

*The Old
Court House*

Chester, Pennsylvania

THE OLD COURT HOUSE, BI-CENTENNIAL CELEBRATION.

During the week beginning May 12th, 1924, a Bi-Centennial celebration of the erection of the Old Court House on Market Street, Chester, Pennsylvania, was conducted under the auspices of the Delaware County Historical Society.

While the occasion was a celebration of the erection of the old Court House, those who have known the history of the property since 1850, rather consider it a celebration of the public-spirited act of Hon. William C. Sproul in having the old building restored to as near its original condition as possible. It can truthfully be said that it has been restored to its original condition, substitutions in the furnishings and interior being made only where it was impossible to obtain the original. The exterior of the building as shown by comparison with old pictures, is precisely the same as the original construction. The stone of the floor is not the original excepting at two or three points. The authorities who had charge of the property at the time it was converted into a municipal building for the City of Chester apparently considered the original stone more valuable for construction purposes elsewhere.

The present and future generations owe an unmeasurable debt to Governor Sproul. His offer to pay all expenses necessary to restore the property is an illustration of public spirit which is rarely exhibited. But for that offer the building would have been demolished. When the work was started, it was estimated that \$15,000 would be required. We have reliable information that the \$40,000 mark was reached, and that the final figures were much beyond that point. Governor Sproul paid the whole bill.

The old building is one of which we can all be proud, and its history and traditions appeal so much to the bar,

that we have concluded to publish portions of Governor Sproul's address delivered at the Bi-Centennial exercises; and the address of Justice William I. Schaffer of the Supreme Court of this State.

The proceedings for the week will be published by the Delaware County Historical Society and interesting reports will be found in the Chester Times of that week.

Of the many interesting events which took place at the old Court House, none could have been more interesting than the visit of General Lafayette in 1824, which happened to be the Centennial year of the Court House.

The Franklin Gazette, of Philadelphia, on October 7, 1824, contained the following report of that visit:

"The steamboat which conveyed General Lafayette arrived at Chester at 11 o'clock on Tuesday evening. The town was brilliantly illuminated, many of the windows being decorated with handsome transparencies and designs. At the landing place a line of boys, each holding a lighted candle, was formed which extended to the quarters intended for the accommodation of the General and along which he passed up to the house. A sumptuous entertainment was provided for the Nation's Guest at the court house, elegantly fitted up by the ladies of Chester, to which upwards of 100 gentlemen sat down at 1 o'clock in the morning. At 7 A. M., after receiving salutes from various artillery companies, he proceeded in a barouche and four, under a suitable escort, to Wilmington, which he entered at 1 o'clock in the afternoon. He dined with the committee of arrangements of the borough and a number of respectable citizens, after which he was escorted by a numerous cavalcade over the Christiana Bridge to New Castle and honored with his presence the nuptials of Mr. Charles Irene duPont, son of Victor duPont, Esq., and Miss Dorcas Montgomery Vandyke, daughter of the Hon. Nicholas Vandyke, of New Castle. In the evening he supped with Mr. George Read, and was then escorted to the steamboat at Frenchtown, in which he departed for Fort McHenry.

A very handsome program, too extensive for insertion in a legal journal, was published, but a short program will be of interest, and we therefore set it forth:

BI-CENTENNIAL CELEBRATION
of the erection in 1724 of the
OLD COLONIAL COURT HOUSE

Chester, Penna.

WEEK OF MAY 12TH TO 17TH, 1924

Under the auspices of

THE DELAWARE COUNTY HISTORICAL SOCIETY

Monday Evening, May 12, 1924, at 8 o'clock

Opening exercises and reception to Hon. Wm. C. Sproul and Members of the Council of the Pennsylvania Historical Society.

Address By Hon. Samuel E. Turner, Mayor of Chester

Presentation By Mrs. Wm. C. Sproul

Address By Hon. Wm. C. Sproul

Historical Address—The Old Court House
By Supreme Court Justice William I. Schaffer

GOVERNOR SPROUL'S ADDRESS

Governor Sproul's address was in part as follows:

"The occasion is one to which we have all looked forward for many years, and it is a fine thing that the people of the city and of Delaware County have taken so great an interest in what is really a quite remarkable occurrence in this county. The number of structures devoted to public uses in the entire land which have attained their second centenary are few, indeed, and I know of none which has served such varied purposes and which survives so well preserved, as this fine, old, truly colonial building, representative of the plain, substantial sentiment of the pioneers of Pennsylvania," said Mr. Sproul.

"It is hard to realize, when we contemplate the vast population, and the wealth and the power of this mighty state today, that when this building was erected it was quite the largest and most commodious public edifice in Pennsylvania. There were then but the three original counties, Chester, Philadelphia and Bucks. This was the seat of Chester County, and it was in this building that the proceedings creating the first of the new counties, Lancaster, were taken five years after its completion. The courts of Philadelphia sat in the old rooms over the river-end of the market houses which occupied the center of Market street in that city, and the Bucks courts were held in a small house long since demolished at Bristol.

"The marvelous growth of this land of opportunity may perhaps be better understood when we contemplate the fact that within a radius of two miles from this spot there are now more people than were to be found in all of Penn's province when these walls were built, and within twenty miles there are more inhabitants than the total white population of North America at that time. William Penn, the founder, passed on only six years before this structure was opened, and it was only a few years earlier that, discouraged, disheartened and disappointed, weary and ill in mind and body, the great leader of the progressive thought of his time had offered to sell his entire right and title in the prov-

Tuesday Afternoon, May 13th, 2.30, 3.30 and 4.30 P. M.

The Public Schools of Chester will present

"School Life in Old Chester"

Tuesday Evening, May 13th, at 8.00 o'clock

The Delaware County Chapter Daughters of the American Revolution will present in tableau "The Dinner Given to General Lafayette October 5th, 1824.

Wednesday Evening, May 14th, at 8.00 and 9.00 o'clock

The Rotary Club of Chester will present "Incidents From the Life of John Morton".

Thursday Afternoon, May 15th, at 3.00 and 4.30 o'clock

The Delaware County Federation of Women's Clubs will present a play entitled, "Deborah Logan's Visit".

Thursday Evening, May 15th, at 8.00 and 9.00 o'clock

Business and Professional Women's Clubs of Chester, Pa., will present two playlets: First, "Grace Lloyd's Will; second, "Meeting for Assisting Sufferers of Bostontown."

Friday Evening, May 16th, at 7.00 o'clock

The Kiwanis Club of Chester will present "The Reception to General George Washington Enroute to Become Our First President."

Saturday Afternoon, May 17th at 3.00 o'clock

The Delaware County Bar Association will present "The Trial of Sandy Flash."

ince for a sum less than the present value of the block in Chester in which this ancient landmark stands.

"Nathaniel Newlin, my great, great, great, great, great grandfather, was one of the Commissioners who were charged with the building of this courthouse. He was a resident of Concord, accumulated a great deal of land, was a justice in the courts here for most of the time between 1699 and his death in 1729, five years after he had helped build this county building for the courts of Chester county. He therefore, sat here in this room with his colleagues, the justices of the peace of the county, six or seven in number, including the chief burgess of Chester, who constituted the courts of that time and tried all ordinary cases.

"Nathaniel Newlin seems to have been a good bit of a leader for he was a member of the Assembly during twelve sessions, and represented the county on several commissions of one kind or another. His great grandson, another Nathaniel Newlin, was the second Senator from this district, and sat in the Constitutional Convention of 1790. Office holding must be hereditary even in the republic. I served as Senator in thirteen sessions of the Pennsylvania Legislature and appeared as Governor in three sessions—and am still alive to tell the tale.

"My own interest in this old hall runs back about forty years, when as a boy in Chester High School, I attended the sessions of the City Council, sometimes as a reporter and oftener as a mere spectator. There was a big Council then, fifteen members, five from each of the North, Middle and South wards, and the members sat in the room upstairs under the painted eye in the ceiling. Such men as William B. Broomall, J. Frank Black, and Isiah H. Mirkil, among our venerable and respected citizens of today found time to give attention to the city's affairs in that representative body, together with my uncle, Thomas J. Houston, David M. Johnson, Harry B. Black, John Lilley, Jr. Samuel Greenwood and others long since gone to their reward.

For many years some of us watched carefully and looked forward to the day when something might be done to provide more suitable quarters for the city government and to remove the disfigurements which had been added on either side of the original building. In this we were con-

stantly encouraged by that splendid citizen who was and probably always will remain the most eminent authority on our local history, the late Henry Graham Ashmead, of honored memory; by Judge Broomall, with his continued interest in the traditions and antiquities of his native county; by my revered partner, John A. Wallace, with his trenchant pen, and by the Messrs. McClure, father and son, who exercised their influence to prevent the suggested sale and demolition of the old building and the use of the proceeds in an ambitious building project elsewhere.

"When the old Farmers' Market property was offered for sale, the time for action arrived, for if this site should be acquired by unsympathetic interests the plan for a civic center with the old court house as the central figure, would be difficult of attainment. It was then that the foresight and energy of our irreplaceable friend, Councilman Eugene F. White, came into play and the counsel and co-operation of Colonel James A. G. Campbell, always helpful in patriotic movements, was enlisted, with the result that public-spirited citizens raised funds to purchase the market house and hold it for the city until money was available to build the new City Hall.

"Mayor Ward and Mayor McDowell, and their associates in the city government joined heartily in the plan, Mr. Brazer's splendid conception was carried out by the city, by the Pennsylvania National Bank, by my partners in the Chester Times, and Chester came into the possession of one of the most architecturally interesting and historically important city groups in America.

"For my own part, I am thoroughly proud of the privilege that was given me to help in saving and restoring Chester's most precious relic of her historic past. It seemed to me that the best way to make sure that this splendid antiquity should be preserved was to undertake to do the work of restoration and to turn the building back to the city under a contract that it should be maintained forever as a public building. Judge Broomall drew the papers and the work was done, bit by bit, under the careful direction of our Chester architect, Clarence W. Brazer, who traced the outlines of the old workmanship and followed out the plans as shown by ancient papers, early pictures and the markings

and remnants which were found as the work progressed. My only contribution was the payment of the bills, which I am happy to have had the means and the opportunity to do, as a small tribute to a community which has been kind and patient and loyal to me and bountiful in the honor which it has shown me.

"And surely it was worth while to do all this! Not many communities have, in their midst, on their 'main street' a structure which holds such hallowed memories, such inspiring lessons. Here Washington and Lafayette have listened to the plaudits of their contemporaries; here Anthony Wayne and Thomas Mifflin have enthused their comrades in arms; here for twenty decades Pennsylvania's men have rallied in every crisis of province or nation; here in later days the defenders of the nation and the crusaders for civilization gathered to be mustered in the Republic's service; here David Lloyd pleaded as John Morton sat in judgment; here in joy and in sorrow, in prosperity and in adversity, for two full centuries has been the heart of our community, the temple of our democracy.

"Let us hope that this venerable pile may always be spared and always be prized as a joy for the historian, a shrine for the barrister and a material inspiration for the patriotic citizen, proud of the glorious past, loyal in the active present and confident of the wonderful future of our community, our State and our Nation."

JUSTICE SCHAFFER'S ADDRESS

Justice Schaffer's address will be interesting because of the wide field which it covered and the information displayed. The cold type will not, however, give a full appreciation of the address. It is only those who were present and enjoyed the real eloquence of the speaker, who can fully appreciate it.

"There is marked fittingness in the observance by a people of events in their history which signify important occasions, particularly those commemorating their beginnings and which can be used as datum points from whence to calculate the height to which they have climbed and the progress they have made. Within the past month Rome has celebrated the 2677th anniversary of the fabled birth of her founders, Romulus and Remus. We are here today, commemorating in our observance of the 200th anniversary of the building of this old court house, the story of the early administration of justice, in proper surroundings, within our Commonwealth.

"It cannot be gainsaid that justice was first administered in Pennsylvania on Tinicum Island under the Swedish control of the Delaware River Valley, nor that here in Chester, then Upland, the Dutch dealt out justice while their dominion lasted here. It is undeniably true that when William Penn began his great experiment in government on these shores, the first courts were held in Chester. All these early tribunals, however, were crude in their administration and more crude in their surroundings. I think it may be truly said that the first really comprehensive attempt to establish firm foundations for the administration of justice in Pennsylvania was by the Act of May 22, 1722, which provided for regular courts and for the establishment of a Supreme Court consisting of one Chief Justice and two Associate Justices. The Supreme Court of Pennsylvania has exercised an unbroken continuity of service from that time until now. From the day in 1724, when court was first opened in this building, with David Lloyd, Pennsylvania's leading lawyer and one of her ablest sons presiding as Chief Justice, until three years ago, when it ceased to be the city hall, this structure has been identified with the administration of justice; even in later days, after it ceased to house

the courts of this judicial district, here the city's police courts were held. David Lloyd was the first lawyer to act as Chief Justice of Pennsylvania. His predecessors had all been laymen. He was the outstanding figure in the commonwealth. His home was here on the banks of the Delaware. He was a Welshman, rarely gifted and richly endowed with knowledge, courage and wisdom. It is my belief that he planned this court house in the town in which he resided, shire town of the great county of Chester, stretching from the Philadelphia line westward to the limits of the State's boundaries.

"When the construction of this building was authorized by Act of the General Assembly, there was but one court house in the commonwealth in structure worthy of the name, that in Philadelphia. There were then but three counties in the State, Philadelphia, Bucks and Chester. The Act of Assembly also authorized the construction of a court house in the county of Bucks. I can imagine David Lloyd watching over the proper and firm joining of the stones which make up this building which resulted in craftsmanship enabling it to last against the storms and teeth of time for two centuries, just as I can Andrew Hamilton, Philadelphia's leading lawyer and foremost citizen, giving the same ministering care to the construction of Independence Hall eight years later. How primitive conditions were at that time, so far as a judicial establishment was concerned, may be gathered from the fact that the Justices of the Supreme Court were paid no salary but from statutory costs, small in amount; they did not become salaried officials of the state until 1772, when the pay of the Chief Justice was fixed at 200 pounds per year and those of the assistants at 150 pounds.

"When this building was established, the law court of the commonwealth was the Supreme Court, the rest of the judicial establishment was composed in the main of laymen. Justices of the Supreme Court were required to hold their sessions twice a year in Philadelphia and to go on circuit for the trial of cases in the two other counties at fixed and stated times. When on circuit the Justices were given power to try all cases as fully as Justices of nisi prius in England might do. The docket of the Supreme Court for

the year 1724 and 1725, which I have examined, shows the holding of court in this building by its Justices, David Lloyd presiding. Certain it is that this building strictly as a court house antedates any court house in Philadelphia. There the courts were held in 'Towne Hall' or 'Guild Hall' in the centre of Market Street, in which the colonial assembly and community guild also met until 1743, at which time the Supreme Court and the other courts transferred their sessions to Independence Hall.

"The Justices who presided in this court room prior to the Declaration of Independence sat in the English way, wigged and gowned. Thus sat John Morton in 1774 as one of the Justices of the Supreme Court, launched on that colony wide career which was to culminate in his historic stand for independence. Even Thomas McKean, when he was Chief Justice of the Commonwealth in 1777, first Chief Justice after independence was declared, sat clothed in a flowing robe of scarlet with an enormous cocked hat on his head. As was observed by the present Chief Justice of Pennsylvania 'an imposing but anomalous figure to typify democratic ideas.' The opening of court was an occasion observed with the ceremony of English traditions, the sheriff in all his pomp, together with the tipstaves and attendants of the court assembling to swell the retinue of the Justices of the Supreme Court, as they proceeded to assume their places on the bench.

"The law administered in the early years of the existence of this building was partly that embodied in the code prepared for the Duke of York, afterwards James II of England, by his accomplished father-in-law, the great Earl of Clarendon, partly that set forth in Penn's Frame of Government and the laws he had drafted before leaving England, the statutory enactments of the General Assembly of the Commonwealth, and the common law of England, handed down from generation to generation, as it was understood by the lawyers and judges of that day, when it fitted in with the new conditions surrounding English immigrants, who had migrated from communities of long fixed and established traditions and customs to a wilderness.

"The European world had been passing through a remarkable period just prior to the erection of this building.

The struggle between the English and the Dutch for the mastery of the seas and the overlordship of trade and commerce had been going on. We are prone to think the settlements on the Delaware and in the middle colonies were haphazard settlements, but this is far from true. They were settlements of deepest design. The Dutch had thrown, and were endeavoring to maintain, a wedge between the English colonies on the Atlantic seaboard, by the control of the basins of the two great rivers, the Hudson and the Delaware. In 1662, Charles II and his Ministers awoke to the effect of the driving of a Dutch wedge between the Maryland and Virginia colonies and those of New England. He granted a charter for all this territory, including Pennsylvania, Delaware, New Jersey and New York to the Duke of York. Without a declaration of war, this future King of England, who was then High Admiral of its fleet, sent it to the harbor of New Amsterdam, now New York. It appeared there without notice and overthrew the Dutch government. This was followed by sending a fleet into the Delaware which took possession of the Dutch and Swedish settlements there. In 1673, just fifty years before this building was designed, war having again broken out between England and Holland, a Dutch fleet retook New York and part of it recaptured the settlements on the Delaware, thus reestablishing Dutch control.

"When the English repossessed themselves of the middle colonies, Pennsylvania was granted to William Penn, not in order that he might found an experiment in government, but in payment of a debt due by Charles II to his father and in recognition of the great service rendered by his father as Admiral of the English fleet to the then reigning house of England in the wars against the Dutch.

"Most true it is that mighty events in the making of nations, in the formulation of policies, and in government, had taken place just before the first shovelful of earth was pitched aside to begin the foundations for this building. Modern government in the English acceptance of the term and as we understand representative government, had its beginnings, as it has always seemed to me, so far as the establishing of its real representative feature is concerned, in the English revolution of 1688; this occurred but 36 years

before this building was erected. How short that period is, between the revolution of 1688, and the creation of this structure, I can visualize by recalling that it is the same lapse of time which has passed since my own admission to the Bar. That revolution started the modern era of government amongst people of Anglo-Saxon origin. When James II was driven from his throne and the Stadtholder of the Netherlands, his son-in-law, William of Orange, with Mary, his daughter, were placed in power, a new beginning was made in government. John Somers, William and Mary's gifted Lord High Chancellor, by his declaration of the rights of man, embodied almost in his exact language in our Bill of Rights in federal and state constitutions, caused new dignity, and a new status to be given to the individual man. The coming of William to the throne marked the end of the conflict between England and the Netherlands. The long rivalry between the inhabitants of England and France, however, still lasted, but the brightening of the star of empire for Britain soon grew out of the victories won for her on the continent by her great Captain, John Churchill, Duke of Marlborough, whose feats of arms at Blenheim, Malplaquet and on other famous fields had established English prowess and English leadership throughout the European world. Blenheim had been fought only 20 years before this building was called into being and the great Captain himself had been dead but two years.

"The house of Hanover, German speaking, had been installed as England's rulers, as a result of the peace of Rastadt for but 10 years and the long reigns of the four Georges, lasting from 1714 to 1830, were scarcely begun when justice was first administered in this room. William Pitt, Earl of Chatham, America's friend in her hour of need, whose prescience created the present far flung British Empire, was a lad of 16; Edmund Burke, always our champion, was not born until 1729; and Charles James Fox, our other friend, greatest parliamentary genius of all time, was not to come into being for a quarter of a century. Scotland had been joined to England only 20 years before, thus for the first time in history bringing the little island which has played so great a part in the world's affairs under one government.

"Louis XIV, the Grand Monarque, who presented to the eyes of the world all that was typical of kingcraft and absolute power, had been buried among the tombs of his ancestors for but 5 years after completing a reign of 72 years, more than half the length of time that the government of the United States has existed, and the lordly house to which he belonged which had ruled for centuries, was not to have its long tenure of power interrupted by the fall of the head of Louis XVI into the basket of the guillotine for almost 70 years after this building began to look over Market Street. Frederick, the Great, of Prussia, founder really of modern Germany, greatest of all the Hohenzollerns, had all his future before him, and all the mighty events in which he played a part were yet to transpire when the roof of this building first sheltered it, as he was then a boy of 12. The cohesion of the German states was at that time only a vision of dreamers, Goethe was not to be born for a quarter of a century. When this building was erected, Sir William Keith was the royal Governor. Pennsylvania's most famous Governor, Benjamin Franklin, was not to assume office for 61 years, Philadelphia was the capitol of the Commonwealth and so remained until 1799, to be followed by Lancaster until 1812, and then by Harrisburg.

What marvelous changes governmentally and in the affairs of men this old building has witnessed in the two centuries during which it has looked out on the world. In 1724, mankind was living in substantially the same way as he had lived in Eastern Europe for more than a thousand years. The methods of transportation were the same, manufactures were the same, trade was the same, cities were the same, governments substantially the same. He was on the dawn of the great awakening. If you would know what progress has been made from that day to this, it seems to me it can best be visualized by considering the means of transportation. No ship moved faster than the wind would carry it and none then in existence had a burthen of as much as 1,000 tons; today, the Leviathan is almost a thousand feet long and registers nearly 60,000 tons. She swings from continent to continent in 5 days. 200 years ago, the voyage could not be made in that many weeks. On land,

the speed at which a horse could move marked the limit of celerity with which man could change location. Today, the airship almost in the twinkling of an eye covers a space greater than the fastest horse drawn vehicle could bridge while the sands in the hour glass ran their course. The stage coach was the principal vehicle of transportation and all those which were in the colonies gathered together would not have filled the space from the river to this building, whereas today if all of the loaded freight cars handled by the American railroads from January 1 to October 20, 1923, could be placed end to end, they would form a train reaching from the earth to the moon and almost one-third the distance back again. There was no established post in those days, letter writing was a fine art and letters travelled, if not at the speed of a tortoise, at least with a slowness and uncertainty incomprehensible to us. Today the mails move almost with the regularity of the tides and the telegraph, the submarine cable, the telephone, wireless and the radio annihilate time and space and make communications to the uttermost parts of the earth well nigh instantaneous. All mankind's wants were ministered to by individual craftsmen and craftswomen, the steam engine was not even in an experimental stage, it was not known what electricity was, the tallow dip was the best light then in use. The factory system and the industrial age in which we live had never been dreamed of in wildest fancies, the spinning wheel in almost every home garmented the family and the farm raised produce only for individual needs. Wide markets except for highly specialized wares which amounted to luxuries were unheard of, communities lived within themselves. The chief occupation of this one was shad fishing. From shad to great shiypards is a long call.

"In the realm of the knowledge of physics and of scientific discovery, the world was almost where it had stopped with the fall of Rome. That the blood circulated was not known to anyone, anaesthesia was not deemed possible, pain and agony were the lot of man and women, surgery, save in its crudest form, was not practiced, the healing art was scientifically undetermined, knowledge of the causes of disease, not even contemplated, pasteur's great discoveries not glimpsed and plague and pestilence, the common lot of all

who lived with their fellows. Gravitation had only been announced as a law of physics by Isaac Newton a few years before and was not generally known. He did not die until 1727. The age of glass was yet to come, the science of optics unfathomed. Today if glass were abolished and no substitute obtained, civilization would well nigh stop. In 1724, a large percentage of the people were practically blind, because no one knew how to produce the lenses which correct vision. Scientifically so far as vision was concerned there had been but little advance since Rome's near sighted Emperor Nero found that by placing a crystal to his eye he could see better. The magnifying glass was known but not understood and in little use. The reading world as the reading world exists today was impossible. The marvelous mechanisms of today which enable us to see the infinitely large comprehensibly near through the means of the telescope and the infinitely small through the lenses of the microscope were unthought of. The telescope and microscope were as Galileo had left them. The ophthalmoscope, one of the greatest gifts to man, by which his eyes can be examined and his vision corrected, indeed his very brain looked into, was not to come into use for more than a century and a quarter. Photography had not, of course, come to play its great part in all its manifold ways and Rentogen was not to discover the ray which penetrates opacity until our day.

"The use of the oils which are in the bowels of the earth was unheard of. Gasoline and the internal combustion engine, which have revolutionized our entire lives, were not to be known products for more than a century and a half. Chemistry as a science did not exist and its uses to mankind could not have been foretold. The conception of the atom, with all its ultimate implications, had no lodgement in any human mind. The philosophy of the applied science of our day would have been meaningless to the man of 1724. The concepts of Darwin, Huxley, Haeckel and Spencer would have been incomprehensible. The people of 1724, if they thought on philosophic subjects at all, did so in the light shed by Aristotle and Plato, not yet even aided by the marvelous mind of Francois Marie Arouet, known to fame as Voltaire. All these wonders wrought by the

developing mind of man have happened while this old building has stood in the universe of things.

"The extraordinary changes it has witnessed in government: Most wonderful of all it has seen the whole accomplishment of this nation. A democratic representative republic did not enter into the contemplation of those concerned with the problems of states and government when the bell on this court house first summoned citizens within its precincts. Authority from the people would have been an anachronism in the thought of that day. The world had only progressed in the recognition of authority from the deification of the Roman Emperors to the divine right of kings; that men should be self governing was the antithesis of human thought on the subject of government.

"In the second decade of the 18th century, the territory of the English colonies in America embraced approximately only that along the Atlantic seaboard, South of French Arcadia, East of the Allegheny and Appalachian Mountains, and North of Spanish Florida. France possessed the fairest part of this great continent. Britain was not to take over this vast territory, the richest prize in the world, until a quarter of a century later, when Wolfe on the Heights of Abraham at Quebec, celebrated victory and sang his requiem reciting the line from Grey's Elegy 'The paths of glory lead but to the grave.' After the treaty of Paris in 1763, all that was left of French possessions on the continent of North America was Louisiana, and this sweeping extent of country we bought from Napoleon in 1803. During the early years that this building stood, Britain made English territory of Canada and of all of what is now the United States back to the Mississippi River. This structure has seen us take over the part of our country formerly British, acquire the possessions of Spain, all the land comprehended within the State of Texas, all that immense territory embraced in the designation, the Oregon country, all that we acquired from Mexico, which carried our Southern boundary to the Rio Grande and included the land South of Oregon, West of Louisiana and North of Mexico, and the Gadsden purchase in 1853.

"When this court house was 129 years old and two years after it had ceased to be the court house of Delaware

County, the territory of the United States, undisputed so far as other claim of sovereignty was concerned, stretched as it does today from the Canadian line to Mexico and from the Atlantic to the Pacific. Alaska, Hawaii, Porto Rico, the Phillipines, Panama Canal Zone, Guam and the other islands in the Pacific and the Danish West Indies have been added since that date to our territorial possessions. It has seen us tame this vast extent of country lying between the two oceans and make orderly government reign throughout all our immense continental area, carrying the same tradition—in essence, still true to the ancient Anglo-Saxon traditions of government among free men. It has marked the time while our country grew from the sparse settlements of the Eastern seaboard until it comprehends today a federated republic of 8 and 40 states, containing 110 millions of people united as no other people ever have been in the history of the world by tradition, common law and general understanding over such a wide extent of territory. As late as 1790, there were only 6 cities in America with a population of 8,000, and in 1830, after this building had completed more than a century of its existence, there were only 2 cities in the United States with a population of 100,000.

“It has witnessed our struggle for independence and Washington, the leader of it, stand on its steps. It has contemplated the full development of constitutional government, and has watched, as all the states were blended into a great federated republic, constitutionally created and governed. It has seen every court house now in use in this land, all of them dedicated to the fundamental proposition that this is a government of laws and not of men, arise as the ultimate sanctuaries of human rights. It has proudly looked on while the greatest court which mankind ever called into being, the Supreme Court of the United States, has attained a place unique in human annals, its decrees, unbacked by force, acquiesced in by the people throughout all our imperial domain. It has survived all our wars, those that harrassed the colonies, that for independence, the struggle of 1812 to maintain our place as a nation, the conflict with Mexico, the bitter fratricidal strife of the Civil War, when we dipped our sword's point in brother's blood and wrote a new chapter in human freedom, our war with Spain,

and the war of the world, wherein millions of our sons recrossed the ocean to the lands from whence their forbearers came to prove us militant among all the peoples, just, seeking nothing when the conflict had ceased to rage.

“It has observed America's most distinguished sons, achieve their great success, and pass on. Washington stood in its shadow in time of deep distress following Brandywine and afterwards in happier days as chief magistrate of the nation. Alexander Hamilton, master intellect ever called upon to deal with the affairs of government, and his great rival, Thomas Jefferson, have tarried within its walls, it has echoed with the sonorous periods of Webster and seen the play of the sparkling mind of Henry Clay, Jackson has been within its portals and its bulk has towered over Blaine and Roosevelt. Calvin Coolidge, deeply interested in all he saw and heard, helped us rededicate it three years ago. It bade God speed to Lincoln on that March night in '61, when he hurried to Washington to assume the vast responsibilities ahead of him, as the Union threatened to break up, and its bell was tolled in muffled tones and in deepest sorrow as his body was carried past it from Washington to rest in Independence Hall. It has seen his fame immortalized. It watched Anthony Wayne recruit his troops under its belfry and has taken pride in all our great captains, including those two whose swords flashed in opposite sides in the Civil War, Grant and Lee. It has witnessed the whole development of free education in America. This is really one of the wonders of the world. In Pennsylvania alone there are 1,600,000 pupils in the public schools. It has been conscious of the achievements of all America's wonder workers in the arts and sciences, in trade and industry, in exploitation and invention, in the professions and in all the great doings of men. It has seen the United States remain firm, stable and unshaken while other empires grew and flourished and fell to the ground. It has seen Britain reach out with the ever mastering genius of her sons until her empire girdles the earth and is never free from sunlight as our globe swings along its mighty course around the center of our stellar system. It has seen France almost die in the throes of a revolution, the effects of which still play a great part in the affairs of men, to be rescued from anarchy by the

most marvelous martial genius the world has known, not of her blood, very likely Greek in origin, a Frenchman not by race but only by the chance that the lillies of France waved over Corsica when he was born. Napoleon, dead more than a century, in an age talking universal peace, it sees his tomb the greatest mecca of mankind. It has witnessed Spain in glory and then stagnate, Italy try to revive the splendors of ancient Rome and now trying a new experiment in government, Austria, whose rulers, the Hapsburgs, had held dominion in unbroken line for more than a thousand years, powerful enough in 1452 to beat back the Turk, when he knocked on the walls of Vienna, become an inconsiderable third rate power. It has seen the giant of Russia rise, blunder and fall, binding himself with the gyves of false philosophes. It has seen the German people, rent and discordant, separated into small states and principalities united by the strong hand of Bismark, struggle for world supremacy and fail. It was observing the stars in their courses as the unknown East was re discovered, and China, Japan and India brought into contact with the rest of the world. It has seen this commonwealth seated on the very throne of the North American continent, keystone in the federal arch, stretch its borders until they embrace the head waters of the Ohio, and the waters of the Great Lakes, and the territory of which this old city was once the shire town as the county seat of Chester County, filled with teeming cities, and become verily the world's greatest workshop, affording opportunity to millions of men. It welcomed Independence Hall as another seat of justice and from 1724 until 1851 continued to be a court house, a seat of justice itself, where Justice was judicially administered. Here in this court room, all the great colonial lawyers participated in the contests of their day. David Lloyd, as Chief Justice, Andrew Hamilton, James Wilson, Tench Francis, Richard Peters, Thomas McKean, Edwin Shippen, Joseph Galloway (a royalist in the revolution and attainted for treason), Benjamin Chew, Jasper Yates, Jonathan Dickinson Sargeant, Jared Ingersoll and others of lesser fame, and after independence, the whole active bar of Pennsylvania appeared here, because within these walls were heard the cases of what was next to Philadelphia the most important and thick-

ly populated part of the Commonwealth. Here Henry Hale Graham, William Tilghman, William Rawle, John Ross, Richard Wharton, William Augustus Atlee, subsequently a Justice of the Supreme Court, James A. Bayard, Peter S. Duponceau, John Cadwalader, Thomas B. Dick, Joseph Hemphill, Samuel Edwards, John W. Ashmead, William Lewis, Joseph R. Morris, Thomas J. Clayton, thrice elected judge of this judicial district, William Darlington, Edward Darlington, whose son, George E. Darlington, still a practicing lawyer, at more than ninety years of age, graces the Bar of Delaware County, maintaining the highest standard of the profession, Horace Binney, and last but not least, because in many respects I think him as able a lawyer as I have ever heard, John M. Broomall, contended mightily and with signal ability for those whom they were retained to represent. It may be of interest to recall that in the room upstairs, not before a court but another tribunal, I heard John G. Johnson, greatest lawyer of his day in the English speaking world, advocate the rights of a client.

"Let us contemplate for a moment the extraordinary changes which have taken place in the law and its administration since 1724. Today, but one offense, that of murder of the first degree, in which there is the consciously formed purpose in the mind of the slayer to take life, is punishable with death. In 1724, all kinds of murder was so punishable, and treason, robbery, burglary, rape, sodomy, buggery, malicious maiming, and manslaughter by stabbing, witchcraft and conjuration, arson and every other felony except larceny and it too on second conviction. All these offenses were so punishable under the Act of 1718 and in 1767 counterfeiting was made a capital crime; they continued to be capital crimes at the time of the revolution. The Act of 1718 provided that execution was to be as in England. Generally speaking, it can be said that execution for capital offenses in England at that time were most cruel and horrible. Sometimes there was simply a hanging and at other times the victim would be dragged to the gallows, hung by the neck or cut down before he was dead and disembowled while yet living. Sometimes he was drawn and quartered and his head would be cut off. He might be left to hang for the amusement of the people for several days. A hang-

ing afforded a carnival day for the people and executions were always the occasions for general merriment. The sanguinary criminal code of 1718 was not changed until 1791. Witchcraft was a capital offence in 1718 and so remained for 73 years. In 1724 and until 1786, the punishment inflicted for various crimes in addition to hanging and imprisonment were by branding with a red hot iron, cutting off the ears, placing the offender in the pillory and stocks and by whipping. Until 1786, the common law rule that suicide was a felony and operated as an attainder and corruption of blood prevailed in Pennsylvania. Consequently the estate of the suicide was confiscated and it was just as profitable to the government for a man to kill himself as for the government hangman to do the job. It is a little difficult for us today to get the mental slant which disregarded the rights of widows and orphans who were innocent of any wrong in connection with the act of the suicide and which asserted the right of the government to walk off with his property. Of course, imprisonment for debt existed in 1724, indeed it existed in Pennsylvania until 1842, and the man who could not pay his debts was put in jail to make certain that he could never pay them. During all the time that justice was administered in this building, there could be no recovery of damages for death. It was not until 1851 that the common law rule was changed and that by legislation it was provided, following Lord Campbell's act in England, that the wife and the children of a man who was killed by the fault of another could recover damages for his death.

"In 1724 and for more than a century afterwards a defendant charged with crime could not testify in his own behalf nor could parties themselves in civil litigation be heard as witnesses. Civil remedies were full of complexities and formal technicalities to a high degree. Today they are almost the acme of simplicity. We have repeated the history of the Roman Empire and I suppose of all other great and ancient civilizations in this respect. When the organization of society is simple, its legal remedies are complex. As society itself becomes complex, its legal remedies become simple.

"The status of women was as it had been at common law and it so remained in Pennsylvania until after the dawn of the 19th century. Married women lost title to their personal property when they married and by the act of marriage, it passed into the control of their husbands. George Washington became possessed of all the personal property of his wife by marrying her and thus was one of the colonies richest men. Today women, before the law in Pennsylvania and as citizens, are the equals at least, if not the superiors, of men.

"The common law had really not been intelligently formulated in 1724. Sir William Blackstone, greatest of all law writers, was born the year before this court house was constructed. He was not appointed Vinerian Professor of Law in Oxford until 1758 and did not publish his 'Commentaries on the Laws of England' until 1765.

"One of the extraordinary developments which this building has witnessed has been due to the creation under the law of business corporations. There were religious corporations in the commonwealth when it was brought into being, but my researches have only developed one business corporation, the Free Society of Traders, chartered by William Penn in 1682. Just before 1741 there was a tremendous era of corporate promotions in England. Many of them were fraudulent. Parliament passed the famous Bubble Act of 1741, which extended to the colonies, and they were forbidden to create any further corporations. At that time only three business corporations had been created in all of the colonies. There were only ten business corporations organized in Pennsylvania from the time of its beginning until 1800. One was for commerce (the Free Society of Traders), one for manufacturing (the Carpenter's Company), two in aid of agriculture, two banks and four insurance companies. The first big corporation in the entire country was the Bank of North America which was incorporated for \$10,000,000 by the United States in 1781 and by Pennsylvania in 1782. The first record of a corporation as a party to an action at law in all the United States is a case in which the Bank of North America was a party in 1790. The great corporate activities of the country began after the dawning of the 19th century.

"This is not the occasion to recount the incidents of famous trials which took place in this room, that has already been done, but it seems to me some things here happening can be appropriately told. The first court held after the separation of Delaware County from Chester County convened on November 9, 1789. Henry Hale Graham had been appointed President Judge, but it being discovered that his commission was irregular because he had not been theretofore a justice of the peace and persons not having been justices of the peace not being eligible as judges, the justices of the peace held court, Justice John Pearson presiding. All the lawyers then living within the confines of Delaware County were present, but Delaware County had no Bar. They sat looking at each other wondering what was the proper thing to do, when one of the younger lawyers present stepped forward, addressed the court, moved his own admission and then the admission of the others who were present. His name was William Tilghman and 17 years thereafter, having won fame as a lawyer and jurist, in the meantime having been president judge of this judicial district, he was appointed Chief Justice of Pennsylvania, serving until 1827, one of its great Chief Justices, whose opinions today are cited as land marks in the law. All of Pennsylvania's Chief Justices and Justices of the Supreme Court held court here so long as the Supreme Court sat at nisi prius. Among them, most famous of all, as great, as learned and as wise as any judge who ever lived, John Bannister Gibson, Chief Justice of Pennsylvania from 1827 to 1851, a member of the Supreme Court for 36 years from 1817 until 1853, held court here August 1, 1828, in a suit by the executors of John Crosby, a judge of this district, against James F. Hill. The case occupied three days, being tried by some of the ablest lawyers in the state, Benjamin Tilghman and Samuel Edwards representing the plaintiff and Joseph R. Ingersoll and Archibald T. Dick the defendant. The jury retired on Saturday evening and returned a verdict for the plaintiff on Monday morning. The Weekly Visitor, published in Chester, on August 8, 1828, contained this news item to show the unwearied industry and perseverance of Chief Justice Gibson in his official duties: 'It is worthy of remark that on Monday morning at 6

o'clock he left Philadelphia for his place, where he arrived about 8, received the verdict of the jury and at 9 was on board the boat returning to Philadelphia.' Even in those days, Justices of the Supreme Court had work to do and apparently were early risers and kept long hours.

'When the courts were moved to Media, this old building lost its glamor and distinction as a court house, but it did not cease to be put to public use. All of us of this generation who have lived in this community and played a part in its affairs have been in and out of it countless times, because herein were discharged all the municipal activities of this, the oldest, and one of the most advancing cities in the commonwealth. When I first remember it and into my mature manhood, it was the forum of the community. Here public meetings were held and important public discussions took place. I recall as a boy, in 1882, I came here one night and heard a noted Pennsylvanian, John Stewart, one of the most forceful and able of her sons, then running as an independent candidate for Governor, make as stirring and eloquent a political speech as I have listened to. I had no thought as I left the building, with his words ringing in my ears, that 38 years later I would become his successor as a Justice of the Supreme Court of Pennsylvania.

"Then the time came when the growth of the city demanded other quarters as a city hall, and the suggestion was made that this old building, rich in antiquity, famed in tradition, teeming with history of the commonwealth, should give way and be discarded. Such would have been its fate but for one man. We are here tonight celebrating the 200th anniversary of its existence because a son of Pennsylvania, proud of her history, loving her as a child loves a parent who is kindly and strong, who served the state with rare distinction in her highest legislative hall and then as her Governor, who did as much if not more for the betterment of her people and the welfare for the state than any man who ever filled the Governorship, whose fame will live as Trajan's did in Rome long after we have all passed away, if in nothing else in the great system of highways which he planned and built, realizing that the old building was in danger, with a princely generosity, proposed, and, at his own expense, carried to fruition, its restoration and preser-

vation for all time. We are here tonight because the old Court house is here, and the old court house is here because Pennsylvania has such a son and public spirited citizen as William Cameron Sproul.

“This place is one of Pennsylvania’s shrines. It will become more revered as time rolls on. Here, in the simplicity of these surroundings, and in the objects which they will see, America’s present and coming generations, seeking out the land marks which will show them what the foundations of the Republic were, will understand, if they give pause for thought, that we came from a race of firm fibred, high purposed, dauntless men and women, who faced a wilderness and worked out a new plan of government in which all are given chance and opportunity, who wrought as have few others among the sons and daughters of men. This building dedicated originally to the highest purpose which civilization can have, the doing of justice between man and man will challenge endeavor for the continuance thereof. In the practical affairs of the commonwealth, this old court house has played a great part. It now takes its place with Fort Duquesne and Fort Necessity, with Brandywine and Valley Forge, with Independence Hall and Gettysburg to mark our past and our achievements and to preserve our history and traditions for the men and women yet to come.”