have so pointed it at the outset is not only astonishing, it is exciting. The augury was for vigor in the newly drawn-up ranks.

Alexander Simpson, Jr. delivered a thoughtful address on the work of a local association. The evidence is that he was no stranger to the meetings of county bars; he exhibited a certain patrician annoyance with their customary post-prandial rites and ceremonies. Thus:

"Most of our Local Associations appear to have practically abandoned all but two of their functions:

(a) Keeping a law library, accessible to its members and the court; and

(b) Giving annual banquets to the Justices of the Supreme Court, or to some incoming or outgoing judge of the local courts, at which fulsome eulogy and wit of a local flavor absorb the speechmaking.

"At times, it is true, papers have been read at meetings of the Association; in aggravated cases, action has been taken looking to the disbarment of guilty practitioners; and when, during legislative sessions, some venturesome law reformer has endeavored to obtain what he considered a needed change, the 'dry bones' have stirred, and resolutions, accompanied by addresses more or less relevant, have been duly passed and forwarded to the proper legislative committee, to be followed in turn by a great calm lasting until the next session of the legislature. It must be admitted that there is not in this much room for congratulation."

He thought of a radical improvement. His taste ran toward the problem play, not burlesque:

"Such Associations should meet at intervals around the festive board, where wit and humor can have full play, but where truth rather than fulsome eulogy will be heard, and where the banqueter shall be treated to a 'feast of reason' as well as a 'flow of soul.' So long, however, as the only theory upon which such banquets are conducted is that they furnish an opportunity to 'eat, drink and be merry,' the man 'who wants to know' will attend only when, for friendship's sake, he feels he must. It seems to me the method of toasting, adopted at these banquets, should be exactly reversed. To illustrate: A reception and banquet is given to the Justices of the Supreme Court. At the banquet, to the toast of 'The Supreme Court,'
the Chief Justice, or, if he be not present, one of the older Justices responds. Of course, he will not criticize his Court, nor does he see any needed changes in its practice, except that he justly thinks it is overworked and in need of relief. Such matters regarding the Court as the Bar is ignorant of, he studiously keeps to himself. This toast ought to be replied to by a fearless, active, practicing member of the Bar of that Court. He could tell the Court what might be done to improve its methods, and in so telling it he would command an appreciative audience of Court and Bar alike. And then let the Chief Justice reply to the toast, ‘The Bar of the Supreme Court,’ and let him be equally fearless in pointing out the necessity for changes by the members of that Bar. So it should also be when the local judiciary are toasted. It is certain that no merely witty speeches could be more interesting, though the picture limned invites rather than excludes true humor; and it is equally certain that the Bar, ceasing to be merely eulogistic, would lose much of its subserviency.”

Alas, we are unable to report that the Simpson formula for an after-dinner program ever had a try-out. Even now, it would call for the bravery of an Andrew Hamilton, and the digestion of a billy-goat or an ostrich. It is doubtful whether even the bar and bench of our own day would have the stomach for such a confrontation, however polite, as a piece of after-dinner entertainment.

The future Supreme Court Justice offered, as a lawyer’s heraldis inscription, lines of the Reverend Theodore Parker:

“Give me the power to labor for mankind:
Make me to be the mouth of such as cannot speak;
Eyes let me be, to groping men and blind;

A conscience to the base; and to the weak
Let me be hand and feet; and to the foolish, mind.”

He closed with a quotation from the by-laws, of the avowed purposes of the new Pennsylvania Bar Association. The verbs, the action-words, lifted out of context, are powerful; “to advance . . . to promote . . . to secure . . . to encourage . . . to cultivate . . . to perpetuate . . .” Such a body, if it lived up to its birthright, would not do much standing still.

George Wharton Pepper made the report for the Committee on Legal Education. Pepper was twenty-eight and an instructor at the Law School of the University of Pennsylvania. Ability already stood out all over him, and his report won almost universal admiration. The admiration was less than unanimous only because in a comparison of the case method with the lecture system he mentioned a number of leading law schools but failed to refer to Dickinson. For this he was chided by some Dickinson graduates, and accused of advertising the University of Pennsylvania. He apologized gracefully for the oversight, then repulsed with spirit any imputation of an intent to advertise. The exchange moved Judge Noyes of Warren County to say:

“If I can be accused of advertising an institution which I never saw, or gentlemen with whom I have no personal acquaintance, I may be permitted to say that I can wish no more able guide for a student than the young man who addressed us last night so clearly and luminously.” (Applause).
When we reflect that this was Pepper at twenty-eight, and that fifty-seven years later, at age eighty-five, he would be addressing the sesqui-centennial (1952) meeting of the Philadelphia Bar Association, urging his brethren, in his closing words, to face forward into "the unknown vast," we are enabled to form some idea of what Holmes meant when he spoke of having found it possible "to live greatly in the law."

The first annual meeting of the Pennsylvania Bar Association closed with a banquet and just such after-dinner skylarking as Mr. Simpson found so excruciating. More, every word and line of it was stenographically noted and transcribed, to be printed in full in the first annual report, the only instance in the whole series of volumes when frolic was reduced to the printed page.

The volume ended on a high note, however. Simply as a pure dividend of scholarship, to have the measure pressed down and running over, reprinted at the end were three papers of inestimable historic and scholarly value, Anthony Lausatt, Jr.'s 1825 essay, *Equity in Pennsylvania*, George Sharswood's *The Common Law of Pennsylvania* (1855), and Lawrence Lewis, Jr.'s *The Courts of Pennsylvania in Seventeenth Century* (1881). Where else would one find these three masterpieces so ready to hand and in a single binding?

The proceedings had begun with Judge Simonton's learned address on jurisprudence, and the printed report of the meeting wound up with these monuments of legal scholarship. The emphasis was on the training of the mind. With displays of profound study for vanguard and bringing up the rear, the middle pages of the volume are the record of an earnest setting out on an ambitious quest.

No one who attended could have failed to realize he had been in at the start of something of lasting significance. Anyone who had not attended would, by turning over these pages, be made aware what he had missed.

It was a strong start by strong men, well chosen.
II.

MOUNTAIN BARRIERS

In the first few years after its founding, the Pennsylvania Bar Association settled into what would prove to be the enduring pattern of its activity. Quite plainly, its energies were to be spent in study and learning on the subjects and to the extent possible to share with the membership at a large meeting, in much work, some play, and some eloquence.

There was a deal of work of an unspectacular sort called for by the mere housekeeping, the administrative details of the new venture, the planning of meetings, meeting-places, speakers, programs. This we are left to imagine. These facts of internal management seem to win no lasting and little other than passing notice on the pages of the records, any more than how many hands were the muster of Columbus’s ships’ company, or what they had to eat.

The outward thrust of the organization, its move upon its objectives, the changes it hoped to wreak, is as visible as the humbler, behind-the-scenes tasks are invisible. And it fell largely, unmistakably largely in quantity, to the Committee on Legal Education and the Committee on Law Reform.

The Committee on Legal Education devoted much of the 1895-96 year to settlement upon a curriculum of general education to be required of every candidate for the bar. Here are its views of requirements in literature and general reading:

“The portions of the Old Testament which contain the Hebrew law; the entire New Testament — it being observed that this recommendation of the Committee deals with the Bible entirely in its literary aspect—six of Shakespeare’s plays, which shall include any three of the historical plays, and, in addition, ‘Hamlet,’ ‘Macbeth,’ and ‘Merchant of Venice;’ one book of Milton’s ‘Paradise Lost,’ and all his shorter poems; Pope’s ‘Essay on Man’; Dryden’s ‘Alexander’s Feast’; Gray’s ‘Elegy’; Wordsworth’s, Tennyson’s, Browning’s and Longfellow’s most celebrated poems; three of Macaulay’s essays, including the ‘Essay on Bacon’; three of Emerson’s Essays, including the ‘Essay on History’; Locke’s ‘Essay on the Human Understanding’; Lowell’s ‘Essay on Democracy’; Thackeray’s ‘Esmond’; Hawthorne’s ‘Marble Faun’ and ‘Scarlet Letter’; Dickens’s ‘David Copperfield’; Cooper’s ‘Spy’; Warren’s ‘Ten Thousand a Year’; George Eliot’s ‘Romola’; Marshall’s ‘Life of Washington’; The Lives of the Chief Justices of the United States; the selected Orations of Burke, Erskine and Webster; Von Holst’s ‘Constitutional History,’ and Bryce’s ‘American Commonwealth.’”

It was loudly objected by some in the debate that this Committee seemed evilly bent on keeping any future Abraham Lincolns and Ben Wades from qualifying for the bar, and indeed, we alive and practicing today perhaps may join the chorus of this anguished cry. Not
that any of us ever did sums in chalk on the back of a shovel, or even think well of the notion, just that next to none of us could stand even a cursory examination on this list of titles.

As for mathematics, the committee suggested this minimum: arithmetic, algebra through quadratics, and one book of Euclid. Judge White of Indiana County took it to the floor before the whole membership, in 1897, to amend this by including surveying as a mandatory requirement. The motion lost, and generations of law students yet to come were spared hours of arduous foot-slogging outdoors, in weather and terrain of competing and mayhap cumulative rudeness.

Not only was the curriculum of general education approved and adopted by the 1896 meeting, so was the one proposed for the candidate's law study itself, to the extent, at least, of fixing the subjects to be covered. Choice of materials was left open, whether by textbook or the reported decisions themselves. Law-office apprenticeship or formal law school attendance was left also for the candidate to decide, except for agreement that a diploma of a law school requiring three years full-time study should relieve the candidate of any examination other than one on Pennsylvania practice. The six months' clerkship in active office experience was determined upon, with an examination of the result achieved for every student. How to translate this ambitious consensus into the law of the Commonwealth became the next objective, and in this effort the Committee on Legal Education joined the Committee on Law Reform.

The creation of the Superior Court in 1895, in relief of the extreme work-load of the Supreme Court, occasioned the need for a continuity of reforming legislation during the years following, and the Committee on Law Reform was the channel for the Association's contributing in goodly measure toward a tracing out of the boundary between the jurisdictions of the two courts. A task of mere definition such as this, jurisprudential surveyorship, seemed a simple mechanical chore in comparison with some more nearly fundamental difficulties taken in hand: The Legislatures of the 1890's apparently had convicted themselves, in the eyes of the bar, of distinct irresponsibility and constitutional heedlessness, in the passage of legislation promptly voided by the courts on constitutional challenge, or otherwise ill-advised, without careful study of existing law on the subject. The Committee on Law Reform now proposed a statute to create a board of legislative commissioners to serve as draftsmen, constitutional consultants, and general research advisors as to all legislation, before its reaching the floor of House and Senate at all. Here the members of the new Association forgot that they did not know one another well or long,
they differed one with another in the greatest freedom, sparks flew, the debate was crusty and witty. A Supreme Court of sorts before as well as in truth and reality after the fact of legislation appealed to some and was an abomination to others. The proposal passed the Association and failed valiantly in the General Assembly. But it bore its fruit afterward in the form of the Legislative Reference Bureau.

The Committee on Law Reform aimed also at achieving statewide uniformity in rules of local courts. In an utter prodigy of labor, Alexander Simpson, Jr., undertook and completed a comparative compilation of all known rules of all Common Pleas courts throughout the State. It was published as an appendix to the Association's second annual report. The compiled rules number 1,889 and cover 408 closely printed pages, annotated according to the number of each judicial district where the rule or some variant of its wording was in force. If ever there had been a single common source, historically, for this body of regulations, it is impossible to trace out in the 1896 compilation. Countless hands had copied from what was in force in some adjoining or distant county and then added, subtracted, or composed entirely afresh to meet and effect some local desideratum. Scores and scores of the 1,889 paragraphs are rules for only one, or two, of the judicial districts, unknown and unheard of in the other fifty. To transform this crazy quilt into a smoothly patterned counterpane was a challenge to every known art of persuasion.

The two committees, Legal Education and Law Reform, wisely decided that the Legislature itself was not their field of conquest. Uniform standards for admission to the bar, and uniform rules of practice before the courts were subjects on which legislators, the lawyers and non-lawyers among them alike, would fall like hungry lions on red meat. There was another body with power to make the practical equivalent of statute law, if it could be assembled, the judges of the courts of all the counties, themselves. They were in full control of admission to the bar, and they, too, could adopt uniform rules of court.

On December 29, 1896, at Philadelphia, and on July 1, 1897, at Cresson, Pa., in response to the invitation and urging of the Pennsylvania Bar Association, there were held the first and second conventions of judges of the courts of the Commonwealth. Sixty out of ninety-five came to the first meeting, and six months later, at the far remove of the western end of the state, thirty attended.

The planning was creditable, and even in this long retrospect, seems bright with the promise of success. The office of judge had a great power inhering, in the late 1890's, indeed, still has, especially in the interior, non-metropolitan counties. It is a kind of power capable of being wielded with vast
moral force and, among the lawyers of the county, with extremely practical effect.

Two-thirds of all the judges of Pennsylvania, had their imaginations remained caught with the common vision of their two meetings, could have installed uniform standards of admission to the bar and uniform rules of court overnight. But the office of judge is also a lonely one, for which reason by itself and no other, some men have relinquished it and returned to the fellowship of the bar. Back home to the light of common day, down off the excitement of the mountain-top, no doubt competitive demands asserted themselves as to how and for what goals power should be exercised or withheld.

The Pennsylvania Bar Association was no more than three or four years old, also. What would prove to be the stamina, the endurance, of the lusty infant? Its total membership, no more than 1,000, was a small fraction of the whole practicing bar of the state. In the 1895 meetings, Pennsylvania lawyers were estimated to number 10,000, a figure difficult for us to accept, comparing in imagination the strength of the Philadelphia and Pittsburgh bars, then making due allowance for the counties in between. Fifteen years later, in 1910, the actual state-wide census of the Bar was 7,339, but whatever was the correct total for the late 1890’s, the membership of the Association ranged between 10 and 15%. They were the choice, the active, the able, the most concerned, but their combined influence on the judges was not enough to unite those lonely men, or stiffen them against the pull of parochialism at home. In 1899, almost three years after the judiciary was first called together, progress toward any uniform standard of admission to the bar was reported as slow, halting at best, and the Association turned its face with distinct reluctance toward the prospect of legislation on the subject.

Then, as happens with lawyers, someone conning the books made a dramatic discovery. We can perhaps forgive him and the others for not making it earlier when we see, as we will, the poverty of the indexing at their disposal. In 1900, the piercing shaft of light dispelling the gloom was the unearthing of Splane’s Petition, 123 Pa. 527, wherein the Supreme Court was found to have declared admission to the bar to be a judicial, not a legislative, function. With that authority to cite and quote, the way lay open to memorialize the Supreme Court for the creation, by its order, of a State Board of Law Examiners, to govern admission to the Supreme Court bar. What the Supreme Court provided for itself, the argument ran, would fix a standard for the local bar to aim at.

So it turned out. Local conditions in sixty-seven places had been found too various or wayward or backward for a common
desire to be planted and to flourish at grass-roots level. But ambition and the inborn sense of prestige succeeded where persuasion and exhortation failed. When the single, farther goal was aimed at and reached, the many lesser goals were seen to have been swallowed up in the classic envelopment maneuver. Or, Supreme Court admission was a trellis on which climbing plants could rise into sunlight and be stronger at the roots than ever possible by mere ground level stimulation. There were local bastions and redoubts that held out for their own old, local ways long afterward. In 1905, half the counties were still fighting shy of accepting State Board of Law Examiners certification. But the decisive battle had been won, these guerrilla bands were increasingly isolated pockets of local resistance, and mopping-up actions to extinguish them were only a question of time. Of time, and of the subtle force applied at and carried home from meetings of the Pennsylvania Bar Association.

The effort at uniform rules of practice in lower courts ran a strict parallel to the question of admission to the bar. Alex Simpson, Jr.'s prodigious labor of 1896, collating the 1,889 separate rules of all the lower courts, and the two conventions of judges had gone for naught, in progress toward uniform rules.

It was 1907 when the success of the Supreme Court route toward elevated standards for admission to the bar inspired the thought that uniform rules of practice, also, might be handed down from on high, though they might never rise from below. The need was glaring; it was not only that the sixty-seven counties each went its own sweet way, but Philadelphia and Allegheny Counties, with several Common Pleas Courts apace, actually labored with different sets of rules in each court. The Supreme Court itself added to the excitement by sua sponte handing down uniform equity rules, seemingly in the calmest conviction of its right and power to do so.

The Association girded itself for several years of debate on the move. Simpson, Chairman of the Committee on Law Reform, that human beaver, corresponded with the bar of every state about its practice as to local county or statewide rules. He came in armed with an impressive majority of answers in favor of uniformity, and one of his days must have brightened by this reply from John H. Mimms, Esq., Secretary of the Vermont Bar Association, a screed characterized by Simpson only as "most vigorous":

"Yes, most decidedly, the adoption of uniform rules in each trial court throughout the State has proven satisfactory; NO ONE WOULD EVER DREAM of GOING BACK to the old 'flood-wood' hotch potch of each trial court having rules peculiar to itself. As I wrote you before, or if I did not I will write you so now: Before 1886, each county court of the fourteen counties in this State (practically our ONE trial court with common law jury) each such county court had its own rules, and
the situation was akin to the condition in England under the Heptarchy, and before the adoption of the COMMON LAW; a lawyer having a case in another county south of him would be confronted with queer rules of procedure, etc., unheard of in HIS county; or in a county north, still yet other rules. Now at that time our trial judges were STATIONARY; each of the seven judges having two regular counties; but they got to going in RUTS; Judges had their partialities and their aversions, and oftentimes there was an unconscious bias, even with HONEST upright judges, or there was an imaginary bias. In 1886 the Bar Association conceived the idea of ITINERANCY, and a law was passed that no judge should again preside in a county where he had sat, for TWO YEARS at least, and a CIRCUIT was established by which the judges followed each other in ROTA TION. It worked ADMIRABLY: but as each judge got to another county there was a different set of rules, and it was confusion worse confounded; judges got together and with a committee of the Bar Association formulated RULES that should be COMMON and UNIFORM; copies were sent to each county clerk and a time was set ahead when all should become effective. In the County ORLEANS they were rather of the order of those who spell state with a big 'S' and 'NATION' with a little 'n'; so they said, 'Go to! We will have our own RULES and to Hell with your UNIFORM RULES,' or words to that effect. So when it happened that Judge H. H. POWERS came to hold court there, when the docket was called on the first day of the term there were 'LITTLE LOCAL RULES' confronting the situation. Said the Judge, 'Haven't you adopted these COURT RULES? If you have not you are the only county,' 'No, your Honor,' said the NESTOR of the BAR, 'we think our own RULES are good enough for us.' 'Gentlemen,' said Judge Powers, 'that may be so, but THESE RULES (holding up a copy of the RULES) will govern for this term at least'; and he held them to it. There was quite a little kick at first, but LO! at the next stated term it was announced that 'the Bar of Orleans County hereby adopts the RULES OF COURT.' It has been so ever since.

"Now as to the request in your letter as to a judge, etc. If you will write to Chief Judge John H. Rowell, Montpelier, Vt. (Chief Judge of the Supreme Court), tell him you have heard from me; say I suggested you to write to him; I think he will send you a line confirmatory of my information; tho' entre nous he doesn't know any more about it PRACTICALLY than the writer. I KNOW whereof I affirm; now get yourselves into line; you know what POPE says: 'Order is Heaven's first LAW; let it be the first law of Penn.' Let 'continued on terms as to 'PLFF' (or 'DEFT') mean JUST THE SAME in DAN as it does in BEER SHEBA. Perhaps I am 'off' in my geography and you have no such places, but anyway I am O.K. in the matter of UNIFORM RULES."

The struggle was to be a long one. The Association's first move toward Supreme Court promulgation of uniform rules was in 1907, and it was 1920 before the body agreed on a draft of rules to submit to the Court. But the lusty infant had by this time put to rout any doubt of its staying power, and the path it had fixed on was the right one. Uniform rules were to come, and by fiat of the highest court, though not until 1937. In the same way they would come from the Supreme Court of the United States to the Federal District Courts, as the culmination of an effort initiated by the American Bar Association.

How it was that the Supreme Court of Pennsylvania could first promulgate uniform Equity Rules in 1844, and follow them with others in 1894, 1900, 1915, and 1925, yet hang fire on all other rules of lower court practice from 1907 until 1937 is a study in itself. The impetus was not lacking; the
Association kept the fires fed. And the instinct of the Association was accurate: however long uniform rules were in arriving through a central authority, they would never have arrived over the hill and dale, winding country road route of a quest for uniformity of sixty-seven independent, decentralized authorities.

The Association was gaining strength, not only in numbers, not only by demonstrating its endurance. It was displaying moral strength, taking on the appearance of a central authority in itself. It was finding that it could agree on some objectives and on the ways to attain them. And it was making the agreeable discovery that it had the energy, ability, and perseverance to reach some of its important goals.
Of what elements does a functioning organization consist? At the minimum, we may venture to say, these: Agreement on some common goal or goals, some personal sacrifice or price of belonging, and on the part of at least a few, a passion for the work, not just in terms of the abstract purpose, but of the individual effort called for. If you have one or two strong personalities to throw in the mix, so much the better.

The neophyte Pennsylvania Bar Association qualified amply on all these formal constitutive elements, but on the score of strong personalities from the outset was surpassing. Lawyers are not apt to be shy, or introverted, and least of all those who on call, make for a central gathering place to joust with their peers. Granted all this, however, the old pages of the early meetings of the Pennsylvania Bar Association surprise the reader. They are a stage play of innumerable strong character parts, except that we know the actors were, and some of us knew them as, living men.

Dramatic irony in the theatre is said to be the effect in the minds of the audience when they know more of the facts than the characters on the stage at that point of the action. The intensely heightened interest this makes for is, to a degree, the spirit in which we read any history. When we see a young man named William H. Keller, or somewhat older ones named Alex Simpson, Jr. or William I. Schaffer first come on stage at meetings of the Pennsylvania Bar Association, we know more about what they were destined for than they dreamt themselves at that point of their careers. Little recked they of being President Judge of the Superior Court, or Associate Justice and Chief Justice of the Supreme Court. The images we hold of them as living jurists, or as writers of opinions whose pages we have studied, take on greatly deepened dimension, and stand out floodlighted from every quarter as we see them in action on the floor of a meeting. There were many others for whom these pages are like a different glass slipped before our eyes, men of whom our personal knowledge, in their official life, seems like the flat photograph on a card we hold in our hands, and, turning these pages, it becomes as one looked at through the glass of a stereoscope: Meredith Hanna, Robert von Moschzisker, John W. Kephart. And yet a goodly number are there of those too far back or too great a distance off for us.
ever to have known in life, of whom we have only their names and their speeches here, but whose vigor, or grace, or humor, or feeling, or eloquence, make these pages dance, Lyman D. Gilbert, Henry C. Niles, Harry White, Gustav A. Endlich, Hampton L. Carson, Henry Budd.

Certain it is that the debates on reports of committees were one of the main attractions of the annual meeting, to be remembered and anticipated, from one year to the next. There were fine papers planned, prepared, read and listened to sagely, there were brilliant speakers invited and stirring addresses delivered, but it was in the spontaneity of the debate that Greek met Greek, and the atmosphere bristled and crackled.

Most of the salty quality of this phase of the proceedings has to be conceded to have originated with Alex Simpson, Jr. Anyone who views Simpson’s career as culminating with his Associate Justiceship in the Supreme Court has left huge blocks of evidence out of account. Simpson’s judicial career was anti-climax. His force was at the bar, as a practicing lawyer, and as Chairman of the Committee on Law Reform of the Pennsylvania Bar Association for fifteen of its first sixteen years, 1895-1910. The single year he did not head the Committee, 1901-02, it was because he was elected President of the Association.

The brain-children of the Committee on Law Reform were many, and he fought for them like a tigress defending her cubs. “I have listened with patience to the harangue of this learned Theban,” said Judge Harry White of Indiana County, one of the many times he stemmed the torrent of the Simpson argument. “Strenuous” was the characterization to which his listeners recurred time after time; “his usual strenuous manner,” “the strenuous head and front” of the committee, and “tart and strenuous” were descriptions of himself he had to listen to in the debates of three successive years. Simpson cared little for the arts of persuasion, he sought to prevail by enormous labors of preparation beforehand and then simply sheer force of argument, in which he would use any weapon to hand, logic, sarcasm, ad hominem appeal or attack, all but humor. He had little humor about him, and seems not at all to have learned that it is a sure key for unlocking the understanding, one’s own and the other person’s.

Simpson, of course, had out-worked everyone else on the Committee, and for that matter, in the Convention, which, not unnaturally, he felt gave him the right to insist on his point of view. But there were those even from afar who felt perfectly capable of withstanding him, and Judge Harry White of Indiana County, he of the obsession about surveying, was the foremost of them. Their annual passages at arms were worth anyone’s effort to attend. The early
ones verged on sincere acrimony, but as the series went on the exchanges became good-humored, and in the end were in a tone of warm friendliness though always sharp. Here is White on Simpson (1903):

“HARRY WHITE, Indiana: I have no pride of opinion on this subject, and I entirely agree with the suggestion made by my distinguished friend immediately in front of me (Mr. Dale), in the same line in which I have the honor to make the motion; and yet my friend from Philadelphia (Mr. Simpson) is a distinguished lawyer, as we all know, and an elegant gentleman; and more than that, apropos of his remark about parliamentary law, he would be a splendid leader of a majority or a minority in a parliamentary body—a splendid leader on the wrong side of a question, because he can adapt a strong case that is really not on his side by popularizing its representations to strengthen his side of the case.”

Compare Simpson on White (1906) in answer to White’s request for a study of the doctrine of comparative negligence in the budding law of railroad employe’s injuries:

“I think it would delight the heart of every member of the Association, as I am sure it would mine, if it were referred to a special committee of which Judge White is Chairman, so that we might have his vigorous advocacy either on one side or the other of the proposition.”

White was back on the attack again a year later (1907):

“HARRY WHITE, Indiana: It is very rarely that I feel like assenting to any proposition that comes from my honorable and distinguished friend, who is the Chairman of this Committee. He is the most progressive—I was going to say, self-assertive—individual that I know of; and I have never made a proposition before this assemblage that had his entire assent; and I want to heap coals of fire upon his head.”

White missed a year, and the giants did not wrestle in 1908, but in 1909 when he asked for recognition and took the floor late in the meeting he was “greeted by great and prolonged applause,” the only occasion noted in the record when such distinction was ever conferred on any member. A man’s ability must not be judged by the size of his home county or town.

Simpson was the chief draftsman of the Committee on Law Reform, and apparently a tireless worker. The midnight oil was mother’s milk to him. He had a zeal for order, and in the Committee on Law Reform and its chairmanship, with the growing weight of the Association behind them, he seems to have sensed the opportunity to be a one-man legislature, and to renovate a considerable portion of the statute law of the Commonwealth. Though of educated family background, he had been bred up to the trade of carpenter, and the jerry-built house of statutory law he saw before him might very well have whetted his appetite for noisy tearing down and building over. Off his or the Committee’s collective pen came spinning new Acts of Assembly on bail, costs, and fees in the Supreme and Superior Courts, returns of service, insolvency, mechanics’ liens, municipal liens and claims, and other reforms of practice, at every meeting of the Association.

Some of the brethren thought the pace was too fast, and loudly
opined there was such a thing as too much of a good thing. J. Ross Thompson of Erie protested with such feeling that his voice still comes through strong, from all the way back in 1903:

"There is not a member of the Bar to-day in this Association who would dare to attempt to bring an action of ejectment without first going to look at an Act of Assembly. He would not dare to bring an action of scire facias upon a mortgage without looking at the Acts of Assembly. He would not dare to bring a writ of replevin without looking at the Acts of Assembly. Law has gone out, and Acts of Assembly have taken its place. Now we of the Bar of Erie County feel that there is entirely too much legislation and too much reducing things down to a system of codes. We think it eminently proper to call the attention of the State Bar Association to what we consider a most dangerous thing to the practice of law in the State of Pennsylvania. I, Mr. Chairman, care very little about it, for I have nearly run my race; but the younger lawyers that are rising up are more interested. Things are rapidly arriving at such a state in Pennsylvania that we shall have all codes and no law. We ought to stick more strictly to the common law. If I may be permitted to quote Blackstone and Story, What is the purpose of an Act? It is either declaratory or remedial. The remedial feature is to remedy a mischief, but now we have the mischief without any remedy or any reference to the old law. It is all mischief. And speaking of the making of codes, I am sometimes driven to the suspicion that we are disposed to make the State Legislature an annex to the State Bar Association in enacting the laws that are drawn up here. A member of the Legislature said to me, When a law comes from the State Bar Association, we think it is the result of the wisdom of the entire profession in the State of Pennsylvania; we laymen know nothing about it. And I want to say here that one of the bills that originated with the State Bar Association was repealed in the Senate at the last meeting, and the Senate was composed largely of lawyers and the House of laymen."

Mr. Thompson was articulate, but his cogency for us is flawed in that he also thought the brand-new Negotiable Instruments Law was a piece of deliberate and abandoned flouting of stare decisis.

The gentleman from Erie was not the only one who laid about him with mighty swings aimed at the draftsmen, or man, of reform. Penrose, J. of the Orphans' Court of Philadelphia County sent a witty jeremiad to the 1904 meeting. Choicer bits of it go:

"... such as are afflicted with the belief ... they have the divine afflatus which enables them to frame acts perfect in expression no less than conception ..."

"... but the fact cannot be overlooked that ... its meetings are in the summer, at a watering (in a Pickwickian sense) place hotel. Neither the time nor the place is favorable to profound thought or careful scrutiny and deliberation; and it may be possible that a spirit of good-fellowship may lead to a disinclination to oppose a change, advocated by some member who has made a hobby of it."

Judge Penrose's parting salvo was a quotation from a Common Pleas colleague, Judge Ezra Thayer:

"Judge Thayer, in an article published in the Legal Intelligencer of February 24, 1889, thus expresses his views on the subject: 'I have often wondered whence that disposition arises, so conspicuous in recent times, to tamper with and tinker eternally at the laws which lie at the very foundation of the rights of property, and constitute their chief security, and have arrived at a conclusion with regard to it, which, as it is not flattering to that small class of mischief makers commonly engaged in this business, I do not care further to define.'"
The cap fit Simpson, and he thought it was meant for him, so he picked it up and wore it. There may be some slight doubt that the judge's diatribe can be properly labelled Penrose on Simpson, since the writer eschewed names and contented himself with nameless classifications, "such as . . ." and "those who . . ." But as to Simpson's reply there is no doubt whatever, it is Simpson on Penrose by name, so:

"In the very inception of what I have to say, I wish to assert most emphatically that there is not in the State of Pennsylvania a man more respected or more deserving of respect, than Judge Penrose. Yet I also wish to say that in the twenty-five years that I have known him, I have never known him willing to make the slightest change in any law, even so far as to dotting an i or crossing a t. He has stood in antagonism to every step that the Bar has desired to take in the way of reform or improvement of the law, I do not care what it was. He ridiculed with quite as much ridicule, even more perhaps, the proposed act which was approved by this Association to abolish the ridiculous Rule in Shelley's case. He has always stood that way. His character of mind is that which he has once studied out and once made himself familiar with, is to him par excellence, and nothing can amend or improve it, no matter what you do with it.

"I have thus spoken in order that whatever vote is taken upon the proposition now pending, or upon the proposed act, if we get that far, may be given with a thorough conception of the exact situation of affairs, and not under the influence of a very witty paper, such as that was.

"To me, that paper has its sad side. I tell you, sir, there is to me a very sad side when wit is employed simply for the purpose of holding men in the position they have occupied for years past, when it hinders mankind from taking a step forward because somebody else long years ago has learned the thing that the writer does not want to unlearn, which he is willing to hold everybody else to, simply because he has learned it in a given way."

Henry C. Niles of York, eleventh President (1904-05) of the Association, held Simpson in affection and admiration. "Mr. Simpson, whose intellect and eloquence are worth an army with banners," he said in a 1907 debate. Niles comes strongly, winningly off the yellowing old pages as urbane, witty, charming. He knew all the arts of persuasion and the uses of humor, and could solve a tense impasse with words like these:

"HENRY C. NILES, York: I do perceive here a divided duty. I have been so in the habit of following Mr. Simpson without much question, and also been in the habit of following Mr. Smith with just as little question, that when I must decide between them, I know not which is the Doge and which the Moor. It, therefore, becomes my painful duty to vote according to my own judgment, which is most distressing. I must so vote, and I desire to vote now. I do not want to wait until next year. I want to make the plunge, and I plunge into the arms of Mr. Smith."

He once, sixteen years later, ascribed this very quality to one of the others, and described it to a nicety in this figure:

"Again and again his nimble wit dispelled certain ominous clouds of oratory that were filled with possibly unpleasant electricity."

The words are an unconscious and uncanny evocation of his own image.

Niles and Simpson came close to a falling-out a few years later. The issue was adoption of Canons
of Ethics. The American Bar Association Canons had already been adopted in eighteen jurisdictions but a Pennsylvania Bar Association committee had composed a different set, in a labor of several years. Simpson was a member of the Association committee, and was strongly for its draft. He forsook all the arguments he had ever made for uniformity of local court rules, and unblushingly embraced the heresies he had anathematized in that controversy, the virtues of diversity and variety, the overriding claims of local conditions and peculiarities, etc. He became the exemplar of all Emerson ever said about foolish consistency. He liked the short, sententious maxims of the Pennsylvania draft, and unfortunately compared its style with the Decalogue. Out came Niles with one of his most convulsively witty, slashing sorties, others joined in, Simpson took it in deep personal umbrage, said his religious convictions had been assailed, and the thing was laughed off the floor. A year later, the lines were drawn up in much the same array, the American Bar Canons were adopted, and Simpson's friends in the kindliest fashion told him his sense of humor was a trifle deficient.

Gustav A. Endlich, Judge of the Court of Common Pleas of Berks County was in 1909 elected sixteenth President of the Association. Judge Endlich's lifetime interest was the study and interpretation of statute law, on which he wrote and published authoritatively, even winning quotation on the floor of the British House of Commons. Yet this scholar was distinctly endowed with the saving grace of humor. His opening address to the 1910 meeting dealt with the motivations of legislators, in these lively passages:

"As in every comparatively new country, the trend in America has all along been towards over-legislation, towards legislative experimentation and imitation. Somewhere somebody is forever discovering that something is wrong, or that something is or should be wanted. His active mind quickly determines upon just the thing to correct what is amiss or supply what is lacking. To oblige a general awakening to the existence of the need and the appropriateness of the cure, both sufficiently apparent to him, would be a waste of precious time. The ready and easy way is to force his discovery upon everybody by a statute."

* * * * *

"We see no end of gruesome chances in the ancient and honorable practice of kissing, in the moist caress of a dog, in the primitive and only unpatented treatment of a postage stamp. Some few of us are afraid of tainted money. We fear manifold perils lurking in a glass of wine, in a good dinner, in the soothing comfort of a cigar. We are apt to be alarmed by one thing or another pretty much all the time, and inclined to decry whatever may be fairly called living as dangerous to life. There is, of course, a measure of sense in this twentieth-century awakening to untoward possibilities long heedlessly ignored, and a measure of justification in the eagerness to provide against them. Its prevailing exaggeration, however, is leading to legislation of doubtful utility and indubitable absurdity. A judicious scheme of legislation for the protection of our forests and our water powers, our mineral deposits and wild lands, our fish and game, can call for only hearty commendation. To incorporate in it a statute for the conservation of the State's wealth of bullfrogs is hardly essential to its completeness."

As for evils leading up to our Constitutional prohibition of special legislation, adopted in 1874, he pointed out that the 1872 General Assembly had voted 1,113 acts, 1,064 special, only 49 general. For the delection of the Association he sampled the 1,064 special acts in this vein:

"It may be taken for granted that no one at this day would be willing to go back to the practice of unrestricted special legislation. That of 1872 covers pretty much every subject that can be thought of, from the opening of a judgment of conviction of murder in Cumberland county, to the prevention of the growing of white daisies in Hayfield township; from the submission of the question of local option to a vote of the citizens of a certain ward of a particular city, to the prohibition of riding, driving and hitching horses on the sidewalks of a very particular borough; from the changing of venues for the trial of certain causes, to the annulment of certain marriages; from the regulation of the practice of medicine in one locality, to that of sheep, dogs and strays in another; from the validation of decrees of Courts of Record, of judgments of magistrates, and of conveyances in this or that county, to the exemption of property from taxation, the opening of streets and roads ... (or the) creating a revenue for the Hazleton Fire Department."

Endlich was a sophisticate, but some of the heroes of the organization were and remained homespun. Judge Harry White, absent from the 1917 meeting, wired his apologies:

"... busy raising potatoes ... Greetings to brethren."

To the 1918 meeting, in a burst of patriotism, there was proposed a recommendation of a statute known as the Anti-Loafer’s Bill, requiring all able-bodied males between ages eighteen and fifty to be engaged in productive occupation. William I. Schaffer, on the eve of being chosen next (twenty-fifth) President of the Association, disposed of the Anti-Loafer’s Bill in a few well-directed snorts of derision:

"WILLIAM I. SCHAFFER, Delaware: If it does apply to me, I am everlastingly opposed to it. I do not know whether Mr. Abbott has had his upbringing in the country or the city; but if he had it in the city, he has missed something that to the rest of us who had our upbringing in the country is the most highly treasured; and that is the contemplation of the man in the country who did nothing, and the most useful citizens that I know of that ever existed in the country are those men who sit around the country stores and do nothing but whittle sticks and chew tobacco. And to put men of that kind in jail it seems to me would be not only an invasion of personal liberty, but, terrible to contemplate, would be a deprivation of enjoyment in the minds of those who work that would be an outrage upon them. Now, if my friend Mr. Justice Simpson is correct, that there is a construction of this Act which might apply to me, I want to say this about it, that in the days, and particularly in the nights, when I contemplate those things with awfulness of what I would like to do and not to do, I do not want any sheriff, as this Act provides, or any judge, to declare that trout fishing is not a useful occupation, because I am looking forward to that time in my existence when I do not propose to do anything but trout fishing, and I do not want the uncanny hand of any judge to reach out and take me from some stream I am particularly fond of, and put me at work.

"THE VICE-PRESIDENT: What do you propose to do in the interval between seasons?

"WILLIAM I. SCHAFFER, Delaware: I do not propose that there shall be any interval.

"THE SECRETARY: Why not take the judge fishing with you?"
"WILLIAM I. SCHAFFER, Delaware: The answer to that is I know some judges in this State who are not altogether human. Now, this is to re-enact the old statute of labors, and Mr. Boston told us last night—I followed him with horror at the thought—that, I think it was in the reign of Henry VIII, they made another step along this line of legislation, and executed eighty thousand men because they would not work.

"JAMES P. O'LAUGHLIN, Clearfield: Seventy-two thousand.

"WILLIAM I. SCHAFFER, Delaware: Seventy-two thousand, and that was quite enough. Now that would be the next step in this kind of legislation. Up in one of the fishing camps I resort to now in these few intervals that I can indulge in trout fishing, there is a spot that has a name that is more attractive to me than any other name I know of. It is called The Skedaddlers' Camp, and it is right up on the borders of Maine and Canada, so that the line runs through the camp, and it is the camp to which resorted those high-minded and patriotic men of the States of Maine and New Hampshire who skedaddled away in the Civil War to avoid the draft. I think, and I am speaking for myself in this, that if this kind of legislation is to be enacted, I am going to become an habitué of such a skedaddlers' camp and have it convenient so that I can step across the line to Canada so that no sheriff can reach out to me."

The Association had more than its share of leadership in these decades of its beginnings, much of it strong and quiet, exerted between meetings, without a vocal showing on the record of the annual gathering. Simpson makes the most sustained and lasting impression because he was by nature forensic, aggressive and provocative. He came down hard, on one side or the other, or, over the years, on both in succession, and sometimes, to our eyes, on the wrong side at last. In a 1907 debate on uniform rules of practice, he burst boldly into the question of a lawyer's right to practice in any county, with this forceful statement:

"Why, Mr. Carr, of Philadelphia, says let the man stay home if he does not like to practice in the other counties. I say to him, in the language of Judge White—he put it much more forcibly than I perhaps can put it—that this is one great Commonwealth, and I claim my right to set my foot in the court houses of Allegheny, of Philadelphia, or of Bedford, or of anywhere else, and I claim that my client has a right to be heard by the attorney of his own choice. He may blunder in selecting him, but it is his right to blunder, as was said to us yesterday, and it is an indefeasible and inalienable right. You have no right to draw lines which hinder him having that privilege. It may well be that this will not bring to pass the millennium; nobody suggests that it does; it may well be that it is a little ahead of time, but the time is not far distant, and cannot be far distant when the people of this State will be a homogeneous people from one end to the other."

The General Assembly, almost as if it had been listening to this ringing declamation, took him at his word and within two years passed the Act of May 8, 1909, P.L. 475, providing that Supreme Court admission shall of itself, without more, operate as admission in every other court of the Commonwealth. The Supreme Court followed with Hoopes vs. Bradshaw, 231 Pa. 485, in which it held the Act of 1909 constitutional, and ordered mandamus to issue upon the prothonotary of Beaver County, to compel his obedience to that statute. What hap-
pened between 1911 and 1965, then, we may ask, we who never knew the freedom of state-wide practice until Supreme Court Rule 14 was adopted in 1965?

What happened was that Simpson changed his mind. A Northampton County lawyer had been disbarred, for good cause, but then readmitted on condition he shake that county’s dust from his shoes for all time. He took refuge in Philadelphia. Simpson’s profound moral sense was deeply wounded. He allowed his committee to recommend an amendment emasculating the statute to have it mean that Supreme Court admission certified only legal learning and ability, with moral character and personal qualifications to be, as before, the exclusive province of the local board of examiners. The proposal did not become law, but it helped to set the thinking of the Association, the bar, and the courts back in the direction of the pre-1909 practice, and the amendment of July 11, 1923, P.L. 1069 did set the seal of local board approval on the right to practice in any county.

Simpson could strive mightily, win great gains, then dissipate them with extravagance as prodigal as the labor he had first invested. Instead of dealing with individual evils as they arose, he was willing to burn the building down, albeit built with his own painful effort, to rid it of a single plague-carrier who horrified him.

They could err, this generation of men, even spectacularly. But even erring, they were strong men, decisive, and skilled in the arts of assembly. They brought all their gifts to bear in forging the rugged undergirding of the Association.
IV.

THE BRIDGE

The modern suspension bridge is an undeniable work of art, and a thing of boundless esthetic satisfaction to the beholder, even of untrained eye. Yet more, over some imaginations utterly unacquainted with structural engineering, it exerts almost a mystical fascination. Some of the elements of this captivation can be singled out.

For one thing, the need, and the structure's answer to the need, are obvious and impressive. Child or moron can see the trouble of getting from here to there, and how the bridge did away with it. Second, the single, overpowering impression on the beholder from close at hand, near the cable anchorages or the tower bases or up on the roadway, is strength, massive strength. Third, from any off-structure point of observation, the people and the vehicles passing over and back are dwarfed, made to look pigmy, Lilliputian. Last, bridge-gazing from any vantage-point usually involves some looking upward, and one finds one's self caught unawares in an attitude of reverence. In short, the great bridge, like a mountain peak, or the sea when one has been away from it for a long time, tricks us momentarily into seeing its huge dimensions and ant-like traffic sub specie aeternitatis, as if we were looking at them from a world beyond time.

In the long, long view we are taking of it, the Pennsylvania Bar Association threw up a great bridge over a wide gulf, the span from then to now. The obvious need, and the massive strength and the thousands of hurrying lawyers and clients who have used and are using it to incalculable advantage, and the reverence any view of the work commands, are all true in this instance also. The bridge was the modernizing of the law of Pennsylvania to which this Association dedicated itself from the start.

"To advance the science of jurisprudence; to promote the administration of justice; to secure proper legislation ..."—the Association immediately on formation took this part of its statement of objectives morally in earnest, and set about a calculated series of improvements in the Acts of Assembly dealing with the conduct of litigation.

The method was scholarly and thorough. An examination of the subject by the Committee on Law Reform either sua sponte or by reference of the Association came first. A report to the membership at the next annual meeting with a recommendation and perhaps a draft of proposed legislation made
the occasion for full-dress debate. If the outcome was a recommenda-
tion of legislative action, the re-
quest was forwarded officially to
the General Assembly with a state-
ment of Association sponsorship.

The Committee members did not
spare themselves in their examina-
tion and analysis of the point of
practice called into question. The
briefing in many of the reports to
the Association on which debate
was conducted is at least the equal
of what we would submit to the
court in a keenly litigated matter,
even of what we might offer an ap-
pellate court. The task performed
without compensation for the scrut-
tiny of one's brother lawyers has
the power of exciting one's utter-
most professional efforts, as much
as the cause célèbre.

First taste of blood was the
Act Regulating the Practice, Bail,
Costs, and Fees on Appeals to the
Supreme and Superior Courts.
Approved by the Association in its
second annual meeting in 1896, it
became the Act of 1897. Its pro-
visions were set out in twenty-one
straightforward paragraphs, but
some idea of the inextricable tangle
of ancient legislation 1895 lawyers
had to struggle with can be had
from the repealing section of this
enactment. By specific reference,
it repealed no less than twenty-
nine acts or parts of acts in the
field it covered, the oldest of them
dated May 22, 1722.

Passing remarks on the floor of
the annual meeting as late as 1909
indicate that there was no encyclo-
pedic index of Pennsylvania stat-
ute law available to practicing
lawyers up to that time, and we
are left to imagine that each man
compiled his own handbook of
his discoveries made in threading
through the biennial volumes. In-
deed, the Pennsylvania statute law
of the first three-quarters of the
nineteenth century was a jungle
growth. Quite apart from the
rank springing up of special acts
which we have seen Judge Endlich
pointing to, an evil made the tar-
get of our 1874 Constitutional pro-
hibition, scores of hit-or-miss en-
actments had been adopted by the
General Assembly, with no con-
cern for careful organization, on
a wide range of subjects. The
Penal Code of 1860 was an ex-
ception in this jumble; it, like
Judge Endlich's scholarly work on
statutory construction, was com-
mented upon favorably in foreign
countries. But the Mechanics' Lien
Act of 1901, originating with the
Association and enacted at its urg-
ing, set forth in its repealer sec-
tion 109 acts or parts of acts on
the subject. The Municipal Lien
Act of 1901, the twin brain-child
of the Association, carried a re-
pealer of 223 acts or parts of acts;
the effect of which was supplanted
by the single new enactment.

In these repealers the laws re-
pealed were cited specifically, book,
chapter, and verse, an editorial
cataloguing running to scores or
even a hundred hours of labor.
Not only may we, from our own
experience, judge this to be so, we
can read the fact from the record
when Alex Simpson, Jr., comment-
ASSOCIATION HISTORY

ing on the work of the Committee on Uniform State Laws, in 1908, objected that the draft act proposed by that Committee had left its repealer phrased in the general terms, "All acts or parts of acts inconsistent, etc." Simpson wanted, moved and had it voted that the Committee do its home work, and name the repealed laws with unmistakable exactness.

It is impossible for us to realize the hours of application and the foot pounds of mental energy that went into this kind of painstaking fine-combing of clinging undergrowth. On an intellectual level it seems the counterpart of the driving of the great water-cut through the Isthmus jungles of Panama. Not until we review the decades of Association effort do we realize how many of our familiar, daily working tools, taken by us for granted, are the gift to us of the young Association. For one instance, Pennsylvania lawyers had no mechanism for judgment not withstanding verdict, on a reserved point of law, until 1905. Until then if the trial court, on post-trial review after verdict for plaintiff, was convinced the defendant was entitled to judgment under the law, the only remedy was new trial. The practice we have all grown up with was devised in committee and on the floor of the Association, before it was ever proposed to the Legislature.

By 1901 the Association felt some flush of success, in its legislative reform program. In that year's General Assembly, seven bills of Association sponsorship became the statute law of Pennsylvania. In the fifteen years, 1896-1910, we can count thirty-one proposals that had come through the crucibles of committees, and the refiner's fire of floor debate, to be exposed to the final processes of assay and minting in General Assembly. Sixteen of these came through unscathed, and won their way to the pages of the statute-books. Many of them are well-known to us, and are at our beck and call today. Besides the pioneer Act on Practice, Bail, Costs, and Fees in Appellate Courts, there were acts on these subjects: Return of Service (1897), Insolvency (1901), Practice in Ejectment (1901), Mechanics' Liens (1901), Municipal Liens and Claims (1901), Procedure at Judicial Sales (1905), Acknowledging and Recording Sheriff's Deeds (1905) and Other Deeds (1909), Judgment N. O. V. (1905), Act to Abolish the Two-Witness Rule in Equity Practice (1913), Recording Election to Take Under or Against Wills (1911), the Manner of Taking and Noting Exceptions to Rulings on Evidence (1911), and Creation of a Legislative Reference Bureau (1911). All were proposals originally advanced by members of this body, and hammered out in its deliberations before presentation to the General Assembly.

Moving forward on a parallel track was the work of the Commission on Uniform Laws of States. The Association formed its
own Committee to work with the country-wide Commission, and one of the 1901 Committee's successes in Harrisburg was statutory authorization of a Pennsylvania commission on uniform legislation. Another was the Negotiable Instruments Law itself, the first of the great series of Uniform Acts. The Association kept close pace with the nation-wide Commission, and with the Association putting its growing prestige on the line, Pennsylvania wrote into its laws these uniform acts: Acknowledgment and Execution of Written Instruments (1901), N.I.L. (1901), Warehouse Receipts (1909), Stock Transfer (1911), Bills of Lading (1911), Sales (1915), and Partnership (1915). Debate sometimes waxed hot, Simpson thought he was as good a draftsman as Professor Williston and moved changes, argument ensued that the goal was not perfection but uniformity, and eventually the uniform text was recommended for adoption.

Among the conspicuous successes were some conspicuous failures. Tremendous thought and effort went into the original effort, beginning in 1896, to have created a Board of Legislative Commissioners to serve as a continuous control over the headstrong proclivities of the General Assembly to legislate first and examine the subject or the new enactment afterward. The concept of a competent professional summary of already existing law in any field, and a thorough screening and scrutiny, Constitutional and general, of the new proposal, before it came before House and Senate, was praiseworthy in every way. But the Legislature would have no part of such assistance, on an official basis. Undoubtedly the germ of the proposal went underground in various parts of the public consciousness, rooted itself, and broke ground again as the Legislative Reference Bureau in 1909. Meanwhile the committees of the Association served unofficially in the work for which they tried and failed to create a Commission, and the testing and screening went on within the ranks of the organized lawyers of the Commonwealth.

A wealth of imagination, draftsmanship, study and plain sweat was lavished also over a stretch of four or five years on a model statute to govern the use of expert testimony. The objective was finally abandoned in the Association itself. No agreement was possible on any statute to be reported out, and the evils and abuses of expert testimony were regretfully left to be dealt with, over the years, by decisional law rather than statute.

Earnest striving and anguished debate went on for at least three years on end over a model statute to govern the compensation of witnesses. The dissimilarity of conditions affecting availability of witnesses in the various counties proved insuperable; agreement was beyond hope, and the subject was dropped. Other forces, years later, produced an economic climate more nearly homogeneous, for all coun-
ties, and gave rise to our present statute.

Serious doubt rose from time to time as to the scope of the Association's attempted reform of statute law. The Committee on Law Reform took a strong position that its call was to the enactment or amendment of laws having to do with practice before the courts, that is, to serve the needs of practicing lawyers and their better functioning for their clients only. The revision of substantive law was for others, on this view, and one Owen J. Roberts vigorously espoused this distinction in 1916 over a simple resolution to put the Legislature a statute requiring a test of ability to operate an automobile before licensing. He summoned up a perfectly valid reductio ad absurdum: Picture this body of lawyers debating a plumbing code! But the narrow ground was too narrow to hold, its adherents were pushed off it, rather readily. Lawyers are just as much interested in and concerned with statutes which declare and limit their clients' substantive rights as with those affording them the tools wherewith to assert or defend the rights. They work with both every day, and cannot be expected, in their own professional assemblies, to leave one set at the door as they enter. As the years stretched on, the undertaking of the Association "to secure proper legislation" broadened to include statute law on any subject on which serious concern was voiced.

With the establishment of the Legislative Reference Bureau in 1909, the need for manful and wholesale hacking away at the disorganized riot of old laws lessened for the Association. The sanitary engineering phase of law reform passed over into hands charged continuously with that responsibility, and at work the year round instead of merely the intervals stolen from busy law practices. The Bureau fell heir to two assignments, not only the systematic organization of statute law on various subjects, which the Association had been diligently carrying on, but the weeding out of statutory matter long out of date or force, and choking out any efficient use of the books. The state of the statute law was not only that on a given subject there might be a hundred or two hundred scattered and incoherent enactments, as we have seen true of mechanics' and municipal liens, it was that the books contained thousands of acts either entirely obsolete or in fact repealed, with no warning indicator of the repeal other than wearisome collation of subsequent official publications, volume by volume. In 1913, by statute itself, the Legislative Reference Bureau was mandated to winnow the whole domain of statute law, excise the dead wood, and by topic, in chapter and sections, publish those acts proven to be actually in force.

If nothing else ever had been the gift to the profession of the first nineteen years' work of the Association, this alone would serve as a fit and lasting monument. For
the Legislative Reference Bureau was the concept of the Association, when its proposal for a statutory establishment of a Board of Legislative Commissioners was first advanced, and repulsed out of hand by a jealous Legislature. Once the Bureau came into being, the house of statutory draftsmanship was at last in some kind of order, and provision made for its continuing in order. The housekeeping was at last put into the hands of a trained and paid housekeeper, instead of having to be done by the householder himself on return from his daily toil.

Lasting boons to the profession and the public it served did not stop with the clearing away of tangled and matted statute law. As early as 1912, the pages of Association records show proposals for a new Practice Act, and for the garnering into a single group of simultaneously enacted statutes of all legislative provisions governing decedents' estates. The outgrowth of the first proposal, the Practice Act of 1915, was in large measure the handiwork of committees of the Association. The "Seven Sisters" Acts of 1917 were not, but even they can be said to have drawn a good part of their initiative and impetus from the spirit of efficient reform nurtured by the Association since its beginning, and from the example of its star-studded record in achieving improvement in legislation.

The author of the 1915 Practice Act was not Alex Simpson, Jr., as popularly supposed among the generation who practiced under it. It was Judge Robert Ralston of Philadelphia Court of Common Pleas No. 5. Ralston's early death at fifty-three was a shocking loss to the profession. He was a brilliant man with parts that do not often combine with brilliance, the habit of reflection and the instinct to ponder deeply. He was a long-time member of the Committee on Law Reform of the Association, and twice, in 1905 and 1911, on invitation, presented learned papers to the annual meeting. The contagion of remedial legislative draftsmanship would have been difficult for him to escape, from what we have seen of the Association's transactions, and in 1912 he submitted his first draft of the proposed new act as an individual effort for Committee consideration. This and successive drafts were subjected to the refining process of many Committee considerations, and criticisms both there and from the general membership. Judge Ralston's own description is that it was the ninth or tenth draft that finally reached the General Assembly; he called it "the Association Bill." It became the Act of May 14, 1915. He died suddenly the following January, after only a few months' opportunity to watch his model statute in operation.

John Marshall Gest, renowned Judge of the Orphans' Court of Philadelphia County, was no stranger to Association gatherings. He was its four-time invited guest, as author of papers learned, witty,
light-hearted, and entertaining. To the Law Academy of Philadelphia on May 1, 1912, he had voiced the wish for a unified codification of the laws governing decedents' estates; the Committee on Law Reform noted this, had his permission to print and circulate the paper, and the Association, on motion of the Committee, memorialized the General Assembly to provide for the commission whose work in 1917 became so enduring.

These two towering pieces of legislation, the 1915 Practice Act and the 1917 Decedents' Estate Laws, seem to climax a phase of the Association effort to afford the profession better working tools. It is as if the ranks of practicing lawyers had come out of a criss-crossing network of narrow, winding country roads onto a broad, scientifically engineered highway. Or as if, in a wilderness, a traveller had come suddenly upon a wide river arched with a towering bridge, and had crossed it into a land under ordered cultivation.
V.

GREAT CAMPGROUNDS

The place of the first general membership meeting of the Association on July 10-11, 1895 was Bedford Springs, Pa. Laws of affinity seem to have been at work. Many different meeting-places were experimented with in later years, and though some of those other meetings were successful, that errant and philandering swain, the Pennsylvania Bar Association, would return to his first love and once more settle in at Bedford.

It was reasonably central, the accommodations were comfortable for both the guests and the assemblies, and it was an attractive spot for summer sojourning. It was wickedly difficult to reach by railroad, hence the complaints and the experimentation with other stamping grounds. In fact, there were but a scattering few locations or hostelries in all of Pennsylvania capable of meeting requirements for a successful gathering of the membership. The record shows that two of the founding fathers, Edward P. Allinson and J. B. Colahan, Jr. of Philadelphia, criss-crossed the entire state examining possible meeting places. Allinson was the dedicated first secretary of the organization, in whose office five men met on September 19, 1894 to lay plans for the call that went out November 1 of that year to every lawyer in the Commonwealth, in response to which came the January meeting in Harrisburg and the birth of the Pennsylvania Bar Association. Allinson died young, in 1901. Colahan became the Association's twelfth President, in 1905-06, and served it devotedly long years after that, until his death in 1920.

With these two undaunted enthusiasts cruising the tall timber, the Association was beguiled by the attractions of such spots as Cresson, Pa., once, Delaware Water Gap, once, and Cambridge Springs, three times, among its first nine meetings. No serious rivalry with Bedford Springs was managed by any of these three entries, they were unheard of thereafter. The closing sessions of the early annual meetings were customarily loud with local pride, and extravagant proclamations were sounded as to the pleasure domes to be found among summer hotels at Bryn Mawr, Pa., and city hotels of Reading and Wilkes-Barre. Decent drinking water was apparently a stout claim to fame, and that of Reading and Wilkes-Barre was vouched for unreservedly by the loyal sons of each of those far parts. Caustic comments were uttered and faithfully transcribed as to how few of the membership drank much water.
Roving eyes seem not to have been unknown phenomena among the gentlemen. Fortright promises were made about the number of goodlooking girls to be seen in Luzerne and Berks Counties. Hopes were audibly breathed that if the choice were to be Reading, the proceedings would be conducted in English, not German. The Association succumbed to the song of the upstate sirens in 1899, and convened for the only time in its first nineteen years in a city, Wilkes-Barre. The reason, assuredly, was not the luxury of the Hotel Sterling, or the water, or the girls, but the fact that Judge Stanley Woodward of Luzerne County Common Pleas Court was that year's Association President. The claims of Reading to true bilinguality, pulchritude, or aqua pura were to remain uninvestigated for half a century, until the mid-winter meeting of 1949.

Also uninvestigated, as beyond our Muse's power to part the curtains of the past, must remain the question whether any of this gay, brave talk about handsome girls in strange and distant cities reached the ears of any, or perhaps many a faithful Penelope waiting at home to welcome her returning legal Ulysses. The seductive fallacy post hoc, ergo propter hoc yawns at our feet, and we skirt it gingerly. Fallacy or no fallacy, it is at least noteworthy that only three years after these bursts of braggadocio, in 1900, the ladies of the members became invited to attend the annual gathering. Instantly, and with only the effort of being themselves, they became the assemblage, in the esthetic sense of that word, that is, they proved a colorful and sparkling adjunct to its social features, never thereafter to be omitted.

Meeting in summer recreational surroundings and including wives of members, were, by the first few years of the new century, thoroughly tested and proven ideas for improving attendance of the membership. But from a total membership of about eight hundred fifty, an attendance of just over two hundred, though enhanced by fifty ladies, did not strike the officers as laurels to rest on. In some years, registrations at Bedford Springs were as low as one hundred fifty-odd. The case was strongly urged for an east-west alternation of annual meeting-places, the pendulum of interest pictured as suspended at midpoint and swinging across the state. The pendulum on its very first eastern swing worked up an unforeseen momentum and went clean out of Pennsylvania; in 1904 the Association convened at Cape May, New Jersey.

The meeting was an unqualified success, all attendance records fell. The Philadelphia bar emptied out for the occasion, two hundred sixty-odd composed the total. The banquet menu was intended to be a souvenir, and for us it is a footnote to social history. It was reproduced in the annual volume of Association records, and is, by many more times, worth reproducing here:
WE'LL HOLD A FEAST IN GREAT SOLEMNITY
MIDSUMMER NIGHT'S DREAM, IV. i.

[Arms of Pennsylvania.]

Pennsylvania

Head of Justice with Sword and Scales within Wreaths of Laurel

Bar Association

Tenth Annual Banquet

Hotel Stockton

Cape May, New Jersey, Thursday, June 30th, 1904

To thee and thy company I bid a hearty welcome.
—Tempest, V. i.
THE BANQUET

1 pray you jest, sir, as you sit at dinner.
—COMEDY OF ERRORS, I, 2.

MENU

CAPE MAY SALTS

GREEN TURTLE SOUP

OLIVES    RADISHES    NUTS

FILET OF SOLE, AU GRATIN

CUCUMBERS    POMMES FRITE

SWEETBREADS, AU PETIT POIS

ROAST TENDERLOIN OF BEEF WITH MUSHROOMS
TOMATOES FARCIE    NEW POTATOES

Sorbet Constitutional

MAYONNAISE LETTUCE AND TOMATOES

GLACE AUX FRUITS

CRACKERS    CHEESE    CAKE    FRUITS    COFFEE

Good, my lord, you are full of heavenly stuff.
—HENRY VIII, III, 2.
You see by the fineness and delicacy of their diet, diving into the fat capons, drinking your rich wines, feeding on larks, sparrows, potato-pies and such good unctuous meats, how their wits are refined and rarified.

—BEN JONSON.

Fetch me a quart of sack; put a toast in’s.

—MERRY WIVES OF WINDSOR, iii, 5.

CAPE MAY TOASTS

Toastmaster . . . . Col. Sheldon Potter

"Let the trumpets blow
That this great soldier may his welcome know."  
—TROILUS AND CRESSIDA, iv, 5.

United States of America . . . Hénry E. Davis

"Upon this land a thousand, thousand blessings."

—HENRY VIII, v, 5.

The University and the Law President Woodrow Wilson

"There is now less flogging in our great schools than formerly—but then less is learned there; so that what the boys get at one end, they lose at the other."

—SAmUEL JOHNSON.

Martial Law . . . . General J. P. S. Gobin

"Seeing gentle words will not prevail
Assail them with the army." —2 HENRY VI, iv. 2.

The Lawyer as a Citizen . . . Walter George Smith

"Every man hath his fault, and honesty is his."

—TIMON OF ATHENS, iii, 1.

The Witness . . . . Hon. R. L. Crawford

"I have an oath in heaven,
Shall I lay perjury upon my soul?"

—MERCHANT OF VENICE, iv, 1.

The Junior Bar . . . . Joseph H. Taulane

To it belongs all the bar of every age who have kept unsullied the ideals of their youth.

—SCHAFFER.
Colonel Sheldon Potter was an able toastmaster, and gave complete satisfaction in this trying position. The responses to the toasts of unusual excellence, both in the material and delivery, will long be remembered by the members of the Association, who expressed their obligation to the eminent gentlemen who had honored us by their presence and charmed us with their eloquence. The “Stockton” orchestra furnished the music, which was well selected and artistically rendered. The management of the “Stockton” were most generous in provision for floral and plant decorations, while the ladies with their beautiful gowns and jewels were the crowning ornament of the occasion.

Why anyone needed any souvenir of that meal other than the recollection of having consumed it is a question this chronicle has to leave unanswered.

Social history keeps poking its alluring face through the fabric of these records in other ways. The annual meeting was customarily planned at a mid-winter meeting of the Executive Committee, this, in turn, traditionally held in the home city of the President. December 29, 1906, President Thomas Patterson of Pittsburgh entertained his Executive Committee “at luncheon at the Pittsburgh Golf Club House, being taken out in a special trolley car.” Seven years later, the 1914 annual meeting was held at Erie, with the attractions of the lake for recreation. Members and their ladies were offered the choice of a cruise on the water or an automobile ride. They proved not inconsiderable diversions; that meeting was the only one in which complaints were loud and clear of the work on the floor being neglected by large numbers of the junketing brethren.

Time’s remorseless tread echoes in the details of some other departments of life made part of the rec-
ord of other meetings. The rates at the Hotel Cape May offered for the 1908 annual meeting held there were $3.00 per person per day, with all meals, even the banquet (*vide supra*) included. Champagne wines were not to exceed $3.50 per quart bottle. Champagne wines and all such waters of life vanished from the scene in 1918, with the Eighteenth Amendment, and the 1919 banquet featured a skit by the delegation from Erie, on the theme of "the interment of John Barleycorn." This rite, reported as heartrendingly sad, but amusing, marks one of the first instances when theatrics were any part of the entertainment offered.

Oratory was in full flower, however, for the full first twenty-five years of the history of the Association. The *pièce de résistance* intended for the ears of the gathering began as a thoughtful address by someone of national prominence on matters of direct professional interest to lawyers. This was known as "the annual address." The scope of this concept widened to include exposition of questions of general public importance such as the Cuban controversy, the new territories (Puerto Rico, Guam, the Philippines), and membership in the League of Nations. But gradually the annual address developed into "the honorary oration," and from afar would come some powerful invoker of the oratorical thunders to declaim in full periods and apostrophes on some aspect of our historical or legal or constitutional heritage. It was the style of the day, but styles change, and in 1920, very quietly, the honorary oration was dropped from the program. One recrudescence broke out three years later. Old customs die harder, inland from the Atlantic seaboard, and in 1923, invited to read what was supposed to be a learned legal paper on *stare decisis*, a visiting Texan, Robert E. Lee Saner, who must have sat at the feet of William Jennings Bryan, treated the annual meeting to not one, but two, regular old-fashioned, fire-breathing Fourth of July orations. With that reverberation, the honorary oration became a thing of the past, and even the annual address became increasingly displaced by considerations much more specific and urgent in the practice of law and the work of a professional organization. Those whose cast of mind runs to feeling "the horror of the inspirational talk," in that phrase of lost origins, worthy of H. L. Mencken, were able to breathe easier.

An abiding and cherished ornament of the proceedings, on the other hand, was, and is, the stated address of the President. The by-laws of the Association mandate the President to "deliver at the annual meeting an appropriate address, with particular reference to any statutory changes in the state of public interest, and any needed changes suggested by judicial decisions during the year." To discharge this obligation with anything like literal fidelity would prove insufferably dull and tedious, besides which it might be imagined that at the end of a year of leader-
ship of a vigorous organization of lawyers, its President might have arrived at some reflections more meaningful to the life of the body than a review of the work of the General Assembly. In the even-numbered years, to boot, the Legislature is, ordinarily, not in session. Odd or even, scant heed has been paid the by-law by most Presidents. Judge Staake, twenty-fourth President, in 1918, calculated that only four of his predecessors had waded into the by-law with fists swinging and done their duty, however deadly an opening item on the program it made for. Wisely, wisely indeed, most of them made some passing reference to the by-law, saw to it that its content was satisfied by some one of the committee reports, and spoke at leadership level about professional ethics, or the independence of the judiciary, or the American lawyer’s heritage from the English bar, or legal education, or the American Law Institute.

Inescapably, the work of the Association mirrors the life of the community, and particularly those parts of community life with which the law deals directly. In 1897, at the third meeting of the Association, Judge Woodward of Luzerne County implored consideration of repeal of the Brooks High License Law, which put the grant or refusal of saloon licenses in the keeping of the Quarter Sessions judiciary. No civilized country on the face of the globe so demeaned its judiciary, except a few states of the American Union, Judge Woodward declared. But in 1914, and 1915, and 1916, it is Judge McClure of Union County we find still complaining.

“That a Court should be called upon to decide whether Olschefsiki or McGar- rity should sell whisky, and where he should sell it, is unique in the United States.”

In 1917, twenty years after Judge Woodward’s cry for relief, the Association got so far as a draft bill providing delegation of the duty to a County Liquor Commission, of which nothing more is reported. The Brooks High License Law was done to death only by the Eighteenth Amendment, which may serve to prove that in human experience there is no such thing as pure and unmixed evil.

Tragedy stalked the 1910 meeting. It was held at the Hotel Cape May, and the banquet was a brilliant affair. It was the fashion to propose a series of toasts, and in advance to assign a response to each toast to one or another speaker chosen for his grace of expression. After they had been given and drunk to “the United States of America,” “the Commonwealth of Pennsylvania,” “the State of New Jersey,” “the Bar,” and “the Junior Bar,” with appropriate responses, the climax was “to the Ladies.” The response was given by John W. Hallahan, 3rd, an attractive youthful member of the Philadelphia Bar, who had joined the Association only that year, and was attending his first annual meeting.

Mr. Hallahan in a brief address moved his hearers to the verge of tears, with thoughts on the part
played by wifely love in the life of a man of action. At the rising from the table, no one seemed inclined to retire, the assemblage adjourned to the lobby, and there he was the center of successive groups of people who could not sufficiently tell him the depth of meaning his remarks had conveyed to them. He answered that they owed their content to his own young wife, whom he would travel to Connecticut to join in the morning.

He was dead that night. He separated himself from the larger company in the lobby and sat down with Owen Roberts, Charles L. McKeehan, and a few others of his own generation for an hour. Taking an elevator to his room, he probably leaned forward to call some parting remark to one standing below, and the sill of the second floor struck him full and square on the head. The substance of his tribute to wifehood was found on notes in his pocket, and still comes off the printed page with power and devotion. Shock and gloom overhung the 1910 departure from Cape May.

Forays to the seashore were made again, Cape May in 1912, 1913, and 1915, North Asbury Park in 1921. The Association rallied at Erie in 1914, the deepest penetration ever of the hinterland, and foregathered at Philadelphia in a blistering July of 1924, to have its meeting coincide with the convention of the American Bar Association. In 1921 from the floor came the electrifying proposal that a cruise ship be chartered for a run to Bermuda, the annual meeting to open immediately on passing the three-mile limit. "(Merriment)," the transcript reads, but the proposal proves curiously prophetic, in view of the summer meeting of the Association having been held on shipboard in Southern waters in 1970.

Dalliance with the beguilements of distant places thus broke out betimes, but all these years Bedford Springs waited, like Penelope herself, strengthening her claim on the wanderer with her patience. Steadily improving accommodations and an evident feeling of a particular call to meet the needs of this organization on the part of the proprietors at Bedford Springs increasingly weighted the choice toward the original rendezvous. It was never necessary at Bedford Springs to issue the specification that the hotel band should rehearse elsewhere than under the windows of the debating chamber, as at Cape May. Slowly Bedford Springs grew into a tradition. The years 1916 to 1920 saw an unbroken run of five meetings there, 1925 to 1933, nine, 1935 to 1941, seven. There were to be future expeditions to the Atlantic shoreline, other descents upon large cities of the Commonwealth, but recurrently would come the realization of the distinctive Pennsylvania flavor of the original spot, and the feeling of the strength of the original tie.

Wherever the meeting, it invariably ended in a pleasant note of mock seriousness, the election
of a new President, for a one year term. Never was there a genuine exercise of the franchise, never more than one candidate, never a contested election. Ritual established itself; the candidate by some telepathic communication absented himself from the gathering. Mysterious workings of dimly perceived forces within the Executive Committee fixed on the selection; as with early meeting-places, some secret pendulum swung East and West to present candidates from one or the other end of the Commonwealth, or from rural or metropolitan counties. A nomination speech with two or three seconding speeches, plus a motion to close nominations, were formalities de rigueur, resulting in the three or four speechmakers being constituted a committee to find and return with the new incumbent.

They were hardly out of the room before they were back, the new inductee proclaiming his utter surprise and amazement, he having been strolling on the beach in deep meditation, or hiding behind the arras, or caught with his ear glued to the keyhole, or simply waiting up the porch at the usual spot, according to innumerable varieties and versions of accepting speeches.

The adjourned meeting slipped rapidly down the abyss of memory, no doubt. But it had its memorial, during the year following, in the publication of the annual report of the Association, actually a transcript of the entire proceedings on the floor of the Assembly. The flavor of the debates, the briny savor of the personalities were caught to a remarkable degree. The principal speeches delivered, the learned papers read, were reproduced as an appendix, with photographs of the speakers or scholarly authors. The binding, though plain, was impressive, the type-face one of the happier contributions of the typographer's art to ease of reading, and the proof-reading, alas! unlike its modern counterpart, was flawless.

It was not long before the entire set of volumes had to be brought to each annual meeting, as a sine qua non, simply for convenience of reference in debate. Halfway into the Association's three-quarters of a century, members were searching for missing volumes, to fill out a private set, and today an unbroken set is something of a scarce and choice item. The volumes, as we shall see, apart from everything else, are studded with glowing utterances, when a man on his feet was suddenly moved to draw the veil aside and show his deep feeling. All these years later, though we know next to nothing of him, from a few sentences we know a very great deal, i.e., we know what kind of man he was.

It was wise for the Association to memorialize its meeting with the publication of an annual volume. The Association was compiling an impressive record. But the loving care that went into the preparation of these volumes was transforming that record into a tradition.
VI.

PRAISING FAMOUS MEN

Tradition in the making was not the conscious predilection of the Association, however. That, like happiness, was the by-product, a result best realized by not being directly sought after, overtaking one unawares in a quest for some farther goal. Serendipity is an exercise we perform oftener than we suppose.

There was tradition in abundant measure already made, to be honored, preserved, and transmitted. Lawyers seem always to be mindful of their debt to their counterparts of generations before. Scarcely a noble room of the law can be found in the Western world but is hung with portraits or other memorabilia of great makers, expounders, teachers, or practitioners of former ages of the law. Maitland's seamless web, the stuff we pass through our hands in each day's work, is a fabric with history for its warp and its woof.

"To perpetuate the history of the profession and the memory of its members" was one of the original purposes of the Association. The very first Committee on Biography appointed to undertake this responsibility, reporting to the second annual meeting, spoke with grace and eloquence of the importance of historical study.

"To really know the life of the law, we must know the lives of the men who administered it. We are all familiar with the importance of leading cases, and with the reasons urged for their study. A case represents a principle, but behind every case there stands a judge, and behind every judge there stands an occasion, and behind the occasion there stands the century that produced it. If we wish to measure fairly the full importance of a case, both as to what it is as a philosophic statement of the law, as a condensed storehouse of live principles—a potential source of influence for the future, destined to affect the most distant posterity—we must know not only who the judge was who delivered the opinion, but also the circumstances attending the particular occasion for the delivery of that opinion. Knowledge is not real if confined simply to the name of the judge; in analyzing the decision we necessarily analyze the brain that produced it. Ancestry, training, education, environment, produce certain qualities which, when brought into contact with certain conditions of society, produce a discharge of force at a given point in place and time, which affects the development and progress of the law.

"If cases are representative, must not the author of the decision in the case be equally so?"

"Cases themselves have an ancestry, a history, a dim beginning, then a fully developed manhood, and an influence upon the future. Such is true, also, of judges.

"No one can fully understand the development of Pennsylvania jurisprudence without a profound study of such leading cases as Ingersoll vs. Sergeant, Wallace vs. Harmstad, Lancaster vs. Dolan, et id omne genus; and equally important are the lives of Tilghman, Duncan, Gibson, Black, Kennedy, Woodward and Sharswood. Let these names stand as examples of the rest."

These winging words, not surpris-
ingly, are discovered to be those of a distinguished legal historian and lawyer, exponent of the history of the Constitution of the United States, chosen chronicler of the Supreme Court of the United States, and the twentieth President of the Association, Hampton L. Carson.

It took more than the written word and the abstract idea to satisfy the historian's craving, as exemplified by Mr. Carson. He wanted to know the faces of the men, and look them in the eye. He made his own captivation contagious with this description of it:

"A no less important part of the work of the Committee on Biography will consist of the collection of data relating to portraits, whether painted or engraved, of the men who have been eminent as judges and lawyers. It was Thomas Carlyle who, in a letter of May 3, 1854, addressed to David Laing, Esq., of the Signet Library of Edinburgh, expressed himself as follows:

First of all, then, I have to tell you, as a fact of personal experience, that in all my historical investigations it has been, and always is, one of the most primary wants to procure a bodily likeness of the personage inquired after; a good portrait, if such exists; failing that, even an indifferent if sincere one. In short, any representation, made by a faithful human creature, of that face and figure, which he saw with his eyes, and which I can never see with mine, is now valuable to me, and much better than none at all. This, which is my own deep experience, I believe to be, in a deeper or less deep degree, the universal one; and that every student and reader of history, who strives earnestly to conceive for himself what manner of fact and man this or the other vague historical name can have been, will, as the first and directest indication of all, search eagerly for a portrait, for all the reasonable portraits there are; and never rest until he have made out, if possible, what the man's natural face was like. Often I have found a portrait superior in real instruction to half a dozen written "biographies," or, rather, let me say, I have found that the portrait was as a lighted candle by which the biographies could for the first time be read, and some human interpretation made of them; the biographed personage no longer an empty impossible phantasm, or distracting aggregate of inconsistent rumors (in which state, alas, his usual one, he is worth nothing to anybody, except to be as a dried thistle for pedants to thrash, and for men to fly out of the way of), but yielding at last some features which one could admit to be human.

"This kind of value and interest I may take as the highest point of interest there is in historical portraits; this, which the zealous and studious historian feels in them, and one may say all men just in proportion as they are "historians" (which every mortal is, who has a memory, and attachments and possessions in the past) will feel something of the same, every human creature, something. From that I suppose there is absolutely nobody so dark and dull and every way sunk and stupefied that a series of historical portraits, especially of his native country, would not be of real interest to him; real, I mean, as coming from himself and his own heart, not imaginary, and preached in upon him by the newspapers, which is an important distinction."

"This excellent and impressive statement fully illustrates the possibilities of such a collection of legal portraits of distinguished Pennsylvanians."

His ardor was unslaked even with portraits, and his historical imagination was unflagging. Twenty-two years later, in 1918, he was pleading for the furnishing of "autograph documents of the handwriting of the man whose face is portrayed." He asked judges to make gifts of manuscript opinions, "and particularly those opinions in which they have expressed their strength and displayed their stren-
uous qualities—dissenting opinions which they believe will stand. . . ."
In support of the urging of T. Elliott Patterson, then Chairman of the Committee on Biography, that members not neglect their obligations to contribute historical and biographical material, he said,

"I am in sympathy with Mr. Patterson. He and I are fellows in this mild form of monomania—perfectly harmless—and we want you to join in the asylum."

This is the balance struck by the greatest of leaders, to take the responsibility seriously but never to take one's self seriously. With a moving spirit uttered in such terms, it seems almost a certainty that the historical and biographical effort of the Association would be carried on with distinction. Early, the Committee resolved it would not be merely the keeper of the necrology of Association members.

"It would be but a narrow view of our duty to confine ourselves to the collection of mortuary statistics relating to members of the profession."

Accounts of historic buildings and courthouses were called for, historical documents, copies of addresses on historic occasions, of publications of important legal figures, all such memorials of fleeting events were besought of the membership. The Committee was haunted with a sense that even while it was rallying its sources, they were becoming evanescent, memories were failing, valuable evidence was perishing. Battle was openly joined with an inexorable, implacable, sleepless adversity, remorseless time, with the failing of memory, with the physical decay of the paper bearing fine words and thoughts, with the loss of material through neglect, indifference, ignorance, and their passing from hand to hand or place to place. Of the address by Mr. Justice Mitchell at the final adjournment on Jan. 4, 1875 of the District Court of the City and County of Philadelphia, the 1899 Committee of the Association said,

"It is just such fugitive documents as this which go to make up the legal history of the Commonwealth, and which are lost sight of when embalmed in fugitive pamphlets having no permanent home."

On February 21st and 22nd, 1900, dedication ceremonies were held to mark the opening of the new Law School building of the University of Pennsylvania. That year the trustees of the University offered the Association the free use of a room in the new building for the display of its historical collection. It is hard to imagine a happier wedding of objectives, a proper housing and display of the Association's treasure trove, and the exposure of incipient lawyers to the formative influence of such material.

The collection was already impressive. A catalogue of exhibits on display in the Association's rooms at the Law School published in 1902, numbers nearly 1,400 items, portraits, prints, engravings, photographs, documents, manuscripts, autographs, books, pamphlets, periodicals, maps, seals, and
costumes of historical interest. Each year donations continued by
the score, sometimes by the hun-
dred. By 1912 the total of items
catalogued was three thousand-
odd. In 1920 the Law School by
reason of its own growth could
no longer continue its long course
of generosity in housing the col-
collection, and it became a part of
the State Library at Harrisburg.
By 1925 the State Librarian was
confessing inavailability of space
that had been anticipated, and ask-
ing to be relieved of care of the
collection.

We think of a historian as one
who, from extant materials assem-
bled and at hand, undertakes a
sustained account of the events and
the men and women of a certain
period of time, but Carson and the
others of the early years of the
Association thought this to be only
one of the dimensions of the his-
torian's vocation. They felt called
to the additional responsibility of
gathering and preserving materials
not to be part of any published
effort of their own, but for the use
of some succeeding generation of
historians. They never questioned
that part of their task was hand-
to-hand fighting with the forces
doing dissolution.

The historical spirit of the As-
sociation found embodiment in yet
another activity, different from
either biography or the treasuring
of historical materials. From time
to time, the organization made spe-
cial note of great events of legal
history, sometimes by elaborate
observances of the anniversary
date, sometimes by publishing rec-
ords of the historical proceedings
themselves. Now and then, as it
felt history was being made in its
own time, it marked the milestone
by formalizing the occasion and
doing the things to insure its being
made memorable.

Scriptural exegesis tells us that
to bring an historical event into
"remembrance" means by an effort
of the spirit to recapture the past
event, make it mystically a pres-
ent event, and relive it in the pres-
ent as vividly as if one were there
and one's self an original partici-
pant. Something like this state of
consciousness breathes through
the pages of the Association's his-
torical observances.

When, as a consequence of adop-
tion of the Constitution of 1874,
the Nisi Prius, District, and Com-
mon Pleas Courts of Philadelphia
City and County ceased to sit on
January 4, 1875, final adjournment
was marked by the address of
Judge James T. Mitchell. Impor-
tant as a historical review of the
Pennsylvania Judicial system, it
was reprinted as an appendix to
the 1899 annual report of the
Association.

In 1895, Common Pleas Court
left Congress Hall at 6th and Chest-
nut Streets, Philadelphia, for its
new courtrooms in the new City
Hall. The day it last sat in the
building which had such a promi-
inent part in the early life of the
nation, September 18, 1895, exer-
cises were held to commemorate
the history of the structure. The principal address by Judge Samuel W. Pennypacker reviewing this history, was reprinted as an after-piece with the Association's second annual report, the 1896 volume.

At its annual meeting in July, 1899, the Association was invited to join in the dedication of the new Law School building of the University of Pennsylvania, to be held February 21-22, 1900. The addresses made at the dedication by Samuel Dickson, William Draper Lewis, James Barr Ames, and Hampton L. Carson all dealt with the history of legal education in Pennsylvania, and were carried in full as an appendix to the 1900 volume.

February 4, 1901 was the centenary of the elevation of John Marshall to the office of Chief Justice of the United States. The Law Association of Philadelphia, the Lawyers' Club, the Pennsylvania Bar Association, and the Law School of the University of Pennsylvania jointly organized the celebration of "John Marshall Day." There were opening exercises in the United States Court of Appeals, followed by a procession of the judiciary of all courts, the bar, and students at the Law School to Musical Fund Hall on Locust Street. There the oration of the day was by Justice James T. Mitchell, by this time a member of the Supreme Court of Pennsylvania. An account of the entire proceedings and the text of Justice Mitchell's address, fronted by an excellent print of the great Inman portrait of Marshall, were appended to the Association's 1901 volume.

In November, 1906, the remains of James Wilson, signer of the Declaration of Independence, the great legal light of the Constitutional Convention of 1787, and a Justice of the Supreme Court of the United States were to be disinterred from the grave at Edenton, North Carolina, where they had lain for almost a hundred years, and reinterred in the yard of Christ Church, Philadelphia. The Association named a special committee to participate at the memorial service in the church and at the reinterment. Speakers at the service included the Governor of the Commonwealth, (Samuel W. Pennypacker), Thomas Patterson, Thirteenth President of the Association, Samuel Dickson, Dean William Draper Lewis of the Law School, representing the University of Pennsylvania, of whose faculty Wilson had once been an ornament, S. Weir Mitchell, M.D., LL.D., for American literature, Andrew Carnegie, for Scottish-American citizenship, Alton B. Parker, President of the American Bar Association, Mr. Justice White of the Supreme Court of the United States, the Attorney-General of the United States, the Hon. William H. Moody, and the Attorney-General of Pennsylvania and Historian of the Supreme Court of the United States, the Hon. Hampton L. Carson. In attendance were Chief Justice Fuller, and a majority of the Justices of the Supreme Court of the United States, the full bench of the Supreme Court of
Pennsylvania, and judges and lawyers from far and near in Pennsylvania, in goodly number. Wilson's comparatively obscure death in a small Albemarle Sound town to which he had retired for his health was redeemed.

A year later, the Association did honor to the living, in 1907. It was the golden anniversary of the admission to the bar of the Honorable James Tyndale Mitchell, LL.D., Chief Justice of Pennsylvania. He was feted with a banquet at Horticultural Hall attended by five hundred of the profession.

In 1922 the Supreme Court of Pennsylvania rounded out its second century, dating from passage of the first Act of the Provincial Assembly establishing it in its form as we know it. The occasion was observed by an assembly in the Supreme Court Room at Harrisburg, and marked by historical addresses of Chief Justice von Moschziker and Mr. Carson. The historical value and accuracy of these addresses are excelled only by the thought and grace that went into their utterance. The Association rightly thought them worth preserving and publishing to the membership in the annual volume.

The 1929 annual meeting was distinguished by a banquet honoring Chief Justice Robert von Moschziker for twenty-five years service in the judiciary. The prelude to his full twenty-one years on the Supreme Court had been a Common Pleas Court judgeship in Philadelphia County. Only the oldest lawyers now in practice have any recollection of Chief Justice von Moschziker, roving impatiently back and forth behind his six brethren on the high court, like a backfield man in motion behind the line of a football team, ripping out questions over his shoulder and over their heads to counsel in the midst of argument. Highstrung as that might seem to make him, he was an engaging and amusing conversationalist and speaker, who knew that humor has its true beginnings in laughter at one's self. It is not in the least surprising to find the Association recognizing the combination of all his qualities by making him its thirty-eighth President, as he left the bench, in 1932.

Just a year after the von Moschziker accolade, the guest of honor at the banquet of the annual meeting was a member of the Association who in one stride went from the ranks of the practicing bar to sit on the highest court of the land, Owen J. Roberts. Roberts's first annual meeting had been in 1909, when, as one of the brilliant youngsters from time to time put on display, he had been invited to deliver a paper dealing with problems generated by watered stock, entitled "Full Paid and Non-Assessable." At the next year's meeting, he had been only a hand's breadth away from the tragic accidental death of his friend, John W. Hallehan, 3rd. In the years between, he had done his share of the work of the Association, and had come a long way up the path of professional attainment. Doubtless there were many
present with active recollections of the ruggedly handsome, powerfully
built youngster making his maiden address twenty-one years before. The tone of the many felicitations offered him indicates it was not only professional attainment and admiration he had been winning, it was the affection of his brethren.

So there were great events of past history to be summoned up to living consciousness as occasion presented itself, and this was like the broaching and savoring of a great old wine laid down long ago. And there were present events which, by universal consent, represented history in the making, and these were like the laying down of a new wine when the crop is to all eyes excelling. But the historical palate of the Association was bred up to still another taste.

This was to hear some matter of importance in legal history, and particularly the career of a notable lawyer or judge, treated in one of the formal presentations offered the meeting. The annual address was sometimes of purely historical content, e.g., Abraham Lincoln and Daniel Webster as lawyers. Oftener the two or three papers read at each meeting allowed a member to give rein to his historical sense. William Morris Meredith, David Lloyd, Jacob Rush, Sharswood, Gibson, Jeremiah S. Black, and Thaddeus Stevens are giants of Pennsylvania legal history whose mighty deeds won this kind of recounting.

The papers written and read by invitation frequently made their own contribution to the ceaseless development of the law. John Marshall Gest's 1904 attack on "The Responsive Answer in Equity Considered as Evidence for the Defendant" was the beginning of the end for that arbitrary rule by which a plaintiff in equity faced the absolute necessity of presenting two witnesses to controvert what the defendant had merely stated in his answer, not yet proven, and if there were two defendants, though stating the same supposed fact, then four witnesses, etc. Ira Jewell Williams, urging that the 1905 delay in trial of cases, caused by congestion of court calendars might be lessened by steps on which the bar could agree voluntarily, produced this bit of historical treasure:

"... when I reflect that the practice of requiring affidavits of defense originated in an agreement of all but two of the Bar of Philadelphia, dated September 11, 1795, I thrill with pride to think that I am the citizen of no mean city or State."

Frank criticism and complaint found its way into these presentations. One Richard Hays Hawkins, a young man of the Allegheny County Bar, in 1916discoursed upon "Judicial Abuse," paying his disrespects to the savage tongue of no less than the great Black, among others. Considering that he had in his audience at least a score, or maybe two, of living judges, we must hail his courage.

Other performances were not only informative but highly enter-
taining. Henry Budd of Philadelphia, in 1912, produced an analysis of the art of reporting opinions of the courts that spoke not only to changes in the art from one generation to another, but that turned out to be witty and here and there uproariously funny.

John Marshall Gest shared his deft gaiety and his taste for French literature with the brethren in two exercises of his pure power to delight, "The Law and Lawyers of Balzac" (1911), and "The Trial of Judge Bridlegoose, as reported by Francois Rabelais" (1923).

The historical work of the Association, if it did nothing else, gave the Pennsylvania lawyer the opportunity to feel himself poised in history as a continuing process. He himself might serve as the bridge over which the riches of the past might pass to be part of the riches of the future. His profession might well be the salt of the earth, so he did not lose his own savor. The savor he must at all costs guard against losing was a certain humor and laughter with which to view himself, taking his work ever so seriously, but himself not so at all.
VII.

THE MUSTARD TREE

If we were to compare the Pennsylvania Bar Association with a growing tree, we would say that in the decade of the 1920's it took on conspicuous girth in its trunk. All the first twenty-five years of its history, the numerical total of membership had edged up slowly, 1,064 in 1913, 1,100 in 1914, 1,349 in 1916, 1,400 in 1919, 1,570 in 1920. But in 1920 and 1921, an enthusiastic Committee on Admissions, estimating the grand total of lawyers practicing in the Commonwealth then to be 8,500-9,000, considered an organization membership of only fourteen per cent of the entire bar to be a sad reflection on the two bodies, the Association and the profession. It asked for and was given authority to conduct special membership drives, and in 1921 at the annual meeting was able to present 398 candidates for membership. In 1923, membership total crossed the 2,000 mark.

In those years, the Association was reported among the ranks of other state bar associations as third in total membership, but only eighth in the percentage (23.94%) of the whole state bar represented by its numerical total. The drive toward realization of the dream of an integrated statewide bar may have had its beginnings in the zeal of that 1920-21 Committee, and it affords us perspective in which to view the goal for 1970 aimed at by Leonard M. Sagot, the present Membership Chairman, to sign the 10,000th living member in the ranks.

The widening rings and stiffening fibers of the tree trunk showed themselves in other ways. The internal work of the Association, its service to its members, began to show signs of year-round performance, and wider variety. The Association came to boast an office of its own, in 1924, on the fourteenth floor of 1612 Market Street, Philadelphia, instead of shrinking into the step-child's corner of the professional quarters of one of its elected officers, as had been its lot for nearly thirty years.

The year 1920 saw the first attempt at a regular printed publication to the membership, a legislative service. The only previous Association publication had been a flitting issue of 1909 and 1910 entitled The Narr, and which, from its faint traces on the record, can be guessed to have been a newsheet circulated at the annual meeting. The 1921 legislative service did not attain permanence, and expired in the year of its birth. But it, too, was a forerunner and a presage of a later, better embodiment of the concept.

By 1927 there was pronounced
sentiment for an Association publication; in 1928 the matter was being seriously considered. In 1929, the Quarterly made its first appearance, modest, tentative, experimental. A year later, it was elevated to permanent status, and in 1931 there was a vote of enthusiastic approval. The 1931 membership total was reported as 2,200, state bar strength a surprising 7,700 members only, membership percentage 27.27 of the total.

If we were to hail the Association as a growing tree, we would say that the years 1920-1930 marked its outward thrust of strong branches. The objects of its efforts in its initial quarter-century appear, in retrospect, to have been almost exclusively the internal concerns of the profession. Better statute laws to work with, better legal education for entry into professional ranks, uniformity of county practice, professional discipline within the Bar, the propriety and regulation of contingent fee agreements, and the steady broadening of the practicing lawyer's intellectual horizon were all parts of the first generation of vigorous striving. Some of the mental enlargement was, as we have seen, the scholarship distilled into the appendices to the annual report volumes; some of it came in the technical papers offered at the annual meetings; some was historical; some, like the work of the Committee on Comparative Law, translating the Talmud or the Germanic or Persian codes, seems like exercise of the mind for the exercise's own sake, lest the parts grow rusty. But all of it aimed at equipping the practicing lawyer for a role of more complete function in his traditional lines of work.

In the 1920's, the Association began to call upon the profession to look outward, and recognize community needs beyond its traditional lines of service. Penal reform was the continuing study of a devoted committee, year after year, and the work of that committee strongly influenced the General Assembly to provide the prison farms of the Commonwealth then established and operated ever since. Other new departures of enduring worth were what we know as long familiar fixtures of our professional life, the establishment of Legal Aid offices in relief of impecunious litigants, and the creation of the Public Defender to represent indigent defendants. In 1925 came the first whisper in the proceedings of the Association of the thought of arbitration of small claims by lawyer-arbitrators, to relieve court congestion. That was the decade, too, when the organized bar felt and undertook to discharge the obligation of offering the electorate informed opinion on the abilities of candidates for the bench.

It was the decade of the Association's awakening to a new and more embracing sense of social conscience. Lawyers know well, and it is a byword to pre-law students, that all study of any subject prepares one in some degree to practice law. Every field of human effort, activity, and learning is the
lawyer's province, he may some day have to deal with a case involving just that topic, from flying a kite to algebra, or surgery on the brain. In somewhat this sense of realization of function, the organized bar of the 1920's began to perceive that any activity within the community affecting the lives of a substantial number of its citizens is, potentially, a proper and rightful concern of the legal profession. "I am a man, and nothing human is alien to me," Terence wrote. He might have written "Advocatus sum," quite as well as "Homo sum." The lawyer of the 1920's began to see that he, pre-eminenty, was Terence's man.

A lawyer would have had to be stone-blind, not to have his social consciousness aroused in the 1920's. Events in the public arena were daily demonstrating the direct impingement of law on the social fabric. In fact, large numbers of citizens of normally excellent repute were in frequent collision with one part of the law, the Eighteenth Amendment and the Volstead Act. It became a recurrent topic of debate at Association meetings. Earnest exhortations as to one's duty to uphold and obey the law, regardless of one's personal convictions of its merits, were followed by utterances of grave misgiving that a constitutional instrument should have been made the repository of an exercise of the police power. The 1932 meeting waxed hot enough to adopt a resolution for conduct of a referendum to the membership of the question of repeal. The tide toward repeal set in so strongly and so soon after that the referendum was never held, and the anguished consciences became one with King Canute.

There were strong movements afoot in the 1920's to secure an amendment to the Constitution of the United States allowing a Supreme Court judgment of unconstitutionality of a statute to be set aside by a two-thirds majority of the Congress. Even in the Pennsylvania Bar Association there were some, a minority, who supported this, preferring this brand of simple democracy to a constitutional republic. But the voices raised in support of government subject to a written constitution as interpreted, finally and absolutely, by a Supreme Court were strong and clear enough to thrill, still, a modern constitutionalist. Thomas Raeburn White of Philadelphia, Henry C. Niles of York, William I. Schaeffer of Chester, and Joseph R. Conrad of Allegheny all came up standing, with powerful, lucid, compelling utterances. These men had learned well and knew what a constitution meant, they were keenly aware why a succession of scholars abroad, de Tocqueville, Lord Bryce, and Lord Acton, had set themselves to expound the American Constitution as one of the world's great wonders of political genius. They called the members of the Association to a realization of the lawyer's mission to be an interpreter to his fellow citizens of the distinctive quality of constitutional
government. Their words would be far from wasted today.

These were a few of the strains on the social fabric that awakened the profession as an organized entity to a sense of mission to the community, rather than simply mission to its own members in their individual professional walks of life. To be teachers, pleaders, and advocates to one’s fellow-citizenry of the incomparable quality of constitutional government, and to stand ready as an organization to serve all the needs of the community in the courts of law were destinies plainly shaping in the 1920’s, and probably not even distantly imagined by the five men meeting in the Philadelphia law office in 1894. The gardener who plants and stakes up the tiny seedling tree gives little conscious thought to the branches, themselves thick as trunks of trees, it will some day put out, and in whose shade men from every walk of life will pause to rest.

If we were to liken the Association to a growing tree, we would say that, advancing into its second quarter-century, it put out not only branches, but spreading, deepening roots. Arboriculturists know that a tree is no better than its root system, and only that able to withstand the gale. Harry S. Knight of Northumberland County, thirty-third President of the Association, accepting election to office in 1926, called for measures to bring county bar associations into some form of regular membership in the statewide Association. The resulting invitation to every local association to attend and consider such a step brought delegates from forty county bars to the 1927 meeting, where resolutions were adopted to have a plan of regular representation prepared and presented for action the next year. In 1928, the change took place, with affiliated county bar associations becoming entitled to send two delegates to meetings of the statewide body. The membership meeting was to be composed of two parts, the Assembly, of individual members, and the Delegates, as representatives of local associations. Legislative power was distributed between the two, every action to be presented first to the Assembly, and if there adopted, then to the delegates. The proposal, if defeated by vote of the delegates, would be lost, but only if the negative vote totalled at least thirty. On this plan of liaison, local associations came in zestfully, and in 1929, fifty-one of the sixty-seven county bar associations had become affiliated.

Yet the 1920’s were not altogether a halcyon, sun-lit decade, and if we are to paint an honest portrait, we must paint it warts and all. Social history keeps peering around the edges of the picture, and for a short while preempted the floor of the 1925 meeting. Concern for the maintenance of high professional morals was the subject, and in the name of this high ideal, what was uttered by one speaker was plain anti-Semitism. At once labelled for
what it was, it was withdrawn, under cover of much equivocation. Many of the giants of those years of the Association, as we have seen, knew these United States for the nation it was supposed by its founders to be, but some few minds of less than heroic scale did not. We know it, and have lived long enough and seen enough of our fellow man that we smart with indignation and shame at the 1925 utterance. But while we are painting an honest portrait, let us be honest with ourselves. If we honestly summon up a remembrance of ourselves in 1925, which of us can say he could not have been capable of such prejudice, and hold himself entitled to disclaim any share of the guilt?

All of the growing strength and the branching out on new lines of organization as well as new lines of service internally and externally by no means meant that the old, abiding objectives of the Association were being neglected. Statute law continued to be significantly improved; the studies culminating in provisions for joinder of additional defendants and contribution among joint tortfeasors both date from 1928. It was in the late years of the decade also that the Committee on Legal Education first recommended that a candidate for the bar should be required to identify himself with a practicing lawyer as a preceptor, a relationship still considered flourishing and fruitful these thirty-odd years later.

There was life in the tree, nourishment rising through it and carried to its farthest part. What was the vital force? Can we single it out and identify it? The temptation is irresistibly strong to try. Can we put finger to some especial quality or qualities in these men that sent vigor coursing through every tissue of the growth they were cultivating?

Let them speak for themselves, they were well able to speak. Their voices are long silenced, but their words are not dead. We can call their voices up to memory's or imagination's ear.

Lyman D. Gilbert of Dauphin County, sixth President of the Association, said in 1900:

"We are attorneys at law, men standing in the place and stead of others, and rendering them the legal service they could not render themselves. Such a duty has in it a property of nobleness, and it is done under a vow of faithfulness.

"Ich dien—I serve"—said the Black Prince, that flower of English Knights, on the field of Crécy. But it was the service of courage and skill, shown on the far-front line, and the 'perilous edge of battle.' Our service unlike his, was not with the lance of the armored knight, or with the cloth-yard arrow of the English archer, but in many quiet ways is marked by 'our equal temper of heroic hearts,' and is followed by victories infinitely more lasting in their effect upon mankind than all those gained by the English arms on the battlefields of France. With this thought of knighthood blended with that of attorneyship I close, and ask you, my brethren of the Bar Association, to believe that these remarks have, as Froissart said of his 'Chronicles of Chivalry,' been gathered together 'to encourage all valorous hearts and to show them honorable example.' For I do, in truth know, that to many attorneys their admission to the Bar was like the accolade of knighthood, and that they have been 'valiant, courteous
and loyal throughout all their professional lives."

Hampton L. Carson, accepting election as twentieth President in 1913, said:

"... endeavoring, so far as a determination to do my duty is concerned, to uphold that banner of professional loyalty to truth and to justice which makes a legal career under God's providence—without the spilling of blood or the antagonism of arms—the highest mission of man on earth, an approach to the divine office of executing justice between man and man."

Henry C. Niles of York, at the close of the 1907 meeting, said:

"This Association is the organized expression of the highest professional ideals; and is the medium through which the ripest wisdom and the highest motives of the members of the Bar of this State are made effective by the improvement of the administration of exact, speedy, and impartial justice. The measure of the success of the Association is dependent upon the fact that there are many hundreds of lawyers who believe in the principle and who measurably practice it, that theirs is something more than a money-making trade, that it is a public office imposing upon its incumbents duties and responsibilities that are akin to the sacerdotal. So many of the Bar of this State have been and are possessed of this high professional feeling that our Association has been of credit to ourselves and to our State."

The language of these speeches may strike our disillusioned ears as a trifle high-flown, but it is in the nature of man that when he speaks from great depths of emotion, he is apt to sound dramatic and theatrical. The lifeblood pulsing through the Association was a mingling of several elements, and one of them was this evident sense of vocation. Vocation to these men was not only the feeling of having been called to a life work in which one found zest and might rejoice, for having one's particular gifts and capacities fulfilled in usefulness. It was more, it was the conviction that one had been chosen for a high calling, and made one of the inheritors of a great tradition.

This is what individually they brought to their gathering, but just as important was what they found there and carried away. High as their sense of vocation was, it was enhanced, and heightened still more, and deepened in being shared, as almost any pleasure or significant experience is. They shared and compared, they saw their work through each other's eyes. That is to say, they were discovering some of the magic of fellowship and fraternity. In a halting kind of way, because this is harder to think out clearly and articulate, they tried to say so, as early as the very first meeting in 1895:

"... I trust... that, from the Delaware to the Ohio, from the Empire State to Old Virginia's line, we shall always be willing to act together as a band of brothers working for the advancement of the common interest of the brotherhood."

(W. M. Lindsey of Warren)

But vocation sensed and shared, fellowship and fraternity discovered, was not all they found and carried away. The gathering itself, the leaving home and traveling to a distant place, the putting behind for a while of one's daily round and common task, is an age-old device for strengthening
and renewal. In spirit, they climbed to a mountain top for a brief space of time, and viewed their work in the valley below from the long perspective the mountain top affords, called by some sub specie aeternitatis. Then at the end, as they turned down off the mountain, back to their work in the valley, they might, as in 1928, hear someone like Pepper speed them on their way in words like these:

"There is only one stipulation that I make, and that is that, whatever we do, let us have a good time doing it. Let us do serious work, but do not let us take ourselves too seriously. We are cheerful souls, loyal to our profession, going about our daily work with gladness. The joy of living must be experienced in professional fellowship as well as in the other relations of life. Let us see to it that we perpetuate the settled policy of this organization, which is to combine work and play in wholesome proportions, to the end that our meetings may be happy occasions of fellowship and enjoyment, as well as fruitful occasions for serious endeavor."

In spirit, we too, tracing the history of the Association for its seventy-fifth anniversary, are on the ascent of a mountain. The three-quarter-century mark in the life of an organization is a kind of eminence from which to take a view. It is by no means the top of the mountain, but it is a halt on a long climb on a ledge where we can see the long, winding, ever rising path we have come, and which way and how far we still have to go.
VIII.

THE FLOURISH

The tree in the 1930's seems suddenly possessed to re-enact the nursery story of Jack and the Beanstalk. Some new taproot seems to have struck deep into the earth, and the Association's vigor and energy shot skyward. All in one decade there sprang into life many different developments lasting into our own time, new lines of internal structural organization, new features of continuing administration of the body, new professional methods, new ventures in educational activity for the already practicing bar. On the American scene, it was a decade of economic collapse and slow recovery. The life of the Association no more than faintly echoes this, in the form of some interim dues delinquencies. Otherwise, it seems hardly to have broken stride in its onrush toward its vision. It was the decade when the Association itself and the day-in day-out pursuit of the profession in Pennsylvania began to take on the shapes in which we know them.

For the Association, the great internal change was subdivision of the membership into Sections, according to fields of activity and interest. No case of love at first sight was the embracing of this idea; it took the five years from 1935 to 1940 for it to be adopted in totality and applied to all of the lines of endeavor traditionally carried on by committee. The American Bar Association was the model on which the proposal was patterned, and it was younger members of the bar who in 1935 asked authorization to form a Junior Bar Section. Sections were to be far more than committees, they were to have officers of their own election, by-laws of their own adoption, and meetings of membership apart from the Assembly.

Undoubtedly there was some gulf to be bridged between the generations, though not so wide as to merit our contemporary characterization, "the generation gap." Frank charges were aired that the older stalwarts of the membership tended to dominate discussion and did not cordially welcome young blood. Reluctance of young men to take the floor of an assembly composed of so many veteran practitioners was also freely confessed. The novelty of a sub-organization conducting its own parliamentary practice was manfully struggled with, but at length, helped by the change only of the word "Section" to "Conference," was assimilated, and the Junior Bar was handed its portion of the inheritance to manage for itself.

It did not, like the younger son in the parable, depart into a far country and there waste its sub-
stance in riotous living, it stayed at home and fulfilled its role as a son of the house. The agreement to permit organization of the Junior Bar Conference was undoubtedly one of the best responses to a declared need in the entire annals of the Association. Clearly it was the cause of younger members of the bar becoming excitedly interested, and the membership rolls continued to register ever new highs. The 2,200 of 1931 became 2,574 in 1936, and 3,120 only two years later, in 1938. Fears that organization of sections would leave the Association fragmented became evanescent in the trail of the success registered by the Junior Bar Conference, and following in the wake of the American Bar Association, the membership adopted that form of subdivision of its work generally, in 1940.

The 1934 annual meeting was held at Galen Hall, Wernersville, not overly distant from Philadelphia and many other populous eastern county seats. The membership attendance set a record, 461, almost a hundred above the old mark of 365 at Bedford Springs in 1929. But growing pains were making themselves felt in another subtle way. The work to be reported on to the meeting was too diverse and voluminous to be covered in the customary three-day session. The suggestion of a mid-winter meeting of the membership, not merely of the Executive Committee, proved to be both a feasible and an attractive solution of the difficulty, and the first of the long series of January gatherings was in 1936 at Hershey.

As the work carried on had overflowed the limits of a single annual membership meeting, so it began to overrun the time and energy any practicing lawyer or group of lawyers could steal from professional obligations to devote to its administration. Earlier we have seen how this became the fate of the original star-studded Committee on Law Reform, its work passed over into professional hands, the Legislative Reference Bureau. There comes a time in the history of any growing organizational effort when its original volunteer impetus is by nature and definition no longer equal to the demand, and the work has to be staffed on a professional full-time basis, or die. The volunteer, the amateur, may still continue to supply the enthusiasm, indeed, he may almost hold a peculiar monopoly of that essential quality, but the persistent attention to detail and coordination of the volunteer effort may advantageously pass into full-time professional staff hands.

So this point of growth was reached for the administrative work of the Association. The milestone was 1933, the occasion the first proposal of a permanent office for the Association, at Harrisburg, staffed with a full-time Executive Secretary. The proposal grew into a fact in short order, the office moved in the winter of 1933-34, and the Association found its Executive Secretary in one already
employed since 1920, for whom the new post became a lifework, a career, and an exercise of devotion over the long space of thirty-three years more, Mrs. Barbara Lutz. Such was the success of this step, and so surely was this the direction of the growth of the administrative arm of the Association, that in 1938 the proposal was for the employment of an Executive Director, as well, and another career was in the making.

It was an era of change, novelty lay in every direction a lawyer looked. Not only now was the Association meeting twice a year, the original annual meeting was changing. The law was changing, and the Association applied itself diligently to staying abreast of the changes. Amendments and new departures in statutory law were no longer left to be reported by a committee, the report was in professional staff hands. In 1929, John H. Fertig, then Assistant Director of the Legislative Reference Bureau, was first introduced to the gathering, and delivered the first of a series of papers reviewing current legislation. This recurrent piece of research became virtually a fixture of the annual meeting, and was a demonstration of the thoroughness and accuracy that has gone to make the Legislative Reference Bureau an unparalleled and indispensable resource for anyone required to delve into the history of legislation. The annual meeting ventured a flourish of technological modernity in 1939 by offering the membership a talking moving picture of Professor Samuel Williston of Harvard University Law School and the American Law Institute expounding the subject of consideration in the law of contracts. Those who enjoyed the unforgettable benefit of having heard him on the same point in the flesh can guess that the film was an object lesson in the art of unlocking the understanding with the key of quiet humor.

Change was overtaking the practice of law in other ways. Pennsylvania's Revised Rules of Civil Procedure were beginning to be promulgated, chapter by chapter. Rules to govern the business of the courts, the joinder of additional defendants, and the practice in interpleader were the early chapters adopted by the Supreme Court, and they were thought to be of sufficient importance that a genuine work session, called an Institute, was programmed for the annual meeting. The lecturer was Philip W. Amram, Esquire, of Philadelphia, a member of the Rules Committee appointed by the Supreme Court. His discourses were so richly illuminating that the Institute was held regularly at both mid-winter and annual meetings.

The Rules of Civil Procedure in United States Courts became effective September 16, 1938. The mid-winter meeting of early 1939 included an Institute on the changes in practice mandated by those rules. Many Pennsylvania lawyers, many in the Association, and a goodly number of judges, as we
have seen, had stoutly opposed statewide uniformity of rules of practice in lower courts. The Association itself had officially resolved to oppose uniform rules in Federal courts, and appointed a committee to urge adherence to the old Conformity Act practice. But both battles had now been lost, disappointment had to be swallowed, new lessons learned. It is heartening to watch the Association in the pages of its record settling down to the task in earnest, supporters and opponents alike. Not without a smile do we observe that some members of the committee delegated to make representations to the Supreme Court of the United States of preference for the old practice went on to great distinction at the bar and even to Federal judicial appointment under the rules they so valiantly resisted. From the vantage-point of a generation of practice under uniform rules, both State and Federal, it is also easy to know now in which camp lay the right. Now a decision of the Common Pleas Court of Montgomery County determining proper practice under a particular rule is citable in Washington County, at the other end of the Commonwealth. Now the Federal District Court of Missouri can be cited to the bench of the Eastern District of Pennsylvania for the same point of practice. We are all the richer, in all our courts. It is easy for us to know we are, after thirty years of experience. But some men without the experience knew in advance that we would be.

They had vision and faith, struggled for them against opposition, won out by their arts of persuasion, and carried us all with them to the realization of the dream. Such as they are remarkable men, advocates par excellence. Some have the vision but no power to communicate it. Some are communicators born, but have no vision to communicate, or but a paltry one. They were the rare and richly endowed ones, who have both.

New tools of practice were being forged amain. Discovery before civil trial, unheard of except under the Equity Rules and stringently limited there, was being urged by an Association committee in 1935. The American Law Institute, firmly established by the mid-1930's, continued to publish its invaluable Restatements of the Law, and continued to draw a portion of its financial support from the annual appropriation of this Association, never less than $1,000 and running as high as $3,500. The Pennsylvania Bar Association was the first organized state bar to undertake annotations of the Restatement with the decisions of its own courts. There was a family tie to account for this high degree of academic zeal and enthusiasm. The Director of the American Law Institute was William Draper Lewis of Philadelphia, of the University of Pennsylvania Law School, and of the Pennsylvania Bar Association.

The old ambition for codification and modernization of a helter-skelter jumble of statutes still
flared. Members of the Association were calling for a Corporation Code as early as 1929. The Act of 1874 had then been amended more than one hundred times, and its sad state fully merited the jape aimed at the common law by some anonymous Continental satirist, "chaos with an index." Pennsylvanians got their Corporation Code, not one but two, in 1933. The Landlord and Tenant Code, drafted in 1934, though its enactment was, incredibly, to hang fire until 1951, and the Statutory Construction Act of 1937 were other ornaments of the decade in the fashioning of which the Association held goodly shares. The last legislative session of the decade enacted the Penal Code of 1939, credited outright to the efforts of the Association beginning in 1921. For its day, it was a model of statutory craftsmanship, widely heralded and made the subject of scholarly comment in law schools from coast to coast. On the penological standards of today, it stands clearly in need of revision. All these statutory compilations of the 1930's may be timeworn now, but anyone who has worked much with them must concede that, as originally designed, they were fine tools, wrought of highly tempered material, and bearing the stamp of craftsmen.

Such a variety of novelty meant one thing most certainly for a Pennsylvania lawyer: his professional training was not a finished but a constantly ongoing affair, and could not with assurance be left to his individual study in office or library. He was no less than being called back to his law classes. The Institutes on practice under the new Rules of Civil Procedure, State and Federal, offered at the two meetings of the Association each year, were only the precursors of a long series of Association offerings from then to now. The mould for this great Association activity was rather firmly cast at the 1939 annual meeting by E. Smythe Gambrell of the American Bar Association in an address of prophetic consequence on the subject, "Post-Admission Legal Education."

All was not novelty, nevertheless. Some old subjects had continued attention paid them, and were given new twists. The law office clerkship of candidates for admission was fixed as a continuous six months, to be served after taking the bar examination. The right to practice in a county other than that of one's principal office was voted into oblivion by a vociferous majority. Integration of the bar, statewide, suffered the same ignominy. Ideas die hard, however, some of them are like the grains of corn disentombed by archaeologists, proving viable after several millennia. Supreme Court Rule 14 has long since reversed the thundering vote of the 1934 annual meeting against all-county practice, and the bar of Pennsylvania may not be very far from integration, as the 1970's open.

The ghosts of old ideas were walking in the 1930's themselves. The 1935
annual meeting published a three-issue daily newspaper for the gathering, and *The Narr* of the dim, distant 1909 and 1910 meetings came briefly to life. Neither did the lighter side lose its devotees; the 1936 annual meeting offered the diversion of an amateur hour.

Men die, though, whatever may be true of their ideas. Judge Henry C. Niles of York County died July 15, 1939, a few weeks after the rising of the annual meeting which he had been unable to attend, one of the few meetings ungraced with his presence, wisdom, wit, and voice. The membership must have fetched a long sigh, and mentally reckoned how few of the old originals were left who had nurtured the infant Association. Judge Harry White and J. B. Colahan had died in 1920, Hampton L. Carson in 1929, Alex Simpson, Jr. in 1935. The mood of the close of the decade was elegiac. Who would be the last of the original visionaries? It would be a long time yet, waiting for the answer to that question, more than twenty years still in the future.

But the prevailing mood of the Association for the decade had been one of self-analysis. President Bernard J. Myers of Lancaster County spoke to the annual meeting of 1930, reviewing the history and goals of the Pennsylvania Bar Association, and trying to discover and proclaim the great far goal that lay beyond immediate objectives. President Aaron S. Swartz, Jr. of Montgomery County in his 1936 address traced the history and purpose of the Bar Association movement, in an effort to state the *raison d'être* of the lawyer in a free society. President Robert T. McCracken of Philadelphia County in his 1939 valedictory returned to the theme, and it is perhaps not surprising that all three leaders saw and espoused the same goal for the organized bar at the beginning, middle, and end of the decade. Separately questing, by different paths at different times, they came out to the same point to glimpse the same vista as the goal of the lawyer: greater public service and increased public usefulness in mediating the complexities and trying to realize the ideal of a culture of high technical skills adhering to a tradition of vast individual liberties, under law. A dream worth dreaming, a goal worth charting a course for. There seemed no question what the shape of the Association's future would be.

Yet now the Association would soon be fifty years of age. Half a century! And feeling itself in its prime, on the threshold of its greatest accomplishments! There were plans for the fifty-year history to be written, as a commemorative volume. It was not to be. The 1940's were a time of world upheaval.
IX.

JUBILEE

"... Some volume which will appraise the effectiveness of our Association; a volume analogous with that prepared for the American Bar Association, and we are thinking—and it is only a thought—it would be fine if within a five-year period we could coax someone to write the History of the Supreme Court of Pennsylvania." So ran part of the report of the Committee on Historical Court Records to the 1939 annual meeting. Written history has its uses, its unique pleasures, and its keen intellectual fascinations, to be sure, and we have seen how its pursuit gripped the imagination of toweringly great lawyers, like Carson. But there was to be a far better and more fitting fifty-year memorial to the work of the Association than any volume of history.

Very few in 1939 could foresee the maelstrom into which the whole world was to be sucked, in the next decade, and no one in the Pennsylvania Bar Association could peer even past that to catch a dreaming glimpse of what the decade would end with, a permanent home for the Association. Meantime the historically minded members gave proof yet once again how hard ideas die. In 1943 the vision of a book to be carried, handled, opened, and admired standing on its shelf still captivated them. This time the proposal was for a fifty-year digest of the annual reports and any special publications of the body. Ideas are like the Hydra, they will grow two more heads while the first one is in the very act of being chopped off, but the thought of undertaking preparation of a fifty-year memorial volume was a war casualty.

The Golden Jubilee of the Association did not want for due and proper celebration, however. The Fiftieth Anniversary Committee was a coruscation of luminaries, past, present, and future, in the life of the body, all living former Presidents, all County Bar Association Presidents, and Robert T. McCracken of Philadelphia, 1939 President of the Association, as Chairman. It would be heart-stirring to picture the lawyers of every county in the Commonwealth converging on some chosen spot to celebrate the tie that had bound them together, and had proved its worth by enduring fifty years. There is no mood for a journey to compare with simple rejoicing to do honor where honor is due, to a fellow creature, or to the work of his hands, or heart, or brain, or to some great bond that unites men. But war put any such journeying out of the question, there could be no pilgrimage to the high places. There was no general membership
meeting, in 1945, as there had not been in 1943.

The Fiftieth Anniversary Committee observed that the Association and the Superior Court of the Commonwealth shared the same birthday, July 1, 1895. If anything could possibly be better than a single jubilee, a double one seemed to offer that promise. The occasion was January 5, 1945, the place the hall of the House of Representatives in the State Capitol. President William M. Hargest of Dauphin County Common Pleas Court was the presiding officer, and President Judge William H. Keller of the Superior Court the speaker.

Judge Keller's address, reprinted in the January, 1945 QUARTERLY, was a rarity, a union of homely warmth and distinction. He traced the history of the Association and of the Superior Court with studious accuracy, shafted through with glints of humor, and sounded the call he heard echoing down the fifty years of both the Association and the Court, the professional call to dignity and high tradition, to learning, to honor, to service. Indeed, what comes through to the reader as the tone of his remarks, the union of homely warmth and distinction, seems a reflection, not at all strangely, of the sort of person he was. Yet more, it seems an encapsulation of the qualities we noted, some distance back in these pages, as peculiarly possessed by the lawyers and judges of the inland, upland, upstate counties who contributed so much to the early years of the Association. It was Judge Keller's valedictory, and a fitting one; he died eleven days afterward.

The observance of the anniversary included some other choice accounts of its beginnings from eyewitnesses who had been in at the start. Judge Hargest himself, to the meeting at the Capitol, made a brief address on the points of most significance in the history and accomplishments of the fifty years, and this look backward and forward was published in the April, 1945 QUARTERLY. So was a reminiscence of the first annual meeting by one of the rapidly thinning ranks of charter members, Howard P. Cessna, Esq., of Bedford County. Mr. Cessna, with a keenly developed historical sense, contributed a sharply etched picture of the place of Bedford Springs in American history, and another of changes worked by fifty years' time in law offices and the lawyer's daily round.

No proper observance of the Year of Jubilee could have omitted a call for the reflections of Senator George Wharton Pepper, and these were to have been an address to the annual meeting, if held. Problems of transportation and preoccupation with the drive toward Berlin disposed of any hope of the meeting, and Senator Pepper's long look back the path and onward was a declaration of faith printed as an appendix to the annual volume. From the standpoint of reminiscence it went back even beyond the time when five Phila-
Philadelphia lawyers met in one office to plan the grand strategy of the attempt to form a State Association; it reached further, back to the original two, Pepper and Allinson, young men across a luncheon table of so many years ago. Pepper couched his 1945 thoughts of the future as advice offered young lawyers, particularly returning service men. He wrote charmingly of the contrast in importance between survivorship of the individual and of an organization, and for the future of the Association, of which his vision had almost no limits, sounded a call to arms. And this note he sounded for itself in its own right, though as a ritualistic repetition of the professional call to arms of 1895 a more fitting observance of the anniversary could scarcely have been possible.

Judge Keller, Judge Hargest, and Senator Pepper struck one note in common. The recreation, the social intercourse, the occasion for congenial fellowship coming as part of the meeting of the membership is by many taken for granted, either as the coating on the pill of the serious effort of the program, or as planned suisease or relief from the striving. To these men it was neither, they found it important for its own sake, as important as any other thing accomplished. Its importance to them was not simply that they found themselves refreshed and re-energized by the social converse and informality of these intervals. It was that the opportunity to meet and speak with lawyers and judges from hither and yon, if only briefly, on a simply social footing was to them immensely stimulating and broadening. Minds cross-fertilize each other, perhaps, like blossoms, and one need not be talking law to catch and profit from the intellectual flavor of his fellow-lawyer. The nature of the human animal fundamentally is social, and if leaders of this stature, far from condescending to rub elbows, look forward to it eagerly on its own account, the temptation to stay above and aloof in the ivory tower has to be given withering scrutiny.

These were the vocal utterances in commemoration of the great time in days of yore. But the Fiftieth Anniversary Committee was not to be satisfied with self-congratulation, however well-deserved, or reminiscence, however charming and evocative, or exhortation, however stirring. It had its heart set on something it believed would be at once a memorial of the birth and first half-century’s life of the organization, a geographical focus and rallying point for its work, and a tangible embodiment, not of its past, like a book of history, but of the promise of its future. Far from conceiving the Fiftieth Anniversary as a home-coming after long years of voyaging, with many an exploit to be recounted, the Committee saw it as a time for the launching of a new and finer ship in which to sail on as far into the future as the eye could see. The Committee, in a word, proposed the acquisition of a permanent home for the Associa-
tion, and reported the initiation of studies toward that goal. This was the great and lasting step taken to mark the Jubilee of the organized bar of the Commonwealth, and this was the single event on that occasion of such magnitude and promise of permanence as to dwarf anything said or written.

The emotional and intellectual din and drain of the war, for the first half of the decade of the 1940's, and the nation's slow recovery from those intense preoccupations are fragmented memories today. They emerge in enough coherence and clarity, however, to make it seem highly extraordinary that an organization of professional men, busier than ever in their lives, ranks reduced by large-scale absences in service, and replenishment by newly qualified young members shut off absolutely, should make any continued strides at all toward its objectives. Yet it did, and by that fact gave proof yet again of the depth and strength of its life springs.

One of these fountains of challenge and vigor was the stature of the members in attendance at meetings. More than once in these pages we have been made suddenly aware that a particular gathering glittered not only with leaders of the practicing bar, but with judges of lower and appellate courts, in open debate from the floor. The mantle of leadership, august and impressive as it may be, seemingly lies on the shoulders of the wearer lightly enough as to leave him still eager to rub shoulders fraternally with colleagues from farm, forest, and mountain. But it seems also to deter him no whit, nay, even to instill in him a positive willingness to risk ever so much of his prestige by exposing himself to the nasty perils of free debate. Item, Judge Hargest, President Judge Keller, and Chief Justice Schaffer all on the floor in quick succession. Item, a motion to table offered by Chief Justice Schaffer and seconded by President Judge Keller. Let us give humble and hearty thanks that Robert's Rules of Order declare the motion to table undeniable. What combination of Andrew Hamilton and Clarence Darrow would have had the hardihood to voice opposition to that one?

The other wellspring gushing up in those years of restricted travel, decimated ranks, and activities drowned out by the clangor of arms was the evident unselfishness of the membership. Much of the organization's energies of the war years went into plans to hold together the practices and clienteles of brethren fighting half a world away. Genuine and generous plans were laid to preserve the opportunity for examination and admission to the bar of those who had been on that very threshold when their call to colors sounded. Comparable provision, in the form of legal refresher courses, was made for the reception back into full professional accoutrement of young lawyers called into service so soon after admission that now neither the accumulated knowl-
edge of their law study nor their brief experience in practice stood them in good stead.

The Association gained by its unselfish outreach. The 3,120 members of 1938 were only 3,500 by 1944, but they were 4,204 in 1948 and in 1949, 5,000. A milestone, indeed, itself a fit memorial for the war-obsured Fiftieth Anniversary—half the entire profession practicing in the Commonwealth.

As the Association faced into its second half-century, its services to the membership continued to burgeon. Thoughts of a legislative newsletter, long dormant, gave signs of stirring awake. The proposal was reported under study in 1947; in 1949 it was shelved as impracticable for the time being. Group life insurance for members became available in 1950.

Statutory enactments, like the men who draft and pass them, may have their discernible generations. Or, mayhap, every so often, the life and business of mankind is felt to have changed to the point of needing new statutes, and this interval coincides rather closely with the span of years allowed by genealogists as representing a generation. Rather clearly, there seems to be a thirty year periodicity in Pennsylvania statute law, witness the Practice Acts of 1887 and 1915. Now in the late 1940's, the rhythm reasserted itself, and in 1947 came new Wills, Intestates, and Estate Acts, supplanting the epoch-making Acts of 1917. These complete revisions of the law of decedents' estates were the original conception entirely of the Association's Committee on Decedents' Estates and Trusts. The Fiduciaries Act of 1949, with which the 1947 trilogy became a tetralogy, was a piece of artistic legislative draftsmanship to which leading members of the Association lent expert hands.

The American Law Institute was in this decade reported to be nearing the end of its long labor in providing the monumental Restatement of the Law. The organized bar of Pennsylvania continued in the front rank of interest in this triumph of scholarship. No state of the Union had pressed annotations of the Restatement with its own court decisions so far as Pennsylvania, and this was a work wholly in charge of a thirty-two member Committee of the Association. The Restatement by the 1940's had been cited by Pennsylvania courts more times than by those of any other state. It would be a nine days' wonder of coincidence if no causal connection existed between these two firsts.

Statutes that beget statutes put on a display for the closing years of the decade, amounting to a tour de force. The Uniform Commercial Code was the firstborn of a second generation of the Uniform Laws, begun so long ago with the Negotiable Instruments Law of 1901. The concept for this codification and revision of the law merchant of the Commonwealth came from the organizing genius of William A. Schnader, Esq., of
Philadelphia, and his purpose was to provide an opportunity for any jurisdiction to bring its law of business and commercial transactions into conformity with others by a single legislative debate and enactment in place of as many as ten separate statutes, some of which would pass and others fail of adoption. The membership of the Association was hearing it expounded in Institutes in the 1950 meetings. Senator Pepper hailed it as "This Treasury of Wit and Humor—the Uniform Commercial Code!" The advent of a second generation of the Uniform Laws marks another milestone on the road to permanence in the work of the organized bar. There were some alive who could well remember how strenuously the first generation had been resisted.

Two questions demanded concentrated thought and decision, as the 1940's slipped into the recesses of memory. What was the right relationship of the mid-winter meeting to the annual meeting, and what was to be the location of the mid-winter meeting? Hard study had been given by a 1948 committee to the idea of different months of the year for each meeting, May or July for the annual pilgrimage, November for the interim gathering, but January and June had proved the practical and enduring choices. Still what one meeting should be to the other had to be determined, because the Association was athrob with life, and the cornucopia, the Baucis's pitcher, of its concerns and activities was tumbling its plenty out in ever greater measure.
LONG REMEMBER

There could be no question, however, of the time and place of the mid-winter meeting of 1950. The time was January and the place was Harrisburg. It could not be otherwise because at Harrisburg was the place the Association had taken to make its own. The mid-winter meeting, in fine, was to be devoted to dedication of the permanent home of the Association.

Not for nothing was it that John C. Arnold of Clearfield, forty-ninth President of the Association, and later Judge and Mr. Justice Arnold of the Superior and Supreme Courts, had in 1943 appointed Robert C. McCracken of Philadelphia Chairman of the Fiftieth Anniversary Committee. Mr. McCracken as forty-fifth President in his annual address as he retired from the presidency in 1939, had spoken of Trinity House, London. He drew a vivid picture of how an organization beginning only as a haven for injured and poverty-stricken seamen had in four hundred years widened its sphere of influence so far as to be responsible for the care of every lighthouse, lightship, and buoy on the coast of England, to hire their keepers, and to hire and assign every pilot plying every harbor and estuary in the kingdom. He cast his dream for the future of the Association in terms of that analogy. The speech wove a spell, it was referred to long afterward.

The image of Trinity House as the nerve center of a network running to every part of the realm, and keeping its sea traffic, its very lifeline, in orderly passage to and fro, implanted the suggestion that a headquarters building for the Association might similarly symbolize the farflung influence of the Association, and perpetuate a comparable tradition. Thoughts returned to this suggestion at meetings of the Fiftieth Anniversary Committee in 1943 and 1944, and in the report of the Committee in 1945.

The mid-winter meeting of January, 1946 authorized a Committee of Ways and Means for Acquisition and Endowment of a Home, and the chairman and vice-chairman were carried over from the Fiftieth Anniversary Committee in the persons of the Messrs. McCracken and William Clarke Mason, also of Philadelphia, fiftieth President. From the mid-winter meeting of 1948, held at Wilkes-Barre, the Committee had authority to either purchase or secure a long-term lease of a suitable location in Harrisburg. The Committee seems that spring to have found the tide running which leads on to fortune, and to have taken it at the flood. It had acted
and was reporting to the annual meeting that June.

The property was the three-story stone dwelling on the river front in Harrisburg known as the Maclay Mansion. It roots ran deep in the history of the commonwealth and the nation. It was built in 1791 by William Maclay, one of Pennsylvania's first two senators in the United States Senate. Its materials are, as those of every house should truly be, indigenous to the soil of its locale, Pennsylvania limestone, its texture softened by the weathering of the centuries, and standing invitingly bright in the clear light off the river. The building had its own tie with the history of the Association, even before the purchase, in that Senator Maclay was the great-great-grandfather of William I. Schaffer.

A special corporation had been created in 1946 to receive gifts toward purchase of a permanent home under the title of the Pennsylvania Bar Association Endowment. The goal announced in 1948 for purchase, redecoration, and ongoing maintenance was $100,000, of which $45,000 was acquisition cost. The fund was raised entirely by contributions from members and from County Bar Associations, and settlement on the agreement of sale was held in August, 1948. Title then taken in the name of the special corporation, the Pennsylvania Bar Association Endowment, was several years ago conveyed to the Association itself.

The formal dedication of the building was held January 5, 1950. Bishop Heistand of the Episcopal Diocese of Harrisburg, from the Book of Common Prayer, offered the traditional petition for Divine blessing of courts, judges, lawyers, and all their doings, "For Courts of Justice." Mr. McCracken expressed his glowing satisfaction in having such a structure to turn over for the use of the Association to Colonel John McI. Smith of Harrisburg, for fifteen years (1933-48), Secretary of the Association, and that year its President. President Smith summarized the history of the concept of a permanent home for the organization, and spoke with imagination and charm of the stories the walls of old houses might tell if they could. Senator Pepper was called on for the dedicatory address. Less than two months short of his eighty-third birthday, he reverted to the labors of the small group of which he was one, "to bring this association to birth," and breathed the hope that this mansion might be to Pennsylvania lawyers what the Great Hall of the Middle Temple, and other parts of London's Inns of Court, are to the members of that country's bench and bar.

Noble rooms of the law have their important uses. The Great Hall of the Middle Temple in London, the Great Hall of Parliament House in Edinburgh, and many another, old or new, they utter their immemorial call to dignity, to honor, and to high tradition. And so do the rooms of the Pennsylvania Bar Association Headquar-
ters, for they are noble rooms of the law. They were built by one who served the law in the earliest days of the republic, and in a day of generosity with space and dimension. From the Ionic pillared portico at the entrance, through the graceful ground floor hallway, and on up the huge rectangular stairwell forming the chief structural feature of the building, the place speaks of a time whose pace was unhurried, strong and firm, when the lives lived within its walls were managed with mannered courtliness and graciousness. It was planned as a home, and for much of its life served as a home. It is proper that men of the law should have as their home a reminder of their heritage in the law, its beginnings in the long ago day when this mansion was first rising.

The very construction is a tie running deep into the past. All building construction changed about 1800, when the humble two-by-four was first sawed out of the American forests, and buildings, as a result, for the first time in history stood by the tight strung tensile strength of their materials, instead of by their own sheer weight and mass. The Maclay Mansion, with its two and a half foot thick walls of solid limestone, is one of the last examples of the ancient method, and by that fact alone, speaks to us of former ages.

It would not be the same, if the Association had come to be housed in some modern edifice, not in its own right historic. There would not be those links with the past that are the pulsebeat of the law, the whispers through the rooms of not only the way men built their houses, of the art they lavished on their design, of the lives they lived within them, but of the foundations of our law being laid when the foundations of this house were. Nor would the modern welded steel frame and pre-cast concrete shell afford us the perspective of our own strivings that the old house does, that in the days when it was young, those men had their strivings, too, and that on the long scale of the life of this building our strivings, though intense to us, are small.

Yet this is not all of the mystique of old houses and old furniture, nor the full explanation of the haunting spell they weave and cast. We cherish old houses and old furniture for a reason akin to the one for our being suddenly transfixed and transported by a certain day of fine weather. In its many components it is precisely the same fine weather we remember from a day of long ago, never matched again until this moment, and we are overtaken by the realization that we are here, alive and well, when that day long ago we knew not what lay in store for us. And we venture the feeling that it may be the same, the same span of years hence.

Craftsmen of the long ago, and those who employed them to build fine houses and fine furniture, knew that they were building for far beyond their own time. They
knew that the work of their hands would endure for generations well past their own grandchildren or great-grandchildren. They were building for the satisfaction of seeing the thing they were creating, but in building for its endurance far beyond their own or their children's day, they were making their act of faith that the world would endure to see it and know it, that it would have its history. Seeing and sensing their act of faith, we are moved to make our own, that the world and the life of men will endure beyond our time, in spite of all appearances, and that our age will have its history.

When this house was young, gentlemen's dress was powdered wig, coat of rich brocade, small clothes, silken hose, and silver-buckled shoes. What finely dressed ladies must have descended this staircase in sweeping full skirts and been handed into the coach, standing with lighted lamps at the door! Costume and construction are powerful stimuli to our fancy. We revel in them because they move us to the recapturing and re-living, in imagination, of a day long dead, for whose inhabitants we were some future generation hardly glimpsed in the deep womb of Time. But putting ourselves in their place and catching that fleeting glimpse of ourselves as faintly seen to them, makes us, back in our own place, take our own leap of imagination forward, and faintly descry—what distant generation, long future to us?

So the home of the Pennsylvania Bar Association murmurs to us not only of the law that was, and the law that is, but of the law that is to be, though we shall not know or practice it. What finer home could we have come to? What finer purpose could it have been destined for?
XI.

TROPHIES

The Bar Association Headquarters is a tangible memorial of the work of the organized bar of the Commonwealth, and in the enduring beauty and permanence of the Maclay Mansion, is a symbol of the promise of continuance of that work long into the future. Intangible memorials abound, scattered throughout the life of the law as we practice it; these pages do only faint justice to some and pay others no more than a glance; the wonderful changes in and organization of our statute law, the establishment by the Supreme Court of a State Board of Governance as the disciplinary body of the bar, adoption of uniform rules of practice and procedure, continuing education of the practicing bar, greater response to recognized public needs through provision for Legal Aid offices, the Voluntary Defender, Lawyers' Reference Plans, and a myriad other strides forward.

But these are diverse advances on many fronts, and for forty years now, more than half the life of the Association, the fabric of another memorial has been rising, not as tangible as the hewn stone and timbers of the Maclay Mansion, but palpable enough to stand before us in a single array, and to be picked up and used for enjoyment or advantage. This memorial is by many hands, it is one in the world of thought, of richly wrought expression of ideas for the joy of giving them utterance. It is the Quarterly.

The small group proposing the venture stated their aim in extremely modest terms, in the issue of December, 1929. It was "to provide articles and notes on matters of special interest to Pennsylvania lawyers." So the first year's issues proceeded. Total pages were perhaps thirty-two, made up of five or six case notes or legislative studies of one and one-half to five pages. But the innovation was hailed at once as a resounding success. It was not only informative and helpful in very practical directions, it was also to every member as he received it a tug on the bond of membership, giving evidence personal to him of the life of the body in the long year between annual meetings.

The modest pace very soon quickened. By only the second year, total pages were running to thirty-eight, articles to ten and thirteen page length, and solid scholarship was being regularly put on view. Neither did the fledgling effort lack for big-name contributors, startling for a historical researcher to come upon. Samuel Williston wrote for the December,
1930 issue, John H. Wigmore for September, 1931. Early and late, the roster of leaders in the teaching field contributing to the QUARTERLY includes Professors Goodrich, Shulman, Llewellyn, Chaffee, Pound, Packel, and Eldredge.

The light hearts and mercurial imaginations of the editorial committee tempted them to try their wings in the empyrean of pure entertainment, high above the dull plain of the informative, helpful, and practical. Reminiscence seemed a departure rich with this promise, and the proof was in the reading. Senator Pepper wrote of his suddenly having to take the place of his indisposed senior for an argument to the Supreme Court of the United States, when he was twenty-eight, arriving blithely ignorant of the frock-coat rule, and having to borrow one from an underclerk in the Court office. Mr. Justice Schaffer penned a picture of the parade of the bar of the City of Chester to opening day of court in Media, ranking in feeling, felicity, and sharpness of imagery with anything in Dickens, Cruikshanks, or Currier and Ives. The time is the early 1890's, only two or three years before the birth of this Association, and we can perhaps use the words and picture of the Schaffer text to mark out the limits of the vista this anniversary is meant to celebrate:

"... we who practiced in Chester travelled to Media, the county seat, five miles away, by railroad in a roundabout way, by stage coach, by carriage, on horseback, or afoot. On the opening day of court, I have seen the Chester lawyers, a veritable cavalcade on the Providence Great Road connecting the two towns, led by the present Judge Hannum, who was a great horseman and fox hunter, on a mettlesome five gaited thoroughbred, 'Lady Adams,' Judge Broomall on one of his blacks, I on another of them, Judge Dickinson bestride a sorrel, with Archie Cochran, since City Solicitor of Chester for more than thirty years, by his side, Joseph H. Hinkson riding a bay, Newton Shanafelt mounted on an iron gray, and David F. Rose on a nag as sedate as he was. Back of us in carriages was a procession, Judge Clayton, who was horse proud, driving a pair of spirited blacks, John B. Hinkson, Mayor of Chester, holding the lines over his pair, 'Molly' and 'Rat,' William Ward, highly gifted former Congressman, driven by Stansbury Jacobs, his colored coachman, the latter dignified and of the ancient regime of his calling, George M. Booth and George B. Lindsay, driving quite sporty rigs. Behind them, in all sorts of conveyances, including an ancient stage coach, were other lawyers, students (I can in my mind's eye see one of the latter, John E. McDonough, now somewhat rotund, then of figure most lean, tucked away in a corner of the stage, and about Wallingford, another beginner on Blackstone, then fresh from a blacksmith's forge, Alexander B. Geary, trudging along from his home in Poquoson Hollow), jurors, parties, witnesses, spectators and county politicians, all on their way to the county seat for the great day, the opening one of court. The mood of all the lawyers was joyful if the day was fine. The ride in the fresh country air was a tonic for the court room. Arrived in Media, horses were put up in livery stables and toward the court house everyone started. The street leading to it was filled with people, the Media lawyers in front of their offices, some of which were in the court house; Judge John M. Broomall, than whom I have never seen a greater jury lawyer, former member of the Legislature, greatly distinguished Congressman during the Civil War period, member of the Constitutional Convention of 1873, in which he played a leading part, and first judge of Delaware County when
it was made a separate district; George E. Darlington, grand old man of the Bar, still practicing law at ninety-seven, V. Gilpin Robinson, Jesse M. Baker, who was to have a most varied career as legislator and soldier, Edward H. Hall, Edward A. Price, the present Judge Fronefield, then a younger at the Bar, Captain afterwards Judge Isaac Johnson, then Prothonotary, all the county officials and their clerks to welcome us.

In the court room, everyone was talking, moving about greeting friends, cracking jokes, the aspect of things was like a county fair until the crier intoned his proclamation and Judge Clayton entered. One of a distinguished family, dignified, frock coated, erect, impressive, well made, broad shouldered, six feet three. As the crowd caught sight of him there was a hush and absolute silence. Court opened, lawyers bowing to the judge, he to the lawyers. The jurors were called, and the grand jury charged, then the judge read his opinions—read them sometimes for the entire morning. Everyone giving attention, the spectators greatly impressed, particularly by the Latin phrases rolled out in deep tones. Following this ancient custom motions were made and the regular business of the quarter sessions got under way. All the Bar appeared in criminal cases. The leaders tried even assault and battery actions and petty larcenies. For the graver crimes there would often be a galaxy of defending barristers. I can recall a murder case in which there were five lined up for the prisoner.”

Sheer entertainment such as these delightful flashes of recall were balanced by a utilitarian role that befell the magazine almost from the first. The printing and mailing to the membership of committee reports in advance of the annual meeting had been a considerable expense. Now the final issue of the QUARTERLY prior to the meeting could be made simply a compilation of all the advance reports, combined with publicity for the program. The QUARTERLY on this basis cost only seventy-five per cent of what had been budgeted for it.

By 1945, at sixteen years of age, the small magazine distributed to the June, 1929 annual meeting as a sample, on a one-issue trial footing, was publishing 100 pages to the issue, of some ten or eleven articles, the longest twenty-nine pages. In scholarship it was greatly expanded, yet it was not by any means a law review. The emphasis always was on what might be of interest and value to Pennsylvania practicing lawyers. Many contributions were practical method pieces of the “how to do it” variety. Others were looks inside departments of government a practicing lawyer might find himself called on to deal with, such as the Department of Revenue, and even a slight knowledge of their internal operations might save him hours of time. Still others covered parts of a lawyer’s work on which very little material has ever been published, e.g., “Hints on Appellate Court Practice.”

The assembled volumes boast some classic discourses, in both the law and related sciences. For the Brandeis Society in Philadelphia, in January, 1945, Professor Karl N. Llewellyn analyzed the determinants in an appellate court’s decision of a case, in an address entitled “How Cases Are Decided.” Printed in full in the QUARTERLY, it is still a masterpiece of juridical dissection. Philip Q. Roche, M.D., a forensic psychiatrist practicing in Pennsylvania but of nation-wide
reputation, wrote directly for the Quarterly. His articles "Modern Training in Penal Psychiatry" and "Dr. Woodhouse Meets Daniel M'Naghten" will be met with the glad cry of sighting an old, good friend by anyone who read them originally and now stumbles across them, leafing through the old volumes.

Variety came with nearly every issue, and in manifold ways. Sometimes it came by way of summaries of recent appellate court decisions, arranged by subject, viz., contracts or negligence. There were occasional editorials, and fairly regular book reviews, of books useful to the bar, or promising to be of particular interest to practicing lawyers, even though not strictly law books, or books commanding attention because the author was one of the membership and on a personal basis his thoughts counted no matter what they were about.

Questions of world concern were treated in debates running issue after issue. The historically-minded had a ready welcome, always, and the like of some of their offerings will not readily be found elsewhere, as "An Impeachment of 1805," a tale of a time when a bench of judges stood trial, or "Eastern Shore Lawyers at the Pennsylvania Bar." Literateurs at the bar had their tastes gratified, also, with pieces in the familiar essay style on the lawyer in literature or the lawyer's bent toward literature.

In retrospect, the Quarterly, like only a very few other legal periodicals, has served a multiplicity of purposes. In part, it is the voice of the organized bar, speaking to changes taking place or needed in the practice of law or the administration of justice. In part, it is a forum of conscience, in which moral controversy may be given full rein. It offers scholarship of a certain content and level, not as exhaustive as the law review article, but apt to be much more practically and directly to the point of next month's case, and if one is very lucky, he may find his brief half or three-quarters written for him in the Quarterly. Finally, it offers entertainment, from the pens of lawyers who while their leisure (?) hours away in historical or literary pursuits, and who simply enjoy writing. In this one of its many characters the Quarterly may claim partial descent from the gentleman's magazine of the turn of the century.

Yet the final position of the Quarterly in the field of legal periodicals seems distinctly unusual. The point covered in most of the displays of legal research is almost sure to be one not found treated elsewhere, rating at most a footnote in an encyclopedia of law or in a full-dress review of the whole subject in the publication of one of the law schools. The historical articles, in the same way, are apt to be about some by-way of events of long ago, never to be of sufficient importance to win inclusion in anyone's bound volume, but none the less of intense, immediate and local interest.

The Quarterly, in fact, became
the inheritor of one of the roles of
the old annual bound volume of the
Association. During the 1920's,
the practice lapsed of having chosen
members read specially prepared
papers to the annual meeting on
scholarly or entertaining topics,
and the bound volume supplied the
members no longer carried these
offerings for leisure enjoyment.
Some of them were and still are
rich treasures to the researcher. But
the impulse toward legal scholar-
ship, and historical delving, and
literature, did not die with the
change in meeting programs, and
the Quarterly became their outlet.
The annual bound volume itself
ceased, for all purposes, in 1963,
that year marking its final issue.

Its leisure recreational value, in-
sofar as now supplied by the
Quarterly, seems accomplished in
a format of vastly greater conven-
ience to the reader of today.

It is scarcely to be doubted that
the Quarterly strengthened the
Association, as a communication
from headquarters four times a
year, knitting up the ravelled bond
of membership with material of
positive value. But with forty-one
of the Association's seventy-five
years to its credit, it is itself a
memorial, bulking large on the
horizon, a house of intellect, lofty
trophy rooms of the mind in which
one may walk about and feast his
gaze on treasures.
Nostalgia is bound to assert itself in the written record of years of intimate association of human beings with one another, and with places where they came together from afar. Our retelling of the Association's tale of itself from its own records has included a goodly measure of deep nostalgia, but it would be a mistake, even for a seventy-fifth anniversary, to leave an abiding impression of that feeling as dominant in the mass consciousness of the membership. Nostalgia in severe form can become a derangement of mental and physical functions, and this never happened to the Association. It had a long, honorable, and in some ways glorious past to be kept in mind, but not languished over. There had been great yesterdays, but there were promises of greater tomorrows. Moments of deep nostalgia would recur, indeed, could hardly be expected not to. But the prevailing outlook of the twenty years of the life of the Association between 1950 and the present has been anything but nostalgic. There was a large objective looming, and the pace toward it quickened.

It is the lot of any established order, from time to time, to suffer a sea-change into something rich and strange. Perhaps the first sign of this in the Association's second half-century was its 1951 answer to the question of the character and importance of the mid-winter meeting. Officially the two meetings of the year were given coordinate rank for all purposes, elections being still reserved to the annual meeting. The second sign was that the suitability of Bedford Springs as a location for the annual meeting was made a question frankly faced and thoroughly debated, in 1952. That year's annual meeting was at the Essex and Sussex Hotel, Spring Lake, New Jersey, an establishment and location with which the Association was to have eventually a love affair rivalling the earlier one with Bedford Springs. William A. Schnader, Esq., of Philadelphia, publicly declared his life-long distaste for the journey to Bedford and the sojourn there after arrival. Many were discovered to share his view that the claim of Bedford Springs to distinction was its being equally inaccessible from every corner of the Commonwealth, and though the coup de grace for Bedford was stayed until the mid-winter meeting of 1953, it was at length delivered and Spring Lake installed as reigning favorite.

What the changes in thinking were leading up to became plain in
another few years. The rank in importance of the mid-winter meeting and the right place for the annual meeting were steps taken without conscious direction toward a more fundamental decision. In 1955, the Association voted to move its annual meeting to mid-winter, hold elections and decide on plans for the year's work at that time, and convene this gathering in successive years at Philadelphia, Harrisburg, and Pittsburgh. The summer meeting was to be of secondary importance, with social intercourse and recreation provided in liberal measure, and for this renewal of old bonds, body, and spirit, any location was eligible for consideration. Execution was thus replumbed for both Bedford Springs and Spring Lake, with other claimants to summer grandeur also entering appearances, and in the years immediately following this reorientation, the midsummer night's dream of the Association was dreamt at Bedford Springs (1957), Spring Lake (1958), Erie (1959), Spring Lake (1960), Bedford Springs (1961), and Atlantic City (1963). The ghost of Ulysses still stalked the Assembly, some members still heard the song of the sirens and had visions of a summer meeting afloat, on board ship. By 1961, the suggestion was Bermuda. General sentiment was that the cost of these galas would preclude attendance by the less affluent members, young or older. At the opposite end of the hedonistic scale, the suggestion of a school or college campus as a meeting-place suffered the reverse fate. Few of the members could contemplate the monastic comforts of the college dormitory with equanimity.

In 1954, the Association formalized de jure what had been its practice de facto for nearly twenty years, of advancing its elected vice-president to the presidency. Strong grounds supported the practice, it provided the future President with a year of opportunity to prepare for office, and it furnished a channel for smooth transition of responsibility. Contest for high executive office continued, and still continues, unheard of, as from the infant days of the Association. The path to the presidency is up the steep ladder of work in committees or sections. The immediate effect of changing an unwritten law into a written one was to do away with the traditional nominating and seconding speeches for the only candidate for the presidency, and the absolutely unsuspensive hunt for the newly elected incumbent, in hiding without. But this ancient ritual was simply too much fun to forego, and after several years of cut-and-dried installation of the new man with no fanfare whatever, the old, hallowed order was deliberately restored, speeches, search, escort to the rostrum and all, though no shred of doubt had existed in anyone's mind for a full year beforehand where the lightning was about to strike.

The spirit of the Association was on the move toward better order and more efficient structure.
The year 1959 saw a Board of Governors created in place of the Executive Committee. Seventy-seven strong and unwieldy, the Executive Committee stood. It consisted of the chairmen, ex officio, of that many committees and sections, who had come to their chairmanships by no principle of representation. Of the new sixteen member Board of Governors, one was to be elected by the membership of each of the eleven geographical zones among which the sixty-seven counties of the Commonwealth were distributed.

The very next year, in 1960, the Association resolved to simplify its committee structure. There was a sense that seventy-seven task forces in the field had a potential for disorder, like guerrilla bands fighting without planned campaign. By the amendments then adopted, the total membership of standing committees, charged with concerns of the functioning of the organization, internal or external, was reduced to fifteen, from twenty-nine. All responsibility for changes in or administration of substantive law was portioned out to fifteen sections; each given authority to appoint particular sub-committees in its field.

Finally, in 1966, the Association created from within its own ranks a new body as the repository of its voting power. This is its House of Delegates, with the American Bar Association serving as model. The criticism made of the Association’s legislative structure through-out all its years was that it had almost no principle of representation built into it, and only chance determined who among the membership, or how many beyond a quorum of fifty, might be in attendance at any meeting. Raw democracy of the town meeting variety, the indictment ran, and capable of allowing critical decisions to be made by a small number whose constituencies were their individual selves only. Even the requirement of concurrent vote by a majority of the Assembly and of the delegates from affiliated County Bar Associations had its awkward moments, with the same person entitled to cross the aisle and vote in succession as a member of both sides of the house.

The creation of the House of Delegates sought once and for all to have the voting power of the Association in hands chosen on a strict principle of representation. The number of voting delegates was fixed at one hundred, and on a basis of proportional representation, each 100 members in one of the geographical zones of counties of the state became entitled to return one representative to this House. Of the whole House, approximately 75% are delegates so elected to represent the membership.

The sum of these improvements was almost a metamorphosis for the Association. The annual meeting, in mid-winter, in one of three principal city locations fixed in stated order far in advance, was a gathering for business, effort, and
accomplishment. The mid-summer rendezvous would maintain the rhythm of progress toward objective, but would by design emphasize social amenities and recreation. The structure of the organization was streamlined, the ship was trimmed for hard voyaging. There was hard voyaging ahead.

Hard work was being ground out by every year’s Committee on Admissions, and the curve of total membership was a continuously rising one. By the turn of the 1950’s into the 1960’s, the reported numerical strength of the whole Pennsylvania bar was 11,000. The Association crossed the 5,500 mark in 1954, 6,000 in 1958, 6,600 in 1962. In 1936-37, through the influence of John C. Arnold, Esq., later the Association’s forty-ninth President as well as a member of the benches of the Superior and Supreme Courts, the entire membership of the Clearfield County Bar had been enrolled in Association membership at County Bar Association expense. The concept of en masse delivery of county bar strength to state membership won acclamation as the Clearfield Plan. By 1961, only eight of the sixty-seven counties of the Commonwealth had failed to follow the Clearfield County Bar’s example of one hundred percent membership in the Association. The body was gathering strength for an effort that would take all its strength.

An old dream at last came true, in 1959. A periodical legislative news service to the membership, *The Legislative Bulletin*, ran to thirty-three issues in its first year and was so cheered to the echo that at once it attained status as a permanent publication. A news-letter to the membership to cover activities and events of interest made a trial flight in 1958 under the imaginative title, *The Legal Eagle*. It soared above its three-month probationary lease on life to wing onward for a full year, then fluttered sadly down, grounded in the thin financial air. In the late 1960’s *The Legal Eagle* was again on the wing. Its title is a hard one to keep down.

But other service to the membership grew lustier. The 1960 annual meeting appropriated $10,000 to make the program of Continuing Legal Education of the American Law Institute and the American Bar Association available to the members, a beginning from which the appropriation became annual and this activity went on to permanence. In the very same session, service to the public took a seven league boot’s stride forward with the establishment of the state bar’s first Clients’ Security Fund to indemnify clients against loss through a lawyer’s dishonesty. The practice of guided courthouse tours for school children, of essay contests on the meaning of the law, and of observance of May 1st as Law Day, as channels of public relations for the bar, began to make their appearance under Association sponsorship in the early 1960’s.

These were fruitful, vigorous years; the tree was “in the flourish,” as Scots would say, using a
term obsolete in every other part of the English-speaking world, but meaning in flower. The Association was riding a rising curve of increased strength, its own organizational structure and work schedule were tremendously improved, its internal benefits to its members and external benefits to the public greatly enhanced. It was gathering itself up for an assault on a citadel of public apathy, ignorance, and indifference, of entrenched and encrusted obsolescence, the Pennsylvania Constitution of 1874. No form of the Association earlier than the redesigned one of the 1950's and 1960's had been equal to making any dent in these ramparts, and in retrospect it seems almost as if those changes had been foreordained to equip it for the task. Certainly it would have been impossible without the ship's having so been put into fighting trim.

George Wharton Pepper died May 24, 1961, full of years, at ninety-four, and honors. The Association had paid him its testimonial at a dinner in his honor in 1952, and he was honored on his ninetieth birthday with a letter from Chief Justice Warren and a visit to his home by a delegation of Association officers. In his last months, no longer able to speak, and lying abed, but cheerful to the last, he comforted himself by humming the hymn-tunes he had loved, all his life in the church. He was honored by the Association after his death with the October, 1962 issue of the QUARTERLY, a memorial issue devoted entirely to the many sides of his life, his career in the law, and his personality.

So the question was answered for the Association, who would be the last of the original band of its founders; it was Pepper. He had been first, with Allinson, young men talking across a Philadelphia restaurant table, at lunch, and he was last. And all but nine years of the life of the Association was encompassed in the span of a single human life, albeit a long one. It was only yesterday.

Yet the lawyers of Pennsylvania were coming to have had enough of some parts of yesterday. Yesterday, that is, one's youth and early days, may be a fit subject for remembrance and recall on an anniversary or at least on jubilee, but quite the reverse to live with day after day. The early giants of the newly born Association had known how to use a public meeting to arrive at a common opinion and decision, then had set about putting their house of statutory law in order. The leaders of the Association in the 1960's knew how to wield the strength of a body of many thousands for the winning of a single goal, and for them it was time to set in order the house of the Commonwealth's fundamental law. Yesterday's Constitution was not fit to meet the demands of an inexorable today and tomorrow.

The records of the Association show that the Constitution of 1874 first came under open criticism on the floor of the annual meeting of 1901, when the instrument itself was in only its twenty-seventh year
of service. A committee duly appointed to consider "the necessity and expediency of any substantial change" failed to report. Harsh reflections on the defects of the Constitution were uttered by Alex Simpson, Jr., in his President's address of 1902 and in a speech by Judge Harry White of Indiana County in support of a resolution for renewed study.

Somnolence overtook the Association's concern with the matter until 1915. Two addresses to the annual meeting of that year awakened the lawyer's instinct for a well-conceived and properly drawn document, but the resulting committee reported the next year that the times were not propitious. Indignation lapsed into slumber, once more. "Yonder lies the sleeping giant; beware when he awakes," Alexander is supposed to have said, looking down the mountain heights at India. As respects Constitutional reform, the Association could find itself pointedly described in that quotation. It slept, sometimes deeply, sometimes fitfully, but there was to be a day of awakening, when Alexander's prediction would be fulfilled.

There were resolutions for a Constitutional Convention adopted in the annual meetings of 1921 and 1933, further study voted in 1934, specific instructions requested by the Committee in 1935. A Committee on Constitutional Convention had been created in 1933, and, renamed the Committee on Pennsylvania Constitution, had been made a standing committee of the Association in 1937, authorized by Article VI, Section 14 of the By-Laws. For eight successive years, 1936-43, this Committee reported to the Association on the progress of various amendments to the Constitution offered through the legislative method spelled out in the document itself. In 1946, however, the Committee addressed itself to the question of revision of organization of the courts of the Commonwealth, and from that juncture on the subject was before the Association in one form or another at every annual meeting.

To the Association of the late 1950's, the correct direction of its emphasis toward Constitutional reform appeared to be reorganization of the judiciary and the courts for better administration of justice. Not only was this a natural stance for lawyers, it struck the membership as a concern that might be a lively one even in popular understanding. But it was Col. John McI. Smith, in 1960, who most clearly expressed the need for widespread public education on the need for revision, if the enterprise of a Constitutional Convention were not to founder a seventh time on the rocks of outright defeat at the polls, its six-time fate since 1920.

The giant was awakening, his thinking was clear. The motivation was unselfish, not mere pride in artistic construction of a classic document, but better service to the citizenry. The barrier was falling.
XIII.

GREAT DIVIDE

"Judicial reform is no sport for the short-winded," the late Chief Justice Arthur T. Vanderbilt of New Jersey is reported to have said, apropos that state's overhaul of its Constitution and judiciary. Vanderbilt became an honorary member of the Association in 1938, on the occasion of his addressing it as President of the American Bar Association. His epigram, like Alexander's, could serve as a one line history of the Pennsylvania Bar Association's battle for a new Constitution for the Commonwealth.

The wind and the staying power were beginning to reveal themselves, however, and most notably, the runner had come into the hands of a coach who was highly qualified to plan the race.

William James, now almost a century ago, charting out the pioneer trails of the science of psychology, formulated two fundamental principles. First, within a few limits absolutely fixed by nature or circumstance, one can have anything he wants in life, provided he does not keep on wanting other things inconsistent with the supreme desire. Second, thinking, not willing, is the volitional act, and to accomplish something one dearly wishes to do, one must simply keep it before him in his thoughts.

William A. Schnader, Esq., of Philadelphia, was the coach the Pennsylvania Bar Association came under for its race to the Constitutional prize, and he fulfilled with utmost distinction the Jamesian injunctions to know clearly what you want, forget other things that conflict with it, and keep thinking about it. He was one of the advocates par excellence whose qualities we noted far back in these pages, possessed with a vision, and blessed with power to communicate it and win others to it.

The Quarterly was the first medium of communication of the Schnader vision. In the October, 1961, issue, Schnader called attention to an almost totally neglected report of a 1959 constitutional commission. As Vice-President of the Association he flung down a challenge to the membership to familiarize itself thoroughly with the archaic instrument of 1874, and prepare to argue the case.

In that month also, October, 1961, the Board of Governors made one of the most significant decisions of its less than three years history. It approved a plan submitted by Vice-President Schnader to organize a "Project Constitution," including lawyers and judges
in every part of the Commonwealth. Fourteen months went into study by fourteen committees, among whom the ancient monster of 1874 was parcelled out for dissection. It was the year of Mr. Schnader’s term as sixty-eighth President of the Association. The fourteen committees reported to the annual meeting of January, 1963 at Pittsburgh, with recommendation of a program of seriatim amendment of eleven articles, and repeal of the obsolete twelfth, “Railroads and Canals,” rather than the calling of a constitutional convention.

The mounting absorption of the Association in the project is evident from the fact that the 1963 annual meeting transacted almost no business other than to debate these reports. Then, in what might seem ambivalence or indecision, it withheld any action on them, choosing instead to vote the holding of a referendum of the membership. The Board of Governors took action toward having the study continue, and creating a Special Committee on Project Constitution of which retiring President Schnader was made chairman.

In retrospect, it can be argued that deep wisdom guided the Association to pause in seeming inaction while a referendum of the membership was undertaken. The failure of all previous promise of constitutional reform had been at grassroots level, and the referendum was both a measure to stimulate individual members’ thought, and a device to win involvement and commitment. In one move, it combined education and recruitment. It was successful, almost half the membership voted. The amendments proposed by the Project Committee, and the recommendation of a planned series of amendments rather than a constitutional convention, were approved by large majorities.

Within its own ranks, the Association had rallied strongly to the cause. It was the spring of 1963, and time to take the field. The Association’s twelve amendments were introduced into the General Assembly, and there promptly suffered shelving in favor of a bill calling for a public referendum on the holding of a constitutional convention. For the seventh time, the proposal of a convention met defeat at the hands of the voters.

Still more than four years hard fighting lay ahead. The campaign might seem at times a frustrating checkerboard of advances and retreats, but, as in the classic campaigns of military and naval warfare, the retreats in the final reckoning were seen to be tactical or even strategic, and themselves contributed to the victory.

To demonstrate the most crying need for new constitutional framework in a branch of government capable of being most readily understood outside the ranks of the profession, the Association retreated to reform of the Judiciary Article. Out of this maneuver came formation of a Citizen’s Con-
ference on Modernization of the Pennsylvania Judicial System, which, in turn, evolved into a broadly based citizens group incorporated as “A Modern Constitution for Pennsylvania, Inc.” This organization, designed for semi-permanence, stayed in the fight, side by side with the Association, to the end.

Long struggles sometimes come upon happy turns of circumstance. In early 1964, and again in 1967, the Association had reason for rejoicing in finding the Governor’s office in those years being held by lawyers, each a member of the Association, William W. Scranton and Raymond P. Shafer. Governor Scranton’s initiative, immediately after rejection at the polls of the proposal of a convention, was creation of a bi-partisan committee with Schnader as chairman, in early 1964. On the strength of this committee’s report, the twelve amendments resolved on by the Association were introduced into the legislature, and over the next three years only three of the twelve remained unadopted through the method written into the Constitution itself, passage by two successive General Assemblies, and ratification by the voters. Governor Shafer, in January, 1967, proposed a limited constitutional convention for the hammering out of agreement on the four heads of thorny controversy, legislative apportionment, taxation and state finance, the judiciary, and local government.

Through its brand-new House of Delegates, in January, 1967, the Association expressed approval of this proposal, but, harking back to the wisdom of the decision of four years previous, sought to plumb the commitment of membership by referendum. The result of the referendum, by sweeping majority, was a call for the limited convention proposed. The holding of the Convention received voter approval in the election of May, 1967.

At this conclusive phase of the original undertaking, the membership was called on in every corner of the Commonwealth for the educational effort that only would enable the Convention to succeed. Hundreds of the members became involved in committee work or in appearances and addresses before small groups or on mass communication media. The need for education at grassroots level, so clearly voiced by Col. John McI. Smith to the annual meeting of 1960, was at last being met. And the vocation of the organized bar, to be teachers, pleaders and advocates to one’s fellow-citizenry of the incomparable quality of constitutional government, which we have seen the Association of the 1920’s beginning to glimpse, was being fully, even gloriously, realized.

It needs no retelling here that the Convention won its way through to agreement, or that the new Articles forged in its fires were subsequently approved by the electorate on April 23, 1968, to give the Commonwealth its modern
constitution. And only as a tribute to his memory need it be repeated here that William A. Schnader, Esq. died March 17, 1968, barely more than a month before he might with his own eyes have beheld the promised land toward which he had led so many so long, members of this Association as a vanguard, and an army of their fellow-citizens in their train.

It is the clear due of the Association, though, to record here that its long campaign for the Constitution of 1968, and its state of organization for effective service both to its members and to the public, won it the American Bar Association Award of Merit for 1968, in competition among state bar associations from every part of the nation. As an organized unit of the profession, it had proved itself in the eyes of those constituted to pass critical judgment. But this cherished accolade was only a public and official voicing of the recognition it had earned seven years before in the eyes of one like Schnader, who thought it a host with power and discipline enough to move upon and envelop a great public objective.

The constitutional victory of 1968 towers like a great divide, on the crest of which the Association’s yesterday is left behind, and its tomorrow lies ahead. An historic campaign of many battles had been fought and won, and not merely on a single front. There had been many fronts, the battleground was different every day, it was now the uncertain minds of the members, now those of legislators, or public officers, or the voting citizenry. Some of it was fighting from prepared positions, some of it was on the run, some of it was guerrilla raiding, some plain hand-to-hand. But now they could look back on it and to the little band of men who had been their forebears.

The men of 1895 and 1896, first coming together, were heartened to find that they could agree on some important immediate goals, and that they had the perseverance to attain them. They were able to make their influence felt in the chambers of the legislature, and there slowly effect some improvements. Their successors of the 1960’s were a force thousands strong who had fought and won a decisive struggle for the minds of Pennsylvania citizens from border to border of the Commonwealth. They had shown themselves capable of wielding their force in the Herculean task of taking down, piece by piece, the ancient timbers, and raising them up again, anew, of the very framework of government.

Every art and skill learned in the long struggle of the 1960’s, or before that, will be needed in the tomorrow the Association faces. Most of all, what will be needed in quantity beyond measure, is the Association’s recognition of its mission to service of the public. Back into the 1920’s and 1930’s run the roots of this part of the tree, the early establishment of
Legal Aid offices, and of the Volun
tary Defender. Now the Con
stitution of 1968 mandates the
office of Public Defender in every
county of the Commonwealth. Yet
these services were only archetypes
of present and future forms of legal
services to the indigent. It is com-
monplace for lawyers practicing in
traditional fashion to discover
younger colleagues practicing in
neighborhood offices funded by
programs of the Office of Economic
Opportunity or the Department of
Health, Education, and Welfare.
The Association in 1970, recogniz-
ing the number of lawyers so em-
ployed, and sensing their feeling
that their professional walk in life
was far removed from that of most
members, formed a new Section on
Service to the Public, the better
to enable them to fulfill their
function.

The future rushes upon us too
fast to permit the Association very
much resting on its laurels. Yet
for a few moments on its Diamond
Jubilee, it may be allowed to re-
member that in just this spirit of
service to the public, and in obedi-
ence to that loftiest of the traditions
of the bar, it won the public, in
1968, and won its own signal and
perhaps most lasting victory.
Names come thronging, as a final reckoning draws near, names for which there should be time and space for more than this glancing notice. Even these are no more than a scattering few of those deserving mention for devoted effort carried on year after year, but let them stand for all the rest:

John S. Bradway, of Philadelphia and Duke University Law School, who for nearly thirty years served as chairman of the Committee on Legal Aid.

Judge Robert V. Bolger of Philadelphia, whose work as Chairman of the Committee on Citizenship infused the whole body with a new realization of that precious heritage.

Joseph First of Philadelphia, for thirty-nine years Assistant Editor and Editor of the Quarterly, whose zeal and imagination made it a notable addition to legal literature, and an abiding link among the membership.

Langdon W. Harris, Jr., of Philadelphia, who labored without ceasing for the Pennsylvania Plan for Selection of Judges, without seeing the goal ever realized, but seeing the long effort bear fruit in the Judicial Retention Election provision of the Judiciary Article of the new Constitution.

Russell J. O'Malley of Lackawanna County (sixty-sixth President), who by the contagion of his own conviction of the importance of membership brought hundreds to the ranks.

Gilbert Nurick of Dauphin County (seventy-third President), whose quiet but intense clarity of thought and sense of purpose moved the body through its many steps of structural re-organization into its present form.

The whole roll could never be called, and those whose names are not must take the will for the deed.

Names come in a flash, because their number is so few, the Secretaries of the Association, only eight in all: Edward P. Allinson, the Hon. William H. Staake (also twenty-fourth President) and Harold B. Beitler (also fortieth President), all of Philadelphia; Col. John McI. Smith of Harrisburg, A. Carson Simpson of Philadelphia, F. Brewster Wickersham and Frederick H. Bolton of Harrisburg, and Mrs. Barbara Lutz of Harrisburg, Executive Secretary, in the employ of the Association from 1920 to 1966. From this select group was drawn the Association's first Executive Director, Frederick H. Bolton, Esq., who assumed office January 1, 1967 as the initial incumbent of a
position proposed many years before.

Names come striding into recollection on yet another footing, and this so strong a ground that it can serve as an overall impression of seventy-five years of records. The names of those who participated actively in the work of the Pennsylvania Bar Association, or were prominent in debate on the floor of its meetings, or held the offices in its gift, are disproportionately in the foremost ranks of the profession in this Commonwealth. Which is cause and which effect we need not pause to ponder. Some had attained judicial or professional eminence before their appearance in these pages, many did so afterward. The Association either produced leaders or attracted them, or both, and we need not scruple on which score to pay the honor.

Names, at last, must be told over of those who attained to an honor higher than any in the bestowal of this Association. Six members of this Association have been elected to the Presidency of the American Bar Association:

Francis Rawle,
of Philadelphia ...... 1902-03
Walter George Smith,
of Philadelphia ...... 1917-18
Hampton L. Carson,
of Philadelphia ...... 1919-20
Joseph W. Henderson,
of Philadelphia ...... 1943-44
David F. Maxwell,
of Philadelphia ...... 1956-57

Bernard G. Segal,
of Philadelphia ...... 1969-70

It is not possible for anyone to visualize men like these named in these pages, and the thousands of others unnamed who played parts large and small in the events portrayed in that seventy-five year scroll, without finding himself moved to want to define the bond that united them. Roscoe Pound was quoted in the annual address of 1950, by the Hon. Harold J. Gallagher, President of the American Bar Association, as offering one definition of the legal profession:

“The legal profession is essentially a group of men pursuing a common calling as a learned art and a public service, nonetheless a public service because it may be incidentally a means of livelihood.”

Pound’s definition has its unarguable strengths, and points of emphasis impossible to quarrel with. But its weakness is that it is in the compass of a single sentence, and it does not tell enough to satisfy us. What, then, are we to say constitutes a profession, ours or any other, as we see it exemplified to our eyes by the men and women of the Pennsylvania Bar Association?

A profession, at the least, is a chosen company, admission into which demands a certain mastery of a given branch of learning. Of the faithfulness of the members of this Association to their tradition of learning, we may dismiss any doubt. But a profession is more
than a body of men somewhat, and more or less equally, learned; a profession boasts a history stretching from ancient times, and members of a profession are imbued with a consciousness of its history. They are mindful that they have inherited a tradition, with a duty to pass it on unaltered. The pages of the records of the Pennsylvania Bar Association are replete with utterances of such a consciousness.

Yet more, we do not think of members of a profession as plying their skills in solitude. About the common acceptance of the term, there lurks a notion of organization, and pursued further, this notion reveals itself to be an assumption that members of a profession have joined ranks to the end of collectively maintaining minimum standards of skill, including continued pursuit of learning, and of moral integrity.

Still another component of this complex of ideas clamors for recounting. It is a byword of professional practice that a client or patient must trust his lawyer or doctor, otherwise their proper relationship and the likelihood of effective service are destroyed. Whence arises this element of trust? Surely, from the discrepancy of expert knowledge in the field of learning of which one is in command and the other largely ignorant. The superior learning alone does not account for the trust, however; television repairmen and space technologists we do not admit to be a profession, while architects and engineers we do. It is not only the superiority of learning from which the trust stems, to that must be added the intimate, at times passionate, and even sacred importance to the person seeking help of the interest on which the superior knowledge is brought to bear; health, or the useful, comfortable and esthetically satisfying design of the homes and buildings wherein we live our lives, the highways and bridges which we intend to race along at breakneck speed, or the deep-seated longing for the righting of a wrong or the reconciliation of a dispute.

Then out of a perception that there is no member of the community to whom these interests are not important, and the realization that admission into a select company constitutes a near-monopoly of the skill required to serve them, comes the conviction, out of conscience, that a professional is under an obligation of public service, with the earning of any emolument a secondary consideration, even though there may be none at all. The final and transcending motive is unselfishness and faithfulness to the trust.

But most of all, professing something means, literally, to bear public witness to one's belief in it, and so admission to the bar has always been a ceremony in which one binds himself to conduct himself by certain high standards not of his own making. We may remember that the Greek word for
witness, transposed, nay, transliterated into English save for the change of only a single letter, is martyrs, whence our word martyr.

It is the great distinction and glory of the Pennsylvania Bar Association that in every year of its history it helped its members to a clearer realization of the meaning of their original profession, and a larger fulfillment of their own capacities to practice their profession with excellence. Yet the Association did something more than simply enabling its members in their professional walks of life to fulfill their sense of vocation toward the world beyond their ranks. Within its own ranks, it brought its members into the warm circle of fellowship.

What makes for fellowship? Group dynamics is a social science of now some long standing and repute. Still, men and women who have never heard of that science and would not recognize their own experience under any such terminology have stumbled upon and into fellowship unawares. Any time any human being confesses himself imperfect, seeks out some of his fellows to join with them in that admission, agrees with them on some common goals, settles with them on some common discipline, voluntarily accepted, as a means of reaching the goal, and is willing to make some self-sacrifice as part of his discipline, he has found his way into fellowship. Fellowship is marked by acceptance, one of another, not for the sake of what, but of who, he is, for the sake of sharing mutually felt needs, challenges, and encouragements, and for the sake of a common bond that forged itself once long ago, or only yesterday. And herein is the importance of the purely social activities of the Association, as Judge Keller insisted at the fiftieth anniversary celebration, of the shared food and drink, of the conversation about anything as well as law. For it is across the common board that the common bond is most cheerfully, and therefore best, acknowledged. As to this deep instinct of genus homo, the English Inns of Court have known what they were about, for centuries.

Fingering the warp and woof of the fabric of fellowship supplies an apt occasion for observing that the restless ghost of Ulysses, after years of haunting the Association's deliberations on advance planning of meeting-places, at last had his way in 1970, when the summer meeting was held afloat, aboard the S.S. Oceanic, en route to and from Bermuda and Nassau. So the jolly tars, the grizzled sea-dogs, and the old salts among the membership could, after years of pining, feel the deck heave and lift under their feet; could, like Glendower, call spirits from the vasty deep; could, with glass to eye, peer through the spindrift and descry a landfall on the still-vex'd Bermoothes. To all the other bands of fellowship, they could add the one that by some unfathomable mystique binds those who have been shipboard compan-
In re State Bar Association.

Pennsylvania, Nov. 1, 1894.

Many lawyers throughout the State believe that a State Bar Association, if organized upon a proper basis, would be beneficial to the profession and to the community in general; and have expressed desire to co-operate in forming such an Association.

To that end, the undersigned members of the Bar from the several Judicial districts of Pennsylvania invite their other lawyers of the State to attend a convention at the city of Harrisburg, on January 16, 1895, for the purpose of organizing a Pennsylvania State Bar Association.

Such associations can exert a healthy influence upon legislation by suggesting useful laws, by assisting in the defeat of considered and dangerous bills, and by aiding to mould into better shape measures good in substance but bad in form. Again it is part of the work of a Bar Association to bring together the members of the Bar from all sections of the State for purposes of social intercourse, and for the discussion of questions of interest to the profession and to the community in general.

It is suggested that at this proposed meeting an Executive Committee be elected with instructions to obtain a charter, prepare a list of nominations or permanent officers, arrange for addresses to be delivered, and to attend to other details necessary to the completion of the organization. It is also suggested that the first annual meeting of the Association be held late in July or early in August, 1895, at a convenient watering-place in the State, such as Gettysburg or Bedford Springs, or such other place as may be found desirable.

All members of the Bar unable to attend the convention, but who desire to be recorded as intending members, will please send their names to M. E. Pulaski, James A. Stranahan, or M. W. Jacobs, Esqs., Harrisburg, Pa.

---

STATE BAR ASSOCIATION.

Junkin, Joseph deF., Wetherill, Chris., Jr.
Kane, Francis J., White, Richard P.
Keating, J. Percy, Willcox, C. Percy
Kearley, John F., Williams, Charles R.
Koons, Horn B., Willbank, W. W.
Lauchner, J. C., Wintersteen, A. H.
Landreth, L., Wireman, Henry D.
Lavina, David, Wister, Wm. Ratch
Leech, Frank W., Ziegler, Irving E.

Second Judicial District.

Atlee, Wm. Aug., Hostetter, A. F.
Brown, J. Hay, Landis, Charles I.
Bsteelman, G. Ross, Neely, G. George
Hansel, William U., North, R. M.

Third Judicial District.

Armstrong, F. W., Maxwell, Henry D.
Cope, Harry C., Marshall, J. C.
Fry, Edward J., Serius, Orin
James, R. E., Stewart, R. C.
Kirkpatrick, Morris, Ulmer, J. S.
Loos, William C., 

Fourth Judicial District.

Channell, S. P., Young, B. K.

Fifth Judicial District.

Blake, William B., Plummer, L. M.
Breck, E. Y., Reed, J. H.
Chantler, Thomas A., Rodgers, W. B.
Craig, Edwin S., Scabean, S. B.
Dickey, C. C., Scott, William
Ferguson, John S., Shaw, George E.
Gordon, George B., Shiras, George W.
Hamilton, Geo. F., Smith, Edwin W.
Herrington, Thomas, Swearingen, Joseph
McClave, John, Trent, S. E.
Miller, Jacob H., Watson, D. T.
Morland, W. C., Watson, William M.
Patterson, Thomas, Woodward, M. A.

Sixth Judicial District.

Allen, Geo. A., McCready, D. B.
Baker, C. L., Olds, Clerk
Batefield, Henry, Otis, C. George
Clarke, Henry A., Billing, John S.
Patten, S. A., Rosenzweig, L.
Force, J. M., Sprout, J. W.
Foye, E. M., Thompson, J. Ross
Gulbran, W. A., Terry, F. H.
Good, E. B., Vincent, John P.
Gunnison, Frank, Witting, E. A.
Humphry, T. A., Whitley, E. L.
Marshall, F. F., Yard, Henry C.

Seventh Judicial District.

Du Bois, John L., Lear, Henry
Gillespie, A. W., Seider, E. Wesley
Gilkeson, R. F., Yardley, Robert M.
Harris, Henry O., 

Eighth Judicial District.

Huckenborg, Wm. H., 

Ninth Judicial District.

Lloyd, Wm. Penn, Weakley, J. M.
Miller, A. G., Wetzel, J. W.

Eleventh Judicial District.

GENERAL CALL to the organizational meeting of a State bar association appeared in THE LEGAL INTELLIGENCER of Philadelphia December 28, 1894. Seven hundred lawyers from all parts of the State signed the call for the meeting at Harrisburg on January 16, 1895.
WILLIAM I. SCHAFFER
*PBA President*
1918 - 1919
*Chief Justice*
*Pennsylvania Supreme Court*
1940 - 1943

OWEN J. ROBERTS
*PBA President*
1947 - 1948
*Justice of the U. S. Supreme Court*
1930 - 1945

JOHN W. SIMONTON
*First PBA President*
1895

ROBERT von MOSCHZISKER
*PBA President*
1931 - 1932
*Chief Justice*
*Pennsylvania Supreme Court*
1921 - 1930

GEORGE WHARTON PEPPER
*PBA President*
1928 - 1929
*U. S. Senator*
1923 - 1927
PBA HEADQUARTERS building at 401 N. Front Street is one of the oldest residential structures in Harrisburg. It was erected in 1791 by Sen. William Maclay who served in the first U.S. Senate.
HOUSE OF DELEGATES meets for the first time at Bedford Springs in the Summer of 1966. Creation of the House of Delegates as the policy-making unit of the Association was a keynote of the PBA reorganization. Its elected delegates represent the profession in all parts of the State.
STERN HONORED—The first PBA Distinguished Service Award is presented to then Chief Justice Horace Stern, left, of the Pennsylvania Supreme Court, by President Paul A. Mueller at the 1956 Summer Meeting.

9000th MEMBER—Michael J. Kane, left, of Bucks County, became the 9000th PBA member and was honored at the 1970 Annual Meeting. He’s congratulated by Membership Chairman Leonard Sagot.

AMERICAN BAR ASSOCIATION
AWARD OF MERIT

This is to certify that
Pennsylvania Bar Association has been duly selected to receive this Award ofMerit for the most outstanding and constructive work in its field during the current year.

Aruna
August 4, 1968

AWARD OF MERIT—The Association’s long drive toward constitutional revision was cited by the American Bar Association in bestowing its 1968 Award of Merit on PBA. “Project Constitution” culminated in a Constitutional Convention which produced a new Judiciary Article.
A BEDFORD TRADITION during Summer Meetings was the outdoor reception near the swimming pool. Just as traditional was the serenade played by the hotel bugler each morning. The musical score for the Bedford reveille is shown in the inset.
JUDICIAL MODERNIZATION was the theme of this Citizens' Conference at Philadelphia in January, 1964, aimed at furthering the objectives of PBA's "Project Constitution" as a means of attaining judicial and constitutional reform in Pennsylvania. William G. Schnader, inset,
BARBARA'S FAREWELL—After 48 years as Executive Secretary of PBA, Mrs. Barbara Lutz retired at the 1968 Annual Meeting in Harrisburg. Here she accepts an inscribed silver serving tray from then President Gilbert Nurick.
OLDEST MEMBER—Earl H. Beshlin, center, of Warren, began practicing law two years before PBA was organized. He's still at it. On his 100th birthday last April he was honored by former President W. Walter Braham, left, and President Marvin Comisky.

SUMMER MEETING—This was the head table at the 1968 Summer Meeting dinner at Bedford Springs which may have ended PBA's long, cordial association with the mountain resort. This is due to expanded registrations.
WOMEN'S AWARD—The Pennsylvania Association of Lawyers Wives received this plaque in recognition of its program of scholarships for law school students. The award was made at the ABA Annual Meeting in 1969 at Dallas.

FIRST QUARTERLY—This was the cover on the PBA Quarterly when it made its initial appearance in June, 1929. The publication has appeared regularly since that time.
BOARD OF GOVERNORS during the Association's 75th Anniversary year is shown during Spring meeting at Hershey. Standing, left to right, William J. Rockenstein, Zone 10; Hon. Roy A. Wilkinson, Jr., Zone 11; Richard S. Friedman, Chairman, Young Lawyers; Judd N. Poffinberger, Jr., Zone 12; William H. Eckert, Last Retiring President; Richard Henry Klein, Chairman, House of Delegates; Herman M. Buck, Zone 6; Joseph E. Gallagher, Zone 5; Hon. Malcolm Muir, Vice President; F. D. Hennessy, Jr., Zone 9; and Frederick F. Jones, Zone 7. Seated, left to right, Marvin Comisky, President; Frederick H. Bolton, Secretary and Executive Director; M. L. McBride, Jr., Treasurer; Lewis H. Van Dusen, Jr., Zone 1; James W. Stout, Zone 2; James B. Benjamin, Zone 3; and Clyde E. Williamson, Zone 4. Absent was Hon. Swirlies L. Himes, Zone 8.
ANNIVERSARY CRUISE—A segment of the House of Delegates hears a talk by President Comisky, top photo, in the theater aboard the SS Oceanic. A souvenir mug, center, molded from Armetale and bearing a special 75th Anniversary seal, was distributed as a cruise memento. Association officers and their wives form a receiving line, bottom, during President’s reception at sea.
COURT INVESTITURE—Chief Justice John C. Bell, Jr., left, congratulates President Judge James S. Bowman of the newly created Commonwealth Court as Governor Shafer, President Comisky and Attorney General William C. Sennett look on. Inset shows program for the Investiture ceremony.
ONE OF SIX lawyers from Pennsylvania to be elected President of the American Bar Association was David P. Maxwell (1956-57), shown here presiding at a meeting of the PBA House of Delegates—of which he was the first Chairman. He also served as Chairman of the American Bar House of Delegates. Other ABA Presidents from Pennsylvania are listed on the following page.
93RD PRESIDENT of the American Bar Association was Bernard G. Segal, shown addressing the PBA Annual Meeting in Philadelphia last January. Other Pennsylvanians to head the American Bar Association were Francis Rawle, 1902-03; Walter G. Smith, 1917-18; Hampton L. Carson, 1919-20; and Joseph W. Henderson, 1943-44. Mr. Segal's term as ABA President expired last August.
ions. Ship and sea did not work the whole magic, however; no small part of the enchantment rose out of the embracing talent for hospitality of the seventy-fifth President and his charming helpmeet, Marvin and Goldye Comisky.

It is no mean accomplishment for a professional association to have enabled its members the better to discharge their professional duties, to have served the public in this and a host of other ways, and in the doing of these great works to have brought its members into fellowship. Let us try to sum it up in some fitting figure of speech, as a parting image. Shall we say the little gathering of the men of 1895 made themselves a band of guerrilla fighters, and grew into a vast marching legion, with every imaginable kind of armament and support? The image is stirring, but too grandiose, and carrying overtones of conquest, destruction, and other ancient thought-ways.

Shall we say our precursors of 1895 wrote a score for some chamber music, since they had neither instruments nor musicians for more, but now we play their themes in full orchestra, with a choir of massed voices besides? The figure is reasonably accurate, but its purely esthetic content limits its power to say what needs saying.

We might think of the Pennsylvania Bar Association as a huge parade, stretching out of sight along some Great Providence Road of the sky, heading toward the last Grand Assize of some heavenly Media, a glorification of Mr. Justice Schaffer's picture of the march of the Chester Bar on Media of a spring morning circa 1892, and this would be a metaphysical translation of our living Association into an unseen world of thought and of public service. We might even think of having at the head of the parade the Bugler of Bedford Springs, that mysterious fellow who blasted everyone out of bed at the crack of dawn, sounding undoubtedly some Civil War call, long since perished everywhere else, but with its notes down on paper at Headquarters in Harrisburg, for anyone interested, and reproduced in these pages. The charm of the figure is not that its image is strictly legal, true as this is, lawyers making for a courthouse, but that it is redolent of the abiding cast of personality of this Association which we have called homespun, the union of homely warmth and distinction. Yet something impels us to seek further.

"It is like a grain of mustard seed, which, when it is sown in the earth, is less than all the seeds that be in the earth; but when it is sown, it groweth up and becometh greater than all herbs, and shooteth out great branches; so that the fowls of the air may lodge under the shadow of it."—(Mark 4: 31-32). We have used the growing tree as our image of the Association, earlier in this account, and from this rises the suggestion that
we substitute the image of a tree much smaller and humbler than the mustard tree of the Bible.

Yeast is biologically one of the simplest of organisms, extending itself cell by cell as stringy lines branching in all directions. If we could make a cross-section of a lump of dough and examine it microscopically, we would see that the yeast rising through it is actually a rudimentary tree, branching out and lifting the dough it feeds on with it. The Pennsylvania Bar Association is the leaven in the lump, it is no less than the yeasty ferment in the life of the legal profession in this Commonwealth, raising it up to stand straight and firm and well-rounded.

And lest this be thought a farfetched image, a flight of extravagant fancy, let us quote from one who was a great lawyer, and who in his time without any professional body to strengthen him, upheld every noble tradition of the bar, defended unpopular causes, and rendered distinguished public service. Let us take his words as a message of brave cheer for our own troubled times, and in the same breath a picture of our Association and the boon it confers on us. John Adams, as an old man, wearied with effort, away from home nevertheless, and striving still to meet the demands laid upon him, wrote to his wife, Abigail:

"Every man is part of his times. We live in an age of ferment; the best we can hope for are periods of calm. The yeast is all about us, charging the air we breathe, the ideas we absorb, the values and loyalties that are being baked up larger than life from the flat dough we put in the oven when we were young."

ABOUT THE AUTHOR

Reared in Scranton, Henry Thomas Dolan was graduated from the Harvard Law School in 1931 and moved to Philadelphia a few years afterward. He has lived and practiced law there ever since.

A member of the Philadelphia Bar Association, he has been a frequent contributor to its monthly publication "The Shingle." He also served as editor of the "Monday Bar Report" of "The Legal Intelligencer."

A member of the firm of Fein, Criden, Johanson, Dolan and Morrissey, he has long been an avid student and writer of legal history—which makes him well suited for the chairmanship of the Philadelphia Bar's History and Biography Committee.
January, 1971

PENNSYLVANIA BAR ASSOCIATION
OFFICERS
1895 - 1970

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<th>County</th>
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<td>*John W. Simonton</td>
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<td>*Samuel Dickson</td>
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<td>*William U. Hensel</td>
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<td>1898-99</td>
<td>*Stanley Woodward</td>
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<td>1899-1900</td>
<td>*Lyman D. Gilbert</td>
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<td>*William Scott</td>
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<td>1901-02</td>
<td>*Alex. Simpson, Jr.</td>
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<td>*C. LaRue Munson</td>
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<td>*Nathaniel Ewing</td>
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<td>*J. B. Colahan, Jr.</td>
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<td>1911-12</td>
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<td>*George B. Orlandy</td>
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<td>*Henry J. Steele</td>
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<td>*William I. Schaffer</td>
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<td>*George Wharton Pepper</td>
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<td>*Bernard J. Myers</td>
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<td>*John B. Brooks</td>
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<td>*Forest G. Moorhead</td>
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<td>*Aaron S. Swartz, Jr.</td>
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<td>*Charles H. English</td>
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<td>*Robert T. McCracken</td>
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*Deceased
### PRESIDENTS—Continued

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<td>1970</td>
<td>Marvin Comisky</td>
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### CHAIRMEN OF THE HOUSE OF DELEGATES

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<th>Name</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 1966 – June 1968</td>
<td>David F. Maxwell</td>
<td>Philadelphia</td>
</tr>
<tr>
<td>June 1968 – Present</td>
<td>Richard Henry Klein</td>
<td>Northumberland</td>
</tr>
</tbody>
</table>

### SECRETARIES

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elected on organization of Association January 16, 1895 and served continuously until his death January 1901</td>
<td>*Edward P. Allison</td>
<td>Philadelphia</td>
</tr>
<tr>
<td>June 1917 – June 1933</td>
<td>*Harold B. Beitler</td>
<td>Philadelphia</td>
</tr>
<tr>
<td>June 1933 – June 1948</td>
<td>John McI. Smith</td>
<td>Dauphin</td>
</tr>
<tr>
<td>June 1948 – October 1965</td>
<td>A Carson Simpson</td>
<td>Philadelphia</td>
</tr>
<tr>
<td>December 1965 – Present</td>
<td>Frederick H. Bolton</td>
<td>Dauphin</td>
</tr>
</tbody>
</table>

*Deceased*
OFFICERS

ASSISTANT SECRETARIES

January 1958 – December 1965 .... Frederick H. Bolton .... Dauphin

EXECUTIVE SECRETARY

October 1920 – January 1968 ...... Mrs. Barbara Lutz ...... Dauphin

EXECUTIVE DIRECTOR

January 1967 – Present .......... Fréderick H. Bolton .... Dauphin

TREASURERS

Year Name County
Elected on organization of Association January 16, 1895 and served continuously until his death September 1911 ....................... *William Penn Lloyd .... Cumberland
October 1911 – December 1922 .... *Samuel E. Basehore .... Cumberland
December 1922 – January 1968 .. The Fidelity Bank ...... Philadelphia
January 1970 – Present ........ Milford L. McBride, Jr... Mercer

*Deceased

75TH ANNUAL MEETING

GENERAL INFORMATION

The 75th Annual Meeting will be held Wednesday, Thursday, Friday and Saturday, January 27, 28, 29 and 30, 1971, at the Holiday Inn Town and the Penn Harris Hotel, Harrisburg, Pennsylvania.

An Annual Meeting announcement containing the day by day program detail and hotel and registration cards was mailed to all members on December 3, 1970. Additional copies of the announcement can be obtained by writing or calling Association Headquarters.

Advance Registration

The registration fee for senior members attending any function during the Annual Meeting is $10.00. There is no fee for junior members (members practicing less than five years).

The Pennsylvania Bar Association registration desks will be located in the Holiday Inn Town and the Penn Harris Hotel. Advance registration material will be available to members at these locations upon
arrival in the hotels. Pennsylvania Bar Association House of Delegates members and all others staying at the Holiday Inn Town will register at the Holiday Inn Town.

Hotel Reservations

If you have not already made hotel reservations for the meeting, please write directly to the Penn Harris Hotel, P. O. Box 2653, Harrisburg, Pennsylvania 17105. Be sure to advise them in your letter that you will be attending the PBA Annual Meeting.

Entertainment

Wednesday evening, January 27, 1971, the Theatrical Wing of the Philadelphia Bar Association will present its production of "INHERIT THE WIND" in the Auditorium of the William Penn Museum.

On Thursday evening, January 28, 1971, Duke Ellington and his Orchestra will present a concert in the Forum of the State Education Building.

Ladies' Program

An excellent Ladies' Program has been arranged by the Lawyers' Wives Committee of the Dauphin County Bar Association. A special Ladies' Program was mailed to all members of the Association on December 3rd with the Annual Meeting Announcement. The Ladies' Hospitality Suite in the Governors Room of the Penn Harris Hotel will be open beginning Wednesday, January 27, 1971 at 1:00 P.M.

Bus Service

During the meeting, shuttle bus service will be available between the two hotels, the sites of entertainment events and the Annual Dinner at the Penn Harris Motor Inn.