THE AUTOBIOGRAPHY OF A PENNSYLVANIAN

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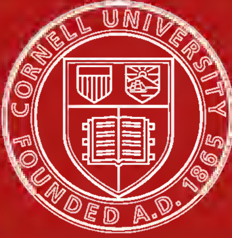

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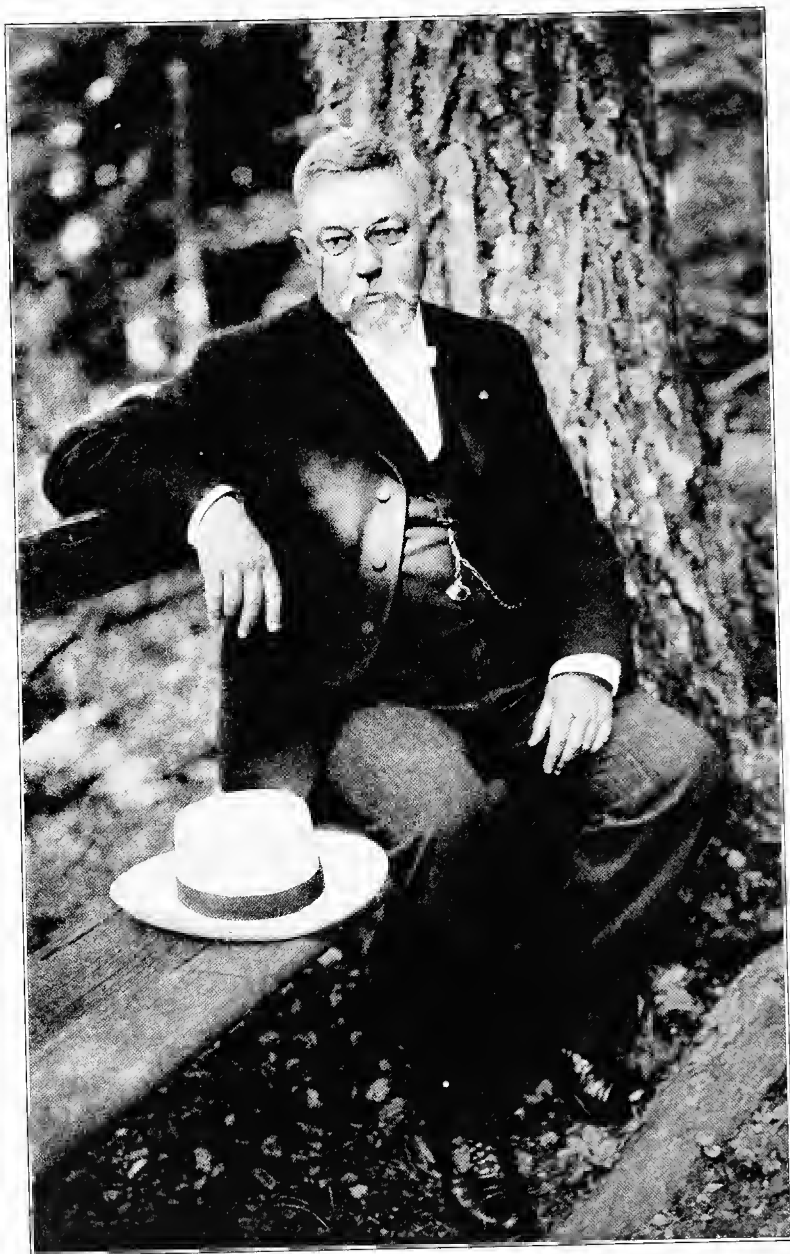

Samuel Whitaker Pennypacker

THE AUTOBIOGRAPHY OF A PENNSYLVANIAN

By

SAMUEL WHITAKER PENNYPACKER

Governor of Pennsylvania

1903—1907

PHILADELPHIA

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1918

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To the Family of the

HON. SAMUEL W. PENNYPACKER

It is now a matter of public knowledge that the late Governor Pennypacker wrote, for publication, an Autobiography.

Of the existence of this work he had often spoken to his friends.

A fear exists, on the part of the latter, that a desire to avoid controversy, or the possible injury to someone's feelings may tempt his family to consider having the manuscript edited.

His friends and associates whose signatures are appended, feel that they owe it to his family, to the institutions with which he was connected, and to his memory, to urge that this be not done.

Unaltered, unexpurgated and unedited, Governor Pennypacker's Autobiography constitutes an invaluable historical document, of increasing public interest, perhaps his greatest contribution to the history of the state. And it is in the name of the citizens of Pennsylvania, living and to come, that we urge his family to print his Autobiography exactly as it was written.

MARTIN G. BRUMBAUGH, *Governor of Pennsylvania.*
THOMAS L. MONTGOMERY, *State Librarian of Pennsylvania.*
SAMUEL G. DIXON, *Commissioner of Health of Pennsylvania.*
HAMPTON L. CARSON, *Former Attorney General of Pennsylvania.*
JOHN W. JORDAN, *Librarian, Historical Society of Pennsylvania.*
GREGORY B. KEEN, *Curator, Historical Society of Pennsylvania.*
HENRY R. EDMUNDS, *President of Board of Education of Philadelphia.*
SIMON GRATZ, *Vice President, Board of Education of Philadelphia.*

John Frederick Lewis, *President, Penna. Academy of the Fine Arts.*

George Wharton Pepper, *Former Professor of Law, University of Pennsylvania; Lyman Beecher Lecturer, Yale University; Trustee, University of Pennsylvania.*

Henry Shippen Huidekoper, *Lieut. Colonel U. S. Volunteers; Major General National Guard of Penna., Retired; Former Overseer of Harvard University.*

C. Stuart Patterson, *President, Western Savings Fund Society; Director, Pennsylvania Railroad Company.*

Charles C. Harrison, *Former Provost of University of Pennsylvania.*

Frank P. Prichard, *Chancellor of the Law Association of Philadelphia.*

Edgar F. Smith, *Provost of University of Pennsylvania.*

Morris Jastrow, Jr., *Librarian of University of Pennsylvania.*

Edward J. Nolan, *Recording Secretary and Librarian of The Academy of Natural Sciences of Philadelphia.*

Mayer Sulzberger, *Formerly a Justice of the Court of Common Pleas No. 2 during the Presidency of Gov. Pennypacker in that tribunal and later President Judge of said Court.*

J. G. Rosengarten, *Vice President, Philobiblon Club of Philadelphia.*

John Ashhurst, *Secretary, Philobiblon Club of Philadelphia.*

December 4, 1916.

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INTRODUCTION

THE autobiography of Governor Pennypacker was written in the last years of his life, during what that incessant worker called his summer vacations. In 1912 he became a member of the Pennsylvania Railroad Commission by appointment of Governor Tener, and in 1915 chairman of the Pennsylvania Public Service Commission. He requested Governor Brumbaugh, in 1915, not to reappoint him to the chairmanship of that body, but remained a member of it until his death on September 2, 1916.

Public duties and other activities and responsibilities necessarily confined the writing of the autobiography to brief periods in the summers of some four or five years. Late in the summer of 1915 his right arm was broken and, while still carried in a sling, was again injured in a railroad train. He was never able to use the arm during the year of life that remained, but immediately after the injury, at the age of seventy-two years, with the courage and resolution which always characterized him, he set out to write with his left hand. The concluding sentence of his account in Chapter XIII of his visit to the battlefields of Fredericksburg and Chancellorsville was the last portion of the autobiography written with the right hand. The remainder of Chapter XIII, the pages of comment and review in Chapter XIV, the sketches of Walt Whitman and Elihu Root in Chapter XV and the introductory paragraph of Chapter XVI were written with the left hand.

Governor Pennypacker never had opportunity to revise the manuscript. He had intended to add two chapters of a philosophical nature giving the outcome of his study, experience and reflection, one chapter about the law, the other on

statecraft. His reading, as shown by the series of notebooks which he kept from 1863 to 1916, wide in variety and scope, embracing science, theology, poetry and American and European history, in sources often not accessible to historians, in the French, German, Dutch, Latin, Spanish, English and other languages, his familiarity with the origin and development, laws and customs of many peoples, combined with a rare power of analysis, mental integrity and directness of method, no doubt, would have made the chapters contemplated rich in fundamental criticism and constructive suggestion. Bishop Darlington has portrayed him as an idealist and a radical. If in part and at times he was both, as the following pages show, he had also a firm faith in the wisdom of holding fast to that which is good. Increasing physical weakness and suffering prevented the writing of the two additional chapters which he had in contemplation.

When it became known to the public that Governor Pennypacker had left an autobiography, a number of officials and prominent citizens of Pennsylvania, moved no doubt by their knowledge of the untoward fate that has overtaken so many similar life records in the hands of unhappy editors, united in a letter addressed to his family in urgent phrase requesting that the life narrative be published exactly as written, "unaltered, unexpurgated and unedited."

Beyond the verification of certain dates, titles, names and occasionally a minor incident and the elimination of a few references and some repetitions caused by the long interruptions to the writing, which would have been done by the author himself had not illness and death prevented, there has been no such editing of the autobiography as the signers of the letter, perhaps, feared might occur. No such editing was ever contemplated.

It will be seen that the analysis is essentially of policies and of principles and that the criticism is applied to con-

duct growing out of erroneous conceptions, that where it seems to be most personal the criticism is based upon something broader than personality and in the main is to be implied from a statement of fact, that the abundant praise has also an underlying foundation, and that both praise and censure are a characteristic application of a persistent standard of conduct and in illustration of a principle, of physical and moral courage or the opposite, and of ethics and the proprieties. At the close of his gubernatorial term, and not before, as an expression of his personal good will, Governor Pennypacker gave a dinner at the Executive Mansion to the newspaper correspondents at Harrisburg. The timing of the courtesy was an expression of his sense of propriety and an indication of the absence of personal feeling in his previous conspicuous effort to bring the publication of newspapers into line under the law with all other commercial activities.

In his notable biography of Governor Pennypacker, printed in 1917, Hampton L. Carson, Esq., the historian of the United States Supreme Court, says of him that he was "a great and a good man." Mr. Carson's high standing at the bar and as a citizen, his lofty conception of public duty, his long acquaintance with the subject of his Memoir, his intimate knowledge, acquired as Attorney General of Pennsylvania from 1903 to 1907, of Governor Pennypacker's motives, plans and acts, give to the words quoted a weight which they could derive from no other living source.

Towards attaining what is hoped to be a correct presentation of the autobiography in book form, James L. Pennypacker has given much time and indispensable assistance.

ISAAC R. PENNYPACKER.

THE AUTOBIOGRAPHY OF A PENNSYLVANIAN

CHAPTER I

Ancestry

THE life of every man has a value as well as an interest for his fellows. No matter how humble may have been the career, if the events are truly told they are a source of helpfulness to the race.

The book of the old gossip, Pepys, has outlasted and been oftener reprinted than many another of more apparent importance.

Scientists search with the utmost care for the chips of stone which men, long forgotten, threw away as refuse, in order that their lost lives may be reconstructed.

My own life has been somewhat eventful, and in a certain sense representative. It presents many antitheses. It covers the period of the War of the Rebellion (I decline to use the euphuism of the Civil War, no such thing having been ever), the destruction of slavery, the centennial anniversaries, the publication of the *Origin of Species*, the introduction of electricity into the industries and the discovery of the North Pole. I have been brought into relations with the presidents, from Lincoln to Roosevelt, with the generals, Grant, Sherman, Hancock, Sickles, Howard and Sheridan, and have corresponded with Darwin, Le Comte de Paris, DeHoop Scheffer, Bayard Taylor and Lloyd Mifflin. I have made addresses at Stony Point and at Gettysburg. I have presided over the Law Academy, the Historical Society of Pennsylvania, the University of Pennsylvania, a court and the commonwealth. I have

walked one hundred and seventy-five miles on a stretch, and have ridden down Pennsylvania Avenue, from the capitol to the White House, at the head of ten thousand men. I have carried on my back at one time twenty pounds of putty, and at another a musket. I have made pills in Kensington, thrown a load of wood into a Chestnut Street cellar, kept the books of an oil company, mowed weeds in a meadow, gathered a great library, written eighty books and pamphlets, tried men for murder, and sent sixty-six criminals to be hanged. Therefore is this story begun.

It pleases the vanity of men who have won some of the success of life to believe that they have been the architects of their own fortunes, and that the results are due to their individualities. The thought is pure error. Countless ages and almost infinite effort of unrecognized forces are required to make a man. His character and his physique he inherits, what he accomplishes depends upon the conditions that surround him more than upon the weight of his hand or the logic of his brain. I became Governor of Pennyslvania because one grandfather earned and gave to me the money with which to read law, and the other grandfather, in obedience to family traditions, took into his home and provided for a helpless child. The deeds of virtue, as well as the sins of the fathers, are visited upon the children even unto the third and fourth generations. Consequently, if we wish to understand a man and his work, it is necessary to know how he came about and what there is back of him.

The people of Pennsylvania are more blended in race than those of any of the other American colonies. Biologists and breeders alike have learned the law of nature that the crossing of allied stocks leads to the increase of vital activities. To interbreed, or, as it is called, to keep a strain pure is to prevent further development. Substantially all of my American ancestors were residents of Pennsylvania, save a few from New Jersey, and in almost all of my lines they came to the country among the earliest settlers. But among them

were Dutch, English, Germans, Welsh, Swedes, Scotch-Irish and French Huguenots, though in the main my blood is English. The paternal line is Dutch, and the name which originated somewhere in the neighborhood of Gorcum, in Holland, is Pannebakker. It means a maker of tiles. The earliest trace of the family that I have found tells the tale of a man who was burned to death and a wife who was drowned for heresy at Utrecht in 1568. In those days they were more gentle with the women. The founder of the family in Pennsylvania, Hendrick Pannebecker, was born March 21, 1674. He was in Germantown in 1699, and from there moved out to Skippack in 1702 as the attorney for Matthias Van Bebber for the sale of the lands of the latter in Bebber's township. He later bought the township and became, as well as Van Bebber and Lodowick Christian Sprogell, one of the three Dutch patroons of Pennsylvania. He was a surveyor and laid out most of the early roads in upper Philadelphia, now Montgomery County. I have his bill to the Penns for surveying a number of their manors in 1733, with the order of Thomas Penn for its payment. He understood three languages—Dutch, German and English. He had a library of books. He owned seven thousand acres of land. He wrote a very pretty script, drew deeds and devised a seal much like that of Van Rensselaer in New York. There is a biography of him in print and when it turns up at a book sale it brings twenty-five dollars. His wife, Eva Umstat, came from the lower Rhine and neither the marriage of his son, Jacob, who was a miller on the Skippack, nor that of his grandson, Matthias, who moved to the Pickering Creek, in Chester County, effected any race modifications. This Matthias, born in 1742, had rather a broad country life. He owned a mill, still standing, and four or five farms. He was a commissioner appointed by act of assembly to provide for the navigation of the River Schuylkill. He was a bishop of the Mennonites, using the three languages

of his grandfather and preaching with eloquence and strength. He sent several contributions of flour and money to the Philadelphia people when the yellow fever devasted the city in 1793, as will be seen in the report of the committee. It is told of him that people came to his funeral from five counties and that he had the largest funeral and the longest will up to that time known in the county. No better evidence could have been given of his consequence. His son, Matthias, my grandfather, born in 1787, spent his days on the Pickering, owning the same mill. He was portly, and, it may, be a little pompous, but he had some reason for demanding in manner that those around him show respect. "Rich, respectable and numerous" was written of the family in his time. In 1826 and 1827 he was a member of assembly. The organization which was effected to bring about the incorporation of the Philadelphia and Reading Railroad Company made him its president, and he was one of the incorporators of that road. He represented Chester County in the Constitutional Convention of 1837 which prepared a constitution for the state. When the Whig party held their county meetings at West Chester, he presided. In his day the traces of the old Dutch life almost entirely disappeared. English alone was spoken in the household and his children knew no other tongue. The German books which had lost their utility were given to a servant. The old German family Bible was banished to the springhouse, and there one of his boys cut from it all its pictures.

I remember once in my childhood spending a Christmas at the house. Memories of the Peltz Nicol still lingered and I hung my stocking beside the stone fireplace, at the end of which stood a long wood box, but what was put into it were ginger cakes and store candy. There was a large kitchen garden in which were grown currants, gooseberries, black currants, asparagus, beets, corn, onions, lettuce and even strawberries, in beds interspersed with bright-colored

flowers. Two large box bushes grew in the front yard. In the back yard were a burning bush and a fringe tree. There was a meadow in front of the house stretching to the Pickering, and the outlook was to the Valley Hills. There was a parlor, a spare room with high-post bedstead, stately and chill. Water was brought in pipes to the house from a distant spring and ran out of the nozzle of a pipe into a trough continuously, which was a great wonder to me who had seen nothing like it anywhere else, but the water had to be carried up a long flight of stone steps to the kitchen. The only indication of art in the house were profiles cut at Peale's Museum, and, in fact, the desire to have the features of the face preserved was regarded as a vanity to be condemned. There was no music, cards were an iniquity and there were no devices for other games. The mental attitude was stiff and cheerless, but rugged and sincere. To be honest and to tell the truth were the virtues inculcated. The letters written were in the main didactic and religious, and they tell much about going to meeting and hearing sermons. The welfare of the soul was a continual subject of contemplation. There was no liquor of any kind used during the lives of my great-grandfather, grandfather and father save that the housewife would have a cut-glass bottle filled with lavender brandy put away on the upper shelf of the closet in the spare room, to be ready in cases of emergency.

My grandfather, like his father, was a member of the Mennonite meeting at Phœnixville, and he paid the expense of having the Dordrecht Confession of Faith of 1632 reprinted at West Chester. My grandmother was fond of reading Pollok's *Course of Time.* My grandfather, in his marriage, doubtless without intending any such result, brought about a great change in the race. He courted Sarah Anderson, born February 10, 1784, whose parents lived upon the opposite side of the Pickering Creek. He gave to her as "a token of my esteem" a little porcelain box with a mirror

on the underside of the lid, which box I still preserve. Her father, Isaac Anderson, hunted with the Indians, was a justice of the peace, a member of assembly, a presidential elector and a member of congress from 1803 to 1807. His name heads the list of those in congress who voted for the Louisiana Purchase. He served three terms in the Revolutionary army before he was eighteen years of age, and became an ensign and lieutenant of militia, taking part in the fight at the Warren Tavern. His portrait is extant, I have it, and he wrote a local history. He was six feet four inches in height and his firmness of will was such as to give him the reputation of being arbitrary.

Her grandfather, Patrick Anderson, commanded a company in the French and Indian War and for a time the Pennsylvania Musketry Battalion in the War of the Revolution, participating in the battles of Long Island, Brandywine and Germantown. He was major of Anthony Wayne's Regiment of Chester County Minute-men in 1775. He was also for four years a member of the assembly. He has an importance in Masonic history, having been master of Lodge No. 8 as early as 1760, and is claimed by Mr. Sachse to have organized the first lodge in the Continental army. It is said that his teeth were double all around, something often said of the aged, but rejected by dentists. He married three times and, being an Episcopalian, once in Christ Church in Philadelphia. Her great-grandfather, James Anderson, came from the Isle of Skye, in Scotland. I have reason to believe he could not write his name. His services were sold for a fixed term from the ship to Thomas Jerman, a noted Quaker preacher, in the Chester Valley, to pay for his passage, and he showed a certain canniness by running away with and marrying one of Jerman's daughters. He was the first settler along the Pickering, where he built a log hut beside a spring. When Patrick was born, and the mother occasionally trudged across the Valley Hill five miles to visit her relatives, an Indian squaw suckled and took

care of the baby. In this instance, as in many others, the Revolutionary War brought to the front a family of native vigor which had been theretofore obscure. The blood which came with the alliances of the Andersons was that of the families of Jerman (Welsh), Morris (Welsh) and Bartholomew (Bartholimi, French Huguenot).

My grandmother, through her mother, Mary Lane, had her part in a great pedigree. The name of Lane occurs in Battle Abbey. Edward Lane, to whom William Penn frequently refers in terms of friendship and to whom he entrusted some correspondence to be brought across the Atlantic, son of William Lane of Bristol, England, lived on the Perkiomen, where he owned seven thousand five hundred acres of land and where he founded St. James' Episcopal Church. He married Ann, daughter of Samuel Richardson, member of assembly, provincial councillor, judge of the Philadelphia court of common pleas and the first alderman of that city. Next to Samuel Carpenter, he was the richest man there and owned all of the land on the north side of Market Street from Second Street to the river. George Keith said he was lascivious, but Keith was a very bitter partisan with a long tongue. He had only one son, Joseph, who also went to the Perkiomen where he bought one thousand acres at the junction of that creek and the Schuylkill, in a region bearing the Indian name of Olethgo. There was another intermarriage. Sarah Richardson, the granddaughter of Joseph, married Edward Lane, who had fought under Braddock, the grandson of Edward. The Friends' Meeting records of Gwynedd say that he had another wife, a statement hinting at a long forgotten scandal which cannot now be probed. Mary Lane was their daughter. When Joseph Richardson married Elizabeth, the daughter of John Bevan, in 1696, there was an elaborate settlement recorded in Philadelphia in which lands and £200 in money were given them by their fathers. John Bevan lived on land in Glamorganshire, Wales, which he had inherited

from Jestyn ap Gwyrgan in the eleventh century. He dislayed a coat of arms showing descent from the royal families in England and France, the earliest assertion of such a right made in America. In Philadelphia he was a member of assembly and a judge of the court of common pleas. A contemporary biography says he was "Well descended from the ancient Britons." His wife, Barbara Aubrey, came from Reginald Aubrey, one of the Norman conquerors of Wales, and was nearly related to the William Aubrey who married Letitia, daughter of William Penn. Elizabeth Bevan, therefore, could prove her descent from Edward III, John of Gaunt, Warwick the King Maker, the Fair Maid of Kent, the loss of whose garter led to the establishment of the ancient order, and many other historical characters. The blood of Mary Lane was consequently English and Welsh. I have an indistinct recollection of her. The Lanes were a short-lived stock, but she reached an age of over eighty years. She long suffered from rheumatism, which twisted her hands, but she retained her skill in needlework and made very pretty silk pincushions. I have two of them and her long knit garter.

My father, Isaac Anderson Pennypacker, was born July 15, 1812, on the Pickering. As a youth he worked on the farm and in the mill. He went to a country school and learned arithmetic as far as cube root, mensuration, algebra, trigonometry and surveying. Later he was sent to Bolmar's Academy, in West Chester, and there acquired some knowledge of French and Latin. Later he studied medicine in the office of his uncle, Dr. Isaac Anderson, and at the University of Pennsylvania, from which he was graduated in 1833, writing a thesis upon "Sleep." He was about six feet in height, weighed two hundred and twenty pounds and was unusually impressive in both feature and figure. A daughter of Doctor Dorr, rector of Christ Church in Philadelphia, told me that one of the Wetherill women told her that once on a visit to the Wetherills, on the Perkiomen,

Isaac Anderson Pennypacker, M.D.

she saw him come down the stairs and inquired "who can that handsome young doctor be?" When it came to me this story had lasted sixty years. Everybody liked him. The women named their boy babies after him. This was due to a kindly disposition which led him to take an interest in all around him and to endeavor to aid them. Thomas Adamson, United States Consul to Panama, the Sandwich Islands and Melbourne, Australia, told me that once when he was a little boy playing along Nutt's Road, at the Corner Stores, my father drove by in a buggy. Seated beside him was a dark-browed swarthy man who had come from the Valley Forge. My father stopped and called: "Come over here, Thomas!" The boy hung his head but went. "I want to introduce you to Daniel Webster." Adamson said the incident made an impression which affected his whole career. My father had a gift of speech and made many public addresses—upon education, temperance, medicine and politics. He was ambitious. He was a capable physician, quick to see and decisive in action. A man met with what threatened to be a fatal accident. My father bought a big knife in a near store and cut the man's leg off while my mother steadied the limb. A boy, fishing, caught the hook in his nose and a young physician worried over him in vain. My father chanced to come along and with a sudden twist jerked the hook out while the boy screamed. He bled, and pulled teeth, and prescribed calomel, jalap and flowers of sulphur. In my younger days I have seen setons, moxas, cups and leeches. He was fond of having his hair combed and his skin rubbed. He smoked cigars to excess.

On the 9th of May, 1839, he married Anna Maria Whitaker, born March 23, 1815. She had black eyes and black hair and as she grew older became stout. Hers was a resolute character. Her life was one of devotion to her children. Left with four of them under thirteen years of age, she took care of them and refused to marry again.

To fulfil the duties of life as they came to her was her idea of what was required of her, and she never flinched and never lamented. What she was unable to buy she cheerfully did without, and what she could not secure did not disturb her. Her predominant trait was a certain setness. There were people she disliked and she never relented. There were people of whom she was fond, and no poverty, failure or misfortune could weaken her affection for them. She was not aggressive, but was immovable. She was timid at a distance, but when an emergency arose was calm and efficient. She never fainted nor grew hysterical, nor became "rattled," but simply stayed there and did what could be done. I have seen her tried in sudden accident, in cases of extreme illness, on an occasion when the upsetting of a fluid lamp set fire to the room, and in all of these instances alike the same quiet strength of character was manifested. Her Irish and negro maids, from the point of view of the household training to which she had been accustomed, were a sorry lot of incapables, but when they were ill she nursed them, mended their clothing, and, in person, attended to their wants. In her childhood she lived with her grandmother at the southeast corner of Front and Pine streets, in Philadelphia, going to school on Pine Street, and later was a pupil in the Kimberton School in Chester County, where she learned the prim chirography of that Quaker establishment. Up to the end of her long life she could read a book and enjoy it all, meet a guest and chat with her cheerily, and in her eighty-fourth year she made for me an elaborate piece of needlework, so elaborate that a maid of eighteen would have abandoned the task.

Her marriage breakfast was cooked by Julia Roberts, a mulatto woman who was raised as a slave in the family of my great-great-grandfather, Samuel Lane, and who finally died, after I reached manhood, at the age of one hundred and four years. Patrick Anderson owned a slave and the Richardsons owned slaves. Once I had the bill of sale of a

slave in Richmond by a master who could not write, and I was in the habit of showing it as an illustration of the vileness of the system until I also became the possessor of a like paper executed by one of my own people along the Schuylkill, in which a black girl, Parthenia, in the early day, was sold by her mistress and, lo! the mistress could not write. Throwing stones at the wickedness of other people often leads to complications. Her father, Joseph Whitaker, born in 1789, in a one-story log house, in a poor stony region near Hopewell Furnace, so near the line between Berks and Chester counties that the family could not be quite sure in which county they lived, was five feet eight inches in height, full-blooded, with thick curly hair, which he never lost, and thin chin whiskers but no beard. He was sometimes described as a "little big man" and measured forty-four inches around the chest without clothing. His will power was immense and there were few men who could withstand him. He ruled over his household and pretty much everybody else who came within his influence. If he did not want the women to plant hollyhocks in the garden he pulled them up and threw them over the fence. In his younger days he kicked a clerk out of the office and down the stairs, and when seventy-five years of age he applied a whip to some young fellows from the canal who exposed themselves naked before women, and he broke his cane over the head of a young man who trampled his wheat and was impertinent about it. He was careful, but provided necessary things bountifully. He was proud and ruggedly honest. Through the vicissitudes of a long career in the iron business no contract of his was ever broken and no note ever went to protest. He loved to play checkers, the principles of which he never understood, but his opponent either had to stay up all night or lose a game. He never learned to swim. Having only such school training as came from a few nights spent at a night school, he could measure the hay in a barn and keep a set of books. Begin-

ning life in extreme poverty, as a charcoal burner and wood chopper about an iron furnace, and as a maker of nails by hand in a small shop at the corner of Fourth Street and Old York Road in Philadelphia, he reached the position of one of the principal iron proprietors of Pennsylvania, Maryland and Virginia, took care of a family of eleven children, and, dying in 1870, left an estate of $520,000. Generous to the extent of his perception of the needs of those dependent on him, he bought each of his children a ticket to hear Jenny Lind sing, but he never overcame the impressions made in his early life, and always had a dread lest some of his children or grandchildren might drop back into the situation from which he had emerged. Once when I as a child was at his house in Mont Clare, opposite Phœnixville, he called me to him as he lay on a sofa and said: "Sam, there was once a little boy alone at a hotel, and when he went to the dinner table he was timid and could get nothing to eat. Presently he turned to the man next to him and said: 'Please, sir, won't you give me a little salt?' The man in surprise inquired: 'What do you want with salt?' 'I thought, sir, if I had some salt maybe somebody would give me an egg to put it on.' With a quizzical expression he continued: 'Now I see that you have no watch-fob in your jacket. When you go home tell your mother to make a fob in your jacket and maybe some time or other somebody may give you a watch.'" Even in childhood I always wanted to think out the problems for myself, and this suggestion impressed me as pure foolishness and I did not mention the matter to my mother. The reasoning was correct enough, but, unfortunately, as so often happens in more serious affairs, some of the facts were unascertained. However the watch came and later he advanced the moneys which enabled me to read law. He wore a woolen shawl. Probably he would have lived to the age of his Brother James, which was ninety-four, but late in life he fell from the third story of a house, down an

unfinished stairway, and though he recovered, the accident no doubt shortened his life. In his eighty-second year, one day he was in Philadelphia attending to business. He came home, and in the evening, as was his wont, lay down on a sofa to read a newspaper. The paper slipped from his hand. His daughter, who was in the room, went over to him and found him dead.

His father, Joseph Whitaker, named for his grandfather, Joseph Musgrave, of the Scottish clan referred to in "Young Lochinvar," son of James Whitaker, born in Colne in Lancashire, grandson of John, also of Colne, was born in Leeds, England, where his father was a manufacturer of cloth. The Whitakers of Lancashire are an Anglo-Saxon family known at High Whitaker and the Holme since the eleventh century and distinguished in literature and in the Church. Several of them in remote times were inmates of Kirkstall Abbey, still well preserved. Among them were William Whitaker, who headed the Reformation in England; Alexander Whitaker, the rector at Jamestown, who married Pocahontas to Rolfe; John Whitaker, the historian of Manchester, and Thomas Dunham Whitaker, who wrote the History of Whalley.

Attention is called to Joseph Whitaker the elder because, while his career was in every sense a failure, he transmitted certain dominant traits of character—mental and physical, which have left their impress upon all of his many descendants. His father intended that he should be trained for the ministry of the Church of England. His inclinations turned toward another line of work. The father was determined and the son was resolute. The result was that he left his home and enlisted in Colonel Harcourt's Cavalry. The regiment was sent to America to suppress the rebellious colonists who were fighting in the Army of Washington. He participated in a number of engagements and was one of the squad which captured General Charles Lee in New Jersey in 1776. The tradition is that he became convinced of the

merit of the American cause, in which tradition I have little faith, but at all events he became weary of the service. While the army was on its way from the Head of Elk to Philadelphia in the campaign of 1777, he mounted his horse and rode away. There was a pursuit and shots were fired, but he escaped unhurt and thereafter made his home in a hilly region in the northern part of Chester County. He had a small farm with a log house upon it, but the ground was poor and stony, and the crops, wrested from an unwilling soil, were scant. He cut wood for the neighboring furnaces, but he had not been trained to this kind of labor and almost any other wood-chopper could excel him. He married Sarah Updegrove and had a family of thirteen children. It was a life of hardship in which there was a continual struggle to get enough to eat. He did not spare the rod. He was earnest in prayer and had a gift in that direction. Despite his poverty and his failures, he was intensely proud and was able to assert and even to maintain a certain sense of superiority in the rural neighborhood in which he lived. It is manifest that he had a power of will which was not to be over-ridden by conventions or to be suppressed by adverse circumstances. He was about five feet eight inches in height, his hair inclined to curl, he had a red birthmark upon one cheek and a readiness of speech. Strange as it seems, his barren and unfruitful life was the ground from which were raised the fortunes of a family. His wife, Sarah, a worthy woman with a tender heart, was the daughter of Jacob, granddaughter of Isaac and great-granddaughter of Abraham Op den Graeff, who came to Germantown in 1683. He signed the protest against slavery in 1688 and is immortalized by Whittier in his poem, *The Pennsylvania Pilgrim.* He was burgess of Germantown and a member of the Pennsylvania Assembly. His grandfather, Herman Op den Graeff, was a delegate to the Mennonite Convention which met in Dordrecht in 1632 and there signed the Confession of Faith which

has often been printed both in Europe and America. Abraham later moved to the Skippack. His son, Isaac, was employed by the Potts families about their iron works at Pine Forge and Colebrookdale, and his grandson, Jacob, crossed the Schuylkill River to Chester County, where Samuel Nutt was making iron at Coventry in partnership with William Branson and Mordecai Lincoln, the great-great-grandfather of the President. Jacob Updegrove married Sarah, the daughter of Richard Butler. He and Butler were both wood-choppers and day laborers around these furnaces and forges where the industry which has created the prosperity of Pennsylvania began. There is a fatality in the preservation of pedigrees as in other things. For thirty years I can give the daily details of the inconspicuous and uneventful life of Richard Butler—what he did, what he ate and drank, what he wore. In this atmosphere, with such antecedents, my great-grandfather, Joseph Whitaker, raised his family. Each of his sons heard of the making of iron from his childhood and several of them, as they grew older, became iron-masters and made fortunes. From him came these physical tendencies: A weakness of the stomach, often running into dyspepsia, a certain rattle of the nerves and a vital tenacity which overcomes all attacks of disease and leads to length of life, ending in death from failure of the heart. Along with these tendencies came pride, firmness and a disposition to be masterful. It is a remarkable fact, observable down to the fifth generation, that individual descendants, who in youth show the traits of other forefathers, as they grow older, display the mental and physical characteristics of Joseph Whitaker. He wears out the stocks of lesser vital strength. While it is impossible to speak with confidence upon a subject so involved as that of inheritance, it is nevertheless my thought that while the convolutions of the brain which enabled me to grapple with a difficult problem of law while on the Bench, came by way of

Matthias Pennypacker, the temperament which led me, as Governor, to undertake alone the correction of sensational journalism, knowing its power to harm, was derived from that other ancestor who did not fear to offend both father and king.

My mother, therefore, with the exception of the highland Celtic blood which came from the clan of Musgrave and the infusion of Dutch derived from the family of Op den Graeff, was of pure Saxon lineage. In the direct paternal line my forefathers, though perhaps inclined to be a little tame from habit and religious repression, obstinate rather than aggressive, were sensible, sober, honest and cleanly. For six generations, at least, I am satisfied no one of them had ever been inside of a bawdy house or retained a cent which did not belong to him.

CHAPTER II

Childhood and Youth

I WAS born April 9, 1843, the second of six children, upon a Sunday and, therefore, gifted with the power to pow-wow and to see fairies as the opportunity arises. The room in which I was born had ten windows and was floored with walnut. The house stood upon a high bluff, upon the north bank of the French Creek, in the town of Phœnixville, and faced the creek which flows eastwardly to the Schuylkill, falling over the breast of a dam on its way. Connected with the house were about five acres of land. Perhaps the most famous bridge builder of his day was a German named Lewis Wernwag. He had thrown a bridge across the Schuylkill at the Upper Ferry, at Callowhill Street in Philadelphia, which had the longest span of all the bridges constructed down to that time. There is a fine engraving of it reproduced upon a set of blue china manufactured in England, now very scarce and therefore much in demand. He came to Phœnixville in the early part of the nineteenth century to conduct the iron works there, and built this house, intended for his own permanent residence, in a fashion then regarded as luxurious and extravagant. The visitor, entering from the front, trod upon a stone step and over a wrought iron lintel into a hallway. To the right were two rooms with folding doors between them used as parlor and sitting-room, each of which had an open fireplace with a hand-carved hard-wood mantel and mantelpiece around it. To the left was the dining-room with a kitchen in the rear. The dining-room had likewise a fireplace with stone hearth, and higher than the mantel to the right was a large "hole-

in-the wall" out of the reach of me as a child, and always a subject of mystery. The kitchen had a large stone sink and from it ran, the whole length of the yard, a drain of carved stone which, covered over with the detritus of time and bad housekeeping, had, like an archæological discovery, been found a few years before. On the second story over the dining-room was the large room in which I was born, and to the eastward was "the spare-room" and five others. The garret contained six chambers. From one small room a flight of open steps ran up to a loft and a wooden railing enclosed a flat roof. Running the whole front of the house was a porch of hewn and huge stones, perhaps eight feet long, three feet wide and eight inches thick. The ground from the crest down to the creek was terraced after the manner of the vineyards along the Rhine by a succession of five walls. From a point across the drive in front of the house a long flight of stone steps ran all of the way down to the creek. I never saw anywhere else so much wall and stone work. It had been the intention of Wernwag to run an iron railing along the tops of these walls, but his resources were exhausted before this was accomplished and the walls remained unprotected. One of the amusements of the children was to banter each other to jump from one wall to the other above the flight of descending steps, where to have fallen would have meant destruction, and every once in a while one of them fell from a wall into the garden below, perhaps twenty feet. Before Wernwag was able to complete his designs the War of 1812 threw the business of the country into confusion and his efforts in connection with the making of iron ended in failure. He went to Harper's Ferry in Virginia where the Duke of Saxe-Weimar found him about 1830, and where he died in poverty. There are still some traces of him around Phœnixville. At Moore Hall my brother, Henry C., has his clock. At Pennypacker's Mills I have his hickory chair. The stone bridge built by him over

the Pickering creek at Moore Hall is as firm as ever. His house and grounds have been torn down and asunder by a railroad, but at "The Knoll," now owned by Colonel Paul S. Reeves, he built for Judge Benjamin Morris, a counterpart of the house, save that he put the better work and material into his own house, a preference in those days not unusual. Built into the corner of the barn on the Robinson place in Upper Providence township, across the road from Phœnixville, is a block of iron conspicuous in contrast with the stone which encloses it. When Wernwag failed he owed the Robinson, then living, a considerable sum of money; all that the creditor could get was this block of iron which he permanently preserved, and he secured some satisfaction in frequently telling how much it had cost him.

As a baby, I had the colic and was more than ordinarily troublesome. My earliest recollection is of an event almost a tragedy. At a tenant house, belonging to my father, a short distance from the mansion, and still standing, masons were at work. John, my older brother, and I hung over the wall watching them. Presently John fell, struck upon the corner of a stone and was carried home unconscious with a deep gash in his forehead. I was then about three years old, and the mental impression made by seeing him supported in a chair with the blood running down his cheek is still distinct.

At four years of age I began school. Even earlier my mother had taught me to read. William S. Dare, a superintendent or boss at the iron works, lived in the Starr farm-house, and one of his relatives, a Mrs. Heilig, opened a school for boys and girls in the house. Lib Schroeder, a girl employed by my mother, who afterward married and named her oldest boy for me, took me by the hand and led me over the high foot-bridge, which then crossed the creek, to the school. My few memories of it are confined to three or four girls, to the stool in the center of

the room with the paper cap for the "fool" who failed in his lesson, and the roof of the spring-house down which we slid at recess. A stream of water then ran, from "Frog Hollow," by the spring-house, through a green meadow to the French Creek. All are long gone and Starr Street is filled in over them. At this time my head was covered with light curls twisted into shape over her finger each morning by "Aunt Sallie," an invalid sister of my mother. When they were cut away two were preserved. My earliest playmate was a boy of my age named Loved Hathaway, a son of the tenant in the house where the accident to my brother, John, occurred. Ere long the Hathaways moved to the far West. At their sale my playmate's grandmother, "Granny Blake," gave me a large hammer which I have used through my whole life and remains my oldest possession.

One of my very early recollections pictures to me Bayard Taylor. To me he was not a poet, but a companion. My father owned a flat-bottomed boat on the French Creek, and often Taylor, taking me with him, would row in it up the creek for perhaps a mile beneath the willows which grew along the banks. From these willows I soon learned to make whistles, when the sap was running. Taylor had just returned from Europe and wanting something to do thought of starting a newspaper. My father had another and much larger stone tenant house at the extreme east end of his tract near Main Street and almost upon the site where Moses Coates, the first settler in the town, had lived in his time. In it were a family named Allen, fallen scions of the family of the Colonial Chief Justice William Allen, powerful in their day but who lost their hold at the time of the Revolution. With them was a very aged relative, Elizabeth Oakman, a young woman at the period of that war, who gave to my father the key of the trunk Nathaniel Allen brought from Europe, and made for him with finest needlework a shirt which remains to represent the art of the women of the colonies. My father persuaded Taylor

to come to Phœnixville and open a printing office in this house and loaned him money to assist. The first outcome of the office was an advertisement of the millinery establishment of a Mrs. Strembeck. He published a weekly newspaper called *The Phœnixville Pioneer*, far above the heads of the community, in which appeared many of his effusions and comments upon local events. Young, vigorous and full of vitality, he climbed out along the dam-breast in the midst of a freshet and plunged into the waters surging below. Somebody had discovered the uses of ether as an anæsthetic, and the subject was much discussed by my father and other physicians. Taylor determined to inhale the drug as an experiment. I well remember the excited way in which he flung himself around the sitting-room. He told a tale of adventure, very wonderful to me, of having been once robbed, tied to a tree with his hands behind him and abandoned, in California, and how he managed to twist through the cords, getting them in front where he could use his teeth. Here was a hero come to the very hearthstone, and the awe of the listening boy may be easily imagined. The earliest portrait of him extant, a drawing in black and white, in 1847, by P. Thramer, with a poem in autograph underneath, he gave to my father, as well as a daguerreotype taken by "the Buckeye Blacksmith." I have likewise the only complete file of the *Phœnixville Pioneer*, a number of autograph poems and a series of his letters.

More vivid by far than that of Taylor is the mental image of the dog "Jerry," a household pet of more than ordinary intelligence. He regularly went to the post-office for the mail. He carried a basket to the market and brought home the things bought. He would hunt a glove hidden in a closet in the house and never cease from his efforts until it was secured. When he died he was buried below a great rock in the field, and for long afterward there was many a pilgrimage to Jerry's grave. In the same field,

but on the crest of the hill near the present depot of the Schuylkill Valley Railroad Company stood a tall, narrow stone which marked the site of the wigwam of "Old Skye," the last of the Delaware Indians to live in the neighborhood.

The home discipline established by my father, a wise and kindly man, whom I revered, was most excellent. He never whipped me. When I stripped the bark from a cherry tree, very like George Washington of old, he gave me some tools and sent me out to restore it to its place. When I broke one of the stones of a wall with my hammer, I was kept busy for an hour or two trying to put it together. When my brother John and I disobediently remained away at our play until after night had fallen, and in great trepidation sought the house, we found the doors locked and the lights out. In other words, the treatment was of a kind to teach a child the law of cause and effect, and there was a continual effort to reach the processes of childish thought. When a circus or Signor Blitz, a noted conjurer and ventriloquist, with his manikin "Bobby," came to the town, or a lecture was delivered by some long-haired wanderer from New England, in the squat brick building called the "Temperance Hall," we were always taken. The former were delights, but many a time I was in misery trying to keep awake over the lecture. When Signor Blitz appeared, all around the low building gathered the town urchins trying to get a peep through the crevices of the wooden shutters, and the scene generally ended in my father, who was ever generous, making a bargain with the manager to let them in at wholesale rates. On one occasion we went to Ullman's Hotel and paid ten cents a piece to see a Chinaman, then on exhibition, as a *rara avis*.

There was not a novel in the house. The nearest thing to it was a copy of Bunyan's *Pilgrim's Progress*, which I devoured for the story, utterly regardless of the allegory. The Fables of Æsop I learned by heart. When I was about eight years of age a young woman, dressy and bright, whose

name perhaps I never knew, came to the house. She was a granddaughter of Henry Rhoades, an old Mennonite, who had a farm adjoining. He was a stern man; he had the reputation of being a hard man. When his child died, he said in grief that he would rather have lost the best cow on his place. My recollections of him are all kindly. When I caught a partridge once he gave me a peck of oats to feed it and refused my money. The first time that I ate preserved quinces, they came from him as a present. His granddaughter ran away and became a circus actress. There was no sense that such conduct was disgraceful but a feeling that it was wicked. She did not dare to go home, and she left a box of things which was put into our garret to be kept for her. Rummaging in the box, I found a paper covered copy of *Lewis Arundel.* The book opened out vistas before me, and today I could repeat the story of the proud young man who went as a tutor, fought the poachers and remained to marry. In a Geography of the World I found detailed an adventure of Audubon in the wilds of the West; in a Universal History there was a description of the Haschischins (assassins) of India; in *Sartain's Magazine* I found an Indian story called "Hard Scrabble;" in the *Whig Review*, beside the biographies of the politicians of the day and the poems of Poe, there was told of "Jack Long, or Lynch Law and Vengeance," and along with these I satisfied my craving for romantic narrative by reading of John Smith, Hernan Cortes, Henry Hudson, Putnam's Ride at Horseneck, Marion and Sergeant Champ. Somewhere I found a copy of Montgomery Bird's *Nick of the Woods* which I still regard as the most meritorious of the tales of Indian warfare. Nothing in the shape of literature came amiss and before I was eleven I had read an elaborate Natural History, Whitaker on *Arianism*, Dick's *Sidereal Heavens* and Guizot's *Washington.*

The games I played were tag, hop-scotch, ball, marbles —in "fun," in "earnest" which meant "for keeps," and

"knucks." Mumble-the-peg, jackstones, shindy, and once a year when, in the spring, the Sunday-school had a picnic in the woods, "Copenhagen" and "drop the handkerchief." The counting out rhymes I learned were:

"Ala mala tipsy tee,
Teela tila dominee,
Ocka pocha dominocha,
Hi pon tus."

And another:

"Inty, minty, cuty corn,
Apple seed and briar thorn,
Briar, briar limber lock
Three geese in a flock
One, two, three,
Out goes she
With a rotten dish clout, out".

Marbles, which came along regularly with the relenting of the frost, had a vocabulary all its own. "Fen dubs," "Fen puds" and "Hist man lay you and the nigger" were among the phrases. Often it happens that the most important of possessions are found among the refuse as the dust man of Dickens illustrated. The manure pile is the most valuable asset of the farmer. From the Kjokken Möddings of Denmark and the shell-heaps of Florida the cast-off rubbish of former people we gather what we know of those ages. There was an obscene word in common use among the boys which I am satisfied had a long and interesting history. It must have been in use ages ago and been preserved for thousands of years by the utterance of boys. The word carries us back to the goddess of love among our Norse ancestors when they worshiped Thor and Woden in the woods along the Baltic Sea.

When things were presented to us we said "Saddy," a word whose origin I have never been able to discover. One of the oaths of the urchins was "by Jingo," who appears to

have been a deity of those black-eyed little people who inhabited Europe before the inroads of the Celts and whose only remnants are the Basques of the Pyrenees.

My father bought for us children a box of white dominoes. They were a great source of enjoyment, but we quarreled over them and were warned. We quarreled again. He called us from the dining-room to the sitting-room, where he sat at a high desk given to him by his father, put the dominoes into the box, threw them into the fire and sent us away to repent. Afterward the box was found slightly charred on a shelf in a tall closet set into the end of the fireplace. These were his methods of discipline. It illustrates the tenacity of memory when I say that the "double three" had a slight defect in the ivory on the back.

My father drove two horses. The stableman, Tim McGlone, painted a checker-board, and with black and white bone buttons from old breeches taught me to play. I had a knack for it and soon beat him. Dr. J. Warren Royer of the Trappe, still living at a great age, came to consult my father about a case and saw me playing. He was an adept. The Royers of the Trappe were given to all kinds of games. He took nine men and won easily from my twelve. We played more and ere long he needed ten, then eleven, and finally twelve, and lost with them all. In the village Dr. David Euen had a drug store and here Dr. Isaac Z. Coffman and others congregated to talk politics and play checkers. One day there was great astonishment when a boy of ten walked in, threw down the gauge of combat and carried off all the honors. About the same time Dr. David F. Anderson, who was reading medicine with my father, made a set of wooden chessmen and taught me to play chess.

Sarah Ann Radcliffe came to the house and made our clothes. When we were done with them they were cut into strips, sewed together, rolled into hard balls weighing about three pounds each and sent to Munshower to be woven into

rag carpet. I often helped at each stage of the process. Quilting parties had not yet gone out of vogue. The quilt was stretched on a frame, the design marked out with chalk, and then the women gathered around. Stockings and mittens were still knit of woolen yarn with long steel needles. I learned to knit. Coal came to the house in huge lumps which were broken to a suitable size with an axe or sledge. From the stove in the sitting-room a pipe ran up through the large room above and furnished the only heat. We made and used tallow candles and later used lard oil, whale oil and burning fluid.

The fare was simple and substantial. We had breakfast at seven, dinner at twelve, and supper at six. It was not usual to put fruit on the table. I never saw a banana in my childhood, and when, long afterward, I ate one for the first time, did not like it. Oranges were reserved for Christmas and festal occasions. There was nothing to drink but water, milk, tea, and coffee. The last was not good for children and was kept from them. White sugar came in the shape of a tall cone, called a loaf, and was broken into lumps with a knife and flat iron. Coffee was bought raw and roasted over the kitchen fire. Behind the same fire we were washed and soaped every Saturday night. Mush and milk was a customary dish and made me very tired. Two hogs were killed in the winter and we had fried mush, fried scrapple, fried sausage, fried ham, fried eggs and fried potatoes—not French fried or by any other namby-pamby modern method, but fried with fat—and I am fond of them all today. The abomination called baker's bread was unknown. We had roast turkey for Christmas and New Year's Day, and once in a while a roast pig. We were taught to say "Sir" and "Ma'am" to elderly people and to be silent in their presence. On Sunday afternoons we went to Sunday-school, and for five verses of Scripture committed to memory received a blue ticket; for five blue tickets a red ticket, and for a hundred red tickets a Bible, but no confectionery.

Flat white mint sticks, flat white cream sticks, rock candy or crystallized sugar around a thread, and round sticks of lemon and of sassafras in red and white, and sour balls could be bought and were called candy, but chocolate had not yet appeared. Occasionally, in summer, a man named Kirchner who lived miles away in Vincent, would come in a wagon ringing a bell, and offering a luxury called ice cream, always flavored with vanilla. On the crest of Tunnel Hill, so called because through it the Philadelphia and Reading Railroad Company had constructed a long tunnel, in an adapted barn, lived an old woman named "Granny Stevens," who beguiled the children inside by displaying, in the window, glass jars, half a dozen in number, containing attractively colored sticks of candy. It was she who gave us our first knowledge of cocoanut, cut into small strips and sweetened with molasses, an amazing delicacy. When we strayed into the shop of another woman named Holt, she fiercely denounced our ingratitude. The money ordinarily circulated consisted of copper pennies, "fips" (five-penny bits), "levies" (eleven-penny bits), quarters and dollars, the last four being Spanish or Mexican currency, generally worn to a smooth surface.

Very early in life I began to wander. In Rhoades' woods along the French Creek could be found in the spring the hepatica, the anemone, the spring beauty, the saxifrage, the American spice wood, the sassafras and the slippery elm. At Black Rock, a bluff along the Schuylkill, more than a mile away, grew the columbine. Alone I strayed through the woods, getting a quiet and unanalyzed enjoyment from the beauties of form and color, while learning to seek the taste of the spice and the sassafras and to avoid that of the smartweed and the Indian turnip. In the fall, rising at daybreak, I always gathered, hulled, dried and put away in the loft a store of walnuts and such butternuts and shellbarks as could be secured. When my younger brother, Henry C., was three years old and I was seven, he had a dangerous attack of fever and I did harm by dropping

a bag of walnuts which I was lugging up the steps from the garret to the loft. I learned to skate on a pair of skates which cost fifty cents at Samuel Moses' store, and made great progress forward and backward and in cutting rings on the ice by throwing one foot across the other. Thereupon a generous uncle, Joseph R. Whitaker, gave me a handsome and expensive pair of skates bought in Philadelphia, but the metal was soft. I could not discard them, and I never skated so well afterward. We made sleds with the staves of rejected barrels, and when a painted sled came from the city with iron on the runners, it was a wonder and I was envied by all of the boys. In the summer we went to the "Gut," which ran between an island in the French Creek and the main land, to swim. It was the fashion to go barefoot, and the boy who did not was rather despised as a weakling. I hid my shoes and stockings behind an oak tree and followed the flock. Along the bank of the creek it went well enough with a little care, but when we crossed a field of wheat stubble, there was a boy in trouble. On an occasion when playing "tickly benders" on the thin ice of the canal, the ice gave way and I fell into the water and was wetted from head to foot. Scrambling out, I went to the furnaces of the Chester County Iron Works, stripped off my clothes and danced about naked in front of a furnace until they were dried. At home the mishap was not reported.

When very young I was frequently ill and had sores around my mouth. I was dosed with flowers of sulphur mixed in molasses, with Husband's sulphate of magnesia, recommended as tasteless, with jalap mixed in currant jelly to make it palatable, and occasionally with castor oil. With the measles I had a high fever and in one night was bled three times, the cicatrices remaining upon my arms.

Common sense is as important a quality in nursing as in all the other affairs of life. If some one of my attendants had been wise enough to remove the parti-colored counter-

pane from the bed, it would have meant much. These colors coiled up into serpents. How important is the soothing voice of a motherly woman! Aunt Ann, the wife of my uncle, James Pennypacker, herself a Pennypacker, and one of the sweetest-souled women who ever lived, gathered me into her arms, crooned over me with soft song, succeeded in putting me to sleep and perhaps saved me. When I was eight years of age my brother, John, died at the age of eleven. He was an intelligent boy who had read much and was doing mensuration and bookkeeping. The event had one permanent effect upon me. I had been in the habit of using profanity and then determined to cease. I grew accustomed to expressing feeling without expletives and have never since upon any occasion given utterance to them. About the same time, during a time of excitement over the temperance question, I signed perhaps twenty pledges, carried around by the children, never to use any intoxicating liquor. This, too, became a habit unbroken until I was thirty-five years of age, but which finally yielded to the dinner customs of the city.

While not robust, I must have been endowed with vitality, because energy was always exhibited, and the obstacles to which many children yielded were not sufficient to deter me from doing what I had undertaken. I planted the peas in the garden and my mother depended upon me to gather the pods. My father brought to me from my Grandfather Pennypacker a cabbage plant and I watered it every night. He brought me later four chickens and at the end of the second summer I had over two hundred, let no nest escape me, and gathered the eggs. I found my way to a seemingly inaccessible tree, which bore black cherries, by getting on to the rail of a pale fence, clambering into another tree, one of whose limbs crossed over from the tree I wanted to reach and then by following this natural bridge.

When what was called the hen fever, a wild speculation in fancy chickens spread over the country, an uncle, George W. Whitaker, paid twenty dollars for a dozen Shanghai eggs and, not knowing what to do with them, gave them to me. Four chickens were hatched. As they grew, their enormous size and feathered legs were an astonishing thing. As the fever abated I sold the eggs for two dollars a dozen.

Every fruit tree and nut tree within a mile, with its comparative merit and the way to reach its store, was known to me. I raised broods of white rabbits.

The school kept by Mrs. Heilig had only a brief existence, and I was then sent to the public school in a stone building since converted into dwellings upon Tunnel Hill. Among the teachers were John Sherman, who made of me a pet, and a man named English. It was a rough experience. The vacant lot adjoining was called "Bullies' Acre" and on it the toughs of the town settled their personal controversies. The pupils were the sons of the Irish workmen, who puddled iron and drove carts about the mills, and they were divided into two factions—the "Clinkers" and the "Bleeders," who fought pitched battles with each other, with stones and other missiles. I belonged to the "Bleeders." I fought three fist fights with a stocky boy named John Bradley, and I think had rather the worst of it, though, officially, the battles were decided to be a draw. Years later, I gave him a license to sell liquor in Philadelphia. More than one of these boys in later life went to prison and others have won substantial successes. Among them were Mickey McQuade, Johnnie McCullogh, Barney Green, the Sullivans and the Mullins, among whom the last two families reached respectable social standing. Green had a pretty sister, Annie, with a taste for vocal music, who became a teacher and married in Chicago. Tunnel Hill was naturally the prettiest part of the town, being on the high ground between the French Creek and the Schuylkill

River. When the village was small, a butcher from near Kimberton, named John Vanderslice, bought it as a farm. He was hard, coarse and selfish. On it he built little houses and sold them to the laborers for such cash as they could pay, taking mortgages for the balance. Every few years the iron trade became dull and the mills closed. Then he foreclosed the mortgages. When trade revived, he sold the houses to another set of Irishmen. By repeating the process he grew rich. His boys went barefoot and worked at day labor. His wife and daughters did the washing. He made a trip around the world and left them at home. He paid the expense of printing a book of his travels, mainly the names of the towns and the dates when he reached them. Before he died, not trusting the regard of those around him, he bought a monument and had it properly inscribed and erected in the cemetery. It was among the sons of the tenants and purchasers from John Vanderslice that I was now thrown into daily companionship. It did me no harm, but on the contrary was beneficial. Every child is helped by playing for a part of the day in the mud. Every man ought to increase his experiences and grow to the extent of his capabilities, but he ought ever to have his feet upon the ground. Those people on Tunnel Hill had great regard for my father, and they have always been staunch friends of mine. When I was a candidate for the governorship, Tunnel Hill, for the first time in its history, voted with the Republicans, and an old Irish woman living there still keeps the cradle in which I was rocked.

At this school I learned all of the rules of Smith's Grammar, and I find firmly imbedded in my mind the propositions that "a noun is the name of a person, place or thing," "a pronoun is a word used instead of a noun," "prepositions govern the objective case," "active transitive verbs govern the objective case," and the like. I committed to memory the geography of the world from Mitchell's Atlas

and could not be overcome by Cape Severo Vostochnoi* or the Yang-tse-Kiang River. On one occasion, when there was an examination and none of the boys except myself appeared, I gave, before an audience, the bounds of each of the United States, named its capital, two principal towns and two principal rivers. I learned to cipher in Vogdes' Arithmetic as far as cube root. Among the brightest boys in the school were John H. Mullen, who afterward studied medicine, and Andrew J. Sullivan, a hunchback. Among the pupils about this period were some Indian boys and girls. A tribe came from Canada and encamped along the Pickering Creek in Schuylkill township, and there the boys, who were very skilful, shot with bows and arrows at a dime fixed in a pole, and the girls made very neat baskets. When the weather grew too cold for tent life they rented a house on Tunnel Hill, and both boys and girls came to school.

At ten years of age I went to school in the Presbyterian church, on the south side of the creek, to a Miss Agnes McClure, who afterward married a clerk named Hughes in the office of the iron company, and became the mother of Dr. William E. Hughes of Philadelphia, and to a Mrs. Wallace, and there made a beginning in the study of French.

When I was about four years of age the "Buckeye Blacksmith" came to the town. It had just been discovered that the sun could be made to paint portraits, and the common people, who could not afford to employ an artist with brush and canvas, might yet hope to have their features preserved for the enlightenment of posterity. Daguerre had added a new complication to life, if not a terror, and out of it has arisen the modern photograph and the possibility of all of the ugly pictures with which the newspaper destroys our ideas of art. The "Buckeye Blacksmith" was one of the most effective of stump orators. In a rough and homely fashion he blended wit and pathos.

* Now called Cape Chelyuskin, the northernmost point of Siberia.

Any crowd would desert Webster or Seward to hear him, and he took part in all of the political campaigns upon the side of the Whigs. Between times he made daguerreotypes. My brother, John, and myself had "our likenesses taken" by him and the picture was reproduced over the country in 1903. His name was J. W. Baer and his memoirs have been printed. On the north side of a street, running from the Fountain Inn, the furthest inland point reached by the British army during the Revolution, to Gordon's Ford, where Cornwallis crossed the Schuylkill on the way to Philadelphia in 1777, stood and stands the Mansion House, a village tavern. The hostler was "Nigger Hen," a mulatto, with whom, as boys, we played as with the rest. The tavern was owned by a man of Irish descent named Major McVeagh. He was illiterate but shrewd, and as a Democrat took his part in the affairs of the town. One of his near relatives, Peter Henry, drove a cart. His wife was a most worthy woman, named Lincoln, one of the family from which Abraham Lincoln was descended. He had three sons, all of whom were gifted with native intelligence, and he sought to give them names which would reflect importance—Nathan T., Isaac Wayne, named for the son of the General when he was running for the governorship, and Benjamin Franklin. The villagers always upheld that Nathan was the ablest of the family, but being the oldest he inherited the tavern and wasted his energies over and inside the bar. Wayne later became Attorney General of the United States in the Cabinet of Garfield, and Franklin, Secretary of the Treasury of the United States in the Cabinet of Taft. Wayne never was a favorite. He had the reputation as a boy of getting others into scrapes and keeping out of them himself. He had a certain volatility and instability of character, combined with acuteness which qualified the value of an otherwise important career. He inherited with his Irish blood not the gifts of logic or constructive capacity, but a caustic quickness and oratorical

fervor quite unusual. Recognizing the nascent ability of the youth, my father invited him to his house and encouraged him to go to college. On his return from Yale, a homely and scrawny stripling, wearing a white necktie, he discussed in public in the Temperance Hall, with my father, the imposing but rather abstract question suggested by reading Locke, "Are ideas innate?" I listened, knowing as little as they did what it was all about and wishing I were in bed. Nathan and Franklin were both held by the villagers in more affection, if less admiration, than Wayne.

My father, being the most influential person in his section of the county, took an interest and active part in public affairs and at his home he entertained many persons of distinction and notoriety who chanced to come to the neighborhood. Like all other Whigs, he was enthusiastic over Henry Clay and the fortunes of that eloquent, magnetic and compromising statesman. In the greatest and most disappointing of his contests in 1844, on the third of October, there was a tumultuous gathering of the Whigs at Valley Forge, and that night and the next day Daniel Webster was the guest of my father.

Among several letters written to my father by Clay, the following comment upon that campaign is of interest:

ASHLAND, 28th November, 1844.

DEAR SIR:

I received and thank you for your friendly letter communicating some of the causes which occasioned the recent most unexpected defeat of the Whigs in Pennsylvania. They are curious as matters of history; but I apprehend there is no present remedy.

I am grateful for the good opinion of me which prompts you to desire my return to the National Councils; but I have no intention of doing so. My desire is to pass the remnant of my days in private life. Grateful to my ardent and faithful friends, I shall never cease to cherish the warmest affection for them, and, in my private station, to co-operate with them in advancing the happiness and prosperity of our country.

I am, truly, your friend and obedient servant,

Isaac A. Pennypacker, Esq. H. CLAY.

At a later period he invited Mr. Webster to visit again his home, to which the Senator replied:

WASHINGTON, July 1st, 1852.

Isaac A. Pennypacker, Esq.,
Phœnixville, Penna.

MY DEAR SIR:

I am quite obliged to you for your very friendly letter, for the cordial sentiments which it contains, and the hospitality which you proffer me. I shall hardly be able to visit Pennsylvania this season, otherwise it would give me great satisfaction to visit the section of country in which you reside, and witness the improvements that are in progress around you.

With great regard,
Very truly yours,
DANIEL WEBSTER.

There were likewise visits from people in other lines of life. Signor Blitz, the conjurer, gave a private exhibition of his skill, in the sitting-room, in the presence of my father and mother, of us amazed children, and a medical student or two. He took a silver dollar, marked it so that it might be recognized and placed it on his knee as he sat on a chair. Over the dollar he then put a kid glove; after a slight manipulation, the glove was lifted and the dollar had disappeared. One of the party pointed out by Blitz found it in his vest pocket. Of course the difficulty of such performances was increased by the absence of implements.

Charles H. Stratton, "Tom Thumb," on exhibition by Barnum, came to the house, was carried to the roof and told us in a feeble voice with sprightly manner the details of his kindly treatment by Queen Victoria, whom he had lately visited. The dress invented for women by Miss Bloomer began to attract attention and lead to discussion. One afternoon my Aunt Gertrude K. Whitaker, then a young lady, and her cousin, Mary A. Bavis, came to the house on a sort of an escapade dressed in short skirts and baggy breeches, but the recollection I have is made

up more of astonishment than of either shape or color of costume.

Governor William F. Johnson was a visitor. He offended my mother by coming to the house late at night somewhat exhilarated, and he had to be put to bed and kept out of sight until the next morning.

Neal Dow, the author of the Maine Liquor Law, and afterward a brigadier-general in the War of the Rebellion and a prisoner in Libby Prison, made a proselyting tour in the cause of temperance, and found my father earnestly in sympathy. He was no doubt abstemious in the use of wine, but he drank five or six cups of tea at a meal. Nevertheless he lived to be ninety-four years of age. When I was a very little child, I found in the garden a white flint of unusual shape and took it to my father, who explained to me that it was an Indian arrow head. Ever since I have collected Indian implements and taught others to do the like. My father took me with Dow in his carriage to Valley Forge. While clambering over the entrenchments, then rough and overgrown, I picked up an arrow head which had been thrown up by the Revolutionary soldiers and washed out by later storms. It was surely an interesting memento, and in a child's way I presented it to Dow. He made a to-do over it and wrote an account of the matter for a newspaper in Boston. He always remembered me, but called me "Tommy."

American House,
Troy, N. Y., January 31/54.

Dr. Pennypacker.

Dear Sir:—I have just received yours of the 23rd forwarded from Portland, and am very much obliged. It would have given me great pleasure to have seen you at Philadelphia, for my visit at your house and my trip with you to the memorable scene of our fathers' trials and sufferings at Valley Forge, are among the pleasant memories of my life. Please present my regards to your wife, and give my love to Tommy, whom I remember with pleasure.

It must be a sacrifice to you all, to change your pleasant location at Phœnixville for a residence in Philadelphia, but I hope it will prove satisfactory to you. When I get home I will see what I can do about giving your College a favorable notice in the Maine papers, and may have an opportunity to recommend some students to your care and instruction.

I go from here to Montreal, then home.

Very respectfully yours,

NEAL DOW.

William H. Seward had pleasant relations with my father and spent a few nights at our home. He was thin, with a countenance the lines of which were somewhat drawn, reserved and unsympathetic and made little impression except for smoking a great quantity of cigars. From among his letters I select the following brief note:

WASHINGTON, December 25, 1852.

DEAR SIR:

I regret that all my copies of the eulogies on Mr. Clay were exhausted a month and more ago. I have requested my friend, Mr. Schoolcraft, of this State to send you one. I will try to save a copy of the Webster Obituary notices for you, but I shall be obliged if you will remind me of it after the publication appears.

Pray offer my most respectful regards to Mrs. Pennypacker and believe me, Always faithfully,

Your friend,

WILLIAM H. SEWARD.

Dr. I. A. Pennypacker,
Phœnixville, Pa.

Being an earnest Whig, my father had little sympathy with the Abolitionists, whom he blamed for causing the defeat of Clay by nominating Birney for the presidency, and when such of their associates as Miller McKim and Charles C. Burleigh appeared he wrestled with them in public controversies, some of which were published in the journals of the time. He was likewise the first to advocate making a public park of the camp ground of Valley Forge. The village of Phœnixville grew up around the iron works

owned by my grandfather, Joseph Whitaker, and his partners, Benjamin and David Reeves, composing the firm of Reeves & Whitaker, and managed by him very successfully from 1829 to 1847. It was a dirty town. The streets were unpaved and were cut into deep ruts by the huge six-horse teams which hauled the iron ore from the Chester Springs to the works, made up of pig iron furnaces, puddling mills and a nail factory. The sidewalks were made of black cinder. Dogs and pigs wandered about at their will. There was no authority to check the disorders of a somewhat rough community. In 1847 my grandfather withdrew from the firm and built a handsome residence upon the opposite side of the Schuylkill River in Montgomery County, to which Bayard Taylor gave the name of Mont Clare. Thereupon my father undertook to get the town incorporated into a borough. The effort led to a bitter local contest. The firm, now Reeves, Buck & Co., were opposed because it meant increased taxation and a certain loss of control, and they had the aid of all of their employees, who composed the greater part of the male population. Meetings were held, pro and con, for which Bayard Taylor printed the handbills. Heated speeches were made and violent letters were written. Before one legislature the effort failed, but the next granted a charter, and in 1849 the borough of Phœnixville started upon its career, with my father, who, after a spirited contest between the friends and opponents of the movement, had been successful in the election, as its first burgess. Public service is very often an unsatisfactory proceeding accompanied by ingratitude and followed by discomfort. To pay for the charter and expenses, he gave his individual note, which the town council, at the suggestion of Vanderslice, declined to provide for, and he was compelled to meet it himself. I preserve the paper as a memento. As burgess he was soon confronted with a situation out of the ordinary.

Two bruisers, Bradley and Sloan, anticipating the modern achievements of the negro Johnson, representing the two cities of Philadelphia and Baltimore, came to town, followed by the plugs who were financially interested, and fought a prize fight on the grounds of Nathan Pennypacker to the north of the borough. By baffling movements in different directions they succeeded in finishing their fight, but were afterward very properly thrown into jail.

Taylor, in 1847, went away to New York to be an editor upon the New York *Tribune*. From among his numerous letters to my father I select the following as an indication of their relations and as having a local interest:

TRIBUNE OFFICE, Sept. 14, 1850.

DEAR DOCTOR:

I was more gratified than you would perhaps imagine, on receiving your kind letter, a day or two ago. I did not suppose you had forgotten me, but I was afraid you might have thought me estranged by the years which have elapsed since I left Phœnixville. Your words brought all the old time back, and I half fancied I was looking down the Schuylkill Valley from your avenue of cedars, or pulling up the dam in our capacious "Sankanac".

It is true I have lived through a great deal since then, the smallest half of my life seems to lie behind that time, so deep and varied have been the experiences of these latter years. My duties have vastly increased, and with them, my individual responsibility; but I fancy I have grown stronger by intercourse with the world, and am ready to fight its toughest battles.

You may readily imagine how exacting is the task of editing a daily journal, on so large a scale as ours, and that my times of leisure are indeed far between. The theft of a day, now and then, which is about the extent of my absence, I consider it my duty to spend at home—my Chester County home, of course.

Even my trip to California, harum-scarum as it may seem, was but one department of my business. The fact is, I am one of the galley-slaves of the Press, and can only take comfort in the thought that my fellow-laborers in the office are congenial minds, and that the harmony of our intercourse is never disturbed. In a few years, when I shall become a little freer in money matters,

and not obliged to work quite so hard, my situation will be all that I could wish.

I had already noticed in the West Chester papers the death of your little daughter. It must have been a severe blow. Though I am not married (as you seem to suspect), and, of course, have been spared any such sad experience, I can truly understand and sympathize with it. I hope, however, your fine little boys are as strong and hearty as when I last saw them. John must be grown out of my knowledge, and as for the young Henry Clay, I can only conjecture his features. I do not expect any of them would recognize me, for my friends tell me I have changed considerably in appearance.

Why do you never visit New York? It would be an easy matter to come here for a week or two during our concert and opera season, and you have never yet fairly seen our great American metropolis. I have seen and heard a great deal of Jenny Lind since she came. She is all that has been said and more.

I must close. I write this at my office desk in the midst of business. I must not forget to say, however, that in a few weeks I expect to complete the redemption of the note held by Moses, and so release you of the only remaining responsibility. Foster has acted even worse than I anticipated after my experience of him. He is now editing an old Hunker paper in western New York.

With kindest regards to Mrs. Pennypacker, Dr. Whitaker and your father-in-law's family, I am,

Faithfully yours,

BAYARD TAYLOR.

Among his other correspondents were Thaddeus Stevens, Josiah Randall, Dr. Joseph Carson, Dr. George B. Wood, Joseph R. Ingersoll, and Watson, the annalist.

When I was about ten years of age I took part in a local dramatic performance in the Temperance Hall, given by the "Youths' Improvement Society" and made my first public appearance.

About this time there came a great change in the lives and fortunes of the family as I have heretofore depicted them. The addresses made by my father—professional, political and didactic—had drawn attention to him beyond the immediate neighborhood. Among other things, he

was, as I have already written, the first to urge publicly the preservation of the camp ground of Valley Forge by the nation or state, as a park. His reputation as a physician extended widely. At this time the Philadelphia College of Medicine was about to be reorganized. Among its professors were Doctors Henry Hartshorne, James L. Tyson, Joseph Parrish and B. Howard Rand. One of them, Dr. Henry Geiger, who afterward went into the wholesale grocery business and street railways and became very wealthy, came to Phœnixville and urged my father to take the leading chair of Theory and Practice. He concluded to make the venture. His Phœnixville house was rented to David Reeves, the iron master, and in 1854 the family, which then consisted of my father and mother, my brothers, Henry C. and Isaac R., aged eight and two years respectively, and myself, aged eleven, moved to the city and boarded with John J. Phillips and his wife, old-fashioned Quaker people, on the south side of Wood Street between Seventh and Eighth. I had only been in Philadelphia once before and it meant to me a confused noise, fruit stands at the corners of the streets, and advertising signs which read in one way from a certain point, but mysteriously changed to something else as you passed them. I had only one acquaintance in the town, James Henry Workman, a boy about my own age, who was later a member of the shipping firm of Workman & Co., on Walnut Street, and a captain in Rush's Lancers during the war, grievously wounded and a prisoner. Boarding in the house, however, were two of my cousins considerably older than myself, Edmund L. Whitaker and Nelson E. Whitaker, the latter of whom is now president of the Whitaker Iron Company of Wheeling, West Virginia, has been a state senator and urged for the United States Senate. They were sons of my great-uncle, George P. Whitaker, who lived at Principio Furnace in Maryland, and who, in partnership with my grandfather, owned that furnace and a tract of about twelve

thousand acres of land, being the most extensive land-holders in the state. He was rich, intensely proud, with a will of iron hidden beneath a bearing of soft courtliness. It was a delight to me as a child and young man to visit at Principio, as I frequently did. The boating, fishing and gunning about the head of the Chesapeake Bay and the streams flowing into it and the warm hospitality of the home with its plentiful larder, were attractive, and Aunt Eliza, a good-hearted motherly woman, always found something in the store associated with the iron works to give to me. In their lives his family presented sharp contrasts and many vicissitudes. The successful career of his son, Nelson, has been mentioned. His daughter, Caroline, a beautiful girl who sang sweetly "A little boy went out to shoot one day," married Joseph Coudon, a wealthy representative of the Cecil County aristocracy and a grandson of one of the early rectors of the Episcopal Church who bore the same name. One son, Henry, while driving at night fell out of a buggy and his neck was broken. Cecil, the youngest son, started one day to cross the Chesapeake with some companions in a boat, in the face of a fierce storm. That they had a desperate experience of some character was proved by the fact that the bodies of all of them were found, one here and one there, as the boat had been driven on in its course.

The life on Wood Street was very monotonous and almost painful to a boy accustomed to the country. However, the volunteer fire department was then at the height of its development. The Fairmount Engine Company and the Shiffler Hose Company, representing up-town and the Protestant faith with a touch of Whig politics, and the Moyamensing Hose Company with the redoubtable "Billy" McMullen, whom I afterwards came to know, representing down-town, the Roman Catholic Church and the Democratic party, often met for a fierce street fight. If a fire was needed in order to give them a chance, willing hands were

ready to start it and there were fires every day. Around the corner, not a square away from us, was the house of the Empire Hook and Ladder Company. When a fire occurred the State House bell with the strokes one, two, three and four, for the points of the compass, with their combinations, told the direction, and frantic men in their stiff hats and red shirts shouted as they ran out the long ladders and hurried away.

In the fall of 1854 my father bought a four-story brick house on the north side of Chestnut Street, the second door west of Eighteenth Street, and there began practice as well as attending to the duties of the college. The house which cost him about ten thousand dollars has since sold for a hundred thousand dollars, thus justifying his financial judgment, although, as often happens, the crop was not gathered by him who sowed the seed. He furnished it handsomely and fitted up an office in the front basement. He was popular in Philadelphia as he had been at home. He went to the Wistar parties of the day and gave parties at his home to the students, professors and others. He was one of the founders of the Philadelphia City Institute, which has since grown to great importance, and its president, and likewise of the Howard Hospital. A publisher named Wilson made an engraving of him which he sold to the public. Root, the most skilful daguerreotypist of the time, made several daguerreotypes and had two portraits made in crayon, one of which he retained to exhibit in his store. On the opposite side of the street, in a large double brownstone house, lived Robert Truitt, then very wealthy, but the house has since passed into the ownership of McCreary, the coal man, father of George D. McCreary, member of Congress Next door, also in a brownstone house, lived the Balls, and they had the steps ornamented with two large carved stone balls Both families were among his patients. S. Henry Norris, a hopeful young lawyer, recently married, lived opposite, on very friendly

terms. A few doors away, on our side of the street, lived a widow named Thomson, who had a parrot and to whom William B. Reed was then paying devoted attention. Edwin Greble had a marble yard to the eastward of Eighteenth Street and much of that square was without buildings. On the north side a baker named Wernwag, a nephew of the famous bridge builder, had his shop.

Madame Rush, the leader of Philadelphia society, distantly related to us through the Richardsons, old, large and gross in appearance, daily waddled down Chestnut Street in the afternoon for a walk. She was ever the subject of gossip, of attention and of envy.

I was sent to the Northwest Grammar School, then under charge of Aaron B. Ivins, as principal, who, later, for many years was at the head of the Friends' Central School at Fifteenth and Race streets, and every morning Snyder B. Simes, a boy whose father had a drug store at Eighteenth and Market streets, and who for many late years has been rector of Gloria Dei or Old Swedes' Church, and myself trudged together to school with our leather satchels swung over our backs. Aaron Ivins—nobody ever thought of calling him Mr., as he was a Quaker—was a stout man with a twist to his mouth on one side who enforced a rigid discipline with an "Hour Line" of delinquents compelled to stand in a row for that length of time after school, and sometimes also with a window bar. He had an abnormal command of figures. He would set down on the blackboard, say, 9347698 and multiply it mentally by 6987 without apparently the least effort, much to the wonderment of all who saw him. It was his pride that he sent more boys to the high school every year than any other principal in the city and that no one of them had ever been rejected. The school was divided into five divisions of two classes each. Every three months there were written examinations. I was admitted into the first class of the fifth or lowest division, but was almost at once advanced to the second

class of the fourth division. Being ambitious to excel, I arose in the early mornings before daylight to work at my lessons. At the first regular examination, along with two other boys, I skipped a class and entered the second class of the third division. At the next examination one boy went with me over the first class into the second class of the second division. Three months later I went alone into the first division. In nine months I had gone almost from one end of the school to the other and my heart was gleeful when called to march across the front of the school room to my new place and Aaron said aloud: "Boys, you remember when he was away down there, don't you?"

About this time Professor E. D. Saunders had established his West Philadelphia Institute, on what was then almost a farm, on Thirty-ninth Street a short distance above Market Street. He wanted to make it distinctively a school for education in French, and that language he required to be spoken in the school and on the playground. A native of Switzerland, Monsieur Subit, taught the boys. Professor Saunders, anxious to try the experiment to ascertain what length of time would be required under his methods to acquire a familiarity with the language—it may be for the purpose of advertising the school—went to Aaron in the search for a boy with some capabilities. Aaron recommended me. He then went to my father and offered to educate me free of charge. My father consented and so it happened that my course toward the high school came abruptly to an end. In the fall of 1855, at the age of twelve, I began my studies at the West Philadelphia Institute. Among the boys were Courtland Saunders, son of the Professor, who afterward, as captain in the Corn Exchange Regiment, was killed at Shepherdstown; Gregory B. Keen, who, while a rector of the Protestant Episcopal Church, went over to the Catholics, became Librarian of the University of Pennsylvania, and of the Historical Society of Pennsylvania; Alfred Driver, now a lawyer in Philadelphia; John E. Rey-

burn, not contemporary with me, now the mayor of the city, and Edward C. Loud, son of the maker of pianos, then in reduced circumstances, who walked out with me in the mornings over Market Street bridge, and who had a military record, afterward reaching the rank of a brigadier general in the National Guard. I acquired a pronunciation of the French, upon which I have been complimented since in Paris, and have been reading some French every year of my life; and, strange to say, established among the boys a great reputation as a shindy player. We played the game in a field of about twelve acres of land which was adjacent to the school. In selecting sides, a boy named Bicknell, about eighteen years old, was chosen first, because of the strength with which he could give the opening blow to the ball. The second choice usually fell upon me. I was known as a "picker." I had a heavy crooked tree limb and earned my standing by the reckless abandon with which I rushed into a mêlée and thwarted the other side in its efforts to strike the ball. To Professor Saunders I proved to be a disappointment, due to two unavoidable causes—an attack of malaria interrupted my studies and I went to the Durham Iron Works in Bucks County, one of the oldest and most noted of the iron furnaces of Pennsylvania, which, with a tract of nine hundred and thirty acres of land, belonged to my grandfather and my uncles, and there, at the house of my uncle, George W. Whitaker, the manager in charge, spent some time. There my uncle, Joseph R. Whitaker, who was a skilled horseman and had a swift sorrel horse, taught me, as well as a couple of young ladies, to ride horseback. The furnace stood among wooded hills beside a creek flowing into the Delaware River, and not far away could be seen the famous Durham Cave, two or three of whose limestone chambers were still intact.

A few months later, on the 13th of February, 1856, my father died from an attack of erysipelas and typhoid fever. He was attended by Drs. Tyson and Brinckle. There were

poems written and editorial regrets. Dr. Clark preached a sermon in the Baptist Church, called The Tabernacle, on Chestnut Street west of Eighteenth, and Dr. Roach another in St. George's Methodist Episcopal Church, upon the untoward event. Dr. Hartshorne delivered a memorial address to the classes, in which he said: "To this school especially he gave all his great mental energies with the pride of a founder, which, in a certain sense, as it now stands, he was; it seems to us now like an edifice whose foremost column has fallen down or a tree whose topmost bough is broken off."

There were sales of his interest in the college, which soon afterward became blended with the Pennsylvania College of Medicine and later with the Jefferson Medical College; of his house in Phœnixville to John Vanderslice for one-half of its value; of the house on Chestnut Street and of my mother's farm in Chester County, and when they were all over, she had just seven thousand dollars upon which to depend. She had four children, of whom I was the oldest, and my brother, James, had been born only in December. She had character, met the situation with courage and fortitude, took her family to the home of her father at Mont Clare and there kept house for him.

The house, capacious and impressive, built of stone, plastered outside, with a porch in front, approached by a flight of marble steps and another in the rear, with massive doors and high ceilings, a large and unusual parlor, partly separated by Doric columns, and a wide hall running from porch to porch, stood on a crest sloping toward the Schuylkill. It had, however, a basement kitchen and dining-room, and perhaps from this cause my mother became a prey to rheumatism, suffering with it for thirty years. With the death of my father came to me an abrupt change not only in the manner of life but in those influences which affect the currents of thought. Up to that time my life had been that of a Pennypacker and the career which had been proposed for me, and

accepted with no sense of uncertainty, was that I should pursue a course at college and then read law. The Whitaker point of view was thoroughly practical. My grandfather had large means, but to provide gratification for idle and unproductive people was no part of his philosophy. In truth, even thus early in life I felt a great sense of responsibility and the need which had come to me to be up and doing. My mother came to me with her confidences and to a great extent began to lean upon me. She continued to do so through the whole of her long life and we were not thereafter for any length of time separated. Temporarily I went to the public school in Phœnixville on the south side of the creek in a yellow building at the corner of Church and Gay streets, the teacher being Joseph Addison Thomson, one of a local family, all of whom possess more than ordinary intelligence. Both boys and girls attended the school. We sang geography. We had spelling bees and spelled each other down. One of the duties of every teacher at that day was to write a head line on each page of each scholar's copy book, which he or she endeavored to imitate for the acquisition of good chirography. I remember on one occasion writing in my book, as a venture of my own, the line:

"An Austrian army awfully arrayed,"

and being surprised to find that the next copy given me by Thomson was the following line:

"Boldly by battery besieged Belgrade."

About this period an unusual and interesting series of events occurred at Mont Clare. To understand them there need be added nothing more to the description of the house than to say that from the center of the hall a narrow entry led to the top of the stairway to the kitchen. In this entry, near the ceiling and far out of reach, hung the door bell from the front door. On the other side of the entry a crooked

stairway, used by the servants, ran to the third story. The occupants of the house were my grandfather, who was often away upon business; my grandmother; my two aunts, Elizabeth and Gertrude, then unmarried; my mother and her children; my Aunt Sarah, whose illness prevented her from leaving the upper floor; Patrick Orr, a stableman; Fanny, a very black girl of about twelve years of age, whom Aunt Sallie daily and diligently tried to wash white and comb straight; and two girls in the kitchen. Across the road which ran by to Norristown lived "Auntie Jacobs," a nice old Quaker lady with her two old bachelor sons—John and Benjamin. Prior to the Revolution the Jacobs family had been one of the most influential families of the Province, having their part in every important movement, but the lapse of time had lessened the nervous force and energy. John and Benjamin lived on the ancestral acres, cleanly and upright, full of anti-slavery traditions, a little given to science and chess, a little prone to adopt all of the advanced notions that came floating along, and without much of the vigor which leads to achievement. At Rochester, in New York, spirits had disclosed themselves to some women by rapping in mysterious ways and moving tables and chairs. Why they should so behave no one could explain, though the subject was talked about all over the country. John and Benjamin Jacobs came across the road to sit with my aunts about a round table with the hands of all four on the top of it, in an effort to get it to move, and listening for the raps which ought naturally in sequence to follow. After a few weeks of unresponsive endeavor the thing started with a vengeance in such a way as not only to discommode the family and make them uneasy but to disturb the neighborhood. The happenings always occurred at night. The bells rang long and loudly when there were no visitors, rappings were heard all over the house and there were tappings on the window panes, both up and down stairs. Blows were struck upon the doors as though with a club.

Oftentimes the sounds seemed to be made in the very presence of those who were watching. On one occasion Pat stood with a club at the back door, with the door ajar, when a loud thump happened at his side. "Bejabers, I've got ye now!" said Pat as he threw the door wide open. Darkness there and nothing more! On another occasion Fanny and I had our heads out of a third-story window on the watch when a loud noise in another part of the house startled all in it and called us there. One evening, a member of the family coming up the stairs stumbled over a large gilt mirror of great weight which had hung for years in a room in the third story. Another night the wife of my uncle, William P. C. Whitaker, then on a visit to the household, going up the broad stairway in the dark, was confronted by some obscure figure and fainted. Naturally the members of the family thought that somebody in the neighborhood played these pranks, and their suspicion fell upon a woman who occasionally came to the house and knew its arrangement. Every effort was made to catch this person in the act. Flour was sprinkled over the porches so that traces of the footsteps would be left. John and Benjamin Jacobs hid behind the shrubbery on the lawn and waited for hours. Relays were stationed at the upper windows. It was labor in vain. The manifestations continued at intervals for perhaps three months and then ceased temporarily. After about three months they began again to be followed by a period of quiet and by a third recurrence, altogether covering over a year's time. Outside of the house and near to it stood a frame structure used for the purpose of storing wood and as a receptacle for cast-off material. On a dark night a member of the family going to this house found a lot of wood gathered together with paper, and dry chips underneath, and the black girl, Fanny, with a box of matches in the very act of setting it on fire. The secret was out and she told her story. She had rung the door bell by running up the narrow back stairway and pulling out a brass stair rod which

enabled her to reach the bell. She had various devices to produce the rappings. She had a supply of tinder under the carpet of the stairway ready to set the mansion on fire, if successful with the outer structure. She was hurried away in order to have her escape the severe thrashing which grandfather would surely have given her had he been at home, and the house thereafter had no more communications from the spirits. She was such a dull, thick-witted, stupid little creature that a consensus of opinion, based upon knowledge of her and recollection of occurrences which apparently she could not possibly have produced, attributed outside assistance to her.

One morning my Uncle Joseph, a bachelor, masterful, brusque, generous and rich, upon whom had devolved much of the direction of our future, came to me and said:

"Sam, you are now old enough to get to work; what do you want to do?"

I knew well enough what I wanted to do, but it seemed to be beyond the range of possibility and of what was within that range I had not the slightest idea, and so I rather feebly answered:

"I should like to do as you do."

"Humph!" he said. "My fortune is made and yours is yet to be found."

Dr. Benjamin S. Anderson, a first cousin of my father, with whom he had read medicine, and with whose father mine had read medicine, had recently purchased a drug store at the southwest corner of Frankford Road and Wood Street, in Kensington, Philadelphia. He wanted a boy. I went to him upon an agreement that I should receive my board with thirty dollars for the first year and fifty dollars for the second year. My services began in the summer of 1857. His wife, also somewhat related to me, though more distantly, never approved of his leaving his practice to start a drug store, and she displayed her disapproval by refusing to fit up the house. In my room a basin and

pitcher stood on a washstand; there were a bed and two chairs, but no other furniture and no carpet. I opened the store at six o'clock in the morning and swept it out and my hours ended at half after ten at night, when the store was closed, except on Saturday night, when they were extended to half after eleven. We sold glass as well as drugs, cutting it to the required size with a diamond, and mixed paints and varnishes. I learned the business, even to putting up the prescriptions of the doctors. *Hydrarg. Chlor. Mit.* is firmly fixed in my mind and the information there acquired has proven to be of value to me through my whole life.

Quinine cost seven dollars an ounce; arsenic, bought at the rate of ten cents a pound, was sold by the grain at the rate of two dollars per ounce. I cleaned the bottles. I furnished the transportation for the supplies secured at the wholesale stores of Ziegler & Smith, at the corner of Second and Green streets, and John M. Collins, on Fifth Street above Market, and often I carried home twenty pounds of putty. Generally I rode with the driver of the omnibus, a lumbering affair with two horses, and with steps leading up to the door in the rear. A strap fastened to the leg of the driver gave the signal to stop. About this time the first railway cars drawn by horses were started on Fifth and Sixth streets and were regarded as very wonderful.

On one occasion I went to the cellar at night with a fluid lamp to mix some paint for a customer, and while I was busy at my task the lamp exploded and the flame ran around. I well knew the danger. The cellar was full of paint, varnish and hay which came around the glass. I pulled the fragments of the lamp away, threw them behind me and succeeded in putting out the fire in front, burning my hands considerably. Then, on turning around, I found that I had thrown the lamp into a pile of hay and the fire was spreading over the cellar. That disturbed me and I called for help. The kitchen girl came to the top of the stairs

and, seeing the trouble, concluded it was safer to stay where she stood. It was a closed cellar with no means of exit save by a narrow stairway. I succeeded in fighting the fire, finally got it stamped out, and saved the house.

A door opened from the rear of the store into the dining-room and another door from the dining-room into the kitchen. One afternoon I was tending the store, the girl in the dining-room was cleaning off the table, while the baby lay in the cradle beside her, and on the stove in the kitchen the doctor was trying a dubious experiment in the way of boiling some varnish to reduce its consistency. Suddenly the girl threw open the door from the dining-room and came rushing through the store, holding in one hand a napkin and in the other a knife and fork, followed by a volume of black smoke. In her terror she ran across Wood Street and took refuge behind a long box which there stood on the pavement. A moment later the doctor appeared at the door, his red hair and beard blackened and scorched. Suddenly the thought of the baby, abandoned by the girl, occurred to him and turning back he rescued it from its dangerous berth. The varnish had taken fire. Everything in the kitchen was burned up, but the fire engines and hose, soon coming upon the alarm, put out the fire before greater harm had been done. For two weeks the doctor remained unable to attend to business and I had entire charge of and responsibility for the store. At the end of the year his wife had her way and he sold the store to a man named Rex. I remained with him two weeks to enable him to learn the locations of the drugs and to introduce him to the customers, and then, having taken care of myself for a year and earned thirty dollars, I returned to Mont Clare. My entering the store was not altogether a wise movement, but, like most of the unwisdom of life, had its compensations in added experience and in ways we are not always able to measure.

At this time Rev. Joel E. Bradley, a preacher of the Baptist Church, had opened a school for boys and girls in

my old home, the house built by Wernwag in Phœnixville now called the Grovemont Seminary. A man of extensive acquirements, he aided in the translation of a revised version of the Scriptures from the Hebrew and Greek, and he had had long experience in teaching. It was a good school in the sense that those pupils who wanted to learn had the opportunity presented to them. On the other hand, he had a very kindly disposition and exercised little impelling force or restraint over those who were idle or indifferent. Under the tuition of Mr. Bradley I began preparation for the Sophomore class at Yale college and continued in the school for about two years. He told my mother that I was the most apt pupil he had ever known in his long experience. The ablest boy in the school was Samuel Sower, a descendant of the famous Germantown printer. He had the power to reason analytically and constructively and moreover had an unusual gift of speech. I expected for him a brilliant future. We worked together, and together solved rebuses and enigmas and were very intimate, but one day we had a personal combat ending in ill feeling, and never renewed our relations. His life was without result and closed in failure. Every man, I take it, has certain sensations which verge upon the superstitious, and in fact we none of us know to what extent traces yet remain in our mental processes of what, with our ancestors in the dark ages, were fixed beliefs. So many men who have stood in my way in life have perished from before me, three of them having committed suicide, that I am at least able to understand why generations ago there was faith in and dread of the "evil eye." When, years afterward, a friend of both quietly said to me in commenting upon the career of Sower: "He never seemed to do any good after his quarrel with you," it made me solemn and sad. Another boy, Singleton M. Ashenfelter, a little in the rough, but with vital energies and good-hearted, afterwards the United States District Attorney for New Mexico, became my

closest associate. The principal had two sons in the school. Joel, whom everybody liked, was killed in the Wilderness. A wounded comrade cried aloud for water and Joel went back and was shot while standing over him holding a canteen as he drank. The other son, William H. Bradley, studied medicine, became the editor of a paper in Wilkes-Barre and influential and then for some years was employed in the business department of the *Weekly Press* in Philadelphia. Quarreling with Cooke, the general manager, he was charged with embezzlement and convicted. I always doubted the justice of the result. Two of my first cousins, Benjamin R. and Andrew R. Whitaker, were also among the pupils. Benjamin, now dead, served throughout the war in the 104th Pennsylvania Regiment, and then, studying medicine, was surgeon to the ill-fated Collins expedition to Brazil. Andrew has ever been not only a relative but a staunch friend, and is now, by my appointment, a member of the Pennsylvania Fish Commission. Among the girls a sly little dark-eyed minx named Annie M. Taylor, pretty to look upon, caught the fancy of all of the boys, and another girl with dark eyes and red blood to color her lips and cheeks, more sedate but with a piece cut away from the top of her dress, as was then a fashion, caught mine. Her name was Virginia Earl Broomall. The games of the boys consisted of hand ball, corner ball, duck on davy and shindy; those of the girls jackstones and mumble-the-peg. We had occasional public exercises in the Temperance Hall, at which I usually delivered an address in French which indicated the erudition of the school but did very little good to the audience. I continued my French at Grovemont and so far progressed that I not only read the facile *Telemaque* of Fenelon but also a French translation of Cooper's *Pioneers*, a much more difficult matter. In Latin I read a reader made up of *Æsop's Fables* and other materials, *Caesar's De Bello Gallico, The Aeneid, Vergil's Georgics* and *Bucolics, Sallust, Horace* and *Livy*. The classes were required to read, scan

and translate fifteen lines of the *Aeneid* as a daily task. I read a hundred lines, because interested. Four books were all we were expected to complete and all that were demanded at Yale. I lay flat on the floor in the garret at Mont Clare and finished the whole twelve books and likewise all of the *Georgics* and *Bucolics.* I read in Greek, a reader, the *Anabasis,* the *Testament, Herodotus* and four books of *Homer.* The strength and precision of the Latin pleased me and it has never been forgotten. The elaboration of the Greek with its detail and profusion of form and dialects seemed to me to indicate a lack of force and Greek has meant little in my life but a recognition of scientific terms. In my fancies *Homer* fell far below *Vergil.* It may be unorthodox, but I am of the same opinion still. In mathematics I finished *Euclid* and Greenleaf's Algebra and went along with philosophy, chemistry, history, grammar and English composition.

In 1859, at the age of seventeen, I had finished my education so far as schools were to give it to me, but the door to the learning of the world, as it is contained in printed books, had been opened to me and I have never permitted it to be closed. A college is a great opportunity, but after all it is only the beaten path. Where the journey ends depends upon the traveler. With the ending of my school days I consider that my youth ended and at a period in life where many men are only beginning, I had for years felt the responsibility of a burden.

CHAPTER III

QUE FAIRE?

THOUGH entirely prepared for the Sophomore Class at Yale, and in fact having progressed much farther in my studies than the requirements, the proposition had to be abandoned for the very prosaic reason that the necessary money could not be secured.

Most people look back to their youth as a time of enjoyment, free from the sense of responsibility. With me the approach to manhood was a period filled with anxieties and uncertainties. I was about five feet ten inches in height, slim and anæmic, and weighed about one hundred and twenty-seven pounds. The mental attitude of those around me had a tendency to depress rather than to encourage. My uncle, Dr. Samuel A. Whitaker, once told somebody that I should probably live to be about eighteen years of age, and in some way the diagnosis or prophesy had come to me. He did not stand alone; others of my relatives, more blunt than discreet, had indicated by word or manner a somewhat similar opinion and I had come to regard such a result as probable. I hoped to be able to last until thirty-five, so that I might have the opportunity to see whether I could not do some useful thing in life. Remembering these moods now, I can see that they were entirely unreal, because they were always accompanied with a determination to take hold somewhere and a sense that I would succeed. This is not the feeling of a moribund or weakling. Nevertheless I must have approached a condition not then recognized but which I have since come to know as nervous prostration. Once, after going

with my mother to the railroad station to take a train, some ill-defined sensation compelled a return home. I could not lift a spoon or hold a pen to write or do many little things in the presence of other persons. All of the while I felt the necessity of getting started in some occupation in which I could earn enough to take care of myself and perhaps be helpful to the rest; but to find the opening was the problem. I knew that finally I should reach the law and in the meantime was ready to do whatever happened to be within reach. I made an application for a clerkship in the office of the Phœnix Iron Company. I asked for a place in the general store of Reeves & Cornett, a close-fisted firm doing business in Phœnixville. I tried to get my uncle, George W. Whitaker, to give me a place at the Durham Iron Works, but he pursued the cautious and safe policy of not having any of the family around him.

In the early days of the war, there was a great gathering of mules, about thirty thousand of them, in a camp of the Commissary Department at Perryville, Maryland, and having reason to believe that I could exert some influence upon Colonel Charles G. Sawtelle, in command there, I asked for some sort of a position in connection with the handling of those mules. Happily for me, all of these efforts ended in failure. So often the disappointments of life turn out for our benefit. Twice during each week I arose at daylight and trudged across the long bridge to the town market, and returning carried back in a large basket perhaps twenty-five pounds of beef to my mother. Connected with the house was a large garden in which grapes grew over an arbor and therein my good old grandmother had rows of gooseberry bushes and currant bushes —red, black and white—and planted hollyhocks and dahlias, to her delight. I dug the garden, all with a spade, and cultivated it, raising radishes, peas, beans, asparagus, cabbage, turnips, beets, corn and potatoes.

In Phœnixville the Young Men's Literary Union had

a room over the store of Reeves & Cornett, at the corner of Bridge and Main streets, and there subscribed not only for the daily newspapers of Philadelphia and New York, and the magazines, but even for the London *Punch* and *Times* and the London *Art Journal* and *Harper's Weekly, Vanity Fair* and the *Scientific Monthly.* It likewise had a fair library of romance, history and science. On certain evenings topics of the day were discussed in formal debate. The debating societies of my youth certainly helped me very much to gain self-possession and to develop the capacity for public speech which I have been called upon to exercise all through life. Among the members were the two lawyers then in the town—William H. Peck, who had studied both medicine and law, subsequently becoming a surgeon in one of the regiments during the war, a fluent man of some attainments, and perhaps, for this reason, looked upon with disfavor, and Charles Armitage, slouchy, ill-trained, ignorant and good-natured, who was always a favorite and was later killed while fighting the battles of his country. Among the other members were Ashenfelter, before referred to, Horace Lloyd, an upright, narrow and methodical clerk in the bank, and Josiah White. White had force of character. Ashenfelter annoyed him, and White emptied a bottle of ink over the light coat of his tormentor. Lloyd occupied two chairs, one with his heels, absorbing the *Tribune,* which he had held on to during the greater part of the evening. White interrupted this serenity by setting fire to the paper. A lieutenant in Company G of the First Pennsylvania Reserves, he was wounded at Antietam and killed in the Wilderness. I became president of the Literary Union.

In the year 1859 I suggested to my cousin, Benjamin R. Whitaker, that we two, he being then fifteen and I sixteen, take a walk across country down into the State of Maryland. At that time it was not the habit to walk.

Soon afterward the war made walking a necessity to many and disclosed to the rest their capacity for this kind of exercise, and in recent years fashion has made it a conventional thing to do. But then every countryman who had half a mile to traverse hitched his horse to a buggy and drove. Our proposition had no precedent among the people we knew and was regarded as bold and venturesome. Whitaker's father overcame the fears of his mother by telling her we would probably go as far as West Chester, fifteen miles away, but that he fully expected to see us at home the next evening. We started in the early morning, with staff and satchel, and in an outing of about two weeks made a trip of one hundred and seventy-five miles, walking at the rate of from twenty-five to thirty miles a day. We crossed the Chester Valley to West Chester, thence to Unionville and Oxford and the rough section of Lancaster County towards Peach Bottom, over the Susquehanna River at Conowingo bridge, through Harford County, Maryland, by the dilapidated old village of Dublin, to the Deer Creek, where my uncle, Washington Pennypacker, then owned a farm. His oldest son, Matthias, about my own age, lost his life in the war, and he with his family, insisting upon flying the flag of the country from the top of his house, was soon afterward driven from the state. Here we remained for a few days, Benjamin for the first time making the acquaintance of a hornet, visited the granite rocks of Deer Creek, and then walked to Havre de Grace, encountering a severe thunder shower on the way. There, a mile and a half from the town, my uncle, William P. C. Whitaker, owned the beautiful place called Mount Pleasant. The mansion of brick, plastered, with an elaborately carved walnut stairway running from the main hall to the second story, and taking flight by a bridge across the hall from one side of a gallery to the other, occupied at the time of the War of 1812 by Colonel Hughes, one of the proprietors of the Principio Iron Works, overlooked the Chesapeake

Bay, and from the front a long avenue ran to the bay through a wood of forest trees. From there we crossed the Susquehanna to Principio, and through the lower part of Chester County to Avondale and Kennett Square. The last day's walk was from Kennett Square to Phœnixville. As we went down Main Street, on our way home, we met a rather stout, full-faced man with a sandy complexion and side whiskers who greeted our return with, "I shall put you in the paper." He has had a career, and it is worth while to stop and look at him. I can well remember the healthy appearance, the cordial and attractive manner and the pleasing personality.

John Henry Puleston at that time was the editor of the Phœnixville *Guardian*, a weekly newspaper which had a brief and checkered existence. He came to Phœnixville from Scranton and in a few months he left the town, owing everybody in it who could be persuaded by affability to trust him, even the poor woman who did the family washing. No doubt he was absolutely without resources. Soon afterward Governor Curtin appointed him an agent for the State at Washington. He then became associated with Jay Cooke, who sent him to London, where he acquired an interest in the firm and became its representative in England. When Cooke went down under the weight of the Northern Pacific Railroad, in some way Puleston managed to hold up his end and became wealthy. Presently he was made a baronet and went to Parliament, and he died a few years ago in a castle in Wales which he had bought with his acquisitions. Many years after I had met him on Main Street I was one of the managers of the Penn Club, an organization of note in Philadelphia. It was determined to tender the hospitalities of the club and give a reception to a distinguished member of the British Parliament about to visit America. The arrangements had progressed to a certain extent, but were revoked when it was bruited about that if he came he would fall

into the hands of the sheriff. Thereupon Sir John Henry Puleston, M. P.—it was he—hunted up his old debts and paid them. To all of his American acquaintances he was kind and attentive when they sought him, and his neglect of his obligations of the past was probably as much due to inertia as to any other cause.

The winter of 1861–62 I spent at the store of Whitaker & Coudon, a firm consisting of my grandfather, my great-uncle, George P. Whitaker, of Principio, and the son-in-law of the latter, Joseph Coudon, who then lived in Camden. Their store ran from Water Street to Delaware Avenue in Philadelphia and there they sold the iron made at Durham and Principio furnaces, and likewise represented the Schalls of Norristown; White, Ferguson & Co. of Robesonia; and other iron firms, and were the sole agents for the Burdens of Troy, New York, in the sale of their horseshoes. I assisted Oliver C. Lund, a gouty, white-haired old retainer, perched upon a high stool, to keep the books and also rolled out kegs of nails and horseshoes, when they were to be shipped, and did whatever else was to be done. I boarded at a hotel on the east side of Third Street and there added somewhat to my reputation as a checker player. An irascible Irishman named Felix O'Barr had come to be recognized as the champion among the merchants and their clerks who found a temporary home at the hotel. One evening he met an opponent to whom he was compelled to succumb. After the match had been lost he said to his foe, "You can't play checkers. There is a boy here who can beat you." And the boy did.

In the summer of 1862, at Mont Clare, I one day read an announcement that Mr. Cruikshank, the county superintendent of public schools in Montgomery County, would hold an examination to determine the selection of teachers for the following winter. Without a word to any one, I put a saddle on the bay horse, rode over to the Trappe, in company with numerous other applicants took the

examination, and in the evening came home with a certificate in my pocket. At my request the directors gave me the school at Mont Clare, a little one-story stone building with one room. It has since been torn down. Mr. C. Herman Oberholtzer of Phœnixville had a cane made from the wood with the figure of the house carved on it and presented it to me. I taught for a term of eight months for a compensation of thirty dollars per month. The children were of both sexes and ranged from little tots, trying to learn their A, B, C's, to young men and women eighteen years of age, and in all there were from fifty to sixty scholars. It had been a disorderly school and one of the amusements in earlier winters had been to put the teacher out of the room. I used various devices to establish and enforce discipline. When a boy used filthy language I washed out his mouth with coarse soap. I compelled a disobedient scholar to stand in the corner with his face to the wall, a position which in time grew to be very monotonous. The names of those who did the best each week were kept on the blackboard where all could see them. I kept regular records of accomplishment and conduct and sent the results at stated intervals to the parents. One of the largest boys, as old as myself and no doubt much stronger, the son of a farmer named Strough, once committed some gross offense and I determined that unless I should flog him my hold was gone. I quietly told him that I wanted him after the school had been dismissed. The children watched in awe and I was probably as uneasy as he. Near the close of the session his nerve gave way and grabbing his books he made a bolt for the door, much to my relief, and I never saw him more. I had a class in Brooks' Mental Arithmetic, and one of the young women, a Miss Caroline Billew (Boileau), went entirely through Greenleaf's Arithmetic with me. Once a month I rode on horseback six miles to a teachers' institute at the Trappe and there, among other teachers,

met H. W. Kratz, now president of the Schwenksville National Bank.

After all of these more or less desultory efforts to secure a foothold, at last the uncertainties disappeared and my course became fixed. My grandfather, somewhat influenced by my uncle, Joseph, concluded to advance me the money with which to read law. He was much aroused over the war and it is very likely that my recent participation in some of its events had finally convinced him that I had sufficient character to make the expenditure of the money a fair business risk. The counsel of Whitaker & Coudon had been James Otterson, but not long before, Otterson had taken into an important matter for them, Peter McCall and he had made a very favorable impression. It was determined that I should enter the office of Mr. McCall. But I was then about twenty years and six months old. If I began the office study before the age of twenty-one, I was required to study for three years, and if after twenty-one, then but two years. We determined that these six months should be saved. At that time Enoch Taylor, the brother of the most intimate friend of my mother, more of a conveyancer than a lawyer, afterward sheriff of Philadelphia, had an office on Sixth Street on the east side not far from Race. He was a thin, nervous, childless, timid man, with so abundant a knowledge of real estate and its transactions that whenever a Republican was elected sheriff of the county he was selected as chief deputy, in order to see that the unknowing sheriff did not get into trouble. Finally at a time of political upheaval he was himself elected sheriff. He very kindly consented to let me read in his office temporarily and there I made my acquaintance with *Blackstone.* He had one assistant, Elias P. Smithers, who had come to the city from Delaware, then very much attached to the work of the Methodist Episcopal Church and almost a devotee. Later he broadened, came to the bar, entered politics, became

register of wills, and died from a fall down a stairway, leaving a considerable estate. After my birthday in April of 1864, I entered the office of Peter McCall and may then be regarded as having commenced the serious business of life.

CHAPTER IV

The War

IN the year 1858 a comet of vast proportions swept across the sky and its tail, spread out like a curved fan, extended over perhaps one-third of the visible heavens. Such appearances in ages past always portended war, and while the superstitions, which were once realities in their effect upon the conduct of men, had waned, the mental impressions made by them are yet uneffaced. In the inland villages people looked at the heavens and, with smiles of assumed incredulity, shook their heads and said trouble was coming for the country.

In 1860 another great comet appeared, and to those inclined to view the apparition as a foreboding, the recurrence had much more than duplicated significance. There were other warnings of coming events more tangible and some of them nearer at home.

The boys of the Grovemont Seminary were one day playing ball in the road in front of the house when the startling news came that a man named John Brown had invaded the South in an effort to free the slaves and had captured the arsenal at Harper's Ferry. In the main the sentiment in the school was Republican and opposed to slavery. Roger B. Taney, who, as Chief Justice, had rendered the Dred Scott decision, they flouted. A mile away, at the Corner Stores, Elijah F. Pennypacker, a Quaker, six feet four inches in height and straight as an arrow, at one time president of the Pennsylvania Abolition Society, had a station on the Underground Railroad and when, as occasionally happened, an unknown negro was met wending his way northward, he was bidden "Godspeed." While,

therefore, the effort of Brown could not be justified by logic or reconciled with the duty to obey the law, there was an undercurrent of hope that in some way he might succeed, and when he was captured, tried and hanged, the result was accepted with the sense that the incident had not been altogether closed.

Jesse Conway lived in a little stone house at the entrance of the bridge which crossed the Schuylkill and there gathered the tolls—one penny for a foot passenger, five cents for a one-horse carriage and ten cents for a two-horse carriage. He and our neighbors, the Jacobs family, were Abolitionists. The men of the Whitaker family, old-line Whigs turned adrift, supported Fillmore in 1856 and Bell in 1860, but the women, more emotional, agreed with the Jacobs family, and I shouted in 1856 as loudly as I could for Fremont. John Jacobs subscribed for the New York *Tribune*, which daily lay at the toll house until he called for it, and there I managed to read doctrine which could not be found at home. One day I sat on the wooden bench in front of the toll house and read a speech delivered the night before at the Cooper Institute in New York by a man named Lincoln, from Illinois. It made a great impression upon me and when John Jacobs came along I called his attention to it as the argument of a man of great ability and absolutely unanswerable.

The political feeling became intense, for the reason that the issues had been swept away from questions of mere sordid interest and now appealed to the underlying human sympathies. John Hickman, the member of Congress from Chester County, a lifelong Democrat, no doubt somewhat influenced by the Quaker sentiment surrounding him abandoned Buchanan when the President supported the Lecompton Constitution maintaining slavery in Kansas, and established a national reputation. He was a slim, dark-eyed man with a power for vigorous, sarcastic and even vindictive eloquence. When he made a speech something or somebody was rended. A story whispered around over

the country at the time said he had inherited some of his characteristics from Indian ancestors, and only within the last few years I have discovered original contemporary evidence that one of the Lenni Lenape employed about the iron works at Coventry, in Chester County, in 1726, bore the name of "Indian John Hickman." Whatever may have been the truth or want of truth of this story, the bit of romance detracted nothing from his influence. We were all proud of him and of the reputation he had won, and when we saw a reference to him in a journal published so far away as New York, or mayhap Boston, we felt a sense of reflected importance. More than once the thought came to me that if ever I could be of consequence enough to be sent to Congress the ambitions of life would be sated. At the next congressional election there were three candidates—a Lecompton Democrat; Hickman, the anti-Lecompton Democrat, and John M. Broomall, the regular Republican. Most of the Republicans supported Hickman and he was re-elected. The contest grew very bitter. On one occasion the Democrats of Tunnel Hill concluded to erect a pole on the south side of the creek, near the Eight Square school-house. It was regarded as a sort of invasion. The pole, of huge proportions, consisting of a heavy tree for a butt and a long sapling for a top, lay on the ground ready to be spliced and erected the next morning. Suspicious of trouble, a selected squad of those interested came to keep watch. The night turned out to be dark, cold and wet and the watchmen sought the shelter of the school-house, where, perhaps, they had something to provide for warmth and comfort. When morning dawned the top of the pole had disappeared entirely, and the butt was found bored through with auger holes. The top had been carried to the Schuylkill and thrown into the river. So far as I know no contemporary whisper hinted at those who indulged in this escapade, but among the participants were Richard Denithorne, Ashenfelter and myself.

THE WAR

In the Presidential campaign of 1860 another ominous event occurred. At the political meetings held by the Republicans, clubs called "Wide Awakes," never before known, wearing oilcloth caps and capes as a sort of uniform, carrying torches upon the end of long staffs often used as bludgeons, drilled to march and go through the maneuvers of the manual of arms in a semi-military way, appeared all over the North and were everywhere greeted with enthusiastic approval. I do not know that their significance was recognized, but a philosophical observer could well have forecasted that when men instinctively turned to military organization, war was approaching.

When Lincoln came to Philadelphia on his way to Washington to be inaugurated, my grandfather and I went to the city and from a second-story window watched him as he passed in a barouche bowing to the crowds, anxious but earnest, who lined the streets. The next morning we heard him make his speech in which he alluded to the possibility of assassination, and saw him raise the flag over Independence Hall. He took off his coat, rolled up his sleeves and pulled at the rope, hand over hand, in a way which led my grandfather to ejaculate, "I think he will do."

The rebels opened fire upon Fort Sumter on the 12th of April, 1861. That event put an end to uncertainty. Everybody knew what it meant. The great North, untrained in the handling of arms, without an organized militia, intent upon the gainful pursuits of life, had a new task to perform. In the earlier days some generous person had given the field at Paoli to the militia and there they had annual encampments. I could remember that once, when a child, my father took me there to see the soldiers. Some drunken fellows in the course of the day undertook to pull Colonel William F. Small from his horse. He drew his sword, sliced the ear off of one of them and established the reputation of a hero which has remained with me even unto this day. Dr. Walker, a handsome, companionable young fellow, who

read medicine with my father, had became the major of one of the regiments. We had heard that Levi P. Knerr, born in Phœnixville, had been a lieutenant in the war with Mexico.

But all of this activity had disappeared for years, Paoli was overrun with mullen and jimson (Jamestown) weeds, and military affairs had fallen into desuetude. Prior to the firing upon Sumter, the North was dull, inert and waiting only. It hoped, even expected, that some way would be found to avoid the difficulty. There had been threats before, but the danger had been postponed if not averted. There had been a Missouri Compromise. Later Daniel Webster, who spoke well enough against Hayne, had lain down and consented to be trampled upon. Something like it might be done again. As a psychological phenomenon, the effect of the firing upon Fort Sumter was most impressive. The torpor disappeared at the instant. No one any longer thought of yielding or compromise. The Union, whether or not, was to be preserved. The rebels, if they resisted, were to be shot. The Copperheads, as those of the North who opposed the war were called, were to be silenced by use of such force as might be necessary, and in the meantime they must fly the flag from the windows and chimney tops of their houses. In their hearts many men resolved that slavery, that vile institution which had brought all of this trouble upon us, should be driven from the earth. Every man began to brace himself and set his teeth. He hunted up and polished the old fowling piece which had been rusting in the garret. The young girls looked through their music books for the "Star Spangled Banner" and "Hail, Columbia!" Red, white and blue neckties were tied around their throats. They sent letters to their lovers in envelopes which displayed the same colors and other patriotic devices. Recruiting stations appeared in the taverns and corner groceries and every young man expected, and was expected, to bear his part in the struggle. The

sounds of the drum and fife were heard everywhere in the streets. Instead of hammers and tacks, weapons were displayed in the windows of the hardware stores. From the pulpits preachers told the stories of Joshua and of Judith. The women organized themselves into societies, the object of which was to make uniforms and to pick lint and to prepare for nursing.

At this time my uncle, Joseph R. Whitaker, lived at Mount Pleasant, in Maryland, about a mile and a half from Havre de Grace, and my uncle, William P. C. Whitaker, with a family of five daughters, lived in Havre de Grace. It looked for a time as though Maryland would follow the other states of the South into the maelstrom of secession, and the clouds gathered darkly up to the very borders of Pennsylvania. My grandfather, anxious to communicate with his sons and grandchildren there, and to make some provision for them, on the 22d of April went to Philadelphia, intending to go by train to Havre de Grace, and he took me with him. At the depot of the Philadelphia, Wilmington and Baltimore Railroad in Philadelphia, we learned that the bridges over the Gunpowder and Bush rivers emptying into the Chesapeake Bay, had been burned in an uprising of secessionists, and that the train could go no farther than Wilmington, Delaware. Returning home with additional cause for excitement and uncertainty, we held a council. It was determined that Michael Weldon, the hired man, with Bridget, his wife, should drive with the two-horse carriage across Chester and Lancaster counties to the Conowingo bridge over the Susquehanna, and thence across Harford County in Maryland to Havre de Grace. I was to be the agent of communication. The journey down occupied two days. On our way in Lancaster County, Mike and I dropped the reins, chased a raccoon across two fields, captured him and put him in the carriage box and brought him safely back to Mont Clare, where he was finally killed by the dogs. The secessionists of Maryland had contem-

plated burning the Conowingo bridge, but finally concluded to station a party of horsemen at the northern end to prevent the passage of all who were objectionable and burn it if necessary. We were halted by this party, who, guns in hand, surrounded the carriage. It was the first hostile force I had ever confronted and I was curious as well as uneasy. My story, however, had been already concocted. I had been at school at Nottingham in Chester County. The troubles of the time had made my parents uneasy and they had sent the servants for me to take me home to Havre de Grace. The tale was plausible enough and we were permitted to cross the bridge. We reached Uncle Joseph at Mount Pleasant without any further adventure. The events occurring around were sufficiently stirring. The Union men and the secessionists were both aroused and bitter in their antagonism and were about evenly divided. Uncle George P. Whitaker of Principio was a resolute Union man; his son-in-law, Joseph Coudon, was a determined secessionist. They quarreled and severed relations and the latter, on one occasion, only escaped some infuriated opponents by the help of a back window. Another uncle, Washington Pennypacker, living on the Deer Creek, in Harford County, raised the stars and stripes over his home, and as I have written before, was driven out of the state.

On the 18th of April, five companies from Pennsylvania, the advance of a mighty host, had gone through to Washington. The next day Colonel Small, to whom I have referred in connection with Paoli, at the head of the Seventh Pennsylvania Regiment, and the Sixth Massachusetts Regiment, were attacked in Baltimore. Among the wounded was Henry C. Dodge, a printer in the office of the *Weekly Phœnix*, the Phœnixville newspaper, who returned home with a cut across the hand and established his reputation as a hero. The immediate danger at Havre de Grace soon disappeared. When we reached there a camp had already been established at Perryville, on the opposite side of the

Susquehanna, and Union troops were collecting there in great numbers. Among those I remember seeing were Lieutenant-Colonel Edwin Schall, of the Fourth Pennsylvania Regiment, and John F. Hartranft, later to become famous as a major-general, the organizer of the National Guard of Pennsylvania and Governor of the Commonwealth, so dark in complexion that he was at times called "Black Jack Hartranft." With piercing black eyes, erect and vigorous, an exceptional horseman, taciturn, endowed with courage and great executive capacity, he ought to have been President of the United States at the time Hayes was elected, and would have been had not the bad Pennsylvania habit of opposing her own prevented.

The destruction of the railroad bridges had separated Washington from the North, and Perryville has the honor of being the earliest outpost of the war. A great outcry ran through the camp about the poor quality of the "shoddy" clothing, and there was much denunciation of the civil authorities. In the hurry of the time, clothing had to be secured in every possible way and at the outset it was very imperfect, but ere long it came to be of the most durable texture, and a workman who could secure a pair of old army-blue pantaloons felt that he was fortunate indeed.

Brigadier-General Benjamin F. Butler of Massachusetts came to take command of the camp. At that time the railroad trains ran on to the top of a huge steamboat and it carried them across the river between Perryville and Havre de Grace. One morning when the boat was about to leave the wharf, Butler, complying with orders sent him by Major-General Patterson, the Department Commander, with a part of his force, marched on board and the boat started for the opposite shore. In mid-stream he ordered the captain to take his boat down the Chesapeake. The captain objected strenuously and gave many reasons why such a move would be impossible, but in the end was com-

pelled to succumb. Butler landed at Annapolis, opened communication with Washington, cut off Baltimore from the south and, working backward, soon had possession of that city and the secession movement in Maryland failed.

At the end of my mission, I took the raccoon and returned to Mont Clare, having seen the opening phases of the war in its nearest approach to our own homes.

When I was a child about seven years of age, my father one day took me to a house on Nutt's Road on the north side about a half mile from Phœnixville and within a short distance of the Corner Stores. In the house was a modest, diffident boy, perhaps a little larger than myself. My father said to me: "Sam, this is your cousin, Galusha Pennypacker," and we played together about the yard. As he grew toward manhood, he found employment in the printing office of the *Village Record* at West Chester. At the very beginning of the war, he enlisted as a private, having declined the position of first lieutenant because he felt himself incompetent. When the company left West Chester a wise bystander said to his friend: "There is one man in that company who will never fight."

"Who is it?"

"That young Pennypacker."

At the close of the war he returned a brigadier-general and brevet major-general of volunteers, at twenty-two years of age, the youngest man who had ever held such high rank since the organization of the Government. He had been shot seven times in eight months. Commanding a brigade in the assault upon Fort Fisher, the only fortification taken by storm during the war, when the color-bearer of the regiment, of which he had been the colonel, had been killed, he seized the flag and planted it upon a traverse of the fort. At this moment a rebel placed a rifle at his thigh and fired. He was supposed to be dead. The main nerve had been severed. He lay at Fortress Monroe for a year

G. Pennypacker.

Brevet Major General Galusha Pennypacker, U. S. A.

and has never recovered.* He was made a colonel, brigadier-general and brevet major-general in the regular army—likewise the youngest man who ever held those ranks. For a time he commanded the Department of the South. He was in command at New Orleans at the time that a commission was sent to investigate the conditions which led to the Hayes-Tilden electoral dispute. Grant refers to him in his Memoirs and no history of the war is written which does not tell of his heroic services. He is one of three of his family and name who have been suggested for the governorship. He represented the American army at Berlin at the review of the German army at the close of the war with France and received much attention from the Emperor and Count Bismarck. Tall, big-boned, with much courtesy of manner, with native intelligence and great power of will, he is a remarkable character.

A company of Irishmen from Tunnel Hill enlisted in the Seventy-first Pennsylvania Volunteers and were with Webb at the bloody angle at Gettysburg. A company from the south side of the town became Company G of the First Pennsylvania Reserves. Among the first to enlist was Josiah White, a bright, lively and muscular young fellow, engaged to be married to Kate Vanderslice, and he became first lieutenant of Company G. When his body was brought to Phœnixville, from the Wilderness battlefield, where he was killed, in accordance with a custom which still lingered, Lloyd, Ashenfelter and I watched over it all night, and we carried him to his grave in the Dunker graveyard, at the Green Tree. Kate Vanderslice, his fiancée, soon died, and in a gloomy and sombre poem which I wrote in early life, I endeavored to tell the tale of their misfortunes.

The pretty young woman who later became my wife, along with the other girls of her age, made in the hall of the Young Men's Literary Union the uniforms which Company

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* From the wound then received, General Pennypacker, on October 1, 1916, nearly fifty-two years afterward, bled to death, within a month after the death of Governor Pennypacker.

G wore to the front. My mother made rusk and sent it in boxes to the army and the hospitals, and my aunt, Mary A. Pennypacker, a proud and good woman, after the Battle of Gettysburg, went to the field to nurse the wounded and spent weeks amid the miseries there. The spirit of willingness to sacrifice self which was everywhere developed was one of the compensations for the struggle. The flag floated over almost every household. If any man dared to give utterance to hostility to the Government, he did it at the risk of physical violence then and there. Currency became scarce. As a means of overcoming this difficulty postage stamps were put up in small envelopes, labeled on the outside with the amount and this led to the gradual evolution of the fractional postal currency which for years was the only kind seen. Coin entirely disappeared. Prices of all commodities soon began to advance. At home we occasionally used rye as a substitute for coffee without much success. The Phœnix Iron Company adapted their mill to the manufacture of a cannon, invented by John Griffen, their manager, made of layers of twisted metal. These guns, before being sent to the Government, were tested by firing shells across the Schuylkill into the hillside north of Mon. Clare, on the top of which now quietly stands a graveyardt From this source of supply, gathering balls and slugs, with an old fowling piece of large bore, I practiced marksmanship. The military impulse had arisen and I wanted to enlist, but I was my mother's dependence, and she persuaded me to wait. She consented to my going to West Point. The vacancy controlled by our Congressman, William Morris Davis, had been filled, but he offered me the appointment to Annapolis, which I declined. To that vacancy he then appointed a young friend of mine who is now Rear-Admiral Stockton of the Navy, who has been president of the Naval War College and of the George Washington University. Mr. Davis suggested that I might obtain a West Point cadetship by securing one of the appointments at large in

the control of Mr. Lincoln. The Congressman from Harford County, Maryland (I think his name was Howard), came to his help, and Richard Yates, the Governor of Illinois, who was under obligations to my grandfather, used his influence. On the day of the Battle of Bull Run, I was again at Mount Pleasant to go with my Uncle Joseph, grandfather and great-uncle, George P. Whitaker, to Washington to meet the President. The time was most inopportune for the purpose we had in view, but rich in the opportunities it gave for reminiscences. In Havre de Grace I saw a soldier shot and killed. A regiment of Maine lumbermen on their way to the South halted in the town and threw out their guards. One of the men tried to force his way across the line, and the guard, on the point of being overcome, fired his musket. The ball did not touch the offender, but passed through the lungs of another member of the regiment, through two sides of a car and buried itself in a stone wall. The stricken man bled to death. Hardly had this occurrence ended when great excitement arose through the efforts of the soldiers to hang a German baker in the town accused of having sold them cakes filled with ground glass. With difficulty he escaped, getting over a fence in the rear of his garden and being hidden by some of the townsmen. The charge was probably entirely unfounded.

In Washington we stopped at Willard's Hotel and found the city in a state of the utmost excitement and confusion expecting the approach of the rebels. The army were scattered about the streets of the city, the men of different regiments mingling together just as they happened to meet. Aides and messengers in uniform were galloping hither and yon and indicating by their acts and manner the tense state of their nerves. I saw one who, in his haste and excitement, ran his horse directly upon the tongue of an artillery carriage coming the other way, and the horse, with penetrated breast, fell dead. Upon the floors of Willard's lay a number of the New York Fire Zouaves who told us rather

highly colored narratives of their encounter with the Black Horse Cavalry. Around each narrator gathered a knot of eager listeners whose interest was heightened by the consciousness each possessed of the surrounding uncertainties. General Winfield Scott, whom we saw upon horseback, seemed both too old and too corpulent for responsibility in such a crisis. My grandfather and his brother were both concerned for the fortunes of General McDowell, for the personal reason that he had married a daughter of Burden of Troy, New York, of whom they were the business representatives in Philadelphia. We had influence enough to get from Drake DeKay, whose autograph was apparently made with a pair of tongs, a pass to enter the various fortifications which were being rapidly constructed for the defense of the city. We likewise drove across the Long Bridge and to Arlington, which was then not a cemetery, and to Alexandria, where we saw the house in which the rebel tavern-keeper, Jackson, had shot Colonel Ellsworth and had himself fallen a few minutes later. It is difficult for those of the present day to understand what a wave of intense emotion spread over the land when Ellsworth was killed, but they can secure some idea of it by observing what a number of living men bear the name Elmer E. He was young, courageous and attractive, and became one of the earliest sacrifices offered up to the moloch of slavery. At the capitol I was introduced to Emerson Etheridge, one of the congressmen from Tennessee, who remained loyally at his post, notwithstanding the action of his state. Dark-eyed, slight in build and voluble, he spat tobacco juice right and left over the beautiful marble which adorned the fireplace of the committee-room. I also met Potter of Wisconsin—short, chunky and muscular—who was then in great repute, because when Roger A. Pryor of Virginia, a cadaverous fireeater, challenged him to a duel, he accepted and selected bowie knives as the weapons. Thereupon Pryor withdrew upon the theory that they were not the weapons

of a gentleman. It was the general opinion that Potter would have cut Pryor, who had more assertiveness than strength, into pieces. In the Senate John C. Breckinridge of Kentucky, who maintained the ethically indefensible attitude of participating in the legislation of the Government while making his arrangements for command in the rebel army to fight against it, attracted much attention. Tall and of good proportions, handsome, dark as an Indian, with straight black hair, he walked up and down the chamber with slow step and with his hands clasped behind him, giving to all a good view of his imposing person. Later he became a major-general in the rebel service and in a number of defeats was still conspicuous, though I believe a brave soldier. I also met John J. Crittenden of Kentucky, then old, thin and a little withered and wrinkled, who had made an earnest effort to avert the inevitable struggle. Much of the conversation about the capitol concerned those congressmen who had gone in a barouche to view the battle and had fallen into the hands of the enemy.

We returned home, having failed in the object of our visit, but I had been in the midst of the most trying and critical situation of the entire war. If the rebels had advanced upon Washington after their success at Bull Run, the whole history of the world might have been changed. The prevalent feeling in Washington at the time was that we were in immediate danger and that the final outcome was in grave doubt.

In 1863 I was a private in Company F of the Twenty-sixth Pennsylvania Emergency Regiment which met Early's division of Lee's Army as it advanced upon Gettysburg before the coming of the Army of the Potomac under Meade. I do not intend to give here the details and incidents of that campaign, for the reason that I wrote at the time a full description of it, afterward published in my *Historical and Biographical Sketches*, and for the further reason that in my address at the dedication of the monument erected on the

field I made a thorough study of the contemporary orders relating to it showing its unique importance. The address may be found in the two volumes of *Pennsylvania at Gettysburg* published by the state. It is my purpose here only to fill in a few additional features and to make some comments rather philosophical than historical. I went as a sergeant with a company from Phœnixville to Harrisburg in June. I had never been in that city before, and that night I slept on the stone steps of the capitol wrapped in a red horse blanket. In view of my election to the governorship of the state, this incident has certain dramatic features, of which the Honorable Hampton L. Carson made good use in the nominating convention. When it was discovered that the men were required to be sworn into the service of the United States, the company with which I had come, composed of my friends, declined to be so sworn and returned to their homes. I went as a private into the Pottstown company among strangers.

It is certainly remarkable that a boy should leave his quiet country home and within a few days' march, as it were, direct to Gettysburg, not only the pivotal point of that tremendous conflict, but the scene of the most important events in all American history.

It seems almost as though there were a fatality which determined that affairs should so be shaped. If my own company had not gone home, I should not have been in the regiment which went to Gettysburg, and I would have experienced nothing of consequence. The Pottstown company had decided to connect themselves with another regiment in the camp, and only after much persuasion and considerable delay were prevailed upon by Colonel Jennings to change their association and unite with him. Had they not made this change I should not have gone to Gettysburg. The delay was likewise essential. The regiments were sent forward as organized, each going further to the southward than its predecessor. If Colonel Jennings had succeeded

with the Pottstown company at the outset, his regiment would have been filled and he would have taken the place part way up the valley to which Colonel Thomas' regiment was sent. We constituted the first and one of eight regiments sworn into the service of the United States for the existing emergency. We were the only body of troops during the entire war which entered the military service of the Government for a period of uncertain duration, and, with Lee invading the state, that period might well have extended into the indefinite future.

When we arrived at Gettysburg we found Major Granville O. Haller, of the United States Army, in command there, and the only force at his disposal was our regiment. On the other side of the mountain in the Cumberland Valley, not ten miles away, was Lee with the Army of Northern Virginia. Rodes, being in the advance, marched toward Harrisburg to carry the war into the heart of the state and possibly to Philadelphia. Early, with a division—artillery, cavalry and infantry—was sent over the mountain by the Chambersburg pike to Gettysburg. On the 26th of June, in the early morning, in obedience to the order of Major Haller, we marched out the Chambersburg Pike to confront the approaching host. To this regiment of seven hundred and thirty-two men who had left their homes only a few days before, unacquainted with their officers and comrades, and unfamiliar with the ways of warfare, was assigned the task of stopping the progress of the army of Lee. The order has often been criticised, but it was absolutely correct. The occasion required that what they were capable of doing, whether much or little, should be done. The reports of Early show that they held back his division an entire day. On the Hunterstown Road we had an engagement with the rebels lasting over half an hour in which we lost some wounded and one hundred and seventy-six men captured. The rebel general, John B. Gordon, in his reminiscences of the Civil War, calls it a "Diminutive Battle" and claims

that because of it he gained knowledge of great value to him and his cause in the coming contest. After encountering the enemy on the Chambersburg Pike, and again at Dillsburg, after escaping threatened capture, the regiment, by hard marches across a country filled with foes, found its way to Harrisburg. The men had lost all of their baggage and equipments. From Friday morning until Saturday night they had been without food, and until Sunday afternoon almost without rest. They had fired the first shots and drawn the first blood upon the battlefield of Gettysburg. Students of the history of the war have been attracted by the unique relation of the regiment to that decisive battle and some of them have regarded it as an essential factor. Circular No. 8, Series of 1894, of the Loyal Legion of the United States, says: "It was the only emergency regiment which participated in that decisive battle of the war and it is an historical fact that owing to the advance movement of Colonel Jennings' regiment, Gettysburg became the battle ground."

Spear, in his *The North and the South,* after pointing out that the coming of a scout with news of the approach of Meade did not lead to the concentration of Lee's army, as Lee wrote, for the reason that the order was given at 7.30 A. M. on June 28th, and the scout did not arrive until the night of that day, declares that the concentration was the result of our combat on the 26th of June. He says, page 97: "It was the beginning of a series of events which colored and determined all the issues of this campaign in a military sense. This regiment was as unconscious of the resultant consequences of its action as was Lee himself. It was one of those insignificant events that so often are the important factors in great results."

On the wall at Pennypacker's Mills there hang together the knapsack I carried, the shoes I wore, a broken carbine made in Richmond in 1862 and picked up at the scene of our conflict, and a ramrod I found in a

rebel camp a few days later at Chambersburg on our way to join Meade.

The bronze figure of a young man clutching a musket, who has just run up upon the top of a native boulder, stands at the point where the Chambersburg Pike leaves the town of Gettysburg to commemorate the services of the regiment.* The names of those enrolled on it, cut in a bronze tablet, will be placed in the Pennsylvania Memorial on the battlefield before the close of the present year.

When I returned home, I was at once drafted. I had no idea of returning to the service in this way and my grandfather, who was much pleased with the outcome of my military experience, paid $300 for a substitute at Norristown only too willing to go to the front in my stead. I do not know of his name or his fate.

In the fall of 1863 I went to Philadelphia and boarded with a Miss Mary Whitehead on Chestnut Street below Fifth, where my Uncle Joseph had two rooms. We had a wood stove in the back room, the wood for which I threw into the cellar from Chestnut Street and there cut into pieces. Right opposite to us was the office of *The Age,* a newspaper which represented the Copperhead proclivities then gaining strength over the North. One of its witticisms I recall; "A Union League is three miles from any battlefield." Richard Vaux, who had been mayor of the city, and in his youth had danced with Queen Victoria, pointed out as the man who never wore an overcoat or carried an umbrella, and who kept a long beard tucked away under his clothing, also found a Union League obnoxious. He made it a point of conduct never to walk in the square in which this club had its quarters. Perhaps the most conspicuous and at the same time the most disliked of those regarded as Copperheads in the city were William B. Reed and Charles Ingersoll. Both of them were lawyers.

* It was Governor Pennypacker who suggested that the statue should show the trousers tucked into the boot-legs to indicate the sudden change from peaceful life to the battlefield.

Reed, smooth-faced and intellectual, had been district attorney and Minister to China; an old-line Whig, become a Democrat at the most inopportune time. With a lack of financial judgment, which has characterized the whole family from the time of its origin, he deserves appreciation for his literary attainments and for the fact that we owe to him the earliest of the real biographies of the Revolution. He lost his practice, his money and his social position, and, drifting to New York, died in poverty as a writer on the New York *World.* Ingersoll, a tall, slim figure, with dark eyes and a long neck, wore a stock and a collar five or six inches wide. His manner was courtly, but ever suggested idiosyncracy. While crossing the ocean some years later, he died and was buried at sea. Time and again from my room on Chestnut Street I watched a psychological phenomenon characteristic of the time and illustrating the prevailing temper. The billboards at the newspaper offices announced a defeat or check which had happened to one of our armies and the hurrying newsboys cried aloud the disheartening event. Instantaneously almost, an angry crowd gathered. With a common impulse, and with stones, bits of iron or whatever could be grasped, broke in the doors and windows and destroyed the property of *The Age.*

One of the features of the time was the provost guards who tramped the town, and I have seen them firing upon a fugitive at the corner of Sixth and Chestnut streets in the very heart of the city. Courtland Saunders, my old schoolmate in West Philadelphia, who went out as a captain in the Corn Exchange Regiment, met his death within a very few days at Shepherdstown. Another playmate of my boyhood, J. Henry Workman, with whom I have maintained a friendship all through life, joined the cavalry regiment known as Rush's Lancers, and before they left for the front I saw him a number of times in camp in the northern part of the city. While away he wrote me many letters of army life which I still preserve. He became a captain, but had a

sad experience. All of his family were in the South and rebels, and in one of his campaigns he came unexpectedly upon the grave of his brother, killed in the Southern army. Taken prisoner, he was confined for a time in Libby Prison. On his return home, at the close of the war, he became a member of the important shipping firm of Workman & Co. But a grievous wound upon the head brings recurrent attacks of mental excitement and his life given to his country has been a continuous sacrifice.

He has lived long enough, however, to see later generations teach the doctrine that it makes no difference whether men were right or wrong in that tremendous struggle, and erect statues to Wirz in Georgia and Lee in Washington. The logic of the instruction is that should the nation again incur danger, let each youth fight upon whichever side is most to his interest and trust his fame to confusion of thought and chance.

In 1864, the same year that I saw McClellan ride on horseback through the town, a fair for the benefit of the United States Sanitary Commission was held in Logan Square. The proceeds netted over a million dollars. Emily Schomberg, regarded by the men as the most beautiful creature in the city and decried by the women as being no longer as young as she had been, told the fortunes, by palmistry, of those who sought the opportunity, at five dollars a piece. I agreed with the masculine judgment as to her beauty. She was over the average height, slim, with dark eyes and much richness of color. She recalled the houries of the Arabian Nights and of Lalla Rookh. Her talents as well as accomplishments were extraordinary. I saw her many times on the street and at entertainments, and on one occasion was present when a play was given in a private theater on Seventeenth Street in which she and Daniel Dougherty took the leading parts. Rumor had it that she rejected fifty suitors on the average every year. She finally married an Englishman, of minor rank in the army

and little personal consequence, and her later career was not altogether happy. The male beauty with somewhat similar points who played havoc with the hearts of the society buds of the period was a son of Dr. Leonard R. Koecker, a Walnut Street dentist. I have sometimes wondered what became of him.

At the fair I saw again Abraham Lincoln, who had come from Washington to participate.

Having gone to the camp at West Chester to bid farewell to my friends in Company G of the First Pennsylvania Reserves, when they started forth in 1861, I went to the Cooper Shop and Volunteer Refreshment Saloon to see those who survived fed on their way home—bronzed and experienced veterans in 1864. White, Armitage, Bradley and many more were not among them. Their captain, John R. Dobson, still a captain after three years of service, soon became a major-general of militia.

One morning in April, 1865, the news came that Mr. Lincoln had been assassinated the night before, at Ford's Theatre in Washington, by one of a band of rebel plotters, and attempts had been made upon the lives of members of his cabinet. No such event had ever before occurred in America. Its effect was to arouse all the undercurrent of animal passions. Along with the warm glow of love for one who had been so gentle, considerate and wise, arose the desire to tear into pieces those who had harmed him. Personally I felt that I wanted to set my teeth in the throat of some rebel and that the inability to gratify the impulse was a deprivation. In a remarkable way the war revealed to men how thin is the gloss of civilization and how below seethe the primary passions which have ever swayed them.

Perched on the roof of a building on south Broad Street, the catafalque that bore his body passed before me and thousands of others and the next morning I arose early to go to Independence Hall. Forming in line, we walked two by two along the north side of Chestnut Street from Fifth Street

to the Delaware River and there crossed over to the south side of Chestnut and after hours reached Fifth, only to find that there the line had been broken up by the undisciplined crowd. Not to be balked, I fought my way with some of the more fortunate to the hall where the body lay in state, and so it happened that I saw Lincoln both upon the first and the last time that he came to the Pennsylvania State House.

In my early days, in every community existed what was called a literary society, composed of young men who there experienced themselves in the arts of composition, declamation and debate. With such facilities as they afforded, many a youth strengthened himself for the later and perhaps more serious combats of life. They seem now to have been abandoned and if so it is a distinctive loss. At home I had belonged to and been president of the Young Men's Literary Union. In the city a number of such organizations were doing their work. In 1864 I hunted up and joined the Bancroft Literary Society, named for the historian who had given it a set of his works. At this time, or very soon thereafter, I formed the acquaintance among its members of Frank K. Sheppard, a Democrat, on the editorial staff of the *Ledger;* Joel Cook, likewise connected as correspondent with the *Ledger*, who had written a book on the McClellan Campaign on the James, also a Democrat, who afterwards grew rich and became a Republican member of congress; W. A. Sliver, a long, white-haired declaimer, who afterward went on to the stage under the name of Marsden, married, and finally killed himself; Nathaniel K. Richardson, who had a great gift as an elocutionist; Jerome Carty, who came to the bar and whose career, like that of the swallow of the ancient Bede, came into the light of the hall for a while, but began in darkness and ended in darkness; John I. Rogers, related to my Irish friends on Tunnel Hill, who made money at the bar and as president of the Philadelphia Base Ball Club, and became a colonel on the staff of Governor Pattison; Chester N. Farr, a brainy fellow who became private secre-

tary to two governors—Hartranft and Hoyt—and John Sword, who, after editing some law books with great ability, entered the Church, became a devotee and has given his life to celibacy, charity and genuflexions.

I also met there Alfred Rochefort Calhoun, a Steerforth, in another line of life, who had temporarily considerable influence over all brought into contact with him. As a character, he forms an unsolvable but interesting study. About five feet nine inches in height, with black hair and blue eyes, with muscles hard as iron, measuring forty-six inches around the chest, he had a ball in his lungs, the healed gash of a sabre cut across his hand and he walked with a limp upon an artificial foot. Few ventured to compete with him in strength of will or of muscle. He had a gift of fiery oratory which appealed to the passions, and sympathy went out to one who bore the evidence of many a combat in the war, so that it was difficult for either man or woman to resist him. He had the title, and presumably the rank, of major. The slightest provocation found him ready to fight. Any indication of sympathy with the South angered him, and I have heard him bring more than one discussion to an end by calling his opponent "a damned liar." At this time the road to political preferment was through service in the war, and about this time the Grand Army of the Republic was organized. Among the old soldiers, none had greater influence than Calhoun, and he commanded Post 19 and later became Department Commander of the Grand Army in the State. A friend of Bayard Taylor, who gave him an autograph copy of the translation of Goethe's *Faust*, he had the Post named for Colonel Charles Frederick Taylor, who was killed at Gettysburg. He wrote a play called "The Color Guard" which became popular and is still enacted for the benefit of the Posts. He was accepted on terms of relationship among the descendants of the South Carolina Calhouns, and he told me he was also related to Sir Roderick Murchison, president of the Royal Geographical Society,

with whom he corresponded and who saw to the publication of some of his articles in European magazines. I spent a couple of days with him at Cedarcraft, where Bayard Taylor entertained us, although the poet spent most of his time in discussing his *Picture of St. John*, just published, and in painting a picture in oil on which he was then working. Calhoun invited me to a luncheon which he gave to one of the daughters of Governor Curtin. He started A. Wilson Norris, afterward Auditor General of the State, upon his career, giving him the opportunity to make his first public address. Grant, when President, appointed Calhoun Pension Agent in Philadelphia, in which office he had to give a bond in $600,000. Among his bondsmen were Ario Pardee, Simon Cameron, John F. Hartranft, Bayard Taylor, and I persuaded my grandfather to go upon it for $30,000. I attended to the preparation of the bond and together Calhoun and I saw Simon Cameron at his home in Harrisburg, a white-haired, erect old man, who blandly signed the paper to the extent of $50,000 without the faintest suggestion of any sort of return or obligation. Men began to say that Calhoun would be the next Republican candidate for Governor. Then trouble began. Norris became a bitter enemy. Captain Singer, who had been to him an obedient and even servile Achates, quarreled with him about a woman and Singer married her. Cameron withdrew from the bond and Calhoun was compelled to find other security. It began to be whispered that his name was not Calhoun, that he had never been in the Union army, that he was a rebel spy among the prisoners in Libby. The Grand Army expelled him from its ranks and he retired to Georgia, where he edited a fiery paper and again encountered troubles. Many years later he lived in New York and wrote stories for the periodicals. I leave him as one of the mysteries I have encountered in life and as a reminiscence of the great struggle.

Somebody suggested the idea of holding a convention of the literary societies of the city. As president of the Ban-

croft, I was sent as a delegate and with me were Rogers, Farr and Calhoun. When this convention met on Spring Garden Street, there appeared, asking admission, a delegation from the Banneker Institute, a society of colored men in the lower part of the city, at the head of which was a very light and very bright negro named Octavius V. Catto. The times were not ripe and it was like casting a firebrand. In the midst of a fierce discussion the convention adjourned. All of our delegation except Rogers favored the admission of the negroes. He succeeded in getting our society to pass a resolution instructing us to vote against their admission. We informed the society we would not so vote. They then passed a resolution vacating our seats and appointing another delegation. We denied their right and appeared before the convention, where we had had a majority. The situation had, however, in the meantime changed. A man in town named A. B. Sloanaker, a fat, oily politician, when Andrew Johnson quarreled with his party and apparently had friends nowhere, took to him a basket of wax flowers ostensibly from the schools of Philadelphia, and Johnson thereupon appointed him Collector of Internal Revenue in New Orleans. Hence he received the sobriquet of "Wax Work Sloany." This gentleman improved the period of adjournment by organizing literary societies all over the city, and when again the convention met the hall was filled with delegates. We were refused admission and the Banneker delegates likewise. I saw much of Catto, who was an intelligent school teacher. He was afterwards murdered, losing his life in another effort to advance his race.

Through Calhoun I became a member of Post 19 and in 1869 was elected its commander, thus attaining the rank in the Grand Army of a colonel. I delivered Decoration Day orations at Laurel Hill, Christ Church-yard and Kennett Square, and in May of 1870 rode at the head of seven hundred men to Mount Moriah Cemetery and conducted the ceremonies. With this service such connection

as I had with the war may be said to have ceased. I have, however, maintained my relations with the Post, and a few years ago its members presented me with a handsome decoration as Post Commander.

CHAPTER V

THE PHILADELPHIA BAR

WHEN a stranger for the first time met Peter McCall, the strongest impression made upon him was that he confronted a man instinctively a gentleman, and this impression grew with each succeeding interview. A descendant of George McCall, a merchant in Philadelphia in the early colonial period who owned McCall's Manor at Manatawny, he had a thin, Celtic face, refined by long time and, perhaps, cross-breeding, with pronounced lips and chin. Slim, perhaps five feet eight inches in height, he possessed a certain power of oratorial speech and much latent combativeness. He had been mayor of the city. He had been a professor of law in the University of Pennsylvania. Often nominated for a judgeship in the court of common pleas by the minority party, he each time failed of election, but no man could have been better fitted for the office. When clients were about to leave his inner room after a closed interview, with the sweetest courtesy of manner he escorted them to the outer door. With timid visitors at his home, he broached one topic of conversation after another until he discovered the subject in which they were interested or informed, and then he sat and silently listened. Coming of a family of social importance, whose members had participated in the dancing assemblies from their beginning, having inherited what he once described to me as "a little patrimony," holding a position at the bar, everywhere recognized as close to the top, he had nevertheless encountered some of the adverse currents of life. He married a Southern woman, a descendant of General Hugh Mercer who was killed at Princeton. She

looked well enough and lived long, but she was either an invalid or a case of disordered nerves. The sympathy accorded by a husband to supposed illness is a great leverage and she influenced him in many ways to his disadvantage. She wanted the comparatively greater importance of the Mercers to be conceded. She prevailed upon him to move away from the house in which he had always lived to a more healthful locality. I know of no greater misfortune that can happen to the career of a man of ability than to be out of sympathy with his own people in a fateful crisis in which they are right. Mr. McCall had been a Whig and had become a Democrat. Throughout the war his wife openly avowed her hope for the success of the Southern cause, and he was frequently denounced as a Copperhead. He never mentioned the subject, but when he failed to be re-elected to the vestry of St. Peter's Church, with which he had long been connected, and when his clients began to drop away and the students, who before had striven to enter his office, forsook him, intelligent and sensitive, he felt the change keenly. At the time I entered his office, the warmth of feeling existing at the outset of the war had somewhat abated and the genuine respect for Mr. McCall had begun to revive.

I reached the offices, No. 224 South Fourth Street, on the west side of Fourth Street below Walnut, in the early morning. They consisted of two large rooms on the ground floor. No one else had yet arrived. Securing a book, I selected a large and comfortable chair, drew it to the front window and began my studies. Presently a tall young man with dark whiskers entered, and coming over to me said: "It is a custom in this office that the oldest student occupies that chair and I will thank you to give it to me." I surrendered it with due meekness and had received my first lesson in discipline. The young gentleman was named J. Duross O'Brien, an earnest, good-hearted and agreeable fellow. His aunt, a prosperous milliner, educated him. The old-time ways still prevailed in the office and the stu-

dents were expected to run errands and to respond when called upon for any sort of manual assistance. Instead of mailing his letters, Mr. McCall would say in his blandest manner: "Mr. ——, I wish that on your way home this evening you will be good enough to deliver these letters." Once O'Brien said to him by way of protest: "Mr. McCall, is it the custom for students in a lawyer's office to carry letters?" "I think it is, Mr. O'Brien," and thereafter whenever a letter was deliverable at any unusual distance, this particular student was pretty sure to get it. Sometimes he stayed away for days to avoid the letters, but these tactics were met by accumulation. Once O'Brien, who was not altogether refined, stood before Mr. McCall, who was the expression of delicate and perfect culture, being instructed upon some subject. In his pocket was a box of matches ready for the after-lunch cigar. In his pocket was also his hand fumbling the matches. Suddenly they were ignited. "Damn it to hell!" ejaculated O'Brien. He afterward went out to New Mexico, where I believe he achieved considerable success.

With Edward S. Harlan, student of a different type, I established a warm and lasting friendship. Lame in one foot, nature more than made up for the defect by giving him a handsome, strong face adorned with a graceful mustache. He had a good heart and a nimble wit. Once some one was endeavoring to twit me with being a countryman and inquired: "Do the people live in houses in that section of the state?" "The chiefs do," interjected Harlan. He died only too early of angina pectoris, which he bore with the utmost patience, and left an attractive daughter, who married Samuel Wagner. Charles M. Walton, a scion of one of the Quaker families of the state, fond of literature and appreciating its beauties with correct taste, a friend of Oliver Wendell Holmes, who often visited him, was also reading law at the time. Entirely too gentle and possessing too much sensibility to meet the buffets which he encounters

who enters upon the practice of the law, he was beloved by all who knew him and soon died.

Of another mold was S. Davis Page, who harked back to the Byrds of Westover and other noted Virginia families. He had married and gone to Europe to escape the animosities which had to be borne by those of Southern sympathies in the early days of the war, but had returned to complete his studies. His studies had been too much interrupted to enable him to become profoundly learned in the law, but he had no intention of being set aside, and life had much in store for him. He secured a fair practice and contended on behalf of his clients pugnaciously. He entered politics on the Democratic side, sat in the city councils and became city treasurer. His social success was pronounced and his son, William Byrd Page, in his day, at the University of Pennsylvania, held the world's record for high jumping.

A little later John Sword came into the office. He had great aptitude for the law and was besides a close student. Mr. McCall thought so well of him that he took him, after admission to the bar, into some of his cases. Sword, after editing some volumes of reports, abandoned the law and, as I have written, became a devotee. He went to Oxford University and, entering the ministry, appeared later as the highest of high church Episcopalians. His life thereafter was spent in genuflexions and self-abnegation. Fond of the society of women, he refused marriage. Attracting the attention of Mrs. Paran Stevens, a wealthy widow, she wanted to do much for him, but he sought work in the slums and among the poor and the lowly. He left the courts literally to fall upon his knees. Life is filled with strange contrasts. Before my time, Mr. McCall had a pet student, who married well, lived well, held his head high in society and in the end robbed the estates entrusted to him, forged mortgages and ran away to a remote country, disappearing in the darkness.

Among the students, I was the only one who had not

graduated from some college, but three months had not gone by before they all habitually came to me for help when they were puzzled over the Norman French of Littleton and the Latin citations of the law books. I went to the office sometimes as early as six o'clock in the mornings. When the rest went away for their vacations in the summer, I had the office to myself. I read the course prescribed, and very much more—the whole of *Coke's Commentaries on Littleton,* the three volumes of *Addison on Contracts, Fearne on Remainders, Sugden on Vendors, Sugden on Powers* and I dabbled in the Year Books. One hot summer day I sat with a book in a comfortable old Spanish chair at the window of the back room. Presently some one appeared at the door. I thought it was a tramp, the room being somewhat darkened, and I went on with my reading. The intruder came slowly over to my chair and said: "Will you kindly tell Mr. McCall, when he returns, that Joseph R. Ingersoll called and that no one arose to receive him?" Then he turned on his heel. The situation was uncomfortable, for Mr. McCall held him in the highest respect, and so had my father who corresponded with him.

An Irish woman named Margaret took care of the offices. She had a son, Willie, about sixteen years of age, an only child, who grieved her heart by hunting up wild companions and getting drunk. Ashenfelter, who had been in the office a short time with me, suddenly concluded to go on a sailing vessel around Cape Horn, and at the suggestion of Mr. McCall, Willie went with him. Margaret sadly let him go, and at the last moment tying a crucifix around his throat told him never to take it off. In a storm off the Rio de la Plata, Willie, for some purpose, went to the prow of the vessel and was washed overboard and lost. He had removed the crucifix and it lay on the deck. I still have it, and his poor mother never knew this part of the tragedy.

At that time the method of training lawyers for the work of the profession was to have the student read upon the

subject in the office of a practicing attorney and under his direction, and to have his progress ascertained by occasional examinations. The reading was confined almost exclusively to dissertations upon the law and text-books and there was little or no reference to particular cases. A principle was affirmed and if a case was cited it was as an elucidation of that principle. The judges were presumed to have known it and to have decided accordingly. The modern doctrine of the creation of law by the decisions of courts and the consequent importance of the study of cases had either not arisen or was only in its incipiency. In Mr. McCall's office we learned nothing of causes and I have many a time wondered what I should do if perchance in the future an actual case should ever come to me.

While I was with him, Mr. McCall gave up his home, took his family, or was taken by them, to the western part of the city and removed his offices to a two-story brick building on the east side of Fourth Street. It illustrates the relation of his students to him that they carried in baskets all of his large library and the other necessary articles to the new location. The relation to the client was also quite different from that which we now see, and instead of being a mere matter of business was in part at least friendly and paternal. One of Mr. McCall's clients, a little old man, to whom he showed marked attention, called Joseph Andrade, always with each Christmas brought him a turkey. Once I hardily went to him and said: "Mr. McCall, I want to read the works of Spinoza and DesCartes and they are not in the Mercantile Library where I have a share; could I get them from the Philadelphia Library on your share?"

He was deeply religious and probably felt that he ought not to encourage a young man in dipping into that sort of philosophy. At all events, he did not assent. I read the books, nevertheless, and added to them Locke, Hamilton, Hobbes, Hume and Spencer.

Through one summer I boarded in a Pennsylvania Dutch hotel, on the east side of Third Street near Callowhill, patronized alone by the clerks of merchants and by farmers coming into town. It was an interesting experience. I had a little room in the third story with one small window, a bed, a bowl and basin on a rough stand, two windsor chairs, a strip of rag carpet along the bed and no other furniture except a jordan. In the dining-room we sat on stools at a long table. There were not, however, stools enough for all the guests, and as a result there had to be two services, and those who did not find a stool at the first opportunity must wait until the more fortunate were fed and another outfit was made ready. When the gong sounded the doors were thrown open, there was a rush for the stools in which men were jammed and clothes torn and when the stools were filled the doors were again closed. I met some young men here who succeeded in life and whose paths again crossed mine. On Sundays I went to Franklin Square and, sitting on a bench there, read Gibbon's *Decline and Fall of the Roman Empire.*

Ashenfelter, who had graduated at Dickinson College, had come to the city to read law, and together we rented the front room at No. 520 Spruce Street from a Mrs. Wilson, the widow of a newspaper editor. It was modest enough, but kept bright and cleanly, and the impression even today is one of luxurious enjoyment. We ate our meals at the boarding house of a Mrs. Lydia Foster on Sixth Street below Locust. We called it the "Foster Home." Into the boarding house had been swept by the tides of misfortune Ann Kittera, a daughter of the noted Congressman, John W. Kittera, and related to the family of Governor Simon Snyder. Her gentility of manner, her faded finery of clothing and the furrows on her withered cheeks all told the same tale, and unconsciously each one of the household showed to her respect and called her "Miss Ann." Three young men from among those who gathered at that inexpensive table, two

students of medicine and one of law, met together many years later as pall-bearers at the funeral of the famous surgeon, Dr. D. Hayes Agnew—Dr. Roland G. Curtin, Dr. De Forrest Willard and myself. Another boarder was John Thompson Spencer, then a student of law, who later married the only daughter of John William Wallace, one of my predecessors as president of the Historical Society of Pennsylvania, and who now entertains the European nobility when they come to Newport. With a Frenchman at the table, I began to talk French, and thereafter our conversations were conducted solely in that language.

About this time I made the acquaintance of J. Granville Leach, the son of a Baptist preacher at Cape May, who was reading law in the office of Byron Woodward. The resources of Leach, like those of the rest of us, were narrow, and he slept in the office. Leach introduced me into the Law Academy and at his suggestion I, while yet a student, in 1865, was elected its assistant secretary. I, therefore, owe to Leach my first professional recognition. Through two winters I attended the law lectures at the University of Pennsylvania by Judge George Sharswood, P. Pemberton Morris and E. Spencer Miller, paying to each of them sixty dollars for the two terms of the year. Miller had the reputation of being the least capable lawyer and the best lecturer. A nervous, combative little man, he had a practice which, it was supposed, netted him $30,000 a year and had made him rich. When he died he left nothing behind him in the way of an estate. Sharswood had one of those kindly dispositions which made everybody fond of him. With young men he was ever gentle, and late in life he afforded the pathetic spectacle of a father watching through the night for the incoming of an only son whose wildness and waywardness he ever condoned. He had no presence, no voice and a troubled utterance. He suffered much from a physical cause, and in the trial of cases paced slowly up and down behind the bench. Later he became Chief Justice of the

Commonwealth and after a career of great distinction, died universally esteemed and leaving his edition of *Blackstone* for the instruction of the profession. The lectures were delivered in the building on the west side of Ninth Street, north of Chestnut. When I was graduated as a Bachelor of Laws, we had no commencement save that I called, with others, and was given my diploma.

I was admitted to the bar in May, 1866. On the Board of Examiners sat George W. Biddle and William Henry Rawle, among others, and John Cadwalader, Jr., acted as secretary. They made an entry on their minutes that I had passed the best examination which had come before them during their term, much to the delight of Mr. McCall as well as myself. Biddle, long regarded as the leader of the Bar, never forgot me and frequently recalled the impression of me then made. In the trial of cases he had a nervous habit of raising one hand and rubbing the back of it with the palm of the other, and he always spoke impressively. He had three sons, all of them lawyers, and it was his sad fate to see them all die in young manhood.

It had cost my grandfather for my legal education, extending through two years and a half, in the midst of the high prices of the war, including $200 paid to my preceptor and $360 paid to the University professors, and including board and clothing, exactly $1,260. This sum he later forgave and probably never expected to reclaim. It ought to be added, however, that while I was a student the discovery of oil in Venango County led to tremendous speculation and the organization of oil companies in all directions. Robert R. Chrisman and other persons whom I happened to know secured some land, a charter for the Providence Oil Company, and proceeded to bore for oil and to sell their stock. They engaged me for two hours a day, at $12 a week, to keep their books and I remained with them four months and until the balance in the treasury had fallen to $3.67. I did some other work which helped my resources slightly.

At this time I frequently saw flourishing about the town a young man called "Coal Oil Johnnie." He came of a poor and uneducated family, in the western part of the state, who for generations had wrung a scanty subsistence from an infertile soil. Suddenly oil in quantities was found under their feet and he became rich to profusion. He came to the city to scatter his wealth, gave out ten dollar bills and disdained to take the change, bought a team of horses and tiring of them gave them to his hostler, and built an opera house in Cincinnati. Ere long he earned a livelihood by acting as doorkeeper for this opera house.

The bruit of my successful examination spreading around to some extent, I was offered a position in three different offices—those of E. Spencer Miller, Daniel Dougherty and Frederick Heyer—at a salary which varied from $600 to $800 a year, but I concluded it was better to depend upon my own exertions, and I rented the front room at 705 Walnut street from George L. Crawford. His clients passed through my office and I had the great pleasure of seeing them daily go by me in numbers. He was a competent lawyer. He had a little bronchial cough, and he prepared and tried the cases which came to Benjamin Harris Brewster. The latter, at that time, was one of the remarkable characters at the bar. He had been badly burned in childhood and the accident left his face not only ugly but repulsive, since the eyeball was exposed, the lids reddened, the face distorted and the lips thickened into rolls. If this condition of countenance made him sensitive he gave, in manner, no indication of the fact. I have heard women say that, when they listened to his words and voice, they forgot all about his features and he was twice married, the last time to a daughter of Robert J. Walker, once Secretary of the Treasury. He wore a velvet coat, a light vest, a stock, and ruffles at the end of his shirt sleeves. Late in life he became Attorney General of the United States. He had a gift of oratory and a touch of charlatanry and once was taken in to argue a case

before me as master, and knowing nothing whatever about the circumstances of the cause, he occupied an hour or two in talking about the solemnity of a seal to a deed. He always maintained a hostile attitude towards his brother, Judge F. Carroll Brewster, who, more able and less candid, was Attorney General of Pennsylvania.

While sitting in my office, one day, I heard an unusual noise in Crawford's room. When I hastened inside I saw a very thin man wildly ejaculating in front of a table and whacking away with his cane at the head of Crawford, who struggled to arise from a chair on the other side. Approaching from the rear, I caught the intruder around the waist, lifted him from his feet, carried him through my room to the street, and there deposited him on the front door step. He turned out to be Major S. B. Wylie Mitchell, the founder of the Loyal Legion.

When I entered the Law Academy, a bright, vigorous young man, who had taken an active part in its affairs, named John G. Johnson, a few years older than myself, was about leaving it to meet the broader requirements of life. The son of a blacksmith, without means, he held no college diploma, and he began his career with no advantages of any kind to give him help. Save that he would occasionally go to see a game of baseball and that he developed a taste for and acquired a knowledge of paintings in oil and made an important collection, he has devoted himself exclusively to the practice of the law, permitting nothing to tempt him aside. He did indeed once write an historical pamphlet on what was then called "The Wars of the Grandfathers," being a controversy between George Bancroft and the descendants of several of the generals of the Revolution over the respective merits of these officers, but he has ever kept silence upon the subject and the fact is not generally known. It is universally conceded that he is today the leader of the Philadelphia bar and one of the foremost lawyers of the United States. He has acquired a large

fortune, having expended, according to reports, over a million dollars for his pictures. From the meetings, dinners, and clubs of the profession, he is always absent, and he takes no part in the bar associations or even in those efforts intended for professional advancement and improvement. His success at the bar has been due to physical and mental power rather than to cultivation. There is a little of coarseness, a little of hardness in his fiber, and he is not much given to sentiment in any direction, but he works at the law from early in the morning until late at night, and when he arises to argue or to try a case, the court, the jury, the lawyers and the tipstaves all give attention.

I took my part in the arguments at the Law Academy, was elected secretary for the year 1866, and then discovered that I had taken the wrong road for advancement. I have found as I have gone through life that the "rings," for which we blame the politicians, arise naturally and are to be found everywhere. A little clique of cultivated men conducted the affairs of the Law Academy. From time whereof the memory of man runneth not to the contrary, an unbroken custom has decreed that he who had filled the office of prothonotary for one year should, if he so desired, be elected the president for the following year. At this time J. Vaughan Darling, in the office of Richard C. McMurtrie, who later went to Wilkes-Barre and there won success and died, held the position of prothonotary and superintended the serious labor of preparing all of the cases to be argued during the winter's sessions. Very innocently, with an inborn sense of personal superiority, I endeavored to take a part in the management and found myself against a stone wall. One evening in the course of a speech I used the word "gentleman." Darling, in a supercilious way in reply, said that "Mr. Pennypacker will find that his ideas and ours of what constitute a gentleman are quite different." The remark cost him the presidency. The membership of the Academy had felt such things before, were ready for revolt, and only

needed a leader. I organized a rebellion which proved to be a revolution. William White Wiltbank, a great-grandson of Bishop White, who had been out in the war and who had written a paper for the *Atlantic Monthly*, who years later sat on the Bench with me, and who, for some reason, was a *persona non grata*, helped in the movement. We selected as a candidate for the presidency James Lanman Harmar, a very able man, a grandson of General Josiah Harmar of the Revolutionary Army, and I ran with him for the vice-presidency. Samuel S. Hollingsworth made the speeches and I led the opposing forces. Harmar was elected over Darling, but was drowned at Bar Harbor before he had taken his seat and I became the president, a reward which ordinarily would have gone, and ought to have gone, to Darling.

Hollingsworth and I became fast friends. Of Quaker ancestry, with dark eyes and stocky in build, combative in temperament, with the power to think accurately, he never flinched in a struggle, and he was one of those few men who never say anything but the truth, even though it be uncomplimentary and said in the presence of the person concerned. He went into councils and did good service in the improvement of affairs, moving around with the boys while at the same time retaining his association with the gentry. A few years later, as a trustee of the University of Pennsylvania, it was my fortune to aid in selecting him for a professorship in that institution. It was his hope to reach the Supreme Court of the United States, but in the very prime of life, while rugged as an oak, he died of typhoid fever. Since experience only comes with long exercise of the faculties, and since in a dull world time is required to gain an appreciation of merit, the gift of long life is one of the essentials of any real success.

When I came to the bar, Horace Binney could occasionally be seen upon the street, but he had long retired from practice. William M. Meredith could be heard at rare

intervals in the courts. George M. Wharton, a small, wiry and acute man, had a good clientele. Henry Wharton, round and robust, gave opinions upon real estate titles, there being then no real estate title companies. Eli K. Price, in his canny way, was heaping up a fortune. David Paul Brown, trim in a blue coat with brass buttons, rather fluent than wise, seldom appeared. The real leaders of the Bar were George W. Biddle, to whom I have before referred, and Richard C. McMurtrie. McMurtrie, pure and sincere, perhaps excelled in case-learning any other lawyer at the bar. In temperament he had the simplicity of a child, and in his mental conduct he suggested an overgrown boy. Whatever thought came to his head found its way to his tongue. He really felt that no one else knew much about the subject and he gave utterance to the thought. Once we had a case together and he inquired in which common pleas court it had been docketed. When I named the court he said: "Oh, those poor, helpless creatures!" At another time he said to me: "If I raise some shellbark trees for you, will you plant them?" I promised to take care of them and some time later he brought them in a basket to my office. He once told Judge Fell that a certain lawyer was a fool. Some days later he came in a penitent mood to say: "Judge, do you know it is I who was the fool." He was a most unsafe adviser for the reason that he was ever constructing theories to which the affairs of the world refused to conform, but he was a lovable character and his steadfast adherence to the truth aided him much in the trial of causes.

At the criminal bar Lewis C. Cassidy and William B. Mann stood foremost, until succeeded by James H. Heverin and Charles W. Brooke. When the Republicans were successful William B. Mann prosecuted the causes and Cassidy defended them, and when the Democrats were successful the situation was exactly reversed. Cassidy, a tall, dark, handsome man, possessed real eloquence. I

believe he never had a client convicted of murder in the first degree, a fact which can probably be explained by his refusal to take a desperate case likely to result in that way. When the Independent Republicans refused to vote for General James A. Beaver for Governor and caused the election of the Democrat, Robert E. Pattison, that gentleman made Cassidy his Attorney General.

For Mann I had almost a sense of horror. He had a burly frame, a furtive eye and great political power. My feeling toward him arose in this way. A man named George W. Winnemore, a spiritualistic dreamer, killed, in a barbarous manner, a woman who was a spiritualistic medium. He was a stranger in the city without a friend and had only two dollars in his pocket. He constituted a good subject with which to establish a reputation for energy and activity in the performance of public duty and he was hurried to the gallows. Being without counsel and penniless, the court appointed Damon Y. Kilgore, the only man at the bar who believed in spiritualism, to defend him. Kilgore had just been admitted to the bar, knew nothing about handling a cause, and, besides, although Winnemore had been an epileptic from childhood, he had neither time nor means for getting evidence together. The trial came off the following week, ending in prompt conviction and the public comment of "well done." Mann had the reputation of being generous among his friends and good to the poor. Brooke, better known as "Charlie," came to the bar from the office of a banker. He wore a huge black mustache and drank to excess, but could make a speech and had capacity. He later went to New York, where he established a great reputation as a criminal lawyer and finally died leaving three families and a fortune of a thousand dollars.

Theodore Cuyler, the counsel of the Pennsylvania Railroad, a suave and subtle man, is perhaps best described by the epigram of Samuel Dickson, who said of him that "He had every quality of an advocate. He could persuade a jury

to render a verdict contrary to the facts and the Supreme Court to render a decision contrary to the law."

An abler man than any of these I have mentioned was Furman Sheppard, robust in frame and in intellect. I have known many men in the various phases of life—presidents, professors and preachers—and I am inclined to think he was the ablest of them all. He never achieved a work or attained a reputation at all commensurate with his power. The utilization of the forces of nature is subject to much vicissitude and the momentum of the ocean beats upon the shore in vain. He had some practice and when he had tried a case it had been exhausted. He once filled the office of district attorney for the county and he had neither predecessor nor successor. He had read widely, not only in the philosophy of the law, but in literature and theology, and he comprehended their full significance. Perhaps he was a little inert. Perhaps he did not fully realize his own capacity. After accepting an invitation to make a speech at the dinner given to Benjamin H. Brewster when appointed Attorney General of the United States, he failed to appear. Perhaps conscious of strength, he disdained to seek for opportunity and reputation and waited for the world to see for itself. He was a Democrat in a Republican city, but so was Pattison. Whatever be the cause, certain it is that many lesser men have gone much further.

I saw Anton Probst, a little, light-colored, dull-looking German, as they brought him in the van to the court house at Sixth and Chestnut streets to be tried. Employed by a farmer named Deering, down near the junction of the two rivers in the region called "The Neck," he killed the father, mother and a family of children, one a mere infant, in order to secure a small sum of money. Driven through the crowd, who jeered and threatened, he seemed like some hunted animal. He still retains the distinction of being the most atrocious murderer in our annals.

I attended the trial of George S. Twitchell. An old

lady, the mother of Twitchell's wife, lived in the house with them. She lay on the sofa in the sitting room with a roll of money in her bosom and while there some one beat her to death by repeated blows over the head. The blood flew in curved streams over the paper of the wall. The next morning her body was found in the yard, where it had been thrown from a window; alongside of it lay the long bloody poker with which the detectives concluded she had been stricken. Twitchell was accused of the crime. Henry S. Hagert and Furman Sheppard represented the commonwealth, and William B. Mann and John O'Byrne, an eloquent Irishman, who had been a hatter, who went to Delaware afterward in an effort to reach the senate, and who, failing, closed his career in New York, represented the defendant. The commonwealth contended that Twitchell, in financial straits, quarreled with his mother-in-law over money. The defense contended that a robber found his way into the house from the street, and they had some evidence to support the theory. Mann spent the most of his time in an effort to convince the jury that the poker could not have produced those curves of blood drops on the wall, and he illustrated his argument with all sorts of weapons. Some long and stiff like a poker and some made of leather and twine, to be limber and swinging. As I listened I did a piece of analytical work and reached the conclusion that Twitchell had killed the woman and that he had not done it with the poker. Mann would not have spent so much effort upon what, after all, was a mere detail, unless he had been sure beyond doubt that in this respect the case of the commonwealth was at fault and he could only be so sure because of information from his client. Twitchell was convicted, and years afterward it was told that Mann and O'Byrne had gone to the house and secured from its hiding place the "billy" with which he did the deed. Mrs. Twitchell mortgaged the house to counsel to pay their fees. A friend of Twitchell stood by him faithfully at the dock through the whole trial,

and when the sheriff went to hang him he was found dead in his cell from poison which no one knew how he had secured.

During the first year of my practice I received in fees $800, and the annual returns slowly increased. When I married Virginia Earl Broomall, October 20, 1870, I was making from $1,800 to $2,000 a year. At that time I had moved my office to 209 South Sixth Street, where I had a room to myself. When I went out I tacked a card on the door. For years I carried my lunch down to the office in my green bag and I walked from my home at 2002 North Marvine Street and later 1540 North Fifteenth Street. I settled up the affairs of my uncle, Dr. Samuel A. Whitaker, who owned one-twenty-first part of the Phœnix Iron Company, and became his administrator. I was the administrator of the estate of my aunt, Sarah Ann Whitaker, who left about $70,000, and my grandfather, leaving an estate of $520,000, made me one of his executors. Among my clients were Focht, Whitaker & Co. and William H. Whitaker & Co., coal merchants; Jacob S. Neafie, the ship builder; George H. Sellers, a brother of William Sellers; Wharton Barker, the banker, and William L. Wilson, in his day the leading tile merchant of the city. Wilson employed me by the year and paid me an annual salary of $100. For him I fought almost everybody of any consequence in the city, including the Pennsylvania Railroad Company, Adams Express Company and the Drexels. He combined most methodical ways with abnormal combativeness. He took exception once to my payment of twenty-five cents for a subpœna without direct authority, and the matter had to be left to arbitration. He kept a book in which he recorded the details of conversations in preparation for lawsuits. Once in a trial he sent me this book and, much to my surprise, I found renderings of what I had said to him, with the dates. The information made me thenceforth careful. A. Sydney Biddle brought a bill in equity against him in behalf of Colonel William S. Moorehead and the testimony

was taken before Richard S. Hunter, as master, and as was then the custom, was written out without a stenographer. The case progressed until I put Wilson on the stand and Biddle undertook to cross-examine him. Biddle, a fluent and verbose man, asked a question a page or two long. Wilson had a clothes-basket full of papers, every one of which was of the utmost importance, and taking them and his book gave an answer covering twenty pages. Biddle's long efforts to shorten the response simply called forth further explanations. So it continued until the case fell of its own weight. It never reached a decision and never will. Almost needless to add, Wilson finally encountered financial disaster. The last time I heard of him I sent him ten dollars to relieve the immediate want of bread. Perfectly upright and ever meaning well, he was too much given to exactness and detail.

Wharton Barker thought himself worth a million dollars, probably with truth. He did much for me in many ways. I bought the charter and organized for him the Finance Company of Pennsylvania, now one of the most important of our financial institutions. Through him I once represented Baring Bros. of London and recovered from the Pennsylvania Railroad Company the value of a lot of stolen bonds. Through him I became one of the pioneers in the construction of trusts. Barker, always alert and energetic, but a little lacking in the steadiness which comes from cool judgment, was one of the first men in the world to see the possibilities of the development of relations with China, a goal toward which we are now moving, and he secured a sort of concession for the construction of railroads throughout that empire. In its terms it was so general and vague that I gave him an opinion that it had little or no practical value, and urged him to endeavor to get the Orientals to be more precise. Ma Kie Chang, who was some near relative of Li Hung Chang, came with a retinue to Philadelphia. Psychologically, the interviews were of intense interest. Barker,

quick to speak and move and full of nervous energy, beat and beat in vain against the Chinese who sat there, smooth and polished, but stolid and imperturbable. They probably knew at the outset just what they wanted to do and what they were unwilling to do, but it required days of prolonged and chafing delay to get from them a real expression of thought, and in the end the expression was of doubtful meaning. However, Barker and the financiers with him—Hamilton Disston, Samuel R. Shipley, president of the Provident Life and Trust Company, a keen personage, and others—concluded they had sufficient and upon the basis of this concession I organized a trust with a capital of twenty millions of dollars.

A lawyer sees much of the tragedy of existence. A few years after my admission to the bar, I was retained by a man belonging to one of the most respectable of the country families of Bucks County, Pennsylvania. His son, a boy about eighteen years of age, had found employment as a clerk in one of the large insurance companies of the city. One day the directors held a meeting at the office of the company. In the course of the meeting the president went to the outer office and gave to this boy the bank book with about fifteen hundred dollars in notes, to take to the bank to deposit. The meeting was prolonged and when it adjourned late in the afternoon the president inquired for the boy and learned that he had not returned. Inquiry and search failed to disclose what had become of him, but it was ascertained that he had not reached the bank. The officers of the company held the theory that he had stolen the money, and they employed detectives and confidently declared that he would be captured within a few days. At this juncture his relatives, in much distress, came to me. Their view was he had been overcome by footpads, who knew he had a large sum of money, and they blamed the officers for sending him out with it. However, the father, who could not secure so much cash, offered to give a mortgage upon his farm for

the amount in settlement, and I made this proposition to counsel of the company. Information from their detectives made them sure of having both the boy and the money in a few days, and they declined the proposition. Days and weeks rolled by and then they wanted to have it renewed, but in the meantime the anxiety of my clients had to some extent been relieved; they had grown more accustomed to the situation, and they refused. For twenty years the events remained a mystery, and then were disclosed. The boy wrote home. He had never before in his life seen so much money; the opportunity to grasp a fortune lay in his hand, he yielded to the temptation and stole the money. Instinctively he turned toward home. He went to the depot of the North Pennsylvania Railroad Company and bought a ticket for his native village. Then it suddenly occurred to him that he could not be safe there and he turned on his steps, went to the Pennsylvania Railroad depot and started for the far West. No cunningly devised plan would have resulted in such success as this impulsive action. The detectives traced him to the North Penn depot and there learned the station for which he had bought a ticket. Then in their wisdom they knew that his relatives were hiding him in Bucks County. They watched accordingly, watched in vain, and so prevented the company from getting the mortgage. Inside of three months he had lost every cent of the money. Then he went to work in a powder mill where the danger was great and the wages high, and he saved. Then he learned bookbinding, prospered and became the head of an establishment. He had changed his name, married, had a family of children and grown rich, and at last he wrote home to pay off the old score with interest.

E. Greenough Platt, a very capable lawyer in the office of John C. Bullitt, and my friend Hollingsworth, had undertaken to prepare a third volume of the index to the English Common Law Reports, which had been commenced years before by George W. Biddle and Richard C. McMurtrie.

The task involved much labor, little had been accomplished, and they prevailed upon me, with the consent of the publishers, to come to their assistance. Thereafter the entire responsibility rested on me. Hollingsworth had completed three volumes of the reports, Platt ten, and I digested the remaining twenty-two volumes, arranged the book, saw it through the press and was permitted to write the preface. Published in 1879, it constituted my first contribution to the literature of the profession. About the time I entered upon this work, I became associated with the *Weekly Notes of Cases*, a lawyers' reporting journal, and aided in the preparation of each one of the forty-five volumes until it closed, having charge of the reports for one of the common pleas courts. There could have been no better training for the bench. For a time the publication was remunerative. It belonged to an association consisting of Albert A. Outerbridge, Judge James T. Mitchell, W. Wynne Wister, Henry Budd, Lawrence Lewis, Jr., and myself. Among the many reporters whom I had on my staff in the course of years, two showed unusual capacity—George Harrison Fisher, whom I later met on the council of the Historical Society of Pennsylvania, and Abraham M. Beitler, whom I later met on the bench. Fisher had social standing and the serious achievement of his life has been to maintain it unimpaired. Beitler, the son of a hotel keeper on Market Street, and the nephew of an old political war horse, Alderman David Beitler, became director of a department under Mayor Stuart, an acceptable judge in the Court of Common Pleas No. 1, and is now a partner of Samuel Dickson and has a lucrative corporation practice.

I likewise prepared four volumes of *Pennypacker's Supreme Court Reports*, for which I received, from Rees Welsh & Co., eight hundred dollars a volume, and in which I was much assisted by Albert B. Weimer, a graduate of Harvard University and a polished young fellow who has since made his mark in the city. After going upon the

bench I delivered, in 1892, the annual address before the Law Academy upon the subject of "Pennsylvania Colonial Cases," which I subsequently enlarged into a volume. Horace Binney, in his *Leaders of the Old Bar*, had ventured the assertion that prior to the time of William Lewis and the Revolution we could never learn anything of the manner of conducting the courts, and Peter McCall, in an address many years before, had regretted that the names of the only four lawyers in the province, whom Sprogell monopolized in his contest with Pastorius, had been lost. With much satisfaction, I gave reports of about sixty cases, between 1683 and 1703, and added the names of those four lawyers.

During my practice I had four students—Chester N. Farr, who became private secretary to Governors Hartranft and Hoyt; Stanley Williamson, who died young; William Righter Fisher, who had been a professor in Dickinson College and has since been a professor of law in Temple College; and Joseph Whitaker Thompson, now the United States District Attorney for the Eastern District of Pennsylvania.

When I came to the bar, Daniel Dougherty had the reputation of being its orator, but he was only an orator. He had a national reputation. Like so many other American orators, he was an Irishman. I have heard him likened to necessity because of the maxim that "necessity knows no law," but that was an exaggeration of the truth and probably arose from the envy of some commentator less gifted. The first time he made a political speech he fainted and had to be carried from the platform. I once heard him make a powerful appeal to the jury, in an important case in which he was opposed by William W. Ker, who had only force and experience. When Ker arose he said quietly: "Gentlemen, you are to be congratulated. Those who generally hear Mr. Dougherty, listen for an hour at the Academy of Music and pay a dollar for the privilege. You have heard

him for four hours for nothing." Ker won the case. Dougherty had a fine presence, side whiskers and a persuasive voice.

The most eccentric character at the bar was Lucas Hirst. He had offices on Walnut Street above Sixth, and ate his meals and kept a woman at the same place. Thin, with sandy complexion and red hair, he had a high, rasping voice. Other lawyers kept away from him as much as possible. Not only had he ability and readiness for the encounter, but papers had a habit of disappearing and sometimes they did not remain at the end of the suit as they had been at the beginning. On one occasion he went to the library of the Law Association to examine a report. The attendants were distrustful and hesitated to let him have it. "I will fix you," he threatened, in his shrillest tones. When he died he bequeathed a considerable estate for the purpose of founding a free law library and no doubt, as years go by and his form and idiosyncracies are forgotten, his reputation will be assured as a philanthropist and public benefactor. In fact, we find as we examine the mysteries of life that even the worst of men do more good in the world than they do harm. The money which the gambler has cheated to secure and hoarded to preserve goes finally to the building of a chapel. Even if impelled by an unworthy motive, Hirst will have done more in the end to give practical assistance to the lawyers of the future than the most credited, capable and upright of his contemporaries. Moreover, the impulses of the human heart are both complicated and inscrutable, and in all probability Hirst had long been pondering over some method by which he could aid his fellows and gain their good will.

During the course of my practice three men whom I pursued for debt committed suicide—one shot himself, one leaped into the Delaware from a steamboat, and the third was found hanging in a barn.

I declined to take cases in the criminal court. My chief

reason was that I feared that through lack of skill and experience upon my part some innocent person might be convicted and punished. In pursuing this course I made a mistake, since, except in cases of popular clamor to which timid juries and judges yield, the chances of the conviction of innocence are very sl'ght.

At a dinner, October 1, 1888, Justice Miller, of the Supreme Court of the United States, gave such an interesting narrative of a crisis in American history that I wrote it out in full at the time, as follows:

October 1, 1888.

To-day Justice Samuel F. Miller of the Supreme Court of the United States delivered the opening address to the law class of the University of Pennsylvania, and at seven o'clock he sat down to a dinner at the Rittenhouse Club, No. 1811 Walnut Street, tendered to him by the faculty of the law department of the University. There were at the dinner C. Stuart Patterson, George Harding, Wayne MacVeagh, Dr. William Pepper, Judge T. K. Finletter, Samuel W. Pennypacker, Dr. Jayne, Judge Henry Reed, A. Sydney Biddle, Judge William Butler, Morton P. Henry, Judge James T. Mitchell, George Tucker Bispham, Justice Miller, Richard C. McMurtrie, Judge William McKenna.

After the wine had to some extent enlivened the party the turn taken by the conversation made it a most interesting event. The Justice said that during the war the most strenuous efforts were made to use the court in such a way as to embarrass the Government in its conduct of operations by endeavoring to get decisions upon such questions as the right of Mr. Seward to confine obnoxious persons in the forts, the right of Mr. Stanton to confiscate the property of citizens in the rebellious states, etc. One lawyer from Mississippi spent about two years in endeavoring, in various ways, to get a decision upon some case of this kind. Once upon an application to advance a *habeas corpus* case the court seemed inclined to take the action. The Justice took occasion to see a friend of Justice Nelson and tell him that it would depend upon how Nelson voted as to whether the case should be advanced upon the list, and since it was a matter simply of the methods and administration of the business of the court, it did not seem improper to talk to him about its effect on public affairs. Nelson afterward voted against the advancement. The Justice did more to prevent interference by the court than per-

haps any other member of it. This brought up the subject of Jeremiah S. Black. The Justice said: "Black, as a man, was simply abominable, but there was no one who appeared before the court to whom it was so agreeable to listen. In hearing him you felt that you did not care a damn whether he was talking about his case or about any other case, but there was a wealth of illustration, a knowledge of the Bible and of Shakespeare wrought into his arguments which made you feel that you would like him to go on forever. On one occasion he had a case arising under the Civil Rights Bill from South Carolina, in which, characterizing the position of the other side, he said that there was no decision in any court in Christendom which would justify it. He then reached into his pocket for his silver tobacco box which was always there, took it slowly out, put into his cavernous jaws a mass of the tobacco and, as if it had just occurred to him, continued: 'Yes, there is one case which may apply. It is that of Dido *vs.* Carthage. There you remember the land was bought by hides and the amount was determined by so many hides covering the ground. It occurred to one casuist there that the hides might be cut into strips and more land be got under them in that way. Now that case may be an authority for the other side.'

"He never was a sound lawyer. When he first came down to Washington, he had only been in the habit of getting ten and fifteen dollar fees, but he soon found that he could get almost any sum and he afterward charged enormous fees.

"Toward the latter part of the time he used to argue for the listeners and pay less attention to the law and would maneuver so as to postpone his cases until there were hearers. We humored him, more or less, in the matter. After the report of the Electoral Commission he, for the purpose of abusing us, appeared before the Commission. He said the most dreadful things. If it had been a court he would have been locked up for contempt. I would have locked him up for contempt within ten minutes after he began. Judge Strong, who had been a great friend of his, refused, afterward, for more than a year, to recognize him. At length, when Strong was going to Europe, Black wrote to me saying that what he had said was in a public capacity, that I had not taken personal offense at it, and asking me whether I would not see Strong and endeavor to present it to him in this light. I did so and they became reconciled. The more outrageous things Black said never were printed."

This brought up MacVeagh who said with an assurance which is natural to him: "Strong felt it because he could not rid himself

of the idea that he was sitting as a judge of a court which was a great mistake. You took the sensible view of it. You always recognized that you were not there as a judge at all." "I was there," replied the Justice, "as if I were a judge to decide the matter as nearly according to the law as it could be done and to do justice." "There is no use in disguising the fact," said MacVeagh, "that the Commission was in no sense a court. The Commission decided in favor of Hayes and when I went down to New Orleans at the head of the MacVeagh Commission I overruled them." "What is your view of the law of the matter, MacVeagh?" inquired the Justice. "When I went down there," said MacVeagh, "I found that everything in fact was under the control of the Nichols Government. When a child was born he was registered by an officer under Nichols. When he died, probate was granted by an official appointed by the Nichols Government. Marriage certificates were taken out in its name. I established it *de jure* as well as *de facto*. With a grim and resolute President like Grant, with a Secretary of War like my brother-in-law, not over scrupulous, with an army officer like Sheridan, with a returning board not over scrupulous, if the Republicans could not get a majority of more than eight thousand, there was not much in their position."

The Justice said:

"The Constitution of Louisiana provided years before that there should be a returning board empowered to count the votes and determine the result. It seems to have been foreseen that there might come a time when force might be used in an election and this was the means provided for meeting it. We considered that this was a subject within the control of the state. To permit Congress to determine the vote would have resulted in the destruction of the Government. That body never acts judicially. It would be like their determination upon the rights to seats which are invariably decided in favor of those in sympathy with the majority. So it would be in the case of a President. There was no doubt fraud in Louisiana as there was also the use of force. But our view was that the state must regulate the casting and the counting of the vote. It had developed this plan and had the power to do it. We saved the country at that time from anarchy and there has been little recognition of our service. The Democrats abused us and the Republicans have never come to our defense.

"Many Democrats have thanked me since for preserving this right to the states. There is more appreciation of it among the

Democrats than among the Republicans. But unquestionably it was a grave crisis happily surmounted."

MacVeagh's attack did not meet the approval of those present; and Judge Mitchell said, hardly in undertones: "I have a good deal of patience, but it provokes me; it is as much as I can stand, to sit here and listen to MacVeagh talking his Independent Republican politics."

The Constitution of the United States having been adopted in a convention held in Philadelphia in 1787, and from the national point of view this being the most important event in our history, it was determined to celebrate the centennial anniversary in a fitting manner in 1887. J. Granville Leach offered a resolution in the Law Academy that the Chief Justice and the Associate Justices of the Supreme Court of the United States be entertained by the bar of the city. The project took shape. McMurtrie was made chairman, Joseph B. Townsend, treasurer, and Pennypacker, secretary, of a committee to carry out the plan, but Leach and I did all the work. We gathered in the subscriptions by personal solicitation at ten dollars each, and made the arrangements. We gave the Justices a breakfast in the foyer of the Academy of Music on the fifteenth of September at which the Chief Justice, Morrison R. Waite, Richard C. McMurtrie, Judge J. I. Clark Hare, President Judge of the Court of Common Pleas No. 2; Justice Edward M. Paxson of the Supreme Court of Pennsylvania, the Honorable W. S. Kirkpatrick, Attorney General of Pennsylvania, and John Sergeant Wise of Virginia made speeches. Society ladies sat in the adjoining room and ate, drank, chatted and listened.

In connection with the same celebration the learned societies of Philadelphia, including the University of Pennsylvania, the Historical Society of Pennsylvania and the American Philosophical Society, gave a dinner in the Academy of Music on the seventeenth of September, which was perhaps the most imposing function that ever occurred

in the United States. The subscription price was twenty-five dollars a plate. The ménus were entirely etched and cost three dollars each. Dr. William Pepper, Provost of the University of Pennsylvania, appeared the most conspicuously and Frederick D. Stone furnished the motive power. I was chairman of the executive committee. The President of the United States, Grover Cleveland; the Vice-President; the Chief Justice; the Secretaries of War and of the Navy; the General of the Army, Philip H. Sheridan; the English Ambassador, Sir Lyon Playfair; the French Ambassador, the Marquis de Chambrun; the governors of many of the states, with senators, congressmen, men of science and of letters, thoroughly representing the activities of the whole country, took part in the dinner. Mrs. Cleveland, who had been recently married and who was in the pride of her youthful beauty and popularity, held a reception in the corridors where ladies and gentlemen listened to the proceedings, watched the movements and decorations and wished for the terrapin. I wrote little books describing these banquets and both of them were subsequently printed. My connection with these affairs and the correspondence necessarily conducted brought me temporarily into almost intimate association with the Chief Justice and other members of the Supreme Court. Waite was a dark-eyed, good-looking man, well groomed, with much courtesy of manner, but he made no other impression on me.

As it happened, a few months later, for the first time in my life I had three cases in the Supreme Court of the United States and I went down to Washington, having arranged with a friend at our bar to move for my admission. He failed to appear. Seeing General Benjamin F. Butler, of Massachusetts, looking old, stout, weather-beaten, but sturdy, with his twisted eye fastened on a brief, I went over to him and said:

"General, you do not know me, but you did know my

cousin, General Pennypacker, who fought in your command on the James. I have been disappointed in not finding a Philadelphia lawyer here, whom I had expected to see, and I should be much pleased as well as honored if you would move for my admission."

He turned that eye on me a little athwart and said a little gruffly: "But the rule requires a personal acquaintance. Do you know no one here?"

"Oh, yes, I know all of the Court."

Just then the justices filed in and each of them in turn nodded to me with a smile, a recognition unusual in court and accorded to no other man there.

"I shall be glad to make the motion," said the General; and at Pennypacker's Mills, along with the papers and letters that relate to the two banquets, is the parchment scroll that certifies my admission to practice in the Supreme Court—on the motion of Benjamin F. Butler, Esq.

CHAPTER VI

LITTERATEUR AND BOOK-HUNTER

MY great-grandfather, Matthias Pennypacker, had a reputation for vigorous and apt expression. Since his day the faculty has manifested itself in a number of his descendants. Judge Henry C. Conrad, of Wilmington, Delaware; Charles H. Pennypacker, the burgess of West Chester; Elijah F. Pennypacker, Canal Commissioner of Pennsylvania, with Thaddeus Stevens; Dr. Nathan A. Pennypacker, member of assembly in 1866, and my father, have shown the gift of speech in more than the ordinary measure. My brother, Isaac R. Pennypacker, who wrote the accepted life of General George G. Meade, has written poems which caught the attention of Longfellow and were included in his *Poems of Places* and other verse which Edmund Clarence Stedman said was superior in merit to his own efforts.

I began to write in my childhood and to make speeches in my early youth. At twenty-four I wrote an epic poem upon the war, giving in sombre and gloomy tones the incidents of the sad careers of Josiah White and his sweetheart, with the scene laid at Phœnixville along the French Creek and the Schuylkill River. I give below a piece of early occasional verse, a tribute to my mother and a sonnet to Lloyd Mifflin, written within the last few years. Some of my translations of German hymns may be found in Brumbaugh's *Christopher Dock*, in my *Pennsylvania in American History*, and a translation from the German verse of Pastorius was set to music by the Orpheus Club of Philadelphia and sung two winters at the Academy of Music.

To the verse above mentioned I select another to be included in this narrative. The Haslibacher hymn written in the sixteenth century and published in the *Ausbund,* a hymn book of the Mennonites which has gone through eight editions in America and is still used among the Amish of Lancaster County, always made a strong impression upon me because of its dramatic power and simplicity. It has many of the features of the ballad literature and of the *Nibelungenlied.* I translated it from the German when at Harrisburg, in the midst of my first session of the legislature, as a sort of relief from the onerous pressure of new and difficult official duties. The translation preserves the rhyme, meter and versification, and to a certain extent maintains the spirit of the original:

XANTHIPPE*

(*Sola*)

The tea of yarbs that cured my mother must
Have lost its virtue, opodeldoc don't
Appear to do no good, and what betwixt
The rheumatiz and Socrates I feel
A-worried nigh to death. He is the most
Provoking man alive I do believe.
While I am down upon my knees, and me
All stiff and crippled, scrubbing off the floor
And trying hard to keep things neat and clean
He's gone with Alcibiades and them
Old loafers wandering around the streets
To talk about Philosophy. There's lots
Of work to do in Athens he might get,
If he would only try, and give up these
Ridiculous notions. Then we might live just
As nice as other folks. There has not been
A carpet on this floor for seven years,
And when I tell him, as I sometimes do,
He says, "The Gods require no carpet and
Xanthippe we but imitate the Gods."
As if that consolation were to me!

* Written by request in early life for a public entertainment given at Phœnixville at which were represented a number of historic women.

What use it is to dream about old books
And such like rubbish when the flour's all gone
And me and his poor children have not got
A decent thing to wear, I do not see.
Now there's Epaminondas' pants. If I
Have patched them once, I've patched them forty times
Until the stuff's so thin the thread won't hold
And yet *he* goes a-sneaking through the house
His eyes half shut, his thoughts intent upon
Elysium or some other place, and can
Not see the boy's ashamed to turn his back
Toward any one. No wonder that I scold
But 'tain't a bit of use. He pays no more
Attention than a post. I might as well
Be pouring water in the Hellespont.
He all the while that soft and sheepish smile
Will wear upon his face and count the flies
Along the wall until I stop to get
My breath, and then he walks away without
A word. I get so mad, it makes me feel
As if I were Erymneus. 'Tother day
When I for fully half an hour had been
A-telling him about the ham we want,
He stared and slowly said, "Yes, Critias,
The cycle system must be right." I up
And snatched the basin of hot water that
I had to wash the dishes with and poured
The slops upon his old bald head. He wiped
His face and muttered, "When the thunders cease,
Then comes the rain." He'll be the death of me,
I know.

My Mother

The Spartan mothers in the days of old,
So runs the story, were entire content
To see their sons who forth to battle went
Return with maims and wounds, were they but bold;
Or slain, if that no mark of shame they bore
To show they faltered when they met the foe;
Such gifts these Grecian mothers could bestow—
Such sacrifices as a crown they wore.
My mother wears a crown of greener bay,
And offers better gifts by far than they,

For that herself is her whole sacrifice.
In all her life of one and seventy years
No act of hers has caused another fears,
No word of hers has dimmed another's eyes.
From oft the crest I peer a-down the vale
Toward which her feebler footsteps now descend,
Toward which my own path must henceforward trend,
And try through shadows to forecast the tale;
Or looking backward to that further time
When I was but a child, and she in prime,
Recall her tender touch and soft caress
And all her gentle ways and kindliness.
In that long journey (may it lengthen yet)
She e'er has kept within the narrow way.
No thought of self has tempted her to stray;
There's nothing she would have her sons forget.
Oh, mother! if I too should reach thy age
Like unto thine may my then written page
Be clean and pure—may virtue be instilled,
And every duty be as thine fulfilled.

March 23, 1886.

LLOYD MIFFLIN

The sceptre once with dread to man was fraught.
That day has gone—the kings have lost their sway—
The priest no longer rules but kneels to pray,
And o'er the earth the mightiest power is thought.
A sylvan poet bends to touch his lyre
Where Susquehanna waters woo the isles,
And fields of dawn grow green with nature's smiles.
He sweeps the strings that glow with more than fire.
In busy marts the trader stays his gain;
The shepherd drops his crook in Arno's vales;
Miletus waits to hear forgotten tales;
While listening sorrow hides her inmost pain,
The harp long mute by Scio's haunted leas
Is swept again by classic melodies.

HYMN

A beautiful spiritual hymn concerning Haslibacher, how he was led from life to death.

In tone "Warum betrübst du dich mein Hertz."

AUTOBIOGRAPHY OF A PENNSYLVANIAN

From the archaic German in the Ausbund, a Mennonite Hymn Book published in Switzerland about 1620 and in Pennsylvania reproduced eight times.

Translated into English verse by Samuel W. Pennypacker, March 8th, 1904.

1. We sing in such way as we can
The fate which happened an old man.
  He came from Haslibach.
Haslibacher was he called,
Out of Kilchori Summiswald.

2. The dear Lord suffered it to be
That he was punished grievously
  Because of his belief.
They caught him at his home, I learn,
And took him to the town of Berne.

3. And there in prison he was cast,
In pain and torture was held fast,
  Because of his belief.
But pain and torture did not scathe
And steadfast kept he to his faith.

4. On Friday, as I understand,
The learned priests who ruled the land
  Went to his prison cell,
Began to argue that he ought
To yield the faith he had been taught.

5. The Haslibacher listened long
While they disputed hard and strong,
  Then made this quick response:
"I will not my belief resign,
While life is in this body mine."

6. Upon a Saturday again
Appeared anew these learned men
  And angrily they spoke:
"If now this faith you do not doff
You soon will have your head cut off."

7. The answer came both short and quick:
"To my belief I mean to stick,
  I hold it steadfastly,
If God approves, naught can alarm
And he will save me from all harm."

8. And that same Saturday at night
An Angel of the Lord with might
  To Haslibacher came,
And said: "The Lord me here did send
To strengthen you to meet your end."

9. "To give you help that will avail
If in your faith you do not fail
  But stand both fast and firm.
That faith is pleasing to the Lord.
He holds your soul in good accord."

10. "Although you will be driven hard
And then must perish by the sword,
  Be not thereat alarmed,
There I shall be right at your side
And all the pain you may abide."

11. While Monday's hours were passing o'er
The learned men came still once more
  To Haslibacher's cell,
And what they wanted was in brief
He should surrender his belief.

12. "If not," said they with the same breath,
"Tomorrow you will suffer death."
  Then Haslibacher said:
"Before my own belief I scoff
You may indeed cut my head off."

13. That Monday night in darkness deep
The Haslibacher lay asleep.
  About the midnight hour
He dreamed it was all light, and they
Had come to take his head away.

14. The Haslibacher then arose,
A brilliant light did all disclose,
A book before him lay—
An Angel of the Lord then spoke:
"Read what you find in this dread book."

15. He found as then he turned to look
This marvel writ within the book,
"When they cut off your head
Three signs will God disclose to view,
To show the wrong done unto you."

16. And after he had read it all,
Again the night did 'round him fall,
Again he fell asleep,
And never did he wake once more
Until they oped his prison door.

17. They bade to him a pleasant morn.
He thanked them with no touch of scorn.
And then to him they said:
"You first the Godly word shall hear
Then eat a meal, the last while here."

18. "From my belief I do not part,
The Godly word is in my heart,
My cause I give to God,
My soul is darkened by no lie
And innocent I wish to die."

19. Then to an Inn they took their way,
Good meat and drink before him lay,
The headsman by his side,
That he should be in sorest dread
And from his faith be thus misled.

20. The Mennist to the headsman spoke:
"Your meat and drink my courage woke,
You will upon this day
Pour out an innocent man's blood,
But that is for my soul's great good."

21. He further said: "God will you show
Three signs that you may easily know
And every man can see;
My head cut off will lie awhile
Then leap into my hat and smile."

22. "The second sign will be as clear
And on the sun itself appear.
Now to the third give heed;
The sun will be as red as blood,
The Stadel Brun be a red flood."

23. The judge turned to the lords, indeed:
"Do you to these three signs give heed
And see if they occur,
If all of this should happen so
Your souls may yet encounter woe."

24. The meal had now an end at last.
They wished to bind his two hands fast.
The Haslibacher spoke:
"I pray you Master Lorentz so
You me permit unbound to go."

25. "Prepared and ready I can be,
My death in truth rejoices me,
And I am full content;
And God will mercy still bestow
On those themselves who mercy show."

26. As he was to the scaffold led,
He took his hat from off his head,
Right there before the crowd.
"I pray you Master Lorentz that
You let me here put down my hat."

27. Then down he fell upon his knee
And offered prayers up two or three,
And longer yet he prayed.
"What cause is mine the good God sees,
Do with me now whate'er you please."

28. The headsman then cut off his head,
It leaped into his hat and bled.
The signs could all men see.
The sun became as red as blood,
The Stadel Brun ran a red flood.

29. Then said an aged man thereat:
"The Mennist's mouth laughs in his hat."
Then said an old gray man:
"If you had let the Mennist live
It would you lasting welfare give."

30. The lords together whispered then
"No Mennist will we judge again."
An old man spoke aloud:
"If as I wished it had been done,
The Mennist had been left alone."

31. The headsman said in saddest mood,
"To-day have I shed guiltless blood."
Again an old man spoke:
"The Mennist's mouth laughed in the hat,
God's punishment will follow that."

32. He who this little hymn has made
Is for his life in prison laid.
To sinners sends he love;
A man brought pen and ink to write
He sends to you a last good night.

I never had any instruction in German. After I had been admitted to the Bar, Dr. Oswald Seidensticker, of the University of Pennsylvania, one day told me that George M. Wagner, a hardware merchant on Callowhill Street near Fifth Street, had the manuscript account book of Francis Daniel Pastorius, kept in 1702, and in it was an account with Hendrick Pannebecker. Eager to know what it contained, I went to examine the book, but being written in German script, I was unable to read it. At Mrs. Foster's boarding house I had an old German friend

I never can look at a piece of old furniture without
a curious thrill at a thing that has been so much
saturated with human emotion"
The Light invisible

"The general of a large army may be defeated
but you cannot defeat the determined mind of
a peasant" Confucius

"If I am building a mountain and stop
before the last basketful of earth is placed
on the summit I have failed of my work"
Confucius

"By solitary persistent thought one may pen
etrate at last to a knowledge of the essence
of things" Confucius

"The Lord hath not removed from thee, neither
hath he been displeased, and verily the future
shall be better than the past" The Koran

"Praemia cum poscit medicus Sathan est"

"Colluvies omnium gentium" was the army of Hannibal.

PAGE OF QUOTATIONS FROM THE GOVERNOR'S RECORD OF HIS READING

named C. Louis Scherer. I led him up to the hardware store, but the script was two centuries old; he was matter of fact and absolutely devoid of imagination and he could not read it. I determined not to be baffled in that way, bought a German Grammar and Dictionary and went to work, and at the end of about a year I went to the store and made a copy of the entry. With like material I began the study of Dutch and I have carried both languages with me through my later life. When in Holland in 1897, I spent a day with a citizen of Utrecht who accompanied me to Gorcum. He did not know a word of English and I had the satisfaction of hearing a Dutchman say of myself on the train: "If he were here for three months, he could talk Dutch." When Ashenfelter returned from an abode of sixteen months in Guayaquil, where he became secretary to the United States Consul, had the yellow fever, smuggled cocoa and secured, together with a profit of $1,500, a knife cut across the chin and a bullet wound in the leg, I began to study Spanish and to use it in conversation with him. I proceeded so far as to read *Don Quixote* and other Spanish literature, and it caused me very little difficulty.

In 1863 I began the practice of keeping a sort of record of my reading, giving the name of the author, the title of the book, the number of pages and the excerpts of those thoughts which impressed me as most pleasing and forcible. This practice I have continued ever since and it has resulted in four manuscript volumes which have been of great service as well as satisfaction, furnishing me with ready quotations for papers and addresses from my own study. *On one

* "I have examined three note books in his own handwriting which contain the record of his literary studies. Tbey begin in October, 1863, and close, without omission of a single year, in 1916. They combine the features of common-place hooks, anthologies, quotations of striking passages hotb in prose and poetry, with careful lists of the authors read, the number of pages contained in each, arranged under appropriate headings. They embrace Greek, Latin, French, German, Dutcb, Italian and Spanish as well as English hooks, carefully summarized. In 1863, he read a total of 21,130 pages of which 5,336 were in law and 15,794 in general literature. In the former, Coke-Littleton, Blackstone, Kent, Sir William Jones, Burlamaqui, and Williams alternated witb Voltaire, Rousseau, Des Cartes, Hohhes, Locke, Hume, Goethe, Spenser, Byron, Dryden, Pope, Wordsworth, Tennyson, Chaucer and Swin-

occasion while I was Governor a representative of the *North American*, a worthless sheet published in Philadelphia, came to Pennypacker's Mills to pry into some action of the government supposed to be then in contemplation and asked me for an interview. I had learned by experience that whether I saw him or not an interview would appear in the paper, since the discipline of the office required that something must be brought back in his bag. Therefore, I told him I would give him an interview. He took out his pencil and memorandum book and made ready, and I proceeded:

"Celerity ought to be contempered with cunctation."

"Won't you please repeat what you said?" he asked.

"Certainly. Celerity ought to be contempered with cunctation."

"Would you object to spelling that last word for me?"

"Not at all. C-u-n-c-t-a-t-i-o-n."

He went back to the city, hunted up his dictionary and wrote two or three columns, and the paper has not yet entirely recovered from the shock.

While dabbling occasionally in verse and other forms of literary expression, especially in my young manhood, my chief study, apart from professional activities, has been in the way of historical research. My father set me the example by writing, in 1843, at the request of the Historical Society of Pennsylvania, a local history in two

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hurne. During the succeeding years he fell but little below this average. Even while he was Governor, oppressed with the affairs of state, he refreshed himself with literature, reading the Bible from cover to cover for the fourth time; in 1904 reading 27,934 pages, of which 1321 were in German, 48 in Dutch, and 216 in Italian. In 1906, while still in office, he ran the figures up to 31,578 pages, of which 779 were in German and 1002 in French. His list for that year includes all of Shakespeare's English historical plays, Henry IV, V, VI, VII, VIII, King John, Richard II and Richard III. In that year, as in former ones, he filled pages with quotations from what he had read. In 1910 while at Pennypacker's Mills, he filled 89 pages with extracts from Latin, French and old English authors. In 1916, while sick and suffering, he read Poe, Macaulay, Bayard Taylor's novels *Joseph* and *The Story of Kennett*, the Life of Menno Simons, Charles Francis Adams's Autobiography, Trollope and Koster's *Secrets of German Success*. Through all the years, at frequently recurring intervals he returned to Bunyan, Milton and Thomas à Kempis."—*Samuel W. Pennypacker: An address delivered before the Philobiblon Club, October 26, 1916, by Hampton L. Carson, Esq., Philadelphia: The Philobiblon Club, 1917.*

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Page from the Governor's Record of His Reading Showing Total Number of Pages Read in the Year 1914

manuscript volumes of Schuylkill Township, Chester County, Pa. I used this material, adding to it, and published, in 1872, *The Annals of Phœnixville and Vicinity.* Recently Mr. Albert Cook Myers prepared for the Pennsylvania History Club a bibliography of my printed books and papers. They number in all about eighty, and in the course of years I have come to have an extended reputation and a clientele for this kind of production. The *Hendrick Pannebecker*, given away in the family, on those rare occasions when it is offered for sale brings $25. The *Weedon's Orderly Book*, published at $5, sells for $10, and the *Settlement of Germantown,* which was put on the market at $3.50, has produced as high as $74 for a single copy. The publisher buys back every copy he can get and is willing to pay for it $15. Taking all of these books together, however, they have never paid me anything, but they were not written with the expectation of profit and I have had the satisfaction of elucidating by original research some of the interesting characters in the annals of the state. I have made Peter Cornelius Plockhoy and Christopher Dock known over the world. I have clarified and enhanced the reputation of both David Rittenhouse and Anthony Wayne. I have furnished material out of which many subsequent writers have constructed their books. Some years ago Daniel K. Cassel, a well-meaning but illiterate and entirely untrained old man, concluded he would like to write a history of the Mennonites. He came to me and coyly suggested that he would be helped if I should prepare a chapter for him. I told him that I had no time to devote to the task, but that if he found anything serviceable in my published papers I should not interfere with his making use of them. When his book appeared I found, much to my surprise and amusement, that half of it was made up of these papers—text, notes, and citations from authors in other languages which he was unable to read, word for word, as I had written them. One day he came

to my office and said: "The subscription price of my book is a dollar and a half, but I got a good deal of information from you, so I will sell you a copy for a dollar." He was entirely sincere and the joke upon me was too manifest not to be enjoyed. I was not willing, however, that the value of my work should be measured at fifty cents and, therefore, I paid him the full price, much to his relief.

In November, 1867, I heard Charles Dickens read in Musical Fund Hall selections from his novels, including the chapter upon the death of little Paul Dombey and extracts from the *Pickwick Papers*. He had his hair twisted into a sort of curl; he wore a velvet vest and carried an unnecessarily heavy gold watch chain, and on the whole gave the suggestion of a want of thorough breeding, perhaps even of commonness. He read with something of a cockney accent, but with considerable dramatic effect.

Among the observances of the Centennial Celebration in 1876, a Congress of Authors from over the country assembled in Independence Hall on the Fourth of July, and each author there deposited a sketch written by himself of some one of the worthies of the Revolution. Mark Twain was one of those who participated. It was the only time I ever saw him, and I remember him as a slim man with a light complexion and a large mustache, wearing a white, or nearly white, suit of clothes. I wrote a paper upon Colonel Samuel John Atlee, who commanded the Pennsylvania Musketry Battalion in that war.

On the sixth of October, 1883, the Germans of America celebrated the two hundredth anniversary of the coming of the Germans to Germantown, which was the beginning of that great immigration, and I made the address at the Academy of Music before an immense concourse of people. It was translated into German and republished at Hamburg. One day the German Consul of Philadelphia came to my office, bringing to me in person the official thanks of Prince

Bismarck. The Germans have always shown me great favor, electing me one of the Archive Committee of the *Deutsche Gesellschafft* and an honorary member of the *Canstatter Volksfest Verein* and of the *Maennerchor*, and when they erected a statue of Schiller in Fairmount Park, I delivered the oration.

I have certain physical peculiarities. When a rabbit is seen sitting upon his haunches it will be observed that he is continually spreading wide his nostrils. No doubt this power was a physical advantage to animals enabling them to increase their scent and thus learn of the presence of enemies or prey. I have the power of voluntarily using the muscles which dilate the nostrils. I likewise have control of the muscles which spread the toes of the feet, thus, to some extent, making them prehensile. Darwin, who spent much time in gathering facts from which like inferences may be drawn, had not discovered these and I wrote him a letter calling his attention to them. He replied in an autograph note expressing recognition of the value of these facts in elucidation of his theory.

One of the descendants of Edward Lane, a beautiful woman, became the wife of Lieutenant A. J. Slemmer, who, at the outset of the War of the Rebellion, acquired fame through his command of Fort Pickens in Florida, which was one of the two forts, the other being Fort Sumter in South Carolina, retained by the North in the seceded states. Soon afterward Slemmer died and she went over to England and there married Professor Jebb, the celebrated Greek scholar connected with Oxford University. Then she sent for her niece, and this niece married George, the son of Sir Charles Darwin. At the time of the dinner given by the American Philosophical Society to celebrate the two hundredth anniversary of the birth of Franklin, Sir George Darwin, who was there with many other scientists, came over to me and said: "My wife, who is here, tells me that you and she are cousins." She sat in the

gallery and when I arose to speak to a toast I made a reference to her presence.

A third physical peculiarity is the fact that I have five incisor teeth in the lower jaw. One day I said to my colleague on the Bench, Judge Mayer Sulzberger:

"Judge, did you know that I was a monstrosity?"

"No. What peculiar phase of monstrosity do you exhibit?"

"I have five incisor teeth in the lower jaw."

"There is nothing strange about that; look at mine."

And he had five incisor teeth on the lower jaw. Monstrosities were a majority of the court.

For many years I corresponded with Dr. J. G. DeHoop Scheffer, of Amsterdam, the historian of the Reformation in the Netherlands and one of the most learned scholars of Europe. When in Amsterdam in 1890 I called on him and found him a very genial old gentleman, with white hair, living in a house which indicated the presence of every necessary comfort. I presume at his suggestion I was elected a member of the Maatschappij Van Nederlandsche Letterkunde of Leyden. When our correspondence began I said to him that my acquaintance with Dutch was limited, but that if he would write in either French or German I could get along comfortably. He gave no attention to this suggestion, but wrote to me in English.

The Comte de Paris, the Bourbon claimant of the throne of France and an aide-de-camp upon the staff of General George B. McClellan, when he was engaged in the preparation of his history of the War of the Rebellion, wrote to me a letter or two concerning the manufacture of the Griffen Gun at Phœnixville. That is as near as I have ever come to association with royalty, except that I once dined at the Hotel Bellevue with the present King of the Belgians. He had come over here to view the country, no doubt, as a means of enlarging his scope and preparing him for his prospective duties. I chatted with him for a

while in French and found him polite but very much like other people who are met at dinners.

When I came to the bar my dear good mother said that she had only two ambitions for me which she would like to have gratified. She would like me at some time to reach the bench and she would like to see me a trustee of the University of Pennsylvania. No doubt, in her early married life, my father coming recently from the medical school, had impressed her with the dignity and importance of the board of trustees who in their formal visits to the college seemed to him to be both grave and august. When John Welsh, who had been at the head of the Centennial Exposition, and had been Minister from the United States to England, died, in 1886, I was elected to take his place on the board of trustees. Generally these places are filled by selections from among people of large means and of social consequence, but somehow it happened. It has been a satisfaction to me, as I have gone through life, to know that all of the institutions with which I have been associated and many of the persons with whom I have been upon friendly terms have secured advantages from the association to a greater extent than could have been reasonably anticipated. The University is no exception, and even in the way of financial aid, it has received more through my efforts than from many others of very large resources. One day on going down Sixth Street I met a lawyer who told me he had come from an argument before an auditor claiming a fund which had been the assets of a defunct hospital. I hastened to the auditor, claimed the fund for the University of Pennsylvania, and, although the testimony had been closed, succeeded in getting a hearing. The auditor awarded the fund to me, and on exceptions and argument his report was confirmed by the court of common pleas. Although through too much earnestness I gained the antipathy of Lawrence Lewis, Jr., who had expected to get the sum for an institution which he repre-

sented, I carried a check for nearly six thousand dollars to the trustees in triumph. In numerous papers I pointed out the relations which had existed between the state and the University and did much to bring about their restoration. When I became Governor, by the Act of May 15, 1903, an appropriation of one hundred thousand dollars was made for the maintenance of the University, thus setting a precedent which has been followed since. It has gradually come about that in almost all of the efforts of the institution before the legislature and the councils of the city I have been called upon to be a spokesman. Before I became a trustee the University always traced its origin to a pamphlet written by Franklin in 1749, but I succeeded in proving that it really began with a charity school for which a building was erected in 1740, thus adding nine years to its life at the other end and making it antedate Princeton. Since my presentation of proofs to the trustees the catalogues have all borne the date of 1740. When I entered the board of trustees, at the head of the institution sat the Provost, Dr. William Pepper, in his time and in various lines of work one of the most capable men in the city. As a physician, he had a large and lucrative practice. Short in stature, with little flesh, with light eyes and a nose curving slightly, he had a bland smile and a most persuasive manner. Politicians gave him the credit of rivaling the ablest in political skill. As a physician he entered the sick chamber, smiled on the woman patient, gave her confidence, made her better and charged her $500. Mrs. Haldeman, of Harrisburg, daughter of Simon Cameron, always kept his portrait hanging in her parlor. Indefatigable and persistent, he was ever at work and died young. He could go to sleep whenever he chose and sitting in his carriage talking would say, "Excuse me for five minutes," and drop off into a nap from which, at the appointed moment, he aroused. The original American Pfeiffer came among the German peasants to Lebanon

County and going from there to Philadelphia about 1790, built a brewery, made a fortune and founded a family. Nothing of his antecedents is known, but both physical and mental traits in his descendants suggest a Hebrew lineage. Dr. Pepper was the real founder of the present great fortunes of the University, and under his management it advanced with huge strides. Charles C. Harrison, short, stout, with dark eyes, succeeded him and has devoted the efforts of a lifetime to the benefit of the institution. He is more direct in his methods, stronger in character and intelligence and possesses a larger fortune which, with continuous generosity, he devotes to the same object. I know no other instance of such self-sacrifice for the sake of general good. Under his direction the institution has made still greater progress in all ways, and has taken again its former place in the foremost rank of American universities.

Among the trustees those in my time who have taken the most active interest in the work have been Dr. S. Weir Mitchell; Samuel Dickson, chancellor of the Law Association; Joseph S. Harris, president of the Philadelphia and Reading Railway; Joseph G. Rosengarten; Samuel F. Houston and J. Levering Jones.

Dr. S. Weir Mitchell has won success in medicine in the treatment of nervous diseases and in literature in the production of novels. Among American historical novels *Hugh Wynne* is probably unexcelled. A tall, gaunt and homely man with a thin beard and mustache, he is autocratic, assertive and full of egotism, but, nevertheless, companionable and entertaining. He wrote to me a long autograph letter, which I still have, in a scrawling hand, about the construction of *Hugh Wynne,* in which he says the old narrow-minded Quaker father was an attempt to delineate the traits of a Presbyterian he had known. Once when he had completed an address at the Academy of Music he brought and gave to me the proof with his manu-

script notes. It has been said that we look somewhat alike. Physically he is extremely nervous, having little control of his hands, so that the query arises as it did about the frog, why he does not cure himself, but such queries lead to the deeper mysteries and are unanswerable. No man has been more important in the literary, professional and social life of the city than Mitchell. The letter to which I have referred, giving the author's explanation and estimate of *Hugh Wynne,* his most successful book, follows:

November 4, '97.

DEAR JUDGE.—I take my large paper because of having more to say than I can with comfort get into note paper.

I wish, first, to say how much pleasure your letter gave me; it is despatched from a critical standpoint, so remote from that of the newspaper critics that, for me, it is a quite precious and thought-compelling document. To take it in detail, I shall like, some time, to see your treasures and talk over these for days. Next, yes, Mt. Hope is a pen-slip, to be amended, as in the second edition have been many minor errors of name, place or date.

No, Mr. Wolfe, Mr. Webb, Mr. Howe, are in the *Virginians* and *Esmond* for Gen'l W., etc. It was usual unless the men were on duty. Even now, it is our army usage to address, in social life, all men under a major in rank as Mr.

Ardmore, Bryn Mawr are recent names and as to this I hesitated long. To use them brought the matter in hand within the realizing capacities of the dullest, and I was trying to make a great story leap into life again—an intended error in name or time did not affect me as a novel writer.

In *Quentin Durward* the wild Boar of Ardennes is killed fifteen years before the true time of his demise and of quite other fashion. As to Conshohocken and Norristown people who criticise and many they be that forget that H. W. presumably wrote these authentic memoirs circa in the 1820's when Norristown and Conshohocken had nominal existence.

H. W. is an autobiography with the limitations of that rarely used form. With the ego one can get a sense of personal product. Without it we lose this charm. In *Esmond,* Thackeray shirked it and made his hero tell his tale in the third person nearly throughout. Hence there is in *Esmond* no sense of its being a man's tale

of himself. It was a mistake with the third person. Th'y ties himself to the limitations of the first. I mention *Esmond* because H. W. is frequently compared to it or to Th'ys solemn failure, *The Virginians.* All this is to point out to my kindly critic why in an autobiography I could not broadly paint those wonderful Quaker people. My, or the old father John W. is the only picture from the life in my book. It is not as a Quaker that he is drawn. The original was a Presbyterian. I cut out some of my Quaker matter as making the book too long, but in *Pemberton, Howell* and *Wetherill* I think I have within my space done dignified justice to Friends; so say at least some who have read it. One in Germantown told Mr. S. he could not read fiction, but that perhaps H. W. was in a manner an allegory?

I read last night the to-be-read parts of your book. What a strange and interesting story—3,000 from the lines of two. In 1783 came hither Jn. Cadwalader. Up to 28 years ago there had been 77 males of his name.

With my salutation of repeated thanks, I am

Yours truly,

S. Weir Mitchell.

Hon. Sam. W. Pennypacker.

In March, 1872, I was elected a member of the Historical Society of Pennsylvania, which then occupied as its hall the building 920 Spruce Street owned by the Pennsylvania Hospital, which had been erected for the accommodation of West's painting of *Christ Healing the Sick.* Ere long I became a member of the council and vice-president, and in 1900 was elected to the presidency. This event marked an innovation in the conduct of the Society. Up to my time the president had always been selected from among families long identified with the life of the city and had always dwelt south of Market Street. Soon after my election and through my intervention the Society received from the state $150,000, which enabled it to erect a commodious fireproof hall at 1300 Locust Street. No more useful expenditure of the moneys of the state could have been made, since here are preserved the records of its achievement which were scattered and lost from Harrisburg

and have been laboriously gathered together by the Society. Its collections of books and manuscripts are in many respects the richest in the country. At the dedication of the new hall in 1910 I made an address tracing its origin and development which has since been printed. The institution has been a marvelous instance of steady progress in resources and accomplishment. When I became a member John William Wallace was the president, a man of broad culture, who early in life attracted attention at home and in Europe by his book upon *The Reporters* of law cases. He had been reporter for the Supreme Court of the United States. He wrote attractively and presided at the meetings gracefully. A descendant of the Bradfords, the early printers, he saw to it that during his régime the books printed by them were sedulously collected. When he died, Brinton Coxe succeeded. A descendant of Dr. Daniel Coxe, one of the proprietors of West Jersey, and, coming of a family which had made a fortune from coal lands, he was much a gentleman of leisure. He had written books of value and was generous in his gifts. He had dark eyes, side whiskers and a kindly manner, but it was nervous torture for him to appear in public, and he fumbled through to the end of what little he had to say. He was succeeded by Dr. Charles J. Stillé, of an old Swedish family, who had been provost of the University of Pennsylvania and had the benefit of wide literary experience and cultivation. His *Life of Wayne*, written in old age, and too hurriedly, is disappointing, but his *Life of William Smith* and his pamphlet upon *How a Free People Conduct a Great War* are both admirable studies. He left a large bequest to the Society. But its success did not at all depend upon the efforts of its presidents. Whenever human institutions thrive, whether they be political, literary or theological, it is because there is connected with the organization some person of intelligence who has its interests at heart, who is willing to work with head and hands, who is ready

to sacrifice himself, if need be—and generally he has to—and who selects and sets aside the ostensible heads with a view to the welfare of the cause. The vestryman of the church never becomes a bishop and the boss of the party never reaches the presidency.

An insignificant looking little man named John Jordan, Jr., retired from business, with dark eyes, weighing about one hundred and twenty pounds, with a low voice, wearing a wig, and possessing a will, who could not make a speech and never wrote a book, guided the fortunes of the Society. What he said was done. If money was needed he gave it. If he saw a description of a rare book in a catalogue it was bought. He belonged to the Moravian Church and hence it happens that our shelves smile with the richness of the collections of the literature of the followers of John Huss and Ludwig, Count Zinzendorff. At every dinner of the Society his memory is toasted. After him came Frederick D. Stone, ruddy, stout and sandy. He had failed in business, but he had capacity, nevertheless. He had no pecuniary resources, but he had a keen scent, was specially well informed with regard to events of the Revolutionary War and was ever alert in watching for opportunities to aid the institution. He selected the members of the council and the officials, and men who were loud in their denunciations of Quay and Hanna submitted quietly to the domination of Stone.

A more striking figure than either was Charles R. Hildeburn. He came out of a drug store and was substantially without education. He was young, thin and had no stomach which could digest. He was ever on the wire edge of nervous overthrow. He did not chew tobacco, but he ate it. He could not bear stimulants and used them to excess. Violent and domineering, he quarreled with everybody. He worked until four o'clock in the morning and slept with difficulty. But he had unbounded energy and appreciation of imprints, typography and the importance of a

book, seen for the first time, which amounted almost to genius. He did much to enhance the value of the collections and in his *Issues of the Press of Pennsylvania*, in the production of which I aided him materially, he produced a book which is a marvel of research. One day he came to consult with me. We differed about the date of an imprint or some such trifle. He called me a liar, and I ordered him out of the office. He could not help yielding to impulse. He died in young manhood and is likewise gratefully remembered.

On the third of April, 1888, Colonel Oliver C. Bosbyshell, who was one of the First Defenders to reach Washington on April 18, 1861, Dr. Herman Burgin, Horace Burgin, Major J. Edward Carpenter, who took part in Keenan's charge at Chancellorsville, Robert P. Dechert, William C. Houston, Charles Marshall, John W. Jordan, J. Granville Leach, William Brooke Rawle, Richard M. Cadwalader, William Wayne and myself, met in the dingy little office of Herman Burgin and organized the Pennsylvania Society Sons of the Revolution, composed of the descendants of those who participated in the War of the Revolution. It has since grown to a membership of over a thousand and every year gives a reception on the twenty-second of February, attends a service at Christ Church on the anniversary of the beginning of the encampment at Valley Forge, and makes a pilgrimage to some revolutionary field in June on the anniversary of the evacuation of that camp.

I have made addresses before the members—once in the State House, twice at Valley Forge, once at Pennypacker's Mills and once at Neshaminy, and, as chairman of a committee, raised most of the moneys they now have with which to erect a statue to Anthony Wayne. In the *Decennial Register* of the Society, published in 1898, are copies of an original map of Valley Forge which I secured in Amsterdam, and of the music of one of the dances of the

Meschianza, also discovered by me, both of them of great interest because of the light they throw upon that struggle.

I still remember the day when, being than a child seven years of age, perhaps, I picked up in the garden a piece of white flint of curious shape and took it to my father to make inquiries. I recall with complete distinctness, after so many impressions made since have disappeared, its shape, the corner of the garden in which it lay, and even the time of the day. He explained to me that I had found an arrow head made by the Indians and he pointed out to me the details of manufacture and the method of use. A very slight incident often is not only the beginning of habit, but the turning point of character. A career is often fixed by the most trivial of occurrences. If any fact, no matter how comparatively unimportant it seemed, could be omitted from the past, the whole history of the world would be changed. If three hundred years ago a young man had not, upon a summer evening, gone out to the garden gate, George Washington would never have been born, and the colonies perhaps would have remained dependencies. If a Dutchman had lost instead of making a profit on a negro slave three hundred years ago there might have been no Battle at Gettysburg.

John H. Converse once told me that when he was a young man, anxiously seeking an opportunity in life, he was offered a clerkship at a small salary in Chicago and had made all of his arrangements to go there gladly. At the last moment some unexpected event occurred to prevent, and he remained in Philadelphia to become, eventually, the head of the Baldwin Locomotive Works.

I never overcame the tendency which started when my father enabled me to understand the significance of the piece of quartz I had picked up, and all through my boyhood and young manhood, upon occasion, I hunted through the fields, which had been plowed for corn, for the implements lost or thrown away by the Indians, and

my somewhat extensive collection is preserved at Pennypacker's Mills. Once, on the high ground on the opposite side of the Schuylkill from Phœnixville, I found a cache of fifty-six stone blades, six inches long and two and a half inches in width, made of argillite, blue within, oxydized and green without. At Green Hill, a romantic spot a mile below Phœnixville, overlooking the river, now being torn to pieces and ruined by a brickyard, was the site of an Indian village where the implements were numerous. I found there on one occasion a hammer, neatly fashioned, of quartz, which gave evidence that in their work the Indians were not without the artistic sense.

When I went to the city to live, where there were no such opportunities, I naturally enough turned to the gathering of books, with the result that when I went to Harrisburg in 1903 I left locked up in my house, 1540 North Fifteenth Street, in Philadelphia, over ten thousand volumes. In the main they were books relating to Pennsylvania and early imprints of the province and the state. It was the most complete collection of material of that kind which any individual had ever possessed, and in some respects was unequaled by any public library. The Boston Public Library has made it a policy to collect the books printed by Franklin and had succeeded in securing about eighty, while I had about two hundred and fifty. There were also the most complete collections of the publications of Ephrata, of the Sowers in Germantown, and of Robert Bell in Philadelphia, to whom must be accorded the credit of introducing literature into America. Sower printed the Testament in German seven times, at Germantown, before it appeared anywhere in America in English, and I still possess the only complete set of these Testaments. My library contained a full representation of the imprints of the inland towns of Pennsylvania, a copy of the *Nuremburg Chronicle* of 1493, a fair set of the *Sessions Laws of Pennsylvania,* the early magazines and newspapers, the finest known

set of *The Portfolio,* the fullest collection of Vorschrifften, representing the art of the Germans of the state, the best collection of the literature of the Mennonites and the Schwenkfelders, an Aitken Bible, the first American Bible in English, a set of original war maps of the battles of the Revolution, the autobiography in manuscript of Benjamin West, his original study of the *Death of Wolfe,* an autograph portrait of West and a portrait of Franklin by West. These are sufficient to indicate its importance.

After I had been separated from my books for over two years, and since they prevented any other use of the house and were subject to the danger of fire and thieves, I selected about two thousand volumes, including the large mass of family literature, the local books and those relating to the Mennonites and Schwenkfelders, and sold the rest. Those sold were described in eight catalogues making four large octavo volumes which form a full record of original sources for the history of Pennsylvania. My collection of Frankliniana has been called by Tregaskis of London "unrivalled." Certainly it was more comprehensive than that of Henry Stevens, for which the Government of the United States paid $35,000. The ownership of these books gave me the opportunity to understand Franklin in one phase of his work, with the result that my estimate of his achievement is far from the conventional standard. He was a job printer. He printed solely for gain and nothing that can be regarded as a contribution to learning or literature came from his press He printed the *Votes of Assembly* and the *Sessions Laws,* the opportunity for doing which he secured through political influence, and when Benjamin Lay paid him for printing one of the earliest books against slave-keepers, it appeared without his imprint because it was an unpopular effort. His most important work in the way of his art was the part he took in publishing Sewell's *History of the Quakers,* but that was given to him by Keimer, the generous old

enthusiast of whom he speaks so slightingly in his autobiography. He was the genius of worldly wisdom. He remained with the Quakers so long as they retained power and left them when they lost it. He secured the favors of women without marriage. He gave to the Pennsylvania Hospital the outlawed debts of his firm, which had no value because uncollectible, and gained a reputation for philanthropy. The Library Company of Philadelphia has been called the Franklin Library, although it contains the really valuable collection made by James Logan, and its records show that Thomas Bond bought and gave to it Franklin's newspaper and Franklin gave to it practically nothing. He claimed to have founded the University of Pennsylvania, because he wrote a pamphlet, although he endeavored to prevent Dr. William Smith, the provost and real founder, from getting money in England for its support. He claimed to have founded the American Philosophical Society, although its minutes show that he never read a scientific paper before it and while president even failed to attend the meetings.

My books came to me in all kinds of ways, and from over the earth, and I became known to the dealers and writers not only at home but in Amsterdam, London and Berlin. Some of the incidents which occur in the search for out-of-the-way treasures are both romantic and dramatic. Gus Egolf, short and stout, with a wen on the back of his neck nearly as large as his head, a keen dealer in old furniture and old books, lived and still lives in Norristown, where he has a store. Often I went "incog" in an old suit and broken hat with him to the sales of the German farmers in the country and I have bought as many as a three-bushel-bag full of books at a sale. The auctioneer would hold them up at a window, half a dozen at a time, and knock them down for a few pennies. There was little or no opportunity for preliminary examination and often the purchase proved to be of little value, but every once

in a while there turned up a Franklin, an Ephrata or a Sower imprint. In this way I secured nearly all of my Schwenkfelder literature. Of the Reformers, Luther was a charcoal burner; Calvin was a peasant; and among them all the only man of long lineage and high culture was Caspar Schwenkfeld von Ossing, a nobleman of Silesia. He taught a system of sweet and pure theology which, carried through the Mennonites of Holland to England, led to the origin of the Quakers. His treatises were published in quarto form, as they were written, from about 1526 to about 1560, and are much in demand in the libraries of Europe. But since nearly all of his sect came to Pennsylvania in 1734, these books are found here almost exclusively. In my library are over ninety of the original issues and almost all of them. The sect being comparatively few in numbers, their literature was almost entirely produced in manuscript after they came to Pennsylvania—neatly written, often beautifully illuminated, strongly bound and carefully preserved. The Schwenkfelders arrived on the 24th of September (1734), and set that day apart as an annual day of thanksgiving or "Gedächtniss Tag," and they have maintained its observance ever since, and in this respect stand alone. Their books, their woolen spreads, their handsomely carved and inlaid furniture, and the sweet faces of the women in their plain caps and dresses all tell of inherited cultivation. At their sales all were invited to dinner, whether or not anything was bought, and everything on the table—from ham and eggs to molasses pies—was tempting. In the cities I have often seen people acting on the assumption, and even heard them boasting, of their ancestral achievement with very little evidence in proof, and I have gone to a Schwenkfelder home where lay on a table, without ostentation, a folio manuscript written by some learned and devout forefather three hundred years ago. Among them I found an early edition of *Savonarola*, an early edition of the

Imitation of Christ, a copy of the Anabaptist translation of the Prophets by Ludwig Hetzer and Hans Denck, four editions of the hymn book of the followers of John Huss, which is a great rarity in Europe, a manuscript of the hymn written by George Weiss for the first Gedächtniss Tag in 1735, many manuscripts written upon the paper made at the Rittenhouse Paper Mill on the Wissahickon, the earliest in America.

Among the Mennonites along the Skippack, a thrifty and more numerous but less literary people, I found a copy of the first German edition of the *Fundamentum* of Menno Simons, published in the Palatinate in 1575; the two editions of the *Schulordnung* of Christopher Dock (the earliest American essay on pedagogy); the *Geistliches Magazien* of Saur (our earliest religious magazine); a copy of the work of Henry Funk, the Mennonite preacher on the Indian Creek in Montgomery County, Pa., printed by Armbruster in Philadelphia in 1763; but most important of all, the great *Martyr Book* of Van Braght, the most imposing literary production of colonial America, printed at Ephrata in 1749. I wrote an essay upon it and made it widely known. Henry Funk and Dielman Kolb of Skippack supervised the translation and I was fortunate enough to find the specially bound copy which belonged to Funk with his autograph in it and likewise the copy which belonged to Jacob Kolb, brother of Dielman, and the copy retained in the cloister at Ephrata by "Bruder Amos."

There had been a long-standing controversy in Holland over the dates of the birth and death of Menno Simons, the distinctive Reformer of the Netherlands, one set of scholars contending for 1492–1559 and the other for 1496–1561. When I first became interested in the subject I wondered how it arose, since in the Dutch edition of his works in folio, published in 1681, there appeared his statement of when he left the Roman Catholic Church and how old he was at the time. Later I discovered, however,

that in the earlier edition of 1646 this statement did not appear, thus proving that somebody had inserted it later. In the controversy one of the authorities relied upon was Gerhard Roosen, a noted preacher who died in 1711 at Hamburg, aged a hundred years, and whose grandmother had known Menno personally. One day I received a letter from a man out in Ohio saying he had an old Menno Simons book which he would sell to me for two dollars. Though this was the only description and nothing could be told about condition and little about substance, it was not much to risk and I wrote to him to send it to me by express. When it arrived, behold, it was a copy of the 1646 edition of the works of Menno which had belonged to Gerhard Roosen. In it Roosen had made a number of notes in manuscript and among others one which told of a visit he had made in 1649 with Peter Jans Moyer and Tobias Govertz van den Wijngaert to the grave of Menno, that he was born in 1492 and died in 1559 and was buried in his own cabbage garden. I sent the information, thus remarkably and accidently discovered, to Dr. Scheffer, of Amsterdam, who embodied it in an article printed in the *Doopsgezinde Bijdragen,* and in this way in America was settled an uncertain question of the remote past in Europe which their libraries and scholars could not determine.

In the shop of David McKay, on Ninth Street above Walnut, lay a pile of religious and, therefore, seemingly pecuniarily valueless books which had just come in from the country. But among them I found a fine copy of *Truth Exalted,* the first book printed by William Bradford in New York, which, in the judgment of experts, had displaced the *Laws,* before regarded as the first, and the latter had brought at auction $1,600. McKay sold it to me with two or three other books for a dollar.

In the auction room of Davis and Harvey in a corner lay a heap of books which had the appearance of rubbish.

Out of it I picked an old Dutch book. Said Henkels, "If you want that, take it along." It proved to be the first book in Dutch in America, a catechism of the Reformed Church written in Albany, printed by Bradford and before unknown.

William Brotherhead had a second-hand book store on South Street west of Broad. From his shelves I selected a little volume of poems by Edgar Allan Poe, printed when he was a cadet at West Point by Elam Bliss, which had been thrown away by the Cadwalader family and for which I paid sixty cents. I had no knowledge of Poe editions and was not seeking it, but there is an instinct born within which guides a man in these pursuits. The day was one of idleness and I went from there to the auction rooms to look over a library offered for sale. At the time George P. Philes, a very wise man in his knowledge of books, and others of the craft were gathered in an inner room, and as I wandered about I overheard the conversation. One of them said: "I wonder whether that second edition of Poe will ever turn up again?" The remark caught my attention and I stepped closer.

"Is it a scarce book?" I inquired.

"Did you ever see a copy?" came the query instead of a response.

"Yes."

"Where?"

"I have one in my pocket."

I produced it and astonishment gathered over their faces.

"Do you know what that book brought in the Brinley sale?" asked Philes.

"No, I don't know what it brought in the Brinley sale."

"One hundred and fifty dollars."

"I am very glad to hear it."

At this time there was a man in town named Frank E.

Marshall, who had been a flour merchant, as sharp as a scythe-blade, who had turned his attention to books, book-plates and autographs. At a sale appeared a letter written by James Wilson, the Philadelphia lawyer who did the most in preparing the Constitution of the United States in 1787, and became a Justice of the Supreme Court of the United States, to George Washington, introducing to him Colonel Ephraim Blaine, the grandfather of James G. Blaine. I wanted the letter. Marshall bought it for thirty-three dollars. Soon it became noised about over the town in this narrow sphere that I had found the Poe and it was not long before Marshall, who was in a heat over the pursuit of material relating to Poe, came to me to try his luck. I said to him, "Marshall, you and I understand the situation perfectly. We never make the useless inquiry what was paid for a thing. I do not care for the Poe and you have some things I should like to have. If you will make up enough of them to equal in market value the Poe, you may have it. He finally gave me the Wilson letter, a copy of the Philadelphia edition of the *Yellow Plush Papers*, which, strange to say, is the proof that the first publication of a book of Thackeray occurred in Philadelphia, *The Simple Cobbler of Agawam* and two or three Franklin imprints, and carried off the book he wanted.

At a sale at the house of a Schwenkfelder family named Kriebel, in Montgomery County, I bought a quantity of material which was sent to my office at 209 South Sixth Street and there, after selecting whatever appeared to be of importance, the residuum of imperfect and more recent papers was thrown on a shelf and there lay for years. It was then carried up to my office at Broad and Chestnut streets and likewise left neglected. It was then taken to my home and piled on an upper shelf. One rainy Sunday afternoon I was turning it over, when the peculiar words concerning a turtle dove singing in the wilderness caught my attention and suggested Ephrata. Thoroughly aroused,

I examined it critically and found a date too early for the Dunkers of Ephrata. Then I found some initials and recognized the chirography of Johannes Kelpius. Comparison made the inference certain. The hymn book of the Hermits of the Wissahickon with hymns written by Kelpius, Seelig and Koster lay before me and one of the most important discoveries I ever made occurred amid the waste in my own library.

I made a visit to Samuel Pennypacker, a farmer living at the upper end of The Trappe, who entertained me at dinner sitting on a long bench before a table without cloth or napkins, and with the food for the family in one large dish in the center. He gave to me an old Bible which he said was of no use to him and which had been thrown with some other stuff into a worn-out clothes basket in the garret. It proved to be the Bible which belonged to my great-great-great-grandmother's grandfather, printed at Heidelberg in 1568, containing a family record and many interesting manuscript notes, which has now been in the family for ten generations and much antedating every other family possession.

I sadly wanted a letter of Washington written at Pennypacker's Mills and sought for it long and earnestly. Once it seemed to be within my grasp. The letters of Israel Putnam, taken out to Ohio by Rufus Putnam, were found in a garret there and published in a Chicago newspaper. Washington had written to him to send on a reinforcement of a thousand men from Peekskill. Fearing his letter had miscarried, he wrote again in almost the same words. Here were two letters almost in duplicate, and the second one was dated at Pennypacker's Mills. I groveled before the owner, offering him money, another letter of Washington of greater importance, and whatever inducements I could think of, but he was obdurate and my efforts were all in vain. Moses Pollock kept a book store in the second story of a building on the south side of Commerce Street

west of Fifth, a Hebrew, nearly eighty years of age, with rare intelligence and abundant information. Business had long swept away to other parts of the city and only a select few knew of his existence. Having sufficient substance, he made no effort to sell and ever rejoiced when the customer departed, and regretted when he took anything along. One of the sorrows of Pollock's life was that he had sold the *Bradford Laws* to Dr. Brinley for $16 and had seen it later produce $1,600, and he explained the transaction to me rather pathetically that the book had lain around his store for thirty years and no one ever wanted it. In the rear of his office was a fireproof in which he kept locked up rarities which no one ever saw. One day something softened his heart and he opened this fireproof and brought out a bundle of papers which he put down on the table before me. I proceeded to open and examine them. There were some Cincinnati pamphlets, some Franklin imprints and along with some other papers, a folio letter of Washington written from Pennypacker's Mills to John Hancock, telling him of the council of war held in the house which determined to fight the Battle of Germantown. The time had come. Said I:

"Pollock, I must have that letter. You can make any bargain you choose, but I must have that letter." And throwing myself upon his mercy, I explained to him the reasons. I said further:

"I have an important letter of Washington which I will bring down and show you."

My letter was a fine folio in which the General told the Commissary of Prisoners that Cornwallis was not to be exchanged. After seeing it, Pollock did not need to be informed of its military consequence. Said he:

"You have a couple of books I should like." My reply was:

"You can have them."

I gave him the letter about Cornwallis and the two books

and went away with the other letter rejoicing. The story has a sequel. When Pollock died his things were sold and among them was my Cornwallis letter. It brought $850. Mine lies in a drawer in the house, like a corner-stone which could not be sold or removed, and has cost me $850 beside two books.

Brotherhead, in 1898, published a little book upon the book-sellers and book-hunters of the city in which he gives the following kindly, but not altogether complimentary, description of myself:

> "The true bibliomaniac, I am sorry again to have to repeat, is a rarissimo—nearly as scarce as the dodo. We have a few that collect books and have fine libraries; but the true Dibdin man—the man that cannot pass an old book store, or even an old junk shop; that will travel miles to enrich his collection; that has not time even to dress decently; that lives in his library, sleeps in it, surrounded by folios, quartos, in fact, every size; that eats his meals there; that smokes his pipe; whose atmosphere smells musty, and cleanliness is almost a vice—this class of men are rare. I do not say all these pecularities are even necessary or desirable, but such men do live, have lived, and no doubt will always live.
>
> "I know one man in this city, the Honorable Judge Pennypacker, who possesses the true spirit of a bibliomaniac. His specialty is early American imprints and nearly all Pennsylvania early imprints. It is a pleasure to meet him. He is suave, affable and kind to all, and extremely liberal in his dealings."

CHAPTER VII

Reformer

THE prevailing sentiment in Chester County during the time of my early life there was that it was the duty of all men to show an interest and even to participate in the management of public affairs. Many of the youths about to enter upon the struggles that confronted them had some ambition in the direction of seeking public station. In any event, they had a real concern for, and earnestly discussed the acts and the merits of officials, whether executive or representative. As one of them I saw, or thought that I saw, much that needed improvement and I was altogether ready to take hold somewhere and make an effort to have the evils which afflicted the administration of public affairs corrected. My experience had not been sufficient, nor was my philosophy subtle enough, to enable me to see that while there is much in the conduct of men that is imperfect, such imperfection is at least as great among those who narrate and comment as among those who do the work of the world. What appeared in print was accepted as the truth, and there my reasoning began. It needed to go much deeper. The feeling in the county was very antagonistic to Simon Cameron, who was then a controlling factor in the Republican party in the state, and with that feeling the members of my own family, which for over half a century had been active in county affairs, were in entire accord. I regarded him as a malign influence which was, through the efforts of those imbued with a due regard for the public welfare, to be in some way or other overcome. The entire line of this political thought was that a Democrat was an obnoxious person who had been helping

his friends in a wicked attempt to destroy the government, and in order that he might be continuously and forever repressed it was necessary to purify the Republican party by the elimination of Cameron and of those in combination with him.

Later I went to the city. In the boarding house on the north side of Chestnut Street below Fifth there boarded a man named O. G. Hempstead who had been appointed from some interior county to a position in the custom house, nearly opposite. Later he grew into a large business connected with importations, and his sons are prosperous. On one occasion Hempstead had me appointed a clerk of a precinct election board at which I earned five dollars and started me on my official career. Afterward, taking rooms on Eighth Street below Walnut and becoming a resident of the first division of the Eighth ward of the city, I sought the opportunity to participate in its local affairs. John C. Martin, member of common council, a native of Maryland, partially paralyzed, keen, bright and active, was the ward leader of the Republican party, and he lived in the same precinct. I was fortunate enough to get into his good graces, although we had a superabundant supply of ambition and capacity. Among those taking an active part were: A. E. Smith, a small contractor, whose sons I believe have made fortunes out of the business as it extended; and Charles A. Porter, who had lately arrived from Ohio, barefooted and penniless, and by doing little chores around the house of a fire engine company, had found there a place to sleep. Later he acquired a fortune, bought an expensive house on North Broad Street, secured extensive contracts for sewers and reservoirs, developed into a power in the politics of the city and state and became a member of the state senate.

Charles H. T. Collis had just returned from the war. An office boy in the office of John M. Read, who became Chief Justice, that influential gentleman made a pet of him and advanced his fortunes. Collis took a regiment of

zouaves into the war and became a brigadier-general. Such a condition of things always arouses envy and opposition, and Collis was ever followed by the stories of incapacity and even of lack of courage. I do not believe any of them. He suffered from the disadvantages of a man who pursues fortune too eagerly and he was not always equipped, but he had energy and alertness and I have seen him display a brave spirit where it was required. He became city solicitor for Philadelphia, married a beautiful woman and removed to New York. I wrote the pronunciamentos, served on the election board, became a member of the Executive Committee for the ward, went to the judicial convention and voted for the nomination of James T. Mitchell when first he became a judge, and in 1868 I was elected a member of the school board.

Turbulence very often marked the political struggles. On one occasion a contest arose at the primary election over the selection of delegates to the nominating conventions, the chief controversy being over the naming of a sheriff. Collis was on the regular ticket as a delegate to this convention and it was arranged that I should go to the convention to nominate a city solicitor. Just before the polls closed a man came up to the window to vote; while the clerk was looking up his name, he reached in through the window, seized the ballot box and ran with it down the street and scattered the ballots in the gutters for two squares. It was done very suddenly; his friends stood in the way to block pursuit and he succeeded in escaping. He left an angry lot of politicians around the polls. We went to a neighboring tavern, I drew up a lot of affidavits to the effect that in our judgment we had a large majority of the votes cast, and upon these credentials we secured our seats in the conventions. A little fellow, hardly larger than a dwarf, with a squeaky voice, named Robert Renshaw, and who was always called the "Colonel," had a room in the Press Building, where he slept. His appearance, claiming

the right to vote, was always the signal for an outbreak, but he had more pluck than strength and could not be driven away.

In 1875, with my mother, wife and two children, I went to live at 1540 North Fifteenth Street, in the Twenty-ninth ward, and this continued to be my home for the next twenty-seven years. At this time the ward leader was Hamilton Disston, and a young man named William U. Moyer represented him in all active movements. Again I went to the executive committee. Once I broached the subject of going to councils, and Moyer said it would suit him very well, but I would have to arrange the matter with Disston This did not suit me, since I had no thought of belonging to anybody there. I dropped the subject and every day grew more independent. Nelson F. Evans, a very worthy man with Calvinistic tendencies, president of a bank, who a few years later went to prison for the technical violation of some statute, Major William H. Lambert, the Philadelphia representative of the New York Mutual Life Insurance Company, with myself and some others, undertook to revolutionize the precinct. We hired a hall, notified every Republican, held a meeting which was largely attended and selected a ticket. For a time it looked as though we would succeed, but we failed at the last moment through the better discipline of our opponents and the superior practical knowledge which comes with it. The evening of the primary election turned out to be cold, and blasts of snow filled the air. The well-to-do citizens upon whom we relied sat at home by their fires in comfort. Their servants rode in carriages, hired by the more shrewd regulars, to the polls and voted against us. However, we caused anxiety and almost won.

About this time the preliminary symptoms were disclosed of a concerted effort upon the part of those in control of the Republican party to continue General Grant in the presidency after the expiration of his eight years of service in that office. I had never been very enthusiastic in my

admiration for Grant, although recognizing his great force of character; as a general his campaigns displayed more resolution than military skill. His ultimate great success depended upon the fact that Meade had delivered the crushing blow to the main army of the rebels at Gettysburg. His unjust use of the power of the presidency to elevate Sheridan, with much less achievement, to the head of the army over Meade was probably influenced by his recognition of that fact. His conduct of the presidential office was coarse, and it seemed to me that with his temperament and the hold which his military achievement gave him upon the minds of the people and his willingness to continue in the office indefinitely, he was dangerous to the institutions of the country. In February, 1880, there was organized in Philadelphia a movement with the imposing title of "The National Republican League." William Rotch Wister, a distinguished lawyer, was chairman; Charles Wheeler, of the wealthy iron firm of Morris, Wheeler & Co., whose daughter later married a Japanese and went to Japan to live, was the treasurer; and Hampton L. Carson, later Attorney General for the Commonwealth, was the secretary; Wharton Barker, a banker, then supposed to be worth a million dollars; John McLaughlin; Henry C. Lea, the famous historian; Samuel W. Pennypacker; T. Morris Perot; Wayne MacVeagh, who reaped reward from the movement; Joseph G. Rosengarten, a man of letters, whose family gathered a fortune from quinine; E. Dunbar Lockwood, a worthy man in a chronic attitude of criticism, and J. Lapsley Wilson, constituted the executive committee. They sent an address signed by about one hundred and fifty influential citizens to the State Convention which contained this patent threat: "We, therefore, beg of you so to act that the influence of the great State of Pennsylvania may be thrown in favor of one who can be conscientiously supported and against those whom the honest voter may feel himself obliged to oppose at the polls." There was wide comment

upon this address and attitude over the country. So far as I know, all of these men had burned their bridges and would have voted against Grant had he been nominated for a third term. In a second circular the demands of the League were expressed in the phrase, "No third term, a party without a master, and a candidate without a stain"—language due to MacVeagh. In a third circular the name of McManes of Philadelphia was mentioned in association with that of Tweed of New York, who not long before had been sent to prison.

James McManes, a thrifty, capable and vigorous Irishman, who accumulated a large fortune in street railways, was then at the head of the Republican organization in Philadelphia. He was an absolute autocrat, who tolerated no difference in opinion in the ranks. The use of the word "boss," which has since become so prevalent in America, began with this circular and was the discovery of Henry C. Lea. McManes was the leading character in a book entitled *Solid for Mulhooly*, which was widely read and ran through several editions. McManes, who naturally did not appreciate this notoriety, meeting with E. Dunbar Lockwood at The Union League a few days after the issue of the circular, proceeded to give him a thrashing, upon the theory that he was the author. It was a case, however, of vicarious sacrifice. The circular was written by Henry C. Lea, with some emendations by me, and the reference to McManes was the work of Lea.

In May, a few weeks later, the League, becoming more decided as time passed, determined that they "will not vote under any circumstances for General Grant, but will support any other nominee of the convention," and that a delegation should be sent to the nominating convention at Chicago. Those selected were Wharton Barker, Wayne MacVeagh, T. Morris Perot, John McLaughlin, Edward R. Wood, Stuart Wood, Hampton L. Carson, Samuel W. Pennypacker, Henry Reed and Rudolph Blankenburg. Though they were

in dead earnest, with the possible exception of MacVeagh, the real directive force was Barker, a not altogether wise, but sincere and vigorous personality, up to that time in every way successful and ambitious to do some broad and important work. He had been corresponding for several years with James A. Garfield, of Ohio, about the tariff, had often told me that Garfield was the man to be next elected to the presidency, and he started out with the expressed and determined purpose to use every effort in this direction. With this view MacVeagh was not in accord. At this time there was a banking firm in Hazleton, Pa., doing business as Pardee, Markle & Grier, in which Ario Pardee, the millionaire, supplied most of the capital and W. A. M. Grier was the active partner. Through the advice of Barker, with whom his firm had many transactions, Grier had become a client of mine. He had been elected a delegate to the National Convention, and we both did all we could to persuade him to vote for Garfield. We went to Chicago in a style likely to make some impression. We had a special car and all of the concomitants. Others on their way to Chicago, learning that we were comfortable, came into our car to spend their time in our company and enabled us to proselyte. Among them were Robert G. Ingersoll, big, good-hearted and jovial, and Stewart L. Woodford, then District Attorney for New York and afterward Minister to Spain. Ingersoll was opposed to a third term, but Woodford necessarily favored the nomination of Grant. Woodford, being in the camp of the enemy, was inclined to be silent.

"Come, cheer up, man," said Ingersoll. "Don't be so solemn."

"I am not all the while making a noise," was the reply.

"Oh," said Ingersoll, "you remind me of the old farmer who loaded up a pig and a sheep to take to market. The sheep went along quietly, but the pig kept up such a squeaking that the farmer got angry. Finally he said to the pig, "Look at that sheep, see how nicely he goes along." "Yes,"

said the pig, "but the damned fool don't know where he is going."

The application to Woodford's course was pointed.

Whether or not it can be claimed for any man that he brought about the nomination of the President of the United States, that result always being the outcome of the play of forces in existence at the time, certain it is that while three hundred and six stalwarts stood by Grant to the end, Grier began to vote for Garfield on the second ballot and continued until over a hundred had been cast and until the convention accepted that candidate. In a published interview, a day or two later, he said that Barker "had as much to do as any other individual in bringing about the nomination of Garfield." The League thereupon issued a circular, written by me, calling upon the independent voters to support the nominee of the party. After the election Barker looked forward to being appointed Secretary of the Treasury and I have seen a letter of James G. Blaine, who became Secretary of State, giving his assent to the proposition. For several years Barker had been the agent of the Government of Russia in securing the construction of vessels of war, and in 1880, after the convention, he went over to that country for the purpose of making arrangements to build railroads there, and while there the Czar decorated him with the insignia of some order of distinction. He took MacVeagh with him as his counsel and while en route confided his ambitions and was pleased to learn that in the opinion of MacVeagh no other course was open to Garfield. Before they started MacVeagh suggested that they take their wives with them, to which Barker assented. After their return, MacVeagh sent a bill for counsel fees and expenses, including those of his wife, and said Barker to me: "I did not want to raise a question with him at that juncture, and like a fool I paid them all." Then MacVeagh became Attorney General and a member of the Cabinet. The reason, of course, was quite plain and it ought to have been

obvious to Barker. MacVeagh was identified with the independents participating in all of their councils and was at the same time the son-in-law of Simon Cameron and, therefore, fitted both ways. I stood by Barker and sent a letter to the President in which, answering the objection of Barker's youth, I said: "Though one of our younger men, he is the senior by several years of the ablest of the treasurer's when appointed by the greatest of our presidents." The letter failed, but the phrase struck and was repeated to several persons by Garfield.

In 1881 a Civil Service Reform Association was organized in Philadelphia with MacVeagh as president and myself as secretary. For a long time the records were kept and the meetings were held in my office, at No. 209 South Sixth Street, and their first conflict with the outside and wicked world I maintained in a series of letters with Howard M. Jenkins, afterward editor of *The Friend's Intelligencer* and author of a history of Gwynedd. He was a combative and able fellow, a friend of Barker, anxious for the improvement of public life, but he had no faith in Civil Service Reform. He perished by falling from a foot log over Buck Hill Falls. I was not altogether in sympathy with my associates in this work. The difference was partly fundamental. I felt that pretty much the whole merit of the system consisted in the advocacy of permanence of tenure; that is, that no one of the ministerial office-holders should be removed except for incompetence or failure in the performance in his duties, a reversal of the doctrine introduced by Andrew Jackson that to the victor belongs the spoils. They had more faith in the benefit of the preliminary examinations, which never seemed to me to be effective means of securing competent officials and which hamper those charged with responsibility. The difference was also partly political. I wanted the Republicans to make our public life better and their idea was to have these tasks accomplished by the Democrats. When, therefore, George William Curtis, who was president

of the National Civil Service Reform Association, endeavored to throw its weight in favor of Cleveland, and against Blaine, he was followed by most of the active members in Philadelphia. I protested and wrote a letter to him which appeared in the New York *Tribune*, was issued as a campaign document by the Republican National Committee and sent all over the United States. While I have always continued my membership in the association, I have taken no active part in the conduct of its affairs since that time. As we look back with the light shown by subsequent development, we are compelled to recognize that Blaine was the most astute and sagacious statesman of his period, that his method of dealing with other countries on the two continents was based on correct principles and are now generally accepted, and that the American people displayed little wisdom in their treatment of him and by it lost important opportunities to advance their own welfare. By getting out of sympathy with its surroundings, the Philadelphia Association lost much in strength and has never recovered its vitality. When, as Governor, I had the opportunity to put my principles into practice, could point to the fact that no official during my incumbency had been removed for political reasons and had recommended the adoption of Civil Service Reform by the state, the association was too timid to commend, and when Woodrow Wilson, who as a citizen had loudly advocated the system, and as a president at once removed an expert official in the Philadelphia Custom House to make way for a Democrat, overriding the request of the association, it was too timid to condemn.

Into the platform of the National Republican League I had this plank inserted:

"That the worst of the existing evils of our national life being the results of former Democratic rule should be remedied by the restoration, in our local, state, and national governments, of the tenure of routine offices for life or during good behavior, with the establishment of pensions

for superannuated officials and merited promotion within each department of the public service."

The members of the Executive Committee were now Wharton Barker, chairman, Samuel S. Hollingsworth, Samuel W. Pennypacker, Edward R. Wood, Henry Reed, Mayer Sulzberger and Silas W. Pettit. The fact that of these seven, one went to city councils, three to the bench and one to the governor's chair has a lesson for ambitious young men. The surest road to success in public life is to ascertain some principle, right in itself and beneficial to the state, and cling to it until the world understands, as in time it surely will.

The importance of money is very much exaggerated. I have known the most successful merchant in America to seek the United States Senate, and a coal miner, said to be worth thirty millions of dollars, to seek the governorship, and both of them failed. The effort to build up popularity by promising to give the people not what they ought to have, but what they are crying for at the moment, to spread the sail for all the winds that may happen to blow is likewise to follow the path which ends at Sahara.

In order to make a test of our hold upon Garfield, we determined upon a candidate for one of the important offices in Philadelphia, not one of ourselves; and Barker, Hollingsworth, Pettit, Wood and myself made a pilgrimage to Washington. One of the party suggested that before seeing the President, we make a call of courtesy upon the Attorney General. MacVeagh soon discovered our errand and without invitation said: "I will go over with you," and at once proceeded to take charge of the party. He is nothing unless adroit and with an assumption that we were unknown introduced us to the President as very good friends of his from Philadelphia engaged in dilettante politics and seeking to better a wicked world. Garfield, robust, alert and cordial took the cue at once and as one speech after another was made wore a half-concealed smile which boded ill.

Provoked at what I regarded as an attempt to lead us into a *cul-de-sac,* I arose from the sofa on which MacVeagh and Hollingsworth had been sitting almost lovingly together and, confronting the President, I said:

"Mr. President, these gentlemen are your friends, who have proven their friendship not only since but before you were nominated. You are in the midst of a struggle—you dared to appoint a collector in New York who did not suit Mr. Conkling and he is in arms against you. Mr. Cameron is in alliance with him and the war will soon be waged in Philadelphia as well. You will need real friends. We are here to ask this appointment not so much to advance the fortunes of the appointee but as an indication that you have given us recognition."

The reference to Collector Robertson sobered him and the smile disappeared. He endeavored to parry.

"But I have given you recognition in the appointment of MacVeagh."

Here was the opportunity. I pointed my finger at Wayne, who too had recovered from his smile.

"He does not answer. It is true that he is well known as an independent and a reformer and has taken part in all of our counsels. It is just as true that he is a son-in-law of Simon Cameron, a brother-in-law of Don Cameron, and that enables men to say that his appointment was as much due to his family associations as to his political predilections."

A situation had been laid bare in the presence of both of them. All of the participants in the interview, including Wayne, had become as serious as owls. We had come down from lunar heights to bed pan. As the President dismissed us he shook hands and said:

"I see you know how to take care of yourselves."

Said Pettit: "Pennypacker, you slid over some very thin ice."

Said Hollingsworth: "I don't believe a scene like that ever before occurred in the White House."

A few days later Garfield was shot, MacVeagh disappeared from the Cabinet, and what would have been the outcome of our effort we never knew. The figures in the kaleidoscope took on other combinations.

The National Republican League extended its operations over the state. Senator James W. Lee of Venango County became chairman of the committee consisting of John Stewart, now a Justice of the Supreme Court; Hugh S. Flemming of Allegheny; William T. Davies of Bradford (afterward Lieutenant-Governor); J. W. M. Geist, an editor in Lancaster; Thomas W. Phillips, a wealthy oil operator of Lawrence; Colonel William McMichael and myself. McMichael was the oldest son of Mayor Morton McMichael, a handsome fellow who had been out in the war in one of the western armies and, like all of the family, had just a little air of stiffness and solidity. He at one time was United States District Attorney in Philadelphia and later went to New York with the thought of making a fortune in the practice of his profession, but met with no great success there. He took with him John R. Dos Passos, a curly-haired youth, who began his career by sweeping out the offices of William T. Price and is closing it with wealth and a fame which has extended over the country. McMichael was president of the Republican Invincibles, a club of men organized in regimental shape, wearing capes and carrying torches of coal oil lamps, which in its heyday was regarded as the best disciplined marching club in the land. I belonged to and later was captain of Company H. In the political campaigns toward the close of and following the war, the Invincibles marched the streets of the city and made excursions to the neighboring towns of Norristown, Pottstown, Phœnixville, Reading, Trenton and other places. "Invincible in peace, invisible in war" was the description of *The Age*, but they marked a phase of the military spirit of the time and they always made an impression wherever they appeared. Sometimes there was an approach to

actual warfare. On one occasion, under the leadership of Henry Todd, a brother of M. Hampton Todd, later Attorney General, and of a young fellow named Williams, the Invincibles stormed and gutted the headquarters of the Democratic Keystone Club on Walnut Street. Attacks were frequently made upon the club when in line. On one occasion arrangements had been made to attend a meeting in the lower part of the city. For days beforehand it had been rumored that we were to be assaulted on the way. Only about two hundred men turned out and they were accompanied by a delegation from the Harmony Engine Company, which occupied the sidewalks. The anticipated attack did not occur and late at night the club returned to headquarters on Fifth Street below Chestnut. At this time the Keystone Club was parading down Chestnut Street and some of our men with their capes on ran up to the corner to watch them. In an instant there was a collision, and right under the windows of the office of the mayor seven men were shot, including a young member of the Paul family. This event led to the passage of an ordnance by councils preventing the parading of political clubs within ten days preceding an election. We were once attacked in Norristown at a place where a stone wall ran along one side of the road. The assailants were repulsed and in retreat had to get over this wall. As they clambered up they were assisted by the application of torches in the rear. Among the most active men in the club were George Truman, an erect and athletic scion of a well-known Quaker family, who was later killed; Alexander P. Colesberry, afterward United States Marshal; and William B. Smith, who became mayor of the city.

The selection of the State Committee to which I have referred, marked a divergence in the councils of the Independents. The centrifugal forces increased and tended to throw the movement outside of the orb and there were some men who were ready to leave their party. There were others, including myself, whose feeling was to do missionary

work among the heathen at home. The committee represented the more conservative thought.

November 12, 1880, Edward R. Wood gave an elaborate dinner with a public purpose. Those present, as guests, were: Rudolph Blankenburg, an importation from Germany, who had succeeded in business, never able to think with any clearness but impelled by worthy and philanthropic impulses; Charles Wheeler, Franklin A. Dick, Wayne MacVeagh, W. Rotch Wister, Samuel W. Pennypacker, Joseph G. Rosengarten, Hampton L. Carson, Henry Reed, Wharton Barker, Edward T. Steel, E. Dunbar Lockwood, T. Morris Perot and Joseph L. Wilson. The affairs of the city were considered, and as a result of the discussion there was organized a committee of one hundred, which, for the next few years, sat in judgment upon the merits of candidates. Into it four of those present declined to go—Barker, MacVeagh, Carson and myself.

In 1880 Charles S. Wolfe ran as an independent candidate for the State Treasury and polled about forty thousand votes, having the support of the more radical of our constituency. In 1881 Harry W. Oliver, the selection of the stalwarts for United States Senator, failed and, instead, John I. Mitchell of Tioga was elected. This result was due in large part to the energy and efforts of Barker and was a temporary success for the "Half Breeds" whom the death of Garfield had deprived of control. In 1882 came the election of a governor. It became known that Mr. Cameron and the stalwarts had determined upon the nomination of General James A. Beaver, a lawyer and soldier, who had lost a leg during the war. Our committee sent out an address to the people urging the members of the party to go to the primaries and decide for themselves through their delegates who should be the nominee.

Barker called a meeting at his office, which was attended by Senator Mitchell, Charles S. Wolfe, Henry C. Lea, Charles Emory Smith, editor of the *Press*, who had come

into the movement, Francis B. Reeves, George E. Mapes, Howard M. Jenkins, Lockwood, Henry Reed, Barker, Perot and myself, representatives of every phase of independent thought. The speeches ran the gamut from my own conservatism to the radicalism of Lea, who declared his purpose to oppose any ticket, no matter how good, which might be nominated by the "bosses." Finally, under the advice of Mitchell, it was determined that a committee of five, to be appointed by him, should give the stalwarts an opportunity for a conference if they so desired. The members of this committee were Charles S. Wolfe, I. D. McKee, Francis B. Reeves, Senator J. W. Lee and Wharton Barker. On a day selected they met at the Continental Hotel M. S. Quay, Thomas V. Cooper, Christopher Magee, John F. Hartranft, Thomas Cochran and J. Howard Reeder. The Independents presented a demand, in the nature of an ultimatum, that the slated candidates be withdrawn, the convention be postponed and that delegates be elected by a popular vote. This was not acceded to and the war went on. Beaver was nominated in the regular convention and John Stewart by the Independents, and the result was that after an earnest and somewhat bitter struggle Robert E. Pattison, a Democrat, from the office of Lewis C. Cassidy in Philadelphia, who had been controller of the city, was elected governor. In the Twenty-ninth ward, where I lived and where the usual Republican majority was about two thousand, I was nominated for the assembly by the Independent Republicans, was endorsed by the Democrats, by the Committee of One Hundred, by the temperance people, by the Liquor Men's League and was supported by editorials in all of the newspapers of the city which pointed out to the citizens the exceptional opportunity they had to secure an intelligent and upright representative. Nevertheless, it rang to me a little hollow when I found among my earnest advocates Samuel Josephs, a sleek Democratic politician of a type none too savory, and all of the brewers

who had their plants in the western part of the ward. Fortunately my opponent, a shrewd and capable little shoemaker named James E. Romig beat me by a majority of four hundred and three. I won his eternal good will by writing him a letter of congratulation which gave him a novel experience. Henry Reed had his appetite whetted by these experiences and he went again to the Presidential Convention of 1884. His great-grandfather, Joseph Reed, had been Adjutant-General of the Continental Army. He was a nice, lovely, literary gentleman, of over-refined tastes who skimmed the surface of life like a butterfly and never comprehended its depths. He married a daughter of John Edgar Thomson, president of the Pennsylvania Railroad Company, and lost her fortune; he became a judge of Court of Common Pleas No. 3 and found the world too rough and crude for him; all men were fond of him and he died early. In Chicago he met a Hoosier and tried to convert him.

"Who are you for, anyway?" inquired the delegate, who was inclined to be profane.

"Benjamin Harrison," answered Reed.

"Ben Harrison, oh, hell!" said the Hoosier. "Why, suppose we nominate Ben Harrison, and then you meet a fellow and he says to you: 'Ben Harrison is a very nice kind of a man,' and you say to him, 'Yes, Ben Harrison is a very nice kind of a man; that's all there's to it." But suppose we nominate Jim Blaine. Then you meet a man and he says to you: 'Jim Blaine, he's a God damned thief.' You up and say to him: 'You're a God damned liar.' Then there is something in it."

In this campaign I prepared a paper giving reasons why the Independents should support the nomination of Blaine, and we succeeded in having it signed by most of the men of representative character, among them including Barker, Wolfe, Mitchell, Blankenburg, Lewis Emery, Jr., Perot and others, but excluding MacVeagh and Lea, in every county in the state and published. Had the same

sentiment prevailed and the same activity been displayed in New York, Blaine would have been elected. At this time I had some correspondence with a young man there who took the same view, named Theodore Roosevelt. As upon many other occasions, the people of Pennsylvania showed that they had a keener perception of what was likely to prove helpful to the needs of the country than the Conklings and Curtises of New York, and when we look back and see how near we came, thirty years before the opening of the Panama Canal, to losing, through dullness of comprehension, the Sandwich Islands, the key to the Pacific, we can appreciate the risks we ran in the defeat of Blaine. In a more narrow and personal point of view, in his defeat the "Half Breeds" lost the chance of control of the party as they had before through the assassination of Garfield.

Without knowing who was the author of the address, the *Inquirer* said that it was "admirable in tone and conclusive in argument;" the *Bulletin* said that it "showed much clearness and ability;" the *Times* said that it was "one of the most important documents that had been contributed to the campaign;" the *New York Times* said that "they make a very clever use of the reputation they got," and the *Springfield Republican*, ever sneering, supercilious and mistaken, said that "it gauges the profundity of the Pennsylvania mind."

The address commented upon over the country and producing an effect in an important national contest is here inserted:

July 11, 1884.

The undersigned Republicans of Pennsylvania, relying for the proof of the earnestness of their convictions upon acts of independence, which in 1881 and in 1882 received the support of 50,000 voters, venture to present some considerations to those Republicians of other states who may be in doubt as to their duty with reference to the nominations made by the National Convention.

In order that the views of those who advocate the right of separate and independent political action should have weight with their fellowmen, it is important that this right should only be invoked in cases of well-ascertained necessity. They who take an interest in watching the political fold become wearied with the cry of "wolf," if it be uttered lightly or with too much frequency. The greatest wrong of which the Independents have had in the past to complain has been the use of the party machinery in such a way as to thwart the wishes of the people. Time and again has the public preference been set aside by men who were able to manipulate conventions and to utilize the various devices known to the skilled politician. The Independents of Pennsylvania have felt that they could justify their action in opposing a nomination even for so high an office as that of Governor of the State, if able to show plainly that it was the outcome of the schemes of the few, successful at the expense of the many. To a great extent this wrong has been remedied, and very largely through their exertions. By the overthrow of the unit rule and the establishment of district representation, it became possible to hold a National Convention that was representative in the true sense. The expression of the will of the members of the Republican party, and they were enabled to express their will because of the exertions of the Independents, has resulted in the nomination of Mr. Blaine.

It cannot be gainsaid that Mr. Blaine is the choice of the masses of the dominant party in the United States, and that the late convention, better than most of its predecessors, gave heed to the demands of its constitutents. It is an evidence of the personal strength of Mr. Blaine that his support came from the farthest East and the farthest West, from Iowa, with her agriculturists, and from Pennsylvania, with her manufacturers—and in these widely separated localities, with their diverse interests, was exceptionally earnest and enthusiastic. To oppose his election would then seem to be an attack upon the results of independent work. It would seem to be an acceptance of the theory against which we have been contending, that the few are more entitled to consideration than the many, and to differ from the principle and practice of the machine men, mainly in respect to the personality of the individuals who participate in the effort. It assumes a very assailable, if not an indefensible position in that it enables opponents to charge that Independents are never content unless their own preferences as to candidates have been successful. Such an opposition would not only be difficult to defend upon theory but would, we conceive, be most disastrous in its results, since

it involves the proposition of surrendering the control of the country to the Democracy, a party which has been on the wrong side of every important question settled in the most eventful period of American history, and which has to look back to the time of Jackson for its achievements, to the time of Jefferson for its virtues. The annals of human affairs show no instance of reformers relying for support of their measures upon an organization which has exhibited such extreme conservatism.

Even if it be true that Mr. Blaine has not been a pronounced advocate of "Civil Service Reform," that cause has, in our judgment, far more to hope from the Republican party, which has embodied the principle in its platform, than from the Democrats, who are avowedly hostile to it, who dismissed to private life its Democratic sponsor in the senate, and who are eagerly awaiting a distribution of partisan rewards. We believe, further, that it would be more reasonable to expect support for this measure from a man with the vigor and intelligence of Mr. Blaine, than from any nominee of the Democrats, who, if he should be elected and make an effort in its favor, would have the whole strength of his party used against him.

Nor would such an opposition be justified by the fact that charges are made against Mr. Blaine which those who make them say affect his personal integrity. That he must be defended, may, perhaps, be a good argument against a nomination, but it certainly has no relevancy at this time. If it should be once established that a man ought not to be elected to the presidency because accusations have been made against him, the ablest men would be always excluded. In the heat of contests these accusations spring up and luxuriate. They are like the parasitic plants that cover an oak, but live on air and need no roots. It should not be forgotten that these charges have been met by the State of Maine, which has since elected him to the Senate; by Garfield, who made him Secretary of State, and by the great party which has chosen him for the presidency. Every presumption is in favor of a man who has been so trusted, and to have weight, it is not enough that such charges should be made, they must be conclusively proven.

If the "Jingoism" of Mr. Blaine means no more than is asserted in the *Pall Mall Gazette*, which says: "But wherever he can he will oust us from the position we hold; wherever an opportunity offers he will use it to the uttermost to replace our influence and our trade by the influence and trade of the United States, and he will regard it as his chief object to promote a great American Con-

federacy under the ægis of the Government at Washington, which would tend to increase the export trade of the United States at the expense of Great Britain," that epithet, borrowed from English politics, will have no terrors for an American.

To him who says that he cannot support Mr. Blaine because of conscience, there is nothing to be answered since he stands upon a ground beyond the reach of argument. He assumes, however, a great responsibility, and we ask him to take good heed as to his steps. We suggest to him that there may be a merit in the self-discipline which permits the people to have their own way, because even if our lives be cleaner and our judgments better than theirs, there is still a possibility that our information is incorrect or our conclusions from it erroneous. We appeal to him, if he live in Massachusetts, not to mistake for conscience the resentment he may feel for sharp words spoken years ago and which broadminded men have forgotten, and if he live in New York that he see to it that his conscience does not conceal his approval of certain English views upon the subject of political economy. We in Pennsylvania see no reason to strike at so distinguished and able a Republican. We perceive no merit and no wisdom in hurrying into an alliance which necessarily includes the most corrupt element in American politics. We decline to form a league with men who always opposed the measures we held to be of the most importance, who now reject the reforms which we regard as essential, and who still cling to those means of stifling minorities which Republicans have discarded as unworthy. We feel that whether or not Mr. Blaine was our choice for the nomination, his election will best serve the interests of the people and that to defeat him would be to aid in the restoration of "machine" methods, and to entrust with general power a party which has given every evidence of inability to exercise it in such a way as to promote the common welfare."

In 1885 I was appointed by the Board of Judges a member of the Board of Public Education for the City of Philadelphia, representing the Twenty-ninth ward. The appointment was due to the intervention of Judge David Newlin Fell, who then and ever since has been a close and helpful friend. Edward T. Steel, a successful Market Street merchant and one of my associates in the effort to improve political conditions, was the president of the board. He

had recently brought on from the West, and made superintendent of the schools, James MacAlister, a small, thin, homely and intelligent Scotchman, who was in the midst of a struggle to introduce certain important changes, possibly improvements, in both methods and curriculum. Encountering many difficulties and obstacles, accompanied with some criticism, as all men do who take hold of the problems of life with earnestness, he a few years later withdrew to take charge of the Drexel Institute. Alongside of Steel and MacAlister stood James Pollock, born in County Tyrone, Ireland, and the owner of a carpet mill in Kensington, and shares in banks and trust companies, short in stature, natty in appearance and scrupulously clean, with hair closely curled and parted in the middle. The first impression is that of a dandy; after meeting him, however, you soon discovered that you are up against a proposition. You probably conclude ere long that you never discovered more "sand" to the square inch of surface. He has developed into a *bon vivant*, and no one is better known at the dinners of the Five o'Clock and Clover clubs. His speeches are witty to the point of acridity, and many a man of extended fame has gone down before him in confusion. Set over against these idealists were a number of members who believed in the multiplication table and the alphabet and in learning to spell by putting letters together, who had faith in things as they were and had been when they, as children, went to school. Their leader was Simon Gratz, of a Jewish family long established in Philadelphia, slight in physique even to emaciation, and one of the cleverest and most astute of men. He had had long experience in this work and knew its details and the legislation affecting it better than any other person connected with it. Indefatigable, inexorable, intelligent and suave, there were few who cared to enter into controversies with him. He was likewise one of the Board of Revision of Taxes and, therefore, brought into relations with the judges, a member of the council of the

Historical Society of Pennsylvania, and he has one of the most important collections of autographs in the country, which only a very few selected persons have ever been permitted to see.

The board was an arena for orators, among whom were Richardson L. Wright and John L. Kinsey, the latter of whom has since become a Judge of the Court of Common Pleas No. 1. Wright, a good-hearted and worthy egotist and an old war-horse of Democracy, had in his earlier days been speaker of the House of Representatives at Harrisburg. In build, contour of face, dress, manner and emotional style of declamation, he was a counterpart of Henry Clay, and he talked by the hour upon every question that arose. Nevertheless, all gave him respect because he was both honest and manly. It was told of him that once when the omnibuses still carried passengers through the town, he came upon a woman loaded with bundles trying to clamber up the steps in the rear of the coach. With admirable kindness and redundant courtesy he gave her his assistance, and then in departing said: "And now, Madam, when you reach the bosom of your family, you will be able to tell them that you have been helped on your way by the Honorable Speaker of the House of Representatives."

Being a *persona grata,* I was appointed a member of both the most important committees, those upon the High School and Normal School, a distinction accorded to no one else, and was made chairman of the Committee on Supplies, a place of great responsibility, since that committee purchased all of the text-books, utensils, etc., and expended annually large sums of money. During my service I had built the Robert Morris Schoolhouse and decent out-houses for every school in the ward.

CHAPTER VIII

JUDGE

THROUGHOUT my professional career I had a vague sense that some time or other, after I had acquired sufficient legal information, I should like to go upon the bench. I yielded to the inclination, however, with great timidity. It impressed me as being a very exalted station and that to him who held it were due respect and reverence. Therefore, no man ought to be willing to accept such advancement unless well assured of his own learning, character and fitness. No other cause has done so much to lower the tone of public service in the United States as the bad habit of regarding those who hold public office with suspicion and treating them with abuse. We began with the magistrates and aldermen, and after destroying their usefulness, the same destructive methods were slowly extended until they reached the presidency. Better sense and a truer philosophy would teach that if the greatest efficiency is ever to be secured it must be by the proper recognition of that which is done well rather than by the condemnation of that which is done ill. Every constable ought to be regarded with the respect due to one who wields to some extent the authority of the state. Display of disrespect is, after all, the outcome of a weak vanity and the evidence of imperfect intelligence. Down to this time the courts remained the one institution in the land which had not been assailed and were treated with a consideration helpful to them in the performance of their duties.

One time, when a vacancy had occurred in one of the courts of common pleas, I met Mayer Sulzberger, who

was handling a large practice with great ability and rapidly coming to the front at the bar, and he said to me:

"Why do you not make an effort for that vacancy? The bench would suit your tastes and you are just the man fitted for it."

I made no effort then, but the suggestion bore fruit. A. Wilson Norris, with whom I had become acquainted in the Grand Army, who had become State Reporter and Auditor General, who had been instrumental in securing the appointment of Fell to the bench and who had come to me professionally in an important matter concerning the interests of his brother, a physician, had an office in association with Samuel Gustine Thompson. I broached the subject to him. Said he:

"I will talk to Quay and see what he thinks."

Some time later he reported that Quay said, "It suits me."

Up to this time I had only met Mr. Quay once or twice in my life, and then in the most casual way. But there were these ties between us—Major Patrick Anderson, of the Revolutionary Army, had three wives. By the second he had a son, Isaac, who was my great-grandfather. By the third he had a daughter, who was Quay's grandmother. Joseph Quay was unthrifty and died, leaving his wife penniless and with a family of small children. In those days the dependent were not sent to homes and hospitals, and the obligations which come with relationship were recognized as duties to be performed, and one of the orphans was taken into the home of my Grandfather Pennypacker to be raised. I have always felt assured that the interest Quay took in my welfare and the warmth of feeling he displayed toward me was due, not to the relationship, which was too remote to affect conduct, but to the act of kindness on the part of my grandfather. It is creditable to him that he did not forget and that he should endeavor to repay. All of my public conduct had

been in opposition to what he had been trying to accomplish until Cameron gave him notice of the substitution of Christopher Magee, and Quay, accepting the situation, ran for the office of State Treasurer, depending upon his own strength and popularity, and succeeded. Regarding this effort as a manifestation of just what was needed in the state, I did what I could to help him. The death of Judge William S. Peirce created a vacancy in No. 1 Court. F. Amedee Bregy, an assistant district attorney, with George S. Graham, had, with the assistance of this gentleman, been a candidate two or three times and an agreement had been reached that his ambition should be gratified upon the next occasion. With each day his appointment was expected. Then something occurred. Quay went to Harrisburg and saw Governor James A. Beaver. A week or two went by and then it began to be whispered about that the appointment would come to me. April 19, 1887, I received a telegram from Norris asking me to see Quay at the Continental Hotel at eight o'clock that evening. I was there at the time, curious and expectant. Quay said to me:

"The Governor has concluded to appoint Bregy."

I replied: "Some friends of mine had arranged to go to Harrisburg tonight by the eleven o'clock train to wrestle with him. I will stop them at once."

"Let them go, if you think it better."

"No, you have done all that can be done."

He had expected a protest or an expression of disappointment. There was a twinkle in his eye and I was sure that he was pleased with my way of meeting the situation.

A year later occurred a vacancy in the Supreme Court. At this time James Tyndale Mitchell sat in Court of Common Pleas No. 2. This court had been the successor of the old district court, had inherited the traditions of Sharswood and has ever maintained a high rank among the

courts of Philadelphia. Mitchell was an able lawyer and an excellent judge, being well grounded in the principles of the law and having the intellectual capacity which enabled him to make the application of them. At the same time he had earnest convictions and strong predilections which sometimes amounted to prejudices, and I have felt that he had too little human sympathy to make him altogether safe in the handling of cases where men were charged with crime, especially murder. His most intimate friends were David Sellers, counsel for the Pennsylvania Railroad Company, and Simon Gratz. Fate interwove our careers, but never brought the men themselves very close together. I was in the convention which first gave him the nomination. Ten years later, when another election approached, he once, to my surprise, appointed me a master in divorce. I attended to the duties, but the parties were too poor to pay me a fee. We were partners in the ownership of the *Weekly Notes of Cases*. He was president of the council of the Historical Society of Pennsylvania when I was president of the society. We were both vice-provosts of the Law Academy. He was Chief Justice while I was Governor of the Commonwealth.

Mitchell was anxious to go to the Supreme Court, but he had little political support in the city and none whatever in the state. Quay said to me:

"I care nothing whatever for Mitchell, but I want to make a place for you on the bench," and when the State Convention met, Mitchell received the nomination. After his election it grated upon him a little to feel that his high office had come to him rather in the way of a benefit conferred than as a recognition of superior attainments. Two men were suggested for the vacancy in Court No. 2—P. F. Rothermel, Jr., son of the artist who painted the "Battle of Gettysburg," a lawyer in every way capable, and myself. Among those who wrote to the Governor urging my appointment were: William Henry Rawle,

Richard C. McMurtrie, John G. Johnson, former Governor Henry M. Hoyt, George L. Crawford, Morton P. Henry, George Tucker Bispham, James W. Paul, W. Brooke Rawle, Joseph C. Fraley, Richard M. Cadwalader, Hampton L. Carson, Charles Chauncey Binney, E. Hunn Hanson, Henry Flanders, John B. Gest and substantially all of the strongest men at the Bar. In the court itself, Fell wanted me. Mitchell would have been pleased to see Rothermel take his place and Hare had no preference. The Governor asked them confidentially for their views, and Mitchell was deputed to give it expression. In a long letter, now in my possession, this is what he wrote:

"Mr. Rothermel has the greater strength, both with the city leaders and with the bar, especially with the active practicing bar. Mr. Pennypacker, however, has some strong friends among the bar and, as you already know, has the backing of Senator Quay."

Those who gave their support to Mr. Rothermel were George S. Graham, A. S. L. Shields, M. Hampton Todd, William B. Mann, James H. Shakespeare, Dimner Beeber and Alexander Simpson, Jr.

The Adjutant General, Daniel H. Hastings, telegraphed to me January 8, 1889, that I would be appointed the next day. His prophesy was based upon information.

I came to the work with many misgivings. Though as a student I had read widely, and though I had labored through the English Common Law Reports in the preparation of my digest, through forty-five volumes of the *Weekly Notes of Cases* and the four volumes of my own reports and had so received, perhaps, the most useful training, I feared that every once in a while some question would suddenly arise about which I knew nothing and that I should sit there undecided, not knowing which way to go. In fourteen years that situation never arose and no problem ever came before me, no matter how important, intricate or involved, about which, whether rightly or wrongly,

I did not have a positive opinion as to how it ought to be decided. I had heard that Joseph T. Pratt, an unprepared judge, who died early, before sitting in jury trials sent for the papers and studied the cases. This course occurred to me, but upon the advice of Fell, I never resorted to it and very seldom saw the pleadings. Nor was it my method in the trial of causes to attempt to recall to memory earlier decisions. The judge who remembers that the case before him was decided at such a time and in such a report is mentally traveling by rote and is sure to be lost in the mazes. No two cases are ever exactly alike and his task is, depending upon principles with which he is familiar, to apply them accurately to the facts which come up before him. As in all reasoning, the most important part of the process is properly to analyze the facts. Then the classification naturally follows.

John I. Clark Hare presided over the court. It was a privilege to sit on the bench with him and it was my good fortune to have been thrown into a court where the associations were the most desirable and the most likely to prove stimulating. He was a gentleman. Then, nearing the decline of life, he had an experience which began in young manhood. His works upon contracts and upon the constitution had given him national and international reputation, and no jurist in the country was more widely and favorably known. He was spare in frame, ready in tongue and lovable in disposition. His methods were disorderly. He would grow interested in the arguments, pile up the paper books to the right and left of him, suddenly leave the court on some impulse, and never think of them again unless his attention was called to them. On one occasion he threw his quarterly warrant for $1,750 into the waste paper basket, where it was later found by one of the tipstaves. This want of orderly arrangement extended to his mental processes. In stating a proposition, all of the qualifications occurred to him and no man was

more familiar with them than he. His voice was weak. When he charged a jury their effort to hear and to untwist his involved sentences left them in a state of utter despair. As a *nisi prius* judge, he cannot, therefore, be regarded as an entire success. Fell has at times said that if we could have kept him on tap in a back room ready to be called upon in special emergencies and have done the work ourselves, it would have produced better results. Along with him sat Fell. He was a Quaker who, before going on to the bench by appointment of Governor Hartranft, had been in the war and had built up a large practice. He was the incarnation of good common sense. Nobody could be more helpful. He had a knack of getting the things of life, not for himself alone but for those in whom he was interested. Nobody knew better the effect upon an earnest advocate of the Socratian statement, "Perhaps I was wrong." He has been deservedly successful in all directions, living a smooth and even life, gathering friends, money and repute and is now the chief justice. He came from Bucks County, prolific in the production of judges.

When I entered the court, the run of business was such as to give me the term in the quarter sessions. I hesitated to begin in that way. In my practice I had made the common mistake of civil lawyers of not going into that court, not so much because of the feeling that it was unworthy practice as because of the fear that through some lack of skill on my part an innocent man might be deprived of life or liberty. The fear was for the most part unnecessary. Only in those cases affected by public clamor is there much danger of the punishment of innocence. As a general thing, when men begin a career of crime their first offenses are overlooked and forgiven. It is only when they have been repeated often enough to wear out the patience of those injured that accusations are apt to be made and arrests to follow. Magistrates, grand juries, petit juries

and judges are all more or less sympathetic and after all of the sifting process the residuum is unlikely to include much innocence.

Fell kindly exchanged courts with me. I began in the common pleas, and one of my earliest cases was an involved land damage suit against the Philadelphia and Reading Railway Company for land taken for track purposes in Manayunk, in which so good a lawyer as William White Wiltbank was counsel. In one of my early cases I rather astonished the lawyers present by entering a non-suit in a case represented by such eminent counsel as John C. Bullitt, who himself seldom came into court.

I was qualified as a judge January 12, 1889, and, therefore, the people had ten months in which to grow accustomed to seeing me on the bench before the election in November. At that time Edwin H. Fitler was mayor of the city, and under the Bullitt bill had great power.

"You had better call on him," said Quay to me. "Do you know him?"

"I never met him in my life."

Quay waited an instant, smiled and turned to me with only these words:

"His head is quite large."

This is a characteristic illustration of the ways of the Senator. He did not read to me a dissertation upon the effect of flattery upon some classes of minds. He simply gave me a hint. An illustration of another sort is contained in a letter about a president written to William Linn, May 7, 1892:

"In reply to your inquiry as to whether or not the Republican State League should endorse Harrison, I would say 'No'."

At the time of the Bregy appointment McManes had been decided in his opposition to me because of my participation in independent movements and my course in the board of education. But he was a warm friend of Simon

Gratz, who was close to Mitchell, and he became much enlisted in the effort to advance Mitchell. This was the leverage with which Quay brought him around to my support. I have been told that once when McManes asked Quay to suggest that I do something which he thought would be helpful to his political plans, Quay replied:

"McManes, Pennypacker is one of those literary fellows and you know they cannot be depended upon for anything of that sort."

In other words, Quay was using his influence to protect me from any attempt at a pressure which he knew would be harmful. Late in the year before, a struggle arose in the board of education over the election of president in which I had taken a decided part in favor of Samuel B. Huey. The candidate of Gratz was Isaac A. Sheppard, who was finally successful. Quay wrote to me that I had better resign from the board and thus get out of the controversy. I presume that this suggestion came from McManes. I replied that I was so far committed that I could not retreat without a display of weakness, and that, besides, it would present the appearance of announcing my appointment to the bench and I was disposed to assume all of the risks which might be involved. I heard no more of it, remained on the board and voted for Huey.

It was reported over the town that Disston and some of the other leaders would make a contest in the Republican Convention, but this purpose, if it ever existed, was soon dissipated and I was nominated by unanimous consent. At this time William F. Harrity, who had read law with Cassidy and afterward managed a presidential campaign, became a financier and acquired a fortune, always a friend of mine, was the strongest among the Democratic leaders. I received the Democratic endorsement and almost all of the votes that were cast in the city.

The course of my life for the next ten years was now determined. The vicissitudes of existence, however, are

very many and an event which happened September 3d nearly interrupted the current. In 1883 I bought for my mother, who had about a hundred thousand dollars, inherited from her father, Moore Hall, a property of 105 acres in Chester County, near Phœnixville. It is one of the famous colonial places of the state, having been owned by William Moore, a colonel in the French and Indian War and President Judge of the Court of Common Pleas of Chester County for forty years. He is buried under the front step of St. David's Church, at Radnor. I managed the property for my mother and each summer we spent three months there. After dark on the evening mentioned, I was driving toward home in an open wagon with two seats, on the rear of which sat James Sommers, a faithful and ugly old Irishman with a hare lip. From Nutt's road, another road runs at right angles, to the house. As we approached this sharp corner a wagon came rapidly up behind us, my horse made a sudden plunge around the corner and threw both James and myself out in the road. I lay with my feet caught and my head on the ground between the wheels of the wagon, but holding fast to the lines succeeded in stopping the horse with the hind wheel against my neck, while James, in distress, was crying out, "The Judge is kilt."

The *Press* said, editorially, April 15, 1889, that an eminent criminal lawyer announced "that he had heard at least twenty members of the bar declare that the quickness with which Judge Pennypacker grasped the points of a case and the clearness of his charges had not been excelled in the Philadelphia Courts."

Quay, pleased with his venture, wrote to me October 25th: "If I told you all the good things I heard said of you by Democrats and Republicans this week in Philadelphia you would blush to the point of apoplexy."

George Tucker Bispham, whose book upon *Equity* is everywhere accepted as a text, said, in the nominating

convention: "He is learned. He is patient. He is firm when firmness is required. He is lenient when justice can properly be tempered by mercy. He is always a gentleman."

During the month before the election the Clover Club gave a dinner at which I was one of the invited guests. As it happened, a French fleet under the command of Admiral de Coulston was lying in the Delaware River, and the officers, including the Admiral, were present at the dinner. In the midst of the festivities Moses P. Handy, a newspaper editor, who was presiding, arose and said: "We have a member of the judiciary present who will now address you in his native vernacular, the Pennsylvania Dutch," and he called upon me. I could not have uttered ten words in Pennsylvania Dutch, with which I had not the slightest familiarity, but in French I presented greetings to the Admiral and told how Lafayette had come to us in the Revolutionary War, and how we had won our independence through the assistance of France. It was not much of a speech, but these roysterers were unable to guy it and it furnished a text for the campaign orators who were able to say "So there!"

About the same time Mary Pennypacker Colket made me, together with John R. Read, who, under Cleveland, was the United States District Attorney, her executor. She was the widow of Coffin Colket, who had been president of the Philadelphia and Norristown Railroad and had left an estate of about two million of dollars. He was swarthy, homely to ugliness, plain in all of his ways and very much of a man. In his youth he and John O. Stearns were employed in some minor capacity in the construction of the Chester Valley Railroad and for a time boarded with William Walker—"Uncle Billy" as we called him—whose wife was a sister of my Grandfather Pennypacker. Each of them married a daughter of the household. My grandfather, with the stability and associations of a prosperous Chester County farmer, commented: "I do not under-

stand why William Walker permits his daughters to marry those wandering railroad men." They both became wealthy and Stearns reached the presidency of the New Jersey Central Railroad. Colket once told me this tale of Franklin B. Gowen, the wonderfully able lawyer who prosecuted the "Molly Maguires" to conviction, who devised the policy as president of the corporation which has since made the Philadelphia and Reading Railway Company so prosperous, and who afterward shot himself in Washington:

"He was the quickest man to make a bargain ever I knew; one day I went to see him at the office of the company about some business. After it had been transacted he accompanied me to my carriage, which stood at the curb, and as I opened the door, he said: 'By the bye, Colket, what will you take for the —— tract?' naming a tract of coal lands I owned. 'I want for it a million one hundred and fifty thousand dollars,' was my reply. 'All right,' said Gowen, 'I will take it.' The quickest man to make a bargain ever I met," he concluded with an air which suggested that perhaps after all he might have secured more for the tract.

Judge F. Carroll Brewster gave a dinner to George S. Graham and myself, attended mainly by lawyers. The Penn Club, in whose organization I had participated, gave me a reception, and the students from the office of Peter McCall, then at the bar, gave me a dinner of recognition which was much appreciated.

After the lapse of a year John G. Johnson wrote in a published article: "The opinions he has delivered have been what those who knew him expected—learned, scholarly and logical . . . As a *nisi prius* judge, he has surprised his friends, by a display of unusually quick comprehension, sound judgment and practical common sense."

The court held its sessions in Congress Hall, at the southeast corner of Sixth and Chestnut streets, and the judges sat upon the same platform on which Washington

stood when inaugurated President of the United States. The old blue ornamentation of the ceiling, studded with stars, had recently, with the worst of judgment, been ruined by the insertion of glass knobs for lights. Ere long, I was called upon to preside over the court of quarter sessions which sat in the west room on the first floor, which for nearly ten years had been the meeting place of the House of Representatives of the United States. There Lyon and Griswold, two New England congressmen, in 1798, had spat in each other's faces and beaten each other with clubs and pokers, and later Probst had been tried for murder. After the court had been opened upon my first day, the case of a man charged with larceny was called and he was convicted. I imposed an imprisonment of eight months in the county prison and a fine of ten dollars. Then one of the court officers came up to me and quietly whispered:

"Judge, the other older judges never impose fines in these cases."

"Do they not?" I said, "then they fail in their duty."

I had remembered that the statute made the sentence obligatory and gave no discretion to the judges. All through my service as a judge these fines were imposed for such crimes, although it very seldom happened that they could be collected and the practice caused considerable trouble to the prison authorities. The plunge had been taken, the court officers never again ventured critical suggestions, and no serious trouble ever arose in the determination of the causes. The life of a judge is a reversal of the Canterbury pilgrimages. He sits still while the world, with its burden of interests and hopes, woes and emotions, passes in review before him, and he sees the strifes of the mart, the scandals of the alleys and the skeletons of the closets in all of their phases. It is not, however, as broad a field as it otherwise would be because both bench and bar, together with the growth of legal learning, have followed the bent of certain narrow developments of

modern life. Its most complicated and involved processes of ratiocination and its most elaborately established principles concern the acquisition, ownership and transfer of property, and they are, therefore, of comparatively minor importance. In the long run it is of little moment which of two men secures the moneys in dispute. He who wins may be the worse off because he has won and he who loses has suffered no irreparable harm. The treasures of the earth are still within his reach. A man may exert as high an intellectuality and as much mental acumen in playing a game of chess as Napoleon did in planning the battle of Austerlitz, but when it is over he has only played a game. The Knights Templar are well dressed, carry short swords, and march with accuracy, but the swords never cut and the steps lead nowhere. Decisions of questions involving the rights of property require much learning and skill and have their uses, but their effect upon humanity is neither very deep nor very permanent. I have known judges who, sitting in the quarter sessions and regarding the work as of little consequence, would tell the district attorney to proceed with the trials and they themselves retire into their chambers. I have known others who looked upon the betrayal of a woman as a mere peccadillo, and the stealing of money as the most heinous of offenses. All of these judges were mistaken. The most important questions which arise in the courts are those which concern personal liberty. The worst of crimes are those which involve brutality to man and beast, and the abuse of women and children.

It is a satisfaction to me to remember that during the fourteen years I sat on the bench no man was ever tried for a crime before me, even the least serious, without my having analyzed the evidence on both sides, and no man was ever convicted and punished unless that evidence convinced me that he had committed the offense. The most difficult matters to determine with any assurance

of accuracy were those which arose in the desertion court over the quarrels between husbands and wives, and the maintenance of wives and children. The facts occurring in the privacy of home were always more or less obscure and difficult of proof. The history of the trials, impositions and failures which lead up to the catastrophe is often remote and seldom disclosed. In civil causes concerning the ownership of goods, the problems are carefully presented by counsel, and the court has the benefit of learning what other judges have thought in like matters. But the desertion cases were hurried through on Friday afternoons upon a list of perhaps a hundred, by Samuel E. Cavin, then counsel for the Guardians of The Poor, a man entirely capable and with a desire to do right, but deaf as a post and, therefore, unable to grasp the tale told by the witnesses.

I reached certain conclusions with regard to the administration of justice. Some of them may appear to be radical, but, being the outcome of experience, it may be that their presentation here may lead to thought resulting at some future time in useful modification of present methods.

1. There are entirely too many technical crimes and too much creation of crime by legislation. Every man who has some ends to serve and has sufficient influence goes to the assembly and gets the failure to do what he wants to have done enacted into a crime. To spit in a street car is an act of nastiness, to put catsup in a branded bottle is perhaps an infringement of right, to assist an ignorant man at the polls to perfect his ballot may affect the result of the election, the failure to pay customs duties to the Government may cause it inconvenience, but none of these constitutes a crime. To call them so only leads to confusion of thought and remissness of conduct. These examples represent a long category so extended that no citizen can ever be sure that in what he does he is not offending against some criminal statute.

2. I very much doubt the efficacy of the effort to prevent wrongdoing or to elevate the standards of life by punishment. I have scrutinized the faces of men in the dock, observed their conduct and listened to their stories, endeavoring to see whether I could find any line with which to separate them from those outside, and always in vain. Men are as they are born and as the hammering of life leaves them. Most of the misconduct comes from the incapacity to think accurately and properly to foresee consequences. I am satisfied that most men do the best that they are able to do with their characters and the circumstances which confront them. Since the beginning of the historic period, some eight thousand years ago, the annals of mankind have been filled with the records of attempts to prevent by the infliction of punishment certain lines of conduct considered at the time objectionable, but often recognized at later periods to have been conducive to the advancement of the race. Experience has shown these attempts ever to have been futile. All kinds of punishment have been tried—hanging, beheading, burning, mutilating, disemboweling, quartering, gouging out the eyes, cutting out the tongue, cropping the ears, branding, standing in the stocks, drowning, using the rack and the thumbscrew and many others which ingenuity in this direction could devise. Strange as it may seem, the effect always seems to be to increase the numbers of offenses. Violence begets violence. The burning of negroes in the South has immeasurably increased the cases of special crime it was intended to prevent. In Jamaica, where no such spectacles occur, this particular crime is almost unknown. In modern life old forms of punishment have been abandoned, except that of death for murder and incarceration for other offenses. The former is an anachronism and will soon have disappeared. It must be plain to any philosophical observer that the latter is slowly giving way. A prison is now conducted like a home. The

food is plentiful and nutritious. The sentence is shortened for good behavior. I have frequently had convicts ask me to give them a longer term and transfer them from the county prison to the Eastern Penitentary because in the latter institution they could get tobacco. "Tickets of leave" are now granted which permit prisoners to be out on parole. All of which shows that the old idea of hammering men and putting walls around them to make them better is being gradually ameliorated. In our day the punishment of wives and the whipping of children at home and in schools have been abandoned, and I am quite sure that the day is not far distant when it will be recognized that the punishment of men serves no good purpose. This is of course a different proposition from the suggestion of the abandonment of the use of force to protect person or property or to prevent the commissions of crime. If I shoot a burglar who insists upon coming into my room in the night, I act upon an entirely different principle.

3. The general opinion appears to be that since the social evil has always heretofore existed it is likely to continue for all future time. The same kind of reasoning might once have been applied to royalty, slavery, priestcraft and other institutions which have lost their hold upon the world, after being long retained. Personally, I look aghast upon the complacency with which we permit the destruction of women for the mere wanton gratification of the passions of men and if we gave a tithe of the thought to the subject that we do to the acquisition of property, the evil would soon be eradicated. Its existence, of course, proves that there is some law of nature which society, as now constituted, violates habitually, just as surely as the corn on the foot, which is an abnormal growth of the processes of life, points to the pressure of the boot. If the cause can be found the results can be prevented. It is easily discovered. There is nothing inherently wrong

in the sexual relation and, on the contrary, it ought to be encouraged. It is accompanied, however, with certain important duties which concern society as well as the individuals themselves. The woman ought to suckle and care for the young and the man ought to provide for her necessities and those of the children he begets. The cause of prostitution is the effort of the male to enjoy the intercourse and at the same time to escape the responsibilities which accompany the relation. The male is the stronger in will and muscle and it is he who persuades the female. Let him be made to understand that he may call the woman to him if he chooses, but that when he takes this step he accepts certain obligations from which he need not hope to escape. The thought of society and present legislation put the burden upon the female. It ought to be put upon the male. The sending of police to make raids upon what are designated as "haunts of vice" are spectacular absurdities which do much injustice and no good whatever. Let a law be passed to the effect that whenever an unmarried man and an unmarried woman by mutual consent have sexual intercourse they establish a permanent relation with mutual duties, one of which is the support thereafter of the woman and her offspring by the man. Let either of the parties have the right to enforce the continuance of the relation and the fulfilment of the duties by a decree of court as in other cases. It may be called marriage, morganatic marriage, legislative marriage or any other term regarded as appropriate. Under such legislation for a time many young men would be the prey of experienced women. They would be much more than offset, however, by the young women who are now made the prey of experienced men. The answer to such an objection is very simple. The man will, himself, have chosen such a woman as his companion. Let him exert his strength and his will upon himself and be more careful. He surely will be more careful. Ere long there will be no experienced

women to prey upon him and the inmates of disorderly houses will be scattered more effectually than by raids of the police when the way has been opened to young women who have yielded to emotion nevertheless to lead respectable lives.

4. The most conspicuous and serious failures in the administration of justice in our courts occur not at all in the cases of defendants who possess wealth, as is often alleged, but through the irresponsible meddling of the press with those of a sensational character or those which concern people of prominence, and the publication of which, therefore, has a salable value. It is not to be expected that the members of a jury will weigh in even balance the evidence presented to them in the case of a man charged with murder, when his face, brutalized by some artist employed for the purpose, and the facts distorted to increase the horror, have been forced upon their attention for weeks before. In fact, the whole doctrine of the liberty of the press is a harmful anachronism. There ought to be no liberty of the press. There was a time when the interests of the people were served by it, a time when the liberties and even the lives of men were sacrificed by the arbitrary exercise of the authority of the state, but that time has long gone. The newspaper was then a means of supplying information upon which men could depend in the guidance of these affairs, but the conditions have entirely changed and it too has changed with them. In our day a newspaper, generally owned by a corporation, is organized for the purpose of making money for the stockholders by the sale of news. The motive is commercial. Its forces are directed, not toward the supply of information because it is true, but toward the securing of that which can be sold on the market. Like all vendors, its wares ought to be subject to supervision, and when, like bad meat and rotten eggs, they are found to be unhealthful they ought to be confiscated and suppressed. When the Government inspects foods, examines doctors and lawyers and super-

vises factories, mines and railroads, why permit filth, crime and falsehood to be published?

The courts might have protected the administration of justice had it not been for an unfortunate decision by Chief Justice Sharswood in the case of *ex parte* Steinman and Hensel, 95 Penna. State Reports, p. 220, where he practically overruled the opinion of Chief Justice Gibson in Austen's Case, 5 Rawle, 191. Two lawyers, who were also newspaper editors, in their newspapers charged the court with making a corrupt judicial decision for political reasons. The Act of 1836 limits punishment for contempt of court "to such contempts as shall be committed in open court." This offense was committed outside the courtroom. The limitation constitutes an absurd distinction, since an order by a court has no relation to doors and windows, and it was a legislative attempt to lessen the constitutional power of the courts. The court below disbarred the lawyers and Sharswood reinstated them. He probably failed to see to what extent he was enabling newspapers to interfere with the functions of the judiciary and was surrendering the prerogatives of himself and his successors on the bench. Substantially all of the injustice which I have known to occur in the course of trials in our courts has been the result of this kind of outside influence which some judges have not sufficient strength of character to resist. With its present tendencies the press is galloping along the road which leads inevitably to the overthrow in the near future of their constitutional privileges.

In the summer of 1890 Mrs. Pennypacker and I took a trip to Europe. Mr. Blaine sent me the following letter:

DEPARTMENT OF STATE,
WASHINGTON, June 19, 1890.

To the Diplomatic and Consular
Officers of the United States.

GENTLEMEN: It affords me pleasure to introduce to you the Honorable Samuel W. Pennypacker, Judge of the Court of

Common Pleas of Philadelphia, Trustee of the University of Pennsylvania and Vice-President of the Historical Society of Pennsylvania. I bespeak for Judge Pennypacker your official courtesies during his sojourn abroad.

I am, gentlemen, your obedient servant,

JAMES G. BLAINE.

We left Philadelphia on the Red Star Steamer "Belgenland," July 16th, and after crossing the ocean, going through the English Channel, and up the Scheldt, landed at Antwerp July 29th. The company on the boat, while not so numerous as on the great steamers, was in some respects unusual, and in the course of the long voyage they were pretty closely welded together. There were a concourse of physicians, including Dr. F. P. Henry and Dr. Philip Leidy, who were going over to attend a medical convention, and there were three school teachers who had been determined by ballot to be the most popular in the state, and were being given the outing by the *Philadelphia Press.* They were the Misses Elizabeth D. Grant, Annie M. Bishop and Jennie M. Davis. For an entertainment given on the way over I wrote a number of *jeux d'esprit* touching up some of the passengers and the lighter events which happened. They were written in pencil on the back of a paper novel, which, being thrown away, was found by the steward and sold to a newspaper. Much to my surprise, on my return, I found them making the newspaper rounds, and I now include three of them:

Out at sea there's a lady named Davis;
To her note book she but a slave is;
She writes down within it
What happens each minute,
And when Godwin upset by the wave is.

The minister went to sea,
The minister soon got sick,
It cared no more for him
Than for any heretic.

The captain is jolly and round,
His stomach and lungs are both sound,
  With one foot on the bridge and one eye on the sun,
He spreads out his sail
To catch every gale,
  While the passengers watch him to see how it's done.

At Antwerp the party scattered and went their several ways. Godwin, a very agreeable gentleman, who had gone abroad for a rest and left his wife and family at home, oppressed with the loneliness of the situation, met Mrs. Pennypacker and myself again in the Zoological Garden. He hurried forward to present a bouquet, and after a separation of a day we came together like long-lost friends. Two things we soon learned to avoid—the beaten routes of travel where ignorant guides show you the new things you can better see at home, and the table d'hote dinners which injure your stomach and waste your time. Through the advice of E. V. Lansdale, a society man of experience, we put up in Antwerp, at the *Hotel de la Paix*, but did not like it. In the Temple of Cloaca I found this rather naïve notice: "On est prie de ne pas rester debout sur la siege." We examined the cathedral with its treasured Rubens' *Descent from the Cross*, there meeting Bishop O. W. Whitaker and his wife, but found the most interest in the narrow old streets along the Scheldt, the carts pulled by dogs, the women gathering the garbage, but most of all in the old stone prison "La Steen" with its dungeons in which some of my people, in the sixteenth century, had been confined before being burned and beheaded. In Holland, at The Hague, we saw, of course, Paul Potter's *Bull* and Scheveningen, but The Hague itself had become a modern city and was disappointing. At Haarlem we saw the tulip garden, heard the great church organ played and at the town hall stood wonderingly before those old burgomasters whom Franz Hals has kept alive through the centuries since. Dutch art

was influenced by no fads and is the real thing carried to perfection.

In Amsterdam I called on Dr. J. G. DeHoop Scheffer, the author of the *History of the Reformation in the Netherlands*, with whom I had been corresponding for years and spent a very pleasant evening with him talking about Mennonite literature. We attended services in the Oude Kerk where so many noted Dutchmen are buried, including the famous old Admiral Michel de Ruyter, who fought thirty-two naval battles. An invitation to his funeral is among my papers at Pennypacker's Mills. In the Rijks Museum we stayed long before Rembrandt's *Night Watch* and the head of the *Old Woman*. In going from a lower to a higher stretch of canal the boat stopped while the water rushed in to fill the enclosure. The hearty-looking Dutch skipper took advantage of the opportunity to collect the fares. I had no small change and handed him a ten florin gold piece worth about four dollars which he laid on the leaf of his open note book while he felt around in his pockets. Just then a blast of wind turned the leaves of his book and the gold piece went to the bottom of the canal. "Damn it to hell!" he exclaimed in as good English as any irritated and disappointed resident of New York could have uttered. At Broek we saw the cows with their tails tied up and the sawdust of their stalls worked into ornamental figures and at Zaandam the windmills and the house of Peter the Great. At Marken, which even then had been much spoiled by the current of visitors, we engaged Klaas De Witt to take us in his fishing boat across the Zuyder Zee to Monnikendam, from which town had come the first man to sail up the Delaware River, and where we climbed the tower, saw the church and were followed through the streets by an amazed crowd of Dutch urchins and lasses in wooden shoes. After we started from Marken, Klaas kicked off his sabots and threw them into a corner of the boat. Why did you do that?" I inquired. "I can swim better without them," was the rather unsatis-

factory answer. But the most attractive town we found in Holland was s'Hertogenbosch, or Bois le Duc, the old capital of Brabant. Travelers seldom went there. Enclosing the city are still the old wall and ditch. In the fine old cathedral the sacristan tells with bated breath how the Protestants knocked the heads and fingers off of the statuary. In the museum is shown the bag with its stains of blood into which the head rolled as the executioner cut it off. In the market sat the country women laughing and having a good time over their salad and cabbage. In the inn was a kitchen filled with brass and copper, so bright that it was a joy to behold, and in the dining-room was an omelet to be yet remembered with gusto, and cheeses of every kind.

In Crefeld, from which so many people came to Germantown, a city whose great silk manufactories are the outcome of the simple weaving of the early Mennonites, we slept with a feather bed for a cover and another feather bed for the support. Years before, Frederick Muller of Amsterdam had told me that in this city was a genealogy in manuscript of the Schenten family which contained much information concerning the Op den Graeffs. There were many Schenten names in the directory, and on a venture I selected Carl. His counting house was in the second story. In such German as I could muster I explained to him that I was connected with the Historical Society of Pennsylvania and interested in genealogical research; that I had heard of the existence of the manuscript and was anxious to discover its whereabouts.

"Are you looking for an estate?" he inquired.

"Oh, no, my interest is purely historical."

"Well," he said, "you are the first American I ever saw who was not looking for money." Then he went to his safe and produced the book. I had come straight to its owner. It carried one of my ancestral lines back to about 1584. I visited the village of Aldekerk, a dirty little town

filled with squat houses and a great church, where Herman Op den Graeff was born. He was a delegate to the Convention of Dordrecht in 1632 and the grandfather of the three brothers and sister who came to Germantown in 1683.

In Cologne we saw a remnant of the old Roman Wall, the great cathedral, the skulls of the eleven thousand virgins wrapped around with red velvet, the vase in which the water was turned into wine, and Dr. James Tyson, the noted Philadelphia physician. We are related in two ways, since he is a Pennypacker and I am a Tyson. We went up the Rhine by boat and every foot of the journey called up some early family association. At Worms we saw the stately mansion of Johann Pfannebecker, *Geheimer Regierungs Rath, and Stadts Advokat,* with its memorial tablet setting forth that there he had entertained the Emperor William. From there we drove across the Palatinate, whose well-tilled fields suggested Pennsylvania, though they were without barns and fences. At one place was posted a large advertisement informing the people that a negro was on exhibition and could be seen for ten cents. At the village of Oberflorsheim we stopped to water the horses and a healthy-looking, vigorous young fellow came across the road carrying a rake. I said to him:

"Was ist ihr nahm?"

"Mein nahme ist Pfannebecker," was the rather surprising response.

"Und mein nahme ist Pannebecker auch."

I continued: "Was ist ihr handel?"

"Ich bin ein Bauer," he said.

"Ich bin ein Richter," and we parted.

At Kriegsheim, the village from which came also many of the early settlers of Germantown, I endeavored to locate the place where Penn had preached and was referred to the wiseacre of the place, who was likewise the town-gauger. He could tell me nothing of Penn, but he was hospitable and he took me to the cellar where were kept the hogsheads of

wine. He filled a glass from the first hogshead and tendered it and I drank the wine. He drew a glass full from the second hogshead and tendered it again. There were about thirty hogsheads in the cellar. Saying "danke sie" and "lebt wohl," I withdrew. We are told in the Nibelungenlied that:

"Never were men so merry as these beside the Rhine."

Then we came to Flomborn, perhaps fifteen miles across the Palatinate from Worms, a village of three or four hundred people, of whom about half bore the name of Pfannebecker. The bans of one of them, a girl about to be married, were nailed up against the church door. In the graveyard large flat stones covered the graves of those who were dead. The inn-keeper, who seemed a little surly when we took our horses into the yard to be fed, came running out after us on to the street, his face all smiles, to tell us that his wife was a Pfannebecker, and she, the good-hearted soul that she was, almost cried with joy to see a "Pfannebecker aus Amerika" as she tendered her cakes and wine. I was much impressed by seeing the children drive the flocks of geese up from the pastures, and I had them, together with everything else in the village photographed. Frederick P., the most important personage of the place, worth about $90,000, took us to his home to have us meet his wife, and son bearing the same name.

At Heidelberg, after looking over the University, which seemed to me dull and out of date, and the Tun, which was certainly large, and the Schloss, a most beautiful and impressive ruin, we climbed the mountain which rises from the Neckar in order that we might get a view of the Valley of the Rhine and the Neckar and the Taunus mountains. On the way up we overtook Catharine Grimm, a woman of about forty, who twice a week carried upon her head all of the supplies needed for the inn at the crest from the city below. She wanted us to take her home with us, poor woman, and little wonder. On the way down, after rejoic-

ing over the beautiful and extended stretch of varied scenery, I saw an artist sitting under a tree making a sketch. I said to her:

"Konnen sie mir zeigen das weg zum Schloss?"

"Oh, can't you talk English?" she replied.

I had to acknowledge that I could, and she pointed out the path.

A curious sight to an American in Germany at that time were the two little houses side by side at the railroad stations marked "Herren" and "Frauen." When the cars stopped and the doors were unlocked the men and women, who have been shut in without accommodations, rushed in hurried lines to these places.

Another curious sight was to see a woman and a cow strapped together plowing a field. It is not, however, nearly so barbaric a performance as the mere telling would indicate, since the cow supplies the motive force and the woman is there to direct it.

At Basle I had a fright. The train stopped among a number of others, and leaving Mrs. Pennypacker, I got off and went for a few minutes to a "*Restaurations Keller.*" When I returned, depending on location, the train had been shifted, and I could not find the car. She could talk neither French nor German and had no money. However, the deliberateness of the railroad service stood me in good stead. I had plenty of time to hunt, was finally successful and had learned a lesson.

The Alps, glistening in the sunlight for fifty miles, to us who had never before seen snow in the summer time, were wonderful. We had an uncomfortable hotel at Geneva. I could find no one in the town who could tell me where Michael Servetus was burned, the most interesting event to me in connnection with it, or who had ever even heard of Servetus, but I watched the Rhine and thought of Cæsar. We went fifty miles by stage to Chamounix at the foot of Mont Blanc. The crush of the glaciers in their slow march

and the roar when a mass of ice falls from the end, the streams of melted water galloping in a mad rush down the mountain sides and the horses standing knee-deep in the ice-cold torrent, because the natives regard it as good for their feet (they don't stand there themselves), other streams pouring over precipices and disappearing in mist before they reach the ground, the vast masses of rock, stretching toward the skies with the whitened vales between, all held our attention and fixed themselves in our memories. We had solemnly and resolutely determined we would do no Alpine climbing. The next morning, early, we bought alpenstocks and followed on foot the zigzag path which leads up the Mont Aubert. It is a narrow path. The mules coming down insisted upon having the inside next the mountain. But about noon we reached the hotel which overhangs the *Mer de Glace.* From the outer court we could see, far below, men and an occasional woman crossing the glacier. The temptation was too great and good resolutions were consigned to the pavement. We secured a French guide. He supplied us with alpenstocks and woolen socks to pull over our shoes, and he led the way, with a hatchet cutting steps in the hillocks of ice and helping us to avoid the dangerous crevasses. We looked down into some of these splits in the ice. The man who falls into one comes out in about thirty years at the foot of the mountain. I do not know the width of the Mer de Glace, but it seemed to be like crossing about two seven-acre fields. On the far side was a moraine which we climbed. Then the guide asked whether we wanted to go around "*le Mauvais Pas.*" I said to him:

"Je n'aime pas les Mauvaises Pas. Qu'est que c'est?"

He replied that it would be no worse than to go back over the Mer de Glace, and that after getting to the other end we would have a good road back to Chamounix. We knew the difficulties behind, we did not know those in the front, and we went ahead, trusting to Providence and a French guide. What the Swiss have named a "Bad Path"

was, as may well be imagined, not a very enticing or comfortable route. It was a narrow and irregular ledge running across the face of an almost perpendicular mountain. It hung over the Mer de Glace, far below and was perhaps three hundred yards in length. It would have been impassible but for the fact that an iron rod had been fastened in the face of the rock about shoulder high which could be grasped with the hand, but, sad to relate, there was a gap in the middle where the rod had been broken away. There were places where the water trickled across the path and made it slippery. At such places Asbury E. Irwin, who was with us, got down on his hands and knees, regardless of trousers. I told the Frenchman he would have to help me and to take Mrs. Pennypacker to the other end and come back. Presently he returned, but on getting around an edge of the rock there I found her clinging to the rod and looking down upon the sea of ice. I had had a wrong conception of the length of the Mauvais Pas. Since that arrangement would not work, I sent him ahead to her and took care of myself. We presently reached safely *Le Chapeau*, a hut at the other end of this path, and with no further adventure save that a cow came sliding down the mountain and nearly fell on us, we got to the hotel after dark and tired enough. From Chamounix we crossed the *Tete Noir* to Martigny in a barouche. The road zigzags over the great mountain and is just about wide enough for a single team. In fact, the carriage was at times so near the edge that I preferred walking behind it to riding in it. At a hotel on the top a yard had been made large enough for the teams meeting there to pass each other and the drivers had to time their movements accordingly. By some mischance on this particular day there was a misfit and they met on the road. The teamsters swore at each other for an hour, but that failed to solve the difficulty. Finally they joined together and held some of the wagons up on the mountain side until the others passed.

At Villeneuve we saw the Castle Chillon with its dancing halls above and its dungeons below and the little island of Childe Harold in the lake, and getting on a boat, crossed Lake Geneva lengthwise to Geneva. From there we went by rail across France to Paris. Irwin took us to a modest hotel, the Bergere, where our bill for five days, including some wine, was only one hundred and eighteen francs for both of us, or twenty-three dollars and sixty cents.

At the Louvre from the fifteen miles of paintings *La Gioconda* smiled upon us, and we then went to Versailles, where, apart from the palace with its historic interest and the gardens with their beauty, were two paintings which impressed me. One represented the Battle of Sedan. On a crest stood in life size an officer. Off in the distance was a little smoke. It was the artist's idea of a battle. The other picture told the story of the surrender of Cornwallis at Yorktown to the French fleet. Washington had nothing whatever to do with it. I had grown up under another impression, but still perhaps it is well to modify these early impressions. I said to a man whom I met in the street in Paris:

"Pouvez vous me dire ou est l' Eiffel Tour?" emphasizing the first syllable in Eiffel. He looked at me in blank amazement. After a long conversation he said:

"Vous pensez au Tour Eiffel?"

"Oui, Monsieur."

Then he pointed out the way.

We went to the opera, where Mrs. Pennypacker had a great struggle to retain her cloak with a French woman who insisted upon taking it away as she talked at the top of her speed, but in the end American grit prevailed. The French people, as I saw them at their work, impressed me as being more rather bright and cultivated, than earnest and strong. They seemed eager to finish their tasks and get away to the concert gardens. Amusement appeared to be a motive in life. We had crossed the ocean and the Zuyder Zee and Lake Geneva without being seasick and the English Channel had

no terrors for us. On our way to London we took the long route from Dieppe to New Haven. As we got on to the mean, creaky and overloaded little boat, I overheard the skipper say to a woman who had a six-year-old child with her: "Madam, if I were you I would take that boy down stairs and put him on his back in a cot." It was an ominous suggestion. The channel was in bad shape. A trip, usually finished in two hours, on this day required six. Everybody was seasick. The floor of the saloon was filled with groaning women. On the deck where I was I saw a deck hand thrown flat by a toss of the sea. I paid a couple of the seamen to take Mrs. Pennypacker below and I abandoned her to her fate. Sitting on a camp stool, I steadied myself by clutching a staple driven into the wall of the saloon, and cold, sick and miserable, let the sea beat over me as it willed. Thrusting my hand into my overcoat pocket to warm it up, I found there occupying the space a pound of confectionery bought in Paris to eat on the voyage. I threw it with disgust into the sea. One poor woman who sat near me by the rail absorbed salt water apparently by the pail full and I never offered to help her. All the while the boat strained and quivered and creaked and nobody cared. It was so crowded that the men were forced to remain upon deck with the beating sea for solace, and as the hours rolled by and the darkness of the coming night came over them not a word was uttered. It was an experience worth a trip to Europe.

We stayed in London about a week and put up at the Charing Cross. We rode on top of the omnibuses and watched with interest the tangle of cabs in Threadneedle Street. We stood on London Bridge, went through St. Paul's, saw the grave of Milton and the bit of the old Roman Wall and attended a service in Westminster, where the beauties of the prayer book were mouthed in a way I could not appreciate. When I asked who broke off the fingers of Queen Elizabeth I was told it was done by Cromwell and his ragamuffins, which I did not believe. I said to a girl

who waited upon us in a dining-room about three squares away:

"I suppose you go often to Westminster."

"Do you mean the Habbey?"

"Yes."

"I 'ave never been in the Habbey in my life. I don't often get away from 'ere and when I do I 'ave other places to go to beside the Habbey."

On one slab is only the name "Charles Dickens." No more is needed. We went through Windsor Castle, saw the Burnham Beeches and the yew of Gray's Elegy at Stoke Pogis.

At the Tower the room in which the jewels were kept was closed. The tall flunkey with a big hat and a most gorgeous covering for clothes refused to open it. A brilliant thought occurred to me and I produced the letter from Blaine, the American Secretary of State. The scheme worked beautifully and he opened the door. The consequential piece of red tape egotism assumed, however, that the letter was written to him personally and he deliberately proceeded to put it in his pocket. Then I was in trouble. However, by the use of persuasion and even threat I finally recovered my credentials.

We went to Hyde Park in a cab and were refused admittance unless we should get out and walk. Only the equipages of gentlemen were permitted in the Park.

From London we went to Coventry, where we found the Craven Arms, a real old-fashioned inland English inn. Intending to remain but a few days, I sent my trunk through to Liverpool, where we intended to take the *City of New York* for our return home. I said to the official:

"Have you no system of checking baggage?"

"No."

"How do you identify the owners?" I inquired.

"We never have any trouble."

I gave him some money. He tore off a slip of newspaper,

on which he wrote his initials and gave it to me and promised that he would see to it that I should find my trunk in the baggage room in Liverpool.

Coventry is a most interesting old town, though Americans go to Leamington in preference, redolent with the memories of the Lady Godiva, mystery plays, tournaments in which knights errant in the days of chivalry fought for the favor of fair women, Sherwood Forest with its tales of Robin Hood and his merry men, battles of kings for their thrones and, in later days, of George Fox the Quaker. Here may be seen the walls and gates which shut out the enemy and stranger, ancient tapestries, curiously built houses and the three spires which impressed Tennyson. We drove to Kenilworth, rich in its traditions, but found little there save the merest remnants of a ruined castle and a field of oats, the half of which appeared to be Canada thistle. This thistle, protected by the hedges, has overrun the whole island and must be a serious drawback to agriculture. At Leicester hospital we were shown some needlework attributed to the unfortunate Amy Robsart. We inspected Warwick Castle, with its portrait of Henry VIII, and since my lineage has been traced to the Kingmaker, with a faint reflection of proprietorship. At Stratford we saw the birthplace of Shakespeare, a house insignificant and mean in all of its suggestions. The church was being repaired and I secured a bit of old worm-eaten wood which had been removed from above the famous inscription.

At Liverpool I went to the man in charge of the baggage room and sought my trunk. He looked over his books and said he had no record of it. He sent men over the building who hunted and returned reporting that it could not be found.

"You must find it," I said with some indignation. "We leave in the boat for America tomorrow and I must have my trunk."

"Perhaps it is in the lost department," said he.

"Perhaps it is," I responded.

He and I, with some assistants, went to this place, a huge caravansary filled with the property of other unfortunates. A search of half an hour, while Mrs. Pennypacker sat in dismal patience in the depot, failed to reveal it.

"I can do no more," said he.

"I believe that trunk is over there in the building from which we started," I replied, "and I will find it myself." That fellow in London impressed me as being reliable and he said he would see to it that I should find it there. I believe he did."

There, down in the cellar, far back in a corner I found my trunk. Then from the figures on it the baggageman was able to trace the entries in his books. The incident illustrates the results of the pig-headedness of the English in refusing to adopt a system so simple as that of checking baggage, after its utility has been long demonstrated. On the *City of New York* I met Richard Croker, the head of the Tammany Club in New York, a silent man who gave the suggestion of great force.

"Did anybody ever tell you that you looked like General Grant?" I inquired.

"Yes," he replied.

Another time he said to me: "I like your man, Quay. I never met him, but I think he must be much of a man."

One of the most agreeable features of a European trip is the return. After having been fed upon sole and vegetable marrow, to find yourself again where you may eat lima beans, corn, sweet potatoes and tomatoes, has its satisfactions. Three months are long enough to be away. To untangle the twisted threads of memory which confuse the ill-digested contents of museums and art galleries is a relief. To meet again the familiar faces of those whose lives are interwoven with yours is a sweetness and a comfort.

CHAPTER IX

President Judge

IN 1891 I had before me a case of Commonwealth *vs.* Tierney. The defendant was charged with selling liquor without a license and, it appeared, had made the sale, as steward of a club which had been incorporated as a social organization, to one of its members. The club dues were merely nominal, the club property was very meager, and the club was one of those corporations which had sprung up all over the city, whose real purpose was no doubt to furnish liquors. In an elaborate opinion reviewing all of the authorities and working out all of the reasoning of which the subject was capable, I held that a club had no right, in the absence of a license, to sell liquors to its members. The decision raised a great storm, for the reason that the rich and influential likewise had their clubs, the Union League, the Rittenhouse, the Philadelphia and many more, and to deprive them of this concomitant of club life was a serious matter. I had thought of its effect, but was unable to draw any satisfactory distinction in principle between the clubs of high and low life and took the responsibility. The case went to the Supreme Court and there the Chief Justice, E. M. Paxson, a worldly wise man who had grown rich and later resigned his office to accept the Receivership of the Philadelphia and Reading Railroad, affirmed the judgment, but put it on the ground that this particular club was a fraud. Little by little the reasoning of my opinion, which still seems to me unanswerable, was left without support and the courts drifted into the conclusion that the sale of liquor by a club to its members was in reality not a sale but a process of equitable distribution. The result

was a great development of what has been called the "Speak Easy," and there have been recent efforts to have my position put in the shape of legislation.

In 1891 the Pennsylvania German Society was organized among the descendants of the early German and Swiss settlers of the state. Among those who took the preliminary steps were Dr. William H. Egle, F. R. Diffenderffer of Lancaster, Col. T. C. Zimmerman of Berks, Julius F. Sachse, George F. Baer, General James A. Beaver and myself. No other of the different race societies has been so energetic in the study of the sources of history or so prolific in the production of literature. My *Settlement of Germantown* appeared among its publications and for one year I was president of the society.

That summer Senator Quay paid me a visit at Moore Hall, and I had Dr. Joseph W. Anderson of Ardmore there to meet him. We were all three descendants of Major Patrick Anderson of the Revolutionary Army and had this bond of association. The doctor was a bland and mild-mannered person of wealth and great respectability. His father, Dr. James Anderson, was the oldest brother of my Grandmother Pennypacker. When a young man Dr. James Anderson bought a farm not far from Philadelphia and there practiced medicine. My grandfather, who was accustomed to good land and fine meadows, said: "I don't see what James ever bought that poor farm for." It is difficult to forecast. The Pennsylvania Railroad put the Ardmore Station on that farm and the lands retained by the family are worth from $8,000 to $25,000 an acre. I took the Senator to the little house along the bank of the Pickering, where his grandfather had lived, to the site near a spring where James Anderson, the first settler, had built his log cabin in the woods, to the Anderson graveyard where he had his grandmother buried, to Valley Forge, and on Sunday we attended service at St. David's at Radnor. While at Moore Hall news came of the death of Charles S. Wolfe.

"Poor fellow!" said the Senator with genuine sympathy. "He was a worthy man." And then: "I was just arranging a plan to beat him."

October 21st, I delivered the annual address before the Law Academy upon some early decisions of the courts of the province, and this address was afterward expanded into a volume of reports entitled *Pennsylvania Colonial Cases.*

On the 22d of December the New England Society of Pennsylvania gave their eleventh annual dinner. My speech was as follows:

It must be understood at the outset that I am not here as a "regular," nor yet as a "volunteer," nor even as an "emergency man," but as a sort of substitute. My earnest and persuasive friend, Mr. Mumford, came to my house last evening and said to me, the youngest member of a court of three judges, two of whom are down with the grippe, that there was a likelihood of there being a scarcity of speakers here tonight and that I must come and furnish relief. I have come; but from what I have seen and heard since I have been here, and being aware that if I am known at all it is as an avowed Pennsylvania Dutchman, I am inclined to think that what your secretary had in mind in bringing me forward was a species of bear-baiting. If, therefore, you should be disappointed in the tone or substance of what I have to say you may at least entertain the hope that if I had had plenty of time and nothing to do, I might have prepared something entertaining, instructive and complimentary as did the speakers who have preceded me.

Before coming away from home I put into my pocket a little book, compiled by Nathaniel Dwight, and published at Hartford, in the State of Connecticut, in the year 1807. It is entitled *A System of the Geography of the World—By Way of Question and Answer, Principally Designed for Children and Common Schools.* Its substance was administered to babes and growing children, and they were expected to commit to memory the answers given here and to recite them to their attentive teachers. I read from the Questions and Answers:

"What are the general characteristics of the people of New England?"

"They are an industrious and orderly people . . . they are well informed in general. . . . They are humane and friendly, wishing well to the human race. They are plain and

simple in their manners and on the whole they form perhaps the most pleasing and happy society in the world."

"What is the temper of the people of New England?"

"They are frank and open, not easily irritated but easily pacified. They are at the same time bold and enterprising. The women are educated to housewifery, excellent companions and housekeepers, spending their leisure time in reading books of useful information and rendering themselves not only useful but amiable and pleasing."

"What is the state of science in New England?"

"It is greatly cultivated and more generally diffused among the inhabitants than in any other part of the world."

"What is the character of the Pennsylvanians?"

"Pennsylvania is inhabited by a great variety of people. . . . Many of the yeomanry in some parts of this state differ greatly from the New Englanders, for the former are impatient of good government, order and regularity, and the latter are orderly, regular and loyal."

The lessons thus early taught have been well learned. I remember, that some two or three years ago one of the eloquent and witty gentlemen who respond upon these festive occasions was called up to reply to a toast which met the approval and received the applause of the assembled members—"Benjamin Franklin, the Discoverer of Philadelphia."

In a certain sense I admit the fact that lies concealed in that witticism, and in that sense concede that Benjamin Franklin was the discoverer of Philadelphia. When the cumulative forces of civilization, which had been gathering for fifteen centuries had made their way across the Atlantic and several centuries later had extended beyond the Mississippi and reached the base of the Rocky Mountains—then the potato bug discovered the potato. In 1723 a young man of seventeen years walked from the Delaware up Market Street to Fourth. He was a youth of scanty means and I may say of less morals. He saw the accumulated shipping at the wharves, he saw the State House and warehouses of a prosperous and growing community, and in the market house which ran along the center of the street he saw the rich products which had come down from the farms of Lancaster and Chester counties. It was a spectacle the like of which never before had met his gaze and—Benjamin Franklin discovered Philadelphia. For sixty years he walked the streets of this great city, beaming benevolence and beneficence upon men of substance and influence, and casting cheerful glances upon lustful young women. He lived to a good

old and honored age, and he died, his head stored with worldly wisdom and his pockets filled with the accumulations of his long and eventful life. He left behind him an autobiography in which, in his own inimitable way, he told how he personally had organized all the charitable and learned institutions that had grown up while he was a resident of this city. This autobiography, beautiful in structure, was translated into the different languages of Europe and he gained extended fame. Over the library in which were the books that had been collected by that learned scholar, James Logan, was placed the statue of Benjamin Franklin. The central window of that great University, which was led to success by Dr. William Smith, against his opposition, shows the record of the great achievements of Benjamin Franklin, and over every house and every barn in the land a lightning rod pointing heavenward testifies to the popular judgment of his scientific attainments and his eternal reward.

I have been asked to respond to the toast "The Keystone and Plymouth Rock." For the long line of distinguished men New England has produced, Pennsylvania has only to express her sincere appreciation and her emphatic approval. In all her efforts to ameliorate the condition of the human race and to advance the cause of literature and of science, Pennsylvania has had the warm support of the sons of New England. The American Philosophical Society, which was the first of our scientific institutions, has had in that blessed land many successors. The Law Department of the University of Pennsylvania, established in 1791, and the Medical Department of the University, established in 1765, have been followed by departments devoted to the same learned pursuits at Harvard. The resolutions adopted in town meeting in the city of Philadelphia on the 16th of October, 1773, forbidding the landing of tea on these shores, were adopted and accepted in precisely the same words by the people of Boston in their town meeting on the 6th of November of the same year. The principles of the Revolution, the keynote of which, set by John Dickinson in his *Farmers' Letters*, echoed across Boston Common, were carried to their logical conclusion by John Adams of Massachusetts.

The adoption of the Constitution of the United States in Pennsylvania in December, 1787, was followed by its adoption in Massachusetts in February, 1788. The principles of religious liberty, established by Penn in Pennsylvania, in 1682, now prevail in every hamlet and township from Maine to Connecticut. The great struggle with slavery in this country, begun in the town of Germantown in 1688, to which Benjamin Lay, John Woolman

and Anthony Benezet devoted their lives in the last century, continued by the organization of abolition societies and their meetings in convention here each year from 1794, was taken up by William Lloyd Garrison in 1831 in that bold declaration, equal in vigor to the words of Martin Luther at Worms: "I am in earnest. I will not equivocate. I will not excuse. I will not retreat a single inch and I will be heard." When that great struggle against slavery resulted in war, the men of Pennsylvania, who came to the rescue and first reached the Capital at Washington, were soon followed by the men of Massachusetts, and in the battle of Gettysburg, where that wonderful soldier, George G. Meade, broke the back of the Rebellion in the very acme of that crisis, when the fate of the nation was involved in the issue and the advance of Pickett's division hurled itself to destruction against the Philadelphia brigade, that ever glorious brigade, stood more firmly because they knew the fact that the Rhode Island battery of Brown, the United States battery of Cushing, and the brave sons of Massachusetts of the Nineteenth and Twentieth regiments supported them on every side.

This speech was applauded on the occasion of its delivery; it aroused attention and many distinguished men wrote to me in praise. A gentleman illustrated it with portraits and autographs, and after binding it in levant sent it to me. But I have never been invited to speak at a dinner of the New England Society since.

The judges, in social parlance, were regarded as being possessed of too slender resources to be expected to entertain, but it was the proper thing to invite them to all of the important functions, and my cards of invitation and ménus, all of which are preserved and bound in volumes, give a quite complete picture of this phase of life in Philadelphia, and even of the state, for twenty-five years. The best dinners of a public nature were served at the Bellevue, which stood at the northwest corner of Broad and Walnut streets, and has since been torn down and been succeeded by the Bellevue-Stratford. There I have heard all of the leading statesmen, politicians, generals, admirals, literary men and other conspicuous persons of my time make after-dinner

speeches. The Clover Club and the Five o'Clock Club were the principal dining clubs and their style of entertainment was pretty much alike, giving their guests plenty of good champagne and expecting them to endure with complacence all of the ribaldry which the combined wit of perhaps a hundred hosts could devise. The Society of the Cincinnati always gave an attractive dinner. They had a considerable fund of money, and after their Washington Monument in Fairmount Park and other expenditures were provided for, had nothing to do with it except once or twice a year to have a beautiful dinner. It was only excelled by that of the Directors of the Pennsylvania Company for Insurance on Lives and Granting Annuities, an ancient and very wealthy corporation. They gathered about a circular table upon which everything was of the best which money could secure, and the space in the center was banked with rare flowers. No outsiders were invited, save the judges and their counsel, John G. Johnson, who never drank anything except from a pitcher of lemonade prepared for him alone. The dining-room at the Bellevue was too limited in space to entertain a crowd and, therefore, the dinners were never unwieldy and never delayed. At the dinner of the Clover Club George G. Pierie always sang a crude song called "The Darby Ram," and at the dinner of the Five o'Clock Club to each guest was presented a time-piece of some kind as a souvenir.

In 1892 the Pennsylvania Society of the Colonial Dames of America, a society of women whose forefathers had borne some part in colonial public affairs prior to the Revolutionary War, was organized. Mrs. Pennypacker became a member and one of its controlling committee of thirteen. About the same time I was selected by the Pennsylvania Society Sons of the Revolution, of which I was then one of the board of managers and of which I have since become the senior vice-president, a delegate to the National Convention which met at Mount Vernon. A little later in the same year the

Netherlands Society of Philadelphia, comprised of descendants of the Dutch who were in America prior to the Revolution, was formed at the suggestion of Dr. Peter Dirck Keyser. I was one of the first members and have since been its president. The spirit and the literature of this society have been excellent. Each year on the anniversary of the Convention of Utrecht, January 23, 1578, they drink a glass of schnapps, smoke a long pipe, listen to the rendering of "Wilhelmus van Nassauwe," by members of the Orpheus Club, and sing the song of *The Dutch on the Delaware,* written by my brother, Isaac R. Pennypacker, and set to music by Doctor Arnold Gantvoort, Director of the College of Music of Cincinnati.

The first conviction of murder in the first degree in the City Hall at Broad and Market streets was that of a man tried before me. Job Haas, a coal dealer doing business in one of the suburbs of the city, belonged to a type which is now almost obsolete. He went to his place of business at the break of day. He had no faith in the security of banks and carried his cash upon his person. One morning before others were stirring he sat at his desk writing a bill for coal when a negro, named Henry Davis, crept up behind him with a club, crushed in his brain and stole his money. He fell over dead, his sleeve smearing the partly written bill, which I have preserved. The evidence was circumstantial but clear and left the jury and myself without doubt. The case interested me as a psychological study. Davis had been employed at the Midvale Steel Works, but had been discharged and was without a job and without money. The night before he went to see the woman to whom he was engaged to be married and told her his financial situation. Thereupon she promptly threw him overboard. The cause of this murder was the situation which has been outlined, the mood into which he, ignorant and undisciplined, was thrown by his surroundings, and the unusual opportunity given to him by a miserly old man. Another murder case

interested me exceedingly because of the closeness of the legal questions involved. Nichola Bartilotte, convicted December 23, 1897, had a quarrel with another Italian, a larger man, in the course of which his thumb was so badly chewed that he was compelled to go to the hospital. After he had been cured, one day he thrust into his pocket a long-bladed knife, which I still have, and went down to the house of the other man, evidently on the lookout for trouble. The other man accepted the challenge and after some altercation Bartilotte ran. His antagonist pursued, picked up a large stone, overtook Bartilotte and, getting him down, lay on top of him, beating him over the head with the stone. By some means Bartilotte was able to open his knife and he plunged the blade into his foe, who rolled over helpless. Up to this time Bartilotte was legally safe from the charge of murder. He arose, hurt and bloody, went away to the distance of perhaps twenty-five feet, then returned and with a half dozen fierce blows of his knife put an end to the life of his foe who lay on the ground. The jury saved me from grave trouble by finding him guilty of murder in the second degree and I sentenced him to a long term of imprisonment. The jury was probably about right in the conclusion it reached. I ever had a distrust, and even a sort of a horror, over the ways of the detective, and no man was ever convicted before me of any offense upon such testimony alone. Like a prosecuting attorney who wants to convict, the object of the detective is not so much to inquire as to fasten the crime somewhere, and the methods used are those of dissimulation and falsehood.

Just before I left the bench a boy of eleven years of age was tried before me for the murder of a playmate of six or seven years. The little fellow had a five-cent piece and the defendant had a toy pistol. The latter said: Give me that nickel." "No, I won't," was the answer. "If you don't, I will shoot you." The child stood his ground and thereupon the defendant shot and killed him. The defend-

ant was locked up in prison, but the pistol, which was regarded as an essential part of the evidence, could nowhere be found. A detective went to him and, finding him crying, told him that if he would tell where the pistol was, he, the detective, would take him home to his father and mother. Thereupon the boy said he had thrown it into a quarry, describing the place, and the detective went there and found it. He testified to these facts at the trial and was much astonished and chagrined to hear the judge instruct the jury that they ought not to place the slightest reliance upon his evidence; that having charge of a child eleven years of age, he had, according to his own statement, deliberately lied to the child in order to gain an advantage over him and, therefore, could be trusted by nobody. John Weaver, who was then district attorney, came to me privately to remonstrate on behalf of the detectives and was informed that the instructions could not be modified to the slightest extent.

I once sent a man to prison for eight months for cutting off the tail of a dog. He had mutilated the animal and left it to perish miserably. Had a police officer who had made use of what is called "the third degree" with prisoners in his charge, or a gunner who had been shooting pigeons at a match, or a jockey who had docked the tail of his horse, or a doctor who had practiced vivisection, been brought before me while on the bench they would each have learned that the customs and technical needs of their professions would have been an unsafe dependence. The opponents of vivisection make the mistake of standing upon the weak ground of utility where they are necessarily mistaken. Of course, something concerning human construction and diseases can be learned from cutting up a living animal. More could be learned by cutting up a human being, however. The answer to the doctors is that we have no business with the information that can only be secured in this way. Let us do without it. Let each creature bear its own ills. It

is better that I should take the chance of dying of a tumor than that men should be taught to cut up living dogs to get possible information. A man may give the money he has stolen from a scoundrel to the poor, but that does not justify the theft. To the Jesuit doctrine of doing harm that good may come of it we had better say "Avaunt!" "Vade retro Sathanas!"

On the 16th of Febrary, 1893, I came pretty near to destruction. For several days I had been trying a rather important land damage case of Lukens *vs.* The City, in the second-story room of Congress Hall, the windows of which look upon Chestnut Street. I finished charging the jury about three o'clock. The plaintiff came to me to ask whether I would not wait and take the verdict. I hesitated for a moment, but concluding that it would make little difference to him and it was uncertain how long they would deliberate, I told the jury to seal their verdict and bring it in the next morning and I adjourned the court. I had hardly got outside the room before the ceiling fell, filling the room with débris and crushing the bench at which I had been sitting and my chair to the floor. Various coatings of plaster had been applied through the century until they were eight inches thick and as solid as rock. This mass hung over me like the sword of Damocles, ready to fall with the occurrence of any unusual rumble on the street, and that afternoon there was no place on earth more seemingly safe and in reality more dangerous. A wit at the bar said: "Fiat justitia ruat ceiling."

About this time began the first talk about sending me to the Supreme Court of the state, and it received some support from the bar and the newspapers. Fell, however, who was my superior in the court, had ambitions in that direction. We talked the matter over together, with the result that I concluded to make no effort at that time and so told him.

In 1893 a number of gentlemen in the city interested in the collection and publication of out-of-the-way books,

organized the Philobiblon Club. Among them were James MacAlister; Clarence H. Clark, whose specialty was extra-illustrated or Grangerized books; Ferdinand J. Dreer, who had made an unusual collection of autographs which he later gave to the Historical Society of Pennsylvania; Horace Howard Furness, the celebrated Shakespearean scholar; and John Thomson. Furness, a kindly, genial and most attractive man, with a ruddy complexion, a little stout, who always carried an ear trumpet, the sort of man whom everybody likes, established a reputation for literary attainments which extended very far. What he did, however, was only to make a sort of catalogue of the labors of a very famous person, a task which can hardly be regarded as the creation of literature. In my view Charles R. Hildeburn did a much more important work of the same character in the preparation of his *Issues of the Press of Pennsylvania* and the sources of information were much more obscure. Dr. William Pepper became the first president of the club and at his death I succeeded him and I have been re-elected each year since. Its most important reproductions have been the *Magna Charta* of William Penn, and the *Chronicles of Nathan Ben Saddi.* I wrote the preface to two or three of its publications and have made one address upon some book topic to the club each year.

About this period began the organization of patriotic societies, as they are called, composed of the descendants of those who participated in events of consequence in American history.

I was one of the founders of the Pennsylvania Society Sons of the Revolution. The earliest president, William Wayne, a descendant of Anthony Wayne, who, in order that the name of Wayne might be maintained, changed his from Evans, was followed at his death by Richard M. Cadwalader, a descendant of Colonel Lambert Cadwalader, and a sweet-tempered, deaf and delightful gentleman, who has seven sons and who in his earlier years wrote a book

upon ground rents. I have been vice-president of the Colonial Society and am a life member of the Society of Colonial Wars and a member of the Society of the War of 1812.

An exceedingly interesting society of this character, of which I have repeatedly been the president, is the Netherlands Society of Philadelphia, before referred to. Its membership is not so large as to be cumbersome and there are an intensity and fervor about the spirit manifested at their annual dinners on the 23d of January, the anniversary of the Convention of Utrecht in 1578, which I have found nowhere else. It is partly due to a real belief in the value of their Dutch ancestry and to the impressive music of the songs called forth in the struggle of Holland with Spain and of their own song of *The Dutch on the Delaware.*

Among my friends in the city was Godfrey Keebler, a Swabian, who in his youth came to America and for a time worked on the place of my Grandfather Pennypacker. Later he went to Philadelphia and there prospered, doing a large business as a baker. He was president of the *Cannstatter Volksfest Verein,* and being active in all of the movements in which the Germans were interested, he had me invited to all of their festivities and balls and made me an honorary member of the "Verein." It was through him that I was invited to deliver the address at the dedication of the Schiller Monument in Fairmount Park. He died in 1893.

On the second of November of the same year the Art Club gave a reception to Joseph Jefferson which Mrs. Pennypacker and I attended. We found him the same genial personality on the floor which his acting indicated on the stage. It is doubtful whether any other actor ever awakened more kindly feeling for himself or greater admiration for his art. In *Rip Van Winkle, Cricket on the Hearth, The Rivals* and *Lend Me Five Shillings* he seemed to me to be perfect. It is a satisfaction to have seen the stage in these days of Jefferson and Booth when the intelligent analysis and pre-

sentation of character were depended upon to attract rather than the gaudiness of scenery or the legs of the ballet.

On the 21st of December, I met the President, Benjamin Harrison, at The Union League and heard him make an address—a short man, pallid, precise, and with his wits about him, but he gave the impression of selfishness and of one who could feel that the Lord had intervened specially in his behalf.

In 1894, Judge Fell went to the Supreme Court and for a year Theodore F. Jenkins took his place. Jenkins was a Democrat, who began his career as a boy in the Law Library, and who, turning his attention to the books he carried to the lawyers, became later a skilled lawyer himself and made a success in his profession. While he sat on the bench there came before us "Melon Street," a novel and complicated land damage case, which before it was finally decided had the unique distinction of having been heard before seventeen judges, and another case, which I called my "Slam-bang" case. The plaintiff stood on the platform of a railroad station; about a hundred yards away the railroad crossed a public street. A woman, walking on the street at the crossing, was struck by the train and killed. The locomotive carried her body as far as the station and there, throwing it on the platform, struck the plaintiff with it and broke his leg. He brought suit for negligence. I entered a non-suit upon the ground that the consequence was too remote to be reasonably anticipated as a result of the alleged negligence. Both Judge Hare and Judge Jenkins were against me, but I stood my ground and was affirmed in the Supreme Court. There is no other case like it in legal annals.

Judge Jenkins, being a Democrat, only remained on the bench for a year and, following the next election, was succeeded by Mayer Sulzberger, a Republican. Sulzberger was a Jew, born up the Rhine in Germany, and holds high rank among his people over the world, being learned in letters and a strong influence. Small in stature, with shoulders

slightly stooping, large head and a ready tongue, he is the only man I have ever met in my life who talks all of the time and who always talks well. Every sentence has something in it, keen and incisive as well as philosophical. At the bar he was rapidly closing up the gap, between John G. Johnson and himself for the leadership. He had a large practice, and by it had made a fortune. Why he was willing to leave it behind him and start upon another career has ever been something of a mystery. A learned and most able judge, his success has been somewhat qualified by the fact that he could never quite forget that he was no longer an advocate. A thoroughly good-hearted man, with much of the milk of human kindness overflowing in his soul, there was, nevertheless, a remnant in him of that Eastern tyranny which is shown on the Assyrian monuments, where the successful heroes are seen gouging out the eyes of their foes. Saving for these limitations upon his practical usefulness, no greater or more capable judge ever sat on the bench.

One day a young lawyer began to argue upon that most intricate and technical of subjects—the law of contingent remainders. He began in the middle, worked both ways with unwearied zeal, and kept it up for half an hour and perhaps longer. I sat there and blandly listened. After a while, Sulzberger arose from his seat and paced to and fro behind me with his hands hidden in the folds of his gown. Presently, unable to control himself longer, he came leaning over me and whispered: "You damned hypocrite!"

In 1894 my daughter Josephine and I made a trip to Cuba on the fruit steamer *Braganza,* built on the pattern of the *Alabama,* and on the way saw the island of San Salvador, or Cat Island, which was the first land found in America by Columbus. It did not look as though he had found very much of importance. We landed at Barraçoa, a very old town on the eastern end of the island. A low wall ran around it once, intended for defense, but now broken down, and on top of the wall paced one solitary and forlorn-looking

sentry. The Spaniards throw the offal from the cattle killed into the sea and consequently the harbor was full of sharks. The town was dirty and dilapidated. Boys and girls, ten or twelve years of age, ran around stark naked. Women were uncovered above the waist. Countrymen rode into town astride of horses, mules, asses, bulls, cows, or anything mountable that they could find. A man would load his mule with lumber, the ends of the boards dragging behind, then throw two huge bags of merchandise over the mule's back, then get on top of the bags and ride to the mountains. Every step was attended by a flock of buzzards patiently awaiting the time when the man or the mule would topple over. Everything was open. I saw one man ride a cow into a store and up to the counter to make a purchase, and the storekeeper treated it as a matter of course until she dunged on the floor and then he complained. The sky would be perfectly clear, a few minutes later it would rain in torrents, and a few minutes later still it would be as clear as before. For amusement the Spaniards drank a sweet native wine and fought game cocks. An American named Matthew Craig had the only industry in the town, a factory where he employed a number of men and women and made oil from the nut of the cocoanut palm. He had acquired a small fortune, during the Spanish-American war a few years later, he lost it all and he died in Kensington, Philadelphia, in absolute poverty. Bananas and pineapples seemed to be the only products to be sold. The United States Government sent a cultivated young South Carolinian, recently married, to Barraçoa to act as consul. It was a sad and solitary place, and the consul and his wife seemed glad enough to see an American face. When the war came along, they were overlooked and forgotten and had a most uncomfortable experience. It was an interesting and novel sight to see the steamer being loaded with bananas. They were brought in little rowboats to the side of the vessel and the negroes formed in line tossing the bunches from one to another,

singing with rhythm and time: "Uno, duo, trio, quadro, quinto." When the work was over they had a dance, playing on instruments made of a gourd with a stick through it and ornamented with carvings. I prevailed on one of the performers to sell to me two of the instruments.

From Barraçoa, we went to Mata and Yumuri, two other little ports in eastern Cuba to secure bananas. At the latter the Yumuri River, flowing from the mountains, empties into the sea. We went up this river for a mile or two in a rowboat. The limbs of the palm trees were covered with vines and mosses, the forests were a complete tangle, impenetrable except to one carrying a machête, and in the crevice of every rock left bare by the stream some plant had started to grow. We saw women washing clothing along the banks of the river and using for soap the juice of a plant. The wife of the agent of the fruit company at Yumuri invited us to breakfast. She could not talk a word of English. The dishes were all strange but palatable. The pigs ran around over the floor, but it must be remembered that the rooms were all open to the air. On the bottom of the cup from which I had drunk the coffee I found half a dozen drowned ants, but then it must likewise be remembered that Cuba is prolific of insects and it is, I suppose, impossible to be protected from them. Along the shore of the sea there was a refreshing sea breeze, but a few rods inland it was so hot as to be stifling. Josephine and I gathered sea shells and sea beans along the sands and a naked negro boy came out of a hut built of palm and roofed with palm leaves and brought us specimens which were beautiful. We left Cuba at midnight in the full of the moon, shouting "buena noche" to those who rowed to the shore. On the way home the captain was bitten by a tarantula, and we enjoyed eating the little fig bananas (those on their way to market being contemptuously called plantains) and a species of pineapple vastly better than any of those offered for sale.

On the evening of November 1, 1894, Henry Watterson of Kentucky, one of the most famous journalists of the day, lectured in the Academy of Music. The Union League, of which I was then a member, gave him a dinner and several of us made speeches at him. He was rather a fierce looking little man wearing a big mustache, but as we got nearer to him we found him genial and companionable.

On September 16, 1895, the courts of common pleas formally abandoned their former place of meeting at Sixth and Chestnut streets and moved to their rooms in the City Hall at Broad and Market streets. On invitation I made an address to the bench and the bar, after having thoroughly studied the associations connected with Congress Hall. This address was printed by a committee of the bar consisting of Edward Shippen, George Tucker Bispham, and Samuel Dickson. Up to that time, little attention had been given to the history of Congress Hall, but it then came into vogue. At one time the city offered it for sale, but the Colonial Dames took hold of the matter and with effort persuaded the city authorities to undertake its restoration. They and the architects depended upon my paper for their information and its effect was therefore helpful not only to the city but to the nation. When the building was re-opened in 1913, Woodrow Wilson, President of the United States, and Champ Clark, Speaker of the House of Representatives, were present on the invitation of Mayor Blankenburg, but they knew little about the subject and perhaps cared less, and the architect then told me that he had made his reconstruction, and the agent of the Associated Press told me he had prepared his report for the country, based upon the facts I had given them. The address was not only an historical investigation, but could be included among what the cataloguers of books call *Facetiæ* because of a reference it contains to General Henry Knox, unearthed from a contemporary description of him. Upon going to the City

Hall the judges put on the silk gowns which they have since worn when performing their duties.

In 1895 my uncle, Joseph R. Whitaker, died. He was a bachelor about seventy-one years of age, masterful but good-hearted, who had a great influence upon my fortunes. He left property of the value of perhaps a million dollars, which, on his death, he distributed among his nieces and nephews and he made me one of his executors. Amid the vicissitudes of my later life among politicians, the fact that I had my own resources on which to rely saved me from those intimations which are so often ruthlessly and recklessly made concerning those holding public office.

The same year I became one of the vice presidents of the Historical Society of Pennsylvania, the president of the Pennsylvania German Society and the vice president of the Colonial Society.

One of the brightest retorts (in baseball language, "right off the bat") I have ever known occurred in the trial of a case before me about this time. The question was the right of an alleged political party to have a place on the printed ballot. John C. Bell, afterward Attorney General under Governor John K. Tener, represented the applicants, and James Gay Gordon, later a judge in No. 3 Court, represented the opponents. Bell's client, a noisy, blatant fellow, told how he and two or three others had met on a Broad Street corner and concluded to organize the new party. Bell, when he came to the argument, explained this rather dubious beginning by saying that it often happened in nature that important matters had an insignificant origin, that the acorn became the mighty oak and the Amazon River, a hundred and fifty miles wide at its mouth, started in a little rill in the Andes Mountains. "Yes," said Gordon in reply, "but this party began in a big mouth and ends in a little rill."

In December, 1896, Judge Hare resigned from the Bench after a service of forty-five years and the effect of his with-

drawal was to make me President Judge of the Court. My commission was read and I assumed the duties December 13th. One day Sulzberger and I sat in our room discussing the situation and we concluded when our advice should be asked to suggest the appointment of J. Martin Rommel, a capable young lawyer, as the third member of the court. A tap came upon the outside of the door. When it was opened in stepped Colonel Lewis E. Beitler, a tall person with a military air, who said: "At the command of Governor Hastings I come to present his compliments and to inform you that he has concluded to appoint Mr. William W. Wiltbank to the vacancy in this court." And he did. Judge Wiltbank was a descendant of Bishop William White and of General William MacPherson of the Revolutionary Army. He had been an officer in the War of the Rebellion. He had a considerable practice and had had long experience at the Bar, and he possessed a technical knowledge of the law as well as intelligence. His mental processes were a little prone to be stiff, prim and formal. He never would permit himself to precede me in going through a doorway. He was almost horrified when he found me sitting on a bootblack stand on the street having my boots blacked. He made an excellent judge and distinctly strengthened his professional reputation by going upon the bench.

In 1897 I took my three daughters—Josephine Whitaker, Eliza Broomall and Anna Maria Whitaker—to Europe and we spent the most of the time in Holland and England. It is one of the comforts of my life that I have spent a month of it in Holland. The Englishman, with a capacity for organization and a force of character which has made itself felt in the world, is a surly sort of creature and retains many of the original brutal instincts. This fact is shown in all of his dealings with weaker peoples. The Dutchman, while inheriting from the same ancestry the strong traits of courage, tenacity and the willingness to surrender individual inclinations in order to combine with his fellows, has a

leaven of good humor which is a great saving grace. In the English Channel a dense fog settled down over us. One morning I was on deck leaning over the rail toward the prow listening to the horns which appeared to be blowing in all directions around us. Suddenly there loomed up before me, out of the fog, not more than twenty or thirty feet away, the sharp nose of a steamer, the *Maine,* coming directly for the side of our vessel. The deck hands on both boats yelled aloud and ran to the far side of each in order to avoid the splinters. A collision seemed inevitable and ours was to be the steamer rammed. I hung over the rail, only anxious to see that it did not strike before passing the state-room of my Daughter Josephine, almost beneath me though a little further toward the stern.

When that point was passed I felt a sense of relief, though I was told my face was bloodless. The passengers who were about ran to get life preservers. By skilful seamanship on both boats the officers and crews managed to keep them apart and the *Maine* swept by, almost grazing us. Then there was a mighty cheer on both boats. There was a timid lot of passengers for the rest of the trip. One man wore a life preserver the whole time and we all shall remember the *Maine.*

At Antwerp our hotel was near the cathedral and its chimes rang every fifteen minutes through the night. We rode in a street car out to Hoboken, a village three or four miles inland. The car stopped on the way. I could see no passenger who wanted to get on the car or to alight from it. Thereupon the conductor got off and proceeded to urinate before us all in full view. The incident illustrates the different way in which these people look at some of the problems of life. At Amsterdam we had rooms at the Hotel Amstel. The fields around the city are divided off, not by fences as with us at home, but by ditches filled with sea water, and there is but one entrance for the big black and white cattle which seem to be never hungry and always

lying down, and that is through a gate. One day Josephine, who is something of an artist, and I went through one of these gates in order to give her an advantageous location from which to make a sketch of a tower. She made her sketch. While we were so engrossed one of the farm boys locked the gate and we discovered that we were held as prisoners. I would have enjoyed caning the Dutch scamp, but instead I was compelled to pay a ransom while he and some companions laughed with glee.

On another day my Brother Isaac and I went to Utrecht and there hunted up Jan Pannebakker,* a goldsmith and jeweler with whom I had corresponded. The earliest of the name of whom I have knowledge was burned to death by the Spaniards as a heretic at Utrecht in 1568, and these cheerful Christians likewise drowned his wife. We took Jan, whom we found to be an agreeable black-eyed man with a pleasant wife and a family of well-educated children, to Gorcum or Gorinchem with us in order to make some investigations and to see the church in one of whose windows the arms of the family at an early date had been painted upon glass. He did not know a word of English and such conversation as was maintained throughout the day had to be conducted in Dutch. We crossed the North Sea from Flushing to the mouth of the Thames and spent a week in London. While there we visited the British Museum with its immense collections of literature and art, and the Kew Gardens with their many varieties of flowers and shrubbery. We stood on London Bridge, rode on top of the omnibuses and saw again on the Strand the tangle caused by the vain effort of the Englishman to solve modern transportation by the extension of the old method of cab service. With all of his capacity, the Englishman is a little stiff in his mental joints and, therefore, slow in his movement. I saw outside of Coventry a woman, born in the house in which she lived, who had never seen the nearest village only three miles

*He died in November, 1916.

away. I found if I wanted a carriage from a liveryman the only safe course was to give an order the day before. In something of a hurry I went to a man at Coventry as I would have done at home and told him I wanted his carriage and driver. He began by feeding the horses, then he had them groomed, presently he brought out the carriage and had it washed and greased. After all of these preliminaries were completed and the horses stood there harnessed, I supposed we were ready to start. By no means. He then had to dress himself and put on that ugly long hat without which no man with a proper sense of his dignity would think of driving a team. My object was to go to Bosworth. It was fifteen miles away. No traveler had ever before asked to be driven to Bosworth, and he did not know the roads. I suggested that we might inquire as we went along and find them, adding that it was time for him to learn the way to a place so famous. Three or four miles from Coventry we turned a sharp corner, approaching the little village of Fenny Drayton. On the corner was a lot overgrown with weeds, in the center of which stood a stone. "What does that stone mark?" I asked. "I do not know," he replied. "Stop the coach and let me see." The inscription told me that on that spot stood the house in which George Fox, the founder of the Quakers, had been born. I had stumbled upon an interesting site, replete with associations of interest to a Pennsylvanian, and I felt repaid for the trip. We reached Bosworth after the noon meal, but learned that we were in Bosworth market town and still not at the battlefield. The driver objected to going any further. Among other incentives, one of my forefathers had been killed at Bosworth and I did not propose to get that near to the field without seeing it, so I insisted and told him to rest his horses for an hour and feed them. All that the tavern people could give us to eat was the remnant of a cold leg of lamb, and nothing could have been more palatable. While in England I cultivated an admiration for sheep from which I have never recovered.

After reaching the neighborhood of the battlefield I stopped at a rectory and the rector, an intelligent gentleman, pointed out to me the way across two or three intervening fields. In a vale between low hills stood a rude monument of rough stone twenty feet high marking the spring where Richard III was killed to make way for another line of English kings.

We crossed the ocean from Southampton to New York in the *City of Paris*. On board were Pillsbury, who had been Attorney General of Massachusetts; Rufus E. Shapley, the Philadelphia lawyer who wrote *Solid for Mulhooly*; and the secretary of Chauncey M. Depew. We started in a storm so fierce that the seas swept over the upper decks and the hatchways had to be closed and the passengers locked below, much to their discomfort. At the international concert, whose programme was printed on the vessel, I presided and made an address.

When I went to Europe at the beginning of the summer vacation all of the matters before the court had been disposed of except one and upon that we had reached a conclusion and Sulzberger and Wiltbank promised that one of them would write the opinion. The Christian Science Church had applied for a charter. In addition to teaching certain theological tenets, they proposed to treat diseases through the instrumentality of "healers" who charged a fee for their services and advertised, seeking business. After discussion, all of the three judges were opposed to granting the charter for the reason that it would be in conflict with those statutes which make it a criminal offense to practice medicine except after study and upon a certificate of the Board of Examiners. We determined to select some good lawyer, disinclined to overlook the technique of his profession, a little set and narrow, closely associated with some one of the orthodox churches, so as to be certain of an adverse report and refer the case to him as master. We all felt sure that Henry Budd was our man and we made the reference. After long and careful study and a full presenta-

tion of the testimony, he filed a thorough-going report recommending that the charter be granted. Then there was a court in trouble. When I returned in the fall, I found the case just where it had been left, Sulzberger protesting that, since he was a Jew, if he had written the opinion it would have been commented upon unfavorably, and Wiltbank, since he was known as a strict churchman, urging similar reasons. The matter ended in my writing an opinion overruling Budd and refusing the charter, and by such a series of mischance I secured a place in Christian Science literature. With the great growth in numbers of these people and with the respectability which comes in two or three generations after the accumulation of such fortunes as that of Mrs. Eddy, there promises to be a future in which I shall be regarded as a sort of nineteenth century Herod.

It was also my fortune to decide one of the very early cases determining the rights of riders of the bicycle. The law is fixed that one approaching a railroad crossing must stop, look and listen. A man riding a bicycle came to a railroad where a train was passing. He did not get off, but rode around in a circle until the train had passed and then crossed behind it. A train coming the other way killed him. His widow brought a suit against the railroad for damages, which was tried before me. I entered a non-suit and was sustained by the Supreme Court. The newspaper organ of the bicyclers, published in Boston, said there was great need of new blood on the bench, and that the judges were a lot of old short-sighted and bandy-legged fellows who could not ride a bicycle if they tried, and who had no conception of the principles which ought to be applied to its use.

In March, 1898, Albert, who was the prospective heir to the throne of Belgium, made a tour *incognito* through the United States. He was a young man, neither tall nor short, neither slender nor stout, of no distinctive color or manner, and he made upon the beholder no very decided impression of any kind. I have already referred to the dinner which

was given to him at the Bellevue. At that time Henry J. McCarthy, one of the judges of the Court of Common Pleas No. 3, had a method of after-dinner speaking which was very taking and altogether his own. He familiarized himself with the events in the careers of the classic heroes—Agamemnon, Alexander, Cæsar and the rest—and fitted them upon the men of everyday life in Philadelphia. Colonel Alexander P. Colesberry, a slightly made man, who gave no impression of strength, at that time United States Marshal, was at the dinner. McCarthy made a speech in which he drew a picture of Colesberry with the language and in the habiliments of Cæsar stopping the riot raised by the recent railway strikers on Chestnut Street. Albert listened with amazement if not with interest.

About this time, by a dispensation of the Most Worshipful Grand Master of the Masons of Pennsylvania, I was made a Mason at sight; that is, the three degrees of a Master Mason were conferred at one time, which is regarded as a great Masonic honor and has been accorded to but eight or ten men in the state. Among them were included John Wanamaker, James Gay Gordon and Charles Emory Smith.

In 1897 Philadelphia sought to issue a loan of $11,200,000. Some citizens, represented by Alexander Simpson, Jr., filed a bill in equity in No. 2 Court to prevent the transaction. I wrote an opinion dismissing the bill and on appeal to the Supreme Court the judgment was affirmed.

On the 3d of March, 1899, my mother died in her eighty-fourth year, one of a series of events occurring about that period which changed the whole tenor of my life. Since the time of my birth we had been together almost continuously. The early death of my father led to a relation between us never interrupted which was more than that of mother and son. The same year, June 17th, the Sons of the Revolution made a pilgrimage to Pennypacker's Mills on the Perkiomen, where I made an address to them. Peter Pennypacker bought 515 acres at this place in 1747 and

there had a grist mill, saw mill, fulling mill and probably a country store. It was the terminus of the Skippack Road, and is referred to in William Bradford's little book published in 1754 as one of the noted places in the province. Washington took the Continental Army there September 26, 1777, and there held the council of war which determined to fight the Battle of Germantown. After the battle he retreated to the same camp, bringing with him his wounded men. Since the time of its purchase by Peter, the property had never been out of the family.

In the fall of 1899 I was nominated by all parties and elected to another term of ten years upon the bench. Said the *Evening Bulletin* editorially: "The renomination of Judge Pennypacker assures the continuance on the bench for another term of one of the most trusted and sagacious of the common pleas judges. Although among the unostentatious members of the judiciary, Judge Pennypacker's clear-headed, industrious, wise and faithful performance of his duty has long ago earned for him the confidence of all who have occasion either to participate in or to observe the business of the courts."

As events happened very soon afterward, it did not assure anything of the kind and the play of larger forces gave a very different phase to my career.

The same year Governor William A. Stone appointed me a member of the Valley Forge Park Commission. The state had undertaken some years before to secure the grounds of the camp at Valley Forge and preserve them, but not very much progress had been made. Francis M. Brooke, who was at the head of the commission, was very earnest and zealous, but his energy often provoked antagonism. A. Harry Bowen, the superintendent, was a most efficient person and much credit is due him, but it is difficult to overcome the indifference of distant legislators to such movements, and the appropriations were too limited to permit much progress. I took the place of John Cadwalader,

declining to accept it, however, until assured by him that it was his purpose to retire.

The efforts of the burghers of South Africa to protect their homes against the aggressions of the strongest empire of the world seeking to get possession of their gold and diamond mines appealed to me strongly. Cecil Rhodes and Dr. Jamieson represented the ordinary type of adventurers, always to be found on the outskirts of civilization, ready to run the risk of hanging in order to take the chance of seizing what does not belong to them. In my opinion, no man who has been minister to a foreign court, especially to England, which is our natural rival and in time of stress has always been our foe, ought to be permitted to be Secretary of State of the United States. John Hay, who is generally much lauded for diplomacy and whom I should like to approve, because of his literary attainments and because he wrote to me some kindly letters and spoke pleasantly of me in his *Life of Lincoln,* should never have held that responsible position. The meanest thing in American annals is the fact that we aided the British Empire to crush a little republic by sending our mules and supplies. One of the greatest mistakes we have ever made was in throwing our sympathies and moral support to Japan in her war with Russia. The latter country had been our friend in the War of 1812, during the Rebellion and when she sold us Alaska. The merest tyro ought to have been able to see that with our ownership of the Philippines and our Pacific Coast, a struggle with Japan is in the future inevitable. Both of these blunders were due to the fact that John Hay used his potent influence in behalf of England. Some years ago it was my fortune to see at a bookbinder's the letters and invitations with which he was coddled by the king and nobility of London and which he was having bound in crushed levant for his posterity to admire. Very few men are strong enough to resist such blandishments. I wrote three letters upon the Boer War for the *New York Sun.*

They were reproduced by W. T. Stead in London and elsewhere in England, in Australia, and were translated into German, Dutch and the other European languages. They are too long for insertion here, but the following which I published at the time is in the same spirit:

THE SOUTH AFRICAN WAR

It is all very simple. The tale needs but few words for the telling. The British made up their minds to steal the Transvaal, with its wealth of gold guarded only by herdsmen. The event shows that they were strong enough to steal the Transvaal, and they have stolen the Transvaal. Joan of Arc was burned in the market place of Rouen and she is dead. There are some lessons to be learned from the struggle. That for the British is that, when they go marauding after a puny prey they should grasp it, not with hundreds under a Jamieson, but with hundreds of thousands under a Roberts. The lesson for ourselves is one of ineffable meanness. Never before, since July 4, 1776, did this nation sit by with arms folded and mouth closed and see a great empire strangle a little republic, encouraging on the sly the empire—the same empire which took advantage of our stress and made money by sailing under false colors to drive our commerce off the seas. The glory of the war is all with the Boers, who have lost everything but saved their manhood. The lesson for the world is one of hope. There is still a people in it with pluck enough to resist sordid wrong, regardless of consequence. It is well to know that the highest examples of patriotism in the past are equaled in the present and may appear again in the future. The boy who killed Ross, after the burning of the Capitol at Washington, set a note for mankind, though he lost his life, and organized greed may hereafter hesitate when it reflects that the road to Pretoria was sprinkled with the blood of forty thousand Englishmen, and that the profits of the coveted Rand for a quarter of a century and until Cecil Rhodes shall be dead, have been dissipated. Oom Paul takes his place, not in a niche in the Transvaal, but alongside of Leonidas and Winkelried, of Wallace and William of Orange, among the heroes of all time and the whole world, to incite the brave to effort for the ages yet to come. When the English nation, old and toothless, like the giant in the *Pilgrim's Progress*, sits by the wayside snarling over the memories of its victories won from the weak in Ireland and India, at Wyoming and St. Helena, with every traveler ready to knock it on the head for its past wicked-

ness, mothers will tell their children, poets will sing the story, and historians will write in their pages, how the burghers fought and died upon the kopjes of South Africa to save their homes.

On the 19th of May, 1900, I was elected president of the Historical Society of Pennsylvania. This venerable institution is the strongest in the United States devoted to its line of investigation and possesses volumes and manuscripts worth two or three millions of dollars. The papers which tell the story of Pennsylvania are within its walls. I had a long line of distinguished predecessors—William Rawle, Peter S. Du Ponceau, Thomas Sergeant, Joseph R. Ingersoll, John William Wallace, Brinton Coxe and Charles J. Stillé.

In 1901 Judge Charles B. McMichael sat with me in the License Court. He was a cultivated person who read Latin books for entertainment and, like all the McMichaels, was handsome. We granted very few more licenses than we found already in existence. One outcome of the session was the printing, only thirty copies however, of a little volume of reports of the cases as they came along, which I wrote while in the court.

REPORTS OF CASES IN THE PHILADELPHIA LICENSE COURT OF 1901

In curia currente calamo scribentur

Dramatis Personæ

JUDGES PENNYPACKER AND McMICHAEL.

Weber, an old German who, after leaving the saloon of Celia B. Gilbert, at 11 P. M., fell and fractured his skull, from the effects of which he died.

Noyes, *Carter* and *Brownley*, detectives of the law and Order Society, who ferret out speak easies and bawdy houses, and applicants for license—German, Italian, Irish and the like—innumerable.

"License they mean when they cry liberty"—*Milton.*

"There is nothing which has yet been contrived by man by which so much happiness is produced as by a good tavern." —*Dr. Johnson.*

Ik moet, zeid' dat oudt Manneken,
Noch drinken ens een Kanneken,
Ik moet, zeid' dat oudt Manneken,
Noch eensjes vrölijh zijn

Drink Liedt of 1655.

1 *Application of Celia B. Gilbert, No. 1988.*
Ach Weber! Ach Weber!
Was nun ist geschehen?
Die Fusse, sie wandeln
Sie Konnen nicht stehen,
Durch die Jagen und Wochen
Der Kopf ist gebrochen.

2 *Celia B. Gilbert, No. 1988*
Mon cher ami
J'entend un cri
Der Weber ist gefallen
Les hommes courirent,
Les femmes soupirent,
Und laut die schreie schallen.

3 *Vincent Tontorello, No. 22*
If French you be,
Il fait un bruit
But when in accents loud and clear
He tells of Tontorello's beer
The story cloys
'Tis only Noyes.

4 *Nicholas Pessalano, No. 32*
And now there comes an end to Pessalano's joys,
When a Law and Order Agent gets his bottles and an Noyes.

5 *Peter Finlan, No. 248*
What curious thing is this we hear,
When Carter swears that Finlan's beer
Is ladled out (by a man) with one ear.

6 *Philip Engelke, No. 265*
Though small and scarce the angels be
McMichael finds an Engel-ke
Though fortune tap but once in a cycle
She scatters her favors before McMichael.

7 *Generoso D'Allesandro*
Oh! ho!
Generoso
D'Allesandro,
Must it ever go so?
Speak it easy all the land thro'
Speak it easy when you tell her
Of the bottles in the cellar.

8 *August M. Finkbeiner, No. 319*
Oh Finkbeiner!
Oh Finkbeiner!
What is finer,
Or diviner
Than Milwaukee beer?
But when seen
On table green,
With slot machine,
Froth and flavor disappear.

9 *George Dokenwadel, No. 379*
Dokenwadel
Was für ein twaddle
About a "boddle"?
When you sell it
Why not tell it?

10 *Arnholt & Schaefer Brewing Co., No. 400*
Policy men and toughs
Gamblers, bawds and roughs,
Abide in Sansom Street
And in speak easies meet,
But when Carter, Noyes and Brownley greet
Throw down their money and offer treat,
'Tis necessary to be discreet.

11 *Frederick W. Wolf, No. 426* (A bottler who sold beer to the Kensington Athletic Club, No. 3643 Market Street).
On the Kensington sward
In the Twenty-fourth ward
Are trained athle—tes.
They stride from afar
Cling close to the bar
And swift run into diabetes.

12 *The cultured but weary McMichael cantat.*

Hold! enough!
Ich hab genug;
Assez
J'en ai!
I hope and pray
You will away
Mucho no sano
Poco es bueno;
Nunc satis est,
Give us a rest
Life is short.
(*To the crier*)
Adjourn the Court!

(*Exeunt omnes.*)

During this year there appeared in the Atlantic Monthly a paper upon *The Ills of Pennsylvania.* It was published anonymously and was sufficiently dull and stupid, but it gratified the instincts of the people of a state more in debt and, therefore, more mismanaged than any other in the country. The paper in its contents set forth that it was written by a Pennsylvanian, which, of course, gave its confessions of iniquity an added zest. I have since learned, however, that it was really written by Mark Sullivan, the son of an immigrant from Ireland, who, after living a short time in Chester County, went away to seek his fortune and became the editor of *Collier's Weekly.* Indignant that the *Atlantic Monthly* should do anything so indecent, I wrote a historical parallel upon *Pennsylvania and Massachusetts,* pointing out the great comparative importance of the former in American affairs. It was published in many shapes and I really believe had an influence in giving me a representative position among the people of the state.

CHAPTER X

GOVERNOR, 1903

AT the opening of the year 1902 my life appeared to be fixed in certain well-defined grooves and my future to be assured along lines of advancement entirely satisfactory and agreeable.

I was president judge of what was regarded as the strongest court in the city, my services were acceptable to the bar and the community, I had recently been elected for a further term of ten years, and it was generally believed by both lawyers and politicians that upon the occurrence of the next vacancy, I would be sent to the Supreme Court.

From the estates of my Uncle Joseph and my mother I had received about fifty thousand dollars, and I had also a share of my uncle's inheritance, from which, some years before his death, he had distributed, in accordance with his view that while he was free to bestow his own accumulations as he saw fit, inherited money was in the nature of a trust fund to be divided without favor among members of the family.

Having always lived within my income, I was entirely out of debt. I had a house in town and had recently bought the historic home of the family, which had been in its possession for one hundred and fifty years, and there I intended to spend my summers. I owned a library of over ten thousand volumes of *Americana* especially relating to Pennsylvania, which in some respects was unequaled in the world.

I was president of the Historical Society of Pennsylvania and a trustee of the University of Pennsylvania, and these were to be the diversions and activities outside of my pro-

fessional work. In a twinkling, within a period covering a few weeks of time, all of these conditions, plans and purposes were cast into the rubbish heap and I was out upon the broader sea of public affairs. As an illustration of how far was I from thinking of such a career, it may be told that just at this most inappropriate time I resigned my membership in The Union League, which I had held for fifteen years, upon the theory that it meant nothing in the pursuits of my life and was an unnecessary expense.

A long time ago, in the Far East, in the land where the Bulbul sings and the roses bloom and scatter fragrance, the soothsayers gave warning that upon a certain morning the man who was the first to see the sun rise in its glory was destined to be king. Upon that day all of the people gathered upon the plain and each man with neck stretched and eyes fixed upon the far East, intent and eager, watched to catch the first glimpse of the coming dawn. But there was one among them who, too proud and indifferent to enter into the contest, turned his back upon the sun and fastened his eyes upon the mountain tops of the far West where stood the hut in which he was born, and behold! when the sun rose its earliest rays glinted along these peaks and he was the man of destiny who first caught the light. It is a true story. Men never secure the great rewards of life through eagerness. Fortune, like a woman, despises those who crouch at her feet. Clay, Webster and Blaine hunted the presidency with great ability and unwearied zeal, only to fail. The only man who ever set about to get it, sacrificing old friendships and present duties in his thirst, who met with success, was Woodrow Wilson, and the fact that he reached it was due to entirely different causes. Chief Justice Edwin M. Paxson besought the politicians to let him have the Governorship of Pennsylvania as a climax to his career, and found their hearts hardened against him. Jonah V. Thompson, reputed to be worth thirty millions of dollars, hoped that the weight of wealth would secure it. John P. Elkin

Pennypacker's Mills

Home of Governor Pennypacker, General Washington's Headquarters, September 26–29, October 4–8, 1777.

sought it as the reward for long and efficient political service. In each case the effort was a dreary waste. It came to me without the lifting of a finger, the expenditure of a dime or the utterance of a sigh.

It would be the expression of a superficial thought to say that this outcome was the result of accident. In the play of forces and the working of the laws of nature there is no such thing as accident. Men are like the trees. Many of them perish early, but if they once get rooted in the ground, then they grow. Men gather strength and facility by that which they do, and if a man can do anything well he is presently in demand. To every man certain opportunities come in the course of his life. Fortune occasionally knocks at his door. The difference in men is that some see and listen, and to others, failing to heed, she comes no more. I was a judge, but something more than a judge. I bore a part in the affairs of the city and the state beyond the performance of my mere professional duties. Through the years I had been slowly collecting the out-of-the-way books relating to the state and these gave me information which other men did not possess, utilized in papers and addresses until I had come to be a representative and even a champion of its cause in literature and history. For instance, July 16, 1902, the State of New York dedicated its State Park at Stony Point and invited me to deliver the oration. It was a hot day, there was a great crowd with much noise, a sufficiently long programme, in the course of which Governor Odell made an impromptu address, and as a result my formal paper was not listened to with eagerness, but it was a careful study of the event and of Wayne's relation to it and it has had a permanent effect. And now the time had come when the politicians of the state in an emergency needed a man of a type different from that of the ordinary partisan. The politician, upon the whole, does his work on a somewhat higher plane and with a little more regard for its appearance than does the business or pro-

fessional man. This is not due to the fact that he is of a different mold from his fellows, but is because his work is done in the face of the public, with all eyes fastened upon it and, therefore, his interest requires him to be more careful.

When the successful man in business trains up assistants who under his supervision learn the methods and become familiar with the custom, he always runs the risk of their going off for themselves and carrying the trade with them. In a greater degree the same danger confronts the successful party leader. There are ever around him ambitious men watchful to seize the power which he wields. Quay had long been in control and was growing old. John P. Elkin of Indiana County had been in Harrisburg through several administrations and had been assistant attorney general and then attorney general under Governor William A. Stone—a capable lawyer, an eloquent speaker, an affable gentleman; he had participated in many political campaigns and was known and popular all over the state. He had the state administration behind him and he proposed to be the next governor. His success would have meant the beginning of another régime and the bones of the old leaders would have been scattered along the plains. Quay accepted what was in effect a challenge, told Elkin definitely that he could not be the governor and sought for an available candidate against whom nothing could be said and who could appeal to popular support. Philander C. Knox, of Pittsburgh, and Charles Emory Smith, the editor of the *Press*, who had been Minister to Russia and Postmaster General, were under consideration. General John R. Brooke, who had fought at Gettysburg and later had commanded our forces in Porto Rico, came pretty close to selection. One evening David H. Lane, representing the organization of the Republican party, came up to my house. Lane is a remarkable man. Slight in frame, sandy in complexion, with a face of the Shakespearean type, he is very much of a philosopher and has often been called the brains of the party in Philadelphia,

and is conceded by all to be one of its most astute leaders. As a plenipotentiary he tendered to me the nomination. I told him that my means were limited and that I had no money to spend, that my ambitions ran in an entirely different direction, and that to accept would be at the sacrifice of pretty much all that I myself wanted to do. He went further and pledged to me the first vacancy in the Supreme Court which should occur after my term as governor should be concluded. As a result of this interview, and at his request, I saw Quay a day or two later at the Republican headquarters, in the presence of Senator Penrose and W. R. Andrews. Quay and I sat together on a sofa and he asked:

"What have you concluded to do?"

"If this means that I am expected to put a lot of money into the campaign, I decline. What property I have I must endeavor to keep for my children."

"You will not be called upon to spend one cent."

"Senator, you have time and again indicated a kindly interest in my welfare, what would you advise me to do?"

This was an appeal to his friendship at a time when he was attending to business.

"You will have to determine that question entirely from your own point of view. I can give you no advice."

Nothing could have been more true to correct principles or have indicated a nicer sense of propriety. He would not take the responsibility of leading me into what might have resulted in disaster, by the slightest suggestion. Then I said:

"I accept, and will take the chances."

He, on the instant, turned to Andrews and ordered:

"Now get to work at once. Write to (naming certain persons) and tell them the candidate will be Pennypacker."

A few months later I received from the party treasurer a receipt for $5,000 as my contribution to the expenses of the campaign. Surprised at the form the promise given me, and kept with absolute faith from beginning to end, had

taken, I went to Quay and inquired, showing him the receipt:

"Where did this money come from?"

"Since it has been paid and since you did not pay it, I do not see that the matter need concern you in any way."

I never received the slightest explanation, intimation or even hint as to its source.

The motives which led to acceptance were blended. I knew well that there was the certainty of much discomfort and of financial loss. Even if nominated and elected, the office could be held for but four years and I was giving up for it an assured future. But I had a strong desire to test myself, to see what I could do upon a broad field in a place of real serious importance. I had the knowledge that two of the family had before been talked about for the governorship—Elijah F. and Galusha—and the feeling that to have one of us reach the head of the state would be the gratification of a pride. Above all was the sober and conscientious thought that Pennsylvania in achievement was above every other state and that when she called any man it was his duty, no matter what might be his inclinations or pursuits, to drop them like the wedding guest in the *Ancient Mariner* and obey. And:

> He either fears his fate too much,
> Or his deserts are small,
> Who dares not put it to the touch
> To win or lose it all.

There was a severe contest over the nomination, Elkin showing much strength, pluck and determination, in which I had no part or parcel. One of the men upon whom Elkin relied was Frank M. Fuller of Uniontown in Fayette County, and Elkin sent him the money with which to carry the county. Fuller decided to support Quay and asked the Senator whether he should return the money which had been received.

"No," said Quay. "If you return that money Elkin will use it somewhere else against me. You deposit it in your name in a trust company and get three per cent interest. After the campaign is over Elkin is sure to be dead broke. Then you give him that money. He will be glad and you will help him and me too."

There was a stormy time at the convention in June. Louis A. Watres, a wealthy man living in Scranton, who had been lieutenant governor, was also a candidate with twenty-six delegates. His rôle was that of a dark horse, but he turned his delegates over to Quay on the first ballot. I had two hundred and six votes and Elkin one hundred and fifty-two. The delegates sang their coarse improvised song:

> Sit down, you beggars, sit down,
> Elkin will have his say
> But not to-day;
> Sit down, you beggars, sit down,
> One, two, three, four,
> Who in hell are we for?
> Pennypacker, Pennypacker,
> Pennypacker, Pennypacker.

It was all over and the old political warrior had won what he declared to be at the time, and what proved to be, his last battle. A telegram informing me of the result was handed me while sitting in the trial of a case in the quarter sessions court just as I was about to charge the jury. A newspaper the next morning reported:

> The case was a long and tedious one, involving several complex questions in law and requiring careful attention to uninteresting facts and statistics. In his charge to the jury Judge Pennypacker reviewed the evidence at length. He did not omit an important feature of the evidence and even took occasion to clarify some of the less important testimony. His statement of the law was not only satisfactory to both sides, but his language was as clear and terse as the rhetoric of the text-books.

Just at this juncture appeared General George Weedon's Orderly Book, kept during the Revolutionary War, which I had undertaken to supervise and annotate for the American Philosophical Society and which was published by Dodd, Mead & Co., of New York. It gives the most complete record we have of the campaign of 1777 for the possession of Philadelphia. The publishers expected little demand for a book of interest only to scholarly investigators and they were much surprised to find that their whole edition was sold in a comparatively brief time.

Within a few days after the nomination, at the request of Mr. Charles W. Henry, I delivered an address at the dedication of the statue to Teedyuscung, the Indian chief, erected on the Wissahickon.

Robert E. Pattison became the Democratic candidate for the governorship. He had twice before been elected governor, had the prestige of unusual success in a Republican state, and was ready to tempt fortune for the third time. He was a man inspired by worthy motives, with rather limited views of life, possessed of respectable attainments, who had come within sight of the Democratic nomination for the presidency and who, if he could win in this campaign, might well cherish such prospects.

On the 1st of August I resigned from the bench in order to go upon the stump. This left me without a salary for about eight months, and for the first time in my life I was under the necessity of borrowing money in order to provide for family needs. The beginning of the introduction into the service of the public was likewise the beginning of the sacrifice of personal comfort. Along with Senator Penrose, I spoke August 20th at Fogelsville in Lehigh County, not far from Allentown, and there, in a sense, the campaign was opened. For the next two and a half months my only occupation was that of following out the itinerary prepared by the campaign committee, and making speeches, oftentimes three in the course of the day. Without much

regard for the physical capabilities of those taking part, the itinerary was arranged so as to provide for much of the traveling by night. The changes were so sudden and continual that nothing made a distinct impression. The crowds were pretty much alike, made up of the same kind of faces and shouting the same shouts. One of the serious annoyances was, that on getting off the train at a station, the assembled partisans, loud and enthusiastic, all wanted to shake hands, and while this proceeding was in progress, some one, whom I did not know, would grab my valise and make off with it, and what was to become of it I never could tell. Generally he soon wearied and put it in some corner. Governor Hastings, who gave me a reception at Bellefonte, said to me: "If you do not get a private car and have your doctor with you, you will break down before you get half the way through." He had pursued that policy and, though a powerfully constituted man, his voice failed and he had to quit. While those who were with me occasionally withdrew for repairs, I was able to keep it up to the end, and on the last day made three speeches. My explanation of the fact was that, after speaking in the evening I insisted upon going around to the hotel and up the stairs into my room to bed and positively refused to go into the bar-rooms. Sometimes I was called a crank, but my night's sleep was saved.

I wrote no speeches, made a different speech at each place, often suggested by the surroundings, and depended upon trying to think straight and telling the people exactly what I thought. This was relieved to some extent by the adaptation of a store of anecdotes. One illustration was used often and generally with good effect. It was the season of the year when the katydids were singing in the woods. Pattison had a stereotyped speech which he had committed to memory, telling of the many ills which had befallen the state under Republican rule. I likened the Democrat to the katydid. There never was any Katie—

she never did anything, and yet this absurd insect, year in and year out, kept repeating the same old song. Strong of voice and short of ballast, it retired with the frosts of November, *i. e.*, the elections, but was sure to return with the next campaign.

At Pittsburgh there had been much dissatisfaction with a recent act which deprived the mayor, who had been elected, of his office and changed the form of government—in popular parlance called *The Ripper Bill.* On the train from Erie to Pittsburgh to attend a great meeting there, Senator Penrose said to me:

"I hope you will not say anything about the Ripper Bill."

"Senator," I answered, "that is the very subject about which I propose to talk to them."

And I did, denouncing its policy, and I won what he conceded to be a success. I made not a single promise of any kind, either to an individual or to the public, and told the people wherever I went that I did not know whether I would make a good governor or not, that they would have to run the risk and take the responsibility, but that if elected, I should endeavor always to look solely to the welfare of the state. Quay made to me only one suggestion with regard to the future. Alexander J. Cassatt, president of the Pennsylvania Railroad Company, was very much interested in horse-racing and improving the breed of horses. Practically a race-track could only be maintained if betting upon the horses should be permitted. The Senator asked me from Cassatt whether I would favor the passage of such a law. I replied:

"Senator, I am not sure that gambling is essentially a crime. If you choose to introduce an act which abolishes our laws against gambling, I will carefully consider the question. But, remember, that permits the negro to shoot craps. I think it would be a mistake to allow betting on horses and not on craps."

I heard no more of the subject.

Those who accompanied me during the greater part of the time were William M. Brown, of New Castle, the candidate for lieutenant governor; William I. Schaffer, a leading lawyer of Chester and state reporter, and Colonel Ned Arden Flood, of Meadville. Brown, a short man with intense eyes, had all the look of a pirate, especially after he had examined the bottom of a glass, as he sometimes did, but he had many merits and I grew to be quite fond of him. He could hold his own in a scrap with great quickness and pertinacity. It is told of him that once in early youth with no prospects before him, he went into a gambling house, ventured his stakes and won $5,000. This sum was said to have been the foundation of his fortune and he never went near a gambling house again, which shows his good sense. He now had money and lived in a large and well-appointed house and I am told he has since become very rich. Schaffer and Flood were both orators of much power, but using very different methods.

Among my literary friends, Dr. S. Weir Mitchell favored my election and Henry C. Lea thought that it would only be a prolongation of existing iniquity.

One of the last speeches was at Norristown, October 30th, in which I said:

> I have never sought the office of Governor of Pennsylvania. I do not seek it now; I have asked no man in this state to vote for me. I do not ask you to vote for me. The responsibility of this election rests upon you. Should I be elected next Tuesday, then without any sense of elation, with an appreciation of the great confidence you have resposed in me, I shall accept that high office which I regard as one of the highest upon the face of the earth because it is the highest executive office in the greatest of the American commonwealths, and I shall go forward to the performance of my duties with a sense of responsibility and with a determination to perform those duties to the very utmost of my abilities.

Roosevelt announced from Washington that my defeat would be "a national calamity."

Charles Emory Smith followed suit with the statement that I was "the ablest, truest and bravest candidate for governor that has been nominated in Pennsylvania in a quarter of a century."

The day before election Quay, who had himself been state chairman and conducted the contest, gave out to the public his calculation that I would have a majority in the state of 163,435 votes. The official returns, later tabulated, showed that my majority over Pattison was 142,350 and that I had polled 593,328 votes, the largest number ever given to a candidate for governor in this state down to the present time (1914). There was much jubilation and some serious thought over the result within the state and it may be added, incidentally, that it gratified Oom Paul Kruger, who spoke warmly upon the subject, and many people in Ireland and Holland, in which countries there was considerable comment.

At my house for the next two months I held an almost continuous reception of persons, who wanted to fill the places under the control of the administration, and their friends. Among the very first was Charles Emory Smith, who came to urge that I appoint his friend, Captain John C. Delaney, factory inspector. James M. Shumaker came with a delegation from Johnstown asking to be appointed superintendent of grounds and buildings, and the result of a long and sifting cross-examination was that he pleased me very much, and I never saw any reason later to change the impression he then gave. A young man named H. A. Surface came to see me every few days. He had no political support whatever, but he made up for it in zeal.

There was an office on "the Hill" which had the imposing designation of "Economic Zoologist." It was filled by George Hutchinson, a hale, stout, agreeable fellow from the western part of the state who could hardly tell a cricket from a grasshopper, but who knew right well every voter in his township and how to bring him along. Surface wanted

his place. Surface had edited an entomological magazine and was teaching in one of the colleges, but he had the idea that a great work could be done to help the farmers, fruit growers and bee culturists of the state. Later I appointed him and he certainly made a success of his bureau. Like all enthusiasts, however, he could see nothing else and during my whole term he kept me busy getting him out of the scrapes into which his zeal had led him, and preventing the politicians from eating him up. At one time the *North American* newspaper got a number of other papers to help and set a trap to ruin him, but I succeeded in thwarting it. He is still in his place and has done much to advance a scientific knowledge of insects and to prevent their depredations. Hutchinson, who was of little use as a clerk, floated from one department to another and was finally handed back to Surface. One night when Surface was preparing for the St. Louis Exposition a friend met Hutchinson about eleven o'clock looking very doleful.

"What is the matter?" inquired the friend.

"Do you know what that damned man has had me at?" he replied, "I have been down there skinning skunks."

I listened to Quay about the heads of departments and ever found him sensible, conciliatory and anxious for my comfort and success as well as his own. After talking the matter over with Penrose, Durham and probably others, his suggestions to me were to appoint I. W. Griest of Lancaster, Secretary of the Commonwealth; William B. Rogers of Pittsburgh, Attorney General; Robert McAfee, of Allegheny, Banking Commissioner; and to retain Israel W. Durham as Insurance Commissioner and Thomas J. Stewart as Adjutant General. I told him I had thought carefully over the matter and had concluded to ask Hampton L. Carson to be the attorney general, and I told him frankly the reason, among others, that such an appointment would give color to the whole administration.

"Do you know that he was counsel against me in the United States Senate?"

"Yes, I do. But, after all, he was only counsel. He is a true-hearted man and will be as faithful as steel. You and I can both depend upon him and that means much."

Penrose, Durham and George T. Oliver all came to me to protest, the last named leaving me with the statement that he felt sure I would agree with them and select Rogers. Finally Quay said to me:

"Do you feel that you are able to give assurance for Carson?"

"Entirely."

"Well then, that will make other changes necessary. Fuller ought to be Secretary of the Commonwealth." I assented. Then I said:

"There was a man here the other day from Johnstown named Shumaker who pleased me."

"He will do very well."

And so were the chief appointments determined.

I wrote my inaugural address without consultation with anybody and sent a copy to Quay alone. He replied, saying that it was a statesmanlike document, suggesting no additions and only one omission upon the ground that the subject was rather one of detail than proper for such a paper. I struck this matter from the address.

January 19, 1903, Mrs. Pennypacker and I, with our three daughters, closed the house at 1540 North Fifteenth Street in Philadelphia, took a street car to the station of the Pennsylvania Railroad, where I bought tickets and checked the baggage for Harrisburg and that night we spent in the Executive Mansion. That mansion was to me never anything more than a temporary abiding place. There was not a single feature about it which had the slightest attractiveness for me. All over it were the manifestations of great outlay, awkwardness and bad taste. There was not a print or a book or a piece of furniture which indicated the thought

that it represented the state. Two adjoining plain houses had been thrown together and by that method space had been secured. The ground floor front was taken up with a huge reception room in a brilliant red color looking like the saloon of an ocean steamer and supplied with slight French chairs upon which you sat down only at the peril of going through them. A flight of stairs at each end ran to the fourth story, but there was no means of communication aloft except through the chambers. When, therefore, these were occupied and the traveler wanted to go twenty feet across, the only course was to go down one flight of stairs through the reception room and up the other flight, suggesting a journey of a quarter of a mile. In the second story was another huge room called "the guests' chamber." It had been furnished with an expensive and profuse suit of mahogany, which, with a grand piano, the judgment of some prior lady occupant of the mansion had decreed should be painted white. There were twenty-three mirrors in the room, all at such elevations that in no one of them could a man see to shave himself. The light was at the head of the bed. It was turned off at the other end of the room. On the way stood two or three narrow upright pedestals surmounted with heavy and costly vases. After putting out the light the stranger threaded his way to bed in terror. One of the vases was knocked over while we were there, and I thanked the Lord. The mansion was supplied by the state; there the official entertainments were given, and there it was expected that the governor should live. A statute provided that the board of public grounds and buildings should pay the expenses, but what was to be included in these expenses was nowhere defined. The state employed a butler and other servants and put them in the house to take care of its property and render service, but it was left to the governor to feed them from his own resources. This was an imposition, for the reason that if left to himself he could secure a house and appointments to accord with his

means and salary. There had been seven employees in the house. We cut them down to five. In the course of my term the feeding of these people cost me several thousands of dollars. At one time I asked the opinion of the attorney general upon the matter and he informed me that in his view the state was required to provide this sum. It appeared to me, however, to be a question of some uncertainty and, preferring to feel entirely clear in all financial transactions between the state and myself, I paid the bills and let the subject rest. Each successive governor, with the aid of his wife, had taken a hand in fixing the mansion, and my successor made extensive improvements, but nothing except repair was done to it during my term. In my view it was not worth the expenditure. The space between the Capitol and the Susquehanna River, now occupied by the gentry of the town, ought to be confiscated and thrown into a park and somewhere within the enclosure a home for the governor erected in keeping with the importance of his office.

The next day, January 20th, a cold, raw, bleak day with occasional falls of snow, the chief justice, the Honorable D. Newlin Fell, my old friend, administered to me the oath of office and I stood, with uncovered head, in the presence of an immense crowd and read my inaugural address. There was a great parade of the National Guard and clubs, at the head of which rode Marlin E. Olmsted, a leading lawyer and a member of Congress who just missed being the speaker. He was capable of filling, with credit, any public position. He did not have that quality which is called magnetism, but, what is more important, he possessed in abundance character and intelligence. Coming to Harrisburg as a clerk in one of the departments, he died unfortunately only too early, leaving a beautiful and attractive young wife and a vast estate. After an experience of four years of contact with them, in my opinion the strongest men in public work in the state were Marlin E. Olmsted, David T. Watson of Pittsburgh, Philander C. Knox of Pittsburgh

and William U. Hensel of Lancaster, the last named having among other qualities a pronounced taste for literature.

The State of Pennsylvania was a great commonwealth of over seven millions of people, twice as many as those presided over by Queen Elizabeth, William of Orange and George Washington. I approached the duties of governor with certain well-defined convictions to be regarded and certain lines of policy to be pursued. The governorship was a climax of a career attained, and not a stepping stone to something beyond. The efforts of men are always weakened when they have some other end in view apart from the object they are called upon to accomplish. A trustee or director, who builds with the trust funds upon his own lands is always in danger. Therefore, I determined to make no attempt to build up any party or force to be used for my own purposes and to make no money save what came from my salary. Many governors had had their eyes fixed so intently upon the United States Senate and the presidency that they overlooked their opportunities as governors. I determined to give my personal attention to the work, as far as it was possible, and to have my future and repute rise or fall in accord with what was accomplished or left undone. I entertained the common and erroneous belief that the incumbents of public office were in the main idle and untrustworthy and I determined that I would improve conditions so far as it was within my power to do it. The man who endeavors to convince the populace of his own virtues by proclaiming the wrongs which other people commit is an admitted charlatan. Improvement is accomplished only by taking the steps which are necessary to make conditions better, and these steps generally begin pretty near to home. It would have been very easy for me to have gained temporary repute by raising a clamor over the shortcomings of my predecessor. Such opportunities always exist. What I did was to say to him that I supposed he had some personal friends in station who were near to him

and whom he would like to have retained and that so far as I could I would protect them. He named to me a brother of his wife and a few others holding minor positions. Nobody ever heard me say a word to his discredit. Nobody ever heard me utter a word of abuse of the members of the legislature. There was no occasion for it. As a general thing they were the representative men of their respective locations, ranging from men of high culture—like Roberts, Fox and Sproul—to the ordinary artisan engaged in doing a public work as well as he knew how to do it. Those who, like my old friend Blankenburg, Mayor of Philadelphia, think that they can get a legislative body to adopt measures by calling them thieves make a great mistake and generally accomplish little.

I determined also to consult as much as possible with the politicians. There was no probability of my knowing too much and their experience was of a kind which enabled them to give useful information. Beside, no man is strong enough to go it quite alone, and his ability to do depends largely upon the forces behind him. While, then, my first duty was toward the state, I recognized a subsidiary duty to the party which elected me and an obligation to those who had trusted me and given me support. If I had turned upon Quay, as Wilson turned upon Harvey and Smith in New Jersey, I should have given an exhibition of what I regard as doubtful ethics. Again, unlike Wilson, I did not regard the duties of the executive office and the success of the party as being upon the same plane. To me the latter was subsidiary and subordinate, and, doing what I could to help the party and its leaders, the determination of the questions arising within the state depended upon me, and my obligation was to look to the welfare of the state.

Nor is the test of what ought to be done the outcry of the people. He who has the true spirit of a statesman will seek to ascertain not what the people want but what it is that for their permanent good they should have. Often an

imp of a demagogue leads a herd of swine into the sea and there are they drowned. The real truth of the matter is that the masses of the people are ill trained and uninformed. Their judgment upon any specific subject, and especially upon the involved questions of laws and statescraft, is an imperfect judgment. There are a few men who know how to run a railroad train and the rest of us only travel. There is one man who can perform an operation for appendicitis and we let him cut us to pieces. Since the permanence of the institutions of this country depends ultimately upon the good sense and conscience of the people, the outcome is still problematical and uncertain. It may be conceded that, given sufficient time, the popular judgment is apt to settle upon the correct principles, yet in the meantime Joan of Arc has been burned to death, Poland has been parted in fragments, the Boers have been robbed of their mines, and the Capitol at Washington has been lain in ashes.

Quite recently our system of government was changed by providing for the popular election of United States Senators. It was a long step in a wrong direction. But, what gives warning is the fact that it was done without anybody stopping to consider the significance or consequences of the change. Therefore, my inclination was to regard measures from the point of view of their propriety and utility and to give little heed to the interested or irresponsible comment which might follow

There were two subjects which gave me cause for anxiety. Having never been tested in serious executive work, I felt uncertain as to how I should act in the event of an extended labor strike. Mentally I proceeded no further than to determine to go to the locality and gather the facts for myself. I had also some dread of a collision with Roosevelt should he attempt to come into the state, as he had done before, a movement which it was my intention to prevent. It was one further step in the direction of a development,

that has steadily taken place for many years, of the destruction of the authority of the states and the concentration of all power in Washington. This tendency meant that in the end, after the national government has become top-heavy, some man with the impulses and lack of self-restraint of Roosevelt will stay there continuously. To me the situation seemed to be propitious. It is very doubtful whether the like of it had ever occurred in an American state before. A man had been chosen for governor whose associations with the state took him back to the settlement, whose studies had made him familiar with the growth of its institutions, whose training had been in a profession which ought to have prepared him for carefulness in deliberation and circumspection in action, and whose habits had been such as fairly to insure propriety of conduct. Moreover, he had been elected without seeking the office, without having paid any money to secure it and without having been tied up with promises and obligations which might interfere with the performance of his duties. He came to the office, therefore, with no other purpose than to endeavor to advance the interests of the state. The situation was emphasized by the fact that contemporaneously Massachusetts chose a governor, William L. Douglass, who put his face, as an advertisement for the sale of shoes, in every available place in the country and whose purpose in securing the office appeared to be to use his influence in lowering the duties on hides; and that New York, a few years later, elected as Governor, William Sulzer, an uncleanly outcome of the slums, who had to be removed by impeachment. There are two essentials, however, to a full harvest: good seed and favorable conditions. No poet ever arises until there is sufficient literary development about him to appreciate what he writes. Rembrandt paints no portraits until the time comes when there is a desire for the expression of art. No Vanderbilt constructs a fortune on the island of Juan Fernandez, no statesman ever appears among a people until

they are ready to do their part in giving him recognition. When the stress comes the arms of Joshua have to be supported. Quay had earnestly tried to do a service for Pennsylvania. Little esteem did he win by the effort. The difference between his reputation and that of Clay over the country and abroad consists in the fact that Kentucky stood firmly behind Clay with all of his faults and that Pennsylvania, so far as expression went, failed so to stand behind Quay with all of his merits.

Having thought carefully over the policy which ought to be pursued in order to secure the public benefit, in my inaugural address I announced definitely these propositions:

1. There is too much legislation. More consideration ought to be given to acts of assembly and the bulk of legislation ought to be lessened.

2. The modern tendency to create new crimes by act of assembly ought to be curbed.

3. The state ought to be apportioned into senatorial and representative districts, as required by the constitution.

4. The ballot ought to be made more simple, and the right of a man to vote a straight party ticket, if he desired, ought to be maintained.

5. The power of corporations to take private property upon the theory of public need by the exercise of the right of eminent domain ought to be permitted, after the ascertainment by the state itself of the existence of such need. The right of eminent domain should be carefully restricted.

6. The state is interested, within reasonable bounds, in bringing about a condition of things in which, in the distribution of the rewards resulting from business ventures, capital shall have less of profit and labor more of compensation.

7. No man should be permitted to interfere, upon any pretense whatever, with another who may choose to sell his labor, and violence should be promptly and rigidly suppressed.

8. To permit foreign corporations to exploit our coal, iron, oil and other products and the state get no benefit, is a mistake. A tax should be imposed upon these products, the proceeds to be applied to the betterment of the roads.

9. In order to increase a sentiment of patriotism, the Camp Grounds of Valley Forge and Bushy Run should be preserved by the state.

10. The University of Pennsylvania should be cared for by the state as provided for in the Constitution of 1776.

11. Newspapers ought to be held responsible for the want of reasonable care in what they publish, and to be required to publish the names of their owners with each issue.

12. The state should aid Pittsburgh to unite, in one municipality, the populations at the head waters of the Ohio.

13. The state should aid Philadelphia in opening a way to the sea.

As will be seen hereafter, each one of these propositions was given effect before my term was finished, except that of taxing coal, oil and iron as it is produced, and since I left the office my suggestion has been followed and such a tax imposed upon coal. But to accomplish such a programme required effort; at every step there was obstruction, and my four years were filled with storms from start to finish. Human nature is so constituted that the individual who does anything beyond the ordinary, in any line of endeavor, is sure to encounter the opposition of the interests adversely affected, of the doctrinaires who want things done in some other way, and of the conservatives who want nothing done at all; and it generally happens that those who may be benefited go off to enjoy what they have secured and leave the battle to be waged without their assistance.

I offered the position of private secretary to Colonel J. Granville Leach, a friend of long standing, who had been in the legislature and whom I had been helping all of the time I was on the Bench, but he declined, no doubt waiting

for something of larger consequence. I then chose Henry S. Dotterer, of a German family along the Perkiomen, who had been chief bookkeeper for Peter Wright & Sons, an author of some note, and who had a certain canny wisdom of his own. He was a hale, hearty, strong man, but only a few days before we had arranged to go to Harrisburg he caught cold which inflamed the prostate gland. He wanted to get well immediately, and went to the Medico-Chirurgical College. The physicians looked him over, told him he ran no risk, and performed an operation. In a day or two he was dead. Then they said he had had Bright's disease.

With some uneasiness, at the suggestion of Leach, I then selected Bromley Wharton, a brother of Anne Hollingsworth Wharton, the authoress, whom I had long known, a member of an old family, and he did very well indeed, being ever quick, active and attentive, having quite a faculty for being obeisant to the important and for dismissing the bores affably.

A day or two after the inauguration an ostensible lady drove up in a carriage to the mansion and sent up her card to Mrs. Pennypacker, who was an entire stranger in the city and did not know its people. In the reception room the woman began to talk, presently mentioned public affairs and began to ask questions. This awakened suspicion and she was dismissed. A few days later a full-page portrait of Mrs. Pennypacker, secured by making a sketch in pencil while she was on a railroad train, appeared in the *North American*, accompanied by what purported to be portraits of my daughters, which had been probably taken from the stock of actresses on the shelves, and a long rigmarole was printed under the lie in huge head lines: "The First Lady of Pennsylvania writes for the Sunday North American on Live Current Problems." What could be more despicable? The woman ought to have been trounced and Van Valkenberg, the editor of the sheet, ought to have been given severer punishment.

The State Library had long been neglected. With the exception of Ehrenfeld and Egle, the librarians had either been politicians, pure and simple, or incompetents, who neglected their work. The archives, consisting of papers tied up in loose bundles, had long been the stamping ground of literary thieves. I put at the head of the library Thomas Lynch Montgomery, a trained librarian, who had been in charge of the Wagner Institute in Philadelphia, a member of a family of high social standing and a man of great efficiency. I likewise had arrangements made to have the archives that remained and all of the papers of the departments, prior to a certain early date, repaired, chronologically arranged, bound into volumes and put in the library. Carson, Wharton and Montgomery, who came with myself, and Dr. Samuel G. Dixon, president of the Academy of Natural Sciences, and John C. Groome, captain of the First City Troop, whom I drew along later, were referred to as the influx of gentlemen into the political life of the state.

Believing that improvement, like all of the virtues, begins at the home and would be best advanced by setting a proper example, I began the work of reformation with the governor. All the passes from the railroads and all the free privileges from express companies and other corporations, which were poured in upon me, were returned, with expressions of appreciation, and, when traveling, I paid my fare. The expenses of the mansion, paid by the state, were cut down from about fourteen thousand dollars a year to about two thousand dollars. I kept no horses and rode in a cab. I declined to toss the first ball at the opening of the baseball season, and the like, not that there was any harm in so doing, but it seemed to me that the office ought not to be used for advertising purposes, and that it was well to let people see that the incumbent had regard for its dignity. I made it a point to be at the Executive Department at 9 A. M. and to remain there until 6 P. M., and to see that no papers were issued under the authority of the governor

without my personal knowledge of their contents. While Woodrow Wilson, as governor, was stumping through the West denouncing the methods of the Standard Oil Company, chartered in New Jersey, no doubt other charters granting like powers were being issued at Trenton. The world would be ever so much better if we could only succeed in prevailing upon each man to attend to his own duties and look after his own conduct. And now, after having, along with some moralizing, indicated the groundwork upon which the structure was to be built, let the narrative proceed.

Strange to relate, my first struggle against opposing forces was with my old friends, the corporation lawyers. All of the trouble in this country over the corporations—and much of it has been the hullabaloo of persons eager to catch the ear of the populace in order to help their own fortunes—has arisen because those who had charge of the granting of their powers were careless and indifferent. This is the point at which the correcting agency ought to be applied. Complaint afterward is feeble and apt to be futile. It had become the habit at Harrisburg, as elsewhere, for charters to be issued as a matter of course, and they were supervised in the outer office. It is even said that a clerk was trained to imitate the signature and add the approval of the governor. Every charter which went out during my four years had my actual approval and bears my autograph. It had been the custom for the lawyer, in drafting the grant of power, to use the general words of the statute. I required that the objects be defined and saw to it that the constitutional provision that no two different purposes should be included, was carried into effect. On one occasion an application was made for the right to make and sell explosives in perpetuity. The danger of such a grant can readily be seen. It was refused until the time was limited to twenty-five years. The statute required that ten per cent of the capital stock should be paid into the treasury of the corporation. It had come to be the practice to take out charters

with only nominal capital, with the expectation that as need arose the capital could be increased. In other words, it was speculation in chartered rights. The Donora Light, Heat and Power Company, with a capital stock of only one thousand dollars, a hundred dollars in the treasury, entirely insufficient for the work proposed to be done, desired a charter and I refused approval, holding that there must be a capital stock of at least five thousand dollars. This was an arbitrary sum of my own fixing, but it meant that there must be five hundred dollars in the treasury, enough to ensure good faith. There ensued a great hubbub and outcry among the lawyers. The governor had no such power. It was his duty to approve. A public hearing was asked in order that a re-consideration might be secured, and was granted. Lawyers from over the state, including Robert Snodgrass of Harrisburg and Richard C. Cochrane of York, gathered before me and argued at length the questions of the power of the governor and his relation to the granting of charters. I wrote an opinion holding that the approval by the governor was not intended to be merely that he should see that the paper was in proper form, but meant his assent to the granting of the power contained in it. There was much professional and newspaper talk about the necessity of my receding and about compelling me to approve by mandamus. Had such a writ come, I should not have given it the slightest attention, holding that within his sphere the governor is entirely beyond the control of the courts. However, the profession finally accepted the decision gracefully. My successors followed the precedent which had been established, and since that time no corporation has been chartered in Pennsylvania unless it had a capital of five thousand dollars, with five hundred dollars in the treasury. The reform was real and important.

The next jolt was with the Republican organization of Dauphin County, supported by both of the United States Senators. A vacancy occurred in the court of common

pleas of that county and the forces there agreed upon S. J. McCarroll. I was especially anxious not to make mistakes in the appointment of judges and felt that professional fitness was the most important qualification. I listened to everybody who wanted to talk to me upon the subject. Lyman D. Gilbert and Charles H. Bergner, leaders of the local Bar, were in accord in the opinion that the fittest appointment would be that of Michael W. Jacobs. Justice J. Hay Brown of the Supreme Court came to me to urge that appointment, and he was very decided in his opinion. In deference to these professional judgments I appointed Jacobs. The blow was mitigated, however, by the appointment at the same time of John J. Henderson, who had been supported by both senators and had the reputation of having done good legal work in his county court, to the Superior Court. Against Jacobs the party nominated and elected George Kunkel and, therefore, in my first bout with the politicians I finally came out second best.

An act was passed giving to Governor Stone and some of the heads of departments the desks they had used while in office. It pursued a custom which had long prevailed. I approved the act, with the suggestion that the furniture to be put in their places be selected with a view to its remaining as the property of the state.

With the growth of the work of the state there is a steadily increasing need for additional employees to attend to it. Each head of a department is loath to ask for such increase, for the reason that he is at once assailed in the newspapers for causing further outlay. I found a long list of such persons whose salaries were paid from the contingent funds, a timid way of meeting a difficulty, and I put an end to the practice by sending to the legislature a message naming these employees and recommending that they be regularly employed. This treatment of the matter led to no criticism, although it openly increased the force.

As the legislative session progressed, and the bills as

they had been passed began to come to me, they were all analyzed and those which were faulty either in thought or construction were vetoed. Since this method of treatment had no reference to the sponsors of the bill or the interests which favored the enactment, it not infrequently happened that bills which were rejected had been favored by the Republican party and its leaders. Such happenings had just that flavor of excitement which pleased the newspapers, and by the close of the session I had received very general encomiums. It was my endeavor always in expressing disapproval of a measure to do it good-naturedly. Often a state senator who heard that some pet measure, which he thought safe, had gone overboard, would come to the office in wrath and after reading the veto message, laugh and say that "the old man was right after all." A Quaker wrote to me March 21st:

DEAR GOVERNOR:
Right now I want to tell thee that on account of thy connection with the Quay forces I opposed thy election, but now I extend my hearty support. The stand thou hast taken against vicious and mercenary legislation is to be commended and encouraged.

To which I replied:

DEAR FRIEND:
I very much appreciate your letter and still more appreciate the spirit which induced you to write it. My only purpose is to do as well as I know how. I feel quite sure if you were to observe closely the course of Senator Quay and could become better acquainted with him you would find much in him also to commend.

There was nothing, however, spectacular about this kind of service and nothing likely to attract wide or prolonged attention. It was only doing the work of the state as it ought to be done. The volume of laws was reduced in size from the twelve hundred pages of that of my predecessor to seven hundred pages. My two volumes stand among the printed acts of assembly like oases, since, with the advent

of my successor, the volume immediately ran up to the old dimensions.

In the State of Missouri a law was passed relating to baking powders. It led to great scandal and was followed by many prosecutions, so that Governor Joseph W. Folk, who urged them, was praised all over the country for his vigilance, became a national character, and almost reached the presidency. A like act of assembly was passed in Pennsylvania and I threw it into the waste basket, saying:

> This bill makes it a misdemeanor, subject to a fine of $100, for any person to manufacture or sell baking powder which contains alum in any form or shape, unless there be printed on a label on the outside of the package, in black ink in legible type, not smaller than small pica, the full name and address of the manufacturer and the words, "This Baking Powder contains alum." It is evident that the passage of this bill was secured by the manufacturer or vendor of some rival baking powder with intent to obtain an unfair advantage. It is evident from the fact that the conspicuous printing of these words would be likely to deter purchasers. It would be entirely proper to require that all baking powders should have upon the outside of the package a label describing the ingredients and their quantities, but it would be manifestly unjust to require one ingredient to be displayed without any reference to quantity.

There was no commotion, no scandal, and the event entirely escaped attention. The incident well illustrates two different methods of meeting the same problem and the temptations that beset men in public life to do the sensational in preference to the useful.

A message which was very widely circulated was one vetoing a bill for the protection of bears and cubs. The message ran:

> A well-considered bill to prevent a ruthless and wanton destruction of bears and cubs would, no doubt, answer a public need, but the present bill is entirely too sweeping and too stringent in its provisions. "It is directed that it shall not be lawful for any person or persons after the passage of this act to catch, take or

kill in this state, or, except as hereinafter provided, have in his or her possession, or under his or her control after the same shall have been so caught, taken or killed, any bear or cub save during the month of November." The bear is an animal not always of a gentle disposition and especially if it be a female bear with cubs. If a wanderer in the woods is attacked by such a bear in some other month than November, what is he or she to do?

For the 20th of March I had an engagement to go with Dr. John H. Fager, a gentleman of Harrisburg interested in the study of natural history, on an exploring tour through Wetzel Swamp. The newspapers announced that Senator Penrose and State Senator James P. McNichol were coming that afternoon to consult with me about some affairs of state, but there was no engagement with me and no message sent to me. I went with Fager to the swamp. The gentlemen came, did not find me; McNichol returned to Philadelphia and Penrose and I had a consultation when I returned in the evening. There was much talk about the incident, many editorials written and glaring headlines printed stating that "Penrose Waits and Frets while Governor in Boots Hunts for Bugs in the Bogs."

The constitution provides that the incoming governor shall take his seat during a session of the legislature. It is the provision of dilettanti, who constructed an impracticable and in some ways an unworkable constitution. There is no reason why he could not have begun in the years between sessions and so have had time to prepare for his work. Governor Stone, just at the close of his term, sent in to the senate the names of many officials appointed by him. I had no time to interfere and they were confirmed. I issued commissions to all of them, but later took the bull by the horns and removed some of them where I had other views. This, of course, led to some trouble.

It is one of the unwritten laws, never infringed upon, that the governor shall not appear before the legislature, and it is founded upon the correct theory that the legislative

bodies shall be kept free from undue influence. On the 24th of March I was officially invited to be present at a session of the legislature. No other governor ever received such an invitation. The members of the legislature received me very graciously and I made an address in the course of which it was said:

> It would be a breach of courtesy, and it would ill become me to make reference to any legislation before you or which may come before you. The constitution provides a method by which the governor may make his recommendations. It is wise that that method should be pursued. I may, however, say a word about our mutual relations. We are both, in-so-far as we may, edeavoring together to work out results for the good of the people and the commonwealth. I may say that if the governor should use his power for the purpose of enforcing legislation it would be an interference with our principles of government. On the other hand, if the legislature in its legislation attempts to carry it out by other methods than those of the executive, to that extent it interferes with those principles.

Here is broached a theory of government very different from and much more nearly correct and safe than that acted upon by Roosevelt and Wilson in our national affairs. In the days of Thaddeus Stevens the Congress endeavored to impose upon the President. In more recent days the President is making rapid strides in the way of encroaching upon Congress. Both ventures are based upon impulse rather than upon reason, and they are equally dangerous to our institutions.

In my opinion pretty much all of the value of civil service reform consisted in the principle of permanence of tenure and, therefore, in no instance was there a removal from the routine offices because of factional or political differences. There was much pressure for the removal of Frederic W. Fleitz, assistant attorney general and Colonel Lewis E. Beitler, the deputy secretary of the commonwealth and others, because of political disobedience, but they were all retained. The heads of departments were called together

at stated times to consult with each other and me about the good of the service. There had been much talk about the profits of the printing office. The reports of the departments had grown to be bulky volumes, and as a general thing they were little read, and for the most part in a short time thrown away as rubbish.

The profit came from spreading out tables and leaving pages and half pages with nothing on them, called by the printers "fat." This "fat" was eliminated. For instance, the report of the factory inspector was cut down from a volume of six hundred pages to a pamphlet of forty pages. And during my term the acts of assembly were bound in sheepskin as the contract required, instead of in "skiver." In fact, the profits were so taken out of the printing that it became difficult to find a printer willing to undertake the state printing, and there has been no scandal in connection with the work since. Much of this success was due to the fact that A. Nevin Pomeroy, put at the head of the department, was a capable man, himself the publisher of a newspaper, and skilled in the ways of the trade.

Cassatt's bill to legitimatize betting upon horse-racing was introduced in one of the houses but recalled, as I understand, because of the fear that it would meet with a veto.

An incident occurred which caused some amusement. It was known that I favored state aid to the University of Pennsylvania, but the pet among the legislators was the Medico-Chirurgical College, and a bill making a large appropriation to the latter institution came to me, passed by both houses. I sent a message to the legislature explaining that the approval of such bills depended upon a general examination of the finances, that, therefore, it was necessary to have all the bills relating to such institutions before me at the same time and asking that the others be sent at once. They complied. A correspondent wrote to the Philadelphia *Record:*

No use trying to fool that man on appropriations or money matters, on anything in fact outside of political scheming or other politics on which he defers to Quay's judgment. With these exceptions he is too canny for the boys here. In the present case the ferret started after the rat but the rat has annihilated the ferret.

For the first time in recent periods the University of Pennsylvania received a direct appropriation apart from that given to the hospital. I revived the custom of having its trustees meet once a year in the office of the governor and of having it report its finances annually to the legislature, and I had its report as a state institution incorporated in Smull's Handbook.

A bill was passed increasing the salaries of the judges of the state. A like bill had been vetoed by Governor Beaver upon the ground that attempting to add to their compensation during their existing terms, it was unconstitutional. My view was that it could not possibly be unconstitutional, for the reason that it could be sustained by holding it not to apply to the existing terms of the judges then in office. I, therefore, signed the bill, thus aiding my old associates of the judiciary, including Beaver himself, who was then a judge of the Superior Court. It never came to my knowledge, however, that any of them refused the salary during the then existing terms. While giving them larger compensation to encourage more steady application, there was no increase of the number of the judiciary while I was governor. Bills were passed to add to the courts in Philadelphia, Allegheny, Erie, Cambria, Delaware and other counties, and all of them failed. This course interfered with many movements and caused many disappointments, but my judgment was the judges were already too numerous and that, besides, litigation was not a thing to be encouraged.

The movement for the improvement of the roads of the commonwealth interested me exceedingly. A bill for the purpose was fostered in the senate by Sproul of Delaware

and Roberts of Montgomery, but another was introduced in the house and the two houses failed to agree. The end of the session was approaching and I was informed the movement had failed. Then I sent a message saying:

Throughout the whole of the session, I have refrained, as you have no doubt observed, from all attempts to affect legislation by personal influence,pressure or solicitation exerted upon the members of your honorable bodies. The constitution provides, however, a method for the presentation of the views of the governor upon that subject which is as follows:

"He shall recommend . . . to their consideration such measures as he may judge expedient."

I feel that the time has come when my duty requires me to indicate my view upon a measure now pending before you. In my opinion the most important subject you have had to consider during this session is that of providing a system for improving the roads of the commonwealth. The measures affecting the government of cities and extending the privileges of railroads and other corporations, grave as they may seem to be, are of much less consequence and can much better be deferred. To reach a conclusion with regard to roads I believe to be essential. I have read with great care the bill which recently passed the senate and failed to meet the approval of the house and, while not perfect, it seems to be a bill which, if it became a law, would go far toward the accomplishment of the purposes intended and be of great benefit to the people. I, therefore, earnestly recommend its passage with assurances that whatever the governor can do to have it executed so as to be fair toward all parts of the state will be done.

Then I summoned the entire committees of both houses before me, listened to a full discussion of their troubles and dismissed them with the statement that I expected them to come to an agreement. The bill was passed and this important step in the way of progress taken.

As had been recommended in the inaugural message, an act had been passed and approved uniting the cities of Allegheny and Pittsburgh.

And now the session of the legislature ended and that

ordeal had been passed with general approval and with much of importance accomplished. The newspapers began to make suggestions that I would be the next Republican candidate for the Presidency of the United States. This situation, however, lasted for a very short time. The effort to better the conditions of life, so long as it only interfered with the plans of corporations and politicians, was much to be commended, but when the same care and thought were directed toward the improvement of journalism it was dreadful to contemplate. A bill had been passed called the "Salus-Grady Bill," which made newspapers responsible for the want of reasonable care, and required them to publish on the editorial page, with each issue, the names of those responsible for the management. In other words, it made them subject to the legal principles which govern the other business relations of men. It was a slight step in the right direction, that was all. It had been recommended in my inaugural address and had been carefully drawn, Carson and myself taking pains to see that it could result in no injury to legitimate newspaper enterprise. It was not the suggestion of Quay, Penrose or any other politician, but was the outcome of my experience upon the bench, where I had known many an unfortunate to be convicted, and many a criminal to be acquitted, because of impressions made upon the minds of jurors by the reckless and inaccurate publication of the facts, and because of the irresponsible interference of the press in all sensational trials, to the disadvantage of the administration of justice. In fact, the doctrine of the liberty of the press is an anachronism which has become harmful and the time has come when it ought to be discarded from our constitutions and laws. Like monarchy and priestcraft, it once answered a good purpose. When kings secretly imprisoned and beheaded men who thwarted their purposes it was an agency for the welfare of the people. Those times have gone. The newspaper is now a venture to make a profit and everywhere it shows the results of the

temptation to sell those wares that find a market—filth, scandal and crime. The secrecy which was once a weapon for kings is now its weapon, since it prints attacks and destroys, and whose was the brain that conceived or the hand that struck, no man knows. The privileges once helpful now serve the purposes of gain. The proprietors and editors of newspapers are no worse than the rest of us, but they require the same kind of watching and ought to have no greater facilities.

The bill before me was to be treated like all other bills and to be determined according to its merits. Of course, I was well aware of the capacity of the press to do personal mischief. When I vetoed the bill authorizing the Pennsylvania Railroad Company and other railroad companies to take homesteads in the exercise of the right of eminent domain, no doubt they were pained, but they were noiseless. I did not need to be told that the stopping of the sale of scandal would not be noiseless, but I was anxious that Pennsylvania should make the first real effort to correct what thoughtful men regard as the most far-reaching of the evils of modern life. Before any disposition of the bill should be made, the newspaper men asked for a public hearing. It was to be made a great occasion to which the attention of the country should be attracted. They prepared for it by proclaiming that the bill, which no one of them printed so that what it contained could be seen, had been devised by the "gang" in order to be a "gag" upon the press which was only eager to expose iniquity for the good of the public. My reputation was at stake and now it was to be finally determined whether I should take my place as the creature of a corrupt gang or become the glorious champion of the rights of the people. On such an issue who could be in doubt. The *Press* had a cartoon representing a beautiful and chaste maiden (the newspaper press), proudly erect, pleading for justice before me, a judge in robes, while a brutal and hideous fellow with a cigar in his mouth and

wearing the prison stripes (the legislature of the state) was whispering in my ear and tendering me a chain to fasten around her beautiful limbs. I granted the request for a hearing and fixed it for the 21st of April in the hall of the House of Representatives. At that time George Nox McCain wrote: "I faced the most imposing array of journalistic talent and ability that any Governor of Pennsylvania ever greeted." The bill was supported by Richard C. Dale and Alexander Simpson, Jr., able lawyers, and Charles Emory Smith had been selected to represent the newspapers. Smith was a man of commonplace ability, with a round, good-looking face, dark eyes and a pleasing voice which could make the most ordinary and conventional utterances sound as though they had some meaning. To evolve an idea was beyond him and he never undertook the task. He had gone in youth from Connecticut to New York, and later had come from New York to Philadelphia and, like many others whom I shall not undertake to mention, he was forever seeking to make Pennsylvania take on the aspects of the place of his birth, which he had abandoned because it afforded him no opportunities. If Smith had been at all a wise man he would have said that the bill had no terrors for newspapers like the *Press*, he would have welcomed an effort at improvement beneficial to real journals and would have left the odium to be borne by such sheets as the *North American*, whose standing was such that if ever any decent person was caught reading it he excused himself by saying that he had picked it up on the cars. But there was an appeal to his vanity. He was made to believe that he would stand forth hereafter as the defender of the liberty of the press alongside of those heroes in the past who had confronted real dangers. Since the danger had disappeared, all of this was *opera bouffe*, but Smith was a serious-minded man, with little sense of humor, and he failed to catch this aspect of the situation. He committed his speeches to memory. I have heard him many times, and his orations

and stump speeches often wound up with the description of the pathos with which a born American in far-away oppressed China beheld the Stars and Stripes, the Flag of the Free. He had not gone very far in his address on this occasion before he referred to the insolence of the legislature. I stopped him at once and said:

"They may be mistaken, but cannot be insolent, because they are vested with authority. Therefore, nothing that they do can be insolence. Beside, they are, like myself, a branch of the government and it would not become me to listen to any offensive terms applied to them. We must all treat them with respect. I think, therefore, Mr. Smith, you had better confine your remarks to arguments upon the merits or demerits of the bill."

I had done the same kind of thing many a time in court, but doubtless it was an unusual experience for Smith. In all probability he had committed to memory an oration in which there was much denunciation intended for wide distribution. My interruption had disturbed his mental processes. He was unfitted for extemporaneous discussion, was very much overweighted by his opponents and, even in the opinion of his newspaper friends who were present, he made a failure. Smith had given those friends to understand, as I was told, that his influence with me was such as to prevent the bill from becoming a law. His oration was printed, not as it was delivered, but as it was intended to have been delivered. A cunning man, looking to what he thought to be his own interest, would have gratified him, and, vetoing the bill would have earned the praise, if not the approval, of a set of men whose voices extend far and are to some extent potent. A timid man, signing it, would have said nothing and left the legislature and the party leaders to share with him the buffets. I made the bill a law and gave my reasons, published with the statute, taking the full responsibility and thereby drew upon myself all of the javelins that could be hurled. No more was I a *persona*

grata in the editorials. The reasons given in support of the act were never answered; they could not be; but the public was made familiar with the fact that I wore boots, that my hair, of which it may be incidentally noted there is a full supply, was often frowsy, and that I hunted bugs in Wetzel Swamp and other places. Artists were employed to exercise their ingenuity and prostitute their talents in making ugly pictures, and the newspapers, as the children are wont to say, made "snoots" at me. In one sense the attacks were a tribute, since, after raking the field with the aid of money and research, as I have no doubt occurred, they were unable to find that I had ever taken money which did not belong to me, that I had ever betrayed anybody to his disadvantage, or that I had ever led any but the decent life of a gentleman. Besides, they overdid the matter. They made me known all over the United States and people felt that there must be some character in a man who did not fear the united power of the press and could come, unscathed, out of a contest with it.

A few years later there was sent to me an article printed in Birmingham, Alabama, telling of the important events which had occurred on the 9th of April. Among them were the discovery of the Mississippi by Ferdinand de Soto, the Battle of Appomattox, and the birth of Samuel W. Pennypacker, Governor of Pennsylvania. My biography was printed throughout the far West. All sensible people, including such able newspaper correspondents as George Alfred Townsend ("Gath"), regarded it as entirely proper legislation likely to be helpful to their profession. Poor Smith, however, had lost his case, he was not large enough to see that my duty was not toward him or the newspapers, his vanity was hurt, and he made a personal matter of it, and became an enemy for life. Everything thereafter which he thought would be disagreeable to me was printed in his paper. On visiting "Kuchler's Roost" on the mountain top at Reading, at the request of its old owner, I wrote an

impromptu squib in his album. Thereupon Smith worked up an editorial upon it in an effort at ridicule. He did worse. In my library is a bound volume labeled *Newspaper Ethics*, put away for the enlightenment of posterity as to current manners. In it are preserved:

1. A column dispatch; printed in *The Press*, June 26, 1903, saying that Governor A. B. Cummins of Iowa, in an address at Waynesburg College, had denounced the Pennypacker press muzzling law and said it would "forever stigmatize its author."

2. Smith's editorial of June 27th, saying that "Governor Pennypacker and his libel law have had no more stinging rebuke than was administered by another governor, Albert B. Cummins of Iowa.

3. Letter of July 17, 1903, from Albert B. Cummins to John W. Campbell, saying:

"I cannot say how the absurd story got abroad. . . . I did not say one word upon the subject nor did I in any manner refer to Governor Pennypacker."

4. Letter of Charles Emory Smith, August 11, 1903, saying:

"While he did not make the statements imputed to him in a public address at Waynesburg College, he did make them in a public interview. . . . Publication awaits a full ascertainment of the facts."

The publication of the facts was never made.

5. Letter of Albert B. Cummins, August 22, 1903, saying:

"I repeat that I did not say anything about the libel law or Governor Pennypacker to anybody in Waynesburg or in Greene County. Indeed, I may make it stronger; I did not think about the libel law or of Governor Pennypacker while there. No matter who is responsible for it, it is pure fabrication."

6. Letter of Edward W. Hacker, a correspondent of the *Press*, April 1, 1907, saying:

"I am not responsible for the ridiculous stuff that

appeared after the first sub-head in the *Press'* Schwenksville story on Sunday morning. I telegraphed them only the preceding matter, *and some one in the office* added the other details."

7. Three clippings from successive issues of the *Press*, August 22, 1907, containing a dispatch from Johnstown purporting to give statements made by J. M. Shumaker, and showing the modifications made by "some one in the office" so as to reflect upon me.

8. The dispatch as sent from Johnstown inserted so that the comparison may be made.

9. The denial by J. M. Shumaker of the alleged statements.

10. An anonymous letter August 23, 1907, from an employee in the *Press* office to me, signing himself as "an admirer," in which he says that the Johnstown dispatch "was read to the managing editor or at least he was given the gist of it over the telephone, and he ordered that it be re-written so as to identify you as the person meant in the alleged statement of Shumaker's friend." He further says that the writer "lost his nerve and eliminated these two paragraphs from the later issues."

All of these original papers found their way to me and I had them bound for preservation. The volume will never be purposely destroyed, because it is a curiosity and has a market value. As is apt to happen, in all probability, it will finally reach some public library and there be kept where the future investigator of morals will be able to see some of the causes which brought about the passage of the "Salus-Grady Press Muzzler" of 1903.

Another word about Smith and then I think he will disappear from these pages. On the 4th of October, 1906, I gave a dinner at the Executive Mansion to Roosevelt, then President of the United States. Penrose came to me and asked me whether I would not invite Smith to be there, saying that for political reasons the party managers were

anxious to have Roosevelt get the opportunity to talk to him. I am sure Penrose expected me to refuse. My reply was that if it were to be at my home, a different question would arise, but that this was not my private party, that it was proper the press should be represented and Smith was a very suitable representative, and without any hesitation I promised to invite him. He accepted the invitation and came, altogether bland. It was after this dinner that the despatches referred to were re-written in the office of the *Press*.

It would be incorrect to suppose that the newspaper assaults, though generally understood, were without injurious effect upon the state and me. The impression made by an attack is not removed by disproof. The reputation of a woman is soiled not only by a fact but by a breath. In men, the old animal instincts lie very close to the surface and animals instinctively turn upon anything stricken. There were those, even among my associates, who had seen me succeed up to the present, but who began to doubt whether, in the face of such a storm, I would not be compelled to succumb. The assaults made it more difficult for me to secure such legislation as the apportionment of the state and the creation of the constabulary. They weakened the loyalty of some of my subordinates. They induced at one time some of the leading members of the Philadelphia bar to assume a critical attitude. They affected some of my personal friends, and with Colonel J. Granville Leach, two of whose sons I kept in station; Major William H. Lambert, with whom I had been most intimate and whom I had placed on the Board of City Trusts and in the council of the Historical Society and who had asked me to be his executor, and William Brooke Rawle, my relations were never quite the same afterward. They so influenced my successor, a well-meaning but timid man, that he felt that the main purpose of a governor was to see to it that he escaped with his life and a whole skin; and when Senator

Knox asked Roosevelt to appoint me to the Supreme Court of the United States, the hero of San Juan Hill inquired:

"What would the newspapers say?"

Even now events were so shaping themselves as to afford later an opportunity to hostility, since the commission to erect a new capitol building, which commission I permitted to remain unchanged, had begun their work.

By this time the administration had been completely organized and such changes as it was thought advisable to make had been made. Thomas J. Stewart, the Adjutant General; Israel W. Durham, the Insurance Commissioner; Nathan C. Schaeffer, Superintendent of Public Instruction; J. T. Rothrock, Commissioner of Forestry, and James E. Roderick, who became head of the Department of Mines, were inherited from the last and former administrations.

Frank M. Fuller, Secretary of the Commonwealth; Robert McAfee, Commissioner of Banking; N. B. Critchfield, Secretary of Agriculture; Dr. B. H. Warren, Dairy and Food Commissioner, and A. Nevin Pomeroy, Superintendent of Printing, had been recommended by Quay. Joseph W. Hunter, State Highway Commissioner, had been recommended by Senators Sproul and Roberts. John C. Delaney, Factory Inspector, had been appointed at the request of Charles Emory Smith. William E. Meehan, Commissioner of Fisheries, had been appointed on the recommendation of Henry F. Walton, Speaker of the House. Hampton L. Carson, Attorney General; Bromley Wharton, Private Secretary; Thomas L. Montgomery, State Librarian; H. A. Surface, Economic Zoologist, and James M. Shumaker, Superintendent of Grounds and Buildings, were my own selections. They all proved to be faithful to their duties and, with two exceptions, they never gave me cause for criticism. Durham was disposed to insist that his work should be conducted from Philadelphia rather than from the department at Harrisburg, which was unsatisfactory to me. Warren, a tall, slim man, with dark eyes and a furtive

manner, possessed of some scientific attainments, had some years before written a book upon the birds of Pennsylvania which was published by the state. The newspapers, utterly indifferent as to whether it was good or bad, assailed him unmercifully and he became known as "Birdie Warren." They had so cowed him that he was abject before them. Several times I endeavored to argue him into more courage, telling him it made no difference what they said, that their opinion was of no value, that the book was most meritorious, and it was entirely proper that the state should publish it, and the proof of its merit was that a copy could not be bought on the market for less than seven dollars, as I well knew, but all in vain. He felt that their power to harm a man in public life was unlimited. When, therefore, toward the end of my administration these forces blew a storm against me, he had no faith in my ability to withstand it; he thought the safer place was under their wings, and he proved unsteadfast. I would have removed him had it not been for the fact that he had really tried to make a good record in the work of his office.

Thomas J. Lynch, whom I filched from one of the departments for my own service as executive clerk, was a source of great comfort. Intelligent and loyal, he was one of those hunters who always come back with the game in their bags. When sent upon a task all necessary efforts were made, the facts were always ascertained, and the principles governing them unraveled.

Stewart deserves more than passing mention. He was born in Ireland and had his home in Norristown. He was a most persuasive and winning orator, having a rich voice, and no man knew better how to blend humor and pathos in order to produce results. In this respect it was nip and tuck between him and Henry Houck, later Secretary of Internal Affairs. Houck had the disposition of a Celt with the name and intonations of the Pennsylvania Dutch, and in his speeches, with his anecdotes, his tears, his native wit and his

accent, was inimitable. When he went to Boston, he captured the town; when he ran for office, he always got more votes in the state than any one else on the ticket. It is said that he was never confused but upon one occasion. He had promised to speak at a dinner, and as it was an important affair, he made some memoranda. By an unlucky chance Stewart got hold of them, and being called upon first, he arose and made Houck's speech. Stewart knew every detail of the National Guard, and in executive work was a marvel. He thought out every preparation in advance and, under his guidance, a dinner party, a gubernatorial expedition to a Southern battlefield, or the ten thousand guardsmen going into camp, and all of the individuals concerned in them, moved as smoothly in their places as the hands on a clock. He would have made a most efficient governor, but his talking in all of the campaigns wore off something of the gloss and novelty, and he was too true and faithful to the cause ever to be selected.

> For Good and Faithful's sure to lose
> Which way soever the game goes

In the course of the summer I made addresses before the Sons of the Revolution at Neshaminy, before the graduating class at Franklin and Marshall College, and at the dedication of the monument to old John Burns on the battlefield at Gettysburg. At Gettysburg I said:

> We have come together upon one of the battlefields of the most momentous in its consequences of all the American wars. We meet upon the field where the issues of that war were determined, and, with them, the fate of a great nation, and it may be the future of the peoples of the world for the ages yet to come. It is a field made famous by the sword of George Gordon Meade and consecrated by the words of the modern psalmist, Abraham Lincoln. Throughout the centuries yet to be, Americans will come to Gettysburg to gather inspiration for the struggles of life as the Greek went to Marathon, as the Briton goes to Waterloo, as the followers of the prophet turn to Mecca.

Upon the anniversary of that tremendous contest, surrounded on all sides by the memorials erected by a grateful people, with all things to suggest the more than forty thousand men who were here stricken, we have come to dedicate a monument to a man who held no rank, who wore no uniform, and who belonged to no army. It is a most impressive occasion. It is an event of no ordinary significance. It means that upon the citizen and his character the state rests.

This quiet Pennsylvania town, typical in its repose, as well as in its strength and in its everlasting fame, of the great commonwealth wherein it was fostered, had sent forth its young men to do battle in the cause of their country, and they were carrying their muskets in the Army of the Potomac. When invasion was threatened and the storms of war began to roll near, it contributed a company to a regiment which by a strange fatality was sent here and was the first force to encounter on this ground the Army of Lee, and when the cannon roared and muskets rattled through its streets, the old constable of the town, a hero of two earlier wars and hoary with the frosts of over seventy years, plunged into the fray and was thrice wounded. It was fitting that Pennsylvania should arise to repel the invaders. It was meet that at every vital point in this most fateful of contests, fought upon her soil, her sons should be to the fore. Happy is that land, and much has the future in store for it, which, when grave dangers threaten, can call upon young and old, soldier and citizen, to come to the rescue and call not in vain. While such courage and such virtue characterize its people it need fear neither aggression from abroad nor dissension at home.

In July, along with Judge John Stewart of Franklin County, I inspected the tuberculosis camp at Mont Alto, and during the same month the quarantine station maintained by the state on the Delaware. The governor is commander-in-chief of the army and navy of the state and the army consisted of the National Guard of three brigades, numbering about ten thousand men. The Guard is to a considerable extent supported by the United States under an act of congress which provides that it may be called into the national service. The money was, of course, a temptation, but the system is wrong in principle and would never have been established had I been governor at the time.

The Guard was established under Hartranft for the defense of the state and has been maintained by it for many years at great expense. Should the state ever be invaded, and the occasion arise for its use, it will, just when it is needed, be a part of the national force, subject to national control and perhaps called to a distant point. The nation ought to have been left to provide its own army and militia. The arrangement was, besides, another step in the direction of the obliteration of the states, a tendency which good sense will ever be on the watch to resist.

In July the First Brigade went into camp at Perkasie, the Third Brigade at Mount Gretna, and the Second Brigade at Somerset. At each camp I inspected and reviewed the troops and lived in a tent. To me the object appeared to be not one of formal display, but that the governor should be enabled to gain a knowledge of the force and be in a better position to use it if need be, and in the meantime to provide for its wants. Therefore, I went on foot through the camps, looking into the tents and their appointments and into the kitchens. Therefore I accompanied the Inspector-General, Colonel Frank G. Sweeney, a keen-eyed fellow, along the lines, seeing every man of the ten thousand, and I vied with him in the discovery of omitted attention to discipline. At Mount Gretna I told a private that he had his bayonet reversed, whereupon the United States Army colonel who was with the party declared that he knew it to be mechanically impossible. The colonel was shown that the thing had occurred, nevertheless, and the story ran all over the camp. I likewise refused to ride a horse on review and overlooked the marching of the troops from a barouche or on foot. Stewart did his best to dissuade me from this step because it was an innovation upon which the newspapers would be sure to seize and he was very anxious for the welfare of his Guard. There were several reasons for this course. In my youth I had often ridden forty miles on a stretch, and in young

manhood had ridden at the head of my Grand Army Post through the streets of Philadelphia, but I had grown old and heavy and was unused to the exercise. There was no inducement for me to make a display of horsemanship. A man unaccustomed to the situation is more apt to be absurd, and when one of my predecessors fell from his horse at Pottstown the story went forth broadcast that he was drunk. If the purpose be to observe the manner in which the soldiers keep their lines and steps and carry themselves, nothing is more likely to interfere with that purpose than to be required to give attention to a horse made restive by the music and excitement. Moreover, army regulations recognize these facts. Marshal Bazaine reviewed his army from a barouche and the President of the United States reviews his army from a grand stand. My being on foot among the troops had many good results. It showed them that I was interested in what they were doing and willing to make the effort required. At Mount Gretna it was very warm. A young soldier standing stiff in line to be inspected plunged over on his face unconscious. It is not an unusual occurrence and it has a sort of hypnotic influence. Soon others were falling in various directions. The orders had been that when the inspection began the troops were to take the position of a soldier and I felt sure that the continuous rigidity of attitude had much to do with this effect. I then on the spot gave orders that until the particular line under inspection should be reached the troops should remain at "parade rest." The tension was relieved and there was no more falling. A correspondent of the *Press*, thinking it would be agreeable to that journal, sent to it a malicious and untruthful account of the occurrence, evidently so intended. I concluded to have him drummed out of camp to the tune of "The Rogue's March" and sent Colonel Walter T. Bradley after him, who soon returned bringing the culprit. Seeing, however, that he was very young and in a sad state of fright, I pointed out to him the impropriety of his communication and dismissed

him. As had been expected, the newspapers in cartoons and editorials told the people that I was afraid to ride a horse. I met this proposition in my own way. At the inauguration of Roosevelt, I rode down Pennsylvania Avenue, in command of a division of ten thousand men from different states, before a crowd of two hundred thousand people, and all over the country it was learned that the journals had been scattering false reports. They kept me, however, all the while playing a game in which the effort was to thwart the ill effects of misrepresentation upon the public work. To me personally it was often an interesting amusement. One day I sat on my porch with a reporter and he asked:

"Does not this continual objurgation disturb you?"

As it chanced there was a slight rumbling in the west and I replied:

"I have often sat upon this porch when the clouds gathered out yonder, and presently the lightnings flashed and the thunders rattled until in the uproar my voice could not be heard. Where those storms have gone no man knows, and here I am sitting on this porch still," and he was man enough to print the illustration.

On the way home from Somerset, a town among the mountains, where the first Bible was printed west of the Alleghenies, where George F. Baer, the wonderfully able president of the Philadelphia and Reading Railway Company, was born, and which has the most elevated court house in the state, Mrs. Pennypacker and I were taken in charge by Colonel Samuel Moody, a high official of the Pennsylvania Railroad at Pittsburgh. He was very droll, agreeable and entertaining. His influence with his road was great and he was ready to show it to us. Somerset was the terminus of a little single-track railroad which branched off from the main line. He had a car ready at Somerset, but, behold! it had not been dusted for a month. He kept us outside on some pretext while he swore at the man in

charge and had it cleaned. Then we went by rail to the station on the main line and there waited. Presently we heard the Chicago express, which never stopped there, but was to stop for us because of the influence of Moody, thundering in the distance.

"Now," said Moody, "come outside and all be ready to get on."

In an instant the train was there and in an instant later beyond the station and rushing to the far-away East. Then I roared and Moody, seldom crestfallen, was in a state of confusion. Presently, however, came the second section, which stopped, and all was well.

Just at this juncture Judge Henry J. McCarthy died and this made a vacancy in the Philadelphia Court of Common Pleas No. 3. The leaders of the Republican party in that city asked for the appointment of Robert von Moschzisker, a bright young lawyer, formerly an assistant in the office of the district attorney, but lacking both years and legal experience, who had made himself useful and agreeable to Durham. I appointed George Tucker Bispham, the author of our leading work upon equity, and a lawyer of long and varied practice. He was then in Europe, but he had at one time made an earnest effort to reach the bench and, after consultation with Mr. Brinton in his office and with Lyman D. Gilbert, a friend and associate in many cases, who thought he would accept, I made the venture. My hope was, by a distinguished appointment, to benefit the profession, and that he, with such an opportunity, would feel it to be his duty to his profession to see that it was utilized. He failed me and, much to my disgust and with very poor taste, telegraphed his declination not to me but to the *Press*. One of the experiences which come often to those having responsibility and seeking to do decent things is the little assistance given by men who are ever complaining about existing conditions.

On one occasion at Harrisburg I was called up by long-

distance telephone from Washington and Penrose at the other end inquired:

"When are you going to make out the appointment of Dr. Shoemaker as surgeon general?"

Shoemaker was a political doctor, continually mingling the two professions which did not well fit, and I had no confidence in him whatever. So I answered:

"I do not think of appointing him at all."

"Damn it to hell!" I overheard upon the wire.

I had written to Dr. S. Weir Mitchell and Charles C. Harrison to suggest to me a suitable and competent physician for this position. They recommended Dr. Robert G. Le Conte, a man of professional attainment and now one of the trustees of the University of Pennsylvania, and I appointed him. He remained long enough to secure his title as colonel, but with the first encampment, when there was work to do, he resigned and that plan failed. I then appointed Dr. Weaver, much less showy but more stable and useful, and he proved to be entirely acceptable.

There had been much adverse comment upon affairs at the Eastern Penitentiary, and I put at the head of it a penal expert from without the state, of wide reputation. He remained a few months and, instead of improving the institution, used it as a means of getting a larger salary elsewhere and departed. Such instances, of course, went a long way to justify the position of the politicians.

Theoretically the state had a navy, but it never owned a vessel until at this time a quarantine cutter was built for it by Neafie & Levy. The boat was launched September 17th, named the "Governor Pennypacker" and was christened by my daughter Anna, who broke a bottle of wine over the bow.

On the 22d of September, along with Elkin, I made a speech at Wilkes-Barre before the League of Republican Clubs, reviewing what had been accomplished, including the newspaper act. The resolutions adopted declared

that I had proven to be "a wise, prudent, firm and conscientious executive." On the invitation of "Uncle Jerry Roth," an enterprising Pennsylvania Dutchman, I saw the Allentown Fair, generally regarded as the most successful agricultural fair in the state, and found thirty thousand people there. Colonel Henry C. Trexler, of my staff, a comparatively young man, who has made a great fortune in the manufacture of cement, having the largest cement works in Allentown, drove me through the country to see his large unfenced farms, and he entertained me at supper, where, in a stately home, his agreeable wife dispensed hospitality.

On the 29th, Major General Charles Miller, in command of the National Guard, gave an entertainment at Franklin to the governor and his staff. Miller, a poor boy born in Alsace, came over to this country and, little by little, by energy, activity and business sense, combined with a canny, worldly wisdom, he got alongside of the Standard Oil Company, was one of its magnates, and secured an immense fortune. Seldom are the fates altogether kindly to any man. With all his success, there was much unhappiness in his life. He was a captain on the staff of one of the brigadiers, was ambitious, made large contributions in the political campaigns, and was put in command of the Guard, over the heads of his general and many other officers. Elevations so obtained are ever more or less tottering. At Mount Gretna he said to me in the presence of Stewart, after exhibiting to us the antics of his beautiful and trained riding horse:

"Governor, I am going to send down to your home one of the finest pair of horses to be found in the state."

I told him this story:

"General, when I was a boy I went to school among the Irish on Tunnel Hill in the town where I was born and had three fist fights with a boy named Bradley. Many years later we both drifted to Philadelphia, and I became a judge and he became a bartender in a liquor saloon. Much to his

surprise and pleasure he, on one occasion, received a license to conduct an establishment of his own. Later, he one day came to me and said he was about to send a pair of horses to my summer home at Moore Hall, and I said to him that if he did I should go into court on the following Saturday and revoke that liquor license."

Neither of those pairs of horses was ever received.

At Franklin there was a reception, a banquet and a ball. Everything was done upon a magnificent scale. The decorations were profuse, the ornamentations and appointments were costly, flowers were hurled at Mrs. Pennypacker and the music was lively and plentiful. In charge was Colonel Lewis E. Beitler, who was especially apt at that kind of thing and besides tall and handsome. Years before Mrs. Pennypacker and I had been at his wedding, and here we were met again. All of the members of the staff were gentlemen, but there were two of them especially marked by gentility and nicety of conduct—Colonel Paul S. Reeves, an old friend of mine at Phœnixville, and Colonel Horace L. Haldeman of Chickies, Lancaster County, whom I had selected at the request of Quay. One of the satisfactions in being at Franklin was a call upon Christopher Heydrick, a long-time friend, now aged, a scion of one of the Schwenkfelder families of the Perkiomen Valley, who had become a corporation lawyer and reached the Supreme Court of the state. He never lost interest in the church of his fathers, wrote a book upon the genealogies of Schwenkfelder families, and was a dependence when financial assistance became necessary. At Erie, on the 30th, I examined affairs at the Soldiers' Home and made an address to the veterans there awaiting the end of their careers. Anthony Wayne died at Erie and was there buried at the block-house. Thirty years later his son Isaac drove across the state in a buggy, loaded into it the bones of his father and took them to St. David's at Radnor, where a monument was erected over them. Two or three of the fingers which he failed to find are preserved

in a bottle (happy thought!) at the block-house where we saw them. We also visited the club house upon the shore, went out on the lake, went to the life-saving station of the national government and witnessed the excitement and intelligence of a dog which, when the rope was shot to a vessel supposed to be in distress on the lake, understood and took part in an imaginary rescue.

Just at this time Chief Justice McCollum died and left a vacancy to be filled in the Supreme Court. He had had a run of luck. When Mitchell was nominated by the Republicans, the hopeless Democratic nomination went begging. Judge Arnold of Philadelphia, and others of prominence, refused and there was given to McCollum what no one else wanted. McCollum's home friends desired for him the state nomination for the Supreme Bench by the Democratic party, merely as a graceful way for him to retire from the common pleas bench of Susquehanna County. His term was about to expire. He was a Democrat in a strongly Republican county and stood no chance of re-election. His brother-in-law, Daniel W. Searle, would be the Republican candidate for the seat in the county court, for which several reasons McCollum did not desire a re-nomination in Susquehanna and what seemed then the empty honor of the Democratic nomination for the Supreme Bench would open a door of escape from a local complication. But in the midst of the campaign one of the seven judges died, and under the constitutional provision both Mitchell and McCollum were elected. Then they drew lots to determine which should have the long term carrying with it the right to succeed eventually to the chief justiceship, and McCollum won.

On the 6th of October the Germans celebrated, in Philadelphia, the two hundred and twentieth anniversary of the settlement of Germantown. I read to them my translations into English verse of Corinna, a love song, and another local bit which had been written there in the early time, which were of great interest. This translation, as I have already

said, was set to music by the Orpheus Club and has been several times sung by that club in the Academy of Music. Henry Starr Richardson wrought it into a play of a comic character which held the boards at the Fellowship Club.

On the 13th of October, Montgomery and I addressed the Federation of Women's Clubs at Carlisle and I read to them A. J. H. Duganne's inspiring and meritorious lyric upon Pennsylvania which has been neglected and forgotten, but which shall yet, *Deo volente*, be familiar to all of the people of the state. At least, it shall be drummed into their ears and minds so long as my voice, pen and energy are unweakened.

A negro had recently been burned to death near Wilmington, Delaware. A requisition was made upon me at this time by Governor Hunn of that state for the return of a negro named George White, charged with murder. The papers, as often happened, were in very loose shape. No indictment had been found and there were no affidavits as to the truth of the charge. The requisition stood, therefore, upon no foundation. The officers went home without the man and I wrote to Governor Hunn:

"In view of the fact that the alleged crime committed by the defendant is punishable by death, I think the circumstances which indicate the commission of the crime and the connection of the defendant with it ought to be set forth with particularity and care and should be accompanied by affidavits as to their correctness. Especially is this true when as in this case no indictment has been found."

Since there seemed to be in the suggestion a reflection upon the methods of the State of Delaware, there was a commotion there, more or less reflected in Pennsylvania. However, the affidavits were sent and the fugitive was surrendered. Such papers coming from the South, almost invariably lacked the essential requirements, showing a want of attention or of information. Some time afterward

the Governor of North Carolina made a requisition for the return of a negro charged with murder. After an examination of the papers, being dissatisfied with them, I required some further support for the charge and it led to a sharp correspondence. In this instance the negro was never returned.

On the evening of November 5th, toward the close of a campaign for the election of a state treasurer and auditor general, I made an address to the Penrose Republican Club in the Eighth ward of Philadelphia, in the main commending political effort and pointing out to them the fact that in Quay, who was not present, we were fortunate in having a man unequaled in his line of effort anywhere else in the country and that it was the part of unwisdom to keep those capacities engaged in conflicts at home which ought to be utilized for our benefit in the contests of a larger sphere. The correctness of this line of thought, however, never made it palatable.

Some time before my advent, the policy had been adopted by the state of erecting memorial stones to mark the service of its regiments upon the different battlefields throughout the South, and it so happened that the greater number of these monuments, after being erected, were accepted and dedicated during my administration. The performance of this duty took me over the South to an extent that under no other circumstances would have occurred. Early in November, accompanied by the adjutant general and the staff, I set out for Chattanooga, Tennessee, a town which during the war saw many battles and military movements and which since the war has grown to be a thriving manufacturing city.

On the 9th of November, at Sherman Heights, in the presence of the surviving members of the regiment, the monument of the Seventy-third Pennsylvania Regiment was dedicated and transferred by me, representing the commonwealth, to General H. V. Boynton, representing

the Chickamauga Park Commission and the nation, for preservation. I said:

LADIES AND GENTLEMEN; COMRADES:

As Chief Executive of the Commonwealth of Pennsylvania, representing that great commonwealth, and as surviving soldiers of a war momentous in its consequences, we have come from the far away North to the mountains of Tennessee to assist at the dedication of a monument to commemorate the services of a single regiment upon one of the battlefields of that war. We bare our heads to the breezes, and our feet tread the soil of a typical Southern state. While we recall the events of the forty years ago we do not forget that earlier time, when the riflemen of these mountains, with a brave leader from among their own people, in behalf of a cause to which we too were committed, marched to New Orleans to deal destruction to the veterans of Wellington. We do not forget the three Presidents whom Tennessee gave to our common country or the lasting impress they made upon the development of our national affairs. We clasp your hands and as we grasp them we see all plainly that, no matter how much we may have differed and no matter how fiercely we may have contended in deadly conflict, the results of that war led necessarily to the advancement of the South as well as of the North, and brought all sections of the country together in a closer compact, under a firmer and more durable government. To bring about those results no part of the American people made greater efforts, endured more hardships, and submitted to more personal sacrifices than those who lived in the mountain regions of this state. What La Vendee was to the royalists of the French Revolution, Eastern Tennessee was to the cause of the Union during the War of 1861. No losses could appall those brave people and no dangers could intimidate them. The defeats of the early part of the war did not dismay them and the march of contending armies through their valleys and the terrific battles fought within sight of their homes only strengthened their faith. Death in its most terrible form confronted them and they never faltered. The voice of their fiery Methodist parson, as from these hilltops he hurled denunciation or sang a pæan of victory, echoed all over the United States giving heart to the timid and encouraging the strong. No other people hailed the final triumph with more pious gratitude, and their only reward was the consciousness of duty well performed and the satis-

faction which came from the sense that to the end they had remained steadfast.

Pennsylvania may well offer her greetings to Tennessee. They have had many like experiences; they have in the past been upon the same side in many contests, and they have had much in common. No other President made a more pronounced and indelible mark upon the events of his time than did Andrew Jackson, and he ever received, in all of his endeavors, the earnest support of the yeomanry of the Keystone State. Without her aid he could not have succeeded. With her support he was invincible.

In the early days the thrifty Germans and the pugnacious Scotch-Irish from the inland counties of Pennsylvania followed the Cumberland Valley into the Shenandoah Valley in Virginia, and made their homes upon the fertile lands along its beautiful river. Thence, like the Boones, the Lincolns and the Todds, they crossed the mountains in venturesome quest to Kentucky and Tennessee. Many of Tennessee's soldiers who have won renown in the field, and many of her statesmen who have won distinction in the halls of legislation look back to the land of Penn, of Wayne and of Meade as the home of their forefathers.

To these great battlefields, amid your mountains, Pennsylvania sent fifteen regiments and two batteries of artillery. The Seventy-third Regiment, whose monument we are here to dedicate, after having fought with conspicuous valor in the East at Manassas, and in the Shenandoah Valley, with Hooker at Chancellorsville, and with Meade in the decisive battle of Gettysburg, here, upon this field, after a severe struggle upon the front where their colonel was killed, were nearly all captured and sent to the prisons of Belle Isle and Libby. In commemoration of their faithful services and in recognition of their gallant careers the Commonwealth of Pennsylvania has erected this monument. In behalf of the Commonwealth, I now accept it and transfer it to you (General Boynton) as the representative of the Government of the United States, with the full assurance that it will be maintained and cherished through all time to come, and that future generations of Americans will here come to be reminded of the struggles and sacrifices of their fathers and to gather inspiration for future deeds of heroism and patriotism.

It was a satisfaction to me in this speech, upon the land of Tennessee and in the presence of the Southern people, to

pay my tribute to the mountaineers of East Tennessee. During the war they suffered the greatest of hardships and at its close the successful North abandoned them and almost at once began to turn its face in homage to the Stonewall Jacksons and the Lees. The speech, pointing out the relations between the two states and the strength of Andrew Jackson, was received in the best of spirit and much commended through the South.

We visited the battlefields of Chattanooga, Orchard Knob and rode over the grounds at Chickamauga. There was so much breaking up of the lines at Chickamauga and the movements of the two armies there were so involved that the battle is difficult to understand. We went to the top of Lookout Mountain, where was fought the Battle above the Clouds, in a trolley car lifted almost vertically to the crest, an experience which has its own uncertainties. In Chattanooga we discovered a particularly attractive brand of sugar maple candy blended with nuts, and each year since Colonel Walter T. Bradley remembers to have a box of it sent to Pennypacker's Mills upon Christmas.

From Chattanooga we went to Shiloh, in which battle the Seventy-seventh Pennsylvania Regiment, the only one from any of the Eastern states, participated on the part of the North. Shiloh is most difficult of access and the trip involved a ride upon a steamboat from Johnsonville of about one hundred and fifty miles up the Tennessee River. Shiloh had for me a special interest. Here Grant ventured his army across the river and, had it not been for the fortunate arrival of Buell, he would have been driven into it by the rebel General A. Sidney Johnston, and he and his career would have been closed at its very beginning. In command of the advance, in the "Hornets' Nest," where the fighting was most severe, was Major General Benjamin Mayberry Prentiss, whose grandmother was a Pennypacker. He and what was left of his division were nearly all captured. At

this distant point, in the wilds of the forest, twelve hundred miles from home, there were few of the survivors present.

On the way home, we had to wait for an hour at Johnsonville for the arrival of the train. Johnsonville had a little country store, a blacksmith shop, a house or two and that was all. After looking at the hulks of the steamboats, still lying in the river, where they had been burned during the war to save them from capture, there was absolutely nothing to do. I said to a lounger:

"Is there anything to be seen in this region?"

"Over there on the bank of the river we find Indian things."

It proved to be what I had never seen before, a place of manufacture, and in the course of that hour I was able to find the whole process exemplified, including the original washed cobble, the chips stricken off, the fragments left, the core and the completed implements, together with some pieces of red paint with which the Indians made themselves handsomer. On the way home we crossed the mountains into North Carolina, viewing the magnificent scenery from a perch on the front of the engine. At Asheville we saw Biltmore, the summer home of the Vanderbilts, and ate a "possum," which was likewise a new experience added to life.

On November 18th, Quay spent the night with me at the Executive Mansion and he remained over the next day, receiving people there while I was up at the department at work. He had visited me before at Moore Hall and at Pennypacker's Mills, and the effort to fathom the underlying impulses of a man so remarkable, was an interesting study. He had no presence, he had no voice, he was never imperative, and yet he molded men to his will. Durham had wanted to have T. Larry Eyre retained as superintendent of public grounds and buildings, and, after another appointment had been made, he sent a telegram to Quay which was regarded as offensive. Quay showed it to me and said:

"I am done with that fellow; I shall not permit him to do a thing again."

To me the quickness with which he announced a purpose to dismiss a man with the strength of Durham was startling. In this instance I threw oil on the waters and said:

"Senator, Durham is not at all well. With all of us when the nerves are a little jangled and things do not come our way we are apt to show irritation. Durham will come around all right."

The thought seemed to appeal to his sympathy and experience.

On one occasion about this time there was a vacancy in the court of common pleas in the Twentieth Judicial District, and I consulted with Quay and Penrose about it. Penrose urged the appointment of a man who had been active and useful in the politics of one of the counties. Then I indicated a preference for, Joseph M. Woods, a gentleman and a man of good antecedents, being a descendant of John Witherspoon, and a lawyer of standing in the profession. At once Quay said:

"Woods will be the best appointment."

Penrose did not utter another word, but immediately after the interview telegraphed to Woods that he would be appointed. I was informed long afterward that Judge Woods was under the impression that he owed his appointment to the intervention of Penrose.

Sometimes I queried whether Quay ever tried to influence the men around him, whether he was even fully aware that he was influencing them, whether he did anything more than, seeing clearly what the situation required, indicate his line of thought, with the result that they, after pondering, saw that he was correct. At all events, he made no apparent effort. He was, of course, helped by the fact that his success in many contests made men feel that he was probably correct, especially since often he had information outside of their ken. Sometimes, where I have differed with him, I

have later found myself doubting whether, after all, I was not mistaken. His sympathies were quickly aroused and there never was a man more of whose actions were determined by altruistic sentiment. One secret of his success was no doubt the fact that he felt and manifested a genuine interest in the welfare of others. He helped the Indians and became a chief among them, not for what they could do, but because he felt an interest in them. On this evening he talked to me about the matter, as an interesting fact, that we two descendants of Major Patrick Anderson, of the Revolutionary Army, were at the same time senator and governor. He told me at length of his plans to remove the bones of his grandmother from Ohio, where she had been buried, to the Anderson family yard in Chester County. It seems the old woman had expressed the desire to be buried among her kindred, but at the time of her death those around her were too poor to comply, and he carried out the wish of this long-dead woman. He talked to me of his son "Dick," with apparent regret that he was nothing of a politician and only a maker of money, in which pursuit he was fortunate. What seemed to me remarkable, I found in him a strong vein of superstition, that kind of fatalism which gave Napoleon faith in his star and which made Jacob Boehm, the shoemaker of Goerlitz, so sure of his inspiration. We even talked of ghosts, and I was astonished to hear him say in all soberness:

"Lately I was sitting in my library and out of the darkness a woman in white loomed up before me. I knew right well who she was and what she wanted."

I should have been glad to have pursued the subject further, but it was too delicate and I waited, but he said no more.

Then we talked over the vacancy in the Supreme Court. I had thought over the matter seriously and had prepared a list of six men whom I regarded as the most eligible professionally. At its head was Charles E. Rice, President

Judge of the Superior Court, and on it were Mayer Sulzberger, David T. Watson, a Democrat, Lyman D. Gilbert and Judge John A. McIlvaine of Washington County, of whom the justices of the Supreme Court held a high opinion. He looked it over and said:

"I do not want Rice. If you appoint him I shall have to oppose him myself in the convention. He is one of those Yankees from around Wilkes-Barre, and you cannot trust one of them."

I said:

"Senator, if you are opposed to him, I shall not appoint him."

During the conversation he said to me:

"It would be a gracious thing upon your part to appoint John P. Elkin."

"It would be too plain, and, since Elkin has been rejected for the governorship, I do not think I could put him on the Supreme Court."

Presently he said:

"I will send tomorrow for Lyman D. Gilbert."

This interview with Gilbert occurred in the mansion in my absence. He was not prone to giving unnecessary confidence and what then occurred neither he nor Gilbert ever informed me. I saw him later and this was his suggestion:

"McCollum was a Democrat. There is no other Democrat on that Bench. How would it do to appoint Sam Thompson?"

Samuel G. Thompson was the son of a former chief justice, he had himself served a brief term on the Supreme Court with satisfaction to everybody, and he had a large practice in Philadelphia and was conceded to be an able lawyer. From the professional point of view no better solution could have been found and it was accompanied with a concession to the proprieties. With very little hesitation I appointed Thompson. These are the exact facts. What were the motives of Quay anybody may amuse him-

self by trying to conjecture. He may have wanted to escape from my power to name the permanent occupant by having me make an appointment in its nature temporary. It is certain that he had the purpose of putting me on the Supreme Court, sooner or later. He may even have considered the nomination of Elkin and thus disposing of a formidable rival, or he may have retained all of these purposes in mind as possibilities. It seldom happens that men are able to analyze even their own motives correctly.

At this interview he suggested the probability that Thompson would be content with a term of thirteen months and that it might open a way for my own nomination. I wrote to him November 26th:

> I have appointed the Honorable Samuel Gustine Thompson a judge of the Supreme Court. As you are aware, you have suggested to me the probability of my own nomination for that office by the approaching Convention of the Republican Party. Though that position would be entirely agreeable to me, you will perhaps pardon me for saying that I doubt the wisdom of such a course of action from your point of view of responsibility for the outcome of the party deliberations. I write this letter to say that should you find the difficulties greater than you supposed, or should you become convinced that this course is not suitable or feasible, you need not feel in the least embarrassed by the fact that you have made the suggestion.

November 24th, at the Hotel Schenley, at Pittsburgh, along with Judge Buffington, United States Senator J. B. Foraker and others, I spoke to over two hundred of the city's wealthy men and expressed a pet thought.

"What has occurred in New York when she recently absorbed Brooklyn, what has occurred in Chicago when she took into her embrace the whole of Cooke County, must inevitably happen to Pittsburgh. Sitting at the head of the Ohio with her iron and coal, she is to become the foremost of all the inland American cities."

On the 28th I spoke at the Founders' Day dinner at The

Union League in Philadelphia, where were Admirals Dewey, Higsbee and Melville and Generals Young, Bates, Brooke and Gregg and Governor Frank S. Black of New York.

I had now been governor for nearly a year and the newspaper act had been on the statute books for over six months, and up to this time no attack had been made impugning my integrity. This final step on the downward path to Avernus was now taken by the Philadelphia *Record*. One day I was at the rooms of the Historical Society of Pennsylvania when a man appeared who said he had been sent by the *Record* to show me a paper, and he asked me to read it. The paper purported to be signed by "A Lawyer" and it set forth "that Governor Pennypacker's appointment of Judge Thompson was prompted wholly by the selfish desire and indecent purpose of Governor Pennypacker to get the place for himself as soon as he can," and "He, therefore, stooped to a plot that is absolutely without precedent or parallel in all the history of intrigue and corruption in Pennsylvania politics." I read the paper over and handed it back to him.

"What are you going to do about it?" he inquired. He said nothing about money, but I inferred that was what he meant. Angry, I looked him in the eyes and said:

"I am not going to do anything about it."

"Then we will print it."

"Why do you tell me what you are going to print. I have no responsibility for what you print. That is your responsibility."

The next day the *Record*, then edited by Theodore Wright, printed the communication with an editorial headed "A Foul Conspiracy," and saying:

"It lays bare a plot to swap the governorship for a seat on the bench of the Supreme Court, as if the two highest offices in the gift of the people could be bartered or bought and sold with the indifferent regard for popular opinion or

popular right that might be expected of jockeys making a horse trade."

A few years later the *Record* saw Woodrow Wilson swap the governorship of New Jersey for another high office, and use the office, neglecting its duties, to accomplish the result and supported the effort as a delectable proposition. There was this dfference: Wilson did what the *Record* only said that I intended to do, and in making the statement it was mistaken. Looking at the matter with deeper insight, testing it ethically, and assuming the facts to be true, as they were not, the accusation of the lawyer, if he was a lawyer, and of the *Record* was silly. In appointing a thoroughly competent judge I had performed my only duty to the court and nobody had any right to ask anything more so far as the court was concerned. It was no case of barter or buying and selling with Thompson because, according to the story, he knew nothing about it, and beside had nothing to give. It was no case of selling to Quay because he got neither office. It would not be a nice thing for me to appoint a good judge simply upon the hope of helping myself, but that involves questions of propriety, not of integrity, and there are few people who rise to such heights.

I had no intention of permitting talk to go on as though some wicked thing were being done in secret, and the next day I wrote to the *Ledger:*

> I have carefully read the wanton attack upon myself in yesterday's *Record*, to see whether there could be any possible justification for it except a wish to excel in newspaper enterprise. I may be wrong but it seems to me there is no principle of ethics which would prevent me from going before the next Republican State Convention as a candidate for the Supreme Court, or from asking the support of Mr. Quay or anyone else who may have influence, provided I do not use the power of the governor for that purpose. If I chose to take this course, I should not hesitate in order to escape illogical comment. As a matter of fact I have not asked any person who may be a delegate to that convention, or any one who may have weight in its deliberations, to do anything whatever

in connection with it and do not expect to do so in the future. As governor I have refrained from efforts to influence political movements.

In the appointment of judges I have endeavored to do my full duty to the courts and in each instance, save in the selection of Mr. Bispham, have ascertained and given due weight to the views of the court most concerned. In appointing Mr. Thompson I have indicated so plainly, that even the blind may see, my opinion as to the kind of man who ought to be placed in that position. I have given him a term of thirteen months, all that I had to give, and only folly or malevolence could ask me for more.

If, however, as the *Record* predicts, the Republican State Convention should see fit in its wisdom to nominate me for the Supreme Court and that should be followed by an election, I shall return to the bench.

This letter told the exact truth and in effect declared to any one, skilled in the language, that I did not intend to be a candidate. It asserted my right to go before the convention and solicit help in any direction and affirmed that I had not so done and did not intend so to do; in other words, that I was not doing the things I would have done had I purposed to be a candidate. If, notwithstanding, the party should nominate me and the people elect me, as the newspaper asserted, then I would return to the bench. It would in that event be a duty. Nothing could have been straighter. It was likewise a defiance and intended to be a defiance. Should I choose to be a candidate, and should I choose to ask Quay to help me, then it asserted I would do it in utter disregard of what might be published in the newspapers. Again did the heathen rage, and again the cartoonists earned their hire. That a man should be so constructed as to act decently in a matter concerning his own interests was not to be conceived, and one who was willing to go to the Supreme Court must necessarily be taking all sorts of underhand measures in order to get there.

Quay thought my letter to be wretched politics, but there were some things more important to me than either office,

and we were not viewing the subject from the same angle. And I still think it was good politics, since it did away with all talk about secret plotting. On the 12th of December I was the guest of honor at the dinner of the Pennsylvania Society of New York, a most successful society, the active spirit in which is Barr Ferree, and there I met Governor Odell of New York and Governor Edwin Warfield of Maryland.

At the urgent request of Provost Harrison of the University of Pennsylvania, I left my work and went down to Washington in order to secure Roosevelt as the orator for the following 22d of February ceremonies in the Academy of Music. Quay had promised to help me. He met me with his carriage at the depot and entertained me at his home. The following day, through his arrangement, we lunched with the President and Mrs. Roosevelt at the White House. The details of this luncheon are given elsewhere in my personal sketch of the President. On this occasion Quay brought up the subject of the nomination for the Supreme Court and I told him I had given up all thought of being a candidate. The reasons which influenced me were:

I had taken with me to Harrisburg a number of gentlemen who never would have entered this kind of life but for me, and to abandon them to the mercies of political chance, almost at the outset, would have been to have treated them unfairly. I had taken the responsibility of leaving the judgeship behind me when I became governor, the things I had hoped to do were still in large part not accomplished, and to leave the wheel now for the sake of comfort would be pure vacillation and weakness.

In a column on the front page, the *Ledger*, December 24th, explained to its readers the purpose of my visit to Washington, with the staring headline: "Why Did Pennypacker Go to Washington?" in this way:

"A sensation is due which will recall and perhaps sur-

pass the notorious troubles that arose when Blake Walters was cashier of the Pennsylvania State Treasury from 1878 to 1880 and party leaders were accused of having been accommodated with state funds to use in speculation."

With this illustration of the reckless wickedness of the most decent of the Philadelphia newspapers in my time, ready to harm, without information and without inquiry, the record of my first year as governor closes.

CHAPTER XI

GOVERNOR, 1904

EARLY in January of 1904 the Board of Pardons recommended to me the pardon of Alphonse F. Cutaiar, who had been convicted of murder in the first degree and sentenced to be hanged, but whose sentence was subsequently commuted to imprisonment for life. His pardon had been asked for by forty-four clergymen, twenty-two members of the legislature, a mayor of Philadelphia, a senator of the United States and two hundred and nine other citizens. The murder was accompanied with some of the most dramatic features in the annals of crime. James E. Logue was one of the most famous professional burglars of his day and, as a result of his skill, he owned a house No. 1250 North Eleventh Street, in the City of Philadelphia, where, in his absence in the pursuit of his profession, lived his wife, Johannah, dressed in silks and adorned with jewelry and diamonds. In the house also lived Cutaiar, a nephew, who there conducted the trade of a barber. On the 22d of February, 1879, Logue had gone to a distant city upon a professional engagement, and his wife, who had been drinking to some extent, was seen in the house at 8 P. M. She had on her person diamond earrings worth $250, a diamond finger ring worth $80, a plain ring with the letters "J. L. to J. L." inscribed on it and, two days before, her husband had given her a hundred dollars in cash and four $1,000 coupon bonds. She was seen no more. A short time afterward Cutaiar married, and his young wife, brought into the kitchen, complained of a stench there which he attributed to dead rats. Logue employed detectives and spent considerable money in advertising and search, but in vain, and

in time the disappearance of his wife was forgotten. In 1895, after the lapse of sixteen years, the house was sold. The purchaser, wanting to make repairs, removed the floor of the kitchen and underneath were the bones of Johannah Logue, with the remains of her caba and clothing and the plain gold ring on her finger. All of the articles of value which she had possessed were missing. Because of his evil reputation and calling, suspicion was directed toward Logue, but he was able to give a conclusive proof of his absence. Then Cutaiar was arrested. On the trial he was defended by Hampton L. Carson, who afterwards became my able attorney general, and he did all that could be done for his cause, but he was convicted. He made three statements.

The first, April 14, 1895, would, if believed, have resulted in the hanging of Logue. It was to the effect that Logue had been jealous of his wife, employed a young man to tempt her, that in New York he beat and choked her until she fell dead, that he sent the body in a trunk and when no one was about put it under the kitchen floor, all of which he had confessed to Cutaiar.

The second statement made in writing April 17th was that she came to the house drunk and had to go to New York that night; that he, Cutaiar, helped her up to her room and there tied her hands and feet fast with a piece of rope while she was unconscious, so that she could not go out and get more to drink; that he went up again to her room later in the evening and found her dead; that he put the body on the floor of another room and went back to his work; that when Logue returned Logue took the watch, earrings and pin, and that at Logue's suggestion they two put her under the floor.

The third statement, made the same day, was that Logue had nothing to do with the matter, that he alone put the body under the floor, and that he took the diamonds and watch and threw them into the river.

After a careful reading of the testimony, I wrote an opinion refusing the pardon and saying:

The human mind is so constituted that in its narrations it depends rather upon memory than imagination. All false statements are apt to have much truth blended with them to make them credible. Even novels, which are admittedly works of imagination, describe real persons, scenes and incidents. When Cutaiar told the false story concerning Logue he described a death caused by no weapon. The jury may not have been far from the truth if they came to the conclusion that when he said: "He began beating her. He struck her on the side of the face with one hand and on the other side of the face with his fist, and than choked her until she fell on the floor, from which she never recovered," and continued: "her face was all kind of black and her eyes bulging and staring-like and open-like, she had suffocated," he was describing events and conditions he had actually seen.

I entertained not the slightest doubt that it was a brutal murder for money. Some months afterward I made an inspection of the Eastern Penitentiary and, when it had been completed, the warden took me to some of the cells to see the inmates. He unlocked a door and disclosed two cells, an outer and an inner, the latter reached through a door so low that a man entering would have to stoop. On invitation I stepped inside, leaving the warden in the corridor. Inside, a man perhaps fifty years of age, with light hair, blue eyes and sandy complexion smilingly greeted me and asked me to look at the shop where he did his work as a shoemaker. I stooped and entered the inner compartment and he followed and stood at the door. The sharpened shoemaker's knife with which he cut the leather lay on the table within his easy reach. Then his smile ceased, he looked me in the face and said:

"I am Cutaiar."

He was the murderer whose pardon I had refused. On the instant there flashed across my mind that dramatic scene in Victor Hugo's novel *Quatre—vingt—treize*, where

the captain, being rowed by a volunteer on a dangerous trip across a rough sea, saw the man suddenly drop his oars and on inquiring the reason was answered: "I am the brother of the man you had shot yesterday." I quietly and blandly made my way out of the cell with the feeling that the warden had shown little judgment.

Strange to say, I some time afterward came into the possession of a letter written to a lady at Bryn Mawr by Cutaiar in which he described the same scene. In it he said:

> I know it will surprise you very much to learn that I received a visit from no less a personage than the Governor of Pennsylvania. . . . I invited him into my cell and into my workshop in the rear of the cell. . . . We were alone for several minutes, except for one of the inmates, who stood at some distance, and this inmate tells me that the governor did not seem to pay any attention to the patterns but kept looking into my face as I was turned to one side.

The Chief Justice wrote to me:

> MY DEAR GOVERNOR:
>
> I have read you memm. on the Cutaiar case with very great satisfaction. The most discreditable feature in the administration of justice in Pennsylvania is the reckless abuse of the pardoning power by the Board of Pardons and especially its more or less open assumption to re-try questions of fact and of law after juries and courts have passed upon them in the due and regular course of law. I am more than pleased to have at last a governor who does not feel bound to acquiesce tamely in whatever recommendation that irresponsible board may make, but who examines and decides the cases for himself. As a lawyer, a judge and a responsible executive, you have set a precedent which ought to be followed.
>
> Very sincerely yours,
>
> JAMES T. MITCHELL.

After I came away the efforts in behalf of a pardon for Cutaiar were renewed and were finally successful. Thinking that perhaps I would interfere, his wife, from a respect-

able family in New Jersey, and his daughter, an agreeable looking girl, came to see me, but I told them my responsibility was over and that I would in no way interpose.

One day this letter came to me:

LEBANON, 3/24/1903.

Hon. Governor Pennypacker,

DEAR SIR: Having been found guilty of murder 1st degree in last term Oyer & Terminer Courts, March Session, 1903, knowing I have done deed in cold blood and my punishment death, I humbly ask your favor to speed execution. I see no reason why man should be made wait knowing it must come sooner or later. I have fully reconciled myself to my fate and again ask you speed in execution. Hoping you will grant my last favor on earth, I remain

Your humble servant as long as
Life shall last,

DAVID SHAUD.

Surely a more remarkable communication was never written. I had the matter examined and this was the solution. A zealous preacher had wrestled with him and succeeded in converting him. Uncertain, however, about a relapse, and, feeling that it was unwise to take chances, he prevailed upon the convict to write the letter to me. The case took its regular course.

Who was "A Lawyer" who wrote the letter to the *Record*, before mentioned, I never learned. It is a law of nature that most of the mischief that besets our lives is done in secret. It is the habit of both the hyenas and the bedbugs to prowl in the night. The germs of typhoid fever and cholera perish when the sunlight is turned on them. I was told, however, that the letter came from an organization calling itself "The Yellow Cats," having its lair in Lancaster County, of which Justice J. Hay Brown was a member.

Some days after my return from Washington, there came to me the following paper which had been circulated for signatures among the members of the Philadelphia Bar:

PHILADELPHIA,
December 18th, 1903.

Hon. Samuel W. Pennypacker, Governor.

SIR: As old friends, neighbors and professional associates, we feel in the present situation we should submit for your consideration our views in regard to your letter announcing your intention of accepting the nomination of the next Republican State Convention to the office of associate justice of the Supreme Court of of Pennsylvania, should it be tendered you. It is unnecessary to dwell upon the calamity of an impairment of public respect for that tribunal nor upon our deep professional solicitude in that regard, knowing that you are in full sympathy therewith. Nor do we concern ourselves with the political aspects of matters nor with the loss to the commonwealth of your services as governor. We present our views simply as lawyers jealous of the honor of our profession. The announcement of your candidacy, immediately after the appointment of a Democrat to the office of associate justice of the Supreme Court is accepted by the people of Pennsylvania as conclusive proof that a seat on the Supreme Bench has been made the subject of a political arrangement, and that your choice was not governed by considerations of fitness for the office, but by the purpose to secure the place for yourself. We do not think for a moment that you would knowingly enter into any such barter, but for the chief executive of the state to seek the assistance of influential politicians for a transfer to the Bench, even if coupled with the promise not to use the power of the office to that end, must be regarded as an impropriety.

It is impossible in the nature of things that the mere knowledge that such a wish is cherished should not operate as official pressure; and the influence of the office, direct and indirect, and all the power of those hoping to profit by the change, would combine for its accomplishment.

Even though these views may be mistaken, yet we think the precedent a most evil one, which may be followed hereafter by officials less trustworthy.

It is in view of the mischiefs which may follow and of the possible impairment of the confidence of the people of Pennsylvania in their highest court that we feel constrained to present this remonstrance. We beg to assure you that, not only do we cordially sympathize with you in your desire to return to the Bench, for we should have been glad under any other circumstances to join in furthering your wishes, but we are unable to do so now, as we cannot shut our eyes to the fact that, if you

become an associate justice of the Supreme Court in the manner proposed, you will forfeit a large share of the respect and esteem of the profession and weaken the faith of the people in the disinterested administration of justice.

We do, therefore, most respectfully but earnestly entreat you to reconsider your avowed intention, and to continue to the expiration of your term of office as governor to safeguard and protect the interests of the people of this great commonwealth, to whose honor and welfare we know you are sincerely devoted.

We remain, with great respect and cordial personal regards,

Your obedient servants,

Samuel Dickson	J. I. Clark Hare
William S. Price	M. Hampton Todd
Henry R. Edmunds	Thomas Leaming
John R. Read	John Cadwalader
John Marshall Gest	William H. Staake
John Hampton Barnes	G. Heide Norris
Dimner Beeber	Joseph de F. Junkin
J. Levering Jones	Richard C. Dale
Francis Rawle	Henry Budd
Charles C. Townsend	John G. Johnson
J. B. Townsend, Jr.	Frank P. Prichard
Russell Duane	Wm. Righter Fisher
George S. Graham	Edward W. Magill
George Wharton Pepper	N. Dubois Miller
Frank M. Riter	John Douglass Brown
C. Berkeley Taylor	Wm. Rotch Wister
J. Percy Keating	Walter George Smith
Albert B. Weimer	Theodore M. Etting
John J. Ridgway	Sussex D. Davis
Charles Biddle	J. Rodman Paul
William Drayton	Wm. Rudolph Smith

W. W. Montgomery

Nothing that occurred during my whole term gave me so much pain as this communication. It was a revelation. These gentlemen had seen me tested for fourteen years, and yet, while asserting their favorable experience, were unwilling to trust me to determine a question of professional propriety. They were ready to believe an anonymous correspondent of a partisan sheet and to treat as naught

their own experience. Many of them, including Dickson, had privately told me of their approval of my course with the newspapers. W. Righter Fisher had read law in my office. And yet, when the inevitable war followed, they deserted to the enemy almost at the first fire. It was a warning to me that in the trials of life it is unsafe to rely even upon friendship, upon long association, upon the judgment of men accustomed to reason. It was a justification of Warren in his dread of the *North American.*

The singular weakness of the document, the fact that the question they raised had already been determined in a way contrary to their thought was of little moment. The fact stared me in the face that, so far as they were concerned, I was left to fight my battles as I might alone. With respect to its contents, there is only need to point out that my letter to the *Ledger* did not announce an "intention of accepting the nomination," that it did not announce a "candidacy" and that it did not express a "desire to return to the Bench." These were only the mistaken newspaper interpretations, and the word "barter" was taken from the editorial of the *Record,* with that journal's unsound analysis of its own assumed facts. The standard of ethics which it was suggested that I ought to maintain, *i. e.,* "that the mere knowledge that such a wish is cherished" operates "as official pressure" and, therefore, that I ought not to entertain such a wish, is an impossible standard. A few years later Charles E. Hughes went from the governorship of New York to the Supreme Court of the United States and not one of these friends of mine made a whimper about the possible impairment of the confidence of the people in the court. Moreover, my letter expressed no such wish. If their statement that they would be glad "under other circumstances" to further my wishes was intended as an implied promise, then I never heard that any one of them endeavored to carry it into effect. To do what they evidently wanted me to do, and to decline

in advance a nomination which might never be tendered, would have been, had I complied, to have placed myself in a preposterous position. Carson, who, alone with Quay, knew of the conclusion I had reached, agreed with me that they had no right whatever to force from me a declaration of purpose. My answer ran:

GENTLEMEN:

I much appreciate the kindly feeling which pervades your letter. Its main effect has been to sadden me. If you do not care to judge me by the acts of my judicial and gubernatorial life, and you feel that past conduct is not a safe guide by which to determine what may be done in the future, I may at least ask you to suspend all inferences until the facts are disclosed.

Sincerely yours,

SAMUEL W. PENNYPACKER.

This ought to have been enough, for a man with his eyes open, to have given a cue, but it was not, and they went along, printed their Round Robin and helped the newspapers in their futile campaign. The next step soon followed. J. Hay Brown so far forgot his obligations as to give to the *North American* an interview in which he said:

"I cannot say more than that the Bench ever relies upon the Bar to sustain and protect it, and I have faith to believe that the lawyers of the state, and the people who are their clients, will deliver it from what the press, in reflecting the sentiment of all decent people, justly regards as the governor's menace to its safety."

Here was presented a fine opportunity for Mr. Dickson, Mr. Johnson and Mr. Graham. A justice of the highest court, from the bench, by a publication in a discreditable sheet, sought openly to affect the action of the convention of a political party. With what effect, assured that they stood upon safe ground, could they have discanted upon the "impairment of public respect for that tribunal!" But it passed as a neglected opportunity.

Quay, broken in health, was in Florida. He was not

quite satisfied with my determination of the matter and scolded over it. I believe that he knew that he would soon die and that he wanted what he regarded as an obligation he had undertaken in my interest to be assured while there was time. He wrote asking me if my mind was fully made up and advising that in that event no intimation of the purpose be given until the meeting of the convention. No doubt his plans would be helped by such silence. While Tray, Blanche and Sweetheart were yelping upon the wrong trail the real game was safe in its covert.

I wrote to him February 19, 1904:

Dear Senator:

Of course the public talk has made all of the men about me uneasy concerning their positions and naturally they want me to remain. As I told you in Washington, I have definitely given up all thought of going to the Supreme Court at this time. The bar are against it and the better class of people feel that it would be a desertion of my present office and duties. It would give a vantage ground of opposition to the ticket and perhaps endanger senators and representatives. It would be discussed in such a way as to be injurious to the court, and I am under obligations not to harm either party or court. Most of the satisfaction of being a member of the court would disappear if I felt I went there without professional approval. If the party people in Philadelphia have plans they want to accomplish they may feel assured that while I am here they will receive fair consideration. If matters run along as they are now, without my speaking until the meeting of the convention, and then some one else is nominated, it will be said you have wisely curbed my ambition, and I shall be entirely content. I owe you much anyhow. And if this be the last opportunity, very well. You will never hear me complain.

At this juncture, when a committee with Dickson as chairman, and Dimner Beeber and Alexander Simpson, Jr., as secretaries, was endeavoring to arouse the lawyers of the state in support of the newspaper crusade, Quay appeared on the scene in a new rôle. From St. Lucie, in Florida, he issued this proclamation:

To the Republicans in Pennsylvania:

It may now be taken for granted that Governor Pennypacker will say nothing publicly upon the proposition that the Republican party shall nominate and elect him to the Supreme Court judgeship. But something should be said by some one to wash away the existing misrepresentation. I am fully informed, better informed than Governor Pennypacker, of the facts surrounding the propostion, and in view of the recent publications, anonymous and judicial, it seems to be proper that they should be enlightened. Their criticisms upon the Governor are unwarranted. The accusations of Mr. Justice Brown and the anonymous writers in his train are malicious and mendacious.

Governor Pennypacker never was, and is not now, a candidate for the Republican nomination for the Supreme Court. He has not sought, nor will he seek, that nomination. He has not signified that he will accept it if tendered to him, and if he is wise he will keep his counsel upon that question. If he declines, his enemies will say, some of them, that they have driven him from the field; others that he is declining a nomination which was never tendered and is not accessible; if he says he will accept, and the convention should fail to give him its suffrage, the situation would be still more disagreeable.

The documents in the case are few, an anonymous letter to the *Philadelphia Record*, a Democratic newspaper; an anonymous letter to the *Philadelphia Press*, and an interview from Judge Brown in the guise of *Magister Morum* of the Bench and Bar. The letter in the *Record* confines itself to two allegations: First, that the appointment of Mr. Justice Samuel Gustine Thompson was made in order that Governor Pennypacker should secure the judgeship for himself as soon as he can. This is false. The anonymous writer says he knows it to be a fact. Let him produce the evidence. Second, that Governor Pennypacker conspired with Senator Quay to trade two years of his term as governor for twenty-one years' term on the Supreme Court Bench. This is also false. If it is true let the anonymous writer produce the evidence of its truth.

The letter to the *Press* is devoted to the proposed appointment of Lyman D. Gilbert. Judge Weiss of Harrisburg and Mr. Gilbert both know that the statements of the *Press* writer are false. These are practically:

First, that the Governor sought to dicker or trade with Mr. Gilbert to attain the high office of Supreme Justice. This is false. Even if the Governor were disposed to dicker, Mr. Gilbert

had nothing to deliver. I cannot imagine any action of Mr. Gilbert in the connection discussed that could prevent or promote the nomination or election of Governor Pennypacker. If the vacancy were a factor in results, it would only be necessary to leave it open until the Republican Convention met. Here again the anonymous writer must produce his evidence or stand convicted.

Second, that a conference was held at the Executive Mansion, after which Mr. Gilbert was told that he would be appointed to the vacant judgeship if he would agree not to be a candidate for the nomination, and that if Lieutenant Governor Brown became governor he would appoint Gilbert attorney general. This is also false. If it is true let the anonymous gentleman produce his evidence.

Third, that he was told Judge Thompson or D. T. Watson would be appointed if he, Gilbert, did not accept. This is false, as is the inference that Lieutenant Governor Brown was a party. If true, let us have the evidence.

This is the substance of all the charges against Governor Pennypacker in this connection. I declare them false, and the anonymous correspondents of the *Press* and *Record* and Mr. Justice Brown must establish their case by evidence or stand convicted libelers. To use a homely but apposite expression, they must "put up or shut up." When they attempt to "put up," I will have something to say, more in detail. In the meantime, as the *Record* declares its correspondent "high and reputable" and the *Press* declares its correspondent "high and responsible," it would be fair for their "high" writers to take off their masks and show their faces to the people of the state whose governor they traduce.

Only an extract from the interview of Justice Brown has penetrated here, but newspaper comments indicate that he has descended from his judicial perch to snarl at Governor Pennypacker in obedience to a call upon him to interfere for the protection of the Bench, which he declares is menaced. He is certainly answering a call intended for some one else. There is no reason within my recollection why the Bench should distinguish him as its special representative to prevent our chief executive from passing between the wind and their nobility. He was nominated and elected, as Governor Pennypacker will be nominated and elected if at all, by a Republican State Convention and the Republicans of the state. Even in his case there were evil-disposed persons who said that he was not selected for pre-

eminent qualifications, nor in obedience to the clamorous demands of the people, but that he was, so to speak, taken by the scruff of the neck and the seat of his inexpressibles by a friend or two and catapulted over the sacred pole which divides the Supreme Court from common mortals. Yet the Bench did not regard his unconventional entrance as a menace to its safety, nor when Justice Potter was appointed by his business partner to his high position did the Supreme Court flee in terror at his unceremonious entrance. On the contrary, he was deservedly popular. Every member of that court has gone upon the Bench, as the governor may go on it, by a nomination and election by his party. Every one of them was desirous and has endeavored to get there, and they were sent there to judicially administer justice, not to trail their gowns in the gutters of politics and to dictate the nomination and election of their associates. This, in my opinion, is the sentiment of the people in this contention of Justice Brown. If he is of a contrary opinion, let him resign his judgeship and go before the next Republican State Convention and before the people and test the question. He will be wiser afterward, and I can assure him the convention will be no more of a machine-made convention than the similar bodies which nominated him and his associates to their present positions. Were it not that Justice Brown in his interviews fences me, in common with many hundreds of Republicans in Pennsylvania outside of the fellowship of "decent people," I might enter upon the ethics of the situation and the delicacies that accompany the high place he occupies. There is certainly a question whether the people have a right to take an officer from a place to which they have called him and command him to another. There is also a question whether, granted the right to take a judge from the court of common pleas and place him in the Supreme or Superior Court, the principle will not apply in the case of a governor and whether the acceptance of his office by a governor creates an implied contract with the people that he shall fill his allotted term, any more than does the acceptance of his office by a common pleas judge. This is pertinent, for five of the present members of the Supreme Court were elevated from the common pleas bench. But, I leave those matters for solution to the "decent people." I have received but one letter from a judicial officer upon the Pennypacker controversy. It was from Judge Brown.

M. S. Quay.

St. Lucie, Florida, Feb. 13, 1904.

This open letter was as much of a surprise to me as it was to everybody else. Never before had Quay been known to give publicity in advance to his views upon a measure yet to be determined. It showed his loyalty, courage, vigor and capacity for expression. It presented my cause with an effectiveness which it would have been impossible for me to have given. It threw the line of assault into confusion. It pointed out to the lawyers what it is remarkable they had not seen for themselves, that since an appointment comes from one source of power, the governor, and an election from another source of power, the people, there was no real connection between them, and that I could have avoided the whole ground of their censure by simply leaving the judicial office vacant until the election. The condemnation of the impropriety of Brown, which might with good grace have been given by Dickson, Simpson and Beeber, while they were reading lessons in dialectics, had been administered by a United States Senator who had placed him on the Bench, and Brown never uttered a word thereafter.

The convention met on the 5th of April. None of the men around me, save Carson, had any intimation of what I was going to do. I doubt whether the political leaders, save Quay, were any better informed. On the 2d of April the Committee of Lawyers published another long pronunciamento. On the 5th, the headline of the *Record* said: "Pennypacker's Excuse to Run is Made to Order," and the headline of the *Press* said: "Pennypacker Will Accept Nomination." In the morning the eighty-six delegates from Philadelphia met and unanimously endorsed my nomination. At 4 P. M. David H. Lane, with a committee, came to the department and officially tendered to me the nomination. The time to speak had come. My response had been roughly written on a loose sheet of office paper. Lane made a neat and sensible speech, and then I read:

In view of the possibility of some such action as you have taken, I have given careful consideration to the subject in a conscientious effort to reach a correct conclusion. I have examined the matter in all of its relations, so far as I have been able to understand them, and I have concluded not to be a candidate and not to permit my name to be presented to the convention. In so doing I want further to say to you that this expression of consistent confidence, coming from the people of the city which you represent, and wherein my judicial work was done, will ever be one of the grateful memories of my life.

All had the feeling that they were participating in an event of solemnity. Lane, aided by David Martin and Henry F. Walton, tried to persuade me, but the die was cast. My last chance of completing the current of my life, as I had chosen it for myself, had departed forever. Never for an instant have I since regretted the decision. To have accepted the nomination would have been to have done not a wrong but a weak thing, and it remains a satisfaction to me to know that, when tested again, as I had been in youth when most of my friends went home and left me to go alone to Gettysburg, the inherited instincts which constitute character were not found wanting.

Walton besought me to let him have the scrap of paper from which I had read. He framed it and hung it in his home. A good speaker, stout and agreeable, he had participated in many campaigns; a good lawyer, he had a considerable practice; he had several times been speaker of the House, and now is prothonotary of the courts of common pleas in Philadelphia. When the bill for an appropriation to build a fire-proof building for the Historical Society of Pennsylvania was under consideration, he had come to me and said it would be passed or not as I wished, and it was passed. After my declination had been received, John P. Elkin was nominated without opposition. These events, which I saw from the inside, have been narrated in detail partly because they illustrate the character and methods of Quay, who Senator Thomas C. Platt of New

York, himself an expert, says was the ablest politician the country has ever produced. A review of these events shows with entire plainness the following facts:

A vacancy in the Supreme Court in which, professionally and otherwise, I took a great interest was filled, while I was governor, for twenty-one years by the selection of a man whom I had declined to appoint. The committee of the bar were so wearied with the chase after an *ignis fatuus*, and their feet were so clogged with the mire of the swamps, that they accepted without a murmur the selection of a man whom most of those they represented had denounced as a ring politician of such type that he was unfit even for executive office. The press, which would have opposed anybody, good or bad, favored by Quay, had been kept for four months upon a trail that led nowhere. My efforts to be decent, the pathos of the committee of lawyers, and the malice of the newspapers, had each contributed its part toward the completion of the plans of this master in the manipulation of men. If this be not genius, where will we find it? It ought to be added that Elkin was elected by a large majority, as I would have been, and has made an upright and unusually capable judge, who has won the approval of the entire profession. The lawyers over the state who signed a protest numbered one hundred and six, a small percentage of the whole bar. The newspapers, after the close of this episode, were, I think, rather more cautious about telling their readers what I intended to do. In a vein of playfulness Quay sent me from Florida these excerpts:

Et interrogatum est ab omnibus "ubi est ille J. Hay Brown?" Et respondum est ab omnibus "non est inventus."

Et interrogatum est ab omnibus "ubi est ille high and reputable writer?" et respondum est ab omnibus "non est inventus."

Et interrogatum est ab omnibus "ubi est ille high and responsible writer?" Et respondum est cum cachino "non est inventus."

Deinde iteratum est ab omnibus cum cachinatione undulante et trepidante "non sunt inventi." *Murder as a Fine Art.*

Rudolph Blankenburg in Philadelphia and Henry Watterson in the Louisville *Courier-Journal*, both made efforts to reply to Quay's letter. The platform adopted by the convention set forth:

"We heartily endorse the wise, bold, fearless, honest, economical and efficient administration of Governor Samuel W. Pennypacker," and the convention selected me as a delegate to the National Republican Convention to nominate candidates for the Presidency and Vice Presidency.

A versifier wrote:

> Surprise and consternation reign,
> For after weeks of stress and strain
> And labor which was all in vain,
>   The boys who split the welkin
> With ringing Pennypacker cries,
> Their programme must forthwith revise,
> And shifting round contrarywise,
>   Must raise the roof for Elkin.

It is a pleasure to turn from the literature of journalism to the literature of the schools of learning.

The University of Pennsylvania on February 22d conferred upon me the degree of Doctor of Laws. In presenting me, J. Levering Jones said to the provost, Charles C. Harrison:

We have escorted here this morning, with formal courtesy and demonstration and brought into the presence of this imposing assemblage, the Governor of this Commonwealth, because he has by merit attained high public station and won an honorable name in letters and in law. He is a successor of the sagacious and virtuous Penn; the chief magistrate of a state imperial in domain, resources and population, possessing greater wealth than England in the days of Elizabeth, and a culture as wide and universally diffused as the England of our own times.

Patient and reflective in temperament, industrious in mental habit, with the inherent tastes of a scholar, at the bar he was not satisfied merely to advise a client or formulate arguments before the court; he remained the indefatigable student of history, ever

examining the great events of the past and their significance that he might adequately comprehend the social forces that determine legislation and laws. Hence the bench was congenial to him and he adorned it with the soundness of his judgment, the ripeness of his learning, the simplicity of his manner and by the uprightness of his character.

Literature is indebted to his contributions, for they are the product of persevering and profound research. He has illuminated the early history of the Quakers and the Germans, along the shores of the Delaware, and delved into the musty archives of four nations that he might with fidelity depict *The Settlement of Germantown* and eloquently describe the life and civic virtues of the learned Pastorius.

Since 1886 he has been a trustee of the University, active in promoting its interests, pleading always in its behalf, giving without measure time and service. We give generous praise to those who thus labor in the cause of education, opening the eyes that they may see more and farther; instructing the ears that they may hear more perfectly; awakening all the senses that they may more swiftly appreciate; enriching the mind that it may more wisely and efficiently understand.

Strong and steadfast in conviction; faithful in friendship; loyal in principle; passionately devoted to Pennsylvania and its institutions, he has ever performed with honor the responsible duties that have devolved upon him. For his eminent services as a citizen and his lofty qualities of heart and mind, we, the Trustees present Samuel Whitaker Pennypacker to the Provost that he may receive the degree of Doctor of Laws.

The winter of 1903–04 was severe and the Susquehanna, the most impressive of the rivers of Pennsylvania, was frozen across, giving beautiful displays of ice effects which could be seen from the windows of the executive mansion. The thaw came in the early part of March, the waters rose to a great height, piling cakes of ice in huge masses. On Sunday, March 6th, in the afternoon, while the rain was still falling in torrents, I was called to the telephone and informed that near Goldsborough, a few miles below Harrisburg, fourteen people were on an island in the river, that the waters were rapidly rising and had reached the

second stories of the houses in which they had taken shelter, that the ice was piled up between them and the shore, making them inaccessible, and that unless relieved they would soon be drowned. It was a situation in which I did not know what to do. I so told the man at the other end and asked him what he had to suggest. He said he thought I could perhaps get the life-saving people at the station at Atlantic City to come up. I could have done so, no doubt, but meanwhile the people on the island would have been drowned. I sent for Captain John C. Delaney and told him to go down there at once and see what could be done. He soon returned with the report that the situation was hopeless. At the same time I sent for James M. Shumaker, who at once had a plan, which was to take the riggers who were at work on the Capitol, and used to moving around with little support, with their tackle and necessary apparatus, down there. Shumaker was the right man in the right place, and that the very thing to do. He was put in charge of the arrangements. Senator E. K. McConkey of York, a fine fellow who, within a few years died of heart disease, who had arrived on the scene, assisted. They fastened ropes to the shore, one man went out on the ice a short distance and there stood at the rope. Another went a little further and so on until they had a living chain reaching to the edge of the current. Then with a boat they took the people out of the upper windows of the house and brought them all, including a grandmother seventy-five years old, over the ice piles in safety to the shore. It was a thrilling and dramatic incident and here was a man equal to an emergency, who was willing to do his duty and, when occasion required it, more than his duty, deserving well of the state. Those rescued were the families of John and George Burger, who had been caught by the waters on Shelly's Island.

Since Roosevelt had postponed his participation in the ceremonies of University Day for a year, the authorities of

that institution invited me to deliver the oration on the 22d of February. It gave me the opportunity to present the thought which had never before been suggested, but which I then and have since emphasized, that the public career of George Washington was essentially a Pennsylvania career, beginning and ending in this state, though he was born and died in Virginia. At the same time that the University conferred upon me the degree of Doctor of Laws, it conferred degrees upon the Baron von Sternberg, Ambassador from Germany to the United States, a slightly built, sandy and affable German with whom, through a number of occasions of meeting, I established an acquaintance; Chief Justice Mitchell and James Whitcomb Riley, the Hoosier Poet, whom I then encountered for the only time, a small man with a bald head, a big mouth, a genial smile, and who wore glasses.

A vicious system had grown up in the state of providing for the maintenance of the peace by the appointment of what were called "Coal and Iron Police." It began with the railroads and mining corporations, but had gradually extended so as to include corporations in various sorts of business. These police were selected, paid and discharged by the corporations, but were commissioned by the state and exercised its authority to make arrests. This most delicate power of the state had to a great extent been transferred to the officials of one of the parties to the controversies which every once in a while arose. With entire propriety, the working men engaged in struggles with their employers, resented the intrusion of these police and their interference was more likely to cause than to prevent violence. During the last year of Stone's administration 4,512 of these police had been appointed, and, while during my first year they had been lessened to 186, the situation was still bad enough. The commissions had been issued for indefinite periods of time and there were unknown numbers of men within the state who, after being dis-

charged, still held these evidences of authority. In April of 1904, I took hold of the matter. I required, before appointment, affidavits to be filed, giving the records and characters of the men and the necessity for their appointment, restricted the commissions to a term of three years, and determined at the next legislative session to endeavor to do away with the entire system.

During my whole term as governor, all attempts to make use of the office and its incumbent for advertising purposes were, as I have written, resisted and thwarted and, therefore, all invitations to pitch the first ball at baseball games and to do like things were declined. On the 13th of April, however, I went to Shamokin Dam in Snyder County, along with Hunter and other officials of the Highway Department, and there, with a pick and a shovel, in the presence of a crowd, began the good roads movement and the improvement of the roads by the state. I made a little speech to the onlookers and then began to throw the dirt.

A commission, of which Governor William A. Stone was the chairman, for the purpose of erecting a Capitol in the place of that which had been burned, had been organized August 20, 1901, but more than a year had been occupied in the selection of the plans and the preparatory arrangements, so that little of the work had been done when I became Governor and assumed the responsibility for the progress of the building. I laid the corner-stone May 5, 1904, which covered a copper box containing contemporaneous records and suitable inscriptions, using a silver trowel presented to me for the purpose. A corner-stone had been placed by Governor Daniel H. Hastings in the structure begun in 1898, but since that was a cheap brick building, practically abandoned, being regarded as insufficient, it was thought best to begin anew.

On the 24th of May I made an address in the morning at the dedication of the new court house in Norristown

and, in the afternoon, introduced by Wayne MacVeagh, I took a pick and broke ground for the erection of the new building of the Historical Society of Pennsylvania at 1300 Locust Street, Philadelphia.

On the 28th of May, Senator Quay died. I have endeavored to make an analysis of his character and present his achievement in a paper, prepared at the request of the Legislature of Pennsylvania, and it appears in my *Pennsylvania in American History.* The feature of his career which impresses me most forcibly is its pathos. Here was a man with a lineage, identified with the state since its foundation, whose forefathers had borne the commissions of the province in the French and Indian and the Revolutionary wars, with a capacity for statecraft, conceded to have been unsurpassed, with literary attainments and skill, with generous instincts and a kindly tolerance for even his enemies, without those elementary impulses which are gratified with the accumulation of money, who devoted his whole life to the advancement of the interests of the state and accomplished very much in her behalf, a soldier who fought for her with distinguished honor, and a statesman who won for her great rewards; and yet ever followed by the persistent abuse of the faithless and incompetent, he failed to receive the appreciation which was his due. A brave knight, he won his many successes only by continuous battle against heavy odds. It is easy to win the applause of the crowd—to give them uplift is a difficult process. Had we given him support, as Kentucky gave it to Henry Clay and Massachusetts gave it to Daniel Webster, in spite of their many delinquencies, it would have been well for the reputation and the welfare of the state. I had seen him a few months before his death. He sent me a telegram from Atlantic City asking me to come down there. I dined with him and he and I were pushed around over the boardwalk in a rolling chair. He talked to me about the family, his people, about his experiences in

life and during the whole three hours not one word concerning the politics of the state. I understood that he had sent for me in order to say farewell to one for whom he felt a sympathy and to whom he had shown a friendship. If there was anything of a personal character which he would have liked to have accomplished he never mentioned the subject, and so displayed a delicacy of which few men would have been capable.

On Decoration Day, the 30th, Roosevelt made an address at Gettysburg from a platform near the spot where Lincoln had spoken. It was the first time he had ever been upon that field. Mrs. Roosevelt and their little daughter, Ethel, came with him and it became my duty to look after and endeavor to entertain the young lady, a hearty and agreeable little girl, who afterward wrote to me a pretty note. It rained throughout the entire ceremonies, but the people stood under their umbrellas and listened. The necessity of introducing the President gave me the opportunity to express my own thought concerning the significance of that decisive battle and I said:

> The Battle of Gettysburg, momentous in its exhibition of military force and skill, tremendous in its destruction of human life, had consequences which in their effect upon the race are limitless. As the seeds of the cockle are sown with the wheat, so in the constitution adopted by the fathers in 1787 lay the germs of an inevitable struggle. Two antagonistic forces grew in vigor and strength, side by side, in one household, and, like Ormuzd and Ahriman, they must strive for the mastery. Upon this field the struggle came to a determination and the issue between them was here decided with cannon and musket. The rebellion was undertaken by the followers of the doctrines of Calhoun and Davis with the purpose to rend the nation asunder and break it into fragments. Alas for the futility of the expectations of men! The Lord who holds the peoples in the hollow of his hand, and who, since the dawn of history, has taken them up by turns in the search for one fit for broad domination, did not forsake us. The extraordinary powers exercised for the maintenance of the national life in that dire time of war became fixed

as the principles of the national government. The flame of strife but tested the virtue of the metal. The blows intended to dissever only welded the sovereignties together more firmly for future wider effort. The nation, as it exists today, arose when Pickett failed to drive the Philadelphia Brigade from the stone wall on Cemetery Hill. A seer, sitting on that dread day upon the crests of Big Round Top, could have figured, in the clouds of smoke rolling over the Devil's Den and the Bloody Angle, the scenes soon to occur in Manila Bay, at Santiago and San Juan Hill, the beaming of a new light at Hawaii and in the far Philippines, the junction of the two mighty oceans and the near disappearance of English control of the commerce of the world.

The presidential office is so great a station among men that those who fill it are not to be regarded as personalities. Their individuality is lost in its immensity. They become the manifestations of certain impulses and stages of development of the national life. Jackson represented its rough, uncouth and undisciplined strength. Lincoln looms up above all other Americans bearing the burden of woe and suffering which fate laid upon his broad shoulders in its time of stress and trial. Blessed be his memory forevermore! No people can look forward to the fulfilment of such a destiny as events seem to outline for us save one alert and eager with the enthusiasm and vigor of youth. No other President has so stood for that which, after all, typifies our life—the sweep of the winds over broad prairies, the snow-capped mountains and the rushing rivers, the Sequoia trees, the exuberance of youth conscious of red blood, energy and power, pointing our bow of promise, as does Theodore Roosevelt. He has hunted in our woods, he has enriched our literature, he has ridden in the face of the enemy, he has maintained our ideals. Upon this day, devoted to the memories of the heroic dead—in Pennsylvania a sad Decoration Day*—the achievements of the prolific past and the promise of the teeming future confront each other. Today for the first time Theodore Roosevelt treads the field made immortal by the sword of George Gordon Meade and hallowed by the prose dirge of Abraham Lincoln.

Philander C. Knox, then in the Cabinet, wrote: "I have heard the President and Mrs. Roosevelt both express their very high appreciation of the way in which you presented him at Gettysburg."

* Quay lay dead.

John Hay wrote: "I was greatly struck with it when I saw it in the newspapers and have read it again with the greatest interest and renewed admiration."

Vice President Charles W. Fairbanks wrote: "It was a perfect gem."

General Daniel E. Sickles, who was there, wrote: "You said a great deal worth remembering, in a short space of time. . . . The charm is perfect."

And Edward Everett Hale, who was also present, published in the Boston *Christian Register* a report in which he said:

> The occasion was attended by gentlemen and ladies of distinction from every quarter. Governor Pennypacker, whom I heard called, by one who had a right to speak, the most sagacious and reliable governor of the state since Benjamin Franklin was its president, introduced the President in a speech apt indeed for its memories.

The following day I attended the funeral of Senator Quay and heard the services in the Presbyterian Church at Beaver, where he had lived his home life and the people were most able to understand and appreciate his character. Clergymen of different denominations participated and the Rev. J. R. Ramsey delivered the funeral sermon.

The death of Quay left Senator Boies Penrose as the titular head of the Republican party in the state. On the 3d of June, along with Dr. Henry D. Heller, the quarantine physician, Charles H. Heustis, health officer, Lieutenant Governor William M. Brown, Senator Penrose and many others, I went down the Delaware River upon the tugboat which had been given my name to inspect the quarantine station. On the way I took occasion to have a talk with Penrose and told him in effect that circumstances had imposed a certain responsibility upon him and me and that he could depend upon me to do all that properly could be done to maintain the control of the state by the Republi-

can party, and that in my view it could be best accomplished by endeavoring to work out certain results. Penrose is a large man, tall and stout, dark in complexion, with a heavy growth of hair on his head, a graduate of Harvard, intelligent and able to make a clear and convincing speech, cynical in his philosophy, given to self-indulgence and mentally slothful. I never knew him to indicate that he was looking further than the results of the next election. I never knew him to urge support of a man or a measure upon the ground that the man was the most capable for the position or that the measure was likely to produce beneficial results, but his thought seemed ever to be to ascertain what would tide over an existing emergency in some political combination. Had I followed his advice I would, on one occasion, have appointed a judge who within two weeks thereafter was arrested upon a charge of embezzlement.

Soon after Quay's death I said to him:

"Senator, there will be a great contest in this state over the election of the next governor and you had better be making your arrangements now in preparation for it." His reply was:

"Nonsense, there is not a sign of disturbance anywhere in the state. It would cost $250,000 and there is not a man in the state who would be willing to spend the money. If Durham and I cannot manage the next convention and election we ought to go and hide our heads."

He turned to Israel W. Durham, who was present, and Durham agreed with him. I insisted upon my view.

"Why, do you know anything?" he inquired.

"No, I do not know a thing, but let me tell you this—there are a lot of uneasy people all over the state whom Quay had suppressed. He had beaten them so often that they feared to enter a contest with him. You are untried. They will be up in arms and you will have to fight for your seat before you can hold it and their opportunity will come over the governorship."

This process of reasoning made no impression on him and it marks the difference between him and Quay, who would have foreseen the situation which arose.

There was a vacancy in the United States Senate to be filled. If Quay ever had the thought that his son Richard might succeed him there, as J. Donald Cameron had followed his father, he never even gave me a hint of his wish. Richard R. Quay, a bright, dapper little fellow, who had shown an aptitude for making money, had done nothing in public life which would justify such a selection. His appointment could only have been made by subordinating duty to friendship. The newspapers, as is their wont, proceeded at once to determine the person who should be selected and the manner in which it should be done. In their view, if the governor did not call the legislature together in special session for the purpose he would be a violator of the constitution, and they cited an argument of my attorney general in support of the proposition. Among their selections were William Flinn, Joseph C. Sibley, John Dalzell, Francis Robbins, Henry C. Frick and John P. Elkin. In an interview in the executive mansion at Harrisburg, at which were present Penrose, Robert McAfee and other party leaders, the Senator offered to me tentatively a list of about six names. We talked over the matter at some length. George T. Oliver of Pittsburgh was the only one who was satisfactory in my view, and most of the men suggested I would not have appointed under any circumstances. Finally I said to Penrose:

"The proper man to send to the Senate is Philander C. Knox."

His name was not on the list. The interview then ended. A day or two later, I was invited to dine with The Farmers' Club at the farm of A. J. Cassatt in the Chester Valley. There were present, among others, George F. Baer, Wayne MacVeagh and Senator Penrose. When the dinner was over Penrose asked me to walk out on the lawn and there

he told me that "they" had talked it over and had concluded to ask me to appoint Knox.

"I will do it at once," I replied; "that suits me exactly." I had determined, if Knox were willing to accept, with the risk of the election by the legislature, to make the appointment without an understanding."

We were in a cordial good humor and the Senator further said to me: "Durham and I have talked over the matter and have concluded that when the next vacancy occurs in the Supreme Court of the United States or in the Supreme Court of the state, to insist upon your having the place."

This fact further illustrates the difference in the methods of Quay and Penrose. Quay never would have made such a promise unnecessarily and unrequested, and if he had made it, would have seen that it was fulfilled.

I made the appointment at once.

Knox, through his intelligence, experience and knowledge of the law, soon took a commanding position in the Senate and the state never was more worthily represented there.

He made a mistake in accepting the position of Secretary of State under President Taft, a place in which the incumbent, if he fails, is sure to get the blame, and if he succeeds is sure to have some one else receive the credit. I accompanied the appointment with an opinion giving my view of the effect of the provisions of the Constitutions of the United States and of the state differing from that which had been expressed by Mr. Carson and been supported by the newspapers, which latter had no care to have the state well represented, and only sought to embarrass Penrose and the Republican party. Unable to meet the arguments of my paper, which no lawyer undertook to do, they sought to take it out of me by calling me a "violator of the constitution," an "anarchist," a "nullifier," and by saying I had committed a "palpable malfeasance" and a "viola-

tion of law." In fact, I was as much abused by these interested commentators for selecting the most capable man in the state to represent it in the Senate as I was later for seeing to it that Pennsylvania had the most beautiful and most inexpensive state capitol in the country.

On the 11th of June I went to Pittsburgh to deliver an address and accept for the state the monument to Colonel Alexander Le Roy Hawkins and the dead of the Tenth Pennsylvania Regiment, which was the only regiment from the thirteen original states to participate in the war with Aguinaldo in the Philippines.

About this time I made an order that no more justices of the peace would be appointed without a statement in detail of the age, occupation and qualifications of the applicant, accompanied by certificates from residents of the neighborhood of his integrity and ability to perform the duties of the office.

It was a busy time and events crowded upon each other rapidly. On the 20th of June I was in Chicago as a delegate to the National Republican Convention. My rooms were in the Auditorium Hotel, where an agreeable impression was made by the Pompeiian room fitted up entirely with eastern ornamentation and a disagreeable impression was made by seeing the young men and young women, evidently of the cultivated classes, coming in to drink highballs and cocktails together as though it were quite the thing. The newspapers, in their efforts to suppress me because of the legislation making them responsible for negligence, had succeeded in producing the opposite result, and had given me an undeserved prominence. Governors Odell of New York, Herrick of Ohio, and Murphy of New Jersey came to my rooms, and it was reported: "The Governor was the striking figure in the hotel lobby and was the object of much attention." The Pennsylvania delegation held a caucus and determined to vote as a unit. At this caucus I offered the following resolution:

Resolved, That the Republicans of Pennsylvania, in unison with the people, rejoice in the achievements and deplore the death of Matthew Stanley Quay. A soldier, he won the medal of honor for distinguished services on the field of battle; a scholar, he could impress a thought and turn a phrase with deft skill; a political leader of capacity unexcelled, he entered the stronghold of the foe and achieved a presidential victory under the most adverse conditions; a Senator, his wise counsel and keen intelligence were ever sought and always potent; a statesman, he prevented the passage of the force bill and in time of stress preserved the principle of protection to American industries to the lasting benefit of the country; an exemplar of bold and steadfast integrity, his last contest was a successful effort to compel the national government to keep faith with the down-trodden and the helpless. May he find in the grave that longed-for peace which ingratitude denied to him while he was alive!

Somebody called for a standing vote and every delegate arose to his feet, although many of them were of independent proclivities, and voted in favor of the resolution. To Pennsylvania was accorded the opportunity to make one of the nominating speeches. It is the broadest field in America upon which a man may address his fellow men, and in these conventions is determined who shall guide the destinies of the nation for a period of four years. Penrose came to me and generously asked me to make the speech. I told him he was called upon, as the leader of the party in the state, to do it himself, but he insisted, and the truth is, I was not disinclined to make the effort. The convention was held in the wigwam with an audience of 30,000 people sitting, as in an amphitheater, with tiers rising one above another until they reached the rear and the top. A board and carpeted passage-way ran out from the platform toward the center so as to enable the speaker to approach as near as possible his hearers. "Uncle Joe" Cannon presided, and in his Western breezy way he presented those who were to speak. He adopted all kinds of antics to secure attention and maintain silence. On one occasion he lay flat and pounded on the boards of the

floor with his heavy gavel. If the speaker failed to make himself heard distinctly, a buzz started in the audience, and thereafter he was utterly lost, a mere figure with twisting features and moving arms. There were very few who could stand the test. A man from California whose name I do not know, with a voice like the roaring of a bull, made the crowd laugh and listen. Elihu Root nominated Roosevelt. It was a good speech, but he could not be heard even by our delegation, whose location was very near to the stand, and, therefore, at the time was ineffective. I was called on the second day from my place on the platform where I sat apart from the delegation as one of the vice presidents of the convention.

It is to be hoped that my readers, if I ever have any, will look with lenity upon the introduction into these memoirs of some of my short speeches. If their eyes be wide open they will see that I am endeavoring to impress them, as I ever did my listeners, with the facts that show the great importance in American life of our own state. It is only the simple truth that I have been the first who, upon every possible occasion, in the face of those who have been taught and would rather think otherwise, has boldly asserted these facts and rigidly insisted upon their acceptance. All of my writing predecessors have been more or less explanatory and exculpatory and to that extent weak. It is a satisfaction to know that a result has been accomplished. William U. Hensel, Martin G. Brumbaugh and others have since adopted the same tone and it is to be hoped the time is near when our people will be inspired with a proper appreciation of and pride in their own wonderful influence upon broad affairs. On this occasion and to this vast audience I said:

The Republican party held its first convention in that city of Western Pennsylvania which, in energy, enterprise and wealth, rivals the great mart upon the shores of the inland lakes, wherein, after the lapse of nearly half a century, we meet to-day. Penn-

sylvania may well claim to be the leader among Republican states. The principles which are embodied in the platform of the party as we have adopted it are the result of the teachings of her scholars and statesmen. Her majorities for the nominees of that party have been greater and more certain than those of any other state. She alone, of all the states, since the election of Abraham Lincoln in 1860, has never given an electoral vote against a candidate of the Republican party for the presidency. She is unselfish in her devotion. During the period of the half century that has gone, no son of hers has been either president or vice president. She has been satisfied, like the Earl of Warwick, to be the maker of kings. She has been content that regard should be given to the success of the party and the welfare of the country, rather than to the personal interests of her citizens.

The waters of the Ohio, rising amid the mountains of Pennsylvania, roll westward, bearing fertility to the prairie lands of Indiana. The thought of Pennsylvania Republicans, with kindred movement, turns toward the state which has produced Oliver P. Morton, Benjamin Harrison and the brave Hoosiers who fought alongside of Reynolds on the Oak Ridge at Gettysburg. She well remembers that when her own Senator, he who did so much for the Republican party, and whose wise counsels, alas! are missing today, bore a commission to Washington, he had no more sincere supporter than the able and distinguished statesman who then, as he does now, represented Indiana in the United States Senate. Pennsylvania, with the approval of her judgment and with glad anticipation of victory in her heart, following a leader who, like the Chevalier of France, is without fear and without reproach, seconds the nomination for the vice presidency of Charles W. Fairbanks of Indiana.

My voice is peculiar, but there are tones in it which are penetrating and reach far. Members of our delegation told me that they could hear easily, and certain it is that there was no whispering in the audience and that they gave attention to the address. At its close there came what was called an ovation of applause and Fairbanks came to my rooms to offer his thanks.

Chauncey M. Depew also made a speech in behalf of the nomination of the vice president.

About this time the Philobiblon Club, at my suggestion,

brought out the edition de luxe and facsimile reproduction of *The Chronicles of Nathan Ben Saddi*, the satire upon Franklin, Norris, Isaac Wayne and others about the time of the French and Indian War. I may be forgiven for repeating that it is probably the brightest bit of literature the colonies produced, and that for it I wrote the preface, giving such facts concerning its origin as could be ascertained. On the 27th of June I made an address at the laying of the corner-stone of the Homeopathic Insane Asylum at Rittersville, near Allentown, in which Dr. Heysinger was very much interested. It always seemed to me absurd to talk about a homeopathic insanity and there was later much unfavorable comment upon the cost of the building, and the fact that it had not been completed even at the expiration of the term of my successor.

At the close of July I went to the camp of the National Guard at Gettysburg and was again much chattered about by the quidnuncs because I adhered to my rule of review from a barouche, and there again I inspected every member of every regiment and the culinary and other departments. The adjutant general, Stewart, one of the most capable and energetic of men, had it in mind to arrange for a permanent annual encampment there, but I felt called upon to interfere with him and put an end to the plan. Colonel John P. Nicholson, chairman of the Battlefield Commission, was much opposed to it, and my opinion was that we ought not to force any later uses or associations upon the field where the most fateful of American battles was fought.

On the 1st of August Governor Robert E. Pattison died. I knew him well; a tall man, with dark eyes, he had the wonderful fortune to be twice elected as a Democrat to the position of governor of this Republican state. Mentally he was painstaking, but not vigorous, and he was not very successful in the office or financially afterward. He was of the type of men who always meet with mild

good will and approval. Stone and I were both pall-bearers and attended the funeral. I issued a public proclamation.

During this summer the International Exposition at St. Louis, to commemorate the Louisiana Purchase, was opened. I determined that Pennsylvania should take a prominent part and that the opportunity should be seized to bring before the people of the state and the nation the importance of what she did at the time of the purchase in contrast with other parts of the country. Her vote in Congress was unanimous for the purchase, but the fact had never been pointed out except by Henry Adams, who describes her as the potent factor in the government at this period. Without this purchase we never could have been much of a nation.

The legislature appropriated the sum of $300,000 for the state's participation. I appointed a commission of representative men to take charge of the matter consisting, together with those selected by the legislature, as follows:

Samuel W. Pennypacker, president; Henry F. Walton, chairman of executive committee; James H. Lambert, executive officer; Frank G. Harris, state treasurer; Bromley Wharton, secretary; George J. Brennan, secretary; William M. Brown, New Castle; E. B. Hardenbergh, Honesdale; Isaac B. Brown, Harrisburg; John M. Scott, Philadelphia; John C. Grady, Philadelphia; William C. Sproul, Chester; William P. Snyder, Spring City; J. Henry Cochran, Williamsport; Cyrus E. Woods, Greensburg; Theodore B. Stulb, Philadelphia; John Hamilton, Philadelphia; William B. Kirker, Bellevue; William Wayne, Paoli; John A. F. Hay, Clarion; Fred T. Ikeler, Bloomsburg; Wm. H. Ulrich, Hummelstown; A. F. Cooper, Homer City; Frank B. McClain, Lancaster; George D. Hartman, Wilkes-Barre; Wm. S. Harvey, Philadelphia; Morris L. Clothier, Philadelphia; Joseph M. Gazzam, Philadelphia; George H. Earle, Jr., Philadelphia; Charles B. Penrose, Philadelphia; George T. Oliver, Pittsburgh; H. H. Gilkyson, Phœnixville; Hiram Young, York; James Pollock, Philadelphia; James McBrier, Erie.

I selected as Pennsylvania Day the 20th of August, the one hundred and tenth anniversary of Wayne's victory at the Fallen Timbers, in order to enforce attention to the fact that it was Wayne who won for us the whole Middle West. There was much opposition to this date among the commission for the reason that it was in the very midst of the hottest part of the season and, therefore, likely to interfere with the pleasures of the occasion, but I was inexorable upon this point. An artistic building was erected at a cost of $96,145.64, and it was visited by more people than all of the other state buildings together, due in large part to the presence of the Liberty Bell. The exhibits were most creditable and received many medals from the National Commission.

We left Philadelphia on the 18th with a large party which included my staff, Mrs. Pennypacker, Mrs. Carson and many of the commissioners and their wives, and the next day arrived in St. Louis, where, for the first time, I saw the Mississippi River, and we put up at the Jefferson Hotel. On the ménu for dinner there appeared "Boiled Owl." I was sorely tempted to try what the thing was like, but the price was four dollars and I forebore. We concluded that night to go out in automobiles and take a preliminary look at the fair. We had gone about four squares when one of the most violent of thunder-storms let loose upon us, the bolts of lightning striking and splintering the poles beside us on the street, and we hurried back to the hotel, wet to the skin. In the morning, escorted by the famous City Troop, with John C. Groome at its head, I was driven out to the Pennsylvania Building, which we examined. The day proved to be fully as hot as had been anticipated and all were uncomfortable, but endured their martyrdom for the good of the state. There I delivered an address setting forth in detail Pennsylvania's part in the creation of the West and the securing of the lands of the Mississippi Valley. It has often been reprinted; it appears in

my *Pennsylvania in American History* and it produced the effect which had been intended. In the evening Mrs. Pennypacker and I held a reception attended by Governor David R. Francis, the president of the Exposition. In connection with the exercises I had reproduced A. J. H. Duganne's poem *Hurrah for Pennsylvania*, up to that time almost unknown, and it was rendered with great effect by a lady elocutionist. After examining the Exposition, we left St. Louis on the night of the 23d. When the State Commission closed its labors it returned $30,000 to the treasury, an event almost without precedent.

This successful effort to enhance the reputation of the state was a gratification to all of its decent citizens. There was, however, a fly in the ointment. The *North American* was lying in wait for a chance. When my proclamation was issued, calling upon all of our citizens and their descendants who could, to be present, the newspaper reporter, either through design or accident copied the reference to the anniversary of the Battle of Fallen Timbers as the one hundredth instead of the one hundred and tenth. The editorials followed saying that I made the battle occur after the death of Wayne. An examination of the original proclamation in the office of the Secretary of the Commonwealth disclosed, however, that it was the newspaper reporter who made the mistake and this plan of attack fell flat. Those in charge of the agricultural display had, because of his supposed knowledge of the subject, employed a Democratic professor at the State College and he bought a quantity of seeds, for which he paid $22.60, and placed them on exhibition. The man and the seeds had both been removed in May. The *North American* got hold of the story and cunningly exploited it on the 19th of August, just in time to reach the Exposition on Pennsylvania Day, and as far as possible soil the demonstration. To make a sensation, it gave to the subject nine columns and seventeen pictures, with caricature and other nonsense. It talked of

"unparalleled fraud" and "graft," though this suggestion in connection with a sum of $22.60 was supremely silly. It concocted an interview with a member of the Commission, which he denied, in which he was made to say that not a leaf of Pennsylvania tobacco was in the exhibit, although our display of tobacco received the highest award at the Fair. Indignant at the baseness of the scheme and the way in which it was carried out, I did what I could at the moment and telegraphed to the *Ledger* branding the publication as a malicious falsehood, intended to harm the state. There is an honor among the members of this fraternity, as in another, which bands them together, and the *Ledger* suppressed the dispatch and endeavored to excuse the *North American.*

On the 17th of September thirteen monuments to the soldiers of Pennsylvania regiments who fought in the Battle of Antietam were dedicated and handed over to the custody of the United States Government. I was present with my staff and made an address.

During this month there occurred two events of a personal nature which made an impression on me. A boy in a junk store in a Maryland town came across, amid the old iron, a stove plate with the name Pennybacker on it and he wrote to me about it. I bought it—a rather elaborate piece, with the inscription "D. Pennybacker. His Redwell Furnace, Sept. 24th, 1787." He was an iron master and the grandfather of the late Judge Isaac S. Pennybacker, United States Senator from Virginia, of whom President Polk, in his journal, speaks in terms of the warmest friendship. A day or two later I received a letter from Thomas Gatewood, a messenger in the public buildings in Pittsburgh, who had been a slave in the family of Senator Pennybacker, and I had some correspondence with him.

On the 3d of October I presided at a meeting in the Academy of Music in Philadelphia, tendered by the United Irish League to John E. Redmond, the Irish Parliamentary

leader, accompanied by two members of Parliament—Captain A. J. C. Donehan of Cork, and Patrick O'Brien of Kilkenny. Archbishop Ryan, an exceedingly able, bland and persuasive man, participated.

On the 6th of October I was at York to attend the fair, the guest of Senator E. K. McConkey. At the horse race the driver of the leading horse, as he approached the goal, gently dropped the lines. His arms fell to his side and he rolled out upon the track dead.

On the 18th of November Mrs. Pennypacker and I, upon the invitation of Mr. George W. Atherton, the president of the State College, attended the dedication of the Carnegie Library connected with that institution. Mr. and Mrs. Carnegie and Mr. and Mrs. Charles M. Schwab were there and since we spent a day or two with them in the same house we reached a stage of acquaintance. We found Schwab healthy, hearty and earnest, and Carnegie shrewd and agreeable. The latter gave much attention to Mrs. Pennypacker and told her many incidents of his early life, and she has never been willing to listen to critical comments concerning him since. The coat of my evening suit of clothes was missing and I was compelled to appear at the table in street costume. Mrs. Pennypacker made her own explanations to account for my costume and Mr. Carnegie accepted and covered them up with both graciousness and adroitness. Carnegie, Schwab and I made addresses and Mrs. Carnegie expressed pleasure at seeing and hearing such an exhibition of state pride—a feeling, she said, utterly non-existent in New York.

On Sunday, December 4th, I had a personal adventure. William D. Hunsicker, the farmer at Pennypacker's Mills, drove me in a buggy, with a rather wild horse, "John," to Phœnixville. A mile from that town the elevated divide between the Perkiomen Creek and the Schuylkill River falls abruptly toward the river. There is a very long, steep and dangerous hill, the road in the valley below

crossing a ravine and small stream by means of a narrow uncovered and unprotected bridge. Deep gulleys parallel the road on each side. As a general thing travelers make a detour of about a mile to avoid this sudden descent. For some reason Hunsicker concluded to drive down the hill. At the very top the breech-band broke, letting the harness fall upon the heels of the horse. He gave a kick, knocking the shafts to pieces, and started on a wild run. "We are in for it, Hunsicker. Keep in the middle of the road if you can," were the only words uttered. The wagon swayed to and fro toward the gulleys. Hunsicker's hat flew in one direction and mine in another. My umbrella was tossed into a gutter. When we reached the little bridge, where Hunsicker succeeded in bringing the horse to a stop, "John" was badly injured and the wagon a wreck, but neither of us had a scratch. It was an experience to be remembered but not to be repeated.

CHAPTER XII

GOVERNOR, 1905

THE legislature met again in session on the 3d of January, 1905. My message to it at this time I insert in an appendix entire for the reason that after two years of experience it represents my ripe thought as to the needs and interests of the commonwealth and the judgment of my public work must largely depend upon its recommendations. Many of them, the constabulary, Greater Pittsburgh, the apportionment notwithstanding the impracticable provisions of the constitution, the tax upon coal, and others, have been accomplished. Some, like the exercise of eminent domain only upon the actual ascertainment of the public need, the application of the law of public nuisance to the habitual publication of falsehood, the extension of a park from the front of the Capitol to the Susquehanna River, await the further enlightenment of the people of the state.

There was no consultation with any of the politicians in the preparation of this message, and it was seen by nobody prior to its presentation to the assembly. As was to be anticipated, the suggestion of further action in restraint of "yellow journalism" was like stirring up a cage of wild animals. The newspapers met the suggestion, as usual, not with argument or reasoning, but by objurgation and a strained effort to make still uglier pictures. I did not attempt to influence the members of the legislature in any way and contented myself with having pointed out a method by which this great evil could be controlled should they choose to adopt it. Senator James P. McNichol came to me and said he proposed to vote for the measure if it

did not receive another vote in the senate or house. Penrose said I ought to have presented the measure two years before, when it could have been passed. I think a large majority of the members of the legislature and of the people would have been pleased to have seen it a part of our statutory law, but the legislators and the party leaders were both timid. The spirit was willing, but the flesh was weak. It is the true solution of the difficulty, nevertheless. Intentional falsehood is not information and cannot hide itself behind the liberty of the press. To indulge in malice is not to publish a newspaper. Obscene literature may be destroyed as a nuisance, and on the same principle, the Government of the United States throws out of the mails everything of this character.

Penrose had heard that I proposed to urge a reapportionment of the state into senatorial and legislative districts. He said to me:

"If you wish to recommend reapportionment in a perfunctory way, you may do it, of course, but it will have no effect. The thing cannot be done. It has been tried too often."

I replied:

"Senator, I intend to recommend it, and not in a perfunctory way, but with the intention to have it done, if possible."

Among the milder comments was this brochure, which appeared in the New York *Globe*, under the name of Wallace Irwin:

PENNYPACKER OF PENN

One moment, please, while a line I scan
To a genial, popular, elderly man,
Who's always able and willing to bless
The noble gentlemen of the press.
For the friends are many
Of Governor Penny—
Pennypacker of Penn.

When an artist calls with a pad to trace
The lineaments of that thoughtful face,
The dear old governor utters a shout
And orders the state militia out.
For the whims are many
Of Governor Penny—
Pennypacker of Penn.

When a cub reporter suggests a "steal"
In a Pennsylvania grab-bag deal,
The governor sees that the wight is took
And drawn and quartered and hung on a hook,
To please the many
Admirers of Penny—
Pennypacker of Penn.

If a newspaper hints that Governor P.
Is only human like you and me,
He has the editor shot on sight
And blows up his office with dynamite,
Which is good as any
Explosive to Penny—
Pennypacker of Penn.

For the kind old man is the flower of flowers
Of this democratical land of ours,
And that is the reason the papers pay
Respects to him in the warmest way,
As the friend of many,
Governor Penny—
Pennypacker of Penn.

On January 14th I presided over a dinner given at the Bellevue-Stratford in Philadelphia to General Henry H. Bingham, the member in longest service in the House of Representatives at Washington. Bingham is dapper, always well clothed, pleasant in speech, brisk and breezy. He was on the staff of Hancock at Gettysburg and was three times wounded. William M. Bunn, of the Clover Club, Justice John P. Elkin, Hampton L. Carson, Senator

Penrose, Thomas J. Stewart and Clayton McMichael all made speeches, and it was an affair remembered with pleasure.

On the 17th Knox was elected a member of the United States Senate by the legislature by a vote of 223 to 23, confirming my selection by the largest majority ever given for that office in the state. He is a small man with a clean face who knows exactly what he wants to do under all circumstances and does it, unemotional, wasting no time seeking for popularity and perhaps a little too self-contained. The *North American* and the Philadelphia *Record* printed a yarn of the ordinary character that $500,000 were paid in order that he might be made the senator. When I first suggested him I had had no communication with him whatever, and he did not even know that I had him in mind. While on this subject it is just as well to give the statement of the secretary of the commonwealth, Robert McAfee. In an interview in the Pittsburgh *Leader*, January 22, 1905, he said:

"I was summoned to the executive mansion about nine o'clock in the evening of June 8th, by the governor. On arriving there I found Senator Penrose and Insurance Commissioner Durham closeted with him. I first advised the governor that I had personal confirmation of the fact that Mr. George T. Oliver had declined the offer of an appointment to the Senate. A further discussion on the matter of candidates was taken up, and the governor promptly said that after looking over the state he was of the opinion that Attorney General Philander C. Knox, of President Roosevelt's Cabinet, was the proper man for the place."

About this time my attention was called to the case of Katie Edwards, convicted of murder, committed under unusual circumstances. She and her husband, with a family of children, lived in Berks County. They were coarse, vulgar and ignorant, and the surroundings were all in

accord. The husband had as one of his boon companions a black negro whom he invited to his home, and there they all caroused together. Presently, the woman was about to have another child, and she knew that when it should be born its color and features would disclose that the negro was the father. She was like a wild beast, caught in a trap from which there appeared to be no possible escape. One night the husband was knocked on the head and his dead body thrown into a vat or cistern. She and the negro were both arrested and later were convicted of murder in the first degree. Her child was born in prison. The case of the negro was taken to the Supreme Court. At the instance of Chief Justice Mitchell, with a view to providing for certain features of this case, an act of assembly was passed allowing the Supreme Court in its discretion to award a new trial, because of evidence discovered since the judgment of the Oyer and Terminer Court. The Supreme Court then awarded a new trial to the negro, and upon that trial he was acquitted. The situation was then that the negro was free and the woman in prison under sentence of death. Attention was called to the case all over the United States. Women were aroused and my mail was burdened with letters. Little children wrote to me beseeching my intervention. A petition in her behalf came to me from Ohio with many thousands of signatures. The Board of Pardons refused a pardon. A careful examination of the evidence led me to the opinion that both she and the negro had participated in the murder. If that opinion was well founded it was a case where the processes of justice went astray, and it would be a travesty to have the white woman hanged and the negro man escape unpunished. I refused to issue a death warrant and the governors who succeeded me followed the example set for them. Every once in a while the story of Katie Edwards and her fate crops out in the prints.

The Philadelphia *Record* asked me for an expression of

opinion upon the question as to what is Philadelphia's "greatest need," to which I replied:

"In my judgment Philadelphia, better than any other municipality upon the continent, represents the honest, conservative and healthful instincts of the American people, and is less swayed by fleeting, emotional impulses than any other city. In spirit she is patriotic and in achievement she excels. What she most needs is a newspaper, possessing her characteristics, imbued with her sentiments, and which has the capacity and the inclination to make her accomplishments known to the world and to defend her against the written and spoken assaults of rivals elsewhere and of the unfaithful who have come among her people in an effort to better their fortunes."

John P. Dwyer, the managing editor of the *Record*, a bright and capable fellow, with whom I have always been on good terms, then wrote, making this rather astonishing proposition on behalf of that journal:

"It will turn over to you on any day you may select within the next three months, its entire plant, one of the most modern and complete in the world and offering every advantage for the printing and circulation of a newspaper, with the understanding that you shall have absolute charge of the men and materials at hand, or any other equipment that you may require, to prepare, print and circulate a newspaper of the character you have in mind. The proposition is made in the utmost good faith and with the earnest hope that you will see your way clear to its acceptance."

Bromley Wharton, my secretary, wrote in response:

"The governor directs me to say that while he very much appreciates the generosity of your proposition and the exceedingly courteous and complimentary terms in which it is couched, the time is too inadequate and the task is too overwhelming to permit him to accept."

Dwyer returned to the charge, saying, in a long letter, among other things:

"You can have your own time and dictate your own terms on this point. Whatever time you think you need to do yourself and your ideas justice, will be cheerfully granted and that the *Record* indulges in the hope that it may induce you to reconsider your determination."

Wharton again wrote, January 31st:

"The governor instructs me to acknowledge the receipt of your letter of the 12th inst. and to suggest to you the propriety of renewing your proposition after the expiration of his term."

In its issue of February 3d, the *Record* printed the entire correspondence.

On the 3d of March Andrew Carnegie gave out an interview in Pittsburgh, in which he said:

"How are the Pennsylvania newspaper men and Governor Pennypacker getting along these days?"

When told the relations were peaceful, he replied:

"I am glad of it. He is a great governor. I had the pleasure of meeting him at State College last summer and was much impressed. He is so democratic. He is an honest man and has made a wonderful record as an executive. When next you see him, I wish you would tell the governor that I favor his re-election."

Mr. Carnegie was reminded that the Pennsylvania Constitution prevented Governor Pennypacker from succeeding himself without allowing a term to intervene.

"That's too bad," replied Mr. Carnegie. "This is one case where I agree with Tim Campbell in remarking, 'What is the constitution among friends?' If he cannot succeed himself, then tell Governor Pennypacker I am for him for any higher office that he wants."

In the morning of that day Mrs. Pennypacker and I, accompanied by the staff, went down to Washington to take part in the inauguration of President Roosevelt. We had rooms at the Raleigh Hotel. The city was overcrowded and the railroads were overburdened. Mrs. Joseph C.

Audenried, the widow of Colonel Audenried, who was on the staff of General William T. Sherman during the war, a daughter of Coffin Colket of Philadelphia, a second cousin of mine, and a leader in the fashionable life of the city and country, gave a dinner to Mrs. Pennypacker and myself. A swarthy, dark-eyed woman, she was good-looking and entirely gracious. Our clothes had not arrived, due to the delay on the trains, and we were compelled to appear as we were dressed for the cars, and she treated the fact with due lenity. At the dinner were the justices of the Supreme Court of the United States and their wives, and Mr. and Mrs. Wayne MacVeagh. Mrs. Audenried's daughter married a French count, the Count Divonne, and lives on the shores of Lake Geneva and has been a figure in the social life of Paris.

The next day was bleak and cold. The military parade consisted of three divisions of about ten thousand men in each. The first was commanded by General Frederick D. Grant, of the Regular Army, a self-contained man who looked very much like his father, and whom I have encountered several times as I have gone through life. The second division, consisting of the troops of Delaware, Pennsylvania, New Jersey, Connecticut and Massachusetts, was under my command, with Governors Preston Lea of Delaware, Edward C. Stokes of New Jersey and Edwin Warfield of Maryland commanding the troops of their states. The third division was commanded by Governor F. W. Higgins of New York. For the first time in my life I played the rôle of a major general. At the last minute Stokes of New Jersey fell by the wayside, it was said because of dread of the responsibility, and I had on the moment to put some one else in command of his brigade. At nine o'clock in the morning I bestrode a beautiful horse belonging to the police force in Philadelphia, and after forming my line beyond the capitol, and waiting on the hill in the cold wind for an hour or two, I rode down Pennsylvania Avenue in the presence

of 250,000 people. I was told that I received more plaudits than any other man who took part except the President. As we approached the reviewing stand I heard Roosevelt in his boisterous way, as he turned to the ladies behind him, shout:

"Here comes Governor Pennypacker!"

It was my method of meeting Smith of the *Press* and Van Valkenburg of the *North American*, who for years by editorial and cartoon had been telling the people of the country that the Governor of Pennsylvania was afraid to ride a horse. They were blown out of the water and there was little said of the subject thereafter. We dismounted from our horses at 5 P. M., having been in the saddle all day long. There is no need to tell what a physical strain such a proceeding imposes and it is no wonder that every inauguration day is accompanied with its toll of death. I concluded that it would be my last appearance on that stage. The *Record* reported: "But of all these governors, Pennypacker received the lion's share of attention," and the *Press* said: "What is more, he rode remarkably well."

We went to the inauguration ball and there met Mrs. Roosevelt, who told Mrs. Pennypacker that I had been very kind to her daughter Ethel. The Vice-President and Mrs. Fairbanks invited us to a reception and the Honorable Edward D. Morrell, Congressman from Pennsylvania, whose mother is the wife of John G. Johnson, gave a reception to Mrs. Pennypacker and me which was largely attended.

In my message to the legislature there had been pointed out the objections to the growing habit in that body of appointing commissions to do executive work as an encroachment upon the authority of another branch of the government In making provision for the Lewis and Clark Exposition in Oregon, the legislature again undertook to select the commission. The bill was vetoed upon that ground and the state was unrepresented in the celebration.

As I have written, at the head of the National Guard when I became governor, was Major General Charles Miller, born in Alsace, a stout man, fluent in speech, agreeable in manner, with much bonhommie, and a faculty for getting along. Starting with nothing, he rose to association with Joseph C. Sibley and became a magnate of the Standard Oil Company and enormously wealthy. He had great capacity, was always helpful and knew how to get along with men. At the hotel he would say to the waiter: "There is no ten-cent tip this time," and putting down beside his plate a two-dollar bill, our party would receive with promptness the best that could be secured. He drank good wines and owned speedy horses. I am grateful to him for much assistance many times rendered in the work of the Guard. But he had neither the training of a soldier nor the special knowledge necessary to fit him for the command. General J. P. S. Gobin of Lebanon had seen real service in the war of the Rebellion and the war with Spain, had been lieutenant governor of the state and had been ranking brigadier general of the Guard, something of a martinet, with that rigidity and inadaptability which led men to call him a "crank," but able and in love with the work. Whenever the Guard was called into the service it was always Gobin and his brigade that received the encomiums of the military experts. But he was no match for Miller in the practical affairs of life. Miller had held no higher rank than that of colonel on the staff of Brigadier General John A. Wiley. With abundant tact and abundant means, he made very large contributions to the political campaigns, and in Stone's administration he had been elevated over the head of his own chief, over the head of Gobin, and was made the major general in command. It was a rank injustice, but he had the support of all of the political forces and seemed secure. He made me some presents of bronze statuary, and in a hearty way would have done much more had it been permitted. I sent for him and explained to him, in as kindly a way as I knew how, my

feeling that it was due to Gobin, his work and desert that I should put him in command. Miller was sadly disappointed, but showed the traits which gave him his strength. He had had trouble with his wife, leading to much gossip around his home, but had finally secured a divorce and a new spouse. He had arranged to take the present wife over to Alsace to introduce her to his people there and all he asked was that I should postpone the blow and let him wear his uniform and have the dignity of his position through the summer. To this suggestion I was glad to assent. It was a really painful duty, but it was performed.

One morning I went into my office and found lying on my table applications for charters for twenty-nine water companies awaiting approval. It was a manifestation in the concrete of one of the very great and growing evils of our development, the insidious grasping by commercialism, following the course of the Church in the ancient time, of the necessities of life as a means of profit. I at once sent a special message to the assembly, recommending that it take away from water companies the right of eminent domain. Such an act was passed and during the entire remainder of my term not more than three or four water companies were chartered.

Among the visitors who were entertained at the executive mansion was General Fitzhugh Lee of Virginia, a nephew of General Robert E. Lee, and himself a distinguished figure in the War of the Rebellion and the war with Spain. Among my predilections is a sympathetic feeling for Virginia and the Virginians. Lee, a stout, robust and affable man, stayed over night with me and we became quite chummy. He had come to urge participation by the state in the forthcoming Jamestown Exposition, and he and I both made addresses at a meeting held in the Capitol. The result was that the legislature made an appropriation of $100,000 and arranged to take part in the exposition. Lee telegraphed to me: "I

shall refuse ever to ride again to Gettysburg with a drawn sabre." Two weeks later he was dead.

An official memorial service to the memory of Senator Quay was held by the senate and house on the evening of March 22d, at which I delivered the address which has been printed in various shapes since.

During these later days of the session I was receiving much encomium, even from the city dailies, for the reason that they did not like the legislators, and they watched with pleasure, while the analysis, which had formerly been applied to journalism, was now being applied to legislation. Cooper of the Media *American* wrote editorially:

"Governor Pennypacker has proved to be the wisest, most discriminating and at the same time most thoroughly honest executive that ever sat in the Pennsylvania gubernatorial chair."

And Moser of the Collegeville *Independent:*

"Governor Pennypacker has been easily the most virile, the most capable and in many respects the most popular executive since the days of Andrew G. Curtin."

The session of the legislature ended on the 13th of April. A Department of Health had been created, to which had been given very great authority and a power which extended to the person of the individual citizen and might even be regarded as an infringement of his personal liberty. The value and permanence of the legislation would depend mainly upon the manner in which the department should be organized. It was at first suggested to me that it should be placed in charge of Dr. B. H. Warren, but that thought I instantly dismissed. I then had an interview with Dr. Charles B. Penrose, who had been very much interested in the matter, and he named to me a gentleman connected with one of the schools in the western part of the state. I had a talk with this gentleman, but was still not satisfied. Then Dr. Penrose told me he thought Dr. Samuel G. Dixon, president of the Academy of Natural Sciences, would be

Group of Governor Pennypacker's Pennsylvania Constabulary

willing to undertake the task. That suggestion suited me exactly. Dixon consented and I made the appointment. Under his direction it has come to be accepted as the most important and efficient organization for this line of work in the United States. There is good ground for hope that many of the inflammatory diseases due to specific poisons, such as typhoid fever, smallpox, diphtheria and tuberculosis, may be in time stamped out of existence.

The legislature also, upon my urgency, provided for a state police or constabulary, and here the same kind of question arose. Such a body, if organized upon political lines, would have tremendous power over the state and would be correspondingly dangerous. After talking over a number of persons, some of them connected with the Guard, and consulting with several persons, I tendered the position to John C. Groome, captain of the City Troop, who accepted. He proved to be just the man needed, of the right age, slim, erect, quick to see and to act, possessing a rare combination of decision of character and sound judgment. I told him I wanted a police force and absolutely nothing else. Not a man on the force was selected upon the recommendation of anybody. The men were all chosen upon the results of physical and mental examination and what political or religious creed any one of them professes is officially unknown. Groome has made the constabulary famous all over the United States. Two hundred and forty in number, they have maintained the peace within the state as was never done before. Not once since has it been necessary to call out the National Guard, and that vast expense has been saved. While organized labor has unwisely assailed them as "Pennypacker's Cossacks," one of the greatest of their merits has been that they have saved labor from the oppression of force and have done away with that kind of police intervention which came from men employed by the corporations.

There were certain principles which underlay the dis-

approval of those bills which were negatived. There was no extension of the right to take property by eminent domain, the effort to create new crimes by statute as an easy means of collecting debts or enforcing duties was ever looked upon with disfavor, and in no instance during my term did I permit increase in the number of the judiciary. Among the bills vetoed was one prepared under the auspices of eminent physicians and surgeons, ostensibly for the "Prevention of Idiocy," which authorized them to perform experiments upon the inmates of the institutions for the feeble-minded, and another urged by the osteopaths which provided for a third board of medical examiners.

An act had been passed for uniting Allegheny City and Pittsburgh in one municipality. There was some protest, mainly on the part of those interested in maintaining a dual set of officials, and Governor Stone argued before me the objections at length, but I was heartily in favor of the project, because it would simplify the municipal government, lessen the expense and give Pennsylvania what no other state possesses—two great cities. In my message I had advocated the passage of the act and now I signed the bill. While I was being lauded in Pittsburgh, I was again being berated in Philadelphia. The Bullitt Bill, under which Philadelphia was governed, written by John C. Bullitt, a capable lawyer, concentrated all power in the hands of the mayor, upon the theory that in that way responsibility would be fixed. The mayor had the appointment of from seven to twelve thousand officials and this fact gave him great political power when he chose to exercise it. John Weaver, a lawyer, born in England, short, stocky and energetic, had been elected mayor by grace of the Republican organization. Then he turned on his old friends and sought repute as a reformer. Ere long he concluded that he had been deceived by his new associates and again recanted, but for the time being he was using his control over the officials for all it was worth politically against the Republican

organization. Under the influence of Durham and others, an act was passed, taking away from the mayor the appointment of certain heads of departments and vesting it in the city councils. It is extremely unlikely that Durham so acted out of regard for the principles of government and altogether probable that he was trying to get ahead of Weaver and to provide against like conduct on the part of future mayors. The newspapers of the city, equally impervious to any consideration of what would be for the benefit of the municipality, were against anything the organization wanted or tried to do and, therefore, with great violence opposed the measure. They called it vile names and made ugly pictures. They assumed that I would veto the bill. They argued that my integrity and my zeal for the welfare of the community and all my well-known great virtues left no other course open. Delegations of lawyers, preachers and citizens came to Harrisburg and argued the matter before me. I wrote an opinion and, resting on the ground that it involved a matter of governmental policy, that the bill had been passed by a majority of over two-thirds of the members of the legislature, more than enough to overcome the veto of the governor, that the representatives from Philadelphia had so voted and that it was in line with the democratic tendencies of the time, I signed the bill. Incidentally it may be added that, except in cases of exceptional fitness, no man born abroad, like John Weaver or Rudolph Blankenburg, ought to be elected mayor of Philadelphia, for the reason that, having no part in her traditions, he cannot be in sympathy with the aspirations and thought of her people. He would be continually trying to make her imitate Hamburg or some other European town which he has abandoned, criticising the ways which made her famous, sending the Liberty Bell to be exhibited along with fat cattle at state fairs, and doing similar antics which show his misfit.

On the 26th of April the Republican Convention met and

nominated J. Lee Plummer for State Treasurer and Charles E. Rice, James A. Beaver and George B. Orlady for judges of the Superior Court. One of the resolutions set forth:

"The intense Pennsylvanianism of Governor Samuel W. Pennypacker, the rugged honesty of his administration and the independence, fearlessness, wisdom and watchful care with which he has executed the laws, safeguarding in every possible way all the interests of this commonwealth, command our admiration and respect."

At two o'clock on the morning of May 11th, we were aroused by a call on the telephone for help. Near Steelton, a freight train on the Pennsylvania Railroad met with an accident, the result of which was that one or two of the cars fell on the west-bound track. Just then the express passenger train, going westward, came along, struck these cars and exploded a lot of dynamite on the freight train. It was a remarkable combination of unfortuitous events. About twenty people were killed and about a hundred injured. On one of the sleepers were James R. Tindle and his wife, the daughter of Senator Knox, who were both somewhat cut with glass. She is a little woman, but she showed her breeding and at once took command of the situation. She walked in her night dress and bare feet a mile along the track to Steelton, and there suggested calling me up at the mansion. Bromley Wharton went for the Tindles in an automobile, brought them to the mansion, where they were put to bed and treated, and there they remained for a day or two. The Senator, coming on from Washington, found that they had not been seriously injured.

On my suggestion the legislature appropriated $30,000 for the purpose of erecting an equestrian statue of Anthony Wayne at Valley Forge. The commission appointed consisted of Richard M. Cadwalader, president of the Pennsylvania Society Sons of the Revolution, John Armstrong Herman, great-grandson of General John Armstrong, and Colonel John P. Nicholson, the authority on the history of

the War of the Rebellion. The sculptor selected was H. K. Bush-Brown. I myself went to his studio at Newburgh-on-the-Hudson to examine the statue and rejected the first model because General Wayne was represented with his eyes turned to the ground. I wanted him looking toward the enemy on the front, with nothing to indicate excitement or to lessen the recognition of the seriousness and thoughtfulness of his character. The statue in bronze was later placed on the outer line at Valley Forge where the Pennsylvania troops stood and it faces toward the position of the British in Philadelphia. It is regarded as an unusual artistic success, and is the first recognition ever given the great soldier by the state.

Justice John Dean of the Supreme Court having died, I, on the 8th of June, appointed Judge John Stewart of Chambersburg to fill the vacancy. I had had many associations with Stewart—a slender, vigorous and eloquent Scotch-Irishman; and only a month before we met at Middle Spring, near Shippensburg, where a monument was dedicated and he delivered the oration. He has proven to be a useful member of our highest court. It is only just to Senator Penrose to say that he was not only satisfied with the selection, but himself suggested that it be made.

Sunday, June 11th, I made an address at Manheim, in Lancaster County, on the occasion of the presentation of the red rose which had been reserved as the rental for the land given by Baron Stiegel to the church. It is rather an impressive and idealistic ceremony, attracting always much attention. Miss Boyer, one of the descendants of Stiegel, presented to me a large glass goblet made by him which she had inherited.

I had long been dissatisfied with the conduct of the Insurance Department at the head of which was Israel W. Durham, the most powerful political leader in Philadelphia, a situation which had been left to me by my predecessor. The business was well conducted under the management of

the Chief Clerk McCullough, but my feeling was that Durham ought to devote at least a part of his time and thought in attention to it. I wrote to him October 11th, 1904, saying to him in effect that I expected him to spend at least one day of the week in his department at Harrisburg. The situation was complicated by the fact that his health was being undermined by disease. In answer to my letter, I received this reply:

PHILADELPHIA, PA., October 18, 1904.

(Personal and confidential.)

Honorable Samuel W. Pennypacker,
Executive Chamber, Harrisburg, Pa.

DEAR GOVERNOR:

Mr. Durham has casually in conversation taken up with me your communication of October 11th, regarding the propriety of his going once a week to Harrisburg, and calling his attention to the editorial in the *Evening Bulletin.* I suggested to Mr. Durham that perhaps I might take this matter up with you more freely than he would like to do, and I requested him to leave your communication with me for that purpose. As a matter of fact, the Insurance Department has an office in Philadelphia, at Tenth and Chestnut streets, and has for many years had an office at that place. Three-fourths of the current business of the department is done in the City of Philadelphia. There has been absolutely no criticism upon the administration of the department since Mr. Durham has been commissioner. A gentleman of such independent proclivities as Mr. Charles Platt advised me last fall that the administration of the Insurance Department under Mr. Durham was more satisfactory than they had ever had it, and expressed his gratification in a substantial way by inclosing me a voluntary contribution of $100 for the State Committee. Mr. West, a director of The Union League, has expressed himself to me in a similar manner. Of course, Mr. Durham has been compelled to be absent a good deal from Pennsylvania on account of his health, but when he is home I know that the business of the department receives his personal attention, and there is no one having business with the department who cannot see him readily. As I have said, the large proportion of those having business with the department can see him more conveniently to themselves in Philadelphia than at any other place.

Mr. Durham is of a sensitive nature and I know would not want to go contrary to any emphatically expressed wish of yourself upon the subject, and I believe it would be a very great hardship upon him in the present condition of his health for you to insist upon him going to Harrisburg just at this time when there would be absolutely no definite object pertaining to his office accomplished thereby. I suppose after January he will be in Harrisburg anyhow and will then be able to conform substantially with the suggestion made by you. The criticism of the *Bulletin* hardly seems to me to be based on any good ground in the utter absence of complaint upon the part of those having business with the department, and in view of the fact that an office is open at Tenth and Chestnut streets in Philadelphia, I hope you will not insist upon your suggestion.

Yours truly,

BOIES PENROSE.

I had opposed every effort made by the departments to establish branch offices outside of Harrisburg, where they would be beyond personal supervision and, therefore, the argumentative part of this letter made little impression. However, I wrote to Penrose that if Durham were ill I would wait until he recovered his health. He then went to California. Upon his return and after learning that he had taken up his political activities I again insisted, and it ended in his resigning the office July 1st. Penrose asked me at all events to appoint David Martin in his place, which I did, and I wrote a kindly letter to Durham expressing appreciation of the condition of the department. This conduct was not at all pleasing to those who wanted me to apply approbrious epithets to him, and it was no alleviation, rather an aggravation, that Martin attended faithfully to his duties. "Just draw a large black line around Governor Pennypacker's administration as the last and worst of its kind in the political history of Pennsylvania," was the spirited comment of the *Philadelphia Record.*

Frank M. Fuller, the apparently robust and entirely upright capable and agreeable secretary of the commonwealth, died on the 10th of July and three days later was

buried at his home in Uniontown. Penrose and I were among the honorary pall-bearers. The after-occurrences at the funeral were astonishing. The services at the grave were scarcely concluded when we were hurried away in automobiles to a luxurious dinner with cocktails and wines, at the home of Jonah V. Thompson, a plain and quiet old gentleman, who had made a fortune of $30,000,000 in coal and coal lands. The home was a castle up on a hill-top with stables and other buildings in the rear in which a sybarite might be willing to live. In front was a paved courtyard, enclosed by a wall about two feet high, filled with flowering plants, native and exotic. It was entered, as the visitor came up the hill, by an approach of two or three steps. When we arrived it was perhaps half-past two o'clock in the afternoon. At the top of the steps, at this time in the day, in full dress considerably emphasized, stood the mistress of the household, who had perhaps experienced life through thirty summers. A fan hung at her feet. It was suspended from her neck by a chain of large diamonds which almost reached the pave. Taking our hands, she led the Senator and me inside to the dining table. I sat on her right and the Senator on her left. The conversation here was continuous and, to say the least, lively. At the other end of the table sat Jonah, grum and silent. The situation was too manifest to be misunderstood. The exuberant specimen of young womanhood was describing to me her manner of swimming. Much to the amusement of Penrose and in absolute innocence, I inquired:

"Can you swim on your back, too?"

"Oh, yes," she replied.

In the exhilaration of the moment she set up a game on us. She had a French chauffeur and she instructed him that he was to take the Senator and me into the town and, on the way, show us how he could run a car. I unwittingly took another car and saw the Senator shoot by clinging to his seat, pale and distraught.

The next day I was at the camp of the National Guard at Mount Gretna and there, on foot, as was my wont, inspected, personally, each man and held the review from a barouche.

On the 24th of July, Senators Penrose and Knox visited me at Pennypacker's Mills and there talked to me about the question of a special session of the legislature, which was being very generally discussed, especially in Philadelphia, with reference to the affairs of that city. I had been considering the matter, but a man trained in the law always has the sense that there must be a legal justification for that which he does. The demand had been mainly local. Just at this juncture the Supreme Court decided the Greater Pittsburgh act to be unconstitutional and furnished the justification. A serious matter affecting the interests of the western part of the state, for which the legislature had endeavored to provide, had failed. At that instant my qualms disappeared and a special session became inevitable. Penrose had heard that I was considering the matter and came to urge his opposition. He also wanted me to appoint J. A. Berkey of Somerset County to the place made vacant by the death of Fuller. A few days later I gave that position to Robert McAfee, a much stronger man, and made Berkey Commissioner of Banking, which satisfied him and the Senator.

The following correspondence shows the attitude of the party people toward the question of a special session:

PITTSBURGH, August 16, 1905.

MY DEAR GOVERNOR PENNYPACKER:

I have just run down from Canada for a few days and take time to express my appreciation of your appointment of Mr. McAfee as Secretary of the Commonwealth, which occurred during my absence. I have known Mr. McAfee intimately for over thirty-five years and each year's acquaintance has added to my regard for him. He is a sterling man and I believe will strengthen your administration.

Since my last talk with you I have thought considerably on

the subject of our conversation (the calling of an extra session for the consideration of a Greater Pittsburgh Bill) and am confirmed in my opinion that it would be a great mistake to call the legislature together either for that or any other purpose unless in a case of extreme emergency. I know that there are some matters of legislation, including that for a Greater Pittsburgh, which you would like to see consummated during your term as governor, but I doubt if these things could be accomplished through the medium of the present legislature. Next spring matters might be in such shape that it would be advisable to call an extra session, but to do so now I would regard as extremely impolitic. I hope you will pardon me for thrusting my view upon you in this way, but the best interests of the state and party will be best subserved by following this plan.

With great respect, I remain, very sincerely yours,

George T. Oliver.

August 21, 1905.

My dear Governor:

Rumors are flying all over the state that great pressure is being brought to induce you to call the legislature in extra session. That you will not be led into such a cruel trap I feel most confident. No true friend of yours or of our party will advise, much less urge, you to commit such a crime against yourself or the state you love so well. Men who take shadows for substance, men who place self above their party, their state, and our nation, may for personal reasons want an extra session, but no true friend of Pennsylvania will ask you to commit such a blunder. What justification can be put forth to warrant such a call in the face of existing conditions? On you alone will fall the odium that such a session would result in, for I tell you, Governor, you could no more confine the members of the house to the specifications in your proclamation than you could change the course of the heavenly bodies, so please don't be persuaded by the Syrians who would, for the sake of some personal gain, lull you to a destructive sleep. Every one in Pennsylvania knows that you favored, and now favor, the decent things so earnestly advocated by our dear departed friend, Colonel Quay. Every one knows that it was through no fault of yours that personal registration, uniform primaries and the apportionment of our state failed, therefore, don't permit the enemies of those natural Republican principles to use you to wash their filthy garments on the floor of the House of Representatives.

Governor, I know, as well as any human being can know such a thing, that Matthew Stanley Quay, if here, would tell you not to listen to such appeals. I say to you, Governor, in all the sincerity of my heart that to call the legislature together at this or any other time during the remainder of your term would prove the most disastrous act you could possibly commit. Don't dim the lustre of your splendid record, but go on pursuing the splendid good road you have built throughout the length and breadth of our great state, and when your term ends you will feel grateful to yourself and pleased with the real friends like myself who urge you to keep clear of the vicious trap set for you by men who pretend sincerity where only selfishness, greed and hypocrisy lurk.

In writing this you know I have no motive save my love and affection for you and I am confident you will so understand.

Faithfully your friend,

J. C. Delaney.

At that time Wesley R. Andrews was chairman of the Republican State Committee. He wrote to me:

August 24, 1905.

Dear Governor:

My attention has been called to articles in the newspapers to the effect that the question as to the advisability of calling an extra session of the legislature was being considered, which statement, in the absence of corroboration, I do not credit, having in mind the general unreliability of the comments contained in a certain class of so-called newspapers. However, the matter is of sufficient importance to prompt me to write to you to the effect that having knowledge of the political situation in every county in Pennsylvania outside of Philadelphia and Allegheny, I desire to register my emphatic protest against the calling of an extra session of the legislature, if such action is contemplated, and for the reason the Republican voters of Pennsylvania are not in accord with such sentiment, believing, as they do, that the local matters in Philadelphia are not of sufficient importance to warrant the assembling of the legislature, at a large expense to the taxpayers, for the purpose of acting upon the recommendation of a few timid persons totally unfamiliar with the real situation. Again the calling together of an extra session of the legislature would, in my opinion, ruin the leaders of the Republican party in

Pennsylvania, place the party in an equivocal position and shatter, if not disrupt, the party organization. The question to my mind is not at all debatable and should not be for one moment considered; and in this matter I not only speak for myself but for the great organization of which I am the executive head. I do not know that such a thought has occurred to you and I sincerely hope it has not, but if it has, I pray that you will give the matter your usual very careful consideration, having in view, as I believe you always have, the best interests of the Republican party of the great State of Pennsylvania. I speak thus strongly and warmly, for in my opinion there is but one side to the question and that to pander to the advice of the timid at this time means disruption to the party, great and overwhelming.

Apropos to this question, I inclose herewith a letter I received yesterday from my brother, three times chairman of the Republican State Committee of Pennsylvania, an ex-member of the Pennsylvania State Senate and twice a member of the Pennsylvania House of Representatives, for your information regarding the way an extra session of the legislature is viewed from the standpoint of a level-headed man who has ever been on the firing line when the interests of the Republican party were at stake. I value his opinion greatly because he was a trusted lieutenant of the late Senator Quay and represents that great army whom Senator Quay in his lifetime designated as the "men in blouses."

With assurances of my esteem and regard, I am

Yours sincerely,

W. R. ANDREWS, *Chairman.*

He enclosed this letter from W. H. Andrews, generally designated as "Bull" Andrews.

PITTSBURGH, PA., August 22, 1905.

DEAR BROTHER:

I see by the morning papers that the report is that Penrose is in favor of calling an extra session of the legislature, etc., etc. Now you get hold of the Senator and tell him for God's sake not to think of such a thing. If he allows this to be done it will certainly be his doing-up. He must assume to the dignity that it is a great mistake to have the legislature called. There is nothing to call them together for, and it will be the greatest mistake he ever made to have the governor call the extra session. You must get hold of Penrose and pound this into him. Now do not allow

him to go any further with this fool play, but put a stop to it. I will try and get down there in a few days and see. Now you give this matter your prompt attention and get this idea out of the mind of the Senator. The people do not want any such thing to happen. Let the Senator take that stand and let him appeal to the people and they will support him in his views.

Your affectionate brother,

W. H. ANDREWS.

August 24, 1905.

DEAR GOVERNOR:

After the fullest investigation and most careful consideration since I saw you last, I am more fully persuaded than ever that an extra session of the legislature is out of the question. I have hoped to see you before this to discuss the matter more fully in detail with you, but have been unable to reach you at Harrisburg or get definite information as to your movements. I am in Philadelphia every day and in case you come to town I will be very glad to meet you at the Historical Society rooms or any other place convenient to you. The state ticket will be at the head of the Bigelow and Flinn local tickets in Allegheny County, so that we will poll a heavy majority there. Every other county in Pennsylvania is in excellent shape, outside of Philadelphia, with the exception of some eight or ten counties in which trouble of strictly local character exists. There is absolutely nothing in the nature of a concerted move through the state, and I do not recall an election for state treasurer in the last ten years, with the exception of the election of the present incumbent, Mathues, in which there appeared to be as little serious disaffection. We are all quite confident that the bottom has dropped out of the fight in Philadelphia and that the new ticket which we intend to put up in a short time will be elected by a substantial majority. I sincerely trust, therefore, that you will not press the suggestion of an extra session and will let me know when I can see you on your next visit to Philadelphia.

Yours sincerely,

BOIES PENROSE.

It is quite evident from this correspondence that the politicians had learned that I contemplated calling an extra session and, fearing the consequences, tried to dissuade me, that they, including Penrose, were from the start opposed

to the project and that the newspapers, with their usual inability to make a correct diagnosis of what is going on before them, attributed the movement to the Senator. The objections were that an extra session would mean a large outlay, that Governor Pattison had ignominiously failed when he called such a session, and that it would be used by insincere Democrats, supported by the press, to make political capital out of the situation. They were all more or less well grounded. There were certain measures, however, which I was anxious to see enacted, mainly the Greater Pittsburgh Bill, and reapportionment of the state, about which I was in dead earnest, and I had already determined to call the session, but not until after the election. For the postponement there were two controlling reasons. If it were called before, it would have been said that the object was to affect the election and both the deliberations and results would be influenced by political considerations. If the Republican party should be defeated, as I believed it would be, my interference would be assigned as the cause.

At this juncture I concluded to sell the greater part of my library. It was the most complete collection of the early literature relating to Pennsylvania which any individual had ever possessed. It is impossible that any man shall ever again have one of like importance. To part with it was to tear up forty years of my life by the roots. I had made a secret covenant with the commonwealth, unknown to the commonwealth, that if my future were provided for by a return to the Bench or otherwise, this record of its life should be preserved intact. One of the consequences of its failure to keep this unknown covenant is the loss which happened, greater to it than to me. I kept the faith for two years and a half. During that time the books, 12,000 of them, had remained in my house in town, a house which cost me $13,000. I could not rent the house or sell it, because there were the books. They were ever in danger of fire. They were ever in danger of theft, and now the time

had come when it became manifest to me that no dependence was to be placed upon the promises of the politicians, that the people were utterly indifferent, and that it was necessary for me to be giving some attention to my own needs. Retaining two or three thousand books relating to the family and to the neighborhood of my home, the Mennonite books, the Schwenkfelder books and those of special interest and affection, the rest were sold. I was too busy with the affairs of the state to give the sales attention, and what I could have myself sold without expense, could I have given the time to it, for $75,000 or more, netted me between $27,000 and $28,000. Then I rented my house.

The Republicans of Chester County, on the 9th of September, celebrated the fiftieth anniversary of the founding of the party. About twenty thousand people gathered at West Chester. Vice-President Fairbanks and I rode around in a barouche together and, with Marlin E. Olmsted, one of the very ablest men in the state, made speeches. Transportation was over-burdened and I rode to Phœnixville in a baggage car, sitting on a chest.

On the 15th, along with N. B. Critchfield, Secretary of Agriculture, I went to Richland in Lebanon County to overlook the farm of Isaac S. Long, who is the champion corn grower of the United States. He has succeeded in raising 140 bushels of shelled corn to the acre. He hopes to reach 200 bushels. Upon land naturally fertile, he applies barnyard manure and lime heavily and eschews commercial fertilizers. While the corn is growing he goes through his field and selects the ears for seed and the seed is kept warm through the winter. He rejects every stalk bearing two ears, contending that one well-developed ear is preferable. He sells seed corn in New York at $5 a bushel. Upon my pointing out a quantity of wild carrots on his place, he said they were not objectionable, since the long roots went down into the subsoil and aided in rendering it available.

On the 28th, as chairman of a commission consisting of Colonel John P. Nicholson, Daniel Eberly and myself, I presented the statue in bronze, of a private cavalryman on his horse, to the care of the borough of Hanover, erected by the state to commemorate the cavalry battle there anterior to Gettysburg. The statue is a good figure and a success. When I began to speak the cannon began to boom a salute and every six words were punctuated with a shot.

Harrisburg had a home week during the first week in October and was given up to festivities and celebrations. On Tuesday, from a stand in the park, General Horace Porter, Governor William A. Stone, General Thomas J. Stewart and I made addresses. Porter, a rugged-looking man, a brigadier close to Grant, and later Minister to France, belongs to a family which has contributed more men of distinction to public life in America than any other in Pennsylvania. Olmsted, always efficient, had general charge of the demonstration.

The legislature, upon my insistence, had made an appropriation of $375,000 to the City of Philadelphia to assist in deepening the channel of the Delaware, upon condition that the city devote a similar sum to the purpose. Neither Mayor Weaver nor any one else in Philadelphia gave the matter the slightest attention and the councils were about to adjourn. I then wrote to the mayor telling him it was a subject of the utmost importance. The letter was made public, councils made the additional appropriations, and I saw that the check was sent by the state treasurer. It was the first direct aid given by the state to that city in modern times.

There was a Republican meeting in the Academy of Music, Philadelphia, on the 18th of October. It was a gloomy time. Everybody had the sense that defeat was coming. Fairbanks, Taft, Foraker, Knox and Carson all declined to be present, and the newspapers said I would not go. Those around me at Harrisburg advised me not to

identify myself with a failing cause. Penrose wrote me a pathetic letter. It was a situation which appealed to manhood. The time to render assistance is when it is needed, and I wrote to Penrose that I would be with him and speak. Only Peter Boyd, the president of the Colonial Trust Company, an intelligent and whole-souled little man, who later committed suicide, and I were on the platform with Penrose to speak.

The Enterprise National Bank of Allegheny failed, having on deposit more than a million dollars of the funds of the state. These deposits were amply secured, but it was certain there would be an uproar and I did not want the responsibility of the national government to be shifted upon the state. At once I wrote to President Roosevelt and created a sensation of my own for what was regarded as my temerity.

October 25, 1905.

To the President,
Washington, D. C.
Sir:

The Enterprise National Bank, doing business in Allegheny, Pa., recently failed, having at the time among its deposits $1,030,000 of the moneys of this commonwealth. These moneys were deposited upon the faith of the stability of the institution arising through its organization as a national bank, and because of these deposits the commonwealth is much interested in the ascertainment of the condition of its financial affairs. Our commissioner of banking has no control over it and no power to make any such investigation. Since it was organized under federal law and is subject to your supervision, I write to ask that a full, complete and careful investigation may be made, so that everything connected with the condition of its affairs and the causes which have led to such condition may be fully disclosed. I am ready to render all the assistance in my power to secure a thorough ascertainment of the facts.

I am, sir, with respect,
Very truly yours,
Samuel W. Pennypacker.

This was a course without precedent and was a practical assertion of state rights. A state ventured to call on the nation to perform its duty. This bank failure was at once exploited by the political orators and it came just at a time to destroy all hopes of the election of the Republican candidate for state treasurer. At the election, November 7th, William H. Berry, a garrulous, kindly, ignorant, good-mannered slouch, who had been born in Illinois, come east to seek his fortune, and failed to find it, was chosen by the people to manage the financial affairs of the commonwealth. On the 11th, without further consultation with anybody, I called an extra session of the assembly to meet January 15, 1906, and consider legislation upon the following subjects:

First.—To enable contiguous cities in the same counties to be united in one municipality in order that the people may avoid the unnecessary burdens of maintaining separate city governments.

Second.—To increase the interest paid by banks, trust companies and similar institutions for the use of state moneys; to impose proper limitations upon the amount of such moneys to be held by each of such institutions; to make it a misdemeanor to pay or receive, to offer or request any money or valuable thing or promise for the use of such moneys, other than the interest payable to the state, and to adopt such measures as may be necessary for the protection of the public moneys.

Third.—Reapportionment of the state into senatorial and representative districts.

Fourth.—To provide for the personal registration of voters.

Fifth.—To provide for the government of cities of the first class and the proper distribution of the power exercised by such municipalities.

Sixth.—To designate the amount to be expended each year in the erection of county bridges and to take such other measures in regard to them as safety may require.

Seventh.—To abolish fees in the offices of the Secretary of the Commonwealth and the Insurance Commissioner.

There was great excitement throughout the state and all sorts of discussion. The purpose was to prevent the elimination of Penrose. It was to help Knox. It was to remove the stains from my administration. It was due to the results of the election and, so far as the thought of the newspapers went, there was not one of them to seize the simple explanation that there was a man at the head of affairs doing what he could, with the circumstances and forces surrounding him, to benefit the commonwealth and doing it successfully. All failed to recognize that most of the recommendations were only duplications of former messages. Knox, who had been in favor of the movement from the beginning, came out warmly in its support.

On the 25th, at the Navy Yard in Philadelphia, I presented to the American cruiser "Pennsylvania" a set of silver on behalf of the state which had cost $25,000 and was the most elaborate and costly given by any of the states to vessels named in their honor. It was specially designed by J. E. Caldwell & Company of Philadelphia. The chief piece was ornamented by casts of the heads of the chief historical personages of the state, selected by me. Quay had been much interested in the matter and it was because of his desire that the bill was passed making the appropriation. He, Penrose and I were the commission having the matter in charge.

Monuments to the Pennsylvania soldiers who gave up their lives at Andersonville and fought at Chattanooga, had been erected and were now to be handed over by the state to the national government. In order to save time and expense, Stewart had arranged to have one journey cover both events. His plan was to go by sea to Savannah and thence across Georgia to Andersonville and Chattanooga. The generals and their wives, the colonels and their wives,

the governor and his wife and daughter, Eliza B., formed a jolly party when they met on the boat on the evening of December 1st. On the way down the Delaware there was a good dinner to eat, and there were mirth and jollity and the company of fair women. Alas! the gaiety soon ended and the women soon disappeared, to be seen no more until we reached Savannah. A storm raged at sea. The boat, a fruit vessel, was only about half-loaded. When we were off Hatteras the vessel was thrown around by the waves in a way such as I had never seen before. Mrs. Pennypacker was thrown out of her chair and returned home with a black eye. I got up in the night and was tossed into a corner with some crockery and badly bruised. All were seasick except my daughter and myself. One morning I started to go from the saloon down to the dining-room for breakfast, but the brass covering of the stairway was going in five different directions with great rapidity and I called to the steward to bring my breakfast up to the saloon. Along one side stood a sofa. He put a small table in front of the sofa and, placing the tray on the table, held them secure while I sat on the sofa and ate. Presently came a great lurch. First went the steward, the table and tray following, then the governor and then the sofa, and they were all piled up promiscuously together against the wall at the far side of the room. I ate another breakfast sitting on the floor propped against the wall for support.

In Savannah the lazy darkies, the magnolias, the moss hanging over the trees, the suavity of the man who meets you, are all very attractive. We arrived at 7.30 A. M. and hastened to the De Soto Hotel, where we were welcomed in a speech by Mayor Myers, to which I responded. Then we were taken in automobiles through the country to Bethesda, an orphan school for boys founded by George Whitefield and still flourishing. There I stood on the steps of the building and addressed the boys. Afterward we were taken to Bannon Lodge, where the mayor gave us a luncheon

and then we returned to Savannah, having made a round of about twenty miles.

I ventured an interview on the negro question, which was published and kindly received.

The solution of that question is to treat the negro kindly. Give him a chance to work. The rest will come along. Development will come soonest and best from the exercise of such faculties as he has. The negro ought to be at work. It is a mistake for him to try to grow too fast. All substantial growth is slow. The Southern people can best solve the question here where conditions are fixed. The old Roman thought that there were no noble men but Romans, and yet the Germans poured in upon them and taught them a far different lesson. Modern Italy is the outcome. So is France. You people have to take what there is about you and make the best of it. Greece did not kill the Helots. She accepted them. That hardy race of tillers of the soil, known as villains in England, are today the backbone of that country—the English people itself.

From Savannah, through a country apparently not very thrifty, we went to Atlanta, an enterprising modern city exemplifying the new life of the South. There Governor Joseph M. Terrell and Mrs. Terrell gave us a reception at the executive mansion. A young lady about nineteen came up to be presented and the governor, introducing her, said:

"This is the most beautiful young lady in Atlanta, and I want you to kiss her." Southern hospitality grated a little on Northern phlegm. The girl stood blushing before me. I said to her: "That is not the first time I have known a man to try to give away what does not belong to him." I did not kiss her. Possibly it was a mistake.

At Atlanta I met the state treasurer and this colloquy occurred.

I.—"What is the length of Georgia?"

He.—"About four hundred miles."

I.—"A hundred miles longer than Pennsylvania. What is the breadth of Georgia'"

He.—"About three hundred miles."

I.—"A hundred miles broader than Pennsylvania. What are your revenues?"

He.—"About a million dollars, but it takes a good deal of that to pay the interest on the debt. What are the revenues of Pennsylvania?"

I.—"About twenty-five million dollars a year."

He.—"What is your debt'"

I.—"We have none."

He.—"Great Gawd! twenty-five million dollars of revenue and no debt!"

At Americus, the nearest point to Andersonville upon the railroad, and about twelve miles distant, a crowd gathered in the town hall and a young lawyer named Robert E. Lee made an address of welcome, to which I replied. He had committed his speech to memory,and was much embarrassed, but it was couched in the best of tone and great kindliness.

At Andersonville were six hundred Pennsylvania soldiers, who had been imprisoned there during the war and who had been sent there by the state forty years afterward to take a last look at the place. It was a solemn occasion and the memories were all painful. In presenting the impressive memorial to the United States, I said:

Six hundred survivors of the war which ended forty years ago, the commander-in-chief of the National Guard of Pennsylvania and his military staff, the major general commanding that Guard and his three brigadier generals have come a distance of one thousand miles to dedicate a memorial. What is its significance? "What mean ye by these stones?" It is true of nations, as it is of men, that they may rise on stepping stones of their dead selves to higher things. But the pathway is ever attended by indescrible sufferings. During the Revolutionary War, the Continental Army won but two great battles, and yet that war ended in success. Its spirit was typified, not by the victories at Saratoga and Yorktown, but by the sufferings at Valley Forge. The Dutch struggle for independence had but few victories, but it lasted eighty years and the power of Spain, then the mightiest of nations, was broken. Christianity, the most important influence in the development of man in the history of the world, is

exemplified not by knights in armor and chariots, but by Him who was nailed to the cross, Who regenerated the sons of men, wearing not a helmet but a crown of thorns. When the early impressions of the war have in time become less vivid, a calm judgment will show that the valor of the soldiers on the field of Gettysburg was no more potent factor than the endurance best exhibited in the prison pens of Andersonville. The men who perished here have not died in vain. Through their deaths the government has taken on a new life and even Georgia has grown mightier than ever before because of what they did and suffered.

In behalf of the commonwealth, I accept this monument, reflecting credit, as it does, upon the commission in charge of its erection, because of its magnificent proportions and artistic effects, and I present it to you, sir, as the representative of the national government with a full faith that here it will stand, for all time to come, as a testimonial to the suffering and valor of those soldiers who lost their lives that the country might survive.

General E. A. Carman, United States Volunteers, accepted the memorial.

I wandered on foot over the field. An old soldier came to me and said that when he was here he knew and bunked with a man named Pennypacker. He went with me and showed me the place, upon the opposite side of a little stream from the spring which is said to have miraculously begun to flow after the prison was established, where they had dug a sort of cave in the side of a hill in which to sleep.

"And what became of him?" I asked.

"Oh! He died of the scurvy."

On returning home, I looked up the record in Bates' history of the Pennsylvania volunteers and found him described there as "Missing in action." Such is fame and such often the rewards of effort.

On the 8th, I accepted the monument erected for the 109th Pennsylvania Regiment at Orchard Knob, near Lookout Mountain, and near Chattanooga in Tennessee.

During this month Judge John H. Weiss, who had long presided over the common pleas of Dauphin County, died. At once there was a scramble and the Bar of the county

divided pretty evenly with very much bitterness of feeling. The political forces urged me to appoint S. J. McCarroll, who was counsel for the Dairy and Food Bureau, and about half the bar gathered to his support. The other half vindictively objected. To have gratified either side, after the contest grew warm, would have raised a storm. As it happened a year or two before there had been a vacancy in the Superior Court and every member of the Dauphin County bar had signed a petition to me to appoint a neighbor, Thomas H. Capp of Lebanon. I did not appoint him, but I had kept the petition. One evening Olmsted came to the executive mansion to urge the appointment of McCarroll. After he had talked to me for half an hour, I said to him: "Olmsted, I cannot appoint McCarroll," and I gave him reasons. He was disappointed. Then I said to him: "How would Capp do?" He was astonished, but I knew that Capp and he were close personal, professional and political friends. A twinkle came into his eye and he departed. To the surprise of everybody, I appointed Capp from outside the county, but the joke of it was that not a member of the Bar could object for the reason that he knew he had endorsed Capp for the higher court. And the dove of peace folded its wings in absolute silence

CHAPTER XIII

Governor, 1906

THE approach of the new year led many newspapers to request the expression of some thought upon its advent. I complied with one such request in this way:

"Let us arise upon new year's morning with the determination that throughout the year we will do more to develop our own latent virtues and less in the way of criticism of the defects of other people. Let us resolve to do honest work, to proclaim it seldom, and to see as much good in others as possible."

These suggestions were not altogether satisfactory because of the sting in the tail, and they led to the writing of more editorials.

One of the really able men in the state was David T. Watson, a Democratic lawyer in Pittsburgh. He was a man of fine literary skill and attainment and, like Hensel of Lancaster, was an illustration of my theory, opposed to that generally inculcated among lawyers, that a lawyer is strong professionally in proportion to the width of the field he covers. In other words, the power to think accurately is of more importance than technical information. It is what is digested and not what is taken into the mind and stomach that nourishes. Serious mental effort in various directions strengthens the faculty and makes a lawyer the better able to grasp legal problems. Watson came to see me concerning that part of my call for an extra session which related to Greater Pittsburgh and suggested a broadening of the language so as to have it include intervening territory. We lunched together at the executive mansion and talked the matter over. I had concluded to add civil service reform

to the call as I had made it, and, acting on the principle of firing shot instead of a single ball, I accepted his suggestion. On the 9th of January I issued a supplemental call, and it may be added that upon contest the method adopted met the approval of the Supreme Court. This call included these subjects:

First.—To revise the laws relative to primary elections in such a way as to provide for the holding of the primary elections of all political parties within the commonwealth on the same day, at the same time, under the supervision of properly constituted officers, and to make such change in or additions to these laws as may seem advisable.

Second.—To establish a civil service system by means of which the routine offices and employments of the commonwealth may be filled by appointments made after ascertainment of qualifications and fitness, and the incumbents of such offices may retain them during good behavior.

Third.—To designate the uses to which moneys may be applied by candidates, political managers and committees in political campaigns, both for nominations and elections, and to require the managing committees and managers of all political parties to file with some designated official, at the close of each campaign, a detailed statement in writing accompanied by affidavit of the amounts collected and the purposes for which they were expended.

Fourth.—To enable cities that are now or may hereafter be contiguous or in close proximity, including any intervening land, to be united in one municipality in order that the people may avoid the unnecessary burdens of maintaining separate municipal governments. This fourth subject is a modification of the first subject in the original call and is added in order that legislation may be enabled under either of them as may be deemed wise.

The third subject, a Corrupt Practices Act, was included at the suggestion of Judge Sulzberger, who wrote to me calling attention to the provisions of the English act.

For a week or two the personal comment was quite delightful for the reason that these improvements in public life might lessen the power of the political opponents of the critics, and the approval lasted until I undertook to correct some wrong in the continuance of which they were interested. A poet wrote in the *Pittsburgh Leader:*

Now blessings on
The man who so
Thinks up reforms
And makes them go;
He has his faults,
And who will say
That these his merits
Should outweigh?
Not so. At heart
The man is white.
Hail! Pennypacker!
You're all right!"

On the 3d of January I participated in the memorial meeting of the bar held in the Court of Common Pleas No. 2 and presided over by Chief Justice Mitchell, upon the death of Judge J. I. Clark Hare. Chief Justice Mitchell, John Samuel, Samuel Dickson, Judge Mayer Sulzberger, Richard L. Ashhurst, George Tucker Bispham, William Righter Fisher, Henry R. Hatfield, William H. Staake and I made addresses. Ashhurst, a stout man, a gentleman of refinement and culture, who had had a military record at Gettysburg, who had been counsel for great railroad corporations, and later was postmaster in Philadelphia, leaving his cane behind him, upon an ocean pier at Atlantic City, disappeared in the ocean January 30, 1911, and was heard of no more.

In the message to the legislature I said:

Since its adjournment a wave of popular and political unrest and commotion has spread over the land and left its impress in our own commonwealth as well as elsewhere. Such upheavals, to whatever causes they may be due, are to be regarded not as

disasters but as opportunities. It is at such times that much may be accomplished by wise legislators to enhance the public weal. The unfortunate failure of the Greater Pittsburgh legislation through the finding of the Supreme Court that the act was unconstitutional, and the failure of a bank, incorporated and supervised by the national government, holding at the time a large amount of State funds, have given the legal occasion for the calling of the legislature together in extraordinary session under Article IV, Section 12, of the constitution. I have besides been unwilling that the present popular disturbances should subside without securing more permanent results than the substitution of one contractor for another, the removal of incumbents from office, the overthrow of one political party or faction and the elevation of their opponents, and the suppression of one private ambition in order that another may be fostered and gratified. . . . The opportunity to help the commonwealth in these respects has come to you rather than to your predecessors or successors. The responsibility rests with you.

With respect to apportionment, I presented to the legislature this view:

The time has come when a reapportionment of the state into senatorial and representative districts in compliance with the command of the constitution must be made. It is enough to say that you are required by the fundamental law, your oaths of office and your consciences to make this reapportionment, but, were anything more needed, it is manifest that the present division of the state is a misfit which grows into greater disproportion with each day and is fraught with great injustice. Some men are deprived of their right and others are loaded with what does not belong to them. The difficulties in the way must be overcome. It is unnecessary to repeat here what was fully presented in my last message, to which you are referred, but the constitution itself offers almost insuperable obstacles and cannot in all of its details of method be followed. It must, therefore, yield in what is of least importance to such an extent as to permit an apportionment to be made. In construing the instrument we must draw a distinction between the mandate to divide the state into districts, which is absolute and must be obeyed, and the method provided which is directory only and is not of the same fundamental importance. This method ought to be followed as closely as possible,

but, where the result cannot otherwise be secured, must be set aside. By dividing the lines of a few of the counties, a fairly equitable apportionment may be made and one in accord with all of the other requirements.

I submitted to the legislature a plan working out fair results by dividing one of the counties, as a tentative suggestion. Again the western poet broke into verse:

A message from the Schwenksville sage,
  Give ear, the groundlings all, give ear,
While from the broad typewritten page
  The clerk, in accents loud and clear,
Declaims the sentiments profound
That Pennypacker passes round.

No ordinary screed is this
  But one that cannot fail to strike
The mind with awe. Say, who would miss
  That verbiage so statesmanlike,
That flow of golden rhetoric
Whereof P. P. well knows the trick.

Of course 'tis not, like Holy Writ,
  All true. For instance, there's the claim
That those who make our laws are fit
  And never play a crooked game.
The legislature, Penny vows,
Is honest. Here—nix komm herause.

He says that when the boys last sat
  In legislative conclave, they
Ne'er dreamed of graft and pickings fat,
  Nor gave the people's rights away.
This thing let's take not as pretense
But in a mere Pickwickian sense.

And having said that all is straight,
  Behold in stentor tones he calls
Upon the boys to renovate
  Their record. Thus he overhauls
Reprovingly the self-same crowd
Whereof he swears that he is proud.

But plain it is that Penny knows
  What bitter ire the people feel
Against the authors of its woes,
  The wreckers of the commonweal.
Hence, while he pats them on the back
He bids them take another tack.

Reforms upon reforms he piles.
  "All these," quoth he, "ye must provide
If ye would win the people's smiles,
  And from the dread toboggan slide
Your party save, which else no doubt
Will wither up and peter out."

Thus runs the message, curious hash
  Of reason and of rabid rant,
It may ward off the threatened crash
  And will, if what the voters want
Is granted. Meanwhile, anyhow,
To Schwenksville's sage we all must bow.

During this month a man named Michael Carrazola, a wealthy Italian, was murdered and, the crime being attributed to a "Black Hand" anarchistic organization in Washington County, the police made search and found a lot of correspondence showing a plot to remove a number of prominent people over the country, including myself One of the New York magazines published an article upon the subject. One of the annoyances to which men in conspicuous station are subjected, especially when newspapers are interested in creating antagonisms, is the great number of cranks of one kind or other who continually pursue them. James Auter, the colored barber who had long been doorkeeper in the executive department, was always on the watch for these people. Through my term there was scarcely a week in which threatening letters were not received. Every once in a while came a suspicious package which James dumped into a bucket of water and then took apart. Among them were many curious devices.

The main reason for objection to the special session on the part of the Republican politicians was the fear that the Democrats would make use of the occasion to secure political capital. Their anticipations proved to be entirely correct. Resolutions were offered requesting the governor to add to his call all sorts of subjects, some of them quite absurd and all of them artful. Among them was one permitting trolley roads to carry freight, and another fixing a maximum of two cents a mile as a charge for the transportation of passengers.

The Republicans did not dare to vote against any of these resolutions for the reason that, if they had done so, it would have been proclaimed that the party was opposed to the policy. They were, therefore, all passed and sent to me to be managed. A joint committee of the senate and house came over to the executive department to ascertain the result and received this answer:

"When the wagon is full of corn it is better to unload into the crib before taking on any more. Come to me with suggestions as to further legislation during the special session, after there has been a disposition made of those now before the legislature. For the present it does not appear to me to be wise to add to them, even though important matters may have been omitted."

The chairman of the committee reported that he had "one of the quaintest documents that ever originated in a coordinate branch of the government." They all understood the situation perfectly and when he read it there was a shout. That wagon load of corn traveled all over the state in editorial and cartoon, and there was no further trouble. Under no possible circumstances would I have favored either trolley freight or the fixing arbitrarily of a two-cents-a-mile fare. Nothing illustrates more forcibly the heedlessness and thoughtlessness of the masses than giving to trolley companies the right to carry freight as was done a short time thereafter. The railroads bought their rights of

way and soon found it more profitable to carry freight than passengers. Then trolleys were given, free of expense, the right to use the highways in order that men, women and children might be transported. When they begin to carry freight the same old situation will return except that they occupy the highways. For twenty-five years, at enormous expense, we have been endeavoring to escape from grade crossings and in this way we create anew ten times as many as we eliminate. A fixing of fares ought only to be attempted after the most careful investigation.

Practically all of my recommendations were accepted and enacted, including Greater Pittsburgh, reapportionment and the corrupt practices act. For only trying to bring about some of this legislation in New York, Charles E. Hughes was made a justice of the Supreme Court of the United States, which shows how sometimes exploitation is more effective than achievement. I have already quoted Roosevelt's reply to Knox when the latter advised that professional man of courage to appoint me to the Supreme Bench. About the special session he, however, said: "It is surely not too much to say that this body of substantive legislation marks an epoch in the history of the practical betterment of political conditions, not merely for your state but for all our states."

The legislature itself passed this resolution, the signed original of which now hangs in my library:

In the Senate,
February 14, 1906.

Resolved (if the House of Representatives concur), That the thanks and congratulations of the legislature be extended to Samuel W. Pennypacker, Governor of Pennsylvania, for his patriotic action in calling the legislature together in extraordinary session for the purpose of enacting important and necessary legislation. The wisdom of his course is best evidenced in the unanimity of the sentiment of the citizens of the commonwealth generally so expressed by the favorable action of their representatives

in both branches of the legislature in the passage of substantially all the bills indicated in his proclamations.

FRANK A. JUDD,
Chief Clerk of the Senate.

The foregoing resolution concurred in February 15, 1906.

THOMAS H. GARVIN,
Chief Clerk of the House of Representatives.

The lark of the west, Burgoyne of Pittsburgh, sang a song of jubilee:

GREATER PITTSBURGH

(From the *Pittsburgh Leader*, February 8, 1906.)

Sing out, ye mighty bands of brass,
Let drums and trumpets blithely sound
A strain of praise! Let glass with glass
Be clinked! Aye, and for miles around
Let all true men like joy display!
The Greater Town comes now to stay.

Yes, after all the weary years
Of battling; after all the jars
Sustained by gallant pioneers
Of progress, they've let down the bars
At last and given us a show
All rival cities to outgrow.

Old Allegheny, which is sunk
In torpor, now must needs awake.
No more can she hang back and flunk
And odious ease and leisure take.
She's part of us henceforth and must
Play ball and raise her share of dust.

Our mayor will henceforth exercise
A broad and mighty rulership.
A giant town he'll supervise;
A town that's destined to outstrip
Its peers whenever he controls
A solid half a million souls.

And we shall spread. No pow'r can stop
  The movement that is under way
To land old Pittsburgh right on top.
  No pow'r on earth can e'er gainsay
Our fitness thus to rise and shine
And 'mid the first hang out our sign.

For we have riches, we have force,
  And brains and enterprise and grit,
And once there's naught to block our course
  We'll surely make a bigger hit
Than here or on a foreign shore
A town has ever made before.

Your hand, Sam. Pennypacker, you
  Have been to us a friend in need,
Our plans seemed destined to fall through
  When to the front you came to plead
Our cause. The legislature heard,
And to its inmost heart was stirr'd.

Hence comes that great, that priceless boon,
  The famous Greater Pittsburgh bill,
Which means our exaltation soon,
  Which means that we shall soon fulfil
Our destiny in royal style,
And be the topmost of the pile.

Sing out, then, O ye brazen bands!
  Ye drums and trumpets rend the air!
The message send throughout all lands
  That Greater Pittsburgh is all there.
And will be yet—so please the fates—
King bee in these United States.

Whoop!

Even John H. Fow, a member of the house, could not resist the impulse to write some verse. Fow was a character quite unusual. The son of a German butcher, born in Kensington, and much in the rough, he read law. Because of his huge voice he held the soubriquet of "Fog Horn" Fow.

Short and fat, when he spoke he shook all over. When he argued he began in the middle of the proposition and worked both ways at once with the most intense energy. Yet, worthy and assiduous, he won respect and, what is more remarkable, reputation as a constitutional lawyer.

The *Pittsburgh Gazette* said, editorially, February 16th:

"Pennsylvania has had no better governor," and the next day the *Philadelphia Inquirer* followed suit with:

"The biggest man in Pennsylvania today is Samuel W. Pennypacker, Governor," and "Pennypacker's name will go into history as one of the greatest of governors."

An act had been passed at the session of 1905 providing for a commission of three lawyers to codify the divorce laws of the state, and authorizing the governor "to communicate in the name of the commonwealth with the governors of the several states comprising the Federal Union, requesting them to co-operate in the assembling of a congress of delegates from such of the states as take favorable action upon the suggestion; said congress to meet at Washington in the District of Columbia, at such a time in the near future as shall be agreeable for the purpose of examining, considering and discussing the laws and decisions of the several states upon the subject of divorce, with a view to the adoption of a draft for the proposed general law which shall be reported to the governors of all the states for submission to the legislatures thereof, with the object of securing, as nearly as may be possible, uniform statutes upon the matter of divorce throughout the nation." Ten thousand dollars were appropriated with which to pay the expenses. It was the first and only serious effort, up to this time made, to correct one of the greatest and growing evils of our modern life. The commissioners appointed were: C. La Rue Munson, of Williamsport, an eminent lawyer, later suggested for the governorship; William H. Staake, of Philadelphia, whom I appointed a judge of the court of common pleas, and Walter George Smith, of Philadelphia,

who was one of the trustees of the University of Pennsylvania. The movement attracted the widest attention and met with universal commendation. The convention met in Washington, February 19th, and every state in the Union was fully represented except South Carolina, whose laws permit no divorce. She, too, was heard upon the floor in the proceedings. The sessions were opened with prayers by Edward Everett Hale of Massachusetts and Bishop William C. Doane of New York. The convention elected me its president. Among the delegates were some of the most distinguished men in professional life in the United States. Among the clergy were Archbishop John J. Glennon of St. Louis, Bishop T. F. Gailor of Tennessee, Bishop Doane of New York, Dr. Charles A. Dickey of the Presbyterian Church, Bishop John Shanley and Dr. Washington Gladden. Among the statesmen were United States Senators Smoot and Sutherland of Utah and Clark of Arkansas and Oscar E. Underwood of Alabama, later a national figure and Democratic leader of the house. Among the lawyers were Charles W. Miller, attorney general of Indiana; I. F. Ailshie of the Superior Court of Idaho; Judge Charles Monroe of Los Angeles, California; Robert H. Richards, attorney general of Delaware, and the vice-chancellor, John K. Emory, of New Jersey, an exceedingly clear-headed, able man. Governor Lea of Delaware took part and there were three or four women delegates. It was in every sense a truly representative American assemblage. The questions arising were discussed with learning and gravity and the result of the deliberations was the agreement upon a carefully drawn statute to be presented to all of the legislatures of the states with a recommendation that it be adopted in lieu of existing legislation. It was enacted by New Jersey, Delaware and some of the other states, but unfortunately it could not be presented to the legislature of Pennsylvania until after the force which had been behind the measure had disappeared from Harrisburg. M. Hampton Todd, the

attorney general of my successor, was opposed to the passage of the act, declared that there was no such thing as a divorce evil, and nothing further was done in the state where the movement originated. Others lost heart and thus Pennsylvania lost the opportunity of leading to success a great moral and material advance in social conditions. Nevertheless the discussions of the congress had a good effect and were not without result.

On the 14th of March, after a dinner with Penrose and Olmsted at the Willard Hotel, the Pennsylvania Club of Washington held a reception in my honor, intended to be a significant affair, attended by a great throng which included the Vice President, the Speaker of the House, Cannon, and a number of senators, and members of the cabinet. Two days later followed an entertainment at the Zembie Temple in Harrisburg by the Imperial Potentates of the Mystic Shrine, generally called, in order to escape the prolonged magnificence, "Shriners." I made an address to them and the event made an impression on me for two reasons: Among those participating was Admiral W. S. Schley, who attained too much distinction and was the subject of much controversy in the Spanish-American War. Upon a number of occasions I had met also Admiral Sampson. Unfortunately for the latter, he had taken himself and his battleship away at the time the Spanish fleet came out of the harbor, and Schley was left to conduct the fight. No amount of arguing can escape the consequences of these underlying facts. The great misfortunes which come to men in life, and surely this was woeful, can generally be traced to some failure of conduct due to temperamental defects. Sampson did not need to take away his battleship. Schley, beside whom I sat at dinner and with whom I had the opportunity to chat, appeared to be a plain and substantial person. The other fact that made an impression was to see Bishop Darlington of the Episcopal Church, at the head of the Diocese of Harrisburg,

crowned with a red fez and taking an active part in the solemn flummery.

On the 20th, accompanied by my staff, by Mrs. Pennypacker and my sister-in-law, Mrs. James L. Pennypacker, I started for Vicksburg, Mississippi, to dedicate the monument erected to commemorate the services of the Pennsylvania soldiers who took part in that campaign. It is a fact of which Pennsylvanians ought to be proud, and which has a significance, that this state was represented not only in all of the battles of the East, but likewise in those of the West. No other eastern state of the North had any part in Shiloh. We reached Vicksburg on the morning of the 23d and were received with a salute of seventeen guns. General Stephen D. Lee, who had been a lieutenant general in the rebel army, a sensible, kindly and agreeable gentleman, had charge of the local arrangements and gave us much attention. We rode through the National Park and were taken in steamboats upon the Mississippi River to Grant's "Cut-Off," where it was attempted to divert the channel of the river as a war measure. The black alluvial soil along the river is seventy or eighty feet in depth and suggests agricultural richness. Nobody appeared to be at work, however, except the negroes and the mules, and it looked to me like a country which would perish were it not for them. In the evening there were a reception and a dance at the Carroll Hotel, where my colonels and the pretty Southern girls had a good time. The ceremonies occurred on the following day. General James A. Beaver, a soldier who lost his leg, later a governor and judge of the Superior Court, delivered the address. Vardaman, a long-haired, black-eyed, noisy swashbuckler, was then the governor of Mississippi. He made a speech which sounded like a repetition of some Fourth of July oration he had at some time committed to memory. Later he was sent to the United States Senate. I accepted the monument and gave it into the custody of the nation. In the evening the veterans of the Union and Rebel armies

assembled in the Vicksburg Opera House and Lee and I made addresses. Among those who were on the programme was Jack Crawford, the Texas scout, a glib man with some oratorical and literary ability, whose hair hung down on his shoulders, and who has become a stock figure in soldier demonstrations throughout the country. He haunted the steps of Mrs. James L. Pennypacker and wrote a poem in her honor which he sent to her. We returned home by way of Chattanooga.

One day, on going to the hotel in Vicksburg, I was told that a couple of ladies had been waiting for several hours to see me. This was their story: They had been informed that I was a friend of Senator Quay and therefore they had come from an inland town in Mississippi to shake my hand only to show their appreciation of him. When he was a penniless young man he had drifted to the South and their father had shown him some favor and rendered him some assistance. Years rolled by and their father went into the rebel army and was killed and the family were left in distress. They appealed to Quay. After the election of Mr. McKinley Quay went to him and said:

"Mr. President, there is one thing I would like to have."

"What is it?" said the President.

"I want to name the postmaster in the town of Meridian, in Mississippi."

"You shall have it," said the President, glad to get off with a favor of so little consequence. But trouble arose, the politicians in that state had made another disposition of the office, and the President sent for Quay and said to him:

"I am sorry, but the situation is such that I can not give you that postoffice at Meridian."

"Very well," said Quay quietly, "but be good enough to remember how many votes Pennsylvania has in the next national convention, and how few has Mississippi."

The widow of the old rebel soldier was appointed post-

mistress of Meridian and held the office as long as Quay lived. The women were tearful and we had a long talk.

Then came the inevitable coal strike, of which Roosevelt told me that he had information and which as he indicated he had planned to come into Pennsylvania and manage as he had done during the administration of Governor Stone. At once, without consultation with him or anybody else, I wrote this letter to George F. Baer, the president of the Philadelphia and Reading Railway Company, and to John Mitchell of Indianapolis, the head of the labor organization which had control of the strike:

March 31, 1906.

DEAR SIR:

The Commonwealth of Pennsylvania expects that every reasonable effort will be made by the parties interested to accommodate the differences between coal operators and coal miners and to avert the strike which is now threatened.

Yours very truly,

SAMUEL W. PENNYPACKER.

This was simply intended as notice to both of them that the interests of the commonwealth were to be considered and that she did not propose to sit idly by and permit them to involve her in difficulty. They were holding conferences, each side resolute, and in the meantime the anthracite region lay idle. Coal is a public necessity, and to deprive the people of it was to inflict great suffering. The *New York Sun* read the letter correctly. In an editorial, April 6th, it said: "Between the lines of this timely message we think an intimation can be read that the present governor of Pennsylvania will be prepared to employ the last resource of his authority to keep the peace and preserve to all men their rights.

On the 12th I sent forth this announcement:

I announce to the people of Pennsylvania that the deposit of $1,030,000 in the Enterprise National Bank, a national bank which failed on the 18th day of October, 1905, together with

interest, $14,343.15, has been paid into the treasury of the commonwealth, and in your behalf I thank the state treasurer (Mathues) for the care with which this deposit, when made, was safeguarded and for the promptness with which it has been collected.

I likewise announce that on the 3d of April, 1906, there was paid into the treasury $236,762.65, collected from the United States Government for moneys loaned to it by this commonwealth in the War of 1812.

It is a psychological phenomenon. For the purposes of a political campaign, by suggestion that possibly the money might be lost, the people could be worked up into a frenzy and persuaded to put an incapable like Berry in charge of their finances. The proof that it was safe in the treasury was treated with absolute indifference. The fact that moneys due for a century had been finally collected attracted no attention whatever and no journal thought it worth its while to say a word of appreciation. Still trying to make the most of the situation, the *Record* said: "Political pull secured for the Enterprise Bank heavy deposits of state money which served to give it the appearance of stability and lured the credulous people of Allegheny to intrust it with their private savings."

On the 17th began in Philadelphia the celebration by the American Philosophical Society, the oldest scientific organization in the United States, and the University of Pennsylvania, of the two hundreth anniversary of the birth of Benjamin Franklin. Many men of distinction in science and others conspicuous in the various walks of life, came from over the world to attend. Among them were Hugo de Vries of Amsterdam; Sir George H. Darwin, son of Charles Darwin; Alois Brandl of Berlin; Guglielmo Marconi, the inventor of wireless telegraphy; and Andrew Carnegie. There was a dinner at the Bellevue-Stratford at which I made a speech. On my left sat Henry Cabot Lodge, of

Massachusetts, cultivated and sincere, and next to him Elihu Root of New York, stronger, but less reliable.

Dr. I. Minis Hays, the energetic secretary of the American Philosophical Society, was most responsible for the success of the demonstration.

The affairs of the coal strike grew more heated, and May 2d I issued this proclamation:

Whereas industrial disturbances have recently arisen in various parts of the commonwealth, accompanied by manifestations of violence and disorder, now, therefore, I, Samuel Whitaker Pennypacker, Governor of Pennsylvania, do issue this my proclamation and call upon all citizens by their conduct, example and utterances, whether printed or verbal, to assist in the maintenance of the law. Times of commotion furnish the test of the capacity of the people for self-government. Every man is entitled to labor and get for his labor the highest compensation he can lawfully secure. There is no law to compel him to labor unless he so chooses, and he may cease to labor whenever he considers it to be to his interest so to cease. The laboring man, out of whose efforts wealth arises, has the sympathy of all disinterested people in his lawful struggles to secure a larger proportion of the profit which results from his labor. What he earns belongs to him, and if he invests his earnings the law protects his property just as the rights of property of all men must be protected. He has no right to interfere with another man who may want to labor. Violence has no place among us and will not be tolerated.

Let all men in quiet and soberness keep the peace and attend to their affairs with the knowledge that it is the purpose of the commonwealth to see that the principles herein outlined are enforced.

This proclamation drew the lines exactly where they ought to be placed and expressed with precision the purpose which it was intended should be carried into effect. There had been an impression entertained even by many good lawyers, and widely entertained, that the governor could not interfere until called upon by the sheriff of the county. This theory would overthrow completely the constitutional power of the governor to see that the laws are enforced

and would make the sheriff master of the situation. I let it be known that, while I recognized the propriety of consulting with the sheriff and letting him maintain the peace if he could, I would not listen for a moment to the claim of want of power in the governor and, if the occasion required such action, would wait for no sheriff.

On the 4th the *New York Sun* had a long leading editorial entitled: "No Presidential Intervention this Time," saying that the union leaders were "trying to dragoon the most exalted personage in the nation into a wrangle with which he has no official connection whatever," that there was a definite report throughout the anthracite region that the President "has determined to take part today or tomorrow," but that Northeastern Pennsylvania was quiet; "thanks to Governor Pennypacker's unyielding insistence, that law and order must be maintained." Knowing what the President had said to me at an earlier date, I have no doubt that this statement was correct and that he was waiting to jump in at the first opportunity. There was rioting at Mount Carmel and the mob took possession of the town. The constabulary were sent there and the mob defied them. Then they rode through the town. The mob assailed them and they shot about eighty men, establishing a reputation which has gone all over the country and has been retained in many trying occasions since, with the result that the labor difficulties in the anthracite coal region entirely disappeared. It was in every way a most wholesome lesson. The rights of labor and the general sympathy for the man who produces the wealth of the world had been asserted, the authority of the state had been maintained and violent opposition to the law overcome, and the aggression of the national government, dangerous to both state and nation, had been successfully resisted. There was almost universal commendation over the country.

READING TERMINAL, PHILADELPHIA,
7th May, 1906.

MY DEAR GOVERNOR PENNYPACKER:

When I was pressed by the New York interests to urge the Governor of Pennsylvania to take a decided stand for law and order, I told them that I knew the Governor of Pennsylvania; that he would perform his duty without suggestions from any one; that no person in the commonwealth better understood what was his duty; and that he had the character and the courage to perform it. I have received a number of telegrams congratulating the commonwealth on the stand taken by you; and I only want to say to you now that your action was a most potential factor in bringing about a solution of the problem.

Yours very truly,
GEO. F. BAER.

May 9, 1906.

Hon. Samuel W. Pennypacker,
Executive Chamber,
Harrisburg, Penna.

DEAR GOVERNOR:

I have yours of the 8th instant and extend to you my sincere congratulations on the firm way in which you handled the strike proposition. The effect of your proclamation was excellent and it was most timely. The result, of course, has a most important bearing on the election.

Yours sincerely,
BOIES PENROSE.

To the general approval there was some exception. I am quite sure the result and the manner in which it was accomplished were not pleasing to Roosevelt. *Collier's Weekly,* a sheet published in New York, took advantage of the opportunity, May 19th, to produce a poem. It had recently taken to its editorial bosom the young Irishman, Mark Sullivan, who, claiming to be a Pennsylvanian, had a few years before written the anonymous and slanderous article on the state for the *Atlantic Monthly.* Perhaps the poem had a like inspiration.

GOVERNOR, 1906

Who's Zoo in America

Governor Samuel Whangdoodle Pennypacker

Like Noah Webster, he reclines
  Within his easy chair,
A-tapping wisdom's sacred mines
  And calling here and there,
Yet all he finds of perfect minds
  Up to the present day
Are Moses, Plato, Socrates,
  Himself and Matthew Quay.

He's written over fifty books
  And some are nearly good—
On railroad jobs, successful snobs
  And human brotherhood;
And he can speak in French and Greek
  On topics of the day,
Like Moses, Plato, Socrates,
  Himself and Matthew Quay

Oh! Philadelphia's Sabbath calm
  Sits on his holiness
Until by chance his eyeballs glance
  Across the daily press—
Then pale before his grumblous roar
  Reporters flee away,
Who took in vain by words profane
  The name of him and Quay.

Yet soft he roareth since the hour
  When good Saint Graft was hurled
By anger quick upon the kick
  That echoed round the world
And cautiously he goes by night,
  And cautiously by day,
For fear some ripe tomato might
  Be aimed at him or Quay.

But when again the Heavens smile
  And public wrath is spent,
When Philadelphia sleeps awhile,
  Corrupted but content;

Then sadly Pennypacker comes
  Forth to the graveyard gray,
And lays a grateful wreath of plums
  Upon the tomb of Quay.

"O Master," 'twixt his sobs he saith,
  "When all cartoonists die,
When editors, all gagged to death,
  'Neath broken presses lie,
Four noble statues I'll erect
  With public funds to pay;
The Gilded Hog, the Yellow Dog,
  Myself and Matthew Quay."

A picture equal in merit to the poem accompanied it.

For the 29th of May, a prize fight, under the guise of a boxing bout, between "Bob" Fitzsimmons, the champion, and "Tommy" Burns, had been scheduled at a sporting club at North Essington in Delaware County. The fisticuff fraternity in New York, who feared to run the risk of prosecution under the laws of that state, had arranged to have the bout in the Quaker County of Delaware, just outside of Philadelphia, where, as they convinced themselves, it would be within easy reach and safe. They had the support of the sporting editors of the Philadelphia journals, and the scheme was lauded rather than opposed. A special train was engaged to bring over the New York "fancy" and tickets were so much in demand that they sold as high as fifty dollars each. McDade, the conscientious young district attorney of Delaware County, did what he could to prevent the occurrence, but he found that the sheriff was in league with the rounders and the forces were too strong for him. Then he came to Harrisburg to see me. I tried in every way to get into communication with the sheriff, but he, too, had the impression that I was helpless to act, except through his intervention, and he went into hiding and escaped all directions. Then I called Groome to the department and said to him:

"Groome, send some of your constabulary down to Essington and stop that prize fight."

He replied: "Governor, I am rather personally in favor of the fight, but if you order me to stop it, I will see that it is done."

The order was "stop it."

Groome sent some of his men down there and while there was a great commotion and much swearing, the fight did not occur. As was to be expected, the local paper, having an interest in common with the violators of the law, called me a czar and said that never before had any governor assumed to override the sheriff of the county.

The Republican State Convention met June 7th and nominated Edwin S. Stuart for governor and Robert K. Murphy, an orator with much power of utterance, for lieutenant governor. Among the resolutions adopted was:

> We commend the well-balanced administration of Governor Samuel W. Pennypacker as capable, upright and business-like; exact in his attention to administration duties; punctual in the fulfilment of its duties; vigilant in vetoing pernicious legislation; fearless in its protection of the poor man's home against railway greed; wise in safeguarding the water supplies of the state; far-seeing in its improvement of the public highways; firm in the maintenance of peace and order; successful in the accomplishment of important, far-reaching and substantial reforms; watchful in the care of the interests of all the people of the commonwealth; patriotic, impartial, just and ruggedly honest.

It happened just at this juncture that I again ran athwart the purposes of the Republican organization. A vacancy had occurred in the position of the harbor master in Philadelphia, caused by the resignation of Samuel G. Maloney, who had held it for years. Penrose asked me to appoint Oscar E. Noll, but having some information concerning the career of Noll which was not of a favorable character, I declined. Then he recommended to me a very reputable wool merchant. I was just about to give him the appoint-

ment when I learned that he had made an agreement not to perform the duties in person but by deputies, among whom the salary was to be divided—one of whom was Noll. I did not propose to be played with after that fashion, and, sending for James Pollock, asked him to take the place. He accepted and made an excellent official, attending to his duties in a business-like manner. Pollock was a friend of mine, but he had a caustic tongue which he did not endeavor to restrain, but rather indulged, and he had said many things which had made him obnoxious to Penrose, McNichol and Durham. Possibly no selection could have been more unsatisfactory to them, and after the end of my term they disposed of him by having an act passed to abolish the office.

On the 8th of June I made an address at Bellefonte, at the dedication of the monument to Andrew G. Curtin; and on the 17th presided over the jubilee in Musical Fund Hall in Philadelphia, where, fifty years before, the Republican party held its first convention to nominate a candidate for the presidency. A number of men who voted for Fremont and Dayton were present, and Alexander K. McClure made a reminiscent address. J. Hampton Moore, a small, slim, intelligent and alert man, who had worked on a newspaper and graduated to a seat in congress, later introduced me as " our good governor." I said:

We are met together to-day to celebrate the fiftieth anniversary of the organization of the Republican party, and we hold ourselves fortunate in having the presence of the survivors of those who participated in its earliest convention and of so many of its representatives who are honored by and lend honor to high official station. Fittingly we meet within the limits of that commonwealth in which the party had its origin and which, while receiving the least proportionate reward, has ever given to it the most continuous and effective support. Since the election of Abraham Lincoln in 1860, Pennsylvania has never cast an electoral vote against a candidate of the Republican party for the Presidency of the United States. The largest majority ever received by a

presidential candidate in any state in America was given in Pennsylvania to a Republican. No other political organization in the history of the world achieved such important and varied results as has the Republican party in the last half century. Neither *Guelph* nor *Ghibelline, Girondist* nor *Sans Culotte,* Royalist nor Roundhead, Whig nor Tory exerted so powerful an influence upon human affairs. It has broken the yokes from the necks of three millions of slaves. It has fought with equal success domestic insurrection and foreign aggression. It has so extended our possessions that the sun rises over the Philippines and sets beyond the Mississippi, still shining upon American soil. It has gathered into our embrace the fairest islands of the South Sea. But, more than all, it has brought forth men. Its first President ranks in diction with Jeremiah and Shakespeare, and in statecraft stands beside Alfred the Great and William of Orange, on a plane with the most exalted characters of all time. Its last President, though it be too soon to form an adequate estimate of his acccomplishment, has made an impression beyond that of any other living statesman. Compare the presidents of the United States during the last fifty years with the emperors of Rome, or the kings of England or France throughout a like period of time, or if it be not ungracious, compare them with the presidents elected between 1800 and 1860, and see what a tale of excellence is unfolded.

The past is secure, the present follows rapidly in its pathway, but what of the future? Every age has its own problems and upon their successful solution depends the fate of nations. To be swept away by the fitful currents of life which trouble every sea and cast up "mire and dirt" is for the nation, as for the individual, to perish. Go forward like Christian in the *Pilgrim's Progress* and the burdens of sin fall into the sloughs. Have faith and be of good cheer. Let us not forget that the province of the Republican party, the outcome of the highest wisdom has been to construct and to upbuild. Cleanliness and decency are among the latest of human acquisitions and American life has not yet reached its farthest stage of development. Many a gallant knight has fought behind a rusty shield and still has overcome his foe. If the Normans had been destroyed as marauders, what would have been the effect upon English civilization?

Correct the evils which may have arisen in transportation, but do not forget that the system, as established, has created Chicago and St. Louis and has peopled the West. Cleanse wherever necessary, but preserve. Improve our products, but

send them further around the world. See to it that labor secures a larger share of the profit, but recall that the annual inpour of people of every race and clime proves this to be the most attractive and remunerative of all lands. If there be an occasional individual among us who is too rich, the policy of the Republican party which has given him his opportunity has likewise given solace and comfort to millions of prosperous people. Therefore, be ye steadfast, unmovable, and the golden jubilees of this great organization will grow in number as the centuries roll along, bringing in their course blessings and increase to the nation.

Among those who were present and spoke were Robert K. Murphy and William Barnes, the latter of whom became so potent a factor in the politics of New York. I have no personal acquaintance with Mr. Barnes, but there are two Americans who have given their lives in the main to political activities whose utterances always give indications of the ability to think with accuracy and clearness. They are Barnes of Albany and Lane of Philadelphia.

About this time I became associated with Alton B. Parker, who ran against Roosevelt for the presidency; Richard Olney, Mr. Cleveland's attorney general; Nicholas Longworth, Roosevelt's son-in-law; Frederick B. Niedringhaus of St. Louis; General Benjamin F. Tracy; Thomas B. Wanamaker; George Gray of Delaware; and others, in an effort to change the management of the New York Life Insurance Company and the New York Mutual Life Insurance Company. Samuel Untermyer of New York was the underlying influence of the movement, and there were a number of meetings in his office. Like many such efforts, it did not succeed, and also, like many of them, it produced results.

On the 26th of June I made an address at Fredericksburg, Virginia, at the dedication in the park there of the monument to the One Hundred and Twenty-seventh Pennsylvania Regiment, which was commanded in that battle by my old colonel, William W. Jennings, and as it happened, it was the forty-third anniversary of our engagement at Gettysburg.

Mrs. Jennings was among those present. I then had the opportunity to go over the battlefields of Fredericksburg and Chancellorsville.

On the 21st of June Governor E. C. Stokes of New Jersey and I delivered addresses at the dedication of the monument at Red Bank. A dreadfully hot day, a long ride amid shouting throngs over dusty country roads, and a crowded platform, covered with canvas just above our heads which shut out the air, were the incidents which marked the occasion. Stokes is a small man with a pronounced moustache, keen and alert and canny enough to keep his head above water in New Jersey politics.

About this time I appointed the first board of registration commissioners to register voters in Philadelphia, and selected George G. Pierie, Clinton Rogers Woodruff, J. Henry Scattergood and John Cadwalader, Jr. Pierie and Scattergood were acceptable to Penrose and the party managers. Cadwalader I appointed against the earnest protest of the leaders of both the Republican and Democratic parties, because he was a gentleman who I knew would be fair, though narrow, and beyond influence, and partly because of my great regard for his father. I have found as a general thing that nice people have little sense of gratitude. They are apt to feel that they confer a favor by accepting what is given them. At the close of my administration Woodruff wrote a doubting sketch of me for the *Yale Review*. Some years later, over another matter, Cadwalader wrote a paper for the *Public Ledger* assailing my personal motives. I also saw a sketch of himself in print, evidently supervised by him, which said he had been retained in office by Governor Stuart and made no mention of the man who put him there having to override the political forces of both parties in order to do it. It was unmanly and disingenuous. He made a capable and useful official.

This year, July 25th, the National Guard had their encampment at Gettysburg, where I again inspected, on

foot, every man and took the review from a barouche. There was little comment on the method.

In September came the effort to overthrow Penrose as the state leader, of which I had forewarned him and Durham two years before, and, much to my surprise, it came in the shape of an attack upon the capitol and the moneys expended in its erection and equipment, over which I had supposed everybody was happy. It is not my purpose here to do more than make a few general statements upon the subject. I made a thorough study of the whole matter in my *Desecration and Profanation of the Pennsylvania State Capitol,* published in 1911 and never answered, to which the reader is referred. Edwin S. Stuart had been nominated by the Republicans as their candidate for governor, and to comprehend the situation which resulted, it is absolutely necessary to have a measure of his characteristics. Forty years before, when he was an errand boy for Leary and I was a notary public, we had gone out into the country together to take the testimony of a witness, and we had known each other well ever since. Big, good-hearted, upright and kindly, his disposition was to be pleasing to everybody with whom he was brought into contact. His life-long training as a merchant was such as to lead him to give to everybody just what they wanted or thought they wanted. This disposition and this training united to make him entirely unfit for executive office, where the object ought always to be to advance the public welfare, with force, if need be, rather than to be agreeable to individuals, who often must be overruled. To expect him to resist public clamor would be to look for something of which he was utterly incapable. As governor, his main thought was to avoid responsibility and at the end of his term to escape unsinged. His administration was, therefore, altogether colorless, without a single achievement which made any impression on the state and, therefore, he left office with the approval of everybody except those who

had to do business with him. Yet even the latter liked "Ned Stuart."

The Democrats and Independents nominated Lewis R. Emery, a rich oil man and wavering dilettante politician, an independent Republican, from the western end of the state. Then the floods were let loose and the capitol was used as the weapon in a desperate political struggle. The Republicans had intended to use it as a campaign argument, pointing to its wonderful success, the promptness with which it was completed, and its comparative inexpensiveness. The other side, however, secured the claque with outcries over the moneys expended and, as usual, they had the support of the newspapers. With great ingenuity they added the cost of the furniture, metallic cases and general equipment to the cost of the building. The game would have been intensely interesting as a spectacle, had it not been fraught with tragedy to men who had given the best intelligence to the construction of the building and who deserved well of their fellows, and had it not been for the injury done to the repute of Pennsylvania for which the players cared not a whit. Still the assailants of the capitol did not play their game effectively. They made one great and fatal tactical blunder. Had they withheld the assault until within two or three weeks of the election Stuart would have been beaten and Penrose undone. By making it in September they gave time for correction and for the popular impression to become to some extent stale. The true policy of the Republican leaders would have been to have come manfully to the support of the capitol, but they were cowed by the clamor and they drifted in a rudderless boat. Stuart promised an investigation, and thus tacitly and feebly gave himself into the hands of his opponents.

Seeing that it was a situation which demanded that some one go out to the firing line and that the politicians were without resources, together with Snyder, the auditor general, I put out a statement showing in detail every cent

expended in any way in connection with the capitol. This gave the people the exact and whole truth. We then invited Charles Emory Smith, editor of the *Press;* George W. Ochs, editor of the *Ledger,* and Charles H. Heustis, editor of the *Inquirer,* to come to Harrisburg and examine the building and the books. This was going into the camp of the enemy and showed courage and self-confidence. They declined, which displayed weakness and made an impression favorable to us. Then I made arrangements with the railroads for unusually low excursion rates over the state and invited the people to come and see for themselves. The newspapers tried ridicule, calling them "penny-a-milers," but without result. Sixty thousand of the people came. On one Saturday I shook hands with three thousand people, which left my arm very sore. The next Saturday I shook hands with ten thousand and, strange to say, that did not affect me. They went home filled with enthusiasm and told their neighbors. There must have been a hundred men who said to me: "I don't care a d—n what it cost; it is worth the money," and many of them were themselves mechanics who knew the difference between good and inferior work. Stuart was elected by a small majority and I have always believed it was our efforts which saved him. It gave me profound satisfaction to know that the main purpose of the scandal was thwarted. There are two substantial answers to the charges made, which can never be overcome—the one *material* and the other *financial:*

1. The capitol with its equipment, standing on the banks of the Susquehanna, where it may be seen of all men, expert and inexpert.

2. The reports of the state treasurer and Smull, which show that the moneys in the treasury during my administration were greater than ever before or since, and that while under my successor the investigation and trials were being pushed to an inconsequential conclusion, those moneys were being depleted at the rate of a million dollars a year.

And now I bid farewell, I hope, forever, to that malodorous scandal which followed so closely upon the completion of a marvelous and commendable achievement and whose purveyors may be likened to those vile fish that swim in the wake of a good ship, her prow buffeting the seas and her flag flying proudly in the breezes of Heaven, but seek only to feast their appetites upon the offal which is cast overboard.

The capitol was dedicated on the 4th of October. It was a cold, dismal, rainy day. Penrose, Knox, congressmen, the state officials, the National Guard and the state constabulary all participated. The streets of Harrisburg and the capitol grounds were crowded with people. I had been much concerned about the safety of the platform. We called for bids and one was so much lower than all the rest that it aroused suspicion. Upon investigation it was found that this contractor had planned to lessen the strength of some of the supports. Then the matter was handed over to Huston, the architect, with my threat to behead him if anything happened, and he gave to it every care. Roosevelt delivered a forceful oration. It was than that he said, alluding to the work of the special session: "It is surely not too much to say that this body of substantive legislation marks an epoch in the history of the practical betterment of political conditions not merely for your state but for all other states." The notes of this address, used at the time and signed for me on the platform, I had bound for preservation. He has a stage habit of singling out some individual in the audience and giving to him special attention. On this occasion he picked out an old soldier, much to the delight of the veteran and his comrades. It had been widely proclaimed that the President would dedicate the building. Nothing would have been more inappropriate and I saw to it that this task was performed by the head of the commonwealth in an address which ran:

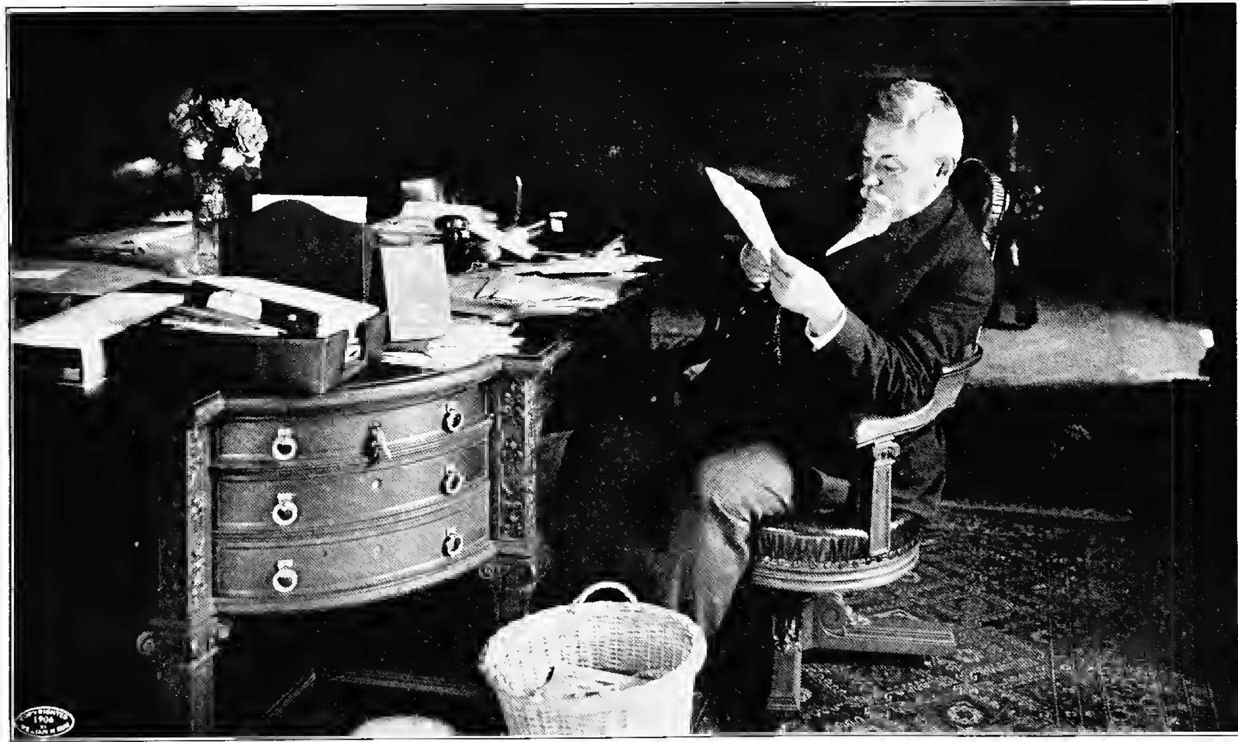
The capitol is much more than the building in which the legislature holds its sessions, the courts sit in judgment and the

executive exercises his authority. It is a concrete manifestation of the importance and power of the state and an expression of its artistic development. Intelligent observers, who look upon the structure and examine the proportions, the arrangements and the ornamentation, are enabled to divine at what stage in the advance of civilization the people have arrived and to determine with sufficient accuracy what have been their achievements in the past and what are their aspirations for the future.

The commission charged with the duty of erecting this capitol and those who have had responsibility in connection with it have felt that in architecture and appointments the outcome ought to be worthy of the commonwealth. They have not forgotten the essential and unique relation which Pennsylvania has borne in the development of our national life; that in her first capitol the Government of the United States had its birth; that during ten years of the early and uncertain existence of that government she gave it a home; that since its origin what has ever been accepted as the "Pennsylvania idea" has been the dominant political principle of its administration; and that its present unparalleled material prosperity rests finally in large measure upon the outcome of her furnaces and mines. Nor have they forgotten that the thought of William Penn, enunciated over two centuries ago, and rewritten around the dome of this capitol, has become the fundamental principle of our National Constitution, acknowledged now by all men as axiomatic truth.

There is a sermon which the many Americans who hie hither in the future years to study chaste art, expressed in form, as today they go to the Parthenon and St. Peter's, to the cathedrals of Antwerp and Cologne, will be enabled to read in these stones of polished marble and hewn granite. When Moses set out to build "an altar under the hill and twelve pillars," he, beforehand, "wrote all the words of the Lord." Let us take comfort in the belief that in like manner this massive and beautiful building, which we have in our later time erected, will be for an example and inspiration to all of the people, encouraging them in pure thoughts and inciting them to worthy deeds. Let us bear in mind the injunction of the far-seeing founder of the province, which made it indeed, as he hoped, the seed of a nation—"that we may do the thing that is truly wise and just."

On behalf of the commonwealth, as its chief executive, I accept this capitol and now, with pride, with faith and with hope, I dedicate it to the public use and to the purposes for which it was designed and constructed.



Governor Pennypacker in the Executive Chamber, Harrisburg

Huston, the architect, who was a warm enthusiast and elate with the success of his production, caused to be made a gold key for the main door of the capitol, to be used as the symbol of the transfer, which he presented and inscribed to me. One of Roosevelt's attendants proposed to carry off this key as a memento for the President, but I interfered and prevented its accomplishment. It was before the dinner which I gave to Roosevelt at the executive mansion that Penrose came to me and asked me whether I would not send an invitation to Charles Emory Smith, explaining that they wanted to try to get him in line and evidently expecting me to object. I replied: "Certainly," and sent the invitation. Smith, although he was daily printing falsehoods about me, promptly accepted. At the dinner Penrose came to Roosevelt, who sat on my right, and said:

"Now, Mr. President, won't you talk to Smith?"

"I will do what I can with him," was the answer.

I escorted Smith up to the head of the table and they had a long conference.

On the 17th of September, accompanied by the adjutant general and the staff, I went to Antietam, Maryland, to accept the monuments of the Third, Fourth, Seventh and Eighth Pennsylvania Reserves. On one of my official visits to Antietam an unusual and rather poetic little incident occurred. From the midst of the marching troops a rabbit ran out and jumped up upon the rostrum. In my speech I contrasted it as a symbol of peace and safety where forty years before destruction raged.

And now we come to the end. The final message made some comments on conditions, but no suggestions, leaving those to my successor. The newspaper correspondents at Harrisburg, regardless of the policies of the journals they represented, had grown to be my friends, and this, despite of the fact that I had never granted any unusual favor. The time had come when attention could not be misunderstood, and on January 3, 1907, I invited them to a dinner at the

mansion, where we had a sociable and enjoyable time and much warm-hearted expression of good feeling. John P. Dohoney, always staunch and reliable; George J. Brennan, bright as a new coin and effervescent as vichy water; the sensible Frank Bell, the able George Nox McCain, Peter Bolger, Harry S. Calvert, Peter J. Hoban, Robert W. Herbert and A. Boyd Hamilton, who need no emphasizing, and many more were there. I parted with them very, very happy over the pleasant and agreeable relations, accompanied with entire confidence we had all along sustained.

The staff gave me a dinner at the Bellevue-Stratford in Philadelphia, following one given to them at the executive mansion, and there presented me with an immense silver loving cup appropriately inscribed.

The day before the close, the heads of the departments called me into the governor's reception room and there, through Carson, presented me with a silver set of one hundred and sixty-three pieces, each engraved with the family coat of arms. The *piéce de resistance* was a huge and handsome salver. So far as I am aware, nothing so elaborate had occurred in the experience of any former governor and I was overwhelmed with this expression of sympathy and kindly feeling.

January 14th, Governor Stuart was inaugurated. That night my family spent at the Lochiel Hotel, and the next morning went down to Pennypacker's Mills.

CHAPTER XIV

Comment and Review

IT must be conceded that nearly the whole of what at the outset I had planned to do as governor had been accomplished and in addition the beneficial legislation of the special session and the completion of the capitol. This success was largely due to the fact that, subordinate to the interests of the state, the duties to the party, to the legislature, to those who were working with me in the administration, and to individuals were not forgotten. It is a regrettable fact that the chief obstacle in the accomplishment of effective public work is the modern newspaper. This is not because the editor is any lower in ethics or in intelligence naturally than the politician, but because the journals represent a great money-making power entirely irresponsible and without any kind of control or supervision. They ought to be and might be a great help to a man trying to work out correct results, but he is compelled to do without their assistance and generally to overcome their opposition.

The succeeding administration soon gave evidence of what was destined to be its chief characteristics.

1. The divorce congress called by Pennsylvania to endeavor to secure a system of uniformity in divorce legislation, participated in by leading lawyers and divines from all over the country, after long and careful consideration reported a statute proposed to the different states. It was adopted in New Jersey, Delaware and some other states. The attorney general of Pennsylvania declared that there was "no divorce evil" and this serious effort to improve our morals and our lives was killed in the house of its friends and originators.

2. The act making newspapers responsible for negligence

and requiring them to print the names of owners and editors was repealed after this fashion. The latter part of it was immediately re-enacted and this enabled it to be said, with a conscience none too nice, that the whole act had been repealed. By this course the administration secured such popularity as could be gained by newspaper favorable report.

3. An act of assembly provided for a commission to erect a statue to Senator Quay "on the capitol grounds at Harrisburg." The commission had prepared, by a competent artist, a marble statue to be placed in one of the capitol arches and it was now ready for erection. There was the usual outcry and, in obedience to it, instead of to the law, the statue lay in a box for two years. This was a plain and direct violation of a statute by those sworn to see that the laws were enforced. At the next session of the legislature a mandatory act was passed and the statue was put in its place.

4. Neither the district attorney of the county nor the attorney general conducted the prosecution of those who had so well builded the capitol. Private counsel of capacity and experience were employed for the purpose. But the attorney general sat with them through all of the trials and saw to it that the weight of the commonwealth was thrown against the defendants.

It cannot be said that regard for the public weal inspired any of these acts. Nor so far as the head of the administration is concerned was there any ill will or personal motive. In his kindly and good-hearted way, no doubt, he wished things were otherwise. But it was a case of sheer lack of will power to resist the influences surrounding him.

1524 Walnut Street,
Philadelphia.

My dear Governor:

You did it better than well, and personally I thank you. I did not say with what double gratitude the senators of our Big

Medicine Lodges (why did I not say Sachems) regard your appointment of Le Conte. I hear but one opinion; and mine you know.

May you have a reign glorious for the dear old state.

Yours with most friendly regard,
WEIR MITCHELL.

His Excellency,
The Governor.

2043 ARCH STREET, PHILA., PA.,
April 21, 1903.

To His Excellency,
Governor Pennypacker.

MY DEAR SIR:

Permit me to express my high appreciation of your independent and excellent administration of your great office; and to add that I sincerely pray for God's richest blessings on you, so that you may continue to be "a terror to evil doers" and also "a praise to them that do well."

Yours most truly,
CYRUS D. FOSS.

LAND TITLE BUILDING, PHILA., PA.,
September 11, 1903.

His Excellency,
Sam'l W. Pennypacker.

MY DEAR GOVERNOR:

I am much obliged to you for directing the sending to me of a copy of "Vetoes." Within my memory there has never been a time when a governor of the commonwealth stood with such intelligence and determination as a safeguard against vicious legislation. Thanks to you, schemes of fraud and plunder, great in number as well as in importance, were frustrated.

Certainly in this most vital particular, we are all immensely in your debt.

Very sincerly yours,
JOHN G. JOHNSON.

SOUTHEAST CORNER 17TH & SPRUCE STS.

MY DEAR GOVERNOR:

I am just recovering from a severe illness from appendicitis, and am, therefore, quite unable to accept the honor of your

appointment as state delegate to the prison congress to be held at Louisville, October 3–8, 1903.

I take the opportunity of congratulating you on your recent appointments of Messrs. Day and Hart as inspectors of Eastern Penitentiary. I feared a calamity there from the extremely ill-chosen appointments of your predecessor, but was not aware until the pending investigation what mischief had been accomplished in three years of bad government.

I think the men you have appointed may be depended on to hunt out the wretched business and correct it, though it cannot be done in a day. I am, my dear Governor, very truly yours,

I. J. WISTAR

Philadelphia, September 18, 1903.
To the Hon. S. W. Pennypacker,
Governor of Pennsylvania.

PHILADELPHIA, June 2, 1904.

MY DEAR FRIEND:

If the current of events drifts you our way—Come.

Sincerely,
D. N. FELL.

February 29th, 1904.

Hon. Samuel W. Pennypacker,
Harrisburg, Pa.

MY DEAR GOVERNOR:

I have been seriously perplexed about writing to you. I have, for a long time thought it my duty and yet have been so conscious of the little weight that you have given to my advice in the past, that I felt that I might be annoying rather than serving you, as I wished.

Had you only vetoed that miserable libel bill there would have been no occasion to write at all. I regret that the results of your signature have even surpassed my worst anticipations, which were none too good.

A lot of people, who have the ear of the public, have been led to believe that you are their personal enemy, and it is only natural that you should be the subject of their assaults.

On the other hand, I am one of those who know and believe in the rectitude of your purpose. I know you are an honest man, and I know whatever position you obtain you will perform your duties conscientiously, and I am, therefore, most anxious lest you may again do something permanently injurious to you.

Close friends have urged me to beg you to withdraw from your candidacy or alleged candidacy for a position upon the Supreme Bench. I cannot do this. If, under an attack to the effect that you have sought something in defiance of legal ethics, you withdraw as a candidate, there will be so much confession in it that your future will become blank as far as I can see. Having announced that you will accept, if offered, the position, you must stand to your position. I know, in saying this, I am giving you advice contrary to the wishes of many of my closest friends, but when one attempts to advise a friend, he must be loyal to that friendship and no other, and I am convinced that you would be committing political suicide should you yield now.

Did I not believe you to be thoroughly honest, and did I not know that, whatever the complications, you would strive to do your duty, I would join with them; but say what they can, you have been an honest governor and you will make an honest Supreme Court judge and any quasi-confession, on your part, that you won't, will be the grossest injustice to yourself.

Now, my dear Governor, I am a fool in comparison to yourself, in many things and claim superiority in none, but I cannot feel that I would not be of some service to you did you consult me or rather follow me in some of these matters.

If the nomination is tendered to you, do accept it, and then make a kind of a judge that will answer all criticisms. Your very honesty makes you do things in a way that, were they done by a dishonest man, would convict you, and you are now in the peculiar position of having every act interpreted by the press in the worst light to which it is susceptible, so that you must be more than circumspect and only write and talk with the full knowledge that what you say will be conveyed to the public through unfriendly channels. Of course, the press feel that you have done it an injustice and they don't want that unjust act interpreted by one whom they believe to be their unflinching enemy, and you must bear this in mind in all you say and do.

I hope I am not offending you, but friendship has its duties and I can no longer stand idly by whilst I believe you to be urged to a course that I am convinced would be fatal to you.

If you do not like me for this, I cannot help it, for I would not like myself should I longer refrain from saying what is in my mind on this subject.

Believe me to be,

Faithfully your friend,

GEORGE H. EARLE, JR.

April 18th, 1904.

Hon. Samuel W. Pennypacker,
Harrisburg, Pa.

My dear Governor:

You do not know how I appreciate your knowledge that I am so interested in your welfare as to prize the information that you have sent me.

There is not the slightest doubt that you have acted unselfishly and for the public welfare. But that is not a startling proposition to me, as I have never known you to do otherwise. You have also done what, had I consulted my selfish interest, I would have wished you to do.

What I objected to, and still object to, was that you were being attacked for having done what you considered your duty, and precluded from receiving something that you were entitled to take, because of bitterness engendered against you by your conscientious performance of duty.

My own feeling was that you had a perfect right to go on the Supreme Bench, and that you should not be persecuted for considering that right, because your conscience had driven you to making public enemies.

You know I did not agree with you about the libel act, but I knew you acted from a sense of duty, and it was atrocious that you should have been hounded, as you were.

My feeling about the matter is so complex that I hardly know whether I make myself intelligible. I wanted you to remain governor very much, no one is more interested in having that office in the hands of a fearless and honest man; but I wanted more that you should get what you had a right to desire, and also that there should be no risk that any one should think that you had given up your just desires, because of unmerited abuse.

Your course, however, may prove to be the wisest after all, as some of your detractors may, in view of your self-sacrifice, begin to be ashamed of themselves. This, at any rate, is my ardent desire.

Thanking you again, I remain,
Your sincere friend,
George H. Earle, Jr.

Is it not a little disturbing that as intelligent a body as "The Bar" can be stampeded by newspaper clamor, as it has just been? I suppose character counts for something still; but after this I am at a loss to say how much.

COMMENT AND REVIEW

OFFICE OF THE ATTORNEY GENERAL,
WASHINGTON, D. C., June 23, 1904.

The Governor:

SIR:—I have the honor to acknowledge the receipt of your commission appointing me a senator to represent the State of Pennsylvania in the Senate of the United States, to supply the vacancy in that body occasioned by the death of Hon. Matthew Stanley Quay, until the next meeting of the Legislature of the Commonwealth of Pennsylvania.

I accept the appointment to take effect July 1, 1904, that being the day immediately following the taking effect of my resignation of the office of Attorney General of the United States.

I beg to add that I fully appreciate the great honor you have done me, and that I shall assume the duties of the high office you have deemed me worthy to fill, with a full appreciation of its grave responsibilities and importance.

With great respect, your obedient servant,
PHILANDER C. KNOX.

Hon. Samuel W. Pennypacker,
Governor of the Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania.

INDIANAPOLIS, June 28, 1904.

MY DEAR GOVERNOR:

I regretted not seeing you after the close of the convention at Chicago, for I wished to thank you for your great kindness in making a seconding speech. I now take the first opportunity to write you and to say that I am profoundly grateful for your very generous courtesy. With best wishes, I remain

Sincerely your friend,
CHARLES W. FAIRBANKS.

Hon. Samuel W. Pennypacker,
Governor, Harrisburg, Pa.

June 29, 1904.

DEAR GOVERNOR:

I said to Durham in Chicago, that your reluctance at accepting the nomination for governor, was only overcome by the assurance of Quay and others, that it would not interfere with the only ambition you had; and that this obligation, since Quay's death, had become a sacred one. He agreed with me.

Yours sincerely,
Hon. Sam'l W. Pennypacker. DAVID H. LANE.

PHILADELPHIA, October 7, 1904.

Hon. S. W. Pennypacker,
Executive Chamber, Harrisburg, Pa.

MY DEAR GOVERNOR:

In the new Bellevue-Stratford Mr. Boldt has fitted up a room known as the "Clover" room, and he will be the guest of honor at the first dinner the club will give there on Thursday evening the 20th instant. We have all great affection for you, for no one has ever lampooned the club as handsomely and eloquently as you have done, and there is nothing that our people enjoy more. Won't you let me know that you can come, and the invitation of the club will be sent you.

Sincerely yours,
A. K. McCLURE.

October fifteenth, 1904.

His Excellency, Samuel W. Pennypacker,
Governor of Pennsylvania, Harrisburg.

MY DEAR GOVERNOR PENNYPACKER:

Permit me to express to you the sincere appreciation of the Academy for your splendid address of welcome to the foreign delegates of the International Peace Congress. I know that the fact of your presence, as well as your address, were much appreciated by the delegates.

Very respectfully yours,
L. S. ROWE,
President.

PHILADELPHIA, PENNA.,
Oct. 28, 1904.

(Personal and confidential)

Hon. Samuel W. Pennypacker,
Executive Chamber, Harrisburg, Penna.

DEAR GOVERNOR:

I have yours of 27th instant, in reference to Mr. Durham. I realize and appreciate the force of your suggestion as to Mr. Durham's visits to Harrisburg from your point of view as explained by you. As a matter of fact, however, I think we can safely put the matter on the ground of his health at the present time, as he has been ordered by his physician to go back to the Adirondacks immediately after election for a month. Durham is getting along very well and holding his own first-rate, but it will be necessary for him to exercise very great care during the

winter. I will explain the situation more fully to you when I have an opportunity of seeing you personally, as there are phases of it which I can not very well write about, and in the meantime I suggest that you let the matter drop until we can meet. I fully appreciate the fact that you are viewing the subject with a view to the interests of us all.

Yours truly,

BOIES PENROSE.

December 6, 1904.

MY DEAR GOVERNOR:

I am much pleased with your note and am glad that I was able to accept.

Sincerely,

THEODORE ROOSEVELT.

Hon. Samuel W. Pennypacker,
Governor of Pennsylvania,
Harrisburg, Pa.

PITTSBURGH, PA., January 12th, 1905.

MY DEAR GOVERNOR:

I read your message of January 3d to the General Assembly of the State of Pennsylvania with a great deal of pleasure and had hoped to be able to get over to Harrisburg yesterday and congratulate you upon your able document, but owing to pressing business matters I was unable to be away from my duties here.

You certainly did credit to yourself when you wrote the message, and I have today received a copy of the message from the adjutant general's office in pamphlet form which I shall take home and preserve for future reference. The message shows to the people of this commonwealth just what kind of a governor they have, a good thinker and a man of integrity and honest purpose, and if I may be permitted to quote the words of our mutual friend, the late lamented Senator Quay, "When Governor Pennypacker lays down the mantle of executive of the State of Pennsylvania, he will be looked upon as the greatest governor that this state ever had." I don't know that these are his exact words, but that was the tenor of what he said. I hope to be able to get over to Harrisburg and have a talk with you sometime soon.

Remember me with much kindness to Mrs. Pennypacker and your daughters, and also to Secretary Wharton.

Believe me, my dear sir, to be as ever your sincere and true friend,

Very respectfully,
SAM'L MOODY,
General Passenger Agent.

Governor Samuel W. Pennypacker,
Executive Mansion, Harrisburg, Pa.

January 23, 1905.

DEAR GOVERNOR PENNYPACKER:

I think it is to your courtesy that I owe the copy of your Inaugural Address. I had intended to write to you to thank you for the address before I received this copy. I am so much obliged to you, as it seems to me that every man of intelligence should be, for your admirable and successful attempt to check the license of the press.

Our Vice President, Wilson, once said to me, I think with the tears in his eyes, that since the Tweed scandal no public man in America was sure for ten days that the press of America would not undertake to break down his character forever. Wilson said that since the *New York Times* won distinction by exposing the Tweed scandals, every newspaper man in America thought he could make himself famous by exposing somebody. He referred at that time to the habit of ascribing the worst possible motive to every act of every public man, which seems to be engrained now in the management of the daily press. That you have done so much to check this habit ought to be a matter of pride to you.

With great respect, I am,
Truly yours,
EDWARD E. HALE,
Chaplain to the Senate.

March 15th, 1905.

MY DEAR GOVERNOR:

I learn that you have a most serious duty to perform to one of your profession. It is the appointment of several judges for Allegheny County. My friend, Judge Cohen, was appointed by Governor Stone and by reason of dissension in Republican ranks the whole Republican ticket, carrying the good judge with it, much to the regret of good citizens generally, was defeated.

All I can say is that, in my opinion you would make no mistake if you re-appoint him and I believe that I express the opinion of the best people of the "Smoky City."

Please present my kindest greetings to your good wife and receive them for your good self. I have very pleasant memories of you both and hope we are to meet again.

Always very truly yours,

ANDREW CARNEGIE.

Governor Samuel W. Pennypacker,
Harrisburg, Pa.

March 15, 1906.

DEAR GOVERNOR PENNYPACKER:

Having the pleasure and privilege to know you personally, I address these lines to you on behalf of a German, Trautwin, who has been sentenced to be hanged on March 28th. Will you please treat these lines as altogether personal and private.

Today I had a letter from Trautwin in which he says:

"I gave my wife a good home, but when I was at work she had sinful intercourse with an Italian. I told my wife that the people were speaking about her, but she would not listen. At last I found her myself at night, at nine o'clock in company with an Italian with whom she had had sinful intercourse. I become so infuriated that I could not speak. I drew a pistol and fired a shot. My wife fell and the Italian ran away. I did not intend to shoot her. You cannot tell what love can drive a man to do."

The letter of Trautwin gives me the impression that he is not a bad fellow. He is absolutely uneducated and perhaps hardly fit to accurately state his case. When facing the shame of his wife he seems to have lost all self-control and blazed away.

Knowing that class of Germans so well, the rural, among which I was personally raised, I thought it fit to send you these lines. I want it to be strictly understood that I in no way want to interfere with the findings of your courts, I simply want to give you my private and personal opinion about Trautwin and the act he committed, leaving it absolutely to your judgment what action you perhaps may deem fit to take with regard to the man.

Believe me, dear Governor,

Yours most sincerely,

H. STERNBERG,
German Ambassador.

PHILADELPHIA, 4-13-1905.

MY DEAR GOVERNOR:

Swing your axe.

Yours always,

EDWARD M. PAXSON.

WASHINGTON, D. C., April 13, 1905.

Governor Pennypacker,
Harrisburg, Pa.

To you and the members of the legislature I return my profound acknowledgment for the interest in our Jamestown Celebration. I shall refuse ever to ride again to Gettysburg with a drawn sabre.

FITZHUGH LEE.

His Excellency,
Hon. Samuel W. Pennypacker,
Governor Pennypacker,

MY DEAR SIR:

May I beg your Excellency to consider favorably the appropriations made for our charitable institutions which are really doing the work which the state should otherwise do.

I beg your Excellency's special consideration for the Protectory for Boys above Norristown, which contains 300 inmates and will be able to receive 300 more, when the new wing shall be completed, which is now in progress of erection.

I have the honor to remain,
Your faithful servant,
P. J. RYAN.

PHILADELPHIA, April 28, 1905.

MY DEAR GOVERNOR:

I send you a note from Edward S. Buckley, trustee, as to the appropriation to the Pottsville Hospital.

The *Evening Bulletin* last night in its correspondence columns had an article on the Ripper bills, in which the writer refers to you as "Easily the brainiest and greatest governor Pennsylvania has ever had." It stirs me to the depths to have the truth spoken. The conviction is everywhere.

Most sincerely yours,
HAMPTON L. CARSON.

PHILADELPHIA, PA., May 2, 1905.

Hon. Samuel W. Pennypacker,
Executive Building, Harrisburg.

MY DEAR GOVERNOR:

I received your communication of the 27th inst. on my return to Philadelphia to-day. A large number of lawyers are opposed to Judge Biddle's renomination on the ground of his advanced

age. The Republican organization is also unfavorable to his renomination.

I have told all of Judge Biddle's friends, who have approached me on the subject, that the only opposition I had to him, was based upon the sentiment of the lawyers and the organization who all feel his age should bar him.

However, in view of your request, it will afford me great pleasure to renominate him.

Sincerely yours,

ISRAEL W. DURHAM.

HARRISBURG, PA., May 5, 1905.

Hon. Samuel W. Pennypacker,
Harrisburg, Pa.

MY DEAR GOVERNOR PENNYPACKER:

Permit me to say that your treatment of myself with respect to Senate Bill No. 211 has been most agreeable to my feelings, and I am greatly your debtor for it.

Yesterday I was compelled to stop in Richmond on my way north, and it may not be unwelcome for you to know that I there heard sentiments of the most profound kindness expressed about yourself in view of the manner in which you had received General Fitzhugh Lee when the latter was in this city. You certainly have a number of very warm friends in Virginia, and I am sure if upon occasion you should visit that state, you would receive a warm welcome.

Very sincerely yours,

LYMAN D. GILBERT.

CHAMBERSBURG, PA., 6/13/1905.

MY DEAR GOVERNOR PENNYPACKER:

My letter yesterday was intended as the formal acknowledgment which the occasion seemed to require. I want this to speedily follow, assuring you of my most grateful appreciation of the preferment you have bestowed upon me.

To be selected as a justice of the Supreme Court is in itself a distinguished honor. How much is that honor enhanced when the selection is made by one himself distinguished as a jurist, and known to cherish its highest and best ideals in connection with the Bench. When I think of the honor you have done me, it is in this light that I attempt its estimate. It shall be my constant endeavor to justify so far as I may by faithful effort, the selection you have made.

With assurances of my high regard, and grateful appreciation of your kindness, I beg to remain,

Very faithfully yours,

JOHN STEWART.

Governor Pennypacker.

PHILADELPHIA, PA., Oct. 11, '05.

Hon. Samuel W. Pennypacker,
Executive Chamber, Harrisburg, Pa.

Letter received. We are in a crisis and need all support. If Philadelphia fight is not won we will have a contest all over the state. If we win we will probably have no trouble for some time in Pennsylvania. We confidently expect to win Philadelphia contest but must make every effort until election day. I am convinced that no party conditions in the state can be injured by your presence in Philadelphia and it would greatly help in our contest. If I do not hear to the contrary from you to-night or to-morrow morning, I will have announced that you will be present at Academy of Music meeting on the eighteenth. You suggest that you will have to speak out on certain matters. I will have to leave this entirely to your best judgment and discretion, with full confidence in your loyalty to the cause and your sincere interest in our local success.

BOIES PENROSE.

November 13, 1905.

MY DEAR JUDGE:

Accept my warmest thanks for your goodness in the matter of Jacobs. Your prompt kindness has relieved me from a position which I thought it right for me to take, but which without your help would have been very distasteful.

As regards your nephew's application I have had a talk with the chairman of the committee and from his statement it would appear that the applicant is not only outside of the letter of the rules but of their spirit as well, and this on a liberal construction of them.

However, I am to have the record sent to me and shall look into the matter to see whether there is any rightful way of modifying this conclusion.

I may now congratulate you upon holding your rightful position as the properly chosen guide and leader of the Republican party of the commonwealth.

Carson will tell you that in the very rush of the flood of abuse,

I never for a moment lost my faith that sometime during your term of office, the tide would be sure to turn. This was based merely on the simple faith that character, learning and devotion to duty cannot for long be mistaken for their opposites.

An amusing feature of the praise of which you are now the victim, is the naïve forgetfulness to call upon you for a repeal of the press "muzzler." A more convincing testimony to the insincerity of the howlers could not well be.

Within these last few minutes Senator John M. Scott said to me: "Since Quay's death, your friend is the first politician in Pennsylvania."

Amid unstinted laudation from opposite quarters there must be danger of getting giddy.

By the way, have you considered the great reform in England of the ancient abuse of money in elections (including nominations)? A conversation the other night with an English publicist brought the subject to my mind. Expenses there have been efficiently limited and regulated and above all, the thing works.

I rather think that action in that direction will be more potent than in the respects concerning which there is so much clamor, patent ballot honesty, patent registration honesty, and other mechanical factors of morality.

Very truly yours,

MAYER SULZBERGER.

Samuel W. Pennypacker.

January 14th, 1906.

Hon. Samuel W. Pennypacker,
Governor of the Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania.

MY DEAR GOVERNOR:

I have your letter of January 12th and thank you sincerely for the cordial invitation to make the executive mansion my home at Harrisburg, if I should visit the city, in response to your request to have Senator Penrose and myself "come to Harrisburg and go over with me the proposed legislation at the special session, if it would be agreeable to you."

I regret that I cannot accept your invitation, because the duties of my office are so exacting, numerous and important that I find it impossible, by giving from twelve to eighteen hours every day of the week to their consideration, to discharge them to my satisfaction.

I have been placed upon three of the most active and important committees of the Senate, one of which, the Interoceanic Canals Committee, has undertaken the investigation of everything relating to the Panama Canal and expects to hold practically continuous sessions until that work is completed. The work of the Judiciary Committee, of which I am a member, is voluminous and important, and I find the fact that I have been attorney general has added to my labor upon that committee.

I am interested as a citizen of Pennsylvania in the subjects of the proposed legislation at the extra session of its legislature you have called, and heartily approve, as you well know, enacting into law the suggestions contained in your proclamation; but having fully and freely made my attitude towards these subjects generally known, I do not see how I can be of further use.

Wholly apart from the impossibility of being able to give the matter attention on account of lack of time, I seriously doubt the wisdom of a senator of the United States involving himself in responsibilities in respect to legislation in his state. The Commonwealth of Pennsylvania has all of the machinery of government, and all the brains and experience in the personnel of its government to deal wisely and with technical accuracy with its affairs. Voluntary assumption of responsibilities for legislation by one upon whom the laws of the commonwealth cast no duties would imply a doubt as to the efficiency of the state government that cannot be entertained.

I do not believe the practice of United States Senators actively concerning themselves with state legislation is general or is generally approved.

I anticipate that your wisdom in convening the legislature in extraordinary session will bring lasting good to the commonwealth and add to the fame you have already won as one of its most conscientious and able governors.

Sincerely yours,

P. C. Knox.

Feby. 19th, 1906.

My dear Friend:

I trust it is not too late for me to congratulate you on the splendid work of the extra session, which is entirely due to your foresight in calling the legislature together, and your firmness in standing out for the radical measures of reform which have grown into laws under your excellent direction. It is a calamity that

the organic law of our state prevents the people from continuing you in the office which you have done so much to adorn.

Very sincerely yours,

GEORGE T. OLIVER.

Hon. Samuel W. Pennypacker,
Harrisburg.

March 6, 1906.

Hon. Samuel W. Pennypacker,
Executive Chamber, Harrisburg, Penna.

DEAR GOVERNOR:

I have received the poem entitled "Greater Pittsburgh" published in the Pittsburgh *Leader*, and forwarded to me by you. The poem is correct in the suggestion that had it not been for your efforts the Greater Pittsburgh bill would have failed at the extra session of the legislature. I congratulate you on the result.

Yours sincerely,

BOIES PENROSE.

May 3, 1906.

MY DEAR MAJOR:

Good for your governor! His proclamation has the true ring of American statesmanship. It is a consolation to know that we have, at least, one Pennypacker in a postion of power and possessing the courage to put the curb on anarchy: proclaiming the "square deal" for every honest man willing to work. This is the policy that, in the end, will safeguard the lawful rights of labor and save the country from unnecessary bloodshed. He is a man of the old school and we need more of them. . . .

Sincerely,

M. KERWIN.

May 16th, 1906.

Hon. Samuel W. Pennypacker,
Harrisburg, Pa.

DEAR GOVERNOR:

Your letter both pleased and surprised me. I thought you understood me well enough to know that I have always felt that my deep interest in you was making me a nuisance. I have always predicted that before your term was out the people would know what they know now, that is, that you were the most fearless, public-spirited, and honest governor that we have had in

this generation. Your courage, at times, has made me fear you would combat evils that could not, at present, be remedied and so lose support that would enable you to remedy some that could. You have never done a thing that I have not understood the highness of your motives but you have done some things that I wanted you not to. Lately you have been making yourself so thoroughly understood and appreciated that I have gladly taken advantage of the growing unanimity of opinion in your favor to let you alone, and you don't know how delighted I am to find that you notice it. I am thus assured that my importunities have not tired you in the past. Now you understand just exactly why I have not bothered you.

As to the *Press* article, some one has to speak in favor of the right when so speaking is unpopular. The more unpopular, the greater the necessity; and so I was foolish enough to call attention to what we all have believed in, and shall all believe in again. The Republican party has done much for this country. It has often created and preserved prosperity by fighting crazes. For the first time in its history, it is yielding to one. If it would only say "we have made this prosperity, it is our child, and shall have our protection," and stand to its guns, it will beat Bryanism to death as it always has. But with its leader caring more for popularity than principle, courageous, as he is uninformed, I, myself, am convinced that it will have to go out of power in order that it may return chastened and more trusted than ever. Tillman and Bryan are going to beat him to death at their game; he could have beaten them to death had he kept his promise and continued the policy of William McKinley, as he promised to do. I worked hard for Roosevelt's re-election, had great admiration for him, and still have, but I very much fear him. Your careers have been remarkably unlike. He started with an almost inexhaustible popularity, which is daily fading away. You incurred tremendous misrepresentation and criticism and are now being understood and appreciated. I remember you once wrote me that "he who shall try to save his life will lose it."

It is surprising at this time to find how many "old things" are true when the greater part of the world is engaged in discrediting and despising them.

Now have I not written you a long enough letter to warn you against ever charging me again with neglect?

As ever,

Sincerely your friend,

George H. Earle, Jr.

August 3, 1906.

To His Excellency,
The Governor of Pennsylvania,
Harrisburg, Penna.

My dear Governor:

The leases which have been signed with the farmers to secure to the United States the right to maneuver on their farms, contains the provision that the damages done to their crops and improvements will be adjusted by a board to consist of three members: A civilian to be appointed by the Secretary of War, a militia officer to be appointed by the Governor of Pennsylvania, and an army officer to be appointed by me.

I have recommended that the civilian members be paid ten dollars per day for each day the board is in session, which will probably be from October 1st to October 14th, 1906, but so far have not been informed if this would be approved.

I would be very much obliged if you can appoint the militia officer.

It is desired that he be a resident of this locality; familiar with the values of the farms, crops and improvements and also that he be a lawyer.

If you have no such officer in mind, I suggest the name of Captain Fred M. Ott who, I am informed, does combine the desired qualifications and who is the captain of the Governor's Troop, but you, of course, will know much more about this than can I.

Trusting that we may have the pleasure of seeing you in camp before we leave Pennsylvania, with kindest regards,

Very truly yours,
F. D. Grant,
Major-General U. S. Army,
Commanding Camp Roosevelt.

August 9, 1906.

Dr. Martin G. Brumbaugh,
3332 Walnut Street, Philadelphia.

Dear Doctor:

You now have the opportunity to do a fine turn for me and for the man who, above others, is most responsible for your election as superintendent of schools. I refer to Mr. Shoemaker. He is desirous of succeeding the late Judge Hanna. Will you point out to the governor, personally, that Mr. Shoemaker left a bed of sickness to go to the meeting, and had he not been present

an election could not have been held that night, as the vote would have been a tie with the result of a bitter fight in the board. Point out to him, also, the fact that Mr. Shoemaker was bound by every tie of friendship to vote with his old friends of the former board, the men who regarded him as one of them and who felt sure that he would be afraid to vote against them. Point out to the governor his sterling integrity and independence as shown on this occasion, as an evidence of his character.

I believe Shoemaker to be one of the finest men in our board, and I am sure that he would make an upright and capable judge. Outside of the governor, himself, no man wielded the influence that Shoemaker did in your election.

I speak of this matter in this frank way because I have all along felt that your election was the governor's fight, and that this ought to interest him at least, in a man who made, what seemed to be, great sacrifice in voting for you. At the same time, it is only fair to say that Mr. Shoemaker did not regard it as a sacrifice, inasmuch as it was a matter of conscience with him and this could mean no sacrifice.

I am sending this letter to your house because I do not know just where you are at the present time, and I trust that when you receive this that you will see the governor personally if possible.

With kind regards,

Very truly yours,

GEO. H. CLIFF.

NEW YORK, August 23, 1906.

Hon. Samuel W. Pennypacker,

Pennypacker's Mills, Schwenksville, Pa.

MY DEAR GOVERNOR:

I am very grateful to you for your letter of August 19. I am not surprised at your original action, in view of the statement which Mr. Untermyer made that day, and I presume I should have felt like taking similar action but for the fact that he undertook to incur whatever expense he has incurred in full faith that every dollar of it would be returned by the policyholders, and the present indications are that his faith in the policyholders' interest was justified.

With assurances of regard, and with the hope of a still better acquaintance with you in the future, I am,

Very sincerely yours,

ALTON B. PARKER.

COMMENT AND REVIEW

ROXBURY, MASS.,
September 12, 1906.

MY DEAR GOVERNOR PENNYPACKER:

I am sure I owe to your kindness the invitation to your great ceremonial of the 4th of October.

I regret extremely that I cannot be present. I would like to congratulate you personally on the completion of so grand a monument of your admirable administration.

With great respect, I have the honor to be

Your obedient servant,
EDWARD E. HALE.

(Chaplain U. S. Senate.)

MY DEAR GOVERNOR:

I cannot express in language too strong the very great satisfaction with which I have seen the appointment you have made.

The bar, as I do, will thank you in their hearts if not by their words.

Mr. Ferguson, in a few months, with a little public service, will make a very good judge—honest, intelligent and capable.

I am,
Most sincerely yours,
JOHN G. JOHNSON.

28th Nov.

Nov. 27, 1906.

MY DEAR GOVERNOR:

Your Thanksgiving Proclamation presents such a gratifying contrast to the usual proclamation by governors of other states that I cannot refrain from congratulating you on the thoroughly appropriate and felicitious language in which yours is constructed. It is in itself a strong appeal to the grateful spirit and is brimful of scriptural adaptations.

I hope you and yours are all well, and with great respect, beg to remain, my dear Governor,

Very sincerely yours,
ETHELBERT TALBOT.

January 2, 1907.

DEAR GOVERNOR PENNYPACKER:

I think you will be interested in the very vigorous presentation of another vigorous executive which I send herewith.

Mr. Roosevelt has rather jealously guarded these photo-

graphs, and for a time declined to allow us to use them. It is by reason of the relaxation of the rigor of his restriction that I am permitted to ask your acceptance of the enclosed suggestion of the strenuous life in "Roosevelt as a Wood Chopper," which I send with best wishes for the new year, and for all your years. I am sorry that you are soon to remove from among us, for I feel that you have introduced a new note of sturdy interest and honesty, combined with great ability, into Pennsylvania's gubernatorial succession.

Yours truly,
J. HORACE MCFARLAND.

To Gov. Samuel W. Pennypacker,
Harrisburg, Pa.

January 15th, 1907.

Hon. Samuel W. Pennypacker.

MY DEAR GOVERNOR: In closing my official work I take my pen for the last time to express my appreciation deeper than words can express, of your kind note.

To have served under you, to have been chosen by you, and to have maintained to the end the position with which you honored me are distinctions which I and my children will cherish above all other considerations of pride.

God bless you, my dear Governor. I shall never know one like you.

Ever affectionately yours,
HAMPTON L. CARSON.

January 17th, 1907.

Hon. Samuel W. Pennypacker,
Schwenksville, Pa.

MY DEAR GOVERNOR:

Judge Staake has just handed me a letter from you under date of January 7th, 1907, in which you give me credit for the inception of the idea of the congress for bringing about uniformity in the divorce laws of the country. I am glad to have the letter, and will treasure it.

In this connection I will take the opportunity to send to you my most cordial greetings and congratulations upon the successful close of what must be regarded as one of the greatest administrations of the great office of Governor of Pennsylvania that we have ever had. While you have been criticised for originating new ideas, as everyone must be who deviates from the beaten path

in public matters, no act of yours has ever been successfully assailed as being selfish or malicious, and no suggestion even of anything except the most absolute honesty of purpose has ever been made in regard to any of your personal or official acts. I know the affairs of Pennsylvania fairly well,—I could not help having this knowledge from my long connection with the state government. I have been a pretty thorough student of Pennsylvania history, and I feel that I am entirely within the bounds of fact when I say that more has been accomplished in general progress in the line of great constructive improvement, as well as in the bettering of conditions of government, during your administration than in any two equal periods in the career of the commonwealth. A great deal of this has come from suggestions made by yourself, and much of the rest has been the result of the encouragement given by you to those whose ambitions for Pennsylvania found a ready response in your co-operation.

Now that you have retired from office you will find that those who have criticised some of the details of your work will give you credit for the great essential things which have been accomplished by you and your associates, and that the trifling matters which have been assailed will be forgotten in the general appreciation of the great progress that has been made under your leadership.

And on the personal side you have made a legion of friends and won a host of admirers. To me it has been a great pleasure and privilege to have been associated with you and to have known you well, and I want to thank you for all the kindnesses you have shown me and to extend to you my hearty good wishes and the hope that your life will be contented and prosperous and that your lines may be cast in pleasant places.

With kindest personal regards, and trusting that I may soon see you, I am, Very cordially your friend,

WM. C. SPROUL.

February 16th, 1907.

MY DEAR GOV. PENNYPACKER:

I am just in receipt of your letter, and am going to still further trespass on your kindness. Mr. Hayden writes me that he has sent the *Gazette* file (with his library) to Mr. Henkels at 1112 Walnut Street, for sale. If it will not inconvenience you, will you, the next time you are in the city, visit Mr. Henkels' place and purchase the file for me, using your own judgment as to the price? If any error is made, I would rather it was on the side of

liberality, as Mr. Hayden appears to be an enthusiastic collector, and I think he ought to receive good value for what he has gathered together.

I note what you say about resuming practice in Philadelphia. If I can assist you in this or in any other way, I will surely do so. I hope, however, that our good old state will yet secure your services as one of their judges of its highest tribunal. That is where you ought to be. Very sincerely, your friend,

GEORGE T. OLIVER.

Hon. Samuel W. Pennypacker,
Pennypacker's Mills, Pa.

1400 N. 13TH ST., PHILA.,
February 22, 1907.

DEAR GOVERNOR:

I read your contribution to the *Public Ledger*. It is a simple recital of a sincere man who performed his duty without a selfish motive or an ambitious desire. I know you abandoned a congenial environment with its material advantages, reluctantly, for an office, distinguished as it was, that had always brought trouble to its occupant.

The two men who were primarily opposed to your candidacy were Quay and yourself. I speak whereof I know, but how many people believe it?

For your tribute to politicians, I thank you. How is it our independent friends cannot realize, that the average man in public affairs, is the same as the average man outside?

I have been acquainted with every governor of Pennsylvania since 1860. I have had a reasonable intimacy with the political intrigues of their administration, and their achievements, and I say, challenging contradiction, that yours, for its exclusion of politics and for things done, stands out in bold relief compared with them all. May the world come to know you as some of your friends do.

I sought for opportunities to call on you when in the city, but you had gone when the announcement of your arrival was printed.

I have a few more years of work in me, and they are at your disposal when occasion requires.

With highest regards,
Your sincere friend,
DAVID H. LANE.

Hon. Sam'l W. Pennypacker.

COMMENT AND REVIEW

GREENSBURG, PA.,
February 22d, 1907.

Hon. Samuel W. Pennypacker,
Schwenksville, Pa.

MY DEAR GOVERNOR:

I have read with very great interest indeed your very able paper in Sunday's *Ledger*, reviewing the work of your administration.

I am satisfied that your conduct of public affairs during the past four years will become historic for your accomplishment in constructive legislation, and that the people of the country will point to it with very great pride.

Yours very truly,
CYRUS E. WOODS.

February 27, 1907.

MY DEAR GOVERNOR PENNYPACKER:

I am in receipt of the *Ledger* containing your recent article and I most heartily thank you for it. You have made a great record in a great office and I congratulate you upon it. I wish that all good may follow you.

CHARLES W. FAIRBANKS.

Hon. Samuel W. Pennypacker,
Harrisburg, Pa.

March 5, 1907.

MY DEAR SIR:

I think I can honestly say that not a day goes around that I do not miss you as governor of this state. Your ears must often burn, as your admirers so frequently inform me that you are going down in history as one of the greatest governors of Pennsylvania.

The present governor has taken me into his confidence and is determined upon learning the truth and doing all in his power to formulate a good administration for the people. It is, however, unfortunate, as you have already said, that the governor of this commonwealth should have all his duties thrown upon him at the time the legislature meets.

With all I have upon me just now in fighting the anti-vaccinationists, in trying to impress those in power with the

importance and comprehensiveness of the responsibilities that you have placed upon me, and looking after the work of this department that comes in each day, I feel depressed and only arouse from such depression when I get my morning mail and read such comforting congratulations from my friends, and men like yourself, who have an intelligent and comprehensive knowledge of the work I have before me.

Thanking you for your encouragement and expressions of appreciation of my labors, I am,

Yours faithfully,

SAMUEL G. DIXON.

Hon. Samuel W. Pennypacker,
Schwenksville, Pa.

May 27/07.

DEAR GOVERNOR:

I was out of town last week and did not receive yours of May 22 till yesterday. If I could go through the files of the *Public Ledger* for the period of your administration, I am sure that I could find more than one editorial cordially recognizing and sustaining your views upon eminent domain. Certainly what you wrote on the subject left a strong impression upon me, and if I had had a volume of your messages at hand when I was writing the article you inclose, I should have strengthened it by a citation. When I read the article in print I felt that it should have included more distinct recognition of your attitude, but the reference to the subject there was only incidental, and could not be complete. What you say of checks upon corporations interests me very much. The actual character or purpose of legislation affecting corporations is so often obscure to the outside observer, as in the recent instances of trolley and electric power companies, that I doubt if any of us really appreciated at the time the consistency of your attitude. Would not this be a proper subject for present treatment? I should prize a paper from you on the line suggested by your note, or if you do not feel disposed to that, I shall hope when I have an opportunity of seeing you, to get the material from you for a review of what I have always recognized as one of the strongest of the many very strong features of your administration.

Believe me, dear Governor,

Very sincerely yours,

ALFRED C. LAMBDIN.

COMMENT AND REVIEW

WASHINGTON, D. C.,
November 22, 1907.

MY DEAR GOVERNOR:

I thank you for the poem on Greater Pittsburgh. When the truth of history is known, you will be honored as the real father of the Greater Pittsburgh, for if it had not been for your own great wisdom, backed by your personal courage, there would have been no extra session of the legislature, and if it had not been for your state pride in desiring to see a greater city at the western end of the state, the legislation under which the Greater Pittsburgh has now come into existence would not have been included in the program.

I felicitate you upon the result.

Very sincerely yours,
P. C. KNOX.

Hon. Samuel W. Pennypacker,
Schwenksville, Pa.

PHILADELPHIA, March 8, 1907.

MY DEAR GOVERNOR:

Accept my thanks for your review of your administration. It will stand the test of time and when the newspapers get over their wounded vanity at being told they are not always the incarnation of wisdom and greatness, they will acknowledge it.

Yours sincerely,
JAMES T. MITCHELL.

COLUMBIA, PA., Nov. 28, 1907.

DEAR GOVERNOR PENNYPACKER:

I see that I shall have to make this a very personal and familiar letter, and beg you to pardon it.

It was with a sense of genuine pleasure that I read your kindest of letters of Nov. 26, informing me that The Historical Society of Pennsylvania would invite me to be their guest at a reception to be given me at some time in the near future which might suit my convenience; and telling me also that, the idea having originated with you, you yourself would arrange for my comfort, would make my reception a success, and would, so to say, brush away the possible thorns in the path, and metaphorically strew it with laurel and roses. . . . Now, my dear Governor, nothing in the world could be kinder, more generous or more delicately enticing; but one consideration has been overlooked, a vital one, and that is the state of my health.

This it is that prevents me from subjecting myself to any undue excitement, and which has for some years caused me to absent myself from all public functions. The recital of our ailments is tedious, but you will pardon me for touching upon mine that I may justify what would otherwise seem ungratefulness.

Some years ago, after a too prolonged siege of visiting, I was suddenly stricken with heart failure, neurasthenia, and all its ills following, and for some years thereafter my life was despaired of, attacks of heart failure making it seem that the end might come at any time. All exciting causes were avoided. And out of consideration for my delicate health, Franklin and Marshall did me the honor to give me *Litt.D. in absentio.* Only last year I had an invitation from a professor at Yale who was authorized to speak for the faculty in inviting me to talk to one of the classes upon poetry, quite informally, if I wished, they were good enough to say—yet I knew I should not be able to go through the ordeal and had to give up the alluring idea.

Indeed, I could no more undertake to undergo a reception (you can see I unconsciously use the word "undergo" as if one expected a surgeon's operation) than I could climb Pike's Peak, for each might prove fatal to the weak heart.

I have been told that my mother was one of the most frail of women, and that it was not unusual for her to faint day after day, and I often think that some of my lack of robustness comes to me from her, but then one loves to inherit even a defect from his mother.

It is the strain that does the injury, and nothing can eliminate the strain. By avoiding events which might be injurious I have been enabled to do a little work, such as it is, now and then, and to remain among the living.

You surely do not wish to exterminate me! And yet a reception might do it. Such things have happened. A live poet at a reception might pass muster, but I ask you, my dear Governor, what you would do with a collapsed poet?

I fear the strain, and so do my doctors, and under the circumstances I feel that you will surely understand my inability to be present, much as I should enjoy the honor which would accrue.

It is so unhandsome in one to refuse such a distinction and such proffers of wide hospitality, for I am conscious that there would be assembled many men eminent in literature, law and the liberal arts and sciences, that I feel oppressed by my own inability to accept your kind invitation. But I beg you will at least believe

me sincere in my profound thanks, and that with the highest appreciation of all your intended kindness, I hope I may submit, without offense, how impossible it is for me to accept the honors which you propose and which you and others so bountifully mean to shower upon me.

I am, dear Governor, I assure you, under a mountain of obligation, and remain,

Most sincerely yours,

LLOYD MIFFLIN.

The spirit is willing, but the flesh is weak.

December 25, 1911.

Hon. Samuel W. Pennypacker,
Philadelphia, Pa.

MY DEAR GOVERNOR:

Of course I do not expect that you remember me, but I had the pleasure of meeting you here and at Harrisburg.

It seems to be that a public official who has served the commonwealth wisely and conscientiously as you have, must feel a rankling and resentment at the unjust ridicule and criticism that has been your share to suffer.

The late Judge Searle of Montrose told me the last time I ever saw him alive that in fifty years Pennypacker would be regarded as the greatest of our governors.

I am not asking for anything, not even a reply, but think it more fitting, at this season, to express to you my appreciation of your services as an official and citizen, than to eulogize you after your death.

Sincerely,

EDWARD B. FARR.

CHAPTER XV

Miniatures

Joseph G. Cannon

IT has been my fortune to meet with "Uncle Joe," as it is the custom to call him, the autocrat of the House of Representatives, upon two occasions. In 1905 I was a delegate to the Republican National Convention which met in Chicago and nominated Roosevelt and Fairbanks for the presidency and vice presidency. "Uncle Joe" presided over the convention. There were 30,000 people within the vast building; very few of the speakers could make themselves heard and there was more or less of bustle and disorder.

From the platform, a long and narrow boardwalk was extended out into the midst of the vast assemblage, from the far end of which the speeches were made. Failing to secure silence by ordinary appeals, "Uncle Joe" got down on his hands and knees and pounded with his gavel on these boards. The attitude caused a laugh, attention was attracted to him and away from the buzz of conversation and the maneuver succeeded. I made a speech nominating Fairbanks. Elihu Root and Chauncey M. Depew had spoken and when "Uncle Joe" introduced me he did it with a reference to "three of a kind," which no doubt called up familiar associations in the minds of some who were present.

I met him again in the summer of 1909. The Honorable I. P. Wanger brought him to Norristown, where he had a reception and made an address at the court house. We then went in automobiles over the camp ground at Valley Forge, and then to the King of Prussia Inn. As it happened, Jack O'Brien, the noted pugilist, was at the inn preparing for

a coming bout. He was an agreeable fellow, but had an unhealthy look, and my anticipation that he would be beaten in the coming contest was verified by the result.

"Uncle Joe" and O'Brien took off their coats and, with raised fists, faced each other in front of the inn, and in this attitude were photographed. From there we went to the Merion Cricket Club at Haverford, where we lunched with a large party of ladies and gentlemen, and some of us made speeches. He spoke sensibly and with a certain persuasiveness. A tall, gaunt, grizzled and homely man, with a fund of anecdote from the prairies and with rugged bluntness of phrase, he gives the impression of possessing character and resolution. At this luncheon, being one of those who appreciate his public life and services, I had a personal and, in a sense, a confidential chat with him. He made it plain to me that he thought Roosevelt, in his disturbance of all existing interests and conditions and his use of the power of the presidency to advance his friends and control the succession, had done much harm.

It is the fate of every old lion when his teeth begin to loosen and his legs to stiffen to fall a prey to the jackals who howl and hunt in packs. Even now, as this is written, March 19, 1910, the jackals are gathering around "Uncle Joe" with the chances that his work is over.

Taft

Monday, February 22, 1909, at the dinner of the alumni of the University of Pennsylvania, I sat through the evening alongside of the Honorable William H. Taft, and made this memorandum the next morning. He said to me:

"You were about to say something to me this morning when we met at the Academy of Music and were interrupted?"

"Oh, I was only about to express my surprise at your

calling me by name. We only met once before and then but for a few minutes."

"I have a pretty good memory for faces, but that is not it—you have a face that lingers. Besides, we have met more than once. Perhaps we were not introduced, but I have seen you at functions."

"How do you like it," I inquired, "up to the present time? You were thrown out on the stump, making speeches, rubbing up against all kinds of people, many of them anxious to commit you upon subjects of interest to them. It must have been a great experience."

"I rather enjoyed it. I made 402 speeches. Bryan made over eight hundred, but then, as some one said to me, he is an exception which don't count and is all throat. I wrote out at the beginning of the campaign a letter of acceptance in which I expressed my views on all the issues. In my speeches I confined myself to it, and you know while you may use different language it is practically a repetition of the same thought in all of them."

Dr. S. Weir Mitchell sat on my right. Mr. Taft on my left. Presently Mr. Taft turned to me and abruptly asked:

"What sort of a mayor is Mr. Reyburn making?"

Mr. Reyburn was a few seats to our left, and in the course of the evening was unfortunate in an effort to secure an interview. I answered:

"Dr. Mitchell only a few minutes ago said to me that he is an unlimited idiot. I do not agree with Dr. Mitchell in this conclusion. You know Mitchell is a little decided in his views. I think Mr. Reyburn is a good mayor, doing all he can for the benefit of the city. In Philadelphia the lines are drawn pretty closely. I mean the social lines. Mr. Reyburn has not the correct social brand."

"It amused me," said he, "to hear that Mrs. Reyburn feels that her husband is like the Lord Mayor of London and ought to take the lead in all functions."

"She not only so feels, but she shows a disposition to

enforce what she thinks to be a right. There is much in the relation of all sorts of people which may afford amusement to a mind of philosophical tendency." Thereupon he gave a hearty laugh.

"You must be a very good-natured fellow," I ventured, "to have got along so comfortably with Mr. Roosevelt."

"Roosevelt," he replied, "is impulsive, but he has as little pride of opinion as any man I have ever known. In all matters in my department, when the reasons were explained to him, he was satisfied. He sees through a problem, too, very quickly. He is mentally alert."

"What do you think of your Supreme Court?" he inquired.

"It is in good shape," I answered. "The Chief Justice, Mitchell, is an exceptionally able lawyer—and there are other strong men on the Bench."

"Do you know Hay Brown?" he asked.

"Yes, I know him."

"Do you know John Elkin?"

"Yes, and he is making a good judge, better than you might have supposed. As you know, he was a politician and had many associations other than legal. But he is doing well."

"I knew Judge Joseph P. Bradley of the U. S. Supreme Court," he said. "He had intended to resign, but he died on the Bench. He had his own antipathies. He came to me when I was solicitor general and said: 'If you have any respect whatever for my wishes in the matter, you will see to it that that man Paxson of Pennsylvania is not appointed my successor. I never have a pain in the finger that he does not hurry down to Washington and send up his card, inquiring for my health.' " Thereupon I laughed.

"Paxson," I said, "was a man of strong common sense, but lacking in tone. He grew rich."

"How did he make it?"

"He was executor for David Jayne and, thereafter, was thrifty and saving."

"I suppose he had good information as to investments," he added with a twinkle.

"I am not one of those," said I, "who believe that the Philippines ought to be surrendered. Nations as well as men have to meet their fate. We have them and ought to take care of them."

"That is my opinion," said he, decidedly, "and I shall do all I can to have the Panama Canal finished while I am President. The resolution of Congress at the outset of the Spanish War announcing a policy as to Cuba in the event of success was a great blunder."

This is one of my own pet views and I strongly assented, adding: "Mr. McKinley ought never to have tied himself up with his proclamation."

"I see by the newspapers," said I, "that you are going to appoint Senator Knox Secretary of State. If it be true, I am much pleased. Now do not tell me anything."

"I am going to appoint him," he replied with emphasis. "You know him well?"

"Quite well; I appointed him to the Senate."

"So you did."

"You may be able to do something with those people in the South. Their interests are sure to get away with their prejudices, and it may come in your administration," I suggested.

"I hope it does," and turning to Budd, who is a Democrat, he added, "Democracy is nothing but a memory."

He impressed me as being sane, vigorous and good-hearted, and I feel assured that his administration will be successful.

Mary Garden

On Saturday evening, March 12, 1910, Mrs. Pennypacker and myself, as the guests of Mr. Shelly, occupied a pro-

scenium box at Hammerstein's Opera House at Broad and Poplar Streets in Philadelphia, and heard Mary Garden in the opera *Louise*. She is an artist both in the use of her voice and in the histrionic part of the performance, showing power as well as skill. We were taken behind the scenes and introduced to her. A large woman, with great vital force, she is thoroughly feminine and has those physical characteristics which prove so attractive to men. In the brief interview she showed that mental alertness which enabled her to do and say what the situation seemed to require. She greeted me with:

"Governor, I am pleased to see you. This is a most distinguished honor," and she extended her hand and laughed cheerily.

"We have been following your fortunes through the evening with the greatest interest," I interjected.

"I hope you have not been shocked?" she inquired.

"There was no possibility of our being shocked; we were only absorbed."

She had been arranging for the next scene and had placed in her bosom six or eight red roses. She drew my attention to them.

"Don't you think, Governor, that I have too many of these for proper effect?"

I could not accept the intimation without the possibility of mistake and, therefore, without indelicacy.

"I think, Miss Garden, that as you are, you are perfect."

She plucked one of the roses from the bunch and said:

"There, take it. It is artificial, but then it will last the longer."

"I shall see to it, since you have been so generous, that it lasts a long time."

As a cover she gave another to Mr. Shelly. Then she turned suddenly, clutched it away from him, and said:

"No, you shan't have it. I will give it to Mrs. Pennypacker.

Then she was called to the stage.

Roosevelt

It has been my fortune to be brought into relations with the President in various ways and to have had at different times personal intercourse with him. A contemporaneous estimate of one who has filled so conspicuous a rôle, by any observer, may possess some value. My youngest brother, James L. Pennypacker, went to Harvard University. Roosevelt was in the same class and in some of the same societies and when my brother became an editor of the *Harvard Advocate*, Albert Bushnell Hart and he urged Roosevelt for the staff and succeeded in having him elected. They had their photographs taken together. Consequently, I began to hear of Roosevelt in his days at college. He has frequently spoken to me of my brother as "my Pennypacker." What I heard of him was that he was not regarded among his associates as in any way remarkable save for earnestness of purpose and promptness of movement, though the fact that my brother, through most of the bizarre fortunes of the President, has been steadfast in his loyalty, speaks well for the impression he made. In the Hayes campaign the students marched in a parade through Boston. They were never on very good terms with the townspeople, and from the roof of a tall building potatoes and refuse, it may be some stones, were thrown at them. Roosevelt, excited and angry, suggested at once that they burn down the building.

A few years later, after Mr. Roosevelt began to appear in New York politics, occurred the contest between Mr. Blaine and Mr. Cleveland for the presidency. At that time I was secretary of the Philadelphia Civil Service Reform Association. The Independents in Pennsylvania favored Mr. Blaine, and when George William Curtis attempted to

throw the weight of the Civil Service Reform Association on the side of Cleveland, I answered him in a letter circulated over the country. Roosevelt was also in favor of Blaine and we had some correspondence which are still among my letters.

We touched again later in a more important way, though he probably never knew of the fact.

In the Philadelphia National Convention of 1900 there was a struggle for the mastery between Mr. Hanna, supported by the national administration, upon the one hand, and Mr. Quay and Mr. Platt, on the other. Hanna had selected a candidate for the vice presidency. It is a fact well-known in Pennsylvania public life that Mr. Quay not only had a fondness for me, but he had confidence in my judgment. I told him at that time that the man for the occasion was Roosevelt, and I have ever felt since that I was a factor in this fateful turn in the fortunes of the President. At all events, Quay and Platt had him nominated and balked Hanna. When McKinley died and Roosevelt became the President, my feeling toward him was one of enthusiastic and hopeful approval, due, no doubt, largely to a sense of some personal association and to the fact that I was pleased to see a man of Dutch descent reach a station so exalted. I gave expression to this feeling to Mr. Quay. The only comment of that wise observer of men was:

"I hope he will be discreet."

In the fall of 1903 the provost of the University of Pennsylvania came to me to ask me to secure the presence of Mr. Roosevelt at the Academy of Music on the following 22d of February to deliver the annual address before that institution of learning. At the time I was very much occupied with the affairs of the commonwealth, but the welfare of the University ever appealed to me and I promised to make the effort. Mr. Quay, upon whom Mr. Roosevelt then much depended, arranged for an interview. On the day appointed, I went to Washington and Mr. Quay took

me in his carriage to the White House. I presented the matter to the President and he, in reply, said, with a laugh:

"Mr. Quay has given directions that I am not to make any address upon any subject until after the election next fall, and here he is supporting you in an effort to get me to go to Philadelphia."

Mr. Quay assented to the truth of the charge. Then the President, in more serious mood, gave me reasons why, in anticipation of the political campaign, he did not feel he could accept, but in effect promised me that the following year, if desired, he would make the address. I thanked him and told him that would be eminently satisfactory, and the succeeding February 22d he kept the engagement.

He invited us to return to lunch with him. At the White House for luncheon were Mrs. Roosevelt and another lady or two, two or three senators, and as many newspaper editors from New York. The President came in from a horseback ride in his riding suit. He began to talk when he entered the outer door. He talked all the time on the way to the table and he talked all the time throughout the luncheon. Hardly an observation was made by any one else at the table, and, in fact, it would only have been possible by the exercise of a sort of brutal force. The subject which he discussed was Italian literature, with which he did not appear to me to be very familiar. Every once in a while he turned to Mr. Quay, who sat on his right, and put some question to him as to an authority, but he seldom waited for an answer. The strongest impression made on me was that of mental excitement, of a man laboring under a serious nervous strain, and if I could have given him advice it would have been to sit down quietly somewhere and rest. I feared a break-down before the end of his term.

When Mr. Roosevelt delivered his address, I, as a trustee of the University, was present on the platform. While being introduced to the trustees and others in the waiting

room, he plunged at Dr. Weir Mitchell, shook him fiercely and ejaculated:

"I have just been reading one of your books," and gave a quotation.

"That is the third time he has told me that story," grumbled Mitchell, as he came away, "and I never wrote anything of the kind in my life."

The address was unimportant in itself, but his coming showed kindness and was much appreciated.

I likewise sat on the platform and heard him make his address July 4, 1902, at Pittsburgh, noticing his habit of snapping off his words as though trying to bite through them with his teeth (perhaps this is what happened to "thru") and heard another, later, before the Masons at Masonic Temple in Philadelphia. On the latter occasion he attracted much attention by coming at me, with both fists closed, glaring at me with assumed savagery, striking me on the chest with force enough to upset a light man, and shouting:

"Nothing like a double Dutchman, nothing like a double Dutchman!"

On Decoration Day of 1905, which was the first time Mr. Roosevelt had ever been at Gettysburg, I rode in a barouche with him, Mrs. Roosevelt and Ethel, over the grounds. Ethel was then a sweet, attractive little girl of about eleven years of age, and I tried to entertain her. She afterward wrote me a pretty little note which will be found among my papers. He asked me whether I had ever seen any military service and I told him that I had carried a musket for a brief period, and that it had been my fate to be in the first force to meet the rebels at Gettysburg. This aroused his keen interest and opened the way for me to tell him of the unequaled contribution of our family to that war, it having furnished two major generals, five colonels and in all one hundred and forty-eight men. "It is wonderful," he said. Afterward I heard of his repeating the tale over the country.

At a reception in Cambridge, Massachusetts, two years later, at which my sister-in-law was present, he shouted across the room:

"I know something about the Pennypackers that you don't know. They sent one hundred and forty-eight men into the war."

The cards, invitations, programmes and photographs relating to his inauguration and my participation in it will be found among my papers.

At the inauguration ball in the evening it pleased me that Mrs. Roosevelt did not need an introduction and to hear her say to Mrs. Pennypacker, "Your husband was so good to my little girl."

In the spring of 1906, a large delegation of state senators and representatives, on behalf of the state, went with me to Washington to invite the President to deliver the oration at the dedication of the state capitol the ensuing autumn. Senators Penrose and Knox accompanied us. To me was left the burden of making the persuading speech. I had written a formal letter of invitation suggesting that we would make every effort to accommodate ourselves to his wishes and would let him designate the day. He accepted and selected the fourth day of October, which happened to be the anniversary of the reunion in 1877 of the Pennypacker family at Pennypacker's Mills. After he had received us and heard me he dismissed the delegation and asked Penrose and Knox and myself to come into his private room in the annex to the White House, as there was a matter of importance about which he wanted to talk to us. Closing the doors, he turned to me and said in effect that he had information from reliable sources that there was going to be another great coal strike in the course of the coming summer, that he gave me warning in advance, so that I might be prepared, and that he would like me to enter into communication with him on the first appearance of difficulty. At that moment he and I set our faces in different directions. It was in

effect an announcement to me that in the event of differences between the coal operators and the coal miners in Pennsylvania he intended to take charge of the matter as he had done before. I had always regarded the appointment of the coal commission not only as a stretch of the authority of the national executive, but also as an interference with the sovereignty of the state and an unjustifiable assumption of a duty which pertained to that sovereignty alone. I listened in silence, with the inward determination that in the event of the emergency he had forecasted he should have nothing whatever to do with its settlement, unless the resources of the state proved inadequate. In a preceding chapter I have given my letters to President George F. Baer of the Philadelphia and Reading Railway Company and to John Mitchell, head of the labor organization, my proclamation to the people of the state, and have narrated the use of the state constabulary and the steps taken which led to the settlement of the coal strike by the authorities of Pennsylvania. I had, however, touched Mr. Roosevelt in his most sensitive nerve and I have always felt that he did not forgive me.

On the 4th of October, 1906, I rode through the streets of Harrisburg with him in a barouche in which was also the mayor of that city. He was on his feet nearly the whole time almost throwing himself out of the carriage in energetic recognitions of the vociferous shouting and cheers of the crowd. The mayor found a chance, with some difficulty, to express a most earnest hope that Mr. Roosevelt would permit the people again to elect him to the presidency. I was perhaps called upon by the situation to concur in this maladroit compliment, but refrained. The President naturally made no response. As he threw himself to right and left, I said: "I do not know what to make of you," to which he in like manner made no response. To some comment of mine upon the responsibilities and powers of the President, he took time to say: "It is a great office."

The newspapers in their efforts to find some defect about the capitol had been making much to-do about some little heads on the main doors. As he entered the building he said with a manifest effort to be generally heard: "These are the finest bronze doors I have ever seen," for which I was duly grateful. He ran over the building, commenting favorably upon all he saw. It was raining heavily. To the suggestion that we have the ceremonies inside he said: "No, we will speak from the platform." While I was making the dedicatory address some one in the crowd called aloud. Mr. Roosevelt caught me by the coat and said, "Don't answer him, don't answer him." His address was pronounced in its views. He commended highly the special session of the legislature and its work. He attacked the courts. He advocated a concentration of power in the National Government, citing James Wilson. He picked out an old soldier in front of him and made the veteran wild with pleasure by personal references. He met Mrs. Pennypacker and asked for the number of her children. He signed the proof notes of his address while on the platform and gave them to me.

He lunched at the mansion. He asked for "My Pennypacker" and I had my brother come to the table beside him.

He had promised to speak in York and was hurried away to the train shouting and gesticulating. I have not seen him since.

I began with much admiration for him and at the close of his administration it does not meet the approval of my judgment. There has been too much commotion and too little result. There has been too much appeal to the unthinking crowd, too much denunciation, too much of the *outré*. I do not understand why, as a Dutchman, he had no word of sympathy for the Boers fighting for their land and permitted the United States to be used by their enemies. I do not understand why he should emphasize his gratitude to Pennsylvania, when she gave him the largest majority any

President ever received in a state, and then see to it that she had no cabinet position, no place in the Supreme Court, and no minister abroad by his appointment. I do not understand the condemnation of postmasters for political activity and throwing the whole power of the presidency into the nomination and election of his successor. I do not like publicly attacking the meat trade and at the same time permitting it to use benzoate of soda. I cannot reconcile zeal for civil service reform with putting a doctor chum at the head of the army, and turning out a worthy incumbent in order to find a place for his private secretary as collector of the port of New York. His assaults upon congress and the courts do not accord with a due appreciation of and regard for our system of government. And yet he has been a most vigorous personality and it may be has been of some benefit to our life. I am inclined to think that the solution of his inconsistencies lies in the fact that he is a man of strong impulses, with good inclinations and not of a high order of intelligence. Whether he is to be put in the class with Richard Cœur de Lion and Henri Quatre or in that other class with Mahomet and John Law, I do not pretend to decide.

"Connie Mack"

After Governor Tener had accepted the presidency of the League of Base Ball Clubs, the Pen and Pencil Club gave him a dinner. At this dinner I met "Connie Mack," the man who has been heard of everywhere because under his management the Athletic Club won the championships through a series of years. His real name is Cornelius McGillicuddy. He made a speech about what he had done and hoped to do which was apt and pleasing. He is a dark-eyed and fleshless man, about five feet ten inches in height, and through the drawn lines of his rather hard face a smile of good nature continually makes its way.

AUTOBIOGRAPHY OF A PENNSYLVANIAN

Charles E. Hughes

The University of Pennsylvania for many years has celebrated the 22d of February, holding exercises in the American Academy of Music, where some man of wide reputation makes an address to the assembled classes and invited public. These demonstrations are regarded as of more than ordinary importance and seats are much in demand, and requests for them often end in disappointment. Of the Presidents, McKinley, Roosevelt and Taft have made addresses upon these occasions. Upon that date in 1910 Charles E. Hughes, then governor of New York, delivered the oration and received the degree of Doctor of Laws. I was introduced to him in the foyer of the Academy, where the trustees assembled and from which they marched in procession to the stage.

"Everybody knows Governor Pennypacker," was his response.

With heavy black whiskers around his face, with more hair there than on his head, with very much the manner of a grocer selling sugar over a counter, he gave the impression of one whose cultivation had very recently begun. The color of the skin, the timbre of the voice and the physical composure, showing no disturbance of nerve, all indicated good health and satisfactory nutrition. His address was delivered with sonorous tones that could be easily heard over the house, and he pleased his audience, who gave him hearty applause. In matter it was commonplace in the extreme, giving no evidence either of learning, acuteness of thought or grasp of his subject. In the main it was an effort to convince his hearers that men in public and private life ought to be virtuous in order to reap a due reward of happiness, accompanied with the suggestion that there are officials, not himself, who fail to pursue this course and deserve retribution.

At the dinner given in the evening by the alumni, I was the toastmaster, and I inquired of James M. Beck, the

bland orator and successful lawyer, who sat at my side, whether it would be safe to poke a little fun at Hughes or whether he was so stiff and narrow as to fail to understand it. "You will be entirely safe," said Beck, who further gave me his judgment that the governor was really a very worthy man, with high motives. I introduced him as a man who had made a reputation over the country by trying to do in New York what we had accomplished in Pennsylvania, and some other chaff of like character, and he bore it with great equanimity, and made a good speech.

In the course of this speech he said he "had improved by degrees," referring to his recent doctorate. I introduced to him a number of persons, among them a preacher who took that inopportune time to urge upon him a new edition of the testament, and he still behaved with good nature and self-restraint.

Quay

John Scott, a most worthy Philadelphia lawyer, son of United States Senator John Scott, told me, November 10, 1910, the following facts:

He goes to the Canadian woods every summer. There he has an Indian guide of whom he is very fond, named Louis Gill, of the tribe of Abenakies. One day this Indian said to Scott:

"Do you know Senator Cu–ay?"

"Yes, I know Senator Quay."

"He is one of our tribe," the Indian affirmed with a glad smile.

"Does he take any interest in your affairs?" asked Scott.

"Yes," replied Gill, "when our Catholic Church burned down we wrote to him and he sent us $5,000. He is a good man."

January 5, 1914, F. W. Fleitz, deputy attorney general

(with John P. Elkin) under three state administrations, entertained a few of us at the Harrisburg Club, with his recollections of Senator Quay. He said:

"Quay was the most wonderful man I have ever known. He understood men thoroughly. He never gave orders. He had no regard for money save as a means to an end. There were times in his life when he was penniless. He was entirely without vanity. He had certain veins of superstition. Once in Florida a rattlesnake crept out from a hole. I threw a stone at it. He checked me and told me never to strike a snake. Then he explained to me that once a long while ago the Seminoles and the rattlesnakes, after long hostilities, made a treaty of peace. No Seminole will ever strike a rattlesnake, and no snake since has bitten a Seminole. 'I never strike a snake,' said he, 'and don't you do it.'

"In the summer of 1895, I tried to prevail on him not to begin his struggle with Governor Hastings. I pointed out to him that he was firm in his seat in the senate for several years, that Hastings' strength would wane as his term neared its end, that the mayors of Philadelphia and Pittsburgh, and the corporations at that time were hostile. He said to me: 'There is no fault in your reasoning, but I must make the fight. I often discard my reason and follow my intuitions.'

"He took me down to St. Lucie in Florida with him several times. There he entertained the Earl of Newcastle and his brother, Lord Hope. He was an admirable host. While there was never any ostentatious show of attention, he always quietly saw to it that his guest had the best boat, and the best fishing tackle, and the pleasant seat. On one occasion, while we were fishing together at Atlantic City, a man of some distinction asked to go along. 'Are you a good sailor? It is apt to be rough out there, and when we are once anchored, we have to stay,' the Senator quietly suggested. The man came in a white shirt, and after the boat had been fixed about seven miles out, Ben Sooy went back

to the shore. Ere long the man with the white shirt lay on the broad of his back in the bottom of the boat, retching and gasping, while the fish were being thrown all over him. 'Damn him,' said the Senator, 'he ought to have had sense enough not to come out here.'

"On another occasion, at Atlantic City, he said to Sooy: 'Ben, I will give you ten dollars if you will jump into the sea.' In an instant Sooy was overboard. We threw him a rope. The Senator drew a knife and said: 'Ben, give up those ten dollars, and I will not cut this rope.' 'I will swim to China for ten dollars,' said Sooy. All laughed and drew him in.

"Another time we were fishing in Florida. The large, powerful fish (tarpon) had to be exhausted before being taken into the boat. We had lost several from the lines while playing with them. The Senator said: 'I intend to draw the next fish straight to the boat,' and he did. It was a dangerous proceeding. When it came near, the Senator called: 'Ben, gaff that fish.' Sooy struck it and in an instant the harpoon and fish were up in the air, and Sooy was battling with the waves. We helped him into the boat whereupon, disgusted, he shouted: 'If any damn fool wants another fish harpooned, he may do it himself.'

(Turning to me.) "He was very fond of you and proud of what you accomplished. I was at a hotel in Washington one evening with Quay, Penrose, Durham, Larry Eyre and John P. Elkin, and we had been discussing for several hours Pennsylvania affairs. All of them, except Eyre and myself, retired to an inner room. It had been assumed everywhere that Elkin was to be the nominee for the governorship, and everything looked favorable. When they came out Quay had been drinking some, and I ordered a carriage and went home with him. On the way he was silent, but finally said to me: 'The old man is not dead yet, Fleitz, you stick to me, and you will come out all right.' He repeated the words. I knew that something had occurred in the room, and

feared for Elkin. A few weeks later he sent word to Elkin to come to St. Lucie, and there told him he could not be the nominee for governor.

"I have often seen him drink. I never saw him so under the influence of liquor that it affected either his head or his walk. He had a peculiar way of drinking. During a campaign—perhaps for a year—he would not touch a drop. He had absolute self-control. He would pour out the liquor for his guests, and sit among them, his own glass empty. After the campaign was over he would go away and drink, I always thought to get rid of the nervous anxiety."

Wu Ting Fang

This bright Chinaman, when minister from his country to the United States, made a very agreeable impression upon Americans. He had much of the American trend of thought and was keen as a briar. When the University of Pennsylvania dedicated its law building, he was present. A baronet named Rowe had been sent to represent the University of Oxford and he made an address at the Academy of Music. A poorer speaker never appeared in public. He had no voice and no manner. He read from a manuscript and his sight was defective. He turned his back to the audience and rapidly emptied the hall. Wu leaned over to me and whispered:

"I wish he would shut up."

Again with an air of relief from weariness, he said:

"I did see your wife today. I did make a joke at her. I told her she could pack pennies."

General Samuel Pearson

I had an interview today, February 17, 1911, with General Samuel Pearson of the Boer Army, a short, thick-set man, rugged and brown in complexion, with an earnest

and emotional manner and rapidity of utterance, which reminded me much of Mr. Roosevelt, and I am sure that in temperament they are quite alike. When carried along with a rapid flow of words, and with the blood flowing to his head, he occasionally lost control of the nerves of speech and stammered. He was born in the Transvaal. His people, on the side of his father, came from Denmark, and on the side of his mother, from Holland. Kruger, to whom he says he was opposed, and who, in his opinion, was a most remarkable personage, sent him with a message to Mr. Roosevelt, at that time President of the United States. He took with him a letter of introduction from Robert Roosevelt of New York, the uncle of the President. The President greeted him with:

"What can I do for you?"

"There is nothing you can do for me personally. Mr. Kruger has sent me to see whether something cannot be done to prevent the English from getting horses in America. If they cannot get horses here they cannot win in the war. Mr. McKinley issued a proclamation on neutrality; this is not being neutral. It is aiding one side in the war, and that side an empire against a democracy."

"That question has been settled," said the President. "It was decided by the judge in Louisiana."

"What the judge in Louisiana decided was that he had no right to interfere and that if there was to be interference it must come from the government of the United States. It is, therefore, a matter for you."

"It is all settled," was the reply. "Your people ought to stop fighting. They ought to surrender."

This statement angered the general, and he said:

"I did not come here to ask your advice about military matters and I do not think you are competent to give it. General Louis Botha is the man to say whether or not the cause ought to be surrendered."

"I shall not interfere," said the President.

"I will compel you to take some action," replied the general, who says that Mrs. Van Rensselaer, who wrote a history of New York, told him that the Roosevelts were not Dutchmen but Jews. He then went to Louisiana with the determination of gathering a lot of men together and killing the Englishmen there buying and shipping horses. There were about a hundred and fifty of them. He was persuaded to the contrary by the judge and by the fact that he was entirely without money to defend his cause in the American courts.

"I made a great mistake," he added. "If I had killed those Englishmen the American people would have been aroused and our cause would have been won. However, the Dutch have control of the government in the Transvaal, and as soon as England gets into trouble they will be independent. It is the greatest war in history and we ruined the prestige of England."

Some time later he saw John Hay, who told him that the Dutch in the Transvaal were the vassals of the English.

James Bryce

October 15 and 16, 1912, the American Antiquarian Society celebrated at Worcester, Massachusetts, the hundredth anniversary of its foundation and assembled many distinguished men, including President Taft. Waldo Lincoln, the president of the society, gave us a luncheon in his house and I sat at a little square table, which could accommodate four persons, with Charles Francis Adams of Massachusetts and James Bryce, author of *The American Commonwealth,* and then Ambassador from England to the United States. A thin little man, with a bright eye and long whiskers, he is utterly incapable of dressing himself and his shirt bulged out in a hump before him, but alert, knowing and wise.

"I have all the works of Voltaire in my library, a hundred

volumes or so," said Adams, "but nobody reads Voltaire any more."

"I could read the works of Jacob Boehm with interest," added Bryce, "but not *La Henriade*."

"I have read *La Henriade*," I ventured to suggest.

"It is a pleasure to meet a man in America who has really read *La Henriade*," replied Bryce in a tone which did not quite disclose whether it meant surprise or sarcasm.

"*Rabelais* can no longer be read," again suggested Adams.

"It is too coarse," said I.

"It is stupid," added Bryce.

"So it is with *Hudibras*. Its wit is mere dullness," said Adams.

"Take such lines as——

> 'There was an ancient sage philosopher
> Who had read the works of Alexander Ross over,'

and they have some of that sort of fun which we found acceptable in the *Ingoldsby Legends*," I gently suggested, but it met with no response. Bryce made many queries in regard to existing conditions in America, but always stopped short at the point of danger and never ventured an opinion. The effect of the blending of races and the result of the coming presidential election interested him, but he had no views.

"What will Pennsylvania do?" he inquired.

"Vote for Taft," I replied, and there the subject was dropped.

He listened to the address of Henry Cabot Lodge, which contained many strictures upon England, without the indication of any emotion whatever. At the dinner the President, Bryce, Adams, Paget, the minister from Peru to the United States, and myself all made speeches.

AUTOBIOGRAPHY OF A PENNSYLVANIAN

Robert E. Peary

On the 11th of December, 1909, I dined in New York with the Pennsylvania Society of that city at the Waldorf-Astoria. It was a great dinner given to Philander C. Knox, Franklin MacVeagh and Wickersham, the three Pennsylvanians in the cabinet of President Taft. The two United States Senators—Penrose and Oliver; Governor Stuart; Horace Howard Furness, the Shakespearean scholar; the former Governor, James A. Beaver; Von Moschzisker, the coming Supreme Court Justice; Lloyd C. Griscom; John Wanamaker; and many others were among the guests. Andrew Carnegie presided and did it well. It was my fortune to sit alongside of Robert E. Peary for the greater part of the evening. A few evenings before, in the Academy of Music, I had heard his first lecture since the discovery of the North Pole and once before I had dined with him, when he was not so famous. He received much of the attention shown to the celebrities throughout the evening and made the first speech. It was a meritorious speech, brief and with a thought in it. He said in substance that he had been born along the Susquehanna, reared in Maine, and supported by the contributions of New York, and, therefore, was under special obligation to the people of three states; that for hundreds of years explorers had striven to find the North Pole and to find a passageway between the two great oceans, and in our day both tasks had been accomplished. That was all he said. A tall, slim man, with steel-blue eyes, a mustache, a sandy complexion, while the red in his hair was not at all a color but a tendency, alone pointing to some more or less remote ancestor, and a self-contained manner indicating strength of will and poise. He was not obtrusive or effusive, neither was he deprecatory, and when he spoke there was not the slightest symptom of nervousness.

"Commander, when I heard you the other night, it was all clear to me except your getting across those stretches

of water you called 'leads.' I should not have liked to depend upon chipping off cakes of ice and zigzagging them across. A man on the far side of a lead might be in a confounded trap."

A smile crept slowly over his face.

"The danger is not so great. Generally they are not very wide. They freeze over. The effort to reach the Pole was made at the lowest temperature when this danger is the least. On one occasion, however, I realized what it meant. We came to a lead two miles wide. I thought out the situation and concluded to wait until it should be frozen over and we waited three days. Then my Esquimaux reported a crossing two or three miles away. We went over on snowshoes fifty paces apart and singly, but it was very dangerous and I feared we should never reach home to tell the tale."

"Would it not be possible to take some light kind of a canoe along?"

"No, the only hope of success lay in transporting as little as possible. We had to run the risks."

To another query put by Mr. Lloyd C. Griscom, he said in reply:

"We lived altogether upon compressed foods. No coffee was permitted. Under the excitement of the advance, coffee would have resulted in loss of sleep and that would have meant loss of vital force. We needed it all. The ration was a quart of tea, morning and evening, but no coffee. Coffee is a drink for the tropics but not for the poles. We would not have a movement of the bowels for perhaps a week. There was no trouble to keep comfortably warm in a temperature of sixty degrees below zero. It was essential not to permit enough exertion to cause perspiration. That also meant a loss of force."

He, himself, made a reference to Cook.

"Commander," said I, "I had no confidence in Cook from the time of his initial telegram, which did not say he

had found the Pole, but that he had been successful. If, however, he did get there it was partly an accident and he has not the merit of a man who has planned and labored for the result."

"Governor, there is no 'if' in the proposition. I knew the two Esquimaux who were with him, from their childhood. They are very keen about directions and distances. They could not be mistaken about where they went. He wandered about the country, but he was never far from land. The Esquimaux are savages. If the wife of one of them for any reason cannot go hunting with him and the wife of his friend can, they trade wives and think nothing of it, but about many things they know better than we do."

"Are you going to let that man Shackelford capture the South Pole?" I inquired.

He replied with earnestness:

"If I had a hundred thousand dollars I should go there."

This was interesting because it had been reported that he would never undertake anything of the kind again.

"Why don't you seize upon Andy?" and I pointed to Carnegie, only a few feet from us.

"He will not do a thing toward it," he said rather sadly, and I gathered the impression that he had made the effort. In his canny fashion Andy had, nevertheless, introduced him as the only discoverer of the North Pole and committed the society to the statement.

John R. Brooke

John R. Brooke, who fought at Gettysburg, commanded in Cuba during our war with Spain, who has been the senior major general in the United States Army, called on me, November 26, 1913, together with Major David S. B. Chew, to ask me to try to prevent the memorial erected in

Germantown, to commemorate the battle, from being disturbed.

By my appointment he had been a member of the commission which erected the memorial and had been much talked of for the governorship at the time I was selected. He told me of his trouble and then sat in my office and talked. A large man, weighing perhaps two hundred and twenty pounds, with gray hair, blue eyes and a double chin, he did pretty much all of the talking and was deliberate, with low, unemphatic utterance to the point almost of exasperation. He had been in the same class with Dr. Nathan A. Pennypacker in the school at the Trappe. He had been at the fiftieth anniversary of the Battle of Gettysburg and had there spoken. In creating the commission Governor Stuart had asked him to be a subordinate to General Louis Wagner, who was never at Gettysburg at all and had commanded a negro regiment and was turned out of the commission by Governor Tener, but the General had held too high a rank to be a bob to any kite and he had declined. He had gone at one time to the office of General Wagner. As he entered he stepped on a mat and a bell rang. Wagner yelled at him:

"Get off of the mat!"

He turned around on the mat and the bell again rang.

"Get off of the mat!" Wagner yelled more loudly.

"He probably did not recognize you," I gently suggested.

"It makes no difference who I was," replied the General, "he is no gentleman. I turned on my heel and have had nothing to do with him since." And the General continued:

"The rebels who tried to break up the government are now in control of it. The Secretary of War has ordered that wherever in the records of his department the word 'Rebellion' is written, it shall be obliterated and the words 'The Civil War' be substituted. It is all due to that fellow Roosevelt, who is disordered but has an infinite capacity for mischief."

AUTOBIOGRAPHY OF A PENNSYLVANIAN

Woodrow Wilson

Congress Hall had been restored to its original condition by the City of Philadelphia and was opened October 25, 1913, with ceremonies consisting of addresses, a military parade and a banquet. I had met Mr. Wilson when he delivered an address before the University of Pennsylvania and now was one of the committee to receive him. We met him at the train, when he arrived at Broad Street Station, lunched with him at the Bellevue-Stratford and escorted him to the hall where he made an address. He is about five feet nine inches in height, with sparse hair, eyes of no particular color, a clouded skin, lips a little too thick that wabble about and do not fit together well, a smile that lights up his face but suggests that it is a thing of habit, and a body spare almost to the extent of emaciation.

There are certain men whom I have encountered in life, some of them like William Sulzer and Israel Zangwill, who have reached distinction, who give me the impression that through generations of forefathers they have been unsufficiently fed. A lack of nutrition, due to poverty or to weakness of the stomach, has affected their bodies and necessarily also their mental action. I have always thought that John Calvin must have belonged to this type. They are generally strong-willed and, within certain limits, efficient, but their judgments are never to be trusted, because they are not broad enough to see consequences in their causes. They make such fatal mistakes as burning Michael Servetus to advance the cause of Christianity.

Wilson is a man of this build. While searching his features and contour, I felt that I could understand the character of the man who turned against the forces which elected him to the governorship of New Jersey; who, while looking for the presidency, asked Andrew Carnegie for a pension; who, while governor of his state, abandoned it and went to Bermuda; and who, calling the attention of the world to his first serious address to congress by going

in person to deliver it, wrote into it the remarkable figure of speech, "an isolated island of jealous power."

His address at Congress Hall had no relation to the occasion and had no value. He was brought into contrast with Champ Clark, round, healthy, jovial, with something of the milk of human kindness in his soul, who also made an address. After it was over and Wilson had slipped away to Swarthmore, I went up to Clark:

"How do you do, Governor?" he inquired.

"My name is Pennypacker," I said at the same time.

"Oh, I know you very well, and anyhow I could tell you from the caricatures."

"You made a good speech," I followed. "I wish to goodness that while your Democrats were electing a President they had elected you."

He laughed and replied:

"So do I."

I replied: "I should have felt much more secure about our national affairs."

Then he grew sober.

Edward T. Stotesbury

Dining with Charles C. Harrison, the former provost of the University of Pennsylvania, on the evening of September 23, 1914, at his attractive country place, I sat at the head of the table with Mrs. Harrison and on my left was E. T. Stotesbury, the millionaire, who, entering the house of Drexel & Company years ago as a clerk at a small salary, is now the head of the establishment. A short, meagre man, with much vivacity, he told me that he had been much opposed to the nomination of George H. Earle, Jr., for the mayoralty of the city, but that now, under the Wilson régime, eleven hundred men had been discharged by the Baldwin Locomotive Works and every business in

which he was interested was stagnant, and he hoped for the return of Penrose to the United States Senate.

"I have just received a letter from the head of the firm of Harjes & Co., in Paris. It is pitiable. He asks me to be his executor. He tells me the Germans are near the city, that he does not know whether he or his children will be alive a week hence, that he does not know whether he will have anything to leave to them, that no man can tell what will happen."

Stotesbury was interested in the opera in Philadelphia.

"I paid Mary Garden," said he, "eighteen hundred dollars a night, and made an engagement to pay her eighty thousand dollars in the course of the winter. The newspapers accused me of spending too much time in her dressing room, while on the other hand she described me as "such a timid little man."

Peary—Amundsen—Shackleton

On the evening of January 16, 1913, at the Art Club in Philadelphia, I met Robert E. Peary, who discovered the North Pole, Roald Amundsen, who reached the South Pole, and Sir Ernest Shackleton, the Englishman who made a brave attempt to get to the South Pole, but failed. It certainly was an unusual combination to encounter at one time. A reception was given them by the Art Club, at which many distinguished Philadelphians were present. John Cadwalader escorted me to a seat at the luncheon upstairs and, being a member of the club, acted as a personal host. While we were chatting, we were interrupted, however, by a gentleman who said he had been hunting for me and that the president of the club wanted me to dine with the guests. About twenty persons sat at the dinner table. It gave me the opportunity of seeing at closer range the explorers and saying a few words to them. Peary I have known and have elsewhere depicted. Amundsen is a tall,

bony man, with the lines of his face drawn, thin and tough, giving much the impression of a Calvinistic Scotchman, fed on oatmeal and the twenty-nine articles of the Covenant. He was, nevertheless, cordial and answered such questions as were put to him with few but direct words. He indicated a certain sense of power and is probably made of sterner stuff than most men.

Shackleton, a short, stocky, dark-eyed and dark-haired Englishman, I pitied. What could be more uncomfortable than to feel that you had come near, but had not touched, the goal and then to be shown in contrast with two men, each of whom had succeeded in the difficult quest.

General Nelson E. Miles, who was one of the party, came over and sat with me at the table after the cigars had been handed around. Much of his talk was about Roosevelt, whom he detested.

Walt Whitman

Once while I was active in the management of the Penn Club in Philadelphia, an institution at the corner of Eighth and Locust streets, started by my friend Wharton Barker, and which has entertained many distinguished persons, we concluded to give a reception to the "good grey poet." The gentlemen of the city were there, all in their evening dress. Whitman came over from Camden in a rough gray suit intended for the street and considerably the worse for wear. This was permissible if due to necessity or even to his own convenience. A large-framed, muscular man, he wore a long, heavy beard and gave the indication of brawn and vigor. Before coming he had industriously inserted forty or fifty pins in the lapel of his coat and they shone forth conspicuously. This, of course, was pure affectation, throwing doubt on the suit and giving the appearance of humbuggery to the whole performance. It has ever seemed to me that this element ran through all of his so-called poetry. There is much filth and wastage in the world, but

nature soon covers it up and conceals it from view. To give it undue prominence is, therefore, to be unnatural and in effect is much like the ostentatious array of pins. Even decent people have at times occasion to make use of a jordan, but they put it under the bed where the drapery hides it from sight. Poets like Whitman and novelists like Emile Zola and Thomas Hardy insist on putting it on the parlor table, and they call this offense realism.

Elihu Root

I have met Mr. Root on two occasions; at Chicago where he made the speech nominating Roosevelt for the presidency, a speech which could not be heard and, therefore, made little impression on the audience, and again at the Franklin dinner of the American Philosophical Society, where he sat between me and Henry Cabot Lodge of Massachusetts, whom he spent most of his time in jibing. A slim, rugged, iron-gray man who gives the impression of will-power and intelligence, which he undoubtedly possesses, he is a living illustration of the old saw, "First get on, then get honor, then get honest." Beginning life as an associate of Tweed, progressing into a successful corporation lawyer and accumulator, he now, in his old age, proclaims that there are higher motives than the pursuit of money, and he is keen to perceive corruption in politicians outside of New York. He stood manfully by Roosevelt while the latter had power and then promptly dropped him. As a United States Senator, he represented the financial interests of New York City, and, if a choice had to be made between the welfare of the country and the welfare of these interests, always found good or plausible reasons for clinging to the flesh pots. As a statesman he ought never to be forgiven for his part in the surrender of our sovereignty over the Panama Canal. On the whole, he is a man capable of great usefulness, but entirely too shrewd and worldly-wise to be a safe dependence.

CHAPTER XVI

John B. Pennepacker

Sketch from Life

I AM quite sure this will be found to be one of the most interesting and informing chapters in the Autobiography. The German people who, two hundred years ago, settled within twenty-five miles of Philadelphia, have held on to their land and preserved their language, habits and traditions and methods of thought down to the present time. This life is now all rapidly disappearing. The railroad, trolley and automobile and the approach of the city and its people, have compelled the old ways to succumb, and one of the most romantic and attractive of features of Pennsylvania life, such as exists in no other state, will soon be lost. I have endeavored to draw a pen picture in order to preserve and illustrate, as far as possible, the customs, dialect and manner of thought of these people. The gentleman whose name heads this chapter was selected solely because he is the most perfect survival of the old time to be found in the neighborhood. The incidents were written down on different occasions as they occurred. If I have not succeeded in making plain the keen, native intelligence, the generous spirit and the innate worth of my subject, which lie beneath the surface, then to that extent this chapter is a failure.

It was seven o'clock in the evening and the shades of the coming night were beginning to gather. For a moment I leaned over the lower half of the stable door and watched him scattering the straw for the beds of the horses.

"Is that you, John?"

"Yes, diese is Chon. Com in vonce."

"Oh, no, I must hurry home or I shall lose my supper."

"Vell, maybe dass is besser. Dere is no supper here. It is long ago dat we had our supper and," while a genial and kindly smile played over his face, "I sink it is pretty near *all*."

John turned to me suddenly, while he held firmly the handle of the Dutch buckwheat cradle to keep it from scratching the buggy as we rattled along, and queried:

"Did I efer tell you dat story of my grandfadder Chon Pannebecker and annodder feller, Neiman, vat vas wiss him? I sink I did tell you dat story vonce."

"I cannot recall that you ever did."

"Vell, Neiman, he vas a neighbor and my grandfadder he vas a little dricky. In dem days all de farmers dey used to go down to Philadelphey in big vagons to marget. Dey put up at de 'Sorrel Horse,' dat vas a davern in Fourth Street and Old York Roat. Diese Neiman, he liked oysters and he goes out and buys a big pag of oysters to take home wiss him. De farmers, dey nefer vent to bet, but dey lay down on de kitchen floor on deir crain pags ven dey vanted to go asleep. Den diese Neiman, he says, 'I am going to bet,' and dey say, 'Don't you be so stuck up. You come and sleep wiss us,' and off he goes to bet. Den my grandfadder, he goes out to the vagon and gets de pag of oysters, and dey eat all dem oysters and puts de shells back in de pag, and ties de pag up fery tight chust like it vas all right. And den ven dey all goes home and comes to Neiman's lane, my grandfadder he says, 'Neiman, don't forget your pag of oysters,' and Neiman, he throws de pag ofer his shoulder and off he goes. Pretty soon he sees Neiman come across the fielt and he looks fery mad. 'Wie gehts, Neiman?' says my grandfadder. 'Vere is my oysters?' says Neiman. 'Is dey lost? It must haf been de frost,' says my grandfadder. 'In de vinter time ven de oysters freeze, dat opens de shells and dey all runs avay.' It vas a fery cold day, dat

day, and Neiman he looks funny for avile and den he says, 'Dat must haf been it.' He nefer knowed any better, but my grandfadder he vas a little dricky.

"John, be careful about the buckwheat cradle."

One idea always suggests another to John and he goes ambling along mentally with no particular destination in view, but ever entertaining and swept hither and yon by undercurrents of character, one of shrewdness and one of generosity.

"Dat vas a fery nice copper kittle at de Weishe vandue. Only it vonce had a hole in de bottom and hat been mendet. It vas not so nice a kittle as de one I let you have. Dat vas as nice a kittle as I efer saw. I vould haf kept dat vun for myself if you vouldn't haf vanted it. But ve haf such a vun at home—so! Dese kittles you could keep for a life time if you chust used dem yourself, but ven all de neighbors, dey vants to borrow dem to make abblebudder, den dey gets knocked. Some beople is careless. In olt dimes ven anybody porrowed a kittle dey had to give a pot of abble-budder. Dat vas de rule. But ve don't do dat vay any more. Ve chust lets dem haf de kittle. Mrs. Whitman, she vanted our kittle diese summer and I said all right, she could haf it. Den she sends me a pot of abblebudder. She is a fery nice voman. I did not vant it, but she chust makes me dake it."

"Yes, John, that was a fine kettle I got from you."

"So!"

At Weishe's sale, August 25, 1908, quantities of home-made linen bags, some of them made in the time of the grandfather, used for wheat, marked with the name of the owner of that time, rough, coarse in fiber, but thick and strong, were sold for a few pennies.

"Dey is fery good for dowels," said John.

"Come in and get some tinner," said the very stout

woman who was hustling about the old kitchen with its oven attachment, at the Weishe sale, to John and me. "You are right willkom."

"No," answered John, "I don't vant any tinner to-day. My stomach is not all right. After a vile I vill go out to Jacob (who sold candy and peanuts from a stand, to the people at the sale) and puy me a blate of ice cream. Ven your stomach is not all right, and you don't vant to eat nossing, dere is nossing so goot for it as ice cream—sure." And he ate two plates of cream.

"Nefer puy an olt vagon or an olt set of harness," is a part of John's farm philosophy. He was president of the Perkiomen Pike Company until the public took the pike, and is a director in the Schwenksville bank, and he owns four or five farms. He saw me tempted by an old farm wagon, well preserved, with huge rough timbers and great high dished wheels, made in 1781, which sold for $3.75.

"If you can't affort to py a new vagon, vy chust shift until you gets a liddle money. My fadder fixed up an olt vagon vonce and he vas sorry all his life. He says to me: 'Dat vagon is no goot and it vould not pring vat it cost chust to fix it. If I'm not here any more, don't you puy dat vagon, Chon. Let it go at de vandue.' And so I dit. But I pought an olt set of harness vonce. Dey vas not chust so olt, but dey vas rubbed, and den ven I vas going down hill wiss my team de harness proke and I vas in drouble. You let somepody else puy dat olt vagon."

"Do you know olt Mike Ziegler vat lifes up at Lederachsville?" asked John one day when I met him in the Schwenksville street hurrying toward the plain brick house which is his home.

"I have heard of him. The Zieglers are an old Mennonite family."

"Vell, he got himself puried last veek—on Friday."

On his own lines, John is knowing. With the certainty of experience equal to instinct, he will go straight to the points of a horse or a bit of land or a corner clock. He informed me:

"Dat gradle vat you pought at Weishe's vandue is not a gradle for vheat."

It had a hickory handle and four hickory blades, and a broad steel blade six inches in width which the dengel-stuck a long while ago sharpened, but its day had departed and it cost me ten cents. "Dat gradle vas for puckvheat. Did you efer gradle?"

"No, John, I never did."

"Vell, my fadder vas a goot von to gradle. Many vas de day I gradled and I could gradle pretty goot too, but not like my fadder. He vould dake de gradle and cut de crain right quick and lay it all down on the cround chust so, and den he says to me, 'Dat is de vay you must alvays gradle too'—but I nefer could," he added with a sigh.

"Do you know dem vite oak and chestnut voods ofer on de Schtay-Barrick (Stein Berg) vere you and I vent von day wiss de buggy?"

I knew them very well; they grew over the top of the rough hill amid masses of gneiss, smoothed by the floods of eons ago. They were not far from the Wolf's Den, a vast natural cavern constructed by the earthquake with immense blocks of upheaved granite. I so told John.

"Vell, dem voods pelonged to olt Sam Pannuhbacker (the nearest approximate to the pronunciation) and den dey pelonged to Truckenmiller. Dat name is so long dat ve chust calls em T— Miller and ven dey gets puried up in Keeley's craveyard dat is vat goes on to de cravestones. Diese olt T— Miller, he lies up dere now. And den dey pelonged to Puhl and now dey pelongs to me. I vill nefer cut dem voods down so long as I lif. Dey can chust stay. Eferypody cuts down all de voods and after a vile dere von't

pe no voods any more." And after a pause he slowly continued: "Ven I am not here any more, den dey vill go too, but dat is vat I can't help."

"Come ofer here vonce. I haf a liddle bresent I vant to gif you," John called out to me, holding a book.

It was a mystical treatise upon the Book of Revelations which had belonged to his great-grandfather, Samuel Pennypacker, who had entertained Washington at Pennypacker's Mills, and who had laboriously read through the book twice, marking each day's progress and making comment. John had had it bound in Norristown.

"John, you ought not to part with that book."

"Ach! I saw you look all ofer dat pook vonce and den I know you vants to take it pack vere it vas. Dat is all right, I dalk it ofer wiss my vife and she say, 'Vat do I vant wiss such olt pooks chust to lie arount in de vay and make a dust. Gif it to de Covernor, vor all I gares.' And so chust you dake it along, and velcome."

"Haf you begun to do your seeting?" asked John on the 8th of September, when the ground and the weather were both favorable for the wheat.

"No? Oh, vell, dere is dime enough yet. My fadder used alvays to say to me if it is September den it is not too early, and so long as it is September yet, den it is not too late."

"I vas up in Percks County to see Chames Pannebecker," he reported after returning from a two days' trip with his wife and daughter.

"Dere vas dree of dem Pannebeckers—Chames and Chon and Richard. Chon vas an old patchelor and he vas chust not so pright, and he goes to lif wiss Richard and den he makes a vill and gifes to Richard all vat he has. Dere vas a creat lawsuit about dat vill and dey don't speak to

vone annodder any more, and ven Richard gets puried Chames vas not invited to de funeral, but he goes to de craveyard. I chust told Chames dat I vanted somesing vat pelonged to dem olt Pannebeckers to pring home for de Covernor. Den Chames say he haf such a knife, vat olt Villiam Pannebecker made, vat made rifles in Langaster County for de Revolution, but he don't know vere dat knife is any more; and den he calls de vomen and he says, 'Vere is dat knife vat Villiam Pannebecker made for me and I gif him a tollar for it?' and de vomen, dey don't know, dey haven't seen dat knife diese long vile any more; but dey hunt, and dere it vas in de drawer of de olt chest—sure."

Out of his capacious pocket John drew a huge home-made knife, with a handle of maple wood, and a broad, curved blade, six inches long.

"Here is dat knife; you can haf it. If you don't vant it, I vould chust keep it myself."

"Pryan is out again to be President," said John, philosophical and reminiscent. "I don't know much apout it, and I don't care much one vay or de odder. But I don't pelieve he vill efer be President. Ven a man vants an office so awful bad, dat is chust ven he don't get it. I could haf been a school director vonce, and I say to eferypody I danks 'em as much if dey votes against me as if dey votes for me."

John is an elder in the German Reformed Church. He goes to church regularly every Sunday and all of his ways are upright. A neighbor said to me of him: "If eferypody vas like Chon Pennepacker dere vould be little drouble in de vorld."

His system of theology is simple.

"John," I asked, "how does it happen that while your great-grandfather was a Mennonite, you are a member of the German Reformed Church?"

"I don't know how dat vas. But I sink it vas diese vay. My grandfadder, he vas nossing. He didn't pelong to no church. But den he gets married. My grandmudder, she vas Reformed and so he choins wiss de Reformed too chust to blease her. Den my fadder, he vas Reformed, and den I comes along and I am Reformed."

John makes an occasional deal in an old clock, a case of drawers, a walnut desk, a corner cupboard and a horse. Fully half a dozen tall clocks stand around the corners of his house, ticking the minutes and striking the hours, waiting until some eager antiquary comes to separate them.

"Dere vas a rich voman," began John (when I pressed him a little too closely about the profits on a clock), "and she didn't haf any chiltren and she vanted to puy a horse, and it must be chust such a horse wiss such a color and wiss chust such a long dail. She didn't vant any horse vat come from de vest, but he must pe raised on a varm arount here, so dat he know de country and run up and down hill all right. Her man, he comes eferyvere lookin' for dat horse and den he comes to me and dells me vat drouble he haf wiss diese olt voman. He sees de horse vat I drife in my vagon and he looks him all ofer and he says: 'I am tired—awful—and I pelieve dat horse vat you got vould chust suit,' and I say: 'I sink so too; see vat a nice long dail. But how can I get de vork done on my varm wissout dat horse?' Den I ask de boys and dey say: 'Vat for you vant to keep dat horse wiss such a dail? You got horses a-blenty. Ve gets along all right. You chust sell him.' And so I lets him go wiss de man. After dat, venefer diese olt voman haf her friends come to bay her a visit on a Suntay, she dells 'em to go out to de parn, and look at dat horse vot she pought and dell her vat vas de madder wiss him, and dey all comes in and say dey looks him ofer fery particular and dere vas nossing de madder wiss him. He vas a goot horse. Den vun day a fellow vat vas a cousin

wiss diese voman, he runs ofer from de parn to de house and he say:

" 'Vat you bay for dat horse?' And she say: 'Subbose I bay two huntert tollars for dat horse, vat about dat?'

"And he say: 'Dat horse is only vorth a huntert and fifty tollars.' Den she gets mad and she say: 'Vat is it your pusiness vot I bay for dat horse? If I choose to gif my money to Chon Pennepacker, dat is all right. I may chust so vell gif it to him as to some odder beople vat I knows. I spends my own money.' " Then John added slowly, with a low chuckle: "I nefer heard no gomblaints apout dat horse. He had a long dail—chust so nice a dail as efer I saw."

All of John's habits are steady and all of his instincts are conservative. The wind bloweth where it listeth, but John stays along the Perkiomen. He lives upon land which belonged to his paternal great-great-grandfather, and the family in two hundred and six years have not moved a mile. He buys manure in Philadelphia at a dollar a ton, pays the railroad a dollar a ton more for freight, and then hauls it to his farms, but bone and fertilizers are tabooed. With a touch of malice, I said to him:

"John, how do you think it would do to put up a silo?"

"Some beople say dey gets more milk from de cows dat vay and some beople say dat dey is no goot. But I don't put up no silo. My son, Isaac, he lifs on my varm in Perkiomen Downship. Vun day he comes to me and he say, 'Pop, I sink maybe I could safe some money if I puild a silo right dere py de grick.' And den I say to Isaac, 'You don't puild no silo dere py de grick nor anyveres else. If you puild a silo you gets off dat varm—pretty quick.' "

Three young ladies, John, my Brother James and myself, had reached the middle of the Perkiomen in a flat-bottomed boat and were watching the shadows of the shellbark and

sassafras limbs as they leaned over the beautiful stream, when we were startled. In one corner lurked, unobserved, a huge black spider of abnormal proportions and hideousness. Suddenly darting from its hiding place, it ran for shelter under the clothing of the tallest of the ladies. With a scream she rose to her full height and struggled to get on the seat upon the far side. As the boat lurched the situation became dangerous.

"Sit down!" shouted my brother and I.

Reaching over among the timorous feet, John, with the utmost deliberateness, caught the horrible creature in his naked hand and calmly tossed it into the water.

"Vomen and spiders has no pusiness togedder in de same poat, and so I puts de spider in de grick," he explained as we regained our poise.

Like some other people whom I have known, John has no great opinion of my horsemanship. To drive my carriage with me in it would be contrary to all his ideas of propriety, but he watches over me with tender care. His suggestions begin remotely and are hidden with delicate cleverness.

"De superfisors, dey don't know nossing apout de vay to ment roads. Dey chust dig out de gutters and drow de mud in de middle of de roat, and den ven it rains de mud all vashes back again and de ruts is deeper dan dey vas pefore, and if a fellow don't go ferry slow ofer dem ruts he preaks his vagon. Dere is vun of dem ruts now; chust look vonce and see vat goot diese superfisors pe." And again: "Dat is a fery nice blace to hitch your horse, but de vlies is awful pad and ven de sun gets arount dere dey all comes out. Dat dree has more shade and is not so goot for de vlies."

The wagon went slowly over the rut, and the horse was hitched to the tree.

On the 20th of March, 1909, in that marvel of rural energy and enterprise, Pennepacker and Bromer's store in

Schwenksville, Prizer, the postmaster, leaned over the counter and gave John a special delivery letter.

"John," said I, interrupting, "I have just bought a farm and maybe I can borrow some money of you to help pay for it."

His eyes had an uncertain look, but he said: "Come ofer to de house vonce."

When I was seated in his old-fashioned hickory chair with split seat, he continued:

"Did you vant some money? I haf a liddle money vat I got from a man ofer in North Vales. Or vas you only chokin?"

Touched by the readiness of the offer and its trustfulness, I hastened to explain:

"Oh, no, John, the farm is paid for and I already have the deed."

"Vell, I thought maybe you vas only chokin'. I heart you pought de Gebert blace. Dat blace pelonged to my grandfatter, Chon Pannebecker. He got it from his fadder, olt Sam Pannebecker, and olt Sam, he got it from his fadder, Peter. My grandfadder, he sold it to olt Pete Schneiter. Schneiter cut off de voods and sold avay some of de land; the Perkiomen Inn is puilt on dat land. My grandfadder puilt de house and de parn wiss oak timber vat dey cut on de blace. In dem days dere vas no pridge ofer de Perkiomen and it vas a fery bad ford. But dese olt beople, dey nefer mindet de high vater. Dey vas no dummies. Dey chust pushed dru wiss de hay vagons and on horsepack. My grandmutter say she often rode dru de Perkiomen wiss de vater up to de horse's pelly. She pull her feet up out of de vater and trust to de horse. You pought dat blace cheap. You vill nefer lose nossing."

"I nefer owned a gun in my life," said John to me one day when we talked of Roosevelt, "and I nefer shot a rappit or a pird wiss a gun, and ven my poys began to get big and

vanted to puy a gun, den I dells 'em, if dey pring a gun home I vill preak it to bieces, and dat stopped 'em. Vonce I caught a rappit in a drap pehint de parn and den I vas sorry. And I nefer goes a-fishin'," he added. "Ven ve first moved to Schwenksville I said to my vife, 'Now, I vill catch a mess of fish in de Berkiomen.' Den I puys a net and sets it in de grick, and next morning sure enough it vas chust vull of fish. Den I sets it again and dere came a high vater and avay vent de net down to Philadelphey and dat ended my fishin'. I pelieve it is petter to let de rappits and de pirds and de fish go dere own vay, and I lets 'em alone."

"My fadder," said John, "he vas a strong man. Vy he could stant on de grount and chust take a horse by de mane and chump right on to de mittle of his pack. I haf seen him do it many a time ven he vas forty years olt. He say efery young man ought to be able to do dat much, but I nefer could. I could stant on a little hill and chump on to de horse's pack, but not from de efen grount."

He pulled his long beard further down toward his suspender buttons, and a sly twinkle came into his blue eyes, which were fastened intently upon me. Finally he said:

"You got that Gebert blace awful cheap. You could not puild de house for twenty-five huntert tollars, and you got a parn and twenty-tree acres of lant peside. Olt Chonny Markley vas in too much of a hurry. But he vas tired of de whole pusiness and chust so he got rid of it, dat vas all.

"I must dell you a liddle story about dat blace. It vas maybe fifteen years ago ven de Pennsylbany Railroat sent a lot of enchineers up de Berkiomen Falley to lay out annodder railroat. Dese enchineers, dey stopped at olt Dafy Bean's davern. Olt Dafy, he feeds 'em efery morning wiss molasses pies and sugar pies and abble pies and blum pies and eferysing vat vas goot. So pefore dey goes avay

vun of dese enchineers vinks at olt Dafy and say to him, 'You go ofer dere and puy dat varm from Hiestand.' Hiestand vas de feller vat owned it, and he blanted dem abble drees. Dat vas enough. Chust ven de sun vas up olt Dafy valked ofer de pridge and he say to Hiestand: 'You vant to sell diese varm diese long time—now you has a chance. I vill gif you seven dousand tollars for diese varm." John made a long pause in silence and then continued: "Dere vas somesing vat happened. De fery day vat de enchineers goes avay de chypsies comes along de Berkiomen wiss dere vagons and dere horses and dey gamps in de meadows and steals chickens. Wiss dese chypsies vas an ugly olt voman vat dells vortunes. Dat night Hiestand goes to de gamp and he pays diese olt voman to dell his vortune and how he vill make money. She dells him:

" 'Dere is a man coming ofer to puy your varm. Don't sell it to him, and you vill make lots of money.' Sure enough, along comes olt Dafy. Hiestand says to him:

" 'You needn't come ofer here tryin' to puy no varms. I likes diese varm all right. I vill chust keep it.'

"And den," said John, concluding with a touch of philosophy, "de Pennsylfany Railroat didn't lay out any new roat and Hiestand, he lost money on his varm, and de vink vat dat enchineer gif and de vortune vat dat olt voman dell, dey vas bose alike and vas no goot."

"You knew James Pennypacker, who lived near Schwenksville at the time of the family reunion, very well, did you not?"

This was a query put to John as I pondered over the huge folio Bible of Peter and his son Samuel, with its family records and its notes of deep colonial snows and the coming of the Continental Army. I had bought this Bible from James, now long dead. Nearly forty years ago I wandered with satchel and staff up into the Perkiomen Valley, then to me a strange land, in the search for information. Finding

James at his plain stone farm-house, two miles from Schwenksville, a stout, well-kept Pennsylvania Dutchman, with keen eyes and bunches of rough side-whiskers, jovial and hospitable, he for an hour poured forth his store of genealogy and local lore. All that he could remember from the tales of the elders about the occupation by the army he gave me with the piquancy of the vernacular phrase and tone. When the fount was exhausted, I said to him: "Have you any old papers of any kind?" We sat on opposite sides of an ancient walnut table without cover. For full a minute he looked me shrewdly in the eyes, and then, going to a cherry corner cupboard which stood in the room, he took from it a home-made linen bag filled with old deeds. Without a word he laid it on the table. I shook out the papers, about thirty in number, and proceeded to examine them. They were the title papers of Pennypacker's Mills from the very beginning, and few of them had ever been recorded. There was the deed from William Penn with a good autograph and a fine impression of his seal on wax. Generally such seals are broken, but this was perfect. There were the deeds to and from Hans Joest Heijt, who built the house and the mill and later founded the settlements in the Shenandoah Valley and became, in Virginia annals, not only famous but a baron. There was a deed all in the handwriting of Francis Daniel Pastorius, the founder of Germantown, and three impressions of the seal he devised containing a representation of a sheep with the letters F. D. P. There was a deed from Hendrick Pannebecker with his autograph, and I then had nothing in his handwriting. The situation had become dramatic. Finally I slowly said: "Would you care to part with these papers?"

"Vat vould you gif for dem?"

"I will give you five dollars for them."

"Very vell, you can chust take 'em along."

I put the deeds back into the linen bag made a century and a half ago by Elizabeth Keyser, the wife of Peter Penny-

packer, and he put the five dollar note in his pocket. Then a merry twinkle came into the eyes which had been stern, and he said:

"Vell, now, vasn't dat funny? Ven me and my brodder, ve settled up dat estate ofer dere, and eferysing vas all fixed, and dere vasn't nossing to do any more, den dere vas dat olt pag of teeds. And I says to my brodder, 'Vat shall ve do wiss dese?' And he says, 'Ach, dey are no use any more, ve vill chust chuck dem into de fire.' I vas chust about to chuck de pag into de fire and den I says, 'Ach, I vill keep dat pag and maybe sometime dey vill pe some goot? And now you comes along and you gifes me five tollars for 'em."

He had shown more foresight and got more out of the estate than his brother. Perhaps no two people ever concluded a bargain with more mutual satisfaction than he and I did. The incident was recalled and so it happened that I put my query as written above, to John.

"Yes, I knowed him fery vell. He vas my cousin and he owned the next varm to vere I lifed. He could take his own bart ven it come to svearin' and vas awful rough dat vay, but he vas a goot neighbor. He vas a creat man to smoke. He smoked a bipe. Vonce ve vent to see him in de efening and he vas in ped alreaty. Den he gets up and ve could hear him upstairs hammerin' de tobacco into his bipe pefore he comes down. He filled it four times vile ve vas dere. He had von pad hapit vat I nefer could pear."

"What was that, John?"

"He vould smoke his bipe in de parn. Olt Dan Hunsicker vas a director in de pank at Pottstown. Dere vasn't any pank at Schwenksville den, and Uncle Sam Pannebecker—he vas fadder to James—put his money in dat pank. Olt Dan, he knowed it vas dere pecause he vas a director, and he asked Uncle Sam to lent de money to him and he did. After a long vile I knowed how sings vas and I told Uncle Sam: 'You are going to lose all dat money.' He says, 'Vy?

He bays de interest all right.' Den I says, 'You are going to lose all dat money—you petter get a chudgment.' He says, 'You see olt Dan for me.' So I goes to olt Dan and gets a chudgment note and it vas entered up. I told Chames and he says he vould haf nossing to do wiss it. After avile olt Dan vanted to put a mortgage on his house and de lawyer at Norristown finds diese chudgment. Den olt Dan vanted me to satisfy de chudgment and I say, 'No, I vill not satisfy de chudgment.' Chust den Chames, he haf some money, den olt Dan and his vife, dey go to Chames, and him and her dey bawled like pabies, and Chames—he vas goot-hearted if he vas rough—he let 'em haf it."

"So that in the end Hunsicker got the money from the son, with which he paid the father."

"Dat was chust it, and Chames nefer got his money any more. Ven he tried, olt Dan got sassy and called him 'de plack tevil!' It sometimes habbens dat vay ven people do favors. But I heard de varmers say dat ven Chames vas a young man at home, vere you lif now, he vould do more vork for his fadder dan Hen and Ben togedder—dey vas his brodders—and he vas a goot neighbor."

As the horse pulled up the hill toward the Reformed Church John stopped for a moment in front of a house where a bunch of crêpe hung upon the bell knob of the front door. "Dat is vere olt Chonson lifs. He died de utter day."

"Poys is fery much alike," said John, philosophically. "Ven my poys vas crowing up, Jonas he vas pretty near as pig as Isaac. And my vife, she makes deir clothes all out of von biece of stuff. It safes money to puy stuff by de biece. Ven dey vas not chust so near, I couldn't dell 'em apart, and ven von of 'em vas across de field and I called to him, 'Come ofer here vonce,' den it vas de utter vun."

JOHN B. PENNEPACKER

John is the largest land holder of the neighborhood, owning in different tracts about four hundred acres—"coot and pad," according to his description.

"Dat varm vere you vas vonce vhere de persimmons crow is out of de vay down in a valley and hart to get at, but my fadder gafe me dat varm and I vill take care of it so long as I lif. Ven I am gone vonce, den dat is somesing else."

"This is the worst summer, John, I have ever known (1909). How does your corn look?"

"Chust like yours. Ve ought to haf some rain vonce."

There was a cold eastern rain upon one of the early days of May—a day not bracing with the cold of winter, but one that makes the nerves creep with dampness and chilliness and renders any glow of extreme heat a real comfort.

"On such a day as vat diese is a stofe comes right handy," was John's sage comment.

Among the Pennsylvania Dutch with whom John has passed his days there is a peculiar use of the word "why" which is always curious and sometimes startling.

"John," I once asked, "can you tell me when the next train will leave Schwenksville for Pennsburg?"

"Yes, I can, vy?" was the response which came promptly, but was more illustrative than instructive.

As he reached out for his straw hat with its unusually broad brim, he said:

"My time is all but up alreaty and I must go home."

"John, what was that contrivance used for, that you sent over to me the other day?" I inquired.

It consisted of a slab supported upon four hickory legs. Through the center ran a movable strip. On the upper

end of the strip above the slab was fastened the heavy end of a log and the lower end below the slab could be controlled with the foot.

"I pought dat sing at de Markley sale. It vas a kind of a wice. A long dime ago, ven de olt fellers vanted to make an axe handle, dey sat on dat slab and holt de biece of vood dight wiss de end of de log and den dey cuts it into shape wiss a knife."

"What shall I pay for it, John?"

"Ach, nossing. It only cost a few bennies." And then he added with charming naïveté: "I vould haf kept it myself only I had no room for it. Ven you gets so much such stuff, den you don't know vot to do wiss it. So I gifes it to you."

He ambled along: "Ven I vas a poy dey didn't sow any wheat arount here. It vas all rye. My mudder, she say to me, I should chust come ofer here vonce. She vas making rye pread. Dat vas de only pread ve had and it vas goot, too. She raise de dough in vone of dem straw paskets. Den it vas turned upside down on a paddle and put into de ofen. Dere it vas paked on de ofen floor."

May 5, 1912.

I showed John an old Dutch brass snuff-box with a representation on it of Christ drinking at a well.

"My grandfadder, Chon Pannebecker, had a rount black snuff-box. He dakes de vhite snuff and de black snuff and mixes 'em togedder. I often vishes I had dat snuff-box. Dere vas red flowers on de lid. I don't know vere it vas any more. I don't know vat you sink, but I am not vor Teddy Roosevelt. I sink dat man had better not come out for President any more. He has had enough and dat is vat ve haf had, too."

JOHN B. PENNEPACKER

August 8, 1912.

"John, who is that little man?" I asked.

We sat on hickory chairs on the porch in the shade of a thriving vine which climbed to the roof. I pointed to a man about five feet four inches in height, thin and swarthy, what the French would call *Chetif*, with dark eyes and bandy legs, who lounged against the fence.

"His name vas Prown. He lifs in de voods back of Reed's Mill. Dere he makes paskets out of vite oak and hickory. Dere ain't any of dem pasket-makers arount any more. He learnt to make paskets from his grandfadder, olt George Prown. Olt George has peen tead it vas dirty years or more. Ven he vas alife yet he goes about de country wiss his back all covered wiss paskets so ven you look at him you could see nossing but paskets. He makes all kinds of paskets out of straw and hickory, and de rount pread paskets. Do you haf rye pread at your house?"

"No, John, we don't use rye bread."

"Vell, ven I vas a poy it vas de only kind of pread ve had. It vas right goot. You can't get any rye flour now. De millers crind all de meal out of de flour. But my mudder, she sift it for herself. Dere is no more such dimes as dem vas. Diese feller vant me to gif him an olt pair of poots. Dere is an olt pair in de parn vat is vore out and no goot any more, but he says dey is goot."

"I suppose he finds life a little hard?"

"It is all his own fault. He is too lazy to vork. And ven de huntin' season comes along you can nefer catch him at home. He is off after rappits. He lifs cheap, puys olt stale pread and eats rappits."

Brown carried off the boots.

The homely arts which once supported these people have been swept away by the onward march of events, and those who have only learned the crafts of their grandfathers have dwindled with them.

There were three of us—my brother, Isaac, my son, Aubrey, and myself, who called on John the morning before Easter in 1913. He came into the room after a short delay, wearing a rough woolen jacket with bone buttons.

"John, have you been in bed taking a nap?" I inquired.

"Ven I sleeps in de tay-time, I sleeps in de parn," was the answer.

We drifted to the profits of farming at the suggestion of Isaac.

"Your brodder and I, ve bose varms de same vay and ve bose knows how ve make out. Ach, it all depends, somedimes ve gets a goot feller to vork and somedimes it is de udder vay. I vonce had a feller and ven he came to me he had nodding—maybe a year's vages. I nefer had to dell him vat to do. He chust do it. He looks out vor me and vor himself too. Ach, he got along. Ven I vants to gif him somesing he say no, but I makes it up to him some udder vay. Ven he goes avay he had fifteen huntert tollars. He vas de right kind, but dere is no more now like he vas."

"How long did he work for you, John?"

"Nineteen years." Then he changed the topic.

"Isaac, you are chust like my Uncle Sam. He vas a tall, slim feller and vas a creat man to valk. He valked eferyvheres arount the gountry. Vy, he vould valk five miles. He said he nefer liked to ride in a vaggon pecause it made him so tired.

July 8, 1913.

We were sitting, my Brother James and I, on the green in the shade of a hickory tree (pignut) whose spreading and graceful branches swung far out in search of air, when John came driving along. In the field beyond, the farmers loaded the timothy hay on to the wagon.

"Vy don't you fellers get up and go to vork?" was his greeting.

And then he told us of the time when his grandfather,

John, who had owned the ground on which we were lying, had first seen a railroad train. It was about to start on the Reading road and he drove over to Royersford, five miles, to inspect the phenomenon.

" 'Vell, vat did you sink of it?' was the inquiry when he reached home.

"It is a nasty sing to frighten horses," he replied.

"When were you last in the city?" my brother inquired. The city was Philadelphia, twenty-seven miles away.

"It vas apout dree years ago," said John. Then, turning to me: "I haf somesing I vant to gif you. I vish I had seen you pefore you vent to Gettysburg." And as he drove away, I heard, "Come ofer vonce." The gift soon was sent to my house and proved to be a pair of old leather saddle bags in good preservation.

August 1, 1914.

This afternoon John rambled along with very little consecutiveness of thought, but ever entertaining.

"Do you vant to puy a horse? Dere vas a man offered me a horse—dat vas yesterday—for sixty-five tollars. You don't haf to pay as much for horses chust now as you did pefore harfest. But den he vas seventeen years olt. Maybe you don't vant a horse so olt. Somedimes dese olt horses is fery goot on a varm. I haf vorked out a goot many olt horses. But I vould nefer sell 'em. A man offered me a huntert tollars for a horse twenty-two years olt, but he did not get him."

"My grandfadder, Chon Pannebecker, built the stone house (one of the farm houses) vat you own. He vas a placksmith. De cround vas nearly all covered wiss voods. He used charcoal. Dere vas no hart coal in dose days, and dey had to keep de fire half covered up or it vould pe all purned out."

"My grandmudder vas Mary Snyder; she vas ninety-one

years olt ven she died. Ven she vas ninety, she vould come into de room and sit town in a chair and say:

" 'I can't do anysing any more, you vill haf to get somepody to help.' She vould sit avhile and den go out to de kitchen and fuss around and come back and say:

'No, I don't vant nopody; dere is nossing to do here, and Sam he alvays helps and gets sings vor me.' She did all her own vork. But ve did de vashing for her—dat she couldn't do."

APPENDIX

APPENDIX

GOVERNOR PENNYPACKER'S MESSAGE TO THE LEGISLATURE, 1905

EXECUTIVE DEPARTMENT,
COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, JANUARY 3, 1905.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—In his message to the assembly, December 9, 1803, the Honorable Thomas McKean, then governor of this state, said that Pennsylvania commanded "general admiration and respect for the melioration of her penal code, for the good faith and punctuality of her fiscal transactions, for her benevolent and literary institutions, for her encouragement of public improvements in roads and inland navigation, and for the ardor and discipline of her militia," and he added, "the geographical position and the political rank which we hold in the Union seem to assign to us the patriotic task of setting an example of virtue and industry, of public spirit and social harmony." Much of this depiction of then existing conditions may after the lapse of a century be repeated with propriety.

The reports of the various departments, which are herewith submitted, show a state of affairs which ought to be very gratifying to the good people of the commonwealth. For the fiscal year ending June 1, 1904, the receipts of the treasury amounted to the sum of $21,789,940.75. During the same period, the payments for the expenses of the government were $19,266,369.11, leaving a balance of receipts over expenditures of $2,523,571.64. The moneys in the treasury on the first of June, 1904, were $16,801,-067.38. The debt over and above the value of bonds and cash in the sinking fund was on June first, 1903, $335,507.21, and on June first, 1904, $232,858.76, so that substantially the commonwealth is free from debt. During the same fiscal year, there were expended for the support of the schools $6,013,725.58, in aid of

the various hospitals and other charities of the state $2,913,367.10, in relief of the counties in the rebuilding of bridges which had been carried away by floods $504,551.55, and for the erection of the new state capitol $1,000,000.00. It is creditable that the capitol, which approaches completion and promises to be in every way suitable for the purposes intended and worthy of the commonwealth, is being built for the reasonable sum of $4,550,000.00 and paid for out of revenues. When we reflect that the capitol of Massachusetts cost $6,980,531.59, paid for with moneys raised upon bonds, and that the capitol of New York cost $24,265,082.67, these figures ought to be very satisfactory. The capitol would be much improved if there could be secured an extension of the present somewhat limited grounds surrounding it. The ideal plan in my view would be to connect with the city park by opening from the front, say between South and State streets, to the river. A suggestion which would perhaps lead to less expense would be to secure the properties in the rear on which for the most part are erected a poorer class of buildings. The question is very much one which will have to be considered from the point of view of the resources of the state.

With respect to the rebuilding of county bridges, I recommend that the amount to be expended each year for this purpose be fixed at such a figure as may seem to the legislature to be wise. Under the law, as it exists at present, there is no limitation to the sum which the Board of Public Grounds and Buildings may be requiréd to expend in this way, and at a time of the coincidence of great floods and diminished revenues, the situation might lead to serious embarrassment. If a certain proportion of the cost of construction of these bridges were left to the counties instead of the whole burden being imposed upon the state, they would have a substantial interest, not only in making effort to save the bridges from destruction, but also in the preservation of such of the material as could be utilized.

The subject of the charities aided by the state is one which ought to receive your serious consideration. The number of hospitals, most of them doing much to benefit suffering humanity in their, respective localities and worthy of support, is continually increasing and the sums appropriated to them already reach what in some other states would be regarded as an enormous expenditure. If the commonwealth is to continue its present policy of assistance, there ought to be some systematic and business-like method provided, both for securing information as to the needs of the institutions and for supervising the expendi-

ture of the moneys contributed by the state, so that it may be known that these funds are actually required and are applied without extravagance to the purposes for which they are intended. It is unfair that the burden of investigation should be imposed upon the committees upon appropriations of the senate and house to be completed during the brief periods of the sessions. No matter how long and late they labor at the task, the results in the nature of things must be imperfect. The time is insufficient and only interested parties appear before them. The efforts of members to secure these appropriations for institutions in the districts they represent are a hindrance to and interference with general legislation. A plan could be adopted which would not in any way interfere with the visitatorial powers of the Board of Charities, and perhaps the most effective way would be to increase their powers and agencies.

An earnest effort has been made, in which all the heads of departments have participated, to reduce the bulk of the departmental reports which had gradually grown to unwieldy proportions, and thus to reduce the expense of printing. The report of the Factory Inspector, which in 1903 covered 1,206 pages, in 1904 was reduced to 190 pages and gave practically as much information. The volume of laws for the session of 1903 covered 661 pages, as compared with 1,013 pages of laws for the preceding session. During the last year the expenses for printing have been reduced to the extent of $107,168.44 from those of the year before, and to the lowest figure, with one exception, in nine years, notwithstanding a great increase in publication owing to the increase of departments and the growth of public work. The statute, which regulates our public printing and established the existing schedules, was passed in 1876. Since that time there have been many changes in type-setting and the arts of typography and book-binding. The schedules are inadequate and obsolete. Much of the work necessarily done is not provided for in them, and, therefore, is paid for at special rates. The last contract awarded four years ago was let at a rate 88.01 per cent below the schedules, which is an absurdity. It is hoped the legislation on this subject will be revised.

The Department of State Highways, provided for by the act of April 15, 1903, has been organized in compliance with the terms of the act, and is making satisfactory progress. There are at present completed, under construction, and approaching construction, in forty-five counties of the state, 127.42 miles of roads. Beside the work done by the state, a number of townships, under

the incentive of the example set before them, have themselves raised moneys and proceeded to improve their highways. Thus, in Bensalem Township, in the County of Bucks, where the state constructed three miles of the road, the township has added ten miles more, constructed in accordance with the regulations of the department and under the supervision of the commissioner of highways. No such important work has been undertaken by the commonwealth for many years. It means much for the practical welfare of the whole people. It ought to be pushed forward thoroughly and energetically. Owing to the lack of knowledge, upon the part of contractors, township and county officials, of the kinds of material necessary, methods of construction, and plans of proceeding, personal attention by a representative of the department is in most cases required. A larger force would seem to be demanded in this department in order that the accomplishment of its objects may not be retarded.

The state now owns 544,958 acres of land for forestry reservation purposes, and is under contract to purchase 154,863 acres more, making a total of 699,821 acres. While it is continually adding to its purchases for this purpose, it is by a strange anomaly also continually making sales of lands at a merely nominal price under old acts which have never been repealed, relating to the disposition of unseated lands. This legislation came into existence in the early days of the province and state when land was plenteous and inhabitants were few, and was intended to encourage settlements by offering inducements to all comers. That condition of things has long passed away and the legislation has been taken advantage of in order to get possession of valuable tracts of mineral lands and other property without an equivalent consideration. I recommend that legislation be at once enacted that the Board of Property dispose of no lands belonging to the state until they have been first examined by the commissioner of forestry to ascertain whether they are adapted for forestry purposes, and if found to be so fitted that they be retained for these purposes, and that when lands are sold by the Board of Property they be sold at public sale to the highest bidder. The forestry lands constitute a large domain and since they have been purchased means ought to be taken for their preservation and proper utilization. The only use to which they have heretofore been put, apart from the cultivation of the trees, has been an occasional lease for mining minerals and the tuberculosis camp at Mont Alto, where twenty-two patients are given the opportunity for outdoor life with, I am informed, marked success. The efforts for the preservation of

the forests, the game and the fish, all of which the state has undertaken, seem to look to the accomplishment of ends closely related, and it is well worthy of consideration whether better results could not be secured by a combination of them. The fish propagate in the streams, the streams traverse the forests, the game for its life needs both stream and forest, and all of them require the employment of watchmen and wardens.

The greatest injury to the forest lands arises through fire. I recommend as one means of diminishing the loss which comes from this cause that the railroad corporations of the state and those having railroad lines passing through it be required, under fixed penalty and the payment of resultant damages, to put out all fires within one hundred feet of their tracks, except in municipalities. No doubt, under its police power, the state could prevent the use of fire as a danger and, if so, such an act which would be in effect permitting the use of fire upon condition would probably be held to be constitutional. The spread of forest fires is very much increased by the fact that the lumbermen and others when cutting down the trees leave the strippings and waste lying upon the ground. These become dry and form a mass of light material, over which the flames sweep. I recommend the passage of a law requiring all persons and corporations who may hereafter, for any reason, fell forest timber, to remove from the woods, when they take away the lumber, all other parts of the trees, and imposing a sufficient penalty in the event of failure to comply. It is submitted, for your consideration, whether it would not be wise to determine what sum should be expended each year in the purchase of forest lands, so that the commission may be relieved from this serious responsibility.

During the past year, 377 books and pamphlets relating to Pennsylvania and its literature during the period of the development of her institutions have been added to the State Library. Under the direction of the present trained librarian, the work of the library has been systematized and improved, and its benefits to the community correspondingly increased. This library ought in time to be a repository of all the printed material and manuscripts relating to the literature, the laws, the history and the political progress of the commonwealth. For the completion of its sets of laws, and in order to keep up with the publication of law reports, so that at the capital of the state there may be a sufficient opportunity for the study of legislation and decision, a somewhat larger appropriation appears to be necessary. The Department of Public Records, provided for at the last session,

in connection with the library, has been organized and is doing efficient work. The archives upon which the foundations of our history rest, and which, up to the present time, have lain about the cellars and out-of-the-way places, being gradually stolen, lost and destroyed, have been gathered together and are now being repaired and permanently secured in volumes chronologically arranged and open to the investigations of scholars. Twenty-two such volumes have already been completed. The information contained in them is much sought by persons all over the country interested in hereditary societies and in research, and much of the time of the attendants is occupied in answering inquiries and supplying information. I suggest that the librarian be directed to charge a fee of two dollars for each certificate given and the sums received be paid into the state treasury for the use of the commonwealth. In this way the department will, to a certain extent, be made self-supporting.

When the new capitol is completed, the building now occupied by the executive will be abandoned by him. Its erection in 1893, cost $500,000, one-ninth of the contemplated cost of the capitol. It is commodious and in many ways artistically constructed, and it presents a good appearance. To remove it would seem to me to be wasteful and unwise. I recommend that it be utilized for the library and that the sphere of the librarian be enlarged and that he be authorized and directed to collect and preserve in it objects illustrating the fauna, flora, entomology, mineralogy, archaeology and arts of the state. Such a collection would have great educational as well as practical value, and be a subject of interest to citizens and strangers visiting the capital. Whenever national or international expositions are held, the state at great outlay makes sudden efforts to gather for the purpose the objects which illustrate her progress. Here would be a supply of such material, not hastily and crudely brought together, but selected with care, thought and deliberation.

The work of the Dairy and Food Division of the Department of Agriculture is of great importance in its relations to the community in every point of view. If deleterious substances may be introduced into the human system in the guise of food, or the supply of nutriment to men, women and children be diminished in order that greater profit may result to the manufacturer and merchant, the spirit of commercialism threatens, not only the welfare, but the existence of the race. On the other hand, the dread of such results may stimulate hasty judgments, unjust to the individual so charged and injurious in its effects upon the

necessary production and sale of food supplies. The commissioner has made an earnest effort to avoid the dangers which lie upon each side of this problem, and at the same time has enforced the laws upon this subject with a zeal and earnestness, it is safe to say, unequaled anywhere else in the country, and never before equaled in the commonwealth. The results are gratifying, not alone as an exhibition of attention to duty, begun under abuse and continued under most difficult circumstances, but the investigations of the division show that recently there has been a marked improvement in the character of food supplies sold in the state. If this has been accomplished, it is an achievement, the importance of which cannot be overestimated. The receipts for fines and licenses collected by this division during the last four years are as follows:

1901	$34,705.19
1902	43,635.41
1903	93,458.71
November 1, 1903, to October 31, 1904	115,007.60

As at present constituted, the expenses of the division are in the main paid from the sums collected for fines and licenses. This is a system which ought not to exist in connection with the work of any of the departments, no matter how efficiently and honestly they may be conducted. The legislature ought to provide by appropriation whatever may be necessary to meet the needs of the division, and all collections should be paid into the state treasury for the use of the commonwealth.

The details of the work of the departments to which no special reference is here made, will be found in the respective reports, and upon the whole it is being performed in a way to reflect credit upon the commonwealth, and justify satisfaction if not elation on the part of her citizens.

The Valley Forge Commission has, up to the present time, purchased in all 391.499 acres of ground, and secured both the outer and inner lines of intrenchments of which the latter have remained pretty much as they were at the time of the encampment of Washington's army. The acquisition of these lands and the establishment there of a park to be forever maintained and cared for by the state, where all the people of the nation may come to gather inspiration from the fortitude of the fathers, were very commendable, and show a proper appreciation of a priceless possession. Much has been there accomplished by the commission at comparatively little expense. Avenues have been laid out

and views improved, so that nowhere in the country can be found surroundings more attractive to visitors. The number of persons from at home and abroad who go there is continually and rapidly increasing. There have hitherto been no salaried positions in connection with the commission, but it would be well to consider whether the time has not arrived when provision should be made for the permanent care of the park.

During the last session of the legislature there were a number of bills passed for the erection of monuments in various parts of the state and upon battlefields outside of it, to signalize and preserve the recollection of important events. To commemorate the achievements of those men who in the past have rendered important military and civic service to the state and conferred honor upon her is commendable, since it shows her gratitude, and beneficial, since it presents an example and arouses a spirit which in time of need may save her from danger and disaster. If such appropriations are to be continued, there ought to be a wise selection of subjects so that attention may be drawn to that in her career which is most honorable. Among the men of Pennsylvania most conspicuous for military achievement during the Revolutionary period was Anthony Wayne; during the Rebellion was George G. Meade. To Meade there are monuments in Fairmount Park and at Gettysburg—to Wayne there are none in the state. At this time, when the nation is celebrating with vast outlay the Louisiana Purchase and the settlement of the West, it would be a fitting season for Pennsylvania to erect upon the hills of Valley Forge, where his brigade lay, or at some other proper place, an equestrian statue to Anthony Wayne, perhaps the most imposing and potent figure in the western settlement. The Pennsylvania Society Sons of the Revolution have already raised a sum of $8,380.35 for a like purpose. This fund is under capable and intelligent supervision and it might perhaps be wise to supplement their efforts.

An act of February 27, 1865, provided that any corporation owning or using a railroad might apply to the governor to commission such persons as the corporation should designate to act as policemen for said corporation. These policemen were to possess in the respective counties the powers of policemen of the City of Philadelphia, and jail-keepers were directed to receive all persons arrested by them for the commission of offenses against the commonwealth along the railroads. The companies were to pay the policemen and when the services were no longer required, they were empowered to discharge them by notice filed in the

office of the recorder of deeds of the respective counties. The system thus established has grown by subsequent legislation, and now railroads, collieries, furnaces, rolling mills, coal and iron companies, corporations for the propagation of fish, and many other corporations have their force of policemen exercising the authority of the commonwealth. There were issued in

1901	570	police commissions.
1902	4,512	police commissions.
1903	186	police commissions.
1904	187	police commissions.

Usually these commissions have been issued at the request of the companies and have been unlimited in duration. A practice has recently been instituted in the Executive Department limiting the appointments to a period of three years, and requiring the applications to set forth under affidavit the circumstances making the appointment necessary, the capability, and reputation for sobriety and peacefulness, of the person named, and that he is a citizen of Pennsylvania. But it needs little thought to see that the system is objectionable upon principle and is likely to be ineffective in practice. The act upon which it is based is inartificially constructed, and, were the question raised, would probably be held to be unconstitutional by the courts. Where police are selected, paid and discharged by the corporations, and bear the name of "coal and iron police," it is evident that they are in effect the servants of their employers rather than of the commonwealth whose authority they exercise. The arrest and incarceration of a citizen for breach of law is one of the most fundamental and delicate of the functions of sovereignty, and the protection of property and the prevention of breach of the peace and disturbance are among the most important of its duties. The one ought not to be delegated and the other ought not to be evaded. To attempt to do so is to abdicate sovereignty and to accomplish it would seem to be a legal impossibility. The state stands above interests in controversy and its powers ought not to be used by either of them. In case of disturbance, no confidence can be placed in the discreet use of the power of the state by persons dependent upon others for their positions. On the other hand, it is the duty of the state to see to it that the exercise of the franchises granted by her is not impaired or interfered with by violence. It would be well for you to consider whether the time has not arrived for the state to resume these functions and to authorize the appointment by the governor of a constabulary of

sufficient force, say ten in each county, to be used wherever needed in the state in the suppression of disorder. They could be utilized in the place of the corporation police, the game wardens, fish wardens, forest wardens, the officers of the different boards and commissions exercising police authority, and would enable the executive, in cases of emergency, to "take care that the laws be faithfully executed," as the constitution requires, and they would be likely to inspire a confidence not now felt. The objection to such a course is the expense. To this objection there are several answers. The state ought to provide for its necessary work before being generous, no matter how meritorious the recipients of its bounty may be. It is doubtful whether the expense of a regular constabulary would, upon the whole, be greater than the occasional calling out of the National Guard, which it would at times obviate. Much of what would be the expense is now being incurred in desultory ways, and the expense of the corporation police comes ultimately from the people. Finally, it may be said that this constabulary could be taken from the ranks of the National Guard, thus starting with a disciplined service, and that no doubt the corporations would be satisfied to be assured of protection to their property and to be relieved of the burden of maintaining their present police.

There are many incongruities in our laws with regard to corporations, due largely to the fact that the legislation has been often enacted with reference to particular subjects without sufficiently considering its relation to the general system, and they ought to be corrected. Probably the best method would be to provide for a commission of expert lawyers, to be appointed by the governor, who could go over the whole subject carefully and report a code or what changes may be necessary. All corporations before they can be chartered, are required to give notice by advertisement of their applications, except railroad and street railway companies. It would seem to be specially important that these companies should give such notice. The act of 1889, as amended by the act of 1901, requires that the charters of street railway companies shall name the streets and highways upon which the railways are to be laid. But it further provides that the companies shall have authority to construct such extensions as they may deem necessary to increase their business, and this is accomplished by filing, without public notice, a copy of the minutes in the office of the secretary of the commonwealth. It has become a custom, more or less prevalent, to secure charters upon obscure streets and reach the main avenues by means of

this privilege of extension, which is entirely within the control of the companies and is subject to no supervision. If a railroad be incorporated twenty miles in length it must, under the act of April 4, 1868, have a capital stock of $10,000 per mile. If it be incorporated with a length of five miles and then be extended to twenty miles, under the act of May 21, 1881, it is only required to have a capital stock of $5,000 per mile. The principle upon which the grant of franchises to corporations is supported is that there are business operations important to the community which are beyond the financial strength of the individual, and that by the union of the resources of many persons, may be accomplished and thus the public be benefited. As a compensation for the benefits so conferred, liability is transferred from the individual to the artificial person created by the law. We have been gradually losing sight of the public good involved in the arrangement, and reducing the number of corporators until now any three persons may secure incorporation for profit. In other words, a man wishing to start any business venture by giving a share of stock to his clerk and another to his messenger may escape individual liability for the indebtedness incurred. But one step remains and that is the *reductio ad absurdum* of making a single person a corporation for profit. Most of such corporations now secure under our laws grants in perpetuity. There ought to be a reasonable time limit in every charter, say one hundred years, at the expiration of which the grant terminates so that some control may be maintained and the future not burdened with consequences which cannot be foreseen. The mountains shall sink into the sea, in time the sun shall disappear from the heavens, and no charter should purport to endure forever. The question of requiring railroads, railways and pipe lines to file with their applications maps of the proposed routes may be considered, and the rights of telephone, electric light and natural gas companies in furnishing their facilities, raising difficult problems, ought to be defined.

In my inaugural address of January 20, 1903, and in my message giving the objections to the act authorizing railroads to take dwellings by condemnation proceedings (see Address, page 3, and Vetoes, page 125), I called attention to the principle that only public necessity could justify the taking of private property by eminent domain, and suggested the propriety of the ascertainment by the state of such need before any franchise is granted, including this right. Without going over these propositions again, I renew the suggestion and refer you to what was there

presented. If the legislature should deem it wise that the state should exercise such supervision, there ought to be provision made for a competent state engineer. The need for such an expert official would be not only for this purpose, but in the Highway Department and in connection with the building of bridges. From June 1, 1903, to June 1, 1904, there were paid to engineers for the preparation of plans and supervision of construction of bridges $25,277.55, and since that time probably fully as much more. The services of a capable engineer, regularly employed by the year, could be secured for a much less sum. It is true the payments are now made by the counties, but it would be a narrow view which would separate the people and the commonwealth. Whatever may be the conclusion of the legislature upon this subject, there ought to be the utmost care exercised in granting to corporations the right to take private property.

The question whether trust companies, which have of recent years played so important a part in the management and settlement of estates, and with which so much of the current moneys of the community is deposited, should also be permitted to do an insurance, surety and guarantee business upon the same capital, which involves another kind of risk, is one of moment and could properly be considered by such a commission as that proposed.

The large deposits of coal, anthracite and bituminous, which underlie the valleys and mountains of this state, are being shipped in profusion over the world where they become the foundations of industries and bases of wealth, or are wasted in harmful wars in South Africa or Manchuria, with which we have no sympathy. One of these days, the deposits will have been exhausted. It is only fair and exceedingly proper that Pennsylvania should derive some benefit from that which the Lord has given to her. I suggest that you consider the propriety of imposing a slight tax upon each ton of coal mined, so small in amount that it would not prove burdensome to consumers or interfere with trade, the proceeds of the tax to be used only in the construction of roads, or in the maintenance of schools in relief of the school tax now imposed by the counties.

The constitution directs that immediately after each decennial United States census, the general assembly shall apportion the state into senatorial and representative districts. No senatorial apportionment was made after the census of 1880, 1890 or 1900. Not only is the mandate of the constitution disobeyed, but the existing condition of affairs is unjust to Allegheny and other counties which have not the representation to which they

are entitled. With the passing of each decade and the shifting of population, the unfitness of the present apportionment is increased. The difficulty has not been with the legislature, which no doubt would have been entirely willing to fulfil its constitutional obligations, but inheres in the constitution itself. Nevertheless, a solution must be found. The constitution provides, Article II, Section 16, that the state shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be. Each district elects one senator. A ratio is determined by dividing the whole population of the state by fifty. Each county containing one or more ratios is entitled to one senator for each ratio. No county shall form a separate district unless it contains four-fifths of a ratio, except where the adjoining counties are each entitled to one or more senators, in which case it may have a senator with a population exceeding one-half of a ratio. No county shall be dividde unless entitled to two or more senators. No city or county shall be entitled to representation exceeding one-sixth of the whole number of senators. The trouble with this method is that it cannot be applied. In the first place, fifty cannot be divided by six in such a way as to be applicable to senators. In my view the city which is entitled to eight and one-third senators is entitled to nine, if it has sufficient population, for the reason that a provision which deprives certain people of their representation because of location ought to be construed in such a way as to cause as little deprivation as possible. As they cannot have one-third of a senator without having a whole senator, they ought to have the entirety. This in practice, however, has been limited to eight instead of nine and is not the difficulty which has been regarded as insuperable. This difficulty may be illustrated by a reference to Lebanon County. It is surrounded by counties, each one of which has a ratio or more, and is, therefore, entitled to a senator and to be a separate senatorial district. Lebanon has not half a ratio and is, therefore, entitled to no senator. What is to be done with it? There are two main thoughts in the constitution. One is that the state shall be divided into districts. This is essential and fundamental. The other is that the division shall be made in a certain specified manner. This is secondary and incidental, and if impracticable must yield in the place of least resistance. Maintaining the provision that the districts shall comprise compact and contiguous territory, as nearly equal in population as may be, and preserving as well as can be done, the lines of counties, the direction that "no county shall be divided

unless entitled to two or more senators," must where necessary be overborne, and the districts be created notwithstanding.

It would be an advantage if the houses had counsel charged with the duty of ascertaining the relation of proposed legislation to existing laws, and of seeing that legislation is so expressed as to accomplish the object intended. It is not to be expected that legislators should have technical training in law, and it is fair to them that they should be supplied with such assistance. At the last session, several meritorious acts were necessarily vetoed because of imperfect construction.

It has come to be a custom to provide for executive work by the appointment of commissions by the legislative body to whom it is entrusted. Beginning in a small way, the custom has gradually grown until a large proportion of such measures adopted are managed in this way. The executive is only one of a number of commissioners having responsibility without control, and occasionally it has happened that an official, such as the state treasurer, has been designated in the commission in such manner as to impose the duties upon the individual and not the incumbent of the office. It is a custom more honored in the breach than in the observance. Where governments have fallen, it has generally been because of encroachments by one department upon the province of others. The constitution has given "supreme executive power" to the governor and it is his duty to see that the laws are faithfully executed. It is, of course, a convenience to the governor that he should be relieved of burdens, but it is a relief that ought not to be conceded. He may well appoint commissions when necessary, but it comports neither with his duty nor the dignity of his office that he should be a member of commissions otherwise appointed. A further and very plain objection is that when the governor appoints, in case of incompetency or misbehavior, he may remove, while the legislature, after adjournment, does not meet again for two years and can exercise no control over the appointees.

There are still some of the departments of the government of the commonwealth which are, to a certain extent, supported by the fees collected, and these are received, in whole or in part, by the incumbents. The fee system was convenient at a time when the commonwealth was impoverished and officials had difficulty in finding sufficient employment and needed an incentive. This condition of affairs no longer prevails, and the system which was its outgrowth should be abolished. All officials should be paid proper compensation for their services and all collections made

by them should be paid into the treasury for the use of the commonwealth.

Everthing possible ought to be done to encourage the creation of a single municipality which shall include all of the extensive population at the junction of the Allegheny and Monongahela Rivers, now under the authority of several different municipal governments. Such a course would result in a saving of expense, an improvement in official tone, with increase of responsibility, and an advancement in prestige and influence. Not only the people of the locality, but those of the whole commonwealth are interested, and they should be aided by all necessary legislation. At the other end of the state, the great industrial interests and the vast population along the Delaware at Philadelphia, Chester and other places are in a sense hide-bound. The way to the sea has been, to a considerable extent, closed to trade, because of distance and imperfect channels. Few natural obstacles are so great that energy will not overcome them. By opening the Erie Canal, De Witt Clinton brought the trade of the lake region to New York harbor and enabled the city there to become the chief port of the country. Philadelphia in the days of our fathers sought to regain her lost supremacy by building a railroad across the mountains, of which she should be the eastern terminus and whose directors should be all "citizens and residents of this commonwealth." Failure should only be a stimulus to greater exertions. The engineering feats of the people of Manchester, Glasgow and Holland can be repeated in America. All the great power and influence of the commonwealth and her representatives in national affairs, financial and political, should be exerted to secure the deepening of the channel of the Delaware and if need be in addition to dig a ship canal across New Jersey direct to the ocean.

It is high time that attention be given to the preservation of our streams, gifts of God to humanity, which are essential to happiness and comfort and even to life. In western Asia are vast lands where once were teeming civilizations now barren wastes, because the people did not understand how to take care of their water supplies. Our streams are losing both beauty and utility, and are being encroached upon by filling along their banks and using them as dumps for the refuse and pollution which come from mills, factories and habitations. They are also being seized upon by those who hope to make them commercially profitable, and in some instances the waters are being diverted from their channels. There was a time in the history of the world when a man

could not be born or married and could not die without sharing his substance with ecclesiastics. If we are not careful, another time will come when we cannot drink or breathe without paying tribute to those who have secured control of the natural supplies of water and air. Probably nine-tenths of the charters for water companies which have come before me in the last two years have been instances in which the parties securing the grants had no intention of supplying water to consumers, but sought to get privileges which would be available in the market. It is a subject of difficulty and ought to be studied.

Section VII, Article 8, of the constitution, adopted November 5, 1901, at an election by the people, provides: "All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the state, but laws regulating and requiring the registration of electors may be enacted to apply to cities only: Provided, That such laws be uniform for cities of the same class." The adoption of this amendment indicates that some changes in the present system of registration were deemed to be necessary. I recommend that proper legislation to comply with this provision of the constitution receive your attention.

At the last session of the general assembly, an act was passed requiring newspapers to exercise reasonable care with respect to what they published, and further requiring them to print upon the editorial page the names of those responsible for the publication. Although, as was natural, it caused some adverse criticism upon the part of many of those affected by it, the requirement of the publication of the names of the editors and business managers was at once obeyed by the press of the state, and the act has resulted in a marked improvement in the amenities of journalism in so far as they concern persons in private life. It is also evident that the act met with the grateful approval of the people. At the recent election, of those members of the senate and house who voted for this bill, seventy-six were re-elected and two were defeated. Of those who voted against the bill, twenty-eight were re-elected and ten were defeated. Of those who voted against the bill 26.3 per cent, and of those who supported it 2.5 per cent were defeated. Further legislation is required for the protection of the commonwealth from the injury to her reputation and the disadvantage to the administration of her affairs which arise from the prevalent dissemination of scandalous inventions concerning her officials and their efforts in her behalf. It is not only an unseemly spectacle, but it is a crime which the state ought to

punish when day after day the mayor of one of her cities is depicted in communion with a monster compounded from the illustrations of Cope's *Palaeontology*, and Doré's *Dante*. The enforcement of the municipal law is impeded, and, therefore, the state is concerned. We are compelled to recognize that since the cry of the liberty of the press became a Shibboleth, the relation of the newspaper to the government and the people has been very much modified. No ruler now sits by divine right in his palace and writes *lettres de cachet* to confine his subjects in some bastile at his own will, and on the other hand the newspaper will sometimes become, not the representative of the people seeking information for their good, but a commercial venture, the adjunct of a business house, the main object of whose existence is to aid its patron in selling his wares, as anxious to attract attention to them by startling postures as a circus poster. This means that the attitude of the statesman with respect to them must be changed with the change in conditions. In this commonwealth, in the main, the country press endeavors to ascertain and further the interests of the people surrounding them. In the large cities, what is popularly called "Yellow Journalism," with its gross headlines, its vulgar and perverted art, its relish for salacious events and horrible crimes, and all the other symptoms of newspaper disease, is gaining a foothold. There is a daily newspaper of wide circulation, published in the City of Philadelphia, ostensibly by a Pennsylvania corporation. This corporation was chartered May 18, 1899, with an authorized capital stock of $25,000, of which the amount actually paid into the treasury of the corporation was $2,500. So far as the records in the office of the secretary of the commonwealth show this amount has never been increased. A twenty-story building on the main street in the heart of the city, largely rented out for offices and other business purposes, bears its name. Since its incorporation, it has paid to the commonwealth in taxes $5.73. Since its control of what had been a useful and venerable newspaper began, every mayor of Philadelphia, every governor, every United States senator, save one who has only been in office four weeks, and every legislature of the commonwealth, has been subjected to a daily flood in its columns not of adverse comment, but of invented untruths. The state expended a considerable sum of money upon the celebration of Pennsylvania Day, August 20, 1904, at the Louisiana Purchase Exposition in an effort to impress upon the nation the importance of her participation in the settlement of the West. Her building and much of what she put on exhibition were excep-

tionally meritorious. But the gentleman put in charge of the agricultural exhibit at the outset bought in St. Louis two lots of seeds, one costing $17.60, and the other about $5.00, and put upon plates, without names, some breakfast foods manufactured in various states, the various products of corn wherever made, and added them to his display. He had been selected, overlooking political affiliations, because of his connection with the Pennsylvania State College, where agriculture is taught and his previous experience in a similar charge at Chicago. His explanation is that seeds are a marketable commodity, which, wherever bought, may have been grown in any other locality, that it was an important education for farmers to see all the ways in which corn could be utilized even if they had to step over state lines, and that no one could tell where the corn was grown from which its products were made. However forceful this reasoning may be, the management differed with him in judgment, his connection with the exhibit terminated May 31, 1904, and these articles were removed. If there had been any mistake, it had long been corrected. These few simple facts, at most of uncertain significance, this newspaper by the addition of falsehoods, innuendoes and extravagancies elaborated into nine columns and illustrated with seventeen pictures. The publication, saved up until August 19th, was adroitly timed so as to have it do what could be done by scattering it over the country to soil the celebration and thwart the object of the state. It talked of "unparalleled fraud" and "graft," although such a suggestion in connection with the sum of $22.60 was a manifest absurdity. It gave what purported to be an interview with a member of the commission. The written denial by the commissioner of the facts alleged in the interview is on file among the papers of the commission. He was made to say about tobacco that "I understand that not a leaf of this most important part of Pennsylvania's agricultural product is on exhibition." The tobacco then on display subsequently received in competition with the whole world the very highest prize. It said the sum expended upon the exhibit was $15,000. The sum actually expended was $8,999.26. It told the people over the country that this exhibit was "a fraud, a hypocritical sham, an insult to the farming interests and a disgrace." As a matter of fact, the exhibit was so creditable that the officials of the exposition awarded to it three grand prizes, the highest possible award, twenty gold medals, twenty-one silver medals and thirty-two medals in bronze.

All of the people, proprietor and peasant, churchman and

heathen, are concerned alike that a deliberate policy of false report to secure ill-gotten gain should not succeed. What is the remedy? Sooner or later one must be provided. Recently in one of the states, an offended citizen shot and killed an editor, was tried for murder and acquitted. Lawlessness is the inevitable result of a failure of the law to correct existing evils. How can the right of a newspaper to publish the facts concerning the government and its officials and to comment on them even mistakenly be preserved, and the continuance of intentional fabrication in the guise of news be prevented? The constitution in the same section provides for freedom of speech, as well as freedom of the press. Under the English common law, when a woman habitually made outcries of scandals upon the public highways to the annoyance of the neighborhood, she was held to be a common scold and a public nuisance. Anybody may abate a public muisance, and she was punished by being ducked in a neighboring pond. Notwithstanding our constitutional provision concerning freedom of speech, in the case of Commonwealth *vs.* Mohn, 2 P. F. Smith, page 243, it was held that the law of common scolds is retained in Pennsylvania, though the punishment is by fine and imprisonment. To punish an old woman, whose scandalous outcries are confined to the precincts of one alley, and to overlook the ululations which are daily dinned into the ears of an unwilling but helpless public by such journals as have been described, is unjust to both her and them. I suggest the application of this legal principle to the habitual publication of scandalous untruths. Let the persons harmed or annoyed present a petition to the attorney general setting forth the facts and if, in his judgment, they show a case of habitual falsehood, defamation and scandal so as to constitute a public nuisance, let him file a bill in the court of common pleas having jurisdiction, asking for an abatement of the nuisance, and let the court have authority, upon sufficient proof, to make such abatement by suppression of the journal so offending, in whole or in part, as may be necessary. Since this adaptation of existing law is only to be applied to the elimination of habitual falsehood in public expression, it will probably meet with no objection from reputable newspapers. Since both the attorney general and the courts would have to concur, the rights of legitimate journalism are sufficiently protected and it is only in an extreme case that the law could be invoked. For that case, it provides a remedy. I submit herewith (marked A) a draft of an act upon these lines.

The commission to provide for the participation of the state

in the Louisiana Purchase Exposition has performed its duties with fidelity, reasonable economy and success. The building erected for the state was commodious, impressive and artistic. It is believed that it was visited by more persons than all of the other state buildings combined. It cost with furniture and decoration of the grounds $96,145.64, which is $24,126.92 less than the cost of the structure devoted to like uses at the Columbian Exposition at Chicago. Among the decorations were forty-four portraits in oil of the leading personages in the history of Pennsylvania, and from among them portraits to the value of $2,500 have been retained for the new capitol. The prizes awarded by the authorities of the exposition were numerous and creditable to the state. The commission will return to the state treasury out of the appropriation of $300,000 made by the last legislature a considerable sum, approximating $30,000.

In 1905, there will be held in Portland, Oregon, the Lewis and Clark Centennial Exposition to commemorate the one hundredth anniversary of the exploration of the Oregon country, and in 1907, there will be held in Virginia an Exposition to commemorate the tercentenary of the Settlement of Jamestown, the earliest settlement of English people in North America. I call your attention to these important events for such action as you may deem wise.

Such legislation ought to be adopted as will aid in ensuring the maintenance of the health of the people by providing adequate means for the prevention of the pollution of the streams and water supplies, the prevention of the spread of typhoid fever, diphtheria and similar diseases through the dissemination of their germs, and providing for the registration of births, deaths and cases of contagious and infectious diseases. The present system which imposes upon the boards of school directors in many counties the duties of local boards of health is inadequate and needs revision.

The affairs of Pennsylvania are in such shape as to be a source of legitimate pride in the present and hopefulness for the future, but it is my duty to add a note of warning. The volume of laws passed at the last session of the general assembly evidenced great care and a high degree of intelligence upon the part of the legislators responsible for them. They compare favorably with the legislation enacted by any legislative body in the history of the country, whether in nation or state. It is important that there shall be no retrogression, and no falling away from the standard then maintained. While the financial condition of the

state is prosperous and promising, and while the real needs of the government should be provided for without parsimony, there should be scrupulous care that none of its resources are misdirected, or wasted in mere extravagance. Providence has so willed it that in the advocacy of those principles that now dominate the conduct of the national government, Pennsylvania has the leading position. In a certain sense then she may be properly said to represent the national view. In the present legislature, there is, to an extent never known before, a preponderance of those who are in accord with the principles to which expression is to be given in the broad field of national development. Wise men are steadied by the possession of power. With large majorities come great responsibilities. Those who are opposed to the principles you support will have their eyes turned to Pennsylvania, and will be quick to discover your mistakes, if any are made, and eager to take advantage of them.

There is much merit in few laws and in few changes in those which have become known to the people. A wise chancellor of Sweden, Oxenstiern, who was largely responsible for the Swedish settlements along the Delaware, wrote in 1654: "Though time and variety of accidents may occasion some defects in old lawes, yett it is better they should be borne with than an inundation of new lawes to be lett in which causeth incertainty, ignorance, different expositions, and repugnancyes in the lawes, and are the parents of contention." A recent English writer, Anthony Trollope, has said: "The law is generally very wise and prudent."

I am satisfied you will bear in mind these truths and so conduct yourselves that the outcome of your deliberations and consultations shall prove Pennsylvania still to be what she was in the time of her philanthropic and far-seeing founder and has been in many fateful crises since, a beacon and an example to her sister states and to all men seeking to advance human welfare over the world.

SAMUEL W. PENNYPACKER.

"A."

AN ACT

Declaring the habitual publication and dissemination by newspapers, journals, periodicals, pamphlets or circulars of falsehood, defamation and scandal to be a public nuisance, and providing for the abatement thereof.

SECTION I. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General

Assembly met, and it is hereby enacted by the authority of the same, That the habitual publication and dissemination by newspapers, journals, periodicals, pamphlets or circulars of falsehood, defamation and scandal, detrimental to the administration of public affairs, whether state, county or municipal, or injurious to the reputation and character of public officials, or of private persons, be declared to be a public nuisance.

SECTION II. Any six persons, citizens of this commonwealth, may present a petition to the attorney general of the commonwealth, setting forth the designation and description of the publication constituting such a public nuisance, the fact that it habitually publishes and disseminates falsehood, defamation and scandal, giving the particulars and details in at least three instances of false, defamatory or scandalous statements or representations so published, and further setting forth the special injury, if there be such injury Thereupon, if in the judgment of the attorney general there shall appear to be a *prima facie* case established, requiring his intervention, it shall be his duty to file a bill in equity in the name of the commonwealth in the court of common pleas of the county in which such publication has been made, setting forth the facts and praying for the abatement of the nuisance.

SECTION III. Upon the trial of the cause, if the evidence shall show the habitual publication and dissemination of false, defamatory or scandalous statements or representations, whether in the form of news, comment or illustration, it shall be the duty of the court to make a decree directing the suppression of the publication of the newspaper or newspapers, journal or journals, periodical or periodicals, pamphlet or pamphlets, circular or circulars, in whole or in part, as in its judgment may be necessary for the abatement of the nuisance.

SECTION IV. The attorney general is hereby authorized upon filing vouchers with the auditor general to receive from the state treasury such sums as may be required for the costs and expenses of all such proceedings prosecuted by him.

SECTION V. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

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